Selected Works
Of
DR. B. R. AMBEDKAR

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ADMINISTRATION AND FINANCE OF THE EAST INDIA COMPANY

By
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Editorial Note in source publication

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The editors are grateful to the University of Columbia, U.S.A. for their kind permission to publish this unpublished dissertation which is in their ownership and possession. They also appreciate Dr. Conlon's gesture of generosity and the assistance of Dr. Ambedkar Research Institute, Nagpur, for making this paper available for printing to the Government of Maharashtra.

Without going into the historical development of it, the administration of the East India Company may be conveniently described as follows:

1. The Court of Proprietors

It was"composed of the shareholders of the East India stock to a certain amount, who elect from their own body by ballot a certain number of representatives (twenty-four) to whom the proprietary confide the planning and carrying into effect whatever measures may be deemed most conducive to the interests of India and England, reserving to themselves a surveillance and limited control over the proceedings of the delegated authority."

The requirements of a seat and a vote in this Court were as follows:

A proprietor of £ 500 stock was entitled to a seat in this Court.
A proprietor of £ 1,000 stock was entitled to one vote.
A proprietor of £ 3,000 stock was entitled to two votes.
A proprietor of £ 6,000 stock was entitled to three votes.

A proprietor from £ 10,000 to £ 1,00,000 and upward stock was entitled to four votes.

Besides this, the stock must have been held for at least one year before voting. There was no voting by proxy and minors were ruled as incapable of voting.

The voters counted Lords, Commoners, women, clergy, and officers civil and military, both of the king and the company.

The sessions of the Court were quarterly—March, June, September, and December. Nine qualified proprietors were quite sufficient to ask for a special session of the Court. The speaker was ex-officio the chairman who presided at the session, brought forward all motions requiring the sanction

of the Court, and laid before the members the accounts of the Company's transactions.

The Court was authorised—

(1) To elect qualified persons to constitute what is known as the Court of Directors.

(2) To declare the dividends on the capital stock of the company within certain parliamentary restrictions.

(3) To frame, alter, or repeal such of the by-laws as hinder the good government of the East India Company, provided they do not conflict with the Acts of Parliament.

(4) To control in general any increase in a salary or pension above £ 200 a year, or over any gratuity beyond £600.

(5) To confer pecuniary reward for good service.

II. The Court of Directors

It consisted of twenty-four members. The Directors were elected by such of the Proprietors as were qualified for a vote. The qualification of a candidate for the Court of Directors were:

(1) He must be a natural or naturalised subject of Great Britain.

(2) He must possess £2,000 stock (no matter for what previous period).

(3) He must not be a director of the Bank of England or the South Sea Company.

(4) He must be a resident of England for two years after holding office in the Court.

(5) He must not have held any maritime office in the Service of the Company for two years previous to his proposed election.

(6) He must not have under any plea or pretence whatsoever, endeavoured to obtain, directly or indirectly, a vote for the election of himself or any other person to be a Director.

(7) He must take an oath

(a) (a) not to carry on any private trade.

(b) not to have any dealing with the company except as a private individual.

(c) not to hold any place or office of emolument under the Crown.

In order to fulfil the various duties, the work was assigned to several Committees into which the Court was sub-divided. They were:

1	Secret Committee	8	Buying Committee
2	Correspondence Committee	9	Warehouses Committee
3	Treasury Committee	10	India House

			Committee
4	Govt. Troops and Stores Committee	11	Shipping Committee
5	Legal Proceedings Committee	12	Private Trade Committee
6	Military Proceedings Committee	13	Civil College
7	Accounts Committee	14	Military College

All appointments such as writers, cadets, and assistant surgeons etc. were made by the Directors. The Civil and Military Services were recruited from the graduates of the two colleges, which were merely a burden on the revenues of the Company.

III. The Board of Commissioners for the Affairs of India (The Board of Control).

The powers of the Board are :

(1)"The superintendence and control over all the British territorial possessions in the East Indies, and over the affairs of the United Company of merchants trading thereto."

(2)"To superintend, direct and control all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies, in the manner hereinafter directed."

"All the members of the said Board, at all convenient times, have access to all palers and monuments of the said United Company, and are furnished with such extracts, or copies thereof, as they require. The Court of Directors are directed to deliver to the Board copies of all minutes, orders, resolutions, and other proceedings of all General or Special Courts of Proprietors of the Company, and of the Court of Directors, so far as relate to the civil or military government or revenues of the British territorial possessions in the East Indies, within eight days after the holding of such respective Courts; and also copies of all dispatches which the Directors receive from any of their servants in the East Indies, immediately after the arrival thereof; also copies of all letters, orders and instructions whatsoever, relating to the civil and military government or revenues of the British territorial possessions in the East Indies, proposed to be sent or dispatched by the Court of Directors to any of the servants of the Company in the East Indies; the Court of Directors are required to pay due obedience to, and to be governed and bound by such orders and directions as they shall, from time to time, receive from the Board,

touching the civil or military government and revenues of the British territorial possessions in the East Indies.’"Whenever the Court of Directors neglect to transmit to the Board their intended dispatches on any subject, within fourteen days after requisition is made, it is lawful for the Board to prepare and send to the Directors (without waiting for the receipt of the copies of dispatches intended to be sent by the said Court of Directors, as aforesaid), any orders or instructions to any of the governments or presidencies aforesaid, concerning the civil or military government of the British territories and possessions in the East Indies : and the Directors are required to transmit dispatches, in the usual form (pursuant to the tenor of the said orders and instructions to be transmitted to them), to the respective governments and presidencies in India, unless on any representation made by the Directors to the Board, touching such orders or instructions, the Board shall direct any alteration to be made in the same, which directions the Court of Directors are bound to conform to."

The Board of Control was sub-divided into six departments to answer its functions : (1) Accounts, (2) Revenue, (3) Judicial, (4) Military, (5) Secret and Political, (6) Foreign and Public. The mode of local administration in India was as follows :—

The country was divided into three presidencies namely, Bengal, Madras and Bombay, the seat of government being respectively at Fort William, Fort St. George, and Bombay itself.

In the beginning the Supreme Local Administration of India was distributed among these three governments, each one enjoying co-ordinate status. With a view to centralisation, the Supreme Local Administration of India was vested in the Governor of Fort William in Bengal, making the other two Governors subordinate to that of Bengal who was made the Governor-General of India.

The appointment of the Governor-General was made by the Court of Directors subject to the approval of the Crown. The Governor-General was aided by a Council known as the Supreme Council, originally composed of four members, three of whom necessarily had to be the servants of the Company in India of at least ten years' standing. The fourth one must not have belonged to the Company's Service. The Commander-in-Chief of forces in India was an ex-officio member of the Governor-General's office. This Supreme Council of five members was expanded by adding to it in 1853, six Legislative members who were authorised only to sit and vote on the framing of Laws and Regulations. Four of these six Legislative members were required to be the Civil Servants of the

Company of ten years' standing in Bombay, Madras, Bengal and the North-Western Provinces. The two remaining places were filled up by the Chief Justice and one other Judge of the Supreme Court of Calcutta. The Governor-General was authorised to add two more members to this Council of eleven, under Section 22 of Statute 16 and 17 Victoria Chapter 95, but the power was not exercised at best up to the time of the mutiny.

This Supreme Council of India, therefore, was composed of six members including the Governor-General and the Commander-in-Chief for the purposes of Executive Government and twelve members for the purposes of the Legislatures: seven members were deemed sufficient to form a quorum.

The power of the Governor-General was so great that he was nearly an autocrat. He could not only veto all legislation in the Council but could initiate and carry out measures independently of the Council. All"political"appointments including those of the Residents to the native States and the Commissioners to the non-regulated provinces were made by him. He could appoint the Lieutenant Governor of Bengal and of the North-West Provinces and the judges of the lower courts and controlled military patronage in Bengal and the North-West provinces.

All districts not included within the limits of any of the four Subordinate Governments were under the direct jurisdiction of the Governor-General in Council who also exercised such power over the native states as accrued to him through treaty obligation. The official staff of the Governor-General was divided into four departments, each one represented by a Secretary. These were :

(1) The Foreign Department (foreign in relation to the native states).

(2) The Home Department, handling the judicial and revenue correspondence.

(3) The Financial Department.

(4) The Military Department.

Besides these the Political and Finance Secretaries had their respective Secret Departments which were entrusted with secret dispatches.

The Subordinate Governments of Madras and Bombay were administered thus: Each had its respective Governors and Councils consisting of three members (including the Commander-in Chief). Both the Governors and the Councillors were appointed by the Court of directors. Bengal and the North-West Provinces were each governed by the Lieutenant-Governors who were appointed by the Governor-General. The Subordinate Governments were denied the power of legislation or creating any new office, nor could they"grant any salary, gratuity, or

allowance without the previous sanction of the Governor-General of India in Council."This extreme strictness though required by law was not required by custom : in order not to overburden the Governor-General, minor matters were executed by the Governor who submitted a quarterly report of the same to the higher authorities who reviewed it and as a matter of fact sanctioned it. The Bombay and Madras Governments were privileged to hold direct correspondence with the Court of Directors and did send the abstracts of their proceedings to the Court and to the Government of India. The instruments of Indian Government were furnished by what was and is known as the Civil (covenanted and uncovenanted), the Military, the Naval and the Ecclesiastical Service. The collection of revenue and administration of justice were relegated to the Civil Service.

For Civil and Military recruitment, the East India Company had maintained two colleges in England (1) the Haileburg College and (2) the Adiscombe Academy : Each student cost the Company about £ 96 a year during his period of training.

All revenue was collected in the name of the Supreme Government of India and was transferred to and controlled by the Supreme Treasury. There was absolutely no local fiscal autonomy : the deficit in one province was made up by the surplus in another and the entire India revenue was held responsible for the debts borrowed for wars in one particular province : in short, both Finance and Administration were absolutely centralised as in France under the ancient regime.

So much for the pure system of Administration. The criticism of it we will postpone till we come to the next chapter.

The last chapter must have made it clear how and why Western Europe was at a death grapple for the control of India. We followed the armies of the different leaders of different nations— fighting for a country the people of which had very little to choose in the final destiny—the Cama, the Albuquerques, the Busseys, the Lallys, the Clives, the Malcolms, the lakes and the shores as though enacting the train of ghosts of Banquo's line all that terrified Shakespeare's Macbeth out of his senses.

II

In this chapter we have more particularly to deal with the East India Company as a Political Sovereign and the Finances without dilating upon its development from a Commercial Concern into a Political Sovereign.

There is nothing strange in the fact that the East India Company succeeded in establishing its suzerainty over India as might have been seen from our past discussion. Having got a foothold in the various provinces it

extended its rule over the entire peninsula and established by law what is known as the British Government in India : in other words, it established the State and carried on the political and commercial functions jointly. As a result of this combined activity the fiscal administration of the Company in India was an entangled phenomenon. The commercial and revenue returns were merged together without any attempt at distinction. Any student of finance, therefore, has to pass over the entire period ending in 1814 when by an Act of Parliament the Company was compelled to keep separate accounts of Finance and Commerce.

With this caution we will now turn to the heads of Revenue.

(1) The Land Revenue

In spite of the early industrialisation in parts of India, the country as a whole may be classed as an agricultural country and land, today as in former times, furnished the state with a major part of its revenue.

The British Government rightly or wrongly established the principle of state landlordship versus the principle of private property regulated its land revenue system in keeping with that policy.

There are different systems of land revenue in India : It may be well to describe them in the words of Parliamentary Blue-Books.

(1) The Zemindary Settlement of Cornwallis

The most obvious feature of advantage in this system is the facility of collection, as it is a much more simple thing to obtain the revenue of a large district from a certain moderate number of Zemindars or contributors, than it is to perform the collection in details by the officers of the government themselves, and another advantage undoubtedly is the greater degree of certainty in the result of 1831 C. 3339.

This system of land tenure arose thus : When the East India Company came into possession of the revenues of the Dewanee of Bengal, Bihar and Orissa, they found the land revenue collected through the mediation of officers (subhedars) under the Mohammedan government, who had charge of districts sometimes of more, sometimes of less extent, with various titles, such as Zemindars and Talookdars, and who paid the revenue into the treasury in one sum, for which they were found managing considerable districts whose obligations consisted in paying a certain annual amount to the Government. Many of them held their districts or estates under this condition hereditarily. [2. of. 1831 C. 3114, 3115, 3215.] On the East India Company becoming possessed of the Bengal territory, great abuses were found to prevail, and to be practised by the different sorts of people employed in the collection of the revenue. The detail of the business was so great, that it frightened Lord Cornwallis and the Government of the

day, and they conceived that no better method for the protection of the Riots or small cultivators, could be invented, than to create a species of landlords, from whom they expected much benefit to arise: the ground upon which they principally went was this, what those Zemindars, having a permanent interest in the land assigned to them, would have an interest in the prosperity of the Ryots, in the same manner as a landlord in England feels an interest in the prosperity of his tenants : This was expected to produce two good effects, to create a landed aristocracy in the country, and above all to afford protection to the Ryots or small cultivators, from the kind of paternal feeling that was expected to pervade the Zemindars. [1. of. 1831 C. 3136.] With a view to the protection of the whole mass of agricultural population and with the best motives, the Zemindars in 1793,whether cultivators or officers in actual charge of districts, hereditary or by special appointment, were created landholders of the country by which a property in the soil was vested in them, in nearly as full a sense as it is to the holder of a fee-simple in England. The sum which a zemindar had been in the habit of paying was ascertained by the observation of a few prior years, the assessment or tax was *fixed forever,* and an engagement was made that this amount of land revenue should never be raised on him. Such is the nature of the settlement known by the name of"the Zemindary or Permanent Settlement". [2. cf. 1831.0.3115,3116,3136,3215; 1832. R.C. p. 21.]

II. Village Land Revenue System

The institution of village community was and is mainly to be found in northern India. The proprietary right of land is vested in the entire community residing in the village. The administration of the village is handed over to a headman elected by the villagers and is subject to their removal. Under this system the lands are let out to men sometimes in the same village, sometimes in the neighbouring village, while certain portions and certain rights are possessed by the different craftsmen or artisans of the village, such as the schoolmaster, the washerman, the barber, the carpenter, the blacksmith, the watchman, the village accountant, etc. who have each a right to a certain portion set aside for certain recognised expenses of the village, and for defraying its hospitality towards strangers [1. of. 1830, L. 398, 399, 405, 406, 529.] These village communities are little republics, having nearly everything that they want within themselves, and almost independent of any foreign relations. dynasty after dynasty tumbles down : revolution succeeds revolution. Hindu, Pathan, Mogul, Maratha, Sikh, English, are all masters in turn, but the village communities remain

the same. In times of trouble they arm and fortify themselves; [2. cf. 1832 Commons' Rev. Committee, p. 29.] It is difficult to state the proportion of the produce of the village paid to the Government: the authorities know little of the precise property of any of the proprietors; it is not the interest or the wish of the village that the Government should scrutinise and know their possessions, therefore if any one of the brotherhood fails to pay his proportion, that is a matter for the villagers at large to settle, and they will often come forward to pay it for him, but these are all private arrangements kept to themselves : and the Moceadim has no power from the Government to enforce this assessment, what each man in the village has to pay is an internal arrangement, which it is desirable for the Government not to interfere in, the villagers settling among themselves what each has to pay, the total assessment being calculated after enquiry into the state of prosperity in the village : what it has hitherto paid : what it is capable of paying : the state of the village lands, and what assessment they ought to bear with reference to the produce. [3. cf. 1830 L. 401,402, 404, 528, 583, 584.]

Surveys of considerable expense have been made by the Government : a minute account taken of the state of the land in each village, the fields examined in the presence of surveying officers with all the assistance they can procure, not only from their own servants, but from the village communities, the people themselves interested, and also the ryots and people of the neighbouring villages who are invited to attend. The exact limits of the village are put down, and even the details of land within the village, the productions, the houses, fruit-bearing trees, and son on : the assessment is grounded upon these particulars [1. cf. 1831 C. 3492.]

III. The Ryotwar System

The peculiar principle of the third sort of assessment termed Ryotwar is to fix a maximum of assessment upon all the lands of the country [2. cf. 1831 C. 45, 65.] The money rent of each individual cultivator for the fields in his occupation is defined with as much permanency as possible, the aggregate of such rents making the total assessment, which varies each year with the increase or decrease of cultivation. Another main principle of the Ryotwar system is to protect the rights of all ryots or cultivators, as they now exist in every village, from infringement : and to prevent all encroachment upon those rights [3 cf. 1831. C. 5156:] Thus, in the Ryotwar system, the details of the interest of the respective Ryots are known completely, and not at all in the Zemindary system; and the former effectually does what the latter proposes to do, but never has done, and never can do, that is, fix an assessment upon all lands in the country.

Under the Ryotwar system, the assessment goes from land to the aggregate: it respects property of every class, that of the largest landholder, and that of the smallest : it measures and assess every portion of an estate, and thus facilitates the transfer of landed property, as the first question when taken into market is—What is the amount of public demand upon the land? [4 cf. 1831 C. 4565, 4567, 4568.] The Ryotwar Settlement is applicable in every state of things: where there are proprietors it may be concluded with farmers or cultivators : it may be equally made for the largest or for the smallest quantity of land, for millions of acres or for only a few. The owner of a single field may make his terms directly with the Government, and turn to his cultivation, knowing that he cannot be called on to pay more than a certain sum : for although the assessment under this system varies according to the value of the land, difference of soil, population, situation, and other localities : and although inferior land, paying a lower assessment, becomes liable when sufficiently improved to pay the higher assessment, there is nevertheless, a maximum for the best land beyond which all produce is for the benefit of the landholder, and there are remissions in cases of urgent distress. [1. of. 1832 C.R. P. No. 20.] Another advantage which the Ryotwar system possesses over the Zemindary is in the creation of a great body of independent proprietors, instead of a few who are proprietors only in name : and there is an advantage for the great mass of the people, but in the case of the Zemindary they accumulate for the benefit of the few, while in the Ryotwar system there is also tendency in a considerable degree to the accumulation of capital. [2. cf. 1831 C. 4577, 4578, 4579.]

Such was and is the system of land revenue in India under the regime of the East India Company. A critical estimation of the system we will reserve for the future.

The next important head of revenue is the *Opium revenue.* The opium revenue yielded next in amount to the land revenue and was levied in two different ways :

(1)"By an exclusive system of cultivation and sale carried on by the Government in Bengal."

(2)"By a high export duty levied in Bombay on opium grown in the native states of Malwa and shipped from Bombay."

By Regulation VI of 1799 section 3, poppy cultivation was prohibited in Bengal, and in the North-West Provinces by Regulation XLI of 1803 Section 2.

"Annual engagements are entered into by the Government with the Ryots in certain selected districts, to sow a certain quantity of land with the

white poppy, under a system of pecuniary advances, the produce to be delivered in the form of opium to the Government at a fixed rate..... The total net receipts from the opium monopoly in Bengal amounted in 1856 to 2,767,136."

The revenue derived from transit of opium has a pretty little history : prior to 1831 the British used to buy the opium from the native states (to keep a strict monopoly of the article) through the Resident and hammer it out at Bombay or at Calcutta. But to prevent the large smuggling into the Portuguese Settlements the monopoly policy was given up in favour of the transit duties recovered by way of"passes"at a specified rate to cover the transportation cost to Bombay. The transit duty was at first fixed at Rs. 175 per chest of 140 Ibs. each. This process showed a diminution in the returns, consequently the rate was reduced to Rs. 125 per chest.

The conquest of Sindh closed the additional gate of smuggling the opium into the Portuguese territories : consequently it was hoped and rightly that a higher transit duty would give added return as the change in the direction of the trade was impossible.' So in 1843 October, the rate was increased to Rs. 200 per chest, : in 1845 to Rs. 300 per chest and in 1847 to Rs. 400 per chest,

IV. The Salt Tax

Salt is obtained in India in different ways and is taxed in different ways in different parts of the country.

It is obtained either by boiling sea water as in Bengal, or by solar evaporation as in Bombay and Madras or from natural resources such as the salt mines in Punjab and the salt lakes in Rajputana.

In Bengal the Company had a salt monopoly. It was manufactured by the natives who contracted to deliver all manufactured salt to the Government at a fixed low price. The Government then sold this quantity of salt at six different agencies, Hidgelee, Tumlook, Chittagong, Hiracan, Cuttack, Balasore and Khoredah, at a price which was composed of the actual cost plus the additional amount equivalent to the duty levied on imported salt. As a result of this"the average retail price to the consumer"amounted to about a penny per pound.

The private manufacture of salt was also allowed at Calcutta under a system of excise only equal in amount to the import duty.

But on the recommendation of the select committee of the House of Commons in 1836, there was introduced the system of fixed prices, and open warehouses, at which the sales, instead of being as before periodical"were constantly going on."

In Madras, salt was manufactured on behalf of the Government and

was sold for internal consumption. The duty on imported foreign salt was lowered from Rs. 3 per pound to equal the difference between the cost price and the sale price of the article.

In Bombay the salt manufacture was handed over to the individuals under the system of an excise duty equivalent to the import duty on the article. The salt mines of Punjab were worked by the Government and the salt was sold on the spot.

The North-West Provinces depended upon the Lower Provinces of Bengal, the Sambhur Salt lake in Rajputana and parts of western India for their supply of salt. The duties were so arranged that the salt from all parts when it reached the Northwest Provinces tended to be equal in price.

V. Customs

There were innumerable transit or inland duties levied at every town and on every road in the shape of tolls. But they were abolished in Bengal by Act 14 of 1836 : in Bombay by Act 1 of 1838 : and in Madras by Act 6, of 1844 : and uniform system of customs was established all through British India. The evil effects of these inland transit duties will be discussed later on. There remained two sources of customs revenue :

(1) The sea customs on exports and imports, the former on salt and indigo.

(2) The land customs levied mainly on articles crossing the frontier lines between the native and British territories.

V. Besides the salt and opium monopolies the East India Company had the tobacco monopolies as another source of revenue.

VI. *Abkarree or* revenue obtained from the sale of monopolies to sell spirits and liquors. Licences were sold to the highest bidder who contracted to sell at his own price, the hours of business and the location of the shop being regulated by the Government.

VII. The Wheel-tax was levied upon hackneys, carts, buggys, etc.

VIII. The"Sayer duties"was a collective name for unclassified taxes. In different parts of the country it included different taxes. Once it included the irregular collections made by native revenue officers. In Madras it included the transit duties, in Bengal the pilgrim tax was included under this head. In the Deccan"this source of revenue"was"divided into two great heads the first denominated mohturfa, which embraces taxes on shops, trades, etc. : the other ballootah,*[f1] which"comprehended"taxes upon the fees in kind received by the village artisans from the cultivators, and upon their *enam* (rent free) lands when they hold them. In one instance, the percentage upon bad coins was found to be included under the head Sayer."

IX. The Judicial Fees were realised in the form of stamps requisite in cases of different amounts in order to defray legal charges; the value of stamps varied with the amount of the suit.

Suits ranging up to Rs. 16	the stamps amounted to Re. 1.
From Rs. 16 to Rs. 32	Rs. 2
From Rs. 32 to Rs. 64	Rs. 4
From Rs. 64 to Rs. 150	Rs. 8
From Rs. 150 to Rs. 300	Rs. 16
From Rs. 300 to Rs. 800	Rs. 32
From Rs. 800 to Rs. 1,600	Rs. 50
From Rs. 1,600 to Rs. 3,000	Rs. 100
From Rs. 5,000 to Rs. 10,000	Rs. 250
From Rs. 10,000 to Rs. 25,000	Rs. 500
From Rs. 25,000 to Rs. 50,000	.Rs. 750
From Rs. 50,000 to Rs. 1,00,000	Rs. 1,000
From Rs. 1,00,000 and above	Rs. 2,000

Besides this the exhibits filed, summons, answers, replications, rejoinders, supplemental pleadings, the authorisation to a lawyer to plead (sanad) are required to be stamped, the stamp only varying according to the status of the court.

X. The Stamp Duties first established in Bengal in 1797 were incumbent on all instruments such as contracts, deeds, conveyances, leases, powers of attorney, policies of insurance, promissory notes, receipts, bail bonds, and legal proceeding generally (bills of exchange under Rs. 25 and receipts under Rs. 50 were being exempted).

In Madras stamp paper was first introduced in 1808, chiefly on legal proceedings: and in 1816 the duties were extended to bonds, deeds, leases, mortgages, bills of exchange and receipts..

In Bombay the tax was first introduced in 1815.

The English mode of distributing stamps was adopted in India.

"The stamp vendors receive their supply from the collector : the vendors give security for the stamps, and distribute them to the parties by whom they are required, receiving a percentage on the sales".

XI. The Mint Revenue was collected in the shape of a seignorage for coining of two percent on the produce, after allowing for the difference of standard and deducting the charges of refining when such were chargeable.

XII. The Marine Revenue was recovered by means of the port and anchorage dues, etc. in order to keep up the useful establishments at

Calcutta, Madras and Bombay.

XIII. Subsidies from the native states payable under treaty obligations, amounting to about a half million pounds.

These were the thirteen sources of revenue under the East India Company, many of which continue to be so even today.

It will be also interesting to note the entire revenue raised from the different sources and the percentage ratio of each to the whole.

First the land tax : its yield and ratio to the entire revenue of British India.

Periods	Land Tax Average Annual Revenue	Ratio of Land Tax to Total Revenue (Per cent)
1792-93 to 1796-97	4,068,000	50.33
1797-98 to 1801-02	4,126,000	42.02
1802-03 to 1806-07	4,582,000	31.99
1807-08 to 1811-12	5,078,000	31.68
1812-13 to1816-17	9,018,000	52.33
1817-18 to 1821-22	13,263,000	66.17
1822-23 to1826-27	13,567,000	61.83
1827-28 to 1831-32	13,112,000	60.90
1832-33 to 1836-37	11,942,000	57.00
1837-38 to 1841-42	12,380,000	59.05
1842-43 to 1846-47	13,432,000	55.85
1847-48 to 1851-52	14,947,000	56.06
1852-53 to 1855-56	16,183,000	55.40
1792-93 to 1855-56	10,349,000	54.07

The Opium Revenue : its yield and ratio to the entire revenue of British India.

Periods	Average Annual Revenue	Ratio to The Total Revenue Total Revenue (per cent)
1792-93 to 1796-97	264,000	3.27
1797-98 to 1881-82	312,000	3.18
1802-03 to 1806-07	579,000	4.04
1807-08 to 1811-12	767,000	4.79
1812-13 to 1816-17	958,000	5.56
1817-18 to 1821-22	1,090,000	5.44
1822-23 to 1826-27	1,641,000	7.47
1827-28 to 1831-32	1,747,000	8.12
1832-33 to 1836-37	1,677,000	8.00
1837-38 to 1841-42	1,547,000	7.38
1842-43 to 1846-47	2,965,000	12.33
1847-48 to 1851-52	3,840,000	14.50
1852-53 to 1855-56	4,943,000	16.91
1792-93 to 1855-56	1,667,000	8.71

The Salt Tax : its yield and ratio to the entire revenue of British India

Period	Average Annual Revenue	Ratio to The Total Revenue Total Revenue (per cent)
1792-93 to 1796-97	1,207,000	14.93
1797-98 to 1801-02	1,188,000	12.10
1802-03 to 1806-07	1,589,000	11.09
1807-08 to 1811-12	1,785,000	11.14
1812-13 to 1816-17	1,882,000	10 .92
1817-18 to 1821-22	2,256,000	11.25
1822-23 to 1826-27	2,603,000	11.87
1827-28 to 1831-32	2,590,000	12.03
1832-33 to 1836-37	2,036,000	9.72
1837-38 to 1841-42	2,593,000	12.37
1842-43 to 1846-47	2,798,000	11.65
1847-48 to 1851-52	2,438,000	9.14
1852-53 to 1855-56	2,677,000	9.17
1792-93 to 1855-56	2,118,000	11.07

Customs Revenue : its yield and ratio to the entire revenue of British India.

Periods	Average	Ratio to the Total Revenue

	Annual Revenue	(Percent)
1792-93 to 1796-97	192,000	2.38
1797-98 to 1881-82	304,000	3.10
1802-03 to 1806-07	596,000	4.16
1807-08 to 1811-12	807,000	5.04
1812-13to 1816-17	1,159,000	6.68
1817-18 to 1821-22	1,667,000	8.32
1822-23 to 1826-27	1,663,000	7.58
1827-28 to 1831-32	1,747,000	8.12
1832-33 to 1836-37	1,506,000	7.19
1837-38 to 1841-42	1,418,000	6.76
1842-43 to 1846-47	1,449,000	6.02
1847-48 to 1851-52	1,439,000	5.40
1852-53 to 1855-56	1,611,000	5.52
1792-93 to 1855-56	1,190,000	6.22

Miscellaneous Revenue: its yield and ratio to the Entire Revenue of British India.

Periods	Average Annual Revenue	Ratio to the Total Revenue (Per cent)
1792-93 to 1796-97	2,315,000	28.64
1797-98 to 1801-02	3,809,000	38.79
1802-03 to 1806-07	6,857,000	47.87
1807-08 to 1811-12	7,452,000	46.49
1812-13 to 1816-	3,990,000	23.16

17		
1817-18 to 1821-22	1,392,000	6.94
1822-23 to 1826-27	1,986,000	9.05
1827-28 to 1831-32	1,789,000	8.31
1832-33 to 1836-37	3,059,000	14.60
1837-38 to 1841-42	1,434,000	6.84
1842-43 to 1846-47	1,636,000	6.80
1847-48 to 1851-52	1,977,000	7.40
1852-53 to 1855-56	1,575,000	5.39
1792-93 to 1855-56	3,043,000	15.90

This much for the sources of revenue and amounts raised from each one of them and their proportions to the whole.

On the expenditure side we note the following heads :

(1) Charges incident to the collection of revenue.

(2) Military and naval charges.

(3) Civil, judicial and police.

(4) Public works.

(5) Interest on Bond Debt in India.

(6) Allowances and assignments to native princes under treaties and their engagements.

(7) Home charges, which included :

(a) (a) Interest on Home Bond Debt.

(b) (b) Dividends to Proprietors of East India stock.

(c) Payments on account of Her Majesty's Troops and establishment.

(d) Charges of the East India House and Board of Control.

A tabular arrangement of the expenditure in chronological sequence may be of some value.

Selecting the period 1800 to 1857 we my take every tenth year as a representative year and mark the percentage ratio of Charges to the

Revenue of that particular year.

	Net Revenue	Charges	Military Charges	Interest of Debt.	Civil & Political Charges	Judicial Charges	Provincial Police Charges	Bldgs. & Fortifications
	£.	£.	%	%	%	%	%	%
1809-10	11,238,000	11,076,000	58,877	18,010	7.221	7.525	1.991	1.639
1819-20	13,016,000	12,934,000	64,290	12.805	8.900	6.800	2.093	1.756
1820-30	14,200,000	13,107,000	53,754	12.124	9.575	7.107	1.535	2.810
1830-40	13,742,000	13,004,000	57,721	9.756	12.296	9.565	2.062	1.428
1840-50	19,510,000	16,404,000	51,662	10.512	8.902	7.100	2.062	1.661
1857	33,303,000	28,079,000	45,55	7.19	9.62	9.38		

Public Works

According to Professor Adams the finances of a country are to be judged from the viewpoint of developmental expenditure : and among the developmental expenditure of a country the Public Works take a prominent position.

Applying the same criterion we are compelled to condemn the entire fiscal system of the East India Company.

Before 1853 the administration was engaged in war operations and not only did not project any new scheme of public works, but it allowed the old ones to fall rapidly into decay.

Dr. Spray in his"Modern India"(1837) says"It is in the territories of the independent native chiefs and princes that great and useful works are found and maintained. In our territories the canals, bridges and reservoirs, wells, groves, etc., the works of our predecessors from revenues expressly appropriated for such undertakings are going fast to decay."

Speaking of the Public Works in India, Mr. John Bright said "With regard to public works, if I were speaking for the natives of

India, I would state this fact, that in a single English country there are more roads—more travelable roads—than are to be found in the whole of India; and I would say also, that the single city of Manchester, in the supply of its inhabitants in the single article of water, has spent a larger sum of money than the East India Company has spent in the fourteen years—from 1834 to 1848— in public works of every kind throughout the whole of its dominions. I would say that the real activity of the Indian Government has been an activity of conquest and annexation."

Before the"Department of Public Works"was made uniform for all the Presidencies of India the important branch of administration was conducted in various ways.

In Bombay it was conducted by the Military Board : Though subordinate, the Superintendent of Roads and Tanks was outside the Military Board.

In Bengal the Military Board had the entire control. In Madras the administration of this department was threefold : There was—

(1) The Public Works Department of the Board of Revenue.

(2) The Superintendent of Roads.

(3) The Military Board.

This variety in the system was reduced to uniformity by Lord Dulhousie who created a separate department of the state for dealing with questions connected with Public Works.

We will review in brief the Public Works that were executed under the regime of the East India Company.

(1) Canals Ganges Canal—449 1/2 miles.

East and West Jumna Canal—445 miles of the West Jumna Canal were completed.

Punjab Canals—425 miles of the Boree-Doab Canal in the Punjab were executed in May, 1856.

Madras Irrigation Works—Tanks, reservoirs, and"annicuts"or dams, across the beds of the Cauvery, Godavery, and Krishna Rivers.

(2) Truck Roads

	miles	cost
From Calcutta to Peshawar	1,423	1,423,000
From Calcutta to Bombay	1,002	500,000
From Madras to Bangalore	200	37,121
From Bombay to Agra	734	243,676
From Rangoon to Prome	200	160,000

(3) Railways

From Calcutta to Burdwan	120
From Bombay to Wassind	50
From Bombay to Compooie	10
From Madras to Vellore	81

(4) Electric Telegraphs

From Calcutta to Peshawar }
From Agra to Bombay } in all about 4000 miles
From Bombay to Madras }

Mr. Hendricks says"Comparative to area and population, the extension of these works has not been either so great or so continuous as might be desired. If we exclude those undertakings that are of a purely military character, and review the items which may be classed under Land and Water Channels of Communication and Irrigation Works, or in other words, the Revenue— productive public Works, in recent years of most activity, it appears that an outlay of about one million and a half sterling has been the maximum for one year. If we take the most immediately productive works, viz. : of Canalisation, Irrigation, it will be seen that not more than 738,015 in the year 1853-54, and 543,333 in the year 1854-55, was thus expended.

"The condition of the Revenue, as preventing a more rapid and extensive outlay, has hitherto been an answer to those who might have been disposed to urge that even these amounts are insignificant, when the British Indian territory of 837,000 square miles, and its 132,000,000 of souls are considered. This answer resolves itself purely into one of alleged difficulty. That this difficulty is only apparent, and might be remedied, is evident, not only from the practical testimony of the productive results of such expenditure in the instances before adverted to, but also from the history and policy of the other branches of the Colonial Empire of this country. And the history of the East India Company, or of the trading companies of other countries, has shown no exception to the general rule, that expenditure on carefully selected objects of enterprise may often appear lavish and purposeless when it is but showing the field whose harvest is the proof of the wise economy of that expenditure."

The Pressure of the Revenue

This branch of our study is entirely out of question : not that it is beyond our scope but there are innumerable drawbacks in our way.

First and foremost is, that we have no absolutely correct statistics regarding population. Census was never known at that period and any estimate of the population is at nest a guess too broad and vague to be made the basis of any scientific conclusion.

Another serious handicap in the way of such a study is the fact that every year the East India Company saw its territory extended by several units of miles and one often wonders whether the swell in the revenue is due to the high rate of taxation or the extension of territory.

Thirdly, the Revenue accounts of the East India Company are anything but perfect. As noticed before, they were mixed with the commercial accounts till 1813 and when they were separated by the Parliamentary mandate they were hardly made intelligible.

These serious handicaps consequently compel us to leave aside this important phase of our study. Certain detached statements if grouped together may convey to us some idea regarding the pressure of the Revenue. Speaking about the Land Tax alone, Mr. R: C. Dutt, besides whom there is no better authority on the subject, says,"The Land Tax levied by the British Government is not only excessive, but, what is worse, it is fluctuating and uncertain in many provinces. In England, the Land Tax was between one shilling and four shillings in the pound, i.e. between five and twenty percent of the rental, during a hundred years before 1798, when it was made perpetual and redeemable by William Pitt. In Bengal the Land Tax was fixed at over ninety percent of the rental, and in Northern India at over eighty percent of the rental, between 1793 and 1822. It is true that the British Government only followed the precedent of the previous Mohammedan rulers who also claimed an enormous Land Tax. But the difference was this, that what the Mohammedan rulers claimed they could never fully realise : what the British rulers claimed they realised with rigor. The last Mohammedan ruler of Bengal, in the last year of his administration (1764) realised a land revenue of £817,553 : within thirty years the British rulers realised a land revenue of £ 2,680,000 in the same Province. In 1802 the Nawab of Oudh ceded Allahabad and some other rich districts in Northern India to the British Government. The land revenue which was claimed by the British rulers within three years of the cessation was £ 1,682,306. In Madras, the Land Tax first imposed by the East India Company was one-half the gross produce of the land. In Bombay, the land revenue of the territory conquered from the Marattas in 1817 was 800,000 in

the year of the conquest : it was raised to 1,500,000 within a few days of the British rule : and it has been continuously raised since.”No native prince demands the rent which we do,”wrote Bishop Heber in 1826, after travelling all through India, and visiting British and native states.”A Land Tax which now exists in India,”wrote Colonel Briggs in 1830,”professing to absorb the whole of the landlord's rent, was never known under any government in Europe or Asia."

"The people of Bengal and of Northern India gradually obtained some relief from the heavy land assessment of the early years of the British rule. In Bengal the assessment was made permanent; and it has not been raised with the extension of cultivation, it now bears (including Road and Public Works assessments, which have been since imposed on the rental) a ratio of about 35 per cent on the rental. In Northern India the' assessment was not made permanent, but was reduced to slightly over 50 per cent including all assessments, in 1855. But new assessments were added : calculations were made not on the current, but on the prospective rental until the tax rose to close upon 60 per cent on the rental."

In Bombay and Madras things remained pretty much the same. In both these Presidencies the Ryotwar Settlement prevails. The working of this Ryotwar system of land tenure during the regime of the East India Company is best described by Mr. Fullerton (member of the Madras Government)—”Imagine,”he says,”the whole landed interest—that is, all the landlords of Great Britain, and even the capital farmers, at once swept away from off the face of the earth : imagine a rent fixed on every field in the kingdom, *seldom under, generally above* its means of payment : imagine the land so rented, allotted out to the villagers according to the number of their cattle and ploughs, to the extent of forty or fifty acres each. Imagine the revenue rated as above, leviable through the agency of one hundred thousand revenue officers, collected or remitted at their discretion, according to their idea of the occupant's means of paying, whether from the produce of his land or his separate property : and in order to encourage every man to act as a spy on his neighbour, and report his means of paying, that he may eventually save himself from extra demand; imagine all the cultivators of a village liable at all times to a separate demand, in order to make up for the failure of one or more individuals of the parish. Imagine collectors to every country acting under the orders of a board, on the avowed principle of destroying all temptation to labour, by a general equalisation of assessment :

seizing and sending back runaways to each other: and lastly, imagine the collector, the sole magistrates, or justice of the peace of the country, through the medium and instrumentality of whom alone, any criminal complaint of personal grievance suffered by the subject can reach the superior courts. Imagine, at the same time, every subordinate officer, employed in the collection of the land revenue to be a police officer, vested with the power *to fine, confine,* put in *the stocks,* and flog any inhabitant within his range, on any charge, without oath of the accuser, or sworn recorded evidence in the case."

To this Mr. Martin adds,"If anything could open the eyes of those who uphold the Ryotwar System at Madras, these torture revelations ought to do so. The late Mr. Sullivan , member of Council at Madras, declared to the author, that when he saw the cartloads of silver leaving his cutchery (treasury) for Madras, and remembered the poverty of the people from whom it was collected, he shuddered at the thought of their prospect during the ensuing year, as the demands of the government were inexorable and a certain amount of money must be forthcoming."

The Pressure of Inland Transit duties will be considered later when we come to the economic condition of India during the Company's rule.

As over against this pressure of taxation we have very little information regarding the income of the people.

Nothing gives a better idea of the pressure of the tax than its comparison with the income : but our knowledge of the income of the people is very scanty. According to Munro the average wages of an agricultural labourer was between 4s. and 6s. monthly and that the cost of subsistence was between 18s. and 27s. a head per annum.

What was the pressure of the tax we do not know. Circumstantial evidence goes to prove that it must have been great.

IV

Mr. Martin sums up the entire financial history most succinctly as follows:—

"The expectations raised by Clive of the prosperity which would follow the territorial acquisitions of the Company, were so far from being fulfilled, that it was found on this (when the Dewanee of Bengal and Bihar was granted to the Company) and on subsequent occasions, that increase of revenue was almost invariably attended

with more than commensurate increase of expenditure : the cost of government by Europeans, the growth of a standing army in each Presidency, and other sources of legitimate or illegitimate expense, swallowing up all the anticipated surplus, and leaving nothing for the development of the resources of the country or even the maintenance of roads, canals, and other public works constructed by native rulers."

Strange to say , the financial affairs of the Company were woefully mismanaged. .A writer of the time said,"We have an army officered by British soldiers, manoeuvred according to European tactics. The spirit and much of the letter of the English law pervades our jurisprudence : our assessments for revenue are supposed to be based upon the doctrines laid down by Adam Smith and his followers (?). Our finance alone is Indian. Our military men study the strategy of Jomini: Blackstone and Bentham, Mills and Ricardo are the text-books of our civilians, but the system of our financiers is almost the same now as that of Abul Fazal, Akbar's minister some three centuries ago."

Year	Gross Revenue	Gross Expenditure
1792-93	5,512,761	3,873,859
1793-94	8,276,770	6,593,129
1794-95	8,026,193	6,567,808
1795-96	7,866,094	6,888,997
1796-97	8,018,171	7,508,038
1797-98	8,059,880	8,015,327
1798-99	8,652,033	9,139,363
1799-1800	9,736,672	9,955,390
1800-01	10,485,059	11,468,185
1801-02	12,163,589	12,410,045
1802-03	13,464,537	12,326,880
1803-04	13,271,385	14,395,405
1804-05	14,949,395	16,115,183
1805-06	15,403,409	17,421,418
1806-07	14,535,739	17,508,864
1807-08	15,669,905	15,850,290

1808-09	15,525,055	15,392,889
1809-10	15,655,985	15,534,711
1810-11	16,679,197	13,909,981
1811-12	16,605,615	13,220,966
1812-13	16,336,290	13,515,828
1813-14	17,228,711	13,617,725
1814-15	17,297,280	15,955,006
1815-16	17,237,819	17,059,968
1816- 17	18,077,578	17,304,162
1817-18	18,375,820	18,046,194
1818-19	19,459,017	20,396,587
1819-20	19,230,462	19,689,107
1820-21	21,352,241	20,057,252
1821-22	21,803,108	19,856,489
1822-23	21,171,701	20,083,741
1823-24	21,280,384	20,853,997
1824-25	20,750,183	22,504,156
1825-26	21,128,388	24,168,013
1826-27	22,383,497	23,312,295
1827-28	22,863,263	24,053,837
1828-29	22,740,691	21,718,560
1829-30	21,695,208	20,568,358
1830-31	22,019,310	20,233,890
1831-32	18,317,237	17,048,173
1832-33	18,477,924	17,514,720
1833-34	18,267,368	16,924,332
1834-35	28,856,647	16,684,496
1835-36	20,148,125	15,994,804
1836-37	20,999,130	17,363,368
1837-38	20,858,820	17,553,525
1838-39	21,158,099	21,306,232
1839-40	20,124,038	22,228,011
1840-41	20,851,073	22,546,430
1841-42	21,837,823	23,534,446
1842-43	22,616,487	23,888,526

1843-44	23,586,573	24,925,371
1844-45	23,666,246	24,293,647
1845-46	24,270,608	25,662,738
1846-47	26,084,681	26,916,188
1847-48	24,908,302	26,747,474
1848-49	25,396,386	26,766,848
1849-50	27,522,344	26,960,988
1850-51	27,625,360	27,000,624
1851-52	27,832,237	27,098,462
1852-53	28,609,109	27,976,735
1853-54	28,277,530	30,240,435
1854-55	29,133,050	30,753,456
1855-56	30,817,528	31,637,530
1856-57	31,691,015	31,608,875
1857-58	31,706,776	41,240,571

Taking into account the period between 1792 to 1857 Mr. Ramesh Chandra Dutt says,"It will be seen that if there were fourteen years of deficit, there were thirty-two years of surplus; and if the deficit amounted altogether to nearly seventeen millions the surplus amounted to nearly forty-nine millions. The net I financial results of Indian administration was therefore a surplus of thirty-two millions during forty-six years. But this money was not saved in India, nor devoted to irrigation or other works of improvement It went as a continuous tribute to England to pay dividends to the Company's shareholders; and as the flow of the money from India was not sufficient to pay the dividends, there"was an increasing debt called the Public Debt of India."[1.R.C. Dutt."India under Early British Rule."p. 408.J—

There were two distinct ways in which loans were raised in England and in India.

In India when the government was in need of money it advertised that the Treasury was open to receive money upon loan at certain rates specified in the advertisement and upon the conditions there contained. So long as the loans remained open, parties were admitted to make what payments they pleased, and to receive what are called loan notes in acknowledgement, and these to any amount. The money raised on loan was all raised in India.

In England a different mode operated. The only mode, it was so stipulated by the Parliament, by which the East India Company was able to raise loan there was analogous to that of other corporations viz. on bonds, and all the Home debt was raised on bonds.

The Public Debt of India, at least under the Company's rule was I entirely the creation of war. We will follow the progress of these two debts separately.

The Indian Debt

In 1792 the Indian Debt was a little over £7,000,000: within seven years it had risen to £10,000,000. In 1800 it was £ 14,625,384 carrying a total interest of £ 1,342,854. Now came the wars of Wellesely with the Marathas and in one sweep he raised the Indian Debt to the amount of £ 30,098,857 in 1807-08 bearing a total annual interest of £ 2,339,087. After the conclusion of peace, attempts were made to lower the debts by redemptions : as a consequence of this policy the Indian Debt was brought down in 1810-11 to £22,545,843 and the interest to £ 1,503,434. But wars were the rule and peace the exception :and in 1819-20 by the Nepal War and the First Maratha War the Indian Debt was raised to £ 31,338,855. By 1823-24, as a result of the intervening peace, the debt was reduced but the next year the First Burmese War of 1824-25 raised it to £ 38,316,486. In 1835-36 the debt was reduced to £31,821,1 18: but a train of military operations were awaiting India. The Afghan War , the Sindh War, the two Sikh Wars, the Second Burmese War increased the debt which in 1852-53 amounted to £52,313,094 and the interest to £2,479,133. In 1853-54, however, the Indian Debt was reduced to £49,762,876. In 1853-54 the Public Works policy was inaugurated and as a consequence of it the Indian Debt increased to £ 55,546,650 in 1855-56.The year 1857-58 witnessed what is known as the Indian Mutiny or the War of Independence, raising the Indian Debt to £ 60,704,084.

The Home Bond Debt (in England) In 1800, the Home Bond Debt amounted to £ 1,487,112 at 5 % interest. But the wars of Wellesly also told upon the Home Debt and increased to £4,205,275 in 1807-08 : in 1811-12 the Home Bond Debt reached its maximum limit of £ 6,565,900 at 5 %. In 1816-17 the rate of interest was reduced to 4 % and it never rose above it. In 1814-15 the Home Bond Debt was reduced to £4,376,976. By occasional reductions it lowered to £ 1,734,300 in 1840-41. As a result of the Afghan War and the Mutiny the Home Bond Debt rose to £ 3,894,400, besides £

40,000,000 as the cost of the Mutiny.

It is likely to be a matter of surprise when one sees the smallness of the Indian Home Bond Debt as compared with the Indian Debt. But the surprise will no longer exist when we know that the capacity of the East India Company to borrow in England was strictly limited by Parliamentary Regulations. The Parliament was ever eager to obtain the advantages of the rule of the Company without its disadvantages. It was eager to obtain command of the Indian Empire, but till the end was achieved always looked upon it as problematical and did not want to jeopardise the interests of the country in a project which in spite of its apparent success looked anything but certain of beneficial results. Hence, the Parliament put a strict embargo on the Company's raising the loans beyond a certain limit lest the Company lose its hold upon India and bring ruin on England by jeopardising English capital.

V
INDIA AND THE ACT OF 1858

The East India Company in spite of the fact that she was a source of great prosperity to England suffered great humiliation at the hands of the British Parliament and people.

The East India Company was jealous of her monopoly of the Indian trade and the British were determined to derive as large a gain as possible for allowing her that privilege. Every weakness in the administration was made an excuse for extortion and interference : and renewal of charter was often an occasion to disgorge her of her wealth accumulated by the monopoly of Indian trade.

Very early in the history of the Company a controversy as to this monopoly of trade had arisen and pros and cons were acrimoniously discussed. Up to 1833 the Company, by means fair or foul, managed to win over the English statesmen to continue her monopoly. But in that year the cry against her monopoly had grown so loud that both the Company and the Ministers had to give in and the East India trade was thrown open to all the English public.

By the Act of 1834 the Company ceased to be a commercial corporation. How the obligations of the Company were met may be seen from the following :

"The tangible commercial property sold under the Act of 1834, realised £15,223,480 which was thus disposed of: £8,191,366 towards discharges of India Debt: £2,218,831 was applied in payment of

territorial charges in England: £ 1,788,525 was applied in liquidation of part of the Home Bond Debt: £ 2,000,000 was paid into the Bank of England, for investment in the funds, to provide a"Security fund"at compound interest, for the ultimate redemption of the capital stock of the Company (6,000,000) in 1874: £561,600 was applied in compensations to ship-owners and other persons : and the remainder of £ 463,135 was retained in England, as an available cash balance for the purposes of government in India. The unavailable assets claimed as commercial by the Company—viz. the India House in Leaden Hall Street, one ware-house retained for a military store department, and house property in India, the whole valued at £ 635,445—remains in the hands of the Company but applicable to the uses of the Indian Government."

Though as a trading body the Company disappeared, she continued her existence as a political sovereign of her territories in India. Unfortunately for the Company her days were fast being numbered.

It is an error to suppose that the East India Company was abolished because of her inefficiency as manifested in the Mutiny of 1857. On the contrary, before the mutiny had actually taken place, the discussion about the direct assumption of the Government of India by the Crown was set afloat, which is indicative of the fact that mutiny or no mutiny, the British statesmen were impatient to have direct control over the"leaves and the fishes"that came but indirectly from their rule in India by a process of disgorging a corporation which directly fed them on beef fat.

This round about process was tiresome and mentally exhausting for impatient minds. Lord Palmerston having been returned by a strong majority in 18 57 as a result of his success in the Crimean War immediately notified the Directors of the Company to their great surprise that he proposed to introduce a Bill for the abolition of the Company and the resumption of the direct Government of India by the Crown.

Unfortunately, the mutiny did occur in 1857 and gave a strong impetus to the abolition movement already in full swing.

On the 31st day of December, 1857, the Chairman and the Deputy Chairman of the Company replied to the notification of Palmerston urging that"an intermediate, non-political, and perfectly independent body"similar to the Company was a necessity for the administration of India.

Besides this the Company sent a formal petition to both Houses of Parliament. John Stuart Mill who drafted the petition showed the fallacy in the arguments of the mover of the Bill for the abolition of the Company. From the very beginning the Crown had exorcised its control over the Indian Government through its Minister presiding over the Board of Control. Between the Government in India and the Crown Minister there was the Court of Directors which the new Bill wanted to do away with. Mill argued that this Court of Directors (the organ of the East India Company), the embodiment of experience was a good guide for the Crown Minister who really controlled the entire administration of India, and said that if evils have really arisen from the mode of administration the remedy that was sought viz. of doing away with the Court of Directors and thus making the Crown Minister an autocrat was worse than the disease."To believe that the administration of India would have been more from error had it been conducted by a Minister of the Crown without the aid of the Court of Directors, would be to believe that the Minister, with full powers to govern India as he pleased, has governed ill, because he had the assistance of experienced and responsible advisers."

A diversity of opinion prevailed as to the future connection of India with England.

The Stanley Review, an important newspaper in England argued that the East India Company be maintained to keep India away from English politics. It made quite a point of the fact that Englishmen who went over to India became autocrats and that in it there was a danger to democracy. It boldly proclaimed that"India, like a colossal torpedo, will paralyse the beneficent activities and benumb the free moral life of England"... and if....."brought full in sight of England, will serve her as a great school, in which she may learn the principles of the King of Naples and the practices of Mrs. Stowe's Legree."

Others, notably a certain Richard Congreve, a disciple of Conte pleaded that India should be left to work out her own destiny. He maintained that the rule of one people by another is demoralising and not wise for the better development of humanity. In order to prevent any other nation from stepping into India after the English had left he proposed that an international board be appointed to regulate the administration which was ultimately to devolve upon the Indians when they became capable of self-government.

None of these views, however, fall in with those of the British

Parliamentarians who decided differently. They were determined to abolish the East India Company and take the government of India immediately-under the Crown : they desired to substitute direct government for the double government. As a result of this neither the petition nor the independent public opinion proved of any effect and Palmerston introduced his Bill for the Abolition of the Company and the future government of India. Before the Bill was passed, the Conspiracy Bill threw out the government of Palmerston which was succeeded by a conservative one under the leadership of Lord Derby. After Lord Palmerston's Bill had gone out by his overthrow, Benjamin Disraeli, the Chancellor under Lord Derby introduced his India Bill. John Stuart Mill's comparison of the merits of the two bills is very instructing and later events have borne out his contentions. He says :—

"The means which the Bills provide for overcoming these difficulties (of the government of one nation by another) consist of the unchecked power of a minister. There is no difference of moment in this respect between the two Bills. The minister, it is true, is to have a Council. But the most despotic rulers have Councils. The difference between the Council of a despot, and a Council which prevents the ruler from being a despot is, that the one is dependent on him, the other independent; that the one has some power of its own, the other has not. By the first Bill (Lord Palmerston's Bill) the whole Council is nominated by the minister; by the second (Disraeli's Bill) one half of it is nominated by him. The functions to be entrusted to it are left, in both, with some slight exceptions, to the minister's own discretion."

Disraeli's Bill suffered worse fate than the one of Lord Palmerston. It simply fell. A new bill was therefore introduced in August, 1858, and passed designated as an"Act for the better government of India."

The Provision of this Act (of Section 75) which still largely regulate the administration of India may be divided into classes according to their nature :

(1) Those dealing with the past affairs.

(2) Those dealing with the future affairs.

We will first consider those that deal with the past affairs—mainly the settlement of the fiscal and commercial obligations of the Company. Section 42 of this Act"provided that the dividend on the capital stock of the East India Company, should be charged and

chargeable upon the revenues of India alone."

Amidst all the questions between India and England that had to be settled with equity none was more prominent than the question of the Indian debt. Who should bear the burden of the Indian debt was the burning question of the time. The crux of the question was who was responsible for it and what was its purpose?

The most enlightening commentary on the problem is that of Major Wingate who immediately after the mutiny argued :

"Have the people of India had a voice in the management of their affairs, or have the taxation and expenditure of the Indian Government been regulated with a view to the welfare of India alone, without intervention or interference on the part of the government of this country? By no means, the Government of India, whether viewed with reference to its forms or powers, has been, from the first hour of its existence up to the present time, the creation of the British Parliament. The power vested in the Government of India to contract debt, was a delegation of authority from the British Parliament, which, up to this hour, as in the case of the last debenture loan, exerts a right of interference over its exercise..... The East India Company have been declared by Parliament to have been simply trustees for the British nation, which, in accordance with this view, altered the conditions of their trust from time to time, and finally relieved the trustees of its exercise altogether. When the subject is carefully examined, it will be found that the Government of India, so far from being the Government of a distinct state, has been, from the first, simply a *department of the British Government*. The British ministry, acting through the President of the Board of Control, formed the real motive power which decided the policy of successive Indian administrations, and the East India Company was simply a convenient screen..... If the facts be so, then, and they cannot be gainsaid, we seem to be shut up to the conclusion that the acts of the Government of India, from first to last, have been the acts of the British nation. India has never had even the shadow of a constitution, or of a national government, but has been ruled as a conquered country, according to the views of successive British Parliaments and the British administrations. The Indian debt has really been incurred by the Government of this country : and how, then, can we possibly shake ourselves free of Indian liabilities?"

Mr. Wingate also appealed to the humane part of the British

public by dwelling upon the advantages to England and the injuries to India:

"In proceeding to consider these advantages, there is one most important fact, which should ever be present to the mind of the reader, and that is, that those advantages, be they great or small, have cost the nation nothing to acquire. This may sound as a startling assertion in the ears of Englishmen of this generation, who have not yet forgotten the heavy bills which they have had to pay for Canada rebellions Caffre wars, Ceylon insurrections, and many manumissions of West Indian. Slaves; and who are annually reminded of the cost of governing, or protecting our colonies and dependencies, by the financial estimates submitted to Parliament; but the assertion, nevertheless, is strictly and liberally correct."Strange,"may we wonderingly exclaim,"that we, who have spent so much on our colonial possessions, and have waged so many costly wars for thankless foreigners, should have laid out no money in the acquisition or improvement of our great Indian Empire. The thing cannot be : it is too astounding for belief."Astounding indeed it is: but there is something still more astonishing behind; for not only is it a fact that India has been acquired without the expenditure of a single shilling on the part of this country, but it is equally a fact that, so far from involving outlay, India has regularly paid to Great Britain a heavy tribute, which there is reason for thinking has not fallen far short of the almost incredible sum of a hundred millions sterling in the course of the present century."....."The Indian tribute, whether weighed in the scales of justice, or viewed in the light of our own true interest, will be found to be at variance with humanity, with common sense, and with the received maxims of economical science."

Touching the grievances of India, Mr. Wingate asked the English public:

"Has our policy in India been determined out of pure, unselfish, and benevolent regard for the welfare of the people of that country, and without the smallest regard for the manner in which it may affect our own away? Was this the principle which guided us in imposing prohibitive duties upon Indian manufactures imported into this country, and merely nominal duties upon British manufactures imported into India? Was it out of pure regard for India that cotton exported to Great Britain from India, is exempt from duty, while it is taxed on exportation to all parts of the world besides? Was it

Indian interest which dictated the fixing of import duties upon goods brought to India in British ships, at one-half of the amount levied upon similar goods brought in ships to any other country? Were native interests solely concerned in the exemption of Europeans in India from the jurisdiction of the ordinary courts of criminal justice, by which native redress for British wrong-doing, has been made a practical impossibility in ninety-nine cases out of a hundred? Was it out of consideration for the tax paying Hindu and Mohammedan, that the official European in India was provided with a costly ecclesiastical establishment before anything else was done for their education or enlightenment?

Was it unselfish regard for the natives that dictated the policy of obtaining, upholding and extending British dominion in the East, by means of taxes raised in India, in opposition to the rule obtaining in all other British dependencies, of providing for the costs of their military defence from the British Exchequer? And lastly, were the arrangements for defraying what is styled"the home charges,"out of the Indian revenues, under which nearly one hundred millions sterling of taxes collected in India, have been transferred to Great Britain in the course of the present century, devised for the purpose of benefiting the people of India alone? Let the candid reader thoughtfully and conscientiously answer these questions for himself, and then say whether British interest as well as Indian interests have not had a share in determining the course of our Indian policy."All the arguments legal and humanitarian failed to win the day. The English Parliament flatly refused to share in the Indian Debt which created the acquisition of the Empire. The entire heavy load of the debt of the East India Company amounting to £ 69,473,484—mostly unproductive—was placed on the shoulders of the poverty-stricken natives who had no voice in the doings of the Company. This was not all : the unfortunate mutiny had cost £ 40,000,000, and as a legitimate expenditure for the acquisition of an empire, England in justice ought to have paid the cost of the mutiny. John Bright who often exposed the cause of the Indian tax-payers appealed to the Parliament saying"that the forty millions which the revolt will cost is a grievous burden to place upon the .people of India. It has come from the mismanagement of the Parliament and the people of England. If every man had what was just, no doubt that forty millions would have to be paid out of the taxes levied upon the people of this country (England)."

The practical outcome of these unjust arrangements was that the people of India purchased the empire at many millions for the debt was only a part of the cost, and made an offering of it to the British_Crown : in other words, the Empire was either a gift or a trust.

The arrangements regarding the stock of the East India Company are in the same iniquitous strain. The stock of the Company was redeemed by a loan which was also added to the already enormous debt consolidated into what is known as the India Government Debt.

What the Act really did was to annihilate the Board of Control : the Company though legally extinct continues to live for all practical purposes and enjoys her dividends even to this day in the shape of interest paid out of Indian revenues. The astounding result of this policy was gains to England and costs to India. When every effort at giving justice to India failed in the British Parliament, Lord Derby moved that this enormous debt of India be guaranteed by the Parliament so that on the security of it the interest rate be lowered and the Indian tax-payer be relieved. He said:

"I am aware that the uniform policy of the Parliament and the Government of this country has been to decline all responsibility in regard to the debt of India, which has been held to be a charge only on the Indian Exchequer. Dealing with the present state of affairs I may say at once that I am not going to recommend any change in that policy. I know well the alarm which any such proposition would create and I know the refusal which it would inevitably receive. But this is a question which will recur again and again, and which will have to be considered in the future as well as in the present.

I would likewise ask the House to bear in mind that if ever the time should come when the established policy in this respect should undergo a change, and when a national guarantee should be given for those liabilities, that guarantee would operate to reduce the interest paid upon the Indian Debt by no less than £ 750,000 or even £ 1,000,000 which, formed into a sinking fund, would go far to pay off the whole."John Bright who through sheer short-sightedness opposed said:

"I object to an Imperial guarantee on this ground—if we left the services of India, after exhausting the resources of India, to put their hands into the pockets of the English people, the people of England having no control over Indian expenditure, it is impossible to say to

what lengths of unimagined extravagance they would not go : and in endeavouring to save India, may we not go far towards ruining England?"

Not only was there no warrant for Mr. Bright to magnify this danger so much, but he failed"to see that the people of England would have very soon ceased to neglect the affairs of India, and would have obtained a real control over Indian expenditure, if some share of the liability of the Indian Debt had been thrown on them."

The discussions were all abortive and did not even recompense the breath that was wasted and in no sense did the natives get any relief from"the direful spring of woes unnumbered."

Let us now see what the Act willed for the future. Section 55 said,"excepting for preventing or repelling actual invasion of her Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by her Majesty's forces charged upon such revenues."

With profound respect for the intellect of Mr. R. C. Dutt, one, however, cannot understand on what ground does he characterise this section as"one salutary financial provision". That it was an improvement over the financial administration of the East India Company no one can doubt. But it is by no means salutary in that the revenues of India have been spent outside India for non-Indian purposes, even after the Act. The fatal error lay in this,—the excepting clause in the above section which sanctions the expenditure of Indian revenue outside of India omits the vital word **previous.** The clause in order to be salutary in effect ought to run—"the revenues of India shall not, without the previous consent of both Houses of Parliament, be applicable etc....."and not in the way it does. An unknown writer says,"in all probability that essential proviso was comprised in the original draft, but afterwards eliminated by the same mischievous hand which contrived in Sections 26, 27,28 to secure the entire immunity, irresponsibility, and personal autocracy of the secretary of state."

After showing that Lord Stanley and the Earl of Derby who had so much to do with the framing of the statute were united in including the neglected proviso the writer quotes the opinion of Mr. Gladstone regarding Section 55 as follows :—

In my view it was the purpose of this clause to require the Preliminary consent of parliament to the issue of Indian money for the purpose of operations carried on by the forces charged upon India beyond the Indian frontier, except in certain special cases, which were very carefully defined. It was, in fact, to prevent the use of Indian money for military operations. I remember this; for I myself was the author of the clause, and the present Lord Derby, who was Secretary of State for India at the time, concurred with me as to its objects."

The same writer goes on to say :

"There are few, if any causes, that have brought more disaster and financial damage to"India of the Queen"than has the utter disregard of the safeguards ostensibly ordained under these despised and neglected provisions of the Act. We are well aware that, even had the saving word"previous"been included in the Section, the clamour on behalf of pseudoimperial interests, or the exigencies of party schemes, might have sufficed to override the claims and rights of the Indian people. But that word would, at least, have secured an Invaluable respite, during which the voice of reason might have been heard."

The non-fiscal sections of this Act were :—

(1) The territories of the East India Company were vested in her Majesty, the Queen, and the powers exercised by the East India Company and the Board of Control were vested in the Secretary of State for India. He was to have a Council of fifteen members who would hold office during good behaviour, and each member was to have a salary of £ 1200 a year out of the revenues of India. The pay of the Secretary of State and all his establishment would similarly be charged to India.

(2) The Secretary of State was empowered to act against the majority of the Council except in certain specified matters. And on questions of peace and war (which had hitherto been dealt with by the Board of Control through the Secret Committee of the Court of Directors), the Secretary of State was empowered to send orders to India without consulting his council, or communicating them to the members.

(3) The Governor-General of India and the Governors of Madras and Bombay would henceforth be appointed by Her Majesty the Queen; and the appointments of Lieutenant-Governors would be made by the Governor-General subject to the approbation of Her

Majesty. Rules should be framed by the Secretary of State for admission into the Civil Service of India by competition.

The evil tendencies of the administrative section above referred to have been attested to be (1) autocracy, (2) secrecy, and (3) irresponsibility, ail of which are inimical to the good administration of the country. It is lamentable that the Act made no provision for enlisting the voice of the natives in the administration of their own country. In this vital respect, can any one say that the administration of the Company differed very much from the administration of the Crown?

In order to give publicity to the provisions of this Act, Queen Victoria asked Lord Derby (apparently not being satisfied with the first draft of it) to issue a Proclamation which, as she said,"should breathe feelings of generosity, benevolence, and religious toleration, and point out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilisation."

This Proclamation was read out in India and has been regarded as the Magna Chart of India not that the Magna Chart contained the rights of people but that it was a Great Document. It remains, however, to estimate the contribution of England to India. Apparently the immenseness of India's contribution to England is as much astounding as the nothingness of England's contribution to India. Both are, however true statements if looked at from economic points of view. But from another point of view, if India's tribute cannot be weighed in the scales of justice and humanity then England's contribution cannot be weighed in the scale of gold and silver. The last statement is both literally as well as figuratively true. England has added nothing to the stock of gold and silver in India : on the contrary, she has depleted India—"the sink of the world."—

Her contribution lies in an uneconomic realm: but just the same, it is too great to be measured in terms of coin.

"Englishmen can look back on their work in India, if not with unalloyed satisfaction, at least with some legitimate pride. They have conferred on the people of India what is the greatest human blessing—Peace. They have introduced Western education, bringing an ancient civilised nation in touch with modern institutions and life. They have built up an administration which, though it requires reform with the progress of the times, is yet, strong and efficacious. They have framed wise laws, and have established Courts of Justice,

the purity of which is as absolute as in any country on the face of the earth. These are results which no honest critic of British work in India regards without high admiration."

But whether mere animal peace is to be preferred to economic destitution, let every one decide for himself.

ANCIENT INDIAN COMMERCE

COMMERCIAL RELATIONS OF INDIA IN THE MIDDLE EAST

The imperial Romans flashed their sword both in the East and the West with different results. In the East"they conquered the world only to give it to"*(.....) in the West however"they either Romanised the races who were at first their subjects (. . . . .) masters, or left those races to be the willing agents of their own Romanisation." As a result of this Romanisation the West is proud of her heritage from the Romans. How this rich heritage was accumulated none has taken pains to inquire into.

Justly may we look to the Romans for their military Organisation, the elaboration of law and the wonderful discipline of hordes levied before war and discharged after victory. Hemmed in from all sides—the Etruscans pressing in from the north, the Lygurians from the West, the Sabians from the East and the Greeks from the South, the Latins' summoned the energy by despair. Excepting perhaps the women and youngsters of both sexes the entire population was one huge militia ever ready to rally round the red flag at the call of a trumpet. But Rome gathered in energy too voluminous for the space she had and illustrated the principle that concentration causes explosion and expansion. Goaded by the greed of territory or pressed on by the mania of foreign persecution she started first by consuming the entire Italian peninsula. But imperialism conscious or unconscious knows no stop. Rome by sheer prowess of her arms went on in her career of conquest and made war her only noble profession. She knew not that war like competition destroys itself. In one great sweep, she brought an immense territory under her control but left the circle of her extensive imperium to shrink back towards the center when the propelling energy from within had, as it was sure to be, exhausted itself.

Beside their military exploits and inhuman gladiatorial feats, the Romans (owed)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_5 credit from the art of road-building and administration; these arts are quite natural and necessary concomitants of imperialism. (Beside these)*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_6 there (was)*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_7 little of the Roman contribution to civilization

that cannot be summed up in the phrase *pax Romana.*

Underneath the canopy of Roman Imperialism there was a constant and"peaceful infiltration", (of the East)*. Philosophy, astronomy, mathematics, medicine constitute her bequests. Scholarship incompatible with the practical genius of the Romans, was the trade of the Orientals. The Roman Court was begemmed by the stars from the East. Egypt lays claim to Ptolemy and Plotinus: Porphyry and Iamblichus are the sons of Syria while Dioscorides and Galen were Asiatics. 'Much of the Roman Civilization was made up by the doings of the Eastern slaves who even conducted the education of the Roman children in the public schools established under the empire. Romans were' the lovers of the powerful rather than of the beautiful:"Rome, in herself inartistic, enlaned art and artists for her own purpose. Her barbaric delight in vivid colouring, which for instance, was exhibited in the gold and scarlet decoration on the great column of Trojan, was stimulated by eastern commerce"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_8. Even Roman architecture is the product of the oriental slaves. The entire strength of Rome was spent in conquest or if we choose, in the struggle for existence. But after enough of struggle she might have as well utilized the leisure which was hers and availed herself of the varied geniuses brought within her compass by her subject people. Unfortunately Rome never realized or it was too late (that she)* did that"peace hath her victories no less renowned than war"and (her)* militarism pure and simple is thrown in great relief when we notice the (.....)* fact that"although Rome raised a statue to Quiet, she (.....)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_9 out (.....)* walls"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_10. Though Rome had some industries, her productive capacity was miserably low; her consumption overran her production which necessitated continual drain of specie. The Latefundia destroyed her agriculture and (drove)* the farmers to beggary and made Rome entirely dependent for her food on Sicily and Egypt. Owing to the great concentration of landed property the land had ceased to be productive, and there was practically no Italian harvest. She received everything mostly from the East and nothing or little to give in return.

"It is in the orient, especially in these countries of old civilization that we must look for industry and riches for technical ability and artistic productions as well as for intelligence and science, even before

Constantine made it [Rome] the center of political power".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_11 Nay"all branches of learning were affected by the spirit of the orient"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_12 which"was her superior in extent and precision of its technical knowledge as well as in the inventive genius and ability of its workman"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_13Descending from the productions of industrial arts to those of industry itself, one .might also trace the growing influence of the Orient: one might show how the action of the great manufacturing centers of the East gradually transformed the material civilization of Europe ; one might point out how the introduction in Gaul of Exotic patterns and processes changed the old native industry and gave (their)* products a perfection and a popularity hitherto unknown."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_14From time immemorial upto the Industrial Revolution, the East enjoyed (the)* pre-eminence of being the workshop of the world and it is significant to (note that)* she was busy in producing the wonderful and massive iron columns that attest to the mechanics and technique of the time when chipping a stone and making a hatchet was a superhuman task with the Western neolith.

Thus"the East gave (impe)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_15 tus to the West."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_16 It is in the valley of the Nile, the Euphrates, the Yangtse Kang and the Indus that we first witness the misty dawn of civilization, the beginning of knowledge and progress." To have caught the light from the East and reflected it with manifold luster on the West is the only work of Greece and Rome."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_17

Looked at from this angle the dragon of"Dark Ages"seems to be a fictitious creation of the historian. Were there any such Dark ages in Europe? If so, when was there light? History does not disclose it. Whatever light or civilization there was, was confined to the Eastern basin of the Mediterranean [being constantly fed by the Orient] barring which the entire continent of Europe was in barbarism till very late : the Curve of European Civilization (leaving aside the sources on which it

drew) is constantly rising and what the historian calls Dark ages mark a point of civilization higher than the one reached by preceding centuries. The fiction of the ' Dark ages ' arose from the fallacy of the thinking of whole of Europe in terms of Rome, but nothing is more false than to think of the whole in terms of a part.

To be true to facts the question of the ' Dark Ages ' has to be raised (by the) historian of the Orient. It is he who has to answer why this great (fall) after a high crest, why this sudden darkness after the (dawn):

It is lamentable to see that the earliest and most promising civilizations ran into a blind alley and were arrested all of a sudden when progress was most expected of them. Some of these early civilizations died out leaving us their records on bricks and tablets. Others are lingering on in their way and are in the process of rejuvenation.

The civilization of India is one of the oldest but like all of them has come to a dead stop : but it has lived to revive and we may hope never to die again. The contact of the west has shaken the"fixity"and restored her old dynamic power.

Historians often wonder why civilization begins at one particular spot rather than at another. Is it because of the ability of the inhabitants? Or is it because that providence wills them their civilization? A short consideration will convince us that both these factors play the second fiddle. The first is played by environment. Given a bountiful environment and chances of conservation, isolation or security from foreign invasion, civilization is bound to sprout forth.

India's geographical position just fitted her to be the Early craddle of civilization. Nature has given her that isolation that has been the envy of many of tribal people who are ever in search of a secure abode to develop their capacity and make the most of nature's gifts. Severed from China and Tibet on the north by the Himalaya mountains, on the East from Burma and Assam by the Tenasserim and on the west from Afghanistan by the (Karakoram)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_18 (Hindukush)* Ranges the entire peninsula forms a world in miniature in itself—(formed)* by strong natural defenses—"the mountains"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_19 forming"a wall on the North-West and the sea. . a moat on all other sides."

This"inverted triangle"conserves the most varied and most abundant of natural resources."Animal life is not only abundant in British India,

but it is remarkably varied. The number of kinds of animals inhabiting India and its dependencies is very large, far surpassing, for instance, that of the species found in the whole of Europe, although the superficial area of Europe exceeds that of the Indian empire by about one-half"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_20Equally is her rich diversity of flora and fauna and her climate that makes possible the existence of such variegated animal life. The richness of vegetable life is unbounded. All these factors have from time immemorial combined to bestow upon her the economic self-sufficiency which has been the privilege of a few nations on the face of this planet today.

Given the materials, man can hardly be expected to remain inactive for the economic motive is the strongest and the most dynamic of all. He tries at once to exploit the environment for his well-being and the early inhabitants of India were no exception to the rule. It would be a mistake if we take a modem average Indian as a prototype of his stalwart ancestor. He may resemble him perhaps in features but that's all. The semblance ends there. The India of antiquity within the span of time in which he held the undisputed possession of the country accomplished much more than could be expected of primitive. We have scanty records of his deeds but what little we have and as will be seen from the following narrative, speaks volumes.

Of the multifarious achievements of the ancient Indians, important as they are, we are not concerned. We have to center our attend on their economic activity alone.

At the outset it would be better to take note of the lampposts or the sources that will help us in our survey. On the nature side there is a lamentable paucity. The Hindoos are loquacious on everything except the economic activity of their life and the reason is not far to see. Education was monopolized by a class of people who were more or less"drones in the hive, gorging at a feast to which they [had] contributed nothing". The Brahamin or the intellectual caste of India enjoyed"the conspicuous leisure"and"the- conspicuous consumption" vicariously ; consequently the economic activity of the ancient Hindoos found no exponents and no mention in the literature which is purely sacerdotal. This also explains why India did not produce any literature on the Science of Economic as such. Hence we are"compelled to depend entirely on foreign authorities and their scanty reference to India's commerce.

Before we launch on the subject of commerce we shall do better to

take hasty survey of the Economic development of Ancient India. There is no authority on the subject that can take us back to the pre-Buddha times. The Buddha Jatakas—the birth-stories of Buddha—are the earliest source on the subject and contain literary references to the economic organisation of the Indian society which may be supposed to have existed from times very remote from the dates of these Jatakas .....

1. Agricultural Organisation:

Very early we find the ancient Hindoos living a village life : Each village consisted of from 30 to 1000 families. No isolated houses were to be found but they clustered together. Agriculture is known as the highest occupation and the Indian proverb puts the merchantman second to the farmer and the soldier occupies the last place in social gradation.

Land was cultivated by the farmer and his families and some times by hired labour."The traditional feeling was apparently against land transfer". Yet we see that land was rented out for cultivation. Independent landholder was regarded respectfully but work on the farm of a capitalist was greatly i disapproved. There is no evidence to definite say whether or not there was feudalism in village community.

There was a great deal of co-operation among villagers for building and repairing roads and tanks and municipal buildings :

> "The sovereign claimed an annual *tilha* on raw produce. This was levied, and in kind amounted to 1/6, 1/8, 1/10 or 1/12.""Grain, pulse, and sugarcane were the chief products: vegetables, possibly also fruit and flowers were cultivated. Rice was reckoned as the staple article of food."

Agriculture was a common occupation for even we see the Brahmin figuring as a goatherd and both as a small and large landholder without losing his caste. The love of the ancient Hindoo and for that matter of the modem for agriculture transcends that of the ancient Greek and is just manifested in the worship of the cow.

The Hindoo devotion to the Cow has been an enigma to most of the foreigners and above all has been an efficient lore in the hands of those half-baked theological failures who go to India to conduct their missionary propaganda for blackmailing the Hindoo.

The origin of cow worship is as much economic as that Roman practice of not offering wine to the Gods from unpruned vines. The cow and for that matter all draft animals, is the soul of the farmers. The cow gives birth to oxen which are absolutely necessary to the cultivation

of the farm. If we kill the cow for meat, we jeopardize our agricultural prosperity. With full foresight, the ancient Hindoos tabooed cow-flesh and thus prevented cow killing. But man hardly pays any attendon to dry rulings. It must have religious sanction; hence the grotesque mythology around the cow in old Hindoo religious literature.

II. Organisation of Labour, Industry and Commerce:

Be it said to the credit of the Hindoos that slavery paid a very little role in their economic life. Capture, judicial punishment, voluntary self-degradation and debt were the four principal causes by which individuals become slaves. But there is considerable evidence to show that kindly treatment was the rule and manumission was always possible. Besides few slaves there was a considerable amount of free-labour paid in money or food.

From among the industrial classes the following are mentioned :—

(a) The *vaddhaki* is a .genuine term and is an embodiment of a carpenter, ship-builder, cart-maker and an architect.

(b) The *Kammara* is a generic term for a metal craftsman producing"iron implement, from a ploughshare or an axe or for that matter, an iron house, down to a razor, or the finest of needles, capable of floating in water, or again, statues of gold or silver work."

(c) The *Pasanakottaka* is a generic term for a mason"not only quarrying and shaping stones. .. .. but as capable of hallowing a cavity in a crystal, a matter probably of requiring superior tools."

"A considerable degree of Organisation characterized all the trading industries. Certain trades were localised in special villages, either suburban and ancillary to the large cities, or themselves forming centres of traffic with surounding villages e. g. the wood-work and metal work industries and pottery..... within the cities trades appear to have been localized in special streets e. g. those of ivory workers and of dyers."

The trades were well regulated and were superintended by one or two headmen who were the chiefs or syndics of municipal and industrial Organisation of the cities.

There were numerous guilds (*Seniyo)* under the headship of a President *(Prarnukha)* or elder or older man *(Jethaka).*

Carpenters, smiths, leather workers, painters, and experts in various arts had their grids. Even the sea-men garland-makers and caravan traders.

There was a tendency towards hereditary occupation. But the caste

system in all its hideous rigorousness was not present and even Brahmins were often occupied in low professions.

There was little riverine traffic : it was mostly conducted by the caravans. The industrial centres were connected by good roads which greatly facilitated traffic. The Ramayana refers to a road starting out from Ayodhya the capital of King Dasharatha, known presently as Oudh to Rajagriha the capital of Kekayas in the vicinity of the Himalaya mountains situated on the River Bias, the ancient Vipasa known to the Greeks as the Hypasis passed through Hasdnapur (Delhi) the capital of the Kurus. Alexander's information regarding the roads in ancient India is perhaps the most accurate and the greatest source for the employed surveyors to measure the Indian Roads. We glean from this source that a road ran from Penkelaotis (Pushkalavati) near the modern Attock passed on through Takshila to Patalipura (Pata) after crossing the river Bias. Another road joined Pushkalavathi and Indra-prastha (Delhi) and after connecting Ujjayini (Ujain) descended down the Vindhya range, went into the Deckan through Pratisthana after crossing the Nerbuda and the Tapty. There were the internal highways of traffic and it was carried on by Uday of the Caravans. Early in India the external and internal commerce had assumed such importance that we find mention in the Buddha Jataka a league of caravan leaders. The caravan leader or Sattravaha in Pali headed the caravan on its journey and was looked to"for directions as to halts, watering, precautions against robbers, and in many cases as to routes, fords, etc."The journey of the Caravan was mostly by night.

Trade in early India was not entirely individualistic. There is enough evidence to show the corporate commercial activity and partnership in Trade were occasional, if not general. There was very little government control of business and that too only so far as it concerned the Royal purchases. The prices of articles of Royal purchases were fixed by a Royal valuer who would"also assess the merchants for the duty of a twentieth, presumably *ad valorem,* on each consignment of native merchandise, and of a tenth *ad valorem* plus a sample, on each consignment imported from overseas Finally, he would have to assess merchants for their specific commutation of the"rajaksaya"viz. one article per month sold to the king at a certain discount."

Later on however prices came to be fixed: for Manu says that the king on every 5th or 9th day fixed the rates for the purchase and sale of marketable commodities.

The introduction of money in India whether it was borrowed or

invented at home is a matter of great controversy : but whatever may be said on this, it is true that the use of money in India was early known for"the whole of the Buddhist literature testifies to the fact that the ancient systems of simple barter as well as of reckoning value of cows, or rice measures had for the most part been replaced by the use of metal currency, carrying well understood and generally accepted exchange value". Currency counted of coins but was not regulated by Royal authority. There was gold coinage for the most part and"all marketable commodities and services had a value expressible in terms of cash". Banking was not very highly developed—there was no taboo on loaning of money and according to Gautama interest was sought in six different ways.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_21

With such high type of economic development it is but natural that there should be commercial expansion of colonization by the Early Hindoos. Historians however have been very reluctant to accept the fact : they have either judging the present by the present rule upon the entire Hindoo population as incapable people or have exerted their utmost ingenuity to discount any evidence that antagonises with their preconceived bias. Isolation of India has been a trump card with them and they use it as often as they can. Environmental conditions do delimit the activity of a people subject to it but it could be foolish to say with Hirder"that history is geography set in motion."We might hold to the truth in the statement that geographic conditions have condemned India to her lot and yet condemn the hyperbole in it.

We may agree, if we like, with Montesquieu when he ascribes the"fixity"of oriental manners, customs and religion to its warm climate. We may believe in Buckle when he holds nature's overpowering mountains and forests in all their stupefying greatness as are to be found in India responsible for the abnormal workings of imagination and superstition or we may follow the scientific geographer when he asserts that India has been condemned to isolation on account of her geographic location : isolated from China by the Himalaya mountains and from Persia and Afghanistan by the Hindu Kush mountains. She has along waterfront but the eastern and the western ghats that fringe the coast from within and cut off the call of the ever beaconing sea to maritime activity.

All these allegations perhaps have a modicum of truth in them: but it would be a mistake to make strong arguments out of them. Barriers, no

matter how strong, are never insuperable to man. He has tried everywhere to control them and has succeeded in his effort.

Hemmed in from all sides, the early Indians burst asunder all impediments natural or otherwise and launched into the Indian ocean at a very early date. The Indian ocean has much in common with the mediterranean. Mr. Zimnurn argues that"land locked on all sides .....the mediterranean seems in summer as gentle as an inland lake. ..... It is in fact double-natured..... a lake when the Gods are kind, and the ocean when they are spiteful."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_22 The Indian ocean which is but the enlarged mediterranean sea with its southern coast removed is neither a ocean nor a lake but is according to Ratzel only half an ocean. The inclosed character of its northern part deprives it of the hydrospheric and atmospheric peculiarities of a true ocean and the winds and currents ran over it in an unorganised way owing to the close by lands. The North-east and South-east monsoons soon enabled the merchants to drag forth in the mid-ocean instead of hugging to the coast.

> "From the dawn of history the northern Indian ocean was a thoroughfare. Alexander the Great's rediscovery of the old sea route to the orient sounds like a modem event in relation to the grey ages behind it Along this thoroughfare Indian colonists, traders and priests carried the elements of Indian civilization to the easternmost Sunda isles; and oriental wares, sciences and religions moved westward to the margin of Europe and Africa. The Indian ocean produced a civilization of its own, with which it coloured a vast semi-circle of land reaching from Java to Abyssinia, and more faintly, owing to the wider divergence of race, the further stretch from Abyssinia to Mozambique."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_23 The Hindus became the dominant commercial nation of the Indian ocean long before the great development of Arabian sea power, and later shared the trade of the East African coast with the merchants of Oman and Yemen. Today they form a considerable mercantile class in the ports of Mascat, Aden, Zanzibar, Pemba and Natal."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_24

With this preliminary disquisition about the natural resources and the economic development of India we will trace her commercial

intercourse from very early times with other countries of ancient civilization.

To begin with Egypt. At the outset it would be better to premise that the evidence of a commercial intercourse between India and other countries at the dim dawn of history is very flimsy and is embedded either in tradition or in articles excavated from early ruins: The evidence however ripens into positiveness with the advance of time.

Situated in the most rarely endowed location in the world the Egyptians were economically independent of the rest of the people—and it is even said that they prided economic self-sufficiency to such an extent that they tabooed foreign intercourse; but this is carrying things too far and though we have no positive records to disprove the statement, the foreign articles found in the process of excavation form a strong proof against it.

It is a matter of great controversy whether or not the Egyptians had direct trade with India. Hypercriticism has ranged on both sides. Herodotus says that Sesostris whom the Gardiner Wilkin-son identifies with Ramses II fleeted out a strong fleet and sailed beyond the straits into the Indian ocean conquering all the coastal countries while his land forces carried their sword as far as the Gangesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_25

Long before the exodus of the Israelites from Egypt, India had commercial intercourse with her and the port of Philoteras was the emporium of that early trade:

"Whether they (the Egyptians) had a direct communication with India at the same early epoch, or were supplied through Arabia with the merchandise of that country, it is not possible now to determine: but even an indirect trade was capable of opening to them a source of immense of wealth; and that the productions of India did actually reach Egypt we have positive testimony from the tombs of Thebes"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_26 and"the productions of India already came to Egypt at the early period of Joseph's arrival in the country is evident from the spices which the Ishmaclities were carrying to sell there : and the amethysts, hacmatile, lapis'lazuti, and other objects found at Thebes at the time of the Third Thothmus and succeedirig pharaohs argue that the intercourse was constantly kept up."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_27

Cultwre in all times follows the wake of Commerce. This is more true of ancient times than of the modern. The caravans of the olden times were not only the carriers of wares but also of civilization: they dissiminated and universalized it. This commercial intercourse with India greatly affected the architec-tuie of Egypt so much so that"James Fergusson *(History of Architecture* 7,142-3) notes that thegreatmOttolithatAxurnis ^f Indian inspiration;"the idea Egyptian, but the details Indian. An Indian nine-storied pagoda, translated in Egyptian in the first century of the Christian era!"He notes its likeness to such Indian temples as Bodh-Gaya, and says, it represents"that curious marriage of Indian with Egyptian art which we would expect to find in the spot where the two people came in contact, and enlisted architecture to symbolize their commercial union."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_28

It will not be out of place to note the relation of the Dravidians, the earliest inhabitants of India though by no means aborigines with the people of western Asia. Mr. GustavOppert says,"It is established now, beyond any doubt, through the decipherment of the Cunciform inscription, that the Turanian Empires had advanced to a high degree of culture. This civilization, though tainted with strange materialism proved itself nevertheless able to develop to a high degree of perfection certain branches of arts and science. To these Turanians who differed much among each other in idiom belong also to the Dravidians of India of our days, who in those times occupied Ariana and Persia. In Europe, these Turanians appear to be represented by the Esthonians, and in many places of western and central Asia, they formed the substratum of the population, while they supplied in China the ground work of the civilization of the celestial empire."These Turanians"had founded empires throughout the old world. The home of the Turanians is assumed to have been the country round Lake Aral. Thence they spread over the greatest part of Asia, reigned there paramount for at least 1500 years."The Egyptians, the Assyrians the Akkadians, the Sumerians, the Phoenicians are all branches of the same Turanian race."About 250 years after the Egyptian empire had been established i. e. 2500 B. C., and after the Akkadian dynasty had reigned for a long period in Babylon the Aryans invaded Chaldea, and pressing at the same time on the Kannanites of the Persian Gulf and the Dravidians in Persia, drove the former towards the North-west and the latter to the South-east to India". The Aryans when they invaded India met with a stubborn resistance from these Dravidians. For"they did not go beyond the

frontiers of the Punjab till the fifteenth century before Christ"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_29 Next in importance and chronology comes the intetcourse between India the kingdom of India. 'In spite of the evidences to be found in the Bible, writers have been very little disposed to credit it for historical purpose. The evidence is too strong to be slighted"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_30 Suited in the mainland, Judea was not in a position to develop a direct trade with India. She had no water-front at all and consequently no harbours. She had entirely to depend upon the Egyptians and the Syrians who controlled the sea and the trade routes of India. The galleys of India brought their goods to Yemen or Arabia Felix. Yemen was the great mart for Indian goods : it was a distributing centre and from it Indian commodities were taken to Syria by the caravan or to Egypt by the Egyptian Vessels."From the very earliest ages the refined civilization of Egypt and Syria sought with avidity the spices, the aromatics, the metals, the precious and scented woods, the gems, the ivory in a kind, all the valuable merchandise which the rich soil of India supplied in abundance."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_31 King Solomon, however, when he came to the throne, tried to get the control of Indian trade. He saw that the Egyptian power was on its decline and realized that importance of utilizing Idumeeas sea port on the Red Sea and which had inherited as the conquest of his father—for materialising his plans of direct trade relations with India. But since the Jews had not been experienced in the art of navigation, he had to seek the cooperation of Hirain, the king of the Phoenicians. The Phoenicians were the pioneers in navigation. Whether they dealt directly with India is a subject of great controversy. Mr.Robertsonis favourably inclined. After showing how the poverty of the land compelled the Phoenicians to subsist by commerce, he goes on to say,"among the various branches of their commerce, that with India may be regarded as one of the most considerable and most lucrative as by their situation on the mediterranean, and the imperfect state of navigation, they could not attempt to open a direct communication with India by sea: the enterprising spirit of commerce prompted them to west from the Idumacans some commodious harbours towards the bottom of the Arabian Gulf. From these they held a regular intercourse with India on the one hand, and with the eastern and southern coasts of Africa on the other. The distance, however, from the Arabian Gulf to

Zyre, was considerable, and rendered the conveyance of goods to it by land carriages so heavious and extensive that it became necessary for them to take possession of Phinocolura, the nearest port in the mediterranean to the Arabian Gulf, thither all the commodities brought from India were conveyed overland by a route much shorter, and more practicable, than that by which the productions of the East were carried at a subsequent period from the opposite shore of the Arabian Gulf to the Nile. At Rhinocolura they were re-shipped, and transported by an Easy navigation to Tyre, and distributed throughout the world. This, as it is the earliest route of communication with India of which we have any authentic discription, had so many advantages over any ever known, before the modern discovery of a new course of navigation to the east, that the Phoenicians could apply other nations with the productions of India in greater abundance and at a cheaper rate, than any people of antiquity."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_32 Another evidence supporting the view of Mr. Robertson is to be found in the fact, that the Phoenicians introduced their letters in India a direct proof of their intercourse. King Solomon, stimulated or otherwise by the neighbouring Phoenicians, joined hands with Hiram, king of Tyre and built a fleet at Elath and Eziongeher. Manned by Phoenician sailors, it sailed to Qphir and brought backmany treasures which two kings shared between themselves. The location of Qphir is another unsettled topic. But for all practical purposes Prof. Lassen had closed the controversy by identifying it with Abhira in the province of Gujrat in India. With the interval of three years, the voyage was repeated and the ships laden with all precious articles to enrich the country so much so that"the king made silver to be in Jerusalem as stones, and cedars made her to be as Sycamore trees that are in the vale for abundance"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_33 Thus all the advantages of trade were secured for the people with exposing to the dangers attendant upon it. Consequently in the words of Dean Stanley (Senai and Palestine p. 261)"To describe the capital as a place where shall go no galley with oars, neither shall gallant ship pass by"(Isaiah XXXIII 21) is not, as according to western notions it would be, an expression of weakness and danger, but of prosperity and security."

The trade between India and Judea does not date with Soloman: it enjoys considerable antiquity; mentions of Qphir are to be found long before the time of Soloman in the I Chronicles XXIX, 4, I kings XXII 48, and in Isaiah, XIII 12. These Biblical evidences may be

supplemented by linguistic evidences, such as the Hebrew word *tuki* which is but a little changed form of the poetical word Tokei i. e. the Tamil-malayalam language for peacock or the Hebrew word *Ahalim* or *Aholoth*—* aloes. *—a corruption of the Tamil-malayalam word, *Aghil.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_34

The rise of Babylonia marks the high water mark in the ancient commercial activity of India. Situated at the confluence of the Euphrates and the Tigris joining the Persian Gulf with the mediterranean and being a meeting place of upper and lower Asia, Babylon was destined to be the great emporium of the eastern and western trade. It was the meeting place of routes from all parts of the ancient world. There's ample evidence, says Mr. Kennedy, that"warrants us in the belief that maritime commerce between India and Babylon flourished in the seventh and sixth and more especially in the sixth century B. C. It was chiefly in the hands of the Dravidians, although Aryans also had a share in it, and as Indian traders settled afterwards in Arabia and on the eastern coast of Africa, and as we find them settling at this very time on the coast of China, we cannot doubt that they had their settlements in Babylon also. But the sixth and seventh centuries are the culminating period of Babylonian greatness. Babylon which had been destroyed by Senkacherib and rebuilt by Esarhaddon: Babylon, which had fused her importance and her fame to the sanctity of her temples flow appears before us of a sudden as the greatest commercial mart of the world. There was no limit to her power. She arose and utterly overthrew her ancient rival and oppressor Nineveh. With Nebuchadnezzar she became the wonder of the world..... But the secret of her greatness lay to her monopoly of the treasures of the east, in the shouting of the Chaldeans in their ships and smartly orientals who frequented her lazars. It moved the envy of the nations. * Paharaoh Necho (612-596 B. C.) vainly sacrificed his subjects in order to reopen the canal which Seti I had made from the Nile to the Red Sea : and he despatched his Phoenician fleet round Africa in the hope of discovering a new world for commerce. And a long ago, the rivalry of the Spaniards and the Portuguese for the treasures of India ..... was anticipated and equalled by the rivalry of Babylonians and Egyptians..... when the world was as yet one and twenty centuries younger."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_35 This commercial intercourse told very decidedly on the literature of India. Sea played an immense role and ' *Mokar* ' the

monster fish was constantly alluded to. The Vedic dieties fall in the back ground and the Hindu mind of the times soared high in inventing fantastic cosmogonies as is to be found in the Vishnu Purana where it is said that"the Supreme Being placed the Earth on the summit of the ocean, where it floats like a mighty vessel and from its expansive surface does not sink beneath the waters,"The entire literature smacks of commercialism and is essentially different in nature from the early Vedic literature so much so that Prof. Max Muller in his"*History of Ancient Sanskrit Literature"*says,"there is throughout the Brahmanas, such a complete misunderstanding of the original intention of the Vedic hymns that we can hardly understand how such an estrangement could have taken place unless there had been at some time or other a sudden and violent breaks in the chain of tradition". This"estrangement"can be accounted by foreign influence which follows the footsteps of commerce."The focus of this foreign influence upon India was therefore in the sixth, seventh and eighth centuries"and certainly not"later than the time of Buddha, for this great teacher found all India believing in metempsychosis, which is not & Vedic doctrine"and must therefore be an exotic.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_36 It must not however be supposed that the maritime activity of the Hindoos dates from the period : nay sea-farming had become a matter of habit with them : Buddha in the Kevaddhu Sutta of the Digha (fifth century B.C.) says by way of simile"Long ago ocean going merchants were wont to plunge forth upon the sea, on board a ship, taking with them a shore-sighting bird. When the ship was out of sight of land they would set the shore-sighting bird free. And it would go to the east and to the south and to the west and to the north, and to the intermediate points, and rise aloft. If on the horizon it caught sight of land, thither it would go back to the ship again. Just so, brother etc."Mr. Rhys Davids comments that such a Simitic would scarcely be made use of, inordinary talk, unless the habit referred to were of some standing and matter of general knowledge."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_37

The decline of Babylon however was as sudden as her rise and dates from the reign of king Darius (579-484 B. C.). From the fifth century on, we no longer find the commercial tablets that were so numerous in earlier times. The Persian conquest not only destroyed Babylon but extended to Egypt. The canals build for riverine traffic decayed and the flow of the rivers was impeded by dams : as a result of this the Arabs

became the caviers of trade and Yemen interests the splendour of Babylon and Palmyrs The Chaldeans also in spite of the sweeping expeditions of Darius continued their trade by establishing their colonies at Gerrha and other places.

The conquests Darius brought under his rule a vast Eempire which bacame contiguous with that of the empire of Alexander. It was quite impossible for the two emperors full of earth hunger remain as goodly neighbours, friction was bound to arise and Alexander waiting for an opportunity set out on his career of conquest. In one sweep he destroyed the empire of Darius and extended his dominion over Egypt, Central Asia and the northern part of India.

The motives of Alexander's gigantic expedition are a matter of conjecture. Vindication for humiliation suffered at the hands of Darius has been put forth as one of them. Prof. Lassen, however radically enough, ventures to say that greed of gold was the object of Alexander's expedition and that it was whetted by the presence of Indian goods in Greece. The commercial intercourse with Greece as with Judea has left its impress upon the language of the two trading people."Thus the Greek name for rice *(oryza),* ginger *(zingiber),* and cinnamon *(karpion)* have a close correspondence with their Tamil equivalents, viz., *arisi,* inchiver,and karava respectively; and this identity of Greek with Tamil words clearly indicates that it was Greek merchants who conveyed these articles and their names to Europe from Tamil land. Again, the name *Yavan,* the name by which these Western merchants were known, which in old Sanskrit poetry is invariable used to denote the Greeks, is derived from the Greek word *Jaonis,* the name of the Greeks in their own language."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_38 Another word that may be added to this group of words having a common origin is the parrell words for ivory or elephant in Greek"*Elephas"*in Egyptian"*Ebu"*and"*Ebha"*in Sanskrit which in the opinion of Prof. Lassen indicate a common Sanskrit origin.

Whatever may have been the motives of Alexander, it is quite -certain that having known India intimately, he did conceive the idea of bringing the two countries in close commercial relation. Alexander found that this rich trade of India was monopolized by the Phoenicians of Zyre who supplied the rest of the world with Indian commodities. His envy of the Phoenicians was considerably heightened by his personal knowledge of the prosperity of India."The country he had hitherto visited, was so populous and well cultivated, or abounded in so many valuable productions of nature and of art, as that part of India through

which he had let his army. But when he was informed in every place, and probably with exaggerated description, how much the India was interior to the Ganges, and how far all that he had hitherto beheld was surpassed in the happy regions through which that great river flows, it is not wonderful that his eagerness to view and to take possession of them should have prompted him to assemble his soldiers, and to propose that they should resume their march towards that quarter where wealth, dominion, and fame awaited them."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_39 The northern part of India which Alexander subdued was given over by him to Porus, his ally and is said to have contained"no fewer than four thousand towns.""Even in the most restricted sense"comments Mr. Robertson"that can be given to the vague indefinite appellations of nations and towns, an idea is conveyed of a very great degree of population. As the fleet (of Alexander) sailed down the river (Indus), the country on each side was found to be in no respect inferior to that of which the government was committed to Porus."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_40

The memoirs or journals of his generals Ptolemy, Aristobulus, and Nearchus opened the knowledge of India to Greece and to Europe. Having conquered Egypt, Alexander thought of opening a direct trade between India and Greece. With this object in view he founded the city of Alexandria after his own name which became the greatest emporium of trade in ancient times and continued to be so in spite of many vissicitudes. He cherished many a dreams of permanently joining India to his empire and some of it, not all of them, would have been realized had he lived longer. Unfortunately he died soon after he established his empire which within a short time crumbled to pieces. The governors of the different provinces parcelled out among themselves the whole empire. Goaded by ambition, emulation and personal curiosity / animocity they fought among themselves for supremacy. It would be erroneous to suppose that the commercial relation between India and Greece ceased because of the fall of Alexander's empire : just the reverse, the relations became closer. Seleucus, the most enterprising and ambitious general of Alexander, after seizing for himself the Persian empire, sought to join to his dominions the provinces of India conquered by Alexander. Seleucus was alive to the commercial gains to be derived by such a conquest and determined to carry out his plans by means of his vast armies. But his adversary was more than a match for

him. Chandragupta (Sandracottus of the Greeks) was ruling India as a benevolent despot. Amidst all medievalism he was a modern man endowed with both brain and brawn. Seleucus realized the superior strength of his enemy and wisely concluded peace and to cultivate friendly relations between the two, he sent Magasthenes as an ambassador to the court of Chundragupta. Magasthenes was followed by Daimachus to continue the friendly relations. The Greeks maintained their intercourse with India through the(Graceo)-Bactrian kingdom for a long time though we have very scanty means to judge its magnitude and charter. The Chinese historians tell us"that about one hundred and twenty-six years before the Christain Era, a powerful horde of Tartars, pushed from their native seats on the confines of China, and obliged to move towards the west by the pressure of a more numerous body that rolled on behind them, passed the Taxartes, and pouring in upon Bactria, like an irresistible torrent, overwhelmed that kingdom, and put an end to the dominion of the Greeks there, after it had been established near one hundred and thirty years"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_41 Though the land communication was thus interrupted, Alexandria continued to be the emporium of sea trade between Greece and India. Ptolemy, the son of Lagus, during his governorship greatly encouraged the Indian Commerce. His son Ptolemy Philadel-phus, in order to carry the articles of India directly to Alexandria started constructing a canal joining the Red Sea and the Nile : the project however was too big and was abandoned. He however built a city on the west coast on the Red Sea and called it Berenice and it continued to be the staple town for Indian trade :

> "But while the monarchs of Egypt and Syria laboured with emulation and ardour to secure to their subjects all the advantages of the Indian trade, a power arose in the west which proved fatal to both. The Romans, by the vigour of their military institutions, and the wisdom of their political conduct, having rendered themselves masters of all Italy and Sicily, soon overturned the rival republic of Carthage; A. C. 55, subjected Macedonia and Greece, extended their dominion over Syria, and at last turned their victorious arms against Egypt, the only kingdom remaining of those established by the successor of Alexander the Great."

With the subjugation of Egypt the lucrative commerce from India flowed into Rome; but this was not the only way. There was another trade route for the Indian commodities into the west. It was a land

route and was intended by Solomon to concentrate the Indian trade in judea. It passed the town of Tadmore or Dalmyra situated midway between the Euphratis and the mediterranean. After the subjugation of Syria by Romans, Palmyra became independent and grew to be a populous and flourishing town. It became a distributing centre. But the Roman cupidity knew no bounds. At the slightest sign of ill-feeling on the part of Zenobia, the queen of Palmyra, the Romans took the city and ineluded it within their empire.

But the inclusion of Palmyra was not enough for the Romans to monopolize the Indian trade for, another power equally strong was rising into the east. The Parthians had dominated central Asia and had made the boundaries of their empire contiguous with that of the Romans. The struggle between Parthia and Rome extended from 55 to 20 B. C. but the struggle for supremacy remained indecisive."The warfare between 55 and 20 B. C. had left the two empires with a wholesome respect for each other: and Augustus left it as a principle of imperial policy that the west bank of the Euphrates was the proper limit for the Roman empire, beyond which the power of Rome could not with advantage be extended"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_42 The policy of the Roman Empire during the two centuries following the Christain era was"to encourage direct sea trade with India, cutting out all overland routes through Parthia and thus avoiding the annoyance of fiscal dependence on that consistent enemy of Rome"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_43 Under the Pax Romana, trade between India was greatly fostered and grew so much in importance, guides to the ports of the India and itenerary of land travels and caravans were begun to be written for the benefits of the merchants. It was during the middle of the first century A. D. that Hippolus, a Greek Egyptian, discovered the regularity of the Indian monsoon and thus facilitated the voyage of the traders. It was also about this time that a Greek merchant wrote"The Periplus of the Erythrean Sea"or guide to the Indian ocean. It is the most authentic document we have for the study of the Indian commercial activity. Another Greek adventurer, Isodore of Charax travelled round the Parthian kingdom and gave a full account of the Caravan trade along the land route. Before this it had to receive the oriental goods from the hands of the others. The Arabs concealed all information relating to India to perpetuate their monopoly and the Parthian tolls greatly augmented the"value of the Indian

commodities,"so that all this rich trade that flowed to Rome paid its tolls to the empire of Parthia and to the Arab kingdoms, unless Rome could develop and control a sea-borne trade to India"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_44 But this discovery of the monsoons by Hippolus, the columbus of modern times fulfilled much felt want of the Romans."Great shiftings of national power followed this entry of the Roman shipping into the Indian ocean. One by one Petia and Gerrha, Palmyra and Parthia itself, their revenues sapped by the diversion of accustomed trade, fell into Roman hands. The Homerite kingdom in South Arabia fell upon hard times, its capital into ruin, and some to its best men northward and as the Ghassanids bowed the neck to Rome, Abyssinia flourished in proportion as its old enemy declined. If this state of things had continued, the whole course of later events might have changed. Islam might never have appeared, and a greater Rome might have left its system of law and government from the Thames to the Ganges. But the logic of history was too strong. Gradually the treasure that fell to the Roman arms was expended in suppressing insurrections in the conquered provinces in civil wars at home, and in a constant drain of specie to the east in the settlement of adverse trade balances; a drain which was very real and menancing to a nation which made no notable advance in prodtiction or industry by means of which new wealth could be created."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_45

As regards the Roman trade with India we have a thesaurus of information though by no means unquestionable.

The first kind of evidence is the number of embassies sent to Rome from India and Ceylon.

The first embassy came from Ceylon and is recorded by Pliny. It is impossible to determine its exact date : but certain. circumstantial evidences would warrant us in placing somewhere between A. D. 41 and 54. It was sent to Claudis and reached him at a time when more serious events such as the intrigues of Agrippina and Messalina's violent death too much occupied the minds of the Roman historian to make an adequate mention of it. The embassy was sent by Chundra Muka Siwa King of Celyon who ruled from 44 to 52 A. D.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_46

Other embassies soon followed. The second came to Trojan in A. D. 107, third to Antonius Pius A. D. 138, fourth to Julian A. D. 361 and

the fifth to Justinian A. D. 530. The natives of Indian make no mention of these embassies. They are recorded by Roman historian and barely so, consequently it is very difficult to infer regarding the object of these embassies. They however serve to demonstrate that intercourse between India and Rome was constant and alive and that"during the reign of Servius, his son Commodus, and the pseudoantonines", when Alexandria and Palmyra were both occupied with commerce and were both prosperous. Roman intercourse with India was at its height. Then Roman literature gave more of its attention to Indian matters and did not, as of old, confine itself to quotation from the historians of Alexander or the narratives of the Seleucidian Ambassadors, but drew its information from other and independent sources.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_47

Other evidences mostly of a literary character strengthen the same conclusion. Dr. Hirth in his"China and the Roman Orient"quotes Sung-Shu, a Chinese historian 500 A. D. writing about the period 420-478 A. D. saying;"As regards Ta-ts'in (Syria) and I'ien Chu (India) far out on the western ocean, we have to say that, although the envoys of the two Han dynasties have experienced the special difficulties of this road. Yet traffic in merchandise has been effected, and the goods have been sent out to the foreign tribes, the force of winds, driving them far away across the waves of the sea. There are lofty ranges of mountains quite different from those we know and a great variety of populous tribes having different names and bearing uncommon designations, they being of a class quite different from our own. All the precious things of land and water come from them, as well as the gems"made of rhinoceros horns and chrysoprase, serpent pearls and asbestos cloth, there being innumerable varieties of these curiosities : and also the doctrine of the abstraction of mind in devotion to the Lord of the world (Buddha)— all this having caused navigation and trade to be extended to these parts."

Another Chinese historian Ma-Touanlin in his Researches into antiquity says"India (A. D. 500-16) carries on a considerable commerce by sea with Ta-Tsin, the Roman empire and the Ansi or ASE".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_48

A writer of considerable acumen makes bold to say after the destruction of Palmyra, direct trade between India and Rome never existed. The Romans, he says, established their trading station at Adule, the chief port of Ethiopia and"though under Constantine there was

much economic prosperity ,yet the Roman trading activity never extended beyond Adule".

Archaeological discoveries and historical references however point to quite the opposite conclusion. Mr. Vincent Smith remarks;"There is good reason to believe that considerable colonies of Roman subjects engaged in trade were settled in southern India during the first two centuries of our era, and that European soldiers, described as powerful Yavanas, and dumb Mlecchas (barbarians) clad in complete armour, acted as body-guards to Tamil kings, while the large ships of the Yavanas lay off Muziris (Cranganore) to receive the cargoes of pepper paid for by Roman gold"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_49 Not only were there Roman trading colonies but that"Roman soldiers were enlisted in the service of the Pandyas and Other Tamil kings"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_50. And"during the reign of the Pandya Aryappadai -Kadaretha - Nedunj - Cheliyan, Roman soldiers were employed to guard the jobs of the fort of Madura"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_51 Numismatic evidences also bear out the intimate commercial relations between India and Rome.

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This intimate commercial intercourse between Rome and India is very readily accounted for by the fact that"from the time of Mark Antony to the time of Justinian i. e. from B. C. 30 to A. D. 550, their political, importance as allies against the Parthians and Sassanians, and their commercial importance as controllers of one of the main trade routes between the east and the west, made the friendship of the Kusans or Sakas, who held the Indus Valley and Bactria, a matter of highest importance to Rome".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_52

With this short sketch of the trade relations of India with foreign countries we will now consider the articles of commerce and trade routes and the important ports of India.

The Periplus, Ptolemy's Geography and the Christian Topography are the chief sources that furnish with information on the articles of commerce and the ports of India.

The Periplus mentions the following as articles of export :

(1) Spikenard, (2) Cortus,(3)Bdellium, (4) Ivory, (5)Qugate, (6) Lycircm, (7) Cotton cloth of all kinds, (8) Silk cloth, (9) Mallow-cloth,

(10) Yarn, (II) Long pepper, (12) Diamonds, (13) Sapphiris, (14) Tortoise shell, (15) Transperent stones of all kinds, (16) Pearls, (17) Malabathrum (18) Incense, (19) Indigo.

Under imports it mentions: (1) Wine,(2) Copper,(3) Tin,(4) Lead, (5) Coral, (6) Thin clothing and Inferior sorts of all kinds, (7) Sweet clover, (8) Flint and crude glass, (9) Antimony, (10) Gold and Silver coins accruing from the favourable balance of trade.

The Periplus or the marine guide book to the Indian ocean mentions the following trading ports of India :

(1) Barygaza or the modem Baroach the principle trading centre of western India. It mentions two inland towns connected with Baroach, Paitlian and Tagara.

(2) Souppara—modern Supara near Bassein.

(3) Kalliean—the present Kalyan.

(4)Semulla—presumably modern Chembur.

(5) Mandagora.

(6) Palaipatami.

(7) Melizeigara.

(8) Tyndis.

(9) Muziris.

(10) Nelkynda.

"Ptolemy's Geography"describes the whole sea coast from the mouths of the Indus to those of the Ganges, and mentions many towns and ports of commercial importance. These are, among others, Syrastra (Surat), Monoglosson (Mangrol) in Guzerat, Ariake (Maharashtra), Soupara, Muziris, Bakarei, Maisoli (Masli-patnam), Kounagara (Konarak), and other places".

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm -_msocom_53

Certain of the Tamil poets have beautifully described some of the commercial ports and towns in southern India. One of them says,"The thriving town of Muchiri, where the beautiful large ships of the Yavans, bringing gold, come splashing the white foam on the waters of the Periplus which belongs to the Cherala, and return laden with pepper.""Fish is bartered for paddy, which is brought in baskets to the houses,"says another."Sacks of pepper are brought from the houses to the market: the gold received from ships, in exchange for articles sold, is brought to shore in barges at Muchiri, where the music of the Surging sea never ceases, and where Kudduvan (the Chera king) presents to

visitors the rare products of the seas and mountains."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_54 The description given of Kaviripaddinam (the Kamara of the Periplus and Khaberis of Ptolemy) or Pukar are equally important and inspiring. It was built on the northern bank of the Kaveri river; then a broad and deep stream in which heavily laden ships entered from the sea without slacking sail. The town was divided into two parts, one of which, Maruvar-Pakkarn, adjoined the sea coast. Near the beach in Maruvar-Pakkarn were raised platforms and godowns and warehouses where the foods landed from ships were stored. Here the goods were stamped with the Tiger stamps (the emblem of the Chola kings) after payment of customs duty, and passed on to merchants ' warehouses. Close by were the settlements of the Yavana (foreign) merchants, where many articles were always exposed for sale. Here were also the headquarters of the foreign traders who had come from beyond the seas and who spoke various tongues. Vendors of fragrant pastes and powders, of flowers and incense, tailors who worked on silk, wool, or cotton, traders in sandal, aghil, coral, pearl, gold, and precious stones, grain merchants, washermen, dealers in fish baits, butchers, blacksmiths, braziers, carpenters, coppersmiths, painters, sculptors, goldsmiths cobblers, and toy-makers all had their habitation in Maravar-Pakkam."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_55

The trade routes from India to the west may be conveniently divided under two heads. (1) The land routes and (2) The marine route.

It is truly said that individual migration is a habit of civilized man. Ancient folks, because of their strong gregarious instinct or because of the want of security, always moved in bands. This habit of theirs is well depicted in their methods of trade. Compelled to be peddlars, fear of competition was never too strong to break the tradings. Caravan which moved from place to place with their loaded animals under conditions so Unfavourable that easygoing modem man with all the keen business instinct in him will rather quit worshipping the mamon rather than undergo the difficulties ill-compensated by gain. Speaking of the Caravan Mr.Harbursays,"The very course of the Caravan was not a matter of free choice, but of established custom. In the vast steppes'of sandy deserts, which they had to traverse, nature had sparing allotted to the traveller a few scattered places of rest, where, under the shade of palm trees, and beside the cool fountains at their feet, the merchant and the beast of burden might enjoy the refreshment rendered necessary by

so much suffering. Such places of repose became centreparts of commerce, and not infrequently the sites of temples and sancturies, under the protection of which the marchants prosecuted his trade, and to which the pilgrim resorted.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/46. Ancient Indian Commerce.htm - _msocom_56Being subject to these conditions the Caravan route was never a straight one, it was always zigzag and when we look at maps of ancient trade we are struck with a network of small roads meeting and crossing each other at various points. However we may decipher two main trade routes from India to the mediterranean. The northern most followed the river Oxus and encircling the northern basin of the Caspian sea converged on the Black sea and thence to Constantinople. The middle one rather followed a straight path, with many bifurcations which meet at market. It starts on alorig the southern basin of the Caspian Sea through, Tebriz, Erzewm Trebizond and through the Black Sea to Constantinople. These were the two main land trade routes between the India and the west.

There were also two marine routes though one of them was only halfway marine. Of these one was the Red Sea route. Ships from Indian ports crossed the Indian ocean either to southern Africa or sailed upwards, and touched at the ports of southern Arabia and Aden and through the *St. of Babel-mandeb* (the gate of Tears) ploughed the waters of the Re'3 Sea, touching at Jedda on the Arabian coast and Bernice on the Egyption coast. From Bernice goods were taken by Caravan to Thebes and Kos where they were gained through the Nile to Alexandria and from thence to Europe. The other marine route lay through the Persian gulf. Ships sailed from Baroach and kept bugging close to the land and touched at Masket and at Ormuz through the gulf of Oman to Bassora. From Bassora at the mouth of the Persian gulf, the goods were taken by the Caravan along the shores of the Euphrates and Tygris through Babylonia to Antioch on the mediterranean.

These two marine trade routes continued upto the present tittle but the story of the land trade routes is entirely different. They were closed and were closed for ever and the history of their foreclosure is perhaps the only event in the Asiatic continent that profoundly affected the history of Europe.

ANNIHILATION OF CASTE

WITH

A REPLY TO MAHATMA GANDHI

"Know Truth as Truth and Untruth as Untruth"
—BUDDHA

"He that WILL NOT reason is a bigot He that CANNOT reason is a fool He that DARE NOT reason is a slave" H. DRUMMOND
Printed from the third edition of 1944

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ANNIHILATION OF CASTE
PREFACE TO THE SECOND EDITION

The speech prepared by me for the Jat-Pat-Todak Mandal of Lahore has had an astonishingly warm reception from the Hindu public for whom it was primarily intended. The English edition of one thousand five hundred was exhausted within two months of its publication. It is translated into Gujarati and Tamil. It is being translated in Marathi, Hindi, Punjabi and Malayalam. The demand for the English text still continues unabated. To satisfy this demand it has become necessary to issue a Second Edition. Considerations of history and effectiveness of appeal have led me to retain the original form of the essay—namely the speech form—-although I was asked to recast it in the form of a direct narrative. To this edition I have added two appendices. I have collected in Appendix I the two articles

written by Mr. Gandhi by way of review of my speech in the *Harijan,* and his letter to Mr. Sant Ram, a member of the Jat-Pat-Todak Mandal. In Appendix II, I have printed my views in reply to the articles of Mr. Gandhi collected in Appendix 1. Besides Mr. Gandhi many others have adversely criticised my views as expressed in my speech. But I have felt that in taking notice of such adverse comments I should limit myself to Mr. Gandhi. This I have done not because what he has said is so weighty as to deserve a reply but because to many a Hindu he is an oracle, so great that when he opens his lips it is expected that the argument must close and no dog must bark. But the world owes much to rebels who would dare to argue in the face of the pontiff and insist that he is not infallible. I do not care for the credit which every progressive society must give to its rebels. I shall be satisfied if I make the Hindus realize that they are the sick men of India and that their sickness is causing danger to the health and happiness of other Indians.

B. R. AMBEDKAR

PREFACE TO THE THIRD EDITION

The Second edition of this Essay appeared in 1937, and was exhausted within a very short period. A new edition has been in demand for a long time. It was my intention to recast the essay so as to incorporate into it another essay of mine called"*Castes in India, their Origin and their Mechanism*", which appeared in the issue of the Indian Antiquary Journal for May 1917. But as I could not find time, and as there is very little prospect of my being able to do so and as the demand for it from the public is very insistent, I am content to let this be a mere reprint of the Second edition.

I am glad to find that this essay has become so popular, and I hope that it will serve the purpose for which it was intended.

22, Prithwiraj Road

New Delhi 1st December 1944 **B. R. AMBEDKAR**

PROLOGUE

On December 12, 1935, I received the following letter from Mr. Sant Ram, the Secretary of the Jat-Pat-Todak Mandal :

My dear Doctor Saheb,

Many thanks for your kind letter of the 5th December. I have released it for press without your permission for which I beg your pardon, as I saw no harm in giving it publicity. You are a great thinker, and it is my well-considered opinion that none else has studied the problem of Caste so deeply as you have. I have always benefited myself and our Mandal from

your ideas. I have explained and preached it in the *Kranti* many times and I have even lectured on it in many Conferences. I am now very anxious to read the exposition of your new formula—"It is not possible to break Caste without annihilating the religious notions on which it, the Caste system, is founded."Please do explain it at length at your earliest convenience, so that we may take up the idea and emphasise it from press and platform. At present, it is not fully clear to me.

* * * * *

Our Executive Committee persists in having you as our President for our Annual Conference. We can change our dates to accommodate your convenience. Independent Harijans of Punjab are very much desirous to meet you and discuss with you their plans. So if you kindly accept our request and come to Lahore to preside over the Conference it will serve double purpose. We will invite Harijan leaders of all shades of opinion and you will get an opportunity of giving your ideas to them.

The Mandal has deputed our Assistant Secretary, Mr. Indra Singh, to meet you at Bombay in Xmas and discuss with you the whole situation with a view to persuade you to please accept our request.

* * * * *

The Jat-Pat-Todak Mandal, I was given to understand, to be an organization of Caste Hindu Social Reformers, with the one and only aim, namely to eradicate the Caste System from amongst the Hindus. As a rule, I do not like to take any part in a movement which is carried on by the Caste Hindus. Their attitude towards social reform is so different from mine that I have found it difficult to pull on with them. Indeed, I find their company quite uncongenial to me on account of our differences of opinion. Therefore when the Mandal first approached me I declined their invitation to preside. The Mandal, however, would not take a refusal from me and sent down one of its members to Bombay to press me to accept the invitation. In the end I agreed to preside. The Annual Conference was to be held at Lahore, the headquarters of the Mandal. The Conference was to meet in Easter but was subsequently postponed to the middle of May 1936. The Reception Committee of the Mandal has now cancelled the Conference. The notice of cancellation came long after my Presidential address had been printed. The copies of this address are now lying with me. As I did not get an opportunity to deliver the address from the presidential chair the public has not had an opportunity to know my views on the problems created by the Caste System. To let the public know them and also to dispose of the printed copies which are lying on my hand, I have decided to put the printed copies of the address in the market. The

accompanying pages contain the text of that address.

The public will be curious to know what led to the cancellation of my appointment as the President of the Conference. At the start, a dispute arose over the printing of the address. I desired that the address should be printed in Bombay. The Mandal wished that it should be printed in Lahore on the ground of economy. I did not agree and insisted upon having it printed in Bombay. Instead of agreeing to my proposition I received a letter signed by several members of the Mandal from which I give the following extract :

27-3-36

Revered Dr. Ji,

Your letter of the 24th instant addressee to Sjt. Sant Ram has been shown to us. We were a little disappointed to read it. Perhaps you are not fully aware of the situation that has arisen here. Almost all the Hindus in the Punjab are against your being invited to this province. The Jat-Pat-Todak Mandal has been subjected to the bitterest criticism and has received censorious rebuke from all quarters. All the Hindu leaders among whom being Bhai Parmanand, M-L.A. (Ex-President, Hindu Maha Sabha), Mahatma Hans Raj, Dr. Gokal Chand Narang, Minister for Local Self-Government, Raja Narendra Nath, M.L.C. etc., have dissociated themselves from this step of the Mandal.

Despite all this the runners of the Jat-Pat-Todak Mandal (the leading figure being Sjt. Sant Ram) are determined to wade through thick and thin but would not give up the idea of your presidentship. The Mandal has earned a bad name.

* * * * *

Under the circumstances it becomes your duty to co-operate with the Mandal. On the one hand, they are being put to so much trouble and hardship by the Hindus and if on the other hand you too augment their difficulties it will be a most sad coincidence of bad luck for them.

We hope you will think over the matter and do what is good for us all.

* * * * *

This letter puzzled me greatly. I could not understand why the Mandal should displease me for the sake of a few rupees in the matter of printing the address. Secondly, I could not believe that men like Sir Gokal Chand Narang had really resigned as a protest

against my selection as President because I had received the following letter from Sir Gokal Chand himself :

5 Montgomery Road

Lahore,
7-2-36

Dear Doctor Ambedkar,

I am glad to learn from the workers of the Jat-Pat-Todak Mandal that you have agreed to preside at their next anniversary to be held at Lahore during the Easter holidays, it will give me much pleasure if you stay with me while you are at Lahore. More when we meet.

Yours sincerely,
G. C. NARANG

Whatever be the truth I did not yield to this pressure. But even when the Mandal found that I was insisting upon having my address printed in Bombay instead of agreeing to my proposal the Mandal sent me a wire that they were sending Mr. Har Bhagwan to Bombay to"talk over matters personally"Mr. Har Bhagwan came to Bombay on the 9th of April. When I met Mr. Har Bhagwan I found that he had nothing to say regarding the issue. Indeed he was so unconcerned regarding the printing of the address, whether it should be printed in Bombay or in Lahore, that he did not even mention it in the course of our conversation. All that he was anxious for was to know the contents of the address. I was then convinced that in getting the address printed in Lahore the main object of the Mandal was not to save money but to get at the contents of the address. I gave him a copy. He did not feel very happy with some parts of it. He returned to Lahore. From Lahore, he wrote to me
the following letter :

Lahore,
dated April 14, 1936

My dear Doctor Sahib,

Since my arrival from Bombay, on the 12th, I have been indisposed owing to my having not slept continuously for 5 or 6 nights, which were spent in the train. Reaching here I came to know that you had come to Amritsar. I would have seen you there if I were well enough to go about. I have made over your address to Mr. Sant Ram for translation and he has liked it very much, but he is not sure whether it could be translated by him for printing before the 25th. In any case, it woud have a wide publicity and

we are sure it would wake the Hindus up from their slumber.

The passage I pointed out to you at Bombay has been read by some of our friends with a little misgiving, and those of us who would like to see the Conference terminate without any untoward incident would prefer that at least the word"Veda"be left out for the time being. I leave this to your good sense. I hope, however, in your concluding paragraphs you will make it clear that the views expressed in the address are your own and that the responsibility does not lie on the Mandal. I hope, you will not mind this statement of mine and would let us have 1,000 copies of the address, for which we shall, of course, pay. To this effect I have sent you a telegram today. A cheque of Rs. 100 is enclosed herewith which kindly acknowledge, and send us your bills in due time.

I have called a meeting of the Reception Committee and shall communicate their decision to you immediately. In the meantime kindly accept my heartfelt thanks for the kindness shown to me and the great pains taken by you in the preparation of your address. You have really put us under a heavy debt of gratitude.

Yours sincerely,
HAR BHAGWAN

P.S.—Kindly send the copies of the address by passenger train as soon as it is printed, so that copies may be sent to the Press for publication.

Accordingly I handed over my manuscript to the printer with an order to print 1,000 copies. Eight days later, I received another letter from Mr. Har Bhagwan which I reproduce below :

Lahore,
22-4-36

Dear Dr. Ambedkar,

We are in receipt of your telegram and letter, for which kindly accept our thanks. In accordance with your desire, we have again postponed our Conference, but feel that it would have been much better to have it on the 25th and 26th, as the weather is growing warmer and warmer every day in the Punjab. In the middle of May it would be fairly hot, and the sittings in the day time would not be very pleasant and comfortable. However, we shall try our best to do all we can to make things as comfortable as possible, if it is held in the middle of May.

There is, however, one thing that we have been compelled to bring to your kind attention. You will remember that when I pointed out to you the misgivings entertained by some of our people regarding your declaration

on the subject of change of religion, you told me that it was undoubtedly outside the scope of the Mandal and that you had no intention to say anything from our platform in that connection. At the same time when the manuscript of your address was handed to me you assured me that that was the main portion of your address and that there were only two or three concluding paragraphs that you wanted to add. On receipt of the second instalment of your address we have been taken by surprise, as that would make it so lengthy, that we are afraid, very few people would read the whole of it. Besides that you have more than once stated in your address that you had decided to walk out of the fold of the Hindus and that that was your last address as a Hindu. You have also unnecessarily attacked the morality and reasonableness of the *Vedas* and other religious books of the Hindus, and have at length dwelt upon the technical side of Hindu religion, which has absolutely no connection with the problem at issue, so much so that some of the passages have become irrelevant and off the point. We would have been very pleased if you had confined your address to that portion given to me, or if an addition was necessary, it would have been limited to what you had written on Brahminism etc. The last portion which deals with the complete annihilation of Hindu religion and doubts the morality of the sacred books of the Hindus as well as a hint about your intention to leave the Hindu fold does not seem to me to be relevant.

I would therefore most humbly request you on behalf of the people responsible for the Conference to leave out the passages referred to above, and close the address with what was given to me or add a few paragraphs on Brahminism. We doubt the wisdom of making the address unnecessarily provocative and pinching. There are several of us who subscribe to your feelings and would very much want to be under your banner for remodelling of the Hindu religion. If you had decided to get together persons of your cult I can assure you a large number would have joined your army of reformers from the Punjab.

In fact, we thought you would give us a lead in the destruction of the evil of caste system, especially when you have studied the subject so thoroughly, and strengthen our hands by bringing about a revolution and making yourself as a nucleus in the gigantic effort, but declaration of the nature made by you when repeated loses its power, and becomes a hackneyed term. Under the circumstances, I would request you to consider the whole matter and make your address more effective by saying that you would be glad to take a leading part in the destruction of the caste system if the Hindus are willing to work in right earnest toward that end, even if they had to forsake their kith and kin and the religious notions. In case you do

so, I am sanguine that you would find a ready response from the Punjab in such an endeavour.

I shall be grateful if you will help us at this juncture as we have already undergone much expenditure and have been put to suspense, and let us know by the return of post that you have condescended to limit your address as above. In case, you still insist upon the printing of the address *in toto,* we very much regret it would not be possible—rather advisable for us to hold the Conference, and would prefer to postpone it *sine die,* although by doing so we shall be losing the goodwill of the people because of the repeated postponements. We should, however, like to point out that you have carved a niche in our hearts by writing such a wonderful treatise on the caste system, which excels all other treatises so far written and will prove to be a valuable heritage, so to say. We shall be ever indebted to you for the pains taken by you in its preparation.

Thanking you very much for your kindness and with best wishes.

I am,
Yours sincerely,
HAR BHAGWAN

To this letter I sent the following reply :

27th April 1936

Dear Mr. Har Bhagwan,

I am in receipt of your letter of the 22nd April. I note with regret that the Reception Commitiee of the Jat-Pat-Todak Mandal"would prefer to postpone the Conference *sine die"*if I insisted upon printing the address *in toto.* In reply I have to inform you that I also would prefer to have the Conference cancelled—1 do not like to use vague terms—if the Mandal insisted upon having my address pruned to suit its circumstances. You may not like my decision. But I cannot give up, for the sake of the honour of presiding over the Conference, the liberty which every President must have in the preparation of the address. I cannot give up for the sake of pleasing the Mandal the duty which every President owes to the Conference over which he presides to give it a lead which he thinks right and proper. The issue is one of principle and I feel I must do nothing to compromise it in any way.

I would not have entered into any controversy as regards the propriety of the decision taken by the Reception Committee. But as you have given certain reasons which appear to throw the blame on me. I am bound to answer them. In the first place, I must dispel the notion that the views contained in that part of the address to which objection has been taken by

the Committee have come to the Mandal as a surprise. Mr. Sant Ram, I am sure, will bear me out when I say that in reply to one of his letters I had said that the real method of breaking up the Caste System was not to bring about inter-caste dinners and inter-caste marriages but to destroy the religious notions on which Caste was founded and that Mr. Sant Ram in return asked me to explain what he said was a novel point of view. It was in response to this invitation from Mr. Sant Ram that I thought I ought to elaborate in my address what I had stated in a sentence in my letter to him. You cannot, therefore, say that the views expressed are new. At any rate, they are not new to Mr. Sant Ram who is the moving spirit and the leading light of your Mandal. But I go further and say that I wrote this part of my address not merely because I felt it desirable to do so. I wrote it because I thought that it was absolutely necessary to complete the argument. I am amazed to read that you characterize the portion of the speech to which your Committee objects as"irrelevant and off the point". You will allow me to say that I am a lawyer and I know the rules of relevancy as well as any member of your Committee. I most emphatically maintain that the portion objected to is not only most relevant but is also important. It is in that part of the address that I have discussed the ways and means of breaking up the Caste System. It may be that the conclusion I have arrived at as to the best method of destroying Caste is startling and painful. You are entitled to say that my analysis is wrong. But you cannot say that in an address which deals with the problem of Caste it is not open to me to discuss how Caste can be destroyed.

Your other complaint relates to the length of the address. I have pleaded guilty to the charge in the address itself. But, who is really responsible for this? I fear you have come rather late on the scene. Otherwise you would have known that originally I had planned to write a short address for my own convenience as I had neither the time nor the energy to engage myself in the preparation of an elaborate thesis. It was the Mandal who asked me to deal with the subject exhaustively and it was the Mandal which sent down to me a list of questions relating to the Caste System and asked me to answer them in the body of my address as they were questions which were often raised in the controversy between the Mandal and its opponents and which the Mandal found difficult to answer satisfactorily. It was in trying to meet the wishes of the Mandal in this respect that the address has grown to the length to which it has. In view of what I have said I am sure you will agree that the fault respecting length of the address is not mine.

I did not expect that your Mandal would be so upset because I have spoken of the destruction of Hindu Religion. I thought it was only fools

who were afraid of words. But lest there should be any misapprehension in the minds of the people I have taken great pains to explain what I mean by religion and destruction of religion. I am sure that nobody on reading my address could possibly misunderstand me. That your Mandal should have taken a fright at mere words as"destruction of religion etc."notwithstanding the explanation that accompanies .them does not raise the Mandal in my estimation. One cannot have any respect or regard for men who take the position of the Reformer and then refuse even to see the logical consequences of that position, let alone following them out in action.

You will agree that I have never accepted to be limited in any way in the preparation of my address and the question as to what the address should or should not contain was never even discussed between myself and the Mandal. I had always taken for granted that I was free to express in the address such views as I held on the subject Indeed until, you came to Bombay on the 9th April the Mandal did not know what sort of an address I was preparing. It was when you came to Bombay that I voluntarily told you that I had no desire to use your platform from which to advocate my views regarding change of religion by the Depressed Classes. I think I have scrupulously kept that promise in the preparation of the address. Beyond a passing reference of an indirect character where I say that"I am sorry I will not be here. . . etc."I have said nothing about the subject in my address. When I see you object even to such a passing and so indirect a reference, I feel bound to ask ; did you think that in agreeing to preside over your Conference I would be agreeing to suspend or to give up my views regarding change of faith by the Depressed Classes? If you did think so I must tell you that I am in no way responsible for such a mistake on your part. If any of you had even hinted to me that in exchange for the honour you were doing me by electing as President, I was to abjure my faith in my programme of conversion, I would have told you in quite plain terms that I cared more for my faith than for any honour from you.

After your letter of the 14th, this letter of yours comes as a surprize to me. I am sure that any one who reads them will feel the same. I cannot account for this sudden *volte face* on the part of the Reception Committee. There is no difference in substance between the rough draft which was before the Committee when you wrote your letter of the 14th and the final draft on which the decision of the Committee communicated to me in your letter under reply was taken. You cannot point out a single new idea in the final draft which is not contained in the earlier draft. The ideas are the same. The only difference is that they have been worked out in greater

detail in the final draft. If there was anything to object to in the address you could have said so on the 14th. But you did not. On the contrary you asked me to print off 1,000 copies leaving me the liberty to accept or not the verbal changes which you suggested. Accordingly I got 1,000 copies printed which are now lying with me. Eight days later you write to say that you object to the address and that if it is not amended the Conference will be cancelled. You ought to have known that there was no hope of any alteration being made in the address. I told you when you were in Bombay that I would not alter a comma, that I would not allow any censorship over my address and that you would have to accept the address as it came from me. I also told you that the responsibility. for the views expressed in the address was entirely mine and if they were not liked by the Conference I would not mind at all if the Conference passed a resolution condemning them. So anxious was I to relieve your Mandal from having to assume responsibility for my views and also with the object of not getting myself entangled by too intimate an association with your Conference, I suggested to you that I desired to have my address treated as a sort of an inaugural address and not as a Presidential address and that the Mandal should find some one else to preside over the Conference, and deal with the resolutions. Nobody could have been better placed to take a decision on the 14th than your Committee. The Committee failed to do that and in the meantime cost of printing has been incurred which, I am sure, with a little more firmness on the part of your Committee could have been saved.

I feel sure that the views expressed in my address have little to do with the decision of your Committee. I have reasons to believe that my presence at the Sikh Prachar Conference held at Amritsar has had a good deal to do with the decision of the Committee. Nothing else can satisfactorily explain the sudden *volte face* shown by the Committee between the 14th and the 22nd April. I must not however prolong this controversy and must request you to announce immediately that the Session of the Conference which was to meet under my Presidentship is cancelled. All the grace has by now run out and I shall not consent to preside even if your Committee agreed to accept my address as it is- *in toto*. I thank you for your appreciation of the pains I have taken in the preparation of the address. I certainly have profited by the labour if no one else docs. My only regret is that I was put to such hard labour at a time when my health was not equal to the strain it has caused.

Yours sincerely,
B. R. AMBEDKAR

This correspondence will disclose the reasons which have led to the cancellation by the Mandal of my appointment as President and the reader will be in a position to lay the blame where it ought properly to belong. This is I believe the first time when the appointment of a President is cancelled by the Reception Committee because it does not approve of the views of the President. But whether that is so or not, this is certainly the first time in my life to have been invited to preside over a Conference of Caste Hindus. I am sorry that it has ended in a tragedy. But what can any one expect from a relationship so tragic as the relationship between the reforming sect of Caste Hindus and the self-respecting sect of Untouchables where the former have no desire to alienate their orthodox fellows and the latter have no alternative but to insist upon reform being carried out?

Rajgriha,
Dadar, Bombay 14 15th May 1936 B. R. AMBEDKAR

SPEECH PREPARED BY
Dr. B. R. AMBEDKAR
FOR
The 1936 Annual Conference of the Jat-Pat-Todak Mandal of Lahore
BUT NOT DELIVERED

Owing to the cancellation of the Conference by the Reception Committee on the ground that the views expressed in the Speech would be unbearable to the Conference

Friends,

I am really sorry for the members of the Jat-Pat-Todak Mandal who have so very kindly invited me to preside over this Conference. I am sure they will be asked many questions for having selected me as the President. The Mandal will be asked to explain as to why it has imported a man from Bombay to preside over a function which is held in Lahore. I believe the Mandal could easily have found some one better qualified than myself to preside on the occasion. I have criticised the Hindus. I have questioned the authority of the Mahatma whom they revere. They hate me. To them I am a snake in their garden. The Mandal will no doubt be asked by the politically-minded Hindus to explain why it has called me to fill this place of honour. It is an act of great daring. I shall not be surprised if some

political Hindus regard it as an insult. This selection of mine cannot certainly please the ordinary religiously-minded Hindus. The Mandal may be asked to explain why it has disobeyed the *Shastric* injunction in selecting the President. Accoding to the *Shastras* the Brahmin is appointed to be the Guru for the three *Varnas, varnanam bramhano garu*, is a direction of the *Shastras*. The Mandal therefore knows from whom a Hindu should take his lessons and from whom he should not. The *Shastras* do not permit a Hindu to accept any one as his Guru merely because he is well versed. This is made very clear by Ramdas, a Brahmin saint from Maharashtra, who is alleged to have inspired Shivaji to establish a Hindu Raj. In his *Dasbodh,* a socio-politico-religious treatise in Marathi verse *Ramdas* asks, addressing the Hindus, can we accept an Antyaja to be our Guru because he is a Pandit *(i.e. learned)* and gives an answer in the negative. What replies to give to these questions is a matter which I must leave to the Mandal. The Mandal knows best the reasons which led it to travel to Bombay to select a president, to fix upon a man so repugnant to the Hindus and to descend so low in the scale as to select an Antyaja— an untouchable—to address an audience of the *Savarnas*. As for myself you will allow me to say that I have accepted the invitation much against my will and also against the will of many of my fellow untouchables. I know that the Hindus are sick of me. I know that I am not a *persona grata* with them. Knowing all this I have deliberately kept myself away from them. I have no desire to inflict myself upon them. I have been giving expression to my views from my own platform. This has already caused a great deal of heartburning and irritation. I have no desire to ascend the platform of the Hindus to do within their sight what I have been doing within their hearing. If I am here it is because of your choice and not because of my wish. Yours is a cause of social reform. That cause has always made an appeal to me and it is because of this that I felt I ought not to refuse an opportunity of helping the cause especially when you think that I can help it. Whether what I am going to say today will help you in any way to solve the problem you are grappling with is for you to judge. All I hope to do is to place before you my views on the problem.

II

The path of social reform like the path to heaven at any rate in India, is strewn with many difficulties. Social reform in India has few friends and many critics. The critics fall into two distinct classes. One class consists of political reformers and the other of the socialists.

It was at one time recognized that without social efficiency no permanent progress in the other fields of activity was possible, that owing to mischief

wrought by the evil customs, Hindu Society was not in a state of efficiency and that ceaseless efforts must be made to eradicate these evils. It was due to the recognition of this fact that the birth of the National Congress was accompanied by the foundation of the Social Conference. While the Congress was concerned with defining the weak points in the political organisation of the country, the Social Conference was engaged in removing the weak points in the social organisation of the Hindu Society. For some time the Congress and the Conference worked as two wings of one common activity and they held their annual sessions in the same pandal. But soon the two wings developed into two parties, a Political Reform Party and a Social Reform Party, between whom there raged a fierce controversy. The Political Reform Party supported the National Congress and Social Reform Party supported the Social Conference. The two bodies thus became two hostile camps. The point at issue was whether social reform should precede political reform. For a decade the forces were evenly balanced and the battle was fought without victory to either side. It was however evident that the fortunes of the; Social Conference were ebbing fast. The gentlemen who presided over the sessions of the Social Conference lamented that the majority of the educated Hindus were for political advancement and indifferent to social reform and that while the number of those who attended the Congress was very large and the number who did not attend but who sympathized with it even larger, the number of those who attended the Social Conference was very much smaller. This indifference, this thinning of its ranks was soon followed by active hostility from the politicians. Under the leadership of the late Mr. Tilak, the courtesy with which the Congress allowed the Social Conference the use of its pandal was withdrawn and the spirit of enmity went to such a pitch that when the Social Conference desired to erect its own pandal a threat to burn the pandal was held out by its opponents. Thus in course of time the party in favour of political reform won and the Social Conference vanished and was forgotten. The speech, delivered by Mr. W. C. Bonnerji in 1892 at Allahabad as President of the eighth session of the Congress, sounds like a funeral oration at the death of the Social Conference and is so typical of the Congress attitude that I venture to quote from it the following extract. Mr. Bonnerji said :

> "I for one have no patience with those who saw we shall not be fit for political reform until we reform our social system. I fail to see any connection between the two. . .Are we not fit (for political reform) because our widows remain unmarried and our girls are given in marriage earlier than in other countries? because our wives and daughters do not

drive about with us visiting our friends? because we do not send our daughters to Oxford and Cambridge?"(Cheers)'

I have stated the case for political reform as put by Mr. Bonnerji. There were many who are happy that the victory went to the Congress. But those who believe in the importance of social reform may ask, is the argument such as that of Mr. Bonnerji final? Does it prove that the victory went to those who were in the right? Does it prove conclusively that social reform has no bearing on political reform? It will help us to understand the matter if I state the other side of the case. I will draw upon the treatment of the untouchables for my facts.

Under the rule of the Peshwas in the Maratha country the untouchable was not allowed to use the public streets if a Hindu was coming along lest he should pollute the Hindu by his shadow. The untouchable was required to have a black thread either on his wrist or in his neck as a sign or a mark to prevent the Hindus from getting themselves polluted by his touch through mistake. In Poona, the capital of the Peshwa, the untouchable was required to carry, strung from his waist, a broom to sweep away from behind the dust he treaded on lest a Hindu walking on the same should be polluted. In Poona, the untouchable was required to carry an earthen pot, hung in his neck wherever he went, for holding his spit lest his spit falling on earth should pollute a Hindu who might unknowingly happen to tread on it. Let me take more recent facts. The tyranny practised by the Hindus upon the Balais, an untouchable community in Central India, will serve my purpose. You will find a report of this in the *Times of India* of 4th January 1928."The correspondent of the *Times of India* reported that high caste Hindus, viz. Kalotas, Rajputs and Brahmins including the Patels and Patwaris of villages of Kanaria, Bicholi-Hafsi, Bicholi-Mardana and of about 15 other villages in the Indore djistrict (of the Indore State) informed the Balais of their respective villages that if they wished to live among them they must conform to the following rules :

(1) Balais must not wear gold-lace-bordered pugrees.
(2) They must not wear dhotis with coloured or fancy borders.
(3) They must convey intimation of the death of any Hindu to relatives of the deceased—no matter how far away these relatives may be living.
(4) In all Hindu marriages, Balais must play music before the processions and during the marriage.
(5) Balai women must not wear gold or silver ornaments; they must not wear fancy gowns or jackets.
(6) Balai women must attend all cases of confinement of Hindu women.

(7) Balais must render services without demanding remuneration and must accept whatever a Hindu is pleased to give.

(8) If the Balais do not agree to abide by these terms they must clear out of the villages. The Balais refused to comply; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let go their cattle to graze. Balais were prohibited from passing through land owned by a Hindu, so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also let their cattle graze down the fields of Balais. The Balais submitted petitions to the Darbar against these persecutions ; but as they could get no timely relief, and the oppression continued, hundreds of Balais with their wives and children were obliged to abandon their homes in which their ancestors lived for generations and to migrate to adjoining States, viz. to villages in Dhar, Dewas, Bagli, Bhopal, Gwalior and other States. What happened to them in their new homes may for the present be left out of our consideration. The incident at Kavitha in Gujarat happened only last year. The Hindus of Kavitha ordered the untouchables not to insist upon sending their children to the common village school maintained by Government. What sufferings the untouchables of Kavitha had to undergo for daring to exercise a civic right against the wishes of the Hindus is too well known to need detailed description. Another instance occurred in the village of Zanu in the Ahmedabad district of Gujarat. In November 1935 some untouchable women of well-to-do families started fetching water in metal pots. The Hindus looked upon the use of metal pots by untouchables as an affront to their dignity and assaulted the untouchable women for their impudence. A most recent event is reported from the village Chakwara in Jaipur State. It seems from the reports that have appeared in the newspapers that an untouchable of Chakwara who had returned from a pilgrimage had arranged to give a dinner to his fellow untouchables of the village as an act of religious piety. The host desired to treat the guests to a sumptuous meal and the items served included *ghee* (butter) also. But while the assembly of untouchables was engaged in partaking of the food, the Hindus in their hundred, armed with lathis, rushed to the scene, despoiled the food and belaboured the untouchables who left the food they were served with and ran away for their lives. And why was this murderous assault committed on defenceless untouchables? The reason given is that the untouchable host was impudent enough

> to serve ghee and his untouchable guests were foolish enough to taste it. Ghee is undoubtedly a luxury for the rich. But no one would think that consumption of ghee was a mark of high social status. The Hindus of Chakwara thought otherwise and in righteous indignation avenged themselves for the wrong done to them by the untouchables, who insulted them by treating ghee as an item of their food which they ought to have known could not be theirs, consistently with the dignity of the Hindus. This means that an untouchable must not use ghee even if he can afford to buy it, since it is an act of arrogance towards the Hindus. This happened on or about the 1st of April 1936 !

Having stated the facts, let me now state the case for social reform. In doing this, I will follow Mr. Bonnerji, as nearly as I can and ask the political-minded Hindus"Are you fit for political power even though you do not allow a large class of your own countrymen like the untouchables to use public school? Are you fit for political power even though you do not allow them the use of public wells? Are you fit for political power even though you do not allow them the use of public streets? Are you fit for political power even though you do not allow them to wear what apparel or ornaments they like? Are you fit for political power even though you do not allow them to eat any food they like?"I can ask a string of such questions. But these will suffice, I wonder what would have been the reply of Mr. Bonnerji. I am sure no sensible man will have the courage to give an affirmative answer. Every Congressman who repeats the dogma of Mill that one country is not fit to rule another country must admit that one class is not fit to rule another class.

How is it then that the Social Reform Party last the battle? To understand this correctly it is necessary, to take note of the kind of social reform which the reformers were agitating for. In this connection it is necessary to make a distinction between social reform in the sense of the reform of the Hindu Family and social reform in the sense of the reorganization and reconstruction of the Hindu Society. The former has relation to widow remarriage, child marriage etc., while the latter relates to the abolition of the Caste System. The Social Conference was a body which mainly concerned itself with the reform of the high caste Hindu Family. It consisted mostly of enlightened high caste Hindus who *did* not feel the necessity for agitating for the abolition of caste or had not the courage to agitate for it. They felt quite naturally a greater urge to remove such evils as enforced widowhood, child marriages etc., evils which prevailed among them and which were personally felt by them. They did not stand up for

the reform of the Hindu society. The battle that was fought centered round the question of the reform of the family. It did not relate to the social reform in the sense of the break-up of the caste system. It was never put in issue by the reformers. That is the reason why the Social Reform Party lost.

I am aware that this argument cannot alter the fact that political reform did in fact gain precedence over social reform. But the argument has this much value if not more. It explains why social reformers lost the battle. It also helps us to understand how limited was the victory which the Political Reform Party obtained over the Social Reform Party and that the view that social reform need not precede political reform is a view which may stand only when by social reform is meant the reform of the family. That political reform cannot with impunity take precedence over social reform in the sense of reconstruction of society is a thesis which, I am sure, cannot be controverted. That the makers of political constitutions must take account of social forces is a fact which is recognized by no less a person than Ferdinand Lassalle, the friend and co-worker of Karl Marx. In addressing a Prussian audience in 1862 Lassalle said :

"*The constitutional questions are in the first instance not questions of right but questions of might. The actual constitution of a country has its existence only in the actual condition of force which exists in the country : hence political constitutions have value and permanence only when they accurately express those conditions of forces which exist in practice within a society*"

But it is not necessary to go to Prussia. There is evidence at home. What is the significance of the Communal Award with its allocation of political power in defined proportions to diverse classes and communities? In my view, its significance lies in this that political constitution must take note of social organisation. It shows that the politicians who denied that the social problem in India had any bearing on the political problem were forced to reckon with the social problem in devising the constitution. The Communal Award is so to say the nemesis following upon the indifference and neglect of social reform. It is a victory for the Social Reform Party which shows that though defeated they were in the right in insisting upon the importance of social reform. Many, I know, will not accept this finding. The view is current, and it is pleasant to believe in it, that the Communal Award is unnatural and that it is the result of an unholy alliance between the minorities and the bureaucracy. I do not wish to rely on the Communal Award as a piece of evidence to support my contention if it is said that it is not good evidence. Let us turn to Ireland. What does the history of Irish Home Rule show? It is well-known that in the course of the negotiations

between the representatives of Ulster and Southern Ireland, Mr. Redmond, the representative of Southern Ireland, in order to bring Ulster in a Home Rule Constitution common to the whole of Ireland said to the representatives of Ulster :"Ask any political safeguards you like and you shall have them."What was the reply that Ulstermen gave? Their reply was"Damn your safeguards, we don't want to be ruled by you on any terms."People who blame the minorities in India ought to consider what would have happened to the political aspirations of the majority if the minorities had taken the attitude which Ulster took. Judged by the attitude of Ulster to Irish Home Rule, is it noting that the minorities agreed to be ruled by the majority which has not shown much sense of statesmanship, provided some safeguards were devised for them? But this is only incidental. The main question is why did Ulster take this attitude? The only answer I can give is that there was a social problem between Ulster and Southern Ireland the problem between Catholics and Protestants, essentially a problem of Caste. That Home Rule in Ireland would be Rome Rule was the way in which the Ulstermen had framed their answer. But that is only another way of stating that it was the social problem of Caste between the Catholics and Protestants, which prevented the solution of the political problem. This evidence again is sure to be challenged. It will be urged that here too the hand of the Imperialist was at work. But my resources are not exhausted. I will give evidence from the History of Rome. Here no one can say that any evil genius was at work. Any one who has studied the History of Rome will know that the Republican Constitution of Rome bore marks having strong resemblance to the Communal Award. When the kingship in Rome was abolished, the Kingly power or the *Imperium* was divided between the Consuls and the Pontifex Maximus. In the Consuls was vested the secular authority of the King, while the latter took over the religious authority of King. This Republican Constitution had provided that, of the two Consuls one was to be Patrician and the other Plebian. The same constitution had also provided that, of the Priests under the Pontifex Maximus, half were to be Plebians and the other half Patricians. Why is it that the Republican Constitution of Rome had these provisions which, as I said, resemble so strongly the provisions of the Communal Award? The only answer one can get is that the Constitution of Republican Rome had to take account of the social division between the Patricians and the Plebians, who formed two distinct castes. To sum up, let political reformers turn to any direction they like, they will find that in the making of a constitution, they cannot ignore the problem arising out of the prevailing social order.

The illustrations which I have taken in support of the proposition that social and religious problems have a bearing on political constitutions seem to be too particular. Perhaps they are. But it should not be supposed that the bearing of the one on the other is limited. On the other hand one can say that generally speaking History bears out the proposition that political revolutions have always been preceded by social and religious revolutions.

The religious Reformation started by Luther was the precursor of the political emancipation of the European people. In England Puritanism led to the establishment of political liberty. Puritanism founded the new world. It was Puritanism which won the war of American Independence and Puritanism was a religious movement. The same is true of the Muslim Empire. Before the Arabs became a political power they had undergone a thorough religious revolution started by the Prophet Mohammad. Even Indian History supports the same conclusion. The political revolution led by Chandragupta was preceded by the religious and social revolution of Buddha. The political revolution led by Shivaji was preceded by the religious and social reform brought about by the saints of Maharashtra. The political revolution of the Sikhs was preceded by the religious and social revolution led by Guru Nanak. It is unnecessary to add more illustrations. These will suffice to show that the emancipation of the mind and the soul is a necessary preliminary for the political expansion of the people.

Ill

Let me now turn to the Socialists. Can the Socialists ignore the problem arising out of the social order? The Socialists of India following their fellows in Europe are seeking to apply the economic interpretation of history to the facts of India. They propound that man is an economic creature, that his activities and aspirations are bound by economic facts, that property is the only source of power. They, therefore, preach that political and social reforms are but gigantic illusions and that economic reform by equalization of property must have precedence over every other kind of reform. One may join issue on every one of these premises on which rests the Socialists' case for economic reform having priority over every other kind of reform. One may contend that economic motive is not the only motive by which man is actuated. That economic power is the only kind of power no student of human society can accept. That the social status of an individual by itself often becomes a source of power and authority is made clear by the sway which the Mahatmos have held over the common man. Why do millionaires in India obey penniless Sadhus and

Fakirs? Why do millions of paupers in India sell their trifling trinkets which constitute their only wealth and go to Benares and Mecca? That, religion is the source of power is illustrated by the history of India where the priest holds a sway over the common man often greater than the magistrate and where everything, even such things as strikes and elections, so easily take a religious turn and can so easily be given a religious twist. Take the case of the Plebians of Rome as a further illustration of the power of religion over man. It throws great light on this point. The Plebs had fought for a share in the supreme executive under the Roman Republic and had secured the appointment of a Plebian Consul elected by a separate electorate constituted by the *Commitia Centuriata,* which was an assembly of Piebians. They wanted a Consul of their own because they felt that the Patrician Consuls used to discriminate against the Plebians in carrying on the administration. They had apparently obtained a great gain because under the Republican Constitution of Rome one Consul had the power of vetoing an act of the other Consul. But did they in fact gain anything? The answer to this question must be in the negative. The Plebians never could get a Plebian Consul who could be said to be a strong man and who could act independently of the Patrician Consul. In the ordinary course of things the Plebians should have got a strong Plebian Consul in view of the fact that his election was to be by a separate electorate of Plebians. The question is why did they fail in getting a strong Plebian to officiate as their Consul? The answer to this question reveals the dominion which religion exercises over the minds of men. It was an accepted creed of the whole Roman *populus* that no official could enter upon the duties of his office unless the Oracle of Delphi declared that he was acceptable to the Goddess. The priests who were in charge of the temple of the Goddess of Delphi were all Patricians. Whenever therefore the Plebians elected a Consul who was known to be a strong party man opposed to the Patricians or"communal"to use the term that is current in India, the Oracle invariably declared that he was not acceptable to the Goddess. This is how the Plebians were cheated out of their rights. But what is worthy of note is that the Plebians permitted themselves to be thus cheated because they too like the Patricians, held firmly the belief that the approval of the Goddess was a condition precedent to the taking charge by an official of his duties and that election by the people was not enough. If the Plebians had contended that election was enough and that the approval by the Goddess was not necessary they would have derived the fullest benefit from the political right which they had obtained. But they did not. They agreed to elect another, less suitable to themselves but more suitable to the Goddess

which in fact meant more amenable to the Patricians. Rather than give up religion, the Plebians give up material gain for which they had fought so hard. Does this not show that religion can be a source of power as great as money if not greater? The fallacy of the Socialists lies in supposing that because in the present stage of European Society property as a source of power is predominant, that the same is true of India or that the same was true of Europe in the past. Religion, social status and property are all sources of power and authority, which one man has, to control the liberty of another. One is predominant at one stage; the other is predominant at another stage. That is the only difference. If liberty is the ideal, if liberty means the destruction of the dominion which one man holds over another then obviously it cannot be insisted upon that economic reform must be the one kind of reform worthy of pursuit. If the source of power and dominion is at any given time or in any given society social and religious then social reform and religious reform must be accepted as the necessary sort of reform.

One can thus attack the doctrine of Economic Interpretation of History adopted by the Socialists of India. But I recognize that economic interpretation of history is not necessary for the validity of the Socialist contention that equalization of property is the only real reform and that it must precede everything else. However, what I like to ask the Socialists is this : Can you have economic reform without first bringing about a reform of the social order? The Socialists of India do not seem to have considered this question. I do not wish to do them an injustice. I give below a quotation from a letter which a prominent Socialist wrote a few days ago to a friend of mine in which he said,"I do not believe that we can build up a free society in India so long as there is a trace of this ill-treatment and suppression of one class by another. Believing as I do in a socialist ideal, inevitably I believe in perfect equality in the treatment of various classes and groups. I think that Socialism offers the only true remedy for this as well as other problems."Now the question that I like to ask is : Is it enough for a Socialist to say,"I believe in perfect equality in the treatment of the various classes?""To say that such a belief is enough is to disclose a complete lack of understanding of what is involved in Socialism. If Socialism is a practical programme and is not merely an ideal, distant and far off, the question for a Socialist is not whether he believes in equality. The question for him is whether he *minds* one class ill-treating and suppressing another class as a matter of system, as a matter of principle and thus allow tyranny and oppression to continue to divide one class from another. Let me analyse the factors that are involved in the realization of

Socialism in order to explain fully my point. Now it is obvious that the economic reform contemplated by the Socialists cannot come about unless there is a revolution resulting in the seizure of power. That seizure of power must be by a proletariat. The first question I ask is : Will the proletariat of India combine to bring about this revolution? What will move men to such an action? It seems to me that other things being equal the only thing that will move one man to take such an action is the feeling that other man with whom he is acting are actuated by feeling of equality and fraternity and above all of justice. Men will not join in a revolution for the equalization of property unless they know that after the revolution is achieved they will be treated equally and that there will be no discrimination of caste and creed. The assurance of a socialist leading the revolution that he does not believe in caste, I am sure, will not suffice. The assurance must be the assurance proceeding from much deeper foundation, namely, the mental attitude of the compatriots towards one another in their spirit of personal equality and fraternity. Can it be said that the proletariat of India, poor as it is, recognise no distinctions except that of the rich and the poor? Can it be said that the poor in India recognize no such distinctions of caste or creed, high or low? If the fact is that they do, what unity of front can be expected from such a proletariat in its action against the rich? How can there be a revolution if the proletariat cannot present a united front? Suppose for the sake of argument that by some freak of fortune a revolution does take place and the Socialists come in power, will they not have to deal with the problems created by the particular social order prevalent in India? I can't see how a Socialist State in India can function for a second without having to grapple with the problems created by the prejudices which make Indian people observe the distinctions of high and low, clean and unclean. If Socialists are not to be content with the mouthing of fine phrases, if the Socialists wish to make Socialism a definite reality then they must recognize that the problem of social reform is fundamental and that for them there is no escape from it. That, the social order prevalent in India is a matter which a Socialist must deal with, that unless he does so he cannot achieve his revolution and that if he does achieve it as a result of good fortune he will have to grapple with it if he wishes to realize his ideal, is a proposition which in my opinion is incontrovertible. He will be compelled to take account of caste after revolution if he does not take account of it before revolution. This is only another way of saying that, turn in any direction you like, caste is the monster that crosses your path. You cannot have political reform, you cannot have economic reform, unless you kill this monster.

IV

It is a pity that Caste even today has its defenders. The defences are many. It is defended on the ground that the Caste System is but another name for division of labour and if division of labour is a necessary feature of every civilized society then it is argued that there is nothing wrong in the Caste System. Now the first thing is to be urged against this view is that Caste System is not merely division of labour. I*t is also a division of labourers.* Civilized society undoubtedly needs division of labour. But in no civilized society is division of labour accompanied by this unnatural division of labourers into watertight compartments. Caste System is not merely a division of labourers which is quite different from division of labour—it is an hierarchy in which the divisions of labourers are graded one above the other. In no other country is the division of labour accompanied by this gradation of labourers. There is also a third point of criticism against this view of the Caste System. This division of labour is not spontaneous; it is not based on natural aptitudes. Social and individual efficiency requires us to develop the capacity of an individual to the point of competency to choose and to make his own career. This principle is violated in the Caste System in so far as it involves an attempt to appoint tasks to individuals in advance, selected not on the basis of trained original capacities, but on that of the social status of the parents. Looked at from another point of view this stratification of occupations which is the result of the Caste System is positively pernicious. Industry is never static. It undergoes rapid and abrupt changes. With such changes an individual must be free to change his occupation. Without such freedom to adjust himself to changing circumstances it would be impossible for him to gain his livelihood. Now the Caste System will not allow Hindus to take to occupations where they are wanted if they do not belong to them by heredity. If a Hindu is seen to starve rather than take to new occupations not assigned to his Caste, the reason is to be found in the Caste System. By not permitting readjustment of occupations, caste becomes a direct cause of much of the unemployment we see in the country. As a form of division of labour the Caste system suffers from another serious defect. The division of labour brought about by the Caste System is not a division based on choice. Individual sentiment, individual preference has no place in it. It is based on the dogma of predestination. Considerations of social efficiency would compel us to recognize that the greatest evil in the industrial system is not: so much poverty and the suffering that it involves as the fact that so many persons have callings which make no appeal to those who are engaged in them. Such callings constantly provoke one to aversion, ill will and the

desire to evade. There are many occupations in India which on account of the fact that they are regarded as degraded by the Hindus provoke those who are engaged in them to aversion. There is a constant desire to evade and escape from such occupations which arises solely because of the blighting effect which they produce upon those who follow them owing to the slight and stigma cast upon them by the Hindu religion. What efficiency can there be in a system under which neither men's hearts nor their minds are in their work? As an economic organization Caste is therefore a harmful institution, inasmuch as, it involves the subordination of man's natural powers and inclinations to the exigencies of social rules

V

Some have dug a biological trench in defence of the Caste System. It is said that the object of Caste was to preserve purity of race and purity of blood. Now ethnologists are of opinion that men of pure race exist nowhere and that there has been a mixture of all races in all parts of the world. Especially is this the case with the people of India. Mr. D. R. Bhandarkar in his paper on *Foreign Elements in the Hindu Population* has stated that"There is hardly a class, or Caste in India which has not a foreign strain in it. There is an admixture of alien blood not only among the warrior classes—the Rajputs and the Marathas—but also among the Brahmins who are under the happy delusion that they are free from all foreign elements."The Caste system cannot be said to have grown as a means of preventing the admixture of races or as a means of maintaining purity of blood. As a matter of fact Caste system came into being long after the different races of India had commingled in blood and culture. To hold that distinctions of Castes or really distinctions of race and to treat different Castes as though they were so many different races is a gross perversion of facts. What racial affinity is there between the Brahmin of the Punjab and the Brahmin of Madras? What racial affinity is there between the untouchable of Bengal and the untouchable of Madras? What racial difference is there between the Brahmin of the Punjab and the Chamar of the Punjab? What racial difference is there between the Brahmin of Madras and the Pariah of Madras? The Brahmin of the Punjab is racially of the same stock as the Chamar of the Punjab and the Brahmin of Madras is of the same race as the Pariah of Madras. Caste system does not demarcate racial division. Caste system is a social division of people of the same race. Assuming it, however, to be a case of racial divisions one may ask : What harm could there be if a mixture of races and of blood was permitted to take place in India by intermarriages between different Castes? Men are no doubt divided from animals by so deep a distinction that science recognizes

men and animals as two distinct species. But even scientists who believe in purity of races do not assert that the different races constitute different species of men. They are only varieties of one and the same species. As such they can interbreed and produce an offspring which is capable of breeding and which is not sterile. An immense lot of nonsense is talked about heredity and eugenics in defence of the Caste System. Few would object to the Caste System if it was in accord with the basic principle of eugenics because few can object to the improvement of the race by judicious noting. But one fails to understand how the Caste System secures judicious mating. Caste System is a negative thing. It merely prohibits persons belonging to different Castes from intermarrying. It is not a positive method of selecting which two among a given Caste should marry. If Caste is eugenic in origin then the origin of sub-Castes must also be eugenic. But can any one seriously maintain that the origin of sub-Castes is eugenic? I think it would be absurd to contend for such a proposition and for a very obvious reason. If Caste means race then differences of sub-Castes cannot mean differences of race because sub-Castes become *ex hypothesia* sub-divisions of one and the same race. Consequently the bar against intermarrying and interdining between sub-Castes cannot be for the purpose of maintaining purity of race or of blood. If sub-Castes cannot be eugenic in origin there cannot be any substance in the contention that Caste is eugenic in origin. Again if Caste is eugenic in origin one can understand the bar against intermarriage. But what is the purpose of the interdict placed on interdining between Castes and sub-Castes alike? Interdining cannot infect blood and therefore cannot be the cause either of the improvement or of deterioration of the race. This shows that Caste has no scientific origin and that those who are attempting to give it an eugenic basis are trying to support by science what is grossly unscientific. Even today eugenics cannot become a practical possibility unless we have definite knowledge regarding the laws of heredity. Prof. Bateson in his *Mendel's Principles of Heredity* says,"There is nothing in the descent of the higher mental qualities to suggest that they follow any single system of transmission. It is likely that both they and the more marked developments of physical powers result rather from the coincidence of numerous factors than from the possession of any one genetic element."To argue that the Caste System was eugenic in its conception is to attribute to the forefathers of present-day Hindus a knowledge of heredity which even the modern scientists do not possess. A tree should be judged by the fruits it yields. If caste is eugenic what sort of a race of men it should have produced? Physically speaking the Hindus are a C3 people. They are a race of Pygmies

and dwarfs stunted in stature and wanting in stamina. It is a nation 9/1Oths of which is declared to be unfit for military service. This shows that the Caste System does not embody the eugenics of modem scientists. It is a social system which embodies the arrogance and selfishness of a perverse section of the Hindus who were superior enough in social status to set it in fashion and who had authority to force it on their inferiors.

VI

Caste does not result in economic efficiency. Caste cannot and has not improved the race. Caste has however done one thing. It has completely disorganized and demoralized the Hindus.

The first and foremost thing that must be recognized is that Hindu Society is a myth. The name Hindu is itself a foreign name. It was given by the Mohammedans to the natives for the purpose of distinguishing themselves. It does not occur in any Sanskrit work prior to the Mohammedan invasion. They did not feel the necessity of a common name because they had no conception of their having constituted a community. Hindu society as such does not exist. It is only a collection of castes. Each caste is conscious of its existence. Its survival is the be all and end all of its existence. Castes do not even form a federation. A caste has no feeling that it is affiliated to other castes except when there is a Hindu-Muslim riot. On all other occasions each caste endeavours to segregate itself and to distinguish itself from other castes. Each caste not only dines among itself and marries among itself but each caste prescribes its own distinctive dress. What other explanation can there be of the innumerable styles of dress worn by the men and women of India which so amuse the tourists? Indeed the ideal Hindu must be like a rat living in his own hole refusing to have any contact with others. There is an utter lack among the Hindus of what the sociologists call"consciousness of kind". There is no Hindu consciousness of kind. In every Hindu the consciousness that exists is the consciousness of his caste. That is the reason why the Hindus cannot be said to form a society or a nation. There are however many Indians whose patriotism does not permit them to admit that Indians are not a nation, that they are only an amorphous mass of people. They have insisted that underlying the apparent diversity there is a fundamental unity which marks the life of the Hindus in as much as there is a similarity of habits and customs, beliefs and thoughts which obtain all over the continent of India. Similarity in habits and customs, beliefs and thoughts there is. But one cannot accept the conclusion that therefore, the Hindus constitute a society. To do so is to misunderstand the essentials which go to make up a society. Men do not become a society by living in physical proximity any

more than a man ceases to be a member of his society by living so many miles away from other men. Secondly similarity in habits and customs, beliefs and thoughts is not enough to constitute men into society. Things may be passed physically from one to another like bricks. In the same way habits and customs, beliefs and thoughts of one group may be taken over by another group and there may thus appear a similarity between the two. Culture spreads by diffusion and that is why one finds similarity between various primitive tribes in the matter of their habits and customs, beliefs and thoughts, although they do not live in proximity. But no one could say that because there was this similarity the primitive tribes constituted one society. This is because similarly in certain things is not enough to constitute a society. Men constitute a society because they have things which they possess in common. To have similar thing is totally different from possessing things in common. And the only way by which men can come to possess things in common with one another is by being in communication with one another. This is merely another way of saying that Society continues to exist by communication indeed in communication. To make it concrete, it is not enough if men act in a way which agrees with the acts of others. Parallel activity, even if similar, is not sufficient to bind men into a society. This is proved by the fact that the festivals observed by the different Castes amongst the Hindus are the same. Yet these parallel performances of similar festivals by the different castes have not bound them into one integral whole. For that purpose what is necessary is for a man to share and participate in a common activity so that the same emotions are aroused in him that animate the others. Making the individual a sharer or partner in the associated activity so that he feels its success as his success, its failure as his failure is the real thing that binds men and makes a society of them. The Caste System prevents common activity and by preventing common activity it has prevented the Hindus from becoming a society with a unified life and a consciousness of its own being.

VII

The Hindus often complain of the isolation and exclusiveness of a gang or a clique and blame them for anti-social spirit. But they conveniently forget that this anti-social spirit is the worst feature of their own Caste System. One caste enjoys singing a hymn of hate against another caste as much as the Germans did in singing their hymn of hate against the English during the last war. The literature of the Hindus is full of caste genealogies in which an attempt is made to give a noble origin to one caste and an ignoble origin to other castes. The *Sahyadrikhand* is a notorious instance of this class of literature. This anti-social spirit is not confined to caste alone.

It has gone deeper and has poisoned the mutual relations of the sub-castes as well. In my province the Golak Brahmins, Deorukha Brahmins, Karada Brahmins, Palshe Brahmins and Chitpavan Brahmins, all claim to be sub-divisions of the Brahmin Caste. But the anti-social spirit that prevails between them is quite as marked and quite as virulent as the anti-social spirit that prevails between them and other non-Brahmin castes. There is nothing strange in this. An anti-social spirit is found wherever one group has"interests of its own"which shut it out from full interaction with other groups, so that its prevailing purpose is protection of what it has got. This anti-social spirit, this spirit of protecting its own interests is as much a marked feature of the different castes in their isolation from one another as it is of nations in their isolation. The Brahmin's primary concern is to protect"his interest"against those of the non-Brahmins and the non-Brahmin's primary concern is to protect their interests against those of the Brahmins. The Hindus, therefore, are not merely an assortment of castes but they are so many warring groups each living for itself and for its selfish ideal. There is another feature of caste which is deplorable. The ancestors of the present-day English fought on one side or the other in the wars of the Roses and the Cromwellian War. But the decendents of those who fought on the one side do not bear any animosity— any grudge against the descendents of those who fought on the other side. The feud is forgotten. But the present-day non-Brahmins cannot forgive the present-day Brahmins for the insult their ancestors gave to Shivaji. The present-day Kayasthas will not forgive the present-day Brahmins for the infamy cast upon their forefathers by the forefathers of the latter. To what is this difference due? Obviously to the Caste System. The existence of Caste and Caste Consciousness has served to keep the memory of past feuds between castes green and has prevented solidarity.

VIII

The recent discussion about the excluded and partially included areas has served to draw attention to the position of what are called the aboriginal tribes in India. They number about 13 millions if not more. Apart from the questions whether their exclusion from the new Constitution is proper or improper, the fact still remains that these aborigines have remained in their primitive uncivilized State in a land which boasts of a civilization thousands of years old. Not only are they not civilized but some of them follow pursuits which have led to their being classified as criminals. Thirteen millions of people living in the midst of civilization are still in a savage state and are leading the life of hereditary criminals! ! But the Hindus have never felt ashamed of it. This is a phenomenon which in my view is quite

unparalleled. What is the cause of this shameful state of affairs? Why has no attempt been made to civilize these aborigines and to lead them to take to a more honourable way of making a living? The Hindus will probably seek to account for this savage state of the aborigines by attributing to them congenital stupidity. They will probably not admit that the aborigines have remained savages because they had made no effort to civilize them, to give them medical aid, to reform them, to make them good citizens. But supposing a Hindu wished to do what the Christian missionary is doing for these aborigines, could he have done it? I submit not. Civilizing the aborigines means adopting them as your own, living in their midst, and cultivating fellow-feeling, in short loving them. How is it possible for a Hindu to do this? His whole life is one anxious effort to preserve his caste. Caste is his precious possession which he must save at any cost. He cannot consent to lose it by establishing contact with the aborigines the remnants of the hateful Anary as of the *Vedic* days. Not that a Hindu could not *be* taught the sense of duty to fallen humanity, but the trouble is that no amount of sense of duty can enable him to overcome his duty to preserve his caste. Caste is, therefore, the real explanation as to why the Hindu has let the savage remain a savage in the midst of his civilization without blushing or without feeling any sense of remorse or repentance. The Hindu has not realized that these aborigines are a source of potential danger. If these savages remain savages they may not do any harm to the Hindus. But if they are reclaimed by non-Hindus and converted to their faiths they will swell the ranks of the enemies of the Hindus. If this happens the Hindu will have to thank himself and his Caste System.

IX

Not only has the Hindu made no effort for the humanitarian cause of civilizing the savages but the higher-caste Hindus have deliberately prevented the lower castes who are within the pale of Hinduism from rising to the cultural level of the higher castes. 1. will give two instances, one of the Sonars and the other of the Pathare Prabhus. Both are communities quite well-known in Maharashtra. Like the rest of the communities desiring to raise their status these two communities were at one time endeavouring to adopt some of the ways and habits of the Brahmins. The Sonars were styling themselves Daivadnya Brahmins and were wearing their"dhotis"with folds on and using the word *namaskar* for salutation. Both, the folded way of wearing the"dhoti"and the *namaskar* were special to the Brahmins. The Brahmins did not like this imitation and this attempt by Sonars to pass off as Brahmins. Under the authority of the Peshwas the Brahmins successfully put down this attempt on the part. of

the Sonars to adopt the ways of the Brahmins. They even got the President of the Councils of the East India Company's settlement in Bombay to issue a. prohibitory order against the Sonars residing in Bombay. At one time the Pathare Prabhus had widow-remarriage as a custom of their caste. This custom of widow-remarriage was later on looked upon as amark of social inferiority by some members of the caste especially because it was contrary to the custom prevalent among the Brahmins. With the object of raising the status of their community some Pathare Prabhus sought to stop this practice of widow-remarriage that was prevalent in their caste. The community was divided into two camps, one for and the other against the innovation. The Peshwas took the side of those in favour of widow-remarriage and thus virtually prohibited the Pathare Prabhus from following the ways of the Brahmins. The Hindus criticise the Mohammedans for having spread their religion by the use of the sword. They also ridicule Christianity on the score of the inquisition. But really speaking who is better and more worthy of our respect—the Mohammedans and Christians who attempted to thrust down the throats of unwilling persons what they regarded as necessary for their salvation or the Hindu who would not spread the light, who would endeavour to keep others in darkness, who would not consent to share his intellectual and social inheritance with those who are ready and willing to make it a part of their own make-up? I have no hesitation in saying that if the Mohammedan has been cruel the Hindu has been mean and meanness is worse than cruelty.

X

Whether the Hindu religion was or was not a missionary religion has been a controversial issue. Some hold the view that it was never a missionary religion. Others hold that it was. That the Hindu religion was once a missionary religion must be admitted. It could not have spread over the face of India, if it was not a missionary religion. That today it is not a missionary religion is also a fact which must be accepted. The question therefore is not whether or not the Hindu religion was a missionary religion. The real question is why did the Hindu religion cease to be a missionary religion? My answer is this. Hindu religion ceased to be a missionary religion when the Caste System grew up among the Hindus. Caste is inconsistent with conversion. Inculcation of beliefs and dogmas is not the only problem that is involved in conversion. To find a place for the convert in the social life of the community is another and a much more important problem that arises in connection with conversion. That problem is where to place the convert, in what caste? It is a problem which

must baffle every Hindu wishing to make aliens converts to his religion. Unlike the club the membership of a caste is not open to all and sundry. The law of caste confines its membership to person born in the caste. Castes are autonomous and there is no authority anywhere to compel a caste to admit a new-comer to its social life. Hindu Society being a collection of castes and each caste being a close corporation there is no place for a convert. Thus it is the caste which has prevented the Hindus from expanding and from absorbing other religious communities. So long as caste remain, Hindu religion cannot be made a missionary religion and *Shudhi* will be both a folly and a futility.

XI

The reasons which have made *Shudhi* impossible for Hindus are also responsible for making *Sanghatan* impossible. The idea underlying *Sanghatan* is to remove from the mind of the Hindu that timidity and cowardice which so painfully make him off from the Mohammedan and the Sikh and which have led him to adopt the low ways of treachery and cunning for protecting himself. The question naturally arises : From where does the Sikh or the Mohammedan derive his strength which makes him brave and fearless? I am sure it is not due to relative superiority of physical strength, diet or drill. It is due to the strength arising out of the feeling that all Sikhs will come to the rescue of a Sikh when he is in danger and that all Mohammedans will rush to save a Muslim if he is attacked. The Hindu can derive no such strength. He cannot feel assured that his fellows will come to his help. Being one and fated to be alone he remains powerless, develops timidity and cowardice and in a fight surrenders or runs away. The Sikh as well as the Muslim stands fearless and gives battle because he knows that though one he will not be alone. The presence of this belief in the one helps him to hold out and the absence of it in the other makes him to give way. If you pursue this matter further and ask what is it that enables the Sikh and the Mohammedan to feel so assured and why is the Hindu filled with such despair in the matter of help and assistance you will find that the reasons for this difference lie in the difference in their associated mode of living. The associated mode of life practised by the Sikhs and the Mohammedans produces fellow-feeling. The associated mode of life of the Hindus does not. Among Sikhs and Muslims there is a social cement which makes them *Bhais*. Among Hindus there is no such cement and one Hindu does not regard another Hindu as his *Bhai*. This explains why a Sikh says and feels that one Sikh, or one Khalsa is equal to *Sava Lakh* men. This explains why one Mohammedan is equal to a crowd of Hindus. This difference is undoubtedly a difference due to caste. So long as caste

remains, there will be no *Sanghalan* and so long as there is no *Sanghatan* the Hindu will remain weak and meek. The Hindus claim to be a very tolerant people. In my opinion this is a mistake. On many occasions they can be intolerant and if on some occasions they are tolerant that is because they are too weak to oppose or too indifferent to oppose. This indifference of the Hindus has become so much a part of their nature that a Hindu will quite meekly tolerate an insult as well as a wrong. You see amongst them, to use the words of Morris,"*The great reading down the little, the strong beating down the weak, cruel men fearing not, kind men daring not and wise men caring not.*"With the Hindu Gods all forbearing, it is not difficult to imagine the pitiable condition of the wronged and the oppressed among the Hindus. Indifferentism is the worst kind of disease that can infect a people. Why is the Hindu so indifferent? In my opinion this indifferentism is the result of Caste System which has made *Sanghatan* and co-operation even for a good cause impossible.

XII

The assertion by the individual of his own opinions and beliefs, his own independence and interest as over against group standards, group authority and group interests is the beginning of all reform. But whether the reform will continue depends upon what scope the group affords for such individual assertion. If the group is tolerant and fair-minded in dealing with such individuals they will continue to assert and in the end succeed in converting their fellows. On the other hand if the group is intolerant and does not bother about the means it adopts to stifle such individuals they will perish and the reform will die out. Now a caste has an unquestioned right to excommunicate any man who is guilty of breaking the rules of the caste and when it is realized that excommunication involves a complete cesser of social intercourse it will be agreed that as a form of punishment there is really little to choose between excommunication and death. No wonder individual Hindus have not had the courage to assert their independence by breaking the barriers of caste. It is true that man cannot get on with his fellows. But it is also true that he cannot do without them. He would like to have the society of his fellows on his terms. If be cannot get it on his terms then he will be ready to have it on any terms even amounting to complete surrender. This is because he cannot do without society. A caste is ever ready to take advantage of the helplessness of a man and insist upon complete conformity to its code in letter and in spirit. A caste can easily organize itself into a conspiracy to make the life of a reformer a hell and if a conspiracy is a crime I do not understand why such a nefarious act as an attempt to excommunicate a person for daring to act

contrary to the rules of caste should not be made an offence punishable in law. But as it is, even law gives each caste an autonomy to regulate its membership and punish dissenters with excommunication. Caste in the hands of the orthodox has been a powerful weapon for persecuting the reforms and for killing all reform.

XIII

The effect of caste on the ethics of the Hindus is simply deplorable. Caste has killed public spirit. Caste has destroyed the sense of public charity. Caste has made public opinion impossible. A Hindu's public is his caste. His responsibility is only to his caste. His loyalty is restricted only to his caste. Virtue has become caste-ridden and morality has become, caste-bound. There is no sympathy to the deserving. There is no appreciation of the meritorious. There is no charity to the needy. Suffering as such calls for no response. There is charity but it begins with the caste and ends with the caste. There *is* sympathy but not for men of other caste. Would a Hindu acknowledge and follow the leadership of a great and good man? The case of a Mahatma apart, the answer must be that he will follow a leader if he is a man of his caste. A Brahmin will follow a leader only if he is a Brahmin, a Kayastha if he is a Kayastha and so on. The capacity to appreciate merits in a man apart from his caste does not exist in a Hindu. There is appreciation of virtue but only when the man is a fellow caste-man. The whole morality is as bad as tribal morality. My caste-man, right or wrong; my caste-man, good or bad. It is not a case of standing by virtue and not standing by vice. It is a case of standing or not standing by the caste. Have not Hindus committed treason against their country in the interests of their caste?

XIV

I would not be surprised if some of you have grown weary listening to this tiresome tale of the sad effects which caste has produced. There is nothing new in it. I will therefore turn to the constructive side of the problem. What is your ideal society if you do not want caste is a question that is bound to be asked of you. If you ask me, my ideal would be a society based on *Liberty, Equality* and *Fraternity.* And why not? What objection can there be to Fraternity? I cannot imagine any. An ideal society should be mobile, should be full of channels for conveying a change taking place in one part to other parts. In an ideal society there should be many interests consciously communicated and shared. There should be varied and free points of contact with other modes of association. In other words there must be social endosmosis. This is fraternity, which is only another name for democracy. Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated

experience. It is essentially an attitude of respect and reverence towards fellowmen. Any objection to Liberty? Few object to liberty in the sense of a right to free movement, in the sense of a right to life and limb. There is no objection to liberty in the sense of a right to property, tools and materials as being necessary for earning a living to keep the body in due state of health. Why not allow liberty to benefit by an effective and competent use of a person's powers? The supporters of caste who would allow liberty in the sense of a right to life, limb and property, would not readily consent to liberty in this sense, inasmuch as it involves liberty to choose one's profession. But to object to this kind of liberty is to perpetuate slavery. For slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from other the purposes which control their conduct. This condition obtains even where there is no slavery in the legal sense. It is found where, as in the Caste System, some persons are compelled to carry on certain prescribed callings which are not of their choice. Any objection to equality? This has obviously been the most contentious part of the slogan of the French Revolution. The objections to equality may be sound and one may have to admit that all men are not equal. But what of that? Equality may be a fiction but nonetheless one must accept it as the governing principle. A. man's power is dependent upon (1) physical heredity, (2) social inheritance or endowment in the form of parental care, education, accumulation of scientific knowledge, everything which enables him to be more efficient than the savage, and finally, (3) on his own efforts. In all these three respects men are undoubtedly unequal. But the question is, shall we treat them as unequal because they are unequal? This is a question which the opponents of equality must answer. From the standpoint of the individualist it may be just to treat men unequally so far as their efforts are unequal. It may be desirable to give as much incentive as possible to the full development of every one's powers. But what would happen if men were treated unequally as they are, in the first two respects? It is obvious that those individuals also in whose favour there is birth, education, family name, business connections and inherited wealth would be selected in the race. But selection under such circumstances would not be a selection of the able. It would be the selection of the privileged. The reason therefore, which forces that in the third respect we should treat men unequally demands that in the first two respects we should treat men as equally as possible. On the other hand it can be urged that if it is good for the social body to get the most out of its members, it can get most out of them only by making them equal as far as possible at the very start of the race. That is

one reason why we cannot escape equality. But there is another reason why we must accept equality. A Statesman is concerned with vast numbers of people. He has neither the time nor the knowledge to draw fine distinctions and to treat each equitably *i.e.* according to need or according to capacity. However desirable or reasonable an equitable treatment of men may be, humanity is not capable of assortment and classification. The statesman, therefore, must follow some rough and ready rule and that rough and ready rule is to treat all men alike not because they are alike but because classification and assortment is impossible. The doctrine of equality is glaringly fallacious but taking all in all it is the only way a statesman can proceed in politics which is a severely practical affair and which demands a severely practical test.

XV

But there is a set of reformers who hold out a different ideal. They go by the name of the Arya Samajists and their ideal of social organization is what is called Chaturvarnya or the division of society into four classes instead of the four thousand castes that we have in India. To make it more attractive and to disarm opposition the protagonists of Chaturvarnya take great care to point out that their Chaturvarnya is based not on birth but on *guna* (worth). At the outset, I must confess that notwithstanding the worth-basis of this Chaturvarnya, it is an ideal to which I cannot reconcile myself. In the first place, if under the Chaturvarnya of the Arya Samajists an individual is to take his place in the Hindu Society according to his worth. I do not understand why the Arya Samajists insist upon labelling men as Brahmin, Kshatriya, Vaishya and Shudra. A learned man would be honoured without his being labelled a Brahmin. A soldier would be respected without his being designated a Kshatriya. If European society honours its soldiers and its servants without giving them permanent labels, why should Hindu Society find it difficult to do so is a question, which Arya Samajists have not cared to consider. There is another objection to the continuance of these labels. All reform consists in a change in the notions, sentiment and mental attitudes of the people towards men and things. It is common experience that certain names become associated with certain notions and sentiments, which determine a person's attitude towards men and things. The names, Brahmin, Kshatriya, Vaishya and Shudra, are names which are associated with a definite and fixed notion in the mind of every Hindu. That notion is that of a hierarchy based on birth. So long as these names continue, Hindus will continue to think of the Brahmin, Kshatriya, Vaishya and Shudra as hierarchical divisions of high and low, based on birth, and act accordingly. The Hindu must be made to

unlearn all this. But how can this happen if the old labels remain and continue to recall to his mind old notions. If new notions are to be inculcated in the minds of people it is necessary to give them new names. To continue the old name is to make the reform futile. To allow this Chaturvarnya, based on worth to be designated by such stinking labels of Brahmin, Kshatriya, Vaishya, Shudra, indicative of social divisions based on birth, is a snare.

XVI

To me this Chaturvarnya with its old labels is utterly repellent and my whole being rebels against it. But I do not wish to rest my objection to Chaturvarnya on mere grounds of sentiments. There are more solid grounds on which I rely for my opposition to it. A close examination of this ideal has convinced me that as a system of social organization, Chaturvarnya is impracticable, harmful and has turned out to be a miserable failure. From a practical point of view, the system of Chaturvarnya raises several difficulties which its protagonists do not seem to have taken into account. The principle underlying caste is fundamentally different from the principle underlying *Varna.* Not only are they fundamentally different but they are also fundamentally opposed. The former is based on worth . How are you going to compel people who have acquired a higher status based on birth without reference to their worth to vacate that status? How are you going to compel people to recognize the status due to a man in accordance with his worth, who is occupying a lower status based on his birth? For this you must first break up the caste System, in order to be able to establish the *Varna* system. How are you going to reduce the four thousand castes, based oil birth, to the four *Varnas,* based on worth? This is the first difficulty which the protagonists of the Chaturvarnya must grapple with. There is a second difficulty which the protagonists of Chaturvarnya must grapple with, if they wish to make the establishment of Chaturvarnya a success.

Chaturvarnya pre-supposes that you can classify people into four definite classes. Is this possible? In this respect, the ideal of Chaturvarnya has, as you will see, a close affinity to the Platonic ideal. To Plato, men fell by nature into three classes. In some individuals, he believed mere appetites dominated. He assigned them to the labouring and trading classes. Others revealed to him that over and above appetites, they have a courageous disposition. He classed them as defenders in war and guardians of internal peace. Others showed a capacity to grasp the universal reason underlying things. He made them the law-givers of the people. The criticism to which Plato's Republic is subject, is also the criticism which must apply to the

system of Chaturvarnya, in so far as it proceeds upon the possibility of an accurate classification of men into four distinct classes. The chief criticism against Plato is that his idea of lumping of individuals into a few sharply marked-off classes is a very superficial view of man and his powers. Plato had no perception of the uniqueness of every individual, of his incommensurability with others, of each individual forming a class of his own. He had no recognition of the infinite diversity of active tendencies and combination of tendencies of which an individual is capable. To him, there were types of faculties or powers in the individual constitution. All this is demonstrably wrong. Modem science has shown that lumping together of individuals into a few sharply marked-off classes is a superficial view of man not worthy of serious consideration. Consequently, the utilization of the qualities of individuals is incompatible with their stratification by classes, since the qualities of individuals are so variable. Chaturvarnya must fail for the very reason for which Plato's Republic must fail, namely that it is not possible to pigeon men into holes, according as he belongs to one class or the other. That it is impossible to accurately classify people into four definite classes is proved by the fact that the original four classes have now become four thousand castes.

There is a third difficulty in the way of the establishment of the system of Chaturvarnya. How are you going to maintain the system of Chaturvarnya, supposing it was established? One important requirement for the successful working of Chaturvarnya is the maintenance of the penal system which could maintain it by its sanction. The system of Chaturvarnya must perpetually face the problem of the transgressor. Unless there is a penalty attached to the act of transgression, men will not keep to their respective classes. The whole system will break down, being contrary to human nature. Chaturvarnya cannot subsist by its own inherent goodness. It must be enforced by law.

That, without penal sanction the ideal of Chaturvarnya cannot be realized, is proved by the story in the Ramayana of Rama killing Shambuka. Some people seem to blame Rama because he wantonly and without reason killed Shambuka. But to blame Rama for killing Shambuka is to misunderstand the whole situation. Ram Raj was a Raj based on Chaturvarnya. As a king, Rama was bound to maintain Chaturvarnya. It was his duty therefore to kill Shambuka, the Shudra, who had transgressed his class and wanted to be a Brahmin. This is the reason why Rama killed Shambuka. But this also shows that penal sanction is necessary for the maintenance of Chaturvarnya. Not only penal sanction is necessary, but penalty of death is necessary. That is why Rama did not inflict on Shambuka a lesser

punishment. That is why Manu-Smriti prescribes such heavy sentences as cutting off the tongue or pouring of molten lead in the ears of the Shudra, who recites or hears the *Veda*. The supporters of Chaturvarnya must give an assurance that they could successfully classify men and they could induce modern society in the twentieth century to reforge the penal sanctions of Manu-Smriti.

The protagonists of Chaturvarnya do not seem to have considered what is to happen to women in their system. Are they also to be divided into four classes, Brahmin, Kshatriya, Vaishya and Shudra? Or are they to be allowed to take the status of their husbands. If the status of the woman is to be the consequence of marriage what becomes of the underlying principle of Chaturvarnya, namely, that the status of a person should be based upon the worth of that person? If they are to be classified according to their worth is their classification to be nominal or real? If it is to be nominal then it is useless and then the protagonists of Chaturvarnya must admit that their system does not apply to women. If it is real, are the protagonists of Chaturvarnya prepared to follow the logical consequences of applying it to women? They must be prepared to have women priests and women soldiers. Hindu society has grown accustomed to women teachers and women barristers. It may grow accustomed to women brewers and women butchers. But he would be a bold person, who would say that it will allow women priests and women soldiers. But that will be the logical outcome of applying Chaturvarnya to women. Given these difficulties, I think no one except a congenital idiot could hope and believe in a successful regeneration of the Chaturvarnya.

XVII

Assuming that Chaturvarnya is practicable, I contend that it is the most vicious system. That the Brahmins should cultivate knowledge, that the Kshatriya should bear arms, that the Vaishya. should trade and that the Shudra should serve sounds as though it was a system of division of labour. Whether the theory was intended to state that the Shudra *need not* or that whether it was intended to lay down that he *must not,* is an interesting question. The defenders of Chaturvarnya give it the first meaning. They say, why should the Shudra need trouble to acquire wealth, when the three *Vamas* are there to support him? Why need the Shudra bother to take to education, when there is the Brahmin to whom he can go when the occasion for reading or writing arises? Why need the Shudra worry to arm himself because there is the Kshatriya to protect him? The theory of Chaturvarnya, understood in this sense, may be said to look upon the Shudra as the ward and the three *Vamas as* his guardians. Thus interpreted,

it is a simple, elevating and alluring theory. Assuming this to be the correct view of the underlying conception of Chaturvarnya, it seems to me that the system is neither fool-proof nor knave-proof. What is to happen, if the Brahmins, Vaishyas and Kshatriyas fail to pursue knowledge, to engage in economic enterprise and to be efficient soldiers which are their respective functions? Contrary-wise, suppose that they discharge their functions but flout their duty to the Shudra or to one another, what is to happen to the Shudra if the three classes refuse to support him on fair terms or combine to keep him down? Who is to safeguard the interests of the Shudra or for the matter of that of the Vaishya and Kshatriya when the person, who is trying to take advantage of his ignorance is the Brahmin? Who is to defend the liberty of the Shudra and for the matter of that, of the Brahmin and the Vaishya when the person who is robbing him of it is the Kshatriya? Inter-dependence of one class on another class is inevitable. Even dependence of one class upon another may sometimes become allowable. But why make one person depend upon another in the matter of his vital needs? Education everyone must have. Means of defence everyone must have. These are the paramount requirements of every man for his self-preservation. How can the fact that his neighbour is educated and armed help a man who is uneducated and disarmed. The whole theory is absurd. These are the questions, which the defenders of Chaturvarnya do not seem to be troubled about. But they are very pertinent questions. Assuming their conception of Chaturvarnya that the relationship between the different classes is that of ward and guardian is the real conception underlying Chaturvarnya, it must be admitted that it makes no provision to safeguard the interests of the ward from the misdeeds of the guardian. Whether the relationship of guardian and ward was the real underlying conception, on which Chaturvarnya was based, there is no doubt that in practice the relation was that of master and servants. The three classes, Brahmins, Kshatriyas and Vaishyas although not very happy in their mutual relationship managed to work by compromise. The Brahmin flattered the Kshatriya and both let the Vaishya live in order to be able to live upon him. But the three agreed to beat down the Shudra. He was not allowed to acquire wealth lest he should be independent of the three *Varncus*. He was prohibited from acquiring knowledge lest he should keep a steady vigil regarding his interests. He was prohibited from bearing arms lest he should have the means to rebel against their authority. That this is how the Shudras were treated by the Tryavarnikas is evidenced by the Laws of Manu. There is no code of laws more infamous regarding social rights than the Laws of Manu. Any instance from anywhere of social injustice must

pale before it. Why have the mass of people tolerated the social evils to which they have been subjected? There have been social revolutions in other countries of the world. Why have there not been social revolutions in India is a question which has incessantly troubled me. There is only one answer, which I can give and it is that the lower classes of Hindus have been completely disabled for direct action on account of this wretched system of Chaturvarnya. They could not bear arms and without arms they could not rebel. They were all ploughmen or rather condemned to be ploughmen and they never were allowed to convert their ploughshare into swords. They had no bayonets and therefore everyone who chose could and did sit upon them. On account of the Chaturvarnya, they could receive no education. They could not think out or know the way to their salvation. They were condemned to be lowly and not knowing the way of escape and not having the means of escape, they became reconciled to eternal servitude, which they accepted as their inescapable fate. It is true that even in Europe the strong has not shrunk from the exploitation, nay the spoliation of the weak. But in Europe, the strong have never contrived to make the weak helpless against exploitation so shamelessly as was the case in India among the Hindus. Social war has been raging between the strong and the weak far more violently in Europe than it has ever been in India. Yet, the weak in Europe has had in his freedom of military service his *physical weapon,* in suffering his *political weapon* and in education his *moral weapon*. These three weapons for emancipation were never withheld by the strong from the weak in Europe. All these weapons were, however, denied to the masses in India by Chaturvarnya. There cannot be a more degrading system of social organization than the Chaturvarnya. It is the system which deadens, paralyses and cripples the people from helpful activity. This is no exaggeration. History bears ample evidence. There is only one period in Indian history which is a period of freedom, greatness and glory. That is the period of the Mourya Empire. At all other times the country suffered from defeat and darkness. But the Mourya period was a period when Chaturvarnya was completely annihilated, when the Shudras, who constituted the mass of the people, came into their own and became the rulers of the country. The period of defeat and darkness is the period when Chaturvarnya flourished to the damnation of the greater part of the people of the country.

XVIII

Chaturvarnya is not new. It is as old as the *Vedas*. That is one of the reasons why we are asked by the Arya Samajists to consider its claims. Judging from the past as a system of social organization, it has been tried

and it has failed. How many times have the Brahmins annihilated the seed of the Kshatriyas! How many times have the Kshatriyas annihilated the Brahmins! The Mahabharata and the Puranas are full of incidents of the strife between the Brahmins and the Kshatriyas. They even quarreled over such petty questions as to who should salute first, as to who should give way first, the Brahmins or the Kshatriyas, when the two met in the street. Not only was the Brahmin an eyesore to die Kshatriya and the Kshatriya an eyesore to the Brahmin, it seems that the Kshatriyas had become tyrannical and the masses, disarmed as they were under the system of Chaturvarnya, were praying Almighty God for relief from their tyranny. The Bhagwat tells us very definitely that Krishna had taken Avtar for one sacred purpose and that was to annihilate the Kshatriyas. With these instances of rivalry and enmity between the different *Vurnas* before us, I do not understand how any one can hold out Chaturvarnya as an ideal to be aimed at or as a pattern, on which the Hindu Society should be remodelled.

XIX

I have dealt with those, who are without you and whose hostility to your ideal is quite open. There appear to be others, who are neither without you nor with you. I was hesitating whether I should deal with their point of view. But on further consideration I have come to the conclusion that I must and that for two reasons. Firstly, their attitude to the problem of caste is not merely an attitude of neutrality, but is an attitude of aimed neutrality. Secondly, they probably represent a considerable body of people. Of these, there is one set which finds nothing peculiar nor odious in the Caste System of the Hindus. Such Hindus cite the case of Muslims, Sikhs and Christians and find comfort in the fact that they too have castes amongst them. In considering this question you must a.t the outset bear in mind that nowhere is human society *one* single whole. It is always plural. In the world of action, the individual is one limit and society the other. Between them lie all sorts of associative arrangements of lesser and larger scope, families, friendship, co-operative associations, business combines, political parties, bands of thieves and robbers. These small groups are usually firmly welded together and are often as exclusive as castes. They have a narrow and intensive code, which is often anti-social. This is true of every society, in Europe as well as in Asia, The question to be asked in determining whether a given society is an ideal society ; is not whether there are groups in it, because groups exist in all societies. The. questions to be asked in determining what is an ideal society are : How numerous and varied are the interests which are consciously shared by the groups? How full and free is

the interplay with other forms of associations? Are the forces that separate groups and classes more numerous than the forces that unite? What social significance is attached to this group life? Is its exclusiveness a matter of custom and convenience or is it a matter of religion? It is in the light of these questions that one must decide whether caste among Non-Hindus is the same as caste among Hindus. If we apply these considerations to castes among Mohammedans, Sikhs and Christians on the one hand and to castes among Hindus on the other, you will find that caste among Non-Hindus is fundamentally different from caste among Hindus. First, the ties, which consciously make the Hindus hold together, are non-existent, while among Non-Hindus there are many that hold them together. The strength of a society depends upon the presence of points of contact, possibilities of interaction between different groups which exist in it. These are what Carlyle calls"organic filaments"*i.e.* the elastic threads which help to bring the disintegrating elements together and to reunite them. There is no integrating farce among the Hindus to counteract the disintegration caused by caste. While among the Non-Hindus there are plenty of these organic filaments which bind them together. Again it must be borne in mind that although there are castes among Non-Hindus, as there are among Hindus, caste has not the same social significance for Non-Hindus as it has for Hindus. Ask Mohammedan or a Sikh, who he is? He tells you that he is a Mohammedan or a Sikh as the case may be. He does not tell you his caste although he has one and you are satisfied with his answer. When he tells you that he is a Muslim, you do not proceed to ask him whether he is a Shiya or a Suni; Sheikh or Saiyad ; Khatik or Pinjari. When he tells you he is a Sikh, you do not ask him whether he is Jat or Roda ; Mazbi or Ramdasi. But you are not satisfied, if a person tells you that he is a Hindu. You feel bound to inquire into his caste. Why? Because so essential is caste in the case of a Hindu that without knowing it you do not feel sure what sort of a being he is. That caste has not the same social significance among Non-Hindus as it has among Hindus is clear if you take into consideration the consequences which follow breach of caste. There may be castes among Sikhs and Mohammedans but the Sikhs and the Mohammedans will not outcast a Sikh or a Mohammedan if he broke his caste. Indeed, the very idea of excommunication is foreign to the Sikhs and the Mohammedans. But with the Hindus the case is entirely different. He is sure to be outcasted if he broke caste. This shows the difference in the social significance of caste to Hindus and Non-Hindus. This is the second point of difference. But there is also a third and a more important one. Caste among the non-Hindus has no religious consecration; but among the

Hindus most decidedly it has. Among the Non-Hindus, caste is only a practice, not a sacred institution. They did not originate it. With them it is only a survival. They do not regard caste as a religious dogma. Religion compels the Hindus to treat isolation and segregation of castes as a virtue. Religion does not compel the Non-Hindus to take the same attitude towards caste. If Hindus wish to break caste, their religion will come in their way. But it will not be so in the case of Non-Hindus. It is, therefore, a dangerous delusion to take comfort in the mere existence of caste among Non-Hindus, without caring to know what place caste occupies in their life and whether there are other"organic filaments", which subordinate the feeling of caste to the feeling of community. The sooner the Hindus are cured of this delusion the butter.

The other set denies that caste presents any problem at all for the .Hindus to consider. Such Hindus seek comfort in the view that the Hindus have survived and take this as a proof of their fitness to survive. This point of view is well expressed by Prof. S. Radhakrishnan in his *Hindu view of life.* Referring to Hinduism he says,"The civilization itself has not, been a short-lived one. its historic records date back for over four thousand years and even then it had reached a stage of civilization which has continued its unbroken, though at times slow and static, course until the present day. It has stood the stress and strain of more than four or five millenniums of spiritual thought and experience. Though peoples of different races and cultures have *been* pouring into India from the dawn of History, Hinduism has been able to maintain its supremacy and even the proselytising creeds backed by political power have not been able to coerce the large majority of Hindus to their views. The Hindu culture possesses some vitality which seems to be denied to some other more forceful current . It is no more necessary to dissect Hinduism than to open a tree to see whether the sap still runs."The name of Prof. Radhakrishnan is big enough to invest with profundity whatever he says and impress the minds of his readers. But I must not hesitate to speak out my mind. For, I fear that his statement may become the basis of a vicious argument that the fact of survival is proof of fitness to survive. It seems to me that the question is. not whether a community lives or dies ; the question is on what plane does it live. There are different modes of survival. But all are not equally honourable. For an individual as well as for a society, there is a gulf between merely living and living worthily. To fight in a battle and to live in glory is one mode. To beat a retreat, to surrender and to live the life of a captive is. also a mode of survival. It is useless for a Hindu to take comfort in the fact that he and his people have survived. What he must consider is what is the quality of their

survival. If he does that, I am sure he will cease to take pride in the mere fact of survival. A Hindu's life has been a life of continuous defeat and what appears to him to be life everlasting is not living everlastingly but is really a life which is perishing everlastingly. It is a mode of survival of which every right-minded Hindu, who is not afraid to own up the truth, will feel ashamed.

XX

There is no doubt; in my opinion, that unless you change your social order you can achieve little by way of progress. You cannot mobilize the community either for defence or for offence. You cannot build anything on the foundations of caste. You cannot build up a nation, you cannot build up a morality. Anything that you will build on the foundations of caste will crack and will never be a whole.

The only question that remains to be considered is—*How to bring about the reform of the Hindu social order? How to abolish caste?* This is a question of supreme importance. There is a view that in the refarm of caste, the first step to take, is to abolish sub-castes. This view is based upon the supposition that there is a greater similarity in manners and status between sub-caste than there is between castes. I think, this is an erroneous supposition. The Brahmins of Northem and Central India are socially of lower grade, as compared with the Brahmins of the Deccan and Southern India. The former are only cooks and water-carriers while the latter occupy a high social position. On the other hand, in Northern India, the Vaishyas and Kayasthas are intellectually and socially on a par with the Brahmins of the Deccan and Southern India. Again, in the matter of food there is no similarity between the Brahmins of the Deccan and Southern India, who are vegetarians and the Brahmins of Kashmir and Bengal who are non-vegetarians. On the other hand, the Brahmins of the- Deccan and Southern India have more in common so far as food is concerned with such non-Brahmins as the Gujaratis, Marwaris, Banias and Jains. There is no doubt that from the standpoint of making the transit from one caste to another easy, the fusion of the Kayasthas of Northern India and the other Non-Brahmins of Southern India with the Non-Brahmins of the Deccan and the Dravid country is more practicable than the fusion of the Brahmins of the South with the Brahmins of the North. But assuming that the fusion of sub-Castes is possible, what guarantee is there that the abolition of sub-Castes will necessarily lead to the abolition of Castes? On the contrary, it may happen that the process may stop with the abolition of sub-Castes. In that case, the abolition of sub-Castes will only help to strengthen the Castes and make them more powerful and therefore more mischievous. This

remedy is therefore neither practicable nor effective and may easily prove to be a wrong remedy. Another plan of action for the abolition of Caste is to begin with inter-caste dinners. This also, in my opinion, is an inadequate remedy. There are many Castes which allow inter-dining. But it is a common experience that inter-dining has not succeeded in killing the spirit of Caste and the consciousness of Caste. I am convinced that the real remedy is inter-marriage. Fusion of blood can alone create the feeling of being kith and kin and unless this feeling of kinship, of being kindred, becomes paramount the separatist feeling—the feeling of being aliens—created by Caste will not vanish. Among the Hindus inter-marriage must necessarily be a factor of greater force in social life than it need be in the life of the non-Hindus. Where society is already well-knit by other ties, marriage is an ordinary incident of life. But where society cut asunder, marriage as a binding force becomes a matter of urgent necessity. *The real remedy for breaking Caste is inter-marriage. Nothing else will serve as the solvent of Caste.* Your Jat-Pat-Todak Mandal has adopted this line of attack.

It is a direct and frontal attack, and I congratulate you upon a collect diagnosis and more upon your having shown the courage to tell the Hindus what is really wrong with them. Political tyranny is nothing compared to social tyranny and a reformer, who defies society, is a much more courageous man than a politician, who defies Government. You are right in holding that Caste will cease to be an operative farce only when inter-dining and inter-marriage have become matters of common course. You have located the source of the disease. But is your prescription the right prescription for the disease? Ask yourselves this question ; Why is it that a large majority of Hindus do not inter-dine and do not inter-marry? Why is it that your cause is not popular? There can be only one answer to this question and it is that inter-dining and inter-marriage are repugnant to the beliefs and dogmas which the Hindus regard as sacred. Caste is not a physical object like a wall of bricks or a line of barbed wire which prevents the Hindus from co-mingling and which has, therefore, to be pulled down. Caste is a notion, it is a state of the mind. The destruction of Caste does not therefore mean the destruction of a physical barrier. It means a *notional* change. Caste may be bad. Caste may lead to conduct so gross as to be called man's inhumanity to man. All the same, it must be recognized that the Hindus observe Caste not because they are inhuman or wrong headed. They observe Caste because they are deeply religious. People are not wrong in observing Caste. In my view, what is wrong is their religion, which has inculcated this notion of Caste. If this is correct, then obviously the enemy, you must grapple with, is not the people who observe Caste, but the

Shastras which teach them this religion of Caste. Criticising and ridiculing people for not inter-dining or inter-marrying or occasionally holding inter-caste dinners and celebrating inter-caste marriages, is a futile method of achieving the desired end. The real remedy is to destroy the belief in the sanctity of the *Shastras*. How do you expect to succeed, if you allow the *Shastras* to continue to mould the beliefs and opinions of the people? Not to question the authority of the *Shastras ,* to permit the people to believe in their sanctity and their sanctions and to blame them and to criticise them for their acts as being irrational and inhuman is a incongruous way of carrying on social reform. Reformers working for the removal of untouchability including Mahatma Gandhi, do not seem to realize that the acts of the people are merely the results of their beliefs inculcated upon their minds by the *Shastras* and that people will not change their conduct until they cease to believe in the sanctity of the *Shastras* on which their conduct is founded. No wonder that such efforts have not produced any results. You also seem to be erring in the same way as the reformers working in the cause of removing untouchability. To agitate for and to organise inter-caste dinners and inter-caste marriages is like forced feeding brought about by artificial means. Make every man and woman free from the thraldom of the *Shastras ,* cleanse their minds of the pernicious notions founded on the *Shastras,* and he or she will inter-dine and inter-marry, without your telling him or her to do so.

It is no use seeking refuge in quibbles. It is no use telling people that the *Shastras* do not say what they are believed to say, grammatically read or logically interpreted. What matters is how the *Shastras* have been understood by the people. You must take the stand that Buddha took. You must take the stand which Guru Nanak took. You must not only discard the *Shastras,* you must deny their authority, as did Buddha and Nanak. You must have courage to tell the Hindus, that what is wrong with them is their religion— the religion which has produced in them this notion of the sacredness of Caste. Will you show that courage?

XXI

What are your chances of success? Social reforms fall into different species. There is a species of reform, which does not relate to the religious notion of people but is purely secular in character. There is also a species of reform, which relates to the religious notions of people. Of such a species of reform, there are two varieties. In one, the reform accords with the principles of the religion and merely invites people, who have departed from it, to revert to them and to follow them. The second is a reform which not only touches the religious principles but is diametrically opposed

to those principles and invites people to depart from and to discard their authority and to act contrary to those principles. Caste is the natural outcome of certain religious beliefs which have the sanction of the *Shastras,* which are believed to contain the command of divinely inspired sages who were endowed with a supernatural wisdom and whose commands, therefore, cannot be disobeyed without committing sin. The destruction of Caste is a reform which falls under the third category. To ask people to give up Caste is to ask them to go contrary to their fundamental religious notions. It is obvious that the first and second species of reform are easy. But the third is a stupendous task, well nigh impossible. The Hindus hold to the sacredness of the social order. Caste has a divine basis. You must therefore destroy the sacredness and divinity with which Caste has become invested. In the last analysis, this means you must destroy the authority of the *Shastras* and the *Vedas.*

I have emphasized this question of the ways and means of destroying Caste, because I think that knowing the proper ways and means is more important than knowing the ideal. If you do not know the real ways and means, all your shots are sure to be misfires. If my analysis is correct then your task is herculean. You alone can say whether you are capable of achieving it.

Speaking for myself, I see the task to be well nigh impossible. Perhaps you would like to know why I think so. Out of the many reasons, which have led me to take this view, I will mention some, which I regard much important. One of these reasons is the attitude of hostility, which the Brahmins have shown towards this question. The Brahmins form the vanguard of the movement for political reform and in some cases also of economic reform. But they are not to be found even as camp followers in the army raised to break down the barricades of Caste. Is there any hope of the Brahmins ever taking up a lead in the future in this matter? I say no. You may ask why? You may argue that there is no reason why Brahmins should continue to shun social reform. You may argue that the Brahmins know that the bane of Hindu Society is Caste and as an enlightened class could not be expected to be indifferent to its consequences. You may argue that there are secular Brahmins and priestly Brahmins and if the latter do not take up the cudgels on behalf of those who want to break Caste, the former will. All this of course sounds very plausible. But in all this it is forgotten that the break up of the Caste system is bound to affect adversely the Brahmin Caste. Having regard to this, is it reasonable to expect that the Brahmins will ever consent to lead a movement the ultimate result of which is to destroy the power and prestige of the Brahmin Caste? Is it

reasonable to expect the secular Brahmins to take part in a movement directed against the priestly Brahmins? In my judgment, it is useless to make a distinction between the secular Brahmins and priestly Brahmins. Both are kith and kin. They are two arms of the same body and one bound to fight for the existence of the other. In this connection, I am reminded of some very pregnant remarks made by Prof. Dicey in his *English Constitution.* Speaking of the actual limitation on the legislative supremacy of Parliament, Dicey says :"The actual exercise of authority by any sovereign whatever, and notably by Parliament, is bounded or controlled by two limitations. Of these the one is an external, and the other is an internal limitation. The external limit to the real power of a sovereign consists in the possibility or certainty that his subjects or a large number of them will disobey or resist his laws. . . The internal limit to the exercise of sovereignty arises from the nature of the sovereign power itself. Even a despot exercises his powers in accordance with his character, which is itself moulded by the circumstance under which he lives, including under that head the moral feelings of the time and the society to which he belongs. The Sultan could not, if he would, change the religion of the Mohammedan world, but even if he could do so, it is in the very highest degree improbable that the head of Mohammedanism should wish to overthrow the religion of Mohammed ; the internal check on the exercise of the Sultan's power is at least as strong as the external limitation. People sometimes ask the idle question, why the Pope does not introduce this or that reform? The true answer is that a revolutionist is not the kind of man who becomes a Pope and that a man who becomes a Pope has no wish to be a revolutionist."I think, these remarks apply equally to the Brahmins of India and one can say with equal truth that if a man who becomes a Pope has no wish to become a revolutionary, a man who is born a Brahmin has much less desire to become a revolutionary. Indeed, to expect a Brahmin to be a revolutionary in matters of social reform is as idle as to expect the British Parliament, as was said by Leslie Stephen, to pass an Act requiring all blue-eyed babies to be murdered.

Some of you will say that it is a matter of small concern whether the Brahmins come forward to lead the movement against Caste or whether they do not. To take this view is in my judgment to ignore the part played by the intellectual class in the community. Whether you accept the theory of the great man as the maker of history or whether you do not, this much you will have to concede that in every country the intellectual class is the most influential class, if not the governing class. The intellectual class is the class which can foresee, it is the class which can advise and give lead. In no

country does the mass of the people live the life of intelligent thought and action. It is largely imitative and follows the intellectual class. There is no exaggeration in saying that the entire destiny of a country depends upon its intellectual class. If the intellectual class is honest, independent and disinterested it can be trusted to take the initiative and give a proper lead when a crisis arises. It is true that intellect by itself is no virtue. It is only a means and the use of means depends upon the ends which an intellectual person pursues. An intellectual man can be a good man but he can easily be a rogue. Similarly an intellectual class may be a band of high-souled persons, ready to help, ready to emancipate erring humanity or it may easily be a gang of crooks or a body of advocates of a narrow clique from which it draws its support. You may think it a pity that the intellectual class in India is simply another name for the Brahmin caste. You may regret that the two are one.; that the existence of the intellectual class should be bound with one single caste, that this intellectual class should share the interest and the aspirations of that Brahmin caste, which has regarded itself the custodian of the interest of that caste, rather than of the interests of the country. All this may be very regrettable. But the fact remains, that the Brahmins form the intellectual class of the Hindus. It is not only an intellectual class but it is a class which is held in great reverence by the rest of the Hindus. The Hindus are taught that the Brahmins are *Bhudevas* (Gods on earth) *vernanam brahmnam guruh !* : The Hindus are taught that Brahmins alone can be their teachers. Manu says,"If it be asked how it should be with respect to points of the Dharma which have not been specially mentioned, the answer is that which Brahmins who are Shishthas propound shall doubtless have legal force.":

ANAMNATESHU DHARMEHU KATHAM SYADITI CHEDBHVETA !
YAM SHISHTA BRAHNAM BRUYUH SA DHARMAH SYADASHNKITAH !!

When such an intellectual class, which holds the rest of the community in its grip, is opposed to the reform of Caste, the chances of success in a movement for the break-up of the Caste system appear to me very, very remote.

The second reason, why I say the task is impossible, will be clear if you will bear in mind that the Caste system has two aspects. In one of its aspects, it divides men into separate communities. In its second aspect, it places these communities in a graded order one above the other in social status. Each caste takes its pride and its consolation in the fact that in the scale of castes it is above some other caste. As an outward mark of this gradation, there is also a gradation of social and religious rights technically

spoken of an *Ashta-dhikaras* and *Sanskaras*. The higher the grade of a caste, the greater the number of these rights and the lower the grade, the lesser their number. Now this gradation, this scaling of castes, makes it impossible to organise a common front against the Caste System. If a caste claims the right to inter-dine and inter-marry with another caste placed above it, it is frozen, instantly it is told by mischief-mongers, and there are many Brahmins amongst such mischief-mongers, that it will have to concede inter-dining and inter-marriage with castes below it ! All are slaves of the Caste System. But all the slaves are not equal in status. To excite the proletariat to bring about an economic revolution, Karl Marx told them :"You have nothing to lose except your chains."But the artful way in which the social and religious rights are distributed among the different castes whereby some have more and some have less, makes the slogan of Karl Marx quite useless to excite the Hindus against the Caste System. Castes form a graded system of sovereignties, high and low, which are jealous of their status and which know that if a general dissolution came, some of them stand to lose more of their prestige and power than others do. You cannot, therefore, have a general mobilization of the Hindus, to use a military expression, for an attack on the Caste System.

XXII

Can you appeal to reason and ask the Hindus to discard Caste as being contrary to reason? That raises the question : Is a Hindu free to follow his reason? Manu has laid down three sanctions to which every Hindu must conform in the matter of his behaviour *vedah smritih sadacharah swasy cha priyamatmanah* Here there is no place for reason to play its part. A Hindu must follow either *Veda, Smriti* or *Sadachar*. He cannot follow anything else. In the first place how are the texts of the *Vedas* and *Smritis* to be interpreted whenever any doubt arises regarding their meaning? On this important question the view of Manu is quite definite. He says :

yovamanyet te moole hetushrashraya dwizah
sa sadhubhirbahishkaryo nashtiko vedandikah

According to this rule, rationalism as a canon of interpreting the *Vedas* and *Smritis,* is absolutely condemned. It is regarded to be as wicked as atheism and the punishment provided for it is ex-communication. Thus, where a matter is covered by the *Veda* or the *Smriti,* a Hindu cannot resort to rational thinking. Even when there is a conflict between *Vedas* and *Smritis* on matters on which they have given a positive injunction, the solution is not left to reason. When there is a conflict between two *Shrutis,*

both are to be regarded as of equal authority. Either of them may be followed. No attempt is to be made to find out which of the two accords with reason. This is made clear by *Manu:*

shrutidwadham tu yatra syaptatra dharvarvudhau smritau

"When there is a conflict between *Shruti and Sinriti ,* the *Shruti* must prevail."But here too, no attempt must be made to find out which of the two accords with reason. This is laid down by Manu in the following Shloka :

ya vedabahyah snrityo yashch kashch kridrishtah i
sarvasta nishphalah prety tamonishtha hi tah smritah ii

Again, when there is a conflict between two *Smritis,* the Manu-Smriti must prevail, but no attempt is to be made to find out which of the two accords with reason. This is the ruling given by Brihaspati:

vedayatvopanibandhritavat pramanyam hi manoah smritah
manvrthaviparita tu ya smritih sa na shashyate

It is, therefore, clear that in any matter on which the *Shrutis* and *Smritis* have given a positive direction, a Hindu is not free to use his reasoning faculty. The same rule is laid down in the Mahabharat :

puranam manvo dharmah sango vedashchikitsitam
agasidhani chatvari na hantavyani hetubhih

He must abide by their directions. The Caste and *Varna* are matters, which are dealt with by the *Vedas* and the *Smritis* and consequently, appeal to reason can have no effect on a Hindu. So far as Caste and *Varna* are concerned, not only the *Shastras* do not permit the Hindu to use his reason in the decision of the question, but they have taken care to see that no occasion is left to examine in a rational way the foundations of his belief in Caste and *Varna.* It must be a source of silent amusement to many a Non-Hindu to find hundreds and thousands of Hindus breaking Caste on certain occasions, such as railway journey and foreign travel and yet endeavouring to maintain Caste for the rest of their lives ! The explanation of this phenomenon discloses another fetter on the reasoning faculties of the Hindus. Man's life is generally habitual and unreflective. Reflective thought, in the sense of active, persistent and careful consideration of any belief or supposed form or knowledge in the light of the grounds that support it and further conclusions to which it tends, is quite rare and arises only in a situation which presents a dilemma—a Crisis-Railway journeys

and foreign travels are really occasions of crisis in the life of a Hindu and it is natural to expect a Hindu to ask himself why he should maintain Caste at all, if he cannot maintain it at all times. But he does not. He breaks Caste at one step and proceeds to observe it at the next without raising any question. The reason for this astonishing conduct is to be found in the rule of the *Shastras,* which directs him to maintain Caste as far as possible and to undergo *praynschitia* when he cannot. By this theory of *prayaschitta ,* the *Shastras* by following a spirit of compromise have given caste a perpetual lease of life and have smothered reflective thought which would have otherwise led to the destruction of the notion of Caste.

There have been many who have worked in the cause of the abolition of Caste and Untouchability. Of those, who can be mentioned, Ramanuja, Kabir and others stand out prominently. Can you appeal to the acts of these reformers and exhort the Hindus to follow them? It is true that Manu has included *Sadachar (sadachar)* as one of the sanctions along with *Shruti* and *Smriti.* Indeed, *Sadachar* has been given a higher place than *Shastras :*

yaddwacharyate yen dharmya vadharmamev va
deshasyacharanam nityam charitram tadwikirtatam

according to this, *sadachar,* whether, it is *dharmy*a or *adharmya* in accordance with *Shastras* or contrary to *Shastras,* must be followed. But what is the meaning of *Sadachar*? If any one were to suppose that *Sadachar* means right or good acts *i.e.* acts of good and righteous men he would find himself greatly mistaken. *Sadachar* does not means good acts or acts of good men. It means ancient custom *good* or *bad.* The following verse makes this clear :

yasmin deshe ya acharah parmpayakramagatah
varnani kil sarvesham sa sadachar uchyate

As though to warn people against the view that *Sadachar* means good *acts* or acts of good men and fearing that people might understand it that way and follow the acts of good men, the *Smrities* have commanded the Hindus in unmistakable terms not to follow even Gods in their good deeds, if they are contrary to *Shruti, Smrili* and *Sadachar.* This may sound to be most extraordinary, most perverse, but the. fact remains that *na devacharitam charet* is an injunction, issued to the Hindus by their *Shastras.* Reason and morality are the two most powerful weapons in the armoury of a Reformer. To deprive him of the use of these weapons is to disable him for action .How are you going to break up Caste, if people are not free to consider whether it accords with reason? How are you going to break up Caste if people are

not free to consider whether it accords with morality? The wall built around Caste is impregnable and the material, of which it is built, contains none of the combustible stuff of reason and morality. Add to this the fact that inside this wall stands the army of Brahmins, who form the intellectual class, Brahmins who are the natural leaders of the Hindus, Brahmins who are there not as mere mercenary soldiers but as an army fighting for its homeland and you will get an idea why I think that breaking-up of Caste amongst the Hindus is well-nigh impossible. At any rate, it would take ages before a breach is made. But whether the doing of the deed takes time or whether it can be *done* quickly, you must not forget that if you wish to bring about & breach in the system then you have got to apply the dynamite to the *Vedas* and the *Shastras,* which deny any part to reason, to *Vedas* and *Shastras,* which deny any part to morality. You must destroy the Religion of the *Shrutis* and the *Smritis.* Nothing else will avail. This is my considered view of the matter.

XXIII

Some may not understand what I mean by destruction of Religion; some may find the idea revolting to them and some may find it revolutionary. Let me therefore explain my position. I do not know whether you draw a distinction between principles and rules. But I do. Not only I make a distinction but I say that this distinction is real and important. Rules are practical ; they are habitual ways of doing things according to prescription. But principles are intellectual; they are useful methods of judging things. Rules seek to tell an agent just what course of action to pursue. Principles do not prescribe a specific course of action. Rules, like cooking recipes, do tell just what to do and how to do it. A prinsiple, such as that of justice, supplies a main head by reference to which he is to consider the bearings of his desires and purposes, it guides him in his thinking by suggesting to him the important consideration which he should bear in mind. This difference between rules and principles makes the acts done in pursuit of them different in quality and in content. Doing what is said to *be,* good by virtue of a rule and doing good in the light of a principle are two different things. The principle may be wrong but the act is conscious and responsible. The rule may be right but the act is mechanical. A religious act may not be a correct act but must at least be a responsible act. To permit of this responsibility, Religion must mainly *be* a matter of principles only. It cannot be a matter of rules. The moment it degenerates into rules it ceases to be Religion, as it kills responsibility which is the essence of a truly religious act. What is this Hindu Religion? Is it a set of principles or is it a code of rules? Now the Hindu Religion, as contained in the *Vedas* and the

Smritis, is nothing but a mass of sacrificial, social, political and sanitary rules and regulations, all mixed up. What is called Religion by the Hindus is nothing but a multitude of commands and prohibitions. Religion, in the sense of spiritual principles, truly universal, applicable to all races, to all countries, to all times, is not to be found in them, and if it is, it does not form the governing part of a Hindu's life. That for a Hindu, Dharma means commands and prohibitions is clear from the way the word Dharma is used in *Vedas* and the *Sinritis* and understood by the commentators. The word Dharma as used in the *Vedas* in most cases means religious ordinances or rites. Even Jaimini in his Purva-Mimansa defines Dharma as"a desirable goal or result that is indicated by injunctive *(Vedic)* passages". To put it in plain language, what the Hindus call Religion is really Law or at best legalized class-ethics. Frankly, I refuse to cull this code of ordinances, as Religion. The first evil of such a code of ordinances, misrepresented to the people as Religion, is that it tends to deprive moral life of freedom and spontaneity and to reduce it (for the conscientious at any rate) to a *more* or less anxious and servile conformity to externally imposed rules. Under it, there is no loyalty to ideals, there is only conformity to commands. But the worst evil of this code of ordinances is that the laws it contains must be the same yesterday, today and forever. They are iniquitous in that they are not the same for one class as for another. But this iniquity is made perpetual in that they are prescribed to be the same for all generations. The objectionable part of such a scheme is not that they are made by certain persons called Prophets or Law-givers. The objectionable part is that this code has been invested with the character of finality and fixity. Happiness notoriously varies with the conditions and circumstances of a person, as well as with the conditions of different people and epochs. That being the case, how can humanity endure this code of eternal laws, without being cramped and without being crippled? I have, therefore, no hesitation in saying that such a religion must be destroyed and I say, there is nothing irreligious in working for the destruction of such a religion. Indeed I hold that it is your bounden duty to tear the mask, to remove the misrepresentation that as caused by misnaming this Law as Religion. This is an essential step for you. Once you clear the minds of the people of this misconception and enable them to realize that what they are told as Religion is not Religion but that it is really Law, you will be in a position to urge for its amendment or abolition. So long as people look upon it as Religion they will not be ready for a change, because the idea of Religion is generally speaking not associated with the idea of change. But the idea of law is associated with the idea of change and when people come to know

that what is called Religion is really Law, old and archaic, they will be ready for a change, for people know and accept that law can be changed.

XXIV

While I condemn a Religion of Rules, I must not be understood to hold the opinion that there is no necessity for a religion. On the contrary, I agree with Burke when he says that,"True religion is the foundation of society, the basis on which all true Civil Government rests, and both their sanction."Consequently, when I urge that these ancient rules of life be annulled, I am anxious that its place shall be taken by a Religion of Principles, which alone can lay claim to being a true Religion. Indeed, I am so convinced of the necessity of Religion that I feel I ought to tell you in outline what I regard as necessary items in this religious reform. The following in my opinion should be the cardinal items in this reform : (1) There should be one and only one standard book of Hindu Religion, acceptable to all Hindus and recognized by all Hindus. This of course means that all other books of Hindu religion such as *Vedas, Shastras* and *Puranas,* which are treated as sacred and authoritative, must by law cease to be so and the preaching of any doctrine, religious or social contained in these books should be penalized. (2) It should be better if priesthood among Hindus was abolished. But as this seems to be impossible, the priesthood must at least cease to be hereditary. Every person who professes to be a Hindu must be eligible for being a priest. It should be provided by law that no Hindu shall be entitled to be a priest unless he has passed an examination prescribed by the State and holds a *sanad* from the State permitting him to practise. (3) No ceremony performed by a priest who does not hold a *sanad* shall be deemed to be valid in law and it should be made penal for a person who has no *sanad* to officiate as a priest. (4) A priest should be the servant of the State and should be subject to the disciplinary action by the State in the matter of his morals, beliefs and worship, in addition to his being subject along with other citizens to the ordinary law of the land. (5) The number of priests should be limited by law according to the requirements of the State as is done in the case of the I.C.S. To some, this may sound radical. But to my mind there is nothing revolutionary in this. Every profession in India is regulated. Engineers must show proficiency, Doctor must show proficiency, Lawyers must show proficiency, before they are allowed to practise their professions. During the whole of their career, they must not only obey the law of the land, civil as well *as* criminal, but they must also obey the special code of morals prescribed by their respective professions. The priest's is the only profession where proficiency is not required. The profession of a Hindu

priest is the only profession which is not subject to any code. Mentally a priest may be an idiot, physically a priest may be suffering from a foul disease, such as syphilis or gonorrheae, morally he may be a wreck. But he is fit to officiate at solemn ceremonies, to enter the *sanctum sanctorum* of a Hindu temple and worship the Hindu God. All this becomes possible among the Hindus because for a priest it is enough to be born in a priestly caste. The whole thing is abominable and is due to the fact that the priestly class among Hindus is subject neither to law nor to morality. It recognizes no duties. It knows only of rights and privileges. It is a pest which divinity seems to have let loose on the masses for their mental and moral degradation. The priestly class must be brought under control by some such legislation as I have outlined above. It will prevent it from doing mischief and from misguiding people. It will democratise it by throwing it open to every one. It will certainly help to kill the Brahminism and will also help to kill Caste, which is nothing but Brahminism incarnate. Brahminism is the poison which has spoiled Hinduism. You will succeed in saving Hinduism if you will kill Brahminism. There should be no opposition to this reform from any quarter. It should be welcomed even by the Arya Samajists, because this is merely an application of their own doctrine of *guna-karma.*

Whether you do that or you do not, you must give a new doctrinal basis to your Religion—a basis that will be in consonance with Liberty, Equality and Fraternity, in short, with Democracy. I am no authority on the subject. But I am told that for such religious principles as will be in consonance with Liberty, Equality and Fraternity it may not be necessary for you to borrow from foreign sources and that you could draw for such principles on the *Upanishads.* Whether you could do so without a complete remoulding, a considerable scraping and chipping off the ore they contain , is more than I can say. This means a complete change in the fundamental notions of life-it means a complete change in the values of life. It means a complete change in outlook and in attitude towards men and things. It means conversion but if you do not. like the word, I will say, it means new life. But a new life cannot enter a body that is dead. New life can center only in a new body. The old body must die before a new body can come into existence and a new life can enter into it. To put it simply: the old must cease to be operative before the new can begin to enliven and to pulsate. This is what I meant when I said you must discard the authority of the *Shastras* and destroy the religion of the *Shastras.*

XXV

I have kept you too long. It is time I brought this address to a close. This

would have been a convenient point for me to have stopped. But this would probably be my last address to a Hindu audience on a subject vitally concerning the Hindus. I would therefore like, before I close, to place before the Hindus, if they will allow me, some questions which I regard as vital and invite them seriously to consider the same.

In the first place, the Hindus must consider whether it is sufficient to take the placid view of the anthropologist that there is nothing to be said about the beliefs, habits, morals and outlooks on life, which obtain among the different peoples of the world except that they often differ ; or whether it is not necessary to make an attempt to find out what kind of morality, beliefs, habits and outlook have worked best and have enabled those who possessed them to flourish, *to* go strong, to people the earth and to have dominion over it. As is observed by Prof. Carver,"Morality and religion, as the organised expression of moral approval and disapproval, must be regarded as factors in the struggle for existence as truly as are weapons for offence and defence, teeth and claws, horns and hoofs, furs and feathers. The social group, community, tribe or nation, which develops an unworkable scheme of morality or within which those social acts which weaken it and unfit it for survival, habitually create the sentiment of approval, while those which would strengthen and enable it to be expanded habitually create the sentiment of disapproval, will eventually be eliminated. It is its habits of approval or disapproval (these are the results of religion and morality) that handicap it, as really as the possession of two wings on one side with none on. the other will handicap the colony of flies. It would be as futile in the one case as in the other to argue, that one system is just as good as another."Morality and religion, therefore, are not mere matters of likes and dislikes. You may dislike exceedingly a scheme of morality, which, if universally practised within a nation, would make that nation the strongest nation on the face of the earth. Yet in spite of your dislike such a nation will become strong. You may like exceedingly a scheme of morality and an ideal of justice, which if universally practised within a nation, would make it enable to hold its own in the struggle with other nations. Yet in spite of your admiration this nation will eventually disappear. The Hindus must, therefore, examine their religion and then morality in terms of their survival value.

Secondly, the Hindus must consider whether they should conserve the whole of their social heritage or select what is helpful and transmit to future generations only that much and no more. Prof, John Dewey., who was my teacher and to whom I owe so much, has said :"Every society gets encumbered with what is trivial, with dead wood from the past, and with

what is positively perverse... As a society becomes more enlightened, it realizes that it is responsible *not* to conserve and transmit, the whole of its existing achievements, but only such as make for a better future society."Even Burke in spite of the vehemence with which he opposed the principle of change embodied in the French Revolution, was compelled to admit that"a State without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve, " What Burke said of a State applies equally to a society.

Thirdly, the Hindus must consider whether they must not cease to worship the past as supplying its ideals. The beautiful effect of this worship of the past are best summed up by Prof. Dewey when he says :"An individual can live only in the present. The present is not just something which comes after the past ; much less something produced by it. It is what life is in leaving the past behind it. The study of past products will not help us to understand the present. A knowledge of the past and its heritage is of great significance when it enters into the present, but not otherwise. And the mistake of making the-records and remains of the past the main material of education is that it tends to make the past a rival of the present and the present a more or less futile imitation of the past."The principle, which makes little of the present act of living and growing, naturally looks upon the present as empty and upon the future as remote. Such a principle is inimical to progress and is an hindrance to a strong and a steady current of life.

Fourthly, the Hindus must consider whether the time has not come for them to recognize that there is nothing fixed, nothing eternal, nothing *sanatan;* that everything is changing, that change is the law of life for individuals as well as for society. In a changing society, there must be a constant revolution of old values and the Hindus must realize that if there must be standards to measure the acts of men there must also be a readiness to revise those standards.

XXVI

I have to confess that this address has become too lengthy. Whether this fault is compensated to any extent by breadth or depth is a matter for you to judge. All I claim is to have told you candidly my views. I have little to recommend them but some study and a deep concern in your destiny. If you will allow me to say, *these* views are the views of a man, who has been no tool of power, no flatterer of greatness. They come from one, almost the whole of whose public exertion has been one continuous struggle for liberty for the poor and for the oppressed and whose only reward has been

a continuous shower of calumny and abuse from national journals and national leaders, for no other reason except that I refuse to join with them in performing the miracle—I will not say trick—of liberating the oppressed with the gold of the tyrant and raising the poor with the cash of the rich. All this may not be enough to commend my views. I think they are not likely to alter yours. But whether they do or do not, the responsibility is entirely yours. You must make your efforts to uproot Caste, if not in my way, then in your way. I am sorry, I will not be with you. I have decided to change. This is not the place for giving reasons. But even when I am gone out of your fold, I will watch your movement with active sympathy and you will have my assistance for what it may be worth. Yours is a national cause. Caste is no doubt primarily the breath of the Hindus. But the Hindus have fouled the air all over and everybody is infected, Sikh, Muslim and Christian. You, therefore, deserve the support of all those who are suffering from this infection, Sikh, Muslim and Christian. Yours is more difficult than the other national cause, namely Swaraj. In the fight for Swaraj you fight with the whole nation on your side. In this, you have to fight against the whole nation and that too, your own. But it is more important than Swaraj. There is no use having Swaraj, if you cannot defend it. More important than the question of defending Swaraj is the question of defending the Hindus under the Swaraj. In my opinion only when the Hindu Society becomes a casteless society that it can hope to have strength enough to defend itself. Without such internal strength, Swaraj for Hindus may turn out to be only a step towards slavery. Good-bye and good wishes for your success.

APPENDIX I

A VINDICATION OF CASTE BY MAHATMA GANDHI

(A Reprint of his Articles in the"Harijan")

Dr. Ambedkar's Indictment I

The readers will recall the fact that Dr. Ambedkar was to have presided last May at the annual conference of the Jat-Pat-Todak Mandal of Lahore. But the conference itself was cancelled because Dr. Ambedkar's address was found by the Reception Committee to be unacceptable. How far a Reception Committee is justified in rejecting a President of its choice because of his address that may be objectionable to it is open to question. The Committee knew Dr. Ambedkar's views on caste and the Hindu

scriptures. They knew also that he had in unequivocal terms decided to give up Hinduism. Nothing less than the address that Dr. Ambedkar had prepared was to be expected from him. The committee appears to have deprived the public of an opportunity of listening to the original views of a man, who has carved out for himself a unique position in society. Whatever label he wears in future, Dr. Ambedkar is not the man to allow himself to be forgotten.

Dr. Ambedkar was not going to be beaten by the Reception Committee. He has answered their rejection of him by publishing the address at his own expense. He has priced it at 8 annas, I would suggest a reduction to 2 annas or at least 4 annas.

No reformer can ignore the address. The orthodox will gain by reading it. This is not to say that the address is not open to objection. It has to be read only because it is open to serious objection. Dr. Ambedkar is a challenge to Hinduism. Brought up as a Hindu, educated by a Hindu potentate, he has become so disgusted with the so-called Savarna Hindus for the treatment that he and his people have received at their hands that he proposes to leave not only them but the very religion that is his and their common heritage. He has transferred to that religion, his disgust against a part of its professors.

But this is not to be wondered at. After all, one can only judge a system or an institution by the conduct of its representatives. What is more. Dr. Ambedkar found that the vast majority of Savarna Hindus had not only conducted themselves inhumanly against those of their fellow religionists, whom they classed as untouchables, but they had based their conduct on the authority of their scriptures, and when he began to search them he had found ample warrant for their beliefs in untouchability and all its implications. The author of the address has quoted chapter and verse in proof of his three-fold indictment—inhuman conduct itself, the unabashed justification for it on the part of the perpetrators, and the subsequent discovery that the justification was warranted by their scriptures.

No Hindu who prizes his faith above life itself can afford to underrate the importance of this indictment. Dr Ambedkar is not alone in his disgust He is its most uncompromising exponent and one of the ablest among them. He is certainly the most irreconcilable among them. Thank God, in the front rank of the leaders, he is singularly alone and as yet but a representative of a very small minority. But what he says is voiced with more or less vehemence by many leaders belonging to the depressed classes. Only the latter, for instance Rao Bahadur M. C. Rajah and Dewan Bahadur Srinivasan, not only do not threaten to give up Hinduism but find

enough warmth in it to compensate for the shameful persecution to which the vast mass of Harijans are exposed.

But the fact of many leaders remaining in the Hindu fold is no warrant for disregarding what Dr. Ambedkar has to say. The Savaraas have to correct their belief and their conduct. Above all those who are by their learning and influence among the Savarnas have to give an authoritative interpretation of the scriptures. The questions that Dr. Ambedkar's indictment suggest are :

(1) What are the scriptures?

(2) Are all the printed texts to be regarded as an integral part of them or is any part of them to be rejected as unauthorised interpolation?

(3) What is the answer of such accepted and expurgated scriptures on the question of untouchability, caste, equality of status, inter-dining and intermarriages? (These have been all examined by Dr. Ambedkar in his address.)

I must reserve for the next issue my own answer to these questions and a statement of the (at least some) manifest flaws in Dr. Ambedkar's thesis

(Harijan, July II, 1936)

II

The *Vedas, Upanishads, Smritis* and *Puranas* including Ramayana and Mahabharata are the Hindu Scriptures. Nor is this a finite list. Every age or even. generation has added to the list. It follows, therefore, that everything printed or even found handwritten is not scripture. The *Smrities* for instance-contain much that can never be accepted as the word of God. Thus. many of the texts that Dr. Ambedkar quotes from the *Smritis* cannot be accepted as authentic. The scriptures, properly so-called, can only be concerned with eternal varieties and must appeal to any conscience *i.e.* any heart whose eyes of understanding are opened. Nothing can be accepted as the word of God which cannot be tested by reason or be capable of being spiritually experienced. And even when you have an expurgated edition of the scriptures, you will need their interpretation. Who is the best interpreter? Not learned men surely. Learning there must be. But religion does not live it. It lives in the experiences of its saints and seers, in their lives and sayings. When all the most learned commentators of the scriptures are utterly forgotten, the accumulated experience of the sages and saints will abide and be an inspiration for ages to come.

Caste has nothing to do with religion. It is a custom whose origin I do not know and do not need to know for the satisfaction of my spiritual hunger. But I do know that it is harmful both to spiritual and national growth. *Varna* and *Ashrama* are institutions which have nothing to do with

castes .The law of *Varna* teaches us that we have each one of us to earn our bread by following the ancestral calling. it defines not our rights but our duties. It necessarily has reference to callings that are conducive to the welfare of humanity and to no other. It also follows that there is no calling too low and none too high. Ail are good, lawful and absolutely equal in status. The callings of a Brahmin— spiritual teacher—-and a scavenger are equal, and their due performance carries equal merit before God and at one time seems to have carried identical reward before man. Both were entitled to their livelihood and no more. Indeed one traces even now in the villages the faint lines of this healthy operation of the law. Living in Segaon with its population of 600, I do not find a great disparity between the earnings of different tradesmen including Brahmins. I find too that real Brahmins are to be found even in these degenerate days who are living on alms freely given to them and are giving freely of what they have of spiritual treasures. It would be wrong and improper to judge the law of *Varna* by its caricature in the lives of men who profess to belong to a *Varna,* whilst they openly commit a breach of its only operative rule. Arrogation of a superior status by and of the *Varna* over another is a denial of the law. And there is nothing in the law of *Varna* to warrant a belief in untouchability. (The essence of Hinduism is contained in its enunciation of one and only God as Truth and its bold acceptance of Ahimsa as the law of the human family.)

I am aware that my interpretation of Hinduism will be disputed by many besides Dr. Ambedkar. That does not affect my position. It is an interpretation by which I have lived for nearly half a century and according to which I have endeavoured to the best of my ability to regulate my life.

In my opinion the profound mistake that Dr. Ambedkar has made in his address is to pick out the texts of doubtful authenticity and value and the state of degraded Hindus who are no fit specimens of the faith they so woefully misrepresent. Judged by the standard applied by Dr. Ambedkar, every known living faith will probably fail.

In his able address, the learned Doctor has over proved his case. Can a religion that was professed by Chaitanya, Jnyandeo, Tukaram, Tiruvailuvar, Rarnkrishna Paramahansa, Raja Ram Mohan Roy, Maharshi Devendranath Tagore, Vivekanand and host of others who might be easily mentioned, so utterly devoid of merit as is made out in Dr. Ambedkar's address? A religion has to be judged not by it's worst specimens but by the best it might have produced. For that and that alone can be used as the standard to aspire to, if not to improve upon. *(Harijan,* July 18, 1936)

III
VARNA VERSUS CASTE

Shri Sant Ramji of the Jat-Pat-Todak Mandal of Lahore wants me to publish the following:"I have read your remarks about Dr. Ambedkar and the Jat-Pat-Todak

Mandal, Lahore. In that connection I beg to submit as follows :

"We did not invite Dr. Ambedkar to preside over our conference because he belonged to the Depressed Classes, for we do not distinguish between a touchable and an untouchable Hindu. On the contrary our choice fell on him simply because his diagnosis of the fatal disease of the Hindu community was the same as ours, *i.e.* he too was of the opinion that caste system was the root cause of the disruption and downfall of the Hindus. The subject of the Doctor's thesis for Doctorate being caste system, he has studied the subject thoroughly. Now the object of our conference was to persuade the Hindus to annihilate castes but the advice of a non-Hindu in social and religious matters can have no effect on them. The Doctor in the supplementary portion of his address insisted on saying that that was his last speech as a Hindu, which was irrelevant as well as pernicious to the interests of the conference. So we requested him to expunge that sentence for he could easily say the same thing on any other occasion. But he refused and we saw no utility in making merely a show of our function. In spite of all this, I cannot help praising his address which is, as far as I know, the most learned thesis on the subject and worth translating into every vernacular of India.

Moreover, I want to bring to your notice that your philosophical difference between Caste and *Varna* is too subtle to be grasped by people in general, because for all practical purposes in the Hindu society Caste and *Varna* are one and the same thing, for the function of both of them is one and the same *i.e.* to restrict inter-caste marriages and inter-dining. Your theory of *Varnavyavastha* is impracticable in this age and there is no hope of its revival in the near future. But Hindus are slaves of caste and do not want to destroy it. So when you advocate your ideal of imaginary *Varnavyavastha* they find justification for clinging to caste. Thus you are doing a great disservice to social reform by advocating your imaginary utility of division of *Varnas,* for it creates hindrance in our way. To try to remove untouchability without striking at the root of *Varnavyavastha* is simply to treat the outward symptoms of a disease or to draw a line on the surface of water. As in the heart of their hearts *dvijas* do not want to give social equality to the so-called touchable and

untouchable Shudras, so they refuse to break caste, and give liberal donations for the removal of untouchability, simply to evade the issue. To seek the help of the *Shastras* for the removal of untouchability and caste is simply to wash mud with mud."

The last paragraph of the letter surely cancels the first. If the Mandal rejects the help of the *Shastras,* they do exactly what Dr. Ambedkar does, *i.e.* cease to be Hindus. How then can they object to Dr. Ambedkar's address merely because he said that that was his last speech as a Hindu? The position appears to be wholly untenable especially when the Mandal, for which Shri Sant Ram claims to speak, applauds the whole argument of Dr. Ambedkar's address.

But it is pertinent to ask what the Mandal believes if it rejects the *Shastras.* How can a Muslim remain one if he rejects the Quran ,or a Christian remain Christian if he rejects the Bible? If Caste and *Varna* are convertible terms and if *Varna* is an integral part of the *Shastras* which define Hinduism, I do not know how a person who rejects Caste *i.e. Varna* can call himself a Hindu.

Shri Sant Ram likens the *Shastras* to mud. Dr. Ambedkar has not, so far as I remember, given any such picturesque name to the *Shastras.* I have certainly meant when I have said that if *Shastras* support the existing untouchability I should cease to call myself a Hindu. Similarly, if the *Shastras* support caste as we know it today in all its hideousness, I may not call myself or remain a Hindu since I have no scruples about interdining or intermarriage. I need not repeat my position regarding *Shastras* and their interpretation. I venture to suggest to Shri Sant Ram that it is the only rational and correct and morally defensible position and it has ample warrant in Hindu tradition.

(Harijan, August 15,1936)

APPENDIX II
A REPLY TO THE MAHATMA BY DR. B. R. AMBEDKAR

I appreciate greatly the honour done me by the Mahatma in taking notice in his Harijan of the speech on Caste which I had prepared for the Jat Pat Todak Mandal. From a perusal of his review of my speech it is clear that the Mahatma completely dissents from the views I have expressed on the subject of Caste. I am not in the habit of entering into controversy with my opponents unless there are special reasons which compel me to act otherwise. Had my opponent been some mean and obscure person I would not have pursued him. But my opponent being the Mahatma himself I feel I must attempt to meet the case to the contrary which he has sought to put

forth. While I appreciate the honour he has done me, I must confess to a sense of surprize on finding that of all the persons the Mahatma should accuse me of a desire to seek publicity as he seems to do when he suggests that in publishing the undelivered speech my object was to see that I was not"forgotten". Whatever the Mahatma may choose to say my object in publishing the speech was to provoke the Hindus to think and take stock of their position. I have never hankered for publicity and if I may say so, I have more of it than I wish or need. But supposing it was out of the motive of gaining publicity that I printed the speech who could cast a stone at me? Surely not those, who like the Mahatma live in glass houses.

II

Motive apart, what has the Mahatma to say on the question raised by me in the speech? First of all any one who reads my speech will realize that the Mahatma has entirely missed the issues raised by me and that the issues he has raised are not the issues that arise out of what he is pleased to call my indictment of the Hindus. The principal points which I have tried to make out in my speech may be catalogued as follows : (1) That caste has ruined the Hindus ; (2) That the reorganization of the Hindu society on the basis of Chaturvarnya is impossible because the *Varnavym'astha* is like a leaky pot or like a man running at the nose. It is incapable of sustaining itself by its own virtue and has an inherent tendency to degenerate into a caste system unless there is a legal sanction behind it which can be enforced against every one transgressing his *Varna ;* (3) That the reorganization of the Hindu Society on the basis of Chaturvarnya is harmful, because the effect of the *Varnavyavastha* is to degrade the masses by denying them opportunity to acquire knowledge and to emasculate them by denying them the right to be armed ; (4) That the Hindu society must be reorganized on a religious basis which would recognise the principles of Liberty, Equality and Fraternity ; (5) That in order to achieve this object the sense of religious sanctity behind Caste and *Varna* must be destroyed ; (6) That the sanctity of Caste and *Varna* can be destroyed only by discarding the divine authority of the *Shastras.* It will be noticed that the questions raised by the Mahatma are absolutely beside the point and show that the main argument of the speech was lost upon him.

Ill

Let me examine the substance of the points made by the Mahatma. The first point made by the Mahatma is that the texts cited by me are not authentic. I confess I am no authority on this matter. But I should like to state that the texts cited by me are all taken from the writings of the late Mr. Tilak who was a recognised authority on the Sanskrit language and on

the Hindu *Shastras*. His second point is that these *Shastras* should be interpreted not by the learned but the saints and that, as the saints have understood them, the *Shastras* do not support Caste and Untouchabilty. As regards the first point what I like to ask the Mahatma is what does it avail to any one if the texts are interpolations and if they have been differently interpreted by the saints? The masses do not make any distinction between texts which are genuine and texts which are interpolations. The masses do not know what the texts are. They are too illiterate to know the contents of the *Shastras*. They have believed what they have been told and what they have been told is that the *Shastras* do enjoin as a religious duty the observance of Caste and Untouchability.

With regard to the saints, one must admit that howsoever different and elevating their teachings may have been as compared to those of the merely learned they have been lamentably ineffective. They have been ineffective for two reasons. Firstly, none of the saints ever attacked the Caste System. On the contrary, they were staunch believers in the System of Castes. Most of them lived and died. as members of the castes which they respectively belonged. So passionately attached was Jnyandeo to his status as a Brahmin that when the Brahmins of Paithan would not admit him to their fold he moved heaven and earth to get his status as a Brahmin recognized *by* the Brahmin fraternity. And even the saint Eknath who now figures in the film"Dharmatma"as a hero for having shown courage to touch the untouchables and dine with them, did so not because he was opposed to Caste and Untouchability but because he felt that the pollution caused thereby could be washed away by a bath in the sacred waters of the river Ganges.* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/02.Annihilation of Caste.htm - _msocom_1The saints have never according to my study carried on a campaign against. Caste and Untouchability. They were not concerned with the struggle between men. They were concerned with the relation between man and God. They did not preach that all men were equal. They preached that all men were equal, in the eyes of God a very different and a very innocuous proposition which nobody can find difficult to preach or dangerous to believe in. The second reason why the teachings of the saints proved ineffective was because the masses have been taught that a saint might break Caste but the common man must not. A saint therefore never became an example to follow. He always remained a pious man to be honoured. That the masses have remained staunch believers in Caste and Untouchability shows that the pious lives and noble sermons of the saints have had no effect on their life and conduct as against the teachings of the *Shastras*. Thus it can be a matter of no consolation that there were saints or

that there is a Mahatma who understands the *Shastras* differently from the learned few or ignorant many. That the masses hold different view of the *Shastras* is fact which should and must be reckoned with. How is that to be dealt with except by denouncing the authority of the *Shastras,* which continue to govern their conduct, is a question which the Mahatma has not considered. But whatever the plan the Mahatma puts forth as an effective means to free the masses from the teachings of the *Shastras,* he must accept that the pious life led by one good Samaritan may be very elevating to himself but in India, with the attitude the common man has to saints and to Mahatmas—to honour but not to follow—one cannot make much out of it.

IV

The third point made by the Mahatma is that a religion professed by Chaitanya, Jnyandeo, Tukaram, Tiruvalluvar, Rarnkrishna Paramahansa etc. cannot be devoid of merit as is made out by me and that a religion has to be judged not by its worst specimens but by the best it might have produced. I agree with every word of this statement. But I do not quite understand what the Mahatma wishes to prove thereby. That religion should be judged not by its worst specimens but by its best is true enough but does it dispose of the matter? I say it does not. The question still remains—why the worst number so many and the best so few? To my mind there are two conceivable answers to this question : (1) That the worst by reason of some original perversity of theirs are morally uneducable and are therefore incapable of making the remotest approach to the religious ideal. Or (2) That the religious ideal is a wholly wrong ideal which has given a wrong moral twist to the lives of the many and that the best have become best in spite of the wrong ideal—in fact by giving to the wrong twist a turn in the right direction. Of these two explanations I am not prepared to accept the first and I am sure that even the Mahatma will not insist upon the contrary. To my mind the second is the only logical and reasonable explanation unless the Mahatma has a third alternative to explain why the worst are so many and the best so few. If the second is the only explanation then obviously the argument of the Mahatma that a religion should be judged by its best followers carries us nowhere except to pity the lot of the many who have gone wrong because they have been made to worship wrong ideals.

V

The argument of the Mahatma that Hinduism would be tolerable if only many were to follow the example of the saints is fallacious for another

reason. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/02.Annihilation of Caste.htm -_msocom_2 By citing the names of such illustrious persons as Chaitanya etc. what the Mahatma seems to me to suggest in its broadest and simplest form is that Hindu society can be made tolerable and even happy without any fundamental change in its structure if all the high caste Hindus can be persuaded to follow a high standard of morality in their dealings with the low caste Hindus. I am totally opposed to this kind of ideology. I can respect those of the caste Hindus who try to realize a high social ideal in their life. Without such men India would be an uglier and a less happy place to live in than it is. But nonetheless anyone who relies on an attempt to turn the members of the caste Hindus into better men by improving their personal character is in my judgment wasting his energy and bugging an illusion. Can personal character make the maker of armaments a good man, *i.e.* a man who will sell shells that will not burst and gas that will not poison? If it cannot, how can you accept personal character to make a man loaded with the consciousness of Caste, a good man, *i.e.* a man who would treat his fellows as his friends and equals? To be true to himself he must deal with his fellows either as a superior or inferior according as the case may be; at any rate, differently from his own caste fellows. He can never be expected to deal with his fellows as his kinsmen and equals. As a matter of fact, a Hindu does treat all those who are not of his Caste as though they were aliens, who could be discriminated against with impunity and against whom any fraud or trick may be practised without shame. *This is to say that there can be a better or a worse Hindu. But a good Hindu there cannot be.* This is so not because there is anything wrong with his personal character. In fact what is wrong is the entire basis of his relationship to his fellows. The best of men cannot be moral if the basis of relationship between them and their fellows is fundamentally a wrong relationship. To a slave his master may be better or worse. But there cannot be a good master. A good man cannot be a master and a master cannot be a good man. The same applies to the relationship between high caste and low caste. To a low caste man a high caste man can be better or worse as compared to other high caste men. A high caste man cannot be a good man in so far as he must have a low caste man to distinguish him as high caste man. It cannot be good to a low caste man to be conscious that there is a high caste man above him. I have argued in my speech that a society based on *Varna* or Caste is a society which is based on a wrong relationship. I had hoped that the Mahatma would attempt to demolish my argument. But instead of doing that he has merely reiterated his belief in Chaturvarnya without disclosing the ground on which it is based.

VI

Does the Mahatma practise what he preaches? One does not like to make personal reference in an argument which is general in its application. But when one preaches a decline and holds it as a dogma there is a curiosity to know how far he practises what he preaches. It may be that his failure to practise is due to the ideal being too high. to be attainable; it may be that his failure to practise is due to the innate hypocrisy of the man. In any case he exposes his conduct to examination and I must not be blamed if I asked how far has the Mahatma attempted to realize his ideal in his own case. The Mahatma is a Bania by birth. His ancestors had abandoned trading in favour of ministership which is a calling of the Brahmins. In his own life, before he became a Mahatma, when occasion came for him to choose his career he preferred law to scales. On abandoning law he became half saint and half politician. He has never touched trading which is his ancestral calling. His youngest son—I take one who is a faithful follower of his father—born a Vaishya has married a Brahmin's daughter and has chosen to serve a newspaper magnate. The Mahatma is not known to have condemned him for not following his ancestral calling. It may be wrong and uncharitable to judge an ideal by its worst specimens. But surely the Mahatma as a specimen has no better and if he even fails to realize the ideal then the ideal must be an impossible ideal quite opposed to the practical instincts of man. Students of Carlyle know that he often spoke on a subject before he thought about it. I wonder whether such has not been the case with the Mahatma in regard to the subject matter of Caste. Otherwise certain questions which occur to me would not have escaped him. When can a calling be deemed to have become an ancestral calling so as to make it binding on a man? Must man follow his ancestral calling even if it does not suit his capacities, even when it has ceased to be profitable? Must a man live by his ancestral calling even if he finds it to be immoral? If every one must pursue his ancestral calling then it must follow that a man must. continue to be a pimp because his grandfather was a pimp and a woman must continue to be a prostitute because her grandmother was a prostitute. Is the Mahatma prepared to accept the logical conclusion of his doctrine? To me bis ideal of following one's ancestral calling is not only an impossible and impractical ideal, but it is also morally an indefensible ideal.

VII

The Mahatma sees great virtue in a Brahmin remaining a Brahmin all his life. Leaving aside the fact there are many Brahmins who do not like to remain Brahmins ail their lives. What can we say about those Brahmins

who have clung to their ancestral calling of priesthood? Do they do so from any faith in the virtue of the principle of ancestral calling or do they do so from motives of filthy lucre? The Mahatma does not seem to concern himself with such queries. He is satisfied that these are"real Brahmins who are living on alms freely given to them and giving freely what they have of spiritual treasures". This is how a hereditary Brahmin priest appears to the Mahatma—a carrier of spiritual treasurers. But another portrait of the hereditary Brahmin can also be drawn. A Brahmin can be a priest to Vishnu—the God of Love. He can be a priest to Shankar—the God. of Destruction. He can be a priest at Buddha Gaya worshipping Buddha—the greatest teacher of mankind who taught the noblest doctrine of Love. He also can be a priest to Kali, the Goddess, who must have a daily sacrifice of an animal to satisfy her thirst for blood ; He will be a priest of the temple of Rama—the Kshatriya God! He will also be a priest of the Temple of Parshuram, the God who took Avatar to destroy the Kshatriyas ! He can be a priest to Bramha, the Creator of the world. He can be a priest to a Pir whose God Allah will not brook the claim of Bramha to share his spiritual dominion over the world ! No one can say that this is a picture which is not true to life. If this is a true picture one does not know what to say of this capacity to bear loyalties to Gods and Goddesses whose attributes are so antagonistic that no honest man can be a devotee to all of them. The Hindus rely upon this extraordinary phenomenon as evidence of the greatest virtue of their religion—namely its catholicity, its spirit of toleration. As against this facile view, it can be urged that what is toleration and catholicity may be really nothing more creditable than indifference or flaccid latitudinarianism. These two attitudes are hard to distinguish in their outer seeming. But they are so vitally unlike in their real quality that no one who examines them closely can mistake one for the other. That a man is ready to render homage to many Gods and Goddesses may be. cited as evidence of his tolerant spirit.. But can it not also be evidence of insincerity born of a desire to serve the times? I am sure that this toleration is merely insincerity. If this view is well founded, one may ask what spiritual treasure can there be with a person who is ready to be a priest and a devotee to any deity which it serves his purpose to worship and to adore? Not only must such a person be deemed to be bankrupt of all spiritual treasures but for him to practice so elevating a profession as that of a priest simply because it is ancestral, without faith, without belief, merely as a mechanical process handed down from. father to son, is not a conservation of virtue; it is really the prostitution of a noble profession which is no other than the service of religion.

VIII

Why does the Mahatma cling to the theory of every one following his or her ancestral calling? He gives his reasons nowhere But there must be some reason although he does not cars to avow it. Years ago writing on"Caste *versus* Class"in his *Young India* he argued that Caste System was better than Class System on the ground that caste was the best possible adjustment of social stability. If that be the reason why the Mahatma clings to the theory of every one following his or her ancestral calling, then he is clinging to a false view of social life. Everybody wants social stability and some adjustment must be made in the relationship between individuals and classes in order that stability may be had. But two things, I am sure nobody wants. One thing nobody wants is static relationship, something that is unalterable, something that is fixed for all times. Stability is wanted but not at the cost of change when change is imperative. Second thing nobody wants is mere adjustment. Adjustment is wanted but not at the sacrifice of social justice. Can it be said that the adjustment of social relationship on the basis of caste *i.e.* on the basis of each to his hereditary calling avoids these two evils? I am convinced that it does not. Far from being the best possible adjustment I have no doubt that it is of the worst possible kind inasmuch as it offends against both the canons of social adjustment—namely fluidity and equity.

IX

Some might think that the Mahatma has made much progress inasmuch as he now only believes in *Varna* and docs not believe in Caste. It is true that there was a time when the Mahatma was a full-blooded and a blue-blooded Sanatani Hindu. He believed in the *Vedas,* the *Upanishads,* the *Puranas* and all that goes by the name of Hindu scriptures and therefore in *avatars* and rebirth. He believed in Caste and defended it with the vigour of the orthodox. He condemned the cry for inter-dining, inter-drinking and inter-marrying and argued that restraints about inter-dining to a great extent"helped the cultivation of will-power and the conservation of certain social virtue". It is good that he has repudiated this sanctimonious nonsense and admitted that caste"is harmful both to spiritual and national growth,"and may be, his son's marriage outside his caste has had something to do with this change of view. But has the Mahatma really progressed? What is the nature of the *Varna* for which the Mahatma stands? Is it the *Vedic* conception as commonly understood and preached by Swami Dayanaad Saraswati and his followers, the Arya Samajists? The essence of the *Vedic* conception of *Varna* is the pursuit of a calling which is appropriate to one's natural aptitude. The essence of the Mahatma's

conception of *Varna* is the pursuit of ancestral calling irrespective of natural aptitude. What is the difference between Caste and *Varna* as understood by the Mahatma? I find none. As defined by the Mahatma, *Varna* becomes merely a different name for Caste for the simple reason that it is the same in essence—namely pursuit of ancestral calling. Far from making progress the Mahatma has suffered retrogression. By putting this interpretation upon the *Vedic* conception of *Varna* he has really made ridiculous what was sublime. While I reject the *Vedic Varnavyavastha* for reasons given in the speech I must admit that the *Vedic* theory of *Varna* as interpreted by Swami Dayanand and some others is a sensible and an inoffensive thing. It did not admit birth as a determining factor in fixing the place of an individual in society. It only recognized worth. The Mahatma's view of *Varna* not only makes nonsense of the *Vedic Varna* but it makes it an abominable thing. *Varna* and Caste are two very different concepts. *Varna* is based on the principle of each according to his worth-while Caste is based on the principle of each according to his birth. The two are as distinct as chalk is from cheese. In fact there is an antithesis between the two. If the Mahatma believes as he does in every one following his or her ancestral calling, then most certainly he is advocating the Caste System and that in calling it the *Varna* System he is not only guilty of terminologicale inexactitude, but he is causing confusion worse confounded. I am sure that all his confusion is due to the fact that the Mahatma has no definite and clear conception as to what is *Varna* and what is Caste and as to the necessity of either for the conservation of Hinduism. He has said and one hopes that he will not find some mystic reason to change his view that caste is not the essence of Hinduism. Does he regard *Varna* as the essence of Hinduism? One cannot as yet give any categorical answer. Readers of his article on"Dr. Ambedkar's Indictment"will answer"No". In that article he does not say that the dogma of *Varna* is an essential part of the creed of Hinduism. Far from making *Varna* the essence of Hinduism he says"the essence of Hinduism is contained in its enunciation of one and only God as Truth and its bold acceptance of Ahimsa as the law of the human family"But the readers of his article in reply to Mr. Sant Ram will say"Yes". In that article he says"How can a Muslim remain one if he rejects the Qurtan, or a Christian remain as Christian if he rejects the Bible? If Caste and *Varna* are convertible terms and if *Varna* is an integral part of the *Shastras* which define Hinduism I do not know how a person who rejects Caste, *i.e. Varna* can call himself a Hindu?"Why this prevarication? Why does the Mahatma hedge? Whom does he want to please? Has the saint failed to sense the

truth? Or does the politician stand in the way of the Saint? The real reason why the Mahatma is suffering from this confusion is probably to be traced to two sources. The first is the temperament of the Mahatma. He has almost in everything the simplicity of the child with the child's capacity for self-deception. Like a child he can believe in anything he wants to believe. We must therefore wait till such time as it pleases the Mahatma to abandon his faith in *Varna* as it has pleased him to abandon his faith in Caste. The second source of confusion is the double role which the Mahatma wants to play—of a Mahatma and a Politician. As a Mahatma he may be trying to spiritualize Politics. Whether he has succeeded in it or not Politics have certainly commercialized him. A politician must know that Society cannot bear the whole truth and that he must not speak the whole truth; if he is speaking the whole truth it is bad for his politics. The reason why the Mahatma is always supporting Caste and *Varna* is because he is afraid that if he opposed them he will lose his place in politics. Whatever may be the source of this confusion the Mahatma must be told that he is deceiving himself and also deceiving the people by preaching Caste under the name of *Varna.*

X

The Mahatma says that the standards I have applied to test Hindus and Hinduism are too severe and that judged by those standards every known living faith will probably fail. The complaint that my standards are high may be true. But the question is not whether they are high or whether they are low. The question is whether they are the right standards to apply. A People and their Religion must be judged by social standards based on social ethics. No other standard would have any meaning if religion is held to be a necessary good for the well-being of the people. Now I maintain that the standards I have applied to test Hindus and Hinduism are the most appropriate standards and that I know of none that are better. The conclusion that every known religion would fail if tested by my standards may be true. But this fact should not give the Mahatma as the champion of Hindus and Hinduism a ground for comfort any more than the existence of one madman should give comfort to another madman or the existence of one criminal should give comfort to another criminal. I like to assure the Mahatma that it is not the mere failure of the Hindus and Hinduism which has produced in me the feelings of disgust and contempt with which. I am charged. I realize that the world is a very imperfect world and any one who wants to live in it must bear with its imperfections. But while I am. prepared to bear with the imperfections and shortcomings of the society in which I may be destined to labour, I feel I should not consent to live in a

society which cherishes wrong ideals or a society which having right ideals will not consent to bring its social life in conformity with those ideals. If I am disgusted with Hindus and Hinduism it is because I am convinced that they cherish wrong ideals and live a wrong social life. My quarrel with Hindus and Hinduism is not over the imperfections of their social conduct. It is much more fundamental. It is over their ideals.

XI

Hindu society seems to me to stand in need of a moral regeneration which it is dangerous to postpone. And the question is who can determine and control this moral regeneration? Obviously only those who have undergone an intellectual regeneration and those who are honest enough to have the courage of their convictions born of intellectual emancipation. Judged by this standard the Hindu leaders who count are in my opinion quite unfit for the task. It is impossible to say that they have undergone the preliminary intellectual regeneration. If they had undergone an intellectual regeneration they would neither delude themselves in the simple way of the untaught multitude nor would they take advantage of the primitive ignorance of others as one sees them doing. Notwithstanding the crumbling state of Hindu society these leaders will nevertheless unblushingly appeal to ideals of the past which have in every way ceased to have any connection with the present ; which however suitable they might have been in the days of their origin have now become a warning rather than a guide. They still have a mystic respect for the earlier forms which make them disinclined—nay opposed to any examination of the foundations of their Society. The Hindu masses are cf course incredibly heedless in the formation of their beliefs. But so are the Hindu leaders. And what is worse is that. These Hindu leaders become filled with an illicit passion for their beliefs when any one proposes to rob them of their companionship. The Mahatma. is no exception. The Mahatma appears not to believe in thinking He prefers to follow the saints. Like a conservative with his reverence for consecrated notions he is afraid that if he once starts thinking, many ideals and institutions to which lie clings will be doomed. One must sympathize with him. For every act of independent thinking puts some portion of apparently stable world in peril. But it is equally true that dependence on saints cannot lead us to know the truth. The saints are after all only human beings and as Lord Balfour said ,"the human mind is no more a truth finding apparatus than the snout of a pig". In so far as he does think, to me he really appears to be prostituting his intelligence to find reasons for supporting this archaic social structure of the Hindus. He is the

most influential apologist of it and therefore the worst enemy of the Hindus.

Unlike the Mahatma there are Hindu leaders who are not content merely to believe and follow. They dare to think, and act in, accordance with the result of their thinking. But unfortunately they are either a dishonest lot or an indifferent lot when it comes to the question of giving right guidance to the mass of the people. Almost every Brahmin has transgressed the rule of Caste. The number of Brahmins who sell shoes is far greater than those who practise priesthood. Not only have the Brahmins given up their ancestral calling of priesthood for trading but they have entered trades which, are prohibited to them by the *Shaslras.* Yet how many Brahmins who break Caste every day will preach against Caste and against the *Shastras*? For one honest Brahmin preaching against Caste and *Shastras* because his practical instinct and moral conscience cannot support a conviction in them, there are hundreds who break Caste and trample upon the *Shastras* every day but who are the most fanatic upholders of the theory of Caste and the sanctity of the *Shastras.* Why this duplicity? Because they feel that if the masses are emancipated from the yoke of Caste they would be a menace to the power and prestige of the Brahmins as a class. The dishonesty of this intellectual class who would deny the masses the fruits of their thinking is a most disgraceful phenomenon.

The Hindus in the words of Mathew Arnold are"wandering between two worlds, one dead, the other powerless to be born". What are they to do? The Mahatma to 'whom they appeal for guidance does not believe in thinking and can therefore give no guidance which can be said to stand the test of experience. The intellectual classes to whom the masses look for guidance are either too dishonest or too indifferent to educate them in the right direction. We are indeed witnesses to a great tragedy. In the face of this tragedy all one can do is to lament and say—such be thy Leaders, O! Hindus.

THEBUDDHA AND HIS DHAMMA

UNPUBLISHED

PREFACE

April 6, 1956

[Text provided by Eleanor Zelliot, as prepared by Vasant Moon]

A question is always asked to me: how I happen[ed] to take such [a] high degree of education. Another question is being asked: why I am inclined towards Buddhism. These questions are asked because I was born in a community known in India as the"Untouchables."This preface is not the place for answering the first question. But this preface may be the place for answering the second question.

The direct answer to this question is that I regard the Buddha's Dhamma to be the best. No religion can be compared to it. If a modern man who knws science must have a religion, the only religion he can have is the Religion of the Buddha. This conviction has grown in me after thirty-five years of close study of all religions.

How I was led to study Buddhism is another story. It may be interesting for the reader to know. This is how it happened.

My father was a military officer, but at the same time a very religious person. He brought me up under a strict discipline. From my early age I found certain contradictions in my father's religious way of life. He was a Kabirpanthi, though his father was Ramanandi. As such, he did not believe in Murti Puja (Idol Worship), and yet he performed Ganapati Puja--of course for our sake, but I did not like it. He read the books of his Panth. At the same time, he compelled me and my elder brother to read every day

before going to bed a portion of [the] **Mahabharata** and **Ramayana** to my sisters and other persons who assembled at my father's house to hear the Katha. This went on for a long number of years.

The year I passed the English Fourth Standard Examination, my community people wanted to celebrate the occasion by holding a public meeting to congratulate me. Compared to the state of education in other communities, this was hardly an occasion for celebration. But it was felt by the organisers that I was the first boy in my community to reach this stage; they thought that I had reached a great height. They went to my father to ask for his permission. My father flatly refused, saying that such a thing would inflate the boy's head; after all, he has only passed an examination and done nothing more. Those who wanted to celebrate the event were greatly disappointed. They, however, did not give way. They went to Dada Keluskar, a personal friend of my father, and asked him to intervene. He agreed. After a little argumentation, my father yielded, and the meeting was held. Dada Keluskar presided. He was a literary person of his time. At the end of his address he gave me as a gift a copy of his book on the life of the Buddha, which he had written for the Baroda Sayajirao Oriental Series. I read the book with great interest, and was greatly impressed and moved by it.

I began to ask why my father did not introduce us to the Buddhist literature. After this, I was determined to ask my father this question. One day I did. I asked my father why he insisted upon our reading the **Mahabharata** and **Ramayana**, which recounted the greatness of the Brahmins and the Kshatriyas and repeated the stories of the degradation of the Shudras and the Untouchables. My father did not like the question. He merely said,"You must not ask such silly questions. You are only boys; you must do as you are told."My father was a Roman Patriarch, and exercised most extensive Patria Pretestas over his children. I alone could take a little liberty with him, and that was because my mother had died in my childhood, leaving me to the care of my auntie.

So after some time, I asked again the same question. This time my father had evidently prepared himself for a reply. He said,"The reason why I ask you to read the **Mahabharata** and **Ramayana** is this: we belong to the

Untouchables, and you are likely to develop an inferiority complex, which is natural. The value of [the] **Mahabharata** and **Ramayana** lies in removing this inferiority complex. See Drona and Karna--they were small men, but to what heights they rose! Look at Valmiki--he was a Koli, but he became the author of [the] **Ramayana**. It is for removing this inferiority complex that I ask you to read the **Mahabharata** and **Ramayana**."

I could see that there was some force in my father's argument. But I was not satisfied. I told my father that I did not like any of the figures in [the] **Mahabharata**. I said,"I do not like Bhishma and Drona, nor Krishna. Bhishma and Drona were hypocrites. They said one thing and did quite the opposite. Krishna believed in fraud. His life is nothing but a series of frauds. Equal dislike I have for Rama. Examine his conduct in the Sarupnakha [=Shurpanakha] episode [and] in the Vali Sugriva episode, and his beastly behaviour towards Sita."My father was silent, and made no reply. He knew that there was a revolt.

This is how I turned to the Buddha, with the help of the book given to me by Dada Keluskar. It was not with an empty mind that I went to the Buddha at that early age. I had a background, and in reading the Buddhist Lore I could always compare and contrast. This is the origin of my interest in the Buddha and His Dhamma.

The urge to write this book has a different origin. In 1951 the Editor of the Mahabodhi Society's Journal of Calcutta asked me to write an article for the Vaishak Number. In that article I argued that the Buddha's Religion was the only religion which a society awakened by science could accept, and without which it would perish. I also pointed out that for the modern world Buddhism was the only religion which it must have to save itself. That Buddhism makes [a] slow advance is due to the fact that its literature is so vast that no one can read the whole of it. That it has no such thing as a bible, as the Christians have, is its greatest handicap. On the publication of this article, I received many calls, written and oral, to write such a book. It is in response to these calls that I have undertaken the task.

To disarm all criticism I would like to make it clear that I claim no

originality for the book. It is a compilation and assembly plant. The material has been gathered from various books. I would particularly like to mention Ashvaghosha's **Buddhavita** [=**Buddhacharita**], whose poetry no one can excel. In the narrative of certain events I have even borrowed his language.

The only originality that I can claim in [=is] the order of presentation of the topics, in which I have tried to introduce simplicity and clarity. There are certain matters which give headache[s] to the student of Buddhism. I have dealt with them in the Introduction.

It remains for me to express my gratitude to those who have been helpful to me. I am very grateful to Mr. Nanak Chand Rattua of Village Sakrulli and Mr. Parkash Chand of Village Nangal Khurd in the district of Hoshiarpur (Punjab) for the burden they have taken upon themselves to type out the manuscript. They have done it several times. Shri Nanak Chand Rattu took special pains and put in very hard labour in accomplishing this great task. He did the whole work of typing etc. very willingly and without caring for his health and [=or] any sort of remuneration. Both Mr. Nanak Chand Rattu and Mr. Parkash Chand did their job as a token of their greatest love and affection towards me. Their labours can hardly be repaid. I am very much grateful to them.

When I took up the task of composing the book I was ill, and [I] am still ill. During these five years there were many ups and downs in my health. At some stages my condition had become so critical that doctors talked of me as a dying flame. The successful rekindling of this dying flame is due to the medical skill of my wife and Dr. Malvankar. They alone have helped me to complete the work. I am also thankful to Mr. M. B. Chitnis, who took [a] special interest in correcting [the] proof and to go [=in going] through the whole book.

I may mention that this is one of the three books which will form a set for the proper understanding of Buddhism. The other books are: (i) **Buddha and Karl Marx**; and (ii) **Revolution and Counter-Revolution in Ancient India**. They are written out in parts. I hope to publish them soon.

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4-56

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EPILOGUE

THE BUDDHA AND HIS DHAMMA

by Dr. B. R. Ambedkar

INTRODUCTION

Indications of a growth in the volume of interest in Buddhism are noticeable in some sections of the Indian people. Along with it there is naturally a growing demand for a clear and consistent statement of the life and teachings of the Buddha.

Anyone who is not a Buddhist finds it extremely difficult to present the life and teachings of the Buddha in a manner which would make it a consistent whole. Depending on the Nikayas, not only the presentation of a consistent story of the life of the Buddha becomes a difficult thing and the presentation of some parts of his teachings becomes much more so. Indeed it would not be an exaggeration to say that of all the founders of religions in the world the presentation of the life and teachings of the founder of Buddhism presents a problem which is quite puzzling if not baffling. Is it not necessary that these problems should be solved and the path for the understanding of Buddhism be made clear? Is it not time that those who are Buddhists should take up these problems at least for general discussion and throw what light they can on these problems?

With a view to raise a discussion on these problems I propose to set them out here. The first problem relates to the main event in the life of the Buddha, namely, Parivraja. Why did the Buddha take Parivraja? The

traditional answer is that he took Parivraja because he saw a dead person, a sick person and an old person. This answer is absurd on the face of it. The Buddha took Parivraja at the age of 29. If he took Parivraja as a result of these three sights, how is it he did not see these three sights earlier? These are common events occurring by hundreds and the Buddha could not have failed to come across them earlier. It is impossible to accept the traditional explanation that this was the first time he saw them. The explanation is not plausible and does not appeal to reason. But if this is not the answer to the question, what is the real answer?

The second problem is created by the four Aryan Truths. Do they form part of the original teachings of the Buddha? This formula cuts at the root of Buddhism. If life is sorrow, death is sorrow and rebirth is sorrow, then there is an end of everything. Neither religion nor philosophy can help a man to achieve happiness in the world. If there is no escape from sorrow, then what can religion do, what can Buddha do to relieve man from such sorrow which is ever there in birth itself? The four Aryan Truths are a great stumbling block in the way of non-Buddhists accepting the gospel of Buddhism. For the four Aryan Truths deny hope to man. The four Aryan Truths make the gospel of the Buddha a gospel of pessimism. Do they form part of the original gospel or are they a later accretion by the monks?

The third problem relates to the doctrines of soul, of karma and rebirth. The Buddha denied the existence of the soul. But he is also said to have affirmed the doctrine of karma and rebirth. At once a question arises. If there is no soul, how can there be karma? If there is no soul, how can there be rebirth? These are baffling questions. In what sense did the Buddha use the words karma and rebirth? Did he use them in a different sense than the sense in which they were used by the Brahmins of his day? If so, in what sense? Did he use them in the same sense in which the Brahmins used them? If so, is there not a terrible contradiction between the denial of the soul and the affirmation of karma and rebirth? This contradiction needs to be resolved.

The fourth problem relates to the Bhikkhu. What was the object of the Buddha in creating the Bhikkhu? Was the object to create a perfect man?

Or was his object to create a social servant devoting his life to service of the people and being their friend, guide and philosopher? This is a very real question. On it depends the future of Buddhism. If the Bhikkhu is only a perfect man he is of no use to the propagation of Buddhism because though a perfect man he is a selfish man. If, on the other hand, he is a social servant he may prove to be the hope of Buddhism. This question must be decided not so much in the interest of doctrinal consistency but in the interest of the future of Buddhism.

If I may say so, the pages of the journal of the Mahabodhi Society make, to me at any rate, dull reading. This is not because the material presented is not interesting and instructive. The dullness is due to the fact that it seems to fall upon a passive set of readers. After reading an article, one likes to know what the reader of the journal has to say about it. But the reader never gives out his reaction. This silence on the part of the reader is a great discouragement to the writer. I hope my questions will excite the readers to come and make their contribution to their solution.

PROLOGUE

"FROM Time to time men find themselves forced to reconsider current and inherited beliefs and ideas, to gain some harmony between present and past experience, and to reach a position which shall satisfy the demands of feeling and reflexion and give confidence for facing the future. If, at the present day, religion, as a subject of critical or scientific inquiry, of both practical and theoretical significance has attracted increasing attention, this can be ascribed to
(a) the rapid progress of scientific knowledge and thought ; *(b)* the deeper intellectual interest in the subject ; *(c)* the widespread tendencies in all parts of the world to reform or reconstruct religion, or even to replace it by some body of thought, more ' rational ' and ' scientific ' or less ' superstitious ' ; and *(d)* the effect of social, political, and international events of a sort which, in the past, have both influenced and been influenced by religion. Whenever the ethical or moral value of activities or conditions is questioned, the value of religion is involved ; and all deep-stirring experiences invariably compel a reconsideration of the most

fundamental ideas, whether they are explicitly religious or not. Ultimately there arise problems of justice, human destiny, God, and the universe ; and these in turn involve problems of the relation between ' religious ' and other ideas, the validity of ordinary knowledge, and practicable conceptions of 'experience' and 'reality.'

-From"Encyclopaedia of Religion and Ethics,"Vol. X, p. 669.

BOOK I

SIDDHARTH GAUTAMA—HOW A BODHISATTA BECAME THE BUDDHA

Part I—From Birth to Parivraja Part II—Renunciation for Ever Part III—In Search of New Light Part IV—Enlightenment and the Vision of a New Way Part V—The Buddha and His Predecessors Part VI—The Buddha and His Contemporaries Part VII—Comparison and Contrast

PART I : FROM BIRTH TO PARIVRAJA

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§ *1. His Kula*

1. 1. Going back to the sixth century B.C., Northern India did not form a single Sovereign State.
2. 2. The country was divided into many States, some large, some small. Of these some were monarchical and some non-monarchical.
3. 3. The monarchical States were altogether sixteen in number. They were known by the name of Anga, Magadha, Kasi, Kosala, Vriji, Malla, Chedi, Vatsa, Kuru, Panchala, Matsya, Saursena, Asmaka, Avanti, Gandhara and Kambhoja.
4. 4. The non-monarchical States were those of the Sakyas of Kapilvatsu, the Mallas of Pava and Kushinara, the Lichhavis of Vaisali, the Videhas of Mithila, the Koliyas of Ramagam, the Bulis of Allakapa, the Kalingas of Resaputta, the Mauriyas of Pipphalvana and the Bhaggas with their capital on Sumsumara Hill.
5. 5. The monarchical States were known as Janapada and the non-monarchical as Sangh or Gana.
6. 6. Not much is known about the nature of the polity of the Sakyas of Kapilvatsu, whether it was republican or oligarchic.
7. 7. This much, however, is definitely known, that there were many ruling families in the Republic of the Sakyas and that they ruled in turns.
8. 8. The head of the ruling family was known as Raja.
9. 9. At the time of the birth of Siddharth Gautama it was the turn of Suddhodana to be the Raja.
10. 10. The Sakya State was situated in the northeast corner of India. It

was an independent State. But at a later stage the King of Kosala had succeeded in establishing his paramountcy over it.
11. 11. The result of this paramountcy was that the Sakya State could not exercise certain sovereign powers without the sanction of the King of Kosala.
12. 12. Of the kingdoms then in existence, Kosala was a powerful kingdom. So was the kingdom of Magadha. Pasanedi, King of Kosala and Bimbisara, King of Magadha, were the contemporaries of Siddharth Gautama.

1. 1. The capital of the Sakyas was the city called Kapilavatsu, perhaps after the name of the great Rationalist Kapila.
2. 2. There lived in Kapilavastu a Sakya by name Jaya Sena. Sinahu was his son. Sinahu was married to Kaccana. Sinahu had five sons, Suddhodana, Dhotodana, Sakkodana, Suklodana and Amitodana. Besides five sons, Sinahu had two daughters, Amita and Pamita.
3. 3. The Gotra of the-family was Aditya.
4. 4. Suddhodana was married to Mahamaya Her father's name was Anjana and mother's Sulakshana. Anjana was a Koliya and was residing in the village called Devadaha.
5. 5. Suddhodana was a man of great military prowess. When Suddhodana had shown his martial powers he was allowed to take a second wife and he chose Mahaprajapati. She was the elder sister of Mahamaya.
6. 6. Suddhodana was a wealthy person. The lands he held were very extensive and the retinue under him was very large. He employed, it is said, one thousand ploughs to till the land he owned.
7. 7. He lived quite a luxurious life and had many palaces.

1. 1. To Suddhodana was born Siddharth Gautama and this was the manner of Gautama's birth.
2. 2. It was a custom among the Sakyas to observe an annual midsummer festival which fell in the month of Ashad. It was celebrated by all the Sakyas throughout the State and also by the members of the ruling family.
3. 3. It was the usual practice to celebrate the festival for seven days.
4. 4. On one occasion Mahamaya decided to observe the festival with

gaiety, with splendour, with flowers, with perfume, but without drinking intoxicants.

5. 5. On the seventh day she rose early, bathed in scented water, bestowed a gift of 4,00,000 pieces of money as alms, adorned herself with all precious ornaments, ate choicest food, took upon herself the fast-day vows, and entered the splendidly adorned royal bedchamber to sleep.

6. 6. That night Suddhodana and Mahamaya came together and Mahamaya conceived. Lying on the royal bed she fell asleep. While asleep she had a dream.

7. 7. In her dreams she saw that the four world-guardians raised her as she was sleeping on her bed and carried her to the tableland of the Himalayas, placed her under a great sal tree and stood on one side.

8. 8. The wives of the four world-guardians then approached and took her to the lake Mansarovar.

9. 9. They bathed her, robed her in a dress, anointed her with perfumes and decked her with flowers in a manner fit to meet some divinity.

10. 10. Then a Bodhisatta, by name Sumedha, appeared before her saying,"I have decided to take my last and final birth on this earth, will you consent to be my mother?"She said,"Yes, with great pleasure."At this moment Mahamaya awoke.

11. 11. Next morning Mahamaya told her dream to Suddhodana. Not knowing how to interpret the dream, Suddhodana summoned eight Brahmins who were most famous in divination.

12. 12. They were Rama, Dhaga, Lakkana, Manti, Yanna, Suyama, Subhoga and Sudatta and prepared for them a befitting reception.

13. 13. He caused the ground to be strewn with festive flowers and prepared high seats for them.

14. 14. He filled the bowls of the Brahmins with gold and silver and fed them on cooked ghee, honey, sugar and excellent rice and milk. He also gave them other gifts such as new clothes and tawny cows.

15. 15. When the Brahmins were propitiated, Sud-dhodana related to them the dream Mahamaya had, and said,"Tell me what it means."

16. 16. The Brahmins said:"Be not anxious. You will have a son, and if he leads a householder's life he will become a universal monarch, and if he leaves his home and goes forth into a homeless state, and becomes a sanyasi, he will become a Buddha, a dispeller of illusions in the world."17.

Bearing the Bodhisatta in her womb like oil in a vessel for ten lunar months, Mahamaya, as her time of delivery was coming nearer, desired to go to her parents' home for delivery. Addressing her husband, she said :"I wish to go to Devadaha, the city of my father."
17. 18."Thou knowest that thy wishes will be done,"replied Suddhodana. Having seated her in a golden palanquin borne by couriers, he sent her forth with a great retinue to her father's house.
18. 19. Mahamaya, on her way to Devadaha, had to pass through a pleasure-grove of sal trees and other trees, flowering and non-flowering. It was known as the Lumbini Grove.
19. 20. As the palanquin was passing through it, the whole Lumbini Grove seemed like the heavenly Cittalata grove or like a banqueting pavilion adorned for a mighty king.
20. 21. From the roots to the tips of the branches the trees were loaded with fruits, flowers and numberless bees of the fine colours, uttering curious sounds, and flocks of various kinds of birds, singing sweet melodies.
21. 22. Witnessing the scene, there arose a desire in the heart of Mahamaya for halting and sporting therein for a while. Accordingly she told the couriers to take her in the sal-grove and wait there.
22. 23. Mahamaya alighted from her palanquin and walked up to the foot of a royal sal tree. A pleasant wind, not too strong, was blowing and the boughs of the trees were heaving up and down and Mahamaya felt like catching one of them.
23. 24. Luckily one of the boughs heaved down sufficiently low to enable her to catch it. So she rose on her toes and caught the bough. Immediately she was lifted up by its upward movement and being shaken, she felt the pangs of childbirth. While holding the branch of the sal tree she was delivered of a son in a standing position.
24. 25. The child was born in the year 563 B.C. on the Vaishakha Paurnima day.
25. 26. Suddhodana and Mahamaya were married for a long time. But they had no issue. Ultimately when a son was born to them his birth was celebrated with great rejoicing, with great pomp and ceremony by Suddhodana and his family and also by the Sakyas. 27. At the time of the birth of the child it was the turn of Suddhodana to be the ruler of

Kapilavatsu and as such was in the enjoyment of the title of Raja. Naturally the boy was called Prince.

1. 1. At the moment when the child was born there dwelt on the Himalayas a great sage named Asita.
2. 2. Asita heard that the gods over the space of the sky were shouting the word"Buddha"and making it resound. He beheld them waving their garments and coursing hither and thither in delight. He thought, what if I were to go and find out the land in which he was born?
3. 3. Surveying with his divine eyes the whole of the Jambudvipa, Asita saw that a boy was born in the house of Suddhodana shining with all brilliance and that it was over his birth that the gods were excited.
4. 4. So the great sage Asita with his nephew Nardatta rose up and came to the abode of Raja Suddhodana and stood at the door of his palace.
5. 5. Now Asita, the sage, saw that at the door of Suddhodana's palace many hundred thousand beings had assembled. So he approached the door-keeper and said,"Go, man, inform the Raja that a sage is standing at the door."
6. 6. Then the door-keeper approached Suddhodana and with clasped hands said,"Know, 0 Raja, that an aged sage, old and advanced in years, stands at the door, and says that he desires to see you."
7. 7. The king prepared a seat for Asita and said to the door-keeper,"Let the sage enter."So coming out of the palace the door-keeper said to Asita :"Please go in."
8. 8. Now Asita approached King Suddhodana and, standing in front of him, said,"Victory, Victory, 0 Raja, may you live long, and rule thy kingdom righteously."
9. 9. Then Suddhodana in reverence to Asita fell at his feet and offered him the seat ; and seeing him seated in comfort, Suddhodana said,"I do not remember to have seen thee before this, 0 Sage! With what purpose has thou come hither? What is the cause?"
10. 10. Thereupon Asita said to Suddhodana,"A son is born to thee, 0 Raja! Desiring to see him, have I come."
11. 11. Suddhodana said,"The boy is asleep, 0 Sage ! Will you wait for a while?"The sage said,"Not long, 0 King, do such great beings sleep Such good beings are by nature wakeful."

12. 12. Then did the child out of compassion for Asita, the great sage, make a sign of awaking.
13. 13. Seeing that the child had become awake, Suddhodana took the boy firmly in both hands and brought him into the presence of the sage.
14. 14. Asita observing the child, beheld that it was endowed with the thirty-two marks of a great man and adomed with the eighty minor marks, his body surpassing that of Sakra, Brahma, and his aura surpassing them a hundred thousand-fold, breathed forth this solemn utterance,"Marvellous, verily, is this person that has appeared in the world,"and rising from his seat clasped his hands, fell at his feet, made a rightwise circuit round and taking the child in his own hand stood in contemplation.
15. 15. Asita knew the old well-known prophecy that anyone endowed with the thirty-two marks of a great man, as Gautama was, has two careers open to him, and no third."If he becomes a householder, he will become a universal monarch. But if he goes forth from the home to a homeless life, he will become a fully enlightened Buddha."
16. 16. Asita was sure that the child would not remain a householder.
17. 17. And looking at the child he wept, and shedding tears, sighed deeply.
18. 18. Suddhodana beheld Asita shedding tears, and sighing deeply.
19. 19. Beholding him thus weeping, the hair of his body rose, and in distress Suddhodana said to Asita,"Why, O Sage, dost thou weep and shed tears, and sigh so deeply? Surely, there is no misfortune in store for the child."
20. 20. At this Asita said to the Raja,"O King, I weep not for the sake of the child. There will be no misfortune for him. But I weep for myself."
21. 21."And why?"asked Suddhodana. Asita replied,"I am old, aged, advanced in years, and this boy will without doubt become a Buddha and attain supreme and complete enlightenment and having done so, will turn the supreme wheel of the Doctrine that has not been turned before him by any other being in the world ; for the weal and happiness of the world will he teach his Doctrine."
22. 22."The religious life, the Doctrine, that he will proclaim will be good in the beginning, good in the middle, good in the end, complete in the letter and the spirit, whole and pure."
23. 23."Just as an Oudumbara flower at some time and place arises in the

world, even so at some time and place, after countless cycles, revered Buddhas arise in the world. So also, O Raja! this boy will without doubt obtain supreme, complete enlightenment, and having done so will take countless beings across the ocean of sorrow and misery to a state of happiness."

24. 24."But I shall not see that Buddha. Hence, 0 Raja, I weep and in sadness I sigh deeply, for I shall not be able to reverence him."

25. 25. The king thereafter offered to the great sage Asita and Nardatta, his nephew, suitable food, and having given him robes made a rightwise circuit round him.

26. 26. Thereupon Asita said to Nardatta, his nephew,"When thou shalt hear, Nardatta, that the child has become a Buddha, then go and take refuge in his teachings. This shall be for thy weal and welfare and happiness."So saying Asita took leave of the Raja and departed for his hermitage.

1. 1. On the fifth day the ceremony of name-giving took place. The name chosen for the child was Siddharth. His clan name was Gautama. Popularly, therefore, he came to be called Siddharth Gautama.

2. 2. In the midst of rejoicing over the birth and the naming of the child Mahamaya suddenly fell ill and her illness became very serious.

3. 3. Realising that her end was near she called Suddhodana and Prajapati to her bedside and said :"I am sure that the prophecy made by Asita about my son will come true. My regret is that I will not live to see it fulfilled."

4. 4."My child will soon be a motherless child. But I am not worried in the least as to whether after me my child will be carefully nursed, properly looked after and brought up in a manner befitting his future."

5. 5."To you Prajapati, I entrust my child, I have no doubt that you will be to him more than his mother."

6. 6."Now do not be sorry. Permit me to die. God's call has come and His messengers are waiting to take me."So saying, Mahamaya breathed her last. Both Suddhodana and Prajapati were greatly grieved and wept bitterly.

7. 7. Siddharth was only seven days old when his mother died.

8. 8. Siddharth had a younger brother by name Nanda. He was the son of Suddhodana born to Mahaprajapati.

9. 9. He had also several cousins, Mahanama and Anuruddha, sons of his uncle Suklodan, Ananda, son of his uncle Amitodan, and Devadatta, son of his aunt Amita. Mahanama was older than Siddharth and Ananda was younger.
10. 10. Siddharth grew up in their company.

1. 1. When Siddharth was able to walk and speak the elders of the Sakyas assembled and asked Suddhodana that the boy should be taken to the temple of the village goddess Abhya.
2. 2. Suddhodana agreed and asked Mahaprajapati to dress the boy.
3. 3. While she was doing so the child Siddharth, with a most sweet voice, asked his aunt where he was being taken. On learning that he was being taken to the temple he smiled. But he went, conforming to the custom of the Sakyas.
4. 4. At the age of eight Siddharth started his education.
5. 5. Those very eight Brahmins whom Suddhodana had invited to interpret Mahamaya's dream and who had predicted his future were his first teachers.
6. 6. After they had taught him what they knew Suddhodana sent for Sabbamitta of distinguished descent and of high lineage in the land of Uddikka, a philologist and grammarian, well read in the Vedas, Vedangas and Upanishads. Having poured out water of dedication from a golden vase, Suddhodana handed over the boy to his charge, to be taught. He was his second teacher.
7. 7. Under him Gautama mastered all the philosophic systems prevalent in his day.
8. 8. Besides this he had learned the science of concentration and meditation from one Bhardawaj, a disciple of Alara Kalam, who had his ashram at Kapilavatsu.

1. 1. Whenever he went to his father's farm and found no work he repaired to a quiet place, and practised meditation.
2. 2. While everything for the cultivation of the mind was provided, his education in the military science befitting a Kshatriya was not neglected.
3. 3. For Suddhodana was anxious not to make the mistake of having cultivated the mind of his son at the cost of his manliness.

4. 4. Siddharth was of kindly disposition. He did not like exploitation of man by man.
5. 5. Once he went to his father's farm with some of his friends and saw the labourers ploughing the land, raising bunds, cutting trees, etc., dressed in scanty clothes under a hot burning sun.
6. 6. He was greatly moved by the sight.
7. 7. He said to his friends, can it be right that one man should exploit another? How can it be right that the labourer should toil and the master should live on the fruits of his labour?
8. 8. His friends did not know what to say. For they believed in the old philosophy of life that the worker was born to serve and that in serving his master he was only fulfilling his destiny.
9. 9. The Sakyas used to celebrate a festival called Vapramangal. It was a rustic festival performed on the day of sowing. On this day custom had made it obligatory on every Sakya to do ploughing personally.
10. 10. Siddharth always observed the custom and did engage himself in ploughing.
11. 11. Though a man of learning, he did not despise manual labour.
12. 12. He belonged to a warrior class and had been taught archery and the use of weapons. But he did not like causing unnecessary injury.
13. 13. He refused to join hunting parties. His friends used to say :"Are you afraid of tigers?"He used to retort by saying,"I know you are not going to kill tigers, you are going to kill harmless animals such as deer and rabbits."
14. 14."If not for hunting, come to witness how accurate is the aim of your friends,"they said. Even such invitations Siddharth refused, saying ;"I do not like to see the killing of innocent animals."
15. 15. Prajapati Gautami was deeply worried over this attitude of Siddharth.
16. 16. She used to argue with him saying :"You have forgotten that you are a Kshatriya and fighting is your duty. The art of fighting can be learned only through hunting for only by hunting can you learn how to aim accurately. Hunting is a training ground for the warrior class."
17. 17. Siddharth often used to ask Gautami:"But, mother, why should a Kshatriya fight? And Gautami used to reply :"Because it is his duty."
18. 18. Siddharth was never satisfied by her answer. He used to ask

Gautami :"Tell me, how can it be the duty of man to kill man?"Gautami argued,"Such an attitude is good for an ascetic. But Ksha-triyas must fight. If they don't, who will protect the kingdom?"

19. 19."But mother ! If all Kshatriyas loved one another, would they not be able to protect their kingdom without resort to killing?"Gautami had to leave him to his own opinion.

20. 20. He tried to induce his companions to join him in practising meditation. He taught them the proper pose. He taught them to fix their mind on a subject. He advised them to select such thoughts as"May I be happy, may my relations be happy, may all living animals be happy."

21. 21. But his friends did not take the matter seriously. They laughed at him.

22. 22. On closing their eyes they could not concentrate on their subject of meditation. Instead, some saw before their eyes deer for shooting or sweets for eating.

23. 23. His father and his mother did not like his partiality for meditation. They thought it was so contrary to the life of a Kshatriya.

24. 24. Siddharth believed that meditation on right subjects led to development of the spirit of universal love. He justified himself by saying :"When we think of living things, we begin with distinction and discrimination. We separate friends from enemies, we separate animals we rear from human beings. We love friends and domesticated animals and we hate enemies and wild animals."

25. 25."This dividing line we must overcome and this we can do when we in our contemplation rise above the limitations of practical life."Such was his reasoning.

26. 26. His childhood was marked by the presence of supreme sense of compassion.

27. 27. Once he went to his father's farm. During recess he was resting under a tree enjoying the peace and beauty of nature. While so seated a bird fell from the sky just in front of him.

28. 28. The bird had been shot at by an arrow which had pierced its body and was fluttering about in great agony.

29. 29. Siddharth rushed to the help of the bird. He removed the arrow, dressed its wound and gave it water to drink. He picked up the bird, came to the place where he was seated and wrapped up the bird in his upper

garment and held it next to his chest to give it warmth.
30. 30. Siddharth was wondering who could have shot this innocent bird. Before long there came his cousin Devadatta armed with all the implements of shooting. He told Siddharth that he had shot a bird flying in the sky, the bird was wounded but it flew some distance and fell somewhere there, and asked him if he had seen it.
31. 31. Siddharth replied in the affirmative and showed him the bird which had by that time completely recovered.
32. 32. Devadatta demanded that the bird be handed over to him. This Siddharth refused to do. A sharp argument ensued between the two.
33. 33. Devadatta argued that he was the owner of the bird because by the rules of the game, he who kills a game becomes the owner of the game.
34. 34. Siddharth denied the validity of the rule. He argued that it is only he who protects that has the right to claim ownership. How can he who wants to kill be the owner?
35. 35. Neither party would yield. The matter was referred to arbitration. The arbitrator upheld the point of view of Siddharth Gautama.
36. 36. Devadatta became his permanent enemy. But Gautama's spirit of compassion was so great that he preferred to save the life of an innocent bird to securing the goodwill of his cousin.
37. 37. Such were the traits of character found in the early life of Siddharth Gautama.

§ *8. Marriage*

1. 1. There was a Sakya by name Dandapani. Yeshodhara was his daughter. She was well known for her beauty and for her ' sila."
2. 2. Yeshodhara had reached her sixteenth year and Dandapani was thinking about her marriage.
3. 3. According to custom Dandapani sent invitations to young men of all the neighbouring countries for the Swayamvar of his daughter.
4. 4. An invitation was also sent to Siddharth Gautama.
5. 5. Siddharth Gautama had completed his sixteenth year. His parents also were equally anxious to get him married.
6. 6. They asked him to go to the Swayamvar and offer his hand to Yeshodhara. He agreed to follow his parents' wishes.

7. 7. From amongst the young men Yeshodhara's choice fell on Siddharth Gautama.
8. 8. Dandapani was not very happy. He felt doubtful about the success of the marriage.
9. 9. Siddharth, he felt, was addicted to the company of saints and sages. He preferred loneliness. How could he be a successful householder?
10. 10. Yeshodhara, who was determined to marry none but Siddharth, asked her father whether to be in the company of saints and sages was a crime. She did not think it was.
11. 11. Knowing her daughter's determination to marry no one but Siddharth Gautama, the mother of Yeshodhara told Dandapani that he must consent. Dandapani did.
12. 12. The rivals of Gautama were not only disappointed but felt that they were insulted.
13. 13. They wanted that in fairness to them Yeshodhara should have applied some test for her selection. But she did not.
14. 14. For the time being they kept quiet, believing that Dandapani would not allow Yeshodhara to choose Siddharth Gautama so that their purpose would be served.
15. 15. But when Dandapani failed, they made bold and demanded that a test of skill in archery be prescribed. Dandapani had to agree.
16. 16. At first Siddharth was not prepared for this. But Channa, his charioteer, pointed out to him what disgrace his refusal would bring upon his father, upon his family and upon Yeshodhara.
17. 17. Siddharth Gautama was greatly impressed by this argument and agreed to take part in the contest.
18. 18. The contest began. Each candidate showed his skill in turn.
19. 19. Gautama's turn came last. But his was the highest marksmanship.
20. 20. Thereafter the marriage took place. Both Suddhodana and Dandapani were happy. So was Yeshodhara and Mahaprajapati.
21. 21. After a long term of married life Yeshodhara gave birth to a son. He was named Rahula.

§ 9. *Father's Plans to Save His Son*

1. 1. While the king was happy to see his son married and thus enter the

life of a householder the prophecy of the sage Asita continued to haunt him.
2. 2. To prevent the prophecy from coming true, he thought of getting him engrossed in the pleasures and carnal joys of life.
3. 3. With this object in view Suddhodana built three luxurious palaces for his son to live in, one for summer, one for the rainy season and one for winter, furnished with all the requirements and excitements for a full amorous life.
4. 4. Each palace was surrounded by an extensive garden beautifully laid out with all kinds of trees and flowers.
5. 5. In consultation with his family priest Udayin, he thought of providing a harem for the prince with very beautiful imnates.
6. 6. Suddhodana then told Udayin to advise the girls how to go about the business of winning over the prince to the pleasures of life.
7. 7. Having collected the inmates of the harem, Udayin first advised them how they should win over the prince.
8. 8. Addressing them he said :"Ye are all skilled in all the graceful arts, ye are proficient in understanding the language of amorous sentiments, ye are possessed of beauty and gracefulness, ye are thorough masters in your own styles.
9. 9."With these graces of yours, ye are able to move even sages who have lost all their desires, and to ensnare even the gods, who are charmed by heavenly nymphs.
10. 10."By your skill in expressing the heart's feelings, by your coquetry, your grace, and your perfect beauty ye are able to enrapture even women, how much more easily men.
11. 11."Thus, skilled as ye are, each set in your own proper sphere, it should not be beyond your reach to captivate and capture the prince and hold him in your bondage.
12. 12."Any timid action on your part would be fit for new brides whose eyes are closed through shame.
13. 13."What though this hero be, great by his exalted glory, yet ' great is the might of woman.' Let this be your firm resolve.
14. 14."In olden time a great seer, hard to be conquered even by gods, was spurned by a harlot, the beauty of Kasi, planting her feet upon him.
15. 15."And the great seer Visvamitra, though plunged in a profound

penance, was carried captive for ten years in the forests by the nymph Ghritaki.
16. 16."Many such seers as these have women brought to naught, how much more then a delicate prince in the first flower of his age?
17. 17."This being so, boldly put forth your efforts that the posterity of the king's family may not be turned away from him.
18. 18."Ordinary women captivate simple men; but they are truly women, who subdue the nature of high and hard."

§ *10. The Failure of the Women to Win the Prince*

1. 1. Having heard these words of Udayin, the women strung to the heart, rose even above themselves for the conquest of the prince.
2. 2. But even with their brows, their glances, their coquetries, their smiles, their delicate movements, the girls of the harem did not feel sure of themselves.
3. 3. But they soon regained their confidence through the command of the family priest and the gentle temperament of the prince, and through the power of intoxication and of love.
4. 4. The women then set upon their task and made the prince wander in the woods like an elephant in the forests of Himavat, accompanied by a herd of females.
5. 5. Attended by women, he shone in that pleasant grove, as the sun surrounded by Apsaras in his royal garden.
6. 6. There, some of them urged by passion, pressed him with their full, firm bosoms in gentle collisions.
7. 7. Others violently embraced him after pretending to stumble, then leaning on him with their shoulders drooping down, and with their gentle creeper-like arms.
8. 8. Others with their mouths smelling of spirituous liquor, their lower lips red like copper, whispered in bis ear,"Let my secret be heard."
9. 9. Others, all wet with unguents, as if giving him a command, clasped his hand eagerly and said,"Perform thy rites of. adoration here."
10. 10. Another with her blue garments continually slipping down in pretended intoxication, stood conspicuous with her tongue visible like the night with its lightning lashing.

11. 11. Others with their golden ones tinkling, wandered about here and there, showing him their bodies veiled with thin cloth.
12. 12. Others leaned, holding a mango bough in hand, displaying their bosoms like golden jars.
13. 13. Some, coming from a lotus bed, carrying lotuses and with eyes like lotuses, stood like the lotus goddess Padma, by the side of that lotus-faced prince.
14. 14. Another sang a sweet song easily understood and with the proper gesticulations, rousing him, self-subdued though he was, by her glance, as saying,"O how thou art deluded !"
15. 15. Another, having armed herself with her bright face, with its brow drawn to its full, imitated his action, as playing the hero.
16. 16. Another, with beautiful, full bosoms, and having her earrings waving in the wind, laughed loudly at him, as if saying,"Catch me, sir, if you can !"
17. 17. Some, as he was going away, bound him with strings of garlands, others punished him with words like an elephant-driver's hook, gentle yet reproachful.
18. 18. Another, wishing to argue with him, seizing a mango spray, asked, all bewildered with passion,"'This flower, whose is it?"19. Another, assuming a gait and attitude like that of a man, said to him,"You who are conquered. by a woman, go and conquer this earth!"
19. 20. Then another with rolling eyes, smelling a blue lotus, thus addressed the prince with words slightly indistinct in her excitement :
20. 21."See, my lord, this mango covered with its honey-scented flowers, where the bird *kokila* sings, as if imprisoned in a golden cage.
21. 22."Come and see this *Asoka* tree, which augments lovers' sorrows, where the bees make a noise as if they were scorched by fire.
22. 23."Come and see this *Tilaka* tree, embraced by a slender mango branch, like a man in a white garment by a woman decked with yellow ungents.
23. 24."Behold the *kurubaka* in flower, bright like fresh resin-juice, which bends down as if it felt reproached by the colour of women's nails.
24. 25."Come and see this young *Asoka,* covered all over with new shoots, which stands as if it were ashamed at the beauty of our hands.
25. 26."See this lake surrounded by the *Sinduvara* shrubs growing on its

banks, like afair woman reclining, clad in fine white cloth.
26. 27."See the imperial power of females, yonder *Ruddygoose* in the water, goes behind, his mate follow-. ing her like a slave.
27. 28."Come and listen to the notes of the intoxicated *Cuckoo* as he sings, while another *cuckoo* sings as if consenting wholly without care.
28. 29."Would that thine was the intoxication of the birds which the spring produces, and not the thought of a thinking man, ever pondering how wise he is ! 30. Thus these young women, their souls carried away by love, assailed the prince with all kinds of stratagems.
29. 31. But although thus attacked, he, having his sense guarded by self-control; neither rejoiced nor smiled.
30. 32. Having seen them in their real condition, the Prince pondered with an undisturbed and steadfast mind.
31. 33."What is it that these women lack that they perceive not that youth is fickle? For old age will destroy whatever beauty has."
32. 34. This round of blandishment went on for months and years with no results.

§ 11. *The Prime Minister's Admonition to the Prince*

1. 1. Udayin realized that the girls had failed and that the Prince had shown no interest in them.
2. 2. Udayin, well skilled in the rules of policy, thought of talking to the prince.
3. 3. Meeting the prince all alone, Udayin said :"Since I was appointed by the king as a fitting friend for thee, therefore, I wish to speak to thee in the friendliness of my heart."So began Udayin.
4. 4."To hinder from what is disadvantageous, to urge to do what is advantageous and not to forsake in misfortune, these are the three marks of a friend.
5. 5."If I, after having promised my friendship, were not to heed when thou turnest away from the great end of man, there would be no friendship in me.
6. 6."It is right to woo a woman even by guile, this is useful both for getting rid of shame and for one's own enjoyment.
7. 7."Reverential behaviour and compliance with her wishes are what

bind a woman's heart; good qualities truly are a cause of love, and women love respect.

8. 8.”Wilt thou not then, O large-eyed prince, even if thy heart is unwilling, seek to please them with a courtesy worthy of this beauty of thine?

9. 9.”Courtesy is the balm of women, courtesy is the best ornament ; beauty without courtesy is like a grove without flowers.

10. 10.”But of what use is courtesy by itself? Let it be assisted by the heart's feelings ; surely, when worldly objects so hard to attain are in the grasp, thou wilt not despise them. II.”Knowing that pleasure was the best of objects, even the god Purandara (Indra) wooed in olden times Ahalya, the wife of the saint Gautama.

11. 12.”So too Agastya wooed Rohini, the wife of Soma ; and therefore, as Sruti saith, a like thing befell Lopamudra.

12. 13.”The great ascetic Brihaspati begot Bharadvaja on Mamata the daughter of the Maruta, the wife of Autathya.

13. 14.”The Moon, the best of offerers, begat Buda of divine nature on the spouse of Vrihaspati as she was offering a libation.

14. 15.”So too in old times Parasara, overpowered by passion on the banks of the Yamuna, lay with the maiden Kali who was the daughter of the son of Varuna.

15. 16.”The sage Vasishtha through lust begot a son Kapinglada on Akshmala, a despised low-caste woman.

16. 17.”And the seer-king Yayat, even when the vigour of his prime was gone, sported in the Kaitrartha forest with the Apsara Visvaki.

17. 18.”And the Kaurava king Pandu, though he knew that intercourse with his wife would end in death, yet overcome by the beauty and good qualities of Madri, yielded to the pleasures of love.

18. 19.”Great heroes such as these, pursued even contemptible desires for the sake of pleasure, how much more so when they are praiseworthy of their kind?

19. 20.”And yet thou, a young man, possessed of strength and beauty, despisest enjoyments which rightly belong to thee and to which the whole world is devoted.”

§ *12. The Prince's Reply to the Prime Minister*

1. 1. Having heard these specious words of his, well-supported by sacred tradition, the prince made reply, in a voice like the thundering of a cloud :

2. 2."This speech manifesting affection is well-befitting in thee ; but I will convince thee as to where thou wrongly judgest me.

3. 3."I do not despise worldly objects, I know that all mankind is bound up therein. But remembering that the world is transitory, my mind cannot find pleasure in them.

4. 4."Yet even though this beauty of women were to remain perpetual, still delight in the pleasures of desires would not be worthy of the wise man.

5. 5."And as for what thou sayest as to even those great men having become victims to desire, do not be led away by them ; for destruction was also their lot.

6. 6."Real greatness is not to be found there, where there is destruction, or where there is attachment to earthly objects, or a want of self-control.

7. 7."And when thou sayest, ' Let one deal with women by guile,' I know about guile, even if it be accompanied with courtesy.

8. 8."That compliance too with a woman's wishes pleases me not, if truthfulness be not there ; if there be not a union with one's whole soul and nature, then ' out upon it ' say I.

9. 9."A soul overpowered by passion, believing in falsehood, carried away by attachment and blind to the faults of its objects, what is there in it worth being deceived?

10. 10."And if the victims of passion do deceive one another, are not men unfit for women to look at and women for men?

11. 11."Since then these things are so, thou surely wouldst not lead me astray into ignoble pleasures."

12. 12. Udayin felt silenced by the firm and strong resolve of the prince and reported the matter to his father.

13. 13. Suddhodana, when he heard how his son's mind turned away from all objects of sense, could not sleep all that night. Like an elephant with an arrow in his heart, he was full of pain.

14. 14. He and his ministers spent much of their time in consultation

hoping to find some means to draw Siddharth to the pleasures of carnal life and thus to dissuade him from the likely turn which he may give to his life. But they found no other means besides those they had tried.
15. 15. And the seraglio of women wearing their garlands and ornaments in vain, with their graceful arts and endearments all fruitless, concealing their love deep in their hearts, was disbanded.

§ *13. Initiation into the Sakya Sangh*

1. 1. The Sakyas had their Sangh. Every Sakya youth above twenty had to be initiated into the Sangh and be a member of the Sangh.
2. 2. Siddharth Gautama had reached the age of twenty. It was time for him to be initiated into the Sangh and become a member thereof.
3. 3. The Sakyas had a meeting-house which they called Sansthagar. It was situated in Kapilavatsu. The session of the Sangh was also held in the Sansthagar.
4. 4. With the object of getting Siddharth initiated into the Sangh, Suddhodana asked the Purohit of the Sakyas to convene a meeting of the Sangh.
5. 5. Accordingly the Sangh met at Kapilavatsu in the Sansthagar of the Sakyas.
6. 6. At the meeting of the Sangh, the Purohit proposed that Siddharth be enrolled as a member of the Sangh.
7. 7. The Senapati of the Sakyas then rose in his seat and addressed the Sangh as follows :"Siddharth Gautama, born in the family of Suddhodana of the Sakya clan, desires to be a member of the Sangh. He is twenty years of age and is in every way fit to be a member of the Sangh. I, therefore, move that he be made a member of the Sakya Sangh. Pray, those who are against the motion speak."
8. 8. No one spoke against it."A second time do I ask those who are against the motion to speak,"said the Senapati.
9. 9. No one rose to speak against the motion. Again the Senapati said :"A third time do I ask those who are against the motion to speak."
10. 10. Even for the third time no one spoke against it.
11. 11. It was the rule of procedure among the Sakyas that there could be no debate without a motion and no motion could be declared carried

unless it was passed three times.
12. 12. The motion of the Senapati having been carried three times without opposition, Siddharth was declared to have been duly admitted as a member of the Sakya Sangh.
13. 13. Thereafter the Purohit of the Sakyas stood up and asked Siddharth to rise in his place.
14. 14. Addressing Siddharth, he said :"Do you realize that the Sangh has honoured you by making you a member of it?""I do, sir,"replied Siddharth.
15. 15."Do you know the obligation of membership of the Sangh?""I am sorry, sir, I do not. But I shall be happy to know them, sir,"said Siddharth.
16. 16."I shall first tell you what your duties as a member of the Sangh are"said the Purohit and he then related them one by one :"(1) You must safeguard the interests of the Sakyas by your body, mind and money. (2) You must not absent yourself from the meetings of the Sangh. (3) You must without fear or favour expose any fault you may notice in the conduct of a Sakya. (4) You must not be angry if you are accused of an offence but confess if you are guilty or state if you are innocent."
17. 17. Proceeding, the Purohit said :"I shall next tell you what will disqualify you for membership of the San eh : (1) You cannot remain a member of the Sangh if you commit rape. (2) You cannot remain a member of the Sangh if you commit murder. (3) You cannot remain a member of the Sangh if you commit theft. (4) You cannot remain a member of the Sangh if you are guilty of giving false evidence."
18. 18."lam grateful to you, sir,"said Siddharth,"for telling me the rules of discipline of the Sakya Sangh. I assure you I will do my best to follow them in letter and in spirit."

§ *14. Conflict with the Sangh*

1. 1. Eight years had passed by since Siddharth was made a member of the Sakya Sangh.
2. 2. He was a very devoted and steadfast member of the Sangh. He took the same interest in the affairs of the Sangh as he did in his own. His conduct as a member of the Sangh was exemplary and he had endeared himself to all.
3. 3. In the eighth year of his membership, an event occurred which

resulted in a tragedy for the family of Suddhodana and a crisis in the life of Siddharth.

4. 4. This is the origin of the tragedy.

5. 5. Bordering on the State of the Sakyas was the State of the Koliyas. The two kingdoms were divided by the river Rohini.

6. 6. The waters of the Rohini were used by both the Sakyas and the Koliyas for irrigating their fields. Every season there used to be disputes between them as to who should take the water of the Rohini first and how much. These disputes resulted in quarrels and sometimes in affrays.

7. 7. In the year when Siddharth was twenty-eight, there was a major clash over the waters between the servants of the Sakyas and the servants of the Koliyas, Both sides suffered injuries.

8. 8. Coming to know of this, the Sakyas and the Koliyas felt that the issue must be settled once for all by war.

9. 9. The Senapati of the Sakyas, therefore, called a session of the Sakya Sangh to consider the question of declaring war on the Koliyas.

10. 10. Addressing the members of the Sangh, the Senapati said :"Our people have been attacked by the Koliyas and they had to retreat. Such acts of aggression by the Koliyas have taken place more than once. We have tolerated them so far. But this cannot go on. It must be stopped and the only way to stop it is to declare war against the Koliyas. I propose that the Sangh do declare war on the Koliyas. Those who wish to oppose may speak."

11. 11. Siddharth Gautama rose in his seat and said :"I oppose this resolution. War does not solve any question. Waging war will not serve our purpose. It will sow the seeds of another war. The slayer gets a slayer in his turn ; the conqueror gets one who conquers him ; a man who despoils is despoiled in his turn."

12. Siddharth Gautama continued:"I feel that the Sangh should not be in hase to declare war on the Koliyas: Careful investigation should be made to ascertain who is the guilty party.

I hear that our men have also been aggressors. If this be true, then it is obvious that we too are not free from blame."

12. 13. The Senapati replied :"Yes, our men were the aggressors. But it must not be forgotten that it was our turn to take the water first."

13. 14. Siddharth Gautama said:"This shows that we are not completely

free from blame. I therefore propose that we elect two men from us and the Koliyas should be asked to elect two from them and the four should elect a fifth person and these should settle the dispute."

14. 15. The amendment moved by Siddharth Gautama was duly seconded. But the Senapati opposed the amendment, saying :"I am sure that this menace of the Koliyas will not end unless they are severely punished."

15. 16. The resolution and the amendment had therefore to be put to vote. The amendment moved by Siddharth Gautama was put first. It was declared lost by an overwhelming majority.

16. 17. The Senapati next put his own resolution to vote. Siddharth Gautama again stood up to oppose it."I beg the Sangh,"he said,"not to accept the resolution. The Sakyas and the Koliyas are close relations. It is unwise that they should destroy each other."

17. 18. The Senapati encountered the plea urged by Siddharth Gautama. He stressed that in war the Kshatriyas cannot make a distinction between relations and strangers. They must fight even against brothers for the sake of their kingdom.

18. 19. Performing sacrifices is the duty of the Brahmins, fighting is the duty of the Kshatriyas, trading is the duty of the Vaishas and service is the duty of the Shudras. There is merit in each class forming its duty. Such is the injunction of our Shasras.

19. 20. Siddharth replied :"Dharma, as I understand it, consists in recognising that enmity does not disappear by enmity. It can be conquered by love only."

20. 21. The Senapati, getting impatient, said :"It is unnecessary to enter upon this philosophical disquisition. The point is that Siddharth is opposed to my resolution. Let us ascertain what the Sangh has to say about it by putting it to vote."

21. 22. Accordingly the Senapati put his resolution to vote. It was declared carried by an overwhelming majority.

§ *15. Offer of Exile*

1. 1. Next day the Senapati called another meeting of the Sakya Sangh to have his plan of mobilisation considered by the Sangh.

2. 2. When the Sangh met, he proposed that he be permitted to proclaim an order calling to arms for the war against the Koliyas every Sakya between the ages of 20 and 50.
3. 3. The meeting was attended by both sides— those who at the previous meeting of the Sangh had voted in favour of a declaration of war as well as those who had voted against it.
4. 4. For those who had voted in favour there was no difficulty in accepting the proposal of the Senapati. It was a natural consequence of their earlier decision.
5. 5. But the minority who had voted against it had a problem to face. Their problem was—to submit or not to submit to the decision of the majority. 6. The minority was determined not to submit to the majority. That is the reason why they had decided to be present at the meeting. Unfortunately, none of them had the courage to say so openly. Perhaps they knew the consequences of opposing the majority.
6. 7. Seeing that his supporters were silent, Siddharth stood up, and addressing the Sangh, said:"Friends ! You may do what you like. You have a majority on your side, but I am sorry to say I shall oppose your decision in favour of mobilisation. I shall not join your army and I shall not take part in the war."
7. 8. The Senapati, replying to Siddharth Gautama, said :"Do remember the vows you had taken when you were admitted to the membership of the Sangh. If you break any of them you will expose yourself to public shame."
8. 9. Siddharth replied:"Yes, I have pledged myself to safeguard the best interests of the Sakyas by my body, mind and money. But I do not think that this war is in the best interests of the Sakyas. What is public shame to me before the best interests of the Sakyas?"
9. 10. Siddharth proceeded to caution the Sangh by reminding it of how the Sakyas have become the vassals of the King of Kosala by reason of their quarrels with the Koliyas."It is not difficult to imagine,"he said,"that this war will give him a greater handle to further reduce the freedom of the Sakyas."
10. 11. The Senapati grew angry and addressing Siddharth, said :"Your eloquence will not help you. You must obey the majority decision of the Sangh. You are perhaps counting upon the fact that the Sangh has no power to order an offender to be hanged or to exile him without the

sanction of the king of the Kosalas and that the king of the Kosalas will not give permission if either of the two sentences was passed against you by the Sangh."

11. 12."But remember the Sangh has other ways of punishing you. The Sangh can declare a social boycott against your family and the Sangh can confiscate your family lands. For this the Sangh does not have to obtain the permission of the king of the Kosalas."

12. 13. Siddharth realised the consequences that would follow if he continued his opposition to the Sangh in its plan of war against the Koliyas. He had three alternatives to consider—to join the forces and participate in the war ; to consent to being hanged or exiled ; and to allow the members of his family to be condemned to a social boycott and confiscation of property.

13. 14. He was firm in not accepting the first. As to the third he felt it was unthinkable. Under the circumstances he felt that the second alternative was the best.

14. 15. Accordingly, Siddharth spoke to the Sangh."Please do not punish my family. Do not put them in distress by subjecting them to a social boycott. Do not make them destitute by confiscating their land which is their only means of livelihood. They are innocent. I am the guilty person. Let me alone suffer for my wrong. Sentence me to death or exile, whichever you like. I will willingly accept it and I promise I shall not appeal to the king of the Kosalas.'"

§ *16. Parivraja-the Way Out*

1. 1. The Senapati said :"It is difficult to accept your suggestion. For even if you voluntarily agreed to undergo the sentence of death or exile, the matter is sure to become known to the king of the Kosalas and he is sure to conclude that it is the Sangh which has inflicted this punishment and take action against the Sangh."

2. 2."If this is the difficulty I can easily suggest a way out,"said Siddharth Gautama."I can become a Parivrajaka and leave this country. It is a kind of an exile."

3. 3. The Senapati thought this was a good solution. But he had still some doubt about Siddharth being able to give effect to it.

4. 4. So the Senapati asked Siddharth :"How can you become a Parivrajaka unless you obtain the consent of your parents and your wife?"
5. 5. Siddharth assured him that he would do his best to obtain their permission."I promise,"he said,"to leave this country immediately whether I obtain their consent or not."
6. 6. The Sangh felt that the proposal made by Siddharth was the best way out and they agreed to it.
7. 7. After finishing the business before the meeting, the Sangh was about to rise when a young Sakya got up in his place and said :"Give me a hearing, I have something important to say."
8. 8. Being granted permission to speak, he said :"I have no doubt that Siddharth Gautama will keep his promise and leave the country immediately. There is, however, one question over which I do not feel very happy.
9. 9."Now that Siddharth will soon be out of sight, does the Sangh propose to give immediate effect to its declaration of war against the Koliyas?
10. 10."I want the Sangh to give further consideration to this question.

In any event, the king of the Kosalas is bound to come to know of the exile of Siddharth Gautama. If the Sakyas declare a war against the Koliyas immediately, the king of Kosalas will understand that Siddharth left only because he was opposed to war against the Koliyas. This will not go well with us.
11. 11."I, therefore, propose that we should also allow an interval to pass between the exile of Siddharth Gautama and the actual commencement of hostilities so as not to allow the King of Kosala to establish any connection between the two."
12. 12. The Sangh realised that this was a very important proposal. And as a matter of expediency, the Sangh agreed to accept it.
13. 13. Thus ended the tragic session of the Sakya Sangh and the minority which was opposed to the war but who had not the courage to say so, heaved a sigh of relief that it was able to overcome a situation full of calamitous consequences.

§ *17. Parting Words*

1. 1. The news of what happened at the meeting of the Sakya Sangh had travelled to the Raja's palace long before the return of Siddharth Gautama.
2. 2. For on reaching home he found his parents weeping and plunged in great grief.
3. 3. Suddhodana said :"We were talking about the evils of war. But I never thought that you would go to such lengths."
4. 4. Siddharth replied,"I too did not think things would take such a turn. I was hoping that I would be able to win over the Sakyas to the cause of peace by my argument.
5. 5."Unfortunately, our military officers had so worked up the feelings of the men that my argument failed to have any effect on them.
6. 6."But I hope you realise how I have saved the situation from becoming worse. I have not given up the cause of truth and justice and whatever the punishment for my standing for truth and justice, I have succeeded in making its infliction personal to me."
7. 7. Suddhodana was not satisfied with this."You have not considered what is to happen to us.""But that is the reason why I undertook to become a Pariv-rajaka,"replied Siddharth."Consider the consequences if the Sakyas had ordered the confiscation of your lands."
8. 8."But without you what is the use of these lands to us?"cried Suddhodana. Why should not the whole family leave the country of the Sakyas and go into exile along with you?"
9. 9. Prajapati Gautami, who was weeping, joined Suddhodana in argument, saying ;"I agree. **How** can you go alone leaving us here like this?"
10. 10. Siddharth said :"Mother, have you not always claimed to be the mother of a Kshatriya? Is that not so? You must then be brave. This grief is unbecoming of you. What would you have done if I had gone to the battle-field and died? Would you have grieved like this?"
11. 11."No,"replied Gautami. "That would have been befitting a Kshatriya. But you are now going into the jungle far away from people, living in the company of wild beasts. How can we stay here in peace? I say you should take us along with you."
12. 12."How can I take you all with me? Nanda is only a child. Rahul my son is just born. Can you come leaving them here?"He asked Gautami.
13. 13. Gautami was not satisfied. She urged :"It is possible for us all to

leave the country of the Sakyas and go to the country of the Kosalas under the protection of their king."
14. 14."But mother! What would the Sakyas say?"asked Siddharth."Would they not regard it as treason? Besides, I pledged that I will do nothing either by word or by deed to let the king of the Kosalas know the true cause of my Parivraja.
15. 15."It is true that I may have to live alone in the jungle. But which is better? To live in the jungle or to be a party to the killing of the Koliyas !"
16. 16."But why this impatience?"asked Sud-dhodana."The Sakyas Sangh has decided to postpone the date of the hostilities for some time.
17. 17."Perhaps the hostilities may not be started at all. Why not postpone your Parivraja? May be, it would be possible to obtain the permission of the Sangh for you to stay among the Sakyas."
18. 18. This idea was repellent to Siddharth."It is because I promised to take Parivraja that the Sangh decided to postpone the commencement of hostilities against the Koliyas.
19. 19."It is possible that after I take Parivraja the Sangh may be persuaded to withdraw their declaration of war. All this depends upon my first taking Parivraja.
20. 20."I have made a promise and I must carry it out. The consequences of any breach of promise may be very grave both to us and to the cause of peace.
21. 21."Mother, do not now stand in my way. Give me your permission and your blessings. What is happening is for the best."
22. 22. Gautami and Suddhodana kept silent.
23. 23. Then Siddharth went to the apartment of Yeshodhara. Seeing her, he stood silent, not knowing what to say and how to say it. She broke the silence by saying :"I have heard all that has happened at the meeting of the Sangh at Kapilavatsu."
24. 24. He asked her:—"Yeshodhara, tell me what you think of my decision to take Parivraja?"
25. 25. He expected she would collapse. Nothing of the kind happened.
26. 26. With full control over her emotions, she replied :"What else could I have done if I were in your position? I certainly would not have been a party to a war on the Koliyas.
27. 27."Your decision is the right decision. You have my consent and my

support. I too would have taken Parivraja with you. If I do not, it is only because I have Rahula to look after.
28. 28."I wish it had not come to this. But we must be bold and brave and face the situation. Do not be anxious about your parents and your son. I will look after them till there is life in me.
29. 29."All I wish is that now that you are becoming a Parivrajaka leaving behind all who are near and dear to you, you will find a new way of life which would result in the happiness of mankind."
30. 30. Siddharth Gautama was greatly impressed. He realised as never before what a brave, courageous and noble-minded woman Yeshodhara was, and how fortunate he was in having her as his wife and how fate had put them asunder. He asked her to bring Rahula. He cast his fatherly look on him and left.

§ *18. Leaving His Home*

1. 1. Siddharth thought of taking Parivraja at the hands of Bharadwaja who had his Ashram at Kapila-vatsu. Accordingly he rose the next day and started for the Ashram on his favourite horse Kanthaka with his servant Channa walking along. 2. As he came near the Ashram, men and women came out and thronged the gates to meet him as a newly arrived bridegroom.
2. 3. And when they came up to him, their eyes wide open in wonder, they performed their due homage with hands folded like a lotus calyx.
3. 4. Then they stood surrounding him, their minds overpowered by passion, as if they were drinking him in with their eyes motionless and blossoming wide with love.
4. 5. Some of the women verily thought that he was Kama incarnate, decorated as he was with his brilliant signs as with connate ornaments.
5. 6. Others thought from his gentleness and his majesty that it was the moon with its ambrosial beams as it were visibly come down to the earth.
6. 7. Others, smitten by his beauty, yawned as if to swallow him, and fixing their eyes on each other, softly sighed.
7. 8. Thus the women only looked upon him, simply gazing with their eyes. They spoke not, nor did they smile. They surrounded him and stood aghas thinking of his decision to take Parivraja.

8. 9. With great difficulty he extricated himself from the crowd and entered the gates of the Ashram.
9. 10. Siddharth did not like Suddhodana and Prajapati Gautami to be present to witness his Pariv-raja. For he knew that they would break down under the weight of grief. But they had already reached the Ashram without letting him know.
10. 11. As he entered the compound of the Ashram he saw in the crowd his father and mother.
11. 12. Seeing his parents he first went to them and asked for their blessing. They were so choked with emotion that they could hardly say a word. They wept and wept, held him fast and bathed him with their tears.
12. 13. Channa had tied Kanthaka to a tree in the Ashram and was standing. Seeing Suddhodana and Prajapati in tears he too was overcome with emotion and was weeping.
13. 14. Separating himself with great difficulty from his parents, Siddharth went to the place where Channa was standing. He gave him his dress and his ornaments to take back home.
14. 15. Then he had his head shaved, as was required for a Parivrajaka. His cousin Mahanama had brought the clothes appropriate for a Parivrajaka and a begging bowl. Siddharth wore them.
15. 16. Having thus prepared himself to enter the life of a Parivrajaka, Siddharth approached Bharad-waja to confer on him Parivraja.
16. 17. Bharadwaja with the help of his disciples performed the necessary ceremonies and declared Siddharth Gautama to have become a Parivrajaka.
17. 18. Remembering that he had given a double pledge to the Sakya Sangh to take Parivraja and to leave the Sakya kingdom without undue delay, Siddharth Gautama immediately on the completion of the Parivraja ceremony started on his journey.
18. 19. The crowd which had collected in the Ashram was unusually large. That was because the circumstances leading to Gautama's Parivraja were so extraordinary. As the prince stepped out of the Ashram the crowd also followed him.
19. 20. He left Kapilavatsu and proceeded in the direction of the river Anoma. Looking back he saw the crowd still following him.
20. 21. He stopped and addressed them, saying:"Brothers and sisters, there is no use your following me. I have failed to settle the dispute

between the Sakyas arid the Koliyas. But if you create public opinion in favour of settlement you might succeed. Be, therefore, so good as to return."Hearing his appeal, the crowd started going back.

21. 22. Suddhodana and Gautami also returned to the palace.

22. 23. Gautami was unable to bear the sight of the robes and the ornaments discarded by Siddharth. She had them thrown into a lotus pool.

24. Siddharth Gautama was only twenty-nine when he underwent Parivraja (Renunciation).

25. People admired him and sighed for him; saying :"Here was a Sakya blessed with high lineage, noble parentage, possessed of considerable riches, in the bloom of youthful vigour, accomplished in mind and body, brought up in luxury, who fought his kinsmen for the sake of maintaining peace on earth and goodwill towards men.

23. 26."Here was a Sakya youth who when outvoted by his kinsmen refused to submit but preferred to undergo voluntary punishment which involved the exchange of riches for poverty, comfort for alms, home for homelessness. And so he goes with none in the world to care for him and with nothing in the world which he could claim as his own.

24. 27."His was an act of supreme sacrifice willingly made. His is a brave and a courageous act. There is no parallel to it in the history of the world. He deserves to be called a Sakya Muni or Sakya Sinha."28. How true were the words of Kisa Gotami, a Sakya maiden. When referring to Siddharth Gautama, she said :"Blessed indeed is the mother, blessed indeed is the father, who has such a son. Blessed indeed is the wife who has such a husband."

§ *19. The Prince and the Servant*

1. 1. Channa too should have gone back home with Kanthaka. But he refused to go. He insisted on. seeing the Prince off with Kanthaka at least to the banks of the river Anoma and so insistent was Channa that the Gautama had to yield to his wishes.

2. 2. At last they reached the banks of the river Anoma.

3. 3. Then turning to Channa he said :"Good friend, thy devotion to me has been proved by thy thus following me. I am wholly won in heart by thee, ye who have such a love for your master.

4. 4.”I am pleased with your noble feelings towards me, even though I am powerless of conferring any reward.
5. 5.”Who would not be favourably disposed to one who stands to him as bringing him reward? But even one's own people commonly become mere strangers in a reverse of fortune.
6. 6.”A son is brought up for the sake of the family, the father is honoured by the son for the sake of his own future support ; the world shows kindness for the sake of hope ; there is no such thing as unselfishness without a motive.
7. 7.”Thou art the only exception. Take now this horse and return.
8. 8.”The king, with his loving confidence, still unshaken, must be enjoined to stay his grief.
9. 9.”Tell him, I have left him—with no thirst for heaven, with no lack of love, nor feeling of anger.
10. 10.”He should not think of mourning for me who am thus gone forth from my home; union, however long it may last, in time will come to an end.
11. 11.”Since separation is certain, how shall there not be repeated severings from one's kindred?
12. 12.”At a man's death there are doubtless heirs to his wealth but heirs to his merit are hard to find on the earth or exist not at all.
13. 13.”The king, my father, requires to be looked after. The king may say, ' He is gone at a wrong time.' But there is no wrong time for duty.
14. 14.”Do thou address the king, 0 friend, with these and suchlike words ; and do thou use thy efforts so that he may not even remember me.
15. 15.”Yes, do thou repeat to my mother my utter unworthiness to deserve her affection. She is a noble person, too noble for words.”
16. 16. Having heard these words, Channa, overwhelmed with grief, made reply with folded hands, his voice choked by emotion :
17. 17.”Seeing that ye are causing affliction to thy kindred, my mind, 0 my Lord, sinks down like an elephant in a river of mud.
18. 18.”To whom would not such a determination as this of thine, cause tears, even if his heart were of iron—how much more if it were throbbing with love? 19.”Where is gone this delicacy of limb, fit to lie only in a palace, and where is the ground of the ascetic forest, covered with the shoots of rough Kusa grass?

19. 20.”How could 1, 0 Prince, by mine own will, —knowing this thy decision,—carry back the horse to the sorrow of Kapilavatsu?
20. 21.”Surely thou will not abandon that fond old king, so devoted to his son, as a heretic might the true religion? .
21. 22.”And her, thy second mother, worn with the care of bringing thee up,—thou will not surely forget her, as an ingrate does a benefit?
22. 23.”Thou wilt not surely abandon thy wife endowed with all virtues, illustrious for her family, devoted to her husband and with a young son.
23. 24.”Thou wilt not abandon the young son of Yeshodhara, worthy of all praise, thou the best of the cherishers of religion and fame, as a dissolute spendthrift his choicest glory?
24. 25.”Or even if thy mind be resolved to abandon thy kindred and thy kingdom, thou will not, 0 Master, abandon me,—thy feet are my only refuge.
25. 26.”I cannot go to the city with my soul thus burning, leaving thee behind in the forest.
26. 27.”What will the king say to me, returning to the city without thee, or what shall I say to thy wife by way of telling them good news?
27. 28.”As for what thou sayest, ' thou must repeat my unworthiness to the king ' who could think or believe it?”continued Channa.”Even if I ventured to speak it with a heart ashamed and a tongue cleaving to my mouth, he may not appreciate it.
28. 29. “Him who is always compassionate and who never fails to feel pity, it ill befits to abandon one who loves; turn back and have mercy on me.”
29. 30. Having heard these words of Channa overcome with sorrow, Siddharth Gautama with the utmost gentleness answered:
30. 31.”Abandon this distress Channa, regarding thy separation from me,—charge is inevitable in corporeal beings who are subject to different births. 32.”Even. if I through affection were not to abandon my kindred, death would still make us helplessly abandon one another.
31. 33.”She, my mother, by whom I was born in the womb with great thirst and pains,—where am I now with regard to her, and where is she with regard to me?
32. 34.”As birds go to their roosting-tree and then depart, so the meeting of beings inevitably ends in separation.

33. 35."As clouds, having come together, depart asunder again, such I consider the meeting and parting of living things.
34. 36."And since this world goes away, each one deceiving the other,—it is not right to think anything thine own in a time of union which is a dread.
35. 37."Therefore, since it is so, grieve not, my good friend, but go ; or if thy love lingers, then go and afterwards return.
36. 38."Say without reproaching me, to the people of Kapilavatsu, ' Let your love for him be given up, and hear his resolve.'"
37. 39. Having heard this conversation between the master and the servant, Kanthaka, the noblest steed, licked his feet with his tongue and dropped hot tears.
38. 40. With his hand whose fingers were untied with a membrane and which was marked with the auspicious svastika, and with its middle part curved, Gautama stroked him and addressed him like a friend:
39. 41."Shed not tears, Kanthaka, bear with it, thy labours will soon have its fruit."
40. 42. Then Channa, knowing that the time for the parting of the ways had come, forthwith paid honour to the sylvan dress of Gautama.
41. 43. Then Gautama, having bidden good-bye to Kanthaka and Channa, went on his way.
42. 44. While his master, thus regardless of his kingdom, was going to the ascetic-wood in mean garments, the groom, tossing up his arms, wailed bitterly and fell on the ground.
43. 45. Having looked back again he wept aloud, and embraced the horse Kanthaka with his arms: and then, hopeless and repeatedly lamenting, started on his return journey.
44. 46. On the way, sometimes he pondered, sometimes he lamented, sometimes he stumbled and sometimes he fell, and so going along, wretched through his devoted attachment, he performed all kinds of actions on the road knowing not what he was doing.

§20. *The Return of Channa*

1. 1. Then Channa in deep distress, when his master thus went into the forest, made every effort on the road to dissolve his load of sorrow.

2. 2. His heart was so heavy that the road which he used to traverse in one night with Kanthaka, that same road he now took eight days to travel, pondering over his lord's absence.
3. 3. The horse Kanthaka, though he still went on bravely, fagged and had lost all spirit ; and decked though he was with ornaments, he in the absence of his master seemed to have lost all his beauty.
4. 4. And turning round towards the direction in which his master went, he neighed repeatedly with a mournful sound; and though pressed with hunger, he welcomed not, nor tasted any grass or water on the road, as before.
5. 5. Slowly the two at long last reached Kapila-vatsu which seemed empty when deserted by Gautama. They reached the city in body but not in soul.
6. 6. Bright as it was with lotus-covered waters, adorned with trees full of flowers, the citizens had lost all their gladness.
7. 7. When the two, their brightness gone and their eyes dim with tears, slowly entered the city, it seemed all bathed in gloom.
8. 8. Having heard that they had returned with their limbs all relaxed, coming back without the pride of the Sakya race, the men of the city shed tears.
9. 9. Full of wrath, the people followed Channa in the road, crying behind him with tears,"Where is the king's son, the glory of his race and his kingdom?"
10. 10."This city bereft of him is a forest, and that forest which possesses him is a city ; the city without him has no charms for us."
11. 11. Next the women crowded to the rows of windows, crying to one another,"The prince has returned"; but having seen that his horse had an empty back, they closed the windows again and wailed aloud.

§21 *The Family in Mourning*

1. 1. The members of the family of Suddhodana were anxiously awaiting the return of Channa in the hope that he might persuade Gautama to return home.
2. 2. On entering the royal stable, Kanthaka uttered a loud sound, uttering his woe to the palace people.

3. 3. Then the people, who were in the neighbourhood of the king's inner apartments, thought in their hearts,"Since the horse Kanthaka neighs, it must be that the prince has come."
4. 4. And the women, who were fainting with sorrow, now in wild joy, with their eyes rolling to see the prince, rushed out of the palace full of hope. But they were disappointed. There was Kanthaka without the prince.
5. 5. Gautami, abandoning all self-control, cried aloud—she fainted, and with a weeping face exclaimed:
6. 6."With his long arms and lion gait, his bulllike eye, and his beauty, bright like gold, his broad chest, and his voice deep as a drum or a cloud,—should, such a hero as this dwell in a hermitage?
7. 7."This earth is indeed unworthy as regards that peerless doer of noble actions, for such a virtuous hero has gone away from us.
8. 8."Those two feet of his, tender with their beautiful web spread between the toes, with their ankles, concealed and soft like a blue lotus,—how can they, bearing a wheel mark in the middle, walk on the hard ground of the skirts of the forest?

9."That body, which deserves to sit or lie on the roof of a palace, honoured with costly garments, aloes, and sandalwood, how will that manly body live in the woods, exposed to the attacks of the cold, the heat, and the rain?

10."He who was proud of his family, goodness, strength, energy, sacred learning, beauty, and youth, who was ever ready to give, not ask, how will he go about begging alms from others?
9. 11."He who, lying on a spotless golden bed, was awakened during the night by the concert of musical instruments, how alas! will he, my ascetic, sleep today on the bare ground with only one rag of cloth interposed?"
10. 12. Having heard this piteous lamentation, the women, embracing one another with their arms, rained tears from their eyes, as the shaken creepers drop honey from their flowers.
11. 13. Then Yeshodhara, forgetting that she had permitted him to go, fell upon the ground in utter bewilderment.
12. 14."How has he abandoned me his lawful wife? He has left me widowed. He could have allowed his lawful wife to share his new life with him.
13. 15."I have no longing for the heaven, my one desire was that my

beloved may never leave me either in this world or the next.
14. 16."Even if I am unworthy to look on my husband's face with its long eyes and bright smile, still is this poor Rahula never to roll about in his father's lap?
15. 17."Alas ! the mind of that wise hero is terribly stern, gentle as his beauty seems, it is pitilessly cruel. Who can desert of his own accord such an infant son with his inarticulate talk, one who would charm even an enemy?
16. 18."My heart too is certainly most stern, yea, made of rock or fashioned even of iron, which does not break when its lord is gone to the forest, deserted by his royal glory like an orphan,—he so well worthy of happiness. But what can I do? My grief is too heavy for me to bear."19. So fainting in her woe, Yeshodhara wept and wept aloud—self-possessed though she was by nature, yet in her distress she had lost her fortitude.
17. 20. Seeing Yeshodhara thus bewildered with her wild utterances of grief and fallen on the ground, all the women cried out, with their faces streaming with tears like large lotuses beaten by the rain.
18. 21. Having heard of the arrival of both Channa and Kanthaka, and having learned of the fixed resolve of his son, Suddhodana fell struck down by sorrow.
19. 22. Distracted by his grief for his son, being held up for a moment by his attendants, Suddhodana gazed on the horse with his eyes filled with tears, and then falling on the ground wailed aloud.
20. 23. Then Suddhodana got up and entered his temple, offered prayers, performed auspicious rites and vowed certain sacrifices for the safe return of his son.
21. 24. So Suddhodana, Gautami and Yeshodhara passed their days asking :"How long, 0 God, how long, before, shall we see him again?"

PART II : RENUNCIATION FOR EVER

1. 1. From Kapilavatsu to Rajagraha.
2. 2. King Bimbisara and His Advice.
3. 3. Gautama answers Bimbisara.
4. 4. Reply by Gautama (concluded).
5. 5. News of Peace.

6. 6. The problem in a New Perspective.

§ *1. From Kapilavatsu to Rajagraha*

1. 1. Leaving Kapilavatsu, Siddharth Gautama thought of going to Rajagraha, the capital of the kingdom of Magadha.
2. 2. The reigning king was Bimbisara. It was a place which great philosophers and leaders of thought had made their headquarters.
3. 3. With this thought in mind he crossed the Ganges, fearing not her rapid flow.
4. 4. On his way he halted at the hermitage of a Brahmin woman Saki, then at the hermitage of another Brahmin woman by name Padma and then at the hermitage of the Brahmin sage Raivata. All of them entertained him.
5. 5. Having seen his personality and dignity and his splendid beauty, surpassing all other men, the people of that region were all astonished at him wearing the clothes of a sanyasi.
6. 6. On seeing him, he who was going elsewhere stood still, and he who was standing there followed him on the way ; he who was walking gently and gravely ran quickly, and he who was sitting at once sprang up.
7. 7. Some people reverenced him with their hands' others in worship saluted him with their heads, some addressed him with affectionate words ; not one went on without paying him homage.
8. 8. Those who were wearing gay-coloured dresses were ashamed when they saw him, those who were talking on random subjects fell to silence ; no one indulged in an improper thought.
9. 9. His eyebrows, his forehead, his mouth,—his body, his hand, his feet, or his gait,— whatever part of him anyone beheld, that at once rivetted his gaze.
10. 10. After a long and arduous journey Gautama reached Rajagraha surrounded by five hills, well guarded and adorned with mountains, and supported and hallowed by auspicious and sacred places. II. On reaching Rajagraha he selected a spot at the foot of the Pandava hill and put up a small hut made of the leaves of trees for his sojourn.
11. 12. Kapilavatsu by foot is nearly 400 miles distant from Rajagraha.
12. 13. This long journey Siddharth Gautama did all on foot.

§ 2. *King Bimbisara and his Advice*

1. 1. Next day he got up and started to go into the city with a begging bowl asking for alms. A vast crowd gathered round him.
2. 2. Then Sreniya Bimbisara, the lord of the kingdom of the Magadhas, beheld from the outside of his palace the immense concourse of people, and asked the reason of it ; and thus did a courtier recount it to him :
3. 3."He who was thus foretold by the Brahmins, 'He will either attain supreme wisdom or be the emperor of the earth '—it is he, the son of the king of the Sakyas, who is now an ascetic. It is he at whom the people are gazing at."
4. 4. The king, having heard this and perceiving its meaning in his mind, thus at once spoke to that courtier :"Let it be known whither he is going"; and the courtier, receiving the command, followed the prince.
5. 5. With fixed eyes, seeing only a yoke's length before him, with his voice hushed, and his walk slow and measured, he, the noblest of mendicants, went begging for alms, keeping his limbs and his wandering thoughts under control.
6. 6. Having received such alms as were offered, he retired to a lonely corner of the mountain ; and having eaten it there, he ascended the Pandava hill.
7. 7. In that wood, thickly filled with *lodhra* trees, having its thickness resonant with the notes of the peacocks, he, the sun of mankind, shone, wearing his red dress, like the morning sun above the eastern mountains.
8. 8. That royal courtier having thus watched him there, related it all to the king : and the king when he heard it, in his deep veneration, started himself to go thither with a modest retinue.
9. 9. Like a mountain in stature, the king ascended the hill.
10. 10. There he beheld Gautama, resplendent as he sat on his hams, with subdued senses, as if the mountain was moving, and he himself was a peak thereof.
11. 11. Him, distinguished by his beauty of form and perfect tranquillity, filled with astonishment and affectionate regard, the king of men approached.
12. 12. Bimbisara having courteously drawn nigh to him, inquired as to

the condition of his bodily humours ; and Gautama with equal gentleness assured the king of his health of mind and freedom from all ailments.
13. 13. Then the king sat down on the clean surface of the rock, and being seated, he thus spoke, desiring to convey his state of mind :
14. 14."I have a strong friendship with thy family, come down by inheritance and well proved ; since from this, a desire to speak to thee, my son, has arisen in me, therefore, listen to my words of affection,
15. 15."When I consider thy race, beginning with the sun, thy fresh youth, and thy conspicuous beauty, I wonder whence comes this resolve of thine, so out of all harmony with the rest, set wholly on a mendicant's life, not on a kingdom?
16. 16."Thy limbs are worthy of red sandalwood perfumes,—they do not deserve the rough contact of red cloth, this hand of thine is fit to protect subjects, it deserves not to hold food given by another
17. 17."If, therefore, gentle youth, thou desirest not thy paternal kingdom, then in thy generosity, accept forthwith one half of my kingdom,
18. 18."If thou actest thus, there will be no sorrow caused to thine own people, and by the mere lapse of time imperial power at last flies for refuge to the tranquil mind , therefore, be pleased to do me this kindness. The prosperity of the good becomes very powerful, when aided by the good.
19. 19."But if from thy pride of race thou dost not now feel confidence in me, then plunge with thy arrows into countless armies, and with me as thy ally seek to conquer thy foes.
20. 20."Choose thou, therefore, one of these ends. Pursue according to the rules of religious merit, wealth, and pleasure; pursue love and the rest, in reverse order. These are the three objects in life ; when men die they pass into dissolution as far as regards this world.
21. 21."Do thou, therefore, by pursuing the three objects of life, cause this personality of thine to bear its fruit ; they say that when the attainment of religion, wealth and pleasure is complete in all its parts, then the end of man is complete.
22. 22."Do not thou let these two brawny arms lie useless which are worthy to draw the bow; they are well fitted to conquer the three worlds, much more the earth.
23. 23."I speak this to you out of affection,—not through love of dominion or through arrogance beholding this mendicant-dress of thine, I

am filled with compassion and I shed tears.
24. 24."O, thou who desirest the mendicant's stage of life, enjoy pleasures now, in due time— ere old age comes on and overcomes this thy beauty, well worthy of thy illustrious race.
25. 25."The old man can obtain merit by religion ; old age is helpless, for the enjoyment of pleasures ; therefore, they say that pleasures belong to the young man, wealth to the middle-aged, and religion to the old.
26. 26."Youth in this present world is the enemy of religion and wealth—since pleasures, however much we guard against them, are hard to hold, therefore, wherever pleasures are to be found, there thy youth seize them.
27. 27."Old age is prone to reflection, it is grave and intent on remaining quiet ; it attains unimpassionedness with but little effort, unavoidably, and for very shame.
28. 28."Therefore, having passed through the deceptive period of youth, fickle, intent on external objects, heedless, impatient, not looking at the distance,—they take breath like men who have escaped safe through a forest.
29. 29."Let, therefore, this fickle time of youth first pass by, reckless and giddy,—our early years are earmarked for pleasure, they cannot be kept from the power of the senses.'
30. 30."Or, if religion is really thy one aim, then offer sacrifices,—this is thy family's immemorial custom, climbing to highest heaven by sacrifices.
31. 31."With their arms pressed by golden bracelets, and their variegated diadems resplendent with the light of gems, royal sages have reached the same goal by sacrifice which great sages reached by self-mortification."

§ *3. Gautama Answers Bimbisara*

1. 1. Thus spoke the monarch of the Magadhas, who spoke well and strongly like Indra ; but having heard it, the prince did not falter. He was firm like a mountain.
2. 2. Being thus addressed by the monarch of the Magadhas, Gautama, in a strong speech with friendly face,—self-possessed, unchanged, thus made answer :
3. 3."What you have said is not to be called a strange thing for thee. 0

King! born as thou art in the great family whose ensign is the lion, and lover as thou art of thy friends, that ye should adopt this line of approach towards him who stands as one of thy friends is only natural.

4. 4."Amongst the evil-minded, a friendship worthy of their family, ceases to continue and fades; it is only the good who keep increasing the old friendship of their ancestors by a new succession of friendly acts.

5. 5."But those men who act unchangingly towards their friends in reverses of fortune, I esteem in my heart as true friends. Who is not the friend of the prosperous man, in his times of abundance?

6. 6."So those who, having obtained riches in the world, employ them for the sake of their friends and religions,—their wealth has real solidity, and when it perishes it produces no pain at the end.

7. 7."This thy suggestion concerning me, 0 King, is prompted by pure generosity and friendship; I will meet thee courteously with simple friendship, I would not utter aught else in my reply.

8. 8."I am not so afraid even of serpents nor of thunderbolts falling from, heaven, nor of flames blown together by the wind, as I am afraid of these worldly objects.

9. 9."These transient pleasures,—the robbers of our happiness and our wealth, and which float empty and like illusions through the world,—infatuate man's minds even when they are only hoped for,—still more when they take up their abode in the soul.

10. 10."The victims of pleasure attain not to happiness even in the heaven of the gods, still less in the world of mortals; he who is athirst is never satisfied with pleasures, as the fire, the friend of the wind, with fuel.

11. 11."There is no calamity in the world like pleasures, people are devoted to them through delusion; when he once knows the truth and so fears evil, what wise man would of his own choice desire evil?

12. 12."When they have obtained all the earth girdled by the sea, kings wish to conquer the other side of the great ocean ; mankind is. never satiated with pleasures, as the ocean with the waters that fall into it.

13,"When it had rained a golden shower from heaven, and when he had conquered the continents and had even obtained the half of Sakra's throne, Mandhatri was still full of craving for worldly objects.

1. 14."Though he enjoyed the kingdom of the gods in heaven, when

Indra had concealed himself through fear of Vritra, and though in his pride he had made the great Rishis bear his litter, Nahusha was not satisfied.

2. 15."Who would seek these enemies bearing the name of pleasures, by whom even those sages have been overcome, who were devoted to other pursuits, whose only clothes were rags, whose food roots, fruits, and water and who wear their twisted locks as long as snakes?

3. 16."When they hear of the miseries of those who are intent on pleasure and are devoted to worldly pursuits it well befits the self-controlled to fling it away.

4. 17."Success in pleasure is to be considered a misery in the man of pleasure, for he becomes intoxicated when the pleasures of his desire are attained; through intoxication he does what should not be done, not what should be done ; and being wounded thereby he falls into a miserable end.

5. 18."These pleasures which are gained and kept by toil, which after deceiving leave you and return whence they came,—these pleasures which are but borrowed for a time,—what man of self-control, if he is wise, would delight in them?

6. 19."What man of self-control could find satisfaction in these pleasures which are like a torch of hay,—which excite thirst when you seek them and when you grasp them?

7. 20."What man of self-control could find satisfaction in these pleasures which are like flesh that has been, flung away, and which produces misery by their being held in common with kings?

8. 21."What man of self-control could find satisfaction in these pleasures, which, like the senses, are destructive, which bring calamity on every hand to those who abide in them?

9. 22."Those men of self-control who are bitten by them in their hearts, fall into ruin and attain not bliss—what man of self-control could find satisfaction in these pleasures, which are like an angry, cruel serpent?

10. 23."Even if they enjoy them men are not satisfied,—like dogs famishing with hunger over a bone what man of self control could find satisfaction in these pleasures, which are like a skeleton composed of dry bones?

11. 24."He whose intellect is blinded with pleasures, the wretch, who is the miserable slave of hope for the sake of pleasures, well deserves the pain of death even in the world of living.

12. 25.”Deer are lured to their destruction by songs, insects for the sake of the brightness fly into the fire, the fish greedy for the flesh swallows the iron hook,— therefore, worldly pleasures produce misery as their end.
13. 26.”As for the common opinion, ' pleasures are enjoyment,' none of them when examined are worthy of being enjoyed; fine garments and the rest are only the accessories of things,—they are to be regarded as merely the remedies for pain.
14. 27.”Water is desired for allaying thirst; food in the same way for removing hunger; a house for keeping off the wind, the heat of the sun, and the rain; and dress for keeping off the cold and to cover one's nakedness'.
15. 28.”So too a bed is for removing drowsiness; a carriage for remedying the fatigue of a journey; a seat for alleviating the pain of standing; so bathing as a means for washing, health, and strength.
16. 29.”External objects therefore are to human beings means for remedying pain—not in themselves sources of enjoyment ; what wise man would allow that he enjoys those delights which are only used as remedial?
17. 30.”He who, when burned with the heat of bilious fever, maintains that cold appliances are an enjoyment, when he is only engaged in alleviating pain,—he indeed might give the name of enjoyment to pleasures.
18. 31.”Since variableness is found in all pleasures, I cannot apply to them the name of enjoyment; the very conditions which mark pleasure, bring also in their turn pain.
19. 32.”Heavy garments and fragrant aloe-wood are pleasant in the cold but an annoyance in the heat; and the moonbeams and sandalwood are pleasant in the heat, but a pain in the cold.
20. 33.”Since the well-known opposite pairs, such as gain and loss and the rest, are inseparably connected with everything in this world,— therefore, no man is invariably happy on the earth nor invariably wretched.
21. 34.”When I see how the nature of pleasure and pain are mixed, I consider royalty and slavery as the same; a king does not always smile, nor is a slave always in pain.
22. 35.”Since to be a king involves a wider range of responsibility, therefore, the sorrows of a king are great; for a king is like a peg,—he endures trouble for the sake of the world.

23. 36."A king is unfortunate, if he places his trust in his royalty which is apt to desert and loves crooked turns; and, on the other hand, if he does not trust in it, then what can be the happiness of a timid king?
24. 37."And since after even conquering the whole earth, one city only can serve as a dwelling place and even there only one house can be inhabited, is not royalty mere labour for others?
25. 38."And even in royalty nothing more than one pair of garments is all he needs, and just enough food to keep off hunger ; so only one bed, and only one seat is all that a king needs; other distinctions are only for pride.
26. 39."And if all these fruits are desired for the sake of satisfaction, I can be satisfied without a kingdom ; and if a man is once satisfied in this world, are not all distinctions unnecessary?
27. 40."He then who has attained the auspicious road to happiness is not to be deceived in regard to pleasures. Remembering thy professed friendship, I ask, tell me again and again, are the pleasures worth anything?
28. 41."I have not left home through anger, nor because my diadem has been dashed down by an enemy's arrow ; nor have I set my desires on loftier objects, that I thus refuse thy proposal.
29. 42."Only he who, having once let go a malignant incensed serpent, or a blazing hay-torch all on fire, would strive again to seize it, would ever seek pleasures again after having once abandoned them.
30. 43."Only he who, though seeing would envy the blind, though free, the bound, though wealthy, the destitute, though sound in his reason, the maniac— only he, I say, would envy one who is devoted to wordly objects.
31. 44."He who lives on alms, my good friend, .is not to be pitied. He has here the best happiness, perfect calm, and hereafter all sorrows are for him abolished.
32. 45."But he is to be pitied who is overpowered by craving though in the midst of great wealth,—who attains not the happiness of calm here, while pain has to be experienced hereafter.
33. 46."What thou has spoken to me is well worthy of thy character, thy mode of life, and thy family; and to carry out my resolve is also befitting my character, my mode of life, and my family."

§ *4. Reply by Gautama* (concluded)

1. 1.”I have been wounded by the strife of the world, and I have come out longing to obtain peace; I would not accept any empire in the third heaven, for saving me from all the ills of the earth how much less amongst men?
2. 2.”But as for what thou has said to me, O King, that the universal pursuit of the three objects is the supreme end. of man,—and thou saidst that what I regard as the desirable is misery,—thy three objects are perishable and also unsatisfying.
3. 3.”And as for what thou saidst, ' wait till old age comes, for youth is ever subject to change';— this want of decision is itself uncertain; for age too can be irresolute and youth can be firm.
4. 4. “But since Fate is so well skilled in its art as to draw the world in all its various ages into its power,—how shall the wise man, who desires tranquillity, wait for old age, when he knows not when the time of death will be?
5. 5. “When death stands ready like a hunter, with old age as his weapon, and diseases scattered about as his arrows, smiting down living creatures who fly like deer to the forest of destiny, what desire can there be in anyone for length of life?
6. 6.”It well befits the youthful son or the old man or the child so to act with all promptitude that they may choose the path of the religious man whose soul is all mercy.
7. 7.”And as for what thou saidst, be diligent in sacrifices for religion, such as are worthy of thy race and bring a glorious fruit, '—honour to such sacrifices ! I desire not that fruit which is sought by causing pain to others!
8. 8.”To kill a helpless victim through a wish for future reward,—it would be unseemly action for a merciful, good-hearted man, even if the reward of the sacrifice were eternal.
9. 9.”And even if true religion did not consist in quite another rule of conduct, by self-restraint, moral practice and a total absence of passion,—still it would not be seemly to follow the rule of sacrifice, where the highest reward is described as attained only by slaughter.
10. 10.”Even that happiness which comes to a man, while he stays in this world, through the injury of another, is hateful to the wise compassionate heart; how much more if it be something beyond our sight in another life?
11. 11.”I am not to be lured into a course of action for future reward,—

my mind does not delight, 0 King, in future births; these actions are uncertain and wavering in their direction, like plants beaten by the rain from a cloud."

12. 12. The king himself, folding his hands, replied,"Thou art obtaining thy desire without hindrance; when thou has at last accomplished all that thou has to do, thou shall show hereafter thy favour towards me."

13. 13. Having received a firm promise from Gautama to visit him again, the monarch, taking his courtiers with him, returned to the palace.

§ 5. *News of Peace*

1. 1. While Gautama was staying in Rajagraha there came five other Parivrajakas who also put up a hut by the side of the hut which Gautama had erected for himself.

2. 2. These five Parivrajakas were Kaundinya, Ashvajit, Kasyapa, Mahanam and Bhaduka.

3. 3. They too were struck by Gautama's appearance and wondered what could have led him to take Parivraja.

4. 4. They questioned him over the issue in the same way as did King Bimbisara.

5. 5. When he explained to them the circumstances which led him to take Parivraja, they said,"We have heard of it. But do you know what has happened since you left?"they asked.

6. 6. Siddharth said,"No."Then they told him that after he left Kapilavatsu there was a great agitation among the Sakyas against going to war with the Koliyas.

7. 7. There were demonstrations and processions by men and women, boys and girls, carrying flags with such slogans as,"Koliyas are our brothers,""It is wrong for a brother to fight against brother."Think of the exile of Siddharth Gautama,"etc.

8. 8. The result of the agitation was that the Sakya Sangh had to call a meeting and reconsider the question. This time the majority was for compromise with the Koliyas.

9. 9. The Sangh decided to select five Sakyas to act as their envoys and negotiate peace with the Koliyas.

10. 10. When the Koliyas heard of this they were very glad. They too

selected five Koliyas deal with the envoys of the Sakyas.
11. 11. The envoys on the two sides met and agreed to appoint a permanent Council of Arbitration with authority to settle every dispute regarding the sharing of the waters of the river Rohini and both sides to abide by its decision. Thus the threatened war had ended in peace.
12. 12. After informing Gautama of what had happened at Kapilavatsu, the Parivrajakas said,"There is now no need for you to continue to be a Parivrajaka. Why don't you go home and join your family?"
13. 13. Siddharth said :"I am happy to have this good news. It is a triumph for me. But I will not go back to my home. I must not. I must continue to be a Parivrajaka."
14. 14. Gautama asked the five Parivrajakas, what their programme was. They replied,"We have decided to do *tapasya*. Why don't you join us?"Siddharth said,"By and by ; I must examine other ways first."
15. 15. The five Parivrajakas then left.

§ 6. *The Problem in a New Perspective*

1. 1. The news brought by the five Parivrajakas that the Koliyas and Sakyas had made peace, made Gautama very uneasy.
2. 2. Left alone, he began to reflect on his own position and to make sure if any reason was left for him to continue his Parivraja.
3. 3. He had left his people for what?, he asked himself.
4. 4. He had left his home because he was opposed to war."Now that the war is over is there any problem left to me? Does my problem end because war has ended?"
5. 5. On a deep reflection he thought not.
6. 6."The problem of war is essentially a problem of conflict. It is only a part of a larger problem.
7. 7."This conflict is going on not only between kings and nations but between nobles and Brahmins, between householders, between mother and son, between son and mother, between father and son, between sister and brother, between companion and companion.
8. 8."The conflict between nations is occasional. But the conflict between classes is constant and perpetual. It is this which is the root of all sorrow and suffering in the world.

9. 9.”True, I left home on account of war. But I cannot go back home although the war between the Sakyas and Kpliyas has ended. I see now that my problem has become wider. I have to find a solution for this problem of social conflict.
10. 10.”How far do the old-established philosophies offer a solution of this problem?”
11. 11. Can he accept any one of the social philosophies?
12. 12. He was determined to examine everything for himself.

PART III : IN SEARCH OF NEW LIGHT

1. **1.** Halt at Brighu's Ashram.
2. 2. Study of Sankhya.
3. 3. Training in Samadhi Marga.
4. 4. Trial of Asceticism.
5. 5. Abandonment of Asceticism.

§ *1. Halt at Brighu's Ashram*

1. 1. With the desire to pursue other ways, Gautama left Rajagraha to meet Arada Kalam.
2. 2. On his way he beheld the hermitage of Brighu and entered it out of curiosity.
3. 3. The Brahmin inmates of the Ashram who had gone outside for the sake of fuel, having just come back with their hands full of fuel, flowers, and kusa grass, pre-eminent as they were in penances, and proficient in wisdom, went just to see him, and went not to their cells.
4. 4. Then he being duly honoured by those dwellers of the hermitage paid his homage to the Elders of the Ashram.
5. 5. He, the wise one, longing for liberation, traversed that hermitage, filled with the holy company desirous of heaven,—gazing at their strange penances.
6. 6. He, the gentle one, saw for the first time the different kinds of penances practised by the ascetics in that sacred grove.
7. 7. Then the Brahmin Brighu, well-versed in the technique of penance, told Gautama all the various kinds of penances and the fruits thereof.
8. 8.”Uncooked food, growing out of water, and roots and fruits,—this

is the fare of the saints according to the sacred texts ; but the different alternatives of penance vary.

9. 9."Some live like the birds on gleaned corn, others graze on grass like the deer, others live on air like the snakes, as if turned into ant-hills.

10. 10."Others win their nourishment with great effort from stones, others eat corn ground with their own teeth ; some, having boiled for others, keep for themselves what may chance to be left.

11. 11."Others, with their tufts of matted hair continually wet with water, twice offer oblations to Agni with hymns; others, plunging like fishes into the water, dwell there with their bodies scratched by tortoises.

12. 12."By such penances endured for a time,—by the higher they attain heaven, by the lower the world of men, by the path of pain they eventually dwell in happiness,—pain, they say, is the root of merit."

13. 13. On hearing this Gautama said :"Today I is my first sight of such a hermitage and I do not understand this rule of penance.

14. 14."This is all I would say at the moment. This devotion of yours is for the sake of heaven— while my desire is that the ills of life on earth be probed and a solution found. Will you allow me to take your leave. I wish to learn the Sankhya Philosophy and train myself in the Samadhi marga, and see what help it can give me for the solution of my problem.

15. 15."There is sorrow to me when I reflect that I shall have to depart, leaving you who are thus engaged, you who are such a refuge and who have shown such excessive kindness to me,—-just as there was when I had to leave my kindred behind.

16. 16."It is not, therefore, any dislike on my part or the wrong conduct of another, which makes me go away from this wood ; for ye are like great sages, standing fast in the religious duties which are in accordance with former sages.

17. 17."I wish to go to Muni Arada Kalam who is known to be the master of the subject."

18. 18. Seeing his resolve Brighu, the chief of the hermitage, said :"Prince, brave indeed is thy purpose, who, young as thou art, having pondered thoroughly between heaven and liberation have made up your mind for liberation, ye are indeed brave!

19. 19."If what you have said is thy settled purpose go quickly to Vindhyakoshtha ; the Muni Arada lives there who has gained an insight

into absolute bliss.
20. 20.”From him thou wilt learn the path but as I foresee, this purpose of thine will go further, after having studied his theory.”
21. 21. Gautama thanked him, and having saluted the company of sages he departed ; the hermits also, having duly performed to him all the rites of courtesy, entered again into the ascetic grove.

§ 2. *Study of Sankhya*

1. 1. Leaving the Ashram of Brighu, Gautama started to find the abode of Arada Kalam.
2. 2. Arada Kalam was staying at Vaishali. Gautama went thither. On reaching Vaishali he went to his Ashram.
3. 3. Approaching Arada Kalam, he said:”I wish to be initiated into your doctrine and discipline.”
4. 4. Thereupon Arada Kalam said : “You are welcome. Such is my doctrine that an intelligent man like you in no long time may of himself comprehend, realise and attain my teaching and abide by it.
5. 5.”Verily thou art a worthy vessel to receive this highest training.”
6. 6. The prince, having heard these words of Arada, was filled with great pleasure and thus made reply.
7. 7.”This extreme kindliness which thou showest to me, makes me, imperfect as I am, seem even already to have attained perfection.
8. 8.”Will you, therefore, deign to tell me what your doctrine is?”
9. 9. Said Arada,”I am so much impelled by your noble nature, by your sincerity of character and by your resolution that I need not put you to any preliminary examination to test your worthiness.
10. 10.”Listen, best of listeners, to our tenets.”
11. 11. He then expounded to Gautama the tenets of what was known as the Sankhya Philosophy.
12. 12. At the conclusion of his discourse Arada Kalam said:
13. 13.”These are, 0 Gautama, the tenets of our system. I have told them to you in a summary form.”
14. 14. Gautama was greatly pleased with the clear exposition given by Arada Kalam.

§ 3. *Training in Samadhi Marga*

1. 1. At the time when Gautama was examining the various ways of finding a solution to his problem he thought of getting himself acquainted with the Dhyana Marga (Concentration of the Mind).
2. 2. There were *three* schools of the Dhyana Marga.
3. 3. All of them had one thing in common, namely, that control of breathing was the means of achieving Dhyana.
4. 4. One school followed a way of controlling breathing which is called *Anapanasati.*
5. 5. Another school followed the way of control of breathing known as *Pranayama.* It divided the breathing process into three parts : (1) Breathing *in* (Puraka) ; (2) *holding* the breath (Kumbhaka) ; and (3) breathing *out* (Rechak). The third school was known as Samadhi School.
6. 6. Arada Kalam was well known as the master of Dhyana Marga. Gautama felt that it might be well for him if he could get some training in the Dhyana Marga under Arada Kalam.
7. 7. So he spoke to Arada Kalam and asked him if he would be so good as to give training in the Dhyana Marga.
8. 8. Arada Kalam replied,"With great pleasure."
9. 9. Arada Kalam taught him his technique of the Dhyana Marga. It consisted of seven stages.
10. 10. Gautama practised the technique every day.
11. 11. After acquiring complete mastery over it Gautama asked Arada Kalam if there was anything further to be learned.
12. 12. Arada Kalam replied :"No friend, that is all that I have to teach."With this Gautama took leave of Arada Kalam.
13. 13. Gautama had heard of another yogi, by name Uddaka Ramaputta, who was reputed to have devised a technique which enabled a Dhyani to go one stage higher than that devised by Arada Kalam.
14. 14. Gautama thought of learning his technique and experiencing the highest stage of Samadhi. Accordingly he went to the Ashram of Uddaka Ramaputta and placed himself under his training.
15. 15. Within a short time did Gautama master the technique of Uddaka's eighth stage. After having perfected himself in the technique of Uddaka Rama-putta, Gautama asked him the same question which he had

asked Arada Kalam :"Is there anything further to be learned?"
16. 16. And Uddaka Ramaputta gave the same reply."No friend, there is nothing more that I can teach you."
17. 17. Arada Kalam and Uddaka Ramaputta were famous for their mastery of Dhyana Marga in the country of the Kosalas. But Gautama had heard that there were similar masters of Dhyana Marga in the country of the Magadhas. He thought he should have a training in their system also.
18. 18. Gautama accordingly went to Magadha.
19. 19. He found that their technique of Dhyana Marga, though based on control of breathing, was different from what was in vogue in the Kosala country.
20. 20. The technique was not to breathe but to reach concentration by stopping breathing.
21. 21. Gautama learned this technique. When he tried concentration by stopping breathing he found that piercing sounds used to come out of his ears, and his head appeared to him to be pierced as though by a sharp pointed knife.
22. 22. It was a painful process. But Gautama did not fail to master it. 23. Such was his training in the Samadhi Marga.

§ *4. Trial of Asceticism*

1. 1. Gautama had given a trial to theSankhya and Samadhi Marga. But he had left the Ashram of the Brighus without giving a trial to Asceticism.
2. 2. He felt he should give it a trial and gain experience for himself so that he could speak authoritatively about it.

3. Accordingly Gautama went to the town of Gaya. From there he reconnoitred the surrounding country and fixed his habitation at Uruvela in the hermitage of Negari, the

Royal Seer of Gaya, for practising asceticism. It was a lonely and solitary place on the banks of the river Nairanjana for practising asceticism.

3. 4. At Uruvela he found the five Parivrajakas whom he had met at Rajagraha and who had brought news of peace. They too were practising asceticism.
4. 5. The mendicants saw him there and approached him to take them with him. Gautama agreed.

5. 6. Thereon they served him reverently, abiding as pupils under his orders, and were humble and compliant.
6. 7. The austerities and self-mortification practised by Gautama were of the severest sort.
7. 8. Sometimes he visited two but not more than seven houses a day and took at each only two but not more than seven morsels.
8. 9. He lived on a single saucer of food a day, but not more than seven saucers.
9. 10. Sometimes he had but one meal a day, or one every two days, and so on, upto once every seven days, or only once a fortnight, on a rigid scale of rationing.
10. 11. As he advanced in the practice of asceticism his sole diet was herbs gathered green, or the grain of wild millets and paddy, or snippets hide, or water-plants, or the red powder round rice-grains within the husk or the discarded scum of rice on the boil, or the flour of oilseeds.
11. 12. He lived on wild roots and fruit, or on windfalls only.
12. 13. His raiment was of hemp or hempen mixture of cerements of rags from the dust-heap, of bark, of the black antelope's pelt either whole or split down the middle, of grass, of strips of bark or wood, hair of men or animals woven into a blanket, or of owl's wings.
13. 14. He plucked out the hair of his head and the hair of his beard, never quitted the upright for the sitting posture, squatted and never rose up, moving only squatting.
14. 15. After this wise, in diverse fashions, be lived to torment and to torture his body—to such a length in asceticism did he go.
15. 16. To such a length in loathliness did he go that there became accumulated on his body the dirt and filth for years till it dropped off by itself.
16. 17. He took up his abode in the awesome depths of the forest, depths so awesome that it was reputed that none but the senseless could venture without his hair standing on end.
17. 18. When the cold season brought chill wintry nights, then it was that in the dark half of the months he dwelt by night in the open air and in the dark thicket by day.
18. 19. But when there came the last broiling month of summer before the rains, he made his dwelling under the baking sun by day and in the

stifling thicket bynight.
19. 20. In a charnel ground did he lay down with charred bones for pillow.
20. 21. Thereafter Gautama lived on a single bean a day—on a single sesamum seed a day—or a single grain of rice a day.
21. 22. When he was living on a single fruit a day, his body grew emaciated in the extreme.
22. 23. If he sought to feel his belly, it was his backbone which he found in his grasp ; if he sought to feel his backbone he found himself grasping his belly, so closely did his belly cleave to his backbone and all because he ate so little.

§ 5. *Abandonment of Asceticism*

1. 1. The austerities and mortification practised by Gautama were of the severest sort. They lasted for a long period of six years.
2. 2. At the end of six years his body had become so weak that he was quite unable to move.
3. 3. Yet he had seen no new light and was no nearer to the solution to the problem of misery in the world on which his mind was centred.
4. 4. He reflected to himself :"This is not the way, even to passionlessness, nor to perfect knowledge, nor to liberation.
5. 5."Some undergo misery for the sake of this world, others meet toil for the sake of heaven ; all living beings wretched through hope and always missing their aim, fall certainly for the sake of happiness into misery.
6. 6. "Has not something like this happened to me?
7. 7. "It is not the effort itself which I blame,— which flinging aside the base pursues a high path of its own.
8. 8."What I ask is, ' Can the mortification of the body be called religion? '
9. 9."Since it is only by the mind's authority that the body either acts or ceases to act, therefore, to control the thought is alone befitting—without thought the body is like a dog.
10. 10."If there was only the body to be considered, merit may be gained by purity of food, but then there is merit also in the doer. But of what good is it?

11. 11.”New light cannot be attained by him who has lost his strength and is wearied with hunger, thirst and fatigue with his mind no longer self-possessed through fatigue.
12. 12.”How could he who is not absolutely calm, reach the end which is to be attained by his mind?
13. 13.”True calm and the self-possession of the mind is properly obtained by the constant satisfaction of the body's wants.”
14. 14. At this time there lived at Uruvela a house-holder by name Senani. Sujata was his daughter.
15. 15. Sujata had uttered a wish to a Banyan Tree, and vowed a yearly offering to it if she should have a son.
16. 16. The wish having been fulfilled, she sent her maid Punna to prepare the place for the offering.
17. 17. Punna finding Gautama sitting beneath the Banyan Tree, thought he was the god of the tree who had come down.
18. 18. Sujata came and offered Gautama the food prepared by her in a golden bowl.
19. 19. He took the bowl to the river bank, bathed at a ford or a bathing place called Suppatitthita and ate the food.
20. 20. Thus ended his trial of asceticism.
21. 21. The five ascetics who were with Gautama became angry with him for having given up the life of austerity and self-mortification and in disgust left him.

PART IV : ENLIGHTENMENT AND THE VISION OF A NEW WAY

1. 1. Meditation for New Light.
2. 2. Enlightenment.
3. 3. The Discovery of a New Dhamma.
4. 4. Gautama who was a Bodhisatta after Sammabodhi becomes a Buddha.

§ *1. Meditation for New Light*

1. 1. Having refreshed himself with food Gautama sat thinking over his past experiences. He realised that all paths had failed.
2. 2. The failure was so complete that it could have led anyone into a state of frustration. He was, of course, sorry. But frustration as such did not touch him.
3. 3. He was always hopeful of finding a way. So much so that on the night of the day on which he partook of the food sent by Sujata, Gautama had five dreams and when he awoke he interpreted his dreams to mean that he was sure to attain enlightenment.
4. 4. He had also tried to forecast his future. This he did by throwing the bowl of food, Sujata's maid brought, into the river Nairanja, saying :"If I am to have enlightenment let the bowl ascend the stream; if not let it go down."The vessel, indeed, began to float against the current and at last sank near the abode of Kala, a Naga king.
5. 5. Fortified with hope and determination he left Uruvela and towards evening went along the wide road to Gaya. There he saw a Banyan Tree. He thought of sitting under it in meditation in the hope of a new light dawning upon him and enabling him to find a way which would solve his problem.
6. 6. After trying each of the four directions he chose the East which is always chosen by all the great sages for the removal of all defilements.
7. 7. Gautama sat down cross-legged and upright under the Banyan Tree. Determined to achieve enlightenment, he said to himself,"Skin, sinew and bone may dry up as they will, my flesh and blood may dry in my body, but without attaining complete enlightenment I will not leave this seat."
8. 8. Then Kala, the king of the Nagas, whose majesty was like the lord of elephants, and his wife Suvarnaprabhasa, having been awakened by the vision of Gautama sitting under the Banyan Tree, uttered this in praise of him being sure that he was destined to attain perfect knowledge.
9. 9."Inasmuch as the earth, pressed down by thy feet, 0 Sage, resounds repeatedly, and inasmuch as thy splendour shines forth like the sun, thou shalt assuredly reap the desired fruit.
10. 10."Inasmuch as flocks of birds fluttering in the sky offer thee reverential salutation, O Lotus-eyed One ; and inasmuch as gentle breezes blow in the sky, thou shalt certainly attain thy object."
11. 11. As he sat down for meditation a crowd of evil thoughts and evil

passions— mythologically called the children of Mara (Kama), which is another name for evil passions, entered his mind.
12. 12. Gautama was greatly frightened lest they should overpower him and defeat his purpose.
13. 13. He knew that in this battle with evil passions many Rishis and Brahmins had succumbed.
14. 14. So he summoned all the courage he had and said to Mara,"Faith is found in me, and heroism and wisdom. How can ye evil passions defeat me?"The streams even of rivers may this wind dry up. *Ye* would be unable to dry up my resolutions, when I am so intent."Better to me is death in battle than that I should be defeated inlife.
15. 15. The evil passions entered the mind of Gautama as a crow goes after astone that looks like a hump of fat, thinking surely,"here I shall find a tender morsel, here perchance is something sweet."
16. 16. And finding no sweetness there, the crow departs thence. So like a crow attacking a rock, the evil passions left Gautama in disgust.

§2. *Enlightenment*

1.. To feed himself during the period of meditation Gautama had collected enough food to last him for forty days.
1. 2. Having routed the evil thoughts that disturbed his mind Gautama refreshed himself with food and gained strength. He thus prepared himself for medita-tion with the aim of obtaining enlightenment. 3. It took Gautama four weeks of meditation to obtain enlightenment. He reached final enlightenment in four stages.
2. 4. In the first stage he called forth reason and investigation. His seclusion helped him to attain it easily.
3. 5. In the second stage he added concentration.
4. 6. In the third stage he brought to his aid equanimity and mindfulness.
5. 7. In the fourth and final stage he added purity to equanimity and equanimity to mindfulness.
6. 8. Thus with mind concentrated, purified, spotless, with defilement gone, supple, dexterous, firm, impassionate, not forgetting what he is after, Gautama concentrated himself on the problem of finding an

answer to the question which had troubled him.
7. 9. On the night of the last day of the fourth week light dawned upon him. He realised that there were two problems. The first problem was that there was suffering in the world and the second problem was how to remove this suffering and make mankind happy.
8. 10. So in the end, after meditation for four weeks, darkness was dispelled, light arose, ignorance was dispelled and knowledge arose. He saw a new way.

§ 3. *The Discovery of a New Dhamma*

1. 1. Gautama when he sat in meditation for getting new light was greatly in the grip of the Sankhya Philosophy.
2. 2. That suffering and unhappiness in the world he thought was an incontrovertible fact.
3. 3. Gautama was, however, interested in knowing how to do away with suffering. This problem the Sankhya Philosophy did not deal with.
4. 4. It is, therefore, on this problem—how to remove suffering and unhappiness—that he concentrated his mind.
5. 5. Naturally, the first question he asked himself was—"What are the causes of suffering and unhappiness which an individual undergoes?"
6. 6. His second question was—"How to remove unhappiness?"
7. 7. To both these questions he got a right answer which is called *'Samma Bodhi'* (Right Enlightenment). 8. It is because of this that the Banyan Tree has come to be known as the Bodhi Tree.

§ 4. *Gautama who was a Bodhisatta After Sammabodhi Becomes a Buddha*

1. 1. Before enlightenment Gautama was only a Bodhisatta. It is after reaching enlightenment that he became a Buddha.
2. 2. Who and what is a Bodhisatta?
3. 3. A Bodhisatta is a person who is seeking to be a Buddha.
4. 4. How does a Bodhisatta become a Buddha?
5. 5. A Bodhisatta must be a Bodhisatta for ten lives in succession. What must a Bodhisatta do in order to qualify himself to become a Buddha?

6. 6. In his first life he acquires Mudita (joy). The Bodhisatta having blown off his impurities, as the smith blows the dross from silver, reflects that man who has been reckless and becomes sober brightens up the world like the moon freed from clouds. Joy springs up in him realising this, and he is fervent in his desire to benefit all beings.

7. 7. In his second life he acquires Vimala (Purity). The Bodhisatta has now removed all thoughts of lust ; he is kind ; he is kind to all ; he neither flatters the vices of men nor disparages their virtues.

8. 8. In his third life he acquires Prabhakari (Brightness). The intellect of the Bodhisatta now becomes as bright as a mirror. He fully knows and grasps the truths of Anatta and Anicca. His only wish is for the highest wisdom, and for this he is ready to sacrifice anything.

9. 9. In his fourth life he acquires Arcishmati (Intelligence of Fire). The Bodhisatta in this life fixes his mind on the Eight old Path, the Four Contempla- tions, the Fourfold Contest, the Fourfold Will Power, the Fivefold Morality.

10. 10. In his fifth life he acquires Sudurjaya (Difficult to Conquer). He fully understands the connection of the relative and the absolute.

11. 11. In his sixth life he becomes Abhimukhi. In this stage the Bodhisatta is now prepared fully to grasp the evolution of things, its cause, the Twelve Nidanas; and this knowledge, called Abhimukhi, awakens the most profound compassion in his heart for all beings blinded by Avidya.

12. 12. In his seventh life the Bodhisatta becomes a Durangama (going far off). The Bodhisatta is now beyond time and space ; he is one with Infinity, but he still retains nama-rupa out of his great compassion for all beings. He is secluded from others, in that the lusts of the world no more cling to him than water to a lotus leaf. He quenches desires in his fellow beings, practices charity, patience, tactfulness, energy, calmness, intelligence and the highest wisdom.

13. 13. While in this life he knows the Dharma, but presents it in ways understood by the people, he knows he must be tactful and patient. Whatever men do to him he bears with equanimity, for he knows that it is through ignorance they misunderstand his motives. At the same time he never slackens his energy to benefit all beings, nor does he withdraw his mind from wisdom, therefore misfortune can never turn him from the righteous path.

14. 14. In his eighth life he becomes Acala. In the stage of Acala, or ' immovable,' all strivings on the part of the Bodhisatta cease. He follows good spontaneously ; whatever he will do he will succeed in.
15. 15. In his ninth life he becomes Sadhumati. This is the stage or condition of one who has vanquished and penetrated all dharmas or systems, all quarters, and does not enter time.
16. 16. In his tenth life he becomes Dharmamegha. The Bodhisatta attains the infinite divine eye of a Buddha.
17. 17. The Bodhisatta acquires these ten powers which are necessary for him when he becomes a Buddha.
18. 18. The Bodhisatta must not only acquire these ten powers as he evolves from stage to stage but he must also practice to perfection the ten Paramitas.
19. 19. One Paramita is to be the end of one life. Specialisation in the Paramitas must go stage by stage. One Paramita in one life and not a little of one and a little of the other.
20. 20. It is only when he is doubly equipped that a Bodhisatta becomes qualified for becoming a Buddha. The Buddha is a culminating point in the life of a Bodhisatta.
21. 21. The theory of the Jatakas or the birth stages of a Bodhisatta appears analogous to the Brahmanic theory of Avataras, i.e., the theory of incarnations of God.
22. 22. The Jataka theory is based upon the Buddha having the highest degree of purity as the essence of his being.
23. 23. The Avatar theory does not require that the God should be pure in his making. All that the Brahmanic theory of Avatar says is that God saves his followers by taking different forms although the God may be very impure and immoral in his conduct. 24. The theory that to be a Bodhisatta for ten lives as a condition precedent for becoming a Buddha has no parallel anywhere. No other religion calls upon its founder to answer such a test.

PART V: THE BUDDHA AND HIS PREDECESSORS

1. 1. The Buddha and the Vedic Rishis.

2. 2. Kapila—The Philosopher.
3. 3. The Bramhanas.
4. 4. The Upanishads and their Teachings.

§ *1. The Buddha and the Vedic Rishis*

1. 1. The Vedas are a collection of *Mantras,* i.e., hymns or chants. The reciters of these hymns are called Rishis.
2. 2. The Mantras are mere invocations to deities such as *Indra, Varuna, Agni, Soma, Isana, Prajapati, Bramba, Mahiddhi, Yama* and others.
3. 3. The invocations are mere prayers for help against enemies, for gift of wealth, for accepting the offerings of food, flesh and wine from the devotee.
4. 4. There is not much philosophy in the Vedas. But there were some Vedic sages who had entered into speculations of a philosophical nature.
5. 5. These Vedic sages were : (1) Aghamarsana; (2) Prajapati Parmesthin; (3) Brahmanaspati, otherwise known as Brihaspati; (4) Anila; (5) Dirghatamas; (6) Narayan; (7) Hiranyagarbha; and (8) Visvakar-man.
6. 6. The main problems of these Vedic philosophers were: How did the world originate? In what manner were individual things created? Why have they their unity and existence? Who created, and who ordained? From what did the world spring up and to what again will it return?
7. 7. *Aghamarsana* said that the world was created out of Tapas (heat). Tapas was the creative principle from which eternal law and truth were born. From these were produced the night (tamas). Tamas produced water and from water originated time. Time gave birth to the sun and the moon, the heaven and the earth, the firmament and light and ordained the days and nights.
8. 8. *Brahmanaspati* postulated the genesis of being from non-being. By the term non-existence, he denoted apparently the infinite. The existent originally sprang up from the nonexistent. The non-existent (asat, nonens) was the permanent foundation of all that is existent (sat, ens) and of all that is possible and yet non-existent (asat).
9. 9. *Prajapati Parmesthin* started with the problem:"Did being come out of non-being?"His view was that this was an irrelevant question. For him

water was the original substance of that which exists. For him the original matter—water—came neither under the definition of being nor under that of non-being.

10. 10. *Paramesthin* did not draw any distinction between matter and motive power. According to him water transformed itself into particular things by some inherent principle to which he gave the name Kama, Cosmic Desire.

11. 11. *Anila* was another Vedic Philosopher. To him the principal element was air (vayu). It possesses the inherent capacity for movement. It is endowed with the generating principle.

12. 12. *Dirghtamas* maintained that all living beings rest and depend ultimately on the sun. The sun held up and propelled by its inherent force went backward and forward.

13. 13. The sun is composed of a grey coloured substance and so are lightning and fire.

14. 14. The sun, lightning and fire formed the germ of water. Water forms the germ of plants. Such were the views of *Dirghatamas.*

15. 15. According to *Narayana,* Purusha (God) is the first cause of the universe. It is from Purusha that the sun, the moon, the earth, water, fire, air, mid-air, the sky, the regions, the seasons, the creatures of the air, all animals, all classes of men, and all human institutions, had originated.

16. 16. *Hiranyagarbha.* From doctrinal point of view he stood midway between *Parmeshthin* and *Narayan.* Hiranyagarbha means the golden germ. It was the great power of the universe, from which all other powers and existences, divine and earthly, were derived.

17. 17. *Hiranyagarbha* means fire. It is fire that constituted the solar essence, the generating principle of the universe.

18. 18. From the point of view of *Vishvakarman* it was quite inadequate and unsatisfactory to hold that water was the primitive substance of all that is and then to derive from it this world as a whole by giving it an inherent power of movement. If water be the primitive substance which is endowed with the inherent principle of change, we have yet to account for that from which water derived its being, and derived the motive power, the generating principle, the elemental forces, the laws and all the rest.

19. 19. *Vishvakarman* held the view that it was God which was the motive power. God is first and God is last. He is earlier than the visible universe ;

he had existed before all cosmic forces came into being. He is the sole God who created and ordained this universe. God is one, and the only one. He is the unborn one (aja) in whom all the existing things abide. He is the one who is mighty in mind and supreme in power. He is the maker—the disposer. As father he generated us, and as disposer he knows the fate of all that is.

20. 20. The Buddha did not regard all the Vedic Sages as worthy of reverence. He regarded just ten Vedic Rishis as the most ancient and as the real authors of the Mantras.

21. 21. But in the Mantras he saw nothing that was morally elevating.

22. 22. In his view the Vedas were as worthless as a desert.

23. 23. The Buddha, therefore, discarded the Mantras as a source from which to learn or to borrow.

24. 24. Similarly, the Buddha did not find anything in the philosophy of the Vedic Rishis. They were groping to reach the truth. But they had not reached it.

25. 25. Their theories were mere speculations not based on logic nor on facts. Their contributions to philosophy created no social values.

26. 26. He therefore rejected the philosophy of the Vedic Rishis as useless.

§2. *Kapila— The Philosopher*

1. 1. Among the ancient philosophers of India the most pre-eminent was Kapila.

2. 2. His philosophical approach was unique, and as philosopher he stood in a class by himself. His philosophy was known as the Sankhya Philo-sophy.

3. 3. The tenets of his philosophy were of a startling nature.

4. 4. Truth must be supported by proof. This is the first tenet of the Sankhya system. There is no truth without proof.

5. 5. For purposes of proving the truth Kapila allowed only two means of proof—(1) perception and (2) inference.

6. 6. By perception is meant mental apprehension of a present object.

7. 7. Inference is threefold: (1) from cause to effect, as from the presence of clouds to rain ; (2) from effect to cause, as from the swelling of

the streams in the valleys to rain in the hills, and (3) by analogy, as when we infer from the fact that a man alters his place when he moves that the stars must also move, since they appear in different places.

8. 8. His next tenet related to causality—creation and its cause.

9. 9. Kapila denied the theory that there was a being who created the universe. In his view a created thing really exists beforehand in its cause just as the clay serves to form a pot, or the threads go to form a piece of cloth.

10. 10. This is the first ground on which Kapila rejected the theory that the universe was created by a being.

11. 11. But there are other grounds which he advanced in support of his point of view.

12. 12. The non-existent cannot be the subject of an activity : There is no new creation. The product is really nothing else than the material *of,* which it is composed : the product exists before its coming into being in the shape of its material of which it is composed. Only a definite product can be produced from such material ; and only a specific material can yield a specific result.

13. 13. What then is the source of the empirical universe?

14. 14. Kapila said the empirical universe consists of things evolved (Vyakta) and things that are not evolved (Avyakta).

15. 15. Individual things (Vyakta Vastu) cannot be the source of unevolved things (Avyakta Vastu).

16. 16. Individual things are all limited in magnitude and this is incompatible with the nature of the source of the universe.

17. 17. All individual things are analogous, one to another and, therefore, no one can be regarded as the final source of the other. Moreover, as they all come into being from a source, they cannot constitute that source.

18. 18. Further, argued Kapila, an effect must differ from its cause, though it must consist of the cause. That being so, the universe cannot itself be the final cause. It must be the product of some ultimate cause.

19. 19. When asked why the unevolved cannot be perceived, why does it not show movement which would make it perceivable, Kapila replied :

20. 20.”It may be due to various causes. It may be that its fine nature makes, it imperceptible, just as other things of whose existence there is no doubt, cannot be perceived ; or because of their too great a distance or

proximity ; or through the intervention of a third object, or through admixture with similar matter ; or through the presence of some more powerful sensation, or the blindness or other defect of the senses or the mind of the observer."

21. 21. When asked :"What then is the source of the universe? What makes the difference between the evolved and unevolved part of the universe?

22. 22. Kapila's reply was: 'Things that have evolved have a cause and the things that have not evolved have also a cause. But the source of both is uncaused and independent.'

23. 23."The things that have evolved are many in number and limited in space and name. The source is one, eternal and all-pervasive. The things evolved have activities and parts : the source is imminent in all, but has neither activities nor parts."

24. 24. Kapila argued that the process of develop-ment of the unevolved is through the activities of three constituents of which it is made up, Sattva, Rajas and Tamas. These are called three Gunas.

25. 25. The first of the constituents, or factors, corresponds to what we call as light in nature, which reveals, which causes pleasure to men ; the second is that impels and moves, what produces activity ; the third is what is heavy and puts under restraint, what produces the state of indifference or inactivity.

26. 26. The three constituents act essentially in close relation, they overpower and support one another and intermingle with one another. They are like the constituents of a lamp, the flame, the oil and wick.

27. 27. When the three Gunas are in perfect balance, none overpowering the other, the universe appears static (Achetan) and ceases to evolve.

28. 28. When the three Gunas are not in balance, one overpowers the other, the universe becomes dynamic (sachetan) and evolution begins.

29. 29. Asked why the Gunas become unbalanced, the answer which Kapila gave was this disturbance in the balance of the three Gunas was due to the presence of Dukha (suffering).

30. 30. Such were the tenets of Kapila's philosophy.

31. 31. Of all the philosophers the Buddha was greatly impressed by the doctrines of Kapila.

32. 32. He was the only philosopher whose teachings appeared to the

Buddha to be based on logic and facts.
33. 33. But he did not accept everything which Kapila taught. Only three things did the Buddha accept from Kapila.
34. 34. He accepted that reality must rest on proof. Thinking must be based on rationalism.
35. 35. He accepted that there was no logical or factual basis for the presumption that God exists or that he created the universe.
36. 36. He accepted that there was Dukha (suffering) in the world.
37. 37. The rest of Kapila's teachings he just bypassed as being irrelevant for his purpose.

§ *3. The Bramhanas*

1. 1. Next to the Vedas are the religious books known as the Bramhanas. Both were held as sacred books. Indeed the Bramhanas are a part of the Vedas. The two went together and were called by a common name Sruti.
2. 2. There were four theses on which the Bramhanic Philosophy rested.
3. 3. The first thesis was that the Vedas are not only sacred but that they are infallible and they are not to be questioned.
4. 4. The second thesis of the Bramhanic Philosophy was that salvation of the soul—that is escape from transmigration—can be had only by the due performance of Vedic sacrifices and observances of religious rites and ceremonies and the offering of gifts to Brahmins.
5. 5. The Brahmins had not only a theory of an ideal religion as contained in the Vedas but they also had a theory for an ideal society.
6. 6. The pattern of this ideal society they named *Chaturvarna.* It is imbedded in the Vedas and as the Vedas are infallible and as their authority cannot be questioned so also Chaturvarna as a pattern of society was binding and unquestionable.
7. 7. This pattern of society was based upon certain rules.
8. 8. The first rule was that society should be divided into four classes: (1) Brahmins; (2) Kshatriyas; (3) Vaishyas; and (4) Shudras.
9. 9. The second rule was that there cannot be social equality among these four classes. They must be bound together by the rule of graded inequality.

10. 10. The Brahmins to be at the top, the Kshatriyas to be kept below the Brahmins but above the Vaishyas, the Vaishyas to be below the Kshatriyas but above the Shudras and the Shudras to be the lowest of all.
11. 11. These four classes were not to be equal to one another in the matter of rights and privileges. The rule of graded inequality governed the question of rights and privileges.
12. 12. The Brahmin had all the rights and privileges which he wished to claim. But a Kshatriya could not claim the rights and privileges which a Brahmin could. He had more rights and privileges than a Vaishya could claim. The Vaishya had more rights and privileges than a Shudra. But he could not claim the rights and privileges which a Kshatriya could. And the Shudra was not entitled to any right, much less any privilege. His privilege was to subsist without offending the three superior classes.
13. 13. The third rule of Chaturvarna related to the division of occupations. The occupation of the Brahmin was learning and teaching and the performance of religious observances. The occupations of the Kshatriya was fighting. Trade was assigned to the Vaishyas. The occupations of the Shudras was service of the three superior classes. These occupations assigned to different classes were exclusive. One class could not trespass upon the occupation of the other.
14. 14. The fourth rule of Chaturvarna related to the right to education. The pattern of Chaturvarna gave the right to education to the first three classes, the Brahmins, Kshatriyas and Vaishyas. The Shudras were denied the right to education. This rule of Chaturvarna did not deny the right to education to the Shudras only. It denied the right to education to all women including those belonging to the class of Brahmins, Kshatriyas and Vaishyas.
15. 15. There was a fifth rule. According to it, man's life was divided into four stages. The first stage was called *Bramhacharya ;* the second stage was called *Grahasashram;* the third stage was called *Vanaprasta* and the fourth stage was called *Sannyasa.*
16. 16. The object of the first stage was study and education. The object of the second stage was to live a married life. The object of the third stage was to familiarise a man with the life of a hermit, i.e., severing family ties, but without deserting his home. The object of the fourth stage was to enable a man to go in search of God and seek union with him.

17. 17. The benefits of these stages were open only to the male members of the three superior classes. The first stage was not open to the Shudras and women. Equally the last stage was not open to the Shudras and women.
18. 18. Such was the divine pattern of an ideal society called Chaturvarna. The Brahmins had idealised the rule and had realised the ideal without leaving any cracks or loopholes.
19. 19. The fourth thesis of Brahmanic Philosophy was the doctrine of Karma. It was part of the thesis of transmigration of the soul. The Karma of the Brahmins was an answer to the question:"Where did the soul land on transmigration with his new body on new birth?"The answer of the Brahmanic Philosophy was that it depended on a man's deeds in his past life. In other words, it depended on his Karma.
20. 20. The Buddha was strongly opposed to the first tenet of Brahmanism. He repudiated their thesis that the Vedas are infallible and their authority could never be questioned.
21. 21. In his opinion, nothing was infallible and nothing could be final. Everything must be open to re-examination and reconsideration whenever grounds for re-examination and reconsideration arise.
22. 22. Man must know the truth and real truth. To him freedom of thought was the most essential thing. And he was sure that freedom of thought was the only way to the discovery of truth.
23. 23. Infallibility of the Vedas meant complete denial of freedom of thought.
24. 24. For these reasons this thesis of the Brahmanic Philosophy was most obnoxious to him.
25. 25. He was equally an opponent of the second thesis of the Brahmanic Philosophy. The Buddha did admit that there was any virtue in a sacrifice. But he made a distinction between true sacrifice and false sacrifice.
26. 26. Sacrifice in the sense of self-denial for the good of others he called true sacrifice. Sacrifice in the sense of killing an animal as an offering to God for personal benefit he regarded as a false sacrifice.
27. 27. The Brahmanic sacrifices were mostly sacrifices of animals to please their gods. He condemned them as false sacrifices. He would not allow them even though they be performed with the object of getting

salvation for the soul.
28. 28. The opponents of sacrifices used to ridicule the Brahmins by saying :"If one can go to heaven by sacrificing an animal why should not one sacrifice one's own father. That would be a quicker way of going to heaven."
29. 29. The Buddha wholeheartedly agreed with this view.
30. 30. The theory of *Chaturvarna* was as repugnant to the Buddha as the theory of sacrifices was repulsive to him.
31. 31. The organization of society set up by Brahmanism in the name of *Chaturvarna* did not appear to him a natural organization. *Its* class composition was compulsory and arbitrary. It was a society made to order. He preferred an open society and a free society.
32. 32. The *Chaturvarna* of the Brahmins was a fixed order never to be changed. Once a Brahmin always a Brahmin. Once a Kshatriya always a Kshatriya, once a Vaishya always a Vaishya and once a Shudra always a Shudra. Society was based on status conferred upon an individual by the accident of his birth. Vice, however heinous, was no ground for degrading a man from his status, and virtue, however great, had no value to raise him above it. There was no room for worth nor for growth.
33. 33. Inequality exists in every society. But it was different with Brahmanism. The inequality preached by Brahmins was its official doctrine. It was not a mere growth. Brahmanism did not believe in equality. In fact, it was opposed to equality.
34. 34. Brahmanism was not content with inequality. The soul of Brahmanism lay in graded inequality.
35. 35. Far from producing harmony, graded inequality, the Buddha thought, might produce in society an ascending scale of hatred and a descending scale of contempt, and might be a source of perpetual conflict.
36. 36. The occupations of the four classes were also fixed. There was no freedom of choice. Besides, they were fixed not in accordance with skill but in accordance with birth.
37. 37. On a careful review of the rules of *Chatur-varna* the Buddha had no difficulty in coming to the conclusion that the philosophic foundations on which the social order was reared by Brahmanism were wrong if not selfish.
38. 38. It was clear to him that it did not serve the interests of all, much

less did it advance the welfare of all. Indeed, it was deliberately designed to make many serve the interests of the few. In it man was made to serve a class of self-styled supermen.

39. 39. It was calculated to suppress and exploit the weak and to keep them in a state of complete subjugation.

40. 40. The law of Karma as formulated by the Brahmins, thought the Buddha, was calculated to sap the spirit of revolt completely. No one was responsible for the suffering of man except he himself. Revolt could not alter the state of suffering ; for suffering was fixed by his past Karma as his lot in this life.

41. 41. The Shudras and women—the two classes whose humanity was most mutilated by Brahmanism, had no power to rebel against the system.

42. 42. They were denied the right to knowledge with the result that by reason of their enforced ignorance they could not realize what had made their condition so degraded. They could not know that Brahmanism had robbed them completely of the significance of their life. Instead of rebelling against Brahmanism they had become the devotees and upholders of Brahmanism.

43. 43. The right to bear arms is the ultimate means of achieving freedom which a human being has. But the Shudras were denied the right to bear arms.

44. 44. Under Brahmanism the Shudras were left as helpless victims of a conspiracy of selfish Brahmanism, powerful and deadly Kshatriyas and wealthy Vaishyas.

45. 45. Could it be amended? Knowing that it was a divinely ordained social order, he knew that it could not be. It could only be ended.

46. 46. For these reasons the Buddha rejected Brahmanism as being opposed to the true way of life.

§4. *The Upanishads and Their Teachings*

1. 1. The Upanishads constituted another piece of literature. It is not part of the Vedas. It is uneconomical.

2. 2. All the same they did form a part of religious literature.

3. 3. The number of the Upanishads is quite large. Some important, some quite unimportant.

4. 4. Some of them were ranged against the Vedic theologians, the Brahmin priests.
5. 5. All of them agreed in viewing Vedic study as a study of nescience or ignorance (avidya).
6. 6. They were all agreed in their estimate of the four Vedas and the Vedic science as the lower knowledge.
7. 7. They were all agreed in questioning the divine origin of the Vedas.
8. 8. They were all agreed in denying the efficacy attributed to sacrifices, to the funeral oblations, and the gifts to the priests which are the fundamentals of the Brahmanic philosophy.
9. 9. This, however, was not the main topic with which the Upanishads were concerned. Their discussions centred round Brahman and Atman.
10. 10. Brahman was the all-pervading principle which binds the universe and that salvation lay in the Atman realizing that it is Brahman. II. The main thesis of the Upanishads was that *Brahmana* was a reality and that *Atmana* was the same as *Brahmana.* The *Atmana* did not realize that it was *Brahman* because of the *Upadhis* in which it was entangled.
11. 12. The question was: Is Brahmana a reality? The acceptance of the Upanishadic thesis depended upon the answer to this question.
12. 13. The Buddha could find no proof in support of the thesis that *Brahmana* was a reality. He, therefore, rejected the thesis of th.e Upanishads.
13. 14. It is not that questions on this issue were not put to the authors of the Upanishads. They were :
14. 15. Such questions were put to no less a person than Yajnavalkya, a great *seer* who plays so important a part in the Brahadarnyka Upanishad.
15. 16. He was asked:"What is Brahmana? What is Atmana?"All that Yajnavalkya could say :"Neti ! Neti ! I know not ! I know not !"
16. 17."How can anything be a reality about which no one knows anything,"asked the Buddha. He had, therefore, no difficulty in rejecting the Upanishadic thesis as being based on pure imagination.

PART VI : THE BUDDHA AND HIS CONTEMPORARIES

1. 1. His Contemporaries.
2. 2. His attitude to His Contemporaries.

§ *1. His Contemporaries*

1. 1. At the time when Gautama took Parivraja there was a great intellectual ferment in the country. Besides the Brahmanic Philosophy there were as many as sixty-two different schools of philosophy, all opposed to the Brahmanic Philosophy. Of them at least six were worthy of attention.

2. 2. Of these schools of philosophy there was one headed by *Purana Kassappa.* His doctrine was known as *Akriyavada.* He maintained that the soul was not affected in any way by *Karma.* One may do, or one may get things done. One may do injury or one may get someone to kill. One may commit theft or dacoity or one may get theft or dacoity committed, one may commit adultery or one may get adultery committed, one may tell a lie or one may get a lie told. Nothing affects the soul. An act, however licentious, does not affect the soul with sin. An act, however good, does not bring merit to the soul. Nothing has any *Kriya* (result) on the soul. When a person dies, all the elements of which he is made join in their originals. Nothing survives after death, neither body nor soul.

3. 3. Another school of thought was known as *Niyativada.* Its chief propounder was *Makhali Ghosal.* His doctrine was a kind of fatalism or determinism. He taught that no one can do anything or undo anything. Things happen. No one can make them happen. No one can remove unhappiness, increase it or diminish it. One must undergo one's share of the experiences of the world.

4. 4. The third school was known as *Ucchedavada.* Its chief propounder was *Ajit Kesakambal* His doctrine was a kind of *Annihilism.* He taught that there was nothing in *Yajna, Haom;* there is no such thing as the fruits or effects of deeds to be enjoyed or suffered by the soul. There is neither heaven nor hell. Man is made up of certain elements of unhappiness in the world. The soul cannot escape it. Whatever sorrow or unhappiness there was in the world the soul cannot escape. This sorrow or unhappiness will come to an end automatically. The soul must undergo rebirth during eighty-four lakhs of cycles of Mahakalpas. Then only the sorrow and unhappiness of the soul will end, not before nor by any other means.

5. 5. The fourth school was known as *Annyonyavad.* The head of this

school was *Pakudha Kacchyana.* He preached that there are seven elements which go to make up a being, namely, Prathvi, Apa, Tej, Vayu, Sukha, Dukha and the Soul. Each is independent of the other ; one does not affect the other. They are self-existent and they are eternal. Nothing can destroy them. If any one chops off the head of man he does not kill him. All that happens is that the weapon has entered the seven elements.

6. *Sanjaya Belaputta* had his own school of philosophy. It was known as *Vikshepavada,* a kind of scepticism. He argued,"if anyone asked me is there heaven, if I feel there was I would say yes. But if I feel there was no heaven I would say no. If I am asked whether human beings are created, whether man has to suffer the fruits of his action whether good

or bad, and whether the soul lives after death, I say nay to all these because I don't think they exist. This is how Sanjaya Belaputta summed up his doctrine.

6. 7. The sixth school of philosophy was known as *Chaturyamsamvarvad.* The head of this school who was alive at the time when Gautama was searching for light was *Mahavir,* who was also called *Nigantha Nathaputta.* Mahavir taught that the soul had to undergo rebirth because of the bad karmas done in the past life and in the present life. One must therefore get over the bad, he suggested, by *tapascharya.* For preventing the doing of bad karmas in this life Mahavira prescribed the observance of chaturyama dharma, i.e., observance of four rules : (1) not to kill ; (2) not to steal ; (3) not to tell a lie ; and (4) not to have property and to observe celibacy.

§ 2. *His Attitude to His Contemporaries*

1. 1. The Buddha did not accept the teachings of the new philosophers.
2. 2. His rejection of their teaching was not without reasons. He said that :
3. 3. If the doctrines of *Purana Kassyappa* or *Pakudha Kacchyana* were true then one can do any evil or any harm ; one may even go to the length of killing another without involving any social responsibility or social consequences.
4. 4. If the doctrine of *Makhali Ghosal* is true then man becomes the slave of destiny. He cannot liberate himself.

5. 5. If the doctrine of *Ajit Kesakambal* is true then all that man has to do is to eat, drink and make merry.
6. 6. If the doctrine of *Sanjaya Betaputta* was true then man must float about and live without a positive philosophy of life.
7. 7. If the doctrine of *Nigantha Nathaputta* was true then man's life must be subjected to Asceticism and Tapascharya, a complete subjugation and uprooting of man's instincts and desires.
8. 8. Thus, none of the paths of life suggested by the philosophers appealed to the Buddha. He thought they were the thoughts of men who had become hopeless, helpless and reckless. He therefore decided to seek light elsewhere.

PART VII : COMPARISON AND CONTRAST

1. **1.** What HE Rejected.
2. **2.** What HE Modified.
3. **3.** What HE Accepted.

§ *1. What HE Rejected*

1. 1. This survey of the philosophical and religious thought shows that at the time when the Buddha formulated his Sasana, certain ideas had a firm grip on the mind of the people. They were : (i) Belief in the infallibility of the Vedas ; (ii) Belief in Moksha or Salvation of the soul, i.e., its ceasing to be born again ; (iii) Belief in the efficacy of rites, ceremonies and sacrifices as means of obtaining moksha; (iv) Belief in Chaturvarna as the ideal for social organization; (v) Belief in Iswara as the creator of and in Brahmana as the principle underlying the universe. (vi) Belief in Atmana, or the soul. (vii) Belief in *Sansara,* (wandering together), i.e., transmigration of the soul. (viii) Belief in Karma, i.e., the determination of man's position in present life by deeds done by him in his past life.
2. 2. In formulating the principles of his Sasana the Buddha dealt with this old stock of ideas in his own way.
3. 3. The following are the ideas which he rejected : (i) He condemned indulging in speculation as to the whence, whither and what am I? (ii) He discarded heresies about the soul and refrained from identifying it with

either the body, sensations, volitions and consciousness.

- (iii) He discarded all the Nihilistic views which were promulgated by certain religious teachers. (iv) He condemned such views as were held by heretics. (v) He discarded the theory that the cosmic progress had a known beginning. (vi) He repudiated the theory that a God created man or that he came out of the body of some Bramha. (vii) The existence of the soul he either ignored or denied.

§ 2. *What HE Modified*

(i) He accepted the great grand law of cause and effect with its corollaries. (ii) He repudiated the fatalistic view of life and other equally foolish view that a God predestined as to what should happen for man and the world. (iii) He discarded the theory that all deeds committed in some former birth have the potency to produce suffering, making present activity impotent. He denied the fatalistic view of Karma. He replaced the view of Karma by a much more scientific view of Karma. He put new wine in old bottle. (iv) Transmigration (sansara) was replaced by the doctrine of re-birth. (v) He replaced the doctrine of moksha or salvation of the soul by the doctrine of Nibbana.

5. The Buddha Sasana is thus an original piece. The little in it which is old is either modified or restated.

§3. *What HE Accepted*

1. 1. The first distinguishing feature of his teachings lay in the recognition of the mind as the centre of everything.
2. 2. Mind precedes things, dominates them, creates them. If mind is comprehended all things are comprehended.
3. 3. Mind is the leader of all its faculties. Mind is the chief of all its faculties. The very mind is made up of those faculties.
4. 4. The first thing to attend to is the culture of the mind.
5. 5. The second distinguishing feature of his teachings is that mind is the fount of all the good and evil that arises within and befalls us from without.

6. 6. Whatsoever there is of evil, connected with evil, belonging to evil—that issues from the mind. Whatsoever there is of good, connected with good, belonging to good—all issues from mind.
7. 7. If one speaks or acts with a pounded mind then affliction follows him as the wheels of the cart follow the feet of the bullocks who pull the cart. The cleaning of the mind is, therefore, the essence of religion1
8. 8. The third distinguishing feature of his teachings is the avoidance of all sinful acts.
9. 9. The fourth distinguishing feature of his teaching is that real religion lies not in the books of religion but in the observance of the tenets of the religion.
10. 10. Can anyone say that the Buddha's religion was not his own creation?

BOOK TWO: CAMPAIGN OF CONVERSION

Part I — Buddha and His Vishad Yoga
Part II — The Conversion of the Parivrajakas
Part III — Conversion of the High and the Holy
Part IV — Call from Home
Part V — Campaign for Conversion Resumed
Part VI — Conversion of the Low and the Lowly
Part VII — Conversion of Women
Part VIII — Conversion of the Fallen and the Criminals

PART I : BUDDHA AND HIS VISHAD YOGA

1. 1. To preach or not to preach.
2. 2. Proclamation of good news by Bramha Sahampati.
3. **3. Two types of conversion.**

1. To Preach or Not to Preach

1. 1. After having attamed enlightenment and after having formulated his way, doubt arose in the mind of the Buddha. Should he go forth and preach his doctrine or should he continue to devote himself to his own

personal perfection.
2. 2. He said to himself:"True, I have gained a new doctrine. But it is too difficult for the common man to accept it and follow it. It is too subtle even for the wise.
3. 3."It is hard for mankind to liberate itself from the entanglement of God and Soul. It is hard for mankind to give up its belief in rites and ceremonies. It is hard for mankind to give up its belief in Karma.
4. 4. "It is hard for mankind to give up its belief in the immortality of the Soul and accept my doctrine that the Soul as an independent entity does not exist and does not survive after death.
5. 5."Mankind is intent on its selfishness and takes delight and pleasure in it. It is hard for mankind to accept my doctrine of righteousness overriding selfishness.
6. 6."If I were to teach my doctrine, and others did not understand it or understanding it did not accept or accepting it did not follow it, it would be weariness to others and a vexation to me.
7. 7."Whynot remain a sanyasi away from the world and use my gospel to perfect my own self?"He asked himself."At least I can do good to myself."
8. 8. Thus as he reflected, his mind turned to inaction, not to teaching of the gospel.
9. 9. Then Brahma Sahampati knowing what was passing in the mind of the Buddha thought,"Verily the world is being destroyed, verily the world is going to destruction, if the Tathagata, the fully enlightened, turns to inaction and not to teaching his doctrine."10. Filled with anxiety Brahma Sahampati leftthe Brahma world and appeared before the Buddha. And arranging his upper robe on one shoulder he bent down and with clasped hands said:"Thou art no longer Siddharth Gautama, Thou art Buddha. Thou art the Blessed One who is blessed with the fullest enlightenment. Thou art the Tathagatha. How can thou refuse to enlighten the world? How can thou refuse to save erring humanity?

1. 11."There are beings full of impurity that are falling away through not hearing the doctrine.
2. 12."As the Lord knows,"proceeded Brahma Sahampati,"Among the Magadhas arose in ancient times, doctrine impure, with many blemishes

devised.
3. 13."Will not the Lord open for them the door of his immortal doctrine?
4. 14."As one upon a rocky mountain standing, beholdeth all the people round about him even thus, 0 thou, with wisdom distilled, ascending all, behold, look down, thou griefless one, upon those plunged in their griefs.
5. 15."Rise up, 0 hero, victor in battle, 0 caravan-leader, free from the debt of birth, go to the world and not turn away from it.
6. 16."May the Lord in his compassion design to teach his gospel to men and to *gods"*
7. 17."0 Brahma, Eminent and Excellent among men, if I did not give public utterance to my gospel, it is because I perceived vexation,"was the reply of the Buddha.
8. 18. Knowing that there was so much unhappiness in the world the Buddha realised that it was wrong for him to sit as a sanyasi with folded arms and allow things to remain as they were.
9. 19. Asceticism he found to be useless. It was vain to attempt to escape from the world. There is no escape from the world even for an ascetic. He realised that what is necessary is not escape from the world. What is necessary is to change the world and to make it better.
10. 20. He realised that be left the world because there was so much conflict resulting in misery and unhappiness and for which he knew no remedy. If he can banish misery and unhappiness from the world by the propagation of his doctrine, it was his duty to return to the world and serve it and not sit silent as the personification of inactive impassivity
11. 21. The Buddha therefore agreed to the request of Brahma Sahampati and decided to preach his doctrine to the world.

§ *2. Proclamation of Good News by Brahma Sahampati*

1. 1. Then, Brahma Sahampati, thinking,"I have been instrumental in persuading the Buddha to agree to preach his doctrine to the masses,"felt extremely happy. He saluted the Buddha, went round him passing to the right, took a look and departed.
2. 2. On his way back he kept on proclaiming to the world:"Rejoice at the glad tidings. The Buddha, our Lord, has found the root of all evil and

unhappiness in the world. He knows the way out.
3. 3."The Buddha will bring comfort to the weary and sorrow-laden. He will give peace to those stricken by war. He will give courage to those who are broken in heart. He will give to those who are suppressed and oppressed, faith and hope.
4. 4."Ye that suffer from the tribulations of life, ye that have to struggle and endure, ye that yearn for justice, rejoice at the glad tidings.
5. 5."Heal your wounds, ye that are wounded. Eat your fill, ye that are hungry. Rest, ye that are weary, and quench your thirst, ye that are thirsty. Seek the light, ye that are in darkness. Be of good cheer, ye that are forlorn.
6. 6."In his doctrine there is love to create a longing to own those who are disowned or unowned: to the degraded there is the ennoblement ever present to raise them: to the disinherited and the downtrodden there is equality blazing forth their path to advancement.
7. 7."His doctrine is the doctrine of righteousness and his aim is to establish the kingdom of righteousness on earth.
8. 8."His doctrine is the truth, the whole truth, and nothing but the truth.
9. 9."Blessed is the Buddha for his is the path of reason and his is the way of emancipation from superstition. Blessed is the Buddha who teaches the middle way. Blessed is the Buddha who teaches the law of righteousness. Blessed is the Buddha who teaches the peace of Nibbana. Blessed is the Buddha who preaches love, kindness and fellowship to help fellow beings to obtain salvation."

§ 3. *Two Types of Conversion*

1. 1. In the Buddha's scheme of things conversion has two meanings.
2. 2. Conversion to the Order of Bhikkus called Sangh.
3. 3. Secondly, it means conversion of a householder as an Upasaka or lay follower of the Buddha's Dhamma.
4. 4. Except on four points there is no difference in the way of life of the Bhikku and the Upasaka.
5. 5. An Upasaka remains a householder. A Bhikku becomes a homeless wanderer.
6. 6. Both the Upasakas and the Bhikkus must observe in their life

certain rules.
7. 7. Here again to the Bhikku they are vows the breach of which ends in punishment. To the Upasaka they are precepts. They must be observed to the best of his ability.
8. 8. An Upasaka can have property. A Bhikku cannot have.
9. 9. To become an Upasaka there is no ceremony.
10. 10. To become a Bhikku he must undergo a ceremony called Upasampada.

11. The Buddha converted those who came to him according to their wish either as Bhikku or as Upasaka.

1. 12. An Upasaka could become a Bhikku whenever he felt like it.
2. 13. And a Bhikku had to cease to be a Bhikku when he committed a breach of the major vows or whenever he wished to give up his membership of the Order.
3. 14. It must not be understood that the Buddha converted only those whose names occur in the following pages.
4. 15. The instances are chosen only to show that he did not observe any distinction as to caste or sex in admitting persons to his Sangh or preaching his Dhamma.

PART II: THE CONVERSION OF THE PARIVRAJAKAS

1. 1. Arrival at Sarnath.
2. 2. The Buddha's First Sermon.
3. 3. The Buddha's First Sermon (continued).
4. 4. The Buddha's First Sermon (continued).
5. 5. The Buddha's First Sermon (continued).
6. 6. The Buddha's First Sermon (concluded).
7. 7. The Response of the Parivrajakas.

§ *1. Arrival at Sarnath*

1. 1. Having decided to preach his doctrine the Buddha asked himself"to whom shall I first teach the doctrine?"The thought of Alara Kalam whom the Buddha adored as the learned, wise, intelligent and of

little impurity ;"What if I first teach him the doctrine?"But he was told that Alara Kalam was dead.
2. 2. Then thought he of preaching it to Uddaka Ramputta. But he too was dead.
3. 3. Then he thought of the five old companions of his who were with him at Niranjana when he was practising austerities and who had left him in anger on his abandonment of austerities.
4. 4."They did much for me, attended me and looked after me, what if I first teach the doctrine to them?"said he to himself.
5. 5."He asked for their whereabouts. Having learnt that they were dwelling at Sarnath in the deer park of Isipatana, he left in search of them.
6. 6. The five, seeing him coming, decided among themselves not to welcome him. Said one of them,"This, friends, is the ascetic Gautama coming, who has abandoned austerities and has turned to life of abundance and luxury. He has committed a sin. We must not therefore greet him, nor rise in respect, nor take his bowl and robe. We will only set apart a seat for him. If he wishes, he may sit down."And they all agreed.
7. 7. But when the Buddha approached, the five Parivrajakas were not able to abide by their decision, so greatly impressed were they by his personality that they all rose in their seats. One took his bowl, one took his robe, and one prepared a seat, and one brought water to wash his feet.
8. 8. It was really a great welcome to an unwelcome guest.
9. 9. Thus those who intended to scoff remained to pray.

§ 2. *The Buddha's First Sermon*

1. 1. After exchange of greetings the five Pariv-rajakas asked the Buddha whether he still believed in asceticism. The Buddha replied in the negative.
2. 2. He said there were two extremes, a life of pleasure and a life of self-mortification.
3. 3. One says let us eat and drink, for tomorrow we die. The other says, kill all *vasanas* (desires) because they bring rebirth. He rejected both as unbecoming to man.
4. 4. He was a believer in the Madhyama Marga (Majjhima Patipada), the middle path, which is neither the path of pleasure nor the path of self-

mortification.

5. 5.”Answer me this,”he said to the Parivrajakas,”So long as your self remains active and continues to lust after either worldly or heavenly pleasures, is not all mortification vain?”And they answered,”It is as thou sayest.”

6. 6.”How can ye be free from self by leading a wretched life of self-mortification if ye do not thereby succeed in quenching the fires of lust?”And they replied,”It is as thou sayest.”

7. 7.”Only when the self in ye has been conquered that ye are free from lust ; ye will then not desire worldly pleasures, and the satisfaction of your natural wants will not defile ye. Let ye eat and drink according to the needs of your body.

8. 8.”Sensualityof all kinds is enervating. The sensual man is a slave of his passion. All pleasure-seeking is degrading and vulgar. But I say unto you that to satisfy the needs of life is not an evil : to keep the body in good health is a duty, or otherwise you shall not be able to keep your mind strong and clear and have the lamp of wisdom burning.

9. 9.”Know ye, 0 Parivrajakas, that there are these two extremes which man ought not to follow—the habitual indulgence on the one hand, of those things whose attraction depends upon the passions, and especially of sensuality—a low and pagan way of seeking satisfaction, unworthy, unprofitable and the habitual practice thereof, and on the other hand, of asceticism or self-mortification, which is painful, unworthy and unprofitable.

10. 10.”There is a middle path which avoids both these extremes. Know ye, that, this is the path which I preach.”

11. 11. The five Parivrajakas listened to him with attention. Not knowing what to say in reply to the Buddha's middle path, they asked him what he was doing after they had left him. Then the Buddha told them how he left for Gaya, how he sat in contemplation under the Banyan Tree and how after four weeks of contemplation he obtained enlightenment as a result of which he was able to discover a new path of life.

12. 12. On hearing this, the Parivrajakas became extremely impatient to know what the path was and requested the Buddha to expound it to them.

13. 13. The Buddha agreed.

14. 14. He began by saying that his path which is his Dhamma (religion)

had nothing to do with God and Soul. His Dhamma had nothing to do with life after death. Nor has his Dhamma any concern with rituals and ceremonies.
15. 15. The centre of his Dhamma is man and the relation of man to man in his life on earth.
16. 16. This he said was his first postulate.
17. 17. His second postulate was that men are living in sorrow, in misery and poverty. The world is full of suffering and that how to remove this suffering from the world is the only purpose of Dhamma. Nothing else is Dhamma.
18. 18. The recognition of the existence of suffering and to show the way to remove suffering is the foundation and basis of his Dhamma.
19. 19. This can be the only foundation and justification for Dhamma. A religion which fails to recognise this is no religion at all.
20. 20."Verily, Parivrajakas! whatsoever recluses or Brahmins (i.e., preachers of religion) understand not, as it really is, that the misery in the world and the escape therefrom, is the main problem of Dhamma, such recluses and Brahmins in my opinion are not to be regarded as recluses and Brahmins ; nor have those worthies come to know fully of themselves what in this very life is the real meaning of Dhamma."
21. 21. The Parivrajakas then asked him :"If the foundation of your Dhamma is the recognition of the existence of suffering and the removal of suffering, tell us how does your Dhamma remove suffering !"
22. 22. The Buddha then told them that according to his Dhamma if every person followed (1) the Path of Purity ; (2) the Path of Righteousness ; and (3) the Path of Virtue, it would bring about the end of all suffering.
23. 23. And he added that he had discovered such a Dhamma.

§ 3. *The Buddha's First Sermon—*(contd.) *The Path of Purity*

1. 1. The Parivrajakas then asked the Buddha to explain to them his Dhamma.
2. 2. And the Buddha was pleased to do so.
3. 3. He addressed them first on the Path of Purity.
4. 4."The Path of Purity,"he told the Parivrajakas,"teaches that a person who wishes to be good must recognise some principles as principles of life.

5. 5."According to my Path of Purity the principles of life recognised by it are : Not to injure or kill : Not to steal or appropriate to oneself anything which belongs to another : Not to speak untruth : Not **to** indulge in lust : Not to indulge in intoxicating drinks.
6. 6."The recognition of these principles, I say, is most essential for every man. For every man must have a standard by which to judge whatever he does. And these principles according to my teachings constitute the standard.
7. 7."There are everywhere people who are *patit* (fallen). But there are two classes of the *patit :* the *patit* who has a standard and a *patit* who has no standard.
8. 8."*The path* who has no standard does not know that he has fallen. Consequently he always remains fallen. On the other hand a *patit* who has a standard tries to rise from his fallen state. Why? The answer is because he knows that he has fallen
9. 9."This is the difference between having a standard and having no standard for regulating a man's life. What matters is not so much the fall of the man but the absence of any standard.
10. 10."You may ask, ye Parivrajakas ! Why are these principles worthy of recognition as a standard of life.
11. 11."The answer to this question you will find for yourselves, if you ask :"Are these principles good for the individual?"also if you ask :"Do they promote social good?"
12. 12."If your answers to these questions are in the affirmative then it follows that the principles of my Path of Purity are worthy of recognition as forming a true standard of life."

§ *4. The Buddha's First Sermon*—{contd.) *Ashtanga Marga or the Path of Righteousness*

1. 1. The Buddha next addressed the Parivrajakas on the Ashtangamarga. He said that there are eight constituents in the Ashtangamarga.
2. 2. He began his discourse with the exposition of *Samma Ditti* (Right Views), the first and foremost element in the *Ashtangmarga,*
3. 3."To realise the importance of *Samma Ditti,*"the Buddha said to the

arivrajakas:

4. 4.”O, ye, Parivrajakas, you must realise that the world is a dungeon and man is a prisoner in the dungeon.

5. 5.”This dungeon is full of darkness. So dark is it that scarce anything at all can rightly be seen by the prisoner. The prisoner cannot see that he is a prisoner.

6. 6.”Indeed, man has not only become blind by living too long in the darkness, but he very much doubts if any such strange thing as light is said to be, can ever exist at all.

7. 7.”Mind is the only instrument through which light can come to man.

8. 8.”But the mind of these dungeon-dwellers is by no means a perfect instrument for the purpose.

9. 9.”It lets through only a little light, just enough to show to those with sight that there is such a thing as darkness.

10. 10.”Thus defective in its nature, such understanding as this is.

11. 11.”But know, ye, Parivrajakas! the case of the prisoner is not as hopeless as it appears.

12. 12.”For there is in man a thing called will. When the appropriate motives arise the will can be awakened and set in motion.

13. 13.”With the coming of just enough light to see in what directions to guide the motions of the will, man may so guide them that they shall lead to liberty.

14. 14.”Thus though man is bound, yet he may be free ; he may at any moment begin to take the first steps that will ultimately bring him to freedom.

15. 15.”This is because it is possible to train the mind in whatever directions one chooses. It is mind that makes us to be prisoners in the house of life, and it is mind that keeps us so.

16. 16.”But what mind has done, that mind can undo. If it has brought man to thraldom, it can also, when rightly directed, bring him to liberty.

17. 17.”This is what *Samma Ditti* can do.”

18. 18.”What is the end of *Samma Ditti*?”asked the Parivrajakas.”The end of *Samma Ditti,”*replied the Buddha,”is the destruction of Avijja (Nescience). It is opposed to Miccha Ditti.

19. 19.”And Avijja means the failure to understand the noble truths, of the existence of suffering and the removal of suffering.

20. 20."*Samma Ditti* requires giving up of belief in the efficacy of rites and ceremonies, to have disbelief in the sanctity of the Shasras.
21. 21."*Samma Ditti* requires the abandonment of superstition and supernaturalism.
22. 22."*Samma Ditti* requires the abandonment of all doctrines which are mere speculations without any basis in fact or experience
23. 23."*Samma Ditti* requires free mind and free thought.
24. 24."Every man has aims, aspirations and ambitions. *Samma Sankappo* teaches that such aims, aspirations and ambitions shall be noble and praiseworthy and not ignoble and unworthy. 25."*Samma Vacca* (Right Speech) teaches:

.(1) that one should speak only that which is true;
.(2) that one should not speak what is false ; (3) that one should not speak evil of others ; (4) that one should refrain from slander ; (5) that one should not use angry and abusive language towards any fellow man; (6) that one should speak kindly and courteously to all ; (7) that one should not indulge in pointless, foolish talk, but let his speech be sensible and to the purpose.

1. 26."The observance of Right Speech, as I have explained, is not to be the result of fear or favour. It is not to have the slightest reference to what any superior being may think of his action or to any loss which Right Speech may involve.
2. 27."The norm for Right Speech is not the order of the superior or the personal benefit to the individual.
3. 28."*Samma Kamanto* teaches right behaviour. It teaches that every action should be founded on respect for the feelings and rights of others.
4. 29."What is the norm for *Samma Kamanto?* The norm is that course of conduct which is most in harmony with the fundamental laws of existence.
5. 30."When his actions are in harmony with these laws they may be taken to be in accord with

Samma Kamanto.

1. 31."Every individual has to earn his livelihood. But there are ways and ways of earning one's livelihood. Some are bad ; some are good. Bad

ways are those which cause injury or injustice to others. Good ways are those by which the individual earns his livelihood without causing injury or injustice to others. This is *Samma Ajivo.*

2. 32."*Samma Vyayamo* (Right Endeavour) is primary endeavour to remove Avijja ; to reach the door that leads out of this painful prison house, to swing it open.

3. 33."Right endeavour has four purposes.

4. 34."One is to prevent states of mind which are in conflict with the Ashtangamarga.

5. 35."Second is to suppress such states of mind which may already have arisen.

6. 36."Third is to bring into existence states of mind which will help a man to fulfil the requirements of the Ashtangamarga.

7. 37."Fourth is to promote the further growth and increase of such states of mind as already may have arisen.

8. 38."*Samma Satti* calls for mindfulness and thoughtfulness. It means constant wakefulness of the mind. Watch and ward by the mind over the evil passions is another name for *Samma Satti.*

9. 39."There are, ye Parivrajakas, five fetters or hindrances which come in the way of a person trying to achieve *Samma Ditti, Samma Sankappo, Samma Vacca, Samma Kamanto, Samma Ajeevo, Samma Vyayamo* and *Samma Satti.*

10. 40."These five hindrances are covetousness, ill-will, sloth and torpor, doubt and indecision. It is, therefore, necessary to overcome these hindrances which are really fetters and the means to overcome them is through *Samadhi.* But know ye Parivrajakas, *Samma Samadhi* is not the same as *Samadhi,* It is quite different.

11. 41."*Samadhi* is mere concentration. No doubt it leads to Dhyanic states which are self-induced, holding the five hindrances in suspense.

12. 42."But these Dhyana states are temporary. Consequently the suspension of the hindrances is also temporary. What is necessary is a permanent turn to the mind. Such a permanent turn can be achieved only by *Samma Samadhi.*

13. 43."Mere *Samadhi* is negative inasmuch as it leads to temporary suspension of the hindrances. In it there is no training to the mind. *Samma Samadhi* is positive. It trains the mind to concentrate and to think of some

Kusala Kamma (Good Deeds and Thoughts) during concentration and thereby eliminate the tendency of the mind to be drawn towards *Akusala Kamma* (Bad Deeds and Bad Thoughts) arising from the hindrances.
14. 44."*Samma Samadhi* gives a habit to the mind to think of good and always to think of good. *Samma Samadhi* gives the mind the necessary motive power to do good."

§ 5. *The Buddha's First Sermon*— (contd.) *The Path of Virtue*

1. 1. The Buddha then explained to the Pariv-rajakas the Path of Virtue.
2. 2. He told them that the path of virtue meant the observance of the virtues called : (1) *Sila;* (2) *Dana;* (3) *Uppekha;* (4) *Nekkhama;* (5) *Virya;* (6) *Khanti;* (7) *Succa;* (8) *Adhithana ;* (9) *Karuna ;* and *(10)Maitri*
3. 3. The Parivrajakas asked the Buddha to tell them what these virtues meant.
4. 4. The Buddha then proceeded to satisfy their desire.
5. 5."*Sila* is moral temperament, the disposition not to do evil and the disposition to do good ; to be ashamed of doing wrong. To avoid to do evil for fear of punishment is *Sila, Sila* means fear of doing wrong.
6. 6."*Nekkhama* is renunciation of the pleasures of the world.
7. 7."*Dana* means the giving of one's possessions, blood and limbs and even one's life, for the good of others without expecting anything in return.
8."*Virya* is right endeavour. It is doing with all

your might whatever you have undertaken to do with never a thought of turning back, whatever you have undertaken to do.

1. 9."*Khanti* is forbearance. Not to meet hatred by hatred is the essence of it. For hatred is not appeased by hatred. It is appeased only by forbearance.
2. 10."*Succa* is truth. A person must never tell a lie. His speech must be truth and nothing but truth.
3. 11."*Adhithana* is resolute determination to reach the goal.
4. 12."*Karuna* is loving kindness to human beings.
5. 13."*Maitri* is extending fellow feeling to all beings, not only to one who is a friend but also to one who is a foe : not only to man but to all

living beings.

6. 14."*Upekka* is detachment as distinguished from indifference. It is a state of mind where there is neither like nor dislike. Remaining unmoved by the result and yet engaged in the pursuit of it.

7. 15."These virtues one must practice to his utmost capacity. That is why they are called Paramitas (States of Perfection).

§ 6. *The Buddha's First Sermon*—(concld.)

1. 1. Having explained His Dhamma and what it involved, the Buddha then asked the Parivrajakas:

2. 2."Is not personal purity the foundation of good in the world?"And they answered,"It is as thou sayest."

3. 3. And he continued :"Is not personal purity undermined by covetousness, passion, ignorance, the destruction of life, theft, adultery and lying? Is it not necessary for personal purity to build up sufficient strength of character so that these evils should be kept under control? How can a man be the instrument of good if he has no personal purity in him?"And they replied,"It is as thou sayest."

4. 4."Again why do men not mind enslaving or dominating others? Why do men not mind making the lives of others unhappy? Is it not because men are not righteous in their conduct towards one another?"And they answered in the affirmative.

5. 5."Will not the practice of the Ashtanga Marga, the path of right views, right aims, right speech, right livelihood, right means, right mindfulness, right perseverance, and right contemplation, in short, the Path of Righteousness, if followed by every one, remove all injustice and inhumanity that man does to man?"And they said,"Yes."

6. 6. Turning to the path of virtue, he asked,"Is not Dana necessary to remove the suffering of the needy and the poor and to promote general good? Is not Karuna necessary to be drawn to the relief of poverty and suffering wherever it exists? Is not Nekkamma necessary to selfless work? Is not Uppekka necessary for sustained endeavour even though there is no personal gain?

7. 7."Is not love for man necessary?"And they said"Yes."

8."I go further and say,"Love is not enough ; what is required is

Maitri."It is wider than love. It means fellowship not merely with human beings but with all living beings. It is not confined to human beings. Is not such Maitri necessary? What else can give to all living beings the same happiness which one seeks for one's own self, to keep the mind impartial, open to all, with affection for every one and hatred for none?"

8. 9. They all said"Yes."

9. 10."The practice of these virtues must, however, be accompanied by Prajna, *i.e.,* intelligence.

10. 11."Is not Prajna necessary?"The Pariv-rajakas gave no answer. To force them to answer his question the Buddha went on to say that the qualities of a good man are :"do no evil, think nothing that is *evil,* get his livelihood in no evil way and say nothing. that is evil or is likely to hurt anyone."And they said,"Yes, so it is."

11. 12."But is doing good deeds blindly to be welcomed?"asked the Buddha"I say, 'no.' This is not enough,"said the Buddha to the Pariv-rajakas."If it was enough,"said the Buddha to the Parivrajakas,"then a tiny babe could be proclaimed to be always doing good. For as yet, the babe does not know what a body means, much less will it do evil with its body beyond kicking about : it does not know what speech is, much less will it say anything evil beyond crying ; it does not know what thought is, beyond crying with delight ; it does not know what livelihood is, much less will it get its living in an evil way, beyond sucking its mother.

12. 13."The Path of Virtue must, therefore, be subject to test of Prajna which is another name for understanding and intelligence.

13. 14."There is also another reason why Prajna-paramita is so important and so necessary. There must be Dana. But without Prajna, Dana may have a demoralizing effect. There must be Karuna. But without Prajna, Karuna may end in supporting evil. Every act of Paramita must be tested by Prajna Paramita which is another name for wisdom.

14. 15."I premise that there must be knowledge and consciousness of what wrong conduct is, how it arises ; similarly, there must also be knowledge and consciousness of what is right conduct and wrong conduct. Without such knowledge there cannot be real goodness though the act may be good. That is why I say Prajna is a necessary virtue."

15. 16. The Buddha then concluded his sermon by addressing the following admonition to the Parivrajakas.

16. 17.”You are likely to call my Dhamma pessimistic because it calls the attention of mankind to the existence of suffering. I tell you such a view of my Dhamma would be wrong.
17. 18.”No doubt my Dhamma recognises the existence of suffering but forget not that it also lays equal stress on the removal of suffering.
18. 19.”My Dhamma has in it both hope and purpose.
19. 20.”Its purpose is to remove Avijja, by which I mean ignorance of the existence of suffering.
20. 21.”There is hope in it because it shows the way to put an end to human suffering.
21. 22.”Do you agree with this or not?”And the Parivrajakas said ,”Yes, we do.”

§ 7. *The Response of the Parivrajakas*

1. The five Parivrajakas at once realised that this was really a new Dhamma. They were so struck by this new approach to the problems of life that they were unanimous in saying :”Never in

the history of the world has any founder of religion taught that the recognition of human suffering was the real basis of religion.
2. 2.”Never in the history of the world has any founder of religion taught that the removal of this misery is the real purpose of it !
3. 3.”Never in the history of the world had a scheme of salvation been put forth, so simple in its nature, so free from supernatural and superhuman agency, so independent of, even so antagonistic to, the belief in a soul, to the belief in God and to the belief in life after death!
4. 4.”Never in the history of the world had a scheme of religion been put forth which had nothing to do with revelation and whose commands are born of the examination of the social needs of man and which are not the orders of a God !
5. 5.”Never in the history of the world has salvation been conceived as the blessing of happiness to be attained by man in this life and on this earth by righteousness born out of his own efforts !”
6. 6. These were the sentiments which the Pariv-rajakas uttered after they ad heard the Buddha's Sermon on his new Dhamma.
7. 7. They felt that in him they had found a reformer, full of the most

earnest moral purpose and trained in all the intellectual culture of his time, who had the originality and the courage to put forth deliberately and with a knowledge of opposing views, the doctrine of a salvation to be found here, in this life, in inward change of heart to be brought about by the practice of self-culture and self-control.

8. 8. Their reverence for himbecame so unbounded that they at once surrendered to him and requested him to accept them as his disciples.

9. 9. The Buddha admitted them into his order by uttering the formula"Ehi Bhikkave"(come in Bhikkus). They were known as the Panchavargiya Bhikkus.

PART III : CONVERSION OF THE HIGH AND THE HOLY

1. 1. Conversion of Yashas.
2. 2. Conversion of the Kassyapas.
3. 3. Conversion of Sariputta and Moggallana.
4. 4. Conversion of Bimbisara.
5. 5. Conversion of Anathapindika.
6. 6. Conversion of Pasenjit.
7. 7. Conversion of Jeevaka.
8. 8. Conversion of Ratthapala.

§1. *Conversion of Yashas*

1. 1. There lived in the town of Benares a nobleman's son called Yashas. He was young in years and very attractive in appearance. He was beloved of his parents. He lived in abounding wealth. He had a big retinue and a large harem and passed his time in nothing but dancing, drinking and carnal pleasures.

2. 2. As time past, a feeling of disgust came over him. How could he escape from this orgy? Was there any better way of life than the way he was leading? Not knowing what to do, he decided to leave his father's house.

3. 3. One night he left his father's house and was wandering about; He happened to wend his way towards Isipathana.

4. 4. Feeling tired he sat down and as he was seated he said to himself in loud tones: ' Where am I, what is the way? Alas! What distress; alas! What

danger! '

5. 5. This happened on the night of the same day on which the Blessed One preached his first sermon to the Panchavargiya Bhikkus at Isipathana. Just when Yashas was approaching Isipathana, the Blessed One who was staying at Isipathana, having arisen at dawn, was walking up and down in the open. air. And the Blessed One saw Yashas, the noble youth coming from after giving utterance to his feelings.

6. 6. And the Blessed One having heard his cry of distress, said:"There is no distress, there is no danger. Come, I will show you the way,"and the Blessed Lord preached his gospel to Yashas.

7. 7. And Yashas, when he heard it, became glad and joyful; and he put off his gilt slippers, and went and sat down near the Blessed One and respectedly saluted him.

8. 8. Yashas hearing the Buddha's words, requested the Blessed One to take him as his disciple.

9. 9. Then he bade him come and asked him to be a Bhikku to which Yashas agreed.

10. 10. The parents of Yashas were in great distress on finding that their son had disappeared. The father started in search. Yashas's father passed by the same spot where the Lord and Yashas in the Bhikku's garb were seated, and in passing, he asked the Blessed One: "Pray, have you seen Yashas, my son?"

11. 11. The Lord replied :"Come in. Sir, you will find your son."He went in and sat near his son but he knew him not.

12. 12. The Lord explained to him how Yashas met him and how on hearing him he became a Bhikku. The father then recognised his son and was happy his son had chosen the right path.

13. 13."My son, Yashas,"said the father,"your mother is absorbed in lamentations and grief. Return home and restore your mother to life."

14. 14. Then Yashas looked at the Blessed One, and the Blessed One said to Yashas's father,"Is that your wish that Yashas should return to the world and enjoy the pleasures of a worldly life as he did before?"

15. 15. And Yasha's father replied :"If Yashas, my son, finds it a gain to stay with you, let him stay."Yashas preferred to remain a Bhikku.

16. 16. Before departing Yashas's father said:"May the Blessed One, 0 Lord, consent to take his meal at my home with the members of my

family."
17. 17. The Blessed One, having donned his robes, took his alms bowl and went with Yashas to the house of his father.
18. 18. When they arrived there, they met the mother and also the former wife of Yashas. After the meal the Blessed One preached to the members of the family his doctrine. They became very happy and promised to take refuge in it.
19. 19. Now there were four friends of Yashas belonging to the wealthy family of Benares. Their names were Vimala, Subahu, Punyajit and Gavampati.
20. 20. When Yashas's friends learned that Yashas had taken refuge in the Buddha and his Dhamma they felt that what is good for Yashas must be good for them. 21. So they went to Yashas and asked him to approach the Buddha on their behalf to receive them as his disciples.
21. 22. Yashas agreed and he went to the Buddha, saying:"May the Blessed One preach the Dhamma to these four friends of mine."The Lord agreed and Yashas's friends took refuge in the

Dhamma.

§ 2. *Conversion of the Kassyapas*

1. 1. There lived in Benaras a family known as the Kassyapa family. There were three sons in the family. They were very highly educated and carried on a rigorous religious life.
2. 2. After some time the eldest son thought of taking up Sannyasa. Accordingly he left his home, took Sannyasa and went in the direction of Uruvella where he established his Ashram.
3. 3. His two younger brothers followed him and they too became Sannyasis.
4. 4. They were all Agnihotris or worshippers of fire. They were called Jatilas because they kept long hair.
5. 5. The three brothers were known as Uruvella Kassyapa, Nadi Kassyapa (Kassyapa of the River, i.e., the Niranjana), and Gaya Kassyapa (of the village Gaya).
6. 6. Of these the Uruvella Kassyapa had a following of five hundred

Jatilas ; Nadi Kassyapa had three hundred Jatilas as his disciples and Gaya Kassyapa had two hundred Jatilas. Of these the chief was Uruvella Kassyapa.

7. 7. The fame of Uruvella Kassyapa had spread far and wide. He was known to have obtained Mukti (Salvation) while alive. People from far-away places came to his Ashram which was located on the banks of the river Falgu.

8. 8. The Blessed Lord having come to know of the name and fame of Uruvella Kassyapa, thought of preaching his gospel to him and if possible to convert him to his Dhamma.

9. 9. Having come to know of his whereabouts the Blessed Lord went to Uruvella.

10. 10. The Blessed One met him and wanting to have an opportunity to instruct him and convert him, said:"If it is not disagreeable to you, Kassyapa, let me dwell one night in your Ashram."

11. 11."I am not agreeable to this,"said Kassyapa."There is a savage Naga king called Muchalinda who rules over this place. He is possessed of dreadful powers. He is the deadly enemy of all ascetics performing fire worship. He pays nocturnal visits to their Ashrams and does them great harm. I fear he may do you the same harm as he does to me."

12. 12. Kassyapa did not know that the Nagas had become the friends and followers of the Blessed One. But the Blessed One knew it.

13. 13. So the Blessed One pressed for his request, saying :"He is not likely to do any harm to me : pray, Kassyapa, allow me a place in your fire room, for one night."

14. 14. Kassyapa continued to raise many difficulties and the Blessed One continued to press his request.

15. 15. Then Kassyapa said :"My mind desires no controversy, only I have my fears and apprehensions, but follow your own good pleasure."

16. 16. The Blessed Lord forthwith stepped into the fire grove and took his seat.

17. 17. The Naga king Muchalinda came into the room at his usual time. But instead of finding Kassyapa he found the Blessed One seated in his place.

18. 18. Muchalinda, seeing the Lord seated, his face glowing with peace and serenity, felt as though he was in the presence of a great divinity, and

bending his head, began to worship.
19. 19. That night Kassyapa's sleep was very much disturbed by the thought of what might have happened to his guest. So he got up with great misgivings fearing that his guest might have been burnt up.
20. 20. Then Kassyapa and his followers at morning light came one and all to have a look. Far from the Lord injured by Muchalinda, they found Mucha-linda worshipping the Lord.
21. 21. Beholding the scene, Kassyapa felt that he was witnessing a great miracle.
22. 22. Struck by this miracle Kassyapa requested the Blessed Lord to stay near him and make an Ashram, and,promised to look after him.
23. 23. The Blessed Lord agreed to stay on.
24. 24. The two, however, had different motives. Kassyapa's motive was to obtain protection against Muchalinda Naga. The Blessed Lord thought that one day Kassyapa will give him opportunity to propound his gospel.
25. 25. But Kassyapa showed no such inclination. He thought that the Blessed Lord was only a miracle maker and nothing more.
26. 26. One day the Blessed Lord thought of himself taking the initiative and asked Kassyapa,"Are you an Arhant?
27. 27."If you are not an Arhant, what good is this Agnihotra going to do to you?"
28. 28. Kassyapa said:"I do not know what is to be an Arhant? Will you explain it to me?"
29. 29. The Lord then told Kassyapa,"An Arhant is one who has conquered all the passions which disturb a man from pursuing the eight-fold Path. Agnihotra cannot cleanse a man of his sins."
30. 30. Kassyapa was a proud person. But he did feel the force of the Blessed Lord's argument. Making his mind pliant and yielding, until at length prepared to be a vehicle of the true law, he confessed that his poor wisdom could not compare with the wisdom of the world-honoured One.
31. 31. And so, convinced at last, humbly submitting, Uruvella Kassyapa accepted the doctrine of the Lord and became his follower.
32. 32. Following their master, the followers of Kassyapa, virtuously submissive, in turn received the teaching of the law. Kassyapa and all his followers were thus entirely converted. 33. Uruvella Kassyapa, then, lifting his goods and all his sacrificial vessels, threw them together into the river,

which floated down upon the surface of the current.
33. 34. Nadi and Gaya, who dwelt down the stream, seeing these articles of clothing (and the rest) floating along the stream disorderly, said,"These are the belongings of our brother ; why has he thrown them away? Some great change has happened,"and were deeply pained and restless. The two, each with five hundred followers, went up the stream to seek their brother.
34. 35. On seeing him and all his followers now dressed as hermits, strange thoughts engaged their minds and they inquired into the reasons. Uruvella Kassyapa told them the story of his conversion to the Buddha's Dhamma.
35. 36."Our brother having submitted thus, we too should also follow him,"they said.
36. 37. They conveyed their wishes to their eldest brother. Then the two brothers, with all their band of followers, were brought to hear the Lord's discourse on the comparison of a fire sacrifice with his own gospel.
37. 38. In his discourse to the two brothers the Blessed Lord said :"The dark smoke of ignorance arises, whilst confused thoughts, like wood drilled into wood, create the fire.
38. 39."Lust, anger, delusion, these are as fire produced, and these enflame and burn all other things which cause grief and sorrow in the world.
39. 40."If once this way is found and lust, anger and delusion consumed, then with it is born sight, knowledge and pure conduct.
40. 41."So when the heart of a man has once conceived distaste for sin, this distaste removes covetous desire, covetous desire extinguished, there is recluse."
41. 42. The great Rishis listening to him, lost all regard for fire worship and wished to be the disciples of the Buddha. 43. The conversion of the Kassyapas was a great triumph for the Blessed Lord. For they had a very strong hold on the imagination of the people.

§ *3. Conversion of Sariputta and Moggallana*

1. 1. While the Blessed Lord was in Rajagraha there resided a well-known person by name Sanjaya with a great retinue of Parivrajakas numbering about two hundred and fifty as his disciples.

2. 2. Among his disciples were Sariputta and Moggallana—two young Brahmins.
3. 3. Sariputta and Moggallana were not satisfied with the teachings of Sanjaya and were in search of something better.
4. 4. Now one day the venerable Assaji, one of the Panchvargiya Bhikkus, in the forenoon, having put on his under-robes, and having taken his alms bowl and outer robe, entered the city of Rajagraha for alms.
5. 5. Sariputta was observing the dignified deportment of Assaji and was struck by it. On seeing the venerable Assaji, Sariputta thought,"Indeed this person is one of those monks who are the worthy ones in the world. What if I were to approach this monk and to ask him : 'In whose name, friend, have you retired from the world? Who is your teacher? Whose Dhamma do you profess?'"
6. 6. Now Sariputta thought :"This is not the time to ask this monk ; he has entered the inner yard of a house for alms. What if I were to follow this monk step by step, according to the course recognised by those who want something?"
7. 7. And the venerable Assaji, having finished his alms pilgrimage through Rajagraha, went back with the food he had received. Then Sariputta went to the place where the venerable Assaji was ; having approached him, he exchanged greetings and with complaisant words, he stood at his side.
8. 8. Standing at his side the wandering ascetic Sariputta said to the venerable Assaji:"Your countenance, friend, is serene; your complexion is pure and bright. In whose name, friend, have you retired from the world? Who is your teacher? Whose Dhamma do you profess?"
9. 9. Assaji replied :"There is, friend, the great recluse of the Sakya's clan ; in this Blessed One's name, have I retired from the world ; this Blessed One is my teacher, and it is the Dhamma of this Blessed One that I follow."
10. 10."And what, venerable Sir, is the doctrine which your teacher holds? And what does he preach to you?"
11. 11."I am only a young disciple, friend ; I have but recently received ordination ; and I have newly adopted this Dhamma and discipline. I cannot explain to you the Dhamma in detail ; but I will tell you in short what it means."

12. 12. Then Sariputta, the wandering ascetic, said to the venerable Assaji :"So be it, friend, tell me as much or as little as you like, but tell me the meaning, I want just meaning. Why make so much of the letter?"
13. 13. Then the venerable Assaji explained to Sariputta the substance of the teachings of the Buddha and Sariputta was completely satisfied.
14. 14. Sariputta and Moggallana, though not brothers, were bound together as hough they were brothers. They had given their word to each other. He who first attains the truth shall tell the same to the other one. That was their mutual engagement.
15. 15. Accordingly Sariputta went to the place where Moggallana was. Seeing him, he said to Sariputta :"Your countenance, friend, is serene ; your complexion is pure and bright. Have you then really reached the truth?"
16. 16."Yes, friend, I have come to know the truth.""And how, friend, have you done so?"Then Sariputta told him what happened between him and Assaji.
17. 17. Then Moggallana said to Sariputta,"Let us go, friend, and join the Blessed One ; that he, the Blessed One, may be our teacher."18. Sariputta replied : "It is on our account, friend, that these two hundred and fifty wandering Parivrajakas live here, and it is we whom they regard ; let us first tell them before taking leave of them ; they will do what they think fit."
18. 19. Then Sariputta and Moggallana went to the place where they were ; having approached them they said to them,"Friends, we are going to join the Blessed One ; he, the Blessed One, is our teacher."
19. 20. They replied :"It is on your account. Sirs, that we live here, and it is you whom we regard ; if you. Sirs, will lead the holy life under the great Samana, we all will do the same."
20. 21. Then Sariputta and Moggallana went to the place where Sanjaya was ; having approached him, they said :"Friend, we go to join the Blessed One ; he, the Blessed One, is our teacher."
21. 22. Sanjaya replied :"Nay, friends, do not go ; we will all three look after this company."
22. 23. And a second and third time Sariputta and Moggallana said this and Sanjaya answered as before.
23. 24. Then Sariputta and Moggallana took with them two hundred and fifty wandering ascetics and went to the Veluvana in Rajagraha where the Blessed One was staying.

24. 25. And the Blessed One saw them—Sariputta and Moggallana, coming from afar : on seeing them he thus addressed the monks:"There, monks, arrive two companions,"pointing towards Sariputta and Moggallana,"these will be my chief pair of disciples, and auspicious pair."
25. 26. When they had arrived at the bamboo grove, they went to the place where the Blessed One was ; having approached him, they prostrated themselves, with their heads at the feet of the Blessed One, and said to the Blessed One :"Lord, let us receive ordination from the Blessed One."
26. 27. The Blessed One then uttered the usual formula indicating dmission,"Ehi Bhikku"(Come Monks), and Sariputta and Moggallana and the two hundred Jatilas became the disciples of the Buddha."

§ *4. Conversion of King Bimbisara*

1. 1. Rajagraha was the capital of Seniya Bimbisara; King of Magadha.
2. 2. Having heard of the conversions of this large number of Jatilas, everyone in the city had begun to talk about the Blessed One.
3. 3. Thus King Bimbisara came to know of his arrival in the city.
4. 4."To have converted the most orthodox and the most obstinate Jatilas was no mean task.""Truly so,"said King Bimbisara to himself,"he must be the Blessed, holy, absolute Buddha, proficient in knowledge and conduct, the way-farer, who understands the world, the highest one, who guides men, the teacher of gods and men. He must be teaching the truth, which he understood himself.
5. 5."He must be preaching that Dhamma which is lovely in the beginning, lovely in the middle, lovely at the end, in the spirit and in the letter ; he must be proclaiming the consummate perfect, pure and holy life. It is good to obtain the sight of a man like him."
6. 6. So King Bimbisara, surrounded by twelve myriads of Magadha Brahmins and householders, went to the place where the Blessed One was. Having approached him and respectfully saluted the Blessed One, he sat down near him. And of those twelve myriads of Magadha Brahmins and householders, some also respectfully saluted the Blessed One and sat down near him ; some exchanged greetings with the Blessed One, and having done so they sat down near him with complaisant words ; some bent their clasped hands towards the Blessed One and sat down near him ; some

made known their name and family name before the Blessed One and sat down near him ; some sat down near him silently.

7. 7. Now those twelve myriads of Magadha Brahmins and householders saw Uruvella Kassyapa among the monks who came with the Blessed Lord. They thought:"How now is this? Does the great Samana follow the holy life under Uruvella Kassyapa, or does Uruvella Kassyapa follow the holy life under the great Samana?"

8. 8. And the Blessed One, who understood in his mind the reflection which had arisen in the minds of those twelve myriads of Magadha Brahmins and householders, addressed the venerable Uruvella Kassyapa :"What has thou seen, 0 dweller of Uruvella, that thou who art called the great one has forsaken the fire worship? How is it thou has forsaken the fire sacrifice?"

9. 9. Kassyapa replied :"It is sights and sounds, and also tastes, and omen of sense desire that the sacrifices promise ; because I understood that these things are impure that I took no more delight in sacrifices and offerings."

10. 10."But if you don't mind, tell us what made you think so?"

11. 11. Then the venerable Uruvella Kassyapa rose from his seat, adjusted his upper robe so as to cover one shoulder, prostrated himself, inclining his head to the feet of the Blessed One, and said to the Blessed One:"My teacher is the Blessed One, I. am his pupil."Then those twelve myriads of Magadha Brahmins and householders understood :"Uruvella Kassyapa follows the holy life under the great Samana."

12. And the Blessed One, who understood in his mind 'the reflection that had arisen in the minds of those twelve myriads of Magadha Brahmins and householders, preached to them his Dhamma. Just as a clean cloth free from black specks properly takes the dye, thus eleven myriads of those Magadha Brahmins and householders with Bimbisara at their head, while sitting there, obtained the pure and spotless dye of the Dhamma. One myriad announced their having become lay followers.

12. 13. Then the Magadha king, Seniya Bimbisara, having witnessed the scene, having understood the Dhamma, having penetrated the Dhamma, having overcome uncertainty, having dispelled all doubts, having gained full knowledge, said to the Blessed One :"In former days. Lord, when I was a prince, I entertained five aspirations ; these are now fulfilled.

13. 14."In former days. Lord, to me when I was a prince, came this thought : ' O that I might be inaugurated king ! ' That was my first aspiration, Lord ; that is now fulfilled. ' And might then a holy one, a fully Enlightened One, come over into my kingdom ! ' This was my second aspiration, Lord ; that is now fulfilled. ' And might I minister to that Blessed One ! ' That was my third aspiration. Lord ; that is now fulfilled. ' And might he, the Blessed One, preach the Dhamma to me ! ' This was my fourth aspiration, Lord ; and that is now fulfilled. ' And might I understand the Dhamma of that Blessed One! 'This was my fifth aspiration, Lord; this is now fulfilled. These were my five aspirations, Lord, which I entertained in former days when I was a prince.

14. 15."Wonderful, Lord ! Wonderful, just as if one should set up, what had been overturned, or should reveal what had been hidden, or should point out the way to one who had lost his way, or should bring a lamp into the darkness, in order that those who had eyes might see things, thus has the Blessed One preached the Dhamma in many ways. I take refuge. Lord, in that Blessed One, and in the Dhamma, and in the fraternity of Bhikkus (monks). May the Blessed One receive me from this day forth, while my life lasts, as a lay disciple who has taken refuge in him."

§ *5. Conversion of Anathapindika*

1. 1. Sudatta was a resident of Shravasti, the capital of the kingdom of Kosala. It was ruled by King Pasenjit. Sudatta was treasurer of the king. From his bounties to the poor, Sudatta was known as Anathapindika.

2. 2. When the Lord was at Rajagraha, Anathapindika happened to visit the place on some private business of his own. He was stopping with his who was married to the guild master of Rajagraha.

3. 3. When he arrived he found the guild master preparing a meal for the Lord and his monks on so great a scale that he thought that a wedding was in progress or that the king had been invited.

4. 4. On learning the truth he became very eager to visit the Lord and he set out in the very night to meet the Blessed One.

5. 5. And the Blessed One saw at once the sterling quality of Anathapindika's heart and greeted him with words of comfort. After taking his seat Anathapindika expressed a desire to hear a discourse on some

religious subject.

6. The Blessed Lord responding to his wishes raised the question,"Who is it that shapes our lives? Is it Ishavara, a personal creator? If Ishavara be the maker, all living things should have silently to submit to their maker's power. They would be like vessels formed by the potter's hand. If the world had been made by Ishavara there should be no such thing as sorrow, or calamity, or sin ; for both pure and impure deeds must come from him. If not, there would be

another cause beside him, and he would not be the self-existent one. Thus, you see, the thought of Ishavara is overthrown.

6. 7."Again, it is said that the Absolute cannot be a cause. All things around us come from a cause as the plant comes from the seed; how can the Absolute be the cause of all things alike? If it pervades them, then certainly it does not make them.

7. 8."Again, it is said that self is the maker. But if self is the maker, why did he not make things pleasing? The cases of sorrow and joy are real and objective. How can they have been made by self?

8. 9."Again, if you adopt the argument, there is no maker, or fate in such as it is, and there is no causation, what use would there be in shaping our lives and adjusting means to an end?

9. 10."Therefore, we argue that all things that exist are not without cause. However, neither Ishavara, nor the Absolute, nor the self, nor causeless chance, is the maker, but our deeds produce results both good and evil.

10. 11."The whole world is under the law of causation, and the causes that act are not un-mental, for the gold of which the cup is made is gold throughout.

11. 12."Let us, then, surrender the heresies of worshipping Ishavara and praying to him; let us not lose ourselves in vain speculations of profitless subtleties; let us surrender self and all selfishness, and as all things are fixed by causation, let us practise good so that good may result from our actions."

12. 13. And Anathapindika said :"I see the truth of what the Blessed One has said and I wish to open my whole mind. Having listened to my words let the Lord advise me what I should do.

13. 14."My life is full of work, and having acquired great wealth, I am

surrounded with cares. Yet do I enjoy my work, and I apply myself to it with all diligence. Many people are in my employ and depend upon the success of my enterprises.

14. 15."Now, I have heard your disciples praise the bliss of the hermit and denounce the unrest of the world. ' The Blessed One,' they say, ' has given up his kingdom and his inheritance, and has found the path of righteousness, thus setting an example to all the world how to attain Nirvana.'

15. 16."Myheart yearns to do what is right and to be a blessing unto my fellow-beings. Let me then ask you, must I give up my wealth, my home, and my business enterprises, and, like you, go into homelessness in order to attain the bliss of a religious life?"

16. 17. And the Blessed Lord replied :"The bliss of a religious life is attainable by every one who walks in the noble eight-fold path. He that cleaves to wealth, had better cast it away than allow his heart to be poisoned by it ; but he who does not cleave to wealth, and possessing riches, uses them rightly, will be a blessing unto his fellow-beings.

17. 18."I say unto thee, remain in thy station of life and apply thyself with diligence to thy enterprises. It is not life and wealth and power that enslave men, but the cleaving to life and wealth and power.

18. 19."The Bhikku who retires from the world in order to lead a life of leisure will have no gain. For a life of indolence is an abomination, and lack of energy is to be despised.

19. 20."The Dhamma of the Tathagata does not require a man to go into homelessness or to resign the world unless he feels called upon to do so ; what the Dhamma of the Tathagata requires is for every man to free himself from the illusion of self, to cleanse his heart, to give up his thirst for pleasure, and lead a life of righteousness.

20. 21."And whatever men do, whether they remain in the world as artisans, merchants, and officers of the king, or retire from the world and devote themselves to a life of religious meditation, let them put their whole eart into their task ; let them be diligent and energetic, and, if they are like the lotus, which, though it grows in the water, yet remains untouched by the water, if they struggle in life without cherishing envy or hatred, if they live in the world a life not of self but a life of truth, then surely joy, peace, and bliss will dwell in their minds."

21. 22. Anathapindika perceived that this was the most excellent system of truth, simple and of wisdom-born.
22. 23. Thus firmly settled in the true doctrine he slowly bent in worship at the feet of the Blessed One and with closed hands made his request.

§ 6. *Conversion of King Pasenjit*

1. 1. Then King Pasenjit, hearing that the Lord had come, went in his royal equippage to the Jetavana Vihara. Saluting him with clasped hands, he said:
2. 2."Blessed is my unworthy and obscure kingdom that it has met with so great a fortune. For how can calamities and dangers befall it in the presence of Lord of the World, the Dharma Raja, the King of Truth.
3. 3."Now that I have seen your sacred features, let me partake of the refreshing waters of your teachings.
4. 4."Worldly profit is fleeting and perishable, but religious profit is eternal and inexhaustible. A worldly man, though a king, is full of trouble, but even a common man who is holy has peace of mind."
5. 5. Knowing the tendency of the king's heart, weighed down by avarice and love of pleasure, the Blessed One seized the opportunity and said :
6. 6."Even those who, have been born in low degree, when they see a virtuous man, feel reverence for him, how much more must an independent king, who by his previous conditions of life has acquired much merit, feel?
7. 7."And now as I briefly expound the law, let the Maharaja listen and weigh my words, and hold fast to what I say.
8. 8."Our good or evil deeds follow us continually like shadows.
9. 9."That which is most needed is a loving heart !
10. 10."Regard your people as we do an only son. Do not oppress them, do not destroy them ; keep in due check every member of your body, forsake unrighteous doctrines and walk in the straight path; do not exalt yourself by trampling down others. Give comfort and befriend the sufferer.
11. 11."Neither ponder much on kingly dignity, nor listen to the smooth words of flatterers.
12. 12."There is no profit in vexing oneself by austerities, but meditate

on Dhamma and weigh the righteous law.
13. 13."We are enclosed on all sides by the rocks of sorrow and ill and only by considering the true law can we escape from this sorrow-filled mountain.

14,"What profit, then, in practising inequity?

1. 15."All who are wise spurn the pleasures of the body. They loathe lust and seek to promote their spiritual existence.
2. 16."When a tree is burning with fierce flames, how can the birds congregate therein? Truth cannot dwell where passion lives. Without a knowledge of this, the learned man, though he may be praised as a sage, is ignorant.
3. 17."On him who has this knowledge true wisdom dawns. To acquire this wisdom is the one aim needed. To neglect it implies the failure of life.
4. 18."The teachings of all schools should centre here, for without it there is no reason.
5. 19."This truth is not for the hermit alone ; it concerns every human being, priest and layman alike. There is no distinction between the monk who has taken the vows, and the man of the world living with his family. There are hermits who fall into perdition, and there are humble householders who mount to the rank of rishis.
6. 20."The tide of lust is a danger common to all ; it carries away the world. He who is involved in its eddies finds no escape. But wisdom is the handy boat, reflection is the rudder. The slogan of religion calls you to the rescue of your self from the assaults of Mara, the enemy.
7. 21."Since it is impossible to escape the result of our deeds, let us practise good works.
8. 22."Let us inspect our thoughts that we do no evil, for as we sow so shall we reap.
9. 23."There are ways from light into darkness and from darkness into light. There are ways, also, from gloom into deeper darkness, and from the dawn into brighter light. The wise man will use the light as he has to receive more light. He will constantly advance to the knowledge of the truth.
10. 24."Exhibit true superiority by virtuous conduct and the exercise of

reason; meditate deeply on the vanity of earthly things, and understand the fickleness of life.
11. 25."Elevate the mind, and seek sincere faith with firm purpose; transgress not the rules of kingly conduct, and let your happiness depend, not upon external things but upon your own mind. Thus you will lay up a good name for distant ages.
12. 26. The king listened with reverence and remembered all the words of the Blessed One in his heart and promised to become his lay disciple.

§ 7. *Conversion of Jeevaka*

1. 1. Jeevaka was the son of Salvati, a courtesan of Rajagraha.
2. 2. Immediately after birth the child, being illegitimate, was placed in a basket and thrown on a dust-heap.
3. 3. A large number of people were standing by the dust-heap watching the child. Abhaya, the Rajakumara, happened to pass by the site. He questioned the people who said :"It is alive."
4. 4. For this reason the child was called Jeevaka. Abhaya adopted him and brought him up.
5. 5. When Jeevaka grew in age he learned how he was saved and was charged with the intense desire to qualify himself to save others.
6. 6. He therefore went to the Universityof Takashila without the knowledge and permission of Abhaya and studied medicine for seven years.
7. 7. Returning to Rajagraha he set up his practice as a doctor and within a very short time acquired a great name and fame in the profession.
8. 8. His first patient was the wife of a sethi of Saketa and for curing her he received sixteen thousand kahapanas, a man-servant, a maid-servant and a coach with a horse.
9. 9. Knowing his eminence, Abhaya gave him residence in his own establishment.
10. 10. At Rajagraha he cured Bimbisara of a troublesome fistula and is said to have received as reward all the ornaments of Bimbisara's five hundred wives.
11. 11. Other noteworthy cures of Jeevaka included that of the sethi of Rajagraha on whom he performed the operation of trepanning and of the

son of the sethi of Benares who was suffering from chronic intestinal trouble due to misplacement.
12. 12. Jeevaka was appointed physician to the king and the king's women.
13. 13. But Jeevaka was greatly attached to the Blessed Lord. Consequently he also acted as a physician to him and the Sangh.
14. 14. He became a disciple of the Lord. The Blessed Lord did not make him a Bhikku as he wanted him to remain free to tend to the sick and the wounded.
15. 15. When Bimbisara died Jeevaka continued to serve his son Ajatsatru and was mainly instrumental in bringing him to the Lord after his crime of parricide.

§ 8. *The Conversion of Ratthapala*

1. 1. Once when the Lord was on an alms pilgrimage in the Kuru country with a great company of almsmen, he stayed at Thullakotthita, which was a township of the Kurus.
2. 2. They came to know of it and went to him to pay their respects.
3. 3. When they were seated, the Lord instructed them with a discourse on the Doctrine. Having received their instruction from the Lord, the Brahmin heads of houses of Thullakotthita gratefully thanked him, rose up and departed with deep obeisance.
4. 4. Seated among them was a young man named Ratthapala, a scion of a leading family of the place, to whom this thought came :"So far as I understand, the Doctrine which the Lord has preached is no easy matter for one who lives in a home to lead the higher life in all its fullness, purity, and perfection.
5. 5."What if I were to cut off hair and beard, don the yellow robes and go forth from home to homelessness as a pilgrim!"
6. 6. When the Brahmins had not been gone long, then Ratthapala came up and, after salutations, told the Lord the thought which had come to him, and asked to be admitted to, and confirmed in, the confraternity under him.
7. 7."Have you your parents' consent to this step, Ratthapala?' asked the Lord.

8. 8.”No, Sir.”
9. 9.”I do not admit those who have not their parents' consent.”
10. 10.”That consent. Sir, I will take steps to obtain,”said the young man, who rising up and taking a reverential leave of the Lord, went off to his parents, told them his thoughts and asked their consent to his becoming a Bhikku.
11. 11. The parents made answer as follows :”Dear Ratthapala, you are our only son, very dear to us and beloved ; you live in comfort and have been brought up in comfort, with no experience at all of discomfort. Go away ; eat, drink, enjoy yourself, and do good works in all happiness. We refuse our consent.
12. 12.”Your death would leave us desolate, with no pleasure left in life ; why, while we have you still, should we consent to your going forth from home to homelessness as a Bhikku".
13. 13. A second and yet a third time did Ratthapala repeat his request, only to be met by the same refusal from his parents.
14. 14. Failing thus to get his parents'consent, the young man flung himself down on the bare ground, declaring that he would either die there or become a Bhikku.
15. 15. His parents entreated him to get up while repeating their objections to his becoming a Bhikku, but the young man said not a word. A second and a third time they entreated him but still he said not a word.
16. 16. So the parents sought out Ratthapala's companions to whom they told all this and besought them to urge, as from themselves, what his parents had said to him.
17. 17. Thrice his companions appealed to him, but still he said not a word. So his companions came to the parents with this report :”There on the bare ground he lies, declaring that he will either die there or become a Bhikku. If you refuse your consent, he will never get up alive. But, if you give your consent, you will see him when he has become a Bhikku. Should he not like being a Bhikku, what alternative will he have! Why, only to come back here. Do give your consent !”they urged.
18. 18.”Yes, we consent ; but when he is a Bhikku, he must come and see us.”
19. 19. Off now went his companions to Ratthapala, and they told him that his parents had given their consent, but that when he was a Bhikku he

was to come and see them.
20. 20. Thereupon the young man arose and, when he had regained his strength, betook himself to the Lord, and after salutations seated himself on one side, saying:"I have got my parents' consent to my becoming a Bhikku ; I ask the Lord to admit me."
21. 21. Admission and confirmation were granted him under the Lord; and a fortnight afterwards the Lord, having stayed at Thullakotthita as long as he wanted, proceeded on his alms pilgrimage towards Sravasti, where he took up his abode in Jeta's grove in Anathapindika's pleasance.
22. 22. Dwelling alone and aloof, strenuous, ardent and purged of self, the reverend Ratthapala was not long before he won the prize in quest of which young men go forth from home to homelessness as Bhikkus, that prize of prizes which crowns the highest life.
23. 23. Then, he went to the Lord and, seated on one side after salutations, said that with the Lord's permission, he wished to go and see his parents.
24. 24. Scanning with his own heart the thoughts of Ratthapala's heart, and recognizing thereby that he was incapable of abandoning his training and reverting to the lower life of a layman, the Lord bade him go when he would.
25. 25. Hereupon, rising up and taking his leave of the Lord with deep reverence, Ratthapala, after duly putting away his bedding, set out, with his robe and bowl, on an alms pilgrimage to Thullakotthita where he took up his abode in the deer-park of the Kuru king.
26. 26. Early next morning, duly robed and bowl in hand, he went into the town for alms, and there as he passed from house to house on his undiscriminating round, he came to his father's house.
27. 27. Indoors, in the hall within the middle door, his father was having his hair combed and, seeing Ratthapala coming in the distance, he said :"It was these shavelings of reduces who made Bhikku of my only dear and beloved son."
28. 28. So at his own father's house Ratthapala was given nothing, not even a refusal; all he got was abuse.
29. 29. At this moment a slave-girl of the family was about to throw away the previous day's stale rice; and to her Ratthapala said:"If, sister, that is to be thrown away, put it in my bowl here."

30. 30. As the girl was doing so, she recognised his hands and feet and voice, and going straight to her mistress, cried out:"Do you know, madam, the young master is back."
31. 31."If what you say is true, you are a slave no longer,"said the mother, who hurried off to tell her husband that she heard their son was back.
32. 32. Ratthapala was eating that stale rice under the hedge when his father arrived, exclaiming;"Can it be, my dear son, that you are eating stale rice? Should you not have come to your own house?"
33. 33. Said Ratthapala, ' 'What house of our own, householder, can we have who are homeless, having gone forth from home to homelessness? I did come to your house, where I was given nothing not even a refusal ; all I got was abuse."
34. 34. ' Come, my son; let us go indoors.' ' Not so, householder; I have finished my eating for today.' said Ratthapala.
35. 35. ' Well then, my son promise to take your meal here tomorrow.'
36. 36. Byhis silence the reverend Ratthapala gave consent.
37. 37. Then the father went indoors,—where first he ordered great heaps of gold and bullion to be piled up under a covering of mats and then he told his daughters-in-law, who had been the reverend Ratthapala's wives aforetime, to deck themselves out in all the finery their husband liked to see them in.
38. 38. When night had passed, the father, having ordered an excellent meal to be got ready in his house, told his son when it was ready. Early that forenoon, the reverend Ratthapala, duly robed and bowl in hand, came and took the seat set for him.
39. 39. Hereupon, ordering the heap of treasure to be unveiled, the father said: ' This is your mother's fortune, that is your father's and that came from your grand-father. You have the wherewithal both to enjoy yourself and to do good works.
40. 40. 'Come, my son; abandon your training; revert to the lower life of the layman; enjoy your substance and do good works.'
41. 41. ' If you will take my advice, householder, you will cart away all this heaped-up treasure and sink it in the middle of the Ganges. And why? Because thence you will only derive sorrow and lamentation, ills, pain of mind, pain of body and tribulation.'

42. 42. Clinging to his feet, the reverend Ratthapala's whilom wives asked like what were the nymphs divine for whose sake he was leading the higher life.
43. 43."For the sake of no nymphs at all, sisters,"said he.
44. 44. At hearing themselves called sisters, the ladies all fainted and fell to the ground.
45. 45. Said Ratthapala to his father:"If food is to be given, householder, give it; trouble me not."
46. 46."The food is ready, my son ; begin,"said the father as he served that excellent meal without stint till his son had his fill.
47. 47. After taking food he departed to the deer-park of the Kuru king, where he sat down under a tree during the noontide heat.
48. 48. Now the king had given directions to his huntsman to tidy up the park against his coming to see it; and the obedient huntsman was engaged on his task when he saw Ratthapala seated under a tree during the noontide heat, and reported to the king that the park was in. order but that under a tree there was seated Ratthapala, the young gentleman of whom His Majesty had often heard tell.
49. 49."Never mind about the park today,"said the king;"I will pay a call on His Reverence."Ordering, therefore, all the repast which had been prepared to be made ready, he mounted a chariot and drove forth in procession in royal state out of the city to see Ratthapala.
50. 50. Riding as far as the ground was passable for his chariot and proceeding thence on foot with his princely train, the king came at last upon the reverend Ratthapala, whom, after exchange of courteous greetings, the king—still standing—invited to be seated on a clump of flowers.
51. 51."Nay, sire; sit you there, I have got a seat."

52. Seating himself on the seat indicated to him, the king said:"There are four kinds of losses, Ratthapala, which impel men to cut off hair and beard, don the yellow robes, and go forth from

home to homelessness—namely, (i) old age, (ii) failing health, (iii) impoverishment, and (iv) death of kinsfolk.
52. 53."Take a man who, being aged and old, far advanced in life, stricken in years, and at the close of life, recognises his position, and realises the difficulty either of acquiring new wealth or of doing well with

what he has got; so he decides to take to homelessness. This is known as the loss which old age entails. But here are you in the prime of youth and early manhood, with a wealth of coal-black hair untouched by grey, and in all the beauty of your prime;—not yours is the loss old age entails. What have you known or seen or heard to make you take to homelessness?

53. 54."Or take a man who, being in ill-health or pain, or gravely ill, recognises his position and realises the difficulty either of acquiring new wealth or doing well with what he has already; so he decides to take to homelessness. This is known as the loss which failing health entails. But here are you neither ill nor ailing, with a good digestion maintained by humours neither too hot nor too cold ; not yours is the loss which failing health entails. What have known or seen or heard to make you take to homelessness?

54. 55."Or take a man who, after being rich and wealthy and of great substance, and after gradually losing it, recognises his, position and realises the difficulty either of acquiring new wealth or of doing well with what he has got; so he decides to become a pilgrim. This is known as the loss which impoverishment entails. But the revered Ratthapala is the son of leading family in this very Thullakotthita, and there is none of this loss of wealth for the revered Ratthapala. What has the good Ratthapala known or seen or heard that he has gone forth from home into homelessness? And what, good Ratthapala, is loss of relations? As to this, good Ratthapala, someone has many friends and acquaintances, kith and kin, but gradually these relations of his diminish. He reflects thus: ' Formerly I had many friends and acquaintances, kith and kin, but gradually these relations of mine have diminished, so it is not easy for me to acquire wealth etc....' So he that is followed by this loss of relations, having cut off hair and beard, having donned saffron garments, goes forth from home into homelessness. This is known as the loss which kinsfolk's death entails. But here are you with a host of friends and relations; not yours is the loss which kinsfolk's death entails. What have you known or seen or heard to make you take to homelessness?"

55. 56."I have gone forth,"replied Ratthapala,"sire, from home to homelessness because I have known, seen, and heard the following four propositions enunciated by the All-Englightened Lord who knows and sees :

"(i) The world is in continual flux and change.

(ii) The world has no protector or preserver."(iii) We own nothing; we must leave everything behind."(iv) The world lacks and bankers, being enslaved to craving."57."It is wonderful, it is marvellous,"said the king,"how right in this the Lord was !"

PART IV : CALL FROM HOME

1. 1. Suddhodana and the Last Look.
2. 2. Meeting Yeshodhara and Rahula.
3. 3. Reception by the Sakyas.
4. 4. Last attempt to make Him a Householder.
5. 5. The Buddha's answer.
6. 6. The Minister's reply.
7. 7. The Buddha's Determination.

§ *1. Suddhodana and the Last Look*

1. 1. After the conversion ofSariputta and Moggallana the Lord stayed in Rajagraha for two months.
2. 2. Having heard that the Lord was residing at Rajagraha, Suddhodana, his father, sent word to him saying :"I wish to see my son before I die. Others have had the benefit of his doctrine, but not his father nor his relatives."
3. 3. The man with whom the message was sent was Kaludayin, the son of one of the courtiers of Suddhodana.
4. 4. And the messenger on arrival said:"O, world-honoured Tathagata, your father looks for your coming, as the lily longs for the rising of the sun."
5. 5. The Blessed One consented to the request of his father and set out on the journey to his father's house accompanied by a large number of his disciples.
6. 6. The Lord journeyed by slow stages. But Kaludayin went ahead of him to inform Suddodhana that the Blessed One was coming and was on his way.
7. 7. Soon the tidings spread in the Sakya country."Prince Siddharth,

who wandered forth from home into homelessness to obtain enlightenment, having attained his purpose, is coming home to Kapilavatsu."This was on the lips of every one.

8. 8. Suddhodana and Mahaprajapati went out with their relatives and ministers to meet their son. When they saw their son from afar, they were struck with his beauty and dignity and his lustre and they rejoiced in their heart, but they could find no words to utter.

9. 9. This indeed was their son ; these were the features of Siddharth! How near was the great Samana to their heart and yet what a distance lay between them! That noble muni was no longer Siddharth their son ; he was now the Buddha, the Blessed One, the Holy One, Lord of Truth and Teacher of Mankind!

10. 10. Suddhodana, considering the religious dignity of their son, descended from the chariot and having saluted him first, said :"It is now seven years since we saw you. How we have longed for this moment."

.11. Then the Buddha took a seat opposite his father, and the king eagerly gazed at his son. He longed to call him by his name but he dared not."Siddharth,"he exclaimed silently in his heart,

."Siddharth, come back to your old father and be his son again."But seeing the determination of his son, he suppressed his sentiments. Desolation overcame him and Mahaprajapati.

11. 12. Thus the father sat face to face with his son, rejoicing in his sadness and sad in his rejoicing. Well may he be proud of his son, but his pride broke down at the idea that his great son would never be his heir.

12. 13."I would offer thee my kingdom,"said the king,"but if I did, thou would account it but as ashes."

13. 14. And the Lord said:"I know that the king's heart is full of love and that for his son's sake he feels deep grief. But let the ties of love that bind you to the son whom you lost, embrace with equal kindness all your fellow-beings, and you will receive in his place a greater one than your son Siddharth ; you will receive one who is the teacher of truth, the preacher of righteousness, and the bringer of peace and of Nirvana will enter into your heart."

14. 15. Suddhodana trembled with joy when he heard the melodious words of his son, the Buddha, and clasping his hands, exclaimed with tears in his eyes :"Wonderful is the change ! The overwhelming sorrow has

passed away. At first my sorrowing heart was heavy but now I reap the fruit of your great renunciation. It was right that moved by your mighty sympathy, you should reject the pleasures of power and achieve your noble purpose in religious devotion. Having found the path you can now preach your Dhamma to all that yearn for deliverance."

15. 16. Suddhodana returned to his house while the Buddha remained in the grove with his companions.

.17. The next morning the Blessed Lord took his bowl and set out to beg for his food in Kapilavatsu.

.18. And the news spread :"Siddharth is going from house to house to receive alms in the city where he used to ride in a chariot attended by his retinue. His robe is like a red clod and he holds in his hand an earthen bowl."

16. 19. On hearing the strange rumour, Suddhodana went forth in great hase and exclaimed:"Why do you disgrace me thus? Do you not know that I can easily supply you and your Bhikkus with food?"

17. 20. And the Lord replied:"It is the custom of my Order."

18. 21."But how can this be? You are not one of them that ever begged for food."

19. 22."Yes, father,"rejoined the Lord,"You and your race may claim descent from kings; my descent is from the Buddhas of old. They begged their food, and always lived on alms."

20. 23. Suddhodana made no reply, and the Blessed One continued:"It is customary, when one has found a hidden treasure, for him to make an offering of the most precious jewel to his father. Suffer me, therefore, to offer you this treasure of mine which is the Dhamma."

21. 24. And the Blessed Lord told his father:"If you free yourself from dreams, if you open your mind to truth, if you be energetic, if you practise righteousness, you will find eternal bliss."

22. 25. Suddhodana heard the words in silence and replied:"My son ! What thou sayst will I endeavour to fulfil."

§ 2. *Meeting Yeshodhara and Rahula*

1. 1. Then Suddhodana conducted the Blessed Lord into his house and all the members of the family greeted him with- great reverence.

2. 2. But Yeshodhara, the mother of Rahula, did not make her appearance."Suddhodana sent for Yeshodhara. but she replied:"Surely, if I am deserving of any regard, Siddhartha will come and see me."
3. 3. The Blessed One, having greeted all his relatives and friends, asked:"Where is Yeshodhara?"and on being informed that she had refused to come, he rose straightaway and went to her apartment.
4. 4."I am free,"the Blessed One said to his disciples Sariputta and Moggallana whom he had bidden to accompany him into Yeshodhara's chamber;"But Yeshodhara, however, is not as yet free. Not having seen me for a long time, she is exceedingly sorrowful. Unless her grief be allowed to run its course her heart will cleave. Should she touch the Tathagata, the Holy One, you must not prevent her."
5. 5. Yeshodhara sat in her room in deep reflection. When the Blessed One entered, she was, from the abundance of her affection, like an overflowing vessel, unable to contain herself.
6. 6. Forgetting that the man whom she loved was Buddha, the Lord of the World, the Preacher of Truth, she held him by his feet and wept bitterly.
7. 7. Remembering, however, that Suddhodana was present, she felt ashamed and rose up, sitting herself reverently at a little distance.
8. 8. Suddhodana apologized for Yeshodhara, saying:"This arises from her deep affection, and is more than a temporary emotion. During the seven years that she has lost her husband, when she heard that Siddharth had shaved his head, she did likewise; when she heard that he had left off the use of perfumes and ornaments she also refused their use. Like her husband she has eaten at appointed times from an earthen bowl only.
9. 9."If this is more than a temporary emotion it is not for want of courage."
10. 10. And the Blessed One spoke to Yeshodhara telling of her great merits and the great courage she showed when he took Parivraja. Her purity, her gentleness, her devotion had been invaluable to him as a Bodhisattva when he aspired to the highest aim of mankind to attain enlightenment. This, then, was her karma, and it was the result of great merits.
11. 11. Her grief had been unspeakable, and the glory that surrounded her spiritual inheritance increased by her noble attitude during her life and

had made her a unique person.
12. 12. Then Yeshodhara dressed Rahula, now seven years old, in all the splendour of a prince and said to him:
13. 13."This holy man, whose appearance is so glorious that he looks like the Great Brahma, is your father. He possesses great mines of wealth which I have not yet seen. Go to him and entreat him to put you in the possession thereof for the son ought to inherit the property of the father."
14. 14. Rahula replied :"Who is my father. I know of no father but Suddhodana."
15. 15. Yeshodhara took the boy in her arms and from the window she pointed out to the Lord, who happened to be near, partaking of food among the Bhikkus, informing him that he was his father and not Suddhodana.
16. 16. Rahula then went to him and looking up in his face, said without fear and with much affection:
17. 17."Aren't thou my father!"And standing near by him, he added:"O Samana, even your shadow is full of bliss !"The Blessed One remained silent.
18. 18. When the Tathagata had finished his repast, he gave blessings and went away from the palace, but Rahula followed and asked him for his inheritance.
19. 19. No one prevented the boy, nor did the Blessed One himself.
20. 20. Then the Blessed One turned to Sariputta, saying:"My son asks for his inheritance.. I cannot give him perishable treasures that will bring cares and sorrows, but I can give him the inheritance of a holy life, which is a treasure that will not perish."
21. 21. Addressing Rahula with earnestness, the Blessed One said :"Gold and silver and jewels have I none. But if you are willing to receive spiritual treasures, and are strong to carry them and to keep them, I have plenty. My spiritual treasure is the path of righteousness. Do you desire to be admitted to the brotherhood of those who devote their life to the culture of the mind seeking for the highest bliss attainable?"
22. 22. And Rahula replied with firmness:"I do.'"
23. 23. When Suddhodana heard that Rahula had joined the brotherhood of the Bhikkus he was greatly grieved.

§ 3. *Reception by the Sakyas*

1. 1. On his return to the country of the Sakyas the Lord found his countrymen divided into two camps. One in favour and the other against him.
2. 2. This recalled to his mind the old clash of opinion that took place in the Sakya Sangh when the issue of war between the Sakyas and Koliyas was fought and in which he had played so prominent a part.
3. 3. Those against him refused even now to do obeisance to him and to recognise his greatness. Those for him had already decided to dedicate a son per household to form a retinue for him. These now decided to enter the Order and set out with the Lord on his return to Rajagraha.
4. 4. Among the families which had decided to dedicate a son there was the family of Amitodana.
5. 5. Amitodana had two sons. One was Anuruddha, who had been very delicately nurtured, and the other Mahanama.
6. 6. And Mahanama went to Anuruddha, saying:"Either do you renounce the world, or I will do so."And Anuruddha replied,"I am delicate. It is impossible for me to go forth from the household life into the homeless state. You do so."

7."But come now, dear Anuruddha, I will tell you what is incident to the household life. First, you have to get your fields ploughed. When that is done, you have to get them sown. When that is done, you have to get the water led down over them. When that is done, you have to get the water led off again. When that is done, you have to get the seeds pulled up. When that is done, you have to get the crop reaped. When that is done, you have to get the crop carried away. When that is done, you have to get it arranged into bundles. When that is done, you have to get it trodden out. When that is done, you have to get the straw picked out. When that is done you have to get the chaff removed. When that is done, you have to get it winnowed. When that is done, you have to get the harvest garnered. When that is done, you have to do just the same next year, and the same all over again the year after that.

7. 8."The work is never over ; one sees not the end of one's labour. O, when shall our work be over? When shall we see the end of our labours? When shall we, still possessing and retaining the pleasures of our five

senses, yet dwell at rest? Yes, the work, dear Anuruddha, is never over ; no end appears to our labours."

8. 9."Then do you take thought for the household duties. I will go forth from the household life into the houseless state,"said Anuruddha.

9. 10. And Anuruddha, the Sakyan, went to his mother, and said to her."I want, mother, to go forth from the household life into the houseless state. Grant me thy permission to do so."

10. 11. And when he had thus spoken, his mother replied to Anuruddha, the Sakyan, saying :"You two, dear Anuruddha, are my two sons, near and dear to me, in whom I find no evil. Through death I shall some day, against my will, be separated from you but how can I be willing, whilst you are still alive, that you should go forth from the household life into the houseless state?"

11. 12. And a second timeAnuruddha made the same request, and received the same reply. And a third time Anuruddha made the same request to his mother.

12. 13. Now at that time Bhaddiya, the Sakyan Raja, held rule over the Sakyans ; and he was a friend of Anuruddha. And the mother of Anuruddha, thinking that that being so, the raja would not be able to renounce the world, said to her son:"Dear Anuruddha, if Bhaddiya the Sakyan raja will renounce the world, you also may go forth with him."

13. 14. Then Anuruddha went to Bhaddiya and said to him :"My renunciation of the world, dear friend, is being obstructed by you."

14. 15."Then let that obstruction, dear friend, be removed. I am with you. Renounce the world according to your wish."

15. 16."Come, dear friend, let us both renounce the world together!"

16. 17."lam not capable, dear friend, of giving up the household life. Whatsoever else you can ask of me, that will I do. Do you go forth alone,"said Bhaddiya.

17. 18."Mother, dear friend, has told me that if you do so, I may. And you have even now declared, ' If your renunciation be obstructed by me, then let that obstruction be removed. Even with you will I renounce the world according to your wish.' Come then, dear friend, let us both renounce the world."

18. 19. And Bhaddiya, the Sakyan raja said to Anuruddha,"Wait, my friend, for seven years. At the end of seven years we will renounce the

world together."
19. 20."Seven years are too long, dear friend. I am not able to wait for seven years."
20. 21. Bhaddiya reduced the offer to six years and so on down to one year, to seven months and so on down to one month, and a fortnight. To each offer Anuruddha replied,"Too long a time to wait."
21. 22. Then the raja says :"Wait, my friend, for seven days, whilst I hand over the kingdom to my sons and my brothers."
22. 23."Seven days is not too long. I will wait thus far,"was the reply.
23. 24. So Bhaddiya the Sakyan raja and Anuruddha and Ananda and Bhagu and Kimbila and Devadatta— just as they had so often previously gone out to the pleasure-ground with fourfold array—even so did they now go out with fourfold array, and Upali, the barber, went with them, making seven in all.
24. 25. And when they had gone some distance they sent their retinue back and crossed over into the neighbouring district, and took off their fine things and wrapped them in their robes, and made a bundle of them, and said to Upali the barber :"Do you now, good Upali, turn back to Kapilavatsu. These things will be sufficient for you to' live upon. We will go and join the Blessed One."And so they went ahead.

26: They went on and Upali parted company for the purpose of going back home.

§ *4. Last attempt to make Him a Householder*

1. 1. Suddhodana wept bitterly at the thought of his son going away never to be seen again.
2. 2. Then Suddhodana spoke to his counsellor and his family priest and asked them if they could go and persuade his son to stay back and join the family.
3. 3. The family priest accompanied by the counsellor, in obedience to the wishes of the king, went and overtook him on the way.
4. 4. They paid him honour as was fitting, and having obtained his permission, sat down near him.
5. 5. The family priest addressed the Lord as he sat at the foot of the

tree.

6. 6.”O prince, consider for a moment the feelings of the king with his eyes raining tears with the arrow of thy reparation plunged into his heart. He has asked you to come back home. It is then only that he can die peacefully.

7. 7.”I know that thy resolve is fixed upon religion, and I am convinced that this purpose of thine is unchanging ; but I am consumed with a flame o*f* anguish like fire at thy going into this homeless state.

8. 8.”Come, thou who love duty,—abandon this purpose for the sake of duty.

9. 9.”Enjoy for a while the sovereignty of the earth, —thou shall go *to* the orest at the time provided by the sastras,—do not show disregard for thy unhappy kindred. Compassion for all creatures is the true religion.

10. 10.”Religion is not wrought out only in the forests, the salvation of ascetics can be accomplished even in a city ; thought and effort are the true means, the forest and the badge are only a coward's signs.

11. 11.”The king of the Sakyas is drowned in a deep sea of sorrow, full of waves of trouble, springing from thee ; do thou therefore deliver him who is helpless and protect or less like an ox drowning in the sea.

12. 12.”Consider also the queen, who brought thee up, who has not yet gone to the region inhabited by Agastya—wilt thou not take some heed of 'her, who ceaselessly grieves like a cow that has lost her calf?

13. 13.”Surely thou wilt succour thy wife by the. sight of thee, who now mourns as a widow yet with her lord still alive,—like a swan separated from her mate or a female elephant deserted in the forest by her companion.”

14. 14. The Lord having heard the words of the family priest, reflected for a moment, knowing all the virtues of the virtuous, and then thus uttered his gentle reply:

§ 5. *The Buddha's Answer*

1. 1.”I well know the paternal tenderness of the king, especially that which he has displayed towards me ; yet knowing this as I do, still alarmed at the ill and sorrow which pervades the world, I am inevitably forced to leave my kindred.

2. 2.”Who would not wish to see his dear kindred, if but this separation

from beloved ones did not exist? But since even after it has been once, separation will still come again, it is for this that I abandon my father, however loving.

3. 3."I do not however approve that thou should think"the king's grief as caused by me, when in the midst of his dream-like unions, he is afflicted by thoughts of separations in the future.

4. 4."Thus let thy thoughts settle into certainty, having seen the multiform in ts various developments; neither a son nor kindred is the cause of sorrow,—this sorrow is caused only by ignorance.

5. 5."Since parting is inevitably fixed in the course of time for all beings, just as for travellers who have joined company on a road,—what wise man would cherish sorrow, when he loses his kindred, even though he loves them?

6. 6."Leaving his kindred in another world, he departs hither, and having stolen away from them here, he goes forth once more ; havings gone thither, he goes elsewhere also,—such is the lot of mankind,—what consideration can the liberated have for them?

7. 7."Since from the moment of leaving the womb death is a characteristic adjunct, why, in thy affection for thy son, has thou called my departure to the forest ill-timed?

8. 8."There may be an 'ill time' in one's attaining a worldly object,—time indeed is described as inseparably connected with all things; time drags the world into all its various times ; but all time suits a bliss which is really worthy of praise.

9. 9."That the king should wish to surrender to me his kingdom,—this is a noble thought, well worthy of a father ; but it would be as improper for me to accept it, as for a sick man through greed to accept unwholesome food.

10. 10."How can it be right for the wise to enter royalty, the home of illusion, where are found anxiety, passion, and weariness ; and the violation of all right through another's service?

11. 11."The golden palace seems to me to be on fire ; the daintiest viands seem mixed with poison ; infested with crocodiles is the tranquil lotus-bed."

§6. *The Minister's Reply*

1. 1. Having heard the Buddha's discourse, well suitable to his virtues and knowledge, freed from all desires, full of sound reasons, and weighty,—the counsellor thus made answer :

2. 2."This resolve of thine is an excellent counsel, not unfit in itself but only unfit at the present time : it could not be thy duty, loving duty as thou do , to leave thy father in his old age to sorrow

3. 3."Surely thy mind is not very penetrating, or it is ill-skilled in examining duty, wealth, and pleasure,— when for the sake of an unseen result thou departest disregarding a visible end.

4. 4."Again some say that there is another birth,— others with confident assertion say that there is not, since then the matter is all in doubt, it is right to enjoy the good fortune which comes into thy hand.

5. 5."If there is any activity hereafter, we will enjoy ourselves in it as may offer ; or if there is no activity beyond this life, then there is an assured liberation to all the world without any effort.

6. 6."Some say there is a future life, but they do not allow the possibility of liberation ; as fire is hot by nature, and water liquid, so they hold that there is a special nature in our power of action.

7. 7."Some maintain that all things arise from inherent properties,— both good and evil and existence and non-existence : and since all this world thus arises spontaneously, therefore also all effort of ours is vain.

8. 8."Since the action of the senses is fixed, and so too the agreeableness or the disagreeableness of outward objects,—then for that which is united to old age and pains, what effort can avail to alter it? Does it not all arise spontaneously?

9. 9."The fire becomes quenched by water, and fire causes water to evaporate ; and different elements, united in a body, producing unity, bear up the world.

10. 10."That the nature of the embryo in the womb is produced as composed of hands, feet, belly, back, and head, and that it is also united with the soul,—the wise declare that all this comes of itself spontaneously.

11. 11."Who causes the sharpness of the thorn? Or the various natures of beasts and birds? All this has arisen spontaneously ; there is no acting from desire, how then can there be such a thing as will?

12. 12.”Others say that creation comes from Isvara, —what need then is there of the effort of the conscious soul? That which is the cause of the action of the world, is also determined as the cause of its ceasing to act.
13. 13.”Some say that the coming into being and the destruction of being are alike caused by the soul, but they say that coming into being arises without effort, while the attainment of liberation is by effort.
14. 14.”A man discharges his debt to his ancestors by begetting offspring, to the saints by sacred lore, to the gods by sacrifices ; he is born with these three debts upon him,—-whoever has liberation (from these), he indeed has liberation.
15. 15.”Thus by this series of rules the wise promise liberation to him who uses effort ; but however ready for effort with all their energy, those who seek liberation will find weariness.
16. 16.”Therefore, gentle youth, if thou has a love for liberation, follow rightly the prescribed rule ; thus wilt thou thyself attain to it, and the king's grief will come to an end.
17. 17.”And as for thy meditations on the evils of life ending in thy return from the forest to thy home,— let not the thought of this trouble thee, my son,—those in old time also have returned from the forests to their houses.”He mentioned Ambarish Drumakesha, Rama and others.

§7. *The Buddha's Determination*

1. 1. Then having heard the affectionate and loyal words of the minister, who was as the eye of the king,—firm in his resolve, the king's son made his answer, with nothing omitted or displaced, neither tedious nor hasy:
2. 2.”This doubt whether anything exists or not, is not to be solved for me by another's words ; having determined the truth by asceticism or quietism, I will myself grasp whatever is the truth concerning it.
3. 3.”It is not for me to accept a theory which depends on the unknown and is ll controverted, and which involves a hundred prepossessions ; what wise man would go by another's belief? Mankind is like the blind directed in darkness by the blind.
4. 4.”But even though I cannot discern the truth, yet still, if good and evil are doubted, let one's mind be set on the good ; even a toil in vain is to be chosen by him whose soul is good.

5. 5.”But having seen that this ' sacred tradition ' is uncertain, know that that only is right which has been uttered by the trustworthy; and know that trustworthiness means the absence of faults ; he who is without faults will not utter an untruth.
6. 6.”And as for what thou said to me in regard to my returning home, the examples you give are no authority,—for in determining duty, how can thou quote as authorities those who have broken their vows?
7. 7.”Even the sun therefore may fall to the earth, even the mountain Himavat may lose its firmness ; but never could I return to my home as a man of the world, with my senses only alert for external objects.
8. 8.”I would enter the blazing fire, but not my house with my purpose unfulfilled.”Rising up in accordance with his resolve full of disinterestedness, he went his way.
9. 9. Then the minister and the Brahmin, both full of tears, having heard his firm determination, and having followed him awhile with despondent looks, and overcome with sorrow, slowly returned to Kapilavatsu.
10. 10. Through their love for the prince and their devotion to the king they returned, and often stopped looking back, they could neither behold him on the road nor yet lose the sight of him,—shining in his own splendour and beyond the reach of all others, like the sun.
11. 11. Having failed to persuade him to return home, the minister and the priest went back with faltering steps, saying to each other,”How shall we approach the king and see him, who is longing for his dear son?”

PART V : CAMPAIGN FOR CONVERSION RESUMED

1. 1. Conversion of Rustic Brahmins.
2. 2. Conversion of the Brahmins of Uttaravati.

§ *1. Conversion of Rustic Brahmins*

1. 1. At the back of the Gridhrakutta mountains, near Rajagriha, there was a village, of some seventy or so families, all of them Brahmins.
2. 2. The Buddha, wishing to convert these people, came to the place and sat down under a tree.

3. 3. The people seeing the dignity of his presence, and the glorious appearance of his body, flocked round him, on which he asked the Brahmins how long they had dwelt in the mountain there, and what their occupation was.
4. 4. To this they replied:"We have dwelt here during thirty generations past, and our occupation is to tend cattle."
5. 5. On asking further as to their religious belief they said :"We pay homage and sacrifice to the sun and the moon, the rain (water), and fire, according to the several seasons.
6. 6."If one of us dies, we assemble and pray that he may be born in the heaven of Brahma, and so escape further transmigrations."
7. 7. The Buddha replied:"This is not a safe way, not by it can you benefit. The true way is to follow me, become true ascetics, and practise complete self-composure with a view to obtain Nirvana"; and then he added these lines :
8. 8."They who consider truth as that which is untrue, and regard that which is untrue as truth, this is but to adopt heretical opinions, and can never lead to true advantage.
9. 9."But to know as truth that which is true, and to regard as false that which is false, this is perfect rectitude, and this shall bring true profit.
10. 10."Everywhere in the world there is death— there is no escape from it.
11. 11."To consider this as the condition of all states of being that there is nothing born but must die, and, therefore, to desire to escape birth and death, this is to exercise one's self in Religious Truth."
12. 12. The seventy Brahmins hearing these words, desired at once to become Shamans ; and on being welcomed by Buddha, their hair fell off, and they presented the appearance of true disciples.
13. 13. Then they all set out to return to the Vihara, and on the road certain thoughts about their wives and families troubled them whilst at the same time a heavy downpour of rain prevented their advance.
14. 14. There were some ten houses on the roadside, in which they sought shelter; but on entering one of them it was soon perceived that through the roof the rain found its way, and there was but little protection from the rain.
15. 15. On this the Buddha added these lines, and said,"As when a

house-roof is not properly secured, then the rain finds a way through it and drops within, so when the thoughts are not carefully controlled, the desires (sexual desires) will soon bore through all our good resolutions.

16. 16."But as when a roof is well stopped then the water cannot leak through, so by controlling one's thoughts, and acting with reflection, no such desires can arise or disturb us."

17. 17. The seventy Brahmins, on hearing these lines, although convinced that their desires were reprehensible, yet were not wholly free from doubt, nevertheless they went forward.

18. 18. As they advanced they saw some scented wrapping on the ground, and Buddha took the opportunity of calling their attention to it ; and after this, seeing some fish-gut also lying about, he directed their notice to its ill odour and then added these lines and said:

19. 19."He who consorts with the low and the base, contracts the same character as he who handles a foul substance; he goes from worse to worse, and utterly without reason, he perfects himself in wickedness.

20. 20."But the wise man (consorting with the wise) contracts the same character, even as the scent of a sweet odour adheres to him who handles it; advancing in wisdom, practising virtue, he goes on to perfection, and is satisfied."

21. 21. The seventy Brahmins, hearing these verses, convinced that their desire to return home and enjoy personal indulgence was the evil taint that adhered to them, cast off such thoughts, and, going forward, came to the Vihara, and finally obtained the condition of Arahtas.

§ 2. *Conversion of the Brahmins of Uttaravati*

1. 1. Once the Buddha was residing in the Jetavana, at Shravasti, and preaching his doctrine for the benefit of men and gods, there were in a country to the eastward, called Uttaravati, a company of 500 Brahmins.

2. 2. They had agreed to go together to the residence of a Nirgrantha ascetic on the banks of the Ganges, who, by polluting himself with dirt, etc., aspired to the condition of a Rishi.

3. 3. On their way they were overtaken in the desert with thirst. Seeing a tree, and hoping to find some human habitation near, they hasened to it, but when they arrived there they found no sign of life.

4. 4. On this they raised their voices in lamentation. Suddenly from the tree they heard the voice of the resident Spirit, who asked them why they lamented so, and on hearing the reason, supplied them to the full with drink and meat.
5. 5. The Brahmins, ready to start onward, asked the Spirit what had been his previous history, that he was thus born.
6. 6. On which he explained that having gone to the assembly of priests in Shravasti when Sudatta had bestowed the garden on the Buddha, he had remained all night listening to the law Dhamma and having filled his drinking cup with water as he went, had bestowed it in charity among the priests.
7. 7. On his return next morning, his wife in anger asked him what annoyance he had received that he should stay away all night. On which he replied that he was not annoyed, but he had been to listen to the Buddha preaching at the Jetavana.
8. 8. On this his wife began roundly to abuse the Buddha, and said,"This Gotama is but a mad preacher, who deceives the people,"and so on.
9. 9."On this"he said,"I resented not her statements, but rather submitted to them and so when I came to die I was born as a spirit, but on account of my pusillanimity I was confined to this tree,"and then he recited these verses.
10. 10."Sacrifices and such services are sources of misery, day and night, a continual burden and anxiety.

II."To escape sorrow, and destroy the elements of the body, a man should attend to the Law (of Buddha), and arrive at deliverance from all worldly Rules of Religion (World Rishis)."

1. 12. The Brahmins having heard these words, resolved themselves to go to Shravasti, to the place where the Buddha was, and having explained the object of their visit, the world-honoured said to them:
2. 13."Although a man goes naked with tangled hair, or though he clothes himself with a few leaves or garment of bark, though he covers himself with dirt and sleeps on the stones, what use is this in getting rid of impure thoughts?

3. 14.”But he who neither contends or kills, or destroys by fire, who desires not to get the victory, who is moved by goodwill towards all the world, there is no ground in such a case for ill-will or hate.
4. **15.**”To sacrifice to spirits in order to find peace (merit), or, after this life expecting reward, his happiness, is not one quarter of that man's who pays homage to the good.
5. 16.”He who is ever intent on good conduct and due reverence to others, who always venerates old age, four happy consequences increasingly attend that man—beauty and strength, and life and peace.”
6. 17. On hearing this from her husband the wife became reconciled.

PART VI : CONVERSION OF THE LOW AND THE LOWLY

1. **1. Conversion of Upali, the Barber.**
2. 2. Conversion of Sunita, the Sweeper.
3. 3. 3. Conversion of Sopaka and Supply a, the Untouchables.
4. 4. Conversion of Sumangala and other Low Castes.
5. 5. Conversion of Suprabuddha, the Leper.

§ *1. Conversion of Upali, the Barber*

1. 1. While going back Upali, the barber thought:”The Sakyans are afierce people. If I go back with these ornaments they will kill me thinking that I have killed my companions and run away with their ornaments. Why should I not go the way these young men of the Sakya clan have gone?”
2. 2.”Why indeed should I not?”asked Upali to himself. And he let down the bundle of ornaments from his back, and hung it on a tree, saying:”Let him who finds it take it as a gift,”and returned to follow the Sakya youths.
3. 3. And the Sakyans saw him coming from afar, and on seeing, they said to him:”What have you come back for, good Upali?”
4. 4. Then he told them what he felt and they replied:”Thou has done well, good Upali, in that thou did not return; for the Sakyans are fierce, and they might have killed thee.”
5. 5. And they took Upali the barber with them to the place where the Blessed One was. And on arriving there, they bowed down before the

Blessed One and took their seats on one side. And so seated they said to the Blessed One :

6. 6."We Sakyans, Lord, are haughty. And this Upali, the barber, has long been an attendant, Lord, upon us. May. the Blessed One admit him to the Order before us, so that we may render him respect and reverence, and bow down with outstretched hands before him as our senior and thus shall the Sakyan pride be humbled in us !"

7. 7. Then the Blessed One received first Upali, the barber, and afterwards those young men of the Sakya clan, into the ranks of the Order.

§ 2. *Conversion of Sunita, the Sweeper*

1. 1. There lived in Rajagraha a scavenger by name Sunita. He earned his living as a road sweeper, sweeping away the rubbish thrown by the householders on the roadside. His was a low and hereditary occupation.

2. 2. One day in the early hours of the dawn the Blessed One rose, dressed himself and walked into Rajagraha for alms followed by a large number of Bhikkus.

3. 3. Now Sunita was cleaning the street, collecting scraps, rubbish, and so on into heaps and filling therewith the basket which he carried on a yoke.

4. 4. And when he saw the Master and his train approaching, his heart was filled with joy and awe.

5. 5. Finding no place to hide in on the road, he placed his yoke in a bend in the wall and stood as if stuck to the wall, saluting the Lord with clasped hands.

6. 6. Then the Lord when he had come near, spoke to him in voice divinely sweet, saying:"Sunita! What to you is this wretched mode of living? Can you endure to leave home and come into the Order?"

7. 7. And Sunita, experiencing the rapture of one who has been sprinkled with Ambrosia, said:"If even such as the Exalted One may in this life take Orders, why should I not? May the Exalted One suffer me to come forth."

8. 8. Then the Master said:"Come Bhikku !" And Sunita by that word received sanction and ordination and was invested with bowl and robes.

9. 9. The Master leading him to the Vihar taught him the Dhamma and the Discipline and said,"By the discipline of holy life, restraint and mastery of self, a man becomes holy."
10. 10. When asked how Sunita became so great, the Buddha said,"As on a rubbish-heap on highway cast a lily may grow, fragrant and sweet, so among rubbish-creatures, worldlings blind by insight shines the very Buddha's child."

§ *3. Conversion of Sopaka and Suppiya, the Untouchables*

1. 1. Sopaka was a pariah of Shravasti. In her travail at his birth his mother fell into a long deep swoon, so that her husband and kinsfolk said"She is dead!"And they bore her to the cemetery and prepared to cremate her body.
2. 2. But on account of the storm of wind and rain the fire would not burn. So they went away leaving Sopaka's mother on the funeral pyre.
3. 3. Sopaka's mother was not then dead. She died afterwards. Before her death she gave birth to a child.
4. 4. The child was adopted by the watchman of the cemetery and was brought up by him along with his own child Suppiya. The child was known by the name of the community Sopaka to which its mother belonged.
5. 5. The Blessed Lord one day happened to pass by the cemetery. Sopaka, seeing the Lord, approached him. After saluting the Lord he asked his permission to join him as his disciple.
6. 6. Sopaka was then only seven years old. So the Lord asked him to obtain his father's consent.
7. 7. Sopaka went and fetched his father. The father saluted the Lord and requested him to admit his son to the Order.
8. 8. Notwithstanding that he belonged to the pariah community the Lord admitted him to the Order and instructed him in the doctrine and discipline.
9. 9. Sopaka later became a Thera.
10. Suppiya and Sopaka had grown together from childhood and Sopaka having been adopted and brought up by Suppiya's father, Suppiya learned the Lord's doctrine and discipline from his companion, Sopaka,

and requested Sopaka to admit him to the Order, although Sopaka belonged to a community which was lower in rank than the community to which Suppiya belonged.

10. 11. Sopaka agreed and Suppiya, a member who belonged to the despised community whose occupation was to perform the duties of watchmen in the cemetery, became a Bhikku.

§ *4. Conversion of Sumangala and other Low Castes*

1. 1. Sumangala was a peasant of Shravasti. He earned his living by work in the fields, working with a little sickle, plough and spade.
2. 2. Channa was a native of Kapilavatsu and was a slave in the house of Suddhodana.
3. 3. Dhanniya was a resident of Rajagraha. He was a potter.
4. 4. Kappata-Kura was a native of Shravasti. The only way he knew of, to support himself, was to go about, clad in rags, pan in hand, seeking for rice-grains. Hence he became known as Kappata-Kura—"Rags and-rice."When grown up, he maintained himself by selling grass. 5. All of them sought from the Buddha permission to become Bhikkus and enter the Order. The Buddha without hesitation and without caring for their low birth or their previous condition, admitted them into the Order.

§5. *Conversion of Supprabuddha, the Leper*

1. 1. Once the Exalted One was staying near Rajagraha, in the bamboo grove, at the squirrels' feeding-ground.
2. 2. Now there lived in Rajagraha at that time a certain man, who was a leper, named Supprabuddha, a poor, wretched, miserable creature.
3. 3. And it happened at that time that the Exalted One was sitting there in the midst of a great multitude, teaching the Dhamma.
4. 4. And Supprabuddha, the leper, saw from afar the multitude gathered together, and at the sight he thought,"Without a doubt an alms-giving of food, both hard and soft, is toward yonder. Suppose I draw near to yonder crowd, I might get there something to eat, food soft or hard."
5. 5. So Supprabuddha, the leper, drew near that crowd, and he beheld the Exalted One sitting there amid a great crowd, preaching the Norm. So,

seeing the Exalted One he thought:"No. There is no alms-giving here of food. It is Gotama the Samana preaching the Dhamma in the assembly. Suppose I were to listen to his teaching."

6. 6. So he sat down at one side, thinking,"I too will listen to the teaching."

7. 7. Now the Exalted One, reading with His thought the thoughts of that whole gathering, said to Himself,"Who, I wonder, of these present, is able to grasp the Truth?"Then He saw Supprabuddha, the leper, sitting in the crowd : and at the sight of him He knew,"This one can grasp the Truth."

8. 8. So for the sake of Supprabuddha, the leper, the Master preached a sermon, dealing in due order with these topics. On alms-giving, on the holy life, and on the heaven-world : and He pointed out the meanness and vileness of sensual desires and the profit of freedom from the asavas.

9. 9. Now when the Exalted One saw that the heart of Supprabuddha, the leper, was softened, pliant, set free, elated, and full of faith, then He set forth to him the Dhamma most excellent of the Buddha, to wit, suffering, the cause of suffering, the ceasing of suffering, and the path.

10. 10. Then, just as a white cloth, free from stains, is ready to receive the dye, even so in Supprabuddha, the leper, as he sat there in that very place, arose the pure stainless insight of the Truth, the knowledge that whatsoever hath a beginning, that also must have an end. And Supprabuddha, the leper, saw the Truth, reached the Truth, perceived the truth, plunged into the Truth, crossed beyond doubting, was freed from all ques-tionings, won confidence, and needing nothing further, being established in the Master's teaching, sprang up from his seat and drew near to Him, and there he sat down at one side.

11. 11. So seated he said to the Exalted One,"Excellent, O Lord Excellent, O, Lord, just as if, Lord, one should lift up the fallen, discover the hidden, point out the way to one bewildered, show a light in the gloom, saying, ' Now they who have eyes to see can see shapes,' even so in diverse ways has the Exalted One expounded the truth. I, even I, Lord, do go for refuge to the Exalted One, to the Norm and to the Order of Brethren. May the Exalted One accept me as His follower, as one who from this time forth even to life's end has gone to refuge in Him."

12. 12. Thereupon Supprabuddha, the leper, being taught, established,

roused, and made happy by the Exalted One's pious talk, praised and welcomed His words, gave thanks and rose up from his seat, saluted the Exalted One by the right, and went away.
13. 13. Unfortunately it came to pass that a young calf flung the leper Supprabuddha down and gored him to death.

PART VII : CONVERSION OF WOMEN

1. 1. Conversion of Mahaprajapati Gotami, Yeshodhara and her Companions.
2. **2.** Convrsion of Prakrati a handalika.

1 *Conversion of Mahaprajapati Gotami and Yeshodhara and her Companions*

1. 1. When the Blessed One had been on a visit to his father's home the desire to join the Sangh was as keen among the Sakya women as it was among the Sakya men.
2. 2. The leader of such women was no other than Mahaprajapati Gotami.
3. 3. Now at the time when the Blessed One was staying among the Sakyas in the Nigrodharama, Mahaprajapati Gotami went to him and said:"It would be well. Lord, if women were allowed to become Parivrajakas and enter the Sangh under the doctrine and discipline proclaimed by the Tathagata !"
4. 4."Enough, O Gotami ! Let not such a thought come into your mind."And a second and a third time did Mahaprajapati make the same request in the same words, and a second and a third time did she receive the same reply.
5. 5. Then Mahaprajapati Gotami, sad and sorrowful, bowed down before the Blessed One, and went away weeping and in tears.
6. 6. After the Blessed One had left Nigrodharama for his wanderings, Mahaprajapati and the Sakya women sat together to give further consideration to their request for admission to the Sangh and the refusal of the Lord to grant such a request.
7. 7. The Sakya women refused to take the Lord's refusal as final. They

decided to go further to assume the garb of a Parivrajaka and present the Lord with a *fait accompli.*

8. 8. Accordingly Mahaprajapati Gotami cut off her hair and put on orange-coloured robes and set out with a number of women of the Sakya clan, on her journey to meet the Lord who was at that time staying in Vesali in the Mahavana in the Kutagara Hall.

9. 9. In due course Mahaprajapati Gotami with her companions arrived at Vesali and with swollen feet and covered with dust came to the Kutogara Hall.

10. 10. Again she made the same request to the Blessed Lord which she had made when he was staying at Nigrodharama and he refused it again.

11. 11. On receiving his refusal a second time Mahaprajapati withdrew and was standing outside the entrance of the hall not knowing what to do. While she was so standing Ananda on his way to the hall saw her and recognised her.

12. 12. He then asked Mahaprajapati,"Why standest thou there, outside the porch, with swollen feet, covered with dust, and sorrowful, weeping and in tears?""Inasmuch, O Ananda, as the Lord, the Blessed One, does not permit women to renounce their homes and enter the homeless state under the doctrine and discipline proclaimed by the Tathagata,"said Mahaprajapati.

13. Then did the Venerable Ananda go up to the place where the Blessed One was, and bowed down before the Blessed One, and take his seat on one side. And, so sitting, the Venerable Ananda said to the Blessed One :"Behold, Lord; Mahaprajapati Gotami is standing outside

under the entrance porch, with swollen feet covered with dust, sad and sorrowful, weeping and in tears, inasmuch as the Blessed One does not permit women to renounce their homes and enter the homeless state under the doctrine and discipline proclaimed by the Blessed One. It were well, Lord, if women were to have permission granted to them to do as she desires.

13. 14."Has not Mahaprajapati proved herself of great service to the Blessed One, when as aunt and nurse she nourished him and gave him milk, and on the death of his mother suckled the Blessed One at her own breast; it were, therefore, well. Lord that women should have permission to go forth from the household life and enter the homeless state, under the

doctrine and discipline proclaimed by the Tathagata."
14. 15."Enough Ananda! Let it not, please, that women should be allowed to do so."A second time and a third time did Ananda make the same request, in the same words, and received the same reply.
15. 16. Then the Venerable Ananda asked the Blessed One :"What can be the ground. Lord, for your refusal to allow women to take Parivraja.
16. 17."The Lord knows that the Brahmins hold that the Shudras and women cannot reach moksha (Salvation) because they are unclean and inferior. They do therefore not allow Shudras and women to take Parivraja. Does the Blessed One hold the same view as the Brahmins?
17. 18. Has not the Blessed One allowed the Shudras to take Parivraja and join the Sangh in the same way he has done to the Brahmins? What is the ground. Lord, for treating women differently?
18. 19. Does the Blessed One hold that women are not capable of reaching Nibbana under the doctrine and discipline proclaimed by the Blessed One?"
19. 20. The Blessed One replied :"Ananda ! Do not misunderstand me. I hold that women are as much capable as men in the matter of reaching Nibbana. Ananda! do not misunderstand me, I am not an upholder of the doctrine of sex inequality. My rejection of Mahaprajapati's request is not based on sex inequality. It is based on practical grounds."
20. 21."I am happy. Lord, to know the real reason. But must the Lord refuse her request because of practical difficulties? Would not such an act bring the Dhamma into discredit and make it open to the charge of upholding sex inequality? Could not the Lord devise some rules to get over such practical difficulties by which the Lord is worried?"
21. 22."Well, Ananda, I grant if Mahaprajapati insists that women must be allowed to take Parivraja under the doctrine and discipline proclaimed by me. But it shall be subject to eight conditions. Let Mahaprajapati Gotami take upon herself the responsibility of enforcing the Eight Chief Rules. That will be her initiation."
22. 23. Then the Venerable Ananda, when he learnt from the Blessed One these Eight Chief Rules, went to Mahaprajapati Gotami and told her all that the Blessed One had said.
23. 24."Just, Ananda, as a man or a woman, when young and of tender years, accustomed to adorn himself, would, when he had bathed his head,

receive with both hands a garland of lotus flowers, or of jasmine flowers or of stimutaka flowers, and place it on the top of his head ; even so do I, Ananda, take upon me these Eight Chief Rules, never to be transgressed during my lifelong,"said Mahaprajapati to Ananda.
24. 25. Then theVenerable Ananda returned to the Blessed One, and bowed down before him, and took his seat, on one side. And, so sitting, the Venerable Ananda said to the Blessed One:"Mahaprajapati Gotami, Lord, has taken upon herself the responsibility for the enforcement of the Eight Chief Rules, she may therefore be regarded as having received the Upasampada initiation,"(entry into the Sangha).
25. 26. Now Mahaprajapati received ordination, and 500 Sakya ladies who had come with her were also ordained at the same time. Thus ordained great Prajapati came before the Master, and saluting him, stood on one side and the Blessed One taught her the Dhamma, the doctrine and the discipline.
26. 27. The other five hundred Bhikkhunis were ininstructed by Nandaka, one of the disciples of the Blessed One.
27. 28. Among the Sakya women who became Bhikkhunis along with Mahaprajapati was Yeshodhara. After her initiation she came to be known as Bhadda Kaccana.

§ 2. *Conversion of Prakrati, a Chandalika*

1. 1. Once the Blessed Lord was living in Shravasti in the Jetavana Arama of Anathpindika.
2. 2. It so happened that Ananda, his disciple, had gone into the city to beg for alms. After eating his food Ananda was going to the river for drinking water.
3. 3. He saw a girl on the river bank filling her pot. Ananda asked her to give him some water.
4. 4. The girl, whose name was Prakrati, refused, saying she was a Chandalika.
5. 5. Ananda said,"I am concerned with water, I am not concerned with your caste."The girl then gave him some water from her pot.
6. 6. Thereafter Ananda left for Jetavana. The girl followed him and saw where he was staying and found that his name was Ananda and that he was

a follower of the Buddha.
7. 7. On returning home she told her mother Matangi what had happened and falling on the ground started weeping.
8. 8. The mother asked for the cause of her weeping. The girl told the whole story, and said,"If you wish to marry me I can only marry Ananda. I will not marry anybody else."
9. 9. The mother started on an inquiry. On return she told the girl that such a marriage was impossible for Ananda was under a vow of celibacy.
10. 10. On hearing this news the girl was filled with extreme sorrow and gave up food. She was not prepared to take things as though it was a decree of fate. So she said:"Mother, you know the art of sorcery, don't you? Why don't you employ it to achieve our purpose?"The mother said,"I will see what can be done."
11. 11. Matangi invited Ananda to her house for a meal. The girl became very happy. Matangi then told Ananda that her daughter was very anxious to marry him. Ananda replied,"I am vowed to be celibate and therefore I cannot marry any woman."
12. 12."If you do not marry my daughter, she will commit suicide, so attached she is to you,"Matangi told Ananda."But I cannot help,"replied Ananda.
13. 13. Matangi went inside and told her daughter that Ananda refused to marry her.
14. 14. The girl cried:"Mother, where is your sorcery?"The mother said,"My sorcery cannot win against the Tathagata."
15. 15. The girl shouted and said,"Close the door and do not allow him to go out. I shall see that he becomes my husband this very night."
16. 16. The mother did what the girl wanted her to do. As night fell the mother brought in the room a bed. The girl, dressed in her best, stepped in. But Ananda remained unmoved.
17. 17. The mother at last used her sorcery. As a result a fire broke out in the room. The mother then held Ananda by his clothes and said,"If you will not agree to marry my daughter, I will throw you in this fire."However, Ananda did not yield, and the mother and the daughter feeling helpless, left him free.
18. 18. Ananda on his return told the Blessed Lord all that had happened.

19. 19. On the second day the girl came to Jetavana in search of Ananda. Ananda was going out for alms. Ananda saw her and wanted to avoid her. But the girl followed him wherever he went.
20. 20. When Ananda returned to Jetavana he found the girl waiting at the door of his Vihar.
21. 21. Ananda told the Blessed One how the girl was pursuing him. The Blessed One sent for her.
22. 22. When the girl appeared before him the Blessed One asked her why she was pursuing Ananda. The girl replied that she was intent on marrying him"I have heard he is unmarried and I am also unmarried."
23. 23. The Bhagavan said,"Ananda is a Bhikku and he has no hair on his head. If you can get yourself clean shaven I shall see what could be done."
24. 24. The girl replied,"I am prepared for it."The Bhagavan said,"You must get your mother's permission for undergoing tonsure."
25. 25. The girl returned to her mother and said,"Mother! I have achieved what you failed to achieve. The Bhagavan has promised to get me married to Ananda if I undergo tonsure."
26. 26. The mother grew angry and said,"You must not do that. You are my .daughter and you must keep hair. Why are you so eager to marry a Shramana Ananda. I can get you married to a better man."
27. 27. She replied,"I will either die or marry Ananda. There is no third alternative for me."
28. 28. The Mother said,"Why are you insulting me?"The girl said,"If you love me you must let me do as I wish."
29. 29. The mother withdrew her objection and the girl underwent tonsure.

30.. Then the girl presented herself before the Blessed Lord saying,"I have tonsured my head as directed by you."
1. 31. The Blessed Lord then asked her,"What do you want? What part of his body you cherish?"The girl said,"I am in love with his nose, I am in love with his mouth, I am in love with his ears, I am in love with his voice, I am in love with his eyes and I am in love with his gait."
2. 32. The Blessed Lord then said to the girl,"Do you know that the eyes are the home of tears, the nose is the home of dirt, the mouth is the home of spit, the ear is the home of dirt and the body is the container of

dung and urine."
3. 33."When men and women come together they procreate children. But where there is birth there is death also; where there is death there is sorrow also. My dear girl, what are you going to get by marrying Ananda. I do not know."
4. 34. The girl began to cogitate and agreed that there was no purpose in her marriage with Ananda on which she was so intent and she told the Blessed Lord accordingly.
5. 35. After saluting the Blessed Lord the girl said:"Owing to ignorance I was going in pursuit of Ananda. My mind is now enlightened. I am like a sailor whose ship after a mishap has reached the other bank. I am like an unprotected aged person who has found protection. I am like the blind who has got new sight. The Blessed Lord by his wise words of advice has awakened me from my sleep."
6. 36."Blessed art thou, Prakrati, for though you are a Chandalika you will be a model for noblemen and noblewomen. You are of low caste, but Brahmins will learn a lesson from you. Swerve not from the path of justice and righteousness and you will outshine the royal glory of queens on the throne."
7. 37. The marriage having failed, the only course for her was to join the Bhikkhuni Sangh.
8. 38. Having expressed her wish she was admitted into it, though she belonged to the lowest class.

PART VIII : CONVERSION OF THE FALLEN AND THE CRIMINALS

1. 1. Conversion of a Vagabond. 2. Conversion of Angulimala, the Robber.
2. 3. Conversion of Other Criminals.
3. 4. Risk of Conversion.

§ 1 *Conversion of a Vagabond*

1. 1. There was in olden times a certain disorderly person living in Rajagraha, who neither reverenced his parents nor paid respect to his

superiors, but always had resort to sacrifice and worship of the sun and moon and fire when he went wrong, hoping thereby to get merit, and feel happy in himself.
2. 2. But notwithstanding all his bodily exercises, in worship and offerings, he found no peace, even after three years' incessant perseverance.
3. 3. He at length resolved to go to Shravasti to inquire of the Buddha. Arrived there, and seeing the glory of his person, he fell down at his feet, and said how he was pleased.
4. 4. Then the Lord explained the follyof animal sacrifice, and the selessness of all such exercises where the heart was untouched, and where there was no final reverence or dutiful behaviour to those to whom it belonged ; and in, conclusion recited certain gathas, which resplendent with glory, lit up the place and all the surrounding country with the brightness of his presence.
5. 5. On this, the villagers, and especially the parents of the children, came near to worship him.
6. 6. On seeing the parents, and hearing their account of the children, Buddha smiled, and recited these gathas.
7. 7."The great man is entirely free from covetous desire; he wells in a place of light himself enlightened. Although perchance he meets with sorrow, he rejoices; without consternation, he exhibits his wisdom.
8. 8."The wise man (bhadra) concerns himself with no worldly business; he desires neither wealth, children, or possessions (land), always carefully observing the precepts, and walking in the way of supreme wisdom, he bankers not after strange doctrine (or wealth or honour).
9. 9."The wise man, knowing the character of instability, as a tree in the midst of sand (uses every effort) to change his friend whose mind is unfixed, and to bring him back from impurity to virtue (purity)."

§ 2 *Conversion of Angulimala, the Robber*

1. 1. There was, in the realm of Pasenadi, king of Kosala, a robber named Angulimala, a ruffian whose hands were red with blood, who was always killing and wounding, and showed no mercy to any living creature. Because of him, what had been villages were villages no more, what had been townships were townships no more, and what had been countryside

was countryside no more.
2. 2. From every human being whom he slew, he took a finger to make for himself a necklace, and so got his name of"Necklace of Fingers."
3. 3. Once when the Lord was staying in Shravasti in Jeta's grove he had heard of the ravages committed by the robber Angulimala. The Blessed Lord decided to convert him into a righteous man. So one day after taking his meal and after putting away his bedding and then, with robes and bowl, set out on his journey ' to find the robber Angulimala.
4. 4. Seeing him journeying thither, neatherds, goatherds, ploughmen and wayfarers called out:"Don't go that way, recluse! It will take you to the robber Angulimala.
5. 5."Why, even when, ten, twenty, thirty, or forty people ban themselves together to travel this road, the whole company falls into the robber's hands!"But, without a word, the Lord held on to his way.
6. 6. A second time, and yet a third time those near there and the rest repeated their warning; but still, without a word, the Lord went his way.
7. 7. From some way off the robber saw the Lord coming and marvelled exceedingly that, where even companies of ten to fifty travellers dare not come his way, this solitary recluse should be seen to be forcing his way alone; and the robber was minded to slay ' this recluse.' So, armed with sword and buckler and with his bow and quiver, the robber followed up the Lord's trail.
8. 8. The Lord, while he himself was proceeding at his wonted pace, the robber, for all his efforts, could not catch him up.
9. 9. Thought the robber:"This is a wonderful and marvellous thing. Heretofore, I could always overtake an elephant, or horse, or carriage, or deer, when going full speed; and yet here am I unable, despite all my efforts, to overtake this recluse while he proceeds at his wonted pace."So he stopped and shouted to the Lord to stop.
10. 10. When the two met the Lord said:"I have stopped, Angulimala, for your sake. Will you stop following your career of an evil doer? I have been pursuing you in order to win you over, to cover you to the path of righteousness. The good in you is not yet dead. If you will only give it a chance it will transform you."
11. 11. Angulimala felt overcome by the words of the Blessed One, saying,"At last this sage has tracked me down."

12. 12.”And now that thy hallowed words ask me to renounce evil deeds forever, I am prepared to give myself a trial,”replied Angulimala.
13. 13. Angulimala threw into a deep abyss the string of his victims' fingers which he wore round his neck and fell at the Master's feet and craved admission to the Brotherhood.
14. 14. The Lord, the guide of gods and men, said:”Almsman, follow me”; and almsman since that summons Angulimala did become.
15. 15. With Angulimala as his almsman in attendance, the Lord now proceeded on his way to the pleasance in Shravasti. At this very time the portals of King Pasenadi's inner palace were beset by a huge crowd loudly shouting that in the realm he had conquered there was a robber named Angulimala, a ruffian who was committing ravages and was killing and wounding innocent people and who took pride in wearing a necklace made of fingers of victims whom he slew.”Suppress him, sire,”they cried. Pasenadi promised to run him down to earth. But he failed. 16. One morning King Pasenadi went to the pleasance to see the Lord. The Blessed Lord inquired:

“What is the matter, sire? Is there trouble with Seniya Bimbisara of Magadha, or with Licchavis of Vesali or with any other hostile power?”

17.”No trouble at all of that sort, sir. In my realms there is a robber named Angulimala who is infesting my territories and harassing my subjects. I want to suppress him but I have failed.”

1. 18.”If now, sire, you were to see Angulimala with his hair and beard off, in the yellow robes, as a pilgrim who kills not. steals not, lies not, eats but one meal a day, and leads the higher life in virtue and goodness,—what would you do to him?”
2. 19.”Sir, I would salute him, or rise to meet him or would invite him to be seated or invite him to accept robes and other requisites, or I would extend to him the defence, protection and safeguards which are his due. But how could the shadow of such virtue ever extend to one so wicked and depraved?”
3. 20. At that moment the Reverend Angulimala was seated quite close to the Lord, who stretching forth his right arm, said:”This, sire, is

Angulimala !"

4. 21. At this the king in his alarm became dumbfounded, with every hair of his body standing erect. Seeing this, the Lord said,"Fear not, sire; fear not; there is no cause for fear here."

5. 22. So the king's fears and alarm abated ; and across to the reverend Angulimala he went, saying:"Is your reverence indeed Angulimala?""Yes, sire."

6. 23."What sire, was your father's family, and your mother's?""My father was a Gagga, sire, and my mother a Mantani."

7. 24."Be of good cheer, Gagga Mantani-putta; I will take care to supply you with all requisites."

8. 25. Now at the time the Reverend Angulimala having pledged to be resident in the wilds, subsisting on alms, and wearing clothes from the dust heap not exceeding three in number, he declined the king's offer on the ground that he had already got his full three robes. 26. Then the king went across to the Lord and after salutations seated himself to the one side, saying;"It is wonderful, sir, it is marvellous, what a tamer of the untamed the Lord is, how he quells the unquelled, and how he calms the uncalmed ! Here is one whom I could not subdue with cudgel and sword; but without either cudgel or sword the Lord has subdued him! And now, sir, I must be going, for I have much to do and attend to."

9. 27."When Your Majesty pleases."Then, rising from his seat, the king saluted the Lord with deep reverence and withdrew.

10. 28. One day when, duly robed and bowl in hand, Angulimala had gone into Shravasti for alms, he was hit by a clod flung by one man, by a club flung by a second and by a potsherd flung by a third, so that it was with a broken head streaming with blood, with his bowl smashed, and with his cloak in tatters, that he presented himself before the Lord. Seeing him drawing near, the Lord said to Angulimala:"Endure it all, endure it all."

11. 29. Thus did Angulimala the robber become a righteous man by accepting the teachings of the Buddha.

12. 30. Expressing the joy of the bliss of deliverance he said:"Who shows zeal, where zeal was none, who with virtue clokes his past, who in youth to Buddha cleaves, he, like the moon, floods earth with light.

13. 31."Let my foes hear this gospel, embrace this creed and follow wisdom's sons who cleave to it. Let my foes hear in season, love's message

which is meek forbearance—and conform their lives to it.
14. 32."As ' Finger Necklace,' I, bandit, lived and whirled downstream, till He brought me to land. As Tinger Necklace, ' I was steeped in blood; saved now am 1."

§ *3. Conversion of Other Criminals*

1. 1. There was to the south of Rajagraha a great mountain, distant from the city about 200 li.
2. 2. 2. Through this mountain there was a pass, deep and lonely, through which the road to South India lay.
3. 3. Five hundred robbers had taken up their abode in this defile, who used to murder and rob all travellers that passed that way.
4. 4. The king had vainly sent his forces to capture them, but they always escaped.
5. 5. The Buddha, residing in the neighbourhood, and considering the case of these men, that they understood not the nature of their conduct, and that although he had come into the world to teach them, yet their eyes had not seen him, nor their ears heard the tidings of his law, he resolved to go to them.
6. 6. Consequently he transformed himself into a man richly dighted, on a well-caparisoned steed, with his sword and bow, with bags of silver and gold on his saddle-bow, and precious stones studding his horse's bravery.
7. 7. On entering the defile loud neighed his steed. On hearing the sound the 500 robbers started up, and spying the traveller, exclaimed,"Never have we had such a prospect of booty; let us be up, and capture him!"
8. 8. So they proceeded to surround the traveller, with a view to prevent his escape; but on seeing him they fell on the ground.
9. 9. On their falling to the ground, they exclaimed,"What God is this?""What God is this?"
10. 10. On this the traveller began to explain that such hurts and pains as they give and receive were trivial compared with the pain caused by the sorrow that rules the world, and the wounds of unbelief and doubt, and that nought but the wisdom resulting from earnest attention (hearing) to the Scriptures could heal such wounds; and then he added these words and

said:
11. 11.”There is no painful wound so bad as sorrow—no piercing arrow so sharp as folly. Nothing can remedy these but an earnest attention to religious instruction. From this the blind receive sight, the deluded are enlightened.
12. 12.”Men are guided and led by this, as eyes, given to them without eyes.
13. 13.”This, then, is able to dispel unbelief, to remove sorrow, to impart joy; the highest wisdom is the lot of those who”hear.”
14. 14.”This is the title of him who has acquired the greatest merit (most to be revered).”
15. 15. On hearing this the robbers repented of their evil lives, and the arrows, of themselves, left their bodies, and their wounds were healed.
16. 16. They then became disciples, and obtained rest and peace.

§ *4. Risk of Conversion*

1. 1. In olden times, Buddha was residing in a country about 500 li from Rajagraha, full of mountains. In these mountains there lived a certain clan of about 122 persons, who occupied themselves in hunting, and fed themselves on the flesh of the animals they killed.
2. 2. (Buddha goes to the place and converts the women, who 'were left alone during the day, whilst their husbands were hunting, and then adds these lines.)
3. 3.”He who is humane does *not* kill (or, it is humane not to kill); he is ever able to preserve (his own?) life.
4. 4.”This principle (chu) is imperishable; whoever observes it, no calamity shall betide that man. 5.”Politeness, indifference to wordly things, hurting no one, without place for annoyance—this is the character of the Brahma Heaven (or of Brahma Deva).

6.”Ever exercising love towards the infirm; pure, according to the teaching of Buddha ; knowing when sufficient has been had; knowing when to stop,—-this is to escape (the recurrence of) birth and death."

The women, having heard these words, were converted, and on the men's return, although they wished at first to kill Buddha, they were restrained by their wives ; and, listening to these words of love, they also

were converted.
5. 7. And then he added these lines.
6. 8."There are eleven advantages which attend the man who practices mercifulness, and is tender to all that lives.
7. 9."His body is always in health (happy); he is blessed with peaceful sleep, and when engaged in study he is also composed."
8. 10."He has no evil dreams, he is protected by Heaven (Devas) and loved by man ; he is unmolested by poisonous things, and escapes the violence of war; he is unharmed by fire or water.
9. 11."He is successful wherever he lives, and when dead goes to the Heaven of Brahma. These are the eleven."

1. Having uttered these words, both men and women were admitted into the company of his disciples, and obtained rest.

BOOK III: What the Buddha Taught

Part I — His Place in His Dhamma.

Part II — Different Views of the Buddha's Dhamma.

Part III — What is Dhamma.

Part IV — What is Not Dhamma.

Part V — What is Saddhamma

PART I : HIS PLACE IN HIS DHAMMA

1. 1. The Buddha claimed no place for Himself in His Own Dhamma.
2. 2. The Buddha did not promise to give salvation. He said He was Marga Data (Way Finder) and not Moksha Data (Giver of Salvation).
3. 3. The Buddha did not claim any Divinity for Himself or for His Dhamma. It was discovered by man for man. It was not a Revelation.

1. The Buddha claimed no place for Himself in His own Dhamma

1. 1. Christ claimed to be the Prophet of Christianity.
2. 2. He further claimed that he was the Son of God.
3. 3. Christ also laid down the condition that there was no salvation for

a person unless he accepted that Christ was the Son of God.
4. 4. Thus Christ secured a place for Himself by making the salvation of the Christian depend upon his acceptance of Christ as the Prophet and Son of God.
5. 5. Mohammad, the Prophet of Islam, claimed that he was a Prophet sent by God.
6. 6. He further claimed that no one could get salvation unless he accepted two other conditions.
7. 7. A seeker of salvation in Islam must accept that Mohammad is the Prophet of God.
8. 8. A seeker after salvation in Islam must further accept that he is the last prophet.
9. 9. Salvation in Islam is thus ensured only to those who accept these two conditions.
10. 10. Mohammad thus secured a place for Himself by making the salvation of the Muslim depend upon his acknowledgement of Mohammed as the Prophet of God.
11. 11. No such condition was ever made by the Buddha.
12. 12. He claimed that he was no more than the natural son of Suddhodana and Mahamaya.
13. 13. He carved for himself no place in his religion by laying down any such conditions regarding himself for salvation as Jesus and Mahommad did.
14. 14. That is the reason whywe are left to know so little about himself even though abundant material was available.
15. 15. As is known, the first Buddhist congregation was held soon after the death of the Buddha at Rajagraha.
16. 16. Kassyappa presided over the congregation. Anand, Upali and many others who belonged to Kapilavatsu and who wandered with him wherever he went and were with him till his death were present.
17. 17. But what did Kassyappa the President do?
18. 18. He asked Anand to repeat the Dhamma and put the question to the congregation,"Is this right?"They answered in the affirmative. And Kassyappa then closed the question.
19. 19. Thereafter he asked Upali to repeat the Vinaya and put the question to the congregation,"Is this right?"They answered in the

affirmative. Kassyappa then closed the question.
20. 20. Kassyappa then should have put the third question to someone present in the congregation to record some important incidents in the life of the Buddha.
21. 21. But Kassyappa did not. These were the only two questions with which he thought the Sangh was concerned.
22. 22. If Kassyappa had collected the record of the Buddha's life we would have had today a full-fledged biography of the Buddha.
23. 23. Why did it not strike Kassyappa to collect the record about the Buddha's life?
24. 24. It could not be indifference. The only answer one can give is that the Buddha had carved no niche for himself in his religion.
25. 25. The Buddha and his religion were quite apart.
26. 26. Another illustration of the Buddha keeping himself out of his religion is to be found in his refusal to appoint a successor.
27. 27. Twice or thrice the Buddha was requested by his followers to appoint a successor.
28. 28. Every time the Buddha refused.
29. 29. His answer was,"The Dhamma must be its own successor.
30. 30."Principle must live by itself, and not by the authority of man.
31. 31."If principle needs the authority of man it is no principle.
32. 32."If every time it becomes necessary to invoke the name of the founder to enforce the authority of Dhamma then it is no Dhamma."
33. 33. Such was the view he took of his own position regarding his Dhamma.

§2. *The Buddha did not promise to give Salvation. He said He was Marga Data (Way Finder) and not Moksha Data (Giver of Salvation)*

1. 1. Most religions are described as revelations. But the Buddha's religion is not a revelation.
2. 2. A revealed religion is so called because it is a message of God to His creatures to worship their maker (i.e., God) and to save their souls.
3. 3. Often themessage is sent through a chosen individual who is called a prophet to whom the message is revealed and who reveals it to the people. It is then called Religion.

4. 4. The obligation of the prophet is to ensure salvation to the faithful.
5. 5. Salvation of the faithful means the saving of their souls, from being sent to hell provided they obey God's commands and recognise the prophet as his messenger.
6. 6. The Buddha never claimed that he was a prophet or a messenger of God. He repudiated any such description.
7. 7. A more important point than this is that his religion is a discovery. As such it must be sharply distinguished from a religion which is called Revelation.
8. 8. His religion is a discovery in the sense that it is the result of inquiry and investigation into the conditions of human life on earth and understanding of the working of human instincts with which man born, the moulding of his instincts and dispositions which man has formed as a result of history and tradition and which are working to his detriment.
9. 9. All prophets have promised salvation. The Buddha is the one teacher who did not make any such promise. He made a sharp distinction between a *moksha data* and a *marga data,* one who gives salvation and one who only shows the way.
10. 10. He was only a *marga data.* Salvation must be sought by each for himself by his own effort.
11. 11. He made this very clear to the Brahmin Moggallana in the following Sutta.
12. 12.”Once the Exalted One was staying at Shravasti, in the East Park, at the storeyed house of Migara's mother.
13. 13.”Then, the Brahmin Moggallana, the accountant, came to the Exalted One and gave him friendly greeting and after the exchange of courtesies sat down at one side. So seated, the Brahmin Moggallana, the accountant, said this to the Exalted One :
14. 14.”' Just as. Master Gautama, one gets a gradual view of this storeyed house, a progress, a graduated path, and so on right up to the last step of the stairs, just so is the progressive training of us Brahmins : that is to say, in our course of study in the Vedas.'
15. 15.”' Just as in a course of archery, Gautama, with us the Brahmins, the training, the progress, the approach is step by step; for instance, in counting.'
16. 16.”' When we take a private pupil we make him count thus: 'One

one, twice two, thrice three, four times four, and so on up to a hundred.' Now is it possible. Master Gautama, for you to point to a similar progressive training on the part of your followers in your Dhamma.'

17. 17.'" It is so, Brahmin. Take the case, Brahmin, of a clever horse-trainer. He takes a thoroughbred in hand, gives him his first lesson with bit and bridle, and then proceeds to the further course.'

18. 18.'" Just so. Brahmin, the Tathagata takes in hand a man who is to be trained and gives him his first lesson, thus : ' Come thou, brother ! Be virtuous. Abide, constrained by the restraint of the obligation.'

19. 19.'" Become versed in the practice of right behaviour ; seeing danger in trifling faults, do you undertake the training and be a pupil in the moralities.'

20. 20.'" As soon as he has mastered all that, the Tathagata gives him his second lesson, thus : ' Come thou brother ! Seeing an object with the eye, be not charmed by its general appearance or its details.'

21. 21.'"Persist in the restraint of that dejection that comes from craving, caused by the sense of sight uncontrolled, these ill states, which would overwhelm one like a flood. Guard the sense of sight, win control over the sense of sight.'

22.'" And so do with the other organs of sense. When you hear a sound with the ear, or smell a scent with the nose, taste a taste with the tongue, or with body touch things tangible, and when

with mind you are conscious of a thing, be not charmed with its general appearance or its details.'

22. 23.'" As soon as he has mastered all that, the Tathagata gives him a further lesson, thus : ' Come thou, brother ! Be moderate in eating ; earnest and heedful do you take your food, not for sport not for indulgence, not for adding personal charm or comeliness to body, but do it for body's stabilising, for its support, for protection from harm, and for keeping up the practice of the righteous life, with this thought ; ' I check my former feeling. To no new feeling will I give rise, that maintenance and comfort may be mine.'

23. 24.'" Then, Brahmin, when he has won restraint in food, the Tathagata gives him a further lesson thus : ' Come thou, brother ! Abide given to watchfulness. By day, when walking or sitting, cleanse your heart from things that may hinder you. By night spend the first watch walking up

and down or sitting and do likewise. By night in the second watch, lie down on the right side in the posture of a lion, and placing one foot upon the other, mindful and self-possessed, set your thoughts on the idea of exertion. Then in the third watch of the night rise up, and walking up and down, or sitting, cleanse the heart of things that may hinder.'

24. 25.”' Then, Brahmin, when the brother is devoted to watchfulness, the Tathagata gives him a further lesson, thus : ' Come thou, brother ! Be possessed of mindfulness and self-control. In going forth or going back, have yourself under control. In looking forward or looking back, in bending or relaxing, in wearing robes or carrying robe and bowl, in eating, chewing, tasting, in easing yourself, in going, standing, sitting, lying, sleeping or waking, in speaking or keeping silence have yourself under control.'

25. 26.”' Then Brahmin, when he is possessed of self-control, the Tathagata gives him a further lesson thus : ' Come thou, brother ! Seek out a secluded lodging, a forest or root of a tree, a mountain or a cave or a mountain grotto, a charnel field, a forest retreat, the open air, a heap of straw.' And he does so. And when he has eaten his food he sits down crosslegged, and keeping his body straight up, he proceeds to practise the four ecstacies.'

26. 27.”'Now, Brahmin, for all brothers who are pupils, who have not yet attained mastery of mind, who abide aspiring, for such is the manner of my training.'

27. 28.”' But as to those brethren who are arhants, who have destroyed the asavas, who have lived the life, done their task, laid down the burden, won their own salvation, utterly destroyed the fetters of becoming, and are released by the perfect insight, for such as those these things are conducive to ease in the present life and to mindful self-control as well.'

28. 29.”When this was said, the Brahmin Moggallana, the accountant, said to the Exalted One :

29. 30.”' But tell me, Master Gautama. Do the disciples of the worthy Gautama,—do all of them win the absolute perfection which is Nibbana : or do some fail thus to attain?'

30. 31.”Some of my disciples. Brahmin, thus advised and trained by me, do so attain. Others do not,”

31. 32.”But what is the reason, Master Gautama? What is the cause,

Master Gautama? Here we have Nibbana. Here we have the Path to Nibbana. Here we have the worthy Gautama as instructor. What is the reason, I say, why some disciples thus advised and trained do attain, while others do not attain?"

32. 33."That, Brahmin, is a question that I will answer. But first do you answer me this, so far as you think fit. Now how say you. Brahmin—Are you well skilled in the road to Rajagraha?"

33. 34."I am, master, ' Skilled indeed am I in the road to Rajagraha ! '

34. 35."Well, thus instructed, thus advised, he takes the wrong road, and off he goes with his face set to the west.

35. 36."Then a second man comes up with the same request and you give him the same instructions. He follows your advice and comes safe to Rajagraha.

36. 37."'That is my business?'

37. 38."' What do I in the matter. Brahmin? The Tathagata is one who only shows the way. '"

38. 39. Here is a full statement that he does not promise salvation. He only shows the way.

39. 40. Besides what is salvation?

40. 41. With Mohammad and Jesus salvation means saving the soul from being sent to hell by the intercession of the Prophet.

41. 42. With Buddha salvation means Nibbana and Nibbana means control of passions.

42. 43. What promise of salvation can there be in such a Dhamma?

§ *3. The Buddha did not Claim any Divinity for himself or for his Dhamma. It was discovered by man for man. It was not a Revelation*

1. 1. Every founder of religion has either claimed divinity for himself or for his teachings.

2. 2. Moses, although he did not claim for himself any divine origin, did claim divine origin for his teachings. He told his followers that if they wished to reach the land of milk and honey they must accept the teachings because they were the teachings of Jehovah the God.

3. 3. Jesus claimed divinity for himself. He claimed that he was the

Son of God. Naturally His teachings acquired a divine origin.
4. 4. Krishna said that he was God himself and the Gita was his own word.
5. 5. The Buddha made no such claim either for himself or his Sasana.
6. 6. He claimed that he was one of the many human beings and his message to the people was the message of man to man.
7. 7. He never claimed infallibility for his message.
8. 8. The only claim he made was that his message was the only true way to salvation as he understood it.
9. 9. It was based on universal human experience of life in the world.
10. 10. He said that it was open to anyone to question it, test it and find what truth it contained.
11. 11. No founder has so fully thrown open his religion to such a challenge.

PART II : DIFFERENT VIEWS OF THE BUDDHA'S DHAMMA

1. 1. What others have understood Him to have Taught.
2. 2. The Budha's Own Classification.

1. What others have understood Him to have Taught

1. 1."What are the teachings of the Buddha?"
2. 2. This is a question on which no two followers of the Buddha or the students of Buddhism agree.
3. 3. To some Samadhi is his principal teaching.
4. 4. To some it is Vippassana (a kind of Pranayam).
5. 5. To some Buddhism is esoteric. To others it is exoteric.
6. 6. To some it is a system of barren metaphysics.
7. 7. To some it is sheer mysticism.
8. 8. To some it is a selfish abstraction from the world.
9. 9. To some it is a systematic repression of every impulse and emotion of the heart.
10. 10. Many other views regarding Buddhism could be collected.
11. 11. This divergence of views is astonishing.
12. 12. Some of these views are those of men who have a fancy for

certain things. Such are those who regard thai the essence of Buddhism lies in Samadhi or Vippassana, or Esoterism.

13. 13. The other views are the results of the fact that the majority of the writers on Buddhism are students of ancient Indian history. Their study of Buddhism is incidental and occasional.

14. 14. Some of them are not students of Buddhism.

15. 15. They are not even students of anthropology, the subject matter which deals with the origin and growth of religion.

16. 16. The question that arises is—"Did the Buddha have no Social Message?"

17. 17. When pressed for an answer, students of Buddhism refer to the two points. They say—

18. 18."The Buddha taught Ahimsa."

19. 19."The Buddha taught peace!"

20. 20. Asked—"Did the Buddha give anyother Social Message?"

21. 21."Did the Buddha teach justice?"

22. 22."Did the Buddha teach love?"

23. 23."Did the Buddha teach liberty?"

24. 24."Did the Buddha teach equality?"

25. 25."Did the Buddha teach fraternity?"

26. 26."Could the Buddha answer Karl Marx?"

27. 27. These questions are hardly ever raised in discussing the Buddha's Dhamma.

28. 28. My answer is that the Buddha has a Social Message. He answers all these questions. But they have been buried by modern authors.

§ 2. *The Buddha's Own Classification*

1. 1. The Buddha adopted a different classification of Dhamma.

2. 2. The first category he called Dhamma.

3. 3. He created a new category called Not-Dhamma (Adhamma) though it went by the name of Dhamma.

4. 4. He created a third category which he called Saddhamma.

5. 5. The third category was another name for Philosophy of Dhamma.

6. 6. To understand His Dhamma one must understand all the three—Dhamma, Adhamma and Saddhamma.

PART III : WHAT IS DHAMMA?

1. 1. To Maintain Purity of Life is Dhamma.
2. 2. To Reach Perfection in Life is Dhamma.
3. 3. To Live in Nibbana is Dhamma.
4. 4. To Give up Craving is Dhamma.
5. 5. To believe that all compound things are impermanent is Dhamma.
6. 6. To believe that Karma is the instrument of Moral Order is Dhamma.

§ ***1.*** *To Maintain Purity of Life is Dhamma*

1. 1. "There are these three forms of purity... And of what sort is purity of body?
2. 2. "Herein a certain one abstains from taking life, from stealing, from sinful living. This is called ' purity of body.'
3. 3."And of what sort is purity of speech?
4. 4."Herein a certain one abstains from falsehood...
5. 5."And of what sort is purity of mind?
6. 6."Herein a monk, if he have some personal sensual desire, is aware: ' There is in me sensual desire.' If there be none he is likewise aware of it. Also he is aware of how the arising of sensual desire not yet arisen comes about, and how it is abandoned when it has arisen, and how in the future there is no such arising.
7. 7."If he have some personal malevolence, he is aware ; ' There is within me malevolence.' Also he is aware of the arising . . . and the abandoning thereof, and of how in future there is no recurrence thereof.
8. 8."If he have some personal sloth-and-torpor . . . excitement and flurry . . . if he have some personal doubt-and-wavering, he is aware of the fact. Also of how (each of these) arises, is abandoned and recurs not again in future. This is called ' purity of mind.'
9. **9.**"He who is pure in body, speech, and mind,"Sinless and clean and blessed with purity,—"*Sin-washer' is the name men give to him."

1. 1."There are three forms of purity . . . Purity of body, purity of

speech, purity of mind."
2. 2."And of what sort is purity of body?"
3. 3. "Herein a certain one abstains from taking life, from stealing from wrong practice in sensual lusts. This is called ' purity of body'."
4. 4. "And of what sort is purity of speech?"
5. 5. "Herein a certain one abstains from falsehood . . . from idle babble. This is called 'purity of speech.'"
6. 6. "And of what sort is purity of mind?"
7. 7."Herein a certain one is not covetous or malevolent of heart and has right view. This is called * purity of mind.' These are the three forms of purity."

1. 1. There are these five weaknesses, which are a source of weakness to training. What five?
2. 2. Taking life; taking what is not given; lustful, evil practices ; lying ; and indulging in spirituous liquors, which cause idleness.
3. 3. These are the five causes which lead to failure.
4. 4. When these five sources of weakness to training are put away, four arisings of mindfulness should be made to become.
5. 5. Herein a monk abides contemplating the body as body, strenuous, mindful and self-possessed, having overcome both the hankering and discontent common in the world.
6. 6. He abides contemplating the feelings as feelings ...
7. 7. He abides contemplating the mind as mind . . .
8. 8. He abides contemplating ideas as ideas, strenuous, mindful and self-possessed, having overcome both the hankering and discontent common in the world.
9. 9. When these five sources of weakness to training are put away, these four arisings of mindfulness should be made to become.

1. 1. There are these three failures. Failure in morals, failure in mind, failure in view.
2. 2. And of what sort is failure in morals? A certain one takes life, steals, is a wrong-doer in sensual desires, a liar, a slanderer, of bitter speech, an idle babbler. This is called"failure in morals."
3. 3. And of what sort is failure in mind?

4. 4. A certain one is covetous and malevolent of heart. This is called"failure in mind."
5. 5. And of what sort is failure in view?
6. 6. Herein a certain one holds the depraved, the perverse view that there is no (virtue in) alms giving, in sacrifice, in offerings : that there is no fruit, no result of good and evil deeds: that this world is not, that there is no world beyond: that there is no mother, no father, no beings of spontaneous birth : that in the world are no recluses and Brahmins who have won the summit, who have won perfection, who of themselves by their own in tuitional powers have realised the world beyond and can proclaim it. This, monks, is called"failure in view."
7. 7. Monks, it is due to failure in morals, failure in mind and in view that beings, when body breaks up after death, are reborn in the Waste, the Way of Woe, in the Downfall, in Purgatory. Such are the three failures.
8. 8. Monks, there are these three successes. What three? Success in morals, success in mind, success in view.
9. **9.** Now of what sort is success in morals?
10. 10. A certain one abstains from taking life and the rest . . . from bitter speech and idle babbling. This is called"success in morals."
11. 11. And of what sort is success in mind?
12. 12. Herein a certain one is not covetous or malevolent of heart. This is called"success in mind."
13. 13. And of what sort is success in view?
14. 14. Herein a certain one has right view: he holds with certainty that there is (virtue in) almsgiving, in sacrifice, in offerings: that there is fruit and result of good and evil deeds: that this world is, that there is a world beyond: that mother, father and beings of spontaneous birth do exist: that in the world there are recluses and Brahmins who have realised the world beyond and can proclaim it. This, monks, is called"success in view."15. It is owing to success in these three things that beings, when body breaks up after death, are reborn in the Happy Lot, in the Heaven World. Such, monks, are the three successes.

§2. *To Reach Perfection in Life is Dhamma*

1. 1. There are these three perfections.

2. 2. Perfection in body, speech and mind.
3. 3. And of what sort is perfection in mind?
4. 4. By the destruction of the asavas, realising in this very life himself, knowing it thoroughly—the heart's release, the release by insight which is free from the asavas, having attained it abides therein. This is called"perfection in mind."These are the three bodily perfections.
5. 5. There are other perfections. The Buddha explained them to Subhuti.
6. 6. SUBHUTI : What is a Bodhisattva's perfection of giving?
7. 7. THE LORD : Here a Bodhisattva, his thoughts associated with the knowledge of all modes, gives gifts, i.e., inward or outward things, and, having made them common to all beings, he dedicates them to supreme enlightenment ; and also others he instigates thereto. But there is nowhere an apprehension of anything.
8. 8. SUBHUTI : What is a Bodhisattva's perfection of morality?
9. 9. THE LORD : He himself lives under the obligation of the ten ways of wholesome acting, and also others he instigates thereto.
10. 10. SUBHUTI : What is a Bodhisattva's perfection of patience?
11. 11. THE LORD : He himself becomes one who has achieved patience, and others also he instigates to patience.
12. 12. SUBHUTI : What is a Bodhisattva's perfection of vigour?
13. 13. THE LORD: He dwells persistently in the five perfections, and also others he instigates to do likewise.
14. 14. SUBHUTI : What is the Bodhisattva's perfection of concentration (or meditation)?
15. 15. THE LORD : He himself, through skill in means, enters into the trances, yet he is not reborn in the corresponding heavens of form as he could ; and others also he instigates to do likewise.
16. 16. SUBHUTI : What is a Bodhisattva's perfection of wisdom?
17. 17. THE LORD : He does not settle down in any dharma, he contemplates the essential original nature of all dharmas ; and others also he instigates to the contemplation of all dharmas.
18. 18. It is Dhamma to cultivate these perfections.

§ *3. To Live in Nibbana is Dhamma*

1. 1.”Nothing can give real happiness as Nibbana.”So said the Buddha.
2. 2. Of all the doctrines taught by the Buddha the doctrine of Nibbana is the most central one.
3. 3. What is Nibbana? Nibbana as taught by the Buddha has a totally different meaning and content than what has been given to it by his predecessors.
4. 4. By Nibbana they meant the salvation of the soul.
5. 5. Thus there were four ways in which Nibbana was conceived of: (1) Laukik (material, eat, drink and be merry type) ; (2) Yogic ; (3) Brahmanic and (4) Upanishadic.
6. 6. There was one common feature of the Brahmanic and Upanishadic conceptions of Nibbana. They involved the recognition of a soul as an independent entity—a theory which the Buddha had denied. The Buddha had therefore no difficulty in rejecting the Brahmanic and Upanishadic teaching of Nibbana.
7. 7. The Laukik conception of Nibbana was too materialistic to appeal to the Buddha. It meant nothing but the satisfaction of man's animal appetites. There was nothing spiritual in it.
8. 8. To accept such a conception of Nibbana the Buddha felt was a gross wrong that can be done to a human being.
9. 9. For the satisfaction of appetites can result only in creating more appetites. Such a way of life could bring no happiness, he thought. On the contrary, such happiness was sure to bring more unhappiness.
10. 10. The Yogic conception of Nibbana was a purely temporary state. The happiness it brought was negative. It involved disassociation from the world. It avoided pain but gave no happiness. Whatever happiness it may be said to bring lasted as long as the yoga lasted. It was not permanent. It was temporary.
11. 11. The Buddha's conception of Nibbana is quite different from that of his predecessors.
12. 12. There are three ideas which underlie his conception of Nibbana.
13. 13. Of these the happiness of a sentient being as distinct from the salvation of the soul is one.
14. 14. The second idea is the happiness of the sentient being in *Samsara* while he is alive. But the idea of a soul and the salvation of the soul after death are absolutely foreign to the Buddha's conception of Nibbana.

15. 15. The third idea which underlies his conception of Nibbana is the exercise of control over the flames of the passions which are always on fire.
16. 16. That the passions are like burning fire was the text of a sermon which the Buddha delivered to the Bhikkus when he was staying in Gaya. This is what he said:
17. 17."All things, O Bhikkus, are on fire. And what, 0 Priests, are all these things which are on fire?
18. 18."The eye, O Bhikkus, is on fire ; forms are on fire ; eye-consciousness is on fire ; impressions received by the eye are on fire ; and whatever sensation, pleasant, unpleasant, - or indifferent, originates in dependence on impression received by he type, that also is on fire."
19. 19."And with what are these on fire?"
20. 20."With the. fire of passion say I, with the fire of hatred, with the fire of infatuation ; with birth, old age, death, sorrow, lamentation, misery, grief and despair are they on fire."
21. 21."The ear is on fire ; sounds are on fire ; the nose is on fire ; odours are on fire ; the tongue is on fire ; tastes are on fire ; the body is on fire ; ideas are on fire ; and whatever sensation, pleasant, unpleasant, or indifferent, originates in dependence on impression received by the mind, that also is on fire.
22. 22."And with what are these on fire?"
23. 23."With the fire of passion, say I ; with the fire of hatred ; with the fire of infatuation ; with birth ; old age, death, sorrow, lamentation, misery, grief, and despair are they on fire."
24. 24."Perceiving this, O Bhikkus, the learned and noble conceives an aversion. And in conceiving this aversion, he becomes divested of passion, and by the absence of passion he becomes free, and when he is free he becomes aware that he is free."
25. 25. How can Nibbana give happiness?That is the next question which calls for explanation.
26. 26. The common notion is that man is unhappy because he is in want. But this is not always true. Man is unhappy even though he is in the midst of plenty.
27. 27. Unhappiness is the result of greed, and greed is the bane of life of those who have as well as of those who have not.
28. 28. This the Buddha has made clear in a sermon delivered to the

Bhikkus in which he said.

29. 29."Excited by greed (lobha), brothers, furious with anger (dosa), blinded by delusion (moha), with mind overwhelmed, with mind enslaved, men reflect upon their own misfortune, men reflect upon the misfortune of others, men experience mental suffering and anguish.

30. 30. If, however, greed, anger and delusion are done away, men reflect neither upon their own misfortune nor on mental suffering and anguish.

31. 31. Thus, brothers, is Nibbana visible in this life and not merely in the future ; inviting, attractive, accessible to the wise disciple."

32. 32. Herein lies the explanation of what consumes man and makes him unhappy. By using this analogy of burning fire to the working of human passions the Buddha has given the most forceful explanation for the unhappiness of man.

33. 33. What makes man unhappy is his falling a prey to his passions. These passions are called fetters which prevent a man from reaching the state of Nibbana. The moment he is free from the sway of his passions, i.e., he learns to achieve Nibbana, man's way to happiness is open to him.

34.These passions, according to the Buddha's analysis, fall under three groups.

1. 35. First: that which refers to all degrees of craving or attachment—such as lust, infatuation and greed (lobha).
2. 36. Second: that which refers to all degrees of antipathy—hatred, anger, vexation or repugnance (dosa).
3. 37. Third: that which refers to all degrees of ignorance—delusion, dullness and stupidity (moha or avidya).
4. 38. The first and second fires relate to the emotions and over the whole scale of one's attitudes and feelings towards other beings, while the third fire relates to all ideas that are in any way removed from the truth.
5. 39. There are certain misunderstandings about the Buddha's doctrine of Nibbana.
6. 40. The word Nibbana etymologically means outblowing, extinguishing.
7. 41. Taking hold of this root meaning of the word, critics have tried to make nonsense of the doctrine of Nibbana.

8. 42. They hold that Nibbana means extinction of all human passions which is equivalent to death.
9. 43. They have by this means tried to throw ridicule over the doctrine of Nibbana.
10. 44. That such is not the meaning of Nibbana is quite clear if one examines the language of the fire sermon.
11. 45. The fire sermon does not say that life is burning and death is extinction. It says passions are on fire.
12. 46. The fire sermon does not say that the passions must be extinguished completely. It says do not add fuel to the flame.
13. 47. Secondly, critics have failed to make a distinction between Nibbana and Parinibbana.
14. 48. As the Udana says:"Parinibbana occurs when the body becomes disintegrated, all perceptions become stopped, all sensations die away, the activities cease and consciousness goes away. Thus Parinibbana means complete extinction."
15. 49. Nibbana can never have this meaning. Nibbana means enough control over passion so as to enable one to walk on the path of righteousness. It was not intended to mean. anything more.
16. 50. That Nibbana is another name for righteous life is made clear by the Buddha himself to Radha.
17. 51. Once the venerable Radha came to the Exalted One. Having done so he saluted the Exalted One and sat down at one side. So seated the venerable Radha thus addressed the Exalted One:"Pray Lord, what for is Nibbana?"
18. 52."Nibbana means release from passion"replied the Lord.
19. 53."But Nibbana, Lord,—what is the aim of it?"
20. 54."Rooted in Nibbana, Radha, the righteous life is lived. Nibbana is its goal. Nibbana is its end."
21. 55. That Nibbana does not mean extinction is also made clear by Sariputta in the following sermon:
22. 56."Once the Blessed Lord was staying at Shravasti in Anathpindika's Arama where Sariputta was also staying.
23. 57."The Lord, addressing the brethren, said : ' Almsmen, be ye partakers not of the world's goods but of my doctrine; in my compassion for you all I am anxious to ensure this.'

24. 58.”Thus spoke the Lord, who thereupon rose and passed to his own cell.
25. 59.”Sariputta remained behind and the brethren asked him to explain what is Nibbana.
26. 60.”Then Sariputta in reply to the brethren said : ' Brethren, know ye that greed is vile, and vile is resentment.
27. 61.”'To shed this greed and this resentment, there is the Middle Way which gives us eyes to see and makes us know, leading us on to peace, insight, enlightenment and Nibbana.
28. 62.”' What is this Middle Way? It is naught but the Noble Eightfold Path of right outlook, right aims, right speech, right action, right means of livelihood, right effort, right mindfulness, and right concentration; this, almsmen is the Middle Way.
29. 63.”' Yes, sirs: anger is vile and malevolence is vile, envy and jealousy are vile, niggardliness and avarice are vile, hypocrisy and deceit and arrogance are vile, inflation is vile, and indolence is vile.
30. 64.”' For the shedding of inflation and indolence there is the Middle Way—giving us eyes to see, making us know, and leading us on to peace, insight, enlightenment.
31. 65.”'Nibbana which is naught but that Noble Eightfold Path.'“
32. 66. Thus spoke the revered Sariputta—Glad at heart, the almsmen rejoiced at what he had said.
33. 67. That the idea underlying Nibbana is that it is the path of righteousness. No one will mistake Nibbana for anything else.
34. 68. Complete annihilation is one extreme and Parinibbana is another extreme. Nibbana is the Middle Way.
35. 69. So understood all confusion about Nibbana will disappear. §4. *To Give up Craving is Dhamma*

1. 1. In the Dhammapada the Buddha says:”There is no greater benefit than. health and there is nothing more valuable than the spirit of contentment.”
2. 2. This spirit of contentment is not to be understood to mean meekness or surrender to circumstances.
3. 3. Because that would be quite contrary to the other teachings of the Buddha.

4. 4. The Buddha has not said,"Blessed are they who are poor."
5. 5. The Buddha has not said that the sufferer should not try to change his condition.
6. 6. On the other hand, he has said that riches are welcome and instead of listless suffering he taught Virya which is energetic action.
7. 7. What the Buddha meant when he said that contentment is the highest form of wealth is that man should not allow himself to be overpowered by greed which has no limits.
8. 8. As the Bhikku Rathapala has said:"Rich men I see who, folly-led, never give, but still amass, athirst for pleasures new; the king whose conquests to the sea extend, for sway over empires overseas will pine, still craving, kings and subjects pass away; lacking, still lacking, they their bodies quit; never on earth can pleasures' measure be filled."
9. 9. In the Maha-Nidan-Suttanta the Buddha has explained to Ananda the necessity of controlling greed. This is what he said.
10. 10."This it is, Ananda, that craving comes into being because of desire for gain, when desire for gain becomes a passion for possession when the spirit of possession gives rise to tenacity of possession it becomes avarice.
11. 11."Avarice or possession due to uncontrolled acquisitive instinct calls for watch and ward.
12. 12."Whyis this craving or greed to be condemned? Because of this,"said the Buddha to Ananda,"many a bad and wicked state of things arises—blows and wounds, strife, contradiction and retorts ; quarrelling, slander and lies."
13. 13. That this is the correct analysis of class struggle there can be no doubt.
14. 14. That is why the Buddha insisted upon the control of greed and craving.

§ *5. To believe that all compound things are impermanent is Dhamma*

1. 1. This doctrine of impermanence has three aspects.
2. 2. There is the impermanence of composite things.
3. 3. There is the impermanence of the individual being.

4. 4. There is the impermanence of the self nature of conditioned things.
5. 5. The impermanence of composite things has been well explained by the great Buddhist philosopher Asanga.
6. 6."All things,"says Asanga,"are produced by the combination of causes and conditions and have no independent noumenon of their own. When the combination is dissolved, their destruction ensures.
7. 7."The body of a living being consists of the combination of four great elements, viz., earth, water, fire and air, and when this combination is resolved into the four component elements, dissolution ensues.
8. 8."This is what is called the impermanence of a composite entity."
9. 9. Impermanence of the living individual is best described by the formula—being is becoming.
10. 10. In this sense a being of a past moment has lived, but does not live nor will he live. The being of a future moment will live but has not lived nor does he live ; the being of the present moment does live but has not lived and will not live.
11. 11. In short, a human being is always changing, always growing. He is not the same at two different moments of his life.
12. 12. The third phase of the doctrine of impermanence is somewhat difficult for a common man to follow.
13. 13. To realise that everyliving being will die sometime or other is a very easy matter to understand.
14. 14. But it is not quite so easy to understand how a human being can go on changing—-becoming— while he is alive.
15. 15. **"How** is this possible?"The Buddha's answer was,"This is possible because all is impermanent."
16. 16. This later on gave rise to what is called Sunnya Vad.
17. 17. The Buddhist Sunnyata does not mean nihilism out and out. It only means the perpetual changes occurring at every moment in the phenomenal world.
18. 18. Very few' realise that it is on account of Sunnyata that everything becomes possible ; without it nothing in the world would be possible. It is on the impermanence of the nature of all things that the possibility of all other things depends.
19. 19. If things were not subject to continual change but were

permanent and unchangeable, the evolution of all of life from one kind to the other and the development of living things would come to a dead stop.
20. 20. If human beings died or changed but had continued always in the 'same state what would the result have been? The progress of the human race would have come to a dead halt.
21. 21. Immense difficulty would have arisen if Sunnya is regarded as being void or empty.
22. 22. But this is not so. Sunnya is like a point which has substance but neither breadth nor length.
23. 23. All things are impermanent was the doctrine preached by the Buddha.
24. 24. What is the moral-of this doctrine of the Buddha? This is a much more important question.
25. 25. The moral of 'this doctrine of impermanence is simple. Do not be attached to anything.
26. 26. It is to cultivate detachment, detachment from property, from friends, etc., that he said"All these are impermanent."

§ 6. To believe that Karma is the instrument of Moral Order is Dhamma

1. 1. There is an order in the physical world. This is proved by the following phenomenon.
2. 2. There is a certain order in the movements and actions of the starry bodies.
3. 3. There is a certain order by which seasons come and go in regular sequence.
4. 4. There is a certain order by which seeds grow into trees and trees yield fruits and fruits give seeds.
5. 5. In Buddhist terminology these are called Niyamas, laws which produce an orderly sequence such as Rutu Niyam, Bija Niyam.
6. 6. Similarly is there a moral order in Human Society. How is it produced? How is it maintained?
7. 7. Those who believe in the existence of God have no difficulty in answering the question. And their answer is easy.
8. 8. Moral order, they say, is maintained by Divine Dispensation. God created the world and God is the Supreme Governor of the world. He is

also the author of moral as well as of physical law.
9. 9. Moral law, according to them, is for man's good because it ensues from Divine will. Man is bound to obey God who is his maker and it is obedience to God which maintains the moral order.
10. 10. Such is the argument in support of the view that the moral order is maintained by Divine Dispensation.
11. 11. The explanation is by no means satisfactory. For if the moral law has originated from God, and if God is the beginning and end of the moral order and if man cannot escape from obeying God, why is there so much moral disorder in the world?
12. 12. What is the authority of the Divine Law? What is the hold of the Divine Law over the individual? These are pertinent questions. But to none of them is there any satisfactory answer from those who rely on Divine Dispensation as the basis for the moral order.
13. 13. To overcome these difficulties the thesis has been somewhat modified.
14. 14. It is said : no doubt creation took effect at the command of God. It is also true that the cosmos entered upon its life by his will and by his direction, It is also true that He imparted to the cosmos once for all the energy which served as the driving power of a stupendous mechanism.
15. 15. But God leaves it to Nature to work itself out in obedience to the laws originally given by him.
16. 16. So that if the moral order fails to work out as expected by God, the fault is of Nature and not of God.
17. 17. Even this modification in the theory does not solve the difficulty. It only helps to exonerate God from his responsibility. For the question remains, why should God leave it to Nature to execute His laws? What is the use of such an absentee God?
18. 18. The answer which the Buddha gave to the question,—"How is moral order maintained?"is totally different.
19. 19. His answer was simple."It is the Kamma Niyam and not God which maintains the moral order in the universe."That was the Buddha's answer to the question.
20. 20. The moral order of the universe may be good or it may be bad. But according to the Buddha the moral order rests on man and on nobody else.

21. 21. Kamma means man's action and Vipaka is its effect. If the moral order is bad it is because man does Akusala (Bad) Kamma. If the moral order is good it is because man does Kusala (Good) Kamma.
22. 22. The Buddha was not content with merely speaking of Kamma. He spoke of the law of Kamma which is another name for Kamma Niyam.
23. 23. By speaking of the law of Kamma what the Buddha wanted to convey was that the effect of the deed was bound to follow the deed, as surely as night follows day. It was like a Niyam or rule.
24. 24. No one could fail to benefit by the good effects of a Kusala Kamma and no one could escape the evil effects of Akusala Kamma.
25. 25. Therefore, the Buddha's admonition was: Do Kusala Kamma so that humanity may benefit by a good moral order which a Kusala Kamma helps to sustain ; do not do Akusala Kamma for humanity will suffer from the bad moral order which an Akusala Kamma will bring about.
26. 26. It may be that there is a time interval between the moment when the Kamma is done and the moment when the effect is felt. It is so, often enough.
27. 27. From this point of view, Kamma is either (1) Ditthadamma Vedaniya Kamma (Immediately Effective Kamma); (2) Upapajjavedaniya Kamma (Remotely Effective Kamma); and (3) Aporapariya Vedaniya Kamma (Indefinitely Effective Kamma).
28. 28. Kamma may also fall into the category of Ahosi Kamma, i.e., Kamma which is non-effective. This Ahosi Kamma comprises all such Kammas which are too weak to operate, or which are counteracted by a more Kamma, at the time when it should have worked.
29. 29. But making allowance for all these considerations, it does not in any sense derogate from the claim made by the Buddha that the law of Kamma is inexorable.
30. 30. The theory of the law of Kamma does not necessarily involve the conception that the effect of the Kamma recoils on the doer of it and there is nothing more to be thought about it. This is an error. Sometimes the action of one affects another instead of the doer. All the same it is the working of the law of Kamma because it either upholds or upsets the moral order.
31. 31. Individuals come and individuals go. But the moral order of the universe remains and so also the law of Kamma which sustains it.

32. 32. It is for this reason that in the religion of the Buddha, Morality has been given the place of God.
33. 33. Thus the Buddha's answer to the question—"How the moral order in the universe is sustained?"is so simple and so irrefutable. 34. And yet its true meaning is scarcely grasped.

Often, almost always, it is either misunderstood or misstated or misinterpreted. Not many seem to be conscious that the law 'of Kamma was propounded by the Buddha as an answer to the question—"How the moral order is maintained?"

1. 35. That, however, is the purpose of Buddha's Law of Kamma.
2. 36. The Law of Kamma has to do only with the question of general moral order. It has nothing to do with the fortunes or misfortunes of an individual.
3. 37. It is concerned with the maintenance of the moral order in the universe.
4. 38. It is because of this that the law of Kamma is a part of Dhamma.

PART IV : WHAT IS NOT—DHAMMA

1. 1. Belief in the Supernatural is Not—Dhamma.
2. 2. Belief in Ishwara (God) is Not Essentially Part of Dhamma.
3. 3. Dhamma Based on Union with Brahma is a False Dhamma.
4. 4. Belief in Soul is Not—Dhamma.
5. 5. Belief in Sacrifices is Not—Dhamma.
6. 6. Belief Based on Speculation is Not—-Dhamma.
7. 7. Reading Books of Dhamma is Not—Dhamma.
8. 8. Belief in the Infallibility of Books of Dhamma is Not— Dhamma.

§ *1. Belief in the Supernatural is Not-Dhamma*

1. 1. Whenever any phenomenon occurs, humanity is always wanting to know how it has happened, what is the cause of it.
2. 2. Sometimes cause and the effect are so proximate and so close that it is not difficult to account for the occurrence of the event.

3. 3. But often-times the effect is so far away from the cause for the effect is not accountable. Apparently there appears to be no cause for it.
4. 4. Then the question arises: How has this event occurred?
5. 5. The commonest answer is that the occurrence of the event is due to some supernatural cause which is often called a miracle.
6. 6. The Buddha's predecessors gave very different answers to this question.
7. 7. Pakauda Katyana denied that there was a cause for every event. Events, he said, occurred independently.
8. 8. Makhali Ghosal admitted that an event must have a cause. But he preached that the cause is not to be found in human agency but is to be sought in nature, necessity, inherent laws of things, predestination or the like.
9. 9. The Buddha repelled these doctrines. He maintained that not only every event has a cause but the cause is the result of some human action or natural law.
10. 10. His contention against the doctrine of Time, Nature, Necessity, etc., being the cause of the occurrence of an event, was this.
11. 11. If Time, Nature, Necessity, etc., be the sole cause of the occurrence of an event, then who are we?
12. 12. Is man merely a puppet in the hands of Time, Nature, Chance, Gods, Fate, Necessity?
13. 13. What is the use of man's existence if he is not free? What is the se of man's intelligence if he continues to believe in supernatural causes?
14. 14. If man is free, then every event must be the result of man's action or of an act of Nature. There cannot be any event which is supernatural in its origin.
15. 15. It may be that man is not able to discover the real cause of the occurrence of an event. But if he has intelligence he is bound one day to discover it.
16. 16. In repudiating supernaturalism the Buddha had three objects.
17. 17. His first object was to lead man to the path of rationalism.
18. 18. His second object was to free man to go in search of truth.
19. 19. His third object was to remove the most potent source of superstition, the result of which is to kill the spirit of inquiry.
20. 20. This is called the law of Kamma or Causation.

21. 21. This doctrine of Kamma and Causation is the most central doctrine in Buddhism. It preaches Rationalism and Buddhism is nothing if not rationalism.
22. 22. That is why worship of the supernatural is Not—Dhamma.

§ 2. *Belief in Ishwara (God) is Not Essentially Part of Dhamma*

1. 1. Who created the world is a common question. That the world was created by God is also a very common answer.
2. 2. In the Brahmanic scheme this God is called by a variety of names—Prajapati, Ishwar, Brahma or Maha Brahma.
3. 3. To the question who this God is and how He came into being there is no answer.
4. 4. Those who believe in God describe Him as a being who is *omnipotent,* i.e., all-powerful. *Omni present,* i.e., he fills the whole universe, and *Omniscient,* i.e., he knows everything.
5. 5. There are also certain moral qualities which are attributed to God. God is said to be good, God is said to be just and God is said to be all-loving.
6. 6. The question is did the Blessed Lord accept God as the creator of the universe,
7. 7. The answer is,"No."He did not.
8. 8. There are various grounds why he rejected the doctrine of the Existence of God.
9. 9. Nobody has seen God. People only speak of God.
10. 10. God is unknown and unseen.
11. 11. Nobody can prove that God has created the world. The world has evolved and is not created.
12. 12. What advantage can there be in believing in God? It is unprofitable.
13. 13. The Buddha said that a religion based on God is based on speculation.
14. 14. A religion based on God is, therefore, not worth having.
15. 15. It only ends in creating superstition.
16. 16. The Buddha did not leave the question there. He discussed the question in its various aspects.

17. 17. The grounds on which he rejected the doctrine were various.
18. 18. He argued that the doctrine of the Existence of God is not based on truth.
19. 19. This he made clear in his dialogue with the two Brahmins, Vasettha and Bhardvaja.
20. 20. Now a dispute arose between them as to which was the true path of salvation and which false.
21. 21. About the time the Blessed One was journeying through Kosala with a great company of the brethren he happened to halt at the Brahmin village called Manaskata and stayed in the mango grove on the bank of the river Akiravati.
22. 22. Manaskata was the town in which Vasettha and Bhardvaja lived. Having heard that the Blessed Lord was staying in their town, they went to him and each one put forth his point of view.
23. 23. Bhardvaja said :"The path of Tarukkha is the straight path, this is the direct way which makes for salvation, and leads him, who acts according to it, into a state of union with Brahma."
24. 24. Vasettha said:"Various Brahmins, 0 Gotama, teach various paths. The Addhariya Brahinmins, the Tittiriya Brahmins, the Kanchoka Brahmins, the Bheehuvargiya Brahmins. They all lead those who act according to them, into a state of union with Brahma.
25. 25."Just as near a village or a town there are many and various paths yet they all meet together in the village—just in the same way all the various paths taught by the various Brahmins lead to union with Brahma."
26. 26."Do you say that they all lead aright, Vasettha?"asked the Buddha."I say so, Gautama,"replied Vasettha.
27. 27."But Vasettha, is there a single one of the Brahmins versed in the three Vedas who has ever seen Brahma face to face."
28. 28."No, indeed, Gautama."
29. 29."Is there a single one of the teachers of the Brahmanas versed in the three Vedas who has seen Brahma face to face?"
30. 30."No, indeed, Gautama."
31. 31."Nobody has seen Brahma. There is no perceptual knowledge about Brahma.""So it is,"said Vasettha."How then can you believe that the assertion of the Brahmins that Brahma exists is based on truth?

32."Just, Vasettha, as when a string of blind men are clinging one to

the other, neither can the foremost see nor can the middle one see nor can the hindmost see—just even so, methinks, Vasettha, is the talk of the Brahmins nothing but blind talk. The first sees not, the middle one

sees not, nor can the latest one. The talk of these Brahmins turns out to be ridiculous, mere words, a vain and empty thing.

32. 33."Is this not a case, Vasettha, of a man falling in love with a woman whom he has not seen?""Yes, it is,"replied Vasettha.

33. 34."Now what think you Vasettha? If people should ask you, 'Well! Good friend ! This most beautiful woman in the land, whom you thus love and long for, who is she? Is she a noble lady, or a Brahmin woman, or of the trader class, or a Sudra? '

34. 35."With regard to the origin of Maha Brahma, the so-called creator,"the Blessed Lord said, addressing Bhardvaja and Vasettha,"Friends, that being who was first born thinks thus : I am Brahma, the Great Brahma, the Vanquisher, the Unvanquished, the All-seeing, the Disposer, the Lord, the Maker, the Creator, the Chief, the Assignor, the Master of Myself, the father of all that are and are to be. By me are these beings created.

35. 36."This means that Brahma is the father of those that are and are to be.

37."You say that the worshipful Brahma, the Vanquisher, the Unvanquished, Father of all that are and are to be, he by whom we were created, he is permanent, constant, eternal, unchanging, and he will remain so for ever and ever. Then why are we who are created by that Brahma, have come hither, all impermanent, transient, unstable, short-lived, destined to pass away?"

1. 38. To this Vasettha had no answer.

2. 39. His third argument had reference to the Omnipotence of God."If God is Omnipotent and is also the efficient cause of creation, then because of this man cannot have any desire to do anything, nor can there be any necessity to do anything, nor can he have the will to do anything or to put forth any effort. Man must remain a passive creature with no part to play in the affairs of the world. If this is so, why did Brahma create man at all?

3. 40. To this also Vasettha had no answer.

4. 41. His fourth argument was that if God is good then why do men become murderers, thieves, unchaste, liars, slanderers, abusive babblers, covetous, malicious and perverse? The cause of this must be Ishwara. Is this possible with the existence of God who is good?
5. 42. His fifth argument was related to God being Omniscient, just and merciful.
6. 43."If there is a supreme creator who is just and merciful, why then does so much injustice prevail in the world?"asked the Blessed Lord."He who has eyes can see the sickening sight ; why does not Brahma set his creatures right? If his power is so wide that no limits can restrain, why is his hand so rarely spread to bless? Why are his creatures all condemned to suffering? Why does he not give happiness to all?"Why do fraud, lies and ignorance prevail? Why does falsehood triumph over truth? Why does truth and justice fail? I count your Brahma as one of the most unjust, who made a world only to shelter wrong.
7. 44."If there exists some Lord all-powerful to fulfil in every creature, bliss or woe, and action, good or ill, then that Lord is stained with sin. Either man does not work his will or God is not just and good or God is blind."
8. 45. His nextargument against the doctrine of God was that the discussion of this question about the existence of God was unprofitable.
9. 46. According to him the centre of religion lay not in the relation of man to God. It lay in the relation between man and man. The purpose of religion is to teach man how he should behave towards other men so that all may be happy.
10. 47. There was also another reason why the Blessed Lord was against belief in the existence of God.
11. 48. He was against religious rites, ceremonies, and observances. He was against them because they were the home of superstition and superstition was the enemy of *Samma Ditthi,* the most important element in his Ashtangmarg.
12. 49. To the Blessed Lord belief in God was the most dangerous thing. For belief in God gave rise to belief in the efficacy of worship and prayer and the efficacy of worship and prayer gave rise to the office of the priest and the priest was the evil genius who created all superstition and thereby destroyed the growth of *Samma Ditthi.*

13. 50. Of these arguments against belief in the existence of God some were practical but the majority of them theological. The Blessed Lord knew that they were not fatal to the belief in the existence of God.
14. 51. It must not, however, be supposed that he had no argument which was fatal. There was one which he advanced which is beyond doubt fatal to belief in God. This is contained in his doctrine of *Patit Samutpad* which is described as the doctrine of Dependent Origination.
15. 52. According to this doctrine, the question whether God exists or does not exist is not the main question. Nor is the question whether God created the universe the real question. The real question is how did the creator create the world. The justification for the belief in God is a conclusion which follows from our answer to the question how was the world created.
16. 53. The important question is : Did God create something out of nothing or did he create something out of something?
17. 54. It is impossible to believe that something could have been created out of nothing.
18. 55. If the so-called God has created something out of something, then that something out of which something new was created has been in existence before he created anything. God cannot therefore be called the Creator of that something which has existed before him.
19. 56. If something has been created by somebody out of something before God created anything then God cannot be said to be the Creator or the first Cause.
20. 57. Such was his last but incontrovertible argument against belief in the existence of God.
21. 58. Being false in premises, belief in God as the creator of the universe is Not—Dhamma. It is only belief in falsehood.

§ *3. Dhamma Based on Union with Brahma is a False Dhamma*

1. 1. When the Buddha was preaching his religion there was current a doctrine called Vedantism.
2. 2. The tenets of this doctrine are few and simple.
3. 3. Behind the universe there is omnipresent a common principle of life called *Brahma* or *Brahman.*

4. 4. This Brahma is a reality.
5. 5. The Atman or the individual soul is the same as Brahma.
6. 6. Man's liberation lies in making Atman to be one with Brahma. This is the second principle.
7. 7. This unity with Brahma the Atman can achieve by realising that it is the same as Brahman.
8. 8. And the way to make the Atman realise that it is the same as Brahman is to give up Sansara.
9. 9. This doctrine is called *Vedantism.*
10. 10. The Buddha had no respect for the doctrine. He regarded it as based on false premises and producing nothing of value and, therefore, not worth having.
11. 11. This he made clear in his discussion with two Brahmins, Bharadvaj and Vasettha.
12. 12. The Buddha argued that there must be proof before one can accept a thing to be a reality.
13. 13. There are two modes of proof, perception and inference.
14. 14. The Buddha asked,"Has anybody perceived Brahma ; have you seen Brahma ; have you spoken to Brahma ; have you smelt Brahma?"
15. 15. Vasettha said,"No.
16. 16."The other mode of proof is inadequate to prove the existence of Brahma."
17. 17."From what is Brahma the inference of?"asked the Buddha. There again was no answer.
18. 18. There are others who argue that a thing exists although it is invisible. So they say that Brahma exists although it is invisible. 19. In this bald statement it is an impossible position.
19. 20. But for argument's sake let it be granted that a thing exists although it is invisible.
20. 21. The best illustration of it is electricity. It exists although it is invisible.
21. 22. This argument is not enough,
22. 23. An invisible thing must show itself in some other form that is visible. Then alone it can be called real.
23. 24. But if an invisible thing does not show itself in any visible form then it is not a reality.

24. 25. We accept reality of electricity although it is invisible because of the results it produces.
25. 26. Electricity produces light. From light we accept the reality of electricity although it is invisible.
26. 27. What does this invisible Brahma produce? Does it produce any visible results?
27. 28. The answer is in the negative.
28. 29. Another illustration may be given. In law too it is common to adopt as a basic concept a fiction— a proposition, the existence of which is not proved but which is assumed to be true.
29. 30. And we all accept such a legal fiction.
30. 31. But why is such a legal fiction accepted?
31. 32. The reason is that a legal fiction is accepted because it gives a fruitful and just result.
32. 33."Brahma is a fiction. What fruitful result does it give?"
33. 34. Vasettha and Bharadvaj were silent.
34. 35. To drive the argument home he turned to Vasettha and asked"Have you seen Brahma?"
35. 36."Is there a single one of the Brahmanas versed in three, Vedas who has ever seen Brahma face to face?"
36. 37."No, indeed, Gautama."
37. 38."Is there a single one of the teachers of the Brahmanas versed in the three Vedas who have seen Brahma face to face?"
38. 39."No, indeed, Gautama."
39. 40."Is there, Vasettha, a single one of the Brahmanas upto the seventh generation who has seen Brahma face to face?"
40. 41."No, indeed, Gautama."
41. 42."Well then, Vasettha—did the ancient Rishis of the Brahmanas—did even they speak thus, saying : We know it, we have seen it, where Brahma is, whither Brahma is? '
42. 43."Not so, Gautama."
43. 44. The Buddha continued his questioning of the two Brahmin boys and said :
44. 45."Now what think you, Vasettha? Does it not follow, this being so, that the talk of the Brahmanas about union with Brahma turns out to be foolish talk?

45. 46.”Just, Vasettha, as when a string of blind men are clinging one to the other, neither can the foremost see, nor can the middle one see, nor can the hindmost see—just even so, methinks, Vasettha, is the talk of the Brahmanas all but blind talk? The first sees not, the middle one sees not, nor can the last one. The talk of these Brahmanas turns out to be ridiculous, mere words, a vain and empty thing.
46. 47.”Just, Vasettha, as if a man should, say, How I long for, how I love the most beautiful woman in this land.'
47. 48.”And people should ask him, ' Well ! good friend ! This most beautiful woman in the land, whom you thus love and long for, do you know whether that beautiful woman is a noble lady or a Brahmin woman, or of the trader class, or a Sudra? '
48. 49.”But when so asked, he would answer: 'No.'
49. 50.”And when people should ask him, ' Well ! good friend ! This most beautiful woman in all the land, whom you love and long for, do you know what the name of that most beautiful woman is, or what her family name, whether she be tall or short or of medium height, dark or brunette or golden in colour, or in what village or town or city she dwells? ' But when so asked, he would answer : 'No. '
50. 51.”Now what think you, Vasettha? Would it not turn out that being so, that the talk of that man was foolish talk?”
51. 52.”In sooth, Gautama, that would be so,”said the two Brahmins.
52. 53. So Brahma is not real and any religion based upon it is useless.

§ *4. Belief in Soul is Not Dhumma*

1. 1. The Buddha said that religion based on soul is based on speculation.
2. 2. Nobody has seen the soul or has conversed with the soul.
3. 3. The soul is unknown and unseen.
4. 4. The thing that exists is not the soul but the mind. Mind is different from the soul.
5. 5. Belief in soul He said is unprofitable.
6. 6. A religion based on soul is therefore not worth having.
7. 7. It only ends in creating superstition.
8. 8. The Buddha did not leave the question there. He discussed it in all

its aspects.
9. 9. Belief in the existence of soul is as common as the belief in the existence of God.
10. 10. Belief in the existence of soul was also a part of the Brahmanic Religion.

II. In the Brahmanic Religion the soul is called *Atma* or *Atman.*

1. 12. In the Brahmanic Religion, Atman is the name given to an entity which was held to be abiding separate from the body, but living inside the body constantly existing from the moment of his birth.
2. 13. Belief in the soul included other beliefs, connected with it.
3. 14. The soul does not die with the body. It takes birth in another body when it comes into being.
4. 15. The body serves as an external clothing for the soul.
5. 16. Did the Buddha believe in the soul? No. He did not. His doctrine about the soul is called Anatta, no soul.
17. Given a disembodied soul various questions arise : What is the soul? Where did it come from? What becomes of it on the death of the body? Where does it go? In what form does it exist"hereafter."
How long does it remain there? These questions the Buddha tried to argue out with the upholders of the doctrine of the soul.
6. 18. He first tried to show how vague was the idea about the soul by his usual method of cross examination.
7. 19. He asked those who believed in the existence of the soul, what the soul was like in size arid in shape.
8. 20. To Ananda he said the declarations concerning the soul are abounding. Some declare :"My soul has a form and it is minute."Others .declare the soul to have form and to be boundless and minute. Others declare it to be formless and boundless.
9. 21."In so many ways, Ananda, are declarations made concerning the soul."
10. 22."How is the soul conceived by those who believe in the soul?"was another question raised by the Buddha. Some say,"My soul is feeling."Others say,"Nay, my soul is not feeling, my soul is not sentient"; or again :"Nay, my soul is not feeling, nor is it non-sentient ; my soul has

feeling, it has the property of sentience."Under such aspects as these is the soul conceived.

11. 23. The Buddha next asked those who believed in the existence of the soul as to the condition of the soul after the death of the body.

12. 24. He also raised the question whether the soul was visible after the death of the body.

13. 25. He found infinite number of vague statements.

14. 26. Does the soul keep its formafter the death of the body? He found that there were eight different speculations.

15. 27. Does the soul die with the body? There were innumerable speculations on this.

16. 28. He also raised the question of the happiness or misery of the soul after the body is dead. Is the soul happy after the death of the body? On this also the Recluses and Brahmins differed. Some said it was altogether miserable. Some said it was happy. Some said it. is both happy and miserable and some said it is neither happy nor miserable.

17. 29. His answer to all these theories about the existence of the soul was the same which he gave to Cunda.

18. 30. To Cunda he said :"Now, Cunda, to those recluses and Brahmins, who believe and profess any one of these views, I go and say this : ' Is this so, friends? ' And if they reply: ' Yes. This alone is true, any other view is absurd.' I do not admit their claim. Why is this? Because persons hold different opinions on such questions. Nor do I consider this (or that) view on a level with my own, let alone higher."

19. 31. Now the more important question is what were the arguments of the Buddha against the existence of the soul.

20. 32. The general arguments he advanced in support of his denial of the soul were the same as those which he advanced in support of his denial of the existence of God.

21. 33. He argued that the discussion of the existence of the soul is as unprofitable as the discussion of the existence of God.

22. 34. He argued that the belief in the existence of the soul is as much against the cultivation of *Samma Ditthi* as the belief in the existence of God.

23. 35. He argued that the belief in the existence of the soul is as much a source of superstition as the belief in God is. Indeed in his opinion the belief in the existence of a soul is far more dangerous than the belief in

God. For not only does it create a priesthood, not only is it the origin of all superstition but it gives the priesthood complete control over man from birth to death.

24. 36. Because of these general arguments it is said that the Buddha did not express any definite opinion on the existence of the soul. Others have said that he did not repudiate the theory of the existence of the soul. Others have said that he was always dodging the issue.

25. 37. These statements are quite incorrect. For to Mahali he did tell in most positive terms that there is no such thing as a soul. That is why his theory of the soul is called Anatta, i.e'., non-soul.

26. 38. Apart from the general arguments against the existence of the soul, the Buddha had a special argument against the existence of the soul which he regarded as fatal to the theory of the soul.

27. 39. His theory against the existence of the soul as a separate entity is called Nama-Rupa.

28. 40. The theory is the result of the application of the Vibhaja test, of sharp, rigorous analysis, of the constituent elements of Sentient being otherwise called Human Personality.

29. 41. Nama-Rupa is a collective name for a Sentient Being.

30. 42. According to the Buddha's analysis, a Sentient Being is a compound thing consisting of certain physical elements and certain mental elements. They are called *Khandas*.

31. 43. The Rupa Khanda primarily consists of the physical elements such as earth, water, fire and air. They constitute the Body or Rupa.

32. 44. Besides Rupa Khanda, there is such a thing as Nama Khanda which goes to make up a Sentient Being.

33. 45. This Nama Khanda is called Vinana, or consciousness. This Nama Khanda includes the three mental elements : Vedana (sensation springing from contact of the six senses with the world), Sanna (perception); Sankhara (states of mind). Chetana (consciousness) is sometimes spoken of along with the three other mental states as being one of them. A modern psychologist would say that consciousness is the mainspring from which other psychological phenomena arise. Vinana is the centre of a sentient being.

34. 46. Consciousness is result of the combination of the four elements, Prithi, Apa, Tej and Vayu.

35. 47. An objection is raised to this theory of consciousness propounded by the Buddha.
36. 48. Those who object to this theory ask,"How is, consciousness produced?"
37. 49. It is true. that consciousness arises with birth and dies with death. All the same, can it be said that consciousness is the result of the combination of the four elements?
38. 50. The Buddha's answer was not that the co-existence or aggregation of the physical elements produces consciousness. What the Buddha said was that wherever there was rupa or kaya there was consciousness accompanying it.
39. 51. To give an analogy from science, there is an electric field and wherever there is an electric field it is always accompanied by a magnetic field. No one knows how the magnetic field is created or how it arises. But it always exists along with the electric field.
40. 52. Why should not the same relationship be said to exist between body and consciousness?
41. 53. The magnetic field in relation to the electric field is called an induced field. Why cannot consciousness be called an induced field in relation to Rupa-Kaya.

54.' The Buddha's argument against the soul is not yet complete. He had further to say something of importance.

1. 55. Once consciousness arises man becomes a sentient being. Consciousness is, therefore, the chief thing in man's life.
2. 56. Consciousness is cognitive, emotional and volitional.
3. 57. Consciousness is cognitive when it gives knowledge, information, as appreciating or apprehending, whether it be appreciation of internal facts or of external things and events.
4. 58. Consciousness is emotional when it exists in certain subjective states, characterised by either pleasurable or painful tones, when emotional consciousness produces feeling.
5. 59. Consciousness in its volitional stage makes a being exert himself for the attainment of some end. Volitional consciousness gives rise to what we call will or activity.

6. 60. It is thus clear that all the functions of a sentient being are performed by the sentient being through and as a result of consciousness.
7. 61. After this analysis the Buddha asked what in are the functions which are left to be performed by the soul? All functions assigned to the soul are performed by consciousness.
8. 62. A soul without any function is an absurdity.
9. 63. This is how the Buddha disproved the existence of the soul.
10. 64. That is why. the existence of the soul cannot be a part of Dhamma. § *5. Belief in Sacrifices is Not—Dhamma*

(i)
1. 1. The Brahmanic religion was based upon sacrifices.
2. 2. Some sacrifices were classified as *Nittya* and other sacrifices were classified as *Naimitik*.
3. 3. The Nittya sacrifices were obligations and had to be performed whether one got any fruit therefrom or not.
4. 4. The Naimittitik sacrifices were performed when the performer wanted to gain something by way of worldly advantage.
5. 5. The Brahmanic sacrifices involved drinking, killing animals and merry-making.
6. 6. Yet these sacrifices were held as religious observances.
7. 7. The Buddha declined to regard a religion based on sacrifices as worth having.
8. 8. He has given his reasons to many a Brahmin who went to have a controversy with him as to why sacrifices were not part of religion.
9. 9. It is reported that there were three Brahmins who had a controversy with him on the subject.
10. 10. They were Kutadarita, Ujjaya and the third was Udayin.
11. 11. Kutadanta the Brahmin requested the Blessed One to tell him what he thought about the value of a sacrifice.
12. 12. The Blessed One said:"Well then, 0 Brahmin, give ear and listen attentively and I will speak."
13. 13."Very well, sir,"said Kutadanta in reply ; and the Blessed One spoke as follows :
14. 14."Long ago, 0 Brahmin, there was a king by name Maha Vigeta,

mighty, with great wealth and large property; with stores of silver and gold, of aids to enjoyment, of goods and corn ; with his treasure-houses and his garners full.

15. 15.”Now when King Maha Vigeta was once sitting alone in meditation he became anxious at the thought: ' I have in abundance all the good things a mortal can enjoy. The whole wide circle of the earth is mine by conquest to possess. It were well if I were to offer a great sacrifice that should ensure me weal and welfare for many days.'

16. 16.”Thereupon the Brahmin who was chaplain said to the king : ' The king's country, sire, is harassed and harried. There are dacoits abroad who pillage the villages and townships and who make the roads unsafe. Were the king, so long as that is so, to levy a fresh tax, verily his majesty would acting wrongly.

17. 17.”' But perchance his majesty might think : 'I'll soon put a stop to these scoundrels' game by degradation and banishment, and fines and bonds and death ! ' But their licence cannot be satisfactorily put a stop to. The remnant left unpunished would still go on harassing the realm.

18. 18.”'Now there is one method to adopt to put a thorough end to this order. Whosoever there be in the king's realm who devote themselves to keeping cattle and the farm, to them let His Majesty the King give food and seed-corn. Whosoever there be in the king's realm who devote themselves to trade, to them let His Majesty the King give capital. Whosoever there be in the king's realm who devote themselves to government service, to them let His Majesty the King give wages and food.

19. 19. '" Then those men, following each his own business, will no longer harass the realm; the king's revenue will go up; the country will be quiet and at peace.; and the populace, pleased one with another and happy, dancing their children in their arms, will dwell with open doors without fear.'

20. 20.”Then King Maha Vigeta, 0 Brahmin, accepted the word of his chaplain, and did as he had said. And those men, following each his business, harassed the realm no more. And the king's revenue went up. And the country became quiet and at peace. And the populace, pleased one with another and happy, dancing their children in their arms, dwelt with open doors.

21. 21.”When peace and order was restored. King Maha Vigeta had

hischaplain called again and said :

> * The disorder is at an end. The country is at peace. I want to offer that great sacrifice—let the Venerable One instruct me how—for my weal and my welfare for many days.'

1. 22."The chaplain, replying to the king, said, * Be it so. Let His Majesty the King send invitations to those in the town and the country in his realm who are Kshatriyas, vassals of his; who are ministers and officials of his or who are Brahmins of position, or who are householders of substance, saying: ' I intend to offer a great sacrifice. Let the Venerable Ones give their sanction to what will be to me for weal and welfare for many days.'
2. 23."Then the king, 0 Brahmin Kutadanta, accepted the word of his chaplain, and did as he had said. And they each—Kshatriya and Ministers and Brahmins and householders—made a like reply: ' Let His Majesty the King celebrate the sacrifice. The time is suitable, 0 King ! '
3. 24."King Vigeta was wise and gifted in many ways. And his chaplain was equally wise and gifted.
4. 25."The chaplain, 0 Brahmin, before the sacrifice had begun, explained to the king what it would involve.
5. 26. ' ' Should His Majesty the King, before starting on the great sacrifice or whilst he is offering the great sacrifice, or when the great sacrifice has been offered, feel any such regret as : ' Great alas, has been the portion of my wealth used up herein,' let not the king harbour such regret,
6. 27."And further, 0 Brahmin, the chaplain, before the sacrifice had begun, in order to prevent any compunction that might afterwards arise as regards those who had taken part therein, said: ' Now there will come to your sacrifice, sire, men who destroy the life of living things, and men who refrain therefrom— men who take what has not been given, and men who refrain therefrom, men who act evilly in respect of lusts, and men who refrain therefrom, men who speak lies, and men who do not, men who slander, and men who do not, men who speak rudely, and men who do not, men who chatter vain things and men who refrain therefrom, men who covet, and men who covet not, men who harbour ill will and men who harbour it not, men whose views are Wrong, and men whose views

are right. Of each of these let them, who do evil, alone with their evil. For them who do well let Your Majesty offer, for them, sire, arrange the rites, them let the king gratify, in them shall your heart within find peace.'

7. 28."And further, 0 Brahmin, at that sacrifice neither were any oxen slain, neither goats, nor fowls, nor fatted pigs, nor were any kinds of living creatures put to death. No trees were cut down to be used as posts, no Dabbha grasses mown to strew around the sacrificial spot. And the slaves and messengers and workmen there employed were driven neither by rods nor fear, nor carried on their work weeping with tears upon their faces. Whose chose to help, he worked who so chose not to help, worked not. What each chose to do, he did; what they chose not to do, that was left undone. With ghee, and oil and butter, and milk and honey, and sugar only was that sacrifice accomplished.

8. 29."Let your sacrifice be such as that of King Vigeta if you at all wish to perform any sacrifice. Sacrifices are a waste. Animal sacrifices are cruelties. Sacrifices cannot be part of religion. It is a worst form of religion which says you can go to heaven by killing an animal."

9. 30. I was inclined to ask"Is there, 0 Gautama, any other sacrifice with more fruit and more advantage than killing animals?"

10. 31."Yes, 0 Brahmin, there is."

11. 32."And what, **0** Gautama, may that be?"

33."When a man with trusting heart takes upon himself the precepts—abstinence from destroying life; abstinence from taking what has not been given; abstinence from evil conduct in respect of lusts; abstinence from lying words; abstinence from strong, intoxicating, maddening drinks, the

root of carelessness that is a sacrifice better than open largesse, better than perpetual alms, better than the gift of dwelling places, better than accepting guidance."

12. 34. And when he had thus spoken, Kutadanta the Brahmin said to the Blessed One:"Most excellent, 0 Gautama, are the words of thy mouth, most excellent."

(ii)

1. 1. Now the Brahmin Ujjaya said this to the Exalted One:

2. 2."Pray does the worthy Gautama praise sacrifice?"
3. 3."No Brahmin, I do not praise every sacrifice. Yet I would not withhold praise from every sacrifice. In whatever sacrifice. Brahmin, cows are slaughtered, goats and sheep are slaughtered, poultry and pigs are slaughtered and divers living creatures come to destruction— such sacrifice. Brahmin, which involves butchery, I do not praise.""Why so?"
4. 4."To such a sacrifice. Brahmin, involving butchery, neither the worthy ones nor those who have entered on the worthy way draw near.

5."But in whatever sacrifice. Brahmin, cows are not slaughtered—and living creatures come not to destruction, such sacrifice not involving butchery,

I do praise; such as, for instance, a long-established charity, an oblation for the welfare of the family."
5. 6."Why so?""Because, Brahmin, the worthy ones, those who have entered on the worthy way, do draw near to such- a sacrifice which involves not butchery."

(iii)

1. 1. The Brahmin Udayin asked the same question to the Exalted One as was asked by the Brahmin Ujjaya:
2. 2."Pray, does the worthy Gautama praise sacrifice?"The Buddha gave the same answer which he gave to Ujjaya. 3. He said:

"*Fit sacrifice performed in season due And free from cruelty, to such draw near Those well trained in the God-life, even those Who have the veil rolled back while (yet on earth), Who have transcended time and going. Such do the enlightened praise,' those skilled in merit,"Whether in sacrifice or act of faith, Oblation fitly made with heart devout To that good field of Merit,— those who live . The Good—life, sacrificed, conferred,—so given Lavish the offering; devas therewith are pleased, Thus offering, the thoughtful, thereby becoming wise, Wins the blissful world from suffering free"*

§6. *Belief Based on Speculation is Not—Dhamma*

(i)

1. It was usual to ask such questions as (1) Was I in ages past? (2)

Was I not in ages past? (3) What was I then? (4) From what did I pass to what? (5) Shall I be in ages to come? (6) Shall I not be in ages to come? (7) What shall I then be? (8) How shall I then be? (9) From what shall I pass to what? Or, again, it is Self today about which he is in doubt, asking himself—(1) Am I?

(2) Am I not? (3) What am 1? (4) How am I? (5) Whence came my being? (6) Whither will it pass?"

2. 2. As regards the Universe various questions were raised. Some of them were as follows -

3. 3."How was the Universe created? Is it everlasting?"

4. 4. In answer to the first question some said everything was created by Brahma—others said it was created by Prajapati.

5. 5. In answer to the second question some said it was everlasting. Others said it was not. Some said it was finite. Others said. it was infinite.

6. 6. These questions the Buddha refused to entertain. He said that they could only be asked and entertained by wrong-headed people. –

7. 7. To answer these questions required omniscience which nobody had.

8. 8. He said that he was not omniscient enough to answer these questions. No one could claim to know all that is to be known nor what we wish to know at any time is known at the time. There is always something that is unknown.

9. 9. It is for these reasons that the Buddha excluded such doctrines from his religion.

10. 10. He regarded a religion which made such doctrines a part of it as a religion not worth having.

(ii)

1. 1. The doctrines with which the contemporaries of the Buddha had made the basis of their religion were concerned with (1) Self; and (2) the origin of the Universe.

2. They raised certain questions about the self. They asked :"(1) Was I in ages past? (2) Was I not in ages past? (3) What was I then? (4) From what did I pass to what? (5) Shall I be in ages to come? (6) Shall I not be in ages to come? (7) What shall I then be? (8) How. .shall I then be?

(9) From what shall I pass to what? Or, again, it is Self today about which he is in doubt, asking himself—(1) Am I? (2) Am I not? (3) What am 1, (4) How am 1, (5) Whence came my being? (6) Whither will it pass?"

2. 3. Others raised the question regarding the origin of the Universe.

3. 4. Some said it was created by Brahma.

4. 5. Others said it was .created by Prajapati sacrificing himself.

5. 6. Other teachers had other questions to raise :"The world is everlasting,—the world is not everlasting—the world is finite,—the world is infinite, the body is the life (jiva),—the body is the one thing and the life another,.—truth-finder exists after death,—a truth-finder does not exist after death,—he both exists and does not exist after death,—he neither exists nor does not exist after death."

6. 7. These were questions which the Buddha said could be asked by wrong-headed persons.

7. 8. There were three reasons why the Buddha condemned these religious theories.

8. 9. In the first place, there was no reason to make them part of religion. '

9. 10. In the second place, to answer these questions required omniscience which nobody had. He emphasised this in his addresses.

10. 11. He said that at one and the same time, no one can know and see everything. Knowledge is never final. There is always something more to be known.

11. 12. The third argument against these theories was that they were merely speculative. They are not verified nor are they verifiable.

12. 13. They were the result of imagination let .loose. There was no reality behind them.

13. 14. Besides of what good were these speculative theories to man in his relation to men? None whatever.

14. 15. The Buddha did not believe that the world was created. He believed that the world had evolved.

§ 7. *Reading Books of Dhamma is Not— Dhamma*

1. 1. The Brahmins put all their emphasis upon knowledge. They taught that knowledge was the be-all and end-all of every thing. Nothing further

was to be considered.
2. 2. The Buddha was on the other hand an upholder of education for all. Besides, he was more concerned with the use of knowledge a man is likely to make than with knowledge itself.
3. 3. Consequently he was very particular to emphasise that he who has knowledge must have Sila (Virtue) and that knowledge without Sila (Virtue) was most dangerous.
4. 4. The importance of Sila as against Prajna is well illustrated by what he told the Bhikku Patisena.
5. 5. In olden times when Buddha was residing at Sravasti, there was an old mendicant called Patisena who being by nature cross and dull, could not learn so much as one Gatha by heart.
6. 6. The Buddha accordinglyordered 500 Arahatas day by day to instruct him, but after three years he still was unable to remember even one Gatha.
7. 7. Then all the peoples of the country (the four orders of people) knowing his ignorance, began to ridicule him, on which the Buddha, pitying his case, called him to his side, and gently repeated the following stanza : "He who guards his mouth, and restrains his thoughts, he who offends not with his body, the man who acts thus shall obtain deliverance."
8. 8. Then Patisena, moved by a sense of the Master's goodness to him, felt his heart opened, and once he repeated the stanza.
9. 9. The Buddha then addressed him further—"You now, an old man, can repeat a stanza only, and men know this, and they will still ridicule you, therefore, I will now explain the meaning of the verse to you, and do you on your part attentively listen."
10. 10. Then the Buddha declared the three causes connected with the body, the four connected with the mouth, and the three connected with the thoughts, by destroying which men might obtain deliverance, on which the mendicant, fully realizing the truth thus explained, obtained the condition of an Arahat.
11. 11. Now, at this time, there were 500 Bhikkhunis dwelling in their Vihara, who sent one of their number to the Buddha to request him to send them a priest to instruct them in the Dhamma.
12. 12. On hearing their request the Buddha desired the old mendicant Patisena to go to them for this purpose.

13. 13. On knowing that this arrangement had been made, all the nuns began to laugh together, and agreed on the morrow, when he came, to say the Gatha wrong (backward), and so confuse the old man and put him to shame.
14. 14. Then on the morrow when he came, all the Bhikkhunis, great and small, went forth to salute him and as they did so, they looked at one another and smiled.
15. 15. Then sitting down, they offered him food. Having eaten and washed his hands, they then begged him to begin his sermon. On which the aged mendicant ascended the elevated seat, and sitting down, began:
16. 16."Sisters! My talent is small, my learning is very little. I know only one Gatha, but I will repeat that and explain its meaning. Do you listen with attention and understand."
17. 17. Then all the young nuns began to attempt to say the Gatha backwards; but lo! they could not open their mouths ; and filled with shame, they hung down their heads in sorrow.
18. 18. Then Patisena having repeated the Gatha, began to explain it, as the Buddha instructed him.
19. 19. Then all the Bhikkhunis hearing his words, were filled with surprise, and rejoicing to hear such instruction, with one heart they received it, and became Arahatas.
20. 20. On the day after this, the King Prasenjit invited the Buddha and the whole congregation of priests to assemble at his palace to partake of hospitality.
21. 21. The Buddha therefore recognizing the superior and revered appearance of Patisena, desired him to bear his alms-dish and follow him as he went.
22. 22. But when they came to the palace gate, the porter, knowing his character (antecedents), would not let him go into the hall, saying:"We have no hospitality for a priest who knows but one Gatha ; there is no room for such common fellows as you— make place for your betters and begone."
23. 23. Patisena accordingly sat down outside the door.
24. 24. The Buddha now ascended the dais, after having washed his hands, and to the arm of Patisena, with the alms-dish in its hand, entered the room.
25. 25. Then the king, the ministers, and all the assembly seeing this

sight, were filled with astonishment, and said,"Ah ! Who is this?"
26. 26. On which the Buddha replied,"It is Patisena, the mendicant. He has but just obtained enlightenment, and I desired him to bear my alms-dish behind me; but the porter has refused him admission."
27. 27. On this he was admitted and entered the assembly.
28. 28. Then Prasenjit, turning, to Buddha, said :"I hear that this Patisena is a man of small ability, and knows only one Gatha, how, then, has he obtained the supreme wisdom?"

• 29. To which Buddha replied :"Learning need not be much, conduct (Sila) is the first thing.
30."This, Patisena, has allowed the secret virtue of the words of this one Gatha to penetrate his spirit ; his body, mouth, and thoughts have obtained perfect quietude; for though a man knows ever so much, if his knowledge reaches not to his life, to deliver him from the power which leads to destruction, what benefit can all his learning be?"

31, Then the Buddha ."Although a man repeats a thousand stanzas (sections), but understands not the meaning of the lines he repeats, his performance is not equal to the repetition of one sentence well understood, which is able when heard to control thought. To repeat a thousand words without understanding, what profit is there in this? But to understand one truth, and hearing it, to act accordingly, this is to find deliverance.

1. 33."A man may be able to repeat many books but if he cannot explain them what profit is there in this? But to explain one sentence of the law and to walk accordingly, this is the way to find supreme wisdom."
2. 34. On hearing these words, the two hundred bhikkhus, the king and his ministers were filled with joy.

§ *8. Belief in the infallibility of Books of Dhamma is Not— Dhamma*

1. 1. The Brahmins had declared that the Vedas were not only sacred but in point of authority they were final.
2. 2. Not only were the Vedas declared by the Brahmins to be final but they were declared by them to be infallible.

3. 3. The Buddha was totally opposed to the Brahmins on this point.
4. 4. He denied that the Vedas were sacred. He denied that whatever the Vedas said was final. He denied that the Vedas were infallible.
5. 5. There were many teachers who had taken the same position as he had done. However, later on they or their followers all gave in order to win respect and goodwill from the Brahmins for their systems of philosophy. But the Buddha never yielded on this issue.
6. 6. In the Tvijja Sutta the Buddha declared that the Vedas were a waterless desert, a pathless jungle, in fact perdition. No man with intellectual and moral thirst can go to the Vedas and hope to satisfy his thirst.
7. 7. As to infallibility of the Vedas, he said nothing is infallible, not even the Vedas. Everything, he said, must be subject to examination and re-examination.
8. 8. This he made clear in his sermon to the Kalamas.
9. 9. Once the Blessed One, while passing through the land of the Kosalas accompanied by a large following of disciples, came to the town of Kesaputta which .was inhabited by the Kalamas.
10. 10. When the Kalamas came to know of his arrival they betook themselves thither where the Blessed One was and sat down on one side. So seated, the Kalamas of Kesaputta spoke thus to the Blessed One :

11.”There are. Lord, some ascetics and recluses who come to Kesaputta and who elucidate and exalt their own views, but they break up, crush down, revile and oppose the views of others. And there be other ascetics and recluses. Lord, who come to Kesaputta, and they too expound and magnify their own beliefs, but destroy, suppress, despise and set themselves against the beliefs of others.

11. 12.”And so. Lord, we are in uncertainty and doubt, knowing not which among these venerable ascetics speaks truth and which falsehood.”
12. 13.”Good cause, indeed, have you Kalamas to be uncertain ; good cause have you to doubt,”said the Blessed One.”Truly, upon just occasion has uncertainty and doubt arisen in you.”
13. 14.”Come, 0 you Kalamas,”continued the Lord,”do not go merely by what you hear ; do not go merely by what has been handed down from one to another ; do not go by what is commonly reported ; do not go merely by what is found written in the scriptures ; do not go by subtleties of

reasoning, do not go by subtleties of logic ; do not go merely by considerations based upon mere appearances ; do not go merely by agreeable beliefs and views ; do not go merely by what looks to be genuine ; do not go merely by word of some ascetic or superior."
14. 15."What, then, should we do? What test should we apply?"asked the Kalamas.
15. 16."The tests are these,"replied the Blessed One;"ask. yourselves, do we know whether : ' These things are insalutary ; these things are blameworthy ; these things are reprehended by the wise ; these things being done or attempted lead to ill-being and to suffering.' '
16. 17."Kalamas, you should go further and ask whether the doctrine taught promotes craving, hatred, delusion, and violence.
17. 18."This is not enough, Kalamas, you should go further and see whether the doctrine is not likely to make a man captive of his passions, and is not likely to lead him to kill living creatures ; take what has not been given to him ; go after another's wife ; utter falsehood, and cause others to practise like deeds?
18. 19."And finallyyou should ask : ' Whether all this does not tend to his ill-being and suffering.'
19. 20."Now, Kalamas, what think you?
20. 21."Do these things tend to man's ill-being or well-being?"
21. 22. -"To his ill-being, Lord,"replied the Kalamas.
22. 23."What think you, Kalamas,—are these things salutary or insalutary?"
23. 24."They are insalutary. Lord."
24. 25."Are these things blameworthy?"
25. 26."Blameworthy, Lord,"replied the Kalamas.
26. 27."Reprehended by the wise or approved by the wise?"
27. 28."Reprehended by the wise,"replied the Kalamas.
28. 29."Being done or attempted, do they lead to ill-being and to suffering?"
29. 30."Done or attempted, Lord, they lead to ill-being and to suffering."
30. 31."A scripture which teaches this cannot be accepted as final or infallible?"
31. 32."No, Lord,"said the Kalamas.
32. 33."But this, 0 Kalamas, is just what I have said. What I have said

is"do not go merely by what you hear; do not go merely by what has been handed down from one to another; do not go merely by subtleties of reasoning; do not go by subtleties of logic ; do not go by considerations based upon mere appearances ; do not go merely by agreeable beliefs and views ; do not go merely by the word of some ascetic or superior.
33. 34."Only when of yourselves you indeed know : These things are insalutary ; these things are blameworthy ; these things are reprehended by the wise ; these things being done or attempted lead to ill-being and to suffering '—then, Kalamas, you should put them away."
34. 35."Wonderful, Lord, most wonderful! We go to Lord, the Blessed One, for refuge, and to his Teachings. As followers. Lord, may the Blessed One accept us, from this day henceforth long as life shall last, we take our refuge in you."
35. 36. The substance of the argument is plain. Before you accept anybody's teachings as authoritative, do not go by the fact that it is contained in the scriptures, do not go by the subtleties of logic ; do not go by considerations based upon mere appearances; do not go merely by the fact that beliefs and views preached are agreeable ; do not go merely because they look to be genuine; do not go merely by the fact that the beliefs and views are those of some ascetic or superior.
36. 37. But consider whether the beliefs and views sought to be inculcated are salutary or insalutary, blameworthy or blameless, lead to well-being or ill-being.
37. 38. It is onlyon these grounds that one can accept the teachings of anybody.

PART V : WHAT IS SADDHAMMA

Section I—*The Functions of Saddhamma.*

1. To cleanse the Mind of its impurities.

2. To make the world a Kingdom of Righteousness.

Section II—*Dhamma to be Saddhamma must promote Pradnya.*

1. *1.* . Dhamma is Saddhamma when it makes learning open to all.
2. 2. Dhammaris Saddhamma when it teaches that mere learning is not enough. It may lead to pedantry.
3. 3. Dhamma is Saddhamma when it teaches that what is needed is Pradnya.

Section III—*Dhamma lo be Saddhamma must promote Maitri.*

1. 1. Dhamma is Saddhamma only when it teaches that mere Pradnya is not enough. It must be accompanied by Sila.
2. 2. Dhamma is Saddhamma only when it teaches that besides Pradnya and Sila what is necessary is Karuna.
3. 3. Dhamma is Saddhamma only when it teaches that more than Karuna what is necessary is Maitri. Section IV—*Dhamma lo be Saddhamma must pull down all social barriers.*

1. 1. Dhamma to be Saddhamma must break down barriers between man and man.
2. 2. Dhamma to be Saddhamma must teach that worth and not birth is the measure of man.
3. 3. Dhamma to be Saddhamma must promote equality between man and man.

THE FUNCTIONS OF SADDHAMMA

§ 1. *To Cleanse the Mind of its Impurities*

1. 1. Once when the .Blessed Lord was residing at Shravasti, Prasenjit,the king of the Kosalas, came to the place where he was staying and descending from his chariot, approached the Teacher with the deepest reverence.
2. 2. And invited him on the morrow to enter the city and partake of his hospitality, with a view to exhibit to the people the excellence of his person and doctrine, that they might believe in him.
3. 3. The Buddha having consented, on the morrow entered the city

with all his disciples, and having passed through the four cross streets of the town, he came to the place appointed and sat down.
4. 4. After finishing the meal, he began, on the request of the king, to preach in the midst of the four highways, whilst his auditors were very many.
5. 5. At this time there were two merchants listening to him.
6. 6. One of them reflected,"What excellent wisdom on the part of the king to have such doctrines as these publicly preached! How wide their application, how searching their character !"
7. 7. The other reflected thus,"What folly is this on the part of the king, bringing this man here to preach!
8. 8."Like the calf that follows the cow, here and there, fastened to a vehicle she draws, by eating as it goes, so is- this Buddha following the king."The two merchants having departed from the city came to an inn where they put up.
9. 9. In taking some wine the good merchant was restrained and protected by the four guardian spirits that watch over the world.
10. 10. The other on the contrary was incited by an evil spirit to drink on, till he was overpowered by sleep, and lay down in the road near the inn.
11. 11. Early in the morning, the merchants' wagons leaving the place, the drivers not perceiving the man lying in the road, crushed him to death by the wagon wheels.
12. 12. The other merchant, having come to a distant country, was selected by the genuflection of a sacred horse to succeed the king ; and he accordingly was appointed to the throne.
13. 13. After this, considering the strange turn, events had taken, he returned and invited the Buddha to visit him, and preach to his people.
14. 14. On which occasion the World-honoured One declared the reason of the death of the evil-minded merchant, and the prosperity of him who thought wisely, and then added these lines :
15. 15."*The mind is the origin of all this is; the mind is .the master, the mind is the cause.*
16. 16."/f *in the midst of the mind there are evil thoughts, then the words are evil, the deeds are evil, and the sorrow which results from sin follows that man, as the chariot wheel follows him (or it) who draws it,*
17. 17."*The mind is the origin of all that is ; it is the mind that commands, it is the*

mind that contrives.

18. 18."*If in the mind there are good thoughts, then the words are good and the deeds good, and the happiness which results from such conduct follows that man, as the shadow accompanies the substance."*

19. 19. On hearing these words, the king and his ministers, with countless others, were converted, and became disciples.

§ 2. *To Make the World a Kingdom of Righteousness*

1. 1. What is the purpose of Religion?
2. 2. Different religions have given different answers.
3. 3. To makeman seek after God and to teach him the importance of saving his soul is the commonest answer one gets to this question.
4. 4. Most religions speak of three kingdoms.
5. 5. One is called the kingdom of heaven. The second is called the kingdom of earth and the third is called the kingdom of hell.
6. 6. This kingdom of heaven is said to be ruled by God. The kingdom of hell is described to be a place where the supremacy of the Evil One is undisputed. The kingdom of earth is a disputed field. It is not under the dominance of the Evil One. At the same time God's sovereignty does not extend to it. It is hoped that one day it will.
7. 7. In some religions the kingdom of heaven is said to be a kingdom in which Righteousness prevails no doubt because it is directly ruled by God.
8. 8. In other religions the kingdom of heaven is not on earth. It is another name for heaven. It can be reached by one who believes in God and his Prophet. When he reaches heaven all the carnal pleasures of life are placed within the reach of all those who are faithful.
9. 9. All religions preach that to reach this kingdom of heaven should be the aim of man and how to reach it is the end of all.
10. 10. To the question"What is the purpose **of** religion?"the Buddha's answer is very different.
11. 11. He did not tell people that their aim in life should be to reach some imaginary heaven. The kingdom of righteousness lies on earth and is to be reached by man by righteous conduct.
12. 12. What he did was to tell people that to remove their misery each

one must learn to be righteous in his conduct in relation to others and thereby make the earth the kingdom of righteousness.
13. 13. It is this which distinguishes his religion from all other religions.
14. 14. His religion emphasizes Panch Sila, the Ashtanga Marga and the Paramitas.
15. 15. Why did the Buddha make them the basis of his religion? Because they constitute a way of life which alone can make man righteous.
16. 16. Man's misery is the result of man's inequity to man.
17. 17. Only righteousness can remove this inequity and the resultant misery.
18. 18. That is why he said that religion must not only preach but must inculcate upon the mind of man the supreme necessity for being righteous in his conduct
19. 19. For the purpose of inculcating righteousness religion, he said, had certain other functions to undertake.
20. 20. Religion must teach man to know what is right and to follow what is right.
21. 21. Religion must 'teach man to know what is wrong and not to follow what is wrong.
22. 22. Besides these purposes of religion he emphasised two other purposes which he regarded as of supreme importance.
23. 23. The first is training of man's instincts and dispositions as distinguished from offering prayers or performing observances or doing sacrifices.
24. 24. This the Buddha has made clear in his exposition of Jainism in the Devadaha Sutta.
25. 25. What Mahavira, the founder of Jainism, affirmed was that whatsoever the individual experiences—be it pleasant or unpleasant, all comes from acts done in former births.
26. 26. That being so, by expiration and purge of former misdeeds and by not committing fresh misdeeds, • nothing accrues for the future: as nothing accrues for the future, the misdeeds die away; as misdeeds die away, misery dies away : as misery dies away, feelings die away : and as feelings die away, all misery will wear out and pass.
27. 27. This is what Jainism affirmed,
28. 28. On this the Buddha asked this question:”Do you know that, here

and now, wrong dispositions have been got rid of and right dispositions acquired?"

29. 29. The answer was"No."

30. 30."What is the use,"asked the. Buddha,"of a purge for former misdeeds, what is the use of not committing fresh misdeeds, if there is no training of the mind to turn bad disposition into good disposition."

31. 31. This was in his opinion a very serious defect in religion. *A good disposition is the only permanent foundation of and guarantee of permanent goodness.*

32. 32. That is why the Buddha gave the first place to the training of the mind which is the same as the training of a man's disposition.

33. 33. The second thing to which he gave great importance is courage to stand by what is right even if one is alone.

34. 34. In the Sallekha-Sutta the Buddha has emphasised this point.

35. 35. This is what he has said :

36. 36."You are to expunge by resolving that, though others may be harmful, you will be harmless.

37. 37."That though others may kill, you will never kill.

38. 38."That though others may steal, you will not.

39. 39."That though others may not lead the higher life, you will.

40. 40."That though others may lie, traduce, denounce, or prattle, you will

41. 41."That though others may be covetous, you will covet not.

42. 42."That though others may be malignant, you will not be malignant.

43. 43."That though others may be given over to wrong views, wrong aims, wrong speech, wrong actions, and wrong concentration, you must follow (the Noble Eightfold Path in) right outlook, right aims, right speech, right actions, right mode of livelihood, right effort, right mindfulness and right concentration.

44. 44."That though others are wrong about the truth and wrong about Deliverance, you will be right about truth and right about Deliverance.

45. 45."That though others may be possessed by sloth and torpor, you will free yourselves therefrom.

46. 46."That though others may be puffed up. you will be humble-minded.

47. 47."That though others may be perplexed by doubts, you will be free

from them.
48. 48."That though others may harbour wrath, malevolence, envy, jealousy, niggardliness, avarice, hypocrisy, deceit, imperviousness, arrogance, forwardness, association with bad friends, slackness, unbelief, shamelessness, unscrupulousness, lack of instruction, inertness, bewilderment, and unwisdom, you will be the reverse of all these things.
49. 49."That though others may clutch at and hug the temporal nor loose their hold thereon, you will clutch and hug the things that are not temporal, and will ensue Renunciation.
50. 50."I say it is the development of the will which is so efficacious for right states of consciousness, not to speak of act and speech. And therefore, Cunda, there must be developed the will to all the foregoing resolves I have detailed."51. Such is the purpose of religion as conceived by the Buddha.

SECTION **II**

DHAMMA TO BE SADDHAMMA MUST PROMOTE PRADNYA

§ 1. Dhamma is Saddhamma when it Makes Learning Open to All

1. 1. The Brahminic doctrine was that acquisition of knowledge cannot be thrown open to all. It must necessarily be limited to a few.
2. 2. They permitted acquisition of knowledge only to the Brahmins, Kshatriyas and Vaishyas. But it was only to the male sex of these three classes.
3. 3. All women, no matter whether they belonged to the Brahmin, Kshatriya and Vaishyas, and all Shudras, both males and females, were prohibited from acquiring knowledge, even from acquiring literacy.
4. 4. The Buddha raised a revolt against this atrocious doctrine of the Brahmins.
5. 5. He preached that the road to knowledge must be open to all—to males as well as to females.
6. 6. Many Brahmins tried to controvert his views. His controversy with

the Brahmin Lohikka throws great light on ,his views.

7. 7. The Exalted One, when once passing on a tour through the Kosala districts with a multitude of the members of the Order, arrived at Salavatika, a village surrounded by a row of sala trees.

8. 8. Now at the time, Lohikka the Brahmin was living at Salavatika, a spot teeming with life, with much grassland and woodland and corn, on a royal domain granted him by King Pasenadi of Kosala, as a royal gift, with power over it as if he were the king.

9. 9. Lohikka the Brahmin was of opinion that if a Samana or a Brahmana acquired knowledge, he should not communicate it to the women or to the Shudras.

10. 10. Then the Brahmin Lohikka heard that the Blessed Lord was staying in Salavatika.

11. 11. Having heard of this he said to Bhesika the barber :"Come now, good Bhesika, go where the Samana Gotama is staying, and, on your arrival, ask in my name as to whether his sickness and indisposition has abated, as to his health and vigour and condition of ease ; and speak thus :"May"the venerable Gotama, and with him the brethren of the Order, accept tomorrow's meal from Lohikka the Brahmin."

12. 12."Very well, sir,"said the barber.

13. 13. Acquiescing in the word of Lohikka the Brahmi'i, he did so even as he had been enjoined. And the Exalted One consented, by silence, to his request.

14. 14. Early next morning, the Exalted One went robed, and carrying his bowl with him, with the brethren of the Order, towards Salavatika.

15. 15. Bhesika, the barber, who had been sent by Lohikka to fetch the Blessed One, walked step by step, behind the Exalted One. On the way he told the Blessed One that Lohikka the Brahmin held the wicked opinion that a Samana or a Brahmana shall not communicate any knowledge or learning to women and the Shudras.

16. 16."That may well be, Bhesika, that may well be,"replied the Blessed One.

17. 17. And the Exalted One went on to the dwelling place of Lohikka the Brahmin, and sat down on the seat prepared for him.

18. 18. And Lohikka the Brahmin served the Order, with the Buddha at its head, with his own hand, with sweet food both hard and soft, until they

refused any more.
19. 19. And when the Exalted One had finished his meal, and had cleansed the bowl and his hands, Lohikka the Brahmin, brought a low seat and sat down beside him.
20. 20. And to him, thus seated, the Exalted One said :"Is it true, what they say, Lohikka, that you hold the view that a Samana or a Brahmana should not communicate any knowledge or learning to women and Shudras,?"
21. 21."That is so, Gotama,"replied Lohikka.
22. 22."Now what think you, Lohikka? Are you not established at Salavatika?""Yes, that is so, Gotama."
23. 23."Then suppose, Lohikka, one were to speak thus: ' Lohikka the Brahmin has a domain at Salavatika. Let him alone enjoy all the revenue and all the produce of Salavatika, allowing nothing to anybody else!' Would the utterer of that speech be a danger-maker as touching the men who live in dependence upon you or not?"
24. 24."He would be a danger-maker, Gotama."
25. 25."And making that danger, would he be regarded as a person who sympathised with their welfare?"
26. 26."No. He would not be considering their welfare, Gotama,"replied Lohikka.
27. 27."And not considering their welfare, would his heart stand fast in love towards them or in enmity?"
28. 28."In enmity, Gotama."
29. 29."But when one's heart stands fast in enmity, is that unsound doctrine, or sound?"
30. 30."It is an unsound doctrine, Gotama."
31. 31."Now what think you, Lohikka? Is not King Pasenadi of Kosala in possession of Kasi and Kosala?"
32. 32."Yes, that is so, Gotama."
33. 33."Then suppose, Lohikka, one were to speak thus : ' King Pasenadi of Kosala is in possession of Kasi and Kosala. Let him enjoy all the revenue and all the produce of Kasi and Kosala, allowing nothing to anybody else.' Would the utterer of that speech be a danger-maker as touching the men who live in dependence on King Pasenadi of Kosala—both you yourself and others—or not?"

34. 34.”He would be a danger-maker, Gotama.”
35. 35.”And making that danger, would he be a person who sympathised with their welfare?”
36. 36.”He would not be considering their welfare, Gotama.”
37. 37.”And not considering their welfare, would his heart stand fast in love towards them, or in enmity?”
38. 38.”In enmity, Gotama.”
39. 39.”But when one's heart stands fast in enmity, is that unsound doctrine, or sound?”
40. 40.”It is an unsound doctrine, Gotama.”
41. 41.”So then, Lohikka, you admit that he who should say that you, being in occupation of Salavatika, should therefore yourself enjoy all the revenue and produce thereof, bestowing nothing on anyone else ; and he who should say that King Pasenadi of Kosala, being in power over Kasi and Kosala, should therefore himself enjoy all the produce thereof, bestowing nothing on anyone else, would be making danger for those living in dependence on you; or for those, you and others, living in dependence upon the king. And that those who thus make danger for others, must be wanting in sympathy and have their hearts set fast in enmity. And that to have one's heart set fast in enmity is unsound doctrine.
42. 42.”Then just so, Lohikka, is he who should say that a Samana or a Brahmin should not communicate his knowledge and learning to women and Shudras.
43. 43.”Just so, he who should say thus, would be putting obstacles in the way of others and would be out of sympathy for their welfare.
44. 44.”Being out of sympathy for their welfare his heart would become established in enmity ; and when one's heart is established in enmity, that is unsound doctrine.”

§2. *Dhamma is Saddhamma when it Teaches that Mere Learning is Not Enough: it may Lead to Pedantry*

1. 1. Once when the Buddha was residing in the country of Kausambi, in a certain Vihara called the”Beautiful Voice,”preaching to the people assembled there was a certain Brahmacharin.
2. 2. The Brahmacharin felt that he was unrivalled for knowledge of

scriptures and being unable to find anyone equal to himself in argument, was accustomed to carry, wherever he went, a lighted torch in his hand.
3. 3. One day a man in the market place of a certain town, seeing him thus, asked him the reason of his strange conduct, on which he replied:
4. 4."The world is so dark, and men so deluded, that I carry this torch to light it up so far as I can."
5. 5. Seeing this the Buddha forthwith called out to the Brahmacharin,"What ho there ! What are you about with that Torch?"
6. 6. The Brahmacharin replied,"All men are so wrapped in ignorance and gloom, that I carry this torch to illumine them."
7. 7. Then the Blessed Lord asked him again,"And are you so learned as to be acquainted with the four treatises (Vidyas) which occur in the midst of the Sacred Books, to wit, the treatise on ' Literature ' (Sabdavidya) ; the treatise on the ' Heavenly Bodies and their Paths ' ; the treatise on ' Government ' and the treatise on 'Military Art'?"
8. 8. On the Brahmacharin being forced to confess he was unacquainted with these things, he flung away his torch, and the Buddha added these words:
9. 9."If any man, whether he be learned or not, considers himself so great as to despise other men he is like a blind man holding a candle—blind himself, he illumines others."

§3. *Dhamma is Saddhamma when it Teaches that what is Needed is Pradnya*

1. 1. The Brahmins regarded Vidya (Knowledge, Learning) as in itself a thing of value. A man of mere learning and knowledge was to them an object of veneration irrespective of the question whether or not he was a man of virtue.
2. 2. Indeed they said that a king is honoured in his own country but a man of learning is honoured all over the world, suggesting thereby that a man of learning is greater than the king.
3. 3. The Buddha made a distinction between Vidya and Pradnya, i.e.,
4. 4. It may be said that the Brahmins also made a distinction between Pradnya and Vidya.
5. 5. That may be true. But there is a vast difference between the Pradnya of the Buddha and the Pradnya of the Brahmins.

6. 6. This distinction has been well brought out by the Buddha in his sermon reported in Anguttara Nikaya.
7. 7. On a certain occasion the Exalted One was staying near Rajagraha, in the bamboo grove at the squirrels' feeding ground.
8. 8. Now on that occasion Vassakara the Brahmin, a great official ofMagadha, came to visit the Exalted One, and on coming to him greeted him courteously, and after exchange of greetings and courtesies sat down at one side. As he' sat thus Vassakara the Brahmin said this to the Exalted One :
9. 9."Master Gotama, we Brahmins proclaim a man, if he possesses four qualities, as one of great wisdom, as a great man. What are the four qualities?
10. 10."Herein, Master Gotama, he is learned. Of whatsoever he hears he understands the meaning as soon as it is uttered, saying: ' This is the meaning of that saying! ' Moreover, he has a good memory, he can remember and recall a thing done long ago, and said long ago.
11. 11."Again, in all the business of a householder he is skilled and diligent, and therein he is resourceful and capable of investigating what is proper to be done, what should be arranged.
12. 12."Now, master Gotama, if a man possesses these qualities, we proclaim him as one of great wisdom, as a great man. If the worthy Gotama thinks me worthy of commendation herein, let him commend me. On the contrary, if he thinks me blameworthy, let him blame me therefor."
13. 13."Well, Brahmin I neither commend you nor blame you herein. I myself proclaim a man to be one of great wisdom, if he possesses the following four qualities which are quite different from those mentioned by you,
14. 14."Herein, Brahmin, we have a man given to the welfare of many folk, to the happiness of many folk. By him are many folk established in the Ariyan Method, to wit : in what is of a lovely nature, in what is of a profitable nature.
15. 15."To whatsoever train of thought he wishes to apply himself, to that train of thought he applies himself : to whatever train of thought he desires not to apply himself, to that train of thought he applies not himself.
16. 16."Whatever intention he wishes to intend, he does so or not if he so wishes. Thus is he master of the mind in the ways of thought.

17. 17.”Also he is one who attains at will, without difficulty and without trouble the four musings which belong to the higher thought, which even in this very life are blissful to abide in.
18. 18.”Also bydestruction of the asavas (fetters) in this very life thoroughly comprehending it by himself, he realises the heart's release, the release by wisdom, and attaining it abides therein.
19. 19.”No Brahmin, I neither commend nor blame you herein, but I myself proclaim a man possessed of these four different qualities to be one of great wisdom, to be a great man.”
20. 20.”It is wonderful, Master Gotama! It is marvellous. Master Gotama, how well this has been said by the worthy Gotama !
21. 21.”I myself do hold the worthy Gotama to be possessed of these same four qualities. Indeed, the worthy Gotama is given to the welfare of many folk, to the happiness of many folk. By him are many folk established in the Ariyan 'Method, to wit: in what is of a lovely nature, in what is of a profitable nature.
22. 22.”Indeed, the worthy Gotama, to whatever train of thought he wishes to apply himself, to that train of thought applies himself . . Surely the worthy Gotama is master of the mind in the ways of thought.
23. 23.”Surely the worthy Gotama is one who attains at will . . . the four musings . . . Surely the worthy Gotama by destruction of the asavas . . . realises the heart's release, the release by wisdom . . . and attaming it abides therein.”
24. 24. Herein is stated in the clearest terms the difference between Pradnya according to the Buddha and Pradnya, according to the Brahmins.
25. 25. Herein is set out his case why the Buddha regarded Pradnya as more important than *Vidya.*

DHAMMATOBESADDHAMMAMUSTPROMOTEMAITRI

§ *1. Dhamma is Saddhamma only when it Teaches that Mere Pradnya is Not Enough: it must be accompanied by Sila*

1. 1. Pradnya is necessary. But Sila is more necessary. Pradnya without Sila is dangerous.
2. 2. Mere Pradnya is dangerous.

3. 3. Pradnya is like a sword in the hand of a man.
4. 4. In the hand of a man with Sila it may be used for saving a man with danger.
5. 5. But in the hand of a man without Sila it may be used for murder.
6. 6. That is why Sila is more important than Pradnya.
7. 7. Pradnya is Vichar Dhamma or thinking aright. Sila is Achar Dhamma, acting aright.
8. 8. The Buddha prescribed five basic principles regarding Sila.
9. 9. One relating to taking life.
10. 10. Second relating to stealing,
11. 11. Third relating to sexual immorality.
12. 12. Fourth relating to telling a lie.
13. 13. Fifth relating to drink.
14. 14. On each of these the Blessed Lord directed the people not to kill; not to steal; nor to tell a lie; nor to indulge in sex immorality and not to indulge in drinking.
15. 15. The reason why the Buddha gave greater importance to Sila than to knowledge is obvious.
16. 16. The use of knowledge depends upon a man's Sila. Apart from Sila, knowledge has no value. This is what he said.
17. 17. At another place, he said,"Sila is incomparable in this world.
18. 18."Sila is the beginning and the refuge, Sila is the mother of all good. It is the foremost of all good conditions. Therefore, purify your Sila."

§ 2. *Dhamma is Saddhamma only when it Teaches that besides Pradnya and Sila what is Necessary is Kamna*

1. 1. There has been some difference of opinionon the issue as to foundation of Buddha's Dhamma.
2. 2. Is *Pradnya* alone the foundation of his religion? Is *Kanma* alone the foundation of his religion?
3. 3. The controversy had divided the followers of the Buddha into two schools. One school held that Pradnya alone is the foundation of the Buddha's religion. The other school held that Karuna alone is the foundation of the Buddha's religion.
4. 4. These two schools still remain divided.

5. 5. Both the schools seem to be wrong if judged in the light of the Buddha's own words.
6. 6. There is no difference of opinion that Pradnya is one of the two pillars of the Buddha's religion.
7. 7. The dispute is whether Kamna is also a pillar **of** his religion.
8. 8. That Karuna is a pillar of his religion is beyond dispute.
9. 9. His own words can be quoted in support of it.
10. 10. In days gone by there was a country called Gandhara, in which was a very old mendicant afflicted with a very loathsome disease, which caused him to pollute every place he occupied.
11. 11. Being in a certain Vihara belonging to the place, no one would come near him or help him in his distress.
12. 12. On this Buddha came with his 500 followers, and obtaining all sorts of necessary utensils and warm water, they together visited the place where the old mendicant lay.
13. 13. The smell in the place was so offensive that all the Bhikkus were filled with contempt for the man; but the World-honoured, causing Sakra-deva to bring the warm water, then with his own hand began to wash the body of the mendicant and attend to his maladies.
14. 14. Then the earth shook, and the whole place was filled with a supernatural light, so that the king and the ministers, and all the heavenly host (Devas, Nagas, etc.) flocked to the place, and paid adoration to Buddha.
15. 15. Having done so, they all addressed the World-honoured, and quired how one so highly exalted could lower himself to such offices as these, on which Buddha explained the matter thus :
16. 16."The purpose of Tathagata in coming into the world, is to befriend those poor and helpless and unprotected, to nourish those in bodily affliction, whether they be Samanas or men of any other religion—to help the impoverished, the orphan and the aged, and to persuade others so to do."

§ *3. Dhamma is Saddhamma only when it Teaches that More than Karuna what is Necessary is Maitri*

1. 1. The Buddha did not stop with teaching Karuna.

2. 2. Karuna is only love for human beings. Buddha went beyond and taught Maitri. Maitri is love for living beings'.
3. 3. The Buddha wanted man not to stop with Karuna but to go beyond mankind and cultivate the spirit of Maitri for all living beings.
4. 4. This he has well explained in a Sutta when the Blessed One was staying in Shravasti.
5. 5. Speaking about Maitri, the Blessed Lord told the almsmen:
6. 6."Suppose a man comes to dig the earth. Does the earth resent?"
7. 7."No, Lord,"the almsmen replied.
8. 8."Supposing a man comes with lac and colours to paint pictures in the air. Do you think he could do it?"
9. 9."No, Lord."
10. 10."Why?""Because there are no dark patches in the air,"said the Bhikkus.

II."In the same way you must not have any dark patches in your mind which are the reflections of your evil passions."

1. 12."Suppose a man comes with a blazing wisp of bracken to set the River Ganges on fire. Could he do it?"
2. 13."No, Lord."
3. 14."Why?""Because the Ganges has no combustibility in its water."
4. 15. Concluding his address, the Blessed Lord said :"Just as the earth does not feel hurt and does not resent, just as the air does not lend to any action against it, just as the Ganges water goes on flowing without being disturbed by the fire so also you Bhikkus must bear all insults and injustices inflicted on you and continue to bear Maitri towards your offenders.
5. 16."So almsmen, Maitri must flow and flow for ever. Let it be your sacred obligation to keep your mind as firm as the earth, as clean as the air and as deep as the Ganges.. If you do so your Maitri will not be easily disturbed, by an act however unpleasant. For all who do injury will soon be tired out.
6. 17."Let the ambit of your Maitri be as boundless as the world and let your thought be vast and beyond measure in which no hatred is thought of.
7. 18."According to my Dhamma, it is not enough to practise Karuna. It is necessary to practise Maitri."

8. 19. In the course of the sermon the Blessed Lord told a story to the almsmen which is worth remembering.
9. 20.”Once upon a time there lived in Shravasti a lady named Videshika, who was reputed gentle and meek, and mild. She had a maid servant named Darkie, a bright girl, an early riser and a good worker. ' I wonder,' thought Darkie, ' whether my mistress, who is so well spoken of, has really got a temper of her own which she does not show or whether she has got no temper atall? Or do 1 do my work so well, that though she has got a temper, she does not show it? I will try her.'
10. 21.”So next morning she got up late. ' Darkie ! Darkie ! cried the mistress.' ' Yes, madam,' answered the girl. ' Why did you get up so late? ' ' Oh, that's nothing, madam.' ' Nothing , indeed, you naughty girl! ' thought the mistress, frowning with anger and displeasure.
11. 22.”' So she has got a temper, though she does not show it,”thought the maid : ' It is because I do my work so well that she does not show it ; I will try her further.' So she got up later next morning. 'Darkie! Darkie!' cried the mistress. 'Yes, madam,' answered the girl. ' Why did you get up so late? ' ' Oh that's nothing, madam.' ' Nothing, indeed, you naughty girl ! ' exclaimed the mistress, giving vent in words to her anger and displeasure.
12. 23.”' Yes,' thought the maid,”she has got a temper though she does not show it because I do my work so well; I will try her yet further.' So next morning she got up later still. ' Darkie ! Darkie ! cried her mistress.' ' Yes, madam,' answered the girl. ' Why did you get up so late?' 'Oh, that's nothing, madam.'
13. 24.”' Nothing indeed you naughty girl, to get up so late!' exclaimed the mistress and in her anger and displeasure she picked up the lynch-pin and struck the girl on the head with it, drawing blood.
14. 25.”With her broken head streaming with blood, Darkie roused the neighbourhood with shrieks: ' See, lady, what the gentle one has done! See, lady, what the meek one has done ! See, lady, what the mild one has done. What for? Just became her only maid got up late, she was so angry and displeased that she just jumped with the lynch-pin to strike her on the head and break it.'
15. 26.”In the result the lady Videshika got the reputation of being violent, anything but meek and mild.
16. 27.”In like manner an almsman may be gentle and meek, and mild

enough so long as nothing unpleasant is said against him. It is only when unpleasant things are said against him that you can test if he has Maitri—fellowship in him."

17. 28. Then he added,"I do not call an almsman Charged with the spirit of Maitri if he shows it only to get clothes and food. Him only do I recognise as a true almsman whose Maitri springs from the doctrine."

18. 29."None of the means employed to acquire religious merit, 0 Monks, has a sixteenth part of the value of loving kindness. Loving kindness, which is freedom of heart, absorbs them all ; it glows, it shines, it blazes forth.

30.."And in the same way, 0 Monks, as the light of all the stars has not a sixteenth part of the value of the moonlight, but the moonlight absorbs it and glows and shines and blazes forth ; in the same way, 0 Monks, none of the means employed to acquire religious merit has a sixteenth part of the value of loving kindness. Loving kindness, which is freedom of heart, absorbs them; it glows, it shines, it blazes forth.

31."And in the, same way, 0 Monks, as at the end of the rainy season, the sun, rising into the clear and cloudless sky, banishes all the dark spaces and glows and shines and blazes forth ; and in the same way again, as at night's end the morning star glows and shines and blazes forth; so, 0 Monks, none of the means employed to acquire religious merit has a sixteenth part of the value of loving kindness. Loving kindness, which is freedom of heart, absorbs them; it glows, it shines, it blazes forth."

DHAMMA TO BE SADDHAMMA MUST PULL DOWN ALL SOCIAL BARRIERS

§ 1. *Dhamma .to be Saddhamma must break down barriers between Man and Man*

1. 1. What is an ideal society? According to the Brahmins, the Vedas have defined what is an ideal society and the Vedas being infallible, that is the only ideal society which man can accept.

2. 2. The ideal societyprescribed by the Vedas is known by the name Chaturvama.

3. 3. Such a society, according to the Vedas, must satisfy three conditions.
4. 4. It must be composed of four classes. Brahmins, Kshatriyas, Vaishyas and Shudras.
5. 5. The interrelations of these classes must be regulated by the principle of graded inequality. In other words, all these classes are not to be on equal level but to be one above the other, in point of status, rights and privileges.
6. 6. The Brahmins were placed at the top ; the Kshatriyas were placed below the Brahmins but above the Vaishyas; the Vaishyas were placed below the Kshatriyas but above the Shudras and the Shudras were placed the lowest of all.
7. 7. The third feature of Chaturvama was that each class must engage itself in an occupation assigned to it. The Brahmins' occupation was to learn, teach and officiate at religious ceremonies. The Kshatriyas' occupation was to bear arms and to fight. The occupation of the Vaishyas was trade and business. The Shudras' occupation was to do menial service for all the three superior classes.
8. 8. No class is to transgress and trench upon the occupation of the other classes.
9. 9. This theory of an ideal society was upheld by the Brahmins and preached to the people.
10. 10. The soul of this theory, it is obvious, is inequality. This social inequality is not the result of historical growth. Inequality is the official doctrine of Brahminism.
11. 11. The Buddha opposed it root and branch.
12. 12. He was the strongest opponent of caste and the earliest and staunchest upholder of equality.
13. 13. There is no argument in favour of caste and inequality which he did not refute.
14. 14. There were many Brahmins who challenged Buddha on this issue. But he silenced them completely.
15. 15. The story is told in the Assalayana-Sutta that once the Brahmins persuaded one of them, by name Assalayana, to go to the Buddha and controvert his views against caste and inequality.
16. 16. Assalayana went to the Buddha and placed before him the case in

favour of the superiority of the Brahmins.
17. 17. He said,"Brahmins maintain, Gotama, that only Brahmins form the superior class, all other classes being inferior ; that only Brahmins form the white class, all other classes being black fellows ; that purity resides in Brahmins alone and not in non-Brahmins; and that only Brahmins are Brahma's legitimate sons, born from his mouth, offspring of his, creations of his, and his heirs. What does Gotama say hereon?"
18. 18. The Buddha's answer simply pulverized Assalayana.
19. 19. The Buddha said : "Assalayana, are not the Brahmin wives of Brahmins known to have their periods, and to conceive, and to lie and give birth? Notwithstanding this do Brahmins really maintain all what you have said though they are themselves born of women like everybody else?"
20. 20. Assalayana gave no answer.
21. 21. The Buddha went further and asked Assala;-yana another question.
22. 22."Suppose, Assalayana, a young noble con-softs with a Brahmin maiden, what would be the issue? Will it be an animal or human being?"
23. 23. Again Assalayana gave no answer.
24. 24."As to the possibility of moral development, is it only a Brahmin and not a man of the other three classes, who in this country, can develop in his heart the love that knows no hate or ill-will?"
25. 25."No. All four classes can do it,"replied Assalayana.
26. 26."Assalayana ! Have you ever heard,"asked the Buddha,"that in the Yona and Kamboja countries and in other adjacent countries, there are only two classes, namely, masters and slaves, and that a master can become a slave and *vice versa*?"
27. 27."Yes, I have heard so,"replied Assalayana.
28. 28."If your Chaturvarna is an ideal society, why is it not universal?" .
29. 29. On none of these points was Assalayana able to defend his theory of caste and inequality. He was completely silenced. He ended by becoming a disciple of the Buddha.
30. 30. A Brahmin by name Vasettha had embraced the religion of the Blessed Lord. The Brahmins used to abuse him for his conversion.
31. 31. One day he went to Buddha and disclosed to him what the Brahmins said of him.
32. 32. Then Vasettha said :"The Brahmins, Lord, say thus : ' Only a

Brahmin is of the best social grade ; other grades are low. Only a Brahmin is of a clear complexion ; other complexions are swarthy. Only Brahmins are of pure breed ; not they that are not of the Brahmins. Only Brahmins are genuine children of Brahma, born of his mouth, offspring of Brahma, created by Brahma, heirs of Brahma.

33. 33.”' As for you, you have renounced the best rank and have gone over to that low class, to the shaven recluses, to vulgar rich, to them of swarthy skins, to the foot-born descendants. Such a course is not good, such a course is not proper, even this, that you, having forsaken that upper class, should associate with an inferior class, to wit, with shavelings, fair folks, menials, swarthy of skin, the offspring of our kinsmen's heels.'

34. 34.”In these terms. Lord, do the Brahmins blame and revile me with characteristic abuse, copious, not at all stinted.”

35. 35.”Surely, Vasettha,”said the Buddha,”the Brahmins have quite forgotten the ancient lore when they say so. On the contrary, the wives of Brahmins, like all women of other classes, are seen to be with child, bringing forth and nursing children. And yet it is these very womb-born Brahmins who say that Brahmins are genuine children of Brahma, born from his mouth ; his offspring ; his creation ; and his heirs ! By this they make a travesty of the nature of Brahma.”

36. 36. Once the Brahmin Esukari went to the Buddha to argue with him three questions.

37. 37. The first question he raised related to the permanent division of occupations. In defence of the system he began by saying :”I have come to ask you a question. The Brahmins say they shall serve nobody because they stand above all. Everyone else is born to serve them.

38. 38.”Service, Gotama, is divided into four— service of Brahmin, service of noble, service of a middle-class man, or by a peasant; while a peasant may be served only by a peasant,—for who else could?”What does the reverend Gotama say hereon?”

39. 39. The Buddha answered him by asking a question :”Is the whole world in accord with Brahmins in their fourfold division of service?”asked the Lord.

40. 40.”For myself, I neither assert that all service is to be rendered nor that all service is to be refused. If the service makes a man bad and not good, it should not be rendered; but if it makes him better and not bad,

then it should be rendered.

41. 41.”This is the guiding consideration which should decide the conduct alike of nobles, of Brahmins, of middle-class men and of peasants ; each individual should refuse service which makes him bad and should accept only the service which makes him a better man.”

42. 42. The next question raised as by Esukari. “Why should ancestry and lineage not have a place in determining the status of a man?”

43. 43. To this question the Buddha replied thus :”As against pride of ancestry, the station into which a man happens to be born determines only his desig- nation be it noble or Brahmin or middle-class or peasant. Even as a fire is called after the material out of which it is kindled, and may thus be called either a wood-fire, or a chip-fire, or a bracken-fire, or a cowdung fire, just in the same way the noble, tran-scendant doctrine, I aver, is the source of true wealth for every man, birth merely determining his designation in one of the four classes.

44. 44.”Lineage does not enter into a man's being either good or bad : nor do good looks or wealth. For, you will find a man of noble birth who is a murderer, a thief, a fornicator, a liar, a slanderer, a man of bitter tongue, a tattler, a covetous person, a man of rancour or of wrong views, and therefore I assert that noble birth does not make a good man. Or again you will find a man of noble birth who is innocent of all these vices ; and, therefore, I assert that it is not lineage which makes a man bad.”

45. 45. The third question which Esukari raised was with regard to the ways of earning a living assigned to each class.

46. 46. The Brahmin Esukari said to the Lord:”Brahmins give a fourfold assignment of income, from alms, for Brahmins ; from his bow and arrows, for the noble; from ploughing and tending cattle, for the middle-class man ; and for the peasant, by the carriage of crops on the pole slung over his shoulder. If anyone of these deserts his vocation for something else, he does what he should not do, not less than a guardian who appropriates what is not his. What does the reverend Gotama say on this?”

47. 47.”Is the whole world in accord with this Brahmin classification?”asked the Lord.

48. 48.”No,”replied Esukari.

49. 49. To Vasettha he said :”What is important is high ideals and not noble birth.

50. 50.”No caste ; no inequality ; no superiority ; no inferiority ; all are equal. This is what he stood for.
51. 51.”Identify yourself with others. As they, SOl. As I, so they,”so said the Buddha.

§ 2. *Dhamma to be Saddhamma must Teach that Worth and not Birth is the Measure of Man*

1. 1. The theory of Chaturvama, preached by the Brahmins, was based on birth.
2. 2. One is a Brahmin because he is born of Brahmin parents. One is a Kshatriya because he is born of Kshatriya parents. One is a Vaishya because one is born of Vaishya parents. And one is a Shudra because one is born of Shudra parents.
3. 3. The worth of a man according to the Brahmins was based on birth and on nothing else.
4. 4. This theory was as repulsive to the Buddha as was the theory of Chaturvama.
5. 5. His doctrine was just the opposite of the doctrine of the Brahmins. It was his doctrine that worth and not birth was the measure of man.
6. 6. The occasion on which the Buddha propounded his doctrine has its own peculiar interest.
7. 7. Once the Blessed One was staying in Anath-pindika's Asram. One day in the forenoon he took his begging bowl and entered Shravasti for alms.
8. 8. At that time a sacrificial fire was burning and an offering was prepared. Then the Blessed One, going for alms from house to house in Shravasti, approached the house of the Brahmin Aggika.
9. 9. The Brahmin, seeing the Blessed One coming at a distance, became angry and said :”Stay there, 0 Shaveling ! There, stay, ye wretched monk ! Stay there, ye miserable outcast.”
10. 10. When he spoke thus, the Blessed One addressed him as follows:”Do you know, 0 Brahmin, who an outcast is, or the things that make a person an outcast?”
11. 11.”No, Gotama, I do not know who an outcast is. Nor indeed do I know what things make a man an outcast.”

12. 12. The Lord pleaded that nothing would be lost in knowing who is an outcast."Now that you insist on my knowing it,"the Brahmin Aggika said,"well go on and explain."
13. 13. The Brahmin having responded, the Blessed One speak as follows :
14. 14."The man who is irritable, rancorous, vicious, detractive, perverted in views, and deceitful— know ye that he is an outcast.
15. 15."Whosoever in this world harms living beings once-born or twice-born, in whom there is no compassion for living beings—know ye that he is an outcast.
16. 16."Whosoever destroys and besieges villages and hamlets, and is known as an oppressor—know ye that he is an outcast.
17. 17."Whether in the village or in the forest whosoever appropriates by theft what belongs to others, or what is not given—know ye that he is an outcast,
18. 18."Whosoever, having really taken a debt, flees, when pressed, saying, ' There is no debt to you,'— know ye that he is an outcast.
19. 19."Whosoever, desiring some trifle, kills a man going alone on the road, and pillages him—know ye that he is an outcast.
20. 20."Whosoever for his own sake, or for the sake of others, or for the sake of wealth, utters lies when asked as a witness—know ye that he is an outcast.
21. 21."Whosoever by force or with consent is seen transgressing with the wives of relatives or friends

- know ye that he is an outcast.

1. 22."Whosoever, being rich, does not support aged mother and father who have passed their youth— know ye that he is an outcast.
2. 23."Whosoever, when questioned about what is good, counsels what is wrong and teaches in a concealing way—know ye that be is an outcast.
3. 24."No one is an outcast by birth—and no one is a Brahmin by birth."
4. 25. Aggika, on hearing this, felt greatly ashamed for the abuse he had buried against the Blessed Lord.

§ 3. Dhamma to be Saddhamma must
Promote Equality between Man and Man

1. 1. Men are born unequal.
2. 2. Some are robust, others are weaklings.
3. 3. Some have more intelligence, others have less or none.
4. 4. Some have more capacity, others have less.
5. 5. Some are well-to-do, others are poor.
6. 6. All have to enter into what is called the struggle for existence.
7. 7. In the struggle for existence if inequality be recognised as the rule of the game the weakest will always go to the wall.
8. 8. Should this rule of inequality be allowed to be the rule of life?
9. 9. Some answer in the affirmative on the ground that it results in the survival of the fittest.
10. 10. The question, however, is: Is the fittest the best from the point of view of society.
11. 11. No one can give a positive answer.
12. 12. It is because of this doubt that religion preaches equality. For equality may help the best to survive even though the best may not be the fittest.
13. 13. What society wants is the best and not the fittest.
14. 14. It is, therefore, the primary reason why religion upholds equality.
15. 15. This was the viewpoint of the Buddha and it was because of this that he argued that a religion which does not preach equality is not worth having. 16. Can you respect or believe in a religion which recommends actions that bring happiness to oneself by causing sorrow to others, or happiness to others by causing sorrow, to oneself or sorrow to both oneself and others?
16. 17. Is not that a better religion which promotes the happiness of others simultaneously with the happiness of oneself and tolerates no oppression.
17. 18. These were some of the most pertinent questions which he asked the Brahmins who opposed Equality.
18. 19. The religion of the Buddha is perfect justice springing from a

man's own meritorious disposition.

BOOK IV: Religion and Dhamma

Part I—Religion and Dhamma.

Part II—How Similarities in Terminology Conceal Fundamental Difference.

Part III—The Buddhist Way of Life.

Part IV—:His Sermons.

PART I : RELIGION AND DHAMMA

1. 1. What is Religion?
2. 2. How Dhamma Differs From Religion.
3. 3. The Purpose of Religion and the Purpose of Dhamma.
4. 4. Morality and Religion.
5. 5. Dhamma and Morality.
6. 6. Mere Morality is not Enough. It must be Sacred and Universal.

RELIGION

§ *1. What is Religion?*

1. 1. The word"religion"is an indefinite word with no fixed meaning.
2. 2. It is one word with many meanings.
3. 3. This is because religion has passed through many stages. The concept at each stage is called Religion though the concept at one stage has not had the same meaning which it had at the preceding stage or is likely to have at the succeeding stage.
4. 4. The conception of religion was never fixed.
5. 5. It has varied from time to time.
6. 6. Because most of the phenomena such as lightning, rain and floods, the occurrence of which the primitive man could not explain, any weird performance done to control the phenomenon was called magic. Religion therefore came to be identified with magic.

7. 7. Then came the second stage in the evolution of religion. In this stage religion came to be identified with beliefs, rituals, ceremonies, prayers and sacrifices.
8. 8. But this conception of religion is derivative.
9. 9. The pivotal point in religion starts with the belief that there exists some power which causes these phenomena which primitive man did not know and could not understand. Magic lost its place at this stage.
10. 10. This power was originally malevolent. But later it was felt that it could also be benevolent.

II. Beliefs, rites, ceremonies and sacrifices were necessary both to propitiate a benevolent power and also to conciliate an angry power.

1. 12. Later that power was called God or the Creator.
2. 13. Then came the third stage that it is this God who created this world and also man.
3. 14. This was followed by the belief that man has a soul and the soul is eternal and is answerable to God for man's actions in the world.
4. 15. This is, in short, the evolution of the concept of Religion.
5. 16. This is what Religion has come to be and this is what it connotes—belief in God, belief in soul, worship of God, curing of the erring soul, propitiating God by prayers, ceremonies, sacrifices, etc.

§2. *How Dhamma Differs From Religion*

1. 1. What the Buddha calls Dhamma differs fundamentally from what is called Religion.
2. 2. What the Buddha calls Dhamma is analogous to what the European theologians call Religion.
3. 3. But there is no greater affinity between the two. On the other hand, the differences between the two are very great.
4. 4. On this account some European theologians refuse to recognise the Buddha's Dhamma as Religion.
5. 5. There need be no regrets over this. The loss is theirs. It does no harm to the Buddha's Dhamma. Rather, it shows what is wanting in Religion.

6. 6. Instead of entering into this controversy it is better to proceed to give an idea of Dhamma and show how it differs from Religion.
7. 7. Religion, it is said, is personal and one must keep it to oneself. One must not let it play its part in public life.
8. 8. Contrary to this, Dhamma is social. It is fundamentally and essentially so.
9. 9. Dhamma is righteousness, which means right relations between man and man in all spheres of life.
10. 10. From this it is evident that one man if he is alone does not need Dhamma.
11. 11. But when there are twomen living in relation to each other they must find a place for Dhamma whether they like it or not. Neither can escape it.
12. 12. In other words. Society cannot do without Dhamma.
13. 13. Societyhas to choose one of the three alternatives.
14. 14. Society may choose not to have any Dhamma, as an instrument of Government. For Dhamma is nothing if it is not an instrument of Government.
15. 15. This means Society chooses the road to anarchy.
16. 16. Secondly, Society may choose the police, i.e., dictatorship as an instrument of Government.
17. 17. Thirdly, Society may choose Dhamma plus the Magistrate wherever people fail to observe the Dhamma.
18. 18. In anarchy and dictatorship liberty is lost.
19. 19. Only in the third liberty survives.
20. 20. Those who want liberty must therefore have Dhamma.
21. 21. Now what isDhamma? and why isDhamma necessary? According to the Buddha, Dhamma consists of Prajna and Karuna.
22. 22. What is Prajna? And why Prajna? Prajna is understanding. The Buddha made Prajna one of the two corner-stones of His Dhamma because he did not wish to leave any room for superstition.
23. 23. What is Karuna? And why Karuna? Karuna is love. Because, without it Society can neither live nor grow, that is why the Buddha made it the second corner-stone of His Dhamma.
24. 24. Such is the definition of the Buddha's Dhamma.
25. 25. How different is this definition of Dhamma from that of

Religion.
26. 26. So ancient, yet so modern is the definition of Dhamma given by the Buddha.
27. 27. So aboriginal yet so original.
28. 28. Not borrowed from anyone, yet so true.
29. 29. A unique amalgam of Pradnya and Karuna is the Dhamma of the Buddha.
30. 30. Such is the difference between Religion and Dhamma.

§ 3. *The Purpose of Religion and the Purpose of Dhamma*

1. 1. What is the purpose of Religion? What is the purpose of Dhamma? Are they one and the same? Or are they different?
2. 2. The answer to these questions are to be found in two dialogues—one between the Buddha and Sunakkhatta and the other between the Buddha and the Brahmin Potthapada.
3. 3. The Exalted One was once staying among the Mallas at Anupiya, one of their towns.
4. 4. Now the Exalted One having robed himself in the early morning, put on his cloak and took his bowl and entered the town for alms.
5. 5. On the way he thought it was too early to go for alms. Therefore he went to the pleasance where Bhaggava the wanderer dwelt and called on him.
6. 6. On seeing the Blessed One Bhaggava got up, saluted him and said,"May it please you, sire, to be seated ; here is a seat made ready for you."
7. 7. The Exalted One sat down thereon, and Bhaggava taking a certain lowstool sat down beside him. So seated, Bhaggava, the wanderer, spake thus to the Exalted One :

8"Some days ago, Lord, a good many days ago, Sunakkhatta of the Licchavis called on me and spake thus: 'I have now given up the Exalted One, Bhaggava. I am remaining no longer under him (as my teacher).' Is the fact really so, just as he said?"

1. 9."It is just so Bhaggava, as Sunakkhatta of the Licchavis

said,"replied the Riessed One.
2. 10."Some days ago, Bhaggava, a good many days ago, Sunakkhatta, the Licchavi, came to call on me, and spake thus : ' Sir, I now give up the Exalted One. I will henceforth remain no longer under him (as my teacher).' When he told me this, I said to him : ' But now, Sunakkhatta, have I

ever said to you, Come, Sunakkhatta, live under *me* (as my pupil)? ' 11."'
No, sir, you have not.'

1. 12."Or haveyou ever said to me: ' Sir, I would fain dwell under the Exalted One (as my teacher)?'
2. 13."'No, sir, I have not.'
3. 14."Then I asked him'If I said not the one, and you said not the other, what are you and what am I that you talk of giving up? See, foolish one, in how far the fault here is your own.'
4. 15."'Well, but, sir, the Exalted One works me no mystic wonders surpassing the power of ordinary men'
5. 16."Why, now Sunakkhatta, have I ever said to you: ' Come, take me as your teacher, Sunakkhatta, and I will work for you mystic wonders surpassing the power of ordinary men? '
6. 17."'You have not, sir.'
7. 18."Or have you ever said to me: ' Sir, I would fain take the Exalted One as my teacher, for he will work for me mystic wonders beyond the powers of ordinary men? '
8. 19."' I have not, sir.'
9. 20."'But if I said not the one, and you said not the other, what are you and what am I, foolish man, that you talk of giving up? What think you, Sunakkhatta? Whether mystic wonders beyond the power of ordinary man are wrought, or whether they are not is the object for which I teach the Dhamma: that it leads to the thorough, destruction of ill for the doer thereof? '
10. 21. "'Whether, sir, they are so wrought or not, that is indeed the object for which the Dhamma is taught by the Exalted One.'
11. 22."' If then, Sunakkhatta, it matters not to that object whether mystic wonders are wrought or not, of what use to you would be the

working of them? See, foolish one, in how far the fault here is your own.'
12. 23.”'But, sir, the Exalted One does not reveal to me the beginning of things.'
13. 24.”Why now, Sunakkhatta, have I ever said to you: ' Come, Sunakkhatta, be my. disciple and I will reveal to you the beginning of things? '
14. 25.”' Sir, you have not '
15. 26.”Or have you ever said to me: ' I will become the Exalted *One's* pupil, for he will reveal to me the beginning of things? '
16. 27.”' Sir, I have not.'
17. 28.”' But if I have not said the one and you have not said the other, what are you and what am I, foolish man, that you talk of giving up on that account? What think you, Sunakkhatta? Whether the beginning of things be revealed, or whether it be not, is the object for which I teach the Dhamma that it leads to the thorough destruction of ill for the doer thereof? '
18. 29.”' Whether, sir, they are revealed or not, that is indeed the object for which the Dhamma is taught by the Exalted One.'
19. 30.”' If then, Sunakkhatta, it matters not to that object whether the beginning of things be revealed, or whether it be not, of what use to you would it be to have the beginning of things revealed? '“
20. 31. This illustrates that Religion is concerned with revealing the beginning of things and Dhamma is not.

The other differences between Religion and Dhamma are brought out in the discussion between the Blessed One and Potthapada.

1. 1. The Blessed One was once staying at Shravasti in Anathapindika's pleasance of the Jeta's wood. Now at that time Potthapada, the wandering mendicant was dwelling in the hall put up in Queen Mallika's park for a debate on general systems of philosophical opinion.
2. 2. There was with him a great following of mendicants; to wit, three hundred. A dialogue took place between the Blessed Lord and Potthapada. Potthapada asked:
3. 3.”Then, sir, if that be so, tell me at least: Is the world eternal? Is this alone the truth, and any other view mere folly? '“
4. 4.”That, Potthapada, is a matter on which I have expressed no

opinion,"replied the Blessed Lord.
.5. Then, in the same terms, Potthapada asked each of the following questions : (i) ' Is the world not eternal? '
.(ii) ' Is the world finite? '
.(iii) ' Is the world infinite?
.(iv) ' Is the soul the same as the body?'
.(v) ' Is the soul one thing, and the body another? '
.(vi) ' Does one who has gained the truth live again after death? '
.(vii) ' Does he not live again after death? '
.(viii) ' Does he both live again and not live again, after death? '
.(ix) ' Does he neither live again, nor not live again, after death?'
5. 6. And to each questions the Exalted One made the same reply :—
6. 7."That too, Potthapada, is a matter on which I have expressed no opinion."
7. 8."But why has the Exalted One expressed no opinion on that?"
.9."Because this question is not calculated to profit, it is not concerned with the Dhamma, it does not redound even to the elements of right conduct, nor to detachment, nor to purification from lusts, nor to quietude, nor to tranquillisation of heart, nor to real knowledge, nor to the insight .(of the higher stages of the Path), nor to Nirvana. Therefore is it that I express no opinion upon it."
8. 10."Then what is it that the Exalted One has determined? ' '
9. 11."I have expounded, Potthapada, what Dukkha is ; I have expounded what is the origin of Dukkha; I have expounded what is the cessation of Dukkha : I have expounded what is the method by which one may reach the cessation of Dukkha."
10. 12."And why has the Exalted One put forth a statement as to that?"
11. 13."Because that question, Potthapada, is calculated to profit, is concerned with the Dhamma, redounds to the beginnings of right conduct, to detachment, to purification from lusts, .to quietude, to tranquillisation of heart, to real knowledge, to the insight of the higher stages of the Path and to Nirvana. There-fore is it, Potthapada, that I have put forward a statement as to that."
12. 14. In this dialogue it is clearly put forth what is the subject matter of Religion and what is not the subject matter of Dhamma. The two are poles apart

13. 15. The purpose of Religion is to explain the origin of the world. The purpose of Dhamma is to reconstruct the world.

§ *4. Morality and Religion*

1. 1. What is the place of morality in Religion?
2. 2. As a matter of truth morality has no place in Religion.
3. 3. The content of religion consists of God, soul, prayers, worship, rituals, ceremonies and sacrifices.
4. 4. Morality comes in only wherein man comes in relation to man.
5. 5. Morality comes in into religion as a side wind to maintain peace and order.
6. 6. Religion is a triangular piece.
7. 7. Be good to your neighbour because you are both children of God.
8. 8. That is the argument of religion.
9. 9. Every religion preaches morality but morality is not the root of religion.
10. 10. It is a wagon attached to it. It is attached and detached as the occasion requires.
11. 11. The action of morality in the functioning of religion is therefore casual and occasional.
12. 12. Morality in religion is therefore not effective.

§ *5. Dhamma and Morality*

1. 1. What is the place of morality in Dhamma?
2. 2. The simple answer is Morality is Dhamma and Dhamma is Morality.
3. 3. In other words, in Dhamma morality takes the place of God although there is no God in Dhamma.
4. 4. In Dhamma there is no place for prayers, pilgrimages, rituals, ceremonies or sacrifices.
5. 5. Morality is the essence of Dhamma. Without it there is no Dhamma.
6. 6. Morality in Dhamma arises from the direct necessity for man to love man.

7. 7. It does not require the sanction of God. It is not to please God that man has to be moral. It is for his own good that man has to love man.

§ 6. *Mere Morality is not Enough. It must be Sacred and Universal*

1. 1. When is a thing sacred?Why is a thing sacred?
2. 2. In every human society, primitive or advanced, there are some things or beliefs which it regards as sacred and the rest as profane.
3. 3. When a thing or belief has reached the stage of being sacred (pavitra) it means that it cannot be violated. Indeed it cannot be touched. It is taboo.
4. 4. Contrary to this, a thing or a belief which is profane (apavitra), i.e., outside the field of the sacred, may be violated. It means one can act contrary to it, without feeling any fear or qualms of conscience.
5. 5. The sacred is something holy. To transgress it is a sacrilege.
6. 6. Why is a thing made sacred? To confine the scope of the question to the matter in hand, why morality should have been made sacred?
7. 7. Three factors seem to have played their part in making morality sacred.
8. 8. The first factor is the social need for protecting the best.
9. 9. The background of this question lies imbedded in what is called the struggle of existence and the survival of the fittest.
10. 10. This arises out of the theory of evolution. It is common knowledge that evolution takes place through a struggle for existence because the means of food supply in early times were so limited.
11. 11. The struggle is bitter. Nature is said to be red in claw and tooth.
12. 12. In this struggle which is bitter and bloody only the fittest survive.
13. 13. Such is the original state of society.
14. 14. In the course of ancient past someone must have raised the question, Is the fittest (the strongest) the best? Would not the weakest if protected be ultimately the best for advancing the ends and aims of society?
15. 15. The then prevailing state of society seems to have given an answer in the affirmative.
16. 16. Then comes, the question what is the way to protect the weak?
17. 17. Nothing less than to impose some restraints upon the fittest.

18. 18. In this lies the origin and necessity for morality.
19. 19. This morality had to be sacred because it was imposed originally on the fittest, i.e., the strongest.
20. 20. This has very serious consequences.
21. 21. First, does morality in becoming social become anti-social?
22. 22. It is not that there is no morality among thieves. There is morality among businessmen. There is morality among fellow castemen and there is also morality among a gang of robbers.
23. 23. But this morality is marked by isolation and exclusiveness. It is a morality to protect"group interest."It is therefore anti-social.
24. 24. It is the isolation and exclusiveness of this kind of morality which throws its anti-social spirit in relief.
25. 25. The same is true where a group observes morality because it has interests of its own to protect.
26. 26. The results of this group organisation of society are far-reaching.
27. 27. If society continues to consist of anti-social groups, society will remain a disorganised and a factional society.
28. 28. The danger of a disorganised and factional state of society is that it sets up a number of different models and standards.
29. 29. In the absence of common models and common standards society cannot be a harmonious whole,
30. 30. With such different models and standards it is impossible for the individual to attain consistency of mind.
31. 31. A society which rests upon the supremacy of one group over another irrespective of its rational or proportionate claims inevitably leads to conflict.
32. 32. The only way to put a stop to conflict is to have common rules of morality which are sacred to all.
33. 33. There is the third factor which requires morality to be made sacred and universal. It is to safeguard the growth of the individual.
34. 34. Under the struggle for existence or under group rule the interests of the individuals are not safe.
35. 35. The group set-up prevents an individual from acquiring consistency of mind which is possible only when society has common ideals, common models. His thoughts are led astray and this creates a mind whose seeing unity is forced and distorted.

36. 36. Secondly the group set-up leads to discrimination and denial of justice.
37. 37. The group set-up leads to stratification of classes. Those who are masters remain masters and those who are born in slavery remain slaves. Owners remain owners and workers remain workers. The privileged remain privileged and the serfs remain serfs.
38. 38. This means that there can be liberty for some but not for all. This means that there can be equality for a few but none for the majority.
39. 39. What is the remedy? The only remedy lies in making fraternity universally effective.
40. 40. What is fraternity? It is nothing but another name for brotherhood of men which is another name for morality.
41. 41. This is why the Buddha preached that Dhamma is morality and as Dhamma is sacred so is morality.

PART II : HOW SIMILARITIES IN TERMINOLOGY CONCEAL FUNDAMENTAL DIFFERENCE

Section I—*Rebirth*

1. 1. Preliminary.
2. 2. Rebirth of What?
3. 3. Rebirth of Whom?

Section IT—*Karma*

1. 1. Is the Buddhist doctrine of Karma the same as the Brahminic doctrine?
2. 2. Did the Buddha believe in past Karma having effect on future life?
3. 3. Did the Buddha believe in past Karma having effect on future life?—concluded.

Section III—*Ahimsa*

1. 1. The different ways in which it is interpreted and followed.
2. 2. The true meaning of Ahimsa.

Section IV—*Transmigration* Section V—*Causes of his Misunderstandings*
SECTION **I**

REBIRTH §

1. Preliminary

1. 1. What happens after death is a question often asked,
2. 2. The contemporaries of the Buddha held two different views. One set was called Eternalist and the other was called Annihilationist.
3. 3. The Eternalist said that the soul knows no death: therefore life is eternal. It is renewed by rebirth.
4. 4. The thesis of the Annihilationists was summed up in one word, *Ucchedvad,* which meant that death is the end of everything. There is nothing left after death.
5. 5. The Buddha was not an eternalist. For it involved a belief in the existence of a separate, immortal soul to which he was opposed.
6. 6. Was the Buddha an annihilationist? With his belief in the non-existence of the soul, the Buddha would naturally be expected to be an annihilationist.
7. 7. But in the Alagaddupamma-Sutta the Buddha complains that he is called an annihilationist when as a matter of fact he is not.

8. This is what he says :"Though this is what I affirm and what I preach yet some recluses and Brahmins, wrongly, erroneously and falsely charge me in defiance of facts, with being an

annihilationist and with preaching the disintegration, destruction and extirpation of human beings.

8. 9."It is just what lam not, and what I do not affirm, that is wrongly, erroneously, and falsely charged against me by these good people who would make me out to be an annihilationist."
9. 10. If this statement is a genuine one and is not an interpolation by those who wanted to foist a Brahmanic doctrine on Buddhism the statement raises a serious dilemma
10. 11. How can the Buddha not believe in the existence of the soul and yet say that he is not an annihilationist?
11. 12. This raises the question : Did the Buddha believe in rebirth?

§ 2. *Rebirth of What?*

1. 1. Did the Buddha believe in rebirth?
2. 2. The answer is in the affirmative.
3. 3. It is better to split this question further into two parts : (1) Rebirth of What and (2) Rebirth of Whom.
4. 4. It is better to take each one of these two questions separately.
5. 5. Here we may consider the first. *Rebirth of What.*
6. 6. This question is almost always ignored. It is because of the mixing of the two questions that so much confusion has arisen.
7. 7. According to the Buddha there are four elements of Existence which go to compose the body. They are (1) Prithvi ; (2) Apa ; (3) Tej ; and (4) Vayu.
8. 8. Question is when the human bodydies what happens to these four elements? Do they also die along with dead body? Some say that they do.
9. 9. The Buddha said no. They join the mass *of* similar elements floating in (Akash) space.
10. 10. When the four elements from this floating mass join together a new birth takes place.
11. 11. This is what the Buddha meant by rebirth.
12. 12. The elements need not and are not necessarily from the same bodywhich is dead. They may be drawn from different dead bodies.
13. 13. It must be noted that the body dies. But the elements are ever living.
14. 14. This is the kind of rebirth in which the Buddha believed.
15. 15. Great light is 'thrown upon the subject by Sariputta in his dialogue with Maha-Kotthita.
16. 16. It is said that once when the Lord was staying at Shravasti in Jeta's Grove in Anathapindika's Aram, the Maha-Kotthita rising up at even-tide from his meditations, went to Sariputta and asked him to elucidate some of the questions which troubled him.
17. 17. The following was one of them.
18. 18. *Maha-Kotthita* asked :"How many factors has the first ecstasy (Dhyana) put from it and how many does it retain?"
19. 19. *Sariputta* replied:"Five of each. Gone are lusts, malevolence,

torpor, worry and doubt. Observation, reflection, zest, satisfaction and a focussed heart persist."

20. 20. *Maha-Kotthita* asked:"Take the five senses of sight, sound, smell, taste and touch,—each with its own particular province and range of function, separate and mutually distinct. What ultimate base have they? Who enjoys all their five provinces and ranges?"

21. 21. *Sariputta* replied:"Mind (Mano)."

22. 22. *Maha-Kotthita* asked :"On what do these five faculties of sense depend?"

23. 23. *Sariputta* replied :"On vitality."

24. 24. *Maha-Kotthita* asked:"On what does vitality depend?

25. 25. *Sariputta :*"On heat."

26. 26. *Maha-Kotthita* asked:"On what does heat depend?"

27. 27. *Sariputta* replied :"**On** vitality."

28. 28. *Maha-Kotthita* asked : "You say that vitality depends on heat, you also say that heat depends on vitality! What precisely is the meaning to be attached to this?"

29. 29. *Sariputta* replied :"I will give you an illustration. Just as in the case of a lamp, the light reveals the flame and the flame"the light, so vitality depends upon heat and heat on vitality.

30. 30. *Maha-Kotthita* asked :"How many things must quit the body before it is flung aside and cast away like a senseless log?"

31. 31. *Sariputta* answered: "Vitality, heat and consciousness."

32. 32. *Maha-Kotthita* asked :"What is the difference between a lifeless corpse and an almsman in trance, in whom perception and feelings are stilled?"

33. 33. *Sariputta* replied :"In the corpse not only are the plastic forces of the body and speech and mind stilled and quiescent but also vitality is exhausted, heat is quenched and the faculties of sense broken up ; whereas in the almsman in trance vitality persists, heat abides, and the faculties are clear, although respiration, observation and perception are stilled and quiescent."

34. 34. This probably is the best and most complete exposition of Death or Annihilation.

35. 35. There is only one lacuna in this dialogue. Maha-Kotthita should have asked Sariputta one question. What is heat?

36. 36. What answer Sariputta would have given it is not easy to imagine. But there can be no doubt that heat means energy.
37. 37. Thus amplified, the real answer to the question : What happens when the body dies? is : The body ceases to produce energy.
38. 38. But this is only a part of the answer. Because death also means that whatever energy that had escaped from the body joins the general mass of energy playing about in the Universe.
39. 39. Annihilation has therefore a two-fold aspect. In one of its aspects it means cession of production of energy. In another aspect it means a new addition to the stock of general floating mass of energy.
40. 40. It is probablybecause of this two-fold aspect of annihilation that the Buddha said that he was not an absolute annihilationist. He was an annihilationist so far as soul was concerned. He was not an annihilationist so far as matter was concerned.
41. 41. So interpreted it is easy to understand why the Buddha said that he was not an annihilationist. He believed in the regeneration of matter and not in the rebirth of the soul.
42. 42. So interpreted, the Buddha's view is in consonance with science.
43. 43. It is only in this sense that the Buddha could be said to have believed in rebirth.
44. 44. Energy is never lost. That is what science affirms. Annihilation in the sense that after death nothing is left would be contrary to science. For it would mean that energy is not constant in volume.
45. 45. This is the only way by which the dilemma could be solved.

§3. *Rebirth of Whom?*

1. 1. The most difficult question is Rebirth of Whom.
2. 2. Does the same dead person take a new birth?
3. 3. Did the Buddha believe in this thesis? The answer is"Most improbable."
4. 4. The answer depends upon the elements of existence of the dead man meeting together and forming a new body then the possibility of the Rebirth of the same Sentient being is possible.
5. 5. If a new body is formed after a mixture or the different elements of the different men who are dead then there is rebirth but not the rebirth

of the same sentient being.
6. 6. This point has been well explained by sister Khema to King Pasenadi.
7. 7. Once the Exalted One was staying near Savatthi at Jeta Grove in Anathapindika's Aram.
8. 8. Now on that occasion the sister Khema, after going her rounds among the Kosalana, took up her quarters at Toranavatthu, between Shravasti and Saketa.
9. 9. Now the Rajah Pasenadi of Kosala was journeying from Saketa to Shravasti, and midway between Saketa and Shravasti he put up for one night at Toranavatthu.
10. 10. The Rajah Pasenadi of Kosala called a certain man and said :"Come thou, good fellow ! Find out some recluse or brahmin such that I can wait upon him today."
11. 11."Even so, your majesty,"said that man in reply to the Rajah Pasenadi of Kosala, and after wandering through all Toranavatthu he saw not any one, either recluse or brahmin, on whom the Rajah Pasenadi might wait.
12. 12. Then that man saw the sister Khema, who had come to reside at Toranavatthu. And on seeing her he went back to the Rajah Pasenadi of Kosala, and said:—
13. 13."Your Majesty, there is no recluse or brahmin in Toranavatthu such that your majesty can wait upon him. But, your majesty, there is a sister named Khema, a woman-disciple of that Exalted One. Now of this lady a lovely rumour has gone abroad, that she is sage, accomplished, shrewd, widely learned, a brilliant talker, of goodly ready wit. Let your majesty wait upon her."
14. 14. So the Rajah Pasenadi of Kosala went to visit the sister Khema, and on coming to her saluted and sat down at one side. So seated he said to her:—
15. 15."How say you, lady? Does the Tathagata exist after death?"
16. 16."That also, maharajah is not revealed by the Exalted One."
17. 17."How then, lady? When asked ' Does the Tathagata exist after death?' you reply,"That is not revealed by the Exalted One,' and, when I ask . . . the other questions, you make the same reply. Pray, lady, what is the reason, what is the cause, why this thing is not revealed by the Exalted

One?"

18. 18."Now in this matter, maharajah, I will question you. Do you reply as you think fit. Now how say you, maharajah? Have you some accountant, some ready reckoner or calculator, able to count the sand in Ganges, thus : There are so many hundred grains, or so many thousand grains, or so many hundreds of thousands of grains of sand?"

19. 19."No, indeed, lady."

20. 20."Then have you some accountant, ready reckoner or calculator able to reckon the water in the mighty ocean, thus : There are so many gallons of water, so many hundreds, so many thousands, so many hundreds of thousand gallons of water?"

21. 21."No, indeed, lady."

22. 22."How is that?"

23. 23."Mighty is the ocean, lady, deep, boundless, unfathomable."

24. 24."Even so, maharajah, if one should try to define the Tathagata by his bodily form, that bodily form of the Tathagata is. abandoned, cut down at the root, made like a palm-tree stump, made some thing that is not, made of a nature not to spring up again in future time. Set free from reckoning as body, maharajah, is the Tathagata. He is deep, boundless unfathomable, just like the mighty ocean. To say, ' The Tathagata exists after death ' does not apply. To say, ' The Tathagata exists not after death,' does not apply. To say, ' The Tathagata both exists and exists not, neither exists nor not exists after death,' does not apply.

25. 25."If one should try to define the Tathagata by feeling,—that feeling of the Tathagata is abandoned, cut down at the root . . . Yet free from reckoning as feeling is the Tathagata, maharajah, deep, boundless, unfathomable like the mighty ocean. To say, ' The Tathagata exists after death . . . exists not after death,' does not apply.

26."So also if one should try to define the Tathagata by perception, by the activities, by consciousness . . . set free from reckoning by consciousness is the Tathagata, deep, boundless,

unfathomable as the mighty ocean. To say, ' The Tathagata exists after death . . . exists not after death,' does not apply."

26. 27. Then the Rajah Pasenadi of Kosala was delighted with the words of the sister Khema, and took pleasure therein. And he rose from his seat, saluted her by the right and went away.

27. 28. Now on another occasion the Rajah went to visit the Exalted One, and on coming to him saluted him and sat down at one side. So seated he said to the Exalted One:
28. 29."Pray, Lord, does the Tathagata -exist after death?"
29. 30."Not revealed by me, maharajah, is this matter."
30. 31."Then Lord, the Tathagata does not exist after death."
31. 32."That also, maharajah, is not revealed by —me."me.
32. 33. He then asks the other questions and gets the same reply.
33. 34."How then. Lord? When I ask the question, ' Does the Tathagata exist? . . . does he not exist after death? ' you reply, ' It is not revealed by me.' Pray, Lord, what is the reason, what is the cause why this thing is not revealed by the Exalted One?"
34. 35."Now, maharajah, I will question you. Do you reply as you think fit. Now what say you, maharajah? Have you some accountant . . . (the rest is exactly as before).'
35. 36."Wonderful, Lord! Strange it is, Lord, how the explanation both of Master and disciple, both in spirit and in letter, will agree, will harmonise, will not be inconsistent, that is, in any word about the highest.
36. 37."On a certain occasion. Lord, I went to visit the sister Khema, and asked her the meaning of this matter, and she gave me the meaning in the very words, in the very syllables used by the Exalted One. Wonderful, Lord! Strange it is. Lord, how the explanation both of Master and disciple will agree, will harmonise, in spirit and in letter, how they will not be inconsistent,— that is, in any word about the highest.
37. 38."Well, Lord, now we must be going. We are busy folk. We have many things to do.
38. 39."Do now what you think it is time for, maharajah."
39. 40. Thereupon the Rajah Pasenadi of Kosala was delighted with the words of the Exalted One and welcomed them. And he rose from his seat, saluted the Exalted One by the right and went away.

KARMA

§ 1 *.1$ the Buddhist Doctrine of Karma the same as the Brahminic Doctrine?*

1. 1. There is no doctrine in the Buddha's Dhamma which has created

so much confusion as this doctrine of Karma.
2. 2. What is its place in the Buddha's Dhamma and what is its significance which has already been told.
3. 3. Ignorant Hindus out of sheer want of understanding say by comparing merely the similarity of words that Buddhism is the same as Brahmanism or Hinduism.
4. 4. The educated and orthodox section of the Brahmins also do the same. They do so deliberately to mislead the ignorant masses.
5. 5. The educated Brahmins know full well that the Buddhist Law of Karma is quite different from the Brahminic Law of Karma. Yet they keep on saying that Buddhism is the same as Brahmanism and Hinduism.
6. 6. The similarity in terminology gives them an easy handle for their false and malicious propaganda.
7. 7. It is, therefore, necessary to examine the position closely.
8. 8. The Buddha's Law of Karma, however much may be similarity of words cannot be the same in its connotation as the Brahminic Law of Karma.
9. 9. The premises of the two are so widely different, indeed so widely opposed that the result of the two cannot be the same. They must be different.
10. 10. The principles of the Hindu Law of Karma may be stated seriatim for convenience.
11. 11. The Hindu Law of Karma is based on the soul. The Buddhist is not. In fact there is no soul in Buddhism.
12. 12. The Brahminic Law of Karma is hereditary.
13. 13. It goes on from life to life. This is so because of the transmigration of the soul.
14. 14. This cannot be true of the Buddhist Law of Karma. This is also because there is no soul.
15. 15. The Hindu Law of Karma is based on the existence of a soul which is distinct from the body. When the body dies the soul does not die. The soul flies away.
16. 16. This is not true of the Buddhist Law of Karma.
17. 17. According to the Hindu Law of Karma what happens when a man does a karma is this. His act produces two-fold results. It affects the doer and secondly it produces an impress upon his soul.

18. 18. Each act he does produces an impress upon his soul.
19. 19. When a man dies and when his soul escapes, the soul is full of such impressions.
20. 20. It is these impressions which determine his birth and status in his future life.
21. 21. This Hindu theory is inconsistent with the Buddhist theory of no-soul.
22. 22. For these reasons the Buddhist doctrine of Karma cannot be and is not the same as the Hindu doctrine of Karma.
23. 23. It is therefore simply foolish to talk about the Buddhist doctrine of Karma being the same as the Brahminic doctrine of Karma.
24. 24. All that one can say is beware of this jugglery.

§ 2. *Did the Buddha believe in Past Karma having effect on Future Life?*

1. 1. The Law of Karma was enunciated by the Buddha. He was the first to say:"Reap as you sow."
2. 2. He was so emphatic about the Law of Karma that he maintained that there could be no moral order unless there was a stern observance of the Law of Karma.
3. 3. The Buddha's Law of Karma applied only to Karma and its effect on present life.
4. 4. There is, however,' an extended doctrine of Karma. According to it Karma includes Karma done in past life or lives.
5. 5. If a man is born in a poor family it is because of his past bad karma. If a man is born in a rich family it is because of his past good karma.
6. 6. If a man is born with a congenital defect it is because of his past bad karma.
7. 7. This is a very pernicious doctrine. For in this interpretation of karma there is no room left for human effort. Everything is predetermined for him by his past karma.
8. 8. This extended doctrine is often found to be attributed to the Buddha.
9. 9. Did the Buddha believe in such a doctrine?

10. 10. To examine this extended doctrine properly it is better to change the language in which it is usually expressed.
11. 11. Instead of saying that past karma is transmitted it should be better if it was said that past karma is inherited.
12. 12. This change of language enables us to test it by the law of heredity. At the same time it does no harm to the doctrine either to its *de jure* or *de facto* connotation.
13. 13. This restatement makes it possible to pose the two questions which could not otherwise be posed and without answering which the matter could not be made clear.
14. 14. The first question is how is past karma inherited? What is the process?
15. 15. The second question is what is the nature of past karma in terms of heredity? Is it an inherent characteristic or acquired characteristic?
16. 16. What do we inherit from our parents?
17. 17. Starting with science the new individual begins when a sperm enters the egg. Fertilisation consists in fusion of the head of the sperm with the nucleus of the egg.
18. 18. Each human being takes its origin from the union of two bits of living matter, an egg from the mother which has been fertilised by a single sperm from the father.
19. 19. That human birth is genetic is told by the Buddha to a Yakkha who came to discuss the matter with him.
20. 20. The Exalted One was then staying near Rafagraha, on the hill called lndra's Peak.
21. 21. Now that Yakkha drew near to the Exalted One and addressed him as follows: ' Material form is not the living soul ' So says th' Enlightened One. Then how doth soul possess this body? Whence to soul doth come Our bunch of bones and bowels? How doth soul within the mother-cave suspended bide?
22. 22. To this the Exalted One replied:

> At first the *Kalala* takes birth, and thence the *abudde*. Therefrom the *pesi* grows, Developing as *ghana* in its turn. Now in the *ghana* doth appear the hair, The down, the nails.

And whatsoever food and drink the mother of him takes, thereby the man in mother's womb doth live and grow.

1. 23. But the Hindu doctrine differs.
2. 24. It says that the body is genetic. But the soul is not. It is implanted into the body from outside— the doctrine is unable to specify the source.
3. 25. Turning to the second question as to what is the nature of past karma, it must be determined whether it is an inherent characteristic or an acquired characteristic.
4. 26. Unless an answer to this question is forthcoming it cannot be tested by the scientific theory of heredity.
5. 27. But assuming there is an answer one way or the other to this question how is it possible to get any help from science whether it is a sensible theory or senseless theory.
6. 28. According to science a child inherits the characteristics of his parents.
7. 29. In the Hindu doctrine of karma a child inherits nothing from its parents except the body. The past karma in the Hindu doctrine is the inheritance of the child by the child and for the child.
8. 30. The parents contributes nothing. The child brings everything.
9. 31. Such a doctrine is nothing short of an absurdity.
10. 32. As shown above the Buddha did not believe in such an absurdity.
11. 33."Yes, if it were not reborn; but if it were, no."no.
12. 34."Give me an illustration."
13. 35."Suppose, 0 king, a man were to steal another man's mangoes, would the thief deserve punishment?"
14. 36."Yes"
15. 37."But he would not have stolen the mangoes the other set in the ground. Why would he deserve punishment?"
16. 38."Because those he stole were the result of those that were planted."
17. 39."Just so, great king, this name-and-form commits deeds, either pure or impure, and by that karma another name-and-form is reborn. And therefore is it not set free from its evil deeds?"
18. 40."Very good, Nagasena !"
19. 41. The king said :"When deeds are committed, Nagasena by one

name-and-form, what becomes of those deeds?"
20. 42."The deeds would follow it, O king, like a shadow that never leaves it."
21. 43."Can any one point out those deeds, saying: ' Here are those deeds or there? '
22. 44."No."
23. 45."Give me an illustration."
24. 46."Now what do you think, 0 king? Can any one point out the fruits which a tree has not yet produced, saying:
25. 47. ' Here they are, or there? '"
26. 48."Certainly not, sir,"
27. 49."Just so, great king, so long as the continuity of life is not cut off, it is impossible to point out the deeds that are done."
28. 50."Very good, Nagasena."

§ *3. Did the Buddha believe in Past Karma having effect on Future Life?* —concluded

1. 1. The Buddha's doctrine of Past Karma is thus in keeping with science.
2. 2. He did not believe in the inheritance of Past Karma.
3. 3. How can he, having held to the view that birth is genetic and whatever inheritance comes to the child it comes through its parents?
4. 4. Apart from logic there is more direct evidence on the point contained in a sutta called the Cula— Dukkha—Khanda—Sutta which contains a dialogue between the Buddha and the Jains.
5. 5. In this dialogue this is what the Buddha says :—"Niganthas, you have done evil in the past ; extirpate it by these severe austerities. Every present restraint on body, 'speech and mind will hereafter undo the evil doings of the past. Hence, by expelling through penance all past misdeeds, and by not committing fresh misdeeds, the future becomes cleared; with the future cleared, the past is wiped out ; with the past wiped out,is no more ; withno more (Painful) feelings are no more; and, with painful feelings now no more, all will be outworn.—This teaching commends and approves itself to us, and we rejoice in it."
6. 6. Thereupon, I said to those Niganthas :—"Do you know, reverend

sirs, whether you had an existence before this or you were not non-existent?"
7. 7."No, Sir."
8. 8."Do you know that, in a former existence, you were guilty, and not guiltless, of misdeeds?"
9. **9."**No."
10. **10.** 10."Do you know that (in that former existence) you were guilty, and not guiltless, of this or that specific misdeed?"
11. 11."No
12. 12. Secondly the Buddha asserts that the status of a man may be governed not so much by heredity as by his environment.
13. 13. In the Devadaha—Sutta this is what the Buddha says : Some recluses and Brahmins there are who affirm and hold the view that, whatsoever the individual experiences—be it pleasant or unpleasant or neither—all comes from former actions. Hence, by expiation and purge of former misdeeds and by not committing fresh misdeeds, nothing accrues for the future, the misdeeds die away ; as misdeeds die away,dies away ;'as dies away, feelings die away ; and as feelings die away, all will wear out and pass. This is what the Niganthas affirm.
14. 14. If it is because of their birth's environment that creatures experience pleasure and pain, the Niganthas are blameworthy, and they are also blameworthy, if environment is not the cause.
15. 15. Now these statements of the Buddha are very relevant. How could the Buddha throw doubt on past karma if he believed in it? How could the Buddha maintain pain and pleasure in present life being due to environment if he believed that it was due to past karma?
16. 16. The doctrine of past karma is a purely Brahminic doctrine. Past karma taking effect in present life is quite consistent with the Brahminic doctrine of soul, the effect of karma on soul. But it is quite inconsistent with the Buddhist doctrine of non-soul.
17. 17. It has been bodily introduced into Buddhism by some one who wanted to make Buddhism akin to Hinduism or who did not know what the Buddhist doctrine was.
18. 18. This is one reason whyit must be held that the Buddha could not have preached such a doctrine.
19. 19. There is another and a more general reason why it must be held

that the Buddha could not have preached such a doctrine. 20. The basis of the Hindu doctrine of past karma as the regulator of future life is an iniquitous doctrine. What could have been the purpose of inventing such a doctrine?

20. 21. The only purpose one can think of is to enable the state or the society to escape responsibility for the condition of the poor and the lowly.

21. 22. Otherwise such an inhuman and absurd doctrine could never have been invented.

22. 23. It is impossible to imagine that the Buddha who was known as the Maha Karunika could have supported such a doctrine.

§ *1. The different ways in which it was interpreted and followed*

1. 1. Ahimsa or non-killing forms a very important part of the Buddha's teachings.

2. 2. It is intimately connected with Karuna and Maitri.

3. 3. The question has, however, been raised whether His Ahimsa was absolute in its obligation or only relative. Was it only a principle? Or was it a rule?

4. 4. People who accept the Buddha's teachings find it difficult to accept Ahimsa as an absolute obligation. They say that such a definition of Ahimsa involves the sacrifice of good for evil, the sacrifice of virtue for vice.

5. 5. This question requires to be clarified. There is no subject which is a matter of greater confusion than this subject of Ahimsa.

6. 6. How have the people of Buddhist countries understood and actised Ahimsa?

7. 7. This is an important question which must be taken into account.

8. 8. The monks of Ceylon fought against and asked the people of Ceylon to fight against the foreign invaders.

9. 9. On the other hand the monks of **Burma** refused to fight against the foreign invaders and asked the Burmese people not to fight.

10. 10. The Burmese people eat eggs but not fish.

11. 11. This is how Ahimsa is understood and followed.

12. 12. Recentlythe German Buddhist Association passed a resolution by which they accepted all the Panch Silas except the first which deals with

Ahimsa.
13. 13. This is the position about the Doctrine of Ahimsa.

§ 2. *True Meaning of Ahimsa.*

1. 1. What does Ahimsa mean?
2. 2. The Buddha has nowhere given any definition of Ahimsa. In fact he has very seldom, if at all, referred to the subject in specific terms.
3. 3. One has, therefore to spell out his intention from circumstantial evidence.
4. 4. The first circumstantial evidence on the point is that the Buddha had no objection to eating meat if it was offered to him as part of his alms.
5. 5. The monk can eat meat offered to him provided he was not a party to the killing of it.
6. 6. He resisted the opposition of Devadatta who insisted that the monks should be prohibited from eating meat given to them by way of alms.
7. 7. The next piece of evidence on the point is that he was only opposed to the killing of animals in yajna (sacrifice). This he has himself said.
8. 8. Ahimsa PermoDharma is an extreme Doctrine, It is a Jain Doctrine. It is not a Buddhist Doctrine.
9. 9. There is another piece of evidence which is more direct than circumstantial which almost amounts to a definition of Ahintsa. He has said:"Love all so that you may not wish to kill any."This is a positive way of stating the principle of Ahimsa.
10. 10. From this it appears that the doctrine of Ahimsa does not say"Kill not. It says love all."
11. 11. In the light of these statements it is quite easy to have a clear understanding of what the Buddha meant by Ahimsa.
12. 12. It is quite clear that Buddha meant to make a distinction between will to kill and need to kill.
13. 13. He did not ban killing where there was need to kill.
14. 14. What he banned was killing where there was nothing but the will to kill.
15. 15. So understood there is no confusion in the Buddhist doctrine of

Ahimsa.
16. 16. It is a perfectly sound or moral doctrine which everyone must respect.
17. 17. No doubt he leaves it to every individual to decide whether the need to kill is there. But with whom else could it be left. Man has Pradnya and he must use it.
18. 18. A moral man may be trusted to draw the line at the right point.
19. 19. Brahminism has in it the will to kill.
20. 20. Jainism has in it the will never to kill.
21. 21. The Buddha's Ahimsa is quite in keeping with his middle path.
22. 22. To put it differently the Buddha made a distinction between Principle and Rule. He did not make Ahimsa a matter of Rule. He enunciated it as a matter of Principle or way of life.
23. 23. In this he no doubt acted very wisely.
24. 24. A principle leaves you freedom to act. A rule does not. Rule either breaks you or you break the rule.

1. 1. The Blessed Lord preached that there was rebirth. But the Blessed Lord also preached that there was no transmigration.
2. 2. There were not wanting people who criticise the Lord for preaching what they regarded as two such contradictory doctrines.
3. 3. How can there be rebirth unless there is transmigration? asked the critics.
4. 4. There is here a case of rebirth without transmigration, they said. Can this be?
5. 5. There is no contradiction. There can be rebirth although there is no transmigration.
6. 6. This has been well explained by Nagasena in his replies to the questions of King Milinda.
7. 7. Milinda, King of Bactria, asked Nagasena—"Did the Buddha believe in Rebirth (Transmigration)?"
8. 8. His reply was"Yes"
9. 9."Is this not a contradiction?"
10. 10. Nagasena replied,"No."
11. 11."Can there be rebirth without a soul?"
12. 12. Nagasena said,"Of course, yes, there can be."

13. 13.”Explain how it can be.”
14. 14. The king said :”Where there is no transmigration, Nagasena, can there be rebirth?”
15. 15.”Yes, there can.”
16. 16.”But how can that be? Give me an illustration.”
17. 17.”Suppose a man, 0 king, were to light a lamp from another lamp, can it be said that the one transmigrates from, or to, the other?”
18. 18.”Certainly not."19.”Just so, great king, is rebirth without transmigration.”
19. 20.”Give me a further illustration.”
20. 21.”Do you recollect, great king, having learnt, when you were a boy, some verse or other from your teacher?”
21. 22.”Yes. I recollect that.”
22. 23.”Well then, did that verse transmigrate from your teacher?”
23. 24.”Certainly not.”
24. 25.”Just so,great king, is rebirth without transmigration.”
25. 26.”Very good, Nagasena !”
26. 27. The king said : “Is there such a thing, Nagasena, as the soul?”
27. 28.”In the highest sense, 0 king, there is no such thing.”
28. 29.”Very good, Nagasena !”

1. 1. What the Buddha preached was heard by his audience, which largely consisted of the Bhikkus.
2. 2. It is the Bhikkus who reported to the people at large what the Buddha had said on any particular matter.
3. 3. The art of writing had not yet developed. The Bhikkus had therefore to memorise what they had heard. Not every Bhikku cared to memorise what he heard. But there were some that had made it their profession to memorise. They were called Bhanakas.
4. 4. The Buddhist canonical literature is as vast as ocean. To memorise all this was indeed a great feat.
5. 5. In reporting the Buddha it has often been found that he has been misreported.
6. 6. Many cases of misreporting had been brought to the knowledge of the Buddha while he was alive.
7. 7. Reference may be made by way of illustration to five such cases.

One is mentioned in the Alagaddupama Sutta and the other in the Maha-Kamma-Vibhanga Sutta, a third in the Kannakatthala Sutta, fourth in the Maha-Tanha-Sankhya Sutta and fifth in the Jivaka Sutta.

8. 8. There were perhaps many more such cases of misreporting. For we find that even the Bhikkus going to the Buddha asking him to tell them what they should do in such contingencies.

9. 9. The cases of misreporting are common with regard to karma and rebirth.

10. 10. These doctrines have also a place in the Brahminic religion consequently it was easy for the Bhanakas to incorporate the Brahminic tenets into the Buddhist Religion.

II. One has therefore to be very careful in accepting what is said in the Buddhist canonical literature as being the word of the Buddha.

1. 12. There is however one test which is available.

13. If there is anything which could be said with confidence it is : He was nothing if not rational,

if not logical. Anything therefore which is rational and logical, other things being equal, may be taken to be the word of the Buddha.

2. 14. The second thing is that the Buddha never cared to enter into a discussion which was not profitable for man's welfare. Therefore anything attributed to the Buddha which did not relate to man's welfare cannot be accepted to be the word. of the Buddha.

3. 15. There is a third test. It is that the Buddha divided all matters into two classes. Those about which he was certain and those about which he was not certain. On matters which fell into class I, he has stated his views definitely and conclusively. On matters which fell into class II, he has expressed his views. But they are only tentative views.

4. 16. In discussing the three questions about which there is doubt and difference it is necessary to bear these tests in mind before deciding what the view of the Buddha was thereon.

PART III : THE BUDDHIST WAY OF LIFE

1. 1. On good, evil and sin.

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§ *1. On Good, Evil and Sin*

1. 1. Do good. Be no party to evil. Commit no sin.
2. 2. This is the Buddhist way of life.
3. 3. If a man should do that which is good, let him do it again and again, let him turn the desires of his heart thereto. Happy is the heaping of good.
4. 4. Think not casually of the good saying,"It will not come to me."Drop by drop is the water pot filled. By little added to little does good grow.
5. 5. But well done is that deed which brings one no regrets, the fruit whereof is received with delight and satisfaction.
6. 6. Well done is the deed which done brings no regrets, the fruit whereof is received with delight and satisfaction.
7. 7. If a man does what is good, let him do it again ; let him delight in it; the accumulation of good is delightful.
8. 8. Even a good man sees. evil days so long as his good deed does not ripen; but when his good deed ripens, then does the good man see good things.
9. 9. Let no man think lightly of good, saying in his heart, it will not come right unto me. Even by the falling of water drops a water-pot is filled—the wise man becomes full of good, even if he gathers it little by little.

10. 10. Far surpassing the fragrance of sandal or incense or lotus or jasmine, is the fragrance of virtue.
11. 11. Faint is this fragrance of incense and sandal, **but** the fragrance of virtue ascends to the highest place.
12. 12. Treat not lightly of evil, saying it will not come to me. Drop by drop is the water pot filled. By little added to little evil accumulates.
13. 13. It is not well to do a deed which done brings regrets, the fruit whereof is received with tears and lamentations.
14. 14. If a man speaks or acts evil of mind, suffering follows him close as the wheel the hoof of the beast that draws the cart.
15. 15. Follow not after things evil. Dwell not in negligence. Cherish not false ideas.
16. 16. Hasten towards the excellent, suppress all evil thoughts. Who so is backward in doing good, his mind delights in evil.
17. 17. It is not well to do that deed which done brings regrets, the fruit whereof is received with tears and lamentations.
18. 18. Even an evil-doer sees happiness so long as his evil deed does not ripen; but when his evil deed ripens, then does the evil-doer see evil.
19. 19. Let no man think lightly of evil saying in his heart ' It will not come right unto me.' Even by the filling of water drops a water-pot is filled ; the fool becomes full of evil, even if he gathers it little by little.
20. 20. A man should hasten towards the good, and should keep his thought away from evil; if a man does what is good slothfully, his mind delights in evil.
21. 21. If a man commits a sin, let him not do it again, let him not delight in sin ; the accumulation of evil is painful.
22. 22. Follow the law of virtue; do not follow that of sin. The virtuous rests in bliss in this world.
23. 23. From lust is born sorrow, from lust is born fear. To him who is wholly free from lust there is neither sorrow nor fear.
24. 24. Hunger is the worst of diseases (component), existence the worst of distress. This knowing in accordance with truth and fact, Nibbana becomes the highest happiness.
25. 25. The evil done by oneself, self-begotten, self-bred, crushes the doer as a diamond breaks even a precious stone.
26. 26. He whose wickedness is verygreat brings himself down to that

state where his enemy wishes him to be, as a creeper does with the tree which it surrounds.
27. 27. Bad deeds, and deeds hurtful to ourselves, are easy to do ; difficult to do what is beneficial and good.

§ 2. ***On*** *Craving and Lust*

1. **1. Do** not be possessed by Craving nor by Lust.
2. 2. This is the Buddhist way of life.
3. 3. Not in a rain of riches is satisfaction of desire to be found."Unsatisfying, grievous are desires,"so the wise man well knows. .
4. 4. Even in the pleasures of the heaven-worlds he takes no delight; his delight is in the ending of craving, he is the disciple of the Supremely Awakened One, the Buddha.
5. 5. From craving is born sorrow, from craving is born fear. To him who is wholly free from craving there is neither sorrow nor fear.
6. 6. From craving is born sorrow, from craving is born fear. To him who is wholly free from craving there is neither sorrow nor fear.
7. 7. He who gives himself to vanity, forgetting (the real aim of life) and grasping at pleasure, will in time envy him who has exerted himself in meditation.
8. 8. Let no man have attachment to anything; loss of it gives pain. Those who love nothing, and hate nothing have no fetters.
9. 9. From pleasure comes grief, from pleasure comes fear; he who is free from pleasure knows neither grief nor fear.
10. 10. From attachment comes grief, from attachment comes fear; he who is free from attachment knows neither grief nor fear.
11. 11. From lust comes grief, from lust comes fear; he who is free from lust knows neither grief nor fear.
12. 12. From greed comes grief, from greed comes fear; he who is free from greed knows neither grief nor fear.
13. 13. He who possesses virtue and intelligence, who is just, speaks the truth, and does what is his own business, him the world will hold dear.
14. 14. Kinsmen, friends and lovers salute a man who has been long away, and returns safe from afar.

15. In like manner his good works receive him who has done good, and has gone from this world as kinsmen receive a friend on his return.

§ *3. On Hurt and Ill-will*

1. 1. Cause no hurt ; Cherish no ill-will,
2. 2. This is the Buddhist Way of Life.
3. 3. Is there in all the world a man so blameless that he gives no occasion for reproach, as a spirited horse gives no occasion for the stroke of the lash?
4. 4. By confidence, by virtue, by energy, by meditation, by investigation into the Truth, by perfection in knowledge and conduct, by recollectedness, leave ye this great suffering behind
5. 5. The most excellent of ascetic practices is the practice of forbearance, of long suffering ;"most excellent of all is Nibbana"; so says the Buddha. He is no ascetic who does hurt to others ; he is no disciple who works another's woe.
6. 6. To speak no ill, to do no harm, to practise restraint in conformity with the discipline, this is the counsel of the Buddha.
7. 7. Kill, nor cause slaughter.
8. 8. He who seeking his own happiness does not punish or kill beings who also long for happiness, will find happiness.
9. 9. If, like a shattered, metal plate (gong), thou utter nothing, then thou has reached Nibbana ; anger is not known to thee.
10. 10. He who inflicts pain on innocent and harmless person, will soon come to grief.
11. 11. He who, dressed in fine apparel of tranquillity, is quiet, subdued, restrained, chaste, and has ceased to find fault with all other beings, he indeed is an ascetic (Samana), a friar (Bhikku).
12. 12. Is there in this world any man so restrained by shame that he does not provoke reproof, as a noble horse the whip?
13. 13. If a man offend a harmless, pure, and innocent person, the evil falls back upon that fool, like light dust thrown up against the wind.

§*4. On Anger and Enmity*

1. 1. Cherish no anger. Forgetyour enmities. Win your enemies by love.

2. 2. This is the Buddhist Way of Life..
3. 3. The fire of anger should be stilled.
4. 4. One who harbours the thought :"He reviled me, maltreated me, overpowered me, robbed me,"in him anger is never stilled."
5. 5. He who harbours not such a thought, in him anger is stilled.
6. 6. Enemy works evil to enemy, hater to hater, but whose is the evil.
7. 7. Let a man overcome anger by love, let him overcome evil by good ; let him overcome the greedy by liberality, the liar by truth.
8. 8. Speak the truth, do not yield to anger ; give, if thou art asked for little.
9. 9. Let a man leave anger, let him forsake pride, let him overcome all bondage ; no sufferings befall the man who is not attached to name and form, and who calls nothing his own.
10. 10. He who holds back rising anger like a rolling chariot, him I call a real driver, other people are but holding the reins.

II. Conquest begets enmity; the conquered lie down in distress. The tranquillised lies down in happiness, dismissing alike victory and defeat.

1. 12. There is no fire like lust, no ill-fortune like hatred. There is no misery like the constituents of existence, no happiness higher than the Peace of Nibbana.
2. 13. For hatred does not cease by hatred at any time : hatred ceases by love, this is an old rule.

§ 5. *On Man, Mind and Impurities*

1. 1. Man is what his mind makes him.
2. 2. The training of the mind to seek the good, is the first step in the path of Righteousness.
3. 3. This is the main teaching in the Buddhist Way of Life.
4. 4. In everything the primal element is mind. Mind is pre-eminent.
5. 5. If a man speaks or does evil suffering follows him, close as the wheel of the hoof of the beast that draws the cart.
6. 6. If a man speaks or acts from uprightness of mind, happiness follows him, close like his never-departing shadow.

7. 7. This fickle, unsteady mind, difficult to guard, difficult to guide—the wise man makes it straight as the fletcher makes straight the arrow.
8. 8. As quivers and throbs the water-dwelling fish, when thrown up out of the water on to the land, so quivers and throbs the mind forsaking
9. **9.** Hard to control, unstable is this mind, ever in quest of delight. Good is it to subdue the mind. A mind subdued brings happiness.
10. 10. Make thyself an island, work hard, when thy impurities are blown away, and thou art free from guilt, thou wilt enter into the heavenly world of the elect.
11. 11. Let a wise man blow off the impurities of himself, as a smith blows off the impurities of silver, one by one, little by little, and from time to time.
12. 12. As the impurity which springs from the iron, when it springs from it, destroys it ; thus to a transgressor's own works, lead him to the evil path.
13. 13. But there is a taint worse than all taints. Ignorance is the greatest taint. O ! mendicants, throw off that taint, and become taintless.
14. 14. Life is easy to live for a man who is without shame, a crow here, a mischief maker, an insulting, bold and wretched fellow.
15. 15. But life is hard tolive for a modest man, who always looks for what is pure, who is disinterested, quiet, spotless and intelligent.
16. 16. He whodestroys life, who speaks untruth, who in the world takes what is not given him, who goes to another man's wife.
17. 17. And the man who gives himself to drinking intoxicating liquors, he even in this world, digs up his own grave.
18. 18. 0 man, know this, that the unrestrained are in a bad state; take care that greediness and vice do not bring thee to grief for a long time.
19. 19. The world gives according to its faith or according to its pleasure; if a man frets about the food and the drink given to others, he will find no rest either by day or by night.
20. 20. He in whom that feeling is destroyed, and taken out with the very root, finds rest by day and by night.
21. 21. There is no fire like passion, there is no torrent like greed.
22. 22. The fault of others is easily perceived, but that of oneself is difficult to perceive; a man winnows his neighbour's faults like chaff but his own faults he hides, as a cheat hides the bad dice from the player.

23. 23. If a man looks after the faults of others, and is always inclined to be offended, his own passions will grow, and he is far from the destruction of passions. 24. Refrain from all evil; cultivate the good ; cleanse your own thoughts; this is the teaching of the Buddha.

§ 6. *On Self and Self-Conquest*

1, If one has self, let him practise self-conquest.

1. 2. This is the Buddhist Way of Life.
2. 3. Self is the lord of self, who else could be the lord? With self well subdued, a man finds a lord such as few can find.
3. 4. The foolish man who scorns the rule of the venerable (arahat), of the elect (ariya), of the virtuous and follows a false doctrine, he bears fruit to his own destruction, like the fruits of the Katthaka reed.

5. Byoneself the evil is done, by oneself one suffers; by oneself evil is left undone, by oneself one is purified. The pure and the impure (stand and fall) by themselves, no one can purify another.

6. He who loves looking for senses uncontrolled, immoderate in his food, idle and weak, will certainly be overthrown by his own overdoing as the wind throws down a weak tree.

4. 7. He who lives without looking for pleasures, his senses well controlled, moderate in his food, faithful and strong, he will not be overthrown any more than the wind throws down a rocky mountain.
5. 8. If to himself a man is dear, let him keep close watch upon himself.
6. 9. First establish thyself in the right then thou mayest counsel others. Let not the wise man give occasion for reproach.
7. 10. Oneself, they say is hard to control. If one shapes oneself according as one counsels others, thus well controlled one will have control over others. II. A man pays in himself for the evil he has done and in himself is purified. The good and evil are purified severally, no one purifies another.
8. 12. Though one should conquer in battle thousands and thousands of men, who shall conquer himself, he is the greatest of warriors.
9. 13. First establish thyself in the right, then thou mayest counsel others. Let not the wise man give occasion for reproach.

10. 14. If one shapes oneself according as one counsels others, thus well controlled, one will have control over others. Oneself they say, is hard to control.
11. 15. Verily oneself is the guardian of oneself. What other guardian should there be. Guarded by oneself, one gets a guardian the like of which is not likely gotten.
12. 16. If to himself a man is dear, let him keep close watch upon himself.
13. 17. A man pays in himself for the evil he has done, and in himself is purified. The good and evil are purified severally, no one purifies another.
14. 18. Verily oneself is the guardian of oneself; what other guardian should there be? Guarded by oneself, one gets a guardian the like of which is not easily gotten.

§ 7. *On Wisdom, Justice and Good Company*

1. 1. Be wise, be just and choose good company.
2. 2. This is the Buddhist Way of Life.
3. 3. If you see a man who shows you what is to be avoided, who administers reproofs, and is intelligent, follow that wise man as you would one who tells of hidden treasures ; it will be better, not worse, for him who follows him.
4. 4. Let him admonish, let him teach, let him forbid what is improper—he will be beloved of the good, by the bad he will be hated.
5. 5. Do not have evil-doers for friends, do not have low people for friends ; have virtuous people for friends, have for friends the best of men.
6. 6. He who drinks in the Dhamma lives happily with a serene mind; the sage rejoices always in the Dhamma as preached by the elect.
7. 7. Well-makers lead the water (wherever they like), fletchers bend the arrow ; carpenters bend a log of wood ; wise people fashion themselves.
8. 8. As a solid rock is not shaken by the wind, the wise people falter not amidst blame and praise.
9. 9. Wise people, after they have listened to the Dhamma become serene, like a deep, smooth and still lake.
10. 10. Good men indeed walk (warily) under all circumstances; good men speak not out of a desire for sensual gratification; whether touched by

happiness or sorrow wise people never appear elated or depressed.
11. 11. It is sweet as honey, so thinks the fool, while as yet the evil has not ripened. But when the evil ripens the fool comes to grief.
12. 12. A fool does not know when he commits his evil deeds ; but a wicked man burns by his own deeds, as if burnt by fire.
13. 13. Long is the night to him who is awake ; long is a mile to him who is tired ; long is life to the foolish who do not know the true Dhamma. 14. If a traveller does not meet with one who is his better, or his equal, let him firmly keep to his solitary journey; there is no companionship with a fool.
14. 15."These sons belong to me, and this wealth belongs to me,"with such thoughts a fool is tormented. He himself does not belong to himself ; how much less sons and wealth?
15. 16. The fool who knows his foolishness, is wise at least so far. But a fool who thinks himself wise, he is called a fool indeed.
16. 17. If a fool be associated with a wise man even all his life, he will perceive the truth as little as a spoon perceives the taste of soup.
17. 18. If an intelligent man be associated for one minute only with a wise man, he will soon perceive the truth, as the tongue perceives the taste of soup.
18. 19. Fools of poor understanding have themselves for their greatest enemies, for they do evil deeds which bear bitter fruits.
19. 20. That deed is not well done of which a man must repent and the reward of which he receives crying and with a tearful face.
20. 21. Know, that deed is well done of which a man does not repent and the reward of which he receives gladly and cheerfully.
21. 22. As long as the evil deed done does not bear fruit, the fool thinks it is like honey, but when it ripens, then the fool suffers grief.
22. 23. And when the evil deed, after it has become known, turns to sorrow for the fool, then it destroys his bright lot, nay, it cleaves his head.
23. 24. Let the fool wish for a false reputation, for precedence among the Bhikkus, for lordships in the convents, for worship among other people.
24. 25. A man is not an elder because his head is grey ; his age may be ripe, but he is called"old-and- vain."
25. 26. He in whom there is truth, virtue, pity, restraint, moderation, he who is free from impurity and is wise, he is called an elder.
26. 27. An envious, stingy, dishonest man does not become respectable

by means of much talking only, or by the beauty of his complexion.
27. 28. He in whomall this is destroyed, and taken out with the very root, he when freed from hatred and wise, is called respectable.
28. 29. A man is not just if he carries a matter by violence; no, he who distinguishes both right and wrong, who is learned and guides others, not by violence, but by the same Dhamma, being a guardian of the Dhamma and intelligent, he is called just.
29. 30. A man is not learned simply because he talks much ; he who is patient, free from hatred and fear, is called learned.
30. 31. A man is not a supporter of the Dhamma because he talks much ; even if a man has learnt little, but sees the Dhamma bodily, he is supporter of the Dhamma, a man who never neglects the Dhamma.
31. 32. If a man find a prudent companion who walks with him, is wise, and lives soberly, he may walk with him, overcoming all dangers, happy, but considerate.
32. 33. If a man finds no prudent companion to walk with him, is wise, and lives soberly, let him walk alone, like a king who has left his conquered country behind, like an elephant in the forest.
33. 34. It is better to live alone, there is no companionship with a fool ; let a man walk alone, let him commit no sin, with few wishes, like an elephant in the forest.
34. 35. If the occasion arises, friends are pleasant ; enjoyment is pleasant, whatever be the cause; a good work is pleasant, whatever be the cause ; a good work is pleasant in the hour of death ; the giving up of all grief is pleasant.
35. 36. Pleasant in the world is the state of a mother, pleasant the state of a father, pleasant the state of a Samana.
36. 37. Pleasant is virtue lasting to old age, pleasant is a faith firmly rooted ; pleasant is attainment of intelligence, pleasant is avoiding of sins.
37. 38. He who walks in the company of fools suffers a long way ; company with fools as with an enemy, is always painful ; company with the wise is pleasure. like meeting with kinsfolk.
38. 39. Therefore, one ought to follow the wise, the intelligent, the learned, the much enduring, the dutiful, the elect, one ought to follow such a good and wise man, as the moon follows the path of the stars.
39. 40. Follow not after vanity, nor after the enjoyment of love and lust.

He who is earnest obtains ample joy.
40. 41. When the learned man drives away vanity by earnestness, he, the wise, climbing the terraced heights of wisdom, looks down upon the fools, free from sorrow he looks upon the sorrowing crowd, as one that stands on a mountain looks down upon then) that stand upon the plain
41. 42. Earnest among the thoughtless, awake among the sleepers, the wise man advances like a richer, leaving behind the hack.

§ *8. On Thoughtfulness and Mindfulness*

1. 1. In everything be thoughtful; in everything be mindful ; in all things be earnest and bold.
2. 2. This is the Buddhist Way of Life.
3. 3. All that we are is the result of what we have thought ; it is founded on our thoughts, it is made up of your thoughts. If a man speaks or acts with an evil thought, pain follows him. If a man speaks or acts with a pure thought, happiness follows him. Therefore pure thoughts are important.
4. 4. Be not thoughtless, watch your thought! Draw yourself out of the evil way, like an elephant sunk in mud.
5. 5. Let the wise man guard his thoughts, for they are difficult to perceive, very artful, and they rush whenever they list; thoughts well-guarded bring happiness.
6. 6. As rain breaks through an ill-thatched house, passion will break through an unreflecting mind.
7. 7. As rain does not break through a well-thatched house, passion will not break through a well-reflecting mind.
8. 8. This mind of mine went formerly wandering about as it liked, as it listed, as it pleased ; but I shall now hold it in thoroughly, as the Elder who holds the hook holds the furious elephant.
9. **9.** It is good to tame the mind, which is difficult to hold in and tightly, rushing wherever it listeth; a tamed mind brings happiness.
10. 10. Those who bridle their mind which travels far, will be free from the bonds of temptation.
11. 11. If a man's faith is unsteady, if he does not know the true Dhamma, if his peace of mind is troubled, his knowledge will never be perfect.

12. 12. Whatever a hater may do to a hater, or an enemy to an enemy, a wrongly directed mind will do him greater mischief.
13. 13. Not a mother, not a father will do so much, nor any other relatives as a well directed mind will do us.

§9. *On Vigilance, Earnestness and Boldness*

1. 1. When, vigilant, the wise man puts from him negligence, ascending the tower of wisdom he looks down, free from sorrow, upon the sorrow-laden race of mankind. As from a mountain top, the wise man looks upon the fools in the valley.
2. 2. Vigilant among the negligent, awake among those asleep, as a fleet courser leaves behind a sorry nag, so go the wise.
3. 3. Give not yourselves unto negligence. Have naught to do with the lust of the flesh. The vigilant is given to meditation.
4. 4. Earnestness leads to where death is not'; heedlessness is the way to death. Those who continue in earnestness do not die, but the heedless are as if already dead.
5. 5. Fall not away from your purpose for the sake of another, however great this latter may be. When once you have seen your goal, hold it firm and fast.
6. 6. Be watchful! Have done with indolence! Travel the True Path ! Whoso walks thereon happy he lives in the world.
7. 7. Idleness is a disgrace; constant sloth is defilement. By strenuous striving and with the help of insight you should pull out the poisoned arrow of indolence.
8. 8. Give not yourselves unto negligence. Have not to do with the lust of the flesh. The vigilant, the given to meditation, these attain an overflowing happiness.
9. 9. If an earnest person has roused himself, if he is not forgetful, if his deeds are pure, if he acts with consideration, if he restrains himself, and lives according to Dhamma, his glory will increase.

§ *10. On Sorrow and Happiness; On Chanty and Kindness*

1. *1.* Poverty gives rise to sorrow.

2. *2.* But removal of poverty does not necessarily give rise to happiness.
3. 3. Not high standard of living but a high standard of culture is what gives happiness.
4. 4. This is the Buddhist Way of Life.
5. 5. Hunger is the worst of diseases.
6. 6. Health is the greatest of gifts, contentedness the best riches; trust is the best of relationships, Nibbana the highest happiness.
7. 7. We must learn to live happily indeed, not hating those who hate us !
8. 8. We must learn to live happily indeed, free from ailments among the ailing men.
9. 9. We must learn to live happily indeed, free from greed among the greedy.
10. 10. Mankind is ruined by passion, just as fields are damaged by weeds : therefore charity done to the passionless brings great reward.
11. 11. Mankind is damaged by vanity, just as fields are damaged by weeds. Therefore charity done to those who are free from vanity brings great reward.
12. 12. Mankind is ruined by lust, just as fields are damaged by weeds. Therefore charity done to those who are free from Just brings great reward.
13. 13. Charity to Dhamma exceeds all gifts. The sweetness of the Dhamma exceeds the Dhamma. The delight in the Dhamma exceeds all delights.
14. 14. Victory breeds hatred, for the conquered is unhappy. He who has given up both victory and defeat, he, the contented, is happy.
15. 15. There is no fire like passion ; there is no losing throw like hatred; there is no pain like this body; there is no happiness higher than the rest.
16. 16. Fix not your gaze upon the ill-words and ill-deeds of others, upon what others do or leave undone. Look rather at what by yourself have done or left undone.
17. 17. Hard always is life for the modest, the seeker after purity, the detached, the retiring, the cleanly of life, the discerning.
18. 18. Is there in the world a man so blameless that he gives no occasion for reproach, as a spirited horse gives no occasion for the stroke of the lash? Like a spirited horse that needs not the lash be fiery, be fleet.
19. 19. Do not speak harshlyto anybody: those who are spoken to will

answer thee in the same way. Angry speech is painful, blows for blows will touch thee.
20. 20. Liberty, courtesy, good-will and unselfishness—these are to the world what the lynch-pin to the Chariot.
21. 21. This is the Buddhist Way of Life.

§ *II. On Hypocrisy*

1. 1. Let not anyone speak falsely. Let not anyone lead another to speak falsely, nor yet approve of the action of one who speaks falsely. Let every kind of lying and false speech be put away from among you.
2. 2. As the Perfect One speaks, so He acts. As the Perfect One acts, so He speaks. And because He speaks as He Acts and acts as He speaks, therefore is He Called the Perfect One.
3. 3. This is the Buddhist Way of Life.

§ *12. On following the Right Way*

1. 1. Choose the Right Way. Depart not from it. 2.There are many paths ; not all lead to the Right Way.
2. 3. The Right Path is for the happiness not of the few but of all.
3. 4. It must be good at the beginning, good in the middle and good at the end.
4. 5. To follow the right way is to lead the Buddhist Way of Life.
5. 6. The best way is the eightfold way ; the best of truths the four words ; the best of virtues passionlessness; the best of men he who has eyes to see.
6. 7. This is the way, there is no other that leads to the purifying of intelligence. Go on this path.
7. 8. If you so on this way, you will make an end of pain ! The way was preached by me, when I had understood the removal of the thorns (in the flesh).
8. 9. You yourself must make an effort. The Tathagatas are only preachers.
10.' All created things perish,' he who knows and sees this becomes passive in pain.

1. 11. 'All forms are unreal,"he who knows and sees this becomes passive in pain.
2. 12. He who does not rouse himself when it is time to rise, who, though young and strong, is full of sloth, whose will and thought are weak, that lazy and idle man never finds the way to knowledge.
3. 13. Watching his speech, well restrained in mind, let a man never commit any wrong with his body ! Let a man but keep these three roads of action clear, and he will achieve the way which is taught by the wise.
4. 14. Through real knowledge is gotten, through lack of real knowledge is lost ; let a man who knows this double path of gain and loss thus place himself that knowledge may grow.
5. 15. Cut out the love of self, like an autumn lotus, with thy hand! Cherish the road of peace. Nirvana has been shown by the Sugata
6. 16. Do not follow the evil law ! Do not live on in thoughtlessness ! Do not follow false doctrine !
7. 17. Rouse thyself! Do not be idle! Follow the law of virtue ! The virtuous rests in bliss in this world.
8. 18. He who formerly was reckless and afterwards became sober brightens up this world, like the moon when freed from clouds.
9. 19. He whose evil deeds are covered by good deeds, brightens up this world, like the moon when freed from clouds.
10. 20. If a man has transgressed the one law, and speaks lies, there is no evil he will not do.
11. 21. Those who are ever watchful, who study day and night, and who strive after Nirvana, their passions will come to an end.
12. 22. This is an old saying. * They blame him who sits silent, they blame him who speaks much, they also blame him who says little ' ; there is no one on earth who is not blamed.
13. 23. There never was, there never will be, nor is there now, a man who is always blamed, or a man who is always praised.
14. 24. Beware of the anger of the tongue, and control thy tongue. Leave the sins of the mind, and practise virtue with thy mind.
15. 25. Earnestness is the path of Nirvana, thoughtlessness the path of death. Those who are in earnest do not die, those who 'are thoughtless are as if dead already.

§ *13. Mix not True Dhamma with False Dhamma*

1. 1. Those who mistake false for true and true for false, there abides wrong-mindedness—they arrive not at the truth.
2. 2. Those who know true as true and false as false, there abides right-mindedness-these arrive at the truth.
3. 3. As rain gets into an ill-thatched house, so craving gets into an ill-trained mind.
4. 4. As rain gets not into a well-thatched house, so craving gets not into a well-trained mind.
5. 5. Arise! Be not negligent! Walk the Good Way of the Teaching! Who walks in the way of the teaching, happy is he in this and in all worlds.
6. 6. Walk the Good Way of the teaching; walk not in ways that are evil. Who walks in the way of the teaching, happy he lives in this and in all worlds.

PART IV : HIS SERMONS

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§ *1. The Happy Householder*

1. 1. Once Anathapindika came to where the Exalted One was, made obeisance to the Exalted One and took a seat at one side.
2. 2. Anathapindika was anxious to know wherein lay the happiness of a householder.

3. 3. Accordingly Anathapindika asked the Lord to explain to him the secret of the householder's happiness.
4. 4. The Lord said first is the happiness of possession. A householder is possessed of wealth, justly and righteously acquired by great industry, amassed by strength of the arm, and earned by sweat (of the brow). At the thought ' I am possessed of wealth justly gained ' he gains happiness.
5. 5. Second is the happiness of enjoyment. A householder is possessed of wealth justly and righteously acquired by great industry amassed by strength of the arm, and earned by sweat (of the brow), enjoys his wealth and performs acts of merit. Thus at the thought ' I am doing meritorious deeds with my wealth which was justly gained ' and so forth he gains happiness.
6. 6. Third is the happiness of freedom from debt. A householder, owes no one any debt great or small, thus he gains happiness, thus he at the thought of ' I owe no man anything' and so forth, gains happiness.
7. 7. Fourth is the happiness of blamelessness. A householder, who is endowed with blameless action of body, blameless speech and blameless thinking, gains happiness of blamelessness.
8. 8. Verily, Anathapindika, these four kinds' of happiness are constantly obtainable by the householder, if he strives for them.

§ 2. *Daughter may be better than a Son*

I. When the Exalted One was once at Shravasti, the king of the Kosalas, Pasendi, had come to visit him.
1. 2. While the king was engaged in a conversation with the Blessed Lord a messenger from the Palace arrived and approaching the king, announced to his private ear that Queen Mallika had given birth to a daughter.
2. 3. The king appeared very sad and depressed. The Blessed Lord asked the king the reason of his sadness.
3. 4. The king replied that he had just received the sad news that Queen Mallika had given birth to a daughter.
4. 5. Thereupon the Exalted One, discerning the matter said : ' A woman child, 0 lord of man, may prove even a better offspring than a male. For she may grow up wise and virtuous, her husband's mother

reverencing true wife, a daughter.
5. 6. The boy that she may bear may do great deeds and rule great realms, yea, such a son of a noble wife becomes his country's guide.

§ 3. *Husband and Wife*

I. At one time, the Exalted One had entered the high road between Madhura and Neranja. Also many householders and their wives had joined the high road between Madhura and Neranja.

1. 2. Then the Exalted One having left the road took a seat under a certain tree, and these householders and their wives saw the Exalted One seated under it.
2. 3. So seeing they came to where the Exalted One 'was. Having come they made obeisance to the Exalted One and sat at one side and asked the Blessed One the right relations between the husband and wife. To the householders and their wives so seated the Exalted One spake thus :
3. 4."Householders, there are four ways for a husband and wife, of living together. A vile man lives with a vile woman, avile man lives with a goddess, a god lives with a vile woman and a god lives with a goddess.
5."Householdrs! a husband kills, steals; commits impurity, lies and indulges in fermented liquor, is wicked and sinful, with his heart possessed by avarice he lives the life of a householder and abuses and reviles virtuous people. Also his wife kills ; . steals, commits impurity, lies, and indulges in fermen- ted liquor, is wicked and sinful, with her heart possessed by avarice she lives the life of the family and abuses and reviles virtuous people. Thus indeed, householders, a vile man lives with a vile woman.
4. 6."Householders! A husband kills, steals, commits impurity, lies and indulges in fermented liquor, is wicked and sinful, with his heart possessed by avarice, he lives the life of a householder and abuses and reviles virtuous people. But his wife abstains from killing, thieving, sexual impurity, lying and indulgence in fermented liquor. His wife is virtuous and of good behaviour , with her heart freed from the taint of avarice she lives the family life and abuses not nor reviles virtuous people. Thus indeed, house- holders, a vile man lives with a goddess.

7."Householders ! A husband abstains from killing, thieving,

impurity, lying and indulgence in fermented liquor, is virtuous and of good behaviour; with his mind freed from the stains of avarice, he lives the family life and abuses not nor revile virtuous people. But his wife kills, steals, commits impurity, lies and indulges in fermented liquor, is wicked and sinful ; with her

heart possessed by avarice she lives the family life and abuses and reviles virtuous people. Thus indeed, householders, a god lives with a vile woman.

5. 8."Householders! Herein, a husband and a wife both abstain from killing, thieving, impurity, lying and indulgence in fermented liquor, are virtuous and of good behaviour, with mind freed from taints of avarice they live the family life and abuse not nor revile virtuous people. Thus indeed, householders, a god lives with a goddess.

6. 9."These, householders, are the four ways of living together."

§ *1. What Constitutes the Downfall of Man*

1. 1. On one occasion the Blessed One was dwelling in the monastery of Anathapindika, in the Jeta Grove, near Shravasti.

2. 2. Now when the night was far spent a certain Deva whose splendour illuminated the whole Jeta Grove, came to the presence of the Blessed One, and, drawing near, respectfully saluted Him and stood at one side. Standing thus, he addressed the Blessed **One** in verse:

3. 3. "Having come to interrogate the Blessed One, I ask thee, O Gotama, about the falling man. Pray, tell me the cause of one's downfall."The Blessed One consented to explain the causes of man's downfall.

4. 4. "Easily known is the progressive one, easily known is the declining one. A lover of the Dhamma is the progressive one, a hater of the Dhamma is the declining one.

5. 5."The vicious are dear to him, in the virtuous he finds nothing pleasing; he favours the creeds of the vicious—this is the second cause of one's downfall.

6. 6."The man who is drowsy, fond of society, not industrious, indolent, and who manifests anger— this is the third cause of one's downfall.

7. 7."Whosoever, being rich, does. not support his aged mother and

father, who have passed their youth—this is the fourth cause of one's downfall.
8. 8.”He who, by falsehood, deceives a Brahmana or an ascetic or any other medicant—this is the fifth cause of one's downfall.
9. 9. "The man who owns much property, who has gold and food, but alone enjoys his delicacies— this is the sixth cause of one's downfall.
10. 10.”The man who prides in birth or wealth or clan, and despises his own kinsmen—this is the seventh cause of one's downfall.
11. 11.”The man who is a debauchee, drunkard, a gambler, who squanders whatever he possesses— this is the eighth cause of one's downfall.
12. 12.”Not contented with one's own wives, if one is seen amongst courtesans and the wives of others —this is the ninth cause of one's downfall.
13. 13.”He who places in authority an intemperate spend-thrift woman, or a man of similar nature— this is the eleventh cause of one's downfall.
14. 14.”He who, of slender means, but vast ambition, of warrior birth, aspires to sovereignty—this is the twelfth cause of one's downfall.
15. 15.”Know these causes of downfall, ye noble Deva, and if ye succeed in overcoming them ye will be saved.”

§2. *The Wicked Man*

1. 1. The Blessed Lord while he was on journey gave as was his usual practice the following discourse to the Bhikkhus who were accompanying him.
2. 2. Addressing the Bhikkhus the Lord said:”Do you know how to recognise a wicked man?”“No, Lord”replied the Bhikkhus.
3. 3.”I will tell you the characteristics of a wicked man.
4. 4.”There is a man who shows up the faults of another even when unasked, not to say when asked. Being indeed asked and plied with uestions, he speaks ill of another without suppressing or concealing, but with full details. Brethren, such a man is a wicked man.
5. 5.”There is a man who, being asked, does not point out the good qualities of another, not to say when unasked. Being indeed asked and plied with questions, he speaks, well of another.

6. 6."' There is a man who, being asked, does not disclose his own bad qualities, not to say when unasked. Being indeed asked and plied with questions, he points out his own bad qualities, but suppresses and conceals them and does not give full details. Brethren, such a man is a wicked man.
7. 7."Then again, brethren, there is a man who, even unasked, discloses his good qualities, not to say when asked. Brethren, being asked and plied with questions, be points out his own good qualities without suppressing or concealing them and giving full details. Brethren, such a man is a wicked man."

§ *3. The Best Man*

I. The Blessed One while he was on journey gave as was his practice the following discourse to the Bhikkhus who were accompanying him :

1. 2. Addressing the Bhikkhus the Lord said:"There are four classes of persons, brethren, to be found in the world.
2. 3."He who has not striven for his own welfare nor that of others; he who has striven for others' welfare, but not his own; he who has striven for his own welfare but not others'; he who has striven for both his own welfare and that of others.
3. 4."One who has striven neither for his own welfare nor for that of others is like a torch from a funeral pyre, lit at both ends, and in the middle smeared with dung. He kindles no fuel either in village or in forest. He is useless to the world. And he is useless to himself.
4. 5."One who has striven for the welfare of others at the cost of his own is both excellent and eminent of the two.
5. 6."Then again, brethren, in the case of the person who has striven both for his own welfare and for that of others—of these four persons this is best and chief, topmost and highest and supreme."

§ *4. The Enlightened Man*

I. At one time, the Exalted One had reached the high road between (the two towns of) Ukkattha and Setabbya. Then the Brahmin named Dona had also reached the high road between Ukkattha and Setabbya.

1. 2. Just then the Exalted One left the road and sat down at the foot of a tree cross-legged. Then Dona the Brahman, following the footsteps of the Exalted One, saw Him seated at the foot of that tree resplendent and of a comely ppearance, with sense, controlled, with mind appeased, supremely tamed, restrained and powerful. So seeing he approached where the Exalted One was.
2. 3. Having come he said thus to Him :"Is not the Venerable One a Deva?""Brahman, I am indeed not a Deva.""Is not the Venerable One then a Gandhabba?""Brahman, I am indeed not a Gandhabba.""Is not the Venerable One then a Yakkha?""Brahman, I am indeed not a Yakkha.""Is not the Venerable One then a man?""Brahman, I am indeed not a man."
3. 4. Having heard the Blessed One reply thus, the Brahman Dona said:"When Thou art asked: Are ye a Deva?

Thou sayest: No. When Thou art questioned : Are ye a Gand-

habba? Thou sayest : No. When Thou art asked: Are ye a Yakkha?

Thou sayest: No. When Thou art questioned : Are ye then a

man? Thou sayest : No. Who then can the Venerable One be?"

1. 5."Brahman, verily I was a Deva, a Gandhabba, Yakkha, a man, so long as I had not purged myself of the intoxicants. These very intoxicants have I now given up with roots cut out like unto a palm-tree, with its base destroyed and rendered unable to sprout again, so that in future they do not come into existence.
2. 6."Just as a lotus or a water-lily born of the water, grown in the water, risen out of the water, stands unstained by the water even so, Brahman, being born of the world, grown in the world, having overcome the world I abide unstained by the world.
3. 7."Therefore, 0 Brahman, consider me as the Enlightened One."

§5. *Man—Just and Good*

1. 1. Addressing the Brethren, the Lord said,"There are four classes of persons whom you must learn to distinguish if you wish to ascertain who are good and just.

2. 2.”Brethren, there is a class of persons who strive for their own welfare but not that of-others.
3. 3.”Brethren, herein a certain person practises the extirpation of lust inhimself, but does not urge the extirpation of lust in others : practises the extirpation of ill-will in himself but does not urge the extirpation of ill-will in others ; and also practises the extirpation of ignorance in himself but does not urge the extirpation of ignorance in others.
4. 4.”Indeed, Brethren, this is the person who pursues his own welfare, but not the welfare of others.
5. 5.”Brethren, there is a class of persons who have striven for others' welfare, but not their own.
6. 6.”Brethren, herein a certain person does not practise the extirpation of lust, ill-will and ignorance in himself, but urges the extirpation of lust, ill-will and ignorance in others.
7. 7.”Indeed, Brethren, this is the person who has. striven for others' welfare, but not his own.
8. 8.”Brethren, there is a class of persons who strive not, neither for their own welfare nor that of others.
9. 9.”Brethren, herein a certain person practises not the extirpation of lust, ill-will and ignorance in himself nor urges the extirpation of lust, ill-will and ignorance in others.
10. 10.”Brethren, this is the person that has not striven for his own welfare nor that of others.
11. 11.”Brethren, there is a class of persons who strive for their own welfare as well as that of others.
12. 12.”Brethren, herein a certain person both practises the extirpation of lust, ill-will and ignorance in himself and also urges the extirpation of lust, ill-will and ignorance in others.
13. 13.”Brethren, this is the person who has striven for his own welfare as well as that of others.
14. 14.”This last person is to be deemed just and good.”

§ 6. *Need for Doing Good Deeds*

1. 1. On one occasion, thus spake the Exalted One, to the Brethren.
2. 2.”Be not afraid of good works, brethren. It is another name for

happiness, for what is desired, beloved, dear and delightful, this word ' good works'. I myself brethren can bear witness to having reaped for many a long day the profit of good works a thing desired, beloved, dear and delightful.

3. 3.”I often ask ' Of what deeds is all this the fruit? Of what deed is it the ripening, in that I am now thus happy and contented.'

4. 4.”The answer that comes to me is: 'Of three deeds this is the fruit. Of three deeds this is the ripening, the deeds of Charity, Self-taming, and Self-control.'

5. 5.”Auspicious, festive, happy, blessed dawn ! Fair day, glad time is that when alms are given to worthy ones : when goodly acts, words, thoughts, right aspirations, bring auspicious gain to those that practise them.

6. 6.”Happy are they that win such gain, and prosperous in the way ! So be ye also prosperous in the way free from disease and happy with your kin.”

§ 7. *Need for' Making Good Resolutions*

1. 1. Once when he was at Shravasti in Jeta's Grove the Exalted One said to the Brethren :

2. 2. “Brethren, there is a great need of good resolutions to be made and observed for a pure and happy life.

3. 3. “I will tell you what your resolutions should be.

4. "Resolve that, 'all my life long may I support my parents. May I respect the head of my can. May I be of gentle speech. May I speak evil of none. Clearing my heart of the stain of selfishness, may I dwell at home generous pure-handed, delighting in giving up, may I be a proper man to ask a boon of, delighting in sharing gifts with others.

4. 5.”'All my life long, may I be angerless, and, if anger arise, may I quickly check it”

5. 6. Such are the seven resolutions Brethren, by undertaking and performing which you will attain the state of happiness and purity.

§1 *What is Righteousness*

1. 1. Once when the Lord was on an alms-pilgrimage in Kosala, with a great train of almsmen, he came to a Brahmin village of the Kosalans named Sala.
2. 2. It came to the ears of the Brahmin heads of families in Sala that the Blessed Lord had come to their village in the course of an alms-pilgrimage in Kosala.
3. 3. They felt it was good to go and visit him. So the Brahmins of Sala went to the Lord and, after exchanging civil greetings, took their seats on one side.
4. 4. They asked the Blessed One if he would explain to them what he meant by righteousness.
5. 5. So to the attentive Brahmins the Lord said :"There are three forms of unrighteousness and wickedness for the body ; four for speech ; and three for thoughts.
6. 6."As regards bodily unrighteousness, a man (i) may take life, as a hunter with hands bathed in blood, given to killing and slaying, merciless to living creatures ; or *(ii)* may take what is not his, by appropriating to himself in thievish fashion the belongings of other people in village and jungle ; or *(in)* may be a fornicator, having intercourse with girls under the charge of mother or father or brother or sister or relations, yes, with girls affianced and plighted and even wearing the very garlands of betrothal.
7. 7."As regards unrighteousness of speech a man (i) may be a liar; when cited to give testimony before assembly or village-meeting or family council or royal household or his guild, he may say that he knows when he does not know, or that he does not know when he does know, or that he saw when he did not see, or that he did not see when he did see, deliberately lying in the interests either of himself or of other people or for some trifling gain. Or (ii) he may be a slanderer; repeating here what he has heard elsewhere so as to set one set of people by the ears, and repeating elsewhere what he has heard here so as to set another set of people by the ears ; he is a dissolver of harmony and a omenter of strife; discords prompts his utterances, discord being his pleasure, his joy, and his delight. Or *(iii)* he may be bitter of tongue; what he says is rough and harsh, hurtful and wounding to others, provocative of anger, and leading to distraction. Or *(iv)* he may be a tattler talking out of season, without heed to fact, always talking of the unprofitable, never of the Doctrine, never of the Rule,

but ever of the trivial, of the ill-timed of the frivolous, of things leading nowhere, and unprofitable.

8. 8."As regards unrighteousness of thought, a man (i) may be covetous, coveting other people's gear with the yearning that it were all his own. Or (ii) he may be malevolent and wicked of heart,— wishing that creatures around him might be killed, destroyed, annihilated, or cease to be. Or

(iii) he may be wrong in outlook and erroneous in his conceptions—holding that there are no such things as alms or sacrifice or oblations, that there is no such things as the fruit and harvest of deeds good and bad, that there is no such thing as this world or any other, that there are no such things as either parents or relations elsewhere, that there are no such things in the world as recluse and Brahmins who, having trodden the right path and walked aright, have, of and by themselves, comprehended and realized this and other worlds and made it all known to others too.

1. 9."Contrariwise, there are three forms of righteousness and goodness for the body; four for speech and three for thoughts.

2. 10."As regards bodily righteousness, a man (0 puts from him all killing and abstains from killing anything; laying aside cudgel and sword, he lives a life of innocence and mercy, full of kindliness and compassion for everything that lives. (ii) Theft he puts from him and eschews taking from others except what is given to him by them, he lives an honest life. *(iii)* Putting from him all sensual misconduct, he abstains from fornication; he has no intercourse with girls under the charge of mother or father or brother or sister or relations, no intercourse with girls affianced and plighted and with the garlands of betrothal upon them.

3. 11."As regards righteousness in speech,(i) a man puts lying from him and abstains from lies; when cited to give testimony before assembly or village-meeting or family council or royal household or his guild he says that he does not know when he does not, and that he does know when he does, says that he did not see when he did not see and that he saw when he did see, never deliberately lying in the interests of himself or of other people or for some trifling gain. (ii) All slander he puts from him and from slandering he abstains; what he hears here he does not repeat elsewhere so to set one set of people by the ears, nor does he repeat here what he hears

elsewhere so as to set another set of people by the ears, he is a promoter f harmony and a restorer of amity, for concord is his pleasure, his joy, and his delight. (iii*)* There is no bitterness in his tongue and he abstains from bitter speech; what he says is without gall, pleasant, friendly hearty, urbane, agreeable, and welcome to all. (iv) No tattler, he abstains from tattle, speaking in season, according to fact, always of the profitable, of the Doctrine and Rule, in speech which is seasonable and memorable, illuminating, well-marshalled, and of great profit.

4. 12."As regards righteousness in thoughts, (i) a man is devoid of covetousness, never coveting other people's gear with the yearning that it were all his own. (ii) He harbours no malevolence or wickedness of thought; his wish is that creatures around him may live on in peace and happiness, safe, from all enmity and oppression. *(iii)* He is right in outlook and correct in his conceptions.

5. 13."This is what I mean by righteousness and unrighteousness."

§2. *Need for Righteousness*

1. 1. Then the Exalted One addressed the lay brethren of Pataligama:

2. 2."There are losses, householders, which attend the wicked and immoral man.

3. 3."The wicked, immoral man, as the result of sloth, comes to great loss of wealth.

4. 4."Then again, an evil report prevails about him which defames him in the eyes of the world.

5. 5."Whatever company he may enter, be it a company of the nobles, or the Brahmins, or the housefathers, or a company of recluses, he enters shyly and confused in mind. He is not fearless. This is the third loss.

6. 6."Again, he has no peace of mind and is troubled in mind when he dies. This is the fourth loss.

7. 7."Such, householders, are the losses that attend the wicked and immoral man.

8. 8."Consider the profits which attend the righteous man who lives virtuously.

9. 9. ' ' The righteous man who lives virtuously comes by a great mass of wealth, due to his own exertions.

10. 10.”Then, again, a good reputation prevails about him. He is honoured everywhere.
11. 11.”Into whatsoever company he enters, be it of the nobles or the Brahmins or the housefathers or the recluses, he enters bold and confident.
12. 12.”Again, he enjoys peace of mind and makes an end with mind untroubled.
13. 13.”The fool in doing ill knows not his folly: His own deeds like a fire, the fool consume.
14. 14. He who offends the harmless innocent soon reaches grievous disaster, or a mind distraught, loss of relations, loss of all his wealth.

§ *3. Righteousness and the Claims of the World*

1. 1. Once when the Lord was staying at Rajagraha in the Bamboo grove where the squirrels were fed, the reverend Sariputta was making an alms pilgrimage with a great train of almsmen among the Southern Hills'
2. 2. On his way he met an almsman who had spent the rainy season at Rajagraha. After interchange of greetings of friendliness and civility, Sariputta enquired after the Master's health and was told he was well, as too was the Confraternity, and also the Brahmin Dhananjani of Tandulapala Gate in Rajagraha concerning whose health too Sariputta had made enquiries.
3. 3. ' And is the Brahmin, Dhananjani, zealous and earnest? ' asked Sariputta further of the Almsman.
4. 4. ' How could earnest zeal possibly dwell in Dhananjani? ' replied theAlmsman. ' He uses the king to fleece the Brahmins and householders, and uses them to fleece the king. Also, his pious wife who came of a pious stock is dead now ; and he has taken to himself another wife who is not pious and comes of no pious stock.'
5. 5. ' This is bad news, very bad news to hear of Dhananjani's lack of zeal,' said Sariputta. 'Perhaps, however, at some time and place I may meet him I should like to have a talk with him.'
6. 6. After staying as. long as he wanted in the Southern Hills, Sariputta proceeded on his alms pilgrimage till he reached Rajagraha, where he took up his abode in the Bamboo Grove.
7. 7. Early in the morning, bowl in hand and duly robed, he went into

Rajagraha for alms, at a time when the Brahmin Dhananjani was out of the city seeing his cows milked in the byre.
8. 8. On his return after his round and meal, Sariputta sought out the Brahmin. Seeing him coming, the Brahmin came to meet him with the remark that they had time for a draught of milk before meal-time.
9. 9. Not so. Brahmin, I have had my meal today, and shall be resting under the shade of a tree during the noontide. Come to me there.
10. 10. Dhananjani agreed and after his own meal joined Sariputta seating himself by him after friendly greetings.
11. 11. Said Sariputta:"May I rest assured, Dhanan-jani, that zeal and earnestness and righteousness are yours?
12. 12."How can that be, when I have to support my parents, my wife and family, and my slaves and serving folk and have to entertain my cquaintances and friends, my kith and kin, and guests, and have also to provide for my kinsfolk dead and gone, and for the deities, and for the king not to speak of supporting myself in meat and drink? ' '
13. 13."What think you, Dhananjani? If we suppose a man who, for his parents' sake, has departed from righteousness and equity and is being hauled up would it avail him either to plead on his own behalf that it was for his parents' sake that he had departed from righteousness and equity and that therefore he should not be hauled up?"
14. 14."No ; despite all appeals, the wardens would cast him into prison."
15. 15."Would it avail him either to plead on his own behalf, or to have his wife and family plead for him, that it was for their sake he had departed from righteousness and equity?"
16. **16.**"No."
17. 17."Would it avail him if his slaves and serving folk pleaded for him?"
18. 18."Not a whit"
19. **19.**"**Or** if his friends and acquaintances pleaded for him?"
20. 20."Not a whit."
21. 21."Or if his kith and kin, or his guests pleaded for him?"
22. 22."Not a whit."
23. 23."Or if his kinsfolk dead and gone, pleaded the claims of his deities, or his monarch's claims on him?"
24. 24."Not a whit."

25. 25.”Would it avail him to plead on his own behalf or to have others pleading for him that it was to support himself in meat and drink that he departed from righteousness and equity?”
26. 26.”No.”
27. 27.”What think you,Dhananjani? Which is the better man? He that for the sake of his parents departs from righteousness and equity or he that no matter what happens to them walks in righteousness and equity?”
28. 28.”The latter,”replied Dhananjani,”for to walk in righteousness and equity is better than to depart therefrom.”
29. 29.”Moreover, Dhananjani, there are other courses of action which are justified and righteous in themselves, whereby he can support his parents and yet avoid evildoing and walk uprightly. Now, does the same reasoning apply to the support of wife and family and everything else?”
30. 30.”It does, Sariputta.”
31. 31.”Hereupon the Brahmin rejoicing in what the reverend Sariputta had said, thanked him, rose up and went his way.”

§ 4. *How to Reach Perfection in Righteous Conduct*

1. 1. Once while the Lord was staying at Shravasti in Jeta's Grove there came to him five hundred lay-followers. One of them was Dhammika.
2. 2. Dhammika asked the Lord :”What principles make your followers reach perfection in righteous conduct.
3. 3.”I ask thee this question because thou art the most matchless judge of the weal of men.
4. 4.”Trained Jains and Mendicants all failed to vanquish thee. Trained Brahmins, ripe in years— with others keen to air their point of view—are led to embrace thy saving truth. For, 'tis thy saving Truth,— subtle, but preached so well for which all yearn. Vouchsafe an answer, Lord, to us !
5. 5. “Let the lay-followers learn from thy lips thy Lore immaculate !”
6. 6. The Blessed Lord in compassion for his lay-followers said :”Give me your ear. I will explain the principles of righteous conduct. Hear and follow them.

“Slay not, nor doom to death, nor sanction slaughter. Do no violence to

aught that lives—strong or weak.

1. 8.”No layman, wittingly, should thieve, or order theft, or sanction any theft,—take but what others give.
2. 9.”And shun incontinence as 'twere a pit of fire, or, failing continence, debauch no wedded wife.
3. 10.”In conclaves, courts, or talk let him not lie; let him not prompt or sanction lies—let him renounce untruth.
4. 11.”Layman, observe this law: Shun drink; make no man drink; sanction no drinking. Mark how drink to madness leads.
5. 12.”Through drink fools sin, and egg lax brethren on to sin. So flee this maddening vice, this folly, bliss of fools.
6. 13.”Slay not, nor steal, nor lie; from strong drink keep away; refrain from lechery; touch not wrong meals at night !
7. 14.”Eschew both scents and wreaths; spread on the ground thy bed; so make thy sabbath vows as week succeeds to week, and keep with pious hearts this eightfold festival.
8. 15.”At morn, these vows performed, with pious, thankful heart be wise and of thy means give Almsmen food and drink.
9. 16.”Cherish thy parents well; follow a righteous trade. Thus shall the layman staunch reach realms of light above.

§ 5. *One Need Not Wait for a Companion to Treadon the Path of Righteousness*

1. 1. An elephant in battle bears the arrow at him buried, I must bear men's bitter tongues for every evil in the world.
2. 2. Tamed, they lead him into battle; tamed, the king his back ascends; tamed, is he the best of beings when no bitter speech offends.
3. 3. Good are well-tamed mules, and good are Cindian steeds of' lineage famed, good indeed the mighty tusker; best of all the men self-tamed.
4. 4. Yet such mounts can naught avail us, cannot be Nibbana's guide. We can only reach the Path on the self-tamed self-ride
5. 5. Take delight in Earnestness; watch thy thoughts and never tire. Lift thee from the Path of Evil, take the Tusker out of mire.
6. 6. Hast thou found a fellow-traveller, upright, firm, intelligent?

Leaving all thy cares behind thee, gladly walk with him intent.
7. 7. Hast thou found no fellow-traveller, upright, intelligent? As a King deserts his borders, by the enemy pursued, like the tusker* in the forest, so go thy way in solitude.
8. 8. Better is the lonely life, for fools companions cannot be. Live alone and do no evil, live alone with scanty needs, lonely, as the. mighty tusker in the forest lonely feeds.
9. 9. Expunge all bad thoughts.
10. 10. Here is the way to expunge.
11. 11. You are to expunge by resolving that, though others may be harmful, you will be harmless.
12. 12. That, though others may kill, you will never kill.
13. 13. That, though others may steal, you will not.
14. 14. That, though others may not lead the higher life, you will.
15. 15. That, though others may lie, traduce, denounce, or prattle, you will not.
16. 16. That, though others may be covetous, you will covet not.
17. 17. That, though others may be malignant, you will be benignant.
18. 18. That, though others may be given over to wrong views, wrong aims, wrong speech, actions, wrong modes of livelihood, wrong effort, wrong mindfulness and wrong concentration you must follow the Noble Eight-fold Path in right outlook, right aims, right speech, right actions, right mode of livelihood, right efforts, right mindfulness and right concentration.
19. 19. That, though others are wrong about the truth and wrong about Deliverance, you will be right about truth and right about Deliverance.
20. 20. That, though others may be possessed by sloth and torpor, you will free yourself therefrom.
21. 21. That, though others may be puffed up, you will be humble-minded.
22. 22. That, though others may be perplexed by doubts, you will be free from them.
23. 23. That, though others may harbour wrath, malevolence, envy, jealousy, niggardliness, avarice, hypocrisy, deceit, imperviousness, arrogance, forwardness, unscrupulousness, lack of instruction, inertness, bewilderment, and unwisdom—you will be the reverse of all these things.

§ *1. What is Nibbana*

1. 1. Once the Blessed Lord was staying at Shravasti in Anathapindika's Arama where Sariputta was also staying.
2. 2. The Lord addressing the Brethren said:"Almsmen, be ye partakers not of the world's goods but of my doctrine; in my compassion for you all I am anxious to ensure this."
3. 3. Thus spoke the Lord, who thereupon rose and passed to his own cell.
4. 4. Sariputta remained behind and the Brethren asked him to explain what is Nibbana.
5. 5. Then Sariputta in reply to the Brethren said:"Brethren, know you that greed is vile, and vile is resentment.
6. 6."To shed this greed and this resentment, there is the Middle Way which gives us eyes to see and makes us know, leading us on to peace, insight, enlightenment and Nibbana.
7. 7."What is this Middle Way? It is naught but the Noble Eight-fold Path of right outlook, right aims, right speech, right action, right means of livelihood, right effort, right mindfulness and right concentration; this. Almsmen is the Middle Way.
8. 8."Yes, sirs; anger is vile and malevolence is vile, envy and jealousy are vile, niggardliness and avarice are vile, hypocrisy and deceit and arrogance are vile, inflation is vile, and indolence is vile.
9. 9."For the shedding of inflation and indolence there is the Middle Way—giving us eyes to see, making us know, and leading us on to peace, insight, enlightenment.
10. 10."Nibbana which is naught but that Noble Eight-fold Path."
11. 11. Thus spoke the reverend Sariputta—glad at heart, the Almsmen rejoiced at what he had said.

§ 2. *The Roots of Nibbana*

(i)

1. 1. Once the venerable Radha came to the Exalted One. Having done so he saluted the Exalted One and sat down on one side. So seated the

venerable Radha thus addressed the Exalted One:"Pray, Lord, what for is Nibbana."
2. 2."Nibbana means release from passion,"replied the Lord.
3. 3."But Nibbana, Lord,—what is the aim of it?"
4. 4."Rooted in Nibbana, Radha, the righteous life is lived. Nibbana is its goal. Nibbana is its end."

(ii)
1. 1. Once the Exalted One was dwelling at Shravasti, in Jeta's Grove, at Anathapindika's Park. Then the Exalted One called the brethren, saying, ^Brethren.' * Yes, Lord,' replied those brethren to the Exalted One. The Exalted One thus spake.
2. 2. "Do ye bear in mind, brethren, the Five Fetters that bind to the lower world, as taught by me?"
3. 3. Whereupon the venerable Malunkyaputta said this to the Exalted One :
4. 4."I, Lord, bear in mind those Five Fetters."
5. 5."And how, Malunkyaputta, do you bear them in mind?"
6. 6."I bear in mind. Lord, the view of bodyhood, as taught by the Exalted One, and wavering, and the moral taint of dependence on rite and ritual, the excitement of sensual delight, and malevolence, taught by the Exalted One as fetters that bind to the lower world. These are the Five Fetters that I bear in mind. Lord."
7. 7."As taught for whom, Malunkyaputta, do you bear in mind these Five Fetters? Will not the wanderers of other views reproach you, using the parable of a tender baby for their reproach and saying thus:
8. 8."But, Malunkyaputta, there can be no bodyhood for a tender baby-boy, dull of wits and lying on his back. How, then, can there arise in him any view of bodyhood? Yet there is indeed latent in him a tendency to the view of bodyhood.'
9. 9. ^Likewise, Malunkyaputta, there can be, no mental conditions for a tender baby-boy, dull of wits ana lying on his back. How, then, can there be in him any wavering of mental conditions? Yet there is in him a latent tendency to wavering.'
10. 10."' So also, Malunkyaputta, he can have no moral practice. How, then, can there be in him any moral taint of dependence on rite and ritual?

Yet he has a latent tendency thereto.'
11. 11.”Again, Malunkyaputta, that tender babe has no sensual passions. How, then, can be known the excitement of sensual delight? But the tendency is there.'
12. 12.”'Lastly, Malunkyaputta, for that tender babe beings do not exist. How then can it harbour malevolence against beings? Yet the tendency thereto is in him.'
13. 13.”Now, Malunkyaputta, will not those wanderers of other views thus reproach you, using for their reproach the parable of that tender baby-boy?”
14. 14. When this was said, the venerable Ananda thus addressed the Exalted One :”Now is the time, Exalted One. 0 Wayfarer, now is the time for the Exalted One to set.”

§ *1. Why Right Views Rank First*

1. 1. Of the noble Eightfold path the noblest is Right Outlook.
2. 2. Right thinking is the preface and the key to every thing else in the higher life, and ignorance.
3. 3. The lack of understanding is the root of all evil.
4. 4. For developing right outlook one must see all phenomena of life as a process of causal law. To have right outlook is to recognise the law of cause and effect.
5. 5.”Whatsoever individual, brethren, follows perverted views, perverted aim, perverted speech or acts or living, perverted effort, attention, and contemplation : whose knowledge and emancipation are perverted, for him every action of deed, word or thought, performed and achieved according to such perverted views ; every willed act, every aspiration, every resolve, all his activities, these things one and all conduce to what is distasteful, unpleasing, repulsive, unprofitable, and painful. And why so? Because of his evil view.”
6. 6. To be right is not enough. A baby may be right but that does not mean that a baby knows what is right. To be right one must know what is right.
7. 7.”Anarda, who can be rightly described as an almsman? Only he who has mastered what is rationally possible and what is rationally

impossible."

§ 2. *Why Bother About Life After Death*

1. 1. On a certain occasion the venerable Kassapa the Great and the venerable Sariputta were staying near Benares at Isipatana in the Deer Park.
2. 2. Then the venerable Sariputta rising up at eventide from solitude, went to the venerable Kassapa the Great and sat down on one side.
3. 3. So seated, the venerable Sariputta said to the venerable Kassapa the Great."How now friend Kassapa? Does the Tathagata exist beyond death?
4. 4."Undeclared is it, friend, by the Exalted One that the Tathagata exists beyond death,
5. 5."What then friend? Does the Tathagata both exist and not exist beyond death?
6. 6."This also, friend, is undeclared by the Exalted One.
7. 7."How then, friend? Does the Tathagata neither not exist beyond death? That also, friend, is not declared by the Exalted One.
8. 8."But why, friend, has it not been declared by the Exalted One?"
9. 9."This is a question not concerned with profit to humanity or with the first principles of holy life. It does not lead to perfect wisdom nor to Nibbana. That, friend, is why it is not declared by the Exalted One."

§ 3. Prayers and Invocations to God are a Futility

1. 1. Once the Blessed Lord speaking to Vasettha said:
2. 2."If this river Achiravati were full of water even to the brim and overflowing, and a man with business to be done on the further bank of it should come up, and want to cross over :
3. 3."And standing on that bank, he should invoke the further bank and say : ' Come hither, 0 further bank ! Come over to this side ! '
4. 4."Now what think you, Vasettha? Would the further bank of the river Achiravati, by that man's invoking and praying, and hoping, and praising, come over to this side?
5. 5."In just the same way, Vasettha, do the Brahmins, versed in the three Vedas, omitting the practice of those qualities which really make a

man a Brahmin, and adopting the practice of those qualities which really make men non-Brahmins say thus :

6. 6."' Indra we call upon, Brahma we call upon, Isana we call upon, Prajapati we call upon, Brahma, we call upon, we call, we call.'

7. 7."Verily, Vasettha, that these Brahmins, by reason of their invoking .and praying and hoping and praising, should after death become united with Brahma—verily such a condition of things can in nowise be."

§ *4. It is Not What You Eat that Makes You Holy*

1. 1. A Brahmin happened to meet the Lord and raised the question of the effect of food on a man's character.

2. 2. The Brahmin said :"The millet-grain, palm-nuts, pulse, bulbs, and wilding shoots—this diet rightly got, ever prompts the good life. Tis eating carrion that is bad."

3. 3. The Blessed One replied:"Though you (Lord) say you touch no carrion, you eat choice dishes made with flesh of birds—1 ask what you term 'carrion."

4. 4."Killing and maiming, stripes, bonds, theft, lies, fraud, deceit, adultery—not meats, but these are carrion.

5. 5."Pursuit of pleasure, lust for guzzlings, life unclean, blatant dissent—not meats, but these are carrion.

6. 6."Backbiting, cruelty, betrayals, ruthless pride, mean stinginess—not meats, but these are carrion.

7. 7."Anger, conceit, revolt, guile, envy, bluster, pride, low company—not meats, but these are carrion.

8. 8."Base living, slander, fraud, cheating, the trickster's wiles, foul infamies—not meats, but these are carrion.

9. 9."This rage to slay and steal, these crimes, are fraught with doom and end in hell—not meats, but these are carrion.

10. 10."No abstinence from meat and fish, no nudity, no topknots, shaven crowns, or garb of pelt, no cult of sacred fire, no stark austerities to purchase future bliss, no rinsing, burnt-offering, rites,' can cleanse the man who doubts.

11. 11."Control thy sense, rule thy powers, hold to Truth, be kind. The saint who leaves all ties and vanquishes all ills, is stained by naught he

either sees or hears."
12. 12. Hearing the Lord preach these lofty, saving truths, denouncing 'carrion', and sweeping ills away, the Brahmin meekly knelt and asked to be enrolled as Almsman then and there.

§ 5. *Not Food But Evil Actions That Matter*

1. 1. A Brahmin by name Amagandha was an ascetic who lived in the region of Himalayas with his pupils.
2. 2. They ate neither fish nor flesh. Every year they came down from their hermitage in search of salt and acids. The inhabitants of the village received them with honour and gave them hospitality for four months.
3. 3. Then the Blessed Lord with his monks visited the same village. The people on hearing the Lord preach his Dhamma became his followers.
4. 4. That year even Amagandha and his disciples as usual went to the villagers but the villagers did not show the same enthusiasm.
5. 5. Amagandha was disappointed to hear that the Lord did not forbid eating fish and flesh. Wishing to have the matter confirmed he went to Jeta Vana at Shravasti where the Blessed Lord was then staying and said:
6. 6."Millet, cingula-beans and peas, edible leaves and roots, the fruit of any creeper ; the righteous who eat these, obtained justly, do not tell lies for the sake of pleasures.
7. 7."Thou eatest whatever food is given by others, which is well prepared, nicely got up, pure and excellent. He who enjoys such food made of rice, he eats, Amagandha. You say that the charge of Amagandha, does not apply to me, while eating rice with well prepared bird's flesh.
8. 8."I inquire the meaning of this from you, of ' what kind is your Amagandha?"
9. 9. The Lord replied:"Taking life, beating, cutting, binding, stealing, lying, fraud, deceiving, worthless knowledge, adultery ; this is Amagandha and not the eating of flesh.
10. 10."In this world those individuals, who are unrestrained in sensual pleasures, who are greedy for sweet things, who are associated with impure actions, who are of Nihilistic views, crooked, difficult to follow; this is Amagandha and not the eating of flesh.
11. 11."In this world those who are rude, harsh, backbiting, treacherous,

unkind, excessively egoistic, ungenerous, and do not give anything to anybody; this is Amagandha, and not the eating of flesh.
12. 12."Anger, pride, obstinacy, antagonism, deceit, envy, boasting, excessive egoism, association with the unrighteous; this is Amagandha, and not eating of flesh.
13. 13."Those who are of bad morals, refuse to pay their debt, slanderers, deceitful in their dealings, pretenders, those who in this world being the vilest of men, commit such wrongdoings, this is Amagandha and not the eating of flesh.
14. 14."Those persons who, in this world, are uncontrolled towards living beings, who are bent on injuring others, having taken their belongings; immoral, cruel, harsh, disrespectful; this is Amagandha and not the eating of flesh.
15. 15."Those who attack these living beings either because of greed or of hostility, and always bent upon (evil), they go to darkness after death and fall into hell headlong ; this is Amagandha and not the eating of flesh.
16. 16."Abstaining from fish or flesh, nakedness, shaving of the head, matted hair, covering with ashes, wearing rough deer skins, attending the sacrificial fire, nor all these various penances in the world (performed) for immortality, neither incantations, oblations, sacrifices nor seasonal observances, purifies a person who has not overcome his doubt.
17. 17."He who lives with his senses guarded and conquered and is established in the Dhamma, delights in uprightness and gentleness, who has gone beyond attachments and has overcome all sorrows; that wise man does not cling to what is seen and heard.
18. 18."It is evilactions which constitute Ama-gandha and not the eating of fish or flesh."

§ 6. *Not Enough Is Outward Washing*

1. 1. Once the Exalted One was dwelling at Shravat-si. And the Brahmin Sangarava also dwelt there. Now he was a cleanser by water, and practised cleansing by water. Night and day he abode given to the habit of going down to bathe.
2. 2. Now the venerable Ananda, robing himself at an early hour and taking outer robe and bowl, went forth to Shravatsi to beg. And when he

had gone his rounds in Shravatsi and had eaten his meal, upon his return, he went to the Exalted One, saluted Him, and sat down on one side. So seated, the venerable Ananda said:

3. 3."Lord, there is here one Sangarava, a Brahmin, dwelling at Shravatsi, a cleanser by water, one who practises cleansing by water. Night and day does he abide given to the habit of going down to bathe. Well were it. Lord, if the Exalted One would pay a visit to the Brahmin Sangarava, out of compassion for him."

4. 4. And the Exalted One consented by His silence.

5. 5. So next day at an early hour, the Exalted One robed Himself and taking outer robe and bowl went to the dwelling of the Brahmin Sangarava, and when He got there He sat down on a seat made ready.

6. 6. Then the Brahmin Sangarava came to the Exalted One and greeted Him, and after the exchange of mutual courtesies sat down on one side.

7. 7. As he thus sat, the Exalted One said this to the Brahmin Sangarava :"Is it true. Brahmin, as they say, that thou art a cleanser by water, that thou dost practise cleansing by water, abiding night and day given to the habit of going down to bathe?"

8. 8."True it is. Master Gotama."

9. 9."Now, Brahmin, seeking what profit dost thou so practise the habit of going down to bathe, and so forth? ' '

10. 10."It is in this way. Master Gotama. Whatsoever evil I do by day, I get it washed away that very evening by my bathing. Whatsoever evil I do by night I get it washed away next morning by my bathing. That is the profit I am looking for in being a cleanser by water and so forth."

11. 11. Then said the Exalted One :

12. 12."The Norm is the pool. It is clear and undefiled."

13. 13."Hither when they have come to bathe, the masters of the lore, are cleansed in every limb, and pass unto the Further Shore."

14. 14. Whereupon the Brahmin Sangarava said to the Exalted One :"Excellent it is. Master Gotama. May the Master Gotama accept me as His follower, from this day forth so long as life doth last, as one who has taken refuge in Him."

§7. *What is Holy Life*

1. 1. Once while the Blessed Lord was on journey he gave, as was his practice, the following discourse to the Bhikkhus who were accompanying him.
2. 2. Addressing the Bhikkhus the Lord said:"0 brethren, this holy life is not practised with a view to deceive people, nor to seek their favour, nor for the purpose of gain, benefit, or fame, nor with the intention of getting out of difficulties in controversy, nor that one may be known as such and such by men. Indeed, brethren, this holy life is practised for the controlling (of body and speech), the cleansing (of corruptions) and the detachment (from) and cessation (of craving)."

§ *1. Do Not Depend on the Favour of Princes*

1. 1. Once the Exalted One was staying at Rajagraha in the Bamboo Grove in the Squirrels' Feeding ground.
2. 2. At that time Prince Ajatasatruwas supporting Devadatta who had turned hostile to the Blessed Lord.
3. 3. He was maintaining the supporters of Devadatta, late and early with five hundred carts, conveying therein food brought in five hundred cooking-pots.
4. 4. Then a number of the brethren came before the Exalted One, saluted Him, and sat down on one side, and •there sitting they told all of these things to the Exalted One.
5. *5.* Then the Blessed Lord addressing the brethren said :"Do ye not long for gains, favours and flattery from the kings. So long, brethren, as Prince Ajatasatru thus supports Devadatta late and early, with five hundred carts, conveying therein food brought in five hundred cooking-pots, it is ruin, brethren, that may be expected of Devadatta, and not growth in good conditions.
6. 6."Just as if, brethren, one were to crumble liver on a mad dog's nose, the dog would only get the madder, even so, brethren, so long as Prince Ajatasatru thus supports Devadatta it is ruin that may be expected of Devadatta, and not growth in good conditions. Thus terrible, brethren, are gains, favours, and flattery of the princes.
7. 7."They are a bitter, painful hindrance to the attainment of the sure peace that passeth all.

8. 8.”Wherefore, brethren, thus must you train yourselves: ' When gains, favours and flattery befall us, we will reject them, and when they do befall us, they shall not Tay hold of and be established in our hearts' and make us slaves of the prince.'“

§2. *If the King is Righteous His Subjects will be Righteous*

1. 1. Once the Lord addressing the Almsmen said :
2. 2.”Brethren during such time as kings are unrighteous their ministers and officers also become unrighteous. The ministers and officers, brethren, being unrighteous. Brahmins and householders also become unrighteous. The Brahmins and householders, brethren, being unrighteous, the town-folk and villagers become unrighteous.
3. 3.”But whenever, brethren, kings are righteous, then kings' ministers and officers also become righteous. Whenever kings' ministers and officers become righteous the Brahmins and householders also become righteous. Whenever Brahmins and householders become righteous, the town-folk and villagers also become righteous.
4. 4. "When kine are crossing, if the **old** bull swerves, they all go swerving, following his lead. So among men, if he who is reckoned chief walks crook-ediy, the others crooked go.
5. 5. “Similarly, the whole realm suffers when the king goes wrong. When kine are crossing, if the bull goes straight they all go straight because his course is straight. So among men, if he who's reckoned chief walks righteously, the others live aright. The whole realm lead happy lives when kings are good.”

§3. *It is the Social System on which Depends Political and Military Strength*

1. 1. The Blessed One was once dwelling in Rajagraha, on the hill called the Vultures' Peak.
2. 2. Now at that time, Ajatasatru, the son of the queen consort of Videha origin, the king of Magadha, was desirous of attacking the Vajjins, and he said to himself,”I will root out these Vajjins, mighty and powerful though they be, I will destroy these Vajjins, I will bring these Vajjins to utter ruin !”

3. 3. So he spoke to the Brahmin Vasakara, the Prime Minister of Magadha, and said :
4. 4."Come now, 0 Brahmin, do you go to the Blessed One, and bow down in adoration at his feet on my behalf and enquire on my behalf whether he is free from illness and suffering and in the enjoyment of ease and comfort and vigorous health.
5. 5."Then tell him that Ajatasatru,' son of Videhi, the King of Magadha, is eager to attack the Vajjins, mighty and powerful though they be, I will destroy these Vajjins, I will bring these Vajjins to utter ruin !
6. 6."And bear carefully in mind whatever the Blessed One may predict and repeat it to me. For the Buddha speaks nothing untrue."
7. 7. Then the Brahmin Vasakara hearkened to the words of the king, saying,"Be it as you say."And ordering a number of magnificent carriages to be ready he went to the Vultures' Peak.
8. 8. On arriving there he exchanged with the Blessed One the greetings and compliments and then delivered to him the message even as the king had commanded.
9. 9. Now at that time the venerable Ananda was standing behind the Blessed One. And the Blessed One said to him:"Have you heard, Ananda, that theVajjins hold full and frequent public assemblies?
10. 10."Lord, so I have heard,"replied he.
11. 11."So long, Ananda,"rejoined the Blessed One,"as the Vajjins hold these full and frequent public assemblies; so long may they be expected not to decline, but to prosper.
12. 12."So long, Ananda, as the Vajjins meet together in concord, and rise in concord, and carry out their undertakings in concord.
13. 13."So long as they enact nothing not already established, abrogate nothing that has been already enacted and act in accordance with the ancient institutions of the Vajjins as established in former days. 14."So long as they honour and esteem and revere and support the Vajjin Elders, and make it a point of duty to hearken to their words.
14. 15."So long as no women or girls belonging to their clans are detained among them by force or abduction.
15. 16."So long as the Vajjins respect and follow religion.
16. 17."So long, Ananda, the Vajjins may be expected not to decline but to prosper and no one can destroy them."

17. 18. In short, the Blessed Lord declared that so long as the Vajjins believe in democracy and practise democracy there is no danger to their State.
18. 19. Then the Blessed One addressed Vasakara and said:
19. 20."When I was once staying, 0 Brahmin, at Vaishali I taught the Vajjins these conditions of welfare.
20. 21."We may expect then,"answered the Brahmin,"the welfare and not the decline of the Vajjins, so long as they observe these conditions. So, Gotama, the Vajjins cannot be overcome by the king of Magadha."
21. 22. So Vasakara heard the words of the Blessed One, rose from his seat and went back to Rajagraha to inform the king of what the Lord had said.

§ *4. War is Wrong*

1. 1. It so happened that Ajatasatru, the king of Magadha, mustering an army of cavalry and infantry, invaded Kasi, a part of the kingdom of king Pasenadi. And Pasenadi, hearing of the expedition, also mustered a similar army and went to meet him.
2. 2. The two fought with one another and Ajatasatru defeated the king Pasenadi, who retreated to his own capital Shravasti.
3. 3. The Bhikkhus who were in Shravasti returning from their alms round came and told the Exalted One of the battle and the retreat.
4. 4."Almsmen, the king of Magadha, Ajatasatru, is a friend of whatever is evil. King Pasenadi is a friend of whatever is good. For the present, Pasenadi will pass the night in misery, a defeated man.
5. 5."Conquest engenders hate; the conquered lives in misery. But whoso is at peace and passionless, happily doth he live ; conquest hath he abandoned and defeat."
6. 6. Again it so happened these two kings met in battle a second time. But in that battle, the Kosala king Pasenadi defeated Ajatasatru and captured him alive. Then king Pasenadi thought:"Although this king injures me who was not injuring him, yet is he my nephew. What if I were now to confiscate his entire army, elephants, horses, chariots and infantry and leave him only his life?"And he did so.
7. 7. And almsmen returning from their alms tour in Shravasti brought

word of this to the Exalted One. Thereupon the Exalted One said:"A man may spoil another, just so far as it may serve his ends, but when he's spoiled by others, he, despoiled, spoils yet again.

8. 8."So long as evil's fruit is not matured, the fool doth fancy now's the hour, the chance! ' But when the deed bears fruit, he fareth ill.

9. 9."The slayer gets a slayer in his turn ; the conqueror gets one who conquers him ; the abuser wins abuse from another.

10. 10."Thus by the evolution of the deed, a man who spoils is spoiled in his turn."

§ 5. *The Duty of the Victor Who Has Won Peace*

1. 1. When the Victor in war has won the Peace he claims the right further to degrade the vanquished if not to enslave him. The Buddha had a totally different view on the matter. In His view if Peace had any meaning it means that the Victor has a duty to use his victory for the service of the vanquished. This is what he said to the Bhikkhus on this subject :

2. 2."When Peace is won, the adept in warfare needs to prove an able, upright man, of gracious speech, kind mood, devoid of arrogance, an easy, grateful guest, no busybody wants but few sens-disciplined, quick-witted, bluster-free, never importunate; and let him never stoop to conduct mean or low, evoking grave rebuke.

3. 3."May creatures all abound, in weal and peace; may all be blessed with peace always, all creatures weak or strong, all creatures great and small ; creatures unseen or seen dwelling afar or near, born or awaiting birth, may all be blessed with peace !

4. 4."Let none cajole or flout his fellows anywhere ; let none wish others harm in dudgeon or in hate.

5. 5."Just as with her own life a mother shields from hurt her own, her only child, let all-embracing thoughts for all that lives be thine, an all-embracing love for all the universe in all its heights and depths and breadths, unstinted love, unmarred by hate within, not rousing enmity.

6."So, as you stand or walk, or sit, or lie, reflect with all your might on this : ' Tis deemed a state divine.'"

BOOK V: The Sangh

Part I—TheSangh

Part II—-The Bhikkbu—The Buddha's Conception of him.

Part III—The Duties of the Bhikkhu.

Part IV—The Bhikkhu and the Laity.

Part V—Vinaya for the Laity.

PART I :THE SANGH

1. 1. The Sangh and its Organisation.
2. 2. Admission to the Sangh.
3. 3. The Bhikkhu and His Vows.
4. 4. The Bhikkhu and Ecclesiastical Offences.
5. 5. The Bhikkhu and Restraints.
6. 6. The Bhikkhu and Good Conduct Rules.
7. 7. The Bhikkhu and the Trial of Offences.
8. 8. The Bhikkhu and Confession.

§ *1. The Sangh and Its Organisation*

1. 1. The followers of the Blessed Lord were divided into two classes: BHIKKHUS and Lay Followers called UPASAKAS.
2. 2. The Bhikkhus were organised into a Sangh v while the Upasakas were not.
3. 3. The Buddhist Bhikkhu is primarily a Pariv-rajaka. This institution of Parivrajaka is older than that of the Buddhist Bhikkhu.
4. 4. The old Parivrajakas were persons who had abandoned family life and were a mere floating body of wanderers.
5. 5. They roamed about with a view to ascertain the truth by coming into contact with various teachers and philosophers, listening to their discourses, entering into discussion on matters of ethics, philosophy, nature, mysticism, etc.
6. 6. Some of the old type of Parivrajakas lived under a teacher until

they found another. Others lived singly without acknowledging any master.
7. 7. Among these older type of Parivrajakas there were also women wanderers. The female Parivrajakas sometimes lived with men Parivrajakas; sometimes they lived alone and by themselves.
8. 8. These old type of Parivrajakas had no Sangh, had no rules of discipline and had no ideal to strive for.
9. 9. It was for the first time that the Blessed Lord organised his followers into a Sangh or fraternity, and gave them rules of discipline and set before them an ideal to pursue and realise.

§2. *Admission to the Sangh*

1. 1. The Sangh was open to all.
2. 2. There was no bar of caste.
3. 3. There was no bar of sex.
4. 4. There was no bar of status.
5. 5. Caste had no place in the Sangh.
6. 6. Social status had no place in the Sangh.
7. 7. Inside the Sangh all were equal.
8. 8. Inside the Sangh rank was regulated by worth and not by birth.
9. 9. As the Blessed Lord said the Sangh was like the ocean and the Bhikkhus were like the rivers that fell into the ocean.
10. 10. The river has its separate name and separate existence.
11. 11. But once the river entered the ocean it lost its separate name and separate existence.
12. 12. It becomes one with the rest.
13. 13. Same is the case with the Sangh. When a Bhikkhu entered the Sangh he became one with the rest like the water of the ocean.
14. 14. He lost his caste. He lost his status: so said the Lord.
15. 15. The only distinction observed inside the Sangh was that of sex. The Bhikkhu Sangh was separate in its organisation from the Bhikkhuni Sangh.
16. 16. The entrants into the Sangh were divided into two classes: SHRAMANERAS and BHIKKHUS.
17. 17. Anyone below twenty could become a Shramanera.
18. 18. By taking the TRISARANAS and by taking the ten precepts a boy

becomes a Shramanera.
19. 19.”I follow the Buddha; I follow the Dhamma; and I follow the Sangh"—are the Trisaranas.
20. 20.”I shall abstain from killing; I shall not commit theft; I shall follow Brahmacharya; I shall not tell untruth; I shall abstain from drink.”
21. 21.”I shall abstain from taking food at an untimely hour; I shall abstain from indecent and immoral acts; I shall abstain from ornamenting and decorating myself; I shall abstain from luxuries; I shall abstain from the love of gold and silver.”
22. 22. These are the ten precepts.
23. 23. A Shramanera can leave the Sangh at any time and become a layman. A Shramanera is attached Bhikkhu and spends his time in the service of the Bhikkhu. He is not a person who has taken Parivraja.
24. 24. The status of a Bhikkhu has to be reached in two stages. The first stage is called Parivraja and the second stage is called Upasampada. It is after Upasampada that he becomes a Bhikkhu.
25. 25. A candidate who wishes to take Parivraja with a view ultimately to become a Bhikkhu has to seek a Bhikkhu who has the right to act as an Uppadhya. A Bhikkhu can become an Uppadhya only after he has spent at least 10 years as a Bhikkhu.
26. 26. Such a candidate if accepted by the Uppadhya is called a Parivrajaka and has to remain in the service and tutelage of the Uppadhya.
27. 27. After the period of tutelage ends it is his Uppadhya who has to propose the name of his student to a meeting of the Sangh specially called for the purpose for Upasampada and the student must request the Sangh for Upasampada.
28. 28. The Sangh must be satisfied that he is a fit and a proper person to be made a Bhikkhu. For this purpose there is a set of questions which the candidate has to answer.
29. 29. Only when the Sangh grants permission that Upasampada is granted and the person becomes a Bhikkhu.
30. 30. The rules regulating entry into the Bhikkhuni Sangh are more or less the same as the rules regulating the entry into the Bhikkhu Sangh.

§ 3. *The Bhikkhu and His Vows*

1. 1. A layman or a Shramanera takes precepts. His obligation is to follow them.
2. 2. A Bhikkhu besides taking precepts takes them also as vows which he must not break. If he breaks them he becomes liable to punishment.
3. 3. A Bhikkhu vows to remain celebate.
4. 4. A Bhikkhu vows not to commit theft.
5. 5. A Bhikkhu vows not to boast.
6. 6. A Bhikkhu vows not to kill or take life.
7. 7. A Bhikkhu vows not to own anything except what the rules allow.
8. 8. No Bhikkhu is to possess more than the following eight articles:—

.(1) Three pieces of cloth to cover his body: (i) lower garment called Antarvaska.*(ii)* upper garment called Uttarasang. *(iii)* covering garment against cold called Sanghati.
.(2) A girdle for the loins.
.(3) An alms-bowl.
.(4) A razor.
.(5) A needle.
.(6) A water-strainer.

1. 9. A Bhikkhu takes the vow of poverty. He must beg for his food. He must live on alms. He must sustain himself only on one meal a day. Where there is no Vihar built for the Sangh, he must live under a tree.
2. 10. A Bhikkhu does not take a vow of obedience. Outward respect and courtesy to his superiors is expected from the novice. His own salvation and his usefulness as a teacher depend on his self-culture. He is to obey not his superior but the Dhamma. His superior 'has no supernatural gift of wisdom or of absolution. He must stand or fall by himself. For that he must have freedom of thought.
3. 11. Any breach of a vow taken by a Bhikkhu results in an offence of Parajika. The punishment for Parajika is expulsion from the Sangh.

§ *4. The Bhikkhu and Ecclesiastical Offences*

1. 1. Any breach of the vows taken by a Bhikkhu is an offence against the Dhamma.

2. 2. In addition to these offences there were certain other offences to which he was also liable. They were called Sanghadisesa—ecclesiastical offences.
3. 3. The list of such offences included in the Vinaya Pitaka are thirteen.
4. They are allied to the Parajika.

§ 5. *The Bhikkhu and Restraints*

1. 1. Besides sailing clear of offences a Bhikkhu must observe certain restrictions and cannot be as free as others.
2. 2. One set of such restrictions are called NISSAGIYA-PACITTIYA. It contains 26 restrictions to be observed by the Bhikkhu.
3. 3. They relate to accepting gifts of robes, woollen mats, bowl and medical requisites.
4. 4. They also relate to the acceptance of gold and silver. Engagement of a monk in buying and selling and appropriation of property given to the Sangh to himself.
5. 5. The punishment for breach of these restrictions is restoration (nissagiya) and expression of repentance (pacittiya).
6. 6. Besides these restrictions there are other restrictions which a Bhikkhu has to observe. They are called PACITTIYA. They number ninety-two.

§ 6. *The Bhikkhu and Good Conduct Rules*

1. 1. A Bhikkhu must behave well. He should be a model person in his mode and manner of behaviour.
2. 2. In order to secure this purpose the Blessed Lord framed a number of Conduct Rules.
3. 3. These **Good** Conduct Rules were called Sekhiya Dhamma. They number seventy-five. **§ 7. *The Bhikkhu and the Trial of Offences***

1. 1. The enactment of these acts and omissions were not a mere formality. They were legal in substance involving a definite charge, trial and punishment.
2. 2. No Bhikkhu could be punished without a trial by a regularly

constituted Court.
3. 3. The Court was to be constituted by the Bhikkhus resident at the place where an offence had taken place.
4. 4. No trial could take place without a proper number of Bhikkhus required to constitute a Court.
5. 5. No trial would be legal without a definite charge.
6. 6. No trial could be legal if it did not take place in the presence of the accused.
7. 7. No trial could be legal if the accused had not been given the fullestopportunity to defend himself.
8. 8. The following punishments could be awarded against a guilty Bhikkhu: (i) Tarjaniya Karma (warn and discharge). (ii) Niyasha Karma (declaring insane). (iii) Pravrajniya Karma (expulsion from the Sangh). (iv) Utskhepniya Karma (boycott). (v) Parivasa Karma (expulsion from Vihar).
9. 9. Expulsion may be followed by ABBANA KARMA . Abbana Karma means annulment of dismemberment. It may be followed after granting of Pardon granted by the Sangh after being satisfied with the proper performance of Parivasa Karma.

§ *8. The Bhikkhu and Confession*

1. 1. The most original and unique institution created by the Blessed Lord in connection with the organisation of the Bhikkhus was the introduction of Confession, called UPOSATH.
2. 2. The Blessed Lord realized that it was possible to enforce what he had laid down as offences. But he had laid down certain restrictions which were not offences. He said that the restrictions were most intimately connected with building up of character and maintaining character; and that there was equal necessity to see that they were observed.
3. 3. But the Lord could find no effective way of enforcing them. He therefore thought of Confession in open as a means of organising the Bhikkhu's conscience and making it act as a sentinel to guard him against taking a wrong or false step.
4. 4. The Confession was confined to the transgressions of restrictions (which were called Patimokha).
5. 5. For a Confession there was to be a meeting of the Bhikkhus of a

given locality. There were to be three such meetings in a fortnight, one each on CHATURDASHI, PANCHADASI and ASHATAML On that day the Bhikkhus may fast. That is why the day is also called UPOSATH.
6. 6. At the meeting a Bhikkhu reads the restrictions one by one contained in the Patimokha. After reading a restriction he says to the assembled Bhikkhus,"I take it that none of you have transgressed this Rule, that is why you are silent."He says this three times. Then deals with the next restriction.
7. 7. A similar Confessional meeting is required of the Bhikhhuni Sangh.
8. 8. On a Confession a charge and trial may follow.
9. 9. On a failure to Confess, any Bhikkhu may report a transgression if he was a witness to it and then a charge and trial may follow.

PART II : THE BHIKKHU—THE BUDDHA'S CONCEPTION OF HIM

1. 1. Buddha's conception of what a Bhikkhu should be.
2. 2. The Bhikkhu and the Ascetic.
3. 3. The Bhikkhu and the Brahmin.
4. 4. The Bhikkhu and the Upasaka.

§ *1. Buddha's Conception of What a Bhikkhu Should Be*

1. 1. The Buddha has himself told the Bhikkhus what he expected of them as Bhikkhus. This is what he has said.
2. 2."He who wishes to put on the yellow dress without having cleansed himself from sin, who disregards also temperance and truth, is unworthy of the yellow dress.
3. 3."But he who has cleansed himself from sin, is well grounded in all virtues, and endowed also with temperance and truth, he is indeed worthy of the yellow dress.
4. 4."A man is not a mendicant (Bhikkhu) simply because he asks others for alms; he who adopts the whole law is a Bhikkhu, not he who only begs.
5. 5."He who is above evil, who is chaste, who with care passes through the world, he indeed is called a Bhikkhu.
6. 6."Not only by discipline and vows, not only by much learning, not

by entering into a trance not by sleeping alone, do I earn the happiness of release which no worldling can know. 0 Bhikkhu, he who has obtained the extinction of desires, has obtained confidence.

7. 7."The Bhikkhu who controls his mouth, who speaks wisely and calmly, who teaches the meaning of the law, his word is sweet.

8. 8."He who dwells in the. law, delights in the law, meditates on the law, recollects the law, that Bhikkhu will never fall away from the true law.

9. 9."Let himnot despise what he has received, nor ever envy others; a mendicant who envies others does not obtain peace of mind.

10. 10."A Bhikkhu who, though he receives little, does not despise what he has received, even the gods will praise him, if his life is pure, and if he is not slothful. II."He who never identifies himself with name and form, and does not grieve over what is no more, he indeed is called a Bhikkhu.

11. 12."The Bhikkhu who behaves with kindness, who is happy in the doctrine of Buddha, will reach Nibbana—happiness arising from the cessation of natural inclinations.

12. 13."0 Bhikkhu, empty this boat ! If emptied, it will go quickly, having cut off passion and hatred, thou wilt go to Nibbana.

13. 14."Cut off the five (fetters), leave the five, rise above the five. A Bhikkhu who has escaped from the five fetters, he is called Oghatinna, ' saved from the flood.'

14. 15."Meditate, 0 Bhikkhu, and be not heedless ! Do not direct thy thought to what gives pleasure.

15. 16."Without knowledge there is no medi-tation, without meditation there is no knowledge: he who has knowledge and meditation is near unto Nibbana.

16. 17."A Bhikkhu who has entered his empty house, and whose mind is tranquil, feels a more than human delight when he sees the Dhamma clearly.

17. 18."And this is the beginning here for a wise Bhikku; watchfulness over the senses, contentedness, restraint under the Dhamma; keep noble friends whose life is pure, and who are not slothful.

18. 19."Let him live on charity, let him be perfect in his duties; then in the fulness of delight he will make an end of suffering.

19. 20."Rouse thyself by thyself, examine thyself by thyself, thus self-protected and attentive wilt thou live happily, 0 Bhikkhu.

20. 21."For self is the lord of self, self is the refuge of self; therefore curb thyself as the merchant curbs a noble horse.
21. 22."A Bhikkhu (mendicant) who delights in earnestness, who looks with fear on thoughtlessness, moves about like fire, burning all his fetters, small orlarge.
22. 23."A Bhikkhu (mendicant) who delights in reflection, who looks with fear on thoughtlessness, cannot fall away (from his perfect state)—he is close upon Nibbana."
23. 24. The disciples of Gotama (Buddha) are always well awake, and their thoughts day and night are always set on Buddha,
24. 25. The disciples of Gotama are always well awake and their thoughts day and night are always set on the church.
25. 26. The disciples of Gotama are always well awake, and their thoughts day and night are always set on the Dhamma.
26. 27. The disciples of Gotama are always well awake and their thoughts day and night are always set on their body.
27. 28. The disciples of Gotama are always well awake, and their minds day and night always delight in compassion.
28. 29. The disciples of Gotama are always well awake, and their minds day and night always delight in meditation.
29. 30. It is hard to leave the world (to become a friar), it is hard to enjoy the world; hard is the monastery, painful are the houses; painful it is to dwell with equals (to share everything in common), and the itinerant mendicant is beset with pain.
30. 31. A man full of faith, if endowed with virtue and glory, is respected, whatever place he may choose.

§ 2. *The Bhikkhu and the Ascetic*

1. 1. Is the Bhikkhu an ascetic? The answer is in the negative.
2. 2. This negative answer has been given by the Blessed Lord himself in a discussion withNigrodha the wanderer.
3. 3. The Exalted One was once staying near Rajagraha, on the Vulture's Peak. Now at that time there was sojourning in Queen Udumbarika's Park assigned to the wanderers, the wanderer Nigrodha, together with a great company of wanderers. 4. Now the Exalted One descending from the

Vulture's Peak came to the Peacock's Feeding-Ground on the bank of the Sumagadha and there walked to and fro in the open air. Then Nigrodha saw him thus walking, and on seeing him he called his company to order, saying:"Be still, sirs, and make no noise. The Samana Gotama is by the bank of the Sumagadha."When he had said this the wanderers kept silence.
4. 5. Then the Exalted One went up to Nigrodha the wanderer, and Nigrodha spake thus to him:"Let the Lord, the Exalted One, approach. Welcome is the Lord, the Exalted One! Long has the Lord, the Exalted One, taken ere deciding on this step of coming hither. May it please the Lord, the Exalted One, to take a seat. Here is one ready."
5. 6. The Exalted One sat down on the seat made ready, and Nigrodha, taking a low seat, sat beside him.
6. 7. Thereupon Nigrodha said to the Exalted One:"As the Samana Gotama has come to *out* assembly, we would like to ask him this question: 'What, Lord, is this religion of the Exalted One, wherein he trains his disciples, and which those disciples, so trained by the Exalted One as to win comfort, acknowledge to be their utmost support and the fundamental principles of righteousness? '"
7. 8."Difficult is it, Nigrodha, for one of another view, of another persuasion, of another confession, without practice and without teaching, to understand that wherein I train my disciples, and which they, so trained as to win comfort, acknowledge to be their utmost support and the fundamental principle of righteousness.
8. 9."But ask me, Nigrodha, a question about your own doctrine, about austere scrupulousness of life: in what does the fulfilment, in what does the non-fulfilment of these self-mortifications consist?"
9. 10. Then Nigrodha spake thus to the Exalted One:"We, Lord, profess self-mortifying austerities; we hold them to be essential; we cleave to them. In what does the fulfilment, in what does the nonfulfilment of them consist?"11."Suppose, Nigrodha, that an ascetic goes naked, is of certain loose habits, licks his hands, respects no approach, sir, nor stop, sir; accepts nothing expressly brought, nor expressly prepared, nor any invitations. He accepts nothing taken from mouth of cooking-pot, nor placed within the threshold, nor within a mortar, nor among sticks, nor within a quern; nor anything from two eating together, nor from a pregnant woman: nor from a nursing mother; nor from a woman in intercourse with

a man; nor food collected in drought; nor from where a dog is; nor from where flies are swarming; nor will he accept fish or meat; nor drink strong drink,"nor intoxicants, nor gruel. He is either a one-houser, a one-mouthful man; or a two houser, a two-mouthful man; or a seven-houser, a seven-mouthful man. He maintains himself on one alms, on two, or on seven. He takes food once a day, or once every two days, or once every seven days. Thus does he dwell addicted to the the practice of taking food according to rule, at regular intervals, upto even half a month. He feeds either on potherbs, or wild rice, or nivara seeds, or leather parings, or on hata, or on the powder in rice rusks, on rice-scum, on flour or oil-seeds, on grasses, on cowdung, or fruits and roots from the wood or on windfalls. He wears coarse hempen cloth, coarse mixture cloth, discarded corps-cloths, discarded rags, or tirita-bark cloth; or again he wears antelope-hide, or strips of the same netted, or kusa fibre, or bark garments, or shale cloth, or a human-hair blanket, or a horse-hair blanket, or an owl's-feather garment. He is a hair-and-beard plucker, addicted to the practice of plucking out both; a stander-up; a croucher on heels, addicted to exerting himself (to move forward) when thus squatting; a bed-of-thorns man, putting iron spikes or thorns on his couch; he uses a plank-bed; sleeps on the ground; sleeps only on one side; is a dust-and-dirt wearer and an open-airman; a where-you-will sitter; a filth-eater, addicted to the practice of eating such; a nondrinker, addicted to the practice of drinking (cold water); and even-for-third-time-man.

10. 12."After having done this, Nigrodha,"Blessed Lord said,"What think you, Nigrodha? If these things be so, is the austerity of self-mortification carried out, or is it not?""Truly, Lord, if these things be so, the austerity of self-mortification is carried out."

11. 13."Now I, Nigrodha, affirm that austerity by self-mortification thus carried out, involves blemish in several ways."

12. 14."In what way. Lord, do you affirm that blemish is involved?"

13. 15."In case, Nigrodha, when an ascetic undertakes a course of austerity, he through that course, becomes self-complacent, his aim is satisfied. Now this, Nigrodha, becomes a blemish in the ascetic.

14. 16."And then again, Nigrodha, when an ascetic undertakes a course of austerity, he, through that undertaking exalts himself and despises others. This, too, becomes a blemish in the ascetic.

15. 17.”And again, Nigrodha, when an ascetic undertakes a course of austerity, he, through that undertaking becomes inebriated and infatuated, and grows careless. This, too, becomes a blemish in the ascetic.
16. 18.”And again, Nigrodha, when an ascetic undertakes a course of austerity, it procures for him gifts, attention and fame. Thereby he becomes complacent and his aim is satisfied. This, too, becomes a blemish in the ascetic.
17. 19.”And again, Nigrodha, by the winning of gifts, attention and fame, the ascetic exalts himself and despises others. This, too, becomes a blemish in the ascetic.
18. 20.”And again, Nigrodha, by the winning of gifts, attention and fame, he becomes inebriated and infatuated, and-grows careless. This, too, becomes a blemish in the ascetic.
19. 21.”And again, Nigrodha, when an ascetic undertakes a course of austerity, he comes to make a distinction in foods, saying: 'This suits me; this doesn't suit me. The latter kind he deliberately rejects. Over the former he waxes greedy and infatuated, and cleaves to them, seeing not the danger in them, discern-ing them not as unsafe, and so enjoys them. This, too, becomes a blemish in the ascetic.
20. 22.”And again, Nigrodha, because of his longing for gifts, attentions and fame, he thinks: 'Rajas will pay me attentions, and so will their officials; so too, will nobles. Brahmins, householders and founders of schools This, too, becomes a blemish in the ascetic.
21. 23.”And again, Nigrodha, an asectic gets grumbling at some recluse or Brahmin, saying: ' That man lives on all sorts of things: things grown from tubers, or shoots, or berries, or joints, or fifthly, from seeds, munching them all up together with that wheel-less thunderbolt of a jawbone—and they call him a holy man ! ' This, too becomes a blemish in the ascetic.
22. 24.”And again, Nigrodha, an ascetic sees a certain recluse or Brahmin receiving attentions, being revered, honoured and presented with offerings by the citizens. And seeing this he thinks: 'The citizens pay attention to this fellow who lives in luxury; they revere and honour him, and present him with offerings, while to me who, as ascetic, lives a really austere life, they pay no attentions, nor reverence, nor honour, nor offerings.' And so he cherishes envy and grudging at the citizens. This, too, becomes a blemish

in the ascetic.
23. 25."And again, Nigrodha, the ascetic affects the mysterious. When asked: 'Do you approve of this? ' He, not approving, says: ' I do,' or approving, says, ' I do not.' . Thus he consciously tells untruths. This, too, becomes a blemish in the ascetic.
24. 26."And again, Nigrodha, the ascetic is liable to lose his temper and bear enmity. This, too, becomes a blemish in the ascetic.
25. 27."And again, Nigrodha, the ascetic is liable to be hypocritical and deceitful, as well as envious and grudging; he becomes cunning and crafty, hard-hearted and vain, he entertains evil wishes and becomes captive to them; he entertains false opinions, becomes possessed of metempirical dogma; misinterprets his experience; is avaricious and adverse from renunciation. This, too, becomes a blemish in the ascetic.
26. 28."What think you of this, Nigrodha? Are these things blemishes in the austerities of self-mortification, or are they not?"
27. 29."Verily, Lord, these things are blemishes in the austerities of self-mortification. It is possible, Lord, that an ascetic may be possessed even of all these blemishes, much more by one or other of them."
28. 30. The Bhikkhus are not to be guilty of these blemishes.

§3. *The Bhikkhu and the Brahmin*

1. 1. Is the Bhikkhu the same as the Brahmin? The answer to this question is also in the negative.
2. 2. The discussion of the subject has not been concentrated at any one place. It is scattered all over. But the points of distinction can be easily summed up.
3. 3. A Brahmin is a priest. His main function is to perform certain ceremonies connected with birth, marriage and death.
4. 4. These ceremonies become necessary because of the doctrines of original sin which requires ceremonies to wash it off, and because of the belief in God and in Soul.
5. 5. For these ceremonies a priest is necessary. A Bhikkhu does not believe in original sin, in God and Soul. There are, therefore, no ceremonies to be performed. He is, therefore, not a priest.
6. 6. A Brahmin is born. A Bhikkhu is made.

7. 7. A Brahmin has a caste. A Bhikkhu has no caste.
8. 8. Once a Brahmin always a Brahmin. No sin, no crime can unmake a Brahmin.
9. 9. But once a Bhikkhu is not always a Bhikkhu. A Bhikkhu is made. So he can be unmade if by his conduct he makes himself unworthy of remaining a Bhikkhu.
10. 10. No mental or moral training is necessary for being a Brahmin. All that is expected (only expected) of him is to know his religious lore.
11. 11. Quite different is the case of the Bhikkhu, mental and moral training is his life-blood.
12. 12. A Brahmin is free to acquire unlimited amount of property for himself. A Bhikkhu on the other hand cannot,
13. 13. This is no small difference. Property is the severest limitation upon the mental and moral independence of man both in respect of thought and action. It produces a conflict between the two. That is why the Brahmin is always opposed to change. For, to him a change means loss of power and loss of pelf.
14. 14. A Bhikkhu having no property is mentally and morally free. In his case there are no personal interests which can stand in the way of honesty and integrity.
15. 15. They are Brahmins. None the less each Brahmin is an individual by himself. There is no religious organisation to which he is subordinate. A Brahmin is a law unto himself. They are bound by common interests which are material.
16. 16. A Bhikkhu on the other hand is always a member of the Sangh. It is inconceivable that there could be a Bhikkhu without his being a member of the Sangh. A Bhikkhu is not a law unto himself. He is subordinate* to the Sangh. The Sangh is a spiritual organisation.

§ *4. The Bhikkhu and the Upasaka*

1. 1. In the Dhamma there is a marked distinction between the Dhamma of the Bhikku and the Dhamma of the Upasaka or the layman.
2. 2. The Bhikkhu is bound to celibacy. Not so the Upasaka. He can marry.
3. 3. The Bhikkhu can have no home. He can have no family. Not so

the Upasaka. The Upasaka can have a home and can have a family.
4. 4. The Bhikkhu is not to have any property. But an Upasaka can have property.
5. 5. The Bhikkhu is forbidden from taking life. Not so the Upasaka. He may.
6. 6. The Panchasilas are common to both. But to the Bhikkhu they are vows. He cannot *break* them without incurring penalty. To the UpasaJka they are precepts to be followed.
7. 7. The Bhikkhu's observance of the Panchasilas iscompulsory. Their observance by the Upasakas is voluntary.
8. 8. Why did the Blessed Lord make such a distinction? There must be some good reason for it. For the Blessed Lord would not do anything unless there was some good reason for it.
9. 9. The reason for this distinction is nowhere explicitly stated by the Blessed Lord. It is left to be inferred. All the same it is necessary to know the reason for this distinction.
10. 10. There is no doubt that the Blessed Lord wanted through his Dhamma to lay the foundation of a kingdom of righteousness on earth. That is why he preached his Dhanmia to all without distinction, to Bhikkus as well as to laymen.
11. 11. But the Blessed Lord also knew that merely preaching the Dhamma to the common men would not result in the creation of that ideal society based on righteousness.
12. 12. An ideal must be practical and must be shown to be practicable. Then and then only people strive after it and try to realise it.
13. 13. To create this striving it is necessary to have a picture of a society working on the basis of the ideal and thereby proving to the common man that the ideal was not impracticable but on the other hand realisable.
14. 14. The Sangh is a model of a society realising the Dhamma preached by the Blessed Lord.
15. 15. This is the reason why the Blessed Lord made this distinction between the Bhikkhu and the Upasaka. The Bhikkhu was the torch-bearer of the Buddha's ideal society and the Upasaka was to follow the Bhikkhu as closely as he could.
16. 16. There is also another question that requires an answer. What is the function of the Bhikkhu?

17. 17. Is the Bhikkhu to devote himself to self-culture or is he to serve the people and guide them?
18. 18. He must discharge both the functions.
19. 19. Without self-culture he is not fit to guide. Therefore he must himself be a perfect, best man, righteous man and an enlightened man. For this he must practice self-culture.
20. 20. A Bhikkhu leaves his home. But he does not retire from the world. He leaves home so that he may have the freedom and the opportunity to serve those who are attached to their homes but whose life is full of sorrow, misery and unhappiness and who cannot help themselves.
21. 21. Compassion which is the essence of the Dhamma requires that every one shall love and serve and the Bhikkhu is not exempt from it.
22. 22. A Bhikkhu who is indifferent to the woes of mankind, however perfect in self-culture, is not at all a Bhikkhu. He may be something else but he is not a Bhikkhu.

PART III : THE DUTIES OF THE BHIKKHU

1. 1. The Bhikkhu's Duty to Convert.
2. 2. Conversion Not to be by Miracles.
3. 3. Conversion Not to be by Force.
4. 4. A Bhikkhu Must Fight to Spread Virtue (Dhamma).

§ *1. The Bhikkhu's Duty to Convert*

1 The news of the conversion of Yasa and his four friends to the Dhamma spread far and wide. The result was that lay persons belonging to the highest families in the country and to those next to the highest came to be instructed in the doctrine of the Blessed One and to take refuge in Him and in His Dhamma.

1. 2. Many people were coming to Him to receive instruction in the Dhamma. The Lord knew that it was difficult for Him personally to give instruction to each one. He also felt the necessity of organising Parivrajakas whose number was swelling every day into a religious order which He called the Sangh.

2. 3. He accordingly made the Parivrajakas the members of the Sangh and framed rules of discipline called VINAYA and made them binding upon the members of the Sangh.
3. 4. The Blessed Lord later on laid down two stages to be undergone by a disciple before he became a Bhikkhu. First a disciple became a Parivrajaka and remained a Parivrajaka for a certain number of years attached to a Bhikkhu and remaining in training under him. After his training period was over he was allowed to take Upasampada if he satisfied a body of examiners that he was fit for it. It is only then that he was allowed to become a Bhikkhu and a member of the Sangh.
4. 5. There was no time in the early stages of the Dhamma to make such arrangements. The Lord, therefore, made them Bhikkhus and sent them out as Missionaries to spread His religion to anywhere and everywhere.
5. 6. And before sending them out the Blessed One said to the Bhikkhus:"I am delivered, 0 Bhikkhus, from all fetters, human and divine. You, 0 Bhikkhus, from all fetters, human and divine. Go ye now, and wander for the gain of the many, for the welfare of the many, out of compassion for the world; for the good, for the gain and for the welfare of gods and men.
6. 7."Let not two of you go the same way. Preach, Bhikkhus, the doctrine which is glorious in the beginning, glorious in the middle,"glorious at the end, in the spirit and in the letter; proclaim a consummate, perfect and pure life of holiness.

8."Go then through every country, convert those not yet converted; throughout the world that lies burnt up with sorrow, teach everywhere; (instruct) those lacking' right instruction;

1. 9."Go where there are great Rishis, royal Rishis, Brahman Rishis too, these all dwell there, influencing men according to their schools;
2. 10."Go, therefore, each one travelling by himself; filled with compassion, go! rescue and receive."
3. 11. The Blessed Lord also told them:
4. 12."That the gift of the Dhamma exceeds all gifts; the sweetness of the Dhamma exceeds all sweetness; the delight in the Dhamma exceeds all

delights;
5. 13.”The fields are damaged by weeds, mankind is damaged by passion: therefore a gift of Dhamma brings great reward.
6. 14.”The fields are damaged by weeds, mankind is damaged by hatred: therefore a gift of Dhamma brings great reward.
7. 15.”The fields are damaged by weeds; mankind is damaged by vanity: therefore the gift of Dhamma brings great reward.
8. 16.”The fields are damaged by weeds, mankind is damaged by lust: therefore a gift of Dhamma brings great reward.”
9. 17. Then the sixty Bhikkhus receiving orders to carry on the mission to propagate the Dhamma went through every land.
10. 18. The Lord gave them further instruction in the matter of conversions.

§2. *Conversion Not to be by Miracles*

1. 1. The Exalted One was once staying among the Mallas, at Anapiya, one of their towns.
2. 2. Now the Exalted One, having robed himself, put on his cloak, and took his bowl, and entered the town for alms.
3. 3. The Blessed One thought:”It is too early for me now to go through Anapiya for alms. I might go to the pleasance where Bhaggava, the wanderer dwells, and call upon him.”
4. 4. So the Exalted One went to the pleasance and to the place where Bhaggava, the wanderer was.
5. 5. Then Bhaggava spake thus to the Exalted One:”Let my Lord, the Exalted One come near. Welcome to the Exalted One! It is long since the Exalted One has taken the opportunity to come our way. May it please You, Sir, to be seated; here is a seat made ready.”
6. 6. The Exalted One sat down thereon, and Bhaggava taking a certain low stool, sat down beside him. So seated, Bhaggava, the wanderer spake thus to the Exalted One:
7. 7.”Some days ago, Lord, Sunakkhatta of the Licchavis called on me and spake thus: ' I have now given up the Exalted One, Bhaggava. I am remaining no longer under him as my teacher.' Is the fact really so?”
8. 8.”It is just so, Bhaggava, as Sunakkhatta of the Licchavis said.

9. **9.**"Some days ago, Bhaggava, a good many days ago, Sunakkhatta, the Licchavi, came to call on me, and spake thus: ' Sir, I now give up the Exalted One, I will henceforth remain no longer under him as my teacher.' When he told me this, I said to him: 'But, now, Sunakkhatta, have I ever said to you: ' Come Sunakkhatta, live under me as my pupil?'
10. 10."'No, Sir, you have not,' replied Sunakkhatta.
11. 11."Or haveyou ever said to me: ' Sir, I would fain dwell under the Exalted One (as my teacher)? '
12. 12."' No, Sir, I have not,' said Sunakkhatta.
13. 13."' But if I said not the one, and you said not the other, what are you and what am I that you talk of giving up? '
14. 14."' Well, but. Sir, the Exalted One works me no mystic wonders surpassing the power of ordinary men.'
15. 15."Why, now, Sunakkhatta, have lever said to you ' Come, take me as your teacher, Sunakkhatta, and I will work for you mystic wonders surpassing the power of ordinary men? '
16. 16."' You have not. Sir.'
17. 17."Or have you ever said to me: ' Sir, I would fain take the Exalted One as my teacher for he will work for me mystic wonders beyond the powers of ordinary men? '
18. 18."' I have not. Sir.'
19. 19."'But if I said not the one, and you said not the other, what are you and what am I, foolish man, that you talk of giving up? What think you, Sunakkhatta?'
20. 20."Whether mystic wonders beyond the power of ordinary men are wrought, or whether they are not, is not the object for which I teach the Dhamma this: that it leads to the thorough destruction of ill for the doer thereof? '
21. 21."' Whether, Sir, they are wrought or not, that is indeed the object for which the Norm is taught by the Exalted One.'
22. 22."But Bhaggava, Sunakkhatta went on saying to me, ' Sir, the Exalted One does not reveal to me the beginning of things.'
23. 23."Why now, Sunakkhatta, have I ever said to you: ' Come, Sunakkhatta, be my disciple and I will reveal to you the beginning of things?'
24. 24."' Sir, you have not.'

25. 25.”Or have you ever said to me: 'I will become the Exalted One's pupil, for he will reveal to me the beginning of things? '
26. 26.”'Sir, I have not.'
27. 27.”'But if I have not said the one and you have not said the other, what are you and what am I, foolish man, that you talk of giving up on that account? What you, Sunakkhatta? Whether the beginning of things be revealed, or whether it be not, is the object for which I teach the Dhamma this: that it leads to the thorough destruction of ill for the doer thereof? '

2,8.”'Whether, Sir, they are revealed or not, that is indeed the object for which the Dhamma is taught by the Exalted One.”

1. 29.”' If then, Sunakkhatta, it matters not to that object whether the beginning of things be revealed, or whether it be not, of what use to you would it be to have the beginning of things revealed? '
2. 30.”'In many ways have you, Sunakkhatta, spoken my praises among the Vajjins.'
3. 31.”'In many ways have you, Sunakkhatta, spoken the praises of the Dhamma among the Vajjins.'
4. 32.”'In many ways have you, Sunakkhatta, spoken the praises of the Order among the Vajjins.'
5. 33.”I tell you, Sunakkhatta, I make known to you, that there will be those that shall say concerning you thus: 'Sunakkhatta of the Licchavis was not able to live the holy life under Gotama the recluse. And he, not being able to adhere to it, hath renounced the discipline and turned to lower things.'
6. 34.”Thus, Bhaggava, did Sunakkhatta of the Licchayis, addressed by me, depart from this Doctrine and Discipline, as one doomed to disaster.”
7. 35. And soon after, leaving the Doctrine and Discipline of the Buddha, Sunakkhatta started telling people that there was nothing superhuman about the Buddha's ennobling gifts of knowledge and insight; that it was his own reasoning which had hammered out a doctrine of his own evolving and of his personal invention, such that whoso hears it preached for his good has only to act up to it to be guided to the utter ending of ill.
8. 36. Although, Sunakkhatta was slandering the Buddha, what he was

telling people was true. For, the Buddha never resorted to the superhuman or the miraculous in propagating his Doctrine.

§ 3. Conversion Not to be by Force

1. 1. The Blessed One was once going along the high road between Rajagraha and Nalanda with a great company of the brethren,—with about five hundred brethren. And Suppiya the mendicant, too, was going along the high road between Rajagraha and Nalanda with his disciple, the youth Brahmadatta.
2. 2. Now, just then, Suppiya the mendicant was speaking in many ways indispraiseof the Buddha, in dispraise of the Doctrine, in dispraise of the Order. But young Brahmadatta, his pupil, gave utterance, in many ways, to praise of the Buddha, to praise of the Doctrine, to praise of the Order.
3. 3. Thus they two, teacher and pupil, holding opinions in direct contradiction one to the other, were following, step by step, after the Blessed One and the comany of the brethren.
4. 4. Now the Blessed One put up at the royal rest-house in the Ambalatthika pleasance to pass the night, and with him the company of the brethren. And so also did Suppiya the mendicant, and with him his young disciple Brahmadatta. And there, at the rest-house, these two carried on the same discussion as before.
5. 5. And in the early dawn a number of the brethren, assembled, as they rose up, in the pavilion; and the subject of the talk that sprang up among them was the conversation between Suppiya and Bramhadatta.
6. 6. Now the Blessed One, on realising what was the drift of their talk, went to the pavilion, and took his seat on the mat spread out for him. And when he had sat down he said:"What is the talk on which you are engaged sitting here, and what is the subject of the conversation between you?"And they told him all. And he said:
7. 7."Brethren, if outsiders should speak against me or against the Doctrine, or against the Order, you should not on that account either bear malice, or suffer heart-burning, or feel ill-will.
8. 8."If you, on that account, should be angry and hurt, that would stand in the way of your own self-conquest. If, when others speak against us, you feel angry at that, and displeased, would you then be able to judge

how far that speech of their's is well said or ill?"
9. 9."That would not be so. Sir."
10. 10."But when outsiders speak in dispraise of me, or of the Doctrine, or of the Order, you should unravel what is false and point it out as wrong, saying: ' For this or that reason this is not the fact, that is not so, such a thing is not found among us, is not in us.'
11. 11."But also, brethren, outsiders may speak in praise of me, in praise of the Doctrine, in praise of the Order. What are the things when they would say praising me you would say?
12. 12."He may say 'Putting away the killing of living things, Gotama the recluse holds aloof from the destruction of life. He has laid the cudgel and the sword aside, and ashamed of roughness, and full of mercy, he dwells compassionate and kind to all creatures that have life.' It is thus that the uncon-verted man, when speaking in praise of the Tathagata, might speak.
13. 13."Or he might say: ' Putting away the taking of what has not been given, Gotama the recluse lived aloof from grasping what is not his own. He takes only what is given, and expecting that gifts will come. He passes his life in honesty and purity of heart.'
14. 14."Or he might say: ' Putting away unchastity, Gotama the recluse is chaste. He holds himself aloof, far off, from the vulgar practice, from the sexual act.'
15. 15."Or he might say: * Putting away lying words, Gotama the recluse holds himself aloof from falsehood. He speaks truth, from the truth he never swerves; faithful and trustworthy, he breaks not his word to the world."

16."Or he might say: 'Putting away slander, Gotama the recluse holds himself aloof from calumny. What he hears here he repeats not elsewhere to raise a quarrel against the people here; what he hears elsewhere he repeats not here to raise a quarrel against the people there. Thus does he live

as a binder together of those who are divided, an encourager of those who are friends, a peacemaker, a lover of peace, impassioned for peace, a speaker of words that make for peace.'
16. 17."Or he might say.: ' Putting away rudeness of speech, Gotama the recluse holds himself aloof from harsh language. Whatsover word is blameless, pleasant to the ear, lovely, reaching to the heart, urbane, pleasing

to the people, beloved of the people— such are words he speaks.'
17. 18.”Or he might say : ' Putting away frivolous talk, Gotama the recluse holds himself aloof from vain conversation. In season he speaks, in accordance with the facts, words full of meaning, on religion, on the discipline of the Order. He speaks, and at the right time, words worthy to be laid up in one's heart, fitly illustrated, clearly divided, to the point.'
18. 19.”Or he might say: 'Gotama the recluse holds himself aloof from causing injury to seeds or plants. ' He takes but one meal a day, no eating at night, refraining from food after hours (after midday). ' He refrains from being a spectator at shows, at fairs, with nautch dances, singing, and music. ' He abstains from wearing, adorning or orna-menting himself, with garlands, scents, and unguents. He abstains from the use of large and lofty beds. ' He abstains from accepting silver or gold. ' He abstains from accepting uncooked grain. ' He abstains from accepting women or girls. ' He abstains from accepting bond-men or bondwomen. ' He abstains from accepting sheep or goats. ' He abstains from accepting fowls or swine. * He abstains from accepting elephants, cattle, horses and mares. ' He abstains from accepting cultivated fields or waste. ' He abstains from acting as a go-between or messenger. ' He abstains from buying and selling. to judge how far that speech of their's is well said or ill?”
19. 9.”That would not be so, Sir.”
20. 10.”But when outsiders speak in dispraise of me, or of the Doctrine, or of the Order, you should unravel what is false and point it out as wrong, saying: For this or that reason this is not the fact, that is not so, such a thing is not found among us, is not in us.'
21. 11.”But also, brethren, outsiders may speak in praise of me, in praise of the Doctrine, in praise of the Order. What are the things when they would say praising me you would say?
22. 12.”He may say 'Putting away the killing of living things, Gotama the recluse holds aloof from the destruction of life. He has laid the cudgel and the sword aside, and ashamed of roughness, and full of mercy, he dwells compassionate and kind to all creatures that have life.' It is thus that the unconverted man, when speaking in praise of the Tathagata, might speak.
23. 13.”Or he might say: ' Putting away the taking of what has not been given, Gotama the recluse lived aloof from grasping what is not his own. He takes only what is given, and expecting that gifts will come. He passes

his life in honesty and purity of heart.'
24. 14."Or he might say: ' Putting away unchastity, Gotama the recluse is chaste. He holds himself aloof, far off, from the vulgar practice, from the sexual act.'
25. 15."Or he might say: 'Putting away lying words, Gotama the recluse holds himself aloof from falsehood. He speaks truth, from the truth he never swerves; faithful and trustworthy, he breaks not his word to the world."
26. 16."Or he might say: 'Putting away slander, Gotama the recluse holds himself aloof from calumny. What he hears here he repeats not elsewhere to raise a quarrel against the people here; what he hears elsewhere he repeats not here to raise a quarrel against the people there. Thus does he live as a binder together of those who are divided, an encourager of those who are who are friends, a peacemaker, a lover of peace, impassioned for peace, a speaker of words that make for peace.'
27. 17."Or he might say.: ' Putting away rudeness of speech, Gotama the recluse holds himself aloof from harsh language. Whatsover word is blameless, pleasant to the ear, lovely, reaching to the heart, urbane, pleasing to the people, beloved of the people— such are words he speaks.'
28. 18."Or he might say : ' Putting away frivolous talk, Gotama the recluse holds himself aloof from vain conversation. In season he speaks, in accordance with the facts, words full of meaning, on religion, on the discipline of the Order. He speaks, and at the right time, words worthy to be laid up in one's heart, fitly illustrated, clearly divided, to the point.'
29. 19."Or he might say: 'Gotama the recluse holds himself aloof from causing injury to seeds or plants. ' He takes but one meal a day, no eating at night, refraining from food after hours (after

midday). ' He refrains from being a spectator at shows, at fairs, with nautch dances, singing, and music. ' He abstains from wearing, adorning or ornamenting himself, with garlands, scents, and

unguents.

He abstains from the use of large and lofty beds. '

He abstains from accepting silver or gold. '

He abstains from accepting uncooked grain. '

He abstains from accepting women or girls. '

He abstains from accepting bond-men or bondwomen.

' He abstains from accepting sheep or goats. '

He abstains from accepting fowls or swine.

He abstains from accepting elephants, cattle, horses and mares. '

He abstains from accepting cultivated fields or waste. '

He abstains from acting as a go-between or messenger. '

He abstains from buying and selling.

He abstains from cheating with scales or bronzes or measures.

He abstains from the crooked ways of bribery, cheating and fraud. '

He abstains from maiming, murder, putting in bonds, highway robbery, dacoity and violence.'

20.”Such are the things, brethren, which an unconverted man, when speaking in praise of the Tathagata, might say. But you should not even on that account, be filled with pleasure or gladness, or be lifted up in heart. Were you to be so, that also would stand in the way of your self-conquest. When outsiders speak in praise of me, or of the Doctrine, or of the Order, you should acknowledge what is right to be the fact, saying: ' For this or that reason this is the fact, that is so, such a thing is found among us, is in us.'“

§ *4. A Bhikkhu Must Fight to Spread Virtue (Dhamma)*

1. 1. Addressing the Bhikkhus the Lord once said:
2. 2."It is not **I,O** disciples, that quarrel with the world,"said the Lord,"but the world that quarrels with me. A teacher of the truth does not quarrel with anyone in the world."
3. 3."Warriors, warriors, Lord, we call ourselves. In what way then are we warriors?"
4. 4."We wage war, 0 disciples, therefore we are called warriors."
5. 5."Wherefore, Lord, do we wage war?"
6. 6."For lofty virtues, for high endeavour, for sublime wisdom—for these things do we wage war: therefore we are called warriors."
7. 7. Where virtue is in danger do not avoid fighting, do not be mealy-mouthed.

PART IV : THE BHIKKHU AND THE LAITY

1. 1. The Bond of Alms.
2. 2. Mutual Influence.
3. 3. Dhamma of the Bhikkhu and the Dhamma of the Upasaka.

§ *1. The Bond of Alms*

1. 1. The Sangh was an organised body the membership of which was not open to all.
2. 2. To be a mere Parivrajaka was not enough to give the Parivrajaka a membership of the Sangh.
3. 3. It is only after the Parivrajaka had obtained Upasampada that he could become a member of the Sangh.
4. 4. The Sangh was an independent body. It was independent even of its founder.
5. 5. It was autonomous. It could admit anyone it liked to its membership. It could dismember any member provided it acted in accordance with the rules of the Vinaya Pitaka.
6. 6. The only cord which bound the Bhikkhu to the Laity was alms.
7. 7. The Bhikkhu depended upon alms and it is the laity who gave alms.
8. 8. The laity was not organised.

9. 9. There was a Sangha-Diksha or a ceremony for marking the initiation of a person in the Sangh.
10. 10. Sangha-Diksha included both initiation into the Sangh as well as into the Dhamma.
11. 11. But there was no separate Dhamma-Diksha for those who wanted to be initiated into the Dhamma but did not wish to become members of the Sangh, one of the consequences of which was to go from home into homelessness.
12. 12. This was a grave omission. It was one of the causes which ultimatelyled to the downfall of Buddhism in India.
13. 13. For, this absence of the initiation ceremony left the laity free to wander from one religion to another and, worse still, follow at one and the same time.

§ 2. *Mutual Influence* 1 However, the bond of alms was enough for a Bhikkhu to reform an erring member of the laity.

1. 2. In this connection the following rules mentioned in the Anguttara Nikaya are worthy of attention.
2. 3. In addition to these prescriptions, the laity had a general right to complain against a Bhikkhu to other Bhikkhus, against any mischief or misconduct.
3. 4. The moment the complaint reached the Buddha and he had verified it, the relevant rule in the Vinaya Pithaka was amended to make the repetition of such a conduct, an offence against the Sangh.
4. 5. The Vinaya Pithaka is nothing but redress of the complaints of the laity.
5. 6. Such was the relation between the Bhikkhu and the Laity.

§ 3. *Dhamma of the Bhikkhu and the Dhamma of the Upasaka*

1. 1. Some critics of Buddhism allege that Buddhism is not a religion.
2. 2. No attention should be paid to such criticism. But if any reply is to be given, it is that Buddhism is the only real religion and those who do not accept this must revise their definition of Religion.
3. 3. Other critics do not go so far as this. What they say is that

Buddhism as a religion is concerned only with the Bhikkhu. It does not concern itself with the common man. Buddhism kept the common man outside its pale.

4. 4. The references to the Bhikkhu occur so often in the dialogues of the Buddha that they go to strengthen the criticism.

5. 5. It, therefore, becomes necessary to make the matter clear.

6. 6. Was the Dhamma common to both? **Or** is there any part of the Dhamma which is binding on the Bhikkhu but not so on the laity?

7. 7. Merely because the sermons were addressed to the gathering of the Bhikkhus it must not be supposed that what was preached was intended to apply to them only. What was preached applied to both.

8. 8. That the Buddha had the laity in mind when he preached: (1) The Panchasila, (2) The Ashtanga Marga, and (3) The Paramitas, is quite clear from the very nature of things and no argument, really speaking, is necessary.

9. 9. It is those who have not left their homes and who are engaged in active life that Panchasila, Ashtanga Marga, and Paramitas are essential. It is they who are likely to transgress them and not the Bhikkhu who has left home, who is not engaged in active life and who is not likely to transgress them.

10. 10. When the Buddha, therefore, started preach-ing his Dhamma it must be principally for the laity.

11. 11. It is not, however, necessary to rely merely on inference. There is direct evidence to disprove the criticism.

12. 12. Reference may be made to the following sermon.

13. 13. Once while the Lord was staying at Shra-vasti in Jeta's Grove in Anathapindika's pleasance, there came to him the lay follower Dhammika, with other five hundred lay followers, who after due salutations, took his seat to one side and addressed the Lord as follows :

14. 14.”What conduct. Oh Lord, perfects, both those that are Bhikkhus and those that are only Upasakas, i.e., those who are homeless and those who are not.

15. 15.”Let the almsmen seated round with these lay followers learn the saving truth.”

16. 16. The Blessed Lord said:”Give ear, almsmen. Hear, and keep therules prescribed.

17. 17.”Go not thy round when noon is past; betime seek alms. Snares greet the untimely guest.
18. 18.”Before thou seek thy meal, clear thou thy mind of zest for forms, sounds, .odours, taste and luck.
19. *19.*”Thine alms received, return alone, to sit apart and think, with fixed mind that never stays abroad
20. 20.”In talk with pious folk, almsmen, let thy theme be the Doctrine.
21. 21.”Treat alms, cell, bed, water and rinsings just as means and nothing more.
22. 22.”Such reasoned use will leave an almsman as unstained as lotus leaf whereon no drop of water rests.
23. 23.”I now pass to the conduct which perfects the lay followers. To them I say:
24. 24.”Slay not, nor doom to death, nor sanction slaughter. Do no violence to aught that lives, strong or weak. Love all living beings.
25. 25.”No layman wittingly should thieve or order theft ; take but what others give.
26. 26.”Shun incontinence as it were a pit of fire, on failing continence, debauch no wedded wife.
27. 27.”In conclaves, courts, let him not be, let him not prompt or sanction lies; let him renounce untruth.
28. 28.”Observe this law : Shun drink, make no man drink ; sanction no drinking. Mark how drink to madness leads.
29. 29.”Through drink, fools sin, and egg lax brethren on to sin. So flee this maddening vice, this folly, bliss of fools.
30. 30.”Slay not, steal not, lie not ; from strong drink keep away ; refrain from lechery.
31. 31.”So make thy sabbath vows as week succeeds week, and keep with pious hearts this eight-fold festival.
32. 32.”At morn, these vows performed, with pious, thankful heart, be wise and of thy means give almsmen food and drink.
33. 33.”Cherish thy parents well; follow a righteous trade.
34. 34.”Thus shall the layman, staunch, reach realms of light above.”
35. 35. It will thus be seen that the Dharnma was the same for both.
36. 36. There are of course differences in the call made upon the two.
37. 37. A Bhikkhu must take five vows.

38. 38. He must take the vow that he shall not kill.
39. 39. He must take the vow that he shall not appropriate to himself property of another which has not been given to him.
40. 40. He must take the vow that he shall never tell a lie.
41. 41. He must take the vow that he shall not try to have carnal knowledge of a woman.
42. 42. He must take the vow that he shall never drink any intoxicating drink.
43. 43. All these rules are binding also upon the layman.
44. 44. The only difference lies in this. With the Bhikkhu they are vows which are not to be transgressed, with the layman they are moral obligations to be voluntarily honoured.
45. 45. Besides, there are two other differences which are noteworthy.
46. 46. A Bhikkhu cannot have private property. A layman can have.
47. 47. A Bhikkhu is free to enter parnibban. Nibbana is enough for a layman.
48. 48. These are the similarities and differences between a Bhikkhu and the layman.
49. 49. Dhamma, however, is the same for both.

PART V : VINAYA FOR THE LAITY

1. 1. Vinaya for the Wealthy.
2. 2. Vinaya for the Householder.
3. 3. Vinaya for Children.
4. 4. Vinaya for Pupil.
5. 5. Vinaya for Husband and Wile.
6. 6. Vinaya for Master and Servant.
7. 7. Conclusions.
8. 8. Vinaya for Girls.

§ *1. Vinaya for the Wealthy*

(i)

1. 1. The Blessed Lord did not elevate poverty by calling it a blessed state of life.

2. 2. Nor did he tell the poor that they may remain content for they will inherit the earth.
3. 3. On the contrary, he said riches are welcome. What he insisted upon is that the acquisition of riches must be subject to Vinaya.

(ii)

1. 1. Once Anathapindika came to where the Exalted One was. Having come, he made obeisance to the Exalted One and took a seat at one side and asked,"Will the Enlightened One tell what things are welcome, pleasant, agreeable, to the householder but which are hard to gain."
2. 2. The Enlightened One having heard the question put to him said,— "Of such things the first is to acquire wealth lawfully.
3. 3."The second is to see that your relations also get their wealth lawfully.
4. 4."The third is to live long and reach great age.
5. 5."'For a true householder for the attainment of these three things, which in the world are welcome, pleasant, agreeable but hard to gain, there are also four conditions precedent. They are the blessing of faith, the blessing of virtuous conduct, the blessing of liberality and the blessing of wisdom.
6. 6."The blessing of faith and belief consist in the supreme knowledge of the Tathagata which teaches ' This is He, the Exalted One, the Holy One, the Supremely Awakened One, the perfect in Knowledge and in Conduct, the Auspicious, the Knower of all the worlds, the Incomparable Trainer of men, the Teacher of Devas and men.'
7. 7."The blessing of virtuous conduct which abstains from taking life, thieving, unchastity, lying and partaking of fermented liquor.
8. 8."The blessing of liberality consists in the householder living with mind freed from the taint of avarice, generous, open-handed, delighting in gifts, a good one to be asked and devoted to the distribution of gifts.
9. 9."Wherein consists the blessing of Wisdom? Ye know that a householder who dwells with mind overcome by greed, avarice, ill-will, sloth, drowsiness, distraction and flurry, commits wrongful deeds and neglects that which ought to be done, and by so doing is deprived of

happiness and honour.
10. 10.”Greed, avarice, ill-will, sloth and drow-siness, distraction and flurry and doubt are stains of the mind. A householder who gets rid of such stains of the mind acquires great wisdom, abundant wisdom, clear vision and perfect wisdom.

II. Thus, to acquire wealth legitimately and justly, earned by great industry, amassed by strength of the arm and gained by sweat (of the brow) is a great blessing. The householder makes himself happy and cheerful and preserves himself full of happiness; also make parents, wife and children, servants and labourers, friends and companions happy and cheerful, and preserves them full of happiness.”

§ 2. *Vinaya for the Householder*

On this matter the Buddha's thoughts are embodied in his discourse with Sigala.

1. 1. At one time the Exalted One was in the Squirrels' Feeding-ground in Velu Vana in Rajagraha.
2. 2. Now at this time young Sigala, a householder's son, rising betimes, went forth from Rajagraha, and with wet hair and wet garments and clasped hands uplifted, paid worship to the several quarters of earth and sky—to the east, south, west and north, to the nadir and the zenith.
3. 3. And the Exalted One early that morning dressed himself, took his bowl and robe and entered Rajagraha seeking alms. He saw young Sigala wor-shipping and asked him,”Why do you worship the several quarters of earth and sky?”
4. 4.”My father, when he was dying, said to me : ' Dear son, you should worship the quarters of earth and sky. So I, sir, honouring my father's word worship in this wise.'“
5. 5.”But how can this be the true religion of a man of the world”asked the Blessed One.”What else can be the religion of man,”replied Sigala.”If there is, it would be an excellent thing if the Exalted One would tell me what it is.”
6. 6.”Hear then young householder, give ear to my words and I will tell

you what it is.”“So be it, Sir,”responded young Sigala. And the Exalted One said:

7. 7.”A religion to be a religion of man must teach him to shun bad conduct. The destruction of life, the taking of what is not given, licentiousness and lying speech are the four vices of conduct which he must avoid.

8. 8.”Know ye, Sigala, evil deeds are done from motives of partiality, enmity, stupidity and fear. If he is not led away by these motives, he will do no evil deed.

9. 9.”A religion to be religion of man must teach him not to dissipate his wealth. Dissipation of wealth results from being addicted to intoxicating liquors, frequenting the streets at unseemly hours, haunting fairs, being infatuated by gambling, associating with evil companions, the habit of idleness.

10. 10.”There are, Sigala, six dangers which follow from being addicted to intoxicating liquors, actual loss of wealth, increase of quarrels, susceptibility to disease, loss of good character, indecent exposure, impaired intelligence.

11. 11.”Six are the perils from frequenting the streets at unseemly hours : he himself is without guard or protection and so also are his wife and children, so also is his property, he, moreover, becomes suspected as the doer of undiscovered crimes, and false rumours fix on him, and many are the troubles he goes out to meet. 12.”Six are the perils from the haunting offairs: he is ever thinking where is there dancing? Where is there singing? where is there music? where is recitation? where are the cymbals? where the tam-tams?

12. 13.”Six are the perils for him who is infatuated with gambling : as winner he begets hatred, when beaten he mourns his lost wealth, his actual substance is wasted, his word has no weight in a court of law, he is despised by friends and officials, he is not sought after by those who would give or take in marriage, for they would say that a man who is a gambler cannot afford to keep a wife.

13. 14.”Six are the perils from associating with evil companions : any gambler, any libertine, any tippler, any cheat, any swindler, any man of violence is his friend and companion.

14. 15.”Six are the perils of the habit of idleness : he says it is too cold

and does no work, he says it is too hot and does no work, he says it is too early or too late and does no work, he says I am too hungry and does no work, he says I am too full and does no work. And while all that he should do remains undone, new wealth he does not get, and such wealth as he has dwindles away.

15. 16."A religion to be a religion of man must teach him to know who is a true friend.

16. 17."Four are they who should be reckoned as foes in the likeness of friends ; to wit, a rapacious person, the man of words not deeds, the flatterer, and the fellow-waster.

17. 18."Of these the first is to be reckoned as a foe in the likeness of a friend: for, he is rapacious, he gives little and asks much ; he does his duty out of fear, he pursues his own interests.

18. 19."A man of words who is not a man of deeds is to be reckoned as a foe in the likeness of a friend : For, he makes a friendly profession as regards the past, he makes friendly profession as regards the future, he tries to gain your favour by empty sayings, when the opportunity for service has arisen he avows his disability.

19. 20."The flatterer is to be reckoned as a foe in the likeness of a friend: for, he both consents to do wrong, and dissents from doing right ; he praises to your face ; he speaks ill of you to others.

20. 21."So also the fellow-waster companion is to be reckoned as a foe in the likeness of a friend ; for, he is your companion when you frequent the streets at untimely hours, he is your companion when you haunt shows and fairs, he is your companion when you are infatuated with gambling.

21. 22."Four are the friends who should be reckoned as sound at heart: the helper ; the friend who is the same in happiness and adversity; the friend of good counsel ; the friend who sympathises.

22. 23."The friend who is a helper is to be reckoned as sound at heart : because, he guards you when you are off your guard, he guards your property when you are off your guard, he is a refuge to you when you are afraid, when you have tasks to perform he provides a double supply of what you may need.

23. 24."The friend who is the same in happiness and adversity is to be reckoned as sound of heart: because, he tells you his secrets, he keeps secret your secrets, in your troubles he does not foresake you, he lays down

even his life for your sake.
24. 25."The friend who declares what you need to do is sound of heart; because, he restrains you from doing wrong, he enjoins you to do what is right, he informs you of what you had not heard before, he reveals to you the way of heaven.
25. 26."The friend who sympathises is to be reckoned as sound at heart; because, he does not rejoice over your misfortunes, he rejoices over your prosperity, he restrains anyone who is speaking ill of you, he commends anyone who is praising you."Thus speaks the Exalted One.
26. 27."Instead of teaching him to worship the six quarters, a religion which is a religion of man must teach him to respect and revere his parents, his teachers, his wife and children, his friends and companions, his servants and workmen and his religious teachers."

§ 3. *Vinaya for Children*

1."A child should minister to his parents saying: 'Once supported by them I will now be their support, I will perform duties incumbent on them; I will keep up the lineage and tradition of my family, I will make myself worthy of my heritage.' For, the parents show their love for him, they restrain him from vice, they exhort him to virtue, they train him to a profession, they contract a suitable marriage for him, and in due time they hand over his inheritance."

§ *4. Vinaya for Pupil*

1."A pupil should minister to his teachers by rising from his seat, in salutation by waiting upon them, by eagerness to learn, by personal service, and by attention when receiving their teaching. For, teachers love their pupil, they train him in that wherein he has been well trained, they make him hold fast that which is well held, they thoroughly instruct him in the lore of every art, they speak well of him among his friends and companions. They provide for his safety in every quarter."

§ *5. Vinaya for Husband and Wife*

1. 1."A husband should minister to his wife by showing respect, by courtesy, by faithfulness, by handing over authority to her, by providing her with adornment. For, the wife loves him, her duties are well performed, by hospitality to the kin of both, by faithfulness, by watching over the goods he brings, and by skill and industry in discharging all her business.
2. 2."A clansman should minister to his friends and companions bygenerosity, courtesy and benevolence, by treating them as he treats himself, and by being as good as his word. For, his friends and familiars love him, they protect him when he is off his guard, and on such occasion guard his property, they become a refuge in danger, they do not forsake him in his trouble and they show consideration for his family."

§ 6. *Vinaya for Master and Servant*

1. 1."A master should minister to his servants and employees by assigning them work according to their strength, by supplying them with food and wages, by tending them in sickness, by sharing with them unusual delicacies, by granting leave at times. For, servants and employees love their master, they rise before him, they lie down to rest after him, they are content with what is given to them, they do their work well, and they carry about his praise and good fame.
2. 2."A clansman should minister to religious teachers by affection in act and speech and mind, by keeping open house to them, by supplying their temporal needs. For, religious teachers restrain him from evil, they exhort him to good, they love him with kindly thoughts, they teach him what he had not heard, they correct and purify what he has heard."

§7. *Conclusions*

1. 1. When the Exalted One had thus spoken Sigala, the young householder said this:"Beautiful, Lord, beautiful! As if one should set up again that which had been overthrown, or reveal that which had been hidden, or should disclose the road to one that was astray, or should carry a lamp into darkness, saying: They that have eyes will see! Even so hath the Truth been manifested by the Exalted One in many ways.
2. 2."And I, even I, do go to him as my refuge, and to the Truth and to

the Order. May the Exalted One receive me as his lay-disciple, as one who has taken his refuge in him from this day forth as long as life endures."

§ 8. Vinaya for Girls

1. 1. Once the Exalted One dwelt near Bhaddiya in Jatiya Wood; and there Uggaha, Mendaka's grandson, paid him a visit and, after saluting, sat down at one side. So seated, he said to the Exalted One:
2. 2."Lord let the Exalted One accept a meal at my house tomorrow, he as fourth (with us three)."
3. 3. The Exalted One accepted by his silence.
4. 4. Then Uggaha, seeing the Exalted One had accepted, rose from his seat, saluted, and took his leave, keeping the Exalted One on his right.
5. 5. Now when the night was over, the Exalted One, robing himself in the morning, took his bowl and cloak and went to Uggaha's house, and there sat down on the seat made ready. And Uggaha served with his own hand and satisfied the Exalted One with plenty of food.
6. 6. And when the Exalted One had removed his hand from his bowl, he sat down at one side. Thus seated, he said:
7. 7."Lord, these girls of .mine will be going to their husbands' families; Lord, let the Exalted One counsel them, let the Exalted One advise them, for their good and happiness for many a day !"
8. 8. Then the Exalted One spoke to them and said:"Wherefor, girls, train yourselves in this way: 'To whatsoever husband our parents shall give us—wishing our weal, seeking our happiness, compassionate— because of compassion for him we will rise up early, be the last to retire, be willing workers, order all things sweetly and be gentle voiced. Train yourselves thus, girls.'
9. 9."And in this way also, girls: ' We will honour, revere, esteem and respect all who are our husband's relatives, whether mother or father, recluse or godly man, and on their arrival will offer them a seat and water. Train yourselves thus, girls.'
10. 10."And in this way also girls: 'We will be deft and nimble at our husband's home-crafts, whether they be of wool or cotton, making it our business to understand the work so as to do and get it done. Train yourselves thus, girls.

11. 11.”And in this way also, girls: ' Messengers and workfolk we will know the work of each by what has been done, their remissness, by what has not been done; we will know the strength and the weakness of the sick; we will divide the hard and soft food, each according to his share. Train yourselves thus, girls.'
12. 12.”And in this way also, girls: 'The money, corn, silver and 'gold that our husband brings home, we will keep safe, watch and ward over it, and act as no robber, thief, carouser, wastrel therein. Train yourselves thus, girls.'“
13. 13. On hearing this advice, the daughters of Uggaha felt exceedingly happy and were grateful to the Lord.

BOOK VI: He and His Contemporaries

Part I—His Benefactors.

Part II—His Enemies.

Part III—Critics of His Doctrines.

Part IV—Friends and Admirers.

PART I : HIS BENEFACTORS

1. 1. Gift from Bimbisara.
2. 2. Gift from Anathapindika.
3. 3. Gift from Jeevaka.
4. 4. Gift from Ambrapali.
5. **5.** Munificence of Vishakha.

§ *1. Gift fro King Bimbisara*

1. 1. King Bimbisara was not merely a follower of the Blessed Lord: he was also a great devotee and a great supporter of his Dhamma.
2. 2. After his becoming a lay disciple Bimbisara asked:”Might the Blessed Lord consent to take his meal with me tomorrow together with the fraternity of the monks?”

3. 3. The Blessed One expressed his consent by remaining silent.
4. 4. Then King Bimbisara, when he understood that the Blessed One had accepted his invitation, rose from his seat, respectfully saluted the Blessed One, and, passing round him with his right side towards him, went away.
5. 5. And when the night had elapsed, Bimbisara ordered excellent food to be prepared, and at time announced to the Blessed One in the words:"It is time. Lord, the meal is ready."
6. 6. And in the forenoon the Blessed One, having put on his under-robe, took his alms-bowl, and with his robe on, entered the city of Rajagraha accompanied by monks who had all been Jatilas before.
7. 7. And the Blessed One went to the palace of King Bimbisara. Having gone there, he sat down with the monks who followed him, on seats laid out for them. Then King Bimbisara with his own hands served the fraternity of monks with the Buddha at its head; and when the Blessed One had finished his meal and cleaned his bowl and his hands, he sat down near him.
8. 8. Sitting near him King Bimbisara thought: "Where may I find a place for the Blessed One to live in, not too far from the village and not too near, suitable for going and coming, easily accessible for people who keep on seeking him, by day not too crowded, where there is little sound, little noise by night, sequestered, hidden from men, well fitted for a retired life?"
9. 9. And King Bimbisara thought:"There is the Veluvana, my pleasure garden, which is not too far from the town and not too near, suitable for going and coming. What if I were to make an offering of the Veluvana pleasure garden to the fraternity of monks, with the Buddha at its head?"
10. 10. And King Bimbisara took a golden vessel with water in it, to be poured over the Buddha's hand; and made a gift to the Blessed One, saying,"I give this Veluvana pleasure garden, Lord, to the fraternity of monks with the Buddha at its head."The Blessed One accepted the park.
11. 11. Then the Blessed One, after having taught, incited, animated, and gladdened King Bimbisara by religious discourse, rose from his seat and went away.
12. 12. And in consequence of this event the Blessed One, after having delivered a religious discourse, addressed the monks: ' I allow you monks,

to receive this donation of a park."

§ 2. *Gift from Anathapindika*

1. 1. After his conversion Anathapindika once went to the Blessed Lord. Taking his seat on his right side, he said:
2. 2."The Lord knows that I dwell in Shravasti, a land rich in produce, and enjoying peace; Pasendi is the great king thereof.
3. 3."Now am I wishful to found a Vihar there, I pray you, of your tenderness come to Shravasti and accept it from me."
4. 4. The Blessed Lord kept silent and thereby showed his willingness to accept the gift".
5. 5. Anathapindika, the friend of the destitute and the supporter of orphans, having returned home, saw the garden of the heir-apparent, Jeta, with its green groves and limpid rivulets, and thought:"This is the place which will be most suitable as a Vihara for the fraternity of the Blessed One."And he went to the prince and asked leave to buy the ground.
6. 6. The prince was not inclined to sell the garden for he valued it highly. He at first refused but said at last:"If you can cover it with gold, then, and for no other price, shall you have it."
7. 7. Anathapindika rejoiced and began to spread his gold; but Jeta said:"Spare yourself trouble for I will not sell."But Anathapindika insisted. Thus they differed and contended until they resorted to the magistrate.
8. 8. Meanwhile the people began to talk of the unwonted proceeding and the prince hearing more of the details, and knowing that Anathapindika was not only very wealthy, but also straightforward and sincere, inquired into his plans. On hearing the name of the Blessed One, the prince became anxious to share in the foundation and he accepted only one-half of the gold, saying:"Yours is the land but mine are the trees. I will give the trees as my share of the offering to the Lord."
9. 9. Having made the foundation, they began to build the hall which rose loftily in due proportions according to the directions which the Blessed One had given; and it was beautifully decorated with appropriate carvings.
10. 10. This Vihara was called Jetavana and the friend of the orphans invited the Lord to come to Shravasti and receive the gift. And the Blessed

One left Kapilavastu and came to Shravasti.
11. 11. While the Blessed One entered Jetavana, Anathapindika scattered flowers and burned incense, and as a sign of the gift he poured water from a golden dragon pitcher, saying,"This Jetavana Vihara I give for the use of the brotherhood throughout the world."
12. 12. The Blessed One received the gift and replied:"May all evil influences be overcome; may the offering promote the kingdom of righteousness and be a permanent blessing to mankind in general and especially also to the giver."
13. 13. Anathapindika was one of the eighty chief disciples who bore the title of Chief Airnsgiver.

§ 3. Gift from Jeevaka

1. 1. Jeevaka the physician visited the Blessed One twice a day whenever the Blessed One happened to be in Rajagraha.
2. 2. Jeevaka found the Veluvana gifted away to the Blessed One by King Bimbisara too far away.
3. 3. Jeevaka had his own park in Rajagraha, known as Ambavana, which was much nearer from his place. 4. He thought of building a Vihara with all its adjuncts and present the Ambavana and the Vihara to the Blessed One.
4. 5. With this idea in his mind he approached the Blessed One and requested him to let him fulfil his wishes.
5. 6. The Blessed Lord showed his acceptance by remaining silent.

§ 4. Gift from Ambrapali

1. 1. Now the Exalted One was staying at Nadika and was wishing for a change. He addressed Ananda, and said:"Come, Ananda, let us go on to Vesali."
2. 2."So be it. Lord,"said Ananda, in assent, to the Exalted One.
3. 3. Then the Exalted One proceeded, with a great company of the brethren, to Vesali, and there at Vesali, the Exalted One stayed at Ambrapali's grove.
4. 4. Now the courtesan Ambrapali heard that the Exalted One had

arrived at Vesali and was staying there at her mango grove. And ordering a number of state vehicles to be made ready, she mounted one of them, and went forth with her train from Vesali towards her garden. She went in the carriage as far as the ground was passable for carriages; there she alighted and she proceeded on foot to the place where the Exalted One was, and took her seat respectfully on one side. And when she was thus seated the Exalted One instructed her with religious discourse.

5. 5. Then she addressed the Exalted One, and said:"May the Exalted One do me the honour of taking his meal, together with the brethren, at my house tomorrow?"

6. 6. And the Exalted One gave, by silence, his consent. Then when Ambrapali the courtesan saw that the Exalted One had consented, she rose from her seat and bowed down before him, and keeping him on her right hand as she passed him, she departed thence.

7. 7. Now the Licchavis of Vesali heard that the Exalted One had arrived at Vesali, and was staying at Ambrapali's grove. They too wanted to invite the Buddha to their place for a meal. And ordering a number of state carriages to be made ready, they each mounted one of them and went forth with their train from Vesali.

8. 8. They and Ambrapali crossed on the way.

9. 9. And Ambrapali drove up against the young Licchavis, axle to axle, wheel to wheel, and yoke to yoke, and the Licchavis said to Ambrapali the courtesan,"How is it, Ambrapali, that thou drivest up against us thus?"

10. 10."My Lords, I have just invited the Exalted One and his brethren for their morrow's meal,"said Ambrapali.

11. 11."Ambrapali, sell this honour to us fora hundred thousand,"said they.

12. 12."My Lords, were you to offer all Vesali with its subject territory, I would not give it up."

13. 13. The Licchavis cast up their hands, exclaiming:"We are outdone by this mango girl. We are outreached by this mango girl,"and they went on to Ambrapali's grove.

14. 14. Knowing that they were outdone they still thought of approaching the Blessed One in the hope that he might reconsider and give their invitation first preference. So they went on to Ambrapali's grove.

15. 15. When the Exalted One saw the Licchavis approaching in the

distance, he addressed the brethren and said:"Brethren, let those of the brethren who have never seen the devas, gaze upon this company of the Licchavis, behold this company of the Licchavis, compare this company of the Licchavis—-for they are even a company of next-world devas."
16. 16. And when theyhad ridden as far as the ground was passable for carriages the Licchavis alighted there, and then went on foot to the place where the Exalted One was, and took their seats respectfully by his side.
17. 17. Then they addressed the Exalted One, and said :"May the Exalted One do us the honour of taking his meal, together with the brethren, at our house tomorrow?"
18. 18."I have promised, Licchavis, to dine tomorrow with Ambrapali,"was the reply.
19. **19.** Then the Licchavis knew that they had failed. And after expressing their thanks and approval of the words of the Exalted One, they rose from their seats and bowed down before the Exalted One, and keeping him on their right hand as they passed him, departed thence.
20. 20. And at the end of the night Ambrapali the courtesan made ready in her mansion sweet rice and cakes, and announced the time to the Exalted One, saying:"The hour. Lord, has come, and the meal is ready."

21. And the Exalted One who had dressed himself early in the morning, took his bowl, and his robe and went with the brethren to the place where Ambrapali's mansion was ; and when he had

come there he seated himself on the seat prepared for him. And Ambrapali, the courtesan, set the sweet rice and cakes before the order, with the Buddha at their head, and waited upon them till they refused any more.
21. 22. And when the Blessed One had quite finished his meal and had cleansed the bowl and his hands, the courtesan had a low stool brought, and sat down-at his side, and addressed the Exalted One, and said :
22. 23."Lord, I present my pleasance to you and to the order."And the Exalted One accepted the gift; and after giving a religious discourse he rose from his seat and took her leave.

§ 5. *Munificence of Vishakha*

1. 1. Vishakha was a wealthy woman of Shravasti. She had many

children and grandchildren.
2. 2. When the Blessed One stayed at Shravasti, Vishakha went up to the place where the Blessed One was, and tendered Him an invitation to take his meal at her house, which the Blessed One accepted.
3. 3. And heavy rain fell during the night and the next morning; and the bhikkhus doffed their robes to keep themselves dry and let the rain fall upon their bodies.
4. 4. When the next day the Blessed One had finished his meal, she took her seat at his side and spoke thus;"Eight are the boons, Lord, which I beg of the Blessed One."
5. 5. Then the Blessed One said:"The Tathagatas, 0 Vishakha, grant no boons unless they know what they are."
6. 6. Vishakha replied:"Proper, Lord, and unobjectionable are the boons I ask."
7. 7. Having received permission to ask the boons, Vishakha said:"I desire. Lord, through all my life to bestow robes for the rainy season on the Sangha, and food for incoming bhikkhus, and food for outgoing bhikkhus and food for the sick, and food for those who wait upon the sick, and medicine for the sick, and a constant supply of rice-milk for the Sangha, and bathing robes for the bhikkhunis, the sisters."
8. 8."But,"said the Lord,"What, 0 Vishakha, have you in view in asking these eight boons of the Tathagata?"
9. 9. And Vishakha replied:"I gave command, Lord, to my maid-servant, saying, ' Go thou and announce to the fraternity that the meal is ready,' and my maid went, but when she came to the vihara, she observed that the bhikkhus had defied their robes, while it was raining, and she thought: ' These are not bhikkhus, but naked ascetics letting the rain fall on them.' So she returned to me and reported accordingly and I had to send her a second time.
10. 10."Impure, Lord, is nakedness, and revolting. It was this circumstance, Lord, that I had in view in desiring to provide the Sangha throughout my life with special garments for use in the rainy season.
11. 11."As to my second wish. Lord, an incoming bhikku, not being able to take the direct roads, and not knowing the places where food can be procured, comes on his way wearied out by seeking for alms. It was this circumstance, Lord, that I had in view in desiring to provide the Sangha

throughout my life with food for incoming bhikkhus.
12. 12.”Thirdly, Lord, an outgoing bhikkhu, while seeking about for alms, may be left behind, or may arrive too late at the place whither he desires to go, and will set out on the road in weariness.
13. 13.”Fourthly, Lord, if a sick bhikkhu does not obtain suitable food, his sickness may increase upon him, and he may die.
14. 14.”Fifthy, Lord, a bhikkhu who is waiting upon the sick will lose his opportunity of going out to seek food for himself.
15. 15.”Sixthly, Lord, if a sick bhikkhu does not obtain suitable medicines, his sickness may increase upon him, and he may die.
16. 16.”Seventhly, Lord, I have heard that the Blessed One has praised rice-milk, because it gives readiness of mind, dispels hunger and thirst; it is wholesome nourishment for the healthy and for the sick as a medicine. Therefore I desire to provide the Sangha throughout my life with constant supply of rice-milk.
17. 17.”Finally, Lord, the bhikkhunis are in the habit of bathing in the river Archiravati with the courtesans, at the same landing-place, and naked. And the courtesans. Lord, ridicule the bhikkhtmis, saying, 'What is the good, ladies, of your maintaining chastity when you are young? When you are old, maintain chastity then; thus will you be obtainers of both ends.' Impure, Lord, is nakedness for a woman, disgusting, and revolting.
18. 18.”These are the circumstances, Lord, that I had in view.”
19. 19. The Blessed One said:”But what was the advantage you had in view for yourself, 0 Vishakha, in asking these eight boons of the Tathagatha?”
20. 20. Vishakha replied:”Bhikkhus who have spent the rainy season in various places will come, Lord, to Shravasti to visit the Blessed One. And on coming to the Blessed One they will ask, saying: * Such and such a bhikkhu. Lord, has died. What, now, is his destiny?' Then will the Blessed One explain that he has attained the fruits of conversion; that he has entered Nirvana or attained arhantship, as the case may be.
21. 21.”And I, going up to them, shall ask, ' Was that brother, sirs, one of those who had formerly been at Shravasti,' then shall I arrive at the conclusion, 'For a certainty did that brother enjoy either the robes for the rainy season, or the food for the incoming bhikkhus, or the food for the outgoing bhikkhus, or the food for the sick, or the food for those that wait

upon the sick, or the medicine for the sick, or the constant supply of rice-milk.'

22.”Then will gladness spring up within me; thus gladdend joy will come to me; and so rejoicing all my frame will be at peace. Being thus at peace I shall experience a blissful feeling of content; and in that bliss my heart will be at rest. That will be to me an exercise of my moral

powers, an exercise of the seven kinds of wisdom ! This, Lord, was the advantage I had in view for myself in asking those eight boons of the Blessed One.”

22. 23. Then the Blessed One said:”It is well, it is well, Vishakha. Thou hast done well in asking these eight boons of the Tathagata with such advantage in view. Charity bestowed upon those who are worthy of it is like good seeds sown in good soil that yields an abundance of fruits. But alms given to those who are yet under the tyrannical yoke of the passions are like a seed deposited in bad soil. The passions of the receiver of the alms choke, as it were, the growth of merits.”

23. 24. And the Blessed One gave thanks to Vishakha vi in these verses ;”Whatsoever donation a woman upright in life, a disciple of the Blessed One, may bestow in gladness of heart and without stint, her gift is heavenly, destructive of sorrow, and productive of bliss.”“A blissful life does she attain entering upon the path that is from corruption and impurity.”"Aiming at good, happy does she become; and she rejoices in her charitable actions.”

24. 25. Vishakha gave to the Order the Purva-Aram or Eastern Garden, and was the first to become a matron of the lay-sisters.

PART II : HIS ENEMIES

1. 1. Charge of Conversion by Glamour.
2. 2. Charge of being a Parasite !
3. 3. Charge of Breaking Happy Households.
4. 4. Jains and a False Charge of Murder.
5. 5. Jains and a False Charge of Immorality.
6. 6. Devadatta a Cousin and an Enemy.
7. 7. Brahmins and the Buddha.

§ 1. Charge of Conversion by Glamour

1. 1. Once the Exalted One dwelt at Vesali, in the Gable-roofed Hall in the Great Wood. Now Bhaddiya the Licchavi came to the Exalted One and said:"Lord! People say ' Gotama the recluse is a charmer and knows a trick of glamour, whereby he entices the followers of other sects.'
2. 2."They who say this disclaim any desire to misrepresent the Exalted One. Indeed, Lord, we Licchavis do not believe in this charge. But we would like to know what the Exalted One has to say about it."
3. 3. The Lord said:"Come now, Bhaddiya, accept not on hearsay, nor by tradition, nor by what people say. Accept not because it is in the scriptures, by mere logic, nor by inference, nor by consideration of appearances, nor because it accords with your view, nor because you think it must be right, nor out of respect, with the thought that ' One must revere a recluse."
4. 4."But, Bhaddiya, if at any time you know of yourself by examination of facts that what is being done is sinful or wrongful, that it is reproached by the wise and the result is loss or injury, then, Bhaddiya, eschew them.
5. 5."Now as to your question, Bhaddiya, what think you; Are not those who accuse me of performing conversion by glamour ambitious persons?""They are. Lord,"replied Bhaddiya.
6. 6."What think ye, Bhaddiya; Does not an ambitious person, overcome by avarice and with mind overpowered, tell lies or commit crime to achieve his ambition?""It is so. Lord,"replied Bhaddiya.
7. 7."What think you, Bhaddiya, when thoughts of ill-will and vindictiveness arise in the mind of such a person, does he not instigate others to level accusations against those who come in the way of his ambition?""That' is so Lord,"said Bhaddiya.
8. 8."Now, Bhaddiya, all I do is to exhort my pupil thus: ' Come you, my dear man, dwell controlling (thoughts of) avarice. So dwelling you will not commit acts born of avarice, either by body, work or thought. Dwell controlling ill-will and ignorance.'
9. 9."So, Bhaddiya, those recluses and Brahmins, who wrongly reproach me with being a teacher and proclaimer of such views, are false, empty liars, when they say: ' The recluse Gautama is a charmer and knows a trick of glamour, whereby He entices the followers of other sects.'"

10. 10.”A lucky thing indeed, 0 Lord—a fair find is this trick of glamour ! Lord would that my beloved blood-relations were enticed by this same trick of glamour ! It would indeed conduce to their advantage and happiness! Lord, would that all the classes the Brahmins, the Khatiyas, the Vessas and the Suddas were enticed by this same trick of glamour, it would indeed conduce to their advantage and happiness for a long time.”
11. 11.”It is so, Bhaddiya ! It is so Bhaddiya ! If all the classes enticed by this trick of glamour, were to eschew sinful conditions, my trick would result in great advantage and happiness to the world.”

§ *2. Charge of Being a Parasite!*

1. 1. The Blessed One was accused of being a parasite, living upon others and not earning his living by working for it. The accusation and the reply of the Blessed Lord is set out below :
2. 2. Once the Lord was living among the Magadha folk at Dakkhina-giri in the Brahmin village of Eka-Nala, at a time when the Brahmin Kasi-Bharadvaja's five hundred ploughs were harnessed for the sowing.
3. 3. In the morning early, duly robed and bowl in hand, the Lord went to where the Brahmin was busy, at an hour when a meal was brought forward; and stood there to one side.
4. 4. Observing him standing there for alms, the Brahmin said:”Before I eat, I plough and sow, anchorite; and you too should plough and sow before you eat.”
5. 5.”I too Brahmin, do plough and do sow before I eat.”
6. 6.”I fail, however, to see the worthy Gautama's yoke, or plough, or ploughshare, or goad, or ox-team —albeit, he asserts that he ploughs and sows before he eats.
7. 7.”You claim to be a tiller, though we see none of your tillage. Tell us how you till; for of your tilling we would fain hear more.”
8. 8.”My seed is faith; austerity of life my rain; wisdom my yoke and plough; my pole is fear to err; with thought to Strap the yoke; and mindfulness for plough share and the goad,”replied the Lord.
9. 9.”Watchful o'er word and deed, and temperate in diet, I make in sight weed my crop, nor rest till final bliss is harvested. Effort is my stout ox, which turns not back at headlands;—straight to Peace he bears me on,

to that last bourne where anguish is no more. Thus, I till with Deathlessness for crop. And who tills as I, is freed from ills."
10. 10. Thereupon the Brahmin served up milk-rice on a great bronze dish and offered it to the Lord, saying:"Eat this, Gautama, a tiller indeed art thou, in that thou tillest a crop that is Deathless."
11. 11. But the Lord said:"I take no chanter's fee. Seers countenance it not; the Enlighten'd scout such fees; and while this Doctrine lasts, this practice must hold good. Provided with other fare a sage of holy calm, consummate, cankerless; merit Co reap,— sow there."
12. 12. On hearing these words the Brahmin went over to the Lord, and, bowing his head at the Lord's feet, cried:"Wonderful, Gautama; quite wonderful. Just as a man might set upright again what had fallen down, or reveal what had been hidden away, or tell a man who had fallen down, or reveal what had been hidden away, or tell a man who had gone astray which was his way, or bring a lamp into darkness so that those with eyes to see might see the things about them,— even so, in many ways has Gautama made his Doctrine clear !
13. 13."To the reverend Gotama I come for refuge and to his Doctrine and to his community. Be it mine to receive admission and confirmation at the hands of the Lord!"So the Brahmin Kasi-Bharadvaja was admitted and confirmed as an almsman of the Lord.

§3. *Charge of Breaking Happy Households*

1. 1. Seeing that many distinguished young Magadha noblemen had become the discipJes of the Blessed One, people became annoyed and angry, saying:"The Samana Gautama causes parents to be childless; the Samana Gautama causes wives to become widows; the Samana Gautama causes the uprooting of families.
2. 2."Now he has ordained one thousand Jatilas, and he has ordained these two hundred and fifty wandering ascetics who were followers of Sanjaya, and these many distinguished young Magadha clansmen are now leading a holy life under the Samana Gautama. What will happen next? No one can say!"
3. 3. And, moreover, when they saw the monks they chide them in the following terms:"The great Samana has come to Giribhaja (i.e., Ragagaha)

of the Magadha people, leading with him all the followers of Sanjaya ; who will be the next to be led by him?"
4. 4. The monks heard this accusation and they reported it to the Blessed One.
5. 5. The Blessed One replied:"This noise, monks, will not last long; it will last only seven days; after seven days it will be over.
6. 6."And if they chide you, monks, you should reply that it is truly by a good Dhamma that the great heroes, the Tathagatas, lead. Who will murmur at the wise, why grudge the wise leading men righteously? There is no compulsion in my Dhamma. One is free to leave home. One is free to remain attached to his home."
7. 7. When the Bhikkhus replied to the revilers as the Blessed One had directed, then the people understood :"It is by Dhamma, and not unrighteously that the Sakyaputtiya Samana leads men"; and ceased to accuse the Blessed One.

§ *4. Jains and a False Charge of Murder*

1. 1. The Tirthikas'were beginning to feel that the people no longer respected them with the appearance of Samana Gautama and that even some people did not know of their existence.
2. 2. So,"let us see whether with the connivance of somebody, we can lower his prestige,"thought the Tirthikas."Perhaps with Sundari's help we might succeed."
3. 3. And they approached Sundari and said to her:"Sister, you are extremely beautiful and charming. If you spread a scandal about Samana Gautama, the people might believe it, and it would lower his influence."
4. 4. Sundari used to go every evening towards the Jetavana with garlands, camphor, and sweet scents when the people used to return to the city; and if anybody asked her,"Sundari, where are you going?"she used to answer,"I am going to Samana Gautama to stay with in the garden house (Gandha Kutir)."
5. 5. And staying the night in some gardens of the Tirthikas, she used to return in the morning, and if anybody asked her where she had spent the night, she would say that she had spent the night with Gautama.
6. 6. After a few days the Tirthikas hired a few assassins and told

them:"Kill Sundari and throw her body on the rubbish heap near Gautama's Gandha Kutir."This the assassins did.
7. 7. Then the Tirthikas brought it to the notice of the officers of peace and justice that Sundari used to frequent Jetavana and she was missing.
8. 8. So with the assistance of the officers they found Sundari's body on the rubbish heap. 9. And the Tirthikas accused the disciples of Gautama to have killed Sundari in order to hide the shame of their leader.

1. 10. But the assassins began to quarrel amongst themselves in a liquor shop about the distribution of the prize money for having killed Sundari.
2. 11. The officers at once arrested them and they admitted their guilt and implicated the Tirthikas at whose instigation they had committed the crime.
3. 12. Thus the Tirthikas lost whatever influence was left for them.

§ 5. *Jains and a False Charge of Immorality*

1. 1. As with the sunrise the glow-worms vanish, so miserable became the situation of the Tirthikas. The people ceased to pay them respects or presents.
2. 2. Standing on the public streets they used to harangue:"If Samana Gautama is enlightened (Buddha), we are also. If you acquire virtue by showering presents on the Buddha, you will get the same by giving us presents. Therefore make gift to us."
3. 3. But the public paid no heed to it. So they conspired in secret how by spreading scandal on the character of Samana Gautama, they could discredit the Sangha.
4. 4. At that time there used to live in Shravasti a Brahmani Parivrajaka, known as Chincha. In bodily formation and physical charms she was a seductive beauty. She used to radiate voluptuous grace with her bodily movements.
5. 5. One of the crafty schemers among the Tirthikas said that with the help of Chincha it would be easy to spread a scandal about Gautama, and thereby discredit him, to which other Tirthikas gave their consent.
6. 6. Then, one day Chincha came to the park of the Tirthikas and saluting them, sat near them. But nobody talked with her. 7. Surprised at

this she said:"How have I offended you? I have saluted you thrice though you do not say a single word to me."

7. 8."Sister,"the Tirthikas said,"Don't you know that Samana Gautama is causing us harm and loss by his popularity.""I do not know that. And have I got any duty to perform toward its solution?"

8. 9."Sister, if you mean to do us good, then by your own efforts, spread scandals about Gautama, and thus make him unpopular.""All right ; be content ; and depend that on me,"saying thus she left the place.

9. 10. Chincha was an expert in feminine charms and coquetry. When the citizens of Shravasti used to return from the religious discussions at Jetavana, Chincha wearing a red garment and with perfumes and garlands in her hands used to go towards it.

10. 11. If anybody asked her:"Where are you going now?""That's none of your business,"she used to answer. Spending the night at the rest house of the Itinerants (Tirthikarama) near Jetavana, she used to return to the city in the morning, when the citizens used to go to the Jetavana to pay respect to the Buddha.

11. 12. If anybody asked her,"Where did you spend the night?"she used to say,"That is none of your business. I spent the night with Samana Gautama in his garden house (Gandha Kutir) at Jetavana."The remark used to create doubts in the minds of some.

12. 13. After four months she used to increase the size of her belly by wrapping round it some old rags, and say that she became pregnant through Samana Gautama. Some began to believe it.

13. 14. In the ninth month, she suspending a wooden protuberance round her belly and having arms swollen through insect bites, appeared before the Buddha when he was making a religious discourse before monks and laymen and said:"Great teacher, you give many people religious lessons. Your voice is sweet, and your lips are very tender. Through cohabitation with you I have been pregnant, and my delivery time is near.

14. 15."You have not fixed any delivery place for me, nor I do see any medicine for that emergency. If you cannot do that yourself, why don't you appoint one of your disciples, the king of Kosala, Anathpindika or Visakha for that purpose.

15. 16."It seems you know well how to seduce a girl, but you do not know how to take care of the newborn baby that is born out of the

seduction."The assembly remained silent.
16. 17. The Buddha, breaking the continuity of his lecture, answered her with reserved dignity."Sister, whatever you have said, whether true or false, is only known to us both."
17. 18. Chincha coughing loudly, said."Yes, O Teacher, such a thing can be known to us only."
18. 19. With her coughing the knot with which the wooden protuberance was tied round her belly slackened, and it fell on her feet to her discomfiture.
19. 20. And she was turned away with stones and sticks.

§ 6. *Devadatta a Cousin and an Enemy*

1. 1. Devadatta was a cousin of the Buddha. But from the beginning he was jealous of the Buddha and disliked him intensely.
2. 2. When the Buddha had left his home, Devadatta tried to make love to Yeshodhara.
3. 3. Once when Yeshodhara was about to retire, he without being intercepted by anybody entered into her chamber in the guise of a monk. She asked him,"Bhikkhu, what do you want? Have you got any message for me from my husband?"
4. 4."Your husband, he cares a damn for you. In your house of happiness he cruelly and wickedly abandoned you,"said Devadatta.
5. 5."But he did it for the good of many,"replied Yeshodhara.
6. 6."Whatever that be, now take revenge on his disdainful cruelty to you,"suggested Devadatta.
7. 7."Stop it, 0 Monk : your words and thoughts are impure,"countered Yeshodhara.
8. 8."Don't you recognize me, Yeshodhara? I am Devadatta who loves you."
9. 9."Devadatta, I knew you to be false and vile. I thought you would make a bad monk, but did not suspect you to be so mean-minded."
10. 10."Yeshodhara, Yeshodhara, I love you"pleaded Devadatta."And your husband shows you nothing but contempt. He has been cruel to you. Love me and revenge his cruelty."
11. 11. Yeshodhara's pale and emaciated face became tinged with a

purple hue. Tears rolled down her cheeks.
12. 12.”Devadatta, it is you who are cruel to me. Even if your love were sincere, it would have been an insult to me. You are simply lying when you say you love me.
13. 13.”When I was young and pretty you hardly looked at me. Now I am old, broken down by sorrow and anguish, you have come at night to declare your treacherous and guilty love. You are a base coward.”
14. 14. And she shouted:”Devadatta, get out from the place,”and Devadatta left the place.
15. 15. Devadatta was very angry with the Buddha who did not make him the chief in the Sangh and instead made Sariputta and Mogallana the chief men in the Sangh. Devadatta made three attempts on the Buddha's life, but did not succeed in any of them.
16. 16. At one time the Blessed One was walking *up* and down in the shade below the hill called the Vultures Peak (Girdhra Kuta).
17. 17. Devadatta climbed it up and hurled down a large stone with the intention of depriving the Blessed One of his life, but it fell upon another rock and there it was entombed; only a splinter falling from it made the foot. of the Blessed One to bleed.
18. 18. A second time he made an attempt to take the life of the Buddha.
19. 19. This time Devadatta went to Prince Ajata-satru and said:”Give me some men.”And Ajatasatru, the prince gave orders to his men :”Whatsoever the worthy Devadatta tells you, do that.”
20. 20. Then to one man Devadatta gave command:”Go, my friend ; the Samana Gautama is staying at such a place. Kill him.”And the man returned and said to him :”I cannot deprive the Blessed One of his life.
21. 21. He made a third attempt on the life of the Buddha.
22. 22. This time there was at Rajgraha an elephant named Nalagiri, fierce and a man-slayer.
23. 23. And Devadatta went into Rajgraha and to the elephant stables, and said to the elephant keepers :”I, my friends, am a relative of the raja, and am able to advance a man occupying a low position to a high position, and to order an increase of his rations or of his pay.”
24. 24. Therefore, my friends' when Samana Gautama shall have arrived at this carriage road, then loose the elephant Nalagiri and let him go down the road.

25. 25. Devadatta engaged archers to kill the Buddha. He had also let loose on his way the mad elephant Nalagiri.
26. 26. But he did not succeed. When these attempts became known, Devadatta lost all the public endowments given to him. And even the king (Ajatasatru) stopped giving him interview.
27. 27. For living he had to beg from house to house. Devadatta received many favours from Ajatasatru, which he could not retain long. Devadatta lost all his influence after the Nalagiri incident.
28. 28. By his acts, Devadatta becoming very unpopular in Magadha left it for Kosala, thinking that Prasenjit might receive him cordially. But he was contemptuously driven out by Prasenjit.

§ 7. *Brahmins and the Buddha*

1. 1. Once when the Blessed One was travelling about in the Kosala country with a large company of the monks, he went down to a Brahmin village named Thuna.
2. 2. The Brahmin householders of Thuna heard the news,"The Samana Gautama, they say, has arrived in the field of our village."
3. 3. Now the Brahmin householders were nonbelievers, holding wrong views and avaricious by nature.
4. 4. They said,"If the Samana Gautama should enter this village and stay two or three days, he would convert all these people. Then the Brahmin religion would have no support. We must, therefore, prevent his entry in our village.
5. 5. To reach the village a river had to be crossed and the Brahmins, in order to prevent the Blessed One from entering the village, took the boats away from the landing places, and made the bridges and causeways unusable.
6. 6. They filled all the wells except one with weeds and the like and concealed the watering-places, rest-houses and sheds.
7. 7. The Blessed One learned of their misdeeds and having compassion on them, crossed the river with his company of monks, went on, and in due course of time reached the Brahmin village of Thuna.
8. 8. He left the road and sat down at the foot of a tree. At that moment many women were passing by near the Blessed One carrying water.

9. 9. And in that village an agreement had been made,"If the Samana Gautama comes there, there is to be no welcome or the like made for him and when he comes to a house, neither to him nor to his disciples is any food or water to be given."
10. 10. Then a certain Brahmin's slave girl, going along with a jar of water, saw the Blessed One and the monks, realized that they were weary and thirsty, and being of devout heart, wanted to give them water.
11. 11."Even and though the people of this village have resolved that nothing at all is to be given to the Samana Gautama and not even a show of respect is to be made,"she said to herself,"yet if after I have found these supreme fields of merit and worthy recipients of meritorious giving, I do not lay the foundation for my salvation by a mere giving of water, when hereafter shall I be released from woe?"
12. 12."So be it, my masters ! Let every one who lives in the village beat or bind me, still I will give a gift of water to a field of merit such as this."
13. 13. When she had made this resolve, though the other women carrying water tried to stop her, without regard for her life, she lifted down the water jar from her head, placed it on one side, approached the Blessed One, and gave him water; he washed his hands and feet and drank the water.
14. 14. Her master, the Brahmin, heard of her giving water to the Blessed One."She has broken the rule of the village and I am blamed,"he said, and burning with rage and grinding his teeth he buried her to the ground and beat her with hands and feet. Because of that she died.

(ii)

1. 1. Now Brahmin Dona visited the Exalted One and greeted him; and after exchanging the customary words of greetings, sat down at one side. So seated, Brahmin Dona said to the Exalted One :
2. 2."I have heard it said, Master Gotama, that Master Gotama does not salute aged, venerable Brahmins, well stricken in years, long on life's road, grown old—nor rise up for them, nor offer them a seat.
3. 3."Master Gotama, it is just so; Master Gotama does none of these things . . . to aged, venerable Brahmins . . . This is not right. Master Gotama."

4. 4.”Do you not profess to be a brahmin, Dona?”
5. 5.”If of anyone. Master Gotama, in speaking rightly it should be said: ' The brahmin is well born on both sides', pure in descent as far back as seven generations, both of mother and father, unchallenged and without reproach in point of birth; studious, carrying the mantras in mind, a past master in the three Vedas with the indices and ritual, in phonology too, and in the legends; an expert in verse and grammar skilled in reading the marks of a great man, in speculation on the universe' to be sure of me, Master Gotama, in speaking rightly that thing should be said; for I, Master Gotama, am so born . . . so skilled . . .”
6. 6.”Dona, those Brahmin-sages of old, mantra- makers, mantra-sayers, whose ancient collection of mantra verses, hymns and sayings. Brahmins know every hymn, every say, every word the word, ever have the sayings said to wit: Atthaka, Vamaka, Vamadeva. Vassamitta, Yamadaggi, Angirasa, Bharadvaja, have declared: the Brahma-like, the deva-like, the bounded, the breaker of bounds, and fifthly, the Brahmin outcast, which of them, Dona, are you?”
7. 7.”We know not of these five Brahmins, Master Gotama; yet we know that we are Brahmins. It were well for me if Master Gotama would teach me Dhamma so that I may know of them five.”
8. 8.”Then listen, Brahma, give heed and I will speak !”
9. 9.”Yes sir,”replied he; and the Exalted One said:
10. 10.”And how, Dona, becomes a Brahmin Brahma-like?”
11. 11.”Take the case, Dona, of a Brahmin who is well born on both sides, pure in descent as far back as seven generations, both of mother and father, unchallenged and without reproach in point of birth—he for eight and forty years leads to the Brahma-life of virginity, applying himself to the teacher's fee for teaching according to Dhamma, not non-Dhamma.
12. 12.”And what there is Dhamma, Dona? Never as ploughman nor trader nor cowherd nor bowman nor rajah's man nor by any craft (to get his living), but solely by going about for alms, despising not the beggar's bowl.
13. 13.”And he hands over the teacher's fee for teaching, has his hair-beard shaved off, dons the yellow robe and goes forth from the home to the homeless life.
14. 14.”And thus gone forth, he abides in mind pervading with amity one

world quarter, so a second, a third, a fourth; then above, below, athwart, everywhere, the whole wide world he pervades with thoughts of amity, far-reaching, expansive, measureless, without hatred or ill-will,

15. 15."He abides in mind pervading with pity . . . sympathy . . . poise, one world quarter, so a second, a third, a fourth; then above, below, athwart, every-where, the whole wide world he pervades with thoughts of pity, sympathy and poise, far-reaching, expansive, measureless, without hatred or ill-will.

16. 16."And having made these four Brahma-abidings become, on the breaking up of the body after death, he arises in the well-faring Brahma world. Thus, Dona, Brahmin becomes Brahma-like.

17. 17."And how, Dona, becomes a Brahmin deva-like?

18. 18."Take the case, Dona, of a Brahmin of similar birth and conduct . . . . He does not get a living by ploughing and so forth, but by going about for alms. . . . He hands over the teacher's fee for teaching and seeks a wife according to Dhamma, not non-Dhamma.

19. 19."And what then is Dhamma? Not with one bought or sold, but only with a Brahmani on whom water has been poured. And he goes only to a Brahmani, not to the daughter of an outcast, hunter, bamboo-worker, cart-maker, or aboriginal, nor goes to a woman with child, nor to one giving suck, nor to one not in her season.

20. 20."And wherefore, Dona, goes not a Brahmin to one with child? If he go, the boy or girl will sure-ly be foully born, therefore he goes not. And wherefore goes he not to one giving suck? If he go, the boy or girl will surely be an unclean suckling, therefore he goes not.

21. 21."And wherefore goes he not to one not in her season? If, Dona, a Brahmin go to one not in her season, never for him does the Brahmani become a means for lust, for sport, for pleasure; the Brahmani is for the Brahmin just as a means to beget offspring.

22. 22."And when in wedlock he has begot-ten (a child), he has his hair-beard shaved off. . . and goes forth . . ..

23. 23."And being thus gone forth, aloof from sensuous appetites . . . he enters and abides in the first (to the) fourth musing . . . he enters and abides in the first (to the) fourth musing.

24. 24."And having made these four musings become, on the breaking up of the body after death, he arises in the well-faring heaven world.

25. 25.”Thus, Dona, a Brahmin becomes deva-like.
26. 26.”And how, Dona, becomes a Brahmin Brahmin bounded?
27. 27.”Take the case, Dona of a Brahmin of similar birth and conduct . . . who weds in like manner....
28. 28.”And when in wedlock he has begotten a child, the fondness for children obsesses him and he settles on the family estate, and does not go forth from the home to the homeless life.
29. 30.”Thus, Dona, the Brahmin becomes bounded.
30. 31.”And how, Dona, becomes a Brahmin'a breaker of bounds?
31. 32.”Take the case, Dona, of a Brahmin of similar birth and conduct. . . . He hands over the teacher's fee and seeks a wife either according to Dhamma or non-Dhamma: one bought or sold or Brahmani on whom the water-pouring ceremony has been performed.
32. 33.”He goes to a Brahmani or to the daughter of a noble or a low-caste man or a serf; to the daughter of an outcast or a hunter or a bamboo-worker or a cart-maker or an aboriginal; he goes to a woman with child, to one giving suck, to one in her season, to one not in her season; and for him the Brahmani becomes just a means for lust, for sport and for pleasure or to beget offspring.
33. 34.”And he keeps not within the ancient Brahmin bounds, but transgresses them; and it is said:’He keeps not within bounds but transgresses,' and therefore he is called a breaker of bounds.
34. 35.”Thus, Dona, the Brahmin becomes a breaker of bounds.
35. 36.”And how, Dona, becomes a Brahmin a Brahmin outcast?
36. 37.”Take the case, Dona, of a Brahmin of similar birth, he for eight and forty years leads the Brahma-life of virginity, applying himself to the mantras; then, completing that course, he seeks the teaching fee for teaching; (he gets his living according to Dhamma or non-Dhamma) as ploughman, trader, cowherd, bowman, rajah's man or by some craft or, despising not the beggar's bowl, just by going about for alms.
37. 38.”On handing back the teacher's fee, he seeks a wife according to Dhamma or non-Dhamma; one bought or sold, or a Brahmani on whom water has been poured. He goes to a Brahmani or any other woman . . . one with child, giving suck and so forth. . . and she is for him a means for lust . . . or to beget offspring. He leads a life doing all these things.
38. 39.”Then the Brahmans say thus of him: 'How is it that an

honourable Brahmin leads this sort of life?'
39. 40.”And to this he replies: 'Just as fire burns clean things or unclean, but not by that is the fire defiled ; even so, good sirs, tf a Brahmin lead a life doing all these things, not by that is a Brahmin defiled.'
40. 41. And it is said: 'He leads a life doing all these things,' and therefore he is called a Brahmin outcast.
41. 42.”Thus, Dona, a Brahmin becomes a Brahmin outcast.
42. 43.”Verily, Dona, those Brahmin sages of old, mantra-makers, mantra-sayers, whose ancient collection hymn, say, word each rest . . . these five Brahmins declared; the Brahma-like, the deva-like. the bounded, the breaker of bounds and, fifthly, the Brahmin outcast.
43. 44.”Which of them Dona, are you?”
44. 45.”' If such there are, Master Gotama, we at least do not fulfil (the ways) of the Brahmin-outcast?
45. 46.”But it is marvellous what you say, Master Gotama . . . let Master Gotama take me as a lay-disciple, gone to his refuge, henceforth as long as life lasts.”

29.”In the bounds of the Brahmin of old he stays nor transgresses them; and it is said: 'Within bounds he keeps and transgresses not.' And therefore the Brahmin is called bounded.

PART III : CRITICS OF HIS DOCTRINES

1. **1.** Critics of Open Admission to the Sangh.
2. 2. Critics of The Rule of Vows.
3. 3. Critics of the Doctrine of Ahimsa.
4. 4. Charge of Preaching Virtue and Creating Gloom.
5. 5. Critics of the Theory of Soul and Rebirth.
6. 6. Charge of being an Annihilationist.

§ 1. Critics of Open Admission to the Sangh

1. 1. It was open for the Sangh to admit a layman who was merely a disciple.
2. 2. There were persons who criticised the Lord for making the Sangh a wide open temple for anybody to enter.

3. 3. They argued that under such a scheme it may well happen that after they have been admitted into the Order they give it up, and return again to the lower state and by their back-sliding the people are led to say :"Vain must be this religion of Samana Gotama, which these men have given up."
4. 4. The criticism was not well founded and had altogether missed the intention of the Blessed Lord in making such a scheme.
5. 5. The Blessed Lord replied that in establishing his religion he had constructed a bathing tank full of the excellent waters of emancipation—-the bath of good law.
6. 6. It was the Lord's desire that whosoever is polluted with stains of sin, he, bathing in it, can wash away all his sins.
7. 7. And if anyone, having gone to the bathing tank of good law, should not bathe in it, but turn back polluted as before and return again to the lower state, it is he who is to be blamed and not the religion.
8. 8."Or could I,"said the Blessed Lord,"after constructing this bathing tank for enabling people to wash away their sins, say : ' Let no one who is dirty go down into this tank ! Let only those whose dust and dirt have been washed away, who are purified and stainless go down into the tank.'
9. 9."On such terms what good would have been my religion?"
10. 10. The critics forgot that the Blessed Lord did not wish to confine the benefit only to a few. He wanted to keep it open to all, to be tried by all.

§ 2. *Critics of the Rule of Vows*

1. 1. Why are the five precepts not enough? Why vows are felt necessary? These were the questions that were often raised,
2. 2. It 'was argued that if diseases would abate without medicine, what could be the advantage -of weakening the body by emetics, by purges, and other like remedies?
3. 3. Just so, if laymen, living at home and enjoying the pleasures of the senses, can realize in themselves the conditions of peace, the Supreme Good, Nibbana, by taking precepts, what is the need of the bhikkhu taking upon himself these vows?
4. 4. The Blessed Lord devised the vows because of the virtues inherent

in them.
5. 5. A life conditioned by vows is certain to bring with it growth in goodness, it is itself a protection against a fall.
6. 6. Those who take vows and keep them as self-dependents, are emancipated.
7. 7. The keeping of vows is the restriction of lust, and of malice, of pride, the cutting of evil thoughts.
8. 8. Those who take vows and keep them, well guarded are they indeed and altogether pure are they in manners and in mind.
9. 9. Not so with mere taking of precepts.
10. 10. In the case of the precepts there is no protection against moral decline as there is in the case of vows.
11. 11. A life of vows is very difficult and a life of precepts not so. It is necessary for mankind to have some who live the life of vows. So the Blessed Lord prescribed both.

§ 3. *Critics of the Doctrine of Ahimsa*

1. 1. There were persons who objected to the doctrine of Ahimsa. They said that it involved surrender or non-resistance to evil.
2. 2. This is a complete misrepresentation of what the Blessed Lord taught by his doctrine of Ahimsa.
3. 3. The Blessed Lord has made his position clear on various occasions so as to leave no room for ambiguity or misunderstanding.
4. 4. The first such occasion to which reference should be made is the occasion when he made a rule regarding the entry of a soldier in the Sangh.
5. At one time the border provinces of the kingdom of Magadha were agitated. Then the Magadha king Seniya Bimbisara gave order to the Commander of the army: ' Well now, go and ask your officers to search through the border provinces for the offenders, punish them and restore peace."The Commander acted accordingly.
5. 6. On hearing the orders of the Commander the officers found themselves placed in a dilemma. They knew that the Tathagatha taught that those who go to war and find delight in fighting, do evil and produce great demerit. On the other hand, here was the king's order to capture the offenders and to kill them. Now what shall we do, asked the officers to

themselves.
6. 7. Then these officers thought:"If we could enter the order of the Buddha we would be able to escape from the dilemma."
7. 8. Thus these officers went to the bhikkhus and asked them for ordination; the bhikkhus conferred on them the pabbajja and upasampada ordinations and the officers disappeared from the army.
8. 9. The Commander of the army .finding that the officers were not to be seen, asked the soldiers:"Why, how is it that the officers are nowhere to be seen?""The officers, lord, have embraced religious life of the bhikkhus,"replied the soldiers.
9. 10. Then the Commander of the army was annoyed, and became very angry:"How can the bhikkhus ordain persons in the royal army?"
10. 11. The Commander of the army informed the king of what had happened. And the king asked the officers of justice:"Tell me, my good sirs, what punishment does he deserve who ordains a person in the royal service?"
11. 12."The Upagghaya, Your Majesty, should be beheaded; to him who recites (the Kammavaka), the tongue should be torn out; to those who form the chapter, half of their ribs should be broken."
12. 13. Then the king went to the place where the Blessed One was; and after obeisance informed him of what had happened.
13. 14."The Lord well knows that there are kings who are against the Dhamma. These hostile kings are ever ready to harass the bhikkhus even for trifling reasons. It is impossible to imagine the lengths to which they might go in their ill-treatment of the bhikkhus if they find that the bhikkhus are seducing the soldiers to leave the army and join the Sangh. Pray Lord to do the needful to avert the disaster."
14. 15. The Lord replied:"It was never my intention to allow soldiers undfer the cloak of Ahimsa or in the name of Ahimsa to abandon their duty to the king or to their country."
15. 16. Accordingly the Blessed One made a rule against the admission of persons in royal service to the Sangh and proclaimed it to the bhikkhus, saying:"Let no one, 0 Bhikkhus, who is in the royal service, receive the Pabbajja ordination. He who confers the Pabbajja ordination on such a person will be guilty of a dukkata offence."
16. 17. A second time the Blessed One was crossexamined on the subject

of Ahimsa by Sinha, a General in the army, and who was a follower of Mahavir.

17. 18. Sinha asked:"One doubt still lurks in my mind concerning the doctrine of the Blessed One. Will the Blessed One consent to clear the cloud away so that I may understand the Dhamma as the Blessed One teaches it."

18. 19. The Tathagata having given his consent, Sinha said: "I am a soldier, 0 Blessed One, and am appointed by the king to enforce his laws and to wage his wars. Does the Tathagata, who teaches kindness without end and compassion with all sufferers, permit the punishment of the criminal? And further, does the Tathagata declare that it is wrong to go to war for the protection of our homes, our wives, our children, and our property? Does the Tathagata teach the doctrine of a complete self-surrender, so that I should suffer the evil-doer to do what he pleases and yield submissively to him who threatens to take by violence what is my own? Does the Tathagata maintain that all strifes, including such warfare as is waged for a righteous cause, should be forbidden?"

19. 20. The Lord replied :"The Tathagata says: ' He who deserves punishment must be punished, and he who is worthy of favour must be favoured. Yet at the same time he teaches to do no injury to any living being but to be full of love and kindness. These injunctions are not contradictory, for whosoever must be punished for the crimes which he has committed suffers his injury not through the ill-will of the judge but on account of his evil-doing. His own acts have brought upon him the injury that the executor of the law inflicts. When a magistrate punishes, let him not harbour hatred in his breast, yet a murderer, when put to death, should consider that this is the fruit of his own act. As soon as he will understand that the punishment will purify his soul, he will no longer lament his fate but rejoice at it.'"

20. 21. A proper understanding of these instances would show that the Ahimsa taught by the Blessed Lord was fundamental. But it was not absolute.

21. 22. He taught that evil should be cured by the return of good. But he never preached that evil should be allowed to overpower good.

22. 23. He stood for Ahimsa. He denounced Hirnsa. But he did not deny that Hirnsa may be the last resort to save good being destroyed by evil.

23. 24. Thus it is not that the Blessed Lord taught a dangerous doctrine. It is the critics who failed to understand its significance and its scope.

§ *4. Charge of Preaching Virtue and Creating Gloom*

(i)

Dukkha as the Cause of Gloom

1. 1. Dukkha in its original sense given to it by Kapila means unrest, commotion.
2. 2. Initially it had a metaphysical meaning.
3. 3. Later on it acquired the meaning of suffering arid sorrow
4. 4. The two senses were not far detached. They were very close.
5. 5. Unrest brings sorrow and suffering.
6. 6. Soon it acquired the meaning of sorrow and suffering from social and economic causes.
7. 7. In what sense did the Buddha use the word sorrow and suffering?
8. 8. There is a sermon on record from which it is clear that the Buddha was very much aware that poverty was a cause of sorrow.
9. **9.** In that sermon he says—"Monks, is poverty a woeful thing for a worldly wanton?"
10. 10."Surely, Lord."
11. 11."And when a man is poor, needy, in straits, he gets into debt, and is that woeful too?"
12. 12."Surely, Lord."
13. 13."And when he gets into debt, he borrows, and is that woeful too?"
14. 14."Surely, Lord."
15. 15."And when the bill falls due, he pays not and they press him; is that woeful too?"
16. 16."Surely, Lord."
17. 17."And when pressed, he pays not and they beset him ; is that woeful too?"
18. 18."Surely, Lord."
19. 19."And when beset, he pays not and they bind him; is that woeful too?"

20. 20.”Surely, Lord.”
21. 21.”Thus, monks, poverty, debt, borrowing, being pressed, beset and bound are all woes for the worldly wanton.
22. 22.”Woeful in the world is poverty and debt.”
23. 23. Thus the Buddha's conception of Dukkha is material.

(2) *Impermanence as the Cause of Gloom*

1. 1. Another ground for this accusation arises from the doctrine that everything which is compound is impermanent.
2. 2. Nobody questions the truth of the doctrine.
3. 3. Everything is impermanent is admitted by all.
4. 4. The doctrine, if it is true, must be told just as truth must be told however unpleasant it may be.
5. 5. But why draw a pessimistic conclusion?
6. 6. If life is short it is short and one need not be gloomy about it.
7. 7. It is just a matter of interpretation.
8. 8. The Burmese interpretation is very much different.
9. 9. The Burmese celebrate the event of death in a family as though it was an event of joy.
10. 10. On the day of death the householder gives a public feast and the people remove the dead body to the graveyard dancing. Nobody minds the death for it was to come.
11. 11. If impermanence is pessimistic it is only because permanence was assumed to be true although it was a false one.
12. 12. Buddha's preaching cannot, therefore, be charged as spreading gloom.

(3) *Is Buddhism Pessimistic*?

1. 1. The Buddha's Dhamma has been accused of creating pessimism.
2. 2. The accusation arises from the first Aryan Truth which says that there is Dukkha (sorrow-misery) in the world.
3. 3. It is rather surprising that a reference to Dukkha should give cause to such an accusation.
4. 4. Karl Marx also said that there is exploitation in the world and the

rich are being made richer and the poor are being made poorer.
5. 5. And yet nobody has said that Karl Marx's doctrine is pessimism.
6. 6. Whythen should a different attitude be shown to the Buddha's doctrine?
7. 7. It may be because the Buddha is reported to have said in his first sermon. Birth is sorrowful, old age is sorrowful, death is sorrowful, that a deeper pessimistic colouring has been given to his Dhamma.
8. 8. But those who know rhetoric know that this is an artifice of exaggeration and that it is practised by skilled literary hands to produce effect.
9. 9. That birth is sorrowful is an exaggeration by the Buddha can be proved by reference to a sermon of his in which he has preached that birth as a human being is a very precious thing.
10. 10. Again, if the Buddha had merely referred to Dukkha such an accusation could be sustainable.
11. 11. But the Buddha's second Aryan Truth emphasises that this Dukkha must be removed. In order to emphasise the duty of removal of Dukkha he spoke of the existence of Dukkha.
12. 12. To the removal of Dukkha the Buddha attached great importance. It is because he found that Kapila merely stated that there was Dukkha and said nothing more about it that he felt dissatisfied and left the Ashram of Muni Alara Kalam.
13. 13. How can this Dhamma be called pessimistic.?
14. 14. Surely a teacher who is anxious to remove Dukkha cannot be charged with pessimism. § 5. *Critics of the Theory of Soul and Rebirth*

1. 1. The Blessed Lord preached that there was no Soul. The Blessed Lord also affirmed that there was rebirth.
2. 2. There were not wanting people who criticised the Lord for preaching what they regarded as two such contradictory doctrines.
3. 3. How can there be rebirth if there is no Soul, they asked.
4. 4. There is no contradiction. There can be rebirth even though there is no Soul.
5. 5. There is a mango stone. The stone gives rise to a mango tree. The mango tree produces mangoes.
6. 6. Here is rebirth of a mango.

7. 7. But there is no Soul.
8. 8. So there can be rebirth although there is no Soul.

§ 6. *Charge of Being an Annihilationist*

1. 1. Once when the Lord was staying at Shravasti in Jeta's grove it was reported to him that a certain bhikkhu by name Arittha had come to certain views about the doctrines taught by the Lord, as the views of the Lord although they were not the views of the Lord.
2. 2. One of the doctrines about which Arittha was misrepresenting the Lord was whether he was an annihilationist.
3. 3. The Blessed Lord sent for Arittha. Arittha came. On being questioned he sat silent and glum.
4. 4. The Lord then said to him :"Some recluses and Brahmins— wrongly, erroneously and falsely— charge me in defiance of facts, with being an annihilationist and with preaching disintegration, and extirpation of existing creatures.
5. 5. It is just what I am not and what I do not affirm.
6. 6. What I have consistently preached both in the past and today is the existence of ill and the ending of ill.

PART IV : FRIENDS AND ADMIRERS

1. 1. Devotion of Dhananjanani—a Brahmini.
2. 2. The Abiding Faith of Visakha.
3. 3. The Devotion of Mallika.
4. 4. The ardent Wish of a Pregnant Mother.
5. 5. Keniya's Welcome.
6. 6. Pasendi in Praise of the Master.

§ *1. Devotion of Dhananjanani—a Brahmini*

1. 1. The Blessed Lord had many friends and admirers. Among them was Dhananjanani.
2. 2. She was the wife of a Bharadvaja Brahmin. Her husband hated the Lord. But Dhananjanani was a devotee of the Lord. Her devotion is worthy of mention.

3. 3. The Exalted One was once staying near Rajagraha in the bamboo grove at the Vihara known as the squirrels' feeding ground.
4. 4. Now at that time Dhananjanani, a Brahmini, the wife of a certain Brahmin of the Bharadvaja family, was living with her husband in Rajagraha.
5. 5. While her husband was a great opponent of the Buddha, Dhananjanani was a fervent believer in the Buddha, the Dhamma and the Order. She was in the habit of praising, the triple gem. Whenever she broke out in this way in praise, her husband used to close his ears.
6. 6. On the eve of his giving a great banquet to many fellow-Brahmins, he begged her to do what she liked, provided she did not offend his guests by her praises of the Buddha.
7. 7. Dhananjanani would give no such undertaking and he threatened to slice her like a plantain with his dagger. She declared herself ready to suffer, so -she retained her freedom of speech and proceeded to pour forth five hundred verses on her theme, so that he surrendered unconditionally.
8. 8. Bowl and golden spoon were laid down and the guests sat down for food. While serving the guests the dominant impulse arose. In the midst she turned towards the bamboo grove and uttered the praises of the triple gem.
9. 9. The scandalized guests hurried away, spitting out the food defiled by the presence of a heretic and the husband scolded her amid the ruins of his feast.
10. 10. And she, while serving the Bharadvaja with his dinner, came before him and praised the gem. Glory to that Exalted One, the Arahant, the Buddha Supreme! Glory to the Norm ! Glory to the Order!
11. 11. And when she had so said the Bharadvaja Brahmin grew angry and exclaimed:"There now ! You wretch! Must you be singing the praises of that shaveling friar at any and every opportunity? Now, wretch, will I give that teacher of thine a piece of my mind!"
12. 12."0 Brahmin,"replied Dhananjanani,"I know of no one throughout the world of gods, Maras, or Brahmas, recluses or brahmins, no one human or divine, who could so admonish that Exalted One, Arahant, Buddha Supreme. Nevertheless, go thou, Brahmin, and then thou wilt know."
13. 13. Then the Bharadvaja, vexed and displeased, went to find the Exalted One; and coming into his presence, exchanged with him greetings

and compliments, friendly and courteous, and sat down at one side.
14. 14. So seated, he asked the Exalted One the following questions :"What must we slay if we would happy live? What must we slay if we could weep no more? What is above all other things, whereof the slaughter thou approvest, Gotama?"
15. 15. The Exalted One replied as follows:"Wrath must ye slay if ye would happy live ; Wrath must ye slay if ye would weep no mor.e. Of anger. Brahmin, with its poisoned source, and fevered climax, murder-ously sweet. That is the slaughter by the Ariyans praised. That must ye slay in sooth, to weep no more."
16. 16. Realising the excellence of the reply given by the Exalted One, the Bharadvaja Brahmin said to him:"Most excellent. Lord, most excellent! Just as if a man were to set up that which had been thrown down, or were to reveal that which was hidden away, or were to point out the right road to him who had gone astray, or were to bring a lamp into the darkness, so that those who had eyes could see external objects—even so. Lord, has the Lord Gotama shown me his doctrine in various ways. I, even I, Lord, betake myself to the Exalted One as my refuge to the Norm and to the Order. I would leave the world under the rule of Gotama; I would take orders."
17. 17. So Dhananjanani was not only a devotee of the Buddha, she made her husband also a devotee of the Buddha.

§ 2. *The Abiding Faith of Visakha*

1. 1. Visakha was born in the city of Bhadiya in the Anga country.
2. 2. Her father was Dhananjaya and her mother's name was Sumana.
3. 3. Once the Buddha visited Bhadiya with a large company of monks at the invitation of the Brahmin Sela. Visakha his granddaughter was then seven years old.
4. 4. Visakha though only seven expressed to her grandfather Mendaka her desire to see the Buddha. Mendaka allowed her to do so and gave her five hundred companions, five hundred slaves, and five hundred chariots, that she might visit the Buddha.
5. 5. She stopped the chariot some distance away and approached the Buddha on foot.

6. 6. He preached to her the Dhamma and she became his lay disciple.
7. 7. For the next fortnight Mendaka invited the Buddha and his followers daily to his house, where he fed them,.
8. 8. Later, when at Pasendi's request, Bimbisara sent Dhananjaya to live in Kosala, Visakha accompanied her parents and lived in Saketa.
9. 9. Migara, a wealthy citizen of Shravasti, wanted to get his son Punnavadhana married. He had sent a few people to find a suitable bride.
10. 10. The party in search of a bride happened to come to Shravasti. They saw Visakha on her way to the lake to bathe on a feast day.
11. 11. At that moment there was a great shower. Visakha's companions ran for shelter. But Visakha did not. She walked at her usual pace and reached the spot where the messengers were.
12. 12. They asked her why she did not run for shelter and so preserve her clothes. She answered that she had plenty of clothes, but that if she ran she might damage a limb which she could not replace."Unmarried girls,"she said,"are like goods awaiting sale, they must not be disfigured."
13. 13. The party which was already struck by her beauty was greatly impressed by her intelligence. The party offered her a bouquet of flowers which she accepted as a proposal of marriage.
14. 14. After Visakha returned home the marriage party followed her and laid Punnavadhana's suit before Dhananjaya. The proposal was accepted and confirmed by an exchange of letters.
15. 15. When Pasendi heard of it, he offered to accompany Punnavadhana to Saketa, as a mark of signal honour. Dhananjaya welcomed the king and his retinue, Migara, Punnavadhana and their followers with all regard, attending personally to all the details of hospitality.
16. 16. Five hundred goldsmiths were engaged to make ornaments for the bride. Dhananjaya gave his daughter, as dowry, five hundred carts full of money, five hundred with vessels of gold and cattle, etc.
17. 17. When the time came for Visakha to leave, Dhananjaya gave her ten admonitions, which Migara overheard from the next room. These admonitions were: Not to give fire from the house outside: not to take into the house fire from without; to give only to those who gave in return, not to give to those who did not give in return, to give him that gives and to him that gives not; to seat, eat and eat happily; and to tend the fire and to

honour the household deities.
18. 18. On the following day Dhananjaya appointed eight householders to be sponsors to his daughter and inquire into any charges that might be brought against her.
19. **19.** Migara wanted that his daughter-in-law should be seen by the public of Shravasti. Visakha entered Shravasti standing in her chariot with the public lining the road on both sides. The public showered gifts on her, but these she distributed among the people.
20. 20. Migara was a follower of the Niganthas and soon after Visakha's arrival in his house, he sent for them and told her to minister to them. But Visakha repulsed by their nudity, refused to pay them homage.
21. 21. The. Niganthas urged that she should be sent away, but Migara bided his time.
22. 22. One day as Migara was eating, while Visakha stood fanning him, a monk was seen standing outside the house. Visakha stood aside that Migara might see him. But Migara continued to eat without noticing the monk.
23. 23. Seeing this Visakha said to the monk,"Pass on, sir, my father-in-law eats stale fare."Migara was angry and threatened to send her away, but at her request the matter was referred to her sponsors.
24. 24. They inquired into the several charges brought against her and adjudged her not guilty.
25. 25. Visakha then gave orders that preparations be made for her return to her parents. Both Migara and his wife begged for forgiveness which she granted, on condition that he would invite to the house the Buddha and his monks.
26. 26. This he did, but, owing to the influence of the Niganthas, he left Visakha to entertain them, and only consented to hear the Buddha's sermon at the end of the meal from behind a curtain.
27. 27. He was, however, so convinced by the sermon that he became a convert.
28. 28. His gratitude towards Visakha was boundless. Henceforth he considered her to be his mother deserving all the honours due to a mother. From this time onward she was called Migarmata.
29. 29. Such was the abiding faith of Visakha.

§ 3. *The Devotion of Mallika*

1. Once while the Lord was staying at Shravasti in Jeta's grove the darling son of a certain householder died, and the loss made the father neglect his business and his meals.

2. He was always going to the charnel ground and wailing aloud saying,"Where are you, my son, where are you?"

2. 3. The bereaved father came to the Blessed **Lord** and after due salutations sat on one side.

3. 4. Seeing that his mind was absolutely vacant showing no interest in anything, not telling the purpose for which he had come, the Blessed Lord, noticing his condition, said"' You are not yourself ; your mind is all awry."

4. 5."How could my mind not be awry, sir, when I have lost my darling and only son?"

5. 6."Yes, householder; our dear ones bring sorrow and lamentation, pain, suffering and tribulation?"

6. 7."Who sir can entertain such a view?", said the angry householder,"Nay, our dear ones are a joy and happiness to us."

7. 8. And with these words the householder, rejecting the Lord's pronouncement, indignantly got up and departed.

8. 9. Hard by, there were a number of gamblers having a game with dice; and to them came the householder with his story of how he had related his sorrows to the recluse Gotama, how he had been received and how he had indignantly departed.

9. 10. You were quite right, said the gamblers, for our dear ones are a source of joy and happiness to us. So the householder felt he had got the gamblers on his side.

10. 11. Now all this, in due course, penetrated to the private apartments of the palace where the king told Queen Mallika that her recluse Gotama had stated that dear ones bring sorrow and lamentation, pain, suffering and tribulation.

11. 12."Well, sir, if the Lord said so, so it *is"*

12. 13."Just as a pupil accepts all his master tells him, saying, 'So it *is,* sir; so it is'—-just in the same way Mallika, you accept all the recluse Gotama says with your ' If the Lord said so, so it is'; away with you and begone!"

13. 14. Then the queen told the Brahmin Nali Dhyan to go to the Lord

and in her name, to bow his head at the Lord's feet and, after asking after his health, to enquire whether he had really said what was attributed to him.
14. 15.”And be careful,”she added,”to tell me exactly what the Lord answers.”
15. 16. In obedience to the queen's commands the Brahmin went off and duly asked the Lord whether he had really said so.
16. 17.”Yes, Brahmin; our dear ones do bring sorrow and lamentation, pain, suffering, and tribulation. Here is the proof.
17. 18.”Once, here in Shravasti, a woman's mother died and the daughter, crazed and beside herself, went about from street to street, from cross-road to crossroad, saying: 'Have you seen my mother? Have you seen my mother?'
18. 19.”Another proof is a woman of Shravasti who lost her father—a brother—a sister—a son—a daughter —a husband. Crazed and beside herself, the woman went about from street to street and from cross-road to cross-road, asking if anyone had seen the dear ones she had lost.
19. 20.”Another proof is a man of Shravasti who lost his mother—his father—a brother—a sister—a son —a daughter—a wife, crazed and beside himself, the man went about from street to street and from crossroad to cross-road, asking if anyone had seen the dear ones he had lost.
20. 21.”Another proof is the woman of Shravasti who visited her people's home; and they wanted to take her from her husband and marry her to someone else whom she did not like.
21. 22.”She told her husband about it, whereupon he cut her into two and then killed himself, so that they might both die together.
22. 23.”All this the Brahmin Nali Dhyan duly reported to the queen.
23. 24.”The queen then went to the king and asked: * Are you fond, sir, of your only daughter, the princess Vajira.' ' Yes, I am,' replied the king.
24. 25.”' If anything happened to your Vajira would you feel sorry or not?' 'lf anything happened to her, it would make a great difference to my life.'“
25. 26.”' Are you fond, sir, of me, ' asked Mallika.'Yes,l am.'
26. 27.”' If anything happened to me would you feel sorry or would you not?' ' If anything happened to you it would make a great difference to my life.'

27. 28.'" Are you fond, sir, of the people of Kasi and Kosala?' 'Yes,' replied the king. 'If anything happened to them would you be sorry or not?'
28. 29.'" If anything happened to them, it would make great difference—how could it be otherwise?'
29. 30.'" Did the Blessed Lord say anything different?' ' No Mallika,' said the king in repentance."§ *4. The Ardent Wish of a Pregnant Mother*

1. 1. Once when the Lord was staying in the Bhagga country at Sumsumara-gira in the Bhesakala grove, in the deer-park there. Prince Bodhi's palace, called the Lotus, had just been finished but had not as yet been inhabited by recluse, Brahmin or any other person.
2. 2. Said the prince to a young Brahmin named Sankika-putta:"Go to the Lord and in my name bow your head at his feet, ask after his health and invite him to be so good as to take his meal with me tomorrow and to bring his confraternity with him."
3. 3. The message was delivered to the Lord who, by silence, signified acceptance—as was duly reported to the prince.
4. 4. When night had passed, the prince, having ordered an excellent meal to be got ready in his palace and a carpeting of white doth to *be* laid to the foot of the stairs of the Lotus palace, told the young Brahmin to announce to the Lord that all was ready.
5. 5. This was done, and early that day the Lord, duly robed and bowl in hand, came to the palace where the prince was awaiting him, outside the portals.
6. 6. Seeing the Lord approaching, the prince advanced and saluted him and moved in his train towards the palace.
7. 7. At the foot of the stairs the Lord stood still. Said the prince:"I beg the Lord to step up on the carpeting; I beg the Blessed One to do this,—to my abiding weal and welfare."But the Lord kept silent.
8. 8. A second time did the prince appeal, and still the Lord kept silent. A third time he appealed, and now the Lord looked towards Ananda.
9. 9. Ananda understood what the trouble was and asked that the carpeting should be rolled up and removed for the Lord would not tread upon it as he is looking to those that shall follow hereafter.
10. 10. So the prince ordered the carpeting to be rolled up and removed, after which he ordered seats to be set out upstairs in the palace.

11. 11. The Lord then proceeding upstairs, sat down on the seat set for him, with the confraternity.
12. 12. The prince with his own hand served that excellent meal without stint to the Lord and the confratemity.
13. 13. The Lord's meal over and done. Prince Bodhi, seating himself on a low seat to one side, said to the Lord:"My view, sir, is that true weal must be sought not through things pleasant but through things unpleasant."
14. 14."In days gone by. Prince,"said the Blessed One,"I too held the same view in the days before my enlightenment. Time was when being quite young—with a wealth of coal-black hair and in all the beauty of my early prime—despite the wishes of my parents who wept and lamented, I cut off hair and beard, donned the yellow robes and went forth from home to home"lessness as a pilgrim. A pilgrim now, in quest of the Good and in search for the road to that utter peace which is beyond all compare.
15. 15."Now I hold a different view. If a man knows the Doctrine he will find the destruction of all ills."
16. 16. Said the prince to the Lord:"What adoctrine! What an exposition of doctrine ! It is so easy to understand."
17. 17. Here the young Brahmin Sankika-putta observed to the prince that, though he had testified thus, yet he had not gone on to say that he sought as a refuge the Lord and his doctrine and his confraternity as he should have.
18. 18."Say not so, my friend; say not so"said the Prince:"for, I have heard from the lips of my lady mother, how, when once the Lord was staying at Kosambi in the Ghosita pleasance, she, being then pregnant, came to the Lord, saluted him and took a seat to one side, saying: 'Be it a boy or be it a girl that I carry in my womb, my child unborn seeks refuge with the Lord and his doctrine and his confraternity; and I ask the Lord to accept the child as a follower who has found an abiding refuge from this time forth while life lasts.'
19. 19."Another time, when the Lord was staying here in this Bhagga country at Sumsumara-gira, in the Bhesakala grove, in the deer park there, my nurse carried me to the Lord, and standing before him, said: 'Here is Prince Bodhi who seeks refuge with the Lord and his doctrine and his confraternity.'
20. 20. Now, in person, for the third time I seek such refuge and ask the

Lord to accept me as a follower who has found an abiding refuge while life lasts."

§ 5. *Keniya's Welcome*

1. 1. There was living at Apanath a Brahmin, Sola, who was versed in all three Vedas, was accomplished in ritual with the glosses thereon, in phonology, and in etymology, with chronicles as a fifth branch; he knew exegesis, and was learned in casuistry and.in the signs that mark a superman; he had three hundred young brahmins to whom he taught the runes.
2. 2. Keniya the fire-worshipper was an adherent of this Brahmin Sela. Accompanied by his three hundred pupils, Sela went and saw all the fire-worshippers there busy with their several tasks, with Keniya himself marking off the reserved circles.
3. 3. At the sight of this the Brahmin said to Keniya:"What is all this? Is it a wedding feast? Or is there a great sacrifice afoot? Or have you invited to a repast tomorrow Seniya Bimbisara, king of Magadha, with all his host?"
4. 4."It is no wedding feast, Sela, nor is the king coming with all his host. But I have got a great sacrifice afoot. For, the recluse Gotama has arrived at Apana, in the course of an alms-pilgrimage, with twelve hundred and fifty alms-men in his train.
5. 5."Now, such, according to report, is the high repute of this Gotama that he is deemed to be the Lord of Enlightenment.
6. 6."It is he whom I have invited to tomorrow's meal here, together with his confraternity. The feast that is being prepared is for him."
7. 7."Did you attribute to him Enlightenment, Keniya,"asked Sela."Yes, I did,"replied Keniya."Did you?""Yes I did"

§ 6. *Pasendi In Praise of the Master*

1. 1. Once the Exalted One was staying near Shravasti, at Jeta's grove, in Anathapindika's park.
2. 2. Now at that time the rajah of Kosala, Pasendi, had just returned from a sham-fight, in which he was victorious, having carried out his

object. And on reaching the park he turned in that way. So far as the cart-road went he rode in his chariot, and then got down and went on foot through the park.

3. 3. On that occasion a number of the brethren were walking up and down in the open air. Then Pasendi, the rajah of Kosala, went up to those brethren and thus accosted them:"Reverend sirs, where now is the Exalted One staying, that Arahant, Buddha Supreme: for Hong to behold Him?"

4. 4. "Yonder, Maharajah, is his lodging, and the door is shut. Do you go up quietly, without nervousness, enter the verandah, cough, and rattle the door-bar.. The Exalted One will open the door to you."

5. 5. So Pasendi, the rajah of Kosala, went up to the lodging as he was told, coughed and rattled the door-bar. And the Exalted One opened the door.

6. 6. Then Pasendi entered the lodging, fell with his head at the feet of the Exalted One, kissed His feet and stroked them with his hands, and announced his name, saying,"Lord, I am Pasendi, the rajah of Kosala."

7. 8. "But, Maharajah, seeing what significance therein, do you show me this profound humanity and pay such affectionate obeisance to this body,"said the Lord !

BOOK VII The Wanderer's Last Journey

Part. I—The Meeting of those Near and Dear.

Part II—Leaving Vaishali.

Part III-His End.

PART I : THE MEETING OF THOSE NEAR AND DEAR

1. The Centres of His Preachings.

1. 2. The Places **He** Visited.

2. 3. Last Meeting between Mother and Son and between Wife and Husband.

4.Last Meeting between Father and Son.

5.Last Meeting between the Buddha and Sariputta.

§1. *The Centres of His Preachings*

1. 1. It is not that after the appointment of the missionaries the Lord sat at one place. He too continued to be his own missionary.
2. 2. The Lord seems to have made certain places chief centres of his missionary work.
3. 3. Of such centres, the chief were Shravasti and Rajagraha.
4. 4. He visited Shravasti about 75 times and Rajagraha about 24 times.
5. 5. Certain other places were made minor centres.
6. 6. They were Kapilavastu, which he visited 6 times, Vesali which he visited 6 times, and Kamas-sadhamma, 4 times.

§ 2. *The Places He Visited*

1. 1. Besides these main and minor centres the Blessed Lord visited many other places during the course of his missionary tour.
2. 2. He visited Ukkatha, Nadika, Sal, Assapura, Ghoshitaram, Nalanda, Appana, Etuma.
3. 3. He visited Opasad, lccha-naukal, Chandal Kuppa, Kushinara.
4. 4. He visited Devadaha, Pava, Ambasanda, Setavya, Anupiya and Ugunma.
5. 5. The names of the places he visited show that he travelled over the Sakya Desa, the Kuru Desa and Anga Desa.
6. 6. Roughly speaking, he travelled over the whole of Northern India.
7. 7. These appear to be a few places. But what distance do they cover? Rajagraha from Lumbini is not less than 250 miles. This just gives an idea of distances.
8. 8. These distances the Lord walked on foot. He did not even use a bullock-cart.
9. 9. In his wanderings he had no place to stay until later on when his lay disciples built Viharas and resting places which he and his Bhikkhus used as halts on their journeys. Most often he lived under **vii** the shade of

wayside trees.
10. 10. He went from place to place, sometimes from village to village, resolving the doubts and difficulties of those who were willing to accept his message, controverting the arguments of those who were his opponents and preaching his gospel to those who like children came to him for guidance.
11. 11. The Blessed Lord knew that all those who came to listen to him were not all of them intelligent, not all of them came with an open and a free mind.
12. 12. He had even warned the brethren that there were three sorts of listeners.
13. 13. The empty-head, the fool who cannot see,— though oft and oft, unto the brethren going, he hears their talk, beginning, middle, end,—but can never grasp it. Wisdom is not his.
14. 14. Better than he the man of scattered brains, who oft and oft, unto the brethren going, hears all their talk, beginning, middle, end, and seated there can grasp the very words, yet, rising, nought retains. Blank is his mind.
15. 15. Better than these the man of wisdom wide. He, oft and oft unto the brethren going, hears all their talk, beginning, middle, end, and seated there, can grasp the very words, bears all in mind, steadfast, unwavering, skilled in the Norm and what conforms thereto.
16. 16. Notwithstanding this, the Lord was never tired of going from place to place preaching his gospel.
17. 17. As a bhikkhu the Lord never had more than three pieces of clothes. He lived on one meal a day and he begged his food from door to door every morning.
18. 18. His mission was the hardest task assigned to any human being. He discharged it so cheerfully.

§ 3. Last Meeting between Mother and Son and between Wife and Husband

1. 1. Before their death Mahaprajapati and Yesho-dhara met the Blessed Lord,
2. 2. It was probably their last meeting with him.

3. 3. Mahaprajapati went and first worshipped him.
4. 4. She thanked him for having given her the happiness of the good doctrine, for her having been spiritually born through him: for the doctrine having grown in her through him; for her having suckled him, drinking the Dhamma-milk of him; for her having plunged in and crossed over the ocean of becoming through him—what a glorious thing it has been to be known as the mother of the Buddha ! 5. And then she uttered her plea:—"I desire to die finally having put away this corpse. 0 sorrow-ender, permit me."
5. 6. Yeshodhara, addressing the Blessed Lord, said that she was in her seventy-eighth year. The Blessed Lord replied that he was in his eighties.
6. 7. She told him that she was to die that very night. Her tone was more self-reliant than that of Mahaprajapati. She did not ask his permission to die nor did she go to him to seek him as her refuge.
7. 8. On the contrary, she said to him*(me saranam atthano),"*I am my own refuge."
8. 9. She had conquered all the cankers in her life.
9. 10. She came to thank him because it was he who had shown her the way and given her the power.

§ *4. Last Meeting between Father and Son*

1. 1. Once when the Lord was staying at Raja-graha in the bamboo grove Rahula was staying at Ambalathika.
2. 2. The Blessed One arising towards eventide from his meditation went over to Rahula, who seeing the Lord some way off, set a seat for him and water to wash his feet.
3. 3. Seating himself on the seat set for him, the Lord poured water over his feet while Rahula, after salutations, took his seat to one side.
4. 4. Addressing Rahula, the Blessed Lord said"He who does not shrink from deliberate lying has not—say I—left undone any evil thing which he could. Therefore, you must school yourself never to tell a lie even in jest.
5. 5."In the same way you must reflect and again in doing every act, in speaking every word and in thinking every thought.
6. 6."When you want to do anything you must reflect whether it would conduce to your or others' harm or to both, and so is a wrong act

productive of woe and ripening into woe. If reflection tells you that this is the nature of that contemplated act, you should not do it.
7. 7.”But if reflection assures you there is no harm but good in it, then you may do it.
8. 8.”Grow in loving kindness; for as you do so malevolence will pass away.
9. 9.”Grow in compassion; for as you do so vexation will pass away.
10. 10.”Grow in gladness over others' welfare; for as you do so aversions will pass away.
11. 11.”Grow in poised equanimity; for as you do so all repugnance will pass away.
12. 12.”Grow in contemplation of the body's corruption; for as you do so passion will pass away.
13. 13.”Grow in perception of the fleeting nature of things; for as you do so the pride of self will fall away.”
14. 14. Thus spoke the Lord. Glad at heart, Rahula rejoiced in what the Lord had said.

§ 5. *Last Meeting between the Buddha and Sariputta*

1. 1. The Blessed Lord was staying in Shravasti in the Jetavana in the Gaudhakuti Vihar.
2. 2. Sariputta arrived there with a company of five hundred brethren.
3. 3. After saluting the Blessed One Sariputta told him that the last day of his life on earth had arrived. Will the Blessed Lord be pleased to permit him to give up his mortal coils?
4. 4. The Blessed Lord asked Sariputta if he had selected any place for his parinibbana.
5. 5. Sariputta told the Blessed One,”I was born in the village Nalaka in Magadha. The house in which I was born still stands. I have chosen my home for my parinibbana.”
6. 6. The Lord replied,”Dear Sariputta! Do what pleases you.”
7. 7. Sariputta fell on the feet of the Blessed Lord arid said,”I have practised the paramitas for one thousand Kalpas with only one wish, to have the honour of falling on your feet. I have achieved that end and there is no end to my happiness.”

8. 8. '"We do not believe in rebirth. Therefore this is our last meeting. Let the Lord forgive me my faults. My last day has come."
9. 9."Sariputta! There is nothing to forgive,"said the Lord.
10. 10. When Sariputta rose to go, the Lord in his honour got up and stood up on the verandah of the Gauohakuti Vihar.
11. 11. Then Sariputta said to the Blessed Lord,"I was happy when I saw you first. I am happy to see you now. I know this is the last *darshan* of you I am having. I shall not have your *darshan* again."
12. 12. Joining together the palms of his hand he walked away without showing his back to the Blessed Lord.
13. 13. Then the Blessed Lord said to the assembled brethren—"Follow your Elder Brother,"and the assembly for the first time left the Blessed Lord and went after Sariputta.
14. 14. Sariputta on reaching his village died in his home in the very room in which he was born.
15. 15. He was cremated and his ashes were taken to the Blessed Lord.
16. On receiving the ashes the Blessed Lord said to the brethren-"He was the wisest, he had no acquisitive instinct, he was energetic and industrious, he hated sin, ye brethren see

his ashes. He was as strong as the earth in his forgiveness, he never allowed anger to enter his mind, he was never controlled by any desire, he had conquered all his passions, he was full of sympathy, fellowship and love."
16. 17. About that time Mahamogallan was then living in a solitary Vihar near Rajagraha. He was murdered by some assassins employed by the enemies of the Blessed Lord.
17. 18. The sad news of his end was conveyed to the Blessed One. Sariputta and Mahamogallan were his two chief disciples. They were called Dharma-Senapati —Defenders of the Faith. The Blessed Lord depended upon them to continue the spread of his gospel.
18. 19. The Blessed Lord was deeply affected by their death in his lifetime.
19. 20. He did not like to stay in Shravasti and to relieve his mind he decided to move on.

PART II : LEAVING VAISHALI

1. 1. Farewell to Vesali.
2. 2. Halt at Pava.
3. 3. Arrival at Klishinara.

§ 1. *Farewell to Vesali*

1. 1. Before he set on his last journey the Blessed Lord was staying at Rajagraha on the Vulture's Peak.
2. 2. After staying there for some time he said:"Come Ananda, let us go to Ambalathika."
3. 3."So be it Lord !"said Ananda in assent, and the Blessed One, with a large company of the brethren, proceeded to Ambalathika.
4. 4. After staying at Ambalathika he moved on to Nalanda.
5. 5. From Nalanda he went to Pataligama, the capital of Magadha.
6. 6. From Pataligama he went to Kotigam and from Kotigam he went to Nadika.
7. 7. At each of these places he stopped for a few days and delivered a religious discourse either to the brethren or the householders.
8. 8. From Nadika he went to Vesali.
9. 9. Vesali was the birth-place of Mahavira and consequently a stronghold of his faith.
10. 10. But the Blessed Lord soon succeeded in converting the people of Vesali to his own faith.
11. 11. It is said that owing to drought, a famine ravaged the city of Vesali to such an extent that people died in large numbers.
12. 12. The people of Vesali complained of it in a general assembly convoked by them.
13. 13. The assembly after much discussion decided to invite the Blessed Lord to the city.
14. 14. A Lichchavi by name Mahali, a friend of King Bimbisara and son of the chaplain of Vesali, was sent to offer the invitation.
15. 15. The Blessed Lord accepted the invitation and started with five hundred Bhikkhus. As soon as he entered the territory of the Vajjins there was a thunderstorm, rain fell in torrents and famine disappeared.
16. 16. This is the origin of the welcome which the people of Vesali gave to the Blessed Lord.

17. 17. Having won their hearts it was natural that the people of Vesali should give him a warm response.
18. 18. Then came *vasa*. The Blessed Lord went to Beluna for his *vasa* and asked the brethren to make their *vasa* in Vesali.
19. 19. After finishing his *vasa* the Lord came to Vesali with a mind to leave Vesali and move on his journey.
20. 20. So the Blessed Lord early one morning robed himself, and taking his bowl, entered Vesali for alms; and when he had passed through Vesali and eaten his meal he gazed at Vesali with an elephant's look and addressed the venerable Ananda and said:"This will be the last time Ananda that the Tathagatha will behold Vesali."
21. 21. Thus saying he bade farewell to the people of Vesali.
22. 22. He gave to the Lichchavis, when they took leave of him at the old city on their northern frontier, his alms-bowl as a memento.
23. 23. It was his last visit to Vesali. He did not live to return to it again.

§ 2. *Halt at Pava*

1. 1. From Vesali the Blessed Lord went to Bhandagam.
2. 2. From Bhandagam he went to Hatthi-gam to Bhoga-Nagara.
3. 3. And from Bhoga-Nagara he went to Pava.
4. 4. At Pava the Blessed One stayed at the mango grove of one blacksmith by name Chunda.
5. 5. Now Chunda heard that the Blessed One had come to Pava and was staying in his mango grove.
6. 6. Chunda went to the mango grove and sat near the Blessed One, who gave him a religious discourse.
7. 7. Gladdened by it Chunda addressed the Blessed One and said:"May the Blessed One do me the honour of taking his meal together with the brethren, at my house tomorrow."
8. 8. And the Blessed One signified, by silence, his consent. Seeing that the Blessed One had consented, Chunda departed thence.
9. 9. Next day Chunda made ready in his dwelling-place sweet rice and cakes and some preparation of *Sukara-Madhava.* And he announced the hour to the Blessed One, saying:"The hour, Lord, has come, and the meal is ready."

10. 10. And the Blessed One robed himself and taking his bowl went with the brethren to the dwelling-place of Chunda and partook of the food prepared by him.
11. 11. Again after the meal the Blessed One gave a discourse on religion to Chunda, then rose from his seat and departed thence.
12. 12. The food offered by Chunda did not agree with the Blessed One. There fell upon him a dire sickness, the disease of dysentery, and sharp and shooting pain came upon him even unto death.
13. 13. But the Blessed One, mindful and self-possessed, bore it without complaint.
14. 14. Returning to the mango grove and after nature was relieved, the Blessed One told Ananda:"Come let us go to Kushinara"and the party moved from Pava.

§ 3. *Arrival at Kushinara*

1. 1. The Blessed Lord walked for part of the way. He soon felt the need for some rest.
2. 2. On the way the Blessed One went aside from the path to the foot of a certain tree and said to Ananda:"Fold, I pray you, Ananda, the robe; and spread it out for me. I am weary, Ananda, and must rest awhile!"
3. 3."Even so, Lord!"said the venerable Ananda, in assent, to the Blessed One, and spread out the robe folded fourfold.
4. 4. And the Blessed One seated himself on the seat prepared for him.
5. 5. And when he was seated, the Blessed One addressed the venerable Ananda, and said:"Fetch me. I pray you, Ananda, some water. I am thirsty, Ananda, and would drink."
6. 6. Ananda replied:"This river Kakuttha is not far off, is clear and pleasant, cool and transparent, easy to get down into and delightful. There the Blessed One may both drink the water and cool his limbs. The water of this stream is foul and turbid."
7. 7. The Blessed One was too weak to walk down to the river. He preferred to have the water of the nearby stream.
8. 8. Ananda brought the water and the Blessed One drank it.
9. 9. After resting for a while the Blessed One with the company of the brethren went on to the river Kakuttha; and when he had come there, he

went down into the water, and bathed, and drank. And coming out again on the other side he went on to the mango grove.
10. 10. And when he came there he again asked his robe to be spread out, saying:"I am weary and would lie down."The robe was accordingly spread out and the Blessed One laid himself down on it.
11. 11. After resting for a while the Blessed One got up and said to Ananda:"Let us go on to the Sala grove of the Mallas, the Upavana of Kushinara on the further side of the river Hiranyavatti."
12. 12. On reaching the place in the company of Ananda, he again asked Ananda to spread his robe between the twin Sala trees."I am weary and would lie down."
13. 13. Ananda spread the robe and the Blessed One laid himself down on it.

PART III : HIS END

1. 1. The Appointment of a Successor.
2. 2. The Last Convert.
3. 3. Last Words.
4. 4. Ananda in Grief.
5. 5. The Lament of the Mallas and the Joy of a Bhikkhu.
6. 6. The Last Rites.
7. 7. Quarrel Over Ashes.
8. 8. Loyalty to the Buddha.

§ *1. The Appointment of a Successor*

1. 1. The Exalted One was at one time sojourning among the Sakyans in the mango grove of the Sakyan family named the archers.
2. 2. Now at that time Nataputta the Nigantha had just died at Pava. And at his death the Niganthas became disunited and divided into two parties, in mutual strife and conflict, quarrelling and wounding each other with wordy weapons.
3. 3. Now Chunda, the novice, having passed the rainy season at Pava, came to see the venerable Ananda and said:"Nataputta, sir, the Nigantha had just died at Pava. And he being dead the Niganthas have become

disunited and divided and are quarrelling and wounding one another. This is because they are without a protector."

4. 4. Then said the venerable Ananda,"Friend Chunda, this is a worthy subject to bring before the Exalted One. Let us go to him, and tell him about it."

5. 5."Very good, sir,"replied Chunda.

6. 6. So the venerable Ananda and Chunda, the novice, sought out the Exalted One and saluting him, told him about the Niganthas and pleaded the necessity of appointing a successor.

7. 7. The Blessed Lord on hearing what Chunda had said, replied:"But consider Chunda, where a teacher hath arisen in the world, Arahat, supremely enlightened: where a doctrine hath been well set forth, well imparted, effectual for guidance, conducive to peace; but where his disciples have not become proficient in good Norm, nor has it been made a thing of saving grace to them, well proclaimed among men when their teacher passes away.

8. 8."Now for such a teacher to die, Chunda, is a great affliction for his disciples and a great danger to his Dhamma.

9. 9."But consider, Chunda, where a teacher has appeared in the world who is all-enlightened; where the Norm has been well set forth, well imparted, effectual for guidance, conducive to peace, and where the disciples have become proficient in the good Norm, and where the full scope of the higher life has become manifest to them when that teacher passes away.

10. 10."Now for such a teacher, Chunda, to die is not an affliction for his disciples. Why then have a successor?"

11. 11. When Ananda raised the same question on another occasion the Blessed Lord said:"What think you Ananda? Do you observe even a couple of almsmen at variance about what I have taught?"

12. 12."No. But those who are about the Lord might after his death, stir up quarrel in the confraternity respecting the regimen or of the code and such quarrels would make for general grief."

13. 13."Of little concern, Ananda, are quarrels respecting rigours of regimen or of the code ; it is possible quarrels in the confraternity about the path which really matter,"said the Blessed Lord.

14. 14."These disputes about the path cannot be settled by a dictator.

What then a successor can do unless he acts as a dictator.
15. 15.”The controversies regarding the path cannot be settled by a dictator.
16. 16.”The decision of a controversy should be reached by the fraternity. The whole conjoint body should assemble and thrash out the matter till there is agreement and then to settle it conformably with such agreement.
17. 17.”Majority agreements is the way to settle the disputes and not the appointment of a successor.”

§'2. *The Last Convert*

1. 1. Now at that time Subhadda the Wanderer was staying at Kusinara. And Subhadda the Wanderer heard the rumour,”This very day, it is said, in the last watch of the night will be the final passing away of Gotama the recluse.”Then this thought came to Subhadda the Wanderer.
2. 2. "Thus have I heard it said by other wanderers who are old and far gone in years, both teachers and disciples; ' Rarely, rarely do Tathagatas arise in the world, they, who are Arahats, fully Enlightened Ones, And here tonight, in the last watch, will be the final passing away of Gotama, the recluse. Now a doubt VII has arisen in my mind and I am assured of Gotama, the recluse. Gotama, the recluse, can show me a teaching, so that I may dispel this doubting state of mine.”
3. 3. Then Subhadda the Wanderer went towards the branch road to the Sala grove of the Mallas, where the venerable Ananda was, and coming there he told the venerable Ananda what he had thought and he exclaimed:”0 Master Ananda ! If only I could get a sight of Gotama the recluse !”
4. 4. At these words the venerable Ananda said to Subhadda the Wanderer:”Enough, friend Subhadda! Trouble not the Master! The Exalted One is wearied.”
5. 5. Then a second and yet a third time did Subhadda the Wanderer make the same request, and got the same reply.
6. 6. Now the Exalted One overheard this talk between the venerable Ananda and Subhadda the Wanderer. And He called to the venerable Ananda, saying,”Enough, Ananda! prevent not Subhadda. Let Subhadda be

permitted to see the Tathagata. Whatsoever Subhadda shall ask of me, he will ask it all from a desire to know, not from a desire to trouble me. And whatever I shall say in answer, that will be quickly understood."
7. 7. So then the venerable Ananda said to Subhadda the Wanderer,"Go you in, friend Subhadda. The Exalted One gives you leave."
8. 8. So Subhadda the Wanderer went in to the Exalted One, and coming to Him greeted Him pleasantly, and after the exchange of friendly compliments he sat down at one side. So seated, Subhadda the Wanderer thus addressed the Exalted One:
9. 9."Master Gotama, all those recluses and Brahmins who have followings and companies of listeners, who are teachers of companies, well known, renowned founders of sects, esteemed as holy men by the multitude, men like Purana Kassapa, Makkhali of the Cow-pen, Ajita of hairshirt, Kacchayana of the Pakudha tree, Sanjaya, son of Belatthi, and Nigantha of the Natha clan,—have all these, as they say, realised by their own knowledge the truth of things, or have they not one and all so realised, or have some realised and others not realised it, by their own knowledge?"
10. 10."Let be, Subhadda ! Trouble not yourself about such things, as to whether one and all or some have realised or not. I will show you the Norm, Subhadda. Do you listen carefully. Apply your mind. I will speak."
11. 11."Even so. Lord,"said Subhadda the Wanderer and gave heed to the Exalted One. Then the Exalted One said this:
12. 12."ln whatsoever Norm-discipline, Subhadda, the Ariyan Eightfold Path is not found, therein also no recluse is found. And in whatsoever Norm-discipline, Subhadda, the Ariyan Eightfold Path is found, therein also is found a recluse.
13. 13."Now in this Norm-discipline (of mine), Subhadda, the Ariyan Eightfold Path is found. Herein also is found a recluse of these four degrees. Void of recluses are the other sects of disputants. But if, Subhadda, in this one, brethren were to live the perfect life, the world would not be void of arahats.
14. 14."My age was nine and twenty years when I went forth to seek the Good.
15. 15."Now fifty years and more are gone, Subhadda, since I left the world to range the Norm of Righteousness."
16. 16. And when he had thus spoken, Subhadda the Wanderer said to

the Exalted One:"Most excellent are these words of thy mouth, most excellent.
17. 17."Just as if a man *were* to set up that which is thrown down, or were to reveal that which is hidden away, or were to point out the right road to him who has gone astray or were to bring a lamp into darkness, so that those who have eyes can see. 18."Just even so, has the truth been made known to me by the Exalted One. And I, even I betake myself to the Exalted One as my refuge, to the truth and to the Order."
18. 19."Whosoever, Subhadda, has formerly been a follower of another doctrine and thereafter wishes to VII enter the Order remains on probation for the space of four months."
19. 20."If that is the rule I too will remain on probation."
20. 21. But the Exalted One said,"I acknowledge the difference in persons."So saying he called the venerable Ananda and told Ananda,"As it is, Ananda, receive Subhadda into the Order."
21. 22."Even so. Lord!"said the venerable Ananda, in assent to the Exalted One.
22. 23. And Subhadda the Wanderer said to the venerable Ananda:"Great is your gain, friend Ananda, great is your good fortune, friend Ananda, in that you all have been sprinkled with the sprinkling of discipleship in this brotherhood at the hands of the Master himself."
23. 24."The same is true of you, Subhadda,"replied Ananda.
24. 25. So Subhadda the Wanderer was received into the Order under the orders of the Exalted One. He was the last disciple whom the Exalted One himself converted.

§ *3. Last Words*

1. 1. Then said the Exalted One to the venerable Ananda:
2. 2."It may be, Ananda, that you will say: ' Gone is the word of the Master: we have no longer any Master now!' But you must not so regard it, Ananda; for the Norm and discipline taught and enjoyed by me, they shall be your teachers when I am gone.
3. 3."Now, Ananda, whereas the brethren have the habit of calling one another ' friend,'— when I am gone this habit must not be followed. By an elder brother, Ananda, a brother who is a novice should be called by his

name or clan name or by the word ' friend ' : but by a novice, Ananda, an elder brother should be addressed as ' Lord ' or ' Your reverence.'
4. 4.”Again, Ananda, if the Order so desires, when I am gone, let it abolish the lesser and minor charges.
5. 5.”You know, Ananda, the brother Channa. How obstinate, perverse and devoid of the sense of discipline he is.
6. 6.”And to him, Ananda, let the extreme penalty be applied when I am gone.”
7. 7.”What, Lord, do you mean by ' the extreme penalty '?”
8. 8.”The brother Channa, Ananda, whatever he may say, is not to be spoken to, not to be admonished, not to be instructed by the brethren. He should be left alone. It might improve him.”
9. 9. Then the Exalted One addressed the brethren :
10. 10.”It may be, brothers, that in the mind of some one brother there is doubt or perplexity, either about the Buddha, or about the Norm, or the Order, or the Path, or the Way to the Path. If it be so, brothers, do ye ask now. Be not hereafter remorseful at the thought, ' Here was our Master face to face with us, and yet we had not the heart to question the Exalted One, though we were in His very presence.'“
11. 11. At these words the brethren were silent.
12. 12. Then a second time and yet a third time did the Exalted **One** address the brethren in the same words. And a third time the brethren were silent.
13. 13. Then said the Exalted One:”May be, brethren, it is out of respect for the Master that ye ask not. Speak to me, then, as friend to friend, brethren.”
14. 14. Whereat those brethren were silent.
15. 15. Then exclaimed the venerable Ananda to the Exalted One:”Strange it is, Lord ! A marvel it is, Lord! Thus assured am I, Lord, of this Order of Brethren. There is not any one brother that has a single doubt or perplexity as to the Buddha, the Norm, the Order, or as to the Path, or the Way to the Path.”
16. 16.”You speak out of assurance, Ananda. But in the Tathagata there is knowledge of the fact. There is not in any one brother a single doubt or perplexity as to this. Of these five hundred brethren of mine, Ananda, even he who is the most backward is a stream-winner, one who is assured from

the Downfall, assured of reaching the Supreme Wisdom."
17. 17. Then said the Exalted One to the brethren :
18. 18."Come now, brethren, I do remind ye, ' Subject to decay are all compounded things' Do ye abide in heedfulness."19. Those were the last words of the Exalted One.

§ *4, Ananda in Grief*

1. 1. As age advanced the Blessed Lord required a personal attendant to look after him.
2. 2. He first chose Nanda. After Nanda he chose Ananda who served as his personal attendant till his death.
3. 3. Ananda was his constant and dearest companion, not merely an attendant.
4. 4. When the Blessed One came to Kushinara and rested between the Sal trees, he saw that his end was coming near, and felt that it was time he took Ananda into confidence.
5. 5. So he called Ananda and said:"And now this Ananda, at the third watch of the night, in the Uppavana of Kushinara. between the twin Sal trees, the utter passing away of the Tathagata will take place."
6. 6. And when he had thus spoken the venerable Ananda addressed the Blessed One, and said:"Vouchsafe, Lord, to remain during the Kalpa, 0 Blessed One!, for the good and the happiness of the great multitudes, out of pity for the world, for the good and the gain and the weal of gods and men."
7. 7. Three times did Ananda make his plea."Enough now, Ananda, beseech not the Tathagata !"was the reply."The time for making such request is past."
8. 8."I, Ananda, am now grown old, and full of years, my journey is drawing to a close. I have reached my sum of days. I am turning eighty years of age; and just as a worn-out cart must give way some day, methinks, the same must happen to the body of the Tathagata."Hearing this, Ananda left.
9. 9. Not seeing Ananda, the Blessed One called the brethren, and said:"Where then is Ananda?""The venerable Ananda is gone and is weeping,"said the brethren.

10. 10. And the Blessed One called a certain brother and said:”Go now brother, and call Ananda in my name and say, ' Brother Ananda, the Master calls for thee '“
11. 11.”Even so, Lord!”said that brother.
12. 12. When Ananda came back he took his seat by the side of the Blessed One.
13. 13. Then the Blessed One said to Ananda:”Enough, Ananda! Do not weep! Have I not already, on former occasions, told you that it is in the very nature of things most near and dear unto us that we must divide ourselves from them, leave them, sever ourselves from them?
14. 14.”For a long time, Ananda, you have been very near to me by acts of love, kind and good, beyond all measure.
15. 15.”You have done well, Ananda! Beearnest ineffort and you too shall be free from the great evils—from sensuality, from individuality, from delusion, and from ignorance.”
16. 16. Then addressing the brethren about Ananda the Blessed One said:”He is a wise man, brethren, is Ananda.
17. 17.”He knows when it is the right time to come and visit the Tathagata, and when it is the right time for brethren and sisters of the Order, for devout men and devout women, for a king, or for a king's ministers, for other teachers and disciples, to visit the Tathagata.
18. 18.”Brethren, there are these four special things about Ananda.
19. 19.”All are happy to visit Ananda. They are filled with joy on beholding him; they are happy to hear him. They are ill at ease when Ananda is silent.”
20. 20. After this Ananda again returned to the subject of the passing away of the Tathagata. Addressing the Blessed One, he said:”Let not the Blessed One die in this wattled and daub town in the midst of the jungle. For Lord there are great cities, such as Champa, Rajagraha, Savathi, Saketa, Kosambi and Benares. Let the Blessed One die in one of them.”
21. 21.”Say not so, Ananda! Say not so, Ananda. This Kushinara, Ananda, was the capital of king Maha-Sudassana under the name of Keshavati.”
22. 22. Thereafter the Blessed One gave Ananda two errands.
23. 23. He told Ananda to see that belief does not spread that the Blessed One died as a result of the food given to Him by Chunda. He

feared that Chunda might suffer. He asked Ananda to disabuse the mind of the public on this score.
24. 24. The second thing he told Ananda was to inform the Mallas of Kushinara that the Blessed One had arrived there and would pass away in the last watch of the night.
25. 25."Give no occasion to reproach yourself. The Mallas may say : ' In our own village the death of our Tathagata took place and we did not know and had no opportunity of seeing him in his last hours.'"
26. 26. Thereafter the venerable Anurudha and the venerable Ananda spent the rest of the night in religious discourse.
27. 27. And in the third part of the night, as previously announced, the Blessed One breathed his last.
28. 28. When the Blessed One died, the brethren and Ananda stretched out their arms and wept, and some even fell headlong on the ground, rolling to and fro in anguish, saying:"Too soon has the Blessed One died! Too soon has the Happy One passed away from existence! Too soon has the Light gone out of the world !"29. It was at midnight on Vaishakha Paurnima that the Blessed Lord breathed his last. The year of his death was 483 B.C. 30. As the Pali text truly says: *Diva tapati addicco Ratin abhati candima; Sannaddho khathio tapati Jhayi tapati brahamano; Atha Sabbain ahorattain Buddho tapati tejasa.*
29. 31."The sun shines only in the day and the moon makes bright the night. The warrior shines when he is in his armour. And the Brahmin when he is meditating. But the Buddha shines over all by day as well as by night by his own glory.
30. 32."He was beyond question the light of the world."

§ 5. *The Lament of the Mallas and the Joy of a Bhikkhu*

1. 1. As desired by the Blessed One, Ananda went and informed the Mallas of the event.
2. 2. And when they heard of this the Mallas, their wives, their young men and maidens were grieved and sad and afflicted at heart.
3. 3. Some of them wept, dishevelling their hair, and stretched forth their arms and fell prostrate on the ground.
4. 4. Then the Mallas, with their young men and maidens and their

wives, went to the Sala grove in the Upavaana to have the last look of the Blessed One.
5. 5. Then the venerable Ananda thought:"lf I allow the Mallas of Kushinara one by one it will take a long time for them to pay homage to the dead body of the Blessed One."
6. 6. So he decided to arrange them in groups, family by family. Each family then bowed humbly at the feet of the Blessed One and parted.
7. 7. Now at the time the venerable Maha Kassapa was journeying along the high road from Pava to Kushinara with a great company of the brethren.
8. 8. Just at the time a certain naked ascetic was coming along the high road to Pava.
9. 9. And the venerable Maha Kassapa saw the naked ascetic coming in the distance; and when he had seen him he said to the naked ascetic:"0 friend! Surely VII thou knowest our Master?"
10. 10."Yes, friend ! I know him.""This day the Samana Gotama has been dead a week!"
11. 11. Immediately on hearing the news the brethren were overcome with grief and started weeping.
12. 12. Now at that time a brother named Sub-hadda, who had been received into the Sangh in his old age, was seated in their company.
13. 13. And this Subhadda addressed the brethren and said:"Enough brethren! Weep not, neither lament! We are well rid of the great Samana. We used to be annoyed by being told, * This beseems you, this beseems you not.' But' now we shall be able to do whatever we like: and what we do not like, that we shall not have to do ! Isn't it good he is dead? Why weep, why lament? It is a matter of joy."
14. 14. So great and harsh a disciplinarian the Blessed One was.

§ 6. *The Last Rites*

1. 1. Then the Mallas of Kushinara said to the venerable Ananda:"What should be done with the remains of the Tathagata?"
2. 2."As men treat the remains of a king of kings, so should you treat the remains of the Tathagata"replied Ananda.
3. 3."And how do they treat the remains of a king of kings?"

4. Ananda told them:"They wrap the body of a king of kings in a new cloth. When that is done they wrap it in cotton-wool. When that is done they wrap it in a new cloth and so on till they have wrapped the body in five hundred successive layers of both kinds. Then they place the body in an oil vessel of iron and cover that close up with another oil vessel of iron. They then build a funeral pile of all kinds. This is the way in which they treat the remains of a king of kings."

4. 5."So be it,"said the Mallas.

5. 6. Then the Mallas of Kushinara said :"It is VII much too late to burn the body of the Blessed One today. Let us now perform the cremation tomorrow."

6. 7. And the Mallas of Kushinara gave orders to their attendants, saying:"Make preparations for the funeral of the Tathagata and gather perfumes and garlands and the musicians of Kushinara."

7. 8. But in paying honour, reverence, respect, and homage to the remains of the Tathagata with dancing, and hymns and music and with garlands and perfumes; and in making canopies of their garments, and preparing decoration wreath to hand thereon, they passed the second day too, and then the third day, and the fourth and fifth and the sixth day also.

8. 9. Then on the seventh day the Mallas of Kushinara thought:"Let us carry the body of the Blessed One and let us perform the cremation ceremony."

9. 10. And thereupon eight chieftains among the Mallas bathed their heads, and dad themselves in new garments with the intention of acting as pall-bearers carrying the body of the Blessed One.

10. 11. They carried the dead body to the Shrine of the Mallas, called Makuta-bandhana; to the east of the city and there they laid down the body of the Blessed One and set fire to it.

11. 12. After some time the mortal remains of the Blessed One were reduced to ashes.

§ 7. *Quarrel Over Ashes*

1. 1. After the body of the Blessed One had been consumed by fire, the Mallas of Kushinara collected the ashes and the bones of the Blessed One and placed them in their Council Hall with a lattice work of spears

and with a rampart of bows; and guarded them against anybody stealing them or any part of them.
2. 2. For seven days the Mallas paid honour and reverence and respect and homage to them with dance and song and music and with garlands and perfumes.
3. 3. Now the King of Magadha, Ajatasatru, heard the news that the Blessed One had died at Kushinara.
4. 4. He, therefore, sent a messenger to the Mallas with a request for a portion of the relics of the Blessed One.
5. 5. Similarly messengers came from the Licchavis of Vaishali, from the Sakyas of Kapilavastu, from the Bulis of Attakappa, from the Koliyas of Ramagama and from the Mallas of Pava.
6. 6. Among the claimants for ashes there was also a Brahmin of Vethadipa.
7. 7. When they heard these claims, the Mallas of Kushinara said:"The Blessed One died in our village. We will not give away any part of the remains of the Blessed One. They belong to us."
8. 8. Seeing that the situation was tense a Brahmin by name Drona intervened and said:"Hear, reverend sirs, one single word from me."
9. 9. Said Drona:"Forbearance was our Buddha to teach; unseemly is it that over the division of the remains of him who was the best of beings, strife should arise, and wounds and war !
10. 10."Let us all, sirs, with one accord unite in friendly harmony to make eight portions. Widespread let stupas arise in every land that the Enlightened One from all parts be reverenced."
11. 11. The Mallas of Kushinara agreed and said:"Do thou then, 0 Brahmin, thyself, divide the remains equally into eight parts, with fair division."
12. 12."Be it so, sir!"said' Drona in assent.
13. 13. And he divided the remains of the Blessed One equally into eight parts.
14. 14. After making the division Drona said to them:"Give me, sirs, this vessel. I will set up over it a stupa."
15. 15. And they agreed to give the vessel to him.
16. 16. Thus the ashes of the Blessed One were shared and the quarrel was settled peacefully and amicably.

§8. *Loyalty to the Buddha*

1. 1. Shravasti was the occasion (of these events)....
2. 2. Now on that occasion a number of monks were VII busied with .making a robe for the Exalted One, with this idea : When the robe is finished, in three months' time, the Exalted One will go forth on his rounds:
3. 3. Now at that time Isidatta and Purana, the chamberlains, were staying at Sadhuka on some business or other. Then they heard the news:"They say that a number of monks are busied with making a robe for the Exalted One with this idea: When the robe is finished, in three months' time, the Exalted One will go forth upon his rounds."
4. 4. So Isidatta and Purana, the chamberlains, sta-tioned a man on the high-road (thus instructing him) :"Now, good fellow, as soon as you see that Exalted One, that Arahat, that perfectly Enlightened One coming along, do you come and inform us."
5. 5. So after standing there two or three days that man saw the Exalted One coming along, while yet some distance off, and he went to inform the chamberlains, Isidatta and Purana, saying:"Here comes my lord, the Exalted One, that Arahat, that perfectly Enlightened One ! Now's the time for you to do what you want!"
6. 6. So Isidatta and Purana, the chamberlains, went towards the Exalted One, and on coming to him, saluted him, and followed behind the Exalted One step for step.
7. 7. Then the Exalted One turned aside from the high road and went to the foot of a certain tree and there sat down on a seat made ready. And Isidatta and Purana, the chamberlains, saluting the Exalted One, also sat down at one side. As they thus sat, they said this to the Exalted One:
8. 8."Lord, when we heard of the Exalted One that he would go forth on his rounds among the Ko-salans, at that time we were disappointed and depressed at the thought : the Exalted One will be far from us.

9."And when. Lord, we learned that the Exalted One was starting out from Shravasti on his rounds among the Kosalans, again we were disappointed and depressed at the thought: The Exalted One will be far

from us.

1. 10."Again, lord, when we learned that the Exalted One would leave the Kosalans and go on his rounds among the Mallas . . . that he was actually doing so . . . we were disappointed and depressed.

11."On hearing that the Exalted One would leave the Mallas and go on his rounds among the Vajji . . . that he was actually doing so . . . that he would leave the Vajji for Kasi . . . that he was doing so . . . that he would leave the folk of Kasi and go on his rounds in

Magadha . . . that he was actually doing so . . . again we were disappointed and depressed . . ..

2. 12."But, Lord, when we heard that the Exalted One would leave the Magadhas for Kasi and was doing so, then we were delighted and elated at the thought: The Exalted One will be quite near us.

3. 13."And when we heard that he was actually going his rounds in Kasi among the Magadhas, we were likewise delighted and elated.

4. 14. (They continue to trace the Master's steps from Kasi to the Vajji . . . from the Vajji to the Mallas . . . from the Mallas to the Kosalans in like terms.)

5. 15."But, Lord, when we heard that the Exalted One would be going on his rounds from the Kosalans to Savatthi, we were delighted and elated at the thought: Now the Exalted One will be quite near us !

6. 16."Then, when we heard: 'The Exalted One is staying at Shravasti, at Jeta grove, in Anathapindika's . Park.' Then, Lord, boundless was our delight and boundless our elation at the thought : The Exalted One is near us !"

BOOK VIII: THE MAN WHO WAS SIDDHARTH GAUTAMA

Part I—His Personality. Part II—His Humanity. Part III—His Likes and Dislikes.

EPILOGUE

PART I : HIS PERSONALITY

1. 1. His Personal Appearance.

2. 2. The Testimony of Eye-witnesses.
3. 3. His Capacity to Lead.

1. His Personal Appearance

1. 1. From all accounts the Blessed Lord was a handsome person.
2. 2. His form was like the peak of a golden mountain. He was tall and well built; with a pleasing appearance.
3. 3. His long arms and lion gait, his bull-like eyes, and his beauty, bright like gold, his broad chest, attracted everyone to him.
4. 4. His brows, his forehead, his mouth or his eyes, his body, his hands, his feet or his gait— whatever part of him anyone beheld that at once riveted his eyes.
5. 5. Whoever saw him could not help being struck with his majesty and his strength, his splendid beauty, surpassing all other men.
6. 6. On seeing him, he who was going elsewhere stood still and whoever was standing followed him: he who was walking gently and gravely, ran quickly, and he who was sitting at once sprang up.
7. 7. Of those who met him some reverenced him with their hands, others in worship saluted him with their heads, some addressed him with affectionate words, not one went on without paying him homage.
8. 8. He was loved and respected by all.
9. 9. Men as well as women were ever ready to hear him.
10. 10. His voice was singularly sweet and deep as a drum, lovely, vibrant and eloquent. It made his speech as though it was heavenly music.
11. 11. His very tones convinced the hearer, and his looks inspired awe.
12. 12. His personality alone sufficed to make him not only a leader but a god to the hearts of his fellows.
13. 13. When he spoke he obtained hearers.
14. 14. It mattered little what he said. He influenced the emotions and bent whoever listened to his will.
15. 15. He could create in the minds of his hearers that what he taught was not only a verity, but the very hope of their salvation.
16. 16. His hearers could recognise in his words the truth that makes of slaves free men.
17. 17. When he talked with men and women his serene look inspired

them with awe and reverence and his lovely voice struck them with rapture and amazement.

18. 18. Who could have converted the robber Augulimala or the Cannibal of Atavi? Who could have reconciled King Pasenjit to his queen Mallika by a single word. To have come under his spell is to be his for ever. So charming was his personality.

§ 2. *The Testimony of Eye-witnesses*

1. 1. This traditional view is supported by the testimony of eye-witnesses who saw him and met him while he was alive.

2. 2. One such eye-witness is a Brahmin by name Sale. After seeing the Blessed One face to face he uttered the following sentiments in praise of him.

3. 3. Arrived in the Lord's presence, the Brahmin, seating himself after greetings, scanned the Lord's body for the two and thirty marks of a Superman, and in time observed them.

4. 4. Quite sure now about the presence of the two and thirty marks, Sale still did not know whether or not he had enlightenment. But he remembered hearing from old and aged Brahmins, teachers of teachers, that those who became Arahats, all enlightened, reveal themselves when their praises are sung, and so he made up his mind to extol the Lord to his face in the following lines of eulogy:

5. 5."Perfect of body, goodly, Lord, art thou, well grown, well liking, golden-hued, with teeth which gleam lustre; vigour fills the frame; the body's full perfection manifests each single sign that marks a Superman.

6. 6."Clear-eyed and handsome, tall, upright art thou, effulgent as a sun among thy train, so debonair, so golden-hued; why waste thy beauty's prime as homeless anchorite.

7. 7."As world-wide monarch thou shouldst ride in State; and indeed from sea to sea should own thy sway. Proud princes shall thy village headmen be; rule thou mankind, as sovereign, king of kings."

8. 8. Ananda describes the colour of his body as exceedingly clear and bright so much so that the pair of, cloth of gold when placed on the body of the Blessed One appears to have lost its splendour.

9. 9. No wonder he was called by his opponents a glamour boy.

§ 3. *His Capacity to Lead*

1. 1. The Sangh had no official head. The Blessed One had no authority over the Sangh. The Sangh was a self-governing body.
2. 2. What was, however, the position of the Blessed One over the Sangh and its members?
3. 3. In this we have the evidence of Sakuldai and Udai, contemporaries of the Blessed One.
4. 4. Once the Lord was staying at Rajagraha in the bamboo grove.
5. 5. One morning the Lord went into Rajagraha for alms; but, deeming the hour too early, he thought of going to Sakuldai in Wanderers' Pleasance; and thither he repaired.
6. 6. At the time, Sakuldai was sitting with a great company of Wanderers, who were making a great noise about being and not being.
7. 7. When from some way off, Sakuldai saw the Lord coming, he hushed his company by saying:"Be quiet, sirs; do not make a noise; here comes the recluse Gotama, who is a lover of silence."
8. 8. So they became silent and the Lord came up. Said Sakuldai:"I pray the Lord to join us; he is truly welcome; it is a long time since he last managed to come. Pray, be seated; here is a seat for the Lord."
9. 9. The Lord sat down accordingly, asking Sakul-dai what had been their theme and what was the discussion which had been interrupted.
10. 10."Let that pass for the moment,"answered Sakuldai;"you can easily gather that later on."
11. 11. Of late, when recluses and Brahmins of other creeds met together in the Discussion Hall, the topic was mooted, what a good thing, what a very good thing, for the Magdha people in Anga, that such recluses and Brahmins—all at the head of confraternities or followings, all well known and famous teachers, all founders of saving creeds, held in high repute by many people should have come to spend the rainy season at Rajagraha.

12. There was Purana Kassappa, Makhali Ghosala, Ajit Kesakambal, Pakudha Kacchayana, Sanjaya Belaiputta, and Nata-putta the Nigantha, all men of distinction and all of them here for the rains; and among them there is also the recluse Gotama

here, at the head of his confraternity and following, a well-known and

famous teacher, a founder of a saving creed, who is held in high repute by many.

12. 13. Now, which of these lords, which of these recluses and Brahmins of such eminence as teachers, is esteemed, respected, venerated and adored by his disciples? And on what terms of esteem and respect do they live with him?

13. 14. Said some:"Purana Kassappa gets no esteem or respect; no veneration or adoration, from his disciples; they live with him on no terms of esteem and respect."

14. 15. Time was when, as he was preaching his doctrine to some hundreds of his following, a disciple broke in with—"Don't question Purana Kassappa, who does not know about it; ask me who do; I will explain everything to your reverences."

15. 16. With arms outstretched Purana Kassappa tearfully remonstrated, saying:"Do be quiet, *sirs,* do not make a noise."

PART II : HIS HUMANITY

1. 1. His Compassion—The Maha Karunik.
2. 2. Healing of the Stricken.
3. 3. His Concern for the Sick.
4. 4. His Tolerance of the Intolerant.
5. 5. His Sense of Equality and Equal Treatment.

§ 1. *His Compassion—The Maha Karunik*

1. 1. When once the Blessed Lord was staying in Shravasti the almsmen came and informed him that they were constantly harassed by the Deva who disturbed them in their meditations.

2. 2. After hearing their stories of harassment the Blessed Lord gave them the following instructions :—

3. 3."He, who is skilled in his godness, who wishes to attain that calm state, should act thus: he should be able, upright, near perfectly upright, of noble speech, gentle and humble.

4. 4."Contented, easily supportable, with few duties, of light livelihood, controlled in senses, discreet, not impudent, not greedily attached to families.

5. 5.”He should not pursue anything trifling such that other wise men might censure him. He should wish, ' May all beings be happy and secure; may their hearts be wholesome.'
6. 6.”Whatever living beings there be—feeble or strong, tall, stout and medium, short, small or large, without exception;
7. 7.”Seen or unseen, those dwelling far or near, those who are born, or who are to be born, may all beings be happy.
8. 8.”Let none deceive another, nor despise any person whatsoever in any place, let him not”wish any harm to another, out of anger or ill-will.
9. 9.”Just as a mother would protect her only child at the risk of her own life, even so let him cultivate a boundless heart towards all beings.
10. 10.”Let his thoughts of boundless love pervade the whole world, above, below and across without any obstruction, without any enmity.
11. 11.”Whether he stands, walks, sits, lies down, as long as he is awake, he should develop this mindfulness, this they say is the noblest living here.
12. 12.”Not falling into error (self-illusion), being virtuous and endowed with insight, by discarding attachment to sense desires never does he come again for conception in a womb.”
13. 13. In short, he told them”Love your enemies."

§2. *Healing of the Stricken* A Consummate Healer of Sorrow.

(i) *Consoling Visakha*

1. 1. Visakha was an upasika. It was her routine to give alms to the bhikkhus.
2. 2. One day her grand-daughter, Suddata, who lived with her, fell ill and died.
3. 3. Visakha was unable to bear the grief.
4. 4. After cremation she went to the Buddha and sat on one side sad with tearful eyes.
5. 5.”0 Visakha,”asked the Blessed One,”wherefore dost thou sit, sad and mournful, shedding tears?”
6. 6. She told him of her grand-daughter's death, saying,”she was a dutiful girl, and I cannot find her like.”
7. 7.”How many young girls, say, are there dwelling in Shravasti, O Visakha?”

8. 8.”Lord, men say there are several kotis (several millions).”
9. 9.”If all these were like thy grand-daughter, would thou not love them?”
10. 10.”Verily, Lord,”replied Visakha.
11. 11.”And how many die daily in Shravasti?"
12. 12.”Many, Lord."
13. 13.”Then there is never a moment when thou wouldst not be grieving for someone?”
14. 14.”True, Lord."
15. 15.”Wouldst thou then spend thy life weeping day and night?”
16. 16.”**I** understand Lord ; it is well said !”
17. 17.”Grieve then, no more."

(ii) *Comforting Kisa Gotami*

17. 1. Kisa Gotami was married to the son of a merchant of Shravasti.
18. 2. Soon after marriage a son was born to her.
19. 3. Unfortunately her child died of a snake-bite before it could walk.
20. 4. She could not believe that her child was really dead as she had not seen death before.
21. 5. The little spot red from the bite of a snake, did not look as if it could be the cause of the child's death.
22. 6. She, therefore, took her dead child and wandered about from house to house, in such a wild state of mind that people believed that she had gone out of her senses.
23. 7. At last one old man advised her to go and seek out Gotama who happened at the time to be in Shravasti.
24. 8. So she came to the Blessed One and asked him for some medicine for her dead child.
25. 9. The Blessed One listened to her story and to her lamentations.
26. 10. Then the Blessed One told her,”Go enter the town, and at any house where yet there has been no death, thence bring a little mustard seed and with that I will revive your child.”
27. 11. She thought this was easy and with the dead body of her child she entered the town.
28. 12. But she soon found that she had failed as every house she visited had suffered loss in the death of some member.
29. 13. As one householder told her,”the living are few and the dead are

many."
30. 14. So she returned to the Blessed Lord disappointed and empty-handed.
31. 15. The Blessed Lord then asked her if she did not then realize that death was the common lot of all and whether she should grieve as though it was her special misfortune.
32. 16. She then went and cremated the child, saying:"All is impermanent; this is the law."

§ *3. His Concern for the Sick*

(i)

1. 1. Now at one time a certain brother was suffering from dysentery and lay where he had fallen down in his own excreta.
2. 2. And the Exalted One going on his rounds of the lodgings, with the venerable Ananda in attendance, came to the lodging of that brother.
3. 3. Now the Exalted One saw that brother lying where he had fallen in his own excreta and seeing him he went towards him, and said:"Brother, what ails you?"
4. 4."I have dysentery. Lord."
5. 5."But is there anyone taking care of you, brother?"
6. 6."No, Lord."
7. 7."Why is it, brother, that the brethren do not take care of you?"
8. 8."I am useless to the brethren. Lord, therefore the brethren do not care for me."
9. 9. Then the Exalted One said to the venerable Ananda:"Go you, Ananda, and fetch water. I will wash this brother."
10. 10."Yes, Lord,"replied the venerable Ananda to the Exalted One. When he had fetched the water, the Exalted One poured it out, while the venerable Ananda washed that brother all over. Then the Exalted One, taking him by the head and the venerable Ananda taking him by the feet, together they laid him on the bed.
11. 11. Then the Exalted One, in this connection and on this occasion, gathered the Order of Brethren together, and questioned the brethren, saying:
12. 12."Brethren, is there in such and such a lodging a brother who is

sick?"
13. 13."There is, Lord."
14. 14."And what ails that brothea?"
15. 15."Lord, that brother has dysentery."
16. 16."But, brethren, is there anyone taking care of him?"
17. 17."No, Lord."
18. 18."Why not? Why do not the brethren take care of him?"
19. 19."The brother is useless to the brethren, Lord. That is why the brethren do not take care of him."
20. 20."Brethren, ye have no mother and father to take care of you. If ye will not take care of each other, who else, I ask, will do so? Brethren, he who would wait on me, let him wait on the sick.
.21."If he have a teacher, let his teacher take care of him so long as he is alive, and wait for his recovery. If he have a tutor or a lodger, a disciple or a fellow lodger or a fellow disciple, such should take care of him and await his recovery. If no one takes care of him, it shall be reckoned an offence."
.(ii)
21. 1. Once the Exalted One was staying near Rajagraha in the great grove, at the squirrels feeding ground.
22. 2. On that occasion the venerable Vakkali was staying in the potter's shed, being sick, afflicted, stricken with a sore disease.
23. 3. Now the venerable Vakkali called to his attendants, saying:"Come hither, friends! Go ye to the Exalted One and, in my name worshipping at the feet of the Exalted One, say unto Him :"Lord, the brother Vakkali is sick, afflicted, stricken with a sore disease. He worships at the feet of the .Exalted One.' And thus do you say : ' Well, were it. Lord, if the Exalted One would visit brother Vakkali, out of compassion for him.'"
24. 4. The Exalted One consented by His silence. Thereupon the Exalted One robed himself, and, taking bowl and robe, went to visit the venerable Vakkali.
.5. Now the venerable Vakkali saw the Exalted
.One coming while he was yet far off, and on seeing him he stirred upon his bed.
25. 6. Then said the Exalted One to the venerable Vakkali:"Enough, Vakkali ! Stir not on your bed ! There are these seats made ready. I will sit there."And he sat down on a seat made ready. So the Exalted One sat

down and said to the venerable Vakkali:
26. 7.”Well, Vakkali, I hope you are bearing up. I hope you are enduring. Do your pains abate and not increase? Are there signs of their abating and not increasing?”
27. 8.”No, Lord, I am not bearing up. I am not enduring. Strong pains come upon me. They do not abate. There is no sign of their abating but of their increasing.”
28. 9.”Have you any doubt, Vakkali? Have you any remorse'."
29. 10.”Indeed, Lord, I have no doubt. I have no remorse.”
30. 11.”Have you not anything, Vakkali, wherein you reproach yourself as to morals?”
31. 12.”Nay, Lord, there is nothing wherein I reproach myself as to morals.”
32. 13.”Then, Vakkali, if that is so, you must have some worry, you must have something you regret.”
33. 14.”For a long time. Lord, I have been longing to set eyes on the Exalted One, but I had not strength enough in this body to come to see the Exalted One.”
.15.”Hush, Vakkali; what is there in seeing this vile body of mine? He who seeth the Norm, he seeth me: he who seeth, Vakkali, seeth the Norm. Verily, seeing the Norm, Vakkali, one seeth me : seeing me, one seeth the Norm.”
.(iii)
34. 1. Thus have I heard: The Exalted One was once staying among the Bhaggi, at crocodile haunt in Bhesakala grove in the deer-park. Then the housefather, Nakulapita, came to the Exalted One, saluted Him, and sat down at one side.
35. 2. As he sat there, the housefather, Nakulapita, addressed the Exalted One, saying:”Master, I am a broken-down old man, aged, far gone in years, I have reached life's end, I am sick and always ailing. Moreover, Master, I am one to whom rarely comes the sight of the Exalted One and the worshipful brethren. Let the Exalted One cheer and comfort me, so that it be a profit and a blessing unto me for many a long day.”
36. 3.”True it is, true it is, housefather, that your body is weak and cumbered! For one carrying this body about, housefather, to claim but a moment's health would be sheer foolishness. Wherefore, housefather, thus

should you train yourself: ' Though my body is sick, my mind shall not be sick.' Thus, housefather, must you train yourself."

.4. Then Nakulapita, the housefather, welcomed and gladly heard the words of the Exalted One, and rising from his seat he saluted the Exalted One by the right, and departed.

.(iv)

37. 1. Once the Exalted One was staying among the Sakyans at Kapilavastu, in the fig-tree park.

38. 2. Then on that occasion a number of brethren were busy with making robes for the Exalted One,"For,"said they,"when the three months are over, the Exalted One, his robes being complete, will go forth on his rounds."

39. 3. Now Mahanama, the Sakyan, heard it said,"A number of brethren are busy with making robes, and so forth". . . and he went to the Exalted One, saluted him, and sat down at one side. So seated, Mahanama, the Sakyan, said :

40. 4."I hear it said. Lord, that a number of the brethren are busy with making robes for the Exalted One, saying, 'when the robes are complete, at the end of the three months, the Exalted One will go forth on his rounds.' Now, Lord, we have never heard from the Exalted One's own lips how a discreet layman who is sick, in pain, grievously afflicted, should be cheered by another discreet lay-brother."

41. 5."A discreet lay-brother, Mahanama, who is sick . .. should be cheered by another discreet lay-brother with the Four Comfortable Assurances, thus: ' Take comfort, good sir, in the Norm, and in the Order of Brethren: likewise in the virtues dear to the Norm kept unbroken and unsoiled which tend to balance of mind.'

42. 6."Then, Mahanama, when a discreet lay-brother who is sick has thus been cheered with the Four Comfortable Assurances by another lay-brother, such should be the words of that other:

43. 7."Suppose the sick man should have a longing for his parents. Then if the sick man says, ' I have a longing for my parents,' the other should reply, 'My dear good man, you are subject to death. Whether you have longing for your parents or not you will die. ' Twere just as well for you to abandon all longing for your parents.'

44. 8."And suppose the sick man says, 'That longing for my parents is

now abandoned,' then the other should say, ' Yet my good sir, you still have a longing for your children. As you must die in any case, 'twere just as well for you to abandon longing for your children.'

45. 9."And so also should he speak inrespect of the five pleasures of the senses. Suppose the sick man says, ' I have a longing for the five pleasures of sense,' the other should say, ' My friend, heavenly delights are more excellent than the five pleasures of sense, and more choice. Twere well for you to remove your mind from human joys and fix it on the joys of the Four Great Deva Kings.'

46. 10."Again, if the sick man say, ' My mind is so fixed,' let the other say, ' Better to fix your mind on the Brahma world,' And then if the sick man's mind is so fixed, let the other say :

47. 11."'My good sir, even the Brahma world is impermanent, not lasting, subject to personality. Well for you, dear sir, if you raise your mind above the Brahma world and concentrate on cessation from onal.'

48. 12."And if the sick man says he has done so, then I declare Mahanama, that there is no difference between the lay-brother who can thus aver and the disciple whose mind is freed from the asavas: that is to say, so far as emancipation goes."

§ *4. His Tolerance of the Intolerant*

1. 1. Once the Blessed Lord was dwelling in the realm of the Yakkha Alavaka in the town of Alavi. Then the Yakkha Alavaka approached the Blessed Lord, and having approached him, said thus:"Get out, O Monk !"

2. 2. The Blessed Lord departed, saying:"Very well, friend."

3. 3. The Yakkha then ordered"Enter, O Monk."

4. 4. The Blessed Lord entered, saying:"Very well, friend."

5. 5. For the second time also the Yakkha Alavaka told the Blessed Lord,"Get out, O Monk!"

6. 6. The Lord departed, saying:"Very well, friend."

7. 7."Enter, O Monk!"said the Yakkha, the second time.

8. 8. The Lord entered, saying:"Very well, friend."

9. 9. For the third time also the Yakkha Alavaka told the Lord,"Get out, O Monk !"

10. 10. The Lord departed, saying:"Very well, friend."

11. 11.”Enter, **O** Monk !”said the Yakkha again.
12. 12. The' Lord entered, saying:”Very well, friend.”
13. 13. For the fourth time did the Yakkha tell the Lord,”Get out, O Monk !”
14. 14. This time the Lord replied :”I shall not get out, friend, you may do what you like.”
15. 15.”I shall put a question to you; monk; if you do not answer my question, I will drive you out of your wits or I will tear your heart, or I will take you by the feet and throw you to the other side of the river,”said the angry Yakkha,
16. 16.”I do not see, friend, anyone in the world who could drive me out of my wits or tear out my heart, or take me by the feet and throw me across the river. Still, friend, you may put any question you like.”
17. 17. Then the Yakkha Alavaka asked the Lord the following questions :
18. 18.”What is the noblest wealth for a man in this world? What pure action brings happiness? What is the sweetest of all tastes? What manner of living is said to be the noblest living?”
19. 19. The Lord replied:”Faith is the noblest wealth for a man in this world. The Dhamma well observed brings happiness. Truth is the sweetest of all tastes. The living endowed with wisdom is said to be the noblest thing.
20. 20. Yakkha Alavaka asked:”How does one cross the flood (rebirth)? How does one cross the sea (existence)? How does one overcome suffering?”
21. 21. The Lord replied:”One crosses the flood by Faith. One crosses the sea by Vigilance. One overcomes suffering by Exertion. One purifies oneself by wisdom.
22. 22. Yakkha Alavaka asked:”How does one acquire knowledge? How does one obtain wealth? How does one attain fame? How does one gain friends? Passing from this world to the other world after death, how does one not repent?”
23. 23. The Lord replied:”Having faith in Arahats and in the Dhamma for the attainment of Nibbana, and by obedience, the diligent, attentive person acquires wisdom.
24. 24.”One who does what is proper, one who is resolute, one who is

awake, he acquires wealth. One who gives acquires friends.
25. 25."The faithful householder in whom truthfulness, righteousness, patience and generosity are found, he does not repent after death.
26. 26."Come on! Also consult other numerous monks and Brahmins, whether there are any other qualities higher than truth, self-control, charity and patience."
27. 27. Yakkha Alavaka said:"Now, why should I consult various Brahmins and monks? Today I know the prosperity which belongs to my future good.
28. 28."indeed ! the Buddha came to the dwelling of Alavi for my benefit. To-day I know, to whom when given, it returns the greatest fruit.
29. 29."From today I will wander from village to village, from town to town, paying my respect to the fully Enlightened One, and his perfect Doctrine."

§'5. *His Sense of Equality and Equal Treatment*
1. 1. Whatever rules the Blessed Lord had made for the members of the Sangh were voluntarily and willingly accepted by him to be binding on him also.
2. 2. He never claimed any exemption or any special treatment on the ground that he was the acknowledged head of the fraternity and to whom any concession would have been most willingly made by the fraternity out of the boundless love and respect they bore for him.
3. 3. The rule that the members of the Sangh could take only one meal a day was accepted and followed by the Blessed Lord as much as it was by the bhikkhu.
4. 4. The rule that the members of the Sangh should have no private property was accepted and followed by the Blessed Lord as much as it was by the bhikkhu.
5. 5. The rule that no member of the Sangh should have more than three pieces of cloths was accepted and followed by the Blessed Lord as much as it was by the bhikidlu.
6. 6. Once, when the Lord was living in the Sakyan country at Kapilavastu in the banyan grove, Maha-Prajapati Gautami, the mother of the Blessed Lord, came to the Lord with two new lengths of cloth which she begged the Lord to be so good as to accept from her as it was the work

of her own hands at the loom expressly for him.
7. 7. To her the Lord made the answer,"Give it to the confraternity."
8. 8. A second and a third time did Gautami repeat her request, only to receive the same reply.
9. 9. Then Ananda intervened, saying,"Pray accept, sir, the cloth presented by Gautami. She was of great service to the Lord as nurse and foster-mother suckling her nephew when his own mother died."But the Blessed Lord insisted upon the cloth being given to the confraternity.
10. 10. Originally it was the rule of the Sangh that the robes of the members should be made of rags picked up from dung heaps. This rule was made to prevent the wealthier classes from joining the Sangh. 11. Once Jivika prevailed upon the Blessed Lord to accept a robe of newly made cloth. When the Lord accepted it, he at the same time relaxed the original rule and allowed the bhikkhu the same privilege.

PART III : HIS LIKES AND DISLIKES

1. 1. His Dislike of Poverty.
2. 2. His Dislike of the Acquisitive Instinct.
3. 3. His Joy at the Beautiful.
4. 4. His Love for the Lovely.

§ *1. His Dislike of Poverty*

1. 1. Once the Exalted One was dwelling near Shravasti in Jeta's grove, at Anathapindika's park; and there Anathapindika, the householder, came and visited him and after saluting, sat down at one side. So seated, he asked the Exalted One to explain why one should acquire riches.
2. 2."Since you ask me, I will explain.
3. 3."Take the case of Ariyan disciple with riches gotten by work and zeal, gathered by the strength of the arm, earned by the sweat of the brow; justly obtained in alawful way he makes himself happy, glad, and keeps that great happiness; he makes his parents happy, glad, and keeps them so; so likewise his wife and children, his slaves, workfolk and men. This is the first reason for getting riches.
4. 4."When riches are thus gotten, he makes his friends and companions happy, glad, and keeps them so. This is the second reason.

5. 5."Again, when riches are thus gotten, ill-luck from fire and water, rajas and robbers, enemies and heirs is warded off, and he keeps his goods in safety. This is the third reason.
6. 6."Then, when riches are thus gotten, he makes the five oblations, that is to say, oblations to kin, guests, pitaras, rajas and devas. This is the fourth reason.
7. 7."Moreover, when riches are thus gotten, the householder institutes offerings, of lofty aim, celestial ripening to happiness, leading heavenward, for all those recluses and godly men who abstain from pride and indolence, who bear all things in patience and humility, each mastering self, each calming self, each perfecting self. This is the fifth reason for getting rich."
8. 8. Anathapindika well understood that the Blessed Lord did not comfort the poor by praising their poverty nor did he sublimate poverty as a happy state for man to live in.

§ *2. His Dislike of the Acquisitive Instinct*

1. 1. The Exalted One was once staying in the town of Kammassadamma in the country of Kurus.
2. 2. The venerable Ananda came to where the Exalted One was, bowed in salutation before him and took a seat on one side.
3. 3. And so seated he said,"Marvellous is this law of causation which has been taught by the Blessed One. It is so deep. To me it seems as clear as clear can be."
4. 4."Say not so, Ananda, say not so! Deep is this doctrine of events arising from causes. It is through not understanding this doctrine, through not penetrating it, that this generation has become a tangled skein, a matted ball of thread, unable to overpass the way of woe.
5. 5."I have said that craving is the cause of grasping. Where there is no craving of any sort or kind whatever by anyone for anything, would there be any arising of grasping?"
6. 6."There would not. Lord."
7. 7."Craving gives rise to pursuit of gain.
8. 8."Pursuit of gain gives rise to desire **and** passion.
9. 9."Desire and passion give rise to tenacity.
10. 10."Tenacity gives rise to possession.

11. 11.”Possession gives rise to avarice and more possession.
12. 12.”Possessions lead to keeping watch and ward over possessions.
13. 13.”Many a bad and wicked state of things arise from keeping watch and ward over possession, such as blows and wounds, strife, quarrelling, slander and lies.
14. 14.”This is the chain of causation, Ananda. If there was no craving, would there arise pursuit of gain? If there was no pursuit of gain, would there arise passion? If there was no passion, would there arise tenacity? If there would be no tenacity, would there arise the love for private possessions? If there would be no possession, would there arise avarice for more possession?”
15. 15.”There would not, Lord."
16. 16.”If there would not be the love of private possession, would there not be peace?”
17. 17.”There would be, Lord."
18. 18.”I recognise the earth as earth. But I have no craving for it,”said the Lord.
19. 19.”Therefore it is, say I, that by extirpating all cravings, by not lusting after them, but by destroying and abandoning and renouncing them all that I acquired enlightenment.
20. 20.”Seek to be partakers, brethren, not of the world's goods but of my doctrines. For craving brings about attachment and attachment enslaves the mind.”
21. 21. In these words did the Blessed Lord explain to Ananda and the brethren the evils of the acquisitive instinct.

§ 3. *His Joy at the Beautiful*

1. 1. The Buddha was so fond of the beautiful that he might well bear an *alias* and be called Buddha, the Lover of the Beautiful.
2. 2. So he preached to his followers:”Be in the company of the lovely.”
3. 3. Addressing the bhikkhus, he said:
4. 4.”Monks, I know not of any other single thing of such power to cause the arising of good states if not yet arisen, or the waning of evil states already arisen, as friendship with the lovely.
5. 5.”In one who is a friend of what is lovely, good states not arisen do

arise and evil states already arisen wane. Evil states and devotion to evil states wanes, lack of devotion to good states disappears, good states and devotion thereto arise; lack of devotion to evil states increases.

6. 6."Monks, I know not of any other single thing of such power to prevent the arising of the limbs of wisdom, if not yet arisen, or, if they have already arisen, to prevent their reaching fulfilment by cultivation thereof, as unsystematic attention.

7. 7."In him who practices unsystematic attention, monks, the limbs of wisdom if not yet arisen, arise not and if arisen they reach not fulfilment by cultivation thereof.

8. 8."Of slight account, monks, is the loss of such things as relatives. Miserable indeed among losses is the loss of wisdom.

9. 9."Of slight account, monks, is the increase of such things as relatives. Chief of all the increases is that of wisdom.

10. 10."Wherefore I say, monks, ye should train yourselves thus: ' We will increase in wisdom.' You must train yourselves to win that.

II."Of slight account, monks, is the increase of such things as wealth. Chief of all the increases is that of wisdom. Wherefore I say, monks, thus, must ye train yourselves. ' We will increase in wisdom."You must train yourselves to win that.

12."Of slight account, monks, is the loss of such things as reputation. Miserable indeed is the loss of wisdom."

§ *4. His Love for the Lovely*

1. 1. Once the Exalted One was staying among the Sakyans at Sakkara, a Sakyan township.

2. 2. Then the venerable Ananda came to the Exalted One, saluted him and sat down at one side. So seated, the venerable Ananda said this:

3. 3."The half of the holy life, Lord, is friendship with what is lovely, association with what is lovely, intimacy with what is lovely !"

4. 4."Say not so, Ananda! Say not so, Ananda! It is the whole, not the half, of the holy life,—this friendship, this association, this intimacy with what is lovely.

5. 5."Of a monk who is a friend, an associate, an intimate of what is lovely we may expect this,—that he will develop the Ariyan eightfold way,

that he will make much of the Ariyan eightfold way.
6. 6."And how, Ananda, does such a monk develop and make much of the Ariyan eightfold way?
7. 7."Herein, Ananda, he cultivates the right view, which is based on detachment, on dispassion, on cessation, which ends in self-surrender. He cultivates the right aim, which is so based and concerned: likewise right speech, right action, right living, right effort, right mindfulness and right concentration, which ends in self-surrender.
8. 8."That, Ananda, is how a monk who is a friend, an associate, anintimate of what is lovely, cultivates and makes much of the Ariyan eightfold way.
9. 9."This is the method, Ananda, by which you are to understand how the whole of this holy life consists in friendship, in association, in intimacy with what is lovely.
10. 10."Indeed, Ananda, beings liable to decay, liable to death, liable to grief, woe, lamentation and despair, are liberated therefrom because of their friendship with what is lovely.
11. 11."It is by this method, Ananda, that you are to understand how the whole of this holy life consists in friendship, in association, in intimacy with what is lovely."

EPILOGUE

1. 1. Tributes to the Buddha's Greatness.
2. 2. A Vow to Spread His Dhamma.
3. 3. A Prayer for His Return to His Native Land.

§ 1 *Tributes to the Buddha's Greatness*

1. 1. The Buddha was born 2500 years ago.
2. 2. What do modern thinkers and scientists say of him and his Dhamma? An anthology of their thoughts on the subject will be useful.
3. 3. Prof. S. S. Raghavachar says:
4. 4."The period immediately antecedent to the life of the Buddha was one of the darkest ages in the history of India.

5. 5.”It was intellectually a backward age. The thought of the time was characterised by an implicit veneration for the authority of the scriptures.
6. 6.”Morally it was a dark age.
7. 7.”Morality meant for the believing Hindus the correct performance of rites and ceremonies enjoined in the holy texts.
8. 8.”The really ethical ideas like self-sacrifice or purity will did not find appropriate positions in the moral consciousness of the time.”
9. 9. Mr. R. J. Jackson says:
10. 10.”The unique character of the Buddha's teaching is shown forth in the study of Indian Religious thought.
11. 11.”In the hymns of the Rig-Veda we see man's thoughts turned outwards, away from

himself, to the world of the gods. 12”Buddhism directed man's search inwards to the potentiality hidden within himself.
1. 13.”In the Vedas we find prayer, praise and worship.
2. 14.”In Buddhism for the first time we find training of the mind to make it act righteously.”
3. 15. Winwood Reade says:
4. 16.”It is when we open the book of nature, it is when we read the story of evolution through millions of years, written in blood and tears, it is when we study the laws regulating life, the laws productive of development, that we see plainly how illusive is the theory that God is love.
5. 17.”In everything there is wicked profligate and abandoned waste. Of all animals that are born only a very small percentage survives.
6. 18.”Eat and be eaten is the rule in the ocean, the air, the forest. Murder is the law of growth.”
7. 19. This is what Reade says in his”Martyrdom of Man.”How different is the Dhamma of the Buddha.
8. 20. This is what Dr. Ranjan Roy says:
9. 21.”Throughout the second half of the nineteenth century the three laws of conservation held sway. Nobody challenged them.
10. 22.”They were the laws of matter, mass and energy.
11. 23.”They were the trump cards of those idealists who cherished the thought of their being indestructible.
12. 24.”Nineteenth century scientists professed them as the governing

factors of creation.
13. 25.”Nineteenth century scientists professed them as constituting the fundamental nature of the Universe.
14. 26.”They conceived that the Universe was filled with indestructible atoms.
15. 27.”Just as the nineteenth century was drawing to a close. Sir J. J. Thompson and his followers began to hammer the atoms.
16. 28.”Surprisingly enough the atoms began to break up into fragments.
17. 29.”These fragments came to be called electrons, all similar and charged with negative electricity.
18. 30.”Atoms hailed by Maxwell as imperishable foundation-stones of the Universe or Reality broke down.
19. 31.”They got broken into tiny particles, protons and electrons charged with positive and negative electricity respectively.
20. 32.”The concept of a fixed unalterable mass abandoned Science for good. In this century the Universal belief is that matter is being annihilated at every instant.
21. 33.”The Buddha's doctrine of Anicca (transi-toriness) is confirmed.
22. 34.”Science has proved that the course of the Universe is a grouping and dissolution and regrouping.
23. 35.”The trend of Modern Science is the trend of an ultimate reality, unity and diversity of ego.
24. 36.”Modern Science is the echoing of the Buddhists doctrines of transitoriness (annica) and of egolessness (anatta).”
25. 37. Mr. E. G. Taylor, in his”Buddhism and Modern Thought,”says:
26. 38.”Man has been ruled byexternal authority long enough. If he is to be truly civilised, he must learn to be ruled' by his own principles. Buddhism is the earliest ethical system where man is called upon to have himself governed by himself.
27. 39.”Therefore a progressive world needs Buddhism to teach it this supreme lesson.”
28. 40. The Reverend Leslie Bolton, unitarian minister, says:
29. 41.”I see in the spiritual psychology of Buddhism its most powerful contribution.
30. 42.”Unitarian Christians like Buddhists reject the external authority of church books or creeds and find in man himself the guiding lamp.

31. 43.”Unitarians see in Jesus and Gautama noble exponents of the way of life.”
32. 44. Prof. Dwight Goddard says:
33. 45.”Among the world's religious teachers, Buddha alone has the glory of having rightly judged the intrinsic greatness of man's capacity to work out his salvation without extraneous aid.”
34. 46.”If the worth of a truly great man consists in his raising the worth of all mankind, who is better entitled to be called truly great than the Blessed One.
35. 47.”Who instead of degrading him by placing another being over him, has exalted him to the highest pinnacle of wisdom and love.”
36. 48. Mr. E. J. Mills, author of”Buddhism,”says: 49.”In no other religion are the values of knowledge and evil of ignorance so much insisted upon as they are in Buddhism.”
37. 50.”No other religion lays so much stress upon keeping one's eyes open.
38. 51.”No other religion has formulated such deep laid plans for mental culture.”
39. 52. Prof. W. T. Stace says in his Buddhist ethics :
40. 53.”The Buddhist moral ideal, the Arhat, had to be both morally and intellectually great.
41. 54.”He had to be a philosopher, as well as a man of good conduct.
42. 55.”Knowledge was always stressed by Buddhism as essential to Salvation, and ignorance as one of the two main causes of failure, to attain it (craving or attachment being the other).
43. 56.”On the contrary, knowledge has never been any part of the Christian ideal man.”
44. 57.”Owing to the unphilosophical character of its founder in the Christian Scheme of thought the moral side of man has been divorced from the intellectual side. 58.”Far more of the world's misery is caused by stupidity and blind faith than by wickedness.
45. 59.”The Buddha did not allow this."
46. 60. Enough unto this to show how great and how unique is the Buddha and his Dhamma.
47. 61. Who would not say let such a one be our Master?

§ 2. *A Vow to Spread His Dhamma*

1."There are beings without limit, Let us take the vow to convey them all across.

1. 2. There are depravities in us without number, Let us take the vow to extinguish them all.

2. 3. There are truths without end, Let us take the vow to comprehend them all.

3. 4. There is the Way of Buddha without comparison, Let us take the vow to accomplish it perfectly."

Encyclopadia of Religion & Ethics, Vol. X, p. **168.** *§ 3. A Prayer for His Return to His Native Land*

1. "0 Exalted One! I trust myself whole-heartedly To the Tathagata whose light pervades, Without any impediment, the regions in the ten quarters,

And express my earnest desire to be born in Thy Land.

2. 2. In realising in vision the appearance of Thy Land, I know that it surpasses all realms in the threefold existence.

3. 3. That it is like sky, embracing all, Vast and spacious without boundaries.

4. 4. Thy mercy and compassion in accordance with the righteous way, Is an outgrowth of the stock of merits (accumulated by Thee), which are beyond all worldly good;

5. 5. And Thy light permeates everywhere, Like the mirrors of the Sun and the Moon.

6. 6. Let me pray that all beings, having been born there, Shall proclaim the Truth, like Buddha Thysfelf.

7. 7. Herewith I write down this essay and utter these verses, And pray that I could see Thee, 0 Buddha, face to face,

8. 8. And that I could, together with all my fellow-beings, Attain the birth in the Land of Bliss."

Encyclopadia of Religion & Ethics, Vol. X, p. **169.**

THE END

BUDDHA OR KARL MARX

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Editorial Note in the source publication: Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 3:

The Committee found three different typed copies of an essay on Buddha and Karl Marx in loose sheets, two of which have corrections in the author's own handwriting. *After scrutinising these, this essay is compiled incorporating the corrections. The essay is divided into sub-topics as shown below: Introduction*

1. *The Creed of the Buddha*
2. *The Original Creed of Karl Marx*
3. *What survives of the Marxian Creed?*
4. *Comparison between Buddha and Karl Marx*
5. *Means*
6. *Evaluation of Means*
7. *Whose Means are More Efficacious?*
8. *Withering away of the State*

— Editors.

A comparison between Karl Marx and Buddha may be regarded as a joke. There need be no surprise in this. Marx and Buddha are divided by 2381 years. Buddha was born in 563 BC and Karl Marx in 1818 AD Karl Marx is supposed to be the architect of a new ideology-polity a new Economic system. The Buddha on the other hand is believed to be no more than the

founder of a religion, which has no relation to politics or economics. The heading of this essay"Buddha or Karl Marx"which suggests either a comparison or a contrast between two such personalities divided by such a lengthy span of time and occupied with different fields of thought is sure to sound odd. The Marxists may easily laugh at it and may ridicule the very idea of treating Marx and Buddha on the same level. Marx so modern and Buddha so ancient! The Marxists may say that the Buddha as compared to their master must be just primitive. What comparison can there be between two such persons? What could a Marxist learn from the Buddha? What can Buddha teach a Marxist? None-the-less a comparison between the two is a attractive and instructive Having read both and being interested in the ideology of both a comparison between them just forces itself on me. If the Marxists keep back their prejudices and study the Buddha and understand what he stood for I feel sure that they will change their attitude. It is of course too much to expect that having been determined to scoff at the Buddha they will remain to pray. But this much can he said that they will realise that there is something in the Buddha's teachings which is worth their while to take note of.

I THE CREED OF THE BUDDHA

The Buddha is generally associated with the doctrine of Ahimsa. That is taken to be the be-all and end-all of his teachings. Hardly any one knows that what the Buddha taught is something very vast: far beyond Ahimsa. It is therefore necessary to set out in detail his tenets. I enumerate them below as I have understood them from my reading of the Tripitaka :

1. Religion is necessary for a free Society.
2. Not every Religion is worth having. 3. Religion must relate to facts of life and not to theories and speculations about God, or Soul or Heaven *or* Earth.
4. It is wrong to make God the centre of Religion.
5. It is wrong to make salvation of the soul as the centre of Religion.
6. It is wrong to make animal sacrifices to be the centre of religion.
7. Real Religion lives in the heart of man and not in the Shastras.
8. Man and morality must be the centre of religion. If not, Religion is a cruel superstition.
9. It is not enough for Morality to be the ideal of life. Since there is no God it must become the Jaw of life. 10. The function of Religion is to reconstruct the world and to make it happy and not to explain its origin or its end.

11. That the unhappiness in the world is due to conflict of interest and the only way to solve it is to follow the Ashtanga Marga.
12. That private ownership of property brings power to one class and sorrow to another.
13. That it is necessary for the good of Society that this sorrow be removed by removing its cause.
14. All human beings are equal.
15. Worth and not birth is the measure of man.
16. What is important is high ideals and not noble birth.
17. Maitri or fellowship towards all must never be abandoned. One owes it even to one's enemy.
18. Every one has a right to learn. Learning is as necessary for man to live as food is.
19. Learning without character is dangerous.
20. Nothing is infallible. Nothing is binding forever. Every thing is subject to inquiry and examination. 21. Nothing is final.
22. Every thing is subject to the law of causation.
23. Nothing is permanent or sanatan. Every thing is subject to change. Being is always becoming.
24. War is wrong unless it is for truth and justice.
25. The victor has duties towards the vanquished. This is the creed of the Buddha in a summary form. How ancient hut how fresh! How wide and how deep are his teachings!

II THE ORIGINAL CREED OF KARL MARX

Let us now turn to the creed of Karl Marx as originally propounded by him. Karl Marx is no doubt the father of modern socialism or Communism but he was not interested merely in propounding the theory of Socialism. That had been done long before him by others. Marx was more interested in proving that his Socialism was scientific. His crusade was as much against the capitalists as it was against those whom he called the Utopian Socialists. He disliked them both. It is necessary to note this point because Marx attached the greatest importance to the scientific character of his Socialism. All the doctrines which Marx propounded had no other purpose than to establish his contention that his brand of Socialism was scientific and not Utopian.

By scientific socialism what Karl Marx meant was that his brand of socialism was *inevitable* and *inescapable* and that society was moving towards it and that nothing could prevent its march. It is to prove this contention

of his that Marx principally laboured. Marx's contention rested on the following theses. They were:—

(i) That the purpose of philosophy is to reconstruct the world and not to explain the origin of the universe.

(ii) That the force which shapes the course of history are primarily economic.

(iii) That society is divided into two classes, owners and workers. (iv) That there is always a class conflict going on between the two classes.

(v) That the workers are exploited by the owners who misappropriate the surplus value, which is the result of the workers' labour.

(vi) That this exploitation can be put an end to by nationalisation of the instruments of production i.e. abolition of private property.

(vii) That this exploitation is leading to greater and greater impoverishment of the workers.

(viii) That this growing impoverishment of the workers is resulting in a revolutionary spirit among the workers *and* the conversion of the class conflict into a class struggle.

(ix) That as the workers outnumber the owners, the workers are bound to capture the State and establish their rule, which he called the dictatorship of the proletariat.

(x) These factors are irresistible and therefore socialism is inevitable.

I hope I have reported correctly the propositions, which formed the original basis of Marxian Socialism.

III WHAT SURVIVES OF THE MARXIAN CREED

Before making a comparison between the ideologies of the Buddha and Karl Marx it is necessary to note how much of this original corpus of the Marxian creed has survived; how much has been disproved by history and how much has been demolished by his opponents.

The Marxian Creed was propounded sometime in the middle of the nineteenth century. Since then it has been subjected to much criticism. As a result of this criticism much of the ideological structure raised by Karl Marx has broken to pieces. There is hardly any doubt that Marxist claim that his socialism was inevitable has been completely disproved. The dictatorship of the Proletariat was first established in 1917 in one country after a period of something like seventy years after the publication of his *Das Capital* the gospel of socialism. Even when the Communism—which is another name for the dictatorship of the Proletariat—came to Russia, it did not come as something inevitable without any kind of human effort. There

was a revolution and much deliberate planning had to be done with a lot of violence and blood shed, before it could step into Russia. The rest of the world is still waiting for coming of the Proletarian Dictatorship. Apart from this general falsification of the Marxian thesis that Socialism is inevitable, many of the other propositions stated in the lists have also been demolished both by logic as well as by experience. Nobody now I accepts the economic interpretation of history as the only explanation of history. Nobody accepts that the proletariat has been progressively pauperised. And the same is true about his other premises.

What remains of the Karl Marx is a residue of fire, small but still very important. The residue in my view consists of four items:

(i) The function of philosophy is to reconstruct the world and not to waste its time in explaining the origin of the world. (ii) That there is a conflict of interest between class and class. (iii) That private ownership of property brings power to one class and sorrow to another through exploitation.

(iv) That it is necessary for the good of society that the sorrow be removed by the abolition of private property.

IV COMPARISON BETWEEN BUDDHA AND KARL MARX

Taking the points from the Marxian Creed which have survived one may now enter upon a comparison between the Buddha and Karl Marx.

On the first point there is complete agreement between the Buddha and Karl Marx. To show how close is the agreement I quote below a part of the dialogue between Buddha and the Brahmin Potthapada.

"Then, in the same terms, Potthapada asked (the Buddha) each of the following questions:

1. Is the world not eternal?
2. Is the world finite?
3. Is the world infinite?
4. Is the soul the same as the body?
5. Is the soul one thing, and the body another?
6. Does one who has gained the truth live again after death?
7. Does he neither live again, nor not live again, after death? And to each question the exalted one made the same reply: It was this.

"That too, Potthapada, is a matter on which I have expressed no opinion".

28."But why has the Exalted One expressed no opinion on that?"(Because) 'This question is not calculated to profit, it is not

concerned with (the Dhamma) it does not redound even to the elements of right conduct, nor to detachment nor to purification from lust, nor to quietude, nor to tranquillisation of heart, nor to real knowledge, nor to the insight (of the higher stages of the Path), nor to Nirvana. Therefore it is that I express no opinion upon it."On the second point I give below a quotation from a dialogue between Buddha and Pasenadi King of Kosala:

"Moreover, there is always strife going on between kings, between ' nobles, between Brahmins, between house holders, between mother *and* son, between son and father, between brother and sister, , between sister and brother, between companion and companion. . ." Although these are the words of Pasenadi, the Buddha did not deny that they formed a true picture of society.

As to the Buddha's own attitude towards class conflict his doctrine ". of Ashtanga Marga recognises that class conflict exists and that it is ; the class conflict which is the cause of misery.

On the third question I quote from the same dialogue of Buddha with Potthapada;

"Then what is it that the Exalted One has determined?""I have expounded, Potthapada, that sorrow and misery exist!"I have expounded, what is the origin of misery. I have expounded what is the cessation of misery: I have expounded what is method by which one may reach the cessation of misery.

30. 'And why has the Exalted One put forth a statement as to that?'

' Because that questions Potthapada, is calculated to profit, is concerned with the Dhamma redounds to the beginnings of right conduct, to detachment, to purification from lusts, to quietude, to tranquillisation of heart, to real knowledge, to the insight of the higher stages of the Path and to Nirvana. Therefore is it, Potthapada that I have put forward a statement as to that. '

That language is different but the meaning is the same. If for misery one reads exploitation Buddha is not away from Marx.

On the question of private property the following extract from a dialogue between Buddha and Ananda is very illuminating. In reply to a question by Ananda the Buddha said:

"I have said that avarice is because of possession. Now in what way that is so, Ananda, is to be understood after this manner. Where there is no possession of any sort or kind whatever by any one or anything, then there being no possession whatever, would there, owing to this cessation of possession, be any appearance of avarice?""There would not. Lord".

'Wherefore, Ananda, just that is the ground, the basis, the genesis, the cause of avarice, to wit, possession.

31. 'I have said that tenacity is the cause possession. Now in what way that is so, Ananda, is to be understood after this manner. Were there no tenacity of any sort or kind whatever shown by any one with respect to any thing, then there being whatever, would there owing to this cessation of tenacity, be any appearance of possession? ' 'There would not. Lord.'

'Wherefore, Ananda, just that is the ground, the basis, the genesis, the cause of possession, to wit tenacity. ' On the fourth point no evidence is necessary. The rules of the Bhikshu Sangh will serve as the best testimony on the subject.

According to the rules a Bhikku can have private property only in the following eight articles and no more. These eight articles are: —

1 I
2. } Three robes or pieces of cloth for daily wear.
3. I
4. A girdle for the loins.
5. An alms-bowl.
6. A razor.
7. A needle.
8. A water strainer.

Further a Bhikku was completely forbidden to receive gold or silver for fear that with gold or silver he might buy some thing beside the eight things he is permitted to have.

These rules are far more rigorous than are to be found in communism in Russia.

V THE MEANS

We must now come to the means. The means of bringing about Communism, which the Buddha propounded, were quite definite. The means can he decided into three parts. Part I consisted in observing the Pancha Silas. The Enlightenment gave birth to a new gospel, which contains the key to the solution *of* the problem, which was haunting him.

The foundation of the New Gospel is the fact that the world was full of misery and unhappiness. It was fact not merely to be noted but to be regarded as being the first and foremost in any scheme of salvation. The recognition of this fact the Buddha made the starting point of his gospel.

To remove this misery and unhappiness was to him the aim and object of the gospel if it is to serve any useful purpose.

Asking what could be the causes of this misery the Buddha found that there could be only two.

A part of the misery and unhappiness of man was the result of his own misconduct. To remove this cause of misery he preached the practice of Panch Sila.

The Panch Sila comprised the following observations: (1) To abstain from destroying or causing destruction of any living things (2) To abstain from stealing i.e. acquiring or keeping by fraud or violence, the property of another: (3) To Abstain from telling untruth: (4) To abstain from lust: (5) To abstain from intoxicating drinks.

A part of the misery and unhappiness in the world was according to the Buddha the result of man's inequity towards man. How was this inequity to be removed? For the removal of man's inequity towards man the Buddha prescribed the Noble Eight-Fold Path. The elements of the Noble Fight-Fold Path are:

(1) Right views i.e. freedom from superstition: (2) Right aims, high and worthy of the intelligent and earnest men; (3) Right speech i.e. kindly, open, truthful: (4) Right Conduct i.e. peaceful, honest and pure; (5) Right livelihood i.e. causing hurt or injury to no living being; (6) Right perseverance in all the other seven; (7) Right mindfulness i.e. with a watchful and active mind; and (8) Right contemplation i.e. earnest thought on the deep mysteries of life.

The aim of the Noble Eight-Fold Path is to establish on earth the kingdom of righteousness, and thereby to banish sorrow and unhappiness from the face of the world.

The third part of the Gospel is the doctrine of Nibbana. The doctrine of Nibbana is an integral part of the doctrine of the Noble Eight-Fold Path. Without Nibbana the realisation of the Eight-Fold Path cannot be accomplished.

The doctrine of Nibbana tells what are the difficulties in the way of the realisation of the Eight-Fold Path.

The chiefs of these difficulties are ten in number. The Buddha called them the Ten Asavas, Fetters or Hindrances.

The first hindrance is the delusion of self. So long as a man is wholly occupied with himself, chasing after every bauble that he vainly thinks will satisfy the cravings of his heart, there is no noble path for him. Only when his eyes have been opened to the fact that he is but a tiny part of a measureless, whole, only when he begins to realise how impermanent a

thing is his temporary individuality can he even enter upon this narrow path.

The second is Doubt and Indecision. When a man's eyes are opened to the great mystery of existence, the impermanence of every individuality, he is likely to be assailed by doubt and indecision as to his action. To do or not to do, after all my individuality is impermanent, why do anything are questions, which make him indecisive or inactive. But that will not do in life. He must make up his mind to follow the teacher, to accept the truth and to enter on the struggle or he will get no further.

The third is dependence on the efficacy of Rites and Ceremonies. No good resolutions, however firm will lead *to* anything unless a man gets rid of ritualism: of the belief that any outward acts. any priestly powers, and holy ceremonies, can afford him an assistance of any kind. It is only when he has overcome this hindrance, that men can be said to have fairly entered upon the stream and has a chance sooner or later to win a victory.

" The fourth consists of the bodily passions... The fifth is ill will towards other individuals. The sixth is the suppression of the desire for a future life with a material body and the seventh is the desire for a future life in an immaterial world.

The eighth hindrance is Pride and nineth is self-righteousness. These are failings which it is most difficult for men to overcome, and to which superior minds are peculiarly liable a Praisaical contempt for those who are less able and less holy than themselves.

The tenth hindrance is ignorance. When all other difficulties are conquered this will even remain, the thorn in the flesh of the wise a.nd good, the last enemy and the bitterest foe of man.

Nibbana consists in overcoming these hindrances to the pursuit of the Noble Eight-Fold Path.

The doctrine of the Noble Eight-Fold Path tells what disposition of the mind which a person should sedulously cultivate. The doctrine of Nibbana tells of the temptation or hindrance which a person should earnestly overcome if he wishes to trade along with the Noble Eight-Fold Path

The Fourth Part of the new Gospel is the doctrine of Paramitas. The doctrine of Paraimitas inculcates the practice of ten virtues in one's daily life.

These are those ten virtues—d) Panna (2) Sila (3) Nekkhama (4) Dana(5) Virya(6) Khanti(7) Succa(8) Aditthana(9) Mettaa-nd (10) Upekkha.

Panna or wisdom is the light that removes the darkenss of Avijja, Moha or Nescience. The Panna requires that one must get all his doubts removed

by questioning those wiser than him self, associate with the wise and cultivate the different arts and sciences which help to develop the mind.

Sila is moral temperament, the disposition not to do evil and the disposition to do good; to be ashamed of doing wrong. To avoid doing evil for fear of punishment is Sila. Sila means fear of doing wrong. Nekkhama is renunciation of the pleasures of the world. Dana means the giving of one's possessions, blood and limbs and even one's life for the good of the others without expecting anything in return.

Virya is right endeavour. It is doing with all your might with thought never turning back, whatever you have undertaken to do.

Khanti is forbearance. Not to meet hatred by harted is the essence of it. For hatred is not appeased by hatred. It is appeased only by forbearance.

Succa is truth. An aspirant for Buddha never speaks a lie. His speech is truth and nothing but truth.

Aditthana is resolute determination to reach the goal. Metta is fellow feeling extending to all beings, foe and friend, beast and man.

Upekka is detachment as distinguished from indifference. It is a state of mind where there is neither like nor dislike. Remaining unmoved by the result and yet engaged in the pursuit of it.

These virtues one must practice to his utmost capacity. That is why they are called Paramitas (States of Perfection).

Such is the gospel the Buddha enunciated as a result of his enlightenment to end the sorrow and misery in the world.

It is clear that the means adopted by the Buddha were to convert a man by changing his moral disposition to follow the path voluntarily.

The means adopted by the Communists are equally clear, short and swift. They are (1) Violence and (2) Dictatorship *of* the Proletariat.

The Communists say that there are the only two means of establishing communism. The first is violence. Nothing short of it will suffice to break up the existing system. The other is dictatorship of the proletariat. Nothing short of it will suffice to continue the new system.

It is now clear what are the similarities and differences between Buddha and Karl Marx. The differences are about the means. The end is common to both.

VI EVALUATION OF MEANS

We must now turn to the evaluation of means. We must ask whose means are superior and lasting in the long run. There are, however some misunderstandings on both sides. It is necessary to clear them up. Take

violence. As to violence there are many people who seem to shiver at the very thought of it. But this is only a sentiment. Violence cannot be altogether dispensed with. Even in non-communist countries a murderer is hanged. Does not hanging amount to violence? Non-communist countries go to war with non-communist countries. Millions of people are killed. Is this no violence? If a murderer can be killed, because he has killed a citizen, if a soldier can be killed in war because he belongs to a hostile nation why cannot a property owner be killed if his ownership leads to misery for the rest of humanity? There is no reason to make an exception in favour of the property owner, why one should regard private property as sacrosanct.

The Buddha was against violence. But he was also in favour of justice and where justice required he permitted the use of force. This is well illustrated in his dialogue with Sinha Senapati the Commander-in-Chief of Vaishali. Sinha having come to know that the Buddha preached Ahimsa went to him and asked:

"The Bhagvan preaches Ahimsa. Does the Bhagvan preach an offender to be given freedom from punishment? Does the Bhagvan preach that we should not go to war to save our wives, our children and our wealth? Should we suffer at the hands of criminals in the name of Ahimsa.?"

"Does the Tathagata prohibit all war even when it is in the interest of Truth and Justice?"

Buddha replied. You have wrongly understood what I have been preaching. An offender must be punished and an innocent man must be freed. It is not a fault of the Magistrate if he punishes an offender. The cause of punishment is the fault of the offender. The Magistrate who inflicts the punishment is only carrying out the law. He does not become stained with Ahimsa. A man who fights for justice and safety cannot be accused of Ahimsa. If all the means of maintaining peace have failed then the responsibility for Himsa falls on him who starts war. One must never surrender to evil powers. War there may be. But it must not be for selfish ends...."

There are of course other grounds against violence such as those urged by Prof. John Dewey. In dealing with those who contend that the end justifies the means is morally perverted doctrine, Dewey has rightly asked what can justify the means if not the end? It is only the end that can justify the means.

Buddha would have probably admitted that it is only the end which would justify the means. What else could? And he would have said that if the end justified violence, violence was a legitimate means for the end in view. He certainly would not have exempted property owners from force if

force were the only means for that end. As we shall see his means for the end were different. As Prof. Dewey has pointed out that violence is only another name for the use of force and although force must be used for creative purposes a distinction between use of force as energy and use of force as violence needs to be made. The achievement of an end involves the destruction of many other ends, which are integral with the one that is sought to be destroyed. Use of force must be so regulated that it should save as many ends as possible in destroying the evil one. Buddha's Ahimsa was not as absolute as the Ahimsa preached by Mahavira the founder of Jainism. He would have allowed force only as energy. The communists preach Ahimsa as an absolute principle. To this the Buddha was deadly opposed.

As to Dictatorship the Buddha would have none of it. He was born a democrat and he died a democrat. At the time he lived there were 14 monarchical states and 4 republics. He belonged to the Sakyas and the Sakya's kingdom was a republic. He was extremely in love with Vaishali which was his second home because it was a republic. Before his Mahaparinirbban he spent his Varshavasa in Vaishali. After the completion of his Varshavasa he decided to leave Vaishali and go elsewhere as was his wont. After going some distance he looked back on Vaishali and said to Ananda."This is the last look of Vaishali which the Tathagata is having". So fond was he of this republic.

He was a thorough equalitarian. Originally the Bhikkus, including the Buddha himself, wore robes made of rags. This rule was enunciated to prevent the aristocratic classes from joining the Sangh. Later Jeevaka the great physician prevailed upon the Buddha to accept a robe, which was made of a whole cloth. The Buddha at once altered the rule and extended it to all the monks.

Once the Buddha's mother Mahaprajapati Gotami who had joined the Bhikkuni Sangh heard that the Buddha had got a chill. She at once started preparing a scarf for him. After having completed it she took to the Buddha and asked him to wear it. But he refused to accept it saying that if it is a gift it must be a gift to the whole Sangh and not to an individual member of the Sangh. She pleaded and pleaded but he refused to yield.

The Bhikshu Sangh had the most democratic constitution. He was only one of the Bhikkus. At the most he was like a Prime Minister among members of the Cabinet. He was never a dictator. Twice before his death he was asked to appoint some one as the head of the Sangh to control it. But each time he refused saying that the Dhamma is the Supreme

Commander of the Sangh. He refused to be a dictator and refused to appoint a dictator.

What about the value of the means? Whose means are superior and lasting in the long run?

Can the Communists say that in achieving their valuable end they have not destroyed other valuable ends? They have destroyed private property. Assuming that this is a valuable end can the Communists say that they have not destroyed other valuable end in the process of achieving it? How many people have they killed for achieving their end. Has human life no value? Could they not have taken property without taking the life of the owner?

Take dictatorship. The end of Dictatorship is to make the Revolution a permanent revolution. This is a valuable end. But can the Communists say that in achieving this end they have not destroyed other valuable ends? Dictatorship is often defined as absence of liberty or absence of Parliamentary Government. Both interpretations are not quite clear. There is no liberty even when there is Parliamentary Government. For law means want of liberty. The difference between Dictatorship and Parliamentary Govt. lies in this. In Parliamentary Government every citizen has a right to criticise the restraint on liberty imposed by the Government. In Parliamentary Government you have a duty and a right; the duty to obey the law and right to criticise it. In Dictatorship you have only duty to obey but no right to criticise it.

VII WHOSE MEANS ARE MORE EFFICACIOUS

We must now consider whose means are more lasting. One has to choose between Government by force and Government by moral disposition.

As Burke has said force cannot be a lasting means. In his speech on conciliation with America he uttered this memorable warning:

"First, Sir, permit me to observe, that the use of force alone is but temporary. It may subdue for a moment; but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered."

"My next objection is its uncertainty. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource, for, conciliation failing, force remains; but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is that you impair the object by your very endeavours to preserve it. The thing you fought for is the thing, which you recover, but depreciated, sunk, wasted and consumed in the contest."

In a sermon addressed to the Bhikkus the Buddha has shown the difference between the rule by Righteousness and Rule by law i.e. force. Addressing the Brethren he said:

(2) Long ago, brethren, there was Sovereign overlord named Strongtyre, a king ruling in righteousness, lord of the four quarters of the earth, conqueror, the protector of his people. He was the possessor of the celestial wheel. He lived in supremacy over this earth to its ocean bounds, having conquered it, not by the courage, by the sword, but by righteousness.

(3) Now, brethren, after many years, after many hundred years. after manu thousand years, king Strongtyre command a certain man, saying:

"Thou should est see, Sir, the Celestial Wheel has sunk a little, has slipped down from its place, bring me word."

Now after many many hundred years had slipped down from its place On seeing this he went to King Strongtyre and said:"Know. sir, for a truth that the Celestial Wheel has sunk, has slipped down from its place."

The king Strongtyre, brethren, let the prince his eldest son be sent for and speak thus:

' Behold, dear boy, my Celestial Wheel has sunk a little, has slipped down from its place. Now it has been told me; If the Celestial Wheel of a wheel turning King shall sink down, shall slip down from its place, that king has not much longer to live. I have had my fill of human pleasures; 'It's time to seek after divine joys, Come, dear boy, take thou charge over this earth bounded by the ocean. But I, shaving, hair and beard, and donning yellow robes, will go forth from home into the homeless state.

So brethren. King Strongtyre, having in due form established his eldest son on the throne, shaved hair and bearded, donned yellow robes and went forth from home into homeless state. But on the seventh day after the royal hermit had gone forth, the Celestial Wheel disappeared.

(4) Then a certain man went to the King, and told him, saying: Know, 0 King, for a truth, that the Celestial Wheel has disappeared!

Then that King, brethren, was grieved thereat and afflicted with sorrow. And he went to the royal hermit, and told him, saying, Know, sir, for a truth, that the Celestial Wheel has disappeared.

And the anointed king so saying, the royal hermit made reply. Grieve thou not, dear son, that the Celestial Wheel has disappeared, nor be afflicted that the Celestial Wheel has disappeared. For no paternal heritage

of thin, dear son, is the Celestial Wheel. But verily, dear son, turn thou in the Ariyan turning of the Wheel-turners. (Act up to the noble ideal of duty set before themselves by the true sovereigns of the world). Then it may well be that if thou carry out the Ariyan duty of a Wheel-turning Monarch, and on the feast of the moon thou wilt for, with bathed head to keep the feast on the chief upper terrace, to the Celestial Wheel will manifest, itself with its thousand spokes its tyre, navel and all its part complete. (5) 'Put what, sire is this Ariya duty of a Wheel-turning Monarch?' This, dear son, that thou, leaning on the Norm (the law of truth and righteousness) honouring, respecting and revering it, doing homage to it, hallowing it, being thyself a Norm-banner, a Norm-signal, having the Norm as thy master, should provide the right watch, ward, and protection for thine own folk, for the army, for the nobles, for vassals, for brahmins and house holders, for town and country dwellers, for the religious world, and for beasts and birds. Throughout thy kingdom let no wrongdoing prevail. And whosoever in thy kingdom is poor, to him let wealth be given.

' And when dear son, in thy kingdom men of religious life, renouncing the carelessness arising from intoxication of the senses, and devoted to forbearance and sympathy, each mastering self, each claiming self, each protecting self, shall come to thee from time to time, and question the concerning what is good and what is bad. what is criminal and what is not, what is to be done and what is to be left undone, what line of action will in the long run work for weal or for woe, thou shouldest hear what they have to say and thou shouldest deter them from evil, and bid them take up what is good. This, dear son, is the Ariyan duty of a sovereign of the world.'

' Even so, ' sire, answered the anointed king, and obeying, and carried out the Ariyan duty of a sovereign lord. To him, thus behaving, when on the feast of the full moon he had gone in the observance with bathed head to the chief upper Terrance the Celestial Wheel revealed itself, with its thousand spokes, its tyre. its naval, and all its part complete. And seeing this is occurred to the king: ' It has been told me that a king to whom on such a occasion the Celestial Wheel reveals itself completely, becomes a Wheel-turning monarch. May I even I also become a sovereign of the world.'

(6) Then brethren, the king arose from his seat and uncovering his robe from one shoulder, took in his left hand a pitcher, and with his right hand sprinkled up over the Celestial Wheel, saying: ' Roll onward, O Lord Wheel! Go forth and overcome, O Lord Wheel ! ' Then, brethren, the Celestial Wheel rolled onwards towards the region of the East. and after it went the Wheel-turning king, and with him his army, horses and chariots

and elephants and men. And in whatever place, brethren, the wheel stopped, there the king, the victorious war-lord, took up his abode, and with him his fourfold army. Then the all, the rival kings in the region of the East came to the sovereign king and said 'Come, O mighty king! Welcome, O mighty king! All is thine, O mighty King! Teach us, O mighty king! '

The king, the sovereign war-lord, speak thus: 'Ye shall slay no living thing. Ye shall not take that which has not been given. Ye shall not act wrongly touching bodily desires. Ye shall speak no lie. Ye shall drink no maddening drink. Enjoy your possessions as you have been wont to do.'

(7) Then, brethern, the Celestial Wheel, plunging down to the Eastern ocean, rose up out again, and rolled onwards to the region of the south.... (and there all happened as had happened in the East). And in like manner the Celestial Wheel, plunging into Southern ocean, rose up out again and rolled onward to the region of the West. . . and of the North: and there too happened as had happened in the Southern and West.

Then when the Celestial Wheel had gone forth conquering over the whole earth to its ocean boundary, it returned to the royal city, and stood, so that one might think it fixed, in front of the judgement hall at entrance to the inner apartments of the king, the Wheel-turner, lighting up with its glory the facade of the inner apartments of the king, the sovereign of the world.

(8) And a second king. brethern, also a Wheel-turning monarch,. . . and a third. . . and a fourth. . . and a fifth. . . and a sixth. . . and a seventh king, a victorious war-lord, after many years, after many hundred years, after many thousand years, command a certain man, saying:

'If thou should'est see, sirrah, that the Celestial Wheel has sunk down, has slid from its place, bring me word.' 'Even so, sire.' replied the man.

So after many years, after many hundred years, after many thousand years, that man saw that the Celestial Wheel had sunk down, had become dislodged from its place. And so seeing he went to the king, the warlord, and told him.

Then that king did (even as Strongtyre had done). And on the seventh day after the royal hermit had gone forth the Celestial Wheel disappeared.

Then a certain man went and told the King. Then the King was grieved at the disappearance of the wheel, and afflicted with grief. But he did not go to the hermit-king to ask concerning, the Ariyan Duty of sovereign war-lord. But his own ideas, forsooth, he governed his people; and they so governed differently from what they had been. did not prosper as they used to do under former kings who had carried out the Arivan duty of a sovereign king.

Then, brethren, the ministers and courtiers, the finance officials, the guards and door keepers and they *who* lived by sacred verses came to the King and speak thus:

'Thy people, O king. whilst thou governest them by thine own ideas differently from the way to which they were used when former kings were carrying out the Arivan Duty prosper not. Now there are in thy kingdom ministers and courtiers, finance officers, guards and custodians, and they who live by sacred verses—both all of us and others—who keep the knowledge of the Ariyan duty of the sovereign king. to ! O king. do thou ask us concerning it: to thee thus asking will we declare it.'

9. Then, brethren, the king, having made the ministers and all the rest sit down together, asked them about the Ariyan duty of Sovereign war-lord. And they declared it unto him. And when he had heard them, he did provide the due watch and ward protection, but on the destitute he bestowed no wealth and because this was not done, poverty became widespread.

When poverty was thus become rife, a certain man took that which others had not given him, what people call by theft. Him they caught, and brought before the king, saying: 'This man, O king has taken that which was not given to him and that is theft'.

Thereupon the king speak thus to the man. 'Is it true sirrah, that thou hast taken what no man gave thee, hast committed what men call theft.' It is true, O king.' 'But why?'

'O king, I have nothing to keep me alive.' Then the king bestowed wealth on that man, saying: 'With this wealth sir, do thou both keep thyself alive, maintain thy parents, maintain children and wife, carry on thy business.' 'Even so, O king,' replied the man.

10. Now another man, brethren, took by theft what was not given him. Him they caught and brought before the king and told him., saying: 'this man, O king, hath taken by theft what was not given him'.

And the king (spoke and did even as he had spoken and done to the former man.)

II. Now men heard brethren, that to them who had taken by theft what was not given them, the King was giving wealth. And hearing they thought, let us then take by theft what has not been given us.

Now a certain man did so. And him they caught and charged before the king who (as before) asked him why he had stolen. 'Because, O king I cannot maintain myself. Then the king thought: If I bestow wealth on anyone so ever who has taken by theft what was not given him, there will

be hereby and increase of this stealing. Let me now put final stop to this and inflict condign punishment on him, have his head cut off!

So he bade his man saying ' now look ye! bind this man's arms behind him with a strong rope and tight knot, shave his head bald, lead him around with a harsh sounding drum, from road to road, from cross ways to cross ways, take him out by the southern gate and to the south of the town, put a final stop to this, inflict on him uttermost penalty, cut of his head.'

' Even so, O king ' answered the men, and carried out his commands.

12. Now men heard, brethren, that they who took by theft what was not given them were thus put to death. And hearing they thought, let us also now have sharp swords made ready for themselves, and them from whom we take what is not given us—what they call them— let us put a final stop to them, inflict on them uttermost penalty., and their heads off.

And they got themselves sharp swords, and came forth to sack village and town and city, and to work highway robbery. And then whom they robbed they made an end of, cutting off their heads.

13. Thus, brethren, from goods not being bestowed on the destitute poverty grieve rife; from poverty growing rife stealing increased, from the spread of stealing violence grew space, from the growth of violence the destruction of life common, from the frequency of murder both the span of life in those beings and their comeliness also (diminished).

Now among humans of latter span of life, brethren, a certain took by theft what was not given him and even as those others was accused before the king and questioned if it was true that he had stolen. 'Nay, O king,' he replied, 'they are deliberately telling lies.' 14. Thus from goods not being bestowed on the destitute, poverty grew rife... stealing... violence... murder... until lying grew common.

Again a certain man reported to the king, saying ' such and such a man, O king! has taken by theft what was not given him '— thus speaking evil of him.

15. And so, brethren, from goods not being bestowed on the destitute poverty grew rife... stealing... violence... murder... lying... evil speaking grew abundant.

16. From lying there grew adultery.

17. Thus from goods not being bestowed on the destitute, poverty... stealing... violence... murder... lying... evil speaking. . . immorality grew rife.

18. Among (them) brethren, three things grew space incest, wanton greed and perverted lust.

Then these things grew apace lack of filial piety to mother and father, lack of religious piety to holy men, lack of regard for the head of the clan.

19. There will come a time, brethren, when the descendants of those humans will have a life-span of ten years. Among humans of this life span, maidens of five years will be of a marriageable age. Among such humans these kinds of tastes (savours) will disappear; ghee, butter, oil of tila, sugar, salt. Among such humans kudrusa grain will be the highest kind of food. Even as to-day rice and curry is the highest kind of food, so will kudrusa grain will be then. Among such humans the ten moral courses of conduct will altogether disappear, the tenimmoral courses of action will flourish excessively; there will be no word for moral among such humans, the ten moral courses of conduct will altogether disappear, the ten immoral courses of action will flourish excessively, there will be no word for moral among such humans—far less any moral agent. Among such humans, brethren, they who lack filian and religious piety, and show no respect for the Head of the clan—'tis they to whom homage and praise will be given, just as to-day homage and praise are given to the filial minded, to the pious and to them who respect the heads of their clans.

20. Among such humans, brethren, there will be no (such thoughts of reverence as are a bar to intermarriage with) mother, or mother's sister, or mother's sister-in-law, or teacher's wife, or father's sister-in-law. The world will fall into promiscuity, like goats and sheep, fowls and swine, dogs and jackals.

Among such humans, brethren keen mutual enmity will become the rule, keen ill-will, keen animosity, passionate thoughts even of killing, in a mother towards her child, in a child towards its father, in brother to brother, in brother to sister, in sister to brother. Just a sportsman feels towards the game that he sees, so will they feel.

This is probably the finest picture of what happens when moral force fails and brutal force takes its place. What the Buddha wanted was that each man should be morally so trained that he may himself become a sentinel for the kingdom of righteousness.

VIII WITHERING AWAY OF THE STATE

The Communists themselves admit that their theory of the State as a permanent dictatorship is a weakness in their political philosophy. They take shelter under the plea that the State will ultimately wither away. There are two questions, which they have to answer. When will it wither away? What will take the place of the State when it withers away? To the first question they can give no definite time. Dictatorship for a short period may

be good and a welcome thing even for making Democracy safe. Why should not Dictatorship liquidate itself after it has done its work, after it has removed all the obstacles and boulders in the way of democracy and has made the path of Democracy safe. Did not Asoka set an example? He practised violence against the Kalingas. But thereafter he renounced violence completely. If our victor's to-day not only disarm their victims but also disarm themselves there would be peace all over the world.

The Communists have given no answer. At any rate no satisfactory answer to the question what would take the place of the State when it withers away, though this question is more important than the question when the State will wither away. Will it. be succeeded by Anarchy? If so the building up of the Communist State is an useless effort. If it cannot be sustained except by force and if it results in anarchy when the force holding it together is withdraws what good is the Communist State. The only thing, which could sustain it after force is withdrawn, is Religion. But to the Communists Religion is anathema. Their hatred to Religion is so deep seated that they will not even discriminate between religions which are helpful to Communism and religions which are not; The Communists have carried their hatred of

Christianity to Buddhism without waiting to examine the difference between the two. The charge against Christianity levelled by the Communists was two fold. Their first charge against Christianity was that they made people other worldliness and made them suffer poverty in this world. As can be seen from quotations from Buddhism in the earlier part of this tract such a charge cannot be levelled against Buddhism.

The second charge levelled by the Communists against Christianity cannot be levelled against Buddhism. This charge is summed up in the statement that Religion is the opium of the people. This charge is based upon the Sermon on the Mount which is to be found in the Bible. The Sermon on the Mount sublimates poverty and weakness. It promises heaven to the poor and the weak. There is no Sermon on the Mount to be found in the Buddha's teachings. His teaching is to acquire wealth. I give below his Sermon on the subject to Anathapindika one of his disciples.

Once Anathapindika came to where the Exalted One was staying. Having come he made obeisance to the Exalted One and took a seat at one side and asked 'Will the Enlightened One tell what things are welcome, pleasant, agreeable, to the householder but which are hard to gain.'

The Enlightened One having heard the question put to him said ' Of such things the first is to acquire wealth lawfully.'

'The second is to see that your relations also get their wealth lawfully.'

'The third is to live long and reach great age.' 'Of a truth, householder, for the attainment of these four things, which in the world are welcomed, pleasant agreeable but hard to gain, there are also four conditions precedent. They are the blessing of faith, the blessing of virtuous conduct, the blessing of liberality and the blessing of wisdom.

The Blessing of virtuous conduct which abstains From taking life, thieving, unchastely, lying and partaking of fermented liquor.

The blessing of liberality consists in the householder living with mind freed from the taint of avarice, generous, open-handed, delighting in gifts, a good one to be asked and devoted to the distribution of gifts.

Wherein consists the blessing of Wisdom? He know that an householder who dwells with mind overcome by greed, avarice, ill-will, sloth, drowsiness, distraction and flurry, and also about, commits wrongful deeds and neglects that which ought to be done, and by so doing deprived of happiness and honour.

Greed, avarice, ill will, sloth and drowsiness, distraction and flurry and doubt are stains of the mind. A householder who gets rid of such stains of the mind acquires great wisdom, abundant wisdom, clear vision and perfect wisdom.

Thus to acquire wealth legitimately and justly, earn by great industry, amassed by strength of the arm and gained by sweat of the brow is a great blessing. The householder makes himself happy and cheerful and preserves himself full of happiness; also makes his parents, wife, and children, servants, and labourers, friends and companions happy and cheerful, and preserves them full of happiness. The Russians do not seem to be paying any attention to Buddhism as an ultimate aid to sustain Communism when force is withdrawn.

The Russians are proud of their Communism. But they forget that the wonder of all wonders is that the Buddha established Communism so far as the Sangh was concerned without dictatorship. It may be that it was a communism on a very small scale but it was communism I without dictatorship a miracle which Lenin failed to do.

The Buddha's method was different. His method was to change the mind of man: to alter his disposition: so that whatever man does, he does it voluntarily without the use of force or compulsion. His main means to alter the disposition of men was his Dhamma and the constant preaching of his Dhamma. The Buddhas way was not to force people to do what they did not like to do although it was good for them. His way was to alter the disposition of men so that they would do voluntarily what they would not otherwise to do.

It has been claimed that the Communist Dictatorship in Russia has wonderful achievements to its credit. There can be no denial of it. That is why I say that a Russian Dictatorship would be good for all backward countries. But this is no argument for permanent Dictatorship. Humanity does not only want economic values, it also wants spiritual values to be retained. Permanent Dictatorship has paid no attention to spiritual values and does not seem to intend to. Carlyle called Political Economy a Pig Philosophy. Carlyle was of course wrong. For man needs material comforts"But the Communist Philosophy seems to be equally wrong for the aim of their philosophy seems to be fatten pigs as though men are no better than pigs. Man must grow materially as well as spiritually. Society has been aiming to lay a new foundation was summarised by the French Revolution in three words, Fraternity, Liberty and Equality. The French Revolution was welcomed because of this slogan. It failed to produce equality. We welcome the Russian Revolution because it aims to produce equality. But it cannot be too much emphasised that in producing equality society cannot afford to sacrifice fraternity or liberty. Equality will be of no value without fraternity or liberty. It seems that the three can coexist only if one follows the way of the Buddha. Communism can give one but not all.

CASTES IN INDIA

Their Mechanism, Genesis and Development

Anthropology Seminar
of
Dr. A. A. Goldenweizer at
The Columbia University, New York, U.S.A. on 9th May 1916
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Many of us, I dare say, have witnessed local, national or international expositions of material objects that make up the sum total of human civilization. But few can entertain the idea of there being such a thing as an exposition of human institutions. Exhibition of human institutions is a strange idea; some might call it the wildest of ideas. But as students of Ethnology I hope you will not be hard on this innovation, for it is not so, and to you at least it should not be strange.

You all have visited, I believe, some historic place like the ruins of Pompeii, and listened with curiosity to the history of the remains as it flowed from the glib tongue of the guide. In my opinion a student of Ethnology, in one sense at least, is much like the guide. Like his prototype, he holds up (perhaps with more seriousness and desire of self-instruction) the social institutions to view, with all the objectiveness humanly possible, and inquires into their origin and function.

Most of our fellow students in this Seminar, which concerns itself with primitive *versus* modern society, have ably acquitted themselves along these lines by giving lucid expositions of the various institutions, modern or primitive, in which they are interested. It is my turn now, this evening, to entertain you, as best I can, with a paper on"*Castes in India:* Their mechanism, genesis and development"

I need hardly remind you of the complexity of the subject I intend to handle. Subtler minds and abler pens than mine have been brought to the task of unravelling the mysteries of Caste; but unfortunately it still, remains in the domain of the"unexplained", not to say of the"un-understood"I am quite alive to the complex intricacies of a hoary institution like Caste, but I am net so pessimistic as to relegate it to the region of the unknowable, for I believe it can be known. The caste problem is a vast one, both theoretically and practically. Practically, it is an institution that portends tremendous

consequences. It is a local problem, but one capable of much wider mischief, for as long as caste in India does exist, Hindus will hardly intermarry or have any social intercourse with outsiders ; and if Hindus migrate to other regions on earth, Indian caste would become a world problem." mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/01.Caste in India.htm -_msocom_1 Theoretically, it has defied a great many scholars who have taken upon themselves, as a labour of love, to dig into its origin. Such being the case, I cannot treat the problem in its entirety. Time, space and acumen, I am afraid, would all fail *me,* if I attempted to do otherwise than limit myself to a phase of it, namely, the genesis, mechanism and spread of the caste system. I will strictly observe this rule, and will dwell on extraneous matters only when it is necessary to clarify or support a point in my thesis.

To proceed with the subject. According to well-known ethnologists, the population of India is a mixture of Aryans, Dravidians, Mongolians and Scythians. All these stocks of people came into India from various directions and with various cultures, centuries ago, when they were in a tribal state. They all in turn elbowed their entry into the country by fighting with their predecessors, and after a stomachful of it settled down as peaceful neighbours. Through constant contact and mutual intercourse they evolved a common culture that superseded their distinctive cultures. It may be granted that there has not been a thorough amalgamation of the various stocks that make up the peoples of India, and to a traveller from within the boundaries of India the East presents a marked contrast in physique and even in colour to the West, as does the South to the North. But amalgamation can never be the sole criterion of homogeneity as predicated of any people. Ethnically all people are heterogeneous. It is the unity of culture that is the basis of homogeneity. Taking this for granted, I venture to say that there is no country that can rival the Indian Peninsula with respect to the unity of its culture. It has not only a geographic unity, but it has over and above all a deeper and a much more fundamental unity—the indubitable cultural unity that covers the land from end to end. But it is because of this homogeneity that Caste becomes a problem so difficult to be explained. If the Hindu Society were a mere federation of mutually exclusive units, the matter would be simple enough. But Caste is a parcelling of an already homogeneous unit, and the explanation of the genesis of Caste is the explanation of this process of parcelling.

Before launching into our field of enquiry, it is better to advise ourselves regarding the nature of a caste. I will therefore draw upon a few of the best students of caste for their definitions of it :

(1) Mr. Senart, a French authority, defines a caste as"a close corporation,

in theory at any rate rigorously hereditary : equipped with a certain traditional and independent organisation, including a chief and a council, meeting on occasion in assemblies of more or less plenary authority and joining together at certain festivals : bound together by common occupations, which relate more particularly to marriage and to food and to questions of ceremonial pollution, and ruling its members by the exercise of jurisdiction, the extent of which varies, but which succeeds in making the authority of the community more felt by the sanction of detrain penalties and, above all, by final irrevocable exclusion from the group".

(2) Mr. Nesfield defines a caste as"a class of the community which disowns any connection with any other class and can neither intermarry nor eat nor drink with any but persons of their own community".

(3) According to Sir H. Risley,"a caste may be defined as a collection of families or groups of families bearing a common name which usually denotes or is associated with specific occupation, claiming common descent from a mythical ancestor, human *or* divine, professing to follow the same professional callings and are regarded by those who are competent to give an opinion as forming a single homogeneous community".

(4) Dr. Ketkar defines caste as"a social group having two characteristics : (i) membership is confined to those who are born of members and includes all persons so born; (ii) the members are forbidden by an inexorable social law to marry outside the group".

To review these definitions is of great importance for our purpose. It will be noticed that taken individually the definitions of three of the writers include too much or too little : none is complete or correct by itself and all have missed the central point in the mechanism of the Caste system. Their mistake lies in trying to define caste as an isolated unit by itself, and not as a group within, and with definite relations to, the system of caste as a whole. Yet collectively all of them are complementary to one another, each one emphasising what has been obscured in the other. By way of criticism, therefore, *I* will take only those points common to all Castes in each of the above definitions which are regarded as peculiarities of Caste and evaluate them as such.

To start with Mr. Senart. He draws attention to the"idea of pollution"as a characteristic of Caste. With regard to this point it may be safely said that it is by no means a peculiarity of Caste as such. It usually originates in priestly ceremonialism and is a particular case of the general belief in purity.

Consequently its necessary connection with Caste may be completely denied without damaging the working of Caste. The"idea of pollution"has been attached to the institution of Caste, only because the Caste that enjoys the highest rank is the priestly Caste : while we know that priest and purity are old associates. We may therefore conclude that the"idea of pollution"is a characteristic of Caste only in so far as Caste has a religious flavour.

Mr. Nesfield in his way dwells on the absence of messing with those outside the Caste as one of its characteristics. In spite of the newness of the point we must say that Mr. Nesfield has mistaken the effect for the cause. Caste, being a self-enclosed unit naturally limits social intercourse, including messing etc. to members within it. Consequently this absence of messing with outsiders is not due to positive prohibition, but is a natural result of Caste, *i.e.* exclusiveness. No doubt this absence of messing originally due to exclusiveness, acquired the prohibitory character of a religious injunction, but it may be regarded as a later growth. Sir H. Risley, makes no new point deserving of special attention.

We now pass on to the definition of Dr. Ketkar who has done much for the elucidation of the subject. Not only is he a native, but he has also brought a critical acumen and an open mind to bear on his study of Caste. His definition merits consideration, for he has defined Caste in its relation to a system of Castes, and has concentrated his attention only on those characteristics which are absolutely necessary for the existence of a Caste within a system, rightly excluding all others as being secondary or derivative in character. With respect to his definition it must, however, be said that in it there is a slight confusion of thought, lucid and clear as otherwise it is. He speaks of *Prohibition of Intermarriage* and *Membership by Autogeny* as the two characteristics of Caste. I submit that these are but two aspects of one and the same thing, and not two different things as Dr. Ketkar supposes them to be. If you prohibit intermarriage the result is that you limit membership. to those born within the group. Thus the two are the obverse and the reverse sides of the same medal.

This critical evaluation of the various characteristics of Caste leave no doubt that prohibition, or rather the absence of intermarriage—endogamy, to be concise—is the only one that can be called the essence of Caste when rightly understood. But some may deny this on abstract anthropological grounds, for there exist endogamous groups without giving rise to the problem of Caste. In a general way this may be true, as endogamous societies, culturally different, making their abode in localities more or less removed, and having little to do with each other are a physical reality. The Negroes and the Whites and the various tribal groups that go by name of

American Indians in the United States may be cited as more or less appropriate illustrations in support of this view. But we must not confuse matters, for in India the situation is different. As pointed out before, the peoples of India form a homogeneous whole. The various races of India occupying definite territories have more or less fused into one another and do possess cultural unity, which is the only criterion of a homogeneous population. Given this homogeneity as a basis, Caste becomes a problem altogether new in character and wholly absent in the situation constituted by the mere propinquity of endogamous social or tribal groups. Caste in India means an artificial chopping off of the population into fixed and definite units, each one prevented from fusing into another through the custom of endogamy. Thus the conclusion is inevitable that *Endogamy is the only characteristic that is peculiar to caste,* and if we succeed in showing how endogamy is maintained, we shall practically have proved the genesis and also the mechanism of Caste.

It may not be quite easy for you to anticipate why I regard endogamy as a key to the mystery of the Caste system. Not to strain your imagination too much, I will proceed to give you my reasons for it. It may not also be out of place to emphasize at this moment that no civilized society of today presents more survivals of primitive times than does the Indian society. Its religion is essentially primitive and its tribal code, in spite of the advance of time and civilization, operates in all its pristine vigour even today. One of these primitive survivals, to which I wish particularly to draw your attention is the *Custom of Exogamy.* The prevalence of exogamy in the primitive worlds is a fact too well-known to need any explanation. With the growth of history, however, exogamy has lost its efficacy, and excepting the nearest blood-kins, there is usually no social bar restricting the field of marriage. But regarding the peoples of India the law of exogamy is a positive injunction even today. Indian society still savours of the clan system, even though there are no clans; and this can be easily seen from the law of matrimony which centres round the principle of exogamy, for it is not that *Sapindas* (blood-kins) cannot marry, but a marriage even between *Sagotras* (of the same class) is regarded as a sacrilege.

Nothing is therefore more important for you to remember than the fact that endogamy is foreign to the people of India. The various *Gotras* of India are and have been exogamous : so are the other groups with totemic organization. It is no exaggeration to say that with the people of India exogamy is a creed and none dare infringe it, so much so that, in spite of the endogamy of the Castes within them, exogamy is strictly observed and that there are more rigorous penalties for violating exogamy than there are

for violating endogamy. You will, therefore, readily see that with exogamy as the rule there could be no Caste, for exogamy means fusion. But we have castes ; consequently in the final analysis creation of Castes, so far as India is concerned, means the superposition of endogamy on exogamy. However, in an originally exogamous population an easy working out of endogamy (which is equivalent to the creation of Caste) is a grave problem, and it is in the consideration of the means utilized for the preservation of endogamy against exogamy that we may hope to find the solution of our problem.

Thus the superposition of endogamy on exogamy means the creation of caste. But this is not an easy affair. Let us take an imaginary group that desires to make itself into a Caste and analyse what means it will have to adopt to make itself endogamous. If a group desires to make itself endogamous a formal injunction against intermarriage with outside groups will be of no avail, especially if prior to the introduction of endogamy, exogamy had been the rule in all matrimonial relations. Again, there is a tendency in all groups lying in close contact with one another to assimilate and amalgamate, and thus consolidate into a homogeneous society. If this tendency is to be strongly counteracted in the interest of Caste formation, it is absolutely necessary to circumscribe a circle outside which people should not contract marriages.

Nevertheless, this encircling to prevent marriages from without creates problems from within which are not very easy of solution. Roughly speaking, in a normal group the two sexes are more or less evenly distributed, and generally speaking there is an equality between those of the same age. The equality is, however, never quite realized in actual societies. At the same time to the group that is desirous of making itself into a caste the maintenance of equality between the sexes becomes the ultimate goal, for without it endogamy can no longer subsist. In other words, if endogamy is to be preserved conjugal rights from within have to be provided for, otherwise members of the group will be driven out of the circle to take care of themselves in any way they can. But in order that the conjugal rights be provided for from within, it is absolutely necessary to maintain a numerical equality between the marriageable units of the two sexes within the group desirous of making itself into a Caste. It is only through the maintenance of such an equality that the necessary endogamy of the group can be kept intact, and a very large disparity is sure to break it.

The problem of Caste, then, ultimately resolves itself into one of repairing the disparity between the marriageable units of the two sexes within it. Left to nature, the much needed parity between the units can be realized only when a couple dies

simultaneously. But this is a rare contingency. The husband may die before the wife and create a *surplus woman,* who must be disposed of, else through intermarriage she will violate the endogamy of the group. In like manner the husband may survive, his wife and be *surplus man,* whom the group, while it may sympathise with him for the sad bereavement, has to dispose of, else he will marry outside the Caste and will break the endogamy. Thus both the *surplus man* and the *surplus woman* constitute a menace to the Caste if not taken care of, for not finding suitable partners inside their prescribed circle (and left to themselves they cannot find any, for if the matter be not regulated there can only be just enough pairs to go round) very likely they will transgress the boundary, marry outside and import offspring that is foreign to the Caste.

Let us see what our imaginary group is likely to do with this *surplus man* and *surplus woman.* We will first take up the case of the *surplus woman.* She can be disposed of in two different ways so as to preserve the endogamy of the Caste.

First : burn her on the funeral pyre of her deceased husband and get rid of her. This, however, is rather an impracticable way of solving the problem of sex disparity. In some cases it may work, in others it may not. Consequently every surplus woman cannot thus be disposed of, because it is an easy solution but a hard realization. And so the *surplus woman* (= widow), if not disposed of, remains in the group : but in her very existence lies a double danger. She may marry outside the Caste and violate endogamy, or she may marry within the Caste and through competition encroach upon the chances of marriage that must be reserved for the potential brides in the Caste. She is therefore a menace in any case, and something must be done to her if she cannot be burned along with her deceased husband.

The second remedy is to enforce widowhood on her for the rest of her life. So far as the objective results are concerned, burning is a better solution than enforcing widowhood. Burning the widow eliminates all the three evils that a *surplus woman* is fraught with. Being dead and gone she creates no problem of remarriage either inside or outside the Caste. But compulsory widowhood is superior to burning because it is more practicable. Besides being comparatively humane it also guards against the evils of remarriage as does burning; but it fails to guard the morals of the group. No doubt under compulsory widowhood the woman remains, and just because she is deprived of her natural right of being a legitimate wife in future, the incentive to immoral conduct is increased. But this is by no means an insuperable difficulty. She can be degraded to a condition in

which she is no longer a source of allurement.

The problem of *surplus man (*= widower) is much more important and much more difficult than that of the *surplus woman* in a group that desires to make itself into a Caste. From time immemorial man as compared with woman has had the upper hand. He is a dominant figure in every group and of the two sexes has greater prestige. With this traditional superiority of man over woman his wishes have always been consulted. Woman, on the other hand, has been an easy prey to all kinds of iniquitous injunctions, religious, social or economic. But man as a maker of injunctions is most often above them all. Such being the case, you cannot accord the same kind of treatment to a *surplus man* as you can to a *surplus woman in* a Caste.

The project of burning him with his deceased wife is hazardous in two ways : first of all it cannot be done, simply because he is a man. Secondly, if done, a sturdy soul is lost to the Caste. There remain then only two solutions which can conveniently dispose of him. I say conveniently, because he is an asset to the group.

Important as he is to the group, endogamy is still more important, and the solution must assure both these ends. Under these circumstances he may be forced or I should say induced, after the manner of the widow, to remain a widower for the rest of his life. This solution is not altogether difficult, for without any compulsion some are so disposed as to enjoy self-imposed celibacy, or even to take a further step of their own accord and renounce the world and its joys. But, given human nature as it is, this solution can hardly be expected to be realized. On the other hand, as is very likely to be the case, if the *surplus man* remains in the group as an active participator in group activities, he is a danger to the morals of the group. Looked at from a different point of view celibacy, though easy in cases where it succeeds, is not so advantageous even then to the material prospects of the Caste. If he observes genuine celibacy and renounces the world, he would not be a menace to the preservation of Caste endogamy or Caste morals as he undoubtedly would be if he remained a secular person. But as an ascetic celibate he is as good as burned, so far as the material wellbeing of his Caste is concerned. A Caste, in order that it may be large enough to afford a vigorous communal life, must be maintained at a certain numerical strength. But to hope for this and to proclaim celibacy is the same as trying to cure atrophy by bleeding.

Imposing celibacy on the *surplus man* in the group, therefore, fails both theoretically and practically. It is in the interest of the Caste to keep him as a *Grahastha* (one who raises a family), to use a Sanskrit technical term. But the problem is to provide him with a wife from within the Caste. At the

outset this is not possible, for the ruling ratio in a caste has to be one man to one woman and none can have two chances of marriage, for in a Caste thoroughly self-enclosed there are always just enough marriageable women to go round for the marriageable men. Under these circumstances the *surplus man* can be provided with a wife only by recruiting a bride from the ranks of those not yet marriageable in order to tie him down to the group. This is certainly the best of the possible solutions in the case of the *surplus man*. By this, he is kept within the Caste. By this means numerical depletion through constant outflow is guarded against, and by this endogamy morals are preserved.

It will now be seen that the four means by which numerical disparity between the two sexes is conveniently maintained are : (1) burning the widow with her deceased husband ; (2) compulsory widowhood—a milder form of burning ; (3) imposing celibacy on the widower and (4) wedding him to a girl not yet marriageable. Though, as I said above, burning the widow and imposing celibacy on the widower are of doubtful service to the group in its endeavour to preserve its endogamy, all of them operate as *means*. But means, as forces, when liberated or set in motion create an end. What then is the end that these means create? They create and perpetuate endogamy, while caste and endogamy, according to our analysis of the various definitions of caste, are one and the same thing. Thus the existence of these means is identical with caste and caste involves these means.

This, in my opinion, is the general mechanism of a caste in a system of castes. Let us now turn from these high generalities to the castes in Hindu Society and inquire into their mechanism. I need hardly premise that there are a great many pitfalls in the path of those who try to unfold the past, and caste in India to be sure is a very ancient institution. This is especially true where there exist no authentic or written records or where the people, like the Hindus, are so constituted that to them writing history is a folly, for the world is an illusion. But institutions do live, though for a long time they may remain unrecorded and as often as not customs and morals are like fossils that tell their own history. If this is true, our task will be amply rewarded if we scrutinize the solution the Hindus arrived at to meet the problems of the *surplus man* and *surplus woman*.

Complex though it be in its general working the Hindu Society, even to a superficial observer, presents three singular uxorial customs, namely : (i) *Sati* or the burning of the widow on the funeral pyre of her deceased husband. (ii) Enforced widowhood by which a widow is not allowed to remarry. (iii) Girl marriage.

In addition, one also notes a great hankering after *Sannyasa* (renunciation)

on the part of the widower, but this may in some cases be due purely to psychic disposition.

So far as I know, no scientific explanation of the origin of these customs is forthcoming even today. We have plenty of philosophy to tell us why these customs were honoured, but nothing to tell us the causes of their origin and existence. *Sati* has been honoured *(Cf.* A. K. Coomaraswamy, *Sati:* A Defence of the Eastern Woman in the British Sociological Review, Vol. VI, 1913) because it is a"proof of the perfect unity of body and soul"between husband and wife and of"devotion beyond the grave", because it embodied the ideal of wifehood, which is well expressed by Uma when she said,"Devotion to her Lord is woman's honour, it is her eternal heaven : and 0 Maheshvara", she adds with a most touching human cry,"I desire not paradise itself if thou are not satisfied with me !"Why compulsory widowhood is honoured I know not, nor have I yet met with any one who sang in praise of it, though there are a great many who adhere to it. The eulogy in honour of girl marriage is reported by Dr. Ketkar to be as follows :"A really faithful man or woman ought not to feel affection for a woman or a man other than the one with whom he or she is united. Such purity is compulsory not only after marriage, but even before marriage, for that is the only correct ideal of chastity. No maiden could be considered pure if she feels love for a man other than the one to whom she might be married. As she does not know to whom she is going to be married, she must not feel affection, for any man at all before marriage. If she does so, it is a sin. So it is better for a girl to know whom she has to love before any sexual consciousness has been awakened in her" mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/01.Caste in India.htm - _msocom_2 . Hence girl marriage.

This high-flown and ingenious sophistry indicates why these institutions were honoured, but does not tell us why they were practiced. My own interpretation is that they were honoured because they were practiced. Any one slightly acquainted with rise of individualism in the 18th century will appreciate my remark. At all times, it is the movement that is most important; and the philosophies grow around it long afterwards to justify it and give it a moral support. In like manner I urge that the very fact that these customs were so highly eulogized proves that they needed eulogy for their prevalence. Regarding the question as to why they arose, I submit that they were needed to create the structure of caste and the philosophies in honour of them were intended to popularise them, or to gild the pill, as we might say, for they must have been so abominable and shocking to the moral sense of the unsophisticated that they needed a great deal of

sweetening. These customs are essentially of the nature of *means,* though they are represented as ideals. But this should not blind us from understanding the *results* that flow from them. One might safely say that idealization of means is necessary and in this particular case was perhaps motivated to endow them with greater efficacy. Calling a means an end does no harm, except that it disguises its real character; but it does not deprive it of its real nature, that of a means. You may pass a law that all cats are dogs, just as you can call a means an end. But you can no more change the nature of means thereby than you can turn cats into dogs ; consequently I am justified in holding that, whether regarded as ends or as means, *Sati, enforced widowhood* and *girl marriage* are customs that were primarily intended to solve the problem of the *surplus man* and *surplus woman* in a caste and to maintain its endogamy. Strict endogamy could not be preserved without these customs, while caste without endogamy is a fake.

Having explained the mechanism of the creation and preservation of Caste in India, the further question as to its genesis naturally arises. The question or origin is always an annoying question and in the study of Caste it is sadly neglected; some have connived at it, while others have dodged it. Some are puzzled as to whether there could be such a thing as the origin of caste and suggest that"if we cannot control our fondness for the word ' origin ', we should better use the plural form, viz. ' origins of caste '". As for myself I do not feel puzzled by the Origin of Caste in India for, as I have established before, endogamy is the only characteristic of Caste and when I say *Origin of Caste* I mean *The Origin of the Mechanism for Endogamy.*

The atomistic *conception* of individuals in a Society so greatly popularised— I was about to say vulgarised—in political orations is the greatest humbug. To say that individuals make up society is trivial ; society is always composed of classes. It may be an exaggeration to assert the theory of class-conflict, but the existence of definite classes in a society is a fact. Their basis may differ. They may be economic or intellectual or social, but an individual in a society is always a member of a class. This is a universal fact and early Hindu society could not have been an exception to this rule, and, as a matter of fact, we know it was not. If we bear this generalization in mind, our study of the genesis of caste would be very much facilitated, for we have only to determine what was the class that first made itself into a caste, for class and caste, so to say, are next door neighbours, and it is only a span that separates the two. *A Caste is an Enclosed Class.*

The study of the origin of caste must furnish us with an answer to the question—what is the class that raised this"enclosure"around itself? The

question may seem too inquisitorial, but it is pertinent, and an answer to this will serve us to elucidate the mystery of the growth and development of castes all over India- Unfortunately a direct answer to this question is not within my power. I can answer it only indirectly. I said just above that the customs in question were current in the Hindu society. To be true to facts it is necessary to qualify the statement, as it connotes universality of their prevalence. These customs in all their strictness are obtainable only in one caste, namely the Brahmins, who occupy the highest place in the social hierarchy of the Hindu society ; and as their prevalence in non-Brahmin castes is derivative of their observance is neither strict nor complete. This important fact can serve as a basis of an important observation. If the prevalence of these customs in the non-Brahmin Castes is derivative, as can be shown very easily, then it needs no argument to prove what class is the father of the institution of caste. Why the Brahmin class should have enclosed itself into a caste is a different question, which may be left as an employment for another occasion. But the strict observance of these customs and the social superiority arrogated by the priestly class in all ancient civilizations are sufficient to prove that they were the originators of this"unnatural institution"founded and maintained through these unnatural means.

I now come to the third part of my paper regarding the question of the growth and spread of the caste system all over India. The question I have to answer is : How did the institution of caste spread among the rest of the non-Brahmin population of the country? The question of the spread of the castes all over India has suffered a worse fate than the question of genesis. And the main cause, as it seems to me, is that the two questions of spread and of origin are not separated. This is because of the common belief among scholars that the caste system has either been imposed upon the docile population of India by a law-giver as a divine dispensation, or that it has grown according to some law of social growth peculiar to the Indian people.

I first propose to handle the law-giver of India. Every country has its law-giver, who arises as an incarnation *(avatar)* in times of emergency to set right a sinning humanity and give it the laws of justice and morality. Manu, the law-giver of India, if he did exist, was certainly an audacious person. If the story that he gave the law of caste be credited, then Manu must have been a dare-devil fellow and the humanity that accepted his dispensation must be a humanity quite different from the one we are acquainted with. It is unimaginable that the law of caste was *given.* It is hardly an exaggeration to say that Manu could not have outlived his law, for what is that class that

can submit to be degraded to the status of brutes by the pen of a man, and suffer him to raise another class *to* the pinnacle? Unless he was a tyrant who held all the population in subjection it cannot be imagined that he could have been allowed to dispense his patronage in this grossly unjust manner, as may be easily seen by a mere glance at his"Institutes". I may seem hard on Manu, but I am sure my force is not strong enough to kill his ghost. He lives, like a disembodied spirit and is appealed to, and I am afraid will yet live long. One thing I want to impress upon you is that Manu did not *give the law* of Caste and that he could not do so. Caste existed long before Manu. He was an upholder of it and therefore philosophised about it, but certainly he did not and could not ordain the present order of Hindu Society. His work ended with the codification of existing caste rules and the preaching of Caste *Dharma.* The spread and growth of the Caste system is too gigantic a task to be achieved by the power or cunning of an individual or of a class. Similar in argument is the theory that the Brahmins created the Caste. After what I have said regarding Manu, I need hardly say anything more, except to point out that it is incorrect in thought and malicious in intent. The Brahmins may have been guilty of many things, and I dare say they were, but the imposing of the caste system on the non-Brahmin population was beyond their mettle. They may have helped the process by their glib philosophy, but they certainly could not have pushed their scheme beyond their own confines. To fashion society after one's own pattern ! How glorious ! How hard ! One can take pleasure and eulogize its furtherance; but cannot further it very far. The vehemence of my attack may seem to be unnecessary ; but I can assure you that it is not uncalled for. There is a strong belief in the mind of orthodox Hindus that the Hindu Society was somehow moulded into the framework of the Caste System and that it is an organization consciously created by the *Shastras.* Not only does this belief exist, but it is being justified on the ground that it cannot but be good, because it is ordained by the *Shastras* and the *Shastras* cannot be wrong. I have urged so much on the adverse side of this attitude, not because the religious sanctity is grounded on scientific basis, nor to help those reformers who are preaching against it. Preaching did not make the caste system neither will it unmake it. My aim is to show the falsity of the attitude that has exalted religious sanction to the position of a scientific explanation.

Thus the great man theory does not help us very far in solving the spread of castes in India. Western scholars, probably not much given to hero-worship, have attempted other explanations. The nuclei, round which have"formed" the various castes in India, are, according to them: (1)

occupation; (2) survivals of tribal organization etc.; (3) the rise of new belief; (4) cross-breeding and (5) migration.

The question may be asked whether these nuclei do not exist in other societies and whether they are peculiar to India. If they are not peculiar to India, but are common to the world, why is it that they did not"form"caste on other parts of this planet? Is it because those parts are holier than the land of the *Vedas,* or that the professors are mistaken? I am afraid that the latter is the truth.

In spite of the high theoretic value claimed by the several authors for their respective theories based on one or other of the above nuclei, one regrets to say that on close examination they are nothing more than filling illustrations—

> what Matthew Arnold means by"the grand name without the grand thing in it". Such are the various theories of caste advanced by Sir Denzil lbbetson, Mr. Nesfield, Mr. Senart and Sir H. Risley. To criticise them in a lump would be to say that they are a disguised form of the *Petitio Principii* of formal logic. To illustrate : Mr. Nesfield says that"function and function only. . . was the foundation upon which the whole system of Castes in India was built up". But he may rightly be reminded that he does not very much advance our thought by making the above statement, which practically amounts to saying that castes in India are functional or occupational, which is a very poor discovery ! We have yet to know from Mr. Nesfield why is it that an occupational group turned into an occupational caste? I would very cheerfully have undertaken the task of dwelling on the theories of other ethnologists, had it not been for the fact that Mr. Nesfield's is a typical one.

Without stopping to criticize those theories that explain the caste system as a natural phenomenon occurring in obedience to the law of disintegration, as explained by Herbert Spencer in his formula of evolution, or as natural as"the structural differentiation within an organism"—to employ the phraseology of orthodox apologists—, or as an early attempt to test the laws of eugenics—as all belonging to the same class of fallacy which regards the caste system as inevitable, or as being consciously imposed in anticipation of these laws on a helpless and humble population, I will now lay before you my own view on the subject.

We shall be well advised to recall at the outset that the Hindu society, in common with other societies, was composed of classes and the earliest known

are the (1) Brahmins or the priestly class; (2) the Kshatriya, or the military class ; (3) the Vaishya, or the merchant class and (4) the Shudra, or the

artisan and menial class. Particular attention has to be paid to the fact that this was essentially a class system, in which individuals, when qualified, could change their class, and therefore classes did change their personnel. At some time in the history of the Hindus, the priestly class socially detached itself from the rest of the body of people and through a closed-door policy became a caste by itself . The other classes being subject to the law of social division of labour underwent differentiation, some into large, others into very minute groups. The Vaishya and Shudra classes were the original inchoate plasm, which formed the sources of the numerous castes of today. As the military occupation does not very easily lend itself to very minute sub-division, the Kshatriya class could have differentiated into soldiers and administrators.

This sub-division of a society is quite natural. But the unnatural thing about these sub-divisions is that they have lost the open-door character of the class system and have become self-enclosed units called castes. The question is: were they compelled to close their doors and become endogamous, of did they close them of their own accord? I submit that there is a double line of answer: *Some closed the door : Others found it closed against them.* The one is a psychological interpretation and the other is mechanistic, but they are complementary and both are necessary to explain the phenomena of caste-formation in its entirety.

I will first take up the psychological interpretation. The question we have to answer in this connection is: Why did these sub-divisions or classes, if you please, industrial, religious or otherwise, become self-enclosed or endogamous? My answer is because the Brahmins were so. Endogamy or the closed-door system, was a fashion in the Hindu society, and as it had originated from the Brahmin caste it was whole-heartedly imitated by all the non-Brahmin sub-divisions or classes, who, in their turn, became endogamous castes. It is"the infection of imitation"that caught all these sub-divisions on their onward march of differentiation and has turned them into castes. The propensity to imitate is a deep-seated one in the human mind and need not be deemed an inadequate explanation for the formation of the various castes in India. It is so deep-seated that Walter Bagehot argues that,"We must not think of . . . imitation as voluntary, or even conscious. On the contrary it has its seat mainly in very obscure parts of the mind, whose notions, so far from being consciously produced, are hardly felt to exist; so far from being conceived beforehand, are not even felt at the time. The main seat of the imitative part of our nature is our belief, and the causes predisposing us to believe this or disinclining us to believe that are among the obscurest parts of our nature. But as to the

imitative nature of credulity there can be no doubt." mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/01.Caste in India.htm - _msocom_3 This propensity to imitate has been made the subject of a scientific study by Gabriel Tarde, who lays down three laws of imitation. One of his three laws is that imitation flows from the higher to the lower or, to quote his own words,"Given the opportunity, a nobility will always and everywhere imitate its leaders, its kings or sovereigns, and the people likewise, given the opportunity, its nobility." mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/01.Caste in India.htm - _msocom_4 Another of Tarde's laws of imitation is : that the extent *or* intensity of imitation varies inversely in proportion to distance, or in his own words"The thing that is most imitated is the most superior one of those that are nearest- In fact, the influence of the model's example is efficacious inversely to its *distance* as well as directly to its superiority. Distance is understood here in its sociological meaning. However distant in space a stranger may be, he is close by, from this point of view, if we have numerous and daily relations with him and if we have every facility to satisfy our desire to imitate him. This law of the imitation of the nearest, of the least distant, explains the gradual and consecutive character of the spread of an example that has been set by the higher social ranks." mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/01.Caste in India.htm - _msocom_5

In order to prove my thesis—which really needs no proof—that some castes were formed by imitation, the best way, it seems to me, is to find out whether or not the vital conditions for the formation of castes by imitation exist in the Hindu Society. The conditions for imitation, according to this standard authority are: (1) that the source of imitation must enjoy prestige in the group and (2) that there must be"numerous and daily relations"among members of a group. That these conditions were present in India there is little reason to doubt. The Brahmin is a semi-god and very nearly a demi-god. He sets up a mode and moulds the rest- His prestige is unquestionable and is the fountain-head of bliss and good. Can such a being, idolised by scriptures and venerated by the priest-ridden multitude, fail to project his personality on the suppliant humanity? Why, if the story be true, he is believed to be the very end of creation. Such a creature is worthy of more than mere imitation, but at least of imitation ; and if he lives in an endogamous enclosure, should not the rest follow his example? Frail humanity! Be it embodied in a grave philosopher or a frivolous housemaid, it succumbs. It cannot be otherwise. Imitation is easy and invention is difficult.

Yet another way of demonstrating the play of imitation in the formation

of castes is to understand the attitude of non-Brahmin classes towards those customs which supported the structure of caste in its nascent days until, in the course of history, it became embedded in the Hindu mind and hangs there to this day without any support—for now it needs no prop but belief-like a weed on the surface of a pond. In a way, but only in a way, the status of a. caste in the Hindu Society varies directly with the extent of the observance of the customs of *Sati,* enforced widowhood, and girl marriage. But observance of these customs varies directly with the *distance* (I am using the word in the Tardian sense) that separates the caste. Those castes that are nearest to the Brahmins have imitated all the three customs and insist on the strict observance thereof. Those that are less near have imitated enforced widowhood and girl marriage; others, a little further off, have only girl marriage and those furthest off have imitated only the belief in the caste principle. This imperfect imitation, I dare say, is due partly to what Tarde calls"distance"and partly to the barbarous character of these customs. This phenomenon is a complete illustration of Tarde's law and leaves no doubt that the whole process of caste-formation in India is a process of imitation of the higher by the lower. At this juncture I will turn back to support a former conclusion of mine, which might have appeared to you as too sudden or unsupported. I said that the Brahmin class first raised the structure of caste by the help of those three customs in question. My reason for that conclusion was that their existence in other classes was derivative. After what I have said regarding the role of imitation in the spread of these customs among the non-Brahmin castes, as means or as ideals, though the imitators have not been aware of it, they exist among them as derivatives ; and, if they are derived, there must have been prevalent one original caste that was high enough to have served as a pattern for the rest. But in a theocratic society, who could be the pattern but the servant of God?

This completes the story of those that were weak enough to close their doors. Let us now see how others were closed in as a result of being closed out. This I call the mechanistic process of the formation of caste. It is mechanistic because it is inevitable. That this line of approach, as well as the psychological one, to the explanation of the subject has escaped my predecessors is entirely due to the fact that they have conceived caste as a unit by itself and not as one within a System of Caste. The result of this oversight or lack of sight has been very detrimental to the proper understanding of the subject matter and therefore its correct explanation. I will proceed to offer my own explanation by making one remark which I will urge you to bear constantly in mind. It is this : that *caste in the singular*

number is an unreality. Castes exist only in the plural number. There is no such thing as a caste : There are always castes. To illustrate my meaning: while making themselves into a caste, the Brahmins, by virtue of this, created non-Brahmin caste; or, to express it in my own way, while closing themselves in they closed others out. I will clear my point by taking another illustration. Take India as a whole with its various communities designated by the various creeds to which they owe allegiance, to wit, the Hindus, Mohammedans, Jews, Christians and Parsis. Now, barring the Hindus, the rest within themselves are non-caste communities.

But with respect to each other they are castes. Again, if the first four enclose themselves, the Parsis are directly closed out, but are indirectly closed in. Symbolically, if Group A wants to be endogamous, Group B has to be so by sheer force of circumstances.

Now apply the same logic to the Hindu society and you have another explanation of the"fissiparous"character of caste, as a consequence of the virtue of self-duplication that is inherent in it. Any innovation that seriously antagonises the ethical, religious and social code of the Caste is not likely to be tolerated by the Caste, and the recalcitrant members of a Caste are in danger of being thrown out of the Caste, and left to their own fate without having the alternative of being admitted into or absorbed by other Castes. Caste rules are inexorable and they do not wait to make nice distinctions between kinds of offence. Innovation may be of any kind, but all kinds will suffer the same penalty. A novel way of thinking will create a new Caste for the old ones will not tolerate it. The noxious thinker respectfully called Guru (Prophet) suffers the same fate as the sinners in illegitimate love. The former creates a caste of the nature of a religious sect and the latter a type of mixed caste. Castes have no mercy for a sinner who has the courage to violate the code. The penalty is excommunication and the result is a new caste. It is not peculiar Hindu psychology that induces the excommunicated to form themselves into a caste 5; far from it. On the contrary, very often they have been quite willing to be humble members of some caste (higher by preference) if they could be admitted within its fold. But castes are enclosed units and it is their conspiracy with clear conscience that compels the excommunicated to make themselves into a caste. The logic of this obdurate circumstance is merciless, and it is in obedience to its force that some unfortunate groups find themselves enclosed, because others in enclosing, themselves have closed them out, with the result that new groups (formed on any basis obnoxious to the caste rules) by a mechanical law are constantly being converted into castes to a bewildering multiplicity. Thus is told the second tale in the process of Caste formation

in India.

Now to summarise the main points of my thesis. In my opinion there have been several mistakes committed by the students of Caste, which have misled them in their investigations. European students of Caste have unduly emphasised the role of colour in the Caste system. Themselves impregnated by colour prejudices, they very readily imagined it to be the chief factor in the Caste problem. But nothing can be farther from the truth, and Dr. Ketkar is correct when he insists that"All the princes whether they belonged to the so-called Aryan race, or the so-called Dravidian race, were Aryas. Whether a tribe or a family was racially Aryan or Dravidian was a question which never troubled the people of India, until foreign scholars came in and began to draw the line. The colour of the skin had long ceased to be a matter of importance." [f.6] Again, they have mistaken mere descriptions for explanation and fought over them as though they were theories of origin. There are occupational, religious etc., castes, it is true, but it is by no means an explanation of the origin of Caste. We have yet to find out why occupational groups are castes ; but this question has never even been raised. Lastly they have taken Caste very lightly as though a breath had made it. On the contrary. Caste, as I have explained it, is almost impossible to be sustained : for the difficulties that it involves are tremendous. It is true that Caste rests on belief, but before belief comes to be the foundation of an institution, the institution itself needs to be perpetuated and fortified. My study of the Caste problem involves four main points : (1) that in spite of the composite make-up of the Hindu population, there is a deep cultural unity; (2) that caste is a parcelling into bits of a larger cultural unit; (3) that there was one caste to start with and (4) that classes have become Castes through imitation and excommunication-peculiar interest attaches to the problem of Caste in India today; as persistent attempts are being made to do away with this unnatural institution. Such attempts at reform, however, have aroused a great deal of controversy regarding its origin, as to whether it is due to the conscious command of a Supreme Authority, or is an unconscious growth in the life of a human society under peculiar circumstances. Those who hold the latter view will, I hope, find some food for thought in the standpoint adopted in this paper. Apart from its practical importance the subject of Caste is an all absorbing problem and the interest aroused in me regarding its theoretic foundations has moved me to put before you some of the conclusions, which seem to me well founded, and the grounds upon which they may be supported. I am not, however, so presumptuous as to think them in any way final, or anything more than a contribution to a

discussion of the subject. It seems to me that the car has been shunted on wrong lines, and the primary object of the paper is to indicate what I regard to be the right path of investigation, with a view to arrive at a serviceable truth. We must, however, guard against approaching the subject with a bias. Sentiment must be outlawed from the domain of science and things should be judged from an objective standpoint. For myself I shall find as much pleasure in a positive destruction of my own ideology, as in a rational disagreement on a topic, which, notwithstanding many learned disquisitions is likely to remain controversial forever. To conclude, while I am ambitious to advance a Theory of Caste, if it can be shown to be untenable I shall be equally willing to give it up

COMMERCIAL RELATIONS OF INDIA
IN THE MIDDLE AGES
OR
THE RISE OF ISLAM AND THE EXPANSION OF WESTERN EUROPE

The birth of Islam is synchronous with the consolidation of Papal power in Rome under Gregory the Great. It was the era of theocracies and the east was once more spreading a wave of religion that had almost succeeded in Mohomedanizing the entire continent of Europe. Not to speak of Africa and Asia and like many big things ; it had its origin in the small.

Long before Muhamad's birth, Arabia was inhabited by different tribes and enjoyed the prosperity of being the commercial go-between between the East and the West. This early prosperity of the Arabs is attested to by the ruins of rich and splendid cities lined from Petra to Damascus; but according to Strabo, this source of prosperity to the Arabs early dried up when the Romans opened direct trade to India. The products of India and Arabia passed to Myos Hormos on the western shore of the Red Sea and camels to Thebes and thence sailed down to Alexandria through the Nile. As a result of this, the Arabs were reduced to be"the true sons of the desert".

Economically there is no country so poor as Arabia. Arabia, the sandy, stony and happy as Gibbon calls it. Owing to the scarcity of arable land and water, the Arabs could not become a settled people. They continued to be nomads and tribal, having no unity in religion or politics. Owing to their disunion,the Arabs were overrun by foreign invaders many a time. The Abyssinians, the Persians, the Sultans of Egypt and the Turks, all in their turn subjugated the kingdom of Yemen, many a Sythian tyrrant had demanded the allegiance of the holy cities of Mecca and Medina and Arabia in part became the province of the Roman empire.

None was able to subdue the Arabs permanently and they have overthrown the suzereinty of powerful monarchs like Sesostris, Cyrcs, Pompey and Trojan."The causes of this apparent spirit of independence among the Arabs are to be sought in the geography of their habitat.

Crude and inartistic as was the paganism of the Arabs ritual pomp, elaborate mythology or high philosophical speculation had no place in it."The Religion of the Arabs, as well as of the Indians consisted in the worship of the Sun, the Moon, and the fixed stars."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_1"Each tribe, each family, each independent

warrior, created and changed the rites and the object of his fantastic worship; but the nation, in every age, has bowed to the religion as well as to the language of Mecca."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_2 The conversion of pagan to a new religion is never a hard task, for, pagans are anything but fanatic and most tolerant. The pagan Arabs were living in peaceful relations with the Christian communities in the North and at Najran in the South, with the Jewish communities residing in the North-east and the Zoroastrians living in close proximity to the Persian Gulf. As a result of this propinquity, the interchange of ideas had been working towards a spiritual monotheism among the Arabs long before the birth of Muhamad and is typified by the Hanifs.

Independently or otherwise of the Hanafi movement, Muhamad, an Arab camel driver, conceived the idea of improving the lot of the degraded Arabs constantly fighting among themselves and offering human sacrifices to the numerous idols in Caaba. No man ever arrogated to himself the virtue of being a Prophet with so little equipment, but he made bold and the faith which, under the name of Islam, he preached to his family and nation is compounded of an eternal truth and a necessary fiction."*That there is only one God, and that Mahomet is the apostle of God."*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_3 The circumstances of Muhamed's birth are seemingly favourable to his proclamation as a Prophet. It will be remembered that Arabia was populated by various tribes all enjoying equal independence. All these tribe"however united to respect the tribe of Koresh which by means, fair or foul, held the custody of the temple of Caaba and the Sacerdotal office of worshipping Caaba had fallen on the family of the Hashemites, chiefly on the grandfather of Mahomed. Taking advantage of his exalted position among the Arabs, Mohomed commenced the preaching of the monotheistic Gospel. There isn't anything new in the Gospel of Mohomed who is the least original of the Prophet. His Koran is acompromise between Judaeism and Christianity. Whatever may be the value of his teachings, the Arabs looked upon it with the utmost hostility, so much so that the Hashemites were lowered in the estimation of their people. The stubbornness of the Arabs grew with the missionary zeal of Mahomed as that of the Hindoos today with the growth of the missionary propaganda. Becoming impatient, the Arabs compelled the Hashemites to expell Mohamed whose very life was near being threatened; Mahomed centred his attention on Medina but was not sure of welcome. He therefore

negotiated with the Medinites through the few disciples he had made in Mecca. After being assured of their kindness, he stationed himself at Medina and saved his cherished and young religion from utter ruin, which would certainly"have perished in its cradle, had not Medina embraced with faith and reverence the holy outcasts of Mecca."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_4 His stationing at Medina was of immense advantage to Mohamed. To his sacerdotal office was combined the regal and to the judicial, the executive. He became a missionary monarch strong enough to back his preaching by the cannon."The choice of an independent people had exalted the fugitive of Mecca to the rank of a sovereign and he was invested with the just prerogative of forming alliances and of waging offensive and defensive wars. The imperfection of human rights was supplied and armed by the plentitude of divine power. The Prophet of Medina assured, in his new revelations, a fiercer and more sanguinary tone, which proves that his former moderation was the effect of weakness. The means of persuation had been tried, the season of forbearance was elapsed, and he was now commanded to propagate his religion by the sword, to destroy the monuments of idolatory, and without regarding the sanctity of days, or months, to pursue the unbelieving nations of the Earth."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_5So stationed, he began the expansion of his creed and kingdom, first by subjugating the? Koreish of Mecca. The Arabs were both merchants and robbers in one, and the disciple of Muhamed at Medina began to harrass the trade of the Koreish passing through Medina. The Koreish, being exasperated at this, began warring against Medina. Muhamed, for a while, was on the defensive but he soon got on the offensive and subjugated the city of his birth. Thus he augmented both his forces and resources."The fair option of friendship, or submission, or battle, was proposed to the enemies of Mahomet. If they professed the creed of Islam, they were admitted to all the temporal and spiritual benefits of his primitive disciples, and marched under the same banner to extend the religion which they had embraced."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_6 Having thus equipped his followers for a career of conquest, Mohamed left his mission to his successors, the Califs."The heroic courage of Ali, the consumate prudence of Moawiyah, excited the emulation of their subjects, and the talents which had been exercised in the schools of civil discord were more usefully applied to propagate the faith and dominion of the Prophet. In the sloth and vanity of

the palace of Damascus, the succeeding princes of the house of Ommiyah were alike, destitute of the qualifications of statesmen and of saints. Yet the spoils of the unknown nations were continually laid at the foot of their throne, and the uniform ascent of the Arabian greatness must be ascribed to the spirit of the nadon rather than the abilities of their chiefs. A large deduction must be allowed for the weakness of their enemies. The birth of Mahomet was fortunately placed in the most degenerate and disorderly period of the Persians, the Romans, and the barbarians of Europe. The empire of Trojan, or even of Constantine or Charlemagne, would have repelled the attack of the naked Saracens, and the torrent of fanaticism might have been obscurely lost in the sands of Arabia."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_7"With the same vigour and success they invaded the successors of Augustus and those of Artaxerxtus : and the rival monarchies at the same instant became. The prey of an enemy whom they had been so long accustomed to despise. In the ten years of the administration of Omar, the Saracens reduced to his obedience thirty-six thousand cities or castles, destroyed fourteen thousand churches or temples of the unbelievers, and edified fourteen thousand mosques for the exercise of the religion of Mahomet. One hundred years after his flight in Mecca, the arms and the reign of his successors extended from India to the Adantic ocean, over the various and distant provinces which may be comprised under the names of (1) Persia, (2) Syria, (3) Egypt, (4) Africa, (5) Spain"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_8 In this great Mahomedan empire,"We should vainly seek the indissoluble union and easy obedience that pervaded the government of Augustus and the Antonines; but the progress of the Mahomedan religion diffused over this ample space, a general resemblance of manners and opinions. The language and laws of the Koran were studied with equal devotion at Samarkand and Seville. The Moor and the Indian embraced as countrymen and brothers in the pilgrimage of Mecca; and the Arabian language was adopted as the popular idiom in all the provinces to the westward of the Tigris."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_9

The entire trade of history has been to account for his Saracen expansion purely and simply by Religion; but an economic interpretation of this same phenomenon may also stand the test. A well-known writer says"The sudden surging forward of the Arabs was only apparently sudden. For centuries previously, the Arab migration had been in preparation. It was

the last great Semitic migration connected with the Economical decline of Arabia..... In short, long before Mahomet, Arabia was in a state of unrest, and a slow, uncontrolled infiltration of Arabian tribes and tribal branches had permeated the adjoining civilized lands in Persian as also in the Roman territory, where they had met with the descendents of earlier Semitic immigrants to those parts, the Armaneans who were already long acclamatised there.

Hunger and avarice, not religion, are the impelling forces, but religion supplied the essential unity and central power. The expansion of the Saracens* Religion, both in point of time and in itself, can only be regarded as of minor import and rather as a political necessity. The movement itself had been on foot long before Islam gave it a party cry and an Organisation."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_10

Prompted both by the ardour of spreading a new religion and also by the economic forces of the time, within forty-six years after Mahomet's flight from Mecca, the new converts to Muhamedanism appeared in arms before the walls of Constantinople and besieged it (in A. D. 668-675). The seige lasted for 7 years without any decisive result, the beseigers made light of the strength and resources of Constantinople. The Romans rose equal to the danger of their religion and empire and met the onrushing Saracens with numbers and discipline with so much heroism that it revived their population in the East and the West and for awhile, eclipsed the triumphs of the Saracens, who, had they succeeded in capturing Constantinople, would certainly have jeopardised the prospects of Christianity.

The Saracens invaded Constantinople a second time and besieged it (A. D. 716-718) but with the same result

Amidst all these triumphs, the Arabs were being gradually eclipsed by the Seljuks. At the time of their rise, the authority of Quaim, the Abbaside Caliph of Baghdad, was completely overshadowed, first by the Sheite dynasty of the Buyids, and afterwards by the more formidable Fatimite rivals. Placed in such circumstances, the Abbaside Caliph welcomed the rise of the Seljuk Turks, who being the upholders of orthodox Islam were sure to reinvest him all his former power and grandeur."It is their merit from a Mahommedan point of view to have re-established the power of orthodox Islam and delivered the Moslem world from the subversive influence of the ultra-Sheite tenets, which constituted a serious danger to the duration of Islam itself. Neither had civilization anything to fear from them, since they represented a strong neutral power which made the intimate union of Persian and Arabian elements possible, almost at the

expense of the national-Turkish-literary monuments in that language being during the whole period of the Seljuk rule exceedingly rare."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_11 The Seljuks comprised innumerable tribes or families, one of which was known as the Guzz. Among these constantly contending partics, the Guzz family, not in good graces of the rest, rose to power and became a menace to the neighbouring Mohomedan provinces.

Under the leadership of Pigu Arstan Israil, they crossed the Oxus and spread over the Eastern provinces of Persia and having defeated Mahamud, the Gaznavite king in the battle of Mero in 1040, they proclaimed their independence. Within a very short time, the Seljuks secured pre-eminance in the whole of central Asia as far as the Hellespont."After the great victory of Alp Arsia in which the Greek emperor was taken prisoner (1071), Asia minor lay open to the inroads of the Turks. Hence it was easy for Suleiman, the son of Kutulmish, the son of Arstan Pigu (Israil), to penetrate as far as the Hellespont, the more so after the captivity of Romanas' two rivals, Nicephorus Bryennius in Asia and NicephorusBotanciates in Europe, disputed the throne with one another. The former appealed to Suleiman for assistance, and was by his aid brought to Constantinople and seated on the imperial throne."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_12 Within a short time they captured Anttioch to give permanance to their Syrian monarchy and brilliantly carried their arms to such an extent by 1234 that the Seljukian empire included almost the whole of Asia minor.

But the Seljukian empire was bound to be short-lived, both because of internal dissensions and external aggressions. The external aggression of the Seljukian empire was headed by the Mongols. The early history of the Mongols is enveloped by obscurity and legend. Chengizkhan, the hero of the Mongols, at his death in the valley of Kilien in 1227"left to his sons an empire which stretched from the China sea to the banks of the Dnieper ."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_13 Chengizkhan appointed Ogdai as the Khakan or his successor and gave parts of his extensive dominion to other claimants. Ogdai tried to extend his dominion."At the head of a large army, he marched southwards into China to complete the ruin of the Kiu dynasty, which had already been so rudely shaken, while at the same time Tuli advanced into the province of Honan from the side of Shensi. Against this combined attack, the Kiu troops made a vigorous stand, but the skill and courage of the Mongols bore down every opposition and over a hecatomb

of slaughtered foes, they captured Kai-Feng-Fu, the capital of their enemies. From the Kai-Feng-Fu the emperor fled to Juning Fu, whither the Mongols quickly followed. After sustaining a siege for some weeks, enduring all the horrors of starvation, the garrison submitted to the Mongols and at the same time the Emperor committed suicide by hanging."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_14 Not being satisfied with this, Ogadi in 1235 A. D. sent an army against the Sung Dynasty of China, south of the Yang-se-kiang and in Korea.

Having thus consummated his conquest in' eastern Asia, Ogadi turned his attention to western Asia.' In 1236 A. D. he invaded Georgia and Great Armenia capturing Tiflis and Kars and sent a large army under Batu his nephew in eastern Europe. Batu captured Bolgari, the capital city of the Bulgar.crossd the Volga and invaded Ryazan which fell on the 21st of December 1237 and perpetrated such atrocities that"no eye remained open to weep for the dead."He carried Moscow which were followed by Vladimir and Kozelsk. Poland and Hungary were overtaken by the same fate.

Contemporaneous with the rise of the Mongols the Turks known as Ottomans were rising in power. They were one of those nomad tribes dwelling between the plains of Sungaria arid the desert of Gobi."Legendassigns to Oghuz, son of Kara Khan, the honour of being the father of the Ottoman Turks. Their first appearance in history dates from A. D. 1227. In that year a horde, variously estimated at from two to four thousand souls, with their flocks and their Slalves driven originally from their central Asian homes by the pressure of Mongol invasion, and who had sought in vain a refuge with the Seljukian Sultan Ala-ud-din Kaikobad of Konia, were returning under their chief Suleiman Sha to their native land. They were crossing the Euphrates, not far from the castle of Jaber, when the drowning of their leader by accident threw confusion into their ranks. Those who had not yet crossed the river refused, in face of this omen, to follow their brethren. The little band numbering 400 warriors . . .. decided to remain under Ertoghrul, son of the drowned leader. Ertoghrul first camped at Jessin, East of Erzerum. A second appeal to Ala-ud-din was more successful and the numbers of the immigrants had become too insignificant for their presence to be a source of danger. The lands of Karajabagh, near Angora, were assigned to the new settlers, who found there good pasturage and winter quarters. The help afforded by Ertoghrul to the Seljukian monarch on a critical occasion led to the addition of Sugut to his fief, with which he was now formally invested. Here Ertogbrul died

in 1288 at the age of ninety, being succeeded in the leadership of the tribe by his son Osman. When exhausted by the onslaughts of Ghazan Mahmud Khan, ruler of Tabriz, and one of Chengiz Khan's lieutenants, the Seljukian empire was at the point of dissolution, most of its feudatory vassals helped rather than hindered its downfall in the hope of retaining their fiefs as independent sovereigns. But Osman remained firm in his allegiance, and by repeated victories over the Greeks revived the drooping glories of his suzerain. His earliest conquest was Karoja Hissar (1295), where first the name of Osman was substituted for that of the sultan in the weekly prayer. In that year Ala-ud-din Kaikobad II conferred on him the proprietorship of the lands he had thus conquered by the sword and presented him at the same time with the horse-tail, drum and banner which constituted the insignia of independent command. Osman continued his victorious career against the Greeks, and by his valour and also through allying himself with Kensee Mikhal, lord of Harman Kaya, became master of Aineqeui, Bilejik and Yar Hissar . . . In 1300 the Seljuk empire crumbled away, and many small states arose on its ruins. It was only after the death of his protector and benefactor Sultan Ala-ud-din II that Osman declared his independence, and accordingly the Turkish historian dates the foundation of the Ottoman empire from this event."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_15 The empire of the Turks was very extensive."Turks ruled in Asia minor, Turks governed Egypt, Turks held minor authority under the Mongols in Syria and Mesopotamia, while the descendants of Chengizkhan had succeeded to the dominion of the Kalifs: in Persia, had assumed all the dignity of sovereignty in the wild region of the Volga and the Ural mountains, in the lands of the 0xus,and the deserts of Tartary, had spread across central Asia and had founded an empire in China, and were preparing to establish the long line of Mongol emperors in Hindustan whom we know by the name of the Great Moguls."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_16

But the power of the Turks for a time suffered a blow that seemed to end it once for all."Just at the moment when the Sultan seemed to have attained the pinnacle of his ambition, when his authority was unquestioningly obeyed over the greater part of the Byzantine empire in Europe and Asia, when the Christian states were regarding him with terror as the scourge of the world, another and a greater scourge came to quell him, and at one stroke all the vast fabric of empire which Bayezid had so triumphantly erected was shattered to the ground and this terrible

conqueror was Timur, the Tartar or as we call him"Tamurlane". He established his superiority over the petty chiefs that had arisen out of the ruins of the vast kingdom of Chengizkhan. Tamurlane carried every thing at the point of sword and subdued every province that was under Bayezid. The Tartar and the Turk faced in 1402. As the Turks were engaged in laying seige to Constantinople, the Sultan heard of the news of the victory of Tamurlane over his troops at Siwas. Bayezid collected his troops and hurried to give battle in person but lost it at Angora and the edifice of the Turkish empire crumbled to pieces."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_17Reared with consummate skill and maintained with the utmost bravery the Turkish empire succumbed before the"Asiatic Despot", the embodiment of"the wrath of God"."The history of the Ottomans seemed to have suddenly come to an end. Seldom has the world seen so complete, so terrible, a catastrophe as the fall of Bayezid from the summit of the power to the shame of a chained captive.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_18

Unfortunately however Tamurlane did not survive to avail the fruits of his victory and his apparent stroke was far from being a final blow to the Ottoman empire. Mr. Lane Poole says"The most astonishing characteristic of the rule of the Turks is its vitality. Again and again its doom has been pronounced by wise prophets, and still it survives. Province after province has been cut off the empire, yet still the Sultan sits supreme over wide dominions, is revered or feared by subjects of many races. Considering how little of the great qualities of the ruler the Turk has often possessed, how little trouble he has taken to conciliate the subjects whom his sword has subdued, it is amazing

how firm has been his authority, how unshaken his power, . . . Within a dozen years the lost provinces were reunited under the strong and able rule of Mahammud I, and the Ottoman Empire far from being weakened by the apparently crushing blow it had received in 1402, rose stronger and more vigorous after his fall, and like a giant refreshed, prepared for new and bolder feats of conquest."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_19 Cheered up by brilliant prospects Mohammed transferred his capital from Brusa in Asia to Adrianople in Europe. The Seljuk Turks reached the Hellespont but it was left to the Ottomans to cross it. Constantinople was the dream of many a Turkishruler. They had longed for the possession of that imperial city ever

since Ottoman had dreamed that he grasped it in his hand."Thunderbolt Bayezid had besieged it. Musa had pressed it hard. Murad n had patiently planned its conquest. There was little to be won beside the city itself, for all the province round about it had long been subdued by the Ottomans, but the wealth and beauty and the strength and position, of the capital itself were quite enough to make its capture the crowning ambition of the Turks."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_20 With eagerness Mahammud II the sixth of the Ottoman emperors was in watchful waiting for pretext to capture the city. Taking advantage of the hostility of the emperor he prepared to attack the city which fell on the 29th of May 1453. The withstanding of the city for such a long time rather than its fall constitute real wonder for"at this period the state of the Byzantine empire was such as to render its powers of resistance insignificant, indeed the length of time during which it held out against the Turks is to be attributed rather to the lack of efficacious means at the disposal of its assailants than to any qualities possessed by its defenders.'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_21 There is perhaps no place in the world more strategic than Constantinople in that it commands the three continents Asia, Europe and Africa, and whoever has had it, has enjoyed supremacy in all these three. Speaking of the physical strength of Constantinople and the attacks it has withstood Dr. Cunningham says,"As each century came, a new horde of invaders appeared. In the fourth century, immediately after its foundation, it was threatened by the Goths ; in the fifth, by Huns and Vandals ; in the sixth, by Slavs; these were succeeded by Arabs and Persians in the seventh, and Magyars, Bulgars and Russians in the eighth and ninth. Even after its prestige had been broken by the success of Venice and the Fourth Crusade, and the establishment of a Latin Kingdom, the restored empire was able to maintain a long resistance against the Turks. It had often been shaken, but not till 1453 did it utterly succumb."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_22

It was a great fortune that this imperial city should have withstood these incessant attacks and should have conserved the wreck of the classical civilization. It was also a great fortune for the propagation of Christianity that the wave of Mohomedanism should have been checked long enough before Christianity to have become a real force in Europe. It bore the brunt of barbarism allowed the classic civilization to develop itself. What Constantinople did on the eastern side Tours did on the western side at a very early date, though not perhaps so brilliantly. Being disappointed in

their attempt to take Constantinople the Arabs long before the Turks succeeded in taking it, deployed to the South and carrying their religion triumphantly through Africa thought of entering Europe from the western side through Gibralter. Here in their preliminary advance they met with little opposition for the kingdom of the West, Goths could hardly defend itself against their masterful onrush and by 711 A. D. Spain- fell into the hands of the Arabs and the Babers and was flooded with Moorish immigrants. Encouraged by success the Arabs thought of crossing over into Gaul but were held in check by the Duke of Aquilaine who however was defeated near Bordeaux in 732. With redoubled energy they advanced to Poiturs and marched for Tours. But here they dashed against a stronger enemy. The Franks under Charles, the Hammer (Mortel) defeated the Arabs at Tours and thus permanently stayed their advance. The Arabs never more made any attempts to cross the Pyrenees. What would have been the fate of European civilization had the Arabs succeeded in subjugating it, is hard to speculate. This much is certain that the Moors were, far in advance of the Franks. Prof. Robinson says,"Historians *commonly* regard it as a matter of great good luck that Charles, the Hammer and his barbarus soldiers succeeded in defeating and driving back the Mohomedans at Tours. But had they been permitted to settle in Southern France they might have developed science and art more rapidly than did the Franks."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_23

While these rapid movements of the Asiatic nomads were upsetting all peaceful activities in central Asia the Roman empire was fast crumbling into decay and Europe fell back into a dull lull broken only by the incessant warfare of the Germanic people.

Under these circumstances commerce was bound to decline. There were innumerable hindrances to mediaeval commerce. Rapidity of exchange was greatly hindered by the lack of money all throughout western Europe. Christianity was anything but an optimistic religion, it was a protest against the comforts of life. Economics was held down by religion. The doctrine of"just price"and the prohibition of whole sale trade greatly depressed commerce. The greatest hindrance that was put in the way of commercial activity was the Christian doctrine of usury. In one sweep the entire mass of people was prohibited to loan money at interest. When combined with the scarcity of money we can realize the retrograding character of this prohibition. The Jews not being within the pale of Christianity were the only people left to 'deal in monetary transaction and their service to economics is immeasurable."This ill-starred people played a most impor*tant*

part in the Economic development of Europe, but they were terribly maltreated by the Christians, who held them guilty of the supreme crime of putting Christ to death."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_24Added to all these were the annoying transit duties arbitrary in their character. The geographic knowledge of the time was bewilderingly miserable. Dangers of the sea were by no means small and the pirates were the source of constant dread. To crown all the most effective hindrance was the dilapidation of the Roman roads.

Under the combined force of these unfavourable circumstances

there is no wonder that since the fall of the Roman Empire, there prevailed in Western Europe a long lull and a dull monotony of

static life.

Constantinople did not pay much attention to commerce. Its policy was that of extortion. It never cared to achieve to the full the gains due to its situation on the Bosphorus. There was very little trade between the West and Constantinople military operation constituted the only stimulus to trade activities. (Space left blank-ed.)

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Nay the rule of the Saracens in Syria and Egypt was far more enlightened than that of the contemporary rulers of the Byzantine Empire.

But amidst all this ruin Italy conserved the mercantile and intellectual forces of the middle ages. The 9th century A. IX marks *the* rise of real mercantile activity in the North-East and South-West of Italy. It was the Era of the rise of the Italian City-Republic and Eastern commerce was the thing upon which they fed themselves fat. Each city-state rose to hold"The Gorgeous East in fee."

First and foremost is Amalfi. It wrested its independence from the Eastern Empire by 820. Her maritime activity grew so rapidly that within 20 years their navy was powerful enough to fight the Saracens in their naval attacks on Rome. Her factories (agencies of modern days) were scattered in Palermo, Syracuse, Messina, Durazzo and Constantinople and her reputation as a commercial state grew so wide-spread that,"The maritime laws of *Tabula Amalfitana* were current among traders on every coast of the Inland Sea and the coinage of the Republic was the chief medium of exchange between Latin Europe and the Levout."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_25

The smallness of the harbour prevented Amalfi from being a great emporium. She therefore had to give way to her rivals. She fell prey to the

land powers of the Normans who had subdued Naples, Salerno or Brindisi while the sea power was immeasurably outdone by other and better situated city states.

Venice rose as Amalfi went down."From the time of Charlemagne the Queen of the Adriatic began to take a place in the politics as well as in the commerce of the Latine world. Its situation had advantages beyond any other harbour town of Italy. Separated from the mainland by the sea and from the open sea by the low fringing walls of its lagoons, surrounded almost entirely by shallows pierced only by a few deep channels, Venice was usually considered by its own citizens, as by foreigners, to be beyond attack. The political troubles of the continent made it a refuge from the time of Attila, and the absence of any maritime rival on the adriadc left open a valuable and extensive field of operations for commerce, for colonization and even for conquest."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_26 Her benevolent neutrality and her allegiance to Byzantine greatly augmented her prosperity for on the decline of the Eastern Empire the whole adriadc coast came under her influence and the chief markets of Byzantine coast, Antioch, Inopuesda, Adana, Tarsus, Attalia, Strobilos Chios, Ephisus and Phoeacea Hiraclea and Selymbria, Chrysopolis, Demetrias, Adrianople, Athens, Thebes, Thissalonica, Negropont, Corinth Corfus, Durazzo etc. were opened for Venician trade. Her commercial policy was very farsighted and wise. She laid down the rule"of siding always with the stronger, especially in maritime struggle"and practised it on many an occasion and this by crushing all her enemies and ingratiating herself into the favour of the strong achieved her greatness.

Genoa, another city state came late to share in the oriental trade. 1097 A. D. marks her rise."The origin of the state as an independent body may be found in a *Campagna* or political association, founded at the very close of the eleventh century, controlled by consuls freely elected and supported by the bishops of the city against secular lords, such as Obertimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_27

From 1097 to 1122 she secured important trading concessions and established factories both on the Levantine Coast as well as on the African. Her trade extended to Egypt through Alexandria, to Tunis and to the Southern Coast towns of France and Spain.

Origin of Pisa which is similar in nature to that of Genoa dates from 1085. By deeds of arms she succeeded in securing commercial privileges

from the Moslems and from the Byzantine Empire. Her commerce was so great that"Western orthodoxy was shocked by the"marine monsters"from the ends of the Earth who thronged the streets of the city; Pagans, Turks, Libyans, Parthians and Chaldeans defiled the town and blackened (her) walls : here, most of all, was to be seen the triumph of commercialism over all the barriers of Latin exclusiveness over, race, religion and language alike."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_28 None of the Republics secured more concessions and privileges than Pisa and her maritime activity though short was brilliant.

The commercial activity of these Republics while in their infancy was greatly fostered by the crusades. We are not at all concerned with the military aspects of the crusades though they were perhaps the greatest of military exploits of the time. The commercial aspect of the crusade is what demands our attention.

The sea had its dangers and fears. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_29 Hardly any one tried to take a chance."In that age it might truly be said that no landman went to sea unless obliged to do so, for a voyage was being in prison with the addition charge of being drowned."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_30 The importance of water transportation was however demonstrated to the crusaders by the wearisome experience of the landways used in the first Crusade (1096-99) ; and the marine transportation was in the hands of these Italian Republics. The Crusaders therefore began to indent more and more upon these republics who fed fat on this growing commerce.

"By serving the cause of Christendom they (the Republics) served their own. They multiplied, many times over, their carrying trade; they largely increased their export and import commerce. Above all, they acquired a privileged, a more than half political, position on the coasts of the Levant, as time went on, they became more indispensable to the crusading princes, they were able to dictate their terms more freely until the main burden of the Holy war rested upon them as the chief holders of power."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_31 The Crusades seem to have been looked upon with different perspectives. The Catholic Church had a double motive which is well manifested in the words of St. Bernard, respecting the soldiers of the 2nd crusades, when he says,"In that countless multitude you will find few except the utterly wicked and impious, the sacrilegious,

homicides, and perjurers, whose departure is a double gain. Europe rejoices to lose them and Palestine to gain them: They are useful in both ways, in their absence from here and their presence there."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_32The discontented noble, the restless who was eager to shun responsibilities and the criminal and the sinful had their points of view of the crusades and the objectives as had the religiously devout and 'naturally romantic. But"the cunning traders and sea men of the commercial republics looked on the crusaders with very different eyes from the average catholic lords and labourers of the inland districts : they were not without religious enthusiasm but they cultivated it rather as a useful commodity than as an inevitable state of feeling; and they felt but little of the blind hatred against Islam, and the passionate veneration for the Gospel sites, which sincerely animated the great body of the warriors and pilgrims they conveyed to Palesttine. Merchantile interest was never absent from the minds of those who governed, bought, or sold in Venice and Pisa, in Genoa and Amalfi."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_33The results of the Crusades were contrary to expectation. They achieved what was perhaps never intended by the Crusaders and the gain was by no means small."The heyday of the crusading power on land was also the heyday of the maritime prosperity of many western cities : and at the conclusion of the religious wars the main results of the struggle was to be found in the expansion of the Christian trade, and in the assimilation of no small part of oriental and moorish civilization. For the meeting of east and west in this tremendous conflict brought little permanent gain to Europe and the Catholic world, in the political sense : Through the medium of commerce, on the other hand it directed the energies of the Christian nations to their true future. The frontal attack of the crusaders was unsuccessful, but the crusading struggle imported a new culture and material prosperity, an increased knowledge, an immensely extended wealth, a restless but obstinate ambition, whose results were seen in the Renaissance of the the fifteenth and sixteenth century in the great discoveries both of geography and natural science and in the final triumph of European arms and enterprise throughout the world."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_34 The above may strike as an exaggerated description of the enduring effects of the Crusades but there is no doubt that they imparted a liberal education to the Europeans and fostered trade by giving a permanent footing to merchants inlands where the dominions

of the Christian rulers had been destroyed.

The Italian Republics were immensely rewarded for their help to the Crusaders. Besides many privileges each one acquired"spheres of influence"exclusive of the other anticipating the modern"Spheres of influence"in China. They all rivalled each other for the control of the marts behind the Levants."The Moselm hinterland to the Crusading Syria possessed four chief markets—Aleppo, Damascus, Hems or Emesa, and Hawath, beyond which lay the still greater marts of Bagdad and the lesser Emporia of Mosul and Bassora or Basra converging the line of the Tigris, Aleppo was a head centre of the trade route from the Abbasside Caliph's ' metropolis ' to AntiocLand Laodiceaon the western side. This route. . . Edrisi calls the great avenue of the trade of Irak, Persia and Khorasan, and the silk market of Allepi proved its connection with the still more distant countries of the Far East. Even at the close of the thirteenth century many Venetian traders were residents here for the sake of commerce in *Seric* goods, as well as in *alum*. The figments and the pepper found at Antioch by the Crusaders, on the capture of the city, also bore witness to an Indian commerce with the Mediterranean by this path, and the elder Sanuto is probably right when he says (at the beginning of the 14th cen.) That in the' old time most Oriental goods passed along this way to the Roman Sea."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_35 The rapid movement of troops by Saracens and the Christians did not materially affect the Red sea route to India and Alexandria continued to be the"market of two worlds."

These Italian Republics secured the Oriental commodities and started commerce with"ultra-montane lands in the north of the continent and became"the European stapes of Mediterranean track."The north was practically in a semi-barbarous condition. The commercial activity in the Baltic was meagre. The Viking was a"half merchant and half pirate"."So far as we can gather. . . this commercial activity (in the north) was different from that of the Phoenicians and their Greek initiators in two important particulars. It was much less completely organized. The Phoenicians had settled factories at special points, and there were permanent off-shoots of the mother-city in distant lands, and had recognised rights and obligations. But the horse commerce does not appear to have arisen between towns and colonies. The Viking was rather the adventurer who went out to improve his fortunes as best he might, and who it be found a favourable opportunity, established himself on an estate. The Horsemen may have had more aptitude for town life than some of the other Teutons, but they were ready to become cultivators and colonists, and did not confine their

energies and trade."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_36 Nay before their conversion to Christianity, the Horsemen were a great menace to peaceful commerce. Considerably after the conversion of the Horsemen to Christianity signs peaceful commerce began to show among the Flemish towns. This had much to do with the wool productions in England. English was exchanged for Flemish fabrics. The Flemish dealers had organized themselves into what is known as"Flemish House of London"and controlled the trade through the"staple"towns. Beyond Flanders the German trade was controlled by the German House. It was a close confederation of a large number of towns of northern Germany. This German Hanseatic League was the most extended commercial Organisation of middle ages. It gathered the products of the Baltic lands, such as lumber, tar, salt, iron, silver, salted and smoked fish, furs, ambers and certain coarse manufactures which it exchanged for goods brought by the commercial cities of Italy from far off lands. Thus through the agency of these Italian Republics,"the products of Arabia and Persia, India and the East Indian Islands, and even of China, all through the middle ages, as in antiquity, made their way by long and difficult routes to Western Europe. Silk and Cotton, both raw and manufactured into fine goods, indigo and other dyestuffs, aromatic woods and gums, narcotics and other drugs, pearls, rubies, diamonds, sapphires, turquoises, and other precious stones, gold and silver, and above all the edible spices, pepper, ginger cinnamon, cloves, and all-spice, could be obtained only in Asia."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_37 Thus the commerce between Asia and Europe formed a regular living system and was fed by various channel.

But this system was early disturbed by the rise of Islam. When we imagine that trade was carried on by land Caravans with all the cumbersomeness we can imagine the hindrances it must have underwent owing to the rapid military movements of the Saracens We will recall that there were four principal trade routes from Asia to Europe and they all lay through the dominions of the Saracens."During the Crusades, so long as the avenue by the Persian Gulf and the Red Sea were controlled by hostile Mohomedan powers, it became necessary to adopt another more expensive and circuitous route, requiring much land-carriage and several transfers of freight. This route led up the Indus, across the mountains on beasts of burden, thence by the Oxus, and so to the Caspian Sea. This, which was ancient route, was now adopted by Venice and Genoa. From the Caspian it took especially the direction of the Volga, to a place called Zarizn, thence

through the country to the Don, where, at the river's mouth, in the town of Tana, now Azor, both Venice and Genoa had commercial privileges, and the former had a consul from the end of the 12th century. Afterwards an important entrepot for Genoa was Theodosia, now Jatta, in the Crimea."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_38"Islam had hemmed Christendom on every side. On the East as on the South, the Crescentraised a barrier against the advance of the Cross."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_39 But in this mighty struggle of the Crescent and the Cross commerce suffered immensely."The Ottoman seizure or obstruction of the Indian trade routes brought disaster not alone to the Mediterranean republics. The blow fell first on Genoa and Venice, but it sent a shock through the whole system of European commerce. The chief channel by which the products of Asia reached the central and northern nations of Christendom was the Hanseatic League."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_40 The Hanseatic had profited mainly owing to its control of Oriental wares coming through Italian Republics. From very early times"Germany and the north Italian upland were dependent on the Republic (Venice) for the products of the east, and when 1017 of (mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_41) ships laden with spices suffered shipwreck, the event is noticed by a (*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_42) chronicler as a serious misfortune."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_43"The Indian trade formed an important contributory to this Hanseatic commerce. When the eastern traffic began to dry up, its European emporiums declined."3mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_44 In this blockade of old trade routes lies the (*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_45) expansion of western Europe. The whole situation is well summed up by Prof. A. F. Poland when (*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_46) as to why America was discovered towards the end of the fifteenth century, he says, (*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_47) would be the paradoxical assertion that

Columbus discovered America in 1492 or there abouts because the Turks are an obstructive people. The connection is not quite obvious, but obvious connections are always superficial, and this is more profound. The Germans have a proverb *Dermensch est was arisst*— man is what he eats. It might be (*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/47.Commercial Relations of India in the Middle Ages.htm - _msocom_48) for a motto by those people. (This seems to be incomplete—ed.)

COMMUNAL DEADLOCK AND A WAY TO SOLVE IT

Address delivered at the Session
of the All India Scheduled Castes Federation
held in Bombay on May 6, 1945
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I

COMMUNAL DEADLOCK AND A WAY TO SOLVE IT

Mr. President,

I am indeed very grateful for your kind invitation to address the Annual Session of the All-India Scheduled Castes Federation. I am happy to see this great gathering of the Scheduled Castes. Having regard to the very short time which has elapsed since its establishment, the growth of the Federation appears by all evidence to be phenomenal. That the Scheduled Castes all over India have rallied round the Federation and are determined to make the Federation their only representative organization is beyond question. The growth of the Federation within so short a time will not be fully appreciated unless the tremendous difficulties in the way of our organization have been fully appreciated. There are agents of other political

organizations which decoy our people by false blandishments, by false promises and by false propaganda. There is the ignorance of our own people, who do not know the critical nature of the times we are living in and who do not know the value of organization for achieving our political objects. There is a lamentable lack of resources at our command. We have no money. We have no press. The crudest of tyrannies and oppressions, to which our people are subjected, day in and day out all over India, are never reported by the Press. Even our views on social and political questions are systematically suppressed by an organized conspiracy on the part of the Press. We have no funds to maintain a machinery, to render help to our people and to educate, agitate and organize them.

These are the odds we have to contend against. That the Federation, notwithstanding these difficulties, should have grown to this dimension is entirely due to our men who have been ceaselessly and unselfishly devoting themselves to the building up of this organization. I am sure you would like me to pay Mr. Ganpat Mahadev Jadhav, the President of the Bombay City Scheduled Castes Federation, our tribute for the work he has done. As everyone knows, he possesses remarkable degree of organizing capacity and I am sure the success of this Session is due to a great extent to his efforts and to those who have been his co-workers.

Ordinarily, at a gathering such as this I would have spoken—and our people would expect me to speak—on any one of the social and political problems of the Scheduled Castes. But I do not propose to engage myself in a discourse on so sectarian a subject. Instead, I propose to speak on a topic, which is general and has a wider appeal, namely the shape and form of the future Constitution of India.

It may be as well for me to explain the reasons for my decision. For the moment, the responsibility for leading the movement of the Scheduled Castes and facing its day-to-day problems does not lie on my shoulders. On account of my office I am out of it and I have no desire to take it up. That is one reason why I do not propose to take up a sectarian subject which is related only to the Scheduled Castes.

The Scheduled Castes are often charged as being selfish, interested only in themselves; that they have no constructive suggestions to make for the solution of the country's political problem. The charge is entirely untrue, and if it is true, the Untouchables will not be the only ones who will be found guilty of it. Most people in India do not make constructive suggestions. The reason is not that there are not people capable of constructive thought. The reason why all constructive thought remains bottled up is because a long and continuous propaganda has inculcated

upon the minds of the generality of the people that nothing should be respected and nothing should be accepted unless it emanates from the Congress. It is this which has killed all constructive thought in this country. At the same time, I believe this charge against the Scheduled Castes should be repelled in a positive way by showing that the Scheduled Castes are capable of putting forth constructive proposals for the general political advancement of the country which the country, if it cares to, may consider. This is the second reason why I have on this occasion chosen this subject of general interest.

II

RESPONSIBILITY FOR FRAMING THE CONSTITUTION

Before I set out in concrete terms the constitutional proposals I have in mind, I wish to raise two preliminary issues. First is : Who should frame a Constitution for India? It is necessary to raise this question because there are quite a lot of people in India who are hoping, if not asking, the British Government to resolve the deadlock and to frame a Constitution for India. I think there is a gross fallacy in such a view which needs to be exposed. A Constitution, framed by the British Government and imposed upon Indian, sufficed in the past. But if the nature of the future Constitution Indians are clamouring for, is borne in mind it will be clear that an imposed Constitution will not do.

The difference between the past Constitutions and the future Constitution of India is fundamental, and those, who still rely on the British for framing a Constitution for India, do not seem to have realized this difference. The difference lies in this that the past Constitutions contained a breakdown clause. But the future Constitution of India cannot contain such a breakdown clause. People in India decry the breakdown clause—by now the notorious section 93 of the Government of India Act, 1935. That is because they do not know the why and the how of its place in the Act. Its importance will become apparent if two important considerations governing the political life of a community are borne in mind. First of these considerations is that Law and Order is the medicine of the body politic, and when the body politic goes sick this medicine must be administered. Indeed, so important is this consideration that failure to administer it must be deemed to be a crime against society and civilization. The second consideration is that though it is true that no government has a vested right to govern, it is equally true that there must always be a government to govern—which I mean maintain Law and Order—until it is displaced by a better government. The breakdown clause serves these two

purposes. As such, it is of the highest value for the peace and tranquillity of the people. It is the one and only means which can save the country from anarchy. For, when Constitutional Government fails, the breakdown clause has at least the merit of maintaining Government.

In the past this distinction between Constitutional Government and Government with the provision for Government stepping in when Constitutional Government failed, was a feasible proposition. It was feasible because while the British Government gave Indians the right to a Constitutional Government, it kept to itself the right to govern, should Constitutional Government fail. In the future Constitution of India, it would not be possible to maintain this distinction. It would not be possible for the British Government to give the Indians the right to Constitutional Government and also to keep to itself the right to govern in case there was a breakdown in the Constitutional Government. The reason is quite obvious. The past Constitutions of India did not treat India as a Dominion. The future Constitution will proceed on the assumption that India will be a Dominion. The breakdown clause or the possibility of Government stepping in, when Constitutional Government has failed, can be reconciled in the case of a country, which has no Dominion Status. But the two are irreconcilable in the case of a Dominion. In the case of a Dominion or for the matter of that in the case of any free country, there is either a Constitutional Government or a Rebellion.

What does this mean? It means that it is impossible to frame a Constitution for an Indian Dominion with a possibility of a breakdown. To put the same thing in a different language the Constitution must be so made that it will not only command the obedience but also the respect of all ; and all or if not all, at any rate, all important elements in the national life of India shall be prepared to uphold it and to give it their support. This can happen only if the Constitution is framed by Indians for Indians and with the voluntary consent of Indians. If the Constitution is imposed by the British Government and is not accepted by one section and is opposed by another, there will arise in the country an element, hostile to the Constitution, and which will devote its energies not to working the Constitution but to breaking it. The anti-constitution party may look upon destroying the Constitution as its only duty and may engage itself in"pronouncing"against a party working the Constitution in the real Latin American fashion.

It is useless for the British to frame a Constitution for India which they will not remain to enforce. The same result will ensue if the Constitution is imposed by one powerful section or a combination of such sections on

other sections. I am, therefore, firmly of opinion that if Indians want Dominion Status, they cannot escape the responsibility of framing their own Constitution. The position is thus inescapable,

III

CONSTITUENT ASSEMBLY

The second question that I wish to raise is : Should there be a Constituent Assembly, charged with the function of making a Constitution? Constituent Assembly is on the lips of everybody. The Congress parties in their resolutions, passed before the Congress ministries resigned, demanded that the Constitution for India should be made by a Constituent Assembly composed of Indians. A Constituent Assembly was included in the Cripps proposals. The Sapru Committee has followed suit.

I must state that I am wholly opposed to the proposals of a Constituent Assembly. It is absolutely superfluous. I regard it as a most dangerous project, which may involve this country in a Civil War. In the first place, I do not see why a Constituent Assembly is at all necessary. Indians are not in the same position as the Fathers of the American Constitution were, when they framed the Constitution of the United States. They had to evolve ideas, suitable for the constitution for a free people. They had no constitutional patterns before them to draw upon. This cannot however be the case for Indians. Constitutional ideas and constitutional forms are ready at hand. Again, room for variety is very small. There are not more than two or three constitutional patterns to choose from. Thirdly, there are hardly any big and purely constitutional questions about which there can be said to be much dispute among Indians. It is agreed that the future Indian Constitution should be Federal. It is also more or less settled what subjects should go to the Centre and what to the Provinces. There is no quarrel over the division of Revenues between the Centre and the Provinces, none on Franchise and none on the relation of the Judiciary to the Legislature and the Executive. The only point of dispute, which is outstanding, centres round the question of the residuary powers—whether they should be with the Centre or with the Provinces. But that is hardly a matter worth bothering about. Indeed, the provision contained in the present Government of India Act could be adopted as the best compromise.

Having regard to this I cannot see why a Constituent Assembly is necessary to incubate a constitution. So much of the Constitution of India has already been written out in the Government of India Act, 1935, that it seems to be an act of supererogation to appoint a Constituent Assembly to do the thing over again. All that is necessary is to delete those sections of the Government of India Act, 1935, which are inconsistent with Dominion

Status.

The only function which could be left to a Constituent Assembly is to find a solution of the Communal Problem. I am quite positive that whatever be the terms of reference of the Constituent Assembly, the Communal Question should not form a part of them. Consider the composition of the Constituent Assembly as suggested by the Sapru Committee. The total membership is fixed at 160. The election is by joint electorates *by* members of the Provincial Legislative Assemblies under a system of proportional representation and the decision is to be by three-fourths of the members present and voting. Can a minority accept this Constituent Assembly as a safe body, in the impartiality of which it can place implicit confidence? The answer to this question must depend upon what answers one can give to two other questions : Does it guarantee that the representatives of a minority elected to the Assembly will be its true representatives? Secondly, does it guarantee that the decision of the Assembly with regard to the claims of any particular minority will not in fact be an imposition on the minority? On neither of these two questions can I confidently say that a minority need have no cause for fear.

Before taking up these questions, let me point out what differences there are between the Cripps Constituent Assembly and the Sapru Constituent Assembly. They may be stated as follows :

(i) The total number for the Constituent Assembly fixed by the Sapru Committee is 160. Sir Stafford Cripps had not fixed any number. But the provision contained in his proposal that the Constituent Assembly shall consist of ten per cent of the total number of members of the Provincial Legislatures virtually fixed the number to about 158—a difference of only 2.

(ii) The method of election to the Constituent Assembly by the Sapru Committee is by joint electorate under the system of proportional representation. In this there is no difference between the Cripps plan and the Sapru plan for the composition of the Constituent Assembly.

(iii) Under the Cripps plan, there was no communal reservation. The Sapru plan departs from the Cripps plan in this respect, in as much as it reserves seats for particular communities in prescribed proportions. This difference is only normal. For, though the Cripps plan did not in terms fix the number, the scheme of proportional representation would have in fact resulted in such reservation. The difference in the quota of representation under the two schemes will be seen from the following table :

Communities and Interests

Quota of seats in the Constituent Assembly

	Under Cripps'	Under Sapru's
Hindus	77	51
Muslims	50	51
Scheduled Castes	15	20
Sikhs	3	8
Indian Christians	2	7
Anglo-Indians	1	2
Europeans	6	1
Aboriginal Tribes	2	3
Special Interests		16
Others	2	1
	158	160

The Sapru Committee has not only fixed the numbers for each Community in the composition of the Constituent Assembly but it has offered the Muslims equality with the Hindus. For this departure the Committee's plea is that in consideration for this offer it has demanded joint electorate as a basis for election to the Constituent Assembly. In this, the Committee must be said to have entirely misunderstood the Cripps proposals. Joint-Electorates were already provided for in the Cripps proposals one clause of which reads—"The members of the Lower Houses of the Provincial Legislatures are to form a single Electoral College". This is simply another way of saying that the election shall be by joint-electorate. It has given something for nothing to one element and thereby put the other Communities in a hazard.

(iv) Under the Cripps proposal the decision of the Assembly was to be by majority of those present and voting. Under the Sapru proposal the decision is to be by a majority of 3/4th of those present and voting.

Now to revert to the two questions. How does the position stands with regard to the first question? To give one's opinion on it, it is first necessary to know the communal distribution of the membership of the Provincial Legislative Assemblies. The following table sums up the position :

Distribution of Seats by Communities in the Provincial Legislative Assemblies mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/09. Communal Deadlock and a Way to Solve It.htm - _msocom_1

Communities	General	Women	University	Trade	Commerce	Landlords	Total

		Unions				
1	2	3 4	5	6	7	8
Hindus	651	26 7	33	31	22	770
Muslims	482	10 1	5	6	13	517
Scheduled Castes.	151					151
Indian Christians.	20	1				21
Anglo-Indians	11	1				12
Sikhs	34	1			1	30
Europeans	26			19	1	46
Aboriginals	24					24
Total	1,399	39 8	38	.56	37	1,577

Has the communal reservation made by the Sapru proposal, and which is not to be found in the Cripps proposal, any value? That depends upon how far one community will be able to influence the election of the members of the other communities? What are the prospects in this regard? Let me give another table:

Communities	Voters for Constituent Assembly	Quota of seats in the Constituent Assembly	Number of votes reqd. for electing the quota	(+) Excess of voters over (-) Deficiency of voters below requirement.
1.Hindus	778	51	561	+ 217
2.Muslims	561	51	517	+44
3. Scheduled Castes .	151	20	220	- 69
4. Indian	21	7	77	- 56

Christians .				
5. Sikhs	36	8	88	- 52
6. Europeans	46	1	11	+ 35

From this table the following conclusions emerge :

(i) Taking the total votes to be 1577 and the total number to be elected 160, the quota under the proportional system of representation would roughly come to 10+1 = 11.

(ii) Taking 11 as the quota, the Hindus will have 217, the Muslims 44 and the Europeans 35 votes to spare, while the Scheduled Castes will be short by 69, the Indian Christians by 56 and the Sikhs by 52 votes.

To put the same thing in a different way :

(i) The Hindus with their excess of 217 votes can elect 20 non-Hindus, who would be dependent upon them ; the Muslims with their excess of 44 votes can elect 4 non-Muslims, who would be dependent upon them and the Europeans with their excess of 35 votes would be able to elect 3 non-Europeans, who would be. dependent upon them.

(ii) The Scheduled Castes with a shortage of 69 votes will be able to elect only 13 members on the stock of their own votes and for 7 seats they will have to depend upon Hindu, Muslim or European voters. The Indian Christians with a shortage of 56 votes will be able to elect only 2 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu. Muslim or European voters. Similarly the Sikhs with a shortage of 52 will be able to elect only 3 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu, Muslim or European voters

Such is the position. It is evident that the excess representation granted to the smaller minorities is only an eyewash. Their representation is made so dependent that in no sense can it be called a real representation.

Let me now take the second question. Is the rule of decision adopted by the Sapru Committee for the Constituent Assembly a safe rule? The Cripps proposal had adopted the rule of bare majority. This was an absurd proposition which no sensible man could have proposed. I know of no case where questions relating to the constitution were left to be decided by a simple majority.

The Cripps proposals sought to excuse the adoption of the majority rule on the. ground that there was to be a further provision for safeguarding the

interest of the minorities. The provision was to take the form of a Treaty between the British Crown and the Indian Constituent Assembly, before Parliament was to relinquish its sovereignty and make India free. The proposal of a Treaty would have had some sense, if the Treaty was to override the constitution. But the proposal was impossible as under the Cripps scheme India was free to become a Dominion or an Independent country as she pleased. For once India became a Dominion it would *ipso facto* acquire all the legal power necessary to pass an enactment declaring that the Treaty shall not override the constitution. In that case the Treaty would have been no better than a calendar which members of the minorities might, if they wished, hang on the walls of their houses. This was exactly what. happened to the Irish Treaty. The Irish Treaty continued to override the Irish Constitution so long as Ireland was not a Dominion. But the moment Ireland became a Dominion the over riding power of the Treaty was taken away by a shore and simple enactment of the Parliament of the Irish Free State and the. British Parliament did nothing, for it knew that Ireland was a Dominion and therefore it could do nothing. How so absurd a provision came to be put forth by so eminent a person to assure the minorities, I am unable to understand.

The provisions contained in the Sapru proposals appear to be an improvement. But are they really an improvement? I am sure they are not. A three-fourths majority of 160 means that a view to prevail must have the support of 120 members. Before accepting this as an improvement, one has to have some idea. as to how this group of 120 is likely to be formed. If the Hindus and the Musilms combine they will together make up 102 and will need only 18 more to make up 120. Most of the special seats and a few more from others may easily fall into the hands of this combine. If this happens the decision of the Assembly will obviously be an imposition upon the Scheduled Castes, the Sikhs, the Indian Christians etc. Similarly, if the Muslims are isolated the decision will not be a joint decision but an. imposition upon the Muslims by non-Muslims. These possibilities of permutation and combination for the purpose of checkmating or out-manoeuvring of some communities by others, I am sorry to say, have not been taken into consideration by the Sapru Committee. There would have been some safety, if the Sapru Committee had provided that the three-fourths majority shall at least include. 50 per cent of each element.

Following upon the procedures adopted in the making of the constitution of the United States, the Sapru Committee could have added a further provision for the ratification at any rate of the communal part of the decision of the Assembly by the representatives of the minorities outside

the Assembly. None of these provisions finds a place in the plan of the Constituent Assembly as designed by the Sapru Committee. Consequently the Constituent Assembly has become a snare.

There are many other arguments against the plan of a Constituent Assembly. I may mention one, which I confess has influenced me greatly. When I read the history of the Union between Scotland and England, I was shocked at the corruption and bribery that was practised to win the consent of the Scottish Parliament. The whole of the Scottish Parliament was bought. The chances of corruption and bribery being used in the Indian Constituent Assembly to buy over members to support decisions desired by interested groups are very real. Their effects, I am sure, cannot be overlooked. If this happens, it will not only make mockery of the Constituent Assembly but I feel quite certain that any attempt made to enforce its decisions will result in a civil war. It is my considered opinion that the proposal of Constituent Assembly is more dangerous than profitable and should not be entertained.

IV

NECESSITY OF A NEW APPROACH

I shall be asked that if the Constituent Assembly is not the correct approach, what is the alternative? I know I shall be confronted with such a question. But I am confident in my view that if the Communal Question has become difficult of solution it is not because it is insoluble, nor because we had not yet employed the machinery of Constituent Assembly. It has become insoluble because the approach to it is fundamentally wrong. The defect in the present approach is that it proceeds by methods instead of by principles. The principle is that there is no principle. There is only a series of methods. If one method fails another is tried. It is this swing from one method to another which has made the Communal Problem a jigsaw puzzle. There being no principle there is no guide to tell why a particular method has failed. There being no principle there is no assurance that the new method will succeed.

The attempts at the solution of the Communal Problem are either in the nature of a coward's plan to cow tow to the bully or of bully's plan to dictate to the weak. Whenever a community grows powerful and demands certain political advantages, concessions are made to it to win its goodwill. There is no judicial examination of its claim; no judgement on merits. The result is that there are no limits to demands and there are no limits to concessions. A start is made with a demand for separate electorate for a minority. It is granted. It is followed by a demand for a separate electorate

for a community irrespective of the fact whether it is a minority or majority. That is granted. A demand is made for separate, representation on a population bas's. That is conceded. Next, a claim is made for weightage in representation. That is granted. It is followed by a demand for statutory majority over other minorities with the right for the majority to retain separate electorate's. This is granted. This is followed by a demand that the majority rule of another community is intolerable, and therefore without prejudice to its rights to maintain majority rule over other minorities, the majority of the offending community should be reduced to equality. Nothing can be more absurd than this policy of eternal appeasement. It is a policy of limitless demand followed by endless appeasement.

Frankly, I don't blame the community that indulges in this strategy. It indulges in it because it has found that it pays, it pursues it because there are no principles to fix the limits and it believes that more could be legitimately asked and would be easily given. On the other hand, there is a community economically poor, socially degraded, educationally backward and which is exploited, oppressed and tyrannized without shame and without remorse, disowned by society, unowned by Government and which has no security for protection and no guarantee for justice, fair play and equal opportunity. Such a community is told that it can have no safeguards, not because it has no case for safeguards but only because the bully on whom the bill of rights is presented thinks that because the community is not politically organized to have sanctions behind its demand he can successfully bluff.

All this differential treatment is due to the fact that there are no principles, which are accepted as authoritative and binding on those who are parties to the Communal Question. The absence of principles has another deleterious effect. It has made impossible for public opinion to play its part. The public only knows methods and notes that one method has failed another is being suggested. It does not know why one method has failed and why another is said to be likely to succeed. The result is that the public, instead of being mobilized to force obstinate and recalcitrant parties to see sense and reason, are only witnessing the discussions of Communal Questions whenever they take place as mere shows.

The approach I am making for the solution of the Communal Problem is therefore based upon two considerations :

(1) That in proceeding to solve the Communal Problem it is essential to define the governing principles which should be invoked for determining the final solution, and

(2) That whatever the governing principles they must be applied to all parties equally without fear or favour.

V
PROPOSALS FOR SOLUTION OF THE COMMUNAL PROBLEM

Having made my position clear on certain preliminary points, I will now proceed to deal with the subject.

The Communal Problem raises three questions : (A) The question of representation, in the Legislature: (B) The question of representation in the Executive; and (C) The question of representation in the Services.

A. REPRESENTATION IN PUBLIC SERVICES

To take the last question first. This can hardly be said to be a subject of controversy. The principle that all communities should be represented in the Public Services in a prescribed proportion and no single community should be allowed to have a monopoly has been accepted by the Government of India. This principle has been embodied in the Government of India Resolutions of 1934 and 1943 and rules to carry it out have been laid down. It has even prescribed that any appointment made contrary to the rules shall be deemed to be null and void. All that is necessary is to convert administrative practice into statutory obligation. This can be done by adding a Schedule to the Government of India Act, which will include the provisions contained in these Resolutions and similar provisions for the different provinces and make the Schedule a part of the Law of the Constitution.

B. REPRESENTATION IN THE EXECUTIVE

This question raises three points :

(i) The quantum of representation in *the* Executive : (ii) The nature of the Executive; (iii) The method of filling the places in the Executive.

(i) *Quantum of Representation*

For the solution of this question, the principle which should be adopted is that the representation of the Hindus, the Muslims and the Scheduled Castes should be equal to the quantum of their representation in the Legislature.

With regard t*o* the other minorities such as the Sikhs, Indian Christians and Anglo-Indians, it is difficult to give them representation in the Executive in strict proportion to their representation in the Legislature. This difficulty arises largely from the smallness of their Kumbers. If they are to get representation in the Executive in exact proportion to their numbers, the Executive would have to be enlarged to a fantastic degree. All

that can be done, therefore, is to reserve a seat or two for them in the Cabinet for their representation and So establish a convention that they will get a fair portion of representation in the corps of Parliamentary Secretaries that will have to be raised, when the new Constitution comes into existence.

(ii) *Nature of the Executive*

In the Constitution of the Executive, I would propose the adoption, of following principles:

(1) It must be recognised that in a country like India where there is a perpetual antipathy between the majority and the minorities and on which account the danger of communal discrimination by majority against minorities forms an ever-present menace to the minorities, the executive power assumes far greater importance than the legislative power.

(2) In view of (1) above, the system under which a party which has secured a majority at the poll is deemed entitled to form a Government on the presumption that it has the confidence of the majority is untenable in Indian conditions. The majority in India is a communal majority and not a political majority. That being the difference, the presumption that arises in England cannot be regarded as a valid presumption in the conditions of India.

(3) The Executive should cease to be a Committee of the majority party m the Legislature. It should be so constituted that it will have its mandate not only from the majority but also from the minorities in the Legislature.

(4) The Executive should be non-Parliamentary in the sense that it shall not be removable before the term of the Legislature.

(5) The Executive should be Parliamentary m the sense that the members of the Executive shall be chosen from the members of the Legislature and shall have the right to sit in the House, speak, vote and answer questions.

(iii) *Method of Filling Places*

In this connection, I would propose the adoption of the following principles : (a) The Prime Minister as the executive head of the Government should

have the confidence of the whole House.

(b) The person representing a particular minority in the Cabinet should have the confidence of the members of his community in the Legislature.

(c) A. member of the Cabinet shall not be liable to be removed except on impeachment by the House on the ground of corruption or treason.

Following these principles, my proposal is that the Prime Minister and the members of the Cabinet from the majority community should be elected by the whole House by a single transferable vote and that the

representatives of the different Minorities in the Cabinet should be elected by a single transferable vote of the members of each minority community in the Legislature.

C. REPRESENTATION IN THE LEGISLATURE

This is the most difficult question. All other questions depend upon the solution of this question, it raises two points : (i) The quantum of representation : and (ii) The nature of the electorate.

(i) *Quantum of Representation*

I would first, put forth my proposals and then explain the principles on which they are based. The proposals are worked out in the following tables which show the scale of representation for the different communities in British India in the Central Legislature as well as in the Provincial Legislature:

Proposed Ratio of Representation in the Legislatures

N.B.---The percentages of population in the following Tables differ from the census figures as they have been taken after deducting the population of Aboriginal Tribes :

1. CENTRAL ASSEMBLY

Community	Percentage of population to total	Percentage of Representation
Hindus	5468	40
Muslims	28.50	32
Scheduled Castes	14.30	20
Indian Christians	1.16	3
Sikhs	1.49	4
Anglo-Indians	0.05	1

2. BOMBAY			
Community		Percentage of population to total	Percentage of Representation
Hindus		76.42	40
Muslims		9.98	28
Scheduled Castes		9.64	28
Indian Christians		1.75	2
Anglo-Indians		0.07	1
Parsees		0.44	1

3. MADRAS			
Community		Percentage of population to total	Percentage of Representation
Hindus		71.20	40
Scheduled Castes		16.53	30
Muslims		7-98	24
Indian Christians		4-10	5
Anglo-Indians		0-06	1
4. BENGAL			
Community		Percentage of population to total	Percentage of Representation
Muslims		56-50	40
Hindus		30-03	33
Scheduled Castes		12-63	25
Indian Christians		0-19	1
Anglo-Indians		0-05	1
5. UNITED PROVINCES			
Community		Percentage of population to total	Percentage of Representation
Hindus		62-29	40
Scheduled Castes		21-40	29
Muslims		15-30	29
Indian Christians		0-24	1
Anglo-Indians		0-03	1

6. PUNJAB		
Community	Percentage of population to total	Percentage of Representation
Muslims	57.06	40
Hindus	22-17	28
Sikhs	13-22	21
Scheduled Castes	4-39	9
Indian Christians	1-71	2
7. C P. & BERAR		

Community	Percentage of population to total	Percentage of Representation
Hindus	72-20	40
Scheduled Castes	20-23	34
Muslims	5-70	25
Indian Christians	0-36	1
8. BIHAR		
Community	Percentage of population to total	Percentage of Representation
Hindus	70-76	40
Muslims	15.05	30
Scheduled Castes	13.80	28
Indian Christians	1-71	2
9. ASSAM		
Community	Percentage of population to total	Percentage of Representation
Hindus	45-60	40
Muslims	44-59	39
Scheduled Castes	8-76	19
Indian Christians	0-48	2
10. ORISSA		
Community	Percentage of population to total	Percentage of Representation
Hindus	70.80	40
Scheduled Castes	17-66	36
Muslims	2-07	22
Indian Christians	0-37	2

11.SIND

Community	Percentage population total		Percentage of Representation
Hindus	23.08		40

Muslims	71-30		40
Scheduled Castes	4.26		19
Indian Christians	0.29		1

VI
EFFECT ON MINORITIES

It may be desirable to set out in. a tabular form the charges in the representation of the different minorities as prescribed in the Government of India Act, 1935, and as laid down in the proposals—

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EFFECT ON MUSLIMS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	28.50	32.00	32
Madras	8.00	13.49	24
Bombay	10.00	17-40	28
U.P.	15.30	28-95	29
C.P.	5.70	12-50	25
Bihar	15.00	26-32	28
Assam	44.60	31.48	38
Orissa	2.00	6.66	22

EFFECT ON SCHEDULED CASTES

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	14.30	7-60	20
Madras	16.50	13-90	30
Bombay	9.60	8.50	28

Bengal	12.60	12.00	25
U.P.	21.40	8-70	29
Punjab	4.40	4-50	9
C.P.	20.20	17-80	34
Bihar	13.80	9-80	28
Assam	8.70	6-50	20
Orissa	17.60	10-00	36
Sind	4.20	Nil	19

EFFECT ON INDIAN CHRISTIANS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	1.16	3.80	3
Madras	4.10	4.20	5
Bombay	1.70	1.70	2
Bengal	0.19	0.80	1
U.P.	0.24	0,90	1
Punjab	1.70	1.14	2
C.P.	0.35	Nil	1
Bihar	1.70	0.66	2
Assam	0.48	0.90	2
Orissa	0.37	0.16	2
Sind	0.29	Nil	1

EFFECT ON SIKHS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	1.50	2.40	4
Madras	13.20	18.29	21

EFFECT ON HINDUS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	30.00	20.00	33
Madras	22.10	20.00	28
Sind	23.80	31.60	40

VII

PRINCIPLES UNDERLYING THE PROPOSALS

I may now proceed to state the principles on which this distribution has been made. They are :

(1) Majority Rule is untenable in theory and unjustifiable in practice. A majority community may be conceded a relative majority of representation but it can never claim an absolute majority. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/09. Communal Deadlock and a Way to Solve It.htm - _msocom_2

(2) The relative majority of representation given to a majority community in the legislature should not be so large as to enable the majority to establish its rule with the help of the smallest minorities.

(3) The distribution of seats should be so made that a combination of the majority and one of the major minorities should not give the combine such a majority as to make them impervious to the interest of the minorities.

(4) The distribution should be so made that if all the minorities combine they could, without depending on the majority, form a government of their own.

(5) The weightage taken from the majority should be distributed among the minorities in inverse proportion to their social standing, economic position and educational condition so that a minority which is large and which has a better social, educational and economic standing gets a lesser amount of weightage than a minority whose numbers are less and whose educational, economic and social position is inferior to that of the others.

If I may say so, the representation is a balanced representation. No one community is placed in a position to dominate others by reason

of its numbers. The Muslim objection to the Hindu majority and the Hindu and Sikh objections to the Muslim majority are completely eliminated, both in the Central as well as in the Provinces.

VIII
NATURE OF THE ELECTORATE

With regard to the question of electorates the following propositions should be accepted:

(1) Joint electorate or separate electorate is a matter of machinery for achieving a given purpose. It is not a matter of principle.

(2) The purpose is to enable a minority to select candidates to the Legislature who will be real and not nominal representatives of the minority.

(3) While separate electorate gives an absolute guarantee to the minority, that its representatives will be no others except those who enjoy its confidence, a system of joint electorates which will give equal protection to the minorities should not be overlooked.

(4) A Four-member constituency, with a right to the minorities to have a double vote and requiring a minimum percentage of minority votes, may be considered as a possible substitute.

IX
MATTERS NOT COVERED

(i) QUESTION OF SPECIAL SAFEGUARDS

There are other demands made on behalf of particular minorities such as :

(1) Provision of a Statutory Officer to report on the condition of minorities.

(2) Statutory provision of State aid for education, and

(3) Statutory provision for land settlement. But they are not of a communal character, I do not therefore wish to enlarge upon them here.

(ii) ABORIGINAL TRIBES

It will be obvious that my proposals do not cover the Aboriginal Tribes although they are larger in number than the Sikhs, Anglo Indians, Indian Christians and Parsees. I may state the reasons why I have omitted them from my scheme. The Aboriginal Tribes have not as yet developed any political sense to make the best use of their political opportunities and they may easily become mere instruments

in the hands either of a majority or a minority and thereby disturb the balance without doing any good to themselves. In the present stage of their development it seems to me that the proper thing to do for these backward communities is to establish a Statutory Commission to administer what are now called the ' excluded areas ' on the same basis as was done in the case of the South African Constitution. Every Province in which these excluded areas are situated should be compelled to *make* an annual contribution of a prescribed amount for the administration of these areas.

(iii) INDIAN STATES

It will also be noticed that my proposals do not include the Indian States. I am not opposed to the inclusion of the Indian States, provided the terms and conditions of inclusion are such—

(1) that the dichotomy of divided sovereignty between British India and Indian. States is completely done away with,

(2) that the judicial and political boundaries which separate British India from Indian States will disappear, that there will be no such entities as British India or Indian States and in their place there will be only one entity namely India, and

(3) that the terms and conditions of inclusion do not prevent India from having full and plenary powers of a Dominion. I have worked out a scheme for the fusion of the Indian States and British India, which will permit the realization of these objects. I do not wish to overburden this address with the details of the plan. For the moment, it is better if British India marches to her goal without complicating its progress by an entanglement with the Indian States.

X
PAKISTAN IN THE LIGHT OF PROPOSALS

My proposals are for an United India. They are made in the hope that the Muslims will accept them in preference to Pakistan as providing better security than Pakistan does. I am not against Pakistan, I believe it is founded on principle of self-determination, which it is now too late to question. I am prepared to give them the benefit of the principle, on condition that the Muslims do not deny the benefit of the principles to the Non-Muslim residents of the Area. But I believe, I am entitled to draw the attention of the Muslims to another and a better plan of security. I claim that my plan is better than the plan of Pakistan. Let me state the points which tell in favour of my plan. They are : (i) Under my proposal the danger of a communal majority, which is the basis of Pakistan is removed. (ii)

Under my proposal the weightage at present enjoyed by the Muslims is not disturbed.

(iii) The position of Muslims in the Non-Pakistan Provinces is greatly strengthened by an increase in their representation, which they may not get if Pakistan comes and which will leave them in a more helpless condition than they are in at present.

XI
A WORD TO HINDUS

Much of the difficulty over the Communal Question is due to the insistence of the Hindus that the rule of majority is sacrosanct and that. it, must be maintained at all costs. The Hindu does not seem to be aware of the fact that there is another rule. which is also operative in fields where important disputes between individual and nations arise and that rule is a rule of unanimity. If he will take the trouble to examine the position he will realise that such a rule is not a fiction, but it does exist. Let him take the Jury System. In the jury trial the principle is unanimity. The decision is binding upon the judge, only if the verdict of the jury is unanimous. Let him take another illustration that of the League of Nations. What was the rule for decisions in the League of Nations? The rule was a rule of unanimity. It is obvious that if the principle of unanimity was accepted by the Hindus as a rule of decision in the Legislature and in the Executive there would be no such thing as a Communal Problem m India.

One may well ask the Hindu that if he is not prepared to concede constitutional safeguards to the minorities, is he prepared to agree to the rule of unanimity? Unfortunately he is not prepared to accept either.

About the rule of majority the Hindu is not prepared to admit any limitations. The majority he wants is an absolute majority. He will not be satisfied with relative majority. He should consider whether his insistence on absolute majority is fair proposition, which political philosophers can accept. He is not aware that even the constitution of the United States does not lend support to the absolutistic rule of majority rule- on which the Hindu has been insisting upon.

Let me illustrate the point from the constitution of the United States. Take the clause embodying Fundamental Rights. What does that clause mean? It means that matters included in Fundamental Rights are of such supreme concern that a mere majority rule is not enough to interfere with them. Take another illustration also from

the Constitution of the United States. The Constitution says that no part of the Constitution shall be altered unless the proposition is carried by three-fourths majority and ratified by the States. What does this show? It shows that the United States Constitution recognizes for certain purposes mere majority rule is not competent.

All these cases are of course familiar to many a Hindu. The pity of it is, he does not read from them the correct lesson. If he did, he would realize that the rule of the majority rule is not as sacrosanct a principle as he thinks it is. The majority rule *is* not accepted as a principle but is tolerated as a rule. I *might* also state why it is tolerated. It is tolerated for two reasons; (1) because the majority is always a political majority and (2) because the decision of a political majority accepts and absorbs so much of the point of view of the minority that the minority does not care to rebel against the decision.

In India, the majority is *not 8* political majority. In India the majority is born; it is not made. That is the difference between a communal majority and a political majority. A political majority is not a fixed or a permanent majority. It is a majority which is always made, unmade and. remade. A communal majority is a permanent majority fixed in its attitude. One can destroy it, but one cannot transform it. If there is so much objection to a political majority. how very fatal must be the objection to a communal majority?

It may be open to the Hindus to ask Mr. Jinnah, why in 1930 when he formulated his fourteen points he insisted upon the principle of majority rule to such an extent that one of the fourteen points stipulated that in granting weightage, limits should be placed whereby a majority shall not be reduced to a minority or equality. It may be open to the Hindus to ask Mr. Jinnah, if he is in favour of a Muslim majority in Muslim Provinces, why he is opposed to a Hindu Majority in the Centre? The Hindu must however realize that -these posers may lead to the conclusion that Mr. Jinnah's position is inconsistent. They cannot lead to the affirmation of the principle of majority rule.

The abandonment of the principle of majority rule in politics cannot affect the Hindus very much in other walks of life. As an element in social life they will remain a majority. They will have the monopoly of trade and business which they enjoy. They will have the monopoly of the property which they have. My proposals do not ask the Hindus to accept the principle of unanimity. My proposals do not

ask the Hindus to abandon the principle of majority rule. All I am asking them is to be satisfied with a relative majority. Is it too much for them to concede this?

Without marking any such sacrifice the Hindu majority is not justified in representing to the outside world that the minorities are holding up India's Freedom. This false propaganda will not pay. For the minorities are doing nothing of the kind. They are prepared to accept freedom and the dangers in which they likely to be involved; provided they granted satisfactory safeguards. This gesture of the minorities is not to be treated as a matter for which Hindus need not be grateful. It may well be contrasted with what happened in Ireland. Mr. Redmond, the leader of the Irish Nationalists once told Carson, the leader of Ulster;"Consent to United Ireland, Ask for any safeguard and they shall be granted to you". He is reported to have turned round and said :"Damn your safeguards ; we don't want to be ruled by you". The minorities in India have not said that. They are ready to be satisfied with safeguards. I ask the Hindus Is this not worth a mass? I am sure it is.

XII
CONCLUSION

These are some of the proposals I have had in mind for the solution of the Communal Problem. They do not commit the All-India Scheduled Castes Federation. They do not even commit me. In putting them forth, I am doing nothing more than exploring a new way. My emphasis is more on the principle, I have enunciated, than on the actual proposals. If the principles are accepted then I am sure the solution of the Communal Question will not be as baffling as it has been in the past.

The problem of solving the Indian deadlock is not easy. I remember reading a historian describing the condition of Germany before the Confederation of 1867 as one of 'Divinely Ordained Confusion'. Whether that was true of Germany or not, it seems to me that they form a very accurate description of the present conditions of India. Germany did get out of this confusion, if not at one stroke at least by successive stages until just before the war she became a unified people, unified in mind, unified in outlook and unified by belief in a common destiny. India has not so far succeeded in evolving order out of her confusion. It is not that she had no opportunities to do so. In fact, there have been quite a number. The first opportunity came in 1927, when Lord Birkenhead gave a challenge to Indians asking

them to produce a constitution for India. That challenge was taken up. A committee was formed to frame a constitution. A constitution was produced and was known as ' *The Nehru Constitution* '. It was, however, not accepted by Indians and was buried without remorse. A second opportunity presented itself to *Indians in 1930,* when they assembled at the Round Table Conference. There again, Indians failed to play their part and write out their own Constitution. A third attempt is the one recently made by the Sapru Committee. The proposals of this committee too have fallen flat.

There is neither enthusiasm nor optimism left to indulge in another attempt. One is pursued by a sense of fatality, which suggests that as every attempt is doomed to failure, none need be made. At the same time I feel that no Indian ought to be so down hearted or so callous as to let the deadlock stink, as though it was a dead dog, and say that he is prepared to do nothing more than be a mere witness to the political dog-fight that is going on in this country. The failures of the past need not daunt any body. They do not daunt me. For, I have a feeling that though it is true that all attempts to reach an agreement on the communal question have failed, the failure have been due not so much to any inherent fault of the Indians as they have been due to a wrong approach. I feel confident that my proposals, if considered dispassionately, should be found acceptable. They constitute a new approach and as such I commend them to my countrymen.

Before I conclude, I must, however, warn my critics that they may be able to amend my proposals in some respects; but it will not be easy to reject them. If they do reject them, the first thing they shall have to do is to controvert the principles on which they are based.

ESSAYS ON UNTOUCHABLES

AND UNTOUCHABILITY: RELIGIOUS

Contents

Chapter 1 : Away from the Hindus
Chapter 2 : Caste and conversion
Chapter 3 : Christianizing the untouchables
Chapter 4 : The condition of the convert

Religious

(One of the schemes of Dr. Ambedkar is, "The Conversion of the Untouchables". This scheme includes the following chapters:
(1) Hinduism as a Missionary Religion.
(2) Christianising the Untouchables.
(3) The Condition of the Convert.
(4) The Eternal Verity.
(5) The Untouchables and Their Destiny. From these essays, Sr. Nos. 2 and 3 have been received from Shri S. S. Rege and Sr. No. I has been found in our papers under the title ' Caste and Conversion ', which was originally published in the Telagu Samachar Special No. of November 1926. One more typed essay entitled"Away from the Hindus", which also deals with religious conversion of the Untouchables, has been found and included in this Book. Rest of the titles mentioned in the above scheme have not been found.)

CHAPTER 1
AWAY FROM THE HINDUS

A large majority of Untouchables who have reached a capacity to think out their problem believe that one way to solve the problem of the Untouchables is for them to abandon Hinduism and be converted to some other religion. At a Conference of the Mahars held in Bombay on 31st May 1936 a resolution to this effect was unanimously passed. Although the Conference was a Conference of the Mahars1, the resolution had the

support of a very large body of Untouchables throughout India. No resolution had created such a stir. The Hindu community was shaken to its foundation and curses imprecations and threats were uttered against the Untouchables who were behind this move.

Four principal objections have been urged by the opponents against the conversion of the Untouchables:

(1) What can the Untouchables gain by conversion? Conversion can make no change in the status of the Untouchables.
(2) All religions are true, all religions are good. To change religion is a futility.
(3) The conversion of the Untouchables is political in its nature.
(4) The conversion of the Untouchables is not genuine as it is not based on faith.

It cannot take much argument to demonstrate that the objections are puerile and inconsequential.

To take the last objection first. History abounds with cases where conversion has taken place without any religious motive. What was the

[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_1 The Conference was confined to Mahars because the intention was to test the intensity of feeling communitywise and to take soundings from each community.

The typed pages with Sr. Nos. from 279 to 342 have been found in this script which is titled as Chapter XX under the heading 'Away from the Hindus nature of its conversion of Clovis and his subjects to Christianity? How did Ethelbert and his Kentish subjects become Christians? Was there a religious motive which led them to accept the new religion? Speaking on the nature of conversions to Christianity that had taken place during the middle ages Rev. Reichel says:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_2

"One after another the nations of Europe are converted to the faith; their conversion is seen always to proceed from above, never from below. Clovis yields to the bishop Remigius and forthwith he is followed by the Baptism of 3,000 Franks. Ethelbert yields to the mission of Augustine and forthwith all Kent follows his example; when his son Eadbald apostatises, the men of Kent apostatise with him. Essex is finally won by the conversion of King Sigebert, who under the influence of another king, Oswy, allows himself to be baptised. Northumberland is temporarily gained by the conversion of its king, Edwin, but falls away as soon as Edwin is dead. It anew accepts the faith, when another king, Oswald,

promotes its diffusion. In the conversion of Germany, a bishop, Boniface, plays a prominent part, in close connection with the princes of the country, Charles Martel and Pepin; the latter, in return for his patronage receiving at Soissons the Church's sanction to a violent act of usurpation. Denmark is gained by the conversion of its kings, Herald Krag, Herald Blastand and Canute, Sweden by that of the two Olofs; and Russian, by the conversion of its sovereign, Vladimir. Everywhere Christianity addresses itself first to kings and princes; everywhere the bishops and abbots appear as its only representatives.

Nor was this all, for where a king had once been gained, no obstacle by the Mediaeval missionaries to the immediate indiscriminate baptism of his subjects. Three thousand warriors of Clovis following the example of their king, were at once admitted to the sacred rite; the subjects of Ethelbert were baptised in numbers after the conversion of their prince, without preparation, and with hardly any instruction. The Germans only were less hasty in following the example of others. In Russia, so great was the number of those who crowded to be baptised after the baptism of Vladimir, that the sacrament had to be administered to hundreds at a time."History records cases where conversion has taken place as a result of compulsion or deceit.

Today religion has become a piece of ancestral property. It passes from father to son so does inheritance. What genuineness is there in such cases of conversion? The conversion of the Untouchables if it did take place would take after full deliberation of the value of religion and the virtue of the different religions. How can such a conversion be said to be not a genuine conversion? On the other hand, it would be the first case in history of genuine conversion. It is therefore difficult to understand why the genuineness of the conversion of the Untouchables should be doubted by anybody.

The third objection is an ill-considered objection. What political gain will accrue to the Untouchables from their conversion has been defined by nobody. If there is a political gain, nobody has proved that it is a direct inducement to conversion.

The opponents of conversion do not even seem to know that a distinction has to be made between a gain being a direct inducement to conversion and its being only an incidental advantage. This distinction cannot be said to be a distinction without a difference. Conversion may result in a political gain to the Untouchables. It is only where a gain is a direct inducement that conversion could be condemned as immoral or criminal. Unless therefore the opponents of conversion prove that the

conversion desired by the Untouchables is for political gain and for nothing else their accusation is baseless. If political gain is only an incidental gain then there is nothing criminal in conversion. The fact, however, is that conversion can bring no new political gain to the Untouchables. Under the constitutional law of India every religious community has got the right to separate political safeguards. The Untouchables in their present condition enjoy political rights similar to those which are enjoyed by the Muslims and the Christians. If they change their faith the change is not to bring into existence political rights which did not exist before. If they do not change they will retain the political rights which they have. Political gain has no connection with conversion. The charge is a wild charge made without understanding.

The second objection rests on the premise that all religions teach the same thing. It is from the premise that a conclusion is drawn that since all religions teach the same thing there is no reason to prefer one religion to other. It may be conceded that all religions agree in holding that the meaning of life is to be found in the pursuit of ' good '. Up to this point the validity of the premise may be conceded. But when the premise goes beyond and asserts that because of this there is no reason to prefer one religion to another it becomes a false premise.

Religions may be alike in that they all teach that the meaning of life is to be found in the pursuit of ' good '. But religions are not alike in their answers to the question 'What is good?' In this they certainly differ. One religion holds that brotherhood is good, another caste and untouchability is good.

There is another respect in which all religions are not alike. Besides being an authority which defines what is good, religion is a motive force for the promotion and spread of the ' good '. Are all religions agreed in the means and methods they advocate for the promotion and spread of good? As pointed out by Prof. Tielemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_3, religion is:

"One of the mightiest motors in the history of mankind, which formed as well as tore asunder nations, united as well as divided empires, which sanctioned the most atrocious and barbarous deeds, the most libinous customs, inspired the most admirable acts of heroism, self renunciation, and devotion, which occasioned the most sanguinary wars, rebellions and persecutions, as well as brought about the freedom, happiness and peace of nations—at one time a partisan of tyranny, at another breaking its chains, now calling into existence and fostering a new and brilliant civilization, then the deadly foe to progress, science and art."

Apart from these oscillations there are permanent differences in the methods of promoting good as they conceive it. Are there not religions which advocate violence? Are there not religions which advocate nonviolence? Given these facts how can it be said that all religions are the same and there is no reason to prefer one to the other.

In raising the second objection the Hindu is merely trying to avoid an examination of Hinduism on its merits. It is an extraordinary thing that in the controversy over conversion not a single Hindu has had the courage to challenge the Untouchables to say what is wrong with Hinduism. The Hindu is merely taking shelter under the attitude generated by the science of comparative religion. The science of comparative religion has broken down the arrogant claims of all revealed religions that they alone are true and all others which are not the results of revelation are false. That revelation was too arbitrary, too capricious test to be accepted for distinguishing a true religion from a false was undoubtedly a great service which the science of comparative religion has rendered to the cause of religion. But it must be said to the discredit of that science that it has created the general impression that all religions are good and there is no use and purpose in discriminating them.

The first objection is the only objection which is worthy of serious consideration. The objection proceeds on the assumption that religion is a purely personal matter between man and God. It is supernatural. It has nothing to do with social. The argument is no doubt sensible. But its foundations are quite false. At any rate, it is a one-sided view of religion and that too based on aspects of religion which are purely historical and not fundamental.

To understand the function and purposes of religion it is necessary to separate religion from theology. The primary things in religion are the usages, practices and observances, rites and rituals. Theology is secondary. Its object is merely to nationalize them. As stated by Prof. Robertson Smith :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_4

“Ritual and practical usages were, strictly speaking the sum total of ancient religions. Religion in primitive times was not a system of belief with practical applications; it was a body of fixed traditional practices, to which every member of society conformed as a matter of courage, Men would not be men if they agreed to do certain things without having a reason for their action; but in ancient religion the reason was not first formulated as a doctrine and then expressed in practice, but conversely, practice preceded doctrinal theory."

Equally necessary it is not to think of religion as though if was super-natural. To overlook the fact that the primary content of religion is social is to make nonsense of religion. The Savage society was concerned with life and the preservation of life and it is these life processes which constitute the substance and source of the religion of the Savage society. So great was the concern of the Savage society for life and the preservation of life that it made them the basis of its religion. So central were the life processes in the religion of the Savage society that every thing which affected them became part of its religion. The ceremonies of the Savage society were not only concerned with the events of birth, attaining of manhood, puberty, marriage, sickness, death and war but they were also concerned with food.

Among the pastoral peoples the flocks and herds are sacred. Among agricultural peoples seedtime and harvest are marked by ceremonies performed with some reference to the growth and the preservation of the crops. Likewise drought, pestilence, and other strange irregular phenomena of nature occasion the performance of ceremonials. As pointed out by Prof. Crawley, the religion of the savage begins and ends with the affirmation and consecration of life.

In life and preservation of life therefore consists the religion of the savage. What is true of the religion of the savage is true of all religions wherever they are found for the simple reason that constitutes the essence of religion. It is true that in the present day society with its theological refinements this essence of religion has become hidden from view and is even forgotten. But that life and the preservation of life constitute the essence of religion even in the present day society is beyond question. This is well illustrated by Prof. Crawley, when speaking of the religious life of man in the present day society he says how:

"man's religion does not enter into his professional or social hours, his scientific or artistic moments; practically its chief claims are settled on one day in the week from which ordinary worldly concerns are excluded. In fact, his life is in two parts; but the moiety with which religion is concerned is the elemental. Serious thinking on ultimate questions of life and death is, roughly speaking, the essence of his Sabbath; add to this the habit of prayer, the giving of thanks at meals, and the subconscious feeling that birth and death, continuation and marriage are rightly solemnized by religion, while business and pleasure may possibly be consecrated, but only metaphorically or by an overflow of religious feeling."Students of the origin and history of religion when they began their study of the Savage society became so much absorbed in the magic, the tabu and totem and the rites and ceremonies connected therewith they found in the Savage society

that they not only overlooked the social processes of the savage as the primary content of religion but they failed even to appreciate the proper function of magic and other supernatural processes. This was a great mistake and has cost all concerned in religion very dearly. For it is responsible for the grave misconception about religionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_5 which prevails today among most people. Nothing can be a greater error than to explain religion as having arisen in magic or being concerned only in magic for magic sake. It is true that Savage society practises magic, believes in tabu and worships the totem. But it is wrong to suppose that these constitute the religion or form the source of religion. To take such a view is to elevate what is incidental to the position of the principal. The principal thing in the religion of the savage are the elemental facts of human existence such as life, death, birth, marriage, etc., magic, tabu and totem are not the ends. They are only the means. The end is life and the preservation of life. Magic, tabu, etc. are resorted to by the Savage society not for their own sake but to conserve life and to exercise evil influence from doing harm to life. Why should such occasions as harvest and famine be accompanied by religious ceremonies? Why are magic, tabu and totem of such importance to the savage? The only answer is that they all affect the preservation of life. The process of life and its preservation form the main purpose. Life and preservation of life is the core and centre of the religion of the Savage society. That today God has taken the place of magic, does not alter the fact that God's place in religion is only as a means for the conservation of life and that the end of religion is the conservation and consecration of social life.

The point to which it is necessary to draw particular attention and to which the foregoing discussion lends full support is that it is an error to look upon religion as a matter which is individual, private and personal. Indeed as will be seen from what follows, religion becomes a source of positive mischief if not danger when it remains individual, private and personal. Equally mistaken is the view that religion is the flowering of special religious instinct inherent in the nature of the individual. The correct view is that religion like language is social for the reason that either is essential for social life and the individual has to have it because without it he cannot participate in the life of the society.

If religion is social in the sense that it primarily concerns society, it would be natural to ask what is the purpose and function of religion.

The best statement regarding the purpose of religion which I have come across is that of Prof. Charles A

Ellwoodmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_6. According to him:

"religion projects the essential values of human personality and of human society into the universe as a whole. It inevitably arises as soon as man tries to take valuing attitude toward his universe, no matter how small and mean that universe may appear to him. Like all the distinctive things in human, social and mental life, it of course, rests upon the higher intellectual powers of man. Man is the only religious animal, because through his powers of abstract thought and reasoning, he alone is self-conscious in the full sense of that term. Hence he alone is able to project his values into the universe and finds necessity of so doing. Given, in other words, the intellectual powers of man, the mind at once seeks to universalise its values as well as its ideas. Just as rationalizing processes give man a world of universal ideas, so religious processes give man a world of universal values. The religious processes are, indeed, nothing but the rationalizing processes at work upon man's impulses and emotions rather than upon his precepts. What the reason does for ideas, religion does, then, for the feelings. It universalizes them; and in universalizing them, it brings them into harmony with the whole of reality."

Religion emphasizes, universalizes social values and brings them to the mind of the individual who is required to recognize them in all his acts in order that he may function as an approved member of the society. But the purpose of religion is more than this. It spiritualizes them. As pointed out by Prof. Ellwood :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_7

"Now these mental and social values, with which religion deals, men call 'spiritual'. It is something which emphasizes as we may say, spiritual values, that is, the values connected especially with the personal and social life. It projects these values, as we have seen, into the universal reality. It gives man a social and moral conception of the universe, rather than a merely mechanical one as a theatre of the play of blind, purposeless forces. While religion is not primarily animistic philosophy, as has often been said, nevertheless it does project mind, spirit, life, into all things. Even the most primitive religion did this; for in ' primitive dynamism ' there was a feeling of the psychic, in such concepts as *mana* or *manitou.* They were closely connected with persons and proceeded from person, or things which were viewed in an essentially personal way. Religion, therefore, is a belief in the reality of spiritual values, and projects them, as we have said, into the whole universe. All religion—even so-called atheistic religions—emphasizes the spiritual, believes in its dominance, and looks to its ultimate triumph."The

function of religion in society is equally clear. According to Prof. Ellwood1mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_8 the function of religion:"is to act as an agency of social control, that is, of the group

controlling the life of the individual, for what is believed to be the good of the larger life of the group. Very early, as we have seen, any beliefs and practices which gave expression to personal feelings or values of which the group did not approve were branded as ' black magic ' or baleful superstitions; and if this had not been done it is evident that the unity of the life of the group might have become seriously impaired. Thus the almost necessarily social character of religion stands revealed. We cannot have such a thing as purely personal or individual religion which is not at the same time social. For we live a social life and the welfare of the group is, after all, the chief matter of concern."Dealing with the same question in another place, he saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_9:

"the function of religion is the same as the function of Law and Government. It is a means by which society exercises its control over the conduct of the individual in order to maintain the social order. It may not be used consciously as a method of social control over the individual. Nonetheless the fact is that religion acts as a means of social control. As compared to religion, Government and Law are relatively inadequate means of social control. The control through law and order does not go deep enough to secure the stability of the social order. The religious sanction, on account of its being supernatural has been on the other hand the most effective means of social control, far more effective than law and Government have been or can be. Without the support of religion, law and Government are bound to remain a very inadequate means of social control. Religion is the most powerful force of social gravitation without which it would be impossible to hold the social order in its orbit."

The foregoing discussion, although it was undertaken to show that religion is a social fact, that religion has a specific social purpose and a definite social function it was intended to prove that it was only proper that a person if he was required to accept a religion should have the right to ask how well it has served the purposes which belong to religion. This is the reason why Lord Balfour was justified in putting some very straight-questions to the positivists before he could accept Positivism to be superior to Christianity. He asked in quite trenchent language.

"what has (positivism) to say to the more obscure multitude who are absorbed, and well nigh overwhelmed, in the constant struggle with daily

needs and narrow cares; who have but little leisure or inclination to consider the precise role they are called on to play in the great drama of 'humanity' and who might in any case be puzzled to discover its interest or its importance? Can it assure them that there is no human being so insignificant as not to be of infinite worth in the eyes of Him who created the Heavens, or so feeble but that his action may have consequences of infinite moment long after this material system shall have crumbled into nothingness? Does it offer consolation to those who are bereaved, strength to the weak, forgiveness to the sinful, rest to those who are weary and heavy laden?"

The Untouchables can very well ask the protagonists of Hinduism the very questions which Lord Balfour asked the Positivists. Nay the Untouchables can ask many more. They can ask: Does Hinduism recognize their worth as human beings? Does it stand for their equality? Does it extend to them the benefit of liberty? Does it at least help to forge the bond of fraternity between them and the Hindus? Does it teach the Hindus that the Untouchables are their kindred? Does it say to the Hindus it is a sin to treat the Untouchables as being neither man nor beast? Does it tell the Hindus to be righteous to the Untouchables? Does it preach to the Hindus to be just and humane to them? Does it inculcate upon the Hindus the virtue of being friendly to them? Does it tell the Hindus to love them, to respect them and to do them no wrong. In fine, does Hinduism universalize the value of life without distinction?

No Hindu can dare to give an affirmative answer to any of these questions? On the contrary the wrongs to which the Untouchables are subjected by the Hindus are acts which are sanctioned by the Hindu religion. They are done in the name of Hinduism and are justified in the name of Hinduism. The spirit and tradition which makes lawful the lawlessness of the Hindus towards the Untouchables is founded and supported by the teachings of Hinduism. How can the Hindus ask the Untouchables accept Hinduism and stay in Hinduism? Why should the Untouchables adhere to Hinduism which is solely responsible for their degradation? How can the Untouchables stay in Hinduism? Untouchability is the lowest depth to which the degradation of a human being can be carried. To be poor is bad but not so bad as to be an Untouchable. The poor can be proud. The Untouchable cannot be. To be reckoned low is bad but it is not so bad as to be an Untouchable. The low can rise above his status. An Untouchable cannot. To be suffering is bad but not so bad as to be an Untouchable. They shall some day be comforted. An Untouchable cannot hope for this. To have to be meek is bad but it is not so bad as to

be an Untouchable. The meek if they do not inherit the earth may at least be strong. The Untouchables cannot hope for that.

In Hinduism there is no hope for the Untouchables. But this is not the only reason why the Untouchables wish to quit Hinduism. There is another reason which makes it imperative for them to quit Hinduism. Untouchability is a part of Hinduism. Even those who for the sake of posing as enlightened reformers deny that untouchability is part of Hinduism are to observe untouchability. For a Hindu to believe in Hinduism does not matter. It enhances his sense of superiority by the reason of this consciousness that there are millions of Untouchables below him. But what does it mean for an Untouchable to say that he believes in Hinduism? It means that he accepts that he is an Untouchable and that he is an Untouchable is the result of Divine dispensation. For Hinduism is divine dispensation. An Untouchable may not cut the throat of a Hindu. But he cannot be expected to give an admission that he is an Untouchable and rightly so. Which Untouchable is there with soul so dead as to give such an admission by adhering to Hinduism. That Hinduism is inconsistent with the self-respect and honour of the Untouchables is the strongest ground which justifies the conversion of the Untouchables to another and nobler faith.

The opponents of conversion are determined not to be satisfied even if the logic of conversion was irrefutable. They will insist upon asking further questions. There is one question which they are always eager to ask largely because they think it is formidable and unanswerable; what will the Untouchables gain materially by changing their faith? The question is not at all formidable. It is simple to answer. It is not the intention of the Untouchables to make conversion an opportunity for economic gain. The Untouchables it is true will not gain wealth by conversion. This is however no loss because while they remain as Hindus they are doomed to be poor. Politically the Untouchables will lose the political rights that are given to the Untouchables. This is, however, no real loss. Because they will be entitled to the benefit of the political rights reserved for the community which they would join through conversion. Politically there is neither gain nor loss. Socially, the Untouchables will gain absolutely and immensely because by conversion the Untouchables will be members of a community whose religion has universalized and equalized all values of life. Such a blessing is unthinkable for them while they are in the Hindu fold.

The answer is complete. But by reason of its brevity it is not likely to give satisfaction to the opponents of conversion. The Untouchables need three things. First thing they need is to end their social isolation. The second

thing they need is to end their inferiority complex. Will conversion meet their needs? The opponents of conversion have a feeling that the supporters of conversion have no case. That is why they keep on raising questions. The case in favour of conversion is stronger than the strongest case. Only one does wish to spend long arguments to prove what is so obvious. But since it is necessary to put an end to all doubt, I am prepared to pursue the matter. Let me take each point separately.

How can they end their social isolation? The one and the only way to end their social isolation is for the Untouchables to establish kinship with and get themselves incorporated into another community which is free from the spirit of caste. The answer is quite simple and yet not many will readily accept its validity. The reason is, very few people realize the value and significance of kinship. Nevertheless its value and significance are very great. Kinship and what it implies has been described by Prof. Robertson Smith in the following terms1mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_10:

"A kin was a group of persons whose lives were so bound up together, in what must be called a physical unity, that they could be treated as parts of one common life. The members of one kindred looked on themselves as one living whole, a single animated mass of blood, flesh and bones, of which no member could be touched without all the members suffering."

The matter can be looked at from the point of view both of the individual as well as from that of the group. From the point of the group, kinship calls for a feeling that one is first and foremost a member of the group and not merely an individual. From the point of view of the individual, the advantages of his kinship with the group are no less and no different than those which accrue to a member of the family by reason of his membership of the family. Family life is characterized by parental tenderness. As pointed out by Prof. McDougall mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_11:

"From this emotion (parental tenderness) and its impulse to cherish and protect, spring generosity, gratitude, love, pity, true benevolence, and altruistic conduct of every kind; in it they have their main and absolutely essential root, without which they would not be."

Community as distinguished from society is only an enlarged family. As such it is characterised by all the virtues which are found in a family and which have been so well described by Prof. McDougall.

Inside the community there is no discrimination among those who are

recognized as kindred bound by kinship. The community recognizes that every one within it is entitled to all the rights equally with others. As Professors Dewey and Tufts have pointed out:

"A State may allow a citizen of another country to own land, to sue in its courts, and will usually give him a certain amount of protection, but the first-named rights are apt to be limited, and it is only a few years since Chief Justice Taney's dictum stated the existing legal theory of the United States to be that the Negro ' had no rights which the white man was bound to respect'. Even where legal theory does not recognize race or other distinctions, it is often hard in practice for an alien to get justice. In primitive clan or family groups this principle is in full force. Justice is a privilege which falls to a man as belonging to some group—not otherwise. The member of the clan or the household or the village community has a claim, but the Stranger has nothing standing. It may be treated kindly, as a guest, but he cannot demand 'justice' at the hands of any group but his own. In this conception of rights within the group we have the prototype of modern civil law. The dealing of clan with clan is a matter of war or negotiation, not of law; and the clanless man is an 'outlaw' in fact as well as in name."

Kinship makes the community take responsibility for vindicating the wrong done to a member. Blood-flood which objectively appears to be a savage method of avenging a wrong done to a member is subjectively speaking a manifestation of sympathetic resentment by the members of the community for a wrong done to their fellow. This sympathetic resentment is a compound of tender emotion and anger such as those which issue out of parental tenderness when it comes face to face with a wrong done to a child. It is kinship which generates, this sympathetic resentment, this compound of tender emotion and anger. This is by no means a small value to an individual. In the words of Prof. McDougall:

"This intimate alliance between tender emotion and anger is of great importance for the social life of man, and the right understanding of it is fundamental for a true theory of the moral sentiments; for the anger evoked in this way is the germ of all moral indignation and on moral indignation justice and the greater part of public law are in the main founded."

It is kinship which generates generosity and invokes its moral indignation which is necessary to redress a wrong. Kinship is the will to enlist the support of the kindred community to meet the tyrannies and oppressions by the Hindus which today the Untouchables have to bear single-handed and alone. Kinship with another community is the best insurance which

the Untouchable can effect against Hindu tyranny and Hindu oppression.

Anyone who takes into account the foregoing exposition of what kinship means and does, should have no difficulty in accepting the proposition that to end their isolation the Untouchables must join another community which does not recognise caste.

Kinship is the antithesis of isolation. For the Untouchables to establish kinship with another community is merely another name for ending their present state of isolation. Their isolation will never end so long as they remain Hindus. As Hindus, their isolation hits them from front as well as from behind. Notwithstanding their being Hindus, they are isolated from the Muslims and the Christians because as Hindus they are aliens to all—Hindus as well as Non-Hindus. This isolation can end only in one way and in no other way. That way is for the Untouchables to join some non-Hindu community and thereby become its kith and kin.

That this is not a meaningless move will be admitted by all those who know the disadvantages of isolation and the advantages of kinship. What are the consequences of isolation? Isolation means social segregation, social humiliation, social discrimination and social injustice. Isolation means denial of protection, denial of justice, denial of opportunity. Isolation means want of sympathy, want of fellowship and want of consideration. Nay, isolation means positive hatred and antipathy from the Hindus. By having kinship with other community on the other hand, the Untouchables will have within that community equal position, equal protection and equal justice, will be able to draw upon its sympathy, its good-will.

This I venture to say is a complete answer to the question raised by the opponents. It shows what the Untouchables can gain by conversion. It is however desirable to carry the matter further and dispose of another question which has not been raised so far by the opponents of conversion but may be raised. The question is: why is conversion necessary to establish kinship?

The answer to this question will reveal itself if it is borne in mind that there is a difference between a community and a society and between kinship and citizenship.

A community in the strict sense of the word is a body of kindred. A society is a collection of many communities or of different bodies of kindreds. The bond which holds a community together is called kinship while the bond which holds a society together is called citizenship.

The means of acquiring citizenship in a society are quite different from the means of acquiring kinship in a community. Citizenship is acquired by what is called naturalization. The condition precedent for citizenship is the

acceptance of political allegiance to the State. The conditions precedent for acquiring kinship are quite different. At one stage in evolution of man the condition precedent for adoption into the kindred was unity of blood. For the kindred is a body of persons who conceive themselves as spring from one ancestor and as having in their veins one blood. It does not matter whether each group has actually and in fact spring from a single ancestor. As a matter of fact, a group did admit a stranger into the kindred though he did not spring from the same ancestor. It is interesting to note that there was a rule that if a stranger intermarried with a group for seven generations, he became a member of the kindred. The point is that, fiction though it be, admission into the kindred required as a condition precedent unity of blood.

At a later stage of Man's Evolution, common religion in place of unity of blood became a condition precedent to kinship. In this connection it is necessary to bear in mind the important fact pointed out by Prof. Robertson Smithmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_12 that in a community the social body is made not of men only, but of gods and men and therefore any stranger who wants to enter a community and forge the bond of kinship can do so only by accepting the God or Gods of the community. The Statement in the Old Testament such as those of Naomi to Ruth saying:"Thy sister is gone back into her people and unto her gods"and Ruth's reply"Thy people shall be my people, and thy God my God"or the calling of the Mobites the sons and daughters of Chemosh are all evidences which show that the bond of kinship in a community is the consequence of their allegiance to a common religion. Without common religion there can be no kinship.

Where people are waiting to find faults in the argument in favour of conversion it is better to leave no ground for fault-finders to create doubt or misunderstanding. It might therefore be well to explain how and in what manner religion is able to forge the bond of kinship. The answer is simple. It does it through eating and drinking together.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_13 The Hindus in defending their caste system ridicule the plea for interdining. They ask: What is there in inter-dining? The answer from a sociological point of view is that is everything in it. Kinship is a social covenant of brotherhood. Like all convenants it required to be signed, sealed and delivered before it can become binding. The mode of signing, sealing and delivery is the mode prescribed by religion and that mode is the participation in a sacrificial meal. As said by

Prof. Smithmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and Untouchability_Religious.htm - _msocom_14:

"What is the ultimate nature of the fellowship which is constituted or declared when men eat and drink together? In our complicated society fellowship has many types and many degrees; men may be united by bonds of duty and honour for certain purposes, and stand quite apart in all other things. Even in ancient times—for example, in the Old Testament—we find the sacrament of a common meal introduced to seal engagements of various kinds. But in every case the engagement is absolute and inviolable; it constitutes what in the language of ethics is called a duty of perfect obligation. Now in the most primitive society there is only one kind of fellowship which is absolute and inviolable. To the primitive man all other men fall under two classes, those to whom his life is sacred and those to whom it is not sacred. The former are his fellows; the latter are strangers and potential foemen, with whom it is absurd to think of forming any inviolable tie unless they are first brought into the circle within which each man's life is sacred to all his comrades."If for the Untouchables mere citizenship is not enough to put an end to their isolation and the troubles which ensue therefrom, if kinship is the only cure then there is no other way except to embrace the religion of the community whose kinship they seek.

The argument so far advanced was directed to show how conversion can end the problem of the isolation of the Untouchables. There remain two other questions to be considered. One is, will conversion remove their inferiority complex? One cannot of course dogmatize. But one can have no hesitation in answering the question in the affirmative. The inferiority complex of the Untouchables is the result of their isolation, discrimination and the unfriendliness of the social environment. It is these which have created a feeling of helplessness which are responsible for the inferiority complex which cost him the power of self-assertion.

Can religion alter this psychology of the Untouchables? The psychologists are of opinion that religion can effect this cure provided it is a religion of the right type; provided that the religion approaches the individual not as a degraded worthless outcastes but as a fellow human being; provided religion gives him an atmosphere in which he will find that there are possibilities for feeling himself the equal of every other human being there is no reason why conversion to such a religion by the Untouchables should not remove their age-long pessimism which is responsible for their inferiority complex. As pointed out by Prof. Ellwood :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/25. Essay on Untouchables and

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"Religion is primarily a valuing attitude, universalizing the will and the emotions, rather than the ideas of man. It thus harmonizes men, on the side of will and emotion, with his world. Hence, it is the fee of pessimism and despair. It encourages hope, and gives confidence in the battle of life, to the savage as well as to the civilized man. It does so, as we have said, because it braces vital feeling; and psychologists tell us that the reason why it braces vital feeling is because it is an adaptive process in which all of the lower centres of life are brought to reinforce the higher centres. The universalization of values means, in other words, in psycho-physical terms, that the lower nerve centres pour their energies into the higher nerve centres, thus harmonizing and bringing to a maximum of vital efficiency life on its inner side. It is thus that religion taps new levels of energy, for meeting the crisis of life, while at the same time it brings about a deeper harmony between the inner and the outer."

Will conversion raise the general social status of the Untouchables? It is difficult to see how there can be two opinions on this question. The oft-quoted answer given by Shakespeare to the question what is in a name hardly shows sufficient understanding of the problem of a name. A rose called by another name would smell as sweet would be true if names served no purpose and if people instead of depending upon names took the trouble of examining each case and formed their opinions and attitudes about it on the basis of their examination. Unfortunately, names serve a very important purpose. They play a great part in social economy. Names are symbols. Each name represents association of certain ideas and notions about a certain object. It is a label. From the label people know what it is. It saves them the trouble of examining each case individually and determine for themselves whether the ideas and notions commonly associated with the object are true. People in society have to deal with so many objects that it would be impossible for them to examine each case. They must go by the name that is why all advertisers are keen in finding a good name. If the name is not attractive the article does not go down with the people.

The name 'Untouchable' is a bad name. It repels, forbids, and stinks. The social attitude of the Hindu towards the Untouchable is determined by the very name ' Untouchable '. There is a fixed attitude towards 'Untouchables' which is determined by the stink which is imbedded in the name ' Untouchable '. People have no mind to go into the individual merits of each Untouchable no matter how meritorious he is. All untouchables realize this. There is a general attempt to call themselves by some name

other than the 'Untouchables'. The Chamars call themselves Ravidas or Jatavas. The Doms call themselves Shilpakars. The Pariahs call themselves Adi-Dravidas, the Madigas call themselves Arundhatyas, the Mahars call themselves Chokhamela or Somavamshi and the Bhangis call themselves Balmikis. All of them if away from their localities would call themselves Christians.

The Untouchables know that if they call themselves Untouchables they will at once draw the Hindu out and expose themselves to his wrath and his prejudice. That is why they give themselves other names which may be likened to the process of undergoing protective discolouration.

It is not seldom that this discolouration completely fails to serve its purpose. For to be a Hindu is for Hindus not an ultimate social category. The ultimate social category is caste, nay sub-caste if there is a sub-caste. When the Hindus meet ' May I know who are you ' is a question sure to be asked. To this question ' I am a Hindu ' will not be a satisfactory answer. It will certainly not be accepted as a final answer. The inquiry is bound to be further pursued. The answer

' Hindu ' is bound to be followed by another; ' What caste?'. The answer to that is bound to be followed by question:"What subcaste?"It is only when the questioner reaches the ultimate social category which is either caste or sub-caste that he will stop his questionings.

The Untouchable who adopts the new name is a protective discolouration finds that the new name does not help and that in the course of relentless questionings he is, so to say, run down to earth and made to disclose that he is an Untouchable. The concealment makes him the victim of greater anger than his original voluntary disclosure would have done.

From this discussion two things are clear. One is that the low status of the Untouchables is bound upon with a stinking name. Unless the name is changed there is no possibility of a rise in their social status. The other is that a change of name within Hinduism will not do. The Hindu will not fail to penetrate through such a name and make the Untouchable and confer himself as an Untouchable. The name matters and matters a great deal. For, the name can make a revolution in the status of the Untouchables. But the name must be the name of a community outside Hinduism and beyond its power of spoilation and degradation. Such name can be the property of the Untouchable only if they undergo religious conversion. A conversion by change of name within Hinduism is a clandestine conversion which can be of no avail.

This discussion on conversion may appear to be somewhat airy. It is bound to be so. It cannot become material unless it is known which

religion the Untouchables choose to accept. For what particular advantage would flow from conversion would depend upon the religion selected and the social position of the followers of that religion. One religion may give them all the three benefits, another only two and a third may result in conferring upon them only one of the advantages of conversion. What religion the Untouchables should choose is not the subject matter of this Chapter. The subject matter of this Chapter is whether conversion can solve the problem of untouchability. The answer to that question is emphatically in the affirmative.

The force of the argument, of course, rests on a view of religion which is somewhat different from the ordinary view according to which religion is concerned with man's relation to God and all that it means. According to this view religion exists not for the saving of souls but for the preservation of society and the welfare of the individual. It is only those who accept the former view of religion that find it difficult to understand how conversion can solve the problem of untouchability. Those who accept the view of religion adopted in this Chapter will have no difficulty in accepting the soundness of the conclusion.

CHAPTER 2

CASTE AND CONVERSION'

The instinct of self-preservation is responsible for the present upheaval in the Hindu Community. There was a time when the elite of the society had no fear about its preservation. Their argument was that the Hindu community was one of the oldest communities that has withstood the onslaught of many adverse forces and therefore there must be some native strength and stamina in its culture and civilization as to make it survive. They were therefore firm in their belief that their community was destined ever to survive. Recent events seem to have shaken this belief. In the Hindu-Muslim riots that have taken place all over the country in recent times it has been found that a small band of Muslims can beat the Hindus and beat them badly. The elite of the Hindus are therefore reflecting afresh upon the question whether such a kind of survival in the struggle for existence is of any value. The proud Hindu who always harped upon the fact of survival as a proof of his fitness to survive never stopped to think that survival was of many types and not all are of equal value. One can survive by marching against the enemy and conquering him. Or one can survive by beating a retreat and hiding oneself in a position of safety. In

either case there would be survival. But certainly the value of the two survivals is measures apart. What is important is not the fact of survival but the plane of survival? Survive the Hindus may, but whether as free men or slaves is the issue. But the matter seems so hopeless that granting that they manage to survive as slaves it does not seem to be altogether certain that they can survive as *Hindus*. For they are not only beaten by the Muslims in the *physical struggle* but they seem also to be beaten in the *cultural struggle*. There is in recent days a regular campaign conducted vigorously by the Muslims for the spread of Islamic culture, and by their conversion movement, it is alleged, they have made vast additions to their numerical strength by winning over members of the Hindu faith. Fortunately for the Muslims there is a large mass of non-descript population numbering about seven crores which is classed as Hindus but which has no particular affinity to the ' Originally published in the 'Telugu Samachar Special Number', Nov. 1926.

Hindu faith and whose position is made so intolerable by that faith that they can be easily induced to embrace Islam. Some of these are going over to Islam and yet more may go.

This is sufficient to cause alarm among the elite of the Hindus. If with a superiority of numbers the Hindus are unable to face the Muslims what would be their fate if their following was depleted by conversions to Islam? The Hindus feel that they must save their people from being lost to them and their culture. Herein lies the origin of the *Shudhi Movement* or the movement to reclaim people to the Hindu faith.

Some people of the orthodox type are opposed to this movement on the ground that Hindu religion was never a proselytising religion and that Hindu must be so by birth. There is something to be said in favour of this view. From the commencement of time to which memory or tradition can reach back, proselytism has never been the practising creed of the Hindu faith. Prof. Max Muller, the great German Savant and Oriental Scholar in an address delivered by him in the name of the Westminster Abbey on the 3rd of December 1873 Day of Intercession for Missions, emphatically declared that the Hindu Religion was a non-missionary religion. The orthodoxy which refuses to believe in expediency may therefore feel well grounded in its opposition to Shudhi, as a practice directly opposed to the most fundamental tenets of the Hindu faith. But there are other authorities of equally good repute to support the promoters of the Shudhi movement, for it is their opinion that the Hindu Religion has been and can be a missionary religion. Prof. Jolly in an article ' *DIE AUSBREITUNG DER INDISCHEN FULTUR',* gives a graphic description of the means and

methods adopted by the ancient Hindu Rulers and Priests to spread the Hindu Religion among the aborigines of the country. The late Sir Alfred Lyall who wrote in reply to Prof. Max Muller also sought to prove that the Hindu religion was a missionary religion. The probability of the case seems to be .definitely in favour of Jolly and Lyall. For unless we suppose that the Hindu Religion did in some degree do the work of proselytization, it is not possible to account for its spread over a vast continent and inhabited by diverse races which were in possession of a distinct culture of their own. Besides, the prevalence of certain *YAJNAS* and *YAGA S* cannot be explained except on the hypothesis that there were ceremonies for the Shudhi of the Vratya. We may therefore safely conclude that in ancient times the Hindu religion was a missionary religion. But that owing to some reason it ceased to be so long back in its historical course.

The question that I wish to consider is why did the Hindu religion cease to be a missionary religion. There may be various explanations for this, and I propose to offer my own explanation for what it is worth Aristotle has said that man is a social being. Whatever be the cogency of the reasons of Aristotle in support of his statement this much is true that it is impossible for any one to begin life as an individualist in the sense of radically separating himself from his social fellows. The social bond is established and rooted in the very growth of self-consciousness. Each individual's apprehension of his own personal self and its interest involves the recognition of others and their interests; and his pursuit of one type of purposes, generous or selfish, is in so far the pursuit of the other also. The social relation is in all cases intrinsic to the life, interests, and purposes of the individual; he feels and apprehends the vitality of social relations in all the situations of his life. In short, life without society is no more possible for him than it is for a fish out of water.

Given this fact it follows that before a society can make converts, it must see to it that its c,onstitution provides for aliens being made its members and allowed to participate in its social life. It must be used to make no difference between individuals born in it and individuals brought into it. It must be open to receive him in the one case as in the other and allow him to enter into its life and thus make it possible for him to live and thrive as a member of that society. If there is no such provision on conversion of an alien the question would at once arise where to place the convert. If there is no place for the convert there can be no invitation for conversion nor can there be an acceptance of it.

Is there any place in the Hindu society for a convert to the Hindu faith? Now the organisation of the Hindu society is characterized by the existence

of castes. Each caste is endogamous and lives by antogony. In other words it only allows individuals born in it to its membership and does not allow any one from outside being brought into it. The Hindu Society being a federation of castes and each caste being self-enclosed there is no place for the convert for no caste will admit him. The answer to the question why the Hindu Religion ceased to be a missionary religion is to be found in the fact that it developed the caste system. Caste is incompatible with conversion. So long as mass conversion was possible, the Hindu Society could convert for the converts were large enough to form a new caste which could provide the elements of a social life from among themselves. But when mass conversions were no more and only individual converts could be had, the Hindu Religion had necessarily to cease to be missionary for its social organisation could make no room for the incoming convert.

I have not propounded this question as to why the Hindu Religion ceased to be missionary simply to find an opportunity for obtaining credit for originality of thought by offering a novel explanation. I have propounded the question and given an answer to it because I feel that both have a very important bearing upon the Shudhi movement. Much as I sympathise with the promoters of that movement, I must say that they have not analysed the difficulties in the way of the success of their movement. The motive behind the Shudhi movement is to increase the strength of the Hindu Society by increasing its numbers. Now a society is strong not because its numbers are great but because it is solid in its mass. Instances are not wanting where a solid organised band of fanatics have routed a large army of disorganised crusaders. Even in the Hindu-Muslim riots it has been proved that the Hindus are beaten not only where they are weak in numbers, but they are beaten by the Muslims even where the Hindus preponderate. The case of Moplahs is in point. This alone ought to show that the Hindus suffer not from want of numbers but from want of solidarity. To increase solidarity of the Hindu Society one must tackle the forces which have brought about its disintegration. My fear is that mere Shudhi, instead of integrating the Hindu Society, will cause greater disintegration and will annoy the Muslim Community without any gain to the Hindus. In a society composed of castes, Shudhi brings in a person who can find no home and who is therefore bound to lead an isolated and separate existence with no attachment or loyalty to any one in particular. Even if Shudhi were to bring into the Hindu fold a mass like the Malkana catch of Shradhanand, it will only add one more caste to the existing number. Now the greater the castes the greater the isolation and the greater the weakness of the Hindu society. If the Hindu society desires to survive it

must think not of adding to its numbers but increasing its solidarity and that means the abolition of caste. The abolition of castes is the real Sanghatan of the Hindus and when Sanghatan is achieved by the abolishing of castes, Shudhi will be unnecessary and if practised, will be gainful of real strength. With the castes in existence, it is impossible and if practised would be harmful to the real Sanghatan and solidarity of the Hindus. But somehow the most revolutionary and ardent reformer of the Hindu society shies at the idea of abolition of the caste and advocates such puerile measures as the reconversion of the converted Hindu, the changing of the diet and the starting of Akhadas. Some day it will dawn upon the Hindus that they cannot save their society and also preserve their caste. It is to be hoped that that day is not far off.

CHAPTER 3

CHRISTIANIZING THE UNTOUCHABLES

1. Growth of Christianity in India. II. Time and money spent in Missionary effort. III. Reasons for slow growth.

How old is Christianity in India? What progress has it made among the people of India? These are questions which no one who is interested in the Untouchables can fail to ask. The two questions are so intimately connected that the endeavour for the spread of Christianity would be hopeless if there were not in India that vast body of untouchables who, by their peculiar circumstances, are most ready to respond to the social message of Christianity.

The following figures will give some idea of the population of Indian Christians as compared with other communities in India according to the Census of 1931.

INDIA AND BURMA

Population by Religion	1891 Census	1921 Census	1931 Census	lncrease# Decrease —
Hindu		216,734,586	239,195,140	#10.4

Muslims		68,735,233	77,677,545	#13
Buddhist		11,571,268	12,786,806	#10.5
Sikh		3,238,803	4,335,771	#33.9
Primitive Religions		9,774,611	8,280,347	—15.3
Christian		4,754,064	6,296,763	#32.5
Jain		1,178,596	1,252,105	# 6.2
Zoroastrian		101,778	109,752	# 7.8
Jews		21,778	24,141	#10.9
Unreturned		18,004	2,860,187	....
Total		316,128,721	352.818,557	#10.6

It is true that during the 1921 and 1931 Christianity has shown a great increase. From the point of growth Sikhism takes the first place. Christianity comes second and Islam another proselytizing religion comes third. The difference between the first and the second is so small that the second place occupied by Christianity may be taken to be as good as first. Again the difference between the second and the third place occupied by Islam is so enormous that Christians may well be proud of their having greatly outdistanced so serious a rival.

With all this the fact remains that this figure of 6,296,763 is out of a total of 352,818,557. This means that the Christian population in India is about 1.7 p.c. of the total.

II

In how many years and after what expenditure? As to expenditure it is not possible to give any accurate figures. Mr. George Smith in his book on"The Conversion of India"published in 1893 gives statistics which serve to give some idea of the resources spent by Christian Nations for Missionary work in heathen countries. This is what he says:

"We do not take into account their efforts, vigorous and necessary, especially in the lands of Asia and North Africa occupied by the Eastern Churches for whom Americans do much, nor any labours for Christians by Christians of a purer faith and life. Leaving out of account also the many wives of missionaries who are represented statistically in their husbands, Rev. J. Vahl, President of the Danish Missionary Society, gives us these results. We accept them as the most accurately compiled, and as almost too

cautiously estimated where estimate is unavoidable. In Turkey and Egypt only work among the Musalmans is reckoned.

	1890	1891
Income (English Money)	£2,412,938	£2,749,340
Missionaries	4,652	5,094
Missionaries unmarried ladies	2,118	2,445
Native Ministers	3,424	3,730
Other Native helpers	36,405	40,438
Communicants	966,856	1,168,560

We abstain from estimating in detail the results for 1892, as they are about to appear, and still less for the year 1893, but experts can do this for themselves. This only we would say, that the number of native communicants added in those two years has been very large, especially in India. Allowing for that, we should place them now at 1,300,000 which gives a native Christian community of 5,200,000 gathered out of all non-Catholic lands.

Dean Vahl's statistics are drawn from the reports of 304 mission societies and agencies in 1891, beginning with Cromwell's New England Company, for America, in 1649. On the following page the details are summarised from seventeen lands of Reformed Christendom. The amount raised in 1891 by the 160 Mission Churches and Societies of the British Empire was £ 1,659,830 and by the 57 of the United States of America £ 786,992. Together the two great English speaking peoples spent £ 2,446,822 on the evangelisation of the non-Christian world. The balance 302,518 was contributed by Germany and Switzerland, Netherlands, Denmark, France, Norway, Sweden, Finland and in Asia."It is not possible to give any idea of the resources now utilized in the cause because they are not published. But we have sufficient data to know how many years it has taken to produce these 6 millions of converts.

Of the first missionary to India who came and sowed there the seed of Christianity there is no record. It is believed that Christianity in India is of apostolic origin and it is suggested that the apostle Thomas was the founder of it. The apostolic origin of Christianity is only a legend notwithstanding the existence of what is called St. Thomas's Mount near Madras which is said to be the burial place of the Apostle. There is no credible evidence to show that the Gospel was even preached in India during the first Century. There is some evidence to show that in the second

century the Gospel had reached the ears of the dwellers on the Southern Indian Coast, among the pearl fishers of Ceylon and the cultivators on the coasts of Malabar and Coromondel. This news when brought back by the Egyptian Mariners spread among the Christians of Alexandria. Alexandria was the First to send a Christian Missionary to India, whose name is recorded in history. He was Pantoenus, a Greek stoic who had become a Christian and was appointed by Demetrius, the bishop of Alexandria as the principal and sole catechist of the school of the Catechumens, which had been established for the instruction of the heathen in the facts and doctrines of Christianity. At some time between the years 180 and 190 the Bishop of Alexandria received an Appeal from the Christians in India to send them a Missionary and Pantoenus was accordingly sent. How long he was in India, how far inland he travelled and what work he actually did, there is no record to show. All that is known is that he went back to Alexandria, and took charge of his school and continued to be its principal till 211 A.D.

Little is known of the progress of the Gospel on Indian soil through the third century. But there is this fact worthy of notice. It is this that when the Council of Nicaca was held in 325 A.D. after the conversion of the Emperor Constantine Johannes, one of the Assembled prelates described himself as"Metropolitan of Persian and of the Great India". This fact seems to indicate that there was at that time a Christian Church of some bulk and significance planted on the Indian Coast. On the other hand this probably implied little more than an episcopal claim to what had always, as in the Book of Esther, been considered a province of the Persian Empire.

The scene shifts from Alexandria to Antioch and from the beginning of the third to the end of the fifth century. It is Antioch which took the burden of Christian enterprize upon its own shoulder.

The sixth century was the last peaceful year for Christian propaganda. This seems to mark the end of one epoch. Then followed the rise of the Saracens who carried the Koran and Sword of Mahammad all over Western Asia and Northern Africa, then threatened Europe itself up to Vienna and from Spain into the heart of France. The result was that all the Christian people were distracted and their Missionary effort was held up for several centuries.

The voyage of Vasco de Gama in the year 1497 to India marks the beginning of a new epoch in the history of Christian Missionary effort in India and the most serious and determined effort commenced with the arrival of the great Missionary .Francis Xavier in the year 1542. The Portuguese were the first European power in the East and the earliest

efforts of modern times in the direction of Christianizing the natives of India were made under their auspices. The conversions effected under the auspices of the Portuguese were of course conversions to the Roman Catholic faith and were carried out by Roman Catholic Missions.

They were not, however, left long without rivals. The Protestants soon came into the field. The earliest Protestant propaganda was that of the Lutherans who established themselves in Tranquebar in 1706 under the patronage of the King of Denmark. The able and devoted Schwartz, who laboured in Trichinopoly and Tanjore throughout the second half of the 18th Century was a member of this mission, which has since, to a great extent, been taken over by the Society for the propagation of the Gospel.

Next came the Baptist Mission under Carey who landed in Calcutta in 1793. Last came the Anglican Church which entered the Missionary field in 1813 and since then the expansion of Missionary enterprize was rapid and continuous.

Thus Christian propaganda has had therefore a long run in India. It had had four centuries before the rise of the Saracens who caused a break in the Mission Activity. Again after subsidence of the Saracens it has had nearly four centuries. This total of six millions is the fruit gathered in eight centuries. Obviously this is a very depressing result. It depressed Francis Xavier. It even depressed Abbe Dubois who, writing in 1823 some three hundred years after Xavier, declared that to convert Hindus to, Christianity was a forlorn hope. He was then criticized by the more optimistic of Christian Missionaries. But the fact remains that at the end of this period there are only about 6 million Christians out of a total population of about 358 millions. This is a very slow growth indeed and the question is, what are the causes of this slow growth.

Ill

It seems to me that there are three reasons which have impeded the growth of Christianity.

The first of these reasons is the bad morals of the early European settlers in India particularly Englishmen who were sent to India by the East India Company. Of the character of the men who were sent out to India Mr. Kaye, an Appologist of the Company and also of its servants speaks in the following terms in his"Christianity in India":"Doubtless there were some honest, decent men from the middle classes amongst them..... But many, it appears from contemporary writers, were Society's hard bargains—youngsters, perhaps, of good family, to which they were a disgrace, and

from the bosom of which therefore they were to be cast out, in the hope that there would be no prodigals return from the ' Great Indies '. It was not to be expected that men who had disgraced themselves at home would lead more respectable lives abroad.

* * *

"There were, in truth, no outward motives to preserve morality of conduct, or even decency of demeanour; so from the moment of their landing upon the shore of India, the first settlers cast off all these bonds which had restrained them in their native villages; they regarded themselves as privileged beings—privileged to violate all the obligations of religion and morality and to outrage all the decencies of life. They who went thither were often desperate adventurers, whom England, in the emphatic language of the Scripture, had spud out; men who sought those golden sands of the East to repair their broken fortunes; to bury in oblivion a sullied name; or to bring, with lawless hand from the weak and unsuspecting, wealth which they had not the character or capacity to obtain by industry at home. They cheated; they gambled; they drank; they revelled in all kinds of debauchery. Associates in vice, linked together by a common bond of rapacity, they still often pursued one another with desperate malice, and, few though they were in numbers, among them there was no fellowship, except a fellowship of crime."

"All this was against the new comer; and so, whilst the depraved met with no inducement to reform, the pure but rarely escaped corruption. Whether they were there initiated, or perpetrated in destructive error, equally may they be regarded as the victims of circumstance.....

How bad were the morals and behaviour of the early Christians can be gathered from the following instances quoted by Mr. Kaye."The Deputy-Governor of Bombay was in 1669 charged as under:

That he hath on the Sabbath day hindered the performance of public duty to God Almighty at the accustomary hour, continuing in drinking of health; detaining others with him against their wills; and whilst he drank, in false devotions upon his knees, a health devoted to the Union, in the time appointed for the service belonging to the Lord's day, the unhappy sequel showed it to be but the projection of a further disunion.

"That to the great scandal of the inhabitants of the island, of all the neighbours round about, both popists and others that are idolaters, in dishonour of the sobriety of the Protestant religion, he hath made frequent and heavy drinking meetings, continuing some times till two or three of the

clock in the morning, to the neglecting of the service of God in the morning prayers, and the service of the Company in the meantime had stood still while he slept, thus perverting and converting to an ill private use, those refreshment intended for the factory in general."On these charges he was found guilty.

In the factories of the East India Company there was enough of internecine strife and the factors of the Company committed scandalous outrages in general defiance both of the laws of God and the decencies of man. They fought grievously among themselves; blows following words; and the highest persons in the settlement settling an example of pugnacity with their inferiors under the potent influence of drink.

The report of the following incident is extracted from the records of the Company's factory at Surat [f.16] :

"We send your honours our consultation books from the 21st of August 1695 to 31st December 1696, in which does appear a conspiracy against the President's life, and a design to murder the guards, because he would have opposed it. How far Messrs. Vauxe and Upphill were concerned, we leave to your honours to judge by this and depositions before mentioned. There is strong presumption that it was intended first that the President should be stabbed and it was prevented much through the vigilence of Ephraim Bendall; when hopes of that failed by the guards being doubled, it seems poison was agreed on, as by the deposition of Edmund clerk and all bound to secrecy upon an horrid imprecation of damnation to the discoverer, whom the rest were to fall upon and cut off."In the same document is recorded the complaint of Mr. Charles Peachey against the President of the Council at Surat—

"I have received from you (i.e. the President) two cuts on my head, the one very long and deep, the other a slight thing in comparison to that. Then a great blow on my left arm, which has enflamed the shoulder, and deprived me (at present), of the use of that limb; on my right side a blow on my ribs just beneath the pap, which is a stoppage to my breath, and makes me incapable of helping myself; on my left hip another, nothing inferior to the first; but above all a cut on the brow of my eye."Such was the state of morality among the early English Settlers who came down to India. It is enough to observe that these settlers managed to work through the first eighty years of the seventeenth century without building a Church. Things did not improve in the 18th Century. Of the state of morality among Englishmen in India during the 18th Century this is what Mr. Kaye has to say—

"Of the state of Anglo Indian Society during the protracted Administration of Warren Hastings, nothing indeed can be said in praise. . . .. those who ought to have set good example, did grievous wrong to Christianity by the lawlessness of their lives. .. .. Hastings took another man's wife with his consent; Francis did the same without it..... It was scarcely to be expected that, with such examples before them, the less prominent members of society would be conspicuous for morality and decorum. In truth, it must be acknowledged that the Christianity of the English in India was, at this time, in a sadly depressed state. Men drank hard and gamed high, concubinage with the women of the country was the rule rather than the exception.

It was no uncommon thing for English gentlemen to keep populous zenanas. There was no dearth of exciting amusement in those days. Balls, masquerades, races and theatrical entertainments, enlivened the settlements, especially in the cold weather; and the mild excitement of duelling varied the pleasures of the season. Men lived, for the most part, short lives and were resolute that they should be merry ones."

* * *

The drunkenness, indeed, was general and obstrusive. It was one of the besetting infirmities—the fashionable vices—of the period. .. .. At the large Presidency towns—especially at Calcutta—public entertainments were not frequent. Ball suppers, in those days, were little less than orgies. Dancing was impossible after them, and fighting commonly took its place. If a public party went offwithout a duel or two, it was a circumstance as rare as it was happy. There was a famous club in those days, called Selby's Club, at which the gentlemen of Calcutta were wont to drink as high as they gamed, and which some times saw drunken bets of 1,000 gold mohurs laid about the merest trifles. Card parties often sat all through the night, and if the night chanced to be a Saturday, all through the next day.

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Honourable marriage was the exceptional state. . .. .. The Court of Directors of the East India Company. . . ... were engaged in the good work of reforming the morals of their settlements; and thinking that the means of forming respectable marriages would be an important auxiliary, they sent out not only a supply of the raw material of soldiers' wives, but some better

articles also, in the shape of what they called gentle women, for the use of such of their merchants and factors as might be matrimonially inclined. The venture, however, was not a successful one. The few who married made out indifferent wives, whilst they who did not marry,—and the demand was by no means brisk,—were, to say the least of it, in an equivocal position. For a time they were supported at the public expense, but they received only sufficient to keep them from starving, and so it happened naturally enough that the poor creatures betook themselves to vicious courses, and sold such charms as they had, if only to purchase strong drink, to which they became immoderately addicted, with the wages of their prostitution.

The scandal soon became open and notorious; and the President and Council at Surat wrote to the Deputy Governor and Council at Bombay, saying:"Whereas you give us notice that some of the women are grown scandalous to our native religion and Government, we require you in the Honourable Company's name to give them all fair warning that they do apply themselves to a more sober and Christian conversation: otherwise the sentence is that they shall be deprived totally of their liberty to go abroad, and fed with bread and water, till they are embarked on board ship for England. [f.17]

How bad were the morals and behaviour of the early Christians can be gathered from the three following instances which are taken from contemporary records.

Captain Williamson in his 'Indian Vade Mecum' published about the year 1809 says—

"I have known various instances of two ladies being conjointly domesticated, and one of an elderly military character who solaced himself with no less than *sixteen* of all sorts and sizes. Being interrogated by a friend as to what he did with such a member,"Oh", replied he, ' I give them little rice, and let them run about '. This same gentleman when paying his addresses to an elegant young woman lately arrived from Europe, but who was informed by the lady at whose house she was residing, of the state of affairs, the description closed with 'Pray, my dear, how should you like to share a sixteenth of Major?"

Such was the disorderliness and immorality among Englishmen in India. No wonder that the Indians marvelled whether the British acknowledged any God and believed in any system of morality. When asked what he thought of Christianity and Christians an Indian is reported to have said in his broken English—"Christian religion, devil religion; Christian much

drunk; Christian much do wrong; much beat, much abuse others"—and who can say that this judgment was contrary to facts?

It is true that England herself was not at the relevant time over burdened with morality. The English people at home were but little distinguished for the purity of their lives and there was a small chance of British virtue dwarfed and dwindled at home, expending on foreign soil. As observed by Mr. Kaye [f.18]"The courtly licentiousness of the Restoration had polluted the whole land. The stamp of Whitehall was upon the currency of our daily lives; and it went out upon our adventurers in the Company's ships, and was not, we may be sure, to be easily effaced in a heathen land". Whatever be the excuse for this immorality of Englishmen in the 17th and 18th Century the fact remains that it was enough to bring Christianity into disrepute, and make its spread extremely difficult.

The second impediment in the progress of Christianity in India was the struggle between the Catholic and Non-catholic Missions for supremacy in the field of proselytization.

The entry of the Catholic Church in the field of the spread of Christianity in India began in the year 1541 with the arrival of Francis Xavier. He was the first Missionary of the new Society of Jesus formed to support the authority of the Pope. Before the Catholic Church entered this field there existed in India particularly in the South a large Christian population which belonged to the Syrian Church. These Syrian Christians, long seated on the coast of Malabar, traced their paternity to the Apostle Thomas, who it is said"went through Syria and Cilicia conforming the Churches". They looked to Syria as their spiritual home. They aknowledged the supremacy of the Patriarch of Babylon. Of Rome and the Pope they knew nothing. During the rise of the Papacy, the Mahomedan power, which had overrun the intervening countries, had closed the gates of India against the nations of the West. This had saved the Syrian Churches in India from the Roman Catholic Church. As to the question whether the Christianity of the Catholic Church was the true form of Christianity or whether the Christianity of the Syrian Church was the true form I am not concerned here. But the facts remain that the Portuguese who represented the Catholic Church in India were scandalized at the appearance of the Syrian Churches which they declared to be heathen temples scarcely disguised. The Syrian Christians shrank with dismay from the defiling touch of the Roman Catholics of Portugal and proclaimed themselves Christians and not idolators. The other is that the Malabar Christians had never been subject to Roman supremacy and never subscribed to the Roman doctrine.

The elements of a conflict between the two Churches were thus present and the inquisition only gave an occasion for the conflagration.

The inquisitors of Goa discovered that they were heretics and like a wolf on the fold, down came the delegates of the Pope upon the Syrian Churches. How great was the conflict is told by Mr. Kaye in his volume already referred to.

The first Syrian prelate who was brought into antagonism with Rome, expiated his want of courage and sincerity in the dungeons of the Inquisition. The second shared the same fate. A third, whose sufferings are more worth of commiseration, died after much trial and tribulation in his diocese, denying the Pope's supremacy to the last. The churches were now without a Bishop, at a time when they more than ever needed prelatical countenance and support; for Rome was about to put forth a mighty hand and a stretched-out arm. Don Alexis de Menezes was appointed Archbishop of Goa. It was his mission less to make new converts than to reduce old ones to subjection; and he flung himself into the work of persecution with an amount of zeal and heroism that must have greatly endeared him to Rome. Impatient of the slow success of his agents, he determined to take the staff into his own hand. Moving down to the South, with an imposing military force, he summoned the Syrian Churhes to submit themselves to his authority. The Churhes were under an Archdeacon, who, sensible of the danger that impended over them, determined to temporize, but at the same time to show that he was prepared to resist. He waited on the Archbishop. An escort of three thousand resolute men who accompanied him on his visit to Menezes, were with difficulty restrained, on the first slight and delusive sign of violence, from rushing on their opponents and proving their burning zeal in defence of their religion. It was not a time for Menezes to push the claims of the Romish Church. But no fear of resistance could divert him from his purpose; and he openly denounced the Patriarch of Babylon as a pestilent schismatic, and declared it a heresy to acknowledge his supremacy. He then issued a decree forbidding all persons to acknowledge any other supremacy than that of the Roman Pontiff, or to make any mention of the Syrian Patriarch in the services of their Church; and, this done, he publicly excommunicated the acknowledged head of the Syrian Churches, and called upon the startled Archdeacon to sign the writ of excommunication. Frightened and confused, the wretched man put his name to the apostate document; and it was publicly affixed to the gates of the church.

This intolerable insult on the one hand—this wretched compromise on the other—roused the fury of the people against the Archbishop, and

against their own ecclesiastical chief. Hard was the task before him, when the latter went forth to appease the excited multitude. They would have made one desperate effort to sweep the Portuguese intruders from their polluted shores; but the Archdeacon pleaded with them for forbearance; apologised for his own weakness; urged that dissimulation would be more serviceable than revenge; promised, in spite of what he had done, to defend their religion; and exhorted them to be firm in their resistance of Papal aggression. With a shout of assent, they swore that they would never bow their necks to the yoke, and prepared themselves for the continuance of the struggle.

But Menezes was a man of too many resources to be worsted in such a conflict. His energy and perseverance were irresistible; his craft was too deep to fathom. When one weapon of attack failed, he tried another. Fraud took the place of violence; money took the place of arms. He bribed those whom he could not bully, and appealed to the imaginations of men when he could not work upon their fears. And, little by little, he succeeded. First one Church fell, and then another.' Dangers and difficulties beset them. Often had he to encounter violent resistence, and often did he beat it down. When the strength of the Syrian Christians was too great for him, he called in the aid of the native princes. The unhappy Archdeacon, weary of resistance and threatened with excommunication, at last made submission to the Roman Prelate. Menezes issued a decree for a synod; and, on the 20th June 1599, the Churches assembled at Diamper. The first session passed quietly over, but not without much secret murmuring. The second, at which the decrees were read, was interrupted at that trying point of the ceremony where, having enunciated the Confession of Faith, the Archbishop renounced and anathematized the Patriarch of Babylon. The discontent of the Syrians here broke out openly; they protested against the necessity of a confession of Faith, and urged that such a confession would imply that they were not Christians before the assembling of the Synod. But Menezes allayed their apprehensions and removed their doubts, by publicly making the confession in the name of himself and the Eastern Churches. One of the Syrian priests, who acted as interpreter, then read the confession in the Malabar language, and the assembled multitude repeated it after him, word for word, on their knees. And so the Syrian Christians bowed their necks to the yoke of Rome.

Resolute to improve the advantages he had gained, Menezes did not suffer himself to subside into inactivity, and to bask in the sunshine of his past triumphs. Whether it was religious zeal or temporal ambition that moved him, he did not relax from his labours; but feeling that it was not

enough to place the yoke upon the neck of the Syrian Christians, he endeavoured, by all means, to keep it there. The Churches yielded sullen submission; but there were quick-witted, keen-sighted men among them, who, as the seventeenth century began to dawn upon the world, looked hopefully into the future, feeling assured that they could discern even then unmistakable evidences of the waning glories of the Portuguese in the East. There was hope then for the Syrian churches. The persecutions of Menezes were very grievous—for he separated priests from their wives; excommunicated on trifling grounds, members of the churches; and destroyed all the old Syriac records which contained proofs of the early purity of their faith.

The irreparable barbarism of this last act was not to be forgotten or forgiven; but, in the midst of all other sufferings, there was consolation in the thought, that this tyranny was but for a time."Sixty years of servitude and hypocrisy,"writes Gibbon,"were patiently endured, but as soon as the Portuguese empire was shaken by the courage and industry of the Dutch, the Nestorians asserted with vigour and effect the religion of their fathers. The Jesuits were incapable of defending the power they had abused. The arms of forty thousand Christians were pointed against their falling tyrants; and the Indian Archdeacon assumed the character of Bishop till afresh supply of Episcopal gifts and Syriac missionaries could be obtained from the Patriarch of Babylon". Such briefly narrated, were the results of the oppression of Menezes. In the course of six months that ambitious and unscrupulous prelate reduced the Syrian church to bondage, and for sixty years they wore the galling chains of Rome. But Menezes trusted in his own strength; he came as an earthly conqueror, and his reliance was on the arm of temporal authority."His example,"writes Mr. Hough,"should be regarded as abeacon to warn future Christian missionaries from the rock on which he foundered. Without faith and godliness nothing can ensure a church's prosperity. Failing in these, the prelate's designs, magnificent as they were deemed, soon came to nothing; and it deserves special remark, as an instructive interposition of Divine Providence, that the decline of the Portuguese interest in India commenced at the very period when he flattered himself that he had laid the foundation of its permanency."

There was no such open conflict between the Catholic Church and the Protestant Missionaries. There was however sufficient rivalry between them to prevent cooperation and conceited activity the lack of which also prevented a rapid growth of Christianity.

The third reason which is responsible for the slow growth of Christianity was the wrong approach made by the Christian Missionaries in charge of

Christian propaganda. The early Christian Missionary started his campaign by inviting public disputations with learned Brahmins on the comparative merits of the Christian and the Hindu religions. This was a strange way of going about his task. But there was a plan behind it. The Christian Missionary felt that his task of converting the masses would be easy of achievement if he succeeded in converting the Brahmin and the higher classes of Hindus. For they and the Brahmins held sway over the masses. And the easiest way of converting the Brahmin was to defeat in disputation and to show him that his religion was an error. The Christian Missionary wanted to get at the Brahmin. Nothing can explain why the Missionaries started so many schools, colleges, hospitals etc., except this namely the Christian Missionary wanted to establish a contact with the Brahmin. That the Christian Missionary has been deceived is now realized by many. The Brahmin and the higher classes have taken full advantage of the institutions maintained by the Christian Missions. But hardly any one of them has given any thought to the religion which brought these institutions into existence.

There is nothing strange in this. The pursuit of the Brahmin and the higher classes of Hindus by the Christian Missionaries was doomed to fail. There would be no common ground for the disputation between Hinduism and Christianity and where there is a common ground the Hindu could always beat the Christian.

That there could be no common ground for disputation between Hindus and Christians is due to the fact that the two have a totally different attitude to the relations of theology to philosophy. As has been well observed by Mr. Burn, [f.19]

"The Educated Hindu, when he considers religious questions, refuses to separate theology from philosophy and demands what shall appear to him a reasonable cosmogony. It has been shown in dealing with Hinduism that its prevailing tendency is pantheistic, and although for at least two thousand years sects have constantly been forming which asserted the duality of God and Spirit, there has always been a tendency to relapse into pantheism, and to regard the present world as an illusion produced by *Maya*. The average Christian however gets on with very little philosophy and regards that as a rule as more speculative than essential to his religious beliefs. The methods of thought which a man has been brought up to regard, inevitably affect the conclusions at which he arrives, and it appears to me that this forms one of the reasons why to the majority of educated Hindus the idea of accepting Christianity is incredible. To take a single concrete example, the ordinary educated Hindu laughs at the belief that

God created the Universe out of nothing. He may believe in a creation, but he also postulates the necessity for both a material cause, *matter* and an efficient cause, the *creator*. Where his belief is purely pantheistic, he also has no regard for historical evidences. A further difficulty on a fundamental point is caused by the belief in transmigration, which is based on the idea that a man must work out his own salvation and thus conflicts entirely with the belief in Divine atonement."

Thus the Hindu speaks in terms of philosophy and the Christian speaks in terms of theology. There is thus no common ground for evaluation, or commendation or condemnation. In so far as both have theology the Christians with their God and Jesus as his son and the Hindus with their God and his Avatars, the superiority of one over the other, depends upon the miracles performed by them. In this the Hindu theology can beat the Christian theology is obvious enough and just as absence of philosophy in Christianity is responsible for its failure to attract the Brahmin and the Educated Hindu. Similarly the abundance of miracles in Hindu theology was enough to make Christian theology pale off in comparison. Father Gregory a Roman Catholic priest seems to have realized this difficulty and as his view is interesting as well as instructive I give below the quotations from Col. Sleeman's book in which it is recorded. Says Col. Sleeman [f.20] .

"Father Gregory, the Roman Catholic priest, dined with us one evening, and Major Godby took occasion to ask him at table, 'What progress our religion was making among the people'?

"Progress"? said he,"why, what progress can we ever hope to make among a people who, the moment we begin to talk to them about the miracles performed by Christ, begin to tell us of those infinitely more wonderful performed by Krishna, who lifted a mountain upon his little finger, as an umbrella, to defend his shepherdesses at Govardhan from a shower of rain.

"The Hindoos never doubt any part of the miracles and prophecies of our scripture—they believe every word of them and the only thing that surprises them is that they should be so much less wonderful than those of their own scriptures, in which also they implicitly believe. Men who believe that the histories of the wars and amours of Ram and Krishna, two of the incarnations of Vishnu, were written some fifty thousand years before these wars and amours actually took place upon the earth, would of course easily believe in the fulfilment of any prophecy that might be related to them out of any other book; and, as to miracles, there is absolutely nothing too extraordinary for their belief. If a Christian of respectability were to tell

a Hindoo that, to satisfy some scruples of the Corinthians, St. Paul had brought the sun and moon down upon the earth, and made them rebound off again into their places, like tennis balls, without the slightest injury to any of the three planets (sic), I do not think he would feel the slightest doubt of the truth of it; but he would immediately be put in mind of something still more extra-ordinary that Krishna did to amuse the milkmaids, or to satisfy some sceptics of his day, and relate it with all the naivete imaginable."

As events in India have shown this was a wrong approach. It was certainly just the opposite to the one adopted by Jesus and his disciples. Gibbon has given a description of the growth of Christianity in Rome which shows from what end Christ and his disciples began. This is what he says—

"From this impartial, though imperfect, survey of the process of Christianity, it may, perhaps seem probable that the number of its proselytes has been excessively maginified by fear on one side and by devotion on the other. According to the irreproachable testimony of Origen, the proportion of the faithful was very inconsiderable when compared with the multitude of an unbelieving world; but, as we are left without any distinct information, it is impossible to determine, and it is difficult even to conjecture, the real numbers of the primitive Christians. The most favourable calculation, however, that can be deduced from the examples of Antioch and of Rome will not permit us to imagine that more than a twentieth part of the subjects of the empire had enlisted themselves under the banner of the cross before the important conversion of Constantine. But their habits of faith, of zeal, and of union seemed to multiply their numbers; and the same causes which contributed to their future increase served to render their actual strength more apparent and more formidable.

"Such is the constitution of civil society that, whilst a few persons are distinguished by riches, by honours, and by knowledge, the body of the people is condemned to obscurity, ignorance and poverty. The Christian religion, which addressed itself to the whole human race, must consequently collect a far greater number of proselytes from the lower than from the superior ranks of life. This innocent and natural circumstance has been improved into a very odious imputation, which seems to be less strenuously denied by the apologists than it is urged by the adversaries of the faith; that the new sect of Christians was almost entirely composed of the dregs of the populace, of peasants and mechanics, of boys and women, of beggars and slaves; the last of whom might sometimes introduce the

missionaries into the rich and noble families to which they belonged. These obscure teachers (such was the charge of malice and infidelity) are as mute in public as they are loquacious and dogmatical in private. Whilst they cautiously avoid the dangerous encounter of philosophers, they mingle with the rude and illiterate crowd, and insinuate themselves into those minds, whom their age, their sex, or their education has the best disposed to receive the impression of superstitious terrors.

"This favourable picture, though not devoid of a faint resemblance, betrays, by its dark colouring and distorted features, the pencil of an enemy. As the humble faith of Christ diffused itself through the world, it was embraced by several persons who derived some consequences from the advantages of nature or fortune. Aristides, who presented an eloquent apology to the emperor Hadrian, was an Athenian philosopher. Justin Martyr had sought divine knowledge in the schools of Zeno, or Aristotle, of Pythogoras, and of Plato, before he fortunately was accosted by the old men, or rather the angel, who turned his attention to the study of the Jewist prophets. Clemens of Alexandria had acquired much various reading in the Greek, and Tertullian in the Latin language; Julius Africanus and Origen possessed a very considerable share of the learning of their times; and, although the style of Cyprian is very different from that of Lactantius, we might almost discover that both those writers had been public teachers of rhetoric. Even the study of philosophy was at length introduced among the Christians, but it was not always productive of the most salutary effects; knowledge was as often the parent of heresy as of devotion, and the description which was designed for the followers of Artemon may, with equal propriety, be applied to the various sects that resisted the successors of the apostles. 'They presume to alter the holy scriptures, to abandon the ancient rule of faith, and to form their opinion according to the subtile precepts of logic. The science of the church is neglected for the study of geometry, and they lose sight of Heaven while they are employed in measuring the earth. Euclid is perpetually in their hands. Aristotle and Theophrastus are the objects of their admiration; and they express an uncommon reverence for the works of Galen. Their errors are derived from the abuse of the arts and sciences of the infidels, and they corrupt the simplicity of the Gospel by the refinements of human reason.'

"Nor can it be affirmed with truth that the advantages of birth and fortune were always separated from the profession of Christianity. Several Roman citizens were brought before the tribunal of Pliny, and he soon discovered that a great number of persons of every order of men in Bithynia had deserted the religion of their ancestors. His unsuspected

testimony may, in this instance, obtain more credit than the bold challenge of Tertullian, when he addresses himself to the fears as well as to the humanity of the proconsul of Africa, by assuring him that, if he persists in his cruel intentions, he must decimate Carthage, and that he will find among the guilty many persons of his own rank, senators and matrons of noblest extraction, and the friends or relations of his most intimate friends. It appears, however, that about forty years afterwards the emperor Valerian was persuaded of the truth of this assertion, since in one of his rescripts he evidently supposes that senators, Roman knights, and ladies of quality were engaged in the Christian sect. The church still continued to increase its outward splendour as it lost its internal purity; and in the reign of Diocletian the palace, the courts of justice, and even the army concealed a multitude of Christians who endeavoured to reconcile the interests of the present with those of a future life.

And yet these exceptions are either too few in number, or too recent in time, entirely to remove the imputation of ignorance and obscurity which has been so arrogantly cast on the first proselytes of Christianity. Instead of employing in our defence the fictions of later ages, it will be more prudent to convert the occasion of scandal into a subject of edification. Our serious thoughts will suggest to us that the apostles themselves were chosen by providence among the fishermen of Galilee, and that the lower we depress the temporal condition of the first Christians, the more reason we shall find to admire their merit and success. It is incumbent on us diligently to remember that the kingdom of heaven was promised to the poor in spirit, and that minds afflicted by calamity and the contempt of mankind cheerfully listen to the divine promise of future happiness; while, on the contrary, the fortunate are satisfied with the possession of this world; and the wise abuse in doubt and dispute their vain superiority of reason and knowledge."Similarly Hallam in his ' History of the Middle Ages ' speaks of the class from which the early Christians were drawn.

The reason why Christianity became the religion of all citizens of Rome i.e. of the higher classes as well was because of two extraneous reasons. The first reason was the making of Christianity state religion which meant the proscribing every other religion. The second reason was the change in the law of inheritance by the Roman Emperors after they became converts to Christianity a preferential right to inherit the property of the parents over a child which had remained pagan.

This only shows that the people to whom Christianity made a natural appeal were the poorer classes and it is among them that Christianity first spread without the help of law or other extraneous advantage.

The early Christian Missionary began by reversing this natural order of things. I call it natural because it befits human psychology. Prof. Thorndyke [f.21] a great authority on Psychology *says—"That* a man thinks is a biological fact. But *What* he thinks is a sociological fact". This profound observation, the early Christian Missionary absolutely overlooked. Every kind of thought is not aggreeable to every person. This is evident from the fact that capitalism appeals to the rich and does not appeal to the poor. On the contrary socialism appeals to the poor but does not appeal to the rich. This is beause there is a very intimate connection between the interests of a man and the thoughts which have an adverse effect on his interests. He will not give them any quarters in his mind. Applying this annalysis of the working of the human mind it is clear that the Brahmin and the higher classes could never be receptive to the Christian doctrine. It preaches brotherhood of man and when applied leads to equality of man. Now the interests of the Brahmin and the higher classes is to maintain the system of Chaturvarna—which is a system based upon inequality and which in the scale gives them a higher rank, greater opportunity to dominate and exploit the others. How can they be expected to accept Christianity? It means a surrender of their power and prestige. To have pursued them has been a vain effort and if the pursuit had been continued I am sure there would have been no Christians in India at all. The number of Christians we see in India today is due to the fact that some Christian Missionaries saw the futility of this. If they had not realized this error and started to win over the lower classes, there would have been no Christians in India at all. Even today hundreds and thousands of high caste Hindus take advantage of Christian schools, Christian colleges and Christian hospitals. How many of those who reap these benefits become Christian? Every one of them takes the benefit and runs away and does not even stop to consider what must be the merits of a religion which renders so much service to humanity.

CHAPTER 4

THE CONDITION OF THE CONVERT

I. Gandhi and his opposition to Christianity.
II. Christianity and social service.
III. Christianity and Paganism.
IV. Christianity and the spirit of the Convert.
V. Christian Community and its social standing.

I

In 1928, there was held a meeting of the International Fellowship, a body devoted to promoting fellow feeling among persons of different faiths. It was attended by Christian missionaries as well as by Hindus and Moslems. Mr. Gandhi was also present. At this meeting the question was raised as to how far the fellowship could remain true to its ideal, if those who belonged to it wished to convert others to their own faith. In the debate that followed, Mr. Gandhi spoke. His friend Mr. C. F. Andrews, writes concerning the discussion as follows: [f.22]

"At the back of this question, there was a definite challenge to the whole Christian Missionary position in India. Missionaries of a liberal type of mind had been finding great joy in the Fellowship .. .. Then came Mahatma Gandhi's declaration. He stated that in doing so, or injoining the Fellowship, if there was the slightest wish, or even the slightest thought at the back of the mind, to influence, or convert, any other member of the Fellowship, then the spirit of the movement could be destroyed. Any one who had such a wish ought to leave the Fellowship".

On being further questioned by Christian Missionaries 'Whether if they possessed the greatest treasure in the World, they would be wrong in wishing to share if, Mr. Gandhi was quick to rebuff their presumption. Mr. Andrews says—"he was adamant"."Even the idea of such a desire was wrong", he said emphatically;"and he would not move from that position at all".

Mr. Gandhi's opposition to Christian conversion is by now quite well known. And since 1936 he has become quite a virulent adversary of all missionary propaganda. He particularly objects to the missionaries spreading the Christian Gospel among the Untouchables. His antagonism to Christian Missions and the conversion of Untouchables to Christianity is based on certain propositions which have been enunciated by him in quite unmistakable terms. I think the following four propositions may be taken to sum up his position. I give them in his own words. He says:

1."My position is that all religions are fundamentally equal. We must have the same innate respect for all religions as we have for our own. Mind you, not mutual toleration but equal respect." [f.23]

II."All I want them (the Missionaries) to do is to live Christian lives, not to annotate them. [f.24]Let your lives speak to us. The blind who do not see the rose, perceive its fragrance. That is the secret of the Gospel of the rose. But the Gospel that Jesus preached is more subtle and fragrant than

the Gospel of the rose. If the rose needs no agents, much less does the Gospel of Christ need agents". [f.25]As to the work of the Christian Missions he says:

III."The social work of the missions is undertaken not for its own sake, but as an aid to the salvation of those who receive social service. [f.26] . . . .. While you give medical help, you expect the reward in the shape of your patients becoming Christians." [f.27] As to the Untouchables he says—

IV."I do maintain . .. .. that the vast masses of Harijans and for that matter of Indian humanity, cannot understand the presentation of Christianity, and that, generally speaking, conversion, wherever it has taken place, has not been a spiritual act in any sense of the term. They are conversions of convenience. [f.28] They (the Harijans) can no more distinguish between the relative merits (words omitted?) than can a cow. Harijans have no mind, no intelligence, no sense of difference between God and no-God." [f.29]

Gandhi advises the Christian Missions in the following somewhat offensive terms as to what would be proper for them to do. He says—

"If Christian Missions will sincerely play the game..... they must withdraw from the indecent competition to convert the Harijans.....

"Just..... forget that you have come to a country of heathens and (to) think that they are as much in search of God as you are; just ..... feel that you are not going there to give your spiritual goods to them, but that you will share worldly goods of which you have a good stock. You will then do your work without mental reservation and thereby you will share your spiritual treasures. The knowledge that you have this mental reservation, i.e. you are expecting a man to be a convert in return for service, creates a barrier between you and me."

"The history of India would have been written differently if the Christians had come to India to live their lives in our midst and permeate ours with their aroma, if there was any."2 This hostility of Mr. Gandhi to Christian Missions and their work is of very recent origin. I do not know if it can be traced beyond the Yeola Decision.

It is as recent as it is strange. I do not know of any declaration made by Mr. Gandhi expressing in such clear and determined manner opposition to the conversion of the Untouchables to Islam. The Muslims have made no secret of their plan to convert the Untouchables. The plan was given out openly from the Congress platform by the late Maulana Mohomed Ali when he presided over the annual session of the Congress held at Coconada in 1923. In his Presidential address the Maulana pointed out in clear terms that:

"The quarrels (between Hindus and Musalmans) about *Alams* and *pipal* trees and musical processions are truly childish; but there is one question which can easily furnish a ground for complaint of unfriendly action if communal activities are not amicably adjusted. This is the question of the conversion of the suppressed classes, if Hindu Society does not speedily absorb them. The Christian missionary is already busy and no one quarrels with him. But the moment some Muslim missionary society is organized for the same purpose there is every likelihood of an outcry in the Hindu press. It has been suggested to me by an influential and wealthy gentleman who is able to organize a (Muslim) missionary society on a large scale for the conversion of the suppressed classes, that it should be possible to reach a settlement with leading Hindu gentlemen and divide the country into separate areas where Hindu and Muslim missionaries could respectively work, each community preparing for each year, or longer unit of time, if necessary, an estimate of the numbers it is prepared to absorb, or convert. These estimates would, of course, be based on the number of workers and funds each had to spare, and tested by the actual figures of the previous period. In this way each community would be free to do the work of absorption and conversion, or rather of reform, without chances of collision with one another".

Nothing can be more explicit than this. Nothing can be more businesslike and nothing can be more materialistic than this pronouncement from the Congress platform. But I am not aware that Mr. Gandhi has ever condemned it in the way in which he now condemns the endeavour of Christian Missions to convert the Untouchables. Nobody from Gandhi's camp protested against this outrageous suggestion. Probably they could not because the Congress Hindus believed that it was their duty to help the Musalmans to fulfil what they regarded as their religious duty, and that conversion is a religious duty with the Musalman nobody can deny. At any rate the Hindu leaders of Congress, as stated by George Joseph in 1920, held"that it was the religious duty of the Hindus to help Muslims in the maintenance of the Turkish Khilafat over the Arabs in the Jazirut-al-Arab because Muslim theologians and political leaders assured us that it was their religious duty. It went against the grain because it meant the maintenance of a foreign Government over Arabs; but Hindus had to stomach it because it was urged on them as part of the religious duty of the Hindus [f.30] . If this is true why should Gandhi not help the Christians to carry on conversion because conversion is also a fulfilment of their religious duty.

Why there should be a different measuring rod today because it is the Christians that are involved is more than one can understand. Mr. George

Joseph was well within bounds when he said:

"The only difference is that there are 75 millions of Muslims and there are only 6 millions of Christians. It may be worth-while making peace with Muslims because they can make themselves a thorn in the side of Nationalism: Christians do not count, because they are small in numbers."

That Mr. Gandhi is guided by such factors as the relative strength of the Musalmans and Christians, their relative importance in Indian politics, is evident from the terms he uses in condemning what he calls"propaganda by villification". When such a propaganda emanates from Christian missionaries he uses the following, language to condemn it. *(Quotation is not there in the MS.*—Ed.).

On the other hand when he comes out against a propaganda emanating from the Muslim all that he says-. [f.31]

"It is tragic to see that religion is dragged down to the low level of crude materialism to lure people into mission which the most cherished sentiments of millions of human beings are trodden under foot.

"I hope that the pamphlet has no support from thoughtful Musalmans who should read it to realize the mischief such pamphlets can create.

"My correspondent asks me how to deal with the menace. One remedy I have applied, viz, to bring hereby the villifying propaganda to the notice of the responsible Muslim world. He himself can claim the attention of the local Musalman leaders to the publication. The second and the most important thing to do is purification from within. So long as the position of untouchability remains in the Hindu body it will be liable to attacks from outside. It will be proof against such attacks only when a solid and impregnable wall of purification is erected in the shape of complete removal of untouchability."

The ferocity of the former and the timidity and softness of the latter are obvious enough. Surely Gandhi must be regarded as an astute"respecter of persons".

But apart from this difference in his attitude towards Muslim and Christian propaganda, have Mr. Gandhi's arguments against Christian Missions, which I have summarized above, any validity? They are just clever. There is nothing profound about them. They are the desperate arguments of a man who is driven to wall. Mr. Gandhi starts out by making a distinction between equal tolerance and equal respect. The phrase"equal respect"is a new phrase. What distinction he wants to make thereby is difficult to recognize. But the new phraseology is not without significance. The old phrase"equal tolerance"indicated the possibility of error."Equal respect"on the other hand postulates that all religions are equally true and

equally valuable. If I have understood him correctly then his premise is utterly fallacious, both logically as well as historically. Assuming the aim of religion is to reach God— which I do not think it is—and religion is the road to reach him, it cannot be said that every road is sure to lead to God. Nor can it be said that every road, though it may ultimately lead to God, is the right road. It may be that (all existing religions are false and) the perfect religion is still to be revealed. But the fact is that religions are not all true and therefore the adherents of one faith have a right, indeed a duty, to tell their erring friends what they conceive to be the truth. That Untouchables are no better than a cow is a statement which only an ignoramus, or an arrogant person, can venture to make. It is arrant nonsense. Mr. Gandhi dares to make it because he has come to regard himself as so great a man that the ignorant masses will not question his declarations and the dishonest intelligentsia will uphold him in whatever he says. Strangest part of his argument lies in wishing to share the material things the Christian Missions can provide. He is prepared to share their spiritual treasures provided the Missionaries invite him to share their material treasures"without obligation".* (What he minds is an exchange.) It is difficult to understand why Mr. Gandhi argues that services rendered by the Missionaries are baits or temptations, and that the conversions are therefore conversions of convenience. Why is it not possible to believe that these services by Missionaries indicate that service to suffering humanity is for Christians an essential requirement of their religion? Would that be a wrong view of the process by which a person is drawn towards Christianity? Only a prejudiced mind would say. Yes.

All these arguments of Mr. Gandhi are brought forth to prevent Christian Missionaries from converting the Untouchables. No body will deny to Mr. Gandhi the right to save the Untouchables for Hinduism. But in that case he should have frankly told Missions"Stop your work, we want now to save the Untouchables, and ourselves. Give us a chance!"It is a pity that he should not have adopted this honest mode of dealing with the menace of the Missionaries. Whatever anybody may say I have no doubt, all the Untouchables, whether they are converts or not, will agree that Mr. Gandhi has been grossly unjust to Christian Missions. For centuries Christian Missions have provided for them a shelter, if not a refuge.

This attitude of Mr. Gandhi need not deter either the missionaries or the Untouchables. Christianity has come to stay in India and, unless the Hindus in their zeal for nationalism misuse their political, social and economic power to suppress it, will live and grow in numbers and influence for good.

II

What Christianity has achieved in India therefore becomes a proper subject for examination from the points of view both of Christian Missions and of the Untouchables.

That Christian Missions have been endeavouring to provide the *corpus sanum* for the people of India and to create the *Mens Sana* among those who have entered the fold is undeniable. It would be difficult in this place to describe all the activities carried on by Christian Missions in India. The work done by the Missionaries falls under five heads: (1) among children, (2) among young men, (3) among the masses, (4) among women and (5) among the sick.

The work done is vast. The following figures will give an idea of the scale on which the work for education and relieving sickness is being carried on.

1. 1. CHRISTIAN MEDICAL WORK [f.32]

Hospitals	
Dispensaries	
anatoriums	
eper Homes	
Medical Schools	
Number of Hospital ds	
Number of anatorium Beds	
Doctors, Foreign	
Doctors, National	
Nurses, Foreign	
Nurses, National	
tudent Nurses	
Operations, Major	
Obstretrics, Total	
n—Patients	
Out—Patients	

II. CHRISTIAN EDUCATION [f.33]

Elementary Schools
econdary Schools

What have the Hindus to show as against this? Historically speaking, service to humanity is quite foreign to Hinduism and to Hindus. The Hindu religion consists primarily, of rituals and observances. It is a religion of temples. Love of man has no place in it. And without love of man how can service to man be inspired? This is well reflected in the purposes and objects for which Hindu charities are given. Very few people, even in India, know the extent to which caste determines the scope and objects of charities provided by the Hindus. It is difficult to get full and precise facts relating to Hindu Charities. However, data collected several years ago, in the City of Bombay, throws a flood of light on the subject. *(Data not typed in the MS.)*

That caste can influence doctors in the ministration to the sick was a charge made among certain doctors in Bombay in 1918 during the influenza epidemic.

Comparatively speaking, the achievements of Christian Missions in the field of social service are very great. Of that no one except a determined opponent of every thing Christian can have any doubt. Admitting these great services, one may raise two questions. Are these services required for the needs of the Indian Christian Community? Are there any needs of the Indian Christian Community which have not been attended to by Missions?

It is necessary to bear in mind that Indian Christians are drawn chiefly from the Untouchables and, to a much less extent, from low ranking

Shudra castes. The Social Services of Missions must, therefore, be judged in the light of the needs of these classes. What are those needs?

The services rendered by the Missions in the fields of education and medical relief are beyond the ken of the Indian Christians. They go mostly to benefit the high caste Hindus. The Indian Christians are either too poor or too devoid of ambition to undertake the pursuit of higher education. High schools, colleges and hostels maintained by the Missions are, therefore, so much misplaced and misapplied expenditure from the point of view of the uplift of Indian Christians. In the same way much of the medical aid provided by the Missions goes to the Caste Hindus. This is especially the case with regard to hospitals.

I know many missionaries realize this. None the less this expenditure is being incurred from year to year. The object of these services is no doubt to provide occasion for contact between Christian Missionaries and high caste Hindus. I think it is time the Missionaries realized that the pursuit of the Caste Hindus in the hope of converting them to Christianity is a vain pursuit which is sure to end in complete failure. Mr. Winslow, I think, is correct when he concludes his survey of the attitude of the intelligentsia of India towards Christianity by saying:"Whilst the work of Duff and the Serampore Missionaries resulted in some notable conversions and it seemed for a time as though English education were going to lead to many and rapid accessions to the Christian Church from amongst those who received it, a reaction soon set in and the movement died down. Its place was taken by the Theistic Samajes, and in particular by the Brahmo Samaj in Bengal, which enabled those Hindus who through the influence of Western thought had become dissatisfied with idolatry and caste to surrender these without forfeiting entirely their place within the Hindu system. For many years Christian missionaries hoped and believed that the Brahmo Samaj would prove a half-way house to Christianity and that many of its members would in course of time become dissatisfied with an intermediate position and accept the Christian Faith, but this hope has in the main been disappointed, though a few notable converts have come from the rank of the Samajes. .....

* * * * *

What then, does the educated Indian of today, more particularly the Brahman, think of Christ? It is perhaps foolish to try to generalize..... Yet there are certain broad features in the picture which may be safely described ..... There is a wide-spread acceptance of the main principles of Christ's teaching, particularly of His ethical teaching. It would be generally conceded that the Sermon on the Mount, while not necessarily containing

any thing which might not be paralleled from other sources, is unsurpassable as a directory for human conduct ..... Side by side with this widespread acceptance of Christ's teaching goes a very general reverence for His life and character .....

On the other hand, the claim that Christ was, and is, in a *unique* sense divine is not one which the majority of Hindus, even of those deeply attracted by His life, would be prepared to accept ..... (They) would set Him side by side with (their) own great Prophet, the Buddha. But the Christian claim that He, and He only, is God Incarnate, and that salvation is to be won through faith in Him, and Him alone, (they) reject as exclusive and narrow ..... Thus the Christian claim to possess the one way of salvation arouses in India an almost instinctive repugnance. ..... The characteristic religious attitude of the educated Hindu to day (is) still, whilst he greatly reverences Christ, and accepts the main principles of His teaching, he is quite content to remain a Hindu."

I have no doubt that this correctly sums up the position. If this is so then the money and energy spent by the Christian Missions on education and medical relief is misapplied and do not help the Indian Christians.

The Indian Christians need two things. The first thing they want is the safeguarding of their civil liberties. The second thing they want is ways and means for their economic uplift. I cannot stop to discuss these needs in all their details. All I wish to point out is that this is a great desideratum in the social work the Christian Missions are doing in India.

While what has been accomplished by Christian Missionaries in the field of education and medical aid is very notable and praise worthy there still remains one question to be answered. What has Christianity achieved in the way of changing the mentality of the Convert? Has the Untouchable convert risen to the status of the touchable? Have the touchable and untouchable converts discarded caste? Have they ceased to worship their old pagan gods and to adhere to their old pagan superstitions? These are far-reaching questions. They must be answered and Christianity in India must stand or fall by the answers it can give to these questions.

The following extracts taken from the memorandum submitted by the Christian Depressed Classes of South India to the Simon Commission throw a flood of light on the position of the Untouchables who have gone into the Christian fold so far as the question of caste is concerned.

"We are by religion Christians, both Roman Catholics and Protestants. Of the total population of Indian Christians of the Presidency the converts from the Depressed Classes form about sixty per cent. When the Christian religion was preached in our lands, we, the Pallas, Pariahs, Malas, Madigas,

etc., embraced Christianity. But others of our stock and origin were not converted and they are known to be the Hindu Depressed classes, being all Hindus or adherants to the Hindus in religion. In spite, however, of our Christian religion which teaches us fundamental truths the equality of man and man before God, the necessity of charity and love for neighbours and mutual sympathy and forbearance, we, the large number of Depressed class converts remain in the same social condition as the Hindu Depressed Classes. Through the operation of several factors, the more important of them being the strong caste retaining Hindu mentality of the converts to Christianity, and the indifference, powerlessness and apathy of the Missionaries, we remain today what we were before we became Christians— Untouchables—degraded by the laws of social position obtaining in the land, rejected by caste Christians, despised by Caste Hindus and excluded by our own Hindu Depressed Class brethren.

"The small proportion of the Christians of South India, whose representatives are found in the Legislative Council, say, in Madras, are caste Christians, a term which sounds a contradiction, but which, unfortunately, is the correct and accepted description of high caste converts from Hinduism, who retain all the rigour and exclusiveness of caste. Particularly in the Mofussil parts and the villages, they who ought to be our fellow Christians follow all the orthodox severity and unreason of caste exclusion; they damn us as"Panchamas or Pariahs"and ignore our Christian claims and in the fulness of their affluence, power, prestige and position exclude us poorer Christians from society, ... Frequent outbursts of anti-Panchama activity are the scandal of the South Indian Christian life, and the least attempt on our part to better our lot, forward our progress and assert our elementary rights call down the wrath and fury of every man—official and non-official—Christian or Hindu, who claims a foolish superiority of birth. Denying the very foundations of Christianity, contrary to all love and charity and brotherhood, our"fellow-Christians"treat us even in the Churches as Untouchables and Unapproachables, and relegate us to separate accommodation removed from their precincts and barricade their portions by means of iron rails and walls and fencings. There are several such churches.

"In the matter of reception of sacraments, a most ridiculous segregation is practised to avoid pollution; our claims to educate our children and train them for life are ruthlessly denied and through sheer prejudice our children are denied access to schools, convents, hostels, boarding houses, or if admitted, are assigned an ignominous separate accommodation. Tracing his descent from high caste Hindu progenitors the caste Christian looks for

social status and position and finds favour in the eyes of his fellow caste-men, the Hindus. He treats the Depressed Class Christians in the same way as the Hindu Depressed Classes are treated by the Hindu Caste people". What is stated here in general terms may be made concrete by reference to the two following incidents. *(Incidents not mentioned in the MS.*— Ed.).

This is a terrible indictment. It is a relief to know that it does not apply to all parts of India nor does it apply to all denominations of Christians. The picture is more true of the Catholics than of the Protestants. It is more true of Southern India than it is of the Northern or even Central India. But the fact remains that Christianity has not succeeded in dissolving the feeling of caste from among the converts to Christianity. The distinction between touchables and untouchbles may be confined to a corner. The Church School may be open to all. Still there is no gainsaying the fact that caste governs the life of the Christians as much as it does the life of the Hindus. There are Brahmin Christians and Non-Brahmin Christians. Among Non-Brahmin Christians there are Maratha Christians, Mahar Christians, Mang Christians and Bhangi Christians. Similarly in the South there are Pariah Christians, Malla Christians and Madiga Christians. They would not intermarry, they would not inter-dine. They are as much caste ridden as the Hindus are.

There is another thing which shows that Christianity has not been effective in wiping paganism out of the converts. Almost all the converts retain the Hindu forms of worship and believe in Hindu superstition. A convert to Christianity will be found to worship his family Gods and also the Hindu gods such as Rama, Krishna, Shankar, Vishnu, etc. A convert to Christianity will be found to go on a pilgrimage to places which are sacred to the Hindus. He will go to Pandharpur, and make offerings to Vithoba. He will go to Jejuri and sacrifice a goat to the blood-thirsty god, Khandoba. On the Ganesh Chaturthi he will refuse to see the moon, on a day of eclipse he will go to the sea and bathe—superstitions observed by the Hindus. It is notorious that the Christians observe the social practices of the Hindus in the matter of births, deaths and marriages. I say nothing about the prevalence of the Hindu social practices among the Christians. In as much as these social practices have no religious significance it matters very little what they are. But the same cannot be said of religious observances. They are incompatible with Christian belief and Christian way of life. The question is why has Christianity not been able to stamp them out?

The answer is that the Christian Missionaries although they have been eager to convert persons to Christianity have never put up a determined

fight to uproot paganism from the Convert. Indeed they have tolerated it.

The retention by the Converts to Christianity of Paganism is primarily the legacy of the Jesuit Missions which were the earliest to enter the field in modern times. The attitude of the Catholic mission towards paganism has come down from the outlook and the ways and means adopted by the Madura Mission. This Mission was founded by an Italian Jesuit Father Robert de Nobili. He came to India in 1608. Having learned of the failure of Francis Xavier he worked out a new plan. He decided to follow the footsteps of the Apostle Paul who observed that he must bring all things to all men that he might save some. Fortified with this belief he went to the Court of Ferumal Naik King of Madura and founded the famous Madura Mission. The way he started is graphically told by Dr. J. N. Ogilvie in his 'Apostles of India ' in the following passage:

"Through Madura there ran one day a striking piece of news. It was told how a strange ascetic from some far land had arrived, drawn to the holy city by its great repute, and that he had taken up his abode in the Brahman quarter of the city. Soon visitors flocked to the house of the holy man to see what they should see, but only to find that the Brahman's servants would not permit their entrance. 'The master,' they said, 'is meditating upon God. He may not be disturbed.' This merely helped to whet the people's desire and increase the fame of the recluse. The privacy was relaxed, and daily audiences were granted to a privileged few.

"Seated cross legged on a settee the Sanyasi was found by his visitors, conforming in every thing to Brahman usage. Over his shoulder hung the sacred cord of five threads, three of gold to symbolise the Trinity, and two of silver representing the body and soul of our Lord, and from the cord was suspended a small cross. Conversation revealed the Sanyasi's learning, and observation and keen inquiry certified to this frugal and holy life. One meal a day, consisting of a little rice and milk and acid vegetables, was all his food. Soon not only ordinary Brahmins came to see him, but nobles also; and a great bound in his reputation took place when, on being invited to the palace by the King, the Sanyasi declined the invitation lest on going forth the purity of his soul should be sullied by his eyes lighting upon a woman! Never was a holier saint seen in Madura. Where the life bore such testimony to his holiness, how could his teaching be other than true ! His statement that he was a"Roman Brahman"of the highest caste was accepted, and to remove any possible doubts that might linger, an ancient discoloured parchment was produced, which showed how the"Brahmans of Rome"had sprung direct from the god Brahma, and were the noblest born of all his issues. To the genuineness of the document the Sanyasi

solemnly swore, and with open minds the people listened to his teaching.

"Book after book was written by the able and daring writer, in which he grafted a modified Christian doctrine on the Hindu stem. Most notable of all such efforts was the forging of a"Fifth Veda"to complete and crown the four Vedas received by Brahmans as direct revelations from heaven. It was an amazing piece of daring as bold and hazardous as it would be for a Hindu to forge for Christian use a fifth Gospel. Yet the forgery held its place for one hundred and fifty years."

"Brahman disciples were soon freely won; baptisms became fairly numerous, though the identity of the rite with the baptism administered by earlier European Missionaries was disguised; and so far as outward tokens went, the new Missionary method was proving a success. Without a doubt progress was greatly facilitated by the highly significant concessions that were made to Hinduism, especially in connection with Caste. According to de Nobili, caste had little signification. To him it was in the main a social observance, and so regarding it he saw no reason for compelling his converts to break with their caste fellowship or observances. His converts retained the ' Shendi ' or tuft of hair which marked the caste Hindu, they wore a sacred cord indistinguishable from that of their Hindu neighbours, and they bore an oval caste mark on their brow, the paste composing or being made of the ashes of sandalwood instead of as formerly of the ashes of cow dung.

"For forty years de Nobili lived his life: a life of daily hardship, sacrifice and voluntary humiliation, such as has seldom been paralleled. On February 16, 1656, he died, having reached his eightieth year. Nearly one hundred thousand converts have been attributed to him, directly or indirectly, and allowing for much exaggeration their number must have been very great.

"In 1673, John de Britto, belonging to one of the noblest families of Portugal, sailed for India. He is now a saint in the Roman Catholic Church. William Robinson of the London Missionary Society and belonging to our own day said of him, '"His eminence as a disciple, intrepid, selfless and enduring in all great qualities that add to the vigour of the Christian life, is assured.

"He and the Christian converts, after the disruption of the Kingdom of Madura and the establishment of petty Kingdoms, were mercilessly persecuted.

"Yet in spite of all that enemies could do, the worker went steadily on with his accepted duty, and wherever he journeyed the same tale of success was told. To the power of the message was added the charm of the

messenger, and his converts were numbered by thousands. When by his hands a prince of Marava, Tadia Tevar, was baptized, measures were quickly taken to secure de Britto's death. He was mercilessly done to death on February 4, 1693.

"Father Joseph Beschi, an Italian priest and successor to de Britto, reached India in 1707. Beschi adhered to the policy of the"Roman Brahmans,"but in his missionary practice differed considerably from his predecessors. De Nobili, so long as it had been possible, acted the part of a devout recluse, a holy Guru; de Britto had been chiefly the wandering Sanyasi, the holy pilgrim and in their personal life both had practised the greatest asceticism and simplicity. But Father Beschi followed a new line. If Hinduism had its ascetics, it had also its high priests, who lived in luxurious comfort, and whose outward surroundings were marked by pomp and circumstance. This was the line chosen by Beschi by magnificence he would dazzle the people. When he travelled it was a costly palanquin. In advance went an attendant bearing an umbrella of purple silk, at each side ran servants with gorgeous fans of peacock's feathers, and in the palanquin, upon a splendid tiger skin and clad in rich and picturesque robes, reclined the mighty Guru! But Beschi was no empty headed poseur. His method was adopted with a full understanding of the people and with many it worked well. Nor does his fame rest on these extravagances; it is based upon his wonderful scholarship. A born linguist he attained so complete a mastery over Tamil that he became the ablest Tamil scholar of his time. No native scholar was his equal."High"' Tamil as well as"Low", the Tamil of the scholarly Brahman as well as the colloquial language of the people, were equally familiar to Beschi. Dictionaries, grammars, works of poetry and treatises in prose issued from his busy pen, and they are read and valued to the present day. When first issued they delighted the native world of Southern India. So charmed with his learning was Chanda Sahib, the Nabob of Vellore, that he appointed him to high office in the State, and for his support presented him with four villages in the Trichinopoly district, which brought in a revenue of 12,000 rupees. All this fame and material prosperity Beschi loyally used for the furtherance of the Mission. Its palmiest days were in his time, and its rapid decline, leading to its ultimate collapse, dates from about the period of Father Beschi's death, which occurred in 1742."These Madura Missionaries, in their anxiety to present Christianity to the convert free from any Western customs that might give offence had tolerated among their converts several Hindu Customs as concessions to the converts. Among these concessions were the retention of the sacred thread and the mark on the forehead; the

marrying of children before they attained puberty; the refusal of the sacraments to females at certain times, bathing as a ceremonial purification, and other points; and the refusal to marry and dine outside caste. These were called the"Malbar Rites". They were abrogated on 12th September 1744, by the Bull *Omnium sollicitudinum* issued [f.34] By Pope Benedict XIV and since then every Roman Catholic Missionary is required to take an oath to obey this Bull. All the same the tradition remained that pagan ways and pagan beliefs were not incompatible with Christian faith.

It is no doubt true that a great obstacle in the way of the Missionaries in the 16th Century was not only the evil example shown by bad Europeans but also the dislike with which European customs were viewed by Hindus and Musalman alike. A wicked European of course caused Scandal, but a devout European, who ate beef and drank spirits, offended against Brahmanical and Mohammadan tenets and shocked native prejudices. Thus Christianity was despised as the religion of the ' Feringis ' as Europeans were contemptuously termed. To have cleansed the Christian Missionaries of these impurities and infirmities was very necessary and not only justifiable but commendable. But it was quite shameful and sinful for these Jesuit Missionaries in their zeal for conversion to have gone to the length they did namely, not to mind what the convert thought and did and how he lived so long as he was ready to be baptized, acknowledge Jesus as his saviour and call himself a Christian.

What was the attitude of the Luthern Mission which came into the field soon after the Madura Mission to this great question. Swartz the greatest missionary in India who by his piety became the peace maker between warring kings was not a protagonist of the view adopted by the Madura Mission. But did he believe that Caste and Christianity were two incompatible things and that a true Christian could not believe in Caste much less could he make it a plan of his life? Whatever was his view of the question he certainly did not carry on a campaign in support of it.

What about the Protestant Missions? What attitude did they take towards this question? They have first of all an excuse on their side to plead if they wish to. That they came late on the scene. So far as history goes there is truth behind the assertion that they were prevented from joining the field until 1813. This is due entirely to the attitude taken by the East India Company towards Mission work in their territories in India.

The attitude of all the European powers who went to India were in the beginning of their career greatly fired with an enthusiasm for the conversion of the Indians to the Christian Faith.

Speaking of the Portuguese they were of course the most resolute in their

propagation for Christianity and suppression of paganism. Albuquerque suppressed Suti within Portuguese India in 1510 and anticipated William Bentick by fully three hundred years. As soon as Francis Xavier called out in despair the aid of John III of Portugal for forcible conversion it was given. In the Dutch East Indies the Dutch Government which was a protestant power, similar enthusiasm was displayed and strong, if not drastic, measures were adopted. The principle of state aid for Christian propaganda was accepted in Ceylon right from 1643 when the Dutch occupied that island. The erection of temples and pagan pilgrimages were forbidden, Government appointments were reserved for Christians and non-attendance at religious schools treated as state offence. By 1685, 3,20,000 Cinhalese had yielded to these methods. The same religious fervour was shown by the East India Company. In 1614, an young Indian had been brought to London by the Captain of the Company's ship. The Company educated him at its own expense 'to be an instrument in converting some of his nation '. His baptism was performed at Poplar. The Lord Mayor of London and the Directors of the Company attended the baptism. King James I chose for him the name of Peter and the priest who baptised him presented him to the Audience as ' the first fruit of India '. In 1617 there took place in Surat the conversion of a Mahomedan. Thus the career of the Company began with conversions at both ends. In 1657 the Directors applied to the Universities of Cambridge and Oxford for a Chaplain 'the Company having resolved to endeavour the advance and spreading of the Gospel in India'. In 1698 the Company very readily accepted a clause in her Charter which required the Company's Chaplains 'should apply themselves to learn the languages of the countries, the better to enable them to instruct the Gentoos, who should be the servants of the Company or their agents, in the Protestant religion'.

Suddenly after 1698 the attitude of the Company seems to have undergone a significant though gradual change. While the Portugal and the Dutch Governments were going on with top speed the East India Company was slowing down. In the very year the Company seems to have been of two minds on this question. While it accepted an obligation to train its chaplains in vernaculars of India so as to make them potent instruments of propaganda it allowed a prayer to be drawn up for the Company which said 'that, we adorning the Gospel of our Saviour in all things, these Indian natives among whom we dwell, beholding our good works, may be won over '. This prayer continued to be offered, certainly till 1750. A close scrutiny of the wording of the prayer suggests if it does not avow the complete abandonment of the original idea of active proselytising. This

attitude of the Company soon became a matter of controversy. Friends of conversion were waiting for an opportunity to force the Company to give up this attitude. The Regulating Act of 1773 and Pitt's East India Act had put an end to a 'State disguised as a Merchant ' and brought the Company the chartered agent of Parliament to carry on the Government of the Indian Territories. It was provided under the Act that the charter of the Company should be only for 20 years and should be renewed thereafter. The year 1793 was of immense importance since the revision of the charter of the Company was to fall due in that year.

To those who favoured the diffusion of Christian knowledge the task seemed quite easy. Wilberforce, who was in charge of the matter had secured the support of important persons in Parliament. He had obtained Archbishop Moore's blessing, and still more important he had won a promise of support from the minister in charge of the East India Company's Charter Bill. As a preliminary to the passing of this Bill matters to be incorporated in the charter were put in the form of resolutions to be passed by the House of Commons. One of the resolutions passed ran as follows:

"That it was the peculiar and bounden duty of the British Legislature to promote, by all just and prudent means, the interest and happiness of the inhabitants of the British Dominions in India; and that for these ends such measures ought to be adopted as may generally tend to their advancement in useful knowledge and to their religious and more improvement."

"Be it therefore further enacted, that the said Court of Directors shall be and are hereby empowered and required to appoint and send out, from time to time, a sufficient number of fit and proper persons for carrying into effect the purposes aforesaid, by acting as schoolmasters, missionaries, or otherwise every such person, before he is so appointed or sent out, having produced to the said Court of I Directors, a satisfactory testimonial or certificate from the Archbishop of Canterbury, or the Bishop of London for the time being, or from the Society in London for the promotion of Christian Knowledge, or from the Society in Scotland for propagating Christian Knowledge, of his sufficiency for these purposes.

And be it further enacted, that the said Court of Directors are hereby empowered and required to give directions to the governments of the respective presidencies in India, to settle the destination and to provide for the necessary and decent maintenance of the persons to be sent out as aforesaid; and also to direct the said governments to consider of and adopt such other measures according to their discretion, as may appear to them most conducive to the ends aforesaid."I It was largely due to the support

of Dundas that the House accepted the resolution without demur. Wilberforce was deeply moved. 'The hand of Providence', he wrote in his journal, 'was never more visible than in his East Indian Affair,' This confidence was premature. Because, on the third reading of the Bill, the clause was struck out with the consent of Dundas. Wilberforce wrote his friend Gisborne"My clauses thrown out..... Dundas most false and double....."

This change of front was brought about by the Directors of the East India Company. The East India trade was a monopoly of the Company and no Englishman could enter the territories of the East India Company in India without license from the Directors of the Company and any Englishman found in the territories of the Company without a license was liable to be deported. The Company did not take long to realize what the effect of the new clause would be. It knew that the clause would require them to open the gates of India to the flood of the Missionaries and their propaganda. Should the Missionaries be allowed a free hand, was the question of the hour. As was natural this became a subject of a most interesting, instructive and bitter controversy and those who care to know it in its details may usefully refer to the pages of the Edinborough Review and the. . . . . of the day.

There were three parties to this controversy. There were the Directors of the East India Company whose primary interest was to protect its shareholders who were clamouring for dividends. The second party to the controversy was the English Middle Class which was living on the East India trade and whose sons were finding new avenues for lucrative careers in the territories. Thirdly there was the Church Missionary Society formed in the year. ..... for the purpose of spreading the Christian faith. The interests of the first two coincided. They were for the maintenance of the Empire and therefore wanted peace and tranquility. The third did care for peace but was keen on the substitution of Indian superstition by the Christian faith. The first made a powerful combination and obliged all the forces against the third. The result was that they triumphed and the Church Missionary Society lost. The arguments advanced by the controversialist on the triumphant side are of course the most important and the most instructive part of the controversy.

To the argument that the propaganda in favour of the Christian faith should begin at once, that it was wrong to hold that the truth though sacred should be doled out in such a way and in such bits as to avoid all risk, the reply given by Sydney Smith was a stunning reply. This is what he said:

"'When we consider for how many centuries after Christ, Providence allowed the greater part of mankind to live and die without any possibility of their attaining to the knowledge of the sacred truths by any human exertion, we must be satisfied that the rapid and speedy conversion of the whole world forms no part of the scheme of its Almighty Governor, and that it can give no offence in His eyes if we do not desert our domestic duties and expose the lives and worldly happiness of multitudes of our fellow country men

to hazard in our attempt to their conversion."

* * *

"The Directors would be doing their duty neither to the shareholders nor the British Nation if they allowed 'itinerant tinkers to preach the natives into insurrection..... The natives must be taught a better religion at a time and in a manner that will not inspire them with a passion for political change.'. .... Our duties to our families and country are set before us by God Himself. We are not at liberty to desert them in order to give a remote chance of conferring greater benefits on strangers at a distance."It is arguments such as those which prevailed with Parliament and led to the rejection of the Clause in 1793. Wilberforce twitted members of Parliament by reminding them with, their Christianity was not a religion of convenience but it was a religion established by law. But as has been well pointed out,"for the major portion of those 'counted ' .in the eighteenth century the religion accepted by the State and Society as a convenience was something to be used with fact and discretion at home. There was no need to diffuse it recklessly abroad. The general atmosphere, as has often been pointed out, was remarkably like that of Augustan Rome. To the statesman, thinking imperially, all religions were equally useful, each in its proper place.' [f.35]

The attempt to open the door to the Missionaries failed and the Missionary was shut out from India till 1813. Not only was he shut out but the Company's Government kept a strict vigil upon the activities of such stray missionaries who contrived to go to India without their license.

In 1793 Dr. Carey went as an interloper without license. As he was not allowed to enter Calcutta being without license, he made Serampore, 14 miles away from Calcutta as his base of operation. Serampore was a Danish settlement and the Danes had placed no restrictions on missionaries or mission propaganda. On the contrary the Governor of Serampore actively helped them. Carey and his Mission was always suspect in the eyes of the Company's Government. lo 1798 the Serampore Mission decided to engage four missionaries who arrived in the year 1800. They went to reside in the

Danish settlement of Serampore. As a matter of fact the Governor General had nothing to do with them. But the unconcealed residence of those unlicensed enthusiasts was too much for the Company's Governor General and Lord Wellesley wrote to the Governor of Serampore,"Would His Excellency see to the expulsion of these interlopers who might at any moment violate the territories of the British East India Company", to which the Danish Governor replied that he would do nothing of the kind [f.36] . Similar action was taken in 1806 when Captain Wickes brought two more Missionaries in the ' *Crieterion"*which anchored off Calcutta. Sir George Barlow was then the Governor General. He took a most extra-ordinary action to prevent the landing of these two missionaries. He ordered that the Captain be not given his clearance papers unless he agreed to take back the two missionaries. Although they had gone to live in Serampore and were in fact under the protection of the Danish Crown. This was not only a more unreasonable attitude towards missionaries but it was also an attitude which could not but be regarded as hostile [f.37].

The Vellore Mutiny among Indian Soldiers which took place in 1806 was quite erroneously attributed to missionary propaganda and Sir George Barlow in a panicky condition proceeded to put the following restrictions on the activities of the Serampore Missionaries:

1. The Missionaries remain at Serampore.
2. They must not preach openly in the bazar.
3. Native converts might preach provided they are not sent forth as emissaries from Serampore. The vehemence with which the Government of Bengal came down upon the Serampore Mission in 1807 for issuing a tract on Islam in which quite inadvertently the prophet Mahomed was called an imposter also furnishes further evidence of the attitude of hostility which Government of the Company bore towards the Missionaries.

The Government of Bengal refused to be satisfied with the apologies of Dr. Carey and insisted upon the transfer of the Press from Serampore to Calcutta in order that Government may be in a better position to control the literature issued therefrom. The news caused dismay for it meant the disruption of the mission. As usual, the Governor of the Danish settlement came to their rescue and told the frightened Serampore Missionaries that he would fight their battle if the Government of Bengal forcibly removed the Press to Calcutta. Subsequently matters were settled and the order was withdrawn3. But the fact remains that the Government of the Company was not a friend of the Missionaries.

So much for the excuse which they can legitimately plead. But what

attitude did they take when they were allowed after 1813 to operate in the field? Did they take the line that caste must go from the thought and life of the Convert? The earliest pronouncement of a Protestant Missionary does not warrant an affirmative answer.

Missionaries intolerating caste : Dr. Heyne in 1814 wrote: Missionaries, in many instances, have fallen into a mistake of a very injurious nature to their rapid or even ultimate success. In converting a Hindu to Christianity, they oblige him to adopt a line of conduct by which he loses his caste; this, in India is considered such a disgrace. that it must present a powerful obstacle to conversion. But the political division of the Hindus is no part of their religious tenets, though it has been so mistaken by the most enlightened. In giving to the Hindus the Christian religion, allow them to retain their caste, and they could be found to embrace it without reluctance, and in considerable numbers." [f.38]

But I do not wish to judge the attitude of the Protestant Missions to so important a question from so stray a pronouncement of a solitary individual. There is evidence to show that the Protestant Missions were once early in their career called upon to make up their mind on this important issue so that it can be said that the view maintained by the Protestant Mission is a considered view. The time when this issue was discussed seriously was the time when Rev. Heber was appointed the Bishop of Calcutta. He assumed his duties in the year 1823. During his episcopate he toured extensively in the whole of India and in Ceylon. In the course of his tour, he became aware of the sharp conflict of opinion among Protestant Missionaries to the question of toleration of caste among converts. He decided to resolve this difference. How he went about the business is told in the words of Mr. Kaye who has succintantly narrated it:

"There was strife, therefore, among the missionaries, which Heber was anxious to allay. The question had been brought before him, before he quitted Bengal. He had there sought to arm himself with ail the information that he could obtain, respecting not only the practice of the earlier Protestant missionaries, but the true nature of the institution of Caste. There was then in Bishop's College a Christian convert, known as Christian David. He had been a pupil of Schwartz; and was truly a remarkable man. No less distinguished for his intelligence than for his piety, he was regarded by the good Bishop as the one of all others to whom he might most expediency refer for the solution of his doubts. Heber drew up, therefore, a series of questions, which he submitted to the native Christian, and received from him a series of replies, stated not only in excellent English, but with a force and precision which could not be easily

surpassed.

"First, with regard to .the nature of Caste, it was declared by Christian David, that it was, among the natives of Southern India,"purely a worldly idea"--"not connected in their minds with any notion of true or false religion,"that the native converts, drawn from the higher castes, were disinclined to intercourse with low-caste proselytes, not on religious or superstitious grounds, but simply for social reasons; that there were certain distinctions between high-caste and low-caste persons not by any means ideal, and that these distinctions were not to be gilded over merely by the acquisition of worldly wealth. He specially set forth that low-caste people indulged habitually in an unseemly mode of speech—frequently using coarse or indecent expressions very revolting to the feelings of high-caste men; and that they were altogether less decorous and self respectful in their way of life. Learning, he said, might elevate them; and if a Pariah became learned he was called a pundit, and respected by the Church; and then his brother converts would associate with him, but still they would not"from worldly fear or pride"eat with him from the same dish. From the days of Ziegenbalg downwards they had been wont to sit at Church in two separate divisions, and had communicated separately at the Lord's table, drinking out of the same cup, but the high-caste converts drinking first. As a proof, however, that these were regarded as merely worldly distinctions, Christian David said that high-caste and low-caste, among the Christian congregations of the South, were buried in a common burial ground, and took part promiscuously in the funeral ceremonies,"as if with the consciousness, contrary to the heathen nations, that death levelled all distinctions."

"Rather by mild remonstrance and persuasion than by the enactment of any stringent rules, which might have proved great obstructions to Christianity, the elder missionaries had sought to mitigate the evil; and Christian David declared that under the ministration of Schwartz the evil had considerably diminished. But Mr. Rhenius, of the Church Missionary Society, a truly conscientious and devout Christian, had taken other views of the duties of Christian teachers, and had gained over to his opinions the younger missionaries in the South; so that they agreed, as I have said, among themselves, to make the total repudiation of Caste, even in its mere social aspect, an essential condition of admittance to the Christian Church; and they had, moreover, spoken and preached against the elder missionaries—even the most venerated of their predecessors—denouncing them as"corrupters of the Gospel"for having permitted such things to soil the purity of Christianity.

Of all this Christian David spoke with profound regret. His own opinions were naturally inclined towards the doctrine and the practice of his old master Christian Schwartz. The mild interference and affectionate advice of the Bishop might, he thought, dispose the hearts of the younger missionaries towards greater toleration and forbearance.

"Very earnestly and very conscientiously did Heber revolve this important subject in his mind. It is in accordance with all that we know of the character of the man, that he should have inclined towards the more conciliatory practices of the elder missionaries. But he deferred any final decision, until the opportunity should arrive for the collection of further information and the delivery of a sounder and fuller judgment on the spot. When, therefore, he visited the Southern Presidency, he wrote letters of inquiry to some of the principal missionaries and instituted a select committee of the Christian Knowledge Society for the purpose of making further investigation into the subject. From one letter written to the Rev. D. Schrievogel, though little more than a series of questions, the bent of his opinions may be derived. It appeared to him, after much deliberate consideration, that Caste, as represented to exist among the Christian converts on the Coast was in reality an institution differing little in its essential features from the social exclusiveness prevailing in Christian countries. Is there no such thing, he asked himself, as Caste in Europe? Is there no such thing as Caste in America? Do not the high and the low sit apart in our English churches? Do not our well-dressed high-caste folks go up first to the altar to communicate? Do high and low sit down to meat together—do their children attend the same schools? Are there no Pariahs amongst us? In other civilized countries, is there not a prevailing sense of Caste, apart from all associations of worldly distinction? Does not the Spanish hidalgo wear his Caste bravely beneath his threadbare cloak? Is the wealthiest mulatto fit companion for the poorest white? It may be called blood, or anything else in another; but in its essential features the one thing differs but little from the other. It is an intelligible and appreciable Christian principle that all men in the sight of God are equal. But it is equally certain that all are not equal in the sight of Man; and it is a fair presumption that God never intended them to be equal. Social distinctions exist every where; and if, argued the Bishop, the distinctions which exist among the converts on the Southern coast are merely social distinctions, why should we endanger the success of our efforts by endeavouring to enforce a law of equality, which is maintained among no other classes of men?

"In this wise thought Bishop Heber. He had said from the first, that if he

could be of any service to the Christian cause in India, it would be as a moderator—that by a conciliatory course, smoothing down the asperities of the over-zealship, he might hope to do much good as the chief missionary; and now he believed that it was his duty to cast in the weight of his authority upon the side of those who had resolved not to pour too much of new wine into the old bottles."

This view was more forcefully expressed by another Protestant Missionary Rev. Robert Noble who came out to India in 1841 and was in charge of the Church of England Mission Work in Masulipatam made it a rule to exclude Pariahs, leather workers and scavengers from his school. Defending himself against the charge of introducing caste in the Christian fold he defended himself in the following terms:"The humblest and most pious Christian parents in England would not allow their sons, much less their daughters, to be educated with their footmen, with their cooks and their scullery maids. Perhaps I was punished oftener by my pious father for stealing away to play with the boys of the village than on any other account; while in the best ordered Christian family I have ever seen, the children were not allowed to converse with the servants or to descend the second step of the stairs into the kitchen. My father would not have allowed us to mix with the cook's or stable boy's children; nor can I see it right to require of Brahmins that before we will teach them the Gospel, they must sit down on the same form with the pariah and the sweeper. The requirement is to me unreasonable and unchristian."

It is true that many wise and devout Christians since Heber's time believed that he was altogether wrong; and that Bishop Wilson at a later period reversed his decision emphatically pronouncing against all toleration for the inequities of caste on the ground that it was an ingrained part of Hindu religion. But the fact remained not only the official but also the general view of the Protest Missions [f.39] in India regarding the place of caste in Indian Christianity.

Thus all Missionaries agreed that Christianity should be made easy in order that it may spread among India. On this point there seems to be difference of kind among Catholics, Lutherners or Protestants. Such difference as exists is one of degree. If there exists Caste and other forms among Christian converts it is the result of this policy — policy of making Christianity easy. In adopting this policy the Missionaries never thought that some day, somebody would ask them 'What good is Christianity for a Hindu if it does not do away with his Caste'. They misunderstood their mission and thought that making a person Christian was the same thing as making him a follower of Christ.

V

Let us take the second part of the question. Has Christianity been able to save the convert from the sufferings and the ignominy which is the misfortune of every one who is born an untouchable? Can an untouchable after his conversion to Christianity take water from a public well? Are his children admitted to a public school? Can he enter a hotel or tavern which was not open to him? Can he enter a shop and buy things from inside? Will a barber shave him? Will a washerman wash his clothes? Can he travel in a bus? Will he be admitted in Public offices without compunction? Will he be allowed to live in the touchable quarters of the village? Will the Hindus take water from him? Will they dine with him? Will not the Hindu take a bath if he touches him? I am sure the answer to every one of these questions must be in the negative. In other words conversion has not brought about any change in the social status of the untouchable convert. To the general mass of the Hindus the untouchable remains an untouchable even though he beomes a Christian.

The question is, why has Christianity not succeeded in raising the status of the untouchable convert? What are the reasons for this failure? I am not sure that my reasons will be accepted by all those who are interested in the problem. But I will state them for what they are worth. To understand and appreciate what I am going to say I must begin by pointing out that a change in the social status of the convert can be the result of a two-fold change. There must be a change in the attitude of the Hindus. Secondly there must be a change in the mentality of the convert. Status is a dual matter, a matter *inter se* between two persons and unless both move from their old position there can be no change. What has been done by those who are in charge of Christian endeavour to make the parties move on? A consideration of this question will enable us to understand why Christianity has failed to raise the status of the untouchable convert.

Let us consider the question in parts. What has Christianity done to make the Hindus move on? I find they have done nothing. They seem to be depending upon an idea doing the miracle. The faith in an idea doing the work has been well expressed by the late Duke of Argyle when he said:

"There is no method of reform so powerful as this. If alongside any false or corrupt belief, or any vicious or cruel system, we place *one incompatible idea,*—then without any noise of controversy or clash of battle, those beliefs and customs will wave an idea. It was thus that Christianity, without one single word of direct attack, killed off one of the greatest and most

universal curses of the pagan world,—the ever deepening curse of slavery." [f.40]

Whatever may be the importance of an idea, I am sure, history does not bear out the conclusion of the Duke of Argyle. It is debatable question whether the end of slavery in the Roman Empire was due to the influence of Christianity. It is beyond doubt that serfdom continued in Europe although Christianity was an established institution for several hundred years. It is an incontrovertible fact that Christianity was not enough to end the slavery of the Negroes in the United States. A civil war was necessary to give the Negro the freedom which was denied to him by the Christians.

The dependence of those in charge of Christian endeavour upon planting of an idea and leaving it to work a miracle is therefore one of the reasons why the untouchable has remained an untouchable notwithstanding his Christian faith.

Let me take the other part of the question. Does Christianity inspire the untouchable to move on? I am constrained to say that (it)does not. So far as I am able to see, Christian preaching to the untouchable is less centered on 'practical' reforms and more centered around the development of Christian social attitudes. Christians who desire the conversion of the untouchables insist on regarding Christianity as purely"spiritual". To teach that Christians have an obligation to love others is no doubt very valuable. But to stop there and argue that spiritual life expressed in a social attitude is quite unrelated to material life and Christians can have nothing to do with it, is in my judgment to preach an empty doctrine. What is the use of a daily exhortation to a wrong doer to be good and just if the exhortation is not followed by action to make the wrong doer just and good. The Christian Missionaries have never thought that it was their duty to *act* and get the injustice that pursues the untouchables even after his conversion to Christianity removed. That Missions should be so inactive in the matter of the social emancipation of the untouchable is of course a very sad thing. But far more painful is the inaction of the untouchable Who becomes a convert to Christianity. It is the saddest thing. He continues to suffer from the Hindus the same disabilities which were his lot before conversion. It is an extraordinary thing that the movement for the redress of wrongs is carried on by the untouchables who have not become converts to Christianity. I have never noticed the untouchable Christians meeting in Conferences for the redress of their social wrongs. That they have grievances is beyond question. That there are many who are educated enough to lead them in their struggle is also well known. Why is it then there has been no movement for the redress of their wrongs?

I see three reasons why the Christian untouchables have failed to raise a movement.

The first reason is to be found in the complete absence of desire on the part of the educated among the Christians to take up the cause of the community and fight for it. This is due in my judgment to the fact that within the Christian Community the educated class and the mass has no kinship. The Christian Community is a composite community. In some places it is divided into touchables and untouchables. In all places it is divided into high class and low class. The educated class is largely drawn from the touchable or the higher class. This educated class being detached from the lower or the untouchable class of Christians is not charged with the wants, the pains, cravings, desires, aspirations of the latter and does not care for their interest. The untouchable Christians are therefore leaderless and therefore unable to mobilize for the redress of their wrongs.

The second reason why there is no movement among the untouchable Christians is due to certain faults in the mental make-up of the convert. The mental make-up of the untouchable Christian is characterized by a complete absence of any urge to break his bonds. What is the reason for this absence of any urge in the untouchable Christian? It seems to me that there are two reasons which account for this. One reason is to be found in the antecedent of the untouchable who becomes a Christian. An untouchable becomes a Christian for some advantage or he becomes a Christian because he *likes* the teaching of the Bible. But the case is very rare of an untouchable becoming a Christian because of a positive discontent or dislike of the Hindu religious teachings. The result is that Christianity becomes only an addendum to his old faith. It does not become a substitute for his old faith. He cherishes both and observes them on occasions appropriate to each.

The second reason for the absence of any urge is due I am afraid to the teachings of the Christian Church. The Christian Church teaches that the fall of man is due to his original Sin and the reason why one must become Christian is because in Christianity there is promise of forgiveness of sins. Whatever may be the theological and evangelistic basis of this doctrine there is no doubt that from a sociological point of view it is a doctrine which is fraught with disaster. This Christian teaching is a direct challenge to sociology which holds that the fall of man is due to an unpropitious environment and not to the sins of man. There is no question that the sociological view is the correct view and the Christian dogma only misleads man. It sets him on a wrong trail. This is exactly what has happened with the untouchable Christians. Instead of being taught that his fall is due to a

wrong social and religious environment and that for his improvement he must attack that environment he is told that his fall is due to his sin.

The consequence is that the untouchable convert instead of being energized to conquer his environment contents himself with the belief that there is no use struggling, for the simple reason that his fall is due to the sin committed not by him but by some remote ancestor of his called Adam. When he was a Hindu his fall was due to his Karma. When he becomes a Christian he learns that his fall is due to the sins of his ancestor. In either case there is no escape for him. One may well ask whether conversion is a birth of a new life and a condemnation to the old.

VI

Does the Indian Christian Community count in India? What importance, what influence does it have in settling the affairs of the country. It ought to have importance and influence both in the country and society. It is undoubtedly the most educated and enlightened community in India. Not only the percentage of literacy among Indian Christians is relatively larger than in many other communities in India but the University Graduate, Doctors, lawyers are far in excess than can be found in communities which are vastly superior to them in number. Not only the men are educated but also women are educated. With all this light and learning the Christians as a community, it must be said, counts for very little—if at all—-in the affairs of India. There may be difference of opinion on this. But this is the conclusion I have arrived at after as close and as impartial a study as I have been able to make. My opponent might say that I am mistaken or that I am misrepresenting. But I take comfort in the fact that there are some Indian Christians who share my view and also my regret. Here are two letters which I take from Young India.

'The first is from an Indian Christian to Mr. Gandhi and published in the *Young India,* August 25, 1921. This is what he says:

"I am sorry to say that you do not take us Indian Christians as the people of India, as I have seen many times Young India mentioning Mussalmans, Hindus, Sikhs, etc., but omitting the Christians.

"I should like you to believe that we Indian Christians are also people of India, and take much interest in India's own affairs."The following is the comment made by Mr. Gandhi on this letter. He says:

"I assure the correspondent and other Indian Christians that noncooperation is no respecter of creeds or races. It invites and admits all to is fold. Many Indian Christians have contributed to the Tilak Swaraj

Fund. There are some noted Indian Christians as non-cooperators in the front rank. There is constant mention of Musalmans and Hindus, as they have hitherto regarded one another as enemies. Similarly there always has been some cause when any race has been specially mentioned in these columns.'" Apart from the question whether it is true that many Indian Christians have contributed to the Tilak Swaraj Fund and whether it is true or not that noted Christians were front rank non-cooperators, the answer given by Mr. Gandhi to the main question of the correspondent is incorrect if not misleading. If Musalmans are mentioned only because they regard the Hindus as their enemies why were Sikhs mentioned? Surely they did not regard the Hindus as their enemies. Why were they mentioned? The Sikhs were not only mentioned but were treated as an important party without whose active cooperation it was felt that the struggle for Swaraj could not be carried on. And be it remembered that the cooperation given by the Sikhs was not given unconditionally. As is well known the Sikhs had put down two conditions in return for their cooperation [f.41]. One condition was that in designing a national flag for India the Sikh colour which they said was black should find a place in it. Their second demand was that they should be guaranteed by the Congress representation in the legislature. It is thus clear that Sikhs were not mentioned but placated. But the Christians were not even mentioned. Now there are only two explanations for not mentioning the Indian Christians. Either they were with the Congress in the struggle for Swaraj or that they were not worth mentioning as being too insignificant. That they were not with the Congress in this struggle for Swaraj cannot be gainsaid. The following letter written by an Indian Christian written to the Editor of the *Indian Social Reformer* and reproduced in the *Young India* expresses the attitude of the Indian Christians to Swaraj:

"We have positive evidence to show that as early as the second century of Christian era there were Christian settlements in India. Such being the case, Christians in India can claim to have existed in India some centuries earlier than the very birth of Islam. How comes it then that the Indian Christian born and bred on the soil of India and of ancestry purely Indian, has not learnt to cherish the ancient history of this country, its culture and to look upon its people, however different in their religious persuations, as his bone and of his flesh? Whence is it that unlike him Hindu or Mahomedan fellow citizen he has not watched for, aspired to and eagerly welcomed every stage that adds a cubit to the cultural, social or political statute of his motherland. Why is it that *Vande Mataram* is a national outpouring of the Hindus and Mahomedans only and till now ignored by the Indian

Christian?

Again how comes it that both Hindus and Mahomedans regard the Indian Christian sentiment towards their aspirations as lukeworm if not positively hostile and conversely why is it that the ever-growing height of the national spirit in India makes the Indian Christian feel dwarfed and helpless and suspicious of his security in the future." [f.42]

Notwithstanding Mr. George Joseph, K. T. Paul, and Dr. S. K. Datta there is no doubt that the Indian Christian Community far from taking active part in the struggle for Swaraj was really afraid of it and that this letter depicts truly the prevailing attitude of the Indian Christians. The reason why the Indian Christians were not mentioned along with the Musalmans and the Sikhs is therefore clear."The omission to mention them is certainly not due to their being friends of Swaraj. The only conclusion that one can draw for such a omission is that they did not count. It is a sad thing that so enlightened a community should have no importance and no influence in the affairs of the country.

What can be the reasons for such a position? The most obvious reason is of course the smallness of its numbers. The weight of its numbers is too small to make its existence felt as a force in public life as can be the case with the Musalmans or with the Depressed Classes. But this cannot wholly account for their insignificance. There must be other factors to account for this. I see two.

One is this. The Indian Christians are living in sheltered waters. They are, at any rate, a large majority of them are living in the laps of the missionaries. For their education, lor their medical care, for religious ministration and for most of their petty needs they do not look to Government. They look to the Missions. if they were dependent upon Government they would be required to mobilize, to agitate, educate, and organize their masses for effective political action. For without such organization no Government would care to attend to their needs and their requirements. They are not in the current and not being in the current they care not for public life, and therefore no recognized place in the public.

The second reason is that the Indian Christian is a disjointed—it is a better word than the word disunited—Community. All that it has in common is a common source of inspiration. Barring this one thing which they have in common everything else tends to keep them apart. Indian Christians like all other Indians are divided by race, by language and by caste. Their religion has not been a sufficiently strong unifying force as to make difference of language, race and caste as though they were mere distinctions. On the contrary their religion which is their only cement is

infected with denominational differences. The result is that the Indian Christians are too disjointed to have a common aim, to have a common mind and to put a common endeavour. To an Indian Christian from Tamil, a Hindu from Tamil is much nearer than an Indian Christian from the Punjab; An Indian Christian from U.P. feels greater kinship for a Hindu from U.P. than he does for an Indian Christian from say Maharashtra. In short, the term Indian Christian is just a statistical phrase. There is no community feeling behind this phrase. Indian Christians are not bound together by what is consciousness of kind which is the test of the existence of a community.

I do not know what Indian Christians will think of what I have said of the weaknesses which infect their life. One thing I can say. It is this--I am deeply interested in Indian Christians because a large majority of them are drawn from the untouchable classes. My comments are those of a friend. They are not the strictures of an adversary. I have drawn attention to their weaknesses because I want them to be strong and I want them to be strong because I see great dangers for them ahead. They have to reckon with the scarcely veiled hostility of Mr. Gandhi to Christianity taking its roots in the Indian Social structure. But they have also to reckon with militant Hinduism masquerading as Indian Nationalism. What this militant Hinduism will do to Christians and Christianity can be seen from what happened at Brindaban very recently. If newspaper reports are true [f.43] a crowd of mild Hinduism quietly went and burned down the Mission buildings in Brindaban and warned the missionary that if he rebuilt it they would come and burn it down again?! This may be the solitary instance of misguided patriots or this may be just a piece of what the Hindus are planning to get rid of Christians and Christianity. If it is the shadow of events to come then Indian Christians must be prepared to meet them. How can they do that except by removing the weaknesses I have referred to? Let all Indian Christians ponder.

ESSAYS ON UNTOUCHABLES

AND UNTOUCHABILITY: SOCIAL

Contents

Chapter 1 : Civilisation or felony
Chapter 2 : The house the hindus have built
Chapter 3 : The rock on which it is built
Chapter 4 : Touchables v/s untouchables
Chapter 5 : The curse of caste

Social

(Besides the consolidated scheme on"Untouchables or children of India's Ghetto"included in Book I in this Volume, there are several other essays by Dr. Ambedkar which deal with the subject of ' Untouchables and Untouchability '. These essays are divided into three categories viz., Social, Political and Religious. In Book II, five essays have been included under"Social".)

CHAPTER 1

CIVILISATION OR FELONY

I. Another cross section view of India's population.
II. Sunken classes seen through it : (a) Primitive Tribes,
(b) Criminal Tribes and (c) Untouchables.
III. Effect of Hindu Civilisation on the condition of these classes.
IV. Difference in the problems of these classes.

The population of India is generally classified on a linguistic or on religious basis. These are the only two ways of classifying the people of India, which have been persistently in vogue for a long time. The effect is that outsiders get the impression that, what is of interest and importance to know about the peoples of India is the religions they profess or the languages they speak. Limited by this interest, they remain content with a knowledge they get about the religions and languages that are prevalent in

India. All that the outsider cares to hold in his head is that, in India there are people who are either Hindus or Mahomedans.if he is interested in religion or that there are people in India some of whom speak Marathi, some speak Gujarathi, some Bengali and some Tamil, etc.

Of the two ways of classifying people of India the religious classification is the one which is more impressive and arresting for the foreigner. He is more interested in the religions than in the languages. But even he is not aware of all the religious communities in India. He knows only of Hindus and Mahomedans. He sometimes hears of the Sikhs, very seldom of Christians although they are a growing community and never of the Buddhists who are of course non-existent so far as India of today is concerned* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_1.

The impression of the foreigner is that there are only Hindus and Musalmans in India and that there are none others worth bothering about. That this should be his impression is quite natural. The air is filled with the din and noise of the Hindu-Moslem conflict. How gravethe conflict is, can be seen from the number of Hindu-Moslem riots that have taken place in recent years and the casualties and deaths that resulted from them.

But this struggle is a struggle for establishing an empire. There are Hindus who are agitating for establishing in India a Hindu Raj with Mahomedans as subject only. There are Mahomedans who are dreaming of Pan Islamism and of making India a part of a Muslim Empire with a choice for the Hindus between the sword and the Koran. In between these two extremists, there are sober persons who are for a state in which both Hindus and Muslims can live as equal partners. Whether the extremists will succeed or the moderates will succeed time alone can show. In the meantime the extremes in both the camps are making headlines by their blood baths. But, be that as it may, I venture to think that there are many who will not feel much interest in this struggle between the Hindus and the Mahomedans. After all it is a struggle for mastery for dominance.

It is a struggle for liberation. It is a struggle for establishing an empire of one over the other. They will be more interested in the struggles of the down trodden, of those who are fighting to obtain the title deeds to respectable humanity. In describing the old quarrel between the Whigs and Tories in England, Francis Place in describing the political policy of the Whigs said, they were out to crush the king on the one hand and the people on the other hand and establish the aristocracy of the governing class.

Those Hindus and Musalmans who are now fighting have the same policy in Indian politics. They want to establish their classes from them as the governing body. The masses whether of the Hindus or of the Musalmans are merely used for establishing the ascendency of the classes. This struggle that is going on is really a struggle of the classes. It is not a struggle of the masses.

Those who are interested in the struggle of the masses must learn to look at the population of India from another point of view. They must cease to look at it purely from the point of view of religion. They must look at the population of India from the social and economic point of view. This does not mean that one need not care to know how religion has affected the economic and social life of the people of India. Indeed no study of the Indian people, be they Hindus or Musalmans, can give an adequate picture of their life if religion is kept out of consideration. Because religion is supreme in India as was the Roman Catholic Church in the Middle Ages in Europe. Brycemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_2 has described the dominance of the Church over the lives of the people in terms that are worth recording"A life in the Church, for the Church, through the

Church; a life which she blessed in mass at morning and sent to peaceful rest by the vesper hyme; a life which she supported by the constantly recurring stimulus of the sacraments, relieving it by confession, purifying it by penance, admonishing it by the presentation of visible objects for contemplation and worship, this was the life which many of the Middle Ages conceived of as the rightful life of the man; it was the actual life of many, the ideal of all"

The dominance of religion on the life of the people of India today is no whit less than the dominance of the Church over the lives of the people in the Middle Ages. It would therefore be a mistake to leave religion out of consideration. But it is equally true to say that a purely religious point of view would give only a superficial picture. What is important to know is how the masses and the classes in India live? What are the social and economic terms of their associated life? To what extent are these influenced by religion? The answer to this question is given by the condition in which we find certain classes who fall within the Hindu fold.

II

It is a pity that Prof. Max Muller did not visit India. On seeing the contrast between theory and practice he might have explained the contrast. For the present the contrast remains a riddle.

This is so in spite of the doctrine of Bramha, asserted by the Brahmins to be residing and pervading every human being. If there is Bramha in a Brahmin so also it is in a Primitive man, in a Criminal Tribes man and so also in an Untouchable? How are these two facts to be reconciled the theory of Bramha and as against it the existence of the Primitive Tribes, the Criminal Tribes and the Untouchables?

This sunken humanity falls into three distinct categories. One such category is comprised of people who are called Primitive Tribes. Communities listed as Criminal classes form a second and separate category and the third category is the one, which covers what are called the Untouchables.

The total population of persons who fall into these three categories is by no means small. The population of the Primitive Tribes in India according to the Census of 1931 comes in round figures to 25 millions. The total population of the Criminal classes now listed as Criminal is somewhere about 41/2 millions. The total population of the Untouchables according to the Census of 1931 is 50 millions in India as a whole. The total of these classes comes to 791/2 millions. And the question is what is the position of these 791/2 million souls?

First as to the Primitive Tribes. In what state of civilization are they?

The name Primitive Tribes is expressive of the present state of people who are called by that name. They live in small-scattered huts in forests. They live on wild fruits, nuts and roots. Fishing and hunting are also resorted to for the purpose of securing food. Agriculture plays a very small part in their social economy. Food supplies being extremely precarious they lead a life of semi-starvation from which there is no escape. As to clothes they economise them to a vanishing point. They move almost in a state of complete nakedness. There is a tribe which is known as”Bonda Porajas”which means”naked Porajas". Of these people it is said that, the women wear a very narrow strip which serves as a petticoat almost identical with what is worn by the Momjak Nagas in Assam, the ends hardly meeting at the top on the left thigh. These petticoats are woven at home out of the fibre of a forest tree. Girls wear a fillet of beads and of palmyra leaf and an enormous quantity of beads and neck ornaments extremely like those worn by many Komjak women. Otherwise the women wear nothing. The women shave their heads entirely..... Of the Chenchus, a tribe residing near Farhabad in the Nizam's Dominions it is said that”their

houses are conical, rather slight in structure made of bamboos sloping to the central point and covered with a thinnish layer of thatch..... They have very little indeed in the way of material effects, the scanty clothes they wear, consisting of a langoti and a cloth in the case of men and a short bodice and a petticoat in the case of women, being practically all, besides a few cooking pots and a basket or two which perhaps sometimes contains grain. They keep cattle and goats and in this particular village do a little cultivation, elsewhere subsisting on honey and forest produce which they sell". Regarding the Morias another Primitive Tribe, it is stated the men generally wear a single cloth round the waist with a flap coming down in the front. They also have a necklace of beads and when they dance, put cock's plums and peacock's feathers in their turbans. Many girls are profusely tattooed, especially on their faces, and some of them on their legs as well. The type of tattooing is said to be according to the taste of the individual and it is done with thorns and needles. In their hair, many of them stick the feathers of jungle cocks and their heads are also adorned with combs of wood and tin and brass.

These Primitive Tribes have no prohibition against eating anything, even worms and insects and in fact there is very little meat that they will not eat, whether the animal has died a natural death or has been killed four days or more before by a tiger.

The religion of these Primitive Tribes is the worship of demons of all denominations and dead ancestors of all antiquity. Witchcraft, sorcery, animal and human sacrifice make up their religion. Without education, with no idea of Science or of the knowledge of the working of nature, steeped in ignorance and superstition, these Primitive Tribes have been living on the outskirts and in close conformity with civilisation in a savage stage which has been their lot for ages. Instead of marching along, they are where they have been all along doing nothing but marking time. The Criminal Classes at one time included such well organised confederacies of Professional Criminals as the Pindharies and the Thugs.

The Pindharies were a predatory body of armed gangsters. Their organisation was an open military organisation of freebooters who could muster 20,000 fine horse and even more. They were under the command of brigand chiefs. Chitu, one of the most powerful commanders had under his single command 10,000 horse, including 5,000 good cavalry, besides infantry and guns. The Pindharies had no military projects for employing their loose hands of irregular soldiery, which developed into bodies of professional plunderers. The Pindharies aimed at no conquests. Their object was to secure booty and cash for themselves. General loot and

rapine was their occupation. They recognised no rulers. They were subjects of none. They rendered loyalty to none. They respected none and plundered all high and low rich and poor without fear or compunction.

The Thugs' were a well organised body of professional assassins, who in gangs of from 10 to 200 travelled in various guises throughout India, worked themselves into the confidence of wayfarers of the wealthier class and, when a favourable opportunity occurred, strangled them by throwing a handkerchief or noose round their necks and then plundered and buried them. All this was done according to certain ancient and rigidly prescribed forms and after the performance of special religious rites, in which was the consecration of the pickaxe and the sacrifice of sugar. They were staunch worshippers of Kali, the Hindu Goddess of destruction. Assassination for gain was with them a religious duty, and was considered a holy and honourable profession. They had in fact no idea of doing wrong, and their moral feelings did not come into play. The will of the goddess by whose command and in whose honour they followed their calling was revealed to them through a very complicated system of omens. In obedience to these, they often travelled hundreds of miles in company with, or in the wake of their 1 Encyclopaedia Britannica. 11th Ed., Vol. XXVI, p. 896. Intended victims before a safe opportunity presented itself for executing their design; and when the deed was done, rites were performed in honour of that tutelary deity,-and a goodly portion of the spoil was set apart for her. The Thugs had also a jargon of their own, as well as certain signs by which its members recognised each other in the remotest part of India. Even those, who from age or infirmities could no longer take an active part in the operations used to aid the cause as watchmen, spies or dressers of food. It was owing to their thorough organisation, the secrecy and security with which they went to work, but chiefly to the religious garb in which they shrouded their murders, that they could continue for centuries to practise their craft. The extraordinary fact was that Thugee was regarded as a regular profession by the Indian Rulers both Hindu and Mahomedans. The Thugs paid taxes to the State and the State left them unmolested.

It was not until the British became rulers of the country that any attempt was made to suppress the Thugs. By 1835, 382 Thugs were hanged and 986 were transported or imprisoned for life. Even as late as 1879 the number of registered Thugs was 344 and the Thuggee and the Dacoity department of the Government of India continued to exist until 1904 when its place was taken by the Central Criminal Intelligence Department.

While these open and professional criminals have been suppressed and are no more to exact their toll and disturb the peace, there are still in India

communities whose occupation is crime and who are listed by Government as Criminal Tribes.

The Criminal Tribes live in the plains in close proximity, if not in the midst of, civilized life. Because they subsist by organised robbery and dacoity, they are for this reason proscribed by the Government of India as Criminal Tribes. Hollius in his"Criminal Tribes of the United Provinces"gives an account of their activities. They live entirely by crime. A few may be ostensibly engaged in agriculture but this is only to cover up their real activities. Their nefarious practices found most scope in dacoity or robbery by violence, but being a community organised for crime nothing came amiss to them. On deciding to commit a dacoity in any particular locality, spies would be sent out to select a suitable victim, study the general habits of the villagers and the distance from any effective aid, and enumerate the number of men and firearms. The raid usually took place at midnight. Acting on the information given by the spies, men would be posted at various points in the village and by firing off their guns, attract attention from the main gang which would attack the particular house or houses previously appointed. The gang would usually consist of 30 to 40 men. It is essential to emphasise the great part played by crime in the general life of these peoples. A boy is initiated into crime as soon as he is able to walk and talk. No doubt the motive is practical to a great extent in so far as it is always better to risk a child in petty theft, who if he were caught, would probably be cuffed, while an adult would immediately be arrested. An important part is also played by women, who, although they do riot participate in the actual raids, have many heavy responsibilities. Besides disposing of most of the stolen property, they are also expert shoplifters.

Like the Criminal Tribes the Untouchables also live in the midst of civilized Hindu Society and possess a degree of culture and morality which completely separate them from the Primitive Tribes and the Criminal Tribes. The Untouchables have the culture of the Hindu Community. They observe the religious rites of the Hindu Community. They recognise the sacred as well as the secular laws of the Hindus. They celebrate the Hindu festivities. But they derive no benefit from this. On the contrary they are segregated and shunned because their physical contact is held by the Hindus to cause pollution. There is therefore an interdict on all social intercourse with them except for unavoidable purposes. They live on the outskirts of a village and not in the midst of it. Every village has its Untouchable quarters, they are attached to the village but are not a part of the village. Segregated from the rest of the Hindu population they are

bound down to a code of behaviour, which is appropriate to a servile state. According to this code, an Untouchable may not do anything, which raise him above his appointed station in life. He should not dress in style superior to that of his status, nor should the untouchable woman adorn herself with ornaments after the fashion of the higher class Hindu women. He should not have a house better or bigger than the houses of the rest of the Hindus in the village. In any case he must not have a tiled roof over his house. An Untouchable must not sit in the presence of a Hindu and must always salute him first. An Untouchable must not wear clean clothes, must not use brass or copper pots and must not wear gold or silver ornaments. When some one dies in the family of a Hindu, an Untouchable must go miles to convey the message of the death to the relatives of the family, no matter how far away they might be living, because a Hindu in a village feels disgraced in the eyes of his relatives if he has to communicate such messages by postal communication. An Untouchable must accompany the women folk of the Hindus on their journey from their homes to their parents and *vice versa*. Their dignity requires that they should have a retinue and the Untouchable is the only available class from which such a retinue can be drawn without any cost. At every ceremony at the house of a Hindu, the Untouchables must come and do menial work. An Untouchable must not own and cultivate land and lead an independent life. For his livelihood he must depend upon stale remnants of food left over by the Hindu households and upon meat of cattle that die in the village. These remnants of food he must collect from door to door. For he must go on his begging round every evening. Similarly an Untouchable must carry the dead animals out of the village. Indeed he alone must carry them because no Hindu will agree to do scavenging. An Untouchable should not take to such services as would give him authority and power over caste Hindus. He must be humble and must not ask for more than his lot under this code. It is true that some of the Untouchables have risen above the low status prescribed by this customary code of conduct and have acquired high place, but the majority of them are still socially in the most servile position and economically in abject poverty.

Such is the condition of the 791/2 millions of people. The problem of these deadened, if not dead, souls is no small problem. The total population of these three classes comes to over 60% of the population of the United States but exceeds the population of the whites in the British Empire by 91/2 millions. It also exceeds the population of Japan by 91/2 millions. It exceeds the population of Italy by 37 millions. It exceeds the population of Germany by 131/2 millions and of France by 371/2

millions. It is ten times the population of Belgium and twenty times the population of Denmark. What a colossal total of sunken humanity? III

The saddening and if, one may say, annoying part of the story is that the state of these unfortunate human beings should be what it is although they are surrounded and fed by a high civilisation. But it must strike any impartial observer that there must be something very radically wrong with a civilisation, which has failed to elevate to their manhood 791/2 millions of human beings.

Civilisation as comprising and accumulated store of knowledge of man and nature, of arts and crafts, an ethical code regulating the conduct of man towards his fellows, a social code laying down the forms and conventions to be observed by individuals, a civil code prescribing the rights and duties of the rulers and the ruled and a religious creed relating the natural to the supernatural—is a rare prize. It has not been the good fortune of all races to develop it in all its fullness. Many have stood where they were at the start. Many took one or two steps and have been at a halt. Others have only revolved round and round. The primitive races of Australia and Polenasia, when they were first discovered a few generations ago, were found to have developed articulate speech and to know how to make fire. They had not advanced beyond the middle stage of savagery. The Alliapascous, a Primitive Tribe of the Hudson Bay Territory and the Indians of the valley of Columbia had not gone beyond the stage of the Bow and the Arrow. They knew nothing of pottery, domestication of animals or of the smelting of iron. The civilization of Egypt, Babylonia, Assyria and even of Rome and Greece had only been a revolving civilization. Their progress and achievements are only the elaboration of the details of methods and intentions handed down by man when he was in a Barbaric state. They added nothing revolutionary to the sum total of civilization to which they were heirs. They merely did better what used to be done crudely by their predecessors. Nor have the stages of advancement followed in quick succession. That man was for long ages a savage before he made sufficient progress to be called a Barbarian admits of no doubt. Equally little in doubt is it that other long ages of Barbarism have preceded the final ascent to the lowest stage of civilization. The precise period of time covered by these successive 'ages' is of course only conjectural; but something like one hundred thousand years may perhaps be taken as a safe minimum estimate.

Civilization is indeed no easy gain. But civilization is a very vital thing, not for one gereration but also for the next. The civilization of one generation, when inherited becomes the equipment of the next. This social heritage is

absolutely essential for each generation. All progress will die out if this social heritage is destroyed. As has been well put,"If the earth were struck by one of Mr. Wells' comets, and if in consequence every human being now alive were to lose all the knowledge and habits which he had acquired from preceding generations (though retaining unchanged all his own powers of invention and memory, and habituation) nine-tenths of the inhabitants would be dead in a month and 99 per cent of the remaining tenth would be dead in six months. They would have no language to express their thoughts but vague reverie. They would not read notices or drive motor cars or horses. They would wander about, led by the inarticulate cries of a few naturally dominant individuals, drowning themselves, as thirst came on, in hundreds at the riverside landing places. Men could not invent in time to preserve their lives, methods of growing food or taming animals or making fire or clothing themselves. Life would have to be begun over again from the primitive stage. Like the primitive races a generation which has lost its social heritage would have to begin life on wild fruits and worms until they had accumulated a new social heritage. After some thousands of generations they would probably possess some thing which would be recognised as language, and perhaps some art of taming animals and cultivating land. They might or might not have created what we should call a religion or a few of our simpler mechanical inventions and political expedients. They might or might not have such general ideas as law, liberty, and justice. This is the difference, which social heritage makes and the difference is no doubt vast.

It is true that civilisation is not the privilege of all and even to those who are fortunate to have it, it is a matter of slow growth marked by long and monotonous halts. But it is also true that to those who are possessed of civilisation, their civilisation may be a hindrance rather than a help. It might have gone on a wrong track, it might have based itself on false values and false premises. Such a civilisation might easily cause stagnation of the Community and the stunting of the individual. It would be better to be without civilisation than to be burdened and unshackled by such a civilisation.

It is the boast of every patriotic Hindu that the Hindu or the Vedic Civilisation is the oldest in the world. One often hears with fire some repetitions a Hindu stating with a certain degree of malicious pride that India had reached a very high degree of civilisation when other people were leading a primitive life and moving naked. One also hears a Hindu say that his civilisation has inherent strength because it has survived while all other ancient civilisation such as Egypt, Babylon, Judea, Rome and Greece have

vanished. Such a view however legitimate misses the main point. The main point is not whether the civilisation is ancient and whether it has survived.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_3 The main point is what are the merits of a civilization? What is its worth, if it has survived, on what plain? In other words the principal question is, is this Hindu civilization, the social heritage a burden or a benefit? What does it offer by way of growth and expansion to classes and to individuals?

What is the contribution of Hindu Civilization to the knowledge of man and nature? Many patriotic Hindus like to believe that the knowledge of man and nature began with the Hindus. Granting that it is so it certainly did not advance beyond the most rudimentary stage. Can any Hindu doubt that the Hindu Philology, right or wrong, has remained where Panini and Katyayana left it? Can he deny that Philosophy right or wrong has remained where Kapila and Gautama left it? Can he doubt that literature remained where Vyasa and Valmiki left it. In Metaphysics the Hindus are said to have reached the stage of perfection. This is what Prof. Har Dayal has to say of Hindu Metaphysicsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_4—

"Metaphysics has been the curse of India. It has blighted her history and compassed her ruin. It has converted her great men into miserable quibblers, and led them into useless channels of inquiry and effort. It has been the dangerous will-o'-the-wisp of Indian intellect during many centuries. It has elevated sophistry to the rank of an Art, and substituted vain fancies for a knowledge. It has condemned Indians intellect to run in the same old roove for hundreds of years. It has blinded her seers and led them to mistake phantoms for realities..... Arrogant, pretentious, verbose and purblind, it has taken its cackling for an oracle and its fantastic word towers for solid piles of thought masonry....."

.....The Upanishads claim to expound 'that by knowing which every thing is known '. This mediaeval quest for 'the absolute ' is the basis of all the superior metaphysics of India. The treatises are full of absurd conceits, quaint fancies, and chaotic speculations. And we have not yet learned that they are worthless."Samadhi"or trance is regarded as the acme of spiritual progress ! How strange it is that a capacity for swooning away should be considered the mark of wisdom! It is very easy to lose consciousness if one has strong emotions and a feeble intellect. That is why ladies faint so often on the slightest provocation. But in India Samadhi is the eighth stage of Yoga, which only ' *paramahans* ' can reach. These be thy Gods, 0, Israel! To

look upon an abnormal psychological condition produced by artificial means as the sign of enlightenment was a folly reserved for Indian Philosophers."

In the domain of science. Arts and crafts the contribution of the Hindu Civilization is of the most primitive character. Except in some spheres such as weaving, spinning, etc., the Hindu Civilization has not evolved any technical equipment which can aid man in his struggle against nature to make a bare living that can be said to be higher than that of the brute. It is because of the complete absence of scientific and technical equipment and with all the transcendental nonsense that is being perpetrated that famines are desolating the land in all ages. Ignorance, superstition and disease which affect the mind, malaria and plague diseases which affect the body, have hung like a pall over the country throughout the ages.

In the field of Religion and Ethics the Hindus have made their greatest efforts. Of their contributions, these are the most elaborately developed. They are undoubtedly the most vital to man for the simple reason that they help to install in man the springs of thought and action. They are responsible for the outlook which man has on life. They are responsible for the attitude one holds towards his fellow man. They prescribe principles which govern conduct, mould character and implant in man that mysterious thing called conscience which acts as his sentinel and prevents him from going wrong.

It is when one comes to examine this Hindu Civilisation in the matter of its religious content, the way of life it prescribes, that one begins to doubt whether this Hindu Civilisation is at all an advantage to the generations who are fated to inherit it. What does this civilisation offer to the 25 millions of Primitive Tribes who are living on its frontiers? What does it offer to the 5 millions of Criminal Tribes who are living in the midst of that civilisation? What does it offer to the 50 millions of Untouchables who are not only living in the midst of that civilisation but are required to sustain it? What would the Primitive Tribes say of a civilisation which has made no effort to adopt them in its fold? What would the Criminal Tribes say of a civilisation which has driven them to take to criminal ways for earning their livelihood? Would it be unjust if they said that this is not Civilisation, this is infamy?

As to the Untouchables, theirs has been a fate of degradation and destitution in the past and for whom under the Hindu Civilisation there seems to be no escape in the future. Even Indians do not seem to realise the extent of degradation and destitution that is involved in this system of Untouchability. The observations of the Committee appointed by the

Government of Bombay to inquire into the grievances of the Depressed Classes and Aboriginal Tribes in 1928 are very pertinent. It said.

"There is nothing strange in the idea that an unclean person or thing causes repulsion which underlies the idea of pollution. But what is regrettable about it as applied to the (UNTOUCHABLES), is its irrationality. It stamps an individual as untouchable by the mere accident of his birth. A person born Untouchable, remains Untouchable however superior he may be in personal cleanliness to the so-called touchable, and there is no way open to him by which he can escape his fate. What is surprising in all this is that an Orthodox Hindu, notwithstanding the differences between his religious notions and mode of living and outlook in life and those of the Mahomedans, Parsis and Christians treat them as touchables. This has resulted in further aggravating the position of the (Untouchables). For this unjust discrimination on the part of the Orthodox Hindus, in some cases being influenced by the Orthodox Hindus especially in villages, even the Mahomedans, Parsis and Christians observe untouchability towards the (Untouchables) though their religions teach contrariwise. What we are concerned most to point out are the evils attributable to it in so far as Untouchability includes isolation and inferiority. But there are evils specifically attributable to untouchability as such. Pressed to its logical limit, in an Orthodox Hindu Society it would prevent the (Untouchables) from obtaining entry into a public school though it is maintained at the expense of the state, it would prevent them from entering the public services though they may be qualified for it, except for the services customarily allotted to them. It would also prevent them from taking water from the public watering places maintained out of public funds. Looked at from this point of view untouchability is not merely a social problem. It is a problem of the highest political importance and affects the fundamental question of the civic rights of the subjects of the state."This states the hardships only of the Untouchables. But untouchables are not the only people who are subjected to this life of ignominy. There are classes who are placed in a worse position. Untouchables are those who cause pollution only by a physical touch. There are people who cause pollution if they come within a certain distance. They are known as unapproachable. Again there are people who are in a worse position than the unapproachable. They cause pollution if they come within sight. They are known as unseeable. It is said of the Nayadismk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_5—a people who fall into the category of the unapproachable,"that they are the lowest caste among the Hindus— the

dogeaters. They are the most persistent in their clamour for charity, and will follow at a respectful distance, for miles together any person walking, driving or boating. If any thing is given to them, it must be laid down, and after the person offering it has proceeded a sufficient distance, the recipient comes timidly forward, and removes it."Of the same people Mr. Thurston says"The subject (i.e. the Nayadis) whom I examined and measured at Shoranur, though living only about three miles off had, by reason of the pollution which they traditionally carry with them to avoid walking over the long bridge which spans the river, and follow a circuitous route of many miles".

In the Tinnevalley District of the Madras Presidency, there is a class of unseeables called Purada Vannas. Of them it is said,"that they are not allowed to come out during day time because their sight is enough to cause pollution. These unfortunate people are ' compelled ' to follow the nocturnal habits, leaving their dens after dark and scuttling home at the false dawn like the badger, hyaena, aordvark."What must be the hardships of the unapproachables and unseeables? How must they be passing their lives? If their sight or their approach even is not tolerated, what work can they obtain? What else can they do except to beg and live on dog's meat? Surely no civilisation can be guilty of greater cruelty! It is indeed a great mercy that the population of the unapproachables and of the unseeables is so small. But are 50 millions of Untouchables entitled to any civilisation? An Untouchable cannot escape his fate for he cannot pass off as a Touchable. In the village where he resides he is of course known and there is no room for impersonation while he is there. If he leaves his village and comes to a town there is a chance for him to pass off as Touchable. But he knows what would be his fate if he were discovered. The following incident, which was reported in the papers, will give some idea of the risk involved in any attempt to impersonate:

Orthodoxy Run Mad.

Alleged Barbarious Treatment of"Untouchables": Crime of being Mahars.

Mr. Keshavji Ranchhodji Vaghela from Ahmedabad has informed Dr. B. R. Ambedkar, President, Bahishkrit Hitkarani Sabha as follows:

One Bapoorao Laxman and his brother Kaurao have been residents of Ahmedabad during the last six years. They used to mix with some people from the Deccan belonging to Maratha caste. Kaurao's two sons, viz, Damoo and Laxman, used to take part in the Bhajan parties of the Marathas. The latter, however, recently came to know that the brothers Damoo and Laxman were Mahars by caste and in order to ascertain this, two Mahars employed in the parcel train between Surat and Ahmedabad

were specially called to identify Damoo and Laxman. After it was ascertained that Damoo and Laxman were Mahars they were called at a Bhajan party at Kalupur, Bhandari Pole, at midnight on the 11th instant. Asked as to what caste they belonged to, Damoo and Laxman replied that they were Somavanshis. This reply enraged the Marathas, who freely abused them for having defiled their persons and places. The Mahar brothers were assaulted by the Marathas. One of the brothers had a gold ring on his person. It was forcibly taken away from him and sold for Rs. 11. Out of this amount Rs. 6 was paid to the Mahar who had been called from Surat to identify the brothers. Damoo and Laxman entreated and Marathas were requested to allow them to return to their homes, but the latter refused to do so unless a fine of Rs. 500 was paid. On the Mahar brothers ** Bombay Chronicle 25th Feb. 1938. pleading their inability to pay such a heavy sum, one of the Marathas suggested that the Mahar brothers should be fined only Rs. 125. But then one of the Marathas opposed the proposal for fine saying that they should not be satisfied with fine, but should punish the Mahars severely for their crime of concealing their caste. Having decided upon the course, the Mahar brothers were detained and at about 9 o'clock in the morning they were subjected to barbarous indignities, their moustaches in the left side and eyebrows on the right side were shaved, their bodies besmeared with soot mixed in oil and also with dirt, garlands made of old shoes were put around their necks, and one of them was asked to hold a broom in his hand and the other to hold a placard on which it was written that the punishment was meted out to the culprits for venturing to touch high caste people. The Mahar brothers were taken in procession consisting of about 75 people, a drum being beaten in the front. A complaint has been lodged with the Police by the said two Mahar brothers. The accused in their statement have admitted that Damoo and Laxman were treated in the alleged manner, but pleaded that the complainants had willingly agreed to undergo the punishment. Obviously Damoo and Laxman were helpless when they were abused, assaulted and threatened with severe punishment and actually subjected to barbarous indignities. This case has created a great sensation among the people belonging to the so called Untouchables castes, and efforts are being made to give proper legal aid to the complainants. But the rules of this Hindu Civilisation are so meticulous in regard to untouchability as to leave no possibility for an Untouchable to pose as a Touchable. Consequently there exist rules in certain areas where Untouchables are required to bear a black thread so as to be easily identifiable and to proclaim by word of mouth that he is an Untouchable to prevent a Touchable touching him in ignorance

and thereby getting himself polluted. In the town of Dwarka (in the Bombay Presidency) which is famous as being the shrine of the great Hindu God Krishna it is a rule that every Untouchable while walking in the streets has to clap his hands and say"Post, Post"so as to proclaim the fact that he is an Untouchable and let the Touchables beware of him. The following is recorded of the Cherumans of the Madras Presidency:

"Very low is indeed the social position of these miserable beings. When a Cheruman meets a person of superior caste he must stand at a distance of thirty feet. If he comes within this prohibited distance, his approach is to cause pollution, which is removed only by bathing in water. A Cheruman cannot approach a Brahmin village or temple or tank. If he does so, purification becomes necessary. Even while using the public road, if he sees his lord and master, he has to leave the ordinary way and walk, it may be in the mud, to avoid his displeasure by accidentally polluting him. To avoid polluting the passer-by, he repeats the unpleasant sound,"0,.Oh, 0"In some places i.e. Palghat, one may see a Cheruman with a dirty piece of cloth spread on the road side, and yelling in a shrill voice,"Ambrane, Ambrane, give me some pice and throw them on the cloth". His position is intolerable in the Native States of Cochin and Travancore, where the Brahaman influence is in the ascendant, while in the Palghat Taluka the Cherumans cannot, even to this day enter the bazaar. In Malabar it is stated that"The man of high caste shouts occasionally as he goes along, so that the low caste man can go off the road, and allow him to pass unpolluted. And those of the lowest castes shout, as they go, to give notice of their Pollution bearing presence, and learning the command of the man of high caste, move away from the road. It is common to see people of inferior caste travelling parallel to the road, but not daring to go along it".

What a degradation for these unfortunate souls who have been turned by this Hindu Civilisation into social lepers! To be called an Untouchable is enough of a misfortune. But to require an Untouchable to proclaim by his own mouth his shame that he is an Untouchable is a cruelty to which in my opinion there is no parallel. What would an Untouchable say of this Hindu Civilisation? Would it be wrong if he said that it is felony and not civilisation?

That the condition of the Primitive Tribes, of the Criminal Tribes and of the Untouchables is the result of fundamental doctrines of Hindu Civilisation there can be no manner of doubt.

Why have there been no missions to bring these Primitive Tribes into the Hindu fold?

Why has crime become an occupation for certain tribes? Why have certain classes been treated as unfit for human association, as Untouchables?

The answer to each of these questions will have reference to some basic principle of the Hindu Civilisation.

To the first question the answer is that the caste system prevents the Hindu Religion from becoming a missionary religion and caste is a fundamental part of the Hindu Civilisation. To the second question the answer is that the system of Chaturvarna limits the opportunities which a person can have for earning an honourable living. All learned are the preserve of the Brahmins; all warlike services are the monopoly ** Thurston—Tribes and castes of Southern India, Vol. 5, p. 196. of the Kshatriya class; trade is open only to Vaishya, services to the Shudras. Those outside, there being nothing honourable left, have been driven to dishonourable and criminal ways of earning a livelihood. This is the result of Chaturvarna and Chaturvarna is again a fundamental part of Hindu Civilisation.

To the third question the answer is that untouchability is part of the Hindu law as contained in the Smritis which are again a fundamental part of the Hindu Civilisation.

IV

It is true that as for the past the state of degradation has been the common fate of all the three categories of this 791/2 millions of India's population. But it cannot be said that their future destiny will also be common to them. That is because although their condition is apparently similar, their position is essentially different.

The first thing to note is that the Primitive Tribes and the Criminal Tribes are not afflicted by this system of untouchability. To a Hindu they do not cause pollution. Indeed these Primitive and Criminal Tribes observe untouchability towards the Untouchables. The situation is full of humour when one sees members of these Primitive and Criminal Tribes feeling that they would be polluted if they would touch an Untouchable. They are poor, filthy, superstitious, ignorant, far more than the Untouchables yet they pride themselves as socially superior to the Untouchables. This of course is the result of the contagion, which they have from the Hindus. But the point to note is that the Hindu does not treat them as Untouchable. That is an advantage which they have over the Untouchables and which makes their future assured. If the Primitive Tribes have no opportunities for advancement it is because they choose to live in isolation. But once

they come out of their forest recesses and take part in civilisation. There is nothing that will stand in their way. Similarly the Criminal Tribes have their future assured. Government has established settlements where these Criminal Tribes are kept and taught useful trades. There is no doubt that in a very short time they will be completely weaned from their vicious habits.

The case of the Untouchables stands on quite a different footing altogether. Their disabilities are imposed upon them. Their isolation is really segregation which is enforced upon them. The problem of the Untouchables is different from the problem of the Primitive Tribes because in their case the evils of segregation are aggravated by the fact of untouchability and the result is that while in the case of the Primitive Tribes the problem is due to geographical isolation combined with lack of desire to avail themselves of the opportunities for betterment, in the case of the Untouchables the problem is due to positive denial of opportunities.

There does not seem to be much hope for the emancipation of the Untouchables, at any rate their emancipation is far more problematical and distant than the emancipation of the Primitive Tribes. The problem of the slaves was one of denial of political or economic rights. If the problem of the Untouchables was one of denial of political and economic rights, it could be solved by legal and constitutional methods. The denial of political and economic rights is the result of the social psychology of the Hindus. The problem for the Untouchables arises directly out of the social behaviour of the Hindus. Untouchability will vanish only when Hindus will change their mentality. The problem is how to make the Hindus unlearn their way of life. It is no small matter to make a whole nation give up its accustomed way of life. Besides the way of life the Hindus are accustomed to, is a way which is sanctified by their religion, at any rate they believe it to be so. To change their way of life is almost to change their religion.

How can this happen? Only when it is realised that what is tragedy for the Untouchables is the crime of the Hindus. How long shall the Untouchables have to wait for this revolution in the religious psychology of the Hindus? Let those who have a gift for prophecy answer. In the meantime it would be desirable to describe their condition and to state the problems which they and their friends have to face.

CHAPTER 2

THE HOUSE THE HINDUS HAVE BUILT

I

Is there any thing peculiar in the social organisation of the Hindus? An unsophisticated Hindu who is unaware of investigations conducted by scholars will say that there is nothing peculiar, abnormal or unnatural in the organisation of the society to which he belongs. This is quite natural. People who live their lives in isolation are seldom conscious of the peculiarities of their ways and manners. People have gone on from generation to generation without stopping to give themselves a name. But how does the social organisation of the Hindu strike the outsiders, non-Hindus? Did it appear to them as normal and natural?

Megasthenese who came to India as the ambassador of the Greek King Seleukos Nickator to the Court of Chandragupta Maurya some time about the year 305 B.C. did feel that the social organisation of the Hindus was of a very strange sort. Otherwise he would not have taken such particular care to describe the peculiar features of the Hindu social organisation. He has recorded:

"The population of India is divided into seven parts. The philosophers are first in rank, but form the smallest class in point of number. Their services are employed privately by persons who wish to offer sacrifices or perform other sacred rites, and also publicly by the kings at what is called the Great Synod, wherein at the beginning of the new year all the philosophers are gathered together before the King at the gates, when any philosopher who may have committed any useful suggestion to writing, or observed any means for improving the crops and the cattle, or for promoting the public interests, declares it publicly. If any one is detected giving false information thrice, the law condemns him to be silent for the rest of his life, but he who gives sound advice is exempted from paying any taxes or contributions.

"The second caste consists of the husbandmen, who form the bulk of the population, and are in disposition most mild and gentle. They are exempted from military service, and cultivate their lands undisturbed by fear. They never go to town, either to take part in its tumults, or for any other purpose. It therefore not infrequently happens that at the same time, and in the same part of the country, men maybe seen drawn up in array of battle, and fighting at risk of their lives, while other men close at hand are ploughing and digging in perfect security, having these soldiers to protect them. The whole of the land is the property of the King, and the husbandmen till it on condition of receiving one-fourth of the produce.

"The third caste consists of herdsmen and hunters, who alone are allowed to hunt, and to keep cattle, and to sell draught animals or let them out on hire. In return for clearing the land of wild beasts and fowls which devour

the seeds sown in the fields, they receive an allowance of grain from the king. They lead a wandering life and live under tents.

"The fourth class, after herdsmen and hunters, consists of those who work at trades, of those who vend wares, and of those who are employed in bodily labour. Some of these pay tribute, and render to the State certain prescribed services. But the armour-makers and shipbuilders receive wages and their victuals from the king, for whom alone they work. The general in command of the army supplies the soldiers with weapons, and the admiral of the fleet lets out ships on hire for the transport both of passengers and merchandise.

"The fifth class consists of fighting men, who when not engaged in active service, pass their time in idleness and drinking. They are maintained at the King's expense, and hence they are always ready, when occasion calls, to take the field, for they carry nothing of their own with them but their own bodies.

"The sixth class consists of the overseers, to whom is assigned the duty of watching all that goes on, and making reports secretly to the King. Some are entrusted with the inspection of the city, and others with that of the army. The former employs as their coadjutors the courtesans of the city, and the latter the courtesans of the camp. The ablest and most trustworthy men are appointed to fill these offices.

"The seventh class consists of the councillors and assessors of the king. To them belong the highest posts of government, the tribunals of justice, and the general administration of public affairs. No one is allowed to marry out of his own caste, or to exchange one profession or trade for another, or to follow more than one business. An exception is made in favour of the philosopher, who for his virtue is allowed this privilege."

Alberuni who wrote an account of his travels in India some time about 1030 A.D. must have been struck by the peculiarity of the Hindu Social Organisation. For he too has not omitted to make a note of it. He observed:

"The Hindus call their castes varna, i.e. colours, and from a genealogical point of view they call them jataka, i.e. births. These castes are from the very beginning only four.

1. The highest caste is the Brahmana, of whom the books of the Hindus tell that they were created from the head of Brahman. And a Brahman is only another name for the force called nature, and the head is the highest part of the animal body, the Brahmana are the choice part of the whole genus. Therefore the Hindus consider them as the very best mankind.

II. The next caste are the Kshatriya, who were created, as they say, from the shoulders and hands of Brahman. Their degree is not much below that of the Brahmana.

III. After them follow the Vaisya, who were created from the thigh of Brahman.

IV. The Sudra, who were created from his feet,"Between the latter two classes there is no very great distance. Much, however, as these classes differ from each other, they live together in the same towns and villages, mixed together in the same houses and lodgings.

"After the Sudra follow the people called Antyaja, who render various kinds of services, who are not reckoned amongst any caste, but only as members of a certain craft or profession. There are eight classes of them who freely intermarry with each other, except the fuller, shoemaker and weaver, for no others would condescend to have anything to do with them. These eight guilds are the fuller, shoemaker, juggler, the basket and shield maker, the sailor, fisherman, the hunter of wild animals and of birds, and the weaver. The four castes do not live together with them in one and the same place. These guilds live near the villages and towns of the four castes, but outside them.

"The people called Hadi, Doma (Domba), Candala and Badhatau (sic) are not reckoned amongst any caste or guild. They are occupied with dirty work, like the cleansing of the villages and other services. They are considered as one sole class, and distinguished only by their occupations. In fact, they are considered like illegitimate children; for according to general opinion they descend from a Sudra father and a Brahmani mother as the children of fornication; therefore they are degraded outcaste.

"The Hindus give to every single man of the four castes characteristic names, according to their occupations and modes of life, e.g. the Brahman is in general called by this name as long as he does his work staying at home. When he is busy with the service of one fire, he is called Ishtin; if he serves three fires, he is called Agnihotrin; if he besides offers an offering to the fire, he is called Dikshita. And as it is with the Brahmana, so is it also with the other castes. Of the classes beneath the castes, the Hadi are the best spoken of, because they keep themselves free from everything unclean. Next follow the Doma, who play on the lute and sing. The still lower classes practise as a trade killing and the inflicting of judicial punishments. The worst of all are the Badhatau, who not only devour the flesh of dead animals, but even of dogs and other beasts.

"Each of the four castes, when eating together, must form a group of themselves, one group not being allowed to comprise two men of different

castes. If, further, in the group of the Brahmana there are two men who live at enmity with each other, and the seat of the one is by the side of the other, they make a barrier between the two seats by placing a board between them, or by spreading a piece of dress, or in some other way; and if there is only a line drawn between them, they are considered as separated. Since it is forbidden to eat the remains of a meal, every single man must have his own food for himself; for if any one of the party who are eating should take of the food from one and the same plate, that which remains in the plate becomes, after the first eater has taken part, to him who wants to take as the second, the remains of the meal, and such is forbidden."

Alberuni did not merely content himself with recording what struck him as peculiar in the Hindu Social organisation. He went on to say:

"Among the Hindus institutions of this kind abound. We Muslims, of course, stand entirely on the other side of the question, considering all men as equal, except in piety; and this is the greatest obstacle which prevents any approach or understanding between Hindus and Muslims."

Duarte Barbosa who was Portuguese official in the service of the Portuguese Government in India from 1500 to 1517 has left a record of his impressions of Hindu Society. This is what struck him:

"And before this kingdom of Guzerate fell into the hands of the Moors, a certain race of Heathen whom the Moors called Resbutos dwelt therein, who in those days were the knights and wardens of the land, and made war where so ever it was needful. These men kill and eat sheep and fish and all other kinds of food; in the mountains there are yet many of them, where they have great villages and obey not the king of Guzerate, but rather wage daily war against him: who, do what he may, is yet not able to prevail against them, nor will do so, for they are very fine horsemen, and good archers, and have besides divers other weapons to defend themselves withal against the Moors, on whom they make war without ceasing; yet have they no king nor lord over them.

"And in this kingdom there is another sort of Heathen whom they call Baneanes, who are great merchants and traders. They dwell among the Moors with whom they carry on all their trade. This people eat neither flesh nor fish, nor anything subject to death; they slay nothing, nor are they willing even to see the slaughter of any animal; and thus they maintain their idolatry and hold it so firmly that it is a terrible thing. For often it is so that the Moors take to them live insects or small birds, and make as though to kill them in their presence, and the Baneanes buy these and ransom them, paying much more than they are worth, so that they may save their lives

and let them go. And if the King or a Governor of the land has any man condemned to death, for any crime, which he has committed, they gather themselves together and buy him from justice, if they are willing to sell him, that he may not die. And divers Moorish mendicants as well, when they wish to obtain alms from this people, take great stones wherewith they beat upon their shoulders and bellies as though they would slay themselves before them, to hinder which they give them great alms that they may depart in peace. Others carry knives with which they slash their arms and legs, and to these too they give large alms that they may not kill themselves. Others go to their doors seeking to kill rats and snakes for them, and to them also they give much money that they may not do so. Thus they are much esteemed by the Moors!

"When these Baneanes meet with a swarm of ants on the road they shrink back and seek for some way to pass without crushing them. And in their houses they sup by daylight, for neither by night nor by day will they light a lamp, by reason of certain little flies which perish in the flame thereof; and if there is any great need of a light by night they have a lantern of varnished paper or cloth, so that no living thing may find its way in, and die in the flame. And if these men breed many lice they kill them not, but when they trouble them too much they send for certain men, also Heathen, who live among them and whom they hold to be men of a holy life; they are like hermits living with great abstinence through devotion to their gods. These men louse them, and as many lice as they catch they place on their own heads and breed them on their own flesh, by which they say they do great service to their Idol. Thus one and all they maintain with great self-restraint their law of not killing. On the other hand they are great usurers, falsifiers of weights and measures and many other goods and of coins; and great liars. These heathen are tawny men, tall and well looking, gaily attired, delicate and moderate in their food. Their diet is of milk, butter, sugar and rice, and many conserves of divers sorts. They make much use of dishes of fruit and vegetables and potherbs in their food. Where so ever they dwell they have orchards and fruit gardens and many water tanks wherein they bathe twice a day, both men and women; and they say when they have finished bathing that they are clear of as many sins as they have committed up to that hour. These Baneanes grow very long hair, as women do with us, and wear it twisted up on the head and made into a knot, and over it a turban, that they may keep it always held together; and in their hair they put flowers and other sweet scented things.

"They use to anoint themselves with white sandalwood mixed with saffron and other scents. They are very amorous people. They are clad in

long cotton and silken shirts and are shod with pointed shoes of richly wrought cordwain; some of them wear short coats of silk and brocade. They carry no arms except certain very small knives ornamented with gold and silver, and this for two reasons: First, because they are men who make but little use of weapons; and secondly, because the Moors defend them.

"Bramenes. And there is here another class of Heathen whom they call Bramenes, who are priests among them, and persons who manage and rule their houses of prayers and idol-worship, which are of great size and have great revenues; and many of them also are maintained by alms. In these houses are great numbers of wooden Idols, and others of stone and copper and in these houses or monasteries they celebrate great ceremonies in honour of these idols, entertaining them with great store of candles and oil lamps, and with bells after our fashion. These Bramenes and Heathen have in their creed many resemblance to the Holy Trinity, and hold in great honour the relation of the Triune Three, and always make their prayers to God, whom they confess and adore as the true God, Creator and maker of all things, who is three persons and one God and they say that there are many other gods who are rulers under him, in whom also they believe. These Bramenes and heathen wheresoever they find our churches enter them and make prayers and adoration to our Images, always asking for Santa Maria, like men who have some knowledge and understanding of these matters; and they honour the Church as is our manner, saying that between them and us there is little difference. These men never eat anything subject to death, nor do they slay anything. Bathing they hold to be a great ceremony and they say that by it they are saved.

"There is also in this same Kingdom of Calicut a caste of people called Bramenes who are priests among them (as are the clergy among us) of whom I have spoken in another place.

"These all speak the same tongue, nor can any be a Bramene except he be the son of a Bramene. When they are seven years of age they put over their shoulder a strip of two fingers in breadth of untanned skin with the hair on it of a certain wild beast, which they call Cryvamergam, which resembles a wild ass. Then for seven years he must not eat betel for which time he continues to wear this strap. When he is fourteen years old they make him a Bramene, and taking off their leather strap they invest him with the cord of three strands which he wears for the rest of his life as a token that he is a Bramene. And this they do with great ceremonial and rejoicings, as we do here for a cleric when he sings his first mass. Thereafter he may eat betel, but not flesh or fish. They have great honour among the Indians and as I have already said, they suffer death for no cause whatsoever, their own

headman gives them a mild chastisement. They marry once only in our manner, and only the eldest son marries, he is treated like the head of an entailed estate. The other brothers remain single all their lives. These Bramenes keep their wives well guarded, and greatly honoured, so that no other men may sleep with them; if any of them die, they do not marry again, but if a woman wrongs her husband she is slain by poison. The brothers who remain bachelors sleep with the Nayre women, they hold it to be a great honour, and as they are Bramenes no woman refuses herself to them, yet they may not sleep with any woman older than themselves. They dwell in their own houses and cities, and serve as clergy in the houses of worship, whither they go to pray at certain hours of the day, performing their rituals and idolatries.

"Some of these Bramenes serve the Kings in every manner except in arms. No man may prepare any food for the King except a Bramene or his own kin; they also serve as couriers to other countries with letters, money or merchandise, passing wherever they wish to go in safety, and none does them any ill, even when the Kings are at war. These Bramenes are learned in their idolatry, and possess many books thereof. The Kings hold them in high esteem.

"I have already spoken many times of the Nayres, and yet I have not hitherto told you what manner of men they are. You are to know that in this land of Malbar there is another caste of people, called Nayres, and among them are noble men who have no other duty than to serve in war, and they always carry their arms whither so ever they go, some swords and shields, others bows and arrows, and yet others spears. They all live with the King, and the other great Lords; nevertheless all receive stipends from the King or from the great Lords with whom they dwell. None may become a Nayre, save only he who is of Nayre lineage. They are very free from stain in their nobility. They will not touch any one of low caste, nor eat, nor drink save in the house of a Nayre.

"These men are not married, their nephews (sisters' sons) are their heirs. The Nayre women of good birth are very independent, and dispose of themselves as they please with Bramenes and Nayres, but they do not sleep with men of caste lower than their own under pain of death. When they reach the age of twelve years their mothers hold a great ceremony. When a mother perceives that her daughter has attained that age, she asks her kinsfolk and friends to make ready to honour her daughter, then she asks of the kindred and especially of one particular kinsman or great friend to marry her daughter; this he willingly promises and then he has a small jewel made, which would contain a half ducat of gold, long like a ribbon, with a

hole through the middle which comes out on the other side, string on thread of white silk. The mother then on a fixed day is present with her daughter gaily decked with many rich jewels, making great rejoicing with music and singing, and a great assembly of people. Then the Kinsman or friend comes bringing that jewel, and going through certain forms, throws it over the girl's neck. She wears it as a token all the rest of her life, and may then dispose of herself, as she will. The man departs without sleeping with her inasmuch as he is her kinsman; if he is not, he may sleep with her, but is not obliged to do so. Thenceforward the mother goes about searching and asking some young man to take her daughter's virginity; they must be Nayres and they regard it among themselves as a disgrace and a foul thing to take a woman's virginity. And when any one has once slept with her, she is fit for association with men. Then the mother again goes about enquiring among other young Nayres if they wish to support her daughter, and take her as a Mistress so that three or four Nayres agree with her to keep her, and sleep with her, each paying her so much a day; the more lovers she has the greater is her honour. Each one of them passes a day with her from midday on one day, till midday on the next day and so they continue living quietly without any disturbance nor quarrels among them. If any of them wishes to leave her, he leaves her, and takes another, and she also if she is weary of a man, she tells him to go, and he does so, or makes terms with her. Any children they may have stay with the mother who has to bring them up, for they hold them not to be the children of any man, even if they bear his likeness, and they do not consider them their children, nor are they heirs to their estates, for as I have already stated their heirs are their nephews, sons of their sisters, (which rule whosoever will consider inwardly in his mind will find that it was established with a greater and deeper meaning than the common folk think) for they say that the Kings of the Nayres instituted it in order that the Nayres should not be held back from their service by the burden and labour of rearing children.

"In this Kingdom of Malabar there is also another caste of people whom they call Biabares, Indian Merchants, natives of the land. They were there ere foreign nations had sailed to India. They deal in goods of every kind both in the seaports and inland, where so ever their trade is of most profit. They gather to themselves all the pepper and ginger from the Nayres and husbandmen, and offtimes they buy the new crops beforehand in exchange for cotton clothes and other goods which they keep at the seaports. Afterwards they sell them again and gain much money thereby. Their privileges are such that the King of the country in which they dwell cannot execute them by legal process.

"There is in this land yet another caste of folk known as Cuiavern. They do not differ from the Nayres, yet by reason of a fault which they committed, they remain separate from them. Their business is to make pottery and bricks for roofing the houses of the Kings and idols, which are roofed with bricks instead of tiles; only these, for as I have already said, other houses are thatched with branches. They have their own sort of idolatry, and their separate idols.

"There is another Heathen caste which they call Mainatos, whose occupation is to wash clothes for the Kings, Bramenes and Nayres. By this they live, and may not take up any other.

"There is another lower caste than these which they call Caletis, who are weavers who have no other way of earning save by weaving of cotton and silk cloths, but they are low caste folk and have but little money, so that they clothe the lower races. They are apart by themselves and have their own idolatry.

"Besides the castes mentioned above, there are eleven others lower than they within whom the others do not associate, nor do they touch them under pain of death; and there are great distinctions between one and another of them, preserving them from mixture with one another. The purest of all these low, simple folk they call Tuias. Their work is mainly that of tending the palm-groves, and gathering the fruit thereof, and carrying it away for wages on their backs, for there are no beasts of burden in the land.

"There is another caste still lower than these whom they call Manen (Mancu in the printed text) who neither associate with others nor touch them, nor do the others touch them. They are washermen for the common people, and makers of sleeping mats, from which occupations all but they are barred; their sons must perforce follow the same trade; they have their own separate idolatry.

"There is another caste in this land still lower whom they call Canaqus. Their trade is making buckles and umbrellas. They learn letters for purposes of astronomy, they are great astrologers, and foretell with great truth things that are to come; there are some lords who maintain them for this cause.

"There is also another lower caste, also Heathens, called Ageres. They are masons, carpenters, smiths, metal workers and some are goldsmiths, all of whom are of a common descent, and a separate caste, and have their idols apart from other folk. They marry, and their sons inherit their property, and learn their fathers' trade.

"There is another caste still lower in this country called Mogeres, they are almost the same as the Tuias, but they do not touch one another. They work as carriers of things belonging to the Royal State when it moves from one place to another, but there are very few of them in this land; they are a separate caste; they have no marriage law; the most of them gain their living on the sea, they are sailors, and some of them fishers; they have no idols. They are as well slaves of the Nayres.

"There is another caste yet lower whom they call Monger, fishers who have no other work than fishing, yet some sail in the Moors' ships and in those of other heathens, and they are very expert seamen. This race is very rude. They are shameless thieves; they marry and their sons succeed them, their women are of loose character, they sleep with any one-so ever, and it is held no evil. They have their own idolatry.

"In this land of Malabar there is another caste of Heathen even lower than these, whom they call Betunes. Their business is salt making and rice growing, they have no other livelihood.

"They dwell in houses standing by themselves in the fields away from the roads, whither the gentlefolk do not walk. They have their own idolatry. They are slaves of the Kings and Nayres and pass their lives in poverty. The Nayres make them walk far away from them and speak to them from afar off. They hold no intercourse with any other caste.

"There is another caste of Heathen, even lower and ruder, whom they call Paneens, who are great sorcerers, and live by no other means.

"There is another caste lower and ruder than they, named Revoleens, a very poor folk, who live by carrying firewood and grass to the towns, they may touch none, nor may any touch them under pain of death. They go naked, covering only their private parts with scant and filthy rags, the more part of them indeed with leaves of certain trees. Their women wear many brass rings in their ears; and on their necks, arms and legs necklaces and bracelets of heads.

"And there is yet another caste of Heathens lower than these whom they call Poleas, who among all the rest are held to be accursed and excommunicate; they dwell in the fields and open campaigns in secret lurking places, whither folk of good caste never go save by mischance, and live in huts very strait and mean. They are tillers of rice with buffaloes and oxen. They never speak to the Nayres save from off, shouting so that they may hear them, and when they go along the roads they utter loud cries, that they may be let past, and whosoever hears them leaves the road, and stands in the wood till they have passed by: and if any one, whether man or woman, touches them his kinsfolk slay them forthwith, and in vengeance

therefore they slay Poleas until they are weary without suffering any punishment.

"Yet another caste there is even lower and baser called Pareens, who dwell in the most desert places away from all other castes. They have no intercourse with any person nor any one with them they are held to be worse than devils, and to be damned. Even to see them is to be unclean and out-caste. They eat yams and other roots of wild plants. They cover their middles with leaves, they also eat the flesh of wild beasts.

"With these end the distinctions between the castes of the Heathen, which are eighteen in all, each one separate and unable to touch others or marry with them; and besides these eighteen castes of the Heathen who are natives of Malabar, which I have now related to you, there are others of outlandish folk, merchants and traders in the land, where they possess houses and estates, living like the natives, yet with customs of their own."

These foreigners were not able to give a full and detailed picture of caste. This is understandable. For to every foreigner the private life of the Hindu is veiled and it is not possible for him to penetrate it. The social organism of India, the play of its motive forces, is moreover, regulated infinitely more by custom, varying according to locality and baffling in its complexity, than by any legal formula which can be picked out of a legal text book. But there is no doubt that caste did appear to the foreigners as the most singular and therefore the most distinguishing feature of Hindu Society. Otherwise they would not have noted its existence in the record they made of what they observed when they came to India.

Caste therefore is something special in the Hindu Social organization and marks off the Hindus from other peoples. Caste has been a growing institution. It has never been the same at all time. The shape and form of caste as it existed when Magasthenes wrote his account was very different from what the shape and form it has taken when Alberuni came and the appearance it gave to the Portuguese was different from what it was in the time of Alberuni. But to understand caste one must have more exact idea of its nature than these foreigners are able to give.

To follow the discussion of the subject of caste it is necessary to familiarise the readers with some basic conceptions, which underlie the Hindu Social organisation. The basic conception of social organisation which prevails among the Hindus starts with the rise of our classes or varnas into which Hindu society is believed to have become divided. These four classes were named: (1) Brahmins, the priestly and the educated class, (2) The Kshatriyas, the Military Class, (3) The Vaishyas, the trading class and, (4) The Shudras, the servant class. For a time these were merely

classes. After a time what were only Classes (Varnas) became Castes (Jatis) and the four castes became four thousand. In this way the modern Caste System was only the evolution of the ancient Varna System.

No doubt the caste system is an evolution of the Varna System. But one can get no idea of the caste system by a study of the Varna System. Caste must be studied apart from Varna.

2

An old agnostic is said to have summed up his philosophy in the following words:

"The only thing I know is that I know nothing; and I am not quite sure that I know that"

Sir Denzil Ibbetson undertaking to write about caste in the Punjab said that the words of these agnostic about his philosophy expressed very exactly his own feelings regarding caste. It is no doubt true that owing to local circumstances there does appear a certain diversity about caste matters and that it is very difficult to make any statement regarding any one of the castes absolutely true as it may be as regards one locality which will not be contradicted with equal truth as regards the same caste in some other area.

Although this may be true yet it cannot be difficult to separate the essential and fundamental features of caste from its non-essential superficial features. For easy approach to this to ascertain by asking what are the matters for which a person is liable to be excluded from caste. Mr. Bhattacharya has stated the following as causes for expulsion from caste: (1) Embracing Christianity or Islam, (2) Going to Europe or America, (3) Marrying a widow, (4) Publicly throwing the sacred thread, (5) Publicly eating beef, pork or foul, (6) Publicly eating *Kaccha* food prepared by a Mahomedan, Christian or low caste Hindu, (7) Officiating at the house of a very low caste Sudra, (8) By a female going away from home for immoral purposes and (9) By a widow becoming pregnant. This list is not exhaustive and omits the two most important causes which entail expulsion from caste. They are (10) intermarrying outside caste, (II) Interdining with persons of another caste, (12) Change of occupation. The second defect in the statement of Mr. Bhattacharya is that it does not make any distinction between essentials and (un)* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_61essentials. Of course when a person is expelled from his caste the penalty is uniform. His friends, relatives, and fellow men refuse to partake of his hospitality. He is not invited to entertainment in their houses. He cannot obtain brides or

bridegrooms for his children. Even his married daughters cannot visit him without running the risk of being excluded from caste. His priest, his barber and washer man refuses to serve him. His fellow caste men sever their connection with him so completely that they refuse to assist him even at the funeral of a member of his household. In some cases the man excluded from caste is debarred access to public temples and to the cremation or burial ground.

These reasons for expulsion from caste indirectly show the rules and regulations of the caste. But all regulations are not fundamental. There are many which are unessential. Caste can exist even without them.

The essential and unessential can be distinguished by asking another question. When can a Hindu who has lost caste regain his caste. The Hindus have a system of *Prayaschitas* which are penances and which a man who has been expelled from caste must perform before he can be admitted to cast fellowship. With regard to these *Prayaschitas* or Penances certain points must be remembered. In the first place there are caste offences for which there is no *Prayaschita.* In the second place the *Prayaschitas* vary according to the offence. In some cases the *Prayaschita* involves a very small penalty. In other cases the penalty involved is a very severe one.

The existing of a *Prayaschita* and its absence have a significance which must be clearly understood. The absence of *Prayaschita* does not mean that any one may commit the offence with impunity. On the contrary it means that the offence is of an immeasurable magnitude and the offender once expelled is beyond reclamation. There is no reentry for him in the caste from which he is expelled. The existence of a *Prayaschita* means that the offence is compoundable. The offender can take the prescribed *Prayaschita* and obtain admission in the caste from which he is expelled.

There are two offences for which there is no penance. These are (1) change from Hindu Religion to another religion, (2) Marriage with a person of another caste or another religion. It is obvious if a man loses. caste for these offences he loses it permanently.

Of the other offences the *Prayaschitas* prescribed are of the severest kind are two: (1) Interdining with a person of another caste or a non-Hindu and (2) Taking to occupations which is not the occupation of the caste. In the case of the other offences the penalty is a light one almost nominal.

The surest clue to find out what are the fundamental rules of caste and what caste consists in is furnished by the rules regarding *Prayaschitas.* Those for the infringement of which there is no *Prayaschita* constitute the very soul of caste and those for the infringement of which the *Prayaschita* is of the severest kind make up the body of caste. It may therefore be said without

any hesitation that there are four fundamental rules of caste. A caste may be defined as a social group having (a) belief in Hindu Religion and bound by certain regulations as to, (b) marriage, (c) food and (d) occupation. To this one more characteristic may be added namely a social group having a common name by which it is recognised.

In the matter of marriage the regulation lays down that the caste must be endogamous. There can be no intermarriage between members of different castes. This is the first and the most fundamental idea on which the whole fabric of the caste is built up.

In the matter of food the rule is that a person cannot take food from and dine with any person who does not belong to his caste. This means that only those who can intermarry can also interdine. Those who cannot intermarry cannot interdine. In other words caste is an endogamous unit and also a communal unit.

In the matter of occupation the regulation is that a person must follow the occupation which is the traditional occupation of his caste and if the caste has no occupation then he should follow the occupation of his father.

In the matter of status of a person it is fixed and is hereditary. It is fixed because a person's status is determined by the status of the caste to which he belongs. It is hereditary because a Hindu is stamped with the caste to which his parents belonged, a Hindu cannot change his status because he cannot change his caste. A Hindu is born in a caste and he dies a member of the caste in which he is born. A Hindu may lose his status if he loses caste. But he cannot acquire a new or a better or different status.

What is the significance of a common name for a caste? The significance of this will be clear if we ask two questions, which are very relevant, and a correct answer to each is necessary for a complete idea of this institution of caste. Social groups are either organised or unorganised. When the membership of the group and the process of joining and leaving the groups, are the subject of definite social regulations and involve certain duties and privileges in relation to other members of the group then the group is an organised group. A group is a voluntary group in which members enter with a full knowledge of what they are doing and the aims which the association is designed to fulfil. On the other hand there are groups of which an individual person becomes a member without any act of volition, and becomes subject to social regulation and traditions over which he has no control of any kind.

Now it is hardly necessary to say that caste is a highly organised social grouping. It is not a loose or a floating body. Similarly it is not necessary to say that caste is an involuntary grouping. A Hindu is born in a caste and he

dies as a member of that caste. There is no Hindu without caste, cannot escape caste and being bounded by caste from birth to death he becomes subject to social regulations and traditions of the caste over which he has no control.

The significance of a separate name for a caste lies in this, namely it makes caste an organised and an involuntary grouping. A separate and a distinctive name for a caste make caste asking to a corporation with a perpetual existence and a seal of separate entity. The significance of separate names for separate castes has not been sufficiently realised by writers on caste. In doing that they have lost sight of a most distinctive feature of caste social groups there are and there are bound to be in every society. Many social groups in many countries can be equated to various castes in India and may be regarded as their equivalent. Potters, Washermen, Intellectuals, as social groups are every where. But in other countries they have remained as unorganised and voluntary groups while in India they have become organised and involuntary i.e. they have become castes is because in other countries the social groups were not given name while in India they did. It is the name which the caste bears which gives it fixate and continuity and individuality. It is the name which defines who are its members and in most cases a person born in a caste carries the name of the caste as apart of his surname. Again it is the name which makes it easy for the caste to enforce its rules and regulations. It makes it easy in two ways. In the first place, the name of the caste forming a surname of the individual prevents the offender in passing off as a person belonging to another caste and thus escape the jurisdiction of the caste. Secondly, it helps to identify the offending individual and the caste to whose jurisdiction he is subject so that he is easily handed up and punished for any breach of the caste rules.

This is what caste means. Now as to the caste system. This involves the study of the mutual relations between different castes. Looked at as a collection of caste the caste system presents several features, which at once strike the observer. In the first place there is no inter-connection between the various castes, which form a systems each caste is separate and distinct. It is independent and sovereign in the disposal of its internal affairs and the endorsement of caste Regulations. The castes touch but they do not interpenetrate. The second feature relates to the order in which one caste stands in relation to the other castes in the system. That order is vertical and not horizontal.

In other words castes are not equal in status. Their order is based on inequality. One caste is higher or lower in relation to another. Castes form

an hierarchy in which one caste is at the top and is the highest, another at the bottom and it is the lowest and in between there are castes every one of which is at once above some caste and below some caste, The caste system is a system of gradation in which every caste except the highest and the lowest has a priority and precedence over some other caste:

How is this precedence or this superiority determined? This order of superiority and inferiority or this insubordination is determined by Rules (1) which are connected with religious rites and (2) which are connected with commonality.

Religion as a basis of Rules of precedence manifests itself in three ways. Firstly through religious ceremonies, secondly through incantations that accompany the religious ceremonies and thirdly through the position of the priest.

Beginning with the ceremonies as a source of rules of precedence it should be noted that the Hindu Scriptures prescribe sixteen religious ceremonies. Although those are Hindu ceremonies every Hindu Caste cannot by right claim to perform all the sixteen ceremonies. Few can claim the right to perform all. Some are allowed to perform certain ceremonies, some are not allowed to perform certain of the ceremonies. For instance take the ceremony of Upanayan, wearing the sacred thread. Some castes can't. Precedence follows this distinction in the matters of right to perform the ceremonies. A caste which can claim to perform all the ceremonies is higher in status than the caste which has a right to perform a few.

Turning to the Mantras it is another source for rules of precedence. According to the Hindu Religion the same ceremony can be performed in three different ways: (1) Vedokta, (2) Shastrokta and (3) Puranokta. In the Vedokta form the ceremony is performed with Mantras (incantations) from the Vedas. In the Shastrokta form the ceremony is performed with Mantras (incantations) from the Shastras. In the Puranokta form the ceremony is performed with Mantras (incantations) from the Puranas. Hindu Religious Scriptures fall into three distinct categories: (1) The Vedas which are four, (2) The Shastras which are six and (3) The Puranas which are eighteen. Although they are all respected as scriptures they do not all have the same sanctity. The Vedas have the highest sanctity. The Shastras stand next in order of sanctity and the Puranas have the lowest sanctity. The way the Mantras give rise to social precedence will be obvious if it is borne in mind that not every caste is entitled to have the ceremony performed in the Vedokta form. Three castes may well claim the right to the performance of one of the sixteen ceremonies. But it well be that one of it is entitled to perform it in the Vedokta form, another in the Shastrokta form and the

third only in the Puranokta form. Precedence goes with the kind of Mantra that a caste is entitled to use in the performance of a religious ceremony. A caste which is entitled to use Vedic Mantra is superior to a caste which is entitled to use Shastrik Mantra and a caste which is entitled to use Shastrik Mantras is higher than a caste which is entitled to use only Puranokta Mantras.

Taking the priest as third source of precedence connected with Religion Hinduism requires the instrumentality of a priest for the derivation of the full benefit from the performance of a religious ceremony. The priest appointed by the scriptures is the Brahmin. A Brahmin therefore is indispensable. But the scriptures do not require that a Brahmin shall accept the invitation of any and every Hindu irrespective of his caste to officiate at a religious ceremony. The invitation of which caste he will accept and of which he will refuse is a matter left to the wishes of the Brahmin. By long and well-established custom it is now settled at which caste he will officiate and at which caste he will not. This fact has become the basis of precedence as between castes. The caste at which a Brahmin will officiate is held as superior to a caste at whose religious functions a Brahmin will not officiate.

The second source for rules of precedence is commonality. It will be noticed that rules of marriage have not given rise to rules of precedence as rules of commonality have. The reason lies in the distinction between the rules prohibiting intermarriage and interdining. That difference is obvious. The prohibition on intermarriage is such that it can not only be respected but it can be carried out quite strictly. But the prohibition of interdining creates difficulties. It cannot be carried out quite strictly in all places and under all circumstances. Man migrates and must migrate from place to place. In every place he happens to go he may not find his castemen. He may find himself landed in the midst of strangers. Marriage is not a matter of urgency but food is. He can wait for getting himself married till he returns to the society of his castemen. But he cannot wait for his food. He must find it from somewhere and from someone. Question arises from which caste he can take food if he has to. The rule is that he will take food from a caste above his but will not take food from a caste, which is below his. There is no way of finding how it came to be decided that a Hindu can take food from one caste and not from another. By long series of precedent every Hindu knows from what caste he can take food and from what caste he cannot. This is determined chiefly by the rule followed by the Brahmin. A caste is higher or lower according as the Brahmin takes from it food or not. In this connection the Brahmin has a very elaborate set of

rules in the matter of food and water. (1) He will take only water from some and not from others. (2) A Brahmin will not take food cooked in water by any caste. (3) He will take only food cooked in oil from some castes. Again he has as a set of rules in the matter of the vessel, in which he will accept food and water. He will take food or water in an earthen vessel from some caste, only in metallic vessel from some and only in glass vessel from others. This goes to determine the level of the caste. If he takes food cooked in oil from a caste its status is higher than the caste from which he will not. If he takes water from a caste it is higher than the caste from which he will not. If he takes water in a metallic vessel that caste is higher than the caste from which he will take water in an earthen vessel and the caste from which he will take water in an earthen vessel is higher than the caste from which he will take water in a glass vessel. Glass is a substance which is called *Nirlep* (which conserves no stain) therefore a Brahmin can take water in it even from the lowest. But other metals do conserve stains. Contaminating character of the stain depends upon the status of the person who has used it. That status depends upon the Brahmin's will to accept water in that vessel.

These are some of the factors which determine the place and status of a caste in this Hindu hierarchical system of castes.

Such is caste and such is caste system. Question is, is this enough to know the Hindu Social Organisation. For a static conception of the Hindu Social Organisation an idea of the caste and the caste system is enough. One need not trouble to remember more than the facts that the Hindus are divided into castes and that the castes form a system in which all hang on a thread which runs through the system in such a way that while encircling and separating one caste from another it holds them all as though as it was a string of tennis balls hanging one above the other. But this will not be enough to understand caste as a dynamic phenomenon. To follow the workings of caste in action it is necessary to note one other feature of caste besides the caste system, namely class-caste system.

The relationship between the ideas of caste and class has been a matter of lively controversy. Some say that caste is analogous to class. Others hold that the idea of caste is analogous to class and that there is no difference between the two. Others hold that the idea of caste is fundamentally opposed to that of class. This is an aspect of the subject of caste about which more will be said hereafter. For the present it is necessary to emphasis one feature of the caste system which has not been referred to here in before. It is this. Although caste is different from and opposed to the notion of class yet the caste-system as distinguished from caste

recognises a class system which is somewhat different from the graded status referred to above. Just as the Hindus are divided into so many castes, castes are divided into different classes of castes. The Hindu is caste conscious. He is also class conscious. Whether he is caste conscious or class conscious depends upon the caste with which he comes in conflict. If the caste with which he comes in conflict is a caste within the class to which he belongs he is caste conscious. If the caste is outside the class to which he belongs he is class conscious. Any one who needs any evidence on this point may study the Non-Brahmin Movement in the Madras and Bombay Presidency. Such a study will leave no doubt that to a Hindu caste periphery is as real as class periphery and caste consciousness is as real as class-consciousness.

Caste, it is said, is an evolution of the Varna System. I will show later on that this is nonsense. Caste is a perversion of Varna, at any rate it is an evolution in the opposite direction. But while Caste has completely perverted the Varna System it has borrowed the class system from the Varna System. Indeed the Class-Caste System follows closely the class cleavages of the Varna System.

Looking at the caste system from this point of view one comes across several lines of class cleavage which run through this pyramid of castes dividing the pyramid into blocks of castes. The first line of cleavage follows the line of division noticeable in the ancient Chaturvarna system. The old system of Chaturvarna made a distinction between the first three Varnas, the Brahmins, Kshatriyas, Vaishyas, and the forth Varna namely the Shudras. The three former were classes as the Regenerate classes. The Shudra was held as the unregenerate class. This distinction was based upon the fact that the former were entitled to wear the sacred thread and study the Vedas. The Shudra was entitled to neither and that is why he was regarded as the unregenerate class. This line of cleavage is still in existence and forms the basis of the present day class division separating the castes which have grown out of the vast class of Shudras from those which have grown out of the three classes of Brahmins, the Kashatriyas and Vaishyas. This line of class cleavage is the one which is expressed by the terms High Castes and Low Castes and which are short forms for High Class Castes and Low Class Castes.

Next after this line of cleavage there runs through the pyramid a second line of class cleavage. It runs just below the Low Class Castes. It sets above all the castes born out of the four Varnas i.e. The High Castes as well as the Low Castes above the remaining Castes, which I will merely describe as the ' rest '. This line of class cleavage is again a real one and follows the well

defined distinction which was a fundamental principle of the Chaturvarna System. The Chaturvarna System as is pointed out made a distinction between the four Varnas putting the three Varnas above the fourth. But it also made an equally clear distinction between those within the Chaturvarna and those outside the Chaturvarna. It had a terminology to express this distinction. Those within the Chaturvarna high or low. Brahmins or Shudras were called *Savarna* i.e. those with the stamp of the Varna. That outside the Chaturvarna were called Avarna i.e. those without the stamp of Varna. All the Castes, which have evolved out of the four Varnas, are called Savarna Hindus—which is rendered in English by the term caste Hindus. The 'rest' are the *Avarnas* who in present parlance spoken of by Europeans as Non-Caste Hindus i.e. those who are outside the 4 original castes or Varnas.

Much that is written about the Caste System has reference mostly to the Caste-System, among the Savarna Hindus. Very little is known about the Avarna Hindus. Who are these Avarna Hindus, what is their position in Hindu Society, how are they related to the Savarna Hindus, are questions to which no attention has so far been paid. I am sure that without considering these questions no one can get a true picture of the social structure the Hindus have built. To leave out the Class cleavage between the Savarna Hindus and the Avarna Hindus is to relate Grimm's Fairy Tale which leaves out the witches, the goblins and the ogres.

The Avarna Hindus comprise three divisions (1) Primitive Castes, (2) Criminal Castes and (3) The Untouchable Castes. The total population of persons comprising these three classes is by no means small. The population of the Primitive Tribes in India according to the Census of 1931 is stated to be about 25 millions. The total population of persons listed as Criminal is somewhere about 4 1/2 millions. The total population of Untouchables in 1931 was about 50 millions. The grand total of these three comes to 79 1/2 millions.

What is the relation of the Savarna Castes to the Avarna Castes? The cleavage between the Savarna Castes and the Avarna Castes is not uniform in its consequences with the result that the position created is not easy to grasp. The line of the cleavage running between the Savarna Castes and the Avarna Castes produces a relationship between the Savarna Castes and the two Avarna Castes—the Primitive and the Criminal Castes which is different from the relationship which it produces between the Savarna Castes and the last of the Avarna Castes namely the Untouchables. This line of cleavage between the Savarna Castes and the first two of the Avarna Castes is a cleavage between kindred and friends. It does not make

intercourse on respectful terms between the two impossible. The cleavage between the Savarna Castes and the Untouchables is of a different kind. It is a cleavage between two non-kindred and hostile groups. There is no possibility of friendly intercourse on respectable terms.

What is the significance of this line of cleavage? On what is it based? Although the cleavage is definite the basis of it has not been defined. But it seems that the basis of cleavage is the same as that which exists between the Dwijas and the Shudras. Like the Shudras the Avarna Castes are composed of unregenerate people. They are not twice born and have no right to wear the sacred thread. This also brings out two facts which otherwise are lost sight of. The first fact is that the difference between the Shudra Castes of the Savarna division of cast's and the Primitive and the Criminal Castes of the Avarna division is very thin. Both are touchable and both are unregenerate. The difference is one of cultural development. But although the cultural difference between the two sections is great—as great as there is between a highly cultured and the unmitigated barbarian—from the point of view of the orthodox Hindu, the difference between them is one of degree. It is to mark this difference in culture that the Hindus invented a new terminology which recognised two classes of Shudras, (1) Sat-Shudras and (2) Shudras. Calling the old body of Shudras as Sat Shudras or cultured Shudras and using the term Shudras to those comprising the Primitive Castes who had come within the pale of Hindu Civilisation. The new terminology did not mean any difference in the rights and duties of Shudras. The distinction pointed out those Shudras who were fit for associated life with the Dwijas and those who were less fitted for it.

What is the relation of Avarna Castes to one another? Do they exist as mere collection of castes or have they any class cleavages? They are certainly mere collection of Castes. There are certainly lines of class clevages running through this block of Avarna Castes. Whether there is a line of class clevage running between the Primitive Castes and the Criminal Castes may be a matter of some doubt. Perhaps the line is faint. But there is no doubt that there is a very definite a very broad and a very emphatic line of clevage between the Primitive Castes and the Criminal Castes and the Untouchables. The former two have a very clear notion that they are the higher classes and the Untouchables are the lower classes within this block of Avarna Castes.

The discussion carried on so far reveals three characteristic features of Hindu Social Organisation: (1) Caste, (2) A hierarchical System of Castes and (3) A Class System cutting into the Caste System. Undoubtedly the structure is a very complicated one and it is perhaps difficult for one who

has not been woven into it to form a true mental picture of the same. Perhaps a diagrammatic presentation may be helpful. I give below one such representation which in my judgment is calculated to give the idea of this social structure of the Hindus.

A Caste Hindus : C Caste Hindus		: E	Non-Caste Hindus Avarna Castes '	G Non-caste Hindus
Savarna Castes	Savarna Castes			
Class 1	Class 11		Class III	Class IV
High Castes Dwijas— Castes evolved out of	Low Caste : Shudras-' Castes evolved		Primitive Castes Criminal Castes	Untouchables
the three Varnas.	out of the			
Brahmins,	4th Varna			
Kshatriyas and Vaishas.	namely Shudras.	1		

This diagram is left blank in the MS.—Ed.

This diagram presents a Class-Caste-System of the Hindus and is so drawn as to give a true and a complete picture of their social organisation. This diagram brings out several of its important features. It shows that there are two divisions of Hindus (1) Savarna Hindus and (II) Avarna Hindus. It shows that within the first division there are two classes of Castes (1) Dwijas and (2) Shudras and within the second division there are two Classes of castes (1) Primitive and Criminal Castes and (2) The Untouchable Castes. The next thing to note is that each caste is enclosed and separated from the rest a fact which is not shown in the diagram each of the four classes of Castes is grouped together and placed within a class enclosure. This enclosure segregates a class of a Caste and marks it off from another class. A class of Castes is not as organised as a Caste is. But a feeling of Class is there. The third thing to note is the nature of partitions used for the enclosures. They are of various strengths, some are

permanent, some are temporary. The partition between the Dwijas Castes and the Shudras Castes is not a partition at all. It is only a curtain. It is not a partition at all. It is intended to keep them aloof. It is not intended to cut them as under. The line of cleavage between the Shudra Castes and the first two of the Avarna Castes is a regular partition. But it is both thin and small. It can be jumped over. The partition separates but does not cause severance. But the partition between these three classes and the Untouchables is a real and irremovable partition. It is a barbed wire fence and its intention is to mark a severance. To express the same thing in a different way the first three enclosures are so placed that they are one within the other. The first partition between the Dwijas and the Shudra Castes may be removed the two become the occupants of one enclosure instead of two separate enclosures. Similarly the second partition may be removed in which case the Castes which are Dwija, Shudra, Primitive and Criminal form one whole—if not a single whole—occupying one single enclosure. But the third partition can never be removed. Because all three Classes of Castes are united on one issue namely that they shall not be *one (This space is left blank in the typed copy of MS. The word ' one ' is introduced by us.*—Ed.) with the Untouchables as one united body of people. There is a bar sinister, which serves the Untouchables from the rest and compels them to be apart and outside.

The diagram shows the different Classes of Castes one above the other. This is done to mark the hierarchy, which is an important feature of the Caste System. I have described the two classes of the Savarna Castes as High Class Castes and Low Class Castes. But I have not described the other two classes of Avarna Castes as lower Class Castes and lowest Class Castes. In a sense this would have been correct. In general social esteem they are no doubt lower and lowest in status. But in another sense this would not be appropriate. The terminology of high, low, lower and lowest assumes that they are parts of one whole. But are the Avarna Castes and the Savarna Castes parts of one whole? They were not. The Primitive and the Criminal Castes were not in contemplation when the plan of the Varna System, the parent of the present caste system, was laid. Consequently nothing is said about their status and position in the rules of the Varna System. But that is not the case with the Untouchables. They were within the contemplation of the Varna System and the Rule of the Varna System with regard to the Untouchables is very clear and very definite. The rule as laid down by Manu the Hindu Law giver is that there are only four Varnas and that there is not to be a fifth Varna. The reformers who are friends of Mr. Gandhi in his campaign for removal of Untouchability are

endeavouring to give a new meaning to the statement of Manu. They say that Manu has been misunderstood. According to Manu there is no fifth Varna and therefore he intended to include the Untouchables into the 4th Varna namely the Shudras. But this is an obvious perversion. What Manu meant was there were originally four Varnas and four they must remain. He was not going to admit the Untouchables into the House the ancient Hindus had built by enlarging the Varna System to consist of five Varnas. That is what he meant when he said that there is not to be a fifth Varna. That he wanted the Untouchables to remain out of the Hindu social structure is clear from the name by which he describes the Untouchables. He speaks of them as Varna—Bahyas (those outside the Varna System). That is the diference between the Primitive and Criminal Castes and the Untouchables. There being no positive injunction against their admission in Hindu Society they may in course of time become members of it. At present they are linked to Hindu Society and hereafter they may become integrated into it and become part of it. But the case of the Untouchables is different. There is positive injunction against their incorporation in Hindu Society. There is no room for reform. They must remain separate and segregated without being a part of the Hindu Society. The Untouchables are not a part of the Hindu Society. And if they are a part they are a part but not of the whole. The idea showing the connection between the Hindus and the Untouchables was accurately expressed by Ainapure Shastri the leader of the orthodox Hindus at a Conference held in Bombay. He said that the Untouchables were related to the Hindus as a man is to his shoe. A man wears a shoe. In that sense it is attached to man and may be said to be a part of the man. But it is not part of the whole for two things that can be attached and detached can't be said to form parts of one whole. The analogy though is none the less accurate.

CHAPTER 3

THE ROCK ON WHICH IT IS BUILT

Hindu Society is a house of Castes. Hindus are not a people. They are the aggregates of groups of people formed into castes. This is its peculiarity. This is what has struck the stream of foreigners who have visited India in the course of history. Notwithstanding this there are however people who endeavour to say that there is nothing peculiar about caste. For instance Prof. Baines remarks:

"There is little in the system which is not to be found, or which has not at some time or other existed, in other countries, even of the West, though it

has there been long ago worn away by other influences. The crystallisation of certain bodies into definite orders or classes, for instance, is a common, almost a universal, trait and among them the tendency to become hereditary and as exclusive or aspiring as circumstances allow may almost be called natural". The argument may be strengthened by reference to the social organisation of Primitive peoples. In Primitive Society man is never found alone.

The commonest and therefore the most natural condition of men are to live in-groups. This social grouping has taken many forms in the course of history. The family is one such social group which is universal and which has survived. The group larger than the immediate family was the clan. In its lowest terms, the clan (which also called kin, sept or sib) was supposed to be a group of individuals related to one another either through the mother or through the father. Far distant cousins might be considered in the relationship, and were regarded as members of the group. Again, the relationship may be purely fictitious, but from the social point of view this was as real a bond as that made by common blood. The next larger division than the clan is a social grouping of the clans. When the clans are organised into two groups each group is called a moiety. When it is organised in more than two groups each is called a phratry. This dual system was not by any means world-wide in distribution and the functions which the phratry or the moiety was intended to perform are not quite definitely known. But there is no doubt that each moiety and phratry was a social grouping in which there was a feeling of brotherhood between the members of clans associated together. The tribal groups come next. There were wide differences in the nature, character and structure of tribes. Tribes may be made up of village communities with no divisions into clans or moieties. They may have clans and no moieties, or moieties and no clans; or they may have both moieties and clans. Tribal consciousness was sometimes strong or some time weak. Although in the formation of tribal groups there was neither a definite rule nor a single line of evolution, there were certain common features present namely a common dialect, common customs, a more or less definite territory and some form of Government to which the whole tribe was present. Larger than the tribe was the confederacy or union of Tribes. But this was very uncommon. A loose and informal alliance to meet some specific danger may bring about a union of tribes. It is very seldom that a definite compact is found among the primitive peoples. The famous Iroquois confederacy is one of the exceptions.

These are social groups based either upon the idea of kindred or on that of locality. There were groups among primitive peoples, where the cleavage

is along other lines. These other lines of grouping took as its basis sex, age or some other criteria. As a form of social grouping, there is nothing new or nothing peculiar in this institution of caste. A caste is like a clan and like the clan it is only a form of social grouping.

The analogy between caste and clan may be admitted although it must be strongly insisted that as to meaning and purpose, caste is antagonistic to clan. There is no clan system comparable to the caste system. There is no gradation of clans as there is no Class-Clan System to match the Class-Caste System. Indeed the clan organisation of the Primitive people is a complete antithesis of the caste organisation of the Hindus. I admit the analogy only to drive my point. To my mind the question whether the institution of caste is natural or unnatural, peculiar or common is no doubt an interesting and instructive. But it is not as important as the question I want to raise. That question is why has caste endured, remained in tact when similar social groupings which were existing in other countries have vanished with the growth of civilisation.

The Romans had a Social organisation very similar to the Hindus. When all similar institutions have vanished why has caste alone endured? Why do people obey its rules, what is the sanction for Caste?

Obedience by men to rules of society is everywhere secured by means of four sanctions. They are (1) the natural, (2) popular, (3) legal and (4) religious. Which of these supports the caste system? But before going into that question it would be desirable to describe the manner each of these sanctions operates.

The natural sanction operates through habit. When a person is habituated to act in a certain way nothing is required to force him to act in that way. He becomes automation and the regularity of the act is guaranteed as a matter of routine.

Popular sanction works through public opinion. It was the sense of approbation and disapprobation prevalent in Society in relation to certain ways and practices. A certain way becomes folkway and Acts in conformity with an established folkway, receives approbation and an Act contrary to it is regarded with disapprobation.

There is nothing special either in the natural sanction or popular sanction. They are to be found everywhere and behind everything that is social in its import. Their native force is precarious and wherever it possesses more than its ordinary efficacy it is only when they are derived from either of the other two sanctions. Legal sanction and Religious sanction are the only two sanctions, which are capable of sustaining any given institution.

There is no doubt that caste had the sanction of Hindu Law. Every Hindu Law Book has recognised Caste as a legal institution a breach of which was an offence and entailing punishment. The Law Book of Manu called Manav Dharma Shastra is the oldest and the most authoritative Law Book of the Hindus. It would be enough to quote from it texts showing that Caste was recognised by Law.

Manu, the Hindu Lawgiver gives legal recognition to the institution of the four Varnas. To lay down the law of the four Varnas seems to be the principal object of Manu's code. This is clear from the opening verses of the Code. They state that:

I.1. The great sages approached Manu, who was seated with a collected mind, and, having duly worshipped him spoke as follows:

I.2."Deign, divine one, to declare to us precisely and in due order the sacred laws of each of the (four chief) castes (varna) and of the intermediate ones.".

Not only he gives it his legal sanction, he makes it incumbent upon the King to uphold the institution:

VII.35. The king has been created (to be) the protector of the castes (varna) and orders, who, all according to their rank, discharge their several duties.".

VIII.24. All castes (varna) would be corrupted (by intermixture), all barriers would be broken through, and all men would rage (against each other) in consequence of mistakes with respect to punishment."

Manu makes breach of Caste a sin and prescribes three different punishments to one who has become a Patit by loss of caste.

The first punishment is punishment after death. Manu says:

"XII.60. He who has associated with outcasts, he who has approached the wives of other men, and he who has stolen the property of a Brahmana becomes Brahmarakshasa.". In this life the punishment which a Patit has to undergo was twofold. One was excommunication. The nature and character of excommunication prescribed by Manu has been prescribed by him in the following terms:

"XI. 181. He who associates with an outcast, himself becomes an outcast after a year, not by sacrificing for him, teaching him, or forming a matrimonial alliance with him, but by using the same carriage or seat, or by eating with him.

"XI. 182. He who associates with any one of those outcasts, must perform, in order to atone for (such) intercourse, the penance prescribed for that (sinner).

"XI. 183. The Sapindas and Samanodakas of an outcast must offer (a libation of) water (to him, as if he were dead), outside (the village), on an inauspicious day, in the evening and in the presence of the relatives, officiating priests, and teachers.

"XI. 184. A female slave shall upset with her foot a pot filled with water, as if it were for a dead person; (his Sapindas) as well as the Samanodakas shall be impure for a day and a night.

"XI. 185. But thenceforward it shall be forbidden to converse with him, to sit with him, to give him a share of the inheritance, and to hold with him such intercourse as is usual among men.". The other was disinheritance.

"IX.201. Eunuchs and outcasts, (persons) born blind or deaf, the insane, idiots and the dumb, as well as those deficient in any organ (of action or sensation), receive no share".

"XI. 186. And (if he be the eldest) his right of primogeniture shall be withheld and the additional share, due to the eldest son, and in his stead a younger brother, excelling in virtue, shall obtain the share of the eldest".

The only way to avoid these two punishments of excommunication and disinheritance was to do penance in the prescribed form. Penance was the only remedy. Says Manu:

"XI. 187. But when he has performed his penance, they shall bathe with him in a holy pool and throw down a new pot, filled with water.

"XI. 188. But he shall throw that pot into water, enter his house and perform, as before, all the duties incumbent on a relative".

There was a distinction between a male Patit and a female Patit. Neither was exempt. The Rule applies to both, for Manu says:

"XI. 189. Let him follow the same rule in the case of female outcast; but clothes, food, and drink shall be given to them, and they shall live close to the (family) house". There can be no doubt that the legal sanction was powerful sanction. The punishment prescribed by law for breach of Caste was two folds. It involved excommunication and loss of right to inherit. How formidable these punishments were has been well described by Sir Thomas Strange in his treatise on Hindu Law. Referring to the subject he says:

"It remains to consider one case, that may be said to be, with reference to personal delinquency, *instar omnium*—occurring in every enumeration on the subject as a cause of exclusion, namely: degradation, or the case of the outcaste. Accompanied with certain ceremonies, its effect is, to exclude him from all social intercourse, to suspend in him every civil function, to disqualify him for all the offices, and all the charities of life;—he is to be deserted by his connections, who are from the moment of the sentence

attaching upon him, to desist from speaking to him, from sitting in his company, from delivering to him any inherited, or other property, and from every civil or usual attention, as inviting him on the first day of the year, or the like, so that a man under these circumstances, might as well be dead; which, indeed, the Hindu Law considers him to be, directing libations to be offered to Manes, as though he were naturally so. This system of privations, mortifying as it must be, was enforced under the ancient law, by denouncing a similar fate to any one, by whose means they were endeavoured to be eluded; but this severity was moderated at the beginning of the present age, in which it is said"the sinner alone bears his guilt", the law deeming so seriously of non-intercourse, that if one who ought to associate at meals with another, refuses to do so, without sufficient cause, he is punishable. And, in the Bombay reports, there is an instance of an action of damages, for a malicious expulsion from caste.

The analogy between degradation by the Hindu law, and excommunication, as it prevailed formerly among us, holds, not merely in the general nature and effect of the proceeding, but in the peculiar circumstance of the one and the other being two-fold. As, with us, there was the less, and the greater excommunication, so, of offences considered with reference to their occasioning exclusion from inheritance among the Hindus, they may also be regarded in a two-fold point of view.

This we learn from a case that was before the Sudder Dewanny Adawlut of Bengal, in 1814, in which the official Pundits, having been referred to, distinguished between"those which involve partial and temporary degradation, and those which are followed by loss of caste", observing that"in the former state, that of partial degradation, when the offence which occasions it is expiated, the impediment to succession is removed; but in the latter, where the degradation is complete, although the sinfulness of the offence may be removed by expiatory penance, yet the impediment to succession still remains, because a person finally excluded from his tribe must ever continue to be an outcaste".

In the case alluded to, the party in question having been guilty of a series of profligate and abandoned conduct, having been shamefully addicted to spirituous liquors, having been in the habit of associating and eating with persons of the lowest description, and most infamous character; having wantonly attacked and wounded several people at different times; having openly cohabited with a woman of the Mahomedan persuation; and having set fire to the dwelling house of his adoptive mother, whom he had more than once attempted to destroy by other means", the Pundits declared that"of all the offences proved to have been committed by Sheannauth,

one only, namely, that of cohabiting with a Mahomedan woman, was of such a nature, as to subject him to the penalty of expulsion from his tribe irrevocably,"and of this opinion was the Court.

The power to degrade is, in the first instance, with the Castes themselves, assembled for the purpose, from whose sentence, if not acquiesced in, there lay an appeal to the King's Courts. In the case that has been cited, the question arose incidentally, upon a claim of inheritance, and that case shews that the power amounts to a species of Censorship, applicable to the morals of the people, in instances to which the law, strictly speaking, would not perhaps otherwise extend. The sentences can be inflicted only for offences committed by the delinquent in his existing state; and, where the offence is of an inferior nature, to justify it, it must have been repeated. What distinguishes degradation from other causes of exclusion is, that it extends its effects to the son, who is involved in his father's forfeiture, if born subsequent to the act occasioning it. Born before, he is entitled to inherit, and takes, as though his father were dead.

Whereas, in every other instance of exclusion, the son, if not actually in the same predicament with his father, succeeds, maintaining him; the same right extending as far as the great grandson. And, with regard to the father, or delinquent himself, where the exclusion from inheriting is not for natural defects, the cause must have arisen, previous to the division, or descent of the property; if it do not occur till after, the succession is not divested by it. Hence, adultery in the wife during coverture, bars her right of inheritance; divesting it also, after it has vested; the Hindu widow resembling, in this respect, the condition of ours in most instances of copyhold dower, and holding it, like her, *Dum casta fuerit* only; according to an opinion of great respectability, that for loss of caste, unexpiated by penance, and unredeemed by atonement, it is forfeited. In general, the law of disqualification applies alike to both sexes.

"It appearing, then, that the incapacity to inherit, except in the instance of the outcaste, is personal merely; that one excluded may be said, in every case, to be entitled to be maintained; and that, in most, it is in his power, at any time, to restore himself to his rights;whatever may be thought of the wisdom of some of these provisions, it cannot be said that they are universally destitute of justice, or, in any instance, totally devoid of humanity. Nor, in comparing this part of the law with our own, ought we to forget, that the latter has made none, for preventing the absolute disinheriting of children by will.

"It will appear, in a subsequent chapter, that, on entry into either of the two religious orders, the devotee (like the professed monk with us before

the Reformation) becomes *Civiliter mortuus;* and the next heir succeeds, as though he were naturally deceased. and, as the devotee himself, abdicating secular concerns, is incapacitated from inheriting, so is the religious pretender, and the eventual Apostate. Under the former term may be included Hypocrites and Impostors, used synonymously for those who, usurping sacred marks, practise austerities with an interested design.

The remaining cause of exclusion to be noticed, is, an Incompetent marriage; that is, where the husband and wife are descended from the same Stock. Such a marriage being incongruous, the issue of it cannot inherit, excepting among Shudras. And the consequence is the same, where the marriage has not been according to the order of Class.

"The heir, or heirs, under no disability, having succeeded to the inheritance, it is next to be seen, to what charge this is liable."Has Caste also a religious sanction? The Vedas recognise Caste. The Rig Vedas recognised Caste and also explains its origin in the following passage:

"1. Purusha has a thousand heads, a thousand eyes, a thousand feet. On every side enveloping the earth, he overpassed (it) by a space of ten fingers.

2. Purusha himself is this whole (universe), whatever has been and whatever shall be. He is also the lord of immortality, since (or, when) by food he expands.

3. Such is his greatness, and Purusha is superior to this. All existences are a quarter of him; and three fourths of him are that which is immortal sky.

4. With three-quarters Purusha mounted upwards. A quarter of him was again produced here. He was then diffused everywhere over things, which eat, and things, which do not eat.

5. From him was born Viraj, and from Viraj, Purusha. When born, he extended beyond the earth, both behind and before.

6. When the gods performed a sacrifice with Purusha as the oblation, the spring was its butter, the summer its fuel, and autumn its (accompanying) offering.

7. This victim, Purusha, born in the beginning, they immolated on the sacrificial grass. With him the gods, the Sadhyas, and the rishis sacrificed.

8. From that universal sacrifice were provided curds and butter. It formed those aerial (creatures) and animals both wild and tame.

9. From that universal sacrifice sprang the *rich* and *saman verses,* the *metres,* and *yajush.*

10. From it sprang horses, and all animals with two rows of teeth; kine sprang from it; from it goats and sheep.

11. When (the gods) divided Purusha, into how many parts did they cut him up? What was his mouth? What arms (had he)? What (two objects) are said (to have been) his thighs and feet?

12. The Brahman was his mouth; the Rajanya was his arms; the being (called) the Vaishya, he was his thighs, the Shudra sprang from his feet.

13. The moon sprang from his soul (manas), the sun from his eye, Indra and Agni from his mouth and Vayu from his breath.

14. From his navel arose the air, from his head the sky, from his feet the earth, from his ear the (four) quarters; in this manner (the gods) formed the worlds.

15. When the gods, performing sacrifice, bound Purusha as a victim, there were seven sticks (stuck up) for it (around the fire), and thrice seven pieces of fuel were made.

16. With sacrifice the gods performed the sacrifice. These were the earliest rites. These great powers have sought the sky, where are the former Sadhyas, gods."

The Brahmanas also recognise Caste. In the Satapatha-Brahmanas Caste is mentioned in the following terms:

"23. Brahma (here, according to the commentator, existing in the form of Agni, and representing the Brahman caste was formerly this (universe), one only. Being one, it did not develope. It energetically created an excellent form, the Kshattra, viz., those among the gods, who are powers (Kshattrani), Indra, Varuna, Soma, Rudra, Parjanya, Yama, Mrityu, Isana. Hence nothing is superior to the Kshattra. Therefore the Brahman sits below the Kshattriya at the rajasuya-sacrifice; he confers that glory on the Kshattra (the royal power). This, the Brahma, is the source of Kshattra. Hence, although the king attains supremacy, he at the end resorts to the Brahman as his source. Whoever destroys him (the Brahman) destroys his own source. He becomes most miserable, as one who has injured a superior.

24. He did not develope. He created the Vis.—viz., those classes of gods who are designated by troops, Vasus, Rudras, Adityas, Visvedevas, Maruts.

25. He did not develope. He created the Shudra Class, Pushan. This earth is Pushan; for she nourishes all that exists.

26. He did not develope. He energetically created an excellent form, Justice (Dharma). This is the ruler (kshattra) of the ruler (kshattra), namely Justice. Hence nothing is superior to justice. Therefore the weaker seeks (to overcome) the stronger by justice, as by a king. This justice is truth. In consequence they say of a man who speaks truth, 'he speaks justice"; or of man who is uttering justice, 'he speaks truth'. For this are both of these.

27. This is the Brahma, Kshattra, Vis and Sudra. Through Agni it became Brahma among the gods, the Brahman among men, through the (divine) Kshattriya a (human) Kshattriya, through the (divine), Vaishya a (human) Vaisya, through the (divine) Sudra a (human) Sudra. Wherefore it is in Agni among the gods and in a Brahman among men, that they seek after an abode."

Taittiriya Brahmana, i. 2, 6, 7.*daivyo vai varno brahmanh assuryyo sudrah.*"The Brahman caste is sprung from the gods; the Sudra from the Asuras."

It must be admitted that the legal and the religious sanction were both powerful engines to keep caste going. But there is no doubt that the religious sanction was the primary sanction and caste has been maintained solely by the force of Religious Sanction. This is clear from two circumstances. That the legal sanction was very seldom invoked will have to be admitted. That means that the maintenance of caste was secured by other means. Secondly this legal sanction was in use only till 1850. It was lifted or rather done away with by the Caste Disabilities Removal Act passed in that year by the British Government. Although the legal sanction is withdrawn, caste has gone on without abatement. That could not have happened if caste had not in the Religious Sanction another and more powerful sanction independent of the legal sanction.

That the Religious Sanction is the highest sanction which an institution or a belief can have to support and sustain it, is beyond question. Its power is boundless in its measure and tremendous in its curb. But it is very seldom understood how and whence this Religious Sanction gets this high-grade horsepower. To appreciate this it is necessary to note that the sourpuss of authority behind the Religious Sanction is two-fold.

In the first place what is Religious is also social. To quote Prof. Durkheim[*] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_7

"The really religious beliefs are always common to a determined group, which makes profession of adhering to them and of practising the rites connected with them. They are not merely received individually by all the members of this group; they are something belonging to the group, and they make its unity. The individuals which compose it feel themselves united to each other by the simple fact that they have a common faith."In the second place what is Religious is Sacral. To quote Durkheim again: mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_8

"All known religious beliefs whether simple or complex, present one common characteristic; they presuppose a classification of all the things,

real and ideal, of which men think, into two classes or, opposed groups, generally designated by two distinct terms- which are translated well enough by the *words profane* and *sacred* . . . . . In all the history of human thought there exist no other example of two categories of things so profoundly differentiated or so radically opposed to one another. The traditional opposition of good and bad is nothing besides this; for the good and the bad are only two opposed species of the same class, namely morals, just as sickness and health are two different aspects of the same order of facts, life, while the Sacred and the profane have always and everywhere been conceived by the human mind as two distinct classes, as two worlds between there is nothing in common. Religious beliefs are the representations which express the nature of sacred things and the relations which they sustain, either with each other or with profane things (while) rites are the rules of conduct which prescribe how a man should comfort himself in the presence of these Sacred objects."

From this it will be clear that the Social, Religious and Sacral beliefs are closely knit. Religious is social though all that is social is not religious. Sacral is social though all that is social is not sacral. On the other hand the religious is both social and sacral.

One source of authority behind the religious sanction comes from the fact, that is, religion is social and the religious beliefs are social beliefs. Religious beliefs are enforced on the individual by the group in the same manner and for the same reasons which leads it to enforce its other non-religious and purely social beliefs. The object is to maintain the integrity of the group and as the integrity of the group is more closely bound up with its religious beliefs, the strictness and severity with which a group punishes the breach of a religious belief is usually greater than the degree of strictness and severity it employs for the chastisement of a person guilty of a breach of a non-religious belief. Social force has an imperative authority before which the individual is often powerless. In the matter of a religious belief the imperative authority of the social force is tempered as steel is by the feeling that it is a breach of a graver kind and gives religious sanction a far greater force than a purely social sanction has.

The Sacral source of the authority behind religious sanction comes primarily from the individual and only secondarily from the group. That is the noteworthy peculiarity of the social source of religious sanction. It prepares the individual to uphold the religious beliefs. It dispenses with the necessity of the group using its social group. That is why the sacral source of its authority makes religious sanction of such high order as to supersede all other sanctions indeed to dispense with them. That is why the Religious

sanction alone becomes sufficient to maintain the integrity of religious beliefs which even time and circumstances have proved powerless to affect. The way this happens is easy to follow. The Sacred inspires in the individual the sentiment of reverence and deference, which he certainly has not for the profane. To use the language of Durkheim,

"The simple defence inspired by men with high social functions is not different in nature from religious respect (for the sacred). It is expressed by the same movements: a man keeps at a distance from high personage; he approaches him only with precautions; in conversing with him, he used other gestures and language than that used with ordinary mortals."

The Sacred creates the sentiment of Reverence. It also creates the sentiment that it is inviolate. When a belief becomes consecrated as a sacred thing, it is forbidden to touch it, to deny it or to contest it. There is a prohibition of criticism of the Sacred. The Sacred is 'untouchable and above discussion". When an individual is saturated with these sentiments, when these sentiments become a part of his being, he himself becomes an upholder and protector of what he is taught to regard as something sacred.

This is exactly what the Hindus have done in the matter of Caste. They have given caste a place in the Vedas. Caste has thereby become sacred because the Vedas are Sacred. It would be wrong to say that the Vedas are sacred because they are religious. The position is that they are religious because they are sacred.

It might appear that the Hindus have no name for the Veda directly expressing the feeling of sacredness, which the Hindu entertains towards the Vedas. Veda simply means knowledge. That may be so. But there can be no doubt that they regard the Vedas as sacred. Indeed the term they apply to Vedas expresses a far greater degree of reverence than the word sacred does. They call the Vedas *Shruti,* which means the word of God heard by (i.e. revealed to) man. In the primitive religion the Sacred is what man has made. In the Hindu religion the Sacred is what God has appointed it to be.

The Hindus regard the Vedas as the Sacred Book of their religion. They put the Vedas in a class by themselves. The Hindus holdmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_9 that there are cycles of creations called *Kalpas.* At the end of every cycle there is a deluge and a new cycle of creation begins. At the end of a Kalpa, the Vedas are destroyed in the deluge. At the beginning of every Kalpa they are revealed by God. Accordingly the *Vedas* were destroyed in the deluge at the end of the last *Kalpa* and that the beginning of the present *Kalpa* commencing with the

Krita Yug, they were revealed by God to the *Rishis*. The Vedas are regarded by the Hindus as *Nitya* (enternal) *Anadi* (beginningless) and *Apaurusheya* (not made by man), In short the Vedas are the words of God and constitute God's ordinances to man.

Even if the Vedas were not called *Shruti* they would have had the impressiveness of the ' Sacred '. Religions have been variously classified by Prof. Max Muller.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_10 Natural as against Revealed is one way of classifying them. Individual as against National is another way. The third way of classifying them is to call them Atheistic, Deistic, Dualistic, Polytheistic, Monotheistic, Henotheistic and Animistic. True and False is also another way of classifying Religions. Bookless Religions and Religions with books are two classes into which Religion could be grouped. This probably does not exhaust the ways of classifying Religions. For there remains one more distinction to be made, namely Religions which have founders and religions which have no founders.

These distinctions have social significance except two. They are the distinctions between Natural and Revealed and that between Bookless Religion and Book Religion. They differ in their function although that difference is not often noted.

The Book religion has a definite advantage over a Bookless religion. A Book religion is a Religion with a written constitution. A Bookless Religion is a Religion without a written constitution. A book religion creates the impression that it is true which a bookless religion cannot. By comparison with a book religion, a bookless religion wears the inferiority complex of being false. In the language of Max Muller Religions with books are alone"considered as real religions, and though they may contain false doctrines, they are looked upon as a kind of aristocracy to whom much may be forgiven, while the vulgar crowd of bookless or illiterate religions are altogether out of Court".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_11 It is easy to understand the superiority accorded to a religion with a book over a bookless religion. When 'black on white' has become synonymous with true, it may seem very natural that a religion which is written, which is something black on white is not false. The Book serves as the voucher for truth. A religion without a book has no voucher.

The social significance of a religion with a book lies in the fact that it controls the mind of the people by giving them the impression that the religion contained in the book is true. It gives Religion authority over people and induces willing obedience in them.

But however a Religion may appear to be true by reason of the fact that it is a book religion, such appearance cannot save Religion from going under, if beliefs and rites empirically erroneous have crept into it. Man may go wrong in theory but his practical instincts will seldom allow him to go after a wrong theory for a long time. Unless therefore the religious beliefs of a social group are true, practically Religion must in the long run give way.

Herein comes the social significance of the distinction between Natural Religion and Revealed Religion. A Revealed Religion has superiority over Natural Religion. Natural Religion is used by several writers to certain historical forms of religion. Something which has grown along with the growth of people as result of the interaction between the needs of the peoples and the environment in which they are placed. A natural religion is made by man. Its sanction is the sense of truth and the voice of conscience that is to be found in man. A Revealed Religion does not rest on the authority of man. It is not man-made, it is God-made. Its sanction is God who is absolute truth and absolute good. The function of Revealed Religion is to make religion sacred therefore inviolate and immune from criticism.

The Vedas have the characteristics of both. They have the advantage, which a Religion with a book has over the Bookless Religion. They have the advantage, which a Revealed Religion has over Natural Religion.

This discussion is intended to enforce the conclusion that Caste being preached by the Vedas, it automatically gets the authority of the written book and the sanctity of the divine word. As a scheme propounded by the Veda it is doubly protected. Every one must accept Caste because it is divine truth and no body must attack it as an error without being guilty of sacrilege because it is sacred.

This is the Hindu view of Caste and the average Hindu is not impressed by the modern explanation of it by Risley with his racial theory, by Senart with his occupational theory, by Nesfield with his functional theory. He knows and he believes that Caste must have been created by God, because it is mentioned in the Vedas which is *Shruti* or the word of God. It is therefore eternal and true.

That Caste is divine, that caste is sacred and that caste must therefore remain eternal has been the line of defence adopted by the Brahmins whenever they have been called out to defend ' Caste ' against the criticism of its opponents. This view of Caste comes out in its luminous colours in the controversy that once raged on the subject of Caste between Brahmins on the one hand and Buddha and his followers, on the other i.e.:

"If the belief was once established, that not only the simple effusions of the Rishis, but the pointed doctrines of the Brahmanas also, emanated from a divine sourcemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_12 and could not therefore be attacked by human reasoning, it is clear that every opposition to the privileges which the Brahmans claimed for themselves, on the sacred authority of the Veda, became heresy; and where the doctrines of the Brahmans were the religion of the people, or rather of the king, such opposition was amenable to the hierarchical laws of the state. The Brahmans themselves cared much more to see the divine authority of the Sruti as such implicitly acknowledged, than to maintain the doctrines of the Rishis in their original simplicity and purity. In philosophical discussions, they allowed the greatest possible freedom; and, although at first three philosophical systems only were admitted as orthodox (the two Mimansas and the Nyaya), their number was soon raised to six, so as to include the Vaiseshika, Sankhya, and Yoga-schools. The most conflicting views on points of vital importance were tolerated as long as their advocates succeeded, no matter by what means, in bringing their doctrines into harmony with passages of the Veda, strained and twisted in every possible sense. If it was only admitted that besides the perception of the senses and the induction of reason, revelation also, as contained in the Veda, furnished a true basis for human knowledge, all other points seemed to be of minor importance. Philosophical minds were allowed to exhaust all possible views on the relation between the real and transcendental world, the Creator and the created, the divine and the human nature. It was not from such lucubrations that danger was likely to accrue to the caste of the Brahmans. Nor was the heresy of Buddha Sakya Muni found so much in his philosophical doctrines, many of which may be traced in the orthodox atheism of Kapila. His real crime lay in his opposition to the exclusive privileges and abuses of the Brahmans. These abuses were sanctioned by the divine authority of the Veda, and particularly of the Brahmans. In attacking the abuses, Buddha attacked the divine authority on which they were founded, and the argument was short: he is a heretic; anathema etc.

"Buddha was Kshatriya. He was of principal origin, and belonged to the nobility of the land. He was not the first of his caste who opposed the ambition of the Brahmans. Several centuries before Buddha, Visvamitra, who, like Buddha, was a member of the royal caste, had to struggle against the exclusiveness of the priests. At that early time, however, the position of the Brahmans was not yet impregnable; and Visvamitra, although a Kshatriya, succeeded in gaining for himself and his family the rights for

which he struggled, and which the Brahmans had previously withheld from all but their own caste. King Janaka of Videha again, whose story is given in the Brahmanas, refused to submit to the hierarchical pretensions of the Brahmans, and asserted his right of performing sacrifices without the intercession of priests. However great the difference may have been between the personal character of these two men and of Buddha, the first principle of their opposition was the same. All three were equally struggling against the over-wining pretensions of a selfish priesthood.

"But while Visvamitra contented himself with maintaining the rights of his tribe or family, and became reconciled as soon as he was allowed to share in the profits of the priestly power, while King Janaka expressed himself satisfied with the homage paid to him by Yajnavalkya and other Brahmans, while, in short, successive reformers as they appeared were either defeated or gained over to the cause of the Brahmans, the seeds of discontent were growing up in the minds of the people. There is a dark chapter in the history of India, the reported destruction of all the Kshatriyas by Parsurama. It marks the beginning of the hierarchical supremacy of the Brahmans. Though the Brahmans seem never to have aspired to the royal power, their caste, as far as we know the history and traditions of India, has always been in reality the ruling caste. Their ministry was courted as the only means of winning divine favour, their doctrines were admitted as infallible, their gods were worshipped as the only true gods, and their voice was powerful enough to stamp the simple strains of the Rishis, and the absurd lucubrations of the authors of the Brahmans, with a divine authority. After this last step, however, the triumph of Brahmanism was preparing its fall. In India, less than in any other country, would people submit to a monopoly of truth; and the same millions who were patiently bearing the yoke of a political despotism threw off the fetters of an intellectual tyranny. In order to overthrow one of the oldest religions of the world, it was sufficient that one man should challenge the authority of the Brahmans, the gods of the earth (Bhudeva), and preach among the scorned and degraded creatures of God the simple truth that salvation was possible without the mediation of priests, and without a belief in books to which these very priests had given the title of revelation. This man was BUDDHA, a SAKYA MUNI. Now if we inquire how Buddha's doctrines were met by the Brahmans, it is true that here and there in their philosophical works, they have endeavoured to overthrow some of his metaphysical axioms by an appeal to reason. An attempt of this kind we have, for instance, in Vachaspati Misra's commentary on the Vedanta Sutras. In commenting on the tenets of Buddha, that"ideas like those of

being, and not being, &c., do not admit of discussion", Vachaspati observes that the very fact of speaking of these ideas, includes the possibility of their conception; nay, that to affirm they do not admit of reasoning, involves an actual reasoning on them, and proves that the mind can conceive the idea of being as different from that of not-being.

"Such, however, were not the usual weapons with which Brahmanism fought against Buddhism. The principal objection has always been, that Buddha's teaching could not be true, because it did not derive its sanction from Sruti or revelation. The Brahmans, as a caste, would readily have allowed being and not being, and the whole of Buddha's philosophy, as they did the Sankhya philosophy, which on the most important points is in open opposition to the Vedanta. But while Kapila, the founder of the Sankhya school, conformed to the Brahmanic test by openly proclaiming the authority of revelation as paramount to reasoning and experience, Buddha would not submit to this, either for his philosophical (abhidharma), or for his much more important moral and religious doctrines (vinaya). No doubt it would have been easy for him to show how some of his doctrines harmonised with passages of the Veda, as in the Veda all possible shades of the human mind have found their natural reflection. If he had done so only for some of his precepts, such, for instance, as,"Thou shall not murder","Thou shall not drink","Thou shall eat standing", the Brahmans would readily have passed over other doctrines, even such as came into practice after Buddha's death, like"Who longs for heaven, shall worship the holy sepulchre","He shall pull out his hair", &c. As he refused to do so, the line of argument taken by the Brahmans was simply confined to an appeal to revelation, in disproof of the possibility of the truth of Buddha's doctrines.

"There must be something very tempting in this line of argument, for we see that in later times the Buddhists also endeavoured to claim the same divine character for their sacred writings which the Brahmans had established for the Veda. A curious instance of this is given in the following discussion, from Kumarila's Tantra-varttika. Here the opponent (purva-paksha) observes, that the same arguments which prove that the Veda is not the work of human authors, apply with equal force to Sakya's teaching. His authority, he says, cannot be questioned, because his precepts are clear and intelligible; and as Sakya is not the inventor, but only the teacher of these precepts, and no name of an author is given for Sakya's doctrines, the frailties inherent in human authors affect them as little as the Veda. Everything, in fact, he concludes, which has been brought forward by the Mimansakas to prove the authority of the Veda, proves in the same

way the authority of Buddha's doctrine, Upon this, the orthodox Kumarila grows very wroth, and says:"These Sakyas, Vaiseshikas, and other heretics who have been frightened out of their wits by the faithful Mimansakas, prattle away with our own words as if trying in lay hold of a shadow.

They say that their sacred works are eternal; but they are of empty minds, and only out of hatred they wish to deny that the Veda is the most ancient book. And these would-be logicians declare even, that some of their precepts (which they have stolen from us,) like that of universal benevolence, are not derived from the Veda, because most of Buddha's other sayings are altogether against the Veda. Wishing, therefore, to keep true on this point also, and seeing that no merely human precept could have any authority on moral and supernatural subjects, they try to veil their difficulty by aping our own argument for the eternal existence of the Veda. They know that the Mimansakas have proved that no sayings of men can have any authority on supernatural subjects; they know also that the authority of the Veda cannot be contradicted, because they can bring forward nothing against the proofs adduced for its divine origin, by which all supposition of a human source have been removed.

Therefore, their hearts being gnawed by their own words, which are like the smattering of children, and having themselves nothing to answer, because the deception of their illogical arguments has been destroyed, they begin to speak like a foolish suitor who came to ask for a bride, saying, ' My family is as good as your family '. In the same manner they now maintain the eternal existence of their books, aping the speeches of others. And if they are challenged and told that this is our argument, they brawl, and say that we, the Mimansakas have heard and stolen it from them. For a man who has lost all scheme, who can talk away without any sense, and tries to cheat his opponent, will never get tired, and will never be put down!"Towards the end of this harangue, Kumarila adds, what is more to the point, that the Buddhas, who ascribe to everything a merely temporary existence, have no business to talk of an eternal revelation."

From the foregoing discussion it will be seen that Caste is born in religion which has consecrated it and made it Sacred so that it can be rightly and truly said that Religion is the Rock on which the Hindus have built their social structure.

Does this not show that Caste is a very peculiar institution not to be compared with other forms of social grouping? I venture to say that any one who maintains that there is nothing strange in caste simply does not know what Caste is. I repeat that Caste is Sacred, which is its distinguishing feature. Caste is Sacred, which is what makes it abiding.

Prof. Max Muller makes some very instructive observations on the effects of Religion with Sacred books on the progress of Society. Says Max Muller:

"History, however, teaches us another lesson, namely that codes of law are apt to become a kind of fetish, requiring an implicit and unquestioning submission, that their historical or natural origin is often completely forgotten, and that the old ideas of what is right and just are almost absorbed, nay, almost annihilated, in the one idea of what is written and legal.

"The study of Eastern religions teaches us the same lesson. Sacred books often become a kind of fetish, requiring an implicit and unquestioning faith; their historical or natural origin is often completely forgotten, and the old ideas of what is true and divine are almost absorbed in the one idea of what is written and orthodox.

"And there is a third lesson which history teaches us. The sense of responsibility of every citizen for the law under which he lives is in great danger of becoming deadened, when law becomes a profession and is administered with mechanical exactness rather than with a strong human perception of what is right and what is wrong. Nor can it be denied that the responsibility of every believer for the religion under which he lives is in the same danger of becoming deadened, when religion becomes a profession, and is administered with ceremonial exactness rather than with a strong human perception of what is true and what is false.

"My object, however, is not to show the dangers which arise from sacred books, but rather to protest against the prejudice which prevails so widely against religions which have no sacred books.

"There is great difference between book-religions and bookless religions, and the difference offers, from an historical point of view, a very true ground of division. But because the book-religions have certain advantages, we must not imagine that the bookless religions are mere outcasts. They have their disadvantages, no doubt; but they have a few advantages also.

"A Blackfoot Indian, when arguing with a Christian missionary, described the difference between his own religion and that of the white man in the following words:

'There were two religions given by the Great Spirit, one in a book for the guidance of the white men who, by following its teachings, will reach the white man's heaven; the other is in the hands of the Indians, in the sky, rocks, rivers, and mountains. And the red men who listen to God in nature will hear his voice, and find at last the heaven beyond.'

"Now that religion which is in the head and in the heart, and in the sky, the rocks, the rivers and the mountains is what we call Natural Religion. It

has its roots in nature, in human nature, and in that external nature which to us is at the same time the veil and the revelation of the Divine. It is free, it grows with the growth of the human mind, and adapts itself to the requirements of every age. It does not say, 'Thou shall, but rather, 'I will'. These natural or bookless religions are not entirely without settled doctrines and established customs. They generally have some kind of priesthood to exercise authority in matters of faith, morality, and ceremonial. But there is nothing hard and unchangeable in them, nothing to fetter permanently the growth of thought. Errors when discovered, can be surrendered, a new truth, if clearly seen and vigorously defended, can be accepted. If, however, there is once a book, something black on white, the temptation is great, is almost irresistible, to invest it with a more than human authority in order to appeal to it as infallible, and as beyond the reach of human reasoning. We can well understand what the ancient poets of the Veda meant by calling their hymns God-given, or by speaking of them as what they had seen or heard, not what they had elaborated themselves. But a new generation gave a new meaning to these expressions, and ended by representing every thought and word and letter of the Veda as ' God-given,' or revealed. This was the deathblow given to the Vedic religion, for whatever cannot grow and change must die. From this danger the bookless religion are exempt."Similar observations are made by Sir William Muir. Speaking of Islam he has given powerful expression to the dangers arising from Sacred Codes of Religion. Sir William Muir says:

"From the stiff and rigid shroud in which it is thus swathed, the religion of Mahomed cannot emerge. It has no plastic power beyond that exercised in its earliest days. Hardened now and inelastic, it can neither adapt itself, nor yet shape its votaries, nor even suffer them to shape themselves, to the varying circumstances, the wants and developments of mankind". (Quoted by E de Bunsen in an article in the Asiatic Quarterly Review, April, 1889, Mahomed's Place in the Church, p. 287.)

Every one who is interested in the progress of humanity cannot fail to echo these sentiments regarding the social consequences of Sacred Codes of Religion. But it seems to me that a further distinction is possible within the Class of Religion with Sacred Codes. It is a pity that Prof. Max Muller did not pursue the matter further. But it is worth pursuing because it discloses a difference which is very real which marks off the Hindus as a people with a Sacred Code of Religion from other people also possessing a Sacred Code of Religion. The difference will be clear if one begins to examine the different religions to find out what are the objects which religions have sought to consecrate.

Such an examination will show that there are instances where Society has consecrated inanimate things and inculcated on the minds of its members the religious belief that they are sacred. There are cases where stones, rivers, trees are made gods and goddesses. There are instances where Society has consecrated living things and inculcated on the minds of its members the religious belief that they are sacred. There are cases of animals which have become clan totems. There are instances where Society has consecrated human beings and inculcated the religious beliefs that they are sacred. But there are no instances where a particular Social Order has been consecrated by Religion and made Sacred. The primitive world had its clan order and its tribal order. But the clan or the tribal order was only a social order and was never consecrated by religion and made sacred and inviolate. The ancient world countries like Egypt, Persia, Rome, Greece etc., each had its social order in which some were free and some were slaves, some were citizens, some were aliens, some of one race, some of another. This class order again was only a social order and was never consecrated by religion and made sacred and inviolate. The modern world has its order, in some it is Democracy, in some Fascism, in some Nazism and in some Bolshevism. But here again the order is only Social order. It is not consecrated by religion and made sacred and inviolate.

Nowhere has Society consecrated its occupations, the ways of getting a living. Economic activity has always remained outside the sanctity of religion. Hunting society was not without religion. But hunting as an occupation was not consecrated by religion and made sacred. Pastrol Society was not without religion. But pasturage was not consecrated by religion and made sacred. Farming as an occupation did not become consecrated by religion and made sacred. Feudalism with its gradations, with its Lords, villains and serfs was a purely social in character. There was nothing sacred about it.

The Hindus are the only people in the world whose Social order the relation of man to man is consecrated by religion and made sacred eternal and inviolate. The Hindus are the only people in the world whose economic order the relation of workman to workman is consecrated by religion and made sacred, eternal and inviolate.

It is not therefore enough to say that the Hindus are a people with a sacred code of Religion. So are the Zoroastrians, Israelites, Christians and Muslims. All these have sacred codes. They consecrate beliefs and rites and make them sacred. They do not prescribe, nor do they consecrate a particular form of social structure the relationship between man and man in a concrete form and make it sacred inviolate. The Hindus are singular in

this respect. This is what has given caste its abiding strength to defy the ravages of time and the onslaughts of time.

There is one other respect in which Hindus differ from other folk possessing codified religions similar to that of the Hindus. The Hindu Code of Religion is a revelation from God. That is why the Vedas are called Shruti (what is heard). So are the Codes of Religions accepted by the Zoroastrians, Jews, Christians and Muslims. Ask to whom this God's word sent to the Zoroastrian, Jews, Christians, and Muslims was revealed, who heard this word of God? The Zoroastrian will say that the word of God contained in their Religious Code was heard by Zoroaster. The Jews will say it was heard by Moses, Christians will say it was heard by Jesus and Muslims will say it was heard by Muhammad. Now ask the Hindu who heard the word of God contained in the Vedas, to whom was it revealed. The Hindu has no answer. He cannot name the person who heard this word of God. Now the Mantras contained in the Vedas have their authors mentioned in the Vedas themselves. But the Hindus will not say that these are the persons who heard the word of God, which is contained in the Vedas. This difference goes a great way to protect the sacred character of the Vedas. For the Bible as a Sacred Book can be attacked by attacking the character of Moses or Jesus. Similarly the Koran as a Sacred Book can be attacked by attacking the character of Mahomed. But the Veda cannot be attacked by attacking the character of the messenger or the founder. For the simple reason that there is none.

As I have said Religion is the Rock on which the Hindus have built their house. It will now be seen that it is not an ordinary sort of hard Rock. It is granite.

CHAPTER 4

TOUCHABLES V/S UNTOUCHABLES

I

A relationship of touchables against untouchables may cause surprize. Such a surprize will not be altogether without reason. The touchables are not one uniform body of people. They are themselves divided into innumerable castes. Each Hindu is conscious of the caste to which he belongs. Given this heterogeneity it does seem that to include all the touchable castes into one group and put them as forming a block against the untouchables is to create a division which can have no meaning. But

although this division of touchables against untouchables may require explanation, the division so far as modern India is concerned is real and substantial.

The explanation of how the touchables have now become one block and are conscious of their being different from the untouchables means nothing but recounting the mutual relationship of the four Varnas.

At the outset it must be borne in mind that those who like Mr. Gandhi accept the Chaturvarna as an ideal form of society, either do not know the history of the mutual relations of the four Varnas or are cherishing an illusion or conjuring up a vision for purposes which they are out to serve. For, the fact is that the four Varnas never formed a society based on loving brotherhood or on economic organisation based on co-operative effort. The four Varnas were animated by nothing but a spirit of animosity towards one another. There would not be the slightest exaggeration to say that the social history of the Hindus is a history not merely of class struggle but class war fought with such bitterness that even the Marxist will find it difficult to cite parallel cases to match.

It seems that the first class struggle took place between the Brahmins, Kshatriyas and Vaishyas on the one hand and the Shudras on the other.

In Katyayana's Srauta Sutras, it is said, that men with the exception of those whose members are defective, who have not read the Veda, eunuchs, and Shudras, have a right to sacrifice. It is Brahmanas, Rajanyas and Vaishyas (only who) according to the Veda (possess this privilege)".

We are told by Manu that *(Quotation not given in the MS.).*[*] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_13 Manu also says that *(Quotation not given in the MS.).* Compare with this the following instances and statements relating to the status of the Shudra occurring in the Vedic literature of a period earlier than Manu and even earlier than Katyayana.

Prof. Max Muller calls attention to two instances showing that Shudras were admitted to great sacrifices such as"*gavedhukacharu".* One is that of Rathakara and the other of Nishadasthapati, both Shudras.

It might however be supposed that this was a concession made to the exceptional men from the Shudras. That it was not a mere concession but a right enjoyed by the Shudras is beyond question. In the Satapatha Brahmana which is a part of the Veda, the formula for the Brahmin Priest to call the sacrificer to come and make the oblation is given. He is asked to say *ehi,* come, in the case of a Brahman; *Agahi* 'come hither', in the case of a Vaishya; *Adrava,* 'hasten hither' in the case of a Kshatriya and *Adhava,* 'run hither' in the case of a Shudra.

This passage is of very great importance. It shows that the Shudra had at one time the right to sacrifice. Otherwise a form of address for a Shudra sacrificer could not have found a place in the Vedic precept. If the Shudra had a right to sacrifice, they also must have had a right to study the Vedas.

For, according to Katyayana, only those who had the right to read the Vedas were entitled to perform the sacrifice. That the Shudras were at one time entitled to read the Vedas is a fact which is well supported by tradition which is referred to in the Shanti Parva of the Mahabharat, where the sage Bhrigu answers the question"How is Varna to be determined?"in the following terms:

"There is no difference of castes; this world, having been at first created by Brahma entirely Brahmanic, became (afterwards) separated into castes in consequence of works. 6940. Those Brahmans (lit. twice born men), who were fond of sensual pleasure, fiery, irascible, prone to violence, who had forsaken their duty, and were red-limbed, fell into the condition of Kshatriyas. Those Brahmans, who derived their livelihood from kine, who were yellow, who subsisted by agriculture, and who neglected to practise their duties, entered into the state of Vaisyas. Those Brahmans, who were addicted to mischief and falsehood, who were covetous, who lived by all kinds of works, who were black and had fallen from purity, sank into the condition of Sudras. Being separated from each other by these works, the Brahmans became divided into different castes. Duty and the rites of sacrifice have not been always forbidden to (any of) them. Such are four classes for whom the Brahmanic Sarasvati was at first designed by Brahma, but who through their cupidity fell into ignorance."

Interpreting the word"Brahmanic"Sarasvati the Commentator says:

"Sarasvati, consisting of the Veda, was formerly designed by Brahma for all the four castes; but the Shudras having through cupidity fallen into 'ignorance i.e. of darkness,' lost their right to the Veda."

After the Shudra was reduced came the turn of the Vaishya. The bitterest class war took place between the Brahmins and the Kashatriyas. The classical literature of the Hindus abounds in reference to class wars between these two Varnas. First was the conflict between the Brahmins and King Vena.

"There was formerly a Prajapati (lord of creatures), a protector of righteousness, called Anga, of the race of Atri, and resembling him in power. His son was the Prajapati Vena, who was but indifferently skilled in duty, and was born of Sunitha, the daughter of Mritya. This son of the daughter of Kala (death), owing to the taint derived from his maternal grandfather, threw his duties behind his back and lived in covetousness

under the influence of desire. This king established an irreligious system of conduct; transgressing the ordinances of the Veda, he was devoted to lawlessness. In his reign men lived without study of the sacred books and without the vashatkara, and the gods had no Soma-libations to drink at sacrifices. 'I', he declared, 'am the object, and the performer of sacrifice, and the sacrifice itself, it is to me that sacrifice should be presented, and oblations offered. ' This transgressor of the rules of duty, who arrogated to himself what was not his due, was then addressed by all the great rishis, headed by Marichi: 'We are about to consecrate ourselves for a ceremony which shall last for many years, practice not unrighteousness, o Vena; this is not the eternal rule of duty. Thou art in very deed a Prajapati of Atri's race, and thou hast engaged to protect thy subjects. ' The foolish Vena, ignorant of what was right, laughingly answered those great rishis who had so addressed him: ' Who but myself is the ordainer of duty? Or who ought I to obey? Who on earth equals me in sacred knowledge, in prowess, in austere fervour, in truth? Yet who are deluded and senseless know not that I am the source of all beings and duties. Hesitate not to believe that I, if I willed, could burn up the earth, or deluge it with water, or close up heaven and earth '. When owing to his delusion and arrogance Vena could not be governed, then the mighty rishis becoming incensed, seized the vigorous and struggling king, and rubbed his left thigh. From this thigh, so rubbed, was produced a black man, very short in stature, who, being alarmed, stood with joined hands. Seeing that he was agitated, Atri said to him 'Sit down"(nishida). He became the founder of the race of the Nishadas, and also progenitor of the Dhivaras (fisherman), who sprang from the corruption of Vena. So too were produced from him the other inhabitants of the Vindhya range, the Tukharas and Turnburas, who are prone to lawlessness. Then the mighty sages, excited and incensed, again rubbed the right hand of Vena, as men do the Arani wood, and from it arose Pritha, respondent in body, glowing like the manifested Agni."

"The son of Vena (Prithu) then, with joined hands, addressed the great rishis: ' A very slender understanding for perceiving the principles of duty has been given to me by nature; tell me truly how I must employ it. Doubt not that I shall perform whatever you shall declare to me as my duty, and its object.' Then those gods and great rishis said to him: 'Whatever duty is enjoined perform it, without hesitation, disregarding what thou may est like or dislike, looking on all creatures with an equal eye, putting far from the lust, anger, cupidity, and pride. Restrain by the strength of thin arm all those men who swerve from righteousness, having a constant regard to duty. And in thought, act, and word take upon thyself, and continually

renew, the engagement to protect the terrestrial Brahman (Veda or Brahmans?)..... And promise that thou wilt exempt the Brahmans from punishment, and preserve society from the confusion of Castes'. The son of Vena then replied to the gods, headed by the rishis: 'The great Brahmans, the chief of men, shall be reverenced by me'. 'So be it,' rejoined those declares of the Veda. Sukra, the depository of divine knowledge, became his purohita: the Balakhilyas and Sarasvetyas his ministers; and the venerable Garga, the great rishi, his astrologer."The second conflict took place between the Brahmins and the Kshatriya king Pururavas. A brief reference to it occurs in the Adiparva of the Mahabharat.

"Subsequently the wise Pururavas was born of 11, who, as we have heard, was both his father and his mother. Ruling over thirteen islands of the ocean, and surrounded by being who were all superhuman, himself a man of great renown, Pururavas, intoxicated by his prowess, engaged in a conflict with the Brahmans, and robbed them of their jewels, although they loudly remonstrated. Sanatkumara came from Brahma's heaven, and addressed to him an admonition, which, however, he did not regard. Being then straightway cursed by the incensed rishis, he perished, this covetous monarch, who, through pride of power, had lost his understanding. This glorious being (virat), accompanied by Urvasi, brought down for the performance of sacred rites the fires which existed in the heaven of the Gandharvas, properly distributed into three."

A third collision is reported to have occurred between the Brahmins and King Nahusha. The story is given in great details in the Udyogaparva of the Mahabharata. It is there recorded:

"After his slaughter of the demon Vrittra, Indra became alarmed at the idea of having taken the life of a Brahmin (for Vrittra was regarded as such), and hid himself in waters. In consequence of the disappearance of the king of gods, all affairs, celestial as well as terrestrial, fell into confusion. The rishis and gods then applied to Nahusha to be their king. After at first excusing himself on the plea of want of power, Nahusha at length, in compliance with their solicitations, accepted the high function. Up to the period of his elevation he had led a virtuous life, but he now became addicted to amusement and sensual pleasure; and even aspired to the possession of Indrani, Indra's wife, whom he had happened to see. The queen resorted to the Angiras Vrihaspati, the preceptor of the gods, who engaged to protect her. Nahusha was greatly incensed on hearing of this interference; but the gods endeavoured to pacify him, and pointed out the immorality of—appropriating another person's wife. Nahusha, however, would listen to no remonstrance, and insisted that in his adulterous designs

he was no worse than Indra himself; 373. The renowned Ahalya, a rishi's wife, was formerly corrupted by Indra in her husband's lifetime; Why was he not prevented by you? 374. And many barbarous acts, and unrighteous deeds, and frauds, were perpetrated of old by Indra; Why was he not prevented by you? The gods, urged by Nahusha, then went to bring Indrani; but Vrihaspati would not give her up. At his recommendation, however, she solicited Nahusha for some delay, till she should ascertain what had become of her husband. This request was granted. The gods next applied to Vishnu on behalf of Indra; and Vishnu promised that if Indra would sacrifice to him, he should be purged from his guilt, and recovers his dominion, while Nahusha would be destroyed. Indra sacrificed accordingly: and the result is thus told;"Having divided the guilt of Brahmanicide among trees. rivers, mountains, the earth, women, and the elements, Vasava (Indra), lord of the gods, became freed from suffering and sin, and self-governed."Nahusha was by this means, shaken from his place. But (unless this is said by way of prelepsis, or there is some confusion in the narrative) he must have speedily regained his position, as we are told that Indra was again ruined,, and became invisible. Indrani now went in search of her husband; and by the help of Upasruti (the goddess of night and revealer of secrets) discovered him existing in a very subtle form in the stem of a lotus growing in a lake situated in a continent within an ocean north of the Himalaya. She made known to him the wicked intention of Nahusha, and entreated him to exert his power, rescue her from danger, and resume his dominion. Indra declined any immediate interposition on the plea of Nahusha's superior strength; but suggested to his wife a device by which the usurper might be hurled from his position. She was recommended to say to Nahusha that"if he would visit her on a celestial vehicle borne by rishis, she would with pleasure submit herself to him". The question of the gods accordingly went to Nahusha, by whom she was graciously received, and made this proposal:"I desire for thee, king of the gods, a vehicle hitherto unknown, such as neither Vishnu, nor Rudra, nor the asuras, nor the rakshases employ. Let the eminent rishis, all united, bear thee, lord, in a car: this idea pleases me". Nahusha receives favourably this appeal to his vanity, and in the course of his reply thus gives utterance to his self-congratulation:"He is a personage of no mean prowess who makes the munis his bearers. I am a fervid devotee of great might, lord of the past, the future and the present. If I were angry the world would no longer stand; on me everything depends.... Wherefore, O goddess, I shall, without doubt, carry out what you propose. The seven rishis, and all the Brahman-rishis, shall carry me. Behold beautiful goddess, my majesty, and my

prosperity."The narrative goes on:"Accordingly this wicked being, irreligious, violent, intoxicated by the force of conceit, and arbitrary in his conduct, attached to his car the rishis, who submitted to his commands, and compelled them to bear him". Indrani then again resorts to Vrihaspati, who assures her that vengeance will soon overtake Nahusha for his presumption: and promises that he will himself perform a sacrifice with a view to the destruction of the oppressor, and the discovery of Indra's lurking place. Agni is then sent to discover and bring Indra to Vrihaspati; and the latter, on Indra's arrival, informs him of all that had occurred during his absence. While Indra with Kuvera, Yama, Soma, and Varuna, was devising means for the destruction of Nahusha, the sage Agastya came up, congratulated Indra on the fall of his rival, and proceeded to relate how it had occurred. Wearied with carrying the sinner Nahusha, the eminent divine rishis, and the spotless brahman-rishis asked that divine personage Nahusha (to solve) a difficulty;"Dost thou, a Vasava, most excellent of conquerors, regard as authoritative or not those Brahmana texts which are recited at the immolation of kine?' 'No', replied Nahusha, whose understanding was enveloped in darkness. The rishis rejoined: 'Engaged in unrighteousness, thou attainest not unto righteousness: these texts, which were formerly uttered by great rishis, are regarded by us as authoritative.' The (proceeds Agastya) disputing with the munis, Nahusha, impelled by unrighteousness, touched me on the head with his foot. In consequence of this the king's glory was smitten and his prosperity departed. When he had instantly become agitated and oppressed with fear, I said to him, ' Since thou, O fool, contemnest that sacred text, always held in honour, which has been composed by former sages, and employed by brahman-rishis, and has touched my head with thy foot, and employest the Brahma—like and irresistible rishis as bearers to carry thee, therefore, shorn of thy lustre and all thy merit exhausted, sink down, sinner, degraded from heaven to earth. For then thousand years thou shalt crawl in the form of a huge serpent. When that period is completed, thou shalt again ascend to heaven '. So fell that wicked wretch from the sovereignty of the gods."

Next there is reference to the conflict between King Nimi and the Brahmins. The Vishnu Puran relates the story as follows:

"Nimi had requested the Brahman-rishi Vashishtha to officiate at a sacrifice, which was to last a thousand years, Vashishtha in reply pleaded a pre-engagement to Indra for five hundred years, but promised to return at the end of that period. The king made no remark, and Vashishtha went away, supposing that he had assented to this arrangement. On his return, however, the priest discovered that Nimi had retained Gautama (who was,

equally with Vashishtha a Brahman-rishi) and others to perform the sacrifice; and being incensed at the neglect to give him notice of what was intended, he cursed the king, who was then asleep, to lose his corporeal form. When Nimi awoke and learnt that he had been cursed without any previous warning, he retorted, by uttering a similar curse on Vashishtha, and then died."In consequence of this curse"(proceeds Vishnu Purana, iv. 5, 6)"the vigour of Vashishtha entered into the vigour of Mitra and Varuna. Vashishtha, however, received from them another body when their seed had fallen from them at the sight of Urvashi". Nimi's body was embalmed. At the close of the sacrifice which he had begun, the gods were willing, on the intercession of the priests, to restore him to life, but he declined the offer, and was placed by the deities, according to his desire, in the eyes of all living creatures. It is in consequence of this fact that they are always opening the shutting (Nimishas means"the twinkling of the eye")".

Manu mentions another conflict between the Brahmins and King Sumukha. But of this no details are available.

These are instances of conflict between the Brahmins and the Kshatriya Kings. From this it must not be supposed that the Brahmins and the Kshatriyas as two classes did not clash. That there were clashes between these two classes as distinguished from conflicts with kings is abundantly proved by material the historic value of which cannot be doubted. Reference may be made to three events.

First is the contest between the Vishvamitra the Kshatriya and Vashishtha the Brahmin. The issue between the two was whether a Kshatriya can claim Brahminhood. The story is told in Ramayana and is as follows:

"There was formerly, we are told, a king called Kusa, son of Prajapati, who had a son called Kushanabha, who was father of Gadhi, the father of Vishvamitra. The latter ruled the earth for many thousand years. On one occasion, when he was making a circuit of the earth, he came to Vashistha's hermitage, the pleasant abode of many saints, sages, and holy devotees, where, after at first declining he allowed himself to be hospitably entertained with his followers by the son of Brahma. Vishvamitra, however, coveting the wondrous cow, which had supplied all the dainties of the feast, first of all asked that she should be given to him in exchange for a hundred thousand common cows, adding that"she was a gem, that gems were the property of the king, and that, therefore, the cow was his by right". On this price being refused the king advances immensely in his offers, but all without effect. He then proceeds-very ungratefully and tyrannically, it must be allowed to have the cow removed by force, but she breaks away from his attendants, and rushes back to her master,

complaining that he was deserting her. He replies that he was not deserting her, but that the king was much more powerful than he. She answers,"Men do not ascribe strength to a Kshatriya: the Brahmans are stronger. The Strength of Brahmans is divine, and superior to that of Kshatriya. Thy strength is immeasurable. Vishvamitra, though of great vigour, is not more powerful than thou. Thy energy is invincible. Commission me, who have been acquired by thy Brahmanical power, and I will destroy the pride, and force, and attempt of this wicked prince". She accordingly by her bellowing creates hundreds of Pahalvas, who destroy the entire host of Vishvamitra, but are slain by him in their turn. Sakas and Yavans, of great power and valour, and well armed, were then produced, who consumed the king's soldiers, but were routed by him.

The cow then calls into existence by her bellowing, and from different parts of her body, other warriors of various tribes, who again destroyed Vishvamitra's entire army, foot soldiers, elephants, horses, chariots, and all. A hundred of the monarch's sons, armed with various weapons, then rushed in great fury on Vashishtha, but were all reduced to ashes in a moment by the blast of that sage's mouth. Vishvamitra, being thus utterly vanquished and humbled, appointed one of his son to be regent, and travelled to the Himalaya, where he betook himself to austerities, and thereby obtained a vision of Mahadeva, who at his desire revealed to him the science of arms in all its branches, and gave him celestial weapons with which, elated and full of pride, he consumed the hermitage of Vashishtha, and put its inhabitants to flight. Vashishtha then threatens Vishvamitra and uplifts his Brahmanical mace. Vishvamitra too, raises his fiery weapon and calls out to his adversary to stand. Vashishtha bids him to show his strength, and boasts that he will soon humble his pride.

He asks:"What comparison is there between a Kshatriya's might, and the great might of a Brahman? Behold, thou contemptible Kshatriya, my divine Brahmanical power. The dreadful fiery weapon uplifted by the son of Gadhi was then quenched by the rod of the Brahman, as fire is by water."Many and various other celestial missiles, as the nooses of Brahma, Kala (time), and Varuna, the discuss of Vishnu, and the trident of Siva, were hurled by Vishvamitra at his antagonist, but the son of Brahma swallowed them up in his all-devouring mace. Finally, to the intense consternation of all the gods, the warrior shot off the terrific weapon of Brahma (brahmastra): but this was equally ineffectual against the Brahmanical sage.

Vashishtha had now assumed a direful appearance:"Jets of fire mingled with smoke darted from the pores of his body; the Brahmanical mace

blazed in his hand like a smokeless mundane conflagration, or a second sceptre of Yama."Being appeased, however by the munis, who proclaimed his superiority to his rival, the sage stayed his vengeance; and Vishvamitra exclaimed with a groan:"Shame on a Kshatriya's strength: the strength of a Brahman's might alone is strength: by the single Brahmanical mace all my weapons have been destroyed."No alternative now remains, to the humiliated monarch, but either to acquiesce in this helpless inferiority, or to work out his own elevation to the Brahmanical order. He embraces the latter alternative:"Having pondered well this defeat, I shall betake myself, with composed senses and mind, to strenuous austere fervour, which shall exalt me to the rank of a Brahman".

Intensely vexed and mortified, groaning and full of hatred against his enemy, he travelled with his queen to the south, and carried his resolution into effect; and we are first of all told that three sons Havishyanda, Madhusyanda, and Dridhanetra were born to him. At the end of a thousands years Brahma appeared, and announced that he had conquered the heaven of royal sages (rajarshis); and, in consequence of his austere fervour, he was recognised as having attained that rank. Vishvamitra, however, was ashamed, grieved, and incensed at the offer of so very inadequate a reward, and exclaimed;"I have practised intense austerity, and the gods and rishis regard me only as a rajarshi. Austerities, it appears, are altogether fruitless". Notwithstanding this disappointment, he had ascended one grade, and forthwith recommenced his work of mortification.

"At this point of time his austerities were interrupted by the following occurrences: King Trisanku, one of Ikshvaku's descendants, had conceived the design of celebrating a sacrifice by virtue of which he should ascend bodily to heaven. As Vashishtha, on being summoned, declared that the thing was impossible (asakyam), Trisanku travelled to the south, where the sage's hundred sons were engaged in austerities, and applied to them to do what their father had declined. Though he addressed them with the greatest reverence and humility, and added that"the Ikshvaku regarded their family-priests as their highest resource in difficulties, and that, after their father, he himself looked to them as his tutelary deities"he received from the haughty priests the following rebuke for his presumption:"Asakyam""Fool, thou hast been refused by thy truth speaking preceptor. How is it that, disregarding his authority, thou has resorted to another school (sakha). The family priest is the highest oracle of all the Ikshvakus; and the command of those veracious personages cannot be transgressed. Vashishtha, the divine rishi, has declared that 'the thing cannot be'; and how can we undertake thy

sacrifice? Thou art foolish king; return to thy capital. The divine (Vashishtha) is competent to act as priest of the three worlds; how can we shew him disrespect?"Trisanku then gave them to understand that as his preceptor and"his preceptor's sons had declined compliance with his requests, he should think of some other expedient."In consequence of his venturing to express this presumptuous intention, they condemned him by their imprecation to become a Chandala. As this curse soon took effect, and the unhappy king's form was changed into that of a degraded outcast, he resorted to Vishvamitra (who, as we have seen, was also dwelling at this period in the south), enlarging on his own virtues and piety, and bewailing his fate. Vishvamitra commiserated his condition, and promised to sacrifice on his behalf, and exalt him to heaven in the same Chandala-form to which he had been condemned by his preceptor's curse."Heaven is now as good as in thy possession, since thou hast resorted to the son of Kusika".

He then directed that preparations should be made for the sacrifice, and that all the rishis, including the family of Vashishtha, should be invited to the ceremony. The disciples of Vishvamitra, who had conveyed his message, reported the result on their return in these words :"Having heard your message, all the Brahmans are assembling in all the countries, and have arrived, excepting Mahodaya (Vashishtha). Hear what dreadful words those hundred Vashishthas, their voices quivering with rage, have uttered: 'How can the gods and rishis consume the oblation at the sacrifice of that man, especially if he be a Chandala, for whom a Kshatriya is officiating priest? How can illustrious Brahmans ascend to heaven, after eating the food of a Chandala, and being entertained by Vishvamitra?"These ruthless words all Vashisthas, together with Mahodaya, uttered, their eyes inflamed with anger. Vishvamitra, who was greatly incensed on receiving this message, by a curse doomed the sons of Vashishtha to be reduced to ashes, and reborn as degraded outcasts (mritapah) for seven hundred births, and Mahodaya to become a Nishada. Knowing that this curse had taken effect, Vishvamitra thereafter eulogizing Trisanku, proposed to the assembled rishis that the sacrifice should be celebrated. To this they assented, being actuated by fear of the terrible sage's wrath. Vishvamitra himself officiated at the sacrifice as yajakas; and the other rishis as priests (ritvijah) with other functions) performed all the ceremonies. Vishvamitra next invited the gods to partake of the oblations:"When, however, the deities did not come to receive their portions, Vishvamitra became full of wrath, and raising aloft the sacrificial ladle, thus addressed Trisanku: ' Behold, O monarch, the power of austere fervour acquired by my own efforts. I myself, by my own energy, will conduct thee to heaven. Ascend to that celestial region which is

so arduous to attain in an earthly body. I have surely earned some reward of my austerity '"Trisanku ascended instantly to heaven in the sight of munis. Indra, however, ordered him to be gone, as person who, having incurred the curse of his spiritual preceptors, was unfit for the abode of the celestials; and to fall down headlong to earth. He accordingly began to descend, invoking loudly, as he fell the help of his spiritual patron. Vishvamitra, greatly incensed, called out to him to stop:"Then by the power of his divine knowledge and austere fervour created, like another Prajapati, other Seven Rishis (a constellation so called) in the southern part of the sky. Having proceeded to this quarter of the heavens, the renowned sage, in the midst of the rishis, formed another garland of stars, being overcome with fury. Exclaiming, 'I will create another Indra, or the world shall have no Indra at all,' he began, in his rage, to call gods also into being. The rishis, gods (Suras), and Asuras now became seriously alarmed and said to Vishvamitra, in a conciliatory tone, that Trisanku,"as he had been cursed by his preceptors, should not be admitted bodily into heaven, until he had undergone some lustration". The sage replied that he had given a promise to Trisanku, and appealed to the gods to permit his protege to remain bodily in heaven and the newly created stars to retain their places in perpetuity. The gods agreed that"these numerous stars should remain, but beyond the Sun's path, and that Trisanku, like an immortal, with his head downwards should shine among them, and be followed by them,"adding"that his object would be thus attained, and his renown secured, and he would be like a dweller in heaven". Thus was this great dispute adjusted by a compromise, which Vishvamitra accepted.

"This story of Trisanku, it will have been observed, differs materially from the one quoted above from the Harivarnsa; but brings out more distinctly the character of the conflict between Vashishtha and Vishvamitra.

"When all the gods and rishis had departed at the conclusion of the sacrifice, Vishvamitra said to his attendant devotees;"This has been a great interruption (to our austerities) which has occurred in the southern region: we must proceed in another direction to continue our penances". He accordingly went to a forest in the west, and began his austerities anew. Here the narrative is again interrupted by the introduction of another story, that of king Ambarisha, king of Ayodhya, who was, according to the Ramayana, the twentyeighth in descent from Ikshvaku, and the twentysecond from Trisanku. Vishvamitra is nevertheless represented as flourishing contemporaneously with both of these princes. The story relates that Ambarisha was engaged in performing a sacrifice, when Indra carried away the victim. The priest said that this ill-omened event had

occurred owing to the king's bad administration; and would call for a great expiation, unless a human victim could be produced. After a long search the royal rishi (Ambarisha) came upon the Brahman-rishi Richika, a descendant of Bhrigu, and asked him to sell one of his sons for a victim, at the price of a hundred thousand cows. Richika answered that he would not sell his eldest son; and his wife added that she would not sell the youngest:"eldest sons,"she observed,"being generally the favourites of their fathers, and youngest sons of their mothers". The second son, Sunassepa, then said that in that case he regarded himself as the one who was to be sold, and desired the king to remove him. The hundred thousand cows, with the millions of gold-pieces and heaps of jewels, were paid down, and Sunassepa carried away. As they were passing through Puskara Sunassepa beheld his maternal uncle Vishvamitra who was engaged in austerities there with other rishis, threw himself into his arms, and implored his assistance, urging his orphan, friendless, and helpless state, as claims on the sage's benevolence. Vishvamitra soothed him; and pressed his own sons to offer themselves as victims in the room of Sunassepa. This proposition met with no favour from Madhushyanda and the other sons of the royal hermit, who answered with haughtiness and derision:"How is it that thou sacrifices thine own sons, and seeks to rescue those of others? We look upon this as wrong, and like the eating of one's own flesh". The sage was exceedingly wroth at this disregard of his injunction, and doomed his sons to be born in the most degraded classes, like Vasishtha's sons, and to eat dog's flesh, for a thousand years. He then said to Sunassepa:"When thou art bound with hallowed cords decked with a red garland, and anointed with ungents, and fastened to the sacrificial post of Vishnu, then address thyself to Agni, and sing these two divine verses (gathas), at the sacrifice of Ambarisha; then shall thou attain the fulfilment (of thy desire)".

Being furnished with the two gathas, Sunassepa proposed at once to king Ambarisha that they should set out for their destination. When bound at the stake to be immolated, dressed in a red garment,"he celebrated the two gods, Indra and his younger brother (Vishnu), with the excellent verses. The thousand-eyed (Indra) was pleased with the secret hymn, and bestowed long life on Sunassepa". King Ambarisha also received great benefits from this sacrifice. Visvamitra meanwhile proceeded with his austerities, which he prolonged for a thousand years.

"At the end of this time the gods came to allot his reward; and Brahma announced that he had attained the rank of a rishi, thus apparently advancing an additional step. Dissatisfied, as it would seem, with this, the sage commenced his task of penance anew. After a length of time he

beheld the nymph (Apsara) Menka, who had come to bathe in the lake of Pushkara. She flashed on his view, unequalled in her radiant beauty, like lightning in a cloud. He was smitten by her charms, invited her to be his companion in his hermitage, and for ten years remained a slave to her witchery, to the great prejudice of his austerities. At length he became ashamed of this ignoble subjection, and full of indignation at what he believed to be a device of the gods to disturb his devotion; and, dismissing the nymph with gentle accents, he departed for the northern mountains, where he practised severe austerities for a thousand years on the banks of the Kausiki river.

The gods became alarmed at the progress he was making, and decided that he should be dignified with the appellation of great rishi (maharshi); and Brahma, giving effect to the general opinion of the deities, announced that he had conferred that rank upon him. Joining his hands and bowing his head, Visvamitra replied that he should consider himself to have indeed completely subdued his senses, if the incomparable title of Brahman-rishi were conferred upon him. Brahma informed him in answer, that he had not yet acquired the power of perfectly controlling his senses; but should make further efforts with that view.

The sage then began to put himself through a yet more rigorous course of austerities, standing with his arms erect, without support, feeding on air, in summer exposed to five fires (i.e. one on each of four sides, and the sun overhead), in the rainy season remaining unsheltered from the wet, and in winter lying on a watery couch night and day. This he continued for a thousand years. At last Indra and the other deities became greatly distressed at the idea of the merit he was storing up, and the power which he was thereby acquiring; and the chief of the celestials desired the nymph Rambha to go and bewitch him by her blandishments.

She expressed great reluctance to expose herself to the wrath of the formidable muni, but obeyed the repeated injunction of Indra, who promised that he and Kandarpa (the god of love) should stand by her, and assumed her most attractive aspect with the view of overcoming the sage's impassability. He, however, suspected this design, and becoming greatly incensed, he dommed the nymph by a curse to be turned into stone and to continue in that state for a thousand years. The curse took effect, and Kandarpa and Indra slunk away. In this way, though he resisted the allurements of sensual love, he lost the whole fruit of his austerities by yielding to anger; and had to begin his work over again. He resolved to check his irascibility, to remain silent, not even to breathe for hundreds of

years; to dry up his body; and to fast and stop his breath till he had obtained the coveted character of a Brahman.

He then left the Himalaya and travelled to the east, where he underwent a dreadful exercise, unequalled in the whole history of austerities, maintaining silence, according to a vow, for a thousand years. At the end of this time he had attained to perfection, and although thwarted by many obstacles, he remained unmoved by anger. On the expiration of this course of austerity, he prepared some food to eat; which Indra, coming in the form of a Brahman, begged that he would give him. Visvarnitra did so, and though he had none left for himself, and was obliged to remain fasting, he said nothing to the Brahman, on account of his vow of silence. As he continued to suspend his breath, smoke issued from his head, to the great consternation and distress of the three worlds. The gods, rishis, etc., then addressed Brahma:"The great muni Visvamitra has been allured and provoked in various ways, but still advances in his sanctity. If his wish is not conceded, he will destroy the three worlds by the force of his austerity. All the regions of the universe are confounded, no light anywhere shines; all the oceans are tossed, and the mountains crumble, the earth quakes, and the wind blows confusedly. We cannot, 0 Brahma, guarantee that mankind shall not become atheistic..... Before the great and glorious sage of fiery form resolves to destroy (everything) let him be propitiated."The gods, headed by Brahma, then addressed Visvamitra:"Hail Brahman rishi, we are gratified by thy austerities; O Kausika, thou hast, through their intesity, attained to Brahmanhood. I, O Brahman, associated with the Maruts, confer on thee long life. May every blessing attend thee; depart wherever thou wilt.' The sage, delighted, made his obeisance to the gods, and said : ' If I have obtained Brahmanhood, and long life, then let the mystic monosyllable (omkara) and the sacrificial formula (vashatkara) and the Vedas recognise me in that capacity. And let Vasishtha, the son of Brahma, the most eminent of those who are skilled in the Kshattra-veda, and the Brahma-veda (the knowledge of the Kshatriya and the Brahmanical disciplines), address me similarly.'..... Accordingly Vasishtha, being propitiated by the gods, became reconciled to Visvamitra, and recognised his claim to all the prerogatives of a Brahman rishi. . . .. Visvamitra, too, having attained the Brahmanical rank, paid all honour to Vasishtha."The second event has reference to the slaughter of the Brahmins by the Kshatriyas. It is related in the Adiparva of the Mahabharat from which the following account is taken:

There was a king named Kritvirya, by whose liberality the Bhrigus, learned in the Vedas, who officiated as his priests, had been greatly

enriched with corn and money. After he had gone to heaven, his descendants were in want of money, and came to beg for a supply from the Bhrigus, of whose wealth they were aware. Some of the latter hid their money under ground, others bestowed it on Brahmans, being afraid of the Kshatriyas, while others again gave these last what they wanted. It happened, however, that a Kshatriya, while digging the ground, discovered some money buried in the house of a Bhrigu. The Kshatriyas then assembled and saw this treasure, and, being incensed, slew in consequence all the Bhrigus, whom they regarded with contempt, down to the children in the womb. The widows, however, fled to the Himalaya mountains. One of them concealed her unborn child in her thigh. The Kshatriyas, hearing of its existence from a Brahmani informant, sought to kill it; but it issued forth from its mother's thigh with lustre, and blinded the persecutors. After wandering about bewildered among the mountains for a time, they humbly supplicated the mother of the child for the restoration of their sight; but she referred them to her wonderful infant Aurva into whom the whole Veda, with its veda Vyas had entered, as the person who (in requisition of the slaughter of his relatives) had robbed them of their eyesight, and who alone could restore it.

They accordingly had recourse to him, and their eyesight was restored. Aurva, however, meditated the destruction of all living creatures, in revenge for the slaughter of the Bhrigus, and entered on a course of austerities which alarmed both gods, asuras, and men; but his progenitors (Pitris) themselves appeared, and sought to turn him from his purpose by saying that they had no desire to be revenged on the Kshatriyas :"It was not from weakness that the devout Bhrigus overlooked the massacre perpetrated by the murderous Kshatriyas. When we became distressed by old age, we ourselves desired to be slaughtered by them. The money which was buried by some one in a Bhrigu's house was placed there for the purpose of exciting hatred, by those who wished to provoke the Kshatriyas. For what had me, who were desiring heaven, to do with money?"They added that they hit upon this device because they did not wish to be guilty of suicide, and concluded by calling upon Aurva to restrain his wrath; and abstain from the sin he was meditating:"Destroy not the Kshatriyas, 0 son, nor the seven worlds. Suppress thy kindled anger which nullifies the power of austere-fervour."Aurva, however, replies that he cannot allow his threat to remain un-executed. His anger, unless wreaked upon some other object, will, he says, consume himself. And he argues on grounds of justice, expediency, and duty, against the clemency, which his progenitors recommend. He is, however, persuaded by the Pitris

to throw the fire of his anger into the sea, where they say it will find exercise in assailing the watery element, and in this way his threat will be fulfilled."

The third event has reference to the slaughter of the Kshatriyas by the Brahmins. This story is told in several places in the Mahabharata.

"The magnificent and mighty Kartavirya, possessing a thousand arms, was lord of this whole world, living in Mahishmati. This Haihaya of unquestioned valour ruled over the whole sea-girt earth, with its oceans and continents". He obtained boons from the muni Dattatreya, a thousand arms whenever he should go into battle power to make the conquest of the whole earth, a disposition to rule it with justice and the promise of instruction from the virtuous in the event of his going astray."Then ascending his chariot glorious as the resplendent sun, he exclaimed in the intoxication of his prowess, 'Who is like me in fortitude, courage, fame, heroism, energy, and vigour?' At the end of this speech a bodiless voice in the sky addressed him: ' Thou knowest not, O fool, that a Brahman is better than a Kshatriya. It is with the help of the Brahman that the Kshatriya rules his subjects.' Arjuna answers : 'If I am pleased, I can create, or, if displeased, annihilate, living beings; and no Brahman is superior to me in act, thought or word.

The first proposition is that the Brahmans are superior; the second that the Kshatriyas are superior; both of these thou hast stated with their grounds, but there is a difference between them (in point of force). The Brahmans are dependent on the Kshatriyas and not the Kshatriyas are beaten up by the Brahmans, who wait upon them, and only make the Vedas a pretence. Justice, the protection of the people, has its seat in the Kshatriyas. From them the Brahmans derived their livelihood; how then can the latter be superior? I always keep in subjection to myself those Brahmans, the chief of all beings, who subsist on alms, and who have a high opinion of them selves. For truth was spoken by that female the Gayatri in the sky. I shall subdue all those unruly Brahmans clad in hides.

No one in the three worlds, god or man can hurl me from my royal authority; wherefore I am superior to any Brahman. Now shall I turn the world in which Brahmans have the upper hand into a place where Kshatriyas shall have the upper hand; for no one dares to encounter my force in battle.' Hearing this speech of Arjuna, the female roving in the night became alarmed. Then Vayu hovering in the air, said to Arjuna: 'Abandon this sinful disposition, and do obeisance to the Brahmans. If thou shalt do them wrong, thy kingdom shall be convulsed. They will subdue thee: those powerful men will humble thee, and expel thee from

thy country.”The king asks him, 'Who art thou?' Vayu replies, 'I am Vayu, the messenger of the gods, and tell thee what is for thy benefit.' Arjuna rejoins, 'Oh, thou displayest today a great warmth of devotion to the Brahmans. But say that a Brahman is like (any other) earth-born creature."

This king came into conflict with Parasuram the son of a Brahman sage Jamadagni. The history of this conflict is as follows:

"There lived a king of Kanyakubja, called Gadhi, who had a daughter named Satyavati. The marriage of this princess to the rishi Richika, and the birth of Jamadagni, are then told in nearly the same way as above narrated. Jamadagni and Satyavati had five sons, the youngest of whom was the redoubtable Parasuram. By his father's command he kills his mother (who, by the indulgence of impure desire, had fallen from her previous sanctity), after the four elder sons had refused this matricidal offence, and had in consequence been deprived of reason by their father's curse. At Parasuram's desire, however, his mother is restored by his father to life, and his brothers to reason; and he himself is absolved from all the guilt of murder; and obtains the boon of invincibility and long life from his father. His history now begins to be connected with that of king Arjuna (or Kartavirya). The latter had come to Jamadagni's hermitage, and had been respectfully received by his wife; but he had requited this honour by carrying away by force the calf of the sage's sacrificial cow, and breaking down his lofty trees. On being informed of this violence, Parasurama was filled with indignation, attacked Arjuna, cut off his thousand arms, and slew him. Arjuna's sons, in return, slew the peaceful sage Jamadagni, in the absence of Parasurama."

“Rama, after performing, on his return, his father's funeral obsequies, vowed to destroy the whole Kshatriya race; and executed his threat by killing first Arjuna's sons and their followers. Twenty one times did he sweep away all the Kshatriyas from the earth, and formed five lakes of blood in Samantapanchaka; in which he satiated the manes of the Bhrigus, and beheld face to face (his grand-father), Richika, who addressed himself to Rama. The latter gratified Indra by offering to him a grand sacrifice, and gave the earth to the officiating priests. He bestowed also a golden altar, ten fathoms long and nine highs, on the mighty Kasyapa. This, by his permission, the Brahmans divided among themselves, deriving thence the name of Khandavavanas. Having given away the earth to Kasyapa, Parasurama himself dwells on the mountain Mahendra. Thus did enmity arise between him and Kshatriyas, and thus was the earth conquered by Rama of boundless might.”The Kshatriyas who were slain by Parasuram are described in the Dronaparvan of the Mahabharat as of various

provinces, viz., Kasmiras, Darads, Kuntis, Kshudrakas, Malavas, Angas, Vangas, Kalingas, Videhas, Tamraliptakas, Marttikavatas, Sivis and other Rajanyas.

The means by which the Kshattriya race was restored is also told as part of this story of annihilation of the Kshatriyas by the Brahmins. It is said:

"Having one and twenty times swept away all the Kshatriyas from the earth, the son of Jamadagni engaged in austerities on Mahendra the most excellent of mountains. After he had cleared the world of Kshatriyas, their widows came to the Brahmans, praying for offspring. The religious Brahmans, free from any impulse of lust, cohabited at the proper seasons with these women, who in consequence became pregnant, and brought forth-valiant Kshatriya boys and girls, to continue the Kshatriya stock. Thus was the Kshatriya race virtuously begotten by Brahmans on Kshatriya women, and became multiplied and long-lived. Thence there arose four castes inferior to the Brahmans."

CHAPTER 5

THE CURSE OF CASTE

As I have said in the first Essay* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_14 there cannot be a caste in the single number. Caste can exist only in the plural number. Caste to be real can exist only by disintegrating a group. The genius of caste is to divide and to disintegrate. It is also the curse of caste. Few, however, realise how great is this curse of caste. It is therefore necessary to illustrate the vastness of this curse by reference to the disintegration brought about by caste. It is impossible to deal with each caste to show the evolution of its disintegration. One must content him self with presenting the caste history of one caste. I take the case of the Brahmins who have been the originators and upholders of caste to show how they themselves have been overwhelmed by what I call the curse of caste. The Brahmins of India are divided into two distinct fraternities. One fraternity is called the Dravidas and the other fraternity is called the Gaudas.

It must not, however, be supposed that the Dravidas and Gaudas are single homogeneous unit. They are divided and sub-divided in units so numerous that it is difficult to imagine their numbers unless one has actual lists of their sub-divisions before his eye. In the following pages an attempt

is made to give the list of castes and sub-castes into which each sub-division of the fraternity is divided.

I
THE DRAVIDA BRAHMINS

The fraternity of Dravidas consists of five sub-divisions who are collectively styled the Panch Dravidas. The five sub-divisions are called:

(1) The Maharashtrians
(2) The Andhras
(3) The Dravidians (proper)
(4) The Karnatakas
(5) The Gurjaras

We may next proceed to note the castes and sub-castes into which each of these sub-divisions of the Panch Dravidas have disintegrated.

1. THE MAHARASHTRA BRAHMINS

The Maharashtra Brahmins have among them the following castes and sub-castes:

(1) The Deshasthas, (2) The Konkanasthas, (3) The Karhadas, (4) The Kanvas, (5) The Madhyandinas, (6) The Padhyas, (7) The Devarukhas, (8) The Palashas, (9) The Kirvantas, (10) The Tirgulas, (11) The Javalas, (12) The Abhiras, (13) The Savashas, (14) Kastas, (15) The Kunda Golakas, (16) The Randa Golakas, (17) The Brahmana-Jais, (18) The Soparas, (19) The Khistis, (20) The Huseinis, (21) The Kalankis, (22) The Maitrayaniyas, (23) The Varadis-Madhyandin-YaJ'ur-Vedi, (24) The Varadis-Madhyandin-Rig Vedi, (25) The Jhade. The Shenvis are further divided into nine sub-castes called (26) Narvankar, (27) Keloskar, (28) Bardeshkar, (29) Kudaldeshkar, (30) Pednekar, (31) Bhalavelekar, (32) Kushasthali, (33) Khadape and (34) Khajule.

2. THE ANDHRA BRAHMINS

The following is the list of castes and sub-castes which make up the Andhra Brahmins—

(1) The Varnasalus, (2) The Kamarukubi, (3) The Karanakamulu, (4) The Madhyandians, (5) The Tailangas, (6) The Murakanadus, (7) The Aradhyas, (8) The Yajnavalkyas, (9) The Kasaranadu, (10) The Velandus, (11) The

Venginadus, (12) The Vedinadus, (13) The Samavedis, (14) The Ramanujis, (15) The Madhavacharis, (16) The Niyogis.

3. THE TAMIL BRAHMINS

They consist of the following castes— (1) The Rig-Vedis, (2) The Krishna Yajur-Vedis, (3) The Shukia Yajur-Vedis—Madhyandinas, (4) The Shukla Yajur-Vedis-Kanvas, (5) The Sama Vedis, (6) The Atharva, (9) The Vaishnavas, (10) The Vira Vaishnavas, (11) The Shri-Vaishnavas, (12) The Bhagvatas, (13) The Shaktas.

4. THE KARNATIK BRAHMINS

They include the following castes—
(1) The Rig Vedis, (2) The Krishna Yajur-Vedis, (3) The Shukia Yajur-Vedis Madhyandinas, (4) The Shukla Yajur-Vedis Kanvas, (5) The Sama Vedis, (6) The Kume Brahmins and (7) The Nagara Brahmins.

5. THE GURJARA BRAHMINS

The list of castes which compose the Gurjara Brahmins is as follows : 1. The Andichya Brahmins. They are divided into the following
sub-castes:
(1) Siddhpura Andichya, (2) Sihor Andichya, (3) Tolkiya Andhichya, (4) Kunbigor, (5) Inochigor, (6) Darjigor, (7) Grandhrapagor, (8) Koligor, (9) Marwadi Andichya, (10) Kachhi Andichya, (11) Vagdiya Andichya. II. The Nagar Brahmins. The following are the sub-castes of the
Nagar Brahmins:
(12) The Vadanagar Brahmins, (13) The Vishalnagar Brahmins, (14) The Sathodra Brahmins, (15) The Prashnoras, (16) The Krishnoras, (17) The Chitrodas, (18) The Baradas. There are also three other divisions among the Nagar Brahmins. They are called—
(19) Gujarathi Nagars, (20) Sorathi Nagars and (21) Nagars of other Towns.
III. The Girnar Brahmins. They are divided among the following
castes: (22) The Junagadhya Girnars, (23) The Chorvada Girnars,
(24) The Ajakiyas.
IV. The Mevadas Brahmins. They are distributed among the following castes:

(25) The Bhata Mevadas, (26) The Trivadi Mevadas, (27) The Charosi Mevadas.

V. The Deshavala Brahmins. They have one sub-caste which is called:

(46) The Deshavala Brahman Surati. VI. The Rayakavala Brahmins. They are divided into two subcastes :

(47) The Navas (new ones) and (48) The Mothas (old ones).

VII. The Khedvala Brahmins. They are divided into five subcastes :

(49) The Khedvala Bajas, (50) The Khedvala Bhitaras, (51) The Khedva Bajas, (52) The Khedva Bhitaras.

VIII. The Modha Brahmins. They are divided into eleven subcastes :

(53) The Trivedi Modhas, (54) The Chaturvedi Modhas, (55) The Agihans Modhas, (56) The Tripal Modhas, (57) The Khijadiya Sanvana Modhas, (58) The Ekadashdhra Modhas, (59) The Tandulotha Modhas, (60) The Utanjaliya Modhas, (61) The Jethimal Modhas, (62) The Chaturvedi Dhinoja Modhas, (63) The Dhinoja Modhas.

IX. The Shrimali Brahmins. The Shrimali Brahmins are divided into the following castes:

(64) The Marwadi Shrimali, (65) The Mevadi Shrimali, (66) The Kachhi Shrimali, (67) The Kathiavadi Shrimali, (68) The Gujarathi Shrimali. The Gujarathi Shrimali are further sub-divided into

(69) Ahamadabadi Shrimali, (70) Surati Shrimali, (71) Ghoghari Shrimali and (72) The Khambhati Shrimali. The Khambhati Shrimali are again sub-divided into—

(73) Yajurvedi Khambhati Shrimali, (74) Samavedi Khambhati Shrimali.

X. The Chovisha Brahmins. They are divided into two subcastes : (75) Mota (Great ones), (76) Lahana (small ones).

XI. The Sarasvata Brahmins. They are divided into two subcastes : (77) Sorathiya Sarasvata, (78) Sindhava Sarasvata.

XII. The following is the list of castes of Gujaratha Brahmins which have not developed sub-castes:

(79) The Sachora Brahmins, (80) The Udambara Brahmins,
(81) The Narsipara Brahmins, (82) The Valadra Brahmins,
(83) The Pangora Brahmins, (84) The Nandodra Brahmins,
(85) The Vayada Brahmins, (86) The Tamil (or Dradvida) Brahmins,
(87) The Rodhavala Brahmins, (88) The Padmivala Brahmins,
(89) The Gomativala Brahmins, (90) The Itavala Brahmins,
(91) The Medhatavala Brahmins, (92) The Gayavala Brahmins,
(93) The Agastyavala Brahmins, (94) The Pretavala Brahmins,
(95) The Unevala Brahmins, (96) The Rajavala Brahmins,

(97) The Kanojiya Brahmins, (98) The Sarvariya Brahmins,
(99) The Kanoliya Brahmins, (100) The Kharkheliya Brahmins,
(101) The Parvaliaya Brahmins, (102) The Sorathiya Brahmins,
(103) The Tangamadiya Brahmins, (104) The Sanodiya Brahmins,
(105) The Motala Brahmins, (106) The Jhalora Brahmins,
(107) The Rayapula Brahmins, (108) The Kapila Brahmins,
(109) The Akshayamangala Brahmins, (110) The Gugli Brahmins,
(111) The Napala Brahmins, (112) The Anavala Brahmins,
(113) The Valmika Brahmins, (114) The Kalinga Brahmins,
(115) The Tailinga Brahmins, (116) The Bhargava Brahmins,
(117) The Malavi, (118) The Banduan Brahmins,
(119) The Bharathana Brahmins, (120) The Pushkarana Brahmins,
(121) The Khadayata Brahmins, (122) The Maru Brahmins,
(123) The Dahima Brahmins, (124) The Chovisa Brahmins,
(125) The Jambu Brahmins, (126) The Maratha Brahmins,
(127) The Dadhicha Brahmins, (128) The Lalata Brahmins,
(129) The Valuta Brahmins, (130) The Borshidha Brahmins,
(131) The Golavala Brahmins, (132) The Prayagvala Brahmins,
(133) The Nayakvala Brahmins, (134) The Utkala Brahmins,
(135) The Pallivala Brahmins, (136) The Mathura Brahmins,
(137) The Maithila Brahmins, (138) The Kulabha Brahmins,
(139) The Bedua Brahmins, (140) The Ravavala Brahmins,
(141) The Dashahara Brahmins, (142) The Karnatika Brahmins,
(143) The Talajiya Brahmins, (144) The Parashariya Brahmins,
(145) The Abhira Brahmins, (146) The Kundu Brahmins,
(147) The Hirayajiya Brahmins, (148) The Mastava Brahmins,
(149) The Sthitisha Brahmins, (150) The Predatvala Brahmins,
(151) The Rampura Brahmins, (152) The Jila Brahmins,
(153) The Tilotya Brahmins, (154) The Durmala Brahmins,
(155) The Kodva Brahmins, (156) The Hanushuna Brahmins,
(157) The Shevada Brahmins, (158) The Titraga Brahmins,
(159) The Basuladas Brahmins, (160) The Magmarya Brahmins,
(161) The Rayathala Brahmins, (162) The Chapila Brahmins,
(163) The Baradas Brahmins, (164) The Bhukaniya Brahmins,
(165) The Garoda Brahmins, (166) The Taporana Brahmins. II

II

THE GAUDA BRAHMINS

Like the Dravida Brahmins the Gauda Brahmins also consist of a fraternity of five different groups of Brahmins. These five groups are known as:

(1) The Sarasvata Brahmins, (2) The Kanyakubja Brahmins,
(3) The Gauda Brahmins, (4) The Utkala Brahmins,
(5) The Maithila Brahmins.

An inquiry into the internal structure of each of these five groups of Panch Gaudas reveals the same condition as is found in the case of the five groups, which form the fraternity of Panch Dravidas. The only question is whether the internal divisions and sub-divisions are fewer or larger than are found among the Panch Dravidas. For this purpose it is better to take each group separately.

THE SARASVATA BRAHMINS

The Sarasvata Brahmins fall into three territorial sections:
(1) The Sarasvatas of the Punjab, (2) The Sarasvatas of Kashmir and (3) The Sarasvatas of Sindh.

1. THE SARASVATAS OF PUNJAB

There are three sub-sections of the Sarasvatas of the Punjab:
(A) Sarasvatas of the districts of Lahore, Arnritsar, Batala, Gurdaspur, Jalandar, Multan, Jhang and Shahpur. They are again divided into High Caste and Low Caste.

HIGH CASTES

(1) Navale, (2) Chuni, (3) Ravade, (4) Sarvaliye, (5) Pandit,
(6) Tikhe, (7) Jhingan, (8) Kumadiye, (9) Jetle, (10) Mohle or Mole,
(11) Tikhe-A'nde, (12) Jhingan-Pingan, (13) jetli-Petli,
(14) Kumadiye-Lumadiye, (15) Mohle-Bohle, (16) Bage,
(17) Kapuriye, (18) Bhaturiye, (19) Maliye, (20) Kaliye,
(21) Sanda, (22) Pathak, (23) Kural, (24) Bharadwaji,
(25) Joshi, (26) Shori, (27) Tiwadi, (28) Marud, (29) Datta,
(30) Mujhal, (31) Chhibar, (32) Bali, (33) Mohana, (34) Lava,
(35) Vaidya, (36) Prabhakar, (37) Shame-Potre, (38) Bhoja-Potre,
(39.) Singhe-Potre, (40) Vatte-Potre, (41) Dhannan-Potre,

(42) Dravade, (43) Gaindhar, (44) Takht Laladi, (45) Shama Dasi,
(46) Setpal (or Shetpal), (47) Pushrat, (48) Bharadvaji,
(49) Katpale, (50) Ghotke, (51) Pukarne.

LOWER CLASSES

(52) Diddi, (53) Shridhara, (54) Vinayaka, (55) Majju,
(56) Khindariye, (57) Harad, (58) Prabhakar, (59) Vasudeva,
(60) Parashara, (61) Mohana, (62) Panjan, (63) Tivara,
(64) Kapala, (65) Bharkhari, (66) Sodhi, (67) Kaijar,
(68) Sangad, (69) Bharadvaji, (70) Nage, (71) Makavar,
(72) Vashishtha, (73) Dangaval, (74) Jalap, (75) Tripane,
(76) Bharathe, (77) Bansale, (78) Gangahar, (79) Jotashi,
(80) Rikhi (or Rishi), (81) Mandar, (82) Brahmi, (83) Tejpal,
(84) Pal, (85) Rupal, (86) Lakhanpal, (87) Ratanpal,
(88) Shetpal, (89) Bhinde, (90) Dhami, (91) Chanan,
(92) Randeha, (93) Bhuta, (94) Rati, (95) Kundi, (96) Hasadhir,
(97) Punj, (98) Sandhi, (99) Bahoye, (100) Virad, (101) Kaland,
(102) Suran, (103) Sudan, (104) Ojhe, (105) Bramha-Sukul,
(106) Hariye, (107) Gajesu, (108) Bhanot, (109) Tinuni, (110) Jalli,
(111) Tole, (112) Jalap, (113) Chitchot, (114) Padhe or Pandhe,
(115) Marud, (116) Laladiye, (117) Tote, (118) Kusarit,
(119) Ramtal, (120) Kapale, (121) Masodare, (122) Ratniye,
(123) Chandan, (124) Churavan, (125) Mandahar,
(126) Madhare, (127) Lakarphar, (128) Kund, (129) Kardam,
(130) Dhande, (131) Sahajpal, (132) Pabhi, (133) Rati,
(134) Jaitke, (135) Daidriye, (136) Bhatare, (137) Kali,
(138) Jalpot, (139) Maitra, (140) Sankhatre, (141) Ludra,
(142) Vyasa, (143) Paitu, (144) Kirar, (145) Puje, (146) Isar,
(147) Latta, (148) Dhami, (149) Kalhan, (150) Madarkhamb,
(151) Bedesar. (152) Salvahan, (153) Dhande, (154) Marud,
(155) Bature, (156) Joti, (157) Soyari, (158) Tejpal, (159) Kuralpal,
(160) Kalas, (161) Jalap, (162) Tinmani, (163) Tanganivate,
(164) Jalpot, (165) Pattu, (166) Jasrava, (167) Jayachand,
(168) Sanwal, (169) Agnihotri, (170) Agraphakka, (171) Ruthade,
(172) Bhaji, (173)Kuchhi, (174)Saili, (175)Bhambi,
(176)Medu, (177) Mehad, (178) Yarnye, (179) Sangar,
(180) Sang, (181) Nehar, (182) Chakpaliye, (183) Bijraye,
(184) Narad, (185) Kutwal, (186) Kotpal, (187) Nabh, (188) Nad,
(189) Parenje, (190) Kheti, (191) A'ri, (192) Chavhe, (193) Bibde,

(194) Bandu, (195) Machhu, (196) Sundar, (197) Karadage,
(198) Chhibbe, (199) Sadhi, (200) Tallan, (201) Karddam,
(202) Jhaman, (203) Rangade, (204) Bhog, (205) Pande,
(206) Gande, (207) Pante, (208) Gandhe, (209) Dhinde,
(210) Tagale, (211) Dagale, (212) Lahad, (213) Tad, (214) Kayi,
(215) Ludh, (216) Gandar, (217) Mahe, (218) Saili, (219) Bhagi,
(220) Pande, (221) Pipar, (222) Jathee.

(B) Sarasvata Brahamins of Kangada and the adjacent Hill Country. These too are divided into High Class and Low Class.

HIGH CASTES

(1) Osdi, (2) Pandit Kashmiri, (3) Sotri, (4) Vedve, (5) Naga, (6) Dikshit,
(7) Misri Kashmiri, (8) Madihatu, (9) Panchkarn, (10) Raine, (11) Kurudu,
(12) A'Chariye.

LOWER CLASSES

(13) Chithu, (14) Panyalu, (15) Dumbu, (16) Dehaidu, (17) Rukhe,
(18) Pambar, (19) Gutre, (20) Dyabhudu, (21) Make,
(22) Prot (Purohita) Jadtotrotiye, (23) Visht Prot, (24) Padhe Saroj,
(25) Padhe Khajure, (26) Padhe Mahite, (27) Khajure, (28) Chhutwan,
(29) Bhanwal, (30) Rambe, (31) Mangrudiye, (32) Khurvadh, (33) Galvadh,
(34) Dangmar, (35) Chalivale.
(C) Sarasvata Brahmins of Dattarpur, Hoshyarpur and the adjacent Country.

These are also divided into High Class and Low Class.

1. HIGH CASTES

(1) Dogre, (2) Sarmayi, (3) Dube, (4) Lakhanapal, (5) Padhe Dholbalvaiya,
(6) Padhe Ghohasniye, (7) Padhe Dadiye, (8) Padhe Khindadiya, (9) Khajurive.

II. LOWER CLASSES

(10) Kapahatiye, (11) Bharadhiyal, (12) Chaprohiye, (13) Makade,

(14) Kutallidiye, (15) Sarad, (16) Dagadu, (17) Vantade,(18) Muchle,
(19) Sammol,(20) Dhose,(21) Bhatol, (22) Rajohad, (23) Thanik,
(24) Panyal, (25) Chibbe, (26) Madote, (27) Misar, (28) Chhakotar,
(29) Jalreiye, (30) Lahad, (31) Sel, (32) Bhasul, (33) Pandit,
(34) Changhial, (35) Lath, (36) Sand, (37) Lai, (38) Gadottare, (39) Chirnol,
(40) Badhie, (41) Shridhar, (42) Patdu, (43) Juwal, (44) Maite, (45) Kakliye,
(46) Tak, (47) Jhol, (48) Bhadoe, (49) Tandik, (50) Jhummutiyar,
(51) A'l, (52) Mirat, (53) Mukati, (54) Dalchallie, (55) Bhatohaye,
(56) Tyahaye, (57) Bhatare.

2. THE SARASVATAS OF KASHMIR

There are two sub-sections of the Sarasvatas of Kashmir. (A) Sarasvata Brahamans of Jammu, Jasrota and the neighbouring Hill Country.

They are divided into three classes. High, Middle and Low.

1. HIGH CASTES

(1) Amgotre, (2) Thappe, (3) Dube, (4) Sapoliye Padhe, (5) Badiyal,
(6) Kesar, (7) Nadh, (8) Khajure Prahot, (9) Jamval Pandit, (10) Vaidya,
(11) Lava, (12) Chibar, (13) aliye, (14) Mohan, (15) Bambhaval.

II. MIDDLE CASTES

(16) Raine, (17) Satotre, (18) Katotre, (19) Lalotre, (20) Bhangotre,
(21) Samnotre, (22) Kashmiri Pandit, (23) Pandhotre, (24) Vilhanoch,
(25) Badu, (26) Kernaye Pandit, (27) Danal Padhe, (28) Mahite,
(29) Sudhraliye, (30) Bhatiad, (31) Puroch, (32) Adhotre, (33) Mishra,
(34) Parashara, (35) Bavagotre, (36) Mansotre, (37) Sudathiye.

III. LOWER CLASSES

(38) Sudan, (39) Sukhe, (40) Bhure, (41) Chandan, (42) Jalotre,
(43) Nabhotre, (44) Khadotre, (45) Sagdol, (46) Bhuriye,
(47) Baganachhal, (48) Rajuliye, (49) Sangde, (50) Munde,
(51) Surnachal, (52) Ladhanjan, (53) Jakhotre, (54) Lakhanpal,
(55) Gauda Purohita, (56) Shashgotre, (57) Khanotre,
(58) Garoch, (59) Marotre, (60) Upadhe, (61) Khindhaiye Padhe,

(62) Kalandari, (63) Jarad, (64) Udihal, (65) Ghode,
(66) Basnotre, (67) Barat, (68) Chargat, (69) Lavanthe,
(70) Bharangol, (71) Jaranghal, (72) Guhaliye, (73) Dhariancha,
(74) Pindhad, (75) Rajuniye, (76) Badakulive, (77) Sirkhandiye,
(78) Kirpad, (79) Balli, (80) Salurn, (81) Ratanpal, (82) Banotre,
(83) Yantradhari, (84) Dadorich, (85) Bhaloch, (86) Chhachhiale,
(87) Jhangotre, (88) Magdol, (89) Phaunphan, (90) Saroch,
(91) Gudde, (92) Kirle, (93) Mansotre, (94) Thammotre,
(95) Thanmath, (96) Bramiye, (97) Kundan, (98) Gokuliye Gosain,
(99) Chakotre, (100) Rod, (101) Bargotre, (102) Kavde,
(103) Magdiyaliye, (104) Mathar, (105) Mahijiye, (106) Thakure Purohita,
(107) Galhal, (108) Cham, (109) Rod, (110) Labhotre, (111) Redathiye,
(112) Patal, (113) Kamaniye, (114) Gandhargal, (115) Prithvipal,
(116) Madhotre, (117) Kambo, (118) Sarmayi, (119) Bachhal,
(120) Makhotre, (121) Jad, (122) Batialiye, (123) Kudidab,
(124) Jambe, (125) Karanathiye, (126) Suthade, (127) Sigad,
(128) Garadiye, (129) Machhar, (130) Baghotre, (131) Sainhasan,
(132) Utriyal, (133) Suhandiye, (134) Jhindhad, (135) Battal,
(136) Bhainkhare, (137) Bisgotre, (138) Jhalu, (139) Dabb,
(140) Bhuta, (141) Kathialu, (142) Paladhu, (143) Paladhu,
(144) Jakhotre, (145) Pange, (146) Solhe, (147) Suguniye,
(148) Sanhoch, (149) Duhal, (150) Bando, (151) Kanungo,
(152) Jhavdu, (153) Jhaphacu, (154) Kaliye, (155) Khaphankho.

(B) THE SARASVATAS OF KASHMIR

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The following is a list of Kashmiri Brahmins.
(1) Kaul, (2) Rajdan, (3) Guriti, (4) Jitish, (5) Dar, (6) Trakari,
(7) Mujhi, (8) Munshi, (9) Butal, (10) Javi, (11) Bajai, (12) Rei,
(13) Hundo, (14) Dipti, (15) Chhichvali, (16) Rugi, (17) Kall,
(18) Sum, (19) Hanji, (20) Hastivali, (21) Mutu, (22) Tikku,
(23) Gais, (24) Gadi, (25) Brari, (26) Ganj, (27) Vangan,
(28) Vagana, (29) Bhut, (30) Bhairava, (31) Madan, (32) Dina,
(33) Shargal, (34) Hakchar, (35) Hak, (36) Kukar, (37) Chhatari,
(38) Saunpuri, (39) Matti, (40) Khush, (41) Shakdar,
(42) Vaishnava, (43) Kotar, (44) Kak, (45) Kachari, (46) Tote,
(47) Saraph, (48) Gurah, (49) Thanthar, (50) Khar, (51) Thaur,
(52) Teng, (53) Saiyad, (54) Trupuraya, (55) Muthi, (56) Saphai,

(57) Bhan, (58) Vanya, (59) Garial, (60) Thapal, (61) Nauri,
(62) Masaldan, (63) Mushran, (64) Turki, (65) Photedar,
(66) Kharu, (67) Karbangi, (68) Bhath, (69) Kichilu, (70) Chhan,
(71) Mukdam, (72) Khapari, (73) Bulaki, (74) Kar, (75) Jelali,
(76) Saphayu, (77) Batphali, (78) Hukhi, (79) Kukpari, (80) Kali,
(81) Jari, (82) Ganj, (83) Kim, (84) Mundi, (85) Jangal, (86) Jati,
(87) Rakhyas, (88) Bakayi, (89) Geri, (90) Gari, (91) Kali,
(92) Panji, (93) Bangi, (94) Sahib, (95) Belab, (96) Rayi,
(97) Galikarap, (98) Chan, (99) Kababi, (100) Yachh,
(101) Jalpuri, (102) Navashahari, (103) Kisi, (104) Dhusi,
(105) Garnkhar, (106) Tholal, (107) Pista, (108) Badam,
(109) Trachhal, (110) Nadir, (111) Lidarigari, (112) Pyal,
(113) Kabi, (114) Chhatri, (115) Vanti, (116) Vatlilu, (117) Khari,
(118) Vas, (119) Lati, (120) Sabanj, (121) Dandi, (122) Raval,
(123) Misari, (124) Sibbi, (125) Singari, (126) Mirje,
(127) Mal, (128) Variki, (129) Jan, (130) Lutari, (131) Parim, (132) Hali,
(133) Nakaib, (134) Main, (135) Ambaradar, (136) Ukhal, (137) Kanth,
(138) Bali, (139) Jangali, (140) Duli, (141) Parava, (142) Harkar,
(143) Gagar, (144) Pandit, (145) Jari, (146) Langi, (147) Mukki,
(148) Bihi, (149) Padaur, (150) Pade, (151) Jand, (152) Teng,
(153) Tund, (154) Drabi, (155) Dral, (156) Phambbi, (157) Sajavul,
(158) Bakhshi, (159) Ugra, (160) Nichvi, (161) Pathan, (162) Vichari,
(163) Unth, (164) Kuchari, (165) Shal, (166) Babi, (167) Makhani,
(168) Labari, (169) Khanya, (170) Khanyakati, (171) Shah,
(172) Pir, (173) Khurdi, (174) Khunki, (175) Kalposh, (176) Pishan,
(177) Bishan, (178) Bul, (179) Choki, (180) Chak, (181) Rai,
(182) Priti, (183) Pati, (184) Kichili, (185) Kahi, (186) Jiji, (187) Kilmak,
(188) Salman, (189) Kadalbaju, (190) Kandahari, (191) Bali,
(192) Manati, (193) Bankhan, (194) Hakim, (195) Garib,
(196) Mandal, (197) Manjaha, (198) Shair, (l99) Nun, (200) Teli,
(201) Khalasi, (202) Chandra, (203) Gadir, (204) Jarabi, (205) Sihari,
(206) Kalvit, (207) Nagari, (208) Mungvuch, (209) Khaibari,
(210) Kulli, (211) Kabi, (212) Khosa, (213) Durani, (214) Tuli, (215) Garib,
(216) Gadi, (217) Jati, (218) Rakhsas, (219) Harkar, (220) Grad,
(221) Vagari, etc. etc.

3. THE SARASVATAS OF SINDH

The Sarasvatas of Sindh are sub-divided as follows:

(1) Shikarpuris, (2) Barovis, (3) Ravanjahis, (4) Shetpalas
(5) Kuvachandas, and (6) Pokharana.

11. THE KANYAKUBJA BRAHMINS

The Kanuakubjas take their name from the town Kanoj which was the capital of the Empire. They are also called Kanoujas. There are two denominations of the Kanyakubja Brahamins. One is called the *Sarvariyas* and the other is called the *Kanyakubjas*. The Sarvariyas got their name from the ancient river Saryu to the east of which they are principally found. They are a provincial offset from the Kanaujas, with whom they do not now intermarry. The sub-divisions among the Sarvariyas are generally the same as those found among the Kanaujas. It is therefore enough to detail the sub-divisions among the Kanaujas. There are ten divisions of the Kanyakubja Brahmins:

(1) The Mishra, (2) The Shuklas, (3) The Tivaris, (4) The Dubes,
(5) The Pathaks. (6) The Pande, (7) The Upadhya, (8) The Chaubes,
(9) The Dikshitas, (10) The Vajapeyis.

Each of these sub-divisions has many sub-divisions. They are mentioned below:

1. THE MISHRAS

The Mishras consist of the following sections:
(1) The Madhbani, (2) The Champaran, (3) The Patlal or Patlayala,
(4) The Ratanvala, (5) The Bandol, (6) The Matol or Matevala,
(7) The Katariya of the same Veda, (8) The Nagariya of the Vatsa Gotra,
(9) The Payasi of the Vatsa Gotra, (10) The Gana,
(11) The Teunta or the Tevanta, (12) The Marjani, (13) The Gurha,
(14) The Markara, (15) The Jignya, (16) The Parayana, (17) The Pepara,
(18) The Aterva or Atharva, (19) The Hathepara, (20) The Suganti,
(21) The Kheta, (22) The Grambasi, (23) The Birha, (24) The Kausi,
(25) The Kevati, (26) The Raisi, (27) The Bhahajiya, (28) The Belva,
(29) The Usraina, (30) The Kodiya, (31) The Tavakpuri, (32) The Jimalpuri,
(33) The Shringarpuri, (34) The Sitapuri, (35) The Putavha,
(36) The Sirajpuri, (37) The Bhampuri, (38) The Terka,
(39) The Dudhagaumi, (40) The Ratnapuri, (41) The Sunhanla.

2. THE SHUKLAS

The Shukias consist of the following sections:
(1) The Khakhayijkhor named from two villages,
(2) The Marnkhor named from two villages, (3) The Tipthi,
(4) The Bhedi, (5) The Bakaruva, (6) The Kanjahi, (7) The Khandail,
(8) The Bela, (9) The Change the Avasthi, (10) TheTevarasi Parbhakar,
(11) The Mehuliyar, (12) The Kharbahiya, (13) The Chanda,
(14) The Grga, (15) The Gautami, (16) The Parasa, (17) TheTara,
(18) The Barikhpuri, (19) The Karyava, (20) The Ajmadgadhya,
(21) The Pichaura, (22) The Masauvas, (23) The Sonthianva,
(24) The Aukin, (25) The Bir, (26) The Gopinath.

3. THE TIVARIS

The Tivaris consist of the following sections:
(1) The Lonakhar, (2) The Lonapar, (3) The Munjauna, (4) The Mangraich,
(5) The Jhunadiya, (6) The Sohgaura, (7) The Tara, (8) The Gorakhpuriya,
(9) The Daurava, (10) Pendi, (11) The Sirjam, (12) The Dhatura,
(13) The Panauli, (14) The Nadauli or Tandauli, (15) The Burhiyabari,
(16) The Gurauli, (17) The Jogiya, (18) The Dikshita, (19) The Sonaura,
(20) The Agori, (21) The Bhargava, (22) The Bakiya, (23) The Kukurgariya,
(24) The Dama, (25) The Gopala, (26) The Govardhana, (27) The Tuke,
(28) The Chattu, (29) The Shivali, (30) The Shakharaj, (31) The Umari,
(32) The Manoha, (33) The Shivarajpur, (34) The Mandhna,
(35) The Sape, (36) The Mandan Tirvedi, (37) The Lahari Tirvedi,
(38) The Jethi Tirvedi.

4. THE DUBES

The Dube's consist of the following sections:
(1) The Kanchani, (2) The Singhva, (3) The Belava, (4) The Parava,
(5) The Karaiya, (6) The Bargainya, (7) The Panchani, (8) The Lathiahi,
(9) The Gurdvan, (10) The Methiber, (11) The Barhampuriya,
(12) The Singilava, (13) The Kuchala, (14) The Munjalva, (15) The Paliya,
(16) The Dhegava, (17) The Sisra, (18) The Sinani, (19) The Kudavarye,
(20) The Kataiya, (21) The Panva.

5. THE PATHAKS

The following are the sections composing of the Pathakas:

(1) The Sonaura, (2) The Ambatara, (3) The Patakhavaliya,
(4) The Dhigavach, (5) The Bhadari.

6. THE PANDES

The Pande's are divided into the following sections:
(1) The Tirphala or Triphala, (2) The Jorava, (3) The Matainya,
(4) The Toraya, (5) The Nakchauri, (6) The Parsiha, (7) The Sahankol,
(8) The Barhadiya, (9) The Gegas, (10) The Khoriya, (11) The Pichaura,
(12) The Pichaura Payasi, (13) The Jutiya or Jatya, (14) The Itar or Intar,
(15) The Beshtaul or Beshtavala, (16) The Charpand, (17) The Sila,
(18) The Adhurj, (19) The Madariya, (20) The Majgaum,
(21) The Dilipapar, (22) The Payhatya, (23) The Nagav, (24) The Talava,
(25) The Jambu.

7. THE UPADHYAS

There are five sections among the Upadhyas:
(1) The Harainya or Hiranya, (2) The Devarainya, (3) The Khoriya,
(4) The Jaithiya, (5) The Dahendra, (6) The Gorat, (7) The Ranisarap,
(8) The Nizamabad, (9) The Dudholiya, (10) The Basgava.

8. THE CHAUBES

The principal sub-divisions of the Chaube's are:
(1) The Nayapuras, (2) The Rargadis, (3) The Chaukhar, (4) The Katayas,
(5) The Rampuras, (6) The Paliyas, (7) The Hardaspuras, (8) The Tibaiyas,
(9) The Jamaduvas, (10) The Gargeya.

9. THE DIKSHITAS

The Dikshitas have the following sub-divisions:
(1) The Devagaum, (2) The Kakari, (3) The Nevarshiya, (4) The Anter,
(5) The Sukanta, (6) The Chaudhari, (7) The Jujatvatiyas.

10. THE VAJAPEYIS

The Vajapeyi's consist of the following sub-divisions:
(1) The Unche, or the High, (2) The Niche or the Low. Besides the divisions and sub-divisions of the Kanyakubjas mentioned above there are Kanyakubjas who are regarded as inferior and therefore isolated from the main divisions and sub-divisions. Among them are the following:
(1) The Samdariya, (2) The Tirguvati, (3) The Bhaurha, (4) The Kabisa,
(5) The Kevati, (6) The Chandravala, (7) The Kusumbhiya,
(8) The Bisohya, (9) The Kanhali, (10) The Khajuvai, (11) The Kisirman,

(12) The Paihtiya, (13) The Masonad, (14) The Bijara, (15) The Ansnaura.

III. THE GAUDA BRAHMINS

The Gauda Brahmins derive their name from the Province and (now ruined) city of Gauda, for long the capital of Bihar and Bengal (the seat of the *Angas* and *Vangas* or *Bangas).* The subdivisions among the Gauda Brahmins are very considerable in number. The most conspicuous of them are the following:

(1)The Gaudas or Kevala Gaudas, (2)Adi-Gaudas,
(3) Shukiavala Adi-Gaudas, (4) Ojhas, (5) Sanadhya Gauda,
(6) Chingalas, (7) Khandevalas, (8) Daymias, (9) Shri-Gaudas,
(10) Tamboli Gaudas, (11) Adi-Shri Gaudas, (12) Gurjar Gaudas,
(13) Tek Bara Gaudas, (14) Chamar Gaudas, (15) Hariyana Gaudas,
(16) Kirtanya Gaudas, (17) Sukul Gaudas.

IV. THE UTKAL BRAHMINS

Utkal is the ancient name of Orissa and Utkal Brahmins means Brahmins of Orissa. They are divided into:

(1) The Shashani Brahmins, (2) The Shrotriya Brahmins,
(3) The Panda Brahmins, (4) The Ghatiya Brahmins,
(5) The Mahasthana Brahmins, (6) The Kalinga Brahmins.

The *Shashani* Brahmins have the following sub-divisions.

(1) The Savanta, (2) The Mishra, (3) The Nanda, (4) The Pate,
(5) The Kara, (6) The Acharya, (7) The Satapasti, (8) The Bedi,
(9) The Senapati, (10) The Parnagrahi, (11) The Nishank,
(12) The Rainipati.

The *Shrotriya Brahmins* have the four following sub-divisions:

(1) Shrotriyas, (2) Sonarbani, (3) Teli, (4) Agrabaksha.

V. THE MAITHILYA BRAHMINS

The Maithilya Brahmins derive their designation from Mithila, an ancient division of India and which includes a great portion of the modern districts of Tirhut, Saran, Purnea and also parts of the adjacent tracts of Nepal. The following are the sub-divisions of the Maithilya Brahmins:

(1) The Ojhas, (2) The Thakurs, (3) The Mishras, (4) The Puras,
(5) The Shrotriyas, (6) The Bhuiharas.

Of these the Mishras have the following sub-sections:

(1) The Chandharis, (2) The Rayas, (3) The Parihastas, (4) The Khanas, (5) The Kumaras.

Ill

OTHER BRAHMINS

The Panch Dravidas is a generic name for Brahmins living below the Vindhya and the Panch Gaudas is a generic name for Brahmins living above the Vindhyas. In other words, Panch Gauda is a name for Northern Brahmins and Panch Dravidas, a name for Southern Brahmins. What is, however, to be noted is that the five divisions of Brahmins composing the Northern Fraternity and Southern Fraternity of Brahmins do not exhaust all the divisions of Brahmins living in Northern or Southern India. To complete the subject it is necessary not only to refer to them but also to record their sub-divisions.

OTHER BRAHMINS OF SOUTH INDIA

In this category fall the following:

(1) (1) The Konkani Brahmins mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_16

(2) (2) (2) The Hubu mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_17'

(3) (3) (3) The Gaukarna mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_18'

(4) (4) The Havika mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_19'

(5) (5) (5) The Tulva mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_20'

(6) (6) The Amma Kodaga mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/23. Essay on Untouchables and Untouchability_Social.htm - _msocom_21'

(7) (7) The Nambudri

The Nambudri Brahmins are the principal group of Brahmins living in Malabar. Besides the Nambudris there are also other sections of Brahmins. They are:

(1) The Pottis, (2) The Muttadus, (3) The Fledus, (4) The Ramnad-writ Parasahas, (5) The Pattaras, (6) The Ambalvasis.

OTHER RAJPUTA BRAHMINS

The Varieties of Rajputa Brahmins not mentioned in the list of Gurjar Brahmins are:

(1) The Shrimalis Brahmins, (2) The Sachoda Brahmins,
(3) The Pallivalar Brahmins, (4) The Nandanas Brahmins,
(5) The Pushakars Brahmins, (6) The Pokhar Sevakas Brahmins,
(7) The Medatvala, (8) The Parikha Brahmins, (9) The Lavanas Brahmins,
(10) The Dakotas Brahmins, (II) The Garudiyas Brahmins,
(12) The Acharjas, (13) The Bura Brahmins, (14) The Kapidas,
(15) The Dahimas, (16) The Khandelvalas, (17) The Divas,
(18) The Sikavadas, (19) The Chamatvalas, (20) The Marus,
(21) The Shrivantas, (22) The Abhiras, (23) The Bhartanas,
(24) The Sanacadas, (25) The Vagadis, (26) The Mewadas,
(27) The Rajgurus, (28) The Bhats, (29) The Charanas.

ESSAYS ON UNTOUCHABLES

AND UNTOUCHABILITY: POLITICAL

Contents

Chapter 1 : From millions to fractions
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Chapter 7 : A warning to the untouchables

Political

(Seven essays on the political issues previously not published have been included under the category 'Political' in this Book.)

CHAPTER 1

FROM MILLIONS TO FRACTIONS

I. Population of the Untouchables long unknown.
II. The Census of 1911 and the first attempt at separate enumeration.
III. Confirmation of the findings of 1911 Census.
V. Lothian Committee and the Hindu cry of"no Untouchables".
V. Reasons for the cry.
VI. Attitude of the Backward Classes and the Muslims.

What is the total population of the Untouchables of India? This is bound to be the first question that a person who cares to know anything about them is sure to ask. It is now easy to answer this question. For the Census of India taken in 1931 gives it as 50 millions. While it is possible now to give more or less exact figures of the Untouchable population in India it was not possible to do so for a long time.

This was due to various causes. Firstly untouchability is not a legal term. There is no exact legal definition of untouchability whereby it could be possible to define who is an Untouchable and who is not. Untouchability is a social concept which has become embodied in a custom and as custom varies so does untouchability. Consequently there is always some difficulty in the way of ascertaining the population of the Untouchables with mathematical exactitude.

Secondly there has always been serious opposition raised by high caste Hindus to the enumeration by caste in the Census Report. They have insisted on the omission of the question regarding caste from the schedules and the suppression of the classification of the population by caste and tribe. A proposal to this effect was made in connection with the 1901 Census mainly on the ground that the distribution of various castes and tribes in the population changed at large intervals and that it was not necessary to obtain figures at each decennial enumeration.

These grounds of objection did not have any effect on the Census Commissioner. In the opinion of the Census Commissioner enumeration by caste was important and necessary. It was argued by the Census Commissioner that,

"Whatever view may be taken of the advantages or disadvantages of caste as a social institution, it is impossible to conceive of any useful discussion of the population questions in India in which caste would not be an important element. Caste is still 'the foundation of the Indian social fabric,"and the record of caste is still 'the best guide to the changes in the various social strata in the Indian Society'. Every Hindu (using the term in its most elastic sense) is born into a caste and his caste determines his religious, social. economic and domestic life from the cradle to the grave. In western countries the major factors which determine the different strata of society, viz. wealth, education and vocation are fluid and catholic and tend to modify the rigidity of birth and hereditary position. In India spiritual and social community and traditional occupation override all other factors. Thus, where in censuses of western countries, an economic or occupational grouping of the population affords a basis for the combination of demographic statistics, the corresponding basis in the case of the Indian population is the distinction of religion and caste. Whatever view may be taken of caste as a national and social institution, it is useless to ignore it, and so long as caste continues to be used as one of the distinguishing features of an individual's official and social identity, it cannot be claimed that a decennial enumeration helps to perpetuate an undesirable institution."

The objections to the enumeration by castes in the census were urged with greater force on the occasion of the census of 1911 when the special questionnaire containing ten tests was issued for the purpose of grouping together castes which satisfied those tests. There was no doubt that those tests were such as would mark off the Depressed Classes from the Caste Hindus. It was feared by the Caste Hindus that this circular was the result of the Muslim Memorial to the Secretary of State and its aim was to separate the Depressed Classes from the Hindus and thereby to reduce the strength of the Hindu Community and its importance.

This agitation bore no fruit and the objection of separately enumerating in the Census Report those castes which satisfied those ten tests was carried out. The agitation however did not die out. It again cropped up at the Census of 1920. At this time, effort was made to put forth the objection to the caste return in a formal manner. A resolution was tabled in the Imperial Legislative Council in 1920 attacking the caste inquiry on the grounds (a) that it was undesirable to recognise and perpetuate, by official action, the system of caste differentiation and (b) that in any case the returns were inaccurate and worthless, since the lower castes took the opportunity of passing themselves as belonging to groups of higher status. If this resolution had been carried, it would not have been possible to know the population of the Untouchables. Fortunately owing to the absence of the mover, the resolution was not discussed and the Census Commissioner of 1921 remained free to carry out his inquiries in the usual manner.

Thirdly no attempt was made for a separate enumeration of the Untouchables by any of the Census Commissioners previous to the year 1911. The first general Census of India was taken in the year 1881. Beyond listing the different castes and creeds and adding up their numbers so as to arrive at the total figure of the population of India, the Census of 1881 did nothing. It made no attempt to classify the different Hindu castes either into higher and lower or Touchable and Untouchable. The second general Census of India was taken in the year 1891. It was at this census that an attempt to classify the population on the basis of caste and race and grade was made by the Census Commissioner for the first time.

The third general Census of India was taken in 1901. At this census a new principle of classification was adopted namely"Classification by Social precedence as recognised by native public opinion."For a society like the Hindu society which does not recognise equality and whose social system is a system of gradation of higher and lower, this principle was the most appropriate one. Nothing can present a more intelligible picture of the

social life and grouping of that large proportion of the people of India which is organised admittedly or tacitly on the basis of caste as this principle of social precedence.

II

The first attempt of a definite and deliberate kind to ascertain the population of the Untouchables was made by the Census Commissioner in 1911.

The period immediately preceding the Census of 1911 was a period during which the Morley-Minto Reforms were in incubation. It was a period when the Mahomedans of India had started their agitation for adequate representation in the legislatures by separate electorates. As a part of their propaganda, the Mahomedans waited upon Lord Morley, the then Secretary of State for India in Council, in deputation and presented him a Memorial on the 27th January 1909. In that memorial there occurs the following statement: *(The statement is not recorded in the MS.*—Ed.) Whether there was any connection between what the Muslim deputation had urged in their memorial regarding the Untouchables in 1907 and the idea of the Census Commissioner four years after to make a separate enumeration of the Untouchables, is a matter on which nothing definite can be said. It is possible that what the Census Commissioner proposed to do in 1911 was only a culmination of the

ways adopted by his predecessors in the matter of the demographic study of the population. Be that as it may, there was a great uproar on the part of the Hindus when the Census Commissioner announced his plan of separate enumeration of the Untouchables. It was said that this attempt of the Census Commissioner was the result of a conspiracy between the Musalmans and the British Government to divide and weaken the Hindu Community. It was alleged that what was behind this move was not a genuine desire to know the population of the Untouchables but the desire to break up the solidarity of the Hindu Community by separating the Untouchables from the Touchables. Many protest meetings were held all over the country by the Hindus and condemned in the strongest terms this plan of the Census Commissioner.

The Commissioner of Census however undaunted by this storm of protest decided to carry out his plan. The procedure adopted by him for a separate enumeration of the Untouchables was of course a novel one. The Census Superintendents for different Provinces were instructed by the Census Commissioner to make separate enumeration of castes and tribes

classed as Hindus but who did not conform to certain standards or who were subject to certain disabilities.

Under these tests the Census Superintendents made a separate enumeration of castes and tribes who (1) denied the supremacy of the Brahmins, (2) did not receive the Mantra from Brahmana or other recognized Hindu Guru, (3) denied the authority of the Vedas, (4) did not worship the great Hindu Gods, (5) were not served by good Brahmanas, (6) have no Brahman priests at all, (7) have no access to the interior of the ordinary Hindu temple, (8) cause pollution, (9) bury their dead and (10) eat beef and do not revere the cow.

The investigation conducted by the Census Commissioner left no room for guessing. For he found as a fact what the population of the Untouchables was. The table below gives the population of the Untouchables, province by province, as found by the Census Commissioner of 1911.* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_1

Province	Total Population in Millions	Population of Depressed Classes in Millions	Total seats	Seats for the depressed classes
Madras	39.8	6.3	120	2
Bombay	19.5	0.6	113	1
Bengal	45.0	9.9	127	1
United Provinces	47.0	10.1	120	1
Punjab	19.5	1.7	85	
Bihar and Orissa	32.4	9.3	100	1
Central Provinces	12.0	3.7	72	1
Assam	6.0	0.3	54	
Total	221.2	41.9	791	7

An outsider might not realise the significance and the bearing of these tests. They might ask what all this got to do with untouchability. But he will realise the significance and the bearing on the question of ascertaining the population of the Untouchables. As has been said there is no legal

definition of untouchability and there cannot be any. Untouchability does not express itself through the hair of the head or the colour of the skin. It is not a matter of blood. Untouchability expresses itself in modes of treatment and observance of certain practices. An Untouchable is a person who is treated in a certain way by the Hindus and who follows certain practices, which are different from the Hindus. There are definite ways in which the Hindus treat the Untouchables in social matters. They are definite practices, which are observed by the Untouchables. That being so the only method of ascertaining who are Untouchables is to adopt their ways and practices as the criteria and find out the communities which are subject to them. There is no other way. If the outsider bears this in mind, he will understand that even though the tests prescribed by the Census Commissioner do not show any colour of untouchability, they are in fact the hall marks of untouchability. That being so, there can be no manner of doubt that the procedure was proper and the tests were correct. Consequently it can be truly said, the results of this investigation were valuable and the figures obtained were accurate as far they can be in a matter of this sort.

Ill

The findings of the Census Commissioner of 191I regarding the total population of the Untouchables were confirmed by the Census Commissioner of 1921.

The Census Commissioner of 1921 also made an investigation-to ascertain the population of the Untouchables. In this Report Part I para 1931 the Census Commissioner observed:

"It has been usual in recent years to speak of certain section of the community as 'depressed classes'. So far as I am aware, the term has no final definition nor is it certain exactly whom it covers. In the Quinquennial Review on the Progress of Education from 1912/17 (Chapter XVIII paragraph 505) — the depressed classes are specifically dealt with from the point of view of Educational assistance and progress and in Appendix XIII to that Report a list of the castes and tribes constituting this section of the Community is given. The total population classed according to these lists as depressed amounted to 31 million persons or 19 per cent of the Hindu and Tribal population of British India. There is undoubtedly some danger in giving offence by making in a public report social distinction which may be deemed invidious; but in view of the lists already prepared and the fact that the"Depressed Classes"have, especially in South India, attained a class consciousness and a class organisation, are served by special

missions,"raised"by philanthropic societies and officially represented in the Legislative Assemblies, it certainly seems advisable to face the facts and to attempt to obtain some statistical estimate of their numbers. I therefore asked Provincial Superintendents to let me have an estimate based on census figures of the approximate strength of the castes who were usually included in the category of"depressed".

"I received lists of some sort from all provinces and states except the United Provinces, where extreme delicacy of official sentiment shrank from facing the task of attempting even a rough estimate. The figures given are not based on exactly uniform criteria, as a different view is taken of the position of the same groups in different parts of India, and I have had in some cases to modify the estimates on the basis of the figures in the educational report and of information from the 1911 reports and tables. They are also subject to the general defect, which has already been explained, that the total strength of any caste is not recorded. The marginal statement gives however a rough estimate of the *minimum* members which may be considered to form the"depressed classes"of the Hindu community. The total of these provincial figures adds up to about 53 millions. This, however, must be taken as a low and conservative estimate since it does not include (1) the full strength of the castes and tribes concerned and (2) the tribal aborigines more recently absorbed in Hinduism, many of whom are considered impure. We may confidently place the numbers of these depressed classes all of whom are considered impure, at something between 55 and 60 millions in India proper."

Then came the inquiry by the Simon Commission which was appointed by the British Parliament in 1929 to examine the working of the Reforms introduced by the Government of India Act of 1919 and to suggest further reforms.

At the time when the reforms which subsequently became embodied in the Act of 1919 were being discussed, the authors of the Montague-Cheirnsford Report clearly recognised the problem of the Untouchables and the authors pledged themselves to make the best arrangement for their representation in the Legislatures. But the Committee that was appointed under the chairmanship of Lord South borough to devise the franchise and the electoral system ignored them altogether. The Government of India did not approve of this attitude and made the following comments:

"They (Untouchables) are one fifth of the total population and have not been represented at all in the Morley-Minto Councils. The Committee's report mentions them (Untouchables) twice, but only to explain that in the absence of satisfactory electorates they have been provided for by

nomination. It does not discuss the position of these people, or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them..... The measure of representation which they propose..... suggested that one fifth of the entire population of British India should be allotted seven seats out of practically eight hundred. It is true that in all the Councils there will be roughly speaking a one-sixth proportion of officials who may be expected to bear in mind the interests of the (Untouchables); but that arrangement is not, in our opinion, what the Report on reforms aims at. The authors stated that the (Untouchables) also should learn lessons of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the community in an assembly where there are sixty or seventy caste Hindus. To make good the principles of the Report we must treat the outcastes more generously".

The Government recommended that the seats allotted to the Untouchables by the Committee should be doubled. Accordingly in place of seven they were given fourteen seats. It will be seen that the generosity of the Government of India when put into practice did not amount to much. It certainly did not do to the Untouchables the justice that was their due.

Among the problems that were not properly settled in 1919, was the problem of the Untouchables, which was bound to loom large before the Simon Commission. Quite unexpectedly the problem received a special emphasis at the hands of the late Lord Birkenhead who was then the Secretary of State for India. In a speech which he made on mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_2 .. .. just before the appointment of the Simon Commission he said— *(Left blank in the MS.*—Ed.).

Naturally the problem became a special task of the Simon Commission. Although the problem as presented was one of providing representation— and in that sense a political problem at the bottom it was a problem, of ascertaining the population of the untouchables, Because unless the population was ascertained, the extent of representation in the legislature could not be settled.

The Simon Commission had therefore to make a searching inquiry into the population of the untouchables. It called upon the various provincial governments to furnish returns showing the numbers of untouchables residing in their area and it is well known that the provincial governments took special care in preparing these returns. There can therefore be no question regarding the accuracy of the figure of the total population of the

untouchables. The *following table*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_3 gives the figures for the population of the untouchables as found by the Southborough Committee and by the Simon Commission.

IV

It is thus clear that the population of the Untouchables has been estimated to be somewhere about 50 millions. That this is the population of the Untouchables had been found by the Census Commissioner of 191I and confirmed by the Census Commissioner of 1921 and by the Simon Commission in 1929. This fact was never challenged by any Hindu during the twenty years it stood on the record. Indeed in so far as the Hindu view could be gauged from the reports of the different Committees appointed by the Provincial and Central Legislatures to co-operate with the Simon Commission, there can be no doubt that they accepted this figure without any demur.

Suddenly however in 1932, when the Lothian Committee came and began its investigation, the Hindus adopted a challenging mood and refused to accept this figure as the correct one. In some provinces the Hindus went to the length of denying that there were any Untouchables there at all. This episode reveals the mentality of the Hindus and as such deserves to be told in some details.

The Lothian Committee was appointed in consequence of the recommendations made by the Franchise Sub-Committee of the Indian Round Table Conference. The Committee toured the whole of India, visited all the Provinces except Central Provinces and Assam. To aid the Committee, there were constituted in each Province by the provincial Government, Provincial Committees comprising, so far as possible, spokesmen of the various schools of thought and of the various political interests existing in each Province. These Provincial Committees were in the main composed of members of the Provincial Councils with non-officials as Chairmen. With a view to concentrating discussion, the Indian Franchise Committee issued a questionnaire covering the field included in its terms of reference. The procedure laid down by the Franchise Committee was that Provincial Governments should formulate their own views on the points raised in the questionnaire and discuss them with the Committee and that the Provincial Committees who were regarded as the authoritative advisers should independently formulate their views and

should at their discretion conduct a preliminary examination of witnesses on the basis of their written statements. The Report of the Indian Franchise Committee was therefore a thorough piece of work based upon detailed investigation.

The letter of instruction sent by the Prime Minister to Lord Lothian as Chairman of the Indian Franchise Committee and which constituted the terms of reference of the Committee contained the following observation:

"It is evident from the discussions which have occurred in various connections in the (Indian Round Table) Conference that the new constitution must make adequate provision for the representation of the depressed classes and that the method of representation by nomination is no longer regarded as appropriate. As you are aware, there is a difference of opinion whether the system of separate electorates should be instituted for the depressed classes and your committee's investigation should contribute towards the decision of this question by indicating the extent to which the depressed classes would be likely, through such general extension of the Franchise as you may recommend, to secure the right to vote in ordinary electorates. On the other hand, should it be decided eventually to constitute separate electorates for the depressed classes, either generally or in those Provinces in which they form a distinct and separate element in the population, your Committee's inquiry into the general problem of extending the franchise should place you in possession of facts which would facilitate the devising of a method of separate representation for the depressed classes". Accordingly in the questionnaire that was issued by the Indian Franchise Committee there was included the following Question:

"What communities would you include as belonging to Depressed Classes? Would you include classes other than Untouchables, and if so which"?

I was a member of the Indian Franchise Committee. When I became a member of the Committee, I was aware that the principal question on which I should have to give battle with the Caste Hindus was the question of joint versus separate electorates for the Untouchables. I knew, that in the Indian Franchise Committee, the odds would be heavily against them. I was to be the only representative of the Untouchables in the Committee as against half a dozen of the Caste Hindus. Against such an unequal fight I had prepared myself. Before accepting membership of the Indian Franchise Committee, I had stipulated that the decision of the question whether the Untouchables should have joint or separate electorates should not form part of the terms of reference to the Committee. This was accepted and the

question was excluded from the purview of the Indian Franchise Committee. I had therefore no fear of being out voted on this issue in the Committee— a strategy for which the Hindu Members of the Committee did not forgive me. But there arose another problem of which I had not the faintest idea. I mean the problem of numbers. The problem of numbers having been examined between 1911 to 1929 by four different authorities, who found that the population of Untouchables was somewhere about 50 millions, I did not feel that there would be any contest over this issue before the Indian Franchise Committee.

Strange as it may appear the issue of numbers was fought out most bitterly and acrimoniously before the Indian Franchise Committee. Committee after Committee and witness after witness came forward to deny the existence of the Untouchables. It was an astounding phenomenon with which I was confronted. It would be impossible to refer to the statement of individual witnesses who came forward to deny the existence of such a class as the Untouchables. It would be enough if I illustrate my point by referring to the views of the Provincial Franchise Committees and their members relating to the question of the population of the Untouchables.

PUNJAB

Opinion of the Punjab Government.

"The Punjab Government is of opinion that the enfranchisement of the tenant will give the vote to a considerable number of the Depressed Classes and to that extent will give them influence in the election of representatives to the Council."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_4

"As regards the Depressed Classes, the Punjab Government has no reason to depart from the view which it has already expressed in para 25 of the Memorandum containing the opinions of the official members of the Government on the recommendations of the Indian
Statutory Commission, that these classes are not a pressing problem in the Punjab and will get some representation as tenants."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_5 *Opinion of the Punjab Provincial Franchise Committee.*

"K. B. Din Mahomed and Mr. Hansraj (who represented the Untouchables on the Committee) held that, while there are no depressed classes among the Musalmans, there exist depressed classes among the

Hindus and Sikhs..... Their total number being 1,310,709. Mr. Hansraj considers this list incomplete."

"They held that provision should be made for separate representation by treating the depressed classes as a separate community. Mr. Nazir Husain, Rai Bahadur Chaudhri Chhotu Ram, Mr. Own Roberts, K. B. Muhammad Hayat, Mr. Qureshi, Mr. Chatterji, Sardar Bhuta Singh and Pandit Nanak Chand held that it is impossible to say that there are depressed classes in the Punjab in the sense that any person by reason of his religion suffers any diminution of civic rights..... The Chairman, Pandit Nanak Chand and Sardar Bhuta Singh are of opinion that the depressed classes do not exist in the sense in which they exist in Southern India, and that, while there are in the villages certain classes who occupy a very definitely inferior economic and social position, it is not possible to differentiate the Hindu leather worker or Chamar who is claimed as a depressed class from the Musalman leather worker or Mochi who no one alleges belongs to a separate class."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_6

It will thus be seen that the Punjab Provincial Government avoided to answer the question. The Punjab Provincial Committee by a majority denied that there existed a class such as depressed or untouchable.

UNITED PROVINCES

Opinion of the Provincial Franchise Committee.

"The United Provinces Franchise Committee is of opinion that only those classes should be called"depressed"which are untouchable. Judged by this test, the problem of untouchability is non-existent in these provinces except in the case of Bhangis, Doms and Dhanuks, whose total population, including those sections which are touchable is only 582,000."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_7

Babu Ram Sahai, a member of the United Provinces Pronvincial Franchise Committee representing the untouchable classes, in his minute of dissent gave the numbersmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_8of the Untouchables in U. P. as 11,435,417. Rai Sahib Babu Ramcharan another member of the United Provinces Provincial Franchise Committee representing the Depressed Classes in his minute of dissent gave the numbersmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_9 of the Depressed Classes in U.P. as 20 millions.

The Government of the United Provinces reportedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_10 that the maximum estimate amounts to 17 million persons; the minimum something less than one million. In its opinion the least number was 6,773,814.

BENGAL

The Bengal Provincial Franchise Committee in its first Reportmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_11 said.

"The Committee could come to no decision on this question and resolved to put it back for consideration along with the Central Committee."In its final Report the same Committee said—

"According to the criterion laid down viz, untouchability and un-approachability, as these terms are understood in other parts of India, the Committee consider that, except Bhuimalis only, there is no such class in Bengal."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_12

Mr. Mullick who was a representative of the Depressed Classes on the Bengal Provincial Franchise Committee in his minute of dissent gave a list of 86 castes as belonging to the Untouchable Classes.

BIHAR AND ORISSA

The population of the Depressed Classes in Bihar and Orissa according to the Census of 191 I was 9,300,000 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_13 and according to the Census of 1921 was 8,000,000 6.

But the Bihar and Orissa Provincial Franchise Committee in its provincial memorandum7 observed—

"It is difficult to give an exhaustive list of the castes or sects who come under the definition of Depressed Classes. The only classes which can be called depressed are *Mushahars, Dusadhs, Chamars, Doms* and *Mehtars*. Their number is not sufficiently large to justify their being grouped in a separate electoral roll. The problem of Depressed Classes is not so acute in Bihar as in Bombay or South India. The Committee considers that there is no need for special representation of the Depressed Classes."

The same Committee in its final reportmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_14 said :

"The classes which are commonly regarded as Untouchables are Chamar, Busadh, Dom, Halalkhor, Hari, Mochi, Mushahar, Pan Pasi. . . .. The majority of the Committee, however consider that there is no need for special representation as the Depressed Classes as their grievances are not so acute here as in Bombay or South India".

Why did the Hindus suddenly turn to reduce the population of the Untouchables from millions to fractions? The figure of 50 millions had stood on the record from 1911. It had not been questioned by any one. How is it that in 1932 the Hindus made so determined an effort without any regard to the means to challenge the accuracy of this figure?

The answer is simple. Up to 1932 the Untouchables had no political importance. Although they were outside the pale of Hindu Society which recognises only four classes namely Brahmins, Kshatriyas, Vaishyas and Shudras, yet for political purposes they were reckoned as part of the Hindu Society. So that for political purposes such as representation in the Legislature etc., the question of the population of the Untouchables was of no consequence. Up to 1932 the political question was one of division of seats in the Legislature between Hindus and Musalmans only and as there was no question of the seats that came to the lot of the Hindus being partitioned between the Touchables and the Untouchables and as the whole share went to the Touchables they did not care to inquire what the population of the Untouchables was. By 1932 the situation had completely altered. The question of partition was no longer a question between Hindus and Musalmans. The Untouchables had begun to claim that there should not only be a partition between the Hindus and Musalmans but that the share allotted to the Hindus should be further partitioned and the share of the Untouchables given to them to be enjoyed by them exclusively. This claim to separation was recognised and the Untouchables were allowed to be represented by members of their own class at the Indian Round Table Conference. Not only was the separate existence of the Untouchables thus recognised but the Minorities Subcommittee of the Indian Round Table Conference had accepted the principle that under the new Constitution the depressed classes should be given representation in all Legislatures in proportion to their population. It is thus that the population of the Untouchables became a subject of importance. The less the population of the Untouchables the greater the share of the political representation that would go to the Touchable Hindus. This will explain why the Touchables

who before 1932 did not care to quarrel over the question of the population of the Untouchables, after 1932 began denying the very existence of such a class as Untouchables.

The ostensible grounds urged by the Hindus before the Lothian Committee for reducing the population of the Untouchables were two. One was that the figures given by the Census Commissioner were for Depressed Classes and not for Untouchables and that Depressed Classes included other classes besides Untouchables. The second ground urged by them was that, the definition of the word should be uniform throughout all India and should be applied in all Provinces in determining the population of the Untouchables. In other words they objected to a local test of untouchability.

The first contention was absolutely untrue. The term Depressed Classes was used as a synonym for Untouchables and the term Depressed Classes was used instead of the term Untouchables because the latter it was felt, would give offence to the people meant to be included under the term. That, it was used to denote only the Untouchables and it did not include the Aboriginals or the Criminal Tribes was made clear in the debate that took place in the Imperial Legislative Council in 1916 on the Resolution moved by the Honourable Mr. Dadabhoy. The second contention of the caste Hindus was that the test of untouchability should be uniform. The object of putting forth this contention was to reduce the number of Untouchables. It is well known that there are variations in the forms which untouchability assumes in different parts of India. In some parts of India, Untouchables are un-seeables i.e. they cause pollution if they come within the sight of a Touchable Hindu. In some parts Untouchables are unapproachables i.e. they cause pollution if they come within a certain distance of a Touchable Hindu. Of these unapproachables there are two classes. There is a class of unapproachables who cannot come within a certain fixed distance of a Touchable Hindu. There is another class of unapproachables who cannot come so near a Hindu as to let his shadow fall upon him. In some parts of India an Untouchable is not an unseeable or unapproachable. It is only his physical contact which causes pollution. In some parts an Untouchable is one who is not allowed to touch water or food. In some parts an Untouchable is one who is not allowed to enter a temple. With these variations it is clear, that if unseeability was taken as the only test of untouchability, then the unapproachables would have to be excluded from the category of Untouchables. If unapproachability was taken as a test, then those whose touch only caused pollution will have to be excluded from the category of Untouchables. If causing pollution by

touch be taken as a test, then those whose disability is that they are not allowed to touch water or food or those whose only disability is that they are not allowed to enter the temple, shall have to be excluded. This is what the Hindus wanted to do. By insisting upon uniform test they wanted to eliminate certain classes from the category of Untouchables and thereby reduce the population of the Untouchables. Obviously their point of view was fallacious. Untouchability is an outward expression of the inner repulsion which a Hindu feels towards a certain person. The form which this repulsion takes is comparatively a matter of small moment. The form merely indicates the degree of repulsion. Wherever there is repulsion there is untouchability. This simple truth the Hindus knew.

But they kept on insisting upon uniformity of test because they wanted somehow to reduce the population of the Untouchables and to appropriate *to* themselves a larger share of political representation.

VI

This struggle between the Hindus and the Untouchables constituted undoubtedly the main episode. But within this episode there was another which though of a smaller character, was yet full of significance. It was the struggle between the Backward Classes and the Untouchables. The representatives of the Backward Classes contended that the category known as Depressed Classes should not only include Untouchables in the strict sense of that term but should also include those classes which are economically and educationally backward.

The object of those that wanted, that not only the Untouchables but also those who are educationally and economically backward shall also be given separate representation, was a laudable one. In putting forth this contention they were not asking for anything that was new. Under the reformed constitution that came into operation in 1920, the right of the economically and educationally backward communities was recognised in the two provinces of India namely Bombay and Madras. In Bombay the Marathas and allied castes and in Madras the Non-Brahmins were given separate representation on the only ground that they were economically and educationally backward.

It was feared that if special representation was not given to those communities, they would be politically suppressed by the minority of high caste Hindus such as Brahmins and allied castes. There are many communities in other Provinces who are in the same position and who need special political representation to prevent their being suppressed by

the higher castes. It was therefore perfectly proper for the representatives of the Backward Classes from the Hindus to have claimed special representation for themselves.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_15 If their point of view had been accepted the total number of Depressed Classes would have swelled to enormous proportions.

But they received no support either from the Untouchables or from the high caste Hindus. The Hindus were opposed to the move which was calculated to increase the population of the Depressed Classes. The Untouchables did not want to be included in their category any class of people who were not really Untouchables. The proper course for these backward communities was to have asked to make a division of Touchable Hindus into advanced and backward and to claim separate representation for the Backward.

In that effort the Untouchables would have supported them. But they did not agree to this and persisted in being included among the Depressed Classes largely because they thought that this was easier way of securing their object. But as the Untouchables opposed the backward communities turned and joined the Hindus in denying the existence of Untouchables, more vehemently than the Hindus.

In this struggle between the Touchables and Untouchables the latter did not get any support from the Mahomedans. It will be noticed that in the Punjab Provincial Franchise Committee, only one Mahomedan supported the representative of the Untouchables in his assertion that there are in the Punjab communities, which are treated as Untouchables. The rest of the Mahomedan members of the Committee did not join. In Bengal the Hindu and the Mahomedan members of the Bengal Provincial Franchise Committee agreed not to express any view on the matter.

It is rather strange that the Mahomedans should have kept mum. It was in their interest that the Untouchables should be recognized as a separate political community. This separation between the Touchables and the Untouchables was to their benefit. Why did they not help the Untouchables in this struggle for numbers? There were two reasons why the Mahomedans took this attitude. In the first place the Mahomedans were asking for more than their population ratio of representation. They were asking for what in Indian political parlance is known as weightage.

They knew that their weightage must involve a loss to the Hindus and the only question was which section of the Hindus should bear the loss. The Touchable Hindus would notmind the weightage if it could be granted

without reducing their share. How to do this was the problem and the only way out of it was to reduce the share of the Untouchables. To reduce the share meant to reduce the population. This is one reason why the Mahomedans did not help the Untouchables in this struggle for numbers. The second reason why the Mahomedans did not help the Untouchables was the fear of exposure by the Hindus. Although Islam is the one religion which can transcend race and colour and unite diverse people into a compact brotherhood, yet Islam in India has not succeeded in uprooting caste from among the Indian Musalmans. Caste feeling among the Musalmans is not so verulent as it is among the Hindus. But the fact is that, it exists. That this caste feeling among the Musalmans leads to social gradation, a feature of the Muslim Community in India, has been noticed by all those who have had an occasion to study the subject. The Census Commissioner for Bengal in his report says: *(The quotation is not recorded in the MS.*—Ed.)

These facts are quite well known to the Hindus and they were quite prepared to cite them against the Muslims if the Muslims went too far in helping the Untouchables in this struggle for numbers and thereby bringing about a dimunition of the seats for Caste Hindus in the Legislature. The Mahomedans knew their own weak points. They did not wish to give an excuse to the Hindus to rake up the social divisions among the Musalmans and thought that their interest would be best served by their taking a non-partisan attitude.

The Untouchables were thus left to themselves to fight for their numbers. But even they could not be depended upon to muster for the cause. When the Hindus found that they could not succeed in reducing the number of the Untouchables, they tried to mislead the Untouchables. They began telling the Untouchables that Government was making a list of the Untouchable communities and it was wrong to have a community's name entered in such list because it would perpetuate untouchability. Acting on this advice, many communities who were actually an Untouchable community would send a petition stating that it was not classed as Untouchable and should not be listed. Much effort had to be made to induce such communities to withdraw such petitions by informing them that the real purpose was to estimate their numbers in order to fix their seats in the Legislature.

Fortunately for all, this struggle is now over and the controversy is closed and the population of the Untouchables can never be open to dispute. The Untouchables are now statutorily defined. Who are Untouchables is laid down by a schedule to the Government of India Act 1935, which describes

them as Scheduled Castes. But the struggle reveals a trait of Hindu character. If the Untouchables make no noise, the Hindu feels no shame for their condition and is quite indifferent as to their numbers. Whether they are thousands or millions of them, he does not care to bother. But if the Untouchables rise and ask for recognition, he is prepared *to* deny their existence, repudiate his responsibility and refuse to share his power without feeling any compunction or remorse.

CHAPTER 2

THE REVOLT OF THE UNTOUCHABLES

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

I

Of such attempts at direct action only few can be mentioned so as to give an idea of the revolt of the Untouchables against the Hindu Social Order. Of the attempts made to vindicate the right to use the public roads, it is enough to mention one, most noteworthy attempt in this behalf was that made by the Untouchables of Travencore State in 1924 to obtain the use of the roads which skirted the temple *at* Vaikorn. These roads were public roads maintained by the State for the use of everybody, but on account of their proximity to the temple building, the Untouchables were not allowed to use certain sections, which skirted the temple too closely. Ultimately as a result of Satyagraha, the temple compound was enlarged and the road was

realigned so that there the Untouchables even if they used it were no longer within the polluting distance of the temple.

I

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

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

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

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

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

"In pursuance of the foregoing Council Resolution the Government of Bombay are pleased to direct that all heads of offices should give effect to

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

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

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

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

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

The Hindus, when they came to know of this, applied to the District Magistrate of Kolaba for issuing an order under Section 144 of the Criminal Procedure Code against the Untouchables, prohibiting them from entering the Chawdar Tank and polluting its water. The District Magistrate refused and said that the tank was a public tank open to all citizens and he could not by law prevent the Untouchables from taking water therefrom. He advised them to go to a Court of law and get their right of exclusive user established. The dates fixed for the Conference were 25th, 26th, 27th of December 1927. As these dates drew near, and as they heard that the Untouchables were quite in earnest, and knowing that the District Magistrate had refused to come to their rescue, they did the only thing that was open to them, namely, to get their right to exclude the Untouchables from a public tank established by law. Accordingly, nine Hindus drawn from different castes joined as Plaintiffs in filing on 12th December 1927 a suit No. 405 of 1927 as representatives of the Hindus, in the Court of Sub-Judge of Mahad. I and four others were made defendants as representing the Untouchables. The suit was for obtaining a declaration 'that the said Chawdar tank is of the nature of private property of the Touchable classes only and that the Untouchable classes have no right to go to that tank nor

take water therefrom and also for obtaining a perpetual injunction restraining the defendants from doing any of those acts.' On the same day on which the suit was filed, the plaintiffs applied to the Court for a temporary injunction against the defendants restraining them from going to the tank and taking water therefrom pending the decision of the suit. The judge holding that it was a fit case, granted a temporary injunction against me and the other defendants on the 14th December 1927.

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

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

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

The occasion for civil disobedience never came because the Untouchables won the suit and the Hindus lost it. One of the principal reasons which led

the Untouchables to follow law and suspend civil disobedience was that they wanted to have a judicial pronouncement on the issue whether the custom of untouchability can be recognised by the Court of law as valid. The rule of law is that a custom to be valid must be immemorial, must be certain and must not be opposed to morality or public policy. The Untouchables' view is that it is a custom which is opposed to morality and public policy. But it is no use unless it is declared to be so by a judicial tribunal. Such a decision declaring the invalidity of the custom of untouchability would be of great value to the Untouchables in their fight for civil rights because it would seem illegal to import untouchability in civic matters. The victory of the Untouchables in the Chawdar tank dispute was very great. But it was disappointing in one way that the Bombay High Court did not decide the issue whether the custom of untouchability was valid or not. They decided the case against the Hindus on the ground that they failed to prove that the custom alleged by them in respect of the tank was not immemorial. They held that the custom itself was not proved. The tank became open to the Untouchables. But the Untouchables cannot be said to have gained their point. The main issue was whether the custom of untouchability was a legal custom. Unfortunately the High Court avoided to give judgement on that issue. The Untouchables had to continue their struggle.

IV

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

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

"Resolution 1.—*Declaration of the rights of a Hindu.* This conference is firmly of opinion that the present deplorable condition of the Hindu Community

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

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

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

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

(iv) Every person is entitled as his birthright to liberty of action and speech. This liberty could be limited only for the purpose of saving the right of another person to his liberty and for no other purposes. Further this limitation can be imposed only with the sanction of the people and not by any injunction of the Hindu Shastras. This Conference therefore repudiates all restraints on religious, social and economic freedom imposed upon the thought and action of the Hindus in as much as they are imposed by the Shastras and not by the people.

(v) Hindus can be deprived of their rights other than their birthrights only by law. What is not prohibited by law, a Hindu must be free to do and

what is not obligatory by law, a Hindu must not be forced to do. For this reason there must be no obstruction to persons using public roads, public wells and tanks, public temples and all other public utilities. Persons, causing obstruction in matters where law has laid down no prohibition, are in the opinion of this Conference enemies of the public.

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

"*Resolution No. 2.*—Taking into consideration the fact that the laws which are proclaimed in the name of Manu, the Hindu lawgiver, and which are contained in the Manu Smriti and which are recognised as the Code for the Hindus are insulting to persons of low caste, are calculated to deprive them of the rights of a human being and crush their personality. Comparing them in the light of the rights of men recognised all over the civilised world, this conference is of opinion that this Manu Smriti is not entitled to any respect and is undeserving of being called a sacred book to show its deep and profound contempt for it, the Conference resolves to burn a copy thereof, at the end of the proceedings, as a protest against the system of social inequality it embodies in the guise of religion."A cursory reading of these resolutions will show the line which the Conference adopted. Although the Conference met to redress a particular wrong, it showed that it was not going to be satisfied with the redress of petty wrongs. The Conference felt that the time had arrived for laying down the goal of the Untouchables. The goal laid down by it was far-reaching. The Conference proclaimed that the Untouchables wanted a complete overhauling of the Hindu social system. It proclaimed that this reconstruction must not be on the old foundation of Shastras. It proclaimed that whatever character of the new foundations, they must be consonant with justice and equity between Hindu and Hindu and to leave no doubt that in the matter of this reconstruction, they would not consent to the Hindu shastras being drawn upon. The Conference not only repudiated them but actually went to the length of burning them to ashes.

It was an echo of Voltare's denunciation of the Catholic Church of his time. For the first time a cry was raised against the Hindu Social

Order"*Ecraze la Infame*". It is also clear that these resolutions were absolutely revolutionary in character.

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

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

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

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

"What chiefly disgusts other natives is the revolting nature of the food which the Pariahs eat. Attracted by the smell, they will collect in crowds round any carrion and contend for the spoil with the dogs, jackals, crows and other carnivorous animals. They then divide the semi-putrid flesh and carry it away to their huts, where they devour it, often without rice or anything else to disguise the flavour. That the animal should have died of disease is of no consequence to them, and they sometimes secretly poison cows or buffaloes so that they may subsequently feast on the foul, putrefying remains. The carcasses of animal's that die in a village belong by right to the *thoti* or scavenger, who sells the flesh at a very low price to the other Pariahs in the neighbourhood. When it is impossible to consume in one day the stock of meat thus obtained, they dry the remainder in the sun, and keep it in their huts until they run short of their food. There are few Pariah houses where one does not see festoons of these horrible fragments hanging up; and though the Pariahs themselves do not seem to be affected

by the smell, travellers passing near their village quickly perceive it and can tell at once the caste of the people living there....

Is it to be wondered at, after what has been just stated that other castes should hold this in abhorrence? Can they be blamed for refusing to hold any communication with such savages, or for I obliging them to keep themselves aloof and to live in the separate hamlets?...."

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

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

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

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

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

Section 201(1).—"Should a sweeper who has a customary right to do the house-scavenging of a house of building (hereinafter called the customary sweeper) fail to perform such scavenging in a proper way, the occupier of the house or building or the board may complain to a Magistrate."

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

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

"(3) Should any sweeper (other than a customary sweeper), who is under a contract to do house-scavenging of a house or a building, discontinue to do such house-scavenging without fourteen days' notice to his employer or without reasonable cause, he shall on conviction be punishable with a fine which may extend to Rs. ten."

"227. Every order of forfeiture under Section 165 shall be subject to an appeal to the next superior court, but shall not be otherwise open to appeal."

People may be shocked to read that there exists legal provision which sanctions forced labour. Beyond doubt, this is slavery. The difference between slavery and free labour lies in this. Under slavery a breach of contract of service is an offence which is punishable with fine or imprisonment. Under free labour a breach of contract of service is only a civil wrong for which the labourer is liable only for damages. Judged in the light of this criterion, scavenging is a legal obligation imposed upon the Untouchables which they cannot escape.

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

The question whether the Untouchables can be accused of having invited the curse of untouchability upon themselves for doing the dirty work of the Hindus is really beside the point. What is important to note is that the

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

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

CHAPTER 3

HELD AT BAY

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

I

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

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

The first and foremost consideration that must never be forgotten is the sharp division between the Touchables and the Untouchables. Every village has two parts, the quarters of the Touchables and quarters of the Untouchables. Geographically the two are separate. There is always an appreciable distance between the two. At any rate there is no contiguity or

proximity between them. The Untouchables have a distinct name for their quarters such as Maharwada, Mangwada, Chamrotti, Khaykana, etc. *De Jure* for the purposes of revenue administration or postal communication the quarters of the Untouchables are included in the village. But *de facto* it is separate from the village. When the Hindu resident of a village speaks of the village he means to include in it only the Caste Hindu residents and the locality occupied by them. Similarly when the Untouchable speaks of the village he means to exclude from it the Untouchables and the quarters they occupy. Thus, in every village the Touchables and Untouchables form two separate groups. There is nothing common between them. They do not constitute a folk. This is the first thing, which must be noted.

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

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

The third thing to note is that the relationship between the two, the Touchables and the Untouchables, has been fixed. It has become a matter

of status. This status has unmistakably given the Untouchables a position of inferiority *vis-a-vis* the Touchables. This inferiority is embodied in a code of social conduct to which the Untouchables must conform. What kind of code it is, has already been stated. The Untouchable is not willing to conform to that code. He is not prepared to render unto Caesar what is claimed by Caesar. The Untouchable wants to have his relationship with the Touchables by contract. The Touchable wants the Untouchables to live in accordance with the rules of status and not rise above it. Thus, the two halves of the village, the Touchables and the Untouchables, are now struggling for resettling what the Touchable thinks is settled forever. The conflict is centred round one question—What is to be the basis of this relationship? Shall it be contract or shall it be status?

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

II

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

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

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

The depressed classes were busy in taking their meal before dispersing to their village. When a large part of them had left the town, the rowdies

entered the kitchen where the depressed classes were taking their food. There would have been a regular battle between the two forces, but the depressed classes were held back by their leaders, and thus a far more serious riot was averted. The rowdies, finding no occasion for provocation, began patrolling the main street and assaulting the members of the depressed classes who, in stray batches, were passing along on their way to their villages, and committed trespass in the houses of several depressed class people and gravely assaulted them. In all, the number of wounded among the depressed classes is supposed to be as large as 20. In this, the attitude of the depressed classes was as commendable as the attitude of many of the upper classes was unworthy. The depressed classes assembled vastly outnumbered the upper classes. But as the object of their leaders was to do everything in a non-violent and absolutely constitutional manner, they set their faces against any aggression on the part of the depressed classes. It speaks a great deal in favour of the depressed classes, that, although the provocation given to them was immense, they kept their self-control. The Mahad Conference has shown that the upper classes are not willing to allow the depressed classes to enjoy such elementary civic rights as taking water from public water sources.

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

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

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

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

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

1 This account of the incident is a translation of the Statement sent to me by the Secretary of the Nava Yuga Mandal of Dholka witness this. This occasion for admission passed off quietly and nothing untoward happened."

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

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

Terror-stricken, these Untouchable men and women who are assaulted and beaten were anxious about the safety of those of their elders who had gone to Dholka and who were expected back that night. The caste Hindus knowing that the leaders of the Untouchables who had gone to Dholka would be returning sometime in the night went out of the village fully armed to assault them and had concealed themselves behind the bushes and shrubs on the way to the village. Having come to know of this, an old Untouchable woman crept out of the village in the dark, met the leaders who were returning and informed them that armed gangs of caste Hindus were hiding themselves to waylay them and that therefore they should not come into the village.

They refused to listen, fearing that the caste Hindus might do greater mischief in their absence. At the same time they were afraid that if they did enter they might be assaulted. They therefore decided to wait outside the village in the fields till after midnight. In the meantime, the gang of caste Hindus who were in ambush waited and waited and finally gave up the game and retired. The leaders of the Untouchables entered the village after

about 3 a.rn. in the night. If they had come earlier and met the murderous gang they would probably have been done to death. On seeing the harm done to person and property, they left the village for Ahmedabad before daybreak and informed the Secretary of the Harijan Seva Sangh, a body organised by Gandhi to look after the welfare of the Untouchables. But the Secretary was helpless. Not only did the caste Hindus use physical violence, but they conspired to make the life of the Untouchables intolerable. They refused to engage them as labourers; they refused to sell them foodstuff. They refused to give them facilities for grazing their cattle and they committed stray assaults on Untouchable men and women. Not only this, but the caste Hindus in their frenzy poured kerosene oil in the well from which the Untouchables had to get their supply of drinking water. This they did for days together. The result was that the Untouchables of the village had no water. When things reached this stage, the Untouchables thought of filing a criminal complaint before a Magistrate which they did on 17th October, making some of the caste Hindus as the accused. The strange part of the case is the part played by Gandhi and his Lieutenant, Sardar Vallabhbhai Patel. With all the knowledge of tyranny and oppression practised by the caste Hindus of Kavitha against the Untouchables, all that Mr. Gandhi felt like doing, was to advise the Untouchables to leave the village. He did not even suggest that the miscreants should be hauled up before a Court of Law. His henchman, Mr. Vallabhbhai Patel, played a part which was still more strange.

He had gone to Kavitha to persuade the caste Hindus not to molest the Untouchables. But they did not even give him a hearing. Yet this very man was opposed to the Untouchables hauling them up in a court of law and getting them punished. The Untouchables filed the complaint notwithstanding his opposition. But he ultimately forced them to withdraw the complaint against the caste Hindus making some kind of a show of an undertaking not to molest, an undertaking, which the Untouchables can never enforce. The result was that the Untouchables suffered and their tyrants escaped with the aid of Mr. Gandhi's friend, Mr. Vallabhbhai Patel.

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

Ill

To whom the victory will go in the end is an interesting speculation, and those who are leading the movement of the Untouchables, are carefully

watching the situation. Whatever the ultimate result, one thing is plain, that in this struggle, the odds are heavily against the Untouchables.

In this conflict with the Hindus, the Untouchables are always at bay. As against caste lawlessness, the Untouchables are always helpless. The question is, why are the Untouchables always beaten, why are they always at bay? The question is an important question and needs to be answered.

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

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

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

to lead to bloodshed. It was the fear of a blood feud, which was the cause of this attitude towards the stranger.

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

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

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

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

accept his service. His economic dependence upon the Hindu is complete and the Hindu takes a complete advantage of it whenever the Untouchables prove arrogant, or naughty in the eyes of the Touchables.

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

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

"Although we have recommended various remedies to secure to the Untouchables their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Untouchables are a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Untouchables at any cost. The danger of prosecution by the police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

The second difficulty arises from the economic position in which the Untouchables are found today. The Untouchables have no economic independence in most parts of the Presidency. Some cultivate lands of the

orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes, and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed classes in their villages, when the latter have dared to exercise their rights and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. The boycott is often planned on such an extensive scale as to include the prevention of the Untouchables from using the commonly used paths and the stoppage of the sale of the necessaries of life by the village bania or shopkeeper. According to the evidence small causes suffice for the proclamation of a social boycott against the Untouchables. Frequently it follows on the exercise by the Untouchables of their right to the use of the common well, but cases have been by no means rare where stringent boycott has been proclaimed simply because an Untouchable man has put on a sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has led a marriage procession with the bride-groom on the horse through the public street.

We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Untouchables. The method of open violence pales away before it, for it has the most far reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contract. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee to the Untouchables the freedom of speech and action necessary for their uplift."

IV

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

Hindus instead of receiving any protection he will receive plenty of abuse. Either he will be driven away without his complaint being recorded or, if it

is recorded, it would be recorded quite falsely to provide a way of escape to the Touchable aggressors. If he prosecutes his offenders before a Magistrate the fate of his proceedings could be foretold. He will never get Touchable witnesses because of the conspiracy of the villagers. If he brings witnesses from the Untouchables the Magistrate will not accept their testimony because they are interested and not independent witnesses or, if they are independent witnesses, the Magistrate has an easy way of acquitting the accused by simply saying that the complainant Untouchable did not strike him as a truthful witness. He can do this fearlessly because he knows full well that the higher tribunal will not reverse his finding because of the well-established rule which says that an appellate court should not disturb the finding of a Magistrate based upon the testimony of witness whose demeanour he had observed. This fact has now been admitted even by Congress workers among the Untouchables.

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

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

The police and the magistrate are sometimes corrupt. If they were only corrupt, things would not perhaps be so bad because an officer who is corrupt is open to purchase by either party. But the additional misfortune is that the police and magistrates are often more partial than corrupt. It is this partiality to the Hindus and his antipathy to the Untouchables, which results in the denial of protection and justice to the Untouchables. There is

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

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

witnesses", and no body has questioned that discretion. What sentence to inflict is also a matter of discretion with the magistrate.

There are sentences which are appealable and there are sentences which are non-appealable. An appeal is a way of getting redress. But this way may be blocked by a magistrate by refusing to give an appealable sentence. Such are the forces which are arrayed against the struggling Untouchables. There is simply no way to overcome them because there is no legal way of punishing a whole society which is organized to set aside the law.

V

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

CHAPTER 4

THEIR WISHES ARE LAWS UNTO US

1. Adharma for Dharma.
II. Manu and Dharma.
III. Modern Counterparts.
IV. Effect of Dharma on character and outlook.

Any one who reads of the lawlessness of the Hindus in suppressing the movement of the untouchables, I am sure will be shocked. Why does the Hindu indulge in this lawlessness is a question he is sure to ask and none will say that such a question will not be a natural question and in the circumstances of the case a very pertinent question—Why should an untouchable be tyrannized if he wears clean clothes? How can it hurt a Hindu. Why should an untouchable be molested because he wants to put a tiled roof on his house? How can it injure a Hindu? Why should an untouchable be persecuted because he is keen to send his children to school? How does a Hindu suffer thereby? Why should an untouchable be compelled to carry dead animals, eat carrion, and beg his food from door to door? Where is the loss to the Hindu if he gives these things up. Why should a Hindu object if an untouchable desires to change his religion? Why should his conversion annoy and upset a Hindu? Why should a Hindu feel outraged if an untouchable calls himself by a decent, respectable name?

How can a good name taken by an untouchable adversely affect the Hindu? Why should the Hindu object if an untouchable builds his house facing the main road? How can he suffer thereby? Why should the Hindu object if the sound made by an untouchable falls upon his ears on certain days? It cannot deafen him. Why should a Hindu feel resentment if an untouchable enters a profession, obtains a position of authority, buys land, enters commerce, becomes economically independent and is counted among the well-to-do? Why should all Hindus whether officials or non-officials make common cause to suppress the untouchables? Why should all castes otherwise quarreling among themselves combine to make, in the name Hinduism, a conspiracy to hold the untouchables at bay?

All this of course sounds like a fiction. But one who has read the tales of Hindu tyranny recounted in the last chapter will know that beneath these questions there is the foundation of facts. The facts, of course, are stranger than fiction. But the strangest thing is that these deeds are done by Hindus who are ordinarily timid even to the point of being called cowards. The Hindus are ordinarily a very soft people. They have none of the turbulence or virulence of the Muslims. But, when so soft a people resort without shame and without remorse to pillage, loot, arson and violence on men, women and children, one is driven to believe that there must be a deeper compelling cause which maddens the Hindus on witnessing this revolt of the untouchables and leads them to resort to such lawlessness.

There must be some explanation for so strange, so inhuman a way of acting. What is it?

If you ask a Hindu, why he behaves in this savage manner, why he feels outraged by the efforts which the untouchables are making for a clean and respectable life, his answer will be a simple one. He will say:"What you call the reform by the untouchables is not a reform. It is an outrage on our Dharma". If you ask him further where this Dharma of his is laid down, his answer will again be a very simple one. He will reply,"Our Dharma is contained in our Shastras". A Hindu in suppressing what, in the view of an unbiased man, is a just revolt of the untouchables against a fundamentally wrong system by violence, pillage, arson, and loot, to a modern man appears to be acting quite irreligiously, or, to use the term familiar to the Hindus, he is practising *Adharma.* But the Hindu will never admit it. The Hindu believes that it is the untouchables who are breaking the *Dharma* and his acts of lawlessness which appear as Adharma are guided by his sacred duty to restore Dharma. This is an answer, the truth of which cannot be denied by those who are familiar with the psychology of the Hindus. But

this raises a further question: What are these Dharma which the Shastras have prescribed and what rules of social relationship do they ordain? II

The word *Dharma* is of Sanskrit origin. It is one of those Sanskrit words which defy all attempts at an exact definition. In ancient times the word was used in different senses although analogous in connotation. It would be interesting to see how the word *Dharma* passed through transitions of meaning* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_16. But this is hardly the place for it. It is sufficient to say that the word dharma soon acquired a definite meaning which leaves no doubt as to what it connotes. The word Dharma means the privileges, duties and obligations of a man, his standard of conduct as a member of the Hindu community, as a member of one of the castes, and as a person in a particular stage of life. The principal sources of Dharma, it is agreed by all Hindus, are the Vedas, the Smritis and customs. Between the Vedas and Smritis, so far as Dharma is concerned, there is however this difference. The rules of Dharma, as we see them in their developed form, have undoubtedly their roots in the Vedas, and it is therefore justifiable to speak of the Vedas as the source of Dharma. But the Vedas do not profess to be formal treatises on *Dharma.* They do not contain positive precepts (*Vidhis)* on matters of Dharma in a connected form. They contain only disconnected statements on certain topics concerned with *Dharma.* On the other hand, Smritis are formal treatises on Dharma. They contain enactments as to the Dharma. They form the law of the Dharma in the real sense of the term. Disputes as to what is Dharma and what is not Dharma (Adharma) can be decided only by reference to the text of the law as given in the Smritis. The Smritis form, therefore, the real source of what the Hindu calls Dharma, and, as they are the authority for deciding which is Dharma and which is not, the Smritis are called Dharmashastras (scriptures) which prescribe the rules of Dharma.

The number of Smritis which have come down from ancient times have been variously estimated. The lowest number is five and the highest a hundred. What is important to bear in mind is that all these Smritis are not equal in authority. Most of them are obscure. Only a few of them were thought to be authoritative enough for writers to write commentaries thereon. If one is to judge of the importance of a Smriti by the test as to whether or not it has become the subject matter of a commentary, then the Smritis which can be called standard and authoritative will be the Manu Smriti, Yajnavalkya Smriti and the Narada Smriti. Of these Smritis the Manu Smriti stands supreme. It is pre-eminently the source of all Dharma.

To understand what is the Dharma for which the Hindu is ready to wage war on the untouchables, one must know the rules contained in the Smritis, particularly those contained in the Manu Smriti. Without some knowledge of these rules, it would not be possible to understand the reaction of the Hindus to the revolt of the untouchables. For our purpose it is not necessary to cover the whole field of Dharma in all its branches as laid down in the Smritis. It is enough to know that branch of the Dharma which in modern parlance is called the law of persons, or to put it in non-technical language, that part of the Dharma which deals with right, duty or capacity as based on status.

I therefore propose to reproduce below such texts from Manu Smriti as are necessary to give a complete idea of the social organization recognized by Manu and the rights and duties prescribed by him for the different classes comprised in his social system.

The social system as laid down by Manu has not been properly understood and it is therefore necessary to utter a word of caution against a possible misunderstanding. It is commonly said and as commonly believed that what Manu does is to prescribe a social system which goes by the name of Chaturvarna a technical name for a social system in which all persons are divided into four distinct classes. Many are under the impression that this is all that the Dharma as laid down by Manu prescribes. This is a grievous error and if not corrected is sure to lead to a serious misunderstanding of what Manu has in fact prescribed and what is the social system he conceived to be the ideal system.

I think this is an entire misreading of Manu. It will be admitted that the divisions of society into four classes comprised within Chaturvarna is not primary with Manu. In a sense this division is secondary to Manu. To him it is merely an arrangement *inter se* between those who are included in the Chaturvarna. To many, the chief thing is not whether a man is a Brahman, Kshatriya, Vaishya or Shudra. That is a division which has existed before him. Manu added, accentuated and stratified that difference. The division did not originate with him. But what did originate with Manu is a new division between (1) those who are within the pale of Chaturvarna and (2) those who are outside the pale of Chaturvarna. This new social division is original to Manu. This is his addition to the ancient Dharma of the Hindus. This division is fundamental to Manu because he was the first to introduce it and recognize it by the stamp of his authority.

The texts which have a bearing on the subject must therefore be arranged under two heads (1) texts relating to those who are within the Chaturvarna and (2) texts relating to those who are outside the Chaturvarna.

I. *Those within the Pale of the Chaturvarna. Their origin and their duties*

(1) (1) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_17This (Universe) existed in the shape of Darkness, unperceived, destitute of distinctive marks, untenable by reasoning, unknowable, wholly immersed, as it were in a deep sleep.

(2) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_18Then the divine self existent (Svayambhu, himself) indiscernible (but) making (all) this, the great elements and the rest discernible, appeared with irresistible (creative) power, dispelling the darkness.

(3) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_19 But for the sake of the prosperity of the worlds, he caused the Brahmana, the Kshatriya, the Vaishya, and the Shudra to proceed from his mouth, his arms, his thighs and his feet.

(4) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_20 But in order to protect this Universe. He, the most resplendent one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs and feet.

(5) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_21To the Brahmans he assigned teaching and studying (the Vedas), sacrificing (performing sacrificial ceremonies) for their own benefit and for others, giving and accepting (of alms).

(6) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_22The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the Veda), and to abstain from attaching himself to sensual pleasures.

(7) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_23The Vaishya to tend cattle, to bestow gifts, to offer sacrifices, to study (the Veda), to trade, to lend money and to cultivate the land.

(8) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_24One occupation only the lord prescribed to the Shudra, to serve meekly even these (other) three castes.

(9) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_25A student, an apprentice, a hired servant, and fourthly an official; these must be regarded as labourers. Slaves are those who are born in the house and the rest.

(10) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_26The sages have distinguished five sorts of

attendants according to law. Among these are four sorts of labourers (mentioned above). The slaves (are the fifth category, of which they are) fifteen species.

(11) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_27One born at (his master's) house; one purchased; one received by gift; one obtained by inheritance; one maintained during a general famine; one pledged by his rightful owner.

(12) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_28One released from a heavy debt; one made captive in a fight; one won through a wager, one who has come forward declaring ' I am thine' an apostate from asceticism; one enslaved for a stipulated period.

(13) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_29One who has become a slave in order to get a maintenance; one enslaved on account of his connection with a female slave; and one self sold. These are fifteen classes of slaves as declared in law.

(14) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_30*Among these the four named first cannot be released from bondage, except by the favour of their owners. Their bondage is hereditary.*

(15) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_31The sages have declared that the state of dependence is common to all these; but that their respective position and income depends on their particular caste and occupation.

2 *Those outside the Pale of Chaturvarna. Their origin and their duties.*

This is what Manu has to say about their origin and their position.

(1) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_32All those tribes in this world, which are excluded from (the community of) those born from the mouth, the arms, the thighs, and the feet (of Brahman), are called Dasyus, whether they speak the language of the Mlekkhas (barbarians) or that of the Aryans.

(2) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_33Near well-known trees and burial ground, on mountains and in groves, let these (tribes) dwell, known (by certain marks), and subsisting by their peculiar occupations.

(3) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_34But the dwellings of the Chandalas and Shwapakas shall be outside the village, they must be made apapatras and their wealth (shall be) dogs and donkeys.

(4) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_35Their dress (shall be) the garments of the dead, (they shall eat) their food from broken dishes, black iron (shall be) there ornaments, they must always wander from place to place.

(5) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_36A man who fulfils a religious duty, shall not seek intercourse with them; their transactions (shall be) among themselves and their marriages with their equals.

(6) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_37Their food shall be given to them by others (than an Aryan giver) in a broken dish; at night they shall not walk about in villages and in towns.

(7) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_38By day they must go about for the purpose of their work, distinguished by marks at the King's command, and they shall carry out the corpses (of persons) who have no relatives, that is a settled rule.

(8) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_39By the King's order they shall always execute the Criminals in accordance with the law, and they shall take for themselves the clothes, the beds and the ornaments of (such) criminals.

(9) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_40He who has had connection with a woman of one of the lowest castes shall be put to death.

(10) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_41If one who (being a member of the Chandalas or some other low caste) must not be touched, intentionally defiles by his touch one who (as a member of a twice born caste) may be touched (by other twice born persons only) he shall be put to death.

I have already said, that to Manu, this division between those who are within the pale of Chaturvama and those who are outside of it was a division which was real. It was so real that Manu calls those who were outside the pale of Chaturvama by the name *Bahayas* which means excluded i.e. excluded from or outside of the system of Chaturvama. It was a division to which he attached far reaching consequences. This division was intended to result in a difference of status and citizenship. It is true that all those who are within the pale of Chaturvarna are not all on the same level. Within the Chaturvarna there are the Brahmins, Kshatriyas, Vaishyas, Shudras and Slaves all unequal in status. Still they are within the Chaturvarna. Those within the Chaturvarna have a status in the eye of the

law of Manu and a respect in the eye of the public. Those outside it have no respect in the eye of that society. The difference is also one of citizenship. Those within the Chaturvarna have rights to enjoy and remedies to enforce them. Those outside the Chaturvarna have no rights and no remedies.

This difference between those who are within the Chaturvarna and those outside of it have a kind of resemblance to the difference between *civics* i.e. citizens and *preregenis* or *hostis* i.e. non-citizens in the early Roman Law. The early law of Rome was essentially personal—not territorial. A man enjoyed the benefit of its institutions and of its protection, not because he happened to be within Roman territory, but because he was a citizen—one of those by whom and for whom its law was established. The story of the early *jus getium* was that a man sojourning within the bounds of a foreign state was at the mercy of the latter and its citizens; that he himself might be dealt with as a slave, all that belonged to him appropriated by the first comer. For he was outside the pale of the law. Under *the jus civile* the private rights which were peculiar to a Roman citizen were summed up in three abstract terms, *Conubium, Commercium* and *Actio. Conubium* was the capacity to enter into a marriage which would be productive of the *palua potestas* and agnation which in their turn were the foundation of intestate succession, guardianship etc. *Commercium* was the capacity for acquiring or alienating property. *Actio* was the capacity to bring a suit in a Court of law for the vindication, protection, or enforcement of a right either included in or flowing from *connubium* or *commercium,* or directly conferred by *statute.* These three capacities were enjoyed only by the Roman Citizens. A noncitizen was entitled to none of these rights.

Ill

The division between classes who are within the Chaturvarna and those who are without it though real and fundamental is undoubtedly archaic in its terminology. The system of Chaturvarna is no longer operative as law. It is therefore somewhat academic to speak of classes being within Chaturvarna and without Chaturvarna. The question will be asked, what are the modern counterparts of these ancient classes? The question is perfectly legitimate especially as I have to explain how the ancient law of Manu is responsible for the present day lawlessness of the Hindus. Although I am using archaic language, two things will show that my thesis is true. The first is that the ancient social divisions of Manu are not without their counterpart in modern times.

The modern counterparts of those ancient divisions are Hindus and untouchables. Those whom Manu included within the Chaturvarna correspond to the modern composite class called Hindus. Those whom Manu called Bahayas (outside the Chaturvarna) correspond to the present day untouchables of India. The dividing line between the four classes—Brahman, Kshatriya, Vaishya and Shudra—included within Chaturvarna have in modern times become some what blurred and there has been some degree of amalgamation between them. But the line which Manu drew between those within the Chaturvarna from those outside the Chaturvarna is still clear and is not allowed to be effaced or crossed.

That line is the line which at present separates the Hindus from the untouchables. The first thing that is clear is that the ancient divisions have descended to modern times. The only change is the change of names.

The second question is, has the law as laid down by Manu for the Bahayas any counterpart in the present day social relationship between the Hindus and the Untouchables? To those who doubt I ask to take the following case into consideration. The incident has occurred in the Ramnad District of the Madras Presidency.

In December 1930 the Kallar in Ramanad propounded eight prohibitions, the disregard of which led to the use of violence by the Kallar against the untouchables whose huts were fired, whose granaries and property were destroyed, and whose livestock was looted. These eight prohibitions were as follows :—

"(i) that the Adi-Dravidas shall not wear ornament of gold and silver;

(ii) that the males should not be allowed to wear their clothes below their knees or above the hips;

(iii) that their males should not wear coats or shirts or baniyans; (iv) No Adi-Dravida should be allowed to have his hair cropped. (v) that the Adi-Dravidas should not use other than earthenware vessels in their homes;

(vi) their women shall not be allowed to cover the upper portion of their bodies by clothes or ravukais or thavanies;

(vii) their women shall not be allowed to use flowers or saffron paste; and

(viii) the men shall not use umbrellas for protection against sun and rain nor should they wear sandals".

In June 1931, the eight prohibitions not having been satisfactorily observed by the exterior castes in question, the Kallar met together and framed eleven prohibitions, which went still further than the original eight, and an attempt to enforce these led to more violence.

These eleven prohibitions were :—

"1. The Adi-Dravidas and Devendrakula Vellalar? should not wear clothes below their knees.

2. The men and women of the above-said depressed classes should not wear gold jewels.

3. The women should carry water only in mud pots and not in copper or brass vessels. They should use straw only to carry the water pots and no clothes should be used for that purpose.

4. Their children should not read and get themselves literate or Educated.

5. The children should be asked only to tend the cattle of the Mirasdars.

6. Their men and women should work as slaves of the Mirasdars, in their respective Pannais.

7. They should not cultivate the land either on waram or lease from the Mirasdars.

8. They must sell away their own lands to Mirasdars of the village at very cheap rates, and if they don't do so, no water will be allowed to them to irrigate their lands. Even if something is grown by the help of rain water, the crops should be robbed away, when they are ripe for harvest.

9. They must work as coolies from 7 a.m. to 6 p.m. under the Mirasdars and their wages shall be for men RS. 0-4-0 per day and for women Rs. 0-2-0 per day.

10. The above said communities should not use Indian Music (melam etc.) in their marriages and other celebrations.

11. They must stop their habit of going on a horse in procession before tying the Thali thread in marriage and they must use their house doors as palanquins for the marriage processions, and no vehicle should be used by them for any purpose". Compare these prohibitions laid down by the Hindus of Ramnad with the prohibitions contained in the texts of Manu quoted earlier in this chapter against the untouchables.

Is there any difference between the law laid down by Manu for the *Bahayas* and the conditions imposed upon the untouchables by the Kallars in 1931? After this evidence, who can doubt that the Hindu in doing what appears to be an Adharma to a non-Hindu is merely asking the untouchables to follow the Dharma as prescribed by Manu.

Take another case. Those of the Balais of the Central India. The Balais are an untouchable community. About the year 1927, the Balais started a compaign of social improvement of their community and had made rules prescribing that the members of their community should not do certain kinds of work which is degrading and should dress in a certain manner. These rules did not in any way affect the interests of the Caste Hindus. But the Caste Hindus took offence at this effort of the Balais to raise

themselves above the status prescribed by custom and they decided to deal a deadly blow to what they regarded as the insolence of the Balais. The following is the report which appeared in the papers of how the Caste Hindus dealt with the rebellious Balais.
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Tyranny of Hindus
Rules for Balais
Mode of Life Laid Down

"Last May (1927) High Caste Hindus, viz, Kalotas, Rajputs and Brahmins, including the patels and putwaris of villages Kanaria, Bicholee Hafsi, Mardana and of about 15 other villages in the Indore District, informed the Balais of their respective village that if they wished to live among them, they must conform to the following rules:—

(1) Balais must not wear gold lace bordered pugrees; (2) they must not wear dhoties with coloured or fancy borders; (3) they must convey intimation of the death of any Hindu to relatives of the deceased—no matter how far away these relatives might be living; (4) in all Hindu marriages, the Balais must play music before the processions, and during the marriage; (5) the Balai women must not wear gold or silver ornaments; they must not wear fancy gowns, or jackets; (6) Balai women must attend all cases of confinement of Hindu women; (7) the Balais must render services without demanding remuneration, and must accept whatever a Hindu is pleased to give; (8) if the Balais do not agree to abide by these terms, they must clear out of the villages.

BALAIS REFUSE COMPLIANCE

"The Balais refused to comply; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells, they were not allowed to let their cattle graze. Balais were prohibited from passing through land owned by a Hindu; so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also led their cattle to graze down the fields of Balais. The Balais submitted petitions to the Darbar against these persecutions; but as they could get no timely relief, and the operation continued, hundreds of Balais, with their wives and children, were obliged to abandon their homes in which their ancestors lived for generations and

migrate to adjoining States, viz., to villages in Dhar, Dewas, Bhopal, Gwalior and other States.

COMPULSORY AGREEMENT

"Only a few days ago the Hindus of Reoti village, barely seven miles to north of Indore City, ordered the Balais to sign a stamped agreement in accordance with the rules framed against the Balais by the Hindus of other villages. The Balais refused to comply. It is alleged that some of them were beaten by the Hindus; and one Balai was fastened to a post, and was told that he would be let go on agreeing to sign the agreement. He signed the agreement and was released. Some Balais from this village ran up to the Prime Minister the next day, i.e. on the 20th December, and made a complaint about the ill treatment they received from the Hindu villagers of Reoti. They were sent to the Subha of the district. This officer, with the help of the police, made inquiries at the village, and recommended that action be taken against the Hindus under section 342 and 147 and against the Balais under section 147, Indian Penal Code.

Balais leave villages
Caste Tyranny
Ignorance of law a handicap

"There has been no improvement in the treatment of the Balais by the Hindu residents of certain villages. Balais, it has already been reported, have been ill treated by the higher caste Hindus. From the Dopalpur Pargana alone, Indore District, a large number of Balais have had to leave their homes and find shelter in adjoining States. The villages from which Balais have been forced to clear out are Badoli, Ahirkharal, Piploda, Morkhers, Pamalpur, Karoda, Chatwada, Newri, Pan, Sanauda, Ajnoti, Khatedi and Sanavada. Pamalpur village has been altogether deserted and not a Balai man, woman or child is to be found there. Nanda Balai a resident of one of the above villages, it is alleged, was severely beaten by the Hindus of the village. In one village, the report goes, the Hindus burnt down all the dwellings of the Balais but the offenders have not yet been traced.

"Balais are ignorant village folk, who are ignorant of legal procedure and think that if a petition is sent to the Sirkar all that is required will be done for them. They have not the knowledge; or the means and practices, to pursue a complaint to its end; and, as they, it is said in some cases, failed to attend or produce witnesses in support of their allegations, the magistrate had no alternative but to dismiss their complaint."

Looked at from the point of view of Dharma and Adharma, can it be doubted that underneath the lawlessness and ruthlessness of the Hindus in

suppressing the revolt of the untouchables, they are actuated by what they think a noble purpose of preventing an outrage upon their Dharma?

IV

It may well be asked how much of this Dharma of Manu now remains? It must be admitted that as law in the sense of rules which a Court of Judicature is bound to observe in deciding disputes, the Dharma of Manu has ceased to have any operative force-except in matters such as marriage succession etc. matters which affect only the individual. As Law governing social conduct and civic rights it is inoperative. But if it has gone out as law, it remains as custom.

Custom is no small a thing as compared to Law. It is true that law is enforced by the state through its police power; custom, unless it is valid it is not. But in practice this difference is of no consequence. Custom is enforced by people far more effectively than law is by the state. This is because the compelling force of an organized people is far greater than the compelling force of the state.

Not only has there been no detriment to its enforceability on account of its having ceased to be law in the technical sense but there are circumstances which are sufficient to prevent any loss of efficacy to this Dharma of Manu.

Of these circumstances the first is the force of custom. There exists in every social group certain (habitsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_43) not only to acting, but of feeling and believing, of valuing, of approving and disapproving which embody the mental habitudes of the group. Every new comer whether he comes in the group by birth or adoption is introduced into this social medium. In every group there goes on the process of persistently forcing these mental habitudes of the group upon the attention of each new member of the group. Thereby the group carries on the socialization of the individual of the shaping of the mental and practical habits of the new comer. Being dependent upon the group he can no more repudiate the mental habitudes of the group than he can the condition and regulation of his physical environment. Indeed, so dependent the individual is on the group that he readily falls in line and allows the current ways of esteeming and behaving prevailing in the community, to become a standing habit of his own mind. This socializing process of the individual by the group has been graphically described by Grote. He says—

"This aggregate of beliefs and predispositions to believe, ethical, Religious, Aesthetical, and Social respecting what is true, or false, probable

or improbable, just or unjust, holy or unholy, honourable or base, respectable or contemptible, pure or impure, beautiful or ugly, decent or indecent, obligatory to do, or obligatory to avoid, respecting the status and relations of each individual in the society, respecting even the admissible fashions of amusement and recreation—this is an established fact and condition of things, the real origin of which for the most part unknown, but which each new member of the group is born to and finds subsisting..... It becomes a part of each person's nature, a standing habit of mind, or fixed set of mental tendencies, according to which particular experience is interpreted and particular persons appreciated..... The community hate, despise or deride any individual member who proclaims his dissent from their social creed..... Their hatred manifests itself in different ways..... At the very best by exclusion from that amount of forbearance, good will and estimation without which the life of an individual becomes insupportable."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_44

But what is it that helps to bring about this result? Grote has himself answered this question. His answer is that, this is due to—"Nomos (Law and Custom), King of all"(which Herodotus cites from Pindar) exercises plenary power, spiritual and temporal, over individual minds, moulding the emotions as well as the intellect, according to the local type.... and reigning under the appearance of habitual, self suggested tendencies.

What all this comes to is that, when in any community, the ways of acting, feeling, believing, or valuing or of approving and disapproving have become crystallised into customs and traditions, they do not need any sanction of law for their enforcement. The amplitude of plenary powers which the group can always generate by mass action is always ready to see that they are not broken.

The same thing applies to the Dharma laid down by Manu. This Dharma of Manu, by reason of the governing force which it has had for centuries, has become an integral and vital part of the customs and traditions of the Hindus. It has become ingrained and has given colour to their life blood. As law it controlled the actions of the Hindus. Though now a custom, it does not do less. It moulds the character and determines the outlook of generation after generation.

The second thing which prevents the Dharma of Manu from fading away is that the law does not prevent its propagation. This is a circumstance which does not seem to be present to the minds of many people. It is said that one of the blessings of the British Rule is that Manu Smriti has ceased

to be the law of the land. That the Courts are not required to enforce the provisions contained in Manu Smriti as rules of law is undoubtedly a great blessing—which might not be sufficiently appreciated except by those who were crushed beneath the weight of this"infamous"thing. It is as great a blessing to the untouchables as the Reformation was to the peoples of Europe. At the same time it must be remembered that the Reformation would not have been a permanent gain if it had been followed by what is called the Protestant Revolution.

The essential features of the Protestant Revolution as I understand them are:

(1) (1) That the state is supreme and the Church is subordinate to the state.

(2) The doctrine to be preached must be approved by the state.

(3) The clergy shall be servants of the state and shall be liable to punishment not only for offences against the general law of the land but also liable for offences involving moral turpitude and for preaching doctrines not approved of by the state. I am personally a believer in the"Established Church". It is a system which gives safety and security against wrong and pernicious doctrines preached by any body and every body as doctrines of religion. I know there are people who are opposed to the system of an"Established Church". But whether the system of an"Established Church"is good or bad, the fact remains that there is no legal prohibition against the propagation of the Dharma laid down by Manu. The courts do not recognize it as law. But the law does not treat it as contrary to law. Indeed every village every day. When Pandits are preaching it to parents and parents preach it to their children, how can Manu Smriti fade away? Its lessons are reinforced every day and no body is allowed to forget that untouchability is a part of their Dharma.

This daily propagation of the Dharma of Manu has infected the minds of all men and women young and old. Nay, it has even infected the minds of the judges. There is a case reportedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_45 from Calcutta. A certain Dome (untouchable) by name Nobin Dome was prosecuted for theft of a goat. He was found to be not guilty. He filed a complaint for defamation against the complaint. The magistrate dismissed the complaint on the ground that as he was low caste man he had no reputation. The High Court had to intervene and direct the Magistrate that he was wrong in his view and that under the Penal Code all persons were equal. But the question remains,

how did the Magistrate get the idea that an untouchable had no reputation? Surely from the teaching of the Manu Smriti.

The Dharma of Manu had never been a mere past. It is as present as though it were enacted today. It bids fair to continue to have its sway in the future. The only question is whether its sway will be for a time or forever.

CHAPTER 5

UNDER THE PROVIDENCE OF MR. GANDHI

(1) His work through the Congress
1. A Strange Welcome.
II. The Great Repudiation.
III. A Charge Sheet.
IV. The Basis of the Charge Sheet.
V. The Tragedy of Gandhi.
VI. His Legacy to India and the Untouchables.

On the 28th December 1931, Mr. Gandhi returned to India from London where he had gone as a delegate to attend the second Session of the Indian Round Table Conference. At the Round Table Conference, Mr. Gandhi had been an utter, ignominious failure both as a personality and as a politician. I know that my opinion will not be accepted by the Hindus. But the unfortunate part is that my opinion in this respect coincides with the opinion of Mr. Gandhi's best friend. I will cite the opinions of two. This is what Mr. Ewer, who was closely associated with Mr. Gandhi during the Round Table Conference, wrote about the role Mr. Gandhi played at the Round Table Conference in London.

"Gandhi in the St. James Palace has not fulfilled the unwise expectation of those who saw him bestriding the Conference like a colossus ..... He was out of his elements."

* * *

"His first speech, with its sentimental appeal, its over-stressing of humility, its reiteration of single-minded concern for the dumb suffering millions, was a failure. No one questioned its sincerity. But somehow it rang false. It was the right thing, perhaps, but it was in the wrong place. Nor were his later interventions on the whole more successful. A rather querulous complaint that the British Government had not produced a plan for the new Indian Constitution shocked some of Gandhi's colleagues, who had hardly expected to see the representative of the National Congress

appealing to British Ministers for guidance and initiative. The protest against the pegging of the rupee to the pound was astonishingly ineffective. The contributions to the discussions on franchise and kindred matters were of little importance. Behind the scenes he was active enough in the Hindu-Moslem negotiations, but here, too, results were intangible. Not for a moment did Gandhi take the lead or materially influence the course of committee work. He sat there, sometimes speaking, sometimes silent, while the work went on, much as it would have gone on without him."* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_46This is what Bolton has to say about Mr. Gandhi's achievement at the Round Table Conference.

How did Mr. Gandhi fare as a statesman and a politician? At the close of the first session of the Round Table Conference there were three questions which had not been settled. The question of minorities, the question of the Federal structure and the question of the status of India in the Empire, were the three outstanding problems, which were the subject matter of controversy. Their solution demanded great statesmanship. Many said that these questions were not settled because the wisdom and authority of the Congress was not represented at the Round Table Conference. At the second session, Mr. Gandhi came and made good the deficiency. Did Mr. Gandhi settle any of these unsettled problems? I think it is not unfair to say that Mr. Gandhi created fresh disunity in the Conference. He began the childish game of ridiculing every Indian delegate. He questioned their honesty, he questioned their representative character. He taunted the liberals as arm-chair politicians and as leaders without any followers. To the Muslims he said that he represented the Muslim masses better than they did. He claimed that the Depressed Class delegates did not represent the Depressed Classes and that he did. This was the refrain which he repeated *ad nauseum at* the end of every speech. The non-Congress delegates deserve the thanks of all honest people for their having tolerated this nonsense and arrogance of Mr. Gandhi and collaborated with him to save him and to save the country from his mistake. Apart from this discourtesy to fellow-delegates, did Mr. Gandhi stand up for the cause he came to champion? He did not. His conduct of affairs was ignominious. Instead of standing up and fighting he began to yield on issues on which he ought never to have ceased fire. He yielded to the Princes and agreed that their representatives in the Federal legislature should be nominated by them and not elected, as demanded by their subjects. He yielded to the conservatives and consented to be content with provincial autonomy and not to insist upon central responsibility for which many lakhs of Indians went to gaol. The only

people to whom he would not yield were the minorities — the only party to whom he could have yielded with honour to himself and advantage to the country.

Nothing has helped so much to shatter the prestige of Mr. Gandhi as going to the Round Table Conference. The spectacle of Mr. Gandhi at the Round Table Conference must have been painful to many of his friends. He was not fitted to play the role he undertook to play. No country has ever sent a delegate to take part in the framing of the constitution who was so completely unequipped in training and in study. Gandhi went to the Round Table Conference with a song of the saint Narsi Mehta on his tongue. It would have been better for him and better for his country if he had taken in his arm pit a volume on comparative constitutional law. Devoid of any knowledge of the subject he was called upon to deal with, he was quite powerless to destroy the proposals put forth by the British or to meet them with his alternatives. No wonder Mr. Gandhi, taken out of the circle of his devotees and placed among politicians, was at sea. At every turn he bungled and finding that he could not even muddle through, he gave up the game and returned to India.

How was Mr. Gandhi received when he landed on the Indian soil? It may sound strange to outsiders and to those who are not the devotees of Mr. Gandhi but it is a fact that when the *S. S. Pilsner* of the Lloyd Triestino entered the harbour of Bombay at 8 a.m. in the morning of the 28th December 1931 there came to receive him an enthusiastic crowd of men, women and children who had assembled at the Pier in tens of thousands to greet him, to welcome him back and to have his *Durshan.* The following extracts from the *Times of India* and the *Evening News* of Bombay will serve to give a vivid idea of the grandeur of this reception.

"The Pilsner was escorted into the harbour by Desh Sevikas (women volunteers of the Congress) in saffron coloured sarees who went out in launches some distance from the pier.

"The Congress Committee had asked the Bombay Flying Club to fly an Aeroplane or two over the Pilsner and drop garlands as she came along side the pier, but the Flying Club, sanely preferring to keep out of politics, refused to grant the Congress demand.

"The spacious Central Hall at Ballard Pier was decorated with festoons and Congress flags and a large dais was put up at the centre with chairs placed on all sides for representatives of various organisations, local and upcountry, who were given passes for admission.

"Both the approaches to the reception hall from the wharf and from the city were lined by Desh Sevikas waving national flags and the duty of

guarding the dais and of regulating and directing the assembly inside the hall was also entrusted to the women volunteers.

"Mr. Gandhi reached the dais escorted by the Congress leaders and received an ovation. Hardly had he stepped on the dais when he began to be flooded with telegraph messages (presumably of welcome) which arrived one after another.

"Standing on the dais he was garlanded in turn by representatives of the public bodies who had assembled and whose names were called out from a long printed list of which copies were previously distributed.

"The proceedings inside the reception hall terminated with the garlanding.

"A procession was then formed in four, in place of the carriage which was intended to be the conveyance for Mr. Gandhi. He was seated in a gaily decorated motor car, with Mr. Vallabhbhai Patel to his left and Mr. Vitthalbhai Patel to his right and Mr. K. F. Nariman, President of the Bombay Provincial Congress Committee, on the front seat.

"Preceded by a pilot car and followed by others containing the Congress Working Committee members, the procession passed through the Ballard Pier Road, Hornby Road and Kalbadevi which had been decorated by the citizens at the instance of the Congress Committee and lined on either side by cheering crowds, five to ten deep till the party reached"*Mani Bhuvan,* Gamdevi". At no stage of this welcome did Mr. Gandhi open his lips to acknowledge it. This man of vows was under his Sunday vow of silence which had not run out till then and nor did he think that etiquette, good manners or respect for those who had assembled required that he should terminate his vow earlier.

The official historian of the Congress describes mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_47 this reception given to Mr. Gandhi in the following terms:

"There were gathered in Bombay representatives of all parts and Provinces in India to accord a fitting welcome to the Tribune of the people. Gandhi greeted the friends that went on board the steamer to welcome him, patting many, thumping a few and pulling the venerable Abbas Tyabji by his beard. There was a formal welcome in one of the Halls of Customs House and then a procession in the streets of Bombay which kings might envy in their own country".

On reading this account one is reminded of the Irish Sein Fein Delegates who in 1921, just 10 years before, had gone to London at the invitation of Mr. Lloyd George for the settlement of the Irish Home Rule question. As is well known the Irish Delegates secured from the British Cabinet a treaty

which was signed on the 8th December 1921. The Treaty was subsequently submitted for approval to the Dail, the Parliament of the Sein Fein Party which met from 14th December 1921 to 7th January 1922. On the 7th January a division was taken. There were 64 votes for ratifying the treaty and 57 against. And what was the reception given to the Irish delegates who secured this treaty? Arthur Griffith — who was the head of the Irish Delegation and Michael Collins who was his most prominent colleague, were both of them shot by the anti-treaty Sein Feiners, the former on the 12th and the latter on the 22nd August 1922. The reason for sending them to such cruel death was that the treaty which they signed did not secure the inclusion of Ulster and a republic for Ireland. It is true the treaty did not grant this. But if it is remembered that negotiations were opened on the express understanding on the part of both sides that these two questions were outside the scope of negotiations it will be granted that if the treaty did not include these it was no fault of the Irish Delegates. The fury and ferocity of the anti treaty Sein Feiners against the Irish Delegates had no moral foundation and the fate that befell Arthur Griffith and Michael Collins can by no stretch of imagination be said to be one which they deserved.

Be that as it may, this welcome to Mr. Gandhi will be regarded as a very strange event. Both went to win Swaraj, Griffith and Collins for Ireland, Gandhi for India, Griffith and Collins succeeded, almost triumphed; Gandhi failed and returned with nothing but defeat and humiliation. Yet Collins and Griffith were shot and Gandhi was given a reception which kings could have envied!! What a glaring and a cruel contrast between the fate that awaited Collins and Griffith and the reception arranged for Gandhi? Are the Indian Patriots different from the Irish Patriots? Did the masses render this welcome out of blind devotion or were they kept in darkness of the failure of Mr. Gandhi by a mercenary Press? This is more than I can answer.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_48

II

While this great welcome was being accorded to Mr. Gandhi the Untouchables of Bombay had come to the Pier to repudiate

Mr. Gandhi. Referring to this demonstration, the newspaper reports said:

"Just outside the gate of Ballard Pier, the scene was most exciting. On one side were drawn up Depressed Class volunteers in uniform, weaving black flags to the accompaniment of derisive shouts against Mr. Gandhi and laudatory cries in praise of their leader, while on the other side Congress followers kept up a din of counter shouts."

This Untouchable demonstration included men and women. The demonstrators numbered thousands, all waving Black Flags as a mark of repudiation of Mr. Gandhi. They were a determined crowd and, despite intimidation by the superior forces of the Congress assembled there to welcome Mr. Gandhi, were bent on showing that they repudiated Mr. Gandhi. This led to a clash and blood was split. There were forty casualties on each side.

For the first time Mr. Gandhi was made aware that there could be black flags even against him. This must have come to him as a shock. When he was asked about it later in the day, he said he was not angry, the Untouchables being the flesh of his flesh and bone of his bone. This is of course the Mahatmaic way of concealing the truth. One would not mind this convenient and conventional lie if there were behind it a realization that the crowd could not always be trusted to be loyal to its hero. Congressmen in India sadly lack the realism of a man like Cromwell. It is related that when Cromwell returned after a great battle, an enormous crowd came out to greet him. A friend sought to impress upon him the immensity of the crowd. But Cromwell dismissed the subject with the leconic remark,"Oh yes, I know many more will come to see me hanged."!! No Congress leader feels the realism of Cromwell. Either he believes that the day will never come when he will be hanged or he believes that the Indian crowd will never become a thinking crowd. That part of the Indian crowd does think was shown by the representatives of the Untouchables who assembled on the 28th to greet Mr. Gandhi with black flags.

Why did the Untouchables repudiate Mr. Gandhi? The answer to this question will be found in a statement issued by the organizers of these demonstrations which was printed and circulated on that day. The following are extracts from it."Our Charge sheet against Gandhiji and Congress""Enough of patronising attitude and lip sympathy. We ask for justice and fair play."

1. In spite of the fact that the removal of untouchability has been included in the constructive programme of the Congress, practically nothing has so far been done by that body to achieve that object, and in our fights against untouchability at Mahad and Nasik most of the local Congress leaders have been our bitter opponents.

2. The attitude of Gandhiji at the Round Table Conference in London with regard to the demands of the Depressed Classes as put forward by their accredited and trusted leader Dr. Ambedkar, was most unreasonable, obstinate and inexplicable.

3. Gandhiji was prepared to concede on behalf of the Congress the special claims of the Mohamedans and the Sikhs including their demand for separate representation on"historic grounds", but he was not willing even to concede reserved seats in general electorates to the Depressed Classes, although he knew, or should have known, what sort of treatment they would get, should they be thrown upon at the mercy on caste Hindus.

* * * * *

9. Gandhiji has said in opposing the claims of the Depressed Classes for separate representation that he does not want the Hindu Community to be subjected to vivisection or dissection. But the Congress is now dissecting the community of Untouchables by playing one section against another. Gandhiji and the Congress are not playing the fair game. Open enemies are far better than treacherous friends.

10. Attempts are being made to show that Gandhiji and the Congress alone represent the Depressed Classes by presenting addresses through a handful of hirelings and dupes. Is it not our duty to demonstrate the fact by coming out in thousands and proclaiming the truth? This is our charge sheet against Gandhiji and the Congress.

Let those who are not blind hero worshippers and blind partisans judge and give their verdict.

General Secretary, Depressed Classes Institute.

Is this charge sheet true? Mr. Gandhi is known to the world not merely as the Political leader of India, but also as the Champion of the Untouchables. It is perhaps true that the outside world takes more interest in Mr. Gandhi because he is the champion of the Untouchables than because he is a political leader. For instance the Manchester Guardian very recently devoted an editorial to the work of Mr. Gandhi for the Untouchables.

In the face of this, the charge appears to be quite unfounded. For, has not Mr. Gandhi made the Congress pledge itself to remove untouchability? The Congress before it came into the hands of Mr. Gandhi had refused to allow any social problem to be placed before it for consideration. A clear cut distinction was made between political and social question, and scrupulous attempt was made to confine the deliberations and activities of the Congress to purely political questions. The old Congress refused to take notice of the Untouchables. It was with great difficulty that the Congress in 1917mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_49 for the first time allowed the question of the Untouchables to be placed before it and condescended to pass the following resolution:

"The Congress urges upon the people of India the necessity, justice and righteousness of removing all disabilities imposed by custom upon the Depressed Classes, the disabilities being of a most vexatious and oppresssive character, subjecting those classes to considerable hardship and inconvenience."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_50

The Congress fell onto the hands of Mr. Gandhi in 1920 and the Congress at its ordinary session held at Nagpur passed the following resolution:

INTERCOMMUNAL UNITY

"Finally, in order that the Khilafat and the Punjab wrongs may be redressed and Swarajya established within one year, this Congress urges upon all public bodies, whether affiliated to the Congress or otherwise, to devote their exclusive attention to the promotion of non-violence and non-cooperation with the Government and, inasmuch as the movement of non-cooperation can only succeed by complete co-operation amongst the people themselves, this Congress calls upon public associations to advance Hindu-Muslim unity and the Hindu delegates of this Congress call upon the leading Hindus to settle all disputes between Brahmins and Non-Brahmins, wherever they may be existing, and to make a special effort to rid Hinduism of the reproach of untouchability, and respectfully urges the religious heads to help the growing desire to reform Hinduism in the matter of its treatment of the suppressed classes."

Again did not Mr. Gandhi make the removal of untouchability a condition precedent for achieving Swaraj?

In the *Young India* of December 29, 1920, Mr. Gandhi wrote:

"Non-cooperation against the Government means cooperation among the governed, and if Hindus do not remove the sin of untouchability, there will be no Swaraj in one year or one hundred years...."

Writing again on the conditions of Swaraj in the issue of *Young India* for February 23, 1921, he said:

"Swaraj is easy of attainment before October next if certain simple conditions can be fulfilled. I ventured to mention one year in September last because I knew that the conditions were incredibly simple and I felt that the atmosphere in the country was responsive. The past five months experience has confirmed me in the opinion. I am convinced that the country has never been so ready for establishing Swaraj as now."

"But what is necessary for us as accurately as possible to know the conditions. One supreme indispensible condition is the continuance of non-violence."

"The next condition is..... establishing a Congress Agency in every village."

"There are certain things that are applicable to all. The potent thing is Swadeshi. Every home must have the spinning wheel and every village can organize.... and become self supporting."

"Every man and woman can give some money—be it even a pice—to the Tilak Swaraja Fund. And we need have no anxiety about financing the movement....."

"We can do nothing without Hindu-Moslem unity and without killing the snake of untouchability....."

"Have we honest, earnest, industrious, patriotic workers for this very simple programme? If we have, Swaraj will be established in India before next October."

What more did the Untouchables want? Here is Mr. Gandhi who had held himself out as the friend of the Untouchables. He prides himself on being their servant. He claims and fought for being accepted as their representative. Why should the Untouchables show such a lack of confidence in Mr. Gandhi?

On the basis of words, the charge perhaps appears unfounded. But does it appear equally unfounded if we have regard to deeds? Let me examine Mr. Gandhi's deeds.

The work which is claimed by Mr. Gandhi and his friends to have been done by him and the Congress for the Untouchables falls into two periods, the period which precedes the Poona Pact and the period which follows the Poona Pact. The first period may be called the period of the Bardoli Programme. The second period may be called the period of the Harijan Sevak Sangh.

FIRST PERIOD

To begin with the Bardoli Programme period. The Bardoli Programme or what is called the Constructive Programme of the Congress was the direct outcome of the new line of action adopted by the Congress in securing the political demands of the country. At the session of the Congress held at Nagpur in 1920 the Congress declared :

"Whereas the people of India are now determined to establish Swaraj; and

"Whereas all methods adopted by the people of India prior to the last special session of the Indian National Congress have failed to secure due recognition of their rights and liberties;

"Now this Congress while reaffirming the resolution on nonviolent non-cooperation passed at the Special Session of the Congress at Calcutta declares that the entire or any part or parts of the scheme of non-violent

non-cooperation, with the renunciation of voluntary association with the present Government at one end and the refusal to pay taxes at the other, should be put in force at a time to be determined by either the Indian National Congress or the All India Congress Committee and in the meanwhile to prepare the Country for it",....

At the session of the Congress held at Ahmedabad in 1921 it was declared that:

"This Congress is further of opinion that Civil Disobedience is the only civilized and effective substitute for an armed rebellion.... and therefore advises all Congress Workers and others.... to organize individual civil disobedience and mass civil disobedience"..... It is to give effect to this policy of non-cooperation and civil disobedience and to prepare the people to take part in them that the Working Committee of the Congress met at Bardoli in February 1922 and drew up the following programme of action.

"The Working Committee advises all Congress organisations to be engaged in the following activities:

(1) To enlist at least one crore of members of the Congress.

(2) To popularise the spinning wheel and to organise the manufacture of hand-spun and handwoven khaddar.

(3) To organise national schools.

(4) To organise the Depressed Classes for a better life, to improve their social, mental and moral condition to induce them to send their children to national schools and to provide for them the ordinary facilities which the other citizens enjoy.

Note: Whilst therefore where the prejudice against the Untouchables is still strong in places, separate schools and separate wells must be maintained out of Congress funds, every effort should be made to draw such children to national schools and to persuade the people to allow the Untouchables to use the common wells.

(5) To organise the temperance campaign amongst the people addicted to the drink habit by house-to-house visits and to rely more upon appeal to the drinker in his home than upon picketing.

(6) To organise village and town Panchayats for the private settlement of all disputes, reliance being placed solely upon the force of public opinion and the truthfulness of Panchayat decisions to ensure obedience to them.

(7) In order to promote and emphasize unity among all classes and races and mutual goodwill, the establishment of which is the aim of the movement of non-cooperation, to organise a social service department that will render help to all, irrespective of differences, in times of illness or accident.

(8) To continue the Tilak Memorial Swaraj Fund collections and call upon every Congressman or Congress sympathiser to pay at least a one-hundredth part of his annual income for 1921. Every province to send every month twenty-five per cent of its income from the Tilak Memorial Swaraj Fund to the All-India Congress Committee.

The above resolution shall be brought before the forthcoming session of the All-India Congress Committee for revision if necessary."

This programme was placed before the All-India Congress Committee at its meeting at Delhi on 20th February 1922 and was confirmed by the same. The programme is a very extensive programme and I am not concerned with what happened to the whole of it, how it was received and how it was worked out. I am concerned with only one item and that which relates to the Depressed Classes.

After it was confirmed by the All-India Congress Committee, the Working Committee met at Lucknow in June 1922 and passed the following resolution:

"This Committee hereby appoints a committee consisting of Swami Shraddhanandji, Mrs. Sarojini Naidu and Messrs. 1. K. Yajnik and G. B. Deshpande to formulate a scheme embodying practical measures to be adopted for bettering the condition of the so-called Untouchables throughout the country and to place it for consideration before the next meeting of this Committee, the amount to be raised for the scheme to be Rs. 2 lacs for the present."This resolution was placed before the All-India Congress Committee at its meeting in Lucknow in June 1922. It accepted the resolution with the amendent that"the amount to be raised for the scheme should be 5 lacs for the present", instead of 2 lacks as put forth in the resolution of the Working Committee. How did this programme fare, what practical measures did the Committee suggest and how far were these measures given effect to? These questions one must ask in order to assess the work of Mr. Gandhi and the Congress for the Untouchables.

It seems that before the resolution appointing the Committee was adopted by the Working Committee, one of its Members Swami Shradhanand tendered his resignation of the membership of the Committee. For one finds that at the very sitting at which the Working Committee passed this resolution, another resolution to the following effect was passed by the Working Committee:

"Read letter from Swami Shradhanandji, dated 8th June 1922 for an advance for drawing up a scheme for depressed classes work. Resolved that Mr. Gangadharrao B. Deshpande be appointed convener of the sub-committee appointed for the purpose and he be requested to convene a

meeting at an early date, and that Swami Shradhanand's letter be referred to the sub-committee."The Working Committee met again in July 1922 in Bombay and passed the following Resolution:

"That the General Secretary be asked to request Swami Shradhanand to reconsider his resignation and withdraw it and a sum of Rs. 500/- be remitted to the Convener, Shri G. B. Deshpende, for the contingent expenses of the Depressed Classes Sub-Committee." The year 1922 thus passed away without anything being done to further that item of the Bardoli Programme which related to the Depressed Classes. The year 1923 came on. The Working Committee met at Gaya in January 1923 and passed the following resolution:

"With reference to Swami Shraddhanand's resignation, resolved that the remaining members of the Depressed Classes Subcommittee do form the Committee and Mr. Yajnik be the convener."

The All-India Congress Committee met in Feb. 1923 at Bombay and seeing that nothing was done as yet, recorded the following resolution :

"Resolved that the question of the condition of the Untouchables be referred to the Working Committee for necessary action."

What did the Working Committee do then? It met at Poona on the 17th April 1923 and resolved as follows:

"Resolved that while some improvement has been effected in the treatment of the so-called Untouchables in response to the policy of the Congress this Committee is conscious that much work remains yet to be done in this respect and inasmuchas this question of untouchability concerns the Hindu community particularly, it requests the All-India Hindu Mahasabha also to take up this matter and to make strenuous efforts to remove this evil from amidst the Hindu community."

Thus came to an end the Constructive Programme undertaken by Mr. Gandhi and the Congress for the Untouchables. The Bardoli programme for the Untouchables was in no sense a revolutionary programme. It did attempt to abolish untouchability. It does not attempt to break up caste. There is no mention of intermarriage or interdinning. It accepts the principle of separate wells and separate schools for Untouchables. It was purely an ameliorative programme. And yet such a harmless programme the Congress failed to carry through.

It must further be remembered that this was a time when the Congress was on the war path. It was determined to fight British Imperialism and was most anxious to draw every community towards itself and make all disaffected towards the British. This was the time when the Congress could have been expected to show to the Untouchables that the Congress stood

for them and was prepared to serve them in the same way that it was prepared to serve the Musalmans. There could be no more propitious circumstance which could make the Hindus overcome their antipaty towards the Untouchables and undertake to serve. But even such propitious circumstance did not prove sufficient to energize Congressmen to do this small bit for the Untouchables. How hard must be the anti-social feelings of the Hindus against the Untouchables that even the highest bliss and the greatest stimulant, namely the prospect of winning Swaraj, were not sufficient to dissolve that spirit. The tragedy and the shamelessness of this failure by the Congress to carry through their programme for the Untouchables is aggravated by the way in which the matter was disposed of.

The work of the amelioration of the Untouchables could not have been left in worse hands. If there is any body which is quite unfit for addressing itself to the problem of the Untouchables, it is the Hindu Mahasabha. It is a militant Hindu organization. Its aim and object is to conserve in every way everything that is Hindu, religious and culture. It is not a social reform association. It is a purely political organization whose main object and aim is to combat the influence of the Muslims in Indian politics. Just to preserve its political strength it wants to maintain its social solidarity and its way to maintain social solidarity is not to talk about caste or untouchability. How such a body could have been selected by the Congress for carrying on the work of the Untouchables passes my comprehension. This shows that the Congress wanted somehow to get rid of an inconvenient problem and wash its hands of it. The Hindu Mahasabha, of course, did not come forth to undertake the work and the Congress had merely passed a pious resolution recommending the work to them without making any promise for financial provision. So the project came to an inglorious and ignominious end. Yet there will not be wanting thousands of Congressmen who would not be ashamed to boast that the Congress has been fighting for the cause of the Untouchables and what is worse is that there will not be wanting hundreds of foreigners who are ready to believe it under the false propaganda carried on by men like Charles F. Andrews, who is the friend of Mr. Gandhi and who thinks that to popularize Gandhi in the Western World is his real mission in life.'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_51

It is not enough to know that the effort failed and had to be wound up. It is necessary to inquire why Swami Shradhanand resigned and refused to serve on the proposed Committee. There must be some good reason for it.

For the Swami was the most enlightened Arya Samajist and very conscientiously believed in the removal of untouchability. On this point, the correspondence that passed between the Swami and the General Secretary to the All India Congress Committee throws a flood of light on the mentality of the Congressmen and I make no apology for reproducing below the whole of it.

SWAMIJI'S LETTER

The General Secretary, All-India Congress Committee, Camp Delhi.

I acknowledge, with thanks, receipt of your letters No. 331 and 332 embodying resolutions of the working committee and of the A.I.C.C. about untouchability. I observe with pain, that the resolution of the A.I.C.C. as at present worded, does not include the whole of what was passed by the committee.

The facts are these. I sent the following letter to Mr. Vithalbhai Patel, the then General Secretary on 23rd May 1922, which was also published by the principal dailies of the country.

"My dear Mr. Patel, there was a time (vide *Young India* of 25th May, 1921) when Mahatmaji put the question of untouchability in the forefront of the Congress Programme. I find now that the question of raising the Depressed Classes has been relegated to an obscure corner. While Khadi claims the attention of some of our best workers and liberal sum has been earmarked for it, for the year, while a strong sub-committee has been appointed to look after national education and a special appeal for funds is to be made for the same, the question of the removal of untouchability has been shelved by making small grants to Ahmedabad, Ahmednagar and Madras. I am of opinion that with a majority of 6 crores of our brethren set against us by the beauracracy even the Khadi Scheme cannot succeed completely. The Members of the Working Committee, perhaps, do not know that on this side our suppressed brethren are leaving off Khadi and taking to buying cheap foreign cloth. I want to move the following resolution in the meeting of the A.I.C.C. which comes off on the 7th of June next at Lucknow.

"That a Sub-committee, consisting of three members of the A.I.C.C., be appointed to give effect to the resolution about the so-called Depressed Classes, that a sum of five Lakhs of rupees be placed at their disposal for propaganda work and that in future all applications for grants be referred to the said Sub-committee for disposal."

My proposal was amended by the Working Committee and ran as follows:

"This Committee hereby appoints a committee consisting of Swami Shradhanand, Mrs. Sarojini Naidu and Messrs. G. B. Deshpande and 1. K. Yajnik to formulate a scheme embodying practical measures to be adopted for bettering the condition of the so-called Untouchables throughout the country and to place it for consideration before the next meeting of the Working Committee, the amount to be raised for the scheme to be Rs. 2 lakhs for the present."

Mr. Patel asked me to accept the Working Committee's proposed resolution in toto. I refused to accept the Working Committee's resolution and in the very first sitting of the All India Congress Committee substituted 5 lakhs for 2 lakhs with the condition that one lakh of the same be allotted by the A.I.C.C., out of the funds in its hands, in cash and an appeal be made for the balance.

Mr. Rajagopalachariar, on behalf of the Working Committee proposed that instead of fixing the amount to be allotted out of the

Congress funds now, it should be provided that when the Scheme was accepted by the Working Committee, that Committee should allot as much cash as it could then spare for this purpose. I do not recollect the exact words but the support of the amendment as given above is, to my knowledge, true.

On this an uproar arose and the query was pressed from all sides that the cash balance in the hands of the A.I.C.C. ought to be announced. The President called me aside and told me in confidence that the Congress possessed very little cash balance and if pressed to disclose the true state of affairs, it would harm the movement as outsiders and even C.I.D. people were also present. On this I accepted the amendment of Mr. Rajgopalchariar in spite of protests from my seconder and supporters. But my surprise was great when I found the resolution in the dailies, as reported by the associated press, shorn of Mr. Rajagopalchariar's amendment.

After the above resolution was passed, some members suggested that a convener of the Sub-committee ought to be appointed, serveral members proposed me as the convener. On this Mr. Vithalbhai Patel (the then General Secretary) got up and said,"As Swami Shradhanand's name occurs first, naturally he will be the convener and therefore there was no need of moving any fresh resolution at all."

Members from all parts of the country began to give information to me about untouchability in their provinces and pressed me to visit their parts. On this I made some promises. Then, I thought, that without some cash for preliminary expenses no enquiries, on the spot could be made and

hence no proper scheme formulated. I also learnt that Rs. 25,000/- had been voted by the Working Committee for"*the Independent*"of Allahabad and that an application for grant of Rs. 10,000/- to the Urdu daily"*Congress"*of Delhi had been placed by Hakim Ajmal Khan and Dr. Ansari before the Working Committee. So, considering, that after all, the Congress might not be so hard pressed for cash, I wrote a letter addressed to the President asking him to give the Untouchability Sub-Committee an advance of Rs. 10,000/- for preliminary expenses.

After all this, the following resolution of the Working Committee forwarded by your letter No. 331 is very interesting reading:

"Read letter from Swami Shradhanand dated 8th June 1922 for an advance for drawing up a scheme for Depressed Class work— Resolved that Mr. Gangadharrao B. Deshpande be appointed convener of the Sub-committee appointed for the purpose and he be requested to convene a meeting at an early date, and that Swami Shradhanand's letter be referred to the Sub-committee."

There is another matter which is inexplicible. After my first letter had been acknowledged I addressed the following letter from Hardwar on 3rd June 1922 :

"My dear Mr. Patel, I shall leave Hardwar the day after tomorrow and reach Lucknow on the morning of June 6th. You know, by now, that I feel the most for the so-called Depressed Classes. Even in the Punjab I find that no attention worth the name has been paid to this item of the constructive programme. In the U.P. of course it will be an uphill work. But there is another very serious difficulty.

The Bardoli programme, in its note under item 4, lays down that where prejudice is still strong, separate wells and separate schools must be maintained out of the Congress funds. This leaves a loophole for those Congress workers who are either prejudiced against the Depressed Classes or are weak, and no work can be done in inducing people to agree to allow the Untouchables to draw water from common wells. In the Bijnoor District, I learn, there was no restriction and the Untouchables drew water freely from common wells. But in some places fresh prejudice is being engendered under the aegis of the Bardoli resolution note. In my recent visits to Ambala Cantt., Ludhiana, Batala, Lahore, Arnritsar and Jandiala, I found that the question of the removal of disabilities of the Untouchables is being ignored. In and near Delhi it is the Dalitodhar Sabha, of which I am the President, rather than the Congress which is doing appreciable work. I think that unless item (4) of the Bardoli constructive programme is

amended in proper form, the work, which I consider to be the most important plank in the Congress programme, will suffer.

Kindly place the following proposal before the President and if he allows it to be placed before the next meeting of the A.I.C.C. I shall move it there—"Instead of the Note under item (4) of the Bardoli resolution, substitute the following Note :"The following demands of the Depressed Classes ought to be complied with at once namely that (a) they are allowed to sit on the same carpet with citizens of other classes, (b) they get the right to draw water from common wells and (c) their children get admission into National schools and Colleges and are allowed to mix freely with students drawn from the so-called higher castes. I want to impress upon the members of the A.I.C.C. the great importance of this item. I know of cases where the Depressed Classes are in open revolt against tyranny of the so-called upper castes and unless the above demands are conceded to them they will succumb to the machinations of the bureaucracy."After my first proposals were passed in the A.I.C.C. Meeting on June 7th at Lucknow, I asked Mr. Patel to put my proposed amendment of Note to item (4) of Bardoli resolution before the meeting. He told me that the Working Committee would refer it to the Sub-committee and asked me not to press it there. I agreed. But I have not received copy of any resolution of the Working Committee referring my proposal to the Untouchability Sub-committee.

The untouchability question is very acute in and near Delhi and I have to grapple with it at once. But the Sub-committee cannot begin work off-hand because the Working Committee has to take several other political situations in the country into consideration before deciding upon any scheme of practical measures to be adopted for uprooting untouchability on behalf of the Congress. Under these circumstances I cannot be of any use to the Sub-committee and beg to resign from membership.

Yours sincerely, Delhi, Jan. 30.

Shradhanand Sanyasi.

SECRETARY'S REPLY

Dear Swamiji,

Your letter dated June 1922 received in my office on the 30th of that month has, by a resolution of the Working Committee passed in Bombay on the 18th instant, been referred to me with instructions to explain facts and request you to be good enough to reconsider your resignation from the Depressed Classes Sub-Committee.

As you are aware, I have no personal knowledge of the facts which happened prior to my release from the jail. But I was present at the meeting of the Working Committee which passed the resolution dated 10th June 1922 appointing Mr. Deshpande as the Convenor of the Sub-committee. It was not then mentioned that there was any understanding about any particular member acting as the Convenor of the Sub-committee and the whole resolution was passed merely to complete the necessary formalities in regard to the payment of money. It was felt that a formal resolution of the Sub-committee was necessary before any expenditure could be sanctioned. Mr. Deshpande was accordingly appointed as the convenor and a sum of Rs. 500/- was voted for the expenses of these preliminary steps. By an oversight the resolution as drafted omitted to mention the sanction of Rs. 500/-You will thus observe that it was not due to the unwillingness of Working Committee to sanction Rs. 10,000/- for untouchability, but the true reason for framing the resolution in the manner it was framed was what I have explained above. Nothing could be farther from the intention of the Working Committee than a desire to understand the importance of the work your Sub-committee was called upon to do or in any way to ignore the valuable advice tendered by you. On your letter being placed before the last meeting of the Working Committee the omission of the grant of Rs. 500/- was supplied, and I was instructed to communicate with you on the subject. It will be a great pity if the Sub-committee is deprived of the benefit of your experience and special knowledge of the whole question of untouchability and I will ask you therefore in the public interest to reconsider your decision and wire to my office at Allahabad withdrawing your resignation from the Sub-Committee. I need hardly add that any resolutions arrived at by your Sub-Committee will receive all the consideration they deserve at the hands of the Working Committee.

As to the alteration in the Working Committee's resolution in regard to separate wells and schools, the best course would be for your Subcommittee to recommend the change and for the Working Committee to adopt it.

I am afraid you are under a misapprehension as regards the grant to ' *The Independent* ', of Allahabad, and"*The Congress*"of Delhi. In reference to the former, all that has been done is to sanction the application of the U. P. Provincial Committee to advance as a loan to the"*nationalist journals'*Ltd., Rs. 25,000 from the funds already granted to that committee and in reference to the latter, the application for a grant of a loan was wholly rejected.

Yours sincerely,
Motilal Nehru. Bombay, July 23, 1922.

General Secretary.

SWAMIJI'S REJOINDER

Dear Pandit Motilaiji,

I received your letter of 23rd July 1922 addressed from Bombay on my resignation from the Untouchability Sub-Committee. I am sorry I am unable to reconsider it because some of the facts brought out by me in my first letter have simply been ignored.

(1) Kindly enquire of Mr. Rajagopalchariar whether I did not first propose that at least one lakh should be given in cash out of the funds in the hands of the A.I.C.C., whether he did not move an amendment substituting words for the above which purported to promise that when the plan of work formulated by the Sub-Committee was accepted by the Working Committee, that Committee would allot as much money for the untouchability department as it could then spare and whether I did not accept his amendment when the President called me aside and explained the exact financial position at the time. If this is the fact then why did the amendment not appear with the resolution?

(2) Did you enquire of Mr. Vithalbhai J. Patel whether the members of the A.I.C.C. did not propose me as the convenor of the Subcommittee and whether he did not then say —"As Swami Shradhanand's name occurs first, naturally he will be the convenor and therefore there was no need of moving any fresh resolution at all"I enquired about this from Dr. Ansari and he wrote back to me on June 17th, 1922 saying that I was appointed convenor. Dr. Ansari is with you and you can verify it from him. I hope Mr. Patel has not forgotten all about it.

(3) Then the immediate work among the Untouchables here is very urgent and I can not delay it for any reason whatever. Kindly have my resignation accepted in the next meeting of the Working Committee, so that I may be free to work out my own plan about the removal of untouchability. This was my position at the end of July last. My experience in the Amritsar and Mianwali jails and the information I gathered there, have confirmed me in the belief that unless sexual purity (Brahmacharya) is revived on the ancient Aryan lines and the curse of untouchability is blotted out of the Indian society, no efforts of the Congress nor of other patriotic organisations out of the Congress will avail in their efforts for the attainment of Swaraj. And as national self realization and virile existence is impossible without Swaraj, I, as a Sanyasi, should devote the rest of my life to this sacred cause—the cause of sexual purity and true national unity.

Delhi. July 23. 1922.
Shradhananda Sanyasi.

This shows what heart Congressmen had in the uplift work of the Untouchables.

So much for what Congressmen volunteered to do. How much did Congressmen or Mr. Gandhi help the Untouchables who were working independently for the uplift of their own people. This was the period when the Untouchables themselves were on the warpath. They too were engaged in offering civil disobedience against the Hindus for the purpose of acquiring their civic and social rights. This was the period during which the Untouchables of Bombay Presidency had launched their Satyagraha at Mahad for establishing their right to take waterfrom the public tank and at Nasik for establishing their right to enter a Hindu temple. How did Mr. Gandhi look upon this Satyagraha movement started by the Untouchables against the caste Hindus? The attitude of Mr. Gandhi to say the least was extremely queer.

In the first place Mr. Gandhi condemned this Satyagraha by the Untouchables against the caste Hindus. He would not support it. In this controversy the Untouchables were perfectly logical. They argued that if Civil Disobedience was the weapon which, according to Mr. Gandhi, the Hindus could legitimately use against the British for securing their freedom, why were the Untouchables not justified in using the same wapon gainst the caste Hindus for securing their emancipation. However good this logic Mr. Gandhi would have none of it. He tried to meet their logic by his logic. He argued that Untouchability was the sin of the Hindus. It is the Hindus who must therefore do penance. It is they who must offer Satyagraha for the removal of untouchability. Satyagraha was not the business of the Untouchables because they were not sinners, far from being sinners they were sinned against. This was of course not Aristotalian logic. It is a Mahatmian logic which is another name for casuistry. But it was apparent that this Mahatmian logic was simply nonsense. The Untouchables replied that if that was the view of Mr. Gandhi — namely that Satyagraha is penance which is for the sinner to offer-then why should he call upon the Hindus to offer Satyagraha against the British. British Imperialism was the sin of the British and therefore according to his logic the Satyagraha must be offered by the British and not by the caste Hindus. The Untouchables had destroyed his logic. It was clear that there was either a fallacy or insincerity in this attitude of Mr. Gandhi to Satyagraha by the Untouchables against caste Hindus. But the Untouchables could not dislodge Mr. Gandhi from the position of hostility which he had adopted.

There is another incosistency in the attitude which Mr. Gandhi showed towards the Satyagraha by the Untouchables against Caste Hindus at Mahad and Nasik and the attitude he showed against similar Satyagraha by the Untouchables at Vaikom. Mr. Gandhi was in favour of the Satyagraha at Vaikorn. He blessed it and encouraged it. Why then was Mr. Gandhi opposed to the Satyagraha at Mahad and Nasik? Was there any difference between the two? Yes, there was. The Vaikorn Satyagraha was carried on by the Untouchables under the auspices of the Congress. The other two were launched by the Untouchables independently of the Congress. Had the opposition of Mr. Gandhi something to do with this difference? As Mr. Gandhi has given no answer I must leave the reader to make the best guess.

Perhaps Mr. Gandhi was not prepared to protect the lambs who would not accept him as their shepherd. When Mr. Gandhi refused to give his blessings to the Satyagraha by the Untouchables it was a foregone conclusion that no Congressmen would or could come and help the Untouchables in their struggle against the orthodox Hindus. Indeed this attitude of Mr. Gandhi enabled Congress Hindus to join the orthodox Hindus—they are kith and kin and the line that divides the two is very thin—and batter the heads of the Untouchables with a clear conscience. This was not the only mischief Mr. Gandhi did by his most illogical if not perverse attitude. He came out openly against all non-Hindus and prohibited them from helping the Untouchables in their Satyagraha struggle against the caste Hindus: He was not only against Mahomedans, Christians, Parsis and Jews rendering any help, but he went to the length of objecting to the Sikhs—who are no more than militant and protestant Hindus—coming to help the Untouchables. Here again his argument was queer. Untouchability is the sin of the caste Hindus. It is they who must do penance. Help to the Untouchables being a penance and penance being the obligation of the sinner, only the sinner could offer Satyagraha and help it. The Mahomedans, Christians, Parsis, Jews and Sikhs were not sinners in the matter of untouchability and therefore they could not help the Satyagraha for the removal of untouchability. Mr. Gandhi of course would not see it from the point of view of the Untouchables. He would not see that what was sin for the caste Hindus was slavery for the Untouchables. If the sinner was bound to do penance, the slave was entitled to break his bonds and every person who believed in freedom, no matter what his caste or his creed, was bound to help and free to join in the struggle. This is exactly the point of view which Mr. Gandhi had adopted with regard to the Khilafat question. The Musalman wanted Khilafat and the territorial

integrity of Turkey. The demand for territorial integrity of Turkey was a most impossible demand because it involved the subjugation of the Arabs by the Turks. Still the Musalmans insisted upon it and Mr. Gandhi brought round the whole of the Congress and the Hindus to support this impossible and impious demand of the Musalmans. Mr. Gandhi then argued that if the Musalmans think it their religious duty to fight for the territorial integrity of Turkey, then it was the obligation of the Hindus to help the Muslims to fulfil their duty.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_52

The benefit of this logic Mr. Gandhi was not prepared to extend to the Untouchables. He was firm. Non-Hindus may help Hindus. Hindus may help non-Hindus. But none should help the Untouchables.1 Friends of Mr. Gandhi were anxious to soften the rigour of his logic by pointing out that a distinction was necessary to be made on the basis of the nature of the disabilities of the Untouchables. They argued mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_53 that certain disabilities of the Untouchables were civic, certain were religious and that so far as the civic disabilities were concerned even non-Hindus should be allowed to help the Untouchables to carry on the Satyagraha. Even to this Mr. Gandhi was not prepared to listen. His interdict was applicable to all cases and there was no distinction possible. With this interdict on outside help Mr. Gandhi—the"friend of the Untouchables"—completely cut off the supplies of the Untouchables and left them without any sinews of war.

So far I have explained how the Congress without any qualm of conscience abandoned the idea of uplifting the Untouchables. It did not even undertake it. Secondly I have explained how Mr. Gandhi failed to support the Untouchables in their Satyagraha against the caste Hindus but by his queer logic found justification for not helping them and for preventing help reaching them. There now remains to record the third and the last event which belongs to this period. Though last in point of time it is undoubtedly the first in point of importance. That incident is the touchstone by which Mr. Gandhi's claim as a friend of the Untouchables must stand or fall.

The incident relates to the demand made by the Representatives of the Depressed Classes at the Indian Round Table Conference for political safeguards being embodied in the new Constitution and the attitude of Mr. Gandhi to these demands. The most important of these demands related to representation of the Depressed Classes in the Legislatures. The demand

submitted by the representatives of the Depressed Classes was in the following terms—

Adequate Representation in the Legislatures.

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

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

(2) Right to elect their own men as their representatives, (a) by adult suffrage and

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

It is this particular demand by the Depressed Classes which raised such a storm and which became so serious an issue that the solution of it almost shook the foundation of Indian politics and of Hindu Society.

This demand of the Depressed Classes was founded on the recommendation of the Simon Commission. After a careful survey of the problem of the Depressed Classes, the Simon Commission had reported to the following effect regarding their place under the new Constitution:

"It is clear that even with a considerable lowering of the franchize . .. .. there would be no hope of the Depressed Classes getting their own representatives elected in general constituencies without special provision being made to secure it . .... Ultimately we should hope to see them maintaining their ground in joint electorates without special protection. . .... They will make no headway, however, in this direction as long as they are represented solely by nomination, for nomination provides no opportunities for training them in politics. There are, even with the present restricted franchise, a sufficient number of Depressed Class voters to make methods of election possible.....

Our object, therefore, is to make a beginning which will bring the Depressed Classes within the circle of elected representation. How is this to be done? Most of the Depressed Class associations which appeared before us favoured separate electorates, with seats allocated on the basis of population. . ... separate electorates would no doubt be the safest method of securing the return of an adequate number of persons who enjoy the confidence of the Depressed Classes; but we are averse from stereotyping the difference between the Depressed Classes and the remainder of the

Hindus by such a step, which we consider would introduce a new and serious bar to their ultimate political amalgamation with others.....

Our proposal, therefore, is that in all the eight Provinces there should be some reservation of seats for the Depressed Classes. .. . The result of our Scheme would be that spokesmen of the Depressed Classes would be returned as elected members in each of the Provinces. . . . . As to the number of seats to be reserved, this should obviously bear some proportion to the total number of the Depressed Classes in the province. . . .. We propose that. . . . . the proportion of the number of such reserved seats to the total seats in all the Indian General constituencies should be three quarters of the proportion of the Depressed Classes population to the total population of the electoral area of the province.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_54"..... As a matter of fact there was nothing new in this demand of the Depressed Classes for separate political representation for themselves by themselves and through themselves and the Simon Commission in conceding it cannot be said to have made a new departure. This demand was put forth in 1919.

At the time when the reforms which subsequently became embodied in the Act of 1919 were being discussed, the authors of the Montague Cheirnsford Report clearly recognized the problem of the Untouchables and the authors pledged themselves to make the best arrangement for their representation in the Legislatures. But the Committee that was appointed under the Chairmanship of Lord Southborough to devise the franchise and the electoral system ignored them altogether. The Government of India did not approve of this attitude and made the following comments:

"They (Untouchables) are one-fifth of the total population and have not been represented at all in the Morley-Minto Councils. The Committee's report mentions the Untouchables twice, but only to explain that in the absence of satisfactory electorates they have been provided for by nomination. It does not discuss the position of these people, or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. . . .. The measure of representation which they propose. .... suggested that one-fifth of the entire population of British India should be allotted seven seats out of practically eight hundred. It is true that in all the Councils there will be, roughly speaking, a one-sixth proportion of officials who may be expected to bear in mind their interests: but that arrangement is not, in our opinion, what the Report on reforms aims at. The authors stated that the Untouchables also should learn the lesson of self-protection. It is surely fanciful to hope that this result can be

expected from including a single member of the community in an assembly where there are sixty or seventy caste Hindus. To make good the principles of the Report we must treat the outcastes more generously."

The Government recommended that the seats allotted to the Untouchables by the Committee should be doubled. Accordingly in place of seven, they were given fourteen seats.

Again in 1923, the Secretary of State appointed a Committee which is known as the Muddiman Committee. The principal object of the Committee was to find out how far the constitution established by the Act of 1919 could be expanded by alterations in the Rules and without altering the Act. The Committee made certain recommendations and pointed out the necessity of increasing the representation of the Depressed Classes in the Legislatures. This recommendation was accepted by the Secretary of State who increased the number of seats.

Thus the right of the Depressed Classes to special representation in the Legislature had become a principle which was not only accepted but adopted in the Constitution. So well was this principle recognized that it had been extended even to District Local Boards, School Boards and Municipalities.

A claim which had been given legal recognition in 1919 and which had thereby become a right and which had become perfected by user the representatives of the Depressed Classes felt could not be disputed by any body. There was no reason to fear that the Congress would come forward seriously to dispute this right of the Depressed Classes. Because although the Nehru Committee in 1929 in the Swaraj Constitution which it was asked to frame had denied this right to the Depressed Classes, the report of that Committee was not binding on the Congress. The Congress was bound by nothing except its own resolution which was passed in 1920, at its Nagpur Session to allay the fears of the Sikhs, and which had declared its policy to treat all minorities alike in the matter of representation in the Legislaturemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_55

The representatives of the Depressed Classes were therefore justified in hoping that their demand would go through without any difficulty whatsoever from any quarters.

At the first Round Table Conference things went very smoothly. There was no trouble of any kind and although there was no agreement on the minorities question, the right of the Depressed Classes to special representation was accepted by all sections that were represented at the Round Table Conference. The conclusions reached by the Minorities Sub-

Committee were embodied in its report which was presented to the General Conference. The following are the extracts from that report:

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

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

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

"The discussion in the Sub-Committee has enabled the Delegates to face the difficulties involved in the schemes put up, and though no general agreement has been reached, its necessity has become more apparent than ever."

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

"The Sub-Committee, therefore, recommend that the Conference should register an opinion that it was desirable that an agreement upon the claims made to it should be reached, and that the negotiations should be continued between the representatives concerned, with a request that the result of their efforts should be reported to those engaged in the next stage of these negotiations."Mr. Gandhi was not present at the first Round Table Conference because the Congress had boycotted it. He came for the Second Round Table Conference. What attitude did Mr. Gandhi take to this claim of the Depressed Classes?

Every body expected that Mr. Gandhi would be more interested in seeing that the constitution that was likely to emerge from these deliberations and

negotiations was a constitution which gave India *Puma Swaraj* i.e. complete independence and he would not interest himself in so unimportant a subject as the allocation of seats among the different minorities. But events completely falsified these hopes. Mr. Gandhi completely gave up his fight against British Imperialism altogether. He forgot that he had come with a mandatemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_56 to secure a constitution which contained *Puma Swaraj*. He left that issue and started fighting the minorities and what is so strange he concentrated all his fire upon the representatives of the Untouchables for daring to put forth the claim for special representation. Mr. Gandhi opposed tooth and nail the representatives of the Depressed Classes. He was not even prepared to look at their claim. He was annoyed at their impudence and the whole Conference was astonished by his opposition. They could not understand how a man like Mr. Gandhi who posed himself as the friend of the Untouchables could in fact be so great an enemy of their interests. His friends were completely baffled. Mr. Gandhi was prepared to recognize a similar right claimed by the Musalmans and to the Sikhs and although he was not prepared to recognize a similar claim by Christians, Europeans and Angio-Indians he was not going to oppose their claim. Mr. Gandhi's friends could not understand how he could deny a similar right to the Untouchables. The Mohamedans, Sikhs, Christians, Europeans and Anglo-indians were far better off than the Untouchables. The former were economically far better placed. The latter were poorest of the poor. The former were educationally advanced, the latter were educationally most backward. The former were socially well respected, the latter were socially despised. The former enjoyed a position of free citizens. The latter were suffering from certain disabilities. The former were not subjected to social tyranny and social boycott but social tyranny and social boycott were the every day lot of the latter. Having regard to this difference in status there could never be any doubt that if there was any section of the Indian people whose case called forth

special protection, they were the Untouchables. When his European friends tried thus to argue with Mr. Gandhi, Mr. Gandhi used to fly into temper and his relations with two of the best of them to my knowledge had become quite strained on this account.

Mr. Gandhi's anger was largely due to the fact he could give no rational answer which could convince his opponents that his opposition to the claim of the Depressed Classes was sincere and was founded upon the best interests of the Depressed Classes. He nowhere gave a consistent

explanation of his opposition to the Depressed Classes. Reading his speeches in London while he was there one can see that he was using three arguments in support of his position. Speaking as a member of the Federal Structure Committee of the Round Table Conference Mr. Gandhi said:

"The Congress has from its very commencement taken up the cause of the so-called"untouchables". There was a time when the Congress had at every annual session as its adjunct the Social Conference, to which the late Ranade had dedicated his energies, among his many activities. Headed by him, you will find in the programme of the Social Conference, reform in connection with the Untouchables taking a prominent place. But in 1920, the Congress took a large step, and brought the question of the removal of untouchability as a plank on the political platform, and made it an important item of the political programme. Just as the Congress considered Hindu-Muslim Unity, thereby meaning unity amongst all classes, to be indispensable for the attainment of Swaraj, so also did the Congress consider the removal of the curse of untouchability as an indispensable condition for the attainment of full freedom."At the minorities Sub-Committee of the Round Table Conference Mr. Gandhi used another argument. He said:

"I can understand the claims advanced by other minorities, but the claims advanced on behalf of the untouchables is to me the"unkindest cut of all". It means the perpetual barsinister. I would not sell the vital interests of the untouchables even for the sake of winning the freedom of India. I claim myself, in my own person, to represent the vast mass of the untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the untouchables that separate electorates and separate reservation is not the way to remove this bar-sinister, which is the shame, not of them, but of orthodox Hinduism. Let this committee and let the whole world know that today there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census, untouchables classified as a separate class. Sikhs may remain as such in perpetuity, so may Moslems, so may Europeans. Will untouchables remain untouchables in perpetuity? I would far rather than Hinduism died than that untouchability lived. Therefore, with all my regard for Dr. Ambedkar, and for his desire to see the untouchables uplifted, with all my regard for his ability I must say, in all humility, that here is a great wrong under which he has laboured and, perhaps, the bitter experiences he has undergone have for the moment

warped his judgement. It hurts me to have to say this but I would be untrue to the cause of untouchables, which is as dear to me as life itself, if I did not say it. I will not bargain away their rights for the kingdom of the whole world. I am speaking with a due sense of responsibility, when I say it is not a proper claim which is registered by Dr. Ambedkar when he seeks to speak for the whole of untouchables in India. It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever, I do not mind the untouchables being converted into Islam or Christianity. I should tolerate that but I cannot possibly tolerate what is in store for Hinduism if there are these two divisions set forth in the villages. Those who speak of political rights of untouchables do not know India and do not know how Indian society is today constructed. Therefore, I want to say with all the emphasis that I can command that if I was the only person to resist this thing I will resist it with my life."

At a meeting at the Friends House in London Mr. Gandhi relied upon quite a different argument. He is reported to have saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_57:

"I have told you what is agitating my mind. You may take the Congress to be incapable of bartering away the minorities rights. The untouchables, I know, as one can claim to know. It would be equal to killing them if separate electorates were given them. They are at present in the hands of the superior classes. They can suppress them completely and wreck vengence upon the untouchables who are at their mercy and it is because I want to prevent that thing happening that I would fight the demand for separate electorates for them. Whilst I am saying this, I know, I am opening out my shame to you. But in the existing state of things how could I invite destruction for them? I would not be guilty of that crime.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_58

Dr. Ambedkar, as able as he is, has unhappily lost his head over this question. I repudiate his claim to represent them."

None of his arguments carried any conviction. Indeed they could not. They were all spacious and they had the ring of special pleadings.

His first argument, that the Congress was pledged to look after the untouchables, to remove their untouchability—Was this argument founded in truth? Mr. Gandhi has been telling the world that the whole body of Congress has been pledged to remove untouchability and his friends have been giving him credit for getting the Congress to do what the Congress before him was not prepared to do. I am surprised how so false a view

could have been given such a wide currency. I have read and re-read the Resolution passed by the Congress in 1920 at Nagpur Which is the basis of such an assertion as is made by Mr. Gandhi and his friends, and I am sure every one who reads that resolution will agree that the text of the resolution gives no warrant for such an assertion. The resolution is a very clever piece of Gandhian tactics. Mr. Gandhi has been very anxious from the very beginning to keep the untouchables a close preserve of the Hindus. He did not want Musalmans or Christians to be interested in them. He wanted that the Untouchables who were attached to the British should be detached from them and attached to the Hindus. The second object could be achieved only if the resolution in favour of the removal of untouchability was passed from the Congress platform. To achieve this it was necessary to confine this duty only to the Hindus. This is what the resolution does. It is a clever move on the part of a cunning politician. The resolution does not put the Congress as a whole behind this resolution. Secondly, in what it does there is nothing that is obligatory in it. There is no pledge, there is no vow. There is only moral exhortation. It only recommends to the Hindus that removal of untouchability is their duty. Once Mr. Gandhi tried to alter the conditions for membership of the Congress. Instead of the payment of four annas per annum being the condition of membership Mr. Gandhi wanted to lay down two conditions: (1) removal of untouchability and (2) spinning yarns. Congressmen were prepared to accept spinning of yarn as a condition of membership. But they were not prepared to accept removal of untouchability as a condition. Congressmen told Mr. Gandhi that if he insisted upon it all Congress Committees will have to be closed down. So strong was the opposition that Mr. Gandhi had to withdraw his proposal. That being the case for Mr. Gandhi to have urged before the Round Table Conference that the Congress was pledged to remove untouchability and that the untouchables could safely be left to the mercy of the Hindus shows that even Mr. Gandhi is capable of economising truth to a vanishing point.

The next argument of Mr. Gandhi that the removal of untouchability was made by the Congress a condition precedent to Swaraj urged to prove the sincerity of the Congress could not be taken at its face value by the obvious insincerity of the Congress and Mr. Gandhi. Untouchability was as it had been, yet the Congress and Mr. Gandhi had come forth to demand independence. This was enough to show that Mr. Gandhi did not believe in what he said on this point. No one in India, at any rate no one from among the Untouchables believed in this declaration of Mr. Gandhi and his Congress that for them removal of untouchability was a condition

precedent to Swaraj. Long before the Round Table Conference Mr. Gandhi was questioned to test his sincerity on two occasions and the answers he gave on both left no doubt that even he did not believe this declaration. In 1920 a correspondent asked Mr. Gandhi the following questionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_59 :

"Should not we the Hindus wash our bloodstained hands before we ask the English to wash theirs?"To this Mr. Gandhi gave the following reply:

"A correspondent indignantly asks me in a pathetic letter reproduced elsewhere what I am doing for the (untouchables). I have given the letter with the correspondent's own heading. 'Should not we the Hindus wash our bloodstained hands before we ask the English to wash theirs? ' This is a proper question reasonably put. And if a member of a slave nation could deliver the suppressed classes from their slavery without freeing myself from my own, I would so do today. But it is an impossible task....."Does this show that Mr. Gandhi and the Congress were sincere when they said that removal of untouchability was a condition precedent to Swaraj? That this is not the argument of a sincere man is shown by the fact that at a later time Mr. Gandhi himself has ridiculed a correspondent who urged upon Mr. Gandhi the desirability of keeping aside the question of the Untouchables until the Hindus had won Swaraj.

The second occasion on which Mr. Gandhi was questioned was when he went to Dandi in March in 1930 to make Salt Satyagraha contrary to law. Some Untouchables went to Dandi and questioned him. They asked him what happened to his declaration that removal of untouchability was condition precedent to Swaraj. Mr. Gandhi's reply as reported to me was this:

"The Untouchables are a part of a whole. I am working for the whole and I therefore believe that I am therefore working for the Untouchables who are a part of the whole."

There is nothing to prove this except what was reported to me by those who had been to see Mr. Gandhi at Dandi. But I have no doubt that Mr. Gandhi must have said something to that effect. For what he is reported to have said tallies with what he has said in his reply in Young India referred to above in reply to the same correspondent. This is what Mr. Gandhi then said:

". . . .though the *Panchama* Problem is as dear to me as life itself, I rest satisfied with the exclusive attention to non-cooperation. I feel sure that the greater includes the less."

Are these the answers of a sincere man? Can a sincere man believe that the untouchables are a part of a whole.

As to his argument that special representation to the untouchables would perpetuate the existing separation between the touchables and the untouchables was an argument which was absolutely hollow. The way to remove untouchability is to introduce intermarriage and interdining. The way to remove the disabilities of the untouchables is to admit them to the use of the common well and common school. It is difficult to understand that special representation can come in the way of intermarriage, interdinning and the use of a common well and a common school. On the other hand the introduction of these would be only way of disproving the necessity of special representation. Had Mr. Gandhi and the Congress done anything in this direction? The explanatory note added to the Bardoli resolution shows how far Gandhi and the Congress were prepared to go in this direction. The note says:

"Whilst therefore where the prejudice against the untouchables is still strong in places, separate schools and separate wells must be maintained out of Congress funds, every effort should be made to draw such children to national schools and to persuade the people to allow the untouchables to use the common wells."Can it lie in the mouth of persons who want to maintain separate wells, separate schools to say that they object to separate representation because it will cause separation? It is only persons who are bent on breaking down barriers who can speak against separate representation and ask to be believed in the sincerity of their argument.

Mr. Gandhi's last argument was a fantastic argument. If the superior classes can suppress the untouchables and wreck vengence upon them then there is all the greater reason why they should be given special representation so that they may protest themselves against the tyranny of the superior classes. Mr. Gandhi had become desparate and had lost his equanimity and balance to such an extent that he did not know where his arguments would lead him. In using this argument he evidently forgot that he was arguing for the perpetual enslavement of the Untouchables by the Hindus. Mr. Gandhi's argument in short was"don't ask for freedom, because it will enrage your master and he will illtreat you". If such an argument had been advanced by any one else he would have been told that he was purile and insincere.

Having failed to demolish the justice of the claim of the Untouchables Mr. Gandhi decided to isolate the representatives of the Depressed Classes, to see that they got no support from any other quarter, Gandhi planned to break a possible compact between the Depressed Classes and the Muslims.

A part of the plan was to win over the Musalmans to his side and for that purpose he offered to enter into a pact with them. A copy of this pact which was circulated among the Muslim delegates came into my hands and I reproduce the same here.

(This text is reproduced below from Dr. Ambedkar's"What Congress and Gandhi have done to the Untouchables", pp. 72-73 which is not typed in the MS.—Ed.)

"DRAFT OF GANDHI-MUSLIM PACT"

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Muslim Delegation to the Round Table Conference2

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Tel. : Victoria 2360
Telegrams"Courtlike"London

Queen's house,
57, St. James' Court,
Buckingham Gate,
London, S. W. 1
6th October 1931.

The following proposals were discussed by Mr. Gandhi and the Muslim Delegation at 10 p.m. last night. They are divided into two parts—The proposals made by the Muslims for safeguarding their rights and the proposals made by Mr. Gandhi regarding the Congress policy. They are given herewith as approved by Mr. Gandhi, and placed for submission to the Muslim Delegation for their opinion.

MUSLIM PROPOSALS	GANDHI'S PROPOSAL
1. In the Punjab and Bengal bare majority of one percent of Musalmans but the question of whether it should be by means of joint electorates and reservation of 51 per cent of the whole house should be referred to the Musalman voters before the new constitution comes into force and their	1. That the Franchise should be on the basis of adult suffrage. 2 . *No special reservations to any other community save Sikhs and Hindu Minorities. (Italics are not in the original)*

verdict should be accepted.	
2. In other provinces where the Musalmans are in a minority the present weightage enjoyed by them to continue, but whether the seats should be reserved to a joint electorate, or whether they should have separate electorates should be determined by the Musalman voters by a referendum under the new constitution, and their verdict should be accepted.	The Congress demands: A. A. Complete Independence B. B. Complete control over the defence immediately. C. C. Complete control over external affairs D. D. Complete control over finance. E. E. Investigation of public debts and other obligations by an independent tribunal. F. F. As in the case of a partnership, right of either party to terminate it.
3. That the Musalman representatives to the Central Legislature in both the houses should be 26percent of the total number of the British India representatives, and 7 percent at least by convention should be Musalmans, out of the quota that may be assigned to Indian States, that is to say, one-third of the whole house when taken together.	
4. That the residuary power should vest in the federating Provinces of British India.	
5. That the other points as follows being agreed to: 1. Sindh.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_62 2. N.W.F.P.mk:@MSITStore:C:\Important\	

Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_63 3. Servicesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_64 4. Cabinetmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_65 5. Fundamental rights and safeguards for religion and culture. 6. Safeguards against legislation affecting any community.	

This is the agreement which Mr. Gandhi was prepared to enter with the Musalmans. By this agreement Mr. Gandhi was prepared to give to the Musalmans the fourteen points they had been demanding. In return Mr. Gandhi wanted the Musalmans among other things to agree to continue the benefit of the principle of special representation to Hindus, Muslims and Sikhs. Some one might ask what is wrong in such an agreement. Has not the Congress said that they will not agree to extend communal representation to others besides these three? Such a view cannot but be treated as a superficial view. Those who see nothing wrong in it must answer two questions. First is this. Where was the necessity for Mr. Gandhi to get the Musalmans to agree to the Congress policy of not extending the benefit of special representation to other minorities and the untouchables. Mr. Gandhi could have said as the Congress had been saying to the other minorities he was not prepared to agree to their claim. Why did he want the Musalmans to join him in resisting their claim? And if this was not his object why did he make it a term of the agreement which the Musalmans were to perform in return for what he agreed to do for them.

Secondly why did Mr. Gandhi come forward to give the Musalmans their fourteen demands at this particular juncture. These fourteen political demands of the Musalmans rightly or wrongly were rejected by all. They were rejected by the Hindu Maha-Sabha. They were rejected by the Simon

Commission. They were rejected by the Congress. There was no support for these 14 demands of the Musalmans from any quarter whatsoever. Why did Mr. Gandhi become ready to grant them except with the object of buying the Musalmans so that with their help he could more effectively resist the demand of the other minorities and the untouchables?

In my view Mr. Gandhi was not engaged in making any bona-fide agreement. He was inducing the Musalmans to join in a conspiracy with him to resist the claim of the smaller minorities and the untouchables. It was not an agreement with the Musalmans. It was a plot against the Untouchables. It was worse, it was a stab in the back.

This so-called agreement fell through because among other reasons it was impossible for the Mahomedans to agree to the exclusion of the Untouchables from the benefit of special representation. How could the Muslims agree to such a project? They were fighting for special representation for Muslims. They were not only fighting for special representation, they were fighting for weightage in representation. They knew that the case for Muslims rested only on the ground that India was once ruled by the Musalmans, that they had political importance to maintain and as Hindus are likely to discriminate against Muslims in elections to the Legislatures, there may not be sufficient Muslims returned to the Legislature, that the Muslims will sink politically and that to prevent such a calamity they must be given special representation. As against this one ground in favour of Muslims there were a hundred grounds in favour of the claim by the Untouchables. With what face could the Musalmans oppose this demand of the Untouchables?

The Musalmans had not lost their balance or their sense of shame. They refused to be party to such a deal—a deal which they could not publicly defend. Mr. Gandhi still kept on pestering the Musalmans. When he could not induce them to accept the price he offered_namely the grant of fourteen points—because they felt that the world would not call it price but would call it the wages of sin, Mr. Gandhi sought to appeal to the religious scruples of the Musalmans. The day before the 13*th November* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_661931 when the *minorities pact*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_67was presented to the Minorities Sub-Committee of the Round Table Conference Mr. Gandhi took a copy of the Koran and went to the Ritz Hotel in Piccadilly where the Rt. Hon. H. H. Aga Khan was staying to meet the Muslim delegates who had assembled there. To Muslim delegates he asked—"Why are you dividing the Hindu

Community which you are doing by recognising the claim of the Untouchables for separate representation? Does the Koran sanction such a deed? Show me where it does? If you cannot, will you not stop perpetrating such a crime upon your sister Community?"I do not know how the Muslim delegates answered this question of Mr. Gandhi. It must have been a very difficult question for them to answer. Such a contingency could not have been present to the mind of the Holy Prophet and he could not have provided for it specifically. His followers knew that contingencies would arise for which he had given no directions and they had therefore asked him what they should do, and the Prophet had given them this general direction. He said to them,"in such a case see what the Kaffirs are doing and do just the opposite of it"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_68 Whether the Muslim delegates relied upon this to answer Mr. Gandhi is more than I can say. What I have stated is what I have heard and my source is the most authentic source. Here again Mr. Gandhi failed because the next day in the open Committee when Mr. Gandhi let loose his fury against the Untouchables, the Mahomedans were silent.

What can one say of this conduct of Mr. Gandhi? Mr. Bernard Shaw has said that the British do everything on principle.

Similarly Mr. Gandhi says he does everything on the principle of morality and good faith. Can the acts of Mr. Gandhi be justified by tests of justice and good faith? I wonder. Let me state a few facts.

Before I left for London for the first Round Table Conference I had met Mr. Gandhi in Bombay. At that meeting I had informed Mr. Gandhi that at the Round Table Conference I would be asking for special representation for the Untouchables. Mr. Gandhi would not consent. But he also told me that he would not oppose. I felt that it was just a case of difference of opinion. At the second Round Table Conference I met Mr. Gandhi twice, once alone and second time along with the representatives of the smaller minorities. At the first meeting Mr. Gandhi was spinning and I was talking. I spoke for an hour during the whole of which he did not utter even a word. At the end he just said this much.

' I have now heard you. I will think over what you have said.' At the second interview he again heard me and the representatives of the smaller minorities and he told me that he was not prepared to agree to the claim I was making on behalf of the Untouchables. Thereafter the Minorities Sub-Committee was convened on 28th September 1931. At the meeting of the

Sub-Committee on 1st October 1931, the following motion was made by Mr. Gandhi:

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

The proposal was seconded by the Aga Khan. I at once got up and objected to the motion and in support of my objection made the following statement*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_69:

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

"But there is just this one difficulty with which I, as representing the Depressed Classes, am faced. I do not know what sort of committee Mahatma Gandhi proposes to appoint to consider this question during the period of adjournment, but I suppose that the Depressed Classes will be represented on this Committee. *Mr. Gandhi :* Without doubt.

Dr. Ambedkar : Thank you. But I do not know whether in the position in which I am today it would be of any use for me to work on the proposed Committee. And for this reason. Mahatma Gandhi told us on the first day that he spoke in the Federal Structure Committee that as a representative of the Indian National Congress he was not prepared to give political recognition to any community other than the Muhammadans and the Sikhs. He was not prepared to recognize the Anglo-indians, the Depressed Classes, and the Indian Christians. I do not think that I am doing any violence to etiquette by stating in this Committee that when I had the pleasure of meeting Mahatma Gandhi a week ago and discussing the question of the Depressed Classes with him, and when we, as members of the other minorities, had the chance of talking with him yesterday, in his office, he told us in quite plain terms that the attitude that he had taken in the Federal Structure Committee was a firm and well considered attitude. What I would like to say is that unless at the outset I know that the Depressed Classes are going to be recognised as a community entitled to political recognition in the future Constitution of India, I do not know whether it will serve any purpose for me to join the committee that is

proposed by Mahatma Gandhi to be constituted to go into this matter. Unless, therefore, I have an assurance that this Committee will start with the assumption that all those communities which the Minorities Subcommittee last year recommended as fit for recognition in the future constitution of India will be included, I do not know that I can whole-heartedly support the proposition for adjournment, or that I can whole-heartedly co-operate with the Committee that is going to be nominated. That is what I wish to be clear about.

* * *

"*Dr. Ambedkar :* I should like to make my position further clear. It seems that there has been a certain misunderstanding regarding what I said. It is not that I object to adjournment; it is not that I object to serving on any Committee that might be appointed to consider the question. What I would like to know before I enter upon this Committee, if they give me the privilege of serving on it, is: What is the thing that this Committee is going to consider? Is it only going to consider the question of the Muhammadans *vis-a-vis* the Hindus? Is it going to consider the question of the Muhammadans *vis-a-vis* the Sikhs in the Punjab? Or is it going to consider the question of the Christians, the Anglo-indians and the Depressed Classes?

"If we understand perfectly well before we start that this committee will not merely concern itself with the question of the Hindus and the Muhammadans, of the Hindus and the Sikhs, but will also take upon itself the responsibility of considering the case of the Depressed Classes, the Anglo-indians and the Christians, I am perfectly willing to allow this adjournment resolution to be passed without any objection. But I do want to say this, that if I am to be left out in the cold and if this interval is going to be utilised for the purposes of solving the Hindu-Muslim question, I would press that the Minorities Committee should itself grapple with the question and consider it, rather than allow the question to be dealt with by some other informal Committee for arriving at a solution of the communal question in respect of some minorities only."The Prime Minister as Chairman of the Committee called upon Mr. Gandhi to explain his position and Mr. Gandhi made the following statement in replymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_70

"Prime Minister and friends, I see that there is some kind of misunderstanding with reference to the scope of the work that some of us have set before ourselves. I fear that Dr. Ambedkar, Colonel Gidney and other friends are unnecessarily nervous about what is going to happen.

Who am I to deny political status to any single interest or class or even individual in India? As a representative of the Congress I should be unworthy of the trust that has been reposed in me by the Congress if I were guilty of sacrificing a single national interest. I have undoubtedly given expression to my own views on these points. I must confess that I hold to those views also. But there are ways and ways of guaranteeing protection to every single interest. It will be for those of us who will be putting our heads together to try to evolve a scheme. Nobody would be hampered in pressing his own views on the members of this very informal conference or meeting.

"I do not think, therefore, that anybody need be afraid as to being able to express his opinion or carrying his opinion also. Mine will be there equal to that of every one of us; it will carry no greater weight; I have no authority behind me to carry my opinion against the opinion of anybody. I have simply given expression to my views in the national interest, and I shall give expression to these views whenever they are opportune. It will be for you, it is for you to reject or accept these opinions. Therefore please disburse your minds, to everyone of us, of the idea that there is going to be any steam-rolling in the Conference and the informal meetings that I have adumbrated. But if you think that this is one way of coming closer together than by sitting stiffly at this table, you will not carry this adjournment motion but give your whole-hearted co-operation to the proposal that I have made in connection with these informal meetings."

* * *

I then withdrew my objection.

Now here is a definite word given by Mr. Gandhi in open Conference—namely that if all others agreed to recognize the claim of the Untouchables he would not object. And after having given this word Mr. Gandhi went about inducing the Musalmans not to recognize the claim of the Untouchables and to bribe them to resile and take back their plighted word!! Is this good faith or is this treachery? If this is not treachery I wonder what else could be called treachery.

I was pilloried because I signed what is called the Minorities Pact. I was depicted as a traitor. I have never been ashamed of my signature to the pact. I only pity the ignorance of my critics. They forget that the minorities could have taken the same attitude that Ulster took towards Irish Home Rule. Redmond was prepared to offer any safeguard to Ulstermen. The Ulstermen's reply was,"Damn your safeguards we don't wish to be ruled by you". The Hindus ought to thank the minorities that they did not take any such attitude. All the Pact contained were Safeguards and nothing more.

Instead of thanking them Mr. Gandhi poured his vials of wrath upon the pact and its authors. He said:

"Coming to this document', I accept the thanks that have been given to me by Sir Hubert Carr. Had it not been for the remarks that I made when I shouldered that burden, and had it not been for my utter failure to bring about a solution. Sir Hubert Carr rightly says he would not have found the very admirable solution that he has been able, in common with the other minorities, to present to this Committee for consideration and finally for the consideration and approval of His Majesty's Government."

"I will not deprive Sir Hubert Carr and his associates of the feeling of satisfaction that evidently actuates them, but, in my opinion, what they have done is to sit by the carcass, and they have performed the laudable feat of dissecting that carcass."1 Reference is to the Minorities Pact.

Had Mr. Gandhi any right to be indignant? Had he any right to feel morally offended? Was he entitled to throw stones at the Minorities? Mr. Gandhi forgot that he was as much a sinner as the Minorities and worse he was a sinner without a sense of justice. For if the Minorities were dividing the carcass what was Mr. Gandhi himself doing? He too was busy in dividing the carcass. The only difference between Mr. Gandhi and the Minorities was this—Mr. Gandhi wanted that the carcass should be divided among three only, Hindus, Musalmans and Sikhs. The Minorities wanted that others also should be given a share, and which of these two can claim to have justice, on its side, Mr. Gandhi who wanted that the division of the carcass should be to strong sturdy well-nourished wolves or the minorities who pressed that the lean and hungry lambs should also be given a morsel? Surely in this controversy justice was not on the side of Mr. Gandhi.

Mr. Gandhi was the man who claimed to be the Champion of the Untouchables better than those who belonged to the Untouchables themselves. Claiming to be their champion he refused without any regard to morality, justice and necessity, their claim to representation which could be their only way to protection against social tyranny and social oppression while he was prepared to give to the Musalmans, the Hindus and the Sikhs a goodly share of political power. When others far better placed were claiming for power, Mr. Gandhi wanted the Untouchables to live under his providence and that of the Congress without any means of protection knowing full well that their lives were exposed to danger and humiliation every moment and when he came to know that the Untouchables were seeking outside aid in support of their claim Mr. Gandhi resorted to a terrible act of treachery. Were the Untouchables unjustified in presenting to

the world their charge sheet against Mr. Gandhi when he arrived in Bombay from the Round Table Conference?

CHAPTER 6

GANDHI AND HIS FAST

1. Poona Pact. II. Harijan Sevak Sangh. III. Temples and Untouchables. IV. The Gandhian Way.

I

The Communal question was the rock on which the Indian Round Table Conference suffered a shipwreck. The Conference broke up as there could be no agreement between the majority and minority communities. The minorities in India insisted that their position under Swaraj should be safeguarded by allowing them special representation in the Legislatures. Mr. Gandhi as representative of the Congress was not prepared to recognize such a claim except in the case of the Muslims and the Sikhs. Even in the case of the Muslims and Sikhs, no agreement was reached either on the question of the number of seats or the nature of the electorates.

There was a complete deadlock. As there was no possibility of an agreement, the hope lay in arbitration. On this everybody was agreed except myself and it was left to Mr. Ramsay Macdonald, the Prime Minister to decide upon the issue.

When at the first Round Table Conference, the Indian delegates did not agree upon a solution of the Communal question, followers of Mr. Gandhi said that nothing better could be expected from them. It was said that they were unrepresentative and responsible to nobody and were deliberately creating disunity by playing into the hands of the British whose tools and nominees they were. The world was told to await the arrival of Mr. Gandhi, whose statesmanship it was promised would be quite adequate to settle the dispute. It was therefore a matter of great humiliation for the friends of Mr. Gandhi that he should have acknowledged his bankruptcy and joined in the request to the Prime Minister to arbitrate.

But if the Conference failed the fault is entirely of Mr. Gandhi. A more ignorant and more tactless representative could not have been sent to a Conference which was convened to forge a constitution which was to reconcile the diverse interests of India. Mr. Gandhi was thoroughly ignorant of Constitutional Law or Finance. He does not believe in

intellectual equipment. Indeed he has a supreme contempt for it and his contributions to the solutions of the many difficulties is therefore nil. He was tactless because he annoyed almost all the delegates by constantly telling them that they were nonentities and he was the only man who counted and who could deliver the goods. At the first Round Table Conference the delegates did not agree upon a solution of the communal problem. But it is equally true that they were very near agreeing to it and when they departed they had not given up hope of agreeing. But at the end of the second Round Table Conference, so much bad blood was created by Mr. Gandhi that there was no chance of reconciliation left and there was no way except arbitration.

The Prime Minister's decision on the communal question was announced on 17th August 1932. The terms of the decision in so far as they related to the Untouchables were as followsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_71:

COMMUNAL DECISION BY HIS MAJESTY'S GOVERNMENT 1932

In the statement made by the Prime Minister on 1st December last on behalf of His Majesty's Government at the close of the second session of the Round Table Conference, which was immediately afterwards endorsed by both Houses of Parliament, it was made plain that if the communities in India were unable to reach a settlement acceptable to all parties on the communal questions which the Conference had failed to solve. His Majesty's Government were determined that India's constitutional advance should not on that account be frustrated, and that they would remove this obstacle by divising and applying themselves a provisional scheme.

2. On the 19th March last His Majesty's Government, having been informed that the continued failure of the communities to reach agreement was blocking the progress of the plans for the framing of a new Constitution, stated that they were engaged upon a careful re-examination of the difficult and controversial question which arise. They are now satisfied that without a decision of at least some aspects of the problems connected with the position of minorities under the new Constitution, no further progress can be made with the framing of the Constitution.

3. His Majesty's Government have accordingly decided that they will include provisions to give effect to the scheme set out below in the proposals relating to the Indian Constitution to be laid in due course before Parliament. The scope of this scheme is purposely confined to the arrangements to be made for the representation of the British Indian

communities in the Provincial Legislatures, consideration of representation in the Legislature at the Centre being deferred for the reason given in paragraph 20 below. The decision to limit the scope of the scheme implies no failure to realize that the framing of the Constitution will necessitate the decision of a number of other problems of great importance to minorities, but has been taken in the hope that once a pronouncement has been made upon the basic questions of method and proportions of representation the communities themselves may find it possible to arrive at *modus vivendi* on other communal problems, which have not received the examination they require.

4. His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing the modification of it which is not supported by all the parties affected. But they are most desirous to close no door to an agreed settlement should such happily be forthcoming. If, therefore, before a new Government of India Act has passed into law, they are satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme, either in respect of any one or more of the Governors' Provinces or in respect of the whole of the British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions now outlined.

5. * * * *
6. * * * *
7. * * * *
8. * * * *

9. Members of the"depressed classes"qualified to vote will vote in a general constituency. In view of the fact that for a considerable period these classes would be unlikely, by this means alone, to secure any adequate representation in the Legislature, a number of special seats will be assigned to them as shown in the table. These seats will be filled by election from special constituencies in which only members of the"depressed classes"electorally qualified will be entitled to vote. Any person voting in such a special constituency will, as stated above, be also entitled to vote in a general costituency. It is intended that these constituencies should be formed in selected areas where the depressed classes are most numerous, and that, except in Madras, they should not cover the whole area of the

Province.

In Bengal it seems possible that in some general constituencies a majority of the voters will belong to the Depressed Classes. Accordingly, pending further investigation no number has been fixed for the members to be returned from the special Depressed Class constituencies in that Province. It is intended to secure that the Depressed, Classes should obtain not less than 10 seats in the Bengal Legislature.

The precise definition in each Province of those who (if electorally qualified) will be entitled to vote in the special Depressed Class constituencies has not yet been finally determined. It will be based as a rule on the general principles advocated in the Franchise Committee's Report. Modification may, however, be found necessary in some Provinces in Northern India where the application of the general criteria of untouchability might result in a definition unsuitable in some respects to the special conditions of the Province.

His Majesty's Government do not consider that these special Depressed Classes constituencies will be required for more than limited time. They intend that the Constitution shall provide that they shall come to an end after 20 years if they have not previously been abolished under the general powers of electoral revision referred to in paragraph 6.

So far as the other minority communities were concerned the Communal Award was accepted and the sore of disunity and discord was closed. But so far as the Untouchables were concerned it remained open. Mr. Gandhi would not allow it to be healed. On his return to India from the Round Table Conference Mr. Gandhi was put behind the bars by the British Government. But though in the Yeravada gaol Mr. Gandhi had not forgotten that he had to prevent the Untouchables from getting their claim to special representation recognized by the British Government. He feared that the British Government might grant them this right notwithstanding the threat he had held out while at the Round Table Conference to resist it with his own life. Consequently he took the earliest opportunity to be in communication with the very British Government which had incarcerated him.

On the 11th March 1932 Mr. Gandhi addressed the following letter to Sir Samuel Hoare, the then Secretary of State for India: Dear Sir Samuel,

You will perhaps recollect that at the end of my speech at the Round Table Conference when the minorities' claim was presented, I had said that I should resist with my life the grant of separate electorates to the Depressed Classes. This was not said in the heat of the moment nor by way of rhetoric. It was meant to be a serious statement. In pursuance of that

statement I had hoped on my return to India to mobilize public opinion against separate electorate, at any rate for the Depressed Classes. But it was not to be.

From the newspapers I am permitted to read, I observe that any moment His Majesty's Government may declare their decision. At first I had thought, if the decision was found to create separate electorates for the Depressed Classes, I should take such steps as I might then consider necessary to give effect to my vow. But I feel it would be unfair to the British Government for me to act without giving previous notice. Naturally, they could not attach the significance I give to my statement.

Separate Electorates harmful

I need hardly reiterate all the objections I have to the creation of separate electorates for the Depressed Classes. I feel as if I was one of them. Their case stands on a wholly different footing from that of others. I am not against their representation in the legislatures. I should favour every one of their adults, male and female, being registered as voters irrespective of education or property qualification, even though the franchise test may be stricter for others. But I hold that separate electorates is harmful for them and for Hinduism, whatever it may be from the purely political standpoint. To appreciate the harm that separate electorates would do them one has to know how they are distributed amongst the so-called Caste Hindus and how dependent they are on the latter. So far as Hinduism is concerned, separate electorate would simply vivisect and disrupt it.

For me the question of these classes is predominantly moral and religious. The political aspect, important though it is, dwindles into significance compared to the moral and religious issue.

You will have to appreciate my feelings in this matter by remebering that I have been interested in the condition of these classes from my boyhood and have more than once staked my all for their sake. I say this not to pride myself in any way. For, I feel that no penance that the Hindus may do can in any way compensate for the calculated degradation to which they have consigned the Depressed Classes for centuries.

"Shall fast unto Death"

But I know that separate electorate is neither a penance nor any remedy for the crushing degradation they have groaned under. I, therefore, respectfully inform His Majesty's Government that in the event of their decision creating separate electorate for the Depressed Classes, I must fast unto death.

I am painfully conscious of the fact that such a step whilst I am a

prisoner, must cause grave embarrassment to His Majesty's Government, and that it will be regarded by many as highly improper on the part of one holding my position to introduce into the political field methods which they would describe as hysterical if not much worse. All I can urge in defence is that for me the contemplated step is not a method, it is part of my being. It is the call of conscience which I dare not disobey, even though it may cost whatever reputation for sanity I may possess. So far as I can see now, my discharge from imprisonment would not make the duty of fasting any the less imperative. I am hoping, however, all my fears are wholly unjustified and the British Government have no intention whatever of creating separate electorate for the Depressed Classes.

The following reply was sent to Mr. Gandhi by the Secretary of State:

India Office, Whitehall,
April 13, 1932.

Dear Mr. Gandhi,

I write this in answer to your letter of 11th March, and I say at once I realize fully the strength of your feeling upon the question of separate electorates for the Depressed Classes. I can only say that we intend to give any decision that may be necessary solely and only upon the merits of the case. As you are aware, Lord Lothian's Committee has not yet completed its tour and it must be some weeks before we can receive any conclusions at which it may have arrived. When we receive that report we shall have to give most careful consideration to its recommendations, and we shall not give a decision until we have taken into account, in addition to the view expressed by the Committee, the views that you and those who think with you have so forcibly expressed. I feel sure if you were in our position you would be taking exactly the same action we intend to take. You would await the Committee's report, you would then give it your fullest consideration, and before arriving at a final decision you would take into account the views that have been expressed on both sides of the controversy. More than this I cannot say. Indeed I do not imagine you would expect me to say more.

After giving this warning Mr. Gandhi slept over the matter thinking that a repetition of his threat to fast unto death was sufficient to paralyse the British Government and prevent them from accepting the claim of the untouchables for special representation. When on the 17th August 1932 the terms of the Communal Award were announced Mr. Gandhi found that his threat had failed to have any effect. He first tried to get the terms

of the Communal Award revised. Accordingly he addressed the following letter to the Prime Minister:

Yervada Central Prison,
August 18, 1932.

Dear friend,

There can be no doubt that Sir Samuel Hoare has showed you and the Cabinet my letter to him of 11th March on the question of the representation of the Depressed Classes. That letter should be treated as part of this letter and be read together with this.

Decision to fast

I have read the British Government's decision on the representation of Minorities and have slept over it. In pursuance of my letter to Sir Samuel Hoare and my declaration at the meeting of the Minorities Committee of the Round Table Conference on 13th November, 1931, at St. James' Palace, I have to resist your decision with my life. The only way I can do so is by declaring a perpetual fast unto death from food of any kind save water with or without salt and soda. This fast will cease if during its progress the British Government, of its own motion or under pressure of public opinion, revise their decision and withdraw their scheme of communal electorates for the Depressed Classes, whose representatives should be elected by the general electorate under the common franchise no matter how wide it is.

The proposed fast will come into operation in the ordinary course from the noon of 20th September next, unless the said decision is meanwhile revised in the manner suggested above.

I am asking the authorities here to cable the text of this letter to you so as to give you ample notice. But in any case, I am leaving sufficient time for this letter to reach you in time by the slowest route.

I also ask that this letter and my letter to Sir Samuel Hoare already referred to be published at the earliest possible moment. On my part, I have scrupulously observed the rule of the jail and have communicated my desire or the contents of the two letters to no one, save my two companions, Sardar Vallabhabhai Patel and Mr. Mahadev Desai. But I want, if you make it possible, public opinion to be affected by my letters. Hence my request for their early publication.

Not to compass Release

I regret the decision I have taken. But as a man of religion that I hold myself to be, I have no other course left open to me. As I have said in my letter to Sir Samuel Hoare, even if His Majesty's Government decided to release me in order to save themselves from embarrassment, my fast will have to continue. For, I cannot now hope to resist the decision by any other means; And I have no desire whatsoever to compass my release by any means other than honourable.

It may be that my judgement is warped and that I am wholly in error in regarding separate electorates for the Depressed Classes as harmful to them or to Hinduism. If so, I am not likely to be in the right with reference to other parts of my philosophy of life. In that case my death by fasting will be at once a penance for my error and a lifting of a weight from off these numberless men and women who have childlike faith in my wisdom. Whereas if my judgement is right, as I have little doubt it is, the contemplated step is but due to the fulfilment of the scheme of life which I have tried for more than a quarter of a century, apparently not without considerable success.

I remain,
Your faithful friend,
M. K. Gandhi.

The Prime Minister replied as under:

September 8th, 1932

10, Downing Street,
Dear Mr. Gandhi,

I have received your letter with much surprise and, let me add, with very sincere regret. Moreover, I cannot help thinking that you have written it under a misunderstanding as to what the decision of His Majesty's Government as regards the Depressed Classes really implies. We have always understood you were irrevocably opposed to the permanent segregation of the Depressed Classes from the Hindu community. You made your position very clear on the Minorities Committee of the Round Table Conference and you expressed it again in the letter you wrote to Sir Samuel Hoare on 11th March. We also knew your view was shared by the great body of Hindu opinion, and we, therefore, took it into most careful account when we were considering the question of representation of the Depressed Classes.

Government Decision Explained

Whilst, in view of the numerous appeals we have received from Depressed Class organisations and the generally admitted social disabilities under which they labour and which you have often recognized, we felt it our duty to safeguard what we believed to be the right of the Depressed Classes to a fair proportion of representation in the legislatures, we were equally careful to do nothing that would split off their community from the Hindu world. You yourself stated in your letter of March 11, that you were not against their representation in the legislatures.

Under the Government scheme the Depressed Classes will remain part of the Hindu community and will vote with the Hindu electorate on an equal footing, but for the first twenty years, while still remaining electorally part of the Hindu community, they will receive through a limited number of special constituencies, means of safeguarding their rights and interests that, we are convinced, is necessary under present conditions.

Where these constituencies are created, members of the Depressed Classes will not be deprived of their votes in the general Hindu constituencies, but will have two votes in order that their membership of the Hindu community should remain unimpaired.

We have deliberately decided against the creation of what you describe as a communal electorate for the Depressed Classes and included all Depressed Class voters in the general or Hindu constituencies so that the higher caste candidates should have to solicit their votes or Depressed Class candidates should have to solicit the votes of the higher castes at elections. Thus in every way was the unity of Hindu society preserved.

Safeguard Temporary

We felt, however, that during the early period of responsible government when power in the Provinces would pass to whoever possessed a majority in the legislatures, it was essential that the Depressed Classes, whom you have yourself described in your letter to Sir Samuel Hoare as having consigned by Caste Hindus to calculated degradation for centuries, should return a certain number of members of their own choosing to legislatures of seven of the nine provinces to voice their grievances and their ideals and prevent decisions going against them without the legislature and the Government listening to their case — in a word, to place them in a position to speak for themselves which every fair-minded person must agree to be necessary. We did not consider the method of electing special

representatives by reservation of seats in the existing conditions, under any system of franchise which is practicable, members who could genuinely represent them and be responsible for them, because in practically all cases, such members would be elected by a majority consisting of higher caste Hindus.

The special advantage initially given under our scheme to the Depressed Classes by means of a limited number of special constituencies in addition to their normal electoral rights in the general Hindu constituencies is wholly different in conception and effect from the method of representation adopted for a minority such as the Moslems by means of separate communal electorates. For example, a Moslem cannot vote or be a candidate in a general constituency, whereas any electorally qualified member of the Depressed Classes can vote in and stand for the general constituency.

Reservation Minimum

The number of territorial seats allotted to Moslems is naturally conditioned by the fact that it is impossible for them to gain any further territorial seats and in most provinces they enjoy weightage in excess of their population ratio; the number of special seats to be filled from special Depressed Classes constituencies will be seen to be small and has been fixed not to provide a quota numerically appropriate for the total representation of the whole of the Depressed Class population, but solely to secure a minimum number of spokesmen for the Depressed Classes in the legislature who are chosen exclusively by the Depressed Classes. The proportion of their special seats is everywhere much below the population percentage of the Depressed Classes. As I understand your attitude, you propose to adopt the extreme course of starving yourself to death not in order to secure that the Depressed Classes should have joint electorates with other Hindus, because that it already provided, nor to maintain the unity of Hindus, which is also provided, but solely to prevent the Depressed Classes, who admittedly suffer from terrible disabilities today, from being able to secure a limited number of representatives of their own choosing to speak on their behalf in the legislatures which will have a dominating influence over their future.

In the light of these very fair and cautious proposals, I am quite unable to understand the reason of the decision you have taken and can only think you have made it under a misapprehension of the actual facts.

Government Decision Stands

In response to a very general request from Indians after they had failed to produce a settlement themselves the Government much against its will, undertook to give a decision on the minorities question. They have now given it, and they cannot be expected to alter it except on the conditions they have stated. I am afraid, therefore, that my answer to you must be that the Government's decision stands and that only agreement of the communities themselves can substitute other electoral arrangements for those that Government have devised in a sincere endeavour to weigh the conflicting claims on their just merits.

You ask that this correspondence, including your letter to Sir Samuel Hoare of March 11th, should be published. As it would seem to me unfair if your present internment were to deprive you of the opportunity of explaining to the public the reason why you intend to fast, I readily accede to the request if on reconsideration you repeat it. Let me, however, once again urge you to consider the actual details of Government's decision and ask yourself seriously the question whether it really justifies you in taking the action you contemplate.

I am,
Yours very sincerely,
J. Ramsay MacDonald.

Finding that the Prime Minister would not yield he sent him the following letter informing him that he was determined to carry out his threat of fast unto death:

Yeravada Central Prison,
September 9th, 1932.

Dear friend,

I have to thank you for your frank and full letter telegraphed and received this day. I am sorry, however, that you put upon the contemplated step an interpretation that never crossed my mind. I have claimed to speak on behalf of the very class, to sacrifice whose interests you impute to me a desire to fast myself to death. I had hoped that the extreme step itself would effectively prevent any such selfish interpretation without arguing, I affirm that for me this matter is one of pure religion. The mere fact of the Depressed Classes having double votes does not protect them or Hindu

society in general from being disrupted. In the establishment of separate electorate at all for the Depressed Classes I sense the injection of poison that is calculated to destroy Hinduism and do no good whatever to the Depressed Classes. You will please permit me to say that no matter how sympathetic you may be, you cannot come to a correct decision on a matter of such vital and religious importance to the parties concerned.

I should not be against even over-representation of the Depressed Classes. What I am against is their statutory separation even in a limited form, from the Hindu fold, so long as they choose to belong to it. Do you realize that if your decision stands and the constitution comes into being, you arrest the marvellous growth of the work of Hindu reformers who have dedicated themselves to the uplift of their suppressed brethren in every walk of life?

Decision Unchanged

I have, therefore, been compelled reluctantly to adhere to the decision conveyed to you.

As your letter may give rise to a misunderstanding, I wish to state that the fact of my having isolated for special treatment the Depressed Classes question from other parts of your decision does not in any way mean that I approve of or am reconciled to other parts of the decision. In my opinion, many other parts are open to very grave objection. Only I do not consider them to be any warrant for calling from me such self immolation as my conscience has prompted me to, in the matter of the Depressed Classes.

I remain, Your faithful friend,
M. **K.** Gandhi.

Accordingly on the 20th September 1932 Mr. Gandhi commenced his"fast unto death"as a protest against the grant of separate electorates to the Untouchables.

The story of this fast has been told by Mr. Pyarelal in a volume which bears the picturesque and flamboyant title of"The Epic Fast". In the pages of this *lours Boswelliana* the curious will find all he wants to know about the happenings in India during these mad days and I need say nothing about it here. Suffice it to say that although Mr. Gandhi went on fast unto death he did not want to die. He very much wanted to live.

The fast therefore created a problem and that problem was how to save Mr. Gandhi's life. The only way to save his life was to alter the Communal Award so as not to hurt Mr. Gandhi's conscience. The Prime Minister had made it quite clear that the British Cabinet would not withdraw it or alter it of its own but that they were ready to substitute for it a formula that may be agreed upon by the Caste Hindus and the Untouchables. As I had the

privilege of representing the Untouchables at the Round Table Conference it was assumed that the assent of the Untouchables would not be valid unless I was a party to it. At the moment my position as the representative of the Untouchables of India was not only not questioned but was accepted as a fact. All eyes naturally turned to me as the man or rather as the villain of the piece. Mr. Gandhi's life as he himself said was in my hands.

It is no exaggeration to say that no man was placed in a greater and graver dilemma than I was then. It was a baffling situation. I had to make a choice between two different alternatives. There was before me the duty which I owed as a part of common humanity to save Gandhi from sure death. There was before me the problem of saving for the Untouchables the political rights which the Prime Minister had given them. I responded to the call of humanity and saved the life of Mr. Gandhi by agreeing to alter the Communal Award in a manner satisfactory to Mr. Gandhi. This agreement is known as the Poona Pact. The terms of the Poona Pact were as under:

1. There shall be seats reserved for the Depressed Classes out of general electorates. Seats in Provincial Legislatures shall be as follows:

Madras	30
Bombay with Sind	15
Punjab	8
Bihar and Orissa	18
Central Provinces	20
Assam	7
Bengal	30
United Provinces	20
Total	148

This number of 148 seats was raised to 151 in making adjustments on seats for Bihar and Orissa.

These figures are based on the total strength of the Provincial Councils announced in the Prime Minister's decision.

2. Election to these seats shall be by joint electorates subject, however, to the following procedure:

All members of the Depressed Classes registered in the general electoral roll of a constituency, will form an electoral college which will elect a panel of four candidates belonging to the Depressed Classes, for each of such reserved seats by the method of single vote and four persons getting the highest number of votes in such primary election, shall be the candidates for election by the general electorates.

3. Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of primary election in the manner provided for in clause 2 above for their representation in Provincial Legislatures.

4. In the Central Legislature 18 per cent of the seats allotted to the general electorate for British India in the said legislature shall be reserved for the Depressed Classes.

5. The system of primary election to panel of candidates for election to the Central and Provincial Legislatures, as herein before mentioned, shall come to an end after the first ten years unless terminated sooner by mutual agreement under the provision of Clause 6 below.

6. The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in clauses I and 4 shall continue until determined by mutual agreement between the communities concerned in this settlement.

7. The franchise for the Central and Provincial Legislature for the Depressed Classes shall be as indicated in the Lothian Committee Report.

8. There shall be no disabilities attaching to anyone on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to public service.

Every endeavour shall be made to secure a fair representation of the Depressed Classes in these respects subject to such educational qualifications as may be laid down for appointment to public services.

9. In every province out of the educational grant an adequate sum shall be earmarked for providing educational facilities to members of the Depressed Classes.

The terms of the Pact were accepted by Mr. Gandhi and given effect to by Government by embodying them in the Government of India Act.

This fast unto death was a great gamble on the part of Mr. Gandhi. He perhaps felt that the mere threat to fast unto death would make me and other Depressed Classes who were with me just shiver and yield. But he soon found that he was mistaken and that the Untouchables were equally determined to fight to the last for their rights. No one except his own followers was convinced that Mr. Gandhi's fast had any moral basis and if Gandhi got a second lease of life, he owes it entirely to the generosity and goodwill shown towards him by the Untouchables.

Question however is what advantage the Untouchables have got by entering into the Poona Pact. To understand this one must examine the results of the elections to the Legislatures. The Government of India Act came into operation on 1st April 1937. In February 1937 the elections to

the new legislatures as defined in the Act took place. So far as the Untouchables are concerned the elections which took place in February 1937 were elections in accordance with the Poona Pact. The following is the analysis of the results of that election to the seats reserved for the Untouchables in the different Provincial Assemblies.

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		Total Seats	Total Seats
Province		Reserved for the Untouchables	Captured by the Congress
United Provinces		20	16
Madras		30	26
Bengal Central Provinces		30 20	6 7
Bombay Bihar		15 15	4 11
Punjab Assam		8 7	Nil 4
Orissa		6	4
Total		151	78

This analysis reveals certain facts which make one ask whether the Untouchables have got anything of any value by entering into the Poona Pact and saving the life of Mr. Gandhi and whether the Poona Pact has not made the Untouchables the Bondsmen of the Caste Hindus.

This analysis shows that a large majority of them have been elected as Congressmen. It is my firm conviction that for the Untouchables to merge in the Congress or for the matter of that in any large political party cannot but be fatal for them.

The Untouchables need a movement if they are to remain conscious of their wrongs and if the spirit of revolt is kept alive amongst them. They need a movement because the Caste Hindus have to be told that what is tragedy of the Untouchables is their crime. The Congress may not be a red-blooded Hindu body so far as the Musalmans are concerned. But it is certainly a full-blooded and blue-blooded Hindu body inasmuch as it

consists of Caste Hindus. A movement of the Untouchables must mean an open war upon the Caste Hindus. A movement of the Untouchables within the Congress is quite impossible. It must mean an *inter necine* within the party. The Congress for its own safety cannot allow it.

The Congress has strictly forbidden the Untouchables who have joined the Congress to carry on any independent movement of the Untouchables not approved of by the High Command. The result is that in those Provinces where the Untouchables have joined the Congress the movement of the Untouchables as such is dead.

The Untouchables must retain their right to freedom of speech and freedom of action on the floor of the Legislature if they are to ventilate their grievances and obtain redress of their wrongs by political action. But this freedom of speech and action has been lost by the representatives of the Untouchables who have joined the Congress. They cannot vote as they like, they cannot speak what they think. They cannot ask a question, they cannot move a resolution and they cannot bring in a Bill. They are completely under the control of the Congress Party Executive. They have only such freedom as the Congress Executive may choose to allow them. The result is that though the tale of woes of the Untouchables is ever-increasing, the untouchable members of the Legislature are unable even to ask a question about them. So pitiable has their condition become that the Congress Party sometimes requires them to vote against a measure that may in the opinion of the Untouchable members of the Legislature be beneficial to the Untouchables. A recent instance of this occurred in Madras. Rao Bahadur Raja a member of the Madras Legislature brought in a Bill to secure the entry of the Untouchables into Hindu Temples in the Madras Presidency. The Congress Government had promised to support it at first. Subsequently the Congress Government in Madras changed its opinion and opposed the measure. It was a dilemma for the Untouchable members of the Madras Legislature. But they had no choice. The whip was applied and they in a body voted against the measure. The representatives of the Untouchables were supposed to be the watch-dogs of the Untouchables. But by reason of having joined the Congress they are muzzled dogs. Far from biting they are not even able to bark. This loss of freedom of speech and action by these Untouchable members is entirely due to their having joined the Congress and subjected themselves to the discipline of the Congress.

The third disadvantage arising from the Untouchables joining the Congress lies in their being unable to secure any real benefit to the Untouchables. This is due to two reasons. First of all the Congress is not a

radical party. The Congress has the reputation of being a revolutionary organization. Its idea of complete independence, the movement of civil disobedience and non-payment of land revenue which the Congress once launched have undoubtedly given that reputation. But many people forget that a revolutionary party is not necessarily a radical party. Whether a revolutionary party is also a radical party must depend upon the social and emotional realities which bring on or induce the revolutionary activity. The Barons of England who under Simon de Mandfort rose against King John in 1215 and compelled him to sign the *Magna Charta* must be classed as revolutionaries along with the Peasants of England who in 1381 rose in rebellion under Wat Tyler against their masters and who were all hanged for their rebellious acts. But who can say that the Barons because they were revolutionaries were also radical? The Barons rebelled because they wanted the rights of their class against the King and the peasants established. The Barons revolt was fed by the social emotion of those who were frustrated of power. The emotions behind the peasants revolt were those who were oppressed and who were hungering for food and freedom and that is why the peasants were both revolutionary as well as radical. The revolt of the Congress is more like the revolt of the Peasants. The Congress under Gandhi is as radical as the Barons were under Simon de Mandfort. Just as the Barons revolt was fed by the social emotions of those who were frustrated of power and not by the emotions of those who were toiling and hungering so was the Congress revolt against the British. It is true that the Congress gathered a large following from the masses but that was by appealing to their anti-British feeling which is natural to all Indians. It is also true that emotions of these were those who were frustrated of food and freedom. But their emotions were in conflict of those socially advanced and the propertied classes. And the latter had all along been the governing class in the Congress. The masses have been camp followers. It is their emotions which has all along determined the character of the Congress. Their emotions are of those who are frustrated of power. That is why the Congress has been only revolutionary body and has not been a radical party. The truth of this can be seen by any one who cares to examine the record of the Congress Governments. Their achievement since they have taken over are just a miscellaneous collection of trifling trinkets. They have shot down the workers more readily than the British and have released criminals sentenced by the High Courts on no other ground than that they have the authority to do it. It is a surprize to me—it is not me— that the Congress has so soon shown that it is just a counter-part of the Tories in England. The governing class in the Congress has lost

all its fervour for revolution, for driving the British out. Having now got a field to exploit the masses they want to stick on the power and authority to do the job thoroughly and do not wish to be disturbed by any thought of anti-imperialism at all.

Not being radical party the Congress cannot be trusted to undertake a radical programme of social and economic reconstruction without which the Untouchables can never succeed in improving their lot. For the Untouchables to join such a party is a futile and senseless thing. The Congress will not do anything for them but will only use them as they have done.

The Congress might do something for the Untouchables if it was compelled to do by force of circumstances. There is only one circumstance in which the Congress would feel such a compulsion— that is when the Congress finds itself dependent upon the representatives of the Untouchables for its majority in the Legislature. Then the Untouchables would be in a position to dictate their terms to the Congress and the Congress would be bound to accept them. In such a contingency it would be worth the while of the Untouchables to join the Congress in a coalition. It would be real bargain. But today the Congress has everywhere such large majorities that in the legislatures it is its own master. It is not dependent on any outside support. The Untouchables who are in it are at the end of the tail and the tail so lengthened that it cannot wag. This is the second reason why joining the Congress can be of no benefit to the Untouchables.

Such are the disadvantages that have arisen from the Untouchables having joined the Congress. They are not merely disadvantages. I call them dire consequences. All social movement has become dead. All political power has become migratory. It is understatement to say that under the new Constitution the Untouchables are marking time. The fact is that they have been put in chains.

But the question will undoubtedly be asked and it is this—If such are the consequences of joining the Congress why did these Untouchables join it? Why did they not fight their elections independently and in opposition to the Congress? Some of the Untouchables who stood on the Congress ticket were just careerists, men on the make who wanted to climb into the Legislature so as to be within call when the places of office or profit come for distribution. They did not care by whose ladder they climbed. The Congress being the biggest party and its pass the surest way of being admitted into the Legislature these careerists felt that to join the Congress was the easiest way of electoral success. They did not want to take any chance. This however explains their object. It does not explain the cause

which forced them to join the Congress. I am sure even these careerists would not have joined the Congress if it was possible for them to have got themselves elected independently of the Congress. They joined the Congress only because they found that that course was impossible. Why were they compelled to join the Congress? The answer is that it was due to the system of joint electorates which caused the mischief which was introduced by the Poona Pact.

A joint electorate for a small minority and a vast majority is bound to result in a disaster to the minority. A candidate put up by the minority cannot be successful even if the whole of the minority were solidly behind him. The fact that a seat is reserved for a minority merely gives a security that the minority candidate will be declared elected. But it cannot guarantee that the minority candidate declared elected will be a person of its choice if the election is to be by a joint electorate. Even if a seat is reserved for a minority, a majority can always pick up a person belonging to the minority and put him up as a candidate for the reserved seat as against a candidate put up by the minority and get him elected by helping its nominee with the superfluous voting strength which is at its command. The result is that the representative of the minority elected to the reserved seat instead of being a champion of the minority is really the slave of the majority.

In the system of electorates now formed for election to the Legislature, the Untouchable voters as against the caste Hindu voters are placed in a hopeless minority. A few instances will show how great is the discrepancy in the relative voting strength of the Untouchables and the caste Hindus in the different constituencies.

The power to do mischief in elections which a joint electorate gives to a majority is increased immensely if the electoral system is based on the principle of a single member constituency.

In a system of joint electorates with reserved seats for a minority a constituency must always be a plural member constituency i.e. there must be one seat for the minority and at least one seat for the majority. In other words it must be what is called a plural member constituency. This plural member constituency must be small one i.e. the majority community may have just two seats as against the one assigned to the minority. It may be a large one i.e. the majority may have a larger number of seats assigned to it. This is an important consideration because the smaller the number of seats the greater the power of mischief which the majority gets. This will be clear if it is borne in mind that when a majority has fewer seats it can release a large portion of its voting strength to get its own nominee from the minority elected to the reserved seats and defeat the nominee of the

minority. On the other hand if the majority is assigned a larger number of seats, there a competition among the candidates is greater, the voters of the majority community are for the most part (busy) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_73 in fighting out the election to the seats assigned to the majority and very few at all can be released to help the nominee of the majority for the minority seat. In a joint electorate the safety of the minority lies in the majority having a larger number of seats to contest. Otherwise it is sure to be overwhelmed by the majority.

In the electoral system now framed for the caste Hindus the principle that is adopted is that of the single member constituency. It is true that on the face of it the constituency taken as a whole appear to be a plural member constituency. But, in fact, the constituency so far as the caste Hindus are concerned are single member constituencies. The consequence of this single member constituency system for Caste Hindus is that the Hindus are able to release an enormous lot of their superfluous votes and flood the election for the seats reserved for the Untouchables and keep their nominee for the reserved seat afloat.

The Hindus were anxious to forge further means for nullifying the benefit of the Poona Pact. The Poona Pact having been concluded in a hurry, it left many things undefined. Of the things that were left undefined and about which there arose subsequently a keen controversy were the following: (1) Does the 'panel of four' to be elected at the primary election imply four as a maximum or a minimum? (2) What was to be the method of voting in the final joint electorate with the Hindus? The Hammond Committee which had to decide upon these issues found that there were two diametrically opposite views in regard to these two questions, one view held by the Caste Hindus and the other held by the Untouchables. It was contended on behalf of the Caste Hindus that the panel of four was intended to be a minimum. If four candidates are not forthcoming there could be no primary election and therefore there can be no election for the reserved seat, which they said must remain vacant and the Untouchables should go without representation. The Untouchables contended that four was the maximum. Four in the Poona Pact meant"not more than four". It did not mean"not less than four". On the question of voting the caste Hindus contended that the compulsory distributive vote was the most appropriate. The Untouchables on the other hand insisted that the cumulative system of voting was the proper system to be introduced.

The Hammond Committee accepted the view propounded by the Untouchables and rejected those of the Caste Hindus. All the same it is

interesting to know why the caste Hindus put forth their contentions.

The reason why the Hindus wanted four in the panel and not less was quite obvious. The object of the Hindus is to get elected in the final election such a representative of the Untouchables as would be most ready and willing to compromise with Hindus and Hinduism. To get him elected in the final election he must first come in the Panel. A most compromising Untouchable can come in the Panel only when the panel is a large panel.

If there is only one candidate in the Panel then he would be the stautichest representative of the Untouchable and worst from the standpoint of the Hindus. If there are two, the second will be less staunch than the first and therefore good from the standpoint of the Hindus. If there are three, the third will be less staunch than the second and therefore better from the standpoint of the Hindus. If there be four, the fourth will be less staunch than the third and therefore best from the point of view of the Hindus. The Panel of four gives the Hindus the best chance of getting into the Panel such representative of the Untouchables as is most compromising in his attitude towards Hindus and Hinduism and that is why they insisted that the Panel should be at least of four.

The object of insisting upon the system of compulsory distributive vote was just supplementary to the idea of having the Panel of not less than four. Under the cumulative vote the elector has as many votes as there are seats, but may plump them all for one candidate or distribute them over two or more candidates as he may desire. Under the distributive system of voting the elector has also as many votes as there are seats, but he can give only one vote to any one candidate.

Although the two look different yet in effect there may be no difference because even under the cumulative vote a voter is not prevented from distributing his votes. He is free to give one vote to one candidate. But the Hindus did not want to take any chance. Their main object was to flood the election to the seat reserved for the Untouchables in the joint electorate by using the surplus votes of the caste Hindus in favour of the Untouchable candidate who happens to be their nominee. The object was to outnumber the Untouchable voters and prevent them from electing their own nominee. This cannot be done unless the surplus votes of the caste Hindu voters were divested from the caste Hindu candidate towards the Untouchable candidates. There is a greater chance of the diversion of these surplus votes under the distributive system than there is under the cumulative system. Under the former the caste Hindu voter can give only one vote to the caste Hindu candidate. The other vote not being of use to the caste Hindu candidate is usable only for an Untouchable candidate.

With the distributive system there was more chance of flooding the election to the seat reserved for the Untouchables and this is why they preferred it to the system of cumulative vote. But they want to take a chance. Even the distributive system from their point of view was not foolproof. Under the distributive system there was no compulsion upon the voter to use all his votes. He may use one vote for the caste Hindu candidate and not use the rest of his votes. If this happens the purpose of getting in their untouchable nominee would be defeated. Not to leave things to chance the Hindus wanted that the distributive system of voting should be made compulsory so that a caste Hindu voter whether he wants it or not can have no option but to vote for the untouchable candidate who may be the nominee of the Hindus.

The two proposals were thus a part of a deep conspiracy on the part of the Hindus. They were rejected by the Hammond Committee. But there are enough elements of mischief in the Poona Pact itself that the rejection of these two proposals has in no way weakened the power of the Hindus to render nugatory the right of special representation granted to the Untouchables.

Notwithstanding the political disaster which has overtaken the Untouchables and which is the result of the Poona Pact, there are not wanting friends of Mr. Gandhi who hold out the Poona Pact as a great boon to the Untouchables.

Firstly it is alleged that the Poona Pact gave the Untouchables larger number of seats than was given to them by the Communal Award. It is true that the Poona Pact gave the Untouchables 151 seats while the Award had only given them 78. But to conclude from this that the Poona Pact gave them more than what was given by the Award is to ignore what the Award had in fact given to the Untouchables.

The Communal Award gave the Untouchables two benefits: *(i)* a fixed quota of seats to be elected by separate electorates for Untouchables and to be filled by persons belonging to the Untouchables, (ii) Double vote, one to be used through separate electorates and the other to be used in the general electorates.

Now if the Poona Pact increased the fixed quota of seats it also took away the right to the double vote. This increase in seats can never be deemed to be a compensation for the loss of the double vote. The second vote given by the Communal Award was a priceless privilege. Its value as a political weapon was beyond reckoning. The voting strength of the Untouchables in each constituency is one to ten. With this voting strength free to be used in the election of caste Hindu candidates, the Untouchables

would have been in a position to determine, if not to dictate, the issue of the General Election. No Caste Hindu candidate could have dared to neglect the Untouchables in his constituency or be hostile to their interest if he was made dependent upon the votes of the Untouchables. Today the Untouchables have a few more seats than were given to them by the Communal Award. But this is all that they have. Every other member is indifferent if not hostile. If the Communal Award with its system of double voting had remained, the Untouchables would have had a few seats less but every other member would have been a member for the Untouchables. The increase in the number of seats for the Untouchables is no increase at all.

Admitting for the sake of argument that the Poona Pact did give to the Untouchables a few more seats, the question still remains of what use are these additional seats. Ordinarily a right to vote is deemed to be sufficient as a means of political protection. But it was felt that in the case of the Untouchables mere right to vote would not be enough. It was feared that a member elected on the votes of the Untouchables, if he is himself not an Untouchable, might play false and might take no interest in them. It was held that the grievances of the Untouchables must be ventilated in the Legislature and that the surest way of ensuring it would be to provide that a certain number of seats shall be reserved for them so that the Untouchables shall be represented by Untouchables in the Legislature. It is now evident that this hope has not been fulfilled. The Communal Award no doubt gave fewer seats. But they would have been all of them freemen. The Poona Pact gave more but they are all filled by bondsmen. If to have a platoon of bondsmen is an advantage then the Poona Pact may be said to be advantage.

The second argument in favour of the Poona Pact is that in abolishing separate electorates it saved the Untouchables from being eternally branded as Untouchables. In one of his speeches delivered in London Mr. Gandhi said:

"Muslims and Sikhs are all well organized. The 'untouchables' are not. There is very little political consciousness among them and they are so horribly treated that I want to save them against themselves. If they had separate electorates their lives would be miserable in villages which are the strongholds of Hindu orthodoxy. It is the superior class of Hindus who have to do penance for having neglected the ' untouchables ' for ages. That penance can be done by active social reform and by making the lot of the ' untouchables ' more bearable by acts of service, but not by asking for separate electorates for them. By giving them separate electorates you will

throw the apple of discord between the 'untouchables' and the orthodox. You must understand I can tolerate the proposal for special representation of the Musalmans and the Sikhs only as a necessary evil. It would be a positive danger for the ' untouchables '. I am certain that the question of separate electorates for the ' untouchables ' is modern manufacture of Government. The only thing needed is to put them on the voters' list, and provide for fundamental rights for them in the constitution. In case they are unjustly treated and their representative is deliberately excluded, they would have the right to special election tribunal which would give them complete protection. It should be open to these tribunals to order the unseating of an elected candidate and the election of the excluded man."

"Separate electorates to the 'untouchables' will ensure them bondage in perpetuity. The Musalmans will never cease to be Musalmans by having separate electorates. Do you want the 'untouchables' to remain 'untouchables' for ever? Well, the separate electorates would perpetuate the stigma. What is needed is destruction of untouchability, and when you have done it, the bar sinister which has been imposed by an insolent ' superior ' class upon an ' inferior ' class will be destroyed. When you have destroyed the bar sinister, to whom will you give the separate electorates? Look at the history of Europe. Have you got separate electorates for the working classes or women? With adult franchise, you give the ' untouchables ' complete security. Even the orthodox would have to approach them for votes."

"How then, you ask, does Dr. Ambedkar, their representative, insist on separate electorates for them? I have the highest regard for Dr. Ambedkar. He has every right to be bitter. That he does not break our heads is an act of self-restraint on his part. He is today so much saturated with suspicion that he cannot see anything else. He sees in every Hindu a determined opponent of the ' untouchables ', and it is quite natural. The same thing happened to me in my early days in South Africa, where I was hounded out by the Europeans wherever I went. It is quite natural for him to vent his wrath. But the separate electorates that he seeks will not give him social reform. He may himself mount to power and position but nothing good will accrue to the ' untouchables '. I can say all this with authority, having lived with the 'untouchables' and having shared their joys and sorrows all these years."

His argument it is true derives some support from the Simon Commission which also observed: (*The following extracts are not quoted in the MS. They are reproduced here from Dr. Ambedkar's ' What Congress and Gandhi have done to the Untouchables ', Appendix VI, p. 327.*— Ed.)

(Extracts from the Report of the Simon Commission, Vol. II)

78. In no other province has it been possible to get an estimate of the number of the depressed classes who are qualified to vote. It is clear that even with a considerable lowering of the franchise—which would no doubt increase the proportion of the depressed class voters—there would be no hope of the depressed classes getting their own representatives elected in general constituencies without special provision being made to secure it. In the long run the progress of the depressed classes, so far as it can be secured by the exercise by them of political influence, will depend on their getting a position of sufficient importance for other elements to seek their support and to consider their needs.

* * *

80. ... ... It will be seen, therefore, that we do not recommend allocating seats to the depressed classes on the basis of their full population ratio. The scale of reserved representation suggested will secure a substantial increase in the number of the M.L.C.s drawn from the depressed classes. The poverty and want of education which so widely prevail amongst them make it extremely doubtful whether a large number of adequately equipped members could be at once provided, and it is far better that they should be represented by qualified spokesmen rather than by a larger number of ineffectives who are only too likely to be subservient to higher castes. The re-distribution of seats which is now being attempted among different kinds of representatives cannot be permanent, and provision must be made for its revision. But we think that our proposal is adequate for the present, especially as the representation of opinion by reservation of seats does not exclude the possibility of the capture of other seats *not* so reserved.

* * *

But that this argument is silly there can be no doubt about it. To put a man in a separate category from others is not necessarily an evil. Whether the affixing of a label is good or bad depends upon the underlying purpose. If the object is to deprive him of rights then such a labelling would no doubt be a grievous wrong. But if the purpose is to mark off as a recipient of a privilege then far from being a wrong it would be a most beneficial measure. To enrol an untouchable in a separate electoral roll would be objectionable if the object was to deprive him of the right of franchise. To enrol him in a separate electoral roll for giving him the benefit of special representation would certainly be an advantage to him. Looked at from the point of view of ultimate purpose it is difficult to see how any person who

claims to be the friend of the untouchables could object to separate electorates for them. Not only the argument of Gandhi against separate electorate was silly it was also insincere. Gandhi objected to separate electorates because it involved labelling of the Untouchables. But how is this labelling avoided injoint electorates it is difficult to understand. The reservation of a seat for the Untouchables in a joint electorate must and does involve such labelling for the candidate claiming the benefit of the reserved must in law declare that he is an untouchable. To that extent there is certainly a labelling involving in the Joint Electorate and Mr. Gandhi should have objected to joint electorates as violently as he did to separate electorates., Either Mr. Gandhi was insincere or that he did not know what he was talking about.

Friends of Mr. Gandhi do not stop to consider how far under the Poona Pact the Untouchables have been able to send independent men to represent them in the Legislature and whether these representatives have been putting up any fight and how well they are succeeding. If they stopped to do it they would be ashamed to sing the praises of the joint electorates and the Poona Pact. The Congress and the Hindus have shamefully abused their power and their resources as a majority community. Not only have they prevented the Untouchables from electing persons of their choice, not only have they got their own nominees elected by the use of their surplus votes, they have done something for which any decent party in any part of the world ashamed of itself. The selection of the candidates from the untouchables made by the Congress to fill the seats reserved for the Untouchables was a most cowardly and a blackguardly act.

It was open to the Congress—which is simply a political surname for Hindus—to allow the Untouchables the benefits of more seats than those fixed for them by the Poona Pact. They could have done that by adopting untouchable candidates to contest general seats. There was nothing in law to prevent them from doing so. The Congress did nothing of the kind. This shows that if no seat had been reserved to the Untouchables, the Hindus would never have cared to see that an untouchable was returned to the legislature. On the other hand when seats were reserved, the Hindus came forward to spoil the effect of the reservation by seeing to it that the seats went to such untouchables as agreed to be their slaves.

Thus there has been a tragic end to this fight of the untouchables for political rights. I have no hesitation in saying that Mr. Gandhi is solely responsible for this tragedy.

Mr. Gandhi's cry against the Communal Award on the ground that it prescribed separate electorates was absolutely false and if the Hindus had

not become maddened by his fast they would have seen that it was so. The Communal Award had also a provision for joint electorates in addition to separate electorates. The second vote given to the Untouchables was to be exercised in a general electorate in the election of a Caste Hindu candidate. This was undoubtedly a system of joint electorates. The difference between the Communal Award and the Poona Pact does lie in the nature of electorates. Both provide for joint electorates. The difference lies in this, joint electorate of the Communal Award was intended to enable the Untouchables to take part and influence the election of the Caste Hindu candidate while the joint electorate of the Poona Pact is intended to enable the caste.

Hindus to take part and influence the election of the Untouchable candidates. This is the real difference between the two.

What would a friend of the Untouchables wish? Would he support the joint electorates of the Communal Award or the joint electorates of the Poona Pact? There can be no doubt that the real salvation of the Untouchables lies in making the Hindus dependent upon the suffrages of the Untouchables. This is what the Communal Award did. To make the Untouchables depend upon the suffrages of the Hindus is to make them the slaves of the Hindus which they already are. This is what the Poona Pact does. The Communal Award was intended to free the Untouchables from the thraldom of the Hindus. The Poona Pact is designed to place them under the domination of the Hindus.

This 'Fast unto Death' of Mr. Gandhi was described in glorious terms by his friends and admirers both in India and outside. It was described as ' second crucifixion ', as ' martyrdom ' and as ' Triumphal struggle'. An American friend of Mr. Gandhi assured the Americans that in laying down his life Mr. Gandhi was neither a ' trickster ' nor a stick demagogue. Another American in his ecstasy went to the length of describing him as the incarnation of *'one against the world'*. Of course I was held out as the villain of the piece. I had of course my own view of Gandhi's fast. I described it as a political stunt. His utterances had to me always the ring of falsity and even of insincerity.

I had always the feeling that what actuated Mr. Gandhi to fast against the Communal Award was not any desire to liberate the Untouchables as to save the Hindus from disruption. He was prepared to do that at any cost, even at the cost of political enslavement of the Untouchables. His disapproval of the Poona Pact was very much like the disapproval of the enfranchisement of the Negro by the Southerners after the civil war. The ' Statesman ' and 'Nation ' came to the same conclusion. It said: *(Quotation*

not mentioned in the MS nor could it be traced elsewhere—Ed.)

At the time there was this one solitary instance of a view agreeing with mine. Even some of the prominent untouchables backed Mr. Gandhi. A curious case was that of Mr. Raja whose grievance was that although he was a member of the Central Assembly nominated to represent the Depressed Classes he was not selected as a delegate for the Round Table Conference. He was fighting for separate electorates. Suddenly he changed sides and took up the cudgels on behalf of Mr. Gandhi and fulminated both against me for demanding and against the British Government for granting separate electorates. He developed such a strong love for Mr. Gandhi and such a strong faith in the Hindus that no one could suspect that he was doing the work of a mere hireling. This is what Mr. Raja said in the course of a speech delivered by him on an adjournment motion moved in the Central Legislature on September 13th, 1932 relating to Gandhi's fast.

"Never in the annals of the history of India has the issue of the Depressed Classes assumed importance as it has today, and for this we of the Depressed Classes must for ever be grateful to Mahatma Gandhi. He has told the world, in words which cannot be mistaken, that our regeneration is the fundamental aim of his life. If world conscience cannot be roused even now to the realization of the position of the Depressed Classes, then we can only conclude that all instincts of humanity are dead in the world today."

* * *

"The question before the House is the situation created by Mahatma Gandhi opposing the grant of communal electorates to the Depressed Classes. I am sure there is no honourable member in this House who will not regret that circumstances should have forced such a great personality to take a vow to play on his life, but sir, the correspondence shows that Government had enough warning. If they did not attach full importance to our considered views expressed in our conferences and in the Rajah-Moonje Pact I had signed with the President of Hindu Mahasabha, they should have taken at least the grave warning given by Mahatma Gandhi and desisted from the course of creating separate electorates."

* * *

"Indeed this is my chief attack on the Premier's letter to Mahatma Gandhi. He tells us that he has given separate electorates for twenty years to enable us to get the minimum number of seats to place our views before the Government and legislature of the day. I contend that this privilege we

have already enjoyed under the Montford reforms which have enabled us to get representation in numerous local bodies and in legislatures both provincial and central. We are sufficiently organized for that purpose and do not need either special pleading or special succour. In future what we do need as real remedy for our uplift is definite power to elect our representatives from the general constituencies and hold them responsible to us for their actions. I do not know why the Prime Minister calls the scheme of joint electorates with reservation of seats as impracticable. It is already in force in local bodies in Madras and some other provinces and has worked very satisfactorily. I contend, sir, that the scheme enunciated in the communal decision involves our segregation and makes us politically untouchables. I am surprised at the argument of the Prime Minister that there is no segregation because we can vote for Caste Hindus who will have to solicit our votes. But, sir, how can we bring about common ideal of citizenship when Depressed Class representatives are not to solicit votes of higher castes?"

* * *

"The sufferings which my community has undergone at the hands of Caste Hindus have been acknowledged by Caste Hindus themselves, and I am prepared to admit that there are a large number of reformers among them who are doing everything possible to improve our status and position. I am convinced that there is a change of heart and a change in the angle of vision of Caste Hindus. We, Depressed Classes, feel ourselves as true Hindus as any Caste Hindu can be, and we feel that the moral conscience of the Hindus has been roused to the extent that our salvation lies in bringing about a change from within the main body of Hindu society and not segregating ourselves from them. The course adopted by the Government would certainly arrest the progress of this most laudable movement. I must say, sir, that the Prime Minister's letter in its entire conception, and expression has disappointed me."

* * *

"The crisis that faces us today is very grave. There hangs in the balance the life of the greatest Indian of our time, and there hangs in the balance the future of millions of the down-trodden people of this country. Is Government going to take the responsibility for killing the one and reducing the other to perpetual servitude? Let it make its choice well and wisely."

* * *

Mr. Raja not only backed the Poona Pact and fought for distributive vote which as I pointed out was nothing but a part of the design of the Hindus

to make the political enslavement of the Untouchables fool-proof and knave-proof. Mr. Raja was so much enamoured of his new faith in Gandhi and Hindus that he was not satisfied by the disposal of the matter by the Hammond Committee. He reopened the matter after election by moving a resolution in the Madras Assembly in favour of the distributive vote1.

But today after seeing the results of the Poona Pact Mr. Raja seems to have been disillusioned. How long he will remain faithful to the truth he has discovered is more than I can say. But he has declared himself openly as a bitter opponent of the Poona Pact. In a letter to Mr. Gandhi, dated 25th August 1938, Mr. Raja says:

"You remember how, when most of my people were in favour of separate electorates so that they may express themselves faithfully and effectively in the legislatures, you staked your life on bringing them into the Hindu fold not only politically but socially and religiously. And I was in no small measure responsible for my people going in for a joint electorate with Caste Hindus on the express understanding that there was to be no interference with our choosing men who would faithfully represent our grievances and wishes. It was with this object that the panel election was instituted.

"All this you know as well as I do. But my object in recalling the fact is to show that while on our part we faithfully adhered to the Poona Pact, giving up agitating for a separate electorate, the Congress Party men in Madras representing the Caste Hindus deviated from the Pact, so much so, that our community in the Legislative Assembly have to follow the Caste Hindus blindly in Madras Legislative Assembly Debates. Every measure the Ministry may bring and vote with them even in matters which deeply affect the interests of the community.

"You perhaps remember that at the beginning of the elections I protested against the Congress Committee setting up candidates for the panel election among the Depressed Classes. You were good enough to say that I might allow my community joining the Congress on certain conditions placed before us by Mr. S. Satyamurti. One of these conditions was that in matters affecting their community, the Depressed Class members of the Congress Party need not vote with the Congress members but vote according to their judgement.

"The recent debate on the Temple Entry Bill in the Madras Legislative Assembly has exposed the ugly fact that all Depressed Class Members driven by the discipline of the Congress Party in the Assembly voted solidly against my motion for referring the Bill to a Select Committee. Could anything be more unnatural and more humiliating, proving as it did

the subjugation of my community by the Caste Hindus represented by Mr. Rajagopalachariar?

"You know the provisions of the Bill. It was only a piece of permissive legislation making it possible for a majority of worshippers of a temple to allow Harijans to worship in the temple. There was no element of compulsion or coercion in it. This Bill had your blessing. It was drafted by Mr. Rajagopalachariar himself and approved by you.

"At a previous session of the Assembly I introduced the Bill with the consent of Mr. Rajagopalachariar, who promised his full support to the measure. When I suggested that the Bill might be introduced by him as a Government measure, he wanted me to introduce it. When I met him last, on the 12th July 1938 and informed him that I was giving notice of a motion for referring the Bill to a Select Committee he did not object.

"I do not know what happened in the meantime but two days before my motion for referring the Bill to the Select Committee came up before the house, Mr. Rajagopalachariar sent for me and quietly asked me to withdraw the Bill, which I refused to do. When in due course, I moved for the consideration of the Bill, Mr. Rajagopalachariar stood up and opposed the Bill and requested me to withdraw it, saying that he would introduce a Temple Entry Bill on the same lines, only for Malabar and not for other Districts.

"The effect of Mr. Rajagopalachariar's speech was to defeat my motion with my own community men registering their votes against the measure, introduced to secure their social and religious elevation. One effect of Mr. Rajagopalachariar's opposition will be to strengthen the opposition in the country to temple entry as a whole.

"All this makes me uneasy about the wisdom of our havirig been parties to the Poona Pact in the full belief that the Congress would really help in our attempt to secure social and religious freedom. I am forced to think that our entering the joint electorate with the caste Hindus under the leadership of the Congress, far from helping us, has enabled the Congress, led by Caste Hindu leaders to destroy our independence and to use us to cut our own throats.

"In the course of the debate, I asked Mr. Rajagopalachariar whether he had obtained your approval of the attitude which he so suddenly and unexpectedly assumed and the Speaker said that Mr. Rajagopalachariar will be given an opportunity to answer the question after I had done. Though he was given the privilege of speaking after me, he avoided the question and did not answer it at all.

"I trust that you will give your most serious consideration to this question

of the attitude of the Congress Ministry in Madras towards Harijan uplift, especially with regard to temple entry and let me have your view before I answer my community men who are very much exercised over this question and are contemplating a repudiation of the Poona Pact and an agitation for a separate electorate accompanied by direct action of some kind."Mr. Rajah also wired to Mahatma Gandhi, Wardha on 12th September 1938 as follows:

"Agitation against Ministry rejection my bill growing difficult withstand pressure upon me—Anxiously awaiting reply."

Mr. Gandhi replied to Mr. Rajah on 14th September 1938:"Dear friend,

I must apologise for the delay in replying to your letter, I have been overwhelmed with work. Now I have your wire.

I wish you would trust C. Rajagopalachariar to do his best. He should be allowed to do the thing in his own way. If you cannot trust, naturally you will take the course which commends itself to you. All I know is that Harijans have no better friend than him. Go to him, reason with him and if you cannot persuade him, bear with him. That is my advice."

Mr. Rajah wrote a letter dated 21st September 1938 to Mr. Gandhi stating:

"I should request you on the other hand to give more serious consideration to the pledges given to my community during the Yeravada Fast and to the way in which they are carried out by your plenipotentiary in Madras. That fast was undertaken by you in order to change the Communal Award providing separate electorates for my people and to bring them into joint electorate with Caste Hindus by promising to spare no efforts to remove untouchability. And you have more than once said that temple entry is of the very essence of the removal of untouchability.

"So the question of our being in a joint electorate with Caste Hindus and the attitude of the Congress Ministry towards the raising of the social and religious status of the community are mutually and vitally connected.

"If we are not free to enter into Hindu Temples, we are no Hindus, and if we are not Hindus why should we be in a joint electorate with them? Is it for swelling their numbers as against Muslims and other communities?

"If you look at the situation in Madras from this point of view, you will realise that the rejection of the Temple Entry Bill is a gross betrayal of the Depressed Classes by the Congress Government in Madras.

"Any amount of money spent out of public funds or even from private resources for the amelioration of the economic condition of my community will be no substitute for the removal of untouchability through temple entry. As you yourself once said temple entry is the acid test of the

sincerity of the caste Hindus in espousing the cause of the Depressed Classes.

"Mr. Rajagopalachariar's Temple Entry Bill, besides involving the tactical choice of a difficult district makes our community subservient to the will of Caste Hindus, a policy which is given a further effect to, in the appointment of Advisory Boards to assist the Labour Commissioner in which Caste Hindus of the Harijan Sevak Sanghs in this Province are given Government facilities for guiding the destinies of my people. I do not expect you to agree with my views on the measures recently introduced by Mr. Rajagopalachariar after rejecting the Madras Temple Entry Bill; but I expect you to give more serious consideration to the situation in Madras as regards the Depressed Classes in the light of the pledges given to the Depressed Classes during your memorable fast.

"You are morally bound to make this a matter of conscience and not merely one of political strategy. I assure that if you should seek ' inner light ' on this subject of untouchability and temple entry you will speak out more plainly and make the necessary sacrifice to educate your followers.

"I propose to send this correspondence to the press, but I shall wait for any further word from you till the end of this month."

Mr. Gandhi replied to the above on 5th October 1938:"Dear friend,

"I am working under great difficulty. Even this I am writing in the train taking me to Peshawar.

"Of course you will publish the correspondence between us whenever you think it necessary.

"Your last letter shows that you are in the wrong. I am not partial to Rajaji. But I know that he is as firm on untouchability as I am myself. I must, therefore, trust his judgement as to how to do the thing. From this distance, I can't judge his action. Do you not see that the whole of the movement is one of conversion of the Sanatani heart? You cannot force the pace except to the extent that reforms immolate themselves. This process is going on vigorously.

"This temple entry question is a mighty-religious reform. I would like you to apply your religious mind to it. If you will, you will give your whole hearted support to Rajaji and make his move a thorough success."

The Untouchables of U.P. have also expressed their hostility to the Poona Pact. In a Memorandum submitted to Col. Muirhead the Under Secretary of State in India they said: *(Memorandum not typed in the MS*.— Ed.)

All over India the Untouchables have realized that the Poona Pact has been a trap and the change of the British Government's Communal Award by Gandhi's Poona Pact is a change which in reality a change from freedom

to bondage.

The Poona Pact was signed on the 24th September 1932. On the 25th September 1932 a public meeting of the Hindus was held in Bombay to accord to it their support. At that meeting the following resolution was passed:

"This Conference confirms the Poona agreement arrived at between the leaders of the Caste Hindus and Depressed Classes on September 24, 1932, and trusts that the British Government will withdraw its decision creating separate electorates within the Hindu community and accept the agreement in full. The Conference urges that immediate action be taken by Government so as to enable Mahatma Gandhi to break his fast within the terms of his vow and before it becomes too late. The Conference appeals to the leaders of the communities concerned to realize the implications of the agreement and of this resolution and to make earnest endeavour to fulfil them.

This Conference resolves that henceforth, amongst Hindus, no one shall be regarded as an untouchable by reason of his birth, and that those who have been so regarded hitherto will have the same right as other Hindus in regard to the use of public wells, public schools, public roads, and all other public institutions. This right shall have statutory recognition at the first opportunity and shall be one of the earliest Acts of the Swaraj Parliament, if it shall not have received such recognition before that time.

It is further agreed that it shall be the duty of all Hindu leaders to secure, by every legitimate and peaceful means, an early removal of all social disabilities now imposed by custom upon the so-called untouchable classes, including the bar in respect of admission to temples."

Mr. Gandhi felt that an organization which will devote itself exclusively to the problem of the Untouchables was necessary. Accordingly there was established on 28th September 1932 the All-India Anti-Untouchability League. The name, Gandhi thought, did not smell well. Therefore in December 1932 it was given a new name—The Servants of the Untouchables Society. That name again was not as sweet as Mr. Gandhi wished it to be. He changed and called it the Harjan Sevak Sangh.

The first change which Mr. Gandhi has brought about is this change in the name. Instead of being called Untouchables they are now called *Harijans*. To call, the Untouchables say that Mr. Gandhi is selfish and has given the name Harijan to the Untouchables to blaster up Vaishnavism. They want the Untouchables to be called Harjans the followers of Shiva. Mr. Gandhi replies that the term is used to mean God and not Vishnu and that Harijan simply means ' children of God '.

The Untouchables simply detest the name Harijan. Various grounds of objection are urged against the name. In the first place it has not bettered their position. It has not elevated them in the eyes of the Hindus. The new name has become completely identified with the subject matter of the old. Every body knows that Harijans are simply no other than the old Untouchables. The new name provides no escape to the Untouchables from the curse of untouchability. With the new name they are damned as much as they were with the old. Secondly the Untouchables say that they prefer to be called Untouchables. They argue that it is better that the wrong should be called by its known name. It is better for the patient to know what he is suffering from. It is better for the wrong doer that the wrong is there still to be redressed. Any concealment will give a false sense of both as to existing facts. The new name in so far as it is a concealment is fraud upon the Untouchables and a false absolution to the Hindus. Thirdly there is also the feeling that the name Harijan is indicative of pity. If the name meant ' chosen people of God ' as the Jews claimed themselves to be it would have been a different matter. But to call them 'children of God' is to invite pity from their tyrants by pointing out their helplessness and their dependent condition. The more manly among the Untouchables resent the degrading implications of this new name. How great is the resentment of the Untouchables against this new name can be seen from the fact that whole body of the representatives of the Untouchables in the Bombay Legislative Assembly walked out of the House in protest when the Congress Government introduced a measure giving to the name Harijan the sanction of law.

This new name Harijan will remain until the downfall of Mr. Gandhi and the overthrow of the Congress Governments which are his creatures. That it was forced upon the Untouchables and that it has done no good are however facts which cannot be disputed.

Having discussed the blessings of this new name I must now proceed to examine the work of the Harijan Sevak Sangh. The Sangh is spoken of as a memorial to Gandhi's labours in the cause of the Untouchables. What are the achievements of the Sangh.

The Sangh is an All-India Organization. It has a Central Board. Then there are Provincial Boards and under the Provincial Boards there are District and Local Committees. The number of Provincial Boards and Local Committees is given below:

	1932-33	1933-34	1934-35

Provincial Boards	26	26	29
District & Local Committees	213	313	372

The financial resources of the Sangh are mainly drawn from the collections made on an All-India tour specially undertaken for the purpose by Mr. Gandhi between November 1933 to July 1934. The total amount collected on this tour came to about 8 lacs of Rupees and is known as the Gandhi Purse Fund and forms the principal reserve for the Sangh to draw upon. The rest of the resources are made up of annual donations.

The total expenditure of the Sangh under all heads from year to year is as follows:

1932-33	1933-34	1934-35	1935-36
Rs. 2,31,039.00	3,31,791.00	4,48,422.00	3,99354.00

In his report for 1934-35 the General Secretary reported that almost the whole of the Gandhi Purse Fund, which stood at over 8 lacs in July 1934, will be spent away by the end of the current year, i.e. by the end of September 1936."In the fifth Annual Report the Secretary says,"As compared to the expenditure of the previous year, there has been a reduction of more than a lac in the total expenditure. This was partly owing to the gradual exhaustion of the Gandhi Purse Fund, dislocation in the realization of local collections owing to general elections and other contributory causes. The finances of the Central office were far from satisfactory. The total expenditure of the Central office (including grants made to branches) amounted to Rs. 86,610-14-8, as against an income of Rs. 42,485-4-9 thus leaving a deficit of Rs. 44,125-9-11 which was met from the general fund. Donations for general fund amounted to only Rs. 26,173-4."

It is obvious that the Harijan Sevak Sangh is a small affair and but for the running advertisement it gets from the Press it would not even be heared off. India is a vast continent with something like 6,96,831 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_74villages. The Untouchables are spread out all throughout these 6,96,831 villages. There is no village without its untouchables. How many Untouchables can be reached by 372 Committees. It is a tiny peck in a vast ocean. Not only its capacity to cope with the problem is limited but its resources are too meagre to permit any relief being granted to the Untouchables on an adequate scale. The Sangh has now no permanent fund. What it had it has spent. It has to depend

upon annual subscriptions. That source is also drying up leaving the Sangh with heavy deficit. The Sangh is in an exhausted condition. Its affairs in fact would have been wound up on account of its bankruptcy. If the Sangh is still existing, it is not because its endeavours are sustained by Hindu charity directed to the uplift of the Untouchables. It exists because the Congress Governments which are now established in the different Provinces have come to the rescue of the Sangh. They have handed over to the Sangh certain social welfare work which former Governments carried out through Government Departments or Government Officials with the money grants. Thus the Sangh is now living on Government funds. As an institution maintained by the Hindus with the help of Hindu Charity for the Untouchables the Sangh simply does not exist.

The din and noise which was created by Mr. Gandhi's fast was simply deafening. The readiness to make sacrifices to save his life was great and the eagerness shown to befriend the Untouchables was surprising and overwhelming. All this has vanished leaving the Untouchables high and dry. If the desire to contribute towards the maintenance of the Sangh—which the Hindus founded as an earnest of their acceptance of their obligation towards the Untouchables—is any measure of the reality of the change of heart then it must be admitted that the change has died with the occasion which caused it. Gandhi broke his fast and the Hindu lost his new-born love for the Utitouchables.

The premature decay of the Sangh should make it unnecessary for me to consider the work it did. But the Sangh is held out as a great monument to Mr. Gandhi. It is therefore proper that I should examine the work done by the Sangh and the policy underlying that work. The work of the Sangh follows certain well defined lines. In the field of education the Sangh has sought to encourage higher education among the Untouchables by instituting scholarships for the Arts, technical and professional courses. The Sangh also gives scholarships to High School students. The Sangh also maintained Hostels for Untouchable students attending colleges and High Schools. The great part of the educational activities of the Sangh is taken up in maintaining separate schools for primary stage children where there were no common schools in the vicinity or where common schools were closed to them.

Next comes the welfare activities of the Sangh. The medical aid which the Sangh undertakes to render to the Untouchables falls under this head. This is done by intenerant workers of the Sangh who go in Harijan quarters to give medical aid to the sick and ailing among the Untouchables. The Sangh

also maintains a few dispensaries for the use of the untouchables. This is a very small activity of the Sangh.

The more important part of the welfare activity of the Sangh relates to water supply. The Sangh does this by (1) sinking new wells or installing tube wells and pumps for the use of the untouchables, (2) repairing old ones and (3) persuading local Governments and bodies to sink and repair wells for the Untouchables.

The third line of activity undertaken by the Sangh is economic. The Sangh seems to run a few industrial schools and it is claimed that the industrial schools run by the Sangh produced a number of trained artizans who have taken to independent living. But according to the report, more successful and substantial work was done by way of organising and supervising cooperative societies among the Untouchables.

Such is in brief the record of the work done by the Sangh. It is largely directed by the Caste Hindus. There are very few Untouchables who have any voice in directing the activities of the Sangh. I have had no connection with the Sangh. But I might mention that when the Sangh was started I was invited to join. I had great desire to cooperate with the Hindus for the removal of untouchability. I had my own views regarding the policy and programme which the Sangh should adopt for accomplishing this task. Immediately after the Sangh was established I had to go to London to attend the Round Table Conference and had no opportunity to talk the matter over with the other members of the Sangh. But I posted a letter to the General Secretary of the Sangh Mr. Thakkar on the 14th November 1932 on Board the Ship *M. V."Victoria"*. Excepting a short introductory para which I omit, the following is the full text of the letter:

"In my opinion there can be two distinct methods of approaching the task of uplifting the Depressed Classes. There is a school which proceeds on the assumption that the fate of the individual belonging to the Depressed Classes is bound up with his personal conduct. If he is suffering from want and misery it is because he must be vicious and sinful. Starting from this hypothesis, this school of social workers concentrates all its efforts and its resources on fostering personal virtue by adopting a programme which includes items such as temperance, gymnasium, co-operation, libraries, schools etc., which are calculated to make the individual a better and virtuous individual. In my opinion there is also another method of approach to this problem. It starts with the hypothesis that the fate of the individual is governed by his environment and the circumstances he is obliged to live under and if an individual is suffering from want and misery it is because his environment is not propitious.

"I have no doubt that of the two views the latter is the more correct. The former may raise a few stray individuals above the level of the class to which they belong. It cannot lift the class as a whole. My view of the aim of the Anti-Untouchability League is that it has come into existence not for helping a few individuals at random or a few selected boys belonging to the Depressed Classes but for raising the whole class to a higher level. Consequently I would not like the League to dissipate its energies one programme calculated to foster private virtue. I would like the Board to concentrate all its energies on a programme that will effect a change in the social environment of the Depressed Classes. Having stated in general terms my views I venture to place some concrete proposals for work to be undertaken by the League.

"I think the first thing that the League should undertake is a campaign all over India to secure to the Depressed Classes the enjoyment of their civic rights such as taking water from the village wells, entry in village schools, admission to village chawdi, use of public conveyance etc.

"Such a programme if carried into village will bring about the necessary social revolution in the Hindu society without which it will never be possible for the Depressed Classes to get equal social status. The Board must however know what difficulties it will have to face if this campaign of civic rights is to be carried through. Here I can speak from experience because I as President know what happened when the Depressed Classes Institute and the Social Equality League launched such a plan in the Kolaba and Nasik Districts of the Bombay Presidency.

"First of all there will be riots between the Depressed Classes and the Caste Hindus which will result in breaking heads and in criminal prosecutions of one side or the other. In this struggle the Depressed Classes will suffer badly. There has not been a single case in the course of the social struggle carried on in these two districts in which the Police and the Magistracy have come to the rescue of the Depressed Classes even when justice was on their side. Secondly the villages will proclaim a complete boycott of the Depressed Classes the moment they see that the latter are trying to reach a status of equality along with them.

"I have mentioned only two of the many obstacles which the League will have to overcome if this campaign of civic rights is to be successful and the League will have to have an army of workers in the rural parts who will encourage the Depressed Classes to fight for their rights and who will help them in any legal proceedings arising therefrom to a successful issue. It is true that this programme involves social disturbances and violent scuffle. But I do not think that it can be avoided. I know the alternative policy of

adopting the line of least resistance. I am convinced that it will be ineffective in the matter of uprooting untouchability.

"The silent infiltration of rational ideas among the ignorant mass of Caste Hindus cannot, I am sure, work for the salvation of the Depressed Classes. First of all the Caste Hindu like all human beings follows his customary conduct in observing untouchability towards the Depressed Classes. Ordinarily, people do not give up their customary mode of behaviour because somebody is preaching against it.

"The salvation of the Depressed Classes will come only when the Caste Hindu is made to think and is forced to feel that he must alter his ways. For that you must create a crisis by direct action against his customary code of conduct. The crisis will compel him to think and once he begins to think he will be more ready to change than he is otherwise likely to be.

"The great defect in the policy of least resistence and silent infiltration of rational ideas lies in this that they do not ' compel ' for they do not produce crisis. The direct action in respect of the Chowdar tank in Mahad, the Kalaram temple in Nasik and the Guruvayur temple in Malabar have done in a few days what million days of preaching by reformers would never have done.

"The second thing I would like the Anti-Untouchability League to work for is to bring about equality of opportunity for the Depressed Classes. Much of the misery and poverty of the Depressed Classes is due to the absence of equality of opportunity which in its turn is due to Untouchability. I am sure you are aware that the Depressed Classes in villages and even in towns cannot sell vegetables, milk or butter — ways of earning a living which are open to all and sundry. A Caste Hindu, will buy these things from a Non-Hindu, but he will not buy them from the Depressed Classes. In the matter of employment his condition is the worst.

"Like the Negro in America he is the last to be employed in days of prosperity and the first to be fired in days of adversity. And even when he gets a foothold what are his prospects? In the Cotton Mills in Bombay and Ahmedabad he is confined to the lowest paid department where he can earn only Rs. 25 per month. More paying departments like the weaving department are permanently closed to them. The place of the boss is reserved for the caste Hindu while the Depressed Class worker must slave as his underdog no matter how senior or how efficient.

"Depressed Class women working in the winding or reeling departments have come to me in hundreds complaining that the Naikins, instead of distributing the raw material to all women employees equally or in fair proportion, give all of it to the caste Hindu women and leave them in the

cold."

"I think it would be fit and proper if the Anti-Untouchability League were to take up this question by creating public opinion in condemnation of it and establishing Bureaus to deal with urgent cases of inequality.

"Lastly I think the League should attempt to dissolve that nausea which the touchables feel towards the untouchables and which is the reason why the two sections have remained so much apart as to constitute separate and distinct entities. In my opinion the best way of achieving it is to establish closer contact between the two. Only a common cycle of participation can help people to overcome that strangeness of feeling which one has when brought into contact with the other. Nothing can do this more effectively in my opinion than the admission of the Depressed Classes to the houses of the caste Hindus as guests or servants.

"The live contact thus established will familiarize both to a common and associated life and will pave the way for that unity which we are all striving after. I am sorry that many caste Hindus who have shown themselves responsive are not prepared for this.

"During those ten days of the Mahatma's fast that shook the Indian world there were cases in Ville Parle and in Mahad where the caste Hindu servants had struck work because their masters had abrogated the rules of untouchability by fraternising with the Untouchables. I expected that they would end the strike and teach a lesson to the erring masses by filling the vacancies by employing Depressed Classes in their places. Instead of doing that they capitulated with the forces of orthodoxy and strengthened them. I do not know how far such fair-weather friends of the Depressed Classes would be of help to them.

"People in distress can have very little consolation from the fact that they have sympathisers if those sympathisers will do nothing more than sympathise and I may as well tell the League that the Depressed Classes will never be satisfied of the bona fides of these caste Hindu sympathisers until it is proved that they are prepared to go to the same length of fighting against their own kith and kin in actual warfare if it came to that for the sake of the Depressed Classes as the Whites of the North did against their own kith and kin namely the Whites of the South for the sake of the emancipation of the Negro.

"The League will have to employ a very large army of workers to carry out its programme. The appointment of social workers might perhaps be looked upon as a minor question. Speaking for myself, I attach very great importance to the selection of a proper agency to be employed in this behalf. There can always be found workers to do a particular piece of work

or any other for the matter of that if they are paid for it. I am sure such mercenary workers will not serve the purpose of the League. As Tolstoy said"Only those who love can serve". In my opinion that test is more likely to be fulfilled by workers drawn from the Depressed Classes. I should therefore like the League to bear this aspect of the question in mind in deciding upon whom to appoint and whom not to appoint. I do not suggest that there are hot scoundrels among the Depressed Classes who have not made social service their last refuge. But largely speaking you can be more sure that a worker drawn from the Depressed Classes will regard the work as love's labour a thing which is so essential to the success of the League.

"Secondly there are agencies which are already engaged in some sort of social service without any confines as to class or purpose and may be prepared to supplement their activity by taking up the work of the Anti-Untouchability League in consideration of a grant-in-aid. I am sure this hire-purchase system of work, if I may use that expression, can produce no lasting good. What is wanted in an agency is a single-minded devotion to one task only. We want bodies and organizations which have deliberately chosen to be narrow-minded in order to be enthusiastic about their cause. The work if it is to be assigned must be assigned to those who would undertake to devote themselves exclusively to the work of the Depressed Classes.

"Before closing this I wish to say just this. It was Balfour, I think, who said that what could hold the British Empire together was love and not law. I think that observation applies equally well to the Hindu society.

"The touchables and the untouchables cannot be held together by law, certainly not by any electoral law substituting joint electorates for separate electorates. The only thing that can hold them together is love.

"Outside the family, justice alone, in my opinion can open the possibility of love, and it should be the duty of the Anti-Untouchability League to see that the touchable does, or failing that, is made to do justice to the untouchable. Nothing else in my opinion can justify the project or the existence of the League."This letter was not even acknowledged by the Secretary. That not a single suggestion of mine was accepted goes without saying. Even my suggestion that the workers of the Sangh should be drawn largely from the Untouchables themselves was not accepted. Indeed when the attention of Mr. Gandhi was drawn to the fact that the Harijan Sevak Sangh had become the hive of mercenary Hindus, he defended it on the ground which are clever if not honest.

Untouchability_Political.htm - _msocom_75He said to the deputation of the Untouchables;

"The welfare work of the Untouchables is a penance which the Hindus have to do for the sin of Untouchability. The money that has been collected has been contributed by the Hindus. From both points of view the Hindus alone must run the Sangh. Neither ethics nor right would justify Untouchables in claiming a seat on the Board of the Sangh."

Not only were all my proposals rejected by Mr. Gandhi and his advisers but in framing the constitution of the Sangh, aims and objects were adopted which are quite opposed to those which I had suggested. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_76At the meeting held in Cowasjee Jehangir Hall in Bombay on the 30th September 1932 the aims of the organization were stated to be:

"Carrying propaganda against Untouchability and taking immediate steps 'to secure as early as practicable that all public wells, dharmashalas, roads, schools, crematoriums, burning ghats and all public temples be declared open to the Depressed Classes, provided that no compulsion or force shall be used and that only peaceful persuasion shall be adopted towards this end'."

But in the statement issued by Mr. G. D. Birla and Mr. A. V. Thakkar on the 3rd November, two months after its inauguration it was stated:

"The League believes that reasonable persons among the Sanatanists are not much against the removal of Untouchability as such, as they are against inter-caste dinners and marriages. Since it is not the ambition of the League to undertake reforms beyond its own scope, it is desirable to make it clear that while the League will work by persuasion among the caste Hindus to remove every vestige of Untouchability, the main line of work will be constructive, such as the uplift of Depressed Classes educationally, economically and socially, which itself will go a great way to remove untouchability. With such a work even a staunch Sanatanist can have nothing but sympathy. And it is for such work mainly that the League has been established. Social reforms like the abolition of the caste system and inter-dinning are kept outside the scope of the League."These aims and objects are described in one of the Annual Reports of the Sangh. It says: mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_77

"According to its constitution the aim and object of the Society is the abolition of untouchability by reason of birth and the acquisition of equal rights of access of public temples, wells, schools and other public

institutions for Harijans as enjoyed by other Hindus.

The achievement of this object has led the Society to undertake work of a two-fold kind. First, the Society has to bring about such a radical change in the sentiments and opinions of Caste Hindus that they may willingly, as a matter of course, allow the enjoyment of all civic rights to Harijans. Secondly, the society has to put forth its efforts and devote its funds for the educational, economic and social uplift of Harijans."

The work done and the aims formulated when put side by side raise two questions. Firstly is this record something of which the Sangh can be proud of? Secondly is its work consistent with the aims of the Sangh? The record is very poor. It is much cry and little wool. Certainly as compared with the record of work done by the Christian Missions with which the Sangh competes, it is not a record of which the Sangh can be proud of. But this is a mere matter for sorrow and nothing more. The second question is fundamental and therefore one for anxious consideration. It is well that the Sangh undertakes to labour in the interests of the Untouchables. But its labours must be so planned that out of it will come the destruction of untouchability.

Examined in the light of this consideration what is one to say of the work that is being done by the Sangh? The Sangh is openly and without abashment supporting *separate* schools, *separate* hostels, *separate* dispensaries, and *separate* wells for the Untouchables. I should have thought that that was the surest way of perpetuating untouchability. It is surprising that Mr. Gandhi who threatened to fast unto death against separate electorates on the ground that it involved segregation of the untouchables should himself sanction a line of activity which perpetuates this segregation. In undertaking to render this social service to the Untouchables, Mr. Gandhi and his Sangh should have forgotten what the Untouchables want. What the Untouchables want is not education, but the right to be admitted to common schools. The Untouchables do not want medical aid; what they want is the right to be admitted to the general dispensary on equal terms. The Untouchable does not want water. What he wants is the right to draw water from a common well. The Untouchables do not want their suffering to be relieved. They want their personality to be respected and their stigma removed. Once their stigma is removed their sufferings will go. This the Harijan Sevak Sangh does not seem to have realized. The Sangh is said to be the friend of the Untouchables and the orthodox Hindu the enemy of the Untouchables. One fails to understand what the friend has done which the enemy would not do. The orthodox Hindu insists that the Untouchables shall have *separate* schools, *separate* dispensaries and *separate*

wells, the Sangh says—*Thy will shall be done.* Except the fact the orthodox Hindu believes in untouchability and Harijan Sevak Sangh does not, what is the difference in practice between the friend and the foe? Under both, the untouchable is condemned to *separate* schools, *separate* hostels and *separate* wells. If this is so, it is difficult to understand why

Mr. Gandhi and the Harijan Sevak Sangh should pick up a quarrel with the orthodox Hindu if he and his Sangh are not prepared to force the issue. Whether the Hindu Shastras recognize untouchability or not is only an academic quarrel between Mr. Gandhi and the orthodox Hindu. It can do no practical good. On the contrary I am prepared to say that it had done positive harm to the Untouchables. In the first place it has created enmity between the Untouchables and the orthodox Hindus. Before Gandhi picked up this needless quarrel the relations between the Untouchables and the Hindus were non-social. The quarrel has made them anti-social. Secondly if there was no such quarrel, if instead of untouchability being made the issue—which Mr. Gandhi does not intend to fight it out—an appeal was made to the orthodox Hindu to remove the suffering of the Untouchables, many an orthodox Hindu I know would have come forward to help to remove the suffering. Mr. Gandhi has reaped the glory for having established the Sangh. But the Sangh has neither sought to remove untouchability nor has it helped to alleviate the sufferings of the Untouchables.

Why has the Sangh failed? My answer is quite definite. I say the Sangh has failed because of its wrong politics.

It has often been said that the Harijan Sevak Sangh is a political organization. Mr. Gandhi has always resented such an allegation and repudiated it as being false. The General Secretary of the Sangh has also protested against it. To use his own words"the Sangh, though a sequel of a Political Pact, has no politics".

I do not see any reason for the resentment of Mr. Gandhi nor for the protests of his Secretary. I wish very much that the Sangh was a political organization. The untouchables have obtained a share of political power. But power which is not conscious of itself is no power. Again power which is not organized is no power. The Harijan Sevak Sangh would have been of great use if it had helped the Untouchables to organize independent political parties to fight the elections and make their political power effective. Nor can I accept the statement of Mr. Gandhi and his Secretary that the Sangh has no politics. On the contrary I insist that not only the Sangh has a definite line of politics and that that line of politics is wrong because it is prejudicial to the cause of the Untouchables.

Since Mr. Gandhi does not admit that the Sangh has politics, one must go to circumstances for proof. Circumstantial proof is always better than oral testimony because as is well said man may lie but circumstances cannot. In this connection I want to rely upon a clause in the constitution of the Sangh as a piece of evidence in support of my contention. The clause relates to the means to be adopted by the Sangh for removing untouchability and for securing equal rights to the Untouchables along with the Caste Hindus. The clause reads as follows:

"That no compulsion is to be used for securing rights, but that peaceful persuation is to be adopted as the *only* means."This is a basic principle of the Sangh. It has struck me as strange and I am sure it will strike all others as strange. I want to ask the question—Why has the Sangh limited itself to peaceful persuation of the caste Hindus as the one and the only means of removing Untouchability?

Most social reformers, whether religious or rational, seem to imagine that men of power will immediately check their pretentions and their exactions as soon as they have been told that their actions and attitudes are anti-social. But as Prof. Neibhur points out mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_78 what these reformers overlook is an understanding of the brutal character of the behaviour of all human groups and the power of self interest and collective egoism which dominate all group relations. They also forget the fact that races, nations and classes are less moral than individuals which compose them and that justice between groups can therefore not be achieved purely by educational means. If conscience and reason can be insinuated into the resulting struggle they can only qualify, never abolish, the injustice If injustice is to be abolished it must be resisted and when injustice proceeds from collective power, whether in the form of imperialism or class domination, it must be challenged by power. A class entrenched behind its established power can never be dislodged unless power is raised against it. That is the only way of stopping the exploitation of the weak by strong.

Why has Mr. Gandhi and the Harijan Sevak Sangh limited their means of resistance to the Caste Hindu domination to peaceful persuation? Why do they not resist the injustice of the Caste Hindus by direct action? I can understand that in organising resistance to injustice, the problem is to find forms of resistance which will not destroy the meagre resources for rational and moral action which groups do possess. But there can be no difficulty on that account. Satyagraha or passive resistance has been found by Mr. Gandhi as a form of resistance which is morally beyond cavil. Why does

not Mr. Gandhi ask the Sangh to launch Satyagraha by the Untouchables against the Caste Hindus for the abolition of the injustice against the Untouchables. He asked the people of India to offer Satyagraha against British Imperialism. Why does he not want to use the same means against the caste Hindus in the interests of the Untouchables?

What is the answer of Mr. Gandhi to this question? The only answer I can see is that it comes in the way of *his* politics. Mr. Gandhi must remain at the head of the nation. I wonder if life would be worthwhile to him if for some reason he ceased to be at the head of the nation. He is, I think, the most ambitious politician. I know, he regards as his rivials those whom he calls as friends. To be at the head of the nation means that he must preserve the integrity of the Congress. The Congress is ninety nine per cent composed of Hindus. How can Gandhi succeed in maintaining the integrity of the Congress if he were to direct the Sangh to carry on Satyagraha against the Hindus for the sake of the Untouchables. The Hindus would leave the Congress and the Congress would disrupt. This is detrimental to the interests of Mr. Gandhi . This is the explanation why Mr. Gandhi and the Sangh have adopted peaceful persuation as the only means of removing untouchability. It is a means which is least likely to hurt the Hindus and the Congress. Not only in big matters but even in small matters the Sangh is careful to see that the Hindus are not hurt or annoyed. I am told that in distributing scholarships for instance the Sangh makes inquiries into the political affiliations of the applicant and if it is found that the applicant belongs to a community which is against the Congress or the Hindus, he gets no aid from the funds of the Sangh.

I wonder if any one will have any doubts left that Mr. Gandhi and the Sangh in limiting themselves to peaceful persuations were controlled by political considerations of not annoying the Hindus and disrupting the Congress. This is what I meant when I said that the Sangha's politics and that its failure is due to wrong politics. I am sure I am using mild language when I describe it as wrong politics. It is treachery if the surrender of the interests of his ward by his guardian can be described as treachery.

Mr. Gandhi is often compared with Jesus Christ both by his Indian and European friends. What may be the justification for so strange a comparison? In one thing I see a complete contrast between the two. Both Jesus and Gandhi claimed to serve the lowly. This befriending attitude of both was resented by the upper classes. How did the two react? When Jesus was taunted by the Pharasees he retorted by saying—"They that are whole have no need of the physician, but they that are sick". How sharp is the contrast between this attitude of Jesus and that of Mr. Gandhi. Jesus

did not worry about those who were 'whole'. Gandhi is devoted to those who are 'whole' and who are sinning at the cost of those who are sick and who are sinned against. Gandhi is no physician to the untouchables. At best a sympathiser and nothing more.

Even as a sympathizer of the Untouchables his sympathy for them is limited by two considerations. It is limited by his social aims. Secondly it is also limited by his politics. Lest this statement should be doubted, I wish to give two instances, one of each which have occurred recently. They have occurred not far from Shegaon in Central provinces where Mr. Gandhi resides.

As an instance of the first I refer to what is known in India as the Khare episode. In 1938 last there was a ministerial crisis in the Central Provinces where the ministry was a Congress Ministry. The Prime Minister Dr. Khare fell out with his colleagues. As Prime Minister he demanded the resignation of other ministers which they were not prepared to give without the consent of the Congress Parliamentary Board. But Dr. Khare forced them to give their resignations which they ultimately did. Thereupon Dr. Khare formed another Congress cabinet and filled the ministerial offices with men of his choice. In his new cabinet Dr. Khare included an untouchable as a minister. Dr. Khare's conduct in dissolving the old cabinet and forming a new one without consulting the Congress Parliamentary Board came up for investigation before the Congress Working Committee. Dr. Khare was found guilty of breach of party discipline and was deposed from his primiership. One of the accusations levelled against Dr. Khare by Mr. Gandhi was that he included an untouchable in his new Ministry. The following is the full text of what Mr. Gandhi said to Dr. Khare on this point and reduced to writing by Dr. Khare for my sake:

"Mahatmaji took me to task for including a Harijan in my second cabinet. I retorted by saying that it was a Congress programme of uplift of Harijans for which Mahatmaji fasted unto death and that I did what I could in furtherance of that programme when opportunity offered itself and I think I have done nothing wrong in doing so. Thereupon Mahatmaji charged me of doing this for my selfish ambition. I repudiated this charge saying that any selfish motive is disproved by my resignation. Then Mahatmaji said that by my action I have thrown an apple of discord among the members of that simple community and have rendered disservice to the Congress cause by throwing this temptation in their way."

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That this is true and that Gandhi objected to the untouchable being

included in the Cabinet is evidenced by the fact that when a new Congress Ministry was formed in Central Provinces this untouchable who functioned as a minister for a day was excluded. He should have been included as a matter of form, at least to keep up appearances. That he was not, shows that Gandhi was opposed to his inclusion on principle.

This is baffling because the Untouchable member of the Central Provinces Assembly who was chosen by Dr. Khare for ministership is a graduate, is a Congressman and is a strong party-man. Why should Mr. Gandhi have any objection to the inclusion of such a person in the Congress Cabinet. As a matter of fact if Mr. Gandhi was genuine in his professions regarding the untouchables he should have instructed all Congress Prime Ministers to include at least one untouchable in their Cabinets, if for nothing else, at least for its psychological effect upon the Untouchables and upon the Hindus. He should have done this irrespective of the party affiliations. Gandhi is not averse to congress making coalitions with other non-congress parties in provinces where it is not in a majority in order to secure offices. In such coalitions he has allowed Congress to include non-congressmen as ministers in their cabinets. If Gandhi can allow the congress to do this without losing its caste and its colour why Gandhi did not instruct the Congress Prime Ministers to include untouchables in the Congress Ministries if he wanted that when he talks about his love for the Untouchables he should be believed. But the case in the Central Provinces stand on a different footing. Here the Untouchable who was taken as a minister was a Congressman and a graduate. There could be no objection on the ground of his want of qualification or want of political faith. Why did Mr. Gandhi object to his inclusion? A crowd of Untouchables went to Shegaon to Mr. Gandhi for an explanation. Anticipating this Mr. Gandhi had started observing silence, so that no explanation could be had. Then the untouchables started Satyagraha against Mr. Gandhi for not including an Untouchable in the Central Provinces Congress Cabinet. To escape that embarassment Mr. Gandhi left Shegaon and went on a tour to the North Western Frontier Provinces for teaching non-violence to the Pathans. I am sure Gandhi's silence on this occasion was not to commune with God. It was taken on as a convenient excuse for not being driven under the fire of cross examination to disclose his inner-most thoughts about the Untouchables. In any case we have no answer to this question from Mr. Gandhi. To my mind there can be only one answer and that even if Gandhi had opened his mouth he could give no better. That answer is that Mr. Gandhi's ideal for the untouchable is a very low ideal and that all that he cares for is that the untouchable should be

touched and that if he is touched without anybody taking a bath nothing further need be done about them. If Gandhi had tried and failed he would have been excused. But how can he be excused for entertaining so low an aim? Not failure but low aim is a crime.

As an instance of the second I refer to what is known as the Bachuma incident. If the first instance is baffling this second is gruesome. How gruesome it is can be seen from the brief summary of fact which I am giving. Bachuma, a small girl, 12 years old and belonged to an untouchable family which was living in *Wardha (This name is inserted as it was not mentioned in the MS.*—Ed.). One evening she was decoyed into the house of a Mahomedan who was the Sub-Inspector of Police. She was kept in his house and during the night this small child was raped by three Mahomedans, one was the Superintendent of Police himself, second a Sub-Inspector of Education and third a Lawyer. The three Mahomedans were tried in a Court of Law and two of them were sentenced to two years rigorous imprisonment and the lawyer was acquitted as the girl was not able to identify him. The two who were convicted appealed to the High Court but the High Court rejected their appeals and confirmed their convictions and sentences. From gaol they sent to the Governor-in-Council petitions for mercy. But they were also rejected. This happened before the Congress came into office. After the Congress came into office they submitted fresh applications for mercy to the Minister-in-charge. The Minister-in-charge, who was also a Mahomedan thought that there was nothing wrong in a Mahomedan committing rape on an untouchable girl and decided to set the culprits free. He granted the application of one—that of the Inspector of Education who is now a free man and is employed on a big job in the Education Department of a Mahomedan State. He was to release the other culprit also but in the meantime the agitation against him was so great that he had to resign his office. Every body expressed his resentment against the shameless act of the Minister but Mr. Gandhi has kept mum. So far he has not uttered a word of condemnation against this Minister. On the contrary he is even now engaged in the confabulations that are going on over the question of the reinstatement of this dismissed minister in his office which is still kept vacant. One likes to ask if Gandhi would have remained so silent and so unmoved if the little girl Bachuma who was raped by the three Mahomedans instead of being the daughter of an Untouchable had been Mr. Gandhi's own daughter. Why is Gandhi not able to make Bachuma's case his daughter's case? There are two answers. One is that Mr. Gandhi is not an untouchable. One must be born to it. Secondly Mr. Gandhi feels that by condemning the Muslim Minister for

the sake of Bachuma he might destroy Hindu-Moslem Unity the maintenance of which is a fundamental creed of Congress politics. Does this now show that Mr. Gandhi's sympathies for the Untouchables are limited by his politics?

What good is a man who is not even free to sympathize according to his conscience. Ill

And now the temple entry. This is advertized as another of Mr. Gandhi's boons to the Untouchables.

This question of temple entry is the outcome of the resolution passed at the public meeting of the Hindus held on 25th September 1932 which also was the originating cause which gave birth to the Harijan Sevak Sangh. This resolution mentioned some of the liabilities of the Hindus towards the Untouchables. This list included the removal of the bar against the Untouchables in respect of admissions to Hindu temples.

Although the promise of temple entry was there in the Resolution the Untouchables did not insist upon its being fulfilled forthwith. The untouchables, at any rate a vast majority of them have not been keen for temple entry. When asked by Mr. Gandhi what I thought about temple entry I gave my opinion on it in the form of a statement which was issued to the Press on February 10 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_80, 1933, and which is reproduced below:

STATEMENT ON TEMPLE ENTRY

Although the controversy regarding the question of temple entry is confined to the Sanatanists and Mahatma Gandhi, the Depressed Classes have undoubtedly a very important part to play in it, in so far as their position is bound to weigh the scales one way or the other, when the issue comes for final settlement. It is, therefore necessary, that their view point should be defined and stated so as to leave no ambiguity about it.

To the Temple Entry Bill of Mr. Ranga lyer as now drafted, the Depressed Classes cannot possibly give their support. The principle of the Bill is that if a majority of Municipal and Local Board voters in the vicinity of any particular temple on a Referendum decide by a majority that the Depressed Classes shall be allowed to enter the temple, the Trustees or the Manager of that temple shall give effect to that decision. The principle is an ordinary principle of majority rule and there is nothing radical or revolutionary about the Bill and if the Sanatanists were a wise lot, they would accept it without demur.

The reasons why the Depressed Classes cannot support a Bill based upon this principle are two. One reason is that the Bill cannot hasten the day of

Temple Entry for the Depressed Classes any nearer than would otherwise be the case. It is true that under the Bill the minority will not have the right to obtain an injunction against the Trustee or the Manager who throws open the temple to the Depressed Classes in accordance with the decision of the majority. But before one can draw any satisfaction from this clause and congratulate the author of the Bill, one must first of all feel assured that when the question is put to the vote there will be a majority in favour of the Temple Entry. If one is not suffering from illusions of any kind, one must accept that the hope of a majority voting in favour of Temple Entry will be rarely realised, if at all. Without doubt the majority is definitely opposed to day—a fact which is conceded by the Author of the Bill himself in his correspondence with the Shankaracharya. What is there in the situation as created after the passing of the Bill, which can lead one to hope that the majority will act differently? I find nothing. I shall, no doubt, be reminded of the results of the Referendum with regard to the Guruvayur Temple. But I refuse to accept a referendum so overweighed as it was by the Life of Mahatma Gandhi as the normal

result. In any such calculations, the life of the Mahatma must necessarily be deducted. Secondly, the Bill does not regard untouchability in temples as a sinful custom. It regards untouchability merely as a social evil not necessarily worse than social evils of other sorts. For, it does not declare untouchability as such to be illegal. Its binding force is taken away only if a majority decides to do so. Sin and immorality cannot become tolerable because a majority is addicted to them or because the majority chooses to practice them. If untouchability is a sinful and an immoral custom, then in the view of the Depressed Classes it must be destroyed without any hesitation, even if it was acceptable to the majority. This is the way in which all customs are dealt with by Courts of Law, if they find them to be immoral and against public policy. This is exactly what the Bill does not do. The author of the Bill takes no more serious view of the custom of untouchability than does the temperance reformer of the habit of drinking. Indeed, so much is he impressed by the assumed similarity between the two that the method he has adopted is a method which is advocated by temperance reformers to eradicate the evil habit of drinking, namely by local option. One cannot feel much grateful to a friend of the Depressed Classes who holds untouchability to be no worse than drinking. If Mr. Ranga lyer had not forgotten that only a few months ago Mahatma Gandhi had prepared himself to fast unto death if untouchability was not removed, he would have taken a more serious view of this curse and proposed a most thorough-going reform to ensure its removal lock, stock and barrel.

Whatever its shortcomings may be from the standpoint of efficacy, the least that the Depressed Classes could expect is for the Bill to recognise the principle that untouchability is a sin. I really cannot understand how the Bill satisfies Mahatma Gandhi who has been insisting that untouchability is a sin. It certainly does not satisfy the Depressed Classes. The question whether this particular Bill is good or bad, sufficient or insufficient, is a subsidiary question. The main question is; do the Depressed Classes desire Temple Entry or do they not? This main question is being viewed by the Depressed Classes by two points of view. One is the materialistic point of view. Starting from it, the Depressed Classes think that the surest way for their elevation lies in higher education, higher employment and better ways of earning a living. Once they become well placed in the scale of social life they would become respectable and once they become respectable the religious outlook of the orthodox towards them is sure to undergo change, and even if this did not happen it can do no injury to their material interest. Proceeding on these lines the Depressed Classes say that they will not spend their resources in such an empty thing as Temple Entry. There is also another reason why they do not care to fight for it. That argument is the argument of ' self respect '. Not very long ago there used to be boards in club doors and other social resorts maintained by Europeans in India, which said *'Dogs and Indians not allowed"*. The Temples of the Hindus carry similar boards today, the only difference is that the boards on the Hindu temples practically say"*All Hindus and all animals including dogs are admitted only Untouchables not admitted"*. The situation in both cases is on a parity. But the Hindus never begged for admission in those places from which the Europeans in their arrogance had excluded them. Why should an untouchable beg for admission in a place from which he has been excluded by the arrogance of the Hindus? This is the reasoning of the Depressed Class man who is interested in his material welfare. He is prepared to say to the Hindus,"To open or not to open your temples is a question for you to consider, and not for me to agitate. If you think, it is bad manners not to respect the sacredness of human personality, open your temples and be a gentleman. If you rather be a Hindu than be gentleman, then shut the doors and damn yourself, for I don't care to come."

"I found it necessary to put the argument in this form, because I want to disabuse the minds of men like Pandit Madan Mohan Malaviya of their belief that the Depressed Classes are looking forward expectantly for their patronage. The second point of view is the spiritual one. As religiously minded people, do the Depressed Classes desire temple entry or do they not? That is the question. From the spiritual point of view, they are not

indifferent to temple entry as they would be, if the material point of view alone were to prevail. But their final answer must depend upon the reply which Mahatma Gandhi and the Hindus give to the following question:

What is the drive behind this offer of temple entry? Is temple entry to be the final goal of the advancement in the social status of the Depressed Classes in the Hindu fold? Or is it only the first step and if it is the first step, what is the ultimate goal? Temple entry as a final goal the Depressed Classes can never support. Indeed they will not only reject it, but they would then regard themselves as rejected by Hindu Society and free to find their own destiny elsewhere. On the other hand, if it is only to be a first step in the direction, they may be inclined to support it. The position would then be analogous to what is happening in the politics of India today. All Indians have claimed Dominion Status for India. The actual constitution will fall short of Dominion Status and many Indians will accept it. Why? The answer is that as the goal is defined, it does not matter much if it is to be reached by steps and not in one jump. But if the British had not accepted the goal of Dominion Status, no one would have accepted the partial reforms which many are now prepared to accept. In the same way if Mahatma Gandhi and the reformers were to proclaim what the goal which they set before themselves is for the advancement of the social status of the Depressed Classes in the Hindu fold, it would be easier for the Depressed Classes to define their attitude towards temple entry. The goal of the Depressed Classes might as well be stated here for the information and consideration of all concerned. What the Depressed Classes want is a religion, which will give them equality of social status. To prevent any misunderstanding, I would like to elaborate the point by drawing a distinction between social evils which are the results of secular causes and social evils which are founded upon the doctrines of religion. Social evils can have no justification whatsoever in a civilised society. But nothing can be more odious and vile than that admitted social evils should be sought to be justified on the ground of religion. The Depressed Classes may not be able to overthrow inequities to which they are being subjected. But they have made up their mind not to tolerate a religion that will lend its support to the continuance of these inequities. If the Hindu religion is to be their religion then it must become a religion of Social Equality. The mere amendment of Hindu religious code by the mere inclusion in it of a provision to permit temple entry for all, cannot make it a religion of Equality of social status. All that it can do is to recognise them as nationals and not aliens, if I may use these terms which have become so familiar in politics. But that cannot mean that they would thereby reach a position

where they would be free and equal without being above or below any one else, for the simple reason that the Hindu religion does not recognise the principle of equality of social status; on the other hand fosters inequality by insisting upon grading people as Brahmins, Kashatriyas, Vaishyas and Shudras which now stand towards one another in an ascending scale of hatred and descending scale of contempt. If the Hindu religion is to be a religion of social equality then an amendment of its code to provide temple entry is not enough. What is required is to purge it of the doctrine of Chaturvarna. That is the root cause of all inequality and also the parent of the caste system and untouchability which are merely forms of inequality. Unless it is done not only will the Depressed Classes reject temple entry, they will also reject the Hindu faith. Chaturvarna and the caste system are incompitable with the self respect of the Depressed Classes. So long it continues to be the cardinal doctrine, the Depressed Classes must continue to be looked upon as low. For the Depressed Classes to say that they are Hindus is to admit their inferiority of status by their own mouth. They can call themselves as Hindus only when the theory of Chaturvarna and caste system is abandoned and expunged from the Shastras. Do the Mahatma and the Hindu reformers accept this as their goal and will they show the courage to work for it? I shall look forward to their pronouncements on this issue as I have stated it with great concern. But whether Mahatma Gandhi and the Hindus are prepared for this or not, let it be known once for all that nothing short of this will satisfy the Depressed Classes and make them accept temple entry. To accept temple entry and be content with it, is to temporize with evil and barter away the sacredness of human personality that dwells in them.

There is however one argument which Mahatma Gandhi and the reforming Hindus may advance against the position I have taken. They may say,"acceptance by the Depressed Classes of Temple entry now, will not prevent them from agitating hereafter for the abolition of Chaturvarna and caste". If that is their goal, I like to meet this argument right at this stage with a view to clinch the issue and clear the road for future developments. My reply is that it is true that my right to agitate for the abolition of Chaturvarna and caste system will not be lost, if I accept Temple Entry now. But the question is on what side will Mahatma Gandhi be at the time when the question is put. If he will be in the camp of my opponents I must tell him that I cannot be in his camp now. If he will be in my camp, he ought to be in it now".

My friend Dewan Bahadur R. Srinivasan expressed himself almost in the same terms on the question of temple entry. He said:

"When a Depressed Classes member is permitted to enter into the Caste Hindu temples he would not be taken into any one of the four castes, but treated as man of fifth or the last or the lowest caste, a stigma worse than the one to be called an untouchable. At the same time he would be subjected to so many caste restrictions and humiliations. The Depressed Classes shun the one who enters like that and exclude him as Casteman. The crores of Depressed Classes would not submit to caste restrictions. They will be divided into sections if they do.

Temple entry cannot be forced by law. The village castemen openly or indirectly defy the law. To the village Depressed Classman it would be like a scrap of paper on which word"sugar"was written and placed in his hands for him to taste.

The above facts are placed before the public in time to save confusion and disturbance in the country."

But Mr. Gandhi felt otherwise that securing temple entry to the untouchables was a liability of the Hindus which ought to be liquidated first. Accordingly immediately after the Poona Pact he started a campaign among the Hindus for opening the doors of their temples to the Untouchables.

How far has Mr. Gandhi succeeded in this matter is a question that may legitimately be asked. But it is difficult to know the truth. As a result of the fast, many temples were reported to have been thrown open by the Hindus to the Untouchables. How far this was true and how far it is a part of lying propaganda which the Congressman is so good at it is difficult to say. That many of the temples that were opened as a sequel to the fast were purified and closed to the Untouchables is beyond dispute. Again the opening of a temple may be quite a meaningless act. There are hundreds and thousands of temples in which there is no worship. They are occupied by only donkies. Instances of such temples can be seen at places of pilgrimage such as Nasik and Wai. If such a temple is declared to be open it is not only a meaningless act but it is an insult to the Untouchables. Again a temple may be opened to the Untouchable. But if it is abandoned by the Caste Hindus as a place of worship it cannot be said that it is open in the sense that they are welcomed to it by the Hindus. There is yet another possibility which must be taken into account in arriving at the truth.

A temple may be open to the untouchables in the same sense as the Ritz Hotel in London is open to all. We however know that the Ritz Hotel is not in fact open to all. It is open only to those who can afford. In the same way a temple may be open to the untouchables yet in fact it is open only to those untouchables who can afford to enter. If the cost of temple entry is

assault or social boycott then the cost will be prohibitive and the temple though nominally open is really closed. Assault and social boycott are a matter of course with the Hindus and it would not be too much to assume that in some case the Hindus would resort to such means to prohibit the Untouchables who dare to enter a temple which is declared to be open to them. If the case is one like this then it is a fraud.

Which of the two classes of cases are more numerous, it is difficult to say accurately. But a guess may be made on the basis of certain facts. There are two classes of Hindus now in India — the orthodox Hindus who care more for religion than for politics and the Congress Hindus who care more for politics and less for religion. The former who have no political ends to subserve can be honest i.e. true to their convictions however wrong they may be. The latter who have to serve political ends cannot always take an honest view but are prone to adopt dishonest ways. The first method of abandonment though honest brings discredit upon the Hindu community in the eyes of the world and is therefore politically unsuitable. The second method of opening the temple nominally and closing it really by *Hindus (This word is inserted by us against the blank space of MS*.—Ed.) is politically highly advantageous. It has the merit of a system which shows to the world that credit is opened and which clandestinely but without the world knowing prevents its being drawn upon by the person in whose favour it is declared to be opened. The Congress Hindus are more numerous than the orthodox Hindus. That being the case I should think that the second classes of cases must be more numerous than the first.

That genuine cases of opening of temples are very few and that most of the published reports of opening of temples is just false propaganda is clear from the fate of the Temple Entry Bill of Mr. Ranga lyer brought by him in the Central Legislature in 1934. Of that Bill I will speak of at a later occasion.

With this I would have closed this discussion of the subject. But Mr. Gandhi insists that a spiritual awakening has taken place among the Hindus and relies upon the Temple Entry Proclamation of Travancore. I am therefore obliged to deal with this claim.

The success of temple entry cannot be determined by the number of temples opened. It can be determied only by reference to the motive with which it is done. Is the motive spiritual? That can be the only test.

Now I say that temple entry is not a spiritual act. It is a political manouver.

Is Mr. Gandhi acting from spiritual motive? In appealing to the Hindus Mr. Gandhi said:

"I have adressed this appeal to you, which proceeds out of my soul's agony. I ask you to share that agony and shame with me and cooperate with me, for I have no other end to serve than to see *Sanatana Dharma* revivified and lived in its reality in the lives of millions who at present seem to me to deny it."This soul's agony was born after the Poona Pact. What did Mr. Gandhi think of the Problem of Temple Entry before the Poona Pact? Before the Poona Pact Mr. Gandhi was of different opinion. That opinion was expressed not very long before the Poona Pact and not long before this appeal was addressed to the Hindus from which I have..... It was expressed in Gandhi Shikshan, Vol. II, p. 132. Mr. Gandhi then held the opinion that separate temples should be built for the use of Untouchables.

Mr. Gandhi said: mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_81

"How is it possible that the Antyajas (Untouchables) should have the right to enter all the existing temples? As long as the law of caste and ashram has the chief place in Hindu Religion, to say that every Hindu can enter every temple is a thing that is not possible today."

It is obvious that Temple Entry is not original with him and therefore not spiritual. The agony is caused by the grave and sudden provocation brought about by the demand of the untouchables for separate electorates. Mr. Gandhi was afraid of the principle underlying separate electorates. He felt that this principle may be extended and may ultimately lead to separation and cessation of the Untouchables from the Hindu fold. It was to counter this move that he changed his opinion and started the temple entry move. The motive of Mr. Gandhi is political and there is nothing spiritual about it.

I do not wish this conclusion to rest merely upon this evidence of change of front on the part of Mr. Gandhi. There is abundance of other evidence in support of it.

I will refer first to the Guruvayur Temple Satyagraha which was started by a caste Hindu by name Kellappan to secure entry into the Guruvayur Temple for the Untouchables. A few facts regarding this episode may be interesting.

The point to note is the attitude that Mr. Gandhi finally adopted in this matter when he was challenged by the leaders of the orthodox Hindus. Mr. Gandhi became ready for a compromise with the orthodox. The terms of the compromise were as follows. I give them in Mr. Gandhi's own words as reported in the papers.

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"During certain hours of the day the Guruvayur Temple should be thrown open to the Harijans and other Hindus, who have no objection to the presence of the Harijans and during certain other hours it should be reserved for those, who have scruples against the entry of the Harijans. There should be no difficulty whatsoever in the acceptance of this suggestion, seeing that in connection with the Krithikai Ekadashi festival in Guruvayur, the Harijans are allowed to enter side by side with the Hindus and then the temple or the idol undergoes purification."

Asked if his suggestion was that the temple might undergo purification daily after the entry of the Harijans, Mr. Gandhi replied:

"Personally, I am opposed to purification at all. But if that would satisfy the conscience of the objectors I would personally in this case, raise no objection to purification. If purification has any value, then there are so many possibilities of daily defilement from a variety of causes referred to in various texts that there should be a daily purification, whether the Harijans are allowed to enter or not."This attitude is not spiritual. It is purely commercial. This is almost admitted by Mr. Gandhi. Asked if the compromise suggested by him did not still maintain a distinction between the Untouchables and the Caste Hindus Mr. Gandhi is reported to have said:

"The Harijans' attitude should be this, 'if there is a person who objects to my presence, I would like to respect his objection so long as he (the objector) does not deprive me of the right that belongs to me and so long as I am permitted to have my legitimate share of the days of offering worship side by side with those, who have no objection to my presence, I would be satisfied'."I do not know if any self respecting Untouchable would adopt this attitude of Mr. Gandhi. On these terms even dogs and cats are admitted in all temples when there are no human beings present in them. To divide the House of God in time or in space for worship for reconciling the rival claims of two opposing classes is in itself a quaint or grotesque idea. Mr. Gandhi evidently forgot that worshipping in the same temple is quite different from worshipping in common. Temple entry if it is to be spiritual must mean the latter. The former accepts that the presence of one class is repugnant to the other and proceeds to reconcile the interests of the two. The latter presupposes that there is no repugnance between the two classes and that they accept the common denominator of humanity as being present in both.

This shows that Mr. Gandhi is least motivated by spiritual considerations. He is in a hurry to bring the Untouchables within the Hindu stables so as

to prevent their running away.

Another piece of evidence which goes to disprove Mr. Gandhi's claim that he is acting from spiritual consideration is furnished by his conduct with reference to Mr. Ranga Iyer's *'Temple Entry Bill'*. It shows that the soul's agony is only a picturesque phrase and not a fact.

Some history of this Bill is necessary to understand the tragedy which ultimately befell Mr. Ranga Iyer the author of it.

Since the new constitution came into operation two Acts have been passed in two Provinces by the Congress Governments. One in Bombay and another in Madras. There is no substance in the Acts. They do not declare the Temples to be open. They permit the Trustees of the Temples under their management if they desire and as there is nothing to compel the Trustees to do so the Acts are just scraps of paper and nothing more. But the Madras Act has a history which is somewhat puzzling. The Madras Prime Minister who got the Act passed is Mr. Rajagopalachariar. He occupies a very high place in the Congress, so high indeed that he is called Deputy Mahatma. If one can solve the puzzle the solution will reveal the mind of the Author and therefore of Mr. Gandhi who is the living spirit behind all this.

Let me turn to the Travancore Temple Entry. The proclamation of 12th November 1936 issued by the Maharaja opening the Temple open to the Untouchables is a gorgeous document. It reads as follows:

"Profoundly convinced of the truth and validity of our religion, believing that it is based on divine guidance and on all-comprehending toleration, knowing that in its practice it has throughout the centuries adapted itself to the need of the changing times, solicitous that none of our Hindu subjects should, by reason of birth, caste or community, be denied the consolation and solace of the Hindu faith, we have decided and hereby declare, ordain and command that, subject to such rules and conditions as may be laid down and imposed by us for preserving their proper atmosphere and maintaining their rituals and observances, there should henceforth be no restriction placed on any Hindu by birth or religion on entering or worshipping at temples controlled by us and our Government."What spirituality underlies this proclamation?

The proclamation was issued by the Maharaja of Travancore in his name. But the real active force behind the scene was the Prime Minister Sir C. P. Ramaswami Iyer. It is his motives that we must understand. In 1933 Sir C. P. R. Iyer was also the Prime Minister of Travancore. In 1933 Mr. Gandhi was fighting to get the Guruvayur Temple opened to all Untouchables. Among the many who took part in the controversy over the issue of

Temple entry was Sir C. P. Ramaswami lyer. No body seems now to remember this fact. But it is important to recall it because it helps us to understand the motives which prompted him to press the Maharaja to issue this proclamation. What attitude did Sir C. P. Ramawasmi lyer have regarding this issue in 1933? It will be clear from the following statement which he issued to the press mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_83:

"Personally I do not observe caste rules. I realise there are strong, though not very articulate, feelings in this matter in the minds of men who believe that the present system of temple worship and its details are based on divine ordinances. The problem can be permanently solved only by a process of mutual adjustment and by the awakening of religious and social leaders of Hindu society to the realities of the present situation and to the need for preserving the solidarity of the Hindu community.

"Shock tactics will not answer the purpose and direct action will be even more fatal in this sphere than in the political. I have the misfortune to differ from Mr. Gandhi when he says that the problem of temple entry can be divorced from such topics as interdining and I agree with Dr. Ambedkar that the social and economic uplift of the Depressed Classes should be our immediate and urgent programme."

This statement shows that in 1933 spiritual considerations did not move Sir C. P. Ramaswami lyer. Spiritual considerations have become operative after 1933. Is there any particular reason why these spiritual considerations should have been thought of in 1936?

This qustion can be answered only if one bears in mind the fact that in 1936 there was held in Travancore a Conference of the Yezawa Community to consider the issue of conversion which was raised by me at Yeola in 1935. The Yezawas are an untouchable community spread over Malabar. It is an educated community and economically quite strong. It is also a vocal community and has been carrying on agitation in the state for social, religious and political rights. The Yezawas form a very large community. The cessation of so large a community would be a deathknell to the Hindus and the Conference had made the danger real as well as immediate. It was this which brought about a change in the attitude of Sir C. P. Ramaswami lyer. The spiritual considerations are just an excuse. They did not form the motives.

How far did this Proclamation change facts and how far it has remained a show? It is not possible to get real facts as they exist in Travancore. In the course of the discussion on the *Malabar Temple Entry Bill* in the Madras

Legislative Assembly certain facts relating to Travancore were mentioned by Sir T. Pannirselvam, which if true would show that the whole thing is hollow. Sir T. Pannirselvam said:

"One of the arguments advanced by the Premier in support of the measure was that temples in Travancore had been thrown open to the"Untouchables". A Maharaja vested with autocratic powers did so by an order. But how was it working there? From representations received, he was led to believe that after the first flush of enthusiasm, Harijans had left off going to temples, and people who used to worship previously before Harijans were allowed to enter the temples, had stopped worshipping in temples. He would ask the Government to tell them if the measure was really a success in Travancore."

On the third reading of the Bill, Sir T. Pannirselvam made a statement which must have come as a surprize to many. He said:

"He wanted to know whether it was a fact that the private temples of the Senior Maharani were excluded from the proclamation. What was the reason for it? Again during the celebration of the marriage of the daughter of the Senior Maharani it was found necessary, so he was told, to perform purificatory ceremony of the temple. If such a purification of temples took place, what happened to the proclamation?"

These facts were not challenged by the Prime Minister. Evidently they cannot be challenged. If they are incontrovertible then the less said about the Malabar Temple Entry proclamation as a spiritual testament the better.

It would not be proper to close this discussion without adverting to the fear which some Untouchables entertain regarding this Temple entry movement. It is just a movement of social reform or is it a strategy?

The special privileges which the Untouchables have got in the matter of politics, in the matter of education, in the matter of services are founded upon the fact that they are Untouchables. If they cease to be Untouchables their claim to these special privileges could at once be challenged. If untouchability goes then they would be just poor and backward. But as poor and backward they would not be entitled to any special privileges which they have as untouchables. What is the plan of these protagonists of Temle Entry? Is it just to open temples or aim is ultimately to take away the privileges? This fear is lurking in the minds of many a thinking Untouchables. That the fear is a real fear is clear from what is happening in Travancore itself. A correspondent of mine who represents the All Travancore Pulayar Cheramar Aykia Maha Sangham writes to me as follows in a letter, dated 24th November 1938. I give below the full text of the letter sent by him to me.

To
Camp Mayyanad, 24-11-1938 Dr. Ambedkar,
Quilon. Bombay.
Respected Sir,

I have unaffected pleasure to draw your attention to the following facts for obtaining the valuable advice from you. Being the leader of a Harijan Community of the Travancore State, I think, it is my paramount duty to suggest you definitely all the grievances that the Harijans of this state are enduring.

1. The Temple Entry Proclamation issued by the H. H. The Maharaja is indeed a boon to Harijans; but the Harijans are enjoying all the other social disabilities except the temple entry. The proclamation is a check to the further concessions to us. The Government do not take any step for the amelioration of the Harijans.

2. Among 15 lakhs of Harijans, there are a few graduates, half a dozen undergraduates and 50 school finals and more than two hundred vernacular certificate holders. Though the Government have appointed a Public Service Commission, appointments of the Harijans are very few. All the appointments are given to Savarnas. If a Harijan is appointed it will be for one week or two weeks. According to the rules of the recruitment in Public Service the applicant is allowed to apply only after a year again, while a Savarna will be appointed for a year or more. When the list of the appointments is brought before the assembly, the number of appointments will be equal to the communal representation; but the duration of the post of all the Harijans will be equal to one Savarna. This kind of fraud is associating with the officials. Thus the public service is a common property of the Savarnas. No Harijan is benefitted by it.

3. There was a proclamation from H. H. the Maharaja, a few years ago that three acres of ground should be given to each Harijan to live in; but the Officials are Savarnas who are always unwilling to carry out the proclamation. Even though the Government is willing to grant large extent of ground for pasturing near Towns not a piece of the ground is given to the Harijans. The Harijans are still living in the compounds of the Savarnas and are undergoing manyfold difficulties. Though large extents of ground lay in"Reserve", the applications of the Harijans for granting grounds are not at all regarded with importance or listen to. The most parts of the lands are benefited by the Savarnas.

4. The Government nominates every year of the election of members of the Assembly one member from each Harijan Community. Though they

are elected to present the grievances of the Harijans before the Assembly, they are found to be the machinery of the Government viz., the toys of the Savarna officers, who are benefited by them. Thus the grievances of the Harijans cannot be redressed any way.

5. All the Harijans of Travancore are labourers in the fields and compounds. They are the servants of the Savarnas who behave them as beasts—no body to look after or protection—every Harijan gets only 2 chs (one anna) as the wage in the most parts of the State. The social disabilities are the same to them even after the temple entry. The workers in the factories in various parts of the State of Travancore and the Officers of the State are all Savarnas and they are at present agitating for responsible Government. Now the Harijans are demanding jobs in Government and in factories but the agitation in Travancore is a Savarna agitation by which the Savarnas are making arrangements to get rid of Harijans in Public Service and factories. They plead for higher salaries and more privileges. They pay the least care to the Harijan labourers while the people of Travancore are maddened with the agitation of the workers in the factories. The standard of salary of Harijan worker is very low while the standard of a factory worker is thrice the former.

6. Due to starvation and proper means of livelihood the heads of the children of Harijans are heated as a result of which they are likely to fail in school. Before proclamation the duration of concession in high schools was for 6 years, now, it has reduced to three years by which a good number of students stopped their education after their failure.

7. There is a department for the Depressed Classes and the head of which is Mr. C. 0. Damodaran (the protector of the Backward Communities). Though every year a big amount is granted for the expenditure, at the end of the year, 2/3 of the sum is lapsed by its sagacity. He is used to submit reports to the Government that there is no way of spending the amount. 95 per cent of the sum allotted for the Depressed Class is spent as the salary of the officials who are always Savarna and 5 per cent is benefited. Now the Government is going to make some colonies in three parts of Travancore. The officers are Savarnas. This scheme is, in my opinion, not a success for the Government do not pay greater to it. I regret that Travancore Government spends one anna for the Harijan cause, while Cochin State spends a rupee for the same.

The majority of the subjects of Travancore are now agitating strongly for Responsible Government under an organization"The State Congress". The leaders of this popular organization belong to the four major communities of the State namely, the Nair, Mohamedan, Christian and Ezhava

community. The President of the State Congress Mr. Thanu Pillai issued a statement in which he stressed that special concessions would be given to the Depressed Class. All the leaders of the Depressed Class have been waiting for a time to see the attitude of the State Congress. Now we come to understand that there is no reality in the promises of these leaders.

Now I am sure that the leaders have neglected the cause of the Depressed Class. The State Congress was started on the principles of nationalism and now it has become an institution of communalism. Communal spirit is now working among the leaders. In every public speech, statement or article, the leaders mention only these four major communities, while they have no thought on us. I fear, if this is the case of the leaders of the political agitation of Travancore, the situation of the Depressed Class will be more deplorable when the Responsible Government is achieved, for the entire possession of the Government will be then within the clutches of the above mentioned communities and the Depressed Classes' rights and privileges will be devoured by the former. In the meetings of the working committee of the State Congress 2/3 of the time had devoted in discussion concerning the strike of the Alleppey Coir Factories; but nothing was mentioned in the meeting about the Harijan workers who are undergoing manyfold difficulties. The workers in Factories are Savarnas and the agitation for obtaining Responsible Government is a kind of anti Harijan movement. The motive of every leader of the State Congress is to improve the situation (circumstance) of the Savarna. The leaders of the major communities have some mercinary attitude who are going to sacrifice the Depressed Class for their progress.

These are the conditions of the Depressed Class of the State. What are the ways by which we have to establish our rights in the State? I humbly request you to be good enough to render me your advice at this occasion. I am awaiting for the reply. Excuse me for the trouble,

Yours faithfully,
Srinarayanswami."

If the plan of Temple Entry is ultimately to deprive the Untouchables of their statutory rights then the movement is not only not spiritual but it is positively mischievous and it would be the duty of all honest people to warn the Untouchables,"*Beware of Gandhi*".

CHAPTER 7

A WARNING TO THE UNTOUCHABLES

Revolt and rebellion against the Established order is a natural part of the history of the poor in all countries of the world. A student of their history cannot but be struck by the thought entertained by them, of the way victory would come. In the theological age, the poor lived by the hope that spiritual forces would ultimately make the meek inherit the earth. In the secular age, otherwise called modern times, the poor live by the hope that the forces of historical materialism will automatically rob the strong of their strength and make the weak take their place.

In the light of this psychology, when one begins to think of the Untouchables in their role of rebels against the Hindu Social Order one feels like congratulating them on their realization that neither spiritual forces nor historical forces are going to bring the millennium. They know full well that if the Hindu Social Order is to fall to the ground, it can happen only under two conditions. Firstly, the social order must be subjected to constant fire. Secondly, they can't subject it to constant fire unless they are independent of the Hindus in thought and in action. That is why the Untouchables are insistent upon separate electorates and separate settlements.

The Hindus on the other hand are telling the Untouchables to depend upon the Hindus for their emancipation. The Untouchables are told that the general spread of education will make the Hindus act in a rational manner. The Untouchables are told that the constant preaching of reformers against Untouchability is bound to bring about a moral transformation of the Hindus and the quickening of his conscience. The Untouchables should therefore rely on the good will and sense of duty of the Hindus. No Untouchable believes in this facile proposition. If there are any who do, they are hypocrites who are prepared to agree to whatever the Hindus have to say in order that by their grace they may be put in places reserved for the Untouchables. They are a predatory band of Untouchables who are out to feather their nests by any means open to them.

The Untouchables are not deceived by such false propaganda and false hopes. It is therefore unnecessary to comment on it. At the same time, the propaganda is so alluring that it may mislead the unwary Untouchables into being ensnared by it. A warning to the Untouchables is therefore necessary.

Two agencies are generally relied upon by the social idealists for producing social justice. One is reason, the other is religion.

The rationalist who uphold the mission of reason believe that injustice could be eliminated by the increasing power of intelligence. In the mediaeval age social injustice and superstition were intimately related to

each other. It was natural for the rationalists to believe that the elimination of superstition must result in the abolition of injustice. This belief was encouraged by the results. Today it has become the creed of the educationists, philosophers, psychologists and social scientists who believe that universal education and the development of printing and press would result in an ideal society, in which every individual would be so enlightened that there would be no place for social injustice.

History, whether Indian or European, gives no unqualified support to this dogma. In Europe, the old traditions and superstitions which seemed to the eighteenth century to be the very root of injustice, have been eliminated. Yet social injustice has been rampant and has been growing ever and anon. In India itself, the whole Brahmin community is educated, man, woman and child. How many Brahmins are free from their belief in untouchability? How many have come forward to undertake a crusade against untouchability? How many are prepared to stand by the side of the Untouchables in their fight against injustice? In short, how many are prepared to make the cause of the Untouchables their own cause? The number will be appallingly small.

Why does reason fail to bring about social justice? The answer is that reason works so long as it does not come into conflict with one's vested interest. Where it comes into conflict with vested interests, it fails. Many Hindus have a vested interest in untouchability. That, vested interest may take the shape of feeling of social superiority or it may take the shape of economic exploitation such as forced labour or cheap labour, the fact remains that Hindus have a vested interest in untouchability. It is only natural that that vested interest should not yield to the dictates of reason. The Untouchables should therefore know that there are limits to what reason can do.

The religious moralists who believe in the efficacy of religion urge that the moral insight which religion plants in man whereby it makes him conscious of the sinfulness of his preoccupation with self and thereby of the duty to do justice to his fellows. Nobody can deny that this is the function of religion and to some extent religion may succeed in this mission. But here again there are limits to what religion can do. Religion can help to produce justice *within a community*. Religion cannot produce justice *between* communities. At any rate, religion has failed to produce justice between Negroes and Whites, in the United States. It has failed to produce justice between Germans and French and between them and the other nations. The call of nation and the call of community has proved more powerful than the call of religion for justice.

The Untouchables should bear in mind two things. Firstly, that it is futile to expect the Hindu religion to perform the mission of bringing about social justice. Such a task may be performed by Islam, Christianity, or Buddhism. The Hindu religion is itself the embodiment of inequity and injustice to the Untouchables. For it, to preach the gospel of justice is to go against its own being. To hope for this is to hope for a miracle. Secondly, assuming that this was a task which Hinduism was fitted to perform, it would be impossible for it to perform. The social barrier between them and the Hindus is much greater than the barrier between the Hindus and their men. Religion, however efficacious it may be within a community or a nation, is quite powerless to break these barriers and (make)*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/24. Essay on Untouchables and Untouchability_Political.htm - _msocom_84 them one whole.

Apart from these agencies of reason and religion the Untouchables are asked to trust the enlightened self-interests of the Hindu privileged classes and the fraternity of the Hindu proletarian.

As to the privileged classes it be wrong to depend upon for anything more than their agreeing to be benevolent despots. They have their own class interests and they cannot be expected to sacrifice them for general interests or universal values. On the other hand, their constant endeavour is to identify their class interests with general interests and to assume that their privileges are the just payments with which society rewards specially useful and meritorious functions. They are a poor company to the Untouchables as the Untouchables have found in their conflict with the Hindus.

For Untouchables to expect to gain help from the Hindu proletariat is also a vain hope. The appeal of the Indian Communists to the Untouchables for solidarity with the Hindu proletariat is no doubt based on the assumption that the proletarian does not desire advantages for himself which he is not willing to share with others. Is this true? Even in Europe the proletarian are not a uniform class. It is marked by class composition, the higher and the lower. This is reflected in their attitudes towards social change, the higher are reformist and the lower are revolutionary. The assumption therefore is riot true. So far as India is concerned it is positively false. There is very little for a common front. Socially, there is bound to be antagonism between them. Economically, there cannot be much room for alliance.

What must the Untouchables strive for? Two things they must strive for is education and spread of knowledge. The power of the privileged classes rests upon lies which are sedulously propagated among the masses. No resistance to power is possible while the sanctioning lies, which justify that

power are accepted as valid. While the lie which is the first and the chief line of defence remains unbroken there can be no revolt. Before any injustice, any abuse or oppression can be resisted, the lie upon which it is founded must be unmasked, must be clearly recognized for what it is. This can happen only with education.

The second thing they must strive for is power. It must not be forgotten that there is a real conflict of interests between the Hindus and the Untouchables and that while reason may mitigate the conflict it can never obviate the necessity of such a conflict. What makes one interest dominant over another is power. That being so, power is needed to destroy power. There may be the problem of how to make the use of power ethical, but there can be no question that without power on one side it is not possible to destroy power on the other side. Power is either economic or political. Military power is no power today. Because it is not free power. The economic power of the working class is the power inherent in the strike. The Untouchables as a part of the working class can have no other economic power. As it is, this power is not adequate for the defence of the interests of the working class. It is maimed by legislation and made subject to injunctions, arbitrations, martial law and use of troops. Much more inadequate is the Untouchables' power to strike.

The Untouchable is therefore under an absolute necessity of acquiring political power as much as possible. Having regard to his increasingly inadequate power in social and economic terms the Untouchable can never acquire too much political power. Whatever degree of political power he acquires, it will always be too little having regard to the vast amount of social, economic and political power of the Hindus.

The Untouchable must remember that his political power, no matter how large, will be of no use if he depends for representation in the Legislature on Hindus whose political life is rested in economic and social interests which are directly opposed to those of the Untouchables.

EVIDENCE

BEFORE THE ROYAL COMMISSION ON INDIAN CURRENCY AND FINANCE ON 15TH DECEMBER 1925

Dr. B. R. Ambedkar, Barrister-at-Law, called and examined.

6047. *(Chairman.)* Dr. Ambedkar, you are a Barrister-at-law, and you have been kind enough to furnish the Commission with a memorandum in which your recommendations as regards the Indian currency system are set forth in detail. I think you have also been nominated as one of the representatives of the Institute of Social and Political Science?—Yes.

6048. Whose opinions have been set forth in another memorandum?—Yes, that is so.

6049. I understand that you are a close student of these questions?—1 was 2 years before, but since I have been practising of course I have not been able to give sufficient attention to the very recent developments in currency and so probably my facts and figures might sometimes be rather out of date, but I should be able to tackle any point from the theoretical side of the subject, I presume.

6050. You have been a student of political science?—1 was a Professor at the Sydenham College of Science for two years and I have written a book on the Problem of the Rupee.

6051. I should like to ask you a few questions to elucidate a few individual contributions which you make to the subject in the course of your memorandum. In sub-paragraph (i) of paragraph 2 you commence with the statement :"A pure gold standard is stable because the value of gold in circulation is so large"and so on. What are you referring to as"a pure gold standard"in that connection?—A pure gold standard means a gold currency as the standard of value.

6052. A currency consisting of gold?—Largely.

6053. Supplemented by some form of token currency?—

By some form of token currency, yes.

6054. In so far as your opinion is based upon experience, can you refer to any instance in which a country has had a gold standard system with a large proportion of the circulation consisting of gold coins?—I may refer for instance to a country like Germany, and barring for instance the deposit of currency in England I should also cite the case of

England.

6055. In both those cases we must recognise that the actual proportion of the circulating medium which consisted of gold was comparatively small?—May I say just one thing? What I want to emphasis there is that the new additions to the supply are so small in comparison with the existing volume in circulation that the new supply does not make much difference to the price level. That is what I really want to say there in that paragraph: but when you have a currency which is merely regulated by the will of the issuer, the issuer may add a new supply to the existing stock of such an amount that he may disturb the price level once established.

6056. The new conditions there referred to are, I take it, the increment of currency rendered necessary by the regular expansion?—No; I simply say productions of the mines when I talk of new additions to the gold supply.

6057. Then you are dwelling there upon the feature that the annual additions to the quantity of gold in the world are so small?—That it does not cause any upheaval in the price level to any appreciable extent.

6058. In what respect does that serve to distinguish between any form of currency where the internal unit is related in stability to gold?—I do not quite follow.

6059. In what respect does the circumstance as to the small proportionate annual addition to the world's gold supply to which you refer serve to distinguish, as regards this matter of stability, between a currency based upon gold in circulation, and a currency based upon the gold exchange standard? That is the second part of your paragraph?—There I say that when you start with a certain given price level and if your issue of new currency is entirely dependent upon the will of the issuer, then he may add such a volume of currency to the existing stock that he may disturb the price level materially. There is nothing to prevent him from doing that. May I give, for instance, an illustration : suppose a government was bankrupt government and it wanted to finance certain of its departments, then it can very easily issue for instance, a token currency of any sort and add to the existing volume of currency as almost all the belligerent countries have done.

6060. Now let us assume a country with a currency of a certain amount of gold in circulation, supplemented by notes in circulation; that is one proposal, I understand, in regard to the point to which you are leading up?—Yes, in a certain way.

6061. And, on the other hand, a currency based upon a gold exchange

standard. Will you expand your recommendation by helping the Commission on this point: why this possibility of what is really inflation is more impossible when you have gold in circulation than when you have a pure exchange standard?— It is this : the fact that you have the liability of converting your paper currency into gold under a gold currency with paper in circulation is a means whereby the paper currency is kept within limits. You cannot add more paper currency to your circulation than what your reserves for convertibility would permit. But where under the gold exchange standard, as we have had in India, there is no liability upon you to convert your circulating media into gold you are free to issue as much as you like.

6062. Supposing (I start with a supposition) that you were to accept an obligation to convert your internal currency under an exchange standard into gold or the equivalent of gold in a foreign currency, would that, in your opinion, put the two systems in the same position as regards their capacity for resisting inflation?—It depends upon what kind of convertibility you adopt.

6063. I am supposing the acceptance by the currency authority, whatever it was, of a legal obligation to convert the internal currency on presentation into gold or the means of obtaining gold in a foreign currency in a gold standard country?—If your obligation is to accept to pay gold on tender without question then I think that would be sufficient. If I may say so, I mean that convertibility is like conscience and it might be of various degrees; and its efficacy to control the volume of currency would depend upon what kind of convertibility you have. If your convertibility is only for the purpose of foreign exchange then my submission is that that would not be a sufficient limitation on the issue of currency.

6064. If the obligation is such as that to which you have just referred, an obligation to convert the internal currency into a means of international payment, either gold or foreign currencies based on gold, why, in your opinion is that not an adequate means of preventing this danger of the inflation of currency with which we are dealing?—Because a foreign exchange is not necessarily an indication of internal inflation. For instance, in our own experience in India it has been found out, and it has been found out I think by Professor Keynes, that although the rupee remained at the ratio of 1s. 4d. for a long time, the level of prices in India and the level of prices in England were very different. Exchange cannot be said to be in complete harmony with the whole of the price level of a country. Exchange affects only such things as enter into

international trade, and everything would really depend upon what is the volume and what is the ratio of the goods that enter into international trade and goods that did not enter. If the country is so situated that its internal trade is much larger than its external trade, in fact, if its external trade is insignificant.....

6065. What do you mean by the internal trade being larger than its external trade?—I mean that all the goods or all the transactions of a country are not meant for the purpose of foreign trade. In fact a country may have very little foreign trade and consequently the valuation of goods that do enter into foreign trade may not affect the valuation of goods that do not enter; the relations between them may not be very close.

6066. Let me generalise the question somewhat and put it in this way : whether you have a gold standard with notes and gold in circulation, or whether you have an exchange standard by which the internal currency is converted into external, is not the volume of internal currency in both cases controlled by the preservation of a certain 'ratio between the reserves and the internal token currency outstanding, and is it any easier to ensure the maintenance of that due relation in the one case than in the other?—I have been thinking more of prices rather than of exchange ratios. I quite admit that the exchange ratio between two currencies might remain the same and yet the internal price levels in the two countries may differ.

6067. Which two countries?—Any two countries; take for instance England and India; the ratio between gold and the rupee or sterling and the rupee taking the sterling as equivalent to gold, may remain the same; in fact it did remain the same for a long time; but taking into consideration the price level in the two countries, they did differ; although I admit that after some time the internal price level will assert itself and bring the foreign exchange ratio in line with itself.

6068. I think you are going a little in advance of the actual point with which I was dealing in my question, although no doubt you are referring to matters which are very relevant. Now let me put it from another point of view. As a matter of fact, if we consider countries in which there has been a currency system more approximate to that which you recommended than India has ever seen, have those countries under the stress of necessity ever felt the slightest difficulty in inflating when they felt the need to do so? Let me instance what occurred in gold standard countries in the war? No; as I say, gold itself may be subject to inflation. It was as we found in America itself, subjected to inflation on account

of the enormous quantity of gold in circulation then. Might I put it in this way? That convertibility for the purposes of foreign exchange is insufficient; that is the point I am driving at. Convertibility, if it is to be an effective convertibility, must be convertibility without question; it must be convertibility for all purposes, although if I may just say so I am not in favour of a convertible currency, as you will see from my memorandum.

6069. Possibly a certain confusion may be introduced by the analysis of convertibility into internal and external convertibility. What is essential, is it not, in a sound system of currency, now that gold is to be once more apparently accepted as the world's international payment, is that the unit of internal currency should be stable related to a definite gold value?—I do not quite accept that; it may be stable for international purposes ; it might not be stable for internal purposes.

6070. I do not think I managed to make my question quite clear. I understand what is desired by you in your recommendations is that the unit of currency which is used internally should be stable related to a gold value?—I am really more for the use of gold. I am opposed to any kind of system which will economise gold under the present circumstances. Because. I think that economy of gold is incompatible with security of price. My standpoint is very different from the standpoint of other people. I may be a little barbarous in my view.

6071. Not at all. Let us examine what your real idea is. What is your ideal to be attained in the organisation of the currency of a country? It is not that the internal unit should be stable in relation to gold?—Oh yes, it should be stable—not in relation to gold but stable in terms of commodities.

6072. By what methods do you recommend that India's internal currency should be stabilised, that is, in relation to what, and, secondly, by what methods?—It should be stabilised more in relation to commodities rather than to gold, which is used only for purposes of internal trade. And I say it should be done by stopping the coinage of rupees altogether, and prescribing the use of gold.

6073. If we reject gold as a standard of reference for the internal currency, what other standard of reference are we to adopt?—That I have given here. That we should either go to the Compensating Standard of Professor Fisher or to the Tabular Standard of Professor Jevons. If you do not want to use gold and economise gold, then my submission is that you should go to one or other of those two.

6074. I am not sure that I am very intimately acquainted with

Professor Fisher's standard, but are these both the same sort of proposals?—They are very much the same except that Professor Fisher's Compensating Standard—they are really what I should say, I mean, the two sides of the same medal, so to say. Professor Fisher would, for instance, alter the metal in the gold unit according to a certain index number, and Professor Jevons would allow more units to be given or less units to be given according to a certain index number. But I think those two are too complicated. I personally believe that a gold standard for all practical purposes is sufficient.

6075. Returning to what is practically possible, you are of opinion that the value of India's currency unit should be determined in reference to a certain quantity of gold?—No, my submission is that India should have gold in currency. Gold should not only act as a unit of reference.

6076. Let me pass from that and ask you another question. Let me now deal with the view which you advance, which I understand is best expressed in paragraph 4 of your memorandum, sub-paragraph (2), where you say :"The whole world is suffering from a continuous rise of prices owing to the depreciation of gold. Anything, therefore, that will tend to appreciate gold will be to the good ; and if gold is to appreciate there must be a larger use of gold as currency."If I understand the precise force of that opinion, it is that the gold exchange standard tends to economise the use of gold, and that what is prudent and advisable is not that the use of gold should be economised and therefore that the gold exchange standard is bad?—Yes.

6077. And that is based upon the view which you take as to the future relation between the demand and the supply of gold in the world?—Yes.

6078. You are of opinion that the future supply of gold is likely to grow in relation to the demand?—No, not grow ; it will remain large because other people are not using gold, they are using paper, they are not in a position to use gold, so gold, even if it is not used, will remain large in quantity.

6079. First of all, a preliminary question in regard to that. Are you considering here the interests of India, or are you considering the service which India might render to the rest of the world?—1 have both in view. 6080. You think that, by doing that, India will be serving her own interests and the interests of the rest of the world at the same time. Do you agree with the not uncommonly held opinion that a gold currency is an expensive system?—Yes, it is.

6081. So that we have to consider, in the first place, the possible disadvantage to India of the expense involved. What are the advantages

to India to set against that expense?—It is that you get a more stable standard, which as Professor Cannan says is knave-proof and fool-proof.

6082. Now, as regards the prospect. The force of this contention would depend, would it not, upon the realisation of your anticipations as regards the supply of gold in the world at large?—Yes.

6083. Would you agree that, supposing on the other hand there was to be a relative decrease in the world's gold supply such as might tend to a general rise in world prices, that then it would be to the advantage of India, as of other countries, to economise in the use of gold?—Well, my reply is that we need not be afraid of an indefinite contraction. We have always got methods for increasing currency. We must guard against indefinite expansion which is always possible.

6084. If you have pegged the Indian currency definitely to gold through the gold standard and there is a relative diminution in the world's gold supplies, then any general fall in prices which must result would make itself felt in India also?—Yes, but that could be guarded against by increasing our paper currency or otherwise by manipulating the paper currency.

6085. Is not that sacrifice very characteristic of the gold currency system, for which you yourself have selected that system?—No, I am making gold the currency simply because I want to avoid the possibilities of indefinite expansion. As I say, you can always guard against an indefinite contraction. Falling prices can always be prevented.

6086. Now let me ask you a question as to the opinion you have formed that anything that would tend to appreciate gold would be to the good. Have you been able to arrive at any statistical estimates as to what the future of the relation between the supply and the demand of gold will be in the course of years to come?—Well, in my investigations I did some of them in 1923, when I was writing the book I had occasion to read some articles which appeared in the Harvard Business Barometer Series and I rather get the impression that there was no likelihood of any fall in the production of gold. And besides, my point is this, that the countries of the world are using so much paper that whatever gold supply we have is really very large. Those countries therefore that can avoid economising gold might as well do it to their own benefit and to the benefit of the rest of the world.

6087. I am not quite sure that I follow the latter part of your reply?—What I say is that although the production of gold may not be increased physically from the mines, yet the use of substitutes for gold in modern

days is on such a vast scale that the quantity of gold in the present circulation might appear to be large enough for a long period for the transactions of the world even without new additions from the mines.

6088. You have no more statistical calculations which you would care to put before the Commission as to your estimate of the future supply of gold?—No, I have made no estimates.

6089. This is a matter, of course, which is of great importance for the consideration of the Commission, so let me put to you one or two estimates that I have been supplied with from other sources. These are estimates as to the effect upon general gold prices of the movement of the relation between the demand for gold and the supply of gold for a period of years. They are forecasts made at various dates by authorities, and they are referred to the year 1930. What is done is to measure the effect of the gold supply upon prices by trying to forecast the general level of prices in 1930 by reference to 1913 as the 100 standard, and thus to see what the future of the world in this regard is. I have here an estimate of Sir James Wilson, made in 1921, who estimates that the result of these factors will be that the general price level in 1930 will be stable at 115. That is a substantial fall, you see from the present figure which is round about 158. Then there is that estimate to which you have already referred, the Harvard Business Barometer, in 1922, which estimates that in 1930 the general price level should stand about 150, and should be stable at that figure. Then there is Professor Gregory, who makes an estimate in the near past. May, 1925, who estimates that the general price level will stand about 162 in 1930 and should be rising at that figure. So he is the one who is most of your opinion. And, finally, there is Mr. Joseph Kitchen, an eminent authority, who in July, 1925, made a forecast that in 1930 the general price level should be expressed by a figure of 120 and should be falling at that figure. Of these four attempts to forecast the position, three anticipate that the prices will have fallen at that time ; two believe that they will be stable at that lower level ; one, Mr. Kitchen, believes that they will be falling at that lower level, and only one believes that they will be higher than they are now and rising. I will put it in this way. In view of these very careful attempts to estimate the situation does it not teach us the necessity of exercising great caution in making the assumption that it is unnecessary, in order to maintain prices stable, to economise the use of gold?—1 am rather in favour of falling prices rather than rising prices, and I am glad if they do fall and fall rapidly too. I think it is good for the nation that there should be a fall in prices rather than a rise in prices. So these estimates do not

really deter me from making my proposal.

6090. Nevertheless, there is some different basis for your opinion?—I take those opinions for what they are worth. I am not in a position to contradict them because I have never made any estimates. But somehow this is my belief that already the existing amount of gold is so large and the capacity of the countries of the world to use that currency, any currency, is so small that the supply of gold is likely to remain larger for a long period, and there is, in my opinion, not much chance of prices falling.

6091. Then there is a further question. I should preface it by saying that you are dealing here with the abolition of the exchange standard?—Yes.

6092. In paragraph 5 you say,"The gold standard reserve is peculiar in one respect, namely, this: the assets, *i.e.,* the reserve and the liabilities, *i.e.,* the rupees are dangerously correlated by reason of the fact that the reserve cannot increase without an increase in the rupee currency."I am going to ask you to expand that a little, and in order to show you what I think needs expansion, I would put these possible questions by a critic. Might not a critic say : you say that the reserve cannot increase without an increase in the rupee currency, and this critic might say, why should it? He would say, if the rupee currency cannot increase without an increase in the reserve, would that not be a most desirable state of affairs? Have you followed my point?—I will explain in this way: for instance, there are the bank issues and the reserves of a bank. If you compare, for instance, the bank reserves with the bank issues and the currency and the gold standard reserves of the Government of India with the rupee issues, you will see this: that when the bank issues are limited, the reserves increase, and *vice versa.* But here you cannot, for instance, reduce the rupee currency without also reducing your reserve.

6093. My point is this. I say, all right, but look at it from the other point of view. However that may be, what appeals to me is that you cannot reduce your reserves without reducing your rupee currency, and that is what I desire to effect?—Quite true, I admit that. But my submission is this. What is the use of a reserve, really? Suppose you have an enormous reserve and you have also an enormous rupee circulation. Does the fact that you have a large reserve in store in some safe in any way affect the value of the rupee? It does not. The value of the rupee will be affected simply by its quantity and the volume of circulation. Its value has nothing to do with the reserve at all. Backing absolutely has no effect on the value of currency except, of course, in times in which it is

disorganised. It may lead to some confidence in that currency, but I submit that when currency has come to such a pass that people have to have some confidence, I say that currency has been absolutely inflated.

6094. Accepting no doubt, the proposition that the value of the currency will be ultimately decided by its total volume in relation to the business?—What I say is this, that this relation is so dangerously correlated, and I am sure you cannot indefinitely go on coining rupees simply because there is a gold reserve. If you go historically into this matter, my submission is that such has really been the case. In the history of India people who have had to deal with currency were so much infatuated by the idea that they must have some reserve that the coinage of rupees was really initiated for that purpose. The coinage of rupees in India in 1893 and 1898 when the Fowler Committee's Report was brought into operation and reforms were introduced is a point, Sir Edward Law was so much obsessed by the volume of rupees in circulation that he felt that there must be some reserve, and it was on this ground that he proposed to the Secretary of State that the Government should be allowed to coin rupees. If he knew properly that the value of rupees would maintain themselves if they were limited in volume, then he would certainly not have gone on increasing the currency. I am recommending simply what the Government of India recommended to the Secretary of State in 1893.

6095. To turn to the immediate point: the function of a reserve under these conditions is to maintain stability, is it not?— I think a reserve ought not to be there. A currency is something like any commodity which maintains its value simply because of the law of supply and demand.

6096. Do you reject the proposition that the function of a reserve is to maintain stability?—Yes, I do. I do not think a reserve has anything to do; in fact, a reserve maintains itself when the currency is limited ; it does not maintain the currency.

6097. Let us now consider your practical proposals for the reform of the currency. You say :—"The following, then, are the requirements of my plan for the reform of the Indian currency :— (1) Stop the coinage of rupees by absolutely closing the mints to the Government as they are to the public. (2) Open a gold mint for the coinage of a suitable gold coin. (3) Fix a ratio between the gold coin and the rupee. (4) Rupees not to be convertible in gold and *gold not to be convertible in rupees,* but both to circulate as unlimited legal tender at the ratio fixed by law."A question which does suggest itself to a practical man there is, under those

circumstances, how are you to maintain the ratio between the gold coin and the rupee, and how are you to prevent one going to a discount or a premium in comparison with the fall in accordance with the balance of the country's trade?—Well, the rupee will maintain its value by reason of the fact that it will be limited in volume ; no more issues of rupees are to be issued.

6098. What is to prevent it going to a premium?—It cannot at once go to a premium because it has a substitute in gold. Rupees are not to be convertible in gold. The rupee cannot go to a discount because it is limited in volume. No more rupees are to be coined. The rupee cannot go to a premium because there is the alternative of a gold coin functioning as currency.

6099. Then you say :—"But there is just this chance : that the existing volume of the rupee currency is so large that when there is a trade depression it may become redundant and may by reason of its excess lose its value. As a safeguard against such a contingency, I propose that the Government should use part of the gold standard reserve for reducing the rupee currency by a substantial margin so that even in times of severe depression it may remain limited to the needs of the occasion.' How would that operation take place?—You simply call in rupees and not issue them again—by the process of calling in rupees up to a certain limit.

6100. So that the rupees would not, to that extent, be convertible into gold?—It will never be convertible into gold, until the limit is reached, so that it will never be in excess even in times of depression—the rupee will not be convertible into gold and gold will not be convertible into rupees. Even as it is, I am not very much afraid that the rupee will go to a discount, but there is just this chance that it might and I therefore propose that safeguard.

6101. Coming then to the question of the ratio, you say:"In European countries the problem is one of deflating the currency, *i.e.,* appreciating it; in other words, of bringing about a fall in prices. In India the problem becomes one of inflating the currency, *i.e.,* depreciating it; in other words, of bringing about a rise in prices. For a change from 1s. 6d. gold to 1s 4d. gold means this and nothing else. Should the currency be inflated to reach back the pre-war parity?"Then you point out that the restoration of the pre-war parity is not a restoration of the pre-war price level because there is a change in gold prices?—Yes.

6102. Further, you point out that :"Two things must be borne in mind in this connection. Existing contracts include those made at every stage

of preceding depreciation's and appreciation's, and to deal fairly with all would demand that each one should be treated separately—a task impossible by reason of its complexity and enormity."I understand that the opinion which you emphasise there is that we have been passing through a period of violent fluctuations in the value of the rupee, that at every stage contracts have been entered into, and that it is impossible, as it were, to fix upon any, definite ratio which will do justice as between all these contracts made at the varying levels?—Yes.

6103. Then you say that the great bulk of the contracts have been of recent date?—Well, my information is really based upon a small note made by Professor Cannan in one of his articles in the"Statistical Journal."

6104. Are there any statistics available which would give us a correct estimate of the number of contracts?—1 think it is a guess for what it is worth; a question of common-sense.

6105. Then you say,"It may be said that the centre of gravity of the total contractual obligations is always near the present."Those premises lead you to the following conclusion, that, given these two facts, the best solution would be to strike an average between 1s. 4d. and 1s. 6d. and say that it is nearer 1s. 6d. than 1s. 4d. I am not sure that I quite follow that. Your trend of reasoning would rather have led me to suppose that you would finally turn out to be a supporter of the 1s. 6d. rate?—1 say it may be nearer 1s. 6d. and away from 1s. 4d.

6106. What ratio would you suggest?—It is difficult. Of course, I think 1s. 6d. would be just as good. It could not inflict any very great hardship.

6107. Then, finally, as regards the question of a rising and falling rupee ratio, your opinion is summarised in paragraph 9. You say :"Now if it is realised that a low exchange means high internal price, it will at once become clear that this gain is not a gain from one class at the cost of another class in the country."Which class gains and which class loses?—The business class gains; the labouring class does not. The price of all factors of production does not change. Wages do not change as rapidly as price and these are the classes who suffer.

6108. Have you any suggestion to make, either from the theoretical or practical point of view, as regards the important provisions as to the currency arrangements to provide elasticity to meet seasonal demands?—As I hinted, of course, very briefly, if we want to make our currency elastic for seasonal proposes, we must some how see that the commercial paper which has given rise for trade transactions is

converted to currency. So that commercial paper should be made more a basis for the issue of the currency than Government bonds. I think it would be to the good of India if we adopt the proposals in the German Imperial Bank. They adopted, of course, more or less the English Banking Act of 1894 with variations so as to suit the seasonal demands.

6109. That is a provision for the extension?—For the extension for the time being of paper issues under certain regulations.

6110. That is a provision, is it not, for the extension of the fiduciary issue?—Exactly.

6111. . In return for the payment of a proportional tax?—Yes, I think it is a sufficient safeguard for both.

6112. *(Professor Coyajee.)* The chief merit of the gold standard is, according to you, that it places certain definite limitations against possible fluctuations?—Exactly.

6113. But, of course, there are certain things, for example, the provision from the mines is not based on how much currency is required by a country?—Yes ; I may say that I am in favour of a gold standard simply because compensating systems are not workable. If they are workable, I would at once reject the gold standard. I am not in love with it at all.

6114. Nor does the gold standard ameliorate the consequences of a trade cycle?—No.

6115. Then there is only one point. In paragraph 5 you observe"I am necessarily in favour of the abolition of the gold standard reserve as being of no practical use for maintaining the stability of the currency."By analogy why not abolish the paper currency reserve also because the value of the paper depends upon its limitations?—Quite.

6116. Would you abolish that?—No, for this reason. Be cause we are not placing a fixed limit on the issue of paper. Under the scheme where I say we should abolish gold standard I am placing a definite limit on the issue of the rupees. In the case of paper currency, we have allowed the Government the discretion.

6117. Do you think that possible? I will tell you why. Because with limited incomes and things like that, there is more scope as population increases for the use of rupee. Could you say for ever and for ever, we shall be coining gold and no rupees until possibility the quantity of gold in circulation will be ten times that of the rupee? Would that be convenient to the country?— I should think it would be. I would rather say that instead of using gold we use notes backed by gold. I do not mean that we should use gold from hand to hand.

6118. *(Sir Norcot Warren.)* Am I to understand from the latter part of paragraph 8 of your memorandum that you are inclined to the rate of 1s. 6d. rather than 1s. 4d.?—I confess predilection in favour of 1s. 6d.

6119. *(Sir Alexander Murray.)* There is one point, Dr. Ambedkar, which you referred to in answer to some questions put to you by the Chairman; you seem to suggest that the Government of India were somehow or other prepared to go on coining rupees simply in order that they may make profit between the bullion value and token value of the rupee. I want to know what you are referring to actually?—I am referring to this : It is a historical bit of thing. When the Government of India, for instance, introduced reforms suggested by the Fowler Committee, they felt that for a large circulation of the rupee they had not any reserve and the Fowler Committee in paragraph 60 of their Report suggested that if the Government coined rupees and keep profit to itself, that profit should be utilised as a reserve. Sir Edward Law who came on the scene in 1901, the period from which the coinage of rupees commenced, also felt that the volume of rupees was so large that some amount of reserve was necessary ; and I think he went on coining rupees sheerly because he felt that the reserve was wanted and the reserve could not be had in any other way except by coining rupees.

6120. You only *think* that?—No, my point is this: I have read the dispatch very closely and I feel that if Sir Edward Law had disclosed there that the rupee was coined to a premium because people did not want gold or any other thing to use in currency, then I could have understood that the rupee was coined in answer to the demand of the people. But there is not a single thing to that effect to be found in the dispatch. He simply says that when we introduced reforms we did not take into account paragraph 60 of the Fowler Committee's Report.

6121. But he also, I think, in that dispatch to which you refer laid down that there ought to be a gold reserve which estimated at 7 millions or something like that. Against this you say that he was issuing rupees?—Quite so. Gold standard reserve is kept in gold. I say no reserve was wanted.

6122. You make a general statement here, Dr. Ambedkar,"Unfortunately there is abundant proof of such perversion in the history of the currency system in India. Already we have had foolish administrators who had been obsessed with the idea that a reserve was a very essential thing and who had therefore gone on issuing currency without any other consideration but that of augmenting the reserve"and you are now repeating it to the Chairman?—I have used a much milder

expression than that used by Professor Cannan himself in his book.

6123. But is it not the case that in 1895 that was actually suggested by a well-known Bombay financier and turned down by the Finance Member at the time?—I find that in the dispatch.

6124. One moment. In your book you actually give the name of the Bombay financier who suggested it and you give the name of the Finance Minister of the Government of India who turned it down?—Yes.

6125. Then in your book you also give the name of a well-known politician who as recently as 1907-08 suggested the same thing and again it was turned down by the Government of India and as recently as 1919, you give a reference to another well-known economist. Then why do you repeat the statement to the Chairman that the administrators of the Government of India have not thrown overboard or turned down the suggestion when as a matter of fact you know that the administrators of the Government of India have turned it down repeatedly when it has been put forward by well-known Indian financiers?—My reply to that is this: that somehow if you read the speeches in the budget delivered by every Finance Minister, for instance, I forget the names now, gentlemen who preceded Sir Edward Law; I think I can cite instances.

6126. Sir James Westland and Sir Clinton Dawkins?-But they never agreed with that.

6127. No; it was suggested by an Indian to Westland who turned it down and again to Dawkins who turned it down?— With due respect to your interpretation, Sir Edward Law did say that there should be gold standard sufficient to back all the rupees and the notes. I do not deny that. But I simply say this ; that other financiers stated that no reserve was wanted and the rupee would maintain itself and Sir Edward Law stated that the reserve was wanted and he coined rupees because he wanted the reserve. In fact, I have paid sufficient compliments to the training and the notions of Westland and Dawkins for turning down the proposals. I say they were right and Sir Edward Law was certainly wrong.

6128. Sir Edward Law did not say that he coined rupees in order to provide the reserve. He said that he should hold it as a backing against the issue. It is you that put in the interpretation that he did coin rupees for the other purpose?— He says that in the dispatch. Before the Fowler Committee there were sufficient proposals of having a gold reserve and the Committee found that they were very costly, but slightly hinted that if a reserve was wanted, it might be had by coining rupees.

The two gentlemen who preceded Sir Edward Law did not think it was necessary. But Sir Edward Law said it was necessary and coined rupees. I am not making a general charge. I have given praise where it is due. I can give you also the reference.

6129. I can verify all your references. What do you want to find there?—That although the recommendation of the Fowler Committee was there that the Government of India could provide itself with gold reserve by coining rupees, Westland and Dawkins refused to pay any heed to that proposition, because they firmly believed that gold reserve was not necessary and that the rupee being limited in quantity it could maintain itself. But Sir Edward Law when he became Finance Minister felt that a reserve was necessary.

6130. Westland was the Finance Member before ever the Fowler Committee reported. I think he was away when the recommendations were brought into operation and Dawkins was the member in office when the Fowler Committee reported. But both of them turned down the suggestion which came from Indian politicians?—There is no difference of opinion on that point.

6131. The only difference is that you are imputing to Sir Edward Law that he coined rupees in order to create a reserve. I say that he did not; that in the actual dispatch he said that there was a gold reserve, I think, of 7 millions?—If so, there is a difference between us.

6132. *(Chairman.)* I cannot see what conceivable advantage it can be to anybody to increase a reserve for the fun of the thing?—Exactly, and people are under very big notions that a reserve is wanted and without a reserve a currency cannot work. I think it a very common superstition. It is there.

6133. *(Sir Alexnder Murray.)* I will give you the reference, pages 276 to 278 of your book,"The Problem of the Rupee?"— Yes, Westland was there when the reforms were brought into being, page 276.

6135. What date was that?—It is the Budget speech of 1898-99 after the reforms were introduced.

6136. It was in 1894-95.—No ; Dawkins comes on the next page. My reference is to the Financial Statement for 1898-99 at page 276. Then the passage from Sir Edward Law occurs on page 278.

6137. Will you excuse me for correcting you. You said your reference was to the Budget speech of 1898-99. As a matter of fact the reference you have made is from the speech of 1894-95?— He was also Finance Minister in 1899.

6138. He turned it down in 1894-95?—1 mean there was no material

difference between the Herschell Committee and the Fowler Committee and I am sorry if you think I have made any vile allegation against the gentleman.

6139. *(Sir Alexander Murray.)*—All I am doing is quoting what you say in paragraph 5 of your statement. All I say is there is danger of anybody falling into that trap.

6140. *(Chairman.)* And you maintain that in your book you have vindicated these eminent statesmen?—Yes.

6141. *(Sir Purshotamdas Thakurdas.)* In paragraph 8 you refer to various countries of the world as"hankering for a return to the pre-war parity"and you say it seems to be universal. Then you go on"There is but this difference between India and the other countries. The other countries have yet to reach the pre-war parity. India on the other hand has in fact over-reached the pre-war parity."Those other countries to which you refer have had their currency very severely depreciated during the war?—Absolutely.

6142. Not the solvent countries?—1 think these countries also which are very near their old parity find it difficult to go back.

6143. For instance, which countries have you in your mind?—Well, I am talking of the proceedings of the Genoa Conference, which I do not carry in my mind, but I think for instance a country like Italy. France was at one time within measurable distance of pre-war parity.

6144. France now is perhaps worst off of all ; therefore you are there remarking a difference between India and other countries whose currency was severely dislocated during the war period and who have not yet been able to bring it round?—My point is, even if we were in a position to go back within a measurable distance it would not be always wise or advisable to go back supposing we could.

6145. I will come to that later on ; I am only trying to point out to you that it may be said the comparison you are stating here between India and the other countries is one which cannot stand as far as currency problems and conditions are concerned. So far as the"could"is concerned, I mean the difference between whether we should and whether we could even if they (those countries with depreciated currencies) wanted to they could not go back?—Very good; you have put it much better than I could have.

6146. Therefore if you compare India with the countries which got back to pre-war parity you find that those who could did go back to the pre-war parity?—Yes, for instance England ; but there was also a strong current of opinion even in England that they should not.

6147. I mean in spite of the strong current of opinion you refer to they have reconciled themselves to the pre-war parity and you do not hear much complaint now about having gone back?—I could not tell.

6148. You do not know, I see ; unless it can be said that those who went back made a mistake, there won't be anything particularly objectionable against those in India who want to return to the pre-war parity?—No, I don't say that. I am really raising the question whether it is desirable.

6149. Now regarding the desirability of it, lower down you say the view is wrong; you say both these views are fallacious. You say the restoration of pre-war parity is not a restoration of the pre-war price level. Now do you think that exchange should be used as a lever for attaining price levels?—No.

6150. Then, it does not appear to me very fallacious?—No, I say this, although you cannot always say exchange and price level move together, yet.....

6151. Excuse me, my question was, do you suggest that exchange should be used as a lever for adjusting price levels?—No, I do not say that.

6152. Therefore a change of ratio from that point of view was not desirable, as a lever for the adjustment of prices?—Yes, it was not.

6153. No country has done it unless you can show that it was particularly desirable in the case of India as an exception?—But it has happened in all countries.

6154. Which countries?—All countries.

6155. If I may make my question clearer.....?—I do not think your question was put very clearly.

6156. I sometimes do put my questions not very clearly, I admit. Which countries which could attain to pre-war parity did voluntarily go past it in order to adjust their internal price levels?— No, of course they did not do that.

6157. Therefore where is the fallacy?—Fallacy in this sense ; some people in doing this imagine they are going back to the old price level. That is a fallacy, because 1s. 4d. in 1914 is not the same as 1s. 4d. in 1925.

6158. But I mean those who do not base the demand for 1 s. 4d. on the question of prices at all, they would not be making that fallacy?—No.

6159. Then lower down you mention another point, I think."If by restoring pre-war parity is meant the restoration of the pre-war level of

prices, then the ratio instead of being lowered from 1s. 6d. in the direction of 1s. 4d. must be raised in the direction of 2s. gold."Then you say"the restoration of pre-war parity even nominally would be unjust."What have you in your mind by the words"even nominally"?—Without looking to the price level.

6160. I thought you yourself agreed.....?—Supposing now, in 1925,1s. 4d. is the ratio as compared to 1914, that would be only a nominal change because prices have certainly changed.

6161.. Where is the nominalness in regard to those who ask for 1s. 4d. as being the pre-war rate?—You are asking for a definite change from 1s. 6d. to 1s. 4d. I take my starting point, as I have stated at the end of the statement from what we find actually there. I say,"In short, in matters of currency the real is the normal."I therefore start from 1s. 6d. as the normal.

6162. Now supposing the exchange to-day, when we are discussing the thing, was 1 s. 8d., I take it you would urge the same ground for 1s. 8d. being confirmed as you have for 1s. 6d. being confirmed?—Yes.

6163. So whether exchange had gone up to 1s. 6d. or not the ground would prevail irrespective of what other countries have done ; and irrespective further of how that point was reached?— May I just explain it in my own way?

6164. If you please.—The way in which I look upon this problem is this. To-day we have 1 s. 6d. That to my mind means a certain price level. If you want us to go back to 1 s. 4d., it seems to me we have to raise our prices. Without increasing the volume of currency we certainly cannot reach 1 s. 4d., it seems to me we have to raise our prices. Without increasing the volume of currency we certainly cannot reach 1s. 4d. gold. Therefore the complete question to my mind. is, shall we raise our prices from what they are today, so that we can go back to 1 s. 4d.? Now I being a member of the labouring community, feel that failing prices are better. That is my view of the matter.

6165. Let me take it the other way. You say, as you put it, that, being a member of the labouring community, that means from the point of view of the labouring class it is undesirable?—Yes, and I may go further and say that from the national point of view too falling prices are better than rising prices.

6166. Now I suppose you heard the arguments that are being advanced that a high exchange, an exchange which is worked up to a higher point than where it has been 15 or 20 years at a stretch is undesirable in the interests of the producer. What would you say to that?—All that it

means is a depression of profits. I do want to make a distinction,—1 do not know how far people will appreciate that,—between depression of industry and depression of profits. I think that distinction was made by Professor Marshal in his evidence before the Gold and Silver Commission. There might be a depression of profits, that is to say, the enterprising class may not get all that they would get if prices were to rise ; but it does not necessarily follow.

6167. Excuse me ; cannot I refer to the producer? We will come to the investor later if you don't mind. But what about the producer : in his case the higher the exchange the less the number of rupees available to him?—It does not matter to him at all, because he suspends it. His cost of production also falls ; therefore it makes no difference. If he got 15 rupees, and if the 15 rupees purchased a certain amount of goods, and if five years hence he got 10 rupees, and that 10 rupees purchased as much as 15 rupees before, the change is only a change of counters.

6168. When the adjustment is complete? But until then there is disturbance?—Yes.

6169. Now let us look at it as far as the present goes. You think that the average Indian cultivator rarely employs any labour and cultivates with his own hands?—Well, I suppose he does employ a certain amount of labour.

6170. In the ordinary course, for the adjustment to be complete, you would expect that the wages he pays to his labourers also go down?—Yes. I mean if he wants to get the same amount of profit, I would say yes.

6171. Very well, if the wages of the farmer's labourer have not gone down you would admit that to that extent the farmer has a smaller profit?—Smaller profit, yes, I admit that.

6172. And in cases where the farmer is just able to make both ends meet he loses?—No. He does not get profits, but he does not lose. Profit is something else ; it is surplus.

6173. Where a farmer or a class of farmers in a district make just enough to make both ends meet they would be losing, inasmuch as the labour charges have not gone down in proportion?—I do not know how you define profit. I define profit as surplus income.

6174. After paying all charges of production?—Yes.

6175. If in 1921 a farmer made both ends meet and in 1924 when exchange was stabilised at 1s. 6d. as far as his produce is concerned and his labour charges have not gone down, he would certainly make less?—He would lose part of his profits.

6176. He will save so much less?—I would stick to the word"profit."

6177. He will make less profit?—Yes; there would be a depression of profit.

6178. To that extent of course the producer will be a loser?— If you think that he had a legitimate right to that profit, then of course you would be right in saying that he loses ; but not if it was a merely differential gain.

6179. As 1s. 4d. it was merely a differential gain?—Yes.

6180. Lasting for a period of 25 or 23 years?—As I say it all depends upon how you define it.

6181. How would you define it yourself? So long as he is able to recover all that he has spent in production I do not think that he would be a loser.

6182. And you would apply that test to every person?—I would say that he has made both ends meet.

6183. Do you think that would be the maximum which the average citisen would like to apply in his own ease?—I can give no opinion upon that, I am afraid.

6184. Now, you mention in paragraph 8 :"Two things must be borne in mind in this connection,"and lower down you say:"Existing contracts are no doubt of various ages."What sort of contracts have you in mind there?—Leases for instance : and other contracts also, such as building contracts and so on.

6185. How would they come in with the question of exchange?—They are money contracts just the same ; they are all money contracts.

6186. Every contracts, then, you mean?—Yes.

6187. If a man was putting up a house in a mofussil rural place for 4,000 rupees, that also would come under this?—Of course ; it is investment of money.

6188. You have in mind everything that involves investment of money in the country?—Yes ; it has purchasing power.

6189. Then you say :"Given these two facts, the best solution would be to strike an average between 1s. 4d. and 1s. 6d."Why did you mention an average instead of 1 s. 6d.?—I say so because in 1925 there may be some contracts which were made when the ratio was 1s. 4d. Some contracts may be still subsisting made at that period when the purchasing power was at the rate of 1 s. 4d., and therefore to give justice to all I think that is the best way it could be done.

6190. What about contracts in the shape of debts incurred before 1914?—1 do not suppose there are many existing now.

6191. You think that all these debts payable by agriculturists to sowers are paid within a certain period?—My personal opinion is that no commercial contract extends for more than five years, and the proportion of those is very -very small. There is no statistical information on this. Professor Fisher has made in his book certain calculations to that effect. He writes there that the rate of interest varies sympathetically with the prices ; so that the rate of interest bears a certain relation to the rise or fall of prices. He then comes to the conclusion that most contracts are very recent commercially.

6192. You mean about India?—I mean generally ; I do not know about India in particular; there may be something peculiar in India, but I do not know why it should be so.

6193. Do you think things in India may be different?—I should not think so unless there was some evidence forthcoming that that was so.

6194. You think that the problems in India are the same as in the West?—I do not see why they are not.

6195. It would surprise you if they happened to have been admitted to be otherwise?—It would surprise me.

6196. Regarding the adjustment of price levels, do you think that the adjustment is anything near complete now, owing to the disturbance in the exchange rate from 1s. 4d. to 1s. 6d.?—There would be some disturbance; that would be detrimental to the wage-earners if we went back from 1s. 6d. to 1s. 4d.

6197. The disturbance from the lower to the higher rate from 1s. 4d. to 1s. 6d.....?—Has been favourable to the labouring classes.

6198. Is that adjustment complete, or is there still any mal—adjustment of that?—I could not say ; that is a matter of statistical investigation which I have not entered into but I suppose exchange has been stable at 1s. 6d. for a long time.

6199. How long do you think it has been stable?—I cannot exactly say ; but certainly it shows signs of stability.

6200. How long have you any idea? Some witnesses have said six months, some eight months.....?—I think somewhere there.

6201. Do you think that six or eight months is a sufficient period for judging this stability?— say due weight should be given to it, and therefore you should strike an average.

6202. But I think you have said in the course of your oral examination that you would be prepared to agree to 1s. 6d.?— Yes, because it is nationally better; it would not inflate. That is what I say. If, even after 1 s. 6d., the process of adjustment was not complete so as to enable us to

say 1s. 6d. was really the level needed, I say we should establish it at that.

6203. Regarding the adjustment in the industries here, have you any idea at all? Can you give us any opinion?—None whatever.

6204. *(Mr. Preston) :* In case there should be any misunderstanding with regard to some of the answers which you gave to Sir Alexander Murray, in connection with that unfortunate reserve, the gold standard reserve, it may be well if we put on record some actual facts : the gold standard reserve came into being in the year 1901 and it resulted from profits earned from the previous April in 1900. The balance in the reserve to-day is 40 millions sterling, is it not?—Yes ; I think it is about that.

6204A. The Finance Minister when he made his report on currency last year made the following statement :"As will be seen from the statement, the bonds and stock purchased are due for repayment within the next few years. Of the amount now standing at the credit of the reserve, £ 27,449,950 represents profits on coinage and the remainder represents accumulated interest on securities held in the reserve."You say that this reserve cannot increase unless there is more rupee coinage. How has that increase of one-third in the last three years come about?—By interest on investments.

6205. Then if the interest on that reserve is kept being added to it, you are increasing that reserve for a useful purpose without having to adopt those methods which you so very strongly deprecate?—Yes, undoubtedly.

6206. Just one more point as to the usefulness of that reserve. It will be within your knowledge that in the period of the world's depression in 1908 that had it not been for that very reserve we could never have maintained our external parity; you admit that?—Yes.

6207. Thank you?—Although, of course, something has gone in to which I ought to take exception—by saying that I am in favour of increasing the gold standard reserve by investments. If a reserve is invested there is no reserve at all.

6208. *(Sir Reginald Mant.)* I understand your chief desideratum is stability of internal prices?—Quite.

6209. And you hold that that stability will then be linked to gold prices, will they not? They will vary with the gold prices?—Yes.

6210. Internal prices will then be linked to gold prices, will they not? They will vary with the gold prices?—- Yes.

6211. Now a gold exchange standard without a gold currency has been recommended by several people with the same object in view ; but I understand you to hold that it will not achieve that object?—-I think it

has not, so far as India is concerned.

6212. I was not speaking of what has been done in the past ; it has been represented to us that if a gold exchange standard were made automatic it could secure those objects?—I do not know ; there may be some people who hold that view, but I cannot see how it could be held.

6213. i want you to explain why a gold currency would achieve it and the gold exchange standard would not?—My first ground is this : that the exchange standard depreciates gold and makes it therefore useless as a standard of value. A gold exchange standard causes a redundancy of gold by its economy.

6214. Ought you not to put it the other way, and say that if we introduce a gold currency here we shall appreciate gold ; would not that be a more correct way of putting it?—You might put it that way, yes. Therefore under the present circumstances gold would behave as a better standard of value. My next submission is this, are we really effecting economy by the exchange standard?

6215. I was not raising the question of economy. I was trying to get at the reason for your holding that nothing but a gold currency would effect your object of keeping internal prices linked with gold?—Stable than they would be otherwise is what I said. If we adopted a gold standard our prices would be more stable than they would be under an exchange standard. I did not say that under a gold standard they would be perfectly stable because gold itself is not a perfectly stable standard of value ; but certainly it would be more stable than under an exchange standard.

6216. Because simply we should be using more gold?—Yes.

6217. That is your only reason for differentiation?—Yes.

6218. *(Sir Maneckji Dadabhoy.)* Let me proceed a step further with regard to the answers you gave to Sir Purshotamdas Thakur-das : in paragraph 8 you say"Existing contracts are no doubt of various ages ; but the great bulk of them are of very recent date and probably not more than one year old ; so that it may be said that the centre of gravity of the total contractual obligations is always near the present."When you are referring to this matter, I understand you are speaking without any definite statistics?—Yes ; I simply say there has been a calculation made by Professor Fisher.

6219. You state this as a sort of generalisation?—Yes. I said I had no definite information.

6220. When you speak of a centre of gravity of the total contractual obligations being near the present, it is not a very definite term. Would

not that centre of gravity come within the circumference of twelve months?—Yes, somewhere about that ; because I have said one year old.

6221. So that, if a certain ratio prevailed twelve months ago, we would be, according to your reasoning, as much justified in taking that as 1s. 6d.?—Quite ; yes.

6222. So you would be as much justified in taking that?—Yes.

6223. Then when discussing this matter and when you expressed your election in favour of the 1s. 6d. ratio. I understand you founded your opinion on the dictum of Professor Fisher?— Yes.

6224. Now we have got this dictum of Professor Fisher before us ;the words used are :—"The problem of a just standard of money looks forward rather than backward; it must take its starting point from the business now current, and not from imaginary parts before the war."?—Exactly.

6225. Don't you think that Professor Fisher when he laid down that dictum had European conditions before him only?—Yes, but that would apply almost to any country. It is a general proposition.

6226. My question is did he not have European conditions in view only when he said that?—I cannot say.

6227. *(Chairman.)* The witness replied that he thought it would apply to any conditions?—Yes, it is a general proposition.

6228. *(Sir Maneckji Dadabhoy.)* Is that conclusion justified by these expressed words?—I should think it is.

6228A. You think it is?—He says further, he does not only refer to the war,—he says :"One might as well talk of restoring the original silver pound or returning the monetary standards of Greece and Rome."

6229. Now, you know very well that this ratio of 1s. 6d. has continued in India for the last 16 months only. Now, if we take this period 16 months in Indian conditions, what would you say when you think of any imaginary parts before the war? Do you think in India a period of 16 months would make any substantial difference in coming to a conclusion? He is referring to the imaginary parts before the war ; he takes a longer period?—No, no. He is simply referring back to 1914, to the parity which existed in 1914. I say, if according to information 1s. 6d., has been in existence for 16 months, then I say it ought to be confirmed.

6230. Yes. But if previous to that, with a brief interval of some years, it has ranged equally for 20 years at 1 s. 4d. you would brush aside all those considerations?—Yes, because there are no contracts now existing

that were made 20 years ago. And therefore we need not be concerned about it.

6231. This is your argument? And you would also brush aside its economic effect both on agriculture and on the industries of the country?—I say they will be very good. By bringing the ratio to 1 s. 6d. I say there might be some depression of profits, but there won't be depression of industry.

6232. Yes. So you don't attach great value to those factors. You think on the whole it will be for the good of the country?—Yes.

6233. I will put you another question, a little bit imaginary. We will take 6 months to write out our report. Within the next 6 months if the ratio becomes 1s. 8d. I suppose you would be justified in taking that according to you as the basis of your calculation?— Then I would again say, you should strike an average.

6234. Between 1 s. 8d. and 1 s. 6d. or 1 s. 4d?—Between 1 s. 8d. and 1s. 6d.

6235.. And you think that would be a sound financial polity?—Well I don't know. You have to strike some sort of average. You can't do justice to each individual contract. For instance, if you take the example of the American War of Independence and the monetary fluctuations that took place then, all that the Americans could do was of course to do this kind of thing.—to strike an average and to dissolve all contracts on that basis. They could not do justice to each individual contract. It is impossible.

6236. *(Sir Henry Strakosch.)* Dr. Ambedkar, I want to refer back to some statements which you made in regard to the undesirability of introducing a gold exchange standard. At one period of your evidence you stated that the convertibility into exchange would not limit the issue of the currency and would therefore not produce stability of internal prices. That was one of the objections you raised and then at another point you said that the gold exchange standard is not a desirable standard because prices would be less stable under it than under a full-fledged gold standard?—Yes.

6237. Now, you are a student of economic affairs and you have no doubt followed the proceedings of the Genoa Conference?—Well, I did when I was in London. Recently of course I have not. But I know that the gold exchange standard was proposed.

6238. Well, you will remember that the Genoa Conference an International Conference adopted unanimously a proposal enjoining the countries to adopt the gold exchange standard with a view to stabilising

the purchasing power of gold and that they recommended for that purpose the co-operation of central banks?— I don't suppose they did it with a view to stabilising the purchasing power of gold ; they did it to stabilise their own currency.

6239. They stated definitely it was to stabilise the purchasing power of gold. Anyway, you can take it from me that it is so. Now, that is an international body and they have come to that conclusion and they apparently do not share your view that the gold exchange standard does not produce, as great a measure of stability internally as the gold standard?—Oh no. My submission is that we are comparing the gold exchange standard to a purely inconvertible standard. The belligerent countries had during the war an absolutely inconvertible currency and certainly an inconvertible currency is much worse than an exchange standard because it has some convertibility. As I have stated myself in sub-paragraph (2) to paragraph 2. They were not comparing the gold standard to the gold exchange standard; they were comparing the gold exchange standard with the paper currency they had.

6240. But I submit they did not compare at all. They made a recommendation?—But in reference to the circumstances that existed then—1 should limit it that way.

6241. Well, anyway, that is a fact. Now, quite apart from that, I am not quite sure what makes you think, apart from a change in the purchasing power of gold itself, why the gold exchange standard should not be as stable as the gold standard. I don't quite follow that, and, before you answer, I should like just to define what I understand by a gold exchange standard. A gold exchange standard is a standard where there is circulating within the country a currency which is not convertible internally, but which is freely convertible externally, and you could make that currency convertible into gold for export purchases. Now, taking that standard, I should be very glad if you would tell us why such a standard is less able to maintain stability than a gold standard?—1 follow your question, Sir. And my reply is this. Convertibility is a means of limiting the volume of currency to the needs of a country. A convertibility which is intended only for external purposes is not of sufficient efficacy to limit the volume of that currency. Consequently you cannot have stable internal prices to such a currency.

6242. Why do you say that it is less efficacious than convertibility for internal purposes?—Because convertibility to be effective must be absolute.

6243. But it is absolute?—It is not.

6244. But obviously it is. It is absolute. The difference is only that in the one case you convert into international money for international purposes, and in the other case you convert for either international money which is used internationally or international money which circulates within the country?—No, no. The point is this. When your obligations to convertibility are imperfect as in the case of the exchange standard you are likely to issue more currency without fear.

6245. But you just said that the obligation to convert limits the issue in both cases?—Yes, but converting depends upon the efficacy of the means of convertibility. If your convertibility is absolute, that is to say, if an issuer is bound to convert whenever he is presented with his currency, then that convertibility is absolute.

6246. But my proposition was that the gold exchange standard binds the issuing authority to convert the internal token currency into gold for external purposes?—And not for all purposes.

6247. Now, I want to know why the obligation to convert the token currency for internal purposes should increase the stability of the purchasing power of that money?—Because the principle is that any commodity, and currency included, maintains itself by the fact that it is limited in volume, in supply. That is the first elementary proposition of political economy ; that any commodity maintains itself by reason of the fact that the supply is limited. If the commodity supplied is not limited, it is bound to depreciate.

6248. Do you then contemplate that in your gold standard with gold currency, there should be nothing but gold coin circulating?—No, I say that the rupee shall circulate.

6249. And no bank notes?—Yes, there will be bank notes : why not?

6250. Then, I don't see how you are limiting more effectively the internal issue in the one case than in the other?—Because I am saying that the mint shall be closed.

6251. What about the issue of bank notes?—They are covered. A covered note issued is not an addition to currency. Supposing you deposit a certain amount of gold in the bank and you issue so much currency to cover it, that currency is not an addition to the currency.

6252. Oh, you want to have notes covered by 100 per cent. gold?—Well, I don't say 100 per cent gold.

6253. Then how will you limit it?—I mean convertibility is a method of limitation. I will have paper currency which is fully, absolutely convertible and not merely for the purposes of external trade. And I will have the rupee absolutely fixed in limit. So that it will maintain its value

by reason of the fact that it is limited. The paper currency will maintain its value by reason of the fact that it is convertible.

6254. And how will you manage the seasonal requirements of currency?—Well, I say you can expand the fiduciary portion of the currency so as to allow for currency being issued against paper during seasonal demand.

6255. Do you not put it here at the discretion and will of the issuer?—Yes, but there is this convertibility which regulates the discretion. Convertibility is a means by which the will of the issuer is regulated. There will be no danger. Although I admit that even under the gold standard, the gold may absolutely pass out and the country may only be inundated with paper notes.

6256. Would you say that the obligation to convert into an international currency at two given gold points is sufficient to ensure the stability of money, because, if you over-issue internally, your money will depreciate in relation to gold?—Yes, I admit it, but it will be long after. There will be a long interval before that thing may happen and in the case of some countries, it may not happen.

6257. How was the gold standard worked before the war in Europe and other countries?—It worked on the basis of convertibility, not only convertibility for external purposes.

6258. But was that standard not in the main worked, by the central banks not converting into gold but holding foreign exchange, and only in the last resort was gold flowing from one centre to another?—But their arrangements as to convertibility were perfect and absolute.

6259. You also know that a great many of the countries on the Continent of Europe who had perfectly stable currencies had practically no gold in circulation?—Yes that was so.

6260. *(Chairman.)* We are much obliged to you Doctor, for your very full assistance today.

(The witness withdrew.)

FEDERATION VERSUS FREEDOM

(Kale Memorial Lecture)
Address delivered on 29th January 1939 at the Annual Function
of
the Gokhale Institute of Politics and Economics held in the Gokhale Hall, Poona
"The distance you have gone is less important than the direction in which you are going today."
-TOLSTOY

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FEDERATION VERSUS FREEDOM

PREFACE

A word or two as regards the origin of this tract and the motive which has led me to publish it at this time will, I think, not be out of place.

Many in this country must be aware that there exists in Poona an

institution which is called the GOKHALE INSTITUTE OF POLITICS AND ECONOMICS, WORKING under the direction of Dr. D. R. **GADGIL.**

The Institute holds a function annually to celebrate what is called the Founder's Day and invites some one to deliver an address on some subject connected with politics or economics. This year, I was asked by Dr. Gadgil to deliver an address. I accepted the invitation and chose the Federal Scheme as the subject of my address. The address covered both (1) the structure of the Federation and (2) a critique of that structure. The address was delivered on 29th January 1939 at the Gokhale Hall in Poona. The address as prepared had become too lengthy for the time allotted to me and although I kept the audience for two hours when usually the time allotted for such address is one hour I had to omit from the address the whole of the part relating to the Federal structure and some portion from the part relating to the criticism of the structure. This tract, however, contains the whole of the original address prepared by me for the occasion.

So much for the origin of this tract. Now as to the reasons for publishing it. All addresses delivered at the Gokhale Institute are published. It is in the course of things that this also should be published. But there are other reasons besides this, which have prevailed with me to publish it. So far as the Federation is concerned, the generality of the Indian public seems to be living in a fog. Beyond the fact that there is to be a Federation and that the Federation is a bad thing the general public has no clear conception of what is the nature of this Federation and is, therefore, unable to form an intelligent opinion about it. It is necessary that the general public should have in its hand a leaflet containing an outline of the Federal structure and a criticism of that structure in small compass sufficient to convey a workable understanding of the Scheme. I feel this Tract will supply this need.

I also think that the publication of this tract will be regarded as timely. Federation is a very live issue and it is also a very urgent one. Soon the people of British India will be called upon to decide whether they should accept the Federal Scheme or they should not. The premier political organization in this Country, namely, the Congress seems to be willing to accept this Federation as it has

accepted Provincial Autonomy. The negotiations that are going on with the Muslim League and the manoeuvres that are being carried on with the Indian States give me at any rate the impression that the Congress is prepared to accept the Federation and that these negotiations and manoeuvres are designed to bring about a working arrangement with other parties so that with their help the Congress may be in the saddle at the Centre as it has been in the Provinces. Mr. Subhas Chandra Bose has even gone to the length of suggesting that the right wing of the Congress has committed itself to this Federation so far that it has already selected its cabinet. It matters not whether all this is true or not. I hope all this is untrue. Be that as it may, the matter is both grave and urgent, and I think all those who have anything to say on the subject should speak it out. Indeed I feel that silence at such a time will be criminal. That is why I have hastened to publish my address. I believe that I have views on the subset of Federation which even if they do not convince others will at least provoke them to think.

1-3-39

Rajgraha Dadar, Bombay 14

B. R. AMBEDKAR

INTRODUCTORY

Dr. Gadgil and students of the Gokhale Institute,

I feel greatly honoured by your invitation to address you this evening You have met today to celebrate a day which is set out as your Founder's Day. I had the privilege of personally knowing the late Rao Bahadui R. R. Kale the founder of your Institute. He was my colleague in the old Bombay Legislative Council. I know how much care and study he used to bestow upon every subject which he handled. I am sure he deserves the gratitude of all those who care for knowledge and study for helping to establish this Institute, whose main function as I understand is to dig for knowledge and make it ready for those who care to use it. For, first knowledge is power as nothing else is, and secondly, not all those who wish and care for knowledge have the leisure and the patience to dig for it. As one who believes in the necessity of knowledge and appreciates the difficulties in its acquisition I am glad to be associated in this way with him and with the Institute he has founded.

The theme I have chosen for the subject matter of my address is

the Federal Scheme embodied in the Government of India Act, 1935. The title of the subject might give you the impression that I am going to explain the Federal Constitution. That would be an impossible task in itself. The Federal Scheme is a vast thing. Its provisions are contained, first in 321 sections of the Government of India Act, 1935, secondly in the 9 Schedules which are part of the Act, thirdly in 31 Orders-in-Council issued under a the Act and fourthly the hundreds of Instruments of Accession to be passed by the Indian States. Very few can claim mastery over so vast a subject and if any did he would take years to expound it in all its details.

I have set to myself a very limited task. It is to examine the scheme in the light of certain accepted tests and to place before you the results of this examination so that you may be in a position to form your own judgment regarding the merits of the scheme. It is true that I cannot altogether avoid setting out the outlines of the scheme. In fact, I am going to give an outline of the scheme. I realize that it is an essential preliminary without which my criticism might remain high up in the air. But the outline I am going to draw for my purpose will be the briefest and just enough to enable you to follow what I shall be saying regarding the merits of the scheme.

II

BIRTH AND GROWTH OF INDIAN FEDERATION

There are five countries which are known in modern times to have adopted the federal form of Government. They are : (1) U.S.A., (2) Switzerland, (3) Imperial Germany, (4) Canada and (5) Australia. To these five it is now proposed to add the sixth which is the All-India Federation.

What are the constituent units of this Federation? For an answer to this question refer to section 5. It says :

Proclamation of Federation of India

"5. (1) It shall be lawful for His Majesty, if an address in that behalf has been presented to him by each House of Parliament and if the condition hereinafter mentioned is satisfied, to declare by Proclamation that as from the day therein appointed there shall be united in a Federation under the Crown, by the name of the Federation of India,—

(a) The Provinces hereinafter called Governors' Provinces; and

(b) the Indian States which have acceded or may thereafter accede to the Federation; and in the Federation so established there shall be included the Provinces hereinafter called Chief Commissioners' Provinces.

(2) The condition referred to is that, States—

(a) the Rulers whereof will, in accordance with the provision contained in Part II of the First Schedule to this Act be entitled to choose not less than fifty-two members of the Council of State; and

(b) the aggregate population whereof, as ascertained in accordance with the said provisions, amounts to at least one-half of the total population of States, as so ascertained, have acceded to the Federation."

Leaving aside the conditions prescribed by this Section for the inauguration of the Federation it is clear that the Units of the Federation are (1) The Governors' Provinces, (2) Chief Commissioners' Provinces and (3) The Indian States.

What is the size of this Indian Federation?

Many people when they speak of the Indian Federation do not seem to realize what an enormous entity it is going to *be*—

Population		Area	Units
U.S.A.	122,775,040	2,973,773	48 States plus 1 Federal Dist.
Germany	67,000,000	208,780	25
Switzerland	466,400	15,976	22
Canada	10,376,786	3,729,665	9
Australia	6,629,839	2,974,581	6
India	352,837,778	1,806,679	162

The Indian Federation in point of area is 3/5th of U.S.A. and of Australia and half of Canada. It is 9 times of Germany and 120 times of Switzerland. In point of population it is 3 times of U.S.A., 5 times of Germany, 35 times of Canada, 58 times of Australia and 88 times of Switzerland. Measured by the Units which compose it, it is 3 times larger than U.S.A., 6 1/2 times larger than Germany, 8 times larger than Switzerland, 18 times larger than Canada and 27 times

larger than Australia. Thus the Indian Federation is not merely a big federation. It is really a monster among federations.

What is the source from which the Federation derives its Governmental Powers and Authority?

Section 7 says that the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor-General. That means that the Authority of the Federation is derived from the Crown. In this respect the Indian Federation differs from the Federation in the U.S.A. In the U.S.A., the powers of the Federation are derived from the people. The people of the United States are the fountain from which the authority is derived. While it differs from the Federation in the U.S.A. the Indian Federation resembles the Federations in Australia and Canada. In Australia and Canada the source of the Authority for the Federal Government is also the Crown and Section 7 of the Government of India Act is analogous to section 61 of the Australian Act and section 9 of the Canadian Act. That the Indian Federation should differ in this respect from the American Federation and agree with the Canadian and Australian Federation is perfectly understandable. The United States is a republic while Canada and India are dominions of the Crown. In the former the source of all authority are the people. In the latter the source of all authority is the Crown.

From where does the Crown derive its authority?

Such a question is unnecessary in the case of Canada and Australia, because the Crown is the ultimate source of all authority and there is nothing beyond or behind, to which his authority is referable. Can this be said of the Indian Federation? Is the Crown the ultimate source of authority exercised by the Federation? Is there nothing beyond or behind the Crown to which this authority needs to be referred? The answer to this question is that only for a part of the authority of the Federation the Crown is the ultimate source and that for remaining part the Crown is not the ultimate source.

That this is the true state of affairs is clear from the terms of the Instrument of Accession. I quote the following from the draft instruments :—

> "Whereas proposals for the establishment of a Federation of India comprising such Indian States as may accede thereto and the Provinces of British India constituted as Autonomous Provinces have been discussed between representatives of His Majesty's Government of the Parliament of the United Kingdom, of British

India and of the Rulers of the Indian States;

And Whereas those proposals contemplated that the Federation of India should be constituted by an Act of the Parliament of the United Kingdom and by the accession of Indian States ;

And Whereas provision for the constitution of a Federation of India has now been made in the Government of India Act, 1935;

And Whereas that Act provided that the Federation shall not be established until such date as His Majesty may, by proclamation, declare, and such declaration cannot be made until the requisite number of Indian States have acceded to the Federation:

And Whereas the said Act cannot apply to any of my territories save by virtue of my consent and concurrence signified by my accession to the Federation;

Now, therefore, I (insert full name and title). Ruler of (insert, name of Stale), in the exercise of my sovereignty in and over my said State for the purpose of co-operating in the furtherance of the interests and welfare of India by uniting in a Federation under the Crown by the name of the Federation of India with Provinces called Governors' Provinces and with the Provinces called Chief Commissioners' Provinces and with the Rulers of other Indian States do hereby execute this my Instrument of Accession, and hereby declare that subject to His Majesty's acceptance of this Instrument, accede to the Federation of India as established under the Government of India Act, 1935."

This is a very important feature of the Indian Federation. What has brought about this difference between the Indian Federation and the Canadian and Ausralian Federation? For what part is the Grown the ultimate source and for what part is it not? To understand these questions you must take note of two things. First, the Indian Federation comprises two distinct areas : British India and Indian States. This will be clear if you refer to section 5. Second, the relationship of these two 'areas with the Crown is not the same. The area known as British India is. vested in the Crown while the area comprised in an Indian State is not vested in the Crown but is vested in the Ruler, This *is* clear if you refer to sections 2 and 311. The territory of British India being vested in the Crown the sovereignty over it belongs to the Crown and t*he* territory of an Indian State being vested in the Ruler of the State the sovereignty over the State belongs to the Ruler of the State.

You will now understand why I said that in the Indian Federation

the Crown is the ultimate source for a part of its authority and for the remaining part the Crown is the ultimate source of authority of the Indian Federation in so far as British India is part of the Federation. The Indian Ruler is the ultimate source of authority in so far as his State is part of this Federation. When therefore section 7 says that the Executive Authority of the Federation shall be exercised by the Governor-General on behalf of the Crown it must *be* understood that Crown's authority which is delegated by him to the Governor-General in the working out of the Indian Federation is partly its own and partly derived from the Rulers of the Indian States.

What is the process by which the Crown acquires the authority which belongs to the Ruler of an Indian State? The process is known under the Indian Act as Accession. This Accession is effected by what is called an Instrument of Accession executed by the Ruler of a State. The provisions relating to the instrument of Accession are contained in section 6(1). That section reads as follows :-

"6. A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler for himself;, his heirs and successors—

(a) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal Authority established for the purposes of the Federation shall by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in him by or under this Act; and

(b) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession."

It is this Instrument of Accession which confers authority upon the Crown in the first instance so far as an Indian State is part of the Federation and it is because of this that the Crowns Authority in and over this Federation is derivative in part.

This is the law as to the birth of the Federation. What is the law as to the growth of this Federation? In other words what is the law as to change? The law as to change is contained in section 6(1)(a).

Schedule II and section 6(5).

Section 6(l)(a) makes it clear that the accession by a Prince, effected through his Instrument of Accession, is"to the Federation as established by this Act."Schedule II deals with future amendment of the Constitution. It declares what are the provisions in the Government of India Act an amendment of which will be deemed to affect the Instrument of Accession and what are the provisions an amendment of which will not affect the Instrument of Accession by the States.

Section 6(5) does two things. In the first place it provides that the Instrument of Accession shall be deemed to confer upon Parliament the right to amend these provisions which are declared by Schedule II as open to amendment without affecting the Instrument of Accession. In the second place it provides that although Parliament may amend a provision of the Act which is declared by Schedule II as open to amendment without affecting the Instrument of Accession such an amendment shall not bind the States unless it is accepted as binding by the State by a supplementary Instrument of Accession.

To sum up, the units of this Federation do not form one single whole with a common spring of action. The units are separate. They are just held together. For some purposes the position of the units cannot be altered at all. For some purposes alteration is permissible but such alteration cannot bind all the units alike. Some will be bound by it but some will not be unless they consent to be bound. In other words in this Federation there is no provision for growth. It is fixed. It cannot move. A change by evolution is not possible and where it is possible it is not binding unless it is accepted.

III

THE STRUCTURE OF THE FEDERATION

(a) (a) The Federal Legislature

The Federal Legislature is a bicameral legislature. There is a Lower House which is spoken of as the Legislative Assembly and there is an Upper House which is called the Council of State. The composition of the two Chambers is a noteworthy feature. They are very small Chambers compared with other legislatures having regard to the population and the area as the total membership of the Federal Assembly is 375 and of the Council of State 260. These seats are divided in a certain proportion between British India and the

Indian States. Of the 375 seats in the Federal Assembly 250 are allotted to British India and 125 to the Indian States. In the Council of State, out of the 260 seats, 156 are allotted to British India and 104 to the Indian States. It may be noticed that distribution between British India and the Indian States is not based upon an equalitarian principle. It is possible to take the population as the basis *of* representation. It is also possible to take the revenue as the basis of representation. But neither of these has been taken as the basis of distribution of seats. Whether you take population as the basis or whether you take revenue as the basis, you will find that British India has been under-represented, while the Indian States have been over-represented in the two Chambers. The method of filling the s*eats* is also noteworthy. The representatives of the British India in both the Chambers will be elected. The representatives of the Indian States, on the other hand, are to be appointed i.e., nominated, by the Rulers of the States. It is open to a Ruler to provide that the representatives of his State, though appointed by him, may be chosen by his subjects but this is a matter which is left to his discretion. He may appoint a person who is chosen by his people or he may, if he pleases, do both, choose and appoint. In the final result a State's representative is to be appointed by the Ruler as distinguished from being elected by the people. In the case of British India, the representatives are to be elected, but here again there is a peculiarity which may be noticed. In the case of all bi-cameral Legislatures the Lower House being a popular house is always elected directly by the people, while the Upper House being a revising Chamber is elected by indirect election. In the case of the Indian Federation this process is reversed. The Upper Chamber will be elected by direct election by the people and it is the Lower Chamber which is going to be elected indirectly by the Provincial Legislatures. The life of the Federal Assembly is fixed for a term of five years, although it may be dissolved sooner. The Council of State on the other hand is a permanent body not liable to dissolution. It is a body which lives by renewal of a third part of its membership every three years.

Now the authority of the two Chambers to pass laws and to sanction expenditure may be noted. With regard to the authority to pass laws some constitutions make a distinction between money bills and other bills and provide that with regard to money bills the Upper Chamber shall not have the power to initiate such a bill, and also that the Upper Chamber shall not have the authority to reject it. It is

given the power only to suspend the passing of the bill for a stated period. The Indian constitution makes no such distinction at all. The money bills and other bills are treated on the same footing and require the assent of both the Chambers before they can become law. The only distinction is that while according to section 30(7) a bill which is not a money bill may originate in either Chamber, a money bill, according to section 37, shall not originate in the Upper Chamber. But according to section 3(2) a money bill needs the assent of the Upper Chamber as much as any other bill.

With regard to the authority to sanction expenditure: here again there is a departure made in the accepted principles of distributing authority between the two Chambers when a Legislature is bi-cameral.

According to section 31(7) the Annual Financial Statement of estimated receipts and expenditure shall be laid before both Chambers of the Federal Legislature and shall, of course, be open to discussion in. both the Chambers. Not only are they open to discussion in both the Chambers, they are also subject to the vote of both the Chambers. Section 34(2) requires that the expenditure shall be submitted in the form of demands for grants to the Federal Assembly and thereafter to the Council of State and either Chamber shall have the power to assent to or refuse any demand, or to assent to any demand subject to a reduction of the amount specified therein.

It will thus be seen that the two Chambers are co-equal in authority, both in the matter of their authority to pass laws and in the matter *of* sanctioning expenditure. A conflict between the two Chambers cannot end by one Chamber yielding to the other if that Chamber does not wish so to yield. The procedure adopted for the resolving of differences between the two Chambers is the method of joint sessions. Section 31 *(1)* deals with the procedure with regard to joint sessions where the convict relates to a bill. Section 34(3) relates to the procedure where the conflict relates to the differences with regard to sanctioning of expenditure.

(b) (b) The Federal Executive

The constitution of the Federal Executive is described in section 7(1). According to this section the executive Authority of the Federation is handed over to the Governor-General. It is he who is the Executive Authority for the Federation. The first thing to note about this Federal Executive is that it is a unitary executive and not a

corporate body. In India ever since the British took up the civil and military government of the country, the executive has never been unitary in composition. The executive was a composite executive. IE the Provinces it was known as the Governor-in-Council. At the Centre it was known as the Governor-General-in-Council. The civil and military government of the Provinces as well as of India was not vested either in the Governor or in the Governor-General. The body in which it was vested was the Governor with his Councillors. The Councillors were appointed by the King and did not derive their authority from the Governor-General. They derived their authority from the Crown and possessed co-equal authority with the Governor and the Governor-General and, barring questions where the peace and tranquillity of the territory was concerned, the Governor and the Governor-General were bound by the decision of the majority. The constitution, therefore, makes a departure from the established system. I am not saying that this departure is unsound in principle or it is not justified by precedent or by the circumstances arising out of the necessities of a federal constitution. All I want you to note is that this is a very significant change.

The next thing to note about the Federal Executive is that although the Governor-General is the Executive Authority for the Federation, there are conditions laid down for the exercise of his powers as the Federal Executive. The constitution divides the matters falling within his executive authority into four classes and prescribes how he is to exercise h*is* executive authority in respect of each of these four classes. In certain matters the Governor-General (1) is to act in his own discretion; (2) In certain matters he is to act on the advice of his Ministers; (3) in certain matters he is to act after consultation with his Ministers, arid (4) in certain matters he is to act according to his individual judgment. A word may be said as to the *de jure* connotation that underlies these four cases of the exercise of the executive authority by the Governor-General. The best way to begin to explain this *de jure* connotation is to begin by explaining what is meant by"acting on the advice of his ministers."This means, in those matters the government is really carried on, on the authority of the Ministers and only in the name of the Governor-General. To put the same thing differently, the advice of the Ministers is binding on the Governor-General and he cannot differ from their advice. With regard to the matters where the Governor-General is allowed,"to act in his discretion"what is meant is that the Government is not only

carried on in the name of the Governor-General, but is also carried on the authority of the Governor-General. That means that there can be no intervention or interference by the Ministers at any stage. The Ministers have no right to tender any advice and the Governor-General is not bound to seek their advice; or to make it concrete, the files with regard to these matters need not go to the Ministers at all."Acting in his individual judgment"means that while the matter is within the advisory jurisdiction of the Minister, the Minister has no final authority to decide. The final authority to decide is the Governor-General. The distinction between"in his discretion"and"in his individual judgment"is this that while in regard to matters falling"in his discretion"the Ministers have no right to tender advice to the Governor-General the Ministers have a right to tender advice when the matter is one which falls under"his individual judgment". To put it differently in regard to matters which are subject to his individual judgment the Governor-General is bound to receive advice from his ministers but is not bound to follow their advice. He may consider their advice, but may act otherwise and differently from the advice given by the Ministers. But in respect of matters which are subject to his discretion he is not bound even to receive the advice of his Ministers. The phrase"after consultation"is a mere matter of procedure. The authority in such matter vests in the Governor-General. All that is required is that he should take into account the wishes of the Ministers. Cases relating to"acting after consultation"may be distinguished from cases relating to"individual judgment"in this way. In cases relating to"individual judgment"the authority vests in the Ministers. The Governor-General has the power to superintend and, if necessary, overrule. In the cases falling under"after consultation", the authority belongs to the Governor-General and the Ministers have the liberty to say what they wish should be done.

(c) (c) The Federal Judiciary

The Government of India Act provides for the constitution of a Federal Court as part of the Federal Constitution. The Federal Court is to consist of a Chief Justice and such Puisne Judges as His Majesty thinks necessary, their number not to exceed six until an address is presented by the Legislature asking for an increase. The Federal Judiciary has original as well as appellate jurisdiction. Section 204, which speaks of the Original Jurisdiction of the Federal Court, prescribes that, that Court shall have exclusive Original Jurisdiction

in any dispute *between* the Federation, the Provinces and the federated States which involves any question of law or fact on which the existence or extent of a legal right depends. This section, however, provides that if a State is party then the dispute must concern the interpretation of the Act or an Order in Council thereunder, or the extent of the legislative or executive authority vested in the Federation by the Instrument of Accession or arise under an Agreement under Part VI of the Act for the administration of a federal law in the States, or otherwise concern some matter in which the Federal Legislature has power to legislate for the States or arise under an agreement made after federation with the approval of the Representative of the Crown between the States and the Federation or a Province, and includes provision for such jurisdiction. Even this limited jurisdiction of the Federal Court over the States is further limited by the proviso that no dispute is justifiable if it arises under an agreement expressly excluding such jurisdiction.

The appellate jurisdiction of the Federal Court is regulated by section 205 and section 207. Section 205 says that an appeal shall lie to the Federal Court from any judgment, decree or final order of a High Court in British India if the High Court certified that the case involves a substantial question of law as to the interpretation of this Act or an Order in Council made thereunder. Section 207 relates to appeal from decision of Courts of the Federated States. It says that an appeal shall be to the Federal Court from a Court in a federated State on the ground that a question of law has been wrongly decided, being a question which concerns the interpretation of this Act or of any Order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State or arises under an Agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature ; but sub-section *(2)* to section 207 provides that an appeal under this section shall be by way of a special case to be stated for the opinion of the Federal Court by a High Court, and the Federal Court may require a case to be so stated.

Two further points with regard to the Federal Judiciary may be noted. The first is the power of the Federal Court to execute its own orders. The Federal Court has no machinery of its own to enforce its orders. Section 210 provides that the orders of the Federal Court shall be enforceable by all courts and authorities in every part of

British India or of any Federated State as if they were orders duly made by the highest court exercising civil or criminal jurisdiction as the case may be in that part. The instrumentality, therefore, which the Federal Court can use for the enforcement of its own orders consists of the administrative machinery of the units of the Federation. The units of the Federation are bound to act in aid of the Federal Court. This is different to what prevails for instance, in the United States of America, where the Supreme Court has its own machinery for enforcing its own orders.

The second point to note with regard to the Federal Court is the question of the powers of the Executive to remove the judges and the power of the Legislature to discuss their conduct. In this respect also the Federal Court stands on a different footing from the Federal Courts in other Federations. The Constitution does not give the Governor-General the power to suspend a Judge of the Federal Court. It forbids any discussion of a judge's judicial conduct by the Legislature. This. no doubt, gives the judge of the Federal Court the greatest fixity of tenure and immunity from interference by the Executive or by the Legislature. To remove the Judiciary from the control of the Executive it has been found necessary that the tenure of a judge must not be subject to the pleasure of the Executive. All constitutions, therefore, provide that the tenure of a judge shall be during good behaviour and that a judge shall be removable only if address is presented by the Legislature pronouncing that he is not of good behaviour. Some such authority must be vested in somebody which should have the power to pronounce upon the good behaviour of a judge. This provision is absent in the Federal Constitution, so that a Judge of the Federal Court once appointed is irremovable from his place till retirement, no matter what his conduct during that period may be. Instead of this power is given to His Majesty under section 200(2)(b) to remove a Judge of the Federal Court on the ground of misbehaviour or infirmity of body or mind it the Judicial Committee of the Privy Council reports that he may be removed on any such ground.

IV
POWERS OF THE FEDERATION

Before I describe the powers of the Federal Government it might be desirable to explain what is the essence of a Federal Form of Government.

There is no simpler way of explaining it than by contrasting it with

the Unitary Form of Government.

Although the Federal Form of Government is distinct from the Unitary form, it is not easy to see distinction. On the other hand there is, outwardly at any rate, a great deal of similarity between the two. The Government of almost every country in these days is carried on by an inter-related group of Administrative Units operating in specific areas and discharging specific public functions. This is true of a country with a Federal Form of Government and also of a country with a Unitary form of Government. In a Federal Constitution there is a Central Government and there are inter-related to it several Local Governments. In the same way in a Unitary Constitution there is a Central Government and there are inter-related to it several Local Governments. On the surface, therefore, there appears to be no difference between the two.

There is, however, a real difference between them although it is not obvious. That difference lies in the nature of the inter-relationship between the Central and the Local Administrative Units. This difference may be summed up in this way. In the Unitary Form of Government, the powers of the local bodies are derived from an Act of the Central Government. That being so the powers of the Local Government can always be withdrawn by the Central Government. In the Federal form of Government the powers of the Central Government as well as of the Local Government are derived by the law of the Constitution which neither the Local Government nor the Central Government can alter by its own Act. Both derive their powers from the law of the Constitution and each is required by the Constitution to confine itself to the powers given to it. Not only does the Constitution fix the powers of each but the constitution establishes a judiciary to declare any Act whether of the Local or the Central Government as void if it transgresses the limits fixed for it by the Constitution. This is well stated by Clement in his volume on the Canadian Constitution in the following passage:

> "Apart from detail, the term federal union in these modem times implies an agreement ..... to commit ..... people to the control of one common government in relation to such matters as are agreed upon as of common concern, leaving each local government still independent and autonomous in all other matters, as a necessary corollary the whole-arrangement constitutes a fundamental law to be recognised in and enforced through the agency of the Courts.

"The exact position of the line which is to divide matters of common concern to the whole federation from matters of local concern in each unit is not of the essence of federalism. Where it is to be drawn in any proposed scheme depends upon the view adopted by the federating communities as to what, in their actual circumstances, geographical, commercial, racial or otherwise, are really matters of common concern and as such proper to be assigned to a common government. But the maintenance of the line, as fixed by the federating agreement, is of the essence of modem federalism; at least, as exhibited in the three great Anglo Saxon federations today, the United States of America, the Commonwealth of Australia, and the Dominion of Canada. Hence the importance and gravity of the duty thrown upon the Courts as the only constitutional interpreter of the organic instrument which contains the fundamental law of the land."

Thus to draw a line for the purpose of dividing the powers of Government between the Central and Local Governments by the law of the Constitution and to maintain that line through the judiciary are the two essential features of the Federal Form of Government. It is these two features which distinguish it from the Unitary Form of Government. In short every federation involves two things :

(1) Division of Powers by metes and bounds between the Central Government and the Units which compose it by the law of the Constitution, which is beyond the power of either to change and to limit the action of each to the powers given and

(2) a Tribunal beyond the control of either to decide when the issue arises as to whether any particular act of the Centre or of the Unit, Legislative. Executive, Administrative or Financial is beyond the powers given to it by the Constitution.

Having explained what is meant by Federal Government, I will now proceed to give you some idea of the Powers which are assigned by the constitution to the Federal Government.

(a) (a) Legislative Powers of *the* Federation

For the purposes of distributing the Legislative Powers the possible subjects of Legislation are listed into three categories. The first category includes subjects, the exclusive right to legislate upon which is given to the Federal Legislature. This list is called the Federal List. The second category includes subjects, the exclusive right to legislate upon which is given to the Provincial Legislature. The list is called

the Provincial List. The third category includes subjects over which both the Federal as well as the Provincial Legislature have a right to legislate. This list is called the Concurrent list. The scope and contents of these lists are given in Schedule VII to the Government of India Act.

In accordance with the fundamental principles of Federation a law made by the Federal Legislature if it relates to a matter which is included in the Provincial List, would be *ultra vires* and a nullity. Similarly, if the Provincial Legislature were to make a law relating to a matter falling in the Federal List such a Provincial Law would be *ultra vires* and therefore a nullity. This is, however declared by statute and section 107 is now the law on the point. Cases of conflict of legislation touching the Federal List and the Provincial List are not likely to occur often. But cases of conflict between the two are sure to arise in the concurrent field of legislation. The law as to that you will find in section 107. Sub-section (7) lays down when a Federal Law shall prevail over a Provincial Law. Sub-section (2) lays down as to when a Provincial Law shall prevail over the Federal Law. Reading the sub-sections together the position in law is this. As a rule a Federal Law shall prevail over a Provincial Law if the two are in conflict. But in cases where the Provincial Law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure, has received the assent of the Governor-General or His Majesty, the Provincial Law shall prevail until the Federal Legislature enacts further legislation with respect to the same matter.

With regard to the question of this distribution of powers of legislation every Federation is faced with a problem. That problem arises because there can be no guarantee that enumeration of the subjects of legislation is exhaustive and includes every possible subject of legislation. However complete and exhaustive the listing may be there is always the possibility of some subject remaining unenumerated. Every Federation has to provide for such a contingency and lay down to whom the powers to legislate regarding these residuary subjects shall belong. Should they be given to the Central Government or should they be given to the Units? Hitherto there has been only one way of dealing with them. In some Federations. these residuary powers are given to the Central Government, as in Canada. In some Federations they are given to the Units, as in Australia. The Indian Federation has adopted a new

way of dealing with them. In the Indian Federation they are neither assigned to the Central Government nor to the Provinces. They are in a way vested in the Governor-General by virtue of section 104. When a Legislation is proposed on a subject which is not enumerated in any of the three lists it is the Governor-General, who is to decide whether the powers shall be exercised by the Federal Legislature or by the Provincial Legislature.

(b) Executive Powers of the Federation

The first question is, what is the extent of the executive powers of the Federation? Is it co-extensive with the legislative powers? In some of the Federations this was not made clear by statute. It was left to judicial decision. Such is the case in Canada. The Indian Constitution does not leave this matter to courts to decide. It is defined expressly in the Act itself. The relevant section is section 8(7). It says that the executive authority of the Federation extends—

(a) to matters with respect to which the Federal Legislature has powers

to make laws;

(b) to raising in British India on behalf of His Majesty of naval, military and air forces and to the governance of His Majesty's forces borne on the Indian establishment ;

(c) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufference, or otherwise in and in relation to the tribal areas.

There is no difficulty in following the provisions of this sub-section. There might perhaps be some difficulty in understanding sub-clause *(a)*. It says that the executive powers must be co-extensive with the legislative powers of the Federation. Now the legislative power of the Federation extends not only to the Federal List but also to the Concurrent List Docs the executive power of the Federation extend to subjects included in the Concurrent List? Two points must be borne in mind before answering this question. First, the Concurrent List is also subject to the legislative authority of the Province. Second, according to section 49(2) that the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws. The answer to the question whether the executive authority of the Federation extends also to the Concurrent list is that the Executive Authority in respect of the Concurrent List belongs to the Federal

Government as well as to the Provincial Government. This is clear from the terms of section 126(2). It belongs to Provincial Government except in so far as the Federal Legislature has covered the field. It belongs to the Federal Government except in so far as the Provincial Legislature has covered the field.

The Concurrent List is not the only list which is subject to Legislation by the Federal Legislature. The Federal Legislature has the right to legislate even on Provincial subjects under Section 102 in causes of emergency and under Section 106 to give effect to international agreements. Does the Executive Authority of the Federation extend to such matters also? The answer is that when a field is covered by Federal Legislation that field also becomes the field of Executive Authority of the Federation.

(c) Administrative Powers of the Federation

The Administrative Powers of the Federation follow upon the Executive Powers of the Federation just as the Executive Powers of the Federation follow upon the Legislative Powers of the Federation.

To this there is one exception. That exception relates to the administration of subjects included in the Concurrent List. The Concurrent List is a list to which the Legislative Authority of the Federation extends by virtue of Section 100. As has already been pointed out the executive authority of the Federation extends in so far as Federal Legislation has covered the field. But the administrative powers for subjects falling in the Concurrent List do not belong to the Federation. They belong to the Provinces.

(d) Financial Powers of the Federation

The revenues of the Federal Government are derived from four different sources: (1) Revenue from Commercial Enterprise, (2) Revenue from Sovereign Functions; (3) Revenue from Tributes; and (4) Revenue from Taxes.

Under the first head fall all revenues from Posts and Telegraphs. Federal Railways, banking profits and other commercial operations. Under the second head come revenues from currency and coinage, from b*ona vacantia* and territories administered directly by the Federal Government. Under the third head are included Contributions and Tributes from the Indian States.

The classification of Revenue from taxes follows upon the Powers of Taxation given to the Federal Government by the Constitution. The Powers of Taxation given to the Federal Government fall into three main categories. in the first category fall those powers of

taxation which is wholly appropriable by the Federal Government. In the second category, fall those powers of taxation which are exercisable for raising revenue which is divisible between the Federal Government and the Provincial Governments.

The heads of revenue which fall under the first category of Taxing Powers cover those which are specifically mentioned is the Federal List—

1. Duties of customs, including export duties.
2. Duties of excise on tobacco and other goods manufactured or **produced in** India except— *(a)* alcoholic liquors for human consumption ; *(b)* opium, Indian hemp and other narcotic drugs and narcotics, non-narcotic drugs;
   (c) medical and toilet preparations containing alcoholic, or any substance included in sub-paragraph *(b)* of this entry.
3. Corporation tax.
4. Salt
5. State lotteries.
6. Taxes on income other than agricultural income.
7. Taxes on the capital value of the assets, exclusive of agricultural land
of individuals and companies ; taxes on the capital of companies.
8. Duties in respect of succession to property other than agricultural land.
9. The rates of stamp duty in respect of bills of exchange, cheques. promissory notes, bills of lading, letters of credit, policies of insurance proxies and receipts.
10. Terminal taxes on goods or passengers carried by railway or air; taxes on railway fares and freights.
11. Fees In respect of any of the mailers in this list but not including fees taken in any court.

In connection with this, attention might be drawn to the following items *in* the Concurrent List :

1. Marriage and divorce.
2. Wills, intestacy and succession.
3. Transfer of Property and other agricultural lands

Being in the Concurrent list, the Federal Legislature has power to legislate upon with respect to these. Can the Federal Legislature also while legislating upon them raise revenue from them? The Act does not seem to furnish any answer to this question. It may however be suggested that the rules contained in section 104 regarding the

exercise of Residuary Powers will also apply here.
The sources of revenue which are made divisible by the Constitution are :
(1) Income Tax other than Corporation Tax and (2) Jute Export duty. Those which are made divisable according to the Federal Law are : (1) Duty on Salt,
(2) Excise duty on Tobacco and other goods and (3) Duties of Export.

In respect of the financial powers of the Federation there is one feature which by reason of its peculiarity is deserving of attention. The Act in giving the Federal Government the right to tax, makes a distinction between power to levy the tax and the right to collect it and even where it gives the power to levy the tax it does not give it the right to collect it. This is so in the case of surcharge on Income tax and the Corporation tax. The Income tax is only leviable in the Provinces and not in the States although it is a tax for Federal purposes. The State subjects are liable to pay only a Federal surcharge on Income Tax because such a surcharge is leviable both within the Provinces as well as the Slates. But under section 138 (3) the Federal Government has no right to collect it within the States. The collection is left to the Ruler of the State. The Ruler, instead of collecting the surcharge from his subjects, may agree to pay the Federation a lump sum and the Federation is bound to accept the same. Similar is the case with regard to the Corporation tax. The Federation can levy it on State subjects but cannot collect it directly by its own agency. Section 139 provides that the collection of the Corporation tax shall as of right be the function of the Ruler.

V

CHARACTER OF THE FEDERATION

(1) *The* Nature of the Union

How does the Indian Federation compare with other Federations? This is not only a natural inquiry but it is also a necessary inquiry. The method of comparison and contrast is the *best* way to understand the nature of a thing. This comparison can be instituted from points of view. There is no time for a comparison on so vast a scale. I must confine this comparison to some very moderate dimensions. Therefore I propose to raise only four questions: (1) Is this Federation a perpetual Union? (2) What is the relationship of the Units to the Federal Government? (3) What is the relationship of the

Units as between themselves? (4) What is the relationship of the people under the Units?

There is no doubt that the accession of the Indian States to the Federation is to be perpetual so long as the Federation created by the Act is in existence. While the Federation exists there is no right to secede. But that is not the real question. The real question is, will the federation continue even when the Act is changed? In other words the question is, is this a perpetual Union with no right to secede or, is this a mere alliance with a right to break away? In my opinion the Indian Federation is not a perpetual union and that the Indian States have a right to secede. In this respect the constitution of the United States and this Indian Federation stand in clear contrast. The constitution of the United States says nothing as to the right of secession. This omission was interpreted in two different ways. Some said that it was not granted because it was copy recognized. Others said it was not excluded because it was not negatived. It was this controversy over the question namely whether the right of secession was excluded because it was not recognized which led to the Civil War of 1861. The Civil War settled two important principles: (1) No State has a right to declare an Act of the Federal Government invalid; (2) No State has a right to secede from the Union. In the Indian Federation it would be unnecessary to go to war for establishing the right to secession because the Constitution recognizes the right of the Indian States to secede from the Indian Federation if certain eventualities occur. What is a perpetual Union and what is only a compact is made nowhere so clear as by Black-stone in his analysis of the nature of the Union between England and Scotland. To use his language the Indian Federation is not an incorporate Union because in a Union the two contracting States are totally annihilated without any power of revival. The Indian Federation is an alliance between two contracting parties, the Crown and the Indian States, in which neither is annihilated but each reserves a right to original Status if a breach of condition occurs. The Constitution of the United States originated in a compact but resulted in a union. The Indian Federation originates in a compact and continues as a compact. That the Indian Federation has none of the marks of a Union but on the other hand it has all the marks of a compact is beyond dispute. The distinguishing marks of a Union were well described by Daniel Webster, when in one of his speeches on the American Constitution he said—

"...The constitution speaks of that political system which is established as ' the Government of the United States '. Is it not doing a strange violence to languages to call a league or a compact between sovereign powers a *Government*? The Government of a State is that organisation in which political power resides".

"...The broad and clear difference between a government and a league or a compact is that a government is a body politic; it has a will of its own: and it possesses powers and faculties to execute its own purposes Every compact looks to some power to enforce its stipulations. Even in a compact between sovereign communities there always exists this ultimate reference to a power to ensure its execution; although in such a ease, this power is but the force of one party against the force of another, that is to say, the power of war. But a Government executes its decisions by its own supreme authority. Its use of force in compelling obedience to its own enactments is not war. It contemplates no opposing party having a right of resistance. It rests on its power to enforce its own will; and when it ceases to possess this power it is no longer a Government".

In the light of this the following facts should be noted. The Act does not ordain and establish a Federal Government for British India and the Indian States. The Act ordains and establishes a Federal Government for British India only. The Federal Government will become a Government for the States only when each State adopts it by its Instrument of Accession. Again note that the subjection of the States to the Federal Government is not to be for all times. It is to continue only under certain circumstances. It is to continue so long as certain provisions of the Act are continued without a change. Thirdly, where change in the provisions is permissible such change shall not bind the State unless it agrees to be bound by it,

All these are unmistakable signs which show that the Indian Federation is a compact and not a perpetual Union. The essence of a compact is that it reserves the right to break away and to return to the original position.

In this respect therefore the Indian Federation differs from the Federations in U.S.A., Canada and Australia. It differs from the U.S.A., because the right to secede, is recognized by the Indian Constitution if the constitution is altered, while it is not recognized by the Constitution of the U.S.A., even if the constitution is altered against the wishes of a particular State. In regard to Australia and

Canada such a question cannot really arise and if it did, a civil war would be quite unnecessary to decide the issue. In these federations the sovereignty, whether it is exercised by the Federal Governments or the Units belongs to the Crown and the maintenance of the Federation or its break up remains with the King and Parliament. Neither the Federation nor the Units could decide the issue otherwise than with the consent of Parliament. If a break-up came, it would be a mere withdrawal of the sovereignty of the Grown and its re-distribution which the Crown is always free to do. The break up could be legal and even if it was perpetrated by non-legal means it could give sovereignty to the rebellious units because it belongs to the Crown. The same would have been the case, if the Indian Federation had been the Federation of British Indian Provinces only. No question of secession could have arisen. The Provinces would, have been required to remain in the position in which the Crown might think it best to place them. The Indian Federation has become different because of the entry of the Indian States. The entry of the Indian States is not for all times and under all circumstances. Their entry is upon terms and conditions. That being so the Indian Federation could not be a perpetual union, indeed, the Indian States would not enter into matrimony with the Indian Provinces unless the terms of divorce were settled before-hand. And so they are. That is why the Indian Federation is a compact and not a union.

(2) Relationship of the Units to the Federal Government

That each separate, unit should have approximately equal political rights is a general feature of federations. Equality of status among the different units is a necessity. To make them unequal in status is to give units the power to become dominant- partners. The existence of dominant partners in a federation, as observed by Dicey is fraught with two dangers. Firstly, the dominant partners may exercise an authority almost inconsistent with federal equality. Secondly, it may create combinations inside, the Federation of dominant units and subordinate units and *vice versa.* To prevent such *en* unhealthy slate of affairs, all federations proceed upon the principle of equality of status. How far does this principle obtain in the Indian Federation?

(a) In the matter of Legislation

As you know for purposes of Legislation the field is divided into three parts and there are three lists prepared which are called the Federal List the Concurrent List and the Provincial List.

The Federal List contains 59 items as subjects of legislation. The Con-current List contains. 36 items..

The first thing to note is that both these lists are binding upon the Provinces. They cannot pick and choose as to the matters in these two lists in respect of which they will subject themselves t*o* the authority of the Federation. The Provinces have no liberty to contract out of these two lists. The position of a Federating State is quite different. A Federating State can wholly keep itself cut of the Concurrent List. Under section 6(2) there. is no objection to the Ruler of any Indian State to agree to federate in respect of matters included in the Concurrent List. But there is no obligation upon them to do so. Such an agreement is not a condition precedent to their admission into the Federation.

With regard to the Federal List, there is no doubt an obligation on the Ruler of a State to subject himself to the legislative authority of the Federation in respect of the Federal List, but his subjection to the Federation will be confined to matters specified by him in his Instrument of Accession. There are as I stated altogether 59 items in the Federal List. There is no obligation upon the Prince to accept all subjects in the Federal List as a condition precedent for his entry into Federation. He may accept some only or he may accept all. Again one Ruler may accept one item and another Ruler may accept another. There is no rule laid down in the constitution that some items must be accepted by every Ruler who chooses to enter the Federation. The Federation, therefore, while it affects British India and the Provinces uniformly and completely so far as the legislative authority of the Federation is concerned, it touches different States in different degrees. A Ruler may federate in respect of one subject yet he is as good a member of the Federation as a Ruler who accepts all the fifty-nine items in the Federal List.

The Provincial List is a list which is subject to the exclusive Legislative authority of the Provinces. There is no corresponding State List given in the Act for the Federated States. It cannot be given. But it can be said that it includes all these subjects which are not surrendered by the State to the Federation. Now with regard to the exclusive authority of the Provincial Legislature, still in. the event of emergency it is open to the Federal Legislature to make laws for a Province or any part thereof with respect *to* any of the matters enumerated in the Provincial List, if the Governor-General has in his discretion declared under section 102 by proclamation that a grave

emergency exists whereby the security of India is threatened whether by way of war or by internal disturbances. There is no such provision in respect of the Indian States. A grave emergency which threatens India may quite well arise within a State as it may within the territories of a Province. *It is* thus clear that while the Federal Legislature can intervene *and* make laws for a Province when there is emergency, it cannot intervene and make laws for the Federated States under similar circumstances.

(b) In the matter of the Executive

Again in the matter of the Executive the States and the Provinces do not stand on the same footing. Section 8 defines the scope *of* the executive authority of the Federation which according to section 7 is exercisable by the Governor-General on behalf of His Majesty. According to sub-section (1) to sub-clause (a) the authority of the Federal Executive extends to matters with respect to which the Federal Legislature has power to make laws, but this clause has also exclusive authority with respect to certain matters included in the concurrent List subject to certain limitations ; but with regard to the states the case is very different. With regard to the States the federation can have no executive authority in respect of subjects in the concurrent List, but also the federation is not entitled to have exclusive authority with respect to matters included in the Federal Legislative List. Sub-clause 2 of section 8 is very important. It says:"The executive authority of the Ruler of a Federated State shall notwithstanding anything in this section, continue to be exercisable in that state with respect to matters with respect to which the federal Legislature has power to make laws for that State except in so far as the executive authority of the Federation becomes exercisable in the State to the exclusion of the executive authority of the Ruler by virtue of a federal law.".

In plain language what the sub-section means is this—With regard to a province the executive authority of the Federation extends to all matters over which the Federation has legislative authority. With regard to the State the position is different. The mere fact that the federal legislature has authority to legislate in respect of a subject does not give the Federation any executive authority over the State in respect of that subject. Such executive authority can be conferred only as a result of a law passed by the Federation. Whether it is

possible to pass such a law is problematic in view of the large representation which the States have in Federal Legislature. Whatever may be the eventuality, in theory the executive authority of the Federation does not extend to a Federated State. The position is that while with regard to the provinces she Federation can legislate as well as execute, in the case of the Federated Stales, the Federation can legislate, but cannot execute. The execution may be with the Slate.

(c) In the matter of administration

When you begin to examine the constitution from the point of view of administration you will find certain sections in the Act which lay down rules for the guidance of the Federal Government, of the Provincial Governments and of the State Governments. The purpose of the sections is to tell them how they should exercise the executive authority belonging to them respectively. These sections are 122, 126 and 128.

Section 122 is addressed to the Federal Government. It reads as follows :

"122. *(1)* The executive authority of every Province and Federated State shall be so exercised as to secure respect for the laws of the Federal Legislature which apply in that Province or State.

(2) The reference in sub-section (7) of this section to laws of the Federal Legislature shall, in relation to any Province, include a reference to any existing Indian Law applying in that Province.

(3) Without prejudice to any of the other provisions of this part of this Act, in the exercise of the executive authority of the Federation in any Province or Federated State regard shall be had to the interests of that Province or State.".

Section 126 is addressed to the Provincial Governments. It provides that—

"126 (1) The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose."

Section 128 is addressed to the States. It runs as follows :

"128. (7) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the

executive authority of the Federation so far as it is exercisable in the State by virtue of the law of the Federal Legislature while applies therein.

(2) If it appears to the Governor-General that the Ruler of any Federated State has in any way failed to fulfil his obligations under the preceding sub-section, the Governor-General, acting in his discretion, may after considering any representations made to him by the Ruler, issue such directions to the Ruler as he thinks fit:

Provided that if any question arises under this section as to whether the executive authority of the Federation is exercisable in a State with respect to which it is so exercisable, the question may, at the instance either of the Federation or the Ruler, be referred to the Federal Court for determination by that Court in the exercise of its original jurisdiction under this Act.'

All these sections would have been very useful if there was any possibility of conflict in the exercise of their executive authority by these agencies. But these will be quite unnecessary because there would be as a matter of fact no conflict of executive authority which can arise only when such executive authority is followed by administrative act. When administration is divorced from Executive Authority there is no possibility of conflict and the admonitions contained in such sections are quite unnecessary.

Now it is possible that in the Federal Constitution the Federal Government may be altogether denuded of its powers of administration and may be made just as a frame without any spring of action in it. The constitution provides that the Governor-General of the Federal Legislature may provide that the administration of a certain law passed by it instead of being carried on by the Federal Executive might be entrusted to Units i.e. to the Provincial Governments and the Indian States. This is clear from the terms of section 124:

"124. (1) Notwithstanding anything in this Act, the Governor-General may, with the consent of the Government of a Province or the Ruler of a Federated State, entrust either conditionally to the Government or Ruler or to their respective Officers, functions in relation to any matter to which the executive authority of the Federation extends.

(2) An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a

Province or officers and authorities thereof.

(3) An Act of the Federal Legislature which extends to a Federated State may confer powers and impose duties upon the State or officers and authorities thereof to be designated for the purpose by the Ruler.

(4) Where by virtue of this section powers and duties have been *con*ferred or imposed upon a Province or a Federated State or officers or authorities thereof, there shall be paid by the Federation to the Province or State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of any extra cost of administration incurred by the Province or State in connection with the exercise of those powers and duties."

It is quite possible for States and Provinces to combine to rob the Federation of all administrative powers and make it only a law making body.

A more staggering situation however is created by section 125. It is in the following terms:

"125. *(1)* Notwithstanding anything in this Act, agreements may, and, if provision has been made in that behalf by the Instrument of Accession of the State, shall be made between the Governor-General and the Ruler of a Federated State for the exercise by the Ruler or his officers of functions in relation to the administration in his State of any law of the Federal Legislature which applies therein.

(2) An agreement made under this section shall contain provisions enabling the Governor-General in his discretion to satisfy himself, by inspection or otherwise that the administration of the law to which the agreement relates is earned out in accordance with the policy of the Federal Government and, it he is not so satisfied, the Governor-General acting in his discretion, may issue such directions to the Ruler as he thinks fit.

(3) All courts shall take judicial notice of any agreement made under this section.

This section means that a State by its instrument of Accession may stipulate that the administration of Federal laws in this State shall be carried out by the State agency and not by the agency of the Federation and if it does so stipulate then the Federation shall have no administrative power inside the State. The benefit of a law depends upon its administration. A law may turn out to be of no avail because the administration is either inefficient or corrupt to

deprive the Federal Government of its administrative power is really to cripple the federal Government. There is no Federation in which some units of the Federation are permitted to say that the Federal Government shall have no administrative power in their territory. The Indian Federation is an exception. Not only is there a difference between the Provinces and the States in this matter but they also differ in their liability to supervision and direction by the Federal Government in the matter of the exercise of their executive authority. That difference will be clear if you will compare section 126 with section 128.

Section 126 enacts that the executive authority of every province shall be exercised as not to impede or prejudice the exercise of the executive authority of the Federation and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose. Section 128 is a section which enacts a similar rule with respect to a Federated State, but there is a significant difference between the two sections. Section 126 says that the executive authority of the Federation extends to the giving of such directions to a province as may appear to the Federal Government to be necessary for that purpose, while section 128 does not give such a power. That means that the Federation does not possess the inherent executive authority to give a direction to the Ruler of a Federated State to prevent him from so exercising the executive authority of the State as to impede or prejudice the exercise of the executive authority of the; Federation. That is one very significant difference. Such authority, instead of being given to the Federation, is given to the Governor-General, who, of course, under the law is distinct from the Federal Government and it is the Governor-General who is empowered to issue such directions to the Ruler as he thinks fit. A further distinction is also noticeable. When directions are issued to the Governor OF A province under section 126 he is bound to carry them out. Be has *no* right to question the necessity of the directions nor can he question the capacity of the Governor-General to issue such directions. With regard to the Ruler of a Stale, however, the position is entirely different. He can question such a direction, and have the matter adjudicated in the Federal Court because the proviso to sub-section 2 of section 128 says that if any question arises under this section as to whether the executive authority under this section of the Federation is exercisable in a State

with respect to any matter or as to the extent to which it is so exercisable, the question may at the instance either of the. Federation or the Ruler be referred to the Federal Court for determination by that Court.

(3) ln the matter of Finance

Coming to the question of Finance, the disparity between the Provinces and the States is a glaring disparity. Take the case of the taxing authority of the Federation over the Provinces and the States. It may be noted that the revenues of the Federation are derivable from sources which fall under two main heads—those derive, from taxation and those not derived from taxation. Those not derived from taxation fall under six heads—

(1) Fees in respect of matters included in the Federal List.
(2) Profits, if any, on the work of the Postal Services, including Postal Savings Banks.
(3) Profits, if any, on the operation of Federal Railways.
(4) Profits, if any, from Mint and Currency operations.
(5) Profits, if any, from any other Federal enterprise, such as Reserve Bank, and
(6) Direct, contribution to the Crown from Federated or non-Federated States.

As regards the revenues derived from taxation under the Government of India Act, they fall under two heads; Ordinary taxation and Extraordinary taxation. Ordinary taxation includes levy from following sources:

(1) Customs duties;
(2) Export duties;
(3) Excise duties;
(4) Salt;
(5) Corporation tax;
(6) Tax on income, other than agricultural; and
(7) Property Taxes i.e., taxes on Capital value of the individual assets or a property.

The extraordinary revenue falls under following heads :

(1) Surcharges on Income-tax.
(2) Surcharges on succession duties.
(3) Surcharges on terminal taxes on goods or passengers carried by rail or air and all taxes on railway freights.
(4) Surcharges on Stamp duties, etc.

Now, while the provinces are liable to bear taxation under any of these heads whether the taxation is of an ordinary character or is of an extra-ordinary character, the same is not true of the States. For instance, the States are not liable in ordinary time to ordinary taxes falling under heads 6 and 7, while the Provinces are liable,

With regard to extraordinary taxation, the States are not liable to contribute even in times of financial stringency the taxes levied under items 2, 3 and 4 and even where they are liable to contribute 'under head 1 of the extraordinary sources of revenue, it must be certified that all other economies have been made.

There is another difference from the financial point of view between the States and the Provinces. The field of taxation for provincial Governments has been defined in the Act. A provincial Government cannot raise revenue from any source other than those mentioned in the Act. Such is not the case with the State. There is nothing in the Government of India Act, which defines the powers of a Federated State with regard to its system of taxation. It may select any source of taxation to raise revenue for the purpose of internal administration and may even levy customs duties upon articles entering its territory from a neighbouring province although that neighbouring province is a unit of the Federal Government *of* which the Federated State is also a unit. This is a most extraordinary feature of this Indian Federation and also one of its worst features. One of the results of a Federation, if not its primary object, has been the freedom of trade and commerce inside the territory of the Federation. There is no federation known to history which has permitted one unit of the Federation to levy customs duties or raise other barriers with a view to prevent inter-State commerce. The Indian Federation is an exception to that rule and this is a feature of the Indian Federation which makes it stand out in glaring contrast with other federations with which people are familiar today.

One of the characteristics of a Federal Constitution is that although the territory comprised in the Federation is distributed or held by different units, still they constitute one single territory. At any rate for customs purposes the territory is treated as a single unit. Every Federal Constitution contains powers and prohibitions to prevent trade and customs barriers being erected by one unit against another.

The American constitution by Section 9 of Article II prohibits a State from preventing the import or export of goods or from levying import or export duties upon goods passing in or out of the State

boundary. Section 8(3) of Article II gives the Federal Government the power of regulating trade or commerce between the States of the Union.

In Australia by virtue of Section 92 of its Constitution both the States and the Federal Government are bound so to exercise their power of regulation as not to transgress the fundamental guarantee of the Constitution embodied in Section 92 that"trade and commerce among the States whether by means of internal carriage or ocean navigation shall be absolutely free".

In Canada section 121 enacts that"all articles of the growth, produce, or manufacture of am' one Province shall, from and after the Union, be admitted free into each of the other Provinces."

In the Indian Constitution the provision relating to freedom of trade and commerce within the Federation is contained in Section 297. It reads as follows:"297. (1*)* No Provincial Legislature or Government shall—

(a) by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the Province, or the entry in that list relating to the production, supply, and distribution of commodities, have power to pass any law or take any executive action prohibiting or restricting the entry into. or export from, the Province of goods of any class or description; or

(b) by virtue of anything in this Act have power to impose any tax, cess, toll, or due which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former, or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in one locality and similar goods manufactured or produced in another locality.

(2) Any law passed in contravention of this shall, to the extent of the contravention, be invalid."

Now it will be clear from the terms of this section that the freedom of trade and commerce is confined only to the provinces. That means the Indian States are free to prohibit the entry of goods from the Provinces absolutely or subject them to duty. This is quite contrary to the fundamental idea underlying a federal union. To allow one unit of the Federation to carry on commercial warfare against another unit is nothing but negation of federation.

(4) Relationship of the People under the Federation

Before I enter into this question it is necessary to clear the ground by pointing out certain distinctions. The words ' State ' and ' Society ' are often presented as though there was a contrast between the two. But there is no distinction of a fundamental character between a State and a society. It is true that the plenary powers of the State operate through the sanction of law while society depends upon religious and social sanctions for the enforcement of its plenary powers. The fact, however, remains that both have plenary powers to coerce. As such, there is no contrast between state and society. Secondly, the persons composing society are persons who are also members of the State. Here again, there is no difference between State and Society.

There is, however, one difference, but it is of another kind. Every person, who is a member of society and dwells in it, is not necessarily a member of the State. Only those who dwell within the boundary of the State do not necessarily belong to the State. This distinction between those, who belong to the State and those who do not, is very crucial and should not be forgotten because *it* has important consequences. Those who belong to State are members and *have* the benefit? of membership which consists of the totality rights and duties which they possess over against the State. From the side of duly the relation is best indicated by the word subject, from the side of rights it is best designated by the word citizen. This difference involves the consequence that those who dwell in the State without belonging to it have no benefit of membership which means that they are foreigners and not citizens.

Theoretically, the task of differentiating the foreigners from the citizens of a State would seem to be an easy task, in fact, almost a mechanical task. This is particularly true of an Unitary State. Here there is a simple question: What is the relation of this State as against any and all foreign States? In a Federal State the matter is complicated by the fact that every individual stands in a dual relationship. On the one hand, he sustains certain relations to the Federal State as a whole; and on the other he sustains certain relations to the State in which he may reside. The moment an attempt is made to define the status of a person in a Federal State, therefore, not one question, but several must be answered: What is the relation of this person to the Federal State, as against any and all foreign States? What is the relation of this person to the State in which he resides? Further is it possible to be a citizen of one State

and not a citizen of Federal State?

Such questions did not arise in Canada and Australia when they became federations. The reason was that persons residing in their respective units were natural born British subjects—a status which remained with them when the Federation came. After the Federation the powers of naturalization was given to the Federation and consequently every one who is naturalized by the Federation is a citizen of the Federation and therefore of every unit in it.

Such questions however did arise in the U.S.A., Switzerland and Germany because before the Federation their units were all foreign. States and their subjects were foreign subjects. But, it is noteworthy that in all these cases a common citizenship was established as a part of the federation. A rule was established whereby it was accepted that a citizenship of one unit carried with it a citizenship of the Federation.

The case of the Indian Federation is similar to that of The U.S.A., Germany and Switzerland. The subject of an Indian State is a foreigner in British India as well as in another Indian State. The subject of a British Indian Province is a foreigner in every Indian State.

What does the Indian Federation do with regard to this matter? Does it forge a common Citizenship for all Units which become members of the Federation? The answer is no. A British Indian will continue to be a foreigner in every Indian State even though it is a Federal State after the Federation, as he was before the Federation. Similarly a subject of a Federated Indian Stale will be a foreigner in every British Indian Province after the Federation as he was before Federation. There is no common nationality. The whole principle of the Federation is that the ruler of a Federated State shall remain the ruler of the State and his subjects shall remain his subjects and the Crown as the ruler of the Federated Provinces shall remain the ruler of the Provinces and his subjects shall remain his subjects. This difference in citizenship manifests itself in two specific ways. Firstly, it manifests itself in the matter of right to serve. Federation being established under the Crown, only persons who are subjects of the Crown are entitled to serve under it. This is recognised by Section 262. This of course is an injustice to the subjects of the States. To prevent this injustice which of course is a logical consequence of difference of citizenship, power is given to the Secretary of State to declare the subjects of the Indian States of affairs and although the

injustice to Indian State subjects is mitigated, the injustice against British Indians in the matter of right to employment in Indian States continues. For, Indian States are not required to declare that British Indians shall be deemed to be eligible for service under them. That notwithstanding Federation such an anomaly should exist shows that this Federation is a freak.

Secondly, this difference in citizenship shows itself in the terms of the oath prescribed for members of the Legislature by Schedule IV.

In the case of a member who is a British subject the form of the oath is as under:

> "I, A.B., having been elected (or nominated or appointed) a member of this Council (or Assembly), do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

In the case of a *person* who is a subject of a Ruler of an Indian State the form of the oath is as follows:

> "I, A.B., having been elected (or nominated or appointed) a member of this Council (or Assembly), do solemnly swear (or affirm) that saving the faith and allegiance which I owe to C.D"his heirs and successors, I will be faithful and bear true allegiance in any capacity as Member of this Council (or Assembly) to His Majesty the King. Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which 7 am about to enter."

The subject of an Indian State, it is obvious from the terms of the oath, owes a double allegiance. He owes allegiance to the ruler of his State and also to the King. Superficially the position seems not very different from what one find in the United States. In the United States the individual is a citizen of the Union as well as of the State and owes allegiance to both powers. Each power has a right to Command his obedience. But ask the question, to which, in case of conflict, is obedience due and you will see the difference between the two. On this question this is what Bryce has to say:

"The right of the State to obedience is wider in the area of matters which it covers. *Prima fade* every State-law, every order of a competent State authority binds the citizen, whereas the National government has but a limited power; it can legislate or command only for certain purposes or on certain subjects. But within the limits

of its power, its authority is higher than that of the State, must be obeyed even at the risk of disobeying the State.

> "Any act of a State Legislature or a State Executive conflicting with the Constitution, or with an act of the National Government, done under the Constitution, is really an act not of the State Government, which cannot legally act against the Constitution, but of persons falsely assuming to act as such government, and is therefore ipso jure void. Those who disobey Federal authority on the ground of the commands of a State authority are therefore insurgents against the Union who must be coerced by its power. The coercion of such insurgents is directed not against the State but against them as individuals though combined wrongdoers. A State cannot secede and cannot rebel. Similarly, it cannot be coerced."Can the Federal Government in India take the stand which the Union Government can when there is a conflict of allegiance? There can be no doubt that it cannot, for the simple reason that the allegiance to the King saves the allegiance to the Ruler. This is a very unhappy if not a dangerous situation. (5) Strength of the Federal Frame

The existence in the country of one Government which can speak and act in the name of and with the unified will of the whole nation is no doubt the strongest Government that can be had and only a strong Government can be depended upon to act in an emergency. The efficiency of a Governmental system must be very weak where there exists within a country a number of Governments which are distinct centres of force, which constitute separately organized political bodies into which different parts of the nation's strength flows and whose resistance to the will of the Central Government is likely to be more effective than could be the resistance of individuals, because such bodies are each of them endowed with a government, a revenue, a militia, a local patriotism to unite them. The former is the case where the unitary system of Government prevails. The latter is the case where the Federal form of Government prevails.

The Indian Federation by reason of the fact that it is a Federation has all the weaknesses of a Federal form of Government. But the Indian Federation has its own added weaknesses which are not to be found in other Federations and which are likely to devitalise it altogether. Compare the Indian Federation with the Federation of

the United States. As Bryce says."the authority of the national Government over the citizens of every State is direct and immediate, not exerted through the State organization, and not requiring the co-operation of the State Government. For most purposes the National Government ignores the States, and it treats the citizens equally bound by its laws. The Federal Courts, Revenue Officers and Post Office draw no help from any Slate Officials, but depend directly on Washington ..... There is no local self-Government in Federal Matters ..... the Federal authority, be it executive or judicial, acts upon the citizens of a State directly by means of its own officers who are quite distinct from and independent of State Officials. Federal indirect taxes, for instance, are levied all along the coast and over the country by Federal customhouse collectors and excise men acting under the orders of the treasury department at Washington. The judgments of Federal Courts are carried out by U.S. Marshals, likewise dispersed over the country and supplied with a staff of assistants. This is a provision of the utmost importance, for it enables the central, national Government to keep its fingers upon the people everywhere, and make its laws and the commands of its duly constituted authorities respected whether the State within whose territory it acts be heartily loyal or not, and whether the law which is being enforced be popular or abnoxious. The machinery of the national Government ramifies over the whole union as the nerves do over the whole body, placing every point in direct connection with the Central executive."

Not one of these things can be predicated of the Indian Federation. It is a dependent Government and its relation with the people is not direct.

In the United States, the States as States have no place in the Central Government and although the States elect representatives to the Federal Legislature, political action at the centre does not run in State channels. There is no combination of States into groups and it is not the fashion for States to combine in an official way through their State organizations. How different is the Indian Federation! States, as such, have been given *de jure* recognition, they have been given *de jure* exemptions, and immunities from law. There are great possibilities of combined action and counteraction by States and Provinces over these exemptions and immunities. This is another reason which leads to the feeling that the Indian Federation will have very

little vitality.

VI
BENEFITS OF THE FEDERAL SCHEME

The protagonists of the Federal Scheme have urged three grounds in favour of the acceptance of the Scheme. The first ground is that it helps to unite India. The second ground is that it enables British India to influence Indian India and to gradually transform the autocracy that is prevalent in Indian India into the democracy that exists in British India. The third ground is that the Federal Scheme is a scheme which embodies what is called Responsible Government.

These three arguments in favour of the Federal Scheme are urged in such seriousness and the authority of those who urge them is so high that it becomes necessary to examine the substance that underlies them.

1. Federation and the Unity of India

The advantages of common system of Government are indeed very real. To have a common system of law, a common system of administration and a feeling of oneness are some of the essentials of good life. But they are all the results which follow from a common life led under a common system of Government. Other things being equal, a federation as a common system of Government for the whole of India should be welcome. But does this Federation unite under one governmental system the whole territory called India in the Government of India Act, 1935? Is this an All India Federation?

That this federation includes British India is of course true; when Provinces are declared to be the units of the Federation it means that British India is included in the Federation. Because the Provinces which are declared to be the units of the Federation compromise what is called Indian Idia. Indian India is no small tract. The following figures of area and population will give a comparative idea of the extent of British India and this Indian India:

	Area in square	Population

British India excluding Burma Aden.	8,62.630	2,56,859,787
Indian States	7,12,508	81,310,845

It will be seen that Indian India comprises 39 p.c. of the population and 31 per cent of India as a whole.

How much of this Indian India is going to be brought under this Federation?

Many will be inclined to say that as this is spoken of as an All India Federation every inch of this area will be included in the Federation and will be subject to the authority of the Federal Government. Such an impression is no doubt created by the wording of Section 6(7) which relates to the accession of the states. This section speaks of a Ruler declaring his desire to join the Federation and thereby suggesting that every State is entitled to join the Federation. If this is true, then no doubt the Federation can in course of time be an All India Federation. But this impression is wrong. Such an impression, cannot arise if Section *6(1)* is read with Schedule I of the Act. Schedule I is merely thought of as a schedule which contains a Table of Seats for the Rulers. This is a very incomplete reading of the Schedule. The Schedule does more than that. It not only gives a table of seats, but also enumerates the States which are entitled to join the Federation and thereby fixes the maximum number of States which can come within the Federation If they wish to do so. In other words it is not open to every State to join the Federation. Only those enumerated can join. This is the significance of the Table of Seats given in Schedule I.

What is the total number of the states which can join the Federation? Schedule I limits the number to 147. A number of questions crop up by reason of this limit fixed by the Schedule. According to official figures there are in all 627 States in India. That means 480 States will remain outside the Federation and can never become part of the Federation. Can this be called an All India Federation? If it is to be an All India Federation, why are these States excluded? What is the position of these excluded States? If they are not States with sovereignty why are they allowed to join the federation? If they are not States with sovereignty and if the

sovereignty is with the Crown, why has the Crown not transferred its sovereignty to the Federation in respect of these territories? What will be the ultimate destiny of such excluded States? Will these be merged in some Indian States or will these be merged in some Indian Provinces? I mention all this, firstly because I want to show that this Federation is not an All India Federation and secondly because I want to draw attention to the move of some Indian States to get these excluded States to merge into them.

A second question may be raised. Will this Federation help to unite the people of British India and the Indian States into one nation?

A Federation is necessarily a composite body. Within it are units which are smaller political communities. Above the units is a larger political community called the Federation. Whether these different political communities will remain merely political associations or whether they will develop a common social fabric leading ultimately to the formation of a nation will depend upon what form their association takes. As Bryce points out—

"When within a large political community smaller communities are found existing, the relation of the smaller to the larger usually appears in one or other of the two following forms. One form is that of the League, in which a number of political bodies, be they monarchies or republics are bound together so as to constitute for certain purposes, and especially for the purpose of common defence, a single body. The members of such a composite body or league are not individual men but communities. It exists only as an aggregate of communities, and will therefore vanish so soon as the communities which compose it separate themselves from one another. Moreover it deals with and acts upon these communities only. With the individual citizen it has nothing to do, no right of taxing him, or judging him, or making laws for him, for in all these matters it is to his own community that his allegiance is due.

"In the second form, the smaller communities are mere sub-divisions of that greater one which we call a nation. They have been created, or at any rate they exist, for administrative purposes only. Such powers as they possess are powers delegated by the nation, and can be overridden by its will. The nation acts directly by its own officers, not merely on the communities, but upon every single citizen and the nation, because it is independent of these communities, would continue to exist were they all to disappear .....".

The former is the case where the form of Government is a confederation. The latter is the case where there exists a unitary form of Government. A Federal Government is between the two. It must not however be assumed that nationalism is compatible only with a Unitary Government and incompatible with a Federal form of Government. It must be borne in mind that as a nation may be found in being, so also a nation, may be brought into being. In a Federal Government there may be at the start no nation, it may be a collection of heterogeneous communities. But it is possible to have in the end a nation even under a Federal Government. The most striking case is that of the United States of America. Mr. Bryce relates a story which is both interesting as well as instructive. This is the story and I give it in his own words."Some years ago the American Protestant Episcopal Church was occupied at its triennial Convention in revising its liturgy. It was thought desirable to introduce among the short sentence a prayer for the whole people; and an eminent New England Divine proposed the words, 'O Lord, bless our nation'. Accepted one afternoon on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word 'nation', as importing too definite a recognition of national unity, that it was dropped, and instead there were adopted the words, ' O Lord. bless these United States.' Notwithstanding this prayer to the Lord, notwithstanding the reluctance to encourage the idea of a nation over against the idea of the states and notwithstanding the federal form of Government the United States is a nation. That it is a nation in the social sense of the word is incontrovertible."

How has this happened in the United States? Can we hope to see this happen in India under the Federal Scheme? Bryce explains how this happened in America. He points out that in America"The Central or National Government is not a mere league, for it does not wholly depend on the component Communities which we call the States. It is ilself a Commonwealth as well as a Union of Commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its Courts and executive officers". It can tax him, make law for him and judge him. In short it is the process of Government which is responsible largely if not wholly for moulding the Americans into a nation and that this was possible because in the Federal Form of Government of the United States there is a direct contact between the National

Government and the individual.

Is this possible under the Indian Federal Scheme? My answer is that such a thing is not possible. The people in the Indian States remain the subjects of the States. The Federal Government cannot deal with them directly. Everything has to be done through the State. There is no contact between the two, not even for purposes of taxation. How can a feeling that they belong to the national Government grow in the subject of the Indian States if they are excluded from any and every influence and are not even made to feel the existence of the National Government? I am afraid this United States of India will not be more than a mere body of United States. It has no potentiality of forging a nation out of these States and probably the framers of the Scheme have had no such intention at all.

2. Democratization of Autocracies

The other advantage of the Federal Scheme which is claimed by its protagonists is that it brings beneath the *dome* of a single political edifice the new democracies of British India and the ancient autocracies of the Indian States and that by bringing the two under one edifice it provides contact between democracy and autocracy and thus enables the democracy in British India to democratize the autocracies in the Indian States. To examine this argument and to see how much force there is behind it, it is well to note that the Indian States and the. British Indian Provinces are geographically contiguous. There is regular intercourse between them. The people of British India and those of the Indian States racially, linguistically and culturally form parts of one whole. With all these contacts and with all the unity of race, religion. language and culture British India has not been able to influence at all the forms of government which are prevalent in the Indian States. On the contrary while British India has advanced from autocracy to democracy, the Indian States have remained what they were with their fixed form or government. Unless therefore there is something special in the Act Itself which enables British India, to exercise its influence on the Indian States through the legislature and through the executive, this argument can have no substance at all. Is there anything in the *Act* which gives British India power to influence the States? In this *connection* reference may be made to section 34(1) which deals with the procedure in the legislature with respect to the discussion and voting of the Budget estimates.

From an examination of this Section it will be clear that the estimates relating to para *(a)* and para (f) of sub-section (3) of section 33 cannot even be discussed by the Federal legislature. Para (a)o£ sub-section *(3)* refers to the salary and allowances of the Governor-General and other expenditure reciting to his office for which estimate is required to be made by Orders in Council, and para (f) relates to the sums payables to His Majesty under this Act out of the revenue of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with the Indian States. Another section which has a bearing upon this point is Section 33. Section 38 is a section which deals with the making of the rules by the Federal legislature for regulating its procedure *in* the conduct of its business. While this section, permits the Federal legislature *to* make its own rules It allows the Governor-General to make

rules —

(c) or prohibiting the discussion of, or the asking of questions *on,* any matter connected with any Indian State, other than a matter with respect to which the Federal legislature has power to make laws for the State, unless the Governor-General in his discretion is satisfied that the matter affects Federal interest or affects a British subject and has given his consent to the matter being discussed or the question being asked;

(d) For prohibiting:—- -

(i) the discussion of, or the asking of questions on, any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince; or

(ii) the discussion, except in relation to estimates of expenditure of, or the asking of questions on, any matter connected with the tribal area or the administration of any excluded area; or

(iii) the discussion of, or the asking of questions on, the personal conduct of the ruler of any Indian State, or *of* a member of the ruling family thereof :

and the section further provides that it and so far as any rule so made by the Governor-General is inconsistent with any rules made by the Chamber, the rules made by the Governor-General shall prevail.

Another section having a bearing on this point is section 40. It says:"No discussion shall take place in the Federal legislature with respect to the conduct of any judge of the Federal Court or a High

Court in the discharge of his duties and provides that in this sub-section the reference to a High Court shall be construed as including a reference to any court in a Federated State which is a High Court for any of the purposes of Part 9 of this Act."Similar provisions are contained in that part of the Act which relates to the constitution of the provincial legislatures. Section 84 is a counterpart of section 38 and prevents any member of a Provincial legislature from asking any question with regard to the personal conduct of the ruler of any Indian State or the affairs of a State. Section. 86 is a counterpart of section 40.

Now it is obvious that the two most important ways open to a Legislature for influencing the conduct of the administration is by discussion of the Budget and by asking questions. The discussions on the budget had its origin in the theory which postulates that there can be no supply given to the executive unless the grievances of the people were redressed. *The* slogan of democracy has been : Redress of grievances before supplies of moneys. The discussion on the budget is the one opportunity of placing ihe grievances of a people before the executive, if is therefore a very valid privilege, as will be seen from section 34, the legislature is prevented but from placing the grievances cf the subjects of the States before the executive *on* the floor of the House. Similarly, the right to interrogate and ask questions is also valid privilege, but that also is denied. The right to criticise on a proper motion the conduct of the judiciary is always open to the legislature, but that also has been excluded. It is difficult to see exactly in what way the Federal legislature could influence the internal administration of the Indian States. Not only the representatives of British India are prevented from asking any question or moving any resolution with regard to the internal administration of the States, but the same disability is imposed upon the representatives of the States themselves who are the victims of this maladministration.

Compare with this the influence which the Federated States are in a position to exercise over British India.

In the first place there is no restriction on the representatives of the Federated States in the matter of asking any question or raising any matter in the Federal Legislature. The fact that the question or matter touches British India and relates to internal administration of British India is not a bar against the representatives of the Federated States from raising such an issue.

Secondly, there is no restraint upon the representative of the Federated States in the matter of discussing and voting upon the financial proposals of the Federal Government. The fact that any such proposal affects British India only and does not affect the States can cause no legal impediment in their way.

Thirdly, in the matter of Legislation the Representatives of the Federated States are free to vote upon any measure brought before the Federal Legislature. There are two lists over which the legislative authority of the Federation extends—The Federal list and the Concurrent list. The provinces are wholly bound by the Federal List. A Federated State is not wholly bound by it. The provinces are wholly bound by the concurrent list. A Federated State may not *be* bound at all. Yet the State representatives have a right to vote upon any measure falling under either of the two lists. In other words the Federal Scheme gives the States the right to legislate for British India, while British India gets no such right to legislate for the States except to the extent to which the States choose to subject themselves to these two legislative lists.

The scope of this Legislative influence by the States over British India is by no means small nor is it inconsequential. To Confine to the Concurrent list only, it includes 36 subjects. Among the 36 are such subjects as, Criminal Law, Criminal and Civil Procedure, Professions, Newspapers, Books and Printing Press etc. It is clear that these subjects are vital subjects. They affect the liberties of the people in the Provinces. Now as the States have a right to participate and vote upon all legislation within the Concurrent list the Indian States will have the right and the authority to pass legislation affecting the rights, privileges and liberties of British Indians in the Provinces.

Further in the Legislative sphere, so far as it relates to the Concurrent List the States have obtained authority without any obligation. They are free to legislate and need not consider their own case in doing so because they are not bound, by the laws they make. Their conduct can be as irresponsible as they may choose to make it.

It is however an understatement to say that the States have only a right to influence administration and Legislation in British India. The truth is that the States can dominate British India because they can maintain in office a ministry in the Federal Government although it is defeated by a majority of the representatives of British India on a matter purely affecting India This is because they have a right to vote

upon any motion including a non-confidence motion irrespective of the question whether the motion relates to a matter which affects them or not. If this does not vest control over British India in Indian States I wonder what will.

The injustice and anomaly of the States taking part in the discussions of the internal affairs of British India while the representatives of British India having no corresponding right to discuss the affairs of the States was sought to be remedied by limiting the rights of the States to discuss and vote upon such questions as did not relate to internal affairs of British India, but the Princes and their representatives have always been against such distinction being drawn and they insisted that on any matter on which the fate of the Ministry depended they must have the right to decide upon the future of that Government. The constitution has given effect to the point of view of the Princes and set aside the point of view of British India.

This comparison shows that the States are placed by law in a position to control the affairs of British India and by the same law British India is disabled from exercising any influence over the States. That this is the true state of facts must be admitted by all. In other words the Federal Scheme does not help, indeed binders British India from setting up in motion processes which would result in the democratisation of the Indian States. On the other hand it helps the Indian States to destroy democracy in British India.

3. Federation and Responsibility

Let us examine the plea of Responsibility. From the standpoint of British India it is of more decisive importance than the two other pleas and must be scrutinized more carefully.

It cannot be denied that the Federation has some degree of responsibility. The question is what is the degree of that responsibility and whether within its sphere it is a responsibility which can be called real.

Let us ask, how much responsibility is there in this Federation? To be able to answer this question, you should read sections 9 and 11 together. By reading them together you will get an idea of the extent of this responsibility. According to these two sections the field of Governmental Authority is divided into two categories. In one category are put four subjects (1) Defence, (2) Ecclesiastical affairs, (3) External affairs, and (4) the Administration of Tribal Areas. The rest of the subjects within the executive authority of the Federation

are put in another and a separate category. The executive authority for both these categories is vested in the Governor-General. But a distinction is made between them in the matter of Governmental Authority. The Governmental Authority in respect of the four subjects falling in the first category is under the Act the Governor-General in his discretion. The Governmental Authority in respect of the rest of the subjects put in the second category is under the Act, the Governor-General acting on the advice of the Minister. In the case of the first four subjects the Government is not responsible to the Legislature, because the Governor-General in whom the Governmental Authority in respect of these four subjects is vested is not removable by the legislature. In the case of the rest of the subjects the Government is responsible to the Legislature, because the ministers on whose advice the Governmental Authority is exercisable are removable by the Legislature. The responsibility in the Federal scheme is therefore a case of limited responsibility. The responsibility does not extend to Defence and Foreign Affairs which after all are the most important subjects from social, political and financial point of view. The scheme has a close resemblance to diarchy with the division of subjects into Reserved and Transferred such as was the basis of the Montague-Chelmsford Reforms, which was embodied in the Provincial Constitution under the Government of India Act of 1919. The scheme of responsibility in the Federal Constitution under the Act of 1935 is an exact replica of the scheme of responsibility in the Provincial Constitution under the Act of 1919.

Is this responsibility real? My answer is in the negative. I will give you my reasons. Firstly the field of responsibility besides being limited is net a free field of activity for ministers. To realize how fettered this limited field of responsibility is, we must note certain restraints which have been imposed upon the powers of the Ministers when acting in the field of responsibility.

The first set of restraints imposed upon the authority of the Ministers when acting in the field of responsibility arises from what are called the special responsibilities of the Governor-General.

There exist another set of restraints on the authority of the Ministers while exercising the Governmental Authority in respect of transferred subjects. To understand this you must understand one special feature of this Federal constitution. The constitution classifies

subjects from the standpoint of Governmental Authority and that this classification has resulted in that division of subjects which for brevity's sake may be designated as Transferred and Reserved. The Constitution does not stop here. It goes further and proceeds to divide the category of Transferred subjects into two classes. (1) subjects over which the Ministers' Governmental Authority carries with it administrative control and (2) subjects over which the Governmental Authority of Ministers does not carry with it administrative control. As an illustration of this classification may be mentioned the case of Railways. Railways are a transferred subject. The Governmental Authority of the Ministers extends to Railways. But the Ministers have no right to exercise any administrative control over the Railways. The administrative control over Railways is vested in what is called the Railway Authority. The distinction between Governmental Authority with Administrative Control and Governmental Authority without administrative control is not a distinction without difference. On the other hand the difference between the two positions is very real. That difference is made clear in sub-clause (2) of section 181 in the matter of Railways. That distinction is the distinction between authority to lay down a policy and competency to act. It is for those who plead for this Federation to say whether there is reality of responsibility in a Scheme of Government where there is a divorce between competence to act and authority to lay down policy.

Two things are clear in regard to this Responsibility in the Federal Scheme. First is that this responsibility is limited in its ambit. Secondly it is not real because it is fettered by the restraints arising from the special responsibilities of the Governor-General and from the withdrawal from the Ministers Governmental Authority of their competence to act in certain subjects such as the Railways, although they are Transferred subjects.

I have stated that the system of responsibility in the Federal Scheme resembles the system of dyarchy introduced into the provinces under the Act of 1919. But if the Scheme of responsibility in the Federation was compared with the system of dyarchy introduced into the Provinces it will *be* found that the former is. designed to yield less responsibility than the latter. There are two things introduced in the Federal Scheme which were not to be found in the dyarchy in the Provinces and there existed one thing in the dyarchy which is absent in the Federation. The presence of the two

and the absence of one makes this dyarchy in the Federation worse than the dyarchy in the Provinces.

Of the two things that are new in the Federal Scheme one is the principle of special responsibilities of the Governor-General in respect of the Transferred field and the other is the separation between Governmental Authority from administrative control in respect of matters falling within the Transferred field. These two are new things and did not exist in the dyarchical constitution in the provinces.

It may be said that the special responsibilities of the Governor-General is simply another name for the Veto power, that is the power to overrule the Ministers and that even in the English Constitution the King has such a Veto power. On the face of it, this view of special responsibilities of the Governor-General appears to be correct. But in reality it involves a misconception of the conditions and circumstances under which the King's Veto power can be exercised.

To my knowledge no one has explained the relationship of the King and his Ministers in a system of responsible Government better than Macaulay. To use his language—

"In England the King cannot exercise his Veto power *unless* there is some Minister to take responsibility for the King's act. If there is no Minister to take responsibility the King must yield, fight, or abdicate."The Governor-General stands in a different position. He need not yield. He can act even if there is no Minister to take responsibility for his act. That is the difference between the King's Veto and the Veto of the Governor-General. What is however more important to note is that this Veto power exists in respect of the Transferred field. In the dyaithical constitution in the Provinces the Transferred field was not subject to such a Veto power of the Governor. In other words there were no special responsibilities of the Governor. If the Governor-General can overrule Ministers even in the Transferred field, question is what substance is there in Ministerial responsibility. I see very little.

The second thing which is new is the separation between Governmental Authority and administrative control. Such a provision did not exist in the dyarchical constitution in the Provinces. In the dyarchical constitution of the Provinces when a subject was transferred both Governmental Authority as well as Administrative control was transferred to the Minister. You will ask

yourself what substance is there in Ministerial responsibility if a Minister can only issue directions and cannot control the action taken thereunder? I see very little.

The provision which existed in the dyarchical constitution of the Provinces and which has been omitted from the Federal Constitution relates to the financing of the Reserved subjects. Section 72D of the old Act of 1919 and sections 33 and 34 of the present Act may be usefully compared in this connection. Section 72D, sub-section (2) reads as follows:

"The estimates of annual expenditure and revenue of the Province shall be laid in the form of a statement before the Council in each year, and the proposals of the local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to, either by a reduction of any of the items of expenditure of which the grant is composed."Compare with this section 34 of the present Act of 1935; sub-section (1) of section 34 reads as follows:

"So much of the estimates of expenditure as relates to expenditure charged upon the revenues of the Federation shall not be submitted to the vote of the Legislature, but nothing in this sub-section shall be construed as preventing the discussion in either chamber of the Legislature of any of these estimates other than estimates relating to expenditure referred to in paragraph *(a)* or paragraph (f) of sub-section (3) of section 33."

According to section 33 expenditure charged on the revenues of the Federation includes expenditure on the reserved subjects. On a comparison between the provisions of the two Acts. it is clear that under the old Act no distinctions were made by section 72D between Transferred and Reserved subjects, so far as the powers of the Legislature in regard to the granting of supply were concerned and the expenditure on Reserved subjects was not only open to discussion but was also subject to the vote of the Legislature. Under the provisions of section 34, of the new Act the Federal Legislature can only discuss the expenditure on the reserved subjects but cannot vote upon it. This is a very important distinction. Under the old constitution even the reserved subjects were amenable to the financial powers of the Legislature. Under the present constitution they are independent of the financial powers of the Federal

Legislature. It is true that in the provincial Constitution the vote of the Legislature with regard to expenditure on reserved subjects was not final. That under a proviso to section 72D the Governor was given the power"in relation to any such demand to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount (by the Legislature) if the demand relates to reserved subject, and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject"It is also true that in the Government of India Act, 1935 the amount of expenditure on reserved subjects is fixed to 42 crores. But the same difference exists, namely that under the old constitution the reserved subjects were amenable to the financial control of the Legislature while in the new constitution they are not. This difference is not a small difference. The power to grant supplies is the most effective mode of enforcing the responsibility of the executive. The power of certification might have deprived the Legislature of control of the reserved subjects. But it did not altogether destroy its influence. Under the present constitution the Legislature has not only no control over reserved subjects but also it cannot have any influence over them. There can therefore be no doubt that there was more responsibility in the dyarchy in the old Provincial Constitution than there is in this dyarchy in the Federation.

The fact that the Executive is not responsible to the Legislature is simply another way of stating that in the Federal Scheme the Executive *is* supreme. This supremacy of the Executive may be maintained in various ways. It may be maintained by curtailing the powers of the Legislature or it may be maintained by planning the composition of the Legislature in such a way that the Legislature will always be at the beck and call of the Executive.

The Federal Scheme adopts both these means. In the first place, it limits the powers of the Federal Legislature. I have already described how greatly the Federal Scheme curtails the financial powers of the Federal Legislature. The Federal Legislature has no right to refuse supplies to any expenditure which is declared to be a charge on the revenues.

The Federal Scheme also curtails the Legislative powers of the Federal Legislature. These restraints are specified in section 108 which reads as follows:

"108. (7) Unless the Governor-General in his discretion thinks fit

to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—

(a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India ; or

(b) repeals, amends or is repugnant to any Governor-General's or Governor's Act, or any ordinance promulgated in his discretion by the Governor-General or a Governor; or

(c) affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion; or *(d)* repeals, amends or affects any Act relating to any police force ; or (e) affects the procedure for criminal proceedings in which European British subjects are concerned; or

(f) subjects-persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein ; or

(g) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in a Chamber of a Provincial Legislature any Bill or amendment which—

(a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India; or

(b) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General ; or

(c) affects matters as respects which the Governor-General is by or under this Act, required to act in his discretion ; or

(d) affects the procedure for criminal proceedings in which European British subjects are concerned;

and unless the Governor of Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which—

(i) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or (ii) repeals, amends or affects any Act relating to any police force.

(3) Nothing in this section affects the operation of any other

provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment."

The Federal Scheme does not stop with merely curtailing the power of the Federal Legislature as a means of maintaining the supremacy of the Executive. Under it the composition of the Federal Legislature is so arranged that the Legislature will always be at the beck and call of the Executive. In this connection it is necessary to bear in mind what the actual composition of the Federal Legislature is. As has already been pointed out there are 375 members in the Legislative Assembly and of them 125 have been assigned to the Indian States and 250 to British India. In the Council of State the total is 260 and of them 104 are assigned to the Stales and 156 are allotted to British India. The seats assigned to the Stales are to be filled by the Princes by nomination. The scats assigned to British India are to be filled by election. The Federal Legislature is therefore an heterogeneous legislature partly elected and partly nominated.

The first question to be considered is how the Princes' nominees in the Federal Legislature will behave. Will they be independent of the Federal Executive or will they be subservient to it? It is difficult to prophesy. But certain influences which are likely to play a part in the making of these nominations may be noted. It is an indisputable fact that the British Government claims what are called rights of paramountcy over the States"Paramountcy"is an omnibus term to denote the rights which the Crown can exercise through the Political Department of the Government of India over the States. Among these rights is the right claimed by the Political Department to advise the Indian Princes in the matter of making certain appointments. It is well known that what is called"advice"is a diplomatic term for dictation. There is no doubt that the Political Department will claim the right to advise the Princes in the matter of filling up these places. Should this happen, what would be the result? The result would be this that the Princes' representatives would be simply another name for an official block owing allegiance, not to the people and not even to the Princes, but to the Political Department of the Government of India. Two things must be further noted. First is that Paramountcy is outside the Federal Government.

That means that the Ministers, will have no right to give any advice in the matter of the nomination of the Princes' Representatives and the Legislature will have no right to criticise it. They will be under

the control of the Viceroy as distinct from the Governor-General. Secondly, this official block of the Princes is not a small block. In the Lower House a party which has 187 seats can command a majority. In the Upper Chamber a party which has 130 seats can command a majority. In the Lower House the Princes have 125 seats. All that they need is a group of 62 to make a majority. In the Upper Chamber they have 104; all that they need is 26. All this vast strength the Executive can command. How can such a Legislature be independent? The Reserved half can control the Transferred half with this strength in its possession.

How will the representatives of British India behave? I cannot make any positive statement. But I like it to be borne in mind that in some States there is no such thing as a regular budget and there is no such thing as independent audit and accounts. It would not be difficult for the Princes to purchase support from British India representatives. Politics is a dirty game and British India politicians cannot all be presumed to be beyond corruption and when purchases can be made without discovery the danger is very real.

Look at the Federal Scheme any way you like and analyse it as you may its provisions relating to responsibility, you will see that of real responsibility there is none.

VII
THE BANE OF THE FEDERAL SCHEME

There is no one who does not recognize that this Scheme for an All Indian Federation is full of defects. A difference of opinion arises only when the question is asked what shall we do about it. The answers given to this question by prominent Indians from time to time disclose that broadly speaking, there are two quite different attitudes to this Federation. There is the attitude of those who think that bad as it is, we should accept the Federation and work it so as to derive whatever good it can yield. On the other hand, there is the attitude of those who think that certain changes must be made in the Constitution of the Federation before it can be accepted and worked. It is agreeable to find that both the Congress as well as the Liberal Federation are one on this issue, Both have declared that certain changes must be made before they will accept to work the Federation.

That this Federation is not acceptable to a large majority of the Indian people is beyond question. The question is in what respects should we require the Constitution to be amended? What are the

changes which we should demand? We may take as our starting point the resolutions passed by the Congress and the Liberal Federation relating to this question.

The Congress at its session held at Haripura in 1938 passed the following resolution:

"The Congress has rejected the new Constitution and declared that a Constitution for India, which can be accepted by the people, must be based on independence and can only be framed by the people themselves by means of a Constituent Assembly, without interference by any foreign authority. Adhering to this policy of rejection, the Congress has, however, permitted the formation in provinces of Congress Ministries with a view to strengthen the nation in its struggle for independence. In regard to the proposed Federation, no such considerations apply even provisionally or for a period, and the imposition of this Federation will do grave injury to India and tighten the bonds which hold her in subjection to imperialist domination. This scheme of Federation excludes from the sphere of responsibility vital functions of Government.

The Congress is not opposed to the idea of Federation: but a real Federation must, even apart from the question of responsibility consist of free units enjoying more or less the same measure of freedom and civil liberty, and representation by the democratic process of election. The Indian States participating in the Federation should approximate to the provinces in the establishment of representative institutions and responsible Government, civil liberties and method of election to the Federal Houses. Otherwise the Federation as it is now contemplated, will, instead of building up Indian unity, encourage separatist tendencies and involve the States in internal and external conflicts.

The Congress therefore reiterates its condemnation of the proposed Federal Scheme and calls upon the Provincial and Local Congress Committees and the people generally, as well as the Provincial Governments and Ministries, to prevent its inauguration. In the event of an attempt being made to impose it, despite the declared will of the people, such an attempt must be combated in every way and the Provincial Governments and Ministries must refuse to co-operate with it. In case such a contingency arises, the All India Congress Committee is authorised and directed to determine the line of action to be pursued in this regard."

The resolution passed by the National Liberal Federation at its last

session held in Bombay was in the following terms:

> "The National Liberal Federation reiterates its opinion that the Constitution, especially as regards the Centre as embodied in the Government of India Act, 1935, is utterly unsatisfactory and in several respects retrograde. While the National Liberal Federation accepts a federal form of Government for India as the only natural ideal for our country, the Federation considers that vital changes are required in the form of the Federation as laid down in the Act especially in the direction of (a) clearing up the position of the Princes and securing the subjects of States the right of election of States' representatives, *(b)* doing away with the safeguards regarding the monetary policy and commercial discrimination, (c) introducing direct elections for the members of the Federal Assembly by the Provinces and *(d)* making Constitution sufficiently elastic so as to enable India to attain Dominion Status within a reasonable period of time.
>
> The National Liberal Federation considers that the present position when there is an irresponsible Government in the Centre coupled with responsible Governments in the Provinces is altogether untenable and earnestly urges on Parliament to make immediate changes in the Federal part of the Constitution so as to make it generally acceptable.
>
> The Federation is further of opinion that these modifications are essential for the successful working of the Federal Constitution."

Should these changes demanded by the Congress or by the Liberal Federation suffice to alter the present attitude of rejection into one of acceptance of Federation? Speaking for myself I have no hesitation in saying that the changes asked for in these Resolutions even if they are made will not convert me. To my mind whether the British Parliament is prepared to alter this, that or the other detail of the Federal Scheme immediately is a very unimportant consideration. In the view I take of the matter the objections to the Federal Scheme will not be removed in the least even if the British Parliament will be ready to grant every one of the demands contained in these Resolutions. To me the fundamental question is whether this Federal Scheme is capable of so evolving that in the end India will reach her goal and it is from this point of view that I want you and every one interested to examine the Federal Scheme.

What is the goal of India's political evolution? There does not seem to any fixity *or* definiteness about it. The Congress which claims to

voice the political aspirations of the Indian people began with good Government as its goal. It moved from good Government to Self-Government or Responsible Government; from Responsible Government to Dominion Status and from Dominion Status it advanced to Independence. There the Congress stopped for some time in a mood of self-examination. Then there was period of vacillation. Now it seems to have come back to Dominion Status and we shall not be very wrong if we take that to be the goal of India according to the Congress. Now the question is, can the Federal Scheme blossom in due course into Dominion Status?

Many Indians seem to think that the question of Dominion Status is a matter of gift which lies in the hands of the British Parliament. If the British Parliament were to make up its mind to grant it, nothing can stand in the way. They *contend* that if India has no hope of Dominion Status, it is because the British Parliament refused to grant it. In support of their opinion they refer to the refusal of The British Parliament to add a Preamble to the Act of 1935 declaring Dominion Status as the goal for India.

It must be granted that the demand for such a preamble was a very proper one. In 1929 Lord Irwin with the consent of all the political parties in the British Parliament declared that the goal of India's political evolution was Dominion Status. What the Indians therefore wanted was not new. It had already been so stated authoritatively by the Governor-General and Viceroy, but the British Government refused to put such a preamble. The refusal was therefore arrange piece of conduct on the part of the British Government. But the grounds urged in support of the refusal were stranger still. The British Government sought to justify their conduct in not having a preamble in those terms on various grounds.

The first ground was that a preamble was a futility and that it had no operative force, but that argument was easily met. All Acts of Parliament have had Preambles expressing the purpose and the intention of Parliament. It is true that it has no legal effect, but all the same Courts have not held that a preamble is a futile thing. On the other hand, wherever there is any doubt with regard to the wording of a section, Courts have always resorted to the preamble as a key to understand the purpose of the enactment and made use of it for resolving any doubtful construction. Driven from this position, the British Government took another position and that was to repeal the Act of 1919 but to retain the Preamble to that Act. This again is

a very queer thing. In the first place if the Preamble is a futility, there is no necessity to save the Preamble enacted as part of the Act of 1919. Secondly 'if the Preamble to the Act of 1919 was a necessity, it should have been enacted afresh as a part of this Act of 1935, which the British Government would not do. Instead it preferred to present the strange spectacle of the head separated from the trunk. The head is now to be found in the repealed Act of 1919 and the trunk is to be found in the present enactment of 1935. In the third place, what the Indian people wanted was a preamble promising Dominion Status and that is what the declaration of Lord lrwin contained. The preamble to the Act of 1919 speaks only of Responsible Government. It does not speak of Dominion Status and the retention of the Preamble to the Act of 1919 was to say the least the silliest business possible.

Why did the British Parliament refuse to enact a Preamble defining Dominion Status as the goal? Why did the British Parliament run from pillar to post rather than grant the demand? The explanation offered is of course the usual one namely, the perfidy of the Albion! My own view is different. The British Parliament did not promise Dominion Status by enacting a preamble because it realized that it would be beyond its power to fulfil such a promise. What the British Parliament lacked was not honesty. Indeed it was its honesty which led it to refuse to enact such a preamble because it knew that it could not give effect to such a preamble. What it lacked was courage to tell the Indians that the Federal Scheme left no way for Dominion Status.

Why is Dominion Status impossible under the Federal Scheme? It is impossible because it is not possible to have Responsible Government. It must be borne in mind that to reach Dominion Status, India must first attain Responsible Government. To attain Responsible Government the subjects which are reserved must become transferred. That is the first stage in the process of evolution towards Dominion Status.

Some of you will want to know the reasons why I say that the reserved subjects cannot become transferred. They are sure to recall that there were Reserved subjects in the Provincial Scheme as they are in the Federal Scheme and will ask that if the reserved subjects have become transferred in the course of say 20 years what difficulty can there be in the similar things happening in the Federation. As the question is important, I proceed to give my reason. In the first

place, the analogy of the Provinces is false. It is important to note why the analogy is false. It is false because in the Provincial Scheme the distinction between the reserved and the transferred subjects was based upon the requirements of administrative efficiency. That the distinction between the reserved and the transferred subjects in the Federal Scheme is based upon legal necessity and not upon administrative efficiency needs no proof. One of the reasons why the Simon Commission did not recommend dyarchy at the Centre was that it felt that administratively it was not possible to divide subjects into two water-tight compartments, one reserved and the other transferred, without affecting the efficiency of all; and the Government of India's despatch on the Simon Commission entirely agreed with the view. The division, therefore, is not administrative in its basis, It is the result of a legal necessity. This is a fundamental distinction and ought never to be lost sight of.

How does this legal necessity arise? I say the legal necessity for treating certain subjects as reserved arises because of the Indian States. I go further and say that there would be necessity for treating certain subjects as reserved if the Federation was confined to the British India Provinces only. The reservation of certain subjects is a direct consequence of the entry of the Indian States into the Federation.

What is it, in the position of the Indian States which compels certain subjects to be treated as reserved? To be able to answer this question I must first draw your attention to section 180 of the Government of India Act. Section 180 says—

> "Any contact made before the commencement of Part III of this Act by or on behalf of the Secretary of State in Council solely in connection with the exercise of the functions of the Crown in its relations with Indian States, shall, as from the commencement of Part III of this Act, have effect as if it had been made on behalf of His Majesty and references in any such contract to the Secretary of State in Council shall be construed accordingly."

This section gives statutory form to the contention put forward by the Princes before the Butler Committee and accepted by them, that the treaties of the Indian States were with the Crown of England as such and not with the Government of India.

The next step is to note what follows from this theory. Now what follows from this theory is very crucial, but has been unfortunately allowed to pass without due care and attention. The Princes have

contended that as treaty relations of the Indian States are with the Crown of England, the duty and responsibility of fulfilling the obligations arising under those treaties lay solely upon the Crown of England and the Crown of England must at all times maintain itself in a position to fulfil those obligations.

What is the obligation which the treaties with the Princes impose upon the Crown of England? The Principle of obligation imposed upon the Crown of England and which the Crown of England has undertaken by the treaties is to protect the Princes from internal commotion and external aggression.

How can the Crown fulfil this obligation? The only way, it is argued, that the Crown can fulfil this obligation is to reserve external affairs and the Army under its exclusive control.

You can now understand why I say that the necessity of reserved subjects is due to a legal necessity. That legal necessity flows from the treaty obligations of the Crown and so long as the basis of the treaty relations remains what Section 180 says it is, the reserved subjects cannot become transferred subjects. And as the reserved subjects cannot become transferred, there is no **SCO**pe even for Responsible Government much less for Dominion Status.

From the analysis I have made of the Constitution, from the standpoint of the ultimate goal, few, I believe, will have any hesitation to say that this Constitution is a fixed and rigid constitution. It cannot change and therefore it cannot progress. It is a constitution which is stricken at the very base and it is for the people of India to consider whether they will accept it.

I have examined the Constitution from the standpoint of our goal at so considerable a length that I feel I owe you an apology for tiring you. But the attitude of some people towards this question must be my excuse for entering into this subject at such great length. I realize that no Constitution is a perfect constitution. Imperfections there are bound to be. But I think a distinction must be drawn between imperfections and inherent and congenital deficiencies. Imperfections can be removed. But congenital deficiencies cannot be supplied. The demands made in the resolutions of the Congress or of the Liberal Federation, even if granted, will remove the imperfections. But will they remove the deficiencies? I would not mind the imperfections if I was assured that there are no deficiencies. The greatest deficiency in the Constitution is that it will not lead to Dominion Status. Neither the Congress nor the Liberal

Federation seems to be aware that this deficiency exists. Their demands have no relation to the goal of India's political evolution. They do not even mention it. It is surprising that Congressmen should have become so enamoured of the prospect of seizing political power that their demands against the British Government should not even contain a declaration from the British Government in this behalf. But if Congress forget, the people of India cannot and should not. To do so would be fatal. It would be fatal as much for an individual as for a people to forget that a stage on the way is not the home and to follow the way without knowing whether it leads homewards or not is to misdirect one-self and fall into a ditch.

You must not misunderstand me. I am not an impatient idealist. I am not condemning the gradualist, who is prepared to wait and take thing by instalments, although the gradualist, who has a valid claim for a rupee, demands an anna and proclaims a great victory when he gets a pie, must become an object of pity. All I want is that if circumstances force us to be gradualists we must not fail to be realists. Before accepting an instalment we should examine it carefully and satisfy ourselves that it contains an acknowledgement of the whole claim. Otherwise, as often happens what is good for the moment turns out to be the enemy of the better.

Some of you will ask, how can India secure Dominion Status. My answer is India will get Dominion Status only if the Princes who join the Federation, consent to its being granted. If the Princes object to the grant of Dominion Status to India, then India cannot get Dominion Status. The Federation places the strings of India's political evolution in the hands of the Princes. The destiny of India will be controlled by the Princes.

This view of the future will strike as very strange to a great many of you. We are all saturated with Dicey's dictum regarding the Sovereignty of Parliament. We all have learned from him that Parliament is supreme, that it is so supreme that it can do anything except make man a woman and woman a man. It would not be unnatural if some of you ask how can the Princes stand in the way when the British Parliament is supreme. It will take some effort on your part to accept the proposition that the British Parliament has no supremacy over the Indian Federation. Its authority to change the Federal Constitution now embodied in the Government of India Act is strictly limited.

Indian politicians have expressed their sense of sorrow and

resentment over the fact that the Indian Legislatures have not been given by the Act any constituent powers.

Under the Government of India Act neither the Federal Legislature, nor the Provincial Legislature have any powers of altering or amending the constitution. The only thing, which the Act by virtue of section 308 does. is to permit the Federal Legislature and Provincial Legislature to pass a resolution recommending any change in the constitution, and make it obligatory upon the Secretary of State to place it before both Houses of Parliament. This is contrary to the provisions contained in the Constitutions of the United States, Australia, the German Federation and Switzerland. There is no reason why constituent power should not have been given within certain defined limits to the Legislatures in India when they were fully representative of all sections and of all interests. Be that as it may, the fact remains that the Indian Legislatures cannot make any changes in constitution, not even in the franchise, much less in making the reserved subjects transferred. The only authority which can change the Constitution is of course the British Parliament. But very few seem to be aware of the fact that even Parliament has no powers to alter the Federal Constitution. This, however, is the truth and the sooner we all realize it the better.

From this point of view the importance of Schedule II cannot be overestimated. I am sorry, it has not received the attention which it deserves. Schedule II is not only a charter but is also a chart along which the Constitution can move. The whole Schedule is worth careful study. What does Schedule II say? Schedule II says that certain provisions of the Government of India Act may be amended by Parliament and that certain other provisions of the Act shall not be amended by Parliament. That is simply another way of saying that Parliament is not supreme and that its right to alter the Constitution is limited.

What would happen if Parliament did amend those provisions of the Act which Schedule II says shall not be amended by Parliament? The answer, which Schedule II gives, is that such an Act will have the effect of ' affecting ' the accession of the States to the Federation, which means it will have the effect of destroying the binding character of the Instrument of Accession. In other words, if Parliament amended any of the provisions of the Act, which Schedule II says shall not be amended, the Princes would get the right to secede from the Federation. I am aware that some eminent

lawyers have taken a different view. They hold that the Princes, once they come into the Federation, cannot go out of it. I have mentioned my view for what it is worth and I will say that my view is not altogether baseless.

At any rate the Solicitor-General and Secretary of Stale gave the same interpretation, as I am giving, in the House of Commons, when the Government of India Bill was being discussed.

The Solicitor-General said:

"The States will not agree to federate in a structure which within limits, is definite and certain and obviously we could not completely alter the structure afterwards. The purpose of this clause is to lay down those matters which can be altered without being regarded as fundamental or as impinging on the Instrument of Accession."....."If the structure were to be altered in fundamental respects, of course the States would clearly have the right to say"This is not the Federation to which we have acceded."

The Secretary of State said :

"If you amend the parts of the Bill which affect the States, obviously you would be altering the conditions on which they have acceded and that would certainly create a situation in which the Princes could rightly claim that their Instrument of Accession had been altered. It certainly means that we cannot amend any part of the Bill which affects what is virtually the treaties under which the Princes come in. If we make a change in the Bill as to strike at the basis of their Instrument of Accession then obviously, the agreement has been broken between the Princes and Parliament and the Princes are free."

"It will be accepted by every one that under the general scheme of the Bill the States, when they are asked to federate are entitled to know with certainty certain aspects at any rate, of the Federation to which they are to accede. It would be an absurd position if having said to a State this month,"Will you accede to a Federation,"it was possible next month for this House to alter in some fundamental respects the provisions of the Federation to which the State was held to have acceded. Therefore, some schedule of this kind is necessary. It is a sorting out of the various parts of the Bill which should be capable of amendment without in any sense altering from the point of view of the States the constitutional machinery to which they have acceded. The scheme of the Schedule is to set out the provisions of the Act,

the amendment whereof is not to affect the validity of the Instrument of Accession of a State."

"One sees set out those parts of the Bill the amendment of which is not to affect the validity of the Instrument of Accession of a State, and on the opposite side there are set out those subjects the amendment of which, would affect the validity of accession. In drawing up a schedule of this kind one has to proceed with great cure in defining what are the legitimate matters on which the Rulers of a State are entitled to ask that there shall be no amendment without their consent. Of course there will be borderline cases. There could be minor amendments, which would not really make any great difference to the existing position, and it would be very unreasonable if the States took objection to such amendments and said,"We are going to stand on our rights on this point as affecting the validity of our Instrument of Accession."It is right that any matter which really affects what I may call the general balance of powers, the questions of the reservation of subjects of executive control and of matters which can be dealt with by the Governor-General in his discretion, matters which are vital to the architecture of the Federation to which the States are asked to accede, should not be amended without their assent.

"The whole area of the special powers vested in the Governor-General is one of the essential features of the Federation. That is one part where the States are entitled to say ' That is a change ' or 'That is altered'. But this does not in any way check for all time the development of India. These are to be the subject-matter of negotiations with the States, because, in effect, they will produce a Federation of a different kind from that to which the State has acceded."

Therefore to the question what would happen if Parliament did make such changes which by virtue of Schedule II are treated as changes which will affect the Instrument of Accession the answer is that the Princes will get a right to walk out of the Federation. In other words, the consequence of any such change would be to break up the Federation.

What are the changes which cannot be made without affecting the Instrument of Accession? I will draw your attention to some of the provisions which Schedule II says cannot be amended *by* Parliament without affecting the Instrument of Accession. According to

Schedule II no changes in the Constitution can be made which relate to (1) the exercise by the Governor-General of the executive authority of the Federation; (2) the definition of the functions of the Governor-General; (3) the executive authority of the Federation; (4) the functions of the Council of Ministers and the choosing and summoning of ministers and their tenure of office; (5) the power of the Governor-General to decide whether he is entitled to act in his discretion or exercise his individual judgment; (6) the functions of the Governor-General with respect to external affairs and defence; (7) the special responsibilities of the Governor-General relating to the peace and tranquillity of India or any part thereof; (8) the financial stability and credit of the Federal Government; (9) the rights of the Indian States and the rights and dignity of their Rulers; (10) the discharge of his functions by or under the Act in his discretion or in the exercise of his individual judgment; (11) His Majesty's Instrument of Instructions to the Governor-General ; and (12) the superintendence of the Secretary of State in the making of the rules for the Governor-General in his discretion for the transaction of and the securing of transmission to him of Information with respect to, the business of the Federal Government.

Schedule II is a very extensive collection of constitutional don'ts. I have given just a few of them. They will however be sufficient to show how limited is the authority of Parliament to make changes in the Constitution.

Why is the authority of Parliament limited? To understand this it is necessary to note the exact limits of the authority of Parliament. According to law the authority of the Parliament to legislate extends only to countries which are the Dominions of the King. The States did not form part of the Dominions of the King and none of them not even the finest of them was subject to the legislative authority of Parliament. The Government of India Act makes no change in this status of the States. The States remain foreign territories in spite of the Federation, and as they were before Federation. This is the most extra-ordinary state about the Indian Federation, namely that the different units are as between themselves foreign states. As the Act does not make the States Dominions of the King, Parliament gets no right to legislate about them. Parliament derives its authority over the States from the Instrument of Accession. That being so, the authority of Parliament cannot but be limited to what is transferred

to it by the States 'through their instruments. To use the language of the Privy Council itself, as the stream can rise no higher than its source, similarly. Parliament cannot have powers over the States greater than those, given to them by the Instrument of Accession. This explains why the authority of Parliament to amend the Constitution is limited.

The analysis made so far shows that the authority of Parliament to change is limited by the Instrument of Accession and that for any excess of authority, there must be prior consent given by the Princes. As a legal effect of the provisions of the Act it may not be shocking. But consider the fact that the provisions in regard to which Parliament has no power to change include those that relate to the transposition of such subjects as Defence and External affairs from the category of Reserved to that of the Transferred and that it will not have that power unless the Princes consent expressly to confer that authority on Parliament and permit it to do so. You will be in a position to realize how grave are going to be the consequences of this Federation. The establishment of the Federation means that the mastery has gone from the hands of Parliament into the hands of Princes. This Federation makes the Princes the arbiters of destiny. Without their consent India cannot politically advance.

Other consequences of this Federation might also be noted. I will just refer to one. It is that this federation, if accepted will weaken the position of British Indians in their struggle for change. Hitherto, in the struggle between the Indian people and the British Parliament the latter was always the weaker party. It had nothing to oppose the right of the people to change except its will. After the Federation the position is bound to be reversed. The Indian people would be in a weaker position and Parliament would be in a stronger position. After the Federation, Parliament would be in a position to say that it is willing to grant the demand for change but that its authority to change is limited and that before making any demand for change. Indians should obtain the consent of the Princes. There is nothing to prevent Parliament from taking this stand.

What reply would Indians be able to give if they once accept the Federation and thereby admit the implications underlying it?

VIII
THE FATALITY OF FEDERATION

What shall we do with the Indian States? That is a question that is

often asked. Some people with Republican faith in them desire their total abolition. Those who do not care for forms of Government will reject this view. But even they must abide by the consideration that what works best is best. Can the Indian States be said to work best? I do not know that there is anybody, who will be prepared to give an affirmative answer. at any rate an affirmative answer which will apply to all States. The internal administration of the States is a bye-word for mismanagement and mal-administration. Very few States will escape this charge.

The people are always asking as to why there should be this mismanagement and mal-administration in the States. The usual answer is that it is the consequence of Personal Rule. Everywhere the demand made is that Personal Rule should be replaced by Popular Government. I have grave doubts about the efficacy of this demand. I do not think that in a large majority of cases the substitution of Popular Government will be any cure for the ills of the State subjects. For, I am sure that the evils arise as much from the misrule of the Ruler as they arise from want of resources. Few have any idea as to how scanty are the resources of the Indian States.

Let me give you a few facts. Out of the total of 627 States there are only ten with an annual revenue above 1 crore. Of these ten, five have just about a crore, three have between 2 and 2 1/4 crores. One has just about 3 1/4 crores and only one has a revenue just about 8 crores. There are nine with a revenue ranging between I crore and 50 lakhs. About twelve have a revenue ranging between 50 to 25 lakhs. Thirty have a revenue varying between 25 lakhs and 10 lakhs. The rest of the 566 have an annual revenue which is less than 10 lakhs. This does not, however, give an idea of how small are some of the States which fall below 10 lakhs. A few illustrations may therefore be given. Among these 566 States there is one with a revenue of Rs. 500 and a population of 206 souls. Another with a revenue of Rs. 165 and a population of 125 : another with a revenue of Rs. 136 and a population of 239, another with a revenue of 128 and a population of 147 and another with a revenue of Rs. 80 and a population of 27. Each one of these is an Autonomous State, even the one with a revenue of Rs. 80 and a population of 27!

The Autonomy of these State's means that each one must take upon itself the responsibility to supply to its subjects all the services which relate to matters falling under law and order such as revenue, executive and judicial and all the services which affect public welfare

such as education, sanitation, roads etc. We in Bombay with our 12 crores of revenue are finding it difficult to maintain a civilized standard of administration. Other Provinces with equally large revenue are finding the same difficulty. How then can these small tiny states with a revenue of few hundreds and a population of few thousands cater to any of the wants which a civilized man must have his Government satisfy in full measure? With the best of motives and given an ideal Prince the task is hopeless.

The only way out is to reorganize the whole area occupied by the Indian States. The proper solution would be to fix an area of a certain size and of certain revenue and to constitute it into a New Province and to pension off the rulers now holding any territory in that area. Only such States should be retained in whose case by measure of area and. revenue it can be said that they by reason of their resources are in a position to provide a decent standard of administration. Those which cannot satisfy the test must go. There is no other way. This is not merely what might be done. I say, to do this is our duty and a sacred duty.

I know some, will think of the hereditary right of the Prince to rule over his territory. But I ask, what is more important, the right of the Prince or the welfare of the people? I am sure that even the best friends of the States will not say that the *rights* of the Prince are more important than the welfare of the people. Which should give way, if the two are in conflict? There again, I am sure that even the best friends of the States will not say that the welfare of the people should be sacrificed for the sake of maintaining the rights of the Prince.

The question of the reorganization of the Indian States is not a political question. As I look at it, is a purely administrative question. It is also an inevitable question. Because, not to tackle it is to condemn the people of the States—and there are millions of them-perpetually to a life of misery and security. The way I suggest is not a revolutionary way. To pension off a Prince and to annex his territory is a legal way and can fall under the principles with which we are familiar under the Land Acquisition Act which allows private rights and properties to be acquired for public purposes.

Unfortunately, the question of the Indian Stales has not been tackled from this point of view so far. The question that I want to place before you is, and it is a very important question,"Will it be open to you to tackle this question after the Federation is

established?"I say no. You will perhaps ask why. How does this conclusion follow?

I have already pointed out that with regard to the entry into the Federation, the Provinces and the States stand on a different footing. The Provinces have no choice. They must agree to be the units of the Federation. The States have a choice. They may join the Federation or they may refuse to join the Federation. That is so from the standpoint of the Provinces and from the standpoint of the States. What is the position from the standpoint of the Federation? Has the Federation any choice in the matter of the admission of the States? Can the Federation refuse to admit a Slate into the Federation? The answer is no. The Federation has no right to refuse. The State has a right to enter the Federation. But the Federation has no right to refuse admission at any rate for the first 20 years. That is the position. Now what does the admission of a State into the Federation mean? In my view the admission of a State into the Federation means recognition of the sovereign status of the State. Recognition of its sovereign status means the recognition of its indestructibility which means its right to the integrity of its territory and to guaranteeing of its powers of internal administration. This would apply even to the State with a population of 27 and revenue of Rs. 80. These being the implications of the admission of a State in the Federation, I am perfectly justified in suggesting that the territorial reorganisation of the Indian States will not be possible after the establishment of the Federation and the people of the Indian States will be forever doomed to misrule and mal-administration.

Can British India do anything in the matter now? I think British India is not in a position to do anything in the matter. If British India could have secured Responsible Government for itself, it might have been in a position to dictate which State should be admitted and on what terms. It would have been in a position to make the reorganization of the States territory into tolerably big units as a condition precedent for their entry into the Federation. Unfortunately British India has no Responsible Government. Indeed its right to Responsible Government at the Centre is denied and is made dependent upon the entry of the States."No States, no responsibility '"has now become the fate of British India. That being the position of British India, British India is not in a position to make terms with the States as she would have been able to do if she

had Responsible Government. That is why I have said and that is why I have always maintained that British Indians should first ask for a Federation and Responsibility confined to British India. Once that is obtained, the path for an All India Federation on the basis of freedom and good government all round will become possible. That possibility will be gone if this Federation comes into being.

I have already drawn your attention to some of the deformities of the Federal Scheme. What I have now drawn attention to is more than a deformity. It is a fatality of the Federation. So far as the States' people are concerned, it is a decree of fate. It is something which they will never be able to escape once it is executed.

The State's problem is one which, I believe could be solved by the Paramount Power along the lines I have suggested or along any other line consistently with the welfare of the people, if it wishes to do so. Paramountcy is like the Trimurti of Hindu Theology. It is Brahma because it has created the States. It is Vishnu because it preserves them. It is Shiva because it can destroy them. Paramountcy has played all these parts in different times in relation to the States. At one time, it played the part of Shiva. It has now been playing the part of Vishnu. To play the part of Vishnu with regard to the States is from the point of view of the good of the people the cruellest act. Should British India be a party to it? It is for you to consider.

IX
FEDERATION WITHOUT TIE STATES

There is another point of view from which the case for Federation is argued. I must now proceed to examine that argument.

It is argued that the constitution creates Autonomous Provinces. The Autonomy of the Provinces means independence and therefore disruption of the Unity of British India. This must be counteracted. Some binding force must be provided so that the Provinces may be held together and unity and uniformity built up for the last hundred years as a result of British administration is preserved intact in fundamentals if not in details.

The argument is quite sound, if it only means that the creation of Autonomous Provinces makes the creation of a Central Government a necessity. This proposition I am sure will command universal assent. In all the Round Table Conferences the late Sir Mahomad Iqbal was the only delegate who was against the establishment of a Central Government. Every other delegate irrespective of caste or creed differed from him. They asserted that

with the creation of Autonomous Provinces the establishment of a Central Government was a categorical imperative and that without it autonomy would result in anarchy.

But the argument goes beyond its legitimate scope. It seeks to justify the establishment of a Central Government for All India. The argument which can justify the establishment of a Central Government for British India is used to justify a Central Government for the whole of India. And the question that you have to consider is whether the creation of Autonomous Provinces in British India can justify a Central Government for the whole of India including the Indian States. My contention is that the creation of Autonomous Provinces does not require the creation of a Central Government for the whole of India.

The establishment of Autonomous Provinces in British India will call for two things; (1) That there shall be a Central Government for British India and (2) that the form of that Central Government must be federal and not unitary. The essence of Federation lies in the division or allocation of Legislative and Executive Powers between the Central Government and the Units by law. The powers of the Units and the Centre are defined and demarcated and the one is not entitled to invade the domain of the other. Autonomy of the Provinces means that their powers are defined and vested in them. To make Provincial Autonomy real the Powers of the Central Government must also be limited, otherwise it would be in a position to invade the domain of the Provinces. To put it simply, autonomy means definition and delimitation of Powers by law and wherever there is definition and delimitation of powers between two Political Bodies there is and there must be Federation. You will now understand why I said that all that Provincial Autonomy demands is that the Central Government for British India shall be Federal in form- It does not justify all India Federation. Why is it necessary to bring in the States still remains to be answered and those who plead for this All-India Federation as distinct from British India Federation must answer this question.

As I said all that is necessary is that Central Government for British India shall be Federal in form and this fact has been recognized by the Constitution.

Many seemed to have failed to notice that the Government of India Act, 1935 establishes two distinct Federations. One is a federation which is a federation of the Provinces of British India

another which is a Federation of British Indian Provinces and the Indian States. It is surprising that so many should have missed so important a fact. That the Government of India Act establishes two federations is beyond dispute. To those who have any doubt they should read Parts III and XIII together and Part II and Part III together. Part II and Part III reveal that there is an All-India Federation and lay down the constitution of that Federation. Part III and Part XIII reveal that there is a Federation of British India Provinces apart from the States and lay down the Constitution of that Federation. That Part XIII relates to provisions which are called transitional does not make the British India Scheme any the less a Federation, because the law is law whether it is for a limited period or for all times.

That the Act establishes a Federation for British India Provinces and also an All-India Federation cannot be denied. What is the difference between these two Federations? Is there any difference in the Legislative Powers of the Federation? The answer is no. The Federal Legislative List remains the same whether the Federation that is in operation is British India Federation or the All-India Federation. The Concurrent list also remains the same whether the Federation in operation is one or the other.

Is there any difference in Financial Powers? The answer again is no.

The Powers of taxation remain the same whether it is an All-India Federation or British India Federation.

Is there any change in the Judicial organization of the Federation? There is none. Federal Court is as much necessary for the All-India Federation as for British India Federation.

How do these two Federations differ? The two differ in one respect only. To find out this difference you should compare section 313 with section 8. The comparison will show that if the Federation is a British India Federation the Executive Authority of the Federation will be the Governor-General in Council and if the federation is an All-India Federation the Executive Authority in transferred matters to be the Governor-General acting on the advice of Ministers responsible to the Legislature. In other words while there is British India Federation only there is no responsibility at the Centre so long as there is no All-India Federation.

This means that the entry of the States is a condition precedent for the grant of responsibility to British India. You will therefore ask, why is the entry of the States so essential?

All Federations have come into existence as a result of some danger from outside affecting the safety and integrity of the Units. The States of North America federated because of the fear of subjugation of the States by British Imperialism. The Provinces of Canada federated because of the danger of invasion or absorption by the United States. The Australian Colonies federated because of the danger of invasion by Japan. It is obvious that the Indian Federation is not the result of any such circumstance. There is no new invader on the border of India waiting to pounce upon both British India and the Indian States. Nor is this Federation necessary for bringing about peace between British India and the Indian States. It matters not that British India is under the sovereignty of the Crown and the Indian States are under the suzerainty of the Crown. So far as foreign relations are concerned, and they include peace and war, the two are subordinate to one and the same authority namely the crown. That is the reason why the two have been at peace. That is the reason why they will not be and cannot be at war. Prevention of external aggression or the maintenance of internal peace cannot be the motive for this All India Federation. What then can be the motive of this Federation? Why are the States invited to enter into this Federation? Why is their entry made a condition precedent for responsibility at the Centre? To put it bluntly, the motive is to use the Princes to support imperial interests and to curb the rising tide of democracy in British India. I should like to have another explanation, if there is any. I see none. That the Princes are wanted in the Federation to serve ends of the British Imperialism is beyond question. The Secretary of State for India speaking in Parliament during the course of the debate on the Government of India Bill admitted that"we should all welcome the entry into the Central Government of India of a great force of stability and imperial feeling represented by the Princes"While the suppression of democracy in British India may not be the motive I am sure that that will be the consequence of the entry of the Princes in the Federation.

What a price has been paid for the entry of the Federation! I do not wish to repeat what I have said. If you will re-call what I have said regarding the discrimination which has been made in favour of the Princes in the matter of representation, taxation, administration, legislation etc., you will know what benefits have been conferred, what rights have been surrendered and what immunities have been granted by British India to induce the Princes to come into the

Federation. And what has British India got in return?

If the Federal Constitution had provided full responsible Government, there would have been some compensation to British India for the price it has paid to the Princes for their joining the Federation. But British India has not got any responsibility worth the name. What British India has got is a system of responsibility halved in part and mutilated in substance by conditions and restraints. Not only British India has not been able to secure responsibility at the Centre commensurate with the sacrifices it has made for making the Federation easy for the Princes, but it has lost its claim for Dominion Status in its own right and independently of the Princes. Many people do not know what British India has lost and stands to lose in this business of an All India Federation. The new Constitution is the result of the struggle of the people of British India. It is the agitation and the sufferings of the people of British India which was the compelling force behind this constitution. What was the right which the people of British India were claiming for themselves? As I have said, their first claim was good government in British India. Next they claimed self-government, that is responsible government for British India. Lastly, they claimed Dominion Status for British India. Each one of these claims have been accepted by the British Parliament. In 1917 the British Parliament accepted the goal of Responsible Government. In 1929 the English Nation accepted the goal of Dominion Status, Now it must be emphasised that each time the claim was made, it was made in the name of the people of British India. Each time it was accepted in relation to the people of British India. What is going to be the position of British India as a result of the Federation?

The position of British India is that they can never get any responsibility at the Centre unless the Princes come into the Scheme. That means that British India has lost its right to claim Responsible Government for itself in its own name and independently of the Princes. This right was a vested right because it was the result of a claim made and accepted. That right has been lost because British India is made dependent for the realization of its destiny upon the wishes of the States. Of the two parts of this Federation. British India is the progressive part and the States form the unprogressive part. That the progressive part should be tied up to the chariot of the unprogressive and its path and destiny should be made dependent upon the unprogressive part constitutes the most tragic side of this

Federation.

For this tragedy you have to blame your own national leaders. Fortunately for me I am not one of your national leaders. The utmost rank to which I have risen is that of a leader of the Untouchables. I find even that rank has been denied to me. Thakkar Bapa, the left hand man of Mahatma Gandhi. I call him left hand man only because Vallabhbhai Patel is the right hand man—very recently said that I was only the leader of the Mahars. He would not even allow me the leadership of the Untouchables of the Bombay Presidency. Whether what Thakkar Bapa said was said by him out of malice or out of love of truth does not worry me. For politics is not my first love nor is national leadership the goal of my life. On the other hand, when I see what disasters your national leaders have brought upon this country I feel relieved to know that I am not included in that august crowd. Believe me when I say that some of your national leaders were thoroughly unprepared for the job of constitution making. They went to the Round Table Conference without any comparative study of constitutions and could propound no solutions to problems with which they were presented. Others who were undoubtedly competent to tackle the problem were like little children so charged with the ideal of Federation that they never cared to see whether what they were shaping was a real federation or a fraud in the name of Federation. This tragedy is entirely due to wrong leadership. I do not know if the steps taken can be retraced and whether the lost ground can be regained. But I think it is a right thing that the people of British India should know what they have lost. They have a federation of their own and they have right to demand responsibility for their federation.

There is another reason why it would be desirable to have a Federation of British India only. A Federation of British India and of the Indian States cannot work harmoniously. There are two elements which I am sure will produce a conflict between British India and the Indian States. The first element arises out of the difference in the position of the representatives of British India and those of the Indian States. The representatives of British India will be free men. The representatives of the Indian States will be bondmen of the Political Department. The sources of mandate of those two sets of representatives in the Federal Legislature will be different. The British India representatives will be engaged in extending the authority of the Ministers. The States representatives

are sure to act and will be made to act so as to lend support to the authority of the Governor-General as against the Ministers. This conflict is inevitable and it is sure to embitter the feelings of British India towards the Indian States. This was precisely what happened in the last regime in the Provinces. The feelings of the elected members towards the nominated members in the old Provincial Councils were certainly unfriendly. This experience I am sure will be repeated in the Federal Legislature. That it should be so is very natural when one section of the House feels that the other section has been brought in to thwart its wishes and is acting as the tool of some power out side the control of the Legislature. This is one element of disharmony. The other element of disharmony is the disparity in the position of British Indian States under the Federation. Equality before law is a precious thing. But not all people value it for the same reason. Most cherish it an ideal. Few realize why it is crucial. Equality before the law compels men to make common cause with all others similarly affected. Whereas if there is no equality, if some are favoured and others are burdened, those specially favoured not only refuse to join those who are burdened in the struggle for equality but actually take sides against them. A Dictator might, as the kings did in the olden times, pull out one by one the teeth of a few without necessarily exciting the resentment of the other people. On the contrary, the others will join in the raid. But suppose a law was made that all must contribute, as much money as the dictators ask for under penalty of their teeth being drawn out all would rise in opposition. There is no equality between British India and the Indian States under the Federation. Indian States enjoy many benefits and many exemptions which are denied to British India. This is particularly so in the matter of taxation. There is bound to be great acrimony between the representatives of British India and those of the Indian States as to who should bear the load of taxation first. Patriotism vanishes when you touch a man's pocket and I am sure that the States representatives will prefer their own financial interest to the necessities of a common front to make the executive responsible to the Legislature.

What is the use of housing British India and the Indian States under one edifice if the result is to make them quarrel with each other?

There is a complete dissimilarity between the forms of Government prevalent in British India and the Indian States and the

principles underlying the two. These dissimilarities need not produce any antagonism between the Indian States and British India if the two continue to evolve in their separate spheres. So long as the form of Government in the Indian States does not become a factor in the decision of affairs which affects British India, British India can tolerate those forms of Government however antiquated they may be. But the Federation makes them a factor and a powerful factor and British India cannot remain indifferent to them. Indeed the forging of the Federation will compel British India to launch a campaign in sheer self-interest for revolutionising the forms of Government prevalent in the Indian States.

This will be the inevitable result of this Federation. Is this a consummation which the States devoutly wish for? This is a question they will have to consider.

Does British India welcome this prospect? Speaking for myself I will not. It would be impossible to wage war on so vast a front. The States are too numerous to allow concentrated attack. The States being a part of the structure, you cannot attack them and justify your attack as a Constitutional Act. Secondly, why put yourself in this difficulty? Sometimes it turns out that a man thinks that he is buying property when as a matter of fact he is buying litigation. For British India to accept this Federation is like buying trouble. Thirdly, this Constitution is a settlement from which Dominion Status is most rigidly excluded not only for the present but also for the future as well.

Looked at from any point of view, the wisest course seems to me that leaving the States where they are, British India should proceed on its own evolution and Federation for itself.

X
FEDERATION FROM DIFFERENT POINTS OF VIEW

Different people are looking at this Federation from different points of view. There is the point of view of the Princes. There is the point of view *of* the Hindus and the Muslims and the Congress. There is also the point of view of the Merchant and the Trader. The point of view of each one of these is of course the result of their particular interests.

What is the interest of the Princes in this Federation? To understand the motives of the Princes you must go back to the

Butler Committee. The Princes had been complaining of the encroachment of the Political Department of the Government of India upon their treaty rights under the Doctrine of Paramountcy. The Princes were insisting that the Political Department had no greater right against the States except those that were given by the treaties subsisting between them and the British Government. The Political Department on the other hand claimed that in addition to the rights referable to the treaties, the Crown had also rights which were referable to political usages and customs. To adjudicate upon this dispute, the Secretary of State agreed to appoint the Butler Committee. The Princes had hoped that the Butler Committee would accept their contentions and limit the scope of Paramountcy to the rights referable to the treaties. Unfortunately for the Princes they were disappointed, because the Butler Committee reported that the Paramountcy was paramount and that there could be no definition or delimitation of it. This decision of the Butler Committee meant a complete subordination of the Princes to the Political Department of the Government of India and the Princes were in search of an escape from this unfortunate position in which they were placed and they found, and quite rightly, that the only 'solution which can enable them to escape the tyranny of the Political Department was the Federation; because to the extent to which the Federal authority prevailed, the authority of the Political Department would vanish and as the Federal authority could only be exercised by a Federal Legislature and a Federal Executive and as they would have sufficient voice in the Federal Legislature and the Federal Executive they thought of federation. The federal solution of their problem offered two advantages to the Princes. The first was that it would secure to the Slates internal autonomy which they were very anxious to have, for it is of the essence of federating units to remain in their own hands all powers save those which they themselves have willingly delegated to a common centre and over which they themselves possess a share in the control. The second advantage of the Federation was that Paramountcy would disappear to the extent of the Federal authority. The motive of the Princes, therefore, was selfish and their primary aim was to get rid as much as possible of the authority of the Political Department of the Government of India. This was one of the primary interests of the Princes. The Princes had another interests to safeguard. That was to preserve their powers of civil and military government as much as

possible. They wanted to make the Federation as thin as possible so that it might not impinge upon them very hard. The interest of the Princes is two-fold. They wanted to escape Paramountcy. Secondly, they did not want to subject themselves too much to the authority of the Federation. In looking at the Federation, the Princes keep two questions before them. How far will this Federation enable them to escape the tyranny of Paramountcy? Secondly, how far does this scheme of Federation take away their sovereignty and their powers of internal government? They want to draw more under the former and give less under the latter.

The Muslims had an interest which not only coloured their whole vision but made it so limited that they did not care to look at anything else. That interest was their interest as a minority. They knew only one means of protecting themselves against the Hindu majority. That was to ask for reservation of seats with separate electorates and weightage in representation. In 1930 they discovered that there was another and a more efficacious method of protecting the Muslim minorities. That was to carve out new Provinces in which Muslims would be in a majority and Hindus in a minority as a counterblast to Provinces with Hindus as a majority and Muslims as a minority. They hit upon this system because they felt such as a system of balance of Provinces would permit the Muslims in the Muslim majority Provinces to hold the Hindu minorities in their Provinces as hostage for the good behaviour of the Hindu Majorities in the Provinces in which the Muslims were in minority. The creation of Muslim majority Provinces and to make them strong and powerful was their dominant interest. To accomplish this they demanded the separation of Sindh and the grant of responsible government to the North West Frontier Provinces so that the Muslims could have a command of four Provinces. To make the Provinces strong they insisted on making the Centre weak. As a means to this end the Muslims demanded that residuary powers should be given to the Provinces and the Hindu representation in the Centre should be reduced by giving the Muslims not only 1/3 of seats from the total fixed for British India but also 1/3 from the total assigned to the Princes.

The Hindus as represented by the Hindu Mahasabha were concerned with only one thing. How to meet what they called the menace of the Musalmans? The Hindu Mahasabha felt that the accession of the Princes was an accretion to the Hindu strength.

Everything else was to them of no consequence. Its point of view was Federation at any cost.

The next class whose point of view is worthy of consideration is the Indian Commercial Community. The commercial community is no doubt a small community in a vast country like India, but there can be no doubt about it that the point of view of this community is really more decisive than the point of view of any other community. This community has been behind the Congress. It is this community which has supplied the Congress the sinews of war and it knows that having paid the piper it can call for the tune. The commercial community is primarily interested in what is called commercial discrimination and the lowering of the exchange Ratio. It was a very narrow and limited point of view. The Indian Commercial Community is out to displace Europeans from Trade and Commerce and take their place. This it claims to do in the name of nationalism. It wants the right to lower the exchange rate and make profit in its foreign trade. This also it claims to do in the name of nationalism. Beyond getting profits to themselves the Merchants and Traders have no other consideration.

What shall I say about the Congress? What was its paint of view? I am sure I am not exaggerating or misrepresenting facts when I say that the Congress point of view at the Round Table Conference was that the Congress was the only party in India and that no body else counted and that the British should settle with the Congress only. This was the burden of Mr. Gandhi's song at the Round Table Conference. He was so busy in establishing his own claim to recognition by the British as the dictator of India that he forgot altogether that the important question was not, with whom the settlement should be made but what were to be the terms of that settlement. As to the terms of the settlement, Mr. Gandhi was quite unequal to the task. When he went to London he had forgotten that he would have before him not those who go to him to obtain his advice and return with his blessings but persons who would treat him as a lawyer treats a witness in the box. Mr. Gandhi also forgot that he was going to a political conference. He went there as though he was going to a Vaishnava Shrine singing the Narsi Mehta's Songs. When I think of the whole affair I am wondering if any nation had ever sent a representative *to* negotiate the terms of a national settlement who was more unfit than Mr. Gandhi. How unfit Mr. Gandhi was to negotiate a settlement becomes evident when one

realizes that this Ambassador of India was ready to return to India with only Provincial Autonomy when as a matter of fact he was sent to negotiate on the basis of Independence. No man has brought greater disasters to the interests of India than did Mr. Gandhi at the Round Table Conference. Less one speaks of him the better.

How far each of these interests feel satisfied with the Federal Scheme such as it is, it is not for me to say. The question one may however ask is, are these the only points of view that must be taken into consideration in deciding as to what we shall do with this Federation? I protest that there are other points of view besides those mentioned above which must receive attention. There is the point of view of the Free man. There is also the point of view of the Poor man. What have they to say of Federation? The Federation does not seem to take any account of them. Yet they are the people who are most deeply concerned. Can the free man hope that the Federal Constitution will not be a menace to his freedom? Can the poor man feel that the constitution will enable him to have old values revalued, to have vested rights devested? I have no doubt that this Federation if it comes into being will be a standing menace to the free man and an obstacle in the way of the poor man. What freedom can there be when you are made subject to the autocracy of the Princes? What economic betterment can there be when you get Second Chambers with vested rights entrenched in full and when legislation affecting property is subject to sanction by the Government both before introducing and after it has passed?

XI

CONCLUSION

I have perhaps detained you longer than I should have done. You will allow that it is not altogether my fault. The vastness of the subject is one reason for the length of this address.

I must, however, confess that there is also another reason which has persuaded me not to cut too short. We are standing today at the point of time where the old age ends and the new begins. The old age was the age of Ranade, Agarkar, Tilak, Gokhale, Wachha, Sir Pherozeshah Mehta, Surendranath Bannerjee. The new age is the age of Mr. Gandhi and this generation is said to be Gandhi generation. As one who knows something of the old age and also something of the new I see some very definite marks of difference between the two. The type of leadership has undergone a profound change. In

the age of Ranade the leaders struggled to modernize India. In the age of Gandhi the leaders are making her a living specimen of antiquity. In the age of Ranade leaders depended upon experience as a corrective method ot their thoughts and their deeds. The leaders of the present age depend upon their inner voice as their guide. Not only is there a difference in their mental make up there is a difference even in their viewpoint regarding external appearance. The leaders of the old age took care to be well clad while the leaders of the present age take pride in being half clad. The leaders of the Gandhi age are of course aware of these differences. But far from blushing for their views and. their appearance they claim that the India of Gandhi is superior to India of Ranade. They say that the age of Mr. Gandhi is an agitated and an expectant age, which the age of Mr. Ranade was not.

Those who have lived both in the age of Ranade and the age of Gandhi will admit that there is this difference between the two. At the same time they will be able to insist that if the India of Ranade was less agitated it was more honest and that if it was less expectant it was more enlightened. The age of Ranade was an age in which men and women did engage themselves seriously in studying and examining the facts of their life, and what is more important is that in the face of the opposition of the orthodox mass they tried to mould their lives and their character in accordance with the light they found as a result *of* their research. In the age of Ranade there was not the same divorce between a politician and a student which one sees in the Gandhi age. In the age of Ranade a politician, who was not *a* student, was treated as an intolerable nuisance, if not a danger. In the age of Mr. Gandhi learning, if it is not despised, is certainly not deemed to be a necessary qualification of a politician.

To my mind there is no doubt that this Gandhi age is the dark age of India. It is an age in which people instead of looking for their ideals in the future are returning to antiquity. It is an age in which people have ceased to think for themselves and as they have ceased to think they have ceased to read and examine the facts of their lives. The fate of an ignorant democracy which refuses to follow the way shown by learning and experience and chooses to grope in the dark paths of the mystics and the megalomaniacs is a sad thing to contemplate. Such an age I thought needed something more than a mere descriptive sketch of the Federal Scheme. It needed a treatment which was complete though not. exhaustive and pointed

without being dogmatic in order to make it alive to the dangers arising from the inauguration of the Federal Scheme. This is the task I had set before myself in preparing this address. Whether I have failed or succeeded. it is for you to say. If this address has length which is not compensated by depth, all I can say is that I have tried to do my duty according to my lights.

I am not opposed to a Federal Form of Government. I confess I have a partiality for a Unitary form of Govsernment. I think India needs it. But I also realize that a Federal Form of Government is inevitable if there *is to be* Provincial Autonomy. But I am in dead horror the Federal Scheme contained in the Government of India Act. I think I hive justified my antipathy by giving adequate reasons. I want all to examine them and come to their *own* conclusions. Let us however realize that the case of Provincial Autonomy is very different from that of the Federal Scheme. To those who think *that* the Federation should become acceptable, if the Governor-General gave an assurance along the same lines as was supposed to be done by the Governors that he will not exercise his powers under his special responsibilities. I want to say two things. First I am sure the Governor-General cannot give such an assurance because he is exercising these powers not merely in the interest of the Crown but also in the interest of the States. Secondly, even if he did, that cannot alter the nature of the Federal Scheme. To those who think that a change in the system of State representation from nomination to election will make the Federation less objectionable, I want to say that they are treating a matter of detail as though it was a matter of fundamental. Let us note what is fundamental and what is not Let there be no mistake, let there be no fooling as to this. We have had enough of both. The real question is the extension and the growth of responsibility. Is that possible? That is the crux. Let us also realize that there is no use bugging to Provincial Autonomy and leaving responsibility in the Centre hanging in the air. i am convinced that without real responsibility at the Centre, Provincial Autonomy is an empty shell.

What we should do to force our point of view, this is no place to discuss. It is enough if I have succeeded in giving you an adequate idea of what are the dangers of this Federal Scheme.

FRUSTRATION

The Untouchables are the weariest, most loathed and the most miserable people that history can witness. They area spent and sacrificed people. To use the language of Shelley they are—

> "pale for weariness of climbing heaven, and gazing on earth, wandering companionless Among the stars that have a different birth"

To put it in simple language the Untouchables have been completely overtaken by a sense of utter frustration. As Mathew Arnold saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/60. Frustration.htm - _msocom_1"life consists in the effort to affirm one's own essence ; meaning by this, to develop one's own existence fully and freely, to have ample light and air, to be neither (. . . . . .)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/60. Frustration.htm - _msocom_2 nor overshadowed. Failure to affirm ones own essence is simply another name for frustration. Its non fulfilment of one's efforts to do the best, the withering of one's faculties, the stunting of one's personality."

Many people suffer such frustrations in their history. But they soon recover from the blight and rise to glory again with new vibrations. The case of the Untouchables stands on a different footing. Their frustration is frustration for ever. It is unrelieved by space or time.

In this respect the story of the Untouchables stands in strange contrast with that of the Jews.

Their captivity in Egypt was the first calamity that visited the Jewish people. As the Bible says

[Quote Childem's Bible-39] (Quotation not recorded—ed.)

Ultimately Pharaoh yielded. The Jewish people escaped captivity and went to Cannan and settled thee in the land flowing with milk and honey.

The second calamity which overtook the Jews was the Babylonian Captivity. (Some pages are missing—-ed.)

We can now explain why the Untouchables have suffered frustration. They have no plus condition of body and mind. They have nothing in their dull drab deadening past for a hope of a rise in the future to feed upon. This is due to no fault of theirs. The frustration which is their fate is the result of the unpropitious social environment born out of the Hindu Social Order which is so deadly inimical to their progress.

Their fate is entirely unbearable. As Carlyle has said—

[Quote p. 201]
(Quotation not cited—ed.)

Some are thinking of revolutions, even bloody revolutions to overthrow the Hindu Social Order. All are saying what Cabli Williams once said—

[Quote p. 152]
(Quotation not cited—ed.)

Such is the degree of frustration they feel

III

The Covenant with God may be interpreted to mean in the language of Emerson a plus condition of mind and body. As Emerson has said"Success is constitutional-depends, on a plus condition of mind and body—on power of work—on courage. Success goes invariably with a certain plus or positive power: An ounce of Power must balance an ounce of weight."

If the Jews rose after their first captivity, it was primarily because of their plus condition of mind and body. This plus condition of mind and body can arise from two sources. It can arise from reliance on God. God, if nothing else is at least a source of power and in emergency man needs mental power, the plus condition of mind and body which is necessary for success. There is therefore nothing wrong in the suggestion that the Jews succeeded because of their Covenant of God if it is interpreted in the right way.

IV

This plus condition of body and mind is also the result of Social Environment, if the Environment is propitious. In a society where there is exemption from restraint, a secured release from obstruction, in a society where every man is entitled not only to the means of being, but also of well-being, where no man is forced to labour so that another may abound in luxuries, where no man is deprived of his right to cultivate his faculties and powers so that there may be no competition with the favoured, where there is emphasis of reward by mento, where there is goodwill towards all, (Further portion of this part is erased and not legible—ed.)

(The above portions are in the handwriting of Dr. Ambedkar. Each part is written on a separate sheet—ed.).

INDIA AND THE PRE-REQUISITES OF COMMUNISM

Contents

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The Hindu Social order: its Unique Features
Symbols of Hinduism

Editorial Note for the manuscript published in the Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 3 by the Government of Maharashtra:

We are reproducing here the text of Chapter One and Two of ' The Hindu Social Order '. This Chapter seems to be a part of the book entitled ' India and Communism '. From the contents on the first page of the typed script, we find that Dr. Ambedkar had divided the whole book"India and Communism"into three parts. The first part was captioned as ' The Prerequisites of Communism '. This part was to have three Chapters but we could not find any of these Chapters in Dr. Ambedkar's papers. So far as the part Two is concerned which is titled"India and the Pre-requisites of Communism", only Chapter Four entitled,"Hindu Social Order"has been found in a well bound register. This Chapter has two sub-titles as follows: —

I—Hindu Social Order: Its Essential Principles, and II— The Hindu Social Order: Its Unique Features. No other chapters on the subjects

mentioned in the table of contents of this book were found. In all, there are 63 foolscap-typed pages. —Editors.

CHAPTER
The Hindu Social Order: It's Essential Principles
I

What is the character of the Hindu Social Order? Is it a free social order? To answer this question, some idea of what constitutes a free social order is necessary. Fortunately, the matter is not one of controversy. Since the days of the French Revolution there is no difference as to the essentials of a free social order. There may be more but two are fundamental. Generally speaking, they are two. The first is that the individual is an end in him self and that the aim and object of society is the growth of the individual and the development of his personality. Society is not above the individual and if the individual has to subordinate himself to society, it is because such subordination is for his betterment and only to the extent necessary.

The second essential is that the terms of associated life between members of society must be regarded by consideration founded on liberty, equality and fraternity.

Why are these two essentials fundamental to a free social order? Why must the individual be the end and not the means of all social purposes? For an answer to this question, it is necessary to realise what we precisely mean when we speak of the human person. Why should we sacrifice our most precious possessions and our lives to defend the rights of the human person? No better answer to this question can be found than what is given by Prof. Jacques Maritain. As Prof. Maritain in his essay on ' The Conquest of Freedom 'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_1 says:-

"What do we mean precisely when we speak of the human person? When we say that a man is a person, we do not mean merely that he is an individual, in the sense that an atom, a blade of grass, a fly, or an elephant is an individual. Man is an individual who holds himself in hand by his intelligence and his will; he exists not merely in a physical fashion. He has spiritual super-existence through knowledge and love, so that he is, in a way, a universe in himself, a microcosms, in which the great universe in its entirety can be encompassed through knowledge.

By love he can give himself completely to beings who are to him, as it were, other selves. For this relation no equivalent can be found in the physical world. The human person possesses these characteristics because in the last analysis man, this flesh and these perishable bones which are animated and activated by a divine fire, exists 'from the womb to the grave ' by virtue of the existence itself of his soul, which dominates time and death. Spirit is the root of personality. The notion of personality thus involves that of totality and independence, no matter how poor and crushed a person may be, he is a whole, and as a person subsistent in an independent manner. To say that a man is a person is to say that in the depth of his being he is more a whole than a part and more independent than servile. It is to say that he is a minute fragment of matter that is at the same time a universe, a beggar who participates in the absolute being, mortal flesh whose value is external and a bit of straw into which heaven enters. It is this metaphysical mystery that religious thought designates when it says that the person is the image of God. The value of the person, his dignity and rights, belong to the order of things naturally sacred which bear the imprint of the Father of Being, and which have in him the end of their movement."Why is Equality essential? The best exposition of the subject is by Prof. Beard in his essay on ' Freedom in Political Thought ' and I shall do no more than quote him. Says Prof. Beardmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_2: —

"The term 'Equality' is unfortunate, but no other word can be found as a substitute. Equality means ' exactly the same or equivalent in measure, amount, number, degree, value, or quality". It is a term exact enough in physics and mathematics, but obviously inexact when applied to human beings. What is meant by writers who have gone deepest into the subject is that human beings possess, in degree and kind, fundamental characteristics that are common to humanity. These writers hold that when humanity is stripped of extrinsic goods and conventions incidental to time and place, it reveals essential characteristics so widely distributed as to partake of universality. Whether these characteristics be called primordial qualities, biological necessities, residues or any other name matters little. No one can truthfully deny that they do exist. It is easy to point out inequalities in physical strength, in artistic skill, in material wealth, or in mental capacity, but this too is a matter of emphasis. At the end it remains a fact that fundamental Characteristics appear in all human beings. Their nature and manifestations are summed up in the phrase ' moral equality '.

Emphasis must be placed on the term ' moral '. From time immemorial it has been the fashion of critics to point out the obvious facts that in physical strength, talents, and wealth, human beings are not equal. The criticism is both gratuitous and irrelevant. No rational exponent of moral equality has even disputed the existence of obvious inequalities among human beings, even when he has pointed out inequalities, which may be ascribed to tyranny or institutional prescriptions. The Declaration of Independence does not assert that all men are equal; it proclaims that they are ' created ' equal.

In essence the phrase ' moral equality ' asserts in ethical value, a belief to be sustained, and recognition of rights to be respected. Its validity cannot be demonstrated as a problem in mathematics can be demonstrated. It is asserted against inequalities in physical strength, talents, industry, and wealth. It denied that superior physical strength has a moral right to kill, eat, or oppress human beings merely because it is superior. To talents and wealth, the ideal of moral equality makes a similar denial of right. And indeed few can imagine themselves to have superior physical strength, talents and wealth will withhold from inferiors all moral rights. In such circumstances government and wealth would go to superior physical strength; while virtue and talents would serve the brute man, as accomplished Greek slaves served the whims, passions and desires to Roman conquerors. When the last bitter word of criticism has been uttered against the ideal of moral equality, there remains something in it which all, except things, must accept and in practice do accept, despite their sheers and protests. A society without any respect for human personalities is a band of robbers."

Why is Fraternity essential?

Fraternity is the name for the disposition of an individual to treat men as the object of reverence and love and the desire to be in unity with his fellow beings. This statement is well expressed by Paul when he said ' Of one blood are all nations of men. There is neither Jew nor Greek, neither bond nor free, neither male nor female; for yet are ail one in Christ Jesus. ' Equally well was it expressed when the Pilgrim Fathers on their landing at Plymouth said:"We are knit together as a body in the most sacred covenant of the Lord. . . . by virtue of which we hold ourselves tied to all care of each others' good and of the whole."These sentiments are of the essence of fraternity. Fraternity strengthens socialites and gives to each individual a stronger personal interest in practically consulting the welfare of others. It leads him to identify his feelings more and more with their good, or at least with an even greater degree of practical consideration for

it. With a disposition to fraternity he comes as though instructively to be conscious of him as being one who of course pays a regard to others. The good of others becomes to him a thing naturally and necessarily to be attended to like any of the physical conditions of our existence. Where people do not feel that entire sympathy with all others, concordance in the general direction of their conduct is impossible. For a person in whom social feeling is not developed cannot but bring himself to think of the rest of his fellow-beings as rivals struggling with him for the means of happiness when he must endeavour to defeat in order that he may succeed in himself.

What is Liberty and why is it essential in a free social order?

Liberty falls under two classes. There is civil liberty and there is political liberty. Civil liberty refers to (1) liberty of movement which is another name for freedom from arrest without due process of law (2) liberty of speech (which of course includes liberty of thought, liberty of reading, writing and discussion) and (3) liberty of action.

The first kind of liberty is of course fundamental. Not only fundamental it is also most essential. About its value, there can be no manner of doubt. The second kind of liberty, which may be called freedom of opinion, is important for many reasons. It is a necessary condition of all progress intellectual, moral, political and social. Where it does not exist the status quo becomes stereotyped and all originality even the most necessary is discouraged. Liberty of action means doing what one likes to do. It is not enough that liberty of action should be formal. It must be real. So understood liberty of action means effective power to do specific things. There is no freedom where there are no means of taking advantage of it. Real liberty of action exists only where exploitation has been annihilated, where no suppression of one class by another exists, where there is no unemployment, no poverty and where a person is free from the fear of losing his job, his home and his food as a consequence of his action.

Political liberty consists in the right of the individual to share in the framing of laws and in the making and unmaking of governments. Governments are instituted for securing to men certain unalienable rights such as life, liberty and pursuit of happiness. Government must, therefore, derive its powers from those whose rights it is charged with the duty to protect. This is what is meant when it is said that the existence, power and authority of the Government must be derived from the consent of the governed. Political liberty is really a deduction from the principle of human personality and equality. For it implies that all political authority is derived from the people that the people are capable of

directing and controlling their public as well as private lives to ends determined by themselves and by none else.

These two tenets of a free social order are integrally connected. They are non-separable. Once the first tenet is admitted, the second tenet automatically follows. Once the sacredness of human personality is admitted the necessity of liberty, equality and fraternity must also be admitted as the proper climate for the development of personality.

II

How far does the Hindu social order recognise these tenets? The inquiry is necessary. For it is only in so far as it recognises these tenets that it will have the title to be called a free social order.

Does the Hindu social order recognise the individual? Does it recognise his distinctiveness his moral responsibility? Does it recognise him as an end in himself, as a subject not merely of disabilities but also of rights even against the State? As a starting point for the discussion of the subject one may begin by referring to the words of the exodus where Jehova says to Ezekiel:—

"Behold! All souls are mine; as the soul of the Father, so also the soul of the son is mine; the soul that sinister, it shall die. .. .. the son shall not bear the iniquity of the Father, neither shall the father bear the iniquity of the son; the righteousness of the righteous shall be upon him, and the wickedness of the wicked upon him."Here is emphasised the distinctiveness of the individual and his moral responsibility. The Hindu social order does not recognise the individual as a centre of social purpose. For the Hindu social order is based primarily on class or Varna and not on individuals. Originally and formally the Hindu social order recognised four classes: (1) Brahmins, (2) Kshatriyas (3) Vaishyas and (4) Shudras. Today it consists of five classes, the fifth being called the Panchamas or Untouchables. The unit of Hindu society is not the individual Brahmin or the individual Kshatriya or the individual Vaishya or the individual Shudra or the individual Panchama. Even the family is not regarded by the Hindu social order as the unit of society except for the purposes of marriage and inheritance The unit of Hindu society is the class or Varna to use the Hindu technical name for class. In the Hindu social order, there is no room for individual merit and no consideration of individual justice. If the individual has a privilege it is not because it is due to him personally. The privilege goes with the class and if he is found to enjoy it, it is because he belongs to that class. Countrywide, if an individual is suffering from a wrong, it is not because he by his conduct

deserves it. The disability is the disability imposed upon the class and if he is found to be labouring under it, it is because he belongs to that class.

Does the Hindu social order recognise fraternity? The Hindus like the Christians and the Muslims do believe that men are created by God. But while the Christians and the Muslims accept this as the whole truth the Hindus believe that this is only part of the truth. According to them, the whole truth consists of two parts. The first part is that men are created by God. The second part is that God created different men from different parts of his divine body. The Hindus regard the second part as more important and more fundamental than the first.

The Hindu social order is based on the doctrine that men are created from the different parts of the divinity and therefore the view expressed by Paul or the Pilgrim Fathers has no place in it. The Brahmin is no brother to the Kshatriya because the former is born from the mouth of the divinity while the latter is from the arms. The Kshatriya is no brother to the Vaishya because the former is born from the arms and the latter from his thighs. As no one is a brother to the other, no one is the keeper of the other.

The doctrine that the different classes were created from different parts of the Divine body has generated the belief that it must be divine will that they should remain separate and distinct. It is this belief which has created in the Hindu an instinct to be different, to be separate and to be distinct from the rest of his fellow Hindus. Compare the following rules in the Manu Smriti regarding the Upanayan or the Investiture of a body with the sacred thread :—

II. 36."In the eighth year after conception, one should perform the initiation (Upanayan) of a Brahmani in the eleventh after conception (that) of a Kshatriya but in the twelfth that of a Vaishya."

II. 41."Let students according to the order (of their castes), wear (as upper dressed) the skins of black antelope, spotted deer, and he-goats and (lower garments) made of hemp, flex or wool."

II. 42."The girdle of a Brahmana shall consist of a triple cord of Munga grass, smooth and soft (that) of a Kshatriya, of a bowstring, made of Murva fibres (that) of a Vaishya of hempen threads.

II. 43."If Munga grass (and soforth) be not procurable, (the girdles) may be made of kusa, Asmantaka, and Belbaga (fibres) with a single threefold knot, or with three or five (knots according to the custom of the family."

II. 44."The sacrificial string of a Brahmana shall be made of cotton (shall be) twisted to the right, (and consist) of three threads, that of a Kshatriya of hempen threads, and that of a Vaishya of woolen threads.

II. 45."A Brahamana shall carry according to sacred law a staff of Bilva or Palasa, a Kshatriya of Vata or Khadira; and a Vaishya of Pillu or Udumbara."

II. 46."The staff of a Brahmana shall be made of such length as to reach the end of his hair; that of a Kshatriya to reach his forehead ; and that of a Vaishya to reach the tip of his nose."

II. 48."Having taken a staff according to his choice having worshipped the Sun and walked round the fire, turning his right hand towards it (the student) should beg alms according to the prescribed rule."

II. 49."An initiated Brahmana should beg, beginning his request with the word lady (bhavati); a Kshatriya placing the word lady in the middle, but a Vaishya placing it at the end of the formula."

On reading this one may well ask the reasons for such distinctions. The above rules refer to students or what are called Bramhacharia ready to enter upon the study of the Vedas. Why should there be these distinctions? Why should the ages of Upanayana of the Brahmin boy differ from that of the Kshatriya or Vaishya? Why should their garments be of different kind? Why should their materials of girdle cords be different? Why should the material of strings be different? Why should their staves be of different trees? Why should their staves differ in length? Why in uttering the formula for asking alms they should place the word ' Bhavathi ' in different places? These differences are not necessary nor advantageous. The only answer is that they are the result of the Hindu instinct to be different from his fellow which has resulted from the belief of people being innately different owing to their being created from different parts of the divine body.

It is also the Hindu instinct due to the same belief never to overlook a difference if it does exist but to emphasise it, recognise it and to blazon it forth. If there is caste its existence must be signalised by a distinguishing headdress and by a distinguishing name. If there is a sect it must have its head mark. There are 92 sects in India. Each has a separate mark of itself. To invent 92 marks each one different from the other is a colossal business. The very impossibility of it would have made the most ingenious person to give up the task. Yet, the Hindus have accomplished it as may be seen from the pictorial representation of these marks given by Moore in his Hindu Pantheon.

The most extensive and wild manifestation of this spirit of isolation and separation is of course the caste-system. It is understandable that caste in a single number cannot exist. Caste can exist only in plural number. There can be castes. But there cannot be such a thing as a caste. But granting

that theoretically castes must exist in plural number how many castes should there be? Originally, there were four only. Today, how many are there? It. is estimated that the total is not less than 2000. It might be 3000. This is not the only staggering aspect of this fact. There are others. Castes are divided into sub-castes. Their number is legion. The total population of the Brahmin castes is about a crore and a half. But there are 1886 sub-castes of Brahmin caste!! In the Punjab alone, the Saraswat Brahmans are divided into 469 sub-castes. The Kayasthas of Punjab are divided into 890 sub-castes!! One could go on giving figures to show this infinite process of splitting social life into small fragments. The splitting process has made a social life quite impossible. It has made the castes split into such small fragments that it has marital relationship consistent with the rule of excluded degrees quite impossible. Some of the Baniya sub-castes count no more than 100 families. They are so inter-elated they find it extremely difficult to marry within their castes without transgressing the rules of consanguinity.

It is noteworthy that small excuses suffice to bring about this splitting of castes into sub-castes. Castes become sub-divided into sub-castes by reason of change of location, change of occupation, change in social practices, change due to pollution, changes due to increased prosperity, changes due to quarrel and changes due to change of religion. Mr. Blunt has given many instances to illustrate this tendency among the Hindus. There is no space to reproduce all except one which shows how ordinary quarrels lead to the splitting one caste into sub-castes. As stated by Mr. Bluntmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_3:—

"In Lucknow there was a sub-caste of Khatika consisting of three ghols or groups, known as Manikpur, Jaiswala and Dalman. They inter-married, ate together, and met together in panchayat under the presidency of their Chaudharis or headmen. Twenty years ago each group had one Chaudhri, but now Jaiswala have three and Manikpur two. The quarrel was as follows. Firstly a woman (her ghol is not given) peddled fruit about the streets. The brethren ordered her to desist from the practice, which is derogatory to the caste's dignity; women should only sell in shops. Her husband and she proved contumacious; and finally their own ghol, acting singly, outcaste the man.

The Dalmu ghol, however, dissenting from this action admitted the husband to communion with themselves upon payment of a fine of Rs. 80 in lieu of excommunication. Secondly a man (the ghol, again is not given) was excommunicated by his own ghol, acting alone; and while his

case was under trial, the Jaiswala Chaudhri invited him to dinner by mistake. Thereupon, the three ghols, acting in concert, fined the Chaudhri Rs. 30. Lastly, fines had accumulated and it was decided to hold a Katha (sacred recitation). The Dalmu Chaudhri said he preferred to have his share of money; but the Manikpur Chaudhri (who seems to have kept the joint purse) refused, taking up the attitude that there was going to be a Katha to which the Dalmu people could come or not as they liked. The matter at this stage was brought into court; meanwhile the three ghols ceased to inter-rnarry, so that one endogamous sub-caste split into three quarrels, ghol was pitted against ghol.

If in any caste a group should adopt some new or unusual worship of which other members do not approve, one would expect that group to break off and become an endogamous sub-caste. That such sub-castes are uncommon is due to the tolerance about what and with whom he eats and whom he marries. We do, however, find that the Mahabhiras and Panchipriya sub-castes amongst Telis, Koris and the Namakshalis amongst Barhais, Bhangis and Kadheras."

How do these castes behave towards one another. Their guiding principle is ' be separate ', ' do not intermarry ', ' do not inter-dine ' and ' do not touch '. Mr. Blunt1 has well described the situation when he says:

"A Hindu sits down to a meal either alone or with his caste fellows. The women cannot eat with the men; they wait till their lords have finished. So long as the meal or a part of it consists of Kachcha food (as it usually does, since Chapatis appear at most meals), the man must dine with the precautions of a magic ceremony. He sits within a square marked off on the ground (chauka) inside which is the Chulha or cooking place. Should a stranger's shadow fall upon this square, all food cooked within it is polluted and must be thrown away. In camp Hindu servants may be seen, each well apart from the rest, each within his own chauka, cooking his food upon his own mud oven and eating alone. .

"Rules regarding the acceptance of water are on the whole the same as those regarding the acceptance of a pakka food, but with a tendency to greater laxity. The vessel in which the water is contained affects the question. A high caste man will allow a low caste man to fill his lota (drinking vessel) for him; but he will not drink from the lota of that low caste man. Or a high caste man will give anybody (save Untouchables) a drink, by pouring water from his own lota into that of the drinker; all the men employed at stations to supply railway travellers with water are Barhais, Bans, Bharbhunjas, Halwais, Kahars, and Nais; and of course from higher castes still.

Rules regarding smoking are stricter. It is very seldom that a man will smoke with anybody but a caste fellow; the reason, no doubt is that smoking with a man usually involves smoking his pipe, and this involves much closer contact even than eating food which he has prepared. So stringent is this rule, indeed, that the fact that Jats, Ahirs, and Gujars will smoke together has beer regarded as a ground for supposing that they are closely akin. Some castes, the Kayastha for instance, differentiates between smoking in a fashion in which the hands are closed round the pipe and the smoke is drawn in without putting the stem actually in the mouth—and smoking in the usual way. Little need be said on the subject of vessels. There are rules laying down what sort of vessels should be made, but they are rather religious than social. Hindus must use brass or alloy (although the use of alloy is hedged about by numerous and minute injunctions, and if such vessels become impure, the only remedy is to get them remoulded). The risk of pollution makes it imperative for every man to have a few vessels of his own. The minimum consists of a lota (drinking vessel), batna (cooking pot), and thali (dish). Better class folk add a Katora (spoon) and Gagra (Water pot). For feasts, the brotherhood usually keep a set of larger vessels of all kinds,which they end to the host; these are bought with the proceeds of fines, and are common property."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_4

What fraternity can there be in a social order based upon such sentiments? Far from working in a spirit of fraternity the mutual relations of the castes are fratricidal. Class-consciousness, class struggle and class wars are supposed to be ideologies, which came into vogue from the writings of Karl Marx. This is a complete mistake. India is the land, which has experienced class-consciousness, class struggle. Indeed, India is the land where there has been fought a class war between Brahmans and Kshatriyasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_5 which lasted for several generations and which was fought so hard and with such virulence that it turned but to be a war of extermination.

It must not be supposed that the fratricidal spirit has given place to a spirit of fraternity. The same spirit of separation marks the Hindu social order today as may be seen from what follows:

Each class claims a separate origin. Some claim origin from a Rishi or from a hero. But in each case it is a different Rishi or a different hero having nothing to do with the Rishis and heroes claimed by other castes as their progenitors. Each caste is engaged in nothing but establishing for

itself a status superior to that of another caste. This is best illustrated by rules of hyper commonality and rules of hyper gamy. As pointed out by Mr. Bluntmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_6:

"It is essential to realise that in respect of the cooking taboo, the criterion is the caste of the person who cooks the food, not the caste of the person who offers it. It follows, therefore, that a high caste Hindu can eat the food of a man of any caste, however low, if his host possesses a cook of suitable caste. And that is why so many cooks are Brahmins. The Hindu draws a distinction between kachcha food, which is cooked in water and pucca food, which is cooked with ghee (clarified butter). This distinction depends on the principle that ghee, like all the products of the sacred cow, protects from impurity, and since such protection is the object of all food taboos, this convenient fiction enables the Hindu to be less particular in the case of pucca food than of kachcha food, and to relax his restrictions accordingly: Speaking of hyper gamy, Mr. Bluntmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_7 says:—

"The custom of hyper gamy introduces an important modification into the marriage laws of many castes. Where it prevails, the exogamous groups are classified according to their social position; and whilst a group of highest rank will take brides from it, it will not give brides to a group of lower rank. The law is found most highly developed amongst Rajputs but it is observed by many other castes. . . .. Indeed amongst all Hindus there is probably a tendency towards hyper-gamy."

What is it that has behind these rules regarding hyper-communality and hypergamy? Nothing else but the spirit of high and low. All castes are infested with that spirit and there is no caste, which is free from it. The Hindu social order is a ladder of castes placed one above the other together representing an ascending scale of hatred and a descending scale of contempt.

This spirit has exhibited itself in the proverbs coined by one caste with the object of lampooning another caste. It has given rise even to literature by authors of low castes suggesting filthy origin of the so-called high caste. The Sahyadrikhand is the best illustration of it. It is one of the Puranas, which form part of the Hindu sacred literature. It is a Purana of a style quite different from the traditional puranas. It deals with the origin of the different castes. In doing so, it assigns noble origin to other castes while it assigns to the Brahmin caste the filthiest origin.

Does the Hindu social order recognise equality? The answer must be in the negative. That men are born equal is a doctrine, which is repugnant to the Hindu social order. In the spiritual sense it treats the doctrine as false. According to the Hindu social order though it is true that men are the children of Prajapati the Creator of the Universe, they are not equal on that account. For, they were created from the different parts of the body of Prajapati. The Brahmins were created from the mouth, the Kshatriyas from the arms, the Vaishyas from his thighs and Shudras from his feet. The limbs from which they were created being of unequal value the men thus created are as unequal. In the biological sense, the Hindu social order does not bother to examine whether the doctrine is founded in a fact. If it was not a fact, i.e., men were not equal in their character and natural endowments of character and intelligence so much the better. On the other hand, if it was a fact, i.e., men were equal in character and natural endowments, so much the worse for the doctrine. The Hindu social order is indifferent to the doctrine as a fact. It is equally indifferent to it as an ethical principle. It refuses to recognise that men no matter how profoundly they differ as individuals in capacity and character, are equally entitled as human beings to consideration and respect and that the well-being of a society is likely to be increased if it so plans its organisation that, whether their powers are great or small, all its members may be equally enabled to make the best of such powers as they possess. It will not allow equality of circumstances, institutions and manner of life. It is against equality temper.

III

If the Hindu social order is not based on equality and fraternity, what are the principles on which it is based? There is only one answer to this question. Though few will be able to realise what they are, there is no doubt as to their nature and effect on Hindu society. The Hindu social order is reared on three principles. Among these the first and foremost is the principle of graded inequality.

That the principle of graded inequality is a fundamental principle is beyond controversy. The four classes are not on horizontal plane, different but equal. They are on vertical plane. Not only different but unequal in status, one standing above the other. In the scheme of Manu, the Brahmin is placed at the first in rank. Below him is the Kshatriya. Below the Kshatriya is the Vaishya. Below Vaishya is the Shudra and below Shudra is the Ati-shudra or the Untouchable. This order of precedence among the classes is not merely conventional. It is spiritual,

moral and legal. There is no sphere of life, which is not regulated by this principle of graded inequality.

One can substantiate this by numerous illustrations from the Manu Smriti. I will take four illustrations to prove the point. They will be the law of slavery, law of marriage, law of punishment and law of Samskaras and law of Sanyas. The Hindu law recognised slavery as a legal institution. Manu Smriti recognised seven kinds of slaves. Narada Smriti recognised fifteen kinds of slaves. These differences as to the number of slaves and the classes under which they fall is a matter of no importance. What is important is to know who could enslave whom. On this point, the following citations from the Narada Smriti and the Yajnavalkya Smriti are revealing:

Narada Smriti : V. 39."In the inverse order of four castes slavery is not ordained except where a man violates the duties peculiar to his caste. Slavery (in that respect) is analogous to the condition of a wife."

Yajnavalkya Smriti: XVI. 183 (2)."Slavery is in the descending order of the Varnas and not in the ascending order."

Recognition of slavery was bad enough. But if the rule of slavery had been left free to take its own course it would have had at least one beneficial effect. It would have been a levelling force. The foundation of caste would have been destroyed. For under it, a Brahmin might have become the slave of the Untouchables and the Untouchables would have become the masters of the Brahmin. But it was seen that unfettered slavery was a principle and an attempt was made to nullify it. Manu and his successors therefore while recognising slavery ordain that it shall not be recognised in its inverse order to the Varna system. That means that a Brahmin may become the slave of another Brahmin. But he shall not be the slave of a person of another Varna, i.e., of the Kshatriya, Vaishya, Shudra, or Ati-Shudra. On the other hand, a Brahmin may hold as his slave anyone belonging to the four Varnas. A Kshatriya can have a Kshatriya, Vaishya, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin. A Vaishya can have a Vaishya, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin or a Kshatriya. A Shudra can hold a Shudra and an Ati-Shudra, as his slaves but not one who is a Brahmin, Kshatriya or a Vaishya. Ati-Shudra can hold an Ati-Shudra as his slave but not one who is a Brahmin, Kshatriya, Vaishya or Shudra.

Another illustration of this principle of graded inequality is to be found in the Laws of marriage. Manu says :—

III. 12."For the first marriage of the twice-born classes, a woman of the same class is recommended but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred."

III. 13."A Shudra woman only must be the wife of a Shudra; she and a Vaishya, of a Vaishya; they two and a Kshatriya of a Kshatriya; those three and a Brahmani of a Brahmin."Manu is of course opposed to inter-marriage. His injunction is for each class to marry within his class. But he does recognise marriage outside the defined class. Here again, he is particularly careful not to allow inter-marriage to do harm to his principle of inequality among classes. Like slavery he permits inter-marriage but not in the inverse order. A Brahmin when marrying outside his class may marry any woman from any of the classes below him. A Kshatriya is free to marry a woman from the two classes next below him, namely, the Vaishya and Shudra but must not marry a woman from the Brahmin class which is above him. A Vaishya is free to marry a woman from the Shudra class which is next below him. But he cannot marry a woman from the Brahmin and the Kshatriya class which are above him.

The third illustration is to be found in the Rule of Law as enunciated by Manu. First as to treatment to be given to witnesses. According to Manu, they are to be sworn as follows:

VIII. 87."In the forenoon let the judge, being purified, severally call on the twice-born, being purified also, to declare the truth, in the presence of some image, a symbol of the divinity and of Brahmins, while the witnesses turn their faces either to the north or to the east."

VIII. 88."To a Brahmin he must begin with saying ' ' Declare '; to a Kshatriya, with saying 'Declare the truth'; to a Vaishya admonishing him by mentioning his kine, grain or gold; to a Shudra, threatening him with the guilt of every crime that causes loss of caste."

Take the punishment of offences as laid down by Manu. To begin with, punishment for defamation:

VIII. 267."A soldier, defaming a priest, shall be fined a hundred panas; merchant thus offending, a hundred and fifty, or two hundred; but for such an offence a mechanic or servile man shall be whipped."

VIII. 268."A priest shall be fined fifty if he slanders a soldier; twenty-five if a merchant and twelve if he slanders a man of the servile class."

Take the offence of insults. The punishment prescribed by Manu is as follows:

VIII. 270."A Shudra who insults a Dvija with gross invectives, ought to have his tongue slit for he sprang from the lowest part of Brahma."

VIII. 271."If he mentions their names and classes with contumely, as if he says, ' Oh Devadatta, thou refuse of Brahmin '; an iron style, ten fingers long, shall be thrust red into his mouth."

VIII. 272."Should he, through pride, give instructions to Brahmins concerning their duty; let the king order some hot oil to be dropped into his mouth and his ear."Punishment for the offence of abuse. Manu says:

VIII. 276."For mutual abuse by a Brahmin and a Kshatriya, this fine must be imposed by a learned king; the lowest on the Brahmin and the middlemost on the soldier."

VIII. 277."A Vaishya and a Shudra must be punished exactly in the same manner according to their respective castes, except the slitting of the tongue of the Shudras. This is the fixed rule of punishment."Punishment for the offence of assault. Manu propounds:

VIII. 279."With whatever limb a Shudra shall assault or hurt a Dvija that limb of his shall be cut off, this is in accordance of Manu."Punishment for the offence of arrogance. According to Manu:

VIII. 281."A Shudra who shall insolently place himself on the same seat with a man of high caste, shall either be branded on his hip and be banished or the King shall cause a gash to be made on his buttock."

VIII. 282."Should he spit on him through pride, the king shall order both his lips to be gashed; should he urine on him, his penis; should he break wind against him, his anus."

VIII. 283."If he seizes the Brahmin by the locks or likewise if he takes him by the feet, let the king unhesitatingly cut off his hands, or by the beard, or by the throat or by the scrotum." Punishment for the offence of adultery says Manu.

VIII. 359."A man who is not a Brahmin who commits actual adultery ought to suffer death; for the wives, indeed of all the four classes must ever be most especially guarded."

VIII. 366."A Shudra who makes love to a damsel of high birth, ought to be punished corporally; but he who addresses a maid of equal rank, shall give the nuptial present and marry her, if her father desires it."

VIII. 374."A Shudra having an adulterous connection with a woman of a twice-born class, whether guarded at home or unguarded shall thus be punished in the following manner; if she was unguarded, he shall lose the part offending and all his property; if guarded everything even his life."

VIII. 375."For adultery with a guarded Brahmin a Vaishya shall forfeit all his wealth after imprisonment for a year; a Kshatriya shall be fined a thousand panas, and he be shaved with the urine of an ass."

VIII. 376."But if a Vaishya or Kshatriya commits adultery with an unguarded Brahmin, the king shall only fine the Vaishya five hundred panas and the Kshatriya a thousand."

VIII. 377."But even these two however, it they commit that offence with a Brahmani not only guarded but the wife of an • eminent man, shall be punished like a Shudra or be burned in a fire of dry grass or reeds."

VIII. 382."If a Vaishya approaches a guarded female of the Kshatriya or a Kshatriya a guarded Vaishya woman, they both deserve the same punishment as in the case of an unguarded Brahmin female."

VIII. 383."But a Brahmin, who shall commit adultery with a guarded woman of those two classes, must be fined a thousand panas, and for the offending with a Shudra woman the fine of a thousand panas on a Kshatriya or Vaishya."

VIII. 384."For adultery by a Vaishya with a woman of the Kshatriya classes, if guarded, the fine is five hundred; but a Kshatriya for committing adultery on a Vaishya woman must be shaved with urine or pay the fine just mentioned."How strange is the contrast between Hindu and non-Hindu criminal jurisprudence! How inequality is writ large in Hinduism as seen in its criminal jurisprudence! In a Penal Code charged with the spirit of justice we find two things—-a section dealing with defining the crime and a section prescribing a rational form of punishment for breach of it and a rule that all offenders are liable to the same penalty. In Manu, what do we find? First an irrational system of punishment. The punishment for a crime is inflicted on the origin concerned in the crime such as belly, tongue, nose, eyes, ears, organs of generation etc., as if the offending organ was sentiment having a will for its own and had not been merely a survivor of human being. Second feature of Manu's Penal Code is the inhuman character of the punishment, which has no proportion to the gravity of the offence. But the most striking feature of Manu's Penal Code, which stands out in all its nakedness, is the inequality of punishment for the same offence. Inequality designed not merely to punish the offender but to protect also the dignity and to maintain the baseness of the parties coming to a Court of Law to seek justice; in other words to maintain the social inequality on which his whole scheme is founded.

The principle of graded inequality has been carried into the economic field."From each according to his ability; to each according to his need"is not the principle of Hindu social order. The principle of the Hindu social order is:"From each according to his need. To each according to his nobility." mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite

of communism.htm - _msocom_8Supposing an officer was distributing dole to a famine stricken people. He would be bound to give greater dole to a person of high birth than he would to a person of low birth. Supposing an officer was levying taxation. He would be bound to assess a person of high birth at a lower rate than he would to a person of low birth. The Hindu social order does not recognise equal need, equal work or equal ability as the basis of reward for labour. Its motto is that in regard to the distribution of the good things of life those who are reckoned as the highest must get the most and the pest and those who are classed as the lowest must accept the least the worst.

Nothing more seems to be necessary to prove that the Hindu social order is based on the principle of graded inequality. It pervades all departments of social life. Every side of social life is protected against the danger of equality.

The second principle on which the Hindu social order is founded is that of fixate of occupations for each class and continuance thereof by heredity. This is what Manu says about occupations of the four classes.

"1. 87. But in order to protect this universe, He, the most resplendent one, assigned separate (duties and) occupations, to those who sprang from his mouth, arms, thighs and feet.

1. 88. To Brahmanas he assigned teaching and studying (the Veda) sacrificing for their own benefit and for others, giving and accepting (of alms).

1. 89. The Kshatriya he commanded to protect the people, to bestow gifts to offer sacrifices to study (the Veda) and to abstain from attaching himself to sensual pleasures."

"I. 90. The Vaishya to tend cattle to bestow gifts to offer sacrifices to study (the Veda) and to abstain from attaching himself to sensual pleasures."

I. 91. One occupation only the Lord prescribed to the Shudra, to serve meekly even these (other) three castes."These rules regarding the occupations of the different classes are further amplified by Manu as will be seen from the following citations from his Smriti:

"I. 88. To Brahmans he (Swayambhu Manu) assigned the duties of reading the Veda, of teaching it, of sacrificing, of assisting others to sacrifice, of giving alms if they be rich, and if indigent of receiving of gifts.

I. 89. To defend the people, to give alms, to sacrifice, to read the Veda, to shun the allurements of sensual gratification, are in a few words, the duties of a Kshatriya.

I. 90. To keep herds of cattle, to bestow largeness, to sacrifice, to read the scriptures, to carry on trade, to lend at interest, and to cultivate land are prescribed or permitted to a Vaishya.

I. 91. One principal duty the supreme Ruler assigns to a Shudra; namely, to serve the before mentioned classes, without depreciating their worth.

X. 74. Let such Brahmans as are intent on the means of attaining the supreme godhead, and firm in their own duties, completely perform in order, the six following acts.

X. 75. Reading the Vedas, the teaching others to read them, sacrificing, and assisting others to sacrifice, giving to the poor if themselves have enough, and accepting gifts from the virtuous if themselves are poor, are the six prescribed acts of the firstborn class."

"X. 76. But, among those six acts of a Brahman three are his means of subsistence; assisting to sacrifice, teaching the Vedas and receiving gifts from a pure handed giver.

X. 77. Three acts of duty cease with the Brahman and belong not to the Kshatriya, teaching the Vedas, officiating at a sacrifice and thirdly receiving presents.

X. 78. Those three are also (by the fixed rule of law) forbidden to the Vaishya since Manu, the Lord of all men, prescribed not those acts to the two classes, military and commercial.

X. 79. The means of subsistence peculiar to the Kshatriya are bearing arms, either held for striking or missile; to the Vaishya, merchandise, attending on cattle, and agriculture; but with a view to the next life, the duties of both are alms giving, reading and sacrificing."

Every member must follow the trade assigned to the class to which he belongs. It leaves no scope for individual choice, individual inclination. An individual under the Hindu social order is bound to the profession of his ancestor. It is an inexorable law from which he cannot escape.

The principle does not stop with fixate of occupation. It grades the several occupations in terms of respectability. This is what Manu says:—

"X. 80. Among the several occupations for gaining a livelihood the most commendable respectively for the Brahmans, Kshatriyas and the Vaishyas are the teaching of the Vedas, defending the people and trade.

The third principle on which the Hindu social order is founded is the fixation of people within their respective classes. There is nothing strange or peculiar in the fact that the Hindu social order recognises classes. There are classes everywhere and no society is without them. Families, cliques, clubs, political parties, nay communities, gangs engaged in criminal conspiracies, business corporations which prey upon the public

are to be found in all societies in all parts of the world. Even a free social order will not be able to get rid of the classes. What a free social order aims to do is to prevent isolation and exclusiveness being regarded by the classes as an ideal to be followed. For so long as the classes do not practise isolation and exclusiveness they are only non-social in their relations towards one another. Isolation and exclusiveness make them anti-social and inimical towards one another. Isolation makes for rigidity of class consciousness, for institutionalising social life and for the dominance of selfish ideals within the classes. Isolation makes life static, continues the separation into a privileged and underprivileged, masters and servants.

Not so much the existence of classes as the spirit of isolation and exclusiveness which is inimical with a free social order. What a free social order endeavours to do is to maintain all channels of social endowment. This is possible only when the classes are free to share in an extensive number of common interests, undertakings and expenses, have a large number of values in common, when there is a free play back and forth, when they have an equable opportunity to receive and to take from others. Such social contacts must and does dissolve custom, makes for an alert and expanding mental life and not only occasion but also demand reconstruction of mental attitudes. What is striking about the Hindu social orders is its ban on free inter-change and inter-course between different classes of Hindu society. There is a bar against inter-dining and inter-marriage. But Manu goes to the length of interdicting ordinary social intercourse. Says Manu:

IV. 244."He, who seeks to preserve an exalted rank, must constantly form connections with the highest and best families, but avoid the worst and the meanest.

IV. 245. Since a priest, who connects himself with the best and the highest of men, avoiding the lowest and worst, attains eminence ; but sinks by an opposite conduct, to the class of the servile.

IV. 79. Not let him tarry even under the shade of the same tree with outcaste for the great crimes, nor with Chindalas, nor with Puccasas, nor with idiots, nor with man proud of wealth, nor with \\ashcrmcn and other vile persons, nor with Artyevasins.'"The Hindu social order is opposed to fraternity, t does not admit the principle of equality. Far from recognising equality it makes inequality its official doctrine. What about liberty? So far as choice of occupation goes, there is none. Everyone has his occupation determined for him. Only thing left to do is to carry it on. As to freedom of speech it exists. But it exists only for those who are in

favour of the social order. The freedom is not the freedom of liberalism which was expressed by Voltaire when i.e. said"I wholly disapprove of what you say and will defend to the death your right to say it."This is clear from what Manu has to say about Logic and dialectics.

"IV. 29-30. No guest must stay in his house without being honoured according to his ability, with a seat, food, a couch, water, or roots and fruits.

Let him not honour even by greeting heretics, men who follow forbidden occupations, men who live like cats, rogues, logicians (arguing against the Veda) and those who live like herons.

II. 10. But by Sruti (Revelation) is meant the Vedas and by Smriti (tradition) the Institutes of the sacred law ; those two must not be called into question in any matter, since from those two the sacred law shone forth.

II. II. Every twice-born man, who, relying on the Institutes of dialectics, treats with contempt those two sources (of the law), must be cast out by the virtuous as an atheist and a scorner of the Veda.

II. 12. The Veda, the sacred tradition, the customs of virtuous men, and one's own pleasure, they declare to be visibly the fourfold means of defining the sacred law."The reasons for this are made manifest by Manu who says:

II. 6."The whole Veda is the (first) source of the sacred law, next the tradition and the virtuous conduct of those who know the (Veda further) also the customs of holy men, and (finally) self- satisfaction:

II. 7. Whatever law has been ordained for any (person) by Manu; that has been fully declared in the Veda; for that (sage was) omniscient."

In this freedom there is not freedom for dialecticians, no freedom for logicians to criticise the social order which means there is no freedom at all.

What about liberty of action? In the sense of effective choice, there is no room for it in the Hindu social order. The Hindu social order leaves no choice to the individual. It fixes his occupation. It fixes his status. All that remains for the individual to do is to conform him self to these regulations.

The same must be said with regard to political liberty. The Hindu social order does not recognise the necessity of a representative government composed of the representatives chosen by the people. Representative Government rests on the belief that people must be governed by law and law can be made only by the representative of the people. The Hindu social order recognises the first part of this thesis, which says that people

must be governed by law. But it denies the second part of the thesis, which says that law can be made only by the representatives chosen by the people. The tenets of the Hindu social order is that the law by which people are to be governed is already made and is to be found in the Vedas. Nobody has a right to add to and subtract from it. That being so. a representative assembly of the people is unnecessary. Political liberty which is liberty to frame laws and to make and unmake Government is futility for which there is no place in the Hindu social order.

To sum up, the Hindu social order is an order based on classes and not on individual. It is an order in which classes are graded one above the other. It is an order in which the status and functions of the classes are determined and fixed. The Hindu social order is a rigid order. No matter what changes take place in the relative position of an individual his social status as a member of the class he is born in relation to another person belonging to another class shall in no way be affected. The first shall never become the last. The last shall never become the first.

The Hindu Social Order: Its Unique Features

So far the discussions were confined to describing the essentials of the Hindu social order. Besides its essentials, the Hindu social order has some unique features. These unique features are as important as the essentials. No study of the Hindu social order, which does not make any reference to them, can be regarded as complete or accurate.

What are these special features? The special features of the Hindu social order are three in number. Of these three, the most striking is the worship of the superman. In this respect the Hindu social order is nothing but Nietzsche's Gospel put in action. Nietzsche himself never claimed any originality for his theory of the superman. He admitted and avowed that he borrowed it from the Manu Smriti. In his treatise, called Anti-Christ this is what Nietzsche said :—

"After all, the question is, to what end are falsehoods perpetrated? The fact that, in Christianity, ' Holy ends are entirely absent, constitutes my objection to the means it employs. Its ends are only bad ends; the poisoning, the calumniation and the denial of life, the contempt of the body, the degradation and self-pollution of man by virtue of the contempt of sin, consequently its means are bad as well. My feelings are quite the reverse when I read the law book of Manu, an incomparably intellectual and superior work, which it would be a sin against the spirit even to mention in the same breath with the Bible. You will guess

immediately why it has a genuine philosophy behind it. In it, not merely an evil smelling Jewish distillation of Rabbinism and superstition it gives something to chew even to the most fastidious psychologist. And, not to forget the most important point of all, it is fundamentally different from the very kind of Bible; by means of it the noble classes, the philosophers and the warriors guard and guide the masses; it is replete with noble values, it is filled with a feeling of perfection with saying yea to life, triumphant sense of well-being in regard to itself and to life, the Sun shines upon the whole book. All those things which Christianity smothers with its bottomless vulgarity; procreation, women, marriages are here treated with earnestness, with reverence, with love and confidence. How can one possibly place in the hands of children and women, a book that contains those vile words; ' to avoid fornication let every man have his wife, let every woman have her own husband. . . . It is better to marry than to burn. And is it decent to be a Christian so long as the very origin of man is Christianised that is to say, befouled, by the idea of the Immaculate Conception."

Nietzsche never got any respectful or serious hearing in his own country. In his own words, he was ' sometimes defied as the philosopher of the aristocracy and squiarchy, sometimes hooted at, sometimes pitied and sometimes boycotted as an inhuman being. ' Nietzsche's philosophy had become identified with will to power, will to violence and denial of spiritual values, sacrifice, servility to and debasement of the common man in the interest of the superman. His philosophy with these high spots had created a feeling of loathsomeness and horror in the minds of the people of his own generation. He was utterly neglected if not shunned and Nietzsche himself took comfort by placing himself among the ' posthumous men '. He foresaw for himself a remote public, centuries after his own time to appreciate him. Here too Nietzsche was destined to be disappointed. Instead of there being any appreciation of his philosophy the lapse of time has only augmented the horror and loathing which people of his generation felt for Nietzsche. Having regarded to the vile nature of Nietzsche's philosophy some people may not be ready to believe that the Hindu social order is based on the worship of the Superman.

Let the Manu Smriti speak on this point. This is what Manu says with regard to the position of the Brahmin in the Hindu social order.

I. 93."As the Brahmana sprang from Prajapati's (i.e. God's) mouth, as he was first-born, and as he possesses the Veda, he is by right the Lord of this whole creation."

I. 94."For the self-existent (Swayambhu) i.e. God having performed austerities, produced him first from his own mouth, in order that the offerings might be conveyed to the Gods and Manes and that this universe might be preserved."

I. 95."What created being can surpass him, through whose mouth the Gods continually consume the sacrificial viands and the Manes the offerings to the dead."

I. 96."Of created beings the most excellent are said to be those which are animated, of the animated those who subsist by intelligence; of the intelligent mankind, and of the men the Brahmans."

Besides the reason given by Manu the Brahman is first in rank because he was produced by God from his mouth, in order that the offerings might be conveyed to the Gods and manes, Manu gives another reason for the supremacy of the Brahman. He says:

I. 98."The very birth of a Brahmana is an eternal incarnation of the sacred law (Veda) for he is born to (fulfil) the sacred law, and becomes one with Brahman (God.)"

I. 99."A Brahmana coming into existence, is born as the highest on earth, the Lord of all created beings, for the protection of the treasury of the law."Manu concludes by saying that :

I. 101."The Brahmana eats but his own food, wears but his own apparel, bestows but his own in alms ; other mortals subsist through the benevolence of the Brahmana."Because according to Manu :

I. 100."Whatever exists in the world is the property of the Brahmana ; on account of the excellence of his origin the Brahmana is, indeed, entitled to it all."

Being a deity the Brahman is above law and above the king. Manu directs :

VII. 37."Let the king, rising early in the morning, worship Brahmanas who are well-versed in the threefold sacred science and learned (in polity) and follow their advice."

VII. 38."Let him daily worship aged Brahmans who know the Veda and are pure....."Finally Manu says:

XI. 35."The Brahman is (hereby) declared to be the creator (of the world), the punisher, the teacher, (and hence) a benefactor (of all created beings) to him let no man say anything unpropitious, nor use any harsh words."Manu ordains that:

X. 3."From priority of birth, from superiority of origin, from a more exact knowledge of scripture, and from a distinction in the sacrificial thread, the Brahman is the lord of all classes."The Brahmin or the

Superman of the Hindu social order was entitled to certain privileges. In the first place, he could not be hanged even though he might be guilty of murder.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_9 Manu says:

VIII. 379."Ignominious tonsure is ordained, instead of capital punishment, for a Brahmin adulterer where the punishment of other classes may extend to loss of life."

VIII. 380."Never shall the king slay a Brahmin, though convicted of all possible crimes; let him banish the offender from his realm, but with all his property secure, and his body unhurt."

XI. 127."For a Brahmin killing intentionally a virtuous man of the Kshatriya class, the penance must be a fourth part of that ordained for killing a priest; for killing a Vaishya, only an eighth; for killing a Shudra, who had been constant in discharging his duties a sixteenth part."

XI. 128."But, if a Brahmin kills a Kshatriya without malice, he must, after a full performance of his religious rites give the priests one bull together with a thousand cows."

XI. 129."Or he may perform for three years the penance for slaying a Brahmin, mortifying his organs of sensation and action, letting his hair grow long, and living remote from the town, with the root of a tree for his mansion."

XI. 130."If he kills without malice a Vaishya, who had a good moral character, he may perform the same penance for one year, or give the priests a hundred cows and a bull."

XI. 131."For six months must he perform this whole penance, if without intention he kills a Shudra, or he may give ten white cows and a bull to the priests."

VIII. 381."No greater crime is known on earth than slaying a Brahmin; and the king, therefore must not even form in his mind an idea of killing a priest."

VIII. 126."Let the king having considered and ascertained the frequency of a similar offence, the place and time, the ability of the criminal to pay or suffer and the crime itself, cause punishment to fall on those alone, who deserve it."

VIII. 124."Manu, son of the self-existent, has named ten places of punishment, which are appropriated to the three lower classes. but a Brahmin must depart from the realm unhurt in any one of them."

The Brahmin has been given by the Manu Smriti other privileges. In the matter of marriage in addition to his marrying a woman of his own class he is entitled mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-

requisite of communism.htm - _msocom_10 to enter into wedlock with a woman of any of the classes lower to him without being bound to the woman by the tie of marriage or conferring upon the children the right to his status or to his property.

He had the power to punish his wrongdoer without resort to courtmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_11.

He could take the property of the common man (the Shudra) without compensation and without reference to court if the same was necessary for the performance of his religious dutiesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_12. If he discovers a hidden treasure he was free to appropriate the wholemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_13 of it without giving the usual share to the king ' since he was the lord of all ' and was entitled to claim half mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_14if it was discovered by another. He was entitled to whole amount accumulated from legal fines from a king whose death was due to some incurable diseasemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_15. He was exempt from taxationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_16. He was entitled to compel the king to provide for his daily food and to see that he did not starvemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_17. His property was free from the law of escheatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_18.

The superman of the Hindu Social order is not bound by the rules as to occupation if he is in distress. Manu says:—

X. 81."Yet a Brahman, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next in rank."

X. 82."If it be asked, how he must live, should he be unable to get a subsistence by either of those employment; the answer is, he may subsist as a mercantile man, applying himself in person to tillage and attendance on cattle."

X. 83."But a Brahman and a Kshatriya, obliged to subsist by the acts of a Vaishya, must avoid with care, if they can live by keeping herds, the business of tillage, which gives great pain to sentient creatures, and is dependent on the labour of others, as bulls and so forth."

X. 84."Some are of opinion, that agriculture is excellent but it is a mode of subsistence which the benevolent greatly blame, for the iron mouthed pieces of wood not only wound the earth, but the creatures dwelling in it."

X. 85."If, through want of a virtuous livelihood, they cannot follow laudable occupations, they may then gain a competence of wealth by selling commodities usually sold by merchants, avoiding what ought to be avoided."

X. 102."The Brahman, having fallen into distress, may receive gifts from any person whatever; for by no sacred rule can it be shown, that absolute purity can be sullied."

X. 103."From interpreting the Veda, from officiating at sacrifices or from taking presents, though in modes generally disapproved, no sin is committed by priests in distress; for they are as pure as fire or water."

The privileges of the superman are not at all counterbalanced by an obligation towards the common man. Indeed the superman has no duty towards the common man.

He is not bound to do charity for the uplift of the Common man. On the other hand, to receive charity is the monopoly of the Superman. For any other person to receive charity is a sin. To the Common man (Shudra) who is born to serve the Superman man, the Superman is not at all required to be a good employer and is not bound to keep him well-fed, well clothed and well-housed. His obligations in this behalf as laid down by Manu are stated below:

X. 124."They must allot to him (Shudra) out of their own family property a suitable maintenance after considering his ability, his industry and the number of those whom he is bound to support."

X. 125."The remnants of their food must be given to him, as well as their old clothes, the refuse of their grain, and their old household furniture.

The rise of the Common man is antagonistic to the supremacy of the Superman. In order to keep the Superman satisfied, happy and secure the Hindu social order takes special care to keep the Common man in a state of perpetual degradation.

Manu insists on the Shudra doing nothing but service: X. 122."But let a Shudra serve Brahmans."X. 121."If a Shudra unable to subsist by serving Brahmanas seeks a livelihood, he may serve Kshatriyas, or he may also seek to maintain himself by attending on a wealthy Vaishya."

I. 91."One occupation only the lord prescribed to the Shudra, to serve meekly even these other three castes."And why? Manu does not hesitate to give the reason. He says:

X. 129."No superfluous collection of wealth must be made by a Shudra, even though he has power to make it, since a servile man, who has amassed riches, becomes proud, and, by his insolence or neglect, gives pain even to Brahmanas."

The common man is not permitted to acquire learning. The following are the injunctions of Manu:

I. 88."To the Brahmanas he (the creator) assigned teaching and studying the Veda."

I. 89."The Kshatriya he (the creator) commanded to study the Veda."

II. 116."He who shall acquire knowledge of the Veda without the assent of his preceptor incurs the guilt of stealing the scripture, and shall sink to the region of torment."

IV. 99."He (the twice-born) must never read the Veda. . . . in the presence of the Shudras."

IX. 18."Women have no business with the text of the Veda."IX. 199."A twice-born man who has... (improperly) divulged the Veda (ie., to Shudras and women) commits sin, atones for his offence, if he subsists a year on barley."In those texts there are embodied three distinct propositions. The Brahmins, Kshatriyas and Vaishyas can study the Vedas. Of these the Brahmans alone have the right to teach the Vedas But in the case of the Shudra he has not only to study the Vedas but he should not be allowed to hear it read.

The successors of Manu made the disability of the Shudra in the matter of the study of the Veda into an offence involving dire penalties. For instance, Gautama says:

III. 4."If the Shudra intentionally listens for committing to memory the Veda, then his ears should be filled with (molten) lead and lac; if he utters the Veda, then his tongue should be cut off; if he has mastered the Veda his body should be cut to pieces."To the same effect is Katyayana.

The common man (Shudra) is not allowed the benefit of the sacrament of initiation. It is the second birth that helps towards the moral and material advancement of the individual.

The common man is denied the right to have a name conveying dignity. Manu says:

II. 30."Let the father perform or cause to be performed the Namadheya (the rite of name of the child), on the tenth or twelfth (day after birth), or on a lucky lunar day in a lucky muhurth under an auspicious constellation.

II. 31."Let (the first part of) a Brahman's name (denote something) auspicious, a Kshatriya name be connected with power, and a Vaishya with wealth, but a Shudra's (express something) contemptible."

II. 32."(The second part of) a Brahman's name shall be a word implying happiness, of a Kshatriya (a word) implying protection, of a Vaishya (a term) expressive of thriving and of a Shudra's (an expression) denoting a service."

The Superman will not tolerate the Shudra to have the comfort of a high-sounding name. He must be contemptible both in fact and in name.

A Hindu's life is divided into periods. The first period is called Brahmacharya, the stage of a student. The second period is called Grahasthashram, the stage of married life. The third period is called Vanasprastha, the stage of detachment from worldly life. The fourth period is called Sanyasa which is complete severance from the affairs of the world which is tantamount to civil death. The common man is denied the right of becoming a Sanyasi. It is difficult to understand why. Obviously for the benefit of the Superman. A Shudra by becoming a Sanyasi ceases to render service to Superman. A Shudra by becoming a Sanyasi reaches God or Brahma which is an invasion of the privileges of the Superman.

The citations from Manu prove that the Hindu social order is openly and avowedly devised and intended for the good of the Superman. In it everything is ordained for the Superman. The Superman is the Brahmin and the common man is the Shudra. The Superman has rights and no duties. Everything is at the disposal of the Superman, everything must be ascribed in the interests of the Superman. The counterpart of the same feature is the degradation of the common man. As against the Superman the common man has no right to life, liberty, property or pursuit of happiness. He must be ready to sacrifice everything for the sustenance of the life and dignity of the Superman. The Hindu social order prescribes that such sacrifice should be made willingly by the common man. Indeed, it inculcates that the common man should respond to such call for sacrifice in the interest of the Superman as his supreme duty.

Can there be any doubt that Zarathustra is a new name for Manu and that ' Thus spoke Zarathustra ' is a new edition of the Manu Smriti?

If there is any difference between Manu and Nietzsche, it lies in this. Nietzsche was genuinely interested in creating a new race of men which will be race of Superman as compared with the existing race of men. Manu, on the other hand, was interested in maintaining the privilege of a class who had come to arrogate to itself the claim of being Superman.

Nietzsche's Supermen were Supermen by reason of their worth. Nietzsche was a genuine distinterested philosopher. Manu, on the contrary, was a hireling engaged to propound a philosophy which served the interests of a class, born in a group and whose title to being Superman was not to be lost even if they lost their virtue. Compare the following texts from Manu.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/18.India and pre-requisite of communism.htm - _msocom_19

X. 81."Yet, a Brahmin, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next rank."

X. 82."If it be asked, how he must live, should he be unable to get a subsistence by either of those employment; the answer is, he may subsist as a mercantile man, applying himself to tillage and an attendance on cattle."Manu adds:

IX. 317."A Brahmin, be he ignorant or learned, is a great divinity, just as the fire, whether carried forth (for the performance of a burnt oblation) or not carried forth, is a great divinity."

IX. 319."Thus, though the Brahmins employ themselves in all (sorts) of mean occupation, they must be honoured in every way; (for each of) them is a very great deity."

Nietzsche's praise of the Manu Smriti is undeserved. For when he says that according to its scheme"the noble classes, the philosophers and the warriors guard and guide the masses", he is either making a positively untrue statement or that he has not read it correctly. Under the Manu Smriti the superman has rights against the common man but he has no duties towards the common man.

Manu's degraded and degenerate philosophy of Superman as compared with that of Nietzsche is therefore far more odious and loathsome than the philosophy of Nietzsche. Such is the social order which the Hindus regard as a pearl without price and which Mr. Gandhi is proud to offer as a gift from the Hindus to the world.

Another special feature of the Hindu social order relates to the technique devised for its preservation. The technique is twofold.

The first technique is to place the responsibility of upholding and maintaining the social order upon the shoulders of the King. Manu does this in quite express terms.

VIII. 410."The King should order each man of the mercantile class to practise trade or money-lending or agriculture and attendance on cattle; and each man of the servile class to act in the service of the twice-born."

VIII. 418."With vigilant care should the King exert himself in compelling merchants and mechanics to perform their respective duties;

for, when such men swerve from their duty they throw this world into confusion."

Manu does not stop with the mere enunciation of the duty of the King in this behalf. He wants to ensure that the King shall at all times perform his duty to maintain and preserve the established order. Manu therefore makes two further provisions. One provision is to make the failure of the King to maintain the established order an offence for which the King became liable for prosecution and punishment like a common felon. This would be clear from the following citations from Manu: —

VIII. 335."Neither a father, nor a preceptor, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished by the King if they adhere not with firmness to their duty."

VIII. 336."Where another man of lower birth would be fined one pana, the King shall be fined a thousand, and he shall give the fine to the priests, or cast it into the river, this is a sacred rule."The other provision made by Manu against a King who is either negligent or opposed to the established order is to irvest the three classes, Brahmins, Kshatriyas and Vaishyas with a right to rise in armed rebellion against the King.

VIII. 348."The twice-born may take arms, when their duty is obstructed by force; and when, in some evil time, a disaster has befallen the twice-born classes."

The Right of rebellion is given to the three higher classes and not to the Shudra. This is very natural. Because it is only the three upper classes who would benefit by the maintenance of this system. But supposing the Kshatriyas joined the king in destroying the system what is to be done? Manu gives the authority to the Brahmins to punish all and particularly the Kshatriyas.

XI. 31."A priest, who well knows the laws, need not complain to the king of any grievous injury; since, even by his own power, he may chastise those, who injure him."

XI. 32."His own power, which depends on himself alone, is mightier than the royal power, which depends on other men; by his own might, therefore, may a Brahmin coerce his foes."

XI. 33."He may use without hesitation, the powerful charms revealed to Atharvan, and by him to Angiras; for speech is the weapon of a Brahmin; with that he may destroy his oppressors."

IX. 320."Of a military man, who raises his arm violently on all occasions against the priestly class, the priest himself shall be the chastiser; since the soldier originally proceeded from the Brahmin."How can the Brahmins punish the Kshatriyas unless they can take arms? Manu knows this and

therefore allows the Brahmins to arm themselves to punish the Kshatriyas.

XII. 100."Command of armies, royal authority, power of inflicting punishment, and sovereign dominion over all nations, he only well deserves, who perfectly understands the Veda Sastra i.e., who is a Brahmin."

The second technique devised for the maintenance and preservation of the established order is quite different from the first. Really speaking, it is this, which constitutes a special feature of the Hindu social order.

In the wake of the preservation of the social order from violent attack it is necessary to bear in mind three considerations. The outbreak of a revolution is conditioned by three factors: (1) the existence of a sense of wrong; (2) capacity to know that one is suffering from a wrong and (3) availability of arms. The second consideration is that there are two ways of dealing with a rebellion. One is to prevent a rebellion from occurring and the other is to suppress it after it has broken out. The third consideration is that whether the prevention of rebellion would be feasible or whether the suppression of rebellion would be the only method opens, would depend upon the rules, which govern the three pre-requisites of rebellion.

When the social order denies opportunity to rise, denies right to education and denies right to use arms, it is in a position to prevent rebellion against the social order. Where on the other hand, a social order allows right to education, and permits the use of arms, it cannot prevent rebellion by those who suffer wrongs. Its only remedy to preserve the social order is by suppression of rebellion by the use of force and violence. The Hindu social order has adopted the first method. It has fixed the social status of the lower orders for all generations to come. Their economic status is also fixed. There being no disparity between the two, there is no possibility of a grievance growing up. It has denied education to the lower orders. The result is that no one is conscious that his low condition is a ground for grievance. If there is any consciousness it is that no one is responsible for the low condition. It is the result of fate. Assuming there is a grievance, assuming there is consciousness of grievance, there cannot be a rebellion by the lower orders against the Hindu social order because the Hindu social order denies the masses the right to use arms. Other social orders such as those of the Muslims or the Nazis, follow the opposite course. They allow equal opportunity to all. They allow freedom to acquire knowledge. They allow the right to bear arms and take upon themselves the odium of suppressing rebellion by

force and violence. To deny freedom of opportunity, to deny freedom to acquire knowledge, to deny the right of arms is a most cruel wrong. Its results Manu mutilates and emasculates man. The Hindu social order is not ashamed to do this. It has, however, achieved two things. It has found the most effective, even though it be the most shameless method of preserving the established order. Secondly, notwithstanding the use of most inhuman means of killing manliness, it has given to the Hindus the reputation of being very humane people. The Nazis had indeed a great deal to learn from the Hindus. If they had adopted the technique of suppressing the masses devised by the Hindus they would have been able to crush the Jews without open cruelty and would have also exhibited themselves as humane masters.

The third special feature of the Hindu social order is that it is a Divine order designed by God himself. As such it is sacred, not open to abrogation, amendment, not even to criticism. For the purpose of removing any doubt that may be lurking in the minds of anybody about the Divine character of the Hindu social order, attention is invited to the following verses from the Bhagvat Gita and the Manu Smriti. Shri Krishna one of the Hindu Gods, whose word is the Bhagvat Gita says:—

IV. 13."I myself have created the arrangement of the four castes (into Brahmins, Kshatriyas, Vaishyas and Shudras), consistently with the differences in their qualities and actions. It is, I who am the Maker of it."

XVIII. 41-44."0, Parantapa! the respective duties of Brahmins (priests), Kshatriyas (warriors), Vaishyas (tradesmen) and Shudras (menials) have been individually fixed with reference to the qualities arising from their inherent natures, that is, from Prakriti. The inherently natural duties of a Brahmin are peace, self-restrain, religious austerities, cleanliness, and quietness, straightforwardness (humanity). Knowledge (that is, spiritual knowledge). Vijnana (that is Imperial knowledge) and Astikya-budhi (that is belief in a future world). The inherently natural duty (karma) of the Kshatriya is bravery, brilliance, courage, intentness, not running away from the battle, generosity, and exercising authority (over subject people) ' goraksya ' (that is the business of keeping cattle), and vanijya (that is, trade) is the inherently natural duty of the Vaishya; and in the same way, service is the inherently natural duty of the Shudra."

Krishna forbids propaganda against the Hindu social order. He says:—

HI. 26."As the ignorant act with attachment to action so a wise man wishing to keep the people to their duties, should not shake the convictions of the ignorant who are attached to action, but acting with devotion (himself) should make them apply themselves to all action. . . . A

man of perfect knowledge should not shake these men of imperfect knowledge in their convictions."When the Hindu social order breaks down, Krishna does not want the people to undertake the work of reform. He asks them to leave the task to him. This is evident from the following admonition contained in the Bhagvat Gita. Says Krishna :—

IV. 7-8."0! Bharata, whenever Righteous less declines and Unrighteousness becomes powerful, then I Myself come to birth. I take birth in different Yugas for protecting the Righteous and destroying the Unrighteous and for establishing Righteousness."It is not only a special feature of the Hindu social order. It is an extraordinary feature. An examination of consecrations will show that there are instances where society has consecrated inanimate beings and inculcated on the minds of its members the religious belief that they are sacred. There are cases where stones, rivers, trees are made Gods and Goddesses. There are instances where society has consecrated living things and inculcated on the minds of its members the religious belief that they are sacred. But there are no instances where a particular social order has been consecrated by Religion and made sacred. The primitive world had its clan order and its tribal order. But the clan or the tribal order was only a social order and was never consecrated by religion and made sacred and inviolate. The ancient world countries like Egypt, Persia, Rome, Greece, etc., each had its social order in which some were free and some were slaves, some were citizens, some were aliens, some of the race, some of another. This class order again was only a social order and was never consecrated by religion and made sacred and inviolate. The modern world has its order, in some it is Democracy, in some Fascism, in some Nazism and in some Bolshevism. But here again the order is only social order. It is not consecrated by religion and made sacred and inviolate.

Nowhere has society consecrated its occupations—the ways of getting a living. Economic activity has always remained outside the sanctity of religion. Hunting society was not without a religion. But Hunting as an occupation was not consecrated by religion and made sacred. Pastoral society was not without religion. But pastorage was not consecrated by religion and made sacred. Farming as an occupation did not become consecrated by religion and made sacred. Feudalism with its gradations, with its Lords, villains and serfs was a purely social in character. There was nothing sacred about it.

The Hindus are the only people in the world whose social order—the relation of man to man is consecrated by religion and made sacred, eternal and inviolate. The Hindus are the only people in the world whose

economic order—the relation of workman to workman, is consecrated by religion and made sacred, eternal and inviolate.

It is not therefore enough to say that the Hindus are a people with a sacred code of religion. So are the Zorastrians, Israelites, Christians and Muslims. All these have sacred codes. They consecrate beliefs and rites and make them sacred. But they do not prescribe, nor do they consecrate a particular form of social structure—the relationship between man and man in a concrete form—and make it sacred inviolate. The Hindus are singular in this respect This is what has given the Hindu social order its abiding strength to defy the ravages of \ time and the onslaught of time.

The orthodox Hindu will accept this as an accurate description of the Hindu social order. It is only the reformer who is likely to demur. He would say that since the advent of the British, this is all a description of a dead past. One need not be perturbed by this view. For it contains a fallacy. It omits to take note of the fact that institutions, which have died as creeds sometimes continue, nevertheless survive as habits. No one can deny that the Hindu social order has become the habit of the Hindus and as such is in full force.

CHAPTER
Symbols of Hinduism

Editorial note in the source publication:

There are 37 pages under this title. The chapter seems incomplete. However this relates to the topic No. 7 of the original plan. All these pages are tagged along with the pages of"India and Communism"into One register. We are reproducing the text of this typed copy along with the table of contents written by Dr. Ambedkar. A photo copy of the plan of a proposed book ' Can I be a Hindu? ' is also reproduced from the original (moth-eaten).—Editors

Is there anything peculiar in the social organisation of the Hindus? An unsophisticated Hindu who is unaware of investigations conducted by scholars will say that there is nothing peculiar, abnormal or unnatural in the organisation of the Hindu society. This is quite natural. People who live their lives in isolation are seldom conscious of the peculiarities of their ways and manners. People have gone on from generation to generation without stopping to give themselves a name. But how does the social organisation of the Hindus strike the outsiders, the non-Hindus? Did it appear to them as normal and natural as it appears to the Hindus?

Megasthenese who came to India as the ambassador of the Greek King Seleukos Nickator to the Court of Chandragupta Maurya some time about the year 305 B.C. did feel that the social organisation of the Hindus was of a very strange sort. Otherwise, he would not have taken such particular care to describe the peculiar feaures of the Hindu social organisation. He has recorded:"The population of India is divided into seven parts. The philosophers are first in rank, but form the smallest class in point of number. Their services are employed privately by persons who wish to offer sacrifices or perform other sacred rites, and also publicly by the kings at what is called the Great Synod, wherein at the beginning of the new year all the philosophers are gathered together before the king at the gates, when any philosopher who may have committed any useful suggestion to writing, or observed any means for improving the crops and the cattle, or for promoting the public interests, declares it publicly. If anyone is detected giving false information thrice, the law condemns him to be silent for the rest of his life, but he who gives sound advice is exempted from paying any taxes or contributions. The second caste consists of the husbandmen, who form the bulk of the population, and are in disposition most mild and gentle. They are exempted from military service, and cultivate their lands undisturbed by fear. They never go to town, either to take part in its tumults, or for any other purpose. It therefore not infrequently happens that at the same time, and in the same part of the country, men may be seen drawn up in array of battle, and fighting at risk of their lives, while other men close at hand are ploughing and digging in perfect security, having these soldiers to protect them. The whole of the land is the property of the king, and the husbandmen till it on condition of receiving one-fourth of the produce.

The third caste consists of herdsmen and hunters, who alone are allowed to hunt, and to keep cattle and to sell draught animals or let them out on hire. In return for clearing the land of wild beasts and fowls, which devour the seeds sown in the fields, they receive an allowance of grain from the king. They lead wandering life and live under tents.

The fourth class, after herdsmen and hunters, consists of those who work at trades, of those who vend wares, and of those who are employed in bodily labour. Some of these pay tribute, and render to the state certain prescribed services. But the armourmakers and shipbuilders receive wages and their victuals from the king, for whom alone they work. The general in command of the army supplies the soldiers with weapons, and the

admiral of the fleet lets out ships on hire for the transport both of passengers and merchandise.

The fifth class consists of fighting men, who when not engaged in active service, pass their time in idleness and drinking. They are maintained at the king's expense, and hence they are always ready, when occasion calls, to take the field, for they carry nothing of their own with them but their own bodies.

The sixth class consists of the overseers, to whom is assigned the duty of watching all that goes on, and making reports secretly to the king. Some are entrusted with the inspection of the city, and others with that of the army. The former employs as their coadjutors the courtezans of the city, and the latter the courtezans of the camp. The ablest and most trustworthy men are appointed to fill these offices.

The seventh class consists of the Councillors and assessors of the king. To them belong the highest posts of government, the tribunals of justice, and the general administration of public affairs.

No one is allowed to marry out of his own caste, or to exchange one profession or trade for another, or to follow more than one business. An exception is made in favour of the philosopher, who for his virtue is allowed this privilege."

Alberuni who wrote an account of his travels in India some time about 1030 AD must have been struck by the peculiarity of the Hindu social organisation. For he too has not omitted to make a note of it in the record of impressions he made. He observed: --

"The Hindus call their castes varna i.e. colours, and from a genealogical point of view they call them jataka i.e., births. These castes are from the very beginning only four.

1. The highest caste is the Brahmins of whom the books of the Hindus tell that they were created from the head of Brahma. And a Brahma is only another name for the force called nature, and the head is the highest part of the animal body, the Brahmans are the choice part of the whole genus. Therefore the Hindus consider them as the very best of mankind.

II. The next caste is the Kshatriyas, who were created, as they say, from the shoulders and hands of Brahma. Their degree is not much below that of the Brahman.

III. After them follow the Vaishyas, who were created from the thigh of Brahma.

IV. The Sudras, who were created from his feet. Between the latter two classes there is no very great distance. Much, however, as these classes

differ from each other, they live together in the same towns and villages, mixed together in the same houses and lodgings.

After the Shudras follow the people called Antyaja, who render various kinds of services, who are not reckoned amongst any caste, but only as members of a certain craft or profession. There are eight classes of them who freely intermarry with each other, except the fuller, shoemaker and weaver, for no others would condescend to have anything to do with them. These eight guilds are the fuller, shoemaker, juggler, the basket and shield maker, the sailor, fisherman, the hunter of wild animals and of birds, and the weaver. The four castes do not live together with them in one and the same place. These guilds live near the villages and towns of the four castes, but outside them.

The people called Hadi, Doma (Domba), Candala, and Badhatau (sic) are not reckoned amongst any caste or guild. They are occupied with dirty work, like the cleansing of the villages and other services. They are considered as one sole class, and distinguished only by their occupations. In fact, they are considered like illegitimate children; for according to general opinion they descend from a Sudra father and a Brahmani mother as the children of fornication; therefore they are degraded outcastes.

The Hindus give to every single man of the four castes characteristic names, according to their occupations and modes of life, eg., the Brahman is in general called by this name as long as he does his work staying at home. When he is busy with the service of one fire, he is called ishtin; if he serves three fires, he is called Agnihotrin; if he besides offers an offering to the fire, he is called Dikshita. And as it is with the Brahmana, so is it also with the other castes. Of the classes beneath the castes, the Hadi are the best spoken of, because they keep themselves free from everything unclean. Next follow the Doma, who play on the lute and sing. The still lower classes practise as a trade killing and the inflicting of judicial punishments. The worst of all are the Badhantan, who not only devour the flesh of dead animals, but even of dogs and other beasts.

Each of the four castes, when eating together, must form a group of themselves, one group not being allowed to comprise two men of different castes. If, further, in the group of the Brahman there are two men who live at enmity with each other, and the seat of the one is by the side of the other, they make a barrier between the two seats by placing a board between them, or by spreading a piece of dress, or in some other way; and if there is only a line drawn between them, they are considered as separated. Since it is forbidden to eat the remains of a meal, every single man must have his own food for himself, for if anyone of the party

who are eating should take of the food from one and the same plate, that which remains in the plate becomes, after the first eater has taken part, to him who wants to take as the second, the remains of the meal as such is forbidden."

Alberuni did not merely content himself with recording what struck him as peculiar in the Hindu social organization. He went on to say:—

"Among the Hindus institutions of this kind abound. We Muslims, of course, stand entirely on the other side of the question, considering all men as equal, except in piety; and this is the greatest obstacle which prevents any approach or understanding between Hindus and Muslims."

Duarte Barbosa who was a Portuguese official in the service of the Portuguese Government in India from 1500 to 1571 has left a record of his impressions of Hindu society. This is what struck him in. Speaking of the kingdom of Gujerat:

"And before this kingdom Guzerate fell into the hands of the Moors. A certain caste of Heathen whom the Moors called Resbutos (Rajputs) dwelt therein, who in those days were the knights and wardens of the land, and made war wheresoever it was needful. These men kill and eat sheep and fish and all other kinds of food; in the mountains there are yet many of the them, where they have great villages and obey not the king of Guzarate, but rather wage daily war against him; who, do what he may, is yet not able to prevail against them, nor will do so, for they are very fine horsemen, and good archers, and have besides divers other weapons to defend themselves withal against the Moors, on whom they make war without ceasing; yet have they no king nor lord over them. And in this kingdom there is another sort of Heathen whom they call Baneanes, who are great merchants and traders. They dwell among the Moors with whom they carry on all their trade. This people eat neither flesh nor fish nor anything subject to death; they slay nothing, nor are they willing even to see the slaughter of any animal; and thus they maintain their idolatry and hold it so firmly that it is a terrible thing. For often it is so that the Moors take to them live insects or small birds, and make as though to kill them in their presence, and the Baneanes buy these and ransom them, paying much more than they are worth, so that they may save their lives and let them go. And if the King or a Governor of the land has any man condemned to death, for any crime which he has committed, they gather themselves together and buy him from justice, if they are willing to sell him, that he may not die. And divers Moorish mendicants as well, when they wish to obtain alms from this people, take great stones wherewith they beat upon their shoulders and bellies as though they would slay

themselves before them, to hinder which they give them great alms that they may depart in peace. Others carry knives with which they slash their arms and legs, and to these too they give large alms that they may not kill themselves. Others go to their doors seeking to kill rats and snakes for them, and to them also they give much money that they may not do so. Thus they are much esteemed by the Moors. When these Baneanes meet with a swarm of ants on the road they shrink back and seek for some way to pass without crushing them. And in their houses they sup by daylight, for neither by night nor by day will they light a lamp, by reason of certain little flies which perish in the flame thereof; and if there is any great need of a light by night they have a lantern of varnished paper or cloth, so that no living thing may find its way in, and die in the flame. And if these men breed many lice they kill them not, but when they trouble them too much they send for certain men, also Heathen, who living among them and whom they hold to be men of a holy life, they are like hermits living with great abstinence through devotion to their gods. These men house them, and as many lice as they catch they place on their own heads and breed them on their own flesh, by which they say they do great service to their Idol. Thus one and all they maintain with great self restraint their law of not killing. On the other hand they are great usurers, falsifiers of weights and measures and many other goods and of coins ; and great liars. These Heathen are tawny men, tall and well-looking gaily attired, delicate and moderate in their food. Their diet is of milk, butter, sugar and rice, and many conserves of divers sorts. They make much use of dishes of fruit and vegetables and pot herbs in their food. Wheresoever they dwell they have orchards and fruit gardens and many water tanks wherein they bathe twice a day, both men and women; and they say when they have finished bathing that they are clear of as many sins as they have committed up to that hour. These Baneanes grow very long hair, as women do with us, and wear it twisted up on the head and made into a knot, and over it a turban, that they may keep it always held together; and in their hair they put flowers and other sweet scented things.

They use to anoint themselves with white sandalwood mixed with saffron and other scents. They are very amorous people. They are clad in long cotton and silken shirts and are shod with pointed shoes of richly wrought cordwain; some of them wear short coats of silk and brocade. They carry no arms except certain very small knives ornamented with gold and silver, and this for two reasons; first because they are men who make but little use of weapons; and secondly, because the Moors defend them."

And there is here another class of Heathen whom they call Brahmenes, who are priests among them, and persons who manage and rule their houses of prayer and idol-worship, which are of great size and have great revenues; and many of them also are maintained by alms. In these houses are great numbers of wooden Idols, and others of stone and copper and in these houses or monasteries they celebrate great ceremonies in honour of these idols, entertaining them with great store of candles and oil lamps, and with bells after our fashion. These Brahmans and Heathen have in their creed many resemblance to the Holy Trinity, and hold in great honour the relation of the Triune Three, and always make their prayers to God, whom they confess and adore as the true God, Creator and maker of all things, who is three persons and one God, and they say that there are many other Gods who are rulers under him, in whom also they believe. These Brahmans and Heathen wheresoever they find our churches enter them and make prayers and adoration to our Images, always asking for Santa Maria, like men who have some knowledge and understanding of these matters and they honour the Church as is our manner, saying that between them and us there is little difference. These men never eat anything subject to death, nor do they slay anything. Bathing they hold to be a great ceremony and they say that by it they are saved."Speaking of the Kingdom of Calicut, Barbosa says:—

"There is also in this same kingdom of Calicut a caste of people called Brahmenes who are priests among them (as are the clergy among us) of whom I have spoken in another place."

"These all speak the same tongue, nor can any be a Brahmene except he be the son of a Brahmene. When they are seven years of age they put over their shoulder a strip of two fingers in breadth of untanned skin with the hair on it of a certain wild beast, which they call Cryvamergam, which resembles a wild ass. Then for seven years he must not eat betel for which time he continues to wear this strap. When he is fourteen years old they make him a Brahmene, and taking off their leather strip they invest him with the cord of three strands which he wears for the rest of his life as a token that he is a Brahmene. And this they do with great ceremonial and rejoicing, as we do here for a cleric when he sings his first mass. Thereafter he may eat betel, but no flesh or fish. They have great honour among the Indians, and as I have already said, they suffer deaths for no cause whatsoever, their own headman gives them a mild chastisement. They marry once only in our manner, and only the eldest son marries, he is treated like the head of an entailed estate. The other brothers remain single all their lives. These Brahmenes keep their wives well guarded, and

greatly honoured, so that no other man may sleep with them; if any of them die, they do not marry again, but if a woman wrongs her husband she is slain by poison. The brothers who remain bachelors sleep with the Nayre women, they hold it to be a great honour, and as they are Bramenes no woman refuses herself to them, yet they may not sleep with any woman older than themselves. They dwell in their own houses and cities, and serve as clergy in the houses of worship, whither they go to pray at certain hours of the day, performing their rituals and idolatries."

"Some of these Brahmenes serve the kings in every manner except in arms. No man may prepare any food for the King except a Brahmene or his own kin; they also serve as couriers to other countries with letters, money or merchandise, passing wherever they wish to go in safety and none does them any ill, even when the kings are at war. These Brahmenes are learned in their idolatry and possess many books thereof. The Kings hold them in high esteem."

"I have already spoken many times of the Naiyars and yet I have not hitherto told you what manner of men they are. you are to know that in this land of Malabar there is another caste of people called Nayars and among them are noble men who have no other duty than to serve in war, and they always carry their arms where ever they go, some swords and shields, others bows and arrows, and yet others spears. They all live with the King, and the other great Lords; nevertheless all receive stipends from the King or from the great Lords with whom they dwell. None may become a Nayar, save only he who is of Nayar lineage. They are very free from stain in their nobility. They will not touch anyone of low caste. Nor eat nor drink save in the house of a Nayar. These men are not married, their nephews (sister's sons) are their heirs. The Nayar women of good birth are very independent, and dispose of themselves as they please with Brahmenes and Nayars, but they do not sleep with men of caste lower than their own under pain of death. When they reach the age of twelve years their mothers hold a great ceremony.

When a mother perceives that her daughter has attained that age, she asks her kinsfolk and friends to make ready to honour her daughter, then she asks of the kindred and especially of one particular kinsman or great friend to marry her daughter; this he willingly promises and then he has a small jewel made, which would contain a half ducat of gold, long like a ribbon, with a hole through the middle which comes out on the other side, strung on a thread of white silk. The mother then on a fixed day is present with her daughter gaily decked with many rich jewels, making great rejoicing with music and singing, and a great assembly of people.

Then the kinsmen or friend comes bringing that jewel, and going through certain forms, throws it over the girl's neck. She wears it as a token all the rest of her life, and may then dispose of herself as she wills. The man departs without sleeping with her inasmuch as he is her kinsman; if he is not, he may sleep with her, but is not obliged to do so. Thenceforward the mother goes about searching and asking some young men to take her daughter's virginity; they must be Nayars and they regard it among themselves as a disgrace and a foul thing to take a woman's virginity. And when anyone has once slept with her, she is fit for association with men.

Then the mother again goes about enquiring among other young Nayars if they wish to support her daughter, and take her as a Mistress so that three or four Nayars agree with her to keep her, and sleep with her, each paying her so much a day; the more lovers she has the greater is her honour Each of one of them passes a day with her from midday on one day till midday on the next day and so they continue living quietly without any disturbance or quarrels among them. If any of them wishes to leave her, he leaves her, and takes another and she also if she is weary of a man, she tells him to go, and he does go, or makes terms with her.

Any children they may have stay with the mother who has to bring them up, for they hold them not to be the children of any man, even if they bear his likeness, and they do not consider them their children, nor are they heirs to their estates, for as I have already stated their heirs are their nephews, sons of their sisters, (which rule whosoever will consider inwardly in his mind will find that it was established with a greater and deeper meaning than the common folk think) for they say that the Kings of the Nayars instituted it in order that the Nayars should not be held back from their service by the burden and labour of rearing children."

"In this kingdom of Malabar there is also another caste of people whom they call Biabares, Indian Merchants, natives of the land. They deal in goods of every kind both in the seaports and inland, where ever their trade is of most profit. They gather to themselves all the pepper and ginger from the Nayars and husbandmen and off times they buy the new crops beforehand in exchange for cotton clothes and other goods, which they keep at the seaports. Afterwards they sell them again and gain much money thereby. Their privileges are such that the king of the country in which they dwell cannot execute them by legal process."

"There is in this land yet another caste of folk known as Cuiavern. They do not differ from the Nayars, yet by reason of a fault, which they committed, they remain separate from them. Their business is to make

pottery and bricks for roofing the houses of the Kings and idols, which are roofed with bricks instead of tiles; only these, for as I have already said, other houses are thatched with branches. They have their own sort of idolatry, and their separate idols."

"There is another Heathen caste which they call Mainatos, whose occupation is to wash clothes for the Kings, Brahmenes and Nayars. By this they live, and may not take up any other."

"There is another lower caste than these which they call Caletis, who are weavers who have no other way of earning save by weaving of cotton and silk clothes, but they are low caste folk and have but little money, so that they clothe the lower races. They are apart by themselves and have their own idolatry."

"Besides the castes mentioned above, there are eleven others lower than they with whom the others do not associate, nor do they touch them under pain of death; and there are great distinctions between one and another of them, preserving them from mixture with one another. The purest of all these low, simple folk they call Tuias. Their work is mainly that of tending the palm-groves and gathering the fruit thereof, and carrying it away for wages on their backs, for there are no beasts of burden in the land."

"There is another caste still lower than these whom they call Manen (Mancu in the printed text) who neither associate with others nor touch them, nor do the other touch them. They are washermen for the common people, and makers of sleeping mats from which occupations all but they are barred; their sons must perforce follow the same trade; they have their own separate idolatry."

"There is another caste in this land still lower whom they call Canaquas. Their trade is making buckles and umbrellas. They learn letters for purposes of astronomy, they are great astrologers, and foretell with great truth things that are to come; there are some lords who maintain them for this cause."

"There is also another lower caste, also Heathens, called Ageres. They are masons, carpenters, smiths, metal workers and some are goldsmiths, all of whom are of a common descent, and a separate caste, and have their idols apart from other folk. They marry, and their sons inherit their property, and learn their fathers' trade.""There is another caste still lower in this country called Mogeres, they are almost the same as the Tuias, but they do not touch one another. They work as carriers of all things belonging to the Royal State when it moves from one place to another, but there are very few of them in this land; they are a separate caste; they

have no marriage law; the most of them gain their living on the sea, they are sailors, and some of them fishers; they have no idols. They are as well slaves of the Nayars:

"There is another caste yet lower whom they call Monquer, fishers who have no other work than fishing, yet some sail in the Moors' ship and in those of other Heathens, and they are very expert seamen. This race is very rude, they are shameless thieves; they marry and their sons succeed them, their women are of loose character, they sleep with anyone whosoever and it is held no evil. They have their own idolatry."

"In this land of Malabar there is another caste of Heathen even lower than those, whom, they call Betunes. Their business is salt-making and rice growing, they have no other livelihood."

"They dwell in houses standing by themselves in the fields away from the roads, whither the gentlefolk do not walk. They have their own idolatry. They are slaves of the Kings and Nayars and pass their lives in poverty. The Nayars make them walk far away from them and speak to them from a far off. They hold no intercourse with any other caste."

"There is another caste of Heathen, even lower and ruder, whom they call Paneens, who are great sorcerers and live by no other means."

"There is another caste lower and ruder than they, named Revoleens a very poor folk, who live by carrying firewood and grass to the towns, they may touch none, nor may any touch them under pain of death. They go naked, covering only their private parts with scant and filthy rags, the more part of them indeed with leaves of certain trees. Their women wear many brass rings in their ears; and on their necks, arms and legs, necklaces and bracelets of heads."

"And there is yet another caste of Heathens lower than these whom they call Poleas, who among all the rest are held to be accursed and excommunicate; they dwell in the fields and open campaigns in secret lurking places, whither folk of good caste never go save by mischance, and live in huts very strut and mean. They are tillers of rice with buffaloes and oxen. They never speak to the Nayars save from a far off, shouting so that they may hear them, and when they go along the roads they utter loud cries that they may be let past, and whosoever hears them leaves the road, and stands in the wood till they have passed by; and if anyone whether man or woman, touches them, his kinsfolk slay them forthwith, and in vengeance therefore they slay Poleas until they are weary without suffering any punishment."

"Yet another caste there is even lower and baser called Parens, who dwell in the most desert places away from all other castes. They have no

intercourse with any person nor anyone with them; they are held to be worse than devils, and to be damned. Even to see them is to be unclean and outcaste. They eat yams and other roots of wild plants. They cover their middles with leaves, they also eat the flesh of wild beasts."

"With these end the distinctions between the castes of the Heathen, which are eighteen in all, each one separate and unable to touch others or marry with them; and besides these eighteen castes of the Heathen who are natives of Malabar, which I have now related to you, there are others of outlandish folk merchants and traders in the land, where they possess houses and estates, living like the natives yet with customs of their own."

These foreigners were not able to give a full and detailed picture of caste. This is understandable. For to every foreigner the private life of the Hindu is veiled and it is not possible for him to penetrate it. The social organism of India, the play of its motive forces, is moreover, regulated infinitely more by custom, carrying according to locality and baffling in its complexity, than by any legal formula which can be picked out of a legal text book. But there is no doubt that caste did appear to the foreigner as the most singular and therefore the most distinguishing feature of Hindu society. Otherwise they would not have noted its existence in the record they made of what they observed when they came to India.

Caste therefore is something special in the Hindu social organization and marks off the Hindus from other peoples. Caste has been a growing institution. It has never been the same at all times. The shape and form of Caste as it existed when Megashthenes wrote his account was very different from what the shape and form it had taken when Alberuni came and the appearance it gave to the Portuguese was different from what it was in the time of Alberuni. But to understand caste one must have more exact idea of its nature than these foreigners are able to give.

To follow the discussion of the subject of caste it is necessary to familiarise the reader with some basic conceptions which underlie the Hindu Social Organisation. The basic conception of social organisation which prevails among the Hindus starts with the rise of four classes or Varnas into which Hindu society is believed to have become divided. These four classes were named (1) Brahmins, the priestly and the educated class (2) Kshatriyas the military class (3) The Vaishyas the trading class and (4) The Shudras the servant class. For a time these were merely classes. After a time what were only classes (Varnas) became Castes (Jatis) and the four castes became four thousand. In this way the modern caste system was only the evolution of the ancient Varna system.

No doubt the caste system is an evolution of the Varna system. But one can get no diea of the caste system by a study of the Varna system. Caste must be studied apart from Varna.

II

An old agnostic is said to have summed up his philosophy in the following words:—

"The only thing I know is that I know nothing; and I am not quite sure that I know that"

Sir Denzil lbbetson undertaking to write about caste in the Punjab said that the words of this agnostic about his philosophy expressed very exactly his own feelings regarding caste. It is no doubt true that owing to local circumstances there does appear a certain diversity about caste matters and that it is very difficult to make any statement regarding any one of the castes. Absolutely true as it may be, as regards one locality which will not be contradicted with equal truth as regards the same caste in some other area.

Although this may be true yet it cannot be difficult to separate the essential and fundamental features of caste from its non-essential and superficial features. An easy way to ascertain this is to ask what are the matters for which a person is liable to be excluded from caste. Mr. Bhattacharya has stated the following as causes for expulsion from caste. (1) Embracing Christanity or Islam (2) Going to Europe or America (3) Marrying a widow (4) Publicly throwing the sacred thread (5) Publicly eating beef, pork or fowl (6) Publicly eating kachcha food prepared by a Mahomedan, Christian or low caste Hindu (7) Officiating at the house of a very low caste Shudra (8) By a female going away from home for immoral purposes (9) By a widow becoming pregnant. This list is not exhaustive and omits the three most important causes which entail expulsion from caste. They are (10) Intermarrying outside caste (II) Inter dining with persons of another caste and (12) Change of occupation. The second defect in the statement of Mr. Bhattacharya is that it does not make any distinction between essentials and non-essentials. Of course, 'when a person is expelled from his caste the penalty is uniform. His friends, relatives and fellowmen refuse to partake of his hospitality. He is not invited to entertainment in their houses. He cannot obtain brides or bridegrooms for his children. Even his married daughters cannot visit him without running the risk of being excluded from caste. His priest, his barber and washermen refuse to serve him. His fellow caste men severe

their connection with him so completely that they refuse to assist him even at the funeral of a member of his household. In some cases the man excluded from caste is debarred access to public temples and to the cremation or burial ground.

These reasons for expulsion from caste indirectly show the rules and regulations of the caste. But all regulations are not fundamental. There are many which are unessential. Caste can exist even without them. The essential and unessential can be distinguished by asking another question. When can a Hindu who has lost caste regain his caste? The Hindus have a system of Prayaschitas which are Penances and which a man who has been expelled from caste must perform before he can be admitted to caste fellowship. With regard to these Prayaschitas or Penances certain points must be remembered. In this first place, there are caste offences for which there is no Prayaschita. In the second place, the Prayaschitas vary according to the offence. In some cases the Prayaschitas involve a very small penalty. In other cases the penalty involved is a very severe one.

The existence of a Prayaschita and the absence of it have a significance which must be clearly understood. The absence of Prayaschita does not mean that anyone may commit the offence with impunity. On the contrary it means that the offence is of an immeasurable magnitude and the offender once expelled is beyond reclamation. There is no re-entry for him in the caste from which he is expelled. The existence of a Prayaschita means that the offence is compoundable. The offender can take the prescribed prayaschita and obtain admission in the caste from which he is expelled.

There are two offences for which there is no penance. These are (1) change from Hindu Religion to another religion (2) Marriage with a person of another caste or another religion. It is obvious if a man loses caste for these offences he loses it permanently.

Of the other offences the prayaschitas prescribed are of the severest kind, are two—(1) interdining with a person of another caste or a non-Hindu and (2) Taking to occupation which is not the occupation of the caste. In the case of the other offences the penalty is a light one almost nominal.

The surest clue to find out what are the fundamental rules of caste and what caste consists it is furnished by the rules regarding prayaschitas. Those for the infringement of which there is no prayaschita constitute the very soul of caste and those for the infringement of which the prayaschita is of the severest kind make up the body of caste. It may therefore be said

without any hesitation that there are four fundamental rules of caste. A caste may be defined as a social group having (a) belief in Hindu Religion and bound by certain regulations as to (b) marriage (c) food and (d) occupation. To this one more characteristic may be added namely a social group having a common name by which it is recognised.

In the matter of marriage the regulation lays down that the caste must be endogamous. There can be no intermarriage between members of different castes. This is the first and the most fundamental idea on which the whole fabric of the caste is built up.

In the matter of food the rule is that a person cannot take food from and dine with any person who does not belong to his caste. This means that only those who can intermarry can also inter dine. Those who cannot intermarry cannot inter dine. In other words, caste is an endogamous unit and also a communal unit.

In the matter of occupation the regulation is that a person must follow the occupation which is the traditional occupation of his caste and if the caste has no occupation then he should follow the occupation of his father.

In the matter of status of a person it is fixed and is hereditary. It is fixed because a person's status is determined by the status of the caste to which he belongs. It is hereditary because a Hindu is stamped with the caste to which his parents belonged, a Hindu cannot change his status because he cannot change his caste. A Hindu s born in a caste and he dies a member of the caste in which he is born. A Hindu may lose his status if he loses caste. But he cannot acquire a new or a better or different status.

What is the significance of a common name for a caste? The significance of this will be clear if we ask two questions which are very relevant and a correct answer to each is necessary for a complete idea of this institution of caste. Social groups are either organised or unorganised. When the membership of the group and the process of joining and leaving the groups, are the subject of definite social regulations and involve certain duties and privileges in relation to other members of the group then the group is an organised group. A group is a voluntary group in which members enter with a full knowledge of what they are doing and the aims which the association is designed to fulfil. On the other hand, there are groups of which an individual person becomes a member without any act of volition, and becomes subject to social regulation and traditions over which he has no control of any kind.

Now it is hardly necessary to say that caste is a highly organised social grouping. It is not a loose or a floating body. Similarly, it is not necessary

to say that caste is an involuntary grouping. A Hindu is born in a caste and he dies as a member of that caste. There is no Hindu without caste, cannot escape caste and being bounded by caste from birth to death he becomes subject to social regulations and traditions of the caste over which he has no control.

The significance of a separate name for a caste lies in this—namely it makes caste an organised and an involuntary grouping. A separate and a distinctive name for a caste makes caste asking to a corporation with a perpetual existence and a seal of separate entity. The significance of separate names for separate castes has not been sufficiently realised by writers on caste. In doing that they have lost sight of a most distinctive feature of caste. Social groups there are and they are bound to be in every society. Many social groups in many countries can be equated to various castes in India and may be regarded as their equivalent. Potters, Washermen, Intellectuals, as social groups are everywhere.

But in other countries they have remained as unorganised and voluntary groups while in India they have become organised and involuntary i.e., they have become castes because in other countries the social groups were not given name while in India they did. It is the name, which the caste bears which gives it fixate and continuity and individuality. It is the name which defines who are its members and in most cases a person born in a caste carries the name of the caste as a part of his surname. Again it is the name which makes it easy for the caste to enforce its rules and regulations. It makes it easy in two ways. In the first place, the name of the caste forming a surname of the individual prevents the offender in passing off as a person belonging to another caste and thus escape the jurisdiction of the caste. Secondly, it helps to identify the offending individual and the caste to whose jurisdiction he is subject so that he is easily handed up and punished for any breach of the caste rules.

This is what caste means. Now as to the caste system. This involves the study of the mutual relations between different castes. Looked at as a collection of caste, the caste system presents several features, which at once strike the observer. In the first place there is no inter-connection between the various castes, which form a system. Each caste is separate and distinct. It is independent and sovereign in the disposal of its internal affairs and the enforcement of caste regulations. The castes touch but they do not interpenetrate. The second feature relates to the order in which one caste stands in relation to the other castes in the system. That order is vertical and not horizontal.

Such is the caste and such is the caste system. Question is, is this enough to know the Hindu social organisation? For a static conception of the Hindu social organisation an idea of the caste and the caste system is enough. One need not trouble to remember more than the facts that the Hindus are divided into castes and that the castes form a system in which all hang on a thread which runs through the system in such a way that while encircling and separating one caste from another it holds them all as though it was a string of tennis balls hanging one above the other. But this will not be enough to understand caste as a dynamic phenomenon. To follow the workings of caste in action it is necessary to note one other feature of caste besides the caste system, namely class-caste system.

The relationship between the ideas of caste and class has been a matter of lively controversy. Some say that caste is analogous to class and that there is no difference between the two. Others hold that the idea of castes is fundamentally opposed to that of class. This is an aspect of the subject of caste about which more will be said hereafter. For the present it is necessary to emphasise one feature of the caste system which has not been referred to herein before. It is this. Although caste is different from and opposed to the notion of class yet the caste-system—as distinguished from caste—recognises a class system which is somewhat different from the graded status referred to above. Just as the Hindus are divided into so many castes, castes are divided into different classes of castes. The Hindu is caste-conscious. He is also class conscious. Whether he is caste conscious or class conscious depends upon the caste with which he comes in conflict. If the caste with which he comes in conflict is a caste within the class to which he belongs he is caste conscious. If the caste is outside the class to which he belongs he is class conscious. Anyone who needs any evidence on this point may study the Non-Brahmin Movement in the Madras and the Bombay Presidency. Such a study will leave no doubt that to a Hindu caste periphery is as real as class periphery and caste consciousness is as real as class-consciousness.

Caste, it is said, is an evolution of the Varna system. I will show later on that this is nonsense. Caste is a perversion of Varna. At any rate it is an evolution in the opposite direction. But while caste has completely perverted the Varna system it has borrowed the class system from the Varna system. Indeed the Class-caste system follows closely the class cleavages of the Varna system.

Looking at the caste system from this point of view one comes across several lives of class cleavage which run through this pyramid of castes dividing the pyramid into blocks of castes. The first line of cleavage

follows the line of division noticeable in the ancient Chaturvarna system. The old system of Chaturvarna made a distinction between the first three Varnas, the Brahmins, Kshatriyas, Vaishyas and the fourth Varna namely the Shudra. The three former were classes as the Regenerate classes. The Shudra was held as the unregenerate class. This distinction was based upon the fact that the former was entitled to wear the sacred thread and study the Vedas. The Shudra was entitled to neither and that is why he was regarded as the unregenerate class. This line of cleavage is still in existence and forms the basis of the present day class division separating the castes which have grown out of the vast class of Shudras from those which have grown out of the three classes of Brahmins, the kshatriyas and Vaishyas. This line of class cleavage is the one which is expressed by the terms High Castes and Low Castes and which are short forms for the High Class Castes and Low Class Castes.

Next after this line of cleavage there runs through the pyramid a second line of class cleavage. It runs just below the Low Class Castes. It sets above all the castes born out of the four Varnas i.e., the High Castes as well as the low castes above the remaining castes, which I will merely describe as the ' rest '. This line of class cleavage is again a real one and follows the well-defined distinction which was a fundamental principle of the Chaturvarna system. The Chaturvarna system as is pointed out made a distinction between the four Varnas putting the three Varnas above the fourth. But it also made an equally clear distinction between those within the Chaturvarna and those outside the Chaturvarna. It had a terminology to express this distinction. Those within the Chaturvarna—high or low, Brahmin or Shudra were called Savarna i.e., those with the stamp of the Varna. Those outside the Chaturvarna were called Avarna i.e., those without the stamp of Varna. All the castes which have evolved out of the four varnas are called Savama Hindus—which is rendered English by the term Caste Hindus—The ' rest ' are the Avarnas who in present parlance spoken of by- Europeans as Non-caste Hindus i.e., those who are outside the four original castes or varnas.

Much that is written about the caste system has reference mostly to the caste-system among the Savama Hindus. Very little is known about the Avarna Hindus. Who are these Avarna Hindus, what is their position in Hindu Society, how are they related to the Savarna Hindus are questions to which no attention has so far been paid. I am sure that without considering these questions no one can get a true picture of the social structure the Hindus have built. To leave out the Class cleavage between

the Savarna Hindus and the Avarna Hindus is to relate Grimm's Fairy Tale which leaves out the witches, the goblins and the orges.

INDIA ON THE EVE OF THE CROWN GOVERNMENT

More than anything else in the world. Imperialism stands in greater need of defence and Imperialists have not been wanting in their duty.

Unlike the Greeks who did not have even a word for imperialism nor knew the idea of the federation of city states, the Romans were the world's first and greatest imperial people and they coined a justification for imperialism that became the heritage of their successor.

They proclaimed that they were a people of superior race with a culture too high to be compared with any other, that they had better system of administration, that they were versed in the arts of life. They also proclaimed that the rest were people of inferior race with a very low culture and were absolutely devoid of the arts of life, and that their administration was very despotic. As a logical consequence of this the Romans argued that it was their divine mission to civilise their low lying brethren, nay to conquer them and superimpose their culture in the name of humanity.

The British have justified their imperial policy in India by similar argumentation. The British historian of India have a kind of Leues Boswelliana—disease of admiration. Their optical vision somehow or other has magnified the vices, not the virtues, of the predecessors of the British in India. Not only have they been loud in their denunciation of the Moghul and the Maratha rulers as despots or brigands, they cast slur on the morale of the entire population and their civilization. This is but natural for individuals as well as states can raise themselves only by lowering the merits of others.

Historians of British India have often committed the fallacy of comparing the Rule of the British with their immediate or remote predecessors. In deference to historical methodology. They ought to compare the rulers of India with the contemporaries in England. Much of historical error will vanish if we closely follow this plan. It would no longer be a matter of contemptuous pity to read perhaps the abject condition of the Hindoos under the conquest of the Mohommedans when we will remember the pitiful condition of the Anglo-Saxons under their Norman conquerors when"to be called an Englishman was considered as a reproach— when those who were appointed to administer justice were the fountains of all iniquity—when magistrates, whose duty it was to pronounce righteous judgements were the most cruel of all tyrants, and great plunderers than common thieves and

robbers. . .. ; when the great men were inflamed with such a rage of money that they cared not by what means it was acquired; when the licentiousness was so great that a Princess of Scotland found it necessary to wear a religious habit in order to preserve her person from violation."

> The much spoken of Mohomedan cruelty could hardly exceed that committed by the first Crusaders on their conquest of Jerusalem. The garrison of 40,000 men"was put to the sword without distinction; arms protected not the brave, nor submission the timid; no age or sex received mercy i infants perished by the same sword that pierced their mothers. The streets of Jerusalem were covered with heaps of slain, and the shrieks of agony and despair resounded from every house."

If we thus run down through the history of India and history of England and compare contemporary events we will find that for every Native Rowland we have an English Oliver. We must therefore repeat the warning of Sir Thomas Munro to English Historians of India, who said,"When we compare other countries with England, we usually speak of England as she now is, we scarcely ever think of going back beyond the Reformation and we are apt to regard every foreign country as ignorant and uncivilised, whose state of improvement does not in some degree approximate to our own, even though it should be higher than our own as at no distant period."

> Let us, therefore, turn to the"Despots and Brigands"who ruled India before the British and let us review their deeds and the condition of the people during their respective rulers.

This knowledge is absolutely necessary in order to form a correct estimate of the Economic condition of the people of India under the East India Company.

We need not wait to dilate upon the Economic prosperity of India in ancient times since we have already dwelt upon it.

We have a consensus of opinion both Hindoo and Mohomedan as regards the prosperity of India when the Mohomedan conquest took place. The magnificence of Canouj and the wealth of the Temple of Somnath bear witness to it. It is a mistake to suppose that the Mussalman sovereigns of India were barbarous and despots. On the other hand majority of them were men of extraordinary character. Mohommed of Guzni,"showed so much munificence, to individuals of eminence that his capital exhibited a greater assemblage of literary genius than any other monarch in Asia has ever been able to produce. If rapacious in acquiring wealth, he was unrivalled in the judgement and grandeur with which he knew how to expend it."

Of all his illustrious successors one of whom was a female (Sultana Rezia); Feroz Shah is very well known for his administration. His public works"consisted of 50 dams across rivers to promote irrigation, 40 mosques and 30 colleges, 100 Caravan series, 30 reservoirs, 100 hospitals, 100 public baths, 150 bridges, besides many other edifices for pleasure and ornament; and, above all, the canal from the point in the Jumna where it leaves the mountains of Carnal to Hausi and Hissar, a work which has been partially restored by the British Government. The historian of this monarch expatiates on the happy state of the ryots under his Government, on the goodness of their houses and furniture and the general use of gold and silver ornaments amongst their women . . . The general state of the country must have been flourishing, for Milo de Conti, an Italian traveller, who visited India about A.D. 1420, speaks highly of what he saw in Guzerat, and found the banks of the Ganges covered with towns amidst beautiful gardens and orchards. He passed four famous cities before he reached Maarazia, which he describes as a powerful city, filled with gold, silver, and precious stones. His accounts are corroborated by those of Barbora and Baitema, who travelled in the early part of the sixteenth century. The former in particular describes Cambay as a remarkably well-built city, situated in a beautiful country, filled with merchants of all nations, and with artisans and manufacturers like those of Flanders. Caesar Frederic gives a similar account of Guzerat, and Ibne-Batuta, who travelled during the anarchy and oppression of Mohammed Tagluk's reign, in the middle of the fifteenth century, when insurrections were reigning in most parts of the country, enumerates many large and populous towns and cities, and gives a high impression of the state in which the country must have been before it fell into disorder."

Baber, the founder of the Moghul dynasty in India found the country in a prosperous condition and was surprised at the immense population and the innumerable artisans everywhere. He was a benevolent ruler and public works marked his statesmanship. Sher Shah who temporarily wrested the throne from the Moghul was,excepting Akabar, the greatest of Mohomedan rulers and like Baber executed many public works.

Akabar's benevolent administration is too well known to need any mention.

The rule of Shah Jehan who"reigned not so much as a king over his subjects, but rather as a father over his family"was marked by the greatest prosperity; his reign was the most tranquil.

Speaking of the condition of the people in the dominions of the

Marathas who were contemporaries of the later Moghuls a traveller says,"from Surat, I passed the Ghats, and when I entered the country of the Maharattas, I thought myself in the midst of the simplicity and happiness of the golden age where nature was yet unchanged, and war and misery were unknown. The people were cheerful, vigorous, and in high health, and unbounded hospitality was a universal virtue; every door was open, and friends, neighbours and strangers, were alike welcome to whatever they found."

With regard to the economic condition of the people in Southern India which was under the rule of Tipoo, a historian says,"When a person, travelling through a strange country, finds it well cultivated, populous with industrious inhabitants, cities newly founded, commerce extending, towns increasing, and everything flourishing, so as to indicate happiness, he will naturally conclude it to be under a form of Government congenial to the minds of the people. This is a picture of Tipoo's country, and this is our conclusion respecting its Government.""His country was found everywhere full of inhabitants and apparently cultivated to the utmost extent of which the soil was capable".... His Government though strict and arbitrary, was the despotism of a strict and able sovereign, who nourishes, not oppresses, the subjects who are to be the means of his future aggrandisement, and his cruelties were, in general, inflicted on those who he considered as his enemies.

Clive described Bengal as a country of"inexhaustible riches". Mecaulay said,"In spite of the Mussalman despot and of the Maratha freebooter, Bengal was known through the East as the Garden of Eden—as the rich kingdom. Its population multiplied exceedingly; distant provinces were nourished from the overflowing of its granaries : and the noble ladies of London and Paris were clothed in the delicate produce of its looms."

But with the advent of the English things began to change. Prosperity bade fair to India and perched itself on the Union Jack.

The evil forces were set forth both on the side of the Parliament and the East India Company.

The Rule of the Company was anything but wise, it was rigorous, it gave security but destroyed property. The scheme of administration was far from perfect. Adam Smith characterizes the"Company of Merchants"as"incapable of considering themselves as sovereigns, even after they have become such"and says,"Trade or buying in order to sell again, they will consider as their principal business, and by a strange absurdity, regard the character of the sovereign as but an appendix to that of the merchants, . . ., as sovereigns, their interest is exactly the

same with that of the country which they govern. As merchants, their interest is directly opposite to that interest."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_1Adam Smiths criticism of the Courts of Proprietors and Directors described in the last chapter is also very valuable. He posits that the interest of every proprietor of India stock, is by no means the same with that of the country in the Government of which his vote gives him some influence and says,"This would be exactly true if those masters never had any other interest but that which belongs to them as proprietors of India stock. But they frequently have another of much greater importance. Frequently a man of great, sometimes even a man of moderate fortune, is willing to give thirteen or fourteen hundred pounds. . . merely for the influence which he expects to acquire by a vote in the Court of Proprietors. It gives him a share though not in the plunder, yet in the appointment of the plunderers of India. The Directors, though they make those appointments, being necessarily under the influence of the Court of Proprietors, which not only elects them, but sometimes overrules their appointments. A man of great or even of moderate fortune, provided he can enjoy this influence for a few years, and thereby get a certain number of his friends appointed to Employment in India, frequently cares little about the dividends which he can expect from so small a capital, or even about the improvement or loss of the capital itself upon which his vote is founded. About the prosperity or ruin of the great empire, in the Government of which that vote gives him a share, he seldom cares at all. No other sovereigns ever were, or from the nature of things ever could be, so perfectly indifferent, about the happiness or misery of their subjects, the improvements or waste of their dominions, the glory or disgrace of their administration, as, from irresistible moral causes, the greater part of *the* proprietors of such a mercantile company are, and necessarily must be."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_2

This is perhaps a sweeping indictment of the administration of the company as a whole. It, however, holds true of the early rule of the company though the corruption was later gradually eliminated.

In the local or Supreme Government of India, the native inhabitants had no voice. They were barred from all high paid offices and had no scope beyond the position of a petty clerk.

The internal administration was so devised that the Governors and the official staff in their capacity as advisers did or were compelled to do all

the thinking for the inhabitants of the country. They enacted, true to a word, the part of Sir John Bowley or the"Poor man's friend"so ably drawn by Charles Dickens:"Your only business, my good fellow, is with me. You need not trouble yourself to think about anything. I will think for you; I know what is good for you; I am your perpetual parent. Such is the dispensation of all all-wise Providence. . . what man can do, I do. I do my duty as the Poor man's Friend and Father, and I endeavour to educate his mind, by inculcating on all occasions the one great lesson which that class requires, that is entire dependence on myself. They have no business whatever with themselves."

These Bowleys no doubt did the thinking as a Divine mandate but unfortunately, none the less naturally, their thinking and enacting proved decidedly favourable to England and fatal to India.

How England prospered while India declined may be well impressed on our minds if we recall the economic condition of England immediately before and after 1600 and also the nature of India's tribute to England.

Sir Josiah Child gives very interesting comparative description of the rising prosperity of England after 1545.

According to him, in 1545"the trade of England then was inconsiderable and the merchants very mean and few". .. .."but now", he says"there are more men to be found upon the exchange with ten thousand pounds estates, than were then of one thousand pounds. And if this be doubted let us ask the aged, whether five hundred pounds portion with a daughter sixty years ago, were not esteemed a larger portion than two thousand pounds is now ; and whether gentle women in those days would not esteem themselves well clothed in a serge gown, which a chambermaid now will be ashamed to be seen in. .. We have now almost one hundred coaches for one we had formerly. We with ease can pay a greater tax now in one year than our forefathers could in twenty. Our customs are very much improved, I believe above the proportion aforesaid, of six to one; which is not so much in advance of the rates of goods as by increase of the bulk of trade."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_3By 1600 A. D. the mercantile class had become so powerful that"but for the hostility of the city, Charles I could never have been vanquished, and that without the help of the city, Charles II could scarcely have been restored".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_4

India contributed or rather was made (to)* contribute to the prosperity of England in many ways.

Trade as the augmentation of wealth must be placed in the forefront. Stock quotation is a barometer of business conditions applying the same criterion we will see how much Indian trade was valued in England."Throughout the (18th) century the Company's stock was always at premium. In 1720 it was quoted as high as £450, but by 1755 it fell to £148. This figure represented much more nearly its real value. Even supposing the dividend of 10% to be average, this would only mean interest at the moderate rate of about 5 1/3 % on the cost price. It continued to fall until 1766, when the prospect of profit from the revenues of Bengal caused an artificial boom, which inflated the price to £233. This was followed by a fall of 60% as a result of war in the Carnatic. From 1779 to 1788 the price was much more reasonable. It averaged about £150, although at the crisis of 1784 it fell as low as £118.10 *s. O d.* After Pitt's Act prices improved and by 1787 it was quoted at £185.10 s. 0 *d.* Subsequently the fluctuations largely decreased. The Company was now a sovereign ruler than a trading Corporation. It paid a fair interest to its shareholders and its stock was quoted at a price which represented the capitalised value of its profits. There was no further scope for speculation. Its balance-sheet began to resemble the Indian Budget of later years."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_5 Dividends paid to the share-holders will also indicate how much India contributed to the wealth of England."Before the union of 1709 the trade, though subject to great fluctuations, always showed a great profit. In 1682, the dividend reached the enormous figure of 160% but at the end of the century, things were veryv different. In 1709, after the union, it was only 8% rising, in 1710 to 9% and two years later to 10%, the average rate during the century would work out at about 9% and it only rose above from 1768 to l771. In 1723 a slight fall was caused by the competition of the French Company, and a further fall of 1% followed an increase of capital and the foundation of the Swedish Company in 1732. In 1744, it rose again to 8% and continued at this rate for eleven years in spite of the continual war both in Europe and in the Carnatic. In 1755, the unsettled condition of the affairs at last had effect and a fall of 2% resulted. In 1760, the cession of Burdwan and other provinces 'i8ncreaseed the working costs of the Company, and kept the dividend at 6%, so that the sum distributed annually was £1,91,644. In 1767, in

consequence of the acceptance of the territorial sovereignty of Bengal, the dividend was raised to 10% and the amount distributed reached £3,19,408. This rise was quite unjustifiable and was largely due to the exaggerated estimate of the prosperity of India. The increased dividends declared in anticipation of large profits which were never fully realised, were paid by means of loans raised at exorbitant interest. For five years the Company hung on in the hope of better days but in 1772 the crash came and the dividends fell from 124% to 6%. Lord North then intervened and, for the future, the Company's dividend *was subject to* ministerial control. The Regulating Act was followed by revenue prosperity and the dividend continued to rise slowly. In 1792 the conclusion of the peace with Tipoo, whereby the Company received: a revenue of £2,40,000 and an indemnity of 1,600,000, was followed by a further rise of 2% and in l802,the dividend reached 11%. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_6. Besides this,"the sums of money paid to the (English) public by the United Company of Merchants of England trading to the East Indies, for their privileges , etc.,""between the years 1798 to 1803 have been estimated by Mr. Macpherson at £25,343,215."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_7 Not only India has helped England in her war with America by taking the burden of £3,858,666 but has helped towards the furtherance of Education in America for Mr. Yale founded the Yale College after his name from the money earned exclusively in the Indian Trade.

Some of the direct and indirect advantages to England from: India may be noted in the words of St. George Tucker who says :•—

(1)"The East India Company have, at different periods, drawn, a surplus revenue from their territorial possessions to the extent of a million and a half sterling per annum after paying the interest of the territorial debt and this surplus was evidently a direct tribute from India to England."

(2)"About four-fifths of the territorial debt being held by European British subjects, a large proportion of the annual interest, amounting to near two million sterling may be regarded as an *indirect* tribute paid by India to the mother country.""This indirect or private tribute"including the savings, the profits of commerce, etc.. Tucker estimates at"three million sterling per annum at the present period"(i.e., about 1821).

(3)"The Shipping of India (that is, the India built ships which are

employed in carrying on the trade from port to port in the (eastern Seas) forms no inconsiderable portion of the whole tonnage of Great Britain.

(4)"The possession of India furnishes a most convenient outlet for the present overflowing in one class at least of the community, for whom it is found difficult in all countries, and in none more than our own, to make a suitable provision..... The service of India alone opens a field in which they can be employed largely with the prospect of benefit to themselves and to their country."

These do not by any means exhaust the ways by which India contributed to the prosperity of England.

Besides these indirect ways, England adopted more direct and drastic measures to harm India. This was effected through the protective system. England was in no way able to compete with Indian goods and as a manufacturing country, India was England's superior. To destroy the competition of Indian goods which in spite of the cost of transportation ousted the. English goods from their home markets, England adopted a strong protectionist policy.

The following figures will indicate how high the tariff against Indian goods was:—

Alocs duty p.c	280	Oil of Cannamon	400
Assafoefida	622	Mace	3000
Benjamin	373	Nutmegs	250
Borax	102	Olibanum	400
Cardemoms	266	Pepper (black)	400
Cassiabuds	140	Pepper (white)	266
Cloves	240	Rhubarb (common)	500
Coculus Indicus	1400	Rice (Java)	150
Coffee	373	Rum (Bengal)	1142
Cubebs	320	Sago pearl	100
Dragons blood	465	Sugar (Bengal white)	118
Gamboge	187	Ditoo	128

		(Hudding white)	
Gum Ammoniac	466	Ditoo (low and brown)	152
Myrph	187		
Nux Vomica	266		
Oil of Cassia	343		

But England did not stop with this high tariff. She went a step further and made an invidious discrimination against Indian goods which (bore)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_8 import duty much higher than that on the same goods from other parts of the world. This will become manifest by the import duty figures given by M'Acclloch's Commercial Dictionary respecting the goods from the East Indies and West Indies and other colonies.

Articles	East Indies	West Indies, etc.
	£. s. d.	£. s. d.
Sugar per Qnt.	1 12 0	1 4 0
Coffee per Ib.	0 0 9	0 0 6
Spirits, sweetened per gallon	1 10 0	1 0 0
Spirits not sweetened per gallon	0 15 0	0 8 6
Tamarinds per Ib.	0 0 6	0 0 2
Succades per Ib.	0 0 6	0 0 3
Tobacco per Ib.	0 3 0	0 2 9
Wood – teak under 8 inches square per load	1 10 0	0 10 0
Wood – not particularly enumerated, *ad valorem*.	20 per cent	5 per cent

The English tariff on Indian goods was not only discriminating but differed with the use to which they were put to in England, as will be seen from the following answers of

Mr. John Ranking to the questions of the committee of House of Commons in 1813 :—

Q.—"Can you state what is the *ad valorem* duty on piece-goods sold at the East India House?"

A.—"The duty on the class called Calicoes is *£3 6s. 8d.* per cent upon importation, and if they are used for home consumption there is a further duty of *£*68 *6s. 8d.* per cent".

"There is another class called Muslins, on which the duty on importation is 10 per cent, and if they are used *for home* consumption, of *£27 6s. 8d.* per cent.

"There is a third class, coloured goods, which are prohibited being used in this country (England), upon which there is a duty upon importation of *£3 6s. 8d.* per cent; they are only for exportation".

"This Session of Parliament, there has been a new duty of 20 per cent on the consolidated duties, which will make the duties on calicoes. .... used for home consumption, *£*78,*6s. 8d.* per cent upon the Muslins for home consumption; *£*31, *6s.8d."*

This much for the Parliamentary Exactions,direct and indirect. The Exactions of the Governors and Governor-Generals were by no means small. It is necessary to recall here the words of Sir W. W. Hunter who, describing the morale of the European people, when they came in contact with India, says,"Europe just emerged from mediaevalism, was then making her first experiments in Asiatic rule. Mediaeval conceptions of conquest imposed themselves on her exploitation of the Eastern world : Mediaeval types of commerce were perpetuated in the Indian trade. Portugal, Spain, Holland established their power in Asia when these conceptions and types held sway. The English ascendency in India came later and embodied the European ideals of the eighteenth century in the place of the European ideals of the sixteenth. It was the product of modern as against semi-mediaeval Christendom. Yet even for England it was difficult to shake off the traditions of the period. . . of monopoly in the Indian trade, and of Indian Government for the personal profit of the rulers."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_9 "Self-interest certainly swayed the corrupt

and oligarchic legislature, and politics were always discussed on plane from which principles were banished... Men fought avowedly for the most-material objects only. Gold ruled the aspirations of the greatest, and India afforded many examples of its fatal power at the time."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/48. India on the Eve of the Crown Government.htm - _msocom_10•

The battle of Plassey in 1757 and the battle of Wandewashin 1761 gave the English supremacy in Bengal and Madras respectively and they turned both of these victories to their account. Clive, the victor of Plassy became really the king-maker. He sold his support to the Nawab who promised better terms. He not only got great bribes from the Nawabs and Jehagir (Estate) and controlled the salt monopoly in spite of the wishes of the Home authorities but gave perfect liberty to the civil servants—Burke' s—"birds of prey and passage"—to indulge in private trade to monopolise certain trades to the utter exclusion of the natives : as a result of this the people were greatly oppressed and reduced to poverty. The wealth of Clive and the poverty of the people are well described by Macaulay, who says"As to Clive, there was no limit to his acquisitions but his own moderation. The treasury of Bengal was thrown open to him. There were piled up, after the usage of the Indian princes, immense masses of coins, among which might not seldom be detected the florins and byzants with which before any European ship had turned the Cape of Good Hope, the Venetians purchased the stuffs and spices of the east. Clive walked between heaps of gold and silver. Crown rubies and diamonds, and was at liberty to help himself..... Enormous fortunes were thus rapidly accumulated at Calcutta, while thirty millions of human beings were reduced to the extremity of wretchedness. . . .. This misgovernment of the English was carried to a point such as seems hardly compatible with the very existence of society. The Roman proconsul, who, in a year or two squeezed out of a province ,the means of rearing marble palaces and baths on the shores of Campomia, of drinking from Amber, of feasting on singing birds, of exhibiting armies of gladiators and flocks of camelopards; the Spanish viceroy, who, leaving behind him the curses of Mexico or Lima, entered Madrid with a long train of gilded coaches and of sumpter-horses trapped and shod with silver, were now outdone."

Clive ruined the Bengal populace.Hastings the first Governor-General turned to the potentates. His ill-treatment of, and exactions from the Raja of Benares and the Begums of Oudh, his massacre of the Rohillas excited the Catholic sympathies of that great 18th century political

philosopher Edmond Burke who by impeachment of Waren Hastings re-enacted so to say, the memorable impeachment of verres by Cicero for similar reasons. Burke espoused the cause of the oppressed and strained all his nerves to redress their wrongs and punish their offender. The impeachment, in spite of his vigour and the active participation of Sheridan failed but not without its salutary effect. It was one of these failures that was worth a hundred victories. Lord Morley in his Life of Burke says,"that Hastings was acquitted was immaterial. The lesson of his impeachment had been taught with sufficiently impressive force—the great lesson that Asiatics have rights, and that Europeans have obligations : that a superior race is bound to observe the highest current morality of the time in all its dealings with the subject race. Burke is entitled to our lasting reverance as the first apostle and great upholder of integrity, mercy and honour, in the relations between his countrymen and their humble dependents."

As a result, the direct mode of administrative exploitation was nipped in the bud: but certain other indirect modes of exploitations were either imposed or suffered to remain by the same administration. These indirect modes of exploitations were the Inland transit duties. The servants of the Company in their capacity of private traders enjoyed perfect immunity from these duties but they were levied with all strictness upon the natives whose economic betterment was thereby greatly hindered,

Mr. Holt Mackengie speaking of these Duties says :

> "Some articles have to run the gauntlet through ten custom-houses, passing at each several subordinate Chowkis (stations), before they reach the Presidency, and little or none of the great stable commodities of the country escape from being subjected to repeated detentions.
>
> "Even supposing that there were no exactions and no delays, still the system would seriously hinder the commercial intercourse of the country, no interchange of goods can take place between districts separated by a line of Chowkis, unless the difference of price shall cover not only the export of transportation and the other charges of merchandise, but also the duty of 5 or 7 1/2 per cent levied by Government Thus also the natural ineqalities of prices aggravated and contrary to every principle, justly applicable to a consumption tax, the burden falls on those places where the consumer would, independently of duty, have most to pay.
>
> "But when to the Government demand are added those of the

custom' house officers, it appears to be certain that much trade that would be carried on by persons, of small capital must be absolutely prevented. The rich merchant can afford to pay the utmost demand likely to be made upon him, because a considerable douceur will not fall heavy on a large investment, and because his rank and wealth secures him from any outrageous extortion. But to the petty trader, a moderate fee would consume the probable profit of his adventure, and he has little or no security for moderation.

"Hitherto the attention of the authorities at home, and of the mercantile body generally in England, would appear to have been directed chiefly to the object of finding a market for the manufactures of the United Kingdom. They have consequently looked more to the import than to the export trade of India. The duties prescribed by Regulation IX of 1810 have accordingly taken off a great number of articles sent from England hither: while of the exports only indigo, cotton, wool and hemp have been made free, and this more with a view, I apprehend, to English than to Indian objects."

It would be profitable to read what Lord Ellenborough has to say regarding these inland transit dudes:

"While the cotton manufactures of England are imported into India on payment of a duty of 2 1/2 per cent, the cotton manufactures of India are subjected to a duty on yarn of 7 1/2 per cent to an additional duty upon the manufactured article of 2 1/2 per cent, and finally to another duty of2 1/2 percent, if the cloth should be dyed after the Rowana (pass) has been taken out for it as white cloth. Thus altogether the cotton goods of India (consumed in India) pay 17 1/2 per cent

"The raw hide pays 5 *per* cent. On being manufactured into leather it pays 5 per cent more; and when the leather is made into boots and shoes, a further duty is imposed of 5 per cent. Thus in all there is a duty of 15 per cent (on Indian leather goods used in India).

In what manner do we continue to treat our own sugar? On being imported into a town it pays 5 per cent in customs, and 5 per cent in town duty, and when manufactured, it pays, on exportation from the same town 5 percent more, in all 15 per cent (on Indian Sugar used in India).

"No less than 235 separate articles are subjected to Inland Duties. The tariff includes almost everything of personal or domestic use, and its operation, combined with the system of search, is of the

> most vexatious and offensive character, without materially benefiting the revenue. The power of search, if really exercised by every custom-house officer, would put a stop to internal trade by the delay it would necessarily occasion. It is not exercised except for the purpose of extortion."

Added to this was the lack of uniform currency in India.

All these were a means to kill Indian industries.

Frederick List says,"Had they sanctioned the free importation into England of Indian Cotton and silk goods, the English cotton and silk manufacturers must, of necessity, soon come to a stand. India had not only the advantage of cheaper labour and raw material, but also the experience, the skill and the practice of centuries". .

The opinion of Mr. H. H.Wilson, the historian of India is still more emphatic."It is also a melancholy instance"he admits,

> "of the wrong done to India by the country on which she has become dependent. It was stated in evidence (in 1813) that the cotton and silk goods of India up to the period could be sold for a profit in the British market at a price from 50 and 60 per cent lower than those fabricated in England. It consequently became necessary to protect the latter by duties of 70 and 80 per cent on their value, or by positive prohibition. Had this not been the case, had not such prohibitory duties and decrees existed, the mills of Paisley arid Manchester would have been stopped in their outset, and could scarcely have been again set in motion, even by the power of steam. They were created by the sacrifice of the Indian manufacture. Had India been independent, she would have retaliated, would have imposed prohibitive duties upon British goods, and would thus preserved her own productive industry from annihilation. This act of self-defence was not permitted her. She was at the mercy of the stranger. British goods were forced upon her without paying duty, and the foreign manufacturer employed the arm of political injustice to keep down and ultimately strangle a competitor with whom he could not contend on equal terms": With the result, to quote the words of Mr. Chaplin, that"many manufacturers have been compelled to resort to agriculture for maintenance, a department already overstocked".

Thus the land revenue policy destroyed agriculture and the prohibitory protectionist policy of England ruined the industries of the country whose wealth attracted these swarms of flies that drenched her to the last dregs.

The resulting misery and poverty of the people knew no bounds and is pathetically described by many a traveller and Governor. Bishop Heber, travelling in India about 1830 wrote,"Neither native nor European agriculturist, I think can thrive at the present rate of taxation. Half the gross produce of the soil is demanded by Government, and this, which is nearly the average rate wherever there is not a Permanent Settlement, is sadly too much to leave an adequate provision for the present, even with the usual frugal habits of the Indians, and the very inartificial and cheap manner in which they cultivate the land. Still more if it (is)* an effective bar to anything like improvement; it keeps the people, even in favourable years, in a state of abject penury; and when the crop fails in even a slight degree, it involves a necessity on the part of the Government of enormous outlays in the way of remission and distribution, which, after all, do not prevent men, women and children dying in the streets in droves, and the roads being strewed with carcasses. In Bengal, where, independent of its exuberant fertility, there is a Permanent Assessment, famine is unknown. In Hindustan, (Northern India) on the other hand, I found a general feeling among the King's officers and I myself was led from some circumstances to agree with them, that the peasantry in the Company's Provinces are, on the whole, worse off, poorer, and more dispirited, than the subjects of the Native Princes; and here in Madras, where the soil is, generally speaking, poor, the difference is said to be still more marked. The fact is, no Native Prince demands the rent which we do, and making every allowance for the superior regularity of our system, etc., I met with very few men who will not, in confidence, own their belief that the people are over-taxed, and that the country is in a gradual state of impoverishment. The Collectors do not like to make this avowal officially. Indeed, now and then, a very able Collector succeeds in lowering the rate to the people, while by deligence he increases it to the State. But, in general, all gloomy pictures are avoided by them as reflecting on themselves, and drawing on them censure from the Secretaries at Madras or Calcutta, while these, in their turn, plead the earnestness with which the Directors at home press for more money."Speaking of trade and industries he says,"the trade of Surat is now of very trifling consequence, consisting of little but raw cotton, which is shipped in boats for Bombay. All the manufactured goods of the country are undersold by the English . . a dismal decay has consequently taken place in the circumstances of the native merchants."Regarding the decay of Dacca the same authority says,"Its

trade is reduced to the sixtieth part of what it was, and all its splendid buildings, . . the factories and the Churches of the French, Dutch and Portuguese Nations are all into ruin, and overgrown with jungle."

To ameliorate their misery, natives petitioned Parliament saying,"that every encouragement is held out to the exportation from England to India of the growth and produce of foreign, as well as English industry, while many thousands of the natives of India, who, a short time ago, derived a livelihood from the growth of cotton and the manufacture of cotton goods, *are without bread,* in consequence of the facilities afforded to the produce of America, and the manufacturing industry of England."But the appeal was made in vain and the interests of England always remained in the forefront in the eyes of those that were called upon to rule the destinies of India.

Though, as Bishop Heber rightly says that the officers of the Company avoid"all gloomy pictures"of the misery of the people, there are others who, marked by independence of opinions, are quite as explicit as they are emphatic on this point.

The Court of Directors wrote on May 7th, 1766 :

> "We have the sense of the deplorable state.....from the corruption and rapacity of our servants, and the universal depravity of manners throughout the settlement..... Think the vast fortunes acquired by a scene of the most tyrannic and oppressive conduct that ever was known in any age or country."

Clive, though criminal himself, was conscious of the oppression for, he wrote to George Dudley on September 8th, 1766:

> "But retrospection into actions which have been buried in oblivion for so many years; which if inquired into, may produce discoveries which cannot bear the light..... but may bring disgrace upon the nation, and at the same time blast the reputation of great and good families."

Sir Thomas Munro was so indignant at the misrule of the Company that he said,"It would be more desirable that we should be expelled from the country altogether, than that the result of our system of Government should be such an abasement of a whole people.

Mr. Martin in his"Eastern India"1838 says,"The annual drain of 3,000,000 on. British India has amounted in thirty years, at 12 per cent (the usual Indian rate) compound interest, to the enormous sum of £723,900,000 sterling . .. So constant and accumulating a drain, even in England, would soon impoverish her. How severe, then, must be its effects on India, where the wage of a labourer is from two pence to

three pence a day! Were the hundred millions of British subjects in India converted into a *consumpting* population, what a market would be presented for British capital, skill and industry!"Mr. Frederick John Shore of the Bengal Civil Service very pathetically said:

> "But the halcyon days of India are over ', she has been drained of a large proportion of the wealth she once possessed, and her energies have been cramped by a sordid system of misrule to which the interest of millions have been sacrificed for the benefit of the few. The gradual impoverishment of the people and the country, under the mode of rule established by the English Government has.... the grinding extortions of the English Government have effected the impoverishment of the country and people to an extent almost unparalleled....."
>
> "The fundamental principle of the English had been to make the whole Indian Nation subservient in every possible way to the interest and benefit of themselves..... Had the welfare of the people been our object, a very different course would have been adopted, and a very different result would have followed."

But such was not to be the case. Nay, it would have been unnatural had it been otherwise, for Mill says,"the Government of a people by itself has a meaning and a reality; but such a thing as Government of one people by another does not, and cannot exist. One people may keep another for its own use, a place to make money in, a human cattle-farm to be worked for the profits of its own inhabitants,"

The administration of the East India Company was a prototype of the Roman provincial administration, under the Roman Empire, however, local liberties were conserved. Monesen says,"The Roman provincial constitution, in substance, only concentrated military power in the hands of the Roman Governor, while administration and jurisdiction were, or at any rate were intended to be, retained by the communities, so that as much of the old political independence as was at all capable of life might be preserved in the form of communal freedom."

But the British suppressed everything, and just as Mr. Ferrero insists on our abandoning"one of the most wide spread misconceptions which teaches that Rome administered her provinces in broad-minded spirit, consulting the general interest, and adopting wide and benefit principles of Government for the good of the subjects,"so must we guard against any complacent view of the administration of the East India Company, so current among historians who labour hard to show that with the interval of 1700 years, human nature had greatly advanced in moral

standard.

Short may have been our discussion of the situation before the East India Company, it is quite sufficient to show that the supplanter of the Moghuls and the Marathas were persons with-no better moral fiber and that the economic condition of India under the so-called native despots and brigands was better than what was under the rule of those who boasted as being of superior culture."

It is with industries ruined, agriculture"overstocked"and over-taxed with productivity too low to bear high taxes, with few avenues for display of native capacities, the people of India passed from the rule of the Company to the rule of the Crown.

LECTURES ON THE ENGLISH CONSTITUTION

In the Government Law College Magazine, following observations are made in the ' College Notes, 8th January 1936 issue:—

> "We however note with satisfaction that Mr. Fyzee has handed over charge to no less a person than Dr. Ambedkar. A lawyer of repute, he is a close student of Economics, an authority on Constitutional Law and a personality known throughout India and elsewhere. To write more about him would be otiose. Expecting much from our Principal we shall not embarrass him *now*. We prefer to wait and see."

LECTURES ON THE ENGLISH CONSTITUTION

Contents

Preface
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II. II. What is Parliament?
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PREFACE

These are lectures on the English Constitution which I delivered to the students of the Government Law College, Bombay, in 1934-35. In publishing these lectures I have not forgotten how presumptuous it may be deemed for an Indian to attempt to expound the principles of the English Constitution. Sir Austen Chamberlain in the course of his cross-examination of a certain Indian witness who appeared before the Joint Committee on Indian Constitutional Reform observed : I listen to the witness with great respect when he talks of Indian conditions, but when he expounds the British Constitution he must permit me to remain of my own opinion (Minutes of Evidence, Vol. l1c, Q. 9812). There is undoubtedly a great deal of truth in this remark and it should make every Indian who wishes to write on the English Constitution pause. An Indian, however, who wishes to enter into the field may well take courage from the fact that much of the English Constitution have been expounded by foreigners who

have not only been heard with respect by Englishmen but whose writings have compelled a change of opinion. Be that as it may the remark made by Sir Austen Chamberlain need not come in my way. I am not expounding anything of my own. I am not expounding it to Englishmen. I am merely trying to make Dicey's English Constitution easier for Indian students to follow and to understand. From the stand-point of Indian students Dicey's treatise suffers from two defects. It presupposes a knowledge of certain parts of the English Constitution. For instance it presupposes a knowledge of what is Parliament, how it is constituted and how it functions. This presupposition, howsoever justifiable it may be in the case of English students, would be without warrant in the case of Indian students who are called upon to take up the study of Dicey for the first time. Without a complete knowledge of this part of the English Constitution Indian student feels completely bewildered and fails to grasp the full import of such fundamental principles as supremacy of the rule of law or the role of conventions in the working of the Constitution. In order that the Indian student may follow in an intelligent way the exposition of Dicey regarding the operation of these principles the teacher is forced at every turn to present to the student the framework of the English Constitution which finds no place in Dicey 's treatise. Secondly, the English Constitution has grown enormously both as regards rules of law and also as regards conventions since the last edition of Dicey 's English Constitution was published. The result of this growth has been felt in two different ways. It has rendered some of the illustrations given by Dicey quite inappropriate. Secondly, it has altered the character of the English Constitution especially the relations of the Crown and the British Parliament to the Dominions to such an extent that an Indian student who depends upon Dicey alone will not be up-to-date but will be missing a great deal that is vital in it. Except for additions of matter and changes of form there is nothing new in these lectures. They constitute a revision of Dicey's treatise on the English Constitution with a view to remove its defects and to adapt it to the needs of Indian students.

PRINCIPLES UNDERLYING THE ENGLISH CONSTITUTION

According to Dicey there are three principles which distinguish the English Constitution from the Constitution of other countries. These principles are :—

(1) The legislative supremacy of Parliament.
(2) The prevalence of the rule of law.

(3) The dependence of the Constitution on the conventions.

Two comments may be legitimately made on the assertion that these principles form distinguishing characteristics of the English Constitution. In the sense that they are not to be found in other Constitutions. One is this. That some of these characteristics have ceased to be true at any rate, to the extent they were true when Dicey wrote. For instance the legislative supremacy of Parliament is to some extent modified and circumscribed by the Statute of Westminster passed in the year 1930. The second comment that must be made that these characteristics, especially the prevalence of the rule of law and the dependence of the Constitution on conventions are not special to the English Constitution. Conventions are a feature of all Constitutions and the rule of law, in one of its senses at any rate, obtains in the United States. All the same it is Constitution in principles form a feature of the English Constitution in a manner and to an extent unknown in other Constitutions. And understood in that sense they no doubt serve to distinguish the English Constitution from other Constitutions.

(1) LEGISLATIVE SUPREMACY OF PARLIAMENT

One of the first and foremost of foreign Commentators on the English Constitution Hontessquie came to the conclusion as a result of his study that the English Constitution exhibited a feature which was absent from the Constitution of France as it existed at the time when he wrote. He found that under the English Constitution the three organs of the State, namely, the legislative, the executive and the judiciary were distinct and were separated from one another in their composition as well as their functions. Each was limited to its own sphere of activity and was not permitted to invade the dominion of another. Whatever liberty the Englishman had in the days when he was writing and which his countrymen did not possess, was attributed by him to this feature of the English Constitution. So convinced was he of the virtue of this principle of the English Constitution that he propounded it as a vital principle of political Organisation and recommended it to his countrymen for adoption in their own Constitution. This doctrine of separation of powers of Hontessquie has been laid at the base of every new Constitution made thereafter. This is an interesting illustration of how countries have been misled by the wrong conclusions of a student of politics, for there is no doubt about it that Hontessquie misunderstood the English Constitution. The English Constitution certainly does not recognise the principle of the separation of powers. The King is a part of the legislature, the head of the judiciary and the supreme executive authority in the land. The Ministry

which carries on the executive Government of the country in the name of the King are members of Parliament. There is, therefore, no separation between the executive and the legislature. The Lord Chancellor is the working head of the Judicature. He is also a member of the Cabinet. There is, therefore, no separation between the executive and the judiciary. Not only is there no separation between the three organs of the State, but there is no foundation for the statement that their authority is limited by the Constitution for the simple fact that there is no Constitution in the American sense of the word which allocates the functions of the different organs of the State and delimits their authority. Under the English Constitution there is one supreme authority under the law, and that is Parliament. If the functions of the executive and the judiciary are limited, it does not follow that the functions of Parliament are limited. It only means that Parliament has for the time being allotted certain functions to be discharged by certain bodies, in a certain manner. The limitations of the judiciary and the executive do not result in putting consequential limitation. On the other hand as the limitations proceed from the authority of Parliament, Parliament retains the authority to widen them or to curtail them.

MEANING OF THE LEGISLATIVE SUPREMACY OF PARLIAMENT

A complete idea of the legislative supremacy of Parliament must involve a grasp of the two parts which it must include. The first is that Parliament has, under the English Constitution, the right to make or unmake any law whatsoever. Secondly, no person or a body of persons is recognised by the law of England as having a right to override or set aside the law made by Parliament. It is unnecessary to recall that the words Parliament and law must be understood in their strictly legal sense. Parliament means as has been already explained, the King, the Lords and the Commons, and that none of them individually exercised the authority, belonged to them jointly so as to make it an Act of Parliament. The term law again must be understood in the strictly legal sense. It means only such rules as are enforced by the Courts. Having stated what is involved in the notion of the legislative supremacy of Parliament, we may next ask what is the proof of this legislative supremacy of Parliament?

The doctrine of legislative supremacy is accepted by all the lawyers who have written about the English Constitution. Sir Edward Coke, speaking of the power and jurisdiction of Parliament, agreed that it was so transcendent and absolute that it cannot be confined either for causes or persons, within

any bounds.

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Blackstone the author of the celebrated commentaries agrees that,"Parliament has sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving and expounding of laws concerning matters of all possible denominations ecclesiastical or temporal, civil, military, maritime or criminal. This being the place where that absolute despotic power, which must in all Governments must reside somewhere, is entrusted by the Constitution of those Kingdoms. All mischiefs and grievances, operations and remedies that transcend the ordinary course of laws are within the reach of this extra-ordinary tribunal. It can regulate the succession to the crown, as was done in the reign of Henry VIII and William III. It can alter the established religion of the land, as was done in a variety of instances in the reigns of Henry VIII and his three children. True it is that"what the Parliament doth no authority upon earth can do."

Delome, a French lawyer agrees with Coke and with Blackstone. He observes,"that Parliament can do everything but make a woman a man and a man a woman". a woman a man and a man a woman".

This legislative supremacy of Parliament which is acknowledged by all lawyers can be proved by reference to a large number of instances drawn from the history of the British Parliament. But the following may suffice.

(1) *Parliamentary sovereignty and the Acts of Union.*—The Acts of Union with Scotland and Ireland are in the nature of treaties and contain certain clauses which were then regarded as fundamental and essential conditions of Union and which were understood as not being liable to abrogation by the Parliament of Great Britain. The Act of Union with Scotland stipulated that every professor of a Scotch University shall acknowledge and confess and subscribe the confession of faith as his profession of faith. This was regarded as a fundamental condition of the treaty of Union with Scotland. But this very provision has been repeated by the Universities Scotland Act, 1853, which relieves most professors in Scotch Universities from the necessity of subscribing the confession of faith. The Act of Union with Ireland stipulated"that the Churches of England and Ireland as now by law established, be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland, and that the doctrine, worship, discipline and the Government of the said United Church shall be and shall remain in full force forever as the same are now by law established for the

Church of England and that the continuance and preservation of the said United Church, as the established Church of England and Ireland shall be deemed and be taken to be an essential and fundamental part of the Union". There is no doubt that from the language of the clause that it was intended to limit the legislative supremacy of Parliament and yet Parliament by the Irish Church Act of 1869 disestablished the Church in Ireland and its legislative competency to enact such a measure was not questioned.

II

The Septenial Act of 1707 is another illustration of the legislative supremacy of Parliament. Under the Act of 1694, the duration of Parliament was limited to 3 years. In the year 1716 a new election was due. But both the King and the Ministry were convinced that under the political circumstances of the day, a new election would be disastrous to the ministry and to the state and ministry of the day persuaded Parliament to pass an Act extending the duration of Parliament from 3 years to 7 years. The House of Commons was accused by the critics of a breach of trust, as representatives of the electors and even the peers joined in the protest on the ground that this Act deprived the people of their remedy against their M.P's, who had failed to do their duty. In the wake of political criticism against the Act, the legal connotation was missed altogether. Whether such an Act was proper or improper was one thing. Whether Parliament could alter the law governing its life was another question. It should be noted that while the Act was attacked from the first point of view it was never questioned from the second. Indeed it was taken for granted that the Septenial Act was within the legislative competence of Parliament.

There is another feature of the Septenial Act which should be noted because it helps to explain the extent of the legislative supremacy of Parliament. Parliament could have passed a law extending the life of Parliament and probably no question would have been raised if the Act was made applicable to future Parliaments. But the Septenial Act not only extended the life of all future Parliaments, but it also enlarged the terms of the very Parliament which passed the Act. It was undoubtedly an Act of usurpation of political power not contemplated and not given by law to the Parliament which passed the Act and yet such an Act of usurpation was a legal Act. It is unnecessary to go back so far in the past to cite an authority of the Legislative supremacy of Parliament, as the Septenial Act. A similar exercise of the legislative supremacy was resorted to by Parliament during the late war when the sitting Parliament in 1914 instead of dissolving itself passed an Act extending its own life.

Acts of Indemnity are examples which constantly occur and which serve as

sharp reminders of the legislative supremacy of Parliament An Act of Indemnity is a statute the object of which is to free individuals from penalties imposed upon them by law. This is the highest proof of the legislative supremacy of Parliament, for it imports the legalisation of an illegality. legalisation of an illegality.

INTERFERENCE WITH PRIVATE RIGHTS

Most legislative assemblies confine their legislative powers to the regulation of the rights of the public in general. Private rights and domestic rights are deemed either to be too particular and too sacred to be interfered with by Parliament. But the British Parliament has never accepted these limitations upon its legislative authority. In the case of the lives of the Duke of Clarence and Clocester, Parliament passed an Act declaring that their daughters and wives should inherit their property although they were alive. In the case of the Duke of Buckingham, he was an infant but Parliament passed an Act declaring that he should be treated as a major for all legal purposes. Sir Robert Playfinston was dead yet long after his death. Parliament passed an Act holding him guilty of treason. The case of the Marquis *of* Winchester is an illustration in which Parliament by law declared a legitimate child to be illegitimate. A contrary illustration in which illegitimate children born before marriage were declared legitimate, is supplied by the law passed by Parliament in respect of the issues born to Catherine Swinfoid by John of Gaunt, the Duke of Lancaster. Catherine had, before marriage from the Duke four illegitimate children, Henry, John, Thomas and a daughter, Joan. The King by an Act of Parliament in the form of charter legitimised these children. These illustrations that Parliament cannot only regulate by law the affairs of a single individual but it may also alter the course of general law.

II
CHAPTER I
WHAT IS PARLIAMENT?

1. With a large, mass of the people Parliament in these days means the House of Commons. It does not include in it the House of Lords, and certainly not the King. This popular notion is due largely to the fact that the House of Commons has become the most dominant element in the working of the English Constitution. But however justifiable such a notion may be, speaking in terms of law it is a wrong notion. Legally Parliament consists of three constituent elements, the King, the House of Lords and the House of Commons. All legislative power belongs to the King, the House of Lords and the House of Commons jointly. It is vested in the

King in Parliament, *i.e.,* in the King acting in consent with the two Houses of Parliament. Legally, every Act before it can become the law of the land, requires the King's assent. How important element the King is in the Constitution of Parliament will be evident, if it is borne in mind that the two Houses of Parliament can transact their business only if they are summoned by the King. They cannot meet on their own initiative and authority and transact business. How important place the King occupies will also be obvious if it is remembered that the power to summon, prorogue and to dissolve the Houses of Parliament vests in the King and is exercisable at any time according to his pleasure. On the other hand, it is usually true that without the consent of the two Houses of Parliament, the King has no inherent power of legislation whatever within the United Kingdom. Every act of the King to be law must have the assent of the House of Commons and the House of Lords, unless it is otherwise provided by Statute.

2. The proposition, that all legislative power is vested in the King in Parliament and that no law could be passed without the concurrence of the King, the House of Lords and the House of Commons's subject to two qualifications.

(1) *The King's veto* :—Although in law the King's assent is necessary to every measure before it can become law, his power to refuse assent, *i.e.,* his power to veto has become absolute by misuse. The right of veto has not been exercised since the days of Queen Anne, who refused her assent to the Scotch Militia Bill of 1707. The impairment of this power of veto by the King is not a legal impairment. In law his power of veto exists in all its amplitude without any qualifications. This is due to forbearance founded on a convention whereby it is settled that when the two Houses agree, the King should not refuse his assent. It's disuse does not mean that it is buried beyond revival. Suppose a ministry resigns after a bill is passed by the House of Commons. The House of Lords insists upon passing the bill in spite of the opposition of the new ministry. It would be rash to assert that in such a case the Royal assent would not be withheld even though both the Houses have concurred in the legislation.

(2) *The veto of the House of Lords:*—The House of Lord was once a co-ordinate and co-equal branch of the legislation, and every measure before it could become an Act of Parliament depended upon it's assent, as much as upon that of the House of Commons. Although this was the position in law, the House of Commons had claimed in practice exclusive authority for themselves in finance and an overriding authority in other legislation.

In 1671, the House of Commons passed the following resolution :"That

in all aids given to the King by the Commons, the rate of tax ought not to be altered by the Lords."

In 1676, the Commons adapted another resolution as follows :"That all bills granting supplies ought to begin with the Commons, and it is the undoubted and the sole right of the Commons, to direct limit and appoint in such bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants which ought not to be changed or altered by the House of Lords."

In ordinary legislation of a non-fiscal character, the Commons claimed that although the House of Lords might differ from the House of Commons, yet when a conflict arose between the two Houses the Lords should at some stage wield to the views of the Houses, the Lords should, at some stage, wield to the views of the claim. Ever since the Lords had never expressly admitted them, although in practice the Lords conformed to them, the practice was a mere matter of political understanding, a convention and was not reduced to law. The House of Lords was possessed in law of the power of veto, *i.e.,* the right to refuse assent to any measure fiscal or non-fiscal. Here again the case was not one of legal impairment of power. It was a case of forbearance in the exercise of it. In 1910, the House of Lords, contrary to established practice, insisted in asserting their right to refuse assent to the financial proposals in the budget of Mr. Lloyd George. A conflict between the House of Commons and the House of Lords arose. It was settled by the Parliament Act of 1911. The Act is a most important piece of legislation relating to the English Constitution inasmuch as it has affected the veto power of the House of Lords in certain matters in a vital manner.

The Parliament Act of 1911 applies to Public Bills only. It does not apply to Private Bills. In regard to Private Bills, the veto power of the House of Lords remains in tact. Even though this applies to Public Bills it does not apply to all of them. It does not apply to a Public Bill which affects the duration or life of Parliament. Under the Parliament Act the House of Commons retains the power of veto in respect of such bills. In the case of these Public Bills to which it does apply, its effect on the veto power of the House of Lords is not the same. It varies. The Parliament Act divides Public Bills into two classes. (1) Public Bills which are money bills and (2) Public Bills which are not money bills. A money bill is defined as a Public Bill which in the opinion of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely; imposition, repeal, remission, alteration or regulation of taxation, the imposition for the payment of debt or other financial purposes of

charges on the Consolidated Fund or on money provided by Parliament or the variation or repeal of any such charges, supply, the appropriation, receipt, custody, issue or audit of accounts of public money, the raising or guarantee of any loan or repayment thereof or subordinate matters incidental to those subjects of any of them. The Act lays down that if a Money Bill having been passed by the House of Commons and sent up to the House of Lords at least one month before the end of the Session, is not passed by the House of Lords without amendment within one month after it is so sent up to that House, the bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal assent being signified, notwithstanding that the House of Lords have not consented to the Bill.

With regard to other Public Bills, the Parliament Act of 1911 provides that if it is passed by the House of Commons in three successive sessions (whether of the same Parliament or not) and having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of these sessions, that bill shall, on its rejection for the third time by the House of Lords, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal assent being signified thereto, notwithstanding that the House of Lords have not consented to the Bill, provided that this provision shall not take effect unless two years have elapsed between the date of the second reading in the first of these Sessions of the Bill in the House of Commons and the date on which it is passed by the House of Commons in the third of those Sessions. House of Commons in the third of those sessions.

These are the main provisions of the Parliament Act of 1911. It has altered the character of that veto with regard to a Public Bill other than a money bill by making it a merely suspensory veto which has the effect of merely holding up the legislation passed by the House of Commons during the prescribed period. The power to block legislation, which the House of Lords once possessed as a co-equal member of Parliament, has now been taken away by the Act.

Subject to these deductions, conventional and legal, regarding the authority of the King and the Lords, the proposition that Parliament consists of King, Lords and the Commons and that without their consent a bill cannot become law, remains as true today as it was before the Act of 1911.

Ill
CHAPTER II

THE CROWN

(1) *The King's title to the Crown.*—Before the Resolution of 1688 when James II fled from the country, it was not certain by what right the King claimed the Crown, whether it was hereditary or elective. But there can be no doubt that thereafter the title to the Crown has become a Parliamentary title, in the sense that Parliament can alter the succession to the Crown. The title to the Crown is at present regulated by the provisions of the Act of Settlement passed in the year 1701. By that Act, the title to the Crown was conferred upon William and Mary and the heirs of their body. The title stipulates two conditions : One, the Successor must be an heir, male or female and two, the Successor must be a Protestant Christian by faith.

(2) *Rights and duties of the Crown.*—The rights of the King are either Statutory or Prerogative. Statutory rights are those which are conferred upon the King by an Act of Parliament. The prerogative rights are the Customary or Common Law Rights of the King which he has been exercising and which have not been taken away by law. It is unnecessary... with those rights and duties of the King which are statutory because they are capable of exact definition and ascertainment by reference to the Statute from which they are derived. The prerogative rights on the other hand are not capable of such ascertainment by reference to any statute because it is of the essence of a prerogative right that is not derived from Statute. Prerogative rights of the King are customary rights and are independent of Statute, and like all customary rights the nature and extent have to be investigated by a Court of Law whenever they are asserted. The King's prerogatives may be conveniently discussed under the following heads :

(A) Personal Prerogatives

(1) *The King can do no wrong.*—All acts are done in the name of the King, but by virtue of this Prerogative, the King is not responsible for any of his acts. The person responsible for his royal acts are his Ministers. The King, therefore, cannot be sued or otherwise held responsible for his executive acts. When a subject is aggrieved by a breach of contract, he cannot sue the King, nor can he sue the King in respect of a tort. A special provision is made to soften the rigour of the rule which is known as *the Petition of Right procedure.* Under it, a subject aggrieved may petition the Crown for redress and that petition will become justiciable only if the Attorney-General, who is the Law-Officer of the Crown, issues his fiat permitting justice to be done in which case alone, the Courts can proceed with the petition as though it was a plaint in a suit. Even then there are certain rules which though they are binding between private parties, would not be binding

upon the Crown, for instance it is a rule that the Crown cannot by contract hamper its future executive actions. As a result, the Crown can always dismiss a servant of the Crown at any time, no matter what the period of contract was, because such a contract would hamper the future executive action of the Crown. Consequently a servant of the Crown cannot sue the Crown for damages for wrongful dismissal even by a Petition of Rights.

(2) *The King never dies.*—The King has the attributing immortality. A particular person wearing the Crown may die. But the King survives. Immediately upon the decease of a reigning King, his Kingship, without any interregnum or interval, vests in his heirs. That is the law, and the popular cry—The King is dead ; Long live the King—is in conformity with the Law. The Coronation ceremony is not necessary to invest the King with Kingly power. A King can act as a King although he has not been coronated, provided he is the next heir of the last King. The Coronation ceremony has no other effect than to proclaim to the subjects and to the world at large, who the King is.

(3) *Lapse of time will not as a rule bar the right of the Crown to sue or to prosecute.*—To put it in a different way, the law of limitation does not apply to the Crown, as it does to a private individual. The private individual must sue or prosecute within a stated period fixed by the law of limitation. The Crown is free from the time-bar. The statement of this prerogative right must now be qualified so far as the right to sue is concerned. The law of limitation has made the time-bar applicable to the Crown although the period of limitation is sixty years. The Prerogative of the Crown's right to prosecute remains in tact.

(4) When the right of the King and the right of the subject come in conflict, a subject's right must give way to the King's.

(5) The King is not bound by statutes unless expressly named in it.

(II)

Political Prerogatives

Now these may be divided into two categories into which they naturally fall '.those which relate to the internal Government of the country and those which relate to foreign affairs. As to the King's Political Prerogatives which relate to the internal Government of the country, they may be considered in relation to the three divisions of State activity, e.g., the executive, the judicial and the legislative. According to the English Constitutional law, the executive Government vests in the King. It is his Prerogative to be the supreme head of the executive. As such, he has the authority to appoint Ministers and other officers of the state, political as well as permanent. It is his prerogative to dismiss them. He is also the head

of the Army, the Navy, the Air-force and the Civil Service. Every one appointed to discharge the service of the State, no matter how he is appointed, is in law the servant of the Crown. Turning to his Judicial Prerogative, the King at one time actually sat in Court to dispense justice but this Prerogative the King has now lost. The King at one time could create any Court and invest it with jurisdiction to try any matter or any cause he chose to prescribe. The establishment of the Star Chamber and the Court of High Commission by Charles I is an illustration of how wide was the King's judicial Prerogative. But this Prerogative also, the King has now lost. The King can now only create by Prerogative, *i.e.,* without the Sanction of Parliament, Court to administer the Common law. Even this remnant of a Prerogative he cannot exercise, because of the necessity of financial legislation which such a course would involve, which would make it necessary for him to obtain the sanction of Parliament. Only four bits of his Judicial Prerogatives now remain. (1) He can grant leave to appeal to the Privy Council. (2) He can appoint judges. (3) He can pardon a criminal. (4) He can stifle the prosecution of a criminal, either by declining to offer evidence or by entering a formal *Grote Praseu.*

Coming to the legislative Prerogatives of the King, they extended at one time to vast proportions. The King at one time claimed the power to make laws independently of Parliament, to suspend laws in particular cases and to dispense with them generally. All this has now been altered. The right to suspend and dispense with laws made by Parliament is now completely lost. The right to legislate is also lost, except in so far as it relates to Crown Colonies. The only legislative Prerogatives that remains to the King are the Prerogatives right (1) to summon Parliament, (2) to prorogue Parliament, (3) to dissolve Parliament.

There are two other classes of Prerogatives which relate to the internal administration of the Country which must be referred to before considering the other classes of Prerogatives which relate to foreign affairs. They are Ecclesiastical Prerogatives and Revenue Prerogatives.

Ecclesiastical Prerogatives.—The King is the supreme head of the Church of England as established by law. As the head of the Church, he appoints on the recommendation of the Prime Minister, Archbishops, Bishops and certain other dignitaries of the Church. In his Prerogative right, the King convokes, prorogues and dissolves two Houses of the convocation and it is in his Prerogative right that the King can grant leave of appeal to the Privy Council from the decisions of the ecclesiastical Courts.

Revenue Prerogatives.—The revenues of the British Government fall into two classes, (1) the ordinary revenues and (2) the extraordinary revenues.

The ordinary revenues are called the Prerogative revenues and they are derived from the following sources, (1) The custody of a Bishop's temporalities, *i.e.,* the right of the King to take the profits which the episcopal sea is vacant, though these are held in trust for his successor. (2) The rights to annates and tenths. Annates were the first year's profits of church's benefits formerly paid to the Pope and afterwards to the Crown. Tenths were the tenth part of the annual profits of a church's benefit formerly paid to the Pope. These are now paid to the Governor of the Queen Anne's Bounty. (3) Profits derived from the Crown lands. (4) The right to Royal fish wreck, treasure-trove, waifs and cotrays, royal mines and escheats.

The foregoing items constituting the ordinary revenues of the Crown were collected by Prerogative and paid to the King until 1715 when the first Civil Lists Act was passed whereby an arrangement was made between the King and Parliament whereby the King surrendered his Prerogative revenues to the state which are since then paid into the Consolidated Fund and Parliament in consideration of this assignment granted to the Royal family for its maintenance a fixed sum, which is made an annual charge upon the Consolidated Fund and is called the Civil List. The Civil List is not a permanent arrangement but is a temporary agreement made between the reigning King and the Parliament and lasts during the life-time of that King. When a new King succeeds, a new agreement is made with him which again is to last during his life-time. If no agreement is made, the Prerogative of the King in respect of the ordinary revenue will revive. The Civil List arrangement does not abrogate it in any way. It merely affects the appropriation of the revenue. It does not affect the right to raise that revenue.

II. The King's Prerogatives in relation to the foreign relations of the Country.

The King possesses the right and the power to receive Ambassadors of foreign Countries and to send his Ambassadors to them. This is his Prerogative right. The right is important because of the immunity from Civil and Criminal process which Ambassadors, who are recognised as such by the King, enjoy. What those immunities are will be discussed at a later stage. It is enough here to note that they depend upon the recognition by the King of a person as an Ambassador and that recognition is a Prerogative Right of the King.

The King has also the right to make war and peace whenever he thinks fit to do so. This also is his Prerogative right.

The King possesses the power to make a treaty with any foreign nation. The treaty may be a political treaty or a commercial treaty. It is his Prerogative. The only limitation upon the King's Prerogative to make a treaty is that he must not in any manner affect the rights of his subjects given to them by law.

There are some questions that arise in connection with the question of the King's Prerogatives and which it would not be desirable to pass over without some consideration being bestowed upon them. The first question is this. What is the exact relation of the King's Prerogative to the authority of Parliament? The second question is what happens if the King becomes incapable of exercising his Prerogative or other Statutory rights?

Taking the first inquiry for consideration it is necessary to get a clear idea of what is exactly meant when it is said that it is the King's Prerogative to do this, that or other act. What is meant by this expression, that when the King acts on the authority of his Prerogative, he does not need the sanction of Parliament. His authority is inherent in him and is independent of Parliament. But while it is true that the Prerogative power of the King is inherent and independent of Parliament, it must not be supposed that it is on that account beyond the control of Parliament. On the other hand the Prerogative power of the King can be regulated, amended or abrogated by Parliament, so that the correct position would be that the King possesses Prerogative power so long as Parliament has not by law trenched upon it. A matter which was once a matter of Prerogative if subsequently regulated by law made by Parliament, then the King cannot resort to his Prerogative power, but must act within the law which has superseded the Prerogative. Therefore, so far as the first inquiry is concerned, the conclusion is that the King's Prerogative is a source of independent power to him so long as Parliament has not interfered with its existence.

What happens if the King becomes incapable of exercising his Prerogative and other Statutory rights. Now this is no idle inquiry because there are certain important duties which are attached to the Kingly office and the King may become incapable of discharging them. Four contingencies of incapacity may be visualised. *(1)* The King may be absent from his Kingdom. (2) The King may be a minor. (3) The King may be insane. (4) The King may be morally incapable.

The absence of the King from the Kingdom cannot raise any very great difficulty. Modern means of communication have annihilated distance and have facilitated quick dispatch. The King, therefore, could discharge his Kingly duties from a distance with expedition at any rate without delay. There is also the other possibility of the King delegating his powers to

somebody who could exercise them on his behalf when he is away.

Minority of the King cannot create any difficulty so far as the law is concerned. The law holds that the King is never an infant and is capable of transacting business even though he is a minor. A minor King, therefore, can exercise all his powers and discharge all his duties lawfully. Ordinarily if the reigning King is expected to die leaving an infant as his heir, Parliament always takes the precaution of appointing by law a regent. But this is by way of prudence and not by way of any requirement by law.

Insanity makes a hard case. The King cannot delegate his powers if he is insane. Parliament cannot pass a law, appointing a regent because the King being insane cannot give his assent to the Bill. There are two cases of English Monarchs having gone insane, while on the throne, Henry VI (1454) and George 111(1788). The procedure then adopted was a very crude one and certainly could be deemed to be strictly in conformity with the law of the Constitution, which requires the assent of all three elements which constitute Parliament.

The moral incapacity of the King is another hard case. Can the King resign supposing people do not want him? Can the King be deposed if he does not resign? There is no legal provision regulating the insanity or the moral incapacity of the King. Question of moral incapacity may not perhaps arise under the English Constitution owing to the development of responsible Government. But the question of insanity might.

Effect of the death of the King

1. On Parliament

The original rule was that Parliament was automatically dissolved by the death of the King. The Constitution and theory of which this was a consequence regarded members of Parliament as councillors of the King who summoned them. The tie of summons was regarded as a personal tie between the King who summoned and the members who assembled in return and that tie was broken by the death of the King. The members called by deceased King could not be on this account be called the councillors of the new King, and the King was entitled to call new councillors, which could happen only when the old Parliament was dissolved and the new King obtained an opportunity to call a new Parliament. This rule was first amended in

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/50. Lectures on the English Constitution.htm - _msocom_2* by 7-8 William III Chapter XV whereby it was provided that the existing Parliament was to work for six months after the death of the King if not sooner dissolved by his successor. Subsequently in the year 1867, (30, 31 Victoria, Chapter II 102), the rule was altogether

abrogated and the life of Parliament was made independent of the death of the king.

II. On the tenure of office

The original rule was that all executive officers were to vacate their offices on the death of the King, and for the same reasons whereby the death of the King resulted in the dissolution of Parliament. Here again the law has gradually altered the theory. The Succession to the Crown Act of 1707 extended the tenure of executive Officers to six months after the death of the King. By another Act passed in the year * the period was again extended and finally the Demise of the Crown Act of 1901 made the tenure of office independent of the death of the King.

IV
CHAPTER III
THE HOUSE OF LORDS

The House of Lords consists of three different classes of Peers. (1) Hereditary Peers of England and United Kingdom, (2) Representative Peers and (3) Peers by virtue of Office.

The first question that must be raised and answered in order to understand the Constitution of the House of Lords is this. What is the title of the Peers to sit in the House of Lords?

Peers of England and the United Kingdom

The title of the English Peers and the Peers of the United Kingdom is founded on the King's writ of summons addressed to each Peer individually to come and to attend Parliament. The English Peerage is created by the King by Letters Patent. No difficulty arises, therefore, with regard to persons holding Peerage by Letters Patent. The only question that arises is whether the King could create a Peerage for life. This was at one time a matter of controversy and the controversy was whether a life-Peer created by the King entitles the Peer to sit in the House of Lords. But the issue was decided finally in the Weynesdale Peerage case in 1856 in which two things were decided. (1) That the King had the right to create any class of life-peer or hereditary but (2) the life-Peer cannot sit as a member of the House of the Lords and the King could not send such a Peer a writ of summons. The reason assigned was that the hereditary character of the Peerage was by custom, if not by law, an integral feature of the Peerage and the King while entitled to exercise his right to create a Peerage was not entitled to abrogate the custom.

What about the right of the Peers whose Peerage was not created by

Letters Patent? Their right also was founded upon the King's writ of summons.

Two questions, however, were long agitated with regard to the writ of summons to such Peers. Could every Peer claim the writ of Summons? Was the King free to address or not to address the summons to any Peer? On behalf of the Peers it was contended that only Peers who held their Peerage by what is called tenure by Barony were entitled to summons and that no other Peer was entitled to summons, nor was the King free to address the summons to a Peer who fell outside that class. On the other hand it was contended on behalf of the King that the writ was not a special privilege confined to Peers by Barony nor was there any limitation upon the King's right to address the summons to the Peers. The controversy was in the long run settled and two rules can now be laid down as rules governing the right to writ by Peers whose Peerage is not evidenced by Letters Patent.

(1) Tenure by Barony is no ground for a claim to a writ from the King.

(2) The King was bound to summon by a writ to sit in the House of Lords a descendant of a person, who had received a writ and taken his seat in that House in. accordance therewith. In other words the descendant of a person, however distant and whatever the break in the interval, who can be proved to have received a writ from the King can claim a similar writ by a hereditary right. The English Peerage, therefore, is a hereditary Peerage and all hereditary English Peers are, therefore, entitled by their hereditary right to a writ of summons from the king and be members of the House of Lords.

(3) Although the right is a hereditary right it is subject to two rules, (1) The rule of Primogeniture and (2) The rule of male descendant.

Representative Peers

The representative peers fall into two classes. Representative Peers of Scotland and representative Peers of Ireland. The title of the representative Peers of Scotland is founded on the treaty of Union between England and Scotland which took place in 1707 and which made them into a Common Kingdom under a Common King and was called the United Kingdom of Great Britain. Prior to its Union with England, Scotland had its own Peerage with its hereditary right to sit. The Union of Ireland with Great Britain took place in 1800. As in the case of Scotland, Ireland has also its own Peerage with hereditary right to sit in the old Irish Parliament. On the amalgamation of Ireland and Scotland by their respective treaties of Union with England, the question arose as to how much representation was to be allowed to the old Scottish and Irish Peers in the new Parliament of Great

Britain and Ireland. The English Peers claimed for every one of themselves the right to sit in the new Parliament. The Scottish and the Irish Peers claimed similar right for every member of their own class.

In the settlement that was arrived at, it was agreed (1) that the English Peers should be allowed each to sit in the new Parliament. (2) The Scottish Peers were allowed to elect sixteen (16) out of their number as their representatives in the new Parliament. (3) The Irish Peers were allowed to elect 28 out of their number. The Scottish Peers are elected for the duration of a single Parliament., When Parliament is dissolved, there takes place a new election of the 16 representative Scottish Peers by the Peers of Scotland. The Irish representative Peers on the other hand are elected for their lives, and there is no new election of Irish Peers when Parliament is dissolved. A new election takes place only when a vacancy takes place in the representative Irish Peers by death or by any other disqualifying cause.

In addition to these three ancient territorial Peerages existing from before the time of the Union, there has been created a fourth category of Peerage known as the Peers of the United Kingdom with a right to sit in the House of Lords. Such a Peerage could be conferred by the King even on a Scottish Peer or an Irish Peer in which case if the Peerage is hereditary, the holder would be entitled to sit in the House of Lords notwithstanding of the treaties of Union with Ireland and Scotland.

Peers by virtue of Office

The Peers who sit in the House of Lords by virtue of office fell into two divisions (1) The Lords spiritual and (2) the Lords of appeal in ordinary. By law twenty-six, officials of the Church are entitled to sit in the house of Lords. Of these, the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester have the right to sit in the House of Lords as Lords Spiritual. Of the remaining 21 spiritual Peers, 21 diocesan Bishops in order of seniority of appointment have a right to sit in the House of Lords. So when one of the 21 Bishops dies or resigns, his place in the House of Lords is taken not by his successor but by the next senior diocesan Bishop.

The Lords of Appeal in ordinary

The House of Lords, besides being a Legislative Assembly, is also a Court of Judicature. It is for most purposes, the final and the highest Court of Appeal from the King's Courts in England, Scotland and Ireland. This judicial function being the function of the House of Lords as such, there is nothing to prevent any Peer of Parliament from taking part in the decisions of any appeal that would be brought before the House in its judicial

capacity. The House of Lords in the main is a body of lay Peers not versed in the intricacies of law and not possessing any legal training. To allow such a body to permit to discharge the functions of the highest Judiciary involved a great danger to the cause of justice. It was, however, not possible to take away this jurisdiction from the House of Lords altogether. As a compromise, the Act of 1876 called the Appellate Jurisdiction Act was passed. It retained the Jurisdiction of the House of Lords as the final Court of Appeal but provided that no appeal should be heard and determined by the House of Lords unless there were present at such hearing and determination at least three Lords of Appeal. The Lords of Appeal consist of (1) The Lord Chancellor for the time being, (2) such sitting Lords in the House as have held high judicial office and (3) the Lords of Appeal inordinary, appointed by the King.

The Appellate Jurisdiction Act of 1876 which gave the power to the Crown to appoint Lords of Appeal inordinary to sit in the House of Lords, made the tenure of those Lords of Appeal as Peers dependent on the continuance of his discharge of his judicial functions as a Lord of Appeal. In 1887, however, this was altered and the tenure of a Lord of Appeal in ordinary is now a life tenure.

Having stated the composition of the House of Lords, we may next proceed to consider certain questions that arrive in connection therewith. The first is this. What is the title of the Peers to sit in the House of Lords? The title of the Peers to sit in the House of Lords is not founded upon election by a Constituency as is the case with the members of the House of Commons. Their title is founded by a writ of summons addressed to each Peer individually to come and attend Parliament. It is a kind of nomination by the King although the power to nominate is strictly regulated and does not leave any discretion in the King to revoke and alter the course of nominations from Parliament to Parliament

While the right of the Peer is founded on the writ of summons issued by the King, there are certain restrictions on the King's right to summon Peers. An Alien Peer that is a Peer who is not a British subject cannot be summoned to sit in Parliament.

A second question that must also be considered relates to the admissibility and divesting by the Peer of his title. A Peerage is a non-transferrable dignity and the title to it cannot be transferred by sale or by gift to another. It can be claimed by another only by inheritance in accordance with the rules of heritage. Similarly a Peer cannot surrender his title and cease to be a Peer. The principle which govern the Peerage is, once a Peer always a Peer.

A third question must relate to the difference between Peerage and the House of Lords. Popularly the expression Peers of the Realm and the House of Lords are used synonymously. Legally speaking there is a difference between the two. A person may be a Peer of the Realm and yet not be a member of the House of Lords. The case of a life-Peer is an illustration in point. A life-Peer is a Peer of the Realm and yet he cannot be a member of the House of Lords, because of the rule that the Peer who is a Peer otherwise than by virtue of office must be a hereditary Peer in order that he may get a right to sit in the House of Lords. Contrariwise, a person may be a member of the House of Lords, although he is not a hereditary Peer. The case of the spiritual Lords and the Lords of Appeal inordinary is an illustration in point. The Archbishops and Bishops as also the Lords of Appeal inordinary are entitled to writ of summons from the King to the House of Lords, the former while they hold their offices and the latter during their life-time. Yet they are not Peers in the legal sense of the term inasmuch as Peerage connotes a hereditary right.

V

THE POWERS AND PRIVILEGES OF THE LORDS AND THE COMMONS

Both Houses of Parliament enjoy certain privileges in their collective capacity as constituent parts of Parliament and which are necessary for the support of their authority and for the proper exercise of their functions. Besides the privileges enjoyed collectively as members of the two Houses of Parliament, there are other privileges enjoyed by members in their individual capacity and which are intended to protect their person and secure their independence and dignity.

SECTION I

(1) PRIVILEGES OF PARLIAMENT

(1) Privileges of the House of Commons.—The right to exclude strangers and to debate within closed doors is one of the privileges claimed by the House of Commons. The origin of this privilege lies in the existence of two different circumstances. One circumstance related to the seating arrangements for members in the House of Commons, which was so defective that strangers and members of Parliament were often mixed together. The result was that the strangers were often counted along with the members in divisions. To prevent this, the House claimed the right to exclude strangers. The second circumstance related to the system of espionage practised by the King over members of the House of Commons. In those days, as reporting of the speeches by the members in the House had not become systematic the King was anxious to know who were his

friends and who were his enemies, employed spies, whose duty it was to report to the King the speeches made by members on the floor of the House. This was followed by intimidation of the members by the King or by other acts of displeasure, which had the effect of curtailing the independence of the members. And the only way by which the House could protect itself against the system of espionage practised by the King was to claim the right to exclude strangers.

Under this privilege it did not follow that strangers could not enter the House and listen to the debates. As a matter of fact, they did enter and listen to the debates. The effect of the privilege was that if a member took notice of their presence, the Speaker was obliged to order them to withdraw. This worked inconveniently because the objection of one member to the presence of strangers was enough to compel the Speaker to order them to withdraw. In 1875, therefore, the rule was altered by are solution of the House, which prescribed that if any member took notice of the presence of the strangers or to use technical language rose to address the Speaker"Sir, I spy strangers", the Speaker shall forthwith put the question that strangers be ordered to withdraw without permitting debate or amendment and take the sense of the House and act accordingly. This resolution while retaining the privilege of excluding strangers, makes its exercise subject to the wishes of the majority of the House, and not to the caprice of an individual member. The rule, however, gives the Speaker the power to order the withdrawal of strangers at any time on his own initiative and without a motion from any member of the House.

The House of Commons claims the privilege of secrecy of debates and have the right to prohibit the publication of their debates and their proceedings. In 1771, an incident occurred which put the privilege beyond debate. A certain printer who resided in the city of London printed the debates of the Commons without their permit. The Commons, having taken offence at this breach of their privilege, sent a messenger under the authority of the Speaker to arrest the printer. The printer in his turn handed over the messenger of the House of Commons to the custody of a constable for assaulting him in his own house. In the criminal proceedings that took place, the Mayor and the two aldermen of the city of London who constituted the bench held that the warrant of arrest issued by the House of Commons was not operative within the city on account of its charter and committed the messenger of the Commons though they left him out on bail. The Commons sent for the Mayor and the aldermen who constituted the bench and their clerk who recorded the recognisance of the messenger in his book. They erased from the book the entry relating

to the messenger's recognisance by tearing the page and committed the Mayor and the aldermen to the Tower of London for challenging the authority of the Warrant. Since then no one has ventured to offend against the privilege of the Commons relating to the secrecy of debates. The reports of the debates which one sees today are made on sufferance and published on sufferance, and they could be prohibited any time by the order of the House in that behalf. This was done on some occasions during the last war when many subjects were discussed on the floor of the House in secrecy without any reports being published of the debates.

Another privilege which the House of Commons claims is the right to provide for the proper Constitution of the House. Under this privilege, falls the consideration of three distinct questions.

(1) **Filling of Vacancies.**—While the holding of a general election for the summoning of a new Parliament is a Prerogative of the King, the filling up of vacancies during the continuance of a Parliament is a privilege of the House of Commons. Consequently, when a vacancy occurs, the writ for the return of a member to supply the vacancy is issued on a warrant by the Speaker in pursuance of an order by the House and not in pursuance of an order from the King. If Parliament is not sitting when the vacancy occurs, the Speaker is authorised to issue the writ subject to certain conditions.

The second question that falls within this privilege is the determination of disputed elections. This question formed for a long time a bone of contention between the King on the one hand and the Commons on the other. Each party claimed the right for itself to the exclusion of the other. Originally the writ issued to a constituency for an election was returned to Parliament, thereby recognizing the right of the Commons to fill a vacancy in that particular constituency. Since the reign of Henry IV, it was returned to Chancery, thereby recognizing the right of the King to fill the vacancy. The matter thus alternated till 1604 when the Commons insisted that the right was theirs and a quarrel arose between them and James 1. In that year, the King James I issued a proclamation directing that no bankrupt or outlaw be elected to Parliament. The County of Bucks elected one Mr. Goodwin. He was an outlaw and the King declared his election void and issued another writ. And Mr. Fortesque was returned. The Commons on their own motion resolved that notwithstanding the avoidance of his election by the King, Mr. Goodwin was duly elected a member of the House. The King on the other hand claimed the right to determine the issue. At a conference held between the King, the Lords and the Commons, the Lords advised the King to accept defeat and recognise the right of the Commons. The trial of disputed elections by the House

became a source of trouble to the House and anxiety to the candidates because all such trials became matters of party politics and in 1868 the House was pleased by law to leave the adjudication of disputed elections to the Court of Law.

The third right which falls within the purview of this privilege is the right of the House to expel a member who has behaved in a manner which would render him unfit to sit in the House. Expulsion is not a disqualification and the member expelled may be again elected. It must be borne in mind that the right to be elected does not carry with it the right to sit. To be elected is a favour derived from the electors. To be allowed to sit is a favour within the competence of the House and cases have occurred in which persons have been duly elected to the House of Commons but who have not been able to take their seats in the House. The case of Wilkes is an illustration in point. Wilkes was elected four times in succession by the County of Middlesex and on all the four times, he was refused by the House a seat. The next important privilege claimed by the House of Commons is the right to exclusive cognisance of matters arising within the House. Under this privilege, the House has the exclusive right to regulate its internal proceedings and concerns and the mode and manner of carrying on its business and that no Court could take cognisance of that, which passes within its walls. The nature and extent of this privilege are well-illustrated by the case of *Bradlaugh* vs. *Gosset*. The facts of this case are simple. On the 3rd of May 1880, Mr. Bradlaugh, who was elected a member from Northampton claimed to make the affirmation instead of the oath as he was an atheist. A Committee of the House of Commons reported that affirmation was confined to proceedings in a Court of Law and that the members of Parliament could not resort to it. Oath was the only thing that was open to them. After this report, Mr. Bradlaugh came to the Speaker's table to take the oath. The house, however, objected on the ground that it would not be binding upon his conscience, and that it would be a mere formality. Another Committee was appointed to report whether Mr. Bradlaugh should be permitted to take the Oath. The Committee reported that he should not be permitted to take the oath but recommended that he should be allowed to affirm subject to its legality being tested in a Court of Law. In accordance with this, a motion was made to allow Mr. Bradlaugh to affirm to which an amendment was made disallowing him either to affirm or to take oath. Bradlaugh, however, insisted upon his right to take the oath, but the Speaker asked him to withdraw. He refused and the sergeant was asked to remove Mr. Bradlaugh. A scuffle ensued between Mr. Cosset, the sergeant and Mr.

Bradlaugh in which Mr. Bradlaugh was very badly injured. A standing order was passed allowing affirmation. Mr. Bradlaugh affirmed but the Court declared that affirmation was not permissible to a member of Parliament. His seat was thereafter vacated. Re-elected again in 1881, the same scene was repeated. Whenever he came to the table to take the oath, the House resolved that he be not allowed to do so. On one occasion by the direction of the Speaker, Mr. Bradlaugh was conducted by Sergeant Gosset beyond the precise of the House and subsequently expelled. Bradlaugh brought an action against Gosset in the Queen's bench division for an injunction to restrain Gosset from using force to prevent his taking the oath.. The House made the usual order for the defence of the sergeant. The Queen's bench division refused relief to Mr. Bradlaugh on the ground that the order under which Gosset acted related to the procedure of the House and that the Court had no power to interfere in such a matter.

The House of Commons claims the privilege to protect its dignity and authority. It would be in vain to attempt any enumeration of the acts which might be construed by the House as an insult or an affront to its dignity. But certain principles may be laid down:

(1) Disobedience of any of the orders or rules which regulate the proceedings of the House is a breach of the privilege. Publication of debates contrary to the resolution of the House, wilful misrepresentation of the debates, publication of evidence taken before a select Committee until it has been reported to the House are examples of the breach of this rule.

(2) Disobedience to particular orders. Resolutions are agreed to at the beginning of each session which declare that the House will proceed with the utmost severity against persons who tamper with. witnesses in respect of evidence to be given to the House or to any Committee thereof, who endeavour to deter or hinder persons from appearing or giving evidence and who give false evidence before the House on any Committee thereof, would be guilty of breach of privilege by reason of disobedience to particular orders.

(3) Indignities offered to the character or proceedings of Parliament or upon the honour of the House by libellous reflections would be a breach of the privilege. It is not to be supposed that only members of the public can be held guilty for a breach of privilege under this rule. Even members of Parliament could be made punishable if they commit the breach of this rule. In 1819, Mr. Hobhouse, who was an M. P., denounced the resistance offered by the House of Parliamentary Reforms, in a pamphlet which he published anonymously. After his

having acknowledged himself as the author of the pamphlet, the House held him guilty of the breach of privilege. In 1838, another instance occurred when Mr. Ocomed an M.P. at a public meeting laid a charge of foul perjury against members of the House in the discharge of their judicial duties in election committees.

(4) Interference with the members of the House in the discharge of their duties as members of the House.

It is an infringement of the privilege of the House to assault, insult or menace any member of the House in his coming or going from the House or on account of his behaviour in Parliament or to endeavour to compel members by force to declare themselves in favour of or against any proposition then pending or expected to be before the House or bribing members of parliament to vote in a particular manner.

SECTION II

PRIVILEGES OF INDIVIDUAL MEMBERS

(1) *Freedom from arrest.*—This privilege guarantees freedom from arrest for members during the continuance of the session and 40 days before the commencement and after its conclusion. Originally this privilege was not only enjoyed by members but also extended to their servants and their estates. It is now restricted to members only and that too to their persons.

(2) *Freedom of speech.*—The statute of William and Mary S2 C2 enacts that members shall enjoy complete freedom of speech in Parliamentary debates and proceedings and that nothing said by them shall be questioned or impeached in any Court or place out of Parliament.

SECTION III

METHODS OF PUNISHING BREACHES OF PRIVILEGE

There are five different ways in which the House can punish persons who are guilty of a breach of privilege. Incases of breach of privilege which are not grave, the House may release a person arrested for breach of privilege on mere admonition if he is prepared to tender apology. Or secondly, may release him on a reprimand. In cases of a grave character, the House can commit him to prison or inflict a fine or expel him. It is obvious that the last form of punishment namely, expulsion, can apply only to members of parliament who are guilty of a breach of privilege.

SECTION IV

PRIVILEGES OF THE HOUSE OF LORDS

The privileges of the House of Lords are more or less the same as those

of the Commons. It is, therefore, unnecessary to discuss them separately in detail. There is only one point of difference between the privileges of the Lords and the Commons which need to be mentioned and which relates to the source of their privileges. The privileges of the Commons are a gift from the King. They have to be claimed by the Speaker in the name of the Commons in the beginning of every newly elected Parliament. The privileges of the Lords belong to them in their own right. They are not derived from the King.

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SECTION V
OFFICERS OF THE HOUSE

The House of Lords and the House of Commons possess certain Officers for the general conduct of their business and for the enforcement of their privileges. For the sake of clarity it might be desirable to discuss the status and the functions of the Officers of the two Houses separately.

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SECTION VI
THE HOUSE OF COMMONS

(1) (1) **The Speaker.**—The Speaker is now elected by the House of Commons at its first meeting after the general election and continues to hold the place till the life-time of the Parliament unless removed from Office by a resolution. Originally the King claimed and exercised a virtual right of selection. In 1679, there arose a conflict between the Charles II and the newly elected House of Commons on the right to choose the Speaker. The Commons chose Sir Edward Sey Mour and the King declined to accept him. The King suggested his own nominee to the Commons and the Commons in their turn refused to have him. Eventually a compromise was arrived at, and another person who was an independent choice of the Commons was adopted by them as their Speaker. To him the King raised no objection. From this time onward, the right of the Commons to chose their own Speaker was not contested by the Crown.

SECTION VII
THE FUNCTIONS OF THE SPEAKER

The Speaker of the House of Commons functions in three distinct capacities. As the Spokesman and representative of the House he performs the following duties.—

(1) He demands its privileges and communicates its resolutions of thanks, ensures admonitions and reprimands.

(2) He issues warrants of commitments whenever a person is punished *for* breach of privilege. He issues warrants for attendance at the bar for being rebuked or sentenced by the House or for any other purpose as provided for in the order of the House.

(3) He issues writs for filling up vacancies.—The Parliament Act of 1911 has imposed upon the Speaker a new function which did not belong to him before. Under the Act, he the functions as ajudicial officer and in that capacity he has to certify whether any particular bill is a money-bill or not.

The Speaker is also the Chairman of the House whenever the House meets to carry on its business. In his capacity as a Chairman he is required:

(1) To maintain order in debates.

(2) To decide questions upon points of order.

(3) To put the question under discussion to the House.

(4) To declare the determination of the House on the question.

SECTION VIII
OFFICERS UNDER THE SPEAKER

There are two Officers under the Speaker of the House of Commons. One is called the clerk of the House of Commons and the other is called the Sergeant at arms. The duty of the clerk of the Commons is to maintain a record of the proceedings of the House. He maintains what is called the journal of the House of Commons in which are noted all matters brought before the House and discusses by it in their order from day-to-day.

The Sergeant at arms is a sort of a Police Officer whose duty is to enforce the orders of the House and the Speaker in relation to internal order and to breach of privilege.

THE HOUSE OF LORDS

The Speaker.—The Speaker of the House of Lords is not an elected person and the House of Lords has no right to elect its own Speaker. The Speaker of the House of Lords is by prescription the Lord Chancellor or the Lord Keeper of the Great Seal, who can act as Speaker in the absence of the Lord Chancellor. In their absence the place is taken by any one of the Deputy-Speakers of whom there are always several appointed by the King's Commission and if they should all be absent, the Lords elect a Speaker for the time being. The Speaker of the House of Lords need not necessarily be a Peer, and that office may be discharged by a commoner and has been so discharged when a commoner happened to be the Lord Keeper of the Great Seal or when the Great Seal was in commission. It is

singular that the President of this deliberative body is not necessarily a member of it, and the Woolsack on which the Speaker sits is treated as being outside the limits of the House of Lords, so as to permit the office being discharged by a person who is not a member of the House.

THE DUTIES OF THE SPEAKER IN THE LORDS

The position of the Speaker of the House of Lords is totally different from the position of the Speaker of the House of Commons. There is nothing common between them as far as their authority and function is concerned except that both are Chairmen of a deliberative assembly. But so far as their function and authority is concerned, their position is fundamentally different. This is clear from standing order No. 20 which defines the duties of the Lord Chancellor as a Speaker of the House of Lords. The standing order says :"The Lord Chancellor when he speaks to the House is always to speak uncovered and is not to adjourn the House or to do anything else as mouth of the House, without the consent of the Lords first had, except the ordinary thing about bills which are of course wherein the Lords may likewise overrule, as for preferring one bill before another and such like, and in case of difference among the Lords, it is to be put to the question, and if the Lord Chancellor speak to anything particularly, he is to go to his own place as a Peer"and be it noted that the place of the Lord Chancellor if he is a Peer is to the left of the Chamber. It is clear from the standing order how limited is the authority of the Speaker in the Lords.

(1) In the enforcement of rules for maintaining order the Speaker of the House of Lords has no more authority than any other Peer.

(2) He cannot decide points of order as is done by the Speaker of the House of Commons. If he is a Peer he may address the House on any point of order raised. But the decision on it is the decision of the Majority of the House.

(3) Owing to the limited authority of the Speaker in the Lords in directing the proceedings of the House, the right of a Peer to address the House depends not upon him as it does in the House of Commons but depends solely upon the will of the House. When two Peers rise at the same time, unless one immediately gives way to the other, the House calls upon one of them to speak and if each is supported by a party, there is no alternative but division. The issue is not decided by the Speaker, as is done in the House of Commons.

The result of his imperfect powers is that a Peer who is disorderly is called to order by another Peer perhaps of an opposite party and that an

irregular argument is liable to ensue in which case, each last Speaker imputes disorder to his predecessor and recrimination takes the place of an orderly debate with the Lord Chancellor sitting but powerless to intervene, as his power is limited to the putting of questions and carrying on other formal business.

OTHER OFFICERS

There are three other officers under the Lord Chancellor as Speaker of the House of Lords.

(1) **The clerk of the Parliament.**—His duties are similar to those of the clerk of the House of Commons, namely, to keep the record of the proceedings and judgements of the House, of Lords in a journal.

(2) **The Gentleman Usher of the Black rod,** whose duties are analogous to those of the Sergeant at arms in the House of Commons. He does the policing of the House.

(3) **The Sergeant at arms** is the attendant on the Lord Chancellor.

MAHARASHTRA AS A LINGUISTIC PROVINCE

Statement submitted to the Linguistic Provinces Commission
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NOTE

The figures quoted in this memorandum have been taken from various books and pamphlets written by various writers on the subject of reconstituting Maharashtra on a linguistic basis. I rely upon the writers for their accuracy. Similarly, the map of Maharashtra attached to this Memorandum need not be taken as accurate or complete. The idea is merely to give a picture of how the Province when reconstituted will look like.

B. R. Ambedkar.
14-10-48

PART I

THE PROBLEM OF LINGUISTIC PROVINCES

1.The question of Linguistic Provinces has not only led to a great deal of controversy born out of party prejudices and party interests but it has led to a difference of opinion as to the merits thereof. The points of controversy relate to claims and counter-claims as between contiguous Provinces to territories as well as to the terms of their inclusion. I shall deal with them at a later stage in so far as they relate to the creation of the Maharashtra Province. I shall first take up the question of the merits of the

proposal for Linguistic Provinces.

Purposes behind the demand for Linguistic Provinces

2. What is the purpose which lies behind the demand for Linguistic Provinces? The generality of those who advocate the creation of Linguistic Provinces do so because they believe that the Provinces have different languages and cultures. They should therefore have the fullest scope to develop their languages and their cultures. In other words, the Provinces have all the elements of a distinct nationality and they should be allowed the freedom to grow to their fullest in nationhood.

Difficulties arising out of Linguistic Provinces

3. In discussing the question of creating such Linguistic Provinces it would be very short-sighted to omit from one's consideration the fact that the structure of Government of India of the future is to be cast in a dual form: (a) a Central Government and (b) a number of Provincial Governments inextricably inter-linked and inter-woven in the discharge of their respective Legislative, Executive and Administrative functions. Before one could agree to the creation of Linguistic Provinces, one must, therefore, consider the effects which Linguistic Provinces would have on the working of the Central Government.

4. Among the many effects that may be envisaged, the following are obvious:

(1) Linguistic Provinces will result in creating as many nations as there are groups with pride in their race, language arid literature. The Central Legislature will be a League of Nations and the Central Executive may become a meeting of separate and solidified nations filled with the consciousness of their being separate in culture and therefore in interests. They may develop the mentality of political insubordination, i.e., refusal to obey the majority or of staging walk-outs. The development of such a mentality is not to be altogether discounted. If such a mentality grows it may easily make the working of the Central Government impossible.

(2) The creation of Linguistic Provinces would be fatal to the maintenance of the necessary administrative relations between the Centre and the Provinces. If each Province adopts its own language as its official language the Central Government will have to correspond in as many official languages as there are Linguistic Provinces. This must be accepted as an impossible task. How great a deadlock Linguistic Provinces will create in the working of the Governmental machine can be better understood by studying the effects of Linguistic Provinces on the Judiciary. In the new set-up, each Province will have a High Court with a series of subordinate

courts below it. At the apex of these High Courts will be the Supreme Court with the right to hear appeals against the decisions of the High Courts. On the basis of Linguistic Provinces, Courts of each Province including its High Court will conduct their proceedings in the language of the Province. What is the Supreme Court to do when its jurisdiction is invoked for rectifying a wrong done by the High Court? The Supreme Court will have to close down. For, if it is to function — every judge of the Supreme Court — I am omitting for the moment (he lawyers practising therein — must know the language of every Province—which it is impossible to provide for.

No one can contemplate such a situation with equanimity. It may lead to a break-up of India. Instead of remaining united, India may end in becoming Europe — faced with the prospect of chaos and disorder.

Advantages from Linguistic Provinces

5. While it is true that the proposal of Linguistic Provinces creates a problem which goes to the very root of the matter — inasmuch as it affects the unity of India—there can be no doubt that the reconstruction of Provinces on linguistic basis has certain definite political advantages.

6. The main advantage of the scheme of Linguistic Provinces which appeals to me quite strongly is that Linguistic Provinces would make democracy work better than it would in mixed Provinces. A Linguistic Province produces what democracy needs, namely, social homogeneity. Now the homogeneity of a people depends upon their having a belief in a common origin, in the possession of a common language and literature, in their pride in a common historic tradition, community of social customs, etc. is a proposition which no student of sociology can dispute. The absence of a social homogeneity in a State creates a dangerous situation especially where such a State is raised on a democratic structure. History shows that democracy cannot work in a State where the population is not homogeneous. In a heterogeneous population divided into groups which are hostile and anti-social towards one another the working of democracy is bound to give rise to cases of discrimination, neglect, partiality, suppression of the interests of one group at the hands of another group which happens to capture political power. The reason why in an heterogeneous society, democracy cannot succeed is because power instead of being used *impartially* and *on merits* and for the benefit of all is used for the aggrandisement of one group and to the detriment of another. On the other hand, a state which is homogeneous in its population can work for the true ends of democracy, for there are no artificial barriers or social antipathies which lead to the misuse of political power.

7. It follows that if democracy is to function properly the subjects of the State must be so distributed as to form a single homogeneous group. The constitution for the Provinces of India which is on the anvil is designed for a democratic form of Government. It follows that each Province must be homogeneous in its population if democracy in the Province is to be successful. This is simply another way of saying that each Province must be a linguistic unit if it is to be fitted to work a democratic constitution. Herein lies the justification for Linguistic Provinces.

Can the creation of Linguistic Provinces be postponed?

8. Can the solution of this problem be postponed? In this connection, I would like to place before the Commission the following considerations :

(i) There is nothing new in the demand for Linguistic Provinces. Six Provinces (1) East Punjab, (2) United Provinces, (3) Bihar, (4) West Bengal, (5) Assam and (6) Orissa already exist as Linguistic Provinces. The Provinces which are clamouring for being reconstituted on linguistic basis are: (1) Bombay, (2) Madras and (3) Central Provinces. When the principle of Linguistic Provinces is accepted in the case of six Provinces, the other Provinces which are asking the same principle to be applied to them, cannot be asked to wait indefinitely:

(ii) The situation in the Non-Linguistic Provinces has become exasperating if not dangerous and is in no way different from the situation as it existed in the old Turkish Empire or in the old Austro-Hungarian Empire.

(iii) The demand for Linguistic Provinces is an explosive force of the same character which was responsible for blowing up the old Turkish Empire or Austro-Hungarian Empire. It is better not to allow it to get too hot when it may become difficult to prevent an explosion.

(iv) So long as the Provinces were not democratic in their constitutions and so long as they did not possess the widest sovereign powers which the new constitution gives them the urgency of Linguistic Provinces was not very great. But with the new constitution, the problem has become very urgent.

The solution of the difficulties

9. If the problem must be dealt with immediately what is to be the solution? As has already been pointed out, the solution must satisfy two conditions. While accepting the principle of Linguistic Provinces it must provide against the break-up of India's unity. My solution of the problem therefore is that, while accepting the demand for the re-constitution of Provinces on linguistic basis, the constitution should provide that the

official language of every Province shall be the same as the official language of the Central Government. It is only on that footing that I am prepared to accept the demand for Linguistic Provinces.

10. l am aware of the fact that my suggestion runs counter to the conception of Linguistic Provinces which is in vogue. It is that the language of the Province shall be its official language. I have no objection to Linguistic Provinces. But I have the strongest objection to the language of the Province being made its official language where it happens to be different from the official language of the Centre. My objection is based on the following considerations:

(1) The idea of having a Linguistic Province has nothing to do with the question of what should be its official language. By a Linguistic Province, I mean a Province which by the social composition of its population is homogeneous and therefore more suited for the realisation of those social ends which a democratic Government must fulfil. In my view, a Linguistic Province has nothing to do with the language of the Province. In the scheme of Linguistic Provinces, language has necessarily to play its part. But its part can be limited to the creation of the Province, i.e., for demarcation of the boundaries of the Province. There is no categorical imperative in the scheme of Linguistic Provinces which compels us to make the language of the Province its official language. Nor is it necessary, for sustaining the cultural unity of the Province, *to* make the language of the Province its official language. For, the cultural unity of the Province, which already exists, is capable of being sustained by factors other than language such as common historic tradition, community of social customs, etc. To sustain Provincial cultural unity which already exists it does not require the use of the Provincial language for official purposes. Fortunately for the Provincialists there is no fear of a Maharashtrian not remaining a Maharashtrian because he spoke any other language. So also there is no fear of a Tamilian or an Andhra or a Bengali ceasing to be a Tamilian, Andhra or Bengali if he spoke any other language than his own mother-tongue.

(2) The out-and-out advocates of Linguistic Provinces would no doubt protest that they have no intention of converting the Provinces into separate nations. Their *bona fides* need not be doubted. At the same time, it often happens that things do take a shape which their authors never intended. It is therefore absolutely necessary to take from the very beginning every step to prevent things taking an evil shape in course of time. There is therefore nothing wrong if the loosening of the ties in one direction is accompanied by their being tightened up in another direction.

(3) We must not allow the Provincial language to become its official language eve"if it was natural that the Provincial language should be the official language of the Province. There is no danger in creating Linguistic Provinces. Danger lies in creating Linguistic Provinces with the language of each Province as its official language. The latter would lead to the creation of Provincial nationalities. For the use of the Provincial languages as official languages would lead Provincial cultures to be isolated crystallised, hardened and solidified. It would *be* fatal to allow this to happen. To allow this is to allow the Provinces to become independent nations, separate in everything and thus open the road to the ruination of United India. In Linguistic Provinces without the language of the Province being made its official language the Provincial culture would remain fluid with a channel open for give and take. Under no circumstances, we must allow the Linguistic Provinces to make their Provincial languages their official languages.

11. The imposition of an All-India official language on a Linguistic Province which may happen to be different from the language of the Province cannot come in the way of maintaining Provincial culture. Official language will be used only in the field occupied by Government. The nonofficial field or what may be the purely cultural field will still remain open to the Provincial language to play its part. There may be a healthy competition between the official and non-official language. One may try to oust the other. If the official language succeeds in ousting the non-official language from the cultural field, nothing like it. If it fails, there cannot be much harm. Such a position cannot be said to be intolerable. It is no more intolerable than the present position in which we have English as the official language and the Provincial language as its non-official language. The only difference is that the official language will not be English but some other.

The requirements of a satisfactory solution

12. I am aware of the fact that my solution is not an ideal solution. It makes working of the constitution in the Provinces on democratic lines possible. But it does not make possible the democratic working of the constitution at the Centre. That is because mere linguistic unity, i.e., the facility to speak a common language does not ensure homogeneity which is the result of many other factors. As stated before, the representatives selected by the Provinces to the Central Legislature will remain what they are, namely, Bengalis, Tamilians, Andhras, Maharashtrians, etc., even though they may be speaking the official language of the Centre and not their mother-tongue. But an ideal solution which can be put into effect

immediately, I cannot see. We must be content with the next best. The only thing we must be sure about is that the solution we adopt immediately must satisfy two conditions:

(i) It must be the very next best to the ideal; and (ii) It must be capable of developing itself into the ideal.

Judged in the light of these considerations, I venture to say that the solution which I have suggested satisfies these two conditions.

PART II
WILL MAHARASHTRA BE A VIABLE PROVINCE?

Tests of Viability

13. Coming to the specific question of Maharashtra Province it is necessary to be satisfied that it will be a viable Province. For being declared a viable Province, a Province must satisfy certain tests. It must be of a certain size, it must have a certain volume of population and a commensurate amount of revenue. A Province must not only be self-supporting—which any Province can be by choosing to live on a lower plane—but it must have sufficient revenue to provide for a minimum standard of administration required by efficiency and the needs of social welfare. **Is Maharashtra Viable?**

14. Does the Province of Maharashtra satisfy these tests? The following are the figures which show the size and population of the Maharashtra Province as constituted on a linguistic basis :

Territory	Area in square miles	Total Population of the territory	Total Marathi speaking population of the territory	Percentage of Marathi speaking population to total population
Twelve districts of the Bombay Presidency	47284	12913544	10045100	77.8
Eight Districts of C.P. and Berar	36865	7020694	5388300	76.7

Total	84151	19934238	15433400	77.4
States within Bombay Presidency	11314	2720207	2120700	77.9
Marathi speaking Districts of Hyderabad State	22766	4249272	3299300	77.6
Goa	1534	580000	520000	89.6
State of Bastar	13701	633888	212300	33.5
Total	49315	8183367	6142300	---
GRAND TOTAL	133466	28117605	21585700	76.8

Area and population of Maharashtra

15. The above table gives figures for the Maharashtra Province *in* its two forms (1) abridged and (2) unabridged. In its unabridged form which means if all the area occupied by the Marathi-speaking people was constituted in one single Province the area and the population of Maharashtra will be 1,33,466 square miles with a population of 2,15,85,700. In its abridged form which means that if the area and population of the Marathi-speaking people comprised within the States was for the moment omitted, even then the proposed Maharashtra Province would comprise an area of 84,151 square miles with a population of 1,54,33,400.

Revenue of Maharashtra

16. Turning to the revenue side of the Province, it has been estimated that the total annual revenue at the existing rate of taxation which will accrue to the abridged Maharashtra Province will be approximately Rs. 25,61,51.000.

Comparison of Maharashtra with other Provinces

17. Some comparisons are necessary to get an idea if a Province of this

size, with this population and with so much revenue will be viable. For this, I give below figures of the first or the biggest and the forty-seventh or the smallest states within the U.S.A. in order of their size and population :

States	Area in Square Miles
1st Texas	2,67,339
47th Delaware	2,057
States	Population
1st New York	1,26,32,890
47th Wyoming	2,57,108

18. It is obvious that Maharashtra whether one takes its abridged edition or the unabridged edition of it will be several times bigger than Delaware which is the smallest State in U.S.A. in point of area and also several times bigger than New York which is the biggest state in U.S.A. in point of population.

19.Comparison of Maharashtra with the existing and prospective Linguistic Provinces of India may also be useful. Their position in point of area, population and revenue is as follows :

Province	Area in square miles	Population	Annual Revenue
Existing Linguistic Province -			
United Provinces	106247	55020617	326508000
Bihar	69745	36340151	162678000
Orissa	32198	8228544	46062000
New Linguistic Province -			
Andhra	70000	19000000	---
Karnatak	25000	4500000	---
Kerala	6000	3500000	---

These figures when compared with the figures for Maharashtra leave no doubt that Maharashtra will not merely be a viable Province but a strong province in point of area, population and revenue.

PART III
SHOULD THE MAHARASHTRA PROVINCE BE FEDERAL

OR UNITARY?

20. I will now turn to what are known to be points on which there is controversy. There is no controversy regarding the unification of Maharashtra into one Province. The controversy relates to the way it should he brought about. *One* view is that the new Maharashtra Province should be a unitary Province, with a single legislature and a single executive. The other view is that Maharashtra should be a Federation of two sub-provinces, one sub-province to consist of the Marathi-speaking districts of the Bombay Presidency and the other of the Marathi-speaking districts of the present Province of the Central Provinces and Berar. The idea of creating sub-Provinces has originated from the spokesmen of the Marathi-speaking districts of Central Provinces and Berar. I am satisfied that it is only the wish of a few high-caste politicians who feel that in a unified Maharashtra their political careers will come to an end. It has no backing from the people of e fact that it gives me an opportunity to enunciate what I regard as a very vital principal. When it is decided to create a Linguistic Province, I am definitely of opinion that all areas which are contiguous and which speak the same language should be forced to come into it. There should be **no room** for choice nor for self-determination. Every attempt must be made to create larger provincial units. Smaller provincial units will be a perpetual burden in normal times and a source of weakness in an emergency. Such a situation must be avoided. That is why I insist that all parts of Maharashtra should be merged together in a single province.

PART IV
MAHARASHTRA AND THE CITY OF BOMBAY

Controversy over Bombay

21. Should the City of Bombay be included in Maharashtra or not is another point over which there has been a controversy. A meeting was held in Bombay in the building of the Indian Merchants Chamber. The meeting was attended by no more than sixty. With the exception of one Indian-Christian it was attended by only Gujarati-speaking merchants and industrialists. Although it was small and sectional meeting, its proceedings were flashed on the front page of every important newspaper in India and the *Times of India* was so impressed by its importance that it wrote an editorial which while mildly castigating the vituperative tone which the speakers at the meeting adopted against the Maharashtrians, supported the resolutions passed at the meeting regarding the future of Bombay. This proves what truth there is in the reply given by Lord Birkenhead to the

Irish Leader, Mr. Redmond, in the course of the Irish controversy when he said that there are cases where a minority is a majority.

My memorandum would be woefully incomplete if I omitted to deal with the *pros* and *cons* of this controversy. This is because of two reasons: In the first place, the meeting has been recognized to be very important and secondly because the resolutions of the meeting have been supported by eminent University Professors.

Proposals regarding Bombay

22. The meeting passed the following resolutions:

(1) That the question of the creation of Linguistic Provinces should be postponed; or

(2) That if it is not postponed, Bombay City should be constituted into a separate Province.

There is a third suggestion, namely, that Konkan should be constituted into a separate Province with Bombay as its capital. There is hardly any support to this plan. There is therefore no necessity to discuss it.

Decision regarding Bombay must be made now

23. I have no complaint against that part of the Resolution which says the question of Linguistic Provinces be postponed provided the main question namely whether Bombay should or should not be included in Maharashtra is settled. If this question was settled it did not matter if it took five or ten years to give effect to the Settlement. But the resolution is only an escapism. It does not settle the issue. It only adjourns the controversy. The main question must therefore be tackled right now.

Ground for the exclusion of Bombay from Maharashtra

24. The arguments urged in favour of separating Bombay from Maharashtra are set out below :

(1) Bombay was never a part of Maharashtra*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_1.

(2) Bombay was never a part of the Maratha Empire.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_2

(3) The Marathi-speaking people do not form a majority of the population of the City of Bombay.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_3

(4) Gujarathis have been old residents of Bombay.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic

Province.htm - _msocom_4

(5) Bombay is a trade centre for vast areas outside Maharashtra. Therefore, Bombay cannot be claimed by Maharashtra. It belongs to the whole of India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_5

(6) It is the Gujarathi speaking people of Bombay who have built up the trade and industry of Bombay. The Maharashtrians have been only clerks and coolies. It would be wrong to place the owners of trade and industry under the political dominance of the working classes who form the bulk of Maharashtrians.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_6

(7) Maharashtra wants Bombay to be included in Maharashtra because it wants to live on the surplus of Bombaymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_7

(8) A multi-lingual State is better. It is not so fatal to the liberty of smaller people.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_8

(9) Regrouping of Provinces should be on rational lines and not on national lines.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_9

Burden of Proof

25. On an examination of these paints it is obvious that points (1) and (2) are preliminary in the sense that they help us to decide on whom rests the burden of proof. If it is proved that Bombay is part of Maharashtra, then the burden of proof for separating it from Maharashtra must tall upon those who urge that it should be separated and not upon those who claim that it should remain part of Maharashtra. I will therefore deal with these two points first.

POINTS (1) and (2)

Verdict of History

26. These points can be considered both in the light of history as well as of geography. I am, however, convinced that history cannot help us to decide the issue. In the first place, how far back must we go to find the data on which to base our conclusion. It is obvious that the history of the ancient past would be of no use to us in this connection. What could be of use to us is the past of the present. One may go further and question any reliance being placed upon such a past of the present for drawing any conclusion that can have a bearing on the issue before us. Most of the

contacts between people during historical times have been between conquerors and conquered. This is true of India as well as of Europe. But the results of such contacts have been quite different in Europe and in India. In Europe such contacts have produced assimilation of the conflicting social elements. Frequent inter-marriages have confounded the original stocks. One language, either the most useful or the most commonly spoken, has tended to supplant the other. If one civilisation is superior to the others in the same country it has automatically supplanted them. This natural tendency towards assimilation which we see in Europe is so strong that steps have to be taken to counteract it. What is the tendency in India? It is definitely against assimilation. The Musalmans conquered Hindus. But the Musalmans remained Musalmans and the Hindus remained Hindus. The Gujarathis were conquered by Maharashtrians and were ruled by them for some years. What effect has it produced upon the Gujarathis? Nothing. Gujarathis have remained Gujarathis and Maharashtrians have remained Maharashtrians. The Chalukyas conquered Maharashtrians and so did the Shilahars. But there was no assimilation between them. The Shilahars and Chalukyas remained what they were and so did the Maharashtrians. This being the case, what help can Indian History give in the decision of the issue? The history of internal upheavals as well as of external aggressions has been nothing more than a passing show. Conquest means nothing and proves nothing.

Verdict of Geography

27. Let us now turn to geography and ask for its verdict. It seems to be & better witness than history. For this purpose one must consider the location of Bombay in relation to the Province of Maharashtra. The Province of Maharashtra once it is created will be triangular in shape. One side of this triangle is formed by the Western Coast Line of India between Daman in the North and Karwar in the South. The City of Bombay lies in between Daman and Karwar. The Province of Gujarat starts from Daman and spreads northwards. The Kanada Province starts from Karwar and spreads southwards. It is about 85 miles South of Daman which is the starting point of Gujarat, and 250 miles North of Karwar, which is the starting point of Karnatak Province. If the unbroken territory between Daman and Karwar is geographically part of Maharashtra, how could Bombay be held not to be a part of Maharashtra? This is an incontrovertible fact of nature. Geography has made Bombay part of Maharashtra. Let those who want to challenge the fact of nature do so. To an unbiased mind it is conclusive proof that Bombay belongs to Maharashtra.

Bombay and the Maratha Empire

28. That the Marathas did not care to make it a part of their Empire does in no way affect the validity of the conclusion drawn from geography. That the Marathas did not care to conquer it does not prove that Bombay is not a part of Maharashtra. It only means that the Maratha power was a land power and did not therefore care to spend its energy in the conquest of a seaport.

29. With the decision on Points (1) and (2), the burden must now shift on those who contended that Bombay should not be included in Maharashtra. Have they discharged the burden? This leads to the consideration of other points.

POINT (3)

Marathi-speaking population—majority or minority

30. There is no unanimity on this question. Prof. Gadgil speaking for the inclusion of Bombay in Maharashtra asserts that the Marathi-speaking population of Bombay according to the census of 1941 is 51 per cent. Speaking against the inclusion of Bombay, Prof. Gheewala says that the Marathi-speaking population of Bombay is 41 percent Prof. Vakil has brought it down to 39 percent which he regards as a very liberal estimate. I have not had time to check up these figures and I understand that the Census of Bombay does not render much help in arriving at a precise figure. However, if one reads the reasons assigned by Prof. Vakil, one would find his conclusion to be speculative it not wishful thinking. But assuming that5: the figures given by Prof. Vakil are correct, what of it? What conclusion can be drawn from it? Does it defeat the claim of Maharashtra to include Bombay? Ever since the British became the masters of India, India has been one country with a right to free movement from place to place. If people from all parts of India were allowed to come to Bombay and settle there, why should the Maharashtrians suffer? it is not their fault. The present state of the population cannot therefore be a ground for excluding Bombay from Maharashtra.

POINT (4)

Are Gujarathis Natives Of Bombay?

31. Let us however fully consider the question. Are the Gujarathis natives of Bombay? If they are not, how did they come to Bombay? What is the source of their wealth? No Gujarathi would clam that the Gujarathis are the natives of Bombay. If they are not the natives of Bombay, how did they come to Bombay? Like the Portuguese, the French, the Dutch and the English on adventures to fight their way through and willing to take any risks? The answers which history gives to these questions are quite clear.

The Gujarathis did not come to Bombay voluntarily. They were brought to Bombay by the officers of the East India Company to serve as commercial *Adatias* or go-betweens. They were brought because the East India Company's officers who had their first factory in Surat had got used to Surti Banias as their go-betweens in carrying on their trade. This explains the entry of Gujarathis in Bombay. Secondly, the Gujarathis did not come to Bombay to trade on the basis of free and equal competition with other traders. They came as privileged persons with certain trading rights given to them exclusively by the East India Company. Their importation into Bombay was considered for the first time in the year 1671 by Governor Aungier. This fact is referred to in the *Gazetteer of Bombay Town and Island.* Vol. I in the following terms :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_10

"Another scheme for the advantage of. Bombay in which Governor Aungier interested himself was the settlement of Surat Banias in Bombay. It appears that the Mahajan or committee of the Surat Bania community desired the assurance of certain privileges before risking the move to Bombay and that the company had given a general approval to the Mahajan's proposal. On the 10th January the Surat Council wrote to the Company. The Mahajan or Chief Council of the Banias have been much satisfied with the answer which you were pleased to give to their petition sent you by the ship *Samson* touching their privileges in Bombay. It seems they have determined once more to trouble Your Honours with a letter which they have ordered your broker Bhimji Parakh to write, representing their desires that the said privileges may be confirmed to them under your great seal, for which their request they give you their reason and ground in their own letter which they have sent us to be transmitted to you and now goes in your packet by ship *Falcon.* The argument they use to strengthen their request seems to have some weight. They say the Honourable Company are perpetual and their ordinances always of force, but their Presidents and Councils are mutable, and the succeeding Presidents and Councils, do alter often what their predecessors have granted on which score they hope your Honours will be pleased to grant their petition. As to our judgments hereon, we humbly offer that we cannot see any detriment can accrue to you thereby, rather a considerable advantage may follow; and as to the latitude and extent of what privileges you shall afford them, it must be totally referred to your own wisdoms howsoever you shall please to determine in this matter. We judge if your Honours would please to favour them with a line in answer to their letter, it would be a great

comfort to them and no disadvantage to your interest."

32. What were the privileges which the Gujrarathi Banias had asked for from the East India Company? The following petition by one Nima Parakh, an eminent Bania belonging to the City of Diu, gives some idea of what they were:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_11

"1. That the Honourable Company shall allot him so much ground in or near the present town free of rent as shall be judged necessary to build a house or warehouse thereon.

"2. That he with the Brahmans of Vers (Gors or priests) of his caste shall enjoy the free exercise of their religion within their own houses without the molestation of any person whatsoever; that no Englishman, Portuguese, or other Christian nor Muhammadan shall be permitted to live within their compound or offer to kill any living creature there, or do the least injury or indignity to them, and if any shall presume to offend them within the limits of their said compound, upon their complaint to the Governor (at Surat) or Deputy Governor (at Bombay), the offenders shall be exemplarily punished; that they shall have liberty to burn their dead according to their custom, also to use their ceremonies at their weddings ; and that none of their profession of what age, sex or condition whatever they be, shall be forced to turn Christians, nor to carry burthens against their wills.

"3. That he and his family shall be free from all duties of watch and ward, or any charge and duty depending thereon; that neither the Company nor the Governor, Deputy Governor or Council, or any other person, shall on any pretence whatsoever force them to lend money for public or private account or use any indirect.

"4. That in case there falls out any difference or suit in law between him or his vakil or attorneys or the Banias of his caste, and any other persons remaining on the island, the Governor or Deputy Governor shall not suffer him or them to be publicly arrested dishonoured or carried to prison, without first giving him due notice of the cause depending, that he or they may cause justice to be done in an honest and amicable way and in case any difference happen between him or his attorney and any Bania of their own caste, they may have liberty to decide it among themselves without being forced to go to law.

"5. That he shall have liberty of trade in his own ships and vessels to what port he pleases, and come in and go out when he thinks good; without paying anchorage, having first given the Governor or Deputy Governor or customer notice and taken their consent thereunto.

"6. That in case he brings any goods on shore more than he can sell on

the island within the space of 12 months, he shall have liberty to transport them to what port he pleases, without paying custom for exportation.

"7. That in case any person be indebted to him, and also to other Banias, and be not able to pay all his debts, his right may be preferred before other Banias.

"8. That in case of war. or any other danger which may succeed, he shall have a warehouse in the castle to secure his goods, treasure, and family therein.

"9. That he or any of his family shall have liberty of egress and regress to and from the fort or residence of the Governor or Deputy Governor; that they shall be received with civil respect and be permitted to sit down according to their qualities; that they shall freely use coaches, horses or palanquins and quitasols (that is barsums or umbrellas) for their convenience without any disturbances ; that their servants may wear swords and daggers, shall not be abused, beaten or imprisoned except they offend, and that in case of any of his kindred or friends shall come to visit him or them from any other ports, they shall be used with civility and respect.

"10. That he and his assigns shall have liberty to sell and buy coconuts, betelnuts, pan or betel-leaves, and any other commodity not rented out without any molesiation on the island."

33. How this petition of Nima Parakh was disposed of can be seen from the reply of the Deputy Governor of Bombay dated 3rd April. 1677, which was in the following terms :

"According to order we have consider the articles of Nima Parakh Bania, which if we rightly understand we do not apprehend any prejudice connection the most of them being what the meanest enjoy.

"The first is very easy, the Company having vast ground enough, and we daily *do* the same to Banias and others who come to inhabit here. As to the second, the free exercise of religion is permitted to all with the use of their ceremonies at: weddings and feast, the Banias always burning their dead without molestation. Neither do we permit any person to kill anything near the Banias who ail live by themselves, much less can any person presume to enter into anybody's house or compound without the owner's license; and, for forcing people to turn Christian against their wills, the whole world will vindicate us; neither are any persons forced to carry burdens against their wills. No Bania, Brahman, Moor, or such man is obliged to watch or ward or other duty, but if any person buys an oart or warge (vada) he is bound on every alarm to send a musquiter. But if he possesses no land no duty is exacted, so the articles may be granted to Nima. and when

he goes about to buy any land he may be acquainted with that small encumbrance thereon.

"The 4th article is indeed a privilege but no more than Girdhar, the Moody and some others have, which does not in the least exempt them from the hands of the law or justice, but does only ask that justice be done respectfully, which he need not doubt of... and for matter of differences among themselves there is already his Honour's patent authorising them to decide such things.

"As to the 5th, the great anchorage of a rupee per ton is wholly taken off. There remains only a small one of a rupee for every 100 tons, which is so inconsiderable a matter that we do not believe we will stick at it. If he does, it will amount but to a small matter being only for his own vessels that the Company may easily allow it.

"The 6th if we rightly apprehend it, is no more than what all people enjoy, who are so far from paying custom at exportation of their own goods that they pay none for what goods they buy. But if he intends his goods must pay no custom at landing nor none at exportation of what he cannot sell, it will be so great a loss to the Company, they having farmed out the customs for two years, that the benefit of his settling here, will, we believe, not countervail it, till it comes into the Company's hands again,

"As to the 7th, our law is such that if a person be indebted to several men, whosoever gets a judgment first in Court will be paid his full debt, but no man can be aggrieved at that, nor can any creditor have any pretence to what is once paid, and when judgment is given it is already paid in law, so that. he *is* no longer proprietor of it But when a person is indebted to two men and the first sues him and upon that the second comes in and sues him too, with what justice can we pay all the debtor's estate to the second creditor. Only of this he may be assured that all justice shall be done him with speed according to our law and the party forced to pay the full debts if able, and be in prison for the rest till he pleases to release him, which we suppose may well content him.

"As to the 8th in case of war all person of quality have liberty to repair to the castle and secure their money and other things of value. Nor that I suppose *be* intends to fill up the castle with gari (coarse) goods ; but for money, jewels household stuff ,cloth goods of value that take up small room he may bring what he pleases and may have a warehouse apart allotted for himself and family.

"The 9th and 10th we may join together, they being only to fill up the number. They are plain optics to show the nature of those they live under. which, when they have experimented our Government, themselves will

laugh at us, enjoying more freedom than the very articles demand for the meanest person is never denied egress and regress upon respectful notice given and for horses and coaches and the like he may keep as many as he pleases and his servants be permitted to wear what arms they please, a thing common to all. Nothing is more promoted by us than the free liberty for buying and selling which is the load-stone of trade.

"That last thing he asked of having 10 *mans* of tobacco free of all duties is the most difficult thing of all, for the farmers will ask a vast deal to grant such a licence/it being a very great profit they make in the sale of 10 *mans,* so that we know not which way this article can be condescended to, but in this your Honours can judge better than us."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_12

34. In reply on the 26th April, the Surat Council wrote : mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/03. Maharashtra as a Linguistic Province.htm - _msocom_13"We observe your answer touching the articles proposed by Nima Parakh Bania in order to his settlement on Bombay. When we come again to treat with him thereon, we hope so to moderate the affair that the island shall not receive any the least prejudice thereby and we do not question but wholly to put him by his request to 10 *mans* of tobacco which he would annually receive or bring on the island free of all duties."

POINT (5)

Bombay—an Emporium of India

35. That Bombay is an emporium for the whole of India may be admitted. But it is difficult to understand how it can be said that because of this, Maharashtra cannot claim Bombay. Every port serves a much larger area than the country to which it belongs. No one, on that account, can say the country in which the port is situated cannot claim it as a part of its territory. Switzerland has no port. It uses either German, Italian or French Ports. Can the Swiss therefore deny the right of Germany, Italy or France, the territorial rights of their ports. Why then should Maharashtrians be denied the right to claim Bombay merely because it serves as a port for Provinces other than Maharashtra? It would be different if the Province of Maharashtra were to get a right to close the Port to Non-Maharashtrians. Under the constitution, it will not have that right. Consequently, the inclusion of Bombay in Maharashtra will not affect the right of non-Maharashtrians to use the port as before.

POINT (6)

Gujarathis--owners of Trade and Industry of Bombay

36. It may be granted that the Gujarathis have a monopoly of trade. But, as has already been pointed out, this monopoly, they have been able to establish because of the profits they were able to make which were the result of the privileges given to them by the East India Company on their settlement in Bombay. Who built up the trade and industry of Bombay is a matter for which no very great research is necessary. There is no foundation in fact for the statement that the trade and industry of Bombay was built up by Gujarathis. It was built up by Europeans and not by Gujarathis. Those who assert that it is the Gujarathis who did it should consult the *Times of India Directory* before making such a claim. The Gujarathis have been just merchants which is quite a different thing from being industrialists.

37. Once it is established that Bombay belonged to Maharashtra the claim of Maharashtra to include Bombay cannot be defeated by the argument that the trade and industry of Bombay is owned by the Gujarathis. The claim of mortgagor to his land cannot be defeated by the mortgagee on the ground that the mortgagee has built up permanent structures on the land. The Gujarathis assuming they have built up the trade and industry of Bombay are in no better position than a mortgagee is.

38. But who have built up the trade and industry of Bombay seems to me quite irrelevant to the decision of the issue whether Bombay should or should not be included in Maharashtra. This argument based on monopoly of trade and industry is really a political argument. It means that the owners may rule the workers but the workers must not be allowed to rule the owners. Those who use this argument do not seem to know what they are up against. The one thing they are up against is whether this argument is to be confined only to the City of Bombay or whether it is to have a general application.

39. There is no reason why it should not have a general application. For just as in Bombay City society is divided into owners and workers or into capitalists and wage-earners, such also is the case of society in Gujarat or for the matter of that in every province of India. If the owners and capitalists of Bombay are to be protected by the exclusion of Bombay from Maharashtra because Maharashtrians belong to the working classes, what is the method they suggest for protecting the capitalists of Gujarat from the working classes of Gujarat. Those Gujarathi Professors like Vakils and Dantwalas who are searching their brains to supply arguments to the Gujarathi capitalists of Bombay have not thought of finding ways and means for protecting the Gujarathi capitalists of Gujarat against the working classes of Gujarat. The only remedy they can suggest is the

abandonment of adult suffrage. That is the only way by which they can protect the capitalists if they are out to protect capitalists in general and not the Gujarathi capitalists of Bombay in particular.

40. There is however one argument which the Professors could urge. It is that the Maharashtrians being in a majority would discriminate against the Gujarathi capitalists of Bombay if Bombay was included in Maharashtra.

One could appreciate such an argument. But those who like to use this argument must remember two things :

(i) That Maharashtra is not the only place in which such a situation can arise. It may arise in any province. I like to refer to Bihar. In Bihar the land in which coal is found belongs to the people of Bihar. But the coal-owners are Gujarathis, Kathiawaris or Europeans. Is there no possibility of Biharis making a discrimination against Gujarathi and Kathiawari coal-owners? Are the coalfields of Bihar to be excluded from the Province of Bihar and constituted into a separate Province in the interest of Kathiawari and Gujarathi coal-owners?

(ii) The constitution of India has noted the possibility of discrimination being made against a minority and has made more than ample provision for preventing it. There the fundamental rights. There are the provisions against discrimination; there are the provisions of payment of compensation, and there are the High Courts with the inherent rights to issue high prerogative writs both against individuals and Governments to stop any harm, injustice or harassment being done to any citizen. What more protection do the Gujarathi traders and industrialists of Bombay want against the possibility of discrimination?

POINT (7)

Maharashtra's eye on Bombay's surplus

41. Before accusing Maharsshtrians of having an eye on the surplus of Bombay it must be proved that Bombay has a surplus. What appears as surplus is due really to bad accounting. It is bad accounting where expenditure on overhead charges such as (1) the Governor and his establishment, (2) the Ministers and their establishments, (3) the Legislature and the expenditure thereon, (4) Judiciary, (5) Police and (6) Provincial establishments such as those of the Commissioners of Police and Directors of Public Instruction is not being taken into account. I doubt very much if on the existing basis of taxation, Bombay will have any surplus if expenditure on these items is charged to Bombay. It is a fallacy to charge all such expenditure to Maharashtra and exempt Bombay from it and then argue that Bombay has a surplus.

42. The statement that the Maharashtrians want Bombay because they want to live on the surplus revenue of Bombay, besides being wrong in fact raises a question of motive. I do not know if the Maharashtrians are actuated by any such motive. They are not a commercial community. Unlike other communities, the Maharashtrians have no nose for money, and I am one of these who believe that it is one of their greatest virtues. Money has never been their god. It is no part of their culture. That is why they have allowed all other communities coming from outside Maharashtra to monopolize the trade and industry of Maharashtra. But as I have shown there is no surplus and no question of Maharashtrians casting their eyes on it.

43. But supposing such a motive in the minds of the Maharashtrians, what is wrong in it? It is quite open to Maharashtrians to contend that they have a greater claim on Bombay's surplus because they have played and they will continue to play a greater part in supplying labour for the building up of the trade and industry of Bombay more than the people from other Provinces have done or likely to do. It would be difficult for any economist with any reputation to save who could deny that labour has as much claim on the wealth produced as capital if not more.

44. Secondly, the surplus from Bombay is not consumed by Maharashtra alone but is consumed by the whole of India. The proceeds of the Income-tax, Super-tax, etc. which Bombay pays to the Central Government are all spent by the Central Government for all-India purposes and is shared by all other Provinces. To Prof. Vakil it does not matter if the surplus of Bombay is eaten up by United Provinces, Bihar, Assam, Orissa, West Bengal, East Punjab and Madras. What he objects to is Maharashtra getting any part of it. This is not an argument. It is only an exhibition of his hatred for Maharashtrians.

45. Granting that, Bombay was made into a separate Province, what I don't understand is how Prof. Vakil is going to prevent Maharashtra from getting share of Bombay surplus revenue. Even if Bombay is made separate Province, Bombay will have to pay income-tax, super-tax, etc. and surely Maharashtra will get a part of the revenue paid by Bombay to the Centre either directly or indirectly. As I have said the argument has in it more malice than substance.

POINTS (8) AND (9)

General arguments against the inclusion of Bombay in Maharashtra

46. I will now turn to the Points (8) and (9) which have been urged by

Professors Dantwala and Gheewala. Their arguments strike at the very root of the principle of Linguistic Provinces. As such I should have dealt with them in Part I of this Memorandum. But as the aim of their argument is to exclude Bombay from being included in Maharashtra, I have thought it proper to deal with them in this Part of the Memorandum as they are really arguments against the inclusion of Bombay in Maharashtra.

47. The sum total of the arguments of the two Professors is that Linguistic Provinces are bad. This cry against Linguistic Provinces is too late. Since when two Professors having been holding these views is not known. Are they opposed to Gujarat being reconstituted on Linguistic Provinces also has not been made clear by them. Or, is it that they believed in the principle of Linguistic Provinces but hurried to disavow it when they realized that the admission of the principle involves the surrender of Bombay to Maharashtra. It is perhaps one of these cases where a person not finding argument limited to his purpose is forced to resort to an argument which proves more than he is anxious to allow. I am, however, prepared to examine the substance of their argument.

48. Prof. Dantwala relies upon Lord Acton and quotes the following passage from his Essay on Nationality printed in his well-known book *The History of Freedom and Other Essays* in support of his own view against Linguistic Provinces. The quotation reads as follows :

"The combination of various nations in one State is a necessary condition of civilized life as the combination of men in society."

49. I am sorry to say that this quotation completely misrepresents Lord Acton. The quotation is only a few opening lines of a big passage. The full passage reads as follows :

"The combination of different nations in one State is as necessary a condition of civilized life as the combination of men in society. Inferior races are raised by living in political union with races intellectually superior. Exhausting and decaying nations are revived by the contact of younger vitality. Nations in which the elements of organization and the capacity for Government have been lost, either through the demoralizing influence of despotism or the disintegrating action of democracy, are restored and educated anew under the discipline of a stronger and less corrupted race. This fertilizing and regenerating process can only be obtained by living under one Government. It is in the cauldron of the State that the fusion takes place by which the vigour, the knowledge and the capacity of one portion of mankind may be communicated to another.

50. Why Prof. Dantwala left out the rest of the passage, it is difficult to understand. I am not suggesting that it is a deliberate case of *suppresio veri*

and *suggestio falsi*. The fact is that it does misrepresent Lord Acton. Why has the Professor relied upon this passage, I do not understand. It is quite obvious that if the inferior races are placed in common with the superior races, the inferior races may improve. But the question is, who is inferior or who is superior. Are the Gujarathis inferior to Maharashtrians? Or are the Maharashtrians inferior to Gujarathis? Secondly, what is the channel of communion between Gujarathis and Maharashtrians which can assure the fusion of the two? Prof. Dantwala has not considered the question. He found a sentence in Lord Acton's Essay and jumped at it for he could find nothing else to support his case. The point is that there is nothing in the message which has any relevance to the principle involved in the question of Linguistic Province.

51. So much for Prof. Dantwala's arguments. I will now examine Prof. Gheewala's arguments. Prof. Gheewala also relies on Lord Acton. He quotes a portion of a passage from Lord Acton's Essay on Nationality. I reproduce below the passage in full :

"The greatest adversary of the rights of nationality is the modern theory of nationality. By making the State and the nation commensurate with each other in theory, it reduces practically to a subject condition all other nationalities that may be within the boundary. It cannot admit them to an equality with the ruling nation which constitutes the State, because the State would then cease to be national, which would be a contradiction of the principle of its existence. According, therefore, to the degree of humanity and civilization in that dominant body which claims all the rights of the community, the inferior races are exterminated, or reduced to servitude, or outlawed, or put in a condition of dependence."

52. I do riot understand why the learned Professor has dragged in the name of Lord Acton. The passage does not really help him. There is one thing which seems to be uppermost in his mind. He thinks that if Bombay is included in Maharashtra the Province of Maharashtra will consist of two nationalities—one consisting of the Marathi-speaking people and the other of the Gujarathi-speaking people and the Marathi-speaking people who would be the dominant class will reduce the Gujarathi-speaking people to a subject condition. It is in support of this he thought of citing Lord Acton. Such a possibility is always there. There is no objection to the way in which he has presented the problem. But there are great objections to the conclusions he draws.

53. In the first place, in a country like India in which society is throughout communally organized it is obvious that in whatever way it is divided into areas for administrative purposes, in every area there will always be one

community which by its numbers happens to be a dominant community. As a dominant community it becomes a sole heir to all political power, which the area gets. If Marathi-speaking people in a unified Maharashtra with Bombay thrown into it will become dominant over the Gujarathi-speaking people, will this prospect be confined to Maharashtra only? Will such a phenomena not occur within the Marathi-speaking people? Will it not be found in Gujarat if Gujarat became a separate Province? I am quite certain that within the Marathi-speaking people who are sharply divided between the Marathas and the non-Marathas, the Marathas being a dominant class will reduce both Gujarathi-speaking and the non-Marathas to a subject condition. In the same way in Gujarat in some parts the Anavil Brahmins from a dominant class. In other parts it is the Patidars who form a dominant class. It is quite likely that the Anavils and the Patidars will reduce the condition of the other communities to subjection. The problem therefore is not a problem peculiar to Maharashtra. It is a general problem.

54. What is the remedy for this problem? Prof. Gheewala believes that the remedy lies in having a mixed State. So far as this remedy is concerned it is not his own. He has adopted it from Lord Acton. But I have no doubt that so far as Lord Acton advocates this remedy he is quite wrong. Lord Acton cites the case of Austria in support of his view. Unfortunately, Lord Acton did not live to see the fate of Austria. It was a mixed State. But far from providing for the safety of nationalities the clash of nationalities blew up Austria to bits. The real remedy is not a mixed State but an absolute State with no power to the people which is generally captured by a communal majority and exercised in the name of the people. Is Prof. Gheewala prepared for this remedy? One need have no doubt to what his answer would be.

55. In the second place. Prof. Gheewala has confounded nationality in the social sense of the term with Nationality in its legal and political sense. People often speak of nationality in speaking about Linguistic Provinces. Such use of the term can be only in the non-legal and non-political sense of the term. In my scheme there is no room even for the growth of separate provincial nationality. My proposal nips it in the bud. But even if the commonly suggested pattern of Linguistic Provinces with the language of the Province as the official language were adopted. Provinces cannot have that attribute of sovereignty which independent nations have.

56. It is very difficult to understand what exactly what Prof. Gheewala wants. Broadly he wants two things : He wants a mixed State and he also wants that a dominant section should not be in a position to reduce the smaller sections to subjection. I cannot see how Linguistic Provinces can

come in the way of achieving it. For even after Provinces have been re-constituted on linguistic basis,—

(1) Provinces will continue to be a conglomeration of communities which will give Prof. Gheewala the mixed State that he wants;

(2) If Prof. Gheewala wants a more pronounced form of a mixed State to protect smaller communities or nationalities, he will certainly have it at the Centre.

As I have said, I do not think a mixed State is either a good State or stable State. But if Prof. Gheewala prefers it, he will have it in one form or another, both in the Provinces as well as at the Centre, in the former in the form of different communities and in the latter in the form of the representatives of different Provinces.

57. With regard to his second objective, there will be double protection. In the first place, the citizen will have such protection as a mixed State he thinks can give. Secondly, citizenship will be common throughout India.

There is no provincial citizenship. A Gujarathi in Maharashtra will have the same rights of citizenship in Maharashtra as Maharashtrian will have.

Given these facts, I fail to understand what objection Prof. Gheewala can have to Linguistic Provinces?

58. Prof. Gheewala has made two other recommendations. He says, (1) if Provinces have to be reconstituted, constitute them on rational basis rather than on linguistic basis and (2) make nationality a personal thing.

59. To reconstitute Provinces on economic basis—which is what is meant by rational basis—appears more scientific than reconstituting them on linguistic basis. However, unscientific linguistic reorganization of Provinces I cannot see how they can come in the way of rational utilization of economic resources of *ndia*. Provincial boundaries are only administrative boundaries. They do not raise economic barriers for the proper utilization of economic resources. If the position was that the resources contained within a Linguistic Province must only be explained by the people of the Province and no other than it could no doubt be said that the scheme of Linguistic Provinces was mischievous. But such is not the case. So long as Linguistic Provinces are not allowed to put a ban on the exploitation of the resources of the people by any body capably of wishing to exploit them a Linguistic Province will yield all the advantages of a rationally planned Province.

60. The proposal of making nationality as a personal thing and put it on the same footing as religion may be dismissed as being to Utopian. It would raise many administrative problems. It will come when the world is one and all nationals are its citizens. Nationality will automatically vanish as

being quite useless.

61. So far I have dealt with the arguments advanced by those who are opposed to the inclusion of Bombay in Maharashtra. I have taken pains to do so not because I felt that they were very weighty. I did so because I felt it desirable to prevent the common man from being misled. The possibility of this happening was there and for two reasons. In the first place, those who have come forward with these arguments are not ordinary men. They are University Professors. Secondly, these Professors came out with their arguments after Prof. Gadgil had put forth the case for the inclusion of Bombay in Maharashtra. Unfortunately, no attempt has so far been made to refute the arguments of the adversaries of Prof. Gadgil. The result has been the creation of an impression that Prof. Gadgil's adversaries have carried the day. It was absolutely essential to remove this impression.

The other side

62. There are however arguments which the adversaries of Prof. Gadgil have not thought of but which may be advanced with justice as well as force in favour of the claim of Maharashtrians for the inclusion of Bombay in Maharashtra. It is quite possible that these arguments may suggest themselves to the Commission. But I don't like to leave it to chance. I therefore propose to set them out below even though the Commission might think that it was unnecessary.

Calcutta and Bombay

63. In deciding upon the issue of exclusion of Bombay from Maharashtra the Commission will have to take into account the position of Calcutta. Like Bombay it is the chief emporium of the whole of eastern part of India. Like the Maharashtrians in Bombay the Bengalis in Calcutta are in a minority. Like the Maharashtrians in Bombay, the Bengalis do not own the trade and industry of Calcutta. The position of the Bengalis *vis-à-vis* Calcutta is worse than the position of the Maharashtrians *vis-à-vis* Bombay. For, the Maharashtrians can at least claim that they have supplied labour if not capital for the trade and industry of Bombay. The Bengalis cannot even say this. If the Commission can accept the arguments urged for the separation of Bombay from Maharashtra, it must be equally prepared to recommend the separation of Calcutta from West Bengal. For it is a very pertinent question to ask that if for the reasons given Bombay can be separated from Maharashtra why when the same reasons exist Calcutta be not separated from West Bengal.

Is Bombay Viable?

64. Before Bombay can be separated it must be proved that financially Bombay is a viable Province. As I have already said if proper accounting of revenue and expenditure was made Bombay on the basis of present level of taxation may not be a self-sufficient Province. If that be so, the proposal for creating Bombay a separate Province must fall to the ground. It is no use comparing Bombay with Provinces like Orissa and Assam. The standard of administration, the standard of living and consequently the level of wages in Bombay are all sc high that I doubt that even with a crushing rate of taxation Bombay will be able to raise the necessary amount of revenue to meet the expenditure.

The aim behind Greater Bombay

65. This doubt regarding viability of Bombay Province is heightened by the indecent haste shown by the Government of Bombay in creating Greater Bombay by including within the limits of Bombay the adjoining parts of Maharashtra. It seems that the object of including such area cannot but be to make Bombay viable. What else can it be? So long as Bombay remained part of Maharashtra it did not matter to Maharashtrians In which administrative area a portion of Maharashtra was included. But when Bombay is to be a separate Province it will take a long time to make Maharashtrians part with their territory to make Bombay greater and viable. What is more important is the scheme of greater Bombay casts responsibility upon the Linguistic Provinces Commission to decide whether they could, with justice force Maharashtrians not only to submit to the demand of the Gujarathis to give up Bombay but also to submit to their further demand to hand over a part of territory of Maharashtra to make Bombay a viable Province. The Commission cannot escape this responsibility.

66. Maharashtra and Bombay are not merely inter-dependent, they are really one and integral. Severance between the two would be fatal to both. The sources of water and electricity for Bombay lie in Maharashtra. The intelligentsia of Maharashtra lives in Bombay. To sever Bombay from Maharashtra would be to make the economic life of Bombay precarious and to dissociate the masses of Maharashtra from its intelligentsia without whose lead the masses of Maharashtra will be nowhere.

Arbitration as a Solution

67. I have seen a suggestion made in some quarters that problem of Bombay should be settled by arbitration. I have never heard of a more absurd suggestion than this. It is as absurd as the suggestion to refer matrimonial cause to arbitration, The matrimonial tie is too personal, to be

severed by a third party. Bombay and Maharashtra are tied together by God to use a Biblical phrase. No arbitrator can put them asunder. The only agency which is authorized to do so is the Commission. Let it decide.

MANU AND THE SHUDRAS

This is a 31 page hand written Ms. of Dr. Ambedkar. The chapter has no title. It is also left incomplete. The title is suggested—editor.]

I

The reader is now aware that in the Scheme of Manu there were two principal social divisions : those outside the Chaturvarna and those inside the Chaturvarna. The reader also knows that the present day Untouchables are the counterpart of those outside the Chaturvarna and that those inside the Chaturvarna were contrasted with those outside. They were a composite body made up of four different classes, the Brahmins, the Kshatriyas, the Vaishyas and the Shudras. The Hindu social system is not only a system in which the idea of classes is more dominant than the idea of community but it is a system which is based on inequality between classes and therefore between individuals. To put it concretely, the classes i. e. the Brahmins, Kshatriyas, Vaishyas, Shudras and Antyajas (Untouchables) are not horizontal, all on the same level. They are vertical i.e. one above the other. No Hindu will controvert this statement. Every Indian knows it. If there is any person who would have any doubt about it he can only be a foreigner. But any doubt which a foreigner might have will be dissolved if he is referred to the law of Manu who is the chief architect of the Hindu society and whose law has formed the foundations on which it is built. For his benefit I reproduce such texts from the Manu Smriti as go to prove that Hindu society is based on the principle of inequality.

II

It might be argued that the inequality prescribed by Manu in his Smriti is after all of historical importance. It is past history and cannot be supposed to have any bearing on the present conduct of the Hindu. I am sure nothing can be greater error than this. Manu is not a matter of the past. It is even more than a past of the present. It is a 'living past' and therefore as really present as any present can be.

That the inequality laid down by Manu was the law of the land under the pre-British days may not be known to many foreigners. Only a few

instances will show that such was the case.

Under the rule of the Marathas and the Peshwas the Untouchables were not allowed within the gates of Poona city, the capital of the Peshwas between 3 p. m. and 9 a. m. because, before nine and after three, their bodies cast too long a shadow; and whenever their shadow fell upon a Brahmin it polluted him, so that he dare not taste food or water until he had bathed and washed the impurity away. So also no Untouchable was allowed to live in a walled town ; cattle and dogs could freely enter but not the Untouchablesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_1

Under the rule of the Marathas and the Peshwas the Untouchables might not spit on the ground lest a Hindu should be polluted by touching it with his foot, but had to hang an earthen pot round his neck to hold his spittle. He was made to drag a thorny branch of a tree with him to brush out his footsteps and when a Brahman came by, had to lie at a distance on his face lest his shadow might fall on the Brahmanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_2

In Maharashtra an Untouchable was required to wear a black thread either in his neck or on his wrist for the purpose of ready identification.

In Gujarat the Untouchables were compelled to wear a horn as their distinguishing markmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_3.

In the Punjab a sweeper was required while walking through streets in towns to carry a broom in his hand or under his armpit as a mark of his being a scavengermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_4.

In Bombay the Untouchables were not permitted to wear clean or untorn clothes. In fact the shopkeepers took the precaution to see that before cloth was sold to the Untouchable it was torn & soiled.

In Malabar the Untouchables were not allowed to build houses above one storey in heightmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_5 and not allowed to cremate their deadmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_6.

In Malabar the Untouchables were not permitted to carry umbrellas, to wear shoes or golden ornaments, to milk cows or even to use the ordinary language of the countrymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the

Shudras.htm - _msocom_7.

In South India Untouchables were expressly forbidden to cover the upper part of their body above the waist and in the case of women of the Untouchables they were compelled to go with the upper part of their bodies quite baremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_8.

In the Bombay Presidency so high a caste as that of Sonars (gold-smiths) was forbidden to wear their Dhoties with foldsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_9 and prohibited to use *Namaskar* as the word of salutation#.

The following letter will be interesting to the reader as it throws a flood of light as to whether the Dhamia prescribed by Manu was or was not the law of the land-

"To
Damulsett Trimbucksett
Head of the Caste of Goldsmiths.

"The Hon 'ble the President in Council having thought proper to prohibit the Caste of Goldsmiths from making use of the form of salutation termed Namaskar, you are hereby pre-emptorily enjoined to make known this order and resolution to the whole caste and to take care that the same be strictly observed.

By order
Secretary to Government
sig. W. Page

Bombay
9th August 1779.

Resolution of Government
Dated 28th July 1779.

"Frequent disputes having arisen for some time between the Brahmins and Goldsmiths respecting a mode of salutation termed"Namaskar"made use of by the latter, and which the Brahmins allege they have no right to perform, and that the exercise of such ceremony by the Goldsmiths is a great breach and profanation of the rights of the Gentoo {Hindu] Religion, and repeated complaints having been made to us by the Brahmins, and the Peishwa also having several times written to the President, requesting the use of the Namaskar

might be prohibited to the Goldsmiths-Resolved as it i"necessary. This matter should be decided by us in order that the dispute between the two castes may be put an end to, and the Brahmins appear to have reason *for* their complaint, that the Goldsmiths be forbidden the use of the Namaskar, and this being a matter wherein the Company's interest is not concerned, our Resolution may be put on the footing of a compliment to the Peishwa whom the President is desired to make acquainted with our determination."

Under the Maratha rule any one other than a Brahmin uttering a Veda Mantra was liable to have his tongue cut off and as a matter of fact the tongues of several Sonars (goldsmiths) were actually cut off by the order of the Peshwa for their daring to utter the Vedas contrary to law.

All over India Brahmin was exempt from capital punishment. He could not be hanged even if he committed murder.

Under the Peshwas distinction was observed in the punishment of the criminals according to the caste. Hard labour and death were punishments mostly visited on the Untouchablesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_10.

Under the Peshwas Brahmin clerks had the privilege of their goods being exempted from certain duties and their imported corn being carried to them without any ferry charges; and Brahmin landlords had their lands assessed at distinctly lower rates than those levied from other classes. In Bengal the amount of rent for land varied with the caste of the occupant and if the tenant was an Untouchable he had to pay the highest rent.

These facts will show that Manu though born some time before B. C. or sometime after A. D. is not dead and while the Hindu Kings reigned, justice between Hindu and Hindu, touchable and untouchable was rendered according to the Law of Manu and that law was avowedly based on inequality.

Ill

This is the dharma laid down by Manu. It is called Manav Dharma i. e. Dharma which by its inherent goodness can be applied to all men in all times and in all places. Whether the fact that it has not had any force outside India is a blessing or a curse I do not stop to inquire. It is

important to note that this Manav Dharma is based upon the theory that the Brahman is to have all the privileges and the Shudra is not to have even the rights of a human being, that the Brahman is to be above everybody in all things merely by reason of his high birth and the Shudra is to be below everybody and is to have none of the things no matter how great may be his worth.

Nothing can show the shamelessness and absurdity of this Manava Dharma better than turning it upside down. I know of no better attempt in this behalf than that of Dr. R. P. Pranjape agreat Educationist, Politician and Social reformer and I make no apology for reproducing it in full—

Peep Into the Futuremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/57. Manu and the Shudras.htm - _msocom_11

This piece Was written against the Non-Brahmin Parties which were then in power in the Bombay and Madras Presidency and in the Central Provinces. The Non-Brahmin parties were founded with the express object of not allowing a single community to have a monopoly in State Service. The Brahmins have a more or less complete monopoly in the State services in all provinces in India and in all departments of State. The Non-Brahmin parties had therefore laid down the principle, known as the principle of communal ratio, that given minimum qualifications candidates belonging to non-Brahmin communities should be given preference over Brahmin candidates when making appointments in the public services. In my view there was nothing wrong in this principle. It was undoubtedly wrong that the administration of the country should be in the hands of a single community however clever such a community might be.

The Non-Brahmin Party held the view that good Government was better than efficient Government was not a principle to be confined only to the composition of the Legislature & the Executive. But that it must also be made applicable to the field of administration. It was through administration that the State came directly in contact with the masses. No administration could do any good unless it was sympathetic. No administration could be sympathetic if it was manned by the Brahmins alone. How can the Brahmin who holds himself superior to the masses, despises the rest as low caste and Shudras, is opposed to their aspiration, is instinctively led to be partial to his community and being uninterested in the masses is open to corruption be a good

administrator? He is as much an alien to the Indian masses as any foreigner can be. As against this the Brahmins have been taking their stand on efficiency pure & simple. They know that this is the only card they can play successfully by reason of their advanced position in education. But they forget that if efficiency was the only criterion then in all probability there would be very little chance for them to monopolise State service in the way and to the extent they have done. For if efficiency was made the only criterion there would be nothing wrong in employing Englishmen, Frenchmen, Germans & Turks instead of the Brahmins of India. Be that as it may, the Non-Brahmin Parties refused to make a fetish to efficiency and insisted that there must be introduced the principle of communal ratio in the public services in order to introduce into the administration an admixture of all castes & creeds and thereby make it a good administration. In carrying out this principle the Non-Brahmin Parties in their eagerness to cleanse the administration of Brahmindom while they were in power, did often forget the principle that in redressing the balance between the Brahmins and non-Brahmins in the public services they were limited by the rule of minimum efficiency. But that does not mean that the principle they adopted for their guidance was not commendable in the interests of the masses.

This policy no doubt set the teeth of many Brahmins on edge. They were vehement in their anger. This piece by Dr. Paranjpe is the finest satire on the policy of the non-Brahmin Party. It caricatures the principle of the non-Brahman party in a manner which is inimitable and at the time when it came out, I know many non-Brahmin leaders were not only furious but also speechless. My complaint against Dr. Paranjpe is that he did not see the humour of it. The non-Brahmin Party was doing nothing new. It was merely turning Manu Smriti upside down. It was turning the tables. It was putting the Brahmin in the position in which Manu had placed the Shudra. Did not Manu give privileges to Brahmin merely because he was a Brahmin? Did not Manu deny any right to the Shudra even though he deserved it? Can there be much complaint if now the Shudra is given some privileges because he is a Shudra? It may sound absurd but the rule is not without precedent and that precedent is the Manu Smriti itself. And who can throw stones at the non-Brahmin Party? The Brahmins may if they are without sin. But can the authors and worshippers, upholders of Manu Smriti claim that they are without sin? Dr. Paranjpe's piece is the finest condemnation of the inquity that underlies this Manav Dharma. It shows as nothing else

does what a Brahmin feels when he is placed in the position of a Shudra.

IV

Inequality is not confined to Hindus. It prevailed elsewhere also and was responsible for dividing society into higher and lower free and servile classes. (Left incomplete in Ms—ed.)

MR. GANDHI AND THE EMANCIPATION

OF THE UNTOUCHABLES

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PREFACE

In response to the invitation of the Chairman of the Indian section of the Institute of Pacific Relations, I wrote in August last year a Paper on the Problem of the Untouchables of India for the Session of the Conference which was due to be held on December 1942 at Mont' Tramblant in Quebec in Canada. The Paper is printed in the proceedings of the Conference. Ever since it became known that I had written such a Paper, the leaders of the Untouchables and Americans interested in their problem have been pressing me to issue it separately in the form of a book and make it available to the general public. It was not possible to refuse the demand. At the same time I could not without breach of etiquette publish the paper until the proceedings of the Conference were made public. I am now told by the Secretary of the Pacific Relations Conference that the proceedings have been made public and there can be no objection to the publication of my Paper if I desired it. This will explain why the Paper is published nearly 10 months after it was written.

Except for a few verbal alterations the Paper is printed as it was

presented to the Conference. The Paper will speak for itself. There is only one thing I would like to add. It is generally agreed among the thoughtful part of humanity that there are three problems which the Peace Conference is expected to tackle. They are (1) Imperialism,(2) Racialism, (3) Anti-semitism and (4) Free Traffic in that merchandise of death popularly called munitions. There is no doubt these are the plague glands in which nation's cruelty to nation and man's inhumanity to man have their origin. There is no doubt that these problems must be tackled if a new and a better world is to emerge from the ashes of this terrible and devastating war. What my fear is that the problem of the Untouchables may be forgotten as it *has* been so far. That would indeed be a calamity. For the ills which the Untouchables are suffering if they are not as much advertised as those of the Jews, are not less real. Nor are the means and the methods of suppression used by the Hindus against the Untouchables less effective because they are less bloody than the ways which the Nazis have adopted against the Jews. The Anti-semitism of the Nazis against the Jews is in no way different in ideology and in effect from the Sanatanism of th*e* Hindus against the Untouchables .

The world owes a duty to the Untouchables as it does to all suppressed people to break their shackles and to set them free. I accepted the invitation to write this Paper because I felt that it was the best opportunity to draw the attention of the world to this problem in comparison to which the problem of the Slaves, the Negroes and the Jews is nothing. I hope the publication of this Paper will serve as a notice to the Peace Conference that this problem will be on the Board of Causes which it will have to bear and decide and also to the Hindus that they will have to answer for it before the bar of the world.

22, Prithviraj Road,
New Delhi. B.R.AMBEDKAR
1st September 1943.

CHAPTER I

TOTAL POPULATION OF THE UNTOUCHABLES

THE Decennial Census in India was at one time a very simple and

innocent operation which interested only the Malthusians. None else took interest in it. Today the Census is a matter of a first rate concern to everybody. Not only the professional politician but the general public in India regards it as a matter of very grave concern. This is so because Politics in India has become a matter of numbers. It is numbers which give political advantage, to one community over another which does not happen anywhere else in the world. The result is that the Census in India is deliberately cooked for securing political advantages which numbers give. In this cooking of the Census the Hindus, the Muslims and the Sikhs have played their part as the chief chefs of the kitchen. The Untouchables and the Christians, who are also interested in their numbers, have no hand in the cooking of the Census, for the simple reason that they have no place in the administrative services of the country which deal with the operations of the Census. On the other hand the Untouchables are the people who are quartered, cooked and served by the Hindus, Muslims and the Sikhs at every Decennial Census. This has happened particularly in the last Census of 1940. The Untouchables of certain parts of the Punjab were subjected to systematic tyranny and oppression by the Sikhs. The object was to compel them to declare in the Census returns that they are Sikhs even though they are not. This reduced the number of the Untouchables and swelled the number of the Sikhs. The Hindus on their part carried on a campaign that nobody should declare his or her caste in the Census return. A particular appeal was made to the Untouchables. It was suggested to them that it is the name of the Caste that proclaims to the world that they are Untouchables and if they did not declare their caste name but merely said that they were Hindus, they would be treated just like other Hindus and nobody would know that they were really Untouchables. The Untouchables fell a victim to this stratagem and decided not to declare themselves as Untouchables in the Census return but to call themselves merely as Hindus. The result was obvious. It reduced the number of Untouchables and swelled the ranks of the Hindus. To what extent the cooking of the Census has taken place it is difficult to say. But there can be no doubt that the degree to which cooking was resorted to was considerable. The Census has been cooked all over. But it is the Untouchables who have suffered most from the cooking of the Census. That being so, the Census figure regarding the total population of the Untouchables in British India cannot be accepted as giving a correct total. But one cannot be far wrong if it was said that the present number of the Untouchables to British India is round about

60 million people.

CHAPTER II
THE IMPORTANCE OF THE UNTOUCHABLES

MOST parts of the world have had their type of what Ward calls the lowly. The Romans had their slaves, the Spartans their helots, the British their villeins, the Americans their Negroes and the Germans their Jews. So the Hindus have their Untouchables. But none of these can be said to have been called upon to face a fate which is worse than the fate which pursues the Untouchables. Slavery, serfdom, villeinage have all vanished. But Untouchability still exists and bids fair to last as long as Hinduism will last. The Untouchable is worse off than a Jew. The sufferings of the Jew are of his own creation. Not so are the sufferings of the Untouchables. They are the result of a cold calculating Hinduism which is not less sure in its effect in producing misery than brute force is. The Jew is despised but is not denied opportunities to grow. The Untouchable is not merely despised but is denied all opportunities to rise. Yet nobody seems to take any notice of the Untouchables-some 60 millions of souls-much less espouse their cause.

If there is any cause of freedom in this Indian turmoil for independence it is the cause of the Untouchables. The cause of the Hindus and the cause of the Musalmans is not the cause of freedom. Theirs is a struggle for power as distinguished from freedom. Consequently it has always been a matter of surprise to me that no party and no organisation devoted to the cause of freedom has so far interested itself in the Untouchables. There is the American Weekly called"The Nation". There is the British Weekly called"Statesman". Both are powerful. Both are friends of India's freedom. I would mention the American Labour and British Labour among organised bodies among the supporters of India's freedom. So far as I know none of these have ever championed the cause of the Untouchables. Indeed what they have done is what no lover of freedom would do. They have just identified themselves with the Hindu body calling itself the Indian National Congress. Now everybody in India, outside the Hindus, knows that whatever may be its title it is beyond question that the Congress is a body of middle class Hindus supplied by the Hindu Capitalists whose object is not to make Indians free but to be independent of British control and to occupy places of power now occupied by the British. If the kind of Freedom which the Congress wants was achieved there is no doubt that the Hindus would do to the Untouchables exactly what they

have been doing in the past In the light of this apathy the Indian branch of the Institute of International Affairs may well be congratulated for having invited a paper for submission to the Institute of Pacific Relations, discussing the position of the Untouchables in India in the New Constitution. I must confess that this invitation for a statement on the position of the Untouchables under the new constitution came to me as an agreeable surprise and a great relief and it is because of this, that notwithstanding the many things with which lam preoccupied, I agreed to find time to prepare this paper.

CHAPTER III
THE POLITICAL DEMANDS OF THE UNTOUCHABLES

The problem of the Untouchables is an enormous problem. As a matter of fact I have been for sometime engaged on a work dealing with this problem which will run into several hundred pages. All that I can do within the limits of this paper is to set out in a brief compass what the nature of the problem is and the solution which the Untouchables have themselves propounded. It seems to me that I cannot do better than begin by drawing attention to the following Resolutions which were passed at the All-India Scheduled Castes [1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/42. Mr. Gandhi and The Emancipation of The Untouchables.htm - _msocom_1 Conference held in the city of Nagpur on the 18th and 19th July 1942 :-

Resolution No. II

CONSENT ESSENTIAL TO

CONSTITUTION

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

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

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

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

Resolution No. Ill

ESSENTIAL PROVISIONS IN THE NEW CONSTITUTION

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

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

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

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

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

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

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

Resolution no. lV.

SEPARATE SETTLEMENTS

"It is the considered opinion of this conference,

(a) (a) that so long as the Scheduled Castes continue to live on the outskirts of the Hindu village, with no source of livelihood and in small number as compared to Hindus, they will continue to remain Untouchables and subject to the tyranny and oppression of the

Hindus and will not be able to enjoy free and full life.

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

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

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

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

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

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

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

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

CHAPTER IV
HINDU OPPOSITION

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

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

safeguards-

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

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

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

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

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

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

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

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

constitution can produce a truly representative legislature in India in view of the peculiar social structure of the Indian Society as it exists today. *The* issue can a purely territorial constituency produce a really representative legislature in India 7 It is round this issue that the controversy has centred.

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

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

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

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

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

Every one of these assumptions is a false assumption unjustified by any theory and, unsupported by experience. The history of Parliamentary Government furnishes abundant proof in support of this assertion and even the history of England tells the same tale. It is wrong to suppose that the majority in all circumstances can be trusted to represent the will of all sections of people in the constituency. As a matter of fact it can never do so to any satisfactory degree. If at all, it can only give a very pale reflection of the general will and even that capacity for pale reflection must depend upon how numerous and varied are the interests which are consciously -shared by the different sections of the constituency and how full and free is the interplay between than. It is obvious that where, as in India, there are no interest which are shared, where there is no full and free interplay and where

there are no common cycles of participation for the different sections, one section large or small cannot represent the will of the other. The will of the majority is the will of the minority and nothing more, and no amount of logical ingenuity can alter the fact and to give effect to it is to allow full play to the tyranny of the Majority.

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

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

In these circumstances the question as to why the Hindu insists upon a political mechanism which is discredited everywhere excites a certain amount of curiosity. The reason he gives is that it is the only mechanism which is consistent with nationalism. I am not convinced that this is the real explanation. The real explanation to my mind is very different *The*

Hindu prefers the territorial constituency because he knows that it will enable him to collect and concentrate all political power in the hands of the Hindus, and who can deny that his calculation is incorrect? In a purely territorial constituency the contest, the Hindu knows, will be between a huge majority of Hindu voters and a small minority of Untouchable voters. Given this fact the Hindu majority -if it is a purely territorial constituency - is bound to win in all constituencies. But the Hindus besides relying upon their majority can also rely upon other factors which cannot but work to strengthen that majority. Those factors have their origin in the peculiar nature of the Hindu Society. The Hindu Social system which places communities one above the other is a factor which is bound to have its effect on the result of voting. By the Hindu Social system the Communities are placed in an ascending scale of reverence and a descending scale of contempt. It needs no prophet to predict what effect these social attitudes will have cm voting. No Caste Hindu will cast a vote in favour of an Untouchable candidate, for to him he is too contemptible a person to go to the Legislature. On the other hand there will be found many voters among the Untouchables who would willingly cast their votes for a Hindu candidate in preference to an Untouchable candidate. That is because he is taught to revere the former more than himself or his Untouchable kinsmen. l am not mentioning the other means which are often resorted to for catching votes of the poor, illiterate, unconscious, unorganised body of voters which the Untouchables are. A combination of all these circumstances is bound to work in the direction of augmenting the representation of the Hindus-Under a system of purely territorial constituencies it is quite certain the Hindus will have assured to them a majority. They can draw for their majority upon themselves as well as upon the Untouchables. It is equally certain that the Untouchables will lose all seats. They must; firstly because they are a minority, and secondly became the Hindus can successfully exploit the weaknesses of the Untouchables which makes them offer their votes to the Hindus as one offers burnt meat to his gods.

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

CHAPTER V
JOINT V/S SEPARATE ELECTORATES

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

are devised as a means of protecting the minorities. Why not permit a minority like the Untouchables to determine what kind of electorate is necessary for its protection? If the Untouchables decide to have separate electorates why should their choice not prevail? These are questions to which the Hindus can give no answer. The reason is that the real objection to separate electorates by the Hindus is different from this ostensible objection raised in the name of a nation. The real objection is that separate electorate does not permit the Hindus to capture the seats reserved for the Untouchables. On the Other hand the joint electorate does. Let me illustrate the point by a few examples of how joint and separate electorate would work in the constituency. Take the following constituencies from the Madras Presidency.

Name of the Constituency	Total number of Seats for Hindus	Seat reserved for the Untouchables.	Total no of Hindu voters	Total no of Untouchable voters	Ratio of Hindu voters to Untouchable voters
1. Madras City South	2	1	40,626	2,577	16 to 1
2.Chicacole	2	1	83,456	5,125	16 to I
3.Vijayanagram	2	1	47,594	996	49 to 1
4. Amalapuram	1	1	52,805	7,760	7 to 1
5. Ellore	1	1	51,795	5,155	9 to 1
6. Bandar	1	1	84,191	8,723	10 to 1
7. Tenali	2	1	1,32,107	5,732	24 to 1

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

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

CHAPTER VI
THE EXECUTIVE

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

executive. I propose to deal with the second argument first.

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

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

Coming to the second argument the Hindus are simply misusing the words majority and minority. They seem to forget that majority and minority are political categories. As political categories there is no fixed majority or a fixed minority. Political majorities and political minorities are fluid bodies and what is a majority today may become a minority tomorrow, and what is a minority today may become a majority tomorrow. The difference between the Hindus and the Untouchables cannot be said to be a difference of this sort. There is no endosmosis between the Untouchables and Hindus as there is between the Majority and Minority. There is another characteristic of a majority and minority relationship, which would make them inapplicable to the relationship which subsists between the Hindus and the Untouchables. The majority and minority are divided by a difference only- difference in the point of views. They are not separated by a fundamental and deadly antagonism as the Hindus are from the Untouchables. There is a third characteristic of Majority and Minority relationship which is not to be found in the relationship that subsists between the Hindus and the Untouchables. A minority grows into a minority and a majority in becoming a majority absorbs so much of the sentiment of the minority that the minority is satisfied with the result and does not feel the urge of fighting out the

issue with the majority. Now all these considerations are quite foreign to the relationship between the Hindu Majority and the Untouchable minority. They are fixed as permanent communities. They are not merely different but they are antagonistic. To speak of them as majority and minority would be as true and as useful as would be to speak of the Germans being a majority and the French being a minority.

CHAPTER VII
PUBLIC SERVICES

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

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

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

CHAPTER VIII

SEPARATE SETTLEMENTS

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

The second reason for demanding separate settlements arises out of the economic position of the Untouchables in the village. That their condition is most pitiable no one will deny. They are a body of landless labourers who are entirely dependent upon such employment as the Hindus may choose to give them and on such wages as the Hindus may find it profitable to pay. In the villages in which they live they cannot engage in any trade or occupation, for owing to untouchability no Hindu will deal with them. It is therefore obvious that there is no way of earning a living which is open to the Untouchables so long as they live as a dependent part of the Hindu village. This economic dependence has also other consequences besides the condition of poverty and degradation which proceeds from it. The Hindu has a code of life, which is part of his religion. This code of life gives him many privileges and heaps upon the Untouchable many indignities which are incompatible with the sanctity of human life. By the New Life Movement which has taken hold of the Untouchables, the

Untouchables all over India are fighting against the indignities and injustices which the Hindus in the name of their religion have heaped upon them. A perpetual war is going on every day in every village between the Hindus and the Untouchables. It does not see the light of the day. The Hindu Press is not prepared to advertise it lest it should injure the cause of their freedom in the eyes of the world. The silent struggle is however a fact. Under the village system the Untouchable has found himself greatly handicapped in his struggle for free and honourable life. It is a contest between the economically and socially strong Hindus and an economically poor and socially small group of Untouchables. That the Hindus most often succeed in pulling down Untouchables is largely due to many causes. The Hindu has the Police and the Magistracy on his side. In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police or justice from the Magistrate. The Police and the Magistracy are Hindus, and they love their class more than their duty. But the chief weapon in the armoury of the Hindus is economic power which they possess Over the poor Untouchables living in the village. The economic processes by which the Hindus can hold down the Untouchables in their struggle for equality are well described in the Report made by a Committee appointed by the Government of Bombay in 1928 to investigate into the grievances of the Depressed Classes mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/42. Mr. Gandhi and The Emancipation of The Untouchables.htm - _msocom_2 and from which the following extracts are made. It illuminates the situation in a manner so simple that even foreigners who do not know the mysteries of the Hindu social system may understand what tyranny the Hindus can practise upon the Untouchables. The committee said -

"Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes, It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority *of* the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases axe rare.

"The second difficulty arises from the economic position in which

the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands *of* the orthodox classes as their tenants at will Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instance where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their *land,* and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence, sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been *by* no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bride-groom on the horse through the public street."

This demand for separate settlements is a new demand which has been put forth by the Untouchables for the first time. It is not possible to say as yet as to what attitude the Hindus will take to this demand. But there is no doubt that this is the most vital demand made by the Untouchables, and I am sure that whatever may happen with regard to the other demands they are not likely to yield on this. The Hindus are prone to think that they and the Untouchables are joined together by the will of God as the Bible says the husband is joined to his wife and they will say in the language of the Bible that those whom God is pleased to join let no man put asunder. The Untouchables are determined to repudiate any such view of their relations with the Hindus. They want the link to be broken and a complete divorce from the Hindus effected without delay.

The only questions that arise are those of the cost it will involve in and time it will take. As to cost, the Untouchables say it should be financed by Government It will no doubt fall for the most part on the Hindus. But there is no reason why the Hindus should not bear the same. The

Hindus own everything. They own the land in this country. They control trade, and they also own the State. Every source of revenue and profit is controlled by them. Other communities and particularly the Untouchables are just hewers of wood and drawers of water. The social system helps the Hindus to have a monopoly of everything. There is no reason why they should not be asked to pay the cost of this scheme when they practically own the country.

As to time, it matters very little even if the transplantation of the Untouchables to new settlements takes 20 years. Those who have been the bounded slaves of the Hindus for a thousand years may well be happy with the prospect of getting their freedom by the end of 20 years.

CHAPTER IX
CASTE AND CONSTITUTION

IT might well be asked why should such questions as are raised by these demands of the Untouchables find a place in the Constitution? Nowhere in the world have the makers of constitution been compelled to deal with such matters. This is an important question and I admit that an answer is required on the part of those who raise such questions and insist that they are of constitutional importance. The answer to this question is to my mind quite obvious. It is the character of the Indian Society which invests this question with constitutional importance. It is the Caste system and the Religious system of the Hindus which is solely responsible for this. This short statement may not suffice to give an adequate explanation to foreigners of the social and political repercussions of the Hindu Caste and Religious systems. But it is equally true that in the brief compass of this paper it is impossible to deal exhaustively with the repercussion of the caste system on the constitution. I would refer for a full and complete exposition of the subject to my book on the Annihilation of Castes which I wrote some time ago. For I believe it will shed sufficient light on the social and economical ramification of the Caste and Religious system of the Hindus In this Paper I will content myself with making the following general observations. In framing a constitution the Social structure must always be kept in mind. The political structure must be related to the social structure. The operation of the social forces is not confined to the social field. They pervade the political field also. This is the view point of the Untouchables and I am sure this is incontrovertible. The Hindus are quite conscious of this argument and also of its strength. But what

they do is to deny that the structure of the Hindu Society is in any way different from the structure of European society. They attempt to meet the argument by saying that there is no difference between the Caste system of the Hindus and the Class system in Western Society. This is of course palpably false and discloses a gross ignorance both of the Caste system as well as of the Class system. The Caste system is a system which is infested with the spirit of isolation and in fact it makes isolation of one Caste from another a matter of virtue. There is isolation in the Class system but it does not make isolation a virtue nor does it prohibit social intercourse. The Class system it is true produces groups. But they are not akin to Caste groups. The groups in the Class System are only non-social while the Castes in the Caste system are in their mutual relations definitely and positively anti-social. If this analysis is true then there can be no denying the fact that the social structure of Hindu Society is different and consequently its political structure must be different. What the Untouchables are asking, to put it in general terms, is a proper correlation of means to ends. End may be the same. But because the end is the same it does not follow that the means must also be the same. Indeed ends may remain the same and yet means must vary according to time and circumstances. Those who are true to their ends must admit this fact and must agree to adopt different means if they wish that the end they have in view is not stultified.

In this connection there is another thing which I would like to mention. As I have said, it is the Caste basis of Hindu society which requires that its political structure should be different and suited to its social structure. There are people who admit this but argue that caste can be abolished from Hindu society. I deny that. Those who advocate such a view think that caste is an institution like a Club or a Municipality or a County Council. This is a gross error. Caste is Religion, and religion is anything but an institution. It may be institutionalised but it is not the same as the institution in which it is embedded. Religion is an influence or force suffused through the life of each individual moulding his character, determining his actions and reactions, his likes and dislikes. These likes and dislikes, actions and reactions are not institutions which can be lopped off. They are forces and influences which can be dealt with by controlling them or counteracting them. If the social forces are to be prevented from contaminating politics and perverting it to the aggrandisement of the few and the degradation of the many then it follows that the political structure must be so framed that it will contain mechanisms which will bottle the prejudices and nullify the injustice

which the social forces are likely to cause if they were let loose.

So far I have explained in a general way why the peculiar social structure of the Hindu Society calls for a peculiar political structure and why the marker of the Indian Constitution cannot escape problems which did not plague the makers of Constitution in other countries. Let me now take the specific question, namely why it is necessary that in the Indian Constitution the Communal Scheme must find its place and why in the Public Services for the Untouchables should be specified and should be assigned to them as their separate possession. The justification for these demands is easy and obvious. It arises from the undeniable fact that what divides the Untouchables from the Hindus is not mere matter of difference on non-essentials. It is a case of fundamental antagonism and antipathy. No evidence of this antipathy and antagonism is necessary. The system of Untouchability is enough evidence of the inherent antagonism between the Hindus and the Untouchables. Given this antagonism it is simply impossible to ask the Untouchables to depend upon and trust the Hindus to do them justice when the Hindu get their freedom and independence from the British. Who can say that the Untouchable is not right in saying that he will not trust the Hindu? The Hindu is as alien to him as a European is and what is worse the European alien is neutral but the Hindu is most shamefully partial to his own class and antagonistic to the Untouchables. There can be no doubt that the Hindus have all these ages despised, disregarded and disowned the Untouchables as belonging to a different and contemptible strata of Society if not to a different race. By their own code of conduct the Hindus behave as the most exclusive class steeped in their own prejudices and never sharing the aspirations of the Untouchables with whom they have nothing to do and whose interests are opposed to theirs. Why should the Untouchables entrust their fate to such people? How could the Untouchables be legitimately asked to leave their interest into the hands of a people who as a matter of fact are opposed to them in their motives and interests, who do not sympathise with the living forces operating among the Untouchables, who are themselves not charged with their wants, cravings and desires, who are inimical to their aspirations, who in all certainty will deny justice to them and to discriminate against them and who by reason of the sanction of their religion have not been and will not be ashamed to practise against the Untouchables any kind of inhumanity. The only safety against such people is to have the political rights which the Untouchables claim as safeguards against the tyranny of the Hindu Majority defined in the

Constitution. Are the Untouchables extravagant in demanding this safety?

CHAPTER X

SOME QUESTIONS TO THE HINDUS AND THEIR FRIENDS

IN the midst of this political controversy one notices that the Hindus are behaving differently towards different communities. The Untouchables are not the only people in India who are demanding political safeguards. Like the Untouchables the Muslims and the Sikhs have also presented their political demands to the Hindus. Both the Mussulmans and the Sikhs can in no sense be called helpless minorities. On the contrary they are the two most powerful communities in India. They are educationally quite advanced and economically well placed. By their social standing they are quite as high as the Hindus. Their organisation is a solid structure and no Hindu will dare to take any liberties with them much less cause any harm to them.

What are the political demands of the Muslims and the Sikhs? It is not possible to set them out here. But the general opinion is that they are very extravagant and the Hindus resent them very much. In contrast with this the condition and the demands of the Untouchables are just the opposite of the condition of the Muslims and the Sikhs. They are a weak, helpless and despised minority. They are at the mercy of all and there are not a few occasions when Hindus, Muslims and Sikhs combine to oppress them. Of all the Minorities they need the greatest protection and the strongest safeguards. Their demands are of the modest kind and there is nothing in them of that over-insurance which may be said to characterise the demands of the Muslims and the Sikhs. What is the reaction of the Hindus to the demands of the Muslims, the Sikhs and the Untouchables? Notwithstanding the extravagance of their demands the Hindus are ever ready to conciliate the Mussalmans and the Sikhs, particularly the former. They not only want to be correct in their relationship with the Mussalmans, they are prepared to be considerate and even generous. Mr. Rajagopalachari's political exploits are too fresh to be forgotten. Suddenly he enrolled himself as a soldier of the Muslim League and proclaimed a war on his own kin and former

friends and for what? Not for their not failure to grant the reasonable demands of the Muslim but for their conceding the most extravagant one, namely Pakistan !! What is Mr. Rajagopalachari's response to the

demands of the Untouchables? So far I am aware there is no response. He does not even seem to be aware that there are 60 million Untouchables in this country and that they too like the Muslims are demanding political safeguards. This attitude of studied silence and cold indifference of Mr. Rajagopalachari is typical of the whole body of Hindus. The Hindus have been opposing the political demands of the Untouchables with the tenacity of. a bulldog and the perversity of a renegade. The Press is theirs and they make a systematic attempt to ignore the Untouchables. When they fail to ignore them they buy their leaders; and where they find a leader not open to purchase they systematically abuse him, misrepresent him, blackmail him, and do everything possible that lies in their power to suppress him and silence him: Any such leader who is determined to fight for the cause of the Untouchables he and his followers are condemned as anti-National. So exasperated the Hindus become by the political demands of the Untouchables that they in their rage refuse to recognise how generous the Untouchables are in consenting to be ruled by a Hindu Majority in return for nothing more than a few political safeguards. *The* Hindus are not aware of what Carson said to Redmond when the two were negotiating for a United Ireland. The incident is worth recalling. Redmond said to Carson"Ask any safeguards you like for the Protestant Minority of Ulster, I am prepared to give them; but let us have a United Ireland under one constitution."Carson's reply was curt and brutal. He said without asking for time to consider the offer"Damn your safeguards, I don't want to be ruled by you". The Hindus ought to be thankful that the Untouchables have not taken the attitude which Carson took. But far from being thankful they are angry because the Untouchables are daring to ask for political rights. In the opinion of the Hindus the Untouchables have no right to ask for any rights. What does this difference of attitude on the part of the Hindus to the political demands of the different communities indicate? It indicates three things (1) They want to *get* all power to themselves, (2) They are not prepared to base their political institutions on the principle of justice, (3) Where they have to surrender power they will surrender it to the forces of truculence and the mailed first but never to the dictates of justice.

This attitude of the Hindus forms the tragic scene of Indian politics. Unfortunately this is not the only tragic scene with Indian Politics. There is another equally tragic in character. It concerns the friends of the Hindus in foreign countries, The Hindus have created many friends for themselves all over the world by their clever propaganda, particularly

in America,"the land of liberty". *The* tragedy is that these friends of the Hindus are supporting a side without examining whether it is the side which they in point of justice ought to support No American friends of the Hindus have, so far as I know, asked what do the Hindus stand for? Are they fighting for freedom or are they fighting for power? If the Hindus are fighting for power, are the American friends justified in helping the Hindus? If the Hindus are engaged in a war *for* freedom, must they not be asked to declare their war aims? This is the least bit these American friends could do. Since the American friends have thought it fit to respond to the Hindu call for help it is necessary to tell these American friends of the Hindus what wrong they will be doing to the cause of freedom by their indiscriminate and blind support to the Hindu side. What I want to say follows the line of argument which the Hindus themselves have taken. Since the war started the Hindus, both inside and outside the *Congress,* demanded that the British should declare their *war* aims. Day in and day out the British were told,"If you want our help, tell us what you are fighting for? If you are fighting for freedom, tell us if you will give us. freedom in the name of which you are waging this war"There was a stage when the Hindus were prepared to be satisfied with a promise from the British that India will have the benefit of freedom for which the British are waging. They have gone a stage further. They are no longer content with a promise. Or to put it in the language of a Congressman,"They refuse to accept a post-dated cheque on a crashing Bank". They wanted freedom to be given right now, before the Hindus would consent to give their voluntary support to the War effort. That is the significance of Mr. Gandhi's new slogan of"Quit India". Mr. Churchill on whom the responsibility of answering these questions fell replied, that his war aim was victory over the enemy. The Hindus were not satisfied. They questioned him further"What are you going to do after you get that victory? What social order you propose to establish after the war?"There was a storm when Mr. Churchil replied that he hoped to restore traditional Britain. These were legitimate questions I agree. But do not the friends of Hindus think that if it is legitimate to ask the very same questions to Mr. Churchill it is also legitimate to ask the very same questions to Mr. Gandhi and-the Hindus? The British had declared war against Hitler. Mr. Gandhi has declared war against the British. The British have an Empire. So have the Hindus. For is not Hinduism a form of I imperialism and are not the Untouchables a subject race, owing there allegiance and their servitude to their Hindu Master? If Churchill must be asked to declare

his war aims how could anybody avoid asking Mr. Gandhi and the Hindus to declare their war aims 7 Both say their war is a war for freedom. If that is so both have a duty to declare what their war aims are. What does Mr. Gandhi propose to do after he gets his victory over the British 7 Does he propose to use the freedom he hopes to get to make the Untouchables free or will he allow the freedom he gets to be used to endow the Hindus with more power than they now possess, to hold the Untouchables as their bondsmen? Will Mr. Gandhi arid Hindus establish a New Older or will they be content with rehabilitation of the traditional Hindu India, with its castes and its untouchability, with its denial of Liberty, Equality and Fraternity 71 should think that these questions should be asked by those American friends to Mr. Gandhi and the Hindus who are helping them in this so-called war for Freedom. These questions are legitimate and pertinent. It is only answers to such questions which will enable these American friends to know whether Mr. Gandhi's war is a war for freedom or a war for power. These questions are not merely pertinent and legitimate, they are also necessary. The reason is obvious to those who know the Hindus. The Hindus have an innate and inveterate conservatism and they have a religion which is incompatible with liberty, equality and fratemity i. e. with democracy. Inequality, no doubt, exists everywhere in the world. It is largely to conditions and circumstances. But it never has had the support of religion. With the Hindus it is different. There is not only inequality in Hindu Society but inequality is the official doctrine of the Hindu religion. The Hindu has no will to equality. His inclination and his attitude are opposed to the democratic doctrine of one man one value. Every Hindu is a social Tory and political Radical. Mr Gandhi is no exception to this rule. He presents himself to the world as a liberal but his liberalism is only a very thin veneer which sits very lightly on him as dust does on one's boots. You scratch him and you will find that underneath his liberalism he is a blue blooded Tory. He stands for the cursed caste. He is a fanatic Hindu upholding the Hindu religion. See how the Hindus read the famous American Declaration of Independence of 1776. The Hindu is mad with joy when he reads the Declaration to say-

> That whenever any Form of Government become destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organising its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.'

But he stops there. He never bothers about the earlier part of that Declaration which says :-

> "We hold these truths to be self-evident, that all *men* are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights. Governments are instituted among Men, deriving their just powers from the consent of the governed."

The implementation of this Declaration has no doubt been a tragic episode in the history of the United States. There have been two views about this document Some hold that it is a great spiritual document. Others have held that it immoralises many untruths. In any case this charter of human Liberty was not applied to the Negroes. What is however important to note is the faith underlying the Declaration. There is no doubt about it and certainly no doubt about the faith of Jefferson, the author of this Declaration. He never forgot that while enunciating along principle, his country decided to take a short step. He wrote,"I am sorry for my countrymen."It may be no. recompense to the Negroes. But it is by no means small comfort to know that the conscience of the country is not altogether dead and the flame of righteous indignation may one day bust forth. The Negroes may laugh at this. But the fact is that even this much comfort the Untouchables cannot hope to have from the Hindus. People today are proud of the fact that the Hindus are a solid mass. But strange as it may appear, to the Untouchables of India, this is more a matter of dread than comfort-as the"Solid South"is to the Negroes in the United States. Where could anyone find in India among the Hindus any person with a sense of shame and a sense of remorse such as was felt by Jefferson? I should have thought the Hindus would be too ashamed of this stigma of Untouchability on them to appear before the world with a demand for their freedom. That they do clamour for freedom- the pity is that they get support- is evidence that their conscience is dead, that they feel no righteous indignation, and to them Untouchability is neither a moral sit) nor a civil wrong. It is just a sport as cricket or hockey is. The friends of Mr. Gandhi will no doubt point to him and his work. But what has Mr. Gandhi done to reform Hindu Society that his work and life be cited by democrats as a witness of hope and assurance 7 His friends have been informed of the Harijan Sevak Sangh and they continue to ask,"Is not Mr. Gandhi working to

uplift the Harijans?"Is he? What is the object of this Hanjan Sevak Sangh? Is it to prepare the Untouchables to win their freedom from their Hindu masters, to make them their social and political equals? Mr. Gandhi had never had any such object before him and he never wants to do this, and I say that he cannot do this. This is the task of a democrat and a revolutionary. Mr. Gandhi is neither. He is a Tory by birth as well as by faith. The work of the Harijan Sevak Sangh is not to raise the Untouchables. His main object, as every self-respecting Untouchable knows, is to make India safe for Hindus and Hinduism. He is certainly not fighting the battle of the Untouchables. On the contrary by distributing through the Harijan Sevak Sangh petty gifts to petty Untouchables he is buying, benumbing and drawing the laws of the opposition of the Untouchables which he knows is the only force which will disrupt the caste system and will establish real democracy in India. Mr. Gandhi wants Hinduism and the Hindu caste system to remain intact. Mr. Gandhi also wants the Untouchables to remain as Hindus. But as what 7 not as partners but as poor relations of the Hindus. Mr. Gandhi is kind to the Untouchables. But for what? Only because he wants to kill, by kindness, them and their movement for separation and independence from Hindus. The Harijan Sevak Sangh is one of the many techniques which has enabled Mr. Gandhi to be a successful humbug.

Turn to Pandit Jawaharlal Nehru. He draws his inspiration from the Jeffersonian Declaration; but has he ever expressed any shame or any remorse about the condition of the 60 millions of Untouchables? Has he anywhere referred to them in the torrent of literature which comes out from his pen? Go to the youth of India, if you want. The youths who fill the Universities and who follow the Pandit's lead are ever ready to fight the political battle of India against the British. But what do these children of the leisured class Hindus have done to redress the wrongs their forefathers have done to the Untouchables? You can get thousands of Hindu youths to join political propaganda but you cannot get one single youth to take up the cause of breaking the caste system or of removing Untouchability. Democracy and democratic life, justice and conscience which are sustained by a belief in democratic principle are foreign to the Hindu mind. To leave democracy and freedom in such Tory hands would be the greatest mistake democrats could commit It is therefore very necessary for the American friends of the Hindus to ask Mr. Gandhi and the Hindus to declare their War aims, so that they may be sure that the fight of the Hindus against British is really and truly a

fight for freedom. The Congress and the Hindus will no doubt refer their inquiring foreign friends to the Congress Resolutions regarding minority rights. But I would like to warn the American friends of the Hindus not to be content with the"glittering generalities"contained in congress declaration of Minority Rights. To declare the rights of the minority is one thing and to have them implemented is another. And why should the friends of the Hindus if they are really friends of freedom, not insist on implementation straight away? Are not the Hindus saying that they would not be satisfied with mere declaration of freedom from the British? Are they not asking for immediate implementation? If they want the British to implement their War aims, why should the Hindus be not prepared to implement their war aims? American friends of the Hindus, I am sure, will not be misled by the Hindu propaganda that this war of the Hindus against the British is a War for freedom. Before helping the Hindus they must get themselves satisfied that the Hindus who are urging that their war against the British is a war for freedom will not turn out to be the enemies of the freedom of millions of Indians like the Untouchables. That is the plea I am making on behalf of the 60 millions of the Untouchables of India. And above all let not the American friends think that checks and balances in a Constitution-the demand for checks and balances suited to Indian conditions-are not necessary because the struggle is carried on by a people and is carried on in the name of freedom. Friends of democracy and freedom cannot afford to forget the words of John Adams when he said-

> "We may appeal to every page of history we have hitherto turned over, for proof irrefragable that the people when they have been unchecked, have been as unjust, tyrannical, brutal, barbarous , and cruel as any king or Senate possessed of uncontrollable power : the majority has eternally and without one exception usurped over the rights of the minority."

If all Majorities must be subjected to checks and balances how much more must it be so in the case of the Hindus?

NEED FOR CHECKS

AND BALANCES

Article on Linguistic States

From: The Times of India, dated 23rd April, 1953

The British who ruled India for more than 150 years never thought of creating linguistic States although the problem was always there. They were more interested in creating a stable administration and maintaining law and order throughout the country than in catering to the cultural craving of people in multi-lingual areas. It is quite true that towards the end of their career they did realise that the administrative set-up which they had built required some adjustment from the point of view of linguistic considerations, at any rate in cases where the conglomeration was very glaring. For instance, they did create Bengal, Bihar and Orissa as linguistic States before they left. It is difficult to say whether if they had continued to rule, they would have followed the path of forming linguistic States to its logical conclusion.

But long before the British thought of creating linguistic provinces the Congress under the aegis of Mr. Gandhi had already in the year 1920 framed a constitution for itself on the basis of linguistic provinces. Whether the ideology underlying the constitution of the Congress as framed in 1920 was a well thought out ideology or whether it was a sop to draw people inside the Congress fold, one need not now stop to speculate. There is, however, no doubt about it that the British did realise that linguistic considerations were important and they did give effect to them to a limited extent.

Opposition

Upto the year 1945, the Congress was, of course, not called upon to face the responsibility which it had created for itself by its constitution of 1920. It was only in the year 1945 when it assumed office that this responsibility dawned upon the Congress. Looking

into the recent history of the subject the necessary momentum to the issue was given by a member of Parliament by moving a resolution for the creation of linguistic provinces in India.

The duty of answering on behalf of the Government to the debate fell on me. Naturally I took the matter to the higher authorities in order to ascertain what exactly their point of view was. Strange as it may appear, it became clear to me that the High Command was totally opposed to the creation of linguistic provinces. In these circumstances, the solution that was found was that the responsibility to answer the debate had better be taken over by the Prime Minister. The Prime Minister in reply to the debate made statement promising the creation of an Andhra State immediately. On the basis of the statement made by the Prime Minister, the resolution was withdrawn. The matter rested there.

Second Time

As Chairman of the Drafting Committee, I had to deal with the matter a second time. When the draft Constitution was completed, I wrote a letter to the Prime Minister asking him whether I could include Andhra as a separate State in Part A States of the Constitution in view of what he had said in the course of the debate on the Resolution. I have nothing with me here to refresh my memory as to what exactly happened. But the President of the Constituent Assembly, Dr. Rajendra Prasad, appointed a Committee to investigate into the formation of linguistic States, under the Chairmanship of Mr. Dhar, a lawyer from U.P.

People will remember the Dhar Committee for one thing if not for any other. The Committee said that under no circumstances should Bombay City be included in Maharashtra if Maharashtra was made a linguistic State. That report was then considered by the Jaipur session of the Congress. The Jaipur Congress appointed a Three-Man Committee consisting of the Prime Minister, Mr. Vallabhbhai Patel and Dr. Pattabhi Sitaramayya. They produced a report, the gist of which was that an Andhra province should be created immediately but the city of Madras should remain with the Tamils. A committee was appointed to go into the details. It produced a more or less unanimous report. But the report was opposed by substantial elements among the Andhras including Mr. Prakasam who were not prepared to relinquish their claim to Madras, and the thing lay dormant there.

After that comes the incident of Shri Potti Sriramulu who had to

sacrifice his life for the sake of an Andhra province. It is a sad commentary on the ruling party that Mr. Sriramulu should have had to die for a cause the validity of which was accepted by all Congressmen. The creation of a new Andhra province now being thought of is only a pindadan to the departed soul of Mr. Sriramulu by the Prime Minister. Whether such action on the part of the Government would have been tolerated in any other country is a matter on which there is no use speculating.

There are, in my opinion, three conditions which must be satisfied before a linguistic State is brought into being. The first condition is that it must be a viable State. This rule was accepted as absolute when the question of the merger of the Indian States was under consideration during the making of the Constitution. Only those Indian States which were viable were allowed to remain as independent States. All others were merged into the neighbouring States.

A Sahara?

Is the proposed Andhra State a viable State? Mr. Justice Wanchoo had very candidly admitted that the annual revenue deficit of the proposed Andhra State will be of the magnitude of Rs. 5 crores. It is possible for the proposed Andhra State to reduce this gap either by increase of taxation or decrease in expenditure? The Andhras must face this question. Is the Centre going to take the responsibility of meeting this deficit? If so, will this responsibility be confined to the proposed Andhra State or will it be extended to all similar cases? These are questions which are to be considered.

The new Andhra State has no fixed capital. I might incidentally say that I have never heard of the creation of a State without a capital. Mr. Rajagopalachari (the staunchest Tamilian tribesman) will not show the Government of the proposed Andhra State the courtesy of allowing it to stay in Madras city even for one night—courtesy which is prescribed by the Hindu Dharma on all Hindus for an *atithi*. The new Government is left to choose its own habitat and construct thereon its own hutments to transact its business. What place can it choose? With what can it construct its hutments? Andhra is Sahara and there are no oases in it. If it chooses some place in this Sahara it is bound to shift its quarters to a more salubrious place, and the money spent on this temporary headquarters would be all a waste. Has the Government considered this aspect of the case? Why not right now give them a place which has the possibility of becoming

their permanent capital.

It seems to me that Warangal is best suited from this point of view. It is the ancient capital of the Andhras. It is a railway junction. It has got quite a large number of buildings. It is true that it lies within that part of Andhra which is part of Hyderabad State. As a matter of principle Hyderabad State which is a monstrosity should have been broken up and a complete Andhra State might have been created. But if the Prime Minister has some conscientious objection to the proposal, can he not create an enclave in the Andhra part of Hyderabad and join it to the new Andhra State and make a way to Warangal? An enclave is not a new thing in India. But the Prime Minister wants to work against the will of God in Hyderabad as well as in Kashmir. I am sure he will very soon learn the consequences of it.

First Condition

This is just incidental. My main point is that a linguistic State must be viable. This is the first consideration in the creation of a linguistic State. The second consideration is to note what is likely to happen within a linguistic State. Unfortunately no student has devoted himself to a demographic survey of the population of India. We only know from our census reports how many are Hindus, how many are Muslims, how many Jews, how many Christians and how many untouchables. Except for the knowledge we get as to how many religions there are this information is of no value. What we want to know is the distribution of castes in different linguistic areas. On this we have very little information. One has to depend on one's own knowledge and information. I don't think it would be contradicted if it is said that the caste set-up within the linguistic area is generally such that it contains one or two major castes large in number and a few minor castes living in subordinate dependence on the major castes.

Communal Set-up

Let me give a few illustrations. Take the Punjab of PEPSU. The Jats dominate the whole area. The untouchables live in subordinate dependence on them. Take Andhra—there are two or three major communities spread over the linguistic area. They are either the Reddis or the Kammas and the Kappus. They hold all the land, all the offices, all the business. The untouchables live in subordinate dependence on them. Take Maharashtra. The Marathas are a huge majority in every village in Maharashtra. The Brahmins, the Gujars,

the Kolis and the untouchables live in subordinate co-operation. There was a time when the Brahmins and the banias lived without fear. But times have changed. After the murder of Mr. Gandhi, the Brahmins and the banias got such a hiding from the Marathas that they have run away to the towns as safety centres. Only the wretched untouchables, the Kolis and the Malis have remained in the villages to bear the tyranny of the Maratha communal majority. Anyone who forgets this communal set-up will do so at his peril.

In a linguistic State what would remain for the smaller communities to look to? Can they hope to be elected to the Legislature? Can they hope to maintain a place in the State service? Can they expect any attention to their economic betterment? In these circumstances, the creation of a linguistic State means the handing over of Swaraj to a communal majority. What an end to Mr. Gandhi's Swaraj ! Those who cannot understand this aspect of the problem would understand it better if instead of speaking in terms of linguistic State we spoke of a Jat State, a Reddy State or a Maratha State.

Third Issue

The third problem which calls for consideration is whether the creation of linguistic States should take the form of consolidation of the people speaking one language into one State. Should all Maharashtrians be collected together into one Maharashtra State? Should all Andhra area be put into one Andhra State? This question of consolidation does not merely relate to new units. It relates also to the existing linguistic provinces such as U.P, Bihar and West Bengal. Why should all Hindi-speaking people be consolidated into one State as has happened in U.P.? Those who ask for consolidation must be asked whether they want to go to war against other States. If consolidation creates a separate consciousness we will have in course of time an India very much like what it was after the break-up of Maurya Empire. Is destiny moving us towards it?

This does not mean that there is no case for linguistic provinces. What it means is that there must be definite checks and balances to see that a communal majority does not abuse its power under the garb of a linguistic State.

NOTES ON ACTS AND LAWS

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BURDEN OF PROOF

CHAPTER 1
The Common Law

1. In the English system. Equity has acquired a technical connotation and we are accustomed to think of it as a whole jurisdiction distinct from Common Law principles.
2. For better or for worse, the stream of English Law divided into two channels, not without considerable disturbance of the soil and morbidity of the waters.
3. But the interdependence of Law and Equity has never wholly disappeared.
4. We ought not to think of Common Law and Equity as rival systems. Equity was not a self-contained system, at every point it presupposed the existence of Common Law.

The principle on which the Court of Equity granted relief

1. If we look for one general principle which more than any other influenced the Equity developed by the Chancery, we find it in a

philosophical and theological conception of *conscience.*

2. The English Equity begins to be systematised under the guidance of a governing moral principle of conscience.

3. Not that we can suppose that all the Chancellors were assiduous and consistent in the pursuit of that principle. Under the Tudors, some of them behaved with complete arbitrariness. These occasional aberrations may have inspired Seldon's oft quoted, but probably only half serious quip about the length of the Chancellor's foot. But they were not typical, the 'conscience' which the Chancellor set before him was normally something more constant and imperishable than the mere caprice of his own whim. A 'hardening' process sets in. By 1676 we find Lord Nottingham expressly repudiating the notion that the conscience of the Chancellor is merely *naturalis etinterna,* and in 1818, Lord Seldon summarily repudiates any notion of mere individual discretion being open to an Equity Judge. Equity is a settled system of conscience.

The limits of the Chancellor's authority

1. This prerogative to grant relief had certain limits':—

(i) It could be exercised only where law gave no rights but where conscience required that certain rights should be given—This was known as the *Exclusive* jurisdiction of Equity.

(ii) It could be exercised only where law gave rights required by conscience but the remedies which it gave were insufficient to satisfy justice—This was known as the *concurrent* jurisdiction of Equity.

(iii) It could be exercised in matters in which the law gave rights required by conscience and remedies sufficient to satisfy the ends of justice but as to which its process was too defective to secure the remedies without the assistance of Equity—This was known as the *auxiliary* jurisdiction of Equity.

The nature of an equitable right

1. The nature of an equitable right will be better understood if it was studied in contrast with a moral right and a legal right. A mere definition would be very little use.

2. By way of introduction we may begin by seeking to have a precise conception of a right. What do we mean when we say that any given individual has a right :

(i) If a man by his own force or persuasion can carry out his wishes, either by his own accord or by influencing the acts of others, he has the 'might' so to carry out his wishes.

(ii) If, irrespectively of having or not having this night, public opinion

would view with approval or at least with acquiescence, his so carrying out his wishes, and with disapproval any resistance made to his so doing then he has a ' *moral right ' so* to carry out his wishes.

(iii) If, irrespectively of the approval or disapproval, acquiescence or non-acquiescence of public opinion, the State would support him in carrying out his wishes then he has a *legal right* so to carry out his wishes.

3. Whether it is a question of might, depends upon a man's own powers of force or persuasion. Whether it is a question of moral right depends on the readiness of public opinion to express itself on his side. Whether it is a question of legal right, depends upon the readiness of the State to exert its force on his behalf. A *legal right* exists where one course of action is enforced, and the other prohibited by that organised society which is called the State. A legal right is, therefore, an interest which is recognised and protected by the State. Right is any interest, respect for which is a duty and the disregard for which is a wrong.

The Characteristics of a legal right

1. A legal right is a right which unlike moral right is enforced by the State.
2. A legal right is founded in a title which must be shown to have been acquired in any one of the modes of acquiring title recognised by law—e.g. possession, prescription, agreement and inheritance, etc.
3. A vestitive fact which creates a title to a right in one person destroys the title of another to the same right.
4. A legal right creates an obligation which is either an obligation *in rem* or an obligation *in personam.*

In what respects does an equitable right resemble, in what respects does it differ, from a legal right

1. Equitable right is not like a moral right which is not enforced by the State. Equitable right is like a legal right in that it is enforced by the State.
2. A title to an Equitable right need not be created by any one of the recognised modes by which a title to a legal right is created. This is the most important distinction.

Illustration:

(i) A legal mortgage of land must be created by a deed. But an equitable mortgage may be created otherwise than by deed:—

(a) The statute of trade required that no action shall be brought upon any contract or sale of lands or any interest therein unless agreement was in writing and signed by the party or his agent.

But if the title-deeds of an estate are, without even verbal

communication, deposited by a debtor in the hands of the creditor, the mere fact of such deposit is enough to constitute the creditor a mortgage of the estate.

(b) An agreement that a creditor shall hold land at a fair rent to be retained in satisfaction of the debt, is a mortgage in equity but not in law.

(ii) **Assignment**—Legal and Equitable.

Legal: (1) Assignment must be in writing under the hand of the assignor—signature of the agent not sufficient. -

(2) The writing must contain a direction or order to the debtor by the creditor to pay the assignee.

(3) There must be express notice of assignment to the debtor.

Equitable : (1) The mode or form of assignment is immaterial provided the intention of the parties is clear. Assignment may be verbal.

(iii) **Charge**—Legal and Equitable.

(iv) **Lease**—Equitable and Legal.

(v) **Servitude**—Equitable and Legal.

Married Women's Property

This illustrates how an equitable right can arise without the legal formalities of conveyance required for the creation of a legal right.

(1) At Common Law, husband and wife were one person, and the status of the wife merged in that of the husband. The result of this merger was that the husband became the absolute owner of her personal property and acquired the sole right of controlling and managing her real estate.

On her death he became absolutely entitled to any of her personal property that had not already been sold and to a life estate by *courtesy* in her fee provided a child had been born.

(2) Secondly, a husband could not make a grant to his wife directly or enter into a covenant with her, for to allow either of these things would have been to suppose her separate existence.

(3) The effect of marriage at Common Law was to make a man complete master of his wife's property and to deprive her of contractual capacity.

(4) If property was given to a married woman by words which indicated either expressly or by implication that she was to enjoy it"*for her sole and separate use*". Equity removed that property from the control of the husband by regarding him as a trustee, and conferred upon the wife full powers of enjoyment and disposition.

But equity went even further than this. Perceiving the danger that a husband might persuade his wife to sell her separate property and hand the

proceeds to him, it permitted the insertion in marriage settlements of what is known as"*restraint upon anticipattion"*. The effect of such restraint, which is still usual, was that a woman while possessing full enjoyment of the income was prevented during her coverture from alienating or charging the corpus of the property. She could devise but could not sell or mortgage it. This was in complete contravention of the Common Law. At Common Law, not only marriage became a vestitive fact giving the husband a title to the property of his wife but no agreement either with the wife or any other person could take away his right to hold and to alienate her property.

This is an illustration which shows that an Equitable right arises in a manner very different from that in which a legal right arises.

(3) Second distinction between a legal right and an equitable right may be formulated thus :

1. A legal right vested in one owner destroys either partially or completely the right vested in its previous owner. The destruction may be complete or may be partial. If it is a lease, it is a partial destruction. If it is a sale, it is a complete destruction. But whether complete or partial, it is destruction. This is what is meant when it is said that a *vestitive fact* is also *divestive* fact.

2. This is not true when there is a competition between a legal right and an equitable right. An equitable right does not destroy a legal right even when it prevails as against the owner of a legal right. In a conflict between a legal and an equitable right, the equitable right does not destroy the legal right, as one legal right does another legal right.

3. *Why is this so*? For this it is necessary to know how an equitable right came to be recognised at the very start by the Court of Chancery. The historical setting may be presented briefly as follows:—

(i) It was a common practice in England before the Norman conquest for one person to do something *ad opus*—on behalf of another. For instance the Sheriff seized lands and held them *ad opus domini Regis* or where a knight went about to go to the crusades, conveyed his property to a friend to hold it on behalf of his wife and children. The word *opus* became gradually transformed into *use* and the land transferred came to be spoken of as land put in use.

(ii) Now if in certain circumstances some persons could deal with land on behalf of or to the use of another, the question that inevitably occurred to men, why one person should not in a general way be allowed to hold land to the use of another. This as a matter of fact was exactly what was done in course of time. The tenant *A* would transfer his land by a Common Law conveyance to *B,* who undertook to hold it on behalf of, or adopting the correct expression, to the use of A.

In such cases B was called *the feoffee to use,* that is, the person to whom the feoffment had on certain conditions been made, while *A* went by the name of the *Astin que use,* which being interpreted, meant the person on whose behalf the land was held.

(iii) Reasons why this practice grew, are many. There were altogether six reasons why people liked to follow this practice of putting land in use. Of these two are of importance:—

(1) It enabled a party to escape the feudal burdens to which was liable at Common Law. At Common Law the following burdens were placed upon the tenant—

(i) (i) *Relief—paid* by a new tenant upon the death of an old tenant.

(ii) (ii) Aids—payable in three cases—

(a) (a) to ransom the Lord when imprisoned;

(b) (b) when the Lord desired to make his Lord a knight;

(c) (c) when the Lord was obliged to supply his eldest daughter with a dowry.

(iii) Escheat—The commission by a tenant of a crime serious enough to amount to felony caused the land to escheat.

(iv) *Wardship.*—If an existing tenant died leaving as his heir a male under 21 or a female under 14, the Lord was entitled to the wardship of the heir and as a consequence was free to make any use he liked of the lands during the minority without any liability to render accounts.

(v) *Marriage* :—To find a suitable match for an infant ward was the right of the Lord, and if the infant ward refused, the Lord was entitled to compensation.

The feoffor became free by putting his land in use. The burden fell on the person who acquired *Seisin,* namely, the feofee to uses.

(2) The second advantage was avoidance of forfeiture and escheat.

Land held by tenure at Common Law was forfeited to the Crown if the tenant committed high treason, and upon his conviction or on slavery for felony, it escheated to the Lord. These unpleasant consequences were avoided, if a tenant, before embarking upon some doubtful enterprise, had the prescience to vest his lands in a few confidential friends. The deliquent might possibly suffer the extreme penalty, but at least his family would not be destitute.

4. Legal effect of putting lands in use :—

(i) The legal consequence of this practice of putting lands in use is an

important point to note. It was to cut off the *cestui que use* in the eyes of the Common Law from all connection with the land. By a conveyance operative at Common Law, he had conveyed his estate to the feofee *to uses* and was, therefore, deprived of all Common Law rights over the land. He was nothing, the feofee was every thing. Instead of keeping scisin,he chooses to rely upon the confidence which he reposed in the feofee.

(ii) If the feofee failed or refused to carry out the directions imposed upon him or if he deliberately alienated the land for his own purposes, there was no Common Law action by which he could be rendered liable.

(iii) If a *cestui que use* was let into possession of the land by the feofee to uses, he was regarded as a mere tenant at will of the *feofee to uses* and could be turned out any moment, and in the event of contumacy could be sued in trespass by the feoffee.

5. The nature of the remedy provided by the Court of Chancery to protect the feofor must be clearly understood :—

(i) The Chancellor could not interfere with the jurisdiction of the Common Law Courts by proceeding directly against the land itself because the absolute title to the land was vested in the feofee by the conveyance. The Chancelllor could not disregard the fact that a feoffee was absolute owner at Common Law by virtue of the Common Law conveyance called feoffment whereby the land had been transferred to him.

(ii) The Chancellor distinctly recognised the fact that the feoffee was the owner of the land and had a legal right but what he said to the feoffee was this:—

"You have the legal right, I do not take it away from you but I will not permit you to exercise that legal right in such a way as to infringe the understanding on which the feoffor made the feoffment."

(iii) The Chancery in assuming jurisdiction over the *use* left untouched and inviolate the legal right of owner at Common Law. It exercised no direct control over the land. It only regulated the mode and manner of the legal right by imposing upon the owner of the legal right an obligation to observe the condition. The legal owner retained his legal right to own and to possess the land. The Chancellor gave the feoffor an equitable right to demand observance of the conditions of feoffment.

6. This is the explanation of that difference between a legal light and an equitable right according to which while one legal right destroys another

legal, either partially or wholly, an equitable right does not destroy a legal right.

7. This is also the explanation of the proposition enunciated by Strahanin *Article 11,* namely, that a legal right or interest issues *outflows out* of the property itself while equitable right or interest issues or flows out of the legal interest and not out of the property.

This is so because the Chancellor did not recognise the right of the equitable owner to obtain possession of property. That right he retained in the legal owner. What he gave to the equitable owner was the right to impose a duty upon the conduct of the legal owner and he did not give him the right to claim the property itself.

Illustration :-(1918). *2K.B.* (Ir.)353—-Graham vs.Mellwaine.

8. The consequences that follow from this fact may be noted:—

(1) Because an equitable right issues out of a legal right and not out of the property:

(i) It cannot be greater than the legal estate out of which it issues. *Illustration:*

Land conveyed to *A* for the use of *B* and his heirs. *A* is the legal owner of the land. *B* is the equitable owner.

But land is conveyed to A and not to A and his heirs. Consequently the legal right of *A* vanishes at his death. As *A's* legal right vanishes so does *B ' s* equitable right

An equitable interest cannot survive the legal interest out of which it flows, *(1914) i Ch. 300*

(ii) Equitable right will be affected by all the infirmities attaching to the legal right

A died intestate leaving B and C as his sons, B being the eldest.

B being away C takes possession and transfers it to *D* for the use of his wife *E.*

B returns and claims the property. The legal title of *D* comes to an end by reason of the flaw in C's title.

The equitable estate of *E*, the wife of C, also comes to an end.

III. The third difference between a Legal Right and an Equitable Right is that, a legal right may be a right in *rem* or may be a right in *personam.* But an equitable right is always a right in *personam.* Who is bound to respect the right of an Equitable owner? Not the world but the legal owner and no one else.

It is true, the legal owner, who is bound, is not the legal owner against whom the equitable right first arose but includes also every legal owner to whom the right is transferred.

All the same the proposition stands that an Equitable Right is a right in *personam* which binds only the legal owner.

Explain,

"Equitable rights have a resemblance to rights in rem."

(i) It is true that Equitable Rights have a resemblance to rights *in rem.*

(ii) How does this resemblance arise?

(i) An equitable right will be enforced not only against the owner of legal right but it will be enforced against:—

(a) his representatives and volunteers claiming through or under him,

(b) persons who acquire the legal right

(i) with the knowledge of the legal right,

(ii) against those who could have had knowledge.

(iii) The standard of knowledge set up by the Court of Chancery was so high that no one could escape and every purchaser was bound.

Equitable Priorities

1. An equitable right is a right *in personam*—operating against the owner of a legal right out of which it flows.

2. There may be two equitable rights flowing out of one legal right. Both would be rights in *personam* against the owner of the legal right out of which they flow.

3. An equitable right being a right in *personam* arising out of the legal and not out of the property which is the object of the legal right, could be defeated by transferring the legal right to a new owner. Or another equitable right may arise by this transfer which may defeat the prior equitable right.

4. The question to be considered is, in what cases can such a transfer defeat an equitable right?

5. The subject is discussed generally under the heading of *Equitable Priorities.* It is so designated because the test applied for the determination of the issue is the priority in time. But the real subject matter is the possible cases where an equitable right can be defeated by transfer of a legal right out of which it arises or by the creation of another equitable right out of the same legal right?

6. Cases to be considered fall under two classes :

(i) Cases where there is a conflict between Legal Right and an

Equitable Right

(ii) Cases where there is a conflict between two equitable rights.

7. Under the first class of cases there are two contingencies which must be distinguished :

(a) Where the 'Equitable Right is prior in existence to the legal right

(b) Where an equitable right arises subsequently to the legal right.

Mrs. Thorndike was the beneficiary of a certain Trust Fund of which C was a trustee. In a suit by Mrs. Thomdike, the Court directed the Trustee to transfer of the fund into the Court for the purposes of the Thorndike Trust and was held by the Administrator. It appeared that the Trustees against whom the order was made had provided themselves improperly with the means of discharging themselves from their personal liability to bring the fund into Court and that there are third persons whom they had injured. The third party so injured filed a suit praying that the fund held in the name of Thorndyke should be transferred to them. *Contention :* Legal title not in Mrs. Thorndyke and therefore, her right could not prevail. Contention disallowed. Held, not necessary to acquire legal title personally. Also no notice.

8. Altogether we shall have three questions to consider which may be formulated thus :

(i) Whether a person who acquires a legal right will be subject to a prior equitable right?

(ii) Whether a person who has acquired a legal right will be postponed to an equitable right arising subsequently.

(iii) Where neither party has a legal right and both have only equitable rights, which of them will have priority?

(i) Whether a person who has acquired a legal right will be subject to a prior equitable right?

1. The answer to this question is this:

A purchaser obtaining a legal estate for valuable consideration and without notice of a prior equitable right will not be bound by the equitable right.

2. There are three important elements in this proposition :

(1) *Purchaser must have acquired a legal Estate.—-There* is not much to be said about this. But the following points may be noted:

(a) (a) It is not necessary that he should acquire the legal estate personally. It is enough if somebody does it on his behalf.

Thorndike vs. Hunt, (1859) 3 De. G. 1. 563 =44 ER. 1386.
(b) The purchaser's title need not be *a perfect title.*
Illus. : If a trustee's title to property is defective, he may never the less convey to a *bonafide* purchaser an interest which will be effective against the beneficiary who is the owner of a prior equitable right.

Jones vs. Powles (1834) 3 My & K.581.

Facts

1. *John Jones* Owner—Mortgaged his house to Holbrook, redeemed it, obtained acknowledgement of payment—- but did not obtain reconveyance. The legal estate remained outstanding in Holbrook.
2. On the death of Jones Meredith, his shop assistant forged a will of Jones and on its vests obtained possession of the house.
3. Meredith mortgaged it to Hall by a conveyance.
4. Meredith died leaving his wife to whom he left the equity of redemption by a will and thereafter to James Jones.
5. James Jones conveyed it to Watkins.
6. James Jones & Watkins became partners and mortgaged the property to *Powles* who acquired possession as mortgagee.
7. Powles died leaving his wife *Sarah.*
8. Sara Powles secured surrender of the estate and full ownership.
9. Sara Jones sued Sara Powles alleging that the will was a forgery and that Sara Powles had notice and that she could not defeat her right to redeem. (c) The purchaser should obtain a legal right. But this may be:

(i) (i) at the time of his purchase, or
(ii) he may get it subsequently.

(ii) The purchaser must have given valuable consideration for his right.

A volunteer is always subject to an equitable right. The reason is that he does not suffer by being made liable to the prior equitable right not having paid any consideration.
An existing debt is, however, sufficient consideration.
Illus. Thorndike vs. Hunt.
T had paid no consideration. His right was a sort of an existing debt against the trustee.

(iii) The purchaser must have acquired the right without notice of the existence of the prior equitable right.

This is the most (important)*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_1 element in the proposition and the question

that arises for consideration is: (further portion not found—ed.)

What is Notice?

1. Notice may be *Direct* or *Imputed,* Direct notice is notice to the purchaser himself. Imputed notice is notice to the agent of the purchaser.
2. Direct Notice may be *actual* or *constructive :*
(1) Actual notice is where the matter is *within* the knowledge of the purchaser or his agent.
(2) Constructive notice (is)* where it would have come to his own knowledge or to the knowledge of his agent if proper inquiries had been made.

Actual Notice

1. If reliance is placed upon actual notice to defeat a legal right it must be proved that :

(i) (i) It was given by a person interested in the property ;
(ii) (ii) it was given in the course of negotiations ;
(iii) (iii) it was clear and distinct.

Constructive Notice

1. Constructive Notice arises where there is notice of a fact or facts from which notice of the existence of an equitable right could be presumed. It is not notice but evidence of notice.
2. There are three varieties of constructive notice :
(i) Where there is actual notice of a fact which would have led to the notice of the existence of the right, *Bisco vs. Earl of Banbury (1676) 6) 7 Ch. Ca. 287.*
The purchaser had actual notice of a specific mortgage but did not inspect the motgage-deed which referred to other rights and encumbrances.
He was held to be bound by other encumbrances for he would have discovered their existence if he had inspected the deed as any prudent man would have done. *Davis vs. llutchings, 1907 I Ch. 356.* .
A trustee transferred a share of the beneficiary to the Solicitor relying upon the statement made by him that it was assigned. They did not call for the assignment. The assignment was subject to a charge in favour of another. *Held* they had constructive notice of the charge.

Occupation of tenant as Constructive Notice

Where land is in the occupation of some one other than the vendor, the fact of the occupation gives the purchaser constructive notice of any right of the occupying tenant.

It will not amount to notice of a third person's right—9. Moo. *P. C.* 18.

We now come to the parole evidence of notice. Upon this subject the rule is settled, that a purchaser is not bound to attend to vague rumours about purchaser—to statements by mere strangers, but that a notice in order to be binding must proceed from some person interested in the property—

R. 3 Ch. App. 488 *Lloyd* vs. *Banks* Carries j—1868

If he attempts to prove knowledge of the trustee *Aliunde,* the difficulty which this Court always feel in attending to what are called casual conversations or in attending to any kind of intimation which will put the trustee in a less favourable position as regards his mode of action than he would have been in if he had got a distinct and clear notice from the encumbrances. At the same time I am bound to say that I do not think it would be consistent with the principles upon which this Court has always proceeded, or with the authorities which have been referred to, if I were to hold that under no circumstances could a trustee without express notice from the encumbrancer be fixed with knowledge of the encumbrance. —*Illus. .- 9 Moo. P. C. 18 Barnhart vs. Greenshields.*

Where it was held that vague reports from persons not interested in the property will not affect the purchaser's conscience.

Should notice be directly from the Encumbrancer?

A purchaser cannot safely disregard information, from whatever source it may come. It is of such a nature that a reasonable man of business would act upon that information even if it came from a news-paper report.

S.R. *3 Ch. App. 488* 1868.

Registration

The registration of any instrument or matter required or authorised to be registered by law is to be deemed to constitute actual notice of such *instrument* or *matter* but not necessarily of its contents.

(ii) Where inquiry is purposely avoided to escape being bound by notice.

1. John Towsey contracted for the purchase of certain property in 1776.
2. He borrowed the amount of purchase money from one Dr. P, and placed the title-deeds in his hands as a security for repayment.
3. In 1790, T was very much indebted to one Ellames in a considerable

sum of money and executed a mortgage of the same property to Ellames.
4. Dr. P did not give any information of his claim to Ellames.
5. Ellames said that he made no inquiries after the title-deeds before he took the security, and admitted that upon executing the mortgage he inquired for them, and was informed of their being in the hands of Dr. P. but that he understood them to be so for safe custody only.
6. He received this information from one J. who was his brother-in-law, who had prepared the mortgage and appeared as his agent at the time of the execution of it.
7. Dr. P claimed priority over Ellames. It was granted as Ellames was held to have had notice.
(iii) Where there is gross negligence in not making usual and proper inquiries:

1899. 2 Ch. 264
1921. I Ch. 98.

Imputed Notice

1. 1. The underlying theory of agency is that a man can do a thing by an agent which he can do himself. Conversely, what is done by the agent is done by him. This being so, it is open to argument that what is known to the agent must be taken to be known to the Principal. This is the theory on which the doctrine of imputed notice is founded.

The Essentials of Imputed Notice

1.1. *The knowledge must have come to him as an agent* and not in any other capacity. In other words, agency must be strictly proved.
Dyllie vs. Pollen—32 L. J. Ch. 782 (N. S.)

2. Agent must be distinguished from a person employed to do merely ministerial act—*e.g.* a person employed to procure a deed is an agent. Knowledge to such a person cannot be the basis of imputed notice.
3. In this connection, the position (of)* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_2 a person who is in the service of two Principals as their agent has to be considered. Suppose, there are two companies, A and B, and C is an officer employed in both A & B. Suppose that A company transferred their legal right to B company which was subject to an equitable right in favour of D of which C had knowledge.
Can D say that B company had notice of his equitable right because C, their agent, had notice of it in his capacity as the agent of A?

The answer is that, his knowledge which had acquired as agent of A company, will not be imputed to B company unless he owes a duty to the A company to communicate his knowledge and also a duty to the B company to receive the notice.
(1896) 2 Ch. 743—In *Re Hampshire Land Company. Facts:*

1. Hampshire Land Company was registered under the Companies Act, 1870.
2. The Company was closely interconnected with the Port Sea Island Building Society. Four Directors and a Secretary by name Wills were common to both.
3. On the 19th February 1881, a general meeting of the Company was held at which a resolution was passed authorising the Directors to borrow 30,000 £.
4. The Directors borrowed this amount from the Port Sea Society.
5. The Society went into liquidation in 1892. The Liquidator of the Society sought to claim the sum of £ 30,000 lent to the company.
6. It was contended that the resolution of the company authorising borrowing was *ultra vires* and that because William, the Secretary was a common officer notice to him was notice to Society and therefore Society could not recover.
7. *Held* that the Society could *recover* for reasons at p. 749.

II. The notice to the agent must have been obtained by him *in the same* transaction and not *in a previous* transaction.
There is a further qualification. Even if the notice was acquired by the agent in the *same* transaction, it will not be imputed to the purchaser, unless it is so material to the transaction as to make it the duty of the agent to communicate it to the principal.

(1886)—31 Ch. D. 671—In Re Cousins.

Facts :

1. In 1871, one William's cousins made a will of his property and left it in trust to his trustees.
2. One William Banks was a solicitor for the trustees.
3. Mathew, a cousin was to receive a share in the proceeds of real and personal property left by William's cousins under the will.
4. Mathew mortgaged his share to William Banks, the Solicitor as security for a loan of £ 35.
5. In 1873, Mathew mortgaged his share to William Richardson through

Banks and Banks was paid off.
6. In 1874' Richardson transferred his mortgage to William Drake. No Notice was given to the Trustees.
7. In 1875 Mathew mortgaged his share to Dennis Pepper to secure a payment of £ 500. Banks acted as the Solicitor. The mortgage to Dennis Pepper did not mention the previous mortgage to William Drake. Subsequently a notice of this transaction was given to the Trustee.
8. Drake took out a summons for payment of his mortgage debt due from Mathew out of the funds in the hands of the Trustee in *priority* to Pepper's claim. *1884. 26 Ch. D. 482*
9. Pepper's contention was that, he had no notice of Drake's claim—Mathew not having mentioned it in his deed of mortgage.
10. It was replied by Drake that Pepper had notice because Banks, the Solicitor who acted as his agent knew of Mathew s mortgage to Drake.
II. That Banks had notice, it was not denied. That Banks was the agent of Pepper was not denied. But the question was whether notice to Banks can be held to be notice to Pepper.
12. *Held:* No—p. 677.
Reasons. The knowledge of Banks did not arise in the course of the transaction with Pepper in 1875. Pepper could not be said to have any notice.
13. Pepper's claim was allowed.
III. Notice to agent will not be imputed to the purchaser when the agent is shown to have intended a fraud on the principal which would require the suppression of his knowledge and not communicate it to the Principal.
(1880) 15 Ch. D. 629 Cane vs. Cave.
(1428) ACI—Houghton & Co vs. Nolhard)
II. *Where an equitable right has come into being subsequently to the acquisition of a legal right.*
1. Leading case on the question is *Northern countries of England Fire Insurance Co.* vs. *Whip?.*

1884 26 Ch. D. 482

Facts
C, the Manager of a company, executed a legal mortgage to his company, delivered title-deeds. They were kept in a safe of the company, the key to which was in C's possession. C— some time after took out the title-deeds and created another mortgage on the same property in favour of Mrs. Whipp. Mrs. Whipp has no notice of the first

mortgage to the Company. *Held:* Company entitled to priority.
2. The proposition laid down in the case is this—
Where the owner of a legal estate has assisted in or connived at the fraud which has laid to the creation of a subsequent equitable estate and the owner of equitable estate had no notice of the prior legal right, the Court will postpone the legal estate to the equitable estate although it is subsequent in its origin.
3. What is the evidence of assistance in or connivance at fraud:
(i) Omission to use ordinary care in inquiry after title-deeds.
(ii) Failing to take delivery in title-deeds are treated as evidence of assistance in or connivance at fraud where such conduct cannot otherwise be explained.
4. The same authority lays down another case in which also a legal estate will be postponed to a subsequent equitable estate.
Where the mortgagee, the owner of the legal estate has constituted the mortgagor, his agent with authority to raise money on the property mortgaged and the estate created has by the fraud or misconduct of the agent been represented as being the first estate.
5. For the operation of this rule, mere carelessness or want of prudence on the part of the legal owner will not be a sufficient ground. There must be fraud and connivance at or assistance therein. Nothing but fraud I will postpone.

(1913) 2 *Ch. 18.*

III. Where the competition is between two equitable rights.
1. In the two former cases the competition was between a legal right and an equitable right. In the third case the competition is between two equitable rights.
Cave vs. Cave. (1880) 15 Ch.D. 639.

Facts :
A Trustee *&B* a beneficiary.
A purchased land from trust-monies in breach of trust and exe-cuted a legal mortgage thereof to *C.*
C had no notice of the trust.
Later by an equitable mortgage transferred the same land to There are three persons who have acquired rights. C, who has a legal right, is mortgagee, being a legal mortgage.
B has an equitable right flowing out of A's right which has been transferred.
D has an equitable right flowing out of A's right.

What is the position of the parties?

1. As between *C* and B, although B ' s Equitable right is prior to C's legal right as C had no notice, C takes priority.
2. As between *C* and D, C takes priority, because C is not party to a fraud in creating the rights of D.
3. As between *B* and *D,* their rights are equitable rights : whose right prevails? B ' s right. The rule is that where there is a competition between two equitable rights, the right earlier in origin prevails over the subsequent right.
4. This rule applies only where the equitable rights have equal equities on their side. If the equities are unequal, the better of the two prevails.

Rice vs. *Rice.* 2. Drewry, 73 (76-78).

A sells land to *B* and without receiving purchase money (1) conveys land to B, (2) signs a receipt for money s and (3) delivers title-deeds to B. *B* subsequently mortgages the property to *C* who has no notice *of A's* claim. Between *A* and *C* although *A's* equitable right is earlier than that of C, yet the equities are unequal. *A* is guilty of negligence, therefore, *C's* Equity is better and will prevail although later in time.

5. In some cases conflict as to priority between two equitable interests by the respective times at which the interest was transferred. In other cases, it is determined by the respective times at which written notice is given to the proper person or persons of the interest transferred (e.g. in the case of the assignment of chose in action).

Sum up. Three maxims of Equity.

1. Where equities are equal, the law prevails.
2. Where equities are equal, the first in time prevails.
3. Where equities are unequal, the better equity prevails.

Explanation

1. The first proposition has reference to cases where there is conflict between an equitable right and a legal right and applies to both classes of cases : (1) where the equitable right is prior to the legal right as well as to cases (2) where the equitable right is subsequent to the legal right.
2. Law prevails means that legal right prevails over an equitable right where no inequity can be attributed to the owner of a legal right. — Such as notice or fraud.
3. Propositions two & three have reference to cases where there is a conflict between two *equitable rights.*

Equitable Assignment

/. *General*

1. Although the subject is called Equitable Assignment, it is an abbreviation. The subject is equitable assignment of a chose in action.
2. There are three matters of a preliminary character which must be dealt with at the outset:
(1) What is an assignment.
(2) What is a chose in action.
(3) Necessity for the study of the subject

(1) What is an assignment

1. Under the English Law of Property, property is classified as *Realty and Personality*.
2. In connection with the transfer of rights over Realty, the word used is *Conveyance*. In connection with the transfer of rights over Personality, the word used is either *Transfer* or *Assignment*.
3. Assignment, therefore, means the transfer by a person of his rights over personal property and particularly one form of it, namely, *chose in action*.

(2) What is a chose in act on

1. Under the English Nomenclature, Personality is divisible into two classes:

(i) Moveable goods of which one can take physical possession.
(ii) Personal rights of property which car only be claimed or enforced by action and not by taking physical possession.

2. The former are called :
(i) Chooses in Possession—Things in Possession. (ii) Choses in Action—-Things in Action.

3. The definition of a chose in action—
(1902) 2 K.B. 427 (430) ChannellJ. It is really speaking a debt.
4. The word assignment is used in respect of chose in action. It is something which you can only sign it away if you want to transfer it. You cannot deliver possession of it.

(3) Necessity of Studying Equitable Assignment

1. An assignment is a transfer of a right by its owner, subsisting against another, to a third person to whom the person against whom it was subsisting, becomes bound.
Illustration. A is creditor. *B* is debtor. *A* assigns his right to debt against *B* to *C* :*B* becomes bound to *C* and *C* gets a right to recover it from *B*.

2. Three persons are involved in an assignment :

(i) The original owner. (ii) The person bound to the original owner. (iii) The person to whom the original owner has transferred the right.
3. The right, i.e., the chose in action may be legal or equitable such as a legacy or an interest in a trust fund.
4. Assignment of a chose in action was differently treated by Equity and by the Common Law.

Common Law and Chose in Action

1. There could be no assignment in Common Law of a Chose in action. Not only there could be no assignment of an equitable chose, there could be no assignment even of a legal chose.
2. The reason was the fear of multiplicity of suits.
3. Statute law and Special law made certain kinds of Choses of action assignable:

(i) Negotiable Instruments became assignable by the law merchant
(ii) Policies of Life Insurance and Marine Insurance were made assignable by Statute.
(iii) Section 25(6) of the Judicature Act: all legal Choses in Action have been made assignable.

Equity and Chose in Action

1. In Equity, a chose in action was always assignable. Not only an equitable Chose was assignable in Equity but a legal Chose was also assignable in Equity.
2. If the Chose was equitable, the assignee could bring his proceedings to recover it in a Court of Chancery in his own name.
3. If it was a legal Chose, the proceedings had to be taken in the name of the assignor and the way the Court of Chancery interfered, was to restrain the assignor from objecting to this use of his name on the assignee giving him a proper indemnity against costs.
4. There were, however, some Choses in action to the assignment of which equity did not give effect on the ground of public policy:
(i) assignment of pay and half pay of public officers paid out of the National Exchequer.
(ii) Assignment of alimony to a wife.
(iii) Assignment affected by maintenance of property.

Conclusion

1. There are thus two ways of making an assignment—
(i) Legal, (ii) Equitable.
2. Although the Judicature Act has laid down the form and procedure for the legal Assignment of a legal Chose, it has not abrogated the rules

of Chancery relating to Equitable assignment of a legal Chose. So that if an assignment is ineffective in law by reason of some defect, it will be good if it conforms with the rules of equity. Secondly, the Judicature does not touch the assignment of an Equitable Chose in action.

Categories of cases to be considered

There are three categories of cases to be considered in connection with the assignment of a Chose in action :

(i) (i) Legal assignment of a legal Chose in action.

(ii) (ii) Equitable assignment of a legal Chose in action.

(iii) (iii) Equitable assignment of an Equitable Chose in action.

Requisites of a legal assignment of a Legal Chose

1. Assignment must be *absolute, i.e.,* it must amount to a *complete* divesting of his right by the assignor. The debt must be certain and must be of the whole amount.

2. The assignment must be in *writing* signed by the assignor. It need not be by deed. It need not be for value.

3. Express notice must be given to the debtors of the assignment.

The Section does not say :

(i) By whom is notice to be given—by *the* assignor or assignee.

(iii) (iii) At what time notice is to be given so that it may be given by the assignee after the death of the assignor.

Effect of Want of Notice

1. Absence of notice does not disentitle an assignee of suing on the assignment. It only imposes certain disabilities and results in certain disadvantages.

(i) The assignee cannot sue the debtor in his own name without making the original creditor a party to the action.

(ii) The assignee will be subject *to* equities arising between the debtor and his original creditor before the date of the assignment and will lose his right against the debtor altogether if the debtor pays the original creditor. On the other hand, if the debtor pays the original *creditor* after receiving notice of assignment, the *assignee* could still recover the debt from him.

(iv) (iv) The assignee, who fails to give notice to the debtor of his assignment, will be postponed to a subsequent assignee for value who has no notice of the previous assignment, and gives notice of his assignment to the debtor.

Requisites of an Equitable assignment of a Legal Chose in action

An Assignment which does not comply with the statutory requirements is not necessarily ineffectual, for it may operate as an Equitable Assignment.

Two things are necessary :

(1) There must be value given by the assignor.

(2) A charge created by agreement between the debtor and the creditor upon specific funds or by an order given to the creditor upon a person holding money belonging to the debtor, will amount to an assignment.

1839. *Burn vs.Carvallo 4 Hylve & Craigs Reports. 690*

Facts

F was in the habit of sending consignments of goods to *R,* who was trading in a different town and used to draw Bills of Exchange upon *R.* It was arranged by *F* with *B & Co.* that they should endorse and negotiate his Bills drawn upon *R* against consignment and they were to credit him with the amount and he was to draw upon it and *B & Co.* was reimburse itself by recovering the amount from *R. F* drew for certain amounts on *B & Co.* But *R* failed to meet the Bills on maturity.

F, who was the debtor of the *B & Co.* by a letter to *B & Co.* promised that he would direct and by a subsequent letter did direct to deliver the goods to *V* as the agent *of B & Co.*

F wrote to *R* to transfer the goods in his possession to *V*, the agent of B & Co. in the town. *R* accordingly delivered the goods to *V* on the 30th of June 1829.

On the 23rd of June 1829, F was adjudged insolvent for an act done on the 23rd of May 1829. His trustee in bankruptcy sued for the recovery of the value of the goods from *B & Co. B & Co.* contended that there was an equitable assignment of the value of the goods by *F. Held* the order of the debtor was a good assignment in Equity.

Rodick vs. *Gandell.*

(1851-2) I Degex.763. 42.E.R.749

Gandell was an Engineer and was indebted to a certain Bank for a large amount and the Bank was pressing for payment.

Gandell was a creditor of a Railway Co. To induce the Bank not to press for payment and also to pay other drafts outstanding against him, it was arranged that Gandell should instruct his Solicitor to recover the amount due to Gandell from the Railway Co. and pay it to the Bank. G,

by a letter to the Solicitors of the Company, authorised them to receive the money due to him from the Railway Co. and requested them to pay it to the Bankers. The Solicitors by letter promised the Bankers to pay such money on receiving it.
Why—no agreement between debtor and creditor. The Solicitor recovered the amount from the Railway Co. but instead of paying it to the Bank, paid it to Gandell. Gandell became insolvent and his property was taken possession of by the official assignee. The Bank sued for a declaration that there was an equitable assignment by Gandell of his funds claimable from the Railway in favour of the Bank and collected by the Solicitor and the Bank was therefore entitled to recover the amount from the official assignee. *Held.* this was not an equitable assignment. It was not an order given by the debtor to his creditor upon a person owning money or holding funds belonging to the debtor directing the *person* to pay such funds to the Creditor.
There must be *privity* between the *assignor* and *assignee* in order to constitute an equitable assignment. If there is no privity then there is no assignment even in equity.
Consequently, if the Principal directs his agent to collect money owing to the principal and pay it to a third person, such third person is not an assignee in equity if the mandate is not communicated to him. It may be revoked by the principal.
Similarly a Power of attorney or authority to collect money and to pay it to the creditor of the party granting the power does not amount to an equitable assignment. A cheque is not an equitable assignment or appropriation of money in the drawer's Bank.

Hopkinson vs. *Forster, (1874) L. R .19 Eq .74.*

There can be no valid appropriation or assignment if no specific fund is specified out of which the payment is to be made.

Percival vs. *Dunn. (1885) 29 Ch. D. 128*

Whether notice is necessary in the case of an equitable assignment?

1. An equitable assignment is complete between the assignor and assignee although no notice is given to the debtor.
2. Notice of the assignment should, however, be given to the debtor for two reasons.
(i) If there is no notice, the debtor will be free to pay to the assignor, the

original creditor and will not be liable to the assignee. On the other hand, if he pays to the assignor in disregard of the notice, he will be liable to pay over again to the assignee.

Stocks vs. *Dobson (1853) 4 De. G. M & G. II*

(ii) If there is no notice, then the assignee will not be allowed to have priority over subsequent assignee of the same chose in action by the same assignor.

This is called the rule in **Dearl** vs. **Hall** (1823) 1 Rsess 1=S. F. C. p. 57.

Facts:

Peter Brown died and left a Will whereby he made a trust of his personal estate and of the monies to arise from the sale of his real estate and directed his executors to invest the same and pay interest to his son Zachariah Brown during his life. The income came to about £ 93 a year, On 19th December 1808, Brown, in consideration of £204 paid to him by William Dearle,assigned a part of his annuity of £ 37. On 26th September 1809, Brown, in consideration of £ 150, assigned another part of his annuity of £27 to Sherring, subject to the assignment in favour of Dearle.

Neither Dearle nor Sherring had given notice of assignment to the executor.

In 1812 Brown advertised the life interest of 93 pounds p. a. in trust funds for sale as an unencumbered fund.

Joseph Hall proposed to purchase it and through his Solicitor investigated Brown's title. He also made inquiries of the executors, who knew of no encumbrance affecting Brown's interest. Thereupon Hall purchased Brown's interest for £711-3-6 and had it assigned to him.

On the 25th April 1812, Hall gave the executors written notice of the assignment to him.

On the 27th October 1812, Dearle and Sherring gave notice of their assignment to the executors.

The executors refused to pay any one of the three until their rights were decided.

Dearle and Sherring brought a Bill in chancery against Hall praying that the income of £ 93 should be applied in satisfying their's before that of Joseph Hall.

Dearle contended that the doctrine *first in time is first in law* should be applied and as he was first he should be preferred to Hall.

Held No. Hall should be preferred.

Judgement of Plumer M. R. S. & C. p. 55

The rule was based on carelessness and negligence to perfect one's claim. But the rule is now absolute and independent of conduct. The assignee who gives proper notice first will be paid first, whether the other assignee has been guilty of carelessness nor not.

Re Dallas. (1904). 2Ch. 385.

The rule in Dearle *vs.* Hall has always applied to assignment of all equitable interests in personality.

To whom notice should be given under the rule in Dearle vs. Hall

1. It must be given to the debtor, trustee or other person whose duty it is to pay the money to the assignor. *Stephens* vs. *Green, (1895) 2 Ch. 148*
2. Notice to the Solicitor will be effectual only if Solicitor was expressly or impliedly authorised to receive it. *(1880) 14 Ch. D. 406.*
3. If there are several debtors or trustees, notice to one is notice to all.
4. Fresh notice to new trustees is not necessary, if notice is given to old trustees.

What should be the form of Notice

1. Formerly, notice need not be a formal notice and might have been by word of mouth.
2. But since 1925, it must be in writing.

What title is acquired by the assignee by an Equitable assignment.

1. It has always been the rule of equity that the assignee of a thing in action cannot acquire a better right than the assignor had.
2. In other words, the assignee takes it subject to all the equities affecting it in the hands of the assignor.

Roxburghe vs. *Cox, (1881) 17 Ch. D.* 520. So that—

(1). If the Contract between the assignor and the debtor was violable, the debtor can set up the violable character of the contract against the assignee, even if the assignment was for valuable consideration.

(2). If the debtor had a right of set-off against the assignor, the same would be available to him against the assignee.

(3). The assignee is, however, free from equities arising after notice.

A debtor cannot diminish the rights of the assignee such as they are, on the date of notice, by any act done after date of notice.

Assignment of rights to be acquired in future

1. So far, we have dealt with assignments of rights which had accrued when the assignment had taken place.

2. We must consider the assignment of rights to be acquired in future.
3. Example of such rights :
(i) The expectancy of an heir-at-law to succeed to the Estate. (ii) The expectancy of a next of kin to succeed to personality. (iii) Freight not yet earned. (iv) Future Book-debts.
4. At Common Law, they were all void. A man could not assign what he had not got. In equity, they were assignable, if for valuable consideration.
5. Equity treated them not as assignments but as *contracts to assign ,* and when the assignee became possessed of it, he was compelled to perform *his* contract.
6. When the right was acquired by the assignor, the beneficial interest passed immediately to the assignee. But the legal interest remained with the assignor. So that, if the assignor transferred it to a subsequent assignee who gave value and had no-notice of the previous assignment, the title of the subsequent assignee would prevail.

Conversion

1. NECESSITY FOR THE DOCTRINE OF CONVERSION.

1. The English Law had prescribed a different mode of devolution of the *Realty* and *Personality* of the owner, if he died *intestate.* His Realty went to his heir and *Personality* went to his *next-of-kin.*
2. That being so, whether the property will go to the heir or to the next of kin must depend upon the state of the property on the date on which the succession opens.
3. Ordinarily there is no difficulty. The actual state in which the property will be found on the material date will determine its devolution. But suppose, circumstances are such that on the date on which the succession opens, land *is to be sold* for money *but is not sold*, or money is *to be invested* in the purchase of land *but is not so invested,* how is the devolution of the property to be determined? If the land is to be treated as land, until it is actually sold, then it will go to the heir. On the other hand, if it is to be treated as money, because it was intended to be sold for money, then although it is land, it will go to the next-of-kin. In other words, the question was whether property was to devolve according to the actual state in which it is found to exist or according to the form in which it was intended to be converted. The answer given by equity was, that property was to devolve, not according to the actual state in which it exists, but according to the form in which it was

intended to be converted.
4. This is what is called the **doctrine of conversion.** There would have been no necessity for the doctrine. had there been no difference in the rules of inheritance for Real and Personal Property. This difference is now abolished by Sections 33,45 and therefore, conversion has lost all its importance.
5. In India there is no such distinction in the inheritance of property—Realty to heir and Personality to next-of-kin.

II. THERE ARE FOUR CASES WHICH GIVE RISE TO CONVERSION.

(1) By operation of the law.
(2) By operation of the order of the Court.
(3) By operation of a Contract.
(4) By operation of a direction in a deed or a will.

(1) Conversion by operation of the Law

1. There is only one case in which conversion takes place by operation of the Law. That case is the case of Partners. Under the Partnership Act of 1890, Section 39, every partner has a right to require, that the property belonging to the Partnership shall be sold and the proceeds, after the discharge of all debts and liabilities, shall be divided among the partners according to their shares in the capital. As a result, land which is partnership property is treated as Personality and not as Realty.
2. It is treated as Personality, not only as between Partners themselves and their representatives after death, for the purposes of distribution of the partnership assets, but it is also treated as personality for purposes of inheritance as between the persons entitled to the property of a deceased partner.
3. The conversion of Realty into Personality under the Partnership Act takes place not on the date of the dissolution of the Partnership or the death of a partner but at the moment when it became Partnership Property.
4. The doctrine of conversion applies to Partnership Realty unless the contrary intention appears. The reason why partnership agreements convert Realty into Personality is, because a partner ordinarily is not entitled on dissolution to any specific part of the partnership property. But there may be a proviso in the partnership agreement permitting a partner to have specific property, in which case conversion will not apply, there being intention to the contrary.

(2) Conversion by order of the Court

1. Where an order is made by the Court for the sale of Realty, the Realty is treated as being converted into Personality for purposes of succession to the estate of the person whose property was ordered to be sold.

Illus. A B C have equal shares in a Realty. The Court orders the sale of the Realty. This order has the effect of converting their shares in Realty into Personality, so that the persons entitled to succeed would be the next of kin and not the heir.

2. The following points must be noted:

(i) The order for sale must be within the jurisdiction of the Court

(ii) It is immaterial whether the purpose for which it is sold will or will not exhaust the sale proceeds. The sale may be merely to pay cost. All the same, if the order is for sale, within the jurisdiction, it will effect conversion

(iii) It is immaterial whether it is actually sold or is merely ordered to be sold. Order for sale is enough to effect conversion.

(iv) Conversion takes place from the dale of the order and not from the date of the sale.

3. There are two cases in which the order of the Court will not effect conversion for the purpose of inheritance.

(i) Where the Court itself makes an order that such change in the nature of the property shall not affect its devolution on death, in which case the sale proceeds will go to the heir and not to the next-of-kin.

(ii) Where the provision of some statute prohibits a change in the nature of the property from affecting its devolution *e.g.* Section 123 of the Lunacy Act, 1890,which provides that if the property of a lunatic is sold, the proceeds will go to persons entitled to them as though it was not sold.

(3) Conversion by operation of a Contract

1. When there is a binding contract to sell Realty, the Realty is treated as part of vendors Personality. Conversely, the interest of the purchaser is treated as Realty, even if he dies before completion.

2. This is, however, subject to one condition. That is, the contract must be one of which specific performance would be ordered by the Court—*34 Ch. D. 166.*

Mere notice to treat does not suffice to bring into operation the doctrine of conversion. There will be no conversion if the contract is abortive or unenforceable.

(4) Conversion under a contract to lease with an option to purchase

A leases certain property *to B* for seven years, giving him by the lease an option to purchase the property at a certain price during the term. *B* exercises his option.

Three questions arise:

(i) Does the exercise of the option effect a conversion?
(ii) Does it effect a conversion even if the option is exercised after the death of the Lessor?
(iii) From what date does such conversion begin to operate?

(i) Does the exercise of the option effect a conversion?

In law, the option given is an offer to sell. The exercise of the option is an acceptance of the offer and when there is an acceptance of the offer, there is a contract. The exercise of the option by respiting in a contract effects a conversion. The answer to the first question is therefore in the affirmative.

(ii) Exercise of the option before the death of the Lessee and after the death of the Lessor.

1. If the Lessee exercises his option *before* the death of the Lessor, i.e., while he is alive, then there is conversion, because the offer conveyed by the option can be legally accepted and a binding contract can arise.
2. If the lessee exercises the option *after* the death, then, on principle, there ought not to be conversion, because there cannot be a contract. An offer cannot be accepted after the person, who make the offer, is dead.

But in *Lawes* vs. *Benett* (1785) 1 Cax 167, it was held that the exercise of the option, even *after the* lessor's death, is good for the purposes of conversion.

3. The rule in *Lawes vs. Benett* being anomalous, is confined in its operation. It is applied as between persons claiming under the lessor. But it is not made applicable as between lessor and lessee.

Illus. A leased certain property to B with an option to purchase. The premises were insured. They are destroyed by fire *before* the option is exercised by B. B, on exercising the option, cannot claim the insurance money as part of his purchase. That is claim as between A and B (l878)7Ch.D.858, 10 Ch. D. App. 386.

(III) From what date does conversion by contract begin to operate.

1. Conversion becomes operative from the moment when the contract is made.
2. In the case of option to purchase, conversion takes place as from the execution of the lease.
3. For the purposes of profits etc., the property remains real estate until the option is exercised, so that the rents and profits are taken by the heir entitled to Realty.
4. For the purposes of devolution. it is personality.

Conversion by direction of the owner.—Whether contained in a deed or a will.

1. Two things are necessary for conversion by deed or will : (i) There must be a direction to sell or purchase Realty. (ii) There must be some person in existence who can be said to have the right to insist upon the direction being carried out. Conversion is always for the benefit of some person. If there is no person to claim the benefit, then there need be no conversion.
2. In order to effect a conversion, the direction must be imperative. If direction is only *optional* , there will be no conversion and property will be treated as real or personal, according as to the actual condition in which it is found.

NOTE.—For a difference between a direction which is *really* optional and a direction which is *apparently* optional but really *imperative See Earlom vs. Saunders--(1754) Ambler's Reports 241.*

Direction, if it is optional, must be *express.* Otherwise it will always be held to be imperative.

3. Distinction must be made between direction to sell or purchase Realty and discretion as to the time at which sale or purchase shall be made:

(a) If the direction is imperative, mere fact that it is accompanied by discretion, will not prevent conversion having its effect.

(b) If the direction is imperative, the fact that those to whom the direction was given have failed to carry it out, will not prevent conversion having its effect.

4. Distinction must be made between a simple direction to sell or purchase and a direction, the execution of which, is made dependent *on the request* or *consent* of some other person.

In such a case, whether there will be conversion or not, rests upon the construction of the document :
(a) If the intention of the clause is to enable the person named to *enforce the obligation to convert,* then there will be conversion.
(b) If the intention of the clause is *to control the operation of the direction* by making it subject to application, then there will be no conversion until such application is made.
5. Distinction must be made between the *power to convert* and *direction to convert :*

(1892) I Ch. 279.
(1910) I Ch. 750.

A mere **power to convert** is not imperative direction and therefore, there **will be** no conversion, where there is mere power.
Illus.:
A borrowed £ 300 from *B* on a mortgage *of A's* property and gave B power of sale by the terms of which the surplus proceeds of sale were to be paid to A, his executors and administrators.
A died intestate, and after *A's* death *B* sold the estate and there were surplus sale proceeds. *To whom would the surplus go?*
As this was not a direction to sell, the property would devolve according to its *actual* state at the death of A. At the death of A it was Realty, therefore, the heir was entitled to it. If the sale had taken place during the life-time of A, at the death of A it would be personality and would have, therefore, gone to the next-of-kin.

II. TIME FROM WHICH CONVERSION BY DIRECTION TAKES.

1. This varies according as the direction is contained in a will or in a deed.
2. If the direction is contained in a will, conversion will take place as from the death of the testator.
3. If the direction is contained in a deed, conversion will take place as from the date of the execution of the deed—not withstanding that the trust to sell or purchase is not to arise until after the, settlor's death.

III. EFFECT OF THE FAILURE OF OBJECTS FOR WHICH CONVERSION WAS DIRECTED IN A WILL OR DEED.

1. Two cases must be distinguished: (i) Cases of total failure.
(ii) Cases of partial failure.

(i) Cases of total failure

1. Where there is a *total* failure of the objects *before* or *at the time* when the deed or will came into operation, or before the time at which the duty to convert is to arise, no conversion will take place at all and the property will remain as it was. The reason is that, there is no one who can insist upon the character of the property being altered.
2. The failure must *beprior* failure and not *subsequent* failure.
3. The rule regarding conversion is uniform in the case of total failure and there is no difference between the effects of a direction in a deed and a direction in a will.

(ii) Cases of partial failure

1. Where the purposes have only partially failed, then conversion is necessary to carry out such purposes as have not failed. Consequently the doctrine of conversion would operate and the representative entitled to take the property in the form in which it is directed to be converted.
2. It will be carried out to the extent necessary.

Illus.:

A devises Realty to trustees upon trust to sell and divide the sale proceeds between *B* and C. *B* predeceases A and C survives him. Here, sale is necessary in order that *C* may have what A intended to give him, i.e., money. C will take his share in money.

What would happen to the share of *B*?

It is money *in fact* and *ought* to go to the next-of-kin. But it will go to the heir because conversion to that extent was unnecessary. Heir takes it but as money.

Illus. :

A bequeaths personality to trustees to invest in the purchase of land for B and C. B predeceases A and C survives him. Here, purchase is necessary in order that C may have what A intended to give him, i.e., land. C will take his share in land.

What would happen to share of B? It will go to the next-of-kin, because, conversion to that extent was unnecessary. But the next -of-kin will take it as land.

Reconversion

1. Reconversion means annulment or cancellation of prior conversion. It is a reversion or restoration of the notional state of the property to its

actual state.
2. Reconversion can take place in two ways :
(i) (i) By act of parties.
(ii) (ii) By operation of law.

(1) By act of parties
1. This occurs where a person has the right to choose between taking the property in its converted State or in its actual state.
2. Persons who have a right to make such an election and thereby reconvert property are:—
(1) An absolute owner.
(2) A owner of an undivided share—- without the concurrence of the co-owner in the case of money to be converted into land but not in the case of land to be converted into money. This is because money is capable of apportionment while land is not.
Illus.—(1) Where money is to be invested into land in the interest of *A* and *B* as joint tenants. A can elect to reconvert without the concurrence of B.
(2) Ques :— Can a remainder man effect a reconversion by electing to take it in its actual state? This is not clearly settled.
(3) This rule of reconversion by act of parties applies where the owner who has aright to elect and thereby to effect reconversion is subject to the limitation that he must not be under any disability.

Infants **and** ***Lunatics*** are persons under disability and cannot, therefore, reconvert. But the Court may direct reconversion on their behalf if it is beneficial to them.
Married woman can reconvert if the property belongs to her for her separate use. If it is not her separate property, then she can do so only with the consent of her husband. (4) Evidence of election to reconvert—
(i) (i) express declaration of intention in that behalf;
(ii) (ii) conduct amounting to election.

(2) Reconversion by Law
Where a person, who is under an obligation to convert property, is in possession of and absolutely entitled to the property after the obligation has ceased/the property is at home and reconverted without any act on his part. Thus—

A converts within 3 years after his marriage with B to invest £ 1,000 in the purchase of lands and settle them upon his wife *B*. B dies within a year of the marriage. Since the obligation to invest money in land and the right to require its investment are both vested in A, the obligation is discharged by operation of law and the money which was converted into land by the covenant is reconverted and passes to the next-of-kin.

Election

I. DISTINCTION BETWEEN ELECTION IN LAW AND ELECTION IN EQUITY.

(a) *Election in law* is connected with the choice of a party to repudiate a liability arising out of an unauthorised act or to ratify the act and accept the liability.
(b) *Election in Equity* is connected with the choice of a person to accept a gift which is subject to a burden or to reject the gift.

II. NECESSITY FOR THE EQUITABLE DOCTRINE OF ELECTION.

(i) What is the problem which the doctrine deals with

Nature of the Problem.
A gives his property to B by an instrument-deed or a will—and by the same instrument gives to *C* a property belonging to *B*.
What can *B* take under such an instrument?

Here there are two gifts—

(i) (i) by A to B of A's property

(ii) (ii) by A to C of B's property

The gift *to B* of *A's* property is a valid gift, because A is the owner of the property gifted away. The gift to C of *B's* property by *A* is invalid, because it is not authorised by *B*.
Question is, can *B* take the gift from *A of A's* property and repudiate the gift of his property by A to C? It is this problem with which the doctrine of Election deals.
(ii) The doctrine of Election says that the gift to B shall take effect only if B elects to permit the gift to *C* also to take effect.

III. THE PRINCIPLE OF THE RULE.

When a person makes a gift of this sort, equity presumes that in such a

gift there is an implied condition that he who accepts a benefit under an instrument must adopt the whole of it, conforming to all its provisions, and renouncing every right inconsistent with it.

(iii) Courses open to a person called upon to elect.

(A) Two courses are open to a person who is called upon to make an election.

(1) *B* may allow C to take his (B's) property and himself take A's property.

(2) *B* may take A's property and not allow C to take his (B's) property but give him compensation to the extent required to satisfy C.

Illus.:

A gives to *B* a family estate belonging to *C* worth £ 20,000 and by the same instrument gives to *C* a legacy of £ 30,000 of his *(A's)* property. *C* can do either of the two things.

(i) (i) allow B to take the family estate *or*

(ii) (ii) keep the family estate and give B £20,000.

(B) The former course is called *taking under the instrument.* The latter is called *taking against the instrument.* The following points must be noted in connection with these two modes of Election:

(i) Election against the instrument is allowed in Equity only where the gift is made upon an *implied* condition that the donee shall part with his own property. Where the gift is made upon an *express* condition that the donee shall part with his own property. Equity will not allow Election against the instrument. The donee would take nothing if he refused to comply with the condition.

(ii) No question of compensation arises when a person elects under the instrument.

(iii) Election against the instrument where it is permitted—does not involve a forfeiture of the whole of the legacy but only of a part sufficient for compensation.

IV. CONDITIONS FOR THE APPLICATION OF THE DOCTRINE

(l) The donor must have given the property of the donee to a third person.

(2) The donor must have by the same instrument given his own property to the donee. To this the following must be added.

(3) The property *given to* the donee must be such that it can be used to compensate the third person.

(4) The property of the donee must be alienable.

NOTE.—The donor will be deemed to be disposing of such interest as he may have in the property and no more.

V. SOME CASES WHICH MUST BE DISTINGUISHED FROM CASES OF ELECTION

(1) Cases of *two* gifts to one person

In such cases the doctrine of election does not apply. They are cases of gifts of his own property.

Here the donee may accept the one that is beneficial and reject the one that *is onerous*—unless the intention of the donor was that the acceptance of the *onerous* was a condition for the grant of the beneficial.

2. Case of *two* properties in one gift.—One beneficial, the other onerous.

The beneficiary must take both or neither unless an intention appears to allow him to take the one without the other.

V I. CONCLUSION

(1) Conversion and election are doctrines which illustrate the maxim of Equity—Equity looks to intention.

(2) That being so there would be no election if there was no intention on the part of the donor to put the donee to election.

1. Performance

1. *The problem* :—A covenants with B to do a certain act. A does an act which can wholly or partly effects the same purpose *i. e.* available for the discharge of the obligation arising under the covenant but does not relate the act to the covenant. The question is *how is this act to be construed?* Is it to be construed that it is an independent *act* quite unconnected with the covenant or is it to be construed that the intention of A in doing this *act* was to perform the obligation. The answer of equity is that the *act* must be treated as being intended to perform the obligation under the covenant.

2. *Principle* •—-The principle underlying the doctrine of Performance is that, equity presumes that every man has an *intention* to perform his obligation and when he does an *act* which is similar to the one he promised to do, then equity gives effect to that intention.

3. *The difficulties that would occur if this principle was not recognised.*

Illus :

A convenanted on his marriage to purchase lands of the value of £ 200 a year and to settle them for the jointure of his wife and to the first and other sons of the marriage in fail.
A purchased lands of that value but made no settlement, so that, on his death the lands descended to his eldest son.
The eldest son brought a bill in equity founded on his father's marriage-articles to have land purchased out of the personal estate of the father of the value of £ 200 a year and settled to the uses in the marriage-articles. But for the doctrine of *performance* the man would get both.

II. The cases in which the questions of Performance arise fall into classes:
(i) Where there is a covenant to purchase and settle lands, and a . purchase is in fact made.
(ii) Where there is a covenant to leave personality to an individual arid the covenanter dies intestate and the property thereby comes in fact to that individual.

III. Cases arising under the First Class
(i) (i) Illus. already given.
Points to be noted.
(i) Where the lands purchased are of less value than, the lands covenanted for, they will be considered as purchased in part performance of
the contract.,
(ii) Where the covenant points to a future purchase of lands, lands of which the covenantor is already ceased at the time of the covenant, are not to be taken in part performance:
(iii) Property of a different nature from that covenanted to be purchased by the covenantor, is not subject to the doctrine of Performance.

IV. Cases that fall under the second class
(i) Covenant is to leave certain money.
A covenanted previously to his marriage to leave to his wife £620. He married and died intestate. His wife's share under the intestacy was less than £620.
The wife sued for the performance of the covenant. The question was, having received £ 620 on intestacy, was it not a performance of the covenant. It was *held* that it was, so that the widow could not claim her share on intestacy and £ 620 over and above as a debt under the

covenant.
(2) In this case, the covenant was wholly performed. But even if the amount received was less than the amount due under the covenant, the doctrine of performance would apply and the convenant would have been held to be performed *pro tanto. ,* (3) Two points to be noted :
(i) Where the covenantor's death occurs at or before the time when the obligation accrues, there is performance.
(ii) Where the covenantor's death occurs after the obligation has *accrued due,* there is no performance.

Satisfaction

I. *Problem.*—A is under an obligation to B. A makes a gift to B. The Question is : Is the gift to B to be taken as a gift or is the gift to B to be taken as satisfaction of A's obligation to B?
II. There is a similarity between satisfaction and performance. There are fundamental distinctions between the two.
(1) In performance, the act done is available for the discharge of the obligation, but is not related in specific terms to the obligee. In satisfaction, it is related to the obligee but not in discharge of the obligation.
(2) In performance, whether the covenant has been performed depends, not upon the intention but, upon whether that has been done which was agreed to be done. The question, whether a gift satisfies an obligation, depends upon the intention of the donor.
(3) If an obligation has been performed according to its terms, the obligor is discharged. If an obligor makes a gift by will in satisfaction of his liability, it rests with the obligee either to accept the gift or decline it. If he accepts it, he looses the right to enforce his obligation, if he declines it, he retains his original rights.
II. Intention is that, the gift is in satisfaction of the prior obligation.
III. Cases in which the question of satisfaction arises fall into two classes:—
(i) Cases in which the prior obligation arises from an act of bounty.
(ii) Cases in which the prior obligation is of the nature of a debt.
IV. Class of cases in which the prior obligation arises from an act of bounty.
In this class fall two kinds of cases— (A) Satisfaction of legacies by portion. (B) Satisfaction of portions by legacies.

(A) Satisfaction of legacies by portion

Portion—That part of a person's estate which is given or left to a child.
IlluS.:
A has three sons B, C, D. He makes a will and in that will gives a legacy to each of his sons. Subsequently to the making of his will, A makes an advancement of a certain sum of money.
2. Here, there is a legacy and afterwards a portion. Are they cumulative or are they alternative. Is the child which has got a portion also entitled to get the portion? Or is the claim for legacy satisfied by the subsequent portion given by the father?
3. The answer of equity is that, a child cannot get both, legacy and a portion. The claim for legacy shall be held to be satisfied by the subsequent grant of the portion. This is called the rule against *double portions.*
II. *Satisfaction of Portion by Legacies*
1. This is the converse of the first. In the first class of cases, there is first legacy then a portion. In the second, there is a portion first and then there is a legacy.
2. In the former case, the question was whether a legacy by will was satisfied by a subsequent portion, In this, the question is whether the obligation to give a portion is satisfied by a subsequent legacy.
3. The answer here is the same as in the former case. The same rule against double portion applies. So that a portion will be satisfied by a legacy.
4. When the will precedes the settlement, it is only necessary to read the settlement as if the person making the provision had said,"I mean this to be in lien of what I have given by my will".
But if the settlement precedes the will, the testator must be understood as saying,"I give this in lien of what I am already bound to give, if those to whom I am so bound, will accept it".
5. The same rule applies in the case of a portion followed by a portion.
II. *Limitations on the rule of double portions*
1. The rule does not apply :
(1) In the case of legacy and a portion—where the legacy is *expressed* to be given for a particular purpose and the portion subsequently advanced is for the same purpose.
(2) In the case of portion and legacy, and in the case of portion and portion—where the property is actually transferred to the child and then a provision is made either by way of a legacy or portion—in short it applies only where the first portion is only a debt.
(3) Where the person, who makes the provision is the parent or a

person *in loco parentis*— If, therefore, a person gives a legacy to a stranger and then makes a settlement on the stranger or *vice versa,* the stranger can take both, the rule against double portion does not apply to him:

(i) (i) An illegitimate child is a stranger;
(ii) (ii) a grand child is also a stranger:
(iii) a stranger cannot take advantage of the satisfaction of a child's share.

III. *Cases of two Legacies given by the same will or by a will and Codial.*

1. Question is whether the second Legacy is intended to be additional to the first or to be merely repetition.

2. The leading case is *Hooby vs. Hatton, 1 Bro. C. C. 390 N.* 3'. Two class of cases to be considered separately—

(1) Where the subject-matter of the legacy is a thing.
(2) Where the subject-matter of legacy is money.

4. *Where the subject-matter of the Legacy is a thing,* Rule :Where the same thing is given twice—not additional but repetition.

5. *Where the legacies are pecuniary legacies:*

(1) The rule varies according as the gifts are contained in the same instrument or in different instruments.

(2) Two pecuniary legacies in the *same* instrument.

Rule:

(i) (i) If equal— repetition.
(ii) (ii) If unequal—cumulative.

3. Two pecuniary legacies in *different* instrument. *Rule.*—They are cumulative.

Exception—-*If same* motive is expressed for both gifts and the *same* sums are given—then repetition.

B. Cases in which the prior obligation is of the nature of a debt.

1. 1.Cases may be divided into two classes—

(i) Satisfaction of debt by a Legacy.
(ii) Satisfaction of debt by a portion. (i) *Satisfaction of debt by a Legacy.*

(1) This case arises where a debtor, without taking notice of the debt be queathes a sum by way of legacy to his creditor. Question is : Is the legacy to be taken as satisfying the debt or is the creditor entitled to the legacy and also the debt?

(2) *Rule*—-That the legacy shall be taken as satisfying the debt.

(3) *Limitation on the Rule.*—The rule does not apply in the following cases—

(i) Where the legacy is of lesser amount than the debt—no satisfaction, even *protanto.*
(iii) (iii) Where the legacy is given upon a contingency.
(iv) (iv) (iii) Where the legacy is of an uncertain amount— *e.g.* residue. (iv) Where the time fixed for payment of the legacy is different from that at which the debt becomes due—so as to be equally advantageous to the creditor.
(v) Where the subject-matter of the legacy differs from the debt, *e.g.* land.
(ii) *Satisfaction of debt by Portion.*
(1) Such a case arises where the father becomes indebted to his child and then advances a portion to him in his life-time. The Question is : Can the child claim both—the debt as well as the portion? Or Is the debt satisfied by the portion?
(2) *Rule.*—Debt is satisfied by the portion.
(3) This rule is subject to the same limitations.
V. Difference between Performance and Satisfaction.

(Further notes are not available—ed.)

CHAPTER 2
THE DOMINION STATUS

1. The Statute of Westminster to some extent lays down and codifies the law which regulates the constitutional relationship of these parts of the British Empire which is known as the British Common wealth of Nations.
2. The Statute of Westminster applies to the Dominions and establishes for them what is called Dominion Status. Our inquiry will be directed to understand the meaning of Dominion Status. Before approaching the subject we must ask.

I. 1. What is a Dominion?
A Dominion is a colony which is declared to be a Dominion by the Statute of Westminster.
2. What is a Colony? A Colony is a British Possession other than U. K. and India.
3. What is a British Possession?
A British Possession is any part of the British Empire exclusive of the United Kingdom over which the King exercises sovereignty.
4. What is British Empire?

(British Empire)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_3 denotes the whole of the territories over which the King possesses sovereignty or exercise control akin to sovereignty. It includes therefore all the King's Dominions, over which he is sovereign, and the protectorates and Protected States whose foreign relations are controlled by the Crown.
It also includes the mandated territories.

II. What is Dominion Status?

1. The subject could be better under (stood)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_4 if we compare the system of Government inaugurated by the Statute of Westminster with the system of Government which was in operation before it came into force.
2. The system which was in operation was known as Responsible Government. We must therefore grasp as a first step the characteristics of Responsible Government.
3. Why Responsible Government came in some colonies and why it did not come in others?
4. The Government of a colony differed according to the nature of the colony.
5. Colonies fall into two classes :
(1) Colony by settlement
(2) Colony by Conquest or Cession.

(1) Colony by settlement

1. Thus in a colony by settlement there came up the inevitable conflict between an irresponsible executive and representative legislature, a conflict of mandates.
2. Responsible Government had to be introduced in these colonies by settlement in order to solve this conflict.
3. THE NATURE OF THE RESPONSIBLE GOVERNMENT.

The position of the King in relation to settled colonies differs from his position in relation to conquered colonies.
The King stands to possession acquired by settlement in a position analogous to his status in the United Kingdom. *10 App. Calls 6921(744).* He is possessed of the executive power and has authority to establish Courts of law, but not celesiastical Courts *[3 Moo. P. C. 115, 1865 : I Moo P.I.C.C 411, 1863].* But he cannot legislate, and if laws are to be passed. this must be done—
(1) by a legislative body of representative character on the analogy of the U.K.

(2) where this form of legislation would be difficult to carry out, parliamentary authority must be obtained authorising the establishment of a different form of Constitution.

(2) Colonies by Conquest

In these, the King possesses absolute power to establish such executive, legislative and judicial arrangements as he thinks fit, subject only to the condition that they do not contravene any Act of Parliament extending to all British Possession.

But this right is lost by the grant of a representative legislature unless it is expressly retained in whole or in part. If not so retained, power to legislature as to the Constitution or generally can only be recovered under the authority of an Act of Parliament.

1835 2 Kuapp. 130 (152) Jehson v/s Pura ; 1932 A. C. 260.

1. The Statute of Westminister applies to :

(1) The Dominion of Canada,
(2) The Commonwealth of Australia,
(3) The Dominion of New Zealand,
(4) The Union of South Africa,
(5) The Irish Free State,
(6) New Foundland.

2. This statute calls these colonies as Dominions and confers on them what is called Dominion Status.

3. These Colonies had Responsible Government before the Statute of Westminister.

What is the difference between Responsible Government and Dominion Status?

Mechanism of Responsible Government.—

(1) THE CLAIM BY THE COLONY TO COLONIAL AUTONOMY IN MATTERS WHICH AFFECTED THEM.

(2) THE CLAIM TO UNLIMITED SOVEREIGNTY BY THE IMPERIAL PARLIAMENT.

These two claims are contradictory. A self-governing colony is a contradiction in terms.

The solution of this question involved two questions :

(1) How was the division of authority to take place between the Colonial and Imperial Governments.

(2) How were the powers given to each were to be exercised by each.

The division proposed was not along the lines of imperial and colonial legislative competence.

All legislation was to be within colonial competence except what was

barred by the colonial laws, but some of it would be liable to veto by the Imperial Government not on the ground that it was beyond the competence of the colonial legislature, but it affected some Imperial interest.

The matters of Imperial concern were not reduced to writing by enumeration. The Imperial Government was free to decide whether any particular matter was or was not of Imperial concern.

The following provisions were a feature of the Constitution of these colonies:

(1) The appointment of the G. and G. G.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_5 by the Crown on the advise of the Imperial cabinet

(2) The Right of the G. G. to act otherwise than the advice of his ministers.

(3) The power of the Governor to Reserve Bill for the pleasure of the King on the advice of the Imperial Government.

(4) The Power of Disallowance by the King on the advice of the Imperial Government.

The terms of the Statute of Westminister

I. It frees the Dominion Legislature from the overriding effect of the laws made by the British Parliament:

(1) It abrogates the Colonial Laws Validity Act.

(2) It gives the Dominion Legislature to repeal any U. K. Act in so far as the same is the part of the Dominion.

II. It puts limitations upon the legislative sovereignty of the British Parliament:

(1) No Act of Parliament passed after December 11,1931 shall extend, or be deemed to extend to a Dominion as part of the law of that dominion unless it is expressly declared in the Act that the Dominion has requested and consented to the enactment thereof.

(2) Any alteration in the law touching the succession to the throne or the Royal Style and Titles requires the assent of the Parliaments of the Dominion as well as of the United Kingdom.

III. The Statute does not alter the other provisions :

(1) The appointment of Governor General.

(2) The Reservation of Bills.

(3) The Disallowance of Bills.

But a great change has taken place in the exercise of these powers.

Right of advice to the Crown.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_6Dominion Status does not mean sovereignty,

* * * *

2. Constitution of the United Kingdom has been dealt with.

3. India will not be dealt with here. So also Protectorates and Mandated Territories.

4. Deal only with the Constitutional Organisation of the Colonies.

5. The Constitutional Organisation of the Colonies differs according to the mode of the acquisition of the Colony.

6. Two methods.—

(1) Settlement

(2) Conquest or Cession.

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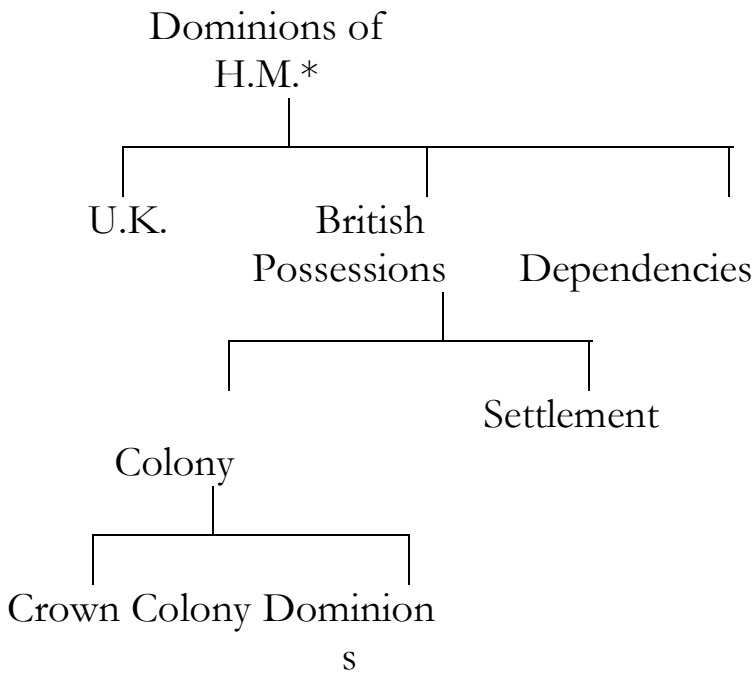

Dominions

1. The Dominion Office was established in 1925 to take over Dominions' business from the colonial office.

2. At first the Secretaryships for the Dominions and for the colonies

were held by the same minister, but in 1930 a separate S of Smk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_7 for the Dominions was appointed.

3. The Dominion Office deals with business connected with the Dominions, Southern Rhodesia, the South African High Commission [i. e. Basutoland, Bechunaland, Protectorate Swaziland], Overseas settlement, and business relating to

Imperial Conferences. See Sir G. V. Fiddes—*The Dominions and Colonial Offices.*

Old Halsbury, 1. p. 303. 662. The dominions of the Crown include—

(a) The U. K. and any Colony, plantation, island, territory or settlement within H M's dominions and not within the U. K.

(Naturalization Act, 1870,33 Ne. c 14 s. 17)

(b) Places situated within the territory of a Prince, who is subject to the Crown of England in respect of such territory.

[Crow and Ramsay (1670) Vaugh. 281]

(c) British ships of war and other public vessels *(Parliament V/s. Belge. (1880) 5 P.D. 197.)*

(d) British Merchantmen on the high seas [1870 S. R. 6 Q. B. 31. *Marshall v/s Murgatroyd]* and probably even in the territorial waters of a foreign country [*Compare R v/s Carr and Wilson (1882) 1.0 Q.B.D.* 76].

Halsbury X. p. 503 para 856

1."British Possession"means any part of H M's dominions exclusive of the U.K.; and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed to be one British Possession. [Interpretation Act 1889 (52 *& 53 Vict.* c. *63) S. 18 (2)].*

2. A Colony is any part of H M's dominions exclusive of the British Islands and British India; and where, parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed one colony [*Ibid.* S.18(3)].

3. A British settlement means any British Possession which has not been acquired by cession or conquest and is not for the time being within the jurisdiction of the legislature of any British possession. [British Settlements Act, 1887 *(50-51 Vic. C.54)* S. 6].

4. The expression ' Dependencies ' is used to signify places which have not been formally annexed to the British dominions, and are therefore, strictly speaking foreign territories, but which are practically governed by Great Britain, and by her represented in any relations that may arise

towards other foreign countries. Most of them are"Protectorates"that is territories placed under the protection of the British sovereign, generally by treaty with the native rulers or chiefs. Cyprus and Weihaiwei are foreign territories held by Great Britain under special agreements with their respective sovereigns, but administered under the Foreign Jurisdiction Act, 1890 [53-54 Vic. C. 37], on the same general lines as protectorates. India including both the Native States and the strictly British territory of that Empire, is frequently spoken of as our great dependency.

5. Crown colonies are those in which the Crown retains complete control of the public officers carrying on the Government, and the legislative power is either delegated to the officer administrating the Government [S. S. Gibralter, Ashanti, Virgin Islands, St. Helena and Basutoland] or is exercised by a Legislative Council which is nominated by the Crown either entirely or partly the other part being elected. In these colonies, with seven exception, the Crown has reserved to itself the power of legislating by Order in Council.

Protectorates although not parts of H M's Dominions are administered in much the same manner as Crown colonies.

Dominions are those colonies which possess elective legislatures to which the executive is responsible, as in the U. K. the only officer appointed and controlled by the Crown being the Governor or G. G.

Halsbury X, p. 521

885. There is no statutory or authoritative definition of the term"protectorate"although it appears in two recent Statutes. Protectorates are not British territory in the strict sense ; but it is understood that no other civilised power will interfere in their affairs. They are administered under the provisions of orders in Council issued by virtue of powers conferred upon H. M. by the Foreign Jurisdiction Act, 1890"or otherwise vested in His Majesty"which latter phrase may be taken to be intended to bring in aid any exercise of the Royal prerogative that may be necessary to supplement H. M 's statutory powers.

Halsbury XIV, p. 420

For a recent treatment of the meaning of"dominions"see *R v/sCrewe 1910 S.K.B .576,607' ,622.*

Halsbury IX, p. 16

The authority of the King extends over all his subjects wherever they may be, and also over all foreigners who are within the realm. The jurisdiction of English Courts of Law, however, is limited, first, by the stipulations contained in the enactments by which the kingdoms of Scotland and Ireland were incorporated in the United Kingdom ; Secondly by the Charter of Justice, letters patent and statutes affecting particular colonies ; and thirdly, by the consideration that no English Court will decide any question where it has not the power to enforce its decree.

The jurisdiction of each particular Court is that which the King has delegated to it, and this delegation has been complete, for the King has distributed his whole power of prosecution to diverse Courts of Justice.

Development of Dominion Status

1. There is first the claim to unlimited sovereignty by the Imperial Parliament and Government stated in its logical perfection by Lord John Russell.
2. There is second the claim to colonial autonomy an effective demand that, in matters which interested them, the colonies should manage their own affairs.
3. There is third, the contradiction between the two. A self-governing dependency is a contradiction in terms.

Solution

On the one hand, the Imperial Parliament granted to a colony a sphere of activity in which the colonial legislature, executive and judiciary had authority to exercise governmental power. In this sphere the colony was sovereign.

On the other hand, the Imperial Parliament had the authority and full legal power, as and when it saw fit, to withdraw or limit the rights of the Colony to exercise power within a prescribed sphere, either by repealing or amending the Constituent Act of the Colony or by passing an Imperial Act explicitly applying to some subject within the jurisdiction of the Colony.

Two Questions: (1) How was the division of authority to take place between the Colonial and Imperial authority? (2) The method of exercising the powers given to each.

(1) The division proposed was not along the lines of Imperial and Colonial legislative competence.

All legislation was to be within colonial competence, but some of it

would be liable to veto by the Imperial authority, not on the ground that it was beyond the competence of the colonial legislature, but because it affected some specified Imperial interest.
(2) It was advocated that the possible matters of Imperial concern should be reduced to writing by enumeration of those matters which were deemed of Imperial concern. The British Government refused to bind itself specifically in this way [and the provisions were not allowed to stand in the Australian Bills].
(3) How were the activities of the Colonial and Imperial authorities to be adjusted and co-ordinated so that confusion and overlapping and conflict might be avoided? The solution was found in the following :
(1) The Powers of Reservations.
(2) The Powers of Disallowance.
(3) The appointment of the Governor General.
(4) The nature of responsible Government in the colonies. (5) Right of the British Government to tender advice to the Crown. (6) Colonial Laws Validity Act of 1865.

(4) The nature of responsible Government in the Colonies.
The executive Government was vested in the Governor, who was empowered to appoint to his executive council those persons whom he thought fit, in addition to those,if any, who by law were members of it. While in one or two cases it was stipulated in the Constituent statute that ministers were to be members of the executive council or that members of the executive council were to be, or were within a given period, to become members of one or other house of the legislature. In no case is the executive council required bylaw to be composed of ministers and ministers alone.
The executive council includes but does not necessarily consist only of ministers. In certain cases there is no legal necessity for members of .the executive council to be members of either house of legislature.
The Act prescribed a sphere of activity within which the colonial legislature had power to make laws for the peace, order and good Government of the colony. Thus far the statute.
The instructions to the Governor empowered him to govern with an executive council whose advice he might disregard if he thought fit.
Responsible Government was based, not upon a statutory basis, but on the faith of the Crown.

Character of InterImperial Relations

In the Commonwealth Merchant Shipping Agreement, the Dominions

appear in a position of complete equality, comparable with that of contracting states, and differences arising out of the agreement would seem suitable for reference to the inter-Imperial tribunal contemplated by the Imperial Conference 1930. [Cmd. 3994, Part VII].

But the relations are not governed by International Law. This was asserted clearly in 1924, when the Irish Free State registered with the Secretariat of the Leagus of Nations, the Articles of agreement for a Treaty of December 6, 1921 on the score that it was a treaty within the meaning of Article 18 of the covenant of the League of Nations, and the British Government insisted that neither the covenant nor the conventions concluded under League auspices were intended to govern relations *inter se* of parts of the Commonwealth [Keeth. R. G. II. 884, 885.]

The Imperial Conference 1926, took this view, holding that it had been determined in this sense by the Legal Committee of the Arms Traffic Conference of 1925 [Cmd. 2768 p. 23.]

The Dominions save the Irish Free State as well as the United Kingdom, excluded inter-imperial disputes from those to be submitted to the Permanent Court of International Justice when accepting the optional clauses of the Statute of the Court in 1929 [Cmd. 3452 p. 415] and similarly when accepting the General Act of 1928 for the Pacific Settlement of International disputes [Cmd. 3930 pp. 14, 15].

The inter-imperial preferences are a domestic issue, on which most favoured nation clauses of treaties with foreign states do not operate.

Allegiance

The bond of a common allegiance involving a common status as British subjects, and this bond is one which cannot be severed by the unilateral action of any part as follows from the formal declaration in the Preamble to the Statute of Westminister that inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations and as they are united by a Common allegiance, any alteration in the law touching the succession to the throne or the Royal style and titles, requires the assent of the Parliaments of the Dominions as well as of the United Kingdom.

While the Preamble does not make law, it expresses a convention of the constitution which would render it very difficult for the Crown or its representative to assent to a bill passed by any single part which violated this principle of the unity of the British Commonwealth of Nations on a basis of equality of its status.

Note.— In approving the report of the Conference of 1929, the Union Parliament recorded that the proposed Preamble"shall not be taken as abrogating from the right of any member of the British Commonwealth of Nations to withdraw therefrom".

Journal of Parliament of Empire XI. 797 800

But this view has never been formally adopted by the Imperial Conference.

The equality of status of the Dominions and the U. K. necessitates the consideration of a mode of deciding inter-imperial disputes [cmd.3479 p. 41].

For this purpose, the imperial conference 1930 decided that such disputes should be dealt with along the line of *ad hoc* arbitration, on a voluntary basis. The procedure is to be limited to differences between Government and only such as are justifiable.

The Tribunal is to be constituted *ad hoc* for each dispute ; there are to be five members, none drawn from outside the British Commonwealth of Nations.

Each party shall select one from the States members of the Commonwealth of Nations, not parties to the dispute, being persons who have held or hold high judicial office or are distinguished jurists and one with complete freedom of choice. The chairman shall be chosen by these four assessors may be employed if the parties desire-expenses to be borne equally. Each party shall bear those of presenting its case.

External Sovereignty of the Dominions

They have autonomy. But not status. (They Have)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52A. Notes on Acts and Laws PART I.htm - _msocom_8 ceremonial status, but not *legal , de facto* but *not de jure*

For many purposes the Dominions are endowed with a considerable amount of international personality independent of the United Kingdom. But the Common allegiance and the Common Crown interfere with the idea of each Dominion being a distinct sovereign state connected merely in a personal union.

The issue as to the possibility of neutrality in war has been discussed, but only claimed by the Nationalist Government in South Africa. [Kerth DGII 867 868 71, 72, *Sovereignty of Dominions of D. 300-304 463-471].*

It is open to serious doubt if the King could declare war without automatically involving the Dominions in the war.

The implications of Dominion Status

1. Does it imply sovereign status?
They have the functions of a sovereign state. But they have not the status of sovereign states.
2. 2. Does it imply the right to secede?

* * * *

Law Quarterly Review
Vol. VI.
Right of aliens to enter British territory, p. 27
Subject—compulsion of, to leave the Realm p. 388
Citizenship and allegiance
Vol. XVII p. 270
Vol. XVIII p. 49
Law of citizenship in the United States
by
Prentiss Webster
Albany :1891

Webster

"The distinction between citizens proper, that is, the constituent members of the political sovereignty, and subjects of that sovereignty who are not, therefore, citizens is recognised in the best authorities of the public law". This distinction is true. The further question of who are and who are not citizens has its difficulties. Accept the definition of citizenship to be the enjoyment of equal rights and privileges at home and equal protection abroad, and consider the question from this standpoint, from which alone it should be treated, for we have no law in the U.S. A. which divides our citizens into classes or makes any difference whatever between them. We then discover the importance that the equal rights of citizens when at home should maintain when abroad, because questions as to citizenship are determined by municipal law in subordination to the law of Nations. Therefore, the value of citizenship should not be underestimated."

Webster
View of Roman Law

1. It was by man that the body politic was organised, and in entering the Organisation with his fellow men, man followed the exercise of his natural rights and became an ingredient of the society of which he, with

others, became members.
2. By the Organisation formed as of man and by man, man was so incorporated into the body politic that he could not depart.
3. Although in the early days of Rome, they alone could call themselves Roman citizens who were freeborn and born in Rome, yet very soon thereafter, foreigners were admitted to citizenship by authority of the legislative body. Later, as Rome advanced in her conquest of the neighbouring states, to these states the legislative authorities conferred charters by which the citizens of such states were admitted to Roman citizenship and their former citizenship was abolished.
4. Cicero lays down the rule,"that every man ought to be able to retain or renounce his rights of membership of a society,"and further adds,"that this is the firmest foundation of liberty."Under this the Romans received all who came and forced none to remain with them.
5. This view of the Roman Law was based upon natural law.

Effect of Invasion

6. After the downfall of Rome this principle of natural law gave way to the principles of feudalism as introduced by the invaders.
7. The invaders having conquered both the people and their lands, organised their Government, as being in a prince who was all powerful over his subjects. The relation as between man and man and his relation to the Government was forced and involuntary. The natural rights of man as being in man were disavowed.

PART II

Notes on Acts and Laws

Contents

PART II
Chapter 3 : The Law of Specific Relief
Chapter 4 : The Law of Trust

Nature that the law permits its Specific Performance
(ii) Where the Plaintiff is a person in whose favour Specific Performance can be granted.

(iii) Where the Defendant is a person against whom Specific Performance might be granted.
The question is : Is the Court bound to grant Specific Relief in such cases?
The answer to this question is contained in Sec. 22.
(A) Section 22 lays down general rules—(1) It says that Specific Relief is discretionary. The Court may grant it or may refuse it. The Court is not bound to grant it merely because it is lawful.
(2) The discretion of the Court is not arbitrary, sound and reasonable, guided by judicial principles.
(B) Section 22 also specifies cases in which Court may exercise discretion not to grant Specific Performance and cases in which Court may exercise discretion to grant Specific Performance.

Cases in which Court may exercise discretion not to grant Specific Performance
(i) Where Specific Performance would give unfair advantage over the Defendant.
(ii) Where Specific Performance would involve some hardship on the Defendant which he did not foresee and non-performance would not involve such hardship on the Plaintiff.

Cases in which Court may exercise discretion to grant Specific Performance
Where the Plaintiff has done substantial acts or suffered losses in consequence of a contract capable of Specific Performance.

Damages and Specific Performance
Sections 19,20,29.
Two remedies for breach. Are the mutually exclusive or are they complimentary? Does one bar the other?
These are question which are considered in Sections 19, 20, 29. The rules contained in these three may be summarised as below:
19. (i) In the same suit, a Plaintiff can ask for both in addition or in substitution.
(iii) In a suit where Court decides not to grant Specific Performance Court can grant Compensation to Plaintiff if entitled.
(iv) If one suit Court may grant compensation in addition to Specific Performance if it comes to the conclusion to Specific Performance is not enough.
20. (v) The fact that liquidated damages have been agreed upon is no bar to

Specific Performance.
29. (vi) If suit for Specific Performance is decreed, it will be a bar to a suit for damages.

PART I
The Law of Specific Relief
INTRODUCTORY

1. The enactment which defines Specific Relief.

1. The law as to specific relief is contained in the Specific Relief Act I of 1877.
2. Before the passing of the Specific Relief Act the law as to Specific Relief was contained in Sections 15 and 192 of the Civil Procedure Code (Act VIII) of 1859.
3. The law was fragmentary. Section 15 dealt with declaratory decrees and Section 192 dealt with Specific performance of contracts.
4. The Act aims to *define* and *amend* the law relating to Specific Relief obtainable in Civil Court.

II. The nature of the Law of Specific Relief

1. Laws fall into *three* categories.—

(a) (a) Those which define Rights.
(b) (b) Those which define Remedies.
(c) (c) Those which define Procedure.

2.2. *Illustrations.*

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3. The Law of Specific Relief belongs to the second category. It is a law which deals with Remedies.
3.3. The term '*relief* is only another word for remedy which a Court is allowed by law to grant to suitors.

III. What is meant by Specific Relief?

1. Specific Relief is one kind of remedy recognised by law. Its nature can be best understood by distinguishing the different remedies which the law allows to a person whose right has been invaded.
2. A right to be real must have a remedy. No right can give protection if there is no remedy provided for its vindication. Law therefore invariably provides a remedy for a breach of a right.
3. The general remedy provided by law for a breach of a right is *monetary repairation* called compensation or damages.
4. This remedy of money compensation is not an adequate remedy in *all* cases. The loss of some things can be compensated by payment of money. The loss of others cannot be compensated by money. Their loss can be

made good by the *return* of the very *same* article. Similarly, the refusal to perform an obligation may be compensated by money. In other cases, the only adequate remedy is to compel the performance of the very *same* obligation.

5. Thus there are two kinds of remedies provided by law :

(a) those under which the suitor is granted the *very same* things to which he is entitled, by virtue of the right he has acquired against his opponent; and

(b) those under which the suitor is granted not the very same thing to which he was entitled, but money compensation or damages in lieu thereof.

6. Specific Relief is the name given to the first kind of remedy.

7. The relief is called specific because it is relief in *specie,* i. e. in terms of the very thing to which a suitor is entitled.

IV. What Specific Reliefs are provided for in the Specific Relief Act.

1. The forms of Specific Reliefs provided for in the Specific Relief Act form under four divisions :

(1) Taking possession of property and delivering it to the claimant who is out of possession.

(2) Requiring Performance of Contract.

(3) Compelling the Performance of a Statutory Duty.

(4) Preventing the doing of a wrong.

2. The subdivisions of the 4th category are :

(i)	(i)	Rectification of an instrument.
(ii)	(ii)	Rescission of an instrument.
(iii)	(iii)	Cancellation of an instrument.
(iv)	(iv)	Declaration of status.
(v)	(v)	Receivers—appointment of—
(vi)	(vi)	Injunctions.

V. Other Laws defining Specific Reliefs.

1. These are not the only specific remedies administered by courts in India. There are other specific remedies recognised by the Indian Law and which are enforced by courts in India.

2. These specific remedies outside the Specific Relief Act are:

(i) Taking an account of the property of a deceased person and administering the same.

(ii) Taking accounts of a trust and administering the trust property.

(iii) The foreclosure of the right to redeem or sale of the mortgaged property.

(iv) Redemption and re-conveyance of mortgaged property.
(v) Dissolution of partnership, taking partnership accounts, realising assets ; discharging debts of partnership, etc.
3. We are not concerned with these.

PART II

Consideration of the Different Kinds of Specific Reliefs Recognised by the Act.

Division I
Recovery of possession of Property Sections 8, 9, 10 and 11
1. Recovery of Possession of immovable property
—Sections 8,9.
2. Recovery of Possession of movable property
—Sections 10, II.

Recovery of Possession of Immovable Property.

1. The Question is—
When can a person, who has lost possession of immovable property and sues to recovery possession thereof—be granted possession thereof instead of damages or compensation for the loss of possession.
2. The emphasis is on the nature of the relief—i.e. the recovery of the specific piece of property of which possession is lost. The relief by way of damages or compensation is always open under the general law. Question is when can an injured person insist upon specific relief for the recovery of property.
3. The cases in which a person has lost possession of immovable property fall under two classes.—
(i) The case of a person who is entitled to possession but who has lost possession.
(ii) The case of a person who had possession but who has lost possession.
4. The difference consists in *being entitled to possession* and *being in possession.*
5. These two cases are dealt with in Sections 8 and 9. Both provide that in either case the Plaintiff shall be entitled to Specific Relief by way of recovery of property.
6. Requirements of Section 8.
(i) Prove that you have a title to possession and you will succeed in recovering possession by way of specific relief.
7. Requirements of Section 9.
1. Prove that you were in possession with in six months prior to the date of suit.
2. Prove that you were dispossessed *without your consent or otherwise* than in

due course of law.

A	*in possession*	*is dispossessed by*	B
I. a with title	"	is "	without title
II. a without title	"	is "	with title
III. a without title	"	is "	without title

1. In *all* three cases A can recover possession if he brings suit under Section 9 i.e. within six months—irrespective of the question of title.
2. If he brings a suit after six months, he must rely on title so that A can recover possession in
(i) (i) —because he has a title.
(iii) —because he has a possessory title.
But cannot recover in (ii) because B has title and A has not.

Who can maintain a suit under Section 10

1. According to Section 10, only a person *entitled to* the possession of the suit property can sue.
2. Meaning of"entitled to possession"
3.Title to possession may arise
(i) as a result of ownership or
(ii) independently of ownership, as a temporary or special right to present possession
4. Title to possession as a result of ownership.
(i) Ownership may be bare legal ownership or it may be legal ownership coupled with beneficial interest.
(ii) It is not necessary that a legal owner must have also a beneficial interest in the properly to have a right to maintain a suit under Section 10.
(iii) This is made explicit in Explanation I, where a trustee is permitted to sue for the possession of the trust properly although he has no beneficial interest in it.
5. Title to possession independently of ownership
1. Title to possession independently of ownership may arise in two ways.—
(i) (i) By the act of owner.
(ii) (ii) (ii) Otherwise than by the act of the owner.
(i) TITLE TO POSSESSION BY THE ACT OF THE OWNER
(i) The owner may by his own act create in another person a right to the possession of the thing which belongs to him as *owner*.
(ii) Illustrations of such a right to possession are to be found in Bailment and lien.
(1) (1) Simple bailment cover the cases of.—
(i) loan

(ii) custody
(iii) carriage
(iv) agency.
(2) Other Bailments.
1. Pawn
2. Hire.
2. Difference between Simple Bailment and other Bailments of Pawn or Hire.-
(i) In Simple Bailment the owner (Bailer) has a right to possession and the Bailee has legal possession. The Bailee being entitled to possession can maintain a suit to recover possession. The Bailer having a right to possession can also maintain a suit to recover possession against any person other than a Bailee.
(ii) In other Bailments of Pawn or Hire—The Bailer has no right to possession. The right to possession is vested in the Pawnee or Hirer during the continuance of the Bailment and it is only the Bailee (Pawnee or Hirer) who can maintain a suit for the recovery of possession.
3. Lien is an illustration of a right to possession arising out of the act of the owner.—
(1) Lien is a right to possession of a thing which arises out of debt due by the owner.
(2) The right to possession of the owner is thus temporarily vested in another.
4. All that is necessary to maintain a suit is a right to present possession.—
(i) The right of present possession may arise out of ownership or may not.
(ii) Right to present possession may be special or temporary.
(ii) RIGHT TO POSSESSION OTHERWISE THAN BY THE ACT OF THE OWNER.—
(1) The founder of lost goods has a right to possession.
(2) It is not the result of the act of the owner.
(3) But it is good against all the world except the true owner.

II. Against whom can such a suit be maintained
1. A suit under Section 10 can be maintained against any one and can be maintained even against the true owner.
2. All that is necessary is that the Plaintiff must be entitled to possession.

Section 11. Movable Property

1. Q. 1.—Who can maintain a suit under Section 11.
A.—The person entitled to *immediate possession.*

2. Q. 2.—Against whom can such a suit be maintained?
A.—Against any person if he is not owner.
The Defendant must not be the owner. If he is, then Section 10 would apply.
3. Q. 3.—In what case will there be specific relief by way of recovery of possession?
A.—(i) Where the person who holds the thing is the agent or trustee of the claimant.
(ii) Where compensation for money would not be adequate compensation to the claimant for the loss.
(iii) Where it is extremely difficult to ascertain actual damage caused by its loss.
(iv) Where the possession of the person is the result of a wrongful transfer from the claimant.

Specific Relief regarding Possession of Property

They are dealt with in Sections 8—II.
Section 8. Recovery of specific immovable property by a person entitled to the possession thereof.
Section 9. Recovery of possession of specific immovable property by a person who is dispossessed.
Section 10. Recovery of possession of specific movable property by a person *entitled to its possession*. (1) By reason of ownership (2) By reason of temporary or special rights (Trustee) Bailment Pawn.
Section II. Recovery of possession of Specific immovable property by a person who is entitled to its *immediate possession*. This applies when the person having possession is not owner

What is meant by possession in Law?

Legal possession is a compound of two ingredients : *Corpus and animus domini*.
Note:—
(i) Legal Possession does not involve the element of title or right. Legal Possession is wholly independent of right or title. Legal Possession may be *lawful* or *unlawful*.
If a possessor acquired his *de facto* possession by a means of acquisition recognised by the Law *(Justis fitulus)* he has a lawful possession ; if he did not so acquire it (as in the case of a thief) he has legal possession, but it is an unlawful one.
(ii) *Legal Possession* confers more than a personal right to be protected against wrong-doers : it confers a qualified *right* to possess, a right in the nature of property, which is valid against every one, who cannot show a

prior and-better title.
There are two elements in legal possession. (i) Corpus, i.e. the physical relation. (ii) Animus, i. e. the mental relation.
Corpus or physical relation does not mean physical contact only. It also includes physical contact resumable at pleasure.
The essence of corpus is the power, to exclude others from the use of a thing, i. e. an effective occupation or control according to the nature of the thing possessed.
Animus is the intention of exercising such power of dealing with a thing at pleasure and excluding others—*animus domini.*

Three forms of animus

The mental attitude of the physical possessor in regard to the object of his possession may assume three degrees.—
First.—His intention may be merely to protect the thing. There is no assertion of right—Servant's possession of masters goods.
Second.—Intention to control for certain limited purposes —e. g. tenant—intention to exclude every one except the owner.
Thirdly.—Intention amounting to a denial of the right of every other person—This is the real *animus domini.*

Distinction between Possession and Trespass

1. What the plaintiff is to prove in such cases is possession of the disputed property and not mere isolated acts of trespass over that property. He must prove—
(i) That he exercised acts which amounted to dominion, the nature of these acts of dominion varies with the nature of the property.
(ii) That the act of dominion was exclusive.
2. If the occupation of the piff., as indicated by those acts, has been peaceable and uninterrupted and has extended over a sufficient length of time, the inference may properly be drawn that the plaintiff was in possession.

Objects of Section 8 and 9.

(i) Section 8 of the Act provides that the person entitled to the possession of specific immovable property may recover it in the manner prescribed by the C. P. C., i.e., by a suit for ejectment on the *basis of title.*
(ii) Section 9 gives a summary remedy to a person, who has, without his consent been dispossessed of immovable property otherwise than *in due course of Law* for recovery of possession without *establishing title.*

Section 9.

This Section deals with the subject of unlawful dispossession, and gives to the person dispossessed the alternative of two remedies.—

(i) He may simply prove the fact of his unlawful dispossession, in a suit instituted by him within six months thereof, recover possession of the property. The question of his *title* to the property is quite immaterial.
(ii) He may recover possession by relying on his title in a suit brought by him for that purpose. Here his success depends upon his proof of title.
The former remedy is called remedy by way of a possessory suit and is enacted in Section 9. The latter is the ordinary remedy of a suit based on title and is embodied in Section 8.

Nature and object of Section 9.

(i) To prevent people from taking the law into their own hands, however good their title may be.
(ii) To prevent the shifting of the *burden of proof owing* to dispossession—-Possession being *prima facie* evidence of title.
Anterior possession *per se* constitutes a perfect title to property as between the *dispossessed* and the *dispossessor,* in a suit under Section 9, i. e. within six months of the dispossession.
Question.—What is the effect of anterior possession in a suit for possession by a person, who is dispossessed after 6 months have elapsed and a suit under Section 9 is barred?
The following propositions have been judicially established :—
(i) Possession for a period of sixty years and upwards is sufficient to create a title in the possessor which no one can question.—8 D.R. 386.

(ii) Adverse possession for l2 years under article l42 is itself title even against the rightful owner himself.

Consequently, where in a suit for possession, a plea of adverse possession during the prescribed period of limitation is set up by the Defdt. the question of limitation becomes a question of title, and the Plff. must furnish *prima fade* proof of subsisting title at the dale of his suit, before the Defdt. is required to establish his adverse possession.

(iii) Prior possession, however short, is itself a title against a *mere wrong-doer* and a bare plea of anterior possession, and dispossession, is in fact a good ground for recovery of possession,

(1) Where the dispossessor can Drove no title, or
(2) Where neither party can prove a title.

Statement of the Position

A		**Is**	**B**	
in Possession		**dispossessed by**		
(a) with tit	**(b) without tit**		**(a) withou**	**(b) with**

		title	**title**

1. Suit brought within 6 months.-

(a) and (a) |

(b) and (b) | A can recover possession under Section 9 irrespective of

(b) and (a) | title.

II. In a suit brought after six months.-

(a) and (a) | A can recover because the title is in A.
(b) and (b) | A cannot recover because the title is in B.
(b) and (a) | A can recover because A's anterior possession.

Entitled to Possession

A right to possession exists either.—
(i) (i) as a part of ownership or
(ii) (ii) independently of ownership, as a temporary or special right.
These special rights arise either.—
(i) (i) by the act of the owner or,
(ii) (ii) otherwise than by the act of the owner.

I. I. By act of the owner

(1) Bailment and (2) Lien

Bailment is (1) simple and (2) special of *Pawn* and *Hire*

(i) *Simple Bailments* e. g. loan, custody, carriage and agency.
In simple Bailments, the Bailor has a *right to Possession* and the Bailee has legal possession.
A is Bailor and B is Bailee. Both can recover possession against C. A can recover possession as against B.
(ii) *Special Bailment.*— Pawn and Hire

Bailor has no right to possession during the continuance of the bailment and he only can recover possession.
Lien. Arises out of debt—the Vendor having the right to possession of the thing sold, until the purchaser has paid the purchase money.

II. Right to possession otherwise than by act of owner

Finder of lost goods—entitled to possession as against all the world except the owner.

PART II
DIVISION II
Performance of Contract

Specific Performance of a Contract is"its actual execution according to its stipulations and terms; and is contrasted with damages or compensation for the non-execution of the contract.
It is a species of Specific Relief, afforded by ordering a party to *do* the very act which he is under an obligation *ex-contractor* to do.

Specific Performance of a Contract

Sections 12 and 21 deal with Specific Performance of a Contract.
Section 21.—Defines contracts which *cannot* be specifically enforced.
Section 12.—Defines contracts which *may* be specifically enforced.
Section 27.—There are eight sorts of contracts which *are not* specifically enforceable.—
(i) Contracts for the non-performance of which money compensation is an adequate relief.
(ii) Contracts (i) running into minute details.
(ii) dependent on personal qualifications or volition of parties.
(iii) is such that Court cannot enforce Specific Performance of its material terms.
(iii) Contracts the terms of which the Court cannot find with reasonable certainty—e. g. necessary appliances.
(iv) Contracts which in its nature is revocable e. g. Partnership without duration.
(v) Contracts by trustees in excess of their powers, or in breach of their trust.
(vi) Contracts by company in excess of its powers.
(vii) Contracts the performance of which involves the performance of a continuous duty extending over a longer period than 3 years from its date.
(viii) Contracts material part of the subject-matter supposed by both to exist has ceased to exist.

(ix) Contracts to refer a controversy to arbitration.
Note. Practically Specific Performance because no right of suit is given.

Specific Performance of Contracts

Section 12

1. There are four cases in which Specific Performance may be enforced.
(i) (i) Where act promised is in performance of a trust.
(ii) (ii) Where there is no standard to ascertain actual damage.
(iii) (iii) Damages, no adequate relief. (iv) Compensation for non-performance cannot be got.

Contract

The first question to be determined by the Court in a suit for Specific Performance of an agreement is, whether the agreement in question is a contract or not. Section 4 (a)—right to relief unless agreement is a contract.
The following agreements are not contracts because they are not enforceable and are therefore excluded:—
(i) Incomplete agreements—Parties not gone beyond the stage of negotiations; (ii) Agreements which are void.
(iii) Contingent agreement—until the contingency has applied . . . should be"arisen".
Voidable contracts are not excluded.
There must always be a contract before the Court which has been unperformed.
Mutuality—The remedy by way of specific performance is *mutual,* i. e., the vendor may bring his action in all cases where the purchaser can be sure for specific performance.
This principle of mutuality applies both in the case of immovables and movable.
Doctrine of mutuality— This means, that at the time of making of the contract, there must have been consideration on both sides or promises mutually enforceable by the parties. Hence specific of performance of a gratuitous promise under Seal will not be granted nor can an infant enforce a contract by this remedy. His promise is not enforceable against himself and it is a general principle of Courts of equity to interfere, only where the remedy is mutual.
Section 13

Specific performance of con tract and impossibility of performance.
Section 56 of the Contract Act.
Section 56 clause 2 enacts a general rule. It lays down when a contract becomes void.
This rule covers every ground of impossibility and is based on the assumption, that there is, in all cases of contract, an implied condition that performance shall be possible.
Impossibility in relation to contract.
Impossibility
(1) at the time or (2) subsequently

Physically or legally impossible.	Or subject matter of contract not existent.

Subsequent Impossibility
Whether a party can be relieved upon discovery, subsequent impossibility depends upon—
(i) Whether the contract is conditional or unconditional.
(I) If unconditional— must perform
(II) If conditional— on three circumstances
(i) Continuing legality.
(ii) Conditional by express terms—
(iii) Conditional by implication— continued existence of the subject-matter of the thing in Sec. 56 Contract Act.— subsequent in possibility— the Contract is *void.*
might on two grounds.—
(i) (i) The thing agreed to is physically or legally impossible.
(ii) (ii) The subject matter of the contract is non-existent.
Such Impossibility might be either.— (i) *Initial or subsequent.*
If impossible, the contract is void and no question of Specific Performance arises whether the impossibility is initial or subsequent.
Section 13 of the Specific Relief Act establishes an exception to Section 56 of the Contract Act in respect of one species of impossibility i. e. *impossibility by reason of non-existence of the subject-matter.*
Section 13 says that Specific Performance of a contract may be enforced even though the subject-matter is partly destroyed.
Sale of a house— Destruction by cyclone— purchaser may be compelled to perform.
Section 13 enacts an exception

It deals with the case where a *portion* of the subject matter ceases to exist.
The rule shortly expressed.—
Because A, owing to special inevitable circumstances, is unable to perform his promise, it is no reason why B should not perform his, especially as he might have protected himself by making the performance of his promise conditional upon performance by A. Having made an unqualified promise he must stand by it.

Specific Performance of a Part of a Contract

Can the Court decree the performance of a part of the contract? This question is dealt-with in Section 14-17.
Section17 enacts a general rule. It lays that the Court will not, as a general rule, compel specific performance of a Contract, unless it can execute the whole contract. Specific performance must be of the whole or nothing.
Sections 14, 15, 16 form exceptions to the rule.
Exceptions : The promises undertaken— may be divisible or indivisible.
1. *Divisible promises* i. e. promises— one part stands on a separate and independent footing from another part. If the former can and might be specifically performed it will be so enforced, although the latter cannot or ought not to be specifically enforced— Section 16.
II. *Indivisible promisers.*— The part which cannot be performed may— (i) Admit of compensation by money or, (ii) It may not. (A) Admits of compensation— Two cases
It may bear—
(i) A small proportion to the whole undertaking, (ii) A large proportion to the whole undertaking.
If— (i) it bears *a small proportion,* then a party sue for specific performance of either part and for damages for non-performance of the balance— Section 14.
If—(ii) *itbesrs a large proportion, then* the promise may sue for Specific Performance of the remaining part, if he relinquishes all claim to further performance and all right to damages.
(B) Part which cannot be performed, does not admit of compensation
Then the promisee may sue for Specific Performance of the remaining part, if he relinquishes all claim to further performance and all right to damages— Section 15.
Illustration

A contracts to sell to B an estate with a house and garden for 1 lakh. The garden is important for the enjoyment of the house. It turns out that A is unable to convey the garden.
Can B obtain specific performance to the contract?—Yes, if B is willing to pay the price agreed upon and to take the estate and house without garden, waiving all rights to compensation either for the deficiency or for loss sustained by him through A's neglect or default.
There are *thus* four exceptions to the rule.
I. Where parts are divisible— Specific Performance can be decreed of one part though not of all parts— Section 16.
2. Where parts being in divisible part which *cannot* be performed admits of compensation and bears a small proportion to the whole, the party may sue for Specific Performance — Section 14.
.3. Where parts being indivisible, part which *cannot* be performed admits of compensation and bears a large proportion to the whole undertaking, the promisee may sue for Specific Performance of the remaining i. e. of the part which can be performed provided he relinquishes all claim to further performance and all right to damages— Section 15.
4. Where parts being indivisible, the part which cannot be performed does not admit of compensation and bears a large Specific Performance of the part which can be performed may be decreed within the terms mentioned in Section 15.

Specific Performance of a Contract

Where the Vendor or Lessor has an Imperfect Title
1. The rule as to this is contained in Section 18.This Section deals with four clauses:—
(i) Where Vendor/Lessor has acquired good title *after* the contract. (ii) Where procuring of the consent of other persons is necessary. (iii) Where encumbered property is sold as though it was unencumbered.
(iv) Where *deposit* has been paid and the suit for Specific Performance has been dismissed.
Clause (a).—Is based on the undeniable proposition that when a person enters into a contract without the power of performing that contract, and subsequently acquires the power of performing that contract, he is bound to do so.
Illus. An heir apparent, who contracts to sell the property to which he is heir, will be compelled to specifically perform such contract if and when he succeeds to the property.
Whatever interest the seller acquires in the property subsequently to

the contract, he will be compelled to convey to the purchaser.
Clause (b).—Is based upon the proposition that where the validity of a contract is dependent upon the concurrence of a stranger to the contract, and the stranger to the contract is bound to convey at the request of the Vendor or lessor, the Vendee and the lessee can compel him to obtain such concurrence.
Clause (c).—Is based upon the proposition that where the property sold or leased is represented as being free from encumbrance but is *encumbered*, the Vendor shall be compelled to free it from encumbrance sale of property which is mortgaged— Provided the price is not above the mortgage money.
Clause (d).—Clauses (a), (b) and (c) cover cases where the purchaser or lessee is the plaintiff suing for perfection of title.
Clause (d) covers a case, where the suit is brought by the Vendor or lessor for Specific Performance and it fails because of his not being able to perfect the title.
In such a case the Court cannot only dismiss the suit with costs, but proceeds to award to the defendant purchaser a special relief *viz*—the return of his deposit with interest and his cost and a lien for all these on the property agreed to be sold or let.
General Rule regarding deposit.—Deposit is paid as a guarantee for the performance of the contract and where the contract fails by reason of the default of the purchaser, the vendor is entitled to retain the deposit.

Rights of Parties to a Contract to sue for Specific Performance

Four cases to be considered:—
I. For whom contracts may be specifically enforced.
II. For whom contracts cannot be specifically enforced.
III. Against whom contracts may be specifically enforced.
IV. Against whom contracts cannot be specifically enforced.

1. For whom contracts may be specifically enforced.

Section 23 deals with the question Who may obtain *Specific Performance?* Clause (a) any party thereto. Clause (b) (i) an assignee from a promisee. (ii) Legal representative of a promisee after his death. (iii) an undisclosed principal of a promisee.
Each of these may obtain Specific Performance of a contract in which he is interested, but each is subject to the proviso that the contract must not be a personal one, nor must the contract prohibit the assignment of the interest of the Promisee.
(c) Persons entitled to the benefit of a marriage contractor

compromise of doubtful rights between members of the same family. (d) Remainder man on a contract made by a tenant for life. (e) Reversioner in possession. (f) Reversioner in remainder. (g) New company on amalgamation. (h) Company on a contract made by the promoters.

Cases where contract cannot be specifically enforced except by varying it—Sec. 76.

(1) By mistake or fraud the contract is in terms different from that which the Deft. supposed it to be.
(2) Deft. entered into contract under a reasonable misapprehension as to its effect between Deft. and Plff.
(3) Enters into a contract relying upon some misrepresentation by the Plff.
(4) Where the object is to produce a certain result which the contract fails to produce,
(5) Where Parties have agreed to vary it. *Comment.*
Sections 91, 92. Evidence Act.-—A plff. cannot give oral evidence to make out a variation. It does not debar a deft. from showing that by reason of fraud or misrepresentation, the writing does not contain the whole contract ; he can under provision I to S. 92 give oral evidence to prove that there is variation.
Plff. in that case cannot have a decree unless he submits to the variation; the Plff. is put on his election either (1) to have his action for Specific Performance dismissed or (2) have it subject to variation. If he elects not to accept the variation, he does not lose his remedy of damages.

II. Persons for whom contracts *cannot* be specifically enforced. This is dealt with in Sections 24 and 25.

Section 24
(i) Who could not recover compensation for its breach. (ii) Who has become incapable of performing or voilates any essential
term of the contract. (iii) Who has already chosen his remedy and obtain satisfaction for the
alleged breach. (iv) Who, previously to the contract had notice that a settlement had
been made and was in force.
This Section is distinguishable from Section 23 in that the defence to Specific Performance is not founded on anything *in the contract itself*

but is based solely upon the *acts* or *conduct* of the Plff.
Section 24 is a general Section. While Section 25 is a Section which is a particular one and is limited in its application to two kinds of contracts only:—
(i) Contract to sale and (ii) Contract to let property whether movable and immovable,
Sec. 25 says that such a contract cannot be specifically enforced in favour a Vendor or Lessor, i. e. in the following cases:—
(i) Knowing not to have any title to the property, has contracted to sell or let the same.
(ii) Who cannot give a title free from reasonable doubt at the date fixed by parties or Court.
(iii) Who, previous to entering into the Contract has made a settlement of the subject-matter of the contract.
Settlement is defined in Section 3 and means any instrument— where by the destination or devolution . Successive interests in movable and immovable property is disposed of or is agreed to be disposed of.

III. Persons against whom contract may be enforced *Section 27.*
(i) Either party.
(ii) Any other person claiming under a party by a title arising subsequently to the Contract, [except a transferee for value without notice].
(iii) Any person claiming under a title which prior to the contract voidable and known to the plantiff, and might have been displaced by the defendant.
(iv) New company after amalgamation.
(v) Company in respect of the contract made by promoters.
IV. Against whom contract cannot be enforced *Section 28.*
(i) Where consideration is grossly inadequate as to be evidence of fraud.
(ii) Where assent is obtained through misrepresentation; unfair practice or other promise not fulfilled.
(iii) Where assent is given under the influence of mistake of fact, misapprehension or surprise.
Specific Performance and Discretion of the Court
In granting Specific Relief, the important point is—When is the Court bound to grant Specific Performance Relief? Obviously the

Court cannot grant Specific Performance Relief in cases where the law provides that no Specific Performance Relief shall be granted. Such cases fall under three classes:

(i) Where the nature of the contract is such that law does not allow it to be specifically enforced.

(ii) Where the Plff. is a person in whose favour a contract cannot be specifically enforced.

(iii) Where the Deft . is a person against whom a contract cannot be specifically enforced.

There remain the following three cases in which a contract can be specifically enforced:—

(i) Where the contract is of such a *(further pages not found— ed.)*

	Liabilities of the parties			
	Of the seller		Of the buyer	
	Before Conveyance	After Conveyan	Before Conveyan	After Conveyance
1	Section 55(I) (a) To disclose materia defects	Section 55(I) (b) To give possession	Section 55(5) (a) To disclose facts materially increasi value.	Section 55(5) (c) To bear loss or injury to property.
2	Section 55(I) (b) To produce title deeds	Section 55 (2) Implied convenant for title.	Section 55(5) (b) To pay price.	Section 55(5) (d) To pay outgoings.
3	Section 55(I) (c) To answer question as to title	Section 55 (3) To deliver title deed on receipt price.		
4	Section 55(I) (d) To execute conveyance			
5	Section 55(I) (e) To take care of property.			
6	Section 55(I) (f)			

	To pay outgoings.			

	Rights of the parties			
	Of the seller		Of the buyer	
	Before Conveyance	After Conveyan	Before Conveyan	After Conveyance
1	Section 55(4) (a) To take rents and profits.	Section 55(4) (b) To claim charge for price not pai	Section 55(6) (b) To claim charge f price prepaid.	Section 55(6) (a) To claim benefit o increment to property.

Uberrima fides= *(most* abundant faith)

Contracts said to require *uberrima fides* are those between persons in a particular relationship, as

(i) Guardian and ward. (ii) Attorney and client. (iii) Physician and patient. (iv) Confessor and penitent.

Complete disclosure necessary.

Liabilities of the Parties

A. A. Liabilities of the Seller

1. BEFORE CONVEYANCE

1. SECTION 55 (1) (A)—TO DISCLOSE MATERIAL DEFECTS.

(1)A contract for the sale of land is not a contract *uberrimal* fidei : The duty of disclosure is not absolute. *The duty to disclose is an obligation to disclose latent defects.*

(2) A latent defect is a defect which the buyer could not with ordinary care discover for himself. There is no duty to disclose defects of which the buyer has actual or constructive notice.

(3) As to patent defects of which the seller is unaware, the maxim *caevat emptor* applies. But a mutual mistake as to a matter of fact essential to the agreement will render the agreement void.

(4) *A latent defect whether of property or of title must be material.* A defect to be material must be of such a nature that it might be reasonably supposed that if the buyer had been aware of it, he might not have entered into the contract at all, for he would be getting something different from what he contracted to buy.

(5) Whether a defect is material or not must depend upon the circumstances of each case. When land was sold for building purposes, an underground drain was held to be a material defect, but not when a house or land were sold mainly for residence.

(6) Defects may be Defects in property or Defects in title. 2. SECTION 55(1) (B)—PRODUCTION OF TITLE DEEDS

(1) The obligation is to produce title-deeds for inspection and not for delivery.

(2) The documents of title required to be produced for inspection are not only documents which are in the possession of the seller, but also includes documents which are in his power to produce.

(3) There is no obligation *to produce* title deeds unless the buyer makes a requisition.

(4) The Buyer however must not omit to take inspection, otherwise he will be held to have constructive notice of matters which he would have discovered if he had investigated the title.

3. SECTION 55(1)(C)—SELLERS DUTY TO ANSWER QUESTIONS

(1) When the documents of title are produced, the buyer examines them and if he is not satisfied makes requisitions. These requisitions are.—

(i) Requisitions relating to title. (ii) Requisitions relating to Conveyance. (iii) Other enquiries.

(2) Requisitions on title are objections that the documents do not show the agreed title or that the documents are not efficacious i. e. not duly attested.

(3) Requisitions on matters relating to conveyance refer to such matters as the joinder or concurrence of parties to the conveyance.

(4) Inquiries are for the protection of the buyer, and call attention to possible omissions of disclosure by the seller, and seek information on such points as easements, party walls and insurance.

(5) The Seller is bound to answer all requisitions which are relevant to the title and which are specific.

(6) The duty to answer requisitions is altogether distinct from the duty of disclosure under Section 55 (1) (a) of a defect, for, the omission of the buyer to make a requisition will not absolve the seller if he has not made a full disclosure.

(7) A buyer may waive requisitions. Waiver may be express or may be implied.

(8) Waiver is implied from conduct.

(i) (i) When a buyer does not press a requisition that has been made.

(ii) (ii) When a buyer asks for time to pay the price.

(iii) (iii) When a buyer enters into possession.

(iv) (iv) When a buyer pays the whole or part of the price.

4. SECTION 55(1) (D)—EXECUTION OF CONVEYANCE

(1) The execution may be to the purchaser or to such person as the purchaser shall direct. Consequently, on a resale by the buyer before conveyance, the conveyance may be direct to the subpurchaser. The seller may require the original buyer to be a party to the Conveyance if there is a difference of price but not otherwise.

(2) It is the duty of the buyer to tender to the seller a proper draft—*31 Cal.L.J. 87.*

(3) This duty of the buyer is subject to a contract to the contrary.

(4) The execution of the conveyance and the payment of price are reciprocal duties to be performed simultaneously. They are concurrent promises. If either party sues for specific performance, he must show that he was ready and willing to perform his part.

(5) Proper time for execution:—

(i) (i) The section is silent as to what is proper time.

(ii) (ii) The time is usually settled by the contract of sale.

(iii) If time is fixed, and an unreasonable delay occurs, the proper course is to give notice making time the essence of the contract

(iv) If time is not settled, the proper time is the date when the seller makes out his title.

(6) Proper place for execution:—

(i) The Section is silent.

(ii) Since it is the buyer who has to tender the draft conveyance to the seller, the proper place for execution would be the Seller's residence or his Solicitor's office.

(7) Cost of Conveyance:—

(i) The Section is silent.

(ii) This is usually settled by the terms of the contract.

(iii) In the absence of any express term, the buyer has to pay the cost of the Stamp—Section 29 (c) Indian Stamp Act.

5. SECTION 55 (1) (E)—CARE OF PROPERTY

(1) The contract of sale does not give to the buyer any interest in property. But it imposes upon the seller a personal obligation to take care of the property.

(2) The seller must also take care of the title deeds. The loss of title deeds depreciates the value of the property and damage done to the estate.

(3) To take care means to do what a prudent owner ought to and keep the property in reasonable repair and protect it from injury by trespassers.

(4) The obligation to take care is one collateral to the contract and does not merge in the conveyance. The duty to take care continues even after completion of the sale and the buyer is not responsible for any loss caused by the seller. If the seller neglects his duty, the buyer is entitled to compensation to be deducted from the purchase money; after the completion the buyer may recover damages.

6. SECTION 55(1) (G)—MEET OUTGOINGS

(1) It is the duty of the seller to pay what are called under England Law outgoings. In India they include—

(i) (i) Public Charges
(ii) (ii) Rent
(iii) (iii) Interest
(iv) (iv) Encumbrances.

(i) Public charges over

(i) (i) Government Revenue.
(ii) (ii) Municipal Taxes.
(iii) (iii) Payment charged upon land by Statute either expressly or implied by reason of their being recoverable by distress or other process against the land.

(ii) Rent—The payment of rent is a question which arises when the property sold is leasehold property. The seller of the leasehold property is bound to pay rents accruing due up to the date of the sale.

(iii) Interest.

(i) Encumbrance means—a claim, lien, or liability attached to the property.

(ii) The seller's duty is to discharge all Encumbrances. It is immaterial that the buyer was aware of the Encumbrances when he contracted to buy.

(iii) The sale is not subject to Encumbrances, unless there is an express provision to that effect.

(iv) If the Encumbrance is a common charge on the property sold and other properties of the seller, the buyer may insist on its being discharged out of the other property.

(6) This liability imposed upon the seller is collateral to the contract and may be enforced even after conveyance.

Seller's Liabilities

AFTER CONVEYANCE

1. *Section 55(1)(b)—To give possession*

1. It is the duty of the seller to give possession after conveyance and not to leave the buyer to get possession for himself.

2. This liability may be enforced by a suit for Specific Performance.

3. 3. Time for giving possession—

(i) The Section does not say when the seller should give possession.

(ii) Reference to Section 55 (4) (a) shows that possession be given when ownership passes to the buyer. This would be at the time of the execution of the sale-deed—*6 Lah. 308.*

(iii) The seller cannot refuse possession because price has not been paid unless there was intention to the contrary.

(iv) The buyer's right to possession and the seller's right to unpaid price may be enforced in the same suit.

4. Nature of Possession—

(i) Possession does not mean actual occupation.

(ii) Physical possession in the case of tangible and symbolical possession in the case of intangible properly is enough.

(iii) Symbolical possession is enough in the case of property which is in the possession of tenants or mortgagees.

2. *Section 5 5 (2)—To assure that the interest subsists.*

1. There are two views as to whether this liability of the seller is one which arises before conveyance or after conveyance.

(i) *Calcutta view.* This clause contemplates a *completed contract* and corresponds to covenant for title in an English conveyance. *57 Cal. 1189.*

(ii) *Madras view.* This clause contemplates cases, where the transaction has not progressed beyond the stage of contract. *40 Mad. 338 (350):*

38 Mad. 1171.

(iii) Lahore view. Follows Madras.

6 Lah. 308.

(iv) (iv) Bombay view. It pertains to liability *after conveyance*

18 Bom. S. R. 292: 52 Bom. 883: 31 Bom. LR. 658.

(a) The provisions of Section 55(1) enable the buyer before completion, to ascertain if the title offered is free from reasonable doubt. Once he has accepted the conveyance and the sale is completed, he has no remedy on the contract except for fraud.

(b) The covenant for title implied by Section 55 (2) gives the

buyer a further remedy in case of defects discovered after conveyance.

(v) Another view which probably is the correct view. (a) In the matter of Title, the liability of the seller is twofold. (i) He must pass to the buyer a title free from reasonable doubt. (ii) He must pass to the buyer a title which he professes to pass and nothing less. He must make good his representation.

Under (i) he must prove that he has acquired his title in any one of the recognised ways: such as prescription, possession, inheritance, purchase, etc.

Under (ii) if he professes to transfer a full proprietary interest, then interest transferred must be full proprietary interest and not merely occupancy interest: Sale of free from Encumbrances land which is subject to Encumbrance: Sale of non-transferable land as transferable.

(b) Section 55(1) relates to liability for a title free from reasonable doubt: Section 55 (2) relates to liability for passing title which he professed to pass.

2. Section 55 (2) relates to misrepresentation or misdescription as to title. A distinction must be made between misdescription of title and misdescription of property.

(i) Misdescriplion of title is a breach of the covenant for title under Section 55 (2) and gives right to damages.

(ii) Covenant for title docs not extend to misdescription of property i. e. as to the extent of the land sold.

(iii) A covenant for title is not a covenant that the land purported to be conveyed is of the extent stated in the sale-deed. It is merely a contract with the purchaser of the validity of the sellers' title. Consequently if the purchaser finds a deficiency in area his, suit must be based not on the covenant for title, but for part failure of consideration.

3. Express covenant for title. Every conveyancer has an implied covenant for title. But parties may enter into an express covenant relating to title. The points to be noted in regard to an express covenant are:

(a) If overrides and does away with the effect of all implied covenants.

(b) Although an express covenant alone can govern the rights of the parties, yet an implied covenant cannot be got rid of except by *clear* and *unambiguous* expression.

4. *Who can claim the benefit of the covenant :* The benefit of a covenant for title can be enjoyed not only by the purchaser and his representatives, but also subsequent alienees, who claim under the purchaser, can enforce it as against the seller.

5. Under this clause the vendor is presumed to guarantee his title absolutely to the property. If he wishes to contact himself out of the covenant he must do so expressly or by necessary implication.

6. The implied covenant for title has nothing to do with the question, whether the buyer has or has not notice of the defect of title and the buyer's knowledge of the defect does not deprive him of the right to sue for damages and can claim a return of the purchase-money if he is dispossessed by reason of a defect in title.

7. *Covenant for title—what does it include.* The covenants for title implied in an English conveyance, include.—

(i) (i) Right to convey,
(ii) (ii) Right to quiet enjoyment,
(iii) (iii) Right to hold free from Encumbrances,
(iv) (iv) Right to further assurance.

Under the covenant for further assurance, the seller is bound to do such further acts for perfecting the buyer's title as the latter may reasonably require. Thus, if a seller has, after the sale perfected an imperfect title by the purchase of an outstanding interest, he can under this covenant, be compelled to convey it to the buyer.

(2) The English covenants are more extensive as they include the covenant for quiet enjoyment, for freedom from Encumbrances and for further assurance. Under Indian Law they are not included.

8. Covenant for title is a covenant for a title free from reasonable doubt. It has been held by the Privy Council that an absolute warranty of title cannot be insisted upon by the purchaser. *9 I .A. 700 (713).*

9. The implied covenant for title does not apply in the case of a trustee:

(i) A trustee is only deemed to covenant that he has done no act whereby the property is encumbered, or that whereby he is hindered from transferring.

(ii) If a trustee conveys without disclosing his fiduciary character, he could no doubt be required to convey"as beneficial owner"so as to become subject to the usual covenants for title.

10. The implied covenant for title does not apply in the case of a guardian selling on behalf of the minor.

CHAPTER 4
THE LAW OF TRUSTS

OUTLINE

PART 1. What is a Trust and to what the Act applies?
PART II. Express or Declared Trusts— (i) Creation. (ii) Extinction.
PART III. The Administration of a Trust.
PART IV. Constructive Trusts.
PART V. The Administration of a Constructive Trust.

PART I
What is a Trust and to what the Act applies?

II. To what KINDS OF TRUSTS The ACT Applies?

I. Section I says in what cases the Act shall not apply. They are:

(i) Wakfs created by a Mohammedan.

(ii) Mutual relations of the members of an undivided family as determined by any customary or personal law. (iii) Trusts to distribute prises taken in war among the captors. (iv) Public or Private religious or Charitable Endowments.

1. *Explanations.*

1. Wakf.—Permanent dedication by a person professing the Mussalman faith of any property for any purpose recognised by the Mussalman Law as religious, pious or charitable.

Two classes of Wakfs—

(i) Where benefit is reserved to the settlor and his family— Act VI of 1913 applies.

(II) Where no benefit is reserved—Act 42 of 1923 applies.

II. II. MUTUAL RELATIONS OF MEMBERS OF AN UNDIVIDED FAMILY.

Illus—

1. The manager of a joint Hindu family and other members of the family.

2. A Hindu widow and a reversioner.

Their relations are not governed by the Trust Act. They are governed by customary law or personal law.

III. DISTRIBUTION OF PRISES TAKEN IN WAR.

1. *Prise,*—A term applied to a ship or goods captured *jure belli* by the maritime force of a belligerent at sea or seized in port.

2. All prises taken in war vest in the sovereign, and are commonly by the royal warrant granted to trustees upon trust to distribute in a

prescribed manner amongst the captors.

3. To such a trust created for the purpose of distributing prises the Trust Act does not apply.

IV. PUBLIC TRUSTS AND PRIVATE, RELIGIOUS OR CHARITABLE ENDOWMENTS.

Trusts are either *Public* or *Private Trusts.*

1. *Public Trusts.*—A trust is a Public Trust when it is constituted for the benefit either of the public at large or some considerable portion of it answering a particular description. A Public Trust is for an unascertained body of people though capable of ascertainment.

II. *Private Trust.*—A Private Trust is a trust created only for the benefit of certain individuals who must be ascertained or ascertainable within a limited time.

III. *The Purposes of a Public Trust.*—They fall under three heads:— (i) Public purposes. (ii) Charitable purposes. (iii) Religious purposes.

(1) The phrase public purposes is used in two senses :

(a) In its ordinary sense—it includes purposes. Such as mending or repairing of roads, a parish supplying water for the inhabitants of a parish, making or repairing of bridges over any stream or culvert that may be required in a parish.

(2) The Phrase Charitable Purposes—includes almsgiving, building alms-houses, founding hospitals and the like.

(3) The Phrase Religious Purpose—includes relating to religious teaching or worship—purchase or distribution of religious books, upkeep of Churches, Temples, etc.

If a Trust is a Public Trust—The Trust Act does not apply. If a Trust is a Private Trust—Does the Trust Act apply?

The Act applies only if the Private Trust is a trust which is not a Charitable or Religious Trust.

What is the Law that applies to a Public Trust or a Private Trust which is Charitable and Religious? There are various enactments which apply.

1. Section 92, C. P. C.
2. The Religious Endowments Act,1863.
3. The Religious Society's Act I of 1880.
4. The Official Trustee Act II of 1913.
5. The Charitable Endowments Act VI of 1890.
6. The Charitable and Religious Trusts Act XIV of 1920.

Different kinds of Trusts

1. Trusts fall into different classes. The class into which a trust falls

depends upon the point of view a trust is looked at—

2. A trust can be looked at from three points of view— (i) From the point of view of the mode in which a trust is created. (ii) From the point of view of the constitution of the trust. (iii) From the point of view of the nature of the duty imposed on the trustee.

3. From the point of view of the mode in which a trust is created trusts fall into two divisions (i) Express and (ii) Constructive.

4. From the point of the constitution of a trust, trusts fall into two divisions (i) completely constituted trusts and (ii) incompletely constituted trust.

5. From the point of view of the nature of the duty imposed on the trustee trusts fall into two divisions (i) Simple Trusts and (ii) Special Trusts.

1. EXPRESS AND CONSTRUCTIVE TRUST

1. A trust can arise in two ways—

(i) It is the result of a voluntary declaration made by an individual. (ii) It may be the result of a rule of law.

2. When a trust is the result of a voluntary declaration it is called an Express Trust or Declared Trust. When a trust is the result of a rule of law it is called a Constructive Trust.

3. The term Constructive Trust is used in another sense. In this sense it is used to signify a trust which is the result of a construction put upon the deed. A trust is a matter of intention. Intention may be declared in specific terms or it may be found by the Court to have been indicated by the party on a proper construction of the deed. In the latter case the trust is sometime called a Constructive Trust.

4. Two things have to be remembered in connection with a constructive trust used in this sense.

(i) Such a Constructive Trust is some times contrasted with an Express Trust. This is quite wrong. Such a Constructive Trust is really an Express Trust and is not to be contrasted with it. A trust is none the less an Express Trust because the language used by the settlor is ambiguous or clumsy, if, on the true construction of that language the Court comes to the conclusion that a trust must have been *intended*.

(ii) A trust which is constructive in the sense that the intention is deduced by constructing the document must not be confused with a Constructive Trust which is the result of the operation of the law. In the former there is an intention to create a trust and in that sense it is

the result of the voluntary act of the party. In the latter there is no intention to create a trust. It is the creation of law and not of an act of the party.

Constructive Trusts fall into two sub-divisions :—

(i) Resulting Trusts. (ii) Non-Resulting Trusts.

The difference between the two will be considered later when dealing with Constructive Trusts. They have one thing in common— they are both the result of the operation of law and not the result of an act of party.

II. COMPLETELY CONSTITUTED TRUSTS AND INCOMPLETELY CONSTITUTED TRUSTS.

1. A trust is said to be completely constituted when the trust property is *vested* in the Trustees for the benefit of the beneficiaries. When there is a mere declaration of a trust but the property is not vested in the Trustee the trust is incompletely constituted.

2. The question whether a trust is completely constituted or not is of the *utmost* importance where no valuable consideration is given for its creation.

3. *If value is given* it is immaterial whether the trust is perfect or not, for as equity looks on that as done which has been agreed to be done an imperfect conveyance for value will be treated a contract to convey and the Court will see that it is perfected.

4. *If no value is given* there is no equity and the Court will not grant any assistance to a person seeking to enforce.

5. If there is a complete transfer of property although it is voluntary yet the legal conveyance being effectually made the trust will be enforced by the Court.

6. There are two ways in which a trust may be completely constituted:

(i) (i) The settlor may convey the property to the trustees.

(ii) (ii) The settlor may declare himself to be a trustee of it.

7. *Distinction between complete and incomplete trust*—

(i) A completely constituted trust is one in which the trust property has been finally and completely vested in the trustees.

(ii) A trust is incompletely constituted when the trust property has not been finally and completely vested in the trustees.

NOTE.—All trusts arising underwills are completely constituted, though may be either executed or executory—

(iii) A seller must take all due steps to do all that it is his duty to

vest the property in the trustee, and the instrument of conveyance must also contain a declaration of trust, if the settlor's intention is to escape defeat.

8. *Consequences arising from this difference*—

(i) An incomplete trust will be enforced if it is for valuable consideration. It will not be enforced if it is voluntary, i.e., without valuable consideration.

(ii) Valuable consideration in the law of trust, as in the law of contract, is some valuable thing assessable in terms of money, with the proviso that marriage, and also forbearance to sue is so considered.

(iii) A distinction exists between valuable consideration and good consideration. The phrase good consideration is applied to natural love and affection. Such a consideration though good is not valuable.

(iv) A good consideration does not make an incompletely constituted trust enforceable at the instance of a volunteer. It serves to rebut a resulting trust

(V) *How far marriage is a consideration :*

(i) If the settlement is made *before* and in consideration of marriage, it is made for valuable consideration. So it is also, if made after marriage, but in fulfilment of an ante-nuptial agreement to settle.

(ii) But if the settlement is made after marriage, and not in pursuance of an ante-nuptial agreement, it is voluntary.

(VI) *Who are within the marriage consideration:*

(i) The only persons within the marriage consideration are the actual parties, the husband and the wife, and the issue of that marriage.

(ii) All other persons are volunteers and cannot enforce the provisions of a settlement *as against the settlor* so far as the transfer of property is still incomplete, e.g., an agreement to settle after—acquired property.

9. *Does the Indian Trust Act recognise this distinction between complete trust and incomplete trust*—

Simple and Special Trusts

1. A Simple Trust is a trust in which a trustee is a mere passive custodian of the trust property, with no active duties to perform..

2. A Special Trust is a trust in which a trustee is appointed to carry out some scheme particularly pointed out by the settlor and is called

upon to exert himself actively in the execution of the settlor's intention.

3. A Simple Trust is spoken of as a passive trust and Special Trust is spoken of as an active trust.

4. Where a Simple Trust exists, the beneficiary, provided that he is *sue juris* and absolutely entitled, has a right to be put into actual possession of the property and he enjoys the further right of compelling the trustees to dispose of the legal estate in accordance with the beneficiary's instruction.

5. Special Trusts are divided into—(i) Ministerial and (ii) Discretionary.

6. In both, the trustees have positive duties to perform.

7. The point of distinction is that in a Ministerial Trust the duties are such that the trustee is not called upon to exercise *prudence* while in a discretionary trust a trustee is required to *exercise prudence.*

PART II
EXPRESS OR DECLARED TRUST

CHAPTER **1.** Two kinds of Declared Trusts—
(i) (i) Executed.
(ii) (ii) Executory.
CHAPTER II. The Creation of an Express Trust.
CHAPTER III The Revocation of an Express Trust. Declared
CHAPTER IV. The Extinction of an Express Trust.

CHAPTER I
Two kinds of Declared Trusts
Executed and Executory

An Express Trust is either an *Executed Trust* or is an *Executory Trust.*

1. EXECUTED AND EXECUTORY TRUSTS

1. The expressions Executed and Executory as used in relation to contract have not the same meaning which they have when used in relation to trust.

2. When used in relation to a contract they refer to the carrying out of the contract. When used in relation to a trust they refer to the creation of a trust as distinguished from its carrying out.

3. In the sense in which the term is used in contract every trust is executory until it is over. But that is not the meaning in which the word is used in relation to trust.

4. When the words *Executed* and *Executory* are used in connection

with a trust they have different meaning.

(1) A trust is an Executed Trust when the author of the trust has not only designated the persons who are to benefit by the trust but has also indicated the *interests* which they are to take in the trust property.

(2) A trust is said to be an Executory Trust when the author of the trust has only designated the persons who are to benefit by the trust but has not indicated the interests which they are to take in the trust property but has left it to be defined by another person by another instrument.

Illus.—On the marriage *of A* and B it is agreed between them that certain property shall be settled on trust for them and for their children.

NOTE.—Here the parties who are to benefit by the trust are defined—They are *A* and *B* and their children—

(1) But what benefits *A* and *B* their children are to take is not defined.

(2) Therefore, it is an Executory Trust.

(3) The line of cleavage between an Executed Trust and an Executory Trust is different from the line of cleavage between a completely constituted trust and an incompletely constituted trust.

(4) The line of cleavage between a completely constituted trust and an incompletely constituted trust is:- in the former the property is vested in the Trustees upon trust; in the latter the property is not so vested.

(5) The line of cleavage between an Executed Trust and an Executory Trust is that in the former the interests of the beneficiaries are defined when in the latter they are not so defined.

(6) That being so an Executory Trust may be a completely constituted Trust.

II. PARTIES TO A TRUST.

1. Apparently there are three parties to the transaction of a trust—

(i)	(i)	The party who makes the trust.
(ii)	(ii)	The party who accepts the trust.
(iii)	(iii)	The party for whose benefit the trust is made.

2. The party who makes the trust is called"the author of the trust". The party who accepts the trust is called the trustee. The party for whose benefit the *trust* is made by the author and accepted by the trustee is called the beneficiary.

3. Is it necessary that the three parties *should* be distinct and separate and that one of three cannot occupy the role of any two of them? The

answer to this question is *some* of them can play the role of two.

(i) The author of the trust and the beneficiary of the trust must be distinct and separate.

(ii) The trustee and the beneficiary must be distinct and separate.

(iii) The author of the trust need not be distinct and separate from the Trustee.

4. The reasons why some parties can occupy the role of two in one and some cannot are important.

(i) The making of a trust results in the creation of two different estates in the property which is the subject-matter of the trust— the legal and the equitable. A trust lasts as long as these two interests remain separate, (ii) If the legal and equitable estates happen to meet in the same person, the equitable is forever extinguished by being absorbed in the legal. In other words, where the legal and the equitable interests are co-extensive and vested in the same person the equitable merges in the legal interests which means that the trust comes to an end.

There are two principles to be borne in mind

(i) There is no trust if it does not create a separate equitable interest.

(ii) There is no trust if the separate legal and equitable interest become merged.

5. Applying these two principles we reach the following conclusion—

(i) There is no merger when the author of the Trust and the trustee are the same. Therefore, they need not be distinct.

(ii) There is no creation of a separate equitable estate when the author of the Trust and the beneficiary are the same. Therefore, they must be distinct.

(iii) There is merger when the trustee and the beneficiary are the same. Therefore, they must be distinct.

To sum up. The author of the trust and the trustee may be one and the same person. But the beneficiary must always be a distinct person separate from the author of the trust as well as from the trustee.

6. So far we have taken simple cases where the parties are single individuals. What happens when the parties are multiple parties, and where some of them play double role.

Illus.

(i) A and B are the beneficiaries of a trust Of them A is also a trustee. Is such a trust valid?

(ii) A and B are beneficiaries of a trust Of them A is the author of

the trust Is such trust valid?

7. The answer to the first question is in the affirmative. It is found in Section 6 which defines a trust. The definition does not give an answer to the Second question. Yet such a trust is invalid.

CHAPTER II

(i) The Creation of an Express Trust

1. CONDITIONS FOR THE CREATION OF A VALID TRUST.

For the validity of a declared Trust the following *four* conditions prescribed by law must be satisfied.

(i) Section 6.

(1) There must be necessary parties to the trust.

(2) (1) The language of the settlor must be such that the Court can find from it, as a fact,

a) a) An intention to create a trust;
b) b) of ascertainable property ;
c) c) in favour of ascertainable beneficiaries and
d) d) for an ascertainable purpose.

(ii) Sections 7-8.

The trust property must be of such a nature as to be capable of being transferred and settled in trust.

(iii) Section 4. The object of the trust must be lawful.

2. The English Law of Trust differs from the Indian Law in regard to the creation of a trust. According to Snell the creation of a trust requires three certainties,

(i) Certainty as to intention. (ii) Certainty as to trust property.

(iii) Certainty as to beneficiary. According to Underhill the creation of a trust requires *four* certainties, those mentioned by Snell and one more namely.

(iv) The purpose of the trust.

The English Law does not require the transfer of the trust property to the trustee. But the Indian Law does.

(ii) Certainty as to intention

(i) The intendor to create a trust may be by words or acts.

ii) These are illustrations which show how a trust could be created by the acts of the author of the trust.

Illus.

(i) A father opening an account in his book in the name of his son in which money is credited in the name of his son.

9 Bom. 125 (ii) A buying shares in 5 Bom. 268 17 Col. 620 (628)

3. Examples of trust created by words are unnecessary. The question is

what kind of language is necessary to show there is a certainty to show that there was intention to create a trust—

(i) No technical expressions are needed for the creation of a trust. The matter is one of construction. The question, therefore, which has to be determined is whether upon construction of the will or deed as a whole, the testator intended that the person to whom property was given should take as a mere trustee or should take beneficially, subject to a mere superadded expression of a wish or desire, which the testator may have thought would be sufficient to influence the donee, but which was not intended to and does not impose upon him any obligation. Question is did the author of the trust merely express a wish that the trustee should do a particular thing or did he impose an obligation upon him to do a certain thing. If an obligation was in fact intended then obviously he had the intention to create a trust.

(iii) The language used may be *either precatory* or *imperative.*

(i) The words request, recommend, desire, hope, etc., are precatory words.

(ii) Such words cannot be said to indicate an intention to create a trust, because they do not show an intention to impose an obligation upon the trustee.

(iii) Under the English Law such precatory words were held to constitute a, trust and the trusts were called precatory trust. But the modem tendency is against.

(iii) Certainty as to beneficiary

1. The beneficiary must be specified or described sufficiently as to be capable of identification.

2. *Illustrations of uncertainty.*

(i) Estate given to A with the direction that he would continue it in the family—family uncertain.

(ii) To the settlor's relations—relations uncertain.

3. *Illustrations of sufficient description*

(i) Descendants-held to be sufficient description and therefore not uncertain

3. Certainty of Purpose

1. How the property is to be applied must be specified.

2. Illustrations of uncertainty of purpose.

(i) To consider certain persons. (ii) To be kind to them. (iii) To make ample provision for them. (iv) To remember them. (v) To do justice to them. (vi) To take care of his nephew as might seem best in future.

(vii) To use property for herself and her children and to remember the Church of God and the poor.

3. The purpose of the trust means the way in which the beneficiaries are to be benefited the way in which the property is to be applied.

4. Certainty as to trust property

1. The property which is to be the subject-matter of the trust must be indicated with reasonable certainty. It must be specified or sufficiently described so as to be capable of identification.

Illus.

(i) A bequeathes certain property to B—directing him to divide the *bulk* of it among the children of C. There is no creation of a trust because the property is not indicated with reasonable certainty.

(ii) A gives property in trust for his wife and directs that such part of it as may not be required by her shall, after her death, be held in trust for his children.

(iii) A gives property in trust for his servants with a direction to reward them according to their deserts out of such parts of my estate as may not have been sold or disposed of by her.

Conclusion

1. Thus, it must be clear that the settlor intended to create a *definite* trust over *definite* property for *definite* persons. No trust can arise in the absence of an intent to create a definite equitable obligation giving definite equitable rights to definite beneficiaries.

2. It will, however, be noticed that the failure to nominate a definite person as a trustee does not invalidate the trust. Where a trust is clearly intended, then (subject to the rules as to voluntary trust), the mere omission to appoint a trustee will not invalidate the trust : for equity never allows a trust to fail for want of a trustee. So, if no trustee is appointed or if the trustee appointed fails, either by death, or disclaimed or incapacity or otherwise the mist does not fail, but fastens upon the conscience of any person (other than a purchaser for value without notice) into whose hands the property comes and such person holds it as a passive trustee, whose only duty is to convey it to new trustees when properly appointed.

3. The effect of uncertainty as to property or as to beneficiary or purpose of the trust is different :

(i) Where the trust is affected by uncertainty as to property the trust is void. As there is no property capable of identification there is nothing to litigate about.

(ii) Where the trust is affected by uncertainty as to the beneficiary or the purpose the trust is void. As there is no person named as a beneficiary no one can come forward to enforce it

(iii) Where the property is described with sufficient certainty, and the words actually used, or the surrounding circumstances make it clear that although the donor has not sufficiently specified. The objects of his bounty or the way in which the property was intended to be dealt with yet he never meant the trustee to take the entire beneficial interest, the Law implies a resulting trust in favour of the donor or his representative.

II. TRUST PROPERTY MUST BE CAPABLE OF TRANSFER.

1. *What property is capable of transfer?*

2. The answer to this question is to be found in section 6 of the Transfer of Property Act.

3. Property which can be transferred may be subject-matter of a trust.

4. But there can be no trust of a beneficial interest under a subsisting trust. A Beneficiary cannot create a trust of his interest in trust. His interest is transferable but he cannot create a trust of it.

5. This marks an important distinction between the English Law and Indian Law of Trust.

6. Under the English Law a beneficiary can create a trust of his equitable estate.

7. The reason is that the Indian Law does not recognise the distinction between legal and equitable estates in a trust.

Sec. II.—A Trust may be properly created and yet enforceable.

1. A trust may have been properly created but may not be enforceable. To be enforceable a trust must satisfy two other conditions:—

1. The object of the Trust must not be unlawful. II. The formalities prescribed for the creation of a trust must be satisfied.

Object of the trust Sec. 4.

1. The object of a trust must be lawful.

2. *What are lawful objects?*

(1) The purpose must not have been forbidden by Law.

(2) Purpose must not be such which if permitted would defeat the provisions of any law.

What are unlawful objects?

(1) Purpose which is fraudulent

(2) Purpose which involves or implies injury to the person or property of another.

(3) Purpose which is immoral or opposed to public policy.

Illus.

(1) Trust for the care of female founding to be trained as prostitutes.

(2) Trust to carry on smuggling business and to maintain it out of the profits.

(3) Trust by a person in insolvent circumstances—defeating creditors.

(4) Trusts for illegitimate children.

(5) Trust for the creation of a perpetuity.

(6) Trust to take effect upon future separation of husband and wife.

3. Whether the trust is lawful or unlawful is to be determined in the case of immovable property by the law where the property is situated.

4. A trust which is unlawful is *void.*

5. Where a trust has two purposes of which one is lawful and the other unlawful, the validity of the trust depends upon the severability of the two. If they can be severed, the one with a lawful purpose is valid and the one with an unlawful purpose will be void. If they cannot be separated the whole will be void.

6. Consequences of settlor creating an unlawful trust—

(i) Court will not enforce it in favour of the person intended to be benefited thereby. (ii) Court will not help the settler to recover the estate.

Formalities for a valid trust

Sec. 5.

1. A trust may be a trust of immovable property or it may be a trust of movable property. The formalities prescribed by law for the validity of a trust differ according as the property is immovable property or movable property.

2. *Formalities in case the property is immovable.* Such a trust may be made in two ways—

(i) Either by a non-testamentary instrument signed by the author of the trust or by the trustee, or

(ii) By the will of the author of the Trust,

3. *Formalities in the case of a trust of movable property.* There are *three* ways by which it could be done.

(1) By a non-testamentary instrument signed by the author of the trust or the trustee.

(2) By a testamentary instrument signed by the author or the trustee.

(3) By transfer of the ownership of property to the trustee.

4. Difference between declaration and creation of Trust. (Not explained in ms.)

5. Transfer of Trust Property

1. No trust is created until the author of the trust has divested him of the trust property. That means he must have transferred the property to the Trustee.

2. This does not apply where the author of the trust is himself the trustee. All that is necessary to show is that he has changed the character in which he holds it.

3. This does not apply when the trust is created by a will. The will operates after his death and the trustees then take possession.

Section II.—A trust may be valid and yet impeachable.

1. A valid trust may be impeached on the following grounds by the following persons :—

(a) By the settlor or his successors in title on the ground: (i) of the incapacity of Parties.

(ii) of some mistake made by, or fraud practised on, the settlor at its creation.

(b) By the settlor's creditors, by reason of its having been made with a fraudulent intention to defeat or delay them or because it infringes the provisions of the Insolvency Act.

(c) By future purchasers of the property from the settlor without notice of the trust, where the trust property is land, and though was intended by the settlor to defeat the claims of future purchasers.

1. Incapacity of Parties to a Trust ∫ *Capacity of the author of the Trust.*

1. The author of a trust must be a person who is *competent* to contract, i.e., (i) He must be major and (ii) He must be of sound mind.

2. Although this prevents a minor from making a trust yet the law provides for a minor making a trust, if the conditions prescribed are observed under the Law, a trust may be made by or on behalf of the minor, provided it is done with the permission of the Principal Court of original jurisdiction.

The Principal Civil Court of original jurisdiction is according to the Civil Procedure Code the District Court.

3. This competency of the Author of the Trust to make a trust is limited in two ways—

(i) The property which is to be the subject-matter of the trust must be transferable.

(ii) He can transfer it only to the extent permitted by Law for the

time being in force. A trust is not valid if the author had no power to dispose of property.

4. What property is transferable and what is not is defined in section 6 of the T. P. Act.

5. The authority to dispose of property and the extent of such power depends upon law.

Illus.

(i) A Hindu father cannot dispose of the ancestral property and therefore, he cannot create a trust thereof.

(ii) A Hindu widow cannot dispose of the estate inherited by her from her husband. She having only a life-estate in it— therefore, she cannot dispose of it by way of Trust.

(iii) A Mohammedan cannot dispose of more than 1/3 of his property after the payment of debts and funeral expenses— therefore, cannot dispose of more than 1/3 by way of a Trust.

§ Capacity to be a Trustee— Sec. 10.

1. Every person capable of holding property is competent to be a trustee.

2. *Who is capable of holding property?*

Every *living person* is capable of holding and taking property. Therefore, every living person whether a minor or a lunatic is capable of being a trustee.

3. There is a difference between capacity to contract and capacity to hold and take property. Every living person does not have the capacity to contract; but every living person has the capacity to hold and take property.

4. This distinction is necessary to make and important to bear in mind because a person may not have capacity to contract yet he may be competent to be a trustee provided he has capacity to hold and take property ;be not dead physically he must not be dead civilly: (1) A person who is sentenced to transportation is not civilly dead.

7. There is one further distinction which is to be noted. Ordinarily a person who is competent to be a trustee is also competent to execute a trust. But in the case where a trust involves the use of discretion the person who is competent to be a trustee is not necessarily competent to execute a trust.

8. Where the trust is such that it does not involve the use of discretion the requirement for competency to execute a trust is the same for being a trustee, namely, capacity to hold and take property.

9. Where the trust is such that its execution does involve the use of

discretion, then the trustee must have capacity to contract.

Capacity to be a Beneficiary— Sec. 9.

1. Every person capable of holding property may be a beneficiary.

- 2. The requirement for being a beneficiary is the same as for being a trustee.

3. That is every living person can be a beneficiary. That is a trust can be created in the interest of every living person. It is not necessary that a beneficiary should have contractual capacity. In this respect his position is regulated by the same provisions as that of the trustee.

CHAPTER III
The Revocation of an Express Trust Declared

Sec. 78.

1. Whether a trust can be revoked depends upon how the trust is created.

(i) If the trust is created by a will then it can be revoked by the testator *at his pleasure*. This is because will does not take effect till death. There is can be revoked before it takes effect

2. If the trust is created otherwise than be a will—i.e., by a non-testamentary instrument or by word of mouth then it can be revoked in the following circumstances only—

(i) If the power of revocation is expressly reserved to the author of the trust.

(ii) If the beneficiaries consent, provided all of them are competent to contract

CHAPTER IV

The Extinction of an Express Trust
Sec. 77.

1. A trust comes to end in the following cases— (i) When the purpose is completely carried out. (ii) When its purpose becomes unlawful. (iii) When the fulfilment becomes impossible. (iv) When the trust being revocable is expressly revoked. (v) If there is only one beneficiary or if there are several (whether entitled concurrently or successively) and they are or they are not under any disability (such as infant, lunatic) the trust may be extinguished by them without reference to the wishes of the setter or the trustees.

2. The terms for the extinction of a trust are the same as those for the extinction of a contract.

1. Two questions remain to be considered. (i) When does a trust

becomes administrable? (ii) What estate does the Trustee and Beneficiary have in the trust?

2. These questions are preliminary to the question of the administration of the trust.

1. When does a trust begin to function?

A trust becomes administrable when it has been accepted by the Trustee and the beneficiary—

I. I. DISCLAIMER AND ACCEPTANCE OF A TRUST

Acceptance Art. 34=Sect. 10.

1. Although the author of the trust may appoint a person as a trustee, the person so appointed is not bound to accept such appointment.

2. A person appointed to the office of a trustee may accept the office or he may disclaim it.

3. The acceptance of the office may be indicated expressly or by conduct. If it is by conduct it must indicate with reasonable certainty such acceptance.

Illus.—A by his will bequeaths certain properties *to B* and *C* as Trustees for *D*. *B* and C prove A's will. On a question being raised whether *B* and *C* had accepted the office of Trustee, held that their conduct in proving the will was tantamount to acceptance of office.

4. Other illustrations of acceptance by conduct are :—

(i) Acceptance by acquiescence—Permitting an action regarding trust property being brought in his name.

(ii) Acceptance by exercising dominion over the trust property—such as advertising for sell—giving notice to tenants.

(iii) Acceptance by dealing with property—unless the dealing is plainly referable to some other ground.

(iv) Acceptance by long silence with notice of the trust and in the absence of any satisfactory explanation of the silence.

(v) Acceptance of a part of the trust is acceptance of the whole, notwithstanding any attempted disclaimer of part.

5. The law does not say how a disclaimer is to be made by a trustee who does not wish to accept the office. It only says that a trustee must do so within reasonable time.

6. Although the law is silent on the point, the following points with respect to disclaimer have been settled by judicial decisions—

(i) The disclaimer should be before acceptance. Once a trustee has accepted the office he can renounce it only under circumstances mentioned in section 46.

(ii) A person can disclaim a trust although he may have consented

to act as a trustee during the lifetime of the settlor.

(iii) A person cannot disclaim the office as to a part of the trust and accept as to the rest.

(iv) (iv) A disclaimer may be by words or by conduct.

7. **Effect of disclaimer.**

(i) If there is only one trustee a disclaimer prevents the trust property from vesting in him.

(ii) If there are two more trustees and if one of them disclaims, such a disclaimer vests the trust property in the other or others or makes him or them the sole trustee or trustees from the date of the creation of the trust.

8. What happens when there is only one trustee and he disclaims,

Two things can happen :—

(i) A new trustee may be appointed under section 73— (a) By one mentioned in the trust

(b) If there be none such, by the settlor if alive and competent to contract

(ii) If no trustee is appointed in place of the one who has disclaimed the property reverts to the settlor or his representatives if he is dead.

9. What happens to the property? Is it freed from the trust? Does it remain subject to the trust?

The answer is that the trust is not extinguished. The settlor or his representatives, if the settlor is dead, holds it on trust for the beneficiary. In other words the setter or his representative becomes the trustee in place of the trustee who has disclaimed.

The rule is that a trust will never fail for want of a trustee. Wherever a trust exists, and there is no trustee to execute it, the person in whom the legal estate vests holds the property as trustee. This rule is intended to protect the beneficiary.

Mallott vs. *Wilson (1903) 2 Ch. 494.*

II. DISCLAIMER AND ACCEPTANCE BY BENEFICIARY—

Section 9

1. A beneficiary is not bound to accept the trust. He may accept it or he may disclaim it.

2. His disclaimer amounts to a renunciation of his interest under the trust.

3. If he wishes to disclaim he can do so in two ways : (i) By a disclaimer addressed to the trustee or (ii) By setting up a claim inconsistent with the trust with the knowledge of the trust.

4. A claim inconsistent with the trust would be a claim such as ownership of the trust property.

4. What happens to the trust when the beneficiary disclaims?

III. THE ESTATE OF A TRUSTEE UNDER A TRUST. (Page left blank)

IV. THE ESTATE OF A BENEFICIARY UNDER A TRUST. (Page left blank)

PART III
THE ADMINISTRATION OF A TRUST

The Administration of a Trust

In connection with the Administration of a Trust, the Trustee has certain—

(i) Duties—Sections 12—20.
(ii) Liabilities—-Sections 23—30.
(iii) Rights—Sections 31—36.
(iv) Powers—Sections 37—45.
(v) Disabilities—Sections 46—54.

Similarly the beneficiary has certain—

(i) (i) Rights—Sections 55—*67*.
(ii) (ii) Liabilities—Section 68.

1. **Duties of a Trustee** Sections 12—20

V (2) Duty to obey directions contained in the Trust.
IV (3) Duty to act impartially between the beneficiaries.
IV (4) Duty to sell Wasting and Reversionary property.
IV (5) Duty in relation to payment of outgoing of Crops and income.
IV (6) Duty to exercise reasonable care.
IV (7) Duty in relation to the Investment of Trust Funds.
IV (8) Duty to pay Trust moneys to the Right Persons.
IV (9) Duty in relation to delegation of Duties and Powers.
IV (10) Duty to act jointly when there are more than one Trustees.
mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_1 IV (II) Duty not to set up *Jus Tertii*
*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_2IV (12) Duty to act gratuitously.
*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_3IV (13) Duty not to traffic in Trust Property.
*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_4IV (14) Duty to be ready with Accounts.

V. Powers of a Trustee Sections 37—45.

V. The powers of a Trustee * V (1) General Powers of a Trustee.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_5 V (2) Power of Trustees to sell or mortgage the Trust Property.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_6 V (3) Power in relation to conduct of sales.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_7 V (4) Power to give receipts. * V (5) Power to compound and settle disputes.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_8 V (6) Power to allow Maintenance to Infants.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_9 V (7) Power of Trustees to pay Cost of Beneficiary.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_10 V (8) Suspension of the Trustee' s Powers by Administrative Action.

VI. Powers of the Beneficiaries

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_11 VI (1) Power of a sole beneficiary.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_12 VI (2) Power of one of several beneficiaries.

25. Is a trustee liable for breach of trust by his predecessor? He is not.

26. Is a trustee liable for the breach of trust committed by a Co-trustee?

He is not except in the following cases :—

(i) Where he has delivered trust-property to his Co-trustee without seeing to its proper application.

(ii) Where he allows his Co-trustee to receive trust property and fails to *make* due inquiry as to the Co-trustee's dealings therewith or allows him to retain it longer than the circumstances of the case reasonably require.

(iii) Where he becomes aware of a breach by a Co-trustee and conceals it or does not take proper steps to protect the property.

27. Breach of Trust jointly committed by Co-trustees.

What is the liability for each? Is it for the whole? Each is liable for the whole to the beneficiary. There will be a right of contribution from the rest.

28. Liability for Payment by a Trustee to a person who is not the person in whom the beneficiary's interest is not vested.

Trustee is not liable, provided:

(i) He had no notice that the interest had vested in another person.

(ii) That the person to whom payment is made was a person who was entitled to payment.

XIII. Protection to Trustees

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_13 (1) General Protection.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_14XIII (2) Statute of Limitation.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_15 Each page contains only the heading and not the details—ed.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_16 XIII (3) Concurrence of or waiver or Release by the Beneficiary.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_17XIII (4) Protection against acts of Co-Trustees.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_18XIII (5) Right of contribution and indemnity as between Co-trustees.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_19XIV. Liability of Third Parties and Beneficiaries.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_20XIV (1) Liability of Third Parties and Beneficiaries who are parties to a Breach of Trust.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_21XIV (2) Following Trust Property into the hands of Third Parties.

PART IV
Constructive Trusts

1. 1. There are *fourteen* cases of constructive trusts which are enumerated in the Trust Act.
2. 2. They fall *under five* heads :—

(1) CONSTRUCTIVE TRUSTS ARISING OUT OF TRANSFERS—SECTIONS 81, 82,84,85.

(2) CONSTRUCTIVE TRUSTS ARISING OUT OF UNFAIR ADVANTAGE GAINED BY ONE PERSON AS AGAINST ANOTHER PERSON—SECS. 85, 88, 89, 90, 93. (3) CONSTRUCTIVE TRUSTS ARISING OUT OF CONTRACTS MADE-SECS. 86,

91,92.

(4) CONSTRUCTIVE TRUSTS ARISING OUT OF A MERGER OF TWO PERSONALITIES IN ONE INDIVIDUAL—SECTION 87. (5) CONSTRUCTIVE TRUSTS ARISING OUT OF A PAST TRUST—SECTION 83.

(1) TRANSFER OR BEQUEST OF PROPERTY

(i) Section 81.

1. In certain cases the transfer or bequest of property imposes an obligation upon the transferee or legatee in the nature of a trust in favour of the owner or his legal representative.

Ordinarily the transferee or legatee would take the property absolutely without any such obligation.

2. When can it be held that the transferee or legatee takes it subject to an obligation? He takes it subject to an obligation when there is no intention on the part of the owner to dispose of the beneficial interest in the property to the transferee or legatee.

3. How is intention to be determined?—In the light of the circumstances of the case. It is the circumstances which must be referred to in order to find out the intention of the owner. (ii) Section 82.

1. The second case where the transfer of property imposes an obligation upon the transferee in the nature of a trust is the case where the transferee is made to one and the consideration is paid by another—in such a case the transferee holds it on trust for the person who paid the consideration.

Ordinarily the transferee would be the owner in the eye of the law, the property being conveyed to him by the transferor.

2. This rule that a transferee who has not paid consideration holds it on trust for a person who has paid consideration applies generally except in one case—

3. *Exception:*

This rule does not apply where there is an intention on the part of the person who paid the consideration to benefit the transferee.

4. *Proof of intention.*

(iii) TRANSFER FOR AN ILLEGAL PURPOSE. Section 84.

1. Ordinarily when a transfer is for an unlawful purpose the Court will neither enforce the transaction in favour of the transferee nor will it assist the transferor to recover the estate if he has parted with it.

2. But the rule does not apply under *all* circumstances. The rule does apply under certain circumstances.

3. What are the circumstances in which the rule does not apply?

The circumstances in which the rule does not apply are—

(i) (i) If the propose is not carried into execution.

(ii) (ii) If the transferor is not as guilty as the transferee.

(iii) (iii) If the effect of permitting the transferee to retain the property might be to defeat the provisions of any law.

4. In these cases the Court will help the transferor and impose upon the transferee an obligation to hold the property for the benefit of the transferor.

(iv) BEQUEST UPON TRUST FOR AN ILLEGAL PURPOSE. Section 85.

1. The position in law with regard to transfers for an illegal purpose is on a par with trust for an illegal purpose.

2. That is, a Court will neither enforce the trust in favour of the parties intended to be benefited nor will it assist the settlor to recover the estate if he has parted with it. 9 *Bom. S. R. 542.*

3. Section 85 recognises a trust although the purpose is unlawful. This is in contrast with the general principle enunciated in section 4 of the Trust Act and therefore requires some explanation.

4. The general principles governing the rights of the parties to an unlawful trust and the exceptions to those principles may formulate as follows :—

1. Where a trust is created for an unlawful and fraudulent purpose, the Court will neither enforce the trust in favour of the parties intended to be benefited nor will it assist the settlor to recover the estate (except in one case).

Q.—Why is a beneficiary not allowed to enforce it?

A.—Because it would be giving effect to an unlawful purpose.

Q.—Why is the author not allowed to recover the estate if he has parted with it?

A.—Because it would be helping him to take advantage of his own fraud.

II. The one case in which the settlor allowed to recover the property although the trust is for an illegal purpose is the case where the illegal

purpose has failed to take effect.

Q.—Why is this exception made?

A.—There are two reasons :—

(i) The purpose being unlawful no trust arose—it being void *ab initio.*

(ii) The trustee having paid no consideration has no right to retain the beneficial interest in the property which must, therefore, return to the settlor.

III. The disabilities attaching to the author of an unlawful trust do not apply to his legal representatives—

Q_why?

A.—Because they are not parties to the transactions.

5. The reason why section 85 recognises a trust in favour of legal representatives is because they are innocent parties having nothing to do with the creation of an unlawful trust.

(3) (2) Constructive Trusts arising out of unfair advantage—

1. Section 85.

1. The first case under this head arises where property is bequeathed under a will and the testator during his life-time wanted to revoke the bequest and he is prevented from revoking it by coercion.

2. Under such circumstances the legatee takes the property not as a beneficial owner thereof but holds it as a trustee for the legal representatives of the testator.

3. The reason is that the legatee has taken unfair advantage by using unfair means. He cannot, therefore, be allowed to retain such an advantage.

II. Section 88

1. The second case arises when any person who is bound to protect the interest of another person by reason of his fiduciary relationship with the latter.

2. Persons who fall in this category are—

(i)	(i)	Agent and Principal.
(ii)	(ii)	Partners in a firm.
(iii)	(iii)	Guardian and ward.
(iv)	(iv)	Trustee and beneficiary.
(v)	(v)	Executor and Legatee.

3. The section says—

(i) That any such person who gains any pecuniary advantage by availing himself of his fiduciary.

(ii) Enters into any dealings under circumstances in which his own

interests are adverse to those of the person whom he is bound to protect and thereby gains for himself a pecuniary advantage

Then

He must hold the advantage so gained for the benefit of the person whose interest he was bound to protect.

4. *Illus.*

(i) A partner buys land in his own name with funds belonging to his firm. He must hold it for the benefit of the partners.

(ii) A trustee, retires from his trust in consideration of a bribe paid to him by his Co-trustee. The trustee must hold the sum for the benefit of the trustee.

(iii) An agent is employed by A to secure a lease from B of a certain property. The agent obtained a lease for himself. The agent must hold it for the benefit of B.

(iv) A guardian buys up the Encumbrances on his ward's property at an undervalue. He can charge the ward only for the value he has actually paid for the Encumbrances.

III. Section 89

1. The third case arises where advantage is gained at the cost of another person by the exercise of undue influence.

2. This is dealt with in section 89. Section 89 says that such a person must hold the advantage for the benefit of the person who is the victim of such undue influence.

3. 3. This is subject to two limitations—

(i) The advantage must have been gained without consideration or

(ii) The person must have had notice of the advantage having been gained by undue influence.

IV. Section 90

1. The fourth case arises where advantage is gained by a qualified owner availing himself of his position as such in derogation of the rights of other persons interested in the property.

2. This is dealt with in section 90. Section 90 says that such an advantage shall be held for the benefit of all and not merely for the benefit of the one who secured it.

3. Subject to two conditions—

(i) The others must repay their due share of expenses properly incurred for securing such advantage.

(ii) The others must bear proportionate part of their liabilities properly contracted for gaining such an advantage.

4. Cases covered are those of co-tenants, members of joint family,

mortgagee, etc.

V. Section 93

1. The fifth case arises where the advantage is gained by a creditor secretly.

2. Such a case generally arises when the creditors accept a composition from a debtor who is unable to pay his debts in full.

3. If it is found that one of the creditors who is a party to the composition has by arrangement with the debtor unknown to the other creditors gains better terms for himself he shall not be entitled to retain the advantage gained by him by reason of such better terms which have caused prejudice to other creditors.

4. 4. The law will regard him as a trustee for the other creditors in so far as the advantage gained by him is concerned.

(4) (3) Constructive Trusts arising out of Contracts

I: Section 86

1. The first case dealt with by the Trust Act under this head relates to a contract for the transfer of property.

2. It falls under section 86. Section 86 refers to a contract in pursuance of which property is transferred and where the contract is of such a character that—

(i) (i) It is liable to recession or

(ii) (ii) It is induced by fraud or mistake.

3. The transferee of the property under such a contract shall hold the property for the benefit of the transferor.

4. This obligation arises only under certain circumstances and is not absolute:

(i) The obligation arises only on receiving notice from the transferor that the contract is liable to recession or that it has been induced by fraud or mistake.

(ii) The obligation will be enforced only on repayment by the transferor of the consideration actually paid by the transferee.

II. Section 91

1. Acquiring property with notice that is subject to a contract with another person.

2. In such a case the person who acquires the property must hold it for the person who had contractual rights in it.

3. This obligation is limited in its extent. It is enforced only to the

extent necessary to give effect to the contract.

4. This obligation does not arise in the case of every acquisition of property which is subject to a contract. It applies only in the case of a contract which could be specifically enforced.

1. Property bought for being held on trust for certain persons.

2. A contracts to buy property from B and represents to B that the purpose of buying it is to hold the property on trust for C. B believing in the representation of A sells the property to A.

3. A must hold the property for the benefit of C.

4. This obligation is also limited in its extent—It is enforced only to the extent necessary to give effect to the contract.

5. The contract may be to hold part of the property in trust for C. In that case the obligation will be enforced only to the extent of the property.

(4) Constructive Trust arising out of merger of two personalities in one individual.

1. Section 87

1. This provides for the case of double personality —one man but two persons.

2. Every contract, debt, obligation or assignment requires two persons.

3. But these two persons may be the same human being.

4. In all such cases, were it not for the recognition of double personality, the obligation or Encumbrance would be destroyed by merger.

5. Because no man can in his own right be under any obligation to himself; or own any Encumbrance over his property.

6. But with the recognition of the double personality this is possible.

7. In fact this is necessary.

8. *Illustration*— Debtor becoming executor.

Executor is the owner in the eye of the law. Merger. Extinction of debt.

9. Section says no.

PART V
The Administration of a Constructive Trust
THE INDIAN TRUST ACT

1. The Law relating to Trust is contained in Act II of 1882.

2. It is an Act which defines and amends—that means that it does not introduce any new principle.

3. The Act does not consolidate the Law—That means that it is not an

Exhaustive Code.

4. The object of the Act was to group in one to enact the legal provisions relating to trusts. Before the Act of 1882 the statutory law relating to trust was contained in 29 *Car II. C. 31 sections 7— II.*

Act XXVII of 1866 ActXXVIIIofl866

There were also few isolated provisions scattered through the Penal Code, Specific Relief, C. P. Code Stamp Act, Limitation, Government Securities Act, Companies Act, Presidency Banks Act.

5. As originally passed, the Act did not apply to the whole of British India. For instance, it did not apply to Bombay. But provision was made to extend it by notification by local Government.

6. It is unnecessary to discuss here whether the Hindu Law and Mohammedan Law recognised trust as defined in the Trust Act. That may be dealt with by others.

The nature of a Trust

1. Trust is defined in section 3. A trust involves three things:

(1)A person who is the *owner* of some property.

(2) Ownership burden with an obligation.

(3) Obligation to use the property for. the benefit of another or of another and himself.

2. It is ownership without beneficial enjoyment. It involves separation of ownership and beneficial enjoyment.

3. A trust arises out of a confidence reposed in and accepted by the owner.

4. The owner in the eye of the law is the trustee. After the trust is created the author of the trust ceases to be the owner of the property.

1. WHAT IS A TRUST.

1. The terms Trust and Trustee are defined in various enactments of the Indian Legislature.

(i) *Definition in Specific Relief Act I of 1877. Section* 3—

(1) *Obligation* includes every duty enforceable by law.

(2) *Trust* includes every species of express, implied or constructive fiduciary ownership.

(3) *Trustee* includes every person holding expressly, by implication, or constructively a fiduciary ownership.

(ii) *Definition in the Indian Trustees Act XXVII of 1866. Section* 2—

"Trust shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words *trust* and *trustee* shall extend to and include implied and constructive trusts, and shall extend to and include cases where the trustee has some

beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of executor or administrator of a deceased person.

(iii) *Definition in Limitation Act IX of 1908. Section 2 (ii)*—

Trustee does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied or a wrong-doer in possession without title.

(iv) *Indian Trusts Act II of 1872.*

(1) Section 3—"A trust is an obligation annexed to the ownership of property . . .

(2) Ingredients of a Trust (i) A Trust in an *obligation.*

(ii) The obligation must be annexed to the *ownership* of property.

(iii) The ownership must arise out of *confidence* reposed in and accepted by the owner.

(iv) The ownership must be for the benefit of another (i.e., a person other than the owner) or of another and the owner.

Explanation of Terms

I. THERE MUST BE OBLIGATION.

II. OBLIGATION MUST BE ANNEXED TO OWNERSHIP PROPERTY.

1. There may be an obligation to which a person is subject although there is no property to which it is annexed.

E.g. *Torts* assault—

2. There may be property without there being any obligation attached to it. E.g. *Full* and *complete* ownership—sale of property.

III. THE OWNERSHIP OF PROPERTY MAY BEFOUNDED IN CONFIDENCE OR IT MAY NOT.

Illus.

A person may transfer ownership to another with the intention of conferring upon him the right to enjoy the property.

A person may transfer ownership to another without the intention of conferring upon him the right to enjoy the property.

The difference between ownership founded in confidence and ownership not founded in confidence consists in this—

(i) In the latter there is *a jus in re* (a complete and full right to a thing) *or jus ad rem* (an inchoate and imperfect right).

(ii) In the former there is not. E.g. Bailment.

3. The nature of a trust can be better understood by contracting it with

other transactions resembling a trust.

Trust distinguished from agency

1. Where there is a trust, the ownership of the trust property is in the trustee. The trustee is personally liable on all contracts entered into by him in reference to the trust, although he may have a right of recourse against the trust funds or against the beneficiary.

2. An agent has no ownership in law in the goods entrusted to him. If an agent enters into a contract as agent, he is not personally liable. The contract is with the principal.

Trust distinguished from Condition

1. Cases of condition differ from cases of trust in two respects—

First. A trust of property cannot be created by any one except the owner. But A may dispose of his property to B upon condition express or implied that B shall dispose of his own property in a particular way indicated by A.

Second. The obligation of the person on whom the condition is imposed is not limited by the value of the property he receives, e.g., if A makes a bequest to B, on condition of B paying A's debts, and B accepts the gift, he will be compelled in equity to discharge the debts although the exceed the value of the property.

2. But the words"upon condition"may create a real trust. Thus a gift of an estate to A on condition of paying the rents and profits to B constitutes a trust because it is clear that no beneficial interest was intended to remain in A.

A may dispose of his property to B upon condition express or implied that B shall dispose of his property to C. There is a condition in favour of C.

Is this a trust? Trust distinguished from Bailment

1. Bailment is a deposit of chattel and may in a sense be described as a species of trust. But there is this great difference between a bailment and a trust, that the general property in the case of a trust, is in the trustee, whereas a bailee has only a special property, the general property remaining in the bailor.

2. The result of this difference is that an unauthorised sale by a trustee will confer a good title upon a *bonafide* purchaser who acquires the legal interest without notice of the trust, whereas such a sale by a bailee confers as a rule no title as against the bailor.

3. Bailee does not become the owner of the property as a result of the bailment. But a trustee does in law become the owner

of the property as a result of the trust notwithstanding he is under an

obligation to deal with the property in a certain specified manner.

Trust distinguished from Gift

Ordinary contract differs from a trust. Contract which confers a benefit on a third party closely resembles a trust.

1. There is a similarity between a Trust and a Gift inasmuch as in both the transfer results in ownership. The Trustee and the Donee both become owners of the property.

2. But there is a difference between the two. In a gift the donee is free to deal with the property in any way he likes. In a Trust the trustee is under an obligation to use the property in a particular manner and for a particular purpose.

Trust distinguished from Contract

1. That there is a distinction between trust and contract is evident from the existence of differing legal consequences attached to a trust and to a contract:

(i) A trust, if executed, may be enforced by a beneficiary who is not a party to it whilst only the actual parties to a contract can, as a rule, sue upon it

(ii) An executed voluntary trust is fully enforceable while a contract lacking consideration is not.

2. However, the determination of the question whether a given set of facts gives rise to a trust or a contract is not easy. What is the test?

Keetan—-pp. 5-6 (1919) A. C. 801 | 38 Bom. S. R. 610.
(1926) A. C. 108 |

It is a question of intention.

Trust distinguished from Power

1. The term”power”in its widest sense includes every authority given to a person (called the donee of the power) to act on behalf of or exercise rights belonging to the person giving him the authority (called the donor of the power).

2. Powers are of many kinds e. g.

(i) The common law power of an agent to act for his principal, given sometimes by a formal”power of attorney".

(ii) Statutory power such as the power of sale given to a mortgagee.

(iii) The various express and implied equitable powers possessed by trustees and executors.

(iv) Powers to appoint trusts so as to create equitable interests.

3. The power of appointment is a transaction which resembles a trust and it is this which must be distinguished from a trust.

The word appointment means -pointing out, indicating-the act of declaring the destination of specific property, in exercise of an authority conferred for that purpose-the act of nominating to an office.

The last class *termed, powers of appointment* are made use of where it is desired to make provision for the *creation* of future interests, but to postpone their complete declaration.

Thus in a marriage settlement, property may be given to trustees upon trust for the husband and wife for their lives and, after the death of the survivor upon trust for (i) *Such of the children* of the marriage as the survivor shall appoint, or (ii) *All the children* of the marriage in such shares as the survivors shall appoint. In such a case, upon appointment being made, the child to whom it is made takes exactly as if a limitation to the same effect had been made in the original instrument.

A power of this kind, where there is a restriction as to its objects (i.e., persons in whose favour it may be exercised) is termed a *special power of appointment*. But there may be a *general power* of appointment when there is no such restriction, so that the donee may appoint to himself. In such a case the donee having the same powers of disposition as an owner, is for most purposes treated as the owner of the property :

(i) (i) A power may give a mere discretion and therefore is distinct from a trust, which creates an obligation or

(ii) (ii) A power may impose an obligation to exercise the discretion.

In the former case there is no trust. In the latter case there is. The former is called *mere power*. The latter is called power in the nature of a trust *or power coupled with trust*.

(iii) There is also a third category of cases which arc cases of a *trust coupled with a power*.

These are cases where a trustee of a property though under an obligation to apply it for the benefit of certain individuals or purposes, may have a *discretion* as to whether he will or will not do certain specified acts, or as to the amount to be applied for any one individual or purpose or as to the time and manner of its application. In such cases, the Court will prevent the trustee from exercising the power unreasonably, it will not compel him to do such acts or attempt to control the proper exercise of his discretion.

1. Power resembles a trust and also differs from it.

(i) It resembles a trust inasmuch as a power is an authority to

dispose of some interest in land, but confers no right to enjoyment of land.

(ii) It differs from a trust inasmuch as a power is discretionary, whereas a trust is imperative; the trustee if he accepts must necessarily do as the settlor directs.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_22 VII. NEW TRUSTEES.

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*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_23 (2) Devolution of the office and estate on Death of the survivor.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_24(3) Retirement or Removal of a Trustee.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_25(4) Appointment of New Trustees.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_26VIII. APPOINTMENT OF A JUDICIAL TRUSTEE.

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(1) Nature and Function.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_28 (2) Appointment of a Public Trustee as an ordinary Trustee.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_29Appointment and Removal of the Public Trustee.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_30 (4) Duties, Rights and Liability of the Custodian Trustee and Managing Trustee.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_31(5) Special Rules relating to the Public Trustee.

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* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_33(2) Right to discharge on completion of Trusteeship.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws

PART II.htm - _msocom_34(3) Right to pay Trust Funds into Court.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_35**XI.** RIGHT OF TRUSTEES AND BENEFICIARIES TO SEEK THE ASSISTANCE OF PUBLIC TRUSTEE OR COURT.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_36(l) Right of Official audit.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_37(2) Right to take direction of Court.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_38(3) Right to have Trust administered by Court.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_39(4) Right to take direction of Court.

* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52B. Notes on Acts and Laws PART II.htm - _msocom_40(5) Right to have Trust administered by Court.

XII. CONSEQUENCES OF A BREACH OF TRUST.

1. *Definition of Breach of Trusts.*—Breach of trust is defined in section 3, a breach of any duty imposed on a trustee, as such, by any law for the time being in force, is called a breach of trust.

2. *Under the English Law.*—Any act or neglect on the part of a trustee which is not authorised or excused by the terms of the trust instrument, or by law, is called a breach of trust.

3. *Breach of Duty.*—A trustee has Duties, Right, Powers and disabilities. Only breach of duty is breach of trust.

1. *The measure of liability* is the loss caused to the trust property.

2. Is he liable to pay interest? Only in the following cases—

(a) Where he has actually received interest.

(b) Where the breach consists in unreasonable delay in paying trust-money to the beneficiary.

(c) Where the trustee ought to have received interest, but has not done so.

(d) Where he may be fairly presumed to have received interest.

(e) Where the breach consists in failure to invest trust-money and to accumulate the interest or dividends.

(f) Where the breach consists in the employment of trust property or the proceeds thereof in trade or business.

3. Is he entitled to set off a gain from breach of trust against a loss from breach of trust.

He cannot.

Notes on Acts and Laws

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I. I. INTRODUCTORY

1. What is the nature of the Law of Limitation?

1. There are various ways in which a time-limit enters into a course of litigation:

(1) Cases where the law says action shall be taken *within* a stated period:

Illus.—Order 6 Rule 18.—Amendment of a Plaint. Party obtaining leave to amend must amend within the time fixed by the Court for amendment and if no time is fixed then within 14 days. (2) Cases where the law says action *shall not* be taken before a certain period has elapsed.

Illus.—Section 80 of the C. P. C.—Suit against Secretary of State. No suit shall be instituted against the Secretary of State for India in Council or against any public officer in respect of any Act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been given.

(3) Cases in which the law prescribes that action shall not be taken *after* a certain period has elapsed.

2. It is the *third* class of cases which strictly speaking constitute the subject-matter of the Law of Limitation.

2 Distinction between Limitation—Estoppel— Acquiescence and Laches

All these have the effect of denying to an aggrieved party a remedy for the wrong done to him. That being so it is necessary to distinguish them

from Limitation as such.

Limitation and Estoppel

1. By Limitation a person is prevented from getting relief because of his having brought the action after the time prescribed for bringing his suit.

2. By Estoppel a person fails to get relief because he is prevented by law from adducing evidence to prove his case.

Limitation and Acquiescence

1. Limitation defeats a suitor in the matter of obtaining relief for a wrong because he has *consented* to the doing of the wrong because his suit is beyond time.

2. Acquiescence defeats a suitor in the matter of obtaining relief for a wrong because he has *consented* to the doing of the wrong.

Limitation and Laches

1. Both have one common feature—relief is denied on the sole ground that action is not brought within time.

2. The distinction lies in this—In limitation time within which action shall not be brought is prescribed by Law. In laches there is no time prescribed and the Court, therefore, in granting relief works on the principle of unreasonable delay.

3. In India the doctrine of laches has not much scope because of the Law of Limitation which has prescribed a definite time limit for almost all actions. It does not, therefore, matter whether a man brings his suit on the first day or the last day of the period prescribed by law for his action.

5. 3. The doctrine of laches applies in India only in the following cases:

(1) Where the relief to be granted by the Court is *discretionary*.

This is so

(i) (i) In cases falling under specific relief.

(ii) (ii) In cases falling under interlocutory relief.

(2) Where the Law of Limitation does not apply e.g. Matrimonial suits.

Delay would mean that the offence was condoned.

3 The object of Limitation

1. Two things are necessary for a well-ordered community (i) Wrongs must be remedied. (ii) Peace must be maintained.

2. To secure peace of the community it is necessary that titles to property and matters of right in general should not be in a state of constant uncertainty, doubt and suspense.

3. Consequently, if persons are to be permitted to claim relief for what they think are wrongs done to them, then they must be compelled to seek relief within a certain time. There is nothing unjust in denying relief to a

person who has tolerated the wrong done to him beyond a certain period.

4. The Law of Limitation is based upon this principle.

5. That being the underlying principle, the Law of Limitation is absolute in its operation and is not subject to agreement or conduct of the parties. That is to say it is not subject to

(1) Waiver.
(2) Custom.
(3) Estoppel.
(4) Variation in respect of enlargement or abridgement of time by agreement of parties sections 28 and 23 of the Contract Act.

6. In this respect the Law of Limitation differs from the Law of Negotiable Instruments.

7. *Limitation and the onus of Proof.*

1. The onus of proof is upon the Plaintiff. He must prove that his suit is within time.

37. *Bom. S. R. 471 - A.I.R.. 1935 September.*

A by a registered lease, dated 8th July 1922, gave certain lands to *B* on a rental for a period of 25 years. Subsequently, *A* dispossessed *B* alleging that the lease was taken by undue influence. *B* brought a suit against *A* for an injunction restraining *A* from interfering in any way with his possession and enjoyment and for possession of land.

It was contended on behalf of B that A was precluded from challenging the validity of the lease, on the ground that if he had sued to have the lease set aside the suit would have been barred by Limitation. In other words, it was contended that the plea of the Defendant was barred of the Limitation.

Question is : Is Defendant bound by the Law of Limitation?

The answer is No. —Section 3 refers to Plaintiff and not to Defendant.

8. *Plea of Limitation and the Stage of the Proceedings.*

1. The plea of limitation may be raised at any stage of the proceedings, i. e., it can be raised even in second appeal.

2. It can be raised for the first time in appeal

38 Mad. 374
36 Cal. 920
38 Cal. 512
38 Bom. 709 (714).

3. It can be raised in appeal even though it was abandoned in the trial Court.

3 All. 846 (848).

4. 4. It can be raised before the Privy Council although it had been

abandoned in the Courts below.

361 A. 210.

5. 5. This is subject to the proviso that when it is raised in the appeal stage Court will not allow it if the facts on record are not sufficient for its decision and if it involves a further inquiry into facts.

57 *Cal. 114.*

II. THE INDIAN LAW OF LIMITATION

Its Scheme of arrangement

Operation of Lapse of time under Indian Statute Law

1. Lapse of a definite period of time produces four results under Indian Statute Law.

(1) It multiplies the right of the holder to obtain a remedy for the wrong—Section 3 of the Limitation Act.

(2) It not only bars his remedy but extinguishes his right—Section 28 of the Limitation Act.

(3) It confers a right to light, air, way, watercourse, use of water or easements on a person who has enjoyed it for a prescribed period—Section 26 Limitation Act. (4) It extinguishes right to easements—Section 47 of Act V of 1882.

(2), (3), (4) are cases which fall under the Law of Prescription. (1) Only falls under the Law of Limitation. The Limitation Act deals with a mixed body of law and two must be studied separately.

II. II. THE INDIAN LAW OF LIMITATION

Its Applicability

I. In respect of Territory

1. The Act extends to the whole of British India—*Section 1(2).*

2. The Act applies to *every* suit instituted, appeal preferred and application made in Courts functioning in British India.

3. It does not matter where the cause of action, whether in British India or outside British India, it does not matter where the transaction took place, whether in British India or outside British India, if the suit is instituted or appeal is preferred or application is made in a Court in British India, the Law of Limitation that will apply will be the Indian Law of Limitation and not Foreign Law of Limitation.

4. There is one exception to this rule which is enacted in section 11 (2) which says : A Foreign Rule of Limitation shall be a defence to suit in British India on a contract entered into in a foreign country if the rule has extinguished the contract and that the parties were domiciled in such

country during the period prescribed by such rule.

2. **In respect of Proceedings**

1. SPECIAL PROCEEDINGS

(1) *Arbitration Proceedings*

It was at one time doubted if the Limitation Act applied to proceedings before an Arbitrator on the ground that it applied only to suits, appeals and applications to the *Court* and that the Arbitrator was not a Court. This doubt has now been resolved by the Privy Council which has held that where persons have referred their disputes to arbitration, the arbitrator must decide the dispute according to the existing law and that he must recognise and give effect to every defence of limitation, unless that defence has been excluded by agreement between the parties. (1929) 561. A. 128.

Ques. This decision goes to the length of laying down that parties can vary the Law of Limitation by private agreement. This seems to overlook the provisions of sections 28 and 23 of the Contract Act.

(2) *Proceedings under the Companies Act.*

When a Company is being wound up and a liquidator is appointed to carry on the affairs of such Company, Section 186 of the Company's Act provides that the liquidator may make an *application* to the Court for an order upon a person"to pay any moneys due from him to the Company."Ordinarily there would have to be a suit. But to avoid multiplicity of suits this special proceedings is permitted by law.

Question is whether Limitation applies to such proceedings. It has been held that"money due"in section 186 means moneys due and recoverable in law, i.e., *moneys not* time-barred. This means that the Law of Limitation applies to such proceedings. *601.A.13(23)*

(3) *Proceedings under the Income Tax Act.*

The Civil Courts in India have no jurisdiction in matters of public revenue.

They can have such jurisdiction only if a particular Revenue Act invests them with such jurisdiction. For example a provision will be found in section 66(3) of the Indian Income Tax Act of 1922. Under the section, a party aggrieved by an order of the Income Tax Officer in the matter of assessment may apply to him for stating a case to the High Court and if he refuses may apply to the High Court for an order compelling the Commissioner to state a case and refer it to the High Court.

There is a time-limit for such an application. But the Law of Limitation does not apply to it. The time-limit is the time-limit prescribed by the Income Tax Act and not by the Law of Limitation.

(4) Proceedings before the Commissioner of Workmen's Compensation

The Workmen's Compensation Act, 1923, provides for Compensation to be paid to workmen for injuries caused to them in the course of their employment. The cases are heard by a Commissioner. The Commissioner is a special tribunal and not a Court and therefore the Limitation Act does not apply to proceedings before him.

This does not mean that the claim for compensation for injury can be prosecuted before him at any time. That would be so if the Act had made no provision for a time-limit. As the Act has presented six months as the time-limit, suits have to be brought within that period. (5) *Proceedings under Registration Act.*

(1) Presentation of Documents—4 months.

(2) Appearance of Parties for admitting Documents-4 months.

3. Criminal Proceedings

1. Criminal Proceedings are generally instituted in the name of the Crown because they involve a breach of the King's peace.

2. It is a maxim of Constitutional Law that lapse of time does not affect the right of the King.

3. That being so the Law of Limitation does not apply to criminal prosecutions.

4. Two things may be noted :

(1) There are many Acts which prescribe limits of time for institution of prosecution under those Acts. E.g. Government of India Act, Section 128 : Opium Act, Customs Act, Salt and Excise Acts and Police Act.

(2) Limitation Act, although it does not provide for any time-limits for criminal prosecutions, it does provide for *appeals* under the Cr. P. C.

4. Civil Proceedings

(i) With regard to *suits* different kinds of suits have been specified in different Articles. There is also a general residuary Article No. 120 which is made to apply to any suit for which no period of limitation is provided elsewhere in the Schedule. The Act, therefore, applies to *all* suits.

(ii) With regard to *appeals* there are two Courts to which appeals can lie in India—(i) The Court of a District Judge and (ii) The High Court. The Limitation Act specifies appeals to both these Courts and therefore, it can be said that the Law of Limitation applies to all appeals.

(iii) With regard to *applications,* different kinds of applications are enumerated in the different articles in the Schedule. As in the case of articles relating to suits there is also an Article 181 for applications for

which no period of limitation is prescribed elsewhere in the schedule or by section 48 of the C. P. C. But almost all High Courts have held that the operation of this Act is to be restricted to applications under the C. P. C. only. That being so it is clear that the Limitation Act *does not apply* to *all* applications. For instance it does not apply to :

(i) Applications for the grant of probate letters of administrations succession certificates.

(ii) Applications under the Rules of the High Court

32 Bom. I
48 Cal. 817
46 Cal. 249.

(iii) Applications under a Local or Special Act (unless such Act provides for it).

These not being matters dealt with by the C. P. Code.

In respect of persons

1. The general rule is that the plea of limitation applies to every Plaintiff.

2. Originally, limitation did not apply to the Crown when it sued as a Plaintiff, on the ground that lapse of time did not affect the Crown. This maxim of Constitutional Law although it governs criminal prosecutions has been negatived so far as civil proceedings by the Crown are concerned by Article *149* of the Limitation Act which applies to every kind of *suit brought by Government,* and prescribes *60* years as the time-limit. Suits *against* Government must be brought within the ordinary time-limits.

15 Mad. 315.

Similarly, suits by private persons *claiming through* Government are also subject to the ordinary time-limit prescribed by the Act. This was always the rule. It was not always the rule for Government to bring a suit within any prescribed time. This has now been altered. It can, therefore, be said that as a rule the Law of Limitation applies to *all* persons whether they are private persons or corporate bodies of Governments, and that the plea of limitation is available to every Defendant as against every Plaintiff whether that Plaintiff is a private person or a Government.

3. The plea of limitation is available to every Defendant. To this rule there are certain exceptions.

37 *Bom.*—-*S. R. 471*

Section 10.

1. The defence of limitation is not available to a person in whom property has become *vested in trust* for any specific purpose nor is it available to his legal representatives or assigns (not being assigns for valuable consideration), in a suit for recovery of the property or the proceeds

thereof or for an account of such property. This section is to be applied to an *express trust* as distinguished from an *implied* or *constructive trust.* A trustee of an implied or constructive trust can take the defence of limitation.

Distinction between an Express Trust and Implied or Constructive Trusts.

Persons, therefore, who are holding a fiduciary position are not trustees within the meaning of Section 10 ; E.g. Agent, Manager, Factor, Benamidar, Executor or Administrator, Banker, Surviving partner. Director of a Company Liquidator of a Company, *Karta* or Manager of a joint Hindu family.

Secondly Section 10 is applicable only in cases of persons"in whom property has become *vested*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52C1. Notes on Acts and Laws PART III.htm - _msocom_1 in trust for a *specific purpose"44 Mad.* 277 *(281-2).*

What is Specific Purpose? A specific purpose is a purpose that is actually and specifically defined in the document by which the trust is created for a purpose which from the specified terms can be certainly affirmed.

49 1 .A. 37 (43)
58 I.A.I

That being so even a trustee *de son tort* would fall within this Section.

Meaning of *a trustee de son tort.*

Explanation.—Hindu, Mohammedan and Charitable endowments are declared to be express trusts and their managers express trustees.

Thirdly.-Section 10 not only applies to the defaulting trustee himself, but also applies to his legal representatives and assigns except assigns for valuable consideration. Purchasers for value from a defaulting trustee are protected and they can plead limitation.

Whether purchasers from a trustee must in addition to being purchasers for value should also be purchasers without notice of trust is a point on which the Act is silent. Judicial decisions on this point are, however, in conflict.

Section 29 (3) II. The Limitation Act does not apply to parties litigating under the Indian Divorce Act (IV of 1869).

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As against a Special Law

1. Besides this General Law of Limitation there are other special or local laws which also prescribe time-limits for suits, appeals or applications. In case there is a difference between the time-limits fixed by the general and special law, question is which law is to prevail.

2. The answer to this question is given in Section 29. According to the Section the special law will prevail over the general law.

3. Section 29 also provides for the applicability and non-applicability of the other Sections of the Limitation Act in cases of conflict between the general and special law as to time-limit.

4. According to Section 29, in cases of conflict the provisions of Sections 4, 9 to 18 and 22 of the Limitation Act will apply

(unless expressly made inapplicable) and the remaining provisions of the Act shall not apply (unless expressly made applicable by the Special Law).

The Scheme of the Law of Limitation

1. The Indian Limitation Act consists of 29 Sections and one Schedule.

2. The Schedule is divided into three Divisions :

First Division—deals with Suits.

Second Division—deals with Appeals.

Third Division—deals with Applications.

3. The Schedule in respect of each of its Divisions is cut up into 3 Columns.

Column 1—Describes the nature of the claim for which suit is brought or of the appeal or if application is made. Provision is made for 154 different classes of suits.

Provision is made for 9 different classes of appeals. Provision is made for 26 different classes of applications.

Each of these provisions is numbered seriatim and is called article no. so and so. There are in all 189 articles in the Schedule though the last article is 183, that is, because some articles have the same number and are distinguished by the addition of A to the same number.

Column 2.—Specifies the period *within* which the suit must be filed, appeal or application must be made.

Column 3.—Specifics the starting-point of the period of limitation within which *suit* must be filed or appeal or application must be made.

4. The Sections of the Act in so far as they deal with the Law of Limitation as distinguished from the law of prescription deal with various questions arising out of the three columns of the Schedule. The Schedule, therefore, is the most important part of the Law of Limitation.

IV.LAW OF LIMITATION

Questions arising out of Column 3

Subject-matter of Column 3

1. Column 3 deals with the starting point of Limitation. Two Questions arise—

(1) When does time begin to run? What is the starting point of Limitation?

(2) Is there only one starting point of Limitation? *Or* Can there be a

fresh starting point of Limitation?

1. *When does time begin to run? What is the starting-point of Limitation.*

1. The answer to the question as to when time begins to run is this. Time in respect of the institution of a *suit, appeal* or *application* begins to run from the occurrence of the event mentioned in Column 3. In most cases the event is the incident. . But in some cases it is the knowledge of the incident to the Plaintiff—90-92. Whether it is the incident or the knowledge of the incident, in any case the occurrence of the event in Column 3 marks the starting point of limitation. Two questions with respect to right to sue and cause of action.

(1) Must a Plaintiff sue when there is a cause of action?

2. Confining to suits it may be said that time begins to run when the right to sue arises—Article 120. This is the first fundamental Rule.

When does the right to sue arise? It arises—

(i) When the event mentioned in column 3 occurs if the suit falls under any of the articles.

(ii) When the suit does not fall under any specific article but falls under the general article (120) then right to sue accrues when the cause of action arises or in certain cases knowledge that cause of action has arisen comes to the Plaintiff, so that time begins to run from the occurrence of the cause of action or from the date of the knowledge of the cause of action.

Cause of action arises when a wrong is done to a party. Every wrong does not necessarily give rise to a cause of action. The wrong must under the circumstances be real and necessitate taking of action.

(iii) The effect of death on the starting point of Limitation.

1. When does limitation commence in the case of a person who dies before the right to sue accrues to him?

2. When does limitation commence in the case of a person who dies before another person gets a right to sue him?

1. When a person dies *before* the right to sue accrues to him the period of limitation *will commence* when there is a legal representative of the deceased capable of instituting such a suit.

II. When a person against whom a right to sue would have accrued dies before such accrual, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom a suit could be brought.

Exception to the fundamental Rule—Limitation runs from the moment the right to sue accrues

1. Cases where Limitation commences *before* the right to sue accrues.

(i) Money payable on demand and money payable on a Bill or a Pronote made on demand.

In these cases unless there is a demand to pay and there is a consequent refusal to pay there is no right to sue. The right to sue arises on the date of the refusal to pay. But time begins to run not from the date of the refusal but from the date of the loan or the date of the Bill or note, i.e., *before* right to sue has accrued. 57—58—59—67—73

(ii) Redemption of a Pledge—suits on—

The pawnee's right to sue to recover the pledge accrues on the date on which the debt in respect of goods pledged is paid off by him. But time begins to run not from the date of payment but from the date of the pledge, i.e., *before* the right to sue has accrued—145.

§ Cases where Limitation does not commence even the right to sue has accrued—Sections *6,* 7, *8*

1. These are cases where a person to whom a right to sue has accrued is suffering from a disability the date on which the right to sue accrued.

2. According to this exception time will not run against a person who is suffering from a disability although the right to sue has accrued to him.

3. Only three kinds of disabilities are recognised— (i) minority, (2) lunacy, (3) idiocy.

4. In the case of a person suffering from a disability, time commences when the disability ceases.

5. Where these disabilities are concurrent or succession in their operation, limitation commences when all such disabilities have ceased.

6. Where the disability continues upto the death of the person then time will commence against his legal representative from the date of his death.

7. If the legal representative is under a disability at the death of the person then time will commence when the disability of the legal representative comes to an end.

8. What is the effect of a disability of persons who are jointly entitled to sue upon the starting point of limitation.

Two cases must be distinguished:

(i) Where only some of them are under a disability.

(ii) Where *all of them* are under a disability.

1. Where *only some* of them are under a disability :

(i) Where full discharge or release can be given to the Defendant by the **party** not *under, disability* without the concurrence of the person under a disability time will commence to run against all of them from the time the right to sue accrues.

(ii) Where no such discharge can be given, time will not run against

any of them until the disability ceases or until the person under disability loses his interest in the subject-matter.

II. Cases where *all* persons who are entitled to sue are under a disability:

(i) Where all are under a disability, rules laid down in Section 6 will apply.

(ii) Where one of them *ceases* to suffer from the disability, Section 7 will apply and the governing question will be whether the person who is free from his disability give a valid discharge without the concurrence of those who continue to suffer from their disability. If the answer is in the affirmative, time will commence to run against *all* from the moment the disability of such a person has ceased to operate. If the answer is in the negative then lime will not run against any of them until *all* of them cease to suffer from their disabilities.

9. Within what time from the date of the Cessation of the disability, a suit must be brought by the person who was under a disability when the right to sue accrued to him?

1. There are three answers to this question.

(i) Within the prescribed period *to be counted from the date of the accrual of the right to sue, if* the period left over after the cessation of the disability is more than three years.

Illus. Prescribed period—12 years from 1920 to 1932.
Years of disability—4 years i.e. 1924 to 1936.
Period left over—9 years. Suit must be brought before 1932.

Suit must be brought within 9 years, i.e., within 12 years from the accrual of the right to sue i.e. within the prescribed period. He gets no benefit at all. Even his time is counted from the date of the accrual of right to sue.

(ii) Within the prescribed period *to be counted from the cessation of the disability,* if the period prescribed is less than three years.

He gets no benefit from his disability ; only his time begins to run from the date of the cessation of the disability.

Illus. Prescribed period I year from 1920 to 1921.
Years of disability—4 years. *S. P.* 1924 Bar 1925.
Suit must be brought in 1925.

(iii) Within *three* years from the date of the cessation of the disability, if the period left over after the cessation of the disability is *less* than three years and the period prescribed is *more* than three years.

Prescribed period—6 years from 1920 to 1926.
Years of disability—4 years from 1924—Bar 1930.
Period left over after cessation is—2 years.

Suit must be brought in 1928 within three years from cessation of disability.

10. Some points to be noted with regard to this question of disability.

(i) The Section applies only to *suits* and to applications for the execution of a decree, but not to any other applications, nor to appeals.

(ii) The Section applies only to a person who was already under a disability when the right to sue accrued. If the disability supervenes *subsequently* than the Section does not apply.

(iii) The Section applies only where the *Plaintiff* or the person entitled to sue is under a disability. The disability of the *Defendant*—person liable to be sued—does not matter at all.

Time will begin to run against the Plaintiff even if the Defendant is suffering from a disability.

First Fundamental Rule is that limitation starts in the case of person who is not suffering from a disability, from the date of the occurrence of the event mentioned in Column 3 and if no event is mentioned in Column 3 then from the date when the cause of action is said to arise.

Fundamental Rule II

1. When once time has begun to run, no subsequent disability or inability to sue stops it.

2. This means that Limitation, once it starts is never suspended. If a person becomes insane or dies *after* the right to sue has accrued, time will continue to run against them.

II. Is THERE ONLY ONE STARTING-POINT OF LIMITATION? OR CAN THERE BE A FRESH STARTING POINT OF LIMITATION.

1 Distinction must be made between the occurrence of a fresh cause of action and the occurrence of a fresh staring point if limitation in respect of the *same* cause of action. We are here considering cases where there occurs a fresh starting point of limitation in respect of the *same* cause of action.

2. The general rule of the Law of Limitation is that for a right to sue there is *only one* starting point of limitation and that starting point dates from the day when the right to sue accrues.

3. There are three cases where there is a fresh starting point of limitation in respect of the same cause of action :

(i) Case where there is an acknowledgement.

(ii) Cases where there is a part payment.

(iii) Cases where the cause of action arises out of a continuing breach of contract or out of a continuing Wrong independent of contract.

Section **19**—§ Acknowledgement

I. GENERALLY

1. The acknowledgement must have been made *before* the period of limitation has actually run out. An acknowledgement made *after* the period has run out is of no avail and cannot be given a fresh starting point of limitation.

2. The acknowledgement must be in writing.

3. The acknowledgement must be signed by the party liable or by his agent duly authorised to sign an acknowledgement of liability.

4. The acknowledgement need not be *to the* creditor.

5. The acknowledgement must contain an admission of a *subsisting liability*. It need not contain a promise to pay. Indeed it may be coupled with a refusal to pay or with a claim to a set-off.

II. SECTION 21 (2)—ACKNOWLEDGEMENT BY PERSONS JOINTLY LIABLE

1. When a property or a right is claimed against persons who are jointly liable such as joint-contractors, partners, executors, mortgagees, etc., an acknowledgement signed by any one of them (or by the agent of any one) render the rest chargeable.

III. SECTION 21 (3)—ACKNOWLEDGEMENT BY A HINDU WIDOW

Acknowledgement by a Hindu widow or other limited owner shall be binding upon the reversioners.

IV. SECTION 21 (3)—ACKNOWLEDGEMENT BY A HINDU MANAGER

The acknowledgement signed by (or by the agent of) the Manager of a joint Hindu family shall be binding upon the whole family where the acknowledgement is in respect of a liability incurred by or on behalf of the whole family.

§ Payment of interest on debt or on Legacy and Section 20—Part-payment of the Principal

1. The payment must be payment before time has run out.

2. The payment is made by the debtor or by his agent duly authorised to make such payment.

3. The payment must be *voluntary*.

Section 23—§ Continuing breach of contract and continuing wrong independent of contract

1. In the case of a continuing breach of contract or a continuing wrong, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong continues.

Q.—What is meant by a continuing breach and a continuing wrong?

Continuing breach of contract

1. Covenant to repair in a lease which is broken every day the premises

are out of repair.

3. 1. Use of premises contrary to the covenants in the lease.

Continuing wrongs in respect of a tort

1. Infringement of a trade mark.

2. Refusal of a wife to return to her husband.

In these cases the right to sue arises *de die in diem* (from day to day).

3. The distinction between a continuing and a non-continuing wrong is very difficult to draw. A wrong continues either because the effect of a wrongful act once done continues or because the wrongful act is repeated.

The case of a continuing wrong is the case where the wrongful act is repeated and not where the effect of a wrongful act continues.

CHAPTER 6
THE LAW OF CRIMINAL PROCEDURE IN BRITISH INDIA

PRELIMINARY
Wrong and the Remedy for it

1.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52C1. Notes on Acts and Laws PART III.htm - _msocom_2 One of the clauses in the constitution of the U. S. A. runs thus:

"No citizen shall be deprived of his life, liberty and property without due process of law".

Such a clause is not found in the constitution of other states. All the same every civilised State seeks to protect the life, liberty and property of its citizen from unwarranted attacks.

Such a guarantee is the foundation of the state. With this object in view every state has a code of laws which defines what are wrongs. In India we have the Penal Code and the law of Torts.

2. Wrongs are either civil *or* criminal.

Some wrongs are both civil as well as criminal; *Assault, Defamation :* they are both civil as well as criminal wrongs. The aggrieved party can proceed both in a criminal court and also in a civil court.

3. *Remedy.* It would be of no avail whatsoever merely to enact wrongs' if for every wrong an appropriate remedy is not provided. On the other hand, it may be said, that the law recognises a wrong only when it provides a remedy for its vindication. When there is no remedy provided for the commission of a wrong, the enactment of a wrong would be an idle work.

Liberty of a person and the writ of Habeus Corpus.

4. The Criminal Procedure Code is a remedial law. It provides a remedy to the aggrieved party against the offender for the vindication of the

criminal wrong done to him. It is a popular notion that the law allows ten guilty persons to escape rather than punish an innocent individual. This is absolutely incorrect. All that the law says is that no man shall be tried except in accordance with the procedure laid down by law.

5. The Criminal Procedure lays down :

(1) The Constitution of the Criminal Courts.

(2) The means and methods by which the accused may be brought before a Criminal Court for his trial.

(3) The rules as to trial of an accused.

(4) The rules as to punishment, and

(5) The rules as to rectification of an error in the trial, conviction or punishment of an accused.

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I. CONSTITUTION OF CRIMINAL COURTS

7. For a proper understanding of this subject a distinction must be drawn between the Presidency Towns system and the Provincial system.

Such distinction is often made in India in respect of other laws as well;

e.g. Insolvency— 1. Presidency Towns Insolvency Act.
2. Provincial Insolvency Act.

Small Causes—1. Presidency Towns Small Causes Courts Act.
2. Provincial Small Causes Courts Act.

A. A. Provincial System

1. Sessions Courts

Section 7 (1)

8. 1. Every Province shall be a Sessions Division or shall be divided into more than one Sessions Division. Every Sessions Division shall be coterminus with a district or more than one district.

Section 9 (3)

3. For any Sessions Division there may be Additional Session Judges and Assistant Judges to exercise jurisdiction in one or more of Sessions Courts.

Section 9 (2)

4. The Court of Session shall hold its sitting at such place or places as may be notified by the L. G.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52C1. Notes on Acts and Laws PART III.htm - _msocom_4 in the Official Gazatte.

Section 9 (4)

5. A Sessions Judge of one division may also be appointed as an Additional Sessions Judge of another division in which case he may sit in

either division to dispose of cases.

4. 2. Magistrates Courts

9. **(1) District Magistrate.**

Section 10

(1) In every district there *shall* be magistrate of the first class who shall be called the District Magistrate.

(2) Any magistrate of the first class may be appointed to act as an Additional District Magistrate.

(2) **Sub-Divisional Magistrate.** *Section 8 (1)*

10. A District may be sub-divided into a sub-division. *Section 13 (1) and (2)*

A Magistrate of the 1 st or 2nd Class may be placed in charge of a sub-division and shall be called a Sub-Divisional Magistrate.

(3) **Subordinate Magistrates.** *Section 12 (1)*

11. In every District there may be appointed besides the District Magistrate, as many persons as may be necessary to be Magistrates of the first, second or third class.

They will exercise jurisdiction in such local areas as may be defined in the case of each.

Section 12 (2)

If no such area is fixed, their jurisdiction and power shall extend throughout such District.

3. **District Magistrate and 1st Class Magistrate**

The Code does not recognise any particular Court as that of the District Magistrate, but only Courts of 1st, 2nd and 3rd Class Magistrate.

Where a trial was commenced by an officiating District Magistrate and before its close he reverted to his original position as 1st Class Magistrate in which capacity he had jurisdiction over the offence, it was held : he had jurisdiction to continue the trial.

Emp. v/s Sayed Sajjad Husain 3 A.L.J. 825

11. As regards original jurisdiction, whatever the District Magistrate might do with regard to offences committed outside the division, the Sub-Divisional Magistrate is competent to try within his local jurisdiction. *4 A. 366.*

4. Special Magistrate

Section 14 (1)

12. (1) In any local area persons may be vested with the powers of the Magistrate of the 1st, 2nd or 3rd class in respect of particular cases or classes of cases or in regard to cases generally.

(2) To be called a Special Magistrate and to be prescribed for a term.

(3) Such a person may be an officer under its control.

(4) If he is a police officer, he shall not be below the grade of Assistant District Superintendent and he shall not have any power beyond what is necessary for :

(i) (i) preserving the peace
(ii) (ii) preventing crime
(iii) (iii) detecting, apprehending and detaining offenders in order to
their being brought before a Magistrate
(iv) the performance by him of other duties imposed upon him by any
law for the time being in force.

5.Bench Magistrates

Section 15 (1)

13. Any two or more Magistrates may sit together as a Bench and may hear such cases or such classes of cases only and within such local limits as may be prescribed in that behalf.

6. 6. Relation of the different Courts in the Provincial System

Section 17 (2)

14. Every Bench and every Magistrate in a sub-division shall be subordinate to the Sub-Divisional Magistrate. Within a sub-division, the jurisdiction of the District Magistrate and sub-divisional Magistrate are co-ordinating. *4 All. 366.*

Magistrate who is subordinate to S. D. M. is also subordinate to D. M. All Benches and Magistrates including Sub-Divisional Magistrates are subordinate to the District Magistrate.

Section 10(3)

An Additional District Magistrate shall be sub-ordinate to the District Magistrate for the purpose only of:

(i) (i) Section 192 (1)
(ii) (ii) Section 407 (2)
(iii) (iii) Section 528 (2) and (3).

Section 17 (3)

All Assistant Sessions Judges are subordinate to the Sessions Judge in whose court they exercise their jurisdiction.

15. Subordinate.—(1) inferior in rank.

9 Bom. 100
8 Mad. 18 (F. B.)

(2) Subordinate in respect of judicial as well as executive powers.

2 All. 205 (F. B.)

9 Bom. 100. There may be inferiority without subordination, but there cannot be subordination without inferiority, as subordinate means inferior in rank.

Section 17 (5)

Neither the District Magistrate nor the Magistrate and Benches shall be subordinate to the Sessions Judge except to be expressly provided by the Code.

Subordinate to the Sessions Judge only for the purposes of Section 123, 193, 195,408,431,436,437. If a Sessions Judge rule that touts should not be admitted to the Court it would not apply to the magistracy.

Subordinate means not merely subordinate so far as the regulation of work is concerned. Subordinate also means judicially inferior in rank, i. e. a Court over which another Court can proceed under Section 435. (call for records and pass orders) *9 Bom. 100.*

B. Presidency Towns System

1. 1. Magistracy

Section 18(1)

16. In each of the Presidency Towns, a sufficient number of persons shall be appointed to act as Presidency Magistrates.

Of the number appointed for each town, one shall be appointed to act as a Chief Presidency Magistrate.

Any person may be appointed to act as an additional Chief Presidency Magistrate.

Section 19

17. Any two or more Presidency Magistrates may sit together as a Bench.

2. Relation of the Presidency Magistrates to the Chief Presidency Magistrate

Section 21

18. He is like a District Magistrate controlling Magistrates subordinate to him.

Local Government is to declare the extent of such subordination. *Control:*

1. Conduct and distinction of business and practice in Courts.
2. Constitution of Benches.
3. Settle times and places at which Benches shall sit.
4. Settle differences of opinion.

18. The Bombay Government has defined that Presidency Magistrate shall be subordinate to the Chief Presidency Magistrate.

I Bom. L. R. 437.

High Court

19. Along with these Criminal Courts, we have the High Courts of Judicature.

The High Courts owe their origin to the Charter Act passed by Parliament in 1861.

Section I empowered Her Majesty by *letters patent* to erect and establish High Courts for Bengal at Calcutta, for Bombay at Bombay, and for Madras at Madras.

Section 9

Each of the High Courts to be established under *Section 106* of this Act shall have and exercise all *such* Civil, Criminal, Admirality, and Vice-Admirality, Testamentary, Intestate and Matrimonial Jurisdiction, *original and appellate* and all such powers and authority for and in relation to the administration of justice in the Presidency for which it is established as His Majesty may grant and direct.

High Court's Power of Superintendence

3 Pat L. J. 581. 7.B. Sheonandan v/s Emperor.

1. High Court's powers of superintendence are limited by Section 15 of the Act of 1861 (Section 107 of the Government of India Act) to Courts subject to its appellate jurisdiction.

2. But where the High Court has appellate jurisdiction, even in a *modified* form from an inferior Court, it will exercise superintendence over that Court, even in cases which are not subject to appeal.

3. There are three classes of cases to be considered:

(a) Where a subordinate Court is subject to the *appellate jurisdiction* of the High Court, in certain cases, only the right of superintendence exists and its exercise is not confined to cases where a right of appeal lies to the High Court. This special power of superintendence is not as a rule exercised in cases where there is an adequate remedy by other proceedings such as appeal or revision.

(b) In cases in which the High Court has powers of revision over subordinate or where the power of reference to the High Court exists, a modified form of appeal may be said to exist.

(c) The power of superintendency may be conferred upon the High Court by the Act constituting the subordinate Court independently of Section 15 of the Charter Act

4. A Court may be established without being made subject to the superintendence of the High Court.

The Relation of the High Court to other Criminal Courts *Section 15,107*

Each of the High Courts shall have powers of superintendence which

may be subject to its appellate jurisdiction and shall have powers to call for returns etc.

What are the Courts subject to its appellate jurisdiction? *Letters Patent.*

The High Court shall be a Court of appeal from the Criminal Courts in the Presidency.

3. *Pat. L.J. 5817. B* *Two questions*

Sheonandan v/s Emperor

1. Can the High Court have power of Superintendence where it has no power of appeal but has only power of revision or reference?

2. Can there be a Criminal Court in the Presidency which will not be subject to its power of superintendence.

The Local limits of the jurisdiction:

10. (1) of the District Magistrate is the District.

11. (2) of the Sub- Divisional Magistrate is the Sub-Division.

12. (3) of the subordinate Magistrate, such local area as the Local Government may prescribe.

14. (4) of the Special Magistrate, such local area as the Local Government may prescribe.

20. (5) of the Presidency Magistrate.

Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law.

(6) Sessions Judge—within the Sessions Division.

(7) High Court.

What are the powers granted by *letters-patent* in criminal matters.

22. The *letters patent* direct that High Court Jurisdiction shall be as follows:—

Criminal Jurisdiction of the High Court

Original — Appellate *Letters Patent* Paras 27,28,29.

Ordinary Letters patent — Extraordinary *Letters Patent*

Paras22 and 23
23 Para 24

23. **Ordinary original Criminal jurisdiction.**—High Court shall have original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction.

24. **Extraordinary original Criminal Jurisdiction.**—High Court shall have Extraordinary Original Criminal Jurisdiction in places within the jurisdiction of any court subject to its superintendence.

25. *Appellate Criminal Jurisdiction.*—High Court shall be a Court of appeal from the Criminal Courts in the Presidency and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

Sentence on Escaped Convict Section 396.

(1) When a sentence is passed on escaped convict, such sentence, if of death, or fine or whipping shall subject to the provisions hereinafter contained, take effect immediately, and if on imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say—

(2) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

(3) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which at the time of his escape remained unexpired of his former sentence.

Explanation : for the purposes of this Section :

(a) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment.

(b) a sentence of imprisonment with solitary Confinement shall be deemed severer than a sentence same description of imprisonment with solitary confinement; and

(c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

397. *Sentence on a person already undergoing sentence.*—

When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment,

penal servitude or transportation, such imprisonment, penal servitude or

transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence : Provided that, if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction is one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced : Provided, further, that where a person, who has been sentenced to imprisonment by an order under Section 123 in default of furnishing security, is whilst undergoing such sentence sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.

398. (1) Nothing in Section 396 or 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(2)

399. Confinment of youthful offenders in Reformatories.

(Page left blank in MS —ed.)

Suspensions, Remissions and Commutations of Sentences

(Page left blank in MS—ed.)

Section 401

Governor-General in Council or Local Government may suspend **or** remit on conditions or without conditions any sentence.

(Page left blank in MS.—ed.)

Section 402 Power to commute sentences for any other mentioned

(Page left blank in MS —ed.)

IV.Conferment, Continuance and Cancellation of Powers

Section 39

(1) In conferring powers under this Code, the Local Government may, by order, empower persons specially by name or in virtue of their office or classes of officials *generally* by their official titles.

(2) Every such order shall take effect from the date on which it is communicated to the person so empowered.

Section 40

Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is *appointed* to an equal or higher office of the same nature within a local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, exercise the

same powers in the local area in which he is so appointed.

Section 41

(1) The Local Government may withdraw all or any of the powers conferred under this code on any person by it, or by any officer subordinate to it.

(2) Any powers conferred by the District Magistrate may be withdrawn by the District Magistrate.

Statement made by a witness in deposition is not a complaint. (Page left blank in MS.—ed.)

PART II
Trial of an Offender

1. TAKING COGNISANCE OF AN OFFENCE

When an offence has been committed, there are three ways in which the Magistrate can take cognisance of an offence.

Section 190

(a) upon receiving a complaint of facts which constitute such offence.

(b) upon a report in writing of such facts made by any police-officer.

(c) upon information received from any person other than a police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

A. Complaints to Magistrates.

1. Definition of a complaint.

= means the allegation made *orally* or in writing to a Magistrate, with a view to his taking action under the Cr. P. C. that some person, whether known or unknown, has committed an offence, but it does not include the report of a police-officer.

Complaint must allege that an offence has been committed.

An application for taking action under Section 107 is not a complaint.

Complaint must be with Magistrate ; it must be with a view to his taking action.

Mere statement to a Magistrate by way of information without any intention of asking him to take action, is not a complaint.

e. *g.* An Assistant Collector writing to the District Magistrate complaining against a party but merely 'solicited for orders', did not amount to a complaint.

40 All. 641

It must be with a view to taking action under this Code.

A statement made to a Magistrate with the object of inducing him to take action not under this Code, but under Section 6 of the Bombay Gambling

Act IV of 1887, is not a complaint within the meaning of this Section.

II. II. WHO MAY COMPLAIN

As a general rule the person aggrieved is the complainant.

But the complainant is not an essential party for initiation of criminal proceedings.

The Magistrate can act upon information received or upon his own knowledge.

Although, if he does so act, he shall be bound by the provisions ofSection491.

But there are exceptions to the general Rule.

These exceptions will be found in Sections 195 to 199-A. Section 195 deals with

(a) (a) Prosecution for contempts of lawful authority of public servants.

(b) (b) Prosecution of certain offences against public justice.

(c) Prosecution of certain offences relating to documents given in evidence.

In cases coming under (a) No courts shall take cognisance except on the complaint in *writing* of the public servant concerned or of some other public servant to whom he is subordinate.

In cases coming under (b) No court (shall take cognisance)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52C1. Notes on Acts and Laws PART III.htm - _msocom_5except on the complaint in writing of such Court or of some other Court to which such Court is subordinate.

In cases coming under (c) (No Court shall take cognisance)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52C1. Notes on Acts and Laws PART III.htm - _msocom_6except on the complaint in writing of such Court or of some other Court to which such Court is subordinate.

Section 196.Prosecution for offences against the State.

Unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Section 196-A

Prosecution for certain classes of Criminal Conspiracy falling under Section 120-B of the 1. P. C.

If they fall under sub-Section (1) then :

Complaint must be under order of, or under the authority from, the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf.

If they fall under sub-section (2), the Chief Presidency Magistrate or D.

M. has by order in writing, consented to the initiation of the proceedings.

Section 197

Prosecution of Judges, Magistrates and public servants for an offence alleged to have been committed by him, while acting or purporting to act, in the discharge of his official duty,

No Court shall take cognisance of such offence except with the previous sanction of the Local Government.

(2) Such Local Government may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judges, etc . .. is to be conducted, and may specify the Court before which the trial is to be held.

Section 198

Prosecution for breach of contract or defamation, or offences against marriage. No cognisance except upon a complaint made by some person aggrieved by such offence. Proviso : in certain cases some other person may with the leave of the Court, make a complaint on his or her behalf.

Section 199

Prosecution for adultery or enticing a married woman : No cognisance except upon a complaint made by the husband of the woman, or in his absence, made with the leave of the Court, by some person who had care of such person on his behalf at the time when such offence was committed.

POLICE REPORT

I. How does it originate?

It originates in what is known as the first information. Information is usually given by the aggrieved party. But it may be given by any party. Even a police officer may give such information based on his knowledge. Not only that but in certain cases the law compels certain persons to give information.

Section 44.

Every person shall give information to the Magistrate or Police of certain offences.

Section 45

Information given to the police may refer to a cognisable offence or to a non-cognisable offence.

Cognisable offence is one in which the police can arrest without a warrant.

Non cognisable offence is one in which the police cannot arrest without a warrant. *Section 154*

Information relating to a cognisable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his

direction, and be read over to the informant and every such information whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it and the substance of it shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Section 155 Information relating to non-cognisable offence :

He shall enter in a book to be kept the substance of such information and refer the informant to the Magistrate.

Section 155

No police-officer shall investigate a non-cognisable case, without the order of a Magistrate of the 1st or 2nd class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

Section 156

Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognisable case which a Court having jurisdiction over the local area within the limits of such station, would have power to inquire into.

The police report which can be the basis of action by a Magistrate, is based upon information relating to a cognisable offence.

Section 157

If, from information received i.e. under Section 154, the officer has reason to suspect the commission of a cognisable offence then;

(1) He shall send a report of the same to a Magistrate empowered to take cognisance of it.

(2) Shall proceed to the spot to investigate the facts and circumstances of the case

and

(3) take measures, if necessary, for the discovery and arrest of the offender.

Provided

(a) that the informant gives the names of the offender and the case is not of a serious nature, the officer need not proceed in person to make an investigation on the spot.

(b) that if the officer thinks, there are no sufficient grounds for entering on an investigation, he shall not investigate the case.

He shall state in his said report his reasons for not complying fully with the requirements of the Section.

He should notify to the informant that he will not investigate the case or cause it to be investigated. But this withdrawal of the police cannot block the prosecution of the offender. They are two ways yet open.

1. The Magistrate, on receiving such report, may direct an investigation or may at once proceed and ask subordinate Magistrate to hold a preliminary inquiry into or otherwise dispose of the case in manner provided by the case.

This is a preliminary report before completion of the investigation. The Magistrate can act under Section 159. But if the report is submitted *after investigation,* the Magistrate is not empowered to act under this Section.

II. The aggrieved party may move.

If the police do not move, then they have the following powers ; *Section 160* (1) to require attendance of witnesses by an order in writing.

Witnesses are not required to tell the truth under this Section. If they give false testimony they cannot be prosecuted. They don't sign it. It is made before police.

Section 161

Police may examine witnesses acquainted with the facts of the case.

(2) Such witnesses shall be bound to answer all questions put to them, unless the question incriminates them.

Although Police can take statements from witnesses yet

Section 162

(a) they shall not be signed by them,

(b) they shall notice made use of at any inquiry or trial, in respect of any offence under investigation at the time when such statement was made.

Provided that, on the request of the accused, the Court shall refer to such writing and direct that the accused be given a copy thereof for contradicting such witness, provided that Court may exclude that part which is irrelevant or its disclosure is inexpedient with interests of the public or does not promote the ends of justice.

In short, they do not form evidence which can be said to be admissible.

If such statements are to be treated as evidence, then they must be recorded by Magistrates and not Police Officers. Consequently provision is made in the Criminal Procedure Code.

Section 164

Any Presidency Magistrate, Magistrate 1st class and Magistrate of the Second class especially empowered may, if he is not a police officer

record any *statement or confession* made to him in the course of an investigation under this chapter.

Statement shall be recorded in a manner prescribed for recording evidence.

Confession is to be recorded in the manner provided for in Section 364.

Provided that the Magistrate, before recording such confession, shall explain to the accused that he is not bound to make it and if he does so it may be used as evidence against him.

No Magistrate shall record, unless he has reason to believe, that it is made voluntarily.

On recording confession. Magistrate shall make a memorandum at the foot showing that he has observed the conditions.

Search

Section 165

(1) In the course of his investigation, a police officer may find it necessary to make a search in any place. Such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search or cause search to be made, for such thing in any place within the limits of that station in his charge.

(2) The police officer shall, as far as possible, conduct the search in person.

(3) He may authorise his subordinate after recording reasons in writing and specifying the place and thing to be searched.

(4) The provisions of the Code, as to search warrants and the general provisions as to searches contained in Section 102 and Section 103, shall apply.

(5) Copies of record made during search shall be sent to the nearest Magistrate and the owner or occupier of the place of search shall be given a copy of the record on payment of fees.

Section 166

Police officer can cause search to be made within the area of another police station.

Section 167

If the investigation cannot be completed within 24 hours fixed by Section 61, and *there are grounds for believing that the accusation or information is well founded,* the Police shall forthwith transmit to the nearest Magistrate, a copy of the entries in the diary hereinafter prescribed relating to the case and shall, at the time, forward the accused to such jurisdiction.

(2) The Magistrate shall, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding 15 days.

(3) A Magistrate authorising detention in police custody shall record reasons for so doing.

Section 169

When police officer finds that there is not sufficient evidence or reasonable ground of suspicion to justify forwarding the accused to Magistrate *he shall release him* on his executing a bond with or without sureties *to appear if and when so required*, before a Magistrate empowered to take cognisance.

Section 170

(1) When police officer finds that there is sufficient evidence or reasonable ground, such officer shall forward the accused under custody to a Magistrate empowered to take cognisance.

(2) Along with this, he shall send article necessary to be produced before Magistrate and shall require complainant and witnesses, to execute a bond to appear before Magistrate.

Section 173

The police officer shall send a report giving names of parties, information each is responsible for.

Accused is entitled to a copy of the report. *Exemption of accused from attendance.* Section 205; 366; 424; *6 All. 59: 21Cal.588*

Section 205.—Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused and permit him to appear by his pleader.

(21) But the Magistrate may call accused at any time. *Section 366.—Time of Judgement.*

Should be read in the presence of the accused unless it is dispensed with and the sentence is of fine only.

Section 424.—Judgement by appellate Court. Accused need not be called to hear judgement.

II. Of how many offences can the Court take cognisance of at one trial

Joinder of Charges

Sections 233, 234, 235 *Section 233.*

1. *Every offence shall be tried separately.*

A is accused of theft on one occasion and of causing grievous hurt on another occasion. A must be tried separately for the two offence. He cannot be tried for both at one trial. There are exceptions to this general proposition.

Section 234

Three offences *of the same kind* may be tried at one trial *if they are committed within the space of twelve months,* irrespective of the question whether they are committed against the same person or not.

Offences of the same kind = Offences punishable with the same amount of punishment under the same section of the 1. P. C. or of any special or local law.

2. *Must not exceed three.* Joinder of charges of three offences under section 411 and three offences under 414isbad. Three offences of forgery and three offences of breach of trust bad.

Same kind. Adultery and bigamy |
Murder and hurt | not same
Forgery and giving false evidence |

The rule as to kind is subject to two proviso.

(1) Offences under Section 379 (Theft) and under Section 380 (Theft in a dwelling house) shall be deemed to be offences of the same kind even though they are not offences under the same section and the punishment for them is not identical.

(2) The offence and the attempt to commit that offence (Section 511 I. P. C.) shall be deemed to be offences of the same kind even though they are not offences under the same section and the punishment for them is not identical.

Section 235 (2)

When an act constitutes an offence under two or more separate definations of any law defining or punishing offences the person accused of them may be tried at one trial for each of such offences.

Section 235 (3)

When an act, which by itself constitutes an offence, constitute when combined with another a different offence.

The person accused of them may be tried at one trial for the offences, constituted by such act when combined, and for any offences constituted by the act when taken by itself.

This is so when the act or acts done by the accused constitutes a single offence.

But it may be, that the acts done by the accused constitute more than one offence i.e. show that a plurality of offences have been committed.

Can the accused be tried for all such offences at one trial? Or must he be tried separately for each offence?

The rules as to this will be found in *Section 235 (1)*

If the acts amounting to different offences are committed by the accused in the course of the *same transaction,* then he may be tried at one trial for every such offence.

1. *Same transaction*

In deciding whether acts constituting an offence are so connected as to form one and the same transaction, the determining factor is not so much proximity in time as continuity and community of purpose and object.

A mere interval of time between the commission of one offence and another does not by itself import want of continuity, though length of interval may be an important element in determining the question of connection between the two.

2. There is no limit to the number of offences that can be tried together.

Ill, Of how many offenders can the Court try at one trial
Joinder of Accused

Section 239

The following persons may be charged and tried together:

(a) persons accused of the same offence committed in the course of the same transaction;

(b) persons accused of an offence and persons accused of abatement, or of an attempt to commit such offence;

(c) persons accused of more than one offence of the same kind within the meaning of Section 234 *committed by them jointly* within the period of twelve months;

(d) persons accused of different offences committed in the course of the same transaction;

(e) persons accused of an offence which includes theft, extortion, or criminal misappropriation,

and

(f) persons accused of receiving or retaining, or assisting in the disposal or concealment of property, the possession of which is alleged to have been transferred by any such offence committed by the first-named persons,

or

persons accused of abutment of or attempting to commit any such last-named offence.

(f) persons accused of offences under sections 411 and 414 of the 1. P. C. or either of those sections in respect of stolen property, the possession of which has been transferred by one offence.

(g) persons accused of any offence under Chapter XII of the 1. P. C. relating to counterfeit coin, and persons accused of any other offence under the said Chapter relating to the same coin, or of abutment of or attempting to commit any such offence.

NOTE.—The foundation for the procedure of joint trial of different persons is their association from start to finish to attain the same end.

The fact that they carried out their scheme by successive acts done at intervals does not prevent the unity of the project from constituting the series of acts one transaction i.e. the carrying through of the same object which they had from the first act to the last.

20 cal. 358
5 Mad. 199

IV. Securing the presence of the accused and the witness

Although the Court has taken cognisance of an offence, the actual criminal proceedings can commence only when *the accused* and the witnesses are present in Court, the one to answer the charge and the other to give evidence.

How are they to be brought before the Court? Section 104

1. When cognisance is taken on police report based on investigation conducted under Section 173, the accused and witnesses are already before the Court.

II. When cognisance is taken otherwise than on police report under Section 173, the accused and the witnesses are not before the Court. They have to be brought before the Court.

What is the process for bringing them before the Court?

The Criminal Procedure Code contemplates two such processes.

Notes on Acts and Laws

Contents

PART III Continued...

***Section 68* 1. Summons to appear and II. Warrant to arrest**

Section 68

1. Summons to appear

Every summons issued by a Court under this Code shall be in *writing* in *duplicate, signed and sealed* by *the presiding officer of* such Court or by such other officer as the High Court may, from time to time by rule direct.

(2) Summons shall be served by a police-officer, or, subject to such rules as the Local Government may prescribed in this behalf, by an officer of the Court issuing it or other public servant.

Section 69 Personal Service

(1) Summons shall if, practicable, *be served personally* on the persons summoned, by delivering or tendering to him one of the-duplicates of the

summons.

(2) Every person served with summons shall, if so required by the serving officer, *sign a receipt* therefor on the back of the other duplicate. (3) *Service on Corporations*

Service on incorporate company or other body corporate may be effected by serving it on the *Secretary, local manager or other principal officer of the corporation in British India.* In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.

Section 70

Service when person cannot be found may be served by leaving one of the duplicates for him with some adult male member of his family, or, in a Presidency-town, with his servant residing with him.

The *person with whom* it is left, shall sign on the back of the duplicate.

Substituted service is improper where sufficient steps are not taken to serve accused personally.

69 J. C. 627.

Section 71

If this is not possible, then the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides.

Section 72

Service on a Government Servant or of Railway Company.

Where person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily *send it in duplicate to the head of the office in which such person is employed,* and such head shall thereupon cause the summons to be served in manner provided by Section 69 and shall return it to the Court under his signature with the endorsement required by that Section.

(2)Such signature shall be evidence of due service.

Section 73

Service of summons out of local limits.

When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, *it shall ordinarily send such summons in duplicate to a Magistrate within* the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Section 74

Proof of service in such cases when serving officer is not present.

(1) An affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to

be endorsed (in the manner provided by S. 69 or S. 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

(2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

Service on pleader is not sufficient.

6 C. W.N.927

Copy should be served and it is not enough merely to show it.

5 *B. H. C. R. 20.*

Tender amounts to service if summons is refused.

28 M. L. F. 505.

Refusing to *receive* summons is no offence.

II Warrantor Arrest

Section 75

(1) Shall *be in writing, signed* by the Presiding Officer, or in the case of a Bench of Magistrates, by any member of such Bench and shall bear the seal of the Court.

Warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

(2) Difference between Summons and Warrant. Summons is an order to the person to be summoned.

Warrant is *not* an order to the person to be arrested. Therefore a person can be punished for disobedience of a summons. But he cannot be punished for a disobedience of a warrant.

5W.R. ed. 71.

Section 76

Court may direct Security to be taken.

(1) The Issuing Court may in its discretion direct by endorsement on the warrant that, *if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.*

(2) The endorsement shall state.

(a) The number of sureties;

(b) The amount in which they and the person for whose arrest the warrant is issued, are to be respectively bound; and

(c) The time at which he is to attend before the Court.

(3) Whenever security is taken under this section, the officer, to whom the warrant is directed, shall forward the bond to the Court.

Section 77

(1) *Warrant to whom directed.*

Warrant shall ordinarily be directed to one or more police-officer, and when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

(2) *Warrant addressed to more than one person.* May be executed by all or by any one or more of them.

Section 78

(1) *Warrant may be directed to Land holder, farmer, or manager of land,*

for the arrest of (l)any escaped convict, (2) proclaimed offender, or (3) person who has been accused of a non-bailable offence, and who has eluded persuit.

(2) Who shall sign it and execute it, if the person is on the land under his charge.

(3) On arrest the person shall be made over to the nearest police station.

Section 79

A police officer to whom a warrant has been addressed may endorse it on to another police officer to execute.

Section 80

Arresting party shall notify the substance of the warrant to the person arrested.

Section 81

Subject to the provisions of Section 76 as to Security, the arresting party shall without unnecessary delay, bring the person arrested before the Court before which he is required to produce him.

Section 82

Warrant of arrest may be executed at any place in British India.

Section 83

When warrant is to be executed *outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a police officer, forward the same by post or otherwise to any Magistrate, or District Superintendent of Police, or the Commissioner of Police in a Presidency town,* within the local limits of whose jurisdiction it is to be executed.

(2) The Magistrate or D. S. P., .or Commissioner whom such warrant is so forwarded, shall endorse his name thereon, and if practicable, cause it to be executed in manner herein before provided, within the local limits of his jurisdiction.

Section 84

When a warrant directed to a police-officer is to be executed outside the

jurisdiction, he shall ordinarily take it for endorsement either to a Magistrate or to a police officer not below the rank of an officer in charge of a station within the limits within which the warrant is to be executed.

(2) Such Magistrate or police officer shall endorse, his name thereon and such endorsement shall be sufficient authority to the police officer to whom the warrant is directed to execute the same.

(3) If the obtaining of endorsement is likely to cause delay, it may be executed without endorsement.

Section 85

When arrest is made outside, the person arrested shall be taken to the Magistrate, D. S. P., Commissioner of Police.

Section 86

They shall then direct his removal in custody to the Court issuing the warrant.

Effect of Non-execution of the warrant of arrest. Section 87

If the person is absconding, such Court may publish a written proclamation requiring him to appear at a specified place and at a specific time not less than 30 days from the date of publishing such proclamation.

(2)How to publish the Proclamation.

(a) It shall be read in the place in which he ordinarily resides.

(b) It shall be affixed to some conspicuous part of the house in which he resides.

(c) A copy of it affixed to the Court house. *Section 88*

The Court issuing a proclamation under Section 87 may at any time order the attachment of any property movable or immovable or both, belonging to the proclaimed person.

(2) Such order shall authorise the attachment of any property belonging to such person within the district in which it is made.

Section 89 Restoration of attached property

If the person *appears* within 2 years after the date of the order of attachment and satisfies (1) That he did not abscond or conceal himself *and* (2) that he had not such knowledge of the proclamation as to enable him to appear within time—

Section 90

Against whom can Warrant be issued?

Ordinarily, one would imagine, that it can be issued only against the accused. But that is not so. The law is that warrant can be issued against any person against whom a summons can be issued except a juror or assessor.

This means that a warrant may be issued even against a witness.

Provided:

(1) The Court sees reason to believe before the time for appearance that he has absconded or will not obey the summons ; or

(2) That at such time he fails to appear, and the summons is shown to have been duly served to enable him to appear in time but he does not appear.

Safeguard for continued presence of the Parties called before Court by due process

Section 91

When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, *such officer may require such person to execute a bond with or without sureties for his appearance in such Court.*

Section 92

When any person who is bound by any such bond does not appear, the officer presiding may issue a warrant directing that such person be arrested and produced before him. Besides, the necessity of having before the Court the *complainant, the accused* and *the witnesses.* There is also the necessity having before the Court the *Corpus deticti,* which are the subject matter of the accusation or things which are necessary to prove the accusation.

Forged document, person confined

We must therefore consider the rules relating to the production of these.

1. PRODUCTION OF A DOCUMENT OR A THING.

Section 94

Whenever any Court considers the production of any document or thing is necessary or desirable for the purpose of investigation, inquiry or trial or other proceedings before such Court, he may issue a summons to the person in whose *possession or power* such document or thing is believed to be, requiring him to attend and produce it, at the time or place stated in the summons.

(2) When the summons is merely to produce, he need not attend. Sufficient if he sends it.

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(Earlier part is not found—ed.)

Officer or Judge or in his presence and hearing under his personal direction and superintendence and shall be signed by the Magistrate or Sessions Judge.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness

proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

Section 363

Sessions Judge and Magistrate shall also record remarks regarding demeanour of the witnesses whilst under examination.

Section 360

As the taking down of the evidence of each witness is completed, it *shall* be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objections made to it by the witness and shall add such remarks as he thinks necessary.

Omission to read over is an illegality.

II.**BEFORE PRESIDENCY MAGISTRATES**

Section 362

Appealable cases and non-appealable cases.

In appealable cases

The Magistrate shall take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court.

All evidence so taken down shall be signed by the Magistrate and shall form part of the record.

The Magistrate shall make a memorandum of the substance of the examination of the accused. Such memorandum shall be signed by the Magistrate with his own hand, and shall form part of the record.

In non-appealable cases

It shall *not be necessary* for a Presidency Magistrate to record the evidence or frame a charge.

Section 359,362 (2) Mode of recording Evidence

Evidence shall ordinarily be taken down in the form of a narrative, though the Court may in its discretion take down, or cause to be taken down, any particular question and answer.

Exception: Examination of the accused. *Section 364*

The whole of such examination, including every question put to him and every answer given by him, shall be recorded in full.

This does not apply to the record of the examination of the accused by the High Court.

II. RECORD IN SUMMARY TRIALS *Section 260*

1. The District Magistrate.

2. *Magistrate 1st class* especially empowered in this behalf by the Local Government.

3. Any Bench Magistrate invested with 1st class powers and especially empowered in this behalf by the Local Government may, if he thinks fit, try in a *summary* way all or any of the following offences:—

(a) Offences not punishable with death, transportation or imprisonment for a term exceeding six months and certain other offences mentioned in the Section.

Cases which can be tried summarily may be appealable or nonappealable.

Section 263

But they shall enter in such form as the Local Government may direct the following particulars.

(a) (a) The serial number.
(b) (b) The date of the Commission of the offence.
(c) (c) The date of the Report or Complaint.
(d) (d) The name of the complainant (if any).
(e) (e) The name, parentage and residence of the accused.
(f) (f) The offence complained off and the offence (if any proved) and the value of the property in respect of which the offence is committed.
(g) (g) The pica of the accused and his examination if any.
(h) (h) The finding and in conviction brief statement of the reasons for it.
(i) (i) Sentence or other final order; and
(j) (j) The dale on which the proceedings terminated.

In appealable cases Section 264

Before passing sentence the Court mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52C2. Notes on Acts and Laws PART III.htm - _msocom_1 shall record a judgement embodying the substance of the evidence and also the particulars required in non-appealable cases.

Such judgement shall be the only record in appealable cases.

Judgement

Section 366

The judgement in every trial in any Criminal Court *shall be pronounced,* or the substance of such judgement shall be explained;

(1) In open Court, either immediately or in subsequent date to be notified.

Provided that the whole shall be read if requested by the parties.

(2) The accused shall, if in custody, be brought up and if not in custody be brought up to hear judgement delivered.

Except where his personal attendance has been dispensed with and the sentence is of fine only or he is acquitted.

N. B.— (3) Judgement shall not be read if delivered in absence.

Section 367

Every judgement unless otherwise provided *shall be written* by the presiding officer of the Court or from his dictation.

Shall contain

(1) Point or points for determination

(2) The decision thereon and

(3) The reasons for the decision

(4) Shall be dated and signed by the Presiding officer in open Court at the time of pronouncing it, and where it is not written by the Presiding officer with his own hand, every page of such judgement shall be signed by him

(5) It shall specify the offence (if any) of which, and the Section of the I. P. C. or other law under which the accused is convicted, and the punishment to which he is sentenced.

(6) When the conviction is under the 1. P. C. and it is doubtful under which of the two parts of the same section of that Code the offence falls, the Court shall directly express the same and pass judgement in the alternative.

(7) If it be a judgement of acquittal it shall state the offence of which he is acquitted and direct that he be set at liberty.

(8) If the accused is convicted of offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall give reasons.

Provided that in trials by jury, the Court need not write a judgement but the Court of Session shall record heads of charge.

Section 368

When sentence of death—sentence shall direct that he be hanged by the neck till he is dead.

Section 369 Alteration of judgement

Save as otherwise provided by the Code or other law or in the case of the High Court, no Court, when it has signed its judgement, shall alter or review the same except to correct a clerical error.

(Even the High Court has no power.)

Section 370 Judgement by a Presidency Magistrate

Instead of recording a judgement in the above, a Presidency Magistrate shall record the following particulars :

(a) (a) Serial number.
(b) (b) The date of the commission of offences.
(c) (c) Name of the complainant (if any).
(d) (d) Name of the accused and (except in the case of European British subject) his percentage and residence.
(e) (e) The offence complained of or proved.
(f) (f) Plea of the accused and his exam (if any).
(g) (g) Final order.
(h) (h) Date of such order.
(i) (i) In all cases, where the sentence is imprisonment or fine exceeding 200 or both, a brief statement of reasons for the conviction.

Section 371

Copy of judgement to be given to accused without delay In cases other than summons cases it shall be given free of cost.

In trials by jury, a copy of heads of charge by the jury shall be given to him.

In sentence of death, shall inform the accused of the period of limit for appeal.

Section 373

Court of Session to send copy of finding and sentence to the District Magistrate.

Criminal proceedings other than trial of an offender

I. Those dealing with keeping of peace and maintaining good order.

II. Those dealing with the enforcement of certain obligations. Family obligation and public nuisance.

III. Those dealing with the maintenance of public peace.

1. THOSE DEALING WITH THE PUBLIC ASSEMBLY—KEEPING OF PEACE AND MAINTAINING ORDER.

It is better to prevent crime than only to punish it when it is committed.

This theory is not accepted universally. Attempt to prevent crime may involve undue interference in the liberty of the individual.

English theory is inclined towards the view that the state should intervene only when the conduct of an individual amounts to a crime.

E. g.— English law of sedition, assembly.

On the other hand, the Indian Law takes a different view. E. g. Press Act, Public Meetings Act.

That being so, the Criminal Procedure Code enacts certain Sections to enable the Criminal Courts to prevent the commission of offences. (Page left blank—ed.)

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Chapter VIII deals with offences against public tranquillity.

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The Court Contemplates the following usage fit for such preventative or anticipatory action.

1. There are quarrelsome people in every country in the world, and there are some quarrels which may lead to violence and even to serious crime.

2. In the same way certain forms of propaganda, if carried on without any restraint, may induce ignorant persons to do harmful things, they may be circulating falsehoods, or even more deadly half-truths, cause ignorant persons to believe, to act upon the belief, that malicious designs are being entertained which in fact are not entertained by any one.

3. Again there are those who prefer a life of idleness, varied by occasional crime when detection seems unlikely, to one of honest work. There are also persons who live mainly on the proceeds of crime committed by themselves, or on a share of the proceeds of crime committed by others, whom they help to escape detection, or assist by setting up an Organisation which affords its supporters both opportunity to dispose of the proceeds of their dishonesty and a fair prospect of immunity from punishment.

4. Habitual Offenders. *Section 183*

9. Where an offence is committed while the offender is on a journey or voyage, the offence may be inquired into or tried by a Court through or into the local limits of whose jurisdiction

the offender or	passed in the
the person against whom or	course of that
the thing in respect of which the offence was committed	journey or voyage

Notes on Acts and Laws

Contents

Chapter 7 : The Transfer of Property Act
Chapter 8 : The Law of Evidence

Chapter 7
The Transfer of Property Act

CONTRIBUTION

1. Suppose two properties are mortgaged and they belong to different persons. Suppose for the realisation of the mortgage money only one property is sold and the proceeds are found to be sufficient to pay the amount. The result is that one mortgagor has lost his property while the other gets it back without having to pay any thing.

This is a gross injustice. To remedy this injustice Equity invented the doctrine of Contribution which is embodied in Section 82.

2. According to this Section, the different owners are liable to contribute rateably to the debt secured by the mortgage.

3. For determining the rate at which each should contribute the value therefore shall be taken as the value at the date of the mortgage deducting the amount of mortgage, if any, to which it was subject on that date.

1. The claim for contribution can arise only when the whole of the mortgage debt has been satisfied—*26 All. 407 (426, 27) T.B.*

2. The right to contribution is subject to the rule of marshalling. That is where marshalling comes into conflict with contribution, the rule of marshalling shall prevail—This is the meaning of the last para of Section 82.

WHO CAN CLAIM THE RIGHTS OF THE MORTGAGOR *Section 91.*

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WHO CAN CLAIM THE RIGHTS OF THE MORTAGAGEE *Section 92.*

Any person *other than the mortgagor* who pays the mortgagee becomes entitled to the rights of the mortgagee.

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Such persons are—

1. Subsequent mortgagee.
2. Surety.
3. Any person having an interest in the property.
4. A co-mortgagor.

5. Any other person with whose money the mortgage has been redeemed if the mortgagor has by a registered deed agreed to this.

This is called the rule of subrogation.

II. DOES THE LAW OF SALE PRESCRIBE ANY PARTICULAR MODE OF TRANSFER?

1. The Law of Sale of Immovable Property does prescribe a mode of transfer. The mode of transfer is either *Registration* or *Delivery of Possession.*

2. Whether the appropriate mode of transfer in any particular case is Registration or Delivery of Possession depends upon two considerations—

(i) Whether the immovable property is tangible or intangible. (ii) Whether the Immovable Property is worth more than Rs. 100 or is less than Rs. 100.

3. If the property is *Intangible* then the transfer can take place only by registration, no matter what the value of the property is.

4. If the property is *Tangible* property then

(i) If it is worth more than Rs. 100 then the transfer must be by registration.

(ii) If it is worth less than Rs. 100 then the transfer may be either by Registration or by delivery of possession.

5. It is clear that in all cases except one. Registration is the only method of effecting a sale. The case where option is given either to register or deliver possession is the case where the property is tangible and is less than Rs. 100 in value.

6. *Registration and Delivery as alternative complimentary modes.*—In this connection the following points may be noted:—

(i) Where Registration is prescribed as the *only* mode of transfer, delivery of Possession is neither necessary nor enough to complete the transaction of sale.

(ii) Where delivery of possession is prescribed. Registration is not necessary to complete the sale. However, Registration without delivery will be enough to complete the sale.

7. *No other mode of Transfer.*—The provisions as to modes of transfer are exhaustive and a sale cannot be effected in any other way. Title cannot pass by admission or by recitals in a deed or petitions to officers or entry in the record of rights. Admission that land has been sold, will not operate as an estoppel so as to do, away with the sale for a registered conveyance or delivery. 43 Cal. 790.

8. It is necessary to observe the prescribed modes of transfer—

(i) Ownership does not pass except by a transfer in the prescribed form.

(ii) An unregistered deed *is not enough* (a) In cases where Registration is compulsory. (b) Also in cases where the value is less than Rs. 100 and the transfer is not made by delivery.

9. *Meaning of tangible and intangible* (i) Immovable Property is either *tangible* or *intangible.*

(ii) The distinction between tangible and intangible is analogous to the distinction made in English Law between a corporeal hereditament and incorporeal hreditament

(iii) A corporeal hereditament is an interest in land in possession i.e. a present right to enjoy the possession of land. An incorporeal hereditament is a right over land in the possession of another, which may be a future right to possession, or a right to use for a special purpose the land in the possession of another e. g. a right of way.

(iv) The contract between tangible and intangible is a contract between the estate of one who is possessed of the land, the tangible thing and that of a man who has the mere right, the intangible thing, without possession of anything tangible.

(v) A thing to be tangible must be capable of actual delivery. *Sulaiman C. J. 50 All. 986.*

10. *Meaning of Delivery of Possession*

(i) Delivery takes place when the seller places the buyer, or such other person as he directs, in possession of the property.

(ii) Delivery is an act which has the effect of putting the buyer in the possession of property.

(iii) What amounts to Possession? The question remains unanswered. Is it actual possession? or Is it symbolical possession?

(iv) One view is that since delivery is prescribed for tangible property only what the Legislature intends is actual possession.

(v) The other view is that it is used in a wider and ordinary sense because in the great majority of cases, land is in the occupation of a tenant or the buyer and physical delivery is therefore impossible.

(vi) The latter view is the generally accepted view, so that there is physical delivery, when the owner of property places the buyer in such relation to the land and its actual occupants as he himself occupies.

11. *Ownership when transferred* (i) Ownership passes upon delivery or registration. (ii) With regard to registration, the following points should be noted:—

(a) Once registration is effected, the title relates back to the date of the execution.

(b) A Registered sale-deed will not be defeated by another deed

executed later but registered earlier.

(c) The transfer will not be subject to the *pendens* if the deed was executed before the suit but registered after the suit.

(d) Although it is true that property does not pass i. e. ownership is not transferred until Registration is effected, it is not true to say that property passes as soon as the instrument is registered, for the true test is the intention of the parties.

3. Section 55 (3)— *To deliver title-deeds :—*

1. Title-deeds are accessory to the estate. They pass with the conveyance without being named.

2. This includes *all* deeds relating to the property conveyed in possession as well as in power.

3. The liability to deliver title-deeds also includes the liability to bear the cost of obtaining them.

4. Counterparts leases and Kabulayets are deeds of title accessory to the estate.

5. The duty to deliver title-deeds is not dependent upon the completion of the conveyance. This duty does not arise until the price has been paid.

EXCEPTIONS :

(i) When the seller retains parts of the property comprised in the deeds, he may retain the deeds but is under an obligation for their safe custody and to produce them or give true copies when required.

(ii) When property is sold in different lots—the purchaser of the lot of the *greatest lot* is entitled to the documents—subject to the same obligations as above.

By an express covenant, it may be given to the purchaser of the *largest lot* i.e. in area.

6. The sub-section does not say what is to happen if the sales are at different times.

BUYER'S LIABILITIES

1. BEFORE CONVEYANCE

1. Section 55 (5) (a)—*To disclose facts relating to the interest of the seller in the property materially increasing value.*

1. Every purchaser is bound to observe good faith in all that he says or does in relation to the contract and must abstain from all deceipt, whether by suppression of truth or by suggestion of falsehood.

2. The buyer, however, is under no duty to disclose latent advantages as the seller is to disclose latent defects.

3. To this rule, matters of title are an exception. Although the seller's title is ordinarily a matter exclusively within his knowledge, yet there may be

cases where the buyer has information which the seller lacks. In such eases he must not make an unfair use of it.

Illustration 1.—Summers vs. Griffiths.

An old women sold property at an undervalue believing that she could not make out a good title to it while the buyer knew that she could. The sale was set aside.

Illustration 2.—Ellard vs. Llandaff (Lord)

The lessee obtained a renewal of a lease, in consideration of a surrender of the old lease, suppressing the fact (that)*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52D. Notes on Acts and Laws PART IV.htm - _msocom_2 the person on whose life the old lease depended was on his death-bed.

2. Section 55 (5) (6)—*To pay the Price.*

1. The buyer is not bound to pay the price except on a complete conveyance to himself of the whole interest that he has purchased.

2. If the property is sold free from Encumbrances and these are not discharged at the time of conveyance, the buyer is not bound to pay.

3. His remedies for getting rid of Encumbrances are—

(i) Under Section 18 (c) of the Specific Relief Act to compel the vendor tot discharge them.

(ii) He may discharge it himself and set off the amount against purchase money.

(iii) Recover it by subsequent suit against the vendor.

4. This sub-section imposes a personal liability on the buyer apart from the liability imposed by Section 55 (4) (b) on the property—52 *All. 901.*

BUYER'S LIABILITIES

II. AFTER CONVEYANCE

1. Section 55 (5) (c)— *To bear loss, etc.*

1. Under sub-section 55 (1) (c) the seller is to bear the loss between Contract and Conveyance.

2. After conveyance the buyer is the owner and the property is at his risk. He must therefore bear the loss.

3. This is different from English Law under which the contract for sale transfers an equitable estate and with it liability for loss or destruction.

4. The seller is liable for waste and if the seller has insured the property, the buyer can compel him to apply it for restoration.

2. Section 55 (5) (d)— *To pay outgoings.*

1. Before conveyance this liability falls upon the seller—55 (1) (g) after

conveyance it falls on the buyer— Public charges, Rent, Interest and Encumbrances.

2. The liability is statutory and not merely contractual and therefore it is binding on a minor vendor on. whose behalf the property is sold—*46 Mad. L. J. 464.*

3. If property is sold free from Encumbrances, the seller must discharge it. If sold, subject to Encumbrances, then the interest on Encumbrances *upto sale* must also be paid by the buyer—*26 Bom. S. R. 942.*

RIGHTS OF BUYER AND SELLER RIGHTS OF THE SELLER

1. BEFORE CONVEYANCE

1. Section 55 (4) (a)—*To take rents and profits.*

1. Until conveyance, the seller continues to be the owner. Therefore, he has a right to take rents and profits of the property.

II. AFTERCONVEYANCE

1. Section 55 (4) (b)—*To claim charge, on property for price not paid.*

1. If the sale is completed by conveyance and the price or any part of it is unpaid, the seller has under this sub-section a charge for the price or for the balance.

2. The charge is a non-possessory charge i. e. it does not give a right to retain possession. As the ownership has passed, the charge gives the seller no right to refuse possession—

30 Mad. 524 ; 43 Mad. 712 ; 23 Bom. 525 ; 34 Mad. 543.

3. The charge being on the property, it does not matter if there are several purchasers who had agreed among themselves to pay in a certain proportion.

4. The claim for a charge for unpaid price, not only subsists against the original buyer, but is also available against a transferee *without consideration* or a transferee with notice of non-payment.

5. The charge is not only for the purchase money but also for interest on the purchase money.

6. The right to a charge for interest commences only from the date on which possession has been delivered. The right to include interest for the purposes of a charge on the property *before* possession has been delivered depends upon the equities and circumstances of the case.

Illustration.—If the purchaser retains part of the purchase money as security for the seller discharging an Encumbrance, he is not liable to pay interest.

7. *English and Indian Law.*

(i) Under the English Law the seller has a lien from the date of the Contract.

(ii) Under the Indian Law the charge begins from the date of the conveyance.

(iii) The reasons for this difference :—

(a) Under the English Law, the seller parts with the estate as a result of the contract.

(b) Under the Indian Law, the seller parts with it as a result of conveyance.

(c) The result is the same, for both give the right to proceed against the property. The only difference is that the English lien being equitable, can be moulded by equity to suit circumstances. While the Indian charge being statutory, is rigid and must conform to the terms of the statute.

BUYER'S RIGHTS

1. BEFORE CONVEYANCE

1. Section 55 (6) (b)—*To claim a charge on the property for purchase money paid before conveyance.*

1. The clause as worded makes no sense. It is in two parts. If the clause"unless he has improperly declined to take delivery"which is negatively put was put positively to read"if he has properly declined"then there is no distinction between the two clauses.

2. But there is a distinction between the two parts which is a distinction arising from burden of proof. Under the first part, the purchaser is entitled to certain rights which he can enforce"unless he has improperly declined to take delivery"which means that he is to lose those rights if the seller proves that he, the purchaser, has improperly declined to accept delivery. Under the second part of the clause, the purchaser gets certain additional rights which he can claim, only if, he can show that"he has properly declined to take delivery"and the burden of showing it will be upon him.

3. Under this clause, a buyer has a right to a charge for three things:—

(i) (i) for the amount of purchase money properly paid,

(ii) (ii) for the earnest if any,

(iii) for the costs awarded to him.

4. *Charge for Purchase money paid.*

1. This charge attaches from the moment the buyer pays any part of the purchase money.

2. Charge for purchase money is lost *only* when the seller proves that the buyer has improperly declined to take delivery. The burden of

proof is upon the seller.

5. *Charge for earnest and cost.*

(1) There is a possibility for a charge in respect of these two. But this possibility will be realised only if the buyer proves that he has properly declined to take delivery. The burden of proof is upon the buyer.

6. *Earnest and Part Payment of Purchase money.*

(1) What is stated above about charge in respect of earnest applies only if the money paid is paid as earnest.

(2) Money paid by a buyer before conveyance serves two purposes : (1) It goes in part payment of the purchase money for which it is deposited. (2) It is security for the performance of the contract. In the latter case it is earnest. In the former case it is instalment.

(3) This difference is important because whether there would be a charge or personal liability or there would not be, would depend upon whether the payment made is I*nstalment or Earnest.*

(i) If it is earnest—There is no charge (except in the case of a buyer who proves that he has properly declined to take delivery). Earnest is wholly lost and there is not only no charge but there is even no personal liability.

(ii) If it is part payment—There is a charge unless seller shows that the buyer has improperly refused to take delivery. Part payment is never wholly lost. If it fails to create a charge, it remains as a personal liability of the seller.

(4) Whether it is part payment or earnest is matter of contract or intention.

7. The purchaser's charge can be enforced against the seller and all persons claiming under him.

8. 8. (1) The buyer loses his charge :—

(i) By his own subsequent default

(ii) By his improperly refusing to take delivery.

(2) Earnest money—There are two purposes underlining Earnest:—

(i) It goes in part payment of the purchase money.

(ii) It is a security for the performance of the contract. It becomes part of the purchase money if the contract goes through. It is forfeited, if the contract falls through by reason of the fault or failure of the purchaser.

II. AFTER CONVEYANCE

1. Section 55 (6) (a)—*To claim increment.* 1. This must be so, because, after conveyance he is the owner.

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Sales free Encumbrances

1. As far as possible, a sale ought to be free from Encumbrances. To provide sales being made free from Encumbrances T. P. Act contains two sections which make it possible. They are Section 56 and Section 57.

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SECTION I

THE NATURE OF A MORTGAGE

1. DEFINITION.

1. Section 58 defines what is a mortgage. According to the section, there are three ingredients of a mortgage transaction :—

(i) The transfer of interest. (ii) In specific immovable property.

(iii) For the purpose of securing the payment of money advanced by way of a loan.

II. EXPLANATION OF THESE INGREDIENTS.

(i) Immovable property is not an essential ingredient of mortgage:

(1) Under the English Law, all kinds of property, personal or real, can be made the subject of a mortgage. The Real estate may be corporeal or incorporeal and the personal estate may be in possession or in action. The Estate may be absolute or determinable i. e. for life : it may be legal or equitable. Not only any kind of property may be the subject-matter of a mortgage but any interest in it may be mortgaged, whether such interest is vested, expectant or contingent.

(2) The Transfer of Property speaks only of immovable property in relation to mortgages. This gives the impression that the law does not recognise the mortgage of a movable property. This would be a mistake. The Transfer of Property Act merely *defines* and *amends* the law relating to property. It does not consolidate the law. It is, therefore, not a complete or exhaustive code of law relating to mortgage.

(3) (1) Mortgages of movables are recognised in India.

9 C. W. N. 14 : 8 Bom. S. R. 344.

(4) *Law by which mortgages of movables are governed.*

The Transfer of Property Act makes no provision: The Indian Contract Act makes no provision. Consequently the principles of English Law will be applicable to such mortgages.

34 Cal. 223 (228): 27 Bom. S. R. 1449.

(5) Mortgage of movable property may be effected without writing.

(6) Mortgage of an actionable claim—in writing—though movable by reason of Section 130 T. P.—*37 Bom. 198. (P. C.)* Deposit of insurance policy.

(ii) Transfer of an Interest :

1. It means the transfer of *some* right belonging to the mortgagor in respect of the property.

2. Ownership consists of a bundle of rights, such as, right to possess, right to enjoy, sell, etc.

3. It is enough if one of these rights is transferred. The right transferred may vary :— (i) It may be the right to sell. (ii) It may be the right to enjoy. (iii) It-may be the right to own.

4. The nature of the right transferred is matter of no consequence so long as some right is transferred.

III. THE PURPOSE MUST BE SECURING THE PAYMENT OF MONEY ADVANCED.

1. The transfer of interest is by way of *Security*. The idea of a Security involves two things. There must be a debt or pecuniary liability and secondly there must be some property pledged for the meeting of that liability.

2. 1. The purpose of the transfer must be securing of the debt. A transfer made for the purpose of securing a debt must be distinguished from a transfer, the purpose of which is to discharge a debt.

25 All. 115=30 I .A. 54.
II Bom. 462.

3. The right transferred must be to enable the man to recover the debt. The transfer must not extinguish the debt. If the effect of the transfer is to extinguish the debt then there is no mortgage.

Illustration.—

II Bom. 462 Abdulbhai vs. *Kashi*

In 1862, *A* in consideration of Rs. 150 passed to *B* a writing called *Karz Rokha* (or debt-note). It proved *(inter alia)* that *B* should hold and enjoy a certain piece of land belonging to *A* for twenty years, that at the end the land should be restored to *A* free from all claims in respect of principal or interest.

Held, not a mortgage.

25 All. 115.

MORTGAGE COMPARED WITH OTHER FORMS OF ALIENATIONS

MORTGAGE AND SALE

1. Sale is defined in Section 54—It is a transfer of ownership for a price.

The price is not a loan and the transfer is not a transfer of an interest but is an absolute transfer of ownership.

2. In a mortgage, the money paid is a loan and the transfer is a transfer of an interest only.

3. In a breach of a contract of sale, the rights are the rights of a vendor and purchaser while the contract is a contract of mortgage the rights are those of a mortgagor and mortgagee.

4. In sale, the property is transferred absolutely. In mortgage, the property serves only as a security for the repayment of a debt.

MORTGAGE AND OTHER KINDS OF SECURITIES

1. There are four kinds of securities (1) mortgage, (2) pledge, (3) lien and (4) hypothecation or charge.

It is important to note the distinction between mortgage and other kinds of securities.

1. MORTGAGE AND PLEDGE

1. The bailment of good as security for payment of debt or performance of a promise is called a ' pledge ' —*Section* 172 Indian Contract Act.

2. In a mortgage, general ownership in the property passes to the mortgagee and the mortgagor has only a right to redeem. In a pledge,' only ' a qualified or special property ' passes to the pledgee, the general ownership remains in the pledger.

3. Delivery of possession of the property pledged to the pledgee is essential. But delivery of possession is not essential to a mortgage.

4. The property which is once pledged cannot be pledged a second time, because, no possession can be granted to the second pledgee, while property which is mortgaged once to one person can be mortgaged again to others subsequently.

5. Pledge can only be *of personal* property. Mortgage can be of both personal as well as real property.

Mortgage and Liens

1. A lien is a kind of security which is created by the operation of the law. Lien is a right created by law and not by contract to retain possession of the property belonging to another until certain demands are satisfied.

2. The law on the subject of lien is scattered in many statutes of the Indian Legislature. E. g. Contract Act Sections 170-General-171-Bankers Solicitors, etc., 221-Agent's lien. Sale of goods 47, unpaid Vendor's lien. T. P. 554 : 55 (6) seller's and buyer's lien.

3. Lien does not create general ownership as a mortgage does, not even qualified property as in a pledge—only right to retain possession.

4. Both mortgagee and pledgee can sell: but lien holder cannot.

Mortgage and a charge

1. A charge is defined in Section 100. There are two elements in a charge:
(1) There is a pecuniary liability.
(2) Immovable property is made security for the discharge of that pecuniary liability.

2. In a mortgage there are three elements :— (i) There is pecuniary liability.
(ii) Immovable property is made security for the discharge of that pecuniary liability.
(iii) There is a transfer of an interest in that property in favour of the creditor.

3. In a charge there is no transfer of interest. There is only burden.

35 Cal. 837 (844) ;
13 Lah. 660 T. B.
35 Cal. 985.

4. The difference between mortgage and charge is material.

1. A mortgagee can follow the mortgaged property in the hands of any transferee from the mortgagor. While a charge can be enforced only against transferee with notice—

33 Cal. 985.

§ DIFFERENT CLASSES OF MORTGAGE

1. The section enumerates six classes of mortgage :—
(i) (i) Simple mortgage.
(ii) (ii) Mortgage by conditional sale.
(iii) (iii) Unsufructuary mortgage.
(iv) (iv) English mortgage.
(v) (v) Equitable mortgage.
(vi) (vi) Anomalous mortgage.

2. Characteristics of the different classes of mortgage.

(i) Simple Mortgage

1. 1. A Simple mortgage involves two things :
(i) A personal obligation, express or implied, to pay.
(ii) The transfer of a right to cause the property to be sold.

Personal obligation

1. When a person accepts a loan, there is involved a personal liability to pay, unless there is a covenant to pay out of a particular fund.

10 Cal. 740;22 Cal. 434;16 Cal. 540,13 Mad. 192; 15 Mad. 304 ; 27

Mad. 526 : 86.

1. A loan may be a secured loan or unsecured loan.

2. 2. Every unsecured loan involves a personal obligation to pay.

441. A. 87.

3. The only case of a loan in which a personal obligation to pay is negatived, is where there is a covenant to pay out of a particular fund.

Cases. 10 Cal. 740 ; 22 Cal. 434 ; 16 Cal. 540 ; 13 Mad. 192 15 *Mad, 304 ; 27 Mad. 526 : 86.*

4. Whether a loan, for which there is security, involves a personal obligation to pay is a question of construction. Two propositions may be stated as those of law :—

(i) Personal liability is not displaced by the mere fact that security is given for the repayment of the loan with interest.

(ii) The nature and terms of security may negative any personal liability on the part of the borrower.

5. In a simple mortgage, there is always security given for the loan. The loan is a secured loan. But nature and terms of the security must not negative the personal liability of the mortgagor. A personal covenant to pay is implied in and is an essential part of every simple mortgage.

Cases. 22 All. 453 (461) ; 29 Mad. 491 ; 30 All. 388.

6. In the absence of such a covenant, the security would be a mere charge.

Cases. 42 All. 158 (164)=46 1. A. 228; 52 All. 901.

II. Right to cause the property to be sold.

1. This is aright in rein although it can only be enforced by the intervention of the Court, as the words, ' cause to be sold ' indicate.

2. The transfer of this right may be express or it may be implied.

(ii) Mortgage by Conditional Sale

1. Characteristics.

(1) The transfer is by way of sale. It is a transfer of ownership.

(2) The difference between sale and mortgage by conditional sale is that, in sale the transfer is absolute while in mortgage by conditional sale, it is not absolute but is subject to a condition.

(3) The condition may take three forms :—

(i) (i) That on default of payment of mortgage money *on a certain day,* the sale shall become absolute.

(ii) (ii) Then on such payment being made, the sale shall become void.

(iii) (iii) (iii) That on such payment being made, the buyer shall

transfer such
property to the seller.

2. A mortgage by conditional sale and a sale with a condition of repurchase have a very close resemblance. In both cases, there is a right of reconveyance :—

(1) But they are different in the nature of the terms on which the right to reconvey can be exercised vary.

(2) If it is a sale with a condition of repurchase then :— (i) The right is personal and cannot be transferred.

(ii) The right can be enforced on strict compliance with the terms laid down by the condition of repurchase.

Cases. 10 Cal. 30 ; 6 All. 37 ; 21 Bom. 528.

(3) If it is a mortgage by conditional sale, then—

(i) The right to reconveyance is not personal but is a right in term and can be exercised by the transferee.

(ii) Time will not be treated as of the essence.

3. *What is it that distinguishes sale with a condition of repurchase and mortgage by conditional sale?*

(1) In a mortgage by conditional sale, the transaction notwithstanding the form, remains a lending and borrowing transaction. The transfer of land, although it is in the form of a sale, in fact it is a transfer by way of security.

(2) In a sale with a condition of repurchase, the transaction is not a lending and borrowing arrangement. It is not a transfer of an interest. It is a transfer of all rights. It is not a transfer by way of security. It is an absolute transfer reserving only a personal right of repurchase.

What is the test for determining whether a transaction is a mortgage?

(1) No particular words or form of conveyance are necessary to constitute a mortgage. As a general rule, subject to very few exceptions, where a transfer of an estate is *originally* intended as a security for money, it is a mortgage and where it is not so originally intended, it is not a mortgage.

(2) (1) It is not the *name* given to a contract by the parties that determines the nature of the transaction. A document may be held to be a sale although it is called a mortgage by the parties.

2 *Bom. 113.*

(3) (2) It is the jural relation, constituted by it, that will determine whether the transaction is a mortgage or not.

2 *Bom. 462.*

4. *How to find what the intention of the parties was?*

By finding out how they have treated the money advanced? If they have

treated it as a debt, then it is mortgage. The criteria adopted by the Courts are—

(i) The existence of a debt

(ii) The period of repayment, a short period being indicative of a sale and a long period of a mortgage.

(iii) The continuance of the mortgagor in possession indicates a mortgage.

(iv) The price below a true value indicates a mortgage.

In applying these tests, the Courts put the onus on the party alleging that an ostensible sale-deed was a mortgage, and in a case of ambiguity, lean to the construction of a mortgage.

5. *Is oral evidence of intention admissible?*

1. Before the Indian Evidence Act was passed, oral evidence and other instruments were freely admitted to prove this intention. But this practice was condemned by the Privy Council.

2. After the passing of the Indian Evidence Act, the question was governed by Section 92.

3. Section 92 excludes oral evidence to contradict a written document. The Indian Courts, never the less, on the authority of *Lincoln* vs. *Wright (1859) 4 De G. & J. 16* admitted evidence of acts and conduct of parties to show, that a deed which purported to be an absolute conveyance was intended to operate as a mortgage.

4. In 1899, the Privy Council definitely ruled in *Balkishen v/s. Legge= 22 All. 149* =27/. *A. 58.* that the rule in *Lincoln* vs. *Wright* had no application in India.

5. The result is that, the Courts are definitely limited to the document itself in order to ascertain the intention of the parties.

The question is not what the parties meant, but what is the meaning of the words they used.

Importance of the Proviso.

1. 1. The condition must be embodied in the same document.

Points to be noted.

1. Only means that in determining the question if the condition is contained in another document Court cannot take into consideration in determining intention.

2. But, even if, it was contained in the same document, it is necessarily a mortgage by conditional sale and not a sale with the condition of repurchase.

3. The question of construction still remains.

(iii) Unsufructuary Mortgage

1. CHARACTERISTICS.

(i) Delivery of possession or undertaking to deliver possession.

(ii) Authority to retain such possession until payment of mortgage-money.

(iii) Authority to receive the rents and profits and to appropriate the same in liue of interest or in payment of the mortgage-money.

NOTE.—There is no personal obligation to pay.

(iv) English Mortgage

I. CHARACTERISTICS

(i) There is a personal obligation to repay by the mortgagor on a certain day.

(ii) The transfer of the mortgagee is *absolute.*

(iii) The transfer is subject to the proviso that the mortgagee shall reconvey the property on payment.

II. This closely resembles the conditional mortgage. *Difference.*

(i) In the English Mortgage the sale is absolute while in the mortgage by conditional sale the sale is *ostensible.*

Query. How can it be a mortgage if the sale is absolute? This seems to conflict with the definition of mortgage which is transfer of an interest.

Difference in practice merely means this: that in English Mortgage, the mortgagee is entitled to immediate possession. While in the case of a mortgage by conditional sale, the right to possession depends upon the terms of the mortgage.

(2) In English Mortgage, there is a personal obligation to pay. In a conditional mortgage, there is no such right.

REQUISITES OF A MORTGAGE BY DEPOSIT OF TITLE DEEDS.

1. *Debt.*

1. A debt has been defined as a sum of money due now even though payable in the future, and recoverable by action—(7922) 2 *K.B.599 (617).*

NOTE.—AS to difference between a debt due by statute and debt due by contract—(1922) 2 K. B. 37. There is no necessity of a promise to pay in order to render the money recoverable when the debt is a statutory debt.

2. The debt may be an existing debt or a future debt. The deposit may be to cover a present as well as future advances—*50 I. A. 283 ; 17 All. 252 ; 17 All. 252 ;25 Cal. 611.*

3. 3. The debt may be a general balance that might be due on an account.

2 *Mad. 239 P. C.*

III. I. DEPOSIT OF TITLE DEEDS.

(i) **Title deeds**

1. It has been held in England that it is sufficient if the deeds deposited *bona fide* relate to the property or are *material evidence of title,* and that, it is not necessary that all the deeds should be deposited. *(1872) 8 Ch. App. 155.*

2. These cases have been followed in India. *59 Cal. 7 81.*

3. But Page *c.f.* in 11 *Rang 239* F. B. held that the documents must not only relate to the property but must also be such as to show *a prima facie* or apparent title in the depositor.

4. If the documents show no kind of title, no mortgage is created—Tax receipt—Plan—not documents of title.

5. If the deeds are lost, copies may be deposited.

(ii) If the deeds are already deposited by way of mortgage, they can, by oral agreement, be made a security for further advance. It is not necessary that they should be handed back and redeposited.

17 All. 252.
25 Cal. 611.

III. INTENTION.

1. The intention that the title-deeds shall be the security for the debt is the essence of the transaction.

2. Mere possession is not enough without evidence as to the manner in which the possession originated so that a contract may be inferred.

23 1. A. 106; 38 Bom. 372.
I Rang. 545.

3. If it is in contemplation of the parties to have a legal mortgage prepared and if the title-deeds are deposited for that purpose *only,* the deposit does not create an equitable mortgage.

4. But although the deposit is for the purpose of the preparations of a legal mortgage, there may also be an intention to give an immediate security, in which case the deposit creates an equitable mortgage.

5. The question is whether mere possession *coupled with debt* does not raise an inference that it is a mortgage? There is a difference of opinion but the better opinion seems to be as between creditor and debtor possession coupled with debt raises a presumption in favour of a mortgage.

IV. TERRITORIAL RESTRICTIONS.

1. This kind of equitable mortgages can be created only in certain towns.

2. The question is, to what does the restriction refer? Does it to the place where the deeds are delivered? or does not refer to the place where the property mortgaged is situated? It is held that the restriction refers to the place where the deeds are delivered and not to the situation of the property mortgaged.

Cases. 14 All. 238. 231. A. 106.

It is not necessary for the property to be situated in the towns mentioned.

(vi) Anomalous Mortgages

1. Any mortgage, other than those specified, is called an anomalous mortgage. It is a mortgage which does not fall within any of the other five classes enumerated.

2. Anomalous mortgages take innumerable forms moulded either by custom or the caprice of the creditor—some are combinations of the simple forms—others are customary mortgages prevalent in particular districts, and to these special incidents are attached by local usage.

What is it that distinguishes different kinds of mortgage.

It is the nature of the right transferred which distinguishes the mortgage.

(1) In a simple mortgage, what is transferred is a power of sale which is one of the component rights that make up the aggregate of ownership.

(2) In a unsufructuary mortgage, what is transferred is a right of possession and enjoyment of the usufruct.

(3) In a conditional mortgage and in an English mortgage, the right transferred is a right of ownership subject to a condition.

(4) In a simple mortgage and English mortgage, there is a personal obligation to pay.

(5) In an usufructuary mortgage and mortgage by conditional sale, there is no personal obligation to pay.

What is it that is common to all mortgages.

1. A mortgage is a transfer of an interest in specific immovable property as security for the repayment of a debt.

2. The existence of a debt is therefore a common characteristic.

3. It is said that this cannot be so because in a conditional mortgage or in an usufructuary mortgage there is no personal covenant to pay.

4. The reply to this is, a debt does not cease to be a debt. The remedy of an action for debt does not exist. The remedies for the recovery of debt may differ without the transaction ceasing to be a transaction for debt.

An ordinary mortgage of land may be viewed in two different aspects:

(1) Regarded as a promise by the debtor to repay the loan, it is a contract creating a personal obligation.

(2) It is also a conveyance, because it passes to the creditor a real right in the property pledged to him.

Out of this double aspect, many questions arise.

Q. I.—By what law the validity of a mortgage of land situated abroad should be governed?

It is now settled that it is governed by the law of *situs,* and no distinction is recognised between an actual transfer and a mere executory contract.

Q. II.—What is the *situs* of the secured debt—Is the debt to be regarded as situated in the country where the debtor resides, or where the land on which it is secured is situated?

The Privy Council says"It is idle to say that a debt covered by a security is in the same position with one depending solely on the personal obligation of the debtor".

III

REQUISITES OF A VALID MORTGAGE

This requires the consideration of the following topics :

I. Formalities with which a mortgage must be executed.
II. The proper subject-matters of a mortgage.
III. The capacity to give and to accept a mortgage.
IV. Contents of a mortgage-deed.

I FORMALITIES WITH WHICH IT MUST BE EXECUTED

Section 59.—

1. Except in the case of mortgage by a deposit of title-deeds, every mortgage created securing the repayment of Rs. 100 or more as principal money must, under the T. P. Act, be effected by a registered instrument, signed by the mortgagor and attested by at least two witnesses.

2. Where the principal money is less than Rs. 100, a mortgage may be created either by such an instrument or except in the case of simple mortgage by delivery of possession of the mortgaged property.

3. If the principal is Above Rs. 100, the transaction of mortgage must be in writing i.e. it must be by a deed and the deed must be:—

(1) Signed by the mortgagor.
(2) Attested by at least two witnesses.
(3) Registered.

4. If it is less than Rs. 100 no writing is necessary. Parol agreement is enough in the case of :—

(1) Simple mortgage.
(2) Conditional mortgage.
(3) English mortgage.
(4) Usufructuary mortgage.

Parol agreement plus transfer of possession.

4. 4. We have only to consider mortgages where the principal is above Rs. 100.

(1)(1) § SIGNATURE

General Clauses Act 1897. Section 3 (52).

1. The signature may be made by means of types or by a facsimile. 25 *Cal. 911*. Such person having a name stamp used by servant.

2. It may be the mark of an illiterate person. *41 Bom. 384* mark of a dagger.

3. But a literate person cannot sign by making a mark. Confession not signed the accused was literate. *32 Cal. 550*.

Signature includes a mark in the case of a person unable to write his name.

(2) § ATTESTATION

1. *Attestation*.—To attest means to bear witness to, affirm the truth or genuineness of, to testify, certify. *Attestation* means the verification of the execution of a deed or will by the signature in the presence of witnesses. Attesting witness is a witness who signs in verification.

2. That being so question is, must the attesting witness be present at the execution of the instrument or a mere acknowledgement of execution by the mortgagor to a witness who afterwards subscribes his name is enough to satisfy the requirements of law in respect of attestation?

3. The Privy Council has laid down that the attesting witness ought to be present at the execution of the instrument and a mere acknowledgement will not suffice.

39 I.A. 218 ; 35 Mad. 607 which overrule the Allahabad and Bombay decisions to the contrary—*27 Bom. 91 and 26 All. 69*.

§ ATTESTATION OF PARDANASHINS.

4. The same rule was applied. The signature of the Pardanashin lady must be in the presence of the witness otherwise he cannot be said to be an attesting witness.

Case Law. 451. A. *94*.

A mortgage-deed for over Rs. 100 purported to be signed by a Pardanashin lady on behalf of her son, a minor and to be attested by two witnesses. It appeared from the evidence that the lady was behind the parda when the deed was taken to her for signature. The witnesses did not see her sign it, but her son came from behind the parda and told them that it had been signed by his mother; they thereupon added their signatures as witnesses :—

Held that the deed was not"attested"within the meaning of section 59 of the T. P. Act.

42 1. A. 163

A mortgage-deed purported to be executed by two pardanashin ladies. It appeared from the evidence of two of the attesting witnesses that they saw the hand of each executant when she signed the deed, and that although they could not see the faces of the executants, they heard them speak and recognised their voices :—

Held that the deed was duly attested in accordance with the T. P. Act.

5. The Law is now changed and attestation on acknowledgement of his signature by the executant is good—See Definition *Attested* in section 3, T. P. Act as amended in 1926.

(3) § REGISTERED

(Page left blank—ed.)

* * *

(Earlier portion not found—ed.) to operate immediately, it is not necessary that there should be a formal delivery or even that the document should go out of the possession of the party who executes it.

illus—Exton vs. *Scott. (1833)* 6 Simons 31.

A certain person having received moneys belonging to another without any communication with him executed in his favour a mortgage for the amount. The mortgagor retained the deed in his custody for several years and then died an insolvent. After his death the document was discovered in a chest containing his title-deed. It was contended that there was no binding mortgage, because there had been no delivery of the deed. But the contention is overruled, on the ground that there was no evidence to show that the deed was not intended to operate from the moment of its execution.

6. There seems to be an idea that if the deed is delivered to the other party, it must have immediate operation and *cannot* in point of law be delayed in its operation. But it is now established that evidence is admissible to show the character in which the deed is delivered to a person though he is himself a party taking under it and not a stranger. (1897) 2 Ch. 608.

7. Where an instrument is to come into operation, not immediately, but only upon the performance of some condition, it is known as an escrow which simply means a scrawl, or writing, that is not to take effect till a condition precedent is performed.

8. Mere execution is not enough. There must be intention to give it immediate effect. Delivery means an intention to give immediate effect.

That intention is independent of the process of delivery or non-delivery.

9. Where a document intended to be executed by one or some only and others refuse to complete it the question whether it is binding on those who have executed it, is one of the intention of the parties to be gathered from the facts of each.

§ MATERIAL ALTERATION IN A DEED—EFFECT OF

1. A material alteration in a deed made *without* the consent of the mortgagor and with the privity and knowledge of the person who relies upon it, would altogether destroy the efficacy of the deed.

2. If blanks are left to be filled up with merely formal matters the mortgagee may fill them up without imperilling his rights.

(1905) 2 Ch. 455.

3. 2. The question what constitutes a material alteration within the meaning of the rule has given rise to some difference of opinion.

10 C. W. N. 788 (of Mukerji J.)

Any change in an instrument which causes it to speak a different language in legal effect from that which it originally spoke, which changes the legal identity or character of the instrument either in its terms or the relation of the parties to it, is a material change, or technically, *an alteration,* and such a change will invalidate the instrument against all parties not consenting to the change.

An addition of a party to a contract constitutes a material alteration.

§ IMPORTANCE OF THE THREE FORMALITIES

1. The absence of any of three formalities is fatal to the validity of the transaction. The word is *only.*

2. Not only the formalities must exist but they must be valid, i. e., in accordance with law.

3. Not only must there be signature but the signature must be valid.

4. Not only must there be attestation but the attestation must be valid. If attestation is invalid, the deed cannot operate as a mortgage—e. g. attestation without the presence or acknowledgement by the executor.

5. Not only must there be registration but the registration must be valid. Thus

(i) If the property is so incorrectly described that it cannot be identified—18 *Cal. 556/4.B.*

(ii) When the deed is registered in a circle in which the property is not situate.

29 Cal. 654.

(iii) Where the deed is not presented for registration by the proper person the mortgage is invalid.

581. A. 58

Two other questions have to be considered in connection with the subject-matter of Formalities.

I IS EXECUTION OF THE DEED ENOUGH TO GIVE EFFECT TO THE MORTGAGE?

1. It is hardly necessary to state that the mere execution of a deed is not enough if it is not intended to operate as a binding agreement.

2. This is expressed in English Law by the formula that a deed must be delivered.

3. This may not be clear unless one understands what meant by 'delivered'. There is nothing mysterious about the delivery of a deed which does not represent any technical process, but only indicates that the instrument is to come into immediate operation.

4. Shephard in his *Touchstone* speaks of *delivery* as one of the requisites of a good deed and adds that it is a question of fact for the jury.

CASE LAW

I. I. SUIT AGAINST SECRETARY OF STATE

(1906) I ***K.B*** *.613; 5 Luc. 157; 37Mad. 55.*

II. POSITION OF THE CROWN

1920A.C.508 ;1932A.C.28 ;1929A.C.285 ;8App.cases 767 ; 8 M. I. A. 500 ; 1903 App. cases 501.

III.PARAMOUNTCY

(1792) 2 *Ves. 60 ; 13 M. P. C. C. 22* ; *(1906) I K. B. 613.*

British India = Section 3(17) General Clauses Act, 1897. Whole of British India = includes the Scheduled Districts. 52 Mad. 1.

Any newly acquired territory becomes an annexation part of British India—*Onsley* vs. *Plowden (1856—59) I Bom. 145.*

But it retains its laws until altered by the Crown or Legislature. *19 Bom. 680 (686) following I M.I. A. 175/271.*

Acts such as Stamp Act passed by the Indian Legislature have been extended to many places which though outside British India are under British Administration (e. g. Bangalore, Hyderabad assigned districts: Baroda cantonment: Mount Abu, etc.) by notifications under Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and the Indian (Foreign Jurisdiction) Order in Council, 1902.

§ CAPACITY TO GIVE OR TAKE A MORTGAGE

1. A mortgage is a *transfer of property* and also a contract. It must therefore satisfy the requirements as to capacity laid down for a valid transfer of property and for a valid contract.

§ REQUIREMENTS AS TO CAPACITY FOR A VALID

TRANSFER OF PROPERTY

1. Transfer of property means an act by which a living person conveys property to one or more other living persons or to himself or to himself and one or more other living persons —Section 5.

2. A mortgage being an act of transfer of property, the parties to an act must be living persons.

3. When it is said that both persons must be living it is obvious that the intention is to make two distinctions :—

(i) Between a transfer *inter vivos* and a will. (ii) Between a transfer and the creation of an interest (Sections 13, 14, 16 and 20).

4. A will operates from the *death* of the testator. A mortgage therefore cannot be created by a will. It must be created *inter vivos*. A will does not operate as a transaction between two living persons.

5. A mortgage is a transfer of an interest. Sections 13, 14, 16—20 permit that an interest may be created in favour of a person not in existence at the date of transfer. But a mortgage is not the creation of an interest, but it is the *transfer* of an interest.

§ Living.

1. What is the meaning of the word *Living*? Does it mean one who has not suffered natural death or does it mean that a person has not suffered civil death? There may be no natural death although there may be civil death.

Illus. Sannyasi—Buddhist.

Where a person enters into a religious order renouncing all worldly affairs, his action is tantamount to civil death.

Illus.

Sannyasi—*Mulla.p.ll3*. Buddhist Monk—7. *Rang. 677. 1. B.*

2. A person who is civilly dead is not dead for the purpose of the T. P. Act.

3. *Living* as defined in explanation 3 to Section 299, I. P. C. would indicate that some part of its body must have been brought forth. But under the Hindu Law a son conceived is equal to son born—*Mulla p. 319*. A person may be living for the purpose of the Hindu Law and may not be for the purpose of T. P. Act.

16 Mad. 76 ; 37 All. 162 ; 58 Mad. 886.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52D. Notes on Acts and Laws PART IV.htm - _msocom_3

4. Another case of a person in a like position is that of a convict. A convict under the English Law, since he cannot enter into a contract or dispose of property, has no power to lend or borrow money on mortgage ;

but the administrator of a convict may mortgage any part of the convict's property.

A convict is defined in Section 6 of the Forfeiture Act *33 and 34 Vict. Ch. 23, 1870 :* to mean any person against whom judgement of death, or of penal servitude, shall have been pronounced or recorded by any Court of competent jurisdiction in England, Wales or Ireland upon any charge of treason or felony.

4. 3. What about the position of a convict in India.

* (Page left blank in the Ms—ed.)

§ PERSON

1. The word"person"according to the General Clauses Act includes any company or association or body of individuals whether incorporated or not.

2. That the word person includes a"juristic person"such as a corporation was a long established view. But it is now made clear by a special proviso which was added to Section 5 of the T. P. Act in 1929.

3. A corporation, which has power to acquire and hold land has also impliedly power to mortgage it for purposes of carrying out the object for which it was created. The powers of statutory corporations are generally speaking regulated by the act of incorporation, but where borrowing is necessary for the purposes of the corporation, it is not forbidden by the T. P. Act because it is a"person".

4. By Hindu Law an *Idol* is recognised as a juristic person capable of holding property. 311. A. 203.

But the possession and management of the property of the *idol* are vested in the Sebait. But as the ownership belonged to the idol and as the idol is a juristic person and therefore a living person, it can be a party to the mortgage.

§ REQUIREMENTS AS TO CAPACITY FOR CONTRACT

1. This is dealt with in Section 7. Two things are necessary undersection?.

(i) Person must be competent to contract

(ii) Person must be entitled to transferable property or authorised to dispose of transferable property.

(i) § COMPETENT TO CONTRACT

1. Section 4 says that the Chapters and Sections of the T. P. Act which relate to contracts shall be taken as part of the Indian Contract Act.

2. Competency to contract must therefore mean competency in

accordance with the Contract Act.

Section 11. Every person is competent to contract who is of the age of majority according to the law to which he is subject, and who is of sound mind and is not disqualified from contracting by any law to which he is subject.

3. Disqualification of an Insolvent.

A word may be said as to the capacity of an Insolvent to deal with any property subsequently acquired by him. Now it is settled Law that an insolvent, who has not received his final discharge, cannot create a mortgage on immovable property acquired by him. *17 Mad. 21* (But *See 8 Cal. 556).*

§ ENTITLED

1. The question is whether *entitled* means entitled as a full owner or as a limited owner.

2. That a full owner has the capacity to mortgage is obvious. The question is whether a limited owner has the capacity to mortgage?

3. Person holding property on trust for sale without express power to mortgage.

It may be laid down generally that a trust for sale containing a direction for absolute conversion does not authorise a mortgage.

4. *Partner*—can mortgage partnership property to secure partnership debt.

5. An executor or administrator under the Indian Succession Act is competent to transfer.

6. Hindu widow, a Member of a joint family and the Karta of a joint family, the Trustees of Hindu Religious Endowments.

7. The last two having their *power* and *necessity.*

§ TRANSFERABLE PROPERTY

1. The person whether he is a full owner or limited owner, the subject-matter must be transferable property.

2. What is transferable property?

(i) Section 6 says—Property of any kind may be transferred, except as otherwise provided by this Act or by any other law. Every kind of property is transferable unless its transfer is prohibited by Law.

(ii) The exceptions fall under two heads: (a) Merely personal rights cannot be transferred.

(b) An interest in property restricted in its enjoyment to the owner personally cannot be transferred.

3. This shows that there may be a mortgage of movable property. The T. P. Act does not deal with it because the contract deals with it as a pledge. It does not prohibit.

§ THE CONTENTS OF A MORTGAGE-DEED

It is desirable that the mortgage-deed should specify certain particulars.

1. The debt or engagement, which is the subject-matter of the security, should be specified in the deed, otherwise the mortgagor may substitute one debt for another.

2. The time for the payment or performance must be specified in the deed. A stipulation that whole will be payable on payment of instalment

3. The deed should also contain a covenant to pay because there are various kinds of mortgages in which no debt is implied.

4. The property which is given in mortgage should be sufficiently described. It is true, extrinsic evidence is always admissible for the purpose of identifying any property, where the description is either indefinite or even actually misleading.

Q.—Whether a mortgage can be created on a person' s property, if such property is not specifically described? Whether a general mortgage is valid?

Q.—Whether a general pledge of all the property that the debtor then has, without any further distinction, can create a mortgage under our Law.

1. Distinction must be made between an instrument which contains sufficiently apt words to create a security and the one in which the debtor merely agrees that, if the money is not repaid, the obligee would be at liberty to recover the debt from the whole of the debtor's property.

In the latter case, if they *stand alone,* merely give the obligee the ordinary right of a creditor to levy execution on the property of his debtor and do not create any pledge.

Supposing the case to fall under the first head, is such hypothecation good to create a mortgage.

In India, the validity of such securities has been questioned on the ground that a general hypothecation is too indefinite to be acted upon.

(1) It is said that such hypothecations sin against the canon that a contract form must be definite and reliance is placed upon Section 29 of the Contract Act and Section 93 of the Evidence Act.

(2) Vagueness is a misleading term. It may mean (1) either that the language is so indistinct that it cannot be understood or (2) that the property to which it relates is not specified in the contract.

(3) Indefiniteness is, however, frequently confounded with what has been called wideness.

The subject-matter of a contract may be *wide and yet definite.* On the other hand it may be narrow and yet indefinite.

If a man says"I mortgage all my landed property", it is wide but definite.

If a man, who has several houses, says ' I mortgage one of my houses ', the description is not wide but is still indefinite.

(4) The word ' specific ' in the T. P. Act is used to distinguish it from general and unless the property is specified in the deed, there can be no mortgage in Law.

(5) The property must be specified although the Law does not say that it must be specified in any particular way.

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THE RIGHTS AND LIABILITIES OF THE MORTGAGE
INTRODUCTION

1. The property which is the subject-matter of the mortgage is subject to the rights of the mortgagor and the mortgagee.

2. There are two questions to be considered— (i) What are the rights of the mortgagor and mortgagee? (ii) What is the *nature* of those rights?

§ What is the nature of the rights

1. The English Law divides :—the interests of the mortgagor is spoken of as an equitable estate, while the interests of the mortgagee is spoken of as a legal estate. The Indian Law does not recognise this distinction between legal and equitable estate.

(1872) 1. A. Supp. 47 (71). 30 1. A. 238.

2. Even under the Trust Act this distinction is not recognised. *581. A. 279.*

3. Both have legal rights—there is nothing equitable as opposed to legal.

II. Under the English Law mortgagee is owner while the mortgagor has a bare right of reconveyance.

1. Under the Indian Law it is just the reverse. The mortgagor is the owner and the mortgagee has only a right in re *abena.*

Rights of the Mortgagor

1. The Rights of the mortgagor fall into three divisions—

I. The Right to redeem.
II. The Right to manage the property.
III. The Right to obtain re-transfer.

§ Right to redeem *Section 60*

1. The right to redeem entitles the mortgagor to require the mortgagee to do three things— (i) To deliver to the mortgagor the mortgage-deed. (ii) To deliver possession if the mortgagee is in possession. (iii) To have executed and registered an acknowledgement in writing that the right (is

redeemed)*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52D. Notes on Acts and Laws PART IV.htm - _msocom_4

2. This right to redeem he can exercise on the following conditions:—

(i) On payment or tender of the mortgage money. (ii) At any time *after* the principal money has become *due*. (iii) If the right to redeem is not extinguished by act of parties or by decree of a Court. (iv) If the mortgagor is prepared to redeem the whole.

1. RIGHT TO REDEEM

1. The section is not prefaced by any such words as in the absence of a contract to the contrary.

2. The right of redemption is therefore a statutory right which cannot be fettered by any condition which impedes or prevents redemption.

491. A. 60. 3. Any such condition is void as a clog on redemption.

II. CLOG ON REDEMPTION—Any provision inserted in the mortgage transaction to prevent redemption by a mortgagor is void:

(1) The principle underlying the rule against clog is that, mortgage is a conveyance as a security for the payment of a debt. Nothing ought to prevent a man from getting back his *security*.

(2) There is a difference between *sale and security*. If sale, there is no right to get back property. If security, there is a right to get back property.

(3) This right cannot be taken away by a contract. If it does, it will be treated as a clog and will not be enforced.

III. INSTANCES OF CLOG ON REDEMPTION

I. The following clauses are clogs on Redemption :—

(1) Redeem during the life of the mortgagor.

(2) Redeem with his own money—-not from any other person.

(3) Redeem by payment on due debt or the mortgage will become sale.

(4) Redeem on condition that mortgagor shall grant permanent lease to the mortgagee.

II. The following clauses are not deemed to be clogs on Redemption:—

(1) Not to redeem unless prior mortgages are redeemed.

(2) Not to redeem an usufructuary mortgage until after the expiry of 15 years.

(3) Postponement of the right to take possession after redemption for a reasonable and necessary period.

III. No hard and fast rule as to what is a clog and what is not :—

(1) The mere fact that the terms of a mortgage are hard, does not

make the clause a clog.

(2) The test is whether it hampers the mortgagor in the exercise of his right to redeem in such a way as to place the right to redeem beyond his reach.

(3) If the clause is a clog, then it will not be enforced, even though it may be contained in a consent decree. The right to redeem cannot be said to have been waived by consent

IV. The doctrine of clog on redemption relates only to the dealings which take place between the parties to the mortgage at *the time* when the contract of mortgage has been entered into. It does not apply to a contract made subsequently with each other.

1. That means that parties are not free at the time when the contract of mortgage is made to take away the right of the mortgagor to redeem.

2. But they are at liberty subsequently to alter the terms of the contract of mortgage and any clause which fetters the right to redeem will not be treated as a clog.

V. *Due.*

1. Must be distinguished from payable. Money may be payable but not due.

2. Due = demand able.

3. If it is not paid on due date, the right to redemption is not lost. Mortgage remains a mortgage—only it can be exercised.

VI. Payment.

(i) Payment must be to *all* if there are more than one mortgagee. (ii) Mode of payment—legal tender or any other medium acceptable to the creditor. (iii) Place of payment—(Page left blank in Ms—ed.)

Redemption and Improvements *Section 63 A*.

1. The mortgagor on redemption is entitled to improvements in the absence of a contract to the contrary.

2. The mortgagor shall be liable to pay the cost of improvements if the improvement was— (i) necessary to preserve the property from destination. (ii) necessary to prevent security from being insufficient. (iii) made in compliance with lawful order of a public authority.

3. This also is subject to a contract to the contrary.

4. Section 63 A lays down the general rule that ordinarily a mortgagee is not at liberty to effect improvements and charge the mortgagor therewith. The object of the law is to prevent a mortgagee from laying out large sums of money and thereby increasing his debt to such an extent as to cripple the power of redemption. The mortgagee cannot be allowed to make

redemption impossible by making improvements—This is called improving a mortgagor out of his estate.

5. The mere *consent* of the mortgagor to improvements is not enough to make him liable, unless it amounts to a promise to reimburse.

Right of Redemption and the benefit of the renewal of a lease

Section 64

The renewal of a lease is a kind of an accession to the original interest of the mortgagor.

1. If the mortgagee obtains a renewal of the lease, the mortgagor is entitled to the benefit of the renewed lease on redemption.

2. This is subject to a contract to the contrary.

Right of the Mortgagor to manage *Section 66*

1. As long as the mortgagor remains in possession, he is at liberty to exercise the ordinary rights of property and to receive the rents and profits without accounting for them.

2. Question is whether the mortgagor is liable for waste?

3. This is a Section which deals with the doctrine of waste. Waste is either voluntary or permissive. *Voluntary waste* implies the doing of some act which tends to the destruction of the premises, as by pulling down houses, or removing fixtures ; or to the changing of their nature as the conversion of pasture land into arable or pulling down buildings.

Permissive Waste implies an omission whereby damage result to the premises, where for instance houses are suffered to fall into decay.

To constitute voluntary waste by destruction of the premises, the destruction must be wilful or negligent; it is not waste if the premises are destroyed in the course of reasonable user and any user is reasonable if it is for the purposes for which it is intended to be used, and if the mode and extent of the user is apparently proper, having regard to the nature of the property and what the tenant knows of it.

4. According to Section 66 the mortgagor is not liable for permissive waste. He is liable for voluntary waste which renders the security insufficient.

5. A security is insufficient if the value is less than 1/3 of the money due and less than 1/2 if the security is buildings.

For Section 65 A.—Please see page No. 523

Liabilities of the mortgagor

Section 65.

1. The liabilities consists of certain statutory covenants.

2. They are warranties for the breach of which the mortgagor is liable.

I. GENERALLY— (a) *Covenant for title.*

(i) There is a title in the mortgagor in the interest transferred. (ii) That he had the right to transfer. *Substituted Security*

Where the owner of an undivided share in a joint and undivided estate mortgages his undivided share, the person who takes the security i.e. the mortgagee takes it subject to the right of these co-sharers to enforce a partition and thereby convert what is an undivided share of the whole into a defined portion held in severally—*II. A. 106.* After partition the security will be the separate share allotted in place of the undivided share. Proceed against the share allotted and not against share originally mortgaged.

* * *

(a) Covenant to deferred title.

(b) Covenant to pay public dues—if the mortgagee is not in possession.

(c) Covenant to pay prior Encumbrance (debt) on its being due.

II. WHEN THE MORTGAGED PROPERTY IS LEASEHOLD.

(i) Covenant that all conditions have been performed down to the commencement of the mortgage.

(ii) Covenant to pay rent reserved by the lease if the mortgagee is not in possession.

(iii) Covenant to perform all the conditions if the lease is renewed.

These covenants are not personal covenants. They run with the mortgaged property and can be availed of by a transferee from the mortgagee.

* * *

Rights of the Mortgagee

1. They fall into two divisions—

(1) Right to realise the mortgage money.

(2) Right to have the security maintained in tact during the continuance of the mortgage.

1. RIGHT TO REALISE THE MORTGAGE MONEY.

1. Under this fall the following rights—

(1) Right to foreclose 67.

(2) Right to sell 67/69.

(3) Right to sue for mortgage money 68.

(4) Right to claim money on sale and acquisition 73.

2. A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is a suit for foreclosure.

NOTE.—

1. Mortgage money does not mean the whole of the mortgage money.

If a mortgage is payable by instalments, it is open to the mortgagee to bring a suit for foreclosure for an instalment of the principal and interest.*13 M. L.1. 2.*

2. In the absence of an express stipulation, a mortgagee is not bound to receive payment by instalments—*24 All. 461.*

3. A suit for interest is maintainable even before the principal money became due unless there is a covenant prohibiting him from doing so.

4.The three rights are not available to every mortgagee.

1. THE RIGHT TO SUE FOR MONEY.

Section 68.

This is available only where the mortgagor binds himself to repay the same.

Question.—When can it be said that a mortgagor *personally* binds himself to pay?

There are two views on the matter.

(a) A personal covenant is presumed in all mortgages of whatever form. According to this view, the only difference that can arise is that the Court might in the absence of an express covenant, demand more clearly implied covenants than it might require in other case—*13 Lah. 259.*

(b) The other view is that a covenant can arise only where there is an express covenant the words are *binds* himself. This clause would be unnecessary if personal covenant was implied in all cases.

By definition

Section 58.

1. The mortgagor in a simple mortgage *binds* himself to repay the money.

2. In a mortgage by conditional sale, he says that"if he pays he will recover his property".

3. In a usufructuary mortgage he does not even make this qualified covenant. It is therefore clear that a mortgagor can sue for a money decree in the case of a simple mortgage but not in the case of other kinds of mortgages unless there is an express covenant to that effect.

Exceptions.

The mortgagor can sue for a money decree from the mortgagor. But he cannot sue for a money decree from a transferee from the mortgagor or from his legal representative.—

Other cases in which he can sue for a money decree.

Generally a mortgagee can sue for a money decree when there is a personal covenant by the mortgagor to pay.

2. There are cases where a mortgagee can sue although there is no personal covenant to pay—

Section 68.

(i) Where by accidental causes, not due to the act of either party such as fire, flood or *vis major* the property is destroyed, wholly or partly, or is rendered insufficient and the mortgagor on being given an opportunity fails to give further security.

(ii) Where the mortgagee is deprived of the whole or part of his security by the wrongful conduct of the mortgagor.

(iii) Where the mortgagee being entitled to possession, the mortgagor fails to deliver possession or fails to secure the mortgagee in his possession.

Right to sell 1.

This right belongs only to—

(i)	(i)	Simple mortgagee.
(ii)	(ii)	English mortgagee.
(iii)	(iii)	(iii) Equitable mortgagee.

2. They cannot sue to obtain possession. They can only sue for sale. If the Court erroneously gives him possession, that possession does not amount to foreclosure and the mortgagor can subsequently redeem the mortgage.

19 *Mad. 249 (252-53)* P. *C.*

CONDITIONS FOR THE EXERCISE OF THE RIGHT OF SALE AND FORECLOSURE.

1. After the mortgage-money has become due and before decree for redemption is made.

2. Suit must be for the whole of the mortgage-money. There cannot be a suit for the realisation of a part of the mortgage-money by sale or foreclosure of a part of the mortgage property.

Exception.—If there is a severence of the interests of the mortgagee with the consent of the mortgagor, a suit for a part may be brought by the mortgagee.

Section 67 A.

3. A mortgagee who holds *many* mortgages against the same mortgagor must bring *one* suit on those mortgages in respect of which—

(i) A right to sue has accrued to him and

(ii) In respect of which he has a right to obtain the same kind of decree.

Section 65 A.

4. If the mortgagor could not only manage the property but, if he is

lawfully in possession of the mortgaged property, he shall have the power to make leases thereof which would be binding upon the mortgagee.

5. After the mortgage this power of the mortgagor to deal with the property is limited. He has not anything like general authority.

6.The power to lease is circumscribed by certain condition.

(i) He may lease it in accordance with local law, custom or usage.

(ii) Every lease shall reserve lest rent can reasonably be obtained—rent shall not be paid in advance.

(iii) The lease must not contain a convenant for renewal.

(iv) Lease shall take effect from a date not later than 6 months from the date on which it was made.

(v) In the case of a lease of a building, the duration of the lease shall not exceed three years.

7. The general power of the lease is subject to a contract to the contrary. The other provisions are subject to variations.

Right to foreclose. This right belongs to—

(1) Mortgagee by conditional sale.

(2) Mortgagee by anomalous mortgage by the terms of which he is entitled to foreclose.

Mortgagees who can neither sue for sale nor for foreclosure.

(1) Usufructuary mortgagee.

(2) Mortgagee of a Railway and canal or other work in the maintenance of which the public are interested. *Case of a mortgagor who may become a trustee or executor of the mortgagee or the mortgagee may become a trustee or executor of the mortgagor.*

Can such a mortgagor or mortgagee foreclose sale?

Sub-clause (b) of Section 67 provides for the case of a mortgagor who has become a trustee for the mortgagee. According to this clause a mortgagor trustee, who may sue for sale, is not allowed to foreclose.

In the other case the foreclosure is equally prohibited according to English practice on the principle that it is the duty of the trustee to consult the interests of the mortgagor and that it is for the mortgagor's interests that a sale and not foreclosure, should take place.

EXERCISE OF THE POWER OF SALE WITHOUT THE INTERVENTION OF THE COURT

1. As a rule, a mortgagee can bring the property to sale only through the Court.

2. Section 69 provides exceptions to this rule.

(i) Where the mortgage is an English mortgage and neither the mortgagor or the mortgagee is a Hindu, Mohammedan or Buddhist or a

member of a community notified in Gazette.

(ii) Where a power of sale is expressly given by the deed and the mortgagee is the S. of S.

(iii) Where a power of sale is expressly given by the deed and the property or any part of it was on the day of the execution of the deed situated in the towns of Bombay, etc

Section 69 A.

3. The mortgagee who has the *power* (as distinguished from the right) to sell without the intervention of the Court is also entitled to appoint a receiver by writing signed by him or on his behalf.

4. The exercise of this power of sale or power of appointing a receiver is to notice to the mortgagor.

5. The notice must be in writing requiring payment of the principal money and default for three months.

Section 73. I Mortgagee's Right to proceeds of sale

1. When property is sold for failure to pay arrears of revenue or other public charges and such failure is not due to default by the mortgagee, the mortgagee is entitled to claim the balance of the sale proceeds.

2. Similarly if he mortgage property is compulsorily acquired, the mortgagee shall be entitled to claim payment of the mortgage money out of the amount due to the mortgagor as compensation.

3. His claim shall prevail against all except those of the prior encumbrances.

4. The claim may be enforced although mortgage money has not become due.

//. Rights of the mortgagee to the maintenance of the Security in tact during the continuance of the mortgage.

1. Right to accession—Section 70.

II. Right to renewed lease-—Section 71.

III. Right to preserve property—Section 72.

Section 70

1. § Right to accession.

1. The mortgagee is entitled to the accession for the purpose of his security *if* the accession is made after the date of the mortgage. 29 *Cal. 803.* Where two mortgages were executed on a land on which there was a house and thereafter two new houses were built by the mortgagor on the land held that they were accessions on which a mortgagor could rely for security.

If the house was built *before* mortgage, he could not.

He could not if it was built after decree although the section does not say

so.

This is subject to a contract to the contrary. *Section 71.*

2. § **Right to the benefit of a renewed lease.**

He will be entitled to the benefit of the new lease for the purposes of his security.

This is subject to a contract to the contrary. *Section 72.*

3. § **Right to preserve the property.**

1. A mortgagee may spend such money as is necessary—

(i) (i) for the preservation of the mortgage property from destruction, forfeiture or sale.

(ii) (ii) for supporting the mortgagor's title to the property.

(iii) (iii) for making his own title thereto good against the mortgagor.

(iv) (iv) when the mortgaged property is a renewable leasehold, for the renewal of the lease.

(v) (v) he may insure if the property is insurable and add the cost to the principal money.

Right of mortgage to Priority

I. PRIORITY BY TIME.

1. The general rule regarding priority in the matter of transfers of interests in immovable property is laid down in Section 48 of the T. P. Act.

2. The same rule applies to questions in regard to mortgages so that priority of mortgages in India depends upon the respective dates of their creation, the earlier in date having precedence over the latter—-*56Cal.868.*

3. Section 78 is an exception to this rule. It lays down that the Court would postpone the prior mortgagee to the subsequent mortgagee where the prior mortgagee has, through fraud, misrepresentation or gross neglect, induced the subsequent mortgagee to advance money on the security of the mortgaged property.

Misrepresentation:

1. Is defined in Section 18 of the Indian Contract Act.
2. It does not necessarily mean fraudulent misrepresentation.

Fraud

Gross Negligence.

There is a difference between English and Indian Law. According to English Law gross negligence means negligence *amounting to fraud.*

According to Indian Law gross negligence is different from fraud.

II. PRIORITY BY PAYMENT.

Q.—Can a mortgagee acquire priority over an intermediate mortgagee by buying the rights of an earlier mortgagee?

Section 93

1. A mortgagee cannot acquire priority over an intermediate mortgagee by paying off a prior mortgagee whether he pays with or without knowledge of the intermediate mortgagee.

2. A mortgagee making a subsequent advance to the mortgagor, shall not acquire priority in respect of such subsequent advance over an intermediate mortgagee, whether he makes the advance with or without the knowledge of the intermediate mortgagee.

Section 79

This Section forms an exception to the second rule laid down in Section 93.

Under Section 79. A subsequent mortgagee having notice of the prior mortgage is postponed in respect of any subsequent advance if the prior mortgage is made to secure future advances and the subsequent advance does not exceed the maximum.

Right of Mortgagee to Marshalling

Section 81.

Section 82.

Question of Marshalling

1. This arises when two or more properties are mortgaged to two *different* mortgagees in such a way that both properties are subject to the mortgage rights of one mortgagee while only one is subject to the mortgage rights of the other.

Illus.

A is the owner of two estates—Whiteacre and Blackacre. *A* mortgages Whiteacre and Blackacre to *B* and thereafter mortgages Blackacre to C.

The position that arises is this. *B* has a mortgage over Whiteacre as well as Blackacre. *C* has a mortgage over Blackacre only. From the standpoint of realizing the mortgage money *B* has a right to sell both Whiteacre as well as Blackacre. While *C* has a right to sell only Blackacre.

If B were allowed to exercise his rights as a mortgagee it would result in prejudice to the rights of *C*.

In order to protect *C* equity invented the doctrine of marshalling—under this equity compelled *B* to proceed first against that property which is not the subject-matter of security for the debt of another mortgagee. This is embodied in Section 81.

Note.—1. It is unnecessary for the mortgagee to have had no notice of the former mortgage in order that he may be able to claim the benefit of marshalling.

CHAPTER 8
LAW OF EVIDENCE

LAW OF EVIDENCE

1. § Meaning of the word Evidence

Like most of the words used in the statutes the word has a popular as well as technical meaning.

Popular meaning

Evidence in its ordinary sense signifies that which makes apparent the truth of the matter in question.

4 Mad. 393.

Technical meaning

The word however is used in the Evidence Act in a technical sense.

Section 3 defines the sense in which the word evidence is used in the Evidence Act. According to that Section

Evidence means and includes :

(1) All Statements which the Court permits or requires to be made before it by witnesses in relation to matters of fact under enquiry;

(2) All documents produced for the inspection of the Court. This definition of the term ' Evidence ' is incomplete.

The depositions of witnesses and documents which only are included in the term evidence as defined by the section are the two principal means by which the materials upon which the judge has to adjudicate are brought before him. The examination of witnesses is generally indispensable and by means of it, all facts except the contents of documents may be proved (Sec. 59). For the proof a document as a statement made by the person by whom it purports or is alleged to have been made, oral Evidence is required. (Sec. 67-73).

As compared with the definition of the word"Proved"this definition of the word"Evidence"is narrow. According to the definition of the word"Proved",

"A fact is said to be proved when, after considering **the matters before it,** the Court believes it to exist....."

The Expression **matters before it** is much wider than what the word **Evidence** is said to include.

Evidence does not include :

(1) Statement made by the parties and accused persons.
(2) demeanour of witnesses.
(3) Results of local inspection.
(4) Facts judicially noted.

(5) Any real and personal property, the inspection of which may be material in determining the question at issue such as weapons, tools or stolen property.

(6) Questions put to the accused by the Magistrate and the answers.

But all these are included in the expression"matters before it".

The point is that the definition of evidence is strictly applicable to matters dealt with in the Evidence Act. It does not apply to evidence as dealt with by other Acts.

2. § Genesis of the Indian Evidence Act.

1. The Law of Evidence in India is contained in Act I of 1872.

§ Diversity of the Law of Evidence

2. There were two sets of Courts in British India ever since 1773 when the Regulating Act was passed by Parliament with a view to control the administration by the East India Company of its Indian possessions. There were the Supreme Courts established by Royal Charter in the Presidency Towns of Bombay, Madras and Calcutta. In the Muffassils, there were Courts established by the East India Company, Civil and Criminal. The rules of Evidence followed by the Supreme Courts were different from the rules of evidence followed by the muffassil Courts.

3. The Supreme Courts followed such of the rules of evidence as were contained in the Common and Statute Law which prevailed in England before 1726 and which were introduced by the Charter of that year in India. Some others were rules to be found in subsequent statutes of Parliament expressly extended to India; while others again, had no greater authority than that of use and custom.

4. For the Courts outside the Presidency Towns and not established by the Royal Charter no complete rules of Evidence were ever laid down or introduced by authority. Regulations made between 1793 and 1834 contained a few rules. Other were derived from a vague **customary law of evidence** partly drawn from the Hedya and **Mohomeden Law Officers.** Others were drawn from English text books.

§ Efforts towards Uniformity:

5. The first Act of the Governor General in Council which dealt with evidence, strictly called, was **Act X of 1835** which applied to all the Courts in British India and dealt with the proof of the Acts of the Governor General in Council.

This was followed by **eleven enactments passed at intervals** during the next twenty years, which effected various small amendments of the law of evidence and applied to the Courts in India several of the reforms in the law of Evidence made in England.

In 1855, Act II of 1855 was passed for the further improvement of the law of evidence which contained many provisions applicable to all the Courts in British India.

6. Notwithstanding this attempt at uniformity there continued to be a great deal of disparity between the rules of Evidence applicable in the Presidency Towns and those applicable in the Muffassil. This disparity continued to be the subject of frequent judicial comment.

To remedy this state of affairs. Act of 1872 was passed.

§ Construction of the Act :

1. An Act may be (1) to *consolidate* or (2) *to amend* or (3) to *consolidate and to amend* or it may be to *define* i. e. to codify. The construction of an Act would differ according as it is a consolidating Act or a Codifying Act.

2. **Construction of a Codifying Act** : The rule of construction in regard to a Codifying Act is laid down in (1891) A. C. 107 (120).

Bank of England vs. *Vagliano* .

Lord Halsbury observed:

P. 120.

"I am wholly unable to adopt the view that where a statute is expressly said to Codify the law, you are at liberty to go outside the Code, so created, because before the existence of that code another law prevailed."

Lord Harschell observed:

P. 144

"The proper cause is in the first instance to examine the language of the Statute and to ask what is its natural meaning, **uninfluenced by the considerations derived from the previous state of the law** and not to start with enquiring how the law previously stood and then assuming that it was probably intended to leave it unaltered, to see if the words will bear an interpretation in conformity with this view."

3. The object of codification of a particular branch of the law is that, on any point specifically dealt with by it, such law should be sought, for in the codified enactment, and is ascertained by interpreting the language used.

4. Construction of a Consolidating Act: The rule of Construction in regard to a Consolidating Act is laid down in (1894) 2 Ch. 557.

Shitty J. (P. 561) observed after referring to the rule of construction laid *down in Bank of England* vs. *Vagliano* in regard to a codifying Act. in Lord Halsbury

"..... But I have here to deal, not with an Act of Parliament codifying the law, but with an Act to amend and to consolidate the law and therefore it is I say these observations (of lord Halsbury) do not apply and I think it

is legitimate in the interpretation of the section in this amending and consolidating Act to refer to the previous state of the law for the purpose of ascertaining the intention of the legislature."

5. The object of consolidation with or without amendment is merely to assemble together the scattered parts of the Existing law. It is merely a re-enactment of the old law. It is not a new enactment of the law. Prima facie the same effect ought to be given to its provisions as was given to those of the Acts for which it was substituted.

6. The Indian Evidence Act is as stated in the Preamble an Act to *Consolidate, define* and *amend* the law of evidence.

It is not a statute which merely consolidates and amends the evidence i. e. it codifies the law of evidence. Its constructions will be governed by the rule laid down *in Bank of England* vs. *Vagliano* and not by the rule laid down in it.

§ Scope and Extent of the Act

1. The scope of the Act is defined in *Section 2*. Under section 2 the law of evidence is contained :

(i) In the Evidence Act and

(ii) In other Acts or statutes which make specific provision on matters of evidence and which are not expressly repealed.

This Section in effect prohibits the employment of any kind of evidence not contained in the Act or any other statute or Regulation not expressly repealed.

Section 2:—The following laws shall be repealed.

(1) All rules of Evidence not contained in any Statute Act or Regulation in force.

(2) All such rules contained in Regulation as have acquired the force of law under Section 25 of the Indian Councils Act, 1861.

(3) Enactments mentioned in the Schedule.

2. The Evidence Act and other Acts relating to Evidence—

(1) The Evidence Act is a separate statute dealing with an important branch of law and its provisions are independent of the rules of procedure contained in the Criminal Procedure Code and must have full scope unless it is clearly proved that they have been repealed or altered by another statute.

7 Lah. 84.

§ Application of the Act

Section I prescribes the application of the Act

(1) Territorial Application

It extends to the whole of British India and therefore applies to the

Scheduled Districts.

It extends to places where it has been declared to be in force.

(2) Application to Tribunals It applies to all judicial proceedings **in or before any Court.**

(i) WHAT IS MEANT BY A JUDICIAL PROCEEDINGS? There is no definition.

An inquiry is judicial if the object of it is to determine a jural relation between one person and another or a group of persons or between him and the Community generally ; but even a Judge acting without such an object in view is not acting judicially.

12 Bom. 10 M. 1. A. 340.

An inquiry under section 32 of the Bombay Land Revenue Code is not a Judicial proceeding.

22 Bom. 936.

2. The Act applies to all judicial proceedings i. e. to **civil** as well as **criminal.**

3. The Act speaks of proceedings not merely suits and trials. Proceedings is a wider term. Inquiry under *Section 107* or *144* of the Criminal Procedure Code is not a trial but is a proceeding. Similarly execution of a decree is not a suit but is a proceeding. Consequently the Act applies to proceeds other than trials and suits.

(ii) **What is a Court**

1. Section 3 which is an interpretation clause speaks of the sense in which the word Court is used in the Act. According to this Section—

"Court includes all Judges and Magistrates, and all persons, except Arbitrators, legally authorised to take evidence. ' '

2. **This Section does not define what is a Court.** It merely says what is to be included in the meaning of the word Court i. e. what functionaries are to be treated as a Court.

3. Where in an interpretation clause it is stated a term includes this and that, the meaning is that the term retains its ordinary meaning and the clause enlarges the meaning of the term and makes it include matters which the ordinary meaning would not include.

23 A. L. J. 845.

4. The Court means all persons except Arbitrators who are legally authorised to take evidence. That being so the word Court is not to be confined to persons presiding over a Civil tribunal or a Criminal tribunal.

A Registrar holding an enquiry and taking evidence under the Registration Act is a Court.

15 Mad. 138.

A Commissioner appointed under order XXVI R. 1-10 of the Civil Procedure Code and under Section 503-508 of the Criminal Procedure Code is a person legally entitled to take evidence and as such he is a court.

5. Judges.

No definition of the word"Judges"is given in this Act. Section 2 (8) of the Civil Procedure Code defines the word ' Judge ' to mean the presiding officer of a Civil Court.

Section 19 of the Indian Penal Code, also gives definition of the word Judge. According to this definition a Judge is a person designated as a Judge also a person who is empowered by law to give, in any legal proceeding, civil or criminal a definitive judgement.

6. Magistrates.

No definition of this term is given in the Act. The General Clauses Act (X of 1897) lays down the following definition of the term:—

Magistrate shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force.

7. The peculiarities of these definitions is that they are neither uniform nor are they co-extensive.

(i) The basis of the definition of Judge in the Civil Procedure Code is the presidency of the officer.

The basis of the definition of the same word under the Indian Penal Code is his authority to give the Judgement. The basis of the definition under the evidence is the power to take evidence.

(ii) The definition of a Judge under the Criminal Procedure Code would not include a Magistrate. But the definition in the Indian Penal Code would include a Magistrate.

(iii) The Evidence Act would not include Arbitrator either Judges or Magistrates. But the definition of ' Judge ' in the Indian Penal Code would include Judges, Magistrates as well as Arbitrators.

The conclusion is that the definition of the word Court in the Evidence Act is framed only for the purpose of the Act. itself and should not be extended beyond its legitimate scope.

§ Proceedings to which the Evidence Act does not apply

1. The Act does not apply to :—

(i) Judicial proceedings in or before a Court Martial convened under the Army Act or Air Force Act. (ii) Affidavits presented to any Court or officer. (iii) Proceedings before an Arbitrator.

Proceedings before a Courts Martial

1. The Act does apply to the proceedings of a Courts Martial under the

Indian Army Act i. e., it applies to Native **Courts Martial.** *Act VIII of 1911.*

2. The Act also applies to all proceedings before the Indian Marine Courts.

Act XIV of 1887 s. 68.
Act V of 1898.
Act XVII of 1898.
Act I of 1899.

3. The Act does not apply to the proceedings of a Court Martial convened under the British Army or Air Force Act.

Questions relating to evidence are determined by Ax **loci contractus,** but by the law of the Country where the question arises where the remedy is sought to be enforced and where the court sits to enforce it.

The law of evidence which governs the proceedings before a court is the

Ax fori.

This provision of the Evidence Act is an exception to this general principle.

II. Affidavits.

1. Ordinarily the evidence of witnesses shall be taken orally in open Court in the presence and under the personal direction and superintendence of the Judge (Order 18 R. 1. C1.P. C.).

2. An Affidavit is a evidence contained in a statement or a declaration in writing on oath or affirmation before a person having authority to administer oath or affirmation.

3. Matters relating to affidavit are regulated by the Civil Procedure Code.

4. **Affidavit is evidence not taken before the Court and not subjected to cross examination.**

5. The safeguards for truth in affidavits are two :

(i) Provisions for the production of the witness for cross Examination.

(ii) Provisions of the Penal Law relating to giving of false evidence.

III. Proceedings of the Arbitrator.

He gives rough and ready justice and cannot be bound by the technicalities of the Law of Evidence.

§ Proper approach to the study of the Evidence Act.

1. The Indian Evidence Act divides the subject matter of evidence into three parts :

Part I deals with Relevancy of facts—what facts can be proved.

Part II deals with Proof.

Part III deals with Production and Effect of Evidence— Burden of Proof.

2. This may be a logical order. It may be a scientific order. But this certainly does not appear to be a natural order, natural from the point of view of the litigant.

3. The rules of Procedure regulate the general conduct of litigation; the rules of pleading help to ascertain for the guidance of parties and the Court, the material facts in issue in each particular case. Then arises the question of proof i. e. the Establishment of the facts in issue by proper legal means to the satisfaction of the Court.

4. The first question which faces the litigant is **who must prove the issue?** The questions how and by what sort of evidence he can prove them are secondary questions to him. We must therefore begin with **Burden of Proof.**

BURDEN OF PROOF

Notes on Acts and Laws

Notes on Acts and Laws

BURDEN OF PROOF

1. What Is Meant By Burden Of Proof
2. The Burden Of Proving The Issue In Criminal Trials
3. The General Rule Regarding Burden Of Proving Good Faith
4. Judgements As Conclusive Proof
5. English And Indian Law Of Estoppel

BURDEN OF PROOF

1. What is meant by Burden of Proof.

Description, letter, then definition:

The judge or jury can decide a case only by considering the truth and value of the several facts alleged and proved by the parties and as the facts are unknown to both judge and jury. They must be established by evidence. The question at once arises, which party must adduce evidence? The responsibility for adducing such evidence as will establish any allegation is called the"Burden of Proof".

2. The subject-matter of the Burden of Proof as applied to judicial proceedings falls into two parts:

1. Burden of Proving an issue.
2. Burden of Proving a particular fact.

THE NECESSITY FOR MAKING THIS DIVISION.

1. The Proof of an issue may involve the proof of many facts as they may involve the proof of only one fact.

Illustration:

1. Issue is, Did A commit murder of *B*?
2. Issue is, Is the signature on the document that *of A*?

Issue No. 2 involves the proof of one fact only. Issue No. I may involve the proof of many facts.

e. *g.* Was *A* present? .
Could *C* see him?

Is the bloodstained shirt his? and so on.

§ Burden of Proving an issue.

3. The framing of an issue presupposes an assertion of the existence of a certain set off acts and circumstances by one party and the denial of them by the opposite party. There are two ways by which the issue may be adjudicated upon (1) By proving that the circumstances alleged do not exist or (2) By proving that the circumstances alleged do exist. Question is which of the two modes of proving the issue to be adopted— the mode of proving the affirmative or the mode of proving the negative.

4. Where there are no reasons for holding :

(a) that what is asserted is more probable than what is denied

and

(b) where the means of proof are equally accessible to both the parties then the rule is that the party which alleges the existence of the facts must prove that they exist. The burden is on him who states the affirmative of the proposition. He who denies need not prove that they do not exist.

This rule is laid down in Section 101.

5. Reasons why the law requires the affirmative to be proved instead of the negative.

(1) The man who brings another before a judicial tribunal must rely on the strength of his own right and the clearness of his own proof, and not on the want of right or the weakness of proof in his adversary.

Illus. *Midland Rail Co.* vs. *Bromby* —17 C B 372.
Doe vs. Longfleld— 16 M & W 497.

17 C. B. 372
P. 380

(2) A simple negative by reason of its indefiniteness is difficult if not impossible of proof. A person asserts that a *certain event took place,* not saying when, where, or under what circumstances. How can a person disprove that, and convince others that at no time, at no place and under no circumstances has such a thing occurred. The utmost that could possibly be done in most instances would be to show the impossibility of the supposed event and even this would require an enormous mass of presumptive evidence.

A negative averment must be distinguished from a contradiction of a positive averment, technically known as a"traverse".

Illustrations: Malicious Prosecution.

In an action for Malicious Prosecutions the Plaintiff makes two main allegations.—

(1) That the Defendant prosecuted him,
(2) That the Defendant had no reasonable cause for the prosecution.

The first being affirmative the second a negative averment. The burden of proof of both of them is on the Plaintiff.

Negligence.

The Defendant did not take reasonable and proper care. This is not a negative but a negative Averment.

6. Two things must be noted with regard to the rule of evidence that the affirmative of a proposition must be proved.

12 Mad. 526-15 Jur. 544-545.

What is a traverse.

1. It is a matter which relates to the law of pleadings. Before Judge is asked to decide any question which is in controversy between litigants, it is in all cases desirable and in most cases necessary, that the matter to be submitted to them for decision should be clearly ascertained. The defendant is entitled to know what is it that the plaintiff alleges against him; the plaintiff in his turn is entitled to know what defence will be raised in answer to his claim. The defendant may dispute every statement made by the plaintiff or he may admit or admit and allege other facts which put a different complexion on the case.

To put it technically a Defendant may either:

(1) Admit
(2) Deny
(3) Deny and allege other facts.

2. When a defendant denies the allegation of the Plaintiff in the Plaint, he

is said to traverse it. A traverse is the express contradiction of an allegation of fact in an opponent's pleading. It is generally a contradiction in the very terms of the allegation. It is as a rule framed in the negative ; because the fact which it denies is as a rule alleged in the affirmative. These traverses of affirmative allegations must be distinguished from a negative allegation which is in truth a positive allegation.

If a party asserts affirmatively, and it thereby becomes necessary to his case to prove that a certain state of facts does not exist, or that a particular thing is insufficient for a particular purpose, and such like—these although they resemble negatives,— are not negatives in reality : they are in truth possible averments, and the party who makes them is bound to prove them.

Plaintiff may have to prove negative in order to prove his positive assertion**.**

A negative averment if in truth it is a positive averment must be proved by the plaintiff.

Sale and Mortgage-Adequacy of price. Price is not inadequate?

II. To remember that the affirmative and the negative of the issue mean the affirmative and negative of the issue In substance and not merely its affirmative and negative inform.

Illustrations: (1) Moody and Robinson 464. *Amos* vs. *Hughes.*

Fact alleged in the Plaint

That the defendant did not emboss the Calico in a workmanlike manner.

Fact alleged in the Written Statement.

The Defendant did emboss the Calico in a workmanlike manner. On whom is the burden? If **form** alone was considered the burden would be on the Defendant. If substance was taken into account the burden must be on the Plaintiff. Although put in the negative he affirms that the workman embossed the Calico in an unworkmanlike manner.

(2) 7 Carrington and Payne 612. *Loward* vs. *Leggatt.* Fact alleged by the Plaintiff.

That the Defendant did not repair the premises as bound by the covenant.

Fact alleged by the Defendant. That the Defendant did repair. In form the burden is on the Defendant. In substance it is on the Plaintiff.

The Burden of proving the issue in Criminal Trials

1. Section 101 is a general section and applies to both civil as well as criminal proceedings.

Section 105 is another section which relates to the burden of proving an

issue as distinguished from the burden of proving a fact but applies to criminal proceedings only.

2. To understand this section it is necessary to know the scheme of the Indian Penal Code. The Indian Penal Code defines various offences such as theft, murder, cheating etc. Some 400 in all. The task of framing definitions which would be exact, neither too wide, nor too narrow has been very difficult and with the best of efforts the authors of the Code have failed to frame exact definitions. They have however erred in making them too broad. Consequently they found it necessary to limit these definitions by enacting exceptions. Some of these exceptions arc common to all the offences as defined by the Code. Other exceptions arc specifically applicable to a particular offence.

Illustration (1):

(1) Whoever causes hurt..... .323

(2) Whoever steals ..... .379

Whoever = Any person who does etc.,

Any person = Any person of whatever age so that the definition as given in the section would make even a child I year old guilty. But the Penal Code recognises that a child below 7 has no *mens rea* = criminal mind which is the essence of the offence. To exempt children from the liability of an offence it would be necessary to say whoever above 7 years etc., in every section of the Indian Penal Code.

(1) Whoever takes any property belonging to another from his possession without his consent—378.

(2) Whoever wrongfully confines—342.

(3) Whoever enters into or upon property in the possession of another—441.

(4) Whoever assaults or uses criminal force—352.

It is obvious that under these definitions a Bailiff who acted under the order of his superiors in levying the attachment would be guilty of theft /37 8 and criminal trespass /441. Similarly a police officer who arrested a person in the discharge of his duty would be guilty of assault /353 and wrongful confinement /342.

That was not the intention of the framers of the Penal Code. It recognises the necessity of exempting Public Servants from the penal consequences of their acts done in discharge of their duty. To exempt public servants from the scope of the definitions of offences it would be necessary to say in each one of these sections"Whoever not being a public servant in the discharge of his duty".

Instead of repeating these limiting words in so many different sections to

which they are common the Penal Code has grouped them together in Chapter IV which is called General Exceptions and which cover sections 76 to 106.

There are also limiting clauses which apply to some specific offence as defined in the Penal Code.

Illus— Section 499. Defamation.

Definition is so wide that there are ten Exceptions. The necessity of 9th Exception—protection of interest. Such Exceptions are special Exceptions as distinguished from General Exceptions.

Proviso— *Illus—Sec. 92 1. P. C.*

Question is who should prove that the case of the Accused falls within the Exception, General or Special. Exception or the Proviso as the case may be? The prosecution who alleges that it does not or the Accused who alleges that it does? The Answer is given in Section 105. The burden is on the Accused to prove.

This is a departure from the previous law. Under it the burden was on the prosecution to prove that the case did not fall within the Exception.

§ Burden of Proving an Exception to a Civil Law—

1. There is no specific section in the Evidence Act which regulates the Burden of Proof in respect of an exception to a Civil Law. The rule is however the same as in Criminal Law. Namely that the Defendant must prove that his case falls under the Exception.

Illus— 15 *Cal. 555*

"The suit is governed by Section 37 of Bengal Act XI of 1859 (Revenue Sale Act)—and that section dealing separately with encumbrance and under tenures, lays down that the Auction purchaser shall be entitled to avoid all under tenures and to eject the holders of them with certain exceptions, and then goes on. to set out the Exceptions. It appears to us that the presumption is in favour of the general proposition of law laying down that all under tenures are voidable, and that pleading a certain exception is bound to bring himself within it. That being so, it will be for the Defendant in this case to bring himself within the exception which he pleads."

§ Burden of Proving an Exception a proviso/or a condition precedent in an Agreement.

1. Distinction between a Proviso and an Exception.

A Proviso is properly speaking the statement of some thing extrinsic of the subject-matter of a covenant which by the terms of the covenant is to go in discharge of that covenant by way of defeasance.

An Exception is a taking out of the covenant some part of the subject-

matter of the covenant.

Whether particular words form a proviso or an exception will not in any way depend on the precise form in which they are introduced, or the part of a deed in which they are found.

2. The rule of pleading is that a Plaintiff need never state a proviso in his plaint, but he must always state an exception.

Aga Syud Saduck vs. *Raji Jackariah Mahomed.* 2 *Ind. Jur. N. S. 308 (310)*

310. Markby J.

In the Note to *Thursby* vs. *Plant'* 1 Wms. Saund. p. 2336 it is laid down that a proviso is properly the subject of some thing extrinsic of a subject - matter of a covenant by way of defeasance. An exception is a taking out of the Covenant some part of the subject -matter of it. Of these be right definitions a Plaintiff need not never state a proviso, but always state an exception.

3. Although this is laid down as a rule of pleading it also holds good as a rule of burden of proof. So if a clause in an instrument such as a policy of assurance, be an exception, the Plaintiff must onlystateit, but show that it is not applicable. If it be a proviso the Defendant must state it, and show that it applies.

2 *Ind. Jur. N.S. 308, 310*

2. Ind. Jur. N. S. 308. 1867

A sued B. & Co. on a policy of insurance on the ship"Alaya"from noon of the 24th November 1865 to noon of the 24th February 1866"and to all ports and places". The words"and to all ports and places"were written, the rest being printed. B & Co. in their Written Statement admitted the policy, but set up the following exception:"All risks or losses arising from the detention etc.; also from storms and gales of wind, or other perils of the sea; while touching or trading on the Coast of Coromandel from Point Palmyras to Ceylon and within surroundings between the 15th October and 15th December inclusive are here by excepted, which risks or losses are to be borne by the assured and not by the Assurers, notwithstanding anything to the contrary herein before expressed."

3. Akiks

4. Condition Precedent = Proviso.

In this connection the law of evidence has appointed three principles.

I. The burden of proof of a fact is on a person who wants to benefit himself by the special facilities provided by the law of evidence for the proof of that fact.

Section 104 is an illustration of this principle.

2. § Burden of proving a particular fact.

1. The rule is the same as in the case of burden of proving an issue. That is the burden of proving a particular fact is on the party who affirms the existence of the fact and not upon the party who denies it. The rule is contained in Section 103 and the reasons of the rule are the same in both cases.

2. There are however certain facts the burden of proving which is placed by law upon a particular person irrespective of the question whether he asserts its existence or denies its existence. Sections 104 to I II specify the cases in which the law of evidence places the burden on particular persons.

3. The principles underlying these sections and which justify this departure from the general rule relating to Burden of Proof seem to be four.

I. The burden of proving a fact should be on a party who wants to take the benefit of the **special** facilities provided by the law of evidence for the proof of that fact.

II. Where parties are unequal in their relative position the burden of proving a particular fact should rest on the one who is comparatively in a better or stronger position.

III. Where things have continued to exist the burden of proving their discontinuance is on the party who alleges discontinuance.

IV. Where one fact is a mere legal incident of another fact the burden of proving that the incident should not be attached to the fact is on the party who alleges that it should not be.

§ Sections illustrative of the First principle.

1. Section 104 is an illustration of the First Principle. This deals with the burden of proof of a fact, the proof which is a necessary prerequisite for the proof of another fact.

2. The law of evidence lays down certain conditions which must be fulfilled before evidence of a particular fact is given. Similarly the law of evidence lays down certain conditions which must be fulfilled before a particular method of proving a fact can be resorted to.

Illus-I.

Nothing is evidence unless it is given before and in the presence of the Court. Ordinarily therefore the statement made by a person who is dead is not evidence. The law of evidence however permits evidence being given of anything said by a deceased person if it is relevant to the issue on the condition that the fact of his death is proved.

Illus-ll.

The law of Evidence requires that the contents of a document must be

proved by the production of the original. The law however permits secondary evidence being given on the condition that the loss of the original is proved.

3. The question is who must prove the fact of death or the fact of the loss of the original document? In general who must prove these prerequisites? Section 104 lays the burden on the party who wishes to profit by these special facilities.

§ Sections illustrative of the Second Principle.

1. 1. Section 106 and 111 illustrate the Second Principle.

Section 106.

1. This section deals with the burden of proof of a fact which is especially within the knowledge of one of the Parties.

(i) If A alleges a certain fact and if B denies it then by virtue of the rule contained in Section 103, A must prove it because A affirms it.

(ii) But if the fact is especially within the knowledge of B then by virtue of this section the burden of proof in respect of it rests on B.

2. 2. **Illustrations**

22 *Cal. 164.*

Haradhan had 2 daughters—twins about a year old—sold one of them to Karuna a prostitute for Rs. 9 and within 10 days sold to Karuna who she had brought up from her infancy and who was then living with her and leading the life of a prostitute.

Question. On a prosecution under Sec. *3721373* for buying and selling minors for prostitution the question was who should prove that the intention was that the girls were to be used for prostitution. By the accused-being a matter within their knowledge.

23 All. 124.

Several persons were found at 11 O'clock at night on a road just outside the city of Agra all carrying arms (guns and swords) concealed under their clothes. None of them had a license to carry arms, and none could give reasonable explanation of his presence at the spot.

On a charge under Section 402 held burden of intention on the Accused.

Section III.

1. This section deals with the burden of proof in respect of the *good faith* of a transaction.

2. Definition of good faith.

(1) Good faith is not defined in the Evidence Act.

(2) It is defined in Section 52 of the Indian Penal Code. Nothing is said to be done or believed in ' Good faith ' which is done or believed without due care and attention.

(3) It is also defined in Section 3 (20) of the General Clauses Act X of 1897.

"A thing shall be deemed to be done in ' good faith ' where it is in fact done honestly whether it is done negligently or not".

(4) The difference between the two definitions is that the *question of honesty* is immaterial to good faith as defined by the Penal Code. But it is the very core of the definition as given in the General Clauses Act.

(5) The term good faith as used in the Evidence Act is used in the sense in which it is used in the General Clauses Act.

3. The General rule regarding Burden of proving good faith.

(i) It is a general principle of law to hold that all persons in their dealings act fairly. Nothing dishonourable or odious is to be attributed to any person. Law will not impute vice and immorality. That being so the person who wishes to impeach the conduct of any person as being dishonest or unfair has the burden of proving dishonesty and unfairness. In other words the burden of proof in respect of good faith is upon the person who allege the absence of good faith. The motive must be proved.

(ii) Section 111 enacts an exception to this general rule and prescribes the circumstances in which a person must prove affirmatively the presence of good faith.

If the good faith of a transaction between two parties is questioned by one of them and the two are so related that one stands to the other in a position of *Active confidence* the burden of proving good faith affirmatively is on the person who stands in the position of active confidence.

This Exception applies only where the two parties to the transaction are so related that one stands to the other in a position of active confidence.

(IV) Meaning of the"Position of Active Confidence":

(i) Position means legal relationship.

(ii) Active confidence means habituated to consult and act on advice.

Position of Active confidence therefore means such legal relationship between the parties as gives rise to the habit in one party to consult the other for the protection of his interest and imposes upon the other the duty to see that his advise is such as will safeguard his interest.

The section contemplates *legal relationship* between the parties such that it becomes the duty of the person taken in confidence to protect the others interests.

Burden of Proof.htm - _msocom_1rule applies because parties were husband and wife. The rule was not applied because parties were not husband and wife but mistress and paramour.

A transaction between *Trustee and beneficiary, solicitor and client, father and son or husband and wife* would be subject to this rule if the issue of good faith were raised.

(V) The rule although confined by the Section to cases where one person stands to the other in a position of active confidence it is extended by the Court to all cases where a person has domination over another and is in a position to exercise undue influence.

Sections 107-108.

1. They must be read together because 108 is only a proviso to the rule contained in Section 107.

2. The sections do not deal with the question, how long was a person alive.

3. The sections do not deal with the question at what *time* he died.

4. The sections do not deal with the question whether he was alive or dead at some antecedent date.

5. The sections deal with the question whether a person is alive or dead at the time when the question is raised, that is at the date of the suit.

Sections illustrative of the third Principle.

Sections 107, 108 and 109.

Sections 107 deals with the burden of proof where the *question is whether a man is alive or dead.*

According to this section where it is proved that the person in question was alive within the last 30 years then the burden is upon the party who asserts that he is dead. Where it is not proved that the person in question was alive within the last 30 years then the burden is on the person who alleges that he is alive.

Section 108 deals with the burden of proof where the question is whether the man who has not been heard of is alive or dead.

According to the section :

(1) if the man is not heard of for *seven* years

and

(2) by those who would *naturally* have heard of him the burden is upon the party who *affirms that he is alive.*

Comment—

The death of any party once shown to have been alive is a matter to be determined by the Court. As the presumption is in favour of the continuance of life the *onus* of proving the death lies on the party who

asserts it. But the presumption of continuance of life ceases at the expiration of 7 years from the period when the person in question was last heard of. And the burden of proving that the person was alive within the seven years is upon the person asserting it.

But a Court may find the fact of death from the lapse of a shorter period than seven years, if other circumstance concur.

Re.: Walker (1909) P. 115.

Application of Sections 107-108.

The question for which provision is made in these two sections is whether a person is alive or dead at the time the question is raised. These sections do not apply where the question is whether the man died at a particular time. If any one seeks to establish the precise time of death the burden of proof is upon him.

Section 109. This section deals with the burden of proof as to continuance or discontinuance of three relationships'

(1) Partners.
(2) Landlord and tenant.
(3) Principal and agent.

This section provides that once it is shown that two persons have stood in the relationship of partners. Landlord and Tenant or Principal and Agent the burden of proving that they have ceased to stand in that relationship is on the party who alleges that they have ceased.

§ Section illustrative of the 4th Principle—

Section 110. This section deals with the burden of proof regarding title to property when the competition is between a person in possession and the owner who is out of possession.

1. The rule laid down in Section 110 is that the burden of proof that the person in possession is not the owner is on the person who alleges that he is not the Owner.

Reason for the Rule—

Ownership chiefly imports the right to exclusive possession and enjoyment of a thing. The owner in possession has the right to exclude all others from possession and enjoyment of it ; and if he is wrongfully deprived of what he owns, he has the right to recover possession of it.

Ownership also imports the power to dispose of property, to sell, mortgage or donate.

Right to possession and Right to dispose of are therefore incidents of Ownership. Where there is ownership there goes with it the right to possession and the right to dispose.

The law therefore holds that a person would not be in possession of

property unless he was the owner and places the burden on his opponent.

The principle of the section does not apply in the following cases—

(i) Where the possession is merely judicial as distinguished from actual present possession.

(ii) Where possession is obtained by fraud or force.

BURDEN OF PROOF

1. The Law requires the person to discharge the Burden of Proof which is placed upon him.

2. In discharging the Burden of Proof attention must be paid to two considerations.

(i) There are Matters of which Proof is not required. (ii) There are Matters the Proof of it is not allowed.

3. 3. We must therefore proceed to consider these matters and the rules regulating them.

I. BURDEN OF PROOF

(i)(i) Matters of which Proof is not required.

§ Facts of which Proof is not required.

1. Matters of which Proof is not required fall under three heads:

(1) Facts Judicially noticed.

(2) Facts admitted by the Parties.

(3) Facts the existence of which is presumed by law.

§ (i) Facts judicially noticed.

1. Sections 56 and 57 deals with facts judicially noticed.

2. Section 56 says no fact of which the Court will take judicial notice need be proved.

3. Sec. 57 lays down 13 matters of which the Court *must* take judicial notice.

4. Principle of the Section. Certain matters are so notorious and are so clearly established that it would be useless to insist that they should be proved by evidence.

Illus—

(1) Commencement and Continuance of hostilities.

(2) Geographical Divisions.

5. The last two paras are important and read with section 56. They furnish a clue to the proper understanding of them. The effect is that when a matter enumerated in Section 57 comes into question, the parties who assert the existence to the contrary need not produce any evidence in support of their assertions. The judge must come to a conclusion without requiring any formal evidence.

(1) The Judge 'sown knowledge may be sufficient. If it is not he must look the matter up.

(2) The Judge can also call upon the parties to assist him, if he thinks it necessary.

(3) The Judge in making this investigation is emancipated entirely from all the rules of evidence laid down for the investigation of facts which the law requires a person to prove.

(ii) Facts admitted by parties. Section 58

1. There are two sorts of admissions which must be distinguished.

(1) Formal admissions made touching matters related to a proceeding in a Court and made intentionally by parties so as to dispense with their Proof.

(2) Informal admissions alleged to have been made by a party to the proceedings but not made in the course of the proceedings.

2. Section 58 applies only to formal Admissions. Formal admissions may be made by parties in 6 different ways : (i) On the pleadings. (ii) In answer to interrogatories. (iii) In answer to a notice to admit specified facts. (iv) In answer to produce and admit documents. (v) By the Solicitor of a party during the litigation. (vi) In open Court by the litigant himself or by his Advocate.

3. Proof of such facts would be futile. The Court has to try the questions on which the parties are at issue and not on which they are agreed.

4. 4. Applicability of Sec. 58 to criminal trials is a matter on which there is a difference of opinion.

(i) (i) **Nortion** says that it does not apply to criminal trials.

(ii) (ii) **Cunningham** says that it does.

30 Bom. L. R. 646.

Section 58 makes no exception in regard to criminal proceedings.

Rat. Un. Cr. C. 769.

Section 58 makes no exception in regard to Criminal Proceedings.

39 Mad. 449.

On general principals of Jurisprudence Sec. 58 ought not to be applied to criminal trials.

"The question remains whether the Provisions of the Act are exhaustive and whether we can invoke the aid of the principles of Jurisprudence or of English Law as supplementing and explaining the rules of Evidence given in the Act."12 All. I. English rules of Evidence apply.

The rule is not an absolute rule. The section provides that a fact which is admitted may be required by the Judge to be proved by evidence by the

party on whom the Burden of Proof lies.

This is a safeguard intended to protect simple and ignorant persons against mistakes.

It is probably under this proviso that admissions in Criminal trials are not permitted.

§ Facts the Existence of which is presumed by Law.

1. Definition of presumption.

A presumption is a conclusion or inference drawn from a certain fact.

2. Principle underlying the rule of Presumption :

(1) The universe is no doubt composed of diverse elements and the motives that operate upon people are different.

Notwithstanding this there is a certain amount of regularity and uniformity.

(2) With respect to **things** the order and changes of the seasons, the rising, setting and the course of heavenly bodies, and the known properties of matter-magnetism-specific-gravity show a certain regularity and uniformity of movement and occurrence.

(3) With respect to persons the natural qualities, powers and faculties which are incident to the human race in general are more or less uniform.

(4) With respect to Conduct of men more or less the uniformity. They are actuated by the same uniformity.

3. Given this uniformity it is possible to say that given one thing another can be said to follow.

4. It is on this principle Section 114 is based.

1. 1. It empowers the Court to presume the existence of a fact if that fact is a likely result of a particular fact.

2. The test is—

(i) common Course of natural events. (ii) human conduct. (iii) Public and private business.

3. It gives 9 illustrations of what would be likely results of certain facts.

4. Explain.—Illustrations (not given in MS—ed)

5. An event likely in one circumstance may very unlikely in another circumstance. Therefore in drawing a presumption the Court must have regard to the facts of the particular case.

Explanations to illustrations (not given in MS—ed)

6. There can be no general codification of presumptions because the likely result must vary under circumstances.

7. The effect of presumption is to relieve a person from the Burden

of Proof.

8. Presumption of Law and Presumptions of fact.

9. Rebuttable and Irrebuttable Presumptions.

Norton P. *381.*

II. Analogous presumptions are maxims of law. They are also called presumptions in the loose sense of the word.

1. There are certain maxims of Law which are also called Presumptions.

2. Illustrations of Maxims of Law :

(1) The law will presume that every body knows the law.

(2) The law will presume that every person intends the natural consequences of his acts.

(3) The law will presume that an accused person is innocent.

(4) The law will presume that every human being is endowed with the power of understanding.

(5) The law will presume that no man will throw away his property for instance, by paying money not due.

(6) The law will presume that money advanced by a Parent to his child is intended as a gift, and not as a loan.

(7) The law will presume that a parent prefers his own children to those of others.

These maxims are related to burden of Proof. They help to fix the burden.

§ Presumptions as to Documents 79-90

1	Presumption as to the genuineness of certified copies	79
2	Presumption as to the genuineness of documents produced as record of evidence.	80
3	Presumption as to the genuineness of gazettes, Newspapers.	81
4	Presumption as to documents—In England without proof of seal or signature.	82
5	Presumption as to maps or plans made by authority of Government.	83
6	Presumption as to books of law and report of decisions.	84
7	Presumptions as to powers of attorney.	85
8	Presumptions as to certified copies of foreign Judicial records	86
9	.Presumptions as to books, maps and charts	87
10	Presumptions as to telegraphic messages.	88
11	Presumption as to attestation and execution of documents not produced.	89

12	Presumption as to documents 30 years old	90

BURDEN OF PROOF

(ii) Matters of which Proof is not allowed

1. § Matters which parties are debarred from asserting. (conclusive evidence).
2. § Matters which parties are estopped from proving. (Estoppel).
3. § Matters stated without prejudice.
4. § Matters which are irrelevant.

1. § Matters which parties are debarred from asserting—

Matters which parties are debarred from asserting are spoken of in the Evidence Act as Matters of Conclusive proof or commonly spoken of as irrebuttable presumptions or presumptions of Law.

They are dealt with in Sections 41, 112 and 113.

II. Section 112

1. This section deals with the Question : How to prove that A is the legitimate child of B and his wife C?

2. There are two ways of proving this fact according to two different contingencies.

(i) (i) If the contingency is that the child is born during wedlock.

(a) (a) Prove lawful marriage between B and C.

(b) (b) Prove the Existence of Marital relations between B and C at the date of the birth of A.

On proof of these two facts the Law will conclude that A is the legitimate son of B and C.

(ii) If the Contingency is that the child is born after dissolution of the marriage between B & C—Either by death of the father or divorce.

(a) Prove that A was born within 280 days after the dissolution of the marriage by death or divorce.

(b) Prove that the mother had remained unmarried during that period of 280 days.

On Proof of these two facts the law will conclude that A is the legitimate son of B and C.

Points to be noted

1. The deciding factor in the question of legitimacy is not the time of the conception of the child but the time of the birth of the child. Whoever was the **husband** of the woman at the time of the birth of the child is the father.

Illus.

1. *Pal Singh vs.Jagir. 7 Lahore 368*. Harnam Kaur married Hari Singh. Had Singh died on the 10th January 1919. Harnam Kaur married Sohan Singh on

25th February 1919. Jagir was born to Harnam Kaur on the 17th October 1919 i.e. 279 days after the death of Hari singh and 198 days after her marriage to Sohan Singh.

On a question being raised whether Jagir was the son of Hari Singh, Held that he was the son of Sohan Singh and not of Hari Singh.

2. *Palani vs.Sethu. 49 Mad. 553.*

Pechi Ammal married Subramanya in October 1903. That marriage was dissolved in June 1904.

Pechi married Thirumani in July 1904.

Palani was born during the second week in September 1904 i.e. 4 months after the dissolution of Pechi's marriage with Subramanya and 3 months after her marriage with Thirumani.

Whose son is Palani? of Subramanya or Thirumani. Held he was the son Thirumani.

2. This is treated as case of conclusive proof. This is treated so not because the truth is beyond dispute. A woman although married lawfully to one man may be in the keeping of another and her children may well in fact be the children of her paramour. This is so treated because for reasons of public policy or in the interests of Society an artificial probative value is given by the law to certain facts and no evidence is allowed to be produced with a view of combating that effect. Under Section 112 artificial probative value is to the following facts.

(1) The fact of marriage.

(2) The fact of access.

So that where these two facts exist the law concludes that issue born must be legitimate i. e. it must be issue born of the husband.

(2) This conclusion can be demolished only by giving evidence of non-access.

It must be proved that the parties to the marriage had no access to each other at any time when the child could have been begotten.

Meaning of non-access.

1934. 38 Bom. L. R.394.

Karapaya vs. *Mayandi.*

Access does not imply actual cohabitation. It means no more than opportunity of intercourse.

Kerapaya, a Madras Hindu acquired considerable property in Burma. He died a lunatic in 1923.

Karapaya first married Karapayi and then married Nachiama. Kerapaya lived with Nachiama at Tamagyo while Karayappi was living at Houlmein with her mother and brother.

In December 1911 an agreement made between (Left incomplete—ed.)

(3) The conclusion cannot be demolished by giving evidence of inability to cohabit.

29. *I.A.17 Narendra* vs. *Ram Govind.*

1901

Upendra was married to Tilottama. Upendra died on July 15 from the effects of a Carbuncle in his back, from which he had been suffering for sometime.

After the death of Upendra, Tilottama gave birth to a son Narendra on April 18,1887 i.e. 9 months 10 days or 280 days after

the death of Upendra.

There were three questions to be considered :

1. Was Narendra the child of Tilottama—Upendra?
2. Was he born within 280 days from the death of Upendra?
3. Is it proved that he and she had no access to each other at any time when the appellant could have been begotten?

On the last issue the evidence was as follows :

Tilottama was married when she was quite a child and lived with her parents. But shortly before his death in July 1886 she went to live with her husband. How long before it is not clear. Some witnesses said five or six days others said ten or twelve days.

The important circumstances in the case were two :

(1) That Upendra died from the effects of a Carbuncle from which he had been suffering for a fortnight.

(2) That Upendra had made will on the 14th July 1886 appointing Tilottama as his Executrix and directing her to adopt a son.

The contention was that if he was ill he could not have cohabited. The contention was negative.

(3) Inability to cohabit must be distinguished from genital inability. *1935.* (All India Reporter)P. *0. 199* (for Physical inability).

Query- If he was impotent.

The Section abrogates the rules of Hindu and Mahomedan Law regarding Legitimacy. *10. All. 289.*

1. According to Mahomedan Law a child born six months after marriage or within two years after divorce or death of the husband is presumed to be her legitimate offspring.

2. According to Hindu Law it is ten months after divorce or death of the

husband.

The section does not prohibit a person born after 280 days from proving he is the legitimate son. Only the burden of proof is upon him.

24 All. 445. 357 days after the death of the father.

There is a difference between the English and Indian Law of Evidence regarding the competency of the Husband and wife on the issue of access when the question of the Legitimacy of the child arises.

1. Under the English Law they are incompetent.
2. Under the Indian Law they are competent.

38 Mad. 466.
28 Bom. L. R. 207.

Section 113

1. The section deals with the Burden of Proof regarding the cession of a territory.

How is it to be proved that a certain territory which was once a part of British India has ceased to be part of British India.

"The question is not merely academic. It is of great practical importance. It goes to the root of the question of the jurisdiction of the Court. If a territory is not a part of British India then it is not subject to the Jurisdiction of any Court.

2. Provision was made in Section 113. It said that a notification in the Gazette of India that a British Territory has been ceded to any native State Prince or Ruler should be taken as a conclusive proof that a valid cession of such territory took place at the date mentioned.

3. This Section has been declared to be *ultra vires* of the Indian Legislature and therefore void and of no legal effect by the Privy Council.

7. *Bombay 367 Damodar Gordhan vs.DeoramKanji.*

P. 0.1876

The Governor General in Council being precluded by the 24-25 Vic. 0. 67 Sec. 22 from legislating directly as to sovereignty or dominion of the crown on any part of its territory in India or as to the allegiance of British subjects cannot by legislative Act (E. G. Evidence Act. S. 113) purporting to make a notification in the Government Gazette conclusive proof of a cession of territory, exclude judicial enquiry as to the nature and lawfulness of that cession.

Judgements as conclusive Proof.

1. Just as certain facts are deemed to be conclusive proof of certain other facts, similarly the Evidence Act treats certain Judgements as conclusive on certain issues. Sec. 41.

2. The judgements which are declared to be conclusive are :—

(1) Final Judgement, order or decree of a Competent Court in the exercise of

(1) Probate
(2) Matrimonial
(3) Admiralty
(4) Insolvency Jurisdiction

which confers a legal character or takes away a legal character or declares a person to be entitled to a legal character or to a thing not against any specified person but absolutely.

Are conclusive Proof:

(1) That the legal character as given or taken away.
(2) That it is given or taken away on the date of the Judgement.

Section 41.

This section deals with use of Judgements of Courts of Law for the proof or disproof of certain questions.

Question is:

(1) The right of a person to a certain status
(2) When did such right accrue to him.

Question is:

Did (1) A particular person cease to have a status (2) If so, when.

Question is whether any particular person was entitled to a certain property.

The Section declares that certain Judgements will be conclusive evidence of these facts.

What are these Judgements :

(1) It must be a Judgement of a Competent Court.
(2) It must be a Judgement in the exercise of
(i) Probate (ii) Matrimonial (iii) Admiralty (iv) Insolvency

1. Which declares conferring or taking away of a legal character on or from any person.

2. Which declares a person entitled to any specific thing not against any specified person but absolutely.

1. 1. If it is a final Judgement, order or decree.

Probate Jurisdiction.

The Courts exercise testamentary and intestate jurisdiction under:

(1) Indian Succession Act.
(2) The Hindu Wills Act.
(3) The Probate and Administration Act.

Matrimonial Jurisdiction.

Exercised under the Indian Divorce Act and other Acts relating to

marriage and divorce.

Admirality Jurisdiction.

Letters Patent of the High Court and the Colonial Courts Admirality Act. 1890.

Insolvency Jurisdiction.

Charters and the Insolvency Acts.

§ Matters which parties are estopped from Proving.

1. The law of Estoppel is contained in Sections 115, 116, 117. Section 115 states the general rule of estoppel. Sections 116 and 117 enact particular kinds of estoppels.

2. 2. Section 115.

(i) Comparison of Section 115 with Section 31.

Estoppel is like an Admission inasmuch as it is a statement of a fact. Most admissions can be withdrawn by the party who makes them. The fact that they were made remains, but the party who made them can be heard to explain that he made them rashly and carelessly or under an honest misapprehension. Even he could be heard to say that he knew what he said to be false. But a statement may be made by one person to another in such an unequivocal manner and under such circumstances that it has a decisive effect on the conduct of the other. The law will not permit a person making such a statement to contradict it. The margin between an estoppel and an admission is very narrow and the answer to the question whether a statement is a mere admission or is a estoppel depends upon the nature of the statement and the circumstances appertain to it.

(ii) What are the legal requirements of the Rule of Estoppel?

The rule of Estoppel comes into operation when the three following conditions are satisfied. *37 Bom. L. R. 544 P. C.*

(i) A statement amounting to a representation of the existence of a fact has been made by the defendant or an authorised agent of his to the Plaintiff or some one on his behalf.

(ii) (ii) With the intention that the Plaintiff should act upon the faith of the statement, and

(iii) The Plaintiff does act upon the faith of the statement.

§ Statement must amount to representation.

(1) (1) Representation may be by word or by conduct.

A. If it is by word it may be active misrepresentation made deliberately with a knowledge of their falsehood.

Illus.-

Mc Cance vs. *London and Nother Western Railway Co., (1861) 7 H. & N.*

477.

M entered into a contract with the Railway Co., to carry his horse in trucks which should be reasonably fit and proper for the carriage of horses from Edge Hill near Liverpool, to Wolverhampton. The Railway agreed to provide trucks which should be reasonably fit and proper.

M filled in a declaration form in which he stated that, the value of a horse did not exceed £10 per horse. Under the system followed by the Railway there were modes of transporting horses. One was to send them in trucks allowing the owner to place as many horses as he liked in each truck. The other was to send them in horse boxes, each horse being placed in a separate stall. The rate of carriage by the latter mode being three times as-much as when carried by the former mode. There was a further rule that the Railway would take horses above the value of £10 in trucks.

In transit some horses were injured owing to the defective state of the trucks provided by the Railway. The damage sustained by M on the basis that the value of each horse was £10 came to £25 which amount the Railway Company was agreeable to pay as they admitted that the trucks were defective. The Plaintiff claimed that the real value of a horse was £40 and the damages came to £55.

This is a case of active misrepresentation.

Illus. (2) Munnoo Lal vs. *Lalla Choonee Lal. 1. I.A.144*

Reep Singh was in debt but possessed considerable Estate. M had been his Banker. On 9th October 1863 M obtained a mortgage from R of a property to secure a debt of Rs. 20,000 owed by R. On 9th August 1863 R sold the same property to C. When negotiations for the purchase took place between R and C, M was present and took part in same and in answer to inquiries by C gave him to believe that he had no lien upon the Estate.

In 1868 M filed a suit against C to enforce the payment of his mortgage bond. He was estopped.

This is also a case of active misrepresentation.

B. Representation may be innocent misrepresentation

Illus. Gould vs. *The Bacup Local Board. (1881) 50 L.J.(M. C.) 44.*

Certain premises belonging to Gould were kept in a very insanitary condition. The Board asked him to do certain improvements which he refused to do. The Board then served a notice upon him staring that if he did not carry out the improvements within a given time the Board would execute them.

There were two modes of recovering the expenses which were prescribed by the Act, one was by Section 213 and another by Section 240. Section

213 allowed the Board to recover them by additions to the local rate levied by the Board and Section 240 allowed them to recover them independently in lump sum. In the notice served upon Gould it was stated that the recovery would be under Section 213. But in the suit the Board sought to recover the amount as provided by section 240. The Board was estopped. This is a case of innocent misrepresentation.

(2) Representation may be by words or may be by silence. Silence under certain circumstances may be eloquent and may amount to a representation as good and as real as is made by the spoken word.

But every case of silence cannot be taken as equivalent to speech. Because the law does not require a person to speak out what is in his mind on each and every occasion. The law requires

a person to speak only when there is a duty upon him to speak and to disclose his mind. Otherwise silence is golden.

Silence therefore to raise an estoppel must imply an obligation to speak. In considering the effect of silence it has to be seen whether there was any occasion for words and any reasonable occasion for silence. This ought to be done before relying on silence as a legitimate ground for inference.

(1896) A. C. 231(238)
2 Br. C. C. 400 (419)
6 Bom. L. R.

Illus. (1) **Silence no ground for Estoppel.**

10 Bom. L. R. 297.

A decree was obtained against the father by a judgement creditor. In execution the property was managed by the Collector and the proceeds were sent to the creditor. While this was going on, the father died and the son inherited the property. The Joint Creditor sought to execute the decree against the son who contended that he was not liable as the debts were improper. It was contended that the son was estopped because his silence was representation that he accepted the decree ; Held that it was not because there was no duty.

Illus. (2) **Silence ground for Estoppel**

151. A. 171.

Sale by Court in Execution proceedings by a proclamation which described the rights of the Judgement-debtor very imperfectly. The result is that the property worth of Rs. 40,000 sold for Rs. 20,000. Suit was brought by the Joint Debtor to set aside the sale. Contention was that *silence was Estoppel.* Held it was, as there was a duty to come forward and get the proclamation corrected.

Representation may be by conduct 1. Conduct may amount to

representation or it may not— (i) Where it does amount to representation 19 1. A. 203. (ii) Where it does not. 19 1. A. 221.

II. Conduct is either Active or Passive. Passive conduct is either

(1) Indifference.

(2) Acquiescence.

Passive conduct to raise an estoppel must amount to acquiescence. It must not merely be conduct of indifference.

Conduct of Acquiescence may be described as follows—

"If a person having a right and seeing another person about to commit or in the course of committing an act infringing upon that right, stands by in such a manner as really to induce a person committing the act, and who might otherwise have abstained from it, to believe that he asserts to its being committed, is a conduct which amounts to conduct of acquiescence".

2 Bh.117 (123) 41 E. R.886.

Imp. 45 Bom. 1. L. R. 80.

14 All. 362 (364).

Acquiescence may occur while the act acquiesced in is in progless or it may occur only after it has been completed.

For the purposes of Estoppel it must occur while the infringement is inprogress. *Ch. D. 286 (314).*

Points to be noted.

1. Misrepresentation must be as to existing facts and not of mere intention. 5 *R. L. Cases 185.*

Illus—

1. A person has a legal right but between the time of its creation and that of his attempt to enforce it, he has made representation of his intention to abandon it.

2. There can be no estoppel where the truth of the matter is really known to *both parties.*

30 Cal. 539 P. C.

Mohori Bibee vs. *Dharemdas Ghose.*

On the 20th of July 1895 Damodar Das executed a mortgage in favour of one Brahma Dutt, a money lender. Brahma Dutt was absent throughout the transaction and the transaction was carried through by his attorney Kedar Nath, the money being found by Dedraj the local manager of Brahma Dutt. While the transaction was going on, the mother of Damodar Das wrote a letter to Kedar Nath the attorney that Damodar Das was a minor and any one advancing him any monies would do so at his own risk.

On the date of the mortgage Kedar Nath took a long declaration from

Damodar Das that he was major.

On the 10th September 1895 the mother filed a suit for cancellation of the Deed of Mortgage on the ground that D was a Minor.

Contention of B was that D was estopped. Held he was not because facts was known to B.

Actually knowing the fact is different from having the means of knowing it.

L. R. 20 Ch. D. 1. Redgrave vs. *Hard.*

The Plaintiff represented that his business brought in about £ 300 a year and produced 3 Summaries showing about 2/3rd of that together with some papers which Defendant did not examine. Upon the faith of this Defendant signed an agreement to purchase the Plaintiffs business and paid a deposit. Finding the business worthless he refused to complete and Plaintiff sued him for specific performance. Contention of Plaintiff was that Defendant was estopped from alleging that the representation of Plaintiff was false because he had the means of knowing the truth.

Jessel M. R. P. 21.

"Where one person induces another to enter into a contract by a material representation which is untrue, it is no defence to an action to rescind the contract that the person to whom the representation was made, had the means of discovering or might with reasonable diligence have discovered that it was untrue. It must be shown either that he had knowledge of the facts contrary to the representation, or that he stated in terms or showed clearly by his conduct, that he did not rely on the representation."

II. Second Element in the rule of Estoppel the *intention* that the Plaintiff should act upon the faith of the statement.

It is *not* necessary that the party making the representation must have been under no mistake himself.

It is not necessary that the party making the representation must have acted with the intention to mislead or to deceive.

191. A. 203.

But it is necessary that the party making the representation must have the intention that the Plaintiff should act upon the faith of the representation.

How to prove intention?

Intention is used in two different senses :

(1) It is used to indicate as a presumption of law. A man is presumed to intend the natural or necessary consequences of his act.

(2) Intention is used to indicate a specific existing state of mind in a person.

This specific state of mind must be proved as a fact like any other fact and cannot be presumed.

Illus—

(1) Section 225, 1. P.C. whoever intentionally offers.

(2) Section 124, 1. P. C. whoever with the intention.

Intention here is used as a presumption of law and is not used in the second sense.

It is not therefore necessary to prove intention that the party should act as a specific fact.

If a reasonable man would take the representation to be true, and believe it was meant that he should act on it, the requirement as to intention would be satisfied.

19 1. A. 203 (219).

III. The third element in the rule of Estoppel is that the party to whom the representation was made must have acted upon the faith of it.

1. This element is really the foundation of the law of Estoppel and explains the principle underlying it. The principle underlying the rule of Estoppel is that it must be inequitable unjust; that if one person by a representation made or by conduct amounting to representation has induced another to act as he would not otherwise have done, the person who made the representation should be allowed to deny or repudiate the effect of his former statement to the loss and injury of the person who acted on it.

2. The reason of the rule is that the man has acted upon it and altered his position. To amount to estoppel the statement must have been acted upon by the party to whom it was made.

14 Bom. 312.

13 Moo I .A. 585 (599).

Limitation on the rule of Estoppel. 1. It cannot override the law of the land.

(i) Minor—represents himself as Mojor—not estopped from proving minority.

(ii) Corporation—does Acts which are *ultra vires*—not estopped from proving that they were beyond its power.

Other distinctions between Admissions and Estoppel.

1. An admission does not prevent the party from proving that the admission is untrue. An Estoppel prevents the party from doing so.

2. An admission can be taken advantage of by any person other than the one to whom it was made. An Estoppel can be taken advantage of only by the party to whom it was made. As against a stranger he can deny its truth.

5 W.R.209.

5. A. R. 209.

Plaintiff alleged that he had purchased the property in the suit for Rs. 10,000. Pressed for money he subsequently mortgaged it to his mother. That he redeemed the Mortgage a year after and took possession of the property.

The Defendant had obtained a decree against mother of the Plaintiff and in execution and satisfaction of the Decree had the property sold by Court Sale and purchased it Benamee and Plaintiff was ousted. The Plaintiff filed a suit for the recovery of the property.

The Defendant contended that Plaintiff was estopped from proving that he was the Owner because in a former suit Plaintiff had admitted that his mother was the Owner to that suit Defendant was not a party. Held there was no Estoppel.

Difference between Estoppel and Conclusive Proof.

1. Estoppel can be waived by the party in whose favour it operates. But conclusive proof cannot be waived.

Difference between Res Judication and Estoppel.

Res Judication prevents a man avering the same thing twice over in successive litigations.

Estoppel prevents a man from saying one thing at one time and the opposite at another. *36 Bom, 214.*

English and Indian Law of Estoppel.

1. Under the English Law Estoppels are usually classed under three heads.

(i) (i) Estoppel by Record.
(ii) (ii) Estoppel by Deed.
(iii) (iii) Estoppel by Conduct

2. **Estoppel by Record** means estoppel by the Judgement of a competent Court.

(i) Estoppel by Record is recognised by the law of India. It is dealt with:
(a) (a) By the Code of Civil Procedure. *Sections 11-4.*
(b) (b) By the Evidence Act. *Sections 40-44.*

3. Estoppel by Deed.

1. Under the English Law a party to a deed cannot, in any action between him and the other party, set up the contrary of his assertion in that deed. This rule affords an illustration of the exaggerated importance of a ' seal ' in English law. Neither sealing wax nor Walter is necessary to constitute a seal. Apparently, a smudge of ink on document purporting to be a deed is a seal if so intended, and it makes a greater importance in law than a

deliberate and identifiable signature. **There is no estoppel in the case of ordinary signed documents.**

2. The strict technical doctrine of Estoppel by Deed cannot be said to exist in India.

3. But while the technical doctrine has no application in this country, statements in documents are, as admissions, always evidence against the parties. In some cases such a statement amounts to a mere admission of more or less evidential value according to circumstances, but not conclusive. In other cases namely those in which the other party has been induced to alter his position upon the faith of the statement contained in the document, such a statement will operate as an estoppel. In this view of the matter, an estoppel arising from a deed or other instrument is only a particular application of that estoppel by conduct or misrepresentation under Section 115.

4. An estoppel does not arise under the Evidence Act merely because a statement is contained in a deed. It can work an estoppel only when it can fall with section 115.

I *All. 403.*

II Bom. 708.

5. A Recital in a deed may be merely an admission or it may be estoppel according to circumstances.

§ Particular Estoppels.

1. Section 115 deals with Estoppels in general, sections 116 and 117 deal with particular Estoppels.

2. The distinction between Estoppels under Section 115 and Estoppels under 116-117 may be noted.

(i) Estoppels under section 115 can arise between any two parties. It is not necessary that they should be related by a particular legal tie. Estoppels under 116-117 arise **only** between parties who are related by a particular relationship.

(ii) Estoppel under 115 arises by reason of misrepresentation of facts by one party to another. Estoppel under 116, 117 arise by reason of agreement between the parties which has forged a particular relationship between them.

Section 116. deals with Estoppels between

(i) (i) Landlord and Tenant and

(ii) (ii) Licensee and Licensor of immovable property.

I. I. Landlord and Tenant.

This Estoppel applies to the tenant of immovable property.

2. This estoppel applies also to a person claiming through the tenant. In other words, if a tenant sublets his property without the knowledge or permission of the landlord, the sub-tenant will also be estopped from denying that the landlord had the title in the beginning.

3. This Estoppel does not ensure to the benefit of a person claiming through the landlord.

There are two possible cases in which premises may be let :

(i) Where the Plaintiff has let the Defendant into possession of the land.

(ii) When Plaintiff is not himself the person who lets the Defendant into possession, but claims under a title derived from the person who did.

This section applies to the first case and estops the tenant from denying the Landlord's title. It does not apply in the second case where the title of the landlord is derivative i. e. by sale, lease or inheritance so that when the Plaintiff claims by a derivative title, the defendant is not estopped from showing that the title is not in the Plaintiff but in some other person. The tenant can show that he has no derivative title. This is the effect of the absence of the words"claiming through the landlord"..

This estoppel applies to a denial of title at the beginning of the tenancy, so that a tenant can show that his landlord's title has expired or is determined. In such a case he does not dispute the title, but confesses and avoids it by a matter *ex-post facto*. Justice requires that the tenant should be permitted to raise this plea, for, a tenant is liable to the person who has the real title and may be faced to make payment to him, and it would be unjust if, being so liable, he could not show the expiry or determination of his landlord's title as a defence.

4. The Scope of the Estoppel. A tenant or his representative will not be permitted to deny that on the day on which his tenancy commenced, the landlord who granted the tenancy had title to the property.

5. This Estoppel binds the tenant only so long as the tenancy continues. Once the tenancy has ceased he is free to deny that his landlord had any title even on the day on which tenancy commenced.

II. Licensee and Licensor of immovable property.

1. The rule is the same as a licensee, namely, that the licensor had title to such possession at the time when such license was given.

2. Difference between a tenant and a licensee.

License means permission given by one man to another to do some act, which without such permission it would be unlawful for him to do. It is a personal right, and is not transferable, but dies with the man to whom it is

given. It can as a rule be revoked by the Licensor unless the licensee has paid money for it.

Tenancy is an interest in land and is transferable and heritable.

Section 117 deals with (1) Estoppel of acceptor of a Bill of Exchange.
(2) Estoppel of a Bailee.
(3) Estoppel of a Licensee.

(1) The Estoppel with regard the Acceptor is to the effect that he should not be permitted to deny that the drawer had an authority to draw the Bill or to endorse it.

Reason for this rule is to be found in the Agreement between the Acceptor and the holder of the Bill.

What does the agreement of acceptance impost:
(1) That he will pay the payee or the holder.
(2) That if he fails to pay the drawer will pay.

What does it mean when he says that the Drawer will pay? It means that the drawer had the authority and capacity to bind himself.

The payee took it on the basis of this agreement. The acceptor, therefore, is not permitted to deny this agreement.

Under Explanation I, he is permitted to deny that the signature of the drawer is a forgery.

This is contrary to English Law.

(2) & (3) Estoppel in respect of a Bailee and Licensee.

They cannot deny the authority of the bailor to make the bailment or of the licensor to grant such a license at the time when such bailment or license commenced.

§ Matters stated without prejudice.

1. Under this head fall certain classes of admissions made by aparty.

2. If the admission is made under certain circumstances mentioned insection 23, it cannot be proved against the party who made it.

3. What are those circumstances?

(1) If it is made on condition that evidence of it is not to be given
(a) Condition may be express or (b) Condition may be implied from the Conduct of the parties.
(2) Agreement may be verbal or in writing.

4. The application of Section 23.

(1) It applies to Civil cases only. The rule does not extend to criminal cases.

(2) By Judicial interpretation the application of the Section has been confined to admissions made in the course of the negotiations in the

same.

The mere fact that a document is stated to have been written"Without Prejudice"will not exclude it. The rule which excludes documents marked"Without Prejudice"has no application unless some person is in dispute or negotiations with another and terms are offered for the settlement of the dispute or negotiation. *23 Bom. 177 (180).*

Explanation—

This section does not apply where a person is compellable to answer.

§ Matters which are irrelevant.

1. The law of Evidence does not state what matters are irrelevant.

2. It proceeds to state what matters are relevant and thus excludes those that are not relevant.

3. It is objected that the rules of relevancy are of no use.

4. There are two problems a Judge is faced with

(i) Whether and how far he ought to believe what the witness says?

(ii) What inference a Judge ought to draw from the facts which he believes to have been proved?

In every judicial proceedings there are two essential questions— Is this true? and if it is true, what then?

5. Rules of relevancy throw no light on either of them and persons who are absolutely ignorant of these rules may give a better answer.

6. Answer to the objections.

(i) Men reason and reason well even without the study of Logic. But it does not follow that we should study Logic.

(ii) The rules of relevancy out the flood of irrelevant gossip and collateral questions which are sufficient to comprise the strongest head and distract the most attentive mind.

I. Cardinal rule of relevancy is that you can prove a fact and not opinion.

Facts fall into two classes :

Those can and those which cannot be perceived by the senses. Those which cannot be perceived by the senses are :

(1) Intention, (2) Fraud (3) Good faith and (4) Knowledge.

§ Matter of which Proof is allowed by Law.

1. Facts in Issue. 3,5,12.

2. Facts relevant to Facts in Issue. 3,6,7,8,9, 13-16,52-58 45-51.

3. Facts which are consistent with facts in Issue or with Relevant Facts or which show the probability of a Fact in Issue and Relevant Fact. 34-39-46.

Note—31-32 will go under direct evidence as exceptions.

4. Facts which are inconsistent with 11(1). Facts in Issue or with

Relevant Facts. 17-31. or which show the improbability of a Fact in Issue or Relevant Fact. 41-44,46.

§ Facts in Issue.

Section 3. There are two Requisites of a fact in issue :

(1) **It is a necessary fact.**

A Fact in Issue is a fact which is the foundation of right claimed or of the liability which is sought to be imposed by one party against or upon another party.

A fact in issue is a fact the proof of which is necessary for the claim being granted or the liability being imposed.

Illus—

(1) Supposing the inquiry to be whether A is entitled to succeed to B's property as his son.

The following facts would be necessary facts :

(a) (a) Whether A is the son of B.

(b) (b) Whether Bis dead.

(c) (c) Whether the property belongs to B.

They are necessary facts because unless they are proved A's claim to succeed cannot be granted. They are the foundation of his claim.

Illus— (2) Supposing the inquiry is

Whether A caused the death of B.

The following facts would be necessary facts : (i) Whether A caused the death of B. (ii) Whether A had the intention to cause death.

2. Every necessary fact is not a fact in issue. A necessary fact whether it is asserted and denied becomes a fact in issue.

In Illus. I and 2 if any necessary fact is not denied it would base to be a fact in issue.

3. A fact in issue is, therefore, a necessary fact which is in dispute between the two parties.

2. § Facts which are relevant to Facts in Issue.

Section 3. 1. Relevant fact means fact connected to the fact in issue.

1. The connection must be visible and open i. e. must be obvious.

2. The connection must be immediate and not remote.

3. The connection need not be necessary connection that would exclude all presumptive evidence, but such as is reasonable, and not latent or conjectural.

4. Whether there is a connection is a matter of legal instinct or legal sense to be acquired by practice. A few instances may serve for illustrations.

(a) On a Criminal trial of A, the statement of B, who is not a witness that he was the real criminal and that A is innocent would be rejected

for remoteness and want of connection apart from the danger of collusion and fabrication.

R vs. *Gray Ir. Cir. Rep. 76.*

(b) On a suit by A against B for the recovery of £ 5 lent to him, an entry made by A in his diary that B owed him £ 5 would be rejected for want of connection.

Storr vs. *Scott.* 6 c &P *241.*

(c) A as Agent of B, a Merchant residing abroad bought goods of C. At the time of purchase A did not inform C who was his principal ; but the invoices described the goods as"bought on account of B per A". C afterwards drew upon A for the amount. B after receiving advice for the purchase and of the acceptance of bills by A had made large remittances to A. But A had become insolvent in the meantime.

C sued B the principal.

C desired to give evidence of his account books for the purpose of showing that B had been throughout debited by him as principal.

Held that evidence was inadmissible.

Smyth vs. *Anderson. 7* C-b. *21.*

II. It is not every connected fact which is relevant. It is only facts connected **in a particular** respect which are relevant. The Evidence Act lays down in what way a particular fact must be connected with the fact in issue in order that it may be treated as a relevant fact.

6. 1. § Proof is allowed of Facts forming part of the same transaction comprised in the facts in issue.

Take Illus (a), (c) (d).

What is meant by transaction?

A transaction is a group of facts so connected that they go by a single name such as a **crime, contract, sale** etc.,

Anything connected with the crime or contract if the connection is open and visible i. e. **obvious** and **immediate** is part of the same transaction and is relevant.

What does transaction include?

A transaction not only includes acts done but also statement made in the course of the transaction.

Illus—

The cries of a woman when raped. The statement to be part of the same transaction must accompany the act.

What is meant by same transaction?

1. Same does not mean similar. Evidence of series of similar transactions irrelevant.

2. Same transaction does not mean transaction which has taken place at the same time and same place. It has nothing to do with simultaneity of occurrence as to time and place.

Illus—

Robbery may take place in January in one place, stolen goods may be entrusted with a receiver in another place in February and may be sold in March in a third place. All this would be parts of the same transaction.

3. Same transaction means one connected transaction— parts of the same piece.

Case Law. Cockles pp. 66-68. *53 Cal. 372.*

Principle. Such evidence is allowed because it makes things intelligible. It provides context.

2. § Proof is allowed of a Fact which shows occasion, cause, effect or opportunity for a fact in issue or for a relevant fact.

1. A man is accused of theft. If no money is found in his possession, probability is that he did not commit theft. Every cause has effect. If there was no effect no cause.

2. A man is accused of assault. —That there was a quarrel may be proved to show that there was occasion or cause.

3. A man is accused of poisoning his wife. —To show there was no opportunity for him to do so, it can be proved that the nurse was always present.

4. A is accused for murdering B. —To show there was cause for murder can be proved that B knew that A had married to C and that wanted hushmoney from A.

8. 3 § Proof is allowed of facts which show Motive, Preparation for any fact in issue or relevant fact.

Motive. Illus. (a) (b). No rational man acts without motive.

Preparation. Illus. (c) (d). No act can be done without preparation.

Case Law.

1. *61 Cal .54*—Motive-intention-Preparation-attempt-Act.

2. *R vs. Palmer*—Cockle P Killed Cook. Pecuniary embarrassment, his buying poison, attempting to avoid inquest.

3. R vs. *Lillyman* Cockle P. (1896) 2QB 167.

4. § Proof is allowed of a fact which shows the conduct of a party to any suit which has reference to such suit or which has reference to any fact in

issue or to any relevant fact. Similarly proof is allowed of a fact which shows the conduct of an accused if such conduct influences and is influenced by any fact in issue or by any relevant fact.

1. Conduct of persons generally.

Illus.— (d) The making of a will. Not long before the making of the will, the deceased made inquiries and drafts relevant.

Conduct of the Accused :

Illus.— (e) suborning witnesses. *Illus.*—(h) absconding. *Illus.*—(h) concealing things.

Explanation—

1. Conduct does not include statement unless the statement accompanies the conduct and explains the conduct.

2. If conduct is relevant then

a statement which affects the conduct is relevant if it was made to the person or in his presence and hearing.

Illus—

(g) Question is whether A owed B Rs. 10, 000. The A asked C to lend his money and D said in A's presence and hearing"I advise you not to trust A, for he owes Rs. 10,000"and A went away without making any answer is relevant.

Case Law.

Imp. 34 om. & R. 1087.

Imp. 7 All. 385 F. E.

Cockles-P. 75. Bright vs. foeBTatham.

5. § Proof is allowed of facts which are necessary to explain or introduce a fact in issue or a relevant fact.

Illustration—

(d) On an indictment for crime it was alleged that the Accused was absconding.

Evidence may be given to show that he had urgent business.

(f) A is tried for a riot to assault or overawe the Police Officer and is proved to have marched at the head of a mob. Evidence may be given of the cries of the mob to explain the nature of the transaction.

(b) On suit for libel—imputing disgraceful conduct. Evidence may be given of the position and relation of Parties at the time the libel was published as introductory to facts in issue.

Under this evidence may be given of:

(1) The identy of a person or thing whose identity is in question.

(2) Exact time and place at which a fact in issue or a relevant fact happened.

(3) of the relation of the parties to the fact in issue or relevant fact.

4. § Proof is allowed of facts showing the existence of any state of mind.

1. Under this, facts may be proved which shows intention, knowledge, good faith, negligence? ill-will or goodwill.

knowledge, Illus. (a) : good faith Illus. (f) : Intention, Illus. (e) (j) : III - will. Illus. (k).

2. Under this, evidence of previous conviction may be given. Illus. (b).

3. Limitations upon the use of the Section.

(1) The state of mind of which evidence is given is not general state of mind- general disposition -but a state of mind which has reference to the particular matter in question.

(2) The evidence of the previous commission of the offence must be to show his state of mind with regard to the particular matter in question and for no other purpose.

15. § Proof is allowed of facts to show that the act done was a part of a series of similar acts in order to show that the act in question was done intentionally and not accidentally.

Illustration— (a) (b)

1. Ordinarily the evidence of similar acts is not relevant because if a person has done one act, it does not follow that he must have done the particular act in question.

16. § Proof is allowed of facts showing the existence of a course of business according to which it naturally would have been one, if the question is a particular act was done or not.

Illus—-(a) (b). This shows probability.

Question is whether a particular letter reached A or not? The letter was posted and was not returned through the Dead Letter Office may be proved.

13. § EVIDENCE OF TRANSACTION AND INSTANCES IN PROOF OF RIGHTS AND CUSTOMS.

1. Scope of the word Right. (A) There are three kinds of rights.

Private—e. g. a private right of way.

General - A Right common to any considerable class of persons. E. G. the right of villagers of a particular village to use the water of a particular well. Sec. 48 Illus.

Public—This is not defined in the Act. Every public right in the sense of the previous definition of general right is a general one though (according to the distinction drawn by the English Law) every general right is not a public right.

The section applies to all rights whether they are Private, General, or

Public by reason of the word any.

(B) Does the section apply to all kinds of rights? This question arises because of the absence of the word every. There was once a conflict of decisions on this question. One view was that included all rights. The other view was that it included only incorporeal rights.

The view now held seems to be that the term includes all rights.

2. Scope of the word custom.

A custom is not limited to ancient custom but includes customs and usages. Usage would include what people are now or recently in habit of doing in a particular place. It may be that the particular habit is of a very recent origin or it may be existed for a very long time. If it is one which is ordinarily practised there is usage.

B. Custom may be

(i) (i) Private custom—Family custom.

(ii) (ii) General Custom—Custom common to a considerable class of people and may be

(a) (a) local

(b) (b) caste or class

(c) (c) Trade customs or usages.

(III) Public—Not defined.

C. The Section applies to all customs and to all usages.

3. The evidence to be given is to be evidence of a transaction or of instances in which the right or custom arose.

A. Meaning of transaction and instance

(1) Transaction—some business or dealing carried on between two or more persons.

(2) Instance—Case occuring—individual acting in a particular way.

B, Proof is not restricted to previous transactions in cases between the parties to the proceedings. The use of the word any shows that it need not be between the parties to the litigation. It may be between strangers or it may be between a party to the litigation and a stranger.

C. The word transaction and instance has given a deal of trouble and the question has been raised whether it includes a judgement decree and the litigation in which they were pronounced not being between the same parties (and not being of a public nature), as evidence of a transaction or instance.

The question was considered in the leading case *Gajju Lall vs.FattehLaL* 6Cal.l71.

III. Facts which arc consistent with facts in issue or with relevant facts or which makes a fact in issue or of a relevant fact highly probable.

1. The Section is no doubt expressed in terms so wide and so extensive that any fact which can by a chain of ratiocination be brought into connection with another so as to have a bearing upon a fact in issue or a relevant issue may possibly be held to be admissible.

2. That such an extensive meaning was not intended by the legislature is clear from the word ' highly '. The words ' highly probable ' point out that the connection between the facts in issue and the fact sought to be proved must be so mediate as to render the co-existence of the highly probable.— *6 Cal. 665 (662).*

3. To render a collateral fact admissible under this section, it must (a) be established by reasonably conclusive evidence and (b) when established afford a reasonable presumption or inference as to the matter in dispute.— *6Bom.L.R. 983.*

4. The terms of this section though very wide must be read subject to other sections of the Act.

Illus—

1. *Ramanujan* vs. *King Emperor. 58 Mad. 523 F. B.*

Ramanujan was charged for having murdered Seethammal. Facts given at p. 526.

There was no eye-witness to the murder. The prosecution tendered evidence of the following facts :

1. That Seethammal when she left her husband joined the prisoner taking with her some jewels and some silver vessels.
2. That Seethammal and the accused lived together at various addresses.
3. They were last seen in 24 Peddunaicken Street on the 11th January.
4. On the morning of the 12th, when the milkwoman went, the room was locked.
5. That on or about the 13th he pledged certain ornaments belonged to Seethammal.
6. That he purchased a mattress like the one in which the dead body was wrapped.

2. Long continued absence of demand to prove the payment of an alleged debt.

3. The resemblance of a child to the Defendant to prove paternity in a maintenance case.

II (2) § Facts which are inconsistent with facts in issue or relevant facts or which make them highly improbable.

Illustrations.

1. In an action for money lent, the poverty of the alleged lender is relevant as being inconsistent with the making of the loan.

2. That a witness or the accused was at another place is relevant as inconsistent with his alleged presence at the scene of the offence.

3. In a case involving the determination of the question whether the thumb impression is that of A or not. Evidence may be given of his thumb impression on another document if their dissimilarity makes the story of his thumb impression improbable.

52-55. § Proof of facts relating to character.

1. The rules regarding evidence of character fall into two classes.

I Those which relate to the character of witnesses.

II Those which relate to the character of parties.

Character of witnesses.

1. The character of a witness is always material as affecting his credit. The credibility of a witness is always in issue. For as witnesses are the media through which the Court is to come to its conclusion on the matters submitted to it, it is always most material and important to ascertain whether such media are trustworthy and as a test of this, questions, among others, touching character are allowed to be put to witnesses in the case— Sections 145-153.

§ Character of a Party.

1. In respect of the character of a party, distinctions must be drawn between Cases where the character of the party is in issue and Cases where it is not in issue.

Where the character of the party is in issue, there, proof of facts relating to character is allowed irrespective of the question whether the proceedings are civil or criminal. Sec. 52.

Illus—

(i) In a Civil Suit the issue is"whether the governess was competent, ladylike and good tempered while in her employer's service"witnesses can be allowed to assert or to deny her general competency, good manners and temper.

(ii) In a Criminal prosecution for conspiracy to carry on the business of common cheats witnesses can be allowed to assert or to deny the general character of the accused.

When such general character of a party is not in issue, proof of character is not permitted by Law. *Sec.* 52.

There are two exceptions to this rule under which evidence of character is allowed even the character is not in issue.

(i) In Civil proceedings, proof of facts relating to character is allowed if they affect amount of damages. *Sec. 55.*

(ii) In Criminal Cases.

(i) Proof of facts showing accused is of good character is always allowed. Sec. 53.

(ii) Proof of facts showing accused is of bad character is not allowed except in the following case :

Where accused has given evidence that he has a good character.

Reasons why this difference is made between civil and criminal proceedings is obvious.

(1) Bad character only creates prejudice against the accused. It does not prove the case against the accused. It is irrelevant unless the accused makes it a matter of issue by giving evidence of his good character, then of course evidence of bad character may be given.

(2) Good character strengthens the innocence of the accused and ought on humanitarian grounds to be permitted.

Two things are to be noted.

1. 1. What is included in the term character?

Sec. 55.

The word Character includes both reputation and disposition. This is a departure from English law under which character is confined to reputation only.

There is a distinction between reputation and disposition. Reputation means what is thought of a person by others, and is constituted by public opinion. It is the general credit which a man has obtained in that opinion.

Disposition comprehends the springs and motives of action, is permanent and settled and has regard to the whole frame and texture of the mind.

2. How to prove Character?

There are two ways of proving the character of a man. One way is to give evidence of general reputation and general disposition. The other way is to give evidence of particular acts which may then become the basis of inference for reputation and disposition.

55 Expl.

The Evidence Act permits evidence to be given only of general reputation and general disposition.

55 Expl.

There is only one exception to this under which evidence of previous conviction may be given as evidence of bad character.

Sec. 45-51.

§ Proof of opinions.

1. The use of witnesses is to inform the Court of the facts of the case. It is the duty of the Court to form its own opinion.

2. To show what the witness thought or believed would be objectionable on two grounds (1) It can show nothing at all and (2) it would be entrenching upon the province of the Judge.

3. The rule is that witness must state facts and not-opinions. A strict application would create two difficulties.

(1) What a third person (i. e. some one who is neither a plaintiff, a defendant nor a prisoner) thinks or believes about any matter in question is not material. If such a third person be called as a witness, he must, as a rule, only state facts; his personal opinion is not evidence. But what a party thinks or believes at the time he does a material act is often a matter in is sue both in Criminal and Civil proceedings.

Illus.— *Carter* -vs. *Boehin. Cockle p.*

Question was whether a policy of insurance was vitiated by the concealment of facts which had not been communicated to the under writers. A broker gave evidence of the materiality of the facts. He was asked whether he would have entered into the contract if these facts were disclosed. His answer that he would not have was held to be inadmissible as it was matter of opinion. But if the question had been asked to the party then his opinion would have been admissible.

(2) A strict application of the rule is bound to create difficulties. In cases where the Court is required to form an opinion, the Court may not be competent to form an opinion cases occur in which special experience or special training is necessary before a true opinion can be formed. In such cases therefore the opinion of those who have had special experience or special training must be laid before the tribunal to enable it to arrive at a correct decision.

(3) There are certain cases where it is naturally impossible for any witness to speak positively, cases where he must speak if at all, as to his opinion or belief, the matters to which he deposes being so essentially matters of opinion or else to complex or indefinite that the Court is compelled to accept his opinion for what it is worth. The former are cases involving questions of science, art, or skill which necessarily require the opinion of the expert. The latter class of cases are cases involving question of impressions which may be those of non-experts.

(5) The Evidence Act therefore makes the following exceptions to the general rule that the opinion of a witness is not admissible.

Sec. 45.

(1) The opinions of skilled or scientific witnesses (Experts) are admissible evidence to elucidate matters which are strictly of a professional or scientific character.

For instance. (i) Question of foreign law.
(ii) Question of Science or Art (working of a gun machine).
(iii) Question of as to identity of handwriting or finger impression.

Sec. 47.

(2) On questions of identification of a person by whom any document was written or signed, the opinion of the person acquainted with the handwriting of the person is relevant.

Sec. 48.

(3) Where the Court has to form an opinion as to the existence of any general custom or right, the opinion of persons likely to know of its existence is relevant.

Sec. 49. (4) When the Court has to form an opinion as to :

1. The usages and tenets of anybody of men or family.
2. The constitution and government of any religions or charitable foundation.
3. The meaning of words or terms used in particular districts or particular classes of people.

The opinions of persons having special means of knowledge thereon are relevant facts.

Sec. 50.

(5) When the Court has to form an opinion as to the relationship between two persons, the opinion of persons based on the conduct of parties and having special means of knowledge on the subject.

Illus— (a) (b)

Proviso. Such opinion shall not be sufficient to prove marriage under Indian Divorce Act or the prosecutions under sections 494, 495, 497, 498 of the I.P.C

Notes on Acts and Laws

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Notes on Acts and Laws

BURDEN OF PROOF

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Nature of Evidence Required for Proof
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REQUIREMENTS OF THE RULE OF BEST EVIDENCE.

(i) The rule of Best Evidence requires. (a) That if the Evidence is oral then it must be direct. (b) Exceptions.

(ii) The rule of Best Evidence requires that if the Evidence is documentary then.

(i) (i) It must be original.

(a)Exceptions.

(ii) it be exclusive.

(a) Exceptions.

§ The Rule of Best Evidence:

1. It is an incontrovertible proposition of law that the party who is to prove any fact must do it by the **best** evidence of which the nature of the case is capable.

2. This rule, really speaking, underlies the whole law of Evidence.

(i) It is because of this rule that the law requires as a condition precedent to the admissibility of Evidence that there should be an open and visible connection between the principal and evidentiary facts.

(ii) It is because of this rule that the law requires that Evidence in order to be receivable should come through proper instruments.

(iii) It is because of this rule that the law requires that the evidence to be admissible should be original and not derivative.

3. At one time the rule of Best Evidence was very strictly applied. But its application is now greatly relaxed and what were once objections to admissibility now went merely to sufficiency on weight.

4. But the rule still survives and is illustrated by the requirements of the law of evidence in respect of oral Evidence and documentary evidence.

§ Oral Evidence:

1. The rule of best Evidence requires that if the evidence is oral then it must be direct.

2. This rule is embodied in section 60 of the Evidence Act.

3. What is meant by Direct Evidence?

4. The answer that is commonly given is that oral evidence must not be hearsay evidence. This leads to the consideration of hearsay evidence.

The rule excluding Hearsay is subject to three main classes of Exceptions:

(i) Admissions and Confessions : Statements made in the presence of the party.

(ii) Statements made by persons since deceased. (iii) Statements made in

public Documents.

§ What is hearsay evidence:

1. Hearsay evidence has been defined in many different ways :

(i) All Evidence which does not derive its value solely from the credit given to the witness himself, but which rests also in part on the veracity and competence of some other person.

(ii) The statement as to the existence or non-existence of a fact which is being enquired into, made otherwise than by a witness whilst under examination in Court can be used as evidence.

2. Hearsay evidence is evidence reported by witnesses of statements made by non-witnesses.

§ Why hearsay evidence is excluded?

1. When A sworn in Court, details something which he did not see with his own eyes immediately but which he heard from B immediately he is not giving expression to the evidence of his own bodily senses, but is the medium merely of communicating that which save third unsworn person has said he saw. He is bringing evidence to birth, *obstetricante manu,* with the hand of a midwife; and is a mere channel or conduct pipe for communicating the information of a party not before the Court. A may most correctly and truthfully

report what has been related to him, but it is never the less apparent that the real truth of the original statement cannot under such circumstances be tested. The originator of the report is not subjected to an oath or to Cross Examination *Non Constat* but he may have spoken idly or jocularly ; and he would be unwilling to repeat on oath what he had not hesitated to narrate in ordinary conversation. *Non constat* that he might not have wilfully fabricated a story or been the dupe of some one still farther hid behind the scenes or that though perfectly veracious as to intention, he might have been the victim of his faulty impressions or unretentative memory ; and so have utterly broken down, if only exposed to the test of Cross Examination. Therefore the law determines that such evidence shall not be receivable ; that if it is important to the party calling A, to establish the facts which A has heard from B, B himself shall be produced, make his own statement in Court, be subjected to the two tests of oath and Cross Examination and the scarcely less terrible detector of inaccurate or fallacious evidence, the observation to which a Judge, experienced in forensic practice, and skilled in the knowledge of human nature, subjects the demeanour, the department, the manner, of every witness who comes before him.

§ Does the rule of Exclusion apply to all Hearsay Evidence?

1. Hearsay is the statement of a person who is not a witness in the Court and which is sought to be tendered as evidence through another person who comes as a witness.

2. The question is, does the rule of exclusion apply to all statements of a person who is not a witness in Court.

3. To understand, this question it is necessary to realise that a statement when tendered in evidence wears two different aspects. A statement is a fact and it is also the statement of a fact.

Illus--

When A gives Evidence that B said this or that

(i) (i) taken as a fact the question is did say so or did he Not

(ii) (ii) taken as a statement of a fact the question is is what said false or true.

4. The Evidence of a statement by a person who is not a witness may be given for two purposes :

(i) To prove that such a statement was made. (ii) To prove that a statement made is a true statement.

In its former aspect it is merely a fact in issue. In its latter aspect it is an assertion to prove the truth of the matter stated.

5. Whether a statement by a non-witness sought to be tendered in evidence and the admissibility is in question is tendered merely as a fact in issue or relevant fact and is tendered as an assertion to prove the truth of the matter, depends upon the purpose for which it is tendered. The test is the purpose.

6. The Rule of Exclusion of hearsay is stated in a narrow sense as well as in a wider sense. In its narrower sense, it is confined to unsworn statements used to prove the truth of the facts stated. In its wider sense, it is used to inched all statements by unsworn witnesses for whatever purposes tendered i. e. including statements used merely as facts.

The Rule adopted in the Evidence Act.

1. The Indian Evidence Act does not recognise the rule that"no statement as to the existence or non-existence of a fact which is being enquired into, made otherwise than by a witness whilst under examination in Court can be used as evidence"— Markby.

2. Under the Indian Evidence Act statements by nonwitnesses are admissible where the making of the statements not its accuracy is the material point.

3. Therefore

(i) Statements which are parts of the resgestee, whether as actually constituting a fact in issue or accompanying it (ss 5,8),

(ii) Statements amounting to acts of ownership, as leases, licenses and grants (Sec. 13),

(iii) Statements which corroborate or contradict the testimony of witness (ss. 155,157,158)

are admissible even though they are statements by non-witness.

4. The rule of the exclusion of hearsay applies only to statements made by non-witnesses which are used to prove the truth of the facts stated.

4. What are the exceptions to the rule?

1. Under the rule of evidence contained in the Evidence Act a statement made by a non-witness to prove the truth of the facts stated therein is inadmissible.

2. There are exceptions to this rule.

§ Exceptions contained in Section 32.

1. 1. When a person is dead or cannot be found or has become incapable of giving evidence or whose attendance cannot be procured without delay or expense, statements written or verbal made by such persons may be proved if the statements fall under any one of the 8 categories mentioned in Section 32.

(i) When it relates to the cause of his death (a)

(ii) When it is made in the course of business. *Illus* (b) (j)

(iii) When it is against the pecuniary or proprietary interest of the maker or which if true would have exposed him to criminal prosecution or suit for damages. *Illus* (e) (f)

(iv) When the statement gives his opinion as to public right or custom or matters of general interest provided such opinion was given before controversy had arisen. *(Illus)* (i)

(v) When it relates to the existence of relationship by blood, marriage or adoption and the person had special knowledge and was made before controversy.

(vi) When it relates to the existence of relationship between persons deceased and is made in any will or deed relating to family affairs, in a family pedigree, upon any tombstone, family portrait etc., and is made before controversy.

(vii) When it is contained in any deed, will or other document which relates to any transactions as is mentioned in Sec. 13, clause (a).

(viii) When it is made by a number of persons expressing feelings or impressions. Illus. V.

§ Exceptions contained in Section 33.

1. When a person is dead, or cannot be found, or is incapable of giving evidence or is kept out of the way by the adverse party or if his presence

cannot be obtained without unreasonable delay on expense then

the Evidence given by such a person as a witness in a former judicial proceeding or before any person authorised by law to take it,

can be tendered in a subsequent judicial proceedings or in a later stage of the same judicial proceedings to prove the truth of the facts which it states.

PROVIDED

(i) That the proceeding was between the same parties or their representative in interest

(ii) That the adverse party in the first proceeding had the right and opportunity to cross examine

(iii) That the questions in issue were substantially the same in the first as in the second proceeding, (Further portion not forthcoming—ed.)

35 § Entries in any book, register or record

1. Conditions of admissibility.

(i) Two classes of entries are contemplated by the section, (a) By public servants and (b) by persons other than public servants. If it is by a public servant then it must be in the discharge of his official duty. If it is by persons who are not public servants then the duty to make the entry must have been specially enjoined by the law. The former is as a matter of course. The latter is as a matter of special direction.

(ii) The book, register or record must be either public or an official one.

Official does not mean maintained for the use of the office. It means maintained by the State as distinguished from anything maintained by a private individual.

Public means for the use of the public. Public does not mean open to every one. It means open to every one having a concern to it. *18 Cal. 584.*

(iii) The Book, Register or Record may be in the book, register or record kept in any country not necessarily in India, provided it satisfied the conditions. An entry in a book, register or record of any foreign country can be proved.

Points to be noted.

(1) The entry is evidence ; though the person who made it is alive and is not called as a witness—For the proof of public and official documents see Sections 76-78.

(2) The Sections does not make the book, register or record evidence to show that a particular entry has not been made— *10 Cal. 1024; 25 All. 90.*

(3) The Section is not confined to the class of cases where the public officer has to enter in a register or other book some actual fact which

is known to him— *20 Cal. 940.*

(4) Although the entry must have been made by a public servant in the discharge of his official duty or in the performance of a duty specially enjoined by law, but it must not be such an entry which a public servant is not expected or permitted to make, or which from ignorance of his duties or caprice or otherwise, he may choose to make at the dictation of a person who had a personal knowledge of the truth of the facts stated in the entry. 25 *All.* 90. F.B.101.

2. It is not necessary that the entries must have been made up from day or (as in banks) from hour to hour as the transactions take place. Time when the entries are made is not essential. All that is necessary is that they must have been made regularly in the course of business. Delay in entry may affect its value but cannot affect its admissibility—-27 Cal. 118 (P.C.); 13 C. L. J. 139.

3. Although the actual entries in books of account regularly kept in the course of business are relevant, the book itself is not

relevant to disprove an alleged transaction by the absence of any entry concerning it. *10 Cal. 1024.*

NOTE : It may be admissible under Sec. 9 and 11—19 C. N. 1024.

For inference to be drawn from absence of entry. *30 Cal. 231 (247) P .C.*

4. The entry must be in some book, register or record. Entry does not include correspondence 7 *M.L.I. 117.*

Illus—

1. Entries in Birth and Death Registers.
2. Entries in Birth and Revenue Registers.
3.. Entries in Birth and Marriage Registers.

36 § Statements of fact in issue or relevant facts made in Maps, Plans and Charts.

I Conditions of admissibility.

The section refers to two classes of Maps and Plans.

(a) Those generally offered for public sale and

(b) Maps or Plans made under the authority of Government.

Reasons for the admissibility of (a)

The publication being accessible to the whole community and open to the criticism of all the probabilities are in favour of any inaccuracies being challenged or exposed.

Reasons for the admissibility of (b)

Being made and published under the authority of Government, they must be taken to have been made by and to be the result of the study or inquiries of competent persons.

37 § Statement made in a recital in any Act or in a notification of the Government appearing in the Gazette.

Reasons.

1. The Gazettes and Acts are admissible because they are made by the authorised agents of the public in the course of an official duty and published under the authority of the State and facts stated in them are of a public nature and notoriety.

2. As the facts stated in them are of a public nature, it would often be difficult to prove them by means of sworn witnesses.

1. Relevant only if the Court has to form an opinion as the existence of any fact of a public nature.

2. Public nature, (not explained—ed.)

3. The section draws no distinction between a public and private Act of Parliament. It merely requires that the fact recited in either case should be a public nature.

4. The recitals are not conclusive so far as the Evidence Act is concerned. However they may be expressly declared to be conclusive.

5. A recital is to be proved for showing the existence of a fact. It is no evidence that the particular person knows its existence. Knowledge of a fact although it be of a public nature is not to be conclusively inferred from a notification in the Gazette; it is a question of fact for the determination of the Court. It must be shown that the party affected by notice has probably read it.

38 S.

1. Statement of the law of any country in

(a) book purporting to be printed or published under the authority of the Government of such country and to contain any such law.

2. Report of a ruling of the Court of such country contained in a book supporting to be a report of such rulings.

This applies where the Court has to form an opinion as to a law of any country.

Particular instances of facts which are inconsistent with facts in issue or relevant facts or which make them highly improbable.

They are (1) Admissions (2) Confessions and (3) Judgements.

§ Admissions

Sec. 27.

1. Admission may be proved against the person who makes them or against his representative in interest.

2. Question is what is an admission? Before that certain points regarding the relevancy of admissions must be noted.

(1) Admission can be proved against a person. Admission in favour of a person cannot be proved by him. A plaintiff can prove an admission made by the Defendant if it is necessary for this case. A defendant can prove an admission made by the plaintiff if it is necessary for his case. But a plaintiff cannot prove an admission made by him however helpful it may be for his own case. Similarly a Defendant cannot give evidence of an admission made by him however hopeful it may be for his own case.

The reason is that a party cannot be allowed to create evidence in his own favour.

There are three exceptions to this rule under which a party is permitted to give evidence of an admission in his own favour.

(a) If the Admission is relevant under Sec. 32. (b) If the Admission relates to a state of mind or body made about the time and is accompanied by conduct. (c) If the admission is relevant otherwise than as an admission.

Illus: (d)and(e)

Sec. 23.

(2) Barring these three cases , an admission, if it is to be proved can be proved only against a party. But there is a case in which proof of an admission cannot be given. This is a case where admission was made on the express condition that proof of the admission shall not be given.

Sec. 31.

(3) Admissions are not conclusive proof of the matter admitted. An admission may become an estoppel if the elements necessary for estoppel exist in which case a party against whom it is sought to be proved cannot give evidence to disprove it or explain it away. But if it is not an estoppel, evidence can be given by the party against whom it is proved to disprove it or to explain it.

3. Admissions can only be proved against the party who made them but they can also be proved against his representative- interest.

Who is a representative-in-interest?

(i) (i) There is no definition of the term given in the Act.

(ii) (ii) It is held to be wider than the term Legal representative which according to the penal code means a person who represents in law the estate of a deceased person.

(iii) **(iii)** It not only includes a ' legal representative ' but also includes the **privies of a person.**

(iv) (iv) The privies of a person are :—

(i) (i) *Privies in blood,* such as ancestors and heirs.

(ii) (ii) *Privies in law,* such as executor of a testator

or administrator to an intestate.

(iii) *Privies in estate* or interest, such as Vendor and Purchaser, grantor and grantee, donor and donee, lessor or lessee.

So that an admission :

(1) made by the father can be proved against the son ;

(2) (1) made by the deceased against the executor or administrator ;

(3) (2) made by the Vendor against the Purchaser.

17-20 § What is an Admission.

1. 1. Admissions are (1) Formal or (2) Informal. (1) Formal admissions are :

(i) (i) Admissions contained in the pleadings.
(ii) (ii) Admissions in answers to interrogatories.
(iii) (iii) Admissions on notice to admit facts.
(iv) (iv) Admissions on notice to admit documents.
(v) (v) Admissions by Solicitors.
(vi) (vi) Admissions by Counsels.

(2) Informal Admissions are :

(i) (i) By Statements.
(ii) (ii) By Conduct—
(1) Act or Omission.
(2) Silence.
(3) Acquiescence.

4. Admissions the proof which is allowed by section 21 do not Formal Admissions. Section 21 deals with informal admissions only. But it does not deal with all the classes of informal admissions. It does not deal with informal admissions by conduct. It only deals with informal admissions contained in statements. It deals with assertions and not acts.

5. The definition of an admission as used in Section 21 is spread over sections 17-20.

An admission is a statement, oral or documentary, which suggests an Inference as to any fact in issue or relevant fact made by a person specified in Sections 18, 19, 20.

Two things are necessary.

The statement may not be directly touching the fact in issue or a relevant fact. It is enough if it suggests an inference of acknowledging the fact in issue or relevant fact.

Illus —

A sues X for damage done by K's cattle to A's crop and for the purpose of showing an admission on the part of X that his cattle had caused the

damage. X offers the testimony of B to the effect that X told that X had offered a certain sum to cover the damage.

This is a statement which can sustain the inference that X's admission that his cattle did do the damage.

IIIUS—

A sued *X* for the loss of his sheep alleging that *X'* s dog had killed them. As proof he adduced evidence that *X* had killed his dog at the time remarking that it will not kill any more sheep.

Is this an Admission?

II. It must have been made by persons specified in Sections 18-20.

1. Deference to sections 18-20 shows that the reasons specified fall into categories.

(1) Persons who are parties to the proceedings and

(2) Persons who are not parties to the proceedings-strangers.

Persons who are parties to the proceedings include :

(1) Parties.

(2) Agents of the parties.

(3) Persons jointly interested in the subject-matter of proceedings . e. g. partners, joint contractors.

(4) Persons from whom parties have derived their interest.

I. Strangers.

Where can a statement of a person who is a stranger and is not in any way related to a party to the proceedings mentioned in Section 18, be treated as an admission by a party.

Two cases. (1) Statement is that of a referee—Section 20.

II. When the liability or position of that stranger is subject-matter of the proceedings.

and

(2) When the statement of the stranger, be such as to amount to admission by him of his liability i. e. it must come within Section 17-18.

Illus. To the section —of liability. *Illus. 5 Mad. 239*—of position.

A and B are jointly liable for a sum of money to C who brings an action against *A* alone.

A objects that he cannot singly or severally be made liable and that *B* should be joined as a co-defendant being jointly liable.

An admission by B to *D* as to his joint liability is relevant between *A* and *C* and may be proved.

D may prove it although *B* is not called.

§ Confession

1. Evidence may be given of a confession provided it be not expressly

excluded whether made to a private person or to a Magistrate.

2. That a confession was made is a fact which must be proved like any other fact.

9 Mad. 224 (240).
5 Lah. 140.
4 All. 46 (94).
8 W. R. Cr. 28.

3. Two Questions arise :

I. What is a Confession.

II. What are the cases in which the Evidence of a Confession is excluded.

1. What is a Confession :

1. The Act contains no definition of the term Confession.

2. The definition of the term is therefore a matter of judicial interpretation.

3. A confession is a statement. An Admission is also a statement although the one is a statement by an accused while admission may be statement by a party. Two questions arise :

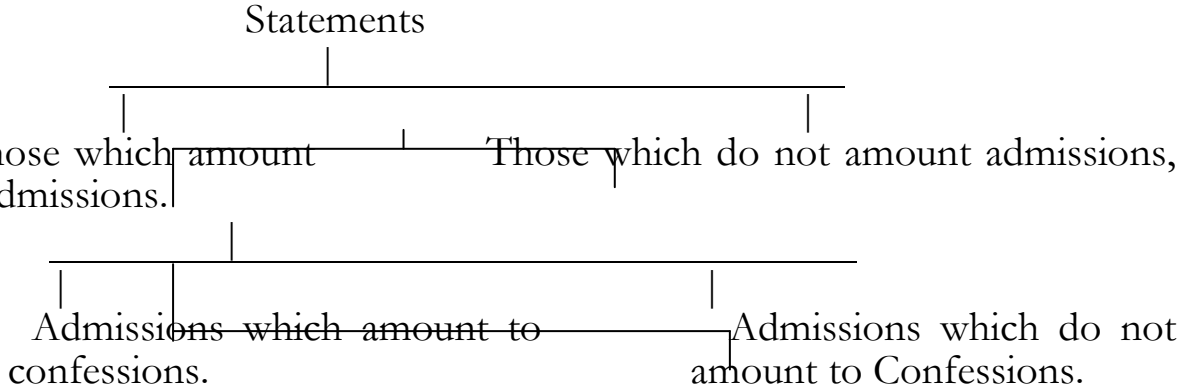
(1) What is the precise difference between Confession and Admission.

(2) When is a statement by the accused a Confession and when it is an admission.

1. Statements made by an Accused person belongs to a class which the Evidence Act calls"admissions"(sections 17,18) and. . .. .. they are evidence against the maker but not in his favour.

2. Confessions are a sub-species of"statements"and a species of admissions.

3. The following table illustrates the relationship.



4. The common feature of confessions and admissions is that they are both of them are **statements** made by the party to the proceedings.

5. Two questions arise.

1. A statement is an admission even though it is not made by the party himself. If it is made by a person defined in Sections 18-20 it will be an admission. Can a statement rank as a confession if it is made not by the Accused himself but by persons specified in Sections 18-20.

1. To be a Confession, it must be by the Accused himself. If it is not by the accused it is not a Confession :

1. An exculpatory statement by the Accused is not a Confession.

2. An inculpatory statement by the Accused which involves him but does not incriminate him is not Confession.

3. An inculpatory statement which not only involves but also incriminates is a Confession.

Points to be noted.

1. The incrimination may be direct or may be by inference. A statement which can by itself be the foundation of conviction is a confession.

2. The statement may be intended by the accused to be self-exculpatory but it may nevertheless be an admission of an incriminating circumstance in which case it will amount to a Confession. *6 Bom. 34.*

§ Two sorts of Confessions.

1. Confessions are either Judicial or Extra Judicial.

(i) Judicial Confessions are those which are made before a Magistrate or in Court in the due course of legal Proceedings. (ii) Extra Judicial Confessions are those which are made by the party elsewhere than before a Magistrate or in Court.

§ What are the cases in which Evidence of Confession excluded

1. The Evidence Act has considered three possible cases : (i) Confession is made to a Police Officer. (ii) Confession is made while in the custody of the Police. (iii) Confession which is made to a person who is not a Police Officer and which is not made while in the custody of the Police.

With regard to (i)

It is excluded by Section 25. With regard to (ii)

It is excluded by Section 25, 26. Exception.

Effect of Sec. 27.

6All. 509(F.B.)

Question. Is Section 27 an exception only to Section 26 and not to section 25?

or

Is it an exception to both?

57Cal. 1062.

With regard to (iii)

The matter is governed by Section 24. **Explanation.**

1. Person in authority.

2. Appears.

Points to note:

1. Sec. 28 Confession after..... ..... is removed.
2. Sec. 29

Queries.

1. Does Sec. 24 apply to statements made by the Accused under Sec. 287 Cr. P. C. before the Committing Magistrate.

Q. Not settled. *17 Bom. L.R. 1059.*

II. Does Sec. 24 apply to statement of an Approver under pardon under Sec. 339 (2) Cr. P. C. (22 *Bom. L. R. 1247).*

§ Use of Confessions.

1. Statement made by an Accused person binds him only so because of two reasons.

(i) The general rule of law is that an Admission made by one person could prejudicially affect another person.

(ii) The statement made by an accused person is not on oath.

(iii) The statement is not subject to cross-Examination.

2. But if the statement is a Confession which affects both himself and another person, then Section 30 says the Court may take into consideration the confession made by the Accused against other persons mentioned in the Confession.

3. Section 30 is therefore an exception to the general rule. The reason for this exception is the fact of self- implication which is said to take the place as it were of the sanction of an oath or is rather supposed to serve as same guarantee for the truth of the accusation against the other.

4. With regard to the use of the confession of one Accused against another accused, the important words are"**Court may take into consideration**". This means,

(1) That the use is not obligatory. It is permissive and discretionary. Court is permitted to use it. Court is not bound to use it.

(2) Court may Consider it. The word consider is significant.

(1)A statement made by a witness is"evidence", according to the definition of that term. A confession by an accused person affecting himself and his co-accused is not"evidence"in that special sense. It is in the sense that it is a matter before the Court which it may consider. The question is while allowing it to be so considered, does it do away with the

necessity of other evidence? There is no direct answer given in the Evidence Act. But all the Courts have held that it does not do away with the necessity of other evidence. The reasons are:

(1) Confession is never a complete guarantee of its truth against the other persons whom it involves. A confession may be true so far as it implicates the maker but may be false and concocted through malice and revenge so far as it affects others.

(2) Confession cannot be placed above the testimony of an accomplice because the latter is subject to Cross Examination while the former is not and if testimony of an accomplice requires corroboration a confession must.

Conclusion. If there is (a) absolutely no other evidence in the case, or (b) the other evidence is inadmissible such a Confession alone will not sustain a Conviction. There must be corroboration.

When persons are accused of an offence of the same definition, arising out of a single transaction, the Confession of one may be used against the other, though it inculcates himself through acts separable from those ascribed, to his accomplice, and capable, therefore of constituting a separate offence from that of the accomplice.

8 Bom. 223.:7 Mad. 579 Abatement—Same offence

1. Importance of the words made and proved. Does the section include statement made by one accused at the trial which incriminates himself and implicates a co-accused?

The answer is that it does not.

The Section is not to be read as though the words**"at the trial**"were inserted after"made"and the word"recorded"substituted for"proved". *(1890) 14 Mo. Jur. N. S. 516.*

The Section does not refer to the statements made at the trial. It refers to statements **made before** and proved at the trial. The use of the term proving a Confession is inapplicable to the procedure where the Judge asks questions and the accused gives explanation. *45 All. 323.*

2. Importance of**"Jointly tried**".

In this connection two important questions arise—When one Accused confesses and in his confession implicates a co-accused and pleads guilty.

(i) In such a case can he be treated as being jointly tried with the rest, as to let in his confession under this section against co-accused?

(2) In such a case can an Accused who pleads quilty be called as a witness against those who do not plead guilty?

Q. 1. His Evidence cannot be taken into consideration because he ceases to be jointly tried. 5 *Bom. 63; 7 Mad. 102; 19 Bom. 195.*

Although it is open to the court to continue the trial without convicting the Accused who pleaded guilty, yet it is unfair to defer convicting them merely in order that their confessions may be considered against the other accused. *23 All. 53.*

Q. II. This depends upon the definition of the word accused : When does an accused person cease to be an accused person?

Until an Accused person who has pleaded guilty is convicted or acquitted, he is still an accused person and is therefore not a competent witness against the co-accused. *13 C. W. N. 552.* Until an Accused person who has pleaded guilty is convicted and **sentenced,** he is still an Accused person and is therefore not a competent witness against the coaccused. *3 Bom. L. R.*

Summary.

1. When a person pleads guilty—he ceases to be jointly tried but he does not cease to be accused person. So that on plea of guilty his confession cannot be taken into consideration against other accused because they are not co-accused jointly tried : nor can he be called as a witness because he continues to be an accused until sentenced.

2. When a person pleads guilty and he is jointly tried and ceases to be an accused person, his Confession cannot be used but he becomes a competent witness.

Relevancy of Judgements. *Sec. 40*

Where the question is whether a Court ought to take cognisance of a suit or to hold such trial.

The existence of a judgement order or decree which **prevents** any Court from taking cognisance of a suit or holding a trial is relevant fact.

Comment.

1. The law by which a prior judgement order or decree prevents a civil court from taking cognisance of a suit is contained in the Civil Procedure Code and the law by which a prior judgement prevents a criminal Court from holding a trial, is contained in the Cr. P. C.

2. The relevant Sections of the C. P. C.are 11-14. Provisions summarised in Field p. 260.

3. The relevant Section of Cr. P. C. is section 434.

4. Under Section 40 a Judgement is relevant if its effect is to conclude the court.

5. Such a judgement must be just between the **same** parties and on the same issues.

6. A Judgement *inter panes* does not bind a stranger. The principle underlying the rule is that no man ought to be bound by proceedings to

which he was a stranger and over which he had no control.

Exception to the Rule

(I) Sec. *41*. enacts an exception to the rule, under it. A final Judgement of a competent court in the exercise of

(i) Probate |
(ii) Matrimonial | Jurisdiction
(iii)Admirality |
(iv) Insolvency.

which confers or takes away a legal character or which declares any person to be entitled to any specific thing is admissible.

Comment:

1. This means that a judgement infer parties is admissible in a proceedings between persons who were not parties to that proceedings.

2. This section deals with what are called judgements *in rem* without using that expression. All judgements are *inter panes*. But some *inter partes* judgements are judgements *inper-sonam* and some are judgements in *rem*. Both are *inter partes*. Instead of defining judgements *in rem*—the section enumerates them.

3. The result is that every judgement which gives or takes away a character is not admissible. It is only judgements given in the exercise of particular kind of jurisdiction which is admissible.

Illus. Adoption is not admissible as between strangers.

It is a Judgement which confers a statics. But it is not admissible because it is not under any of the jurisdiction mentioned.

(II) **Exception.** *Sec .42.*

Judgement in *personam* is relevant as between strangers if the judgement relates to a subjects of a public nature.

Subjects of a public nature.

(1) Customs.
(2) Prescriptions.
(3) Tolls.
(4) Boundaries.
(5) Rights of Ferry.
(6) Sea Walls etc.

(Ill) **Exception Sec. 43.** Under this section Judgements *in personam* are admissible as between strangers under two circumstances

(i) Where the existence of such judgement is a fact in issue. (ii) Where the Judgement is relevant under some other provision of the Evidence Act.

Comment:

1. 1. The first circumstance is easy to conceive.

Illus.

(1) A sued B for slander in saying that he had been convicted of forgery. *B* justified it upon the ground that it was true.

The conviction of A forgery would be a fact in issue and a judgement supporting his conviction would be admissible also. *B* was not a party to that judgement.

(2) A Judgement against a surety obtained by the creditor will be admissible in a suit by the surety against the principal debtor although the principal debtor was not a party to it.

(3) Upon a trial for intentionally giving false Evidence in a Judicial proceedings the record will be evidence that there was a Judicial proceedings.

2. It is the second circumstance which has created difficulty. What are the sections under which a judgement is likely to be relevant?

Under sec. 7—Show cause, occasion. Under sec. 8—Motive conduct. Under sec. 9—Facts necessary to explain relevant facts. Under sec. 11—Facts inconsistent. Under sec. 13—Transaction.

3. Two Questions.

I. Is a Judgement a fact.

II. Is a Judgement a transaction. *6. Cal. 171 F. B.*

4. Comment on 6 Cal. 171. that it is a fact. p. 181.

Fact: (1) Anything state of things, or relation of things capable of being perceived by the senses.

(2) Any mental condition of which any person is conscious.

II Documentary Evidence.

1. The subject to be dealt with is the proof of the statements made in a document i. e. proof of the contents of a document. Oral Evidence deals with the proof of the statements made verbally by a party.

2. What are the requirements of the Rule of Best Evidence with regard to the proof of the contents of a Document? There

are two requirements'—

(i) In certain cases the Evidence must be documentary and not oral.

(ii) In those cases where the Evidence must be documentary that evidence must be primary.

§ Cases where Evidence must be documentary

1. Many matters are reduced to writing. But because they are reduced to writing, the Law does not require that every such case they shall *be proved only* by the production of the document. Some may be proved by oral Evidence and others must be proved by documentary Evidence.

2. For this purpose it is necessary to note that the Indian Evidence Act makes two distinctions—

(1) between documents which are **dispositive** in character and documents which are non-dispositive in character and

(2) between transactions which are required by law to be in writing and those which are not.

3. Dispositive and non-dispositive. Dispositive means transactions in which parties dispose of their rights, such as a Contract, grant etc., Non-dispositive means transactions in which no disposition of rights is involved.

4. The rule embodied in the Evidence Act is twofold :

(i) When a document is a dispositive document and when the matter is such that the law requires it to be reduced to writing no evidence shall be given in proof of the matter except the document. In other words oral Evidence in such cases cannot be substituted for documentary Evidence. But if the document is of a non-dispositive character or if it is one which is not required by law to be reduced to writing then although the transaction may have been reduced to writing yet oral evidence may be given in proof of the transaction.

(ii) If the transaction is a dispositive transaction or is one which is required by law to be in writing then not only oral Evidence cannot be substituted for the documentary Evidence but oral evidence cannot be admitted to contradict, modify or vary the terms of the document.

5. This rule is contained in Sections 91-92.

§ Exceptions to the Rule contained in Secs. 91-92.

1. There are exceptions to this rule. They fall into classes. They must be kept separate. One class deals with cases where the question is whether oral evidence may be substituted for documentary Evidence. The second deals with cases where the question is whether oral evidence may be admitted not to substitute but to modify documentary evidence where the rule requires that the Evidence shall be documentary.

§ Exceptions which permit substitution of oral Evidence for documentary Evidence.

1. They are contained in Section 91 and cover the following cases:

(i) Appointment of a Public Officer. (ii) Will may be proved by the probate.

§ Exceptions which permit oral Evidence to be given to modify the terms of the document.

1. They are contained in Sec. 92 and cover the following cases.

2. The first thing to note is that such evidence can always be given by persons who were not parties to the document or who are not representatives in interest of the parties to the document.

3. The cases in which parties to the document or their representatives in interest can give oral Evidence are as follows :— (i) Fact which would invalidate a document e. g. fraud, want of capacity.

(ii) Fact on which document is silent and which is not inconsistent with its terms. (iii) Condition precedent. (iv) Subsequent oral agreement. (v) Usage or custom by which incidents are attached to contracts. (Bakers dozen). Provided it is not inconsistent. (vi) Fact showing how the language is related to existing facts.

§ Cases where oral Evidence may be admitted to Explain documentary Evidence.

There are two propositions of law which arise out of the first rule of Best Evidence relating to Documentary Evidence.

1: Where the transaction embodied in a document is of a nondispositive character or is one not required by law to be in writing the fact of the transaction may be proved by oral Evidence.

2. Where it is dispositive or required by Law to be in writing then oral evidence not only given to prove the transaction but it cannot be given to contradict, modify or amend the terms of the transaction as embodied in the document.

3. One question however remains. Can oral Evidence be given to explain documentary Evidence? This is a distinct question and must be separated from the question whether evidence can be given to modify contract etc. the terms of the documentary evidence.

4. This question is dealt with in Sections 93-100.

5. In dealing with documentary Evidence disputes may arise on three counts:

(i) Disputes regarding applicability or non-applicability of the language of the document to existing facts.

(ii) Disputes regarding the meaning of the documents where the language used is ambiguous or defective.

(iii) Disputes regarding the meaning of the words used in the document.

1. Under I there are three possible cases of disputes.

(1) Where language applies accurately to facts and the contention is that it was not meant to apply— Evidence may not be given in support of the contention to show that it was not meant to apply to the existing facts to

which they do apply—Sec. 94.

(2) Where language applies to one of the existing facts but not to all of them— and the contention is that it applies to one specified fact— Evidence may be given in support of the contention to show to which particular fact it was intended to apply.—Sec. 95.

(3) Where language applies partly to one set of facts and partly to another set of facts and whole does not apply correctly to either and the contention is that it applies to one set and not to the other—Evidence may be given in support of the contention to show to which of the two it was meant to apply—Sec. 97.

1. Under the second Head of Disputes there are two possible cases:

(i) Where language is ambiguous or defective and the contention is that the parties meant a particular thing— Evidence may not be given in support of the contention to show its meaning or to supply its defects— Sec. 93.

(ii) Where the language is plain in itself but is unmeaning in reference to existing facts and the contention is that it was meant to indicate a particular thing—Evidence may be given in support of the contention to show what was meant —Sec. 95.

. Under the third head of disputes there arises the following case— (i) ... (Space left blank in M.S.—ed.)

Difference between latent ambiguity and patent Ambiguity. II How to prove the contents of a Document?

1. What are the requirements of the Rule of Best Evidence with regard to the proof of the Contents of a Document?

2. There are two requirements in this respect as laid down in the Evidence Act.

(i) The contents of a document must be proved by Primary Evidence.

(iii) (iii) The document must be proved to be genuine.

§ What is meant by Primary Evidence?

Sec. 62.

(1) Primary Evidence means the document itself produced for the inspection of the Court.

Explanation (Space left blank in M. S.—ed.)

§ How to prove that the document is genuine?

1. For the purpose of proving their genuineness the Evidence divides documents into two classes (1) Public Documents and (2) Private Documents.

2. Public Document is defined in Sec. 74.

3. Section 75 declares that any document which is not a public document

is a private document.

4. The rules for proving the genuineness of a document differs according as the document is a public document or a private document.

5. The mode of proving the genuineness of a public document is stated in Sections 76-78.

6. The mode of proving the genuineness of a private document is stated in Sections 67-75.

7. Private documents must generally be proved by the production of the original coupled with the evidence of the **handwriting, signature or execution** as the case may be. **Exception**— will may be proved by probate.

8. The genuineness of public documents may be proved either by the production of certified copies under Section 77 or if they be documents of the kind mentioned in Section 78 the various modes prescribed in that section.

9. With regard to the burden of the genuineness of a document whether it is public or private, the Evidence Act enacts certain presumptions which are contained in Sections 79-90 although they are not conclusive presumptions.

10. These presumptions fall into classes :

(1) Those in which the Court shall presume. 79-85 and 89.

(2) Those in which the Court may presume. 86-88 and 90.

§ When is Primary Evidence dispensed with?

(Space left blank in M. S.—ed.)

§ How are the Contents of a document proved where Primary Evidence is dispensed with?

1. By Secondary Evidence.

(Space left blank in M.S.—ed.)

§ What is Secondary Evidence?

(Space left blank in M. S.—ed.)

BURDEN OF PROOF

1. The law requires the person on whom the burden of evidence is placed to discharge the burden.

2. In discharging this Burden of Proof the following considerations must be borne in mind :—

(i) There are matters of which Proof is not required. (ii) There are matters of which Proof is not allowed.

3. Under (i) his burden is lightened while under (ii) his burden is increased.

BURDEN OF PROOF

(i) Matters of which Proof is not required by Law

1. Matters of which Proof is *not* required by Law fall under three heads: (a) Matters which are judicially noticed. (b) Matters which are admitted by parties. (c) Matters the existence of which is presumed by Law.

§ Matters which are judicially noticed

1. Sections 56 and 57 deal with facts which are judicially noticed. Section 57 enumerates 13 matters of which judicial notice must be taken.

Section 56 says that no fact of which the Court will take judicial notice need be proved by evidence. Parties are relieved from the burden of adducing evidence to prove a fact which falls under any one of the matters falling under Section 57 of which judicial notice must be taken.

2. *The principle underlying the Sections.*— Certain matters are so notorious and are so clearly established that it would be useless to insist that they should be proved by evidence.

Illus.

1. The commencement and continuance of hostilities.
2. The Geographical Divisions of the Country.

These facts are so notorious that proof of them by evidence is superfluous.

2. 2. Matters enumerated in Section 57.

(i) RULES HAVING THE FORCE OF LAW.

Many Acts contain a Section empowering the Local Government to make rules for carrying into effect the provisions of the Act and declaring that such rules shall have the force of Law e. g. Rules made under the Government of India Act. Such rules fall within the purview of this section.

2. Distinction must be drawn between rule having the force of law and custom which is the source of Law. A large part of Hindu Law is based on custom. But the Court will not take judicial notice of a custom. The party who relies on a custom must prove the existence of the custom. When the party has proved the existence of the custom the Court will give effect to it only if it comes to the conclusion that it is a valid custom.

3. It is true that there are some customs for the proof of which the Court does not require Evidence. But that is not because the Court is bound to take judicial notice. The Court does not require formal proof because by the rule of precedent, the Court is bound to uphold a custom, the existence and validity of which has been recognised in an earlier decision by a Court to which it is Subordinate.

(ii) STATUTES. The statutes passed by Parliament are either general or special.

A General Statute is universal in its application and extends to all persons and to all territories.

A Special Statute is either local or personal and operates upon particular persons and private concerns.

2. All Acts of Parliament are to be presumed to be public unless the contrary be declared therein - Section 13 of 14 Vict. c. 21.

3. Judicial notice *must* be taken of all public Acts. Court is not bound to take judicial notice of a Private Act unless the particular Private Act contains a direction to the Court to take judicial notice. If it does not contain such a direction, the party must prove that a Private Act relied upon is an Act of Parliament.

(iii) INDIAN ARTICLES OF WAR.

These are rules of discipline for Native Officers, soldiers and other persons in His Majesty ' s Indian Army. They are contained in the Indian Army Act of 1911.

(iv) COURSE OF PROCEEDINGS OF PARLIAMENT AND COUNCIL.

1. Course of Proceedings must be distinguished from proceedings themselves.

2. The Court will take judicial notice of the course of proceedings and not of the proceedings.

Foreign State

Court will take judicial notice whether a foreign State is recognised or not by His Majesty or by the Governor-General in Council.

State of War

The existence of a State of War between foreign States will not be taken judicial notice of.

Rules of the Road on Land or Sea

Effect of the last para.

1. Court can refuse to take judicial notice under certain circumstances of matters of which they are bound to take judicial notice.

2. Party is bound to produce the necessary material to enable the Court to take judicial notice.

Illus.

Gazette must be produced if the party wishes the Court to take judicial notice of a Proclamation.

Mode of Proof

1. The general rule regarding mode of proof may be stated thus:

The law requires evidence to be given by a person— (i) Who is present in the Court. (ii) Who is legally competent as a witness. (iii) Upon oath or affirmation. (iv) In regular course of Examination. (v) Subject to contradiction as to facts. (vi) Subject to discredit as to veracity.

1. PRESENCE IN COURT.

1. It is a duty of the citizens to appear and testify to such facts within their knowledge as may be necessary to the due administration of justice. It is a duty which has been recognised and enforced by the Common Law from an early period.

2. The right to compel the attendance of witnesses was incidental to the jurisdiction of the Common Law Court, and the statutes have conferred this power upon other officers such as Arbitrators. Every Court having power definitely to hear and determine any suit, has by the Common Law, inherent power to call for all adequate proof of the facts in controversy and to that end, to summon and compel the attendance of witnesses before it.

3. The wilful neglect to attend and to testify after proper and reasonable service of the *subpoena* and in civil cases, after payment or tender of the witnesses fee of waiver of payment is a contempt of Court.

4. The process to compel attendance of witnesses to give testimony or to produce documents is not provided for in the Evidence Act. It is provided for in the Civil and Criminal Procedure Codes.

3. 1. The following matters are in the Country provided for by the Civil and Criminal Procedure Codes.

(i) Summoning of witnesses :

Civil Pro. C. 0. XII

Cr. Proc. C. 68-74 (Summons)
90-93 (Other rules regarding Process)

328 328 (Summons on Juror or Assessor)
244 244 (Issue of Process in Summons Cases)
254 („ „ Warrant cases)
256 ( )
257 ( )
540 (Power to summons material witness on Examine person present)

(iii) (iii) Production of documents and other things:

Civil P. C. 0. XI, XVI.

Cr. P. C. 94,95 (Summons to produce documents or other thing)
96-99 (Search warrants)

485 (Consequences of refusal to produce)

(iii) Expenses of the witnesses :

Civil P. C. 0. XVI. R. 2-4

Cr. P. C. 244, 257.

(iv) The freedom of complainants and witnesses in criminal cases from police restraints.

Cr. P. C. 171.

(v) Recognisance for the attendance of complainants and witnesses in Criminal proceedings.

Cr. P. C. 217, 170.

NOTE.— Not provided for in Civil cases.

(vi) Exemption of witnesses from arrest under Civil process. Civil Pro. Code S. 135.

NOTE.—There is no protection given against Criminal process.

6. Not only is there provision for summoning a witness, there are provisions for compelling his attendance.

(1) Non-attendance in obedience to a Summons is made an offence by Section 174, 175,1. P. C.

(2) Non-attendance in obedience to a summons may be followed by *Warrant of arrests* under Sections 75-86 and by Proclamation and Attachment under Sections 87-89 of the Cr. P. C.

(3)Non-attendance may further render a witness liable to a Civil action for damages under Section 26 of Act XIX of 1853 (in force in Bengal) and under Section 10 of Act X of 1855 (in force in Bombay and Madras).

24W.R.72.

7. Although the law requires persons summoned as witnesses *to attend inperson,* the law also excuses non-attendance in certain cases.

(i) By reason of non-residence within certain limits.

Civil P. C. 0. XVI R. 19. (ii) By reason of the witness being a *purdanashin* lady.

Civil P. C. Section 132.

(iii) By reason of the witness being a person of Rank. Civil P. C. Section 133.

§ The witness must be competent to give evidence

1. The question of competency of a person may be considered from two points of view.

(1) From the point of view of his intellectual capacity.

(2) From the standpoint of his veracity.

1. COMPETENCY FROM THE STANDPOINT OF

INTELLECTUAL CAPACITY.

1. Section 118 deals with the question of competency from the standpoint of intellectual capacity.

2. The rule enacted in Section 118 is a rule which recognises the power of understanding as the *only* test of competency.

3. As every normal person has the intellectual capacity to understand things and to grasp their importance. Section 118 declares *that all persons* are competent to testify unless they suffer from want of understanding.

4. The law of competency is therefore practically the law of incompetency. A person is a competent witness who is not incompetent.

5. Incompetency therefore means want of understanding. This want of understanding may arise from

(i)	(i)	Tender years.
(ii)	(ii)	Extreme old age.
(iii)	(iii)	Disease whether of body or mind.
(iv)	(iv)	Any other cause of the same kind.

6. *Comment.* (i) *Tender year or* (ii) *Extreme old age*— is not defined.

A boy of 7 may not be incompetent but 12 may be, if the former has an understanding which the latter has not. A man of 60 may be incompetent and a man of 80 may not be.

The test is not the age. The test is the Existence or non-Existence of understanding.

(iii) *Disease of the body*

A witness may be in such extreme pain as to be unable to understand or if able to understand to answer questions. He may be unconscious, as if in a fainting fit, catalepsy or the like. Here again it is a question of fact whether in any particular case the disease of the body is such as to deprive a person of his power of understanding.

(iii) *Disease of the mind*

1. This contemplates the case of an idiot and a lunatic, both suffer from the disease of the mind.

2. An idiot is one who is born irrational, without the reasoning faculty. A lunatic is one who is born rational, has subsequently become irrational and lost his reasoning faculty.

3. A lunatic is either a *monomaniac* or is a maniac for the time being. That being so, a lunatic is not incompetent merely because he is a lunatic. Lunacy does not mean complete annihilation of understanding. If it is general lunacy, he may be lucid at intervals. If he is a monomaniac, his understanding about other matters may be clear.

Illus. of partial lunacy.

(1) Murder discussion in Lunatic Asylum.

(2) Interview by a person with his lunatic friend in the asylum and his remark about time.

Illus. of Monomaniac,

(1) R. V. Hill—Hill was tried for murder. Donelly witness— lunatic— suffered from the delusion that he had 20000 spirits about him which were continually talking to him.

That being so a lunatic can be a competent witness. This is recognised in the Explanation. (iv) *Any other cause.*

This means any other cause depriving a person of his power of understanding, e. g. *drunkenness.*

Some of these disabilities are coextensive with the cause, therefore, when the cause is removed the witness becomes competent.

e.g. When pain ceases
drunkenness ceases
Lunacy ceases

Whether there is understanding or not in the witness, is a matter which is determined by the Court by questioning the witness.

§ Accused as a witness

1. While all persons who have understanding are competent as witnesses, there is one exception to the rule. That is, an accused person cannot be examined as a witness in a criminal case in which he is being tried.

There is a case of the disease of the body which does not affect the mind of the understanding. Dumbness is such a disease.

Section 119 deals with the case of such a witness. The Section does not declare him to be incompetent. On the other hand, it treats him as a competent, and permits him to give evidence in any manner by *writing* or by *signs* made in open Court.

§ Competency from the standpoint of the veracity of the witness

1. The motives, which prevent a person from telling the truth, are more numerous in judicial proceedings than in ordinary affairs of life because of the fact that, result of a judicial proceeding cannot be flouted and are binding in a more absolute manner than other informal proceedings of a Panch are. Consequently the law at one time rendered many people intellectually competent incompetent to give evidence in a cause.

2. Formerly, therefore, not only mental incapacity was a good ground for incompetency but *interest* was also a ground for incompetency. Reason was that, an interested person would not tell the truth. Consequently, at one

time, the following persons were deemed incompetent.

1. Parties to the suit.
2. Husband and wife against each other.
3. Accused against himself.
4. An Accomplice.

3. This view of the law is now changed and the principle has undergone a change. Question of competency or incompetency has been converted into a question of credibility or incredibility. So that every son is rendered competent to give evidence but it is left to the Court to believe him or disbelieve him.

4. This new principle is embodied in Sections 120 and 133.

§ Section 120

I. CIVIL PROCEEDINGS (i) The parties to the suit are competent witnesses.

(ii) The husband and wife of any party to the suit are competent witnesses.

II. CRIMINAL PROCEEDINGS

1. The husband or wife of the accused is a competent witness either for or against.

§ Section 133

1. This section deals with the competency of an accomplice. The evidence of an Accomplice is held untrustworthy for three reasons:

(i) because an accomplice is likely to swear falsely in order to shift the guilt from himself.

(ii) because an accomplice as participator in crime, and an immoral person, is likely to disregard the sanction of the oath.

(iii) because he gives his evidence under a promise or hope of not being prosecuted, if he discloses all he knows against his participators in the crime.

2. But his evidence has to be admitted from necessity, it being often impossible without having recourse to such evidence to bring the principal offenders to justice.

§ Difference between the value of Evidence of Accomplices and other persons

1. Persons other than accomplices are not only competent but are also credible. An Accomplice on the other hand is only competent but is not credible.

2. Witnesses may be incredible in the eye of the Judge. But they are not incredible in the eye of the law. An Accomplice has a statutory incredibility attached to him by the law.

3. This statutory incredibility arises from illustration (b) to Section 114 of the Evidence Act. The presumption is sanctioned by the Act and although it is rebuttable, it would be an error of law not to disregard.

4. For attaching this statutory incredibility, it would be necessary to determine whether the witness is an Accomplice. The term is not defined.

(i) An Accomplice is a person who is concerned with another or others in the commission of a crime. He is a participant. But it is not every participation in a crime which makes an accomplice. Much depends on the nature of the offence and the extent of the complicity of the witness in it. 5 *W. R. Cr. 59.*

(iii) *(iii)* An Accomplice is a person who is a guilty associate in crime or who sustains such a relation to the criminal act, that he can be justly indicted with the Accused who is being tried. *27 Mad. 271.*

§ Effect of Sections 120 and 133

1. The sections enumerate certain persons as being competent to give evidence. Question is, Are other persons not competent? The sections are not to be understood to mean that these are the only persons who are competent and others are not. The effect of the sections is that all persons are competent including those mentioned in Sections 120 and 133.

2. The reason why it was necessary to specifically deal with these classes is, because under the earlier law they were incompetent. The ban against them had to be lifted and therefore the specific provisions relating to them. Other classes of persons were already deemed to be competent and it was unnecessary therefore to say anything about them.

3. The Effect of Sections 120 and 133 is this, that not only

(1) Parties to suits.
(2) Husbands and wives.
(3) Accomplices.

are competent witnesses, but

(1) Jurors and Assessors—Section 294 Cr. P. C.
(2) The Executor of a Will
(3) An Advocate for a party may be competent witnesses in the case to which they are a party, although it is a cause in which they are interested.

Evidence must be given on Oath

1. Oath is not a requirement of the Indian Evidence Act. Left to the Indian Evidence Act, evidence by a witness would be legal evidence although the witness had given evidence without taking oath.

2. Oath is a requirement of the Indian Oaths Act X of 1873. Section 5 of

the Oaths Act lays down.

1. That oaths or affirmation *shall* be made by the following persons.
(a) all witnesses. (b) interpreters. (c) Jurors.

3. Section 6—permits a person who objects to the oath to affirm.

4. Section 14.—Every person giving evidence before any Court or person authorised to administer oaths or affirmation shall be bound to state the truth on such subject.

5. There are three questions that arise for consideration.
(1) Can a Court decline to administer oath or affirmation to a witness?
(2) Can a party decline to take oath or make affirmation?
(3) Effect of the refusal of a witness to take oath or affirm and of the failure of the Court to administer oath.

Answer to Question 1. It is a statutory duty of the Court to administer oath. There is one qualification, namely, Court is bound to administer it to a person who is competent and not bound to administer it to one who is incompetent, e. *g.* a child.

6 Pat. L. J. 147.

Answer to Question 2. The answer is given in Section 12. Party shall not be compelled to make it. But the Court is to make a record of his refusal and the reasons, if any, given by him.

Answer to Question 3.

Part I— Effect of the refusal of the party to take oath or make an affirmation	1. .....
	2. Such refusal only affects the value of the evidence.
Part II—Effect of the failure Judge to give oath.	1. The evidence remains of the admissible.
	2. Obligation to tell the truth remains.

6. The Provisions of the Oaths Act in India are not so strict as they are in England.
(1) Oath is not a necessary condition precedent for the obligation of telling the truth. It is necessary merely to remind a witness of its sanction.
(2) The Indian Act condones the failure to remind or failure to take oath. The English law makes the evidence inadmissible.

IV. COURSE OF EXAMINATION

1. There are two possible ways in which a witness can depose (i) By narrating the facts. (ii) By answering questions put to him.

2. The Evidence Act provides that the testimony of a witness shall be taken in the form of Examination, not in the form of a narration. The reasons why the law prefers examination as the mode of giving evidence are to be traced to the rules of relevancy. A person is permitted to give evidence of matters which are relevant. He is not permitted to give evidence of all matters relating to the issue. Matters which are related to the issue are not necessarily relevant to the issue and under the Evidence Act it is the duty of the Judge to decide whether any particular fact is relevant or irrelevant and to rule out the irrelevant then and there.

If a witness is permitted to give his testimony in the form of a narration two things will happen :—

(i) The witness will in all probability tell *all* tacts relevant as well as related and this introduce irrelevant matter and

(ii) The action that a Judge may be able to take to rule out irrelevant matters will be *ex-post facto.*

On the other hand if the witness was required to give his testimony in the form of answers to questions, two objects will be achieved:—

(i) his testimony could be made to confine to relevant matters only not being permitted to wander and

(ii) the Court can immediately check and rule out the introduction of irrelevant testimony.

4. With regard to the examination of witnesses, there are two questions which are distinct and which are regulated by different law. The *order* in which parties are to produce their witnesses for examination, and the *course* of Examination to which each witness is to be subjected when he is produced before the Court, are two separate questions.

Sections 135,138

The order in which witnesses are to be produced by the parties is a matter which is regulated by the Civil and Criminal Procedure Codes. While the course of examination to which a witness is to be subjected, when produced, is laid down by the Evidence Act.

§ Order of Production of Witnesses

1. *In Civil cases*

Order XVIII Rule 1.

In Criminal cases

Summons cases 224 Cr. P. C.

Warrant cases 252
254
257

Summary cases 262.

Rule seems to be this.

1. The first question to be determined is who has the right to begin.
2. The right to begin depends upon on whom is the burden of proof.

§ Course of Examination

1. The Course of examination of a witness prescribed by the Evidence Act is to consist of *3* parts.

Section 138

(i) Examination in chief. (ii) Cross Examination. (iii) Re-Examination.

2. Examination in chief is the Examination of the witness by the party who calls him.

Section 137

Cross Examination is the examination of the witness by the adverse party.

Re-Examination is the examination of the witness by the party who called him subsequent to his cross examination by the adverse party.

Questions to be considered

3. Examination in chief is a matter of choice. No one can compel a party to call witnesses. But if witnesses are called and examined in chief, then the question that arises is this:— Is Cross-Examination and Re-Examination a matter of *right* or a matter of *privilege,* which may be granted or withheld according to the discretion of the Court?

The answer to this question is that Cross-Examination and Re-examination are matters of right and not of privilege. The Court cannot stop a party from Cross-examining or Re-examining a witness who has been examined in chief by the party. What about a witness who is *called by the Court* and not by any party to the proceedings? Is there any right to cross examine such a witness? If so which party? The Evidence Act makes no provision for such a case. It has however been held that a witness summoned and examined by the Court *cannot* as of right be Cross-Examined by either party without the permission of the Judge.

(1894) 2 Q.B. 316,
3 B. L. R. 145
11 W. R.I 10
24 CaL 288
5 Cal. 614
16 W. R. 257.

4. When can the right to Cross examine be exercised?

As to this, there is a difference between civil cases and criminal cases.

(i) In *Civil Cases,* the right must be exercised immediately. It cannot be

postponed to a future date.

(ii) In Criminal Cases, in a summons case before the Magistrate and in the Sessions case the right must be exercised immediately. But in a warrant case, the accused has a right to postpone the Cross-examination of the prosecution witness to the next date of hearing.

The case of a person who is called as a witness by both the parties : In a litigation between A and B, C is cited as a witness by both A and B. First he is called as a witness by A on his behalf. After his cross-examination by B and Re-Examination by A, he is called as a witness by B on his behalf.

Can B Cross-examine C?

There is no specific provision answering this question in the law of evidence. It is a question of judicial opinion. On this question there is a divergence of view.

(1) One view is that, when a person once gets a right to Cross-examine a witness, that right continues to him at all subsequent stages of the case against that witness, no matter in what role the witness reappears, so that, even if he comes as his own witness he can Cross-examine him. This view is based on the theory that every witness is favourably disposed towards the party calling him.

(2) The other view is that, each party should alternatively have the right of X Examining such a witness as to his adversary's case, while both should be precluded in the course of the respective Examinations-in-Chief from leading questions with regard to their own case. So that a Plaintiff may Cross-Examine any of his own witnesses, on hearing afterwards called on behalf of the Defendant.

The better opinion is that the right to X Examine does not survive and he cannot be asked leading questions on his Second Examination. If the adversary again called the same witness who has been examined by the other side and Cross-examined by him, he could clearly examine him in-chief.

This rule appears to have been adopted by the Evidence Act.

5. Does this prescribed course of Examination apply to every witness?

1. There are three sorts of witnesses who are called before the Court:

(i) (i) Those who are called to depose to relevant facts.

(ii) (ii) Those who are called to speak to character.

(iii) (iii) Those who are called to produce documents.

2. With regard to witnesses who are called to depose to relevant facts or to speak to character, they are subject to the full prescribed course of examination. Cross-examination and Re-examination. But the witness, who is called to produce documents, stands on a different footing. He is not a witness and therefore cannot be cross-examined.

6. Can one Co-accused Cross-examine a witness called by another co-accused? Can one Co-defendant Cross-examine another co-defendant or the witness called by a co-defendant?

(1) The Section does not make special provision for the case of Cross-examination by co-accused and co-defendants.

(2) The Evidence Act gives a right to Cross-examine witnesses called *by the adverse* party and to no other. Consequently, it follows that one co-accused can cross-examine a witness called by another Co-accused only when the case of the second is adverse to that of the first. *21 Cat. 401.*

(3) The rule of English law in this respect is different. Under the English law the right of a defendant (and *a fortiori* an Accused) to Cross-examine a co-defendant or co-accused is, according to the English-cases, is unconditional and not dependent upon the fact that the cases of the accused and co-accused are adverse or that there is an issue between the defendant and his co-defendant. And one co-defendant may Cross examine a co-defendant's witness and the co-defendant if he gives evidence.

The reasons for this English rule are :

(i) It is settled that the evidence of one party cannot be received as evidence against another party unless the latter has had an opportunity of testing it by Cross-examination. *Allen* vs. *Allen. L.R.P.D. (1894) 248/254.*

(ii) It is also Settled that all evidence taken, whether in examination-in-chief or Cross-examination, is common open to all the parties. *Lord* vs. *Coloin. 3 Drewery 222.*

(iii) It follows that if all evidence is common and that which is given by one party may be used for or against another party, the latter must have the right to Cross-examine.

7. What is the effect of a default in the course of the examination of a Witness prescribed by law?

(1) This question can arise only when there is a default in Cross examination or Re-examination. Until there is Examination-in-Chief, there is no evidence at all in the legal sense of that term.

It is only when evidence has been given by the witness in his Examination-in-Chief that this question can arise. The question to be

considered reduces itself to the effect of default of Cross-examination or Re-examination on the testimony of a witness.

(2) Such default takes place when the witness dies or falls ill, becomes insane or paralytic or disappears after his Examination-in-Chief or before X Examination.

(3) The Evidence Act does not in clear terms state in express terms what the effect will be. Whether, for want of Cross-examination or Re-examination of a witness, his testimony given in Examination-in-Chief will cease to be evidence in the legal sense of the word and will have to be cancelled and excluded from the consideration of the Court or whether it will merely affect its evidentiary value, is not stated in the Evidence Act. The question is determined by Judicial interpretation.

According to judicial interpretation, two propositions are well established.

(1) Such default does not make the evidence inadmissible. It only affects its credibility.

(2) Whether it would be credible or incredible, must depend upon the reasons for the default in Cross-examination.

There are two ways in which default in X Examination may take place:

(i) Where a party could have X Examined but did not do so. (ii) Where a party would have X Examined but could not do so.

The question of credibility could arise only in the second case. It could not arise in the first. The Law can give an opportunity and nothing more. If opportunity is not taken, the law holds there is no injury.

§ Regular Course of Examination

1. The Course of examination of a witness must be *regular*.

2. A Course of Examination to be *regular* must be in accordance with the rules laid down in the Evidence Act?

3. The rules for a Regular Course of Examination relate to :

(i) (i) Scope of Examination.
(ii) (ii) Manner of Examination.
(iii) (iii) Limits of Examination.

§ Scope of Examination of a witness

Under this head, we must deal with matters on which it is permissible to a party to ask questions to a witness.

1. The objects underlying the examination of a witness are chiefly two: (i) to elicit from him what he knows. (ii) to test the truth of what he states.

2. The object of testing the truth of what the witness has stated can be achieved, only if, the Examination of the witness is extended to such questions as relate : (i) to the corroboration and contradiction of the witness.

(ii) to the confirmation or impeachment of the credit or character of the witness.

3. Under *Scope of examination,* we shall therefore be concerned with Rules relating to the following subjects :

(i) Rules relating to matters which can or cannot be elicited in the course of the Examination of the witness.

(ii) Rules for testing the credibility or incredibility of a witness.

(iii) Rules regarding the corroboration or contradiction of matters deposed to by the witness.

l§ Matters which can or cannot be elicited in the course of an Examination

1. This question is dealt with by Sections 138 and 146. The effect of these sections is that there are two kinds of matters which can be elicited from a witness in the course of his examination.

(i) Matters which are relevant to the issue and (ii) Matters which relate to the credibility of the witness.

These are the only two matters on which a witness can be examined.

2. But every party is not entitled to examine a witness on both these matters

(1) With regard to matters which are relevant, both parties are entitled to examine the witness, the party who called him and the adverse party. Indeed the rule is not that the party is entitled to examine the witness on all relevant matters ; the rule is that the examination of a witness must be confined to relevant facts.

This rule applies not only to Examination-in-Chief but also to Cross-examination. The only difference is that Cross-examination need not be confined to matters raised in Examination-in-Chief. It may be extended to other matters not raised in Examination-in-Chief. But these other matters must also be *relevant* matters. Nothing that is irrelevant is permissible either in Examination-in-Chief or Cross-examination.

There is therefore no difference in the scope of the Examination-in-Chief or Cross-examination so far as relevant matters are concerned.

(Here concludes Page 203 of the M.S. Page 204 is missing. Following text starts from Page 205—ed.)

There is agreement on the absence of the particular virtue of truth telling has the necessary effect of shaking the man's credit and therefore such questions as relate to this aspect of the witness character are always permissible and can be asked in Cross examination.

But there is no general agreement as to the absence of general good character on the veracity of a witness.

There are two views on the subject. One is that, bad general character necessarily involves an impairment of the truth telling capacity and therefore to show general moral degeneration is to show an inevitable degeneration in veracity. The other view is, a bad general disposition does not necessarily or commonly involve a lack of veracity and that, therefore, a bad general disposition is of no probative value for the purpose of shaking a witness's credit.

Under the English law, for the purposes of shaking credit by injury to character, general character is excluded and character for veracity only is taken into account.

§ Impeachment of Character otherwise than by Cross-examination

Section 155

1. Impeachment of character of a witness is permitted by the production of independent evidence under the provisions of Section 155.

2. *This again is a right of the adverse party*. So that a party who calls a witness cannot impeach the character of that witness by evidence of other persons.

3. *The impeachment may be undertaken in the following ways* .

(1) by evidence of persons who testify from personal knowledge that the witness is unworthy of credit.

(2) by proof that has been bribed or accepted the offer of a bribe or has received other corrupt inducement to give his evidence.

(3) by proof of former statements *inconsistent* with any part of his evidence which is liable to be contracted.

(4) by proof in rape that the prosecutrix was of generally immoral character.

3 § Rules regarding corroboration and contradiction of a witness

1. *Definition of a Corroborative Evidence*—Corroborative evidence simply means evidence which has the effect of confirming the truthfulness of the testimony of a witness. It is evidence which makes the assurance of a witness doubly sure.

2. *Kinds of Corroborative Evidence.*—The Evidence Act recognises two kinds of Corroborative Evidence. (i) Evidence of facts other than relevant facts. (ii) Additional evidence of.

***Section 156*. § Corroborative Evidence of facts other than relevant facts**

There are two requirements which must be fulfilled.

(i) The Corroborative circumstance of which evidence is being given must have been observed by the witness *at or near to the time* at which the relevant fact occurred.

(ii) The Court must be of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact

Illus.

A and B jointly committed robbery at a certain place. B is charged and A, the accomplice gives evidence against him. In his evidence A describes various incidents unconnected with the robbery which occurred on the way.

Prosecution call independent witnesses to prove the truth of the testimony of the accomplice relating to the *incidents on the way.*

The relevant question is whether *B* committed robbery. The Evidence tendered by the prosecution does not relate to the relevant question. Still it will be allowed as a corroborative evidence if the Court is of opinion that it will help to corroborate the testimony of the accomplice as to robbery.

§ Corroborative Evidence byway (of)* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/52F. Notes on Acts and Laws Burden of Proof.htm - _msocom_1 **Additional Evidence of relevant facts**

Section 157.

1. *This can be done by giving evidence of any former statement made by the witness relating to the same fact.* This is based upon the principle that he, who is consistent, deserves to be believed. The mere fact of a man, having on a previous occasion made the same assertion, may add little or nothing to the truthfulness. One may persistently adhere to falsehood once uttered, if there is a motive for it so that if consistency was conclusive nothing would be easier for designing and unscrupulous persons to procure the conviction of any innocent man, who might be obnoxious to them, by first committing offences and afterwards making statements to different people and at different times or places implicating the innocent man. *R.* vs. *Malappa, 11 Bom. H. C.R. 196 (198).*

2. The previous statement may be a statement made on oath or otherwise and either in ordinary conversation or before some persons who had authority to investigate and question the person who made it. It may be verbal or in writing. *There is one distinction between a previous statement made before a person who has authority to investigate and a previous statement* made before a person not so authorised. If not made before any person legally complain to investigate the fact, then to be admissible, must have been made at or about the time when the fact took place. This condition does not apply to a previous statement made before a person having authority to inquire.

25 Mad. 210. Illus.

(i) A statement by a girl, alleging that she was raped made immediately

after the rape, is admissible.

(ii) The dying declaration of a man, who chances to live, is admissible as a corroborative piece of evidence.

(iii) The first information given to the police is admissible as corroborative evidence of the testimony of the informant.

(iv) The Panchnama is admissible as a corroborative. *Two points must be urged by way of caution.*

(1) The use of statements made to the police in the course of investigation under Section 162, Criminal Procedure Code. These are also *previous statements* made before a person who is authorised to investigate.

Can they be used for the purposes of corroboration?

At one time it was held that they could be so used.

36 Cal. 281.
35 Mad. 397.
39 Bom. 58.

The Amendment to Section 162 of the Criminal Procedure Code excludes both the written record and *viva voce* statement made to the Police. Though previous statements, they cannot be used as a corroboration.

(2) The distinction between corroborative evidence and substantive evidence is important, because, on this depends the use of corroborative evidence. Corroborative evidence is not substantive evidence.

Illus.

In a trial of a prisoner, the depositions of witnesses given in a previous trial of other persons charged with having been engaged in the same offence, were used against him. The witnesses instead of being examined in the ordinary way, were re-sworn and said"I gave evidence before in this Court and that evidence is true".

Held that this evidence was inadmissible. It was only corroborative evidence and could be used only when substantive Evidence is given. If substantive Evidence is not given, then corroborative evidence cannot be given.

12W.R.Cr.3.

Similarly—If a panch does not identify the accused, the Panchanama of identification as corroborative evidence could be inadmissible.

In this connection there arises the question of giving corroborative evidence of a person who cannot be called to give substantive evidence by reason of the fact that the witness is deader who cannot be found or who has become incapable of giving evidence or whose attendance cannot be procured without an amount of delay or expense, which under the

circumstances the Court thinks unreasonable.

Section 158 permits corroborative evidence being given although no substantive evidence is tendered. This is an exception to the general rule. That exception applies only *if the witness cannot be procured.*

This is an exception created by Statute. Another exception created by Statute is contained in Section 288 of the Criminal Procedure Code. By that Section, evidence before the committing Magistrate is treated as evidence before the Sessions Court for *all* purposes i. e. substantive Evidence of all facts deposed therein.

§ 3/2 § Rules regarding the contradiction of a witness

1. This is a matter which must necessarily be governed by two considerations:

(i) The object of inquiry by the Court is to get at the truth and therefore contradiction must be permitted.

(ii) If contradiction is permitted, the inquiry will be endless and therefore there must be some limit on the process of contradiction.

2. *In what cases can a witness be contradicted?*

The Section which deals with the contradiction of a witness is Section 153. For the purposes of contradiction, the Section divides the answers of the witness into two classes (1) Answers to questions relating to relevant facts and (2) Answers to questions relating to the credit of a witness.

3. *Are the answers of a witness to questions relating credit liable to contradiction?*

The answer given in Section 153 is positive to the effect that such answers shall not be contradicted.

There are only two exceptions to the rule :

(i) If previous conviction is denied, you can contradict it by evidence. (ii) If the witness denies partiality he may be contradicted.

In this connection, it must be borne in mind that under the provisions of Section 155, the answers of a witness giving reasons in X-Examination for his belief in the untrustworthiness of another witness are not liable to be contradicted.

In all these cases, where the answers of a witness to questions relating to credit are not liable to contradiction, the law provides that if their answers are false they may afterwards be charged with giving false evidence.

4. Are answers of a witness to questions on relevant facts liable to contradiction?

(1) Section 153 is negative in character and merely states cases in which contradiction is not allowed. It does not state in what cases contradiction will be allowed.

(2) It does not include answers to relevant questions in its prohibition. By implication it seems to permit contradiction of such answers.

(3) There is illustration (c) to Section 153 which shows that the legislature intended to permit contradiction of such answers.

5. Section 153, therefore, lays down the rule that you can contradict answers to relevant questions. But you cannot contradict answers to questions on credit.

§ Contradiction on relevant facts

1. The next question is ; *Is such contradiction permitted to the party who called the witness or Is it permitted to the adverse party only?*

2. That, a party may contradict the answers given by the witness called on behalf of the adverse party, is beyond question and is always permissible. The defence witnesses are thereto contradict. But it does not seem to be quite so obvious in the other case. A witness is called on behalf of a party. In answer to a question on a relevant fact, he gives a particular answer which the party who called him feels is untrue. Can the party, who called him, call another witness to contradict him?

3. *The answer is that he can.* The law seems to make difference between discrediting his own witness by attacking his general character and showing that in a particular respect his testimony is incorrect.

§ Manner of Examination of a Witness

1. *Manner of Examination means the manner of interrogating the witness,* i. e. the manner of putting questions.

2. This matter is left not to the discretion of the party interrogating the witness, but is regulated by law.

3. From the standpoint of the manner of putting questions, questions are either leading questions or not leading questions.

4. A leading question is generally said to be a question which can be answered by a mere yes or no. Although, all such questions undoubtedly come within the rule, the character of leading question is not limited to them.

The Evidence Act defines a leading question as one, which suggests a particular answer, which the questioner expects to have from the witness.

Illus.

On a charge for murder by stabbing, to ask a witness ' Did you see the accused covered with blood and with a knife in his hand coming away from the corpse? ' is a leading question.

5. A distinction must be made between two sorts of leading questions,

(i) A leading question which suggests the answer. (ii) A leading question which directs the attention of the witness to the *subject* respecting which he is questioned.

As an illustration of the second sort of leading question, take the

following:

A was sued for defamation *by B* for having said in a conversation to C that B was in bankrupt circumstances and that his name would appear in the London Gazette among bankrupts. Question was asked to the witness.

"*Was anything said about the Gazette?"*

This is not a leading question in the sense of a question which suggests an answer. It is a leading question which directs the attention of the witness to the *subject* about which he is being questioned.

The manner of interrogation in Examination-in-Chief varies from the manner of investigation in Cross-examination.

In Cross-examination, a witness may be interrogated in the form of leading questions. But leading questions must not be asked in Examination-in-Chief, if objected to by the opposite party.

In Examination-in-Chief, the witness must be asked merely such question as"What did you see?""What did you hear?""What happened next?"

Reasons for the Rule

(1)A witness has a bias in favour of the party calling him and hostile to the opponent. He is, therefore, likely to agree to the answers suggested to him by the pleader of the party.

(2) That the party calling a witness has an advantage over his adversary, in knowing before hand what the witness will prove, or at least expected to prove ; and that, consequently, if he were allowed to lead, he might interrogate him in such a manner as to extract only so much of the knowledge of the witness as I would be favourable to his side, or even put a false gloss upon the whole.

Exceptions to the Rule.

Leading questions are permissible in Examination-in-Chief in the following cases :—

(i) (i) Where the matters are merely introductory, such as a name, occupation of a witness.

(ii) (ii) Identification of persons or thing.

(iii) (iii) About matters which are not in dispute.

(iv) (iv) When a question from its very nature cannot be put except in a leading form.

(v) To contradict evidence already given by a witness on the other side.

E. G.—If the Plaintiff has sworn that the defendant said,"The goods need not all be equal to sample", the Defendant can and should be asked,"Did you ever say to the Plaintiff that the Goods need not all be equal to sample or any other words to that effect?"

(vi) Where the witness is hostile. Difference between a hostile and a witness who is unfavourable.

A Witness should always state what happened according to his own personal recollection, and not according to what he has since been told.

Suppose the witness cannot recall the facts and his memory fails, what is to be done?

There are two ways open :

(1) To assist the memory of a witness by leading questions.

(2) To permit him to refresh his memory by permitting him to refer to any writing which is a record of the fact.

Examples of writings used to refresh memory are—

(i) Entries in diaries. Entries in call books. Entries in account-books. Entries in Railway time-tables.

A witness may refresh his memory by referring to any writing or document *made by himself.* But he may also refresh his memory from documents made by other persons under his immediate observation.

The only condition is that the document must have been made at the time when the transaction was fresh in his mind or was *read by him,* if made by another person, at the time when the transaction was fresh in his memory and knew it to be correct.

A copy may be used if the original cannot be produced for reasons which satisfy the Court for its non-production.

Refreshing memory by inspecting a writing or document does not make it documentary evidence. So that a document which could be inadmissible in evidence for want of stamp would be admissible for refreshing memory.

There is a difference between referring to a writing for refreshing memory and using a document for corroboration.

A document which could not be used for corroboration can be used for refreshing.

Example : USE OF POLICE DIARIES

In connection with a document used for refreshing memory, it must be ascertained whether a memorandum does assist the memory or not.

The law, therefore, requires that such writing shall be produced and shown to the adverse party, if he requires it and he may cross examine the witness thereupon, if he so desires.

8 Cal. 739 (745).

The grounds upon which the opposite party is permitted to inspect are threefold : (i) to secure the full benefit of the witness 's recollection as to facts ; (ii) to check the use of improper documents and (iii) to compare his oral testimony with his written word.

Can the adverse party compel the witness to refresh his memory by referring to the writing.

It may be very advantageous to an accused person that Police Officer should state a certain fact. The Police Officer does not recall fact and would not refresh his memory by reference to his diary.

(8 Cal. 154), (8 Cal. 739) Says he cannot be compelled. *A. I. R. (1924) Pat. 829,* Says he can be compelled.

§ On the Limitations on the Examination of a witness

1. The subject-matter to be considered under this head relates to the questions a witness is bound or is not bound to answer.

2. The general rule is that a witness must answer *all* questions put to him.

Section 132, Section 132 puts the matter negatively.

3. This rule is subject to *two* qualifications : (i) Certain questions a witness cannot be *compelled* to answer. (ii) Certain questions a witness is not to be empowered to answer.

4. Sections which deal with questions which cannot be *compelled* to answer are : 121,122, 124,125,129.

5. Sections which deal with questions which a witness is not empowered to answer are : 123, 126, 127, 128.

DISCHARGE OF THE BURDEN OF PROOF

1. Effect of Evidence may be : (i) To prove a fact. (ii) To disprove a fact. (iii) To fail to prove and therefore disprove.

2. Burden of Proof is discharged when : (i) The fact required to be proved is prove. (ii) The fact required to be disproved is disproved.

3. Burden of proof is *not* discharged when the Party on whom the Burden lies fails to prove or disprove as the case may be.

4. When can a fact be said to be proved or disproved? And when can it be said to be not proved.

The answer to this question is given in section 3.

NOTE.—TWO things must be noted.

(i) Proof does not mean rigid mathematical demonstration. (ii) Moral conviction is not proof.

Proof means Evidence.

But such evidence as would induce a reasonable man to come to some conclusion. *(1911) 1. K. B. 988 (995). 31 Bom.* L. R. *516.*

The question of proof is one of probability and not of certainty.

Discharge of Burden of Proof and Quantum of Evidence

(1) Under the English Law corroboration is necessary in certain cases:

(1) High Treason—Two witnesses.

(2) Perjury—
(3) Breach of Promise—
(4) Bastard—Mother's testimony must be corroborated.

(II) Under the Indian Law the rule is absolute. The Court may act on the testimony of a single witness even though uncorroborated.

Exception. ***

NOTES ON HISTORY OF INDIA

[Reproduced from the handwritten manuscripts—Ed.]

More important for the history of India were the conquests of the Sakas and Yueh-chih, nomad tribes of Central Asia similar to the modern Turkomans*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_1 The former are first heard of in the basin of the river Hi, and being dislodged by the advance of the Yueh-chih moved southwards reaching north-western India about 150 B. C. Here they founded many small principalities, the rulers of which appear to have admitted the suzerainty of the Parthians for sometime and to have borne the title of Satraps. It is clear that western India was parcelled out among foreign princes called Sakas, Yavanas, or Pallavas whose frontiers and mutual relations were constantly changing. The most important of these principalities was known as the Great Satrapy which included Surashtra (Kathiawar) with adjacent parts of the mainland lasted until about 395A.D.

The Yueh-chih started westwards from the frontiers of China about 100 B. C. and, driving the Sakas before them, settled in Bactria. Here Kadphises, the chief of one of their tribes, called the Kushans, succeeded in imposing his authority on the others who coalesced into one nation henceforth known by the tribal name. The chronology of the Kushan Empire is one of the vexed questions of Indian history and the dates given below are stated positively only because there is no space for adequate discussion and are given with some scepticism, that is desire for more knowledge founded on facts. Kadphises I (c. 15-45 A. D.) after consolidating his Empire led his armies southwards, conquering Kabul and perhaps Kashmir. His successor Kadphises II (c. 45-78 A. D.) annexed the whole of north-western India, including northern Sind, the Punjab and perhaps Benares. There was aconsiderable trade between India and the Roman Empire at this period and an embassy was sent to Trojan, apparently by Kanishka (c. 78-123), the successor of Kadphises. This monarch played a part in the later history of Buddhism comparable with that of Asoka in earlier agesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_2 He waged war with the Parthians and Chinese, and his Empire which had its capital at Peshawar included Afghanistan, Bactria,

Kashgar, Yarkhand, Khotanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_3 and Kashmir. These dominions, which perhaps extended as far as Gya ,in the east, were retained by his successors Huvishka (123-140 A. D.) and Vasudeva (140-178 A. D.) but after this period the Andhra and Kushan dynasties both collapsed as Indian powers, although Kushan kings continued to rule in Kabul. The reasons of their fall are unknown but may be connected with the rise of the Sassanids in Persia. For more than a century, the political history of India is a blank and little can be said except that the kingdom of Slirastra continued to exist under a Saka dynasty.

Light returns with the rise of the Gupta dynasty, which roughly marks the beginning of modern Hinduism and of a reaction against Buddhism. Though nothing is known of the fortunes of Patali-putra, the ancient imperial city of the Mauryas, during the first three centuries of our era, it continued to exist. In 320 a local Raja known as Candragupta I increased his dominions and celebrated his coronation by the institution of the Gupta era. His son Samudra Gupta continued his conquests and in the course of an extraordinary campaign, concluded about 340 A. D. appears to have received the submission of almost the whole peninsula. He made no attempt to retain all this territory but his effective authority was exercised in a wide district extending from the Hugli to the rivers Jumna and Chambal in the west and from the Himalayas to the Narbuda. His son Candragupta II or Vikramaditya added to these possessions Malwa, Glijarat and Kathiawar and formorethan half a century the Guptas ruled undisturbed over nearly all northern India except Rajputana and Sind. Their capital was at first Pataliputra, but afterwards Kausambi and Ayodhya became royal residences.

The fall of the Guptas was brought about by another invasion of barbarians known as Huns, Ephthalitesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_4 or White Huns and apparently a branch of the Huns who invaded Europe. This branch remained behind in Asia and occupied northern Persia. They invaded India first in 455, and were repulsed, but returned about 490 in greater force and overthrew the Guptas. Their kings Tormana and Mihiragula were masters of northern India till 540 and had their local capital at Sialkot in the Panjab, though their headquarters were rather in Barnyin and Baikh. The cruelties of Mihiragula provoked a coalition of Hindu princes. The Huns were

driven to the north and about 565 A. D. their destruction was completed by the allied forces of the Persians and Turks. Though they founded no permanent states their invasion was important, for many of them together with kindered tribes such as the Glirjars (Gujars) remained behind when their political power broke up and, like the Sakas and Kushans before them, contributed to form the population of north-western India, especially the Rajput clans.

The defeat of the Huns was followed by another period of obscurity, but at the beginning of the seventh century Harsha (606-647 A. D.), a prince of Thanesar, founded after thirty five years of warfare, a state which though it did not outlast his own life, emulated for a time the dimensions and prosperity of the Gupta Empire. We gather from the account of the Chinese pilgrim Hsuan Chaung, who visited his court at Kanauj, that the kings of Bengal. Assam and Ujjain were his vassals but that the Panjab, Sind and Kashmir were independent. Kalinga, to the south of Bengal was depopulated but Harsha was not able to subdue Pulakesin II, the Calukya king of the Deccan.

Let us now turn for a moment to the history of the south. It is even more obscure both in events and chronology than thatofthe north, but we must not think of the Dravidian countries as Uninhabited or barbarius. Even the classical writers of Europe had some knowledge of them. King Pandion (Pandya) sent a mission to Augustus in 20 B.C.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_5 Plinymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_6 speaks of Modura (Madura) and Ptolemy also mentions this town with about forty others. It is said that there was a temple dedicated to Augustus at Maziris, identified with Craganore. From an early period the extreme south of the peninsula was divided into three states known as the Pandya, Cera and Cola kingdomsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_7 The first corresponded to the districts of Madura and Tinnevelly. Cera and Kerala lay on the west coast in the modern Travancore. The Cola country included Tanjore, Trichinopoly, Madras, with the greater part of Mysore. From the sixth to the eighth century A. D. a fourth power was important, namely the Pallavas, who apparently came from the north of the Madras presidency. They had their capital at Canjeevaram and were generally at war with the three kingdoms. Their king, Narasimha-Varman (625-645 A. D.) ruled over part of the Deccan and most of the Cola country but after about 750 they declined, whereas the Colas grew stronger and Rajaraja (985-1018) whose dominions

included the Madras Presidency and Mysore made them the paramount power in southern India, which position they retained until the thirteenth century.

As already mentioned, the Deccan was ruled by the Andhras from 220 B. C. to 236 A. D., but for the next three centuries nothing is known of its history until the rise of the Calukya dynasty atVatapi (Badami) in Bijapur. Pulakesin II of this dynasty (608-642), a contemporary of Harsha, was for some time successful in creating a rival Empire which extended from Gujarat to Madras, and his power was so considerable that he exchanged embassies with Khusru II, King of Persia, as is depicted in the frescoes of Ajanta. But in 642 he was defeated and slain by the Palavas.

With the death of Pulakesin and Harsha begins what has been called the Rajput period, extending from about 650 to 1000 A. D. and characterized by the existence of numerous kingdoms ruled by dynasties nominally Hindu, but often descended from northern invaders or non-Hindu aboriginal tribes. Among them may be mentioned the following :—

1. Kanauj or Panchala. This kingdom passed through troublous times after the death of Harsha but from about 840 to 910 A. D. under Bhoja (or Mihira) and his son, it became the principal power in northern India, extending from Bihar to Sind. In the twelfth century it again became important under the Gaharwar dynasty.

2. Kanauj was often at war with the Palas of Bengal, a line of Buddhist kings which began about 730 A. D. Dharmapala (c. 800 A. D.) was sufficiently powerful to depose the king of Kanauj. Subsequently the eastern portion of the Pala Kingdom separated itself under a rival dynasty known as the Senas.

3. The districts to the south of the Jumna known as Jejak-abhukti (Bundelkhand) and Cedi (nearly equivalent to our Central Provinces) were governed by two dynasties known as Candels and Kalacuris. The former are thought to have been originally Gonds. They were great builders and constructed among other monuments the temples ofKhajurao. Kirdvarman Chandel (1049-1100) greatly extended their territories. He was a patron of learning and the allegorical drama Prabodhacandrodaya was produced at his Court.

4. The Paramara (Pawar) dynasty of Malwa were -likewise celebrated as patrons of literature and kings Munja (974-995) and Bhoja (1018-1060) were authors as well as successful warriors.

II
Saka Period

According to Vincent Smith, after first adopting A. D. 78 which appeared the most probable, finally chose 120 A. D. and we may agree that this date marks the beginning of the Saka period inaugurated by Kanishka.

The order in which the chief Kushan kings followed doubtful. It is generally agreed that Kanishka cameafte phises I (Kujula Kara Kadphises) and II (Vima Kadphises) former of these two, a Bactrinised Scythian, must, in Dr. Smith's view, have assumed power about 40 A. D. He seized Gandhara and the country of Taxila from Gondophares, the Parthian prince who, according to the apocryphal acts of the apostles, received St. Thomas. His son Vima (78-110) carved out a great empire for himself, embracing the Punjab and the whole western half of the Ganges basin.

There seems to have been an interval of about 10 years between Kadphises and Kanishka, the latter was the son of one Vajheshka and no relation of his predecessor, he seems to have been from Khotan, not Bactria, and indeed he spent the summer at Kapisi in Paropan. . . mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_8 and the winter at Purushapura (Peshawar) the axis of his empire was no longer in the (midst)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/56. Notes on History of India.htm - _msocom_9 of the Graeco-lranian country.

The empire of Kanishaka did not last long. Of his two sons, Vasishka and Havishka only the second survived him.

The power of the Kushans in the third century was reduced to Bactria with Kabul and Gandhara, and they fell beneath the yoke of the Sassanids.

Kshatrappas or Satraps.

This title, which is Iranian, is borne by two dynasties founded by the Sakas ho had been driven from their country by the Yuch-chi invasion.

I. The first was established in Surashtra (Kathewar). One prince of this line Chasthana, seems to have held Malwa before the great days of the Kushans and to have become a vassal of Kanishka; he ruled over Ujjayini, which was the centre of the Indian civilisation.

II. The second line to which the name of Kshaharata is more particularly attached, was the hereditary foe of the Andhras ; it ruled over Maharashtra, the country between modern Surat and Bombay. It

was this latter Saka state that was annihilated by the Satakarni and it was the former which arranged it, when Rodraman, the Satrap of Ujjayni conquered the Andhra King. The antagonism between the eastern & western states seems to have been accompanied by a difference of ideals. The Sakas, like all the Scythians of India or Serindia, such as the Thorkhans, retained from their foreign origin a sympathy for Buddhism, whereas the Andhras were keen supporters of Brahmanism.

The Guptas

The events of the third century are unknown to history and we have very, little information about the Kushan empire.

Day light returns in 318-19, when there arises in the old country of Magadha a new dynasty-Gupta.

The Guptas-Chandragupta II conquered the country of Malvas, Gujrathand Surashtra (Kathiwar) overthrowing the 1st great Satrap of the Saka dynasty of Ujjain. As an extension of his territory westward he made Ayodhya and Kausambi his capitals instead ofPataliputra. About 155 (B.C.) he conquered the whole of the lower Indus and Kathewar, waged war in Rajputana, and Oudh but took Mathura (Muttra) on the Jumna, and even reached Pataliputra. .

He was severely defeated by Pushyamitra (?). Bactriana was at least in the north, a barrier between Parthia and India. India was therefore less exposed to attack from Parthia. Nevertheless, there was at least one Parthian ruler, Mithradates 1(171-136) who annexed the country of Taxila for a few years, about 138.

End of the independence of Parthia and Bactria

The event that put an end to the independence of Parthia and Bactria was a new invasion, resulting from a movement of tribes, which had taken place far away from India in the Mongolian steppes.

About 170 (B.C.) a horde of nomadic Scythians, the Yuch-chi or Tokharians, being driven from Gobi, the present Kansu, by the Hiang-nu or Huns, started on a wild migration which upset the whole balance of Asia.

They fell on the Sakas, who were Iranianised Scythians dwelling north of the Persion empire and settled in their grazing grounds north of the Jazartes. The expelled Sakas fell on Parthia and Bactriana, obliterating the last vestiges of Greek rule, between 140 and 120 (B. C.) Then the Tokharians, being defeated in their turns by the Wu-Sun tribe, established themselves on the Oxus, and after that took all the country of the Sakas in eastern Iran at the entrance to India. That entrance was

found in the first century after Christ.

The conquest of India was the work of the Kushans (Kushana), a dynasty which united the Yue-Chi tribes and established their dominion both over their own kinsfolk the Sakas of Parthia and over peoples of the Punjab.

The accession of the principal King of this line, Kanishka, was placed at uncertain dates between 57 B. C. and A. D. 200.

Pushyamitra—a mayor of the Palace as Sybrani Livi called him.

The Selected Empire ruled by Antiochos III (261-246 B.C.) and lost two provinces Parthia and Bactriana which emancipated themselves simultaneously. The Parthians whom the Indians called Pahalvas, were related to the nomads of the Turkoman steppes and occupied the country south-east of the Caspian. The Bactrians bordered on the Parthians on the north-east and were settled between the Hindu Kush and the Oxus ; the number and wealth of their towns were legendary. These two peoples seem to have taken advantage of the difficulties of Antiochos and his successors, Seleucos II (246-226 B.C.) and III (226-223 B.C.) in the west to break away.

The Parthian revolt was a natural movement, led by Arsaces, the founder of a dynasty which was to rule Persia for nearly 500 years.

The Bactrian rising was brought about by the ambition of a Greek satrap. Diodotos, represents an outbreak of Hellennism in the heart of Asia.

There is no doubt that the formation of these enterprising nations on the Indo-lranian border helped to shake the empire of Ashoka in the time of his successors.

The Punjab, once a Persian satrapy and then a province of Alexander, was to find itself still more exposed to attack, now that smaller but turbulent states had arisen at its doors. After Diodotos I & II, the King of Bactria was Euthidemes, who went to war with Antioches the Great of Syria. Peace was concluded with the recognition of Bactrian independence about 208. But during hostilities Syrian troops had crossed the Hindu Kush and enteming the Kabul valley had severely dispoiled the ruler Subhagasena. Demetrius, the son of Enthidemos, increased his dominion not only in the present Afghanistan but in India proper, and bore the title of King of the Indians (200-190). Between 190 and 180 there were Greek adventurers reigning at Taxila, named Paleon & Agathocles. From 160 to 140 roughly, Kabul and the Punjab were held by a pure Greek, Milinda or Minander, who left a name in the history of Buddhism.

Ill
Huns

In the last years of Kumargupta new Iranian peoples assailed the empire, but they were kept back from the frontiers. Under Skandagupta, the first wave of formidable migration came down upon the same frontiers. This consisted of nomad Mongoloids to whom India afterwards gave the genuine name of **Huna,** under which we recognised the Huns who invated Europe.

Those who reached India after the middle of the fifth century were white Huns or Ephthalites, who in type were closer to the Turks than to the hideous followers of Attila. After a halt in the valley of the Oxus they took possession of Persia and Kabul. Skandagupta had driven them off for a few years (455 A. D.) but after they had slain Firoz the Sassanid in 484, no Indian state could stop them. One of them, named Toramana, established himself among theMalavas in 500 and his son Mihirgula set up his capital at Sakol(Sialkot) in the Punjab.

A native prince Yeshodharman shook off the yoke of Mihirgula. The expulsion of the Huns was not quite complete everywhere. A great many resided in the basin of the Indus.

At the beginning of the 7th century a power arose from the chaos in the small principality of Sthanvisvara (Thaneshwar, near Delhi). Here a courageous Raja Prabhakar Vardhan organised a kingdom, which showed its mettle against the Gurjars, the Malwas and other neighbouring princes. Shortly after his death in 604 or 605 his eldest son was murdered by the orders of the king ofGauda in Bengal. The power fell to his younger brother Harsha.

NOTES ON PARLIAMENTARY PROCEDURE

Forms of Procedure are determined by functions of a body. The important functions of a Parliamentary Body are :

(1) Power to express an opinion on and criticise any executive action.

(2) Power to have Laws.

(3) Power to provide money for carrying on the administration.

I. Power to express an opinion on or criticise any action taken by the Executive. Rules of Business permit :

1. to ask Questions.
2. to move Resolutions.
3. to move an adjournment of the House.
4. to move a motion of want of confidence in the Government.

(1)(1) **Power to ask Questions.**

Rule 7

This is subject to the following restrictions.

Arrangement of Business

I. Order of precedence.

1. Questions I hour : 1/2 hour during voting of demands.
2. Bills.
3. Motions to amend Standing Orders.'
4. Resolutions.

President may give priority to any item.

II. Priority with regard to Bills, Motions and Resolutions.

(i) (i) **Bills and Motions**

The most advanced have priority over the less advanced.

(ii) (ii) **Resolutions**

Priority is determined by Ballot.

Quorum

25 members in Bombay:

President shall adjourn to next day if there is-no Quorum.

Rule 27. The Budget is dealt with in two stages.

(i) (i) a general discussion ; and
(ii) the voting of demands for grants.

Governor may allot as many days as he likes for general discussion.

No motion is to be made Nor the Budget to be submitted to the vote of the Council when the General discussion is going on.

Rule29. Voting of Grants.

Not more than twelve days shall be allotted by the Governor for the voting of the demands. Not more than 2 days for any demand. On the last appointed day the President shall forthwith put every Question necessary to dispose of all outstanding matters in connection with the demands for grants.

Rule 30.

No motion for appropriation can be made except on the recommendation of the Governor communicated to .the Council. Motions may be moved to reduce any grant or to omit or reduce any item in a grant, but not to increase or alter the destination of the grant

Rule 31. Excess Grants

(Left blank by the author—ed.)

Rule 32. Supplementary or additional grant.

When the amount falls short

When need arises of provision of new source.

Public Accounts Committee

Rule 33. Constitution of Public accounts Committee.

(Left blank by the author—-ed.)

Rule 34. Duties of the Public Accounts Committee :

(1) To satisfy itself that money is spent within the scope of the demand and to bring to the notice.

Conduct of Business

This is regulated by the Standing Orders.

I.Council Session

1. The Council can meet only at a time or place appointed by the Governor by notification.

2. Session is prorogued by the order of the Governor.

3. The Council shall sit on such days and at such times as the President shall direct.

Effect of Prorogation

On prorogation all pending notices shall lapse and fresh notices must be given for the next Session except in the following cases :

(1) Question] These are carried over to
(2) Statutory motions] the list of Business for
(3) Bills introduced] the next Session.
(4) Motion to amend Standing]
Orders which have been referred]
to a Select Committee.]

Procedure

With regard to

I. Question

Shall be put and answers given in such manner as the President may, in his discretion, determine.

II. Motion for Adjournment

30 members to rise

4 0'clockforthepurposeofdiscussingthemotion. Debate shall terminate at 6 p.m. and thereafter no question respecting the motion shall be put.

III. Bills

(1) Four Stages

1. Introduction. Asking the leave of the House.
2. First Reading
3. Second Reading
4. Third Reading

(1) Constitution of Australia. Sec. 49.
(2) Constitution of Canada. Sec. 18.
(3) Constitution of South Africa. Sec. 57.

There is no Section in the Government of India Act which gives any

privilege to the Legislature.

The Government of India Act confers only two privileges upon members of the Legislature.

I. I. Freedom of Speech.

Sec. 67(7).

There shall be freedom of speech in both chambers of the Indian Legislature. No person shall be liable to any proceedings in any Court by reason of his speech or vote in either chamber or by anything contained in any **official** report of the proceedings of either chamber.

Sec. 72 D (7).

There shall be freedom of speech in the Governor's Legislative Council. No person shall be liable to any proceedings in any Court by reason of his speech or vote in any such Council, or by reason of anything contained in any **official** report of the proceedings of any such Council.

This privilege of Freedom of Speech is subject to two restrictions.

(1) Standing orders.
(2) Official report.

II. Freedom from Arrest.

This privilege is not granted by the Government of India Act. It is granted by an Act of the Indian Legislature. It is called

Legislative Members Exemption Act, 1925. [No. 23 of 1925]

UNDER THIS ACT

1. Members of the legislative bodies constituted under the Government of India Act are exempt from liability to serve as jurors or assessors.

2. No person is liable to arrest or detention in prison under civil process—

(a) If he is a member of a legislative body constituted under the Government of India Act, during the continuance of any meeting of such body.

(b) If he is a member of any Committee of such body, during the continuance of any meeting of such body.

(c) If he is a member of either chamber of Indian Legislature, during the continuance of a joint sitting of the chambers, or of a

meeting of a conference or joint Committee of the chambers of which he is a member, and during 14 days before and after such meeting or sitting.

Points to note.

(1) Freedom is only from Civil Arrest.
(2) Liable to re-arrest after the period.

Procedure of the Legislatures

1. The Procedure of the Indian Legislature is regulated by
(1) Rules of Business and
(2) Standing Orders.

Section 67 (1)] permit Rules and Standing Orders to be made
Section 67 (6)] for the Central Legislature.

Section 72 D (6)] permit Rules and Standing Orders to be made
Section 72 D (7)] for the Local Legislature.

II. Legislatures have no authority to make rules and standing orders.—

The Dominions have it.

In India the matter is governed by Section 129A. Governor General in Council to make rules and Standing Orders.

Difference between Standing Orders and Rules

1. 1. Rules are not subject to alteration or repeal by the Indian Legislature, Local or Central.
2. Subject to certain conditions Standing Orders may be amended.

Different purposes of Rules and Standing Orders Two Questions:

1. What matters a Legislature can discuss and what is within its competence and what is not?

2. Assuming any particular matter is within its competence, How is that matter to be discussed? How is it to be brought to an issue? In what order are members to speak? Has anybody priority in speaking? How are votes recorded? How are they counted? How are they valued.

The first Question is settled by the Rules of Business. The second is settled by the standing orders. To use the language of the Act:

Rules of Business Regulate the **Course of business.**

Standing Orders regulate the **Conduct of business.**

Rules of Business and Freedom of action

Do the Rules of Business give the Legislators the necessary freedom to discharge their functions?

Rule 8.—A Question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed.

Period of Notice.

(a) The President may disallow a question if it does relate to a matter which is not primarily the concern of the Local Government.

(b) A Question which is allowed by the President may be disallowed by the Governor if it relates to

(i) any matter affecting the relations of H. M's Government or of the Government of India, or of the Governor or the Governor in Council, with any foreign State.

(ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief.

(iii) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

N.B.—If any doubt arises the Governor shall decide the point and his decision shall be final.

(c) In a controversy between the Governor General in Council or the Secretary of State and Local Government no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of fact.

(ii) (ii) Right to move Resolutions.

Rules 22-23.

Rule 23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Government.

Statutory Restrictions

Resolution cannot be moved regarding a matter relating to which a question cannot be asked.

Rule 22. Apart from the Statutory restrictions on the right to move resolutions, the Governor has the power within the period of notice to disallow any resolution, on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a

matter which is not primarily the concern of the Local Government.

Prohibitions against Resolutions

Rule 24A. No discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with rules governing the moving of resolutions except with the consent of the President &the member of the Government to whose department the motion relates.

2. It shall-not be permissible to the President or to the member of the Government .concerned to give his consent to the moving of any in regard to any of the subjects in regard to which a resolution cannot be moved.

(iii) (iii) Motion for adjournment

Rules 11 and 12

Rule 11. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made.

Rule 12. This is subject to the following restrictions.

i) Only one such motion shall be made at the same sitting.

(ii) Not more than one matter can be discussed. It must be restricted **to specific matter of recent** occurrence.

(iii) Motion must not raise a matter already disposed of : must not revive.

(iv) Motion must not anticipate a matter already on the agenda or of which notice is given.

1. A motion must not deal with a matter on which a resolution could not be moved.

2. 2. The President must give has consent.

(iv) **Motion of Want of Confidence**

Rule 12A. A motion expressing want of confidence in a minister or a motion disapproving the policy of the minister in a particular.

PAKISTAN OR THE PARTITION OF INDIA

PREFACE TO THE SECOND EDITION

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PREFACE TO THE SECOND EDITION

The problem of Pakistan has given a headache to everyone, more so to me than to anybody else. I cannot help recalling with regret how much of my time it has consumed when so much of my other literary work of greater importance to me than this is held up for want of it. I therefore hope that this second edition will also be the last I trust that before it is exhausted either the question will be settled or withdrawn.

There are four respects in which this second edition differs from the first.

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40A.Pakistan or the Partition of India Preface.htm - _msocom_1The first edition contained many misprints which formed the subject of complaints from many readers as well as reviewers. In preparing this edition, I have taken as much care as is possible to leave no room for complaint on this score. ,The first edition consisted only of three parts. Part V is an addition. It contains my own views on the various issues involved in the problem of Pakistan. It has been added because of the criticism levelled against the first edition that while I wrote about Pakistan I did not state what views I held on the subject. The present edition differs from the first in another respect. The maps contained in the first edition are retained but the number of appendices have been enlarged. In the first edition there were only eleven appendices. The present edition has twenty-five. To this edition I have also added an index which did not find a place in the first edition.

The book appears to have supplied a real want. I have seen how the thoughts, ideas and arguments contained in it have been pillaged by authors, politicians and editors of newspapers to support their sides. I am sorry they did not observe the decency of acknowledging the source even when they lifted not merely the argument but also the language of the book. But that is a matter I do not mind. I am glad that the book has been of service to

Indians who are faced with this knotty problem of Pakistan. The fact that Mr. Gandhi and Mr. Jinnah in their recent talks cited the book as an

authority on the subject which might be consulted with advantage bespeaks the worth of the book.

The book by its name might appear to deal only with the X. Y. Z. of Pakistan. It does more than that. It is an analytical presentation of Indian history and Indian politics in their communal aspects. As such, it is intended to explain the A. B.C. of Pakistan also. The book is more than a mere treatise on Pakistan. The material relating to Indian history and Indian politics contained in this book is so large and so varied that it might well be called Indian Political What is What.

The book has displeased both Hindus as well as Muslims though the reasons for the dislike of the Hindus are different from the reasons for the dislike of the Muslims. I am not sorry' for this reception given to my book. That it is disowned by the Hindus and unowned by the Muslims is to me the best evidence that it has the vices of neither and that from the point of view of independence of thought and fearless presentation affects the book is not a party production.

Some people are sore because what I have said has hurt them. I have not, I confess , allowed myself to be influenced by fears of wounding either individuals or classes, or shocking opinions however respectable they may be. I have often felt regret in pursuing this course, but remorse never. Those whom I may have offended must forgive me, in consideration of the honesty and disinterestedness of my aim. I do not claim to have written dispassionately though I trust I have written without prejudice. It would be hardly possible—1 was going to say decent—for an Indian to be calm when he talks of his country and thinks of the times. In dealing with the question of Pakistan my object has been to draw a perfectly accurate, and at the same time, a suggestive picture of the situation as I see it. Whatever points of strength and weakness I have discovered on either side I have brought them boldly forward. I have taken pains to throw light on the mischievous effects that are likely to proceed from an obstinate and impracticable course of action.

The witness of history regarding the conflict between the forces of the authority of the State and of anti-State nationalism within, has been uncertain, if not equivocal. As Prof. Friedmann*

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40A.Pakistan or the Partition of India Preface.htm - _msocom_2observes:—

> "There is not a single modem State which has not, at one time or another, forced a recalcitrant national group to live under its authority. Scots, Bretons, Catalans, Germans, Poles, Czechs, Finns, all have, at some time or another, been compelled to accept the authority of a more powerful State whether they liked it or not. Often, as in Great Britain or France, force eventually led to co-operation and a co-ordination of State authority and national cohesion. But in many cases, such as those of Germany, Poland, Italy and a host of Central European and Balkan countries, the forces of Nationalism did not rest until they had thrown off the shackles of State Power and formed a State of their own . . . . ."

In the last edition, I depicted the experience of countries in which the State engaged itself in senseless suppression of nationalism and weathered away in the attempt. In this edition I have added by way of contrast the experience of other countries to show that given the will to live together it is not impossible for diverse communities and even for diverse nations to live in the bosom of one State. It might be said that in tendering advice to both sides I have used terms more passionate than they need have been. If I have done so it is because I felt that the manner of the physician who tries to surprise the vital principle in each paralyzed organ in order to goad it to action was best suited to stir up the average Indian who is complacent if not somnolent, who is unsuspecting if not ill-informed, to realize what is happening. I hope my effort will have the desired effect.

I cannot close this preface without thanking Prof. Manohar B. Chitnis of the Khalsa College, Bombay, and Mr. K. V. Chitre for their untiring labours to remove all printer' sand clerical errors that had crept into the first edition and to see that this edition is free from all such blemishes. I am also very grateful to Prof. Chitnis for the preparation of the Index which has undoubtedly enhanced the utility of the book.

1st January 1945,
22, Prithviraj Road,

B.R.AMBEDKAR
New Delhi.

PROLOGUE

It can rightly be said that the long introduction with which this treatise

opens leaves no excuse for a prologue. But there is an epilogue which is affixed to the treatise. Having done that, I thought of prefixing a prologue, firstly, because an epilogue needs to be balanced by a prologue, and secondly, because the prologue gives me room to state in a few words the origin of this treatise to those who may be curious to know it and to impress upon the readers the importance of the issues raised in it. For the satisfaction of the curious it may be stated that there exists, at any rate in the Bombay Presidency, a political organization called the Independent Labour Party (abbreviated into I.L.P.) for the last three years. It is not an ancient, hoary organization which can claim to have grown grey in politics. The I.L.P. is not in its dotage and is not overtaken by senility, for which second childhood is given as a more agreeable name. Compared with other political organizations, the I.L.P. is a young and fairly active body, not subservient to any clique or interest. Immediately after the passing of the Lahore Resolution on Pakistan by the Muslim League, the Executive Council of the I.L.P. met to consider what attitude it should adopt towards this project of Pakistan. The Executive Council could see that there was underlying Pakistan an idea to which no objection could be taken. Indeed, the Council was attracted to the scheme of Pakistan inasmuch as it meant the creation of ethnic states as a solution of the communal problem. The Council, however, did not feel competent to pronounce at that stage a decided opinion on the issue of Pakistan. The Council, therefore, resolved to appoint a committee to study the question and make a report on it. The committee consisted of my self as the Chairman, and Principal M. V. Donde, B.A.; Mr. S. C. Joshi, M.A.,LL.B., Advocate (O.S.), M.L.C.;Mr.R.R.Bhole,B.Sc., LL.B.,. m.l.a.i Mr. D. G. Jadhav, B.A., LL.B., M.L.A., and Mr. A. V. Chitre, B.A., M.L.A., all belonging to the I.L.P., as members of the committee. Mr. D. V. Pradhan, Member, Bombay Municipal Corporation, acted as Secretary to the committee. The committee asked me to prepare a report on Pakistan which I did. The same was submitted to the Executive Council of the I.L.P., which resolved that the report should be published. The treatise now published is that report.

The book is intended to assist the student of Pakistan to come to his own conclusion. With that object in view, I have not only assembled in this volume all the necessary and relevant data but have also added 14

appendices and 3 maps, which in my judgement, form an important accompaniment to the book.

It is not enough for the reader to go over the material collected in the following pages. He must also reflect over it. Let him take to heart the warning which Carlyle gave to Englishmen of his generation. He said:

> "The Genius of England no longer soars Sunward, world-defiant, like an Eagle through the storms, ' mewing her mighty youth,'..... . . . . the Genius of England—much like a greedy Ostrich intent on provender and a whole skin .....; with its Ostrich-head stuck into ..... whatever sheltering Fallacy there may be, and so awaits the issue. The issue has been slow; but it now seems to have been inevitable. No Ostrich, intent on gross terrene provender and sticking its head into Fallacies, but will be awakened one day—in a terrible a posteriori manner if not otherwise! Awake before it comes to that. Gods and men did us awake! The Voices of our Fathers, with thousand fold stern monition to one and all, bid us awake".

This warning, I am convinced, applies to Indians in their present circumstances as it once did to Englishmen, and Indians, if they pay no heed to it, will do so at their peril.

Now, a word for those who have helped me in the preparation of this report. Mr. M. G. Tipnis, D.C.E., (Kalabhuwan, Baroda), and Mr. Chhaganlal S. Modyhave rendered me great assistance, the former in preparing the maps and the latter in typing the manuscript. I wish to express my gratitude to both for their work which they have done purely as a labour of love. Thanks are also due in a special measure to my friends Mr. B. R. Kadrekar and Mr. K. V. Chitre for their labours in undertaking the most uninteresting and dull task of correcting the proof sand supervising the printing.

28th December, 1940,
'Rajagrah B.R. AMBEDKAR. Dadar,
Bombay, 14.

INTRODUCTION

The Muslim Leagued Resolution on Pakistan has called forth different

reactions. There are some who look upon it as a case of political measles to which a people in the infancy of their conscious unity and power are very liable. Others have taken it as a permanent frame of the Muslim mind and not merely a passing phase and have in consequence been greatly perturbed.

The question is undoubtedly controversial. The issue is vital and there is no argument which has not been used in the controversy by one side to silence the other. Some argue that this demand for partitioning India into two political entities under separate national states staggers their imagination ; others are so choked with a sense of righteous indignation at this wanton attempt to break the unity of a country, which, it is claimed, has stood as one for centuries, that their rage prevents them from giving expression to their thoughts. Others think that it need not be taken seriously. They treat it as a trifle and try to destroy it by shooting into it similes and metaphors.”You don't cut your head to cure your headache,”“you don't cut a baby into two because two women are engaged in fighting out a claim as to who its mother is,”are some of the analogies which are used to prove the absurdity of Pakistan. In a controversy carried on the plane of pure sentiment, there is nothing surprising if a dispassionate student finds more stupefaction and less understanding, more heat and less light, more ridicule and less seriousness.

My position in this behalf is definite, if not singular. I do not think the demand for Pakistan is the result of mere political distemper, which will pass away with the efflux of time. As I read the situation, it seems to me that it is a characteristic in the biological sense of the term, which the Muslim body politic has developed in the same manner as an organism develops a characteristic. Whether it will survive or not, in the process of natural selection, must depend upon the forces that may become operative in the struggle for existence between Hindus and Musalmans. I am not staggered by Pakistan; I am not indignant about it ; nor do I believe that it can be smashed by shooting into it similes and metaphors. Those who believe in shooting it by similes should remember that nonsense does not cease to be nonsense because it is put in. rhyme, and that a metaphor is no argument though it be sometimes the gunpowder to drive one home and imbed it in memory. I believe that it would be neither wise nor possible to reject summarily a scheme if it has behind it the sentiment, if not the

passionate support, of 90 p.c. Muslims of India. I have no doubt that the only proper attitude to Pakistan is to study it in all its aspects, to understand its implications and to form an intelligent judgement about it.

With all this, a reader is sure to ask : Is this book on Pakistan seasonable in the sense that one must read it, as one must eat the fruits of the season to keep oneself in health? If it is seasonable, is it readable? These are natural queries and an author, whose object is to attract readers, may well make use of the introduction to meet them.

As to the seasonableness of the book there can be no doubt. The way of looking at India by Indians themselves must be admitted to have undergone a complete change during the last 20 years. Referring to India Prof. Arnold Toynbee wrote in 1915—

> "British statesmanship in the nineteenth century regarded India as a 'Sleeping Beauty,' whom Britain had a prescriptive right to woo when she awoke; so it hedged with thorns the garden where she lay, to safeguard her from marauders prowling in the desert without Now the princess is awake, and is claiming the right to dispose of her own hand, while the marauders have transformed themselves into respectable gentlemen diligently occupied in turning the desert into a garden too, but grievously impeded by the British thorn-hedge. When they politely request us to remove it, we shall do well to consent, for they will not make the demand till they feel themselves strong enough to enforce it, and in the tussle that will follow if we refuse, the sympathies of the Indian princess will not be on our side. now that she is awake, she wishes to walk abroad among her neighbours; she feels herself capable of rebuffing without our countenance any blandishments or threats they may offer her, and she is becoming as weary as they of the thorn-hedge that confines her to her garden.
>
> "If we treat her with tact, India will never wish to secede from the spiritual brotherhood of the British Empire, but it is inevitable that she should lead a more and more independent life of her own, and follow the example of Anglo-Saxon Commowealths by establishing direct relations with her neighbours....."

Although the writer is an Englishman, the view expressed by him in 1915 was the view commonly held by all Indians irrespective of caste or creed.

Now that India the"Sleeping Beauty"of Prof. Toynbee is awake, what is the view of the Indians about her? On this question, there can be no manner of doubt that those who have observed this Sleeping Beauty behave in recent years, feel she is a strange being quite different from the angelic princess that she was supposed to be. She is a mad maiden having a dual personality, half human, half animal, always in convulsions because of her two natures in perpetual conflict. If there is any doubt about her dual personality, it has now been dispelled by the Resolution of the Muslim League demanding the cutting up of India into two, Pakistan and Hindustan, so that these conflicts and convulsions due to a dual personality having been bound in one may cease forever, and so freed from each other, may dwell in separate homes congenial to their respective cultures, Hindu and Muslim.

It is beyond question that Pakistan is a scheme which will have to be taken into account. The Muslims will insist upon the scheme being considered. The British will insist upon some kind of settlement being reached between the Hindus and the Muslims before they consent to any devolution of political power. There is no use blaming the British for insisting upon such a settlement as a condition precedent to the transfer of power. The British cannot consent to settle power upon an aggressive Hindu majority and make it its heir, leaving it to deal with the minorities at its sweet pleasure. That would not be ending imperialism. It would be creating another imperialism. The Hindus, therefore, cannot avoid coming to grips with Pakistan, much as they would like to do.

If the scheme of Pakistan has to be considered, and there is no escape from it, then there are certain points which must be borne in mind.

The first point to note is that the Hindus and Muslims must decide the question themselves. They cannot invoke the aid of anyone else. Certainly, they cannot expect the British to decide it for them. From the point of view of the Empire, it matters very little to the British whether India remains one undivided whole, or is partitioned into two parts, Pakistan and Hindustan, or into twenty linguistic fragments as planned by the Congress, so long as all of them are content to live within the Empire. The British need not interfere for the simple reason that they are not affected by such territorial divisions.

Further, if the Hindus are hoping that the British will use force to put down Pakistan, that is impossible. In the first place, coercion is no remedy.

The futility of force and resistance was pointed out by Burke long ago in his speeches relating to the coercion of the American colonies. His memorable words may be quoted not only for the benefit of the Hindu Maha Sabha but also for the benefit of all. This is what he said:

"The use of force alone is temporary. It may endure a moment but it does not remove the necessity of subduing again : a nation is not governed which is perpetually to be conquered. The next objection to force is its uncertainty. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed you are without resource; for conciliation failing, force remains; but force failing, no further hope of reconciliation is left. Power and Authority are sometimes bought by kindness, but they can never be begged as alms by an impoverished and defeated violence. A further objection to force is that you impair the object by your very endeavours to preserve it. The thing you fought for (to wit the loyalty of the people) is not the thing you recover, but depreciated, sunk, wasted and consumed in the contest."

Coercion, as an alternative to Pakistan, is therefore unthinkable.

Again, the Muslims cannot be deprived of the benefit of the principle of self-determination. The Hindu Nationalists who rely on self-determination and ask how Britain can refuse India what the conscience of the world has conceded to the smallest of the European nations, cannot in the same breath ask the British to deny it to other minorities. The Hindu Nationalist who hopes that Britain will coerce the Muslims into abandoning Pakistan, forgets that the right of nationalism to freedom from an aggressive foreign imperialism and the right of a minority to freedom from an aggressive majority's nationalism are not two different things; nor does the former stand on a more sacred footing than the latter. They are merely two aspects of the struggle for freedom and as such equal in their moral import. Nationalists, fighting for freedom from aggressive imperialism, cannot well ask the help of the British imperialists to thwart the right of a minority to freedom from the nationalism of an aggressive majority. The matter must, therefore, be decided upon by the Muslims and the Hindus alone. The British cannot decide the issue for them. This is the first important point to note.

The essence of Pakistan is the opposition to the establishment of one Central Government having supremacy over the whole of India. Pakistan

contemplates two Central Governments, one for Pakistan and the other for Hindustan. This gives rise to the second important point which Indians must take note of. That point is that the issue of Pakistan shall have to be decided upon before the plans for a new constitution are drawn and its foundations are laid. If there is to be one Central Government for India, the design of the constitutional structure would be different from what it would be if there is to be one Central Government for Hindustan and another for Pakistan. That being so, it will be most unwise to postpone the decision. Either the scheme should be abandoned and another substituted by mutual agreement or it should be decided upon. It will be the greatest folly to suppose that if Pakistan is buried for the moment, it will never raise its head again. I am sure, burying Pakistan is not the same thing as burying the ghost of Pakistan. So long as the hostility to one Central Government for India, which is the ideology underlying Pakistan, persists, the ghost of Pakistan will be there, casting its ominous shadow upon the political future of India. Neither will it be prudent to make some kind of a make-shift arrangement for the time being, leaving the permanent solution to some future day. To do so would be something like curing the symptoms without removing the disease. But, as often happens in such cases, the disease is driven in, thereby making certain its recurrence, perhaps in a more virulent form.

I feel certain that whether India should have one Central Government is not a matter which can betaken as settled; it is a matter in issue and although it may not be a live issue now, some day it will be.

The Muslims have openly declared that they do not want to have any Central Government in India and they have given their reasons in the most unambiguous terms. They have succeeded in bringing into being five provinces which are predominantly Muslim in population. In these provinces, they see the possibility of the Muslims forming a government and they are anxious to see that the independence of the Muslim Governments in these provinces is preserved. Actuated by these considerations, the Central Government is an eyesore to the Muslims of India. As they visualize the scene, they see their Muslim Provinces made subject to a Central Government predominantly Hindu and endowed with powers of supervision over, and even of interference in, the administration

of these Muslim Provinces. The Muslims feel that to accept one Central Government for the whole of India is to consent to place the Muslim Provincial Governments under a Hindu Central Government and to see the gain secured by the creation of Muslim Provinces lost by subjecting them to a Hindu Government at the Centre. The Muslim way of escape from this tyranny of a Hindu Centre is to have no Central Government in India at all.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40A.Pakistan or the Partition of India Preface.htm - _msocom_3

Are the Musalmans alone opposed to the existence of a Central Government? What about the Hindus? There seems to be a silent premise underlying all political discussions that are going on among the Hindus that there will always be in India a Central Government as a permanent part of her political constitution. How far such a premise can be taken for granted is more than I can say. I may, however, point out that there are two factors which are dormant for the present but which some day may become dominant and turn the Hindus away from the idea of a Central Government.

The first is the cultural antipathy between the Hindu Provinces. The Hindu Provinces are by no means a happy family. It cannot be pretended that the Sikhs have any tenderness for the Bengalees or the Rajputs or the Madrasis. The Bengalee loves only himself. The Madrasi is.bound by his own world. As to the Mahratta, who does not recall that the Mahrattas, who set out to destroy the Muslim Empire in India, became a menace to the rest of the Hindus whom they harassed and kept under their yoke for nearly a century. The Hindu Provinces have no common traditions and no interests to bind them. On the other hand, the differences of language, race, and the conflicts of the past have been the most powerful forces tending to divide them. It is true that the Hindus are getting together and the spirit moving them to become one united nation is working on them. But it must not be forgotten that they have not yet become a nation. They are in the process of becoming a nation and before the process is completed, there may be a setback which may destroy the work of a whole century.

In the second place, there is the financial factor. It is not sufficiently known what it costs the people of India to maintain the Central Government and the proportionate burden each Province has to bear.

The total revenue of British India comes to Rs. 194,64,17,926 per annum. Of this sum, the amount raised by the Provincial Governments from provincial sources, comes annually to Rs. 73,57,50,125 and that raised by the Central Government from central sources of revenue comes to Rs. 121,06,67,801. This will show what the Central Government costs the people of India. When one considers that the Central Government is concerned only with maintaining peace and does not discharge any functions which have relation to the progress of the people, it should cause no surprise if people begin to ask whether it is necessary that they should pay annually such an enormous price to purchase peace. In this connection, it must be borne in mind that the people in the provinces are literally starving and there is no source left to the provinces to increase their revenue.

This burden of maintaining the Central Government, which the people of India have to bear, is most unevenly distributed over the different provinces. The sources of central revenues are (1) Customs, (2) Excise, (3) Salt, (4) Currency, (5) Posts and Telegraphs, (6) Income Tax and (7) Railways. It is not possible from the accounts published by the Government of India to work out the distribution of the three sources of central revenue, namely Currency, Posts and Telegraphs and Railways. Only the revenue raised from other sources can be worked out province by province. The result-is shown in the following table :—

	Revenue raised by	Revenue raised by
Provinces	Provincial	Central
	Government from	Government from
	provincial sources	central sources
	Rs.	Rs.
1 Madras	16,13,44,520	9,53,26,745
2 Bombay	12,44,59,553	22,53,44,247
3 Bengal	12,76,60,892	23,79,01,583
4 U.P.	12,79,99,851	4,05,53,030
5 Bihar	5,23,83,030	1,54,37,742

6 C. P. & Berar	4,27,41,280	31,42,682
7 Assam	2,58,48,474	1,87,55,967
8 Orissa	1,81,99,823	5,67,346
9 Punjab	11,35,86,355	1,18,01,385
10 N.W.F.P.	1,80,83,548	9,28,294
11 Sind	3,70,29,354	5,66,46,915

It will be seen from this table that the burden of maintaining the Central Government is not only heavy but falls unequally upon the different provinces. The Bombay Provincial Government raises Rs. 12,44,59,553; as against this, the Central Government raises Rs. 22,53,44,247 from Bombay. The Bengal Government raises Rs. 12,76,60,892; as against this, the Central Government raises Rs. 23,79,01,583 from Bengal. The Sind Government raises Rs. 3,70,29,354; as against this, the Central Government raises Rs. 5,66,46,915 from Sind. The Assam Government raises nearly Rs. 2 1/2 crores; but the Central Government raises nearly Rs. 2 crores from Assam. While such is the burden of the Central Government on these provinces, the rest of the provinces contribute next to nothing to the Central Government. The Punjab raises Rs. 11 crores for itself but contributes only Rs. 1 crore to the Central Government. In the N.W.F.P. the provincial revenue is Rs. 1,80,83,548; its total contribution to the Central Government however is only Rs. 9,28,294. U.P. raises Rs. 13 crores but contributes only Rs. 4 crores to the Centre. Bihar collects Rs. 5 crores for itself; she gives only 1 1/2 crores to the Centre. CJP. and Berar levy a total of 4 crores and pay to the Centre 31 lakhs.

This financial factor has so far passed without notice. But time may come when even to the Hindus, who are the strongest supporters of a Central Government in India, the financial considerations may make a greater appeal than what purely patriotic considerations do now. So, it is possible that some day the Muslims, for communal considerations, and the Hindus, for financial considerations, may join hands to abolish the Central Government.

If this were to happen, it is better if it happens before the foundation of a new constitution is laid down. If it happens after the foundation of the new constitution envisaging one Central Government were laid down, it would be the greatest disaster. Out of the general wreck, not only India as an

entity will vanish, but it will not be possible to save even the Hindu unity. As I have pointed out, there is not much cement even among the Hindu Provinces, and once that little cement which exists is lost, there will be nothing with which to build up even the unity of the Hindu Provinces. It is because of this that Indians must decide, before preparing the plans and laying the foundations, for whom the constitutional structure is to be raised and whether it is temporary or permanent. After the structure is built as one whole, on one single foundation, with girders running through from one end to the other; if, thereafter, a part is to be severed from the rest, the knocking out of the rivets will shake the whole building and produce cracks in other parts of the structure which are intended to remain as one whole. The danger of cracks is greater, if the cement which binds them is, as in the case of India, of a poor quality. If the new constitution is designed for India as one whole and a structure is raised on that basis, and thereafter the question of separation of Pakistan from Hindustan is raised and the Hindus have to yield, the alterations that may become necessary to give effect to this severance may bring about the collapse of the whole structure. The desire of the Muslim Provinces may easily infect the Hindu Provinces and the spirit of disruption generated by the Muslim Provinces may cause all round disintegration.

History is not wanting in instances of constitutions threatened with disruption. There is the instance of the Southern States of the American Union. Natal has always been anxious to get out from the Union of South Africa and Western Australia recently applied, though unsuccessfully, to secede from the Australian Commonwealth.

In these cases actual disruption has not taken place and where it did, it was soon healed. Indians, however, cannot hope to be so fortunate. Theirs may be the fate of Czechoslovakia. In the first place, it would be futile to entertain the hope that if a disruption of the Indian constitution took place by the Muslim Provinces separating from the Hindu Provinces, it would be possible to win back the seceding provinces as was done in the U.S.A. after the Civil War. Secondly, if the new Indian constitution is a Dominion Constitution, even the British may find themselves powerless to save the constitution from such a disruption, if it takes place after its foundations are laid. It seems to be, therefore, imperative that the issue of Pakistan

should be decided upon before the new constitution is devised.

If there can be no doubt that Pakistan is a scheme which Indians will have to resolve upon at the next revision of the constitution and if there is no escape from deciding upon it, then it would be a fatal mistake for the people to approach it without a proper understanding of the question. The ignorance of some of the Indian delegates to the Round Table Conference of constitutional law, I remember, led Mr. Garvin of the *Observer* to remark that it would have been much better if the Simon Commission, instead of writing a report on India, had made a report on constitutional problems of India and how they were met by the constitutions of the different countries of the world. Such a report I know was prepared for the use of the delegates who framed the constitution of South Africa. This is an attempt to make good that deficiency and as such I believe it will be welcomed as a seasonable piece.

So much for the question whether the book is seasonable. As to the second question, whether the book is readable no writer can forget the words of Augustine Birrell when he said:

> "Cooks, warriors, and authors must be judged by the effects they produce; toothsome dishes, glorious victories, pleasant books, these are our demands. We have nothing to do with ingredients, tactics, or methods. We have no desire to be admitted into the kitchen, the council, or the study. The cook may use her saucepans how she pleases, the warrior place his men as he likes, the author handle his material or weave his plot as best he can; when the dish is served we only ask. Is it good?; when the battle has been fought. Who won? ; when the book comes out. Does it read?
>
> "Authors ought not to be above being reminded that it is their first duty to write agreeably. Some very disagreeable men have succeeded in doing so, and there is, therefore, no need for anyone to despair. Every author, be he grave or gay, should try to make his book as ingratiating as possible. Reading is not a duty, and has consequently no business to be made disagreeable. Nobody is under any obligation to read any other man's book."

I am fully aware of this. But I am not worried about it. That may well apply to other books but not to a book on Pakistan. Every Indian must read a book on Pakistan, if not this, then some other, if he wants to help

his country to steer a clear path.

If any book does not read well, i.e., its taste be not good, the reader will find two things in it which, I am sure, are good.

The first thing he will find is that the ingredients are good. There is in the book material which will be helpful and to gain access to which he will have to labour a great deal. Indeed, the reader will find that the book contains an epitome of India's political and social history during the last twenty years, which it is necessary for every Indian to know.

The second thing he will find is that there is no partisanship. The aim is to expound the scheme of Pakistan in all its aspects and not to advocate it. The aim is to explain and not to convert. It would, however, be a pretence to say that I have no views on Pakistan. Views I have. Some of them are expressed, others may have to be gathered. Two things, however, may well be said about my views. In the first place, wherever they are expressed, they have been reasoned out. Secondly, whatever the views, they have certainly not the fixity of a popular prejudice. They are really thoughts and not views. In other words, I have an open mind, though not an empty mind. A person with an open mind is always the subject of congratulations. While this may be so, it must, at the same time, be realized that an open mind may also be an empty mind and that such an open mind, if it is a happy condition, is also a very dangerous condition for a man to be in. A disaster may easily overtake a man with an empty mind. Such a person is like a ship without ballast and without a rudder. It can have no direction. It may float but may also suffer a shipwreck against a rock for want of direction. While aiming to help the reader by placing before him all the material, relevant and important, the reader will find that I have not sought to impose my views on him. I have placed before him both sides of the question and have left him to form his own opinion.

The reader may complain that I have been provocative in stating the relevant facts. I am conscious that .such a charge may be levelled against me. I apologize freely and gladly for the same. My excuse is that I have no intention to hurt. I had only one purpose, that is, to force the attention of the indifferent and casual reader to the issue that is dealt with in the book. I ask the reader to put aside any irritation that he may feel with me and concentrate his thoughts on this tremendous issue : Which is to be, Pakistan or no Pakistan?

PART I

PAKISTAN OR THE PARTITION OF INDIA

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PART 1 : MUSLIM CASE FOR PAKISTAN

The Muslim Case for Pakistan is sought to be justified on the following grounds:—

(i) (i) What the Muslims are asking for is the creation of administrative areas which are ethnically more homogeneous.

(ii) (ii) The Muslims want these homogeneous administrative areas which are predominantly Muslim to be constituted into separate States,

(a) (a) because the Muslims by themselves constitute a separate nation and desire to have a national home, and

(b) (b) because experience shows that the Hindus want to use their majority to treat the Muslims as though they were second-class citizens in an alien State.

This part is devoted to the exposition of these grounds.

CHAPTER I

WHAT DOES THE LEAGUE DEMAND?

I

On the 26th of March 1940, Hindu India was startled to attention as it had never been before. On that day, the Muslim League at its Lahore Session passed the following Resolution :—

"1. While approving and endorsing the action taken by the Council and the Working Committee of the All-India Muslim League as indicated in their resolutions dated the 27th of August, 17th and 18th of September and 22nd of October 1939 and 3rd of February 1940 on the constitutional issue, this Session of the All-India Muslim League emphatically reiterates that the Scheme of Federation embodied in the Government of India Act, 1935, is totally unsuited to, and unworkable in the peculiar conditions of this country and is altogether unacceptable to Muslim India;

"2. It further records its emphatic view that while the declaration dated the 18th of October 1939 made by the Viceroy on behalf of His Majesty's Government is reassuring in as far as it declares that the policy and plan on which the Government of India Act, 1935, is based will be reconsidered in consultation with the various parties, interests and communities in India, Muslim India will not be satisfied unless the whole constitutional plan is reconsidered de novo and that no revised plan would be acceptable to the Muslims, unless it is framed with their approval and consent;

"3. Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designated on the following basic principle, viz. that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern Zones of India should be grouped to constitute"Independent

States"in which the Constituent Units shall be autonomous and sovereign;

"4. That adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights, and interests in consultation with them ; and in other parts of India where the Musalmans are in a minority, adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights, and interests in consultation with them ;

"5. This Session further authorizes the Working Committee to frame a Scheme of Constitution in accordance with these basic principles, providing for the assumption Finally by the respective regions of all powers such as defence, external affairs, communication, customs, and such other matters as may be necessary."

What does this Resolution contemplate? A reference to para 3 of the Resolution will show that the Resolution contemplates that the areas in which Muslims predominate shall be incorporated into independent States. In concrete terms, it means that the Punjab, the North-Western Frontier Province, Baluchistan and Sind in the North-West and Bengal in the East instead of remaining as the provinces of British India shall be incorporated as independent States outside of British India. This is the sum and substance of the Resolution of the Muslim League.

Does the Resolution contemplate that these Muslim provinces, after being incorporated into States, will remain each an independent sovereign State or will they be joined together into one constitution as members of a single State, federal or unitary? On this point, the Resolution is rather ambiguous, if not self-contradictory. It speaks of grouping the zones into"Independent States in which the Constituent Units shall be autonomous and sovereign."The use of the term"Constituent Units"indicates that what is contemplated is a

Federation. If that is so, then, the use of the word"sovereign"as an attribute of the Units is out of place. Federation of Units and sovereignty-of Units are contradictions. It may be that what is contemplated is a confederation. It is, however, not very material for the moment whether these Independent States are to form into a federation or a confederation. What is important is the basic demand, namely, that these areas are to be separated from India and formed into Independent States.

The Resolution is so worded as to give the idea that the scheme adumbrated in it is a new one. But, there can be no doubt that the Resolution merely resuscitates a scheme which was put forth by Sir Mahomed Iqbal in his Presidential address to the Muslim League at its Annual Session held at Lucknow in December 1930. The scheme was not then adopted by the League. It was, however, taken up by one Mr. Rehmat Ali who gave it the name, Pakistan, by which it is known. Mr. Rehmat Ali, M. A., LL.B., founded the Pakistan Movement in 1933. He divided India into two, namely, Pakistan and Hindustan. His Pakistan included the Punjab, N. W. F. Province, Kashmir, Sind and Baluchistan. The rest to him was Hindustan. His idea was to have an"independent and separate Pakistan"composed of five Muslim provinces in the North as an independent State. The proposal was circulated to the members of the Round Table Conference but never officially put forth. It seems an attempt was made privately to obtain the assent of the British Government, who, however, declined to consider it because they thought that this was a"revival of the old Muslim Empire."[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40B.Pakistan or the Partition of India PART I.htm - _msocom_1

The League has only enlarged the original scheme of Pakistan. It has sought to create one more Muslim State in the East to include the Muslims in Bengal and Assam. Barring this, it expresses in its essence and general outline the scheme put forth by Sir Mahomed Iqbal and propagated by Mr. Rehmat Ali. There is no name given to this new Muslim State in the East. This has made no difference in the theory and the issues involved in the ideology of Mr. Rehmat Ali. The only difficulty one feels is that the League, while enlarging the facets, has not christened the two Muslim States with short and sweet names as it

might have been expected to do. That it did not do and we are left to carry on the discussion with two long jaw-breaking names of Muslim State in the West and Muslim State in the East. I propose to solve this difficulty by reserving the name Pakistan to express the ideology underlying the two-nation theory and its consequent effect, namely, partition, and by designating the two Muslim States in the North-West and North-East as Western Pakistan and Eastern Pakistan.

The scheme not only called Hindu India to attention but it shocked Hindu India. Now it is natural to ask, what is there that is new or shocking in this scheme?

II

Is the idea of linking up of the provinces in the North-West a shocking idea? If so, let it be remembered that the linking of these provinces is an age-old project put forth by successive Viceroys, Administrators and Generals. Of the Pakistan provinces in the North-West, the Punjab and N. W. F. P. constituted a single province ever since the Punjab was conquered by the British in 1849. The two continued to be a single province till 1901. It was in 1901 that Lord Curzon broke up their unity and created the present two provinces. As to the linking up of the Punjab with Sind, there can be no doubt that had the conquest of Sind followed and not preceded the conquest of the Punjab, Sind would have been incorporated into the Punjab, for the two are not only contiguous but are connected by a single river which is the most natural tie between them. Although Sind was joined to Bombay, which in the absence of the Punjab was the only base from which it could be governed, the idea of disconnecting Sind from Bombay and joining it to the Punjab was not given up and projects in that behalf were put forth from time to time. It was first put forth during the Governor-Generalship of Lord Dalhousie; but for financial reasons, was not sanctioned by the Court of Directors. After the mutiny, the question was reconsidered but owing to the backward state of communications along the Indus, Lord Canning refused to give his consent. In 1876, Lord Northbrook was of the opinion that Sind should be joined to the Punjab. In 1877, Lord Lytton, who succeeded Northbrook, sought to create a trans-indus province, consisting of the six frontier districts of the Punjab and of the

transindus districts of Sind. This would have included the six Frontier districts of the Punjab, namely, Hazara, Peshawar, Kohat, Bannu (except the Cis-indus tracts), Dera Ismail Khan (with the same exception), Dera Ghazi Khan, and trans-Indus Sind (with the exception of Karachi). Lytton also proposed that Bombay should receive the whole or part of the Central Provinces, in order to compensate it for the loss of trans-indus Sind. These proposals were not acceptable to the Secretary of State. During the Vice-royalty of Lord Lansdowne (1888—94), the same project was revived in its original form, namely, the transfer of Sind to the Punjab, but owing to the formation of the Baluchistan Agency, Sind had ceased to be a Frontier district and the idea which was military in its motive, lost its force and Sind remained without being incorporated in the Punjab. Had the British not acquired Baluchistan and had Lord Curzon not thought of carving out the N. W. F. P. out of the Punjab, we would have witnessed long ago the creation of Pakistan as an administrative unit.

With regard to the claim for the creation of a National Muslim State in Bengal, again, there is nothing new in it. It will be recalled by many that in 1905, the province of Bengal and Assam was divided by the then Viceroy, Lord Curzon into two provinces :

(1) Eastern Bengal and Assam with Dacca as its capital and

(2) Western Bengal with Calcutta as its capital. The newly-created province of Eastern Bengal and Assam included Assam and the following districts of the old province of Bengal and Assam: (1) Dacca, (2) Mymensingh, (3) Faridpur, (4) Backer gunge, (5) Tippera, (6) Noakhali, (7) Chittagong, (8) Chittag-ong Hill Tracts, (9) Rajashahl, (10) Dinajpur, (II) Jalpaiguri, (12) Rangpur, (13) Bogra, (14) Pabna and (15) Malda. Western Bengal included the remaining districts of the old Province of Bengal and Assam with the addition of the district of Sambalpur which was transferred from C. P. to Western Bengal.

This division of one province into two, which is known in Indian history as the Partition of Bengal, was an attempt to create a Muslim State in Eastern Bengal, inasmuch as the new province of Eastern

Bengal and Assam was, barring parts of Assam, a predominantly Muslim area. But, the partition was abrogated in 1911 by the British who yielded to the Hindus, who were opposed to it and did not care for the wishes of the Muslims, as they were too weak to make themselves felt. If the partition of Bengal had not been annulled, the Muslim State in Eastern Bengal, instead of being a new project, would now have been 39 years old. [2]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40B.Pakistan or the Partition of India PART I.htm - _msocom_2

III

Is the idea of separation of Pakistan from Hindustan shocking? If so, let me recall a few facts which are relevant to the issue and which form the basic principles of the Congress policy. It will be remembered that as soon as Mr. Gandhi captured the Congress, he did two things to popularize it. The first thing he did was to introduce Civil Disobedience.

Before Mr. Gandhi 's entry into the politics of India, the parties contending for power were the Congress, the Liberals and the Terrorists of Bengal. The Congress and the Liberals were really one party and there was no distinction between them such as divides them today. We can, therefore, safely say that there were only two parties in India, the Liberals and the Terrorists. In both, the conditions for admission were extremely difficult. In the Liberal Party, the condition for admission was not merely education but a high degree of learning. Without first establishing a reputation for study, one could never hope to obtain admission to the Liberal Party. It effectively excluded the uneducated from rising to political power. The Terrorists had prescribed the hardest test conceivable. Only those who were prepared to give their lives for the cause, not in the sense of dedicating them but in the sense of dying for it, could become members of their organization. No knave could, therefore, get an entry into the Terrorists' organization. Civil disobedience does not require learning. It does not call for the shedding of life. It is an easy middle way for that large majority who have no learning and who do not wish to undergo the extreme penalty and at the same time obtain the notoriety of being patriots. It is this middle path which made the Congress more popular than the Liberal Party or the

Terrorist Party.

The second thing Mr. Gandhi did was to introduce the principle of Linguistic Provinces. In the constitution that was framed by the Congress under the inspiration and guidance of Mr. Gandhi, India was to be divided into the following Provinces with the language and headquarters as given below :—

Province	Language	Headquarters
Ajmere-Merwara	Hindustani	Ajmere.
Andbra	Telegu	Madras.
Assam	Assamese	Gauhati
Bihar	Hindustani	Patna.
Bengal	Bengali	Calcutta.
Bombay (City)	Marathi-Gujarati	Bombay.
Delhi	Hindustani	Delhi.
Gujarat	Gujarati	Ahmedabad.
Kamatak	Kannada	Dharwar
Kerala	Malayalam	Calicut
Mahakosal	Hindustani	Jubbulpore

Maharashtra	Marathi	Poona.
Nagpur	Marathi	Nagpur.
N. W. F. P.	Pushtu	Peshawar.
Punjab	Punjabi	Lahore.
Sind	Sindhi	Karachi.
Tamil Nadu	Tamil	Madras.
United Provinces	Hindustani	Lucknow
Utkal	Oriya	Cuttack.
Vidarbha(Berar)	Maralhi	Akola.

In this distribution no attention was paid to considerations of area, population or revenue. The thought that every administrative unit must be capable of supporting and supplying a minimum standard of civilized life, for which it must have sufficient area, sufficient population and sufficient revenue, had no place in this scheme of distribution of areas for provincial purposes. The determining factor was language. No thought was given to the possibility that it might introduce a disruptive force in the already loose structure of the Indian social life. The scheme was, no doubt, put forth with the sole object of winning the people to the Congress by appealing to their local patriotism. The idea of linguistic provinces has come to stay and the demand for giving effect to it has become so insistent and irresistible that the Congress, when it came into power, was forced to put it into effect. Orissa has already been separated from Bihar. [3]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40B.Pakistan or the Partition of India PART I.htm - _msocom_3 Andhra is demanding separation from Madras. Kamatak is asking for separation from

Maharashtra.[4]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40B.Pakistan or the Partition of India PART I.htm - _msocom_4 The only linguistic province that is not demanding separation from Maharashtra is Gujarat Or rather, Gujarat has given up for the moment the idea of separation. That is probably because Gujarat has realized that union with Maharashtra is, politically as well as commercially, a better investment.

Be. that as it may, the fact remains that separation on linguistic basis is now an accepted principle with the Congress. It is no use saying that the separation of Karnatak and Andhra is based on a linguistic difference and that the claim to separation of Pakistan is based on a cultural difference. This is a distinction without difference. Linguistic difference is simply another name for cultural difference.

If there is nothing shocking in the separation of Karanatak and Andhra, what is there to shock in the demand for the separation of Pakistan? If it is disruptive in its effect, it is no more disruptive than the separation of Hindu provinces such as Karnatak from Maharashtra or Andhra from Madras. Pakistan is merely another manifestation of a cultural unit demanding freedom for the growth of its own distinctive culture.

CHAPTER II
A NATION CALLING FOR A HOME

That there are factors, administrative, linguistic or cultural, which are the predisposing causes behind these demands for separation, is a fact which is admitted and understood by all. Nobody minds these demands and many are prepared to concede them. But, the Hindus say that the Muslims are going beyond the idea of separation and questions, such as what has led them to take this course, why are they asking for partition, for the annulment of the common tie by a legal divorce between Pakistan and Hindustan, are being raised.

The answer is to be found in the declaration made by the Muslim League in its Resolution that the Muslims of India are a separate nation.

It is this declaration by the Muslim League, which is both resented and ridiculed by the Hindus.

The Hindu resentment is quite natural. Whether India is a nation or not, has been the subject-matter of controversy between the Anglo-Indians and the Hindu politicians ever since the Indian National Congress was founded. The Anglo-Indians were never tired of proclaiming that India was not a nation, that ' Indians 'was only another name for the people of India. In the words of one Anglo-Indian"to know India was to forget that there is such a thing as India."The Hindu politicians and patriots have been, on the other hand, equally persistent in their assertion that India is a nation. That the Anglo-Indians were right in their repudiation cannot be gainsaid. Even Dr. Tagore, the national poet of Bengal, agrees with them. But, the Hindus have never yielded on the point even to Dr. Tagore.

This was because of two reasons. Firstly, the Hindu felt ashamed to admit that India was not a nation. In a world where nationality and nationalism were deemed to be special virtues in a people, it was quite natural for the Hindus to feel, to use the language of Mr. H. G. Wells, that it would be as improper for India to be without a nationality as it would be for a man to be without his clothes in a crowded assembly. Secondly, he had realized that nationality had a most intimate connection with the claim for self-government. He knew that by the end of the 19th century, it had become an accepted principle that the people, who constituted a nation, were entitled on that account to self-government and that any patriot, who asked for self-government for his people, had to prove that they were a nation. The Hindu for these reasons never stopped to examine whether India was or was not a nation in fact. He never cared to reason whether nationality was merely a question of calling a people a nation or was a question of the people being a nation. He knew one thing, namely, that if he was to succeed in his demand for self-government for India, he must maintain, even if he could not prove it, that India was a nation.

In this assertion, he was never contradicted by any Indian. The thesis was so agreeable that even serious Indian students of history came

forward to write propagandist literature in support of it, no doubt out of patriotic motives. The Hindu social reformers, who knew that this was a dangerous delusion, could not openly contradict this thesis. For, anyone who questioned it was at once called a tool of the British bureaucracy and enemy of the country. The Hindu politician was able to propagate his view for a long time. His opponent, the Anglo-lndian, had ceased to reply to him. His propaganda had almost succeeded. When it was about to succeed comes this declaration of the Muslim League— this rift in the lute. Just because it does not come from the Anglo-Indian, it is a deadlier blow. It destroys the work which the Hindu politician has done for years. If the Muslims in India are a separate nation, then, of course, India is not a nation. This assertion cuts the whole ground from under the feet of the Hindu politicians. It is natural that they should feel annoyed at it and call it a stab in the back.

But, stab or no stab, the point is, can the Musalmans be said to constitute a nation? Everything else is beside the point. This raises the question : What is a nation? Tomes have been written on the subject. Those who are curious may go through them and study the different basic conceptions as well as the different aspects of it. It is, however, enough to know the core of the subject and that can be set down in a few words. Nationality is a social feeling. It is a feeling of a corporate sentiment of oneness which makes those who are charged with it feel that they are kith and kin. This national feeling is a double edged feeling. It is at once a feeling of fellowship for one's own kith and kin and an anti-fellowship feeling for those who are not one's own kith and kin. It is a feeling of"consciousness of kind"which on the one hand binds together those who have it, so strongly that it over-rides all differences arising out of economic conflicts or social gradations and, on the other, severs them from those who are not of their kind. It is a longing not to belong to any other group. This is the essence of what is called a nationality and national feeling.

Now apply this test to the Muslim claim. Is it or is it not a fact that the Muslims of India are an exclusive group? Is it or is it not a fact that they have a consciousness of kind? Is it or is not a fact that every Muslim is

possessed by a longing to belong to his own group and not to any non-Muslim group?

If the answer to these questions is in the affirmative, then the controversy must end and the Muslim claim that they are a nation must be accepted without cavil.

What the Hindus must show is that notwithstanding some differences, there are enough affinities between Hindus and Musalmans to constitute them into one nation, or, to use plain language, which make Muslims and Hindus long to belong together.

Hindus, who disagree with the Muslim view that the Muslims are a separate nation by themselves, rely upon certain features of Indian social life which seem to form the bonds of integration between Muslim society and Hindu society.

In the first place, it is said that there is no difference of race between the Hindus and the Muslims. That the Punjabi Musalman and the Punjabi Hindu, the U. P. Musalman and the U. P. Hindu, the Bihar Musalman and the Bihar Hindu, the Bengal Musalman and the Bengal Hindu, the Madras Musalman and the Madras Hindu, and the Bombay Musalman and the Bombay Hindu are racially of one stock. Indeed there is more racial affinity between the Madras Musalman and the Madras Brahmin than there is between the Madras Brahmin and the Punjab Brahmin. In the second place, reliance is placed upon linguistic unity between Hindus and Muslims. It is said that the Musalmans have no common language of their own which can mark them off as a linguistic group separate from the Hindus. On the contrary, there is a complete linguistic unity between the two. In the Punjab, both Hindus and Muslims speak Punjabi. In Sind, both speak Sindhi. In Bengal, both speak Bengali. In Gujarat, both speak Gujarati. In Maharashtra, both speak Marathi. So in every province. It is only in towns that the Musalmans speak Urdu and the Hindus the language of the province. Bu,t outside, in the mofussil, there is complete linguistic unity between Hindus and Musalmans. Thirdly, it is pointed out that India is the land which the Hindus and Musalmans have now inhabited together for

centuries. It is not exclusively the land of the Hindus, nor is it exclusively the land of the Mahomedans.

Reliance is placed not only upon racial unity but also upon certain common features in the social and cultural life of the two communities. It is pointed out that the social life of many Muslim groups is honeycombed with Hindu customs. For instance, the Avans of the Punjab, though they are nearly all Muslims, retain Hindu names and keep their genealogies in the Brahmanic fashion. Hindu surnames are found among Muslims. For instance, the surname Chaudhari is a Hindu surname but is common among the Musalmans of U.P. and Northern India. In the matter of marriage, certain groups of Muslims are Muslims in name only. They either follow the Hindu form of the ceremony alone, or perform the ceremony first by the Hindu rites and then call the Kazi and have it performed in the Muslim form. In some sections of Muslims, the law applied is the Hindu Law in the matter of marriage, guardianship and inheritance. Before the Shariat Act was passed, this was true even in the Punjab and the N. W. F. P. In the social sphere the caste system is alleged to be as much a part of Muslim society as it is of Hindu society. In the religious sphere, it is pointed out that many Muslim pirs had Hindu disciples ; and similarly some Hindu yogis have had Muslim chelas. Reliance is placed on instances of friendship between saints of the rival creeds. At Girot, in the Punjab, the tombs of two ascetics, Jamali Sultan and Diyal Bhawan, who lived in close amity during the early part of the nineteenth century, stand close to one another, and are reverenced by Hindus and Musalmans alike. Bawa Fathu, a Muslim saint, who lived about 1700 A.D. and whose tomb is at Ranital in the Kangra District, received the title of prophet by the blessing of a Hindu saint, Sodhi Guru Gulab Singh. On the other hand, Baba Shahana, a Hindu saint whose cult is observed in the Jang District, is said to have been the chela of a Muslim pir who changed the original name (Mihra), of his Hindu follower, into Mir Shah.

All this, no doubt, is true. That a large majority of the Muslims belong to the same race as the Hindus is beyond question. That all Mahomedans do not speak a common tongue, that many speak the

same language as the Hindus cannot be denied. That there are certain social customs which are common to both cannot be gainsaid. That certain religious rites and practices are common to both is also a matter of fact. But the question is : can all this support the conclusion that the Hindus and the Mahomedans on account of them constitute one nation or these things have fostered in them a feeling that they long to belong to each other?

There are many flaws in the Hindu argument. In the first place, what are pointed out as common features are not the result of a conscious attempt to adopt and adapt to each other's ways and manners to bring about social fusion. On the other hand, this uniformity is the result of certain purely mechanical causes. They are partly due to incomplete conversions. In a land like India, where the majority of the Muslim population has been recruited from caste and out-caste Hindus, the Muslimization of the convert was neither complete nor effectual, either from fear of revolt or because of the method of persuasion or insufficiency of preaching due to insufficiency of priests. There is, therefore, little wonder if great sections of the Muslim community here and there reveal their Hindu origin in their religious and social life. Partly it is to be explained as the effect of common environment to which both Hindus and Muslims have been subjected for centuries. A common environment is bound to produce common reactions, and reacting constantly in the same way to the same environment is bound to produce a common type. Partly are these common features to be explained as the remnants of a period of religious amalgamation between the Hindus and the Muslims inaugurated by the Emperor Akbar, the result of a dead past which has no present and no future.

As to the argument based on unity of race, unity of language and inhabiting a common country, the matter stands on a different footing. If these considerations were decisive in making or unmaking a nation, the Hindus would be right in saying that by reason of race, community of language and habitat the Hindus and Musalmans form one nation. As a matter of historical experience, neither race, nor language, nor country has sufficed to mould a people into a nation. The argument is so well

put by Renan that it is impossible to improve upon his language. Long ago in his famous essay on Nationality, Renan observed :—

"that race must not be confounded with nation. The truth is that . there is no pure race; and that making politics depend upon ethnographical analysis, is allowing it to be borne upon a chimera . . . Racial facts, important as they are in the beginning, have a constant tendency to lose their importance. Human history is essentially different from zoology. Race is not everything, as it is in the sense of rodents and felines."

Speaking about language, Renan points out that :—

"Language invites re-union ; it does not force it. The United States and England, Spanish America and Spain speak the same languages and do not form single nations. On the contrary, Switzerland which owes her stability to the fact that she was founded by the assent of her several parts counts three or four languages. In man there is something superior to language, —will. The will of Switzerland to be united, in spite of the variety of her languages,' is a much more important fact than a similarity of language, often obtained by persecution."

As to common country, Renan argued that :—

"It is no more the land than the race that makes a nation. The land provides a substratum, the field of battle and work; man provides the soul ; man is everything in the formation of that sacred thing which is called a people. Nothing of material nature suffices for it"

Having shown, that race, language, and country do not suffice to create a nation, Renan raises in a pointed manner the question, what more, then, is necessary to constitute a nation? His answer may be given in his own words :—

"A nation is a living soul, a spiritual principle. Two things, which in truth are but one, constitute this soul, this spiritual principle. One is in the past, the other in the present. One is the common possession of a rich heritage of memories ; the other is the actual consent, the desire to live together, the will to preserve worthily the undivided inheritance

which has been handed down. Man does not improvise. The nation, like the individual, is the outcome of a long past of efforts, and sacrifices, and devotion. Ancestor-worship is therefore, all the more legitimate ; for our ancestors have made us what we are. A heroic past, great men, glory,—1 mean glory of the genuine kind,—these form the social capital, upon which a national idea may be founded. To have common glories in the past, a common will in the present; to have done great things together, to will to do the like again,—such are the essential conditions for the . making of a people. We love in proportion to the sacrifices we have consented to make, to the sufferings we have endured. We love the house that we have built, and will hand down to our descendant. The Spartan hymn, ' We are what you were ; we shall be what you are,' is in its simplicity the national anthem of every land.

"In the past an inheritance of glory and regrets to be shared, in the future a like ideal to be realised ; to have suffered, and rejoiced, and hoped together; all these things are worth more than custom houses in common, and frontiers in accordance with strategical ideas; all these can be understood in spite of diversities of race and language. I said just now, ' to have suffered together ' for indeed, suffering in common is a greater bond of union than joy. As regards national memories, mournings are worth more than triumphs; for they impose duties, they demand common effort."

Are there any common historical antecedents which the Hindus and Muslims can be said to share together as matters of pride or as matters of sorrow? That is the crux of the question. That is the question which the Hindus must answer, if they wish to maintain that Hindus and Musalmans together form a nation. So far as this aspect of their relationship is. concerned, they have been just two armed battalions warring against each other. There was no common cycle of participation for a common achievement. Their past is a past of mutual destruction—a past of mutual animosities, both in the political as well as in the religious fields. As Bhai Parmanand points out in his pamphlet called"The Hindu National Movement":—"In history the Hindus revere

the memory of Prithvi Raj, Partap, Shivaji and, Beragi Bir, who fought for the honour and freedom of this land (against the Muslims), while the Mahomedans look upon the invaders of India, like Muhammad Bin Qasim and rulers like Aurangzeb as their national heroes."In the religious field, the Hindus draw their inspiration from the Ramayan, the Mahabharat, and the Geeta. The Musalmans, on the other hand, derive their inspiration from the Quran and the Hadis. Thus, the things that divide are far more vital than the things which unite. In depending upon certain common features of Hindu and Mahomedan social life, in relying upon common language, common race and common country, the Hindu is mistaking what is accidental and superficial for what is essential and fundamental. The political and religious antagonisms divide the Hindus and the Musalmans far more deeply than the so-called common things are able to bind them together. The prospects might perhaps be different if the past of the two communities can be forgotten by both, Renan points out the importance of forgetfulness as a factor in building up a nation :—

> "Forgetfulness, and I shall even say historical error, form an essential factor in the creation of a nation; and thus it is that the progress of historical studies may often be dangerous to the nationality. Historical research, in fact, brings back to light the deeds of violence that have taken place at the commencement of all political formations, even of those the consequences of which have been most beneficial. Unity is ever achieved by brutality. The union of Northern and Southern France was the result of an extermination, and of a reign of terror lhal lasted for nearly a hundred years. The king of France who was, if I may say so, the ideal type of a secular crystalliser, the king of France who made the most perfect national unity in existence, lost his prestige when seen at too close a distance. The nation that he had formed cursed him ; and today the knowledge of what he was worth, and what he did, belongs only to the cultured.
>
> "It is by contrast that these great laws of the history of Western Europe become apparent. In the undertaking which the king of France, in part by his justice, achieved so admirably, many countries

came to disaster. Under the crown of St. Stephen, Magyars and Slavs have remained as distinct as they were eight hundred years ago. Far from combining the different elements in its dominions, the house of Hapsburg has held them apart and often opposed to one another. In Bohemia, the Czech element and the German element are superimposed like oil and water in a glass. The Turkish policy of separation of nationalities according to religion has had much graver results. It has brought about the ruin of the East. Take a town like Smyrna or Salonica; you will find there five or six communities each with its own memories, and possessing among them scarcely anything in common. But the essence of the nation is, that all its individual members should have things in common; and also, that all of them should hold many things in oblivion. No French citizen knows whether he is a Burgundian, an Alan, or a Visigoth; every French citizen ought to have forgotten St. Bartholomew, and the massacres of the South in the thirteenth century. There are not ten families in France able to furnish proof of a French origin; and yet, even if such a proof were given it would be essentially defective, in consequence of a thousand unknown crosses, capable of deranging all genealogical systems."

The pity of it is that the two communities can never forget or obliterate their past. Their past is imbedded in their religion, and for each to give up its past is to give up its religion. To hope for this is to hope in vain.

In the absence of common historical antecedents, the Hindu view that Hindus and Musalmans form one nation falls to the ground. To maintain it is to keep up a hallucination. There is no such longing between the Hindus and Musalmans to belong together as there is among the Musalmans of India.

It is no use saying that this claim of the Musalmans being a nation is an after-thought of their leaders. As an accusation, it is true. The Muslims were hitherto quite content to call themselves a community. It is only recently that they have begun to style themselves a nation. But an accusation, attacking the motives of a person, does not amount to a

refutation of his thesis. To say that because the Muslims once called themselves a community, they are, therefore, now debarred from calling themselves a nation is to misunderstand the mysterious working of the psychology of national feeling. Such an argument presupposes that wherever there exist a people, who possess the elements that go to the making up of a nation, there must be manifested that sentiment of nationality which is their natural consequence and that if they fail to manifest it for sometime, then that failure is to be used as evidence showing the unreality of the claim of being a nation, if made afterwards. There is no historical support for such a contention. As Prof. Toynbee points out :—

"It is impossible to argue a priory from the presence of one or even several of these factors to the existence of a nationality; they may have been there for ages and kindled no response and if is impossible to argue from one case to another; precisely the same group of factors may produce nationality here, and there have no effect."

This is probably due to the fact, as pointed out by Prof. Barker, that it is possible for nations to exist and even for centuries, in unreflective silence, although there exists that spiritual essence of a national life of which many of its members are not aware. Some such thing has no doubt happened in the case of the Musalmans. They were not aware of the fact that there existed for them the spiritual essence of a national life. This explains why their claim to separate nationality was made by them so late. But, it does not mean that the spiritual essence of a national life had no existence at all.

It is no use contending that there are cases where a sense of nationality exists but there is no desire for a separate national existence. Cases of the French in Canada and of the English in South Africa, may be cited as cases in point. It must be admitted that there do exist cases, where people are aware of their nationality, but this awareness does not produce in them that passion which is called nationalism. In other words, there may be nations conscious of themselves without being charged with nationalism. On the basis of this reasoning, it may be argued that the Musalmans may hold that they are a nation but they

need not on that account demand a separate national existence ; why can they not be content with the position which the French occupy in Canada and the English occupy in South Africa? Such a position is quite a sound position. It must, however, be remembered that such a position can only be taken by way of pleading with the Muslims not to insist on partition. It is no argument against their claim for partition, if they insist upon it.

Lest pleading should be mistaken for refutation, it is necessary to draw attention to two things. First, there is a difference between nationality and nationalism. They are two different psychological states of the human mind. Nationality means

> "consciousness of kind, awareness of the existence of that tie of kinship." Nationalism means"the desire for a separate national existence for those who are bound by this tie of kinship."Secondly, it is true that there cannot be nationalism without the feeling of nationality being in existence. But, it is important to bear in mind that the converse is not always true. The feeling of nationality may be present and yet the feeling of nationalism may be quite absent. That is to say, nationality does not in all cases produce nationalism. For nationality to flame into nationalism two conditions must exist. First, there must arise the"will to live as a nation. Nationalism is the dynamic expression of that desire. Secondly, there must be a territory which nationalism could occupy and make it a state, as well as a cultural home of the nation. Without such a territory, nationalism, to use Lord Acton's phrase, would be a"soul as it. were wandering in search of a body in which to begin life over again and dies out finding none."The Muslims have developed a"will to live as a nation."For them nature has found a territory which they can occupy and make it a state as well as a cultural home for the new-born Muslim nation. Given these favourable conditions, there should be no wonder, if the Muslims say that they are not content to occupy the position which the French choose to occupy in Canada or the English choose to occupy in South Africa, and that

they shall have a national home which they can call their own.

CHAPTER III

ESCAPE FROM DEGRADATION

"What justification have the Musalmans of India for demanding the partition of India and the establishment of separate Muslim States? Why this insurrection? What grievances have they?"—ask the Hindus in a spirit of righteous indignation.

Anyone, who knows history, will not fail to realize that it has now been a well established principle that nationalism is a sufficient justification for the creation of a national state. As the great historian Lord Acton points out :—

> "In the old European system, the rights of nationalities were neither recognised by Governments nor asserted by the people. The interest of the reigning families, not those of the nations, regulated the frontiers, and the administration was conducted generally without any reference to popular desires. Where all liberties were suppressed, the claims of national independence were necessarily ignored, and a princess, in the words of Fenelon, carried a monarchy in her wedding portion."

Nationalities were at first listless. When they became conscious—

> "They first rose against their conquerors in defence of their legitimate rulers. They refused to be governed by usurpers. Next came a time when they revolted because of the wrongs inflicted upon them by their rulers. The insurrections were provoked by particular grievances justified by definite complaints. Then came the French Revolution which effected a complete change. It taught the people to regard their wishes and wants as the supreme criterion of their right to do what they liked to do with themselves. It proclaimed the idea of the sovereignty of the people uncontrolled by the past and uncontrolled by the existing state. This text taught by the French Revolution became

an accepted dogma of all liberal thinkers. Mill gave it his support. ' One hardly knows, ' says Mill, ' what any division of the human race should be free to do, if not to determine with which of the various collective bodies of human beings they choose to associate themselves.'"

He even went so far as to hold that—

"It is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities."

Thus history shows that the theory of nationality is imbedded in the democratic theory of the sovereignty of the will of a people. This means that the demand by a nationality for a national state does not require to be supported by any list of grievances. The will of the people is enough to justify it.

But, if grievances must be cited in support of their claim, the Muslims say that they have them in plenty. They may be summed up in one sentence, that constitutional safeguards have failed to save them from the tyranny of the Hindu majority.

At the Round Table Conference, the Muslims presented their list of safeguards, which were formulated in the well-known fourteen points. The Hindu representatives at the Round Table Conference would not consent to them. There was an impasse. The British Government intervened and gave what is known as"the Communal decision". By that decision, the Muslims got all their fourteen points. There was much bitterness amongst the Hindus against the Communal Award. But, the Congress did not take part in the hostility that was displayed by the Hindus generally towards it, although it did retain the right to describe it as anti national and to get it changed with the consent of the Muslims. So careful was the Congress not to wound the feelings of the Muslims that when the Resolution was moved in the Central Assembly condemning the Communal Award, the Congress, though it did not bless it, remained neutral, neither opposing nor supporting it. The Mahomedans were well justified in looking upon this Congress attitude

as a friendly gesture.

The victory of the Congress at the polls in the provinces, where the Hindus are in a majority, did not disturb the tranquillity of the Musalmans. They felt they had nothing to fear from the Congress and the prospects were that the Congress and the Muslim League would work the constitution in partnership. But, two years and three months of the Congress Government in the Hindu Provinces have completely disillusioned them and have made them the bitterest enemies of the Congress. The Deliverance Day celebration held on the 22nd December 1939 shows the depth of their resentment. What is worse, their bitterness is not confined to the Congress. The Musalmans, who at the Round Table Conference joined in the demand for Swaraj, are today the most ruthless opponents of Swaraj.

What has the Congress done to annoy the Muslims so much? The Muslim League has asserted that under the Congress regime the Muslims were actually tyrannized and oppressed. Two committees appointed by the League are said to have investigated and reported on the matter. But apart from these matters which require to be examined by an impartial tribunal, there are undoubtedly two things which have produced the clash: (1) the refusal by the Congress to recognize the Muslim League as the only representative body of the Muslims, (2) the refusal by the Congress to form Coalition Ministries in the Congress Provinces.

On the first question, both the Congress and the League are adamant. The Congress is prepared to accept the Muslim League as one of the many Muslim political organizations, such as the Ahrars, the National Muslims and the Jamiat-ul-Ulema. But it will not accept the Muslim League as the only representative body of the Muslims. The Muslim League, on the other hand, is not prepared to enter into any talk unless the Congress accepts it as the only representative body of the Musalmans of India. The Hindus stigmatize the claim of the League as an extravagant one and try to ridicule it. The Muslims may say that if the Hindus would only stop to inquire how treaties between nations are made, they would realize the stupidity of their view. It may be argued

that when a nation proceeds to make a treaty with another nation, it recognizes the Government of the latter as fully representing it. In no country does the Government of the day represent the whole body of people. Everywhere it represents only a majority. But nations do not refuse to settle their disputes because the Governments, which represent them, do not represent the whole people. It is enough if each Government represents a majority of its citizens. This analogy, the Muslims may contend, must apply to the Congress-League quarrel on this issue. The League may not represent the whole body of the Muslims but if it represents a majority of them, the Congress should have no compunction to deal with -it for the purpose of effecting a settlement of the Hindu-Muslim question. Of course, it is open to the Government of a country not to recognize the Government of another country where there is more than one body claiming to be the Government. Similarly, the Congress may not recognize the League. It must, however, recognize either the National Muslims or the Ahrars or the Jamiat-ul-Ulema and fix the terms of settlement between the two communities. Of course, it must act with the full knowledge as to which is more likely to be repudiated by the Muslims—an agreement with the League or an agreement with the other Muslim parties. The Congress must deal with one or the other. To deal with neither is not only stupid but mischievous. This attitude of the Congress only serves to annoy the Muslims and to exasperate them. The Muslims rightly interpret this attitude of the Congress as an attempt to create divisions among them with a view to cause confusion in their ranks and weaken their front.

On the second issue, the Muslim demand has been that in the cabinets there shall be included Muslim Ministers who have the confidence of the Muslim members in the Legislature. They expected that this demand of theirs would be met by the Congress if it came in power. But, they were sorely disappointed. With regard to this demand, the Congress took a legalistic attitude. The Congress agreed to include Muslims in their cabinets, provided they resigned from their parties, joined the Congress and signed the Congress pledge. This was resented by the Muslims on three grounds.

In the first place, they regarded it as a breach of faith. The Muslims say that this demand of theirs is in accordance with the spirit of the Constitution. At the Round Table Conference, it was agreed that the cabinets shall include representatives of the minority communities. The minorities insisted that a provision to that effect should be made a part of- the statute. The Hindus, on the other hand, desired that the matter should be left to be regulated by convention. A via media was found. It was agreed that the provision should find a place in the Instrument of Instructions to the

Governors of the provinces and an obligation should be imposed upon them to see that effect was given to the convention in the formation of the cabinets. The Musalmans did not insist upon making this provision a part of the statute because they depended upon the good faith of the Hindus. This agreement was broken by a party which had given the Muslims to understand that towards them its attitude would be not only correct but considerate.

In the second place, the Muslims felt that the Congress view was a perversion of the real scope of the convention. They rely upon the text of the clause [5]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40B.Pakistan or the Partition of India PART I.htm - _msocom_5 in the Instrument of Instructions and argue that the words"member of a minority community"in it can have only one meaning, namely, a person having the confidence of the community. The position taken by the Congress is in direct contradiction with the meaning of this clause and is indeed a covert attempt to break all other parties in the country and to make the Congress the only political party in the country. The demand for signing the Congress pledge can have no other intention. This attempt to establish a totalitarian state may be welcome to the Hindus, but it meant the political death of the Muslims as a free people.

This resentment of the Muslims was considerably aggravated when they found the Governors, on whom the obligation was imposed to see that effect was given to the convention, declining to act. Some Governors declined, because they were helpless by reason of the fact that the Congress was the only majority party which could produce a

stable government, that a Congress Government was the only government possible and that there was no alternative to it except suspending the constitution. Other Governors declined, because they became active supporters of the Congress Government and showed their partisanship by praising the Congress or by wearing Khadi which is the official party dress of the Congress. Whatever be the reasons, the Muslims discovered that an important safeguard had failed to save them.

The Congress reply to these accusations by the Muslims is twofold. In the first place, they say that coalition cabinets are inconsistent with collective responsibility of the cabinets. This, the Musalmans refuse to accept as an honest plea. The English people were the first and the only people, who made it a principle of their system of government. But even there it has been abandoned since. The English Parliament debated [6][f.6] the issue and came to the conclusion that it was not so sacrosanct as it was once held and that a departure from it need not necessarily affect the efficiency or smooth working of the governmental machine. Secondly, as a matter of fact, there was no collective responsibility in the Congress Government. It was a government by departments. Each Minister was independent of the other and the Prime Minister was just a Minister. For the Congress to talk about collective responsibility was really impertinent. The plea was even dishonest, because it is a fact that in the provinces where the Congress was in a minority, they did form Coalition Ministries without asking the Ministers from other parties to sign the Congress pledge. The Muslims are entitled to ask ' if coalition is bad, how can it be good in one place and bad in another? '

The second reply of the Congress is that even if they take Muslim Ministers in their cabinet who have not the confidence of the

majority of the Muslims, they have not failed to protect their interests. Indeed they have done every thing to advance the interests of the Muslims. This no doubt rests on the view Pope held of government when he said :

"For forms of government let fools contest ; What is best administered is best."

In making this reply, the Congress High Command seems to have misunderstood what the main contention of the Muslims and the minorities has been. Their quarrel is not on the issue whether the Congress has or has not done any good to the Muslims and the minorities. Their quarrel is on an issue which is totally different. Are the Hindus to be a ruling race and the Muslims and other minorities to be subject races under Swaraj? That is the issue involved in the demand for coalition ministries. On that, the Muslims and other minorities have taken a definite stand. They are not prepared to accept the position of subject races.

That the ruling community has done good to the ruled is quite beside the point and is no answer to the contention of the minority communities that they refuse to be treated as a subject people. The British have done many good things in India for the Indians. They have improved their roads, constructed canals on more scientific principles, effected their transport by rail, carried their letters by penny post, flashed their messages by lightning, improved their currency, regulated their weights and measures, corrected their notions of geography, astronomy and medicine, and stopped their internal quarrels and effected some advancement in their material conditions. Because of these acts of good government, did anybody ask the Indian people to remain grateful to the British and give up their agitation for self-government? Or because of these acts of social uplift, did the Indians give up their protest against being treated as a subject race by the British? The Indians did nothing of the kind. They refused to be satisfied with these good deeds and continued to agitate for their right to rule themselves. This is as it should be. For, as was said by Curran,

the Irish patriot, no man can be grateful at the cost of his self-respect, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its honour. To do otherwise is to show that one's philosophy of life is just what Carlyle called ' pig philosophy '. The Congress High Command does not seem to realize that the Muslims and other minorities care more for the recognition of their self-respect at the hand of the Congress than for mere good deeds on the part of the

Congress. Men, who are conscious of their being, are not pigs who care only for fattening food. They have their pride which they will not yield even for gold. In short"life is more than the meat".

It is no use saying that the Congress is not a Hindu body. A body which is Hindu in its composition is bound to reflect the Hindu mind and support Hindu aspirations. The only difference between the Congress and the Hindu Maha Sabha is that the latter is crude in its utterances and brutal in its actions while the Congress is politic and polite. Apart from this difference of fact, there is no other difference between the Congress and the Hindu Maha Sabha.

Similarly, it is no use saying that the Congress does not recognize the distinction between the ruler and the ruled. If this is so, the Congress must prove its bonafides by showing its readiness to recognize the other communities as free and equal partners. What is the test of such recognition? It seems to me that there can be only one—namely, agreeing to share power with the effective representatives of the minority communities. Is the Congress prepared for it? Everyone knows the answer. The Congress is not prepared to share power with a member of a community who does not owe allegiance to the Congress. Allegiance to the Congress is a condition precedent to sharing power. It seems to be a rule with the Congress that if allegiance to the Congress is not forthcoming from a community, that community must be excluded from political power.

Exclusion from political power is the essence of the distinction between a ruling race and a subject race ; and inasmuch as the Congress maintained this principle, it must be said that this distinction was enforced by the Congress while it was in the saddle. The Musalmans may well complain that they have already suffered enough and that this reduction to the position of a subject race is like the proverbial last straw. Their decline and fall in India began ever since the British occupation of the country. Every change, executive, administrative, or legal, introduced by the British, has inflicted a series of blows upon the Muslim Community. The Muslim rulers of India had allowed the Hindus to retain their law in civil matters. But, they abrogated the Hindu

Criminal Law and made the Muslim Criminal Law the law of the State, applicable to all Hindus as well as Muslims. The first thing the British did was to displace gradually the Muslim Criminal Law by another of their making, until the process was finally completed by the enactment of Macaulay's Penal Code. This was the first blow to the prestige and position of the Muslim community in India. This was followed by the abridgement of the field of application of the Shariat or the Muslim Civil Law. Its application was restricted to matters concerning personal relations, such as marriage and inheritance, and then only to the extent permitted by the British. Side by side came the abolition, in 1837, of Persian as the official language of the Court and of general administration and the substitution of English and the vernaculars in place of Persian. Then came the abolition of the Qazis, who, during the Muslim rule, administered the Shariat. In their places, were appointed law officers and judges, who might be of any religion but who got the right of interpreting Muslim Law and whose decisions became binding on Muslims. These were severe blows to the Muslims. As a result, the Muslims found their prestige gone, their laws replaced, their language shelved and their education shorn of its monetary value. Along with these came more palpable blows in the shape of annexation of Sind and Oudh and the Mutiny. The last, particularly, affected the higher classes of Muslims, who suffered enormously by the extensive confiscation of property inflicted upon them by the British, as a punishment for their suspected complicity in the Mutiny. By the end of the Mutiny, the Musalmans, high and low, were brought down by these series of events to the lowest depths of broken pride, black despair and general penury. Without prestige, without education and without resources, the Muslims were left to face the Hindus. The British, pledged the neutrality, were indifferent to the result of the struggle between the two communities. The result was that the Musalmans were completely worsened in the struggle. The British conquest of India brought about a complete political revolution in the relative position of the two communities. For six hundred years, the Musalmans had been the masters of the Hindus. The British occupation brought them down to the level of the Hindus. From masters to fellow subjects was degradation enough, but a change from the status of fellow subjects to that of subjects of the Hindus is

really humiliation. Is it unnatural, ask the Muslims, if they seek an escape from so intolerable a position by the creation of separate national States, in which the Muslims can find a peaceful home and in which the conflicts between a ruling race and a subject race can find no place to plague their lives?

PART II

PAKISTAN OR THE PARTITION OF INDIA

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HINDU CASE AGAINST PAKISTAN

There seem to be three reasons present to the mind of the Hindus who are opposing this scheme of Pakistan. They object to the scheme :—

1. 1. *Because it involves the breaking-up of the unity of India.*
2. 2. *Because it weakens the defence of India.*
3. 3. *Because it fails to solve the communal problem.*

Is there any substance in these objections? This part is concerned with an examination of the validity of these objections.

CHAPTER IV

BREAK-UP OF UNITY

I

Before the Hindus complain of the destruction of the unity of India, let them make certain that the unity they are harping upon does exist. What unity is there between Pakistan and Hindustan?

Those Hindus, who maintain the affirmative, rely chiefly upon the fact that the areas which the Muslims want to be separated from India have always been a part of India. Historically this is, no doubt, true. This area was a part of India when Chandragupta was the ruler; it continued to be a part of India when Hsuan Tsang, the Chinese pilgrim, visited India in the 7th century A. D. In his diary, Hsuan Tsang has recorded that India was divided into five divisions or to use his language, there were ' five Indies "[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40C.Pakistan or the Partition of India PART II.htm - _msocom_1: (1) Northern India, (2) Western India, (3) Central India, (4) Eastern India and (5) Southern India and that these five divisions contained 80 kingdoms. According to Hsuan Tsang, Northern India comprised the Punjab proper, including Kashmir and the adjoining hill States with the whole of Eastern Afghanistan beyond the Indus, and the present Cis-Satlaj States to the west of the Sarasvati river. Thus, in Northern India there were included the districts of Kabul, Jallalabad, Peshawar, Ghazni and Bannu, which were all subject to the ruler of Kapisa, who was a Hindu Kshatriya and whose capital was most probably at Charikar, 27 miles from Kabul. In the Punjab proper, the hilly districts Taxila, Singhapura, Urasa, Punch and Rajaori, were subject to the Raja of Kashmir; while the whole of the plains, including Multan and Shorkot, were dependent on the ruler of Taki or Sangala, near Lahore. Such was the extent of the northern boundary of India at the time when Hsuan Tsang came on his pilgrimage. But as Prof. Toynbee points out :

> "We must be on our Guard against ' historical sentiment ', that is against arguments taken from conditions which once existed or were supposed to exist, but which are no longer real at the present moment

> They are most easily illustrated by extreme examples. Italian newspapers have described the annexation of Tripoli as recovering the soil of the Fatherland because it was once a province of the Roman Empire; and the entire region of Macedonia is claimed by Greek Chauvinists on the one hand, because it contains the site of Pella, the cradle of Alexandar the Great in the fourth century B.C. and by Bulgarians on the other, because Ochrida, in the opposite corner, was the capital of the Bulgarian Tzardom in the tenth century A. D., though the drift of time has buried the tradition of the latter almost as deep as the achievements of the ' Emathian Conqueror ' on which the modem Greek nationalists insist so strongly."

The same logic applies here. Here also arguments are taken from conditions which once existed but which are no longer real and which omit to take into consideration later facts which history has to record during practically one thousand years—after the return of Hsuan Tsang.

It is true that when Hsuan Tsang came, not only the Punjab but what is now Afghanistan was part of India and further, the people of the Punjab and Afghanistan were either Vedic or Buddhist by religion. But what has happened since Hsuan Tsang left India?

The most important thing that has happened is the invasion of India by the Muslim hordes from the north-west. The first Muslim invasion of India was by the Arabs who were led by Mahommad Bin Qasim. It took place in 711 A. D. and resulted in the conquest of Sind. This first Muslim invasion did not result in a permanent occupation of the country because the Caliphate of Baghdad, by whose order and command the invasion had taken place, was obliged by the middle of the 9th century A. D. to withdraw [2]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40C.Pakistan or the Partition of India PART II.htm - _msocom_2 its direct control from this distant province of Sind. Soon after this withdrawal, there began a series of terrible invasions by Muhammad of Ghazni in 1001 A. D. Muhammad died in 1030 A. D., but within the short span of 30 years, he invaded India 17 times. He was followed by Mahommad Ghori who began his career as an invader in 1173. He was killed in 1206. For thirty years had Muhammad of Ghazni

ravaged India and for thirty years Mahommad Ghori harried the same country in the same way. Then followed the incursions of the Moghul hordes of Chenghiz Khan. They first came in 1221. They then only wintered on the border of India but did not enter it. Twenty years after, they marched on Lahore and sacked it. Of their inroads, the most terrible was under Taimur in 1398. Then comes on the scene a new invader in the person of Babar who invaded India in 1526. The invasions of India did not stop with that of Babar. There occurred two more invasions. In 1738 Nadirshah's invading host swept over the Punjab like a flooded river"furious as the ocean". He was followed by Ahmadshah Abdalli who invaded India in 1761, smashed the forces of the Mahrattas at Panipat and crushed for ever the attempt of the Hindus to gain the ground which they had lost to their Muslim invaders.

These Muslim invasions were not undertaken merely out of lust for loot or conquest. There was another object behind them. The expedition against Sind by Mahommad bin Qasim was of a punitive character and was undertaken to punish Raja Dahir of Sind who had refused to make restitution for the seizure of an Arab ship at Debul, one of the sea-port towns of Sind. But, there is no doubt that striking a blow at the idolatry and polytheism of Hindus and establishing Islam in India was also one of the aims of this expedition. In one of his dispatches to Hajjaj, Mahommad bin Qasim is quoted to have said :

"The nephew of Raja Dahir, his warriors and principal officers have been dispatched, and the infidels converted to Islam or destroyed. Instead of idol-temples, mosques and other places of worship have been created, the Kulbah it read, the call to prayers is raised, so that devotions are performed at staled hours. The Takbir and praise to the Almighty God are offered every morning and evening."[3] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40C.Pakistan or the Partition of India PART II.htm - _msocom_3

After receiving the above dispatch, which had been forwarded with the head of the Raja, Hajjaj sent the following reply to his general:

"Except that you give protection to all, great and small alike, make no difference between enemy and friend. God, says, ' Give no quarter to infidels but cut their throats '. Then know that this is the command of

the great God. You shall not be too ready to grant protection, because it will prolong your work. After this give no quarter to any enemy except those who are of rank."[4]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40C.Pakistan or the Partition of India PART II.htm - _msocom_4

Muhammad of Ghazni also looked upon his numerous invasions of India as the waging of a holy war. Al' Utbi, the historian of Muhammad, describing his raids writes :

"He demolished idol temples and established Islam. He captured ..... cities, killed the polluted wretches, destroying the idolaters, and gratifying Muslims. ' He then returned home and promulgated accounts of the victories obtained for Islam. ..... and vowed that every year he would undertake a holy war against Hind [5]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40C.Pakistan or the Partition of India PART II.htm - _msocom_5."Mahommed Ghori was actuated by the same holy zeal in his invasions of India. Hasan Nizami, the historian, describes his work in the following terms :

"He purged by his sword the land of Hind from the filth of infidelity and vice, and freed the whole of that country from the thorn of God-plurality and the impurity of idol-worship, and by his royal vigour and intrepidity left not one temple standing [6][f.6]

Taimur has in his Memoir explained what led him to invade India. He says:

"My object in the invasions of Hindustan is to lead a campaign against the infidels, to convert them to the true faith according to the command of Muhammad (on whom and his family be the blessing and peace of God), to purify the land from the defilement of misbelief and polytheism, and overthrow the temples and idols, whereby we shall be *Ghazis* and *Mujahids,* companions and soldiers of the faith before God."[7][f.7]

These invasions of India by Muslims were as much invasions of India as they were wars among the Muslims themselves. This fact has

remained hidden because the invaders are all lumped together as Muslims without distinction. But as a matter of fact, they were Tartars, Afghans and Mongols. Muhammad of Ghazni was a Tartar, Mahommed of Ghori was an Afghan, Taimur was a Mongol, Babar was a Tartar, while Nadirshah and Ahmadshah Abdalli were Afghans. In invading India, the Afghan was out to destroy the Tartar and the Mongol was out to destroy the Tartar as well as the Afghan. They were not a loving family cemented by the feeling of Islamic brotherhood. They were deadly rivals of one another and their wars were often wars of mutual extermination. What is, however, important to bear in mind is that with all their internecine conflicts they were all united by one common objective and that was to destroy the Hindu faith.

The methods adopted by the Muslim invaders of India are not less significant for the subsequent history of India than the object of their invasions.

Mahommad bin Qasim's first act of religious zeal was forcibly to circumcise the Brahmins of the captured city of Debul ; but on discovering that they objected to this sort of conversion, he proceeded to put all above the age of 17 to death, and to order all others, with women and children, to be led into slavery. The temple of the Hindus was looted, and the rich booty was divided equally among the soldiers, after one-fifth, the legal portion for the government, had been set aside.

Muhammad of Ghazni from the first adopted those plans that would strike terror into the hearts of the Hindus. After the defeat of Raja JaipalinA.D. 1001, Muhammad ordered that Jaipal"be paraded about in the streets so that his sons and chieftains might see him in that condition of shame, bonds and disgrace; and that fear of Islam might fly abroad through the country of the infidels."

"The slaughtering of ' infidels' seemed to be one thing that gave Muhammad particular pleasure. In one attack on Chand Rai, in A. D. 1019, many infidels were slain or taken prisoners, and the Muslims paid no regard to booty until they had satiated themselves with the slaughter of the infidels and worshippers of the sun and fire. The

historian naively adds that the elephants of the Hindu armies came to Muhammad of their own accord, leaving idols, preferring the service of the religion of Islam."[8][f.8]

Not infrequently, the slaughter of the Hindus gave a great setback to the indigenous culture of the Hindus, as in the conquest of Bihar by Muhammad Bakhtyar Khilji. When he took Nuddea (Bihar) the Tabaquat-i-Nasiri informs us that:

"great plunder fell into the hands of the victors. Most of the inhabitants were Brahmins with shaven heads. They were put to death. Large number of books were found..... but none could explain their contents as all the men had been killed, the whole fort and city being a place of study." [9][f.9]

Summing up the evidence on the point. Dr. Titus concludes :

"Of the destruction of temples and the desecration of idols we have an abundance of evidence. Mahommad bin Qasim carried out his plan of destruction systematically in Sind, we have seen, but he made an exception of the famous temple at Multan for purposes of revenue, as this temple was a place of resort for pilgrims, who made large gifts to the idol. Nevertheless, while he thus satisfied his avarice by letting the temple stand, he gave vent to his malignity by having a piece of cow's flesh tied around the neck of the idol.

"Minhaj-as-Siraj further tells how Mahommad became widely known for having destroyed as many as a thousand temples, and of his great feat in destroying the temple of Somnath and carrying off its idol, which he asserts was broken into four parts. One part he deposited in the Jami Masjid of Ghazni, one he placed at the entrance of the royal palace, the third he sent to Mecca, and the fourth to Medina. [10][f.10]"

It is said by Lane Poole that Muhammad of Ghazni"who had vowed that every year should see him wage a holy war against the infidels of Hindustan"could not rest from his idol-breaking campaign so long as the temple of Somnath remained inviolate. It was for this specific purpose that he, at the very close of his career, undertook his arduous

march across the desert from Multan to Anhalwara on the coast, fighting as he went, until he saw at last the famous temple:

"There a hundred thousand pilgrims were wont to assemble, a thousand Brahmins served the temple and guarded its treasures, and hundreds of dancers and singers played before its gates. Within stood the famous linga, a rude pillar stone adorned with gems and lighted by jewelled candelebra which were reflected in rich hangings, embroidered with precious stones like stars, that decked the shrine..... Its ramparts were swarmed with incredulous Brahmins, mocking the vain arrogance of foreign infidels whom the God of Somnath would assuredly consume. The foreigners, nothing daunted, scaled the walls; the God remained dumb to the urgent appeals of his servants; fifty thousand Hindus suffered for their faith and the sacred shrine was sacked to the joy of the true believers. The great stone was cast down and its fragments were carried off to grace the conqueror's palace. The temple gates were setup at Ghazni and a million pounds worth of treasure rewarded the iconoclast"[11][f.11]

The work done by Muhammad of Ghazni became a pious tradition and was faithfully followed by those who came after him. In the words of Dr. Titus [12][f.12]

"Mahommad Ghori, one of the enthusiastic successors of Muhammad of Ghazni, in his conquest of Ajmir destroyed pillars and foundations of the idol-temples, and built in their stead mosques and colleges, and the precepts of Islam and the customs of the law were divulged and established. At Delhi, the city and its vicinity were freed from idols and idol worship, and in the sanctuaries of the images of the Gods mosques were raised by the worshippers of the one God.

"Qutb-ud-Din Aybak also is said to have destroyed nearly a thousand temples, and then raised mosques on their foundations. The same author states that he built the Jami Masjid, Delhi, and adorned it with the stones and gold obtained from the temples which had been demolished by elephants, and covered it with inscriptions (from the Quran) containing the divine commands. We have further evidence of

this harrowing process having been systematically employed from the inscription extant over the eastern gateway of this same mosque at Delhi, which relates that the materials of 27 idol temples were used in its construction.

"Ala-ud-Din, in his zeal to build a second Minar to the Jami Masjid, to rival the one built by Qulb-ud-Din, is said by Amir Khusru not only to have dug stones out of the hills, but to have demolished temples of the infidels to furnish a supply. In his conquests of South India the destruction of temples was carried out by Ala-ud-Din as it had been in the north by his predecessors.

"The Sultan Firoz Shah, in his Futuhat, graphically relates how he treated Hindus who had dared to build new temples. ' When they did this in the city (Delhi) and the environs, in opposition to the law of the Prophet, which declares that such are not to be tolerated, under Divine guidance I destroyed these edifices. I killed these leaders of infidelity and punished others with stripes, until this abuse was entirely abolished and where infidels and idolaters worshipped idols, Musalmans now by God's mercy perform their devotions to the true God."

Even in the reign of Shah Jahan, we read of the destruction of the temples that the Hindus had started to rebuild, and the account of this direct attack on the piety of the Hindus is thus solemnly recorded in the Badshah-namah :

"It had been brought to the notice of His Majesty, says the historian, that during the late reign (of Akbar) many idol-temples had been begun but remained unfinished at Benares, the great stronghold of infidelity. The infidels were now desirous of completing them. His Majesty, the defender of the faith, gave orders that at Benares and throughout all his dominions in every place all temples that had been begun should be cast down. It was reported from the Province of Allahabad that 76 temples had been destroyed in the district of Benares." [13][f.13]

It was left to Aurangzeb to make a final attempt to overthrow idolatry.

The author of ' *Ma ' athir-i-Alamgiri* dilates upon his efforts to put down Hindu teaching, and his destruction of temples in the following terms :

"In April, A. D. 1669, Aurangzib learned that in the provinces of Thatta, Multan and Benares, but especially in the latter, foolish Brahmins were in the habit of expounding frivolous books in their schools, and that learners, Muslims as well as Hindus, went there from long distances.... The ' Director of the Faith ' consequently issued orders to all the governors of provinces to destroy with a willing hand the schools and temples of the infidels; and they were enjoined to put an entire stop to the teaching and practising of idolatrous worship.. ...Later it was reported to his religious Majesty that the Government officers had destroyed the temple of Bishnath at Benares."[14][f.14]

As Dr. Titus observes [15] [f.15]—

"Such invaders as Muhammad and Timur seem to have been more concerned with iconoclasm, the collection of booty, the enslaving of captives, and the sending of infidels to hell with the' proselytizing sword ' than they were with the conversion of them even by force. But when rulers were permanently established the winning of converts became a matter of supreme urgency. It was a part of the stale policy to establish Islam as the religion of the whole land.

"Qutb-ud-Din, whose reputation for destroying temples was almost as great as that of Muhammad, in the latter part of the twelfth century and early years of the thirteenth, must have frequently resorted to force as an incentive to conversion. One instance may be noted: when he approached Koil (Aligarh) in A. D. 1194, ' those of the garrison who were wise and acute were converted to Islam, but the others were slain with the sword '.

"Further examples of extreme measures employed to effect a change of faith are all too numerous. One pathetic case is mentioned in the lime of the reign of Firoz Shah (A. D. 1351—1388). An old Brahmin of Delhi had been accused of worshipping idols in his house, and of even leading Muslim women to become infidels. He was sent for and his case placed before the judges, doctors, elders and lawyers. Their

reply was that the provisions of the law were clear. The Brahmin must either become a Muslim or be burned. The true faith was declared to him and the right course pointed out, but he refused to accept it. Consequently he was burned by the order of the Sultan, and the commentator adds, ' Behold the Sultan's strict adherence to law and rectitude, how he would not deviate in the least from its decrees '."

Muhammad not only destroyed temples but made it a policy to make slaves of the Hindus he conquered. In the words of Dr. Titus:

"Not only was slaughter of the infidels and the destruction of their temples resorted to in earlier period of Islam's contact with India, but as we have seen, many of the vanquished were led into slavery. The dividing up of booty was one of the special attractions, to the leaders as well as to the common soldiers in these expeditions. Muhammad seems to have made the slaughter of infidels, the destruction of their temples, the capturing of slaves, and the plundering of the wealth of the people, particularly of the temples and the priests, the main object of his raids. On the occasion of his first raid he is said to have taken much booty ; and half a million Hindus, ' beautiful men and women ', were reduced to slavery and taken back to Ghazni."[16][f.16]

When Muhammad later took Kanauj, in A. D. 1017, he took so much booty and so many prisoners that * the fingers of those who counted them would have tired '. Describing how common Indian slaves had become in Ghazni and Central Asia after the campaign of A. D. 1019, the historian of the times says [17][f.17] :

"The number of prisoners may be conceived from the fact that each was sold for from two to ten dirhams. These were afterwards taken to Ghazni, and merchants came from far distant cities to purchase them ;. . ....and the fair and the dark, the rich and the poor were commingled in one common slavery.

"In the year A.D. 1202, when Qulb-ud-Din captured Kalinjar, after the temples had been convened into mosques, and the very name of idolatry was annihilated, fifty thousand men came under the collar of slavery and the plain became black as pitch with Hindus."

Slavery was the fate of those Hindus who were captured in the holy war. But, when there was no war the systematic abasement of the Hindus played no unimportant part in the methods adopted by the Muslim invaders. In the days of Ala-ud-Din, at the beginning of the fourteenth century, the Hindus had in certain parts given the Sultan much trouble. So, he determined to impose such taxes on them that they would be prevented from rising in rebellion.

> "The Hindu was to be left unable to keep a horse to ride on, to carry arms, to wear fine clothes, or to enjoy any of the luxuries of life."[18][f.18]

Speaking of the levy of Jizyah Dr. Titus says [19][f.19] "

> "The payment of the Jizyah by the Hindus continued throughout the dominions of the sultans, emperors, and kings in various parts of India with more or less regularity, though often, the law was in force in theory only ; since it depended entirely on the ability of the sovereign to enforce his demands. But, finally, it was abolished throughout the Moghul Empire in the ninth year of the enlightened Akbar's reign (A. D. 1665), after it had been accepted as a fundamental part of Muslim government policy in India for a period of more than eight centuries."

Lane Poole says that

> "the Hindu was taxed to the extent of half the produce of his land, and had to pay duties on all his buffaloes, goats, and other milk-cattle. The taxes were to be levied equally on rich and poor, at so much per acre, so much per animal. Any collectors or officers taking bribes were summarily dismissed and heavily punished with sticks, pincers, the rack, imprisonment and chains. The new rules were strictly carried out, so that one revenue officer would string together 20 Hindu notables and enforce payment by blows. No gold or silver, not even the betelnut, so cheering and stimulative to pleasure, was to be seen in a Hindu house, and the wives of the impoverished native officials were reduced to taking service in Muslim families. Revenue officers came to be regarded as more deadly than the plague; and to be a government clerk was disgrace worse than death, in so much that no Hindu would

marry his daughter to such a man."[20][f.20]

These edicts, says the historian of the period,

> "were so strictly carried out that the *chaukidars* and *khuts* and *muqaddims* were not able to ride on horseback, to find weapon, to wear fine clothes, or to indulge in betel. . .... No Hindu could hold up his head. ..... Blows, confinement in the stocks, imprisonment and chains were all employed to enforce payment."

All this was not the result of mere caprice or moral perversion. On the other hand, what was done was in accordance with the ruling ideas of the leaders of Islam in the broadest aspects. These ideas were well expressed by the Kazi in reply to a question put by Sultan Ala-ud-Din wanting to know the legal position of the Hindus under Muslim law. The Kazi said :—

> "They are called payers of tribute, and when the revenue officer demands silver from them they should without question, and with all humility and respect, tender gold. If the officer throws dirt in their mouths, they must without reluctance open their mouths wide to receive it..... The due subordination of the Dhimmi is exhibited in this humble payment, and by this throwing of dirt into their mouths. The glorification of Islam is a duty, and contempt for religion is vain. God holds them in contempt, for he says, ' Keep them in subjection '. To keep the Hindus in abasement is especially a religious duty, because they are the most inveterate enemies of the Prophet, and because the Prophet has commanded us to slay them, plunder them, and make them captive, saying, ' Convert them to Islam or kill them, and make them slaves, and spoil their wealth and properly '. No doctor but the great doctor (Hani-fah), to whose school we belong, has assented to the imposition of jizya on Hindus ; doctors of other schools allow no other alternative but ' Death or Islam '." [21][f.21]

Such is the story of this period of 762 years which elapsed between the advent of Muhammad of Ghazni and the return of Ahmadshah

Abdalli.

How far is it open to the Hindus to say that Northern India is part of Aryavarta? How far is it open to the Hindus to say because once it belonged to them, therefore, it must remain for ever an integral part of India? Those who oppose separation and hold to the ' historic sentiment ' arising out of an ancient fact that Northern India including Afghanistan was once part of India and that the people of that area were either Buddhist or Hindus, must be asked whether the events of these 762 years of incessant Muslim invasions, the object with which they were launched and the methods adopted by these invaders to give effect to their object are to be treated as though they were matters of no account?

Apart from other consequences which have flowed from them these invasions have, in my opinion, so profoundly altered the ' culture and character of the northern areas, which it is now proposed to be included in a Pakistan, that there is not only no unity between that area and the rest of India but that there is as a matter of fact a real antipathy between the two.

The first consequence of these invasions was the breaking up of the unity of Northern India with the rest of India. After his conquest of Northern India, Muhammad of Ghazni detached it from India and ruled it from Ghazni. When Mahommed Ghori came in the field as a conqueror, he again attached it to India and ruled it from Lahore and then from Delhi. Hakim, the brother of Akbar, detached Kabul and Kandahar from Northern India. Akbar again attached it to Northern India. They were again detached by Nadirshah in 1738 and the whole of Northern India would have been severed from India had it not been for the check provided by the rise of the Sikhs. Northern India, therefore, has been like a wagon in a train, which can be coupled or uncoupled according to the circumstances of the moment. If analogy is wanted, the case of Alsace-Lorraine could be cited. Alsace-Lorraine was originally part of Germany, like the rest of Switzerland and the Low Countries. It continued to be so till 1680, when it was taken by France and incorporated into French territory. It belonged to France till 1871, when it was detached by Germany and made part of her territory. In 1918, it

was again detached from Germany and made part of France. In 1940, it was detached from France and made part of Germany.

The methods adopted by the invaders have left behind them their aftermath. One aftermath is the bitterness between the Hindus and the Muslims which they have caused. This bitterness, between the two, is so deep-seated that a century of political life has neither succeeded in assuaging it, nor in making people forget it. As the invasions were accompanied with. destruction of temples and forced conversions, with spoliation of property, with slaughter,, enslavement and abasement of men, women and children, what wonder if the memory of these invasions has ever remained green, as a source of pride to the Muslims and as a source of shame to the Hindus? But these things apart, this north-west corner of India has been a theatre in which a stern drama has been played. Muslim hordes, in wave after wave, have surged down into this area and from thence scattered themselves in spray over the rest of India. These reached the rest of India in thin currents. In time, they also receded from their farthest limits ; while they lasted, they left a deep deposit of Islamic culture over the original Aryan culture in this north-west corner of India which has given it a totally different colour, both in religious and political outlook. The Muslim invaders, no doubt, came to India singing a hymn of hate against the Hindus. But, they did not merely sing their hymn of hate and go back burning a few temples on the way. That would have been a blessing. They were not content with so negative a result. They did a positive act, namely, to plant the seed of Islam. The growth of this plant is remarkable. It is not a summer sapling. It is as great and as strong as an oke. Its growth is the thickest in Northern India. The successive invasions have deposited their ' silt ' more there than anywhere else, and have served as watering exercises of devoted gardeners. Its growth is so thick in Northern India that the remnants of Hindu and Buddhist culture are just shrubs. Even the Sikh axe could not fell this oak. Sikhs, no doubt , became the political masters of Northern India, but they did not gain back Northern India to that spiritual and cultural unity by which it was bound to the rest of India before HsuanTsang. The Sikhs coupled it back to India. Still, it remains like Alsace-Lorraine politically detachable and spiritually alien so

far as the rest of India is concerned. It is only an unimaginative person who could fail to take notice of these facts or insist in the face of them that Pakistan means breaking up into two what is one whole.

What is the unity the Hindu sees between Pakistan and Hindustan? If it is geographical unity, then that is no unity. Geographical unity is unity intended by nature. In building up a nationality on geographical unity, it must be remembered that it is a case where Nature proposes and Man disposes. If it is unity in external things, such as ways and habits of life, that is no unity. Such unity is the result of exposure to a common environment. If it is administrative unity, that again is no unity. The instance of Burma is in point. Arakan and Tenas-serim were annexed in 1826 by the treaty of Yendabu. Pegu and Martaban were annexed in 1852. Upper Burma was annexed in 1886. The administrative unity between India and Burma was forged in 1826. For over 110 years that administrative unity continued to exist. In 1937, the knot that tied the two together was cut asunder and nobody shed a tear over it. The unity between India and Burma was not less fundamental. If unity is to be of an abiding character, it must be founded on a sense of kinship, in the feeling of being kindred. In short, it must be spiritual. Judged in the light of these considerations, the unity between Pakistan and Hindustan is a myth. Indeed, there is more spiritual unity between Hindustan and Burma than there is between Pakistan and Hindustan. And if the Hindus did not object to the severance of Burma from India, it is difficult to understand how the Hindus can object to the severance of an area like Pakistan, which, to repeat, is politically detachable from, socially hostile and spiritually alien to, the rest of India.

CHAPTER V

WEAKENING OF THE DEFENCES

How will the creation of Pakistan affect the question of the Defence of Hindustan? The question is not a very urgent one. For, there is no reason to suppose that Pakistan will be at war with Hindustan immediately it is brought into being. Nevertheless, as the question is sure to be raised, it is better to deal with it.

The question may be considered under three heads: (1) Question of Frontiers, (2) Question of Resources and (3) Question of Armed Forces.

I

QUESTION OF FRONTIERS

It is sure to be urged by the Hindus that Pakistan leaves Hindustan without a scientific frontier. The obvious reply, of course, is that the Musalmans cannot be asked to give up their right to Pakistan, because it adversely affects the Hindus in the matter of their boundaries. But banter apart, there are really two considerations, which, if taken into account, will show that the apprehensions of the Hindus in this matter are quite uncalled for.

In the first place, can any country hope to have a frontier which may be called scientific? As Mr. Davies, the author of *North-West Frontier,* observes:

> "It would be impossible to demarcate on the North-West of our Indian Empire a frontier which would satisfy ethnological, political and military requirements. To seek for a zone which traverses easily definable geographical features; which does not violate ethnic considerations by cutting through the territories of closely related tribes; and which at the same time serves as a political boundary, is Utopian."

As a matter of history, there has been no one scientific boundary for India and different persons have advocated different boundaries for India. The question of boundaries has given rise to two policies, the"Forward"Policy and the"Back to the Indus"Policy. The"Forward"Policy had a greater and a lesser intent, to use the language of Sir George Macmunn. In its greater intent, it meant active control in the affairs of Afghanistan as an *Etat Tampion* to India and the extension of Indian influence up to the Oxus. In its lesser intent, it was confined to the absorption of the tribal hills between the administered territory *(i.e.* the Province of N.-W.F.) and Afghanistan as defined by the Durand Line and the exercise of British control right up to that line.

The greater intent of the Forward Policy, as a basis for a safe boundary for India, has long been abandoned. Consequently, there remain three possible boundary lines to choose from: (1) the Indus River, (2) the present administrative boundary of the N.-W. F. P. and (3) the Durand Line. Pakistan will no doubt bring the boundary of Hindustan Back to the Indus, indeed behind the Indus, to the Sutlej. But this"Back to the Indus"policy was not without its advocates. The greatest exponent, of the Indus boundary was Lord Lawrence, who was strongly opposed to any forward move beyond the trans-indus foot-hills. He advocated meeting any invader in the valley of the Indus. In his opinion, it would be an act of folly and weakness to give battle at any great distance from the Indus base ; and the longer the distance an invading army has to march through Afghanistan and the tribal country, the more harassed it would be. Others, no doubt, have pointed out that a river is a weak line of defence. But the principal reason for not retiring to the Indus boundary seems to lie elsewhere. Mr. Davies gives the real reason when he says that the

"' Back to Indus ' cry becomes absurd when it is examined from the point of view of the inhabitants of the modern North-West Frontier Province. Not only would withdrawal mean loss of prestige, but it would also be a gross betrayal of those peoples to whom we have extended our beneficent rule."

In fact, it is no use insisting that any particular boundary is the safest, for the simple reason that geographical conditions are not decisive in the world today and modern technique has robbed natural frontiers of much of their former importance, even where they are mighty mountains, the broadest streams, widest seas or far stretching deserts.

In the second place, it is always possible for nations with no natural boundaries to make good this defect. Countries are not wanting which have no natural boundaries. Yet, all have made good the deficiencies of nature, by creating artificial fortifications as barriers, which can be far more impregnable than natural barriers. There is no reason to suppose that the Hindus will not be able to accomplish what other countries similarly situated have done. Given the resources, Hindus need have no

fear for want of a naturally safe frontier.

II

QUESTION OF RESOURCES

More important than the question of a scientific frontier, is the question of resources. If resources are ample for the necessary equipment, then it is always possible to overcome the difficulties created by an unscientific or a weak frontier. We must, therefore, consider the comparative resources of Pakistan and Hindustan. The following figures are intended to convey an idea of their comparative resources:—

Resources of Pakistan

Provinces	Area	Population	Revenues [22][f.22]
			Rs.
N.-W. F. P.	13,518	2,425,003	1,90,11,842
Punjab	91,919	23,551,210	12,53,87,730
Sind	46,378	3,887,070	9,56,76,269
Baluchistan ..	54,228	420,648	
Bengal	82,955	50,000,000	36,55,62,485
Total ..	288,998	80,283,931	60,56,38,326

Resources of Hindustan

Provinces	Area	Population	Revenues [23][f.23]
			Rs.
Ajmer-Mcrwara	2,711	560,292	21,00,000
Assam	55,014	8,622,251	4,46,04,441
Bihar	69,348	32,371,434	6,78,21,588
Bombay	77,271	18,000,000	34,98,03,800
C. P. & Berar	99957	15,507,723	4,58,83,962
Coorg	1,593	163,327	11,00,000
Delhi	573	636,246	70,00,000
Madras	142,277	46,000,000	25,66,71,265
Orissa	32,695	8,043,681	87,67,269
U.P.	206,248	48,408,763	16,85,52,881
Total	607,657	178,513,919	96,24,05,206

These are gross figures. They are subject to certain additions and deductions. Revenues derived by the Central Government from Railways, Currency and Post and Telegraphs are not included in these figures, as it is not possible to ascertain how much is raised from each Province. When it is done, certain additions will have to be made to the figures under revenue. There can be no doubt that the share from these heads of revenue that will come to Hindustan, will be much larger than the share that will go to Pakistan. Just as additions will have to be made to these figures, so also deductions will have to be made from them. Most of these deductions will, of course, fall to the lot of Pakistan. As will be shown later, some portion of the Punjab will have to be excluded from the scheme of Western Pakistan. Similarly, some portion of Bengal will have to be excluded from the proposed Eastern Pakistan, although a district from Assam will have to be added to it. According to me, fifteen districts will have to be excluded from Bengal and thirteen districts shall have to be excluded from the Punjab. Sufficient data are not available to enable any one to give an exact idea of what would be the reduction in the area, population and revenue, that would result from the exclusion of these districts. One may, however, hazard the guess that so far as the Punjab and Bengal are concerned, their revenues would be halved. What is lost by Pakistan by this exclusion, will of course be gained by Hindustan. To put it in concrete terms, while the revenues of Western and Eastern Pakistan will be 60 crores *minus* 24crores, i.e., 36 crores, the revenues of Hindustan will be about 96 crores *plus* 24 crores, *i.e.,* 120 crores.

The study of these figures, in the light of the observations I have made, will show that the resources of Hindustan are far greater than the resources of Pakistan, whether one considers the question in terms of area, population or revenue. There need, therefore, be no apprehension on the score of resources. For, the creation of Pakistan will not leave Hindustan in a weakened condition.

Ill

QUESTION OF ARMED FORCES

The defence of a country does not depend so much upon its scientific frontier as it does upon its resources. But more than resources does it depend upon the fighting forces available to it.

What are the fighting forces available to Pakistan and to Hindustan?

The Simon Commission pointed out, as a special feature of the Indian Defence Problem, that there were special areas which alone offered recruits to the Indian Army and that there were other areas which offered none or if at all, very few. The facts revealed in the following table, taken from the Report of the Commission, undoubtedly will come as a most disagreeable surprise to many Indians, who think and care about the defence of India :

Areas of Recruitment	Number of Recruits drawn
1 N.-W. Frontier Province	5,600
2 Kashmir	6,500
3 Punjab	86,000
4 Baluchistan	300
5 Nepal	19,000
6 United Provinces	16,500
7 Rajputana	7,000
8 Central India	200
9 Bombay	7,000
10 Central Provinces	100
11 Bihar & Orissa	300

12 Bengal	Nil
13 Assam	Nil
14 Burma	3,000
15 Hyderabad	700
16 Mysore	100
17 Madras	4,000
18 Miscellaneous	1,900
TOTAL	**158,200**

The Simon Commission found that this state of affairs was natural to India, and in support of it, cited the following figures of recruitment from the different Provinces of India during the Great War especially because"it cannot be suggested that any discouragement was offered to recruitment in any area":

Province
ras Bombay
gal
ed Province
jab
th-West
ntier
chistan
na
r and Orissa
tral Prince
um
er-Marwar
al
ul

These data reveal in a striking manner that the fighting forces available for the defence of India mostly come from areas

which are to be included in Pakistan. From this it may be argued, that without Pakistan, Hindustan cannot defend itself.

The facts brought out by the Simon Commission are, of course, beyond question. But they cannot be made the basis of a conclusion, such as is suggested by the Simon Commission, namely, that only Pakistan can produce soldiers and that Hindustan cannot. That such a conclusion is quite untenable will be seen from the following considerations.

In the first place, what is regarded by the Simon Commission as something peculiar to India is not quite so peculiar. What appears to be peculiar is not due to any inherent defect in the people. The peculiarity arises because of the policy of recruitment followed by the British Government for years past. The official explanation of this predominance in the Indian Army of the men of the North-West is that they belong to the Martial Classes. But Mr. Chaudhari [24] [f.24] has demonstrated, by unimpeachable data, that this explanation is far from being true. He has shown that the predominance in the Army of the men of the North-West took place as early as the Mutiny of 1857, some 20 years before the theory of Martial and Non-martial Classes was projected in an indistinct form for the first time in 1879 by the Special Army Committee [25][f.25] appointed in that year, and that their predominance had nothing to do with their alleged fighting qualities but was due to the fact, that they helped the British to suppress the Mutiny in which the Bengal Army was so completely involved. To quote Mr. Chaudhari :

"The pre-Mutiny army *of* Bengal was essentially a Brahmin and Kshalriya army of the Ganges basin. All the three Presidency Armies of those days, as we have slated in the first part of this article, were in a sense quite representative of the military potentialities of the areas to which they belonged, though none of them could, strictly speaking, be correctly described as national armies of the provinces concerned, as there was no attempt to draw upon any but the traditional martial elements of the

population. But they all got their recruits mainly from their natural areas of recruitment, *viz.,* the Madras Army from the Tamil and Telugu countries, the Bombay Army from Western India, and the Bengal Army from Bihar and U. P. and to a very limited extent from Bengal. There was no official restriction on the enrolment of men of any particular tribe or caste or region, provided they were otherwise eligible. Leaving aside for the moment the practice of the Bombay and the Madras Armies, the only exception to this general rule in the Bengal Army was that which applied to the Punjabis and Sikhs, who, inspite of their magnificent military traditions, were not given a fair representation in the Army of Northern India. Their recruitment, on the contrary, was placed under severe restrictions by an order of the Government, which laid down that ' the number of Punjabis in a regiment is never to exceed 200, nor are more than 100 of them lobe Sikhs'. It was only the revolt of the Hindustani regiments of the Bengal Army that gave an opportunity to the Punjabis to rehabilitate themselves in the eyes of the British authorities. Till then, they remained suspect and under a ban, and the Bengal Army on the eve of the Mutiny was mainly recruited from Oudh, North and South Bihar, especially the latter, principally Shahabad and Bhojpur, the Doab of the Ganges and Jumna and Rohilkhund. The soldiers recruited from these areas were mostly high-caste men. Brahmins of all denominations, Kshatriyas, Rajputs and Ahirs. The average proportion in which these classes were enrolled in a regiment was: (1) Brahmin 7/24, (2) Rajputs 1/4, (3) Inferior Hindus 1/6, (4) Musalmans 1/6, (5) Punjabis 1/8.

"To this army, the area which now-a-days furnishes the greatest number of soldiers—the Punjab, Nepal, N.-W. F. Province, the hill tracts of Kumaon and Garhwal, Rajpulana,—furnished very few recruits or none at all. There was practical exclusion in it of all the famous fighting castes of India,—Sikhs, Gurkhas, Punjabi Musalmans, Dogras, Jats, Pathans, Garhwalis, Rajpulana Rajpuls, Kumaonis, Gujars, all the tribes and seels, in fact, which are looked upon today as atower of strength of the Indian Army. A

single year and a single rebellion was, however, to change all this. The Mutiny, which broke out in 1857, blew up the old Bengal Army and brought into existence a Punjabized and barbarized army, resembling the Indian Army of today in broad lines and general proportions of its composition.

"The gaps created by the revolt of the Hindustani regiments (of the Bengal Army) were at once filled up by Sikhs and other Punjabis, and hillmen eager for revenge and for the loot of the cities of Hindustan. They had all been conquered and subjugated by the British with the help of the Hindustani soldiers, and in their ignorance, they regarded the Hindustanis, rather the handful of British, as their real enemies. This enmity was magnificently exploited by the British authorities in suppressing the Mutiny. When the news of the enlistment of Gurkhas reached Lord Dalhousie in England he expressed great satisfaction and wrote to a friend: ' Against the Oudh Sepoys they may confidently be expected to fight like devils'. And after the Mutiny, General Mansfield, the Chief of the Staff of the Indian Army, wrote about the Sikhs: ' It was not because they loved us, but because they hated Hindustan and haled the Bengal Army that the Sikhs had flocked to our standard instead of seeking the opportunity to strike again for their freedom. They wanted to revenge themselves and to gain riches by the plunder of Hindustani cities. They were not attracted by mere daily pay, it was rather the prospect of wholesale plunder and stamping on the heads of their enemies. In short, we turned to profit the *esprit de corps* of the old Khalsa Army of Ranjit Singh, in the manner which for a time would most effectually bind the Sikhs to us as long as the active service against their old enemies may last".

"The relations thus established were in fact to last much longer. The services rendered by the Sikhs and Gurkhas during the Mutiny were not forgotten and henceforward the Punjab and Nepal had the place of honour in the Indian Army."

That Mr. Chaudhari is right when he says that it was the Mutiny

of 1857 which was the real cause of the preponderance in the Indian Army of the men of the North-West is beyond the possibility of doubt. Equally incontrovertible is the view of Mr. Chaudhari that this preponderance of the men of the North-West is not due to their native superiority in fighting qualities, as the same is amply borne out by the figures which he has collected, showing the changes in the composition of the Indian Infantry before and after the Mutiny.

CHANGES IN THE COMPOSITION OF THE INDIAN INFANTRY

Percentage of men from different Paris

Year	North-West India		North-East India U. P, Bihar	South India	Burma
	Punjab, N.-W. F., Kashmir	Nepal, Garhwal, Kumaon			
1856	Less than 10	Negligible	Not less than 90		Nil
1858	47	6	47		
18	48	17	35		

83					
1893	53	24	23		
1905	47	15	22	16	
1919	46	14.8	25.5	12	1.7
1930	58.5	22	11.0	5.5	3

These figures show that in 1856, one year before the Mutiny, the men from the North-West were a negligible factor in the Indian Army. But in 1858, one year after the Mutiny, they had acquired a dominant position which has never received a setback.

It will thus be seen that the distinction between Martial and Non-martial Classes, which was put forth for the first time in 1879, as a matter of principle, which was later on insisted upon as a matter of serious consideration by Lord Roberts [26] [f.26] and which was subsequently recognised by Lord Kitchener as a principle governing recruitment to the Indian Army, had nothing to do with the origin of this preponderance of the men of the North-West in the Indian Army. No doubt, the accident that the people from North-West India had the good luck of being declared by the Government as belonging to the Martial Class, while most of the classes coming from the rest of India had the ill-luck of being declared Non-martial Classes had important consequences. Being regularly employed in the Army, the people of North-West India came to look upon service in the Army as an occupation with a security and a career which was denied to men from the rest of India. The large number of recruits drawn from North-West India, therefore, indicates nothing more than this—

namely, owing to the policy of the British Government, service in the Army has become their occupation and if people in other parts of India do not readily come forth to enlist in the Army, the reason is that Government did not employ them in the Army. People follow their ancestral occupations whether they like it or not. When a people do not take to a new occupation it does not necessarily mean that they are not fit for it. It only means that it is not their ancestral occupation.

This division between Martial and Non-martial Classes is, of course, a purely arbitrary and artificial distinction. It is as foolish as the Hindu theory of caste, making birth instead of worth, the basis for recognition. At one time, the Government insisted that the distinction they had adopted was a real distinction and that in terms of fighting qualities, it meant so much fighting value. In fact, this was their justification for recruiting more men from the North-West of India. That this distinction has nothing to do with any difference in fighting qualities has now been admitted. Sir Phillip Chetwode, [27]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40C.Pakistan or the Partition of India PART II.htm - _msocom_27 late Commander-in-Chief of India, broadcasting from London on the constitution of the Indian Army, took pains to explain that the recruitment of a larger proportion of it from the Punjab, did not mean that the people of the Peninsula were without martial qualities. Sir Phillip Chetwode explained that the reason why men of the North were largely recruited for the Indian Army was chiefly climatic, as the men from the South cannot stand the extremes of heat and cold of North India. No race can be permanently without martial spirit. Martial spirit is not a matter of native instinct. It is a matter of training and anybody can be trained to it.

But apart from this, there is enough fighting material in Hindustan, besides what might be produced by special training. There are the Sikhs, about whose fighting equalities nothing need be said. There are the Rajputs who are even now included in the

category of Martial Classes. In addition to these, there are the Mahrattas who proved their calibre as a fighting race during the last European War. Even the people of the Madras Presidency can be depended upon for military purposes. Speaking of the Madrasis as soldiers, General Sir Frederick P. Haines, at one time Commander-in-Chief in India, observed :

> "It has been customary to declare that the Madras Army is composed of men physically inferior to those of the Bengal Army, and if stature alone be taken into consideration, this is true. It is also said that by the force of circumstances the martial feeling and the characteristics necessary to the real soldier are no longer to be found in its ranks. I feel bound to reject the above assertions and others which ascribe comparative inefficiency to Madras troops. It is true that in recent years they have seen but little service; for, with the exception of the sappers, they have been specially excluded from all participation in work in the field. I cannot admit for one moment that anything has occurred to disclose the fact that the Madras Sepoy is inferior as a fighting man. The facts of history warrant us in assuming the contrary. In drill training and discipline, the Madras Sepoy is inferior to none; while in point of health, as exhibited by returns, he compares favourably with his neighbours. This has been manifested by the sappers and their followers in the Khyber; and the sappers are of the same race as the Sepoys."

Hindustan need, therefore, have no apprehension regarding the supply of an adequate fighting force from among its own people. The separation of Pakistan cannot weaken her in that respect.

The Simon Commission drew attention to three features of the Indian Army, which struck them as being special and peculiar to India. It pointed out that the duty of the Army in India was two-fold; firstly, to prevent the independent tribes on the Indian side of the Afghan frontier from raiding the peaceful inhabitants of the plains below. Secondly, to protect India against invasion by countries lying behind and beyond this belt of unorganized

territories. The Commission took note of the fact that from 1850 to 1922, there were 72 expeditions against the independent tribes, an average of one a year, and also of the fact that in the countries behind and beyond this belt of unorganized territory, lies the direction from which, throughout the ages, the danger to India's territorial integrity has come. This quarter is occupied by"States which according to the Commission are not members of the League of Nations"and is, therefore, a greater danger to India now than before. The Commission insisted on emphasizing that these two facts constituted a peculiar feature of the problem of military defence in India and so far as the urgency and extent of the problem is concerned, they are"without parallel elsewhere in the Empire, and constituted a difficulty in developing self-government which never arose in any comparable degree in the case of the self-governing Dominions".

As a second unique feature of the Indian Army, the Commission observed:

> "The Army in India is not only provided and organized to ensure against external dangers of a wholly exceptional character: it is also distributed and habitually used throughout India for the purpose of maintaining or restoring internal peace. In all countries . . . . the military is not normally employed in this way, and certainly is not organized for this purpose. But the case of India is entirely different. Troops are employed many times a year to prevent internal disorder and, if necessary, to quell it. Police forces, admirably organized as they are, cannot be expected in all cases to cope with the sudden and violent outburst of a mob driven frantic by religious frenzy. It is, therefore, well understood in India both by the police and by the military—and, what is even more to the point, by the public at large—that the soldiers may have to be sent for.. . This Use of the Army for the purpose of maintaining or restoring internal order was increasing rather than diminishing, and that on these occasions the practically universal request was for British troops.

> The proportion of the British to Indian troops allotted to this duty has in fact risen in the last quarter of a century. The reason, of course, is that the British soldier is a neutral, and is under no suspicion of favouring Hindus against Mahomedans or Mahomedans against Hindus ..... Inasmuch as the vast majority of the disturbances which call for the intervention of the military have a communal or religious complexion, it is natural and inevitable that the intervention which is most likely to be authoritative should be that which has no bias, real or suspected, to either side. It is a striking fact in this connection that, while in regular units of the Army in India as a whole British soldiers are in a minority of about 1 to 21/2, in the troops allotted for internal security the preponderance is reversed, and for this purpose a majority of British troops is employed—in the troops car-marked (or internal security the proportion is about eight British to seven Indian soldiers."

Commenting upon this feature of the Indian Army the Commission said:

> "When, therefore, one contemplates a future for India in which, in place of the existing Army organization, the country is defended and pacified by exclusively Indian units, just as Canada relics on Canadian troops and Ireland on Irish troops, it is essential to realize and bear in mind the dimensions and character of the Indian problem of internal order and the part which the British soldier at present plays (to the general satisfaction of the country-side) in supporting peaceful government."

The third unique feature of the Indian Army, which was pointed out by the Simon Commission, is the preponderance in it of the men from the North-West. The origin of this preponderance and the reasons underlying the official explanation given therefor have already been examined.

But, there is one more special feature of the Indian Army to

which the Commission made no reference at all. The commission either ignored it or was not aware of it. It is such an important feature that it overshadows all the three features to which the Commission refers, in its importance and in its social and political consequences.

It is a feature which, if widely known, will set many people to think furiously. It is sure to raise questions which may prove insoluble and which may easily block the path of India's political progress—questions of far greater importance and complexity than those relating to Indianization of the Army.

This neglected feature relates to the communal composition of the Indian Army. Mr. Chaudhari has collected the relevant data in his articles, already referred to, which throws a flood of light on this aspect of the Indian Army. The following table shows the proportion of soldiers serving in the Indian Infantry, according to the area and the community from which they are drawn:

Changes in the Communal Composition of the Indian Army

Area and Communities	Percentage in 1914	Percentage in 1918	Percentage in 1919	Percentage in 1930
I. The Punjab, N.-W. F. P. and Kashmir	47	46.5	46	58.5
(1) Sikhs	19.2	17.4	15.4	13.58
(2) Punjabi Musalmans	11.1	11.3	12.4	22.6

(3) Pathans	6.2	5.42	4.54	6.35
II. Nepal, Kumaon, Garhwal	15	18.9	14.9	22.0
(1) Gurkhas	13.1	16.6	12.2	16.4
III. Upper India	22	22.7	25.5	11.0
(1) U.P.Rajputs	6.4	6.8	7.7	2.55
(2) Hindustani Musalmans	4.1	3.42	4.45	Nil
(3) Brahmins	1.8	1.86	2.5	Nil
IV. South India	16	11.9	12	5.5
(1) Mahrattas	4.9	3.85	3.7	5.33
(2) Madras! Musalmans	3.5	2.71	2.13	Nil
(3) Tamils	2.5	2.0	1.67	Nil
V. Burma				
(1) Burmans	Nil	Negligible	1.7	3.0

This table brings out in an unmistakable manner the profound changes which have been going on in the communal composition of the Indian Army particularly after 1919. They are (1) a phenomenal rise in the strength of the Punjabi Musalman and the Pathan, (2) a substantial reduction in the position of Sikhs from first to third, (3) the degradation of the Rajputs to the fourth

place, and (4) the shutting out of the U. P. Brahmins, the Madrasi Musalmans, and the Tamilians, both Brahmins and Non-Brahmins.

A further analysis of the figures for 1930, which discloses the communal composition of the Indian Infantry and Indian Cavalry, has been made by Mr. Chaudhari in the following table. [28][f.28]

Communal Composition of the Indian Army in 1930

Class	Areas	Percentage in Infantry		Percentage in Cavalry
		Excluding Gurkhas	Including Gurkhas	
1. Punjabi Musalman	Punjab	27	22.6	14.28
2. Gurkhas	Nepal		16.4	
3. Sikhs	Punjab	16.24	13.58	23.81
4. Dogras	North Punjab and	11.4	9.54	9.53
	Kashmir			
5. Jats	Rajputana, U. P.,	9.5	7.94	19.06

	Punjab			
6. Pathans	N.-W. F. Province	7.57	6.35	4.76
7. Mahrattas	Konkan	6.34	5.33	
8. Garhwalis	Garhwal	4.53	3.63	
9. U. P. Rajputs	U. P.	3.04	2.54	
10. Rajputana Rajputs	Rajputana	2.8	2.35	
11. Kumaonis	Kumaon	2.44	2.05	
12. Gujars	N. E. Rajputana	1.52	1.28	
13. Punjabi Hindus	Punjab	1.52	1.28	
14. Ahirs	Do.	1.22	1.024	
15. Musalmans, Rajputs,	Neighbourhood of	1.22	1.024	7.14

Ranghars.	Delhi			
16. Kaimkhanis	Rajputana			4.76
17. Kachins	Burma	1.22	1.024	
18. Chins	Do.	1.22	1.024	
19. Karens	Do.	1.22	1.024	
20. Dekhani Musalmans	Deccan			4.76
21. Hindustani Musalmans	U. P.			2.38

Reducing these figures in terms of communities, we get the following percentage as it stood in 1930 :—

Communities	Percentage in Infantry		Percentage -in Cavalry
	Including Gurkhas	Excluding Gurkhas	

1. Hindus and Sikhs	60.55	50.554	61.92
2. Gurkhas		16.4	
3. Muhammadans	35.79	29.974	30.08
4. Burmans	3.66	3.072	

These figures show the communal composition of the Indian Army. The Musalmans according to Mr. Chaudhari formed 36% of the Indian Infantry and 30% of the Indian Cavalry.

These figures relate to the year 1930. We must now find out what changes have taken place since then in this proportion.

It is one of the most intriguing things in the Military history of India that no information is available on this point after 1930. It is impossible to know what the proportion of the Muslims in the Indian Army at present is. There is no Government publication from which such information can be gathered. In the past, there was no dearth of publications giving this information. It is very surprising that they should have now disappeared, or if they do appear, that they should cease to contain this information. Not only is there no Government publication containing information on this point, but Government has refused to give any information on the point when asked by members of the Central Legislative Assembly. The following questions and answers taken from the proceedings of the Central Legislative Assembly show how Government has been strenuously combating every attempt to obtain information on the point :

There was an interpellation on 15th September 1938, when the following questions were asked and replies as stated below were given:—

Arrangements for the Defence of India. [29][f.29]

Q. 1360: *Mr.Badri Dull Pande* (on behalf of Mr. Amarendra Nath Chattopadhya).

(a) x x x x

(b) x x x x

(c) x x x x

(d) How many Indians have been recruited during 1937 and 1938 as soldiers and officers during 1937-38 for the Infantry and Cavalry respectively? Amongst the soldiers and officers recruited, how many are Punjabi Sikhs, Pathans, Garhwalis, Mahrattas, Madrasis, Biharis, Bengalis and Hindustanis of the United Provinces and Gurkhas?

(e) If none but the Punjabi Sikhs, Pathans and Garhwalis have been recruited, is it in contemplation of the Honourable Member to recruit from all the Provinces for the defense of India and give them proper military training?

(f) Will the Defence Secretary be pleased to state if Provincial Governments will be asked to raise Provincial Regiments, trained and fully mechanised, for the defence of India? If not, what is his plan of raising an efficient army for the defence of India?

Mr. C.M.G.Oglvie:

(a) *(a)* The Honourable Member will appreciate that it is not in the public interest to disclose the details of such arrangements.

(b) *(b)* 5 cadets and 33 Indian apprentices were recruited for the Indian Air Force during 1937-38.

(c) *(c)* During 1937-38, 5 Indians have already been recruited to

commissioned ranks in the Royal Indian Navy, 4 will be taken by competitive examination in October 1938, and 3 more by special examination of"Dufferin"cadets only. During the same period, 314 Indians were recruited to different non-commissioned categories in the Royal Indian Navy.

(d) *(d)* During the year ending the 31st March 1938, 54 Indians were commissioned as Indian Commissioned Officers. They are now attached to British units for training, and it is not yet possible to say what proportion will be posted to infantry and cavalry, respectively. During the same period, 961 Indian soldiers were recruited for cavalry, and 7,970 for infantry. Their details by classes are not available at Army Headquarters and to call for them from the recruiting officers all over India would not justify the expenditure of time and labour involved.

(e) *(e)* No.

(f) *(f)* The reply to the first portion is in the negative. The reply to the second portion is that India already possesses an efficient army and so far as finances permit, every effort is made to keep it up-to-date in all respects. *Mr. S. Satyamurti:* With reference to the answers to clauses *(d)* and *(e)* of the question taken together, may I know whether the attention of Government has been drawn to statements made by many public men that the bulk of the army is from the Punjab and from one community? Have Government considered those facts and will Government also consider the desirability of making the army truly national by extending recruitment to all provinces and communities, so as to avoid the danger present in all countries of a military dictatorship seizing political power?

Mr. C. M. G. Ogilvie : I am not sure how that arises from this question, but I am prepared to say that provincial boundaries do not enter into Government's calculations at all. The best soldiers are chosen to provide the best army for India and not for any province, and in this matter national considerations must come above provincial considerations. Where the bulk of best military

material is found, there we will go to get it, and not elsewhere.

Mr. S. Saty'amurti : May I know whether the bulk of the army is from the Punjab and whether the Government have forgotten the experience of the brave exploits of men from my province not very long ago in the Indian Army, and may I know if Madrasis are practically kept out and many other provinces are kept out of the army altogether?

Mr. C. M. G. Ogilvie : Madras is not practically kept out of the army. Government gladly acknowledge the gallant services of the Madrasis in the army and they are now recruited to those Units where experience has proved them to be best. There are some 4,500 serving chiefly in the Sappers and Miners and Artillery.

Mr. S. Sayamurti : Out of a total of 120,000?

Mr. C. M. G. Ogilvie : About that.

Mr. S. Satyamurti : May I take it, that, that is a proper proportion, considering the population of Madras, the revenue that Madras pays to the Central exchequer, and the necessity of having a national army recruited from all the provinces?

Mr. C. M. G. Ogilvie : The only necessity we recognise is to obtain the best possible army.

Mr. S. Satyamurti : May I know by what tests Government have come to the conclusion that provinces other than the Punjab cannot supply the best elements in the Indian Army?

Mr. Ogilvie : By experience.

Dr. Sir Ziauddin Ahmed: May I ask if it is not a fact that all branches of Accounts Department are monopolised by the Madrasis and will Government immediately reduce the number in proportion to their numerical strength in India?

Mr. Ogilvie : I do not see how that arises from this question either, but the Government are again not prepared to sacrifice

efficiency for any provincial cause.

Indian Regiment consisting of Indians belonging to Different Castes [30][f.30]

Q. 1078 : *Mr.M.Anantasayanam Ayyangar* (on behalf of Mr. Manu Subedar):

(a) (a) Will the Defence Secretary state whether any experiment has ever been made under British rule of having an Indian regiment consisting of Indians recruited from different provinces and belonging to the different castes and sections, such as Sikhs, Mahrattas, Rajputs, Brahmins and Muslims?

(b) (b) If the reply to part *(a)* be in the negative, can a statement of Government's policy in this regard be made giving reasons why it has not been considered proper to take such action?

(c) (c) Is His Excellency the Commander-in-Chief prepared to take up this matter with His Majesty's Government?

(d) (d) Are Government aware that in the University Corps and in the Bombay Scout Movement, and in the Police Forces of the country, there is no separation by caste or creed?

Mr. C. M. G. Ogilvie :

(a) (a) No.

(b) (b) Government regard it as a fundamental principle of organization that Military Sub-Units, such as companies and squadrons, must be homogeneous.

(c) (c) No, for the reason just mentioned.

(d) (d) Yes.

Mr. S. Satyamurti: May I know the meaning which Government attach to the word"homogeneous"? Does it mean from the same province or the same community?

Mr. C. M. G. Ogilvie : It means that they must belong to the same class of persons.

Mr. S. Satyamurti : May I ask for some elucidation of this point? Do they make distinction between one class and another?

Mr. C. M. G. Ogilvie : Certainly.

Mr. S. Satyamurti: On what basis? Is it religious class or racial class or provincial class? .

Mr. C. M. G. Ogilvie : Neither. It is largely racial class.

.*Mr. S. Satyamurti:* Which races are preferred and which are not preferred?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to the Army List. *Recruitment to the Indian Army* [31][f.31]

Q. 1162: *Mr.Brojendra Narayan Chaudhary:* Will the Defence Secretary please state :—

(a) (a) Whether the attention of Government has been drawn to the address of the Punjab's Premier, the Hon'ble Sir Sikander Hyat Khan to his brother soldiers, in these words :"No patriotic Punjabi would wish to impair Punjab's position of supremacy in the Army,"as reported by the Associated Press of India in *the Hindustan Times* of the 5th September 1938; and

(b) (b) Whether it is the policy of Government to maintain the supremacy of Punjabis in the army by continuing to recruit the major portion from the Punjab ; or to attempt recruitment of the Army from all the provinces without racial or provincial considerations?

Mr. C. M. G. Ogilvie :

(a) Yes.

(b) I refer the Honourable Member to replies I gave to the supplementary questions arising from starred question No. 1060 asked by Mr. Amarendra Nath Chattopadhyaya on 15th September 1938.

Mr. S. Satyamurti : With reference to the answer to part *(a)* of the question, my Honourable friend referred to previous answers. As far as I remember, they were not given after this statement was brought before this House. May I know if the Government of

India have examined this statement of the Punjab Premier,"No patriotic Punjabi would wish to impair Punjab's position of supremacy in the Army"? May I know whether Government have considered the dangerous implications of this statement and will they take steps to prevent a responsible Minister going about and claiming provincial or communal supremacy in the Indian Army, which ought to remain Indian first and Indian last?

Mr. C. M. G. Ogilvie : I can only answer in exactly the same words as I answered to a precisely similar question of the Hon'ble Member on the 15th September last. The policy of Government with regard to the recruitment has been repeatedly stated and is perfectly clear.

Mr. S. Satyamurti: That policy is to get the best material and I am specifically asking my Honourable friend—1 hope he realises the implications of that statement of the Punjab Premier. I want to know whether the Government have examined the dangerous implications of any provincial Premier claiming provincial supremacy in the Indian Army and whether they propose to take any steps to correct this dangerous misapprehension?

Mr. C. M. G. Ogilvie : Government consider that there are no dangerous implications whatever but rather the reverse.

Mr. Satyamurti : Do Government accept the supremacy of any province or any community as desirable consideration, even if it is a fact, to be uttered by responsible public men and do not the Government consider that this will give rise to communal and provincial quarrels and jealousies inside the army and possibly a military dictatorship in this country?

Mr. C. M. G. Ogilvie : Government consider that none of these foreboding have any justification at all.

Mr. M. S. Aney : Do the Government subscribe to the policy implied in the statement of Sir Sikander Hyat Khan?

Mr. C. M. G. Ogilvie : Government's policy has been repeatedly

stated and made clear.

Mr. M. S. Aney : Is it the policy that the Punjab should have its supremacy in the Army?

Mr. C. M. G. Ogilvie : The policy is that the best material should be recruited for the Army.

Mr. M. S .Aney : I again repeat the question. Is it the policy of Government that Punjab should have supremacy in the Army?

Mr. C. M. G. Ogilvie : I have repeatedly answered that question. The policy is that the Army should get the best material from all provinces and Government are quite satisfied that it has the best material at present.

Mr. M. S. Aney : Is it not, therefore, necessary that Government should make a statement modifying the policy suggested by Sir Sikander Hyat Khan?

Mr. C. M. G. Ogilvie: Government have no intention whatever of changing their policy in particular.

Another interpolation took place on 23rd November 1938 when the question stated below was asked :—

Recruitment to the Indian Army from the Central Provinces and Berar [32][f.32]

Q. 1402 : *Mr. Govind V. Deshmukh :* Will the Defence Secretary please state :—

(a) The centres in the Central Provinces and Berar for recruiting men for the Indian Army ;

(b) The classes from which such men are recruited;

(c) The proportion of the men from the C. P. & Berar in the Army to the total strength of the Army, as well as to the population of these provinces ; and

(d) The present policy of recruitment, and if it is going to be revised; if not, why not?

Mr. C. M. G. Ogilvie :

(a) There are no recruiting centres in the C. P. or Berar. Men residing in the C. P. are in the area of the Recruiting Officer, Delhi, and those of Berar in the area of the Recruiting Officer, Poona.

(b) Mahrattas of Berar are recruited as a separate class. Other Hindus and Mussalmans who are recruited from the C. P. and Berar are classified as"Hindus"or"Musalmans", and are not entered under any class denomination.

(c) The proportion to the total strength of the Army is .03 per cent. and the proportion to the total male population of these provinces is .0004 per cent.

(d) There is at present no intention of revising the present policy, the reasons for which were stated in my reply to a supplementary question arising out of Mr. Satyamurti's starred question No. 1060, on the 15th September 1938, and in answer to part *(a)* of starred question No. 1086 asked by Mian Ghulam Kadir Muhammad Shahban on the same date, and in the reply of His Excellency the Commander-in-Chief to the debates in the Council of State on the Honourable Mr. Sushil Kumar Roy Chaudhary's Resolution regarding military training for Indians on the 21st February 1938 and on the Honourable Mr. P. N. Sapru's Resolution on the recruitment of all classes to the Indian Army in April 1935.

This was followed by an interpellation on 6th February 1939, when the below mentioned question was asked :—

Recruitment to the Indian Army [33][f.33]

Q. 729; *Mr. S. Satyamurti:* Will the Defence Secretary be pleased to state:

(a) (a) Whether Government have since the last answer on

this question reconsidered the question of recruiting to the Indian Army from all provinces and from all castes and communities;

(b) *(b)* Whether they have come to any conclusion ;

(c) *(c)* Whether Government will categorically state the reasons as to why other provinces and communities are not allowed to serve in the army ; and

(d) *(d)* What are the tests by which they have come to the conclusion that other provinces and other communities than those from whom recruitment is made to the Indian Army to-day cannot come up to the standard of efficiency required of the Indian Army?

Mr. C.M.G.Ogilvie:

(a) *(a)* No.

(b) *(b)* Does not arise.

(c) *(c)* and

(d) *(d)* The reasons have been categorically stated in my replies to starred questions Nos. 1060 and 1086of 15th September 1938, No. 1162 of 20th September 1938 and No. 1402 of 23rd November 1938 and also in the replies of His Excellency the Commander-in-Chief in the Council of State to the debates on the Honourable Mr. P. N. Sapru's Resolution regarding recruitment of all classes to the Indian Army and the Honourable Mr. Sushil Kumar Roy Chaudhary's Resolution regarding Military training for Indians, on the 13th March 1935 and 21st February 1938 respectively.

This conspiracy of silence on the part of the Government of India, was quite recently broken by the Secretary of State for India, who came forward to give the fullest information on this most vital and most exciting subject, in answer to a question in the House of Commons. From his answer given on 8th July 1943 we know the existing communal and provincial composition of the Indian Army to be as follows :—

1. 1. Provincial Composition of the Indian Army

Province	Percentage	Province	Percentage
1. Punjab	50	7. Bengal Presidency	2
2. U. P.	15	8. C. P. & Berar	
3. Madras Presidency	10	9. Assam	5
4. Bombay Presidency	10	10. Bihar	
5. N. W. F. Province	5	11. Orissa	
6. Ajmere & Merwara	3	12. Nepal	8

II. Communal Composition of the Indian Army

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The information given by the Secretary of State is indeed very welcome. But, this is the war-time composition of the Indian Army. The peace-time composition must be very different. It rested on the well-known distinction between the Martial and Non-Martial Races. That distinction was abolished during the War. There is, however, no certainty that it will not be revived now that peace has returned. What we want to know is the peacetime communal composition of the Indian Army. That still remains an unknown fact and a subject of speculation.

Some say that the normal pre-war proportion of Muslims was between 60 and 70 p.c. Others say that it is somewhere in the neighbourhood of 50 p.c. In the absence of exact information, one could well adopt the latter figure as disclosing the true situation especially, when on inquiry, it happens to be confirmed by those who are in a position to form some idea on the matter. Even if the proportion be 50% it is high enough to cause alarm to the Hindus. If this is true, it is a flagrant violation of well established principles of British Army policy in India, adopted after the Mutiny.

After the Mutiny, the British Government ordered two investigations into the organization of the Indian Army. The first investigation was carried out by the Peel Commission which was appointed in 1859. The second investigation was undertaken by a body, called the Special Army Committee, appointed in 1879 to which reference has already been made.

The principal question considered by the Peel Commission was to find out the weaknesses in the Bengal Army, which led to the Mutiny of 1857. The Peel Commission was told by witness after witness that the principal weakness in the Bengal Army which mutinied was that

"In the ranks of the regular Army men stood mixed up as

chance might befall. There was no separating by class and clan into companies..... In the lines, Hindu and Mahomedan, Sikh and Poorbeah were mixed up, so that each and all lost to some extent their racial prejudice and became inspired with one common sentiment."[34][f.34]

It was, therefore, proposed by Sir John Lawrence that in organizing the Indian Army care should be taken"to preserve that distinctiveness which is so valuable, and while it lasts, makes the Mahomedan of one country despise, fear or dislike the Mahomedan of another; Corps should in future be provincial, and adhere to the geographical limits within which differences and rivalries are strongly marked. Let all races, Hindu or Mahomedan of one province be enlisted in one regiment and no others, and having created distinctive regiments, let us keep them so, against the hour of need. .. .. By the system thus indicated two great evils are avoided : firstly, that community of feeling throughout the native army and that mischievous political activity and intrigue which results from association with other races and travel in other Indian provinces." [35][f.35]

This proposal was supported by many military men before the Peel Commission and was recommended by it as a principle of Indian Army Policy. This principle was known as the principle of Class Composition.

The Special Army Committee of 1879 was concerned with quite a different problem. What the problem was, becomes manifest from the questionnaire issued by the Committee. The questionnaire included the following question :—

"If the efficient and available reserve of the Indian Army is considered necessary for the safety of the Empire, should it not be recruited and maintained from those parts of the country which give us best soldiers, rather than among the weakest and least warlike races of India, due regard, of course, being had to the necessity of not giving too great strength or prominence to any

particular race or religious group and with due regard to the safety of the Empire?"

The principal part of the question is obviously the necessity or otherwise of"not giving too great strength or prominence to any particular race or religious group". On this question official opinion expressed before the Committee was unanimous.

Lt.-General H. J. Warres, Commander-in-Chief of the Bombay Army, stated:—

"I consider it is not possible to recruit the reserve of the Indian Army altogether from those parts of India which are said to produce best soldiers, without giving undue strength and prominence to the races and religions of these countries."

The Commander-in-Chief, Sir Frederick P. Haines, said:—

"Distinct in race, language and interests from the more numerous Army of Bengal, it is, in my opinion, eminently politic and wise to maintain these armies (the Madras and Bombay Armies) as a counterpoise to it, and I would in no way diminish their strength in order that a reserve composed of what is called ' the most efficient fighting men whom it is possible to procure ' may be established. If by this it is meant to replace Sepoys of Madras and Bombay by a reserve of men passed through the ranks of the Bengal Army and composed of the same classes of which it is formed, I would say, that anything more unwise or more impolitic could hardly be conceived."

The Lt-Governor of the Punjab also shared this view. He too declared that he was"opposed to having one recruiting field for the whole armies"in India."It will be necessary,"he added,"for political reasons, to prevent preponderance of one nationality."

The Special Committee accepted this view and recommended that the composition of the Indian Army should be so regulated that there should be no predominance of any one community or nationality in the Army.

These two principles have the governing principles of Indian Army policy. Having regard to the principle laid down by the Special Army Committee of 1879, the changes that have taken place in the communal composition of the Indian Army amount to a complete revolution. How this revolution was allowed to take place is beyond comprehension. It is a revolution which has taken place in the teeth of a well-established principle. The principle was really suggested by the tear of the growing predominance of the men of the North-West in the Indian Army and was invoked with the special object of curbing that tendency. The principle was not only enunciated as a rule of guidance but was taken to be rigorously applied. Lord Roberts, who was opposed to this principle because it set a limit upon the recruitment of his pet men of the North-West, had to bow to this principle during his regime as the Commander-in-Chief of India. So well was the principle respected that when in 1903, Lord Kitchener entered upon the project of converting fifteen regiments of Madrasis into Punjab regiments, he immediately setup a counterpoise to the Sikhs and the Punjabi Musalmans by raising the proportion of

the Gurkhas and the Pathans. As Sir George Arthur, his biographer, says:—

"The Government, mindful of the lesson taught by the Mutiny, was alive to the danger of allowing any one element in the Indian Army to preponderate unduly. An increase in the Punjabee infantry had as its necessary sequel a further recruitment of the valuable Gurkha material and the enlistment of more trans-border Pathans in the Frontier Militia."

That a principle, so unanimously upheld and so rigorously applied upto the period of the Great War, should have been thrown to the wind after the Great War, without ceremony and without compunction and in a clandestine manner, is really beyond comprehension. What is the reason which has led the British to allow so great a preponderance of the Muslims in the Indian Army? Two explanations are possible. One is that the

Musalmans really proved, in the Great War, that they were better soldiers than the Hindus. The second explanation is that the British have broken the rule and have given the Musalmans such a dominating position in the Army because they wanted to counteract the forces of the Hindu agitation for wresting political power from the hands of the British.

Whatever be the explanation, two glaring facts stand out from the above survey. One is that the Indian Army today is predominantly Muslim in its composition. The other is that the Musalmans who predominate are the Musalmans from the Punjab and the N. W. F. P. Such a composition of the Indian Army means that the Musalmans of the Punjab and the N. W. F. P. are made the sole defenders of India from foreign invasion. So patent has this fact become that the Musalmans of the Punjab and the N. W. F. P. are quite conscious of this proud position which has been assigned to them by the British, for reasons best known to them. For, one often hears them say that they are the ' gatekeepers ' of India. The Hindus must consider the problem of the defence of India in the light of this crucial fact.

How far can the Hindus depend upon these ' gate-keepers' to hold the gate and protect the liberty and freedom of India? The answer to this question must depend upon who comes to force the gate open. It is obvious that there are only two foreign countries which are likely to force this gate from the North-West side of India, Russia or Afghanistan, the borders of both of which touch the border of India. Which of them will invade India and when, no one can say definitely. If the invasion came from Russia, it may be hoped that these gate-keepers of India will be staunch and loyal enough to hold the gate and stop the invader. But suppose the Afghans singly or in combination with other Muslim States march on India, will these gate-keepers stop the invaders or will they open the gates and let them in? This is a question which no Hindu can afford to ignore. This is a question on which every Hindu must feel assured, because it is the most

crucial question.

It is possible to say that Afghanistan will never think of invading India. But a theory is best tested by examining its capacity to meet the worst case. The loyalty and dependability of this Army of the Punjabi and N. W. F. P. Muslims can only be tested by considering how it will be have in the event of an invasion by the Afghans. Will they respond to the call of the land of their birth or will they be swayed by the call of their religion, is the question which must be faced if ultimate security is to be obtained. It is not safe to seek to escape from these annoying and discomforting questions by believing that we need not worry about a foreign invasion so long as India is under the protection of the British. Such a complacent attitude is unforgivable to say the least. In the first place, the last war has shown that a situation may arise when Great Britain may not be able to protect India, although, that is the time when India needs her protection most. Secondly, the efficiency of an institution must be tested under natural conditions and not under artificial conditions. The behaviour of the Indian soldier under British control is artificial. His behaviour when he is under Indian control is his natural behaviour. British control does not allow much play to the natural instincts and natural sympathies of the men in the Army. That is why the men in the Army behave so well. But that is an artificial and not a natural condition. That the Indian Army behaves well under British control is no guarantee of its good behaviour under Indian control. A Hindu must be satisfied that it will behave as well when British control is withdrawn.

The question how this army of the Punjabi and the N. W. F. P. Muslims will behave if Afghanistan invades India, is a very pertinent and crucial question and must be faced, however unpleasant it may be.

Some may say—why assume that the large proportion of Muslims in the Army is a settled fact and that it cannot be unsettled? Those who can unsettle it are welcome to make what

efforts they can. But, so far as one can see, it is not going to be unsettled. On the contrary, I should not be surprised if it was entered in the constitution, when revised, as a safeguard for the Muslim Minority. The Musalmans are sure to make this demand and as against the Hindus, the Muslims somehow always succeed. We must, therefore, proceed on the assumption that the composition of the Indian Army will remain what it is at present. The basis remaining the same, the question to be pursued remains what it was : Can the Hindus depend upon such an Army to defend the country against the invasion of Afghanistan? Only the so-called Indian Nationalists will say * yes * to it. The boldest among the realists must stop to think before he can give an answer to the question. The realist must take note of the fact that the Musalmans look upon the Hindus as Kaffirs, who deserve more to be exterminated than protected. The realist must take note of the fact that while the Musalman accepts the European as his superior, he looks upon the Hindu as his inferior. It is doubtful how far a regiment of Musalmans will accept the authority of their Hindu officers if they be placed under them. The realist must take note that of all the Musalmans, the Musalman of the North-West is the most disaffected Musalman in his relation with the Hindus. The realist must take note that the Punjabi Musalman is fully susceptible to the propaganda in favour of Pan-lslamism. Taking note of all these considerations, there can be very little doubt that he would be a bold Hindu who would say that in any invasion by Muslim countries, the Muslims in the Indian Army would be loyal and that there is no danger of their going over to the invader. Even Theodore Morrison [36][f.36] writing in 1899, was of the opinion that—

> "The views held by the Mahomedans (certainly the most aggressive and truculent of the peoples of India) are alone sufficient to prevent the establishment of an independent Indian Government Were the Afghan to descend from the north upon an autonomous India, the Mahomedans, instead of uniting with the Sikhs and the Hindus to repel him, would be drawn by all

the ties of kinship and religion to join his flag."

And when it is recalled that in 1919 the Indian Musalmans who were carrying on the Khilafat movement actually went to the length of inviting the Amir of Afghanistan to invade India, the view expressed by Sir Theodore Morrison acquires added strength and ceases to be a matter of mere speculation.

How this Army composed of the Muslims of the Punjab and N. W. F. P. will behave in the case of an invasion by Afghanistan is not the only question which the Hindus are called upon to consider. There is another and equally important question on which the Hindus must ponder. That question is: Will the Indian Government be free to use this Army, whatever its loyalties, against the invading Afghans? In this connection, attention must be drawn to the stand taken by the Muslim League. It is to the effect that the Indian Army shall not be used against Muslim powers. There is nothing new in this. This principle was enunciated by the Khilafat Committee long before the League. Apart from this, the question remains how far the Indian Muslims will, in future, make it their article of faith. That the League has not succeeded in this behalf against the British Government does not mean that it will not succeed against an Indian Government. The chances are that it will, because, however unpatriotic the principle may be from the standpoint of the Hindus, it is most agreeable to the Muslim sentiment and the League may find a sanction for it in the general support of the Muslim community in India. If the Muslim League succeeds in enforcing this limitation upon Indians right to use her fighting forces, what is going to be the position of the Hindus? This is another question which the Hindus have to consider.

If India remains politically one whole and the two-nation mentality created by Pakistan continues to be fostered, the Hindus will find themselves between the devil and the deep sea, so far as the defence of India is concerned. Having an Army, they will not be free to use it because the League objects. Using it, it will not be

possible to depend upon it because its loyalty is doubtful. This is a position which is as pathetic as it is precarious. If the Army continues to be dominated by the Muslims of the Punjab and the N. W. F. P., the Hindus will have to pay it but will not be able to use it and even if they were free to use it against a Muslim invader, they will find it hazardous to depend upon it. If the Hague view prevails and India does not remain free to use her Army against Muslim countries, then, even if the Muslims lose their predominance in the Army, India on account of these military limitations, will have to remain on terms of subordinate co-operation with the Muslim countries on her bolder, as do the Indian States under British paramountcy.

The Hindus have a difficult choice to make: to have a safe Army or a safe border. In this difficulty, what is the wisest course for the Hindus to pursue? Is it in their interest to insist that the Muslim India should remain part of India so that they may have a safe border, or is it in their interest to welcome its separation from India so that they may have a sale Army? The Musalmans of this area are hostile to the Hindus. As to this, there can be no doubt. Which is then better for the Hindus : Should these Musalmans *be without and against or should they be within and against?* If the question is asked to any prudent man, there will be only one answer, namely, that if the Musalmans are to be against the Hindus, it is better that they should be without and against, rather than within and against. Indeed, it is a consummation devoutly to be wished that the Muslims should be without. That is the only way of getting rid of the Muslim preponderance in the Indian Army.

How can it be brought about? Here again, there is only one way. to bring it about and that is to support the scheme of Pakistan. Once Pakistan is created, Hindustan, having ample resources in men and money, can have an Army which it can call its own and there will be nobody to dictate as to how it should be used and against whom it should be used. The defence of Hindustan, far from being weakened by the creation of Pakistan, will be infinitely

improved by it.

The Hindus do not seem to realize at what disadvantage they are placed from the point of view of their defence, by their exclusion from the Army. Much less do they know that, strange as it may appear, they are in fact purchasing this disadvantage at a very heavy price.

The Pakistan area which is the main recruiting ground of the present Indian Army, contributes very little to the Central Exchequer as will be seen from the following figures :—

Contribution to the Central Exchequer

	Rs.
Punjab	1,18,01,385
North-West Frontier	9,28,294
Sind	5,86,46,915
Baluchistan	Nil
Total	7,13,76,594

As against this the provinces of Hindustan contribute as follows:—

	Rs.
Madras	9,53,26,745
Bombay	22,53,44,247
Bengal [37][f.37]	12,00,00,000

U.P.	4,05,53,000
Bihar	1,54,37,742
C.P. & Berar	31,42,682
Assam	1,87,55,967
Orissa	5,67,346
Total	51,91,27,729

The Pakistan Provinces, it will be seen, contribute very little. The main contribution comes from the Provinces of Hindustan. In fact, it is the money contributed by the Provinces of Hindustan which enables the Government of India to carry out its activities in the Pakistan Provinces. The Pakistan Provinces are a drain on the Provinces of Hindustan. Not only do they contribute very little to the Central Government but they receive a great deal from the Central Government. The revenue of the Central Government amounts to Rs.121 crores. Of this, about Rs. 52 crores are annually spent on the Army. In what area is this amount spent? Who pays the bulk of this amount of Rs. 52 crores? The bulk of this amount of Rs. 52 crores which is spent on the Army is spent over the Muslim Army drawn from the Pakistan area. Now the bulk of this amount of Rs. 52 crores is contributed by the Hindu Provinces and is spent on an Army which for the most part consists of non-Hindus ! ! How many Hindus are aware of this tragedy? How many know at whose cost this tragedy is being enacted? Today the Hindus are not responsible for it because they cannot prevent it. The question is whether they will allow this tragedy to continue. If they mean to stop it, the surest way of putting an end to it is to allow the scheme of Pakistan to take effect. To oppose it, is to buy a sure weapon of their own destruction. A safe Army is better than a safe border.

CHAPTER VI

PAKISTAN AND COMMUNAL PEACE

Does Pakistan solve the Communal Question is a natural question which every Hindu is sure to ask. A correct answer to this question calls for a close analysis of what is involved in it. One must have a clear idea as to what is exactly meant, when the Hindus and Muslims speak of the Communal Question. Without it, it will not be possible to say whether Pakistan does or does not solve the Communal Question.

It is not generally known that the Communal Question like the"Forward Policy"for the Frontier has a"greater"and a"lesser intent,"and that in its lesser intent it means one thing, and in its greater intent it means quite a different thing.

I

To begin with the Communal Question in its"lesser intent". In its lesser intent, the Communal Question relates to the representation of the Hindus and the Muslims in the Legislatures. Used in this sense, the question involves the settlement of two distinct problems :—

(1) (1) The number of seats to be allotted to the Hindus and the Muslims in the different legislatures, and
(2) (2) The nature of the electorates through which these seats are to be filled in.

The Muslims at the Round Table Conference claimed :—

(1) (1) That their representatives in all the Provincial as well as in the Central Legislatures should be elected by separate electorates ;
(2) (2) That they should be allowed to retain the weightage in representation given to Muslim minorities in those Provinces in which they were a minority in the population, and that in addition, they should be given in those Provinces where they were a majority such as the Punjab, Sind, North-West Frontier Province and Bengal, a guaranteed statutory majority of seats.

The Hindus from the beginning objected to both these Muslim demands. They insisted on joint electorates for Hindus and Muslims in all elections to all the Legislatures, Central and Provincial, and on population ratio of representation, for both minorities, Hindus and Muslims, wherever they may be, and raised the strongest objections to a majority of seats being guaranteed to any community by statute.

The Communal Award of His Majesty's Government settled this dispute by the simple, rough and ready method of giving the Muslims all that they wanted, without caring for the Hindu opposition."The Award allowed the Muslims to retain weight-age and separate electorates, and in addition, gave them the statutory majority of seats in those provinces where they were a majority in the population.

What is it in the Award that can be said to constitute a problem? Is there any force in the objections of the Hindus to the Communal Award of His Majesty's Government? This question must be considered carefully to find out whether there is substance in the objections of the Hindus to the Award.

Firstly, as to their objection to the weightage to Muslim minorities in the matter of representation. Whatever may be the correct measure of allotting representation to minorities, the Hindus cannot very well object to the weightage given to Muslim minorities, because similar weightage has been given to the Hindus in those Provinces in which they are a minority and where there is sufficient margin for weightage to be allowed. The treatment of the Hindu minorities in Sind and the North-West Frontier Province is a case in point.

Secondly, as to their objection to a statutory majority. That again does not appear to be well founded. A system of guaranteed representation may be wrong and vicious and quite unjustifiable on theoretical and philosophical grounds. But considered in the light of circumstances, such as those obtaining in India, the system

of statutory majority appears to be inevitable. Once it is granted that the representation to be given to a minority must not reduce the majority to minority, that very provision creates, as a mere counterpart, a system of statutory majority to the majority community. For, fixing the seats of the minority involves the fixation of the seats of the majority. There is, therefore, no escape from the system of statutory majority, once it is conceded that the minority is not entitled to representation which would convert a majority into a minority. There is, therefore, no great force in the objections of the Hindus to a statutory majority of the Muslims in the Punjab, the North-West Frontier Province, Sind and Bengal. For, even in the Provinces where the Hindus are in a majority and the Muslims are in minority, the Hindus have got a statutory majority over the Muslims. At any rate, there is a parity of position and to that extent there can be said to be no ground for complaint.

This does not mean that because the objections set forth by the Hindus have no substance, there are no real grounds for opposing the Communal Award. There does exist a substantial ground of objection to the Communal Award, although, it does not appear to have been made the basis of attack by the Hindus.

This objection may be formulated in order to bring out its point in the following manner. The Muslim minorities in the Hindu Provinces insisted on separate electorates. The Communal Award gives them the right to determine that issue. This is really what it comes to when one remembers the usual position taken, viz., that the Muslim minorities could not be deprived of their separate electorates without their consent, and the majority community of the Hindus has been made to abide by their determination. The Hindu minorities in Muslim Provinces insisted that there should be joint electorates. Instead of conceding their claim, the Communal Award forced upon them the system of separate electorates to which they objected. If in the Hindu Provinces, the Muslim minorities are allowed the right of self-determination in

the matter of electorates, the question arises : Why are not the Hindu minorities in the Muslim Provinces given the right of self-determination in the matter of their electorates? What is the answer to this question? And, if there is no answer, there is undoubtedly a deep seated inequity in the Communal Award of His Majesty's Government, which calls for redress.

It is no answer that the Hindus also have a statutory majority based on separate electorates [38][f.38] in those Provinces where the Musalmans are in a minority. A little scrutiny will show that there is no parity of position in these two cases. The separate electorates for the Hindu majorities in the Hindu Provinces are not a matter of their choice. It is a consequence resulting from the determination of the Muslim minorities who claimed to have separate electorates for themselves. A minority in one set of circumstances may think that separate electorates would be a better method of self-protection and may have no fear of creating against itself and by its own action a statutory majority based on separate electorates for the opposing community. Another minority or, for the matter of that, the same minority in a different set of circumstances would not like to create by its own action and against itself a statutory majority based upon separate electorates and may, therefore, prefer joint electorates to separate electorates as a better method of self-protection. Obviously the guiding principle, which would influence a minority, would be : Is the majority likely to use its majority in a communal manner and purely for communal purposes? If it felt certain that the majority community is likely to use its communal majority for communal ends, it may well choose joint electorates, because it would be the only method by which it would hope to take away the communal cement of the statutory majority by influencing the elections of the representatives of the majority community in the Legislatures. On the other hand, a majority community may not have the necessary communal cement, which alone would enable it to use its communal majority for communal ends, in which case a minority, having no fear from the resulting statutory majority and separate

electorates for the majority community, may well choose separate electorates for itself. To put it concretely, the Muslim minorities in choosing separate electorates are not afraid of the separate electorates and the statutory majority of the Hindus, because they feel sure that by reason of their deep-seated differences of caste and race the Hindus will never be able to use their majorities against the Muslims. On the other hand, the Hindu minorities in the Muslim Provinces have no doubt that, by reason of their social solidarity, the Muslims will use their statutory majority to set into operation a"Resolute Muslim Government", after the plan proposed by Lord Salisbury for Ireland as a substitute for Home Rule; with this difference, that Salisbury's Resolute Government was to last for twenty years only, while the Muslim Resolute Government was to last as long as the Communal Award stood."The situations, therefore, are not alike. The statutory majority of the Hindus based on separate electorates is the result of the choice made by the Muslim minority. The statutory majority of the Muslims based on separate electorates is something which is not the result of the choice of the Hindu minority. In one case, the Government of the Muslim minority by a Hindu communal majority is the result of the consent of the Muslim minority, In the other case, the Government of the Hindu minority by the Muslim majority is not the result of the consent of the Hindu minority, but is imposed upon it by the might of the British Government.

To sum up this discussion of the Communal Award, it may be said that, as a solution of the Communal Question in its"lesser intent", there is no inequity in the Award on the ground that it gives weightage to the Muslim minorities in the Hindu Provinces. For, it gives weightage also to Hindu minorities in Muslim Provinces. Similarly, it may be said that there is no inequity in the Award, on the ground that it gives a statutory majority to the Muslims in Muslim Provinces in which they are a majority. If there is any, the statutory limitation put upon the Muslim number of seats, also gives to the Hindus in Hindu Provinces a statutory majority. But the same cannot be said of the Award in the matter

of the electorates. The Communal Award is iniquitous inasmuch as it accords unequal treatment to the Hindu and Muslim minorities in the matter of electorates. It grants the Muslim minorities in the Hindu Provinces the right of self-determination in the matter of electorates, but it does not grant the same right to the Hindu minorities in the Muslim Provinces. In the Hindu Provinces, the Muslim minority is allowed to choose the kind of electorates it wants and the Hindu majority is not permitted to have any say in the matter. But in the Muslim Provinces, it is the Muslim majority which is allowed to choose the kind of electorates it prefers and the Hindu minority is not permitted to have any say in the matter. Thus , the Muslims in the Muslim Provinces having been given both statutory majority and separate electorates, the Communal Award must be said to impose upon the Hindu minorities Muslim rule, which they can neither alter nor influence.

This is what constitutes the fundamental wrong in the Communal Award. That this is a grave wrong must be admitted. For, it offends against certain political principles, which have now become axiomatic. First is, not to trust any one with unlimited political power. As has been well said,

> "If in any state there is a body of men who possess unlimited political power, those over whom they rule can never be free. For, the one assured result of historical investigation is the lesson that uncontrolled power is invariably poisonous to those who possess it. They are always tempted to impose their canon of good upon others, and in the end, they assume that the good of the community depends upon the continuance of their power. Liberty always demands a limitation of political authority....."

The second principle is that, as a King has no Divine Right to rule, so also a majority has no Divine Right to rule. Majority Rule is tolerated only because it is for a limited period and subject to the right to have it changed, and secondly because it is a rule of a political majority, i.e., majority which has submitted itself to the suffrage of a minority and not a communal majority. If such is the

limited scope of authority permissible to a political majority over a political minority, how can a minority of one community be placed under the perpetual subjection of a majority of another community? To allow a majority of one community to rule a minority of another community without requiring the majority to submit itself to the suffrage of the minority, especially when the minority demands it, is to enact a perversion of democratic principles and to show a callous disregard for the safety and security of the Hindu minorities.

II

To turn to the Communal Question in its"greater intent". What is it, that the Hindus say is a problem? In its greater intent the Communal Question relates to the deliberate creation of Muslim Provinces. At the time of the Lucknow Pact, the Muslims only raised the Communal Question in its lesser intent. At the Round Table Conference, the Muslims put forth, for the first time, the plan covered by the Communal Question in its greater intent. Before the Act of 1935, there were a majority of Provinces in which the Hindus were in a majority and the Muslims in a minority. There were only three Provinces in which the Muslims were in a majority and the Hindus in a minority. They were the Punjab, Bengal and the North-West Frontier Province. Of these, the Muslim majority in the North-West Frontier Province was not effective, because there was no responsible government in that province, the Montagu-Chemsford Scheme of Political Reforms not being extended to it. So, for all practical purposes, there were only two provinces—the Punjab and Bengal—wherein the Muslims were in majority and the Hindus in minority. The Muslims desired that the number of Muslim Provinces should be increased. With this object in view, they demanded that Sind should be separated from the Bombay Presidency and created into a new self-governing Province, and that the North-West Frontier Province, which was already a separate Province, should be raised to the status of a self-governing Province. Apart from other

considerations, from a purely financial point of view, it was not possible to concede this demand. Neither Sind nor the North-West Frontier Province were financially self-supporting. But in order to satisfy the Muslim demand, the British Government went to the length of accepting the responsibility of giving an annual subvention to Sind [39][f.39] and North-West Frontier Province [40][f.40] from the Central Revenues, so as to bring about a budgetary equilibrium in their finances and make them financially self-supporting.

These four Provinces with Muslims in majority and Hindus in minority, now functioning as autonomous and self-governing Provinces, were certainly not created for administrative convenience, nor for purposes of architectural symmetry—the Hindu Provinces poised against the Muslim Provinces. It is also true that the scheme of Muslim Provinces was not a matter of satisfying Muslim pride which demanded Hindu minorities under Muslim majorities to compensate the humiliation of having Muslim minorities under Hindu majorities. What was then, the motive underlying this scheme of Muslim Provinces? The Hindus say that the motive for the Muslim insistence, both on statutory majority and separate electorates, was to enable the Muslims in the Muslim Provinces to mobilize and make effective Muslim power in its exclusive form and to the fullest extent possible. Asked what could be the purpose of having the Muslim political power mobilized in this fashion, the Hindus answer that it was done to place in the hands of the Muslims of the Muslim Provinces an effective weapon to tyrannize their Hindu minorities, in case the Muslim minorities in the Hindu Provinces were tyrannized by their Hindu majorities. The scheme thus became a system of protection, in which blast was to be met by counter-blast, terror by terror and tyranny by tyranny. The plan is undoubtedly, a dreadful one, involving the maintenance of justice and peace by retaliation, and providing an opportunity for the punishment of an innocent minority, Hindus in Muslim Provinces and Muslims in Hindu Provinces, for the sins of their co-religionists in other

Provinces. It is a scheme of communal peace through a system of communal hostages.

That the Muslims were aware from the very start, that the system of communal Provinces was capable of being worked in this manner, is clear from the speech made by Maulana Abul Kalam Azad as President of the Muslim League Session held in Calcutta in 1927. In that speech the Maulana declared:—

> "That by the Lucknow Pact they had sold away their interests. The Delhi proposals of March last opened the door for the first time to the recognition of the real rights of Musalmans in India. The separate electorates granted by the Pact of 1916 only ensured Muslim representation, but what was vital for the existence of the community was the recognition of its numerical strength. Delhi opened the way to the creation of such a state of at fairs as would guarantee to them in the future of India a proper share. Their existing small majority in Bengal and the Punjab was only a census figure, but the Delhi proposals gave them for the first time five provinces of which no less than three (Sind, the Frontier Province and Baluchistan) contained a real overwhelming Muslim majority. If the Muslims did not recognise this great step they were not fit to live. There would now be nine Hindu provinces against five Muslim provinces, and whatever treatment Hindus accorded in the nine provinces, Muslims would accord the same treatment to Hindus in the five Provinces. Was not this a great gain? Was not a new weapon gained for the assertion of Muslim rights?"

That those in charge of these Muslim provinces know the advantage of the scheme, and do not hesitate to put it to the use for which it was intended, is clear from the speeches made not long ago by Mr. Fazl-ul-Huq, as Prime Minister of Bengal.

That this scheme of Communal Provinces, which constitutes the Communal Question in its larger intent, can be used as an engine of communal tyranny, there can be no doubt. The system of hostages, which is the essence of the scheme of communal

provinces, supported by separate electorates, is indeed insupportable on any ground. If this is the underlying motive of the demand for the creation of more Muslim Provinces, the system resulting from it is undoubtedly a vicious system.

This analysis leaves no doubt that the communal statutory majority based on separate communal electorates and the communal provinces, especially constituted to enable the statutory majority to tyrannize the minority, are the two evils which compose what is called, ' the Communal Problem '.

For the existence of this problem the Hindus hold the Muslims responsible and the Muslims hold the Hindus responsible. The Hindus accuse the Muslims of contumacy. The Muslims accuse Hindus of meanness. Both, however, forget that the communal problem exists not because the Muslims are extravagant and insolent in their demands and the Hindus are mean and grudging in their concessions. It exists and will exist wherever a hostile majority is brought face to face against a hostile minority. Controversies relating to separate *vs.* joint electorates, controversies relating to population ratio *vs.* weightage are all inherent in a situation where a minority is pitted against a majority. The best solution of the communal problem is not to have two communities facing each other, one a majority and the other a minority, welded in the steel-frame of a single government.

How far does Pakistan approximate to the solution of the Communal Question?

The answer to this question is quite obvious. If the scheme of Pakistan is to follow the present boundaries of the Provinces in the North-West and in Bengal, certainly it does not eradicate the evils which lie at the heart of the Communal Question. It retains the very elements which give rise to it, namely, the pitting of a minority against a majority. The rule of the Hindu minorities by the Muslim majorities and the rule of the Muslim Minorities by the Hindu majorities are the crying evils of the present situation. This very evil will reproduce itself in Pakistan, if the provinces marked

out for it are incorporated into it as they are, i.e., with boundaries drawn as at present. Besides this, the evil which gives rise to the Communal Question in its larger intent, will not only remain as it is but will assume a new malignity. Under the existing system, the power centered in the Communal Provinces to do mischief to their hostages is limited by the power which the Central Government has over the Provincial Governments. At present, the hostages are at least within the pale of a Central Government which is Hindu in its composition and which has power to interfere for their protection. But, when Pakistan becomes Muslim State with full sovereignty over internal and external affairs, it would be free from the control of the Central Government. The Hindu minorities will have no recourse to an outside authority with overriding powers, to interfere on their behalf and curb this power of mischief, as under the scheme, no such overriding authority is permitted to exist. So, the position of the Hindus in Pakistan may easily become similar to the position of the Armenians under the Turks or of the Jews in Tsarist Russia or in Nazi Germany. Such a scheme would be intolerable and the Hindus may well say that they cannot agree to Pakistan and leave their co-religionist as a helpless prey to the fanaticism of a Muslim National State.

Ill

This, of course, is a very frank statement of the consequences which will flow from giving effect to the scheme of Pakistan. But care must be taken to locate the source of these consequences. Do they flow from the scheme of Pakistan itself or do they flow from particular boundaries that may be fixed for it. If the evils flow from the scheme itself, i.e., if they are inherent in it, it is unnecessary for any Hindu to waste his time in considering it. He will be justified in summarily dismissing it. On the other hand, if the evils are the result of the boundaries, the question of Pakistan reduces itself to a mere question of changing the boundaries.

A study of the question amply supports the view that the evils of

Pakistan are not inherent in it. If any evil results follow from it they will have to be attributed to its boundaries. This becomes clear if one studies the distribution of population. The reasons why these evils will be reproduced within Western and Eastern Pakistan is because, with the present boundaries, they do not become single ethnic states. They remain mixed states, composed of a Muslim majority and a Hindu minority as before. The evils are the evils which are inseparable from a mixed state. If Pakistan is made a single unified ethnic state, the evils will automatically vanish. There will be no question of separate electorates within Pakistan, because in such a homogeneous Pakistan, there will be no majorities to rule and no minorities to be protected. Similarly, there will be no majority of one community to hold, in its possession, a minority of an opposing community.

The question, therefore, is one of demarcation of boundaries and reduces itself to this : Is it possible for the boundaries of Pakistan to be so fixed, that instead of producing a mixed state composed of majorities and minorities, with all the evils attendant upon it, Pakistan will be an ethnic state composed of one homogeneous community, namely Muslims? The answer is that in a large part of the area affected by the project of the League, a homogeneous state can be created by shifting merely the boundaries, and in the rest, homogeneity can be produced by shifting only the population.

In this connection, I invite the reader to study carefully the figures given in the Appendices V, X, XI showing the distribution of the population in the areas affected, and also the maps showing how new boundaries can create homogeneous Muslim States. Taking the Punjab, two things will be noted :—

(i) (i) There are certain districts in which the Musalmans predominate. There are certain districts in which the Hindus predominate. There are very few in which the two are, more or less, evenly distributed; and

(ii) (ii) The districts in which Muslims predominate and

the districts in which the Hindus predominate are not interspersed. The two sets of districts form two separate areas.

For the formation of the Eastern Pakistan, one has to take into consideration the distribution of population in both the Provinces of Bengal and Assam. A scrutiny of the population figures shows—

(i) (i) In Bengal, there are some districts in which the Muslims predominate. In others, the Hindus predominate.

(ii) (ii) In Assam also, there are some districts in which the Muslims predominate. In others, the Hindus predominate.

(iii) (iii) Districts in which the Muslims predominate and those in which the Hindus predominate are not interspersed. They form separate areas.

(iv) (iv) The districts of Bengal and Assam in which the Muslims predominate are contiguous.

Given these facts, it is perfectly possible to create homogeneous Muslim States out of the Punjab, Bengal and Assam by drawing their boundaries in such a way that the areas which are predominantly Hindu shall be excluded. That this is possible is shown by the maps given in the appendix.

In the North-West Frontier Province and Sind, the situation is rather hard. How the matter stands in the North-West Frontier Province and Sind may be seen by an examination of the figures given in the appendices VI to IX. As may be seen from the appendices, there are no districts in which the Hindus in the North-West Frontier Province and Sind are concentrated. They are scattered and are to be found in almost every ^strict of the two provinces in small, insignificant numbers. These appendices show quite unmistakably that the Hindus in Sind and the North-West Frontier Province are mostly congregated in urban areas of the districts. In Sind, the Hindus outnumber the Muslims in most of the towns, while the Muslims outnumber the Hindus in villages. In

the North-West Frontier Province, the Muslims outnumber the Hindus in towns as well as in villages.

The case of the North-West Frontier Province and Sind, therefore, differs totally from the case of the Punjab and Bengal. In the Punjab and Bengal, owing to the natural segregation of the Hindus and Muslims in different areas, it is possible to create a homogeneous State by merely altering their boundaries, involving the shifting of the population in a very small degree. But in the North-West Frontier Province and Sind, owing to the scattered state of the Hindu population, alteration of boundaries cannot suffice for creating a homogeneous State. There is only one remedy and that is to shift the population.

Some scoff at the idea of the shifting and exchange of population. But those who scoff can hardly be aware of the complications, which a minority problem gives rise to and the failures attendant upon almost all the efforts made to protect them. The constitutions of the post-war states, as well as of the older states in Europe which had a minority problem, proceeded on the assumption that constitutional safeguards for minorities should suffice for their protection and so the constitutions of most of the new states with majorities and minorities were studded with long lists of fundamental rights and safeguards to see that they were not violated by the majorities. What was the experience? Experience showed that safeguards did not save the minorities. Experience showed that even a ruthless war on the minorities did not solve the problem. The states then agreed that the best way to solve it was for each to exchange its alien minorities within its border, for its own which was without its border, with a view to bring about homogeneous States. This is what happened in Turky, Greece and Bulgaria. Those, who scoff at the idea of transfer of population, will do well to study the history of the minority problem, as it arose between Turky, Greece and Bulgaria. If they do, they will find that these countries found that the only effective way of solving the minorities problem lay in

exchange of population. The task undertaken by the three countries was by no means a minor operation. It involved the transfer of some 20 million people from one habitat to another. But undaunted, the three shouldered the task and carried it to a successful end because they felt that the considerations of communal peace must outweigh every other consideration.

That the transfer of minorities is the only lasting remedy for communal peace is beyond doubt. If that is so, there is no reason why the Hindus and the Muslims should keep on trading in safeguards which have proved so unsafe. If small countries, with limited resources like Greece, Turkey and Bulgaria, were capable of such an undertaking, there is no reason to suppose that what they did cannot be accomplished by Indians. After all, the population involved is inconsiderable and because some obstacles require to be removed, it would be the height of folly to give up so sure a way to communal peace.

There is one point of criticism to which no reference has been made so far. As it is likely to be urged, I propose to deal with it here. It is sure to be asked, how will Pakistan affect the position of the Muslims that will be left in Hindustan? The question is natural because the scheme of Pakistan does seem to concern itself with the Muslim majorities who do not need protection arid abandons the Muslim minorities who do. But the point is : who can raise it? Surely not the Hindus. Only the Muslims of Pakistan or the Muslims of Hindustan can raise it. The question was put to Mr. Rehmat Ali, the protagonist of Pakistan and this is the answer given by him :—

"How will it affect the position of the forty five million Muslims in Hindustan proper?

"The truth is that in this struggle their thought has been more than a wrench to me. They are the flesh of our flesh and the soul of our soul. We can never forget them ; nor they, us. Their present position and future security is, and shall ever be, a mailer

of great importance to us. As things are at present, Pakistan will not adversely affect their position in Hindustan. On the basis of population (one Muslim to four Hindus), they will still be entitled to the same representation in legislative as well as administrative fields which they possess now. As to the future, the only effective guarantee we can offer is that of reciprocity, and, therefore, we solemnly undertake to give all those safeguards to non-Muslim minorities in Pakistan which will be conceded to our Muslim minority in Hindustan.

"But what sustains us most is the fact that they know we are proclaiming Pakistan in the highest interest of the' Millet'. It is as much theirs as it is ours. While for us it is a national citadel, for them it will ever be a moral anchor. So long as the anchor holds, everything is or can be made safe. But once it gives way, all will be lost".

The answer given by the Muslims of Hindustan is equally clear. They say,"We are not weakened by the separation of Muslims into Pakistan and Hindustan. We are better protected by the existence of separate Islamic States on the Eastern and Western borders of Hindustan than we are by their submersion in Hindustan." Who can say that they are wrong? Has it not been shown that Germany as an outside state was better able to protect the Sudeten Germans in Czechoslovakia than the Sudetens were able to do themselves? [41][f.41]

Be that as it may, the question does not concern the Hindus. The question that concerns the Hindus is : How far does the creation of Pakistan remove the communal question from Hindustan? That is a very legitimate question and must be considered. It must be admitted that by the creation of Pakistan, Hindustan is not freed of the communal question. While Pakistan can be made a homogeneous state by redrawing its boundaries, Hindustan must remain a composite state. The Musalmans are scattered all over Hindustan—though they are mostly congregated in towns—and no ingenuity in the matter of redrawing of

boundaries can make it homogeneous. The only way to make Hindustan homogeneous is to arrange for exchange of population. Until that is done, it must be admitted that even with the creation of Pakistan, the problem of majority *vs.* minority will remain in Hindustan as before and will continue to produce disharmony in the body politic of Hindustan.

Admitting that Pakistan is not capable of providing a complete solution of the Communal Problem within Hindustan, does it follow that the Hindus on that account should reject Pakistan? Before the Hindus draw any such hasty conclusion, they should consider the following effects of Pakistan.

First, consider the effect of Pakistan on the magnitude of the communal Problem. That can be best gauged by reference to the Muslim population as it will be grouped within Pakistan and Hindustan.

Muslim Popu Pakista	
1. Punjab	1
2. N.W.F.P.	2,
3. Sind	2,
4. Baluchistan	4(
5. Eastern Bengal	2
Muslim States	
(i) Eastern Bengal	2
(ii) Sylhet	1,
Total	4

What do these figures indicate? What they indicate is that the Muslims who will be left in British Hindustan will be only 18,545,465 and the rest 47,897,301, forming a vast majority of the total Muslim population, will be out of it and will be the subjects of Pakistan States. This distribution of the Muslim population, in terms of the communal problem, means that while without Pakistan the communal problem in India involves 6 1/2 crores of Muslims, with the creation of Pakistan it will involve only 2 crores of Muslims. Is this to be no consideration for Hindus who want communal peace? To me, it seems that if Pakistan does not solve the communal problem within Hindustan, it substantially reduces its proportion and makes it of minor significance and much easier of peaceful solution.

In the second place, let the Hindus consider the effect of Pakistan on the communal representation in the Central Legislature. The following table gives the distribution of seats in the Central Legislature, as prescribed under the Government of India Act, 1935 and as it would be, if Pakistan came into being.

Name of the Chambe r	Distribution of seats.			Distribution of seats.		
	I—As at present.			II.—After Pakistan.		
		Non			Non-	

		-				
	Total seats.	Muslim (Hindu) Territorial Scats.	Muslim Territorial Seats.	Total seals.	Muslim (Hindu) Territorial Seats.	Muslim Territorial Seats.
Council of State.	150	75	49	126	75	25
Federal Assembly.	250	105	82	211	105	43

To bring out clearly the quantitative change in the communal distribution of seats, which must follow the establishment of Pakistan, the above figures are reduced to percentage in the table that follows:—

Name of the Chamber.	Distribution of seats.		Distribution of seats.	
	1.—As at present.		II.—After Pakistan	
	Percentage of Muslim	Percentage of Muslim	Percentage of Muslim	Percentage of Muslim

	seats to Hindu seals.	scats to total seats.	seats to Hindu seats.	seats to total seals.
Council of State	33	66	25	33 1/3,
Federal Assembly	33	80	21	40

From this table one can see what vast changes must follow the establishment of Pakistan. Under the Government of India Act, the ratio of Muslim seats to the total is 33% in both the Chambers, but to the Hindu seats, the ratio is 66% in the Council of State and 80% in the Assembly—almost a position of equality with the Hindus. After Pakistan, the ratio of Muslim seats to the total seats falls from 33 1/3 % to 25% in the Council and to 21% in the Assembly, while the ratio to Hindu seats falls from 66% to 33 1/3 % in the Council and from 80% to 40% in the Assembly. The figures assume that the weightage given to the Muslims will remain the same, even after Hindustan is separated from Pakistan. If the present weightage to Muslims is cancelled or reduced, there would be further improvement in the representation of the Hindus. But assuming that no change in weightage is made, is this a small gain to the Hindus in the matter of representation at the Centre? To me, it appears that it is a great improvement in the position of the Hindus at the Centre, which would never come to them, if they oppose Pakistan.

These are the material advantages of Pakistan. There is another which is psychological. The Muslims, in Southern and Central India, draw their inspiration from the Muslims of the North and the East. If after Pakistan there is communal peace in the North and the East, as there should be, there being no majorities and minorities therein, the Hindus may reasonably expect communal

peace in Hindustan. This severance of the bond between the Muslims of the North and the East and the Muslims of Hindustan is another gain to the Hindus of Hindustan.

Taking into consideration these effects of Pakistan, it cannot be disputed that if Pakistan does not wholly solve the communal problem within Hindustan, it frees the Hindus from the turbulence of the Muslims as predominant partners. It is for the Hindus to say whether they will reject such a proposal, simply because it does not offer a complete solution. Some gain is better than much harm.

IV

One last question and this discussion of Pakistan in relation to communal peace may be brought to a close. Will the Hindus and the Muslims of the Punjab and Bengal agree to redraw the boundaries of their provinces to make the scheme of Pakistan as flawless as it can be made?

As for the Muslims, they ought to have no objection to redrawing the boundaries. If they do object, it must be said that they do not understand the nature of their own demand. This is quite possible, since the talk that is going on among Muslim protagonists of Pakistan, is of a very loose character. Some speak of Pakistan as a Muslim National State, others speak of it as a Muslim National Home. Neither care to know whether there is any difference between a National State and a National Home. But there can be no doubt that there is a vital difference between the two. What that difference is was discussed at great length at the time of constituting in Palestine a Jewish National Home. It seems that a clear conception of what this difference is, is necessary, if the likely Muslim opposition to the redrawing of the boundaries is to be overcome.

According to a leading authority :—

"A National Home connotes a territory in which a people,

without receiving the rights of political sovereignty, has nevertheless a recognised legal position and receives the opportunity of developing its moral, social and intellectual ideals."

The British Government itself, in its statement on Palestine policy issued in 1922, defined its conception of the National Home in the following terms :—

"When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish Community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should be known that it is in Palestine as of right and not on sufferance. This is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection."

From this, it will be clear that there is an essential difference between a National Home and a National State. The difference consists in this : in the case of a National Home, the people who constitute it do not receive the right of Political sovereignty over the territory and the right of imposing their nationality on others also living in that territory. All that they get, is a recognized legal position guaranteeing them the right to live as citizens and freedom to maintain their culture. In the case of a National State, people constituting it, receive the rights of political sovereignty with the right of imposing their nationality upon the rest.

This difference is very important and it is in the light of this that one must examine their demand for Pakistan. What do the Muslim

want Pakistan for? If they want Pakistan to create a National Home for Muslims, there is no necessity for Pakistan. In the Pakistan Provinces, they already have their National Home with the legal right to live and advance their culture. If they want Pakistan to be a National Muslim State, they are claiming the right of political sovereignty over the territory included in it. This they are entitled to do. But the question is : Should they be allowed to retain, within the boundaries of these Muslim States, Non-Muslim minorities as their subjects, with a right to impose upon them the nationality of these Muslim States? No doubt, such a right is accepted to be an accompaniment of political sovereignty. But it is equally true that in all mixed States, this right has become a source of mischief in modern times. To ignore the possibilities of such mischief in the creation of Pakistan will be to omit to read the bloody pages of recent history on which have been recorded the atrocities, murders, plunders and arsons committed by the Turks, Greeks, Bulgars and the Czechs against their minorities. It is possible to take away from a state this right of imposing its nationality upon its subjects, because it is incidental to political sovereignty. But it is possible not to provide any opportunity for the exercise of such a right. This can be done by allowing the Muslims to have such National Muslim States as are strictly homogeneous, strictly ethnic states. Under no circumstances can they be allowed to carve out mixed states composed of Muslims opposed to Hindus, with the former superior in number to the latter.

This is probably not contemplated by the Muslims who are the authors of Pakistan. It was certainly not contemplated by Sir M. Iqbal, the originator of the scheme. In his Presidential address to the Muslim League in 1930, he expressed his willingness to agree to"the exclusion of Ambala Division and perhaps of some other districts where non-Muslims predominate"on the ground that such exclusion"will make it less extensive and more Muslim in population". On the other hand, it may be that those who are putting forth the Scheme of Pakistan, do contemplate that it will

include the Punjab and Bengal with their present boundaries. To them it must become clear, that to insist upon the present boundaries is sure to antagonise even those Hindus who have an open mind on the question. The Hindus can never be expected to consent to the inclusion of the Hindus in a Muslim State deliberately created for the preservation and propagation of Muslim faith and Muslim culture. The Hindus will no doubt oppose. Muslims must not suppose that it will take long to find them out. Muslims, if they insist upon the retention of the present boundaries, will open themselves to the accusation that behind their demand for Pakistan there is something more sinister than a mere desire to create a National Home or a National State. They will be accused of a design to perfect the scheme of Hindu hostages in Muslim hands by increasing the balance of Muslim majorities against Hindu minorities in the Muslim areas.

So much, for considerations which ought to weigh with the Muslims in the matter of changing the provincial boundaries to make Pakistan.

Now, as to the considerations which ought to weigh with the Hindus of the Punjab and Bengal. The Hindus are the more difficult of the two parties to the question. In this connection it is enough to consider the reaction of the high caste Hindus only. For, it is they who guide the Hindu masses and form Hindu opinion. Unfortunately, the high caste Hindus are bad as leaders. They have a trait of character which often leads the Hindus to disaster. This trait is formed by their acquisitive instinct and aversion to share with others the good things of life. They have a monopoly of education and wealth, and with wealth and education they have captured the State. To keep this monopoly to themselves has been the ambition and goal of their life. Charged with this selfish idea of class domination, they take every move to exclude the lower classes of Hindus from wealth, education and power, the surest and the most effective being the preparation of scriptures, inculcating upon the minds of the lower classes of

Hindus the teaching that their duty in life is only to serve the higher classes. In keeping this monopoly in their own hands and excluding the lower classes from any share in it, the high caste Hindus have succeeded for a long time and beyond measure, it is only recently that the lower class Hindus rose in revolt against this monopoly by starting the Non-Brahmin Parties in the Madras and the Bombay Presidencies and the C. P. Still the high caste Hindus have successfully maintained their privileged position. This attitude of. keeping education, wealth and power as a close preserve for themselves and refusing to share it, which the high caste Hindus have developed in their relation with the lower classes of Hindus, is sought to be extended by them to the Muslims. They want to exclude the Muslims from place and power, as they have done to the lower class Hindus. This trait of the high caste Hindus is the key to the understanding of their politics.

Two illustrations reveal this trait of theirs. The Hindus in 1929 opposed the separation of Sind from the Bombay Presidency before the Simon Commission, strenuously and vehemently. But in 1915, the Hindus of Sind put forth the opposite plea and wanted Sind to be separated from Bombay. The reason in both the cases was the same. In 1915, there was no representative Government in Sind, which, if there was one would have undoubtedly been a Muslim Government. The Hindus advocated separation because in the absence of a Muslim Government, they could obtain jobs in Government in a greater degree. In 1929, they objected to the separation of Sind because they knew that a separate Sind would be under a Muslim Government, and a Muslim Government was sure to disturb their monopoly and displace them to make room for Muslim candidates. The opposition of the Bengali Hindus to the Partition of Bengal is another illustration of this trait of the high caste Hindus. The Bengali Hindu had the whole of Bengal, Bihar, Orissa, Assam and even U. P. for his pasture. He had captured the civil service in all these Provinces. The partition of Bengal meant a diminution in the

area of this pasture. It means that the Bengali Hindu was to be ousted from Eastern Bengal to make room for the Bengali Musalman who had so far no place in the civil service of Bengal. The opposition to the partition of Bengal on the part of the Bengali Hindus, was due principally to their desire not to allow the Bengal Musalmans to take their place in Eastern Bengal. Little did the Bengali Hindus dream that by opposing partition and at the same time demanding Swaraj they were preparing the way for making the Musalmans the rulers of both Eastern as well as Western Bengal.

These thoughts occur to one's mind because one fears that the high caste Hindus, blinded by their hereditary trait, might oppose Pakistan for no other reason except that it limits the field for their self-seeking careers. Among the many reasons that might come in the way of Pakistan, one need not be surprised, if one of them happens to be the selfishness of the high caste Hindus.

There are two alternatives for the Hindus of the Punjab and Bengal and they may be asked to face them fairly and squarely. The Muslims in the Punjab number 13,332,460 and the Hindus, with Sikhs and the rest, number 11,392,732. The difference is only 1,939,728. This means that the Muslim majority in the Punjab is only a majority of 8 p.c. Given these facts, which is better: To retain the unity of the Punjab and allow the Muslim majority of 54 p.c. to rule the Hindu minority of 46 p.c. or to redraw the boundaries, to allow the Muslims and the Hindus to be under separate national states, and thus rescue the whole body of Hindus from the terrors of the Muslim rule?

The Muslims in Bengal number 27,497,624 and the Hindus number 21,570,407. The difference is only of 5,927,217. This means that the Muslim majority in Bengal is only a majority of 12 p.c. Given these facts, which is better : To oppose the creation of a National Muslim State out of Eastern Bengal and Sylhet by refusing to redraw the boundaries and allow the Muslim majority of only 12 p.c. to rule the Hindu minority of 44 p.c.; or to consent

to redraw the boundaries, to have Muslims and Hindus placed under separate National States, and thus rescue the 44 p.c. of the Hindus from the horrors of the Muslim rule?

Let the Hindus of Bengal and the Punjab consider which alternative they should prefer. It seems to me that the moment has come when the high caste Hindus of Bengal and the Punjab should be told that if they propose to resist Pakistan, because it cuts off a field for gainful employment, they are committing the greatest blunder. The time for successfully maintaining in their own hands a monopoly of place and power is gone. They may cheat the lower orders of the Hindus in the name of nationalism, but they cannot cheat the Muslim majorities in the Muslim Provinces and keep their monopoly of place and power. The resolution of the Hindus—if their cry against Pakistan can be regarded as such— to live under a Muslim majority and oppose self-determination may be a very courageous thing. But it will not be a very wise thing if the Hindus believe that they will be able to maintain their place and power by fooling the Musalmans. As Lincoln said, it is not possible to fool all people for all times. If the Hindus choose to live under a Muslim majority the chances are that they may loose all. On the other hand, if the Hindus of Bengal and the

Punjab agree to separate, true, they will not get more, but they will certainly not lose all.

PART III

PAKISTAN OR THE PARTITION OF INDIA

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Part III

WHAT IF NOT PAKISTAN?

Having stated the Muslim case for Pakistan and the Hindu case against it, it is necessary to turn to the alternatives to Pakistan, if there be any. In forming one's judgement on Pakistan, one must take into account the alternatives to it. Either there is no alternative to Pakistan : or there is an alternative to Pakistan, but it is worse than Pakistan. Thirdly, one must also take into consideration what would be the consequences, if neither Pakistan nor its alternative is found acceptable to the parties concerned. The relevant data, having a bearing on these points, are presented in this part under the following heads :—

1 1 Hindu alternative to Pakistan.
2 2 Muslim alternative to Pakistan.
3 3 Lessons from abroad.

CHAPTER VII

HINDU ALTERNATIVE TO PAKISTAN

I

Thinking of the Hindu alternative to Pakistan, the scheme that at once comes to one's mind is the one put forth by the late Lala Hardayal in 1925. It was published in the form of a statement which appeared in the *Pratap* of Lahore. In this statement, which he called his political testament, Lala Hardayal said:—

> "I declare that the future of the Hindu race, of Hindustan and of the Punjab, rests on these four pillars: (1) Hindu Sangalhan, (2) Hindu Raj, (3) Shuddhi of Moslems, and (4) Conquest and Shuddhi

of Afghanistan and the Frontiers. So long as the Hindu nation does not accomplish these four things, the safely of our children and great-grandchildren will be ever in danger, and the safety of the Hindu race will be impossible. The Hindu race has but one history, and its institutions are homogeneous. But the Musalmans and Christians are far removed from the confines of Hindustan, for their religions are alien and they love Persian, Arab and European institutions. Thus, just as one removes foreign matter from the eye, Shuddhi must be made of these two religions. Afghanistan and the hilly regions of the frontier were formerly part of India, but are at present under the domination of Islam..... Just as there is Hindu religion in Nepal, so there must be Hindu institutions in Afghanistan and the frontier territory; otherwise it is useless to win Swaraj. For mountain tribes are always warlike and hungry. If they become our enemies, the age of Nadirshah and Zamanshah will begin anew. At present English officers are protecting the frontiers; but it cannot always be..... If Hindus want to protect themselves, they must conquer Afghanistan and the frontiers and convert all the mountain tribes."

I do not know how many Hindus would come forward to give their support to this scheme of Lala Hardayal as an alternative to Pakistan. [1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40D.Pakistan or the Partition of India PART III.htm - _msocom_1

In the first place, Hindu religion is not a proselytising religion. Maulana Mahomed Ali was quite right when, in the course of his address as President of the Congress, he said:

"Now, this has been my complaint for a long lime against Hinduism, and on one occasion, lecturing at Allahabad in 1907,I had pointed out the contrast between Musalmans and Hindus, by saying that the worst that can be said of a Muslim was that he had a tasteless mess which he called a dish fit for kings, and wanted all to share it with him, thrusting it down the throats of such as did not relish it and would rather not have it, while his Hindu brother, who prided himself on his cookery, retired into the privacy of his kitchen and greedily devoured all that he had cooked, without permitting even the

shadow of his brother to fall on his food, or sparing even a crumb for him. This was said not altogether in levity; and in fact, I once asked Mahatma Gandhi to justify this feature of his faith to me."

What answer the Mahatma gave to his question, Mr. Mahmed Ali did not disclose. The fact is that however much the Hindus may wish, Hindu religion cannot become a missionary religion like Islam or Christianity. It is not that the Hindu religion was never a missionary religion. On the contrary, it was once a missionary religion—indeed could not but have been a missionary religion, otherwise it is difficult to explain how, it could have spread over an area so vast as the Indian continent. [2]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40D.Pakistan or the Partition of India PART III.htm - _msocom_2 But once a missionary religion, Hinduism perforce ceased to be a missionary religion after the time when the Hindu society developed its system of castes. For, caste is incompatible with conversion. To be able to convert a stranger to its religion, it is not enough for a community to offer its creed. It must be in a position to admit the convert to its social life and to absorb and assimilate him among its kindred. It is not possible for the Hindu society to satisfy this prerequisite of effective conversion. There is nothing to prevent a Hindu, with a missionary zeal, to proceed to convert an alien to the Hindu faith. But before he converts the alien, he is bound to be confronted with the question: What is to be the caste of the convert? According to the Hindus, for a person to belong to a caste he must be born in it. A convert is not born in a caste, therefore he belongs to no caste. This is also an important question. More than political or religious, man is a social animal. He may not have, need not have, religion ; he may not have, need not have, politics. He must have society; he cannot do without society. For a Hindu to be without caste is to be without society. Where there is no society for the convert, how can there be any conversion? So long as Hindu society is fragmented in autonomous and autogenic castes, Hindu religion cannot be a missionary religion. The conversion of the Afghans and the frontier tribes to Hinduism is, therefore, an idle dream.

In the second place, Lala Hardayal's scheme must call for financial resources the immensity of which it is hardly possible to compute. , Who can furnish the funds necessary for the conversion of the Afghans and the Frontier Tribesmen to Hinduism? The Hindus, having ceased to convert others to their faith for a long time, have also lost the. zeal for conversion. Want of zeal is bound to affect the question of finances. Further, Hindu society being moulded in the cast of the *Chaturvarna,* wealth has, from very ancient times, been most unevenly distributed. It is only the Baniya who is the heir to wealth and property among the Hindus. There are, of course, the landlords who are the creation of foreign invaders or native rebels, but they are not as numerous as the Baniya. The Baniya is money-made and his pursuits are solely for private gain. He knows no other use of money except to hold it and to transmit it to his descendants. Spread of religion or acquisition and promotion of culture do not interest him. Even decent living has no place in his budget. This has been his tradition for ages. If money is expected, he is not much above the brute in the conception and manner of life. Only one new service, on the expenditure side, has found a place in his budget. That service is politics. This happened since the entry of Mr. Gandhi as a political leader. That new service is the support of Gandhian politics. Here again, the reason is not love of politics. The reason is to make private gain out of public affairs. What hope is there that such men will spend money on such a bootless cause as the spread of Hindu religion among the Afghans and Frontier Tribes?

Thirdly, there is the question of facilities for conversion that may be available in Afghanistan. Lala Hardayal evidently thought that it is possible to say in Afghanistan, with the same impunity as in Turkey, that the Koran is wrong or out of date. Only one year before the publication of his political testament by Lala Hardayal, i.e., in 1924; one Niamatulla—a follower of Mirza Ghulam Ahamed of Quadiyan—who claimed to be the messiah and Mahdi and a prophet of a sort—was stoned to death [3]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40D.Pakistan or the Partition of India PART III.htm - _msocom_3 at Kabul by the order of the highest ecclesiastical tribunal of Afghanistan. The crime of this man was, as reported by a Khilafat paper, that he was professing and preaching ideas

and beliefs, inconsistent with Islam and Shariat. This man, says the same paper, was stoned to death according to the agreeing judgements of the first Shariat (canon) Court, the Central Appellate Court and the Ulema and Divines of the final Appellate Committee of the Ministry of Justice. In the light of these difficulties, the scheme must be said to be wild in its conception and is sure to prove ruinous in its execution. It is adventurous in character and is too fantastic to appeal to any reasonable man except perhaps some fanatical Arya Samajists of the Punjab.

II

The stand taken by Hindu Mahasabha has been defined by Mr. V. D. Savarkar, the President of the Sabha, in his presidential addresses at the annual sessions of the Sabha. As defined by him, the Hindu Maha Sabha is against Pakistan and proposes to resist it by all means. What these means are we do not know. If they are force, coercion and resistance, they are only negative alternatives and Mr. Savarkar and the Hindu Maha Sabha alone can say how far these means will succeed.

It would, however, not be fair to Mr. Savarkar to say that he has only a negative attitude towards the claim put forth by the Muslims of India. He has put forth his positive proposals in reply to them.

To understand his positive proposals, one must grasp some of his basic conceptions. Mr. Savarkar lays great stress on a proper understanding of the terms, Hinduism, Hindutva and Hindudom. He says : [4]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40D.Pakistan or the Partition of India PART III.htm - _msocom_4

“In expounding the ideology of the Hindu movement, it is absolutely necessary to have a correct grasp of the meaning attached to these three terms. From the word”Hindu”has been coined the word”Hinduism”in English. It means the schools or system of Religion the Hindus follow. The second word”Hindutva”is far more comprehensive and refers not only to the religious aspects of the Hindu people as the

word"Hinduism"does but comprehend even their cultural, linguistic, social and political aspects as well. It is more or less akin to"Hindu Polity"and its nearly exact translation would be"Hinduness". The third word"Hindudom"means the Hindu people spoken of collectively. It is a collective name for the Hindu World, just as Islam denotes the Moslem World."

Mr. Savarkar takes it as a gross misrepresentation to say that the Hindu Maha Sabha is a religious body. In refutation of this misrepresentation, Mr. Savarkar says :[5]

[5] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40D.Pakistan or the Partition of India PART III.htm - _msocom_5

> "It has come to my notice that a very large section of the English educated Hindus hold back from joining the Hindu Maha Sabha.... under the erroneous idea that it is an exclusively Religious organization— something like a Christian Mission. Nothing could be far from truth. The Hindu Maha Sabha is not a Hindu Mission. It leaves Religious questions regarding theism, monotheism. Pantheism or even atheism to be discussed and determined by the different Hindu schools of religious persuasions. It is not a Hindu Dharma Maha Sabha, but a Hindu National Maha Sabha. Consequently by its very constitution it is debarred to associate itself exclusively as a partisan with any particular religious school or sect even within the Hindu fold. As a national Hindu body it will of course propagate and defend the National Hindu Church comprising each and all religions of Hindusthani origin against any non-Hindu attack or encroachment. But the sphere of its activity is far more comprehensive than that of an exclusively religious body. The Hindu Maha Sabha identifies itself with the National life of Hindudom in all its entirety, in all its social, economical, cultural and above all political aspects and is pledged to protect and promote all that contributes to the freedom, strength and glory of the Hindu Nation; and as an indispensable means to that end to attain Puma Swarajya, absolute political Independence of Hindusthan by all legitimate and proper means."

Mr. Savarkar does not admit that the Hindu Maha Sabha is started to counteract the Muslim League and that as soon as the problems arising out of the Communal Award are solved to the satisfaction of both Hindus and Musalmans, the Hindu Maha Sabha will vanish. Mr. Savarkar insists that the Hindu Maha Sabha must continue to function even after India becomes politically free. He says : [6][f.6]

> "..... Many a superficial critic seems to fancy that the Maha Sabha was only contrived to serve as a make-weight, as a reaction checkmating the Moslem League or the anti-Hindu policy of the present leaders of the Congress and will be out of court or cease automatically 10 function as soon as it is shorne of this spurious excuse to exist. But if the aims and object of the Maha Sabha mean anything it is clear that it was not the outcome of any frothy effusion, any fussy agitation to remove a grievance here or oppose a seasonal party there. The fact is that every organism whether, individual or social which is living and deserves to survive throws out offensive and defensive organs as soon as it is brought to face adversely changing environments. The Hindu Nation too as soon as it recovered and freed itself from the suffocating grip of the pseudo-nationalistic ideology of the Congress brand developed a new organ to battle in the struggle for existence under the changed conditions of modem age. This was the Hindu Maha Sabha. It grew up of a fundamental necessity of the National life and not of any ephemeral incident. The constructive side of its aims and objects make it amply clear that its mission is as abiding as the life of the Nation itself. But that apart, even the day to day necessity of adapting its policy to the ever changing political currents makes it incumbent on Hindudom to have an exclusively Hindu organization independent of any moral or intellectual servility or subservience to any non-Hindu or jointly representative institution, to guard Hindu interests and save them from being jeopardised. It is not so, only under the present political subjection of Hindustan but it will be all the more necessary to have some such exclusively Hindu organization, some such Hindu Maha Sabha in substance whether it is identical with this present organization or otherwise to -serve as a watchtower at the gates of

Hindudom for at least a couple of centuries to come, even after Hindustan is partially or wholly free and a National Parliament controls its political destiny.

"Because, unless something altogether cataclysmic in nature upsets the whole political order of things in the world which practical politics cannot envisage today, all that can be reasonably expected in immediate future is that we Hindus may prevail over England and compel her to recognise India as a self-governing unit with the status contemplated in the Westminster Statute. Now a National Parliament in such a self-governing India can only reflect the electorate as it is, the Hindus and the Moslems as we find them, their relations a bit bettered, perhaps a bit worsened. No realist can be blind to the probability that the extraterritorial designs and the secret urge goading on the Moslems to transform India into a Moslem stale may at any time confront the Hindustani state even under self-government either with a Civil War or treacherous overtures to alien invaders by the Moslems. Then again there is every likelihood that there will ever continue at least for a century to come a danger of fanatical riots, the scramble for services, legislative seats, weightages out of proportion to their population on the part of the Moslem minority and consequently a constant danger threatening internal peace. To checkmate this probability which if we are wise we must always keep in view even after Hindustan attains the status of a self-governing country, a powerful and exclusive organization of Hindudom like the Hindu MahaSabha will always prove a sure and devoted source of strength, a reserve force for the Hindus to fall back upon to voice their grievances more effectively than the joint Parliament can do, to scent danger ahead, to warn the Hindus in lime against it and to fight out if need be any treacherous design to which the joint state itself may unwittingly fall a victim.

"The History of Canada, of Palesline,of the movement of the Young Turks will show you that in every slate where two or more such conflicting elements as the Hindus and Moslems in India happen to exist as constituents, the wiser of them has to keep its

exclusive organization intact, strong and watchful to defeat any attempt at betrayal or capture of the National State by the opposite party; especially so if that party has extra-territorial affinities, religious or cultural, with alien bordering states."

Having stated what is Hindustan, and what is Hindu Maha Sabha, Mr. Savarkar next proceeds to define his conception of Swaraj. According to Mr. Savarkar : [7][f.7]

"Swaraj to the Hindus must mean only that in which their"Swaraj", their"Hindutva"can assert itself without being overlorded by any non-Hindu people, whether they be Indian Territorials or extra-Territorials—-some Englishmen are and may continue to be territorially born Indians. Can, therefore, the overlordships of these Anglo-indians be a"Swarajya"to the Hindus? Aurangzeb or Tipu were hereditary Indians, nay, were the sons of converted Hindu mothers. Did that mean that the rule of Aurangzeb or Tipu was a"Swarajya"to the Hindus? No ! Although they were territorially Indians they proved to be the worst enemies of Hindudom and therefore, a Shivaji, a Gobindsingh, a Pratap or the Peshwas had to fight against the Moslem domination and establish real Hindu Swarajya."

As part of his Swaraj Mr. Savarkar insists upon two things.

Firstly, the retention of the name Hindustan as the proper name for lndia [8][f.8]"The name"Hindustan"must continue to be the appellation of our country. Such other names as India, Hind, etc., being derived from the same original word Sindhu may be used but only to signify the same sense—die land of the Hindus, a country which is the abode of the Hindu Nation. Aryavarta, Bharat-Bhumi and such other names are of course the ancient and the most cherished epithets of our Mother Land and will continue to appeal to the cultured elite. In this insistence that the Mother Land of the Hindus must be called but"Hindustan", no encroachment or humiliation is implied in connection with any of our non-Hindu countrymen. Our Parsee and Christian countrymen are already too akin to us culturally and .arc too patriotic and the Anglo-indians too sensible to refuse to fall in line with us Hindus on so

legitimate a ground. So far as our Moslem countrymen are concerned it is useless to conceal the fact that some of them are already inclined to look upon this molehill also as an insuperable mountain in their way to Hindu-Moslem unity. But they should remember that the Moslems do not dwell only in India nor are the Indian Moslems the only heroic remnants of the Faithful in Islam. China has crores of Moslems. Greece, Palestine and even Hungary and Poland have thousands of Moslems amongst their nationals. But being there a minority, only a community, their existence in these countries has never been advanced as a ground to change the ancient names of these countries which indicate the abodes of those races whose overwhelming majority owns the land. The country of the Poles continues to be Poland and of the Grecians as Greece. *The* Moslems there did not or dared not to distort them but are quite content to distinguish themselves as Polish Moslems or Grecian Moslems or Chinese Moslems when occasion arises, so also our Moslem countrymen may distinguish themselves nationally or territorially whenever they want, as"Hindustance Moslems"without compromising in the least their separateness as Religious or Cultural entity. Nay, the Moslems have been calling themselves as"Hindustanis"ever since their advent in India, of their own accord.

"But if inspite of it all some irascible Moslem sections amongst our countrymen object even to this name of our Country, that is no reason why we should play cowards to our own conscience. We Hindus must not betray or break up the continuity of our Nation from the Sindhus. in Rigvedic days to the Hindus of our own generation which is implied in"Hindustan", the accepted appellation of our Mother Land. Just as the land of the Germans is Germany, of the English England, *of* the Turks Turkistan, of the Afghans Afghanistan—even so we must have it indelibly impressed on the map of the earth for all times to come a"Hindustan"—the land of the"Hindus".

The second is the retention of Sanskrit as sacred language, Hindi as national language and Nagari as the script of Hindudom. [9][f.9]

"The Sanskrit shall be our"Deva Bhasha)"[10][f.10] our sacred language and the"Sanskrit Nishtha"[11][f.11] Hindi, the Hindi which is

derived from Sanskrit and draws its nourishment from the latter, is our ' 'mr' ' (Rashtra Bhasha) [12][f.12] our current national language—-besides being the richest and the most cultured of the ancient languages of the world, to us Hindus the Sanskrit is the holiest tongue of tongues. Our scriptures, history, philosophy and culture have their roots so deeply imbedded in the Sanskrit literature that it forms veritably the brain of our Race. Mother of the majority of our mother tongues, she has suckled the rest of them at her breast. All Hindu languages current today whether derived from Sanskrit or grafted on to it can only grow and flourish on the sap of life they imbibe from Sanskrit. The Sanskrit language therefore must ever be an indispensable constituent of the classical course for Hindu youths.

"In adopting the Hindi as the National tongue of Hindudom no humiliation or any invidious distinction is implied as regards other provincial tongues. We are all as attached to our provincial tongues as to Hindi and they will all grow and flourish in their respective spheres. In fact some of them are today more progressive and richer in literature. But nevertheless, taken all in all the Hindi can serve the purpose of a National Pan-Hindu language best. It must also be remembered that the Hindi is not made a National Language to order. The fact is that long before either the English or even the Moslems stepped in India the Hindi in its general form had already come to occupy the position of a National tongue throughout Hindustan. The Hindu pilgrim, the tradesman, the tourist, the soldier, the Pandit travelled up and down from Bengal to Sind and Kashmere to Rameshwar by making himself understood from locality to locality through Hindi. Just as the Sanskrit was the National Language of the Hindu intellectual world even so Hindi has been for at least a thousand years in the past the National Indian Tongue of the Hindu community.....

"By Hindi we of course mean the pure"Sanskrit Nistha"Hindi, as we find it for example in the"Satyartha Prakash"written by Maharsi Dayananda Saraswati. How simple and untainted with a single unnecessary foreign word is that Hindi and how expressive withal ! It

may be mentioned in passing that Swami Dayanandaji was about the first Hindu leader who gave conscious and definite expression to the view that Hindi should be the Pan-Hindu National language of India."This Sanskrit Nistha"Hindi has nothing to do with that hybrid, the so-called Hindusthani which is being hatched up by the Wardha scheme. It is nothing short of a linguistic monstrosity and must be ruthlessly suppressed. Not only that but it is our bounden duty to oust as ruthlessly all unnecessary alien words whether Arabian or English, from every Hindu tongue—whether provincial or dialectical. . . . . .

"..... Our Sanskrit alphabetical order is phonetically about the most perfect which the world has yet devised and almost all our current Indian scripts already follow it. The Nagari Script too follows this order. Like the Hindi language the Nagari Script too has already been current for centuries all over India amongst the Hindu literary circles for some two thousand years at any rate in the past and was even popularly nick-named as the"Shastri Lipi"the script of our Hindu Scriptures. ....It is a matter of common knowledge that if Bengali or Gujarathi is printed in Nagari it is more or less understood by readers in several other provinces. To have only one common language throughout Hindustan at a stroke is impracticable and unwise. But to have the Nagari script as the only common script throughout Hindudom is much more feasible. Nevertheless, it should be borne in mind that the different Hindu scripts current in our different provinces have a future of their own and may flourish side by side with the Nagari. All that is immediately indispensable in the common interest of Hindudom as a whole is that the Nagari Script must be made a compulsory subject along with the Hindi language in every school in the case of Hindu students."

What is to be the position of the Non-Hindu minorities under the Swaraj as contemplated by Mr. Savarkar? On this question, this is what Mr. Savarkar has to say : [13][f.13]

"When once the Hindu Maha Sabha not only accepts but maintains the principles of"one man one vote"and the public services to go by

merit alone added to the fundamental rights and obligations to be shared by all citizens alike irrespective of any distinction of Race or Religion . . .. any further mention of minority rights is on the principle not only unnecessary but self-contradictory. Because it again introduces a consciousness of majority and minority on Communal basis. But as practical politics requires it and as the Hindu Sanghatanists want to relieve our non-Hindu countrymen of even a ghost of suspicion, we are prepared to emphasise that the legitimate rights of minorities with regard to their Religion, Culture, and Language will be expressly guaranteed: on one condition only that the equal rights of the majority also must not in any case be encroached upon or abrogated. Every minority may have separate schools to train up their children in their own tongue, their own religious or cultural institutions and can receive Government help also for these,—but always in proportion to the taxes they pay into the common exchequer. The same principle must of course hold good in case of the majority too.

"Over and above this, in case the constitution is not based on joint electorates and on the unalloyed National principle of one man one vote, but is based on the communal basis then those minorities who wish to have separate electorate or reserve seats will be allowed to have them,—but always in proportion to their population and provided that it does not deprive the majority also of an equal right in proportion of its population too."

That being the position assigned to the minorities, Mr. Savarkar concludes [14] [f.14] that under his scheme of Swaraj :

"The Moslem minority in India will have the right to be treated as equal citizens, enjoying equal protection and civic rights in proportion to their population. The Hindu majority will not encroach on the legitimate rights of any non-Hindu minority. But in no case can the Hindu majority resign its right which as a majority it is entitled to exercise under any democratic and legitimate constitution. The Moslem minority in particular has not obliged the Hindus by remaining in minority and therefore, they must remain satisfied with

the status they occupy and with the legitimate share of civic and political rights that is their proportionate due. It would be simply preposterous t endow the Moslem minority with the right of exercising a practical veto on the legitimate rights and privileges of the majority and call it a"Swarajya". The Hindus do not want a change of masters, are not going to struggle and fight and die only to replace an Edward by an Aurangazeb simply because the latter happens to be born within Indian borders, but they want henceforth to be masters themselves in their own house, in their own Land."And it is because he wants his Swaraj to bear the stamp of being a Hindu Raj that Mr. Savarkar wants that India should have the appellation of Hindustan.

This structure has been reared by Mr. Savarkar on two propositions which he regards as fundamental.

The first is that the Hindu are a nation by themselves. He enunciates this proposition with great elaboration and vehemence. Says [15][f.15] Mr. Savarkar :

"In my Presidential speech at Nagpur I had, for the first time in the history of our recent politics pointed out in bold relief that the whole Congress ideology was vitiated *ab initio* by its unwitted assumption that the territorial unity, a common habitat, was the only factor that constituted and ought to and must constitute a Nation. This conception of a Territorial Nationality has since then received a rude shock in Europe itself from which it was imported wholesale to India and the present War has justified my assertion by exploding the myth altogether. All Nations carved out to order on the Territorial design without any other common bond to mould each of them into a national being have gone to rack and ruin, tumbled down like a house of cards. Poland and Czechoslovakia will ever serve as a stem warning against any such efforts to frame heterogeneous peoples into such hotch-potch Nation, based only on the shifting sands of the conception of Territorial Nationality, not cemented by any cultural, racial or historical affinities and consequently having no common will to incorporate themselves into a Nation. These treaty-Nations broke up at the first opportunity they got: The German part of them went over to Germany, the Russian

to Russia, Czechs to Czechs and Poles to Poles. The cultural, linguistic, historical and such other organic affinities proved sponger than the Territorial one. Only those Nations have persisted in maintaining their National unity and identity during the last three to four centuries in Europe which had developed racial, linguistic cultural and such other organic affinities in addition to their Territorial unity or even at times in spite of it and consequently willed to be homogeneous National units—such as England, France, Germany, Italy, Portugal, etc.

"Judged by any and all of these tests which go severally and collectively to form such a homogeneous and organic Nation, in India we Hindus are marked out as an abiding Nation by ourselves. Not only do we own a common Fatherland, a Territorial unity, but what is scarcely found anywhere else in the world, we have a common Holy Land which is identified with our common Fatherland. This Bharat Bhumi, this Hindustan, India is both our 1^^ and gi^. Our patriotism therefore is doubly sure. Then, we have common affinities, cultural, religious, historical, linguistic, and racial which through the process of countless centuries of association and assimilation moulded us into a homogeneous and organic nation and above all induced a will to lead a corporate and common national life. The Hindus are no treaty Nation—but an organic National Being.

"One more pertinent point must be met as it often misleads our Congressite Hindu brethren in particular. The homogeneity that wields a people into a National Being does not only imply the total absence of all internal differences, religious, racial or linguistic, of sects and sections amongst themselves. It only means that they differ more from other people as a national unit than they differ amongst themselves. Even the most unitarian nations of today—say the British or the French— cannot be free from any religious, linguistic, cultural, racial or other differences, sects or sections or even some antipathies existing amongst themselves. National homogeneity connotes oneness of a people in relation to the contrast they present to any other people as a whole.

"We Hindus, in spite of thousand and one differences within our fold, are bound by such religious, cultural, historical, racial, linguistic and

other affinities in common as to stand out as a definitely homogeneous people as soon as we are placed in contrast with any other non-Hindu people— say the English or Japanese or even the Indian Moslems. That is the reason why today we the Hindus from Cashmere to Madras and Sindh to Assam will have to be a Nation by ourselves". . .

The second proposition on which Mr. Savarkar has built up his scheme relates to the definition of the term Hindu. According to Mr. Savarkar a Hindu is a person:

"..... who regards-and owns this Bharat Bhumi, this land from the Indus to the Seas, as his Fatherland as well as his Holy Land;—i.e., the land of the origin of his religion, the cradle of his faith.

The followers therefore of Vaidicism, SanaUmism, Jainism, Buddhism, Lingaitism, Sikhism, the Arya Samaj, the Brahmosamaj, the Devasamaj, the Prarlhana Samajandsucholherreligionsofindianorigin are Hindus and constitute Hindudom, i.e., Hindu people as a whole.

Consequently the so-called aboriginal or hill-tribes also are Hindus : because India is their Fatherland as well as their Holy Land whatever form of religion or worship they follow. The definition rendered in Sanskrit stands thus:

ASINDHU SINDH PANYANTA YSMA BHARAT BHUMIKA I

PRITIBHU H PUNDYABHOOSHRAIV SA VAI
HINDURITISMRITAH II

This definition , therefore, should be recognized by the Government and made the test of ' Hindutva * in enumerating the population of Hindus in the Government census to come."

This definition of the term Hindu has been framed with great care and caution. It is designed to serve two purposes which Mr. Savarkar has in view. First, to exclude from it Muslims, Christians, Parsis and Jews by

prescribing the recognition of India as a Holy Land as a qualification for being a Hindu. Secondly, to include Buddhists, Jains, Sikhs, etc., by not insisting upon belief in the sanctity of the Vedas as an element in the qualifications.

Such is the scheme of Mr. Savarkar and the Hindu Maha Sabha. As must have been noticed, the scheme has some disturbing features.

One is the categorical assertion that the Hindus are a nation by themselves. This, of course, means that the Muslims are a separate nation by themselves. That this is his view, Mr. Savarkar does not leave to be inferred. He insists upon it in no uncertain terms and with the most absolute emphasis he is capable of. Speaking at the Hindu Maha Sabha Session held at Ahmedabad in 1937, Mr. Savarkar said :—

> "Several infantile politicians commit the serious mistake in supposing that India is already welded into a harmonious nation, or that it could be welded thus for the mere wish to do so. These our well-meaning but unthinking friends take their dreams for realities. That is why they are impatient of communal tangles and attribute them to communal organizations. But the solid fact is that the so-called communal questions are but a legacy handed down to us by centuries of a cultural, religious and national antagonism between the Hindus and the Muslims. When the time is ripe you can solve them; but you cannot suppress them by merely refusing recognition of them. It is safer to diagnose and treat deep-seated disease than to ignore it. Let us bravely face unpleasant facts as they are. India cannot be assumed today to be a unitarian and homogeneous nation, but on the contrary these are two nations in the main, the Hindus and the Muslims in India."

Strange as it may appear, Mr. Savarkar and Mr. Jinnah instead of being opposed to each other on the one nation *versus* two nations issue are in complete agreement about it. Both agree, not only agree but insist that there are two nations in India—one the Muslim nation and the other the Hindu nation. They differ only as regards the terms and conditions on which the two nations should live. Mr. Jinnah says India should be cut

up into two, Pakistan and Hindustan, the Muslim nation to occupy Pakistan and the Hindu nation to occupy Hindustan. Mr. Savarkar on the other hand insists that, although there are two nations in India, India shall not be divided into two parts, one for Muslims and the other for the Hindus ; that the two nations shall dwell in one country and shall live under the mantle of one single constitution; that the constitution shall be such that the Hindu nation will be enabled to occupy a predominant position that is due to it and the Muslim nation made to live in the position of subordinate co-operation with the Hindu nation. In the struggle for political power between the two nations the rule of the game, which Mr. Savarkar prescribes, is to be one man one vote, be the man Hindu or Muslim. In his scheme a Muslim is to have no advantage which a Hindu does not have. Minority is to be no justification for privilege and majority is to be no ground for penalty. The State will guarantee the Muslims any defined measure of political power in the form of Muslim religion and Muslim culture. But the State will not guarantee secured seats in the Legislature or in the Administration and, if such guarantee is insisted upon by the Muslims, [16][f.16] such guaranteed quota is not to exceed their proportion to the general population. Thus by confiscating its weightages, Mr. Savarkar would even strip the Muslim nation of all the political privileges it has secured so far.

This alternative of Mr. Savarkar to Pakistan has about it a frankness, boldness and definiteness which distinguishes it from the irregularity, vagueness and indefiniteness which characterizes the Congress declarations about minority rights. Mr. Savarkar's scheme has at least the merit of telling the Muslims, thus far and no further. The Muslims know where they are with regard to the Hindu Maha Sabha. On the other hand, with the Congress the Musalmans find themselves nowhere because the Congress has been treating the Muslims and the minority question as a game in diplomacy, if not in duplicity.

At the same time, it must be said that Mr. Savarkar's attitude is illogical, if not queer. Mr. Savarkar admits that the Muslims are a separate nation. He concedes that they have a right to cultural

autonomy. He allows them to have a national flag. Yet he opposes the demand of the Muslim nation for a separate national home. If he claims a national home for the Hindu nation, how can he refuse the claim of the Muslim nation for a national home?

It would not have been a matter of much concern if inconsistency was the only fault of Mr. Savarkar. But Mr. Savarkar in advocating his scheme is really creating a most dangerous situation for the safety and security of India. History records two ways as being open to a major nation to deal with a minor nation when they are citizens of the same country and are subject to the same constitution. One way is to destroy the nationality of the minor nation and to assimilate and absorb it into the major nation, so as to make one nation out of two. This is done by denying to the minor nation any right to language, religion or culture and by seeking to enforce upon it the language, religion and culture of the major nation. The other way is to divide the country and to allow the minor nation a separate, autonomous and sovereign existence, independent of the major nation. Both these ways were tried in Austria and Turkey, the second after the failure of the first.

Mr. Savarkar adopts neither of these two ways. He does not propose to suppress the Muslim nation. On the contrary he is nursing and feeding it by allowing it to retain its religion, language and culture, elements which go to sustain the soul of a nation. At the same time he does not consent to divide the country so as to allow the two nations to become separate, autonomous states, each sovereign in its own territory. He wants the Hindus and the Muslims to live as two separate nations in one country, each maintaining its own religion, language and culture. One can understand and even appreciate the wisdom of the theory of suppression of the minor nation by the major nation because the ultimate aim is to bring into being one nation. But one cannot follow what advantage a theory has which says that there must ever be two nations but that there shall be no divorce between them. One can justify this attitude only if the two nations were to live as partners in friendly intercourse with mutual respect and accord. But that is not to be, because Mr. Savarkar will not allow the Muslim nation to be co-equal in

authority with the Hindu nation. He wants the Hindu nation to be the dominant nation and the Muslim nation to be the servient nation. Why Mr. Savarkar, after sowing this seed of enmity between the Hindu nation and the Muslim nation should want that they should live under one constitution and occupy one country, is difficult to explain.

One cannot give Mr. Savarkar credit for having found a new formula. What is difficult to understand is that he should believe that his formula is the right formula. Mr. Savarkar has taken old Austria and old Turkey as his model and pattern for his scheme of Swaraj. He sees that in Austria and Turkey there lived one major nation *juxtaposed* to other minor nations bound by one constitution with the major nation dominating the minor nations and argues that if this was possible in Austria and Turkey, why should it not be possible for the Hindus to do the same in India.

That Mr. Savarkar should have taken old Austria and old Turkey as his model to build upon is really very strange. Mr. Savarkar does not seem to be aware of the fact that old Austria and old Turkey are no more. Much less does he seem to know the forces which have blown up old Austria and old Turkey to bits. If Mr. Savarkar instead of studying the past—of which he is very fond—were to devote more attention to the present, he would have learnt that old Austria and old Turkey came to ruination for insisting upon maintaining the very scheme of things which Mr. Savarkar has been advising his"Hindudom"to adopt, namely, to establish a Swaraj in which there will be two nations under the mantle of one single constitution in which the major nation will be allowed to hold the minor nation in subordination to itself.

The history of the disruption of Austria, Czechoslovakia and Turkey is of the utmost importance to India and the members of the Hindu Maha Sabha will do well to peruse the same. I need say nothing here about it because I have drawn attention to lessons from their fateful history in another chapter. Suffice it to say that the scheme of Swaraj formulated by Mr. Savarkar will give the Hindus an empire over the Muslims and thereby satisfy their vanity. and their pride in being an imperial race. But it can never ensure a stable and peaceful future for the Hindus, for the

simple reason that the Muslims will never yield willing obedience to so dreadful an alternative.

III

Mr. Savarkar is quite unconcerned about the Muslim reaction to his scheme. He formulates his scheme and throws it in the face of the Muslims with the covering letter ' take it or leave it '. He is not perturbed by the Muslim refusal to join in the struggle for Swaraj. He is quite conscious of the strength of the Hindus and the Hindu Maha Sabha and proposes to carry on the struggle in the confident hope that, alone and unaided, the Hindus will be able to wrest Swaraj from the British. Mr. Savarkar is quite prepared to say to the Musalmans :

"If you come, with you, if you don't, without you; and if you oppose, in spite of you—the Hindus will continue to fight for their national freedom as best as they can."

Not so Mr. Gandhi. At the very commencement of his career as a political leader of India when Mr. Gandhi startled the people of India by his promise to win Swaraj within six months, Mr. Gandhi said that he could perform the miracle only if certain conditions were fulfilled. One of these conditions was the achievement of Hindu-Muslim unity. Mr. Gandhi is never tired of saying that there is no Swaraj without Hindu-Muslim unity. Mr. Gandhi did not merely make this slogan the currency of Indian politics but he has strenuously worked to bring it about. Mr. Gandhi, it may be said, began his carrier as a political leader of India with the manifesto dated 2nd March 1919 declaring his intention to launch Satyagraha against the Rowlatt Act and asking those who desired to join him to sign the Satyagraha pledge. That campaign of Satyagraha was a short-lived campaign and was suspended by Mr. Gandhi on 18th April 1919. As a part of his programme Mr. Gandhi had fixed [17][f.17] the 6th March 1919 to be observed all over India as a day of protest against the Rowlatt Act. Mass meetings were to be held on that day and Mr. Gandhi had prescribed that the masses attending the meetings should take a vow in the following terms :

"With God as witness, we Hindus, and Mahomedans declare that we shall behave towards one another as children of the same parents, that we shall have no differences, that the sorrows of each shall be the sorrows of the other and that each shall help the other in removing them. We shall respect each other's religion and religious feelings and shall not stand in the way of our respective religious practices. We shall always refrain from violence to each other in the name of religion."There was nothing in the campaign of Satyagraha against the Rowlatt Act which could have led to any clash between the Hindus and Muslims. Yet Mr. Gandhi asked his followers to take the vow. This shows how insistent he was from the very beginning upon Hindu-Muslim unity.

The Mahomedans started the Khilafat movement in 1919. The objective of the movement was two-fold; to preserve the Khilafat and to maintain the integrity of the Turkish Empire. Both these objectives were unsupportable. The Khilafat could not be saved simply because the Turks, in whose interest this agitation was carried on, did not want the Sultan. They wanted a republic and it was quite unjustifiable to compel the Turks to keep Turkey a monarchy when they wanted to convert it into a republic. It was not open to insist upon the integrity of the Turkish Empire because it meant the perpetual subjection of the different nationalities to the Turkish rule and particularly of the Arabs, especially when it was agreed on all hands that the doctrine of self-determination should be made the basis of the peace settlement.

The movement was started by the Mahomedans. It was taken up by Mr. Gandhi with a tenacity and faith which must have surprised many Mahomedans themselves. There were many people who doubted the ethical basis of the Khilafat movement and tried to dissuade Mr. Gandhi from taking any part in a movement the ethical basis of which was so questionable. But Mr. Gandhi had so completely persuaded himself of the justice of the Khilafat agitation that he refused to yield to their advice. Time and again he argued that the cause was just and it was his duty to join it. The position taken up by him may be summed up in his own words. [18]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40D.Pakistan or the Partition of India PART III.htm - _msocom_18

"(1) In my opinion, the Turkish claim is not only not immoral and unjust, but it is highly equitable, only because Turkey wants to retain what is her own. And the Mahomedan manifesto has definitely declared that whatever guarantee may be necessary to be taken for the protection of the non-Muslim and non-Turkish races, should be taken so as to give the Christians theirs and the Arabs their self-government under the Turkish suzerainty;

(2) I do not believe the Turk to be weak, incapable or cruel. He is certainly disorganised and probably without good generalship. The argument of weakness, incapacity and cruelly one often hears quoted in connection with those from whom power is sought to be taken away. About the alleged massacres a proper commission has been asked for, but never granted. And in any case security can be taken against oppression;

(3) I have already stated that, if I were not interested in the Indian Mahomedans, I would not interest myself in the welfare of the Turks any more than I am in that of the Austrians or the Poles. But I am bound as an Indian to share the sufferings and trials of fellow-Indians. If I deem the Mahomedan to be my brother, it is my duty to help him in his hour of peril to the best of my ability, if his cause commends itself to me as just;

(4) The fourth refers to the extent Hindus should join hands with the Mahomedans. It is, therefore, a matter of feeling and opinion. It is expedient to suffer for my Mahomedan brother to the utmost in a just cause and I should, therefore, travel with him along the whole road so long as the means employed by him are as honourable as his end. I cannot regulate the Mahomedan feeling. I must accept his statement that the Khilafat is with him a religious question in the sense that it binds him to reach the goal even at the cost of his own life."'

Mr. Gandhi not only agreed with the Muslims in the Khilafat cause but acted as their guide and their friend. The part played by Mr. Gandhi in the Khilafat agitation and the connection between the Khilafat agitation and the Non-co-operation Movement has become obscure by the

reason of the fact that most people believed that it was the Congress which initiated the Non co-operation Movement and it was done as a means for winning Swaraj. That such a view should prevail is quite understandable because most people content themselves with noting the connection between the Non-co-operation Movement and the special session of the Congress held at Calcutta on 7th and 8th September 1920. But anyone, who cares to go behind September 1920 and examine the situation as it then stood, will find that this view is not true. The truth is that the non-co-operation has its origin in the Khilafat agitation and not in the Congress Movement for Swaraj : that it was started by the Khilafatists to help Turkey and adopted by the Congress only to help the Khilafatists : that Swaraj was not its primary object, but its primary object was Khilafat and that Swaraj was added as a secondary object to induce the Hindus to join it will be evident from the following facts.

The Khilafat movement may be said to have begun on 27th October 1919 when the day was observed as the Khilafat Day all over India. On 23rd November 1919 the first Khilafat Conference met at Delhi. It was at this session that the Muslims considered the feasibility of non-co-operation as a means of compelling the British Government to redress the Khilafat wrong. On 10th March 1920 the Khilafat Conference met at Calcutta and decided upon non-co-operation as the best weapon to further the object of their agitation.

On 9th June 1920 the Khilafat Conference met at Allahabad and unanimously reaffirmed their resolve to resort to non-co-operation and appointed an Executive Committee to enforce and lay down a^ detailed programme. On 22nd June 1920 the Muslims sent a message to the Viceroy stating that they would start non-co-operation if the Turkish grievances were not redressed before 1st August 1920. On 30th June 1920 the Khilafat Committee meeting held at Allahabad resolved to start non-co-operation, after a month's notice to the Viceroy. Notice was given on 1st July 1920 and non-co-operation commenced on 1st August 1920. This short resume shows that the non-co-operation was started by the Khilafat Committee and all that the Congress special session at Calcutta did was to adopt what the Khilafat Conference had already

done and that too not in the interest of Swaraj but in the interest of helping the Musalmans in furthering the cause of Khilafat. This is clear from the perusal of the Congress Resolution 19[f.19] passed at the special session held at Calcutta.

Although the Non-co-operation Movement was launched by the Khilafat Committee and merely adopted by the Congress primarily to help the Khilafat cause, the person who suggested it to the Khilafat Committee and who identified himself with the Committee and took the responsibility of giving effect to it and who brought about its adoption by the Congress was Mr. Gandhi. At the first Khilafat Conference held at Delhi on 23rd November

1919 Mr. Gandhi was present. Not only was Mr. Gandhi present but also it was he who advised the Muslims to adopt non-co-operation as a method for forcing the British to yield to their demands regarding the Khilafat. The joining of Mr. Gandhi in the Khilafat movement is full of significance. The Muslims were anxious to secure the support of the Hindus in the cause of Khilafat. At the Conference held on 23rd November 1919 the Muslims had invited the Hindus. Again on 3rd June 1920 a joint meeting of the Hindus and the Khilafatist Muslims was held at Allahabad. This meeting was attended among others by Sapru, Motilal Nehru and Annie Besant. But the Hindus were hesitant in joining the Muslims. Mr. Gandhi was the only Hindu who joined the Muslims. Not only did he show courage to join them, but also he kept step with them, nay, led them. On 9th June

1920 when the Khilafat Conference met at Allahabad and formed an Executive Committee to prepare a detailed programme of non co-operation and give effect to it, Mr. Gandhi was the only Hindu on that Executive Committee. On 22nd June 1920 the Muslims sent a message to the Viceroy that they would start non-co-operation if the Turkish grievances were not redressed before 1st August 1920. On the same day Mr. Gandhi also sent a letter to the Viceroy explaining the justice of the Khilafat cause, the reasons why he has taken up the cause and the necessity of satisfying the hands of the Khilafatists. For instance the notice given to the Viceroy on 1st July 1920 that non-co-operation will

be started on 1st August was given by Mr. Gandhi and not by the Khilafatists. Again when non-co-operation was started by the Khilafatist on 31st August 1920 Mr. Gandhi was the first to give a concrete shape to it by returning his medal. After inaugurating the Non-co-operation Movement as an active member of the Khilafat Committee Mr. Gandhi next directed his energy to the cause of persuading the Congress to adopt non-co-operation and strengthen the Khilafat movement. With that object in view Mr. Gandhi toured the country between 1st August and 1st September 1920 in the company of the Ali Brothers who were the founders of the Khilafat movement impressing upon the people the necessity of non-co-operation. People could notice the disharmony in the tune of Mr. Gandhi and the Ali Brothers. As the *Modern Review* pointed out:"Reading between the lines of their speeches, it is not difficult to see that with one of them the sad plight of the Khilafat in distant Turkey is the central fact, while with the other attainment of Swaraj here in India is the object in view". This dichotomy [20][f.20] of interest did not augur well for the success of the ultimate purpose. Nonetheless Mr. Gandhi succeeded in carrying the Congress with him in support of the Khilafat cause. [21][f.21]

For a long time the Hindus had been engaged in wooing the Muslims to their side. The Congress was very anxious to bridge the gulf between itself and the Muslim League. The ways and means adopted in 1916 for bringing about this consummation and which resulted in the Lucknow Pact signed between the Congress and the Muslim League have been graphically told by Swami Shradhanand in his impressions of the Congress Session held in that year at Lucknow. Says the Swami [22][f.22] :

> "On sitting on the dias (Lucknow Congress platform) the first thing that I noticed was that the number of Moslem delegates was proportionately fourfold of what it was at Lahore in 1893. The majority of Moslem delegates Bad donned gold, silver and silk embroidered chogas (flowing robes) over their ordinary coarse suits of wearing apparel. It was rumoured that these ' chogas ' had been put by Hindu moneyed men for Congress Tamasha. Of some 433 Moslem delegates only some 30 had come from outside, the rest belonging to

Lucknow City. And of these majority was admitted free to delegate seals, board and lodging. Sir Syed Ahmad's anti-Congress League had tried in a public meeting to dissuade Moslems from joining the Congress as delegates. As a countermove the Congress people lighted the whole Congress camp some four nights before the session began and advertised that that night would be free. The result was that all the"Chandul Khanas"of Lucknow were emptied and a huge audience of some thirty thousand Hindus and Moslems was addressed from half a dozen platforms. It was then that the Moslem delegates were elected or selected. All this was admitted by the Lucknow Congress organisers to me in private.

"A show was being made of the Moslem delegates. Moslem delegate gets up to second a resolution in Urdu. He begins : ' Hozarat, I am a Mahomedan delegate '. Some Hindu delegate gels up and calls for three cheers for Mahomedan delegates and the response is so enthusiastic as to be beyond description."

In taking up the cause of Khilafat Mr. Gandhi achieved a double purpose. He carried the Congress Plan of winning over the Muslims to its culmination. Secondly he made the Congress a power in the country, which it would not have been, if the Muslims had not joined it. The cause of the Khilafat appealed to the Musalmans far more than political safeguards, with the result that the Musalmans who were outside it trooped into the Congress. The Hindus welcomed them. For, they saw in this a common front against the British, which was their main aim. The credit for this must of course go to Mr. Gandhi. For there can be no doubt that this was an act of great daring.

When the Musalmans in 1919 approached the Hindus for participation in the Non-co-operation Movement which the Muslims desired to start for helping Turkey and the Khilafat, the Hindus were found to be divided in three camps. One was a camp of those who were opposed to non-co-operation in principle. A second camp consisted of those Hindus who were prepared to join the Muslims in their campaign of non-co-operation provided the Musalmans agreed to give up Cow Slaughter. A third group consisted of the Hindus who feared that the

Mahomedans might extend their non-co-operation to inviting the Afghans to invade India, in which case the movement instead of resulting in Swaraj might result in the subjection of India to Muslim Raj.

Mr. Gandhi did not care for those Hindus who were opposed to joining the Muslims in the Non-co-operation Movement. But with regard to the others he told them that their attitude was unfortunate.

To those Hindus who wanted to give their support on the condition that the Muslims give up cow killing, Mr. Gandhi said [23][f.23] :

> "I submit that the Hindus may not open the Goraksha (cow protection) question here. The test of friendship is assistance in adversity, and that too, unconditional assistance. Co-operation that needs consideration is a commercial contract and not friendship. Conditional co-operation is like adulterated cement which does not bind. It is the duty of the Hindus, if they see the justice of the Mahomedan cause to render co-operation. If the Mahomedans feel themselves bound in honour to spare the Hindu's feelings and to slop cow killing, they may do so, no matter whether the Hindus co-operate with them or not. Though therefore, I yield to no Hindu in my worship of the cow, I do not want to make the slopping of cow killing a condition precedent to co-operation. Unconditional co-operation means the protection of the cow."

To those Hindus who feared to join the Non-co-operation Movement for the reasons that Muslims may invite the Afghans to invade India, Mr. Gandhi said [24][f.24] :

> "It is easy enough to understand and justify the Hindu caution. It is difficult to resist the Mahomedan position. In my opinion, the best way to prevent India from becoming the battle ground between the forces of Islam and those of the English is for Hindus to make non-co-operation a complete and immediate success, and I have little doubt that, if the Mahomedans remain true to their declared intention and are able to exercise self-restraint and make sacrifices, the Hindus will ' play the game ' and join them in the campaign of non-co-operation. I feel equally certain that Hindus will not assist Mahomedans in promoting

or bringing about an armed conflict between the British Government and their allies, and Afghanistan. British forces are too well organised to admit of any successful invasion of the Indian frontier. The only way, therefore, the Mahomedans can carry on an effective struggle on behalf of the honour of Islam is to take up non-co-operation in real earnest. It will not only be completely effective if it is adopted by the people on an extensive scale, but it will also provide full scope for individual conscience. If I cannot bear an injustice done by an individual or a corporation, and, I am directly or indirectly instrumental in upholding that individual or corporation, I must answer for it before my Maker; but I have done all that is humanly possible for me to do consistently with the moral code that refuses to injure even the wrong-doers, if I cease to support the injustice in the manner described above. In applying, therefore, such a great force, there should be no haste, there should be no temper shown. Non-co-operation must be and remain absolutely a voluntary effort. The whole thing, then, depends upon Mahomedans themselves. If they will but help themselves, Hindu help will come and the Government, great and mighty though it is, will have to bend before the bloodless opposition of a whole nation."

Unfortunately, the hope of Mr.Gandhi that ' no Government can possibly withstand the bloodless opposition of a whole nation ' did not come true. Within a year of the starting of the Non-co-operation Movement, Mr. Gandhi had to admit that the. Musalmans had grown impatient and that :

"In their impatient anger, the Musalmans ask for more energetic and more prompt action by the Congress and Khilafat organisations. To the Musalmans, Swaraj means, as it must mean, India's ability to deal effectively with the Khilafat question. The Musalmans, therefore, decline to wait if the attainment of Swaraj means indefinite delay of a programme that may require the Musalmans of India to become impotent witnesses of the extinction of Turkey in European waters.

"It is impossible not to sympathise with this attitude. I would gladly recommend immediate action if I could think of any effective course. I

would gladly ask for postponement of Swaraj activity if thereby we could advance the interest of Khilafat. I could gladly take up measures outside non-co-operation, if I could think of any, in order to assuage the pain caused to the millions of the Musalmans.

"But, in my humble opinion, attainment of Swaraj is the quickest method of righting the Khilafat wrong. Hence it is, that for me the solution of the Khilafat question is attainment of Swaraj and *vice versa*. The only way to help the affiliated Turks is for India to generate sufficient power to be able to assert herself. If she cannot develop that power in time, there is no way out for India and she must resign herself to the inevitable. What can a paralytic do to stretch forth a helping hand to a neighbour but to try to cure himself of his paralysis? Mere ignorant, thoughtless and angry outburst of violence may give vent to pent-up rage but can bring no relief to Turkey."

The Musalmans were not in a mood to listen to the advice of Mr. Gandhi. They refused to worship the principle of non-violence. They were not prepared to wait for Swaraj. They were in a hurry to find the most expeditious means of helping Turkey and saving the Khilafat. And' the Muslims in their impatience did exactly what the Hindus feared they would do, namely, invite the Afghans to invade India. How far the Khilafatists had proceeded in their negotiations with the Amir of Afghanistan it is not possible to know. But that such a project was entertained by them is beyond question. It needs no saying that the project of an invasion of India was the most dangerous project and every sane Indian would dissociate himself from so mad a project. What part Mr. Gandhi played in this project it is not possible to discover. Certainly he did not dissociate himself from it. On the contrary his misguided zeal for Swaraj and his obsession on Hindu-Moslem unity as the only means of achieving it, led him to support the project. Not only did he advise [25][f.25] the Amir not to enter into any treaty with the British Government but declared:

"I would, in a sense, certainly assist the Amir of Afghanistan if he waged war against the British Government. That is to say, I would openly tell my countrymen that it would be a crime to help a

government which had lost the confidence of the nation to remain in power".

Can any sane man go so far, for the sake of Hindu-Moslem unity? But, Mr. Gandhi was so attached to Hindu-Moslem unity that he did not stop to enquire what he was really doing in this mad endeavour. So anxious was Mr. Gandhi in laying the foundation of Hindu-Moslem unity well and truly, that he did not forget to advise his followers regarding the national crisis. In an Article in *Young India* of 8th September 1920 Mr. Gandhi said :

"During the Madras tour, at Bezwada I had occasion to remark upon the national crisis and suggested that it would be better to have cries about ideals than men. I asked the audience t replace Mahatma Gandhi-ki-jai and Mahomed Ali Shoukat Ali-ki-jai by Hindu-Musalman-ki-jai. Brother Shoukat Ali, who followed, positively laid down the law. In spite of the Hindu-Muslim unity, he had observed that, if Hindus shouted Bande Mataram, the Muslims rang out with AllahoAkbar and *vice ersa.* This, he rightly said jarred on the ear and still showed that the people did not act with one mind. There should be therefore only three cries recognised. Allaho Akbar to be joyously sung out by Hindus and Muslims, showing that God alone was great and no other. The second should be Bande Malaram (Hail Motherland) or Bharat Mata-ki-jai (Victory to Mother Hind). The third should be Hindu-Musalman-ki-jai without which there was no victory for India, and no true demonstration of the greatness of God.. I do wish that the newspapers and public men would take up the Maulana's suggestion and lead the people only to use the three cries. They are full of meaning. The first is a prayer and confession of our littleness and therefore a sign of humility. It is a cry in which all Hindus and Muslims should join in reverence and prayfulness. Hindus may not fight shy of Arabic words, when their meaning is not only totally inoffensive but even ennobling. God is no respecter of any particular tongue. Bande Mataram, apart from its wonderful associations, expresses the one national wish—the rise of India to her full height. And I should prefer Bande Mataram to Bharat Mata-ki-jai, as it would be a graceful

recognition of the intellectual and emotional superiority of Bengal. Since India can be nothing without the union of the Hindu and the Muslim heart, Hindu-Musalman-ki-jai is a cry which we may never forget.

"There should be no discordance in these cries. Immediately some one has taken up any of the three cries, the rest should take it up and not attempt to yell out their favourite. Those, who do not wish to join, may refrain, but should consider it a breach of etiquette to interpolate their own when a cry has already been raised. It would be better too, always to follow out the three cries in the order given above."

These are not the only things Mr. Gandhi has done to build up Hindu-Moslem unity. He has never called the Muslims to account even when they have been guilty of gross crimes against Hindus.

It is a notorious fact that many prominent Hindus who had offended the religious susceptibilities of the Muslims either by their writings or by their part in the Shudhi movement have been murdered by some fanatic Musalmans. First to suffer was Swami Shradhanand, who was shot by Abdul Rashid on 23rd December 1926 when he was lying in his sick bed. This was followed by the murder of Lala Nanakchand, a prominent Arya Samajist of Delhi. Rajpal, the author of the *Rangila Rasool*, was stabbed by llamdin on 6th April 1929 while he was sitting in his shop. Nathuramal Sharma was murdered by Abdul Qayum in September 1934. It was an act of great daring. For Sharma was stabbed to death in the Court of the Judicial Commissioner of Sind where he was seated awaiting the hearing of his appeal against his conviction under Section 195, 1. P. C., for the publication of a pamphlet on the history of Islam. Khanna, the Secretary of the Hindu Sabha, was severely assaulted in 1938 by the Mahomedans after the Session of the Hindu Maha Sabha held in Ahmedabad and very narrowly escaped death.

This is, of course, a very short list and could be easily expanded. But whether the number of prominent Hindus killed by fanatic Muslims is large or small matters little. What matters is the attitude of those who count, towards these murderers. The murderers paid the penalty of law

where law is enforced. The leading Moslems, however, never condemned these criminals. On the contrary, they were hailed as religious martyrs and agitation was carried on for clemency being shown to them. As anillustration of this attitude, one may refer to Mr. Barkat Alli, a Barrister of Lahore, who argued the appeal of Abdul Qayum. He went to the length of saying that Qayum was not guilty of murder of Nathuramal because his act was justifiable by the law of the Koran. This attitude of the Moslems is quite understandable. What is not understandable is the attitude of Mr. Gandhi.

Mr. Gandhi has been very punctilious in the matter of condemning any and every act of violence and has forced the Congress, much against its will to condemn it. But Mr. Gandhi has never protested against such murders. Not only have the Musalmans not condemned [26][f.26] these outrages but even Mr. Gandhi has never called upon the leading Muslims to condemn them. He has kept silent over them. Such an attitude can be explained only on the ground that Mr. Gandhi was anxious to preserve Hindu-Moslem unity and did not mind the murders of a few Hindus, if it could be achieved by sacrificing their lives.

This attitude to excuse the Muslims any wrong, lest it should injure the cause of unity, is well illustrated by what Mr. Gandhi had to say in the matter of the Mopla riots.

The blood-curdling atrocities committed by the Moplas in Malabar against the Hindus were indescribable. All over Southern India, a wave of horrified feeling had spread among the Hindus of every shade of opinion, which was intensified when certain Khilafat leaders were so misguided as to pass resolutions of"congratulations to the Moplas on the brave fight they were conducting for the sake of religion". Any person could have said that this was too heavy a price for Hindu-Moslem unity. But Mr. Gandhi was so much obsessed by the necessity of establishing Hindu-Moslem unity that he was prepared to make light of the doings of the Moplas and the Khilafats who were congratulating them. He spoke of the Moplas as the"brave God-fearing Moplas who were fighting for what they consider as religion and in a manner which

they consider as religious". Speaking of the Muslim silence over the Mopla atrocities Mr. Gandhi told the Hindus:

"The Hindus must have the courage and the faith to feel that they can protect their religion in spite of such fanatical eruptions. A verbal disapproval by the Mussalmans of Mopla madness is no test of Mussalman friendship. The Mussalmans must naturally feel the shame and humiliation of the Mopla conduct about forcible conversions and looting, and they must work away so silently and effectively that such a thing might become impossible even on the part of the most fanatical among them. My belief is that the Hindus as a body have received the Mopla madness with equanimity and that the cultured Mussalmans are sincerely sorry of the Mopla's perversion of the teaching of the Prophet"

The Resolution [27][f.27] passed by the Working Committee of the Congress on the Mopla atrocities shows how careful the Congress was not to hurt the feelings of the Musalmans.

"The Working Committee places on record its sense of deep regret over the deeds of violence done by Moplas in certain areas of Malbar, these deeds being evidence of the fact that there are still people in India who have not understood the message of the Congress and the Central Khilafat Committee, and calls upon every Congress and Khilafat worker to spread the said message of non-violence even under the gravest provocation throughout the length and breadth of India.

"Whilst, however, condemning violence on the part of the Moplas, the working Committee desires it to be known that the evidence in its possession shows that provocation beyond endurance was given to the Moplas and that the reports published by and on behalf of the Government have given a one-sided and highly exaggerated account of the wrongs done by the Moplas and an understatement of the needless destruction of life resorted to by the Government in the name of peace and order.

"The Working Committee regrets to find that there have been instances of so-called forcible conversion by some fanatics among

Moplas, but warms the public against believing in the Government and inspired versions. The Report before the Committee says:

"The families, which have been reported to have been forcibly converted into Mahomedanism, lived in the neighbourhood of Manjeri. It is clear that conversions were forced upon Hindus by a fanatic gang which was always opposed to the Khilafat and Non-co-operation Movement and there were only three cases so far as our information goes. '"

The following instances of Muslim intransigence, over which Mr. Gandhi kept mum are recorded by Swami Shradhanand in his weekly journal called the *Liberator*. Writing in the issue of 30th September 1926 the Swamiji says :

"As regards the removal of untouchability it has been authoritatively ruled several times that it is the duty of Hindus to expiate for their past sins and non-Hindus should have nothing to do with it But the Mahomedan and the Christian Congressmen have openly revolted against the dictum of Mr. Gandhi at Vaikorn and other places. Even such an unbiased leader as Mr. Yakub Hassan, presiding over a meeting called to present an address to me at Madras, openly enjoined upon Musalmans the duty of converting all the untouchables in India to Islam."

But Mr. Gandhi said nothing by way of remonstrance either to the Muslims or to the Christians.

In his issue of July 1926 the Swami writes :

"There was another prominent fact to which I drew the attention of Mahatma Gandhi. Both of us went together one night to the Khilafat Conference at Nagpur. The Ayats (verses) of the Quran recited by the Maulanas on that occasion, contained frequent references to Jihad and killing of the Kaffirs.But when I drew his attention to this phase of the Khilafat movement, Mahatmaji smiled and said, ' They are alluding to the British Bureaucracy '. In reply I said that it was all subversive of the idea of non-violence and when the reversion of feeling came the

Mahomedan Maulanas would not refrain from using these verses against the Hindus."

The Swami 's third instance relates to the Mopla riots. Writing in the *Liberator* of 26th August 1926 the Swami says :

"The first warning was sounded when the question of condemning the Moplas for their atrocities on Hindus came up in the Subjects Committee. The original resolution condemned the Moplas wholesale for the killing of Hindus and burning of Hindu homes and the forcible conversion to Islam. The Hindu members themselves *proposed* amendments till it was reduced to condemning only certain individuals who had been guilty of the above crimes. But some of the Moslem leaders could not bear this even. Maulana Fakir and other Maulanas, of course, opposed the resolution and there was no wonder. But I was surprised, an out-and-out Nationalist like Maulana Hasrat Mohani opposed the resolution on the ground that the Mopla country no longer remained Dar-ul-Aman but became Dar-ul-Harab and they suspected the Hindus of collusion with the British enemies of the Moplas. Therefore, the Moplas were right in presenting the Quran or sword to the Hindus. And if the Hindus became Mussalmans to save themselves from death, it was a voluntary change of faith and not forcible conversion—Well, even the harmless resolution condemning some of the Moplas was not unanimously passed but had to be accepted by a majority of votes only. There were other indications also, showing that the Mussalmans considered the Congress to be existing on their sufferance and if there was the least attempt to ignore their idiosyncracies the superficial unity would be scrapped asunder."

The last one refers to the burning of the foreign cloth started by Mr. Gandhi. Writing in the *Liberator* of 31st August 1926 the Swamiji says:

"While people came to the conclusion, that the burning of foreign cloth was a religious duty of Indians and Messrs. Das, Nehru and other topmost leaders made bon-fire of cloth worth thousands, the Khilafat Musalmans got permission from Mahatmaji to *send all foreign cloth for the use* of the Turkish brethren. This again was a great shock to me. While

Mahatmaji stood adamant and did not have the least regard for Hindu feelings when a question of principle was involved, for the Moslem dereliction of duty, there was always a soft corner in his heart"

In the history of his efforts to bring about Hindu-Moslem unity mention must be made of two incidents. One is the Fast, which Mr. Gandhi underwent in the year 1924. It was a fast of 21 days. Before undertaking the fast Mr. Gandhi explained the reasons for it in a statement from which the following extracts are taken:

"The fact that Hindus and Musalmans, who were only two years ago apparently working together as friends, are now fighting like cats and dogs in some places, shows conclusively that the non-co-operation they offered was not non-violent. I saw the symptoms in Bombay, Chauri Chaura and in a host of minor cases. I did penance then. It had its effects *protanto*. But this Hindu-Muslim tension was unthinkable. It became unbearable on hearing of the Kohat tragedy. On the eve of my departure from Sabarmati for Delhi, Sarojinj Devi wrote to me that speeches and homilies on peace would not do. I must find out an effective remedy. She was right in saddling the responsibility on me. Had I not been instrumental in bringing into being the vast energy of the people? I must find the remedy if the energy proved self-destructive.

* * *

"I was violently shaken by Amethi, Sambhal and Gulbarga. I had read the reports about Amelhi and Sambhal prepared by Hindu and Musalman friends. I had learnt the joint finding of Hindu and Musalman friends who went to Gulbarga. I was writhing in deep pain and yet I had no remedy. The news of Kohal set the smouldering mass aflame. Something had got to be done. I passed two nights in restlessness and pain. On Wednesday I knew the remedy. I must do penance.

"It is a warning to the Hindus and Musalmans who have professed to love me. If they have loved me truly and if I have been deserving of their love, they will do penance with me for the grave sin of denying God in their hearts.

"The penance of Hindus and Mussalmans is not falling but retracting their steps. It is true penance for a Mussalman to harbour no ill-will for his Hindu brother and an equally true penance for a Hindu to harbour none for his Mussalman brother.

"I did not consult friends—noteven Hakim Saheb who was close with me for a long lime on Wednesday—not Maulana Mahomed Ali under whose roof I am enjoying the privilege of hospitality.

"But was it right for me to go through the last under a Mussalman roof? (Gandhi was at that time the guest of Mr. Mahomed Ali at Delhi). Yes, it was. The fast is not born out of ill-will against a single soul. My being under a Mussalman roof ensures it against any such interpretation. It is in the fitness of things that this fast should be taken up and completed in a Mussalman house.

"And who is Mahomed Ali? Only two days before the fast we had a discussion about a private matter in which I had told him what was mine was his and what was his was mine. Let me gratefully tell the public that I have never received warmer or teller treatment than under Mahomed Ali's roof. Every want of mine is anticipated. The dominant thought of every one of his household is to make me and mine happy and comfortable. Doctors Ansari and Abdur Rehman have constituted themselves my medical advisers. They examine me daily. I have had many a happy occasion in my life. This is no less happy than the previous ones. Bread is not everything. I am experiencing here the richest love. It is more than bread [*or* me.

"It has been whispered that by going so much with Mussalman friends, I make myself unfit to know the Hindu mind. The Hindu mind is myself. Surely I do not live amidst Hindus to know the Hindu mind when every fibre of my being is Hindu. My Hinduism must be a very poor thing if it cannot flourish under influences the most adverse.

I know instinctively what is necessary for Hinduism. But I must labour to discover the Mussalman mind. The closer I come to the best of Mussalmans,the juster I am likely to be in my estimate of the Mussalmans and their doings. I am striving to become the best cement between the two communities. My longing is to be able to cement the two with my blood, if necessary. But, before I can do so, I must prove to the Mussalmans that I love them as well as I love the Hindus. My religion teaches me to love all equally. May God help me to do so I My fast among other things is meant to qualify me for achieving that equal and selfless love."

The fast produced Unity Conferences. But the Unity Conferences produced nothing except pious resolutions which were broken as soon as they were announced.

This short historical sketch of the part Mr. Gandhi played in bringing about Hindu-Moslem unity may be concluded by a reference to the attitude of Mr. Gandhi in the negotiations about the Communal Settlement. He offered the Muslims a blank cheque. The blank cheque only served to exasperate the Muslims as they interpreted it as an act of evasion. He opposed the separate electorates at the Round Table Conference. When they were given to the Muslims by the Communal Award, Mr. Gandhi and the Congress did not approve of them. But when it came to voting upon it, they took the strange attitude of neither approving it nor opposing it.

Such is the history of Mr. Gandhi's efforts to bring about Hindu-Moslem unity. What fruits did these efforts bear? To be able to answer this question it is necessary to examine the relationship between the two communities during 1920-40, the years during which Mr. Gandhi laboured so hard to bring about Hindu-Moslem unity. The relationship is well described in the Annual Reports on the affairs of India submitted year by year to Parliament by the Government of India under the old Government of India Act. It is on these reports [28][f.28] that I have drawn for the facts recorded below.

Beginning with the year 1920 there occurred in that year in Malabar what is known as the Mopla Rebellion. It was the result of the agitation carried out by two Muslim organizations, the Khuddam-i-Kaba (servants of the Mecca Shrine) and the Central Khilafat Committee. Agitators actually preached the doctrine that India under the British Government was Dar-ul-Harab and that the Muslims must fight against it and if they could not, they must carry out the alternative principle of *Hijrat*. The Moplas were suddenly carried off their feet by this agitation. The outbreak was essentially a rebellion against the British Government The aim was to establish the kingdom of Islam by overthrowing the British Government. Knives, swords and spears were secretly manufactured, bands of desperadoes collected for an attack on British authority. On 20th August a severe encounter took place between the Moplas and the British forces at Pinmangdi Roads were blocked, telegraph lines cut, and the railway destroyed in a number of places. As soon as the administration had been paralysed, the Moplas declared that Swaraj had been established. A certain Ali Mudaliar was proclaimed Raja, Khilafat flags were flown, and Ernad and Wallurana were declared Khilafat Kingdoms. As a rebellion against the British Government it was quite understandable. But what baffled most was the treatment accorded by the Moplas to the Hindus of Malabar. The Hindus were visited by a dire fate at the hands of the Moplas. Massacres, forcible conversions, desecration of temples, foul outrages upon women, such as ripping open pregnant women, pillage, arson and destruction— in short, all the accompaniments of brutal and unrestrained barbarism, were perpetrated freely by the Moplas upon the Hindus until such time as troops could be hurried to the task of restoring order through a difficult and extensive tract of the country. This was not a Hindu-Moslem riot. This was just a Bartholomew. The number of Hindus who were killed, wounded or converted, is not known. But the number must have been enormous.

In the year 1921-22 communal jealously did not subside. The Muharram Celebrations had been attended by serious riots both in Bengal and in the Punjab. In the latter province in particular, communal feeling at Multan reached very serious heights, and although the casualty

list was comparatively small, a great deal of damage to property was done.

Though the year 1922-23 was a peaceful year the relations between the two communities were strained throughout 1923-24. But in no locality did this tension produce such tragic consequences as in the city of Kohat. The immediate cause of the trouble was the publication and circulation of a pamphlet containing a virulently anti-Islamic poem. Terrible riots broke out on the 9th and 10th of September 1924, the total casualties being about 155 killed and wounded. House property to the estimated value of Rs. 9 lakhs was destroyed, and a large quantity of goods were looted. As a result of this reign of terror the whole Hindu population evacuated the city of Kohat. After protracted negotiations an agreement of reconciliation was concluded between the two communities. Government giving an assurance that, subject to certain reservations, the prosecution pending against persons concerned in rioting should be dropped. With the object of enabling the sufferers to restart their businesses and rebuild their houses. Government sanctioned advances, free of interest in certain instances, amounting to Rs. 5 lakhs. But even after the settlement had been reached and evacuees had returned to Kohat there was no peace and throughout 1924-25 the tension between the Hindu and Musalman masses in various parts of the country increased to a lamentable extent. In the summer months, there was a distressing number of riots. In July, severe fighting broke out between Hindus and Musalmans in Delhi, which was accompanied by serious casualties. In the same month, there was a bad outbreak at Nagpur. August was even worse. There were riots at Lahore, at Lucknow, at Moradabad, at Bhagalpur and Nagpur in British India ; while a severe affray took place at Gulbarga in the Nizam's Dominions. September-October saw severe fighting at Lucknow, Shahajahanpur, Kankinarah and at Allahabad. The most terrible outbreak of the year being the one that took place at. Kohat which was accompanied by murder, arson and loot.

In 1925-26 the antagonism between the Hindus and the Muslims became widespread. Very significant features of the Hindu-Muslim

rioting, which took place during this year were its wide distribution and its occurrence, in some cases, in small villages. Calcutta, the United Provinces, the Central Provinces and the Bombay Presidency were all scenes of riots, some of which led to regrettable losses of life. Certain minor and local Hindu festivals which occurred at the end of August, gave rise to communal trouble in Calcutta, in Berar, in Gujarat in the Bombay Presidency, and in the United Provinces. In some of these places there were actual clashes between the two communities, but elsewhere, notably at Kankinarah—one of the most thickly populated jute mill centres of Calcutta—serious rioting was prevented by the activity of the police. In Gujarat, Hindu-Muslim feeling was running high in these days and was marked by at least one case of temple desecration. The important Hindu festival of Ramlila, at the end of September, gave rise to acute anxiety in many places, and at Aligarh, an important place in the United Provinces, its celebration was marked by one of the worst riots of the year. The riot assumed such dangerous proportions that the police were compelled to fire in order to restore order, and five persons were killed, either by the police or by riots. At Lucknow, the same festival gave rise at one time to a threatening situation, but the local authorities prevented actual rioting. October saw another serious riot at Sholapur in the Bombay Presidency. There, the local Hindus were taking a car with Hindu idols through the city, and when they came near a mosque, a dispute arose between them and certain Muslims, which developed into a riot.

A deplorable rioting started in Calcutta in the beginning of April as an affray outside a mosque between Muslims and some Arya Samajists and continued to spread until 5th April, though there was only one occasion on which the police or military were faced by a crowd which showed determined resistance, namely, on the evening of the 5th April, when fire had to be opened. There was also a great deal of incendiarism and in the first three days of this incendiarism, the Fire Brigade had to deal with 110 fires. An unprecedented feature of the riots was the attacks on temples by Muslims and on mosques by Hindus which naturally led to intense bitterness. There were 44 deaths and 584 injured. There was a certain amount of looting and business was suspended, with great

economic loss to Calcutta. Shops began to reopen soon after the 5th, but the period of tension was prolonged by the approach of a Hindu festival on the 13th of April, and of the Id on the 14th. The Sikhs were to have taken out a procession on the 13th, but Government were unable to give them the necessary license. The apprehensions with regard to the 13th and 14th of April, fortunately, did not materialise and outward peace prevailed until 22nd April when it was abruptly broken as a result of a petty quarrel in a street, which restarted the rioting. Fighting between the mobs of the two communities, generally on a small scale, accompanied by isolated assaults and murders continued for six days. During this period there were no attacks on the temples and mosques and there was little arson or looting. But there were more numerous occasions, on which the hostile mobs did not immediately disperse on the appearance of the police and on 12 occasions it was necessary to open fire. The total number of casualties during this second phase of the rioting was 66 deaths and 391 injured. The dislocation of business was much more serious during the first riots and the closing of Marwari business houses was not without an effect on European business firms. Panic caused many of the markets to be wholly or partially closed and for two days the meat supply was practically stopped. So great was the panic that the removal of refuse in the disturbed area was stopped. Arrangements were, however, made to protect supplies, and the difficulty with the Municipal scavengers was overcome, as soon as the Municipality had applied to the police for protection. There was slight extension of the area of rioting, but no disturbances occurred in the mill area around Calcutta. Systematic raiding of the portions of the disturbed area, the arrest of hooligans, the seizure of weapons and the re-inforcement of the police by the posting of British soldiers to act as special police officers had the desired effect, and the last three days of April, in spite of the continuance of isolated assaults and murders, witnessed a steady improvement in the situation. Isolated murders were largely attributable to hooligans of both communities and their persistence during the first as well as the second outbreak induced a general belief that these hooligans were hired assassins. Another equally persistent feature of the riots, namely, the distribution of inflammatory printed leaflets by both sides, together with the employment of hired

roughs, strengthened the belief that money had been spent to keep the riots going.

The year 1926-27 was one continuous period of communal riots. Since April 1926, every month witnessed affrays more or less serious between partizans of the two communities and only two months passed without actual rioting in the legal sense of the word. The examination of the circumstances of these numerous riots and affrays shows that they originated either in utterly petty and trivial disputes between individuals, as, for example, between a Hindu shopkeeper and a Mahomedan customer, or else, the immediate cause of trouble was the celebration of some religious festival or the playing of music by Hindu processionists in the neighbourhood of Mahomedan places of worship. One or two of the riots, indeed, were due to nothing more than strained nerves and general excitement. Of these, the most striking example occurred in Delhi on 24th June, when the bolting of a pony in a crowded street gave the impression that a riot had started, upon which both sides immediately attacked each other with brickbats and staves.

Including the two outbursts of rioting in Calcutta during April and May 1926,40 riots took place during the twelve months ending with April 1st 1927, resulting in the death of 197 and injuries, more or less severe, to 1,598 persons. These disorders were widespread, but Bengal, the Punjab, and the United Provinces were the parts of India most seriously affected. Bengal suffered most from rioting, but on many occasions during the year, tension between Hindus and Mahomedans was high in the Bombay Presidency and also in Sind. Calcutta remained uneasy throughout the whole of the summer. On 1st June a petty dispute developed into a riot in which forty persons were hurt. After this, there was a lull in overt violence until July 15th on which day fell an important Hindu religious festival. During its celebration the passage of a procession, with bands playing in the neighbourhood of certain mosques, resulted in a conflict, in which 14 persons were killed and 116 injured. The next day saw the beginning of the important Mahomedan festival of Muharram. Rioting broke out on that day and, after a lull, was renewed on the 19th, 20th, 21st and 22nd. Isolated assaults and cases of

stabbing occurred on the 23rd, 24th and 25th. The total ascertained casualties during this period of rioting were 28 deaths and 226 injured. There were further riots in Calcutta on the 15th September and 16th October and on the latter day there was also rioting in the adjoining city of Howrah, during which one or two persons were killed and over 30 injured. The April and May riots had been greatly aggravated by incendiarism, but, happily, this feature was almost entirely absent from the later disorders and during the July riots, for example, the Fire Brigade was called upon to deal with only four incendiary fires.

Coming to the year 1927-28 the following facts stare us in the face. Between the beginning of April and the end of September 1927, no fewer than 25 riots were reported. Of these 10 occurred in the United Provinces, six in the Bombay Presidency, 2 each in the Punjab, the Central Provinces, Bengal, and Bihar and Orissa, and one in Delhi. The majority of these riots occurred during the celebration of a religious festival by one or other of the two communities, whilst some arose out of the playing of music by Hindus in the neighbourhood of mosques or out of the slaughter of cows by the Muslims. The total casualties resulting from the above disorders were approximately 103 persons killed and 1,084 wounded.

By far the most serious riot reported during the year was that which took place in Lahore between the 4th and 7th of May 1927. Tension between the two communities had been acute for some time before the outbreak, and the trouble when it came was precipitated by a chance collision between a Mahomedan and two Sikhs. The disorder spread with lightning speed and the heavy casualty list—27 killed 272 injured—was largely swollen by unorganised attacks on individuals. Police and troops were rushed to the scene of rioting quickly and it was impossible for clashes on a big scale to take place between hostile groups. Casual assassinations and assaults were however, reported, for two or three days longer before the streets and lanes of Lahore became safe for the solitary passerby.

After the Lahore riot in May, there was a lull for two months in inter-communal rioting, if we except a minor incident, which happened about

the middle of June in Bihar and Orissa ; but July witnessed no fewer than eight riots of which the most serious occurred in Multan in the Punjab, on the occasion of the annual Muharram celebrations. Thirteen killed and twenty-four wounded was the toll taken by this riot. But August was to see worse rioting still. In that month, nine riots occurred, two of them resulting in heavy loss of life. In a riot in Bettiah, a town in Bihar and Orissa, arising out of a dispute over a religious procession, eleven persons were killed and over a hundred injured, whilst the passage of a procession in front of a mosque in Bareilly in the United Provinces was the occasion of rioting in which fourteen persons were killed and 165 were injured. Fortunately, this proved to be the turning point in inter-communal trouble during the year, and September witnessed only 4 riots. One of these, however, the riot in Nagpur in the Central Provinces on September 4th was second only to Lahore riot in seriousness and in the damage which it caused. The spark, which started the fire, was the trouble in connection with a Muslim procession, but the materials for the combustion had been collected for some time. Nineteen persons were killed and 123 injured were admitted to hospitals as a result of this riot, during the course of which many members of the Muslim community abandoned their homes in Nagpur.

A feature of Hindu-Muslim relations during the year which was hardly less serious than the riots was the number of murderous outrages committed by members of one community against persons belonging to the other. Some of the most serious of these outrages were perpetrated in connection with the agitation relating to *Rangila Rasul* and *Risala Vartman,* two publications containing most scurrilous attack on the Prophet Muhammed and as a result of them, a number of innocent persons lost their lives, sometimes in circumstances of great barbarity. In Lahore a series of outrages against individuals led to a state of great excitement and insecurity during the summer of 1927.

The excitement over the *Rangila Rasul* [29][f.29] case had by now travelled far from its original centre and by July had begun to produce unpleasant repercussions on and across the North-West Frontier. The first signs of trouble in this region became apparent early in June, and by

the latter part of July the excitement had reached its height. On the British side of the border, firm and tactful handling of the situation by the local authorities averted, what would have been a serious breach of the peace. Economic boycott of Hindus was freely advocated in the British Frontier Districts, especially in Peshawar, but this movement met with little success, and although the Hindus were maltreated in one or two villages, the arrest of the culprits, together with appropriate action under the Criminal Law, quickly restored order. Across the border however, the indignation, aroused by these attacks on the Prophet, gave rise to more serious consequences. The Frontier tribesmen are acutely sensitive to the appeal of religion and when a well-known Mullah started to preach against the Hindus among the Afridis and Shinwaris in the neighbourhood of the Khyber Pass, his words fell on fruitful ground. He called upon the Afridis and Shinwaris to expel all the Hindus living in their midst unless they declared in writing that they dissociated themselves from the doings of their co-religionists down country. The first to expel their Hindu neighbours were two clans of the Khyber Afridis, namely the Kuikhel and Zakkakhel, on the 22nd July. From these, the excitement spread among their Shinwari neighbours, who gave their Hindu neighbours notice to quit a few days later. However, after the departure of some of the Hindus, the Shinwaris agreed to allow the remainder to stay on. Some of the Hindus on leaving the Khyber were roughly handled. In two cases, stones were thrown, though happily without any damage resulting. In a third case, a Hindu was wounded and a large amount of property carried off, but this was recovered by Afridi Khassadars in full, and the culprits were fined for the offence. Thereafter, arrangements were made for the picketing of the road for the passage of any Hindu evacuating tribal territory. Under pressure from the Political Agent an Afridi *jirga* decided towards the end of July to suspend the Hindu boycott pending a decision in the Risala Vartman case. In the following week, however, several Hindu families, who had been living at Landi Kotal at the head of the Khyber Pass moved to Peshawar refusing to accept assurances of the tribal chiefs but leaving one person from each family behind to watch over their interests. All told, between four hundred and fifty Hindus, men, women and children, had come into Peshawar by the Middle of August, when the trouble was

definitely on the wane. Some of the Hindus were definitely expelled, some were induced to leave their homes by threats, some left from fear, some no doubt from sympathy with their neighbours. This expulsion and voluntary exodus from tribal territory were without parallel. Hindus had lived there for more generations than most of them could record as valued and respected, and, indeed, as essential members of the tribal system, for whose protection the tribesmen had been jealous, and whose blood feuds they commonly made their own. In all, about 450 Hindus left the Khyber during the excitement ; of these, about 330 had returned to their homes in tribal territory by the close of the year 1927. Most of the remainder had decided to settle, at any rate for the present, amid the more secure conditions of British India.

The year 1928-29 was comparatively more peaceful than the year 1927-28. His Excellency Lord Irwin, by his speeches to the Central Legislature and outside, had given a strong impetus to the attempts to find some basis for agreement between the two communities, on those questions of political importance, which were responsible for the strained relations between them. Fortunately the issues arising out of the inquiry by the Simon Commission which was appointed in 1929, absorbed a large part of the energy and attention of the different communities, with the result that less importance came to be attached to local causes of conflict, and more importance to the broad question of constitutional policy. Moreover, the legislation passed during the autumn session of the Indian Legislature in 1927 penalising the instigation of inter-communal hostility by the press, had some effect in improving the inter-communal disturbances. The number of riots during the twelve months ending with March 31st, 1929, was 22. Though the number of riots was comparatively small, the casualties,—swelled heavily by the Bombay riots,—were very serious, no fewer than 204 persons having been killed and nearly a thousand injured. Of these, the fortnight's rioting in Bombay accounts for 149 killed and 739 injured. Seven of these 22 riots, or roughly one-third of them, occurred on the day of the celebration of the annual Muslim festival of Bakr-i-Id at the end of May. The celebration of this festival is always a dangerous time in Hindu-Muslim relations. The Muslim regard it as a day of animal

sacrifice, and as the animal chosen is almost always a cow the slightest tension between the two communities is apt to produce an explosion. Of the Bakr-i-Id riots only two were serious and both of them took place in the Punjab. The first took place in a village in the Ambala District in which ten people were killed and nine injured. The other riot which took place in Softa village in the Gurgaon District in the Southern Punjab, attained considerable notoriety because of its sensational features. The village of Softa is about 27 miles south of Delhi and is inhabited by Muslims. This village is surrounded by villages occupied by Hindu cultivators who, on hearing that the muslims of Softa intended to sacrifice a cow on the ' Id Day ', objected to the sacrifice of the particular cow selected on the ground that it had been accustomed to graze in fields belonging to the Hindu cultivators. The dispute over the matter assumed a threatening aspect and the Superintendent of Police of the district accordingly went with a small force of police, about 25 men in all, to try to keep peace. He took charge of the disputed cow and locked it up, but his presence did not deter the Hindu cultivators of a few neighbouring villages from collecting about a thousand people armed with pitchforks, spears and staves, and going to Softa. The Superintendent of Police and an Indian Revenue official, who were present in the village, assured the crowd that the cow, in connection with which the dispute had arisen would not be sacrificed, but this did not satisfy the mob which threatened to burn the whole village if any cow was sacrificed, and also demanded that the cow should be handed over to them. The Superintendent of Police refused to agree to this demand, whereupon the crowd became violent and began to throw stones at the police and to try to get round the latter into the village. The Superintendent of Police warned the crowd to disperse, but to no effect. He, therefore, fired one shot from his revolver as a further warning. Notwithstanding the crowd still continued to advance and the Superintendent had to order his party of police to fire. Only one volley was fired at first, but as this did not cause the retreat of the mob, two more volleys had to be fired before the crowd slowly dispersed, driving off some cattle belonging to the village.

While the police were engaged in this affair a few Hindu cultivators got into Softa at another place and tried to set fire to the village. They were, however, driven away by the police after they had inflicted injuries on three or four men. In all 14 persons were killed and 33 were injured. The Punjab Government deputed a judicial officer to enquire into this affair. His report, which was published on 6th July, justified the action of the police in firing on the mob and recorded the opinion that there was no reason to suppose that the firing was excessive or was continued after the mob had desisted from its unlawful aggression. Had the police not opened fire, the report proceeds, their own lives would have been in immediate danger, as also the lives of the people of Softa. Lastly, in the opinion of the officer writing the report, had Softa village been sacked, there would certainly have broken up, within 24 hours, a terrible communal conflagration in the whole of the surrounding country-side.

The riots of Kharagpur, an important railway centre not far from Calcutta, also resulted in serious loss of life. Two riots took place at Kharagpur, the first on the occasion of the Muharram celebration at the end of June and the second on the 1st September 1928, when the killing of a cow served as a cause. In the first riot 15 were killed and 21 injured, while in the second riot, the casualties were 9 killed and 35 wounded. But none of these riots is to be compared with those that raged in Bombay from the beginning to the middle of February, when, as we have seen, 149 persons were killed and well over 700 injured.

During the year 1929-30 communal riots, which had been so conspicuous and deplorable a feature of public life during the preceding years, were very much less frequent. Only 12 were of sufficient importance to be reported to Government of India, and of these only the disturbances in the City of Bombay were really serious. Starting on the 23rd of April they continued sporadically until the middle of May, and were responsible for 35 deaths and about 200 other casualties. An event which caused considerable tension in April was the murder at Lahore of Rajpal, whose pamphlet *Rangila Rasul,* containing a scurrilous attack on the Prophet of Islam, was responsible for much of the communal trouble in previous years, and also for a variety of legal and

political complications. Fortunately, both communities showed commendable restraint at the time of the murder, and again on the occasion of the execution and funeral of the convicted man ; and although feelings ran high no serious trouble occurred.

The year 1930-31 saw the eruption of the Civil Disobedience Movement It gave rise to riots and disturbances all over the country. They were mostly of a political character and the parties involved in them were the police and the Congress volunteers. But, as it always happens in India, the political disturbances took a communal twist. This was due to the fact that the Muslims refused to submit to the coercive methods used by Congress volunteers to compel them to join in Civil Disobedience. The result was that although the year began with political riots it ended in numerous and quite serious communal riots. The worst of these communal riots took place in and around Sukkur in Sind between the 4th and 11th of August and affected over a hundred villages. The outbreak in the Kishoreganj subdivision of Mymensingh District (Bengal) on the 12th/15th of July was also on a large scale. In addition, there were communal disturbances on the 3rd of August in Ballia (United Provinces) ; on the 6th of September in Nagpur, and on the 6th/7th September in Bombay ; and a Hindu-Christian riot broke out near Tiruchendur (Madras) on the 31st of October. On the 12th of February, in Amritsar, an attempt was made to murder a Hindu cloth merchant who had defied the picketers, and a similar outrage which was perpetrated the day before in Benares had very serious consequences. On this occasion, the victim was a Muslim trader, and the attack proved fatal; as a result, since Hindu-Muslim relations throughout most of Northern India were by this time very strained, a serious communal riot broke out and continued for five days, causing great destruction of property and numerous casualties. Among the other communal clashes during this period were the riots at Nilphamari (Bengal) on the 25th of January and at Rawalpindi on the 31st. Throughout Northern India communal relations had markedly deteriorated during the first two months of 1931, and already, in February, there had been serious communal rioting in Benares, This state of affairs was due chiefly to the increasing exasperation created among Muslims by the paralysis of trade

and the general atmosphere of unrest and confusion that resulted from Congress activities. The increased importance which the Congress seemed to be acquiring as a result of the negotiations with the Government aroused in the Muslims serious apprehensions and had the effect of worsening the tension between the two communities. During March, this tension, in the United Provinces at any rate, became greatly increased. Between the 14th and 16th there was serious rioting in the Mirzapur District, and on the 17th, trouble broke out in Agra and continued till the 20th. There was also a communal riot in Dhanbad (Bengal) on the 28th, and in Amritsar District on the 30th ; and in many other parts of the country, the relations between members of the two communities had become extremely strained.

In Assam, the communal riot which occurred at Digboi in Lakhimpur District, resulted in deaths of one Hindu and three Muslims. In Bengal, a communal riot took place in the Asansol division during the Muharram festival. In Bihar and Orissa there was a certain amount of communal tension during the year, particularly in Saran. Altogether there were 16 cases of communal rioting and unlawful assembly. During the Bakr-i-Id festival a clash occurred in the Bhabua sub-division of Shahabad. Some 300 Hindus collected in the mistaken belief that a cow had been sacrificed. The local officers had succeeded in pacifying them when a mob of about 200 Muhammedans armed with lathis, spears and swords, attacked the Hindus, one of whom subsequently died. The prompt action of the police and the appointment of a conciliation committee prevented the spread of the trouble. The Muharram festival was marked by two small riots in Monghyr, the Hindus being the aggressors on one occasion and the Muslims on the other. In the Madras Presidency there were also several riots of a communal nature during the year and the relations between the communities were in places distinctly strained. The most serious disturbance of the year occurred at Vellore on the 8th of June, as a result of the passage of a Muslim procession with Tazias near a Hindu temple ; so violent was the conflict between members of the two communities that the police were compelled to open fire in order to restore order ; and sporadic fighting continued in the town during the next two or three days. In Salem town,

owing to Hindu-Muslim tension a dispute arose on the 13th of July, as to who had been the victor at a largely attended Hindu-Muslim wrestling match at Shevapet. Another riot occurred in October at Kitchipalaiyam near Salem town ; the trouble arose from a few Muslims disturbing a street game played by some young Hindus. Hindu-Muslim disturbances also arose in Polikal village, Kurnool District, on the 15th of March, owing to a dispute about the route of a Hindu procession, but the rioters were easily dispersed by a small force of police. In the Punjab there were 907 cases of rioting during the year as compared with 813 in 1929. Many of them were of a communal character, and the tension between the two principal communities remained acute in many parts of the Province. In the United Provinces, although communal tension during 1930 was not nearly so acute as during the first 3 months of 1931, and was for a while overshadowed by the excitement engendered by the Civil Disobedience Movement, indications of it were fairly numerous, and the causes of disagreement remained as potent as ever. In Dehra Dun and Bulandshahr there were communal riots of the usual type, and a very serious riot occurred in Ballia city as a result of a dispute concerning the route taken by a Hindu procession, which necessitated firing by the police. Riots also occurred in Muttra, Azamgarh, Mainpuri and several other places.

Passing on to the events of the year 1931-32, the progress of constitutional discussions at the R. T. C. had a definite reaction in that it bred a certain nervousness among the Muslim and other minority communities as to their position under a constitution functioning on the majority principle. The first session of the Round Table Conference afforded the first"close-up"of the constitutional future. Until then the ideal of Dominion Status had progressed little beyond a vague and general conception, but the declaration of the Princes at the opening of the Conference had brought responsibility at the Centre, in the form of a federal government, within definite view. The Muslims, therefore, felt that it was high time for them to take stock of their position. This uneasiness was intensified by the Irwin-Gandhi settlement, which accorded what appeared to be a privileged position to the Congress, and Congress elation and pose of victory over the Government did not tend

to ease Muslim misgivings. Within three weeks of the"pact"occurred the savage communal riots at Cawnpore, which significantly enough began with the attempts of Congress adherents to force Mahomedan shopkeepers to observe a *hartal* in memory of Bhagat Singh who was executed on 23rd March. On 24th March began the plunder of Hindu shops. On the 25th there was a blaze. Shops and temples were set fire to and burnt to cinders. Disorder, arson, loot, murder, spread like wild fire. Five hundred families abandoned their houses and took shelter in villages. Dr. Ramchandra was one of the worst sufferers. All members of his family, including his wife and aged parents, were killed and their bodies thrown into gutters. In the same slaughter Mr. Ganesh Shankar Vidyarthi lost his life. The Cawnpore Riots Inquiry Committee in its report states that the riot was of unprecedented violence and peculiar atrocity, which spread with unexpected rapidity through the whole city and even beyond it. Murders, arson and looting were widespread for three days, before the rioting was definitely brought under control. Afterwards it subsided gradually. The loss of life and property was great. The number of verified deaths was 300; but the death roll is known to have been larger and was probably between four and five hundred. A large number of temples and mosques were desecrated or burnt or destroyed and a very large number of houses were burnt and pillaged.

This communal riot, which need never have occurred but for the provocative conduct of the adherents of the Congress, was the worst which India has experienced for many years. The trouble, moreover, spread from the city to the neighbouring villages, where there were sporadic communal disturbances for several days afterwards.

The year 1932-33 was relatively free from communal agitations and disturbances. This welcome improvement was doubtless in some measure due to the suppression of lawlessness generally and the removal of uncertainty in regard to the position of the Muslims under the new constitution.

But in 1933-34 throughout the country communal tension had been increasing and disorders which occurred not only on the occasion of such festivals as Holi, Id and Muharram, but also many resulting from

ordinary incidents of every-day life indicated, that there had been a deterioration in communal relations since the year began. Communal riots during Holi occurred at Benares and Cawnpore in the United Provinces, at Lahore in the Punjab, and at Peshawar. Bakr-i-ld was marked by serious rioting at Ayodhya, in the United Provinces over cow sacrifice, also at Bhagalpore in Bihar and Orissa and at Cannanore in Madras. A serious riot in the Ghazipur District of the United Provinces also resulted in several deaths. During April and May there were Hindu-Muslim riots at several places in Bihar and Orissa, in Bengal, in Sind and Delhi, some of them provoked by very trifling incidents, as for instance, the unintentional spitting by a Muslim shopkeeper of Delhi upon a Hindu passer-by. The increase in communal disputes in British India was also reflected in some of the States where similar incidents occurred.

The position with regard to communal unrest during the months from June to October was indicative of the normal, deep-seated antagonism between the two major communities. June and July months, in which no Hindu or Muhammedan festival of importance took place, were comparatively free from riots, though the situation in certain areas of Bihar necessitated the quartering of additional police. A long-drawn-out dispute started in Agra. The Muslims of this city objected to the noise of religious ceremonies in certain Hindu private houses which they said disturbed worshippers at prayers in a neighbouring mosque. Before the dispute was settled, riots occurred on the 20th July and again on the 2nd September, in the course of which 4 persons were killed and over 80 injured. In Madras a riot, on the 3rd September resulting in one death and injuries to 13 persons was occasioned by a book published by Hindus containing alleged reflections on the Prophet. During the same month minor riots occurred in several places in the Punjab and the United Provinces.

In 1934-35 serious trouble arose in Lahore on the 29th June as a result of a dispute between Muslims and Sikhs about a mosque situated within the precincts of a Sikh temple known as the Shahidganj Gurudwara. Trouble had been brewing for some time. Ill-feeling became intensified

when the Sikhs started to demolish the Mosque despite Muslim protests. The building had been the subject of prolonged litigation, which has confirmed the Sikh right of possession.

On the night of the 29th June a crowd of 3 or 4 thousand Muslims assembled in front of the Gurudwara. A struggle between this crowd and the Sikhs inside the Gurudwara was only averted by the prompt action of the local authorities. They subsequently obtained an undertaking from the Sikhs to refrain from further demolition. But during the following week, while strenuous efforts were being made to persuade the leaders to reach an amicable settlement, the Sikhs under pressure of extremist influence again set about demolishing the mosque. This placed the authorities in a most difficult position. The Sikhs were acting within their legal rights. Moreover the only effective method of stopping demolition would have been to resort to firing. As the building was full of Sikhs and was within the precincts of a Sikh place of worship, this would not only have caused much bloodshed but, for religious reasons, would have had serious reactions on the Sikh population throughout the Province. On the other hand, inaction by Government was bound to cause great indignation among the Muslims, for religious reasons : and it was expected that this would show itself in sporadic attacks on the Sikhs and perhaps on the forces of Government.

It was hoped that discussions between leaders of the two communities would effect some rapprochement, but mischief-makers inflamed the minds of their co-religionists. Despite the arrest of the chief offenders, the excitement increased. The Government's gesture in offering to restore to the Muslims another mosque which they had purchased years ago proved unavailing. The situation took a further turn for the worse on the 19th July and during the following two days the situation was acutely dangerous. The Central Police station was practically besieged by the huge crowds, which assumed a most menacing attitude. Repeated attempts to disperse them without the use of firearms failed and the troops had to fire twice on the 20th July and eight times on the 21st. In all 23 rounds were fired and 12 persons

killed. Casualties, mostly of a minor nature, were numerous amongst the military and police.

As a result of the firing, the crowds dispersed and did not reassemble. Extra police were brought in from other Provinces and the military garrisons were strengthened. Administrative control was re-established rapidly, but the religious leaders continued to fan the embers of the agitation. Civil litigation was renewed and certain Muslim organisations framed some extravagant demands.

The situation in Lahore continued to cause anxiety up to the close of the year. On the 6th November, a Sikh was mortally wounded by a Muslim. Three days later a huge Sikh-Hindu procession was taken out. The organisers appeared anxious to avoid conflict but nonetheless one serious clash occurred. This was followed by further rioting on the next day. But for the good work of the police and the troops, in breaking up the fights quickly, the casualties might have been very large.

On the 19th March 1935 a serious incident occurred in Karachi after the execution of Abdul Quayum, the Muslim who had murdered Nathuramal, a Hindu, already referred to as the writer of a scurrilous pamphlet about the Prophet. Abdul Quayum's body was taken by the District Magistrate, accompanied by a police party, to be handed over to the deceased's family for burial outside the city. A huge crowd, estimated to be about 25,000 strong, collected at the place of burial. Though the relatives of Abdul Quayum wished to complete the burial at the cemetery, the most violent members of the mob determined to take the body in procession through the city. The local authorities decided to prevent the mob entering, since this would have led to communal rioting. All attempts of the police to stop the procession failed, so a platoon of the Royal Sussex Regiment was brought in to keep peace. It was forced to open fire at short range to stop the advance of the frenzied mob and to prevent itself from being overwhelmed. Forty-seven rounds were fired by which 47 people were killed and 134 injured. The arrival of reinforcements prevented further attempts to advance. The wounded were taken to the Civil Hospital and the body of Abdul Quayum was then interred without further trouble.

On the 25th August 1935 there was a communal riot at Secunderabad.

In the year 1936 there were four communal riots. On the 14th April there occurred a most terrible riot at Firozabad in the Agra District. A Muslim procession was proceeding along the main bazar and it is alleged that bricks were thrown from the roofs of Hindu houses. This enraged the Muslims in the procession who set fire to the house of a Hindu, Dr. Jivaram, and the adjacent temple of Radha Krishna. The inmates of Dr. Jivaram's house in addition to 11 Hindus including 3 children were burnt to death. A second Hindu-Muslim riot broke out in Poona in the Bombay Presidency on 24th April 1936. On the 27th April there occurred a Hindu-Muslim riot in Jamalpur in the Monghyr District. The fourth Hindu-Muslim riot of the year took place in Bombay on the 15th October 1936.

The year 1937 was full of communal disturbances. On the 27th March 1937 there was a Hindu-Muslim riot at Panipat over the Holi procession and 14 persons were killed. On the 1st May 1937 there occurred a communal riot in Madras in which 50 persons were injured. The month of May was full of communal riots which took place mostly in the C. P. and the Punjab. One that took place in Shikarpur in Sind caused great panic. On 18th June there was a Sikh-Muslim riot in Amritsar. It assumed such proportions that British troops had to be called out to maintain order.

The year 1938 was marked by two communal riots—one in Allahabad on 26th March and. another in Bombay in April.

There were 6 Hindu-Muslim riots in 1939. On the 21st January there was a riot at Asansol in which one was killed and 18 injured. It was followed by a riot in Cawnpore on the 11th February in which 42 were killed, 200 injured and 800 arrested. On the 4th March there was a riot at Benares followed by a riot at Cassipore near Calcutta on the 5th March. On 19th June there was again a riot at Cawnpore over the Rathajatra procession.

A serious riot occurred on 20th November 1939 in Sukkur in Sind. The riot was the culmination of the agitation by the Muslims to take

possession, even by force, of a building called Manzilgah which was in the possession of Government as Government property and to the transfer of which the Hindus had raised objections. Mr. E. Weston—now a judge of the Bombay High Court—who was appointed to investigate into the disturbances gives [30][f.30] the following figures of the murdered and the wounded :

Taluka.	Murders committed.		Persons injured.		Persons Subsequently died from injuries.	
	Hindus.	Mdns.	Ilindus.	Mdns.	Ilindus.	Mdns.
Sukkur Town	20	12	11	11	1	
Sukkur Taluka	2	2	23		5	
Shikarpur Taluka	5		11		2	
Garhi Yasin Taluka	24		4			
Rohri Taluka	10		3			
Pano Akil Taluka	6		1			
Ghorki Taluka	1		1			
Mirpur			1			

Mathelo Taluka						
Ubauro Taluka	4		3	1	1	
	142	14	58	12	9	

Of the many gruesome incidents recorded by him the following may be quoted:

"The most terrible of all the disturbances occurred on the night of the 20th at Gosarji village which is eight miles from Sukkur and sixteen from Shikarpur. According to an early statement sent by the District Magistrate to Government, admittedly incomplete, 27 Hindus were murdered there that night. According to the witnesses examined the number was 37.

"Pamanmal, a contractor of Gosarji states that at the time of satyagraha the leading Hindus of Gosarji came in deputation to the leading zemindar of the locality Khan Sahib Amirbux who was then at Sukkur. He reassured them and said he was responsible for their safely. On the 20th Khan Sahib Amirbux was at Gosarji, and that morning Mukhi Mahrumal was murdered there. The Hindus went to Khan Sahib Amirbux for protection and were again reassured, but that night wholesale murder and looting took place. Of the 37 murdered, seven were women. Pamanmal states that the following morning he went to the Sub-Inspector of Bagerji, which is one mile from Gosarji, but he was abused and driven from the thana. He then went to Shikarpur and complained to the panchayat, but did not complain to any officer there. I may mention that the Sub-Inspector of Bagerji was afterwards prosecuted under section 211, Indian Penal Code, and has been convicted for failure to make arrests in connection with murders at Gosarji.

"As Khan Sahib Amirbux, the zemindar, who was said to have given assurance of protection to the Hindus of Bagerji, was reported to be

attending the Court, he was called and examined as a Court witness. He states that he lives half a mile from Gosarji village. The Sub-Inspector of Bagerji came to Gosarji on the 20th after the murder of Mehrumal, and he acted as a mashir. He says that the Hindus did not ask for help and there was no apprehension of trouble. On the night of the 20th he was not well, and he heard nothing of the murders. He admits that he had heard of the Manzilgah evacuation. Later in his evidence he admits that he told the villagers of Gosarji to be on the alert as there was trouble in Sukkur, and he says he had called the panchayat on the evening of the 19th. He went to Gosarji at sunrise on the 21st after the murders. He admits that he is regarded as the protector of Gosarji."

Mr. Weston adds [31][f.31] :—

"I find it impossible to believe the evidence of this witness. I have no doubt that he was fully aware that there was trouble in Gosarji on the night of 20th and preferred to remain in his house."

Who can deny that this record of rioting presents a picture which is grim in its results and sombre in its tone? But being chronological in order, the record might fail to give an idea of the havoc these riots have caused in any given Province and the paralysis it has brought about in its social and economic life. To give an idea of the paralysis caused by the recurrence of riots in a Province I have recast the record of riots for the Province of Bombay. When recast the general picture appears as follows :

Leaving aside the Presidency and confining oneself to the City of Bombay, there can be no doubt that the record of the city is the blackest. The first Hindu-Muslim riot took place in 1893. This was followed by a long period of communal peace which lasted upto 1929. But the years that have followed have an appalling story to tell. From February 1929 to April 1938—a period of nine years—there were no less than 10 communal riots. In 1929 there were two communal riots. In the first, 149 were killed and 739 were injured and it lasted for 36 days. In the second riot 35 were killed, 109 were injured and it continued for

22 days. In 1930 there were two riots. Details as to loss of life and its duration are not available. In 1932 there were again two riots. The first was a small one. In the second 217 were killed, 2,713 were injured and it went on for 49 days. In 1933 there was one riot, details about which are not available. In 1936 there was one riot in which 94 were killed, 632 were injured and it continued to rage for 65 days. In the riot of 1937, 11 were killed, 85 were injured and it occupied 21 days. The riot of 1938 lasted for 2 1/2 hours only but within that time 12 were killed and a little over 100 were injured. Taking the total period of 9 years and 2 months from February 1929 to April 1938 the Hindus and Muslims of the City of Bombay alone were engaged in a sanguinary warfare for 210 days during which period 550 were killed and 4,500 were wounded. This does not of course take into consideration the loss of property which took place through arson and loot.

V

Such is the record of Hindu-Muslim relationship from 1920 to 1940. Placed side by side with the frantic efforts made by Mr. Gandhi to bring about Hindu-Muslim unity, the record makes most painful and heart-rending reading. It would not be much exaggeration to say that it is a record of twenty years of civil war between the Hindus and the Muslims in India, interrupted by brief intervals of armed peace.

In this civil war men were, of course, the principal victims. But women did not altogether escape molestation. It is perhaps not sufficiently known how much women have suffered in communal hostilities. Data relating to the whole of India are not available. But some data relating to Bengal exist.

On the 6th September 1932 questions were asked in the old Bengal Legislative Council regarding the abduction of women in the Province of Bengal. In reply, the Government of the day stated that between 1922 to 1927, the total number of women abducted was 568. Of these, 101 were unmarried and 467 were married. Asked to state the community to which the abducted women belonged, it was disclosed that out of 101 unmarried women 64 were Hindus, 29 Muslims, 4

Christians, and 4 non-descript : and that out of 467 married women 331 were Hindus, 122 Muslims, 2 Christians and 12 non-descript. These figures relate to cases which were reported or if reported were not detected. Usually, about 10 p.c. of the cases are reported or detected and 90 p.c. go undetected. Applying this proportion to the facts disclosed by the Bengal Government, it may be said that about 35,000 women were abducted in Bengal during the short period of five years between 1922-27.

The attitude towards women-folk is a good index of the friendly or unfriendly attitude between the two communities. As such, the case which happened on 27th June 1936 in the village of Govindpur in Bengal makes very instructive reading. The following account of it is taken from the opening speech [32][f.32] of the Crown counsel when the trial of 40 Mahomedan accused began on the 10th August 1936. According to the prosecution :

> "There lived in Govindpur a Hindu by name Radha Vallabh. He had a son Harendra. There lived also in Govindpur a Muslim woman whose occupation was to sell milk. The local Musalmans of the village suspected that Harendra had illicit relationship with this Muslim milk woman. They resented that a Muslim woman should be in the keeping of a Hindu and they decided to wreak their vengeance on the family of Radha Vallabh for this insult. A meeting of the Musalmans of Govindpur was convened and Harendra was summoned to allend this meeting. Soon after Harendra went to the meeting, cries of Harendra were heard. It was found that Harendra was assaulted and was lying senseless in the field where the meeting was held. The Musalmans of Govindpur were not satisfied with this assault. They informed Radha Vallabh that unless he, his wife and his children embraced Islam the Musalmans did not feel satisfied for the wrong his son had done to them. Radha Vallabh was planning to send away to another place his wife and children. The Musalmans came to know this plan. Next day when Kusum, the wife of Radha Vallabh, was sweeping the courtyard of her house, some Mahomedans came, held down Radha Vallabh and some spirited away Kusum, After having taken her to some distance

two Mahomedans by name Laker and Mahaxar raped her and removed her ornaments. After some time, she came to her senses and ran towards her home. Her assailants again pursued her. She succeeded in reaching her home and locking herself in. Her Muslim assailants broke open the door, caught hold of her and again carried her away on the road. It was suggested by her assailants that she should be again raped on the street. But with the help of another woman by name Rajani, Kusum escappd and look shelter in the house of Rajani. While she was in the house of Rajani the Musalmans of Govindpur paraded her husband Radha Vallabh in the streets in complete disgrace. Next day the Musalmans kept watch on the roads to and from Govindpur to the Police Station to prevent Radha Vallabh and Kusum from giving information of the outrage to the Police."

These acts of barbarism against women, committed without remorse, without shame and without condemnation by their fellow brethren show the depth of the antagonism which divided the two communities. The tempers on each side were the tempers of two warring nations. There was carnage, pillage, sacrilege and outrage of every species, perpetrated by Hindus against Musalmans and by Musalmans against Hindus—more perhaps by Musalmans against Hindus than by Hindus against Musalmans. Cases of arson have occurred in which Musalmans have set fire to the houses of Hindus, in which whole families of Hindus, men, women and children were roasted alive and consumed in the fire, to the great satisfaction of the Muslim spectators. What is astonishing is that these cold and deliberate acts of rank cruelty were not regarded as atrocities to be condemned but were treated as legitimate acts of warfare for which no apology was necessary. Enraged by these hostilities, the editor of the *Hindustan*—a Congress paper—writing in 1926 used the following language to express the painful truth of the utter failure of Mr. Gandhi's efforts to bring about Hindu-Muslim unity. In words of utter despair the editor said [33][f.33] :

"There is an immense distance between the India of to-day and India a nation, between an uncouth reality which expresses itself in murder and arson and that fond fiction which is in the imagination of patriotic if

self-deceiving men. To talk about Hindu-Muslim unity from a thousand platforms or to give it blazoning headlines is to perpetrate an illusion whose cloudly structure dissolves itself at the exchange of brick-bats and the desecration of tombs and temples. To sing a few pious hymns of peace and goodwill *a la Naidu*. . . . .. will not benefit the country. The President of the Congress has been improvising on the theme of Hindu-Muslim unity, so dear to her heart, with brilliant variations, which does credit to her genius but leaves the problem untouched. The millions in India can only respond when the unity song is not only on the tongues of the leaders but in the hearts of the millions of their countrymen."

Nothing I could say can so well show the futility of any hope of Hindu-Muslim unity. Hindu-Muslim unity upto now was at least in sight although it was like a mirage. Today it is out of sight and also out of mind. Even Mr. Gandhi has given up what, he perhaps now realizes, is an impossible task.

But there are others who notwithstanding the history of the past twenty years, believe in the possibility of Hindu-Muslim unity. This belief of theirs seems to rest on two grounds. Firstly/they believe in the efficacy of a Central Government to mould diverse set of people into one nation. Secondly, they feel that the satisfaction of Muslim demands will be a sure means of achieving Hindu-Muslim unity.

It is true that Government is a unifying force and that there are many instances where diverse people have become unified into one homogeneous people by reason of their being subjected to a single Government. But the Hindus, who are depending upon Government as a unifying force seem to forget that there are obvious limits to Government acting as a unifying force. The limits to Government working as a unifying force are set by the possibilities of fusion among the people. In a country where race, language and religion do not stand in the way of fusion. Government is most effective as a unifying force. On the other hand, in a country where race, language and religion put an effective bar against fusion, Government can have no effect as a unifying force. If the diverse people in France, England, Italy and Germany became unified nations by reason of a common Government,

it was because neither race, language nor religion obstructed the unifying process of Government. On the other hand, if the people in Austria, Hungary, Czechoslovakia and Turkey failed to be unified, although under a common Government, it was because race, language and religion were strong enough to counter and nullify the unifying power of Government. No one can deny that race, language and religion have been too dominant in India to permit the people of India to be welded into a nation by the unifying force of a common Government. It is an illusion to say that the Central Government in India has moulded the Indian people into a nation. What the Central Government has done, is to tie them together by one law and to house them together in one place, as the owner of unruly animals does, by tying them with one rope and keeping them in one stable. All that the Central Government has done is to produce a kind of peace among Indians. It has not made them one nation.

It cannot be said that time has been too short for unification to take place. If one hundred and fifty years of life under a Central Government does not suffice, eternity will not suffice. For this failure the genius of the Indians alone is responsible. There is among Indians no passion for unity, no desire for fusion. There is no desire to have a common dress. There is no desire to have a common language. There is no will to give up what is local and particular for something which is common and national. A Gujarati takes pride in being a Gujarati, a Maharashtrian in being a Maharashtrian, a Punjabi in being a Punjabi, a Madrasi in being a Madrasi and a Bengali in being a Bengali. Such is the mentality of Hindus, who accuse the Musalman of want of national feeling when he says"I am a Musalman first and Indian afterwards". Can any one suggest that there exists anywhere in India even among the Hindus an instinct or a passion that would put any semblance of emotion behind their declaration"*Civis Indianus sum",* or the smallest consciousness of a moral and social unity, which desires to give expression by sacrificing whatever is particular and local in favour of what is common and unifying? There is no such consciousness and no such desire. Without such consciousness and no such desire, to depend upon Government to bring about unification is to deceive oneself.

Regarding the second, it was no doubt the opinion of the Simon Commission:

> "That the communal riots were a manifestation of the anxieties and ambitions aroused in both the communities by the prospects of India's political Future. So long as authority was firmly established in British hands and self-government was not thought of, Hindu-Muslim rivalry was confined within a narrower field. This was not merely because the presence of a neutral bureaucracy discouraged strife. A further reason was that there was little for members of one community to fear from the predominance of the other. The comparative absence of communal strife in the Indian States today may be similarly explained. Many, who are well acquainted with conditions in British India a generation ago, would testify that at that epoch so much good feeling had been engendered between the two sides that communal tension as a threat to civil peace was at a minimum. But the coming of the Reforms and the anticipation of what may follow them have given new point to Hindu-Muslim competition. The one community naturally lays claim to the rights of a majority and relics upon its qualifications of better education and greater wealth ; the other is all the more determined on those accounts to secure effective protection for its members, and does not forget that it represents the previous conquerors of the country. It wishes to be assured of adequate representation and of a full share of official posts."

Assuming that to be a true diagnosis, assuming that Muslim demands are reasonable, assuming that the Hindus were prepared to grant them—and these are all very big assumptions—it is a question whether a true union between Hindus and Muslims can take place through political unity, resulting from the satisfaction of Muslim political demands. Some people seem to think that it is enough if there is a political unity between Hindus and Muslims. I think this is the greatest delusion. Those who take this view seem to be thinking only of how to bring the Muslims to join the Hindus in their demands on the British for Dominion Status or Independence as the mood of the moment be. This, to say the least, is a very shortsighted view. How to make the Muslims

join the Hindus in the latter's demands on the British is comparatively a very small question. In what spirit will they work the constitution? Will they work it only as aliens by an unwanted tie or will they work it as true kindreds, is the more important question. For working it as true kindreds, what is wanted is not merely political unity but a true union of heart and soul, in other words, social unity. Political unity is worth nothing, if it is not the expression of real union. It is as precarious as the unity between persons, who without being friends become allies of each other. How very precarious it always is, is best illustrated by what has happened between Germany and Russia. Personally, I do not think that a permanent union can be made to depend upon the satisfaction of mere material interests. Pacts may produce unity. But that unity can never ripen into union. A pact as a basis for a union is worse than useless. As its very nature indicates, a pact is separative in character. A pact cannot produce the desire to accommodate, it cannot instil the spirit of sacrifice, nor can it bind the parties to the main objective. Instead of accommodating each other, parties to a pact strive to get, as much as possible, out of each other. Instead of sacrificing for the common cause, parties to the pact are constantly occupied in seeing that the sacrifice made by one is not used for the good of the other. Instead of fighting for the main objective, parties to the pact are for ever engaged in seeing that in the struggle for reaching the goal the balance of power between the parties is not disturbed. Renan spoke the most profound truth when he said :

> "Community of interests is assuredly a powerful bond between men. But nevertheless can interests suffice to make a nation? I do not believe it. Community of interests make commercial treaties. There is a sentimental side to nationality; it is at once body and soul ; a Zollverein is not a fatherland."

Equally striking is the view of James Bryce, another well-known student of history. According to Bryce,

> "The permanence of an institution depends not merely on the material interests that support it, but on its conformity to the deep-rooted sentiment of the men for whom it has been made. When it

> draws to itself and provides a fitting expression for that sentiment, the sentiment becomes thereby not only more vocal but actually stronger, and in its turn imparts a fuller vitality to the institution."

These observations of Bryce were made in connection with the foundation of the German Empire by Bismarck who, according to Bryce, succeeded in creating a durable empire because it was based on a sentiment and that this sentiment was fostered

> ".... most of all by what we call the instinct or passion for nationality, the desire of a people already conscious of a moral and social unity, to see such unity expressed and realize under a single government, which shall give it a place and name among civilized suites".

What is it that produces this moral and social unity which gives permanence and what is it that drives people to see such unity expressed and realized under a single government, which shall give it a place and a name among civilized states?

No one is more competent to answer this question than James Bryce. It was just such a question he had to consider in discussing the vitality of the Holy Roman Empire as contrasted with the Roman Empire. If any Empire can be said to have succeeded in bringing about political unity among its diverse subjects it was the Roman Empire. Paraphrasing for the sake of brevity the language of Bryce :—The gradual extension of Roman citizenship through the founding of colonies, first throughout Italy and then in the provinces, the working of the equalized and equalizing Roman Law, the even pressure of the government on all subjects, the movements of population, caused by commerce and the slave traffic, were steadily assimilating the various peoples. Emperors, who were for the most part natives of the provinces, cared little to cherish Italy or even after the days of the Antonines, to conciliate Rome. It was their policy to keep open for every subject a career by whose freedom they had themselves risen to greatness. Annihilating distinctions of legal status among freemen, it completed the work, which trade and literature and toleration to all beliefs but one were already performing. No quarrel of race or religions disturbed that calm, for all

national distinctions were becoming merged in the idea of a common Empire.

This unity produced by the Roman Empire was only a political unity. How long did this political unity last? In the words of Bryce:

> "Scarcely had these slowly working influences brought about this unity, when other influences began to threaten it. New foes assailed the frontiers ; while the loosening of the structure within was shown by the long struggles for power which followed the death or deposition of each successive emperor. In the period of anarchy after the fall of Valerian, generals were raised by their armies in every part of the Empire, and ruled great provinces as monarchs apart, owning no allegiance to the possessor of the capital. The breaking-up of the western half of the Empire into separate kingdoms might have been anticipated by two hundred years, had there not arisen in Diocletian a prince active and skilful enough to bind up the fragments before they had lost all cohesion, meeting altered conditions by new remedies. The policy he adopted by dividing and localizing authority recognized the fact that the weakened heart could no longer make its pulsations fell to the body's extremities. He parcelled out the supreme power among four monarchs, ruling as joint emperors in four capitals, and then sought to give it a fictitious strength by surrounding it with an oriental pomp which his earlier predecessors would have scorned. . . . The prerogative of Rome was menaced by the -rivalry of Nicomedia, and the nearer greatness of Milan."

It is, therefore, evident that political unity was not enough to give permanence and stability to the Roman Empire and as Bryce points out that"the breaking-up of the western half (of the Roman Empire) into separate kingdoms might have been anticipated by two hundred years, had the barbarian tribes on the border been bolder, or had there not arisen in Diocletian a prince active and skilful enough to bind up the fragments before they had lost all cohesion, meeting altered conditions by new remedies". But the fact is that the Roman Empire which was tottering and breaking into bits and whose political unity was not enough to bind it together did last for several hundred years as one

cohesive unit after it became the Holy Roman Empire. As Prof. Marvin points out [34][f.34] :

> "The unity of the Roman Empire was mainly political and military. It lasted for between four and Five hundred years. The unity which supervened in the Catholic Church was religious and moral and endured for a thousand years."

The question is what made the Holy Roman Empire more stable than the Roman Empire could ever hope to be? According to Bryce it was a common religion in the shape of Christianity and a common religious organization in the shape of the Christian Church which supplied the cement to the Holy Roman Empire and which was wanting in the Roman Empire. It was this cement which gave to the people of the Empire a moral and social unity and made them see such unity expressed and realized under a single government.

Speaking of the unifying effect of Christianity as a common religion Bryce says:

> "It is on religion that the in most and deepest life of a nation rests. Because Divinity was divided, humanity had been divided, likewise ; the doctrine of the unity of God now enforced the unity of man, who had been created in His image. The first lesson of Christianity was love, a love that was to join in one body those whom suspicion and prejudice and pride of race had hitherto kept apart. There was thus formed by the new religion a community of the faithful, a Holy Empire, designed to gather all men into its bosom, and standing opposed to the manifold polytheisms of the older world, exactly as the universal sway of the Caesars was contrasted with the innumerable kingdoms and city republics that had gone before it . . . ."[35][f.35]

If what Bryce has said regarding the instability of the Roman Empire and the comparatively greater stability of its successor, the Holy Roman Empire, has any lesson for India and if the reasoning of Bryce that the Roman Empire was unstable because it had nothing more than political unity to rely on, and that the Holy Roman Empire was more stable, because it rested on the secure foundation of moral and social unity,

produced by the possession of a common faith, is valid reasoning and embodies human experience, then it is obvious that there can be no possibility of a union between Hindus and Muslims. The cementing force of a common religion is wanting. From a spiritual point of view, Hindus and Musalmans are not merely two classes or two sects such as Protestants and Catholics or Shaivas and Vaishnavas. They are two distinct species. In this view, neither the Hindu nor .the Muslim can be expected to recognize that humanity is an essential quality present in them both, and that they are not many but one and that the differences between them are no more than accidents. For them Divinity is divided and with the division of Divinity their humanity is divided and with the division of humanity they must remain divided. There is nothing to bring them in one bosom.

Without social union, political unity is difficult to be achieved. If achieved, it would be as precarious as a summer sapling, liable to be uprooted by the gust of a hostile wind. With mere political unity, India may be a State. But to be a State is not to be a nation and a State, which is not a nation, has small prospects of survival in the struggle for existence. This is especially true where nationalism—the most dynamic force of modern times—is seeking everywhere to free itself by the destruction and disruption of all mixed states. The danger to a mixed and composite state, therefore, lies not so much in external aggression as in the internal resurgence of nationalities which are fragmented, entrapped, suppressed and held against their will. Those who oppose Pakistan should not only bear this danger in mind but should also realize that this attempt on the part of suppressed nationalities to disrupt a mixed state and to found a separate home for themselves, instead of being condemned, finds ethical justification from the principle of self-determination.

CHAPTER VII

MUSLIM ALTERNATIVE TO PAKISTAN

I

The Hindus say they have an alternative to Pakistan. Have the Muslims also an alternative to Pakistan? The Hindus say yes, the Muslims say no. The Hindus believe that the Muslim proposal for Pakistan is only a bargaining manoeuvre put forth with the object of making additions to the communal gains already secured under the Communal Award. The Muslims repudiate the suggestion. They say there is no equivalent to Pakistan and, therefore, they will have Pakistan and nothing but Pakistan. It does seem that the Musalmans are devoted-to Pakistan and are determined to have nothing else and that the Hindus in hoping for an alternative are merely indulging in wishful thinking. But assuming that the Hindus are shrewd enough in divining what the Muslim game is, will the Hindus be ready to welcome the Muslim alternative to Pakistan? The answer to the question must, of course, depend upon what the Muslim alternative is.

What is the Muslim alternative to Pakistan? No one knows. The Muslims, if they have any, have not disclosed it and perhaps will not disclose it till the day when the rival parties meet to revise and settle the terms on which the Hindus and the Muslims are to associate with each other in the future. To be forewarned is to be forearmed. It is, therefore, necessary for the Hindus to have some idea of the possible Muslim alternative to enable them to meet the shock of it; for the alternative cannot be better than the Communal Award and is sure to be many degrees worse.

In the absence of the exact alternative proposal one can only make a guess. Now one man's guess is as good as that of another, and the party concerned has to choose on which of these he will rely. Among the likely guesses, my guess is that the Muslims will put forth as their alternative some such proposal as the following :—

"That the future constitution of India shall provide:

(i) That the Muslims shall have 50% representation in the Legislature, Central as well as Provincial, through separate electorates.

(ii) That 50% of the Executive in the Centre as well as in the Provinces shall consist of Muslims.

(iii) That in the Civil Service 50% of the posts shall be assigned for the Muslims.

(iv) That in the Fighting Forces the Muslim proportion shall be one half, both in the ranks and in the higher grades.

(v) That Muslims shall have 50% representation in all public bodies, such as councils and commissions, created for public purposes.

(vi) That Muslims shall have 50% representation in all international organizations in which India will participate.

(vii) That if the Prime Minister be a Hindu, the Deputy Prime Minister shall be a Muslim.

(viii) That if the Commander-in-Chief be a Hindu, the Deputy Commander-in-Chief shall be a Muslim.

(ix) That no changes in the Provincial boundaries shall be made except with the consent of 66% *of* the Muslim members of the Legislature.

(x) That no action or treaty against a Muslim country shall be valid unless the consent of 66% of the Muslim members of the Legislature is obtained.

(xi) That no law affecting the culture or religion or religious usage of Muslims shall be made except with the consent of 66% of the Muslim members of the Legislature.

(xii) That the national language for India shall be Urdu. (xiii) That no law prohibiting or restricting the slaughter of cows or the propagation of and conversion to Islam shall be valid unless it is passed with the consent of 66% of the Muslim members of the Legislature.

(viv) That no change in the constitution shall be valid unless the majority required for effecting such changes also includes a 66% majority of the Muslim members of the Legislature.

This guess of mine is not the result of imagination let loose. It is not the result of a desire to frighten the Hindus into an unwilling and hasty

acceptance of Pakistan, If I may say so, it is really an intelligent anticipation based upon available data coming from Muslim quarters.

An indication of what the Muslim alternative is likely to be, is obtainable from the nature of the Constitutional Reforms which are contemplated for the Dominions of His Exalted Highness the Nizam of Hyderabad.

The Hyderabad scheme of Reforms is a novel scheme. It rejects the scheme of communal representation obtaining in British India. In its place is substituted what is called Functional Representation, i.e. representation by classes and by professions. The composition of the Legislature which is to consist of 70 members is to be as follows :—

Elected		*Nominated*	
Agricluture	12	Illakas	8
Patidars 8		Sarf-i-Khas 2	
Tenants 4		Paigahs 3	
Women	1		
Graduates	1	Peshkari 1	
University	1		
Jagirdars	2	Salar Jung 1	
Maashdars	1		
Legal	2	Samasthans 1	
Medical	2		
Western 1		Officials	18
		Rural Arts and Crafts	1

Oriental 1		Backward Classes	1
Teaching	1	Minor Unrepresented	3
Commerce	1	Classes.	
Industries	2	Others	6
Banking	2		
Indigenous 1	1		
Co-operative and			
Joint Stock 1	1		
Organized Labour	1		
Harijan	1		
District Municipalities	1		
City Municipality	1		
Rural Boards	1		
Total	33	Total	. 37

Whether the scheme of functional representation will promote better harmony between the various classes and sections than communal representation does is more than doubtful. In addition to perpetuating existing social and religious divisions, it may quite easily intensify class struggle by emphasizing class consciousness. The scheme appears innocuous but its real character will come out when every class will demand representation in proportion to its numbers. Be that as it may, functional representation is not the most significant feature of the Hyderabad scheme of Reforms. The most significant feature of the scheme is the proposed division of seats between Hindus and

Musalmansn in the new Hyderabad Legislature. Under the scheme as approved by H. E. H. the Nizam, communal representation is not al together banished. It is retained along with functional representation. It is to operate through joint electorates. But there is to be equal representation for"the two majority communities"on every [36][f.36] elective body including the legislature and no candidate can succeed unless, he secures 40 percent, of the votes polled by-members of his community. This principle of equal representation to Hindus and Muslims irrespective of their numbers [37][f.37] is not only to apply to every elective body but it is to apply to both elected as well as nominated members of the body.

In justification of this theory of equal representation it is stated that:

"The importance of the Muslim community in the state, by virtue of its historical position and its status in the body politic, is so obvious that it cannot be reduced to the status of a minority in the Assembly."

Quite recently there have appeared in the press [38][f.38] the proposals formulated by one Mr. Mir Akbar Ali Khan calling himself the leader of the Nationalist Party as a means of settling the Hindu-Muslim problem in British India. They are as follows :—

(1) The future Constitution of India must rest upon the broad foundation of adequate military defence of the country and upon making the people reasonable military minded. The Hindus must have the same military mindedness as the Muslims.

(2) The present moment offers a supreme opportunity for the two communities to ask for the defence of India bang made over to them. The Indian Army must consist of an equal number *of* Hindus and Muslims and no regiment should be cm a communal, as distinguished from regional basis.

(3) The Governments in the Provinces and at the Centre should be wholly National Governments composed of men who are reasonable military minded. Hindu and Muslim Ministers should be equal in number in the Central as well as all Provincial cabinets; other important

minorities might wherever necessary be given special representation. This scheme will function most satisfactorily with joint electorates, but in the present temper of the country separate electorates might be continued. The Hindu Ministers must be elected by the Hindu members of the legislature and the Muslim Ministers by the Muslim members.

(4) The Cabinet is to be removable only *on* an express vote of no-confidence, against the Cabinet as a whole, passed by a majority of 2/3rd of the whole house which majority must be of Hindus and Muslims taken separately.

(5) The religion, language, script and personal law of each community should be safeguarded by a paramount constitutional check enabling the majority of members, representing that community in the legislature to place a veto on any legislative or other measure affecting it. A similar veto must be provided against any measure designed or calculated to affect adversely the economic well-being of any community.

(6) An adequate communal representation in the services must be agreed to as a practical measure of justice in administration and in the distribution patronage.

If the proposals put forth by a Muslim leader of the Nationalist Party in Hyderabad State is an indication of the direction in which the mind of the Muslims in British India is running, then, the guess I have made as to what is likely to be the alternative to Pakistan derives additional support.

II

It is true that in the month of April 1940 a Conference of Muslims was held in Delhi under the grandiloquent name of"The Azad Muslim Conference."The Muslims who met in the Azad Conference were those who were opposed to the Muslim League as well as to the Nationalist Muslims. They were opposed to the Muslim League firstly, because of their hostility to Pakistan and secondly because they did not want to depend upon the British Government for the protection of their rights

[39][f.39] They were also opposed to the Nationalist Musalmans (i. e. Congressites out and out) because they were accused of indifference to the cultural and religious rights of the Muslims. [40][f.40]

With all this the Azad Muslim Conference was hailed by the Hindus as a Conference of friends. But the resolutions passed by the Conference leave very little to choose between it and the League. Among the resolutions passed by the Azad Muslim Conference the following three bear directly upon the issue in question.

The first of these runs as follows :—

"This conference, representative of Indian Muslims who desire to secure the fullest freedom of the country, consisting of delegates and representatives of every province, after having given its fullest and most careful consideration to all the vital questions affecting the interest of the Muslim community and the country as a whole declares the following:—

"India will have geographical and political boundaries of an individual whole and as such is the common homeland of all the citizens irrespective of race or religion who are joint owners of its resources. All nooks and comers of the country are hearths and homes of Muslims who cherish the historic eminence of their religion and culture which are dearer to them than their lives. From the national point of view every Muslim is an Indian. The common rights of all residents of the country and their responsibilities, in every walk of life and in every sphere of human activity are the same. The Indian Muslim by virtue of these rights and responsibilities, is unquestionable an Indian national and in every part of the country is entitled to equal privileges with that of every Indian national in every sphere of governmental, economic and other national activities and in public services. For that very reason Muslims own equal responsibilities with other Indians for striving and making sacrifices to achieve the country's independence. This is a self-evident proposition, the truth of which no right thinking Muslim will question. This Conference declares unequivocally and with all emphasis at its command that the

goal of Indian Muslims is complete independence along with protection of their religion and communal rights, and that they are anxious to attain this goal as early as possible. Inspired by this aim they have in the past made great sacrifices and are ever ready to make greater sacrifices.

"The Conference unreservedly and strongly repudiates the baseless charge levelled against Indian Muslims by the agents of British Imperialism and others that they are an obstacle in the path of Indian freedom and emphatically declares that the Muslims are fully alive to their responsibilities and consider *it* inconsistent with their traditions and derogatory to their honour to lag behind others in the struggle for independence."

By this Resolution they repudiated the scheme of Pakistan. Their second Resolution was in the following terms:—

"This is the considered view of this Conference that only that constitution for the future Government of India would be acceptable to the people of India which is framed by the Indians themselves elected by means of adult franchise. The constitution should fully safeguard all the legitimate interests of the Muslims in accordance with the recommendations of the Muslim members of the Constituent Assembly. The representatives of other communities or of an outside power would have no right to interfere in the determination of these safeguards."

By this Resolution the Conference asserted that the safeguards for the Muslims must be determined by the Muslims alone. Their third Resolution was as under:—

"Whereas in the future constitution of India it would be essential, in order to ensure stability of government and preservation of security, that every citizen and community should feel satisfied, this Conference considers it necessary that a scheme of safeguards as regards vital manors mentioned below should be prepared to the satisfaction of the Muslims.

"This Conference appoints a board consisting of 27 persons. This board, after the fullest investigation, consultation and consideration, shall make its recommendations for submission to the next session of this Conference, so that the Conference may utilise the recommendations as a means of securing a permanent national settlement of the communal question. This recommendation should be submitted within two months. The matters referred to the board are the following:

"1. The protection of Muslim culture, personal law and religious rights.

"2. Political rights of Muslims and their protection.

"3. The formation of future constitution of India to be non-unitary and federal, with absolutely essential and unavoidable powers for the Federal Government.

"The provision of safeguards for the economic, social and cultural rights of Muslims and for their share in public services

"The board will be empowered to fill up any vacancy in a suitable manner. The board will have the right to co-opt other members. It will be empowered also to consult other Muslim bodies and if it considers necessary, any responsible organisation in the country. The 27 members of the board will be nominated by the president.

"The quorum for the meeting will be nine.

"Since the safeguards of the communal rights of different communities will be determined in the constituent assembly referred to in the resolution which this Conference has passed, this Conference considers it necessary to declare that Muslim members of this constituent will be elected by Muslims themselves."

We must await the report [41][f.41] of this board to know what safeguards the Azad Muslim Conference will devise for the safety and protection of Muslims. But there appears no reason to hope that they will not be in favour of what I have guessed to be the likely alternative

for Pakistan. It cannot be overlooked that the Azad Muslim Conference was a body of Muslims who were not only opposed to the Muslim League but were equally opposed to the Nationalist Muslims. There is, therefore, no ground to trust that they will be more merciful to the Hindus than the League has been *or* will be.

Supposing my guess turns out to be correct, it would be interesting to know what the Hindus will have to say in reply. Should they prefer such an alternative to Pakistan? Or should they rather prefer Pakistan to such an alternative? Those are questions which I must leave the Hindus and their leaders to answer. All I would like to say in this connection is that the Hindus before determining their attitude towards this question should note certain important considerations.

In particular they should note that there is a difference between *Macht Politic* [42] [f.42] and *Gravamin Politic* [43][f.43] ; that there is a difference between *Communitas Communitatum* and a nation of nations; that there is a difference between safeguards to allay apprehensions of the weak and contrivances to satisfy the ambition for power of the strong: that there is a difference between providing safeguards and handing over the country. Further, they should also note that what may with safety be conceded to *Gravamin Politic* may not be conceded to *Macht Politic*. What may be conceded with safety to a community may not be conceded to a nation and what may be conceded with safety to the weak to be used by it as a weapon of defence may not be conceded to the strong who may

use it as a weapon of attack.

These are important considerations and, if the Hindus overlook them, they will do so at their peril. For the Muslim alternative is really a frightful and dangerous alternative.

CHAPTER IX

LESSONS FROM ABROAD

Hindus who will not yield to the demand of the Muslims for the division of India into Pakistan and Hindustan and would insist upon maintaining the geographical unity of India without counting the cost will do well to study the fate that has befallen other countries which, like India, harboured many nations and sought to harmonise them.

It is not necessary to review the history of all such countries. It is enough to recount here the story of two, Turkey and Czechoslovakia.

I

To begin with Turkey. The emergence of the Turks in history was due to the fact that they were driven away by the Mongols from their home in Central Asia, somewhere between 1230-40 A.D., which led them to settle in north-west Anatolia. Their career as the builders of the Turkish Empire began in 1326 with the conquest of Brusa. In 1360-61, they conquered Thrace from the Aegean to the Black Sea; in 1361-62, the Byzantine Government of Constantinople accepted their supremacy. In 1369 Bulgaria followed suit. In 1371-72 Macedonia was conquered. In 1373 Constantinople definitely accepted Ottoman sovereignty. In 1389 Servia was conquered, in 1430Salonica, in 1453 Constantinople, in 1461 Trebizond, in 1465Quraman, and in 1475KaffaandTana were annexed. After a short lull, they conquered Mosul in 1514, Syria, Egypt, the Hiaz and the Yaman in 1516-17 and Belgrade in 1521. This was followed in 1526 by victory over the Hungarians at Mohacz. In 1554 took place the first conquest of Baghdad and in 1639 the second Conquest of Baghdad. Twice they laid siege to Vienna, first in 1529 and again in 1683 with a view to extend their conquest beyond. But on both occasions they were repulsed with the result that their expansion in Europe was completely checked forever.

Still the countries they conquered between 1326 and 1683 formed a vast empire. A few of these territories the Turks had lost to their enemies thereafter, but taking the extent of the Turkish Empire as it stood in 1789 on the eve of the French Revolution, it comprised (1) the Balkans, south of the Danube, (2) Asia Minor, the Levant and the

neighbouring islands (i.e., Cyprus), (3)Syria and Palestine, (4) Egypt, and (5) North Africa from Egypt to Morocco.

The tale of the disruption of the Turkish Empire is easily told. The first to break away *de facto,* if not de jure, was Egypt in 1769. The next were the Christians in the Balkans. Bessarabia was taken by Russia in 1812 after a war with Turkey. In 1812 Serbia rebelled with the aid of Russia and the Turks were obliged to place Serbia under a separate government. In 1829 similar concessions were granted to two other Danubian provinces, Moldavia and Wallachia. As a result of the Greek war of independence which lasted between 1822-29, Greece was completely freed from the Turkish rule and the Greek independence was recognised by the Powers in 1832. Between 1875-77 there was turmoil amongst the Balkans. There was a revolt in Bosnia and Herzegovina and the Bulgarians resorted to atrocities against the Turks, to which the Turks replied with atrocities in equal measure. As a result, Serbia and Montenegro declared war on Turkey and so did Russia. By the Treaty of Berlin, Bulgaria .was given self-government under Turkey and Eastern Rumania was to be ruled by Turkey under a Christian Governor. Russia gained Kars and Batourn. Dobrudja was given to Rumania. Bosnia and Herzegovina were assigned to Austria for administration and England occupied Cyprus.In 1881 Greece gained Thessaly and France occupied Tunis. In 1885 Bulgaria and Eastern Rumania were united into one state.

The story of the growth and decline of the Turkish Empire upto 1906 has been very graphically described by Mr. Lane Poole in the following words [44][f.44] :—

> "In its old extent, when the Porte ruled not merely the *narrow* territory now called Turkey in Europe, but Greece, Bulgaria and Eastern Rumania, Rumania, Serbia, Bosnia and Herzegovina, with the Crimea and a portion of Southern Russia, Egypt, Syria, Tripoli, Tunis, Algiers and numerous islands in the Mediterranean, not counting the vast but mainly desert tract of Arabia, the total population (at the present time) would be over fifty millions, or nearly twice that of Europe without Russia. One by one her provinces have been taken away. Algiers and

Tunis have been incorporated with France, and this 175,000 square miles and five million inhabitants have transferred their allegiance. Egypt is practically independent, and this means a loss of 500,000 miles and over six millions of inhabitants. Asiatic Turkey alone has suffered comparatively little diminution. This forms the bulk of *tier* present dominions, and comprises about 680,000 square miles, and over sixteen millions of population. In Europe her losses have been almost as severe as in Africa where Tripoli alone remains to her. Serbia and Bosnia are administered by Austria and thereby nearly 40,000 miles and three and a half millions of peoples have become Austrian subjects. Wallachia and Moldavia are united in the independent kingdom of Rumania, diminishing the extent of Turkey by 46,000 miles and over five millions of inhabitants. Bulgaria is a dependent stale over which the Ports has no real control and Eastern Rumania has lately *de facto* become part of Bulgaria and the two contain nearly 40,000 square miles, and three millions of inhabitants. The kingdom of Greece with its 25,000 miles and two million population has long been separated from its parent In Europe where the Turkish territory once extended to 230,000 miles, with a population of nearly 20 millions, it now reaches only the total of 66 thousand miles and a population of four and a half millions. It has lost nearly three-fourths of its land, and about the same proportion of its people."

Such was the condition of Turkey in 1907. What has befallen her since then is unfortunately the worst part of her story. In 1908 taking advantage of the revolution brought about by the Young Turks, Austria annexed Bosnia and Herzegovina and Bulgaria declared her independence. In 1911 Italy took possession of Tripoli and in 1912 France occupied Morocco. Encouraged by the successful attack of Italy in 1912, Bulgaria, Greece, Serbia and Montenegro formed themselves into a Balkan League and declared war on Turkey. In this war, known as the first Balkan War, Turkey was completely defeated. By the Treaty of London(1913) the Turkish territory in Europe was reduced to a narrow strip round Constantinople. But the treaty could not take effect because the victors could not agree on the distribution of the spoils of victory. In 1913 Bulgaria declared war on the rest of the Balkan League and

Rumania declared war on Bulgaria in the hope of extending her territory. Turkey also did the same. By the Treaty of Bukharest (1913), which ended the second Balkan War, Turkey recovered Adrianople and got Thrace from Bulgaria. Serbia obtained Northern Macedonia and Greece obtained Southern Macedonia (including Salonika), while Montenegro enlarged her territory at the expense of Turkey. By 1914 when the Great European War came on, the Balkans had won their independence from Turkey and the area in Europe that remained under the Turkish Empire was indeed a very small area round about Constantinople and her possessions in Asia. So far as the African continent is concerned, the Sultanas power over Egypt and the rest of North Africa was only nominal, for the European Powers had established real control therein. In the Great War of 1914 the overthrow of Turkey was complete. All the provinces from the Mediterranean to the Persian Gulf were overrun, and the great cities of Baghdad, Jerusalem, Damascus and Alleppo were captured. In Europe the allied troops occupied Constantinople. The Treaty of Sevres, which brought the war with Turkey to a close, sought to deprive her of all her outlying provinces and even of the fertile plains of Asia Minor. Greek claim for territory was generously allowed at the expense of Turkey in Macedonia, Thrace and Asia Minor and Italy was to receive Adalia and a large tract in the South. Turkey was to be deprived of all her Arab provinces in Asia, Iraq, Syria, Palestine, Hedjaz and Nejd. There was left to Turkey only the capital, Constantinople, and separated from this city, by a"neutral zone of the straits,"part of the barren plateau of Anatolia. The treaty though accepted by the Sultan was fiercely attacked by the Nationalist Party under Kemal Pasha. When the Greeks advanced to occupy their new territory, they were attacked and decisively beaten. At the end of the war with Greece, which went on from 1920 to 1922, the Turks had reoccupied Smyrna. As the allies were not prepared to send armies to help the Greeks, they were forced to come to terms with the Nationalist Turks. At the conference at Mudiania the Greeks agreed to revise the terms of the Treaty of Sevres, which was done by the Treaty of Lausanne in 1923 which granted the demands of Turkey except in Western Thrace. The rest of the Treaty of Sevres was accepted by the Turks which meant the loss of her Arab provinces in Asia. Before the

War of 1914, Turkey had lost all her provinces in Europe. After the War, she lost her provinces in Asia. As a result of the dismemberment of the old Turkish Empire, what now remains of it is the small state called the Republic of Turkey with an area which is a minute fraction of the old Empire [45][f.45].

II

Take the case of Czechoslovakia. It is the creation of the Treaty of Trianon which followed the European War of 1914. None of the peace treaties was more drastic in its terms than the Treaty of Trianon. Says Prof. Macartney,"By it Hungary was not so much mutilated as dismembered. Even if we exclude Croatia, Slavonia, which had stood only in a federal relationship to the other lands of the Holy Crown—although one of eight hundred years' standing—Hungary proper was reduced to less than one-third (32.6 per cent.) of her pre-war area, and a little over two-fifths (41.6 per cent.) of her population. Territories and peoples formerly Hungarian were distributed among no less than seven states."Of these states, there was one which did not exist before. It was a new creation. That was the state of Czechoslovakia.

The area of the Republic of Czechoslovakia was 54,244 square miles and the population was about 13,613,172. It included the territories formerly known as Bohemia, Moravia, Slovakia and Ruthenia. It was a composite state which included in its bosom three principal nationalities, (i) Czechs occupying Bohemia and Moravia, (ii) Slovaks occupying Slovakiaand(iii) Ruthenians in occupation of Ruthenia.

Czechoslovakia proved to be a very short-lived state. It lived exactly for two decades. On the 15th March 1939 it perished or rather was destroyed as an independent state. It became a protectorate of Germany. The circumstances attending its expiry were of a very bewildering nature. Her death was brought about by the very Powers which had given it birth. By signing the Munich Pact on 30th September 1938—of which the protectorate was an inevitable consequence. Great Britain, France and Italy assisted Germany, their former enemy of the Great War, to conquer Czechoslovakia, their former ally. All the work

of the Czechs of the past century to gain freedom was wiped off. They were once more to be the slaves of their former German overlords.

Ill

What are the reasons for the disruption of Turkey?

Lord Eversley in his *Turkish Empire* [46][f.46] has attempted to give reasons for the decay of Turkey, some internal, some external. Among the internal causes there were two. First the degeneracy of the Ottoman dynasty. The supreme power fell into the hands either of the Vazirs of the Sultans or more often in the hands of women of the harem of the Sultan. The harem was always in antagonism to the official administration of the Porte, which ostensibly carried on the administration of the state under the direction of the Sultan. The officials of every degree from the highest to the lowest were interested in the sale of all offices, civil and military, to the highest bidders. For securing their object, they found it expedient to bribe the inmates of the harem and thereby win the assent of the Sultans. The harem thus became the centre from which corruption spread throughout the Turkish Empire and which was one of the main causes of its decay. The second main cause of the decadence of the Turkish Empire was the deterioration of its armies due to two causes. During the last 300 years the army had lost the elan and the daring by which the Ottomans won their many victories in the early period of their career. The loss of this elan and daring by the Turkish army was due to the composition of the army, recruitment to which was restricted to Turks and Arabs, and also to the diminution of opportunities of plunder and the hope of acquiring lands for distribution among the soldiers as an incentive to victory and valour in the latter period when the Empire was on the defensive and when it was no longer a question of making fresh conquests, but of retaining what had already been won,

Among the external causes of the disruption of Turkey, the chief one is said to be the rapacity of the European nations. But this view omits to take note of the true cause. The true and the principal cause of the disruption of Turkey was the growth of the spirit of nationalism among

its subject peoples. The Greek revolt, the revolts of the Serbs, Bulgarians and other Balkans against the Turkish authority were no doubt represented as a conflict between Christianity and Islam. That is one way of looking at it, but only a superficial way. These revolts were simply the manifestations of the spirit of nationalism by which they were generated. These revolts no doubt had for their immediate causes Turkish misrule, Christian antipathy to Islam and the machinations of European nations. But this does not explain the real force which motivated them. The real motive force was the spirit of nationalism and their revolts were only a manifestation of this inner urge brought on by it. That it was nationalism which had brought about the disruption of Turkey is proved by the revolt of the Arabs in the last war and their will to be independent. Here there was no conflict between Islam and Christianity, nor was the relationship between the two that of the oppressor and the oppressed. Yet, the Arab claimed to be freed from the Turkish Empire. Why? Because he was moved by Arab nationalism and preferred to be an Arab nationalist to being a Turkish subject. What is the cause of the destruction of Czechoslovakia?

The general impression is that it was the result of German aggression. To some extent that is true. But it is not the whole truth. If Germany was the only enemy of Czechoslovakia, all that she would have lost was the fringe of her borderland which was inhabited by the Sudeten Germans. German aggression need have cost her nothing more. Really speaking the destruction of Czechoslovakia was brought about by an enemy within her own borders. That enemy was the intransigent nationalism of the Slovaks who were out to break up the unity of the state and secure the independence of Slovakia.

The union of the Slovaks with the Czechs, as units of a single state, was based upon certain assumptions. First, the two were believed to be so closely akin as to be one people, and that the Slovaks were only a branch of Czechoslovaks. Second, the two spoke a single * Czechoslovak * language. Third, there was no separate Slovak national consciousness. Nobody examined these assumptions at the time, because the Slovaks themselves desired this union, expressing their wish

in 1918 by formal declaration of their representatives at the Peace Conference. This was a superficial and hasty view of the matter. As Prof. Macartney [47][f.47] points out.

> ". . . . ' the central political fact which emerges from the consideration of this history (of the relations between the Czechs and Slovaks) for the purposes of the present age is the final crystallization of a Slovak national consciousness , . . .' The genuine and uncompromising believers in a single indivisible Czechoslovak language and people were certainly never so large, at least in Slovakia, as they were made to appear. Today they have dwindled to a mere handful, under the influence of actual experience of *the* considerable differences which exist between the Czechs and the Slovaks. At present Slovak is in practice recognized by the Czechs themselves as the official language of Solvakia. The political and national resistance has been no less tenacious, and to-day the name of ' Czechoslovakia' is practically confined to official documents and to literature issued for the benefit of foreigners. During many weeks in the country I only remember hearing one person use the term for herself; this was a half German, half-Hungarian girl, who used it in a purely political sense, meaning that she thought irridentism futile. No Czech and no Slovak feels or calls himself, when speaking naturally, anything but a Czech or a Slovak as the case may be."

This national consciousness of the Slovaks, which was always alive, began to burst forth on seeing that the Sudeten Germans had made certain demands on Czechoslovakia for autonomy. The Germans sought to achieve their objective by the application of gangster morality to international politics, saying"Give us what we ask or we shall burst up your shop."The Slovaks followed suit by making their demands for autonomy but with a different face. They did not resort to gangster methods but modulated their demands to autonomy only. They had eschwed all idea of independence, and, in the proclamation issued on October 8 by Dr. Tiso, the leading man in the autonomist movement in Slovakia, it was said"We shall proceed in the spirit of our motto, for God and the Nation, in a Christian and national spirit."Believing in their

bona fides and desiring to give no room to the *Gravamin Politic* of which the Slovaks were making full use to disturb the friendly relations between the Czechs and the Slovaks, the National Assembly in Prague passed an Act in November 1938—immediately after the Munich Pact—called the"Constitutional Act on the Autonomy of Slovakia."Its provisions were of a far-reaching character. There was to be a separate parliament for Slovakia and this parliament was to decide the constitution of Slovakia within the framework of the legal system of the Czechoslovak Republic. An alteration in the territory of Slovakia was to be with the consent of the two-third majority in the Slovak parliament. The consent of the Slovak parliament was made necessary for international treaties which exclusively concerned Slovakia. Officials of the central state administration in Slovakia were to be primarily Slovaks. Proportional representation of Slovakia was guaranteed in all central institutions, councils, commissions and other organizations. Similarly, Slovakia was to be proportionally represented on all international organizations in which the Czechoslovak Republic was called upon to participate. Slovak soldiers, in peace time, were to be stationed in Slovakia as far as possible. As far as legislative authority was concerned all subjects which were strictly of common concern were assigned to the parliament of Czechoslovakia. By way of guaranteeing these rights to the Slovaks, the Constitution Act provided that the decision of the National Assembly to make constitutional changes shall be valid only if the majority constitutionally required for such changes includes also a proportionate majority of the members of the National Assembly elected in Slovakia. Similarly, the election of the President of the Republic required the consent not merely of the constitutionally determined majority of the members of the parliament, but also of a proportionate majority of the Slovak members. Further to emphasize that the central government must enjoy the confidence of the Slovaks it was provided by the constitution that one-third of the Slovak members of parliament may propose a motion of ' No Confidence. '

These constitutional changes introduced, much against the will of the Czechs, a hyphen between the Czechs and the Slovaks which did not exist before. But it was done in the hope that, once the relatively minor

quarrels between the two were got out of the way, the very nationalism of the Slovaks was more likely to bring them closer to the Czechs than otherwise. With the constitutional changes guaranteeing an independent status to Slovakia and the fact that the status so guaranteed could not be Changed without the consent of the Slovaks themselves, there was no question of the Slovaks ever losing their national identity through submergence by the Czechs. The autonomy introduced by the hyphen separated the cultural waters and saved the Slovaks from losing their colour.

The first Slovak parliament elected under the new constitution was opened on January 18, 1939, and Dr. Martin Sokol, the President of the parliament, declared,"The period of the Slovak's struggle for freedom is ended. Now begins the period of national rebirth."Other speeches made on the occasion indicated that now that Slovakia had its autonomy the Slovaks would never feel animosity towards the Czechs and that both would loyally abide by the Czecho-Slovak State.

Not even a month elapsed since the inauguration of the Slovak parliament before the Slovak politicians began their battle against the hyphen and for complete separation. They made excited speeches in which they attacked the Czechs, talked about Czech oppression and demanded a completely independent Slovakia. By the beginning of March, the various forms of separatism in Slovakia were seriously threatening the integrity of the Czechoslovak State. On March 9 it was learnt that Tiso, the Slovak Premier, had decided to proclaim the independence of Slovakia. On the 10th, in anticipation of such an act, troops were moved in Slovakia and Tiso, the Prime Minister, was dismissed along with other Slovak ministers by the President of the Republic, Dr. Hacha. On the next day Tiso, supposed to be under police supervision, telephoned to Berlin and asked for help. On Monday Tiso and Hitler met and had an hour and a half talk in Berlin. Immediately after the talk with Hitler, Tiso got on the phone to Prague and passed on the German orders.

They were:—

(i) (i) All Czech troops to be withdrawn from Slovakia;
(ii) (ii) Slovakia to be an independent state under German protection;
(iii) (iii) The Slovak parliament to be summoned by President Hacha to hear the proclamation of independence.

There was nothing that President Hacha and the Prague Government could do except say ' yes ' for they knew very well that dozens of divisions of German troops were massed round the defenceless frontiers of Czechoslovakia ready to march in at any moment if the demands made by Germany in the interest of and at the instance of Slovakia were refused. Thus ended the new state of Czechoslovakia.

IV

What is the lesson to be drawn from the story of these two countries?

There is some difference as to how the matters should be put. Mr. Sydney Brooks would say that the cause of these wars of disruption is nationalism, which according to him is the enemy of the universal peace. Mr. Norman Angell, on the other hand, would say it is not nationalism but the threat to nationalism which is the cause. To Mr. Robertson nationalism is an irrational instinct, if not a positive hallucination, and the sooner humanity got rid of it the better for all.

In whatever way the matter is put and howsoever ardently one may wish for the elimination of nationalism, the lesson to be drawn is quite clear: that nationalism is a fact which can neither be eluded nor denied. Whether one calls it an irrational instinct or positive hallucination, the fact remains that it is a potent force which has a dynamic power to disrupt empires. Whether nationalism is the cause or the threat to nationalism is the cause, is a difference of emphasis only. The real thing is to recognize, as does Mr. Toynbee, that"nationalism is strong enough to produce war in spite of us. It has terribly proved itself to be no outworn creed, but a vital force to be reckoned with."As was pointed out by him,"the right reading of nationalism has become an affair of life and death."It was not only so for Europe. It was so for Turkey. It was so for Czechoslovakia. And what was a question of life and death to

them could not but be one of life and death to India. Prof. Toynbee pleaded, as was done before him by Guizot, for the recognition of nationality as the necessary foundation of European peace. Could India ignore to recognize this plea? If she does, she will be acting at her peril. That nationalism is a disruptive force is not the only lesson to be learnt from the history of these two countries. Their experience embodies much else of equal if not of greater significance. What that is, will be evident if certain facts are recalled to memory.

The Turks were by no means as illiberal as they are painted. They allowed their minorities a large measure of autonomy. The Turks had gone far towards solving the problem of how people of different communities with different social heritages are to live together in harmony when they are geographically intermingled. The Ottoman Empire had accorded, as a matter of course, to the non-Muslim and non-Turkish communities within its frontiers a degree of territorial as well as cultural autonomy which had never been dreamt of in the political philosophy of the West. Ought not the Christian subjects to have been satisfied with this? Say what one may, the nationalism of Christian minorities was not satisfied with this local autonomy. It fought for complete freedom and in that fight Turkey was slit open.

The Turks were bound to the Arabs by the tie of religion. The religious tie of Islam is the strongest known to humanity. No social confederacy can claim to rival the Islamic brotherhood in point of solidarity-. Add to this the fact that while the Turk treated his Christian subjects as his inferior, he acknowledged the Arab as his equal. All non-Muslims were excluded from the Ottoman army. But the Arab soldiers and officers served side by side with Turks and Kurds. The Arab officer class, educated in Turkish school, served in military and civil capacities on the same terms as the Turks. There was no derogating distinction between the Turk and the Arab, and there was nothing to prevent the Arab from rising to the highest rank in the Ottoman services. Not only politically but even socially the Arab was treated as his equal by the Turk and Arabs married Turkish wives and Turks married Arab wives. Ought not the Arabs to have been satisfied with this Islamic brotherhood of Arabs

and Turks based on fraternity, liberty and equality? Say what one may, the Arabs were not satisfied. Arab nationalism broke the bonds of Islam and fought against his fellow Muslim, the Turk, for its independence. It won, but Turkey was completely dismantled.

As to Czechoslovakia, she began with the recognition that both the Czechs and the Slovaks were one people. Within a few years, the Slovaks claimed to be a separate nation. They would not even admit that they were a branch of the same stock as the Czechs. Their nationalism compelled the Czechs to recognize the fact that they were a distinct people. The Czechs sought to pacify the nationalism of the Slovaks by drawing a hyphen as a mark indicating distinctness. In place of Czechoslovakia they agreed to have Czecho-Slovakia. But even with the hyphen the Slovak nationalism remained discontented. The act of autonomy was both, a hyphen separating them from the Czechs as well as a link joining them with the Czechs. The hyphen as making separation was welcome to the Slovaks but as making a link with the Czechs was very irksome to them. The Slovaks accepted the autonomy with its hyphen with great relief and promised to be content and loyal to the state. But evidently this was only a matter of strategy. They did not accept it as an ultimate end. They accepted it because they thought that they could use it as a vantage ground for destroying the hyphen which was their main aim and convert autonomy into independence. The nationalism of the Slovaks was not content with a hyphen. It wanted a bar in place of the hyphen. Immediately the hyphen was introduced, they began their battle to replace the hyphen between the Czechs and the Slovaks by a bar. They did not care what means they should employ. Their nationalism was so wrong-headed and so intense that when they failed they did not hesitate to call the aid of the Germans.

Thus a deeper study of the disruption of Turkey and Czechoslovakia shows that neither local autonomy nor the bond of religion is sufficient to withstand the force of nationalism, once it is set on the go.

This is a lesson which the Hindus will do well to grasp. They should ask themselves : if the Greek, Balkan and Arab nationalism has blown up the Turkish State and if Slovak nationalism has caused the

dismantling of Czechoslovakia, what is thereto prevent Muslim nationalism from disrupting the Indian State? If experience of other countries teaches that this is the inevitable consequence of pent-up nationalism, why not profit by their experience and avoid the catastrophe by agreeing to divide India into Pakistan and Hindustan? Let the Hindus take the warning that if they refuse to divide India into two before they launch on their career as a free people, they will be sailing in those shoal waters in which Turkey, Czechoslovakia and many others have foundered. If they wish to avoid shipwreck in mid-ocean, they must lighten the draught by throwing overboard all superfluous cargo. They will ease the course of their voyage considerably if they—to use the language of Prof. Toynbee—reconcile themselves to making jetsam of less cherished and more combustible cargo.

V

Will the Hindus really lose if they agree to divide India into two, Pakistan and Hindus'?

With regard to Czechoslovakia it is instructive to note the real feelings of its government on the loss of their territory caused by the Munich Pact. They were well expressed by the Prime Minister of Czechoslovakia in his message to the people of Czechoslovakia. In it he said [48][f.48] :—

"Citizens and soldiers.... I am living through the hardest hour of my life; I am carrying out the most painful task, in comparison with which death would be easy. But precisely because I have flight and because I know under what conditions a war is won, must tell you frankly... that the forces opposed to us at this moment compel us to recognize their superior strength and to act accordingly....

"In Munich four European Great Powers met and decided to demand of us the acceptance of new frontiers, according to which the German areas of our State would be taken away. We had the choice between desperate and hopeless defence, which would have meant the sacrifice not only of the adult generation but also of women and children, and the acceptance of conditions which in their ruthlessness, and because they were imposed by pressure without war, have no parallel in history.

We desired to make a contribution to peace; we would gladly have made it But not by any means in the way it has been fenced upon us.

"But we were abandoned, and were alone.... Deeply moved, all your leaders considered, together with the army and the President of the Republic, all the possibilities which remained. *They recognized that in choosing between narrower frontiers and the death of the nation it was their sacred duty to save the life of our people, so that we may not emerge weakened from these terrible limes, and so that we may remain certain that our nation will gather itself together again, as it has done so often in the past. Let us alt see that our State re-establishes itself soundly within its new frontiers, and that its population is assured of a new life of peace and fruitful labour.* With your help we shall succeed. We rely upon you, and you have confidence in us."

It is evident that the Czechs refused to be led by the force of historic sentiment. They were ready to have narrower frontiers and a smaller Czechoslovakia to the ultimate destruction of their people.

With regard to Turkey the prevalent view was the one that was expressed in 1853 by the Czar Nicholas I, during a conversation with British Ambassador in St. Petersburg in which he said"We have on our hand a sick man—a very sick man . . . . He may suddenly die upon our hands."From that day the imminent decease of Turkey, the sick man of Europe was awaited by all his neighbours. The shedding of the territories was considered as the convulsions of a dying man who is alleged to have breathed his last by affixing his signature to the Treaty of Severs.

Is this really a correct view to take of Turkey in the process of dissolution? It is instructive to note the comments of Arnold Toynbee on this view. Referring to the Czar's description of Turkey as the sick man who may suddenly die, he says [49][f.49]:

"In this second and more sensational part of his diagnosis Czar Nicholas went astray because he did not understand the nature of the symptoms. If a person totally ignorant of natural history stumbled upon a snake in course of shedding its skin, he would pronounce dogmatically that the creature could not possible recover. He could point out that

when a man (or other mammal) has the misfortune to lose his skin, he is never known to survive. Yet while it is perfectly true that the leopard cannot change his spots nor the Ethiopian his skin, a wider study would have informed our amateur naturalist that a snake can do both and does both habitually. Doubtless, even for the snake, the process is awkward and uncomfortable. He becomes temporarily torpid, and in this condition he is dangerously at the mercy of his enemies. Yet, if he escapes the kites and crows until his metamorphosis is complete, he not only recovers his health but renews his youth with the replacement of his mortal coils. This is the recent experience of the Turk, and ' moulting snake ' is better simile than sick man for a description of his distemper."

In this view, the loss of her possessions by Turkey is the removal of an anomalous excrescence and the gain of a new skin. Turkey is certainly homogeneous and has no fear of any disruption from within.

The Muslim areas are an anomalous excrescence on Hindustan and Hindustan is an anomalous excrescence on them. Tied together they will make India the sick man of Asia. Welded together they will make India a heterogeneous unit. If Pakistan has the demerit of cutting away parts of India, it has also the merit of introducing harmony in place of conflict.

Severed into two, each becomes a more homogeneous unit. The homogeneity of the two areas is obvious enough. Each has a cultural unity. Each has a religious unity. Pakistan has a linguistic unity. If there is no such unity in Hindustan, it is possible to have it without any controversy as to whether the common language should be Hindustani, Hindi or Urdu. Separated, each can become a strong and well-knit state. India needs a strong Central Government. But it cannot have it so long as Pakistan remains a part of India. Compare the structure of the Federal Government as embodied in the Government of India Act, 1935, and it will be found, that the Central Government as constituted under it is an effete ramshackle thing with very little life in it. [50][f.50] As has already been pointed out, this weakening of the Central Government is brought about by the desire to placate the Muslim Provinces who wish to be independent of the authority of the Central

Government on the ground that the Central Government is bound to be predominantly Hindu in character and composition. When Pakistan comes into being these considerations can have no force. Hindustan can then have a strong Central Government and a homogeneous population, which are necessary elements for the stability of the state and neither of which will be secured unless there is severance of Pakistan from Hindustan.

PART IV

PAKISTAN OR THE PARTITION OF INDIA

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PART IV

PAKISTAN AND THE MALAISE

The Hindu-Muslim problem has tow aspects to it. In its first aspect, the problem that presents itself is the problem of two separate communities facing each other and seeking adjustment of their respective right and privileges. In its other aspect, the problem is the problem of the reflex influences which this separation and conflict produces upon each of them. In the course of the foregoing discussion we have looked at the project of Pakistan in relation to the first of the aspects of the Hindu-Muslim

problem. We have not examined the project of Pakistan in relation to the second aspect of that problem. Yet, such an examination is necessary because that aspect of the Hindu-Muslim problem is not unimportant. It is a very superficial if not an incomplete view to stop with the problem of the adjustment of their claims. It cannot be overlooked that their lot is cast together as such they have to participate in a course of common activity whether they like it or not. And if in this common activity they face each other as two combatants do, then their actions and reactions are worth study, for they affect both and produce a state of affairs from which if it is a deceased state, the question of escape must be faced. A study of the situation shows that the actions and reactions have produced a malaise which exhibits itself in three ways :(l) Social Stagnation, (2) Communal Aggression, and (3) National Frustration of Political 'Destiny. This malaise is a grave one. Will Pakistan he a remedy for the malaise? Or, will it aggravate the malaise? The following chapters are devoted to the consideration of these questions.

CHAPTER X

SOCIAL STAGNATION

I

The social evils which characterize the Hindu Society, have been well known. The publication of *Mother India* by Miss Mayo gave these evils the widest publicity. But while *Mother India* served the purpose of exposing the evils and calling their authors at the bar of the world to answer for their sins, it created the unfortunate impression throughout the world that while the Hindus were grovelling in the mud of these social evils and were conservative, the Muslims in India were free from them, and as compared to the Hindus, were a progressive people. That, such an impression should prevail, is surprising to those who know the Muslim Society in India at close quarters.

One may well ask if there is any social evil which is found among the Hindus and is not found among the Muslims?

Take child-marriage. The Secretary of the Anti-Child-marriage Committee, constituted by the All-India Women's Conference,

published a bulletin which gives the extent of the evil of child-marriage in the different communities in the country. The figures which were taken from the Census Report of 1931 areas follows :—

TABLE

MARRIED FEMALES AGED 0-15 PER 1000 FEMALES OF THAT AGE

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	Hindus	Muslims	Jains	Sikhs	Christians
1881	208	153	189	170	33
1891	193	141	172	143	37
1901	186	131	164	101	38
1911	184	123	130	88	39
1921	170	III	117	72	32
2931	199	186	125	80	43

Can the position among the Musalmans so far as child-marriage goes, be considered better than the position among the Hindus?

Take the position of women. It is insisted by Muslims that the legal rights given to Muslim women, ensure them a greater measure of independence than allowed to other Eastern women, for example, Hindu women, and are in excess of the rights given to women in some

Western countries. Reliance is placed on some of the provisions of the Muslim Law.

Firstly, it is said the Muslim Law does not fix any age for marriage, and recognizes the right of a girl to marry any time. Further, except where the marriage is celebrated by the father or the grandfather, a Muslim girl, if given in marriage in childhood, has the power to repudiate her marriage on attaining puberty.

Secondly, it is held out that marriage among the Musalmans is a contract. Being a contract, the husband has a right to divorce his wife and the Muslim Law has provided ample safeguards for the wife which, if availed of, would place the Muslim wife on the same footing as the husband in the matter of divorce. For, it is claimed that the wife under the Muslim Law can, at the time of the marriage,' or even thereafter in some cases, enter into a contract by which she may under certain circumstances obtain a divorce.

Thirdly, the Mahomedan Law requires that a wife can claim from her husband, by way of consideration for the surrender of her person, a sum of money or other property—known as her"dower". The dower may be fixed even after marriage and if no amount is fixed, the wife is entitled to proper dower. The amount of dower is usually split into two parts, one is called"prompt"which is payable on demand, and the other"deferred"which is payable on dissolution of marriage by death or divorce. Her claim for dower will be treated as a debt against the husband's estate. She has complete dominion over her dower which is intended to give her economic independence. She can remit it or she can appropriate the income of it as she pleases.

Granting all these provisions of law in her favour, the Muslim woman is the most helpless person in the world. To quote an Egyptian Muslim leader :—

> "Islam has set its seal of inferiority upon her, and given the sanction of religion to social customs which have deprived her of the full opportunity for self-expression and development of personality."

No Muslim girl has the courage to repudiate her marriage, although it may be open to her on the ground that she was a child and that it was brought about by persons other than her parents. No Muslim wife will think it proper to have a clause entered into her marriage contract reserving her the right to divorce. In that event, her fate is"once married, always married."She cannot escape the marriage tie, however irksome it may be. While she cannot repudiate the marriage, the husband can always do it without having to show any cause. Utter the word"*Tallak*"" and observe continence for three weeks and the woman is cast away. The only restraint on his caprice is the obligation to pay dower. If the dower has already been remitted, his right to divorce is a matter of his sweet will.

This latitude in the matter of divorce destroys that sense of security which is so fundamental for a full, free and happy life for a woman. This insecurity of life, to which a Muslim woman is exposed, is greatly augmented by the right of polygamy and concubinage, which the Muslim Law gives to the husband.

Mahomedam Law allows a Muslim to marry four wives at a time. It is not unoften said that this is an improvement over the Hindu Law which places no restriction on the number of wives a Hindu can have at any given time. But it is forgotten that in addition to the four legal wives, the Muslim Law permits a Mahomedan to cohabit with his female slaves. In the case of female slaves nothing is said as to the number. They are allowed to him without any restriction whatever and without any obligation to marry them.

No words can adequately express the great and many evils of polygamy and concubinage and especially as a source of misery to a Muslim woman. It is true that because polygamy and concubinage are sanctioned, one must not suppose they are indulged in by the generality of Muslims; still the fact remains that they are privileges which are easy for a Muslim to abuse to the misery and unhappiness of his wife. Mr. John J. Pool, no enemy of Islam, observes

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_1[1]:—

"This latitude in the mailer of divorce is very greatly taken advantage of by some Mohamedans. Slohart, commenting on this subject in his book, *Islam, and its Founder,* says: ' Some Mohamodans make a habit of continually changing their wives. We read of young men who have had twenty and thirty wives, a new one every three months: and thus it comes about that women are liable to be indefinitely transferred from one man to another, obliged to accept a husband and a home whenever they can find one, or in case of destitution, to which divorce may have driven them, to resort to other more degrading means of living. Thus while keeping the strict letter of the law, and possessing only one or certainly not more than four wives, unscrupulous characters may yet by divorce obtain in a lifetime as many wives as they please.

"In another way also a Mohammedan may really have more than four wives, and yet keep within the law. This is by means of living with concubines, which the Koran expressly permits. In that *sura* which allows four wives, the words are added, ' of the slaves which ye shall have acquired.' Then *in* the 70th *suru.* it is revealed that it is no sin to live with slaves. The very words are: ' The slaves which their right hands possess, as to them they shall be blameless.' At the present day, as in days past, in multitudes of Mohamedan homes, slaves are found; as Muir says, in his *Life of Mahomet '* so long as this unlimited permission of living with their female slaves continues, it cannot be expected that there will be any hearty attempt to put a stop to slavery in Mohamedan countries.' Thus the Koran, in this matter of slavery, is the enemy of the mankind. And women, as usual, are the greater sufferers.'

Take the caste system. Islam speaks of brotherhood. Everybody infers that Islam must be free from slavery and caste. Regarding slavery nothing needs to be said. It stands abolished now by law. But while it existed much of its support was derived from Islam and Islamic countries.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_2[2] While the prescriptions by the Prophet regarding the just and humane treatment of slaves contained in the

Koran are praiseworthy, there is nothing whatever in Islam that lends support to the abolition of this curse. As Sir W. Muir has well said [3]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_3 :—

"...rather, while lightening, lie riveted the fetter.... There is no obligation on a Muslim to release his slaves. ..."

But if slavery has gone, caste among Musalmans has remained. As an illustration one may take the conditions prevalent among the Bengal Muslims. The Superintendent of the

Census for 1901 for the Province of Bengal records the following interesting facts regarding the Muslims of Bengal :—

> "The conventional division of the Mahomedans into four tribes— Sheikh, Saiad, Moghul and Pathan—has very little application to this Province (Bengal). The Mahomedans themselves recognize two main social divisions, (1) Ashraf or Sharaf and (2) Ajlaf Ashraf means ' noble ' and includes all undoubted descendants of foreigners and converts from high caste Hindus. All other Mahomedans including the occupational groups and all converts of lower ranks, are known by the contemptuous terms, ' Ajlaf , ' wretches ' or ' mean people ': they are also called Kamina or Itar, ' base ' or Rasil, a corruption of Rizal, ' worthless '. In some places a third class, called Arzal or ' lowest of all ', is added. With them no other Mahomedan would associate, and they are forbidden to enter the mosque to use the public burial ground.

"Within these groups there are castes with social precedence of exactly the same nature as one finds among the Hindus.

' 1. *Ashraf* or better class Mahomedans.

(1) Saiads.

(2) Sheikhs.

(3) Pathans.

(4) Moghul.

(5) Mallik.

(6) Mirza.

II. *Ajlaf* or lower class Mahomedans.

(1)(1) Cultivating Sheikhs, and others who were originally Hindus but who do not belong to any functional group, and have not gained admittance to the Ashraf Community, e.g. Pirali and Thakrai.
(2) Darzi, Jolaha, Fakir, and Rangrez.

(3) Barhi, Bhalhiara, Chik, Churihar, Dai, Dhawa, Dhunia, Gaddi, Kalal, Kasai, Kula Kunjara, Laheri, Mahifarosh, Mallah, Naliya, Nikari.

(4) Abdal, Bako, Bediya, Bhal, Chamba, Dafali, Dhobi, Hajjam, Mucho, Nagarchi, Nal,Panwaria, Madaria,Tunlia.

III. *Arzal* or degraded class. Bhanar, Halalkhor, Hijra, Kasbi, Lalbegi, Maugia, Mchlar."

The Census Superintendent mentions another feature of the Muslim social system, namely, the prevalence of the"panchayat system."He states :—

"The authority of the panchayat extends to social as well as trade matters and... marriage with people of' other communities is one of offences of which the governing body lakes cognizance. The result is that these groups are often as strictly endogamous as Hindu castes. The prohibition on inter-marriage extends to higher as well as to lower castes, and a Dhuina, for example, may marry no one but a Dhuina. If this rule is transgressed, the offender is at once hauled up before the panchayat and ejected ignominiously from his community. A member of one such group cannot ordinarily gain admission to another, and he retains the designation of the community in which he was born even if he abandons its distinctive occupation and takes to other means of livelihood.... thousands of Jolahas are butchers, yet they are still known as Jolahas."

Similar facts from other Provinces of India could be gathered from their respective Census Reports and those who are curious may refer to them. But the facts for Bengal are enough to show that the Mahomedans observe not only caste but also untouchability.

There can thus be no manner of doubt that the Muslim Society in India is afflicted by the same social evils as afflict the Hindu Society. Indeed, the Muslims have all the social evils of the Hindus and something more. That something more is the compulsory system of *purdah* for Muslim women.

As a consequence of the *purdah* system a segregation of the Muslim women is brought about. The ladies are not expected to visit the outer rooms, verandahs or gardens, their quarters are in the back-yard. All of them, young and old, are confined in the same room. No male servant can work in their presence. A woman is allowed to see only her sons, brothers, father, uncles and husband, or any other near relation who may be admitted to a position of trust. She cannot go even to the mosque to pray and must wear *burka* (veil) whenever she has to go out. These *burka* women walking in the streets is one of the most hideous sights one can witness in India. Such seclusion cannot but have its deteriorating effects upon the physical constitution of Muslim women. They are usually victims to anaemia, tuberculosis and pyorrhoea. Their bodies are deformed, with their backs bent, bones protruded, hands and feet crooked. Ribs, joints and nearly all their bones ache. Heart palpitation is very often present in them. The result of this pelvic deformity is untimely death at the time of delivery. *Purdah* deprives Muslim women of mental and moral nourishment. Being deprived of healthy social life, the process of moral degeneration must and does set in. Being completely secluded from the outer world, they engage their minds in petty family quarrels with the result that they become narrow and restricted in their outlook.

They lag behind their sisters from other communities, cannot take part in any outdoor activity and are weighed down by a slavish mentality and an inferiority complex. They have no desire for knowledge, because they are taught not to be interested in anything outside the four walls of the

house. *Purdah* women in particular become helpless, timid, and unfit for any fight in life. Considering the large number of *purdah* women among Muslims in India, one can easily understand the vastness and seriousness of the problem of *purdah*
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The physical and intellectual effects of *purdah* are nothing as compared with its effects on morals. The origin of *purdah* lies of course in the deep-rooted suspicion of sexual appetites in both sexes and the purpose is to check them by segregating the sexes. But far from achieving the purpose, *purdah* has adversely affected the morals of Muslim men. Owing to *purdah* a Muslim has no contact with any woman outside those who belong to his own household. Even with them his contact extends only to occasional conversation. For a male there is no company of and no commingling with the females except those who are children or aged. This isolation of the males from females is sure to produce bad effects on the morals of men. It requires no psychoanalyst to say that a social system which cuts off all contact between, the two sexes produces an unhealthy tendency towards sexual excesses and unnatural and other morbid habits and ways.

The evil consequences of *purdah* are not confined to the Muslim community only. It is responsible for the social segregation of Hindus from Muslims which is the bane of public life in India. This argument may appear far fetched and one is inclined to attribute this segregation to the unsociability of the Hindus rather than to *purdah* among the Muslims. But the Hindus are right when they say that it is not possible to establish social contact between Hindus and Muslims because such contact can only mean contact between women from one side and men from the other [5] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_5

Not that *purdah* and the evils consequent thereon are not to be found among certain sections of the Hindus in certain parts of the country. But the point of distinction is that among the Muslims, *purdah* has a religious sanctity which it has not with the Hindus. *Purdah* has deeper

roots among the Muslims than it has among the Hindus and can only be removed by facing the inevitable conflict between religious injunctions and social needs. The problem of *purdah* is a real problem with the Muslims—apart from its origin—which it is not with the Hindus. Of any attempt by the Muslims to do away with it, there is no evidence.

There is thus a stagnation not only in the social life but also in the political life of the Muslim community of India. The Muslims have no interest in politics as such. Their predominant interest is religion. This can be easily seen by the terms and conditions that a Muslim constituency makes for its support to a candidate fighting for a seat. The Muslim constituency does not care to examine the programme of the candidate. All that the constituency wants from the candidate is that he should agree to replace the old lamps of the masjid by supplying new ones at his cost, to provide a new carpet for the masjid because the old one is torn, or to repair the masjid because it has become dilapidated. In some places a Muslim constituency is quite satisfied if the candidate agrees to give a sumptuous feast and in other if he agrees to buy votes for so much a piece. With the Muslims, election is a mere matter of money and is very seldom a matter of social programme of general improvement. Muslim politics takes no note of purely secular categories of life, namely, the differences between rich and poor, capital and labour, landlord and tenant, priest and layman, reason and superstition. Muslim politics is essentially clerical and recognizes only one difference, namely, that existing between Hindus and Muslims. None of the secular categories of life have any place in the politics of the Muslim community and if they do find a place—and they must because they are irrepressible—they are subordinated to one and the only governing principle of the Muslim political universe, namely, religion.

II

The existence of these evils among the Muslims is distressing enough. But far more distressing is the fact that there is no organized movement of social reform among *the* Musalmans of India on a scale sufficient to bring about their eradication. The Hindus have their social evils. But there is this relieving feature about them—namely, that some of them

are conscious of their existence and a few of them are actively agitating for their removal. The Muslims, on the other hand, do not realize that they are evils and consequently do not agitate for their removal. Indeed, they oppose any change in their existing practices. It is noteworthy that the"Muslims opposed the Child-Marriage Bill brought in the Central Assembly in 1930, whereby the age for marriage of a girl was raised to 14 and of a boy to 18 on the ground that it was opposed to the Muslim canon law. Not only did they oppose the bill at every stage but that when it became law they started a campaign of Civil Disobedience against that Act. Fortunately the Civil Disobedience campaign of the Muslims against the Act did not swell and was submerged in the Congress Civil Disobedience campaign which synchronized with it. But the campaign only proves how strongly the Muslims are opposed to social reform.

The question may be asked why are the Muslims opposed to social reform?

The usual answer given is that the Muslims all over the world are an unprogressive people. This view no doubt accords with the facts of history. After the first spurts of their activity the scale of which was undoubtedly stupendous leading to the foundations of vast empires—the Muslims suddenly fell into a strange condition of torpor, from which they never seem to have become awake. The cause assigned for this torpor by those, who have made a study of their condition, is said to be the fundamental assumption made by all Muslims that Islam is a world religion, suitable for all people, for all times and for all conditions. It has been contended that :—

> "The Musalman, remaining faithful to his religion, has not progressed; he has remained stationary in a world of swiftly moving modern forces. It is, indeed, one of the salient features of Islam that it immobilizes in their native barbarism, the races whom it enslaves. It is fixed in a crystallization, inert and impenetrable. It is unchangeable; and political, social or economic changes have no repercussion upon it.
>
> "Having been taught that outside Islam there can be no safety;

outside its law no truth and outside its spiritual message there is no happiness, the Muslim has become incapable of conceiving any other condition than his own, any other mode of thought than the Islamic thought. He firmly believes that he has arrived at an unequalled pitch of perfection; that he is the sole possessor of true faith, of the true doctrine, the true wisdom ; that he alone is in possession of the truth—no relative truth subject to revision, but absolute truth.

"The religious law of the Muslims has had the effect of imparting to the very diverse individuals of whom the world is composed, a unity of thought, of feeling, of ideas, of judgement."

It is urged that this uniformity is deadening and is not merely imparted to the Muslims, but is imposed upon them by a spirit of intolerance which is unknown anywhere outside the Muslim world for its severity and its violence and which is directed towards the suppression of all rational thinking which is in conflict with the teachings of Islam. As Renan observes [6][f.6]:—

"Islam is a close union of the spiritual and the temporal; it is the reign of a dogma, it is the heaviest chain that humanity has ever borne.... Islam has its beauties as a religion;.... But to the human reason Islamism has only been injurious. The minds that it has shut from the light were, no doubt, already closed in their own internal limits; but it has persecuted free thought, I shall not say more violently than other religions, but more effectually. It has made of the countries that it has conquered 9 closed field to the rational culture of the mind. What is, in fact -essentially distinctive of the Musalman is his hatred of science, his persuasion that research is useless, frivolous, almost impious—the natural sciences, because they are attempts at rivalry with God; the historical sciences, because they apply to times anterior to Islam, they may revive ancient heresies. Renan concludes by saying:—

"Islam, in treating science as an enemy, is only consistent, but it is a dangerous thing to be consistent. To its own misfortune Islam has been successful. By slaying science it has slain itself; and is condemned in the world to a complete inferiority."

This answer though obvious, cannot be the true answer. If it were the true answer, how are we to account for the stir and ferment that is going on in all Muslim countries outside India, where the spirit of inquiry, the spirit of change and the desire to reform are noticeable in every walk of life. Indeed, the social reforms which have taken place in Turkey have been of the most revolutionary character. If Islam has not come in the way of the Muslims of these countries, why should it come in the way of the Muslims of India? There must be some special reason for the social and political stagnation of the Muslim community in India.

What can that special reason be? It seems to me that the reason for the absence of the spirit of change in the Indian Musalman is to be sought in the' peculiar position he occupies in India. He is placed in a social environment which is predominantly Hindu. That Hindu environment is always silently but surely encroaching upon him. He feels that it is de-musalmanazing him. As a protection against this gradual weaning away he is led to insist on preserving everything that is Islamic without caring to examine whether it is helpful or harmful to his society. Secondly, the Muslims in India are placed in a political environment which is also predominantly Hindu. He feels that he will be suppressed and that political suppression will make the Muslims a depressed class. It is this consciousness that he has to save himself from being submerged by the Hindus socially and-politically, which to my mind is the primary cause why the Indian Muslims as compared with their fellows outside are backward in the matter of social reform. Their energies are directed to maintaining a constant struggle against the Hindus for seats and posts in which there is no time, no thought and no room for questions relating to social reform. And if there is any, it is all overweighed and suppressed by the desire, generated by pressure of communal tension, to close the ranks and offer a united front to the menace of the Hindus and Hinduism by maintaining their socio-religious unity at any cost.

The same is the explanation of the political stagnation in the Muslim community of India. Muslim politicians do not recognize secular categories of life as the basis of their politics because to them it means the weakening of the community in its fight against the Hindus. The

poor Muslims will not join the poor Hindus to get justice from the rich. Muslim tenants will not join Hindu tenants to prevent the tyranny of the landlord. Muslim labourers will not join Hindu labourers in the fight of labour against capital. Why? The answer is simple. The poor Muslim sees that if he joins in the fight of the poor against the rich, he may be fighting against a rich Muslim. The Muslim tenant feels that if he joins in the campaign against the landlord, he may have to fight against a Muslim landlord. A Muslim labourer feels that if he joins in the onslaught of labour against capital, he will be injuring a Muslim mill-owner. He is conscious that any injury to a rich Muslim, to a Muslim landlord or to a Muslim mill-owner, is a disservice to the Muslim community, for it is thereby weakened in its struggle against the Hindu community.

How Muslim politics has become perverted is shown by the attitude of the Muslim leaders to the political reforms in the Indian States. The Muslims and their leaders carried on a great agitation for the introduction of representative government in the Hindu State of Kashmir. The same Muslims and their leaders are deadly opposed to the introduction of representative governments in other Muslim States. The reason for this strange attitude is quite simple. In all matters, the determining question with the Muslims is how it will affect the Muslims *vis-a-vis* the Hindus. If representative government can help the Muslims, they will demand it, and fight for it. In the State of Kashmir the ruler is a Hindu, but the majority of the subjects are Muslims. The Muslims fought *for* representative government in Kashmir, because representative government in Kashmir meant the transfer of power from a Hindu king to the Muslim masses. In other Muslim States, the ruler is a Muslim but the majority of his subjects are Hindus. In such States representative government means the transfer of power from a Muslim ruler to the Hindu masses, and that is why the Muslims support the introduction of representative government in one case and oppose it in the other. The dominating consideration with the Muslims is not democracy. The dominating consideration is how democracy with majority rule will affect the Muslims in their struggle against the Hindus. Will it strengthen them or will it weaken them? If democracy weakens them, they will not

have democracy. They will prefer the rotten state to continue in the Muslim States rather than weaken the Muslim ruler in his hold upon his Hindu subjects.

The political and social stagnation in the Muslim community can be explained by one and only one reason. The Muslims think that the Hindus and Muslims must perpetually struggle; the Hindus to establish their dominance over the Muslims and the Muslims to establish their historical position as the ruling community—that in this struggle the strong will win, and to ensure strength they must suppress or put in cold storage everything which causes dissension in their ranks.

If the Muslims in other countries have undertaken the task of reforming their society and the Muslims of India have refused to do so, it is because the former are free from communal and political clashes with rival communities, while the latter are not.

III

It is not that this blind spirit of conservatism which dose not recognize the need of repair to the social structure has taken hold of the Muslims only. It has taken hold of the Hindus also. The Hindus atone time did recognize that without social efficiency no permanent progress in other fields of activity was possible, that, owing to the mischief wrought by evil customs Hindu Society was not in a state of efficiency and that ceaseless efforts must be made to eradicate these evils. It was due to the recognition of this fact that the birth of the National Congress was accompanied by the foundation of the Social Conference. While the Congress was concerned with defining the weak points in the political organisation of the country, the Social Conference was engaged in removing the weak points in the social organisation of the Hindu Society. For some time, the Congress and the Conference worked as two wings of one common body and held their annual sessions in the same pandal. But soon the two wings developed into two parties, a Political Reform Party and a Social Reform Party, between whom raged fierce controversy. The Political Reform Party supported the National Congress and the Social Reform Party supported the Social Conference.

The two bodies became two hostile camps. The point at issue was whether social reform should precede political reform. For a decade the forces were evenly balanced and the battle was fought without victory to either side. It was, however, evident that the fortunes of the Social Conference were ebbing fast. The gentlemen who presided over the sessions of the Social Conference lamented that the majority of the educated Hindus were for political advancement and indifferent to social reform and that while the number of those who attended the Congress was very large and the number who did not attend but who sympathized with it even larger, the number of those who attended the Social Conference was very much smaller. This indifference, this thinning of its ranks was soon followed by active hostility from the politicians, like the late Mr. Tilak. In course of time, the party in favour of political reform won and the Social Conference vanished and was forgotten,[7] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_7With it also vanished from the Hindu Society the urge for social reform. Under the leadership of Mr. Gandhi, the Hindu Society, if it did not become a political mad-house, certainly became mad after politics. Non-co-operation, Civil Disobedience, and the cry for Swaraj took the place which social reform once had in the minds of the Hindus. In the din and dust of political agitation, the Hindus do not even know that there are any evils to be remedied. Those who are conscious of it, do not believe that social reform is as important as political reform, and when forced to admit its importance argue that there can be no social reform unless political power is first achieved. They are so eager to possess political power that they are impatient even of propaganda in favour of social reform, as it means so much time and energy deducted from political propaganda. A correspondent of Mr. Gandhi put the point of view of the Nationalists very appropriately, if bluntly, when he wrote [8][f.8] to Mr. Gandhi, saying:—

> "Don't 'you think that it is impossible to achieve any great reform without winning political power? The present economic structure has got to be tackled? No reconstruction is possible without political reconstruction and I am afraid all this talk of polished and unpolished rice, balanced diet and so on and so forth is mere moonshine."

The Social Reform Party, led by Ranade, died leaving the field to the Congress. There has grown up among the Hindus another party which is also a rival to the Congress. It is the Hindu Maha Sabha. One would expect from its name that it was a body for bringing about the reform of Hindu Society. But it is not. Its rivalry with the Congress has nothing to do with the issue of social reform *vs.* political reform. Its quarrel with the Congress has its origin in the pro-Muslim policy of the Congress. It is organized for the protection of Hindu rights against Muslim encroachment. Its plan is to organize the Hindus for offering a united front to the Muslims. As a body organized to protect Hindu rights it is all the time engaged in keeping an eye on political movements, on seats and posts. It cannot spare any thought for social reform. As a body keen on bringing about a united front of all Hindus, it cannot afford to create dissensions among its elements which would be the case if it undertook to bring about social reforms. For the sake of the consolidation of the Hindu rank and file, the Hindu Maha Sabha is ready to suffer all social evils to remain as they are. For the sake of consolidation of the Hindus, it is prepared to welcome the Federation as devised by the Act of 1935 in spite of

its many iniquities and defects. For the same purpose, the Hindu Maha Sabha favours the retention of the Indian States, with their administration as it is. ' Hands off the Hindu States ' has been the battle-cry of its President. This attitude is stranger than that of the Muslims. Representative government in Hindu States cannot do harm to the Hindus. Why then should the President of the Hindu Maha Sabha oppose it? Probably because it helps the Muslims, whom he cannot tolerate.

IV

To what length this concern for the conservation of their forces can lead the Hindus and the Musalmans cannot be better illustrated than by the debates on the Dissolution of Muslim Marriage Act VIII of 1939 in the Central Assembly. Before 1939, the law was that apostasy of a male or a female married under the Muslim law *ipso facto* dissolved the marriage with the result that if a married Muslim woman changed her

religion, she was free to marry a person professing her new religion. This was the rule of law enforced by the courts, throughout India at any rate, for the last 60 years.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_9[9]

This law was annulled by Act VIII of 1939, section 4 of which reads as follows:—

"The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam shall not by itself operate to dissolve her marriage:

Provided that after such renunciation or conversion the woman shall be entitled to obtain a decree for the dissolution of marriage on any of the grounds mentioned in section 2:

Provided further that the provision of' this section shall not apply to a woman converted to Islam from some other faith who re-embraces her former faith."

According to this Act, the marriage of a married Muslim woman is not dissolved by reason of her conversion to another religion. All that she gets is a right of divorce. It is very intriguing to find that section 2 does not refer to conversion or apostasy as a ground for divorce. The effect of the law is that a married Muslim woman has no liberty of conscience and is tied for ever to her husband whose religious faith may be quite abhorrent to her.

The grounds urged in support of this change are well worth attention. The mover of the Bill, Quazi Kazmi, M.L.A. adopted a very ingenious line of argument in support of the change. In his speech [10][f.10] on the motion to refer the Bill he said:—

"Apostasy was considered by Islam, as by any other religion, as a great crime, almost amounting to a crime against the State. It is not novel for the religion of' Islam to have that provision. If we look up the older Acts of any nation, we will find that similar provision also exists in other Codes as well. Fur the male a severer punishment was awarded, that of

death, and for females, only the punishment of imprisonment was awarded. This main provision was that because it was a sin, it was a crime, it was to be punished, and the woman was to be deprived of her status as wife. It was not only this status that she lost, but she lost all her suit us in society; she was deprived of her properly and civil rights as well. But we find that as early as 1850 an Act was passed here, called the Caste Disabilities Removal Act of 1850, Act XXI of 1850.....

"..... by this Act, the forfeiture of civil rights that could be imposed on a woman on her apostasy has been taken away. She can no longer be subjected to any forfeiture of properly or her right of inheritance or anything of the kind. The only question is that the Legislature has come to her help, it has given her a certain amount of liberty of thought, some kind of liberty of religion to adopt any faith she likes, and has removed the forfeiture clause from which she could suffer, and which was a restraint upon her changing the faith. The question is how far we are entitled after that to continue placing the restriction on her status as a wile. Her status as a wife is of some importance in society. She belongs to some family, she has got children, she has got other connections too. If she has got a liberal mind, she may not like to continue the same old religion. If she changes her religion, why should we, according to our modern ideas, inflict upon her a further penalty that she will cease to be the wife of her husband. I submit, in these days when we are advocating freedom of thought and freedom of religion, when we are advocating inter-marriages between different communities, it would be inconsistent for us t support a provision that a mere change of faith or change of religion would email forfeiture of her rights as the wife of her husband. So, from a modern point of view, I have got no hesitation in saying that we cannot, in any way, support the contrary proposition that apostasy must be allowed to finish her relationship with her husband. But that is only one part of the argument.

"Section 32 of the Parsi Marriage and Divorce Act, 1936, is to the effect that a married woman may sue for divorce on the grounds 'that the defendant has ceased to be a Parsi ....'

"There are two things apparent from this. the first is, that it is a ground

for dissolution, not from any religious idea or religious sentiment, because, if two years have passed after the conversion and if plaintiff does not object, then either the male or female has no right to sue for dissolution of marriage. The second thing is, that it is the plaintiff who has got the complaint that the other party has changed the religion, who has got the right of getting the marriage dissolved..... In addition to this Act, as regards other communities we can have an idea of the effect of conversion on marriage tie from the Native Converts ' Marriage Dissolution Act, Act XXI of 1886 ..... It applies to all the communities of India, and this legislation recognises the fact that mere conversion of an Indian to Christianity would not dissolve the marriage but he will have the right of going to a law court and saying that the other party., who is not converted, must perform the marital duties in respect of him..... then they are given a year's time and the judge directs that they shall have an interview with each other in the presence of certain other persons to induce them to resume their conjugal relationship, and if they do not agree, then on the ground of desecration the marriage is dissolved. The marriage is dissolved no doubt, but not on the ground of change of faith. . . .. .So, every community in India has got this accepted principle that conversion to another religion cannot amount to a dissolution of marriage."

Syed Gulam Bikh Nairang, another Muslim member of the Assembly and a protagonist of the Bill, was brutally frank. In support of the principle of the Bill he said [11][f.11] :—

> "For a very long lime the courts in British India have held without reservation and qualification that under all circumstances apostasy automatically and immediately puts an end to the married slate without any judicial proceedings, any decree of court, or any other ceremony. That has been the position which was taken up by the Courts. Now, there are three distinct views of H*anafi jurists* on the point. One view which is attributed to the Bokhara jurists was adopted and even that not in its entirely but in what I may call a mutilated and maimed condition. What that Bokhara view is has been already stated by Mr. Kazmi and some other speakers. The Bokhara jurists say that marriage

is dissolved by apostasy. In fact, I should be more accurate in saying—1 have got authority for that—that it is, according to the Bokhara view, not dissolved but suspended. The marriage is suspended but the wife is then kept in custody or confinement till she repents and embraces Islam again, and then she is induced to marry the husband, whose marriage was only suspended and not put an end to or cancelled. The second view is that on apostasy a married Muslim woman ceases to be the wife other husband but becomes his bond woman. One view, which is a sort of corollary to this view, is that she is not necessarily the bond woman of her ex-husband but she becomes the bond woman of the entire Muslim community and anybody can employ her as a bond woman. The third view, that of the Ulema of Samarkand and Baikh, is that the marriage lie is not affected by such apostasy and that the woman still continues to be the wife of the husband. These are the three views. A portion of the first view, the Bokhara view, was taken hold of by the Courts and rulings after rulings were based on that portion.

"This House is well aware that it is not only in this solitary instance that judicial error is sought to be corrected by legislation, but in many other cases, too, there have been judicial errors or conflicts of judicial opinion or uncertainties and vagueness of law. Errors of judicial view are being constantly corrected by legislation. In this particular mailer there has been an error after error and a tragedy of errors. To show me those rulings is begging the question. Surely, it should be realized that it is no answer to my Bill that because the High Courts have decided against me, I have no business to come to this House and ask it to legislate this way or that way."

Having regard to the profundity of the change, the arguments urged in support of it were indeed very insubstantial. Mr. Kazmi failed to realize that if there was a difference between the divorce law relating to Parsis, Christians and Muslims, once it is established that the conversion is genuine, the Muslim law was in advance of the Parsi and the Christian law and instead of making the Muslim law retrograde, the proper thing ought to have been to make the Parsi and the Christian law progress.

Mr. Nairang did not stop to inquire that, if there were different schools of thought among the Muslim jurists, whether it was not more in consonance with justice to adopt the more enlightened view which recognized the freedom of the Muslim woman and not to replace it by the barbaric one which made her a bonds-woman.

Be that as it may, the legal arguments had nothing to do with the real motive underlying the change. The real motive was to put a stop to the illicit conversion of women to alien faiths, followed by immediate and hurried marriages with some one professing the faith she happened to have joined, with a view to locking her in the new community and preventing her from going back to the community to which she originally belonged. The conversion of Muslim woman to Hinduism and of Hindu woman to Islam looked at from a social and political point of view cannot but be fraught with tremendous consequences. It means a disturbance in the numerical balance between the two communities. As the disturbance was being brought about by the abduction of women, it could not be overlooked. For woman is at once the seed-bed of and the hothouse for nationalism in a degree that man can never be.[12] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_12 These conversions of women and their subsequent marriages were there-fore regarded, and rightly, as a series of depredations practised by Hindus against Muslims and by Muslims against Hindus with a view to bringing about a change in their relative numerical strength. This abominable practice of woman-lifting had become as common as cattle-lifting and, with its obvious danger to communal balance, efforts had to be made to stop it. That this was the real reason behind this legislation can be seen from the two provisions to section 4 of the Act. In proviso I the Hindus concede to the Musalmans that if they convert a woman who was originally a Muslim she will remain bound to her former Muslim husband notwithstanding her conversion. By proviso 2 the Muslims concede to the Hindus that if they convert a Hindu married woman and she is married to a Musalman, her marriage will be deemed to be dissolved if she renounces Islam and she will be free to return to her Hindu fold. Thus what underlies the change in law is the desire to keep the numerical balance and it is for

this purpose that the rights of women were sacrificed.

There are two other features of this malaise which have not been sufficiently noted.

One such feature is the jealousy with which one of them looks upon any reform by the other in its social system. If the effect of such reform is to give it increase of strength for resistance, it at once creates hostility.

Swami Shradhanand relates a very curious incident which well illustrates this attitude. Writing in the *Liberator* [13][f.13] his recollections, he refers to this incident. He says :—

> "Mr. Ranade was there. . . . to guide the Social Conference to which the title of ' National ' was for the first and last lime given. It was from the beginning a Hindu Conference in all walks of life. The only Mahomedan delegate who joined the National Social Conference was a Mufti Saheb of Barreily. Well! The conference began when the resolution in favour of remarriage of child-widows was moved by a Hindu delegate and by me. Sanalanist Pandits opposed it. Then the Mufti asked permission to speak. The laic Baijnalh told Mufti Saheb that as the resolution concerned the Hindus only, he need not speak. At this the Mufti flared up.
>
> "There was no loophole left for the President and Mufti Saheb was allowed to have his say. Mufti Saheb's argument was that as Hindu Shastras did not allow remarriage, it was a sin to press for it. Again, when the resolution about the reconversion of those who had become Christians and Musalmans came up. Mufti Saheb urged that when a man abandoned the Hindu religion he ought not to be allowed to come back."

Another illustration would be the attitued of the Muslims towards the problem of the Untouchables. The Muslims have always been looking at the Depressed Classes with a sense of longing and much of the jealousy between Hindus and Muslims arises out of the fear of the latter that the former might become stronger by assimilating the Depressed Classes. In 1909 the Muslims took the bold step of suggesting that the Depressed

Classes should not be enrolled in the census as Hindus. In 1923 Mr. Mahomed Ali in his address as the President of the Congress went much beyond the position taken by the Muslims in 1909. He said:—

"The quarrels about ALAMS and PIPAL trees and musical processions are truly childish ; but there is one question which can easily furnish a ground for complaint of unfriendly action if communal activities are not amicably adjusted. It is the question of the conversion of the Suppressed Classes, if Hindu society does not speedily absorb them. The Christian missionary is already busy and no one quarrels with him. But the moment some Muslim Missionary Society is organized for the same purpose there is every likelihood of an outcry in the Hindu press. It has been suggested to me by an influential and wealthy gentleman who is able to organize a Missionary Society on a large scale for the conversion of the Suppressed Classes, that it should be possible to reach a settlement with leading Hindu gentlemen and divide the country into separate areas where Hindu and Muslim missionaries could respectively work, each community preparing for each year, or longer unit of lime if necessary, an estimate of the numbers it is prepared to absorb or convert. These estimates would, of course, be based on the number of workers and funds each had to spare, and tested by the actual figures of the previous period. In this way each community would be free to do the work of absorption and conversion, or rather, of reform without chances of collision with one another. I cannot say in what light my Hindu brethren will lake it and I place this suggestion tentatively in all frankness and sincerity before them. All that I say for myself is that I have seen the condition of the ' Kali Praja ' in the Baroda Slate and of the Gonds in the Central Provinces and I frankly confess it is a reproach to us all. If the Hindus will not absorb them into their own society, others will and must, and then the orthodox Hindu loo will cease to treat them as untouchables. Conversion seems to transmute them by a strong alchemy. But does this not place a premium upon conversion?"

The other feature is the"preparations"which the Muslims and Hindus are making against each other without abatement. It is like a race in

armaments between two hostile nations. If the Hindus have the Benares University, the Musalmans must have the Aligarh University. If the Hindus start Shudhi movement, the Muslims must launch the Tablig movement. If the Hindus start Sangathan, the Muslims must meet it by Tanjim. If the Hindus have the R. S. S. S.,[14][f.14] the Muslims must reply by organizing the Khaksars.t This race in social armament and equipment is run with the determination and apprehension characteristic of nations which are on the war path. The Muslims fear that the Hindus are subjugating them. The Hindus feel that the Muslims are engaged in reconquering them. Both appear to be preparing for war and each is watching the"preparations"of the other.

Such a state of things cannot but be ominous. It is a vicious circle. If the Hindus make themselves stronger, the Musalmans feel menaced. The Muslims endeavour to increase their forces to meet the menace and the Hindus then do the same to equalize the position. As the preparations proceed, so does the suspicion, the secrecy, and the plotting. The possibilities of peaceful adjustment are poisoned at the source and precisely because everyone is fearing and preparing for it that"war"between the two tends to become inevitable. But in the situation in which they find themselves, for the Hindus and the Muslims not to attend to anything, except to prepare themselves to meet the challenge of each other, is quite natural. It is a struggle for existence and the issue, that counts, is survival and not the quality or the plane of survival.

Two things must be said to have emerged from this discussion. One is that the Hindus and the Muslims regard each other as a menace. The second is that to meet this menace, both have suspended the cause of removing the social evils with which they are infested. Is this a desirable state of things? If it is not how then can it be ended?

No one can say that to have the problems of social reform put aside is a desirable state of things. Wherever there are social evils, the health of the body politic requires that they shall be removed before they become the symbols of suffering and injustice. For it is the social and economic evils which everywhere are the parent of revolution or decay. Whether

social reform should precede political reform or political reform should precede social reform may be a matter of controversy. But there can be no two opinions on the question that the sole object of political power is the use to which it can be put in the cause of social and economic reform. The whole struggle for political power would be a barren and bootless effort if it was not justified by the feeling that, because of the want of political power, urgent and crying social evils are eating into the vitals of society and are destroying it. But suppose the Hindus and the Muslims somehow come into possession of political power, what hope is there that they will use it for purposes of social reform? There is hardly any hope in that behalf. So long as the Hindus and the Muslims regard each other as a menace, their attention will be engrossed in preparations for meeting the menace. The exigencies of a common front by Musalmans against Hindus and by Hindus against Musalmans generate—and is bound to generate—a conspiracy of silence over social evils. Neither the Muslims nor the Hindus will attend to them even though the evils may be running sores and requiring immediate attention, for the simple reason that they regard every measure of social reform as bound to create dissension and division and thereby weaken the ranks when they ought to be closed to meet the menace of the other community. It is obvious that so long as one community looks upon the other as a menace there will be no social progress and the spirit of conservatism will continue to dominate the thoughts and actions of both.

How long will this menace last? It is sure to last as long as the Hindus and Muslims are required to live as members of one country under the mantle of a single constitution. For, it is the fear of the single constitution with the possibility of the shifting of the balance—for nothing can keep the balance at the point originally fixed by the constitution—which makes the Hindus a menace to the Muslims and the Muslims a menace to the Hindus. If this is so, Pakistan is the obvious remedy. It certainly removes the chief condition which makes for the menace. Pakistan liberates both the Hindus and the Muslims from the fear of enslavement of and encroachment against each other. It removes, by providing a separate constitution for each, Pakistan and

Hindustan, the very basis which leads to this perpetual struggle for keeping a balance of power in the day-to-day life and frees them to take in hand those vital matters of urgent social importance which they are now forced to put aside in cold storage, and improve the lives of their people, which after all is the main object of this fight for Swaraj.

Without some such arrangement, the Hindus and the Muslims will act and react as though they were two nations, one fearing to be conquered by the other. Preparations for aggression will 'always have precedence over social reform, so that the social stagnation which has set in must continue. This is quite natural and no one need be surprised at it. For, as Bernard Shaw pointed out:—

"A conquered nation is like a man with cancer ; he can think of nothing else . . . . A healthy nation is as unconscious of' its nationality as a healthy man of his bones. But if you break a nation's nationality it will think of nothing else but getting it set again. It will listen to no reformer, to no philosopher, to no preacher until the demand of the nationalist is granted. It will attend to no business, however vital, except the business of unification and liberation."

Unless there is unification of the Muslims who wish to separate from the Hindus and unless there is liberation of each from the fear of domination by the other, there can be no doubt that this malaise of social stagnation will not be set right.

CHAPTER XI

COMMUNAL AGGRESSION

Even a superficial observer cannot fail to notice that a spirit of aggression underlies the Hindu attitude towards the Muslim and the Muslim attitude towards the Hindu. The Hindu's spirit of aggression is a new phase which he has just begun to cultivate. The Muslim's spirit of aggression is his native endowment and is ancient as compared with that of the Hindu. It is not that the Hindu, if given time, will not pick up and overtake the Muslim. But as matters stand to-day, the Muslim in this exhibition of the spirit of aggression leaves the Hindu far behind.

Enough has been said about the social aggression of the Muslims in the chapter dealing with communal riots. It is necessary to speak briefly of the political aggression of the Muslims. For this political aggression has created a malaise which cannot be overlooked.

Three things are noticeable about this political aggression of the Muslims.

First is the ever-growing catalogue of the Muslim's political demands. Their origin goes back to the year 1892.

In 1885 the Indian National Congress was founded. It began with a demand for good government as distinguished from self-government. In response to this demand the British Government felt the necessity of altering the nature of the Legislative Councils, Provincial and Central, established under the Act of 1861. In that nascent stage of Congress agitation, the British Government did not feel called upon to make them fully popular. It thought it enough to give them a popular colouring. Accordingly the British Parliament passed in 1892 what is called the Indian Councils Act. This Act is memorable for two things. It was in this Act of 1892 that the British Government for the first time accepted the semblance of the principle of popular representation as the basis for the constitution of the Legislatures in India. It was not a principle of election. It was a principle of nomination, only it was qualified by the requirement that before nomination a person must be selected by important public bodies such as municipalities, district boards, universities and the associations of merchants, etc. Secondly, it was in the legislatures that were constituted under this Act that the principle of separate representation for Musalmans was for the first time introduced in the political constitution of India.

The introduction of this principle is shrouded in mystery. It is a mystery because it was introduced so silently and so stealthily. The principle of separate representation does not find a place in the Act. The Act says nothing about it. It was in the directions—but not in the Act—issued to those charged with the duty of framing regulations as to the classes and interests to whom representation was to be given that the

Muslims were named as a class to be provided for.

It is a mystery as to who was responsible for its introduction. This scheme of separate representation was not the result of any demand put forth by any organized Muslim association. In whom did it then originate? It is suggested [1][f.15][5] that it originated with the Viceroy, Lord Dufferin, who, as far back as the year 1888, when dealing with the question of representation in the Legislative Councils, emphasized the necessity that in India representation will have to be, not in the way representation is secured in England, but representation by interests. Curiosity leads to a further question, namely, what could have led Lord Dufferin to propose such a plan? It is suggested [16][f.16] that the idea was to wean [17][f.17] away the Musalmans from the Congress which had already been started three years before. Be that as it may, it is certain that it is by this Act that separate representation for Muslims became, for the first time, a feature of the Indian Constitution. It should, however, be noted that neither the Act nor the Regulations conferred any right of selection upon the Muslim community, nor did the Act give the Muslim community a right to claim a fixed number of seats. All that it did was to give the Muslims the right to separate representation.

Though, to start with, the suggestion of separate representation came from the British, the Muslims did not fail to appreciate the social value of separate political rights with the result that when in 1909 the Muslims came to know that the next step in the reform of the Legislative Councils was contemplated, they waited of their own accord in deputation [18][f.18] upon the Viceroy, Lord Minto, and placed before him the following demands :—

(i) (i) Communal representation in accordance with their numerical strength, social position and local influence, on district and municipal boards.

(ii) (ii) An assurance of Muhammadan representation on the governing bodies of Universities.

(iii) (iii) Communal representation on provincial councils, election being by special electoral colleges composed of Muhammadan landlords, lawyers, merchants, and representatives

of other important interests, University graduates of a certain standing and members of district and municipal boards.

(iv) (iv) The number of Muhammadan representatives in the Imperial Legislative Council should not depend on their numerical strength, and Muhammadans should never be in an ineffective minority. They should be elected as far as possible (as opposed to being nominated), election being by special Muhammadan colleges composed of landowners, lawyers, merchants, members of provincial councils, Fellows of Universities, etc.

These demands were granted and given effect to in the Act of 1909. Under this Act the Muhammadans were given (1) the right to elect their representatives, (2) the right to elect their representatives by separate electorates, (3) the right to vote in the general electorates as well, and (4) the right to weightage in representation. The following table shows the proportion of representation- secured to the Muslims in the Legislatures by the Act of 1909 and the Regulations made thereunder :—

Composition of Legislative Councils under the act of 1999 showing Communal Proportion between Hindus ad Muslims

Province	Maximum number of additional Members prescribe	Maximum number of Additional Members allo	Ex-officio Me	Strength of the Councils under the Regulations								Total strength columns 4, 5,
				Elected Members			Nominated Members					
				Total	Non-Musl	Muslims	Officials		Non officials	Experts	Total	
							Law O	Others				

	d by the Act of 1909	wed by Regulatory columns 5 and 12	mbers		ims		ficials	[19] [f. 19]			12
1	2	3	4	5	6	7	8	9	10	11	12	13
India	60	60	8	27	22	5	--	28	5	--	33	63
Madras	50	45	4	21	19	2	--	16	5	2	24	49
Bombay	50	45	4	21	17	4	1	14	7	2	24	49
Bengal	50	50	4	28	23	5	1	16	4	2	22	54
Bihar	50	41	4	21	17	4	--	15	4	1	20	45
U. P.	50	49	1	21	17	4	--	20	6	2	28	50

Punjab	30	26	1	8	8	none	--	10	6	2	18	27
Burma	30	17	1	1	1	none	--	6	8	2	16	18
Assam	30	25	1	11	9	2	--	9	4	1	14	25

The provisions were applied to all Provinces except the Punjab and the C. P. It was not applied to the Punjab because such special protection was considered unnecessary for the Musalmans of the Punjab and it was not applied to the C. P. because it had no Legislative Council at the time. [20][f.20]

In October 1916, 19 members of the Imperial Legislative Council presented the Viceroy (Lord Cheirnsford) a memorandum demanding a reform of the Constitution. Immediately the Muslims came forward with a number of demands on behalf of the Muslim community. These were :—

(i) (i) The extension of the principle of separate representation to the Punjab and the C. P.

(ii) (ii) Fixing the numerical strength of the Muslim representatives in the Provincial and Imperial Legislative Councils.

(iii) (iii) Safeguards against legislation affecting Muslims, their religion and religious usages.

The negotiations following upon these demands resulted in agreement between the Hindus and the Muslims which is known as the Lucknow Pact. It may be said to contain two clauses. One related to legislation,

under which it was agreed that :—

"No Bill, nor any clause thereof, nor a resolution introduced by a nonofficial affecting one or other community (which question is to be determined by the members of that community in the Legislative Council concerned) shall be' proceeded with, if three-fourths of the members of that community in the particular Council, Imperial and Provincial, oppose the Bill or any clause thereof or the resolution."

The other clause related to the proportion of Muslim representation. With regard to the Imperial Legislative Council the Pact provided :—

"That one-third of the Indian elected members should be Muhammadans, elected by separate electorates in the several Provinces, in the proportion, as nearly as might be, in which they were represented on the provincial legislative councils by separate Muhammadan electorates."

In the matter of Muslim representation in the Provincial Legislative Councils it was agreed that the proportion of Muslim representation should be as follows [21] [f.21] :—

	Percentage of elected Indian Members to the Provincial Legislature
Punjab	50
United Provinces	30
Bengal	40
Bihar and Orissa	25
Central Province	15
Madras	15

Bombay	33

While allowing this proportion of seats to the Muslims, the right to second vote in the general electorates which they had under the arrangement of 1909 was taken away.

The Lucknow Pact was adversely criticized by the Montagu Chelmsford Report. But being an agreement between the parties Government did not like to reject it and to substitute in its place its own decision. Both clauses of the agreement were accepted by Government and embodied in the Government of India Act of 1919. The clause relating to legislation was given effect to but in a different form. Instead of leaving it to the members of the Legislature to oppose it, it was provided' [22][f.22] ' that legislation affecting the religion or religious rites and usages of any class of British subjects in India shall not be introduced at any meeting of either Chamber of the Indian Legislature without the previous sanction of the Governor-General.

The clause relating to representation was accepted by the Government, though in the opinion of the Government the Punjab and Bengal Muslims were not fairly treated.

The effect of these concessions can be seen by reference to the composition of the Legislatures constituted under the Government of India Act, 1919, which was as follows :—

Composition of the Legislatures

	Sta tu- tor y Mi	Elected Members	Nominated Members	Ac tu- al T ota

	ni- m u m						l
		T otal	Musli ms	N on- Mu slim s	Offi cials	N on- off icia ls	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Legislative Assembly	1 45	10 4	52	52	26	1 5	1 45
Council of State	6 0	33	11	22	17	1 0	6 0
Madras Provincial Council	1 18	98	13	85	11	2 3	1 32
Bombay Provincial Council	I II	86	27	59	19	9	1 14
Bengal Provincial Council	1 25	11 4	39	75	16	1 0	1 40
U. P. Provincial Council	1 18	11 0	29	71	17	6	1 23
Punjab Provincial	8 3	71	32	39	15	8	9 4

Council							
Bihar Provincial Council	98	76	18	58	15	12	103
C. P. Provincial Council	70	55	7	48	10	8	73
Assam Provincial Council	53	39	12	27	7	7	53

The extent of representation secured by the Muslims by the Lucknow Pact can be seen from the following table [23][f.23] :—

				Percentage of	
	Percentage		Percentage	Muslim	
	o{ Muslims	Percentage	of elected.	' Members	
	to total	of Muslim	Muslim	to total	
	population	Members	Members	Members	Lucknow
Legislative Body.	of the	to total	to total	in seats filled	Pact

	electoral	No. ol	No. of	by election	Percentage
	area (1921	Members	elected	from Indian	
	Census)		Indian	general	
			Members'	(communal)	
			[24][f.24]	consti-	
				tuencies	
	(1)	(2)	(3)	(4)	(5)
Punjab	55.2	40	48.5	50	50
United Provinces	14.3	25	30	32.5	30
Bengal	54.6	30	40.5	46	40
Bihar and Orissa	10.9	18.5	25	27	25
Central Provinces	4.4	9.5	13	14.5	15
Madras	6.7	10.5	14	16.5	15
Bombay	19.8	25.5	35	37	33.3
Assam	32.2	30	35.5	37.5	No. provision
Legislative	24.0	26	34	38	33.3

Assembly					

This table does not show quite clearly the weightage obtained by the Muslims under the Lucknow Pact. It was worked out by the Government of India in their despatch [25] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_25on the Report of Franchise Committee of which Lord Southborough was the Chairman. The following table is taken from that despatch which shows that the Muslims got a weightage under the Lucknow Pact far in excess of what Government gave them in 1909.

	Muslim percentage of Population	Percentage of Muslim seats Proposed	Percentage (2) of (1)
	(1)	(2)	(3)
Bengal	52.6	40	76
Bihar and Orissa	10.5	25	238
Bombay	20.4	33.3	163
Central Provinces	4.3	15	349
Madras	6.5	15	231
Punjab	54.8	50	91
United	14.0	30	214

Provinces			

In 1927 the British Government announced the appointment of the Simon Commission to examine the working of the Indian Constitution and to suggest further reforms. Immediately the Muslims came forward with further political demands. These demands were put forth from various Muslim platforms such as the Muslim League, All-India Muslim Conference, All-Parties Muslim Conference, Jamiat-ul-Ulema and the Khilafat Conference. The demands were substantially the same. It would suffice to state those that were formulated by Mr. Jinnah [26][f.26] on behalf of the Muslim League.

They were in the following terms :—

1. 1. The form of the future Constitution should be federal with residuary powers vested in the provinces.
2. 2. A uniform measure of autonomy should be granted to all provinces.
3. 3. All legislatures in the country and other elected bodies should be reconstituted on the definite principle of adequate and effective representation of minorities in every province without reducing the majority of any province to a minority or even equality.
4. 4. In the Central Legislature, Muslim representation should not be less than one-third.
5. 5. The representation of communal groups should continue to be by means of separate electorates as at present, provided that it should be open to any community at any time to abandon its separate electorate in favour of joint electorates.
6. 6. Any territorial redistribution that might at any lime be necessary should not in any way affect the Muslim majority in the Punjab, Bengal and North-West Province.
7. 7. Full religious liberty, that is, liberty of belief, worship, observances, propaganda, association and education should be guaranteed to all communities.
8. 8. No bill or resolution, or any part thereof, should be passed in

any legislature or any other elected body if three-fourths of the members of any community in that particular body oppose such bill or resolution or part thereof on the ground that it would be injurious to the interests of that community or, in the alternative, such other method as may be devised or as may be found feasible and practicable to deal with such cases.

9. 9. Sind should be separated from the Bombay Presidency.

10. 10. Reforms should be introduced in the North-West Frontier Province and Baluchistan on the same fooling as in other provinces.

11. 11. II. Provision should be made in the Constitution giving the Muslims an adequate share along with other Indians in all the Services of the Slate and in self-governing bodies, having due regard to the requirements of efficiency.

12. 12. The constitution should embody adequate safeguards for the protection of Muslim religion, culture and personal law, and the promotion of Muslim education, language, religion, personal laws, Muslim charitable institutions, and for their due share in grants-in-aid given by the Stale and by self-governing bodies.

13. 13. No Cabinet, either Central or Provincial, should be formed without there being a proportion of Muslim Ministers of at least one-third.

14. 14. No change to be made in the Constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation.

15. 15. That in the present circumstances the representation of Musalmans in the different legislatures of the country and of the other elected bodies through separate electorates is inevitable, and, further, Government being pledged not to deprive the Musalmans of this right, it cannot be taken away without their consent, and so long as the Musalmans are not satisfied that their rights and interests are

safeguarded in the manner specified above (or herein) they would in no way consent to the establishment of joint electorates with or without conditions.

Note:—The question of excess representation of Musalmans over and above their population in the provinces where they are in minority to be considered hereafter.

This is a consolidated statement of Muslim demands. In it there are some which are old, and some which are new. The old ones are included because the aim is to retain the advantages accruing therefrom. The new ones are added in order to remove the weaknesses in the Muslim position. The new ones are five in number: (1) Representation in proportion to population to Muslim majorities in the Punjab and Bengal, (2) One-third representation to Muslims in the cabinets both Central and Provincial, (3) Adequate representation of Muslims in the Services, (4) Separation of Sind from the Bombay Presidency and the raising of N.-W. F. P. and Baluchistan to the status of self-governing provinces, and (5) Vesting of residuary powers in the provinces instead of in the Central Government.

These new demands are self-explanatory except perhaps I, 4 and 5. The object of demands I and 4 was to place, in four provinces, the Muslim community in a statutory majority where it had only communal majority, as a force counteracting the six provinces in which the Hindu community happened to be in a majority. This was insisted upon as a guarantee of good treatment by both the communities of its minorities. The object of demand No. 5 was to guarantee Muslim rule in Sind, N.-W. F. P., the Punjab and Bengal. But a Muslim majority rule in these Muslim Provinces, it was feared, would not be effective if they remained under the control of the Central Government which could not but be in the hand of the Hindus. To free the Muslim Provinces from the control of the Hindu Government at the Centre was the object for which demand No. 5 was put forth.

These demands were opposed by the Hindus. There may not be much in this. But what is significant is that they were also rejected by the Simon Commission. The Simon Commission, which was by no means

unfriendly to the Muslims, gave some very cogent reasons for rejecting the Muslim demands. It said [27][f.27] :—

> "This claim goes to the length of seeking to preserve the full security for representation now provided for Muslims in these six provinces and at the same time to enlarge in Bengal and the Punjab the present proportion of seats secured to the community by separate electorates to figures proportionate to their ratio of population. This would give Muhammadans a fixed and unalterable majority of the general constituency seats in both provinces. We cannot go so far. The continuance of the present scale of weightage in the six provinces could not—in the absence of a new general agreement between the communities—equitably be combined with so great a departure from the existing allocation in Bengal and the Punjab.
>
> "It would be unfair that Muhammadans should retain the very considerable weightage they enjoy in the six provinces, and that there should at the same lime be imposed, in face of Hindu and Sikh opposition, a definite Muslim majority in the Punjab and Bengal unalterable by any appeal to the electorate....."

'Notwithstanding the opposition of the Hindus and the Sikhs and the rejection by the Simon Commission, the British Government when called upon to act as an arbiter granted the Muslims all their demands old and new.

By a Notification [28][f.28] in the *Gazette of India* 25th January 1932 the Government of India, in exercise of the powers conferred by sub-section (2) of section 52 A of the Government of India Act, 1916, declared that the N.-W. F. Province shall be treated as a Governor's Province. [29][f.29] By an Order in Council, issued under the provisions contained in sub-section (1) of section 289 of the Government of India Act of 1935, Sind was separated from Bombay as from 1st April 1936 and declared to be a Governor's Province to be known as the province of Sind. By the Resolution issued by the Secretary of State for India and published on 7th July 1934 the Muslim share in the public services was fixed at 25 per cent. of all appointments Imperial and Provincial. With

regard to residuary powers, it is true that the Muslim demand that they should be vested in the Provinces was not accepted. But in another sense the Muslim demand in this respect may be deemed to have been granted. The essence of the Muslim demand was that the residuary powers should not be vested in the Centre, which, put in different language, meant that they should not be in the hands of the Hindus. This is precisely what is done by section 104 of the Government of India Act, 1935, which vests the residuary powers in the Governor-General to be exercised in his discretion. The demand for 33 1/3 per cent. representation in the Cabinets, Central and Provincial, was not given effect to by a legal provision in the Act. The right of Muslims to representation in the Cabinets was however accepted by the British Government and provision for giving effect to it was made in the Instruments of Instructions issued to the Governors and Governor-General. As to the remaining demand which related to a statutory majority in the Punjab and Bengal, the demand was given effect to by the Communal Award. True, a statutory majority in the whole House has not been given to the Muslims and could not be given having regard to the necessity for providing representation to other interests. But a statutory majority as against Hindus has been given to the Muslims of the Punjab and Bengal without touching the weightages obtained by the Muslim minorities under the Lucknow Pact.

These political grants to the Muslim community by the British Government lacked security and it was feared by the Muslims that pressure might be brought upon them or upon His Majesty's Government by the Hindus to alter the terms of the grants to the prejudice of the Muslims. This fear was due to two reasons. One was the success of Mr. Gandhi in getting that part of the Award which related to the Depressed Classes revised by means of the pressure of a fast unto death. [30][f.30] Some people encouraged by this success actually agitated for revision of that part of the Award which related to the Muslims and some Muslims were even found to be in favour of entering into such negotiations [31][f.31]. This alarmed the Muslim community. The other reason for the fear of are vision of the terms of the grants arose out of certain amendments in the clauses in the Government of

India Bill which were made in the House of Commons permitting such revision under certain conditions. To remove these fears and to give complete security to the Muslims against hasty and hurried revision of the grants, His Majesty's Government authorized he Government of India to issue the following communiqué [32][f.32] :—

"It has come to the notice of His Majesty's Government that the impression is prevalent that what is now Clause 304 of the Government of India Bill (numbered 285 in the Bill as first introduced and 299 in the Bill as amended by the Commons in Committee) has been amended during the passage of the Bill through the Commons in such a way as to give His Majesty's Government unfettered power to alter at any lime they may think fit the constitutional provisions based upon what is commonly known as Government's Communal Award.

"His Majesty's Government think it desirable to give the following brief explanation both of what they consider is the practical effect of Clause 304 in relation to any change in the Communal Award and of their own policy in relation to any such change.

-"Under this Clause there is conferred on the Governments and Legislatures in India, after the expiry of ten years, the right of initiating a proposal to modify the provisions and regulating various matters relating to the constitution of the Legislature, including such questions as were covered by the Communal Award.

"The Clause also imposes on the Secretary of State the duty of laying before Parliament from the Governor-General or the Governor as the case may be his opinion as to the proposed amendment and in particular as to the effect which it would have on the interests of any minority and of informing Parliament of any action which he proposed to take.

"Any change in the constitutional provisions resulting from this procedure can be effected by an Order in Council, but this is subject to the proviso that the draft of the proposed Order has been affirmatively approved by both Houses of Parliament by a resolution. The condition is secured by Clause 305 of-the Bill.

"Before the expiry of ten years there is no similar constitutional initiative residing in the Governments and the Legislatures of India. Power is, however, conferred by the Clause to make such a change by an Order in Council (always with the approval of both Houses of Parliament) even before the end of ten years, but within the first ten years (and indeed subsequently, if the initiative has not come from the Legislatures of India) it is incumbent upon the Secretary of Slate to consult the Governments and the Legislatures of India who will be affected (unless the change is of a minor character) before any Order in Council is laid before Parliament for its approval.

"The necessity for the powers referred to in the preceding paragraph is due to such reasons as the following :—

> "(a) It is impossible to foresee when the necessity may arise for amending minor details connected with the franchise and the constitution of legislatures, and for such amendment it will be clearly disadvantageous to have no method available short of a fresh amending Act of Parliament, nor is it practicable statutorily to separate such details from the more important matter such as the terms of the Communal Award;
>
> "(b) It might also become desirable, in the event of a unanimous agreement between the communities in India, to make a modification in the provisions based on the Communal Award ; and for such an agreed change it would also be disadvantageous to have no other method available than an amending Act of Parliament.

"Within the range of the Communal Award His Majesty's Government would not propose, in the exercise of any power conferred by this Clause, to recommend to Parliament any change unless such changes had been agreed to between the communities concerned.

"In conclusion. His Majesty's Government would again emphasise the fact that none of the powers in Clause 304 can, in view of the provisions in Clause 305, be exercised unless both Houses of

Parliament agreed by an affirmative resolution."

.After taking into account what the Muslims demanded at the R. T. C. and what was conceded to them, any one could have thought that the limit of Muslim demands was reached and that the 1932 settlement was a final settlement. But, it appears that even with this the Musalmans are not satisfied. A further list of new demands for safeguarding the Muslim position seems to be ready. In the controversy that went on between Mr. Jinnah and the Congress in the year 1938, Mr. Jinnah was asked to disclose his demands which he refused to do. But these demands have come to the surface in the correspondence that passed between Pandit Nehru and Mr. Jinnah in the course of the controversy and they have been tabulated by Pandit Nehru in one of his letters to Mr. Jinnah. His tabulation gives the following items as being matters of disputes and requiring settlement [33] [f.33]:—

(1) The fourteen points formulated by the Muslim League in 1929.

(2) (2) The Congress should withdraw all opposition to the Communal Award and should not describe it as a negation of nationalism.

(3) (3) The share of the Muslims in the state services should be definitely fixed in the constitution by statutory enactment.

(4) (4) Muslim personal law and culture should be guaranteed by statute.

(5) (5) The Congress should take in hand the agitation in connection with the Sahidganj Mosque and should use its moral pressure to enable the Muslims to gain possession of the Mosque.

(6) (6) The Muslims' right to call Azan and perform their religious ceremonies should not be fettered in any way.

(7) (7) Muslims should have freedom to perform cow-slaughter.

(8) (8) Muslim majorities in the Provinces, where such majorities exist at present, must not be affected by any territorial re-distribution or adjustments.

(9) (9) The ' Bande Mataram' song should be given up.

(10) (10) Muslims want Urdu to be the national language of India and they desire to have statutory guarantees that the use of Urdu shall not be curtailed or damaged.

(11) (11) Muslim representation in the local bodies should be governed by the principles underlying the Communal Award, that is, separate electorates and population strength.
(12) (12) The tricolour flag should be changed or alternately the flag of the Muslim League should be given equal importance.
(13) (13) Recognition of the Muslim League as the one authoritative and representative organization of Indian Muslims.
(14) (14) Coalition Ministries should be formed.

With this new list, there is no knowing where the Muslims are going to stop in their demands. Within one year, that is, between 1938 and 1939, one more demand and that too of a substantial character, namely 50 per cent. share in every thing, has been added to it. In this catalogue of new demands there are some which on the face of them are extravagant and impossible, if not irresponsible. As an instance, one may refer to the demand for fifty-fifty and the demand for the recognition of Urdu as the national language of India. In 1929, the Muslims insisted that in allotting seats in Legislatures, a majority shall not be reduced to a minority or equality. [34]

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_34This principle, enunciated by themselves, it is now demanded, shall be abandoned and a majority shall be reduced to equality. The Muslims in 1929 admitted that the other minorities required protection and that they must have it in the same manner as the Muslims. The only distinction made between the Muslims and other minorities was as to the extent of the protection. The Muslims claimed a higher degree of protection than was conceded to the other minorities on the ground of their political importance. The necessity and adequacy of protection for the other minorities the Muslims never denied. But with this new demand of 50 per cent. the Muslims are not only seeking to reduce the Hindu majority to a minority but they are also cutting into the political rights of the other minorities. The Muslims are now speaking the language of Hitler and claiming a place in the sun as Hitler has been doing for Germany. For their demand for 50 per cent. is nothing but a counterpart of the German claims for *Deutschland Uber Alles and Lebenuraum for Tthemselves,* irrespective of what happens to other

minorities.

Their claim for the recognition of Urdu as the national language of India is equally extravagant. Urdu is not only not spoken all, over India but is not even the language of all the Musalmans of India. Of the 68 millions of Muslims [35][f.35] only 28 millions speak Urdu. The proposal of making Urdu the national language means that the language of 28 millions of Muslims is to be imposed particularly upon 40 millions of Musalmans or generally upon 322 millions of Indians.

It will thus be seen that every time a proposal for the reform of the constitution comes forth, the Muslims are there, ready with some new political demand or demands. The only check upon such indefinite expansion of Muslim demands is the power of the British Government, which must be the final arbiter in any dispute between the Hindus and the Muslims. Who can confidently say that the decision of the British will not be in favour of the Muslims if the dispute relating to these new demands was referred to them for arbitration? The more the Muslims demand the more accommodating the British seem to become. At any rate, past experience shows that the British have been inclined to give the Muslims more than what the Muslims had themselves asked. Two such instances can be cited.

One of these relates to the Lucknow Pact. The question was whether the British Government should accept the Pact. The authors of the Montagu-Chelmsford Report were disinclined to accept it for reasons which were very weighty. Speaking of the weightages granted to the Muslims by the Lucknow Pact, the authors' of the Joint Report observed [36] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_36:—

> "Now a privileged position of this kind is open to the objection, that if any other community here after makes good a claim to separate representation, it can be satisfied only by deducting the non-Muslim seats, or by a rateable deduction from both Muslim and non-Muslim ; and Hindu and Muslim opinion are not likely to agree which process should be adopted. While, therefore, for reasons that we explain

subsequently we assent to the maintenance of separate representation for Muhammadans, we are bound to reserve our approval of the particular proposals set before us, until we have ascertained what the effect upon other interests will be, .. and have made fair provision for them."

Notwithstanding this grave flaw in the Lucknow Pact, the Government of India, in its despatch referred to above, recommended that the terms of the Pact should be improved in so far as it related to the Muslims of Bengal. Its reasons make a strange reading. It argued that :—

"The Muhammadan representation which they the authors of the Pact] propose for Bengal is manifestly insufficient It is questionable whether the claims of the Muhammadan population of Eastern Bengal were adequately pressed when the Congress-League compact was in the making. They are conspicuously a backward and impoverished community. The repartition of the presidency in 1912 came as a severe disappointment to them, and we should be very loath to fail in seeing that their interests are now generously secured. In order to give the Bengal Muslims a representation proportionate to their numbers, and no more, we should allot them 44 instead of 34 seats [due to them under the Pact]."

This enthusiasm for the Bengal Muslims shown by the Government of India was not shared by the British Government It felt that as the number of seats given to the Bengal Muslims was the result of an agreement, any interference to improve the bargain when there was no dispute about the genuineness of the agreement, could not but create the impression that the British Government was in some special sense and for some special reason the friend of the Muslims. In suggesting this augmentation in the seats, the Government of India forgot to take note of the reason why the Muslims of the Punjab and Bengal were not given by the Pact seats in proportion to their population. The Lucknow Pact was based upon the principle, now thrown to the winds, that a community as such was not entitled to political protection. A community was entitled to protection when it was in a minority. That

was the principle underlying the Lucknow Pact. The Muslim community in the Punjab and Bengal was not in a minority and, therefore, was not entitled to the same protection which it got in other Provinces where it was in a minority. Notwithstanding their being in a majority, the Muslims of the Punjab and Bengal felt the necessity of separate electorates. According to the principle underlying the Pact they could qualify themselves for this only by becoming a minority which they did by agreeing to a minority of seats. This is the reason why the Muslims of Bengal and the Punjab did not get the majority of seats they were entitled to on the population basis. [37][f.37]

The proposal of the Government of India to give to the Bengal Muslims more than what they had asked for did not go through. But the fact that they wanted to do so remains as evidence of their inclinations.

The second occasion when the British Government as an arbiter gave the Muslims more than they asked for was when the Communal Decision was given in 1932. Sir Muhammad Shafi made two different proposals in the Minorities Sub-Committee of the R. T. C. In his speech on 6th January 1931, Sir Muhammad Shafi put forth the following proposal as a basis for communal settlement [38][f.38]:—

> "We are prepared to accept joint electorates on the conditions named by me : Firstly, that the rights at present enjoyed by the Musalmans in the minority Provinces should be continued to them; that in the Punjab and in Bengal they should have two joint electorates and representation on a population basis; that there should be the principle of reservation of seats coupled with Maulana Mahomed Ali's condition. [39][f.39]

In his speech on 14th January 1931 before the same Committee he made a different offer. He said [40][f.40] :—

> "To-day I am authorized to make this offer : that in the Punjab the Musalmans should have through communal electorates 49 per cent. of the entire number of seats in the whole House, and should have liberty to contest the special constituencies which it is proposed to create in that Province : so far as Bengal is concerned that Musalmans should

have through communal electorates 46 percent, representation in the whole House, and should have the liberty to contest the special constituencies which it is proposed to create in that Province; in so far as the minority Provinces are concerned, the Musalmans should continue to enjoy the weightage which they have at present through separate electorates, similar weightage to be given to our Hindu brethren in Sind, and to our Hindu and Sikh brethren in the North-West Frontier Province. If at any time hereafter two-thirds of the representatives of any community in any Provincial Legislative Council or in the Central Legislative Council desire to give up communal electorates and to accept joint electorates then there after the system of joint electorates should come into being."

The difference between the two proposals is clear."Joint electorates, if accompanied by statutory majority. If statutory majority was refused, then a minority of seats with separate electorates."The British Government took statutory majority from the first demand and separate electorates from the second demand and gave the Muslims both when they had not asked for both.

The second thing that is noticeable among the Muslims is the spirit of exploiting the weaknesses of the Hindus. If the Hindus object to anything, the Muslim policy seems to be to insist upon it and give it up only when the Hindus show themselves ready to offer a price for it by giving the Muslims some other concessions. As an illustration of this, one can refer to the. question of separate and joint electorates. The Hindus have been to my mind utterly foolish in fighting over joint electorates especially in Provinces in which the Muslims are in a minority. Joint electorates can never suffice for a basis for nationalism. Nationalism is not a matter of political nexus or cash nexus, for the simple reason that union cannot be the result of calculation of mere externals. Where two communities live a life which is exclusive and self-enclosed for five years, they will not be one, because, they are made to come together on one day in five years for the purposes of voting in an election. Joint electorates may produce the enslavement of the minor community by the major community : but by themselves they cannot

produce nationalism. Be that as it may, because the Hindus have been insisting upon joint electorates the Muslims have been insisting upon separate electorates. That this insistence is a -matter of bargain only can be seen from Mr. Jinnah's 14 points [41][f.41] and the solution [42] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E1.Pakistan or the Partition of India PART IV.htm - _msocom_42passed in the Calcutta session of the All-India Muslim League held cm 30th December 1927. Therein it was stipulated that only when the Hindus agreed to the separation of Sind and to the raising of the N.-W. F. P. to the status of a self-governing Province the Musalmans would consent to give up separate electorates. [43][f.43] The Musalmans evidently did not regard separate electorates as vital. They regarded them as a good *quid pro quo* for obtaining their other claims.

Another illustration of this spirit of exploitation is furnished by the Muslim insistence upon cow-slaughter and the stoppage of music before mosques. Islamic law does not insist upon the slaughter of the cow for sacrificial purposes and no Musalman, when he goes to Haj, sacrifices the cow in Mecca or Medina. But in India they will not be content with the sacrifice of any other animal. Music may be played before a mosque in all Muslim countries without any objection. Even in Afghanistan, which is not a secularized country, no objection is taken to music before a mosque. But in India the Musalmans must insist upon its stoppage for no other reason except that the Hindus claim a right to it.

The third thing that is noticeable is the adoption by the Muslims of the gangster's method in politics. The riots are a sufficient indication that gangsterism has become a settled part of their strategy in politics. They seem to be consciously and deliberately imitating the Sudeten Germans in the means employed by them against the Czechs. [44][f.44] So long as the Muslims were the aggressors, the Hindus were passive, and in the conflict they suffered more than the Muslims did. But this is no longer true. The Hindus have learned to retaliate and no longer feel any compunction in knifing a Musalman. This spirit of retaliation bids fair to produce the ugly spectacle of gangsterism against gangsterism.

How to meet this problem must exercise the minds of all concerned. There are the simple-minded Hindu Maha Sabha patriots who believe

that the Hindus have only to make up their minds to wipe the Musalmans and they will be brought to their senses. On the other hand, there are the Congress Hindu Nationalists whose policy is to tolerate and appease the Musalmans by political and other concessions, because they believe that they cannot reach their cherished goal of independence unless the Musalmans back their demand. The Hindu Maha Sabha plan is no way to unity. On the contrary, it is a sure block to progress. The slogan of the Hindu Maha Sabha President— Hindustan for Hindus— is not merely arrogant but is arrant nonsense. The question, however, is : is the Congress way the right way? It seems to me that the Congress has failed to realize two things. The first thing which the Congress has failed to realize is that there is a difference between appeasement and settlement, and that the difference is an essential one. Appeasement means buying off the aggressor by conniving at his acts of murder, rape, arson and loot against innocent persons who happen for the moment to be the victims of his displeasure. On the other hand, settlement means laying down the bounds which neither party to it can transgress. Appeasement sets no limits to the demands and aspirations of the aggressor. Settlement does. The second thing the Congress has failed to realize is that the policy of concession has increased Muslim aggressiveness, and what is worse, Muslims interpret these concessions as a sign of defeatism on the part of the Hindus and the absence of the will to resist. This policy of appeasement will involve the Hindus in the same fearful situation in which the Allies found themselves as a result of the policy of appeasement which they adopted towards Hitler. This is another malaise, no less acute than the malaise of social stagnation. Appeasement will surely aggravate it. The only remedy for it is a settlement. If Pakistan is a settlement, it is a proposition worth consideration. As a settlement it will do away with this constant need of appeasement and ought to be welcomed by all those who prefer the peace and tranquillity of a settlement to the insecurity due to the growing political appetite shown by the Muslims in their dealings with the Hindus.

PAKISTAN OR THE PARTITION OF INDIA

CHAPTER XII

NATIONAL FRUSTRATION

I

Suppose an Indian was asked, what is the highest destiny you wish for your country, what would be his answer? The question is important, and the answer cannot but he instructive.

There can be no doubt that other things being equal, a hundred per cent Indian, proud of his country, would say,"An integral and independent India is my ideal of India's destiny ^ It will be equally true to say that unless this destiny was accepted by both Hindus as well as Muslim, the ideal can only convey a pious wish, and can never take a concrete form. Is it only a pious wish of some or is it a goal to be persued by all?

So far as profession of political aims goes, all parties seem to be in agreement inasmuch as all of them have declared that the goal of India's political evolution is independence. The Congress was the first to announce that it aim was to achieve political independence for India. In its Madras session, held in December 1927, the creed of the Congress was defined in a special resolution to the effect that the goal of the Indian people [45]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_1 was complete national independence. The Hindu Maha Sabha until 1932 was content to have Responsible Government as the goal of India's political evolution. It made no change in its political creed till 1937 when in its session held at Ahmedabad it declared that the Hindu Maha Sabha believed in"Poorna Swaraj".i.e., absolute independence for India. The Muslim League declared its political creed in 1912 to be the establishment of Responsible Government in India. In 1937 it made a similar advance by changing its creed from Responsible Government to Independence and thereby brought itself in line with the Congress and the Hindu Maha Sabha.

The independence defined by the three political bodies means freedom from British Imperialism. But an agreement on freedom from the yoke of British Imperialism is not enough. There must be an agreement upon maintaining an independent India. For this, there must be an agreement that India shall not only be free and independent of the British but that her freedom and independence shall be maintained as against any other foreign power. Indeed, the obligation to maintain her freedom is more important than merely winning freedom from the British. But on this more important obligation there does not seem to be the same unanimity. At any rate, the attitude of the Muslims on this point has not been very assuring. It is obvious from the numerous utterances of Muslim leaders that they do not accept the obligation to maintain India's freedom. I give below two such utterances. In a meeting held in Lahore in 1925 Dr. Kitchlew saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_2:—

"The Congress was lifeless till the Khilafat Committee put life in it. When the Khilafat Committee joined it, it did in one year what the Hindu Congress had not done in 40 years. The Congress also did the work of uplifting the seven crores of untouchables. This was purely a work for the Hindus, and yet the money of the Congress was spent on it. Mine and my Musalman brethren's money was spent on it like water. But the brave Musalmans did not mind. Then why should the Hindus quarrel with us when we Musalmans take up the Tanzim work and spend on it money that belongs neither to the Hindus nor to the Congress?

"If we remove British rule from this country and establish Swaraj, and if the Afghans or other Muslims invade India, then we Muslims will oppose them and sacrifice all our sons in order to save the country from the invasion. But one thing I shall declare plainly. Listen, my dear Hindu brothers, listen very attentively ! If you put obstacles in the path of our . Tanzirn movement, and do not give us our rights, we shall make common cause with Afghanistan or some other Musalman power and establish our rule in this country."

Maulana Azad Sobhani in his speech [47]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_3 made on the 27th January 1939 at Sylhet expressed sentiments which are worthy of attention. In reply to the question of a Maulana, Maulana Azad Sobhani said :— .

"If there is any eminent leader in India who is in favour of driving out the English from this country, then I am that leader. In spite of this I want that there should be no fight with the English on behalf of the Muslim League. OurbigfightiswilhihC22croresofourHinduenemies, who constitute the majority. Only 4 1/2 crores of Englishmen 'have practically swallowed the whole world by becoming powerful. And if these 22 crores of Hindus who are equally advanced in learning, intelligence and wealth as in numbers, if they become powerful, then these Hindus will swallow Muslim India and gradually even Egypt, Turkey, Kabul, Mecca, Medina and other Muslim principalities, like Yajuj-Majuj (it is so mentioned in Koran that before the destruction of the world, they will appear on the earth and will devour whatever they will find).

"The English are gradually becoming weak.. . . . they will go away from India in the near future. So if we do not fight the greatest enemies of Islam, the Hindus, from now on and make them weak, then they will not only establish *Ramrajya* in India but also gradually spread all over the world. It depends on the 9 crores of Indian Muslims either to strengthen or to weaken them (the Hindus). So it is the essential duly of every devout Muslim to fight on by joining the Muslim League so that the Hindus may not be established here and a Muslim rule may be established in India as soon as the English depart.

"Though the English are the enemies of the Muslims yet for the present our fight is not with the English. At first we have to come to some understanding with the Hindus through the Muslim League. Then we shall be easily able to drive out the English and establish Muslim rule in India.

"Be careful! Don't fall into the trap of Congress Maulvis ; because the

Muslim world is never safe in the hands of 22 crores of Hindu enemies."

According to the summary of the speech given by the correspondent of the *Anand Bazar Patrika* Maulana Azad Sobhani then narrated various imaginary incidents of oppressions on Muslims in Congress provinces.

"He .said that when the Congress accepted ministry after the introduction of Provincial Autonomy, he felt that Muslim interests were not safe in the hands of the Hindu-dominated Congress; but the Hindu leaders felt indifferently and so he left the Congress and joined the League. What he had feared has been put in reality by the Congress ministers. This forestalling of the future is called politics. He was, therefore, a great politician. He was again linking that before India became independent some sort of understanding had to be arrived at with the Hindus either by force or in a friendly way. Otherwise, the Hindus, who had been the slaves of the Muslims for 700 years, would enslave the Muslims."

The Hindus are aware of what is passing in the mind of the Muslims and dread the possibility of Muslims using independence to enslave them. As a result Hindus are lukewarm towards making independence as the goal of India's political evolution. These are not the fears of those who are not qualified to judge. On the contrary, the Hindus who have expressed their apprehensions as to the wisdom of heading for independence are those who are eminently qualified by their contact with Muslim leaders to express an opinion.

Mrs. Annie Besant saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_4:—

"Another serious question arises with regard to the Muhammadans of India. If the relation between Muslims and Hindus were as it was in the Lucknow days, this question would not be so urgent, though it would even then have almost certainly arisen, sooner or later, in an Independent India. But since the Khilafat agitation, things have changed and it has been one of the many injuries inflicted on India by

the encouragement of the Khilafat crusade, that the inner Muslim feeling of hatred against ' unbelievers ' has sprung up, naked and unashamed, as in the years gone by. We have seen revived, as guide in practical politics, the old Muslim religion of the sword, we have seen the dragging out of centuries of forgetfulness, the old exclusiveness, claiming the Jazirut-Arab, the island of Arabia, as a holy land which may not be trodden by the polluting foot of a non-Muslim, we have heard Muslim leaders declare that if the Afghans invaded India, they would join their fellow believers, and would slay Hindus who defended their motherland against the foe: we have been forced to see that the primary allegiance of Musalmans is to Islamic countries, not to our motherland; we have learned that their dearest hope is to establish the ' Kingdom of God ', not God as Father of the world, loving all his creatures, but as a God seen through Musalman spectacles resembling in his command through one of the prophets, as to the treatment of unbeliever—the Mosaic *JEHOVA* of the early Hebrews, when they were fighting as did the early Muslims, for freedom to follow the religion given to them by their prophet. The world has gone beyond such so-called theocracies, in which God's commands are given through a man. The claim now put forward by Musalman leaders that they must obey the laws of their particular prophet above the laws of the State in which they live, is subversive of civic order and the stability of the State; it makes them bad citizens for their centre of allegiance is outside the nation and they cannot, while they hold the views proclaimed by Maulanas Mahomed Aliand Shaukat Ali, to name the most prominent of these Muslim leaders, be trusted by their fellow citizens. If India were independent the Muslim part of the population—for the ignorant masses would follow those who appealed to them in the name of their prophet—would become an immediate peril to Indian's freedom. Allying themselves with Afghanistan, Baluchistan, Persia, Iraq, Arabia, Turkey and Egypt and with such of the tribes of Central Asia who are Musalmans, they would rise to place India under the Rule of Islam—those in ' British India ' being helped by the Muslims in Indian States—and would establish Musalman rule. We had thought that Indian Musalmans were loyal to their motherland, and indeed, we still hope that some of the educated class might strive

to prevent such a Musalman rising ; but they are too few for effective resistance and would be murdered as apostates. Malabar has taught us what Islamic rule still means, and we do not want to see another specimen of the' Khilafat Raj ' in India. How much sympathy with the Moplas is felt by Muslims outside Malabar has been proved by the defence raised for them by their fellow believers, and by Mr. Gandhi himself, who stated that they had acted as they believed that religion taught them to act. I fear that that is true; but there is no place in a civilised land for people who believe that their religion teaches them to murder, rob, rape, burn, or drive away out of the country those who refuse to apostatise from their ancestral faiths, except in its schools, under surveillance, or in its gaols. The Thugs believed that their particular form of God commanded them to strangle people—especially travellers with money. Such ' Laws of God ' cannot be allowed to override the laws of a civilised country, and people living in the twentieth century must either educate people who hold these Middle Age views, or else exile them. Their place is in countries sharing their opinions, where they can still use such arguments against any who differ from them—as indeed, Persia and with the Parsis long ago, and the Bahaists in our own time. In fact, Muslim sects are not safe in a country ruled by orthodox Muslims. British rule in India has protected the freedom of all sects : Shiahs, Sunnis, Sufis, Bahaists live in safely under her sceptre, although it cannot protect any of them from social ostracism, where it is in a minority. Musalmans are more free under British rule, than in countries where there are Muslim rulers. In thinking of an Independent India, the menace of Muhammadan rule has to be considered."

Similar fear was expressed by Lala Lajpatrai in a letter [49]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_5 to Mr. C. R. Das —

"There is one point more which has been troubling me very much of late and one which I want you to think carefully and that is the question of Hindu-Mohamedan unity. I have devoted most of my time during the last six months to the study of Muslim history and Muslim

Law and I am inclined to think, it is neither possible nor practicable. Assuming and admitting the sincerity of the Mohamedan leaders in the Non-cooperation movement, I think their religion provides an effective bar to anything of the kind. You remember the conversation, I reported to you in Calcutta, which I had with Hakim Ajmalkhan and Dr. Kitchlew. There is no finer Mohamedan in Hindustan than Hakimsaheb but can any other Muslim leader override the Quran? I can only hope that my reading of Islamic Law is incorrect, and nothing would relieve me more than to be convinced that it is so. But if it is right then it comes to this that although we can unite against the British we cannot do so to rule Hindustan on British lines, we cannot do so to rule Hindustan on democratic lines. What is then the remedy? I am not afraid of seven crores in Hindustan but I think the seven crores of Hindustan plus the armed hosts of Afghanistan, Central Asia, Arabia, Mesopotamia and Turkey will be irresistible. I do honestly and sincerely believe in the necessity or desirability of Hindu-Muslim unity. I am also fully prepared to trust the Muslim leaders, but what about the injunctions of the Quran and Hadis? The leaders cannot override them. Are we then doomed? I hope not. I hope learned mind and wise head will find some way out of this difficulty."

In 1924 the editor of a Bengalee paper had an interview with the poet Dr. Rabindra Nath Tagore. The report of this interview states [50][f.6]:—

"..... another very important factor which, according to the poet, was making it almost impossible for the Hindu-Mohamedan unity to . become an accomplished fact was that the Mohamedans could not confine their patriotism to any one country.. ... The poet said that he had very frankly asked many Mohamedans whether, in the event of any Mohamedan power invading India, they would stand side by side with their Hindu neighbours to defend their common land. He could not be satisfied with the reply he got from them. He said that he could definitely stale that even such men as Mr. Mahomed Ali had declared that under no circumstances was it permissible for any Mohamedan, whatever his country might be, to stand against any other Mohamedan."

II

If independence .is impossible, then the destiny acceptable to a hundred per cent. Indian as the next best would be for India to have the status of a Dominion within the British Empire. Who would be content with such a destiny? I feel certain that left to themselves the Musalmans will not be content with Dominion Status while the Hindus most certainly will. Such a statement is sure to jar on the ears of Indians and Englishmen. The Congress being loud and vociferous in its insistence of independence, the impression prevails that the Hindus are for independence and the Muslims are for Dominion Status. Those who were present at the R. T. C., could not have failed to realize how strong a hold this impression had taken of the English mind and how the claims and interests of the Hindus suffered an injury because of the twin cries raised by the Congress, namely, independence and repudiation of debts. Listening to these cries. Englishmen felt that the Hindus' were the enemies of the British and the Muslims, who did not ask either for independence or repudiation, were their friends. This impression, however true it may be in the light of the avowed plans of the Congress, is a false impression created by false propaganda. For, there can be no doubt that the Hindus are at heart for Dominion Status and that the Muslims are at heart for Independence. If proof is wanted there is an abundance of it.

The question of independence was first raised in 1921. In that year the Indian National Congress, the All-India Khilafat Conference and the All-India Muslim League held their annual sessions in the city of Ahmedabad. Each had a resolution in favour of Independence moved in its session. It is interesting to note the fate which the resolution met at the hands of the Congress, the Khilafat Conference and the Muslim League.

The President of the Congress was Hakim Ajmal Khan who acted for Mr. C. R. Das, who though duly elected could not preside owing to his arrest by Government before the session commenced. In the session of the Congress, Maulana Hasrat Mohani moved a resolution pressing for a change in the creed of the Congress. The following is the summary of

the proceedings [51][f.7] relating to the resolution :—

"Maulana Hasrat Mohani in proposing his resolution on complete independence made a long and impassioned speech in Urdu. He said, although they had been promised Swaraj last year, the redress of the Khilafat and the Punjab wrongs within a year, they had so far achieved nothing of the sort. Therefore it was no use sticking to the programme. If remaining within the British Empire or the British Commonwealth they could not have freedom, he felt that, if necessary, they should not hesitate to go out of it. In the words of Lok. Tilak ' liberty was their birth-right ', and any Government which denied this elementary right of freedom of speech and freedom of action did not deserve allegiance from the people. Home Rule on Dominion lines or Colonial Self-Government could not be a substitute to them for their inborn liberty. A Government which could clap into jail such distinguished leaders of the people as Mr. Chitta Ranjan Das, Pandit Motilal Nehru, Lala Lajpat Rai and others, had forfeited all claim to respect from the people. And since the end of the year did not bring them Swaraj nothing should prevent them from taking the only course left open to them now, that of winning their freedom free from all foreign control. The resolution reads as follows :—

"' The object of the Indian National Congress is the attainment of Swaraj or complete independence free from all foreign control by the people of India by all legitimate and peaceful means.'"

After several delegates had spoken in favour of it, Mr. Gandhi came forward to oppose the resolution. In opposing the resolution, Mr. Gandhi said :—

"Friends, I have said only a few words in Hindi in connection with the proposition of Mr. Hasrat Mohani. All I want to say to you in English is that the levity with which that proposition has been taken by some of you has grieved me. It has grieved me because it shows lack of responsibility. As responsible men and women we should go back to the days of Nagpur and Calcutta and we should remember what we did only an hour ago. An hour ago we passed a resolution which actually

contemplates a final settlement of the Khilafat and the Punjab wrongs and transference of the power from the hands of the bureaucracy into the hands of the people by certain definite means. Are you going to rub the whole of that position from your mind by raising a false issue and by throwing a bombshell in the midst of the Indian atmosphere? I hope that those of you who have voted for the previous resolution, will think fifty times before taking up this resolution and voting for it. We shall be charged by the thinking portion of the world that we do not know really where we are. Let us understand, too, our limitations. Let Hindus and Musalmans have absolute, indissoluble unity. Who is here who can say today with confidence : ' Yes Hindu-Muslim unity has become an indissoluble factor of Indian Nationalism? ' Who is here who can tell me that the Parsis and the Sikhs and the Christians and the Jews and the untouchables about whom you heard this afternoon—who will tell me that those very people will not rise against any such idea? Think therefore fifty times before you take a step which will redound not to your credit, not to your advantage, but which may cause you irreparable injury. Let us first of all gather up our strength ; let us first of all sound our own depths. Let us not go into waters whose depths we do not know, and this proposition of Mr. Hasrat Mohani lands you into depths unfathomable. I ask you in all confidence to reject that proposition, if you believe in the proposition that you passed only an hour ago. The proposition now before you rubs off the whole of the effect of the proposition that you passed only a moment ago. Are creeds such simple things like clothes which a man can change at will? For creeds people die, and for creeds people live from age to age. Are you going to change the creed which with all deliberation and after great debate in Nagpur, you accepted? There was no limitation of one year when you accepted that creed. It is an extensive creed; it takes in all, the weakest and the strongest, and you will deny yourselves the privilege of Clothing the weakest amongst yourselves with protection if you accept this limited creed of Maulana Hasrat Mohani, which does not admit the weakest of your brethren. I, therefore, ask you in all confidence to reject his proposition."

The resolution when put to vote was declared to be lost.

The session of the All-India Khilafat Conference was presided over also by Hakim Ajmal Khan. A resolution in favour of independence was also moved in the subjects committee of this Conference. What happened to the' resolution is clear from the following summary of its proceedings. The report of the proceedings says [52][f.8] :—

"Before the Conference adjourned at eleven in the night till the next day the President, Hakim Ajmalkhan, announced that the Subjects Committee of the Conference had, on the motion of Mr. Azad Sobhani, supported by Mr. Hasrat Mohani, by a majority resolved to ask all Mohammedans and other communities to endeavour to destroy British imperialism and secure complete independence.

"This resolution stated that whereas through the persistent policy and attitude of the British Government it cannot be expected that British Imperialism would permit the Jazirat-ul-Arab and the Islamic world to be completely free from the influence and control of non-Muslims, which means that the Khilafat cannot be secured to the extent that the Shariat demands its safety, therefore, in order to secure permanent safety of the Khilafat and the prosperity of India, it is necessary to endeavour to destroy British Imperialism. This Conference holds the view that the only way to make this effort is, for the Muslims, conjointly with other inhabitants of India, to make India completely free, and that this Conference is of opinion that Muslim opinion about Swaraj is the same, that is, complete independence, and it expects that other inhabitants of India would-also hold the same point of view.

"On the Conference resuming its sitting on the second day, December 27th, 1921, a split was found to have taken place in the camp over this resolution about independence. When Mr. Hasrat Mohani was going to move his resolution declaring as their goal, independence and the destruction of British Imperialism, objection was taken to its consideration by a member of the Khilafat Subjects Committee on the ground that according to their constitution no motion which contemplated a change in their creed could be taken as adopted, unless it was voted for in the Subjects Committee by a majority of two-third.

"The President, Hakim Ajmalkhan, upheld this objection and ruled the independence motion out of order.

"Mr. Hasrat Mohani strongly protested and pointed out that the President had disallowed a similar objection by the same member in the Subjects Committee, while he had allowed it in the open Conference. He said that the President had manoeuvred to rule his motion out of order in order to stand in their way of declaring from that Conference that their Swaraj meant complete independence."

The President of the All-India Muslim League was Maulana Hasrat Mohani. The report of the proceedings of the League bearing on the resolution says [53][f.9] :—

"The Muslim League met at 9 p.m. on 31st December 1921. After it had passed some non-contentious resolutions the President Hasrat Mohani made an announcement amidst applause that he proposed that the decision of the Subjects Committee rejecting his resolution regarding the attainment of independence and destruction of British Imperialism would be held as final and representing the opinion of the majority in the League, but that in view of the great importance of the subject he would allow a discussion on that resolution without taking any vote.

"Mr. Azad Sobhani, who had moved the resolution in the Subjects Committee, also moved it in the League. He said he believed in Hindu-Muslim unity as absolutely essential, in non-violent non-cooperation as the only way to fight their battle and Mr. Gandhi was fully deserving the dictatorship which had been invested on him by the Congress but that he also believed that British Imperialism was the greatest danger to India and the Muslim world and must be destroyed by placing before them an ideal of independence.

"Mr. Azad Sobhani was followed by several speakers who supported him in the same vein. .

"The Hon'ble Mr. Raza Ali announced that the reason for the ruling of the President was that the League did not want to take a step which

the Congress had not taken. He warned them against saying big things without understanding them and reminded the audience that India was at present not ready for maintaining liberty even if it was attained.

"He asked, who would, for instance, be their Commander-in-Chief if the British left tomorrow. (A voice, ' Enver Pasha '.)

"The speaker emphatically declared that he would not tolerate any foreigner. He wanted an Indian Commander-in-Chief."

The question of Independence was again raised at the Congress session held in March 1923 at Coconada but with no success.

In 1924 Mr. Gandhi presiding over the Congress session held in Belgaum said:—

"In my opinion, if the British Government mean what they say and honestly help us to equality, it would be a greater triumph than a complete severance of the British connection. I would, therefore, strive for Swaraj within the Empire but would not hesitate to sever all connection if it became a necessity through Britain's own fault. I would thus throw the burden of separation on the British people."

In 1925 Mr. C. R. Das again took up the theme. In his address to the Bengal Provincial Conference held in May of that Year he, with the deliberate object of giving a deadly blow to the idea of independence, took particular pains to show the inferiority of the idea of Independence as compared with that of Dominion Status:—

"..... Independence, to my mind, is a narrowed ideal than that of Swaraj. It implies, it is true, the negative of the dependence ; but by itself it gives us no positive ideal. I do not for a moment suggest that independence is not consistent with Swaraj. But what is necessary is not mere independence but the establishment of Swaraj. India may be independent tomorrow in the sense that the British people may leave us to our destiny but that will not necessarily give us what I understand by Swaraj. As I pointed out in my Presidential address at Gaya, India presents an interesting but a complicated problem of consolidating the many apparently conflicting elements which go to make up the Indian

people. This work of consolidation is a long process, may even be a weary process; but without this no Swaraj is possible. ....

"Independence, in the second place, does not give you that idea of order which is the essence of Swaraj. The work of consolidation which I have mentioned means the establishment of that order. Bullet it be clearly understood that what is sought to be established must be consistent with the genius, the temperament and the traditions of the Indian people. To my mind, Swaraj implies, firstly, that we must have the freedom of working out the consolidation of the diverse elements of the Indian people ; secondly, we must proceed with this work on National lines, not going back two thousand years ago, but going forward in the light and in the spirit of our national genius and temperament. .....

"Thirdly, in the work before us, we must not be obstructed by any foreign power. What then we have to fix upon in the matter of ideal is what I call Swaraj and not mere independence which may be the negation of Swaraj. When we are asked as to what is our national ideal of freedom, the only answer which is possible to give is Swaraj. I do not like either Home Rule or Self-Government Possibly they come within what I have described as Swaraj. But my culture somehow or other is antagonistic to the word ' rule '—be it Home Rule or Foreign Rule."

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"Then comes the question as to whether this ideal is to be realised within the Empire or outside? The answer which the Congress has always given is' within the Empire if the Empire will recognise our right ' and ' outside the Empire, if it does not '. We must have opportunity to live our life,—opportunity *for* self-realization, self-development, and self-fulfilment. The question is of living our life. If the Empire furnishes sufficient scope for the growth and development of our national life the Empire idea is to be preferred. If, on the contrary, the Empire like the Car of Jagannath crushes our life in the sweep of its imperialistic march, there will be justification for the

idea of the establishment of Swaraj outside the Empire.

"Indeed, the Empire idea gives us a vivid sense of many advantages. Dominion Status is in no sense servitude. It is essentially an alliance by consent of those who form part of the Empire for material advantages in the real spirit of co-operation. Free alliance necessarily carries with it the right of separation .Before the War it was generally believed that it is only as a great confederation that the Empire or its component parts can live. It is realised that under modem conditions no nation can live in isolation and the Dominion Status, while it affords complete protection to each constituent composing the great Commonwealth of Nations called the British Empire, secures to each the right to realise itself, develop itself and fulfil itself and therefore it expresses and implies all the elements of Swaraj which I have mentioned.

"To me the idea is specially attractive because of its deep spiritual significance. I believe in world peace, in the ultimate federation of the world ; and I think that the great Commonwealth of Nations called the British Empire—a federation of diverse races, each with its distinct life, distinct civilization, its distinct menial outlook—if properly led with statesmen at the helm is bound to make lasting contribution to the great problem that awaits the statesmen, the problem of knitting the world into the greatest federation the mind can conceive—the federation of the human race. But if only properly led with statesmen at the helm ;—for the development of the idea involves apparent sacrifice on the part of the constituent nations and it certainly involves the giving up for good the Empire idea with its ugly attribute of domination. I think it is for the good of India, for the good of the world that India should strive for freedom within the Commonwealth and so serve the cause of humanity."

Mr. Das not only insisted that Dominion Status was better than Independence but went further and got the Conference to pass the following resolution on the goal of India's political evolution:—

"1. This Conference declares that the National ideal of Swaraj involves the right of the Indian Nation to live its own life, to have the

opportunity of self-realization, self-development and self-fulfilment and the liberty to work for the consolidation of the diverse elements which go to make up the Indian Nation unimpeded and unobstructed by any outside domination.

"2. That if the British Empire recognises such right and does not obstruct the realisation of Swaraj and is prepared to give such opportunity and undertakes to make the necessary sacrifices to make such rights effective, this Conference calls upon the Indian Nation to realise its Swaraj within the British Commonwealth."

It may be noted that Mr. Gandhi was present throughout the session. But there was no word of dissent coming from him. On the contrary, he approved of the stand taken by Mr. Das.

With these facts, who can doubt that the Hindus are for Dominion Status and the Muslims are for Independence? But if there be any doubt still remaining, the repercussions in Muslim quarters over the Nehru Committee's Report in 1928 must dissolve it completely. The Nehru Committee appointed by the Congress to frame a constitution for India accepted Dominion Status as the basis for India's constitution and rejected independence. It is instructive to note the attitude adopted by the Congress and the Muslim political organizations in the country towards the Nehru Report.

The Congress in its session held at Calcutta in 1928 passed a resolution moved by Mr. Gandhi which was in the following terms:—

"This Congress, having considered the constitution recommended by the All-Parties Committee Report, welcomes it as a great contribution towards the solution of India's political and communal problems, and congratulates the Committee on the virtual unanimity of its recommendations and, whilst adhering to the resolution relating to complete independence passed at the Madras Congress approves of the constitution drawn up by the Committee as a great step in political advance, especially as it represents the largest measure of agreement attained among the important parties in the country.

"Subject to the exigencies of the political situation this Congress will adopt the constitution in its entirety if it is accepted by the British Parliament on or before December 31, 1929, but in the event of its non-acceptance by that dale or its earlier rejection. Congress will organise a non-violent non-co-operation by advising the country to refuse taxation or in such other manner as may be decided upon. Consistently with the above, nothing in this resolution shall interfere with the carrying on, in the name of the Congress, of the propaganda for complete independence."

This shows that Hindu opinion is not in favour of Independence but in favour of Dominion. Status. Some will take exception to this statement. It may be asked what about the Congress resolution of 1927? It is true that the Congress in its Madras session held in 1927 did pass the following resolution moved by Pandit Jawaharlal Nehru:—

"This Congress declares the goal of the Indian people to be complete National Independence".

But there is enough evidence to support the contention that this resolution did not and does not speak the real mind of the Hindus in the Congress.

The resolution came as a surprise. There was no indication of it in the speech of Dr. Ansari [54][f.10] who presided over the 1927 session. The Chairman [55][f.11] of the Reception Committee only referred to it in passing, not as an urgent but a contingent line of action.

There was no forethought about the resolution. It was the result of a coup and the coup was successful because of three, factors.

In the first place, there was then a section in the Congress which was opposed to the domination of Pandit Motilal Nehru and Mr. Gandhi, particularly the former. This group was led by Mr. Srinivas Iyengar who was the political rival of Pandit Motilal. They were searching for a plan which would destroy the power and prestige of Pandit Motilal and Mr. Gandhi. They knew that the only way to win people to their side was to take a more extreme position and to show that their rivals were really

moderates, and as moderation was deemed by Congressmen to be a sin, they felt that this plan was sure to succeed. They made the goal of India the battle-ground, and knowing that Pandit Motilal and Gandhi were for Dminion Status, put forth the goal of Independence. In the second place, there was a section in the Congress which was led by Mr. Vithalbhai Patel. This section was in touch with the Irish Sinn Fein party and was canvassing its help in the cause of India. The Irish Sinn Fein party was not willing to render any help unless the Indians declared that their goal was Independence. This section was anxious to change the goal from Dominion Status to Independence in order to secure Irish help. To these two factors was added a third, namely, the speech made by Lord Birkenhead, the then Secretary of State for India, on the occasion of the appointment of the Simon Commission when he taunted the Indians on their incapacity to produce a constitution. The speech was regarded as a great insult by Indian politicians. It is the combination of these three factors which was responsible for the passing of this resolution. Indeed, the resolution was passed more from the motive [56][f.12] of giving a fitting reply to Lord Birkenhead than from the motive of defining the political goal of the country and if Mr. Gandhi and Pandit Motilal Nehru kept quiet it was largely because the storm created by the intemperate language of Lord Birkenhead against Indians was so great that they thought it wise to bow to it rather than engage upon the task of sweeping it off which they would have otherwise easily done.

That this resolution did not speak the real mind of the Hindus in the Congress is beyond doubt. Otherwise, it is not possible to explain how the Nehru Committee could have flouted the Madras resolution of 1927 by adopting Dominion Status as the basis of the constitutional structure framed by it. Nor is it possible to explain how the Congress adopted Dominion Status in 1928 if it had really accepted [57] [f.13] independence in 1927 as the resolution says. The clause in the resolution that the Congress would accept Dominion Status if given before 31st December 1929, if not, it would change its faith from Dominion Status to Independence was only a face-saving device and did not connote a real change of mind. For time can never be of the essence in a matter of

such deep concern as the political destiny of the country.

That notwithstanding the resolution of 1927, the Congress continued to believe in Dominion Status and did not believe in Independence, is amply borne out by the pronouncements made from time to time by Mr. Gandhi who is the oracle of the Congress. Anyone, who studies Mr. Gandhi's pronouncements on this subject from 1929 onwards, cannot help feeling that Mr. Gandhi has not been happy about the resolution on Independence and that he has ever since felt necessary to wheel the Congress back to Dominion Status. He began with the gentle process of interpreting it away. The goal was first reduced from Independence to substance of Independence. From substance of Independence it was reduced to equal partnership and from equal partnership it was brought back to it's original position. The wheel completed the turn when Mr. Gandhi in 1937 gave the following letter to Mr. Pollock for the information of the English people :—

"Your question is whether I retain the same opinion as I did at the Round Table Conference in 1931. I said then, and repeat now, that, so far as I am concerned, if Dominion Status were offered to India in terms of the Statute of Westminster, i.e., the right to secede at will, I would unhesitatingly accept," [58][f.14]

Turning to the pronouncements of Muslim political organizations on the Nehru Report it is interesting to note the reasons given by them for its rejection. These reasons are wholly unexpected. No doubt some Muslim organizations such as the Muslim League rejected the Report because it recommended the abolition of separate electorates. But that was certainly not the reason why it was condemned by the Khilafat Conference or the Jamiat-ul-Ulema— the two Muslim organizations which went with the Congress through the same fiery ordeal of non-co-operation and civil disobedience and whose utterances expressed far more truly the real opinion of Muslim masses on the issues relating to the political affairs of the country than did the utterances of any other Muslim organization.

Maulana Mahomed Ali set out his reasons for the rejection of the

Nehru Report in his Presidential address to the All-India Khilafat Conference held in Calcutta in 1928. He said :-- [59]

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"[I] was a member of he Indian National Congress, its Working Committee, the All-India Muslim League and [I] have come to the Khilafat Conference to express (my views) on the important political issues of the time, which should have the serious attention of the whole Muslim community.

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"In the All-Parties Convention he had said that India should have complete independence and there was no communalism in it. Yet he was being heckled at every moment and stopped during his speech at every step.

> **"The Nehru Report had as its preamble admitted the bondage of servitude. . . . Freedom and Dominion Status were widely divergent things....**
> **"I ask, when you boast of your nationalism and condemn communalism, show me a country in the world like your India—your nationalist India.**

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"You make compromises in your constitution every day with false doctrines, immoral conceptions and wrong ideas but you make no compromise with our communalists — with separate electorates and reserved seats. Twenty-five per cent. is our portion of population and yet you will not give us 33 per cent. in the Assembly. You are a Jew, a Bania. But to the English you give the status of your dominion."

The conference passed a short resolution in the following pithy terms:—

"This Conference declares once more that complete independence is

our goal".

Maulana Hasrat Mohani, as President of the Jamiat-ul-Ulema Conference held in Allahabad in 1931, gave the same reasons for condemning the Nehru Report in words measured but not less scathing. Said [60] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_16the Maulana :—

"My political creed with regard to India is now well known to everybody. I cannot accept anything short of complete independence, and, that loo, on the model of the United Stales of America or the Soviet Russia which is essentially (1) democratic, (2) federal and (3) centrifugal, and in which the rights of Muslim minorities are safeguarded.

"For some lime the Jamial-ul-Ulema of Delhi held fast to the creed of complete independence and it was mostly for tins reason that it repudiated .theNehru Report which devised a unitary constitution instead of a federal one. Besides, when, after the Lahore session, the Congress, at the instance of Mahatma Gandhi, declared the burial of the Nehru Report on the banks of the Ravi and the resolution of complete independence was unanimously agreed upon, the Delhi Jamiat ventured to co-operate with the Congress and its programme of civil disobedience simply because it was the duly of every Indian, Hindu or Muslim, to take part in the struggle for independence.

"But unfortunately Gandhiji very soon went back upon his words and (1) while yet in jail he told the British journalist Mr. Slocombe that by complete independence he meant only the substance of independence, (2) besides, when he was released on expressing his inclination for compromise he devised the illusory term of ' Puma Swaraj ' in place of complete independence and openly declared that in ' Puma Swaraj ' there was no place for severance of the British connection, (3) by making a secret pact with Lord Irwin he definitely adopted the ideal of Dominion Sialus under the British Crown.

"After this change of from by Gandhiji the Delhi Jamial ought to have desisted from blindly supporting the Mahalma. and like the

Nehru Report it should have completely rejected this formula of the Congress Working Committee by which the Nehru Report was sought to be revived at Bombay.

"But we do not know what unintelligible reasons induced the Delhi Jamial-ul-Ulema to adopt 'Puma Swaraj' as their ideal, in spite of the knowledge that it does not mean complete independence but something even worse than complete independence. And the only explanation for adopting this creed is said to be that, although Gandhiji has accepted Dominion Status, he still insists that Britain should concede the right of secession from the British Empire to the Indians.

"Although it is quite deaf that insistence on this right has no better worth than the previous declaration of complete independence, in other words, just as Gandhiji insisted on complete independence with the sole object of forcing the British Government to accede to the demand of Dominion Status, which was the sole ultimate aim of the Mahatma, in the same way the leaders of the Congress insisted upon the right of secession with the object of extorting the largest measure of political rights from the British people who might not go beyond a certain limit in displeasing them. Otherwise Gandhiji and his followers know it full well that even if this right of secession is given to Indians, it would perhaps be never put into practice.

"If someone considers this contention of mine to be based on suspicion and contends that the Congress will certainly declare for secession from the Empire whenever there is need of' it, I will ask him to let me know what will be the form of Indian Government after the British connection is withdrawn. It is clear that no one can conceive of a despotic form and a democratic form, whether it be unitary or federal but centripetal, will be nothing more than Hindu Raj which the Musalmans can in no circumstances accept. Now remains only one form, viz., after complete withdrawal of the British connection India with its autonomous Provinces and States forms into united centrifugal democratic government on the model of the United States Republic or Soviet Russia. But this can never be acceptable to the Mahasabhaite

Congress or a lover of Britain like Mahatma Gandhi.

"Thus the Jamial-ul-Ulema of Delhi after washing its hands of complete independence has stultified itself, but thank God the Ulemas of Cawnpore, Lucknow, Badaun, etc., still hold last to their pledge and will remain so, God willing. Some weak-kneed persons urge against this highest ideal that, when it is not possible for the present to attain it, there is no use talking about it. We say to them that it is not at all useless but rather absolutely necessary, for if the highest ideal is not always kept before view, it is liable to be forgotton.

"We must, therefore, oppose Dominion Status in all circumstances as this is not the half-way house or part of our ultimate aim, but its very negation and rival. If Gandhiji reaches England and the Round Table Conference is successfully concluded, giving India Dominion Stylus of any kind, with or without safeguards, the conception of complete independence will completely vanish or at any rate will not be thought of for a very long time to come."

The All-India Khilafat Conference and the Jamiat-ul-Ulema were surely extremist bodies avowedly anti-British. But the All-India Muslim Conference was not at all a body of extremists or anti-British Musalmans. Yet the U. P. Branch of it in its session held at Cawnpore on 4th November 1928 passed the following resolution :—

> "In the opinion of the All-Panics U. P. Muslim Conference, Musalmans of India stand for the goal of complete independence, which shall necessarily take the form of a federal republic."

In the opinion of the mover, Islam always taught freedom, and for the matter of that the Muslims of India would fail in their religious duty, if they were against complete independence. Indian Muslims were poor, yet they were, the speaker was sure, devoted to Islam more than any other people on earth.

In this Conference an incident [61][f.17] of some interest occurred in the Subjects Committee when Maulana Azad Sobhani proposed that the Conference should declare itself in favour of complete independence.

Khan Bahadur Masoodul Hassan and some other persons, objected to such declaration, which, in their opinion, would go against the best interests of Musalmans. Upon this, a number of women from their *purdah* gallery sent a written statement to the President saying that if men had not the courage to stand for complete independence, women would come out *of purdah,* and take their place in the struggle for independence.

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Notwithstanding this difference in their ultimate destiny, an attempt is made to force the Hindus and Muslims to live in one country, as one people, bound by the political ties of a single constitution. Assuming that this is done and that the Muslims are somehow manoeuvred into it, what guarantee is there that the constitution will not break down?

The successful working of a Parliamentary Government assumes the existence of certain conditions. It is only when these conditions exist that Parliamentary Government can take roots. One such condition was pointed out by the late Lord Balfour when in 1925 he had an occasion to discuss the political future of the Arab peoples in conversation with his niece Blanche Dugdale.

In the course of this conversation he said [62]

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> "It is partly the fault of the British nation— and of the Americans ; we can't exonerate them from blame either—that this idea of 'representative government ' has got into the heads of nations who haven't the smallest notion of what its basis must be. It's difficult to explain, and the Angio-Saxon races are bad at exposition. Moreover we know it so well ourselves that it does not strike us as necessary to explain it. I doubt if you *would find it* written in any book on the British Constitution that the whole essence of British Parliamentary Government lies in the *intention to make the thing work*. We lake that for granted. We have spent hundreds of years in elaborating a system that

rests on that alone. It is so deep in us that we have lost sight of it. But it is not so obvious to others. These peoples — Indians, Egyptians, and so on — study our learning. They read our history, our philosophy, and politics. They learn about our parliamentary methods of obstruction, but nobody explains to them that when it comes to the point, all our parliamentary pities are determined that the machinery shan't slop. ' The king's government must go on 'as the Duke of Wellington said. But their idea is that the function of opposition is to stop the machine. Nothing easier, of course, but hopeless."

Asked why the opposition in England does not go to the length of stopping the machine, he said :__

"Our whole political machinery presupposes a people. ..... fundamentally at one."

Laski has well summarized these observations of Balfour on the condition necessary for the successful working of Parliamentary Government when he says [63][f.19] :

"The strength of Parliamentary Government is exactly measured by the unity of political parties upon its fundamental objects."

Having stated the condition necessary for the successful working of the machinery of representative government it will be well to examine whether these conditions are present in India.

How far can we say that there is an intention in the Hindus and the Muslims to make representative government work? To prove the futility and unworkability of representative and responsible government, it is enough even if one of the two parties shows an intention to stop the machinery of government. If such an intention is enough, then it does not matter much whether it is found in the Hindus or in the Muslims. The Muslims being more outspoken than the Hindus, one gets to know their mind more than one gets to know the mind of the Hindus. How the Muslim mind will work and by what factors it is likely to be swayed will be clear if the fundamental tenets of Islam which dominate Muslim politics and the views expressed by prominent Muslims bearing on

Muslim attitude towards an Indian Government are taken into consideration. Certain of such religious tenets of Islam and the views of some of the Muslim leaders are given below to enable all those who are capable of looking at things dispassionately, to judge for themselves whether the condition postulated by Balfour can be said to exist in India.

Among the tenets one that calls for notice is the tenet of Islam which says that in a country which is not under Muslim rule wherever there is a conflict between Muslim law and the law of the land, the former must prevail over the latter and a Muslim will be justified in obeying the Muslim law and defying the law of the land.

What the duty of the Musalmans is in such cases was well pointed out by Maulana Mahomed Ali in the course of his statement made in 1921 before the Committing Magistrate of Karachi in answer to the charges for which he was prosecuted by the Government. The prosecution arose out of a resolution passed at the session of the All-India Khilafat Conference held in Karachi on 8th July 1921 at which Mr. Mahomed Ali presided and introduced the resolution in question.

The resolution was as follows :—

"This meeting clearly proclaims that it is in every way religiously unlawful for a Musalman at the present moment to continue in the British Army, or to enter the Army, or to induce others to join the Army. And it is the duly of all Musalmans in general and of the Ulemas in particular to see that these religious commandments are brought home to every Musalman in the Army."

Along with Maulana Mahomed Ali six other persons [64][f.20] were prosecuted under Section 120-B read with Section 131, L P. C. and under Section 505 read with Section 114 and Section 505 read with Section 117, 1. P. C. Maulana Mahomed Ali in justification of his plea of not guilty, said [65][f.21] :—

"After all what is the meaning of this precious prosecution. By whose convictions are we to be guided, we the Musalmans and the Hindus of

India? Speaking as a Musalman, if I am supposed to err from the right path, the only way to convince me of my error is to refer me to the Holy Koran or to the authentic traditions of the last Prophet—on whom be peace and God's benediction—or the religious pronouncements of recognized Muslim divines, past and present, which purport to be based on these two original sources of Islamic authority demands from me in the present circumstances, the precise action for which a Government, that does not like to be called satanic, is prosecuting me to-day.

"If that which I neglect, becomes by my neglect a deadly sin, and is yet a crime when I do not neglect it, how am I to consider myself safe in this country?

"I must either be a sinner or a criminal..... Islam recognizes one sovereignty alone, the sovereignty of God, which is supreme and unconditional, indivisible and inalienable. . . ..

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"The only allegiance a Musalman, whether civilian or soldier, whether living under a Muslim or under a non-Muslim administration, is commanded by the Koran to acknowledge is his allegiance to God, to his Prophet and to those in authority from among the Musalmans chief among the last mentioned being of course that Prophet's successor or commander of the faithful….. This doctrine of unity is not a mathematical formula elaborated by abstruse thinkers but a work-a-day belief of every Musalman learned or unlettered…... Musalmans have before this also and elsewhere too, lived in peaceful subjection to non-Muslim administrations. But the unalterable rule is and has always been that as Musalmans they can obey only such laws and orders issued by their secular rulers as do not involve disobedience to the commandments of God who in the expressive language of the Holy Koran is ' the all-ruling ruler '. These very clear and rigidly definite limits of obedience are not laid down with regard to the authority of non-Muslim administration only. On the contrary they are of universal application and can neither be enlarged nor reduced in any case."This must make anyone wishing for a stable government very apprehensive.

But this is nothing to the Muslim tenets which prescribe when a country is a motherland to the Muslim and when it is not.

According to Muslim Canon Law the world is divided into two camps, Dar-ul-lslam (abode of Islam) and Dar-ul-Harb (abode of war). A country is Dar-ul-lslam when it is ruled by Muslims. A country is Dar-ul-Harb when Muslims only reside in it but are not rulers of it. That being the Canon Law of the Muslims, India cannot be the common motherland of the Hindus *and* the Musalmans. It can be the land of the Musalmans—but it cannot be the land of the 'Hindus and the Musalmans living as equals '. Further, it can be the land of the Musalmans only when it is governed by the Muslims. The moment the land becomes subject to the authority of a non-Muslim power, it ceases to be the land of the Muslims. Instead of being Dar-ul-lslam it becomes Dar-ul-Harb.

It must not be supposed that this view is only of academic interest. For it is capable of becoming an active force capable of influencing the conduct of the Muslims. It did greatly influence the conduct of the Muslims when the British occupied India. The British occupation raised no qualms in the minds of the Hindus. But so far as the Muslims were concerned, it at once raised the question whether India was any longer a suitable place of residence for Muslims. .A discussion was started in the Muslim community, which Dr. Titus says lasted for half a century, as to whether India was Dar-ul-Harb or Dar-ul-lslam. Some of the more zealous elements, under the leadership of Sayyed Ahmad, actually did declare a holy war, preached the necessity of emigration *(Hijrat)* to lands under Muslim rule, and carried their agitation all over India.

It took all ingenuity of Sir Sayyed Ahmad, the founder of the Aligarh movement, to persuade the Indian Musalmans not to regard India under the British as Dar-ul-Harb merely because it was not under Muslim rule. He urged upon the Muslims to regard it as Dar-ul-lslam, because the Muslims were perfectly free to exercise all the essential rites and ceremonies of their religion. The movement for *Hijrat* for the time being died down. But the doctrine that India was Dar-ul-Harb had not been given up. It was again preached by Muslim patriots during 1920-21,

when the Khilafat agitation was going on. The agitation was not without response from the Muslim masses and there was a goodly number of Muslims who not only showed themselves ready to act in accordance with the Muslim Canon Law but actually abandoned their homes in India and crossed over to Afghanistan.

It might also be mentioned *that Hijrat* is not the only way of escape to Muslims who find themselves in a Dar-ul-Harb. There is another injunction of Muslim Canon Law called *Jihad* (crusade) by which it becomes"incumbent on a Muslim ruler to extend the rule of Islam until the whole world shall have been brought under its sway. The world, being divided into two camps, Dar-ul-lslam (abode of Islam), Dar-ul-Harb (abode of war), all countries come under one category or the other. Technically, it is the duty of the Muslim ruler, who is capable of doing so, to transform Dar-ul-Harb into Dar-ul-lslam."And just as there are instances of the Muslims in India resorting to *Hijrat,* there are instances showing that they have not hesitated to proclaim *Jihad.* The curious may examine the history of the Mutiny of 1857 and if he does, he will find that, in part, at any rate, it was really *a. Jihad* proclaimed by the Muslims against the British, and that the Mutiny so far as the Muslims were concerned was a recrudescence of revolt which had been fostered by Sayyed Ahmad who preached to the Musalmans for several decades that owing to the occupation of India by the British the country had become a Dar-ul-Harb. The Mutiny was an attempt by the Muslims to reconvert India into a Dar-ul-lslam. A more recent instance was the invasion of India by Afghanistan in 1919. It was engineered by the Musalmans of India who led by the Khilafatists' antipathy to the British Government sought the assistance of Afghanistan to emancipate India. [66][f.22] Whether the invasion would have resulted in the emancipation of India or whether it would have resulted in its subjugation, it is not possible to say because the invasion failed to take effect. Apart from this, the fact remains that India, if not exclusively under Muslim rule, is a Dar-ul-Harb and the Musalmans according to the tenets of Islam are justified in proclaiming a *Jihad.*

Not only can they proclaim *Jihad* but they can call the aid of a foreign

Muslim power to make *Jihad* a success, or if the foreign Muslim power intends to proclaim a *Jihad,* help that power in making its endeavour a success. This was clearly explained by Mr. Mahomed Ali in his address to the Jury in the Sessions Court. Mr. Mahomed Ali said :—

"But since the Government is apparently uninformed about the manner in which our Faith colours and is meant to colour all our actions, including those which, for the sake of convenience, are generally characterised as mundane, one thing must be made clear, and it is this: Islam does not permit the believer to pronounce an adverse judgement against another believer without more convincing proof; and we could not, of course, fight against our Muslim brothers without making sure that they were guilty of wanton aggression, and did not take up arms in defence of their faith". (This was in relation to the war that was going on between the British and the Afghans in 1919.)"Now our position is this. Without better proof of the Amir's malice or madness we certainly do not want Indian soldiers, including the Musalmans, and particularly with our own encouragement and assistance, to attack Afghanistan and effectively occupy if first, and then be a prey to more perplexity and perturbation afterwards.

"But if on the contrary His Majesty the Amir has no quarrel with India and her people and if his motive must be attributed, as the Secretary of Slate has publicly said, to the unrest which exists throughout the Mahomedan world, an unrest with which he openly professed to be in cordial sympathy, that is to say, if impelled by the same religious motive that has forced Muslims to contemplate *Hijrat* , the alternative of the weak, which is all that is within our restricted means. His Majesty has been forced to contemplate *Jihad,* the alternative of those comparatively stronger which he may have found within his means; if he has taken up the challenge of those who believed in force and yet more force, and he intends to try conclusions with those who require Musalmans to wage war against the Khilafat and those engaged in *Jihad;* who are in wrongful occupation of the Jazirut-ul-Arab and the holy places ; who aim at the weakening of Islam ; discriminate against it, and deny to us full freedom to advocate its cause ; then the clear law of Islam-requires that in the

first place, in no case whatever should a Musalman render anyone any assistance against him ; and in the next place if the *Jihad* approaches my region every Musalman in that region must join the Mujahidin and assist them to the best of his or her power.

"Such is the clear and undisputed law of Islam ; and we had explained this to the Committee investigating our case when it had put to us a question about the religious duty of a Muslim subject of a non-Muslim power when *Jihad* had been declared against it, long before there was any notion of trouble on the Frontiers, and when the late Amir was still alive".

A third tenet which calls for notice as being relevant to the issue is that Islam does not recognize territorial affinities. Its affinities are social and religious and therefore extraterritorial. Here again Maulana Mahomed Ali will be the best witness. When he was committed to the Sessions Court in Karachi Mr. Mahomed Ali addressing the Jury said :—

> "One thing has to be made clear as we have since discovered that the doctrine to which we shall now advert is not so generally known in non-Muslim and particularly in official circles as it ought to be. A Musalman's faith does not consist merely in believing in a set of doctrines and living up to that belief himself; he must also exert him self to the fullest extent of his power, of course without resort to any compulsion, to the end that others also conform to the prescribed belief and practices. This is spoken of in the Holy Koran *as Amribilmaroof and Nahi anilmunkar ,* and certain distinct chapters of the Holy Prophet's traditions relate to this essential doctrine of Islam. A Musalman cannot say : ' I am not my brother's keeper ', for in a sense he is and his own salvation cannot be assured to him unless he exhorts others also to do good and dehorts them against doing evil. If therefore any Musalman is being compelled to wage war against the Mujahid of Islam, he must not only be a conscientious objector himself, but must, if he values his own salvation, persuade his brothers also at whatever risk to himself to take similar objection. Then and not until then, can he hope for salvation. This is our belief as well as the belief of every other Musalman and in our humble way we seek to live

up to it; and if we are denied freedom to inculcate this doctrine, we must conclude that the land, where this freedom does not exist, is not safe for Islam."

This is the basis of Pan-Islamism. It is this which leads every Musalman in India to say that he is a Muslim first and Indian afterwards. It is this sentiment which explains why the Indian Muslim has taken so small a part in the advancement of India but has spent himself to exhaustion [67] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_23by taking up the cause of Muslim countries and why Muslim countries occupy the first place and India occupies a second place in his thoughts. His Highness the Aga Khan justifies it by saying [68][f.24]:—

"This is a right and legitimate Pan-Islamism to which every sincere and believing Mahomedan belongs—that is, the theory of the spiritual brotherhood and unity of the children of the Prophet. It is a deep, perennial element in that Perse-Arabian culture, that great family of civilization to which we gave the name Islamic in the first chapter. It connotes charity and good-will towards fellow-believers everywhere from China to Morocco, from the Volga to Singapore. It means an abiding interest in the literature of Islam, in her beautiful arts, in her lovely architecture, in her entrancing poetry. It also means a true reformation— a return to the early and pure simplicity of the faith, to its preaching by persuasion and argument, to the manifestation of a spiritual power in individual lives, to beneficent activity of mankind. The natural and worthy spiritual movement makes not only the Master and His teaching but also His children of all climes an object of affection to the Turk or the Afghan, to the Indian or the Egyptian. A famine or a desolating fire in the Muslim quarters of Kashgar or Sarajevo would immediately draw the sympathy and material assistance of the Mahomedan of Delhi or Cairo. The real spiritual and cultural unity of Islam must ever grow, for to the follower of the Prophet it is the foundation of the life of the soul."

If this spiritual Pan-lslamism seeks to issue forth in political Pan-lslamism, it cannot be said to be unnatural. It is perhaps that feeling

which was in the mind of the Aga Khan when he said [69][f.25] :—

> "It is for the Indian patriot to recognise that Persia, Afghanistan and possibly Arabia must sooner or later come within the orbit of some Continental Power—such as Germany, or what may grow out of the break up of Russia—or must throw in their lot with that of the Indian Empire, with which they have so much more genuine affinity. The world forces that move small States into closer contact with powerful neighbours, though so far most visible in Europe, will inevitably make themselves felt in Asia. Unless she is willing to accept the prospect of having powerful and possibly inimical neighbours to watch, and the heavy military burdens thereby entailed, India cannot afford to neglect to draw her Mahomedan neighbour States to herself by the ties of mutual interest and goodwill.

"In a word, the path of beneficent and growing union must be based on a federal India, with every member exercising her individual rights, her historic peculiarities and natural interests, yet protected by a common defensive system and customs union from external danger and economic exploitation by stronger forces. Such a federal India would promptly bring Ceylon to the bosom of her natural mother, and the further developments we have indicated would follow. We can build a great South Asiatic Federation by now laying the foundations wide and deep on justice, on liberty, and on recognition for every race, every religion, and every historical entity.

"A sincere policy of assisting both Persia and Afghanistan in the onward march which modem conditions demand, will raise two natural ramparts for India in the north-west that neither German nor Slav, Turk nor Mongol, can ever hope to destroy. They will be drawn of their own accord towards the Power which provides the object lesson of a healthy form of federalism in India, with real autonomy for each province, with the internal freedom of principalities assured, with a revived and liberalised kingdom of Hyderabad, including the Berars, under the Nizam. They would see in India freedom and order, autonomy and yet Imperial union, and would appreciate for themselves the advantages of a confederation assuring the continuance of internal self-government

buttressed by goodwill, the immense and unlimited strength of that great Empire on which the sun never sets. The British position of Mesopotamia and Arabia also, whatever its nominal form may be, would be infinitely strengthened by the policy I have advocated."

The South Asiatic Federation was more for the good of the Muslim countries such as Arabia, Mesopotamia and Afghanistan than for the good of India,[70] [f.26] This shows how very naturally the thoughts of Indian Musalmansare occupied by considerations of Muslim countries other than those of India.

Government is based on obedience to authority. But those, who are eager to establish self-government of Hindus and Muslims, do not seem to have stopped to inquire on what such obedience depends and how far such obedience would be forthcoming in the usual course and in moments of crisis. This is a very important question. For, if obedience fails, self-government means working together and not working under. That may be so in an ideal sense. But in practical and work-a-day world, if the elements brought under one representative government are disproportionate in numbers, the minor section will have to work under the major section and whether it works under the major section or not will depend upon how far it is disposed to obey the authority of the government carried on by the major section. So important is this factor in the success of self-government that Balfour may be said to have spoken only part of the truth when he made its success dependent upon parties being fundamentally atone. He failed to note that willingness to obey the authority of Government is a factor equally necessary for the success of any scheme of self-government.

The importance of this second condition, the existence of which is necessary for a successful working of parliamentary government, has been discussed by [71][f.27] James Bryce. While dealing with the basis of political cohesion, Bryce points out that while force may have done much to build up States, force is only one among many factors and not the most important. In creating, moulding, expanding and knitting together political communities what is more important than force is obedience. This willingness to obey and comply with the sanctions of a

government depends upon certain psychological attributes of the individual citizens and groups. According to Bryce the attitude which produces obedience are indolence, deference, sympathy, fear and reason. All are not of the same value. Indeed they are relative in their importance as causes producing a disposition to obey. As formulated by Bryce, in the sum total of obedience the percentage due to fear and to reason respectively is much less than that due to indolence and less also than that due to deference or sympathy. According to this view deference and sympathy are, therefore, the two most powerful factors which predispose a people to' obey the authority of its government.

Willingness to render obedience to the authority of the government is as essential for the stability of government as the unity of political parties on the fundamentals of the state. It is impossible for any sane person to question the importance of obedience in the maintenance of the state. To believe in civil disobedience is to believe in anarchy.

How far will Muslims obey the authority of a government manned and controlled by the Hindus? The answer to this question need not call for much inquiry. To the Muslims a Hindu is a Kaffir. [72][f.28] A Kaffir is not worthy of respect. He is low-born and without status. That is why a country which is ruled by a Kaffir is Dar-ul-Harb to a Musalman. Given this, no further evidence seems to be necessary to prove that the Muslims will not obey a Hindu government. The basic feelings of deference and sympathy, which predispose persons to obey the authority of government, do not simply exist. But if proof is wanted, there

is no dearth of it. It is so abundant that the problem is what to tender and what to omit.

In the midst of the Khilafat agitation when the Hindus were doing so much to help the Musalmans, the Muslims did not forget that as compared with them the Hindus were a low and an inferior race. A Musalman wrote [73][f.29] in the Khilafat paper called *Insaf* :—

"What is the meaning of Swami and Mahatma? Can Muslims use in speech or writing these words about non-Muslims? He says that Swami

means ' Master ', and ' Mahatma ' means ' possessed of the highest spiritual powers ' and is equivalent to ' Ruh-i-aazam ', and the supreme spirit."

He asked the Muslim divines to decide by an authoritative fatwa whether it was lawful for Muslims to call non-Muslims by such deferential and reverential titles.

A remarkable incident was reported [74][f.30] in connection with the celebration of Mr. Gandhi's release from gaol in 1924 at the Tibbia College of Yunani medicine run by Hakim Ajmal Khan at Delhi. According to the report, a Hindu student compared Mr. Gandhi to Hazarat Isa (Jesus) and at this sacrilege to the Musalman sentiment all the Musalman students flared up and threatened the Hindu student with violence, and, it is alleged, even the Musalman professors joined with their co-religionists in this demonstration of their outraged feelings.

In 1923 Mr. Mahomed Ali presided over the session of the Indian National Congress. In this address he spoke of Mr. Gandhi in the following terms :

> "Many have compared the Mahatma's teachings, and latterly his personal sufferings, to those of Jesus (on whom be peace). ..... When Jesus contemplated the world at the outset of his ministry he was called upon to make his choice of the weapons of reform. .... The idea of being all-powerful by suffering and resignation, and of triumphing over force by purity of heart, is as old as the days of Abel and Cain, the first progeny of man.....
>
> "Be that as it may, it was just as peculiar to Mahatma Gandhi also ;but it was reserved for a Christian Government to treat as felon the most Christ like man of our time *(Shame, Shame)* and to penalize as a disturber of the public peace the one man engaged in public affairs who comes nearest to the Prince of Peace. The political conditions of India just before the advent of the Mahatma resembled those of Judea on the eve of the advent of Jesus, and the prescription that he offered to those in search of a remedy for the ills of India was the same that Jesus had dispensed before in Judea. Self-purification through

suffering ; a moral preparation for the responsibilities of government ; self-discipline as the condition precedent of Swaraj—this was Mahatma's creed and conviction ; and those of us, who have been privileged to have lived in the glorious year that culminated in the Congress session at Ahmedabad, have seen what a remarkable and rapid change he wrought in the thoughts, feelings and actions of such large masses of mankind."

A year after, Mr. Mahomed Ali speaking at Aligarh and Ajmere said :

"However pure Mr. Gandhi's character may be, he must appear to me from the point of view of religion inferior to any Musalman, even though he be without character."

The statement created a great stir. Many did not believe that Mr. Mahomed Ali, who testified to so much veneration for Mr. Gandhi, was capable of entertaining such ungenerous and contemptuous sentiments about him. When Mr. Mahomed Ali was speaking at a meeting held at Aminabad Park in Lucknow, he was asked whether the sentiments attributed to him were true. Mr. Mahomed Ali without any hesitation or compunction replied [75]

[f.31]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_32:

"Yes, according to my religion and creed, I do hold an adulterous and a fallen Musalman to be better than Mr. Gandhi."

It was suggested [77][f.33] at the time that Mr. Mahomed Ali had to recant because the whole of the orthodox Muslim community had taken offence for his having shown such deference to Mr. Gandhi, who was a Kaffir, as to put him on the same pedestal as Jesus. Such praise of a Kaffir, they felt, was forbidden by the Muslim Canon Law.

In a manifesto [78][f.34] on Hindu-Muslim relations issued in 1928 Khwaja Hasan Nizami declared :

"Musalmans are separate from Hindus ; they cannot unite with the Hindus. After bloody wars the Musalmans conquered India, and the English took India from them. The Musalmans are one united nation

and they alone will be masters of India. They will never give up their individuality. They have ruled India for Hundreds of years, and hence they have a prescriptive right over the country. The Hindus are a minor community in the world. They are never free from internecine quarrels ; they believe in Gandhi and worship the cow ; they are polluted by taking other people's water. The Hindus do not care for self-government ; they have no time to spare for it; let them go on with their internal squabbles. What capacity have they for ruling over men? The Musalmans did rule, and the Musalmans will rule."

Far from rendering obedience to Hindus, the Muslims seem to be ready to try conclusions with the Hindus again. In 1926 there arose a controversy as to who really won the third battle of Panipat, fought in 1761. It was contended for the Muslims that it was a great victory for them because Ahmad Sha Abdali had I lakh of soldiers while the Mahrattas had 4 to 6 lakhs. The Hindus replied that it was a victory to them—a victory to vanquished—because it stemmed the tide of Muslim invasions. The Muslims were not prepared to admit defeat at the hands of Hindus and claimed that they will always prove superior to the Hindus. To prove the eternal superiority of Muslims over Hindus it was proposed by one Maulana Akbar Shah Khan of Najibabad in all seriousness, that the Hindus and Muslims should fight, under test conditions, fourth battle on the same fateful plain of Panipat. The Maulana accordingly issued [79][f.35] a challenge to Pandit Madan Mohan Malaviya in the following terms :

"If you Malaviyaji, are milking efforts to falsify the result at Panipat, I shall show you an easy and an excellent way (of testing it). Use your well-known influence and induce the British Government to permit the fourth battle of Panipat to be fought without hindrance from the authorities. I am ready to provide. . . . . a comparative test of the valour and fighting spirit of the Hindus and the Musalmans.... .As there are seven crores of Musalmans in India, I shall arrive on a fixed date on the plain of Panipat with 700 Musalmans representing the seven crores of Muslims in India and as there are 22 crores of Hindus I allow you to come with 2,200 Hindus. The proper thing is not to use cannon,

machine guns or bombs : only swords and javelins and spears, bows and arrows and daggers should be used. If you cannot accept the post of generalissimo of the Hindu host, you may give it to any descendant of Sadashivrao [80][f.36] or Vishwasrao so that their scions may have an opportunity to avenge the defeat of their ancestors in 1761. But any way do come as a spectator ; for on seeing the result of this battle you will have to change your views, and I hope there will be then an end of the present discord and fighting in the country. . . . . In conclusion I beg to add that among the 700 men that I shall bring there will be no Pathans or Afghans as you are mortally afraid of them. So I shall bring with me only Indian Musalmans of good family who are staunch adherents of Shariat."

IV

Such are the religious beliefs, social attitudes and ultimate destinies of the Hindus and Muslims and their communal and political manifestations. These religious beliefs, social attitudes and views regarding ultimate destinies constitute the motive force which determines the lines of their action, whether they will be cooperative or conflicting. Past experience shows that they are too irreconcilable and too incompatible to permit Bindus and Muslims ever forming one single nation or even two harmonious parts of one whole. These differences have the sure effect not only of keeping them asunder but also of keeping them at war. The differences are permanent and the Hindu-Muslim problem bids fair to be eternal. To attempt to solve it on the footing that Hindus and Muslims are one or if they are not one now they will be one hereafter is bound to be a barren occupation—as barren as it proved to be in the case of Czechoslovakia. On the contrary, time has come when certain facts must be admitted as beyond dispute, however unpleasant such admission may be.

In the first place, it should be admitted that every possible attempt to bring about union between Hindus and Muslims has been made and that all of them have failed.

The history of these attempts may be said to begin with the year 1909.

The demands of the Muslim deputation, if they were granted by the British, were assented to by the Hindus, prominent amongst whom was Mr. Gokhale. He has been blamed by many Hindus for giving his consent to the principle of separate electorates. His critics forget that withholding consent would not have been a part of wisdom. For, as has been well said by Mr. Mahomed Ali :—

". ... paradoxical as it may seem, the creation of separate electorates was hastening the advent of Hindu-Muslim unity. For the first time a real franchise, however restricted, was being offered to Indians, and if Hindus and Musalmans remained just as divided as they had hitherto been since the commencement of the British rule, and often hostile to one another, mixed electorates would have provided the best battle-ground for inter-communal strifes, and would have still further widened the gulf separating the two communities. Each candidate for election would have appealed to his own community for voles and would have based his claims for preference on the intensity of his ill-will towards the rival community, however, disguised this may have been under some such formula as ' the defence of his community's interest '. Bad as this would have been, the results of an election in which the two communities were not equally matched would have been even worse, for the community that failed to get its representative elected would have inevitably borne a yet deeper grudge against its successful rival. Divided as the two communities were, there was no chance for any political principles coming into prominence during the elections. The creation of separate electorates did a great deal to stop this inter-communal warfare, though I am far from oblivious of the fact that when inter-communal jealousies are acute the men that are more likely to be returned even from communal electorates are just those who are noted for the ill-will towards the rival community."

But the concession in favour of separate electorates made by the Hindus in 1909 did not result in Hindu-Muslim unity. Then came the Lucknow Pact in 1916. Under it the Hindus gave satisfaction to the Muslims on every count. Yet, it did not produce any accord between the two. Six years later, another attempt was made to bring about Hindu-Muslim unity. The All-India Muslim League at its annual session held at Lucknow in March 1923 passed a resolution 81 [f.37] urging the establishment of a national pact to ensure unity and harmony among the various communities and sects in India and appointed a committee to

collaborate with committees to be appointed by other organizations. The Indian National Congress in its special session held in September 1923 at Delhi under the presidentship of Maulana Abul Kalam Azad passed a resolution reciprocating the sentiments expressed by the League. The Congress resolved to appoint two committees (1) to revise the constitution and (2) to prepare a draft of a national pact. The report 82[f.38] of the committee on the Indian National Pact was signed by Dr. Ansari and Lala Lajpat Rai and was presented at the session of the Congress held at Coconada in 1923. Side by side with the making of the terms of the Indian National Pact there was forged the Bengal Pact [83][f.39] by the Bengal Provincial Congress Committee with the Bengal Muslims under the inspiration of Mr. C. R. Das. Both the Indian National Pact and the Bengal Pact came up for discussion [84][f.40] in the Subjects Committee of the Congress. The Bengal Pact was rejected by 678 votes against 458. With regard to the National Pact, the Congress resolved [85][f.41] that the Committee do call for further opinions on the draft of the Pact prepared by them and submit their report by 31st March 1924 to the A. 1. C. C. for its consideration. The Committee, however, did not proceed any further in the matter. This was because the feeling among the Hindus against the Bengal Pact was so strong that according to Lala Lajpat Rai [86][f.42] it was not considered opportune to proceed with the Committee's labours. Moreover, Mr. Gandhi was then released from jail and it was thought that he would take up the question. Dr. Ansari, therefore, contented himself with handing over to the A. 1. C. C. the material he had collected.

Mr. Gandhi took up the threads as soon as he came out of the gaol. In November 1924 informal discussions were held in Bombay. As a result of these discussions, an All-Parties Conference was constituted and a committee was appointed to deal with the question of bringing about unity. The Conference was truly an All-Parties Conference inasmuch as the representatives were drawn from the Congress, the Hindu Maha Sabha, the Justice Party, Liberal Federation, Indian Christians, Muslim League, etc. On the 23rd January 1925, a meeting of the committee [87][f.43] appointed by the All-Parties Conference was held in Delhi at the Western Hotel. Mr. Gandhi presided. On the 24th January the

committee appointed a representative sub-committee consisting of 40 members (a) to frame such recommendations as would enable all parties to join the Congress, (b) to frame a scheme for the representation of all communities, races and sub-divisions on the legislative and other elective bodies under Swaraj and recommended the best method of securing a just and proper representation of the communities in the services without detriment to efficiency, and (c) to frame a scheme of Swaraj that will meet the present needs of the country. The committee was instructed to report on or before the 15th February. In the interest of expediting the work some members formed themselves into a smaller committee for drawing up a scheme of Swaraj leaving the work of framing the scheme of communal representation to the main committee.

The Swaraj sub-committee under the chairmanship of Mrs. Besant succeeded in framing its report on the constitution and submitted the same to the general committee of the All-Parties Conference. But the sub-committee appointed to frame a scheme of communal representation met at Delhi on the 1st March and adjourned *sine die* without coming to any conclusion. This was due to the fact that Lala Lajpat Rai and other representatives of the Hindus would not attend the meeting of the subcommittee. Mr. Gandhi and Pandit Motilal Nehru issued the following statement [88][f.44]:—

> "Lala Lajpat Rai had asked for a postponement by reason of the inability of Messrs. Jayakar, Srinivas lyengar and Jai Ram Das to attend. We were unable to postpone the meeting on our own responsibility. We, therefore, informed Lala Lajpat Rai that the question of postponement be placed before the meeting. This was consequently done but apart from the absence of Lala Lajpat Rai and of the gentlemen named by him the attendance was otherwise also too meagre for coming to any decision. In our opinion there was moreover no material for coming to any definite conclusions nor is there likelihood of any being reached in the near future. . . . . ."

There is no doubt that this statement truly summed up the state of mind of the parties concerned. The late Lala Lajpat Rai, the spokesman

of the Hindus on the committee, had already said in an article in the *Leader* of Allahabad that there was no immediate hurry for a fresh pact and that he declined to accept the view that a Hindu majority in some provinces and a Muslim majority in others was the only way to Hindu-Muslim unity.

The question of Hindu-Muslim unity was again taken up in 1927. This attempt was made just prior to the Simon Commission inquiry, in the hope that it would be successful as the attempt made prior to the Montagu-Chelmsford inquiry in 1916 and which had fructified in the Lucknow Pact. As a preliminary, a conference of leading Muslims was held in Delhi on the 20th March 1927 at which certain proposals [89][f.45] for safeguarding the interest of the Muslims were considered. These proposals, which were known as the Delhi proposals, were considered by the Congress at its session held in Madras in December 1927. At the same time, the Congress, passed a resolution [90][f.46] authorizing its Working Committee to confer with similar committees to be appointed by other organizations to draft a Swaraj constitution for India. The Liberal Federation and the Muslim League passed similar resolutions appointing their representatives to join in the deliberations. Other organizations were also invited by the Congress Working Committee to send their spokesmen. The All-Parties Conference, [91][f.47] as the committee came to be called, met on 12th February 1928 and appointed a sub-committee to frame a constitution. The committee prepared a report with a draft of the constitution—which is known as the Nehru Report. The report was placed before the All-Parties Convention which met under the presidentship of Dr. Ansari on 22nd December 1928 at Calcutta just prior to the Congress session. On the 1st January 1929 the Convention adjourned *sine die* without coming to. any agreement, on any question, not even on the communal question.

This is rather surprising because the points of difference between the Muslim proposals and the proposals made in the Nehru Committee report were not substantial. This is quite obvious from the speech [92] [f.48] of Mr. Jinnah in the All-Parties Convention in support of his amendments. Mr. Jinnah wanted four amendments to be made in the

report of the Nehru Committee. Speaking on his first amendment relating to the Muslim demand for 33 1/3 per cent. representation in the Central Legislature, Mr. Jinnah said :—

"The Nehru Report has stated that according to the scheme which they propose the Muslims are likely to get one-third in the Central Legislature and perhaps more, and it is argued that the Punjab and Bengal will get much more than their population proportion. What we feel is this. If one-third is going to be obtained by Muslims, then the method which you have adopted is not quite fair to the provinces where the Muslims are in a minority because the Punjab and Bengal will obtain more than their population basis in the Central Legislature. You are going to give to the rich more and keeping the poor according to population. It may be sound reasoning but it is not wisdom. . ....

"Therefore, if the Muslims are, as the Nehru Report suggest, to get one-third, or more, they cannot give the Punjab or Bengal more, but let six or seven extra seats be distributed among provinces which are already in a very small minority, such as, Madras and Bombay, because, remember, if Sind is separated, the Bombay Province will be reduced to something like 8 per cent. There are other provinces where we have small minorities. This is the reason why we say, fix one-third and let it be distributed among Muslims according to our own adjustment."

His second amendment related to the reservation of seats on population basis in the Punjab and in the Bengal, i.e., the claim to a statutory majority. On this Mr. Jinnah said :—

"You remember that originally proposals emanated from certain Muslim leaders in March 1927 known as the ' Delhi Proposals. ' They were dealt with by the A. I. C. C. in Bombay and at the Madras Congress and the Muslim League in Calcutta last year substantially endorsed at least this part of the proposal. I am not going into the detailed arguments. It really reduces itself into one proposition, that the voting strength of Mahomedans in the Punjab and Bengal, although they are in a majority, is not in proportion to their population. That was one of the reasons. The Nehru Report has now

found a substitute and they say that if adult franchise is established then there is no need for reservation, but in the event of its not being established we want to have no doubt that in that case there should be reservation for Muslims in the Punjab and Bengal, according to their population, but they shall not be entitled to additional seals."

His third amendment was in regard to residuary powers which the Nehru Committee had vested in the Central Government. In moving his amendment that they should be lodged in the Provincial Government Mr. Jinnah pleaded :—

"Gentlemen, this is purely a constitutional question and has nothing to do with the communal aspect. We strongly hold—I know Hindus will say Muslims are carried away by communal consideration—we strongly hold the view that, if you examine this question carefully, we submit that the residuary powers should rest with the province."

His fourth amendment was concerned with the separation of Sind. The Nehru Committee had agreed to the separation of Sind but had subjected it to one proviso, namely, that the separation should come"only on the establishment of the system of government outlined in the report". Mr. Jinnah in moving for the deletion of the proviso said :—

"We feel this difficulty.. . . .Suppose the Government choose, within the next six months, or a year or two years, to separate Sind before the establishment of a government under this constitution, are the Mahomedans to say, ' we do not want it '. . . . .So long as this clause stands its meaning is that Mahomedans should oppose its separation until simultaneously a government is established under this constitution. We say delete these words and I am supporting my argument by the fact that you do not make such a remark about the N.-W. F. Province. ... .. .The Committee says it cannot accept it as the resolution records an agreement arrived at by parties who signed at Lucknow. With the utmost deference to the members of the Committee I venture to say that that is not valid ground. ..... Are we bound, in this Convention, bound because a particular resolution was

passed by an agreement between certain persons?"

These amendments show that the gulf between the Hindus and Muslims was not in any way a wide one. Yet there was no desire to bridge the same. It was left to the British Government to do what the Hindus and the Muslims failed to do and it did it by the Communal Award.

The Poona Pact between the Hindus and the Depressed Classes gave another spurt to the efforts to bring about unity. [93][f.49] During the months of November and December 1932 Muslims and Hindus did their best to come to some agreement. Muslims met in their All-Parties Conferences, Hindus, Muslims and Sikhs met in Unity Conferences. Proposals and counter-proposals were made but nothing came out of these negotiations to replace the Award by a Pact and they were in the end abandoned after the Committee had held 23 sittings.

Just as attempts were made to bring about unity on political questions, attempts were also made to bring about unity on social and religious questions such as :—

(1) Cow slaughter, (2) music before the Mosques and (3) conversions over which differences existed. The first attempt in this direction was made in 1923 when the Indian National Pact was proposed. It failed. Mr. Gandhi was then in gaol. Mr. Gandhi was released from gaol on the 5th February 1924. Stunned by the destruction of his work for Hindu-Muslim unity, Mr. Gandhi decided to go on a twenty-one days' fast, holding himself morally responsible for the murderous riots that had taken place between Hindus and Muslims. Advantage was taken of the fast to gather leading Indians of all communities at a Unity Conference [94] [f.50] which was attended also by the Metropolitan of Calcutta. The Conference held prolonged sittings from September 26th to October 2nd, 1924. The members of the Conference pledged themselves to use their utmost endeavours to enforce the principles of freedom of conscience and religion and condemn any deviation from them even under provocation. A Central National Panchayat was appointed with Mr. Gandhi as the chairman. The Conference laid down certain

fundamental rights relating to liberty of holding and expressing religious beliefs and following religious practices, sacredness of places of worship, cow slaughter, and music be fore mosques, with a statement of the limitations they must be subject to. This Unity Conference did not produce peace between the two communities. It only produced a lull in the rioting which had become the order of the day. Between 1925 and 1926, rioting was renewed with an intensity and malignity unknown before. Shocked by this rioting, Lord Irwin, the then Viceroy of India, in his address to the Central Legislature on 29th August 1927 made an appeal to the two communities to stop the rioting and establish amity. Lord Irwin's exhortation to establish amity was followed by another Unity Conference which was known as the Simla Unity Conference. [95][f.51] This Unity Conference met on the 30th August 1927 and issued an appeal beseeching both the communities to support the leaders in their efforts to arrive at a satisfactory settlement. The Conference appointed a Unity Committee which sat in Simla from 16th to 22nd September under the chairmanship of Mr. Jinnah. No conclusions were reached on any of the principal points involved in the cow and music questions and others pending before the Committee were not even touched. Some members felt that the Committee might break up. The Hindu members pressed that the Committee should meet again on some future convenient date. The Muslim members of the Committee were first divided in their opinion, but at last agreed to break up the Committee and the President was requested to summon a meeting if he received a requisition within six weeks from eleven specified members. Such a requisition never came and the Committee never met again.

The Simla Conference having failed, Mr. Srinivas Iyengar, the then President of the Congress, called a special conference of Hindus and Muslims which sat in Calcutta on the 27th and 28th October 1927. It came to be known as the Calcutta Unity Conference. [96][f.52] The Conference passed certain resolutions on the three burning questions. But the resolution had no support behind them as neither the Hindu Maha Sabha nor the Muslim League was represented at the Conference.

At one time it was possible to say that Hindu-Muslim unity was an

ideal which not only must be realized but could be realized and leaders were blamed for not making sufficient efforts for its realization. Such was the view expressed in 1911 even by Maulana Mahomed Ali who had not then made any particular efforts to achieve Hindu-Muslim unity. Writing in the *Comrade* of 14th January 1911 Mr. Mahomed Ali said [97][f.53]:

"We have no faith in the cry that India is united. If India was united where was the need of dragging the venerable President of this year's Congress from a distant home? The bare imagination of a feast will not dull the edge of hunger. We have less faith still in the sanctimoniousness that transmutes in its subtle alchemy a rapacious monopoly into fervent patriotism. . . . .the person we love best, fear the most, and trust the least is the impatient idealist. Goethe said of Byron that he was a prodigious poet, but that when he reflected he was a child. Well, we think no better and no worse of the man who combines great ideals and a greater impatience. So many efforts, well meaning as well as ill-begotten, have failed in bringing unity to this distracted land, that we cannot spare even cheap and scentless flowers of sentiment for the grave of another ill-judged endeavour. We shall not make the mistake of gumming together pieces of broken glass, and then cry over the unsuccessful result, or blame the refractory material. In other words, we shall endeavour to face the situation boldly, and respect facts, howsoever ugly and ill-favoured. It is poor statesmanship to slur over inconvenient realities, and not the least important success in achieving unity is the honest and frank recognition of the deep-seated prejudices that hinder it and the yawning differences that divide."

Looking back on the history of these 30 years, one can well ask whether Hindu-Muslim unity has been realized? Whether efforts have not been made for its realization? And whether any efforts remain to be made? The history of the last 30 years shows that Hindu-Muslim unity has not been realized. On the contrary, there now exists the greatest disunity between them: that efforts—sincere and persistent—have been made to achieve it and that nothing now remains to be done to achieve it except surrender by one party to the other. If anyone, who is not in

the habit of cultivating optimism where there is no justification for it, said that the pursuit of Hindu-Muslim unity is like a mirage and that the idea must now be given up, no one can have the courage to call him a pessimist or an impatient idealist. It is for the Hindus to say whether they will engage themselves in this vain pursuit in spite of the tragic end of all their past endeavours or give up the pursuit of unity and try for a settlement on another basis.

In the second place, it must be admitted that the Muslim point of view has undergone a complete revolution. How complete the revolution is can be seen by reference to the past pronouncements of some of those who insist on the two-nation theory and believe that Pakistan is the only solution of the Hindu-Muslim problem. Among these Mr. Jinnah, of course, must be accepted as the foremost. The revolution in his views on the Hindu-Muslim question is striking, if not staggering. To realize the nature, character and vastness of this revolution it is necessary to know his pronouncements in the past relating to the subject so that they may be compared with those he is making now.

A study of his past pronouncement may well begin with the year 1906 when the leaders of the Muslim community waited upon Lord Minto and demanded separate electorates for the Muslim community. It is to be noted that Mr. Jinnah was not a member of the deputation. Whether he was not invited to join the deputation or whether he was invited to join and declined is not known. But the fact remains that he did not lend his support to the Muslim claim to separate representation when it was put forth in 1906.

In 1918 Mr. Jinnah resigned his membership of the Imperial Legislative Council as a protest against the Rowlatt Bill. [98][f.54] In tendering his resignation Mr. Jinnah said :

"I feel that under the prevailing conditions, I can be of no use to my people in the Council, nor consistently with one's self-respect is cooperation possible with a Government that shows such utter disregard for the opinion of the representatives of the people at the Council Chamber and the feelings and the sentiments of the people

outside."In 1919 Mr. Jinnah gave evidence before the Joint Select Committee appointed by Parliament on the Government of India Reform Bill, then on the anvil. The following views were expressed by him in answer to questions put by members of the Committee on the Hindu-Muslim question.

EXAMINED BY MAJOR ORMSBY-GORE.

Q. 3806.—You appear on behalf of the Moslem League— that is, on behalf of the only widely extended Mohammedan organisation in India?—Yes.

Q. 3807.—I was very much struck by the fact that neither in your answers to the questions nor in your opening speech this morning did you make any reference to the special interest of the Mohammedans in India: is that because you did not wish to say anything?—No, but because I take it the Southborough Committee have accepted that, and I left it to the members of the Committee to put any questions they wanted to. I took a very prominent part in the settlement of Lucknow. I was representing the Musalmans on that occasion.

Q. 3809.—On behalf of the All-India Moslem League, you ask this Committee to reject the proposal of the Government of India?—I am authorised to say that—to ask you to reject the proposal of the Government of India with regard to Bengal [i.e., to give the Bengal Muslims more representation than was given them by the Lucknow Pact].

Q. 3810.—You said you spoke from the point of view of India. You speak really as an Indian Nationalist?—1 do.

Q. 3811.—Holding that view, do you contemplate the early disappearance of separate communal representation of the Mohammedan community?—I think so.

Q. 3812.—That is to say, at the earliest possible moment you wish to do away in political life with any distinction between Mohammedans and Hindus?—Yes. Nothing will please me more than when that day comes.

Q. 3813—You do not think it is true to say that the Mohammedans of India have many special political interests not merely in India but outside India, which they are always particularly anxious to press as a distinct Mohammedan community? —There are two things. In India the Mohammedans have very few things really which you can call matters of special interest for them—I mean secular things.

Q. 3814.—I am only referring to them, of course?—And therefore that is why I really hope and expect that the day is not very far distant when these separate electorates will disappear.

Q. 3815.—It is true, at the same time, that the Mohammedans in India take a special interest in the foreign policy of the Government of India?—They do ; a very,—No, because what you propose to do is to frame very keen interest and the large majority of them hold very strong sentiments and very strong views.

Q. 3816.—Is that one of the reasons why you, speaking on behalf of the Mohammedan community, are so anxious to get the Government of India more responsible to an electorate?—No.

Q. 3817.—Do you think it is possible, consistently with remaining in the British Empire, for India to have one foreign policy and for His Majesty, as advised by his Ministers in London, to have another?—Let me make it clear. It is not a question of foreign policy at all. What the Moselms of India feel is that it is a very difficult position for them. Spiritually, the Sultan or the Khalif is their head.

Q. 3818.—Of one community?—Of the Sunni sect, but that is the largest; it is in an overwhelming majority all over India. The Khalif is the only rightful custodian of the Holy Places according to our view, and nobody else has a right. What the Moslems feel very keenly is this, that the Holy Places should not be severed from the Ottoman Empire—that they should remain with the Ottoman Empire under the Sultan.

Q. 3819.—I do not want to get away from the Reform Bill on to foreign policy.—1 say it has nothing to do with foreign policy. Your point is whether in India the Muslims will adopt a certain attitude with

regard to foreign policy in matters concerning Moslems all over the world.

Q. 3820.—My point is, are they seeking for some control over the Central Government in order to impress their views on foreign policy on the Government of India?—No.

EXAMINED BY MR. BENNETT

Q. 3853.—.....Would it not be an advantage in the case of an occurrence of that kind [i.e., a communal riot] if the maintenance of law and order were left with the executive side of the Government?—1 do not think so, if you ask me, but I do not want to go into unpleasant matters, as you say.

Q. 3854.—It is with no desire to bring up old troubles that I ask the question ; I would like to forget them?—If you ask me, very often these riots are based on some misunderstanding, and it is because the police have taken one side or the other, and that has enraged one side or the other. I know very well that in the Indian States you hardly ever hear of any Hindu-Mohammedan riots, and I do not mind telling the Committee, without mentioning the name, that I happened to ask one of the ruling Princes,"How do you account for this?"and he told me,"As soon as there is some trouble we have invariably traced it to the police, through the police taking one side or the other, and the only remedy we have found is that as soon as we come to know we move that police officer from that place, and there is an end of it."

Q. 3855.—That is useful piece of information, but the fact remains that these riots have been inter-racial, Hindu on the one side and Mohammedan on the other. Would it be an advantage at a time like that the Minister, the representative of one community or the other, should be in charge of the maintenance of law and order?—Certainly.

Q. 3856.—It would?—If I thought otherwise I should be casting a reflection on myself. If I was the Minister, I would make bold to say that nothing would weigh with me except justice, and what is right. Q. 3857.—I can understand that you would do more than justice to the

other side; but even then, there is what might be called the subjective side. It is not only that there is impartiality, but there is the view which may be entertained by the public, who may harbour some feeling of suspicion?—With regard to one section or the other, you mean they would feel that an injustice was done to them, or that justice would not be done?

Q. 3858.—Yes; that is quite apart from the objective part of it?—My answer is this: That these difficulties are fast disappearing. Even recently, in the whole district of Thana, Bombay, every officer was an Indian officer from top to bottom, and I do not think there was a single Mohammedan—they were all Hindus—and I never heard any complaint Recently that has been so. I quite agree with you that ten years ago there was that feeling what you are now suggesting to me, but it is fast disappearing.

EXAMINED BY LORD ISLINGTON

Q. 3892.—. ..... You said just now about the communal representation, I think in answer to Major Ormsby-Gore, that you hope in a very few years you would be able to extinguish communal representation, which was at present proposed to be established and is established in order that Mahommedans may have their representation with Hindus. You said you desired to see that. How soon do you think that happy state of affairs is likely to be realized?—1 can only give you certain facts : I cannot say anything more than that: I can give you this which will give you some idea: that in 1913, at the All-India Moslem League sessions at Agra, we put this matter to the lest whether separate electorates should be insisted upon or not by the Mussalmans, and we got a division, and that division is based upon Provinces ; only a certain number of votes represent each Province, and the division came to 40 in favour of doing away with the separate electorate, and 80 odd—1 do not remember the exact number—were for keeping the separate electorate. That was in 1913. Since then I have had many opportunities of discussing this matter with various Mussulman leaders ; and they are changing their angle of vision with regard to this matter. I cannot give you the period, but I think it cannot last very long. Perhaps the next

inquiry may hear something about it.

Q. 3893.—You think at the next inquiry the Mahommedans will ask to be absorbed into the whole?—Yes, I think the next inquiry will probably hear something about it.

Although Mr. Jinnah appeared as a witness on behalf of the Muslim League, he did not allow his membership of the League to come in the way of his loyalty to other political organizations in the country. Besides being a member of the Muslim League, Mr. Jinnah was a member of the Home Rule League and also of the Congress. As he said in his evidence before the Joint Parliamentary Committee, he was a member of all three bodies although he openly disagreed with the Congress, with the Muslim League and that there were some views which the Home Rule League held which he did not share. That he was an independent but a nationalist ,is shown by his relationship with the Khilafatist Musalmans. In 1920 the Musalmans organized the Khilafat Conference. It became so powerful an organization that the Muslim League went under and lived in a state of suspended animation till 1924. During these years no Muslim leader could speak to the Muslim masses from a Muslim platform unless he was a member of the Khilafat Conference. That was the only platform for Muslims to meet Muslims. Even then Mr. Jinnah refused to join the Khilafat Conference. This was no doubt due to the fact that then he was only a statutory Musalman with none of the religious fire of the orthodox which he now says is burning within him. But the real reason why he did not join the Khilafat was because he was opposed to the Indian Musalmans engaging themselves in extra-territorial affairs relating to Muslims outside India.

After the Congress accepted non-co-operation, civil disobedience and boycott of Councils, Mr. Jinnah left the Congress. He became its critic but never accused it of being a Hindu body. He protested when such a statement was attributed to him by his opponents. There is a letter by Mr. Jinnah to the Editor of the *Times of India* written about the time which puts in a strange contrast the present opinion of Mr. Jinnah about the Congress and his opinion in the past. The letter [99][f.55] reads as follows :—.

"To the Editor of"The Times of India"

Sir,—1 wish again to correct the statement which is attributed to me and to which you have given currency more than once and now again repeated by your correspondent ' Banker 'in the second column of your issue of the 1st October that I denounced the Congress as ' a Hindu Institution '. I publicly corrected this misleading report of my speech in your columns soon after it appeared ;.but it did not find a place in the columns of your paper and so may I now request you to publish this and oblige."

After the Khilafat storm had blown over and the Muslims had shown a desire to return to the internal politics of India, the Muslim League was resuscitated. The session of the League held in Bombay on 30th December 1924 under the presidentship of Mr. Raza Ali was a lively one. Both Mr. Jinnah and Mr. Mahomed Ali took part in it. [100][f.56]

In this session of the League, a resolution was moved which affirmed the desirability of representatives of the various Muslim associations of India representing different shades of political thought meeting in a conference at an early date at Delhi or at some other central place with a view to develop"a united and sound practical activity"to supply the needs of the Muslim community. Mr. Jinnah in explaining the resolution said [101][f.57]:—

"The object was to organize the Muslim community, not with a view to quarrel with the Hindu community, but with a view to unite and cooperate with it for their motherland. He was sure once they had organized themselves they would join hands with the Hindu Maha Sabha and declare to the world that Hindus and Mahomedans are brothers."

The League also passed another resolution in the same session for appointing a committee of 33 prominent Musalmans to formulate the political demands of the Muslim community. The resolution was moved by Mr. Jinnah. In moving the resolution, Mr. Jinnah [102][f.58] :—

"Repudiated the charge that he was standing on the platform of the

League as a communalist. He assured them that he was, as ever, a nationalist. Personally he had no hesitation. He wanted the best and the fittest men to represent them in the Legislatures of the land (Hear, Hear and Applause). But unfortunately his Muslim compatriots were not prepared to go as far as he. He could not be blind to the situation. The fact was that there was a large number of Muslims who wanted representation separately in Legislatures and in the country's Services. They were talking of communal unity, but where was unity? It had to be achieved by arriving at some suitable settlement. He knew he said amidst deafening cheers, that his fellow-religionists were ready and prepared to fight for Swaraj, but wanted some safeguards. Whatever his view, and they knew that as a practical politician he had to take stock of the situation, the real block to unity was not the communities themselves, but a few mischief makers on both sides."

And he did not thus hesitate to arraign mischief makers in the sternest possible language that could only emanate from an earnest nationalist. In his capacity as the President of the session of the League held in Lahore on 24th May 1924 he said [103] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_59:—

"If we wish to be free people, let us unite, but if we wish to continue slaves of Bureaucracy, let us fight among ourselves and gratify petty vanity over petty matters. Englishmen being our arbiters."

In the two All-Parties Conferences, one held in 1925 and the other in 1928, Mr. Jinnah was prepared to settle the Hindu-Muslim question on the basis of joint electorates. In 1927 he openly said [104][f.60] from the League platform :—

> "I am not wedded to separate electorates, although I must say that the overwhelming majority of the Musalmans firmly and honestly believe that it is the only method by which they can be sure."

In 1928, Mr. Jinnah joined the Congress in the boycott of the Simon Commission. He did so even though the Hindus and Muslims had failed to come to a settlement and he did so at the cost of splitting the League

into two.

Even when the ship of the Round Table Conference was about to break on the communal rock, Mr. Jinnah resented being named as a communalist who was responsible for the result and said that he preferred an agreed solution of the communal problem to the arbitration of the British Government. Addressing the U. P. Muslim Conference held at Allahabad on 8th August [105][f.61] 1931 Mr. Jinnah said :—

"The first thing that I wish to tell you is that it is now absolutely essential and vital that Muslims should stand united. For Heaven's sake close all your ranks and files and slop this internecine war. I urged this most vehemently and I pleaded to the best of my ability before Dr. Ansari, Mr. T. A. K. Sherwani, Maulana Abul Kalam Azad and Dr. Syed Mahmud. I hope that before I leave the shores of India I shall hear the good news that whatever may be our differences ; whatever may be our convictions between ourselves, this is not the moment to quarrel between ourselves.

"Another thing I want to tell you is this. There is a certain section of the press, there is a certain section of the Hindus, who constantly misrepresent me in various ways. I was only reading the speech of Mr. Gandhi this morning and Mr. Gandhi said that he loves Hindus and Muslims alike. I again say standing here on this platform that although I may not put forward that claim but I do put forward this honestly and sincerely that I want fair play between the two communities."

Continuing further Mr. Jinnah said:"As to the most important question, which to my mind is the question of Hindu-Muslim settlement—all I can say to you is that I honestly believe that the Hindus should concede to the Muslims a majority in the Punjab and Bengal and if that is conceded, I think a settlement can be arrived at in a very short time.

"The next question that arises is one of separate vs. joint electorates. As most of you know, if a majority is conceded in the Punjab and Bengal, I would personally prefer a settlement on the basis of joint

electorate. (Applause.) But I also know that there is a large body of Muslims—and I believe a majority of Muslims—who are holding on to separate electorate. My position is that I would rather have a settlement even on the footing of separate electorate, hoping and trusting that when we work our new constitution and when both Hindus and Muslims get rid of distrust, suspicion and fears and when they gel their freedom we would rise to the occasion and probably separate electorate will go sooner than most of us think.

"Therefore I am for a settlement and peace among the Muslims first; I am for a settlement and peace between the Hindus and Mahommedans. This is not a lime for argument, not a time for propaganda work and not a time for embittering feelings between the two communities, because the enemy is at the door of both of us and I say without hesitation that if the Hindu-Muslim question is not settled, I have no doubt that the British will have to arbitrate and that he who arbitrates will keep to himself the substance of power and authority. Therefore, I hope they will not vilify me. After all, Mr. Gandhi himself says that he is willing to give the Muslims whatever they want, and my only sin is that I say to the Hindus give to the Muslims only 14 points, which is much less than the ' blank cheque ' which Mr. Gandhi is willing to give. I do not want a blank cheque, why not concede the 14 points? When Pandit Jawaharlal Nehru says: 'Give us a blank cheque ' when Mr. Patel says : ' Give us a blank cheque and we will sign it with a Swadeshi pen on a Swadeshi paper ' they are not communalists and I am a communalist ! I say to Hindus not to misrepresent everybody. I hope and trust that we shall be yet in a position to settle the question which will bring peace and happiness to the millions in our country.

"One thing more I want to tell you and I have done. During the lime of the Round Table Conference,—it is now an open book and anybody who cares to read it can learn for himself—I observed the one and the only principle and it was that when I left the shores of Bombay I said to the people that I would hold the interests of India sacred, and believe me—if you care to read the proceedings of the Conference, I am not bragging because I have done my duly—that I

have loyally and faithfully fulfilled my promise to the fullest extent and I venture to say that if the Congress or Mr. Gandhi can get anything more than I fought for, I would congratulate them.

"Concluding Mr. Jinnah said that they must come to a settlement, they must become friends eventually and he, therefore, appealed to the Muslims to show moderation, wisdom and conciliation, if possible, in the deliberation that might take place and the resolution that might be passed at the Conference."

As an additional illustration of the transformation in Muslim ideology, I propose to record the opinions once held by Mr. Barkat Ali who is now a follower of Mr. Jinnah and a staunch supporter of Pakistan.

When the Muslim League split-into two over the question of cooperation with the Simon Commission, one section led by Sir Mahommad Shafi favouring co-operation and another section led by Mr. Jinnah supporting the Congress plan of boycott, Mr. Barkat Ali belonged to the Jinnah section of the League. The two wings of the League held their annual sessions in 1928 at two different places. The Shafi wing met in Lahore and the Jinnah wing met in Calcutta. Mr. Barkat Ali, who was the Secretary of the Punjab Muslim League, attended the Calcutta session of the Jinnah wing of the League and moved the resolution relating to the communal settlement. The basis of the settlement was joint electorates. In moving the resolution Mr. Barkat Ali said [106] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_62:—

"For the first time in the history of the League there was a change in its angle of vision. We are offering by this change a sincere hand of fellowship to those of our Hindu countrymen who have objected to the principle of separate electorates."

In 1928 there was formed a Nationalist Party under the leadership of Dr. Ansari. [107][f.63] The Nationalist Muslim Party was a step in advance of the Jinnah wing of the Muslim League and was prepared to accept the Nehru Report, as it was, without any amendments—not even those which Mr. Jinnah was insisting upon. Mr. Barkat Ali, who in 1927 was

with the Jinnah wing of the League, left the same as not being nationalistic enough and joined the Nationalist Muslim Party of Dr. Ansari. How great a nationalist Mr. Barkat Ali then was can be seen by his trenchant and vehement attack on Sir Muhammad lqbal for his having put forth in his presidential address to the annual session of the All-India Muslim League held at Allahabad in 1930 a scheme [108][f.64] for the division of India which is now taken up by Mr. Jinnah and Mr. Barkat Ali and which goes by the name of Pakistan. In 1931 there was held in Lahore the Punjab Nationalist Muslim Conference and Mr. Barkat Ali was the Chairman of the Reception Committee. The views he then expressed on Pakistan are worth recalling [109][f.65] Reiterating and reaffirming the conviction and the political faith of his party, Malik Barkat Ali, Chairman of the Reception Committee of the Conference, said :

"We believe, first and foremost in the full freedom and honour of India. India, the country of our birth and the place with which all our most valued and dearly cherished associations are knit, must claim its first place in our affection and in our desires. We refuse to be parties to that sinister type of propaganda which would try to appeal to ignorant sentiment by professing to be Muslim first and Indian afterwards. To us a slogan of this kind is not only bare, meaningless cant, but downright mischievous. We cannot conceive of Islam in its best and last interests as in any way inimical to or in conflict with the best and permanent interests of India. India and Islam in India are identical, and whatever is to the detriment of India must, from the nature of it, be detrimental to Islam whether economically, politically, socially or even morally. Those politicians, therefore, are a class of false prophets and at bottom the foes of Islam, who talk of any inherent conflict between Islam and the welfare of India. Further, howsoever much our sympathy with our Muslim brethren outside India, i.e., the Turks and the Egyptians or the Arabs,—and it is a sentiment which is at once noble and healthy,—we can never allow that sympathy to work to the detriment of the essential interests of India. Our sympathy, in fact, with those countries can only be valuable to them, if India as the source, nursery and fountain of that sympathy,

is really great. And if ever the lime comes, God forbid, when any Muslim Power from across the Frontier chooses to enslave India and snatch away the liberties of its people, no amount of pan-lslamic feeling, whatever it may mean, can stand in the way of Muslim India fighting shoulder to shoulder with non-Muslim India in defence of its liberties.

"Let there be, therefore, no misgivings of any kind in that respect in any non-Muslim quarters. I am conscious that a certain class of narrow-minded Hindu politicians is constantly harping on the bogey of an Islamic danger to India from beyond the N.-W. Frontier passes but I desire to repeat that such statements and such fears are fundamentally wrong and unfounded. Muslim India shall as much defend India's liberties as non-Muslim India, even if the invader happens to be a follower of Islam.

"Next, we not only believe in a free India but we also believe in a united India—not the India of the Muslim, not the India of the Hindu or of the Sikh, not the India of this community or of that community but the India of all. And as this is our abiding faith, we refuse to be parties to any division of the India of the future into a Hindu or a Muslim India. However much the conception of a Hindu and a Muslim India may appeal and send into frenzied ecstasies abnormally orthodox mentalities of their party, we offer our full throated opposition to it, not only because it is singularly unpractical and utterly obnoxious but because it not only sounds the death-knell of all that is noble and lasting in modern political activity in India, but is also contrary to and opposed to India's chief historical tradition.

"India was one in the days of Asoka and Chandragupta and India remained one even when the sceptre and rod of Imperial sway passed from Hindu into Moghul or Muslim hands. And India shall remain one when we shall have attained the object of our desires and reached those uplands of freedom, where all the light illuminating us shall not be reflected glory but shall be light proceeding direct as it were from our very faces.

"The conception of a divided India, which Sir Muhammad lqbal put forward recently in the course of his presidential utterance from the platform of the League at a time when that body had virtually become extinct and ceased to represent free Islam—I am glad to be able to say that Sir Muhammad lqbal has since recanted it—must not therefore delude anybody into thinking that it is Islam's conception of the India to be. Even if Dr. Sir Muhammad lqbal had not recanted it as something which could not be put forward by any sane person, I should have emphatically and unhesitatingly repudiated it as something foreign to the genius and the spirit of the rising generation of Islam, and I really deem it a proud duty to affirm today that not only must there be no division of India in to communal provinces but that both Islam and Hinduism must run coterminously with the boundaries of India and must not be cribbed, cabined and confined within any shorter bounds. To the same category as Dr. lqbal's conception of a Muslim India and a Hindu India, belongs the sinister proposals of some Sikh communalists to partition and divide the Punjab.

"With a creed so expansive, namely a free and united India with its people all enjoying in equal measure and without any kinds of distinctions and disabilities the protection of laws made by the chosen representatives of the people on the widest possible basis of a true democracy, namely, adult franchise, and through the medium of joint electorates—and an administration charged with the duty of an impartial execution of the laws, fully accountable for its actions, not to a distant or remote Parliament of foreigners but to the chosen representatives of the land,—you would not expect me to enter into the details and lay before you, all the colours of my picture. And I should have really liked to conclude my general observations on the aims and objects of the Nationalist Muslim Party here, were it not that the much discussed question of joint or separate electorates, has today assumed proportions where no public man can possibly ignore it.

"Whatever may have been the value or utility of separate electorates at a time when an artificially manipulated high-propertied franchise had the effect of converting a majority of the people in the population

of a province into a minority in the electoral roll, and when communal passions and feelings ran particularly high, universal distrust poisoning the whole atmosphere like a general and all-pervading miasma,—we feel that in the circumstances of today and in the India of the future, separate electorates should have no place whatever."

Such were the views Mr. Jinnah and Mr. Barkat Ali held on nationalism, on separate electorates and on Pakistan. How diametrically opposed are the views now held by them on these very problems?

So far I have laboured to point out things, the utter failure of the attempts made to bring about Hindu-Muslim unity and the emergence of a new ideology in the minds of the Muslim leaders. There is also a third thing which I must discuss in the present context for reasons arising both from its relevance as well as from its bearing on the point under consideration, namely whether the Muslim ideology has behind it a justification which political philosophers can accept.

Many Hindus seem to hold that Pakistan has no justification. If we confine ourselves to the theory of Pakistan there can be no doubt that this is a greatly mistaken view. The philosophical justification for Pakistan rests upon the distinction between a community and a nation. In the first, place, it is recognized comparatively recently. Political philosophers for a long time were concerned, mainly, with the controversy summed up in the two questions, how far should the right of a mere majority to rule the minority be accepted as a rational basis for government and how far the legitimacy of a government be said to depend upon the consent of the governed. Even those who insisted, that the legitimacy of a government depended upon the consent of the governed, remained content with a victory for their proposition and did not cane to probe further into the matter. They did not feel the necessity for making any distinctions within the category of the"governed". They evidently thought that it was a matter of no moment whether those who were included in the category of the governed formed a community or a nation. Force of circumstances has, however, compelled political philosophers to accept this distinction. In the second place, it is not a mere distinction without a difference. It is a distinction which is

substantial and the difference is consequentially fundamental. That this distinction between a community and a nation is fundamental, is clear from the difference in the political rights which political philosophers are prepared to permit to a community and those they are prepared to allow to a nation against the Government established by law. To a community they are prepared to allow only the right of insurrection. But to a nation they are willing to concede the right of disruption. The distinction between the two is as obvious as it is fundamental.. A right of insurrection is restricted only to insisting on a change in the mode and manner of government. The right of disruption is greater than the right of insurrection arid extends to the secession of a group of the members of a State with a secession of the portion of the State's territory in its occupation. One wonders what must be the basis of this difference. Writers on political philosophy, who have discussed this subject, have given their reasons for the justification of a Community's right to insurrection [110][f.66] and of a nation's right to demand disruption. [111][f.67] The difference comes to this : a community has a right to safeguards, a nation has a right to demand separation. The difference is at once clear and crucial. But they have not given any reasons why the right of one is limited to insurrection and why that of the other extends to disruption. They have not even raised such a question. Nor are the reasons apparent on the face of them. But it is both interesting and instructive to know why this difference is made. To my mind the reason for this difference pertains to questions of ultimate destiny. A state either consists of a series of communities or it consists of a series of nations. In a state, which is composed of a series of communities, one community may be arrayed against another community and the two may be opposed to each other. But in the matter of their ultimate destiny they feel they are one. But in a state, which is composed of a series of nations, when one nation rises against the other, the conflict is one as to differences of ultimate destiny. This is the distinction between communities and nations and it is this distinction which explains the difference in their political rights. There is nothing new or original in this explanation. It is merely another way of staring why the community has one kind of right and the nation another of quite a different kind. A community has a right of insurrection

because it is satisfied with it. All that it wants is a change in the mode and form of government. Its quarrel is not over any difference of ultimate destiny. A nation has to be accorded the right of disruption because it will not be satisfied with mere change in the form of government. Its quarrel is over the question of ultimate destiny. If it will not be satisfied unless the unnatural bond that binds them is dissolved, then prudence and even ethics demands that the bond shall be dissolved and they shall be freed each to pursue its own destiny.

V

While it is necessary to admit that the efforts at Hindu-Muslim unity have failed and that the Muslim ideology has undergone a complete revolution, it is equally necessary to know the precise causes which have produced these effects. The Hindus say that the British policy of divide and rule is the real cause of this failure and of this ideological revolution. There is nothing surprising in this. The Hindus having cultivated the Irish mentality to have no other politics except that of being always against the Government, are ready to blame the Government for everything including bad weather. But time has come to discard the facile explanation so dear to the Hindus. For it fails to take into account two very important circumstances. In the first place, it overlooks the fact that the policy of divide and rule, allowing that the British do resort to it, cannot succeed unless there are elements which make division possible, and further if the policy succeeds for such a long time, it means that the elements which divide are more or less permanent and irreconcilable and are not transitory or superficial. Secondly, it forgets that Mr. Jinnah, who represents this ideological transformation, can never be suspected of being a tool in the hands of the British even by the worst of his enemies. He may be too self-opinionated, an egotist without the mask and has perhaps a degree of arrogance which is not compensated by any extraordinary intellect or equipment. It may be on that account he is unable to reconcile himself to a second place and work with others in that capacity for a public cause. He may not be over-flowing with ideas although he is not, as his critics make him out to be, an empty-headed dandy living upon the ideas of others. It may be

that his fame is built up more upon art and less on substance. At the same time, it is doubtful if there is a politician in India to whom the adjective incorruptible can be more fittingly applied. Anyone who knows what his relations with the British Government have been, will admit that he has always been their critic, if indeed, he has not been their adversary. No one can buy him. For it must be said to his credit that he has never been a soldier of fortune. The customary Hindu explanation fails to account for the ideological transformation of Mr. Jinnah.

What is then the real explanation of these tragic phenomena, this failure of the efforts for unity, this transformation in the Muslim ideology?

The real explanation of this failure of Hindu-Muslim unity lies in the failure to realize that what stands between the Hindus and Muslims is not a mere matter of difference, and that this antagonism is not to be attributed to material causes. It is formed by causes which take their origin in historical, religious, cultural and social antipathy, of which political antipathy is only a reflection. These form one deep river of discontent which, being regularly fed by these sources, keeps on mounting to a head and overflowing its ordinary channels. Any current of water flowing from another source however pure, when it joins it, instead of altering the colour or diluting its strength becomes lost in the main stream. The silt of this antagonism which this current has deposited, has become permanent and deep. So long as this silt keeps on accumulating and so long as this antagonism lasts, it is unnatural to expect this antipathy between Hindus and Muslims to give place to unity.

Like the Christians and Muslims in the Turkish Empire, the Hindus and Muslims of India have met as enemies on many fields, and the result of the struggle has often brought them into the relation of conquerors and conquered. Whichever party has triumphed, a great gulf has remained fixed between the two and their enforced political union either under the Moghuls or the British instead of passing over, as in so many other cases, into organic unity, has only accentuated their mutual

antipathy. Neither religion nor social code can bridge this gulf. The two faiths are mutually exclusive and whatever harmonies may be forged in the interest of good social behaviour, at their core and centre they are irreconcilable. There seems to be an inherent antagonism between the two which centuries have not been able to dissolve. Notwithstanding the efforts made to bring the creeds together by reformers like Akbar and Kabir, the ethical realities behind each have still remained, to use a mathematical phrase, which nothing can .alter or make integers capable of having a common denominator. A Hindu can go from Hinduism to Christianity without causing any commotion or shock. But he cannot pass from Hinduism to Islam without causing a communal riot, certainly not without causing qualms. That shows the depth of the antagonism which divides the Hindus from the Musalmans.

If Islam and Hinduism keep Muslims and Hindus apart in the matter of their faith, they also prevent their social assimilation. That Hinduism prohibits intermarriage between Hindus and Muslims is quite well known. This narrow-mindedness is not the vice of Hinduism only. Islam is equally narrow in its social code. It also prohibits intermarriage between Muslims and Hindus. With these social laws there can be no social assimilation and consequently no socialization of ways, modes and outlooks, no blunting of the edges and no modulation of age-old angularities.

There are other defects in Hinduism and in Islam which are responsible for keeping the sore between Hindus and Muslims open and running. Hinduism is said to divide people and in contrast Islam is said to bind people together. This is only a half truth. For Islam divides as inexorably as it binds. Islam is a close corporation and the distinction that it makes between Muslims and non-Muslims is a very real, very positive and very alienating distinction. The brotherhood of Islam is not the universal brotherhood of man. It is brotherhood of Muslims for Muslims only. There is a fraternity but its benefit is confined to those within that corporation. For those who are outside the corporation, there is nothing but contempt and enmity. The second defeat of Islam is that it is a system of *social* self-government and is incompatible with *local*

self-government, because the allegiance of a Muslim does not rest on his domicile in the country which is his but on the faith to which he belongs. To the Muslim *ibi bene ibi patria* is unthinkable. Wherever there is the rule of Islam, there is his own country. In other words, Islam can never allow a true Muslim to adopt India as his motherland and regard a Hindu as his kith and kin. That is probably the reason why Maulana Mahomed Ali, a great Indian but a true Muslim, preferred to be buried in Jerusalem rather than in India.

The real explanation of the ideological transformation of the Muslim leaders is not to be attributed to any dishonest drift in their opinion. It appears to be the dawn of a new vision pointing to a new destiny symbolized by a new name, Pakistan. The Muslims appear to have started a new worship of a new destiny for the first time. This is really not so. The worship is new because the sun of their new destiny which was so far hidden in the clouds has only now made its appearance in full glow. The magnetism of this new destiny cannot but draw the Muslims towards it. The pull is so great that even men like Mr. Jinnah have been violently shaken and have not been able to resist its force. This destiny spreads itself out in a concrete form over the map of India. No one, who just looks at the map, can miss it. It lies there as though it is deliberately planned by Providence as a separate National State for Muslims. Not only is this new destiny capable of being easily worked out and put in concrete shape but it is also catching because it opens up the possibilities of realizing the Muslim idea of linking up all the Muslim kindred in one Islamic State and thus avert the danger of Muslims in different countries adopting the nationality of the country to which they belong and thereby bring about the disintegration of the Islamic brotherhood.[112] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40E2.Pakistan or the Partition of India PART IV.htm - _msocom_68With the separation of Pakistan from Hindustan, Iran, Iraq, Arabia, Turkey and Egypt are forming a federation of Muslim countries constituting one Islamic State extending from Constantinople down to Lahore. A Musalman must be really very stupid if he is not attracted by the glamour of this new destiny and completely transformed in his view of the place of Muslims in the Indian cosmos.

So obvious is the destiny that it is somewhat surprising that the Muslims should have taken so long to own it up. There is evidence that some of them knew this to be the ultimate destiny of the Muslims as early as 1923. In support of this, reference may be made to the evidence of Khan Saheb Sardar M. Gul Khan who appeared as a witness before the North-West Frontier Committee appointed in that year by the Government of India under the chairmanship of Sir Dennis Bray, to report upon the administrative relationship between the Settled Districts of the N.-W.F. Province and the Tribal Area and upon the amalgamation of the Settled Districts with the Punjab. The importance of his evidence was not realized by any member of the Committee except Mr. N. M. Samarth who was the one member who drew pointed attention to it in his Minority Report. The following extracts from his report illuminate a dark comer in the history of the evolution of this new destiny. [113][f.69] Says Mr. Samarth :—

"There was not before the Committee another witness who could claim to speak with the authority of personal knowledge and experience of not only the North-West Frontier Province and Independent Territory but Baluchistan, Persia and Afghanistan, which this witness could justly lay claim to. It is noteworthy that he appeared before the Committee as a witness in his capacity as ' President, Islamic Anjuman, Dera Ismail Khan '. This witness (Khan Saheb Sardar Muhammad Gul Khan) was asked by me: ' Now suppose the Civil Government of the Frontier Province is so modelled as to be on the same basis as in Sind, then this Province will be part and parcel of the Punjab as Sind is of the Bombay Presidency. What have you to say to it?' He gave me, in the course of his reply, the following straight answer: 'As far as Islam is concerned and the Mahommedan idea of the League of Nations goes, I am against it. ' On this answer, I asked him some further questions to which he gave me frank, outspoken replies without mincing matters. I extract the pertinent portions below :—

' Q.—The idea at the back of your Anjuman is the Pan-lslamic idea which is that Islam is a League of Nations and as such amalgamating

this Province with the Punjab will be detrimental, will be prejudicial, to that idea. That is the dominant idea at the back of those who think with you? Is it so?

A.—It is so, but I have to add something. Their idea is that the Hindu-Muslim unity will never become a fact, it will never become a *fait accompli,* and they think that this Province should remain separate and a link between Islam and Britannic Commonwealth. In fact, when I am asked what my opinion is—1, as a member of the Anjuman, am expressing this opinion—we would very much rather see the separation of the Hindus and Muhammadans, 23 crores of Hindus to the south and 8 crores of Muslims to the north. Give the whole portion from Raskumarit [114] [f.70] to Agra to Hindus and from Agra to Peshawar to Muhammadans, I mean transmigration from one place to the other. This is an idea of exchange. It is not an idea of annihilation. Bolshevism at present does away with the possession of private property. It nationalizes the whole thing and this is an idea which of course appertains to only exchange. This is of course impracticable. But if it were practicable, we would rather want this than the other.

'Q.—That is the dominant idea which compels you not to have amalgamation with the Punjab? '

A.—Exactly.

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Q.—When you referred to the Islamic League of Nations, I believe you had the religious side of it more prominently in your mind than the political side?

'A.—Of course political Anjuman is apolitical thing. Initially, of course, anything Muhammadan is religious, but of course Anjuman is a political association.

' Q.—1 am not referring to your Anjuman but I am referring to 'the Musalmans. I want to know what the Musalmans think of this Islamic League of Nations, what have they most prominently in mind, is it the religious side or the political side? ' A.—Islam, as you know, is both

religious and political.

Q.—Therefore politics and religion are intermingled?

A.—Yes, certainly '.

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Mr. Samarth used this evidence for the limited purpose of showing that to perpetuate a separate Pathan Province by refusing to amalgamate the N.-W. F. P. with the Punjab was dangerous in view of the Pathan's affiliations with Afghanistan and with other Muslim countries outside India. But this evidence also shows that the idea underlying the scheme of Pakistan had taken birth sometime before 1923.

In 1924 Mr. Mahomed Ali speaking on the resolution on the extension of the Montagu-Chelmsford Reforms to the N.-W. F. Province, which was moved in the session of the Muslim League held in Bombay in that year is said to have suggested [115][f.71] that the Mahomedans of the Frontier Province should have the right of self-determination to choose between an affiliation with India or with Kabul. He also quoted a certain Englishman who had said that if a straight line be drawn from Constantinople to Delhi, it will disclose a Mahomedan corridor right up to Shaharanpur. It is possible that Mr. Mahomed Ali knew the whole scheme of Pakistan which came out in the evidence of the witness referred to by Mr. Samarth and in an unguarded moment gave out what the witness had failed to disclose, namely, the ultimate linking of Pakistan to Afghanistan.

Nothing seems to have been said or done by the Muslims about this scheme between 1924 and 1930. The Muslims appear to have buried it and conducted negotiations with the Hindus for safeguards, as distinguished from partition, on the basis of the traditional one-nation theory. But in 1930 when the Round Table Conference was going on, certain Muslims had formed themselves into a committee with headquarters in London for the purpose of getting the R. T. C. to entertain the project of Pakistan. Leaflets and circulars were issued by the committee and sent round to members of the R. T. C. in support of

Pakistan. Even then nobody took any interest in it, and the Muslim members of the R. T. C. did not countenance it in any way. [116][f.72]

It is possible that the Muslims in the beginning, thought that this destiny was just a dream incapable of realization. It is possible that later on when they felt that it could be a reality they did not raise any issue about it because they were not sufficiently well organized to compel the British as well as the Hindus to agree to it. It is difficult to explain why the Muslims did not press for Pakistan at the R. T. C. Perhaps they knew that the scheme would offend [117][f.73] the British and as they had to depend upon the British for a decision on the 14 points of dispute between them and the Hindus, the Musalmans, perfect statesmen as they are and knowing full well that politics, as Bismarck said, was always the game of the possible, preferred to wait and not to show their teeth till they had got a decision from the British in their favour on the 14 points of dispute.

There is another explanation for this delay in putting forth the scheme of Pakistan. It is far more possible that the Muslim leaders did not until very recently know the philosophical justification for Pakistan. After all, Pakistan is no small move on the Indian political chess-board. It is the biggest move ever taken, for it involves the disruption of the state. Any Mahomedan, if he had ventured to come forward to advocate it, was sure to have been asked what moral and philosophical justification he had in support of so violent a project. The reason why they had not so far discovered what the philosophical justification for Pakistan is, equally understandable. The Muslim leaders were, therefore, speaking of the Musalmans of India as a community or a minority. They never spoke of the Muslims as a nation. The distinction between a community and a nation is rather thin, and even if it is otherwise, it is not so striking in all cases. Every state is more or less a composite state and there is, in most of them, a great diversity of populations, with varying languages, religious codes and social traditions, forming a congeries of loosely associated groups. No state is ever a single society, an inclusive and permeating body of thought and action. Such being the case, a group may mistakenly call itself a community even when it has in it the

elements of being a nation. Secondly, as has been pointed out earlier, a people may not be possessed of a national consciousness although there may be present all the elements which go to make a nation.

Again from the point of view of minority rights and safeguards this difference is unimportant. Whether the minority is a community or a nation, it is a minority and the safeguards for the protection of a minor nation cannot be very different from the safeguards necessary for the protection of a minor community. The protection asked for is against the tyranny of the majority, and once the possibility of such a tyranny of the majority over a minority is established, it matters very little whether the minority driven to ask for safeguards is a community or is a nation. Not that there is no distinction between a community and a nation. The difference indeed is very great, it may be summed up by saying that a community, however different from and however opposed to other communities, major or minor, is one with the rest in the matter of the ultimate destiny of all. A nation, on the other hand, is not only different from other components of the state but it believes in and cherishes a different destiny totally antagonistic to the destiny entertained by other component elements in the state. The difference appears to me so profound that speaking for myself I would not hesitate to adopt it as a test to distinguish a community from a nation. A people who, notwithstanding their differences accept a common destiny for themselves as well as for their opponents, are a community. A people who are not only different from the rest but who refuse to accept for themselves the same destiny which others do, are a nation. It is this acceptance or non-acceptance of a common destiny which alone can explain why the Untouchables, the Christians and the Parsis are in relation to the Hindus only communities and why the Muslims are a nation. Thus, from the point of view of harmony in the body politic the difference is in the most vital character as the difference is one of ultimate destiny. The dynamic character of this difference is undeniable. If it persists, it cannot but have the effect of rending the State in fragments. But so far as safeguards are concerned, there cannot be any difference between a nation and a community. A community is entitled to claim the same rights and safeguards as a nation can.

The delay in discovering the philosophical justification for Pakistan is due to the fact that the Muslim leaders had become habituated to speaking of Muslims as a community and as a minority. The use of this terminology took them in a false direction and brought them to a dead end. As they acknowledged themselves to be a minority community, they felt that there was nothing else open to them except to ask for safeguards which they did and with which they concerned themselves for practically half a century. If it had struck them that they need not stop with acknowledging themselves to be a minority, but that they could proceed further to distinguish a minority which is a community from a minority which is a nation, they might have been led on to the way to discover this philosophical justification for Pakistan. In that case, Pakistan would, in all probability, have come much earlier than it has done.

*Be th*at as it may, the fact remains that the Muslims have undergone a complete transformation and that the transformation is brought about not by any criminal inducement but by the discovery of what is their true and ultimate destiny. To some, this suddenness of the transformation may give a shock. But those who have studied the course of Hindu-Muslim politics for the last twenty years, cannot but admit feeling that this transformation, this parting of the two, was on the way. For the course of Hindu-Muslim politics has been marked by a tragic and ominous parallelism. The Hindus and Muslims have trodden parallel paths. No doubt, they went in the same direction. But they never travelled the same road. In 1885, the Hindus started the Congress to vindicate the political rights of Indians as against the British. The Muslims refused to be lured by the Hindus into joining the Congress. Between 1885 and 1906 the Muslims kept out of this stream of Hindu politics. In 1906 they felt the necessity for the Muslim community taking part in political activity. Even then they dug their own separate channel for the flow of Muslim political life. The flow was to be controlled by a separate political organization called the Muslim League. Ever since the formation of the Muslim League the waters of Muslim politics have flown in this separate channel. Except on rare occasions, the Congress and the League have lived apart and have worked apart. Their aims and

objects have not always been the same. They have even avoided holding their annual sessions at one and the same place, lest the shadow of one should fall upon the other. It is not that the League and the Congress have not met. The two have met but only for negotiations, a few times with success and most times without success. They met in 1916 at Lucknow and their efforts were crowned with success. In 1925 they met but without success. In 1928 a section of the Muslims were prepared to meet the Congress. Another section refused to meet. It rather preferred to depend upon the British. The point is, they have met but have never merged. Only during the Khilafat agitation did the waters of the two channels leave their appointed course and flow as one stream in one channel. It was believed that nothing would separate the waters which God was pleased to join. But that hope was belied. It was found that there was something in the composition of the two waters which would compel their separation. Within a few years of their confluence and as soon as the substance of the Khilafat cause vanished—the water from the one stream reacted violently to the presence of the other, as one does to a foreign substance entering one's body. Each began to show a tendency to throw out and to separate from the other. The result was that when the waters did separate, they did with such impatient velocity and determined violence—if one can use such language in speaking of water—against each other that thereafter they have been flowing in channels far deeper and far more distant from each other than those existing before. Indeed, the velocity and violence with which the two waters have burst out from the pool in which they had temporarily gathered have altered the direction in which they were flowing. At one time their direction was parallel. Now they are opposite. One is flowing towards the east as before. The other has started to flow in the opposite direction, towards the west. Apart from any possible objection to the particular figure of speech, I am sure, it cannot be said that this is a wrong reading of the history of Hindu-Muslim politics. If one bears this parallelism in mind, he will know that there is nothing sudden about the transformation. For if the transformation is a revolution, the parallelism in Hindu-Muslim politics marks the evolution of that revolution. That Muslim politics should have run a parallel course and should never have merged in the Hindu current of politics is a strange fact of modern

Indian history. In so segregating themselves the Muslims were influenced by some mysterious feeling, the source of which they could not define and guided by a hidden hand which they could not see but which was all the same directing them to keep apart from Hindus. This mysterious feeling and this hidden hand was no other than their pre-appointed destiny, symbolized by Pakistan, which, unknown to them, was working within them. Thus viewed, there is nothing new or nothing sudden in the idea of Pakistan. The only thing that has happened is that, what was indistinct appears now in full glow, and what was nameless has taken a name.

VI

Summing up the whole discussion, it appears that an integral India is incompatible with an independent India or even with India as a dominion. On the footing that India is to be one integral whole there is a frustration of all her hopes of freedom writ large on her future. There is frustration, if the national destiny is conceived in terms of independence, because the Hindus will not follow that path. They have reason not to follow it. They fear that that way lies the establishment of the domination of the Muslims over the Hindus. The Hindus see that the Muslim move for independence is not innocent. It is to be used only to bring the Hindus out of the protecting shield of the British Empire in the open and then by alliance with the neighbouring Muslim countries and by their aid subjugate them. ' For the Muslims independence is not the end. It is only a means to establish Muslim Raj. There is frustration if the national destiny is conceived of in terms of Dominion Status because the Muslims will not agree to abide by it. They fear that under Dominion Status, the Hindus will establish Hindu Raj over them by taking benefit of the principle of one man one vote and one vote one value, and that however much the benefit of the principle is curtailed by weightage to Muslims, the result cannot fail to be a government of the Hindus, by the Hindus and therefore for the Hindus. Complete frustration of her destiny therefore seems to be the fate of India if it is insisted that India shall remain as one integral whole.

It is a question to be considered whether integral India is an ideal

worth fighting for. In the first place, even if India remained as one integral whole it will never be an organic whole. India may in name continue to be known as one country, but in reality it will be two separate countries—Pakistan and Hindustan—joined together by a forced and artificial union. This will be specially so under the stress of the two-nation theory. As it is, the idea of unity has had little hold on the Indian world of fact and reality, little charm for the common Indian, Hindu or Muslim, whose vision is bounded by the valley in which he lives. But it did appeal to the imaginative and unsophisticated minds on both sides. The two-nation theory will not leave room even for the growth of that sentimental desire for unity. The spread of that virus of dualism in the body politic must some day create a mentality which is sure to call for a life and death struggle for the dissolution of this forced union. If by reason of some superior force the dissolution does not take place, one thing is sure to happen to India—namely, that this continued union will go on sapping her vitality, loosening its cohesion, weakening its hold on the love and faith of her people and preventing the use, if not retarding the growth, of its moral and -material resources. India will be an anaemic and sickly state, ineffective, a living corpse, dead though not buried.

The second disadvantage of this forced union will be the necessity for finding a basis for Hindu-Muslim settlement. How difficult it is to reach a settlement no one needs to be told. Short of dividing India into Pakistan and Hindustan what more can be offered—without injury to the other interests in the country,—than what has already been conceded with a view to bring about a settlement, it is difficult to conceive. But whatever the difficulties, it cannot be gainsaid that if this forced union continues, there can be no political advance for India unless it is accompanied by communal settlement. Indeed, a communal settlement—rather an international settlement for now and hereafter the Hindus and the Muslims must be treated as two nations—will remain under this scheme of forced union a condition precedent for every inch of political progress.

There will be a third disadvantage of this forced political union. It

cannot eliminate the presence of a third party. In the first place the constitution, if one comes in existence, will be a federation of mutually suspicious and unfriendly states. They will of their own accord want the presence of a third party to appeal to in cases of dispute. For their suspicious and unfriendly relationship towards each other will come in the way of the two nations ever reaching satisfaction by the method of negotiation. India will not have in future even that unity of opposition to the British which used to gladden the hearts of so many in the past. For the two nations will be more opposed to each other than before, ever to become united against the British. In the second place, the basis of the constitution will be the settlement between the Hindus and the Muslims and for the successful working of such a constitution the presence of a third party, and be it noted, with sufficient armed force, will be necessary to see that the settlement is not broken.

All this, of course, means the frustration of the political destiny, which both Hindus and Muslims profess to cherish and the early consummation of which they so devoutly wish. What else, however, can be expected if two warring nations are locked in the bosom of one country and one constitution?

Compare with this dark vista, the vista that opens out if India is divided into Pakistan and Hindustan. The partition opens the way to a fulfilment of the destiny each may fix for itself. Muslims will be free to choose for their Pakistan independence or dominion status, whatever they think good for themselves. Hindus will be free to choose for their Hindustan independence or dominion status, whatever they may think wise for their condition. The Muslims will be freed from the nightmare of Hindu Raj. Thus the path of political progress becomes smooth for both. The fear of the object being frustrated gives place to the hope of fulfilment. Communal settlement must remain a necessary condition precedent, if India, as one integral whole, desires to make any political advance. But Pakistan and Hindustan are free from the rigorous trammels of such a condition precedent and even if a communal settlement with minorities remained to be a condition precedent it will not be difficult to fulfil. The path of each is cleared of this obstacle.

There is another advantage of Pakistan which must be mentioned. It is generally admitted that there does exist a kind of antagonism between Hindus and Muslims which if not dissolved will prove ruinous to the peace and progress of India. But, it is not realized that the mischief is caused not so much by the existence of mutual antagonism as by the existence of a common theatre for its display. It is the common theatre which calls this antagonism into action. It cannot but be so. When the two are called to participate in acts of common concern what else can happen except a display of that antagonism which is inherent in them. Now the scheme of Pakistan has this advantage, namely, that it leaves no theatre for the play of that social antagonism which is the cause of disaffection among the Hindus and the Muslims. There is no fear of Hindustan and Pakistan suffering from that disturbance of peace and tranquillity which has torn and shattered India for so many years. Last, but by no means least, is the elimination of the necessity of a third party to maintain peace. Freed from the trammels which one imposes upon the other by reason of this forced union, Pakistan and Hindustan can each grow into a strong stable State with no fear of disruption from within. As two separate entities, they can reach their respective destinies which as parts of one whole they never can.

Those who want an integral India must note what Mr. Mahomed Ali as President of the Congress in 1923 said. Speaking about the unity among Indians, Mr. Mahomed Ali said :—

> "Unless some new force other than the misleading unity of opposition unites this vast continent of India, it will remain a geographical misnomer."

Is there any new force which remains to be harnessed? All other forces having failed, the Congress, after it became the Government of the day, saw a new force in the plan of *mass contact*. It was intended to produce political unity between Hindus and Muslim masses by ignoring or circumventing the leaders of the Muslims. In its essence, it was the plan of the British Conservative Party to buy Labour with"Tory gold". The plan was as mischievous as it was futile. The Congress forgot that there are things so precious that no owner, who knows their value, will part

with and any attempt to cheat him to part with them is sure to cause resentment and bitterness. Political power is the most precious thing in the life of a community especially if its position is constantly being challenged and the community is required to maintain it by meeting the challenge. Political power is the only means by which it can sustain its position. To attempt to make it part with it by false propaganda, by misrepresentation or by the lure of office or of gold is equivalent to disarming the community, to silencing its guns and to making it ineffective and servile. It may be a way of producing unity. But the way is despicable for it means suppressing the opposition by a false and unfair method. It cannot produce any unity. It can only create exasperation, bitterness and hostility. [118][f.74] This is precisely what the *mass contact* plan of the Congress did. For there can be no doubt that this mad plan of mass contact has had a great deal to do with the emergence of Pakistan.

It might be said that it was unfortunate that mass contact was conceived and employed as a political lever and that it might have been used as a force for social unity with greater success. But could it have succeeded in breaking the social wall which divides the Hindus and the Muslims? It cannot but be matter of the deepest regret to every Indian that there is no social tie to draw them together. There is no inter-dining and no inter-marriage between the two. Can they be introduced? Their festivals are different. Can the Hindus be induced to adopt them or join in them? Their religious notions are not only divergent but repugnant to each other so that on a religious platform, the entry of the one means the exit of the other. Their cultures are different; their literatures and their histories are different. They are not only different, but so distasteful to each other, that they are sure to cause aversion and nausea. Can anyone make them drink from the same fount of these perennial sources of life? No common meeting ground exists. None can be cultivated. There is not even sufficient physical contact, let alone their sharing a common cultural and emotional life. They do not live together. Hindus and Muslims live in separate worlds of their own. Hindus live in villages and Muslims in towns in those provinces where the Hindus are in a majority. Muslims live in villages and Hindus in towns in those

provinces where the Muslims are in a majority. Wherever they live, they live apart. Every town, every village has its Hindu quarters and Muslim quarters, which are quite separate from each other. There is no common continuous cycle of participation. They meet to trade or they meet to murder. They do not meet to befriend one another. When there is no call to trade or when there is no call to murder, they cease to meet. When there is peace, the Hindu quarters and the Muslim quarters appear like two alien settlements. The moment war is declared, the settlements become armed camps. The periods of peace and the periods of war are brief. But the interval is one of continuous tension. What can mass contact do against such barriers? It cannot even get over on the other side of the barrier, much less can it produce organic unity.

PART V

PAKISTAN OR THE PARTITION OF INDIA

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EPILOGUE

PART V

Different people have thought differently of what has been said in the foregoing pages on the question of 'Pakistan. One set of people have alleged that I have only stated

the two sides of the issue and the problems arising out of it but have not expressed my personal views on either of them. This is not correct. Anyone who has read the preceding parts will have to admit that I have expressed my views in quite positive terms, if not on all, certainly on many questions. In particular I may refer to two of the most important ones in the controversy, namely, Are the Muslims a Nation, and Have they a case for Pakistan. There are others whose line of criticism is of a different sort. They do not complain that I have failed to express my personal views. What they complain is that in coming to my conclusions I have relied on propositions as though they were absolute in their application and have admitted no exception. I am told,"Have you not stated your conclusions in too general terms? Is not a general proposition subject to conditions and limitations? Have you not disposed of certain complicated problems in a brief and cavalier fashion? Have you shown how Pakistan can be brought into existence in a just and peaceful manner?"Even this criticism is not altogether correct. It is not right to say that I have omitted to deal with these points. It may be that my treatment of them is brief, and scattered. However, I am prepared to admit that there is much force in this criticism and I am in duty bound to make good the default. This part is therefore intended and is devoted to the consideration of the following subjects :—

1. *1. What ate the limiting considerations which affect the Muslim case for Pakistan?*
2. *2. What are the problems of Pakistan? and what is their solution?*
3. 3. *Who has the authority to decide the issue of Pakistan?*

CHAPTER XIII
MUST THERE BE PAKISTAN?

I

With all that has gone before, the sceptic, the nationalist, the conservative and the old-world Indian will not fail to ask"Must there be Pakistan?"No one can make light of such an attitude. For the problem of Pakistan is indeed very grave and it must be admitted that the question is not only a relevant and fair one to be put to the Muslims and to their protagonists but it is also important. Its importance lies in the fact that the limitations on the case for Pakistan are so considerable in

their force that they can never be easily brushed aside. A mere statement of these limitations should be enough to make one feel the force they have. It is writ large on the very face of them. That being so, the burden of proof on the Muslims for establishing an imperative need in favour of Pakistan is very heavy. Indeed the issue of Pakistan or to put it plainly of partitioning India, is of such a grave character that the Muslims will not only have to discharge this burden of proof but they will have to adduce evidence of such a character as to satisfy the conscience of an international tribunal before they can win their case. Let us see how the case for Pakistan stands in the light of these limitations.

II

Must there be Pakistan because a good part of the Muslim population of India happens to be concentrated in certain defined areas which can be easily severed from the rest of India? Muslim population is admittedly concentrated in certain well defined areas and it may be that these areas are severable. But what of that? In considering this question one must never lose sight of the fundamental fact that nature has made India one single geographical unit. Indians are of course quarrelling and no one can prophesy when they will stop quarrelling. But granting the fact, what does it establish? Only that Indians are a quarrelsome people. It does not destroy the fact that India is a single geographical unit. Her unity is as ancient as Nature. Within this geographic unit and covering the whole of it there has been a cultural unity from time immemorial. This cultural unity has defied political and racial divisions. And at any rate for the last hundred and fifty years all institutions—cultural, political, economic, legal and administrative—have been working on a single, uniform spring of action. In any discussion of Pakistan the fact cannot be lost sight of, namely, that the starting point, if not the governing factor, is the fundamental unity of India. For it is necessary to grasp the fact that there are really two cases of partition which must be clearly distinguished. There is a case in which the starting point is a pre existing state of separation so that partition is. only a dissolution of parts which were once separate and which were subsequently joined together. This case is quite different from another in which the starting point at all

times is a state of unity. Consequently partition in such a case is the severance of a territory which has been one single whole into separate parts. Where the starting point is not unity of territory, i.e., where there was disunity before there was unity, partition—which is only a return to the original—may not give a mental shock. But in India the starting point is unity. Why destroy its unity now, simply because some Muslims are dissatisfied? Why tear it when the unit is one single whole from historical times?

III

Must there be Pakistan because there is communal antagonism between the Hindus and the Muslims? That the communal antagonism exists nobody can deny. The question however is, is the antagonism such that there is no will to live together in one country and under one constitution? Surely that will to live together was not absent till 1937. During the formulation of the provisions of the Government of India Act, 1935, both Hindus and Musalmans accepted the view that they must live together under one constitution and in one country and participated in the discussions that preceded the passing of the Act. And what was the state of communal feeling in India between—say 1920 and 1935? As has been recorded in the preceding pages, the history of India from 1920 up to 1935 has been one long tale of communal conflict in which the loss of life and loss of property had reached a most shameful limit. Never was the communal situation so acute as it was between this period of 15 years preceding the passing of the Government of India Act, 1935, and yet this long tale of antagonism did not prevent the Hindus and the Musalmans from agreeing to live in a single country and under a single constitution. Why make so much of communal antagonism now?

Is India the only country where there is communal antagonism? What about Canada? Consider what Mr. Alexander Brady [1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40F.Pakistan or the Partition of India PART V.htm - _msocom_1 has to say on the relations between the English and the French in Canada :—

"Of the four original provinces, three. Nova Scotia, New Brunswick and Ontario had populations substantially of the same Anglo-Saxon stock and traditions. Originally a by-product of the American Revolution, these colonies were established by the 50,000 United Empire Loyalists who trekked north from persecution and cut their settlements out of the wilderness. Previous to the American Revolution, Nova Scotia had received a goodly number of Scotch and American settlers, and in all the colonies after the Revolution the Loyalist settlements were reinforced by immigrants from Great Britain and Ireland."

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"Very different was the province of Quebec. French Canada in 1867 was a cultural unit by itself, divorced from the British communities, by the barriers of race, language and religion. Its life ran in a different mould. Stirred by a Catholic faith mediaeval in its intensity, it viewed with scant sympathy the mingled Puritanism and other-worldliness of a Protestantism largely Calvinistic. The religious faiths of the two peoples were indeed poles apart. In social, if not always in religious, outlook, English Protestantism tended towards democracy, realism and modernism: the Catholicism of the French leaned to paternalism, idealism and a reverence for the past."

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"What French Canada was in 1867 it remains substantially today. It still cherishes beliefs, customs, and institutions which have little hold on the English provinces. It has distinctive thought and enthusiasm, and its own important values. Its attitude, for example, on marriage and divorce is in conflict with the dominant view, not merely of the rest of Canada, but of the remainder of Anglo-Saxon-North-America."

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"The infrequency of intercourse between the two peoples is illustrated in Canada's largest city, Montreal. About 63 per cent. of the population is French and 24 per cent British. Here, if anywhere, is ample scope for association, but in fact they remain apart and distinct except where business and politics force them together. They have their own residential sections; their own shopping centres, and if either is more notable for racial reserve, it is the English."

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"The English-speaking residents of Montreal, as a whole, have made no effort to know their French-speaking fellow citizens, to learn their language, to understand their traditions and their aspirations, to observe with a keen eye and a sympathetic mind their qualities and their defects. The separation of the two peoples is encouraged by the barrier of language. There is a wealth of significance in the fact revealed by the census of 1921 ; viz., that about 50 per cent. of the Canadians of French origin were unable to speak English and 95 per cent. of those of British origin were unable to speak French. Even in Montreal, 70 per cent. of the British could not speak French and 34 per cent. of the French could not speak English. The absence of a common language maintains a chasm between the two nationalities and prevents fusion.

"The significance of Confederation is that it provided an instrument of government which enabled the French, while retaining their distinct national life, to become happy partners with the British and attain a Canadian super-nationality, embracing a loyally extending beyond their own group to that of the Dominion as a whole."

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"While the federal system successfully opened the path for a wider nationality in Canada, the co-operation which it sponsored has at times been subjected to severe strain by the violent clash of opinion between the French and the British. The super-nationality has indeed often been reduced to a shadow."

What about South Africa? Let those who do not know the relationship between the Boers and the British ponder over what ,Mr. E. H. Brooks [2] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40F.Pakistan or the Partition of India PART V.htm - _msocom_2has to say :—

"How far is South African nationalism common to both the white races of South Africa? There is, of course, a very real and intense Afrikander nationalism ; but it is, generally speaking, a sentiment confined to one of the white races, and characterised, significantly enough, by a love of the Afrikans language, the tongue of the early settlers from Holland, as modified slightly by Huguenot and German influence, and greatly by the passage of time. Afrikander nationalism has a tendency to be exclusive, and has little place for the man who, while in every way a devoted son of South Africa, is wholly or mainly English-speaking."

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"Is there a South African nation today?

"There are certain factors in South African life which militate against an affirmative answer."

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"Among English-speaking South Africans there are found many tendencies inclined to hinder the cause of national unity. With all the great virtues of the race they have its one cardinal defect—a lack of imagination, a difficulty in putting one's self in the other man's place. Nowhere does this come out more clearly than in the language question.

Until recently comparatively few English-speaking South Africans have studied Africans except as a business proposition or (as in the Civil Service) more or less under compulsion; and fewer still have used it conversationally. Many have treated it with open contempt—a contempt in inverse proportion to their knowledge of it—and the majority with mere tolerance, exasperated or amused according to temperament."

Another witness on the same point may be heard. He is Mr. Manfred Nathan. [3] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40F.Pakistan or the Partition of India PART V.htm - _msocom_3This is what he has to say on the relations between the Boers and the British in South Africa :—

"They are also, in the main, both of them Protestant peoples—although this is not of too great importance nowadays, when differences of religion do not count for much. They engage freely in commercial transactions with each other."

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"Nevertheless it cannot with truth be said that hitherto there has been absolutely free social intercourse between these two great sections of the white population. It has been suggested that this is partly due to the fact that in the large urban centres the population is predominantly English, and that the townsfolk know little of the people in the country and their ways of life. But even in the country towns, though there is, as a rule, much greater friendliness, and much hospitality shown by Boers to visitors, there is not much social intercourse between the two sections apart from necessary business or professional relationship, and such social functions, charitable or public, as require co-operation."

Obviously India is not the only place where there is communal antagonism. If communal antagonism does not come in the way of the French in Canada living in political unity with the English, if it does not come in the way of the English in South Africa living in political unity with the Dutch, if it does not come in the way of the French and the Italians in Switzerland living in political unity with the Germans why then should it be impossible for the Hindus and the Muslims to agree to live together under one constitution in India?

IV

Must there be Pakistan because the Muslims have lost faith in the Congress majority? As reasons for the loss of faith Muslims cite some instances of tyranny and oppression practised by the Hindus and connived at by the Congress Ministries during the two years and three months the Congress was in office. Unfortunately Mr. Jinnah did not persist in his demand for a Royal Commission to inquire into these grievances. If he had done it we could have known what truth there was in these complaints. A perusal of these instances, as given in the reports [4]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40F.Pakistan or the Partition of India PART V.htm - _msocom_4 of the Muslim League Committees, leaves upon the reader the impression that although there may be some truth in the allegations there is a great deal which is pure exaggeration. The Congress Ministries concerned have issued statements repudiating the charges. It may be that the Congress during the two years and three months that it was in office did not show statesmanship, did not inspire confidence in the minorities, nay tried to suppress them. But can it be a reason for partitioning India? Is it not possible to hope that the voters who supported the Congress last time will grow wiser and not support the Congress? Or may it not be that if the Congress returns to office it will profit by the mistakes it has made, revise its mischievous policy and thereby allay the fear created by its past conduct?

V

Must there be Pakistan because the Musalmans are a nation? It is a pity that Mr. Jinnah should have become a votary and champion of Muslim Nationalism at a time when the whole world is decrying against the evils of nationalism and is seeking refuge in some kind of international organization. Mr. Jinnah is so obsessed with his new-found faith in Muslim Nationalism that he is not prepared to see that there is a distinction between a society, parts of which are disintegrated, and a society parts of which have become only loose, which no sane man can

ignore. When a society is disintegrating—and the two nation theory is a positive disintegration of society and country—it is evidence of the fact that there do not exist what Carlyle calls"organic filaments"—i.e., the vital forces which work to bind together the parts that are cut asunder. In such cases disintegration can only be regretted. It cannot be prevented. Where, however, such organic filaments do exist, it is a crime to overlook them and deliberately force the disintegration of society and country as the Muslims seem to be doing. If the Musalmans want to be a different nation it is not because they have been but because they want to be. There is much in the Musalmans which, if they wish, can roll them into a nation. But isn't there enough that is common to both Hindus and Musalmans, which if developed, is capable of moulding them into one people? Nobody can deny that there are many modes, manners, rites and customs which are common to both. Nobody can deny that there are rites, customs and usages based on religion which do divide Hindus and Musalmans. The question is, which of these should be emphasized. If the emphasis is laid on things that are common, there need be no two nations in India. If the emphasis is laid on points of difference, it will no doubt give rise to two nations. The view that seems to guide Mr. Jinnah is that Indians are only a people and that they can never be a nation. This follows the line of British writers who make it a point of speaking of Indians as the people of India and avoid speaking of the Indian nation. Granted Indians are not a nation, that they are only a people. What of that? History records that before the rise of nations as great corporate personalities, there were only peoples. There is nothing to be ashamed if Indians are no more than a people. Nor is there any cause for despair that the people of India—if they wish—will not become one nation. For, as Disraeli said, a nation is a work of art and a work of time. If the Hindus and Musalmans agree to emphasize the things that bind them and forget those that separate them there is no reason why in course of time they should not grow into a nation. It may be that their nationalism may not be quite so integrated as that of the French or the Germans. But they can easily produce a common state of mind on common questions which is the sum total which the spirit of nationalism helps to produce and for which it is so much prized. Is it right for the Muslim League to emphasize only differences and ignore

altogether the forces that bind? Let it not be forgotten that if two nations come into being it will not be because it is predestined. It will be the result of deliberate design.

The Musalmans of India as I have said are not as yet a nation in the de jure or de facto sense of the term and all that can be said is that they have in them the elements necessary to make them a nation. But granting that the Musalmans of India are a nation, is India the only country where there are going to be two nations? What about Canada? Everybody knows that there are in Canada two nations, the English and the French. Are there not two nations in South Africa, the English and the Dutch? What about Switzerland? Who does not know that there are three nations living in Switzerland, the Germans, the French and the Italians? Have the French in Canada demanded partition because they are a separate nation? Do the English claim partition of South Africa because they are a distinct nation from the Boers? Has anybody ever heard that the Germans, the French and the Italians have ever agitated for the fragmentation of Switzerland because they are all different nations? Have the Germans, the French and the Italians ever felt that they would lose their distinctive cultures if they lived as citizens of one country and under one constitution? On the contrary, all these distinct nations have been content to live together in one country under one constitution without fear of losing their nationality and their distinctive cultures. Neither have the French in Canada ceased to be French by living with the English, nor have the English ceased to be English by living with the Boers in South Africa. The Germans, the French and the Italians have remained distinct nations notwithstanding their common allegiance to a common country and a common constitution. The case of Switzerland is worthy of note. It is surrounded by countries, the nationalities of which have a close religious and racial affinity with the nationalities of Switzerland. Notwithstanding these affinities the nationalities in Switzerland have been Swiss first and Germans, Italians and French afterwards.

Given the experience of the French in Canada, the English in South Africa and the French and the Italians in Switzerland, the questions that

arise are, why should it be otherwise in India? Assuming that the Hindus and the Muslims split into two nations, why cannot they live in one country and under one constitution? Why should the emergence of the two-nation theory make partition necessary? Why should the Musalmans be afraid of losing their nationality and national culture by living with the Hindus? If the Muslims insist on separation, the cynic may well conclude that there is so much that is common between the Hindus and the Musalmans that the Muslim leaders are afraid that unless there is partition whatever little distinctive Islamic culture is left with the Musalmans will eventually vanish by continued social contact with the Hindus with the result that in the end instead of two nations there will grow up in India one nation. If the Muslim nationalism is so thin then the motive for partition is artificial and the case for Pakistan loses its very basis.

VI

Must there be Pakistan because otherwise Swaraj will be a Hindu Raj? The Musalmans are so easily carried away by this cry that it is necessary to expose the fallacies underlying it.

In the first place, is the Muslim objection to Hindu Raj a conscientious objection or is it a political objection If it is a conscientious objection all one can say is that it is a very strange sort of conscience. There are really millions of Musalmans in India who are living under unbridled and uncontrolled Hindu Raj of Hindu Princes and no objection to it has been raised by the Muslims or the Muslim League. The Muslims had once a conscientious objection to the British Raj. Today not only have they no objection to it but they are the greatest supporters of it. That there should be no objection to British Raj or to undiluted Hindu Raj of a Hindu Prince but that there should be objection to Swaraj for British India on the ground that it is Hindu Raj as though it was not subjected to checks and balances is an attitude the logic of which it is difficult to follow.

The political objections to Hindu Raj rest on various grounds. The first ground is that Hindu society is not a democratic society. True, it is

not It may not be right to ask whether the Muslims have taken any part in the various movements for reforming Hindu society as distinguished from proselytising. But it is right to ask if the Musalmans are the only sufferers from the evils that admittedly result from the undemocratic character of Hindu society. Are not the millions of Shudras and non-Brahmins or millions of the Untouchables, suffering the worst consequences of the undemocratic character of Hindu society? Who benefits from education, from public service and from political reforms except the Hindu governing class—composed of the higher castes of the Hindus—which form not even 10 per cent. of the total Hindu population? Has not the governing class of the Hindus, which controls Hindu politics, shown more regard for safeguarding the rights and interests of the Musalmans than they have for safeguarding the rights and interests of the Shudras and the Untouchables? Is not Mr. Gandhi, who is determined to oppose any political concession to the Untouchables, ready to sign a blank cheque in favour of the Muslims? Indeed, the Hindu governing class seems to be far more ready to share power with the Muslims than it is to share power with the Shudras and the Untouchables. Surely, the Muslims have the least ground to complain of the undemocratic character of Hindu society.

Another ground on which the Muslim objection to Hindu Raj rests is that the Hindus are a majority community and the Musalmans are a minority community. True. But is India the only country where such a situation exists? Let us compare the conditions in India with the conditions in Canada, South Africa and Switzerland. First, take the distribution of population. In Canada [5]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40F.Pakistan or the Partition of India PART V.htm - _msocom_5 out of a total population of 10,376,786 only 2,927,990 are French. In South Africa [6] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40F.Pakistan or the Partition of India PART V.htm - _msocom_6the Dutch number 1,120,770 and the English are only 783,071. In Switzerland [7][f.7] out of the total population of 4,066,400 the Germans are 2,924,313, the French 831,097 and the Italians 242,034.

This shows that the smaller nationalities have no fear of being placed under the Raj of a major community. Such a notion seems to be quite

foreign to them. Why is this so? Is it because there is no possibility of the major nationality establishing its supremacy in those centres of power and authority, namely the Legislature and in the Executive? Quite the contrary. Unfortunately no figures are available to show the actual extent of representation which the different major and minor nationalities have in Switzerland, Canada and South Africa. That is because there is no communal reservation of seats such as is found in India. Each community is left to win in a general contest what number of seats it can. But it is quite easy to work out the probable number of seats which each nationality can obtain on the basis of the ratio of its population to the total seats in the Legislature Proceeding on this basis what do we find? In Switzerland the total representatives in the Lower House is 187. Out of them the German population has a possibility of winning 138, French 42 and Italians only 7 seats. In South Africa out of the total of 153, there is a possibility of the English gaining 62, and the Dutch 94 seats. In Canada the total is 245. Of these the French [8] [f.8] have only 65. On this basis it is quite clear that in all these countries there is a possibility of the major nationality establishing its supremacy over the minor nationalities. Indeed, one may go so far as to say that speaking de jure and as a mere matter of form in Canada the French are living under the British Raj, the English in South Africa under the Dutch Raj, and the Italians and French in Switzerland under the German Raj. But what is the position de facto? Have Frenchmen in Canada raised a cry that they will not live under British Raj? Have Englishmen in South Africa raised a cry that they will not live under Dutch Raj? Have the French and Italians in Switzerland any objection to living under the German Raj? Why should then the Muslims raise this cry of Hindu Raj?

Is it proposed that the Hindu Raj should be the rule of a naked communal majority? Are not the Musalmans granted safeguards against the possible tyranny of the Hindu majority? Are not the safeguards given to the Musalmans of India wider and better than the safeguards which have been given to the French in Canada, to the English in South Africa and to the French and the Italians in Switzerland? To take only one item from the list of safeguards. Haven't the Musalmans got an

enormous degree of weightage in representation in the Legislature? Is weightage known in Canada, South Africa or Switzerland? And what is the effect of this weightage to Muslims? Is it not to reduce the Hindu majority in the Legislature? What is the degree of reduction? Confining ourselves to British India and taking account only of the representation granted to the territorial constituencies, Hindu and Muslim, in the Lower House in the Central Legislature under the Government of India Act, 1935, it is clear that out of a total of 187, the Hindus have 105 seats and the Muslims have 82 seats. Given these figures one is forced to ask where is the fear of the Hindu Raj?

If Hindu Raj does become a fact, it will, no doubt, be the greatest calamity for this country. No matter what the Hindus say, Hinduism is a menace to liberty, equality and fraternity. On that account it is incompatible with democracy. Hindu Raj must be prevented at any cost. But is Pakistan the true remedy against it? What makes communal Raj possible is a marked disproportion in the relative strength of the various communities living in a country. As pointed out above, this disproportion is not more marked in India than it is in Canada, South Africa and Switzerland. Nonetheless there is no British Raj in Canada, no Dutch Raj in South Africa, and no German Raj in Switzerland. How have the French, the English and the Italians succeeded in preventing the Raj of the majority community being established in their country? Surely not by partition : What is their method? Their method is to put a ban on communal parties in politics. No community in Canada, South Africa or Switzerland ever thinks of starting a separate communal party. What is important to note is that it is the minority nations which have taken the lead in opposing the formation of a communal party. For they know that if they form a communal political party the major community will also form a communal party and the majority community will thereby find it easy to establish its communal Raj. It is a vicious method of self-protection. It is because the minority nations are fully aware how they will be hoisted on their own petard that they have opposed the formation of communal political parties.

Have the Muslims thought of this method of avoiding Hindu Raj. Have they considered how easy it is to avoid it? Have they considered how futile and harmful the present policy of the League is? The Muslims are howling against the Hindu Maha Sabha and its slogan of Hindudom and Hindu Raj. But who is responsible for this? Hindu Maha Sabha and Hindu Raj are the inescapable nemesis which the Musalmans have brought upon themselves by having a Muslim League. It is action and counter-action. One gives rise to the other. Not partition, but the abolition, of the Muslim League and the formation of a mixed party of Hindus and Muslims is the only effective way of burying the ghost of Hindu Raj. It is, of course, not possible for Muslims and other minority parties to join the Congress or the Hindu Maha Sabha so long as the disagreement on the question of constitutional safeguards continues. But this question will be settled, is bound to be settled and there is every hope that the settlement will result in securing to the Muslims and other minorities the safeguards they need. Once this consummation, which we so devoutly wish, takes place nothing can stand in the way of a party re-alignment, of the Congress and the Maha Sabha breaking up and of Hindus and Musalmans forming mixed political parties based on an agreed programme of social and economic regeneration, and thereby avoid the danger of both Hindu Raj or Muslim Raj becoming a fact. Nor should the formation of a mixed party of Hindus and Muslims be difficult in India. There are many lower orders in the Hindu society whose economic, political and social needs are the same as those of the majority of the Muslims and they would be far more ready to make a common cause with the Muslims for achieving common ends than they would with the high caste of Hindus who have denied and deprived them of ordinary human rights for centuries. To pursue such a course cannot be called an adventure. The path along that line is a well trodden path. Is it not a fact that under the Montagu-Chelmsford Reforms in most Provinces, if not in all, the Muslims, the Non-Brahmins and the Depressed Classes united together and worked the reforms as members of one team from 1920 to 1937? Herein lay the most fruitful method of achieving communal harmony among Hindus and Muslims and of destroying the danger of a Hindu Raj. Mr. Jinnah could have easily pursued this line. Nor was it difficult for Mr. Jinnah to succeed in it.

Indeed Mr. Jinnah is the one person who had all the chances of success on his side if he had tried to form such a united non-communal party. He has the ability to organize. He had the reputation of a nationalist. Even many Hindus who were opposed to the Congress would have flocked to him if he had only sent out a call for a united party of like-minded Hindus and Muslims. What did Mr. Jinnah do? In 1937 Mr. Jinnah made his entry into Muslim politics and strangely enough he regenerated the Muslim League which was dying and decaying and of which only a few years ago he would have been glad to witness the funeral. However regrettable the starting of such a communal political party may have been, there was in it one relieving feature. That was the leadership of Mr. Jinnah. Everybody felt that with the leadership of Mr. Jinnah the League could never become a merely communal party. The resolutions passed by the League during the first two years of its new career indicated that it would develop into a mixed political party of Hindus and Muslims. At the annual session of the Muslim League held at Lucknow in October 1937 altogether 15 resolutions were passed. The following two are of special interest in this connection.

Resolution [9][f.9] No. 7:

"This meeting of the All India Muslim League deprecates and protests against the formation of Ministries in certain Provinces by the Congress parties in flagrant violation of the letter and the spirit of the Government of India Act, 1935, and Instrument of Instructions and condemns the Governors for their failure to enforce the special powers entrusted to them for the safeguards of the interest of the Musalmans and other important minorities"

Resolution* No. 8:

"Resolved that the object of the All India Muslim League shall be the establishment in India of Full Independence in the form of federation of free democratic states in which the rights and interests of the Musalmans and other minorities are adequately and effectively safeguarded in the constitution."

Equal number of resolutions were passed at the next annual session of the League held at Patna in December 1938. Resolution* No. 10 is noteworthy. It reads as follows :—

"The All India Muslim League reiterates its view that the scheme of Federation embodied in the Government of India Act, 1935, is not acceptable, but in view of the further developments that have taken place or may take place from time to time it hereby authorises the President of the All India Muslim League to adopt such course as may be necessary with a view to explore the possibility of a suitable alternative which will safeguard the interests of the Musalmans and other minorities in India."By these resolutions Mr. Jinnah showed that he was for a common front between the Muslims and other non-Muslim minorities. Unfortunately the catholicity and statesmanship that underlies these resolutions did not last long. In 1939 Mr. Jinnah took a somersault and outlined the dangerous and disastrous policy of isolation of the Musalmans by passing that notorious resolution in favour of Pakistan. What is the reason for this isolation? Nothing but the change of view that the Musalmans were a nation and not a community ! ! One need not quarrel over the question whether the Muslims are a nation or a community. But one finds it extremely difficult to understand how the mere fact that the Muslims are a nation makes political isolation a safe and sound policy? Unfortunately Muslims do not realize what disservice Mr. Jinnah has done to them by this policy. But let Muslims consider what Mr. Jinnah has achieved by making the Muslim League the only organization for the Musalmans. It may be that it has helped him to avoid the possibility of having to play the second fiddle. For inside the Muslim camp he can always be sure of the first place for himself. But how does the League hope to save by this plan of isolation the Muslims from Hindu Raj? Will Pakistan obviate the establishment of Hindu Raj in Provinces in which the Musalmans are in a minority? Obviously it cannot. This is what would happen in the Muslim minority Provinces if Pakistan came. Take an all-India view. Can Pakistan prevent the establishment of Hindu Raj at the centre over Muslim minorities that will remain Hindustan? It is plain that it cannot. What good is Pakistan then? Only to prevent

Hindu Raj in Provinces in which the Muslims are in a majority and in which there could never be Hindu Raj ! ! To put it differently Pakistan is unnecessary to Muslims where they are in a majority because there, there is no fear of Hindu Raj. It is worse than useless to Muslims where they are in a minority, because Pakistan or no Pakistan they will have to face a Hindu Raj. Can politics be more futile than the politics of the Muslim League? The Muslim League started to help minority Muslims and has ended by espousing the cause of majority Muslims. What a perversion in the original aim of the Muslim League ! What a fall from the sublime to the ridiculous ! Partition as a remedy against Hindu Raj is worse than useless.

VI

These are some of the weaknesses in the Muslim case for Pakistan which have occurred to me. There might be others which have not struck me. But the list as it is, is quite a formidable one. How do the Muslims propose to meet them? That is a question for the Muslims and not for me. My duty as a student of the subject extends to setting forth these weaknesses. That I have done. I have nothing more to answer for.

There are, however, two other questions of such importance that this discussion cannot be closed with any sense of completeness without reference to them. The purpose of these questions is to clear the ground between myself and my critics. Of these questions, one I am entitled to ask the critics, the other the critics are entitled to ask me.

Beginning with the first question, what I feel like asking the critics is, what good do they expect from a statement of these weaknesses? Do they expect the Musalmans to give up Pakistan if they are defeated in a controversy over the virtues of Pakistan? That of course depends upon what method is adopted to resolve this controversy. The Hindus and the Musalmans may follow the procedure which Christian missionaries had set up in early times in order to secure converts from amongst the Hindus. According to this procedure a day was appointed for a disputation, which was open to public, between a Christian missionary and a Brahmin, the former representing the Christian religion and the

latter holding himself out as the protagonist of the Hindu religion with the condition that whoever failed to meet the case against his religion was bound to accept the religion of the other. If such a method of resolving the dispute between the Hindus and the Muslims over the issue of Pakistan was agreed upon there may be some use in setting out this string of weaknesses. But let it not be forgotten that there is another method of disposing of a controversy which maybe called Johnsonian after the manner which Dr. Johnson employed in dealing with arguments of Bishop Berkeley. It is recorded by Boswell that when he told Dr. Johnson that the doctrine of Bishop Berkeley that matter was non-existent and that everything in the universe was merely ideal, was only an ingenious sophistry but that it was impossible to refute it. Dr. Johnson with great alacrity answered, striking his foot with mighty force against a large stone, till he rebounded from it saying,"I refute it thus."It may be that the Musalmans will agree, as most rational people do, to have their case for Pakistan decided by the tests of reason and argument. But I should not be surprised if the Muslims decided to adopt the method of Dr. Johnson and say"Damn your arguments ! We want Pakistan."In that event the critic must realize that any reliance placed upon the limitations for destroying the case for Pakistan will be of no avail. It is therefore no use being jubilant over the logic of these objections to Pakistan.

Let me now turn to the other question which I said the critic is entitled to put to me. What is my position regarding the issue of Pakistan in the light of the objections, which I have set out? I have no doubts as to my position. I hold firmly that, subject to certain conditions, detailed in the chapters that follow, if the Musalmans are bent on having Pakistan then it must be conceded to them. I know my critics will at once accuse me of inconsistency and will demand reasons for so extraordinary a conclusion— extraordinary because of the view expressed by me in the earlier part of this chapter that the Muslim case for Pakistan has nothing in it which can be said to carry the compelling force which the decree of an inexorable fate may be said to have. I withdraw nothing from what I have said as to the weaknesses in the Muslim case for Pakistan. Yet I hold that if the Muslims must have Pakistan there is no escape from

conceding it to them. As to the reasons which have led me to that conclusion I shall not hesitate to say that the strength or weakness of the logic of Pakistan is not one of them. In my judgement there are two governing factors which must determine the issue. First is the defence of India and second is the sentiment of the Muslims. I will state why I regard them as decisive and how in my opinion they tell in favour of Pakistan.

To begin with the first. One cannot ignore that what is important is not the winning of independence but the having of the sure means of maintaining it. The ultimate guarantee of the independence of a country is a safe army—an army on which you can rely to fight for the country at all time and in any eventuality. The army in India must necessarily be a mixed army composed of Hindus and Muslims. If India is invaded by a foreign power, can the Muslims in the army be trusted to defend India? Suppose invaders are their co-religionists. Will the Muslims side with the invaders or will they stand against them and save India? This is a very crucial question. Obviously, the answer to this question must depend upon to what extent the Muslims in the army have caught the infection of the two-nation theory, which is the foundation of Pakistan. If they are infected, then the army in India cannot be safe. Instead of being the guardian of the independence of India, it will continue to be a menace and a potential danger to its independence. I confess I feel aghast when I hear some Britishers argue that it is for the defence of India that they must reject Pakistan. Some Hindus also sing the same tune. I feel certain that either they are unaware as to what the determining factor in the independence of India is or that they are talking of the defence of India not as an independent country responsible for its own defence but as a British possession to be defended by them against an intruder. This is a hopelessly wrong angle of vision. The question is not whether the British will be able to defend India better if there was no partition of India. The question is whether Indians will be able to defend a free India. To that, I repeat, the only answer is that Indians will be able to defend a free India on one and one condition alone—namely, if the army in India remains non-political, unaffected by the poison of Pakistan. I want to warn Indians against the

most stupid habit that has grown up in this country of discussing the question of Swaraj without reference to the question of the army. Nothing can be more fatal than the failure to realize that a political army is the greatest danger to the liberty of India. It is worse than having no army.

Equally important is the fact that the army is the ultimate sanction which sustains Government in the exercise of its authority inside the country, when it is challenged by a rebellious or recalcitrant element. Suppose the Government of the day enunciates a policy which is vehemently opposed by a section of the Muslims. Suppose the Government of the day is required to use its army to enforce its policy. Can the Government of the day depend upon the Muslims in the army to obey its orders and shoot down the Muslim rebels? This again depends upon to what extent the Muslims in the army have caught the infection of the two-nation theory. If they have caught it, India cannot have a safe and secure Government.

Turning to the second governing factor the Hindus do not seem to attach any value to sentiment as a force in politics. The Hindus seem to rely upon two grounds to win against the Muslims. The first is that even if the Hindus and the Muslims are two nations, they can live under one state. The other is that the Muslim case for Pakistan is founded on strong sentiment rather than upon clear argument. I don't know how long the Hindus are going to fool themselves with such arguments. It is true that the first argument is not without precedent. At the same time it does not call for much intelligence to see that its value is extremely limited. Two nations and one state is a pretty plea. It has the same attraction which a sermon has and may result in the conversion of Muslim leaders. But instead of being uttered as a sermon if it is intended to issue it as an ordinance for the Muslims to obey it will be a mad project to which no sane man will agree. It will, I am sure, defeat the very purpose of Swaraj. The second argument is equally silly. That the Muslim case for Pakistan is founded on sentiment is far from being a matter of weakness; it is really its strong point. It does not need deep understanding of politics to know that the workability of a constitution

is not a matter of theory. It is a matter of sentiment. A constitution like clothes must suit as well as please. If a constitution does not please, then, however perfect it may be, it will not work. To have a constitution which runs counter to the strong sentiments of a determined section is to court disaster if not to invite rebellion.

It is not realized by the Hindus that, assuming there is a safe army, rule by armed forces is not the normal method of governing a people. Force, it cannot be denied, is the medicine of the body politic and must be administered when the body politic becomes sick. But just because force is the medicine of the body politic it cannot be allowed to become its daily bread. A body politic must work as a matter of course by springs of action which are natural. This can happen only when the different elements constituting the body politic have the will to work together and to obey the laws and orders passed by a duly constituted authority. Suppose the new constitution for a United India contained in it all the provisions necessary to safeguard the interests of the Muslims. But suppose the Muslims said"Thank you for your safeguards, we don't want to be ruled by you"; and suppose they boycott the Legislatures, refuse to obey laws, oppose the payment of taxes ; what is to happen? Are the Hindus prepared to extract obedience from Muslims by the use of Hindu bayonets? Is Swaraj to be an opportunity to serve the people or is it to be an opportunity for Hindus to conquer the Musalmans and for the Musalmans to conquer the Hindus? Swaraj must be a Government of the people by the people and for the people. This is the raison d'etre of Swaraj and the only justification for Swaraj. If Swaraj is to usher in an era in which the Hindus and the Muslims will be engaged in scheming against each other, the one planning to conquer its rival, why should we have Swaraj and why should the democratic nations allow such a Swaraj to come into existence? It will be a snare, a delusion and a perversion.

The non-Muslims do not seem to be aware that they are presented with a situation in which they are forced to choose between various alternatives. Let me state them. In the first place they have to choose between Freedom of India and the Unity of India. If the non-Muslims

will insist on the Unity of India they put the quick realization of India's freedom into jeopardy. The second choice relates to the surest method of defending India, whether they can depend upon Muslims in a free and united India to develop and sustain along with the non-Muslims the necessary will to defend the common liberties of both: or whether it is better to partition India and thereby ensure the safety of Muslim India by leaving its defence to the Muslims and of non-Muslim India by leaving its defence to non-Muslims.

As to the first, I prefer Freedom of India to the Unity of India. The Sinn Feinners who were the staunchest of nationalists to be found anywhere in the world and who like the Indians were presented with similar alternatives chose the freedom of Ireland to the unity of Ireland. The non-Muslims who are opposed to partition may well profit by the advice tendered by the Rev. Michael O'Flanagan, at one time Vice-President of the Feinns to the Irish Nationalists on the issue of the partition of Ireland. [10][f.10] Said the Rev. Father :—

> "If we reject Home Rule rather than agree to the exclusion of the Unionist parts of Ulster, what case have we to put before the world? We can point out that Ireland is an island with a definite geographical boundary. That argument might be all right if we were appealing to a number of Island nationalities that had themselves definite geographical boundaries. Appealing, as we are, to continental nations with shifting boundaries, that argument will have no force whatever. National and geographical boundaries scarcely ever coincide. Geography would make one nation of Spain and Portugal; history has made two of them. Geography did its best to make one nation of Norway and Sweden ; history has succeeded in making two of them. Geography has scarcely anything to say to the number of nations upon the North American continent; history has done the whole thing. If a man were to try to construct a political map of Europe out of its physical map, he would find himself groping in the dark. Geography has worked hard to make one nation out of Ireland; history has. worked against it. The island of Ireland and the national unit of Ireland

simply do not coincide. In the last analysis the test of nationality is the wish of the people."

These words have emanated from a profound sense of realism which we in India so lamentably lack.

On the second issue I prefer the partitioning of India into Muslim India and non-Muslim India as the surest and safest method of providing for the defence of both. It is certainly the safer of the two alternatives. I know it will be contended that my fears about the loyalty of the Muslims in the army to a Free and United India arising from the infection of the two nation theory is only an imaginary fear. That is no doubt true. That does not militate against the soundness of the choice I have made. I may be wrong. But I certainly can say without any fear of contradiction that, to use the words of Burke, it is better to be ridiculed for too great a credulity than to be ruined by too confident a sense of security. I don't want to leave things to chance. To leave so important an issue, as the defence of India, to. chance is to be guilty of the grossest crime.

Nobody will consent to the Muslim demand for Pakistan unless he is forced to do so. At the same time, it would be a folly not to face what is inevitable and face it with courage and common sense. Equally would it be a folly to lose the. Part one can retain in the vain attempt of preserving the whole.

These are the reasons why I hold that if the Musalman will not yield on the issue of Pakistan then Pakistan must come. So far as I am concerned the only important question is : Are the Musalmans determined to have Pakistan? Or is Pakistan a mere cry? Is it only a passing mood? Or does it represent their permanent aspiration? On this there may be difference of opinion. Once it becomes certain that the Muslims want Pakistan there can be no doubt that the wise course would be to concede the principle of it.

CHAPTER XIV

THE PROBLEMS OF PAKISTAN

I

Among the many problems to which the partition of India into Pakistan and Hindustan must give rise will be the following three problems:—

(1) (1) The problem of the allocation of the financial assets and liabilities of the present Government of India,
(2) (2) The problem of the delimitation of the areas, and
(3) (3) The problem of the transfer of population from Pakistan to Hindustan and vice versa.

Of these problems the first is consequential, in the sense, that it would be worth while to consider it only when the partition of India has been agreed to by the parties concerned. The two other problems stand on a different footing. They are conditions precedent to Pakistan in the sense that there are many people who will not make up their mind on Pakistan unless they are satisfied that some reasonable and just solution of them is possible. I will, therefore, confine myself to the consideration only of the last two problems of Pakistan.

II

On the question of the boundaries of Pakistan we have had so far no clear and authoritative statement from the Muslim League. In fact it is one of the complaints made by the Hindus that while Mr. Jinnah has been carrying on a whirlwind campaign in favour of Pakistan, which has resulted in fouling the political atmosphere in the country, Mr. Jinnah has not thought fit to inform his critics of the details regarding the boundaries of his proposed Pakistan. Mr. Jinnah's argument has all along been that any discussion regarding the boundaries of Pakistan is premature and that the boundaries of Pakistan will be a matter for discussion when the principle of Pakistan has been admitted. It may be a good rhetorical answer, but it certainly does not help those who wish to apply their mind without taking sides to offer whatever help they can to bring about a peaceful solution of this problem. Mr. Jinnah seems to be under the impression that if a person is committed to the principle of

Pakistan he will be bound to accept Mr. Jinnah's plan of Pakistan. There cannot be a greater mistake than this. A person may accept the principle of Pakistan, which only means the partition of India. But it is difficult to understand how the acceptance of this principle can commit him to Mr. Jinnah's plan of Pakistan. Indeed if no plan of Pakistan is satisfactory to him he will be quite free to oppose any form of Pakistan although he may be in favour of the principle of Pakistan. The plan of Pakistan and the principle of Pakistan are therefore two quite distinct propositions. There is nothing wrong in this view. By way of illustration it may be said that the principle of self-determination is like an explosive substance. One may agree in principle to its use when the necessity and urgency of the occasion is proved. But no one can consent to the use of the dynamite without first knowing the area that is intended to be blown up. If the dynamite is going to blow up the whole structure or if it is not possible to localize its application to a particular part he may well refuse to apply the dynamite and prefer to use some other means of solving the problem. Specifications of boundary lines seem therefore to be an essential preliminary for working out in concrete shape the principle of Pakistan. Equally essential it is for a bona fide protagonist of Pakistan not to hide from the public the necessary particulars of the scheme of Pakistan. Such contumacy and obstinacy as shown by Mr. Jinnah in refusing to declare the boundaries of his Pakistan is unforgivable in a statesman. Nevertheless those who are interested in solving the question of Pakistan need not wait to resolve the problems of Pakistan until Mr. Jinnah condescends to give full details. Only one has to carry on the argument on the basis of certain assumptions. In this discussion I will assume that what the Muslim League desires is that the boundaries of the Western Pakistan should be the present boundaries of the Provinces of the North-West Frontier, the Punjab, Sind and Baluchistan, and that the boundaries of Eastern Pakistan should be the boundaries of the present Province of Bengal with a few districts of Assam thrown in.

Ill

The question for consideration therefore is : Is this a just claim? The claim is said to be founded on the principle of self-determination. To be

able to assess the justice of this claim it is necessary to have a clear understanding of the scope and limitations of the principle of self-determination. Unfortunately, there seems to be a complete lack of such an understanding. It is therefore necessary to begin with the question : What is the de facto and de jure' connotation of this principle of self-determination? The term self-determination has become current since the last few years. But it describes something which is much older. The idea underlying self-determination has developed along two different lines. During the 19th century self-determination meant the right to establish a form of government in accordance with the wishes of the people. Secondly, self-determination has meant the right to obtain national independence from an alien race irrespective of the form of government. The agitation for Pakistan has reference to self-determination in its second aspect.

Confining the discussion to this aspect of Pakistan it seems to me essential that the following points regarding the issue of self-determination should be borne in mind.

In the first place, self-determination must be by the people. This point is too simple even to need mention. But it has become necessary to emphasize it. Both the Muslim League and the Hindu Maha Sabha seem to be playing fast and loose with the idea of self-determination. An area is claimed by the Muslim League for inclusion in Pakistan because the people of the area are Muslims. An area is also claimed for being included in Pakistan because the ruler of the area is a Muslim though the majority of the people of that area are non-Muslims. The Muslim League is claiming the benefit of self-determination in India. At the same time the League is opposed to self-determination being applied to Palestine. The League claims Kashmir as a Muslim State because the majority of people are Muslims and also Hyderabad because the ruler is Muslim. In like manner the Hindu Maha Sabha claims an area to be included in Hindustan because the people of the area are non-Muslims. It also comes forward to claim an area to be a part of Hindustan because the ruler is a Hindu though the majority of the people are Muslims. Such strange and conflicting claims are entirely due to the fact

that either the parties to Pakistan, namely, the Hindus and the Muslims do not understand what self-determination means or are busy in perverting the principle of self-determination to enable them to justify themselves in carrying out the organized territorial loot in which they now seem to be engaged. India will be thrown into a state of utter confusion whenever the question of reorganization of its territories comes up for consideration if people have no exact notions as to what self-determination involves and have not the honesty to stand by the principle and take the consequences whatever they be. It is, therefore, well to emphasize what might be regarded as too simple to require mention, namely, that self-determination is a determination by the people and by nobody else.

The second point to note is the degree of imperative character with which the principle of self-determination can be said to be invested. As has been said by Mr. O' Connor [11][f.11] :

> "The doctrine of self-determination is not a universal principle at all. The most that can be said about it is that generally speaking, it is a sound working rule, founded upon justice, making for harmony and peace and for the development of people in their own fashion, which, again generally speaking, is the best fashion. But it must yield to circumstances, of which size and geographical situation are some of the most important. Whether the rule should prevail against the circumstances or the circumstances against the rule can be determined only by the application of one's common sense or sense of justice, or, as a Benthamite would prefer to put it, by reference to the greatest good of the greatest number— all these three, if properly understood, are really different methods of expressing the same thing. In solving a particular case very great difficulties may arise. There are facts one way and facts another way. Facts of one kind may make a special appeal to some minds, little or none to others. The problem may be of the kind that is called imponderable, that is to say, no definite conclusion that will be accepted by the generality of the mankind may be possible. There are cases in which it is no more possible to say that a nation is right in its claim to interfere with the self-determination of another

nation than that it is to say that it is wrong. It is a matter of opinion, upon which honest and impartial minds may differ."

There are two reasons why this must be so. Firstly, nationality is not such a sacrosanct and absolute principle as to give it the character of a categorical imperative, over-riding every other consideration. Secondly, separation is not quite so essential for the maintenance and preservation of a distinct nationality.

There is a third point to be borne in mind in connection with the issue of self-determination. Self-determination for a nationality may take the form of cultural independence or may take the form of territorial independence. Which form it can take must depend upon the territorial layout of the population. If a nationality lives in easily severable and contiguous areas, other things being equal, a case can be made out for territorial independence. But where owing to an inextricable intermingling the nationalities are so mixed up that the areas they occupy are not easily severable, then all that they can be entitled to is cultural independence. Territorial separation in a case like this is an impossibility. They are doomed to live together. The only other alternative they have is to migrate.

IV

Having defined the scope and limitations of the idea of self-determination we can now proceed to deal with the question of boundaries of Pakistan. How does the claim of the Muslim League for the present boundary to remain the boundaries of Pakistan stand in the light of these considerations? The answer to this question seems to me quite clear. The geographical layout seems to decide the issue. No special pleading of any kind is required. In the case of the North-West Frontier Province, Baluchistan and Sind, the Hindus and the Muslims are intermixed. In these Provinces a case for territorial separation for the Hindus seems to be impossible. They must remain content with cultural independence and such political safeguards as may be devised for their safety. The case of the Punjab and Bengal stands on a different footing. A glance at the map shows that the layout of the population of the

Hindus and the Muslims in these two Provinces is totally different from what one finds in the other three Provinces. The non-Muslims in the Punjab and Bengal are not found living in small islands in the midst of and surrounded by a vast Muslim population spread over the entire surface as is the case with the North-West Frontier Province, Baluchistan and Sind. In Bengal and the Punjab the Hindus occupy two different areas contiguous and severable. In these circumstances, there is no reason for conceding what the Muslim League seems to demand, namely, that the present boundaries of the Punjab and Bengal shall continue to be the boundaries of Western Pakistan and Eastern Pakistan.

Two conclusions necessarily follow from the foregoing discussion. One is that the non-Muslims of the Punjab and Bengal have a case for exclusion from Pakistan by territorial severance of the areas they occupy. The other is that the non-Muslims of North-West Frontier Province, Baluchistan and Sind have no case for exclusion and are only entitled to cultural independence and political safeguards. To put the same thing in a different way it may be said that the Muslim League claim for demanding that the boundaries of Sind, North-West Frontier and Baluchistan shall remain as they are cannot be opposed. But that in the case of the Punjab and Bengal such a claim is untenable and that the non-Muslims of these Provinces, if they desire, can claim that the territory they occupy should be excluded by a redrawing of the boundaries of these two Provinces.

V

One should have thought that such a claim by the non-Muslim minorities of the Punjab and Bengal for the redrawing of the boundaries would be regarded by the Muslim League as a just and reasonable claim. The possibility of the redrawing of boundaries was admitted in the Lahore Resolution of the Muslim League passed in March 1940. The Resolution [12][f.12] said :—

"The establishment of completely independent States formed by demarcating geographically contiguous units into regions which shall

be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Musalmans are numerically in a majority, as in the north-western and eastern zones of India, shall be grouped together to constitute independent States as Muslim free national homelands in which the constituent units shall be autonomous and sovereign."

That this continued to be the position of the Muslim League is clear from the resolution passed by the Muslim League on the Cripps Proposals as anyone who cares to read it will know. But there are indications that Mr. Jinnah has changed his view. At a public meeting held on 16th November 1942in Jullunder Mr. Jinnah is reported to have expressed himself in the following terms:—

"The latest trick—1 call it nothing but a trick—to puzzle and to mislead the ignorant masses purposely, and those playing the game understand it, is, why should the right of self-determination be confined to Muslims only and why not extend it to other communities? Having said that all have the right of self-determination, they say the Punjab must be divided into so many bits ; likewise the North-West Frontier Province and Sind. Thus there will be hundreds of Pakistans.

SUB-NATIONAL GROUPS [13][f.13]

"Who is the author of this new formula that every community has the right of self-determination all over India? Either it is colossal ignorance or mischief and trick. Let me give them a reply, that the Musalmans claim the right of self-determination because they are a national group on a given territory which is their homeland and in the zones where they are in a majority. Have you known anywhere in history that national groups scattered all over have been given a State? Where are you going to get a State for them? In that case you have got 14 per cent. Muslims in the United Provinces. Why not have a State for them? Muslims in the United Provinces are not a national group; they are scattered. Therefore in constitutional language they are

characterized as a sub-national group who cannot expect anything more than what is due from any civilized Government to a minority. I hope I have made the position clear. The Muslims are not a sub-national group; it is their birthright to claim and exercise the right of self-determination."

Mr. Jinnah has completely missed the point. The point raised by his critics was not with regard to the non-Muslim minorities in general. It had reference to the non-Muslim minorities in the Punjab and Bengal. Does Mr. Jinnah propose to dispose of the case of non-Muslim minorities who occupy a compact and an easily severable territory by his theory of a sub-nation? If that is so, then one is bound to say that a proposition cruder than his it would be difficult to find in any political literature. The concept of a sub-nation is unheard of. It is not only an ingenious concept but it is also a preposterous concept. What does the theory of a subnation connote? If I understand its implications correctly, it means a sub-nation must not be severed from the nation to which it belongs even when severance is possible: it means that the relations between a nation and a sub-nation are no higher than the relations which subsist between a man and his chattels, or between property and its incidents. Chattels go with the owner, incidents go with property, so a sub-nation goes with a nation. Such is the chain of reasoning in Mr. Jinnah's argument. But does Mr. Jinnah seriously wish to argue that the Hindus of the Punjab and Bengal are only chattels so that they must always go wherever the Muslims of the Punjab and the Muslims of Bengal choose to drive them? Such an argument will be too absurd to be entertained by any reasonable man. It is also the most illogical argument and certainly it should not be difficult for so mature a lawyer as Mr. Jinnah, to see the illogicality of it. If a numerically smaller nation is only a sub-nation in relation to a numerically larger nation and has no right to territorial separation, why can it not be said that taking India as a whole the Hindus are a nation and the Muslims a sub-nation and as a sub-nation they have no right to self-determination or territorial separation?

Already there exists a certain amount of suspicion with regard to the banafides of Pakistan. Rightly or wrongly, most people suspect that

Pakistan is pregnant with mischief. They think that it has two motives, one immediate, the other ultimate. The immediate motive, it is said, is to join with the neighbouring Muslim countries and form a Muslim Federation. The ultimate motive is for the Muslim Federation to invade Hindustan and conquer or rather reconquer the Hindu and re-establish Muslim Empire in India. Others think that Pakistan is the culmination of the scheme of hostages which lay behind the demand, put forth by Mr. Jinnah in his fourteen points, for the creation of separate Muslim Provinces. Nobody can fathom the mind of the Muslims and reach the real motives that lie behind their demand for Pakistan. The Hindu opponents of Pakistan if they suspect that the real motives of the Muslims are different from the apparent ones, may take note of them and plan accordingly. They cannot oppose Pakistan because the motives behind it are bad. But they are entitled to ask Mr. Jinnah, Why does he want to have a communal problem within Pakistan? However vicious may be the motives behind Pakistan it should possess at least one virtue. The ideal of Pakistan should be not to have a communal problem inside it. This is the least of virtues one can expect from Pakistan. If Pakistan is to be plagued by a communal problem in the same way as India has been, why have Pakistan at all? It can be welcomed only if it provides an escape from the communal problem. The way to avoid it is to arrange the boundaries in such a way that it will be an ethnic State without a minority and a majority pitched against each other. Fortunately it can be made into an ethnic State if only Mr. Jinnah will allow it. Unfortunately Mr. Jinnah objects to it. Therein lies the chief cause for suspicion and Mr. Jinnah, instead of removing it, is deepening it by such absurd, illogical and artificial distinctions as nations and sub-nations.

Rather than resort to such absurd and illogical propositions and defend what is indefensible and oppose what is just, would it not be better for Mr. Jinnah to do what Sir Edward Carson did in the matter of the delimitation of the boundaries of Ulster? As all those who know the vicissitudes through which the Irish Home Rule question passed know that it was at the Craigavon meeting held on 23rd September 1911 that Sir Edward Carson formulated his policy that in Ulster there will be a government of Imperial Parliament or a Government of Ulster but

never a Home Rule Government. As the Imperial Parliament was proposing to withdraw its government, this policy meant the establishment of a provisional government for Ulster. This policy was embodied in a resolution passed at a joint meeting of delegates representing the Ulster Unionist Council, the County Grand Orange Lodges and Unionist Clubs held in Belfast on 25th September 1911. The Provisional Government of Ulster was to come into force on the day of the passing of the Home Rule Bill. An important feature of this policy was to invest the Provisional Government with a jurisdiction over all"those districts which they (Ulsterites) could control."

The phrase"those districts which they could control"was no doubt meant to include the whole of the administrative division of Ulster. Now this administrative division of Ulster included nine counties. Of these three were overwhelmingly Catholic. This meant the compulsory retention of the three Catholic counties under Ulster against their wishes. But what did Sir Edward Carson do in the end? It did not take long for Sir Edward Carson to discover that Ulster with three overwhelmingly Catholic districts would be a liability, and with all the courage of a true leader he came out with a declaration that he proposed to cut down his losses and make Ulster safe. In his speech in the House of Commons on the 18th of May 1920 he announced that he was content with six counties only. The speech that he made on that occasion giving his reasons why he was content only with six counties is worth quoting. This is what he said [14][f.14] :—

> "The truth is that we came to the conclusion after many anxious hours and anxious days of going into the whole matter, almost parish by parish and townland by townland, that we would have no chance of successfully starting a Parliament in Belfast which would be responsible for the government of Donegal, Caven and Monaghan. It would be perfectly idle for us to come here and pretend that we should be in a position to do so. We should like to have the very largest areas possible, naturally. That is a system of land grabbing that prevails in all countries for widening the jurisdiction of the various governments that are set up ; but there is no use in our undertaking a government which

we know would be a failure if we were saddled with these three counties."

These are wise, sagacious and most courageous words. The situation in which they were uttered has a close parallel with the situation that is likely to be created in the Punjab and Bengal by the application of the principle of Pakistan. The Muslim League and Mr. Jinnah if they want a peaceful Pakistan should not forget to take note of them. It is no use asking the non-Muslim minorities in the Punjab and Bengal to be satisfied with safeguards. If the Musalmans are not prepared to be content with safeguards against the tyranny of Hindu majority why should the Hindu minorities be asked to be satisfied with the safeguards against the tyranny of the Muslim majority? If the Musalmans can say to the Hindus"Damn your safeguards, we don't want to be ruled by you"—an argument which Carson used against Redmond—the same argument can be returned by the Hindus of the Punjab and Bengal against the Muslim offer to be content with safeguards.

The point is that this attitude is not calculated to lead to a peaceful solution of the problem of Pakistan. Sabre-rattling or show of force will not do. In the first place, this is a game which two can play. In the second place, arms may be an element of strength. But to have arms is not enough. As Rousseau said :"The strongest is never strong enough to be always master, unless he transforms his might into right, and obedience into duty."Only ethics can convert might into right and obedience into duty. The League must see that its claim for Pakistan is founded on ethics.

VI

So much for the problem of boundaries. I will now turn to the problem of the minorities which must remain within Pakistan even after boundaries are redrawn. There are two methods of protecting their interests.

First is to provide safeguards in the constitution for the protection of the political and cultural rights of the minorities. To Indians this is a familiar matter and it is unnecessary to enlarge upon it.

Second is to provide for their transfer from Pakistan to Hindustan. Many people prefer this solution and would be ready and willing to consent to Pakistan if it can be shown that an exchange of population is possible. But they regard this as a staggering and a baffling problem. This no doubt is the sign of a panic-stricken mind. If the matter is considered in a cool and calm temper it will be found that the problem is neither staggering nor baffling.

To begin with consider the dimensions of the problem. On what scale is this transfer going to be? In determining the scale one is bound to take into account three considerations. In the first place, if the boundaries of the Punjab and Bengal are redrawn there will be no question of transfer of population so far as these two Provinces are concerned. In the second place, the Musalmans residing in Hindustan do not propose to migrate to Pakistan nor does the League want their transfer. In the third place, the Hindus in the North-West Frontier Province, Sind and Baluchistan do not want to migrate. If these assumptions are correct, the problem of transfer of population is far from being a staggering problem. Indeed it is so small that there is no need to regard it as a problem at all.

Assuming it does become a problem, will it be a baffling problem? Experience shows that it is not a problem which it is impossible to solve. To devise a solution for such a problem it might be well to begin by asking what are the possible difficulties that are likely to arise in the way of a person migrating from one area to another on account of political changes. The following are obvious enough : (1) The machinery for effecting and facilitating the transfer of population. (2) Prohibition by Government against migration. (3) Levy by Government of heavy taxation on the transfer of goods by the migrating family. (4) The impossibility for a migrating family to carry with it to its new home its immovable property. (5) The difficulty of obviating a resort to unfair practices with a view to depress unduly the value of the property of the migrating family. (6) The fear of having to make good the loss by not being able to realize the full value of the property by sale in the market. (7) The difficulty of realizing pensionary and other charges due to the

migrating family from the country of departure. (8) The difficulty of fixing the currency in which payment is to be made. If these difficulties are removed the way to the transfer of population becomes clear.

The first three difficulties can be easily removed by the two States of Pakistan and Hindustan agreeing to a treaty embodying an article in some such terms as follows :—

"The Governments of Pakistan and Hindustan agree to appoint a Commission consisting of equal number of representatives and presided over by a person who is approved by both and who is not a national of either.

"The expense of the Commission and of its Committees both on account of its maintenance and its operation shall be borne by the two Governments in equal proportion.

"The Government of Pakistan and the Government of Hindustan hereby agree to grant to all their nationals within their territories who belong to ethnic minorities the right to express their desire to emigrate.

"The Governments of the States above mentioned undertake to facilitate in every way the exercise of this right and to interpose no obstacles, directly or indirectly, to freedom of emigration. All laws and regulations whatsoever which conflict with freedom of emigration shall be considered as null and void."

The fourth and the fifth difficulties which relate to transfer of property can be effectually met by including in the treaty articles the following terms:

"Those who, in pursuance of these articles, determine to take advantage of the right to migrate shall have the right to carry with them or to have transported their movable property of any kind without any duty being imposed upon them on this account.

"So far as immovable property is concerned it shall be liquidated by the Commission in accordance with the following provisions:

(1) The Commission shall appoint a Committee of Experts to estimate the value of the immovable property of the emigrant The emigrant interested shall have a representative chosen by him on the Committee.

(2) The Commission shall take necessary measures with a view to the sale of immovable property of the emigrant"

As for the rest of the difficulties relating to reimbursement for loss, for payment of pensionary and charges for specifying the currency in which payments are to be made the following articles in the treaty should be sufficient to meet them :

"(1) The difference in the estimated value and the sale price of the immovable property of the emigrant shall be paid in to the Commission by the Government of the country of departure as soon as the former has notified it of the resulting deficiency. One-fourth of this payment may be made in the money of the country of departure and three-fourths in gold or short term gold bonds.

"(2) The Commission shall advance to the emigrants the value of their immovable property determined as above.

"(3) All civil or military pensions acquired by an emigrant at the dale of the signature of the present treaty shall be capitalized at the charge of the debtor Government, which must pay the amount to the Commission for the account of its owners.

"(4) The funds necessary to facilitate emigration shall be advanced by the States interested in the Commission."

Are not these provisions sufficient to overcome the difficulties regarding transfer of population? There are of course other difficulties. But even those are not insuperable. They involve questions of policy. The first question is : is the transfer of population to be compulsory or is it to be voluntary? The second is : is this right to State-aided transfer to be open to all or is it to be restricted to any particular class of persons? The third is : how long is Government going to remain liable to be bound by these provisions, particularly the provision for making

good the loss on the sale of immovable property? Should the provisions be made subject to a time limit or should the liability be continued indefinitely?

With regard to the first point, both are possible and there are instances of both having been put into effect. The transfer of population between Greece and Bulgaria was on a voluntary basis while that between Greece and Turkey was on a compulsory basis. Compulsory transfer strikes one as being prima facie wrong. It would not be fair to compel a man to change his ancestral habitat if he does not wish to, unless the peace and tranquility of the State is likely to be put in jeopardy by his continuing to live where he is or such transfer becomes necessary in his own interest. What is required is that those who want to transfer should be able to do so without impediment and without loss. I am therefore of opinion that transfer should not be forced but should be left open for those who declare their intention to transfer.

As to the second point, it is obvious that only members of a minority can be allowed to take advantage of the scheme of State-aided transfer. But even this restriction may not be sufficient to exclude all those who ought not to get the benefit of this scheme. It must be confined to certain well defined minorities who on account of ethnic or religious differences are sure to be subjected to discrimination or victimization.

The third point is important and is likely to give rise to serious difference of opinion. On a fair view of the matter it can be said that it is quite unreasonable to compel a Government to keep open for an indefinite period the option to migrate at Government cost .There is nothing unfair in telling a person that if he wants to take advantage of the provisions of the scheme of State-aided migration contained in the forgoing articles, he must exercise his option to migrate within a stated period and that if he decides to migrate after the period has elapsed he will be free to migrate but it will have to be at his own cost and without the aid of the State There is no inequity in thus limiting the right to State aid. State-aid becomes a necessary part of the scheme because the migration is a resultant consequence of political changes over which individual citizens have no control. But migration may not be the result

of political change. lt may be for other causes, and when it is for other causes, aid to the emigrant cannot bean obligation on the State. The only way to determine whether migration is for political reasons or for private reasons is to relate it to a definite point of time. When it takes place with in a defined period from the happening of a political change it may be presumed open for an indefinite period the option to migrate at Government cost. There is nothing unfair in telling a person that if he wants to take advantage of the provisions of the scheme of State-aided migration contained in the foregoing articles, he must exercise his option to migrate within a stated period and that if he decides to migrate after the period has elapsed he will be free to migrate but it will have to be at his own cost and without the aid of the State. There is no inequity in thus limiting the right to State-aid. State-aid becomes a necessary part of the scheme because the migration is a resultant consequence of political changes over which individual citizens have no control. But migration may not be the result of political change. It may be for other causes, and when it is for other causes, aid to the emigrant cannot be an obligation on the State. The only way to determine whether migration is for political reasons or for private reasons is to relate it to a definite point of time. When it takes place within a defined period from the happening of a political change it may be presumed to be political. When it occurs after the period it may be presumed to be for private reasons. There is nothing unjust in this. The same rule of presumption governs the cases of civil servants who, when a political change takes place, are allowed to retire on proportionate pensions if they retire within a given period but not if they retire after it has lapsed.

If the policy in these matters is as I suggest it should be, it may be given effect to by the inclusion of the following articles in the treaty:

"The right to voluntary emigration may be exercised under this treaty by any person belonging to an ethnic minority who is over 18 years of age.

"A declaration made before the Commission shall be sufficient evidence of intention to exercise the right.

"The choice of the husband shall carry with it that of the wife, the option of parents or guardians that of their children or wards aged less than 18 years.

"The right to the benefit provided by this treaty shall lapse if the option to migrate is not exercised within a period of 5 years from the date of signing the treaty.

"The duties of the Commission shall be terminated within six months after the expiration of the period of five years from the date when the Commission starts to function."

What about the cost? The question of cost will be important only if the transfer is to be compulsory. A scheme of voluntary transfer cannot place a very heavy financial burden on the State. Men love property more than liberty. Many will prefer to endure tyranny at the hands of their political masters than change the habitat in which they are rooted. As Adam Smith said, of all the things man is the most difficult cargo to transport. Cost therefore need not frighten anybody.

What about its workability? The scheme is not new. It has been tried and found workable. It was put into effect after the last European War, to bring about a transfer [15] [f.15] of population between Greece and Bulgaria and Turkey and Greece. Nobody can deny that it has worked, has been tried and found workable. The scheme I have outlined is a copy of the same scheme. It had the effect of bringing about a transfer* of population between Greece and Bulgaria and Turkey and Greece. Nobody can deny that it was worked with signal success. What succeeded elsewhere may well be expected to succeed in India.

The issue of Pakistan is far from simple. But it is not so difficult as it is made out to be provided the principle and the ethics of it are agreed upon. If it is difficult it is only because it is heart-rending and nobody wishes to think of its problems and their solutions as the very idea of it is so painful. But once sentiment is banished and it is decided that there shall be Pakistan, the problems arising out of it are neither staggering nor baffling.

CHAPTER XV

WHO CAN DECIDE?

There are two sides to the question of Pakistan, the Hindu side and the Muslim side. This cannot be avoided. Unfortunately however the attitude of both is far from rational. Both are deeply embedded in sentiment. The layers of this sentiment are so thick that reason at present finds it extremely difficult to penetrate. Whether these opposing sentiments will wither away or they will thicken, time and circumstances alone can tell. How long Indians will have to wait for the melting of the snow no one can prophesy. But one thing is certain that 'until this snow melts freedom will have to be put in cold storage. I am sure there must be many millions of thinking Indians who are dead opposed to this indefinite postponement of Indian freedom till an ideal and a permanent solution of Pakistan is found. I am one of them. I am one of those who hold that if Pakistan is a problem and not a pose there is no escape and a solution must be found for it. I am one of those who believe that what is inevitable must be faced. There is no use burying one's head in the sand and refusing to take notice of what is happening round about because the sound of it hurts one's sentiments. I am also one of those who believe that one must, if one can, be ready with a solution long before the hour of decision arrives. It is wise to build a bridge if one knows that one will be forced to cross the river.

The principal problem of Pakistan is : who can decide whether there shall or shall not be Pakistan? I have thought over the subject for the last three years, and I have come to some conclusions as to the proper answer to this question. These conclusions I would like to share with others interested in the solution of the problem so that they may be further explored. To give clarity to my conclusions, I have thought that it would serve the purpose better if I were to put them, in the form of an Act of Parliament. The following is the draft of the Act which embodies my conclusions:—

Government of India (Preliminary Provisions) Act

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

I.—(1) If within six months from the date appointed in this behalf a majority of the Muslim members of the Legislatures of the Provinces of the North-West Frontier, the Punjab, Sind and Bengal pass a resolution that the predominantly Muslim areas be separated from British India, His Majesty shall cause a poll to be taken on that question of the Muslim and the non-Muslim electors of these Provinces and of Baluchistan in accordance with the provisions of this Act.

(2) The question shall be submitted to the electors in these Provinces in the following form :— (i) Are you in favour of separation from British India? (U) Are you against separation?

(3) The poll of Muslim and non-Muslim electors shall be taken separately.

II.—(1) If on a result of the poll, a majority of Muslim electors are found to be in favour of separation and a majority of non-Muslim electors against separation, His Majesty shall by proclamation appoint a Boundary Commission for the purpose of preparing a list of such districts and areas in these Provinces in which a majority of inhabitants are Muslims. Such districts and areas shall be called Scheduled Districts.

(2) The Scheduled Districts shall be collectively designated as Pakistan and the rest of British India as Hindustan. The Scheduled Districts lying in the North-west shall be called the State of Western Pakistan and those lying in the North-east shall be called Eastern Pakistan.

///.—(1) After the findings of the Boundary Commission have become final either by agreement or the award of an Arbitrator,

His Majesty shall cause another poll to be taken of the electors of the Scheduled Districts.

(2) The following shall be the form of the questions submitted to the electors :— (i) Are you in favour of separation forthwith? (U) Are you against separation forthwith?

IV.—(I) If the majority is in favour of separation forthwith it shall be lawful for His Majesty to make arrangements for the framing of two separate constitutions, one for Pakistan and the other for Hindustan.

(2) The New States of Pakistan and Hindustan shall commence to function as separate States on the day appointed by His Majesty by proclamation issued in that behalf.

(3) If the majority are against separation forthwith it shall be lawful for His Majesty to make arrangements for the framing of a single constitution for British India as a whole.

V.— No motion for the separation of Pakistan. lf the poll under the last preceding section has been against separation forthwith and no motion for incorporation of Pakistan into Hindustan if the poll under the last preceding section has been in favour of separation forthwith shall be entertained until ten years have elapsed from the date appointed by His Majesty for putting into effect the new constitution for British India or the two separate constitutions for Pakistan and Hindustan.

VI.—(1) In the event of two separate constitutions coming into existence under Section Four it shall be lawful for His Majesty to establish as soon as may be after the appointed day, a Council of India with a view to the eventual establishment of a constitution for the whole of British India, and to bringing about harmonious action between the Legislatures and Governments of Pakistan and Hindustan, and to the promotion of mutual intercourse and uniformity in relation to matters affecting the whole of British India, and to providing for the administration of services which

the two parliaments mutually agree should be administered uniformly throughout the whole of British India, or which by virtue of this Act are to be so administered.

(2) Subject as hereinafter provided, the Council of India shall consist of a President nominated in accordance with instructions from His Majesty and forty other persons, of whom twenty shall be members representing Pakistan and twenty shall be members representing Hindustan.

(3) The members of the Council of India shall be elected in each case by the members of the Lower Houses of the Parliament of Pakistan or Hindustan.

(4) The election of members of the Council of India shall be the first business of the Legislatures of Pakistan and Hindustan.

(5) A member of the Council shall, on ceasing to be a member of that House of the Legislature of Pakistan or Hindustan by which he was elected a member of the Council, cease to be a member of the Council : Provided that, on the dissolution of the Legislature of Pakistan or Hindustan, the persons who are members of the Council shall continue to hold office as members of the Council until a new election has taken place and shall then retire unless re-elected.

(6) The President of the Council shall preside at each meeting of the Council at which he is present and shall be entitled to vote in case of an equality of votes, but not otherwise.

(7) The first meeting of the Council shall be held at such time and place as may be appointed by the President.

(8) The Council may act notwithstanding a deficiency in their number, and the quorum of the Council shall be fifteen.

(9) Subject as aforesaid, the Council may regulate their own procedure, including the delegation of powers to committees.

(10) The constitution of the Council of India may from time to time be varied by identical Acts passed by the Legislature of Pakistan and the Legislature of Hindustan, and the Acts may provide for all or any of the members of the Council of India being elected by parliamentary electors, and determine the constituencies by which the several elective members are to be returned and the number of the members to be returned by the several constituencies and the method of election.

VII.—(1) The Legislatures of Pakistan and Hindustan may, by identical Acts, delegate to the Council of India any of the powers of the Legislatures and Government of Pakistan and Hindustan, and such Acts may determine the manner in which the powers so delegated are to be exercisable by the Council.

(2) The powers of making laws with respect to railways and waterways shall, as from the day appointed for the operation of the new constitution, become the powers of the Council of India and not of Pakistan or Hindustan : Provided that nothing in this subsection shall prevent the Legislature of Pakistan or Hindustan making laws authorising the construction, extension, or improvement of railways and waterways where the works to be constructed are situate wholly in Pakistan or Hindustan as the case may be.

(3) The Council may consider any questions which may appear in any way to bear on the welfare of both Pakistan and Hindustan, and may, by resolution, make suggestions in relation thereto as they may think proper, but suggestions so made shall have no legislative effect.

(4) It shall be lawful for the Council of India to make recommendations to the Legislatures of Pakistan and Hindustan as to the advisability of passing identical Acts delegating to the Council of India the administration of any all-India subject, with a view to avoiding the necessity of administering them separately in Pakistan or Hindustan.

(5) It shall be lawful for either Legislature at any time by Act to deprive the delegation to the Council of India of any powers which are in pursuance of such identical Acts as aforesaid for the time being delegated to the Council and thereupon the powers in question shall cease to be exercisable by the Council of India and shall become exercisable in parts of British India within their respective jurisdictions by the Legislatures and Governments of Pakistan and Hindustan and the Council shall take such steps as may be necessary to carry out the transfer, including adjustments of any funds in their hands or at their disposal.

VIII.—(1) If at the end of ten years after coming into operation of a constitution for British India as prescribed by Section IV—(3) a petition is presented to His Majesty by a majority of the Muslim members representing the Scheduled Districts in the Provincial and Central Legislatures demanding a poll to be taken with regard to the separation of Pakistan from Hindustan, His Majesty shall cause a poll to be taken. (2) The following shall be the form of the questions submitted to the electors :— d) Are you in favour of separation of Pakistan from Hindustan?

(ii) Are you against the separation of Pakistan from Hindustan?

IX.— If the result of the poll is in favour of separation it shall be lawful for His Majesty to declare by an Order-in-Council that from a day appointed in that behalf Pakistan shall cease to be a part of British India, and dissolve the Council of India.

X.—(1) Where two constitutions have come into existence under circumstances mentioned in Section IV it shall be lawful for His Majesty to declare by an Order-in-Council that Pakistan shall cease to be a separate State and shall form part of Hindustan. Provided that no such order shall be made until ten years have elapsed from the commencement of the separate constitution for Pakistan. Provided also that no such declaration shall be made unless the Popular Legislatures of Pakistan and Hindustan have passed Constituent Acts as are provided for in Section X—(2).

(2) The popular Legislatures of Pakistan and Hindustan may, by identical Acts agreed to by an absolute majority of members at the third reading (hereinafter referred to as Constituent Acts), establish, in lieu of the Council of India, a Legislature for United India, and may determine the number of members thereof and the manner in which the members are to be appointed or elected and the constituencies for which the several elective members are to be returned, and the number of members to be returned by the several constituencies, and the method of appointment or election, and the relations of the two Houses if provided for to one another.

XI.—(1) On the date of the union of Pakistan and Hindustan the Council of India shall cease to exist and there shall be transferred to the Legislature and Government of India all powers then exercisable by the Council of India.

(2) There shall also be transferred to the Legislature and Government of British India all the powers and duties of the Legislatures and Government of Pakistan and Hindustan, including all powers as to taxation, and those Legislatures and Government shall cease to exist.

XII.—(1) A poll under this Act shall be taken by ballot in the same manner so far as possible as a poll of electors for the election of a member to serve in a Legislature and His Majesty may make rules adopting the election laws for the purpose of the taking of the poll.

(2) An elector shall not vote more than once at the poll, although registered in more than one place.

(3) Elector means every adult male and female residing in the Provinces of North-West Frontier, the Punjab, Sind, and Bengal and in Baluchistan.

XIII.— This Act may be called the Indian Constitution

(Preliminary Provisions) Act, I94 .

I do not think .that any detailed explanation is necessary for the reader to follow and grasp the conclusions I have endeavoured to embody in this skeleton Act. Perhaps it might be advantageous if I bring out some of the salient features of the proposals to which the projected statute of Parliament is intended to give effect by comparing them with the Cripps proposals.

In my opinion it is no use for Indians to ask and the British Parliament to agree to proceed forthwith to pass an Act conferring Dominion Status or Independence without first disposing of the issue of Pakistan. The Pakistan issue must be treated as a preliminary issue and must be disposed of one way or the other. This is why I have called the proposed Act"The Government of India (Preliminary Provisions) Act."The issue of Pakistan being one of self-determination must be decided by the wishes of the people. It is for this that I propose to take a poll of the Muslims and non-Muslims in the predominantly Muslim Provinces. If the Majority of the Muslims are in favour of separation and a majority of non-Muslims are against separation, steps must be taken to delimit the areas wherever it is possible by redrawing provincial boundaries on ethnic and cultural lines by separating the Muslim majority districts from the districts in which the majority consists of non-Muslims. A Boundary Commission is necessary for this purpose. So a Boundary Commission is provided for in the Act. It would be better if the Boundary Commission could be international in its composition.

The scheme of separate referenda of Muslims and non-Muslims is based on two principles which I regard as fundamental. The first is that a minority can demand safeguards for its protection against the tyranny of the majority. It can demand them as a condition precedent. But a minority has no right to put a veto on the right of the majority .to decide on questions of ultimate destiny. This is the reason why I have confined the referendum on the establishment of Pakistan to Muslims only. The second is that a communal majority cannot claim a communal minority to submit itself to its dictates. Only a political majority may be permitted to rule a political minority. This principle has been modified in India where a communal minority is placed under a communal

majority subject to certain safeguards. But this is as regards the ordinary question of social, economic and political importance. It has never been conceded and can never be conceded that a communal majority has a right to dictate to a communal minority on an issue which is of a constitutional character. That is the reason why I have provided a separate referendum of non-Muslims only, to decide whether they prefer to go in Pakistan or come into Hindustan.

After the Boundary Commission has done its work of delimiting the areas, various possibilities can arise. The Musalmans may stop with the delimitation of the boundaries of Pakistan. They may be satisfied that after all the principle of Pakistan has been accepted—which is what delimitation means. Assuming that the Musalmans are not satisfied with mere delimitation but want to move in the direction of establishing Pakistan there are two courses open to them. They may want to establish Pakistan forthwith or they may agree to live under a common Central Government for a period of say ten years and put the Hindus on their trial. Hindus will have an opportunity to show that the minorities can trust them. The Muslims will learn from experience how far their fears of Hindu Raj are justified. There is another possibility also. The Musalmans of Pakistan having decided to separate forthwith may after a period become so disgusted with Pakistan that they might desire to come back and be incorporated in Hindustan and be one people subject to one single constitution.

These are some of the possibilities I see. These possibilities should in my judgement be kept open for time and circumstances to have their effect. It seems to me to be wrong to say to the Musalmans if you want to remain as part of India then you can never go out or if you want to go then you can never come back. I have in my scheme kept the door open and have provided for both the possibilities in the Act (1) for union after a separation of ten years, (2) for separation for ten years and union there after. I personally prefer the second alternative although I have no strong views either way. It would be much better that the Musalmans should have the experience of Pakistan. A union after an experience of Pakistan is bound to be stable and lasting. In case Pakistan

comes into existence forthwith, it seems to me necessary that the separation should not altogether be a severance, sharp and complete. It is necessary to maintain live contact between Pakistan and Hindustan so as to prevent any estrangement growing up and preventing the chances of reunion. A Council of India is accordingly provided for in the Act. It cannot be mistaken for a federation. It is not even a confederation. Its purpose is to do nothing more than to serve as a coupling to link Pakistan to Hindustan until they are united under a single constitution.

Such is my scheme. It is based on a community-wise plebiscite. The scheme is flexible. It takes account of the fact that the Hindu sentiment is against it. It also recognizes the fact that the Muslim demand for Pakistan may only be a passing mood. The scheme is not a divorce. It is only a judicial separation. It gives to the Hindus a term. They can use it to show that they can be trusted with authority to rule justly. It gives the Musalmans a term to try out Pakistan.

It might be desirable to compare my proposals with those of Sir Stafford Cripps. The proposals were given out as a serial story in parts. The draft Declaration issued on 29th March 1943 contained only the following :—

"His Majesty's Government therefore make the following terms:—

(a) Immediately upon cessation of hostilities steps shall be taken to set up in India in manner described hereafter an elected body charged with the task of framing a new constitution for India.

(b) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to:

(i) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding provinces should they so desire. His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down."

Particulars of accession and secession were given in his broadcast. They were in the following terms :—

"That constitution-making body will have as its object the framing of a single constitution for the whole of India—that is, of British India, together with such of the Indian States as may decide to join in.

"But we realize this very simple fact. If you want to persuade a number of people who are inclined to be antagonistic to enter the same room, it is unwise to tell them that once they go in there is no way out, they are to be forever locked in together.

"It is much wiser to tell them they can go in and if they find they can't come to a common decision, then there is nothing to prevent those who wish, from leaving again by another door. They are much more likely all to go in if they have knowledge that they can by their free will go out again if they cannot agree.

"Well, that is what we say to the provinces of India. Come together to frame a common constitution—if you find after all your discussion and all the give and take of a constitution-making assembly that you cannot overcome your differences and that some provinces are still not satisfied with the constitution, then such provinces can go out and remain out if they wish and just the same degree of self-government and freedom will be available for them as for the Union itself, that is to say complete self-government."

To complete the picture further details were added at the Press Conference. Explaining the plan for accession or secession of provinces Sir Stafford Cripps said :—

"If at the end of the Constituent Assembly proceedings, any province or provinces did not wish to accept the new constitution and join the Union, it was free to keep out—provided the Provincial Assembly of

that province, by a substantial vote say not less than 60 per cent., decided against accession. If it was less than 60 per cent, the minority could claim a plebiscite of the whole province for ascertaining the will of the people. In the case of the plebiscite, a bare majority would be enough. Sir Stafford explained that for completing accession there would have to be a positive vote from the Provincial Assembly concerned. The non-acceding province could, if they wanted, combine into a separate union through a separate Constituent Assembly, but in order to make such a Union practicable they should be geographically contiguous."

The main difference between my plan and that of Sir Stafford Cripps is quite obvious. For deciding the issue of accession or secession which is only another way of saying, will there be or will there not be Pakistan, Sir Stafford Cripps took the Province as a deciding unit. I have taken community as the deciding unit. I have no doubt that Sir Stafford adopted a wrong basis. The Province can be a proper unit if the points of dispute were interprovincial. For instance, if the points of dispute related to questions such as distribution of taxation, of water, etc., one could understand the Province as a whole or a particular majority in that Province having the right to decide. But the dispute regarding Pakistan is an inter-communal problem which has involved two communities in the same Province. Further the issue in the dispute is not on what terms the two communities will agree to associate in a common political life. The dispute goes deeper and raises the question whether the communities are prepared at all to associate in a common political life. It is a communal difference in its essence and can only be decided by a community-wise plebiscite.

IV

I do not claim any originality for the solution I have proposed. The ideas which underlie it are drawn from three sources, from the Irish Unity Conference at which Horace Plunket presided, from the Home Rule Amending Bill of Mr. Asquith and from the Government of

Ireland Act of 1920. It will be seen that my solution of the Pakistan problem is the result of pooled wisdom. Will it be accepted? There are four ways of resolving the conflict which is raging round the question of Pakistan. First is that the British Government should act as the deciding authority. Second is that the Hindus and the Muslims should agree. Third is to submit the issue to an International Board of Arbitration and the fourth is to fight it out by a Civil War.

Although India today is a political mad-house there are I hope enough sane people in the country who would not allow matters to reach the stage of Civil War. There is no prospect of an agreement between political leaders in the near future. The A.I.C.C. of the Indian National Congress at a meeting in Allahabad held in April 1942 on the motion of Mr. Jagat Narayan Lal resolved [16] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40F.Pakistan or the Partition of India PART V.htm - _msocom_16not to entertain the proposal for Pakistan. Two other ways are left to have the problem solved. One is by the people concerned ; the other is by international arbitration. This is the way I have suggested. I prefer the former. For various reasons this seems to me the only right course. The leaders having failed to resolve the dispute it is time it was taken to the people for decision. Indeed, it is inconceivable how an issue like that of partition of territory and transference of peoples' allegiance from one government to another can be decided by political leaders. Such things are no doubt done by conquerors to whom victory in war is sufficient authority to do what they like with the conquered people. But we are not working under such a lawless condition. In normal times when constitutional procedure is not in abeyance the views of political leaders cannot have the effect which the fiats of dictators have. That would be contrary to the rule of democracy. The highest value that can be put upon the views of leaders is to regard them as worthy to be placed on the agenda. They cannot replace or obviate the necessity of having the matter decided by the people. This is the position which was taken by Sir Stafford Cripps. The stand taken by the Muslim League was, let there be Pakistan because the Muslim League has decided to have it. That position has been negatived by the Cripps proposals and quite rightly. The Muslim League is

recognized by the Cripps proposals only to the extent of having a right to propose that Pakistan as a proposition be considered. It has not been given the right to decide. Again it does not seem to have been realized that the decision of an All-India body like the Congress which does not carry with it the active consent of the majority of the people, immediately affected by the issue of Pakistan, cannot carry the matter to solution. What good can it do if Mr. Gandhi or Mr. Rajagopalachariar agreeing or the All-India Congress Committee resolving to concede Pakistan, if it was opposed by the Hindus of the Punjab, or Bengal. Really speaking it is not the business of the people of Bombay or Madras to say, ' let there be Pakistan ' It must be left to be decided by the people who are living in those areas and who will have to bear the consequences of so violent, so revolutionary and so fundamental a change in the political and economic system with which their lives and fortunes have been closely bound up for so many years. A referendum by people in the Pakistan Provinces seems to me the safest and the most constitutional method of solving the problem of Pakistan.

But I fear that solving the question of Pakistan by a referendum of the people howsoever attractive may not find much favour with those who count. Even the Muslim League may not be very enthusiastic about it. This is not because the proposal is unsound. Quite the contrary. The fact is that there is another solution which has its own attractions. It calls upon the British Government to establish Pakistan by the exercise of its sovereign authority. The reason why this solution may be preferred to that which rests on the consent of the people is that it is simple and involves no such elaborate procedure as that of a referendum to the people and has none of the uncertainties involved in a referendum. But there is another ground why it is preferred, namely, that there is a precedent for it. The precedent is the Irish precedent and the argument is that if the British Government by virtue of its sovereign authority divided Ireland and created Ulster why cannot the British Government divide India and create Pakistan?

The British Parliament is the most sovereign legislative body in the world. De L'home, a French writer on English Constitution, observed

that there is nothing the British Parliament cannot do except make man a woman and woman a man. And although the sovereignty of the British Parliament over the affairs of the Dominions is limited by the Statute of Westminster it is still unlimited so far as India is concerned. There is nothing in law to prevent the British Parliament from proceeding to divide India as it did in the case of Ireland. It can do it, but will it do it? The question is not one of power but of will.

Those who urge the British Government to follow the precedent in Ireland should ask what led the British Government to partition Ireland. Was it the conscience of the British Government which led them to sanction the course they took or was it forced upon them by circumstances to which they had to yield? A student of the history of Irish Home Rule will have to admit that the partition of Ireland was not sanctioned by conscience but by the force of circumstances. It is not often clearly realized that no party to the Irish dispute wanted partition of Ireland. Not even Carson, the Leader of Ulster. Carson was opposed to Home Rule but he was not in favour of partition. His primary position was to oppose Home Rule and maintain the integrity of Ireland. It was only as a second line of defence against the imposition of Home Rule that he insisted on partition. This will be quite clear from his speeches both inside and outside the House of Commons. Asquith's Government on the other side was equally opposed to partition. This may be seen from the proceedings in the House of Commons over the Irish Home Rule Bill of 1912. Twice amendments were moved for the exclusion of Ulster from the provisions of the Bill, once in the Committee stage by Mr. Agar-Roberts and again on the third reading by Carson himself. Both the times the Government opposed and the amendments were lost.

Permanent partition of Ireland was effected in 1920 by Mr. Lloyd George in his Government of Ireland Act. Many people think that this was the first time that partition of Ireland was thought of and that it was due to the dictation of the Conservative—Unionists in the Coalition Government of which Mr. Lloyd George was the nominal head. It may be true that Mr. Lloyd George succumbed to the influence of the

predominant party in his coalition. But it is not true that partition was thought of in 1920 for the first time. Nor is it true that the Liberal Party had not undergone a change and shown its readiness to favour partition as a possible solution. As a matter of fact partition as a solution came in 1914 six years before Mr. Lloyd George's Act when the Asquith Government, a purely Liberal Government, was in office. The real cause which led to the partition of Ireland can be understood only by examining the factors which made the Liberal Government of Mr. Asquith change its mind. I feel certain that the factor which brought about this change in the viewpoint of the Liberal Government was the Military crisis which took place in March 1914 and which is generally referred to as the"Curragh Incident". A few facts will be sufficient to explain what the"Curragh Incident"was and how decisive it was in bringing about a change in the policy of the Asquith Government.

To begin at a convenient point the Irish Home Rule Bill had gone through all its stages by the end of 1913. Mr. Asquith who had been challenged that he was proceeding without a mandate from the electorate had however given an undertaking that the Act would not be given effect to until another general election had been held. In the ordinary course there would have been a general election in 1915 if the War had not supervened. But the Ulstermen were not prepared to take their chance in a general election and started taking active steps to oppose Home Rule. They were not always very scrupulous in choosing their means and their methods and under the seductive pose that they were fighting against the Government which was preventing them from remaining loyal subjects of the King they resorted to means which nobody would hesitate to call shameless and nefarious. There was one Maginot Line on which the Ulstermen always depended for defeating Home Rule. That was the House of Lords. But by the Parliament Act of 1911 the House of Lords had become a Wailing Wall neither strong nor high. It had ceased to be a line of defence to rely upon. Knowing that the Bill might pass notwithstanding its rejection by the House of Lords, feeling that in the next election Asquith might win, the Ulstermen had become desperate and were searching for another line of defence. They found it in the Army. The plan was twofold. It included the project of

getting the House of Lords to hold up the Annual Army Act so as to ensure that there would be no Army in existence to be used against Ulster. The second project was to spread their propaganda—That Home Rule will be Home Rule—in the Army with a view to preparing the Army to disobey the Government in case Government decided to use the Army for forcing Home Rule on Ireland. The first became unnecessary as they succeeded easily in bringing about the second. This became clear in March 1914 when there occurred the Curragh Incident. The Government had reasons to suspect that certain Army depots in Ireland were likely to be raided by the Unionist Volunteers. On March 20th, order-were sent to Sir Arthur Paget, Commander-in-Chief of the Forces in Ireland, to take steps to safeguard these depols. His reply was a telegram to the effect that officers were not prepared to obey and were resigning their commissions and it was feared that men would refuse to move. General Sir Hubert Gough had refused to serve against the Ulster Unionists and his example had been followed by others. The Government realized that the Army had become political, [17][f.17] nay, partisan. It took fright and decided in favour of partition acting on the well-known maxim that wisdom is the better part of valour. What made Asquith change his position was not conscience but the fright of the Army rebelling. The fright was so great that no one thereafter felt bold enough to challenge the Army and enforce Home Rule without partition.

Can His Majesty's Government be depended upon to repeat in India what it did in Ireland? I am unable to answer the question. But two things I will say. The first thing is that His Majesty's Government knows full well what have been the consequences of this partition of Ireland. The Irish Free State has become the most irreconcilable enemy of Great Britain. The enmity knows no limits. The wound caused by partition will never be healed so long as partition remains a settled fact. The Partition of Ireland cannot but be said to be morally indefensible inasmuch as it was the result not of the consent of the people but of superior force. It was as bad as the murder of Duncan by Macbeth. The blood stains left on His Majesty's Government are as deep as those on Lady Macbeth and of which Lady Macbeth said that"All the perfumes of Arabia"had

failed to remove the stink. That His Majesty's Government does not like to be responsible for the execution of another deed of partition is quite clear from its policy with the Jew-Arab problem in Palestine. It appointed the Peel Commission to investigate. The Commission recommended partition of Palestine. The Government accepted [18][f.18] it in principle as the most hopeful line of solving the deadlock. Suddenly the Government realized the gravity of forcing such a solution on the Arabs and appointed another Royal Commission called the Woodhead Commission which condemned partition and opened an easy way to a Government which was anxious to extricate itself from a terrible position. The partition of Ireland is not a precedent worthy to be followed. It is an ugly incident which requires to be avoided. It is a warning and not an example. I doubt very much if His Majesty's Government will partition India on its own authority at the behest of the Muslim League.

And why should His Majesty's Government oblige the Muslim League? In the case of Ulster there was the tie of blood which made a powerful section of the British politicians take the side of Ulster. It was this tie of blood which made Lord Curzon say"You are compelling Ulster to divorce her present husband, to whom she is not unfaithful and you are compelling her to marry someone else who she cordially dislikes, with whom she does not want to live."There is no such kinship between His Majesty's Government and the Muslim League and it would be a vain hope for the League to expect His Majesty's Government to take her side.

The other thing I would like to say is that it would not be in the interests of the Muslim League to achieve its object by invoking the authority of His Majesty's Government to bring about the partition of India. In my judgement more important than getting Pakistan is the procedure to be adopted in bringing about Pakistan if the object is that after partition Pakistan and Hindustan should continue as two friendly States with goodwill and no malice towards each other.

What is the procedure which is best suited for the realization of this end? Everyone will agree that the procedure must be such that it must

not involve victory to one community and humiliation to the other. The method must be of peace with honour to both sides. I do not know if there is another solution better calculated to achieve this end than the decision by a referendum of the people. I have made my suggestion as to which is the best course. Others also will come forth with theirs. I cannot say that mine is the best. But whatever the suggestion be unless good sense as well as a sense of responsibility is brought to bear upon the solution of this question it will remain a festering sore.

EPILOGUE

Here I propose to stop. For I feel that I have said all that I can say about the subject. To use legal language I have drawn the pleadings. This I may claim to have done at sufficient length. In doing so, I have adopted that prolix style so dear to the Victorian lawyers, under which the two sides plied one another with plea and replication, rejoinder and rebutter, surrejoinder and surrebutter and so on. I have done this deliberately with the object that a full statement of the case for and against Pakistan may be made. The foregoing pages contain the pleadings. The facts contained therein are true to the best of my knowledge and belief. I have also given my findings. It is now for Hindus and Muslims to give theirs.

To help them in their task it might be well to set out the issues. On the pleadings the following issues seem to be necessary issues:

(1) (1) Is Hindu-Muslim unity necessary for India's political advancement? If necessary, is it still possible of realization notwithstanding the new ideology of the Hindus and the Muslims being two different nations?

(2) (2) If Hindu-Muslim unity is possible, should it be reached by appeasement or by settlement?

(3) (3) If it is to be achieved by appeasement, what are the new concessions that can be offered to the Muslims to obtain their willing co-operation, without prejudice to other interests?

(4) (4) (4) If it is to be achieved by a settlement, what are the terms of that - settlement? If there are only two alternatives, (i) Division of India into Pakistan and Hindustan, or (ii) Fifty-fifty share in Legislature, Executive and the Services, which alternative is preferable?

(5) (5) Whether India, if she remained one integral whole, can rely upon both Hindus and Musalmans to defend her independence, assuming it is won from the British?

(6) (6) Having regard to the prevailing antagonism between Hindus and Musalmans and having regard to the new ideology demarcating them as two distinct nations and postulating an opposition in their ultimate destinies, whether a single constitution for these two nations can be built in the hope that they will show an intention to work it and not to stop it?

(7) (7) On the assumption that the two-nation theory has come to stay, will not India as one single unit become an incoherent body without organic unity, incapable of developing into a strong united nation bound by a common faith in a common destiny and therefore likely to remain a feebler and sickly country, easy to be kept in perpetual subjection either of the British or-of any other foreign power?

(8) (8) If India cannot be one united country, is it not better that Indians should help India in the peaceful dissolution of this incoherent whole into its natural parts, namely, Pakistan and Hindustan?

(9) (9) Whether it is not better to provide for the growth of two independent and separate nations, a Muslim nation inhabiting Pakistan and a Hindu nation inhabiting Hindustan, than pursue the vain attempt to keep India as one undivided country in the false hope that Hindus and Muslims will some day be one and occupy it as the members of one nation and sons of one motherland?

Nothing can come in the way of an Indian getting to grips with these issues and reaching his own conclusions with the help of the material contained in the foregoing pages except three things : (1)A false sentiment of historical patriotism, (2) a false conception of the exclusive ownership of territory and (3) absence of willingness to think for oneself. Of these obstacles, the last is the most difficult to get over. Unfortunately thought in India is rare and free thought is rarer still. This is particularly true of Hindus. That is why a large part of the argument of this book has been addressed to them. The reasons for this are obvious. The Hindus are in a majority. Being in a majority, their view point must count! There is not much possibility of peaceful solution if no attempt is made to meet their objections rational or sentimental. But there are special reasons which have led me to address so large a part of the argument to them and which may not be quite so obvious to others. I feel that those Hindus who are guiding the destinies of their fellows have lost what Carlyle calls"the Seeing Eye"and are walking in the glamour of certain vain illusions, the consequences of which must, I fear, be terrible for the Hindus. The Hindus are in the grip of the Congress and the Congress is in the grip of Mr. Gandhi. It cannot be said that Mr. Gandhi has given the Congress the right lead. Mr. Gandhi first sought to avoid facing the issue by taking refuge in two things. He started by saying that to partition India is a moral wrong and a sin to which he will never be a party. This is a strange argument. India is not the only country faced with the issue of partition or shifting of frontiers based on natural and historical factors to those based on the national factors. Poland has been partitioned three times and no one can be sure that there will be no more partition of Poland. There are very few countries in Europe which have not undergone partition during the last 150 years. This shows that the partition of a country is neither moral nor immoral. It is unmoral. It is a social, political or military question. Sin has no place in it.

As a second refuge Mr. Gandhi started by protesting that the Muslim League did not represent the Muslims and that Pakistan was only a fancy

of Mr. Jinnah. It is difficult to understand how Mr. Gandhi could be so blind as not to see how Mr. Jinnah's influence over the Muslim masses has been growing day by day and how he has engaged himself in mobilizing all his forces for battle. Never before was Mr. Jinnah a man for the masses. He distrusted them. [19][f.19] To exclude them from political power he was always for a high franchise. Mr. Jinnah was never known to be a very devout, pious or a professing Muslim. Besides kissing the Holy Koran as and when he was sworn in as an M.L.A., he does not appear to have bothered much about its contents or its special tenets. It is doubtful if he frequented any mosque either out of curiosity or religious fervour. Mr. Jinnah was never found in the midst of Muslim mass congregations, religious or political.

Today one finds a complete change in Mr. Jinnah. He has become a man of the masses. He is no longer above them. He is among them. Now they have raised him above themselves and call him their Qaid-e-Azam. He has not only become a believer in Islam, but is prepared to die for Islam. Today, he knows more of Islam than mere *Kalama*. Today, he goes to the mosque to hear *Khutba* and takes delight in joining the *Id* congregational prayers. Dongri and Null Bazaar once knew Mr. Jinnah by name. Today they know him by his presence. No Muslim meeting in Bombay begins or ends without Allah-ho-Akbar and Long Live Qaid-e-Azam. In this Mr. Jinnah has merely followed King Henry IV of France—the unhappy father-in-law of the English King Charles I. Henry IV was a Huguenot by faith. But he did not hesitate to attend mass in a Catholic Church in Paris. He believed that to change his Huguenot faith and go to mass was an easy price to pay for the powerful support of Paris. As Paris became worth a mass to Henry IV, so have Dongri and Null Bazaar become worth a mass to Mr. Jinnah and for similar reason. It is strategy ; it is mobilization. But even if it is viewed as the sinking of Mr. Jinnah from reason to superstition, he is sinking with his ideology which by his very sinking is spreading into all the different strata of Muslim society and is becoming part and parcel of its mental make-up. This is as clear as anything could be. The only basis for Mr.

Gandhi's extraordinary view is the existence of what are called Nationalist Musalmans. It is difficult to see any real difference between the communal Muslims who form the Muslim League and the Nationalist Muslims. It is extremely doubtful whether the Nationalist Musalmans have any real community of sentiment, aim and policy with the Congress which marks them off from the Muslim League. Indeed many Congressmen are alleged to hold the view that there is no different between the two and that the Nationalist Muslim inside the Congress are only an outpost of the communal Muslims. This view does not seem to be quite devoid of truth when one recalls that the late Dr. Ansari, the leader of the Nationalist Musalmans, refused to oppose the Communal Award although it gave the Muslims separate electorates in teeth of the resolution passed by the Congress and the Nationalist Musalmans. Nay, so great has been the increase in the influence of the League among the Musalmans that many Musalmans who were opposed to the League have been compelled to seek for a place in the League or make peace with it. Anyone who takes account of the turns and twists of the late Sir Sikandar Hyat Khan and Mr. Faziul Huq, the late Premier of Bengal, must admit the truth of this fact. Both Sir Sikandar and Mr. Fazlul Huq were opposed to the formation of branches of the Muslim League in their Provinces when Mr. Jinnah tried to revive it in 1937. Notwithstanding their opposition, when the branches of the League were formed in the Punjab and in Bengal within one year both were compelled to join them. It is a case of those coming to scoff remaining to pray. No more cogent proof seems to be necessary to prove the victory of the League.

Notwithstanding this Mr. Gandhi instead of negotiating with Mr. Jinnah and the Muslim League with a view to a settlement, took a different turn. He got the Congress to pass the famous Quit India Resolution on the 8th August 1942. This Quit India Resolution was primarily a challenge to the British Government. But it was also an attempt to do away with the intervention of the British Government in the discussion of the Minority question and thereby securing for the Congress a free hand to settle it on its own terms and according to its own lights. It was in effect, if not in intention, an attempt to win

independence by bypassing the Muslims and the other minorities. The Quit India Campaign turned out to be a complete failure.

It was a mad venture and took the most diabolical form. It was a scorch-earth campaign in which the victims of looting, arson and murder were Indians and the perpetrators were Congressmen. Beaten, he started a fast for twenty-one days in March 1943 while he was in gaol with the object of getting out of it. He failed. Thereafter he fell ill. As he was reported to be sinking the British Government released him for fear that he might die on their hand and bring them ignominy. On coming out of gaol, he found that he and the Congress had not only missed the bus but had also lost the road. To retrieve the position and win for the Congress the respect of the British Government as a premier party in the country which it had lost by reason of the failure of the campaign that followed up the Quit India Resolution, and the violence which accompanied it, he started negotiating with the Viceroy. Thwarted in that attempt, Mr. Gandhi turned to Mr. Jinnah. On the 17th July 1944 Mr. Gandhi wrote to Mr. Jinnah expressing his desire to meet him and discuss with him the communal question. Mr. Jinnah agreed to receive Mr. Gandhi in his house in Bombay. They met on the 9th September 1944. It was good that at long last wisdom dawned on Mr. Gandhi and he agreed to see the light which was staring him in the face and which he had so far refused to see.

The basis of their talks was the offer made by Mr. Rajagopalachariar to Mr. Jinnah in April 1944 which, according to the somewhat incredible [20][f.20] story told by Mr. Rajagopalachariar, was discussed by him with Mr. Gandhi in March 1943 when he (Mr. Gandhi) was fasting in gaol and to which Mr. Gandhi had given his full approval. The following is the text of Mr. Rajagopalachariar's formula popularly spoken of as the C. R. Formula:—

(1) (1) *Subject to the terms set out below as regards the constitution for Free India, the Muslim League endorses the Indian demand for Independence and will co-operate with the Congress in the formation of a provisional interim government for the transitional period.*

(2) (2) *After the termination of the war, a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan, such decision shall be given effect to, without prejudice to the right of districts on the border to choose to join either State.*

(3) (3) *It will be open to all parties to advocate their points of view before the plebiscite is held.*

(4) (4) *In the event of separation, mutual agreements shall be entered into for safeguarding defence, and commerce and communications and for other essential purposes.*

(5) (5) *Any transfer of population shall only be on an absolutely voluntary basis.*

(6) (6) *These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.*

The talks which began on the 9th September were carried on over a period of 18 days till 27th September when it was announced that the talks had failed. The failure of the talks produced different reactions in the minds of different people. Some were glad, others were sorry. But as both had been, just previous to the talks, worsted by their opponents in their struggle for supremacy, Gandhi by the British and Jinnah by the Unionist Party in the Punjab, and had lost a good deal of their credit the majority of people expected that they would put forth some constructive effort to bring about a solution. The failure may have been due to the defects of personalities. But it must however be said that failure was inevitable having regard to certain fundamental faults in the C. R. Formula. In the first place, it tied up the communal question with the political question in an indissoluble knot. No political settlement, no communal settlement, is the strategy on which the formula proceeds. The formula did not offer a solution. It invited Mr. Jinnah to enter into a deal. It was a bargain—"If you help us in getting independence, we shall be glad to consider your proposal for Pakistan."I don't know from where Mr. Rajagopalachariar got the idea that this was the best means of getting independence. It is possible that he borrowed it from the old Hindu kings of India who built up alliance for protecting their

independence against foreign enemies by giving their daughters to neighbouring princes. Mr. Rajagopalachariar forgot that such alliances brought neither a good husband nor a permanent ally. To make communal settlement depend upon help rendered in winning freedom is a very unwise way of proceeding in a matter of this kind. It is a way of one party drawing another party into its net by offering communal privileges as a bait. The C. R. Formula made communal settlement an article for sale.

The second fault in the C. R. Formula relates to the machinery for giving effect to any agreement that may be arrived at. The agency suggested in the C. R. Formula is the Provisional Government. In suggesting this Mr. Rajagopalachariar obviously overlooked two difficulties. The first thing he overlooked is that once the Provisional Government was established, the promises of the contracting parties, to use legal phraseology, did not remain concurrent promises. The case became one of the executed promise against an executory promise. By consenting to the establishment of a Provisional Government, the League would have executed its promise to help the Congress to win independence. But the promise of the Congress to bring about Pakistan would remain executory. Mr. Jinnah who insists, and quite rightly, that the promises should be concurrent could never be expected to agree to place himself in such a position. The second difficulty which Mr. Rajagopalachariar has overlooked is what would happen if the Provisional Government failed to give effect to the Congress part of the agreement. Who is to enforce it? The Provisional Government is to be a sovereign government, not subject to superior authority. If it was unwilling to give effect to the agreement, the only sanction open to the Muslims would be rebellion. To make the Provisional Government the agency for forging a new Constitution, for bringing about Pakistan, nobody will accept. It is a snare and not a solution.

The only way of bringing about the constitutional changes will be through an Act of Parliament embodying provisions agreed upon by the important elements in the national life of British India. There is no other way.

There is a third fault in the C. R. Formula. It relates to the provision for a treaty between Pakistan and Hindustan to safeguard what are called matters of common interests such as Defence, Foreign Affairs, Customs, etc. Here again Mr. Rajagopalachariar does not seem to be aware of obvious difficulties. How are matters of common interest to be safeguarded? I see only two ways. One is to have a Central Government vested with Executive and Legislative authority in respect of these matters. This means Pakistan and Hindustan will not be sovereign States. Will Mr. Jinnah agree to this? Obviously he does not. The other way is to make Pakistan and Hindustan sovereign States and to bind them by a treaty relating to matters of common interests. But what is there to ensure that the terms of the treaty will be observed? As a sovereign State Pakistan can always repudiate it even if it was a Dominion. Mr. Rajagopalachariar obviously drew his inspiration in drafting this clause from the Anglo-Irish Treaty of 1922. But he forgot the fact that the treaty lasted so long as Ireland was not a Dominion and that as soon as it became a Dominion it repudiated the treaty and the British Parliament stood silent and grinned, for it knew that it could do nothing.

One does not mind very much that the talks failed. What one feels sorry for is that the talks failed giving us a clear idea of some of the questions about which Mr. Jinnah has been observing discreet silence in his public utterances, though he has been quite outspoken about them in his private talks. These questions are— (1) Is Pakistan to be conceded because of the Resolution of the Muslim League? (2) Are the Muslims, as distinguished from the Muslim League, to have no say in the matter? (3) What will be the boundaries of Pakistan? Whether the boundaries will be the present administrative boundaries of the Punjab and Bengal or whether the boundaries of Pakistan will be ethnological boundaries? (4) What do the words"subject to such territorial adjustments as may be necessary"which occur in the Lahore Resolution mean? What were the territorial adjustments the League had in mind? (5) What does the word"finally"which occurs in the last part of the Lahore Resolution mean? Did the League contemplate a transition period in which Pakistan will not be an independent and sovereign State? (6) If Mr. Jinnah's

proposal that the boundaries of Eastern and Western Pakistan are to be the present administrative boundaries, will he allow the Scheduled Castes, or, if I may say so, the non-Muslims in the Punjab and Bengal to determine by a plebiscite whether they wish to be included in Mr. Jinnah's Pakistan and whether Mr. Jinnah would be prepared to abide by the results of the plebiscite of the non-Muslim elements in the Punjab and Bengal?

(7) Does Mr. Jinnah want a corridor running through U. P. and Bihar to connect up Eastern Pakistan to Western Pakistan? It would have been a great gain if straight questions had been put to Mr. Jinnah and unequivocal answers obtained. But instead of coming to grips with Mr. Jinnah on these questions, Mr. Gandhi spent his whole time proving that the C. R. Formula is substantially the same as the League's Lahore Resolution—which was ingenious if not nonsensical and thereby lost the best opportunity he had of having these questions clarified.

After these talks Mr. Gandhi and Mr. Jinnah have retired to their pavilions as players in a cricket match do after their game is over, as though there is nothing further to be done. There is no indication whether they will meet again and if so when. What next? is not a question which seems to worry them. Yet it is difficult to see how India can make any political advance without a solution of the question which one may refuse to discuss. It does not belong to that class of questions about which people can agree to differ. It is a question for which solution will have to be found. How? It must be by agreement or by arbitration. If it is to be by agreement, it must be the result of negotiations—of give and take and not of surrender by one side to the other. That is not agreement. It is dictation. Good sense may in the end prevail and parties may come to an agreement. But agreement may turn out to be a very dilatory way. It may take long before good sense prevails. How long one cannot say. The political freedom of India is a most urgent necessity. It cannot be postponed and yet without a solution of the communal problem it cannot be hastened. To make it dependent on agreement is to postpone its solution indefinitely.

Another expeditious method must be found. It seems to me that arbitration by an International Board is the best way out. The disputed points in the minorities problem including that of Pakistan should be remitted to such a Board. The Board should be constituted of persons drawn from countries outside the British Empire. Each statutory minority in India—Muslims, Scheduled Castes, Sikhs, Indian Christians—should be asked to select its nominee to this Board of Arbitration. These minorities as also the Hindus should appear before the Board in support of their demands and should agree to abide by the decision given by the Board. The British should give the following undertakings :—

(1) (1) That they will have nothing to do with the communal settlement. It will be left to agreement or to a Board of Arbitration.

(2) (2) They will implement the decision of the Board of Arbitration on the communal question by embodying it in the Government of India Act.

(3) (3) That the award of the International Board of Arbitration would be regarded by them as a sufficient discharge of their obligations to the minorities in India and would agree to give India Dominion Status.

The procedure has many advantages. It eliminates the fear of British interference in the communal settlement which has been offered by the Congress as an excuse for its not being able to settle the communal problem. It is alleged that, as there is always the possibility of the minorities getting from the British something more than what the Congress thinks it proper to give, the minorities do not wish to come to terms with the Congress. The proposal has a second advantage. It removes the objection of the Congress that by making the constitution subject to the consent of the minorities, the British Government has placed a veto in the hands, of the minorities over the constitutional progress of India. It is complained that the minorities can unreasonably withhold their consent or they can be prevailed upon by the British Government to withhold their consent as the minorities are suspected by the Congress to be mere tools in the hands of the British Government. International arbitration removes completely every ground

of complaint on this account. There should be no objection on the part of the minorities. If their demands are fair and just no minority need have any fear from a Board of International Arbitration. There is nothing unfair in the requirement of a submission to arbitration. It follows the well known rule of law, namely, that no man should be allowed to be a judge in his own case. There is no reason to make any exception in the case of a minority. Like an individual it cannot claim to sit in judgement over its own case. What about the British Government? I cannot see any reason why the British Government should object to any part of this scheme. The Communal Award has brought great odium on the British. It has been a thankless task and the British should be glad to be relieved of it. On the question of the discharge of their responsibilities for making adequate provision for the safety and security of certain communities in respect of which they have regarded themselves as trustees before they relinquish their sovereignty what more can such communities ask than the implantation in the constitution of safeguards in terms of the award of an International Board of Arbitration? There is only one contingency which may appear to create some difficulty for the British Government in the matter of enforcing the award of the Board of Arbitration. Such a contingency can arise if any one of the parties to the dispute is not prepared to submit its case to arbitration.

In that case the question will be: will the British Government be justified in enforcing the award against such a party? I see no difficulty in saying that the British Government can with perfect justice proceed to enforce the award against such a party. After all what is the status of a party which refuses to submit its case to arbitration? The answer is that such a party is an aggressor. How is an aggressor dealt with? By subjecting him to sanctions. Implementing the award of the Board of Arbitration in a constitution against a party which refuses to go to arbitration is simply another name for the process of applying sanctions against an aggressor. The British Government need not feel embarrassed in following this process if the contingency should arise. For it is a well recognized process of dealing with such cases and has the imprimatur of the League of Nations which evolved this formula when

Mussolini refused to submit to arbitration his dispute with Abyssinia. What I have proposed may not be the answer to the question : What next? I don't know what else can be. All I know is that there will be no freedom for India without an answer. It must be decisive, it must be prompt and it must be satisfactory to the parties concerned.

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PAKISTAN OR THE PARTITION OF INDIA

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APPENDIX I

POPULATION OF INDIA BY COMMUNITIES

Communities	British India	Indian States and Agencies	Total
1. Hindus	150,890,146	55,227,180	206,117,326
2. Muslims	79,398,503	12,659,593	92.058.096
3. Scheduled Castes[21] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40G1.Pakistan or the Partition of India APPENDIX.htm - _msocom_1	39,920,807	8.892,373	48,813,180
4. Tribal	16,713,256	8.728,233	25,441,489
5. Sikhs	4,165,097	1,526,350	5,691,447
6. Christians			
(i) Indian Christians	1,655,982	1,413,808	3,069,790
(ii) Anglo-Indians	113,936	26,486	140,422
(iii) Others	75,751	7,708	83,459
7. Jains	578,372	870,914	1.449.286
8. Buddhists	167,413	64,590	232,003

9. Parsees	101,968	12,922	114,890
10. Jews	19.327	3,153	22,480
11. Others	371,403	38,474	409,877
Total	294,171,961	89,471,784	383,643,745

NOTE.—The figures for the Scheduled Castes both for British India and Indian States do not give the correct totals. The figures for Ajmer-Merwara in British India and for Gwalior State are not included in the totals. The Census Reports for 1940 fail to give these figures.

APPENDIX II

COMMUNAL DISTRIBUTION OF POPULATION BY MINORITIES IN THE PROVINCES OF BRITISH INDIA

	Total	Muslims		Scheduled Castes		Indian Christians		Sikhs	
Provinces									
	Population	Population	%	Population	%	Population	%	Population	%
1. Ajmere-Merwara	583,693	89,899	15.4	Nil		3,895	.8	867	.15
2. Andaman Nicobar	33,768	8,005	23.7	Nil		779	2.3	744	2.2

3. Assam	10,204,733	3,442,479	33.7	676,291	6.6	37,750	.4	3,464	.03
4. British Baluchistan	501,631	438,930	87.5	5,102	1.0	2,633	.5	11,918	2.3
5. Bengal	60,306,525	33,005,434	54.7	7,878,970	13.0	110,923	.2	16,281	.03
6. Bihar*	36,340,151	4,716,314	12.9	4,840,379	13.3	24,693	.07	13,213	.04
7. Bombay	20,849,840	1,920,368	9.2	1,855,148	8.9	338,812	1.6	8,011	.04
8. Central Provinces & Berar*	16,813,584	783,697	4.7	3,051,413	18.1	48,260	.3	14,996	.09
9. Coorg	168,726	14,780	8.8	25,740	15.3	3,309	2.0	Nil	
10. Delhi	917,939	304,971	33.2	121,693	13.3	10,494	1.1	16,157	1.8
11. Madras	49,341,810	3,896,452	7.9	8,068,492	16.4	2,001,082	4.06	418	.001
12. N.-W.F.P.	3,038,067	2,788,797	91.8	Nil		5,426	.2	57,989	1.9
13. Orissa	8,728,544	146,301	1.7	1,238,171	14.2	26,584	.3	232	.003
14. Punjab	28,418,819	16,217,242	57	1,248,635	4.4	486,038	1.7	3,757,401	13.2
15. Panth Piploda	5,267	251	4.8	918	17.4	216	4.1	Nil	

16. Sind	4,229,221	3,054,635	72.2	191,634	4.5	13,232	.3	31,011	.7
17. United Provinces @	55,020,617	8,416,308	15.3	11,717,158	21.3	131,327	.2	232,445	.4
Total	295,502.935	79,344,863	26.9	40,919,744	13.9	3,245,453	1.0	4,155,147	1.0
* Bihar	28,823,802	4,168,470	14.4	3,919,619	13.6	12,651	.04	3,204	.01
Chota Nagpur	7,516,349	547,844	7.3	420,760	5.6	12,042	.2	10,009	.1
* C.P.	13,208,718	448,528	3.4	2,359,836	17.9	42,135	.3	12,766	.1
Berar	3.604,866	335,169	93	691.577	19.2	6,125	.2	2,230	.05
@ Agra	40,903,147	6,231,062	15-2	8,018,803	19.6	120,549	.3	226,096	.5
Oudh	14,114,470	2,185,246	15.5	3,698,355	26.2	10,778	.08	6,349	.05

APPENDIX III

COMMUNAL DISTRIBUTION OF POPULATION BY MINORITIES

IN INDIAN STATES

States and	Total Populat	Muslims	Scheduled	Indian	Sikhs

Agencies	ion			Castes		Christians			
		Population	%	Population	%	Population	%	Population	%
1. Assam	725,655	31,662	4.4	265	.04	25913	3.6	381	.05
2. Baluchistan	356,204	346,251	97.2	65	.02	40	.01	126	.04
3. Baroda	2,855,010	223,610	7.8	230,794	8.1	9182	.3	566	.02
4. Bengal	2,144,829	372,113	17.3	269,729	12.6	564	.03	28	.001
5. Central India	7,506,427	439,850	5.9	1,027,009	13.7	7,582	.1	2731	.04
6. Chattisgarh	4,050,000	28,773	0.7	483,132	11.9	11,820	.3	507	.01
7. Cochin	1,422,875	109,188	7.7	141,154	9.9	399,394	28.1	9	
8. Deccan (and Kolhapur)	2,785,428	182,036	6.5	306,898	11.0	17,236	.6	22	.001
9. Gujarat	1,458,702	58,000	3.9	55,204	3-8	4,215	.3	182	.01
10. Gwalior	4,006,159	240,903	6.0			1,352	.03	2,342	.06
11. Hyderabad	16,338,534	2,097,475	12.8	2,928,048	17.9	215,989	1.3	5,330	.03
12. Kashmir and Feudatories	4,021.616	3,073,540	76.4	113,464	2.8	3,079	.08	65,903	1.6
13. Madras	498,754	30,263	6.0	83,734	16.8	20,806	4.2	5	

14. Mysore	7,329,140	485,230	66	1,405,067	19.2	98,580	1.3	269	004
15. N.-W.F.P.	46,267	22,068	47.7	Nil		571	1.2	4,472	9.1
16. Orissa	3,023,731	14,355	0.47	352,088	*11.6*	2,249	.07	151	.005
17. Punjab	5,503,554	2,251,459	40.9	349,962	6.4	6,952	.1	1,342,685	24.4
18. Punjab Hill	1,090,644	46,678	4.3	238,774	21.9	188	.02	17,739	1-6
19. Rajputana	13,670,208	1,297,841	9.5			4,349	.03	81,896	.6
20. Sikkim	121,520	83	0.07	76	06	34	.03	1	
21. Travancore	6.070,018	434,150	7.2	395,952	6.5	1,958,491	32.3	31	
22. U.P.	928,470	273,625	29.5	152,927	16-5	1,281	.1	731	.08
23. Western India	4,904,156	600,440	12.2	358,038	7.3	3,105	.06	239	.005
Total	91,810,571	15,733,133	16.59	8,892,373	9.7	2,794,959	3.1	1,526,350	1.7

APPENDIX IV

COMMUNAL DISTRIBUTION OF POPULATION IN THE PUNJAB BY DISTRICTS

		Muslims		Scheduled Castes		Indian Christians		Sikhs		Hindus	
Districts	Total Population	Population	%	Population	%	Population	%	Population	%	Population	%
1. Hissar	1,006,709	285,208	28.3	128,240	12.7	1,235	.1	60,731	6.0	524,602	52.1
2. Rohtak	956,399	166,569	17.4	135,103	14.1	1,026	.1	1,466	.2	645,371	57.5
3. Gurgaon	851,458	285,992	33.6	119,250	14.0	1,457	.2	637	.07	441,287	51.8
4. Karnal	994,575	304,346	30.6	136,713	13.7	1,223	.1	19,887	2.0	529,588	53.2
5. Ambala	847,745	268,999	31.7	124,006	14.6	4,892	.6	153,543	18.1	288,652	34.0
6. Simla	38,576	7,022	18.2	7,092	18.4	508	1.3	1,032	2.7	22,374	58.-0
7. Kangra	899,377	43,249	4.8	121,622	13.5	590	.07	4,809	.5	725,909	80.7
8. Hoshiyarpur	1,170,323	380,759	32.5	170,855	14.6	6,060	.5	198,194	16.9	413,837	35.4
9. Jullundar	1.127,190	509,804	45.2	154,431	13.7	5,971	.5	298,744	26.5	156,579	13.9
10. Ludhiana.	818,615	302,482	36.9	68,469	8.4	1,632	.2	341,175	41.7	106,246	12.9
11. Ferozpore .	1.423,076	641,448	45.1	73,504	5.1	11,031	.8	479,486	33.7	216,229	15.2

12. Lahore	1,695,375	1,027,772	60.6	32,735	1.9	67,686	4.0	310,648	18.3	252,004	14.9
13. Amritsar	1,413,876	657,695	46.5	22,750	1.6	25,330	1.8	510,845	36.1	194,727	13.8
14. Gurdaspur .	1,153,511	589,923	51.1	45,839	4.0	40,262	4.4	221,251	19.2	244,935	21.2
15. Sialkot	1,190,497	739,218	62.1	65,354	5.5	73,846	6.2	139,409	11.7	165,965	13.9
16. Gujranwalla	912,235	642,706	70.5	7,485	.8	60,380	6.6	99,139	10.9	100,630	11.0
17. Shakhupura	852,508	542,344	63.6	22,438	2.6	59,985	7.0	160,706	18.9	66,744	7.8
18. Gujarat	1,104,52	945,609	85.6	4,621	.4	4,391	.4	70.233	6.3	80,022	7.2
19. Shahapur	998,921	835,918	83.7	9,693	1.0	12,690	1.3	48.046	4.8	92,479	9.2
20. Jhealam .	629,658	563,033	89.4	771	.1	730	.1	24,680	3.9	40,117	6.4
21. Rawalpindi	785,231	628,193	80.0	4.233	.5	4,212	.5	64,127	8.2	78,245	10.0
22. Attock	675,875	611,128	90.4	1,015	.1	504	.09	20,102	30	42,194	6.2
23. Mianwali .	506,321	436,260	86.2	1,008	.2	324	.06	6,865	1.3	61,806	12.2
24. Montgo	1,329,103	918,564	69.1	43,456	3.2	24,101	1.9	175.064	13.2	167,510	12.6

mery											
25. Lyallpore	1,396,305	877,518	62.8	68,222	4.9	51,694	3.7	262,737	18.8	135,637	9.7
26. Jhang.	821,631	678,736	82.6	1,943	.2	744	.1	12,238	1.-5	127,946	15.6
27. Multan	1,484,333	1,157,911	78.0	24.530	1.7	13,270	.9	61,628	4.1	225,342	15.2
28. Muzaffargarh	712,849	616,074	86.4	2,691	.4	218	.03	5.882	.8	87,952	12.3
29.Dera Gazi Khan	581,350	512,678	88.1	1,059	.2	46	.01	1.072	.2	66,348	114
30.Transfrontier Tract	40,246	40,084	99.6	Nil		Nil		2		160	.4
Total .	28.418,820	16,217,242	57.1	1,592,320	5.6	486,038	1.7	3,757,401	13.2	6,301,737	22.2

APPENDIX V

COMMUNAL DISTRIBUTION OF POPULATION IN BENGAL BY DISTRICTS

		Muslims		Scheduled Castes		Hindus		Indian Christia
Districts	Total Populatio	Populati	%	Populati	%	Populatio	%	Populat

	n	on		on		n		ion
1. Burdwan	1,890,732	336,665	17.8	430,300	22.8	963,520	51.0	3,280
2. Birbhum	1,048,317	287,310	27.4	280,254.	26.7	406,182	38.8	344
3. Banknra	1,289,640	55,564	4.3	355,290	97.5	723,269	*56.1*	1,216
4.Midnapore	3,190,647	246,559	7.7	339,066	10.6	2.342,897	*73.4*	3,834
5.Hooghly	1,377,729	207,077	15.0	245,810	17.8	853.734	*61.9*	543
6. Howrah	1490,304	296,325	19.9	184,318	12.4	1,000,548	67.1	994
7. 24-Parganas	3,536,386	1,148,180	32.5	743,397	21.0	1.566,599	44.3	20,823
8. Calcutta	2,108,891	497,535	23.6	55,228	2.6	1,476,284	70.0	16,431
9. Nadia	1,759,846	1,078,007	61.3	143,682	8.2	514,268	29.2	10,749
10. Murshidabad	1,640,530	927,747	56.6	167,184	10.2	517,803	31.6	394
11. Khulna	1,943,218	959,172	*49.4*	470,550	24.2	507,143	26.1	3,538
12. Rajashahi	1,571,750	1,173.285	74.6	75,650	4.8	253,580	16.1	1,166
13. Dinajpur	1,926,833	967,246	*50.2*	399,410	20.7	375,212	19.5	1,448
14. Jalpaiguri	1,089,513	251,460	23.4	325,504	29.9	226,143	20.8	2,589
15. Darjeeling	376,369	9,125	2.4	28,922	7.7	149,574	39.7	2,599
16. Rangpur	2,877,847	2,055,186	71.4	495,462	*17.2*	307,387	10.7	389
17. Bogra	1,260.463	1,057,902	83.9	61,303	4.9	126,229	10.0	286
18. Pabna	1705,072	1,313,968	77.1	114,738	6.7	269,017	15.8	285
19. Malda .	1,232,618	699,945	56.7	75,535	6.1	390,143	31.6	466
20. Dacca	4,222,143	2,841,26	67.3	409,905	9.7	950,227	22.5	15,846

		1						
21. Myrnensiagh	6,023,758	4,664.548	77.4	340,676	5.7	955,962	15.9	2,322
22. Faridpur	2,888,803		64.4	527,496		478,742	16.6	
23. Bakargunj	3,549,010	1,871,336	72.3	427,667	18.3	480,962	13.6	9,549
24. Tippera	3,860,139		77.1	227,643	12.1	652,318	16.9	9,357
25. Naokhali	2,217,402	2,567,027	81.3	81,817	5.9	330.494	14.9	428
		2,975,901			3.7			535
		1,803,937						
26, Chittagong	2,153,296	1,605,183	74.5	57,024	2.6	401,050	18.6	395
27. Chittagong Hill Tracts .	247,053	7,270	2.9	283	.1	4,598	1.9	60
28. Jessore	1,828,216	1,100,713	60.2	314,856	17.2	406,223	22.2	1057
Total	60,306,525	33,005,434	54.7	7,378,.970	12.2	17,630,054	29.3	110,923

APPENDIX VI

COMMUNAL DISTRIBUTION OF POPULATION IN ASSAM BY DISTRICTS

		Muslims	Scheduled Castes	Indian Christians	Sikhs	Hindus

Districts	Total Population	Population	%	Population	%	Population	%	Population	%	Population	%
Surma Valley											
1. Kachahar	641,181	232,950	36.3	51,961	8.1	3,744	.6	---	---	173,855	27.1
2. Sylhet	3,116,602	1,892,117	60.7	364,510	11.7	2,590	.08	---	---	785,004	25.2
3. Khasi and Jantia Hills	118,665	1,555	1.3	63	.05	120	.1	---	---	12,676	10.7
4. Naga Hills	189,641	531	.2	45	.02	9		---	---	4,153	2.2
5. Lushai Hills	152,786	101	.06	22	.01	Nil		---	---	2,425	1.6
Assam Valley								---	---		
6. Goalpara	1,014,285	468,924	46.2	23,434	2.3	269	.03	---	---	282,789	27.9
7. Kamrup	1,264,200	361,522	391	59,092	4.7	1,038	.08	---	---	637,457	50.4
8. Darang	736,791	120,995	16.4	19.475	2.6	6,367	.8	---	---	328,283	44.6
9. Nowgong	710,800	250,113	35.2	59,214	8.3	4,049	.6	---	---	229,137	32.2
10. Sibsagar	1.074.741	51.769	4.8	50,184	4.7	15,268	1.4	---	---	593,007	55.2
11. Lakmipur	894,842	44.579	5.0	43,527	4.9	.3,786	.4	---	---	457,509	51.1

12. Garo Hills	233,569	10,398	4.5	789	.3	1		---	---	13,518	5.8
13. Sadiya Frontier Tract	60,118	864	1.4	3,991	6.6	486	.8	---	---	14.605	24.3
14. Balipara Frontier Tract	6,512	61	.9	74	1.1	23	.4	---	---	2.514	38.6
Total	10.204,733	3,442,479	33.7	676,291	6.6	37,750	.4	3,464	.03	3,536,932	34.6

APPENDIX VII

N.-W. F. PROVINCE *PROPORTION OF MUSLIM POPULATION BY DISTRICTS*

Districts	Total Population	Total Muslim Population	P. C. of Muslim Population to Total	Total Non-Muslim Population	P. C. of Non-Muslim to Total
Hazara	796,230	756,004	94.9	40,226	5.1
Mardan	506,539	483,575	965	22,964	4.5
Peshawar.	851,833	769,589	90.4	82,244	9.6
Kohat	289,404	266,224	92.0	23,180	8.0
Bannu	295,930	257,648	871	38,282	12.9

D.I. Khan.	298,131	255,757	85.8	42,374	14.2

PAKISTAN OR THE PARTITION OF INDIA

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APPENDIX VIII

N.-W. F. PROVINCE

Proportion of Muslim to Non-Muslim Population in Towns C = Cantonment.

M = Municipality. N.A. = Notified Area.

Towns by Districts		Total Population	Total Muslim Population	% of Muslims to Total	Total Non-Muslim Population	%of Non-Muslims to Total:
Hazara						
1. Abbottabad	C.	13,866	3,331	*24*	10,535	7.6
2. Abbottabad	M.	13,558	8,861	66.1	4,697	33.9
3. Haripur	M.	9,322	5.174	55.5	4,148	44.5
4. Baffa	N. A	7,988	7,166	89.7	822	10.3
5. Nawanshehr	N. A	6,414	5,075	791	1,339	20.9
6.Kot Najibullah		5,315	4,228	79.5	2,087	20.5
7. Mansehra		10,217	8,141	79.7	1,076	20.3
8. Mardan	M.	39,200	28,994	73.9	10,206	26.1
9. Mardan	C.	3,294	1,307	39.7	1,987	60.3

10. Peshawar	M.	1,30,967	1,04,650	79.9	26,317	20.1
11. Peshawar	C.	42,453	18,322	43.2	24,131	56.8
12. Nowshera	N. A.	17,491	16,976	97	515	3
13. Nowshera	C.	26,531	11,256	42.4	15,275	57.6
14. Risalpur	C.	9,009	3,506	38.9	5,503	61.1
15. Cherat	C.	337	270	80.1	67	19.9
16. Charsada		16,945	15,747	92.9	1,198	7.1
17. Utamanzai		10,129	9,768	96.4	361	3.6
18. Tangi		12,906	12,456	96.5	450	3.5
19. Parang		13,496	13,494	99.9	2	

20. Kohat	M.	34,316	27,868	81.2	6,448	18.8
21. Kohat	C.	10,661	4,243	39.8	6.418	60.2
22. Bannu	M.	33,210	8,507	25.6	24,703	74.4
23. Bannu	C.	5,294	2,189	41.4	3,105	58.6
24. Lakki	N. A.	10,141	5,883	58	4,258	42

25. D. I. Khan .,.	M.	49,238	25,443	51.7	23,795	48.3
26. D. 1. Khan	C.	2,068	981	47.4	1,087	52.6
27. Kulachi	N. A.	8.840	6,610	74.8	2,230	25.2
28. Tank	N. A.	9,089	5,531	60.8	3,558	39.2

APPENDIX IX

SIND

DISTRIBUTION OF MUSLIM POPULATION BY DISTRICTS

Districts	Total Population	Total Muslim Population	P. C. of Muslims to Total	Total Non-Muslim.	P. C. of Non-Muslims to Total

1	2	3	4	5	6
1. Dadu .	389,380	329,991	84.7	59,389	15.3
2. Hyderabad	758,748	507,620	66.9	251,128	33.1
3. Karachi.	713,900	457,035	64.0	256,865	.36.0
4. Larkana	511,208	418,543	81.9	92,665	18.1
5. Nawabshab	584,178	436,414	74.7	147,764	25.3
6. Sukkur .	692,556	491,634	71.0	200,922	29.0
7. Thar Parkar	581,004	292,025	50.3	288,979	49.7
8. Upper Sind Frontier	304,034	275,063	90.5	28,971	9.5
Total [22]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40G2.Pakistan or the Partition of India APPENDIX.htm - _msocom_1	4,553,008	3,208,325	70.7	1,326,683	29.3

APPENDIX X

SIND

Proportion of Muslim to Non-Muslim Population in Towns M=Municipality; CI.C.==Civil Cantonment; Mily.C.= Military Cantonment

Towns by Districts		Total Population	Total Muslim Population	P. C. of Muslims to Total	Total Non-Muslim Population	P.C. of Non-Muslims to Total
1		2	3	4	5	6
Dadu						
1. Dadu	M.	10,996	5,279	48	5,717	52.0
2. Kotri	M.	9,979	5,137	51.5	4,842	485
3. Manjhand	M.	3,025	1,053	34.8	1,972	65.2
4. Sebwan	M.	4,364	2,218	.50.8	2,146	49.2
5. Hala	M.	7,960	5,042	63.3	2,918	36.7
6. Hyderabad	M.-	1,27,521	31,983	25.1	95,538	74.9
7. Hyderabad	Cl. C.	5,255	2,667	50.7	2,588	49.3
8. Hyderabad	Mily.	1,917	1,419	74	498	26

	C					
9. Matiari . .	M.	5,910	4,339	73.4	1,571	26.6
10. Nasarpur	M.	3,810	2,331	61.2	1,479	38.8
11.Taado Allahyar	M.	8,406	1,690	20.1	6,716	79.9
12.Tando Mahomed Khan	M.	8,718	2,902	33.3	5,816	66.7
13. Karachi	M.	3,58,492	1,52,365	42.5.	2,06,127	57.5
14. Karachi	CI. C.	5,854	895	15.3	4,959	84.7
15. Daigh Road	CI. C.	2,881	1,172	40.7	1,709	59.3
16. Manora	CI. C.	2,533	932	36.8	1,601	63.2
17. Karachi	Mil y. C	15,895	7,063	44.4	8,832	5.56
18. Tatta	M.	8,262	4,198	50.8	4.064	49.2

		-				
19. Kambar	M.	11,681	6,297	53.1	5,384	46.9
20. Larkana	M.	20,390	7,834	38.4	12,556	61.6
21. Ratedero	M.	9,925	2,393	24.1	7,532	75.-9
22. Nawabshah	M.	17,509	4,420	25.3	13,089	74.7
23. Shahabadpur.	M.	11,786	1,898	16.1	9.888	839
24.Tando Adam.	M.	17,233	2,994	17.4	14.239	82.6
25. Ghari	M.	8,397	2,895	34.5	5,502	65.5

Yasin						
26. Ghotki	M.	5,236	1,533	29.3	3,703	70.7
27. Rohri	M.	14,721	4,132	28.7	10,589	71.9
28. Shikarpur	M.	67,746	21,775	32.1	45,971	67.9
29. Sukkur	M.	66,466	18,152	27.3	48,314	72.7
30. Mirpurkhas	M.	19,591	5,086	25.9	14,505	74.1
31. Umarkot	M.	4.275	986	22.9	3,289	77.1
Upper Sind Frontier						
32. Jacobabad .	M.	21,588	9,774	45.3	11,814	54.7

APPENDIX XI

LANGUAGES USED IN INDIA BY MUSLIMS IN ORDER OF IMPORTANCE

(According to Census of 1921)

Urdu (Western Hindi)	20,791,000
Bengali	23,995,000.
Punjabi	7,700,000
Sindhi	2,912,000
Kashmiri (and allied languages)	1,500,000
Pushtu	1,460,000
Gujarati	1,400,000
Tamil	1,250,000
Malayalam	1,107,000
Telugu	750,000
r i y a	400,000
Baluchi	224,000
Brahui	122,000
Arabic	42,000
Persian	22,000
Other languages	5,060,000

Total	**68,735,000**

APPENDIX XII

Address# presented to H. E. Lord Minto, Viceroy and Governor General of India

By

A Deputation of the Muslim Community of India on 1st October 1906 at Simla

ADDRESS

"May it please your excellency,—Availing ourselves of the permission accorded to us, we, the undersigned nobles, jagirdars, taluqdars, lawyers, zemindars, merchants and others representing a large body of the Mahomedan subjects of His Majesty the King-Emperor in different parts of India, beg most respectfully to approach your Excellency with the following address for your favourable consideration.

#This document has a great importance and significance in the history of India. It marks the beginning of the British Government's policy of giving favourable treatment to the Muslims in the administration of India which, it is alleged, was intended to wean them away from the Congress and to create a breach and disunity between the Hindus and the Musalmans. It has also acquired a certain amount of notoriety in the minds of the Indians in view of the statement made by late Maulana Mohammad Ali in his address as President of the Congress, stating that"it was a command performance", meaning thereby that the address was arranged by the British Government. On this account there has been a great deal of curiosity on the part of many Indians to know the text of the address and the reply given by Lord Minto. I had made a long search to obtain the same. I bad even-approached elderly Muslim politicians prominent in those days for a copy but none of them had it or knew where it was available. Newspapers of that day do not appear to have carried the text of the address and the reply. I was however lucky to get a copy of it from my

friend Sir Raza Ali, M.L.A. (Central), who happened to have kept a cutting of the *Indian Daily Telegraph*—a paper then published from Lucknow but had long ago become defunct, in which .the full text of the address as well as of the reply was printed. I am grateful to Sir Raza Ali for a loan of the cutting. As the document marks a historic event in the political history of British administration in India, it might be of some interest to reproduce details about the function which the Simla correspondent of the *Indian Daily Telegraph* had published in its issue of October 3rd, 1906. Says the correspondent:—

> The representatives of the Mahomedan community who were to present the address to His Excellency the Viceroy this morning at Viceregal Lodge collected in the Ballroom at 11 A.M. They numbered thirty-five and were seated in a horse-shoe facing His Excellency's chair. Precisely at II A.M. Lord Minto, preceded by his staff, entered the room, all standing to receive him. His Excellency was taken round and personally introduced to each member by the Aga Khan. The Khalifa from Patiala then asked, permission for the presentation of the address and the Aga Khan then advanced and facing His Excellency read the petition given below, all the representatives standing."

Those who formed the deputation were:—His Highness Aga Sir Sultan Mahomed Shah Aga Khan, G.C.I.E., (Bombay), Shahzadah Bakhtiar Shah, O.I.E., Head of the Mysore family, Calcutta; Hon'ble Malik Omar Hayat Khan, C.I.E., Lieutenant 17th Prince of Wales' Tiwana Lancers, Tiwana, Shahpur (Punjab) ; Hon'ble Khan Bahadur Mian Mohomed Shah Din, Bar.-at-Law, Lahore; Hon'ble Maulvi Sharfuddin, Bar.-at-Law, Patna; Khan Bahadur Syed Nawab Ali Chowdhury, Mymensingh (Eastern Bengal); Nawab Bahadur Syed Amir Husan Khan. C.I.E., Calcutta; Naseer Hussain Khan Khayal, Calcutta; Khan Bahadur Mirza Shujaat Ali Beg; Persian Consul-General, Murshidabad, Cakutta (Bengal); Syed Ali Imam, Bar.-at-Law, Patna (Behar); Nawab Sarfraz Husain Khan, Patna (Behar); Khan Bahadur Ahmad Mohiuddin Khan. Stipendiary of the Carnatic family (Madras): Maulvi Rafiuddin Ahmed, Bar.-at-Law (Bombay) ; Ebrahimbhoy. Adamji Peerbhoy, General Merchant (Bombay) ; Mr. Abdur Rahim, Bar.-at-Law, Calcutta: Syed Allah-dad Shah, Special Magistrate and Vice-President, Zamindars' Association, Khairpore (Sindh); Maulana H. M. Malak, Head of Mehdi Bazh Bohras, Nagpur (Central Provinces) ; Mushir-ud-Doula Mumtazal-ul-Mulk Khan Bahadur Khalifa Syed Moha-med Hussain, Member of the State Council of Patiala (Punjab); Khan Bahadur Col. Abdul Majid Khan, Foreign Minister, Patiala (Punjab); Khan Bahadur Khwaja Kusuf Shah, Hony. Magistrate, Arnritsar (Punjab) ; Mian Mahomed Shafi, Bar.-at-Law, Lahore (Punjab); Shaikh Ghulam Sadik, Arnritsar (Punjab); Hakim Mohamed Ajmul Khan, Delhi (Punjab); Munshi Ihtisham Ali, Zamindar and Rais,. Kakori

(Oudh); Syed Nabi Ullah, Bar.-at-Law, Rais Kara, Dist. Allahabad; Maulvi Syed Karamat Husain, Bar.-at-Law, Allahabad; Syed Abdulraoof, Bar.-at-Law, Allahabad; Munshi Abdur Salam Khan, retired Sub-Judge, Rampur: Khan Bahadur Mohamad Muzammil Ullah Khan, Zamindar, Secretary, Zamindars' Association, United Provinces, and Joint Secretary, M. A. 0. College Trustees. Aligarh; Haji Mohamed Ismail Khan, Zamindar, Aligarh; Sahabzadas Aitab Ahmad Khan, Bar.-at-Law. Aligarh: Maulvi Mushtaq Hussain, Rais, Arnroha, United Provinces; Maulvi Habibul Rahaman Khan, Zamindar, Bhikhanpur, United Provinces; Nawab Syed Sirdar Ali Khan. son of the late Nawab Sirdar Diler-UI-mulk Bahadur, C.I.E., Hyderabad (Deccan); Maulvi Syed Mahdee Ally Khan (Muhsin-ul-Mulk), Hony. Secretary, M. A. 0. College. Aligarh, Etawah, United Provinces.

The following gentlemen intended to have attended the presentation of the address to the Viceroy, but were prevented by illness or other causes:— Hon'ble Nawab Khwaja Salimulla, Nawab of Dacca, Hon'ble Nawab Haji Mohamed Fateh Ali Khan, Qazel-bash, Lahore; Hon'ble Syed Zainul-Edros, Surat, Khan Bahadur Kasim Mir Ghayas-uddin Peerzadah of Broach; Khan Bahadur Raja Jahandad of Hazara and Shaik Shahid Hussain of Lucknow. The correspondent of the *Telegraph* adds:—

Lady Minto, the Ladies Elliot and the Hon. Mrs. Hewett were present at the function.

At the presentation of the address today most of the deputies wore ordinary European dress with a fez as distinguishing head-dress, but the Patiala representatives, Lieut. Hon. Malik Omar Hayat Khan, Khan Bahadur Ali Choudhary, Khan Bahadur Ahmad Mohiuddin Khan and a few others, were in Indian dress, while a few others wore uniforms with gold lace. His Excellency the Viceroy was in morning dress with the Order of the Star of India on his frock coat.

GARDEN PARTY AT VICEREGAL LODGE

This afternoon a garden party was held in the Viceregal Lodge grounds when the Mahomedan representatives were received by the Viceroy, who spoke with each deputy individually.

The Hon. Mr. Baker, Financial Secretary, has invited the following Bengal gentlemen of the Mahomedan deputation to lunch tomorrow :—

Nawab Amir Hosein, Mirza Shujat Ali, Nawab Nasar Hossein, Hon. Shurfuddin and Ali Imam.

We fully realise and appreciate the incalculable benefits conferred by British rule on the teeming millions belonging to diverse races and professing diverse religions who form the population of the vast continent of India, and have every reason to be grateful for the peace, security, personal freedom and liberty of worship that we now enjoy. Further, from the wise and enlightened character of the Government, we have every reasonable ground for anticipating that these benefits will be progressive, and that India will in the future occupy an increasingly important position in the comity of nations.

One of the most important characteristics of British policy in India is the increasing deference that has so far as possible been paid from the first to the views and wishes of the people of the country in matters affecting their interests, with due regard always to the diversity of race and religion which forms such an important feature of all Indian progress.

Claims of the Community

Beginning with the confidential and unobtrusive method of consulting influential members of important communities in different parts of the country, this principle was gradually extended by the recognition of the right of recognised political or commercial organisations to communicate to the authorities their criticisms and views on measures of public importance, and finally by the nomination and election of direct representatives of the people in Municipalities, District Boards, and above all in the Legislative Chambers of the country. This last element is, we understand, about to be dealt with by the Committee appointed by your Excellency with the view of giving it further extension, and it is with reference mainly to our claim to a fair share in such extended representation and some other matters of importance affecting the interests of our community, that we have ventured to approach your Excellency on the present occasion.

Past Traditions

The Mahomedans of India number, according to the census taken in the year 1901, over sixty-two millions or between one-fifth and one-fourth of the total population of His Majesty's Indian dominions, and if a reduction be made for the uncivilised portions of the community enumerated under the heads of ani-mist and other minor religions, as well as for those classes who are ordinarily classified as Hindus but properly speaking are not Hindus at all, the proportion of Mahomedans to the Hindu majority becomes much larger. We therefore desire to submit that under any system of representation extended or limited a community in itself more numerous than the entire population of any first class European power except Russia may justly lay claim to adequate recognition as an important factor in the State.

We venture, indeed, with your Excellency's permission to go a step further, and urge that the position accorded to the Mahomedan community in any kind of representation, direct or indirect, and in all other ways affecting their status and influence should be commensurate, not merely with their numerical strength, but also with their political importance and the value of the contribution which they make to the defence of the empire, and we also hope that your Excellency will in this connection be pleased to give due consideration to the position which they occupied in India a little more than hundred years ago and of which the traditions have naturally not faded from their minds.

The Mahomedans of India have always placed implicit reliance on the sense of justice and love of fair dealing that have characterised their rulers, and have in consequence abstained from pressing their claims by methods that might prove at all embarrassing, but earnestly as we desire that the Mahomedans of India should not in the future depart from that excellent and time-honoured tradition, recent events have stirred up feelings, especially among the younger generation of Mahomedans) which might, in certain circumstances and under certain contingencies easily pass beyond the control of temperate counsel and sober guidance.

We therefore pray that the representations we herewith venture to submit, after a careful consideration of the views and wishes of a large

number of our co-religionists in all parts of India, may be favoured with your excellency's earnest attention.

European representative institutions

We hope your excellency will pardon our stating at the outset that representative institutions of the European type are new to the Indian people; many of the most thoughtful members of our community in fact consider that the greatest care, forethought and caution will be necessary if they are to be successfully adapted to the social, religious and political conditions obtaining in India, and that in the absence of such care and caution their adoption is likely, among other evils, to place our national interests at the mercy of an unsympathetic majority. Since, however, our rulers have, in pursuance of the immemorial instincts and traditions, found it expedient to give these institutions an increasingly important place in the Government of the country, we Mahomedans, cannot any longer in justice to our own national interests hold aloof from participating in the conditions to which their policy has given rise. While, therefore, we are bound to acknowledge with gratitude that such representation as the Mahomedans of India have hitherto enjoyed has been due to a sense of justice and fairness on the part of your Excellency and your illustrious predecessor in office and the heads of Local Governments by whom the Mahomedan members of Legislative Chambers have almost without exception been nominated, we cannot help observing that the representation thus accorded to us has necessarily been inadequate to our requirements, and has not always carried with it the approval of those whom the nominees were selected to represent. This state of things was probably under existing circumstances unavoidable, for while on the one hand the number of nominations reserved to the Viceroy and Local Governments has necessarily been strictly limited, the selection on the other hand of really representative men, has, in the absence of any reliable method of ascertaining the direction of popular choice, been far from easy.

The Results of Election

As for the results of election, it is most unlikely that the name of any Mahomedan candidate will ever be submitted for the approval of Government by the electoral bodies as now constituted unless he is in sympathy with the majority in all matters of importance. Nor can we in fairness find fault with the desire of our non-Muslim fellow-subjects to take full advantage of their strength and vote only for members of their own community, or for persons who, if not Hindus, are expected to vote with the Hindu majority on whose goodwill they would have to depend for their future re-election. It is true that we have many and important interests in common with our Hindu fellow-countrymen and it will always be a matter of the utmost satisfaction to us to see these interests safeguarded by the presence in our Legislative Chambers of able supporters of these interests, irrespective of their nationality.

A DISTINCT COMMUNITY

Still, it cannot be denied that we Mahomedans are a distinct community with additional interests of our own which are not shared by other communities, and these have hitherto suffered from the fact that they have not been adequately represented. Even in the provinces in which the Mahomedans constitute a distinct majority of the population, they have too often been treated as though they were inappreciably small political factors that might without unfairness be neglected. This has been the case, to some extent, in the Punjab, but in a more marked degree in Sind and in Eastern Bengal.

Before formulating our views with regard to the election of representatives, we beg to observe that the political importance of a community to a considerable extent gains strength or suffers detriment according to the position that the members of that community occupy in the Service of the State. If, as is unfortunately the case with the Mahomedans, they are not adequately represented in this manner, they lose in the prestige and influence which are justly their due.

Employment in Government Service

We therefore pray that Government will be graciously pleased to provide that both in the gazetted and the subordinate and ministerial services of all Indian provinces a due proportion of Mahomedans shall always find place. Orders of like import have at times been issued by Local Governments in some provinces, but have not, unfortunately, in all cases been strictly observed on the ground that qualified Mahomedans were not forthcoming. This allegation, however well founded it may have been at one time, is, we submit, no longer tenable now, and wherever the will to employ them is not wanting the supply of qualified Mahomedans, we are happy to be able to assure your excellency, is equal to the demand.

The Competitive Element

Since, however, the number of qualified Mahomedans has increased, a tendency is unfortunately perceptible to reject them on the ground of relatively superior qualifications having to be given precedence. This introduces something like the competitive element in its worst form, and we may be permitted to draw your Excellency's attention to the political significance of the monopoly of all official influence by one class. We may also point out in this connection that the efforts of Mahomedan educationists have from the very outset of the educational movement among them been strenuously directed towards the development of character, and this we venture to think is of greater importance than mere mental alertness in the making of good public servants.

Mahomedans on the Bench

We venture to submit that the generality of Mahomedans in all parts of India feel aggrieved that Mahomedan Judges are not more frequently appointed to the High Courts and Chief Courts of Judicature. Since the creation of these Courts only three Mahomedan lawyers have held these honourable appointments, all of whom have fully justified their elevation to the Bench. At the present moment there is not a single Mahomedan Judge sitting on the Bench of any of these Courts, while there are three Hindu Judges in the Calcutta High Court, where the proportion of Mahomedans in the population is very large, and two in the Chief Court

of the Punjab, where the Mahomedans form the majority of the population. It is not, therefore, an extravagant request on our part that a Mahomedan should be given a seat on the Bench of each of the High Courts and Chief Courts. Qualified Mahomedan lawyers eligible for these appointments can always be found, if not in one province then in another. We beg permission further to submit that the presence on the Bench of these Courts of a Judge learned in the Mahomedan Law will be a source of considerable strength to the administration of justice.

Municipal Representation

As Municipal and District Boards have to deal with important local interests affecting to a great extent the health, comfort, educational needs and even the religious concerns of the inhabitants, we shall, we hope, be pardoned if we solicit for a moment your Excellency's attention to the position of Mahomedans thereon before passing to higher concerns. These institutions form, as it were, the initial rungs in the ladder of self-government, and it is here that the principle of representation is brought home intimately to the intelligence of the people, yet the position of Mahomedans on these Boards is not at present regulated by any guiding principle capable of general application, and practice varies in different localities. The Aligarh Municipality, for example, is divided into six wards and each ward returns one Hindu and one Mahomedan Commissioner, and the same. principle we understand is adopted in a number of Municipalities in the Punjab and elsewhere, but in a good many places the Mahomedan tax-payers are not adequately represented. We would, therefore, respectfully suggest that the local authority should in every case be required to declare the number *of* Hindus and Mahomedans entitled to seats on Municipal and District Boards, such proportion to be determined in accordance with the numerical strength, social status, local influence and special requirements of either community. Once their relative proportion is authoritatively determined, we would suggest that either community should be allowed severally to return their own representatives as is the practice in many towns in the Punjab.

Fellows of Universities

We would also suggest that the Senates and Syndicates of Indian Universities might be similarly dealt with, that is to say, there should, so far as possible, be an authoritative declaration of the proportion in which Mahomedans are entitled to be represented in either body.

Nomination to Provincial Councils

We now proceed to the consideration of the question of our representation in the Legislative Chambers of the country. Beginning with the Provincial Councils, we would most respectfully suggest that as in the case of Municipalities and District Boards the proportion of Mahomedan representatives entitled to seats should be determined and declared with due regard to the important considerations which we have ventured to point out in paragraph 5 of this address, and that the important Mahomedan landowners, lawyers, merchants and representatives of other important interests, the Mahomedan members of District Boards and Municipalities and the Mahomedan graduates of universities of a certain standing, say five years, should be formed into Electoral Colleges and be authorised, *in* accordance with such rules of procedure as your excellency's Government may be pleased to prescribe in that behalf, to return the number of members that maybe declared to be eligible.

The Viceroy's Council

With reward to the Imperial Legislative Council whereon the due representation of Mahomedan interests is a matter of vital importance, we crave leave to suggest (1) that in the cadre of the Council the proportion of Mahomedan representatives should not be determined on the basis of the numerical strength of the community, and that in any case the Mahomedan representatives should never be an ineffective minority; (2) that as far as possible, appointment by election should be given preference over nomination; (3) that for the purposes of choosing Mahomedan members, Mahomedan landowners, lawyers, merchants and representatives of other important interests of a status to be subsequently determined by your Excellency's Government, Mahomedan members of the Provincial Councils and Mahomedan fellows of universities should be

invested with electoral powers to be exercised in accordance with such procedure as may be prescribed by your Excellency's Government in that behalf.

The Executive Council

An impression has lately been gaining ground that one or more Indian Members may be appointed on the Executive Council of the Viceroy. In the event of such appointment being made we beg that the claims of Mahomedans in that connection may not be overlooked. More than one Mahomedan, we venture to say, will be found in the country fit to serve with distinction in that august chamber.

A Mahomedan University

We beg to approach your Excellency on a subject which must closely affect our national welfare. We are convinced that our aspirations as a community and our future progress are largely dependent on the foundation of a Mahomedan University which will be the centre of our religious and intellectual life. We therefore most respectfully pray that your Excellency will take steps to help us in an undertaking in which our community is so deeply interested.

Inconclusion, we beg to assure your Excellency that in assisting the Mahomedan subjects of His Majesty at this stage in the development of Indian affairs in the directions indicated in the present address, your Excellency will be strengthening the basis of their unswerving loyalty to the Throne and laying the foundation of their political advancement and national prosperity, and your Excellency's name will be remembered with gratitude by their posterity for generations to come, and we feel confident that your Excellency will be gracious enough to give due consideration to our prayers. We have the honour to subscribe ourselves) Your Excellency's most obedient and humble servants.

LORD MINTO'S REPLY

Appreciation of Mahomedan aspirations

After the address; His Excellency rose and delivered a most sympathetic reply, which was frequently punctuated with cheers and cries of"Hear, hear"from the members of the deputation, particularly when his Excellency declared that he was entirely in accord with the views of the deputation that any electoral system must take cognizance of the various religious beliefs of this great Empire and that the British Government would always in the future as in the past safeguard the political rights of the different communities entrusted to their charge. The Viceroy concluded by thanking the deputation for affording him the unique opportunity of meeting so many representative men.

The Viceroy said :—

Your Highness and Gentlemen, Allow me before I attempt to reply to the many considerations your address embodies, to welcome you heartily to Simla. Your presence here to-day is very full of meaning. To the document which you have presented me are attached the signatures of nobles, of Ministers of various States, of great landowners, of lawyers, of merchants and of many others of His Majesty's subjects. I welcome the representative character of your deputation as expressing the views and aspirations of the enlightened Muslim community of India. I feel that all you have said emanates from a representative body basing its opinions on a matured consideration of the existing political conditions of India, totally apart from the small personal or political sympathies and antipathies of scattered localities, and I am grateful to you for the opportunity you are affording me of expressing my appreciation of the just aims of the followers of Islam and their determination to share in the political history of our Empire.

As your Viceroy, I am proud of the recognition you express of the benefits conferred by British rule on the diverse races of many creeds who go to form the population of this huge continent. You yourselves, the descendants of a conquering and ruling race, have told me to-day of your gratitude for the personal freedom, the liberty of worship, the general peace and the hopeful future which British administration has secured for India.

Help in the Past

It is interesting to look back on early British efforts to assist the Mahomedan population to qualify themselves for the public service. In 1782 Warren Hastings founded the Calcutta Madras-sah with the intention of enabling its students to compete on more equal terms with the Hindus for employment under Government. In 1811 my ancestor, Lord Minto, advocated improvements in the Madrassah and the establishment of Mahomedan Colleges at other places throughout India. In later years the efforts of the Mahomedan Association led to the Government resolution of 1885 dealing with the educational position of the Mahomedan community and their employment in the public service, whilst Mahomedan educational effort has culminated in the College of Aligarh that great institution which the noble and broad-minded devotion of Sir Syed Ahmed Khan has dedicated to his co-religionists.

The Aligarh College

It was in July 1877 that Lord Lytton laid the foundation stone of Aligarh, when Sir Syed Ahmed Khan addressed these memorable words to the Viceroy :"The personal honour which you have done me assures me of a great fact and fills me with feelings of a much higher nature than mere personal gratitude. I am assured that you, who upon this occasion represent the British rule, have sympathies with our labours and this assurance is very valuable and a source of great happiness. At my time of life it is a comfort to me to feel that the undertaking which has been for many years, and is now the sole object of my life has roused on the one hand the energies of my own countrymen, and on the other has won the sympathy of our British fellow-subjects and the support of our rulers, so that when the few years I may still be spared are over, and when I shall be no longer amongst you, the College will still prosper and succeed in educating my countrymen to have the same affection for their country, the same feelings of loyalty for the British rule, the same appreciation of its blessings, the same sincerity of friendship with our British fellow-subjects as have been the ruling feelings of my life."

Sir Syed's Influence

Aligarh has won its laurels. Its students have gone forth to fight the battle of life strong in the tenets of their own religion, strong in the precepts of loyalty and patriotism,and now when there is much that is critical in the political future of India the inspiration of Sir Syed Ahmed Khan and the teachings of Aligarh shine forth brilliantly in the pride of Mahomedan history, in the loyalty, commonsense and sound reasoning so eloquently expressed in your address. But, gentlemen, you go on to tell me that sincere as your belief is in the justice and fair dealings of your rulers, you cannot but be aware that"recent events"have stirred up feelings amongst the younger generation of Mahomedans which mighty"pass beyond the control of temperate counsel and sober guidance."

Policy in Eastern Bengal

Now I have no intention of entering into any discussion upon the affairs of Eastern Bengal and Assam, yet I hope that without offence to anyone I may thank the Mahomedan community of the new Province for the moderation and self-restraint they have shown under conditions which were new to them, and as to which there has been inevitably much misunderstanding, and that I may at the same time sympathise with all that is sincere in Bengalee sentiments. But above all, what I would ask you to believe is that the course the Viceroy and the Government of India have pursued in connection with the affairs of the new Province, the future of which is now I hope assured, has been dictated solely by a regard for what has appeared best for its present and future populations as a whole, irrespective of race or creed and that the Mahomedan community of Eastern Bengal and Assam can rely as firmly as ever on British justice and fairplay for the appreciation of its loyalty and the safeguarding of its interests.

The unrest in India

You have addressed me, gentlemen, at a time when the political atmosphere is full of change. We all feel it would be foolish to attempt to deny its existence, hopes and ambitions new to India are making themselves felt. We cannot ignore them —we should be wrong to wish to do so—but to what is all this unrest due? Not to the discontent of misgoverned millions —1 defy anyone honestly to assert that — not to say uprising of a disaffected people.

Fruits of Western Education

It is due to that educational growth in which only a very small portion of the population has as yet shared, of which British rule first sowed the seed and the fruits of which British rule is now doing its best to foster and to direct. There may be many tares in the harvest we are now reaping. The Western grain which we have sown may not be entirely suitable to the requirements of the people of India but the educational harvest will increase as years go on, and the healthiness of the nourishment it gives will depend on the careful administration and distribution of its products. You need not ask my pardon, gentlemen, for telling me that"Representative institutions of the European type are entirely new to the people of India"or that their introduction here requires the most earnest thought and care. I should be very far from welcoming all the political machinery of the Western world amongst the hereditary instincts and traditions of Eastern races. Western breadth of thought, the teachings of Western civilisation, the freedom of British individuality can do much for the people of India, but I recognise with you that they must not carry with them an impracticable insistence of the acceptance of political methods.

Political Future of Mahomedans

And now, gentlemen, I come to your own position in respect to the political future; the position of the Mahomedan community for whom you speak. You will, I feel sure, recognise that it is impossible for me to follow you through any detailed consideration of the conditions and the share that the community has a right to claim in the administration of

public affairs. I can at present only deal with generalities. The points which you have raised are before the Committee, which, as you know, I have lately appointed to consider the question of presentation (? representation), and I will take care that your address is submitted to them, but at the same time I hope I may be able to reply to the general tenor of your remarks without in any way forestalling the Committee's report.

The Question of Representation

The pith of your address, as I understand it, is a claim that in any system of representation whether it affects a Municipality, a District Board or a Legislative Council, in which it is proposed to introduce or increase an electoral organisation, the Mahomedan community should be represented as a community. You point out that in many cases electoral bodies, as now constituted, cannot be expected to return a Mahomedan candidate, and that if by chance they did so it could only be at the sacrifice of such a candidate's view to those of a majority opposed to his own community whom he would in no way represent, and you justly claim that your numerical strength both in respect to the political importance of your community and the service it has rendered to the Empire entitle you to consideration. I am entirely in accord with you ; please do not misunderstand me. I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent. The great mass of the people of India have no knowledge of representative institutions. I agree with you, gentlemen, that the initial rungs in the ladder of self-government are to be found in the Municipal and District Boards and that it is in that direction that we must look for the gradual political education of the people.

An Assurance

In the meantime I can only say to you that the Mahomedan community may rest assured that their political rights and interests as a community will be safeguarded in any administrative reorganization with which I am concerned and that you and the people of India may rely upon the British Raj to respect, as it has been its pride to do, the religious beliefs and the national traditions of the myriads composing the population of His Majesty's Indian Empire.

Your Highness and Gentlemen, I sincerely thank you for the unique opportunity your deputation has given me of meeting so many distinguished and representative Mahomedans. I deeply appreciate the energy and interest in public affairs which have brought you here from great distances, and I only regret that your visit to Simla is necessarily so short.

PAKISTAN OR THE PARTITION OF INDIA

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APPENDIX XIII

ALLOCATION OF SEATS UNDER THE GOVERNMENT OF INDIA ACT, 1935, FOR THE LOWER HOUSE IN EACH PROVINCIAL LEGISLATURE

Provinces	Total Seats	Total of General seats	General Seats reserved for Scheduled Castes	Seats for representatives of Backward areas and tribes	Sikh Seats	Mohammedan Seats	Anglo Indian Seats	European	Seats Indian Christian Seats	Seats for representatives of Commerce, Industry,	Landholders seats	University Seats	Seats for representatives of labour	General	Sikh	Mohammedan	Anglo-Indian	Indian Christian

										mining and planting								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Madras'	216	146	30	1		28	2	3	8	6	0	1	0	6		1		1
Bombay	175	114	15	1		29	2	3	3	7	2	1	7	5		1		
Bengal	250	78	30			117	3	11	2	19	5	2	8	2		2	1	
United Provinces	228	140	20			64	1	2	2	3	0	1	3	4		2		
The Punjab	175	42	8		31	84	1	1	2	1	6	1	3	1	1	2		
Bihar	152	86	15	7		39	1	2	1	4	4	1	3	3		1		
Central Provinces and Berar	112	84	20	1		14	1	1		2	3	1	2	3				
Assam	108	47	7	0		34		1	1	11			4	1				
North-West Frontier Province	60	0			3	30					2							

Orissa	0	44	6	5		4			1	1	2		1	2				
Sind	60	18				33		2		2	2		1	1		1		

In Bombay seven of the general seats shall be reserved for Marathas.

In the Punjab one of the Land-holders seats shall be a seat to be filled by a Tumandar.

In Assam and Orissa the seats reserved for women shall be non-communal seats

APPENDIX XIV

ALLOCATION OF SEATS UNDER THE GOVERNMENT OF INDIA ACT, 1935, FOR THE UPPER HOUSE IN EACH PROVINCIAL LEGISLATURE

Province	Total of Seats.	General Seats.	Mahomedan Seats.	European Seats.	Indian Christian Seats.	Seats to be filled by Legislative Assembly.	Seats to be filled by Governor
1	2	3	4	5	6	7	8
Madras	Not less than 54 Not more than 56	35	7	1	3		Not less than 8 Not more than 10
Bombay	Not less than 29 Not more than 30	20	6	1	--		Not less than 3 Not more than 4

Bengal	Not less than 63 Not more than 65	10	17	3		27	Not less than 0 Not more than 8
United Provinces	Not less than 58 Not more than 60	34	17	1			Not less than 6 Not more than 8
Bihar	Not less than 29 Not more than 30	9	4	1	--	12	Not less than 3 Not more than 4
Assam	Not less than 21 Not more than 22	10	6	2			Not less than 3 Not more than 4

APPENDIX XV

ALLOCATION OF SEATS UNDER THE GOVERNMENT OF INDIA ACT, 1935, FOR THE LOWER HOUSE OF THE FEDERAL LEGISLATURE FOR BRITISH INDIA

		General Seats.								
									Seats for	
Province.	Total Seats.	Total of	General Seats reserved.	Sikh Seats.	Mahomedan Seats	Anglo. Indian Seats	European Seats.	Indian Christian Seats.	representatives of commerce	Lawyers

					.	.				
		General Seats.	for Scheduled						and Industry.	
			Castes.							
1	2	3	4	5	6	7	8	9	10	
Madras	37	19	4	--	8	1	1	2	2	
Bombay	30	13	2		6	1	1	1	3	
Bengal	37	10	3		17	1	1	1	3	
United Provinces	37	19	3		12	1	1	1	---	
The Punjab	30	6	1	6	14	---	1	1	---	
Bihar	30	16	2		9	---	1	1	---	
Central Provinces and Berar	15		2		3	---	---	----	---	
Assam	10	4	1	---	3	---	1	1	---	
North-West Frontier Province	5	1	---	---	4	---	---	---	---	
Orissa	5	4	1	---	1	---	---	---	---	
Sind	5	1	---	---	3		1			
British Baluchistan	1	---	---	---	1	---	---	---	---	
Delhi	2	1	---	---	1	---	---	---	---	

Ajmer-Merwara	1	1								
Coorg	1	1								
Non-Provincial Seats	4								3	
Total	250	105	19	6	82	4	8	8	11	7

APPENDIX XVI

ALLOCATION OF SEATS UNDER THE GOVERNMENT OF INDIA ACT, 1935, FOR THE UPPER CHAMBER OF THE FEDERAL LEGISLATURE FOR BRITISH INDIA

Province or Community.	Total Seats.	General Seats.	Seats for Scheduled Castes.	Sikh Seats	Maho-medan Seats.	Women's seats.
1	2	3	4	6	6	7
Madras.	20	14	1		4	1
Bombay	16	10	1	---	4	1
Bengal	20	8	1	---	10	1
United Province	20	11	1	---	7	1
The Punjab	16	8	---	4	8	1
Bihar	16	10	1	---	4	1

Central Province and Berar	8	8	1	---	1	---
Assam	5	3	---	---	2	---
North-West Frontier Province	5	1	---	---	4	---
Orissa	5	4	---	---	1	
Sind	5	2	---	---	8	---
British Baluchistan	1	---	---	---	1	---
Delhi	1	1	---	---	---	---
Ajmer-Merwara	1	1	---	---	---	---
Coorg	1	1	---	---	---	---
Anglo-Indians	1	---	---	---	---	---
Europeans	7	---	---	---	---	---
Indian Christians	2	---	---	---	---	---
Total	150	75	6	4	49	8

APPENDIX XVII

ALLOCATION OF SEATS UNDER THE GOVERNMENT OF INDIA ACT, 1935, FOR THE LOWER AND UPPER HOUSE OF THE FEDERAL LEGISLATURE FOR INDIAN STATES

States and Groups of States.	Number of seats	States and Groups of	Number of Seats In	Population

	In the Council of State.	States.	the Federal Assembly.	
1	2	3	4	5
DIVISION 1		DIVISION 1		
Hyderabad	5	Hyderabad	16	14,436,142
DIVISION II		DIVISION 11		
Mysore	3	Mysore	7	6,557,302
DIVISION III		DIVISION III		
Kashmir	3	Kashmir	4	3,646,243
DIVISION IV		DIVISION IV		
Gwalior	3	Gwalior	4	3,523,070
DIVISION V		DIVISION V		
Baroda	3	Baroda	3	2,443,007
DIVISION VI		DIVISION VI		
Kalat	2	Kalat	1	342,101
DIVISION VII		DIVISION VII		
Sikkim	1	Sikkim		109,808
DIVISION VIII		DIVISION VIII		
1. Rampur	1	1. Rampur	1	465,225
2, Benares	1	2. Benares	1	391,272
DIVISION IX		DIVISION IX		
1. Travancore	2	1. Travancore	6	5,095,978

2. Cochin	2	2. Cochin	1	1,205,016
3.Pudukkottai Banganapalle Sandur .	1	3. Pudukkottai Banganapalle Sandur	1	400,694 39,218 13,583
DIVISION X		DIVISION X		
1. Udaipur	2	1. Udaipur	2	1,566,910
2. Jaipur	2	2, Jaipur	3	2,681,775
8. Jodhpur	2	3. Jodhpur	2	2,125,982
4. Bikaner	2	4. Bikaner	1	036,218
6. Alwar	1	5. Alwar	1	749,761
6. Kotah	1	6. Kotah	1	685,804
7. Bharatpur ,.	1	7. Bharatpur	1	486,954
8. Tonk	1	8. Tonk	1	817,360
9. Dholpur 10. Kuauli	1 1	9. Dholpur 10. Kuauli	1	254,986 140,525
11. Bundi 12. Sirohi	1 1	11. Bundi 12. Sirohi	1	216,722 216,528
13. Dungarpur 14. Banswara .	1 1	13. Dungarpur 14. Banswara .	1	227,644 260,670
15.Partabgarh Jhalawar	1	15.Partabgarh Jhalawar	1	76,539 107,890
16. Jaialmer Kisengarh .	1	16. Jaialmer Kisengarh .	1	76.266 86,744
DIVISION XI		DIVISION XI		
1. Indore	2	1. Indore	2	1,826,089

2. Bhopal	2	2. Bbopal	1	729,966
3. Rewa	2	3. Rewa	2	1,687,446
4.Datia 5 Orchha	1	4.Datia 5.Orchha	1	168,834 314,661
6. Dhar	1	6. Dhar		243,430
7. Dewas (Senior) Dewas (Junior)	1	7. Dewas (Senior) Dewas (Junior)	1	83,321 70,613
8. Jaora Ratlam	1	8. Jaora Ratlam	1	100,166 107,321
9. Panna Samthar Ajaigarh	1	9. Panna Samthar Ajaigarh	1	212,180 88,807 86,806
10. Bijawar Charkhari Chhatarpur .	1	10. Bijawar Charkhari Chhatarpur .	1	116,862 120,351 161,267
11. Baoni Nagod Maihar Buaandha .	1	11. Baoni Nagod Maihar Buaandha .	1	19,132 74,589 68,991 16,071
12. Barwani Ali Rajpur Shahpura .	1	12. Barwani Ali Rajpur Shahpura .	1	141.110 101,968 64,283
13. Jhabua. Sailana	1	13. Jhabua. Sailana	1	146,622 86,223

Sitamau		Sitamau		28,422
14. Rajgrah Narsingarh Khilohipur .	1	14. Rajgrah Narsingarh Khilohipur .	1	134,891 113,873 46,683
DIVISION XII		DIVISION XII		
1. Cutch	1	1. Cutch	1	514,307
2. Idar	1	2. Idar	1	262,660
3. Nawangar .	1	3. Nawangar .	1	409,192
4. Bhavangar .	1	4. Bhavangar .	1	500,274
6. Junagadh .	1	6. Junagadh .	1	646,162
6. Rajpipla Palanpur .	1	6. Rajpipla Palanpur .	1	206,114 264,179
7. Dhrangadhra Gondal	1	7. Dhrangadhra Gondal	1	88,961 205,846
8 Porbandar Morvi	1	8 Porbandar Morvi	1	115,673 118,028
9. Radhanpur Wankaner .	1	9. Radhanpur Wankaner .	1	70,680 44.269
Palitana .		Palitana .		524,150
10. Cambay Dharampur Balasinor .	1	10. Cambay Dharampur Balasinor .	1	87,701 112,081 52,527
11. Baria	1	11. Baria	1	169.429

Chhota Udaipur Sant Lunawada .		Chhota Udaipur Sant Lunawada .		144,640 88,681 95,162
12. Bansda Sachin Jawhar Danta		12. Bansda Sachin Jawhar Danta		48.889 22,107 57,261 26,196
l3. Dhrol Libbdi Wadhwan Rajkot		l3. Dhrol Libbdi Wadhwan Rajkot		27,639 40,088 42,602 76,640
Division XIII		Division XIII		
1. Kolhapur .	2	1. Kolhapur .	1	967,187
2. Sangli Savantvadi .	1	2. Sangli Savantvadi .	1	258,442 280,689
3. Janjira Mudhol Bhor	1	3. Janjira Mudhol Bhor	1	110,879 62,332 141.546
4. 1. Jamkhandi . Miraj (Senior) Miraj (Junior)	1	5. 2. Jamkhandi . Miraj (Senior)	1	114,270 98,988 40,434 44,204

Kurundwad(Senior). Kurundwad (Junior).		Miraj (Junior) Kurundwad(Senior). Kurundwad (Junior).		76.640
5. 5. Akalkot. Phaltan. Jath. Aundli Ramdurg.	1	6. 6. Akalkot. Phaltan. Jath. Aundli Ramdurg.	1	92,605 68,761 91,099 76,507 35.454
DIVISION XIV		DIVISION XIV		
1. Patiala	2	1. Patiala	2	1.626,520
2. Bhawalpur .	2	2. Bhawalpur .	1	984,612
3. Khairpur	1	3. Khairpur	1	227,183
4. Kapurthala.	1	4. Kapurthala .	1	316,757
5. Jind .	1	5. Jind	1	324.676
6. Nablia	1	6. Nabha	1	297.574
		7. Tehri-Garhwal	1	349,573
7.Mandi. Bliaspur. -Suket.	1	8.Mandi. Bilaapur Suket	1	207,465 100,99 58.408
8.Tehri-Garhwal Sirmur.'	1	9. Sirmur Chaniba.	1	148,568 146.870

Chamba.				
9.Faridkot. Malerkotia. Loharn.	1	10. Faridkot—Malerkotla. Loharu.	1	164,364 83,072 23,838
DIVISION XV		DIVISION XV		
1. Cooch Behar.	1	1. Cooch Behar	1	690.886
2. Tripura. Manipur.	1	2. Trlpura 3. Mantpur	'1 1	382,460 445,606
DIVISION XVI		DIVISION XVI		
1. 1. Mayurbhanj. Sonupur.	1	1. 1. Mayurbhanj, 2. 2. Sonepur	1 ' 1	889,603 237,920
2.Patna. Kalahaodi.	1	3.Patna. 4. Kalahaodi.	1 1	566,924 513,716
3. 3. Keonjhar. Dhenkanal Nayagarh Talcher Nilgiri.	1	5.Keonjhar. 6.Gangpur. 7. Bastar 8. Surguja	1 1 1 1	460,609 356,674 524,721 501,939
4. 4. Gangpnr. Bamra Seraikela	1	9. Dhenkanal. Nayagarh Seraikela	3	284,326 142,406 143,526

Baud Bonal		Baud Talcher Bonal Nilgiri Bamra		135,248 69,702 80,186 68,594 151,047
5. Bastar. Surguja. Kalgarh Nandgaon .	1			
6.Khairgarh Jashpur Kanker Korea Sarangarh	1	10. Baigarh. Khairagarb. Jashpur Kanker . Sarangarh . Korea . Nandgaon	3	277,569 157,400 198,698 136,101 128,967 90,886 182,380
DIVISION XVII		DIVISION XVII		
States not mentioned in any of the preceding Divisions, but describ. ed in paragraph 12 of this Part *of* this Schedule.	2	States not mentioned In any of the preceding Divisions but described In paragraph 12 ot this Part of this Schedule.	6	3,047,126
Total Population of the States In this Table				78,996,84

	4

APPENDIX XVIII

COMMUNAL AWARD BY HIS MAJESTY'S GOVERNMENT—1932

In the statement made by the Prime Minister on 1st December last on behalf of His Majesty's Government at the close of the second session of the Round Table Conference, which was immediately afterwards endorsed by both Houses of Parliament, it was made plain that if the communities in India were unable to reach a settlement acceptable to all parties on the communal questions which the Conference had failed to solve His Majesty's Government were determined that India's constitutional advance should not on that account be frustrated, and that they would remove this obstacle by devising and applying themselves a provisional scheme.
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2. On the 19th March last His Majesty's Government, having been informed that the continued failure of the communities to reach agreement was blocking the progress of the plans for the framing of a new Constitution, stated that they were engaged upon a careful re-examination of the difficult and controversial questions which arise. They are now satisfied that without a decision of at least some aspects of the problems connected with the position of minorities under the new Constitution, no further progress can be made with the framing of the Constitution.

3. His Majesty's Government have accordingly decided that they will include provisions to give effect to the scheme set out below in the proposals relating to the Indian Constitution to be laid in due course before Parliament. The scope of this scheme is purposely confined to the arrangements to be made for the representation of the British Indian communities in the Provincial Legislatures, consideration of representation in the Legislature at the Centre being deferred for the

reason given in paragraph 20 below. The decision to limit the scope of the scheme implies no failure to realise that the framing of the Constitution will necessitate the decision of a number of the problems of great importance to minorities, but has been taken in the hope that once a pronouncement has been made upon the basic questions of method and proportions of representation the communities themselves may find it possible to arrive at a *modus vivendi* on other communal problems, which have not as yet received the examination they require.

4. His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing the modification of it which is not supported by all the parties affected. But they are most desirous to close no door to an agreed settlement should such happily be forthcoming. If, therefore before a new Government of India Act has passed into law, they are satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme, either in respect of any one or more of the Governors' Provinces or in respect of the whole of the British India, they will be prepared to recommend to Parliament that that alternative should be submitted for the provisions now outlined.

5. Seats in the Legislative Councils in the Governors' Provinces, or in the Lower House if there is an Upper Chamber, will be allocated as shown in the annexed table.
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6. Election to the seats allotted to Muhammadan, European and Sikh constituencies will be by voters voting in separate communal electorates covering between them the whole area of the Province (apart from any portions which may in special cases be excluded from the electoral area as"backward").

Provision will be made in the Constitution itself to empower a revision of this electoral arrangement (and the other similar arrangements mentioned below) after 10 years with the assent of the communities affected, for the ascertainment of which suitable means will be devised.

7. All qualified electors, who are not voters either in a Muhammadan) Sikh, Indian Christian (see paragraph 10 below), Anglo-Indian (see

paragraph II below) or European constituency, will be entitled to vote in a general constituency.

8. Seven seats will be reserved for Mahrattas in certain selected plural member general constituencies in Bombay.

9. Members of the"depressed classes"qualified to vote will vote in a general constituency. In view of the fact that for a considerable period these classes would be unlikely, by this means alone, to secure any adequate representation in the Legislature, a number *of* special seats will be assigned to them as shown in the table. These seats will be filled by election from special constituencies in which only members of the"depressed classes"electorally qualified will be entitled to vote. Any person voting in such a special constituency will, as stated above, be also entitled to vote in a general constituency. It is intended that these constituencies should be formed in selected areas where the Depressed Classes are most numerous, and that, except in Madras, they should not cover the whole area of the Province.

In Bengal it seems possible that in some general constituencies a majority of the voters will belong to the Depressed Classes. Accordingly, pending further investigation, no number has been fixed for the members to be returned from the special Depressed Class constituencies in that Province. It is intended to secure that the Depressed Classes should obtain not 'less than 10 seats in the Bengal Legislature.

The precise definition in each Province of those who (if electorally qualified) will be entitled to vote in the special Depressed Class constituencies has not yet been finally determined. It will be based as a rule on the general principles advocated in the Franchise Committee's Report. Modification may, however, be found necessary in some Provinces in Northern India where the application of the general criteria of untouchability might result in a definition unsuitable in some respects to the special conditions *of* the Province.

His Majesty's Government do not consider that these special Depressed Class constituencies will be required for more than a limited time. They intend that the Constitution shall provide that they shall come to an end after 20 years if they have not previously been abolished under the general powers of electoral revision referred to in paragraph 6.

10. Election to the seats allotted to Indian Christians will be by voters voting in separate communal electorates. It seems almost certain that practical difficulties will, except possibly in Madras, prevent the formation of Indian Christian constituencies covering the whole area of the Province, and that accordingly special Indian Christian constituencies will have to be formed only in one or two selected areas in the Province. Indian Christian voters in these areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency. Special arrangements may be needed in Bihar and Orissa, where a considerable proportion of the Indian Christian community belongs to the aboriginal tribes.

11. Election to the seats allotted to Anglo-Indians will be by voters voting in separate communal electorates. It is at present intended, subject to investigation of any practical difficulties that may arise, that the Anglo-Indian constituencies shall cover the whole area of each Province, a postal ballot being employed; but no final decision has yet been reached.

12. The method of filling the seats assigned for representatives from backward areas is still under investigation, and the number of seats so assigned should be regarded as provisional pending a final decision as to the constitutional arrangements to be made in relation to such areas.

13. His Majesty's Government attach great importance to securing that the new legislatures should contain at least a small number of women members. They feel that at the outset this object could not be achieved without creating a certain number of seats specially allotted to women. They also feel that it is essential that women members should not be drawn disproportionately from one community. They have been unable to find any system which would avoid this risk, and would be consistent with the rest of the scheme for representation which they have found it necessary to adopt, except that of limiting the electorate for each special women's seat to voters from one community. [26]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/40G3.Pakistan or the Partition of India APPENDIX.htm - _msocom_3 The special women's seats have accordingly been specifically divided, as shown in the table, between the various communities. The precise electoral machinery to be employed in these special constituencies is still under consideration.

14. The seats allotted to"Labour"will be filled from noncommunal constituencies. The electoral arrangements have still to be determined, but it is likely that in most Provinces the Labour constituencies will be

partly trade union and partly special constituencies as recommended by the Franchise Committee.

15. The special seats allotted to Commerce and Industry, Mining and Planting will be filled by election through Chambers of Commerce and various Associations. The details of the electoral arrangements for these seats must await further investigation.

16. The special seats allotted to Land-holders will be filled by election by special Land-holders' constituencies.

17. The method to be employed for election to the University seats is still under consideration.

18. His Majesty's Government have found it impossible in determining these questions of representation in the Provincial Legislatures to avoid entering into considerable detail. There remains, nevertheless, the determination of the constituencies. They intend that this task should be undertaken in India as early as possible.

It is possible that in some instances delimitation of constituencies might be materially improved by slight variations from the numbers of seats now given. His Majesty's Government reserve the right to make such slight variations, for such purpose, provided that they would not materially affect the essential balance between communities. No such variations will, however, be made in the case of Bengal and Punjab.

19. The question of the composition of Second Chambers in the Provinces has so far received comparatively little attention in the constitutional discussions and requires further consideration before a decision is reached as to which Provinces shall have a Second Chamber or a scheme is drawn up for their composition.

His Majesty's Government consider that the composition of the Upper House in a Province should be such as not to disturb in any essential the balance between the communities resulting from the composition of the Lower House.

20. His Majesty's Government do not propose at present to enter into the question of the size and composition of the Legislature at the Centre, since this involves among other questions that of representation of the Indian States which still needs further discussion. They will; of course,

when considering the composition, pay full regard to the claims of all communities for adequate representation therein.

21. His-Majesty's Government have already accepted the principle that Sind should be constituted a separate Province, if satisfactory means of financing it can be found. As the financial problems involved still have to be reviewed in connection with other problems of federal finance, His Majesty's Government have thought preferable to include, at this stage, figures for a Legislature for the existing Province of Bombay, in addition to the schemes for separate Legislatures for Bombay Presidency proper and Sind.

22. The figures given for Bihar and Orissa relate to the existing Province. The question of constituting a separate Province of Orissa is still under investigation.

23. The inclusion in the table of figures relating to a Legislature for the Central Provinces including Berar does not imply that any decision has yet been reached regarding the future constitutional position of Berar.

London,

4th August, 1932.

APPENDIX XVIII— *(contd.)*

ALLOCATION OF SEATS IN PROVINCIAL LEGISLATURES (LOWER HOUSE ONLY)

Province.	General.	Depressed Classes	Representatives from Backward Areas.	Sikh.	Muhammadan.	Indian Christian.	Anglo-Indlean.	European	Commerce and Industry, Mining and Planting, Special	Landholders special	University Special	Labour Special	Total

									l.				
Madras	134 (including 6 women)	18	1	0	20 (Including 1 women)	9	2	S	6	6	1	6	215
Bombay (Including Sind)	97 (b) (including 6 women)	*10*	1	0	63 (Including 1 women)	3	2	4	8	8	1	8	200
Bengal	80 (c) (Including 2 women)	(e)	0	0	119 (Including 2 women)	2	4 (Including 1 woman)	11	19	5	2	8	2 M
United Provinces	132 (Including 4 women)	12	0	0	66 (Including 2 women)	2	1	2	3	5	1	3	228
Punjab	43 (Including 1 women)	0	0	32	86 (Including 2 women)	2	1	1	1	*5(d)*	1	S	176
Bihar and	99 (Incl	7	8	0	42 (Inclu	2	1	2	4	4	1	•	17

Orissa	uding 3 women)				ding 1 women)							4	5
Central Provlnces (including Berar)	77 (Including 3 women)	10	1	0	14	0	1	1	2	3	1	1	112
Assam	44 (Including 1 women) (e)	4		0	34	1	0	1	11		0	.4	108
North-West Frontier Pro-	9	0	0	3	30	0	0	0	0	2	0	*o*	50
Voince.													
Bombay(without Sind) .	*109(b) (Including 6 women)*	10	1	0	30 *(Including 6 women)*	3	2	3	7	2	1	*7*	175
Sind	19 *(Including 6 wome*	0	0	0	34 *(Including 6 women)*	0	0	2	2	2	0	1	60

	n)												

(a) The composition of the bodies through which election to these seats will be conducted, though In most cases neither predominantly European or predominantly Indian, will not be statutorily fixed. It is, accordingly, not possible In each Province to state with certainty bow many Europeans and Indians respectively will be returned. It is, however, expected that, initially, the numbers will be approximately as follows:— Madras, 4 Europeans, 2 Indians; Bombay (including Sind), 6 Europeans, 3 Indians; Bengal, 14 Europeans, 5 Indians; United Provinces, 2 Europeans, I Indian; Punjab, 1 Indian; Bihar and Orissa, 2 Europeans, 2 Indians; Central Provinces including Berar. 1 European, I Indian; Assam, 8 Europeans, 8 Indians; Bombay without Sind, 4 Europeans, 8 Indians; Sind, 1 European, 1 Indian.

(b) Seven of these seats will be reserved for Mahrattas.

(c) As EXplained in paragraph 0 of the statement, the number of special Depressed Class seats in Bengal-which will not exceed 10-has not yet been fixed. the number of General seats will be 80, less the number of special Depressed Class seats.

(d) One of these seats Is a Tumandar's seat. the tour Land-holder's seats will be filled from special constituencies with Joint electorates. It is probable, from the distribution of the electorate, that the members returned will be one Hindu, one Sikh, and two Muhammadans.

(e) This woman's seat will be filled from a non-communal constituency at Shillong.

PAKISTAN OR THE PARTITION OF INDIA

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APPENDIX- XIX

SUPPLEMENTARY COMMUNAL AWARD

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"Then there was the question of the representation of communities in the Centre, particularly of the Muslim community. There, I think, I can say definitely—1 think I have said it indirectly very often before — that the Government consider that the Muslim community should have a representation 33 1/3 percent in the Federal Centre. As far as Indian India is concerned that must be a matter for arrangement between the communities affected and the princes, but, so far as the British Government has any part in the question we will, at any time, give our

good offices to making it as easy as possible for the arrangement between those parties with regard to the future allocation of seats."

APPENDIX XX

POONA PACT

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(1) There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows:—

Madras 30: Bombay with Sind 15; Punjab 8; Bihar and Orissa 18; Central Provinces 20; Assam 7; Bengal 30; United Provinces 20; Total 148.

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates subject, however, to the following procedure:

All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote; the four persons getting the highest number of votes in such primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of primary election in the manner provided for in Clause two above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen percent of the seats allotted to the general electorate for British India in the said Legislature shall be reserved for the Depressed Classes.

(5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as herein before mentioned,

shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause six below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as I provided for in Clauses 1 and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislature's for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to anyone on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

(9) In every province, out of the educational grant an adequate sum shall be earmarked for providing educational facilities to the members of the Depressed Classes.

APPENDIX XXI

MINORITY REPRESENTATION UNDER THE GOVERNMENT OF INDIA ACT OF 1935 IN PROVINCIAL LEGISLATURES

1. 1. LOWER HOUSE

		Muslims			Scheduled Castes			Indian Christians			Sik	
PROVINCE.	Total Seats	Seats allotted under the Act	Seats due according to population	Excess + or Deficit -	Seats allotted under the Act	Seats due according to population	Excess + or Deficit -	Seats allotted under the Act	Seats due according to population	Excess + or Deficit -	Seats allotted under the Act	Seat due acc ing t pop tion
Madras	215	29	17	+12	30	35	—5	9	9		Nil	

Bombay	175	30	16	+14	15	16	-1	3	3		Nil	
Bengal	250	119	137	—18	30	33	—3	3	Nil	+3	Nil	
U.P	228	66	35	+31	20	49	—29	2	Nil	+2	Nil	
Punjab	175	86	100	—14	8	8		2	3	—1	32	
Bihar	152	40	20	+20	15	20	—5	1	Nil	+1	Nil	
C.P. & Berar	112	14	5	+9	20	20		Nil	Nil		Nil	
Assam	108	34	36	9	7	7		1	Nil	+1	Nil	
N.-W.F.P.	50	36	46	—10	Nil		.	Nil	Nil		3	
Orissa .	60	4	.1	+3	6	9	—3	1	Nil	+1	Nil	
Sind .	60	34	43	—9	Nil	3	—3	Nil	Nil		Nil	
Total	1585	492	456	+36	151	200	—49	22	15	—7	35	
	II. UPPER HOUSE											
Madras	56	7	4	+3	Nil	9	—9	3	2	+1	Nil	Nil
Bombay	30	5	3	+2	Nil	3	—3	Nil	Nil		Nil	Nil
Bengal	65	17	36	—19	Nil	8	—8	Nil	Nil		Nil	Nil
United Provinces	60	17	9	+8	Nil	13	-18	Nil	Nil		Nil	Nil
Bihar	30	4	4	.	Nil	4	—4	Nil	Nil		Nil	Nil
Assam	22	10	7	+3	Nil	1	—1	Nil	Nil		Nil	Nil
Total	263	60	63	—3	Nil	38	—38	3	2	+1	Nil	Nil

APPENDIX XXII

MINORITY REPRESENTATION UNDER THE GOVERNMENT OF INDIA ACT OF 1935 IN THE CENTRAL LEGISLATURE

			Muslims.		Scheduled Castes.			Indian Christians.			Sikhs.		
	Total Seats for British India	Seats allotted under the Act	Seats due according to population	Excess + or Deficit -	Seats allotted under the Act	Seats due according to population	Excess + or Deficit -	Seats allotted under the Act	Seats due according to population	Excess + or Deficit -	Seats allotted under the Act	Seats due according to population	Excess + or Deficit -
I. Lower House.	250	82	67	+15	19	35	—16	8	3	+5	6	3	+3
11. Upper House	150	49	40	+9	6	21	—15	Nil	2	—2	4	2	+2

APPENDIX XXIII

COMMUNAL REPRESENTATION IN SERVICES GOVERNMENT OF INDIA RESOLUTION

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Establishments

the 4th July 1934

SECTION I—GENERAL

No. F. 14/17-B./33.—In accordance with undertakings given in the Legislative Assembly the Government of India have carefully reviewed the results of the policy followed since 1925 of reserving a certain percentage of direct appointments to Government service for the redress of communal inequalities. It has been represented that though this policy was adopted mainly with the object of securing increased representation for Muslims in the public services, it has failed to secure for them their due share of appointments and it has been contended that this position cannot be remedied unless a fixed percentage of vacancies is reserved for Muslims. In particular, attention has been drawn to the small number of Muslims in the Railway services, even on those railways which run through areas in which Muslims form a high percentage of the total population.

The review of the position has shown that these complaints are justified, and the Government of India are satisfied by the enquiries they have made that the instructions regarding recruitment must be revised with a view to improving the position of Muslims in the services.

2. In considering this general question the Government of India have also to take into account the claims of Anglo-Indians and Domiciled Europeans and of the depressed classes. Anglo-Indians have always held a large percentage of appointments in certain branches of the public service and it has been recognised that, in view of the degree to which the community has been dependent on this employment, steps must be taken to prevent in the new conditions anything in the nature of a rapid displacement of Anglo-Indians from their existing positions, which might occasion a violent dislocation of the economic structure of the community. The instructions which follow in regard to the employment

of Anglo-Indians and Domiciled Europeans in certain departments are designed to give effect to this policy.

3. In regard to the depressed classes it is common ground that all reasonable steps should be taken to secure for them a fair degree of representation in the public services. The intention of caste Hindus in this respect was formally stated in the Poona Agreement of 1932 and His Majesty's Government in accepting that agreement took due note of this point. In the present state of general education in these classes the Government of India consider that no useful purpose will be served by reserving for them a definite percentage of vacancies out of the number available for Hindus as a whole, but they hope to ensure that duly qualified candidates from the depressed classes are not deprived of fair opportunities of appointment merely because. they cannot succeed in open competition.

4. The Government of India have also considered carefully the position of minority communities other than those mentioned above and are satisfied that the new rules will continue to provide for them, as at present, a reasonable degree of representation in the services.

SECTION II—SCOPE OF RULES

5. The Government of India propose to prescribe annual returns in order to enable them to watch the observance of the rules laid down below.

6. The general rules which the Government of India have with the approval of the Secretary of State adopted with the purpose of securing these objects are explained below. They relate only to direct recruitment and not to recruitment by promotion which will continue to be made as at present solely on merit. They apply to the Indian Civil Service, the Central Services, Class I and Class II, and the Subordinate Services under the administrative control of the Government of India with the exception of a few services and posts for which high technical or special qualifications are required, but do not apply to recruitment for these Services in the province of Burma. In. regard to the Railways, they apply to all posts other than those of inferior servants or labourers on the four State-managed Railways, and the administrations of the Company-

managed Railways will be asked to adopt similar rules for the services on these Railways.

SECTION III—

RULES FOR SERVICES RECRUITED ON AN ALL-INDIA BASIS

7. (1) For the Indian Civil Service and the Central and Subordinate Services to which recruitment is made on an All-India basis, the following rules will be observed:—

(i) 25 percent of all vacancies to be filled by direct recruitment of Indians, will be reserved for Muslims and 8 1/3 percent for other minority communities.

(ii) When recruitment is made by open competition, if Muslims or the other minority communities obtain less than these percentages, these percentages will be secured to them by means of nomination; if, however, Muslims obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for other minorities, while if the other minorities obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for Muslims.

(iii) If members of the other minority communities obtain less than their reserved percentage in open competition and if duly qualified candidates are not available for nomination, the residue of the 8 1/3 percent will be available for Muslims.

(iv) The percentage of 8 1/3 reserved for the other minorities will not be distributed among them in any fixed proportion.

(v) In all cases a minimum standard of qualification will be imposed and the reservations are subject to this condition.

(vi) In order to secure fair representation for the depressed classes duly qualified members of these classes may be nominated to a public service, even though recruitment to that service is being made by competition. Members of these classes, if appointed by nomination,

will not count against the percentages reserved in accordance with clause (i) above.

(2) For the reasons given in paragraph 2 of this Resolution, the Government of India have paid special attention to the question of Anglo-Indians and Domiciled Europeans in the gazetted posts on the Railways for which recruitment is made on an All-India basis. In order to maintain approximately their present representation in these posts the Anglo-Indian and Domiciled European community will require to obtain about 9 percent of the total vacancies available to members of Indian communities. The Government of India have satisfied themselves that at present the community is obtaining by promotions to these gazetted posts and by direct recruitment to them more than 9 percent, of these vacancies. In these circumstances, it has been decided that no special reservation is at present required. If and when the community is shown to be receiving less than 9 percent of the vacancies, it will be considered what adjustments in regard to direct recruitment may be required to safeguard their legitimate interests.

SECTION IV—RULES FOR SERVICES RECRUITED LOCALLY

(3) In the case of all services to which recruitment is made by local areas and not on an All-India basis, e.g., subordinate posts in the Railways, Posts and Telegraphs Department, Customs Service, Income-tax Department, etc., the general rules prescribed above will apply subject to the following modifications:—

(1) The total reservation for India as a whole of- 25 percent for Muslims and of 8 1/3 percent for other minorities will be obtained by fixing a percentage for each Railway or local area or circle having regard to the population ratio of Muslims and other minority communities in the area and the rules for recruitment adopted by the local Government of the area concerned;

(2) In the case of the Railways and Posts and Telegraphs Department and Customs Service in which the Anglo-Indian and Domiciled European community is at present principally employed special provisions described in the next paragraph are required in order to give effect to the policy stated in paragraph 2 above.

9. (1) (a) The Anglo-Indian and Domiciled European community at present holds 8.8 percent of the subordinate posts on the Railways. To safeguard their position 8 percent of all vacancies to be filled by direct recruitment will be reserved for members of this community. This total percentage will be obtained by fixing a separate percentage (i) for each Railway having regard to the number of members of this community at present employed, (ii) for each branch or department of the Railway service, so as to ensure that Anglo-Indians continue to be employed in those branches in which they are at present principally employed, e.g., the Mechanical Engineering, Civil Engineering and Traffic Departments. No posts in the higher grades of the subordinate posts will be reserved, and promotion to these grades will be made, as at present, solely on merit.

(b) The reservation of 25 percent for Muslims and 8 percent for Anglo-Indians makes it necessary to increase the reservation of 33 1/3 percent, hitherto adopted for all minority communities, in order to safeguard the interests of minorities other than Muslims and Anglo-Indians. It has been decided, therefore, to reserve for them 6 percent of vacancies filled by direct recruitment, which is approximately the percentage of posts held by members of these communities at present. This total reservation will be obtained in the manner prescribed in paragraph 8 (1) of this Resolution and will not be further sub-divided among the minority communities.

(2) In the Posts and Telegraphs Department the same principles will be followed as in the case of the Railways for safeguarding the interests of the Anglo-Indian and Domiciled European community which at present holds about 2'2 percent of all subordinate posts. It has been ascertained that if a reservation is made for this community of 5 percent of the vacancies in the branches, departments or categories which members of this community may reasonably be expected to enter, it will result in securing for them a percentage equal to slightly less than the percentage of subordinate posts which they at present hold. In the departments or branches in which a special reservation is made for Anglo-Indians the reservation of vacancies for other minorities will be fixed so as to be equal approximately to the percentage of subordinate posts at present held by them. The total reservation for Anglo-Indians and other minority communities, other than Muslims, will in any case be not less than 8 1/3 percent

(3) Anglo-Indians are at present largely employed in subordinate posts in the Appraising Department and in the Superior Preventive Service at

the major ports. For the former department special technical qualifications are required, and in accordance with the general principles indicated in paragraph 6 of this Resolution it will be excluded from the operation of these rules.

III the Preventive Service special qualifications are required, and the present system of recruitment whereby posts are reserved for Anglo-Indians will be maintained.

ORDER.—Ordered that this Resolution be communicated to all Local Governments and Administrations and the several Departments of the Government of India, for information (and guidance) and that it be also published in the *Gazette of India.*

M. G. HALLET,

Secretary to the Government of India.

APPENDIX XXIV

GOVERNMENT OF INDIA RESOLUTION OF 1943 ON COMMUNAL REPRESENTATION OF SCHEDULED CASTES IN THE SERVICES

HOME DEPARTMENT

RESOLUTION

New Delhi, the 11th August 1943

No. 23/5/42-Ests(S).—In pursuance of the undertaking given in the Central Legislative Assembly in 1942, the Government of India have carefully reviewed the policy which they have followed since 1934 in

regard to the representation of Depressed Classes, since described in the Government of India Act, 1935 as 'Scheduled Castes', in services under their administrative control. In their Resolution No. F. 14/17-B/33, dated the 4th July 1934, the Government of India stated that in the then state of general education among these classes they did not consider that any useful purpose would be served by reserving for them a definite percentage of vacancies. In order, however, to secure fair representation for Scheduled Castes they directed that duly qualified members of these classes might be nominated to a public service even though recruitment to that service was being made by competition. Various measures have been taken since then to secure increased representation of the Scheduled Castes in the public services. The results obtained so far have, however, not been substantial. While the Government of India recognise that this is mainly due to the difficulty of getting suitably qualified candidates, they now consider that the reservation of a definite percentage of vacancies might provide the necessary stimulus to candidates of these castes to obtain better qualifications and thus make themselves eligible for various Government posts and services. It is believed that the grant of age concessions and the reduction of prescribed fees might also help to secure qualified candidates from among members of the Scheduled Castes. The Government of India have accordingly decided to prescribe the rules mentioned in paragraph 4 below.

2. On the basis of the proportion which the population of the Scheduled Castes bears to the population of the other communities entitled to a share in the present unreserved vacancies, the Scheduled Castes would be entitled to 12.75 percent out of the total number of such vacancies. It is, however, not likely that sufficient number of candidates from the Scheduled Castes would be forthcoming to fill the full number of vacancies to which they are entitled on a population basis. The Government of India have, therefore, come to the conclusion that for the present it will be sufficient to reserve a somewhat smaller percentage, *viz.,* 8 1/3. They propose to consider the question of raising this percentage as soon as a sufficient number of qualified candidates from these classes are found to be available.

3. The rules mentioned below will apply only to direct recruitment and not to recruitment by promotion which will continue to be made as at present without reference to communal considerations. They will apply to Central Services (Class I and Class II) and the Subordinate Services under the administrative control of the Government of India with the exception

of a few services and posts for which highly technical or special qualifications are required and which have been excluded from the purview of the communal representation orders contained in their Resolution No. F. 14/17-B/33, dated the 4th July 1934. In regard to the Railways, the rules will apply to all posts other than those of inferior servants and labourers. The administrations of the Company-managed Railways will be asked to adopt similar rules for the services on those Railways.

4. The following rules will therefore be observed in future in order to secure better representation of the Scheduled Castes in public services :—

(1) 8 1/3 percent of all vacancies to be filled by direct recruitment of Indians in the Central and Subordinate Services to which recruitment is made on an all-India basis will be reserved for Scheduled Castes candidates.

(2) In the case of services to which recruitment is made by local areas or circles and not on an all-India basis, *e.g.,* subordinate posts in the Railways, Posts and Telegraphs Department, the Customs Services, the Income-Tax Department, etc., the total reservation for India as a whole of 8 1/3 percent of vacancies for Scheduled Castes candidates will be obtained by fixing a percentage for each local area or circle having regard to the population of Scheduled Castes in the area or circle concerned and the rules for recruitment adopted by the Provincial Government of the area or circle concerned.

(3) When recruitment is made by open competition and Scheduled Castes candidates obtain fewer vacancies than are reserved for them, the difference will, if possible, be made up by the nomination of duly qualified candidates of those castes.

(4) If Scheduled Castes candidates obtain less than the number of vacancies reserved for them in open competition and duly qualified candidates of these castes are not available, or not available in sufficient numbers, for nomination, the remaining vacancies reserved for such candidates will be treated as unreserved ; but a corresponding number of vacancies will be reserved for them in that *year* under clause (1) or clause (2) above.

(5) If duly qualified candidates of the Scheduled Castes are again not available to fill the vacancies carried forward from the previous year

under clause (4) the vacancies not filled by them will be treated as unreserved.

(6) In all cases) a minimum standard of qualification will be prescribed and the reservation will be subject to this condition.

(7) The maximum age limit prescribed for appointment to a service or post will be increased by three years in the case of candidates belonging to the Scheduled Castes.

(8) The fees prescribed for admission to any examination or selection will be reduced to one-fourth in the case of candidates belonging to the Scheduled Castes.

(9) The orders contained in the foregoing rules will also apply to temporary vacancies lasting three months or longer, including vacancies in permanent posts filled temporarily by persons not permanently employed in Government service.

(10) For the purposes of these roles a person shall be held to be a member of the Scheduled Castes if he belongs to a caste which under the Government of India (Scheduled Castes) Order, 1936, has been declared to be a Scheduled Caste for the area in which he and his family ordinarily reside.

Order.—Ordered that a copy of this Resolution be communicated to all Chief Commissioners, the several Departments of the Government of India, the Director, Intelligence Bureau, and the Federal Public Service Commission for information and guidance; to the Political Department, the Crown Finance Department, the Secretary to the Governor-General (Public), the Secretary to the Governor-General (Reforms), the Secretary to the Governor-General (Personal), the Legislative Assembly Department, the Federal Court, the Military Secretary to His Excellency the Viceroy, and all Provincial Governments for information, and also that the Resolution be published in the *Gazette of India.*

E. CONRAN-SMITH, Secy.

APPENDIX XXV

CRIPPS PROPOSALS

Published on March 29, 1941

DRAFT DECLARATION FOR DISCUSSION WITH INDIAN LEADERS

His Majesty's Government having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government, therefore, make the following Declaration:

(a) (a) Immediately upon cessation of hostilities steps shall be taken to set up in India in manner described hereafter an elected body charged with the task of framing a new Constitution for India.

(b) (b) Provision shall be -made, as set out below, for participation of Indian States in the Constitution-making body.

(c) (c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:—-

(i) (i) The right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(ii) The signing of a Treaty which shall be negotiated between His Majesty's Government and the Constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with undertakings given by His Majesty's

Government, for the protection of racial and religious minorities ; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new situation.

(d) (d) The Constitution-making body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :—

Immediately upon the result being known of Provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the Constitution-making body by the system of provincial representation. This new body shall be in number about 1/10th of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members.

(e) (e) During the critical period which now faces India and until the New Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the people of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

(f)

PARAMOUNTCY AND THE CLAIM OF THE INDIAN STATES TO BE INDEPENDENT

The announcement by Travancore and Hyderabad to declare themselves Independent Sovereign States on 15th of August when India becomes a dominion and the inclination shown by other States to follow their example has created a new problem. The problem is a crucial one and requires to be seriously considered. There are two aspects to the question. Can the States declare themselves Independent? Should they declare themselves Independent?

To begin with the first. The basis of the claim made by the States for a right to declare themselves independent lies in the Statement of 12th May 1946 issued by the Cabinet Mission in which they say that the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government which means that the rights of the States which follow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. The Statement of the Cabinet Mission that the Crown could not transfer paramountcy is obviously not a statement of political policy. It is a statement of law. The question is, is this a correct statement of the law as it applies to the States?

There is nothing original in the proposition set out by the Cabinet Mission. It is a mere repetition of the view propounded by the Butler Committee appointed in 1929 to examine the relationship between the Crown and the Indian States.

As students of the subject know the Princes in the stand they took before the Butler Committee contended for two propositions :—

(i) That Paramountcy could not override the *terms* and conditions contained in the Treaties between the Princes and the States but was limited by them.

(ii) That the relations embodied in Paramountcy were of a personal nature between the Crown and the Princes and could not, therefore, be transferred by the Crown to an Indian Government without the consent of the Princes.

The Butler Committee repudiated the first of these two contentions. It put the matter in most ruthless language by declaring that Paramountcy was Paramount and was not limited by any terms contained in the Treaties. As regards the second contention, strangely enough, the Butler Committee upheld. Whether it was to appease the Princes who were

annoyed with the Committee for turning down the Princes' contention regarding Paramountcy it is no use speculating. The fact, however, remains that it gave immense satisfaction to the Political Department of the Government of India and to the Princes.

The doctrine that Paramountcy cannot be transferred to an Indian Government is a most mischievous doctrine and is based upon an utter misunderstanding of the issues involved. The doctrine is so unnatural that the late Prof. Holdsworth, author of the History of English Law, had to exercise a great deal of ingenuity in defending it in the pages of the Law Quarterly Review for October 1930. Unfortunately, no Indian student of Constitutional Law has ever bothered to controvert his views with the result that they have remained as the last and final word on the subject. No wonder the Cabinet Mission adopted them as valid and acted upon them in settling the issue of British India *vs.* Indian States. It is a pity that the Congress Working Committee, which was negotiating with the Cabinet Mission for a settlement, did not challenge the proposition enunciated by the Mission in regard to Paramountcy. But these circumstances cannot take away the right of Indians to examine the matter *de novo* and come to their own independent judgement and stand for it if they are convinced that their view is the right view, no matter what the Cabinet Mission has said.

The case against the position taken by the Cabinet Mission in regard to Paramountcy can be stated in the following propositions :—

(1) Paramountcy merely is another name for what is called the prerogative of the Crown. It is true that Paramountcy as a prerogative of the Crown differs from the ordinary prerogative of the Crown in two respects—(a) The basis of the ordinary prerogative of the Crown lies in Common Law as distinguished from Statute Law while the basis of the Prerogative arising from Paramountcy lies in treaties supplemented by *usage,* (b) the Common Law prerogative of the Crown extends to all the subjects of the Crown resident in the King's dominions and over aliens temporarily resident therein while Paramountcy as a prerogative extends only over the Indian States. Paramountcy is no doubt a distinct part of the prerogative of the Crown. Nonetheless, the fact remains that Paramountcy is a prerogative of the Crown.

(2) Being the prerogative of the King, the exercise of Paramountcy is subject to that part of the Municipal Law which is called the law of the Constitution

(3) According to the principle of the Constitutional Law, while the

prerogative vests in the King, the King has no discretion in the exercise of his prerogative but can exercise it only in accordance with the advice given to him by his Ministers. The King cannot exercise it independently of the advice of his Ministers.

The last proposition enunciated above requires further elaboration. For, it may be asked on the advice of which Ministry is the Crown to act. The answer is on the advice of the Ministry of the Dominion concerned. Before the Statute of Westminster the British Empire constituted one single Dominion. Consequently, in the matter of the exercise of its prerogative rights, the Crown acted on the advice of the British Cabinet. After the passing of the Statute of Westminster which carved out Canada, Australia, South Africa and Ireland as separate Dominions, the Crown, in the exercise of its prerogative rights acts on the advice of the Cabinet of the Dominion concerned. It is bound to do so. It cannot do otherwise. It follows that when India becomes a Dominion, the Crown will be bound to act in the exercise of its prerogative rights, *i.e.,* Paramountcy on the advice of the Indian Cabinet.

The protagonists of the theory, that Paramountcy cannot be transferred to the Government of India, rely on the omission from the Government of India Act 1935 of the provisions of section 39 of the Government of India Act of 1933 (they were reproduced in section 33 of the Government of India Acts, 1915—19) according to which the civil and military Government of India (as distinguished from the civil and military Government of British India) is vested in the Governor General in Council and argue that the omission is evidence in support of the conclusion that Paramountcy could not be transferred to an Indian Government. To say the least the argument is purile. The Existence or non-existence of such a provision in the Government of India Act is quite beside the point and proves nothing. The non-existence of the clause does not prove that India can under no circumstances claim the right to advice the Crown in regard to the exercise of Paramountcy. Its existence in the Government of India Act does not mean that such a power was vested in it during 1833 to 1935 when it formed part of the Act for, that very clause contained the proviso whereby the Governor-General in Council was required to pay due obedience to all such orders as may be issued from the Secretary of State which means, even during 1833 to 1935, the ultimate authority to advice the Crown in the matter of the exercise of the prerogative was the Secretary of State for India in British India.

The different methods of disposing of Paramountcy adopted in the

various Acts passed by Parliament relating to the governance of India between the 1833 to 1935 do not and cannot in any way affect the claim of the Indian people to advise the Crown in the exercise of Paramountcy. Under the Constitutional Law of the Empire only when a country has become a dominion, that it can claim the right to advise the Crown and the fact that before it became a dominion the Crown was differently advised is no bar to its claim. In the 1935 Act, India was not a country with responsible Government. But even if it was, India could not have claimed to advise the Crown in regard to the exercise of its prerogative rights regarding Indian States. This is because the Constitutional Law of the British Empire makes difference between responsible Government and Dominion Status. In responsible Government, the right of the Cabinet to advise the Crown and the obligation of the Crown to accept it is confined to cases of the exercise of the prerogative arising out of the internal affairs of the country. As to external affairs the British Cabinet retained the right to advise the Crown. But in the case of a Dominion, the Crown is bound to accept the advise of the Ministry with regard to all cases of the exercise of the prerogative whether it relates to internal affairs or external affairs. That is why a dominion can make a treaty with a foreign country without the intervention of the British Cabinet. The fact that the Government of India was not permitted to advise the Crown in the exercise of its rights of Paramountcy does not mean that there is any inherent Constitutional incapacity which disentitles her from claiming the right to advise. The moment India gets the Status of a Dominion it automatically acquires the capacity to advise the Crown on Paramountcy. What has been stated above is no more than a summary of the Constitutional Law of the British Empire and the process of its evolution showing how a part of the Empire which acquires the Status of a Dominion becomes vested with the exclusive right to advise the Crown in the exercise of its prerogative. Why should this right be denied to India when she becomes a Dominion it is difficult to understand. On parity of reasoning, India should get the right to advise the Crown in the exercise of its prerogative as did Canada, Australia, South Africa and Ireland. That Prof. Holdsworth came to a different conclusion is due not to any difference in the fundamental propositions of Constitutional Law stated above. Indeed he accepts them in toto. The reason why he came to a different conclusion is because he posed quite a different question for argument. The question posed by Prof. Holdsworth was whether the Crown could cede or transfer Paramountcy to an Indian Government.

This is not the real issue. The real issue is whether the Indian Dominion can claim the advise to the Crown in the exercise of Paramountcy. In other words, we are not concerned with the question whether Paramountcy could be transferred. The issue with which we are concerned is how Paramountcy can be exercised. I am sure that if Prof. Holdsworth had realised what the real issue was, he could not have come to a different conclusion.

So far I have dealt with one part of the Cabinet Mission's statement where they say that the Crown could not transfer Paramountcy to an Indian Government. There remains for consideration the other parts of their statement in which they say that the Crown will not transfer Paramountcy to an Indian Government. According to the Cabinet Mission, Paramountcy will lapse. This is a most astounding statement and runs contrary to another well-established principle of the Constitutional Law. According to this principle, the King cannot surrender or abandon his prerogative rights. If the Crown cannot transfer Paramountcy the Crown cannot also abandon it. The validity of this principle was admitted by the Privy Council in The Queen *vs.* Eduljee Byramjee decided in 1840 and reported in 5 Moore's P.C. p. 276 wherein they said (p. 294) that the Crown could not even by charter part with its prerogative. It is, therefore, obvious that the statement made by the Cabinet Mission that the Crown will not exercise Paramountcy is contrary to the Constitutional Law by which the Empire is governed. The Crown must continue to exercise Paramountcy. It is of course true that the Crown can surrender its prerogative if permitted to do so by express statutory authority. The question is whether it would be legal and proper for the British Parliament to make a Law permitting the abandoning of Paramountcy. It would be open, I am sure, for Indians to argue that such a step by the British Parliament would neither be proper nor legal. It would not be legal for the simple reason that after India becomes Dominion, the Statute abrogating Paramountcy can be passed by the Dominion Parliament of India and the British Parliament would have no jurisdiction in this matter at all. Again a Statute passed by the Parliament of the Great Britain abrogating Paramountcy would be improper. The reason is obvious. The army is the ultimate sanction for Paramountcy. This army has been the Indian Army for which British India has paid all along. Without the powerful army maintained by British India which was placed at the disposal of the Crown through his agent the Viceroy and Governor-General of India, the Crown would never have been able to build up and conserve the powers of

Paramountcy. These powers are of the nature of a Trust held by the Crown for the benefit of the people of India and it would be a gross breach of trust on the part of the British Parliament to pass a statute destroying this trust. Paramountcy is an advantage which is secured to it by treaty with the Princes. Independent India can, therefore, make valid claim for the inheritance of Paramountcy.

A question may be asked: What happens when India become Independent. The Crown disappears and the question of advising the Crown does not remain. Can Independent India claim to inherit the prerogative rights of the Crown? The answer is yes. She can. Independent India will be a succession State. For an answer to this question one must look to the provisions of International Law relating to succession among States. Oppenheim admits that a succeeding State can inherit certain rights of the preceding State. From Hall's International Law, it would appear that among other things, property and advantages secured to it by treaty can be inherited by a succession State. India as a succession State she can inherit certain rights. On this point the following extracts from Hall's International Law are relevant:

> "And as the old State continues its life uninterruptedly, it possesses everything belonging to it as a person, which it has not expressly lost; so that property and advantages secured to it by treaty, which are enjoyed by it as a personal whole, or by its subjects in virtue of their being members of that whole, continue to belong to it. On the other hand, rights possessed in respect of the lost territory, including rights under treaties relating to cessions of territory and demarcations of boundary, obligations contracted with reference to it alone, and property which is within it, and has, therefore, a local character, or which, though not within it, belongs to state institutions localised there, transfer themselves to the new state person."

The conclusion is that the Indian States will continue to be in the same position when India becomes Independent as they are now. They will be sovereign States to the extent they are, but they cannot be independent States so long as they remain under the suzerainty, as they must be, either of the Crown, if India remains a Dominion and under the suzerainty of the succession State, if India becomes independent. While the suzerainty remains they can never be independent. The States may declare themselves independent. But they must realise that while the suzerainty lasts and it must continue even when India becomes independent, India will not recognise their independence nor can a foreign State accord them the status of an independent State. The only

way by which, the Indian States can be free themselves from Paramountcy would be to bring about a merger of sovereignty and suzerainty. That can happen only when the I States join the Indian Union as constituent units thereof. The States' spokesmen ought to know this. But as they seem to have forgotten it is necessary to remind them of what happened at the R T C. In the beginning, the States were not prepared to join the Federation. They agreed to join the Federation when they came to know that the Butler Committee had laid down the doctrine that Paramountcy was Paramount. This change of attitude was due to the realisation that to the extent the powers comprised in Paramountcy were handed over to the Federation to that extent Paramountcy would vanish. In fact, as most of us know, the Princes did raise the question to the then Secretary of State and asked him that the scope of Paramountcy should be limited to, by excluding the subjects included in List No. 1. The then Secretary of State had no answer to give and silenced the Princes by frowning upon them. Apart from the attitude of the then Secretary of State, the point remains that the Princes had seen the point that the dissolution of Paramountcy lay in joining the Federation. That point remains as valid now as it was then. It would be wise on the part of the Indian States to follow that line and not to pursue the mirage of independence. The people of India should, therefore, repudiate the proposition enunciated by the Cabinet Mission that Paramountcy will lapse. They should insist that Paramountcy cannot lapse and that they are the heirs to that Paramountcy and will continue to exercise it, *vis-a-vis* such Indian States as do not join the Union even after the British have left. The States, on the other hand, should realise that their existence as Sovereign Indian States will not be worth 5 years purchase. It is in the interest of the Princes that they should join the Union and become Constitutional monarchs. Any Dewan who advises his Prince not to join the Union is really acting as the enemy of the Prince. The joining of the Federation will no doubt involve the introduction of responsible Government but it has this advantage, viz., that the Union will guarantee to the Princes the rights relating to dynastic succession which is the most that a Prince can expect. To be independent and to hope to get recognition and protection from the UNO is to live in one's own paradise. It is doubtful if the UNO will give recognition to Indian States ignoring the claim by India of suzerainty over them. But even if that happens, the UNO will never grant any assistance to an Indian State from external aggression or internal commotion without insisting that the State should first

introduce responsible Government within its area. All these things are writ large on the wall. He who runs may read it. Those who refuse to read it will no doubt share the fate which befalls all those who are blinded by their self-interest.

PHILOSOPHY OF HINDUISM

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How does Hinduism stand in this matter?
Does Hinduism recognise Fraternity?
What is the value of such a religion to man?
On what level does Hindu morality stand?
Of what use is this philosophy of the Upanishadas?

(The script published in the Writings and Speeches, vol. 3 published by Government of Maharashtra did not have any chapter names. It was divided in I to VI parts. For the sake of readership convenience we are providing additional hyperlinks to some paras by way of projecting some questions in the text.)

Editorial Note:
This script on Philosophy of Hinduism was found as a well-bound copy which we feel is complete by itself. The whole script seems to be a Chapter of one big scheme. This foolscap original typed copy consists of 169 pages.— Editors

CHAPTER I

Philosophy of Hinduism

I

What is the philosophy of Hinduism? This is a question which arises in its logical sequence. But apart from its logical sequence its importance is such that it can never be omitted from consideration. Without it no one can understand the aims and ideals of Hinduism.

It is obvious that such a study must be preceded by a certain amount of what may be called clearing of the ground and defining of the terms involved.

At the outset it may be asked what d*oes* this proposed title comprehend? Is this title of the Philosophy of Hinduism of the same nature as that of the Philosophy of Religion? I wish I could commit

myself one way or the other on this point. Indeed I cannot. I have read a good deal on the subject, but I confess I have not got a clear idea of what is meant by Philosophy of Religion. This is probably due to two facts. In the first place while religion is something definite, there is nothing definite* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_1 as to what is to be included in the term philosophy. In the second place Philosophy and Religion have been adversaries if not actual antagonists as may be seen from the story of the philosopher and the theologian. According to the story, the two were engaged in disputation and the theologian accused the philosopher that he was"like a blind man in a dark room, looking for a black cat which was not there". In reply the philosopher charged the theologian saying that"he was like a blind man in the dark room, looking for a black cat which was not there but he declared to have found there". Perhaps it is the unhappy choice of the title — Philosophy of Religion—which is responsible for causing confusion in the matter of the exact definition of its field. The nearest approach to an intelligible statement as to the exact subject matter of Philosophy of Religion I find in Prof. Pringle-Pattison who observesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_2 :—

"A few words may be useful at the outset as an indication of what we commonly mean by the Philosophy of Religion. Plato described philosophy long ago as the synoptic view of things. That is to say, it is the attempt to see things together-to keep all the main features of the world in view, and to grasp them in their relation to one another as parts of one whole. Only thus can we acquire a sense of proportion and estimate aright the significance of any particular range of facts for our ultimate conclusions about the nature of the world-process and the world-ground. Accordingly, the philosophy of any particular department of experience, the Philosophy of Religion, the Philosophy of Art, the Philosophy of Law, is to be taken as meaning an analysis and interpretation of the experience in question in its bearing upon our view of man and the world in which he lives. And when the facts upon which we concentrate are so universal, and in their nature so remarkable, as those disclosed by the history of religion—the philosophy of man's religious experience—cannot but exercise a determining influence upon our general philosophical conclusions. In fact with many writers the particular discussion tends to merge in the more general."

"The facts with which a philosophy of religion has to deal are supplied

by the history of religion, in the most comprehensive sense of that term. As Tiele puts it,"all religions of the civilised and uncivilised world, dead and living", is a `historical and psychological phenomenon' in all its manifestations. These facts, it should be noted, constitute the data of the philosophy of religion; they do not themselves constitute a `philosophy' or, in Tiele's use of the term, a `science' of religion. `If, he says, 1 have minutely described all the religions in existence, their doctrines, myths and customs, the observances they inculcate, and the organisation of their adherents, tracing the different religions from their origin to their bloom and decay, I have merely. Collected the materials with which the science of religion works'. 'The historical record, however complete, is not enough; pure history is not philosophy. To achieve a philosophy of religion we should be able to discover in the varied manifestations a common principle to whose roots in human nature we can point, whose evolution we can trace by intelligible-stages from lower to higher and more adequate forms, as well as its intimate relations with the other main factors in human civilisation".

If this is Philosophy of Religion it appears to me that it is merely a different name for that department of study, which is called comparative religion with the added aim of discovering a common principle in the varied manifestations of religion. Whatever be the scope and value of such a study, I am using the title Philosophy of Religion to denote something quite different from the sense and aim given to it by Prof. Pringle-Pattison. I am using the word Philosophy in its original sense, which was two-fold. It meant teachings as it did when people spoke of the philosophy of Socrates or the philosophy of Plato. In another sense it meant critical reason used in passing judgements upon things and events. Proceeding on this basis Philosophy of Religion is to me not a merely descriptive science. I regard it as being both descriptive as well as normative. In so far as it deals with the teachings of a Religion, Philosophy of Religion becomes a descriptive science. In so far as it involves the use of critical reason for passing judgement on those teachings, the Philosophy of Religion becomes a normative science. From this it will be clear what I shall be concerned with in this study of the Philosophy of Hinduism. To be explicit I shall be putting Hinduism on its trial to assess its worth as a way of life.

Here is one part of the ground cleared. There remains another part to be cleared. That concerns the ascertainment of the factors concerned and the definitions of the terms I shall be using.

A study of the Philosophy of Religion it seems to me involves the

determination of three dimensions. I call them dimensions because they are like the unknown quantities contained as factors in a product. One must ascertain and define these dimensions of the Philosophy of Religion if an examination of it is to be fruitful.

Of the three dimensions, Religion is the first. One must therefore define what he understands by religion in order to avoid argument being directed at cross-purposes. This is particularly necessary in the case of Religion for the reason that there is no agreement as to its exact definition. This is no place to enter upon an elaborate consideration of this question. I will therefore content myself by stating the meaning in which I am using the word in the discussion, which follows.

I am using the word Religion to mean Theology. This will perhaps be insufficient for the purposes of definition. For there are different kinds of Theologies and I must particularise which one I mean. Historically there have been two Theologies spoken of from ancient times. *Mythical* theology and *Civil* theology. The Greeks who distinguished them gave each a definite content. By Mythical theology they meant the tales of gods and their doings told in or implied by current imaginative literature. Civil theology according to them consisted of the knowledge of the various feasts and fasts of the State Calendar and the ritual appropriate to them. I am not using the word theology in either of these two senses of that word. I mean by theology *natural theology*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_3 which is-the doctrine of God and the divine, as an integral part of the theory of nature. As traditionally understood there are three thesis which `natural theology' propounds. (1) That God exists and is the author of what we call nature or universe (2) That God controls all the events which make nature and (3) God exercises a government over mankind in accordance with his sovereign moral law.

I am aware there is another class of theology known as *Revealed Theology*—spontaneous self disclosure of divine reality—which may be distinguished from *Natural theology*. But this distinction does not really matter. For as has been pointed outmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_4 that a revelation may either"leave the results won by *Natural theology* standing without modifications, merely supplementing them by further knowledge not attainable by unassisted human effort"or it"may transform Natural theology in such a way that all the truths of natural theology would acquire richer and deeper meaning when seen in the light of a true revelation."But the view that a genuine *natural theology* and

a genuine *revelation theology* might stand in real contradiction may be safely excluded as not being possible.

Taking the three thesis of Theology namely (1) the existence of God, (2) God's providential government of the universe and (3) God's moral government of mankind, I take Religion to mean the propounding of an ideal scheme of divine governance the aim and object of which is to make the social order in which men live a moral order. This is what I understand by Religion and this is the sense in which I shall be using the term Religion in this discussion.

The second dimension is to know the ideal scheme for which a Religion stands. To define what is the fixed, permanent and dominant part in the religion of any society and to separate its essential characteristics from those which are unessential is often very difficult. The reason for this difficulty in all probability lies in the difficulty pointed out by Prof. Robertson Smithmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_5 when he says:—

"The traditional usage of religion had grown up gradually in the course of many centuries, and reflected habits of thought, characteristic of very diverse stages of man's intellectual and moral development. No conception of the nature of the gods could possibly afford the clue to all parts of that motley complex of rites and ceremonies which the later paganism had received by inheritance, from a series of ancestors in every state of culture from pure savagery upwards. The record of the religious thought of mankind, as it is embodied in religious institutions, resembles the geological record of the history of the earth's crust; the new and the old are preserved side by side, or rather layer upon layer".

The same thing has happened in India. Speaking about the growth of Religion in India, says Prof. Max Muller :—

"We have seen a religion growing up from stage to stage, from the simplest childish prayers to the highest metaphysical abstractions. In the majority of the hymns of the Veda we might recognise the childhood; in the Brahmanas and their sacrificial, domestic and moral ordinances the busy manhood; in the Upanishads the old age of the Vedic religion. We could have well understood if, with the historical progress of the Indian mind, they had discarded the purely childish prayers as soon as they had arrived at the maturity of the Brahamans; and if, when the vanity of sacrifices and the real character of the old god's had once been recognised, they would have been superseded by the more exalted religion of the Upanishads. But it was not so. Every religious thought

that had once found expression in India, that had once been handed down as a sacred heirloom, was preserved, and the thoughts of the three historical periods, the childhood, the manhood, and the old age of the Indian nation, were made to do permanent service in the three stages of the life of every individual. Thus alone can we explain how the same sacred code, the Veda, contains not only the records of different phases of religious thought, but of doctrines which we may call almost diametrically opposed to each other."

But this difficulty is not so great in the case of Religions which are *positive* religions. The fundamental characteristic of *positive* Religions, is that they have not grown up like primitive religions, under the action. of unconscious forces operating silently from age to age, but trace their origin to the teaching of great religious innovators, who spoke as the organs of a divine revelation. Being the result of conscious formulations the philosophy of a religion which is positive is easy to find and easy to state. Hinduism like Judaism, Christianity and Islam is in the main a positive religion. One does not have to search for its scheme of divine governance. It is not like an unwritten constitution. On the Hindu scheme of divine governance is enshrined in a written constitution and any one who cares to know it will find it laid bare in that Sacred Book called the Manu Smriti, a divine Code which lays down the rules which govern the religious, ritualistic and social life of the Hindus in minute detail and which must be regarded as the Bible of the Hindus and containing the philosophy of Hinduism.

The third dimension in the philosophy of religion is the criterionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_6 to be adopted for judging the value of the ideal scheme of divine governance for which a given Religion stands. Religion must be put on its trial. By what criterion shall it be judged? That leads to the definition of the norm. Of the three dimensions this third one is the most difficult one to be ascertained and defined.

Unfortunately the question does not appear to have been tackled although much has been written on the philosophy of Religion and certainly no method has been found for satisfactorily dealing with the problem. One is left to one's own method for determining the issue. As for myself I think it is safe to proceed on the view that to know the philosophy of any movement or any institution one must study the revolutions which the movement or the institution has undergone. Revolution is the mother of philosophy and if it is not the mother of philosophy it is a lamp which illuminates philosophy. Religion is no

exception to this rule. To me therefore it seems quite evident that the best method to ascertain the criterion by which to judge the philosophy of Religion is to study the Revolutions which religion has undergone. That is the method which I propose to adopt.

Students of History are familiar with one Religious Revolution. That Revolution was concerned with the sphere of Religion and the extent of its authority. There was a time when Religion had covered the whole field of human knowledge and claimed infallibility for what it taught. It covered astronomy and taught a theory of the universe according to which the earth is at rest in the center of the universe, while the sun, moon, planets and system of fixed stars revolve round it each in its own sphere. It included biology and geology and propounded the view that the growth of life on the earth had been created all at once and had contained from the time of creation onwards, all the heavenly bodies that it now contains and all kinds of animals of plants. It claimed medicine to be its province and taught that disease was either a divine visitation as punishment for sin or it was the work of demons and that it could be cured by the intervention of saints, either in person or through their holy relics; or by prayers or

pilgrimages; or (when due to demons) by exorcism and by treatment which the demons (and the patient) found disgusting. It also claimed physiology and psychology to be its domain and taught that the body and soul were two distinct substances.

Bit by bit this vast Empire of Religion was destroyed. The Copernican Revolution freed astronomy from the domination of Religion. The Darwinian Revolution freed biology and geology from the trammels of Religion. The authority of theology in medicine is not yet completely destroyed. Its intervention in medical questions still continues. Opinion on such subjects as birth control, abortion and sterilisation of the defective are still influenced by theological dogmas. Psychology has not completely freed itself from its entanglements. None the less Darwinism was such a severe blow that the authority of theology was shattered all over to such an extent that it never afterwards made any serious effort to remain its lost empire.

It is quite natural that this disruption of the Empire of Religion should be treated as a great Revolution. It is the result of the warfare which science waged against theology for 400 years, in which many pitched battles were fought between the two and the excitement caused by them was so great that nobody could fail to be impressed by the revolution that was blazing on.

There is no doubt that this religious revolution has been a great blessing. It has established freedom of thought. It has enabled society"to assume control of itself, making its own the world it once shared with superstition, facing undaunted the things of its former fears, and so carving out for itself, from the realm of mystery in which it lies, a sphere of unhampered action and a field of independent thought". The process of secularisation is not only welcomed by scientists for making civilisation—as distinguished from culture—possible, even Religious men and women have come to feel that much of what theology taught was unnecessary and a mere hindrance to the religious life and that this chopping of its wild growth was a welcome process.

But for ascertaining the norm for judging the philosophy of Religion we must turn to another and a different kind of Revolution which Religion has undergone. That Revolution touches the nature and content of ruling conceptions of the relations of God to man, of Society to man and of man to man. How great was this revolution can be seen from the differences which divide savage society from civilized society.

Strange as it may seem no systematic study of this Religious Revolution has so far been made. None the less this Revolution is so great and so immense that it has brought about a complete transformation in the nature of Religion as it is taken to be by savage society and by civilised society although very few seem to be aware of it.

To begin with the comparison between savage society and civilised society.

In the religion of the savage one is struck by the presence of two things. First is the performance of rites and ceremonies, the practice of magic or tabu and the worship of fetish or totem. The second thing that is noticeable is that the rites, ceremonies, magic, tabu, totem and fetish are conspicuous by their connection with certain occasions. These occasions are chiefly those, which represent the crises of human life. The events such as birth, the birth of the first born, attaining manhood, reaching puberty, marriage, sickness, death and war are the usual occasions which are marked out for the performance of rites and ceremonies, the use of magic and the worship of the totem.

Students of the origin and history of Religion have sought to explain the origin and substance of religion by reference to either magic, tabu and totem and the rites and ceremonies connected therewith, and have deemed the occasions with which they are connected as of no account. Consequently we have theories explaining religion as having arisen in magic or as having arisen in *fetishism*. Nothing can be a greater error than

this. It is true that savage society practices magic, believes in tabu and worships the totem. But it is wrong to suppose that these constitute the religion or form the source of religion. To take such a view is to elevate what is incidental to the position of the principal. The principal thing in the Religion of the savage are the elemental facts of human existence such as life, death, birth, marriage etc. Magic, tabu, totem are things which are incidental. Magic, tabu, totem, fetish etc., are not the ends. They are only the means. The end is life and the preservation of life. Magic, tabu etc., are resorted to by the savage society not for their own sake but to conserve life and to *exercise* evil influences from doing harm to life. Thus understood the religion of the savage society was concerned with life and the preservation of life and it is these life processes which constitute the substance and source of the religion of the savage society. So great was the concern of the savage society for life and the preservation of life that it made them the basis of its religion. So central were the life processes in the religion of the savage society that everything, which affected them, became part of its religion. The ceremonies of the savage society were not only concerned with the events of birth, attaining of manhood, puberty, marriage, sickness, death and war they were also concerned with food. Among pastoral peoples the flocks and herds are sacred. Among agricultural peoples seedtime and harvest are marked by ceremonials performed with some reference to the growth and the preservation of the crops. Likewise drought, pestilence, and other strange, irregular phenomena of nature occasion the performance of ceremonials. Why should such occasions as harvest and famine be accompanied by religious ceremonies? Why is magic, tabu, totem be of such importance to the savage. The only answer is that they all affect the preservation of life. The process of life and its preservation form the main purpose. Life and preservation of life is the core and centre of the Religion of the savage society. As pointed out by Prof. Crawley the religion of the savage begins and ends with the affirmation and conservation of life.

In life and preservation of life consists the religion of the savage. What is however true of the religion of the savage is true of all religions wherever they are found for the simple reason that constitutes the essence of religion. It is true that in the present day society with its theological refinements this essence of religion has become hidden from view and is even forgotten. But that life and the preservation of life constitute the essence of religion even in the present day society is beyond question. This is well illustrated by Prof. Crowley. When

speaking of the religious life of man in the present day society, he says how—

"a man's religion does not enter into his professional or social hours, his scientific or artistic moments; practically its chief claims are settled on one day in the week from which ordinary worldly concerns are excluded. In fact, his life is in two parts; but the moiety with which religion is concerned is the elemental. Serious thinking on ultimate questions of life and death is, roughly speaking, the essence of his Sabbath; add to this the habit of prayer, giving the thanks at meals, and the subconscious feeling that birth and death, continuation and marriage are rightly solemnised by religion, while business and pleasure may possibly be consecrated, but only metaphorically or by an overflow of religious feeling."

Comparing this description of the religious concerns of the man in the present day society with that of the savage, who can deny that the religion is essentially the same, both in theory and practice whether one speaks of the religion of the savage society or of the civilised society.

It is therefore clear that savage and civilised societies agree in one respect. In both the central interests of religion—namely in the life processes by which individuals are preserved and the race maintained—are the same. In this there is no real difference between the two. But they differ in two other important respects.

In the first place in the religion of the savage society there is no trace of the idea of God. In the second place in the religion of the savage society there is no bond between morality and Religion. In the savage society there is religion without God. In the savage society there is morality but it is independent of Religion.

How and when the idea of God became fused in Religion it is not possible to say. It may be that the idea of God had its origin in the worship of the Great Man in Society, the Hero—giving rise to theism—with its faith in its living God. It may be that the idea of God came into existence as a result of the purely philosophical speculation upon the problem as to who created life—giving rise to Deism—with its belief in God as Architect of the Universe.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_7 In any case the idea of God is not integral to Religion. How it got fused into Religion it is difficult to explain. With regard to the relation between Religion and Morality this much may be safely said. Though the relation between God and Religion is not quite integral, the relation between Religion and morality is. Both religion and

morality are connected with the same elemental facts of human existence—namely life, death, birth and marriage. Religion consecrates these life processes while morality furnishes rules for their preservation. Religion in consecrating the elemental facts and processes of life came to consecrate also the rules laid down by Society for their preservation. Looked at from this point it is easily explained why the bond between Religion and Morality took place. It was more intimate and more natural than the bond between Religion and God. But when exactly this fusion between Religion and Morality took place it is not easy to say.

Be that as it may, the fact remains that the religion of the Civilised Society differs from that of the Savage Society into two important features. In civilised society God comes in the scheme of Religion. In civilised society morality becomes sanctified by Religion.

This is the first stage in the Religious Revolution I am speaking of. This Religious Revolution must not be supposed to have been ended here with the emergence of these two new features in the development of religion. The two ideas having become part of the constitution of the Religion of the Civilised Society have undergone further changes which have revolutionized their meaning and their moral significance. The second stage of the Religious Revolution marks a very radical change. The contrast is so big that civilized society has become split into two, antique society and modern society, so that instead of speaking of the religion of the civilised society it becomes necessary to speak of the religion of antique society as against the religion of modern society.

The religious revolution, which marks off antique society from modern society, is far greater than the religious revolution, which divides savage society from civilised society. Its dimensions will be obvious from the differences it has brought about in the conceptions regarding the relations between God, Society and Man. The first point of difference relates to the composition of society. Every human being, without choice on his own part, but simply in virtue of his birth and upbringing, becomes a member of what we call a *natural* society. He belongs that is to a certain family and a certain nation. This membership lays upon him definite obligations and duties which he is called upon to fulfil as a matter of course and on pain of social penalties and disabilities while at the same time it confers upon him certain social rights and advantages. In this respect the ancient and modern worlds are alike. But in the words of Prof. Smithmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_8:—

"There is this important difference, that the tribal or national societies of the ancient world were not strictly natural in the modern sense of the word, for the gods had their part and place in them equally with men. The circle into which a man was born was not simply a group of kinsfolk and fellow citizens, but embraced also certain divine beings, the gods of the family and of the state, which to the ancient mind were as much a part of the particular community with which they stood connected as the human members of the social circle. The relation between the gods of antiquity and their worshippers was expressed in the language of human relationship, and this language was not taken in a figurative sense but with strict literally. If a god was spoken of as father and his worshippers as his offspring, the meaning was that the worshippers were literally of his stock, that he and they made up one natural family with reciprocal family duties to one another. Or, again, if the god was addressed as king, and worshippers called themselves his servants, they meant that the supreme guidance of the state was actually in his hands, and accordingly the organisation of the state included provision for consulting his will and obtaining his direction in all weighty matters, also provision for approaching him as king with due homage and tribute.

"Thus a man was born into a fixed relation to certain gods as surely as he was born into relation to his fellow men; and his religion, that is, the part of conduct which was determined by his relation to the gods, was simply one side of the general scheme of conduct prescribed for him by his position as a member of society. There was no separation between the spheres of religion and of ordinary life. Every social act had a reference to the gods as well as to men, for the social body was not made up of men only, but of gods and men."

Thus in ancient Society men and their Gods formed a social and political as well as a religious whole. Religion was founded on kinship between the God and his worshippers. Modern Society has eliminated God from its composition. It consists of men only.

The second point of difference between antique and modern society relates to the bond between God and Society. In the antique world the various communities

"believed in the existence of many Gods, for they accepted as real the Gods of their enemies as well as their own, but they did not worship the strange Gods from whom they had no favour to expect, and on whom their gifts and offerings would have been thrown away.... Each

group had its own God, or perhaps a God and Goddess, to whom the other Gods bore no relation whatever,"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_9

The God of the antique society was an exclusive God. God was owned by and bound to one singly community. This is largely to be accounted for by

"the share taken by the Gods in the feuds and wars of their worshippers. The enemies of the God and the enemies of his people are identical; even in the Old Testament `the enemies of Jehovah' are originally nothing else than the enemies of Israel. In battle each God fights for his own people, and to his aid success is ascribed ; Chemosh gives victory to Moab, and Asshyr to Assyria ; and often the divine image or symbol accompanies the host to battle. When the ark was brought into the camp of Israel, the Philistines said,"Gods are come into the camp ; who can deliver us from their own practice, for when David defeated them at Baalperazirm, part of the booty consisted in their idols which had been carried into the field. When the Carthaginians, in their treaty with Phillip of Macedon, speak of"the Gods that take part in the campaign,"they doubtless refer to the inmates of the sacred tent which was pitched in time of war beside the tent of the general, and before which prisoners were sacrificed after a victory. Similarly an Arabic poet says,"Yaguth went forth with us against Morad"; that is, the image of the God Yaguth was carried into the fray".

This fact had produced a solidarity between God and the community.

"Hence, on the principle of solidarity between Gods and their worshippers, the particularism characteristic of political society could not but reappear in the sphere of religion. In the same measure as the God of a clan or town had indisputable claim to the reverence and service of the community to which he belonged, he was necessarily an enemy to their enemies and a stranger to those to whom they were strangers".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_10

God had become attached to a community, and the community had become attached to their God. God had become the God of the Community and the Community had become the chosen community of the God.

This view had two consequences. Antique Society never came to conceive that God could be universal God, the God of all. Antique

Society never could conceive that there was any such thing as humanity in general.

The third point of difference between ancient and modern society, has reference to the conception of the fatherhood of God. In the antique Society God was the Father of his people but the basis of this conception of Fatherhood was deemed to be physical.

"In heathen religions the Fatherhood of the Gods is physical fatherhood. Among the Greeks, for example, the idea that the Gods fashioned men out of clay, as potters fashion images, is relatively modern. The older conception is that the races of men have Gods for their ancestors, or are the children of the earth, the common mother of Gods and men, so that men are really of the stock or kin of the Gods. That the same conception was familiar to the older Semites appears from the Bible. Jeremiah describes idolaters as saying to a stock, Thou art my father ; and to a stone, Thou has brought me forth. In the ancient poem, Num. xxi. 29, The Moabites are called the sons and daughters of Chemosh, and at a much more recent date the prophet Malachi calls a heathen woman"the daughter of a strange God". These phrases are doubtless accommodations to the language, which the heathen neighbours of Israel used about themselves. In Syria and Palestine each clan, or even complex of clans forming a small independent people, traced back its origin to a great first father ; and they indicate that, just as in Greece this father or progenitor of the race was commonly identified with the God of the race. With this it accords that in the judgment of most modern enquirers several names of deities appear in the old genealogies of nations in the Book of Genesis. Edom, for example, the progenitor of the Edomites, was identified by the Hebrews with Esau the brother of Jacob, but to the heathen he was a God, as appears from the theophorous proper name Obededom,"worshipper of Edom", the extant fragments of Phoenician and Babylonian cosmogonies date from a time when tribal religion and the connection of individual Gods with particular kindreds was forgotten or had fallen into the background. But in a generalized form the notion that men are the offspring of the Gods still held its ground. In the Phoenician cosmogony of Philo Bablius it does so in a confused shape, due to the authors euhemerism, that is, to his theory that deities are nothing more than deified men who had been great benefactors to their species. Again, in the Chaldaean legend preserved by Berosus, the belief that men are of the blood of the Gods is expressed in a form too crude not to be very ancient; for animals as well as men are said to have

been formed out of clay mingled with the blood of a decapitated deity."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_11

This conception of blood kinship of Gods and men had one important consequence. To the antique world God was a human being and as such was not capable of absolute virtue and absolute goodness. God shared the physical nature of man and was afflicted with the passions infirmities and vices to which man was subject. The God of the antique world had all the wants and appetites of man and he often indulged in the vices in which many revelled. Worshipers had to implore God not to lead them into temptations.

In modern Society the idea of divine fatherhood has become entirely dissociated from the physical basis of natural fatherhood. In its place man is conceived to be created in the image of God ; he is not deemed I to be begotten by God. This change in the conception of the fatherhood of God looked at from its moral aspect has made a tremendous difference in the nature of God as a Governor of the Universe. God with his physical basis was not capable of absolute good and absolute virtue. With God wanting in righteousness the universe could not insist on righteousness as an immutable principle. This dissociation of God from physical contact with man has made it possible for God to be conceived of as capable of absolute good and absolute virtue.

The fourth point of difference relates to the part religion plays when a change of nationality takes place.

In the antique world there could be no change of nationality unless it was accompanied by a change of Religion. In the antique world, "It was impossible for an. individual to change his religion without changing his nationality, and a whole community could hardly change its religion at all without being absorbed into another stock or nation. Religions like political ties were transmitted from father to son ; for a man could not choose a new God at will ; the Gods of his fathers were the only deities on whom he could count as friendly and ready to accept his homage, unless he forswore his own kindred and was received into a new circle of civil as well as religious life."

How change of religion was a condition precedent to a Social fusion is well illustrated by the dialogue between Naomi and Ruth in the Old Testament.

"Thy Sister"says Naomi to Ruth,"is gone back unto her people and unto her Gods"; and Ruth replies,"Thy people shall be my people and thy God my God."

It is quite clear that in the ancient world a change of nationality involved a change of cult. Social fusion meant religious fusion.

In modern society abandonment of religion or acceptance of another is not necessary for social fusion. This is best illustrated by what is in modern terminology and naturalisation, whereby the citizen of one state abandons his citizenship of the state and becomes a citizen of new state. In this process of naturalisation religion has no place. One can have a social fusion which is another name for naturalisation without undergoing a religious fusion.

To distinguish modern society from antique society it is not enough to say that Modern Society consists of men only. It must be added that it consists of men who are worshippers of different Gods.

The fifth point of difference relates to the necessity of knowledge as to the nature of God as part of religion.

"From the antique point of view, indeed the question what the Gods are in themselves is not a religious but a speculative one ; what is requisite to religion is a practical acquaintance with the rules on I which the deity acts and on which he expects his worshippers to frame their conduct—what in 2 Kings xvii. 26 is called the"manner"or rather the"customary law"(misphat) of the God of the land. This is true even of the religion of Israel. When the prophets speak of the knowledge of the laws and principles of His government in Israel, and a summary expression for religion as a whole is"the knowledge and fear of Jehovah,"i.e. the knowledge of what Jehovah prescribes, combined with a reverent obedience. An extreme skepticism towards all religious speculation is recommended in the Book of Ecclesiastes as the proper attitude of piety, for no amount of discussion can carry a man beyond the plain rule, to"fear God and keep His Commandments". This counsel the author puts into the mouth of Solomon, and so represents it, not unjustly, as summing up the old view of religion, which in more modern days had unfortunately begun to be undermined."

The sixth point of difference relates to the place of belief in Religion.

In ancient Society :—

"Ritual and practical usages were, strictly speaking, the sum total of ancient religions. Religion in primitive times was not a system of belief with practical applications ; it was a body of fixed traditional practices, to which every member of society conformed as a matter of courage. Men would not be men if they agreed to do certain things without having a reason for their action ; but in ancient religion the reason was not first formulated as a doctrine and then expressed in practice, but

conversely, practice preceded doctrinal theory. Men form general rule of conduct before they begin to express general principles in words ; political institutions are older than political theories and in like manner religious institutions are older than religious theories. This analogy is not arbitrarily chosen, for in fact the parallelism in ancient society between religious and political institutions is complete. In each sphere great importance was attached to form and precedent, but the explanation why the precedent was followed consisted merely of legend as to its first establishment. That the precedent, once established, was authoritative did not appear to require any proof. The rules of society were based on precedent, and the continued existence of the society was sufficient reason why a precedent once set should continue to be followed."

The seventh point of difference relates to the place of individual conviction in Religion. In ancient Society :—

"Religion was a part of the organized social life into which a man was born, and to which he conformed through life in the same unconscious way in which men fall into any habitual practice of the society in which they live. Men took the Gods and their worship for granted, just as they took the other usages of the state for granted, and if they reason or speculated about them, they did so on the presupposition that the traditional usages were fixed things, behind which their reasoning must not go, and which no reasoning could be allowed to overturn. To us moderns religion is above all a matter of individual conviction and reasoned belief, but to the ancients it was a part of the citizen's public life, reduced to fixed forms, which he was not bound to understand and was not at liberty to criticize or to neglect. Religious non-conformity was an offence against the state; for if sacred tradition was tampered with the bases of society were undermined, and the favour of the Gods was forfeited. But so long as the prescribed forms were duly observed, a man was recognized as truly pious, and no one asked how his religion was rooted in his heart or affected his reason. Like political duty, of which indeed it was a part, religion was entirely comprehended in the observance of certain fixed rules of outward conduct."

The eighth point of difference pertains to the relation of God to Society and man, of Society to Man in the matter of God's Providence.

First as to the difference in the relation of God to Society. In this connection three points may be noted. The faith of the antique world

"Sought nothing higher than a condition of physical *bien etre*. . . . The good things desired of the Gods were the blessings of earthly life, not spiritual but carnal things."What the antique societies asked and believed

themselves to receive from their God lay mainly in the following things :

"Abundant harvests, help against their enemies and counsel by oracles or soothsayers in matters of natural difficulty."In the antique world

"Religion was not the affair of the individual but of the Community. . . . It was the community, and not the individual, that was sure of the permanent and the unfailing hand of the deity."Next as to the difference in the relation of God to man.

"It was not the business of the Gods of heathenish to watch, by a series of special providence, over the welfare of every individual. It is true that individuals laid their private affairs before the Gods, and asked with prayers and views for strictly personal blessings. But they did this just as they might crave a personal boon from a king, or as a son craves a boon from a father, without expecting to get all that was asked. What the Gods might do in this way was done as a matter of personal favour, and was no part of their proper function as heads of the community."

"The Gods watched over a man's civic life, they gave him his share in public benefits, the annual largess of the harvest and the vintage, national peace or victory over enemies, and so forth, but they were not sure helpers in every private need, and above all they would not help him in matters that were against the interests of the community as a whole. There was therefore a whole region of possible needs and desires for which religion could and would do nothing."Next the difference in the attitude of God and Society to man.

In the antique world Society was indifferent to individual welfare. God as no doubt bound to Society. But

"The compact between the God and his worshippers was not held to pledge the deity to make the private cares of each member of the Community his own."

"The benefits expected of God were of a public character affecting the whole community, especially fruitful seasons, increase of flocks of herds and success in war. So long as community flourished the fact that an individual was miserable reflected no discredit on divine providence."

On the contrary the antique world looked upon the misery of a man as proof.

"That the sufferer was an evil-doer, justly hateful to the Gods. Such a man was out of place among the happy and the prosperous crowd that assembled on feast days before the alter."It is in accordance with this view that the leper and the mourner were shut out from the exercise of religion as well as from the privileges of social life and their food was not brought into the house of God.

As for conflict between individual and individual and between society and the individual God had no concern. In the antique world :

"It was not expected that (God) should always be busy righting human affairs. In ordinary matters it was men's business to help themselves and their own kins folk, though the sense that the God was always near, and could be called upon at need, was a moral force continually working in some degree for the maintenance of social righteousness and order. The strength of this moral force was indeed very uncertain, for it was always possible for the evil-doer to flatter himself that his offence would be overlooked."In the antique world man did not ask God to be righteous to him.

"Whether in civil or in profane matters, the habit of the old world was to think much of the community and little of the individual life, and no one felt this to be unjust even though it bore hardly on himself. The God was the God of the national or of the tribe, and he knew and cared for the individual only as a member of the community."

That was the attitude that man in the antique world took of his own private misfortune. Man came to rejoice before his God and"in rejoicing before his God man rejoiced with and for the welfare of his kindred, his neighbours and his country, and, in renewing by solemn act of worship the bond that united him to God, he also renewed the bonds of family, social and national obligation."Man in the antique world did not call upon his maker to be righteous to him.

Such is this other Revolution in Religion. There have thus been two Religious Revolutions. One was an external Revolution. The other was an internal Revolution. The External Revolution was concerned with the field within which the authority of Religion was to prevail. The Internal Revolution had to do with the changes in Religion as a scheme of divine Governance for human society. The External Revolution was not really a Religious Revolution at all. It was a revolt of science against the extra territorial jurisdiction assumed by Religion over a field which did not belong. The Internal Revolution was a real Revolution or may be compared to any other political Revolution, such as the French Revolution or the Russian Revolution. It involved a constitutional change. By this Revolution the Scheme of divine governance came to be altered, amended and reconstituted.

How profound have been the changes which this internal Revolution, has made in the antique scheme of divine governance can be easily seen. By this Revolution God has ceased to be a member of a community. Thereby he has become impartial. God has ceased to be the Father of

Man in the physical sense of the word. He has become the creator of the Universe. The breaking of this blood bond has made it possible to hold that God is good. By this Revolution man has ceased to be a blind worshipper of God doing nothing but obeying his commands. Thereby man has become a responsible person required to justify his belief in God's commandments by his conviction. By this Revolution God has ceased to be merely the protector of Society and social interests in gross have ceased to be the center of the divine Order. Society and man have changed places as centers of this divine order. It is man who has become the center of it.

All this analysis of the Revolution in the Ruling concepts of Religion as a scheme of divine governance had one purpose namely to discover the norm for evaluating the philosophy of a Religion. The impatient reader may not ask where are these norms and what are they? The reader may not have found the norms specified by their names in the foregoing discussion. But he could not have failed to notice that the whole of this Religious Revolution was raging around the norms for judging what is right and what is wrong. If he has not, let me make explicit what has been implicit in the whole of this discussion. We began with the distinction between antique society and modern society as has been pointed out they differed in the type of divine governance they accepted as their Religious ideals. At one end of the Revolution was the antique society with its Religious ideal in which the end was Society. At the other end of the Revolution is the modern Society with its Religious ideal in which the end is the individual. To put the same fact in terms of the norm it can be said that the norm or the criterion, for judging right and wrong in the Antique Society was *utility* while the norm or the criterion for judging right and wrong in the modern Society is *Justice*. The Religious Revolution was not thus a revolution in the religious organization of Society resulting in the shifting of the center—from society to the individual—it was a revolution in the norms.

Some may demur to the norms I have suggested. It may be that it is a new way of reaching them. But to my mind there is no doubt that they are the real norms by which to judge the philosophy of religion. In the first place the norm must enable people to judge what is right and wrong in the conduct of men. In the second place the norm must be appropriate to current notion of what constitutes the moral good. From both these points of view they appear to be the true norms. They enable us to judge what is right and wrong. They are appropriate to the society which adopted them. Utility as a criterion was appropriate to the antique

world in which society being the end, the moral good was held to be something which had social utility. Justice as a criterion became appropriate to the Modern World in which individual being the end, the moral good was held to be something which does justice to the individual. There may be controversy as to which of the two norms is morally superior. But I do not think there can be any serious controversy that these are not the norms. If it is said that these norms are not transcendental enough ; my reply is that if a norm whereby one is to judge the philosophy of religion must be Godly, it must also be earthly. At any rate these are the norms I propose to adopt in examining the philosophy of Hinduism.

II

This is a long detour. But it was a necessary preliminary to any inquiry into the main question. However, when one begins the inquiry one meets with an initial difficulty. The Hindu is not prepared to face the inquiry. He either argues that religion is of no importance or he takes shelter behind the view—fostered by the study of comparative Religion—that all religions are good. There is no doubt that both these views are mistaken and untenable.

Religion as a social force cannot be ignored. Religion has been aptly described by Hebert Spencer as"the weft which everywhere crosses the warp of history". This is true of every Society. But Religion has not only crossed everywhere the warp of Indian History it forms the warp and woof of the Hindu mind. The life of the Hindu is regulated by Religion at every moment of his life. It orders him how during life he should conduct himself and how on death his body shall be disposed of. It tells him how and when he shall indulge in his sexual impulses. It tells him what ceremonies are to be performed when a child is born—how he should name, how he should cut the hair on its head, how he should perform its first feeding. It tells him what occupation he can take to, what woman he should marry. It tells him with whom he should dine and what food he should eat, what vegetables are lawful and what are forbidden. It tells how he should spend his day, how many times he should eat, how many times he should pray. There is no act of the Hindu which is not covered or ordained by Religion. It seems strange that the educated Hindus should come to look upon it as though it was a matter of indifference.

Besides, Religion is a social force. As I have pointed out Religion stands for a scheme of divine governance. The scheme becomes an ideal

for society to follow. The ideal may be non-existent in the sense that it is something which is constructed. But although non-existent, it is real. For an ideal it has full operative force which is inherent in every ideal. Those who deny the importance of religion not only forget this, they also fail to realize how great is the potency and sanction that lies behind a religious ideal as compound with that of a purely secular ideal. This is probably due to the lag which one sees between the real and the ideal which is always present whether the ideal is religious or secular. But the relative potency of the two ideals is to be measured by another test—namely their power to override the practical instincts of man. The ideal is concerned with something that is remote. The practical instincts of man are concerned with the immediate present. Now placed as against the force of the practical instincts of man the two ideals show their difference in an unmistaken manner. The practical instincts of man do yield to the prescriptions of a religious ideal however much the two are opposed to each other. The practical instincts of man do not on the other hand yield to the secular ideal if the two are in conflict. This means that a religious ideal has a hold on mankind, irrespective of an earthly gain. This can never be said of a purely secular ideal. Its power depends upon its power to confer material benefit. This shows how great is the difference in the potency and sanction of the two ideals over the human mind. A religious ideal never fails to work so long as there is faith in that ideal. To ignore religion is to ignore a live wire.

Again to hold that all religions are true and good is to cherish a belief which is positively and demonstrably wrong. This belief, one is sorry to say, is the result of what is known as the study of comparative religion. Comparative religion has done one great service to humanity. It has broken down the claim and arrogance of revealed religions as being the only true and good religions of study. While it is true that comparative religion has abrogated the capricious distinction between true and false religions based on purely arbitrary and a priori considerations, it has brought in its wake some false notions about religion. The most harmful one is the one I have mentioned namely that all religions are equally good and that there is no necessity of discriminating between them. Nothing can be a greater error than this. Religion is an institution or an influence and like all social influences and institutions, it may help or it may harm a society which is in its grip. As pointed out by Prof. Tielemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_12 religion is

"one of the mightiest motors in the history of mankind, which formed

as well as tore asunder nations, united as well as divided empires, which sanctioned the most atrocious and barbarous deeds, the most libinous customs, inspired the most admirable acts of heroism, self renunciation, and devotion, which occasioned the most sanguinary wars, rebellions and persecutions, as well as brought about the freedom, happiness and peace of nations—at one time a partisan of tyranny, at another breaking its chains, now calling into existence and fostering a new and brilliant civilization, then the deadly foe to progress, science and art."

A force which shows such a strange contrast in its result can be accepted as good without examining the form it takes and the ideal it serves. Everything depends upon what social ideal a given religion as a divine scheme of governance hold out. This is a question which is not avowed by the science of comparative religion. Indeed it begins where comparative religion ends. The Hindu is merely trying to avoid it by saying that although religions are many they are equally good. For they are not.

However much the Hindu may seek to burke the inquiry into the philosophy of Hinduism there is no escape. He must face it.

Ill

Now to begin with the subject. I propose to apply both the tests, the test of justice and the test of utility to judge the philosophy of Hinduism. First I will apply the test of justice. Before doing so I want to explain what I mean by the principle of justice.

No one has expounded it better than Professor Bergbonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_13. As interpreted by him the principle of justice is a compendious one and includes most of the other principles which have become the foundation of a moral order. Justice has always evoked ideas of equality, of proportion of"compensation". Equity signifies equality. Rules and regulations, right and righteousness are concerned with equality in value. If all men are equal, all men are of the same essence and the common essence entitled them to the same fundamental rights and to equal liberty.

In short justice is simply another name for liberty equality and fraternity. It is in this sense I shall be usingmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_14 justice as a criterion to judge Hinduism.

Which of these tenets does Hinduism recognize? Let us take the question one by one.

1. Does Hinduism recognize Equality?

The question instantaneously brings to one's mind the caste system. One striking feature of the caste system is that the different castes do not stand as an horizontal series all on the same plane. It is a system in which the different castes are placed in a vertical series one above the other. Manu may not be responsible for the creation of caste. Manu preached the sanctity of the Varna and as I have shown Varna is the parent of caste. In that sense Manu can be charged with being the progenitor if not the author of the Caste System. Whatever be the case as to the guilt of Manu regarding the Caste System there can be no question that Manu is responsible for upholding the principle of gradation and rank.

In the scheme of Manu the Brahmin is placed at the first in rank. *Below* him is the Kshatriya. *Below* Kshatriya is the Vaishya. *Below* Vaishya is the Shudra and *Below* Shudra is the Ati-Shudra (the Untouchables). This system of rank and gradation is, simply another way of enunciating the principle of inequality so that it may be truly said that Hinduism does not recognize equality. This inequality in status is not merely the inequality that one sees in the warrant of precedence prescribed for a ceremonial gathering at a King's Court. It is a permanent social relationship among the classes to be observed— to be enforced—at all times in all places and for all purposes. It will take too long to show how in every phase of life Manu has introduced and made inequality the vital force of life. But I will illustrate it by taking a few examples such as slavery, marriage and Rule of Law.

Manu recognizesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_15 Slavery. But he confined it to the Shudras. Only Shudras could be made slaves of the three higher classes. But the higher classes could not be the slaves of the Shudra.

But evidently practice differed from the law of Manu and not only Shudras happened to become slaves but members of the other three classes also become slaves. When this was discovered to be the case a new rule was enacted by a Successor of Manu namely Naradamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_16. This new rule of Narada runs as follows :—

V 39. In the inverse order of the four castes slavery is not ordained except where a man violates the duties peculiar to his caste. Slavery (in that respect) is analogous to the condition of a wife."

Recognition of slavery was bad enough. But if the rule of slavery had

been left free to take its own course it would have had at least one beneficial effect. It would have been a levelling force. The foundation of caste would have been destroyed. For under it a Brahmin might have become the slave of the Untouchable and the Untouchable would have become the master of the Brahmin. But it was seen that unfettered slavery was an equalitarian principle and an attempt was made to nullify it. Manu and his successors therefore while recognising slavery ordain that it shall not be recognised in its inverse order to the Varna System. That means that a Brahmin may become the slave of another Brahmin. But he shall not be the slave of a person of another Varna i.e. of the Kshatriya, Vaishya, Shudra, or Ati-Shudra. On the other hand a Brahmin may hold as his slave any one belonging to the four Varnas. A Kshatriya can have a Kshatriya, Vaisha, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin. A Vaishya can have a Vaishya, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin or a Kshatriya. A Shudra can hold a Shudra and Ati-shudra can hold an Ati-Shudra as his slave but not one who is a Brahmin, Kshatriya, Vaishya or Shudra.

Consider Manu on marriage. Here are his rules governing intermarriage among the different classes. Manu says :—-

III. 12."For the first marriage of the twice born classes, a woman of the same class is recommended but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred."

III. 13."A Shudra woman only must be the wife of Shudra : she and a Vaisya, of a Vaisya; they two and a Kshatriya, of a Kshatriya ; those two and a Brahmani of a Brahman."

Manu is of course opposed to intermarriage. His injunction is for each class to marry within his class. But he does recognize marriage outside the defined class. Here again he is particularly careful not to allow intermarriage to do harm to his principle of inequality among classes. Like Slavery he permits intermarriage but not in the inverse order. A Brahmin when marrying outside his class may marry any woman from any of the classes below him. A Kshatriya is free to marry a woman from the two classes next below him namely the Vaishya and Shudra but must not marry a woman from the Brahmin class which is above him. A Vaishya is free to marry a woman from the Shudra Class which is next below him. But he cannot marry a woman from the Brahmin and the Kshatriya Class which are above him.

Why this discrimination? The only answer is that Manu was most

anxious to preserve the rule of inequality which was his guiding principle.

Take Rule of Law. Rule of Law is generally understood to mean equality before law. Let any one interested to know what Manu has to say on the point ponder over the following Rules extracted from his code which for easy understanding I have arranged under distinct headings.

As to witnesses.—According to Manu they are to be sworn as follows :—

VIII. 87."In the forenoon let the judge, being purified, severally call on the twice-born, being purified also, to declare the truth, in the presence of some image, a symbol of the divinity and of Brahmins, while the witnesses turn their faces either to the north or to the east."

VIII. 88."To a Brahman he must begin with saying, `Declare ; to a Kshatriya, with saying, ' Declare the truth '; to a Vaisya, with comparing perjury to the crime of stealing kine, grain or gold ; to a Sudra, with comparing it in some or all of the following sentences, to every crime that men can commit.".

VIII. 113."Let the judge cause a priest to swear by his veracity ; a soldier, by his horse, or elephant, and his weapons ; a merchant, by his kine, grain, and gold ; a mechanic or servile man, by imprecating on his own head, if he speak falsely, all possible crimes ;"

Manu also deals with cases of witnesses giving false evidence. According to Manu giving false evidence is a crime, says Manu :—

VIII. 122."Learned men have specified these punishments, which were ordained by sage legislators for perjured witnesses, with a view to prevent a failure of justice and to restrain iniquity."

VIII. 123."Let a just prince banish men of the three lower classes, if they give false evidence, having first levied the fine ; but a Brahman let him only banish."But Manu made one exception :—

VIII. 1 12."To women, however, at a time of dalliance, or on a proposal of marriage, in the case of grass or fruit eaten by a cow, of wood taken for a sacrifice, or of a promise made for the preservation of a Brahman, it is deadly sin to take a light oath."As parties to proceedings—Their position can be illustrated by quoting the ordinances of Manu relating to a few of the important criminal offences dealt with by Manu. Take the offence of Defamation. Manu says :—

VIII. 267."A soldier, defaming a priest, shall be fined a hundred panas, a merchant, thus offending, an hundred and fifty, or two hundred; but, for such an offence, a mechanic or servile man shall be shipped."

III. 268.”A priest shall be fined fifty, if he slander a soldier; twenty five, if a merchant ; and twelve, if he slander a man of the servile class.”Take the offence of Insult—Manu says:—

VIII. 270.”A once born man, who insults the twice-born with gross invectives, ought to have his tongue slit ; for he sprang from the lowest part of Brahma."

VIII. 271.”If he mention their names and classes with contumely, as if he say,”Oh Devadatta, though refuse of Brahmin", an iron style, ten fingers long, shall be thrust red into his mouth."

VIII. 272.”Should he, through pride, give instruction to priests concerning their duty, let the king order some hot oil to be dropped into his mouth and his ear.”Take the offence of Abuse—Manu says :—

VIII. 276.”For mutual abuse by a priest and a soldier, this fine must be imposed by a learned king; the lowest amercement on the priest, and the middle-most on the soldier."

VIII. 277.”Such exactly, as before mentioned, must be the punishment a merchant and a mechanic, in respect of their several classes, except the slitting of the tongue ; this is a fixed rule of punishment.”Take the offence of Assault—Manu propounds :—

VIII. 279.”With whatever member a low-born man shall assault or hurt a superior, even that member of his must be slit, or cut more or less in proportion to the injury ; this is an ordinance of Manu."

VIII. 280.”He who raises his hand or a staff against another, shall have his hand cut ; and he, who kicks another in wrath, shall have an incision made in his foot.”Take the offence of Arrogance—According to Manu:—

VIII. 28).”A man of the lowest class, who shall insolently place himself on the same seat with one of the highest, shall either be banished with a mark on his hinder parts, or the king, shall cause a gash to be made on his buttock."

VIII. 282.”Should he spit on him through price, the king shall order both his lips to be gashed; should he urine on him, his penis: should he break wing against him, his anus."

VIII. 283.”If he seize the Brahman by the locks, or by the feet, or by the beard, or by the throat, or by the scrotum, let the king without hesitation cause incisions to be made in his hands.”Take the offence of Adultery. Says Manu:—

VIII. 359.”A man of the servile class, who commits actual adultery with the wife of a priest, ought to suffer death; the wives, indeed, of all the four classes must ever be most especially guarded."

VIII. 366."A low man, who makes love to a damsel of high birth, ought to be punished corporal; but he who addresses a maid of equal rank, shall give the nuptial present and marry her, if her father please."

VIII. 374."A mechanic or servile man, having an adulterous connection with a woman of a twice-born class, whether guarded at home or unguarded, shall thus be punished ; if she was unguarded, he shall lose the part offending, and his whole substance ; if guarded, and a priestess, every thing, even his life."

VIII. 375."For adultery with a guarded priestess, a merchant shall forfeit all his wealth after imprisonment for a year; a soldier shall be fined a thousand panas, and he be shaved with the urine of an ass."

VIII. 376."But, if a merchant or soldier commit adultery with a woman of the sacerdotal class, whom her husband guards not at home, the king shall only fine the merchant five hundred, and the soldier a thousand;"

VIII. 377."Both of them, however, if they commit that offence with a priestess not only guarded but eminent for good qualities, shall be punished like men of the servile class, or be burned in a fire of dry grass or reeds."

VIII. 382."If a merchant converse criminally with a guarded woman of the military, or a soldier with one of the mercantile class, they both deserve the same punishment as in the case of a priestess unguarded."

VIII. 383."But a Brahman, who shall commit adultery with a guarded woman of those two classes, must be fined a thousand panas ; and for the life offence with a guarded woman of the servile class, the fine of a soldier or a merchant shall be also one thousand."

VIII. 384."For adultery with a woman of the military class, if guarded, the fine of a merchant is five hundred ; but a soldier, for the converse of that offence, must be shaved with urine, or pay the fine just mentioned."

VIII. 385."A priest shall pay five hundred panas if he connect himself criminally with an unguarded woman of the military, commercial, or servile class, and a thousand, for such a connection with a woman of a vile mixed breed."

Turning to the system of punishment for offences Manu's Scheme throws an interesting light on the subject. Consider the following ordinances :—

VIII. 379."Ignominious tonsure is ordained, instead of capital punishment, for an adulterer of the priestly class, where the punishment of other classes may extend to Loss of life."

VIII. 380."Never shall the king slay a Brahman, though convicted of all possible crimes ; let him banish the offender from his realm, but with

all his property secure, and his body unhurt."

XI. 127."For killing intentionally a virtuous man of the military class, the penance must be a fourth part of that ordained for killing a priest ; for killing a Vaisya, only an eighth, for killing a Sudra, who had been constant in discharging his duties, a sixteenth part."

XI. 128."But, if a Brahmen kill a Kshatriya without malice, he must, after a full performance of his religious rites, give the priests one bull together with a thousand cows."

XI. 129."Or he may perform for three years the penance for slaying a Brahmen, mortifying his organs of sensation and action, letting his hair grow long, and living remote from the town, with the root of a tree for his mansion."

XI. 130."If he kill without malice a Vaisya, who had a good moral character, he may perform the same penance for one year, or give the priests a hundred cows and a bull."

XI. 131."For six months must he perform this whole penance, if without intention he kill a Sudra ; or he may give ten white cows and a bull to the priests."

VIII. 381."No greater crime is known on earth than slaying a Brahman ; and the king, therefore, must not even form in his mind an idea of killing a priest."

VIII. 126."Let the king having considered and ascertained the frequency of a similar offence, the place and time, the ability of the criminal to pay or suffer and the crime itself, cause punishment to fall on those alone, who deserves it."

VIII. 124."Manu, son of the Self-existent, has named ten places of punishment, which are appropriated to the three lower classes, but a Brahman must depart from the realm unhurt in any one of them."

VIII. 125."The part of generation, the belly, the tongue, the two hands, and, fifthly, the two feet, the eye, the nose, both ears, the property, and, in a capital case, the whole body."How strange is the contrast between Hindu and Non-Hindu criminal jurisprudence? How inequality is writ large in Hinduism as seen in its criminal jurisprudence? In a penal code charged with the spirit of justice we find two things—a section dealing defining the crime and a prescribing a rational form of punishment for breach of it and a rule that all offenders are liable to the same penalty. In Manu what do we find? First an irrational system of punishment. The punishment for a crime is inflicted on the organ concerned in the crime such as belly, tongue, nose, eyes, ears, organs of generation etc., as if the offending organ was a sentient being having a will for its own and had

not been merely a servitor of human being. Second feature of Manu's penal code is the inhuman character of the punishment which has no proportion to the gravity of the offence. But the most striking feature of Manu's Penal Code which stands out in all its nakedness is the inequality of punishment for the same offence. Inequality designed not merely to punish the offender but to protect also the dignity and to maintain the baseness of the parties coming to a Court of Law to seek justice in other words to maintain the social inequality on which his whole scheme is founded.

So far I have taken for illustrations such matters as serve to show * how Manu has ordained social inequality. I now propose to take other matters dealt with by Manu in order to illustrate that Manu has also ordained Religious inequality. These are matters which are connected with what are called sacraments and Ashrams.

The Hindus like the Christians believe in sacraments. The only difference is that the Hindus have so many of them that even the Roman Catholic Christians would be surprised at the extravagant number observed by the Hindus. Originally their number was forty and covered the most trivial as well as the most important occasions in I a person's life. First they were reduced to twenty. Later on it was reduced to sixteenmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_17 and at that figure the sacraments of the Hindus have remained stabilized.

Before I explain how at the core of these rules of sacraments there lies the spirit of inequality the reader must know what the rules are. It is impossible to examine all. It will be enough if I deal with a few of them. I will take only three categories of them, those relating with Initiation, Gayatri and Daily Sacrifices.

First as to Initiation. This initiation is effected by the investitute of a person with the sacred thread. The following are the most important rules of Manu regarding the sacrament of investiture.

II. 36."In the eighth year from the conception of a Brahman, in the eleventh from that of a Kshatriya, and in the twelfth from that of a Vaisya, let the father invest the child with the mark of his class."

II. 37."Should a Brahman, or his father for him, be desirous of his advancement in sacred knowledge ; a Kshatriya, of extending his power; or a Vaisya of engaging in mercantile business; the investitute may be made in the fifth, sixth, or eighth years respectively."

II. 38."The ceremony of investitute hallowed by the Gayatri must not be delayed, in the case of a priest, beyond the sixteenth year ; nor in that

of a soldier, beyond the twenty second ; nor in that of a merchant, beyond the twenty fourth."

II. 39."After that, all youths of these three classes, who have not been invested at the proper time, become vratyas, or outcasts, degraded from the Gayatri, and condemned by the virtuous."

II. 147."Let a man consider that as a mere human birth, which his parents gave him for their mutual gratification, and which he receives after lying in the womb."

II. 148."But that birth which his principal acharya, who knows the whole Veda, procures for him by his divine mother the Gayatri, is a true birth ; that birth is exempt from age and from death."

II. 169."The first birth is from a natural mother; the second, from the ligation of the zone ; the third from the due performance of the sacrifice ; such are the births of him who is usually called twice-born, according to a text of the Veda."

II. 170."Among them his divine birth is that, which is distinguished by the ligation of the zone, and sacrificial cord ; and in that birth the Gayatri is his mother, and the Acharya, his father."Then let me come to Gayatri. It is a Mantra or an invocation of special spiritual efficacy. Manu explains what it is. II. 76."Brahma milked out, as it were, from the three Vedas, the letter A, the letter U, and the letter M which form by their coalition the triliteral monosyllable, together with three mysterious words, bhur, bhuvah, swer, or earth, sky, heaven."

II. 77."From the three Vedas, also the Lord of creatures, incomprehensibly exalted, successively milked out the three measures of that ineffable text, be ginning with the word tad, and entitled Savitri or Gayatri."

II. 78."A priest who shall know the Veda, and shall pronounce to himself, both morning and evening, that syllable and that holy text preceded by the three words, shall attain the sanctity which the Veda confers."

II. 79."And a twice born man, who shall a thousand times repeat those three (or om, the vyahritis, and the gayatri,) apart from the multitude, shall be released in a month even from a great offence, as a snake from his slough."

II. 80."The priest, the soldier, and the merchant, who shall neglect this mysterious text, and fail to perform in due season his peculiar acts of piety, shall meet with contempt among the virtuous."

11.81"The great immutable words, preceded by the triliteral syllable, and followed by the Gayatri which consists of three measures, must be

considered as the mouth, or principal part of the Veda."

II. 82.”Whoever shall repeat, day by day, for three years, without negligence, that sacred text, shall hereafter approach the divine essence, move as freely as air, and assume an ethereal form."

II. 83.”The triliteral monosyllable is an emblem of the Supreme, the suppressions of breath with a mind fixed on God are

the highest devotion ; but nothing is more exalted than the gayatri ; a declaration of truth is more excellent than silence."

II. 84.”All rights ordained in the Veda, oblations to fire, and solemn sacrifices pass away; but that which passes not away, is declared to be the sylable om, thence called acshare ; since it is a symbol of God, the Lord of created beings.”

II. 85.”The act of repeating his Holy Name is ten times better than the appointed sacrifice: an hundred times better when it is heard by no man ; and a thousand times better when it is purely mental."

II. 86.”The four domestic sacraments which are accompanied with the appointed sacrifice, are not equal, though all be united, to a sixteenth part of the sacrifice performed by a repetition of the gayatri.”Now to the Daily Sacrifices.

III. 69.”For the sake of expiating offences committed ignorantly in those places mentioned in order, the five great sacrifices were appointed by eminent sages to be performed each day by such as keep house."

III. 70.”Teaching (and studying) the scripture is the sacrifice to the Veda; offering cakes and water, the sacrifice to the Manes, an oblation to fire, the sacrifice to the Deities; giving rice or other food to living creatures, the sacraments of spirits; receiving guests with honour, the sacrifice to men."

III. 71.”Whoever omits not those five great sacrifices, if he has ability to perform them, is untainted by the sons of the five slaughtering places, even though he constantly resides at home."

Turning to the Ashramas. The Ashram theory is a peculiar feature of the philosophy of Hinduism. It is not known to have found a place in the teachings of any other religion. According to the Ashram theory life is to be divided into four stages called *Brahmachari, Grahastha, Vanaprastha* and *Sannyas.* In the Brahamachari stage a person is unmarried and devotes his time to the study and education. After this stage is over he enters the stage of a Grahastha i.e. he marries, rears a family and attends to his worldly welfare. Thereafter he enters the third stage and is then known as a Vanaprastha. As a Vanaprastha he dwells in the forest as a hermit but without severing his ties with his family or

without abandoning his rights to his worldly goods. Then comes the fourth and the last stage--that of Sannyas—which means complete renunciation of the world in search of God. The two stages of Braharnchari and Grahastha are natural enough. The two last stages are only recommendatory. There is no compulsion about them. All that Manu lays down is as follows:

VI. 1. A twice born who has thus lived according to the law in the order of householders, may, taking a firm resolution and keeping his organs in subjection, dwell in the forest, duly (observing the rules given below.)

VI. 2. When a householder sees his (skin) wrinkled, and (his hair) white, and the sons of his son, then he may resort to the forest.

VI. 3. Abandoning all food raised by cultivation, all his belongings, he may depart into the forest, either committing his wife to his sons, or accompanied by her.

VI. 33. But having passed the third pan of (a man's natural term of) life in the forest, he may live as an ascetic during the fourth part of his existence, after abandoning all attachment to worldly objects.

The inequality embodied in these rules is real although it may not be quite obvious. Observe that all these sacraments and Ashramas are confined to the twice-born. The Shudras are excludedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_18 from their benefit. Manu of course has no objection to their undergoing the forms of the ceremonies. But he objects to their use of the Sacred Mantras in the performance of the ceremonies. On this Manu says: — X. 127."Even Shudras, who were anxious to perform (heir entire duty, and knowing what they should perform, imitate the practice of good men in the household sacraments, but without any holy text, except those containing praise and salutation, are so far from sinning, that they acquire just applause."See the following text of Manu for women: — -

II. 66."The same ceremonies, except that of the sacrificial thread, must be duly performed for women at the same age and in the same order, that the body may be made perfect; but without any text from the Veda."

Why does Manu prohibit the Shudras from the benefit of the Sacraments? His interdict against the Shudras becoming a Sannyasi is a puzzle. Sannyas means and involves renunciation, abandonment of worldly object. In legal language Sannyas is interpreted as being equivalent to civil death. So that when a man becomes a Sannyasi he is

treated as being dead from that moment and his heir succeeds immediately. This would be the only consequence, which would follow if a Shudra become a Sannyasi. Such a consequence could hurt nobody except the Shudra himself. Why then this interdict? The issue is important and I will quote Manu to explain the significance and importance of the Sacraments and Sannyas. Let us all ponder over the following relevant texts of Manu :

II. 26. With holy rites, prescribed by the Veda, must the ceremony on conception and other sacraments be performed for twice-born men, which sanctify the body and purify (from sin) in this (life) and after death.

II. 28. By the study of the Veda, by vows, by burnt oblations, by (the recitation of) sacred texts, by the (acquisition of the) three sacred Vedas, by offering (to the gods Rishis and Manes), by (the procreation of) sons, by the Great Sacrifices, and by (Srauta) rites this (human) body is made fit for (union with) Bramha. This is the aim and object of the Samscaras. Manu also explains the aim and object of Sannyas.

VI. 81. He (the Sannyasi) who has in this manner gradually given up all attachments and is freed from all the pairs (of opposites), reposes in Brahman alone.

VI. 85. A twice born man who becomes an ascetic, after the successive performance of the above-mentioned acts, shakes off sin here below and reaches the highest Brahman. From these texts it is clear that according to Manu himself the object of the sacraments is to sanctify the body and purify it from sin in this life and hereafter and to make it fit for union with God. According to Manu the object of Sannyas to reach and repose in God. Yet Manu says that the sacraments and Sannyas are the privileges of the higher classes. They are not open to the Shudra. Why? Does not a Shudra need sanctification of his body, purification of his soul? •Does not a Shudra need to have an aspiration to reach God? Manu probably would have answered these questions in the affirmative. Why did he then make such rules. The answer is that he was a staunch believer in social inequality and he knew the danger of admitting religious Equality. If I am equal before God why am I not equal on earth? Manu was probably terrified by this question. Rather than admit and allow religious equality to affect social inequality he preferred to deny religious equality.

Thus in Hinduism you will find both social inequality and religious inequality imbedded in its philosophy.

To prevent man from purifying himself from sin!! To prevent man

from getting near to God!! To any rational person such rules must appear to be abnominal and an indication of a perverse mind. It is a glaring instance of how Hinduism is a denial not only of equality but how it is denial of the sacred character of human personality.

This is not all. For Manu does not stop with the non-recognition of human personality. He advocates a deliberate debasement of human personality. I will take only two instances to illustrate this feature of the philosophy of Hinduism.

All those who study the Caste System are naturally led to inquire into the origin of it. Manu being the progenitor of Caste had to give an explanation of the origin of the various castes. What is the origin which Manu gives? His explanation is simple. He says that leaving aside the four original castes the rest are simply baseborn!! He says they are the progeny of fornication and adultery between men and women of the four original castes. The immorality and looseness of character among men and women of the four original castes must have been limitless to account for the rise of innumerable castes consisting of innumerable souls!! Manu makes the wild allegation without stopping to consider what aspersions he is casting upon men and women of the four original castes. For if the chandals—the old name for the Untouchables—are the progeny of a Brahman female and a Shudra male then it is obvious that to account for such a large number of Chandals it must be assumed that every Brahman woman was slut and a whore and every Shudra lived an adulterous life with complete abandon. Manu in his mad just for debasing the different castes by ascribing to them an ignoble origin seems deliberately to pervert historical facts. I will give only two illustrations. Take Manu's origin of *Magadha* and *Vaidehik* and compare it with the origin of the same castes as given by Panini the great Grammarian. Manu says that *Magadha* is a caste which is born from sexual intercourse between Vaishya male and Kshatriya female. Manu says that *Vaidehik* is a caste which is born from sexual intercourse between a Vaishya male and a Brahmin female. Now turn to Panini. Panini says that *Magadha* means a person who is resident of the country known as *Magadha.* As to *Vaidehik* Panini says that *Vaidehik* means a person who is resident of the country known as *Videha.* What a contrast!! How cruel it is. Panini lived not later than 300 B.C. Manu lived about 200A.D. How is it that people who bore no stigma in the time of Panini became so stained in the hands of Manu? The answer is that Manu was bent on debasing them. Why Manu was bent on deliberately debasing people is a task which is still awaiting

explorationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_19 In the meantime we have the strange contrast that while Religion everywhere else is engaged in the task of raising and ennobling mankind Hinduism is busy in debasing and degrading it.

The other instance I want to use for illustrating the spirit of debasement which is inherent in Hinduism pertains to rules regarding the naming of a Hindu child.

The names among Hindus fall into four classes. They are either connected with *(i)* family deity *(ii)* the month in which the child is born *(iti)* with the planets under which a child is born or *(iv)* are purely temporal i.e. connected with business. According to Manu the temporal name of a Hindu should consist of two parts and Manu gives directions as to what the first and the second part should denote. The second part of a Brahmin's name shall be a word implying happiness ; of a Kshatriya's a word implying protection; of a Vaishya's a term expressive of prosperity and of a Shudra's an expression denoting service. Accordingly the Brahmins have *Sharma* (happiness) or *Deva* (God), the Kshatriyas have *Raja* (authority) or Verma (armour), the Vaishyas have Gupta (gifts) or Datta (Giver) and the Shudras have *Das* (service) for the second part of their names. As to the first part of their names Manu says that in the case of a Brahmin it should denote something auspicious, in the case of a Kshatriya something connected with power, in the case of a Vaishya something connected with wealth. But in the case of a Shudra Manu says the first part of his name should denote something contemptible!! Those who think that such a philosophy is incredible would like to know the exact reference. For their satisfaction I am reproducing the following texts from Manu. Regarding the naming ceremony Manu says :—

II. 30. Let (the father perform or) cause to be performed the namadheya (the rite of naming the child), on the tenth or twelfth (day after birth), or on a lucky lunar day, in a lucky muhurta under an auspicious constellation.

II. 31. Let (the first part of) a Brahman's name (denote) something auspicious, a Kshatriya's name be connected with power, and a Vaishya's with wealth, but a Shudra's (express something) contemptible.

II. 32. (The second part of) a Brahman's (name) shall be (a word) implying happiness, of a Kshatriya's (a word) implying protection, of a Vaishya's (a term) expressive of thriving, and of a Shudra's (an expression) denoting service.

Manu will not tolerate the Shudra to have the comfort of a high

sounding name. He must be contemptible both in fact and in name.

Enough has been said to show how Hinduism is a denial of equality both social as well as religious and how it is also a degradation of human personality. Does Hinduism recognise liberty?

Liberty to be real must be accompanied by certain social conditionsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_20.

In the first place there should be social equality."Privilege tilts the balance of social action in favour of its possessors. The more equal are the social rights of citizens, the more able they are to utilise their freedom… If liberty is to move to its appointed end it is important that there should be equality."

In the second place there must be economic security."A man may be free to enter any vocation he may choose. . . . Yet if he is deprived of security in employment he becomes a prey of mental and physical servitude incompatible with the very essence of liberty.... The perpetual fear of the morrow, its haunting sense of impending disaster, its fitful search for happiness and beauty which perpetually eludes, shows that without economic security, liberty is not worth having. Men may well be free and yet remain unable to realise the purposes of freedom".

In the third place there must be knowledge made available to all. In the complex world man lives at his peril and he must find his way in it without losing his freedom.

"There can, under these conditions, be no freedom that is worthwhile unless the mind is trained to use its freedom. (Given this fact) the right of man to education becomes fundamental to his freedom. Deprive a man of knowledge and you will make him inevitably the slave of those more fortunate than himself.... deprivation of knowledge is a denial of the power to use liberty for great ends. An ignorant man may be free. . . . (But) he cannot employ his freedom so as to give him assurance of happiness."

Which of these conditions does Hinduism satisfy? How Hinduism is a denial of equality has already been made clear. It upholds privilege and inequality. Thus in Hinduism the very first collection for liberty is conspicuous by its absence.

Regarding economic security three things shine out in Hinduism. In the first place Hinduism denies freedom of a vocation. In the Scheme of Manu each man has his avocation preordained for him before he is born. Hinduism allows no choice. The occupation being preordained it has no relation to capacity nor to inclination.

In the second place Hinduism compels people to serve ends chosen by others. Manu tells the Shudra that he is born to serve the higher classes. He exhorts him to make that his ideal. Observe the following rules lay down by Manu.

X. 121. If a Shudra (unable to subsist by serving Brahmanas) seeks a livelihood, he may serve Kshatriyas, or he may also seek to maintain himself by attending on a wealthy Vaishya.

X. 122. But let a Shudra serve Brahmans....

Manu does not leave the matter of acting upto the ideal to the Shudra. He goes a step further and provides that the Shudra does not escape or avoid his destined task. For one of the duties enjoined by Manu upon the King is to see that all castes including the Shudra to discharge their appointed tasks.

VIII. 410."The king should order each man of the mercantile class to practice trade, or money lending, or agriculture and attendance on cattle ; and each man of the servile class to act in the service of the twice born."

VIII. 418."With vigilant care should the king exert himself in compelling merchants and mechanics to perform their respective duties ; for, when such men swerve from their duty, they throw this world into confusion."

Failure to maintain was made an offence in the King punishable at Law.

VIII. 335."Neither a father, nor a preceptor, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished by the King, if they adhere not with firmness to their duty."

VIII. 336."Where another man of lower birth would be fined one pana, the king shall be fined a thousand, and he shall give the fine to the priests, or cast it into the river, this is a sacred rule."These rules have a two-fold significance, spiritual as well as economic. In the spiritual sense they constitute the gospel of slavery. This may not be quite apparent to those who know slavery only by its legal outward form and not by reference to its inner meaning. With reference to its inner meaning a slave as defined by Plato means a person who accepts from another the purposes which control his conduct. In this sense a slave is not an end in him. He is only a means for filling the ends desired by others. Thus understood the Shudra is a slave. In their economic significance the Rules put an interdict on the economic independence of the Shudra. A Shudra, says Manu, must serve. There may not be much in that to complain of. The wrong however consists in that the rules require him

to serve others. He is not to serve himself, which means that he must not strive after economic independence. He must forever remain economically dependent on others. For as Manu says:—

1. 91. One occupation only the lord prescribed to the Shudra to serve meekly even these other three castes. In the third place Hinduism leaves no scope for the Shudra to accumulate wealth. Manu's rules regarding the wages to be paid to the Shudra when employed by the three higher classes are very instructive on this point. Dealing with the question of wages to the Shudras, Manu says :—

X. 124."They must allot to him (Shudra) out of their own family property a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support."

X. 125."The remnants of their food must be given to him, as well as their old clothes, the refuse of their grain, and their old household furniture.

This is Manu's law of wages. It is not a minimum wage law. It is a maximum wage law. It was also an iron law fixed so low that there was no fear of the Shudra accumulating wealth and obtaining economic security. But Manu did not want to take chances and he went to the length of prohibiting the Shudra from accumulating property. He says imperatively:—

X. 129. No collection of wealth must be made by a Shudra even though he be able to do it; for a Shudra who has acquired wealth gives pain to Brahmans.

Thus in Hinduism, there is no choice of avocation. There is no economic independence and there is no economic security. Economically, speaking of a Shudra is a precarious thing.

In the matter of the spread of knowledge two conditions are prerequisites. There must be formal education. There must be literacy. Without these two, knowledge cannot spread. Without formal education it is not possible to transmit all the resources and achievements of a complex society. Without formal education the accumulated thought and experience relating to a subject cannot be made accessible to the young and which they will never get if they were left to pick up their training in informal association with others. Without formal education he will not get new perceptions. His horizon will not be widened and he will remain an ignorant slave of his routine work. But formal education involves the establishment of special agencies such as schools, books, planned materials such as studies etc. How can any one take advantage of these special agencies of formal education unless he is literate and

able to read and write? The spread of the arts of reading and writing i.e. literacy and formal education go hand in hand. Without the existence of two there can be no spread of knowledge.

How does Hinduism stand in this matter?

The conception of formal education in Hinduism is of a very limited character. Formal education was confined only to the study of the Vedas. That was only natural. For the Hindus believed that there was no knowledge outside the Vedas. That being so formal education was confined to the study of the Vedas. Another consequence was that the Hindu recognised that its only duty was to study in the schools established for the study of the Vedas. These schools benefited only the Brahmins. The State did not hold itself responsible for opening establishments for the study of arts and sciences, which concerned the life of the merchant and the artisan. Neglected by the state they had to shift for themselves.

Each class managed to transmit to its members the ways of doing things it was traditionally engaged in doing. The duties of the Vaishya class required that a young Vaishya should know the rudiments of commercial geography, arithmetic, some languages as well as the practical details of trade. This he learned from his father in the course of the business. The Artisan's class or the Craftsman who sprang out of the `Shudra class also taught the arts and crafts to their children in the same way. Education was domestic. Education was practical. It only increased the skill to do a *particular* thing. It did not lead to new perceptions. It did not widen horizon, with the result that the practical education taught him only an isolated and uniform way of acting so that in a changing environment the skill turned out to be gross ineptitude. Illiteracy became an inherent part of Hinduism by a process which is indirect but integral to Hinduism. To understand this process it is necessary to draw attention to rules framed by Manu in regard to the right to teach and study the Vedas. They are dealt with in the following Rules.

1. 88. To the Brahmanas he (the creator) assigned *teaching* and *studying* the Veda.

1. 89. The Kshatriya he (the creator) commanded to *study* the Veda.

1. 90. The Vaishya he (the creator) commanded. . . . . to study the Veda.

II. 116. He who shall acquire knowledge of the Veda without the assent of his preceptor, incurs the guilt of stealing the scripture, and shall sink to the region of torment."

IV. 99. He (the twice born) must never read (the Veda). . . . . in the presence of the Shudras.

IX. 18. Women have no business with the text of the *Veda.* XI. 199. A twice born man who has..... (improperly) divulged the Veda (i.e. to Shudras and women) (commits sin), atones for his offence, if he subsists a year on barley. In these texts there are embodied three distinct propositions. The Brahmin, Kshatriya and Vaishya can study the Vedas. Of these the Brahmins alone have the right to teach the Vedas. But in the case of the Shudra he has not only not to study the Vedas but he should not be allowed to hear it read.

The successors of Manu made the disability of the Shudra in the matter of the study of the Veda into an offence involving dire penalties. For instance Gautama says:

XII. 4. If the Shudra intentionally listens for committing to memory the Veda, then his ears should be filled with (molten) lead and lac ; if he utters the Veda, then his tongue should be cut off; if he has mastered the Veda his body should be cut to pieces. To the same effect is Katyayana.

The ancient world may be said to have been guilty for failing to take the responsibility for the education of the masses. But never has any society been guilty of closing to the generality of its people the study of the books of its religion. Never has society been guilty of prohibiting the mass of its people from acquiring knowledge. Never has society made any attempt to declare that any attempt made by the common man to acquire knowledge shall be punishable as a crime. Manu is the only devine law giver who has denied the common man the right to knowledge.

But I cannot wait to dilate upon this. I am more immediately concerned in showing how the prohibition against the study of the Vedas to the mass of the people came to give rise to illiteracy and ignorance in secular life. The answer is easy. It must be realized that reading and writing have an integral connection with the teaching and study of the Vedas. Reading and writing were arts necessary for those who were free and privileged to study the Vedas. They were not necessary to those who were not free to do so. In this way reading and writing became incidental to the study of the Vedas. The result was that the theory of Manu regarding the rights and prohibitions in the matter of the teaching and the study of Vedas came to be extended to the arts of reading and writing. Those who had the right to study the Vedas were accorded the right to read and write. Those who had no right to study

the Vedas were deprived of the right to read and write. So that it can be rightly said according to the law of Manu reading and writing has become the right of the high class few and illiteracy has become the destiny of the low class many.

Only a step in the process of this analysis will show how Manu by prohibiting literacy was responsible for the general ignorance in which the masses came to be enveloped.

Thus Hinduism far from encouraging spread of knowledge is a gospel of darkness.

Taking these facts into consideration Hinduism is opposed to the conditions in which liberty can thrive. It is therefore denial of liberty.

IV

Does Hinduism recognise Fraternity?

There are two forces prevalent in Society. Individualism and Fraternity. Individualism is ever present. Every individual is ever asking"I and my neighbours, are we all brothers, are we even fiftieth cousins, am I their keeper, why should I do right to them"and under the pressure of his own particular interests acting as though he was an end to himself, thereby developing a non-social and even an anti-social self. Fraternity is a force of opposite character. Fraternity is another name for fellow feeling. It consists in a sentiment which leads an individual to identify himself with the good of others whereby"the good of others becomes to him a thing naturally and necessarily to be attended to like any of the physical conditions of our existence". It is because of this sentiment of fraternity that the individual does not"bring himself to think of the rest of his fellow-creatures as struggling rivals with him for the means of happiness, whom he must desire to see defeated in their object in order that he may succeed in his own."Individualism would produce anarchy. It is only fraternity, which prevents it and helps to sustain the moral order among men. Of this there can be no doubt.

How does this sentiment of Fraternity of fellow feeling arise? J. S. Mill says that this sentiment is a natural sentiment.

"The social state is at once so natural, so necessary, and so habitual to man, that, except in some unusual circumstances or by an effort of voluntary abstraction he never conceives himself otherwise than as a member of a body; and this association is riveted more and more, as mankind are further removed from the state of savage independence. Any condition, therefore, which is essential to a state of society,

becomes more and more an inseparable part of every person's conception of the state of things which he is born into, and which is the destiny of a human being. Now, society between human beings, except in the relation of master and slave, is manifestly impossible on any other footing than that the interests of all are to be consulted. Society between equals can only exist on the understanding that the interests of all are to be regarded equally. And since in all states of civilisation, every person, except an absolute monarch, has equals, every one is obliged to live on these terms with some body; and in every age some advance is made towards a state in which it will be impossible to live permanently on other terms with any body. In this way people grow up unable to conceive as possible to them a state of total disregard of other people's interests."

Does this sentiment of fellow feeling find a place among the Hindus? The following facts throw a flood of light on this question.

The first fact that strikes one is the number of castes. No body has made an exact computation of their number. But it is estimated that total is not less than 2000. It might be 3000. This is not the only distressing aspect of this fact. There are others. Castes are divided into sub-castes. Their number is legion. The total population of the Brahmin Caste is about a crore and a half. But there are 1886 sub-castes of the Brahmin Caste. In the Punjab alone the Saraswat Brahmins of the Province of Punjab are divided into 469 sub-castes. The Kayasthas of Punjab are divided into 590 sub-castes. One could go on giving figures to show this infinite process of splitting social life into small fragments.

The third aspect of this splitting process is the infinitely small fragments into which the Castes are split. Some of the Baniya sub-castes can count no more than 100 families. They are so inter related they find extremely difficult to marry within their castes without transgressing the rules of consanguinity.

It is noteworthy what small excuses suffice to bring about this splitting.

Equally noteworthy is the hierarchical character of the Caste System. Castes form an hierarchy in which one caste is at the top and is the highest, another at the bottom and it is the lowest and in between there are castes every one of which is at once above some castes and below some castes. The caste system is a system of gradation in which every caste except the highest and the lowest has a priority and precedence over some other castes.

How is this precedence or this superiority determined? This order of

superiority and inferiority or this insubordination is determined by Rules (1) which are connected with religious rites and (2) which are connected with commensuality.

Religion as a basis of Rules of precedence manifests itself in three ways. Firstly through religious ceremonies, secondly through incantations that accompany the religious ceremonies and thirdly through the position of the priest.

Beginning with the ceremonies as a source of rules of precedence it should be noted that the Hindu Scriptures prescribe sixteen religious ceremonies. Although those are Hindu ceremonies every Hindu Caste cannot by right claim to perform all the sixteen ceremonies. Few can claim the right to perform all. Some are allowed to perform certain ceremonies, some are not allowed to perform certain of the ceremonies. For instance take the ceremony of Upanayan, wearing of the sacred thread. Some castes can't. Precedence follows this distinction in the matter of right to perform the ceremonies. A caste which can claim to perform all the ceremonies is higher in status than the caste which has a right to perform a few.

Turning to the Mantras, it is another source for rules of precedence. According to the Hindu Religion the same ceremony can be performed in two different ways. (1) Vedokta and (2) Puranokta. In the Vedokta form the ceremonies are performed with Mantras (incantations) from the Vedas. In the Puranokta form the ceremony is performed with Mantras (incantations) from the Puranas. Hindu Religious Scriptures fall into two distinct categories (1) The Vedas which are four, and (2) the Puranas which are eighteen. Although they are all respected as scriptures they do not all have the same sanctity. The Vedas have the highest sanctity and the Puranas have the lowest sanctity. The way the Mantras give rise to social precedence will be obvious if it is borne in mind that not every caste is entitled to have the ceremony performed in the Vedokta form. Three castes may well claim the right to the performance of one of the sixteen ceremonies. But it will be that one of it is entitled to perform it in the Vedokta form, another in the Puranokta form. Precedence goes with the kind of Mantra that a caste is entitled to use in the performance of a religious ceremony. A caste which is entitled to use Vedic Mantras is superior to a caste which is entitled to use only Puranokta Mantras.

Taking the priest as a second source of precedence connected with Religion, Hinduism requires the instrumentality of a priest for the derivation of the full benefit from the performance of a religious

ceremony. The priest appointed by the scripture is the Brahmin. A Brahmin therefore is indispensable. But the scriptures do not require - that a Brahmin shall accept the invitation of any and every Hindu irrespective of his caste to officiate at a religious ceremony. The invitation of which caste he will accept and of which he will refuse is a matter left to the wishes of the Brahmin. By long and well-established custom it is now settled at which caste he will officiate and at which caste he will not. This fact has become the basis of precedence as between castes. The caste at which a Brahmin will officiate is held as superior to a caste at whose religious functions a Brahmin will not officiate.

The second source for rules of precedence is commonality. It will be noticed that rules of marriage have not given rise to rules of precedence as rules of commonality have. The reason lies in the distinction between the rules prohibiting intermarriage and inter-dining. That difference is obvious. The prohibition on intermarriage is such that it cannot only be respected but it can be carried out quite strictly. But the prohibition of inter-dining creates difficulties. It cannot be carried out quite strictly in all places and under all circumstances. Man migrates and must migrate from place to place. In every place he happens to go he may not find his caste-men. He may find himself landed in the midst of strangers. Marriage is not a matter of urgency but food is. He can wait for getting himself married till he returns to the Society of his caste-men. But he cannot wait for his food. He must find it from somewhere and from someone. Question arises from which caste he can take food, if he has to. The rule is that he will take food from a caste above him but will not take food from a caste, which is below him. There is no way of finding how it came to be decided that a Hindu can take food from one caste and not from another. By long series of precedent every Hindu knows from what caste he can take food and from what caste he cannot. This is determined chiefly by the rule followed by the Brahmin. A caste is higher or lower according as the Brahmin takes from it food or not. In this connection the Brahmin has a very elaborate set of rules in the matter of food and water. (1) He will take only water from some and not from others. (2) A brahmin will not take food cooked in water by any caste. (3) He will take only food cooked in oil from some castes. Again he has a set of rules in the matter of the vessels, in which he will accept food and water. He will take food or water in an earthen vessel from some castes, only in metallic vessel from some and only in glass vessel from others. This goes to determine the level of the castes. If he takes

food cooked in oil from a caste its status is higher than the caste from which he will not. If he takes water from a caste its status is higher than the caste from which he will not. If he takes water in a metallic vessel that caste is higher than the caste from which he will take water in an earthen vessel. Both these castes are higher than the caste from which he will take water in a glass vessel. Glass is a substance which is called (Nirlep) (which conserves no stain) therefore a Brahmin can take water in it even from the lowest. But other metals do conserve stains. Contaminating character of the stain depends upon the status of the person who has used it. That status depends upon the Brahmins will to accept water in that vessel. These are some of the factors which determine the place and status of a caste in this Hindu hierarchical system of castes.

This hierarchical organisation of the caste system is responsible for producing a social psychology, which is noteworthy. In the first place it produces a spirit of rivalry among the different castes for dignity. Secondly it produces an ascending scale of hatred and descending scale of contempt.

This social psychology of mutual hatred and contempt is well illustrated by the innumerable proverbs that are flying about in India. As examples I record a few of them.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_21

This spirit of hatred and contempt has not only found its place in proverbs but it has found its place in Hindu literature also. I refer to a Scripture known as the *Sahyadrikhand*. It is one of the Puranas which form a part of the Hindu Sacred literature. But its subject matter is totally foreign to the subject matter of other Puranas. It deals with the *origin of the different castes. In doing so it assigns noble origin to other castes while it assigns to the Brahmin caste the filthiest origin. It was a revenge on Manu. It was worst lampoon on the Brahmins as a caste. The Peshwas very naturally ordered its destruction. Some survived the general destruction.

I will just record one more fact before I put the question. Present day Hindus are probably the strongest opponents of Marxism. They are horrified at its doctrine of class struggle. But they forget that India has been not merely the land of class struggle but she has been the land of class wars.

The bitterest class war took place between the Brahmins and the Kshatriyas. The classical literature of the Hindus abounds in reference

to class wars between these two Varnas.

The first recorded conflict was between the Brahmins and King Vena. Vena was the son of King Anga, of the race of Atri and was born of Sunitha, the daughter of Mrityu (Death). This son of the daughter of Kala (death), owing to the taint derived from his maternal grandfather, threw his duties behind his back, and lived in covetousness under the influence of desire. This king established an irreligious system of conduct; transgressing the ordinances of the Veda, he was devoted to lawlessness. In his reign men lived without study of the sacred books and the gods had no soma-libations to drink at sacrifices. `I' he declared, 'am the object, and the performer of sacrifice, and the sacrifice itself; it is to me that sacrifice should be presented, and oblation offered'. This transgressor of the rules of duty, who arrogated to himself what was not his due, was then addressed by all the great rishis, headed by Marichi. 'We are about to consecrate ourselves for a ceremony which shall last for many years, practice not unrighteousness, O Vena : this is not the eternal rule of duty. Thou art in every deed a Prajapati of Atri's race, and thou has engaged to protect thy subjects.' The foolish Vena, ignorant of what was right, laughingly answered those great rishis who had so addressed him ; ' Who but myself is the ordained of duty or whom ought I to obey? Who on earth equals me in sacred knowledge, in prowess, in austere fervour, in truth? Yes who are deluded and senseless know not that I am the source of all beings and duties. Hesitate not to believe that I, if I willed, could burn up the earth, or deluge it with water, or close up heaven and earth. ' When owing to his delusion and arrogance Vena could not be governed then the mighty rishis becoming incensed, seized the vigorous and struggling king, and rubbed his left thigh. From this thigh, so rubbed, was produced a black man, very short in stature, who, I being alarmed, stood with joined hands. Seeing that he was agitated, Atri said to him ' Sit down' (Nishada). He became the founder of the race of the Nishadas, and also progenitor of the Dhivaras (fishermen), who sprang from the corruption of Vena. So two were produced from him the other inhabitants of the Vindhya range, the Tukharas and Tumburas, who are prone to lawlessness. Then the mighty sages, excited and incensed, again rubbed the right hand of Vena, as men do the Arani wood, and from it arose Pritha, respondent in body, glowing like the manifested Agni."'The son of Vena (Pritha) then, with joined hands, addressed the great Rishis: 'A very slender understanding for perceiving the principles of duty has been given to me by nature; tell me truly how I must employ it. Doubt not that I shall perform whatever

thy shall declare to me as my duty, and its object '. Then those gods and great I rishis said to him: ' Whatever duty is enjoined perform it without hesitation, disregarding what though mayest like or dislike, looking on all creatures with an equal eye, putting far from thy lust, anger, cupidity and pride. Restrain by the strength of thin arm all those men who swerve from righteousness, having a constant regard to duty. And in thought, act, and word take upon thyself, and continually renew, the engagement to protect the terrestrial Brahman (Veda or Brahmins?). . .. .. And promise that thou wilt exempts the Brahmans from punishment, and preserve society from the confusion of Castes '. The son of Vena then replied to the gods, headed by the rishis : ' The great Brahmans, the chief of men, shall be reverenced by me '. `So be it,' rejoined those declare of the Veda. Sukra, the depository of divine knowledge, became his Purohita ; the Balakhilyas and Sarasvatyas his ministers; and the venerable Garga, the great rishi, his astrologer.

The second recorded conflict took place between the Brahmins and the Kshatriya king Pururavas. A brief reference to it occurs in the Adiparva of the Mahabharat.

Pururavas was born of lla. Ruling over thirteen islands of the ocean, and surrounded by beings who were all superhuman, himself a man of great renown, Pururavas, intoxicated by his prowess engaged in a conflict with the Brahmans, and robbed them of their jewels, although they loudly remonstrated. Sanatkumara came from Brahma's heaven, and addressed to him an admonition, which however, he did not regard. Being then straightway cursed by the incensed rishis, he perished, this covetous monarch, who, through pride of power, had lost his understanding. This glorious being (virat), accompanied Urvasi, brought down for the performance of sacred rites the fires which existed in the heaven of the Gandharvas, properly distributed into three.

A third collision is reported to have occurred between the Brahmins and King Nahusha. The story is given in great details in the Udyogaparva of the Mahabharat. It is there recorded:

"After his slaughter of the demon Vrittra, Indra became alarmed at the idea of having taken the life of a Brahmin (for Vrittra was regarded as such), and hid himself in waters. In consequence of the disappearance of the king of gods, all affairs, celestial as well as terrestrial, fell into confusion. The rishis and Gods then applied to Nahusha to be their king. After at first excusing himself on the plea of want of power, Nahusha at length, in compliance with their solicitations, accepted the high function. Up to the period of his elevation he had led a virtuous

life, but he now became addicted to amusement and sensual pleasure; and even aspired to the possession of Indrani, Indra's wife, whom he had happened to see. The queen resorted to the Angiras Vrihaspati, the preceptor of the Gods, who engaged to protect her. Nahusha was greatly incensed on hearing of this interference; but the Gods endeavoured to pacify him, and pointed out the immorality of appropriating another person's wife. Nahusha, however, would listen to no remonstrance, and insisted that in his adulterous designs he was not worse than Indra himself;"The renowned Ahalya, a rish's wife, was formerly corrupted by Indra in her husband's lifetime; why was he not prevented by you? And many barbarous acts, and unrighteous deeds, and frauds were perpetrated of by old Indra; Why was he not prevented by you?"The Gods, urged by Nahusha, then went to bring Indrani; but Vrihaspati would not give her up. At his recommendation, however, she solicited Nahusha for some delay, till she should ascertain what had become of her husband. This request was granted. The Gods next applied to Vishnu on behalf of Indra ; and Vishnu promised that if Indra would sacrifice to him, he should be purged from his guilt, and recover his dominion, while Nahusha would be destroyed. Indra sacrificed accordingly; and the result is thus told ;"Having divided the guilt of Brahmanicide among trees, rivers, mountains, the earth, women and the elements, Vasava (Indra), lord of the Gods, became freed from suffering and sin, and self governed."Nahusha was by this means, shaken from his place. But he must have speedily regained his position, as we are told that Indra was again ruined, and became invisible. Indrani now went in search of her husband; and by the help of Upasriti (the Goddess of night and revealer of secrets) discovered him existing in a very subtle form in the stem of a lotus growing in a lake situated in a continent within an ocean north of the Himalaya. She made known to him the wicked intention of Nahusha, and entreated him to exert his power, rescue her from danger, and resume his dominion. Indra declined any immediate interposition on the plea of Nahusha's superior strength; but suggested to his wife a device by which the usurper might be hurled from his position. She was recommended to say to Nahusha that"if he would visit her on a celestial vehicle borne by rishis, she would with pleasure submit herself to him". The question of the Gods accordingly went to Nahusha, by whom she was graciously received, and made this proposal:"I desire for thee, king of the Gods, a vehicle hitherto unknown, such as neither Vishnu, nor Rudra, nor the asuras, nor the rakshases employ. Let the eminent rishis, all united, bear thee,

lord, in a car; this idea pleases me". Nahusha receives favourably this appeal to his vanity, and in the course of his reply thus gives utterance to his self congratulation:"He is a personage of no mean prowess who makes the *Munis* his bearers. I am a fervid devotee of great might, lord of the past, the future and the present. If I were angry the world would no longer stand; on me everything depends.... Wherefore, 0 Goddess I shall, without doubt, carry out what you propose. The seven rishis, and all the Brahman rishis, shall carry me. Behold beautiful Goddess, my majesty and my prosperity."The narrative goes on:"Accordingly this wicked being, irreligious, violent, intoxicated by the force of conceit, and arbitrary in his conduct, attached to his car the rishis, who submitted to his commands, and compelled them to bear him". Indrani then again resorts to Vrihaspati, who assures her that vengeance will soon overtake Nahusha for his presumption; and promises that he will himself perform a sacrifice with a view to the destruction of the oppressor, and the discovery of Indra's lurking place. Agni is then sent to discover and bring Indra to Vrihaspati ; and the latter, on Indra's arrival, informs him of all that had occurred during his absence. While Indra with Kuvera, Yama, Soma, and Varuna, was devising means for the destruction of Nahusha, the sage Agastya came up, congratulated Indra on the fall of his rival, and proceeded to relate how it had occurred:"Wearied with carrying the sinner Nahusha, the eminent divine rishis, and the spotless brahman-rishis asked that divine personage Nahusha (to solve) a difficulty: 'Dost thou, Vasava, most excellent of conquerors, regard as authoritative or not those Brahmana texts which are recited at the immolation of king?' 'No', replied Nahusha, whose understanding was enveloped in darkness. The rishis rejoined: 'Engaged in unrighteousness, thou attainest not unto righteousness: these texts, which were formerly uttered by great rishis, are regarded by us as authoritative. 'The (proceeds Agastya) disputing with the munis, impelled by unrighteousness, touched me on the head with his foot. In consequence of this the king's glory was smitten and his prosperity departed. When he had instantly become agitated and oppressed with fear, I said to him, ' Since thou, O fool, condiments that sacred text, always held in honor, which has been composed by former sages, and employed by Brahman-rishis, and hast touched my head with thy foot, and employest the Brahma—like and irresistable rishis as bearers to carry thee,—therefore, short of thy lustre and all thy merit exhausted, sink down, sinner, degraded from heaven to earth. For then thousand years thou shalt crawl in the form of a huge serpent. When that period is completed,

thou shalt again ascend to heaven. `So fell that wicked wretch from the sovereignty of the Gods."

Next there is a reference to the conflict between King Nimi and the Brahmins. The Vishnu Puran relates the story as follows :—

"Nimi had requested the Brahman-rishi Vasishtha to officiate at a sacrifice, which was to last a thousand years, Vasishtha in reply pleaded a pre-engagement to Indra for five hundred years, but promised to return at the end of that period. The king made no remark, and Vasishtha went away, supposing that he had assented to this arrangement. On his return, however, the priest discovered that Nimi had retained Gautama (who was equal with Vasishtha a Brahman-rishi) and others to perform the sacrifices ; and being incensed at the neglect to give him notice of what was intended, he cursed the king, who was then asleep, to lose his corporeal form. When Nimi awoke and learnt that he had been cursed without any previous warning, he retorted, by uttering a similar curse on Vasishtha, and then died. In consequence of this curse the vigour of Vasistha, however, received from them another body when their seed had fallen from them at the sight of Urvasi. Nimi's body was embalmed.

At the close of the sacrifice which he had begun, the Gods were willing, on the intercession of the priests, to restore him to life, but he declined the offer, and was placed by the deities, according to his desire, in the eyes of all living creatures. It is in consequence of this fact that they are always opening the shutting. (nimishas means"the twinkling of the eye")."Manu mentions another conflict between the Brahmins and King Sumukha. But of this no details are available.

These are instances of conflict between the Brahmins and the Kshatriya Kings. From this it must not be supposed that the Brahmins and the Kshatriyas as two classes did not clash. That there were clashes between these two classes as distinguished from conflicts with kings is abundantly proved by material the historic value of which cannot be doubted. Reference may be made to three events.

First is the contest between two individuals Vishvamitra the Kshatriya and Vasishtha the Brahmin. The issue between the two was whether a Kshatriya can claim Brahmahood. The story is told in Ramayana and is as follows :-"There was formerly, we are told, a king called Kusa, son of Prajapati, who had a son called Kushanabha, who was father of Gadhi, the father of Visvamitra. The latter ruled the earth for many thousand years. On one occasion, when he was making a circuit of the earth, he came to Vasishtha's hermitage, the pleasant abode of many saints, sages,

and holy devotees, where, after at first declining he allowed himself to be hospitably entertained with his followers. Visvamitra, however, coveting the wondrous cow, which had supplied all the dainties of the feast, first of alt asked that she should be given to him in exchange for a hundred thousand common cows, adding that"she was a gem, that gems were the property of the king, and that, therefore, the cow was his by right". On this price being refused the king advances immensely in his offers, but all without effect.

He then proceeds very ungratefully and tyrannically, it must be allowed—to have the cow removed by force, but she breaks away from his attendants, and rushes back to her master, complaining that he was deserting her. He replied that he was not deserting her, but that the king was much more powerful than he. She answers,"Men do not ascribe strength to a Kshatriya; the Brahmins are stronger. The Strength of Brahmins is divine, and superior to that of Kshatriya. Thy strength is immeasurable. Visvamitra, though of great vigour, is not more powerful than thou. Thy energy is invincible. Commission me, who have been acquired by the Brahmanical power, and I will destroy the pride, and force, and attempt of this wicked prince".

She accordingly by her bellowing creates hundreds of Pahlavas, who destroy the entire host of Visvamitra, but are slain by him in their turn. Sakas and Yavans, of great power and valour, and well armed, were then produced who consumed the king's soldiers, but were routed by him. The cow then calls into existence by her bellowing, and from different parts of her body, other warriors of various tribes, who again destroyed Visvamitra's entire army, foot soldiers, elephants, horses, chariots, and all."A hundred of the monarch's sons, armed with various weapons, then rushed in great fury on Vashistha, but were all reduced to ashes in a moment by the blast of that sage's mouth. Vishvamitra, being thus utterly vanquished and humbled, appointed one of his sons to be regent, and travelled to the Himalaya, where he betook himself to austerities, and thereby obtained a vision of Mahadeva, who at his desire revealed to him the science of arms in all its branches, and gave him celestial weapons with which, elated and full of pride, he consumed the hermitage of Vashishtha, and put its inhabitants to flight.

Vashishtha then threatens Vishvamitra and uplifts his Brahminical mace. Vishvamitra too, raises his fiery weapon and calls out to his adversary to stand. Vashishtha bids him to show his strength, and boasts that he will soon humble his pride. He asks :"What comparison is there between a Kshatriya's might, and the great might of a Brahman? Behold,

thou contemptible Kshatriya, my divine Brahmanical power".

The dreadful fiery weapon uplifted by the son of Gadhi was then quenched by the rod of the Brahman, as fire is by water. Many and various other celestial missiles, as the nooses of Brahma, Kala (time), and Varuna, the discus of Vishnu, and the trident Siva, were hurled by Vishvamitra at his antagonist, but the son of Brahma swallowed them up in his all-devouring mace. Finally, to the intense consternation of all the Gods, the warrior shot off the terrific weapon of Brahma (Brahmastra) ; but this was equally ineffectual against the Brahmanical sage. Vashishtha had now assumed a direful appearance: 'Jets of fire mingled with smoke darted from the pores of his body; the Brahminical mace blazed in his hand like a smokeless mundane conflagration, or a second sceptre of Yama".

Being appeased, however, by the munis, who proclaimed his superiority to his rival, the sage stayed his vengeance ; and Vishvamitra exclaimed with a groan : 'Shame on a Kshatriya's strength ; the strength of a Brahman's might alone is strength ; by the single Brahmanical mace all my weapons have been destroyed. ' No alternative now remains, to the humiliated monarch, but either to acquiesce in this helpless inferiority, or to work out his own elevation to the Brahmanical order. He embraces the latter alternative: “Having pondered well this defeat, I shall betake myself, with composed senses and mind, to strenous austere fervour, which shall exalt me to the rank of a Brahman". Intensely vexed and mortified, groaning and full of hatred against his enemy, he travelled with his queen to the south, and carried his resolution into effect; and we are first of all told that three sons Havishyanda, Madhusyanda, and Dridhanetra were born to him.

At the end of a thousand years Brahma appeared, and announced that he had conquered the heaven of royal sages (Rajarshis) ; and, in consequence of his austere fervour, he was recognised as having attained that rank. Vishvamitra, however, was ashamed, grieved, and incensed at the offer of so very inadequate a reward, and exclaimed:”I have practised intense austerity, and the Gods and Rishis regard me only as a Rajarshi and not as a Brahman.”There is conflict recorded between the same persons or different persons of the same name though on a somewhat different issue.

King Trisanku, one of Ikshvaku's descendants, had conceived the design of celebrating a sacrifice by virtue of which he should ascent bodily to heaven. As Vashistha, on being summoned, declared that the thing was impossible (asakyam), Trisanku travelled to the south, where

the sage's hundred sons were engaged in austerities, and applied to them to do what their father had declined. Though he addressed them with the greatest reverence and humility, and added that"the Ikshvaku regarded their family—priests as their highest resource in difficulties, and that, after their father, he himself looked to them as his tutelary deities"he received from the haughty priests the following rebuke for his presumption :"Asakyam""Fool, thou hast been refused by thy truth speaking preceptor. How is it that, disregarding his authority, thou hast resorted to another school (sakha). The family priest is the highest oracle of all the Ikshvakus', and the command of that veracious personages cannot be transgressed. Vashishtha, the divine Rishi, has declared that 'the thing cannot be'; and how can we undertake thy sacrifice? Thou art foolish king; return to thy capital. The divine (Vashishtha) is competent to act as priest of the three worlds; how can we shew him disrespect?"Trisanku then gave them to understand that as his preceptor and"his preceptor's sons had declined compliance with his requests, he should think of some other expedient". In consequence of his venturing to express this presumptuous intention, they condemned him by their imprecation to become a Chandala.

As this curse soon took effect, and the unhappy king's form was changed into that of a degraded outcast, he resorted to Vishvamitra (who, as we have seen, was also dwelling at this period in the south), enlarging on his own virtues and piety, and bewailing his fate. Vishvamitra commiserated his condition, and promised to sacrifice on his behalf, and exalt him to heaven in the same Chandala form to which he had been condemned by his preceptor's curse."Heaven is now as good as in thy possession, since thou hast resorted to the son of Kusika". He then directed that preparations should be made for the sacrifice, and that all the Rishis, including the family of Vashishtha should be invited to the ceremony. The disciples of Vishvamitra, who had conveyed his message, reported the result on their return in these words :"Having heard your message, all the Brahmans are assembling in all the countries, and have arrived, excepting Mahodaya (Vashishtha)? Hear what dreadful words those hundred Vashishthas, their voices quivering with rage, have uttered :"How can the Gods and Rishis consume the oblation at the sacrifice of that man, especially if he be a Chandala, for whom a Kshatriya is officiating priest? How can illustrious Brahmans ascend to heaven after eating the food of a Chandala, and being entertained by Vishvamitra?"These ruthless words all Vashishthas, together with Mahodaya, uttered, their eyes inflamed with anger.

Vishvamitra, who was greatly incensed on receiving this, message by a curse doomed the sons of Vashishtha to be reduced to ashes, and reborn as degraded outcasts (mritapah) for seven hundred births, and Mahodaya to become a Nishada. Knowing that this curse had taken effect, Vishvamitra then after eulogizing Trisanku, proposed to the assembled Rishis that the sacrifice should be celebrated. To this they assented, being actuated by fear of the terrible sage's wrath. Vishvamitra himself officiated at the sacrifices as vajakas ; and the other Rishis as priests (Ritvijah) (with other functions) performed all the ceremonies. Vishvamitra next invited the gods to partake of the oblations ;"When, however, the deities did not come to receive their portions, Vishvamitra became full of wrath, and raising aloft the sacrificial ladle, thus addressed Trisanku : 'Behold, O monarch, the power of austere fervour acquired by my own efforts. I myself, by my own energy, will conduct thy to heaven.

Ascend to that celestial region which is so arduous to attain in an earthly body. I have surely earned SOME reward of my austerity '."Trisanku ascended instantly to heaven in the sight of Munis. Indra, however, ordered him to be gone, as a person who, having incurred the curse of his spiritual preceptors, was unfit for the abode of the celestials :—and *to* fall down headlong to earth. He accordingly began to descend, invoking loudly, as he fell, the help of his spiritual patron. Vishvamitra, greatly incensed, called out to him to stop:"Then by the power of his divine knowledge and austere fervour created, like another Prajapati, other Seven Rishis (a constellation so called) in the southern part of the sky. Having proceeded to this quarter of the heavens, the renowned sage, in the midst of the Rishis, formed another garland of stars, being overcome with fury. Exclaiming, 'I will create another Indra, or the world shall have no Indra at all', he began, in his rage, to call Gods also into being".

The Rishis, Gods, (Suras), and Asuras now became seriously alarmed and said to Vishvamitra, in a concilliatory tone, that Trisanku,"as he had been cursed by his preceptors, should not be admitted bodily into heaven, until he had undergone some lustration". The sage replied that he had given a promise to Trisanku, and appealed to the Gods to permit his portage to remain bodily in heaven, and the newly created stars to retain their places in perpetuity. The Gods agreed that"these numerous stars should remain, but beyond the Sun's path, and that Trisanku, like an immortal, with his head downwards should shine among them, and be followed by them", adding"that his object would be thus attained,

and his renown secured, and he would be like a dweller in heaven". Thus was this great dispute adjusted by a compromise, which Vishvamitra accepted.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_22

When all the Gods and rishis had departed at the conclusion of the sacrifice, Vishvamitra said to his attendant devotees ;"This has been a great interruption (to our austerities) which has occurred in the southern region : we must proceed in another direction to continue our penances". He accordingly went to a forest in the west, and began his austerities anew. Here the narrative is again interrupted by the introduction of another story, that of king Ambarisha, king of Ayodhya, who was, according to the Ramayana, the twenty eighth in descent from Ikshvaku, and the twenty second from Trisanku. Vishvamitra is nevertheless represented as flourishing contemporaneously with both of these princes. The story relates that Ambarisha was engaged in performing a sacrifice, when Indra carried away the victim. The priest said that this ill-omened event had occurred owing to the king's bad administration ; and would call for a great expiation, unless a human victim could be produced. After a long search the royal rishi (Ambarisha) came upon the Brahmin-rishi Richika, a descendant of Bhrigu, and asked him to sell one of his sons for a victim, at the price of a hundred thousand cows. Richika answered that he would not sell his eldest son ; and his wife added that she would not sell the youngest :"Eldest sons,"she observed,"being generally the favourites of their fathers, and youngest sons of their mothers". The second son, Sunassepa then said that in that case he regarded himself as the one who was to be sold, and desired the king to remove him. The hundred thousand cows, with ten millions of gold pieces and heaps of jewels, were paid down, and Sunassepa was carried away. As they were passing through Puskara, Sunassepa beheld his maternal uncle Vishvamitra who was engaged in austerities there with other rishis, threw himself into his arms, and implored his assistance, urging his orphan, friendless, and helpless state, as claims on the sage's benevolence. Vishvarnitra soothed him: and pressed his own sons to offer themselves as victims in the room of Sunassepa. This proposition met with no favour from Madhushanda and the other sons of the royal hermit, who answered with haughtiness and derison :"How is it that thou sacrificest thine own sons, and seekest *to* rescue those of others? We look upon this as wrong, and like the eating of one's own flesh".

The sage was exceedingly wrath at this disregard of his injunction, and doomed his sons to be born in the most degraded classes, like Vashishtha's sons, and to eat dog's flesh, for a thousand years. He then said to Sunassepa :"When thou art bound with hallowed cords, decked with a red garland, and anointed with unguents, and fastened to the sacrificial post of Vishnu, then address thyself to Agni, and sing these two divine verses (gathas), at the sacrifice of Ambarisha ; then shall thou attain the fulfilment of thy desire". Being furnished with the two gathas, Sunassepa proposed at once to King Ambarisha that they should set out for their destination. Then bound at the stake to be immolated, dressed in a red garment,"he celebrated the two Gods, Indra and his younger brother (Vishnu), with the excellent verses. The thousand-eyed (Indra) was pleased with the sacred hymn, and bestowed long life on Sunassepa". King Ambarisha also received great benefits from this sacrifice. Vishvamitra meanwhile proceeded with his austerities, which he prolonged for a thousand years."At the end of this time the Gods came to allot his reward; and Brahma announced that he had attained the rank of a rishi, thus apparently advancing an additional step. Dissatisfied, as it would seem, with this, the sage commenced his task of penance anew. After a length of time he beheld the nymph (Apsara) Menka, who had come to bathe in the lake of Pushkara.

She flashed on his view, unequalled in her radiant beauty, like lightning in a cloud. He was smitten by her charms, invited her to be his companion in his hermitage, and for ten years remained a slave to her witchery, to the great prejudice of his austerities. At length he became ashamed of this ignoble subjection, and full of indignation at what he believed to be a device of the Gods to disturb his devotion ; and, dismissing the nymph with gentle accents, he departed for the northern mountains, where he practised severe austerities for a thousand years on the banks of the Kausiki river. The Gods became alarmed at the progress he was making, and decided that he should be dignified with the appellation of great rishi (Maharshi) ; and Brahma, giving effect to the general opinion of the deities, announced that he had conferred that rank upon him. Joining his hands and bowing his head, Vishvamitra replied that he should consider himself to have indeed completely subdued his senses, if the incomparable title of Brahmin-rishi were conferred upon him. Brahma informed him in answer, that he had not yet acquired the power of perfectly controlling his senses ; but should make further efforts with that view.

The sage then began to put himself through a yet more rigorous

course of austerities, standing with his arms erect, without support, feeding on air, in summer exposed to five fires (i.e. one on each of four sides, and the sun overhead), in the rainy season remaining unsheltered from the wet, and in winter lying on a watery couch night and day. This he continued for a thousand years. At last Indra and the other deities became greatly distressed at the idea of the merit he was storing up, and the power which he was thereby acquiring; and the chief of the celestials desired the nymph Rambha to go and bewitch him by her blandishments. She expressed great reluctance to expose herself to the wrath of the formidable muni, but obeyed the repeated injunction of Indra, who promised that he and Kandarpa (the God of love) should stand by her, and assumed her most attractive aspect with the view of overcoming the sage's impassability. He, however, suspected this design, and becoming greatly incensed, he doomed the nymph by a curse to be turned into stone and to continue in that state for a thousand years.

The curse took effect, and Kandarpa and Indra sunk away. In this way, though he resisted the allurements of sensual love, he lost the whole fruit of his austerities by yielding to anger; and had to begin his work over again. He resolved to check his irresistibility, to remain silent, not even to breathe for hundreds of years ; to dry up his body ; and to fast and stop his breath till he had obtained the coveted character of a Brahmin. He then left the Himalaya and travelled to the east, where he underwent a dreadful exercise, unequalled in the whole history of austerities, maintaining silence, according to a vow, for a thousand years. At the end of this time he had attained to perfection, and although thwarted by many obstacles, he remained unmoved by anger. On the expiration of this course of austerity, he prepared some food to eat; which Indra, coming in the form of a Brahmin, begged that he would give him. Vishvamitra did so, and though he had done left for himself, and was obliged to remain fasting, he said nothing to the Brahmin, on account of his vow of silence."As he continued to suspend his breath, smoke issued from his head, to the great consternation and distress of the three worlds."

The Gods, rishis, etc., then addressed Brahma."The great muni Vishvamitra has been allured and provoked in various ways, but still advances in his sanctity. If his wish is not conceded, he will destroy the three worlds by the force of his austerity. All the regions of the universe are confounded, no light anywhere shines; all the oceans are tossed, and the mountains crumble, the earth quakes, and the wind blows confusedly. We cannot, 0 Brahma, guarantee that mankind shall not

become atheistic..... Before the great and glorious sage of fiery form resolves to destroy (everything) let him be propitiated."The Gods, headed by Brahma, then addressed Vishvamitra : 'Hail, Brahman rishi, we are gratified by the austerity ; O Kausika, thou hast, through their intensity, attained to Brahmahood. O Brahman, associated with the Maruts, confers on thee long life. May every blessing attend thee ; depart where ever thou wilt.' The sage, delighted, made his obeisance to the Gods, and said: ' If I have obtained Brahmahood, and long life, then let the mystic monosyllable (ornkara) and the sacrificial formula (vashatkara) and the Vedas recognise me in that capacity. And let Vashishtha, the son of Brahmin, the most eminent of those who are skilled in the Kshatra-Veda, and the Brahma-Veda (the knowledge of the Kshatriya and the Brahmnical disciplines), address me similarly '..... Accordingly Vashishtha, being propitiated by the Gods, became reconciled to Vishvamitra, and recognised his claim to all the prerogatives of a Brahman rishi. .... Vishvamitra, too having attained the Brahmanical rank, paid all honour to Vashishtha".

The second event has a reference to the slaughter of the Brahmins by the Kshatriyas. It is related in the Adiparva of the Mahabharat from which the following account is taken :—

"There was a King named Kritrvirya, by whose liberality the Bhrigus, learned in the Vedas, who officiated as his priests, had been greatly enriched with corn and money. After he had gone to heaven, his descendants were in want of money, and came to beg for a supply from the Bhrigus, of whose wealth they were aware. Some of the latter hid their money under ground, others bestowed it on Brahmins, being afraid of the Kshatriyas, while others again gave these last what they wanted. It happened, however, that a Kshatriya, while digging the ground, discovered some money buried in the house of Bhrigu. The Kshatriyas then assembled and saw this treasure, and, being incensed, slew in consequence all the Bhrigus, who they regarded with contempt, down to the children in the womb. The widows, however, fled to the Himalaya mountains. One of them concealed her unborn child in her thigh. The Kshatriya, hearing of its existence from a Brahmani informant, sought to kill it ; but it issued forth from its mother's thigh with lustre, and blinded the persecutors. After wandering about bewildered among the mountains for a time, they humbly supplicated the mother of the child for the restoration of their sight ; but she referred them to her wonderful infant Aurva into whom the whole Veda, with its six Vedangas, had entered as the person who (in retaliation of the slaughter

of his relatives) had robbed them of their eyesight, and who alone could restore it. They accordingly had recourse to him, and their eyesight was restored. Aurva, however, meditated the destruction of all living creatures, in revenge for the slaughter of the Bhrigus. and entered on a course of austerities which alarmed both Gods, Asuras, and men ; but his progenitors (Pitris) themselves appeared, and sought to turn him from his purpose by saying that they had no desire to be revenged on the Kshatriyas:"It was not from weakness that the devout Bhrigus overlooked the massacre perpetrated by the murderous Kshatriyas.

When we became distressed by old age, we ourselves desired to be slaughtered by them. The money which was buried by someone in a Bhrigu's house was placed there for the purpose of exciting hatred, by those who wished to provoke the Kshatriyas. For what had we, who were desiring heaven, to do with money?"They added that they hit upon this device because they did not wish to be guilty of suicide, and concluded by calling upon Aurva to restrain his wrath ; and abstain from the sin he was meditating,"Destroy not the Kshatriyas. Oh, son, nor the seven worlds. Suppress thy kindled anger which nullifies the power of austere fervour."

Aurva, however, replies that he cannot allow his threat to remain un-executed. His anger, unless wreaked upon some other object, will, he says, consume himself. And he argues on grounds of justice, expediency, and duty, against the clemency which his progenitors recommend. He is, however, persuaded by the Pitris to throw the fire of his anger into the sea, where they say it will find exercise in assailing the watery element, and in this way his threat will be fulfilled."

The third event has reference to the slaughter of the Kshatriyas by the Brahmins. This story is told in several places in the Mahabharat. The magnificent and mighty Kartavirya, possessing a thousand arms, was lord of this whole world, living in Mahishmati. This Haihaya of unquestioned valour ruled over the whole sea-girt earth, with its oceans and continents. He obtained boons from the Muni Dattatreya, a thousand arms whenever he should go into battle, power to make the conquest of the whole earth, a disposition to rule it with justice and the promise of instruction from the virtuous in the event of his going astray."Then ascending his chariot glorious as the resplendent Sun, he exclaimed in the intoxication of his prowess, ' Who is like me in fortitude, courage, fame, heroism, energy, and vigour?'

At the end of this speech a bodiless voice in the sky addressed him: 'Thou knowest not, 0 fool, that a Brahman is better than Kshatriya. It is

with the help of the Brahman that the Kshatriya rules his subjects. ' Arjuna answers : ' If I am pleased, I can create, or, if displeased, annihilate living beings; and no Brahman is superior to me in act, thought or word. The first proposition is that the Brahmins are superior: the second that the Kshatriyas are superior; both of these thou hast stated with their grounds, but there is a difference between them (in point of force). The Brahmins are dependent on the Kshatriyas and not the Kshatriyas on the Brahmins, who wait upon them, and only make the Vedas a pretence. Justice, the protection of the people, has its seat in the Kshatriyas. From them the Brahmins derive their livelihood; how then can the latter be superior? I always keep in subjection myself those Brahmins, the chief of all beings, who subsist on air and sand who have a high opinion of themselves. For truth was spoken by that female the Gayatri in the sky. I shall subdue all those unruly Brahmins clad in hides. No one in the three worlds, god or man can hurl me from my royal authority; therefore I am superior to any Brahman. Now shall I turn the world in which Brahmins have the upper hand into a place where Kshatriyas shall have the upper hand; for no one dares to encounter my force in battle. ' Hearing this speech of Arjun, the female roving in the night became alarmed.

Then Vayu hovering in the air, said to Arjuna: 'Abandon this sinful disposition, and do obeisance to the Brahmins. If thou shall do them wrong, thy kingdom shall be convulsed. They will subdue thee; those powerful men will humble thee, and expel thee from thy country. ' The King asks him, 'Who art thou?"Vayu replies, 'I am Vayu, the messenger of the Gods. and tell thee what is for thy benefit. ' Arjuna rejoins, ' Oh, thou displayest today a great warmth of devotion to the Brahmins. But say that a Brahman is like (any other) earth-horn creature."

This king came into conflict with Parsuram the son of a Brahman sage Jamadagni. The history of this conflict is as follows:—

There lived a king of Kanyakubja, called Gadhi, who had a daughter named Satyavati. The marriage of this princess to the rishi Richika, and the birth of Jamadagni, are then told in nearly the same way as above narrated. Jamadagni and Satyavati had five sons, the youngest of whom was the redoubtable Parasuram. By his father's command he kills his mother (who, by the indulgence of impure desire, had fallen from her previous sanctity), after the four elder sons had refused this matricidal offence, and had in consequence been deprived of reason bv their father's curse. At Parasuram's desire, however, his mother is restored by his father to life, and his brothers to reason; and he himself is absolved

from all the guilt of murder ; and obtains the boon of invincibility and long life from his father.

His history now begins to be connected with that of king Arjuna (or Kartavirya). The latter had come to Jamadagni's hermitage, and had been respectfully received by his wife; but he had requited this honour by carrying away by force the calf of the sage's sacrificial cow, and breaking down his lofty trees. On being informed of this violence, Parasurama was filled with indignation, attacked Arjuna, cut off his thousand arms, and slew him. Arjuna's sons, in return slew the peaceful sage Jamadagni, in the absence of Parasuram.

Rama, after performing, on his return, his father's funeral obsequies, vowed to destroy the whole Kshatriya race ; and executed his threat by killing first Arjun's sons and their followers. Twenty one times did he sweep away all the Kshatriyas from the earth, and formed five lakes of blood in Samantpanchaka ; in which he satiated the manes of the Bhrigus, and beheld face to face (his grandfather), Richika, who addressed himself to Rama. The latter gratified Indra by offering to him a grand sacrifice, and gave the earth to the officiating priests. He bestowed also a golden altar, ten fathoms long and nine high, on the mighty Kasyapa.

This, by his permission, the Brahmins divided among themselves, deriving thence the name of Khandavavanas. Having given away the earth to Kasyapa, Parasuram himself dwells on the mountain Mahendra. Thus did enmity arise between him and Kshatriyas, and thus was the earth conquered by Parasuram of boundless might."The Kshatriyas who were slain by Parasuram are described in the Dronaparvan of the Mahabharata as of various provinces, viz., Kasmiras, Daradas, Kuntis, Kshudrakas, Malavas, Angas, Vangas, Kalingas, Videhas, Tamraliptakas, Marttikavatas, Sivis and other Rajanyas.

The means by which the Kshattriya race was restored is also told as part of this story of annihilation of the Kshatriyas by the Brahmins. It is said :—

"Having one and twenty times swept away all the Kshatriyas from the earth, the son of Jamdagni engaged in austerities on Mahendra the most excellent of mountains. After he had cleared the world of Kshatriyas, their widows came to the Brahmins, praying for offspring. The religious Brahmins, free from any impulse of lust cohabited at the proper seasons with these women, who in consequence became pregnant, and brought forth valiant Kshatriya boys and girls, to continue the Kshatriya stock. Thus was the Kshatriya race virtuously begotten by Brahmins on

Kshatriya women, and became multiplied and long lived. Thence there arose four castes inferior to the Brahmins."No country has such a dismal record of class war as Hindustan. It was the proud boast of the Brahmin Parsuram that he exterminated the Kshatriyas twenty one times from the face of Hindustan and recreated them by Brahmans cohabiting with the widows of the Kshatriyas.

It must not be supposed that this Class War in India is a matter of ancient History. It has been present all along. Its existence was very much noticeable in Maharashtra during the Maratha Rule. It destroyed the Maratha Empire. It must not be supposed that these class Wars were like ordinary wars which are a momentary phenomena which come and go and which leave no permanent chasms to divide the peoples of the different nations. In India the class war is a permanent phenomenon, which is silently but surely working its way. It is a grain in the life and it has become genius of the Hindus.

These facts it will not be denied are symptomatic in the sense they indicate health and character. Do they suggest that there is fraternity among Hindus? In the face of these facts I am sure it would be impossible to give an affirmative answer.

What is the explanation of this absence of fraternity among the Hindus? It is Hinduism and its philosophy that is responsible for it. The sentiment of fraternity as Mill said is natural but it is a plant, which grows only where the soil is propitious and the conditions for its growth exist. The fundamental condition for the growth of the sentiment of fraternity is not preaching that we are children of God or the realisation that one's life is dependent upon others. It is too rational to give rise to a sentiment. The condition for the growth of this sentiment of fraternity lies in sharing in the vital processes of life. It is sharing in the joys and sorrows of birth, death, marriage and food. Those who participate in these come to feel as brothers. Prof. Smith very rightly emphasises the importance of sharing food as a prime factor in the creation of community feeling when he says;

"The sacrificial meal was an appropriate expression of the antique ideal of religious life, not merely because it was a social act and in which the God and his worshippers were conceived as partaking together, but because, as has already been said, the very act of eating and drinking with a man was a symbol and 4 a confirmation of fellowship and mutual social obligations. The one thing directly expressed in the sacrificial meal is that the God and his worshippers are common sols but every other point in their mutual relations is included in what this

involves. Those who sit at meal together are united for all social effects; those who do not eat together are aliens to one another, without fellowship in religion and without reciprocal social duties".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_23

There is no sharing among Hindus of joys and sorrows involved in the vital facts of life. Everything is separate and exclusive. The Hindu is separate and exclusive all through his life. A foreigner coming to India will not find men crying Hindu Pani (water for Hindus) and Musalman Pani (water for Musalmans). He will find Brahmin Coffee

Houses, Brahmin Eating-Houses, where no non-Brahmin Hindus can go. He will find Brahmin Maternity Homes, Maratha Maternity Homes and Bhatia Maternity homes although Brahmins, Marathas and Bhatias are all Hindus. If there is a birth at the house of a Brahmin, no non-Brahmin will be invited nor will he feel the desire to join. If there is marriage in the family of a Brahmin, no non-Brahmin will be invited nor will he feel the desire to join if a Brahmin dies, no non-Brahmin will be invited to join the funeral nor will he think it necessary to join in the procession. If there is a festivity in the house of a Brahmin, no non-Brahmin will be called and no non-Brahmin will feel any wrong about it. Joys and sorrows of one caste are not the joys and sorrows of another. One caste has no concern with other castes. Even charity has become caste bound. Among Hindus there is no public charity in the sense of its benefit being open to all. You have Brahmin Charity for Brahmins. Within that you have Chitpavan Brahmin Charity for Chitpavan Brahmins only. Deshastha Brahmin Charity for Deshastha Brahmins only, Karhada Brahmin Charity for Karahda Brahmins only. You have Sarasvat Brahmin Charity. Within that you have Kudaldeshkar Brahmin Charity. One could go on with such instances *ad nauseum* to show the exclusive character of Hindu Charity—rather Charity among Hindus—for there is no such thing as Hindu Charity. Thus one Hindu will share nothing with another Hindu while they are alive. But they will be separate and exclusive even when they are dead. Some Hindus bury their dead. Some Hindus burn their dead. But those bury will not share the same cemetery. Each will appropriate a part of the cemetery to bury its dead. Those Who burn will not burn at the same burning place. If they do, each will have a separate funeral pan.

Is there any wonder that the sentiment of fraternity is foreign to the Hindus? With a complete refusal to share the joys and sorrows of life how can the sentiment of fraternity take roots?

But the question of all questions is why do the Hindus refuse to share the joys and sorrows of life? It needs no saying that he refuses to share because his religion tells him not to share them. This conclusion need cause no surprise. For what does Hinduism teach? It teaches not to inter-dine, not to intermarry, not to associate. These don'ts constitute the essence of its teaching. All the shameful facts I have referred to, to illustrate the separate and exclusive character of the Hindus is the direct outcome of this philosophy of Hindusim. The philosophy of Hinduism is a direct denial of fraternity.

This brief analysis of the Philosophy of Hinduism from the point of view of justice reveals in a glaring manner how Hinduism is inimical to equality, antagonistic to liberty and opposed to fraternity.

Fraternity and liberty are really derivative notions. The basic and fundamental conceptions are equality and respect for human personality. Fraternity and liberty take their roots in these two fundamental conceptions. Digging further down it may be said that equality is the original notion and respect for human personality is a reflection of it. So that where equality is denied, everything else may be taken to be denied. In other words it was enough for me to have shown that there was no equality in Hinduism. But as Hinduism has not been examined so far in the manner I have done, I did not think it sufficient to leave it to implication that Hinduism was a denial of Fraternity and Liberty as well.

There is one final observation with which I wish to conclude this discussion with the profound observation of Lord Acton. The great Lord says that inequality has grown as a result of historical circumstances. It has never been adopted as a creed. It is obvious that in making this observation Lord Acton must have omitted to take note of Hinduism. For in Hinduism inequality is a religious doctrine adopted and conscientiously preached as a sacred dogma. It is an official creed and nobody is ashamed to profess it openly. Inequality for the Hindus is a divinely prescribed way of life as a religious doctrine and as a prescribed way of life, it has become incarnate in Hindu Society and is shaped and moulded by it in its thoughts and in its doings. Indeed inequality is the Soul of Hinduism.

Let me now turn to the examination of the philosophy of Hinduism from the point of view of Utility.

This examination of Hinduism from this aspect need not be long and detailed. For as Mill pointed out there is no necessary antagonism between justice and utility. In other words what is unjust to the individual cannot be useful to society. Apart from this we have before

us the consequences of caste staring us in the face.

The ideal of caste was not mere ideal. The ideal was put into practice; was therefore something real. So that, in the matter of the Chaturvarna the Hindus have very faithfully followed the German Philosopher Nietszche who said"Realise the-ideal and idealise the real".

The value of the ideal must be tested by its results. If experience therefore must be the criterion then the ideal of Chaturvarna stands thrice condemned. Purely as a form of social organisation it stands condemned. As a producer's organisation it stands discredited. As an ideal scheme of distribution it has miserably failed. If it is an ideal form of organisation how is it that the Hinduism has been unable to form a common front. If it is an ideal form of production, how is it that its technique never advanced beyond that of the primitive man. If it is an ideal form of distribution, how is it that it has produced appalling inequality of wealth, immense wealth side by side extreme poverty.

But I do not wish to dismiss the subject so summarily, for I know many Hindus who claim great social utility to the institution of caste and praise Manu for having been so wise and so thoughtful not only in devising it but in giving it a divine sanction.

This view of the caste is due to taking the separate aspects of caste separately. One must take them in conjunction. The resultant social utility or distillate of caste can be ascertained only by putting together the separate aspects of caste and judge them in their combination. Following this line of attacking the problem, the following conclusions follow: —

(1) Caste divides Labourers (2) Caste disassociates work from interest (3) Caste disconnects intelligence from manual labour (4) Caste devitalises by denying to him the right to cultivate vital interest and (5) Caste prevents mobilisation. Caste System is not merely division of labour. *IT IS ALSO A DIVISION OF LABOURERS*. Civilised society undoubtedly needs division of labour. But in no civilised society is division of labour accompanied by this unnatural division of labourers into watertight compartments. Caste System is not merely a division of labourers, which is quite different from division of labour it is an hierarchy in which the divisions of labourers are graded one above the other. In no other country is the division of labour accompanied by this gradation of labourers. There is also a third point of criticism against this view of the Caste System. This division of labour is not spontaneous, it is not based on natural aptitudes. Social and individual efficiency requires us to develop the capacity of an individual to the

point of competency to chose and to make his own career. This principle is violated in the Caste System in so far as it involves an attempt to appoint tasks to individuals in advance, selected not on the basis of trained original capacities, but on that of the social status of the parents. Looked at from another point of view this stratification of occupations which is the result of the Caste System is positively pernicious. Industry is never static. It undergoes rapid and abrupt changes. With such changes an individual must be free to change his occupations. Without such freedom to adjust himself to changing circumstances it would be impossible for him to gain his livelihood. Now the Caste System will not allow Hindus to take occupations where they are wanted if they do not belong to them by heredity. If a Hindu is seen to starve rather than take to new occupations not assigned to his Caste, the reason is to be found in the Caste System. By not permitting readjustment of occupations, caste becomes a direct cause of much of the unemployment we see in the country.

As a form of division of labour the Caste System suffers from another serious defect. The division of labour brought about by the Caste System is not a division based on choice. Individual sentiment, individual preference has no place in it. It is based on the dogma of predestination. Considerations of social efficiency would compel us to recognise that the greatest evil in the industrial system is not so much poverty and the suffering that it involves, as the fact that so many persons have callings which make no appeal to those who are engaged in them. Such callings constantly provoke one to aversion, ill will and the desire to evade. There are many occupations in India which on account of the fact that they are regarded as degraded by the Hindus provoke those who are engaged in it to aversion. There is a constant desire to evade and escape from such occupations which arises solely because of the blighting effect which they produce upon those who follow them owing to the slight and stigma cast upon them by the Hindu religion.

The second mischief it dose is to dissociate intelligence from work and create contempt for labour. The theory of the Caste is that a Brahmin who is permitted to cultivate his intellect is not permitted to labour, indeed is taught to look down upon labour. While the Shudra who is required to labour is not permitted to cultivate his intelligence. The disastrous consequences of this have been well portrayed by Mr. R.C.Dutt. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_24..... barren. Wealth without education and wealth is

brutal. Each is necessary to every one. They are necessary for the growth of a man.

That the Brahmin should cultivate knowledge, Kshatriya should bear arms, the Vaishya should trade and that the Shudra should serve is presented as a theory of mutual interdependence found in the family. It is asked why should the Shudra need trouble to acquire wealth when the three Varnas are there to support him; Why need the Shudra bother to take to education when the Brahmin to whom he can go when the occasion for reading or writing arises; Why need the Shudra worry to arm himself because there is the Kshatriya to protect him? The theory of Chaturvarnya understood in this sense may be said to look upon the Shudra as the ward and the three Varnas as his guardians. Thus interpreted it is a simple and alluring theory. Assuming this to be the correct view of the underlying conception of Chaturvarnya it seems to me that the system is neither fool-proof nor knave-proof. What is to happen if the Brahmins, Vaishyas and Kshatriyas fail to pursue knowledge, to engage in economic enterprises and to be efficient soldiers which are their respective functions? Contrary-wise, suppose that they discharge their functions but flout their duty to the Shudra or to one another? What is to happen to the Shudra if the three classes refuse to support him on fair terms or combine to keep him down? Who is to safeguard the interests of the Shudra or for the matter of that of the Vaishya and Kshatriya when the person who is trying to take advantage of his ignorance is the Brahmin? Who is to defend the liberty of the Shudra or that of the Brahmin and the Vaishya, when the person who is robbing him of it is the Kshatriya? Inter-dependence of one class on another class is inevitable. Even dependence of one class upon another may sometimes become allowable. But why make one person depend upon another in the matter of his vital needs? Education every one must have. Means of defence every one must have. These are the paramount requirements of every man for his self-preservation. How can the fact that his neighbour is educated and armed, help a man who is uneducated and disarmed. The whole theory is absurd. These are the questions which the defenders of Chaturvarnya do not seem to be troubled about. But they are very pertinent questions. Assuming their conception of Chaturvarnya that the relationship between the different classes is that of ward and guardian is the real conception underlying Chaturvarnya, it must be admitted that it makes no provision to safeguard the interests of the ward from the misdeeds of the guardian. Whether the relationship of guardian and ward was the real underlying

conception on which Chaturvarnya was based there is no doubt that in practice the relation was that of master and servant. The three classes, Brahmins, Kshatriyas and Vaishyas although not very happy in their mutual relationship managed to work by compromise. The Brahmin flattered the Kshatriya and both let the Vaishya live in order to be able to live upon him. But the three agreed to beat down the Shudra. He was not allowed to acquire wealth lest he should be independent of the three Varnas. He was prohibited from acquiring knowledge lest he should keep a steady vigil regarding his interests. He was prohibited from bearing arms lest he should have the means to rebel against their authority. That this is how the Shudras were treated by the Trayavarnikas is evidenced by the Laws of Manu. There is no code of laws more infamous regarding social rights than the Laws of Manu. Any instance from anywhere of social injustice must pale before it. Why have the mass of people tolerated the social evils to which they have been subjected? There have been social revolutions in other countries of the world. Why have there not been social revolutions in India is a question which has incessantly troubled me. There is only one answer which I can give and it is that the lower classes of Hindus have been completely disabled for direct action on account of this wretched system of Chaturvarnya. They could not bear arms and without arms they could not rebel. They were all ploughmen or rather condemned to be ploughmen and they were allowed to convert their ploughshares into swords. They had no bayonets and therefore everyone who chose ploughs did sit upon them. On account of the Chaturvarnya they could receive no education. They could not think out or know the way to their salvation. They were condemned to be lowly and not knowing the way of escape and not having the means of escape, they became reconciled to eternal servitude which they accepted as their inescapable fate. It is true that even in Europe the strong has not shrunk from the exploitation, nay the spoliation of the weak but in Europe, the strong have never contrived to make the weak helpless against exploitation so shamelessly as was the case in India among the Hindus. Social war has been raging between the strong and the weak far more violently in Europe than it has ever been in India. Yet the weak in Europe has had in him freedom of military service his physical weapon, in suffrage his political weapon and in education his moral weapon. Three weapons for emancipation were never withheld by the strong from the weak in Europe. All these weapons were however denied to the masses in India by Chaturvarnya. There cannot be a more degrading system of social

organisation than Chaturvarnya. It is the system, which deadens, paralyses and cripples the people from helpful activity. This is no exaggeration. History bears ample evidence. There is only one period in Indian history, which is a period of freedom, greatness and glory. That is the period of the Mourya Empire. At all other times the country suffered from defeat and darkness. But the Mourya period was a period when Chaturvarnya was completely annihilated, when the Shudras, who constituted the mass of the people came into their own and became the rulers of the country. The period of defeat and darkness is the period when Chaturvarnya flourished to the damnation of the greater part of the people of the country.

Caste prevents mobilisation. Occasions arise when society must mobilise all its resources to one end in order to save itself from a catastrophe. To take a catastrophe like war, Society must mobilise all its resources for militarization. Every one must do war. Every one must be a soldier. Is this possible under the theory of caste? Obviously not. Indeed the destiny of a defeat which has been the lot of India throughout history is due to caste. Caste prevented general mobilisation. Or the extent of mobilisation was of a very limited character. Only the Kshatriyas were expected to fight. The rest the Brahmins and the Vaishyas were not armed and the Shudras who formed the large majority of the country were disarmed. The result was that once the small class of Kshatriyas were defeated by a foreign foe. the whole country fell at his feet. It could offer no resistance. It was not capable of resistance. Indian wars have been mostly wars of single battles or single campaigns. This was due to the fact that once the Kshatriyas fell everything fell. Why? Simply because there was no general mobilisation and the theory deeply imbedded in the psychology of the people.

If these conclusions are sound, how can a philosophy which dissects society in fragments, which dissociates work from interest, which disconnects intelligence from labour, which expropriates the rights of man to interests vital to life and which prevented society from mobilising resources for common action in the hour of danger, be said to satisfy the test of Social Utility.

V

The Philosophy of Hinduism therefore neither satisfies the test of social utility nor does it satisfy the test of individual justice.

The result of my analysis is so odd that it will surprise many. Astonished some may even say that if the conclusions are so odd then

there must be something wrong in my analysis of the philosophy of Hinduism. I must meet this objection. To those who refuse to accept my analysis I say that they find my analysis odd because they do not have a correct notion what is central in the philosophy of Hinduism. If they do they will feel no surprise at my conclusions.

This matter is so important that I must stop to explain it. It may be recalled that the foregoing analysis of the religious revolution showed that religious ideals as forms of divine governance for human Society fall into two classes, one in which Society is the centre and the other in which the Individual is the centre. The same analysis showed that for the former the appropriate test of what is good and what is right i.e. the test of the moral order is utility while for the latter the test is justice. Now the reason why the philosophy of Hinduism does not answer the test either of utility or of justice is because the religious ideal of Hinduism for divine governance of human society is an ideal, which falls into a separate class by itself. It is an ideal in which the individual is not the centre. The centre of the ideal is neither individual nor society. It is a class - the class of Supermen called Brahmins. Those who will bear the dominant and devastating fact in mind will understand why the philosophy of Hinduism is not founded on individual justice or social utility. The philosophy of Hinduism is founded on a totally different principle. To the question what is right and what is good the answer, which the philosophy of Hinduism gives, is remarkable. It holds that to be right and good the act must serve the interest of this class of supermen, namely, the Brahmins. Oscar Wilde said that to be intelligible is to be found out. Manu is neither afraid nor ashamed of being found out. Indeed Manu does not leave it to be found out. He expresses his view in resonant and majestic notes as who are the Supermen and anything which serves the interest of the Supermen is alone entitled to be called right and good. Let me quote Manu.

X. 3."On account of his pre-eminence, on account of the superiority of his origin, on account of his observance of (particular) restrictive rules, and on account of his particular sanctification the Brahman is the Lord of (all) Varnas."

He proceeds to amplify his reasons and does so in the following characteristic manner :—

1. 93."As the Brahmana sprang from (Prajapati's i.e. Gods) mouth, as he was first-born, and as he possesses the Veda, he is by right the lord of this whole creation"

1. 94. For the self existent (Svayambhu i.e.God), having performed

austerities, produced him first from his own mouth, in order that offerings might be conveyed to the Gods and Manes and that this universe might be preserved."

1. 95."What created being can surpass him, through whose mouth the gods continually consume the sacrificial viands and the manes the offerings to the dead?"

1. 96."Of created beings the most excellent are said to be those which are animated ; of the animated, those who subsist by intelligence ; of the intelligent, mankind ; and of the men, the Brahmanas".

Besides the reason given by Manu the Brahmin is first in rank because he was produced by God from his mouth, in order that the offerings might be conveyed to the Gods and manes. Manu gives another reason for the supremacy of the Brahmins. He says :—

1. 98."The very birth of a Brahmana is an eternal incarnation of the sacred Law (Veda) ; for he is born to (fulfil) the sacred law, and becomes one with Brahman (God)."

1. 99."A Brahamana, coming into existence, is born as the highest on earth, the lord of all created beings, for the protection of the treasury of the Law."Manu concludes by saying that:—

1. 101."The Brahman eats but his own food, wears but his own apparel, bestows but his own in alms ; other mortals subsist through the benevolence of the Brahamana."Because according to Manu:—

II. 100."Whatever exists in the world is the property of the Brahmana ; on account of the excellence of his origin the Brahmana is, indeed, entitled to it all."Manu directs:—

VII. 36."Let the King, after rising early in the morning, worship Brahmans who are well versed in the three-fold sacred science and learned (in polity), and follow their advice".

VII. 38."Let him daily worship aged Brahmans who know the Veda and are pure. . . . ."

VII. 37."Let the king, having risen at early dawn, respectfully attend to Brahman, learned in the three Vedas and in the science of ethics, and by their decision let him abide."

VII. 38."Constantly must he show respect to Brahmans, who have grown old, both in years and in piety, who know the scriptures, who in body and mind are pure ; for he, who honours the aged, will perpetually be honoured even by cruel demons."

IX. 313."Let him not, although in the greatest distress for money, provoke Brahmans to anger by taking their property ; for they, once enraged, could immediately by sacrifices and imprecations destroy him

with his troops, elephants, horses and cars."

Finally Manu says :—

XI. 35."The Brahman is (hereby) declared (to be) the creator (of the world), the punisher, the teacher, (and hence) a benefactor (of all created beings) ; to him let no man say anything unpropitious ; nor use any harsh words".

• To conclude and complete the theory of supermen and of what is right and good let me reproduce the following two texts from Manu :—

X. 122. But let a Shudra serve Brahmans, either for the sake of heaven or with a view to both this life and the next, for he who is called the servant of a Brahman thereby gains all his ends.

X. 123. The service of the Brahmana alone is declared to be an excellent occupation for a Shudra; for whatever else besides this he may perform will bear no fruit. And Manu adds :—

X. 129. No collection of wealth must be made by a Shudra, even though he be able to do it ; for a Shudra who has acquired wealth gives pain to Brahman.

The above texts from Manu disclose the core and the heart of the philosophy of Hinduism. Hinduism is the gospel of the superman and it teaches that what is right for the superman is the only thing which is called morally right and morally good.

Is there any parallel to this philosophy? I hate to suggest it. But it is so obvious. The parallel to this philosophy of Hinduism is to be found in Nietzsche. The Hindus will be angry at this suggestion. It is quite natural. For the philosophy of Nietzsche stands in great odium. It never took roots, In his own words he was"sometimes deified as the philosopher of the aristocracy and squirearchy, sometimes hooted at, sometimes pitied and sometimes boycotted as an inhuman being". Nietzsche's philosophy had become identified with will to power, violence, denial of spiritual values, superman and the sacrifice, servility and debasement of the common man. His philosophy with these high spots had created a certain loathsomeness and horror in the minds of the people of his own generation. He was utterly neglected if not shunned and Nietzsche himself took comfort by placing himself among the"posthumous men". He foresaw for himself a remote public, centuries after his own time to appreciate him. Here too Nietzsche was destined to be disappointed. Instead of there being any appreciation of his philosophy, the lapse of time has only augmented the horror and loathing which people of his generation felt for Nietzsche. This is

principally due to the revelation that the philosophy of Nietzsche is capable of producing Nazism. His friends have vehemently protested against such a construction.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_25 But it is not difficult to see that his philosophy can be as easily applied to evolve a super state as to superman. This is what the Nazis have done. At any rate the Nazis trace their ancestry from Nietzsche and regard him as their spiritual parent. Hitler has himself photographed beside a bust of Nietzsche ; he takes the manuscripts of the master under his own special guardianship ; extracts are chosen from Nietzsche's writings and loudly proclaimed at the ceremonies of Nazism, as the New German Faith. Nor is the claim by the Nazis of spiritual ancestry with Nietzsche denied by his near relations. Nietzsche's own cousin Richard Ochler approvingly says that Nietzsche's thought is Hitler in action and that Nietzsche was the foremost pioneer of the Nazi accession to power. Nietzsche's own sister, few months before her death, thanks the Feurhar for the honour he graciously bestows on her brother declaring that she sees in him that incarnation of the"Superman"foretold by Zarathustra.

To identify Nietzsche, whose name and whose philosophy excites so much horror and so much loathing; with Manu is sure to cause astonishment and resentment in the mind of the Hindus. But of the fact itself there can be no doubt. Nietszche himself has openly declared that in his philosophy he is only following the scheme of Manu. In his *Anti Christ* this is what Nietzsche says :—

"After all, the question is, to what end are falsehoods perpetrated? The fact that, in Christianity, `holy' ends are entirely absent, constitutes my objection to the means it employs. Its ends are only bad ends; the poisoning, the calumniation and the denial of life, the contempt of the body, the degradation and self pollution of man by virtue of the concept of sin, - consequently its means are bad as well. My feelings are quite the reverse, When I read the law book of Manu, an incomparably intellectual and superior work, it would be a sin against the spirit even to mention in the same breath with the Bible. You will guess immediately why; it has a genuine philosophy behind it, in it, not merely an evil-smelling Jewish distillation of Rabbinism and superstition - it gives something to chew even to the most fastidious psychologist. And, not to forget the most important point of all, it is fundamentally different from every kind of Bible: by means of it the noble classes, the philosophers and the warriors guard and guide the masses; it is replete

with noble values, it is filled with a feeling of perfection, with saying yea to life, and triumphant sense of well-being in regard to itself and to life, - the Sun shines upon the whole book. All those things which Christianity smothers with its bottomless vulgarity; procreation, woman, marriage, are here treated with earnestness, with reverence, with love and confidence. How can one possibly place in the hands of children and women, a book that contains those vile words :"to avoid fornication, let every man have his own wife, and let every woman have her own husband. . . . . it is better to marry than to burn". And is it decent to be a Christian so long as the very origin of man is Christianised, - that is to say, befouled, by the idea of the immaculate conception?... I know of no book in which so many delicate and kindly things are said to woman, as in the Law Book of Manu ; these old grey-beards and saints have a manner of being gallant to woman which, perhaps, cannot be surpassed."The mouth of a woman", says Manu on one occasion,"the breast of a maiden, the prayer of a child, and the smoke of the sacrifice, are always pure". Elsewhere he says:"there is nothing purer than the light of the Sun, the shadow cast by a cow, air water, fire and the breath of a Maiden". And finally-perhaps this is also a holy lie:—"all the openings of the body above the navel are pure, all those below the navel are impure. Only in a maiden is the whole body pure."

This leaves no doubt that Zarathustra is a new name for Manu and that *Thus Spake Zarathustra* is a new edition of *Manu Smriti.*

If there is any difference between Manu and Nietzsche it lies in this. Nietzsche was genuinely interested in creating a new race of men which will be a race of supermen as compared with the existing race of men. Manu on the other hand was interested in maintaining the privileges of a class who had come to arrogate to itself the claim of being supermen. Nietzsche's supermen were supermen by reason of their worth. Manu's supermen were supermen by reason of their birth. Nietzsche was a genuine disinterested philosopher. Manu on the contrary was an hireling engaged to propound a philosophy which served the interests of a class born in a group and whose title to being supermen was not to be lost even if they lost their virtue. Compare the following texts from Manu.

X. 81."Yet a Brahman, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next rank."

X. 82."If it be asked, how he must live, should he be unable to get a subsistence by either of those employment ; the answer is, he may subsist as a mercantile man, applying himself into tillage and attendance

on cattle."

Manu adds :

IX. 317."A Brahmana, be he ignorant or learned, is a great divinity, just as the fire, whether carried forth (for the performance of a burnt oblation) or not carried forth, is a great divinity".

IX.323."Thus, though the Brahmans employ themselves in all (sorts) of mean occupation, they must be honoured in every way; (for each of) them is a very great deity".

Thus Manu's is a degraded and degenerate philosophy of superman as compared with that of Nietzsche and therefore far more odious and loathsome than the philosophy of Nietzsche.

This explains why the philosophy of Hinduism does not satisfy the test of justice or of utility. Hinduism is not interested in the common man. Hinduism is not interested in Society as a whole. The centre of its interest lies in a class and its philosophy is concerned in sustaining and supporting the rights of that class. That is why in the Philosophy of Hinduism the interests of the common man as well as of society are denied, suppressed and sacrificed to the interest of this class of Supermen.

What is the value of such a religion to man? Mr. Balfour in speaking on the merits of positivism as Religion asked the positivists certain questions which are worth recalling. He very pertinently asked ;

"What has (Positivism) to say to the more obscure multitude who are absorbed, and well nigh overwhelmed, in the constant struggle with daily needs and narrow cares; who have but little leisure or inclination to consider the precise role they are called on to play in the great drama of `humanity' and who might in any case be puzzled to discover its interest or its importance? Can it assure them that there is no human being so insignificant as not to be of infinite worth in the eyes of Him who created the Heavens, or so feeble but that his action may have consequence of infinite moment long after this material system shall have crumbled into nothingness? Does it offer consolation to those who are bereaved, strength to the weak, forgiveness to the sinful, rest to those who are weary and heavy laden?"

The same questions may be asked of Manu. The answer to each one of them must be in the affirmative. In short the philosophy of Hinduism is such that it cannot be called the Religion of humanity. That is why to use the language of Balfour, Hinduism, if it penetrates, does not vitrify the inmost life of ordinary humanity. Indeed if it does anything it

paralyses it. There is in Hinduism no nourishment for ordinary human souls, no comfort for ordinary human sorrow, no help for ordinary human weakness. It leaves men in darkness face to face with the unthinking energies of nature, which gives them birth to which after a few fruitless struggles they succumb. Not less cruel than the crudest irreligious, does it leave men divorced from all communions with God.

Such is the philosophy of Hinduism. It is Superman's heaven and the common man's damnation.

I am conscious that my position regarding the philosophy of Hinduism will be assailed from different sides. So contrary it is to the current views about it that it is bound to be assailed. The attack may come from various sides.

It will be said that I am wrong in taking the Manu Smriti as the book of Hindu religion and that the true gospel of Hinduism is contained in the Vedas and the Bhagwat Gita.

I am sure no orthodox Hindu will be bold enough to repudiate the authority of Manu Smriti as a book of Hindu Religion. Such a charge can be made only by some reformed sects of Hinduism such as the Arya Samajists. But there can be no doubt that this charge is not well founded. To refute this charge it is perhaps desirable to explainmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_26 how the Smritis obtained a place and position of authority among the Hindus.

The Smritis originally were a collection of rules relating to social traditions, customs and conventions approved of and recommended by those who were learned in the Vedas. For a long time these rules existed only in the memory of those learned in the Vedas, so they began to be called Smritis i.e. things which are remembered in contrast to Vedas or Shruti that is things which were heard. In the beginning the Smritis even when they were codified were treated as rules of inferior value as compared with the rules contained in the Vedas.

The difference in their authority and binding force was the result of the natural difference between the trustworthiness of what is heard as compared to what is only remembered. There was also another reason of this differentiation in the two sorts of Dharma Shastra literature. This was based upon the status of their authors. The authors of the Vedas were Rishis. The authors of the Smritis were only learned men. The Rishis were superior in status and sanctity than those who were merely learned. Consequently the Vedas were treated as more authoritative than the Smritis.

The consequence arising from this was well expressed in the Hindu theological formula according to which if there was a conflict in the rules of two Vedas on the same subject it meant option for a rule of Vedas cannot be deemed to be inoperative. On the other hand, in a conflict between a rule of Shriti and a rule of Smriti the rule of Shruti prevailed becuse for the reasons stated above Smriti was inferior in authority to the Shruti. But as pointed out by Prof. Altekar, the Smritis in course of time came to be invested with the same authority as belonged to the Vedas. Various means were adopted to accomplish this purpose. In the first place the authors of the Smritis were elevated to the status of Rishis. The early Dharma Shastra writers like Gautama, and Baudhayana were never given the status of a Rishi. But Manu and Yajnavalkya are reckoned as Rishis. By this means the status of the Smritis was equated to that of the Shrutis. The second means adopted was to regard the Smriti as the record from memory of a Shruti which was lost. Thus Smriti instead of being regarded as something quite different from Shruti came to be regarded as akin to and indistinguishable from Shruti. The result of these steps was a complete change in the rules regarding the authority of the two. Originally if there was a conflict between a Smriti and a Shruti, the Shruti prevailed. The new rule was that in case of conflict there was an option which meant that the Smriti rule was as operative as the Rule of Shruti. This new rule has been expressly laid down by Kumarila in his commentary on the Purvamimansa Sutra whereby the Smritis were made as authoritative as Shrutis.

While originally Hindu Society was bound to the Vedas and could not follow any rule which was contrary to the Vedas, the new rule altered the situation and left it to the option of society either to follow the Shruti or the Smriti. But even this option was later on taken away. This was done by making the study of the Smritis as compulsory as that of the Shruti.

This was done gradually. In the first place it was suggested that the Shrutis and Smritis are the two eyes of the Brahamana, if he is devoid of one he becomes a one-eyed person. Then came the theory that Brahmanyam is possible only as the result of a joint study of both the Vedas and the Smritis. Finally came the rule according to which the study of the Smruti only was recognised and a contempt of the Smriti was made a sin and a person guilty of it was declared to be condemned to be born as a beast for 21 generations.

This is how the Smritis have been recognised as a source of Hindu

Religion and there is no doubt that, to quote Prof. Altekar, the Smritis ;

"have played a great part in determining the features of many a social and socio-religious institutions and customs and in moulding the development of modern Hinduism."

It cannot therefore be maintained that I was wrong in taking Manu Smriti as containing the philosophy of Hinduism.

This work of elevating the Smritis to the status of the Vedas was undertaken by the Brahmins for a most selfish reason. The Smritis contain in all its wild and luxurious growth the doctrine of Caste, the doctrine of the superiority of the Brahmins, their rights and privileges, the doctrine of the subordination of the Kshatriyas and Vaishyas and the doctrine of the degradation of the Shudras. Such being the philosophy of the Smritis, the Brahmins were directly interested in investing the Smritis with the authority which was claimed for the Vedas and in which they ultimately succeeded to their advantage but to the ruination of the whole country. But conceding—which orthodox and pious Hindu would do that the Smritis do not contain the philosophy of Hinduism but that the same is to be found in the Vedas and the Bhagwat Geeta the question is what difference would this make in the result.

It seems to me that it matters very little whether one takes the Smritis, or the Vedas or the Bhagwat Geeta.

Do the Vedas teach something, which is fundamentally different from what the Smritis do? Does the Bhagwat Geeta run contrary to the injunctions of the Smritis. A few illustrations will make the matter clear.

It is indisputable that the Vedas lay down the theory of Chaturvarna in what is known as the Purushasukta. This Purushasukta recognises two basic principles. It recognises the division of society into four sections as an ideal. It also recognises that the ideal relationship between the four sections is inequality.

What the Bhagwat Geeta teaches is also beyond controversy. Its teaching may be summarised in the following four pronouncements made by Krishna in the Bhagwat Geeta.

(1)"I myself have created the arrangement known as Chaturvarna (i.e. the fourfold division of society into four castes Brahmins, Kshatriyas, Vaishyas and Shudras) assigning them different occupations in accordance with the native capacities. It is I who am the maker of this Chaturvarna"— Gita. IV. 13

(2)"Even if it may be easier to follow the occupation of another *Varna* yet to follow the occupation of one's own Varna is more meritorious,

although one may not be able to do it quite efficiently. There is bliss in following the occupation of one's own Varna, even if death were to result in performing it ; but to follow the occupation of another *Varna* is risky".—Geeta. HI. 35.

(3)"The educated should not unsettle the faith of the uneducated who have become attached to their occupation. He himself should perform the occupation of his Varna and make others perform theirs accordingly. An educated man may not become attached to his occupation. But the uneducated and dull-minded people who have become attached to their occupation should not be spoiled by the educated by putting them on a wrong path by abandoning their own occupation"— Geeta III. 26, 29.

(4)"Oh, Arjun ! Whenever this religion of duties and occupations (i.e. this religion of Chaturvarna) declines, then I myself will come to birth to punish those who are responsible for its downfall and to restore it— Geeta IV, 7-8.

Such is the position of Geeta. What difference is there between it and the Manu Smriti? Geeta is Manu in a nutshell. Those who run away from Manu Smriti and want to take refuge in Geeta either do not know Gita or are prepared to omit from their consideration that soul of Geeta which makes it akin to Manu Smriti.

Compare the teachings of the Veda, of the Bhagwat Geeta with what is contained in the Manu Smriti which I have taken as the text for elucidating the philosophy of Hinduism. What difference does one find? The only difference one can find is that the Vedas and the Bhagwat Geeta deal with General Theory while the Smritis are concerned in working out the particulars and details of that theory. But so far as the essence is concerned all of them—the Smritis, the Vedas and the Bhagwat Geeta—are woven on the same pattern, the same thread runs through them and are really parts of the same fabric.

The reason for this is obvious. The Brahmins who were the authors of the whole body of Hindu Religious Literature—except the Upanishad Literature—took good care to inject the doctrines formulated by them in the Smritis, into the Vedas and the Bhagwat Geeta. Nothing is to be gained in picking and choosing between them. The Philosophy of Hinduism will be the same whether one takes the Manu Smriti as its Gospel or whether one takes the Vedas and the Bhagwat Geeta as the gospel of Hinduism.

Secondly it will be contended that Manu Smriti is a Book of Laws and not a code of ethics and that what I have presented as a philosophy of

Hinduism is only legal philosophy and is not the moral philosophy of Hinduism.

My answer to this contention is simple. I hold that in Hinduism there is no distinction between legal philosophy and moral philosophy. That is because in Hinduism there is no distinction between the Legal and the Moral, the Legal being also the Moral.

Not much evidence is necessary to support my contention. Take the meaningmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_27 of the word Dharma in the Rig Veda. The word Dharma occurs in the Rig Veda 58 times. It is used in six different senses. It is used to denote (1) Ancient custom, (2) Laws, (3) Any arrangement which maintains law and order in society, (4) The course of nature, (5) The quality of a substance and (6) Duty of good and evil. It will thus be seen that from the very beginning the word Dharma in Hinduism has a two fold connotation. It means both law and moral. That is one reason why in the philosophy of Hinduism there can be no distinction between legal philosophy and moral philosophy.

This is not to say that the Hindus have no code of morality. To be sure they have. But it is very pertinent to ask the nature and character of conduct, which the Hindu Code of Ethics declares to be moral.

To have an idea of the nature of conduct which the Hindu thinks moral, it is better to begin by recognising that there are three levels of conductmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_28, which must be, distinguished. (1) Conduct arising from instincts and fundamental need (2) Conduct regulated by standards of I society and (3) Conduct regulated by individual conscience. Conduct on the first level, we do not call moral conduct. It is of course not immoral; it is merely unmoral. It is governed by forces not as moral in purpose but as valuable in result. The forces are biological or sociological or psychological. These have purpose, such as to satisfy hunger, or to forge a weapon against an enemy. But the end is one set up by our physical or instinctive nature. So long as this is merely accepted as an inevitable end and not compared with others, valued, and *chosen,* it is not properly moral. Conduct on the second level is no doubt social. Wherever groups of men are living there are certain ways of acting which are common to the group—"folkways". There are *approved* ways of acting, common to a group, and handed down from generation to generation. Such approved ways of acting are called the mores or the morals of the group. They imply the judgement of the group that they are to be followed. The welfare of the group is regarded as in some

sense imbedded in them. It becomes the duty of the individual to follow them and if any one acts contrary to them he is made to feel the group's disapproval. We cannot strictly speaking call the conduct moral. Because the end is accepted as a standard of `good' prescribed by society. If it had spoken of a moral conduct it is only because it conforms to the mores or morals of the Society. It may be called customary morality. Conduct on the third level is conduct, which alone is truly and completely moral. That is because in it the Individual *recognises* the right or *chooses* the good, and freely devotes himself heartily to its fulfilment. He does not merely accept what is inevitable or follow what is approved by society. He values and chooses the end and becomes personally responsible. His is reflective morality.

On what level does Hindu morality stand? Obviously it is not on the third level. This means that a Hindu is social but not moral in the strict sense of the term. A Hindu takes no responsibility for the ends he serves. He is a willing tool in the hands of his society, content to follow. He is not a free agent afraid to differ. His notions of sin give remarkable proof of his unmoral character. Institutes of Vishnu gives a list of sins which are divided into nine classes:—

1. Deadly sins—*atipataka.* These are certain forms of incest, to be atoned for only by burning.
2. Great sins—*mahapataka.* These are killing a Brahman, drinking spirituous liquor, stealing the gold of a Brahman, connection with a Guru's wife ; also social intercourse with those guilty of such sins.
3. Minor sins of a similar character— *anupataka.* These include the killing of certain other classes of persons, giving false evidence and killing a friend, stealing lands or deposits of a Brahman, certain forms of incest and adultery.
4. Minor sins— *upapataka.* Sins of false statement, neglect of certain religious duties, adultery, unlawful occupation, offences connected with marrying before an elder brother &c., not paying one's debts to the Gods, and manes, atheism &c.
5. Sins effecting loss of caste *jatibramsakara.* Causing bodily pain to a Brahman, smelling things, which should not be smelt, dishonest dealing, and certain unnatural crimes.
6. Sins which degrade to a mixed caste *samkarikarana.* Killing domestic or wild animals.
7. Sins which render one unworthy to receive alms— *apatrikarana.* Receiving presents and alms from despicable persons, trade, money lending, lying, and serving a Shudra.

8. Sins cause defilement— *malavaha*. Killing birds, amphibious animals, and aquatic animals, worms and insects; eating nutmegs or other plants similar in their effects to intoxicating liquors. 9. Miscellaneous sins— *prakirnaka*. Those not already mentioned. This list of sins is not exhaustive but it, is long enough and illustrative enough to give us the idea which underlies the Hindu notion of Sin. In the first place it connotes the fall of man from a prescribed form of conduct. In the second place it means to be defiled, to become unclean. This is the root meaning of the term *Patak*. It means *Patana* (falling away) and it means *Asowcha* (being rendered unclean). In either case sin according to Hindu notion is a decease of the soul. In the first sense it is merely breach of a rule of external conduct. In the other sense it is a defilement of the body to be cleaned and purified by both or by pilgrimage or by sacrificial offering. But it is never the spiritual defilement, which is associated with the harbouring of evil thoughts and purposes.

This shows the morality of the Hindu is purely social. This means that the level of his morality is purely traditional and customary. There are two evils of customary morality. In the first place there is no surety that it will always be charged with sincerity and purity of motive. For it is only when morality penetrates to the deepest springs of purpose and feeling in the individual that pretence will cease to find a place in human behaviour. In the second place customary morality is an anchor and a drag. It holds up the average man and holds back the man who forges ahead. Customary morality is only another name for moral stagnation. This is true of all cases where morality is only customary morality. But the customary morality of the Hindus has an evil feature, which is peculiar to it. Customary morality is a matter of meritorious conduct. Ordinarily this meritorious conduct is something, which is good from the general or public point of view. But among the Hinduism the meritorious conduct is not concerned with the worship of God or the general good of community. Meritorious conduct in Hinduism is concerned with the giving of presents, of good and of honour to the Brahmins. Hindu Ethics is worship of the superman.

What difference would it have made if I had taken Hindu Ethics as the basis for deducing the philosophy of Hinduism? Most students of Hinduism forget that just as in Hinduism there is no difference between law and Religion so there is no difference between law and ethics. Both are concerned with the same thing namely regulating the conduct of the low class Hindus to *subserve* the ends of high Caste Hindus.

Thirdly it will be objected that I presented an altogether false picture

of Hinduism in as much as I have omitted to take into account the Upanishads which are the true source of Hindu philosophy.

I admit that I have not taken the Upanishads into account. But I have a reason and I believe very good reason for doing so. I am concerned with the philosophy of Hinduism as a part of the philosophy of Religion. I am not concerned with Hindu philosophy. If I were, it would have been necessary to examine the Upanishads. But I am quite willing to deal with it so as to leave no doubt that what I have shown to be the philosophy of Hinduism is the philosophy of Upanishads.

The philosophy of the Upanishads can be stated in very few words. It has been well summarised by Huxleymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_29 when he says that the Upanishad philosophy agreed:—

"In supposing the existence of a permanent reality, or `substance', beneath the shifting series of phenomena, whether of matter or of mind. The substance of the cosmos was `Brahma', that of the individual man `Atman'; and the latter was separated from the former only, if I may so speak, by its phenomenal envelope, by the casing of sensations, thoughts and desires, pleasures and pains, which make up the illusive phantasmagoria of life. This the ignorant, take for reality; their `Atman' therefore remains eternally imprisoned in delusions, bound by the fetters of desire and scourged by the whip of misery.

Of what use is this philosophy of the Upanishadas? The philosophy of the Upanishadas meant withdrawal from the struggle for existence by resort to asceticism and a destruction of desire by self-mortification. As a way of life it was condemned by Huxleymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_30 in scathing terms :—

"No more thorough mortification of the flesh has ever been attempted than that achieved by the Indian ascetic anchorite; no later monarchism has so nearly succeeded in reducing the human mind to that condition of impassive quasi-somnambulism, which, but for its acknowledged holiness, might run the risk of being confounded with idiocy."

But the condemnation of the philosophy of the Upanishads is nothing as compared to the denunciation of the same by Lala Hardyalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_31 :—

"The Upanishads claim to expound `that, by knowing which everything is known '. This quest for ' the absolute ' is the basis of all the

spurious metaphysics of India. The treatises are full of absurd conceits, quaint fancies, and chaotic speculations. And we have not learned that they are worthless. We keep moving in the old rut; we edit and re-edit the old books instead of translating the classics of European social thought. What could Europe be if Frederic Harrison, Brieux, Bebel, Anatole France, Herve, Haekel, Giddings, and Marshall should employ their time in composing treatises on Duns, Scotus and Thomas Aquinas, and discussing the merits of the laws of the Pentateuch and the poetry of Beowulf? Indian pundits and graduates seem to suffer from a kind of mania for what is effete and antiquated. Thus an institution, established by progressive men, aims at leading our youths through Sanskrit grammar to the Vadasvia the Six Darshanas! What a false move in the quest for wisdom ! It is as if a caravan should travel across the desert to the shores of the Dead Sea in search of fresh water! Young men of India, look not for wisdom in the musty parchments of your metaphysical treatises. There is nothing but an endless round of verbal jugglary there. Read Rousseau and Voltaire, Plato and Aristotle, Haeckel and Spencer, Marx and Tolstoi, Ruskin and Comte, and other European thinkers, if you wish to understand life and its problems."But denunciations apart, did the Upanishad philosophy have any influence on Hinduism as a social and political system? There is no doubt that it turned out to be most ineffective and inconsequential piece of speculation with no effect on the moral and social order of the Hindus.

It may not be out of place to inquire into the reasons for this unfortunate result. One reason is obvious. The philosophy of Upanishad remained incomplete and therefore did not yield the fruit, which it ought to have done. This will be quite clear if one asks what is the keynote of the Upanishads. In the words of Prof. Max Mullermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_32 the keynote of the Upanishads is `Know thy Self". The `Know thy Self of the Upanishads, means, know thy true Self, that which underlies thin ego and find it and know it in the highest, the eternal self, the One without a Second, which underlies the whole world."

That Atman and Brahman were one was the truth, the great truth which the Upanishads said they had discovered and they asked man to know this truth. Now the reasons why the philosophy of Upanishads, became ineffective are many. I will discuss them elsewhere. At this place I will mention only one. The philosophers of Upanishads did not realise that to know truth was not enough. One must learn to love truth. The

difference between philosophy and religion may be put in two ways. Philosophy is concerned with knowing truth. Religion is concerned with the love of truth. Philosophy is static. Religion is dynamic. These differences are merely two aspects of one and the same thing. Philosophy is static because it is concerned only with knowing truth. Religion is dynamic because it is concerned with love of truth. As has been well said by Max Plowmanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_33 :—

". . . .Unless religion is dynamic and begets in us the emotion of love for something, then it is better to be without any thing that we can call religion; for religion is perception of truth and if our perception of truth is not accompanied by our love for it then it were better not seen at all; The Devil himself is one who has seen the truth only to hate it. Tennyson said"We must love the highest when we see it". It does not follow. Seen in pure objectivity the highest repels by its difference and distance; what we fear it, and what we fear we come to hate. . . . ."

This is the fate of all transcendental philosophies. They have no influence on the way of life. As Blake said"Religion is politics and politics is Brotherhood. Philosophy must become Religion that is it must become a Working Ethic. It must not remain mere metaphysics. As Mr. Plowman says—

"If religion were a Metaphysic and nothing else, one thing is certain, it would never be the concern of the simple and humble men.

"To keep it wholly in the realm of Metaphysic is to make non-sense of it. For belief in religion as in something not directly and vitally effective of politics is ultimately belief that is strictly speaking idiotic; because in the effective sense such a belief makes no difference, and in the world of time and space what 'makes no difference' does not exist."

It is for these very reasons that the philosophy of the Upanishads proved so ineffective.

It is therefore incontrovertible that notwithstanding the Hindu Code of Ethics, notwithstanding the philosophy of the Upanishads not a little not a jot did abate from the philosophy of Hinduism as propounded by Manu. They were ineffective and powerless to erase the infamy preached by Manu in the name of religion. Notwithstanding their existence one can still say"Hinduism! Thy name is inequality!"

VI

Inequality is the soul of Hinduism. The morality of Hinduism is only

social. It is unmoral and inhuman to say the least. What is unmoral and inhuman easily becomes immoral, inhuman and infamous. This is what Hinduism has become. Those who doubt this or deny this proposition should examine the social composition of the Hindu Society and ponder over the condition of some of the elements in it. Take the following cases.

First as to the Primitive Tribes. In what state of civilisation are they?

The history of human civilisation includes the entire period of human progress from Savagery to Barbarism and from Barbarism to Civilisation. The transition from one to other has been marked by some discovery or intention in some department of knowledge of Art resulting in advancing the onward march of man.

The development of articulate speech was the first thing which, from the point of view of human progress, divided man from the brute. It marks the first stage of savagery. The Middle period of the state of savagery began with the knowledge of the manufacture and use of fire. This wonderful discovery enabled man to extend his habit almost indefinitely. He could leave his forest home, go to different and colder climates, and increase his food supply by including flesh and fish. The next discovery was the Bow and Arrow. This was the greatest achievement of primitive man and marks the highest state of savage man. It was indeed a wonderful implement. The possessor of this device could bring down the fleetest animal and could defend himself against the most predatory.

The transition from Savagery to Barbarism was marked by the discovery of pottery. Hitherto man had no utensils that could withstand the action of fire. Without utensils man could not store nor could he cook. Undoubtedly pottery was a great civilising influence.

The Middle State of Barbarism began when man learned to domesticate wild animals. Man learned that captive animals could be of service to him. Man now became a herdsman, no longer dependent for food upon the precarious chase of wild animals. Milk procurable at all seasons made a highly important addition to his dietary. With the aid of horse and camel he traversed wide areas hitherto impassable. The captive animals became aids to commerce, which resulted in the dissemination of commodities as well as of ideas.

The next discovery was of the Art of smelting iron. This marks the highest stage of advancement of barbaric man. With this discovery man became a"tool-making animal"who with his tool could fashion wood and stone and build houses and bridges. This marks the close of the

advancement made by barbaric man. The dividing line which marks off Barbaric people from Civilised people, in the fullest sense of the word Civilisation, is the art of making ideas tangible by means of graphic signs— which is called the art of writing. With this man conquered time as he had with the earlier inventions conquered space. He could now record his deeds and his thoughts. Henceforth, his knowledge, his poetical dreams, his moral aspirations might be recorded in such form as to be read not merely by his contemporaries but by successive generations of remote posterity. For man his history became safe and secure. This was the steepest assent and the climbing of it marks the beginnings of civilisation. Stopping here for the moment let us ask in what state of civilisation are the Primitive Tribes.

The name Primitive Tribesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_34 is expressive of the present state of people who are called by that name. They live in small-scattered huts in forests. They live on wild fruits, nuts and roots. Fishing and hunting are also resorted to for the purpose of securing food. Agriculture plays a very small part in their social economy. Food supplies being extremely precarious, they lead a life of semi-starvation from which there is no escape. As to clothes they economise them to a vanishing point. They move almost in a state of complete nakedness. There is a tribe, which is known as”Bonda Porajas”which, means”Naked Porajas". Of these people it is said that the women wear a very narrow strip which serves as a petticoat almost identical with what is worn by the Momjak Nagas in Assam, the ends hardly meeting at the top on the left thigh. These petticoats are woven at home out of the fibre of a forest tree. Girls wear a fillet of beads and of palmyra leaf and an enormous quantity of beads and neck ornaments extremely like those worn by many Komjak women. Otherwise the women wear nothing. The women shave their heads entirely. . . . . Of these Chenchus, a tribe residing near Farhabad in the Nizam's Dominions it is said that”their houses are conical, rather slight in structure made of bamboo sloping to the central point and covered with a thin layer of thatch..... They have very little, indeed, in the way of material effects, the scanty clothes they wear, consisting of a *langoti* and a cloth in the case of men, and a short bodice and a petticoat in the case of women, being practically all, besides a few cooking pots and a basket or two which perhaps sometimes contains grain. They keep cattle and goats and in this particular village do a little cultivation, elsewhere subsisting on honey and forest produce which they sell". Regarding the

Morias, another Primitive tribe, it is stated the men generally wear a single cloth round the waist with a slap coming down in the front. They also have a necklace of beads and when they dance put on cock's plumes and peacock's feathers in their turbans. Many girls are profusely tattooed, especially on their faces, and some of them on their legs as well. The type of tattooing is said to be according to the taste of the individual and it is done with thorns and needles. In their hair many of them stick the feathers of jungle cocks and their heads are also adorned with combs of wood and tin and brass.

These Primitive Tribes have no hesitation about eating anything, even worms and insects, and, in fact, there is very little meat that they will not eat, whether the animal has died a natural death or has been killed four days or more before by a tiger.

The next groups of the people he will come across are the Criminal Tribes.

The Criminal Tribes live not in Forests as the Primitive Tribes do but in the plains in close proximity to, and often in the midst of civilised life. Hollis in his"Criminal Tribes of the United Provinces"gives an account of their activities. They live entirely by crime. A few may be ostensibly engaged in agriculture, but this is only to cover up their real activities. Their nefarious practices find largest scope in dacoity or robbery by violence, but being a community organised for crime, nothing comes amiss to them. On deciding to commit a dacoity in any particular locality spies are sent out to select a suitable victim, study the general habits of the villagers, and the distance from any effective aid, and enumerate the number of men and firearms. The raid usually takes place at midnight. Acting on the information given by the spies, men are posted at various points in the village and by firing off their guns attract attention from the main gang which attacks the particular house or houses previously appointed. The gang usually consists of 30 to 40 men.

It is essential to emphasis the great part played by crime in the general life of these peoples. A boy is initiated into crime as soon as he is able to walk and talk. No doubt the motive is practical, to a great extent, in so far as it is always better to risk a child in petty theft, who, if he is caught, would probably be cuffed, while an adult would immediately be arrested. An important part is also played by women, who, although they do not participate in the actual raids, have many heavy responsibilities. Besides being clever in disposing off stolen property the women of the Criminal Tribes are experts in shop lifting.

At one time the Criminal Tribes included such well-organised

Confederacies of Professional Criminals as the Pindharies and the Thugs.

The Pindharies were a predatory body of armed gangsters. Their organisation was an open military organisation of freebooters who could muster 20000 fine horse and even more. They were under the command of brigand chiefs. Chitu one of the most powerful commanders had under his single command 10000 horse, including 5000 good cavalry, besides infantry and guns. The Pindharies had no military projects for employing their loose bands of irregular soldiery, which developed into bodies of professional plunderers. The Pindharies aimed at no conquests. Their object was to secure booty and cash for themselves. General loot and rapine was their occupation. They recognised no rulers. They were subjects of none. They rendered loyalty to none. They respected none, and plundered all, high and low, rich and poor, without fear or compunction.

The Thugsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/17.Philosophy of Hinduism.htm - _msocom_35 were a well organised body of professional assassins, who, in gangs of from 10 to 100 wandered in various guises throughout India, worked themselves into the confidence of wayfarers of the wealthier class, and, when a favourable opportunity occurred, strangled them by throwing a handkerchief or noose round their necks, and then plundered and buried them. All this was done according to certain ancient and rigidly prescribed forms and after the performance of special religious rites, in which was the consecration of the package, and the sacrifice of sugar. They were staunch worshippers of Kali, the Hindu Goddess of destruction. Assassination for gain was with them a religious duty, and was considered a holy and honourable profession. They had, in fact, no idea of doing wrong, and their moral feelings did not come into play. The will of the Goddess, by whose command and in whose honour they followed there calling, was revealed to them through a very complicated system of omens.

In obedience to these they often travelled even the distance of hundred miles in company with, or in the wake of, their intended victims before a safe opportunity had presented itself for executing their design; and when the deed was done, rites were performed in honour of that tutelary deity, and a goodly portion of the spoil was set apart for her. The Thugs had also a jargon of their own, as well as certain signs by which its members recognised each other in the remotest part of India. Even those who from age or infirmities could no longer take an active part in the operations used to aid the cause as watchmen, spies or

dressers of food. It was owing to their thorough organisation, the secrecy and security with which they went to work, but chiefly to the religious garb in which they shrouded their murders, that they could continue for centuries to practise their craft. The extraordinary fact was that Thugee was regarded as a regular profession by Indian Rulers of the day, both Hindu and Mahomedans. The Thugs paid taxes to the state and the state left them unmolested.

It was not until the British became rulers of the country that an attempt was made to suppress the Thugs. By 1835, 382 Thugs were hanged and 986 were transported or imprisoned for life. Even as late as 1879 the number of registered Thugs was 344 and the Thugee and the Dacoity department of the Government of India continued to exist until 1904 when its place was taken by the Central Criminal Intelligence Department. While it is not possible for the criminal tribes to live by organized bodies of criminals, crime continues to be their main occupation.

Besides these two classes there is a third class which comprises a body of people who are known as Untouchables.

Below the Untouchables there are others who are known as unapproachable. Untouchables are those who cause pollution only if they touch. The Unapproachable are those who cause pollution if they come within a certain distance. It is said of the Nayadis—a people, who fall into the category of the Unapproachable,"that they are the lowest caste among the Hindus—the dog-eaters.

They are the most persistent in their clamour for charity, and will follow at a respectful distance, for miles together any person walking, driving or boating. If any thing is given to them, it must be laid down, and after the person offering it has proceeded a sufficient distance, the recipient comes timidly forward, and removes it."Of the same people Mr. Thurston says,"The subject (i.e. the Nayadis) whom I examined and measured at Shoranus, though living only about three miles off, had, by reason of the pollution which they traditionally carry with them to avoid walking over the long bridge which spans the river, and follow a circuitous route of many miles". Below the Unapproachable are the Unseeables. In the Tinnevelley District of the Madras Presidency there is a class of unseeables called Purada Vannans. Of them it is said,"that they are not allowed to come out during day time because their sight is enough to cause pollution. These unfortunate people are `compelled' to follow the nocturnal habits, leaving their dens after dark and scuttling home at the false dawn like the badger, the hyena, the avordvark."

Consider the total population of these classes. The Primitive Tribes form a total of 25 million souls. The Criminal Tribes number 41/2 millions and the Untouchables number 50 millions. This makes a grand total of 791/2 millions. Now ask how these people could have remained in the state of moral, material, social and spiritual degradation surrounded as they have been by Hinduism. Hindus say that their civilisation is older than any civilisation, that Hinduism as a religion is superior to any other religion. If this is so how is that Hinduism failed to elevate these people, bring them enlightenment and hope; how is it that it failed even to reclaim them ; how is it that it stood with folded hands when millions and millions were taking to life to shame and crime? What is the answer to this? The only answer is that Hinduism is overwhelmed with the fear of pollution. It has not got the power to purify. It has not the impulse to serve and that is because by its very nature it is inhuman and unmoral. It is a misnomer to call it religion. Its philosophy is opposed to very thing for which religion stands.

PLEA TO THE FOREIGNER

Note on the Annexure to 'What Congress and Gandhi have done to the Untouchables?'

Editorial Note:

The present volume of 'What Congress and Gandhi have done to the Untouchables', is the reprint of the first edition published in 1945. Dr. Ambedkar brought out a second edition in 1946. Certain changes by way of substantial additions and improvements are noticed. Chapter 9, which contains these changes is therefore annexed to the Volume. No changes are noticed in the remaining text.

The Editorial Committee is grateful to Shri G. P. Mandavkar of Nagpur for bringing to our notice the contents of the second edition.

CHAPTER IX
A PLEA TO THE FOREIGNER
Let not Tyranny Have Freedom to Enslave

I

'IT is a matter of common experience that barring a few exceptions, almost all foreigners, who show interest in Indian political affairs, take the side of the Congress. This quite naturally puzzles and annoys the other political parties in the country, such as the Muslim League, claiming to represent the Musalmans, the Justice Party—now in a state of suspended animation but still—claiming to speak in the name of the non-Brahmins and the All-India Scheduled Castes Federation, claiming to represent the Untouchables, all of whom have been appealing to the foreigner for support but to whom the foreigner's not even prepared to give a sympathetic hearing. Why does the foreigner support the Congress and not the other political parties in India? Two reasons are usually assigned by the foreigner for his behaviour. One reason assigned by him for supporting the Congress is that it is the only representative political organisation of the Indians and can speak in the name of India and even for the Untouchables. Is such a belief founded on facts?

It must be admitted that there have been circumstances which are responsible for creating such a belief. The first and foremost

circumstance for the spread of this view is the propaganda by the Indian Press in favour of the Congress. The Press in India is an accomplice of the Congress, believes in the dogma that the Congress is never wrong and acts on the principle of not giving any publicity to any news, which is inconsistent with the Congress prestige or the Congress ideology. To the foreigner the Press is the principal medium of information about the Indian political affairs. The cry of the Indian Press being what it is, there is therefore no wonder if the people in England and America know one thing and only one thing, namely, that the Congress is the only representative body in India including even the Untouchables.

The effect of this propaganda is considerably heightened because of the absence of counter-propaganda on behalf of the Untouchables to advertise their case against the Congress clam. There are various explanations for this failure on the part of the Untouchables.

The Untouchables have no Press. The Congress Press is closed to them and is determined not to give them the slightest publicity. They cannot have their own Press and for obvious reasons. No paper can survive without advertisement revenue. Advertisement revenue can come only from business and *in* India all business, both high and small, is attached to the Congress and will not favour any Non-Congress organisation. The staff of the Associated Press in India, which is the main news distributing agency in India, is entirely drawn from the Madras Brahmins—indeed the whole of the Press in India is in their hands and they, for well-known reasons, are entirely pro-Congress and will not allow any news hostile to the Congress to get publicity. These are reasons beyond the control of the Untouchables.

To a large extent the failure of the Untouchables to do propaganda, it must be admitted, is also due to the absence of will to do propaganda. This absence of will arises from a patriotic motive not to do anything, which will damage the cause of the country in the eyes of the world outside. There are two different aspects to the politics of India, which may be distinguished as foreign politics and constitutional politics. India's foreign politics relate to India's freedom from British Imperialism, while the constitutional politics of India centre round the nature of a constitution for a free India. For a discriminating student the two issues are really separate. But the Untouchables fear that though the two aspects of India's politics are separable, the foreigner, who counts in this matter and whose misunderstanding has to be guarded against, is not only incapable of separating them but is very likely to mistake a quarrel over constitutional politics for *a,* disagreement over the ultimate

purposes of India's foreign politics. This is why the Untouchables have preferred to remain silent and allowed the Congress propaganda to go unchallenged.

The Congressmen will not admit the patriotic motives of the Untouchables in keeping silent over Congress propaganda which is directed against them. The fact, however, remains that the silence and the desire to avoid open challenge on the part of the Untouchables have been materially responsible for the general belief that the Congress represents all, even the Untouchables.

While, as explained above, there are circumstances which are responsible for creating the belief that Congress represents all including the Untouchables, such a belief is not warranted by the facts as disclosed by the elections that took place in 1937. How the claim of the Congress to represent all has been disproved by those elections, has already been described in an earlier part of this book, both generally and also with particular regard to the claim of the Congress to represent the Untouchables. If the foreigner will make a note of it he will see how wide the propaganda is from the facts.

At a time when the representative character of the Congress was not put to test in an election it was excusable for a foreigner to be carried away by propaganda. But the matter has now been put to test in the elections that took place in 1937. With the results of the elections available to check the position, it may be hoped that the foreigners will revise their view that the Congress represents all, including the Untouchables, and that they will realise that the other parties are equally representative of elements in the social life of India which are outside the Congress and have therefore the right to be heard.

II

There is another reason why the foreigner lends his support to the Congress. It lies in the difference between the demonstrative activities of the Congress and the other political parties in the country. While he compares the activities of the different political parties, he sees Congressmen engaged in a conflict with the British Government, launching campaigns of civil disobedience, breaking laws made by a foreign Government, organizing movements for non-payment of taxes, courting prison, preaching non-co-operation with Government, refusing offices and exhibiting themselves in other ways as men out to sacrifice themselves for the freedom of the country. On the other hand. he sees the other political parties uninterested, passive and taking no part in

such a struggle. From this, he concludes that the Congress is a body struggling for the freedom of India, while the other parties are indifferent, if not obstructive and as a lover of freedom feels bound to support the Congress as a body carrying on a ' Fight for Freedom ' in preference to other parties.

This is quite natural. But a question arises which calls for attention. Is this partiality to the Congress the result of an infatuation for the ' Fight for Freedom ' movement? Or, is it the result of a conviction that this ' Fight for Freedom ' is going to make the people of India free? If it is the former, all I can do is to regret that what I have said in Chapter VII in explanation as to why the Untouchables have not joined with the Congress in this ' Fight for Freedom ' has not produced the desired effect on the foreigner. But I cannot quarrel, with him on that account. For it is quite understandable that many a foreigner on reading that chapter may say that while the reasons adduced by me as to why the Untouchables refuse to join the ' Fight for Freedom ' arc valid and good, I have shown no ground why he should not support a body which is carrying on a fight for freedom.

If the basis of his partiality to the Congress is of the latter sort then the matter stands on a different footing. It then becomes necessary to examine the rationale of his attitude and to save him from his error.

Ordinarily, no one trusts the word of a person who is not prepared to place all his cards on the table and commit himself to something clear and definite, so as to prove his *bona fides,* to inspire confidence and secure the co-operation of those who have doubts about his motives. The same rule must apply to the Congress. But as I have shown in Chapter VII the Congress has not produced its blue print of the sort of democracy it aims to establish in India, showing what place the servile classes and particularly the Untouchables will have in it. Indeed, it has refused to produce such a blue print, not withstanding the insistent demand of the Untouchables and the other minority communities. In the absence of such a pronouncement it appears to be a strange sort of credulity on the part of the foreigner to give support to the Congress on the ground that it stood for democracy.

There is certainly no ground for thinking that the Congress is planning to establish democracy in India. The mere fact that the Congress is engaged in a ' Fight for Freedom ' does not warrant such a conclusion. Before any such conclusion is drawn it is the duty of the foreigner to pursue the matter further and ask another question, namely, ' For whose freedom is the Congress fighting? ' The question whether the Congress

is fighting for freedom has very little importance as compared to the question, ' for whose freedom is the Congress fighting? ' This is a pertinent and necessary inquiry and it would be wrong for any lover of freedom to support the Congress without further pursuing the matter and finding out what the truth is. But the foreigner who takes the side of the Congress does not care even to raise such a question. One should have thought that he would very naturally raise such a question and if he did raise it and pursue it, I am confident, he will find abundant proof that the Congress far from planning for democracy is planning to resuscitate the ancient form of Hindu polity of a hereditary governing class ruling a hereditary servile class.

The attitude of the foreigner to the cause of the servile classes and particularly to the cause of the Untouchables is a vital matter and no party can leave it out of consideration, *as* a case of idiosyncrasy. For any one representing the Untouchables it is necessary to take note of it and do his best to convince the foreigner that in supporting the Congress he is supporting a wrong party.

III

Apart from the question of likes and dislikes, the real explanation for this strange attitude of the foreigner towards the Congress seems to be in certain notions about freedom, self-government and democracy propounded by western writers on Political Science and which have become the stock-in-trade of the average foreigner.

As to freedom, the foreigner does not stop to make a distinction between the freedom of a country and the freedom of the people in the country. He takes it for granted that the freedom of a country is the same as the freedom of the people in the country and once the freedom of the country is secured the freedom of the people is also thereby assured.

As regards self-government he believes that all that is wanted in a people is a sense of constitutional morality, which Grote mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/43. A Plea to the Foreigner.htm -_msocom_1 defined as habits of"paramount reverence for the form of the constitution, enforcing obedience to the authorities acting under and within those forms, yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts—combined, too, with a perfect confidence in the bosom of every citizen, admits the bitterness of party contest, that the forms of constitution will be not less sacred in

the eyes of his opponents than in his own."If in a populace these habits are present, then according to the western writers on Politics, self-government can be a reality and nothing further need be considered. As to democracy he believes that what is necessary for achieving it is the establishment of universal adult suffrage. Other aids have been suggested such as recall, plebiscite and frequent elections and in some countries they have been brought into operation. But in a majority of countries nothing more than adult suffrage and frequent elections is deemed to be necessary for ensuring Government by the people, of the people and for the people.

I have no hesitation in saying that all these notions are fallacious and grossly misleading.

Not to make a distinction between the freedom of the country and the freedom of the people in the country is to allow oneself to be misled, if not deceived. For, words such as society, nation and country are just amorphous if not ambiguous terms. There is no gainsaying that ' nation ' though one word means many classes. Philosophically, it may be possible to consider a nation as a unit but sociologically it cannot but be regarded as consisting of many classes and the freedom of the nation, if it is to be a reality, must vouchsafe the freedom of the different classes comprised in it, particularly of those who are treated as the servile classes.

Habits of constitutional morality may be essential for the maintenance of a constitutional form of Government. But the maintenance of a constitutional form of Government is not the same thing as a self-government by the people. Similarly, it may be granted that adult suffrage can produce government of the people in the logical sense of the phrase, i.e., in contrast to the government of a king. But it cannot by itself be said to bring about a democratic government, in the sense of the government by the people and for the people.

Anyone who knows the tragic fate of Parliamentary Democracy in Western Europe will not require more and better evidence to prove the fallacy underlying such notions of democracy mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/43. A Plea to the Foreigner.htm -_msocom_2 . If I may quote myself from what I have said in another place, the causes which have led to the failure of democracy in Western Europe may be summarised in the following words;

"The Government of human society has undergone some very significant changes. There was a time when the government of human society had taken the form of autocracy by Despotic Sovereigns. This

was replaced after a long and bloody struggle by a system of government known as Parliamentary Democracy. It was felt that this was the last word in the framework of government. It was believed to bring about the millennium in which every human being will have the right to liberty, property and pursuit of happiness. And there were good grounds for such high hopes. In parliamentary democracy there is the Legislature to express the voice of the people; there is the executive which is subordinate to the Legislature and bound to obey the Legislature. Over and above the Legislature and the Executive there is the Judiciary to control both and keep them both within prescribed bounds. Parliamentary democracy has all the marks of a popular Government, a government of the people, by the people and for the people. It is therefore a matter of some surprise that there has been a revolt against parliamentary democracy although not even a century has elapsed since its universal acceptance and inauguration. There is revolt against it in Italy, in Germany, in Russia and in Spain, and there are very few countries in which there has not been discontent against parliamentary democracy. Why should there be this discontent and dissatisfaction against parliamentary democracy? It is a question worth considering. There is no country in which the urgency of considering this question is greater than it is in India. India is negotiating to have parliamentary democracy. There is a great need of some one with sufficient courage to tell Indians:"Beware of parliamentary democracy, it is not the best product as it appears to be.

Why has parliamentary democracy failed? In the country of the dictators it has failed because it is a machine whose movements are very slow. It delays swift action. In a parliamentary democracy the Executive may be held up by the Legislature which may refuse to pass the laws which the Executive wants and if it is not held up by the Legislature it may be held up by the judiciary which may declare the laws as illegal. Parliamentary democracy gives no free hand to dictatorship and that is why it became a discredited institution in countries like Italy, Spain and Germany which readily welcomed dictatorships. If dictators alone were against parliamentary democracy it would not have mattered at all. Their testimony against parliamentary democracy would be welcomed for the reason that it can be an effective check upon dictatorship. But unfortunately there is a great deal of discontent against parliamentary democracy even in countries where people are opposed to dictatorship. That is the most regrettable fact about Parliamentary democracy. This is all the more regrettable because parliamentary democracy has not been

at a standstill. It has progressed in three directions. It began with equality of political rights in the form of equal suffrage. There are very few countries having parliamentary democracy which have not adult suffrage. It has progressed by expanding the notion of equality of political rights to equality of social and economic opportunity. It has recognised that the State cannot be held at bay by corporations which are anti-social in their purpose. With all this, there is immense discontent against parliamentary democracy even in countries pledged to democracy. The reasons for discontent in such countries must obviously be different from those assigned by the dictator countries. There is no time to go into details. But it can be said in general terms that the discontent against parliamentary democracy is due to the realisation that it has failed to assure to the masses the right to liberty, property or the pursuit of happiness. If this is true, it is important to know the causes which have brought about this failure. The causes for this failure may be found either in wrong ideology or wrong organisation or in both. I think the causes are to be found in both.

Of the erroneous ideologies which have been responsible for the failure of parliamentary democracy I have no doubt that the idea of freedom of contract is one of them. The idea became sanctified and was upheld in the name of liberty. Parliamentary democracy took no notice of economic inequalities and did not care to examine the result of freedom of contract on the parties to the contract, in spite of the fact that they were unequal in their bargaining power. It did not mind if the freedom of contract gave the strong the opportunity to defraud the weak. The result is that parliamentary democracy in standing out as protagonist of liberty has continuously added to the economic wrongs of the poor. the downtrodden and the disinherited class.

The second wrong ideology which has vitiated parliamentary democracy is the failure to realise that political democracy cannot succeed where there is no social and economic democracy. Some may question this proposition. To those who are disposed to question it, I will ask a counter-question. Why did parliamentary democracy collapse so easily in Italy, Germany and Russia? Why did it not collapse so easily in England and the U.S.A.? To my mind there is only one answer. It is that there was a greater degree of economic and social democracy in the latter countries than existed in the former. Social and economic democracy are the tissues and the fibre of a political democracy. The tougher the tissue and the fibre, the greater the strength of the body. Democracy is another name for equality. Parliamentary democracy

developed a passion for liberty. It never made even a nodding acquaintance with equality. It failed to realise the significance of equality and did not even endeavour to strike a balance between liberty and equality with the result that liberty swallowed equality and has made democracy a name and a farce.

I have referred to the wrong ideologies which in my judgement have been responsible for the failure of parliamentary democracy. But I am equally certain that more than bad ideology it is bad organisation which has been responsible for the failure of democracy. All political societies get divided into two classes—the Rulers and the Ruled. This is an evil. If the evil stopped here it would not matter much. But the unfortunate part of it is that the division becomes so stereotyped and stratified that Rulers are always drawn from the ruling class and the class that is ruled never becomes the ruling class. This happens because generally people do not care to see that they govern themselves. They are content to establish a government and leave it to govern them. This explains why parliamentary democracy has never been a government of the people or by the people and why it has been in reality a government of a hereditary subject class by a hereditary ruling class. It is this vicious organisation of political life which has made parliamentary democracy such a dismal failure. It is because of this that parliamentary democracy has not fulfilled the hope it held out to the common man of ensuring to him liberty, property and pursuit of happiness."

If this analysis of the causes which have led to the failure of democracy is correct, it must serve as a warning to the protagonists of democracy that there are certain fundamental considerations which go to the root of democracy and which they cannot ignore without peril to democracy. For the sake of clarity these considerations may be set down in serial order.

First is the recognition of the hard fact of history that in every country there exist two classes,—the governing class and the servile class between whom there is a continuous struggle for power. *Second* is that by reason of its power and prestige the governing class finds it easy to maintain its supremacy over the servile class. *Third* is that adult suffrage and frequent elections are no bar against governing class reaching places of power and authority. *Fourth* is that on account of their inferiority complex the members of the servile classes regard the members of the governing class as their natural leaders and the servile classes themselves volunteer to elect members of the governing classes as their rulers. *Fifth* is that the existence of a governing class is inconsistent with democracy

and self-government and that given the fact that where the governing class retains its power to govern, it is wrong to believe that democracy and self-government have become realities of life. *Sixth* is that self-government and democracy become real not when a constitution based on adult suffrage comes into existence but when the governing class loses its power to capture the power to govern. *Seventh* is that while in some countries the servile classes may succeed in ousting the governing class from the seat of authority with nothing more than adult suffrage, in other countries the governing class may be so deeply entrenched that the servile classes will need other safeguards besides adult suffrage to achieve the same end.

That there is great value in having these considerations drawn up and hung up, so to say on the wall, before every lover of democracy, so that he may see them and note them, goes without saying. For they will help, as nothing else can, to make him realise that in devising a constitution for democracy he must bear in mind: that the principal aim of such a constitution must be to dislodge the governing class from its position and to prevent it from remaining as a governing class for ever; that the machinery for setting up a democratic government cannot be a matter of dogma; that ousting the governing class from power being the main object the machinery for setting up a democratic government cannot be uniform and that variations in the machinery of Democracy must not merely be tolerated but accepted for the reason that the processes by which the governing classes obtain their mastery over the servile classes vary from country to country.

This is what democracy means and involves. But unfortunately Western writers on Politics from whom the foreigner draws his notions have failed to take such a realistic view of democracy. Instead, they have taken a very formal and a very superficial view of it by making constitutional morality, adult suffrage and frequent elections as the be-all and end-all of democracy.

Those who propound the view that democracy need involve no more than these three devices are probably unaware of the fact that they are doing nothing more than and nothing different from expressing the point of view of the governing classes. The governing classes know by experience that such mechanisms have not proved fatal to their power and their position. Indeed, they have helped to give to their power and prestige the virtue of legality and made themselves less vulnerable to attack by the servile classes.

Those who wish that democracy and self-government should come

into their own, and should not remain as mere forms, cannot do better than start with the recognition of the crucial fact that the existence of a permanently settled governing class is the greatest danger to democracy. It is the only safe and realistic approach for a democrat to adopt. It is a fatal blunder to omit to take account of its existence in coming to a conclusion as to whether in a free country freedom will be the privilege of the governing class only or it will be the possession of all. In my view, therefore, what the foreigner who chooses to side with the Congress should ask is not whether the Congress is fighting for freedom. He should ask: For whose freedom is the Congress fighting? Is it fighting for the freedom of the governing class in India or is it fighting for the freedom of the people of India? If he finds that the Congress is fighting for the freedom of the governing class, he should ask Congressmen: Is the governing class in India tit to govern? This is the least he can do before siding with the Congress.

What are the answers which Congressmen have to give to these questions? I do not know. But I will give what I think are the only true answers to these questions.

IV

I cannot say if the foreigner will be impressed by what has been said in the foregoing section of this chapter. If he is he will no doubt ask for proof in support of the statement that the Congress in fighting for the freedom of the country is really fighting not to establish democracy but is planning to resuscitate the ancient Hindu polity of a hereditary governing class ruling a hereditary servile class. I am not certain that the foreigner will be satisfied with the evidence. But I and prepared to place it before him for what it is worth.

Who constitute the governing class in India? For Indians such a question is unnecessary. But for the foreigner it is a necessary preliminary and it must therefore be dealt with. The governing class in India consists principally of the Brahmins. Strangely enough some present-day Brahmins repudiate the allegation that they belong to the governing class though at one time they described themselves as *Bhudevas* (Gods on earth). What can-this *volte face* be due to? The intellectual class in every community is charged by its moral code with one sacred duty, namely, to safeguard the interest of the community and not to sacrifice it to the interest of their own class. No intellectual class has so grossly related this trust as have the Brahmins in India. When one finds the Brahmins repudiating their position as the governing class in India one begins to think whether it is due to a guilty conscience, born

out of the realisation that they have committed a criminal breach of this trust and therefore dare not stand before the bar of the world. Or is it due to their sense of modesty? It is not necessary to speculate as to what the truth is. For, it is hardly open to question that in India the Brahmins are a governing class. If necessary there are two tests which one could apply for the purpose of ascertaining the truth. First is the sentiment of the people and the second is the Brahmin's share in administration. Taking the attitude of the people towards the Brahmin, nobody can deny that the person of the Brahmin is regarded as sacred by every Hindu, high or low. He is the most"Worshipful Master"to whom everyone high and low must bow. In pre-British days he had immunities and privileges which were denied to the servile class. For instance he could not be hanged even if he committed murder. That was because he was a sacred person. There was a time when no person of the servile class could take his food without drinking the water in which the toes of the Brahmins were washed. Sir P. C. Ray once described how in his childhood, rows of children belonging to the servile classes used to stand for hours together in the morning on the roadside in Calcutta with cups of water in their hands waiting for a Brahmin to pass, ready to wash his feet and take the sacred liquid to their parents who would not take their food without having a sip of it first. He was entitled to first fruits. In Malabar, where the Sambandham form of marriage prevails, the servile classes, such as the Nairs, regard it an honour to have their females kept as mistresses by the Brahmins. Even kings invited Brahmins to deflower their queens on *prima nortis.* #

The Traveller Ludovico Di Varthema who came to India in the middle of the 16th century and visited Malabar saya :

"It is proper and at the same time a pleasant thing to know who these Brahmins are. You rnust know that they are the chief persons of the faith, as priesta are among us. And when the king takes a wife he selects the moot worthy and the moat honoured of these Brahmins and makes him sleep the first night with his wife, in order that he may deflower her. Do not imagine that the Brahmin goes willingly to perform this operation. The king is obliged to pay him four hundred to five hundred ducats. The king only and no other person in Calicut adopts this practice."—*Voyages of Varthema* (Haklayat Society), Vol I, p. 141.

Other Travellers tell that the practice was widespread. Hamilton in his *Account of the East Indus* saya:

"When the Samorin marries, he must not cohabit with his bride till the Nambourie (Nambudri) or chief priest, has enjoyed her, and if he pleases he may have three nights of her company, because the first fruits of her nuptials muat be a holy oblation to the God she worships and some of the nobles are so complacent as to allow the olergy the same tribute; but the common people •cannot have that compliment

paid to them, but are forced to supply the priests places themselves."—Vol, I, p. 308.

Buchanan in his Narrativie refers to the practice in the following terms :"The ladies of the Tamuri family are generally impregnated by Nambudries ; although if they choose they may employ the higher ranks of Nairs; but the sacred character of the Nambadries always procures them a preference."— *Pinkerton's Voyages,* Vol. VIII, p. 734.

Mr. C. A. Innea, I.C.S., Editor of the *Gazetter* of Malabar and Anjengo, issued under the authority of the Government of Madras, says :

"Another institution found amongst all the classes following the *marukak-kaitayam* system, as well as amongst many of those who observe *makkattayam,* is that known as •' Tali-tying wedding"which has been described as"the moat peculiar, distinctive and unique"among Malayali marriage customs. Its essence is the tying of a *tali* (a small piece of gold or other metal, like & locket. on a string) on a girl's neck before she attains the ago of puberty. This is done by a man of the same or of a higher caste (the usages of different classes differ). and it is only after it has been done that the girl is at liberty to contracts *sambandham. It* seems to be generally considered that the ceremony was intended to confer on the *tali tier* or *manavaiiin* (bridegroom) a right to cohabit with the girl; and by some the origin of the ceremony ia found in the claim of the *Bhu-deuas* or"Earth-Gods."(that is the Brahmins), and on a lower plane of Kshatriyas or ruling classes, to the first-fruits of lower case womanhood, a night skin to the medixeval *droit de seigncies"*--Vol. I, p. 101.

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Under the British Government and by reason of its equalitarian jurisprudence these rights, immunities and privileges of the Brahmins have ceased to exist. Nonetheless the advantages they gave still remain and the Brahmin is still pre-eminent and sacred in the eyes of the servile classes and is still addressed by them as"Swami"which means ' Lord.'

The second test gives an equally positive result. To take only the Madras Presidency by way of illustration. Consider Table 18 (see page 218). It shows the distribution of gazetted posts between the Brahmins and the other communities in the year 1948. Similar data from the other provinces could also be adduced to support this conclusion. But it is unnecessary to labour the point. Whether the Brahmins accept or deny the status the facts that they control the State and that their supremacy is accepted by the servile classes, are enough to prove that they form the governing class.

It is of course impossible for the Brahmins to maintain their supremacy as a governing class without an ally to help them on account of their being numerically very small. Consequently, as history shows, the Brahmins have always had other classes as their allies to whom they

were ready to accord the status of a governing class provided they were prepared to work with them in subordinate co-operation. In ancient and mediaeval times they made such an alliance with the Kshatriyas or the warrior class and the two not merely ruled the masses, but ground them down to atoms, pulverised them so to say—the Brahmin with his pen and the Kshatriya with his sword. At present, Brahmins have made an alliance with the Vaishya class called Banias. The shifting of this alliance from the Kshatriya to the Bania is in the changed circumstances quite inevitable. In these days of commerce money is more important than sword. That is one reason for this change in party alignment. The second reason is the need for money to run the political machine. Money can come only from and is in fact coming from the Bania. If the Bania is financing the Congress it is because he has realised—and Mr. Gandhi has taught him—that money invested in politics gives large dividends. Those who have any doubt in the matter might do well to read what Mr. Gandhi told Mr. Louis Fischer on June 6, 1942. In his book *A Week with Mr. Gandhi,* Mr. Fischer records very revealing answers *to* some of his most interesting and pertinent questions.

Table 18 (1)1

Communities	*Approx-imate Population in Lakhs*	*Percentage of Population*	*No. of Posts held out of Total No. Gazetted Posts (2,200)*	*Percentage of Appoint-ments held*	*Non-Gazetted Posts*	
					Over Rs. 100 Total No. 7,500	*Over Rs. 35 Total No. 20,782*

					No. held by	*Percentage of Appointments held*	*No. held by*	*Percentage of Appointments held*
(1)	(2)	(3)	*(4)*	(5)	(6)	(7)	(8)	*(9)*
Brahmins ...	IS	3	820	37	3,280	43.73	8,812	42.4
Christians	20	4	190	9	750	10	1.655	8.0
Mohammedans	37	7	150	7	497	6.63	1,624	7.8
Depressed classes	70	14	25	1.5	39	.52	144	.69
Non-Forward Non-Brahmins Brahmins Backward Classes	113 245	22 50	620 50	27 2	2,543	33.9	8,440	40.6
Non-Asiatic and Anglo-Indians	—	—	—	—	372	5.0	83	.4
Other Communities	—	—	—	—	19	.5	24	.11

Mr. Fischer writes mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/43. A Plea to

the Foreigner.htm - _msocom_4 :

"I said I had several questions to ask him (Mr. Gandhi) about the Congress Party. Very highly placed Britishers, I recalled, bad told me that Congress was in the hands of big business and that Mr. Gandhi was supported by the Bombay Mill owners who gave him as much money as he wanted. 'What truth is there in these assertions,' I asked, ' Unfortunately, they are true,' he declared simply. ' Congress hasn't enough money to conduct its work. We thought in the beginning to collect four annas (about eight cents) from each member per year and operate on that. But it hasn't worked.' ' What proportion of the Congress budget,' I asked, ' is covered by rich Indians? ' ' Practically all of it,' he stated ' In this ashram, for instance, we could live much more poorly than we do and spend less money. But we do not and the money comes from our rich friends.'"

Being dependent on his money, it is impossible for the Brahmin to exclude the Bania from the position of a governing class. In fact, the Brahmin has established not merely a working but a cordial alliance with the Bania. The result is that the governing class in India to-day is a Brahmin-Bania instead of a Brahmin-Kshatriya combine as it used to be.

Enough has been said to show who constitute the governing class in India. The next inquiry must be directed to find out how the governing class fared in the elections to the Provincial Legislatures that took place in 1937.

The elections that took place in 1937 were based on a franchise which though it was neither universal nor adult was wide enough to include classes other than the governing class, certainly wider than any existing prior to 1937. The elections based on such a franchise may well be taken as a test to find out how the governing class fared as against the servile classes in this electoral contest.

Unfortunately, no Indian publicist *has* as yet undertaken to compile an Indian counterpart of Dodd's Parliamentary Manual. Consequently, it is difficult to have precise particulars regarding the caste, occupation, education and social status of members of the legislature elected on the Congress ticket. The matter is so important that I thought of collecting the necessary information on these points relating to members of the Provincial Legislatures elected in 1937. I did not succeed in getting precise information about every member. There arc many whom I have had to leave as unclassified. But the information I have been able to gather is I believe sufficient to warrant our drawing certain definite

conclusions.

As an answer to the question as to how the governing class fared in the electoral contest of 1937, attention maybe drawn to Table 19 (see page 216) which shows the proportion of Brahmins and Banias (landlords and moneylenders) representing the governing class and non-Brahmins and the Scheduled Castes representing the servile classes, that were elected to the Provincial Legislative Assemblies on the Congress ticket.

Those, who do not know how small is the proportion of the Brahmins to the total population of Hindus, may not be able to realise the degree of over-representation which the Brahmins have secured in the election. But there is no doubt that on comparison with their numbers the Brahmins have secured overwhelming representation.

Those, who"wish to know what degree of representation the propertied classes, such as Banias, businessmen and landlords obtained, may see the figures given in Table 20 (see page 217). It shows how many Banias, businessmen and landlords were elected on the Congress ticket. Here again the representation secured by the Banias, landlords and businessmen is quite out of proportion to their numbers.

Such is the position of the governing class in the legislatures constituted under the elections that took place in 1937. Some may say that on the whole the governing classes were in a minority in the legislature. As against this, it must be pointed out that the supremacy of the governing class can be measured not by its position in the legislature but by its ability to get possession of executive authority. An inquiry into the class composition of the Ministers is therefore very pertinent. Information on this point will be found in Tables *21* and 22 (see pages 218 and 219). A glance at the tables mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/43. A Plea to the Foreigner.htm -_msocom_5 is enough to show that the Brahmins—the premier governing class— succeeded in capturing an overwhelming majority of seats in the Cabinet.

Table 19

Classification of Congress Members of Provincial Assemblies by Castes

Province	*Brahmins*	*Non-Brahmins*	*Scheduled Castes*	*Not Stated*	*Total*
Assam ...	*6*	21	1	5	33
Bengal ...	15	27	6	6	54
Bihar ...	31	39	16	12	98

C. P.. ...	28	85	7	-	70
Madras...	38	90	26	5	159
Orissa ...	11	20	5	_	36
United Provinces	39	54	16	24	133

Table 20

ıssification of the Congress Members of the Provincial Legislatures in terms :cuption

Province	*Lawyers*	*Medical Practitioners*	*Land-lords*	*Business-men*	*Private Officials*	*Money Lenders*	*Nil*	*Not Stated*	*Total*
Assam	16	2	2	1	—	—	3	9	33
Bengal	9	2	16	5	2	—	16	4	54
Bihar	14	4	56	6	3	—	1	14	98
Central Provinces	20	2	25	10	—	—	8	5	70
Madras	52	2	45	18	2	1	3	36	159
Orissa	8	1	17	4	4	1	1	—	36

Table 21

Composition of the Cabinets in the Congress Provinces [f.6]

Province	Total No. of Cabinet *Ministers*	*Total No. of Non-Hindu Ministers*	*Hindu Ministers in the Cabinet*				*Prime Minister*
			Total	*Brahmins*	*Non. Brahmins*	*Scheduled Castes*	
Assam	8	3	5	*1*	?	*Nil*	Brahmin
Bihar	4	1	3	*1*	7	1	Brahmin
Bombay ...	7	2	5	3	2	*Nil*	Brahmin
Central Province	5	1	4	3	1	*Nil*	Brahmin
Madras	9	2	7	3	3	1	Brahmin
Orissa	3	*Nil*	3	7	*?*	?	Brahmin
United Provinces	6	*2*	4	4	*Nit*	*Nil*	Brahmin

Table 22

*Classification of Parliamentary Secretaries in Congress Provinces**

Province	*Total No. of Parliamentary*	*Total No. of Non-Hindu Parlia*		*Hindu Parliamentary Secretaries*

	Secretaries	*mentary Secretaries*				
			Total	*Brahmins*	*Non-Brahmins*	*Scheduled Castes*
Assam	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Bihar	8	*Nil*	8	2	5	1
Bombay ...	6	*Nil*	6	1	5	*Nil*
Central Provinces	*Nil*	*Nit*	*Nil*	*Nil*	*Nil*	*Nii*
Madras	8	1	9	*3*	4	1
Orissa	3	*Nil*	3	*1*	*?*	Nil
United Province	12	1	11	*1*	8	1

Compiled from Indian Information Issue of July 15, 1939. Question mark indicate inability to classify whether Brahmin or non-Brahmin.

In all the Hindu Provinces, the Prime Ministers were Brahmins. In all Hindu provinces, if the non-Hindu ministers were excluded, the majority of ministers were Brahmins and even parliamentary secretaries were Brahmins.

What has been said so far makes two things as clear as daylight. First is that there is in India a well defined governing class, distinct and separate from the servile class. Second is that the governing class is so powerful that though small in number in the elections of 1987 it quite easily captured political power and established its supremacy over the servile classes. There remains only one more point for me to establish to be able to put my thesis across. It is to show how far Congress was responsible for the victory of the governing class in the elections of 1987. I know I must prove beyond reasonable doubt that the Congress is responsible for placing the governing class in the position of supremacy over the servile class. For it might be said that the Congress had nothing to do with this, that even if the Congress was responsible for it the result was an accident and that there was no intention on the part

of the Congress to help the governing classes to win this position of supremacy.

V

The first line of these suggested defences can be easily disposed of. It is probable that those who raise this defence do not know the political colour of the province to which the figures given in Tables 19,20,21 and 22 relate. If they knew it they would give up this line of defence. For they relate to what are called the Congress Provinces. In these provinces the majority party was the Congress Party and the Cabinets were Congress Cabinets. Obviously, if in these Congress provinces the governing classes succeeded in establishing their rule over the servile classes it is difficult to see how the Congress could be absolved from responsibility for such a result. The Congress is a well disciplined party. It had a plan for fighting the elections. In every province there was established a Parliamentary Board, the functions of which were (1) to choose candidates for elections, (2) to decide upon the formation of Cabinets, and (8) to control the actions of ministers. Over and above these Provincial Parliamentary Boards there was a Central Parliamentary Board to superintend and control the work of the Provincial Parliamentary Boards. It was an election which was planned and controlled by the Congress. It is therefore futile to argue that if the governing classes captured power in the elections of 1987 in the Congress Provinces the Congress is not responsible for the result.

The second line of defence is as fragile as the first. Those who wish to argue that the dominance of the governing class in the Congress provinces is accidental and not intentional should know that they are advancing an argument which will not stand. I would invite the attention of those who are inclined to treat it as an accident to consider the following circumstances.

First let them consider the mentality of the leading members of the Congress High Command who have guided the destiny of the Congress in the past and who are at present running the affairs of the Congress. It would be well to begin with Mr. Tilak. He is dead. But while he was alive he was the most leading man in the Congress and exercised the greatest sway over it. Mr. Tilak was a Brahmin and belonged to the governing class. Though he had acquired the reputation of being the father of the Swaraj

movement his antipathy to the servile classes was quite well known. For want of space I will cite only one instance of his mentality towards the servile classes. In 1918, when the non-Brahmins and the Backward classes had started an agitation for separate representation in the legislature, Mr. Tilak in a public meeting held in Sholapur said that he did not understand why the oil pressers, tobacco shopkeepers, washermen, etc.—that was his description of the Non-Brahmins and the Backward classes—should want to go into the legislature. In his opinion, their business was to obey the laws and not to aspire for power to make laws.

Next after Tilak I may take Mr. Vallabhbhai Patel. Here again, I will cite only one instance to indicate Ins mentality. In 1942, Lord Linlithgow invited 52 important Indians representing different sections of the people to discuss the steps that might be taken to make the Central Government more popular and thereby enlist the sympathy and co-operation of all Indians in war effort. Among *those* that were invited were members belonging to the Scheduled Castes. Mr. Vallabhbhai Patcl could not bear the idea that the Viceroy should have invited such a crowd of mean men. Soon after the event, Mr. Vallabhbhai Patel made a speech in Ahmedabad and said [f.7] :—

> "The Viceroy sent for the leaders of the Hindu Mahasabha, he sent for the leaders of the Muslim League and he sent for Ghanchis (oil pressers), Mochis (cobblers) and the rest."

Although Mr. Vallabhbhai Patel in his malicious and stinging words referred only to Ghanchis and Mochis his speech indicates the general contempt in which he holds the servile classes of his country.

It may be well to know the reactions of Pandit Jawaharlal Nehru. Pandit Jawaharlal Nehru is a Brahmin but he has the reputation of being non-communal in his outlook and secular in his beliefs. Facts do not seem to justify the reputation he carries. A person cannot be called secular if he, when his father dies, performs the religious ceremonies prescribed by orthodox Hinduism at the hands of Brahmin priests on the banks of the river Ganges as Pandit Jawaharlal did when his father died in 1931. As to his being non-communal it is stated by no less a person than Dr. Pattabhi Sitaramayya that Pandit Nehru is very conscious of the fact that he is a Brahmin.[f.8] This must come as a most astonishing fact to

those who believe the Pandit to have the reputation of being the most nationally minded Hindu leader in India. But Dr. Sitaramayya must be knowing what he is talking about. More disturbing is the fact that in the United Provinces from which he hails and over which he exercises complete authority the ministers in the cabinet of the province were all Brahmins. Mrs. Vijaya Laxmi Pandit, the well-known sister of Pandit Jawaharlal Nehru, also seems to be conscious of herself being Brahmin by caste. It is said that at the All-India Women's Conference held in Delhi in December 1940, the question of not declaring one's caste in the Census Return was discussed. Mrs. Pandit disapproved [f.9] of the idea and said that she did not see any reason why she should not be proud of her Brahmin blood and declare herself as a Brahmin at the Census. Who are these men? What is their status? Mr. Tilak has the reputation of being the father of the Swaraj movement. Mr. Patel and Pandit Nehru come next in command *in* the Congress hierarchy after Mr. Gandhi.

Some might think that these are the individual and private opinions of the members of the Congress High Command. But that would be an error. Several cases could be pointed out in which such opinions have been acted upon in election campaigns run by the Congress.

'Ever since 1919 when Mr. Gandhi captured the Congress, Congressmen have looked upon the boycott of legislatures as one of the sanctions for making the British Government concede the demand for Swaraj. Under this policy, every time there was an election in which the Congress decided not to take part, the Congress would not only refuse to put candidates on the Congress ticket but would carry on propaganda against any Hindu proposing to stand for election *as* an independent candidate. One need not quarrel over the merits of such a policy. But what were the means adopted by the Congress to prevent Hindus-standing on an independent ticket? The means adopted were to make the legislatures objects of contempt. Accordingly, the Congress in various Provinces started professions carrying placards with these significant and telling words:"Who will go in the legislatures? Only barbers, cobblers, potters and sweepers."In the processions one man would utter the question as part of the slogan and the whole Congress crowd would shout as answer the second part of the slogan. When the Congressmen found that this was not enough to

deter persons from standing for the elections, they decided to adopt sterner measures. Believing that respectable people would not be prepared to stand for election if they felt certain that they would have to sit with barbers, potters and sweepers, etc., in the legislatures, the Congress actually went to the extent of putting up candidates from these despised communities on the Congress ticket and got them elected. A few illustrations of this outrageous conduct of the Congress may be mentioned. In the 1920 election, the Congress elected a cobblermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/43. A Plea to the Foreigner.htm - _msocom_10 to the legislature of the Central Provinces. In the 1930 election they elected in the Central Provinces two cobblers, [f.11] one milkman [f.12] and one barber, [f.13] and in the Punjab one sweepermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/43. A Plea to the Foreigner.htm - _msocom_14. In 1984, the Congress elected to the Central Legislature a pottermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/43. A Plea to the Foreigner.htm - _msocom_15. It might be said that this is old history. Let me correct such an impression by referring to what happened in 1948, in the Municipal elections in Andheri—a suburb of Bombay. The Congress put up a barber to bring the Municipality in contempt.

What a mentality for a Governing class I What a brazen facedness for a governing class to use the servile class for such an ignominious purpose and yet claim to be fighting for their freedom! What a tragedy for the servile class to take pride in its own disgrace and join in it voluntarily! The Sinn Fein Party in Ireland also boycotted the British Parliament. But did they make such hideous use of their own countrymen for effecting their purposes? The campaign of boycott of legislature which took place in 1980 is of particular interest. The elections to the Provincial legislatures in 1980 in which these instances occurred coincided with Mr. Gandhi's Salt Satyagraha champaign of 1930; I hope that the future (the official historian, Dr. Pattabhi Sitaramayya, has failed to do so) historian of Congress while recording how Mr. Gandhi decided to serve notice on the Viceroy, Lord Irwin, presenting him with a list of demands to be conceded before a certain date and on failure *by* the Viceroy in this behalf, how Mr. Gandhi selected Salt Act as a target for attack, how he selected Dandi as a scene of battle, how he decided to put himself

at the head of the campaign, how he marched out from his Ashram in Ahmedabad with all pomp and ceremony, how the women of Ahmedabad came out with *Arthi* and applied *tilak* (saffron mark) to his forehead wishing him victory, how Mr. Gandhi assured them that Gujarat alone would win Swaraj for India, how Mr. Gandhi proclaimed his determination by saying that he would not return to Ahmedabad until he had won Swaraj, will not fail to record that while on the one hand Congressmen were engaged in fighting for Swaraj, which they said they wanted to win in the name of and for the masses, on the other hand and in the very year they were committing the worst outrages upon the very masses by exhibiting them publicly as objects of contempt to be shunned and avoided.

VI

This mentality of the Congress High Command towards the servile classes is enough to negative the theory that the supremacy of the governing classes in the Congress Provinces was an accident. There are other facts which also go to negative the theory of accident and which arc set out in Table 23 (see page 226). They relate to the educational qualifications of the several classes of candidates selected by the Congress for fighting the elections. What does the table show? It is crystal clear that in the case of the Brahmins the relative proportion of graduates to non-graduates is far higher than what it is in the case of non-Brahmins and the Scheduled Castes. Was this an accident or was this a matter of policy? This sort of selection is marked by such a state of uniformity that it could hardly be doubted that the Congress High Command in selecting a candidate had a definite policy, namely, in the case of Brahmins, to give preference to & candidate who had the highest educational qualifications and in the case of the non-Brahmins and the Scheduled Castes, to give preference to a candidate who had the lowest educational qualifications. The difference in terms of graduates and non-graduates does not really reveal the real difference between the status and position of the Brahmin candidates and non-Brahmin candidates. The Brahmin candidates were not merely graduates but they were seasoned politicians of high repute, while the non-Brahmin graduates were raw graduates with nothing but the career of second class politicians behind them.

Why did the Congress select the best educated Brahmins as its candidates for election? Why did the Congress select the least educated non-Brahmins and Scheduled Castes as its candidates for election? To this question I can sec only one answer. It was to prevent the non-Brahmins—the representatives of the servile classes—from forming a ministry. It cannot be that better educated non-Brahmins were not available. What the Congress seems to have done is deliberately to prefer an uneducated non-Brahmin to an educated non-Brahmin.

Table 23

Clas sification of Brahmin and Non-Brahmin Congress Partymen by Literaey

Provincial Assemblies	*Castes*	*Total*	*Graduates*	*Non-Graduates*	*Matriculates*	*Illiterates*	*Not stated*
Assam	Brahmin	6	5	1			
	Non-Brahmin ...	21	15	2	—	1	9
	Brahmin	15	14	1			
Bengal	Non-Brahmin ...	27	21	4	—	1	7
	Scheduled Castes	6	3	—	1	2	—
	Brahmin	31	11	5	8	4	3
Bihar	Non-Brahmin ...	39	23	4	3	8	13
	Scheduled Castes	—	1	1	4	10	—
	Brahmin	39	15		2	9	2
Central Provinces...	Non-Brahmin ... Scheduled Castes	54	15	—	2	17 6	1

	Brahmin	38	16	2	3	4	13
Madras	Non-Brahmin ...	90	31	3	1	7	61
	Scheduled Castes	26	1	1	1	14	—
	Backward Class	—	1	—	—		—
	Brahmin	11	6	1		3	1
Orissa	Non-Brahmin ...	20	7	3	2	7	1
	Scheduled Castes	5	—	-	—	5	

And why? Because from the point of view of the governing class, the uneducated non-Brahmin has two definite advantages over an educated non-Brahmin. In the first place, he is likely to be more grateful to the Congress High Command for having got him elected than an educated non-Brahmin is likely to be. In the second place, the uneducated non-Brahmin is less likely to join hands with the educated non-Brahmins in the Congress Party and overturn the ministry of the governing classes and form a non-Brahmin ministry. In the third place, the greater the number of raw non-Brahmins in the Congress the lesser is the possibility of the non-Brahmins in the Congress forming a competent and alternative Ministry to the detriment of the governing class.

Given these circumstances, can there be any doubt that the Congress"Fight for Freedom"is for the freedom of nobody except that of the governing class? Is there any doubt that the Congress is the governing class and the governing class is the Congress? Is there any doubt that when Swaraj came in 1937 in the form of Provincial autonomy, the Congress deliberately and shamelessly put the governing class in places of power and authority?

VII

The facts set out above prove beyond cavil that the"Fight for Freedom"launched by the Congress has ended in perverting the

aim and object of Indian freedom and that the Congress itself is a party to such a perversion. The result is an enormity, the character of which it would not be possible for the foreigner to realise unless he has an adequate idea of the social outlook and social philosophy of the Governing Classes in India.

Starting with the Brahmins Who FOrm a strong and powerful element in the governing class in India it is no exaggeration to say that they have been the most inveterate enemies of the servile classes, the Shudras (the old name for the non-Brahmins) and the Untouchables who together constitute about 80 or 90 per cent. of the total Hindu population of India. If the common man belonging to the servile clauses in India is to-day so fallen, so degraded, so devoid of self-respect, hope or ambition, and so lifeless, it is entirely due to the Brahmins and their philosophy. The cardinal principles of this philosophy of the Brahmins were six—to use a correct expression, techniques of suppression—(1) graded inequality between the different classes; (2) complete disarmament of the Shudras And the Untouchables; (8) complete ban on the education of the Shudras and the Untouchables; (4) total exclusion of the Shudras and the Untouchables from places of power and authority; (5) complete prohibition against the Shudras and the Untouchables acquiring property, and (6) complete subjugation and suppression of women. Inequality is the official doctrine of Brahmanism and the suppression of the lower classes aspiring to equality has been looked upon by them and carried out by them, without remorse *as* their bounded duty. There are countries where education did not spread beyond a few. But India is the only country where the intellectual class, namely, the Brahmins not only made education their monopoly but declared acquisition of education by the lower classes, a crime punishable by cutting off of the tongue or by the pouring of molten lead in the ear of the offender. The result is that for centuries the Brahmins have denied the servile classes the right to education. Even to-day the Brahmins exhibit the same hostility to their education. Mr. Baines, the Census Commissioner for 1891 in discussing the causes why education was not spreading among the masses said :—

"The second influence antagonistic to a more general spread of literacy is the long continued existence of a hereditary class

whose object it has been to maintain their own monopoly of all book-learning as the chief buttress of their social supremacy, Sacerdotalism knows that it can reign over none but an ignorant populace. The opposition of the Brahmin to the rise of the writer castes has been already mentioned, and the repugnance of both, in the present day, to the diffusion of learning amongst the masses can only be appreciated after long experience. It is true that the recognition by the British Government of the virtue and necessity of primary education has met with some response on the part of the literate castes, but it is chiefly in the direction of academic utterances, which cannot, *in* the circumstances, be well avoided. It is welcome too, in its capacity of affording the means of livelihood to many of these castes, as they have to be engaged as teachers, and are bound accordingly to work up to the State standard of efficient tuition. The real interest of the castes in question is centred on secondary education, of which they almost exclusively are in a position to reap the advantage."

The Congress politicians complain that the British are ruling India by a wholesale disarmament of the people of India. But they forget that disarmament of the Shudras and the Untouchables was the rule of law promulgated by the Brahmins. Indeed, so strongly did the Brahmins believe in the disarmament of the Shudras and the Untouchables that when they revised the law to enable the Brahmins to arm themselves for the protection of their own privileges, they maintained the ban on the Shudras and the Untouchables as it was without lessening its rigour. If the large majority of people of India appear today to be thoroughly emasculated, spiritless, with no manliness, it is the result of the Brahmanic policy of wholesale disarmament to which they have been subjected for the untold ages. There is no social evil and no social wrong to which the Brahmin has not given his support. Man's inhumanity to man, such as the feeling of caste, untouchability, unapproachability and unseeability is a religion to him. It would, however, be a mistake to suppose that only the wrongs of man are a religion to him. The Brahmin has given his support to some of the worst wrongs that women have suffered from in any part of the world. In India widows were burnt alive as suttees and the Brahmin gave his fullest support to the practice. Widows were not allowed to remarry. The Brahmins upheld the

doctrine. Girls were required to be married before 8 and the husbands were permitted to claim the right to consummate the marriage at any time thereafter whether she had reached puberty or not. The Brahmin defended the system. The record of the Brahmins as law givers for the Shudras, for the Untouchables and for women is the blackest as compared with the record of the intellectual classes in other parts of the world, For no intellectual class has prostituted its intelligence for the sole purpose of inventing a philosophy to keep his uneducated countrymen in a perpetual state of servility, ignorance and poverty as the Brahmins have done in India. Every Brahmin to-day believes in this philosophy of Brahmanism propounded by his forefathers. He is an alien element in the Hindu Society. The Brahmin *vis-a-vis* the Shudras and the Untouchables is as foreign as the German is to the French, as the Jew is to the Gentile or as the White is to the Negro. There is a real gulf between him and the lower classes of Shudras and Untouchables. He is not only alien to them but he is also hostile to them. In relationship with them, there is in him no room for conscience and no call for justice.

The Bania is the worst parasitic class known to history. In him the vice of money-making is unredeemed by culture or conscience. He is like an undertaker who prospers when there is an epidemic. The only difference between the undertaker and the Bania is that the undertaker does not create an epidemic while the Bania does. He does not use his money for productive purposes. He uses it to create poverty and more poverty by lending money for unproductive purposes. He lives on interest and as he is told by his religion that money-lending is the occupation prescribed to him by the divine Manu, he looks upon money-lending as both right and righteous. With the help and assistance of the Brahmin judge who is ready to decree his suits, the Bania is able to carry on his trade with the greatest ease. Interest, interest on interest, he adds on and on, and thereby draws millions of families perpetually into his net. Pay him as much as he may, the debtor is always in debt. With no conscience to check him there is no fraud, and there is no chicanery which he will not commit. His grip over the nation is complete. The whole of poor, starving, illiterate India is irredeemably mortgaged to the Bania.

In every country there is a governing class. No country is free from it. But is there anywhere in the world a governing class with

such selfish, diseased and dangerous and perverse mentality, with such a hideous and infamous philosophy of life which advocates the trampling down of the servile classes to sustain the power and glory of the governing class? I know of none. It is true that the governing classes in other countries do not readily admit into their society those who do not belong to their class. But they do not refuse admission to those who have risen to their level. Nor do they prevent any person from rising to their level. In India the governing class is a close corporation unwilling to admit anyone who does not belong to it by birth and ready to use every means to prevent the servile classes from rising to their level.

VIII

There was a governing class in France before the French Revolution. There was a governing class in Japan before the seventies of the nineteenth century when Japan decided to modernise its constitution. In both countries the governing classes realising that it was an hour of national crisis decided to shed their ancient rights and privileges in order to make the transition from oligarchy to democracy smooth and easy.

In France, when the Revolution broke out and demanded equality the governing class in France voluntarily came forward to give up its powers and its privileges and to merge itself in the mass of the nation, This is clear from what happened when the States-General was called. The Commons got 600 representatives, while the clergy and the Nobles got 300 each. The question arose how were the 1,200 members to sit, debate and vote. The Commons insisted upon the union of all the estates in one Chamber and ' vote by head.' It was impossible to expect the clergy and the Nobles to accept this position. For it meant the surrender of their most ancient and valuable privileges. Yet a good part of them agreed to the demand of the Commons and gave France a constitution based upon liberty, equality and fraternity.

The attitude of the governing classes in Japan during the period between 1855 to 1870, a period in which the Japanese people were transformed from a feudal society into a modern nation—was even more self-sacrificing than the attitude of the governing classes in France. As students of Japanese history know, there were four classes in Japanese Society: (1) The *Damiyos,* (2) The *Samurai,* (3) The *Hemin* or the Common folk and (4) The *Eta* or

the outcasts, standing one above the other in an order of graded inequality. At the bottom were the *Eta* numbering a good many thousands. Above the *Eta* were the *Hem in* numbering about 25/30 millions. Over them were the *Samurai* who numbered about 2 millions and who had the power of life and death over the *Hemin*. At the apex were the *Damiyos* or the Feudal Barons who exercised sway over the rest of the three classes and who numbered only 300. The *Damiyos* and the *Samurai* realised that it was impossible to transform this feudal society with its class composition and class rights into a modern nation with equality of citizenship. Accordingly the *Damiyos* charged with the spirit of nationalism and anxious not to stand in the way of national unity, came forward to surrender their privileges and to merge themselves in the common mass of people. In a memorial submitted to the Emperor on the 5th March 1869 they said [f.16] :—

> "The Place where we live is the Emperor's land. The food that we eat is grown by the Emperor's men. How then can we claim any property as our own? We now reverently offer up our possessions and also our followers (Samurai as well as ' common folk ') with the prayer that the Emperor will take good measures for rewarding those to whom reward is due, and for fining such as do not deserve reward. Let imperial orders be issued for altering and remodelling the territories of the various clans. Let the civil and penal codes, the military laws down to the rules for uniform and for the construction of engines of war, all proceed from the Emperor. Let all affairs of the Empire, both great and small, be referred to him."

How does the governing class in India compare in this behalf with the governing class in Japan? Just the opposite. Unfortunately, the history of the struggle of the servile classes in India against the governing class has not yet been written. But those who know anything about it will know that the governing class in India has no intention of making any sacrifice not even on the altar of Indian Freedom for which it is thirsting. Instead, the governing class is using every means to retain them. For this it is using two weapons. First is the weapon of nationalism. Whenever the servile classes ask for reservations in the legislatures, in the

Executive and in Public Services, the governing class raises the cry of ' nationalism in danger.' What are these reservations for? To put it briefly they are intended to provide floorings below which the governing class will not be able to push down the servile classes in their struggle for existence. There, is nothing sinister and nothing wrong in this demand for reservations. How does the governing class react to them? It loses no occasion to deprecate them and to ridicule them. People are led to believe that if they are to achieve national freedom, they must maintain unity, that all questions regarding reservations in the Legislatures, Executives and the Public Services are inimical to national unity and that, therefore, for anyone interested in national freedom it is a sin to support-those who ask for such reservation?."That is the attitude of the governing class in India. It stands in glaring contrast with that of the governing class in Japan. It is a misuse of nationalism. But the governing class does not feel any compunction for such misuse.

The second means employed by the governing class is the writing of the lampoons and parodies calculated to pour ridicule on the demand for reservations. Such lampoons are by no means few and far between. Even the most respectable members of the governing class do not mind indulging in such compositions, Even Dr. R. P. Paranjape, now India's High Commissioner for Australia, who stands for an advanced type of liberalism, could not withstand the temptation of trying his hand in writing such a parody#. Among the parodies composed by members of the governing class his was the most colourful and had, when it appeared, excited the greatest resentment among the servile classes.

#The parody written by Dr. R. P. Paranjape appeared in a magazine called *Gujarathi Punch 1m* May 1926 under the heading"A Peep into the Future."As a specimen of this class of writing by members of the governing clam it is worth perusal. It is a satire based on certain incidents which are imagined to have occurred under the principle of communal reservation a. As The magazine if not easily available, I reproduce it below with a view to rescue it from oblivion:—

' A PEEP INTO THE FUTURE '

The following extracts are taken from reports of Commissions, records of police courts cases, judicial trials. Council Proceedings, Administration Reports, etc., issued

between the year 1930-50 and are published for the exclusive benefit of the reader of the *Gujarati Punch.*

I

Report of the Royal Commission on the Goverment of India, 1930 :

We have given our closest consideration to the representations made on behalf of several communities in India. Taking the figures of the last census as our basis we can only give an approximate satisfaction to all the claims made before us, for it is not possible to give an absolutely accurate solution to the problem of constructing a machinery of Government unless every single person in the country is made a member thereof, aa the numbers of the several communities do not possess a common measure. We lay down the number 2375 as the fundamental number in the constitution and this number is divided into parts attached to the several communities as shown in the schedule attached to our report. The claims of each community will henceforward be represented by its proper number, and all appointments, memberships of various bodies, and in fact everything in the country will be awarded according to the proportion given in the schedule wherever possible. The Viceroy's Executive Council will consist of 475 members selected as far as may be according to one-fifth the numbers belonging to each community and there members will hold office for one year so that each community will have attained its exact share of membership in five years. There will be 125 Judges in each High Court, each judge holding office for one year, though according to this arrangement, each section will have obtained its exact share only after the lapse of 19 years. The number of other kinds of appointments will be determined on the same *basis* for the accurate adjustment of all claims.

To allow for the proper functioning of all bodies with these numbers as many existing Government buildings as may be necessary may be pulled down and rebuilt so as to be of the proper size.

II

(Notification of the Government of India, 1932)

In accordance with the provisions of the Government of India Act, 1931. His Majesty the King Emperor has been pleased to appoint the following 475 gentlemen as members of the Executive Council of the Governor-General :

267. Matadin Ramdin (caste Barber) member in charge of the Surgical Branch of the Medical Department.

372. Allabux Peerbux (Mahomedan Camel driver) in charge of the camel transport division of the Army Department.

433. Ramaswamy (caste, Andhra Sweeper) in charge of the road cleaning branch of the P.W.D.

437. Jagannath Bhattacharya (Kulin Brahmin Priest) in charge of the domestic section of the Registration Department.

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IV

(Letter to all Local Governments, 1934)

In response to a resolution passed by the Legislative Assembly, with which the Government of India are in full agreement, I am directed to say that henceforward every appointment under Government should go by rotation to each community irrespective of the merits of the applicants.

V

(Notification in the Bombay Government Gazette, 1934)

The Government of Bombay will proceed to make the following appointments in December. The applicants for the several appointments should belong to the castes mentioned against each according to the rotation fixed by Government Order No. , dated November 30th, 1934.

1. 1. Chief Engineer for Irrigation (Sind) : Kunbi from North Kanara.
2. 2. Professor of Sanskrit, Elphinstone College, Bombay: Balachi Pathan from Sind.
3. 3. Commandant of His Excellency's Bodyguard: Marwari from North Gujarat.
4. 4. Consulting Architect to Government: Wadari (wandering gypsy) from the Deccan.
5. 5. Director of Islamic Culture : Karhada Brabmin
6. 6. Professor of Anatomy : (Grant Modical College) Mahomedan Butcher.
7. 7. Superintendent of Yeravda. Jail : Ghantichor. 8. Two organisers of prohibition: Dharala (Kaira District Bhil) (Panch Mahals).

VI

(Report of a Case from the High Court, 1935)

A.B. (caate Teli) was charged with the cold-blooded murder of his father while he was asleep. The judge summing up against the accused, the jury brought in a verdict of guilty. Before passing sentence the judge asked the pleader for the accused if he had to say anything. The pleader, Mr. Bomanji, said he agreed with the verdict but that according to Law the accused could not be sentenced at all, much lew sentenced to death, as during the current year seven Telis had already been convicted and sentenced two of them with death, that several other communities bad not yet reached their quota of convictions as given in the Government of India Act, who the Telis bad already reached theirs. His Lordship accepted the contention of the defence pleader and acquitted the accused.

VII

(Extract from the ' Indian Daily Mail,' 1936)

Annaji Ramchandra (Chitpavan Brahmin) was found wandering in the streets of Poona with a long knife attacking whomsoever he met. When brought up before the Magistrate he was shown by the police to have been recently let off from the Mental Hospital. The Superintendent of the Hospital in his evidence said that Annaji bad been in the hospital as a dangerous insane for three years, but as there was the quota for the Chitpavanas and as the inmates belonging to other communities bad not finished their year-quotas be could not keep him any longer and show any special favouritism to the Chitpavans and he had therefore let him off according to Government Order No. ... in the Medical Department. The Magistrate ordered Annaji to be discharged.

VIII

(Extract from the Report of the Administration of Jails in the Bombay Presidency, 1937)

In spite of *every* preeaution the numbers in the jails did not eorrespond to the quotas fixed for each community. The Superintendent had already asked for instructions from Government with a view to remedying the discrepancy.

Resolution of Government: Government view with serious displeasure this grave dereliction of duty on the part of the I. G. of

prisons. Immediate steps should be taken to arrest and put in jail as many members of the various com munities as are required to bring their quotas up to the proper level. If enough persons required cannot be caught, a sufficient number of in mates should be let off to bring down all to the same level.

IX

(Proceeding of the Legislative Council, 1940)

Mr. Chennappa asked: Has the attention of Government been called to the fact that class list of the recent M.A. Examination in Pali do not show the proper quota for mang-garudis?

The Hon. Mr. Damn Shroff (Minister of Education) : The University Registrar reports that no candidate from among Mang-garudis offered himself for examination.

Mr. Chennappa: Will Government be pleased to atop this examination until such a candidate offers himself and if the University disobeys the order of Government to take away the University grant and amend the University Act?

The Hon. Member: Government will be pleased to consider the suggestion favourably. (Cheers).

X

(Extract from ' The Times of India,.' 1942)

The Coroner Mr. . . . was suddenly called last evening to inquire into the death of Ramji Sonu at the J. J. Hospital as the result of a surgical operation. Dr. Tanu Pandav (caste Barber) deposed that lie had conducted the operation. He wished to open an abscess in the abdomen but his knife pierced the heart and the patient expired. Asked whether he had ever carried out any operation of this nature before, he said that he was appointed as the principal surgeon to the hospital only one day before as it was then the turn of his community and that he had never held a surgical instrument in his hand before except a razor for shaving. The jury returned a verdict of death by misadventure.

The argument used by the governing classes to oppose the demand of the servile classes for reservations is based on the doctrine of efficiency. To give a patriotic look to the stand taken by the governing classes it is represented that what Indians must aim at is to maintain in India an efficient body politic and that this can be done only by insisting that every place of power and authority should be filled by none but the best man available. It is

this argument which seems to impress the foreigner and which makes him a critic if not an adversary of the demand for reservation. It is therefore necessary to examine the validity of the argument and the sincerity of those who use it.

Nobody will have any quarrel with the abstract principle that nothing should be done whereby the best shall be superseded by one who is only better and the better by one who is merely good and the good by one who is bad. But the argument completely fails to carry conviction when in practice one finds that having regard to the historical circumstances of India every time the ' best man ' is chosen he turns out to be a man from the governing class. This may be alright from the point of view of the governing class. But can it be right from the point of view of the servile class? Could the ' best ' German be the ' best ' for the French? Could the ' best ' Turk be ' best ' for the Greeks? Could the ' best ' Pole be regarded ' b*est* ' for the Jews? There can hardly be any doubt as to the correct answer to these questions.

In answering this question two things cannot be overlooked. One is that a great man is not necessarily a good man. The other is that man is not a mere machine without any feelings. This is even true of the 'best' man. He too is charged with the feelings of class sympathies and class antipathies. Having regard to these considerations the ' best ' man from the governing class may well turn out to be the worst from the point of view of the servile classes.

Mere efficiency can never be accepted as a test. If it was accepted as the only test the result would be that the affairs of the French might well be run by the Germans, of Turks by the Russians and of Chinese by the Japanese. Those who hold out the theory of naked efficiency and nothing but efficiency as the test of good Government should ask the French. The Turks and the Chinese as to what they have to say about it and how they like the result which follows from its application.

Even a simpleton can imagine what answer they are likely to return. I am sure that a theory which produces such a result will be regarded as an absurd one on all hands without exceptions. How then can such a theory be applied to India where the difference between the governing class and the servile class is the same both in degree and in kind as the difference between French and Germans, Turks and Russians or Chinese and Japanese? The fact

is that the governing class in India blinded by self-interest is unmindful of the absurdity of the argument of naked efficiency and being conscious that it has the power to convert its opinion into law does not bother what the servile classes have to say on the point.

The governing class does not bother to inquire into the ways and means by which it has acquired its supremacy. It does not feel the necessity of doing so, partly because it believes that it acquired its supremacy by dint of merit and partly because it believes that no matter how it acquired its power it is enough that it is in a position to dictate its policy on the servile classes. Assuming that the governing class did not find it necessary to examine the ways and means by which it obtained its supremacy what would it find? Strange as it may seem the governing class has obtained its power by the same system of reservations which it is now opposing on the ground of communalism. Many may find it difficult to accept the truth of this statement. Those who have any doubt need do no more than read the Manu Smriti, the Bible of the Hindus. What will they find in it? They will find and will no doubt be shocked to know that the Brahmins, the chief and the leading element in the governing class, acquired their political power not by force of intellect—for intellect is nobody's monopoly—but by sheer communalism. According to the Laws of Manu Smriti the post of the Purohit, King's Chaplain and Lord Chancellor, the posts of the Chief Justice and Judges of the High Court and the post of Ministers to the Crown were all reserved for the Brahmins. Even for the post of the Commander-in-Chief the Brahmin was recommended as a fit and a proper person though it was not in terms reserved for him. All the strategic posts having *been* reserved for the Brahmins it goes without saying that all ministerial posts came to be reserved for the Brahmins. This is not all. The Brahmin was not content with reserving places of profit and power for his class. He knew that mere reservation will not do. He must prevent rivals shooting up from other non-Brahmin communities equally qualified to hold the posts and agitate and blow up the system of reservations. In addition to reserving all executive posts in the State for Brahmins a law was made whereby education was made the monopoly and privilege of Brahmins. As has already been pointed out the law made it a crime for the Shudra, i.e., the lower orders of Hindu Society to acquire learning,

the infringement of which was followed by not only heavy but cruel and inhuman punishment such as cutting the tongue of the criminal and filling his ear with hot molten lead. It is true that these reservations do not exist under the British rule. But it must be admitted that though the reservations made by Manu have gone, the advantages derived from their continuance over several centuries have remained. In asking for reservations the servile classes are not asking for anything new or anything extraordinary. The demand for reservation is a demand for protection against the aggressive communalism of the governing class, which wants to dominate the servile class in all fields of life and without imposing on the governing class any such ignominious conditions as was done by the Brahmins for their own aggrandisement and for the perpetuation of their own domination on the Shudra, namely, to make it a crime for the governing class to learn or to acquire property.

This argument of naked efficiency has also to be considered from the point of view of public welfare. It was said by Campbell Bannerman in the course of a debate in the House of Commons on Ireland, that self-government is better than good government. The statement had become so popular in India that it had become more than a mere slogan. It had become a maxim. As it stands the statement is quite absurd. Campbell Bannerman was not contrasting self-government with good government. He was contrasting self-government with efficient government or rather with"resolute government"to use the phrase of his opponent Lord Salisbury. There is no denying that self-government must be good government, otherwise it is not worth having. The question is, how is good government to be had. Some people seem to be under the impression that as self-government is a sovereign government it is bound to result in good government. This is one of the greatest delusions from which most people in dependent countries are suffering. Those who are living in such a delusion had better read what Prof. Dicey has to say on this point. Discussing the question what persons and bodies with full sovereign powers can do Dicey has the following observations to make:—

"The actual exercise of authority by any sovereign whatever and notably by Parliament, is bounded or controlled by two

limitations. Of these the one is an external, the other is an internal limitation.

"The external limit to the real power of a sovereign consists in the possibility or certainty that his subjects or a large number of them, will disobey or resist his laws.

"This limitation exists even under the most despotic monarchies. A Roman Emperor, or a French King during the middle of the eighteenth century, was (as is the Russian Czar at the present day) in strictness a ' sovereign ' in the legal sense of that term. He had absolute legislative authority. Any law. made by him was binding, and there was no power in the empire or kingdom which could annul such law . . . But it would be an error to suppose that the most absolute ruler who ever existed could in reality make or change every law at his pleasure . ..

"The authority, that is to say, even of a despot, depends upon the readiness of his subjects or of some portion of his subjects to obey his behests; and this readiness to obey must always be in reality limited. This is shown by the most notorious facts of history. None of the early Caesars could at their pleasure have subverted the worship of fundamental institutions of the Roman world . . . The Sultan could not abolish Mohammedanism. Louis the Fourteenth at the height of his power could revoke the Edict of Nantes, but he would have found it impossible to establish the supremacy of Protestantism, and for the same reason which prevented James the Second from establishing the supremacy of Roman Catholicism . . . What is true of the power of a despot or of the authority of a constituent assembly is specially true of the sovereignty of Parliament; it is limited on every side by the possibility of popular resistance. Parliament might legally tax the Colonies; Parliament might without any breach of law change the succession to the throne or abolish the monarchy ; but everyone knows that in the present state of the world the British Parliament will do none of these things. In each case widespread resistance would result from legislation which. though legally valid, is in fact beyond the stretch of Parliamentary power.

* * *

"There is an internal limit to the exercise of sovereign power itself. Even a despot exercises his powers in accordance with his character, which is itself moulded by the circumstances under

> which he lives, including under that head the moral feelings of the time and the society to which he belongs. The Sultan could not if he would, change the religion of the Mohammedan world, but if he could do so it is in the very highest degree improbable that the head of Mahommedanism should wish to overthrow the religion of Mahomet ; the internal check on the exercise of the Sultan's power is at least as strong as the external limitation. People sometimes ask the idle question why the Pope does not introduce this or that reform? The true answer is that a revolutionist is not the kind of man who becomes a Pope and that the man who becomes a Pope has no wish to be a revolutionist . . .”

I have already pointed out that it is not enough for the servile classes to be content with the mere fact that their country has become an independent and a sovereign state. It is necessary for them to go further and to find out who are likely to be the instruments of the State, in other words who is going to be the governing class. Dicey's observations and the profound truth which underlies them no one can question—add a further point namely that for good government, ability and efficiency of the governing class are not enough. What is necessary is to have in the governing class the will to do good or to use Dicey's language, freedom from internal limitations arising out of selfish class interests. Efficiency combined with selfish class interests instead of producing good government is far more likely to become a mere engine of suppression of the servile classes.

In selecting the instrumentalities of the State considerations of class bias in the instrumentalities cannot be overlooked. It is in fact fundamental to good government. It is unfortunate that the importance of this fact is not generally recognised even by those who regard themselves as the champions of democracy. Karl Marx was the first to recognise it and take account of it in the administration of the Paris Commune. It is unnecessary to say that it is today the basis of Government in Soviet Russia. The demand for reservations put forth by the servile classes ill India is essentially based upon the same considerations pointed out by Dicey, advocated by Marx and adopted by Russia. Only those who belong to the servile class can be trusted to protect the interest of that class. This consideration is so important that the principle of

efficiency cannot be allowed to altogether override it. If the governing class in India stands on the principle of efficiency and efficiency alone it is because it is actuated by the selfish motive of monopolising the instrumentalities of Government.

IX

The foregoing discussion has extended over such length that the foreigner is likely to miss the points which it is intended to bring out. It may therefore be well to assemble them together with a view to underline them.

The main problems, which those desirous of establishing democracy in India must face, are:—(1*)* the position of the governing class of India, (2) the aims and objects of the governing class towards the servile classes, (8) the *raison d'etre* of the demands of the servile classes for constitutional safeguards and (4) the relation of the governing class to the Congress.

Regarding the first point the argument is that the position of the governing class in India is quite different from the position of the governing classes in other countries of the world. It is not easy to understand this difference, nor is it easy to state it in expressive terms. Perhaps the illustration of a bar and a hyphen may help to give a clear idea of what the difference is. Nobody can mistake the difference between a hyphen and a bar. A bar divides but does not link, A hyphen does both. It divides but it also links. In India the governing classes and the servile classes are divided by a bar. In other countries there exists between them only a hyphen. The resultant difference is a very crucial one. In other countries, there is a continuous replenishment of the governing class by the incorporation of others who do not belong to it but who have reached the same elevation as the governing class. In India, the governing class is a close corporation in which nobody, not born in it, is admitted. In other countries where the governing class is not a close preserve, where there is social endosmosis between it and the rest, there is a mental assimilation and accommodation which makes the governing class less antagonistic in its composition and less antagonistic to the servile classes in its social philosophy. In other words, the governing class in countries outside India is not anti-social. It is only non-social. In India where the governing class is a close corporation, tradition, social

philosophy and social outlook which are antagonistic to the servile classes remain unbroken in their depth and their tenor and the distinction between masters and slaves, between the privileged and the unprivileged continues for ever hard in substance and fast in colour. In other words the governing class in India is not merely non-social. It is positively anti-social.

As to the demand for reservations by the servile classes the reason behind it is to put a limit on the power of the governing classes to have control over the instrumentalities of government. The governing classes are bent on giving the reservations a bad name in order to be able to hang those who are insisting upon them. The real fact is that the reservations are only another name for what the Americans call checks and balances which every constitution must have, if democracy is not to be overwhelmed by the enemies of democracy. That the reservations demanded by the servile classes are different in form from the American sort of checks and balances does not alter their character. The forms of checks and balances must be determined by two considerations. The first is the necessity of establishing a correlation between the political constitution and social institutions of the country if democracy is to be real. As the social institutions of countries differ in their form the checks and balances in its political constitutions must also differ. For instance, where a country is ridden by the caste system the checks and balances will have to be of a different sort from what they need be in a country pervaded by a spirit of social democracy. The second is the necessity of providing a firm flooring to the servile classes against the possibility of their being pressed down by the governing classes by reason of their superior power. In *some* countries adult suffrage may be quite enough for the servile classes to hold their own against the governing classes. In India unlike other countries the governing class is so omnipotent and omnipresent that other remedies besides adult suffrage will be necessary to give adequate power to the servile classes to protect themselves against exploitation by the governing classes. Looked at in the light of these observations, the reservations demanded by the servile classes, though different in form from the checks and balances embodied in the American Constitution, are fundamentally checks and balances, and must be considered as such by the foreigner before he forms an adverse opinion against them.

The facts bearing on the last point namely the relation of the Congress to the governing classes have also been fully set out. From these facts the foreigner should be able to see how intimate is the connection between the two. The same facts will explain why the governing class in India has placed itself in the vanguard of the Congress movement and why it strives to bring everybody within the Congress fold. To put it briefly the governing class is aware that a political campaign based on class ideology and class conflicts will toll its death knell. It knows that the most effective way of side-tracking the servile classes and fooling them is to play upon the sentiment of nationalism and national unity. It clings to the Congress because it realises that the Congress platform is the only platform that can most effectively safeguard the interest of the governing class. For if there is any platform from which all talk of conflict between rich and poor, Brahmin and non-Brahmin, landlord and tenant, creditor and debtor, which does not suit the governing class, can be effectually banned, it is the Congress platform which is not only bound to preach nationalism and national unity,—this is what the governing class wants, as it is on this that its safety entirely depends—but which prohibits any other ideology inconsistent with nationalism being preached from its platform.

If the foreigner bears in mind these points he will realise why the servile classes of India are not attracted by the Congress brand of Swaraj. What good can the Congress brand of Swaraj bring to them? They know that under the Congress brand of Swaraj the prospect for them is really very bleak. The Congress brand of Swaraj will either be materialisation of what is called Gandhism or it will be what the governing class would want to make of it. If it is the former it will mean the spread of charkha, village industries, the observance of caste, Brahmacharya (continence), reverence for the cow and things of that sort. If it is left to governing classes to make what it likes of Swaraj the principal item in it will be the suppression of the servile classes by withdrawing the facilities given by the British Government in the matter of education and entry in public services.

Some people hope that under Swaraj there will be a reform of tenancy laws, factory legislation, compulsory primary education, prohibition and construction of roads and canals, improvement of currency, regulation of weights and measures, dispensaries and

introduction of other measures for the servile classes. I am not quite sure that these hopes are well-founded. Most people forget that what leads the Congress to-day to mouth such a programme is the desire to show that the Congress is better than the British bureaucracy. But once the bureaucracy is liquidated, will there be the same incentive to better the lot of the masses? That is the question. Firstly, I entertain very grave doubts as to how far this will materialise. Secondly, there is nothing very great in it. In the world of to-day, no governing class can omit to undertake reforms, which are necessary to maintain society in a civilised state. Apart from this, is social amelioration the be-all and end-all of Swaraj? Knowing the servile classes as I do that is certainly not the fault of the servile classes. They certainly do not intend to follow the teaching that ' the meek shall eat and be satisfied.' The want and poverty which has been their lot for centuries is nothing to them as compared to the insult and indignity which they have to bear as a result of the vicious social order. Not bread but honour, is what they want. That can happen only when the governing classes disappear and cease to have control over their destiny. The question for the servile classes is not whether this reform or that reform will be undertaken. The question is; Will the governing classes in India having captured the machinery of the State, undertake a programme for the reform of the social order whereby the governing class will be liquidated, as distinguished from a programme of social amelioration? The answer to this depends upon whether the future constitution of India will be with safeguards or without safeguards for the protection of the servile classes. If it will have safeguards it will be possible for the servile classes to liquidate the governing classes ill course of time. If the constitution is without safeguards the governing class will continue to maintain its dominance over the servile classes. This being the issue, the foreigner should note that the much-advertised representative character of the Congress is absolutely irrelevant. The Congress may be a representative body and the Congress may be the body which is engaged in what is called the Fight for Freedom ; but these things have nothing to do with the decision of the issue. A true lover of democracy before he befriends the Congress will demand that it should produce its blue print of the constitution and be satisfied that its constitution does contain unequivocal and positive provisions for the safety, security

for the life, liberty and the pursuit of happiness for the servile classes.

X

The foreigners who take interest in Indian politics fall into two classes. The first class includes those who are travellers and tourists who come * to do ' India for a short while and who are not equipped with a knowledge of the intricacies of the Indian Political problems, the theoretical apparatus to pronounce a correct opinion on the attitude of the different parties to these problems. Those who fall into the second class are the leaders of democratic public opinion such as Louis Fischer in America, KingsIey Martin, Brailsford and Laski whose knowledge and equipment none can question. I would have had no regrets if the foregoing discussion had been called for by the needs of correcting the unthinking bias of the tourists and traveller class of foreigners in favour of the Congress. But unfortunately the same sort of bias is also to be found in those foreigners who fall into the second class.

That there should be foreigners of the tourist sort who cannot understand the intricacies of Indian politics and who therefore support the Congress on no other ground except that which Mr. Pickwick gave to Sam Weller—to shout with the biggest crowd—is quite understandable. But what annoys most is the attitude of the leaders of the British Labour Party, heads of radical and leftist groups in Europe and America, represented by men like Laski, Kingsley Martin, Brailsford and editors of journals like the *Nation* in America, and the *New Statesman* in England championing the cause of the oppressed and the suppressed people in other parts of the world. How can these men support the Congress it is difficult to understand. Do they not know that the Congress means the governing class and that the governing class in India is a Brahmin-Bania combine? That masses arc drawn in the Congress only to be camp followers with no say in the making of Congress policy? Do they not realise that for the reasons for which the Sultan could not abolish Islam or the Pope could not repudiate Catholicism, the governing class in India will not decree the destruction of Brahmanism and that so long as the governing class remains what it is, Brahmanism, which preaches the supremacy of Brahmins and the allied castes and which recognises the suppression and

degradation of the Shudras and the Untouchables as the sacred duty of the State, will continue to be the philosophy of the State even if India became free? Do they not know that this governing class in India is not a part of the Indian people, is not only completely isolated from them, but believes in isolating itself, lest it should be contaminated by them, has implanted in its mind by reason of the Brahmanic philosophy, motives and interests which are hostile to those who are outside its fold and therefore does not sympathise with the living forces operating in the servile masses whom it has trodden down, is not charged with their wants, their pains, their cravings, their desires, is inimical to their aspirations, does not favour any advance in their education, promotion to high office and disfavours every movement calculated to raise their dignity and their self-respect? Do they not know that in the Swaraj of India is involved the fate of 60 millions of Untouchables?

It would be impossible to say that the leaders of the British Labour Party, that Kingsiey Martin, Brailsford and Laski whose writings on liberty and democracy are a source of inspiration to all suppressed people, do not know these facts. Yet if they refer to India, it is always to support the Congress. It is very, very seldom that they arc found to discuss the problem of the Untouchables which ought to make the strongest appeal to all radicals and democrats. Their exclusive attention to Congress activities and their utter neglect of other elements in the national life of India show how misguided they have been. One could well understand their support to the Congress if the Congress was fighting for political democracy. But is it? As every one knows, the Congress is only fighting for national liberty and is not interested in political democracy. The party in India who is fighting for political democracy is the party of the Untouchables who fear that this Congress fight for liberty, if it succeeds, will mean liberty to the strong and the powerful to suppress the weak and the down-trodden unless they are protected by constitutional safeguards. It is they who ought to receive the help of these radical leaders. But the Untouchables have been waiting in vain for all these years even for a gesture of goodwill and support from them. These radicals and leftists in Europe and America have not even cared to know the forces behind the Congress.

Ignorant or unmindful one does not know, but the fact remains that these leftists and radical leaders have been giving blind and

unquestioning support to the Congress which admittedly is run by capitalists, landlords, money-lenders and reactionaries, only because the Congress calls its activities by the grandiloquent name of"Fight for Freedom."All battles for freedom are not on equal moral plane for the simple reason that the motives and purposes behind these battles of freedom are not always the same. To take only a, few illustrations from English History. The Barons' Rebellion against John which resulted in the *Magna Charta* could be called a battle for freedom. But could any democrat in modern times give it the same support which he would give—say to the Levellers' Rebellion or to the Peasants' Revolt in English History, merely because it could logically be described as a battle for freedom? To do so will be to respond to a false cry of freedom. Such crude conduct would have been forgivable, had it proceeded from groups not intelligent enough to make a distinction between freedom to live and freedom to oppress. But it is quite inexcusable in radical and leftist groups led by Messrs. Laski, Kingsley Martin, Brailsford, Louis Fischer and other well-known champions of democracy.

When pressed to explain why they don't support Indian Parties which stand for true democracy, they arc reported to meet the charge by a counter question. Arc there any such parties in India? Insist that there arc such parties and they turn round and say: If such parties exist, how is it the Press docs not report their activities? When told that the Press is a Congress Press, they retort: How is it that the foreign correspondents of the English Papers do not report them? I have shown why nothing better can be expected from these foreign correspondents. The Foreign *Press* Agency in India is not better than the Indian Press. Indeed it cannot be better. There are in India what are called foreign correspondents. In a large majority of cases they are Indians. Only a very few are foreigners. The selection of Indians as foreign correspondents is so made that they are almost always from the Congress camp. The foreign correspondents who arc foreigners fall into two groups. If they are Americans they are just Anti-British and for that reason pro-Congress. Any political party in India which is not madly anti-British does not interest them. Those who are not in the Congress will testify how hard it was for them to persuade the American War Correspondents who trooped into this country in 1941-42, even to entertain the possibility of

the Congress not being the only party, much less to induce them to interest themselves? In other political parties. It took a long time before they recovered their sanity and when they did, they either abused the Congress as an organisation led by impossible men or just lost interest in Indian politics. They never got interested in other political parties in India and never cared to understand their point of view. The situation is no better in the case of foreign correspondents who arc Britishers. They too arc interested only in that kind of politics which is first and foremost anti-British. They are uninterested in those political parties in India whose foremost concern is to make a free India safe for democracy. The result is that the foreign press provides the same kind of news about Indian politics, as does the Indian Press.

These reasons cannot be beyond the ken of these radicals. Correspondents or no correspondents, is it not the duty of radicals to keep in touch with their kindred in other parts of the world to encourage them, to help them and to see that true democracy lives everywhere? It is a most unfortunate thing that the Radicals of England and America should have forgotten the class to whom they owe a duty to help and have become the publicity agents of Indian Tories who are just misusing the slogan of liberty to be fool and befog the world.

The sooner they get out of this fog created by the Congress and realise that democracy and self-government in India cannot be real unless freedom has become the assured possession of all, the better for them and the better for the people of India. But if they persist in giving their blind support to the Congress on the basis of an empty slogan without examining its relation to facts and intentions, I for one will have *no* hesitation in saying that far from being the friends of India they arc a positive menace to the freedom of the Indian masses. It is a pity that they do not seem to distinguish the case of a tyrant who is held down and who pleads for liberty because he wants to regain his right to oppress and the case of an oppressed class seeking to be free from the oppression of the tyrant. In their hurry to bring freedom to India they have no time to realise that by siding with the Congress what they are doing is not to make India safe. for democracy but to free the tyrant to practise his tyrannies, Is it necessary to tell them that to support Congress is to let tyranny have freedom to enslave? It is to save their own reputation as the champions of the oppressed

and suppressed classes that they should reconsider their attitude towards the Congress.

PRESERVATION OF SOCIAL ORDER

[These are four hand-written pages of the manuscripts by Dr. Ambedkar with extracts from scriptures typed intermittently. The first page is numbered 56, which shows that the earlier part is not available. So also later portion is missing Title of the Chapter is suggested—Ed.]

* * * *

XII. 100."Command of armies, royal authority, power of inflicting punishment, and sovereign dominion over all nations, he only well deserves, who perfectly understands the Veda Sastra. (i. e. one who is a Brahmin) (Manu Smriti)

The second technique devised for the maintenance and preservation of the Established Order is quite different from the first. Really speaking it is this, which constitutes a special feature of the Hindu Social Order.

In the matter of the preservation of the Social Order from violent attack it is necessary to bear in mind three considerations. The outbreak of a Revolution is conditioned by three factors. (1) The existence of a sense of wrong,

(2) Capacity to know that one is suffering from a wrong and

(3) availability of arms. The second consideration is that there are two ways of dealing with a rebellion. One is to prevent a rebellion from occurring and the other is to suppress it after it has broken out. The third consideration is that whether the prevention of rebellion would be feasible or whether the suppression of rebellion would be the only method open, would depend upon the rules which govern the three prerequisites of rebellion.

Where the Social Order denies opportunity to rise, denies right to education, and denies right to use arms it is in a position to prevent rebellion against the Social Order. Where on the other hand a Social Order allows opportunity to rise, allows right to education, and permits the use of arms it cannot prevent rebellion by those who suffer wrongs. Its only remedy to preserve the Social Order by suppressing rebellion by the use of force and violence. The Hindu Social Order has adopted the first method. It has fixed the social status of the lower orders for all generations to come. Their economic status is also fixed. There being no

disparity between the two there is no possibility of a grievance growing up. It has denied education to the lower orders. The result is that no one is conscious that his low condition is a ground for grievance. If there is any consciousness it is that no one is responsible for the low condition. It is the result of fate. Assuming there is a grievance, assuming there is consciousness of grievance there cannot be a rebellion by the lower orders against the Hindu Social Order' because the Hindu Social order denies the masses the right to use arms. . . . Social Orders such as use of ..... .follow the opposite course. They allow equal opportunity to all. They allow freedom to acquire knowledge, they allow the right to bear arms and take upon themselves the odium of suppressing rebellious force & violence. To deny freedom of opportunity, to deny freedom to acquire knowledge, to deny the right to arms is a most cruel wrong. Its result to..... .and man. The Hindu Social Order is not ashamed to this. It has however achieved two things. It has found the most effective even though it be the most shameless method of preserving the established Order. Secondly notwithstanding the use of most inhuman means of killing manliness, it has given to the Hindus the reputation of being a very humane people.

Another special feature of the Hindu Social Order relates to the technique devised for its preservation.

The technique is twofold.

The first technique is to place the responsibility of upholding and maintaining the social order upon the shoulders of the King. Manu does this in quite express terms.

> VIII. 410."The king should order each man of the mercantile class to practice trade, or money-lending, or agriculture and attendance on cattle ; and each man of the servile class to act in the service of the twice-born."
>
> VIII. 418."With vigilant care should the King exert himself in compelling merchants and mechanics to perform their respective duties ; for, when such men swerve from their duty, they throw this world into confusion."
>
> Manu does not stop with the mere enunciation of the duty of the King in this behalf. He. .....to ensure that the King shall at all times perform his duty to maintain and preserve the Established Order. Manu therefore makes two further provisions. One provision is to make the failure of the King to maintain the Established Order an offence for which the King become liable for prosecution and punishment like a common man. This would be clear from the

following citations from Manu—

VIII. 335."Neither a father, nor a preceptor, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished by the king, if they adhere not with firmness to their duty."

VIII. 336."Where another man of lower birth would be fined one pana, the king shall be fined a thousand, and he shall give the fine to the priests, or cast it into the river, this is a sacred rule."

The other provision made by Manu against a King who is either negligent or opposed to the Established Order is to invest the three classes. Brahmins, Kshatriya and Vaishya with a right to rise in armed rebellion against the King.

VIII. 348."The twice-born may take arms, when their duty is obstructed by force ; and when, in some evil time, a disaster has befallen the twice-born classes."

(Left incomplete in the Ms—ed)

RANADE, GANDHI AND JINNAH

Address delivered on the 101st Birthday Celebration
of
MAHADEO GOVIND RANADE
held on the 18th January 1943
in
the Gokhale Memorial Hall, Poona
First Published: 1943 Reprinted from the first edition of 1943

PREFACE

The Deccan Sabha of Poona invited me to deliver an address on the 101st birthday of the late Justice Mahadev Govind Ranade which *it proposed* to celebrate and which fell on the 18th January 1940. I was not very willing to accept the invitation. For I knew that my views on social and political problems, a discussion of vvhich could not be avoided in a discourse on Ranade, would not very pleasing to the audience and even perhaps to the members of the Deccan Sabha. In The end I accepted their invitation. At the time when I delivered the address I had no intention of publishing it. Addresses delivered on anniversaries of great men are generally occasional pieces. They do not have much permanent value. I did not think that my address was an exception to this. But I have some troublesome friends who have been keen on seeing the whole of it in print and have been insisting upon it. I am indifferent to the idea. I am quite content with the publicity it has receiver and I have no desire to seek more. At the same time if there are people who think that it is worthy of being rescued from falling into oblivion. I do not see any reason for disappointing them.

The address as printed differs from the address as delivered in two respects. Section X of the address was omitted from the address as delivered to prevent the performance going beyond reasonable time. Even without it, it took one hour and a half so deliver the address. This is one difference. The other difference lies in the omission of a large portion of Section VIII which was devoted to a comparison of Ranade with Phule. For the omission, there are two reasons. In the first place, the comparison was not sufficiently full and detailed to do justice to the two men; in the

second place, when the difficulties of finding enough paper compelled me to sacrifice some portion of the address this appeared to be best offering.

The publication of the address is taking place under peculiar circumstances. Ordinarily reviews follow publication. In this case the situation is reversed. What is worse is that the reviews have condemned the address in scathing terms. This is a matter primarily for the publishers to worry about. I am happy that the publisher knows the risk and he takes it. Nothing more need be said about it except that it supports the view taken by my friends that the address contains matter which is of more than ephemeral value. As for myself I am not in the least perturbed by the condemnation of this address by the Press. What is the ground for its condemnation? And who has come forward to condemn it?

I am condemned because I criticized Mr. Gandhi and Mr. Jinnah for the mess they have made of Indian politics, and that in doing so I am alleged to have shown towards them hatred and disrespect. In reply to this charge what I have to say is that I have been a critic and I must continue to be such. It may be I am making mistakes but I have always felt that it is better to make mistakes than to accept guidance and direction from others or to sit silent and allow things to deteriorate. Those who have accused me of having been actuated by feelings of hatred forget two things. In the first place this alleged hatred is not born of anything that can be called personal. If I am against them it is because I want a settlement. I want a settlement of some sort and I am not prepared to wait for an ideal settlement. Nor can I tolerate anyone on whose will and consent settlement depends to stand on dignity and play the Grand Moghul. In the second place, no one can hope to make any effective mark upon his time and bring the aid that is worth bringing to great principles and struggling causes if he is not strong in his love and his hatred. I hate injustice, tyranny, pompousness and humbug, and my hatred embraces all those who are guilty of them. I want to tell my critics that I regard my feelings of hatred as a real force. They are only the reflex of the love I bear for the causes I believe in and I am in no wise ashamed of it. For these reasons I tender no apology for my criticism of Mr. Gandhi and Mr. Jinnah, the two men who have brought India's political progress to a standstill.

The condemnation is by the Congress Press. I know the Congress Press well. I attach no value to its criticism. It has never refuted my arguments. It knows only to criticise, rebuke and revile me for everything I do and to misreport, misrepresent and pervert everything I say. Nothing, that I do, pleases the Congress Press. This animosity of the Congress Press towards me can to my mind not unfairly, be explained as a reflex of the hatred of

the Hindus for the Untouchables. That their animosity has become personal is clear from the fact that the Congress Press feels offended for my having criticised Mr. Jinnah who has been the butt and the target of the Congress for the last several years.

However strong and however filthy be the abuses which the Congress Press chooses to shower on me I must do my duty. I am no worshipper of idols. I believe in breaking them. I insist that if I hate Mr. Gandhi and Mr. Jinnah—1 dislike them, I do not hate them—it is because I love India more. That is the true faith of a nationalist. I have hopes that my countrymen, will some day learn that the country is greater than the men, that the worship of Mr. Gandhi or Mr. Jinnah and service to India are two very different things and may even be contradictory of each other.

22 Prithviraj Road, New Delhi
15th March 1943

B. R. AMBEDKAR

RANADE, GANDHI AND JINNAH

I

I must tell you that I am not very happy over this invitation. My fear is that I may not be able to do justice to the occasion. When a year ago the Centenary of Ranade's Birthday was celebrated in Bombay the Rt. Hon'ble Srinivas Shastri was chosen to speak. For very many reasons he was well qualified for performing the duty. He can claimed to be a contemporary of Ranade for a part of his life. He had seen him at close range and was an eye witness of the work to which Ranade devoted his life. He had opportunity lo judge him and compare him with his co-workers. He could therefore, expound his views about Ranade with a sense of confidence and. with intimacy born out of personal touch. He could cite an anecdote and illuminate the figure of Ranade before his audience. None of these qualifications are available to me. My connection with Ranade is of the thinnest. I had not even seen him. There are only two incidents about Ranade which I can recall. First relates to his death. I was a student in the first standard in the Satara High School. On the 16th January 1901 the High School was closed and we boys had a holiday. We asked why it was dosed and we were told that because Ranade was dead. I was then about 9 years old. I knew nothing about Ranade, who he was, what he had done ; like other boys I was happy over the holiday and did not care to know who died. The second incident which reminds me of Ranade is dated much later than the first. Once I was examining some bundles of old papers belonging

to my father when I found in them a paper which purported to be a petition sent by the Commissioned and non-Commissioned officers of the Mahar Community to the Government of India against the orders issued in 1892 banning the recruitment of the Mahars in the Army. On inquiry I was told that this was a copy of a petition which was drafted by Ranade to help the aggrieved Mahars to obtain redress. Beyond these two incidents I have nothing to recall of Ranade. My knowledge about him is wholly impersonal. It is derived from what I have read about his work and what others have said about him. You must not expect me to say anything of a personal character which will either interest you or instruct you. I propose to say what I think of him as a public-man in his days and his place in Indian politics today.

II

As you are well aware, there are friends of Ranade who do not hesitate to describe him as a great man and there are others who with equal insistence deny him that place. Where does the truth lie? But this question must, I think, wait upon another, namely, is history the biography of great men? The question is both relevant as well as important. For, if great men were not the makers of history, there is no reason why we should take more notice of them than we do of cinema stars. Views differ. There are those who assert that however great a man may be, he is a creature of Time—Time called him forth, Time did everything, he did nothing. Those who hold this View, in my judgement, wrongly interpret history. There have been three different views on the causes of historical changes. We have had the Augustinian theory of history, according to which history is only an unfolding of a divine plan in which mankind is to continue through war and suffering until that divine plan is completed at the day of judgement. There is the view of Buckle who held that history was made by Geography and Physics. Karl Marx propounded a third view. According to him history was the result of economic forces. None of these three would admit that history is the biography of great men. Indeed they deny man any place in the leaking of history. No one except theologians accepts the Augustinian theory of history. As to Buckle and Marx, while there is truth in what they say, their views do not represent the whole truth. They are quite wrong in holding that impersonal forces are everything and that man is no factor in the making of history. That impersonal forces are a determining factor cannot be denied. But that the effect of I impersonal forces depends on man must also be admitted. Flint may not exist everywhere. But where it does exist, it needs man to strike flint against flint to make fire. Seeds may not be found everywhere. But where they do exist, it needs man to ground

it to powder and make it a delectable and nutritious paste and thereby lay the foundation of agriculture. There are many areas devoid of metals. But where they do exist, it needs a man to make instruments and machines which are the basis of civilization and culture.

Take the case of social forces. Various tragic situations arise. One such situation is of the type described by Thayer in his biography of Theodore. Roosevelt when he says :

> "There comes a time in every sect, party or institution when it stops growing, its arteries harden, its young men see no visions, its old men dream no dreams ; it lives on the past and desperately tries to perpetuate the past. In politics when this process of petrifaction is reached we call it Bourbonism and the sure sign of the Bourbon is that, being unconscious that he is the victim of sclerosis, he sees no reason for seeking a cure. Unable to adjust himself to changed and new conditions he falls back into the past as an old man drops into his worn-out arm-chair."

The other kind of situation is not one of decay but of destruction. The possibilities of it are always present whenever there is a crisis. The old ways, old habits and old thoughts fail to lift society and lead it on. Unless new ones are found there is no possibility of survival. No society has a smooth sailing. There are periods of decay and possibilities of destruction through which every society has to pass. Some survive, some are destroyed, and some undergo stagnation and decay. Why does this happen? What is the reason that some survive? Carlyle has furnished an answer. He puts in his characteristic way:

> "No time need have gone to ruin, could it have found a great enough, a man wise and good enough; Wisdom to discern truly what the Time wanted, valour to lead it on to the right road thither, these are the salvation of any Time."

This seems to me to be quite a conclusive answer to those who deny man any place in the making of history. The crisis can be met by the discovery of a new way. Where there is no new way found, society goes under. Time may suggest possible new ways. But to step on the right one is not the work of Time. It is the work of man. Man therefore is a factor in the making of history and that environmental forces whether impersonal or social if they are the first are not the last things.

III

Who can be called a great man? If asked of military heroes such as Alexander, Attila, Caesar and Tamerlane, the question is not difficult to answer. The military men make epochs and effect vast transitions. They appal and dazzle their contemporaries by their resounding victories. They

become great without waiting to be called great. As the lion is among the deer, so they are among men. But it is equally true that their permanent effect on the history of mankind is very small. Their conquests shrink, and even so great a General as Napoleon after all his conquests left France smaller than he found it. When viewed from a distance they are seen to be only periodical, if necessary, incidents in the world's movement, leaving no permanent mark on the character of the society in which they live The details of their career and their moral may be interesting, but they do not affect society and form no leaven to transform or temper the whole.

The answer becomes difficult when the question is asked about a person who is not a military general. For, it then becomes a question of tests, and different people have different tests.

Carlyle the apostle of Hero Worship had a test of his own. He laid *it* down in the following terms :

> "But of great man especially, of him I will venture to assert that it is incredible he should have been other than true. It seems to me the primary foundation of him, this. . . No man adequate to do anything, but is first of all in right earnest about it; what I call a sincere man. I should say *sincerity,* a deep, great genuine sincerity, is the first characteristic of all men in any way heroic."

Carlyle was of course particular in defining his test of sincere in precise terms, and in doing so he warned his readers by defining what his idea Of sincerity was—

> "Not the sincerity that calls itself sincere : Ah no,"he said,"that is a very poor matter indeed; — a shadow, braggart, conscious sincerity; oftenest self-conceit mainly. The great man's sincerity is of the kind he cannot, speak of, is not conscious *of :* Nay, I suppose, he is conscious rather of *insincerity ;* for what man can walk accurately by the law of truth for one day? No, the great man. does not boast himself sincere, far from that; perhaps does not ask himself if he is so: I would say rather, his sincerity does not depend on himself ; he cannot help being sincere !"

Lord Rosebery proposed another test when dealing with Napoleon—- who was as great an Administrator as a General. In answering the question, Was Napoleon Great? Rosebery used the following language:

> "If by ' great ' be intended the combination of moral qualities with those of intellect, great he certainty was not. But that he- was great in the sense of being extraordinary and supreme we can have no doubt. If greatness stands for natural power, for predominance, for something human beyond humanity, then Napoleon was assuredly great. Besides that indefinable spark which we call genius, he represents a combination of

intellect and energy which has never perhaps been equalled, never certainly surpassed."

There is a third test, suggested by the philosophers or, to be more accurate, by those who believe in divine guidance of human affairs. They have a different conception of what is a great man. To summarise the summary of their view, as given by Rosebery, a great man is launched into the world, as a great natural or supernatural force, as a scourge and a scavenger boon to cleanse society and lead it on to the right path who is engaged in a vast operation, partly positive, mainly negative, but all relating to social regeneration.

Which of these is the true test? In my judgement all are partial and none is complete. Sincerity must be the test of a great man. Clemenceau once said that most statesmen are rogues. Statesmen are not necessarily great men, and obviously these *on* whose experience he founded his opinion must have been those wanting in sincerity, Nonetheless no one can accept that sincerity is the primary or the sole test. For sincerity is not enough. A great man must have sincerity. For it is the sum of all moral qualities without which *no* man can be called great. But there must be something more than mere sincerity in a man to make him great. A man may be sincere and yet he may be a fool, and a fool is the very antithesis of a great map. A man is great because he finds a way to save society in its hours of crisis. But what can help him to find the way? He can do so only with the help or intellect. Intellect is the light. Nothing else can be of any avail. It is quite obvious that without the combination of sincerity and intellect no man can be great. Is this enough to constitute a great man? At this stage we. must, I think, make a distinction between an eminent individual and a great man. For I am certain that a great man is something very different from an eminent individual. Sincerity and intellect: are enough to mark out an individual as being eminent as compared to his fellows. But they are not enough to raise him to the dignity of a great man. A great man must have something more than what a merely eminent individual has. What must be that thing? Here comes the importance of the philosophers definition of a great man. A great man *must* be motivated by the dynamics of a. social purpose and must act as the scourge and the scavenger of society. These are the elements which distinguish an eminent individual *from* a great man and constitute his title deeds to respect and reverence.

IV

Was Ranade a great man? He was of coarse great in his person. Vast in physique -he could have been called"Your Immense"as the Irish servant who could not pronounce. Your Eminence used respectively to call

Cardinal Wiseman-his master. He was a man of sanguine temperament. of genial disposition and versatile in his capacity. He had keenly which is the sum of all moral qualities and his sincerity was of the sort which was prescribed by Carlyle. It was not a conscious”"braggart sincerity”. It was the natural sincerity a constitutional trait and not an assumed air. He was rot only big in his physique and in his sincerity. he was also big in intellect. Nobody can question that 'Ranade had intellect of a high calibre. He was not merely a lawyer and a judge of the High Court, he was a first class economist, a first class historian a first class educationist and a first class divine. He was not a politician. Perhaps it is good that he was not. For if he had been, he might not have been a great man. As Abraham Lincoln said ,”Politicians are a set of men who have interests aside from the interests of the people and who to say the most of them are taken as a mass, at least one long step removed from honest men.”Ranade though not a politician was a profound student of politics. Indeed it would be difficult to find in the history of India any man who could come up to Ranade in the width of his learning, the breadth of his wisdom and the length of his vision. There was no subject which he did not touch and in which he did not acquire profundity. His reading was on the scale of the colossal and every inch he was a scholar. He was great not merely by the standard of his Time, but he was great— measured by any standard. As I have said no claim for being a great man can rest on the foundation of sincerity and intellect either singly or in combination. Ranade could not be called great if he had these two qualities and no more. His title to being a great man must rest upon the social purposes he served and on the way he served them. On that there can be no doubt. Ranade is known more as a social reformer than as a historian, economist or educationist. His whole life is nothing but a relentless campaign for social reform. It is on his role as a social reformer that this title to being a great man rests. Ranade had both the vision and the courage which the reformer needs, and in the circumstances in which he was: born his vision was no small a virtue than his courage. That he developed a vision of the Prophet—1 am using the word in the Jewish sense—cannot but be regarded as a matter of surprise if the time in which he was born is taken into account. Ranade was born in 1842 some 24 years after the battle of Kirkee which brought the Maratha Empire to an end. The downfall of the Maratha Empire evoked different feelings among different people. There were men like Natu who served as accessories before the fact. There were some who played the part of accessories after the fact, inasmuch as they were happy that the cursed rule of the Brahmin Peshwa was brought to an end. But there can be no doubt that a large

majority of the people of Maharashtra were stunned by the event. When the whole of India was enveloped by the advancing foreign horde and its people being subjugated piece by piece, here in this little corner of Maharashtra lived a sturdy race who knew what liberty was, who had fought for it inch by inch and established it over miles and miles. By the British conquest they had lost what was to them a most precious possession. One can quite imagine how the best intellect of Maharashtra had its mind utterly confounded and its horizon fully and completely darkened. What could be the natural reaction to so great a catastrophe? Can it be other than resignation, defeatism and surrender to the inevitable? How did Ranade react? Very differently. He held out the hope that the fallen shall rise. Indeed he developed a new faith on which this hope was founded. Let me quote his own words. He said :

> "I profess implicit faith in two articles of my creed. This country of ours is the true land of promise. This race of ours is the chosen race."

He did not rest quiet by merely enunciating this new Mosaic Gospel of hope and confidence. He applied his mind to the question of the realization of this hope. The first requisite was of course a dispassionate analysis of the causes of this downfall. Ranade realized that the downfall was due to certain weaknesses in the Hindu social system and unless these weaknesses were removed the hope could not be realized. The new gospel was therefore followed by a call to duty. That duty was no other than the duty to reform Hindu society. Social reform became therefore the one dominant purpose of his life. He developed a passion for social reform and there was nothing he did not do to promote it. His methods included meetings, missions, lectures, sermons, articles, interviews, letters—all carried on with an unrelenting zeal. He established many societies. He founded many journals. But he was not content with this. He wanted something more permanent, something more systematic for promoting the cause of social reform. So he founded the Social Conference, an All-India Organization which ran as an adjunct to the Indian National Congress. Year after year the Conference met to discuss the social ills and to find the ways of remedying them, and year after year Ranade attended its annual sessions as though it was a pilgrimage and fostered the cause of social reform.

In fostering the cause of social reform Ranade showed great courage. Many people of this generation will perhaps laugh at such a claim. Courting prison has become an act of martyrdom in India. It is regarded both as a patriotic act and also as an act of courage. Most people who would otherwise be beneath notice and in whose case it could rightly be said that

they were scoundrels who had taken to politics as their last refuge, have by going to prison become martyrs and have acquired a name and fame which, to say the least, is quite astounding. There would be some substance in this view, if prison life involved the rigours to which men like Tilak and those of his generation had been subjected. Prison life today has lost all its terrors. It has become a mere matter of detention. Political prisoners are no longer treated as criminals. They are placed in a separate class. There are no hardships to suffer, there is no reputation to lose and there is no privation to undergo. It calls for no courage. But even when prison life had, as in the time of Mr. Tilak, its rigours the political prisoners could make no claim to greater courage than a social reformer. Most people do not realize that society can practise tyranny and oppression against an individual in a far greater degree than a Government can. The means and scope that are open to society for oppression are more extensive than those that are open to Government, also they are far more effective. What punishment in the penal code is comparable in its magnitude and its severity to excommunication? Who has greater courage—the social reformer who challenges society and invites upon himself excommunication or the political prisoner who challenges Government and incurs sentence of a few months or a few years imprisonment? There is also another difference which is often lost sight of in estimating the courage shown by the social reformer and the political patriot. When the social reformer challenges society there is nobody to hail him a martyr. There is nobody even to befriend him. He is loathed and shunned. But when the political patriot challenges Government he has whole society to support him. He is praised, admired and elevated as the saviour. Who shows more courage"-The social reformer who fights alone or the political patriot who fights under the cover of vast mass of supporters? It would be idle to deny that Ranade showed courage in taking up the cause of social reform. Indeed he showed a high degree of courage. For let is be remembered that he lived in times when social and religious customs however gross and unmoral were regarded as sacrosanct and when any doubt questioning their divine and moral basis was regarded not merely as heterodoxy but as intolerable blasphemy and sacrilege.

V

His path as a reformer was not smooth. It was blocked from many sides. The sentiments of the people whom he wanted to reform were deeply rooted in the ancient past. They held the belief that their ancestors were the wisest and the noblest of *men,* and the social system which they had devised was of the most ideal character. What appeared to Ranade to be the shames

and wrongs of the Hindu society were to them the most sacred injunctions of their religion. This was the attitude of the common man. The intelligentsia. was divided into *two* schools—-a school which was orthodox in its belief but unpolitical in its outlook, and a school which was modem in its beliefs but primarily political in its aims and objects. The former was led by Mr. Chiplunkar and the latter by Mr. Tilak. Both combined against Ranade and created as many difficulties for him as they could. They not only did the greatest harm to the cause of social reform, but as experience shows they have *done* the greatest harm to the cause of political reform in India. The unpolitical *or* the orthodox school believed in the Hegelian view—-it is a puzzle to me—namely to realize the ideal and idealize the real. In this it. was egregiously wrong. The Hindu religious and social system is such that you cannot go forward to give its ideal form a reality because the ideal is bad; nor can you attempt to elevate the real to the status of the ideal because the real. i.e., the existing state of affairs, is worse than worse could be. This is no exaggeration. Take the Hindu religious system or take the Hindu social system, and examine it from the point of social utility and social justice. It is *said* that religion is *good* when it is fresh from the mint. But Hindu religion has been a bad coin to start with. The Hindu ideal of society as prescribed by Hindu religion has acted as a most demoralizing and degrading influence on Hindu society. It is Nietzschean in its form and essence. Long before Nietzsche was born Manu had proclaimed the gospel which Nietzsche sought to preach. It is a religion which is not intended to establish liberty, equality and fraternity. It is a gospel which proclaims the worship of the superman— the Brahamin by the rest of the Hindu society. It propounds that the superman and his class alone are born to live and to rule. Others are born to serve them, and to nothing more. They have no life of their own to live, and no right to develop their own personality. This has been the gospel of the Hindu Religion. Hindu philosophy, whether it is Vedanta, Sankhya, Nyaya, Vaishashika, has moved in its own circle without in anyway affecting the Hindu religion It has never had the courage to challenge this gospel That Hindu philosophy that everything is Brahma remained only a matter of intellect. It never became a social philosophy. The Hindu philosophers had. both their philosophy and their Manu held apart in two hands, the right not knowing what the left had. The Hindu is never troubled by their inconsistency, As to their social system, can things be worst? The Caste system is in itself a degenerate form of the Chaturvarnya which is the ideal of the Hindu. How can anybody who is not a congenital idiot accept Chaturvarnya as the ideal form of society? Individually and socially it is a

folly and a crime. One class and one class alone to be entitled to education and learning! One class and one class alone to be entitled to arms! One class and one class alone to trade! One class and one class alone to serve! For the Individual the consequences are obvious. Where can you find a learned man who has no means of livelihood who will not degrade his education.? Where can you find a soldier with no education and culture who will use his arms to conserve and not to destroy? Where can you find a merchant with nothing but the acquisitive instinct to follow who will not descend to the level of the brute? Where can you find the servant who is not to acquire education, who is not to own arms and who is not to possess other means of livelihood to be a man as his maker intended him to be? If baneful to the individual it makes society vulnerable. It is not enough for a social structure to be good for a fair weather. It must *be* able to weather the storm. Can the Hindu caste system stand the gale and the wind of an aggression? It is obvious that it cannot. Either for defence or for offence a society must be able to mobilize its forces. With functions and duties exclusively distributed and immutably assigned, what way is there for mobilization? Ninety per cent of the Hindus— Brahmins, Vaishyas and Shudras—could not bear arms under the Hindu social system. How can a country be defended if its army cannot be increased in the hour of its peril. It is not Buddha who; as is oflen alleged, weakened Hindu society by his gospel of non-violence. It is the Brahmin theory of Chaturvarnya that ha.s been responsible not only for the defeat but for the decay of Hindu society. Some of you will take offence at what I have said about the demoralizing effect of the Hindu socio-religious ideal on Hindu society. But what is the truth.? Can the charge be denied? Is there any society in the world which has unapproachables,, unshadowables and unseeables? is there any society which has got a population of Criminal Tribes? Is there a society in which there exists today primitive people, who live in jungles who do not know even to clothe themselves? How many do they count in numbers? Is it a matter of hundreds, is it a matter of thousands? I wish they numbered a paltry few. The tragedy is that they have to be counted in millions, millions of Untouchables, millions of Criminal Tribes, millions of Primitive Tribes !! One wonders whether the Hindu civilization, is civilization or infamy? This is about the ideal. Turn now to the state of things as it existed when Ranade came on the scene. It is impossible to realize now the state of degradation they had reached when the British came on the scene and with which the reformers like Ranade were faced. Let me begin with the condition of the intellectual class. The rearing and guiding of a civilization must depend upon its intellectual

class—upon the lead given by the Brahmins. Under the old Hindu Law the Brahmin enjoyed the benefit of the clergy and not be hanged even if he was guilty of murder, and the East India Company allowed him the privilege till 1817. That is no doubt because he was the salt of the Earth. Was there any salt left in him? His profession had lost all its nobility. He had become a pest. The Brahmin systematically preyed on society and profiteered in religion. The *Puranas* and *Shastras* which lie manufactured in tons are treasure trove of sharp practices which the Brahmins employed to befool, beguile and swindle the common mass of poor, illiterate and superstitious Hindus. It is impossible in this address to give references to them. I can only refer to the coercive measures which the Brahmins had sanctified as proper to be employed against the Hindus to the encashment of their rights and privileges. Let those who want to know read the preamble to Regulation XXI of 1795. According to it whenever a Brahmin wanted to get anything which could not be willingly got from his victim, he resorted to various coercive practices—lacerating his own body with knives and razors or threatening to swallows some poison were the usual tricks he practised to carry out his selfish purposes. There were other ways employed by the Brahmin to coerce the Hindus which were as extraordinary as they were shameless. A common practice was the erection in front of the house of his victim of the *koorh*—a circular enclosure in which a pile of wood was placed— within the enclosure an old woman was placed ready to be burnt in the *koorh* if his object was not granted. The second devise of such a kind was the placing of his women and children in the sight of his victim and threaten to behead them. The third was the Dhuma—starving on the doorstep of the victim. This is nothing. Brahmins had started making claims for a right to deflower the women of non-Brahmins. The practice prevailed in the family of the Zamorin of Calicut and among the Vallabhachari sect of Vaishnavas. What depths of degradation the Brahmins had fallen to!If, as the Bible says, the salt has lost its flavour wherewith shall it be salted? No wonder the Hindu Society had its moral bonds loosened to a dangerous point. The East India Company had in 1819 to pass a Regulation (VII of 1819) to put a stop to this moral degeneracy. The preamble to the Regulation says that women were employed wholesale to entice and take away the wives or female children for purposes of prostitution, and it was common practice among husbands and fathers to desert their families and children. Public conscience there was none, and in the absence of conscience it was futile to expect moral indignation against the social wrongs. Indeed the Brahmins were engaged in defending every wrong for the simple reason that they lived on them.

They defended Untouchability which condemned millions to the lot of the helot. They defended caste, they defended female child marriage and they defended enforced widowhood—the two great props of the Caste system. They defended the burning of widows, and they defended the social system of graded inequality with its rule of hypergamy which led the Rajputs to kill in their thousands the daughters that were born to them. What shames ! What wrongs! Can such a society show its face before civilized nations? Can such a society hope to survive? Such were the questions which Ranade asked. He concluded that on only one condition it could be saved—namely, rigorous social reform.

VI

His greatest opponents however came from the politicle school of the intelligentsia. These politicals developed a new thesis. According to that thesis political reform was to have precedence over social reform. The thesis was argued from platform to platform and was defended by eminent people like Mr. Justice Telang, a Judge of the Bombay High Court, with the consummate skill of an acute lawyer. The thesis caught the imagination of the people. If there was one single cause to which the blocking of the Social Reform movement could be attributed, it was this cry of political reform. The thesis is unsupportable, and I have no doubt that the opponents of Ranade were wrong and in pursuing it did not serve the best interests of the country. The grounds on which Mr. Justice Telang defended the Politicians' thesis were of course logical. But he totally forgot that logic is not reason, and analogy is not argument. Neither did he have a correct understanding of the inter-relation between the"social"and the"political"which Ranade had. Let us examine the reasons for the thesis. Those that were advanced were not very impressive. But I am prepared to meet the most impressive arguments that could be advanced. Even then the thesis will not stand. The following strike me as being the most impressive. In the first place, it could be said that we want political power first because we want to protect the rights of the people. This answer proceeds from a very frugal theory of Government as was propounded by the American statesman Jefferson according to whom politics was only an affair of policing by the State so that that the rights of people were maintained without disturbance. Assume that the theory is a sound one. The question is, what is there for the State to police if there are no rights? Rights must exist before policing becomes a serious matter of substance. The thesis that political reform should precede social reform becomes on the face of it an absurd proposition, unless the idea is that the Government is to protect those who have vested rights and to penalize those who have

none. The second ground that could be urged in support of the thesis is that they wanted political power because they wanted to confer on each individual certain fundamental rights by law and that such conferring of the political rights could not lake place unless there was political power first obtained. This of course sounds very plausible. But is there any substance in it? The idea of fundamental rights has become a familiar one since their enactment in the American Constitution and in the Constitution framed by Revolutionary France. The idea of making a gift of fundamental rights to every individual is no doubt very laudable. The question is how to make them effective? 'The prevalent. view is that once rights are enacted in a law then they are safeguarded. This again is an unwarranted assumption. *As* experience proves, rights are protected not *by* law but by the social and moral conscience of society. If social conscience is such that it is prepared to recognizes the rights which law chooses to enact rights will be safe and secure. But if the fundamental rights are opposed by the community, no Law no Parliament, no judiciary can guarantee them in the real sense of the word. What is the use of the fundamental rights to the Negroes in America., to the. Jews in Germany and to the Untouchables in India.? As Burke said, there is no method found for punishing the multitude. Law can punish a single solitary recalcitrant criminal. It can never operate against a whole body of people who are determined to defy it. Social conscience—to use the language of Coleridge—that calm incorruptible legislator of the soul without whom ail other powers would"meet in mere oppugnancy—is the only safeguard of all rights fundamental or non-fundamental"

The third argument of the politicals could be based on the right to self-Government. That self Government is better than good Government is a well-known cry. 0ne cannot give it more value than one can give to a slogan, and all would like to be assured that self-Government would also be a good Government. There is no doubt that the politicals wanted good Government and their aim was to establish a democratic form of Government. But they never stopped to consider whether a democratic form of Government was possible. Their contention was founded on a series *of* fallacies, A democratic form of Government presupposes a democratic form of society. The formal framework of democracy is of no value and would indeed be a misfit if there was no social democracy. The politicals never realized that democracy was not a form of Government. It was essentially a form of society. It may not be necessary for a democratic society to be marked by unity, by community of purpose, by loyalty to public ends and by mutuality of sympathy. But it does unmistakably involve two things. The first is an attitude of mind, an attitude of respect

and equality towards their fellows. The second is a social organization free from rigid social barriers. Democracy is incompatible and inconsistent with isolation and exclusiveness, resulting in the distinction between the privileged and the unprivileged. Unfortunately, the opponents of Ranade were never able to realize the truth of this fact.

One may judge it by any test and it will be found that the stand that Ranade took in this controversy and his plan of work were correct and fundamental to if they were not the pre-requisites of political reform. Ranade argued that there were no rights in the Hindu society which the moral sense of man could recognize. There were privileges and disabilities, privileges for a few and disabilities for a vast majority. Ranade struggled to create rights. Ranade wanted to vitalize the conscience of the Hindu society which had become moribund as well morbid. Ranade aimed to create a real social democracy, without which there could be no sure and stable politics. The conflict was between two opposing points of view and it centred round the question which is more important for the survival of a nation, political freedom or strong moral fibre. Ranade took the view that moral stamina was more important than political freedom. This was also the view of Lecky the great historian who after a careful and comparative study of history came to the conclusion that :

> "The foundation of a Nation's strength and prosperity *is* laid in pure domestic life, in commercial integrity, in a high standard of moral worth, and of public spirit, in a simple habits, in courage, uprightness, and a certain soundness *and* moderation of judgement which springs quite as much from character as from intellect. If you would form a wise judgement of the future of a nation, observe carefully whether these qualities are increasing or decaying. Observe carefully what qualities count for most in public life. Is character becoming of greater or less importance? Are the men who obtain the highest posts in the nation men of whom, in private life, irrespective of party competent judges speak with genuine respect? Are they of sincere convictions, consistent lives and indisputable integrity? It is by observing this current that you can best cast the horoscope of a nation."

Ranade was not only wise but he was also logical. He told his opponents against playing the part of Political Radicals and Social Tones. In clear and unmistakable terms he warned them saying :

> "You canned be liberal by halves. You cannot be liberal in politics and conservative in religion. The heart and the head must go together. You cannot cultivate your intellect, enrich your mind, enlarge the sphere of your political rights and privileges, and at the same time keep your hearts

closed and cramped. It is an idle dream to expect men to remain enchained and enshackled in their own superstition and social evils, while they are struggling hard to win rights and privileges from their rulers. Before long these vain dreamers will find their dreams lost.

Experience has shown that these words of Ranade have been true, even prophetic. Let those who deny this consider : Where are we today in politics and why are we where we are '? It is now 50 years since the National Congress was born. Its stewardship has passed hands, I won't say from the sane to the insane, or from realists to idealists, but from moderates to radicals. Where does the country stand today at the end of 50 years of political marching? What is the cause of this deadlock? The answer is simple. The cause of deadlock is the absence of Communal settlement. Ask why is communal settlement necessary for political settlement and you realize the fundamental importance of the stand that Ranade took. For the answer to this question is to be found in the wrong social system, which is too undemocratic, too over-weighed in favour of the classes and against the masses, too class conscious and too communally minded. Political democracy would become a complete travesty if it were built upon its foundations. That is why nobody except the high caste Hindus will agree to make it the case of a political Democracy without serious adjustments. Well may some people argue to their satisfaction that the deadlock is the creation of the British Government. People like to entertain thoughts which sooth them and which throw responsibility on others- This is the psychology of escapism. But it cannot alter the fact that it is the defects of social system which has given rise to the communal problem and which has stood in the way of India getting political power.

Ranade's aim was to cleanse the old order if not to build a new one. He insisted on improving the moral tone of Hindu society. If he had been heard and followed, the system would have at least lost its rigours and its rigidity. If it could not have avoided Communal settlement it would have made it easy. For his attempts, limited as they were, would have opened the way to mutual trust. But the politicals had developed a passion for political power which had so completely blinded them that they refused to see virtue in anything else. Ranade has had his revenge. Is not the grant of political safeguard a penalty for denying the necessity of social reform?

How much did Ranade achieve in the field in which he played so dominant a part? In a certain sense the question is not very important. Achievement is never the true measure of greatness.”Alas”, as Carlyle said,”we know very well that ideals can never be completely embodied in practice. Ideals must ever lie a very great way off ; and we will right

thankfully content ourselves with any not intolerable approximation thereto!"Let no man, as Schillar says, too querulously"measure by a scale of perfection the meagre product of reality"In this poor world of ours. We will esteem him no wise man ; we will esteem him a sickly discontented foolish man. And yet Ranade's record of achievement was not altogether bare. The problems facing the then social reformers contained in the statement on social reform prepared by Rai Bahadur P. Anandcharly were five : (1) early marriage ; (2) remarriages of widows ; (3) liberty for our countrymen to travel------or sojourn in foreign lands ; (4) women's rights of property and (5) education of women. Of this programme he achieved a great part. If he did not achieve all, there were the odds against him, which should never be forgotten. A clever, determined and an insincere intelligentsia came forward to defend orthodoxy and give battle, to Ranade. The scenes were exciting, as exciting as those of a dread grim of battle. And battle it was. One cannot recall the spirit of the time when this controversy over social reform was raging in this country. It is not possible for decency to enter into the abuses that were hurled, the calumnies that were uttered, the strategies that were employed by the orthodox section against the Social Reformers. It is impossible to read the writing of those who supported orthodoxy in their opposition to the Age of Consent Bill without realizing the depth of the degradation to which the so-called leaders of the peoples had fallen. The Bill aimed to punish a husband who would have sexual intercourse with his wife if she had not attained the age of 12. Could any sane man, could any man with a sense of shame oppose so simple a measure? But it was opposed, and Ranade had to bear the brunt of the mad orthodoxy. Assuming that Ranade's achievements were small ; who could take pride or exultation in his failure to achieve more? There was no cause for exultation. The decline of social reform was quite natural. The odium of social reform was too great. The appeal of political power too alluring. The result was that social reform found fewer and fewer adherents. In course of time the platform of the Social Reform Conference was deserted and men flocked to the Indian National Congress. The politicians triumphed over the social reformers. I am sure that nobody will now allow that their triumph was a matter for pride. It is certainly a matter of sorrow. Ranade may not have been altogether on the winning side, but he was not on the wrong side and certainly never on the side of the wrong as some of his opponents were.

VIII

How does Ranade compare with others? Comparisons are always odious and unpleasant. At the same time it is true that there is nothing more

illuminating than comparisons. Of course in making them one must bear in mind that to be interesting and instructive comparisons must be between those that are alike. Fortunately there is field for comparison. Ranade was a social reformer and as a social reformer he could be usefully compared with other social reformers. Particularly illuminating will be the comparison between Ranade and Jotiba Phule. Phule was born in 1827 and died in 1890. Ranade was born in 1842 and died in 1901. Thus Phule and Ranade were contemporaries and both were foremost social reformers. Some may perhaps demur to the wisdom of comparing Ranade with other politicians. This can only be on the ground that Ranade was not a politician. To say that Ranade was not a politician is to impose a very narrow and very restricted meaning upon the term politician. A politician does not merely trade in politics but he also represents particular faith covering both—the method as well as the metaphysics of politics. Ranade was the founder of a school of politics which was distinctive for its method as well as for metaphysics. Used in this sense Ranade was a politician and could be usefully compared with other politicians. Comparisons of Ranade with social reformers and with politicians cannot but be illuminating and there is enough material for such comparisons. The question really is one of time and taste. Time will not permit any extensive comparison of Ranade being made both with social reformers as well as with politicians. I must really choose between comparing Ranade with social reformers or with politicians. This is a matter of taste. Left to myself I would have preferred to use my available time to compare Ranade with Phule. For I regard social Reform more fundamental than political reform. Unfortunately my taste is different from the taste of the audience and I feel that in detaining the audience I must be guided more by its likes and dislikes than my own. The ardour for social reform has cooled down. The craze for politics has held the Indian public in its grip. Politics has become an appetiser—a mastic the more one tastes it the more one craves it. The task I am undertaking is a very unpleasant one and if I venture upon it, it is only because it is my duty to expound fully and the desire of the public to know truly the value of Ranade's political philosophy and his place among politicians of today.

Who are the present day politicians with whom Ranade is to be compared? Ranade was a great politician of his day. He must therefore be compared with the greatest of today. We have on the horizon of India two great men, so big that they could be identified without being named—Gandhi and Jinnah. What sort of a history they will make may be a matter for posterity to tell. For us it is enough that they do indisputably make headlines for the Press. They hold leading strings. One leads the Hindus,

the other leads the Muslims. They are the idols and heroes of the hour. I propose to compare them with Ranade. How do they compare with Ranade? It is necessary to make some observations upon their temperaments and methods with which they have now familiarized us. I can give only my impressions of them, for what they are worth. The first thing that strikes me is that it would be difficult to find two persons who would rival them for their colossal egotism, to whom personal ascendancy is everything and the cause of the country a mere counter on the table. They have made Indian politics a matter of personal feud. Consequences have no terror for them ; indeed they do not occur to them until they happen. When they do happen they either forget the cause, or if they remember it, they overlook it with a complacency which saves them from any remorse. They choose to stand on a pedestal of splendid isolation. They wall themselves off from their equals. They prefer to open themselves to their inferiors. They are very unhappy at and impatient of criticism, but are very happy to be fawned upon by flunkeys. Both have developed a wonderful stagecraft and arrange things in such a way that they are always in the limelight wherever they go. Each of course claims to be supreme. If supremacy was their only claim, it would be a small wonder. In addition to supremacy each claims infallibility for himself. Pius IX during whose sacred regime as Pope the issue of infallibility was raging said—"Before I was Pope I *believed* in Papal infallibility, now I *feel* it."This is exactly the attitude of the two leaders whom Providence—may I say in his unguarded moments—has appointed to lead us. This feeling of supremacy and infallibility is strengthened by the Press. One cannot help saying that. The language used by Gardiner to describe the Northcliffe brand of journalism, in my opinion, quite appropriately describes the present state of journalism in India. Journalism in India was once a profession. It has now become a trade. It has no more moral function than the manufacture of soap. It does not regard itself as the responsible adviser of the Public. To give the news uncoloured by any motive, to present a certain view of public policy which it believes to be for the good of the community, to correct and chastise without fear all those, no matter how high, who have chosen a wrong or a barren path, is not regarded by journalism in India its first or foremost duty. To accept a hero and worship him has become its principal duty. Under it, news gives place to sensation, reasoned opinion to unreasoning passion, appeal to the minds of responsible people to appeal to the emotions of the irresponsible. Lord Salisbury spoke of the Northcliffe journalism as written by office-boys for office-boys. Indian journalism is all that plus something more. It is written by drum-boys to

glorify their heroes. Never has the interest of country been sacrificed so senselessly for the propagation of hero-worship. Never has hero-worship become so blind as we see it in India today. There are, I am glad to say, honourable exceptions. But they are too few and their voice is never heard. Entrenched behind the plaudits of the Press, the spirit of domination exhibited by these two great men has transgressed all limits. By their domination they have demoralised their followers and demoralized politics. By their domination they have made half their followers fools and the other half hypocrites. In establishing their supremacy they have taken the aid of"big business"and money magnates. For the first time in our country money is taking the field as an organised power. The questions which President Roosevelt propounded for American Public to consider will arise here, if they have not already arisen : Who shall rule—wealth or man? Which shall lead, money or intellect? Who shall fill public stations, educated and patriotic free men or the feudal serfs of corporate Capital? For the present, Indian politics, at any rate the Hindu part of it, instead of being spiritualised has become grossly commercialised, so much so that it has become a byword for corruption. Many men of culture are refusing to concern themselves in this cesspool. Politics has become a kind of sewage system intolerably unsavoury and unsanitary. To become a politician is like going to work in the drain.

Politics in the hands of these two great men have become a competition in extravaganza. If Mr. Gandhi is known as Mahatma, Mr. Jinnah must be known as Qaid-i-Azim. If Gandhi has the Congress, Mr. Jinnah must have the Muslim League. If the Congress has a Working Committee and the All-India Congress Committee, the Muslim League must have its Working Committee and its Council. The session of the Congress must be followed by a session of the League. It the Congress issues a statement the League must also follow suit. If the Congress passes a Resolution of 17,000 words, the Muslim League's Resolution must exceed it by at least a thousand words. If the Congress President has a Press Conference, the Muslim League President must have his. If the Congress must address an: appeal to the United Nations, the Muslim League must not allow itself to be outbidden. When is all this to end? When is there to be a settlement? There are no near prospects. They will not meet, except on preposterous conditions. Jinnah insists that Gandhi should admit that he is a Hindu. Gandhi insists that Jinnah should admit that he is one of the leaders of the Muslims. Never has there been such a deplorable state of bankruptcy of statesmanship as one sees in these two leaders of India. They are making long and interminable speeches, like lawyers whose trade it is to contest

everything, concede nothing and talk by the hour. Suggest anything by way of solution for the deadlock to either of them, and it is met by an everlasting"Nay". Neither will consider a solution of the problems which is not eternal. Between them Indian politics has become"frozen"to use a well-known Banking phrase and no political action is possible.

How does Ranade strike as compared to these two? I have no personal impression to give. But reading what others have said I think I can say what he must have been like. He had not a tinge of egotism in him. His intellectual attainments could have justified any amount of pride, nay even insolence. But he was the most modest of men. Serious youths were captivated by his learning and geniality. Many, feeling completely under his sway, responded to his ennobling influence and moulded their whole lives with the passionate reverence for their adored master. He refused to be satisfied with the praises of fools, and was never afraid of moving in the company of equals and of the give and take it involves. He never claimed to be a mystic relying on the inner voice. He was a rationalist prepared to have his views tested in the light of reason and experience. His greatness was natural. He needed no aid of the stage nor the technique of an assumed eccentricity nor the means of a subsidized press. As I said, Ranade was principally a social reformer. He was not a politician in the sense of one who trades in politics. But he has played an important part in the political advancement of India. To some of the politicians he acted as the teacher who secured such signal successes and who dazzled their critics by their brilliance. To some he acted as the guide, but to all he acted as the philosopher.

What was the political philosophy of Ranade? It may be summed up in three propositions :

(1) We must not set up as our ideal something which is purely imaginary. An ideal must be such that it must carry the assurance that it is a practicable one.

(2) In politics, sentiment and temperament of the people are more important than intellect and theory. This is particularly so in the matter of framing a Constitution. A constitution is as much a matter of taste as clothes are. Both must fit, both must please.

(3) In political negotiations the rule must be what is possible. That does not mean that we should be content with what is offered. No. It means that you must not refuse what is offered when you know that your sanctions are inadequate to compel your opponent to concede more.

These are the three main doctrines of Ranade's political philosophy. It

would be quite easy to illustrate them by appropriate quotations from his writings and his speeches. There is no time for that nor is there any necessity, for they must be clear to every student of Ranade's speeches and writings. Who could quarrel with Ranade on these three propositions and if there be one, on which? On the first only a visionary will quarrel. We need not take any notice of him. The second proposition is so evident that we could only ignore it at our peril. The third proposition is something on which a difference of opinion is possible. Indeed it is this which divided the Liberals from the Congressmen. I am not a liberal, but I am sure the view Ranade held was the right one. There can be no compromise on principle, and there should not be. But once the principle is agreed upon, there can be no objection to realize it by instalments. Graduation in politics is inevitable, and when the principle is accepted it is not harmful and indeed it may in certain circumstances be quite advantageous. On this third proposition there was really no difference between him and Tilak, except this : Tilak would have the possible maximised by the application of sanctions ; Ranade would look askance at sanctions. This is all. On the rest they were agreed. The absence of sanctions in Ranade's political philosophy need not detract much from its worth. We all know what sanctions are available to us. We have tried all, old as well as new, with what effect I need not stop to describe.

IX

In celebrating the birthday of Ranade we must not overlook what the critics and opponents are likely to say. The critics will ask what is the point in celebrating the birthday of Ranade. That the days of hero-worship are gone long past will be the line of their argument. The opponents will say if I condemn idolatry when it pertains to Mr. Gandhi and to Mr. Jinnah how do I join in idolizing Mr. Ranade? These are very pertinent questions. True hero-worship is dying. Of that there is no doubt. It was dying even in the days of Carlyle who indignantly complained against his age saying—

> "This is an age that as it were denies the existence of great men : denies the inevitableness of great men."
>
> "Show our critics a great man", he said and"They begin to what they call ' account for him ' ; not to worship him but take the dimensions of him."

But hero-worship is certainly not dead in India. India is still *par excellence* the land of idolatry. There is idolatry in religion, there is idolatry in politics. Heroes and hero-worship is a hard if unfortunate, fact in India's political life. I agree that hero-worship is demoralizing for the devotee and dangerous to the country. I welcome the criticism in so far as it conveys a

caution that you must know that your man is really great before you start worshipping him. This unfortunately is not an easy task. For in these days, with the Press in hand, it is easy to manufacture great men. Carlyle used a happy phrase when he described the great men of history as so many Bank Notes. Like Bank Notes they represent gold. What we have to see is that they are not forged notes. I admit that we ought to be more cautious in our worship of great men. For in this country we have perhaps arrived at such a stage when alongside the notice boards saying"beware of pickpockets"we need to have notice boards saying"beware of great men". Even Carlyle who defended the worship of great men warned his readers how :

> "Multitudes of men have figured in history as great men who were false and selfish."He regretted deeply that"The World's wages (of homage) are pocketed (by these so-called great men), the World's work is not done. Heroes have gone out; quacks have come in."

Ranade never received the honours of apotheosis as these great men of India today are destined to receive. How could he? He did not come with a message hot from Senai. He performed no miracles and promised no speedy deliverance and splendour. He was not a genius and he had no superhuman qualities. But there are compensations. If Ranade did not show splendour and dominance he brought us no catastrophe. If he had no superhuman qualities to use in the service of India, India was saved from ruin by its abuse. If he was not a genius, he did not display that perverse supersubtlety of intellect and a temper of mind which is fundamentally dishonest and which has sown the seeds of distrust and which has made settlement so difficult of achievement. There is nothing exuberant and extravagant in Ranade. He refused to reap cheap notoriety by playing the part of an extremist. He refused to mislead people by playing upon and exploiting the patriotic sentiments of the people. He refused to be a party to methods which are crude which have volume but no effect and which are neither fool-proof nor knave-proof and which break the back even of the most earnest and sincere servants of the country and disable them from further effort. In short Ranade was like the wise Captain who knows that his duty is not to play with his ship clever and masterful tricks, just for effect and show in the midst of the ocean but to take it safely to its appointed port. In short Ranade was not a forged bank note and in worshipping him we have no feeling of kneeling before anything that is false.

In the second place this celebration of Ranade's birthday is not all an act of hero-worship. Hero-worship in the sense of expressing our unbounded admiration is one thing. To obey the hero is a totally different kind of hero-

worship. There is nothing wrong in the former while the latter is no doubt a most pernicious thing. The former is only man's respect for everything which is noble and of which the great man is only an embodiment. The latter is the villain's fealty to his lord. The former is consistent with respect, but the latter is a sign of debasement. The former does not take away one's intelligence to think and independence to act. The latter makes one a perfect fool. The former involves no disaster to the State. The latter is the source of positive danger to it. In short in celebrating Ranade's birthday we are not worshipping a boss who is elected by no one, accountable to no one and removable by no one, but paying our tribute of admiration to a leader who led and did not drive people, who sought to give effect to their deliberate judgement and did not try to impose his own will upon them by trickery or by violence.

In the third place it is not for hero-worship for which this gathering has assembled. This is an occasion to remind ourselves of the political philosophy of Ranade. To my mind it has become necessary to remind ourselves of it from time to time. For his is a philosophy which is safe and sound, sure if slow. Even if it does not glitter it is none the less gold. Do any have doubt? If they have let them ponder over the following utterances of Bismark, Balfour and Morley. Bismark the great German Statesman said :

"Politics is the game of the possible."

Balfour in his Introduction to Walter Bagehot's well-known book on the English Constitution says:

"If we would find the true basis of the long drawn process which has gradually converted medieval monarchy into a modern democracy the process by which so much has been changed and so little destroyed, we must study temperament and character rather than intellect and theory. This is a truth which those who recommend the wholesale adoption of British Institutions in strange lands might remember with advantage. Such an experiment can hardly be without its dangers. Constitutions are easily copied ; temperaments are not ; and if it should happen that the borrowed constitution and the native temperament fail to correspond, the misfit may have serious results. It matters little what other gifts a people may possess if they are wanting in these which, from this point of view, are of most importance. If, for example, they have no capacity for grading their loyalties as well as for being moved by them; If they have no natural inclination to liberty and no natural respect for law; If they lack good humour and tolerate foul play; If they know not how to compromise or when ; If they have not that distrust of extreme conclusions which is

sometimes misdescribed as want of logic ; If corruption does not repel them ; and if their divisions tend to be either too numerous or too profound, the successful working of British Institutions may be difficult or impossible. It may indeed be least possible where the arts of Parliamentary persuasion and the dexterities of party management are brought to their highest perfection."

Morley has observed:

"To hurry on after logical perfection is to show one's self-ignorant of the material of that social structure with which the politician has to deal. To disdain anything short of an organic change in thought or institution is infatuation. To be willing to make such changes too frequently, even when they are possible, is foolhardiness. That fatal French saying about small reforms being the worst enemies of great reforms is, in the sense in which it is commonly used, a formula of social ruin."

These are the principles on which success in Politics depends. Are they different from those which Ranade enunciated? It bespeaks greatness in Ranade that he should have propounded them years before Bismark, Balfour and Morley.

The generation which Ranade served was wise in taking him as its political guide, friend and philosopher. His greatness lies in the fact that he can be a guide, friend and philosopher to this present, nay even to future generations.

There is one charge against Ranade which is frequently made and which I think must be met. It is said of Ranade that he believed that the conquest of India by the British was Providential, that it was in the best interest of India, that she should remain within the British Empire and that therein lay her final destiny. In short Ranade is accused of being opposed to India's Independence.

The charge is founded on the following utterances of Ranade :

"It cannot be easily assumed that in God's Providence, such vast multitudes as those who inhabit India were placed centuries together under influences and restraints of alien domination, unless such influences and restraints were calculated to do lasting service in the building up of the strength and character of the people in directions in which the Indian races were most deficient. Of one thing we are certain, that after lasting over five hundred years, the Mohammedan Empire gave way, and made room for the re-establishment of the old native races in the Punjab, and throughout Central Hindusthan and Southern India, on foundations of a much more solid character than those which yielded so

easily before the assaults of the early Mohammedan conquerors."

"Both Hindus and Mohammedans lack many of those virtues represented by the love of order and regulated authority. Both are wanting in the love of municipal freedom, in the exercise of virtues necessary for civic life, and in aptitudes for mechanical skill, in the love of science and research in the love and daring of adventurous discovery, the resolution to master difficulties, and in chivalrous respect for womankind. Neither the old Hindus nor the old Mohammedan civilization was in a condition to train these virtues in a way to bring up the races of India on a level with those of Western Europe, and so the work of education had to be renewed, and it has been now going on for the past century and more under the *Pax Brittanica* with results—which all of us are witnesses to in ourselves."

A mere glance at these statements is enough to show that the charge is based on a misunderstanding if not on a misreading of the statements. The statements are plain and simple and they cannot even by inference be said to lead to the conclusion that Ranade was opposed to India's independence. In that sense the charge is false and without foundation.

These statements of Ranade far from casting any reflection upon his self-respect testify to his wisdom and to his sagacity. What did Ranade want to convey by these statements? As I understand them, I think, Ranade wanted to convey two things. The first thing he wanted to convey was that the conquest of India by Britain has given India the time, the opportunity and the necessary shelter for rebuilding, renovating and repairing her economic and social structure, to refit herself for bearing the strain of any foreign aggression when she does become free. The second thing Ranade wanted to convey was that going out of the British Empire by India before she had satisfied and solidified herself into a single nation, unified in thought, in feeling, and charged with a sense of a common destiny, was to invite chaos and disruption in the name of independence.

How very important these truths are? People do not realize the part that shelter plays in the smooth working out of social, economic and political conflicts which are inevitable in every society which desires to advance. The late Prof. Maitland was once asked to explain why Parliamentary Institutions flourished in England but failed to take roots in Europe. His answer reveals the importance of shelter. He said the difference was due to the English channel. By this answer what he meant to convey was that by reason of the English channel England was immune from foreign aggression while she was repairing her own body politic and therefore it became safe for people to fight against their King for Liberty and also safe

for the King to allow it to his people. This importance of shelter was also emphasized by Abraham Lincoln. In a speech devoted to showing why American Political Institutions were destined to remain perpetual, Lincoln said :

"All the armies of Europe, Asia and Africa combined. . . with a Bonaparte for a Commander, could not by force take a drink from Ohio, or make a track on the Blue Ridge in a trial of a thousand years."

In this Lincoln was also emphasizing the importance and the necessity for shelter for social reconstruction. India is not a sheltered country as England and America are. She lies across and on the roads, whether the roads are land routes, sea routes or air routes. As she has no shelter the fear is that she will be broken up if she is attacked from outside while she is engaged in refitting herself. India needs a dry dock as a shelter for the period of her refitting and the British Empire is a dry dock for her. Who can say that Ranade was not wise in asking his countrymen to bear in mind the importance of a shelter which the British Empire can give and which India needs so much?

A servient nation is always eager to cut the knot and declare its independence of the dominant nation. But it seldom stops to consider the effect of independence on itself. Such a consideration is however very important. It is not often realized that the knot which binds the servient nation to the dominant nation is more necessary to the servient nation than to the dominant nation. It depends upon the conditions inside the servient nation. The servient nation may be one whole. The servient nation may consist of parts. The parts may be such that they will never become one whole. Or the parts may be such that they are not yet one whole but if held together longer they will become one whole. The effect which the cutting of the knot will have on the servient nation will depend upon the internal condition of the servient nation. There may be every good in cutting the knot by a servient nation which is one whole. Nothing good or nothing worse can happen—depends upon how one looks at it—by the cutting of the knot by a nation in which the parts can never become one whole. But there is positive danger in the third case. The premature cutting of the knot is sure to lead to disintegration where integration is desirable and possible. It would be a wanton act. This is the second danger which Ranade wanted to caution his countrymen against.

Who can say that Ranade was not wise in giving this caution? Those who are inclined to question its necessity have only to look to China. It is 30 years since the Chinese Revolution took place. Have the Chinese settled down? No. People are still asking"when will the Chinese revolution stop

revolving?"and those who know the conditions in China cannot do better than say"Perhaps in another hundred years."Has China found a stable Government having the allegiance of all Chinese? Far from it. Indeed if truth be told, China after the revolution has been a land of disunity and disruption far more than she was ever before. The Revolution has produced a chaos of such magnitude that her very independence has been put in peril. Few Indians are aware of the fact that if China has not lost her independence as a result of the chaos caused by the Revolution it is only because she had too many enemies who could not agree *as* to which of them should devour her. The Chinese Revolution was a great mistake. That was the opinion of Yuan Shih-kai who said:

> "I doubt whether the people of China are at present ripe for a Republic or whether under present conditions a Republic is adapted to the Chinese people... The adoption of a limited monarchy would bring conditions back to the normal and would bring stability much more rapidly than that end could be attained through any experimental form of Government unsuited to the genius of the people or to the present conditions in China. My only reason for favouring the retention of the present Emperor is that I believe in a constitutional monarchy. If we are to have that form of Government, there is nobody else whom the people would agree upon for his place. My sole aim, in this crisis is to save China from dissolution and the many evils that would follow."

Those who think that China should be rather a warning to Indians than an example will, far from accusing Ranade for opposing India's independence will be happy that he had the wisdom to foresee the evils, of a premature revolution and warn his countrymen against taking a similar step.

X

Posterity is always interested in the last words and last regrets of great men. The last words of great men are not always significant of their experience of this world or their vision of the next. For instance the last thoughts of Socrates were to call Crito and say,"We owe a cock to Aesculapius; discharge the debt, and by no means omit it."But their last regrets are always significant and worth pondering over. Take the case of Napoleon. Napoleon before his death at St. Helena showed evidence of being uneasy over three capital points which constituted his last regrets. They were: that he could not have died at some supreme moment of his career ; that he left Egypt and gave up his Eastern ambitions ; and last but by no means the least his defeat at Waterloo. Had Ranade any supreme regrets? One thing is certain that Ranade if he had any, could not have the

same regrets such as those which disturbed the peace of mind of Napoleon. Ranade lived for service and not for glory. It mattered very little to him whether the moment of his death was glorious or inglorious or whether he died as a hero, as a conqueror or a master or whether he died as a common man sometimes does of common cold. As a matter of fact Ranade was not troubled by any regrets. So far as record goes Ranade does not seem to be conscious of any act or event about which he had any regrets. He died a happy and a peaceful death. But it is worth-while asking could Ranade have any regrets if he came to life today? I am sure there is one matter over which he will feel extremely grieved— namely the present condition of the Liberal Party in India.

What is the present position of the Liberal Party in India? The Liberal Party is a casualty. Indeed this is a very mild expression. The Liberals are"the contemptibles"of Indian politics. To use the language of Norton used in another connection they are disowned by the people, unowned by the Government, having the virtues of neither, but possessing the vices of both. There was a time when the Liberal Party was the rival of the Congress. Today the relation of the Liberal Party to the Congress is that of a dog to his master. Occasionally the dog barks at his master but for the most part of his life he is content to follow him. What is the Liberal Party if not the tail of the Congress? Many are asking, why do not the Liberals merge in the Congress—so useless has their existence become. How can Ranade help not regretting the collapse of the Liberal Party? How can any Indian help regretting it?

The collapse of the Liberal Party is a tragedy to the Liberals. But it is really a disaster to the country. The existence of a party is so essential to a popular Government that it is impossible to conceive the possibility of getting on without it. As an eminent American historian says :

> "It is easier to imagine the demolition of any part of our constitutional organization, the submersion of a large part of what the constitution describes, than to imagine our getting on without political combinations : they are our vital institutions."

Indeed to attempt to govern a country by the mass of voters without the control and discipline of a Party is, to use the language of James Bryce :

> "Like attempting to manage a rail-board by the votes of uniformed share holders, or to lay the course of a sailing ship by the votes of the passengers."

It is undeniable that a party is an essential adjunct to Popular Government. But it is equally undeniable that the rule of a single party is fatal to Popular Government. In fact it is a negation of Popular

Government. The case of Germany and Italy furnish the most cogent evidence on this point. Instead of taking a warning from the totalitarian States we are taking them as models to copy. The one party system is being hailed in this country in the name of national solidarity. Those who are doing so are failing to take note of the possibilities of tyranny as well as the possibilities of misdirection of public affairs which is inherent in the one party Government. To have Popular Government run by a single party is to let democracy become a mere form for despotism to play its part from behind it. How under one party Government the tyranny of the majority ceases to be an empty phrase and becomes a menacing fact has been our experience, in India, under the Congress Regime. Were we not told by Mr. Rajgopalachariar that the separation of the Executive and the Judiciary which was necessary under the British is no longer necessary? Does it not show the Despot's taste for blood? Despotism does not cease to be despotism because it is elective. Nor does despotism become agreeable because the Despots belong to our own kindred. To make it subject to election is no guarantee against despotism. The real guarantee against despotism is to confront it with the possibility of its dethronement, of its being laid low, of its being superseded by a rival party. Every Government is liable to error of judgement, great many liable to bad administration and not a few to corruption, injustice and acts of oppression and bad faith. No Government ought to be free from criticism. But who can criticize a Government? Left to individuals it can never be done. Sir Toby has left behind advice as to how one should deal with one's enemy. He said :"soon, so soon as ever thou seest him, draw, and as thou drawest, swear horrible"But this is not possible for an individual who wants to stand up against a Government. There are various things against individuals successfully playing that part. There is in the first place what Bryce calls the fatalism of the multitude, that tendency to acquiesce and submit due to the sense of insignificance of individual effort, the sense of helplessness arising from the belief that the affairs of men are swayed by large forces whose movements cannot be turned by individual effort. In the second place there is possibility of the tyranny of the majority which often manifests in suppressing and subjecting to penalties and other social disabilities persons who do not follow the majority, of which some of us have good experience during the Congress regime- In the third place there is the fear of the C.I.D. The Gestapo and all the other instrumentalities which are at the disposal of the Government to shadow its critics and to silence them.

The secret of freedom is courage, and courage is born in combination of individuals into a party. A party is necessary to run Government. But two

parties are necessary to keep Government from being a despotism. A democratic Government can remain democratic only if it is worked by two parties—a party in power and a party in opposition. As Jennings puts it :

> "If there is no opposition there is no democracy. ' His Majesty's Opposition ' is no idle phrase. His Majesty needs an opposition as well as a Government."

In the light of these considerations who could deny that the collapse of the Liberal Party in India is not a major disaster? Without the resuscitation of the Liberal Party or the formation of another party the fight for freedom will result in loss of freedom for despotism is antithetical of freedom whether the despotism is native or foreign. It is a pity Indians have lost sight of this fact. But I have no doubt those who are shouting that the Congress is the only party and that the Congress is the nation will live to rue their decision.

Why has the Liberal Party collapsed? Is there something wrong in the Philosophy of Ranade? Is there anything wrong with the men in the Liberal Party? Or is the working of the Liberal Party at fault? I for one hold that there is nothing fundamentally wrong with the philosophy of Ranade. Nor can it be said that of the two the Congress has the best cause and the Liberal Party the best men. The Liberal Party has both. To my mind what has brought about the collapse of the Liberal Party is the complete lack of organization.

It may not be without interest to expose the weaknesses in the organization of the Liberal Party.

As pointed out by Pendleton Herring in his volume on *Politics of Democracy* the organization of a party is spread over three concentric rings. The centre ring represents the oligarchy in control of the party organization—what is called the High Command. There are associated with it, its workers who are primarily concerned with securing their livelihood through the party organization whether as party officials or through public office. They are called professional politicians and constitute the party machine. Surrounding this inner group—the High Command and the machine—there is a large circle of persons bound to the party by ties of tradition and emotional loyalty. They think of the principles professed by the party. They are more concerned with its ideals and symbols than with the acts of the professional party workers and leaders. They vote for the party ideal rather than for the party record. Outside this second ring lies that vast body of people who are not attached to any party. It is a floating population. The reason for their being unattached is either because they are aimless, thoughtless or because they have particular interests which are not included

in the platform of any party. Those outside the second ring constitute the most vital field of action for a political party. They are the prize which a party must capture. To capture this prize it is not enough to enunciate principles and formulate policies. Men are not interested in principles and policies. But they are interested in accomplishing things. What is necessary for a party is to bring about concerted action. For in the words of President Woodrow Wilson, given Self-Government with a majority rule, things can be accomplished not by individual voice but by concerted action. Now for concerted action what is necessary is the crystallization of individual opinions into public opinion. This crystallization or building up of public opinion as a sanction behind a particular principle becomes the main functions of a party. Theoretically, political parties are agencies for the expression and execution of public opinion but in practice parties create, direct, influence and often control public opinion. Indeed this is the chief function of a party. For this, a party must do two things. In the first place it must establish contact with the masses. It must go out among the masses with its wares—its principles, policies, ideas and candidates. In the second place it must carry on propaganda among the masses in favour of its wares. It must animate them and enlighten them, to quote Bryce again"Give the voters some knowledge of the political issues they have to decide, to inform them of their leaders, and the crimes of their opponents". These are the basic factors from which concerted action can arise. A party which fails to forge concerted action has no right to call itself a party.

Which of these things the Liberal Party has done as an organization? The Liberal Party has only the High Command. It has no machine. Not having any machine the high command is only a shadow. Its following is confined to that second concentric ring consisting of persons who are bound by ties of tradition. The leaders have nothing to evoke emotional loyalty. They have no war cry to gather a crowd. The Liberal Party does not believe in mass contact. It would be difficult to imagine a party so completely isolated and insulated from the main mass of people. It does not believe in conversion. Not that it has no Gospel to preach ; but like the Hindu religion it is a nonproselytising creed. It believes in the formulation of principles and policies. But it does not work for giving effect to them. Propaganda and concerted action are anathema to the Liberal Party. Individual voices and annual meetings and clamour for invitation when a Cripps arrives or when the Viceroy decides to invite important individuals have become the limits of its political activity.

Is there any wonder if the Liberal Party has fallen into disrepute? The Liberal Party has forgotten the most elementary fact that organization is

essential for the accomplishment of any purpose and particularly in politics where the harnessing of so many divergent elements in a working unity is so great.

Who is responsible for this collapse of the Liberal Party in India? However much we may regret to have to say it, I think it will have to be admitted that the responsibility for this catastrophe does to some extent fall on Ranade. Ranade belonged to the Classes. He was born and bred among them. He never became a man of masses. The Liberal Party has no machine and the reason why it did not forge a machine is because it did not believe in mass contact. This aversion to mass contact is the legacy of Ranade. In avoiding mass contact the party is following the tradition left by Ranade. There is another legacy of Ranade to the Liberal Party and that relates to the false faith in the driving force of principles and policies. Mazzini once said:"You may kill men, you cannot kill a great idea."To me it appears to be a most mistaken view. Men are mortal. So are ideas. It is wrong to hold that an idea will take roots *pro prio-vigore*. An idea needs propagation as much as a plant needs watering. Both will otherwise wither and die. Ranade agreed with Mazzini and did not believe that the fructification of an idea needed the resources of strenuous husbandry. If the Liberal Party is content with mere formulation of principles and policies it is also because of this tradition of Ranade.

What is the duty of the Liberals. All Liberals I know will say our duty is to follow the master. What else could be the attitude of a devout band of disciples? But can anything be more mistaken or more uncritical? Such an attitude implies two things. It means that a great man works by imposing his maxims on his disciples. It means that the disciples should not be wiser than the master. Both these conclusions are wrong. They do injustice to the master. No great man really does his work by crippling his disciple by forcing on them his maxims or his conclusions. What a great man does is not to impose his maxims on his disciples. What he does is to evoke them, to awaken them to a vigorous and various exertion of their faculties. Again the pupil only takes his guidance from his master. He is not bound to accept his master's conclusions. There is no ingratitude in the disciple not accepting the maxims or the conclusions of his master. For even when he rejects them he is bound to acknowledge to his master in deep reverence"You awakened me to be myself: for that I thank you."The master is not entitled to less. The disciple is not bound to give more.

It is therefore wrong to the master as well as to himself for the disciple to bind himself to the maxims and conclusions of his Master. His duty is to know the principles and if he is convinced of their value and their worth, to

spread them. That is the wish of every Master. Jesus wished it, Buddha wished it. I am sure the same must be the wish of Ranade. It follows that if the Liberals have faith in, and love and respect for Ranade their supreme duty lies not merely in assembling together to sing his praises but in organising themselves for spreading the Gospel of Ranade.

What hope is there of the Liberals coming forward to fulfill this duty? Signs are very depressing. In the last election the Liberals did not even contest the seats. That of course is in itself a matter of some surprise. But this pales into nothing when one recalls the announcement made by the Rt. Hon'ble Srinivas Shastri—the Leading Light of the Liberal Party— that he wished the Congress to succeed ! ! There is no parallel to this except in the treacherous and treasonous conduct of Bhishma who lived on the bounty of the Kauravas but wished and worked for success to their enemies the Pandavas. This shows even the Liberals had lost faith in the gospel of Ranade. If this is the general condition of health of the Liberal Party it is better if the party died. It would clear the way for a new orientation and spare us the tedium of idle clatter of liberals and liberalism. For such an event even Ranade may express satisfaction from his grave.

REVIEW: CURRENCY AND EXCHANGES

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INDIAN CURRENCY AND EXCHANGE, By H. L CHABLANI, M.A. (Oxford University Press, Bombay) 1925.
8 y 2 x 5 y 2 pp. 184 Rs. 4-8-0

THIS brochure is a poor production. Within the small compass of 180 pages devoted by the author to a hurried treatment of a somewhat complicated subject, there is neither sufficiency of information nor sufficiency of illumination. Methodology is conspicuous by its absence. There are so many contradictions and compromises in his book that it is difficult to know what is the exact position of the author. In one place he says gold cannot be circulated in India because India is poor. In another place he says gold does not circulate in India because there are rupees. After devoting one whole chapter to the discussion of the quantity theory of money—in itself the simplest and the most obvious proposition in Political Economy—he says the rise of the Rupee after 1893 was not altogether due to the limitation of its issue! Similar contradiction appears in his chapter on Foreign Exchanges. There he contrasts the two theories—namely, the Theory of Purchasing Power Parity and the theory of the Balance of Trade—and gives his judgement in favour of the former as being the true theory. Yet throughout the book he argues on the basis of the wrong theory, namely, the Balance of Trade. Again, in his opening chapter he says that there is nothing absurd in reverting back to the silver standard! Management of currency is according to the findings of the author, one of the greatest defects in our currency. Yet he recommends a convertible Rupee as the remedy for this evil! The compromises which the author makes are witnessed by the fact that he agrees with almost every proposal made for the reconstruction of Indian Currency. He sees good in Dr. Fisher's plan, in reverting back to the silver standard, and also in an universalised Gold Exchange Standard. Nevertheless, the author has his own pet plan and that is to have a ' Convertible Rupee ', convertible not in gold coins but in gold bullion only. The author does not disclose it, but it is the plan suggested by Ricardo in his"Proposals for an Economical and Secure Currency". Fortunately for England it was not adopted. The reasons were simple. To legislate that notes shall be converted into gold bars of

certain weight meant that only those who had notes of the value of the gold bars, could convert. The rest could not. In other words, it was felt that such a system would considerably weaken the effect of convertibility and would thereby give an opening to inflation. The proposal was not therefore deemed to be secure enough. The point whether the proposal was economical was not debated upon at the time, and may here be conveniently dealt with ; since there are so many writers in India—and our author is one of them—who, in order to show themselves civilised, indulge in vituperations against what they call the barbarity of using gold as currency. All these civilised writers on currency spend their energy in demonstrating the self-evident proposition which no one disputes that to use paper as a medium of exchange is more economical than to use gold. But these same writers never care to prove that such a plan besides being economical will also be secure in the sense of ensuring stability of prices. A merely economical plan which does not guarantee security is of no use. The plan to be acceptable must be both economical and secure. It will do, if it is not economical; but it will certainly not do, if it is not secure. Now I submit that the proposition that to economise gold as a currency is to impair its utility as a standard of value is as self-evident as the proposition of the civilised writers that to use paper as a medium is more economical than to use gold. For what does this discarding of gold from currency use mean? It simply means this; that by economising the use of gold you thereby increase its supply, and by increasing its supply you lower its value i.e. gold by reason of this economy in its use becomes a depreciating commodity and therefore unfit to that extent to function as a standard of value. It cannot be denied that issues of paper money, or any other substitute for that matter, affect the demand for metallic money. There are no doubt some who make the reservation that the demand for metallic money will or will not be affected by a paper issue according as the paper money is convertible or inconvertible. But this is an error. The test is whether the paper issues are covered or uncovered by a metallic reserve. If they are covered then they will not affect the demand for metallic money. But if they are uncovered, then they will affect the demand for metallic money whether they are convertible or inconvertible. The reason is : covered notes merely represent metallic money ; but uncovered notes add to the stock of value. Therefore you cannot both economise gold and also use it as a standard. If you want to economise gold, you must abandon gold as a standard of value. Besides, in the present day there is no necessity to

economise gold, because there is all over the world such a great plethora of money that the less we economise gold the better. From this point of view the Gold Exchange Standard, once a boon, is now a curse. It served a very useful purpose for some time. From 1873 the production of gold had fallen off and the economy effected by the Gold Exchange Standard was indeed very welcome; because it helped in a period of contraction to expand the money of the countries of the world and thereby maintain the stability of the international price system by preventing the rapid fall in prices, which would have been inevitable if all the countries which established the gold standard had also adopted gold as currency. But after 1910 conditions changed and the production of gold increased, with the result that the continuance of the Gold Exchange Standard thereafter not only did not help the countries to check the rise of prices but actually helped to raise them by causing as a result of the economy in its use a redundancy of the already over-produced gold. The author approvingly quotes Prof. Fisher and others who blame the Gold Standard for the rise of prices after 1911. But Prof. Fisher forgets to take note of the fact that gold became a bad standard of value because of continuance elsewhere of the Gold Exchange Standard. For if after 1911 the Gold Exchange Standard has been abandoned and countries had used gold instead of economising it, there would have been no redundancy of gold and the rise of prices consequent on it would have been arrested. The Gold Exchange Standard from this point of view has outlived its purpose and is now doing positive harm. In the light of these considerations it is not possible to have any sympathy with projects that economise the use of gold and yet maintain it as a standard of value.

These points must have entirely escaped the author when he conceived his project of a Rupee convertible into gold bullion. But convertibility into gold bars does not embody the whole plan of the author. Along with convertibility he says a limit must be placed on the issue of rupees and small notes, even when they are legally convertible into gold bullion. The currency in India should be allowed to expand annually by only a certain small percentage representing its normal rate of progress in business. Beyond that percentage Government should have no power to increase the currency..... In giving reasons for this fluctuating limit on the issue of rupees and small notes, the author says,"A 'convertible rupee 'being small in its denomination, is not adequate safeguard against inflation ; for, as the older economists clearly showed, the *de facto* suspended convertibility of the small notes makes it practically

inconvertible, and its over-issue, is just as likely as that of inconvertible paper."All this is fantastic if not strange. It is strange because the author in one place says"convertibility is the best safety-valve for redundancy of currency: it provides the easiest automatic danger signal to Government which is inflating the currency."Now, if this is so, why is a convertible Rupee not sufficient for the purpose the author has in view? The author is quite wrong when he says that the older economists believed that convertibility of small notes was not a sufficient safeguard against over-issue. What the older economists feared was not that convertibility was not enough to maintain gold in circulation if the Banks were allowed to issue notes of small denomination— a view which is quite different from the one ascribed by the author to the older economists. Again to realise their aim the older economists did not urge, as our author represents them to have done, the placing of a limit on their issue. What they urged was a total prohibition of the notes of small denomination. That is why we find the Bank of England prevented by the Charter Act from issuing notes of lesser denomination than £5. To be consistent, the author should have recommended that the Government of India should not issue Rupees or silver notes of lesser denomination than Rs. 5. Instead of this he recommends a haphazard and an unworkable plan. Supposing it were possible to fix this percentage—the author has not told us how to do it—is the percentage to be maintained at all times? Or will it be sufficient if it were found at the end of the financial year that the percentage has not been exceeded? If the latter is all that the plan demands, then there may be no limits to the increase and decrease in the volume of currency that may be issued in the course of the year, provided care is taken that at the end of the year the balance errs on the side of an increase equal to the given percentage over the normal. Again, is the normal to be a figure fixed for ever or is it to be revised? If it is revisable then how is it to be revised and what authority is to revise that normal? These are some of the questions that have to be answered before the plan can be accepted. But one wonders whether instead of indulging in such in genuities it would not have been better if the author had played the common role and recommended either a convertible Rupee or an inconvertible Rupee with a fixed limit of issue.

The book consists of lectures delivered by the author in his capacity as a Professor to his students at the Elphinstone College, Bombay, and at the Central Hindu College, Benares, and is divided into two parts. Part I which is mostly informative, the author says, is"intended for candidates

preparing for the pass degree in economics."Part II"is mainly critical"and"is meant primarily for the candidates for the Hons. degree."As an examiner in Economics I always wondered why the answers of most of the pass students in Political Economy read like children's recitation of nursery tales and those of the Hons. like garbled versions of borrowed comments. It is now evident that this is due, as the author naively suggests, to the fact that the two sets of students are fed on two different kinds of fare—neither of which is supplied to them in plentitude or certitude.

REVIEW REPORT OF THE TAXATION ENQUIRY COMMITTEE, 1926

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Report of the Taxation Inquiry Committee 1926-1

COMMISSIONS to report and committees to enquire are a peculiar feature of the English system of government. It is a cardinal principle of English Parliamentary action that in the matter of social and economic legislation it never takes a leap in the dark. Committees and commissions are necessary preliminaries of an Act of Parliament. In this it follows the well-known maxim that knowledge is power. One is happy to find that this principle of English Parliamentary action has been followed in India and our politicians, who so often oppose the appointment of Commissions and Committees, cannot be said to be acting in the best interests of the country.

In the case of the Taxation Enquiry Committee, however, it was the Government which was trying to shut it out and when it did institute an enquiry, it was not the one demanded by the Assembly. What the Assembly wanted was an Enquiry into the taxable capacity of the people and this the Government did not want to face for fear that such an enquiry might reveal that the burden of taxation upon the people was disproportionate to their taxable capacity. But when public opinion insisted upon the institution of such an enquiry, it, by a species of circumvention, split the enquiry into two parts : (1) The taxation Enquiry Committee and (2) The Economic Enquiry Committee, with the result that the utility of either committee's report has been considerably diminished.

The terms of reference to the Taxation Enquiry Committee directed it (1) to examine the manner in which the burden of taxation is distributed at present between the different classes of the population ; (2) to consider whether the whole scheme of taxation is equitable and in accordance with economic principles, and, if not, in what respects it is defective ; and (3) to report on the suitability of alternative sources of taxation. In making its Report, the Committee has not been very judicious in the allotment of space to the consideration of these three questions. The first was evidently the most important of the three heads comprised in the whole charge. Yet the space devoted to the

consideration of it barely covers 13 pages in a volume of 447 pages. Besides the treatment of the subject is far from satisfactory. The Committee without giving any reason whatsoever divided the population of the country in 11 classes and has discussed the burden they bear in 10 pages and a half without at all touching upon the most important of all questions, vis., the incidence of the individual taxes imposed under the Indian fiscal system. Now one would have liked to know why did the Committee think that 11 was an exhaustive classification? If it is just a question of may be, then why not 13? Again, how can the Committee at all say what is the burden that a merchant bears? If they had examined the incidence of individual taxes, they would have perhaps found that he bore none ! Take again, another specific instance, that of the Cotton Excise Duty. The Committee has no difficulty in saying that its abolition will benefit the working classes. But is the Committee quite certain that it was shifted on to the consumer? I do not at all wish to be unfair to the Committee. But I am bound to say that in this respect the Report of the Committee is a most disappointing document. The Committee has devoted a great deal of space to the detailed history of the various sources of taxation in India. So far so good. But it would have been far better if the Committee had devoted half of that space in discussing the incidence of each tax separately. But this the Committee has entirely omitted to do. If that was done, the Committee would have been in a better position to deal with the question of the distribution of the burden of taxation and of the elimination of the iniquitous taxes. That it has not been able to do as well as was to be expected from a Committee which has cost the country nearly Rs. 4 1/2 lakhs exclusive of printing is due to the fact that it forgot to consider the question of incidence, which, after all, was the most important part of its enquiry.

This failure of the Committee to tackle the main problem is to be attributed primarily to the personnel of the Committee, which was largely of inexpert people, most of whom, if rumour be true, began to learn the A.B.C. of Punjab Finance after they found themselves nominated on the Committee. There is no wonder if the report emanating from such a body falls flat upon students of the subject. One thing, however, can be said in favour of the Report. It is a document full of common-sense, neatly arranged. If it can not satisfy the student, it will certainly serve as a base for his intellectual operations. Some of the proposals of the Committee I hope to examine in subsequent articles.

For the present I propose to stop with this statement of my view on the Report in general.

REVOLUTION AND COUNTER-REVOLUTION IN ANCIENT INDIA

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Editorial Note in the manuscript published in the Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 3 by the Government of Maharashtra:

Dr. B. R. Ambedkar had proposed to write a treatise, i.e., `Revolution and Counter-Revolution in Ancient India'. The table of contents has been printed in the chapter of schemes. He had originally planned to write seven books to be included under this broad title. The Committee was able to find some pages and few chapters in his collection. The chapters are also incomplete. After scrutiny, the Committee came to a decision that `Revolution and Counter-Revolution in

Ancient India' is to be presented in this volume with the available material though incomplete. Dr. Ambedkar considered the rise of Buddhism as revolution. The Counter-Revolution pioneered by Brahmins' resulted into decline and fall of Buddhism.

As such the following chapters are included under this title.

1. Ancient India on Exhumation
2. The Ancient Regime—The State of the Aryan Society
3. A Sunken Priesthood
4. Reformers and Their Fate
5. The Decline and Fall of Buddhism
6. The Literature of Brahminism
7. Triumph of Brahminism
8. The Morals of the House—Manusmruti or the Gospel of Counter-Revolution
9. Philosophic Defence of Counter-Revolution (Krishna and his Gita)
10. Analysis of Virat Parva and Uddyog Parva
11. Brahmins V/s Kshatriyas
12. The Shudras and the Counter-Revolution
13. The Women and the Counter-Revolution

The readers may compare these chapters with the proposed plan given in the last chapters of Schemes.—Editors

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CHAPTER 1
Ancient India on Exhumation

There are two typed copies of this Chapter. Both of them contain additions and corrections in the handwriting of Dr. Babasaheb Ambedkar. After consideration, we decided that the latter version should be included here. This essay, consisting of three pages only, seems to be an introduction to a larger subject Dr. Ambedkar probably had in his mind.—Editors.

Much of the ancient history of India is no history at all. Not that ancient India has no history. It has plenty of it. But it has lost its character. It has been made mythology to amuse women and children. This seems to have been done deliberately by the Brahminical writers. Take the word *Deva.* What does it mean? Is the word Jana Vishesh representing a member of the human family? It is

made to appear superhuman agency. By this the pith of history contained in it is squeezed out.

Along with the word Deva occur the names of Yaksha, Gana, Gandharva, Kinnars. Who were they? The impression one gets on reading the Mahabharat and Ramayan is that they are imaginary beings who filled the horizon but did not exist.

But the Yaksha, Gana, Gandharva, Kinnaras were also members of the human family. They were in the service of the Devas. The Yakshas were guarding the palaces. Ganas were guarding the Devas. Gandharvas were amusing the Devas by music and dancing. The Kinnaras were also in the service of the Gods. The descendants of the Kinnaras are even now living in Himachal Pradesh.

Take the name Asura. The description of Asura given in the Mahabharat and Ramayana make out as though hey belonged to non-human world. An Asura is described to eat ten carts-load of food. They are monsters in size. They sleep for six months. They have ten mouths. Who is a Rakshas? He too is described as a non-human creature. In size, in his capacity for eating, in his habits of life he resembled the Asura.

There is a plenty of references to the Nagas. But who is a Naga? A Naga is represented as a serpent or a snake. Can this be true? Whether true or not, it is so and Hindus believe it. Ancient Indian history must be exhumed. Without its exhumation Ancient India will go without history. Fortunately with the help of the Buddhist literature, Ancient Indian History can be dug out of the debris which the Brahmin writers have heaped upon in a fit of madness.

The Buddhist literature helps a great deal to remove the debris and see the underlying substance quite clearly and distinctly.

The Buddhist literature shows that the Devas were a community of human beings. There are so many Devas who come to the Buddha to have their doubts and difficulties removed. How could this be unless the Devas were human beings

Again the Buddhist canonical literature throws a food of light on the puzzling question of the Nagas. It makes a distinction between womb-born Nagas and egg-born Nagas and thereby making it clear that the word Naga has two-fold meaning. In its original sense it stood for the name of a human community.

The Asuras again are not monsters. They too are a Jan-Vishesh human beings. According to Satpatha Bramhana, the Asuras are the descendants of Prajapati the Lord of the creation. How they became

evil spirits is not known. But the fact is recorded that they fought against the Devas for the possession of the earth and that they were overcome by the Devas and that they finally succumbed. The point is clear that the Asuras were members of the human family and not monsters.

With this exhumation of debris, we can see Ancient Indian History in a new light.

CHAPTER 2
The Ancient Regime : The State of the Aryan Society

This essay consists of II typed foolscap pages tagged into a file. From the last sentence it appears that the Chapter is incomplete. —Editors

Buddhism was a revolution. It was as great a Revolution as the French Revolution. Though it began as a Religious revolution, it became more than Religious revolution. It became a Social and Political Revolution. To be able to realise how profound was the character of this Revolution, it is necessary to know the state of the society before the revolution began its course. To use the language of the French Revolution, it is necessary to have a picture of the ancient regime in India.

To understand the great reform, which he brought about by his teaching, it is necessary to have some idea of the degraded condition of the Aryan civilisation at the time when Buddha started on the mission of his life.

The Aryan Community of his time was steeped in the worst kind of debauchery; social, religious and spiritual.

To mention only a few of the social evils, attention may be drawn to gambling. Gambling had become as widespread among the Aryans as drinking.

Every king had a hall of gambling attached to his palace. Every king had an expert gambler in his employment as a companion to play with. King *Virat* had in his employment *Kank* as an expert gambler. Gambling was not merely a pastime with kings. They played with heavy stakes. They staked kingdoms, dependants, relatives, slaves, servants* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_1 King Nala staked everything in gambling with *Paskkar* and lost everything. The only thing he did not stake was himself and his wife Damayanti. Nala had to go and live in the forest as a beggar. There were kings who went beyond

Nala. The Mahabharat[mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_2] tells how Dharma the eldest of the Pandavas gambled and staked everything, his brothers and also his and their wife Draupadi. Gambling was a matter of honour with the Aryans and any invitation to gamble was regarded as an injury to one's honour and dignity. Dharma gambled with such disastrous consequences although he was warned beforehand. His excuse was that he was invited to gamble and that as a man of honour, he could not decline such an invitation.

This vice of gambling was not confined to kings. It had infected even the common folk. Rig-Veda contains lamentations of a poor Aryan ruined by gambling. The habit of gambling had become so common in Kautilya's time that there were gambling houses licensed by the king from which the king derived considerable revenue.

Drinking was another evil which was rampant among the Aryans. Liquors were of two sorts *Soma* and *Sura. Soma* was a sacrificial wine. The drinking of the Soma was in the beginning permitted only to Brahmins, Kshatriyas and Vaishyas. Subsequently it was permitted only to Brahmins and Kshatriyas. The Vaishyas were excluded from it and the Shudras were never permitted to taste it. Its manufacture was a secret known only to the Brahmins. *Sura* was open to all and was drunk by all. The Brahmins also drank Sura. Shukracharya the priest to the *Asuras* drank so heavily that in his drunken state he gave the life giving *Mantra* known to him only and with which he used to revive the *Asuras* killed by the Devas—to *Katch* the son of Brahaspati who was the priest of the Devas. The Mahabharat mentions an occasion when both Krishna and Arjuna were dead drunk. That shows that the best among the Aryan Society were not only not free from the drink habit but that they drank heavily. The most shameful part of it was that even the Aryan women were addicted to drink. For instance *Sudeshna*[mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_3] the wife of King Virat tells her maid *Sairandhri* to go to *Kichaka's* palace and bring Sura as she was dying to have a drink. It is not to be supposed that only queens indulged in drinking. The habit of drinking was common among women of all classes and even Brahmin women were not free from it. That liquor and dancing was indulged in by the Aryan women is clear from the *Kausitaki Grihya Sutra* 1. 11-12, which says ;"Four or

eight women who are not widowed, after having been regaled with wine and food are to dance for four times on the night previous to the wedding ceremony."

That the drinking of intoxicating liquor was indulged in by Brahmin women, not to speak of women of the lower *Varnas,* as late as the seventh and eighth centuries A.D. in the Central region of Aryavarta, is clear from Kumarila Bhatta's *Tantra-Vartika* I (iii). 4, which states,"Among the people of modern days we find the Brahmin women of the countries of Ahicchatra and Mathura to be addicted to drinking". Kumarila condemned the practice in the case of Brahmins only, but not of Kshatriyas and Vaishyas men and women, if the liquor was distilled from fruits or flowers (Madhavi), and Molasses (Gaudi) and not from grains (Sura).

The sexual immorality of the Aryan Society must shock their present day descendants. The Aryans of pre-Buddhist days had no such rule of prohibited degrees as we have today to govern their sexual or matrimonial relationship.

According to the Aryan Mythology, Brahma is the creator. Brahma had three sons and a daughter. His one son Daksha married his sister. The daughters born of this marriage between brother and sister were married some to Kashyapa the son of Marichi the son of Brahma and some to Dharma the third son of Brahma.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_4

In the Rig-Veda there is an episode related of Yama and Yami brother and sister. According to this episode Yami the sister invites her brother Yama to cohabit with her and becomes angry when he refuses to do so.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_5

A father could marry his daughter. *Vashishta* married his own daughter *Shatrupa* when she came of age mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_6*Manu* married his daughter *Ila* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_7 *Janhu* married his daughter *Janhavi.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_8 *Surya* married his daughter *Usha.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_9

There was polyandry not of the ordinary type. The polyandry prevalent among the Aryans was a polyandry when kinsmen cohabited with one woman. Dhahaprachetani and his son Soma cohabited with Marisha the daughter of Soma.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_10

Instances of grandfather marrying his granddaughter are not wanting. Daksha gave his daughter in marriage to his father Brahmamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_11 and from that marriage was born the famous Narada. Dauhitra gave his 27 daughters to his father Soma for cohabitation and procreation. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_12The Aryans did not mind cohabiting with women in the open and within sight of people. The Rishis used to perform certain religious rites which were called *Vamdevya vrata*. These rites used to be performed on the *Yadnya bhumi*. If any woman came there and expressed a desire for sexual intercourse and asked the sage to satisfy her, the sage used to cohabit with her then and there in the open on the *Yadnya bhumi*. Instances of this may be mentioned. The case of the sage Parashara had sexual intercourse with Satyavati and also of Dirghatapa. That such a custom was common is shown by the existence of the word Ayoni. The word Ayoni is understood to mean of immaculate conception. That is not however the original meaning of the word. The original meaning of the word Yoni is house. Ayoni means conceived out of the house i.e. in the open. That there was nothing deemed to be wrong in this is clear from the fact that both Sita and Draupadi were Ayonija. That this was very common is clear from the fact that religious injunctions had to be issued against such a practicemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_13

There was prevalent among the Aryans the practice of renting out their women to others for a time. As an illustration may be mentioned the story of *Madhavi*.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_14 The king *Yayati* gave his daughter *Madhavi* as an offering to his Guru *Galav*. *Galav* rented out the girl *Madhavi* to three kings, each a period. Thereafter he gave her in marriage to *Vishwamitra*. She remained with him until a son was

born to her. Thereafter *Galav* took away the girl and gave her back to her father *Yayati.*

Besides the practice of letting out women to others temporarily at a rent there was prevalent among the Aryans another practice namely allowing procreation by the best amongst them. Raising a family was treated by them as though it was a breeding or stock raising. Among the Aryas there was a class of persons called *Devas* who were Aryans but of a superior status and prowess. The Aryans allowed their women to have sexual intercourse with any one of the class of Devas in the interest of good breeding. This practice prevailed so extensively that the Devas came to regard pre libation in respect of the Aryan Women as their prescriptive right. No Aryan woman could be married unless this right of pre-libation had been redeemed and the woman released from the control of the Devas by offering what was technically called *Avadan.* The *Laja Hoame* which is performed in every Hindu marriage and the details of which are given in the *Ashwalayan Grahya Sutra* is a relic of this act of the redemption of the Aryan woman from the right of pre-libation of the Devas. The *Avadan* in the *Laja Hoama* is nothing but the price for the extinguishing of the right of the Devas over the bride. The *Saptapadi* performed in all Hindu marriages and which is regarded as the most essential ceremony without which there is no lawful marriage has an integral connection with this right of pre-libation of the Devas. Saptapadi means walking by the bridegroom seven steps with the bride. Why is this essential? The answer is that the Devas, if they were dissatisfied with the compensation, could claim the woman before the seventh step was taken. After the seventh step was taken, the right of the Devas was extinguished and the bridegroom could take away the bride and live as husband and wife without being obstructed or molested by the Devas.```

There was no rule of chastity for maidens. A girl could have sexual intercourse with and also progeny from anybody without contracting marriage. This is evident from the root meaning of the word *Kanya* which means a girl. Kanya comes from the root *Kam* which means a girl free to offer herself to any man. That they did offer themselves to any man and had children without contracting regular marriage is illustrated by the case of *Kunti* and *Matsyagandha. Kunti* had children from different men before she was married to *Pandu* and *Matsyagandha* had sexual intercourse with the sage *Parashara* before she married to *Shantanu* the father of *Bhishma.*

Bestiality was also prevalent among the Aryans. The story of the sage Dam having sexual intercourse with a female dear, is well known. Another instance is that of Surya cohabiting with a mare. But the most hideous instance is that of the woman having sexual intercourse with the horse in the Ashvamedha *Yadna.*

(INCOMPLETE)

CHAPTER 3
A Sunken Priesthood

This essay is numbered as Chapter III in the file of the Ancient Regime and contains 16 foolscap-typed pages. This Chapter also seems to be left incomplete.—Editors.

The priestly profession in the ancient Aryan Society was monopolised by the Brahmins. None except a Brahmin could become a priest. As custodians of religion, the Brahmins were the guides of the people in moral and spiritual matters. They were to set the standard for people to follow. Did the Brahmins act up to the standard? Unfortunately, all the evidence we have, shows that the Brahmins had fallen to the utmost depth of moral degradation.

A Shrotriya Brahmin was supposed not to keep with him a store of provision lasting for more than a week. But they had systematically trampled upon this rule and were addicted to the use of the things stored up ; stores, to wit, of foods, drinks, clothing, equipages, bedding, perfumes, and curry-stuffs. The Brahmins were addicted to visiting shows such as :—

(1) Nautch dances (nakkam).
(2) Singings of songs (gitam).
(3) Instrumental music (vaditam).
(4) Shows at fairs (pekham).
(5) Ballads recitations (akkhanam).
(6) Hand music (panisaram).
(7) The chanting of bards (vetals).
(8) Tam-tam playing (kumbhathunam).
(9) Fair scenes (sobhanagarkam).
(10) Acrobatic feats by Kandalas (Kandala-vamsa-dhopanam).
(11) Combats of elephants, horses, buffaloes, bulls, goats, rams, cocks and quails.
(12) Bouts at quarter staff, boxing, wrestling. (13-16) Sham-fights, roll-calls, manoeuvres, reviews.

They were addicted to games and recreations; that is to say,

(1) Games on boards with eight, or with ten rows of squares.
(2) The same games played by imagining such boards in the air.
(3) Keeping going over diagrams drawn on the ground so that one-steps only where one ought to go.
(4) Either removing the pieces or men from a help with one's nail, or putting them into a heap, in each case without shaking it. He who shakes the heap, loses.
(5) Throwing dice.
(6) Hitting a short stick with a long one.
(7) Dipping the hand with the fingers stretched out in lac, or red dye, or flour water, and striking the wet hand on the ground or on a wall, calling out `what shall it be?' and showing the form required—elephants, horses .
(8) Games with balls.
(9) Blowing through toy pipes made of leaves.
(10) Ploughing with toy ploughs.
(11) Turning summersaults.
(12) Playing with toy windmills made of palm leaves.
(13) Playing with toy measures made of palm leaves. (14, 15) Playing with toy carts or toy bows.
(16) Guessing at letters traced in the air, or on a playfellow's back.
(17) Guessing the playfellow's thoughts.
(18) Mimicry of deformities.

They were addicted to the use of high and large couches ; that is to say:
(1) Moveable settees, high, and six feet long (Asandi).
(2) Divans with animal figures carved on the supports (Pallanko).
(3) Goat's hair coverings with very long fleece (Gonako).
(4) Patchwork counterpanes of many colours (Kittaka).
(5) White blankets (Patika).
(6) Woollen coverlets embroidered with flowers (Patalika).
(7) Quilts stuffed with cotton wool (Tulika).
(8) Coverlets embroidered with figures of lions, tigers, & c., (Vikatika).
(9) Rugs with fur on both sides (Uddalom).
(10) Rugs with fur on one side (Ekantalomi).
(11) Coverlets embroidered with gems (Katthissam).
(12) Silk coverlets (Koseyyam).

(13) Carpets large enough for sixteen dancers (Kittakam). (14-16) Elephant, horse and chariot rugs.

(17) Rugs of antelope skins sewn together (Aginepaveni).

(18) Rugs of skins of the plantain antelope.

(19) Carpets with awnings above them (Sauttarakkhadam).

(20) Sofas with red pillows for the head and feet". The Brahmins were addicted to the use of means for adorning and beautifying themselves; that is to say : Rubbing in scented powders on one's body, shampooing it, and bathing it, patting the limbs with clubs after the manner of wrestlers, the use of mirrors, eye-ointments, garlands, rouge, cosmetics, bracelets, necklaces, walking-sticks, reed cases for drugs, rapiers, sunshades, embroidered slippers, turbans, diadems, whisks of the yak tail and long-fringed white robes. The Brahmins were addicted to such low conversation as these :

Tales of kings, of robbers, of ministers of state ; tales of war, of terrors, of battles ; talk about foods and drinks, clothes, beds, garlands, perfumes ; talks about relationships, equipages, villages, towns, cities and countries ; tales about women, and about heroes ; gossip at street corners, or places whence water is fetched ; ghost stories ; desultory talk ; speculations about the creation of the land or sea, or about existence and non-existence. The Brahmins were addicted to the use of wrangling phrases: such as:

"You don't understand this doctrine and discipline, I do.”"How should you know about this doctrine and discipline?”"You have fallen into wrong views. It is I who am in the right.”“I am speaking to the point, you are not.”"You are putting last what ought to come first, and first what ought to come last."

"What you've ex-cogitated so long, that is all quite upset.”“You are proved to be wrong.”“Set to work to clear your views.”“Disentangle yourself if you can."

The Brahmins were addicted to taking messages, going on errands, and acting as go-betweens; to wit, on kings, ministers of state, Kshatriyas, Brahmans, or young men, saying: 'Go there, come hither, take this with you, bring that from there.'

'The Brahmins were tricksters, drone out (of holy words for pray), diviners, and exorcists, ever hungering to add gain to gain.'

The Brahmins earned their living by wrong means of livelihood, by low arts, such as these:

(1) Palmistry—prophesying long life, prosperity, & c., (or the reverse from marks on a child's hands, feet, & c.)

(2) Divining by means of omens and signs.
(3) Auguries drawn from thunderbolts and other celestial portents.
(4) Prognostication by interpreting dreams.
(5) Fortune-telling from marks on the body.
(6) Auguries from the marks on cloth gnawed by mice.
(7) Sacrificing to Agni.
(8) Offering oblations from a spoon. (9-13) Making offerings to gods of husks, of the red powder between the grain and the husk, of husked grain ready for boiling, or ghee and of oil.
(14) Sacrificing by spewing mustard seeds, & c., into the fire out of one's mouth.
(15) Drawing blood from one's right knee as a sacrifice to the gods.
(16) Looking at the knuckles, & c., and, after muttering a charm, divining whether a man is well born of luck or not.
(17) Determining whether the site for a proposed house or pleasance, is luck or not.
(18) Advising on customary law.
(19) Laying demons in a cemetery.
(20) Laying ghosts.
(21) Knowledge of the charms to be used when lodging in an earth house.
(22) Snake charming.
(23) The poison craft.
(24) The scorpion craft.
(25) The mouse craft.
(26) The bird craft.
(27) The crow craft.
(28) Foretelling the number of years that man has yet to live.
(29) Giving charms to ward off arrows.
(30) The animal wheel.

The Brahmins earned their living by wrong means of livelihood, by low arts, such as these:

Knowledge of the signs of good and bad qualities in the following things and of the marks in them denoting the health or luck of their owners : to wit, gems, staves, garments, swords, arrows, bows, other weapons, women, men, boys, girls, slaves, slave-girls, elephants, horses, buffaloes, bulls, oxen, goats, sheep, fowls, quails, iguanas, herrings, tortoises, and other animals.

The Brahmins, earned their living by wrong means of livelihood by low arts such as soothe saying, to the effect that,

The chiefs will march out.

The home chiefs will attack and the enemies retreat.

The enemies' chiefs will attack, and ours will retreat.

The home chiefs will gain the victory, and ours will suffer defeat.

The foreign chiefs will gain the victory on this side, and ours will suffer defeat.

Thus will there be victory on this side, defeat on that. The Brahmins, while living on food provided by the faithful, earn their living by wrong means of livelihood, by such low arts as fore-telling:

(1) There will be an eclipse of the Moon.

(2) There will be an eclipse of the Sun.

(3) There will be an eclipse of a star (Nakshatra).

(4) There will be aberration of the Sun or the Moon.

(5) The Sun or the Moon will return to its usual path.

(6) There will be aberrations of the stars.

(7) The stars will return to their usual course.

(8) There will be a jungle fire.

(9) There will be a fall of meteors.

(10) There will be an earthquake.

(11) The god will thunder.

(12-15) There will be rising and setting, clearness and dimness of the Sun or the Moon or the stars, or foretelling of each of these fifteen phenomena that they will betoken such and such a result."

The Brahmins earned their living by wrong means of the livelihood, by low arts, such as these:

Foretelling an abundant rainfall.

Foretelling a deficient rainfall.

Foretelling a good harvest.

Foretelling scarcity of food.

Foretelling tranquillity.

Foretelling disturbances.

Foretelling a pestilence.

Foretelling a healthy season.

Counting on the fingers.

Counting without using the fingers Summing up large totals.

Composing ballads, poetising.

Casuistry, sophistry.

The Brahmins, while living on food provided by the faithful, earn their living by wrong means of livelihood by low arts, such as:

(1) Arranging a lucky day for marriages in which the bride or bridegroom is brought home.
(2) Arranging a lucky day for marriages in which the bride or bridegroom is sent forth.
(3) Fixing a lucky time for the conclusion of treaties of peace (or using charms to procure harmony).
(4) Fixing a lucky time for the outbreak of hostilities (or using charms to make discord).
(5) Fixing a lucky time for the calling in of debts (or charms for success in throwing dice).
(6) Fixing a lucky time for the expenditure of money (or charms to bring ill luck to an opponent throwing dice).
(7) Using charms to make people lucky.
(8) Using charms to make people unlucky.
(9) Using charms to procure abortion.
(10) Incantations to keep a man's jaws fixed.
(11) Incantations to bring on dumbness.
(12) Incantations to make a man throw up his hands.
(13) Incantations to bring on deafness.
(14) Obtaining oracular answers by means of the magic mirror.
(15) Obtaining oracular answers through a girl possessed.
(16) Obtaining oracular answers from a god.
(17) The worship of the Sun.
(18) The worship of the Great One.
(19) Bringing forth flames from one's mouth.
(20) Invoking Siri, the goddess of Luck. The Brahmins earned their living by wrong means of livelihood, by low arts, such as these:

(1) Vowing gifts to a god if a certain benefit be granted.
(2) Paying such vows.
(3) Repeating charms while lodging in an earth house.
(4) Causing virility.
(5) Making a man impotent.
(6) Fixing on lucky sites for dwellings.
(7) Consecrating sites.
(8) Ceremonial rinsing of the mouth.
(9) Ceremonial bathing.
(10) Offering sacrifices.
(11-14) Administering emetics and purgatives.

(15) Purging people to relieve the head (that is by giving drugs to make people sneeze).
(16) Oiling people's ears (either to make them grow or to heal sores on them).
(17) Satisfying people's eyes (soothing them by dropping medicinal oils into them).
(18) Administering drugs through the nose.
(19) Applying collyrium to the eyes.
(20) Giving medicinal ointment for the eyes.
(21) Practising as an oculist.
(22) Practising as a surgeon.
(23) Practising as a doctor for children.
(24) Administering roots and drugs.
(25) Administering medicines in rotation.
(INCOMPLETE)

CHAPTER 4
Reformers and Their Fate

This is a typed bound copy consisting of 87 pages. The Ambatta Sutta starts at page 69 of the manuscript and after page 70, pages are numbered from A to Z. The beginning of page 71 starts with Lohikka Sutta.—Editors.

1. Aryan Society. II. Buddha and Reform. III. I

It was Sir T. Madhava Raw who speaking of Hindu Society of his time said :

"The longer one lives, observes, and thinks, the more deeply does he feel that there is no community on the face of the earth which suffers less from political evils and more from self-inflicted or self-accepted or self-created, and therefore avoidable evils, than the Hindu Community."

This view expresses quite accurately and without exaggeration the necessity of social reform in Hindu Society.

The first Social Reformer and the greatest of them all is Gautama Buddha. Any history of Social Reform must begin with him and no history of Social Reform in India will be complete which omits to take account of his great achievements.

Siddhartha, surname Gautama, was born in the Sakya clan a.t Kapilvastu in Northern India, on the borders of Nepal in 563 B.C. Tradition says he was a prince. He received education fit for a prince, was married and had a son. Oppressed by the evils and misery then prevalent in the Aryan Society he renounced the world

at the age of twenty-nine and left his home in search for truth and deliverance. He became a mendicant and studied with two distinguished teachers, but finding that their teachings did not satisfy him he left them and became an ascetic. He gave up that also as being futile. By hard thinking he got insight into things and as a result of this insight he formulated his own

Dhamma. This was at the age of thirty-five. The remainder of his eighty years he spent in spreading his Dhamma and founding and administering an order of monks. He died about the year 483 B.C. at Kusinara surrounded by his devoted followers.

To the carrying out of his mission, the Buddha devoted all his days after the achievement of enlightenment. His time was divided between feeding the lamp of his own spiritual life by solitary meditation—just as Jesus spent hours in lonely prayer—and active preaching to large audiences of his monks, instructing the more advanced in the subtle points of inner development, directing the affairs of the Order, rebuking breaches of discipline, confirming the faithful in their virtue, receiving deputation, carrying on discussions with learned opponents, comforting the sorrowful, visiting kings and peasants, Brahmins and outcasts, rich and poor. He was a friend of publicans and sinners, and many a public harlot, finding herself understood and pitied, gave up her evil ways to take refuge in the"Blessed One". Such a life demanded a variety of moral qualities and social gifts, and among others a combination of democratic sentiments with an aristocratic *Savoir Faire* which is seldom met with. In reading the dialogues one can never forget that Gotama had the birth and upbringing of an aristocrat. He converses not only with Brahmins and pundits but with princes and ministers and kings on easy and equal terms. He is a good diner-out, with a fund of anecdotes and apparently a real sense of humour, and is a welcome quest at every house. A distinguished Brahmin is pictured as describing him thus :

'The venerable Gotama is well born on both sides, of pure descent..... is handsome, pleasant to look upon, inspiring trust, gifted with great beauty of complexion, fair in colour, fine in presence, stately to behold, virtuous with the virtue of the Arhats, gifted with goodness and virtue and with a pleasant voice and polite address, with no passion of lust left in him nor any fickleness of mind. He bids all men welcome, is congenial, conciliatory, not supercillious, accessible to all, not backward in conversation. ' But what appealed

most to the India of his time, and has appealed most to India through the ages, is expressed by the Brahmin in these words :

"The monk Gotama has gone forth into the religious life, giving up the great clan of his relatives, giving up much money and gold, treasure both buried and above ground. Truly while he was still a young man, without a grey hair on his head, in the beauty of his early manhood he went forth from the household life into the homeless state."

"Such a life as his, demanded not only pleasant manners, sympathy and kindness, but firmness and courage. When the occasion required it, he could be calmly severe with those who worked evil for the Order. Physical pain, he bore not only with equanimity but with no diminution of his inner joy. Courage also was needed and was found ; as, for example, in the Buddha's calm attitude during Devadatta's various attempts to assassinate him, in facing threats of murder, and in the conversion of the famous bandit in the Kingdom of Kosala, whom all the countryside feared, and whom the Buddha visited, alone and unarmed, in his lair, changing him from a scourge of the kindorn to a peaceful member of the Order. Neither pain, danger, nor insults marred his spiritual peace. When he was reviled he reviled not again. Nor was he lacking in tender thoughtfulness for those who needed his comfort and support."

He was beloved of all. Repeatedly he is described or describes himself, as one born into the world for the good of the many, for the happiness of the many, for the advantage, the good, the happiness of gods and men, out of compassion for the world.

He left an indelible mark on the Aryan Society and although his name has gone out of India the impression of his teaching still remains.

His religion spread like wild fire. It soon became the religion of the whole of India. But it did not remain confined to India. It reached every corner of the then known world. All races accepted it. Even the Afghans were once Buddhists. It did not remain confined to Asia. There is evidence to show that Buddhism was the religion of Celtic Britain.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_15What was the cause of this rapid spread of Buddhism? 0n this point what Prof. Hopkins has said is worth quoting. This is what he says:

"The cause, then, of the rapid spread of Buddhism at the beginning of its career lies only in the conditions of its teaching and the

influential backing of its founder. It was the individual Buddha that captivated men ; it was the teaching that emanated from him that fired enthusiasm ; it was his position as an aristocrat that made him acceptable to the aristocracy, his magnetism that made him the idol of the people. From every page stands out the strong, attractive personality of this teacher and winner of hearts. No man ever lived so godless yet so godlike. Arrogating to himself no divinity, despairing of future bliss, but without fear as without hope, leader of thought but despising lovingly the folly of the world, exalted but adored, the universal brother, he wandered among men, simply, serenely, with gentle irony subduing them that opposed him, to congregation after congregation speaking with majestic sweetness, the master to each, the friend of all. His voice was singularly vibrant and eloquent; his very tones convinced the hearer, his looks inspired awe. From the tradition it appears that he must have been one of those whose personality alone suffices to make a man not only a leader but also a god to the hearts of his fellows. When such a one speaks he obtains hearers. It matters little what he says, for he influences the motions, and bends whoever listens to his will. But if added to this personality, if encompassing it. there be the feeling in the minds of others that what this man teaches is not only a variety, but the very hope of their salvation ; if for the first time they recognise in his words the truth that makes of slaves free men, of classes a brotherhood, then it is not difficult to see wherein lies the lightning like speed with which the electric current passes from heart to heart. Such a man was Buddha, such was the essential of his teaching: and such was the inevitable rapidity of Buddhistic expansion and the profound influence of the shock that was produced by the new faith upon the moral consciousness of Buddha's people."

To understand the great reform, which he brought about by his teaching, it is necessary to have some idea of the degraded condition of the Aryan civilisation at the time when Buddha started on the mission *of* his life.

The Aryan Community of his time was steeped in the worst kind of debauchery: social, religious and spiritual.

To mention only a few of the social evils, attention may be drawn to gambling. Gambling had become as widespread among the Aryans as drinking.

Every king had a hall of gambling attached to his palace. Every king had an expert gambler in his employment as a companion to play with. King *Virat* had in his employment *Kank* as an expert gambler. Gambling was not merely a pastime with kings. They played with heavy stakes. They staked kingdoms, dependents, relatives, sla.ves, servants.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_16 King Nala staked everything in gambling with *Paskkar* and lost everything. The only thing he did not stake was himself and his wife Damayanti. Nala had to go and live in the forest as a beggar. There were kings who went beyond Nala. The Mahabharatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_17 tells how Dharma the eldest of the Pandavas gambled and staked everything, his brothers and also his and their wife Draupadi. Gambling was a matter of honour with the Aryans and any invitation to gamble was regraded as an injury to one's honour and dignity. Dharma gambled with such disastrous consequences although he was warned beforehand. His excuse was that he was invited to gamble and that as a man of honour he could not decline such an invitation.

This vice of gambling was not confined to kings. It had infected even the common folk. Rig-Veda contains lamentations of poor Aryan ruined by gambling. The habit of gambling had become so common in Kautilya's time that there were gambling houses licensed by the king from which the king derived considerable revenue.

Drinking was another evil which was rampant among the Aryans. Liquors were of two sorts *Soma* and *Sura. Soma* was a sacrificial wine. The drinking of the Soma was in the beginning permitted only to Brahmins, Kshatriyas and Vaishyas. Subsequently it was permitted only to Brahmins and Kshatriyas. The Vaishyas were excluded from it and the Shudras were never permitted to taste it. Its manufacture was a secret known only to the Brahmins. *Sura* was open to all and was drunk by all. The Brahmins also drank *Sura.* Shukracharyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_18 the priest to the *Asuras* drank so heavily that in his drunken state he gave the life-giving *Mantras*—known to him only and with which he used to revive the *Asuras* killed by the *Devas*— to *Katch* the son of *Brahaspati* who was the priest of the Devas. The Mahabharat mentions an occasion when both *Krishna* and *Arjuna* were dead drunk. That shows that the best

among the Aryan Society were not only not free from the drink habit but that they drank heavily. The most shameful part of it was that even the Aryan women were addicted to drink. For instance *Sudeshna*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_19 the wife of king *Virat* tells her maid *Sairandhri* to go to *Kichaka's* palace and bring *Sura* as she was dying to have a drink. It is not to be supposed that only queens indulged in drinking. The habit of drinking was common among women of all classes and even Brahmin women were not free from it.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_20 That liquor and dancing was indulged in by the Aryan women is clear from the *Kausitaki Grihya Sutra* 1. 1 1-12, which says,"Four or eight women who are not widowed after having been regaled with wine and food are to dance for four times on the night previous to the wedding ceremony."

Turning to the Aryan Society it was marked by class war and class degradation. The Aryan Society recognised four classes, the Brahmins, Kshatriyas, Vaishyas and Shudras. These divisions were not merely horizontal divisions, all on a par with each other in the matter of social relationship. These divisions, had become vertical, one above the other. Being placed above or below there was both jealousy and rivalry among the four classes. This jealousy and rivalry had given rise even to enmity. This enmity was particularly noticeable between the two highest classes, namely, the Brahmins and the Kshatriyas and there was a regular class *war* between the two, so intense that it would delight the heart of any Marxian to read the descriptions thereof. Unfortunately there is no detailed history of this class war between the Brahmins and the Kshatriyas. Only a few instances have been recorded. Vena, Pururavas, Nahusha, Sudas, Sumukh and Nimi were some of the Kshatriya kings who came into the conflict with the Brahmins. The issues in these conflicts were different.

The issue between Vena and the Brahmins was whether a King could command and require the Brahmins to worship him and offer sacrifice to him instead of the Gods. The issue between Pururavas and the Brahmins was whether a Kshatriya King could confiscate the property of the Brahmin. The issue between Nahusha and the Brahmins was whether a Kshatriya king could order a Brahmin to do a servile job. The issue between Nimi and the Brahmins was whether the king was bound to employ only his family priest at the sacrificial

ceremony. The issue between Sudas and the Brahmins was whether the king was bound to employ only a Brahmin as a priest.

This shows how big were the issues between the two classes. No wonder that the struggle between them was also the bitterest. The wars between them were not merely occasional riots. They were wars of extermination. It is stated that Parashuram a Brahmin fought against the Kshatriyas twenty-one times and killed every Kshatriya.

While the two classes were fighting among themselves for supremacy, they both combined to keep down the Vaishyas and the Shudras. The Vaishya was a milch cow. He lived only to pay taxes. The Shudra was a general beast *of* burden. These two classes existed for the sole purpose of making the life of the Brahmins and Kshatriyas glorious and happy. They had no right to live for themselves. They lived to make the life of their betters possible.

Below these two classes there were others. They were the Chandalas and Shwappakas. They were not untouchables but they were degraded. They were outside the pale of society and outside the pale of law. They had no rights and no opportunities. They were the rejects of the Aryan Society.

The sexual immorality *of* the Aryan Society must shock their present day descendants. The Aryans of pre-Buddhist days had no such rule of prohibited degrees, as we have today to govern their sexual or matrimonial relationship.

According to the Aryan Mythology, Brahma is the creator. Brahma had three sons and a daughter. His one son Daksha married his sister. The daughters born of this marriage between brother and sister were married some to Kashyapa the son of Marichi the son of Brahma and some to Dharma the third son of Brahma.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_21

In the Rig-Veda there is an episode related of Yama and Yami brother and sister. According to this episode Yami the sister invites her brother Yama to cohabit with her and becomes angry when he refuses to do somk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_22.

A father could marry his daughter. *Vashishta* married his own daughter *Shatrupa* when she came of agemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_23. *Manu* married his daughter

*Ila.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_24 *Janhu* married his daughter *Janhavi*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_25. *Surya* married his daughter *Usha*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_26. There was polyandri not of the ordinary type. The polyandri prevalent among the Aryans was a polyandri when Kinsmen cohabited with one woman. *Dhahaprachetani* and his son *Soma* cohabited with *Marisha* the daughter of *Soma*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_27.

Instances of grandfather marrying his grand-daughter are not wanting. Daksha gave his daughter in marriage to his father Brahmamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_28 and from that marriage was born the famous Narada. Dauhitra. gave his 27 daughters to his father Soma for cohabitation and procreationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_29.

The Aryans did not mind cohabiting with women in the open and within sight of people. The Rishis used to perform certain religious rites which were called Vamdevya vrata. These rites used to be performed on the Yadnya Bhumi. If any woman came there and expressed a desire for sexual intercourse and asked the sage to satisfy her, the sage used to cohabit with her then and there in the open on the Yadnya Bhumi. Instances of this may be mentioned; the case of the sage Parashara who had sexual intercourse with Satyavati and also of Dirghatapa. That such a custom was common is shown by the existence of the word Ayoni. The word Ayoni is understood to mean of immaculate conception. That is not however the original meaning of the word. The original meaning of the word Yoni is house. Ayoni means conceived out of the house i.e. in the open. That there was nothing deemed to be wrong in this is clear from the fact that both Sita and Draupadi were Ayonija. That this was very common is clear from the fact that religious injunctions had to be issued against such a practice.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_30

There was prevalent among the Aryans the practice of renting out their women to others for a time. As an illustration may be mentioned the story of Madhavimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_31 The king Yayati gave his daughter Madhavi as an offering to his guru Galav. Galav rented out the girl Madhavi to three kings each a period. Thereafter he gave her in marriage to Vishwamitra. She remained with him until a son was born to her. Thereafter Galav took away the girl and gave her back to her father Yayati.

Besides the practice of letting out women to others temporarily at a rent, there was prevalent among the Aryans another practice namely, allowing procreation by the best amongst them. Raising a family was treated by them as though it was a breeding or stock raising. Among the Aryas there was a class of persons called *Devas* who were Aryans but of a superior status and prowess. The Aryans allowed their women to have sexual intercourse with any one of the class of Devas in the inerest of good breeding. This practice prevailed so extensively that the Devas came to regard prelibation in respect of the Aryan women as their prescriptive right. No Aryan woman could be married unless this right of prelibation had been redeemed and the woman released from the control of the Devas by offering what was technically called *Avadan*. The Laja Hoame which is performed in every Hindu marriage and the details of which are given in the Ashwalayan Grahya Sutra is a relic of this act of the redemption of the Aryan woman from the right of prelibation of the Devas. The *Avadan* in the Laja Hoame is nothing but the price for the extinguishment of the right of the Devas over the bride. The *Saptapadi* performed in all Hindu marriages and which is regarded as the most essential ceremony without which there is no lawful marriage has an integral connection with this right of prelibation of the Devas. Saptapadi means walking by the bridegroom seven steps with the bride. Why is this essential? The answer is that the Devas if they were dissatisfied with the compensation could claim the woman before the seventh step was taken. After the seventh step was taken, the right of the Devas was extinguished and the bridegroom could take away the bride and live as husband and wife without being obstructed or molested by the Devas.

There was no rule of chastity for maidens. A girl could have sexual intercourse with and also progeny from anybody without contracting

marriage. This is evident from the root meaning of the word *Kanya* which means a girl. *Kanya* comes from the root *Kam* which means a girl free to offer herself to any man. That they did offer themselves to any man and had children without contracting regular marriage is illustrated by the case of *Kunti* and *Matsyagandha*. Kunti had children from different men before she was married to Pandu and Matsyagandha had sexual intercourse with the sage Parashara before she was married to *Shantanu* the father of Bhishma.

Bestiality was also prevalent among the Aryans. The story of the sage Dam having sexual intercourse with a female deermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_32 is well known. Another instance is that of Surya cohabiting with a maremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_33.. But the most hideous instance is that of the woman having sexual intercourse with the horse in the Ashvamedha Yadna.

The religion of the Aryan consisted of the *Yadna* or sacrifice. The sacrifice was a means to enter into the godhead of the gods, and even to control the gods. The traditional sacrifices were twenty-one in number divided into three classes of seven each. The first were sacrifices of butter, milk, corn, etc. The second class covered *Soma* sacrifices and third animal sacrifices. The sacrifice may be of short duration or long duration lasting for a year or more. The latter was called a *Sattra*. The argument in favour of the sacrifice is that eternal holiness is won by him that offers the sacrifice. Not only a man's self but also his Manes stood to benefit by means of sacrifice. He gives the Manes pleasure with his offering, but he also raises their estate, and sends them up to live in a higher worldmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_34.

The sacrifice was by no means meant as an aid to the acquirement of heavenly bliss alone. Many of the great sacrifices were for the gaining of good things on earth. That one should sacrifice without the ulterior motive of gain is unknown. Brahmanic India knew no thank offering. Ordinarily the gain is represented as a compensating gift from the divinity, whom they sacrifice. The sacrifice began with the recitation :"He offers the sacrifice to the god with this text : 'Do thou give to me (and) I (will) give to thee ; do thou bestow on me (and) I (will) bestow on thee'."

The ceremony of the sacrifice was awe-inspiring. Every word was pregnant with consequences and even the pronunciation of the word or accent was fateful. There are indications, however, that the priest themselves understood that, much in the ceremonial was pure hocus-pocus, and not of much importance as it was made out to be.

Every sacrifice meant fee to the priest. As to fee, the rules were precise and their propounds were unblushing. The priest performed the sacrifice for the fee alone, and it must consist of valuable garments, kine, horses or gold—when each was to be given was carefully stated. The priests had built up a great complex of forms, where at every turn fees were demanded. The whole expense, falling on one individual for whose benefit the sacrifice was performed, must have been enormous. How costly the whole thing became can be seen from the fact that in one place the fee for the sacrifice is mentioned as one thousand cows. For this greed, which went so far that he proclaimed that he who gives a thousand cows obtains all things of heaven. The priest had a good precedent to cite, for, the gods of heaven, in all tales told of them, ever demand a reward from each other when they help their neighbour gods. If the Gods seek rewards, the priest has a right to do the same.

The principal sacrifice was the animal sacrifice. It was both costly and barbaric. In the Aryan religion there are five sacrificial animals mentioned. In this list of sacrificial animals man came first. The sacrifice of a man was the costliest. The rules of sacrifice required that the individual to be slaughtered must be neither a. priest nor a slave. He must be a Kshatriya or Vaishya. According to the ordinary valuation of those times the cost of buying a man to be sacrificed was one thousand cows. Besides being costly and barbaric, it must have been revolting because the sacrificers had not only to kill the man but to eat him. Next to man came the horse. That also was a costly sacrifice because the horse was a rare and a necessary animal for the Aryans in their conquest of India. The Aryans could hardly afford such a potent instrument of military domination to be offered as sacrifice. The sacrifice must have been revolting in as much as one of the rituals in the horse-sacrifice was the copulation of the horse before it was slaughtered with the wife of the sacrificer.

The animals most commonly offered for sacrifice were of course the cattle which were used by the people for their agricultural purposes. They were mostly cows and bullocks.

The Yadnas were costly and they would have died out of sheer considerations of expense involved. But they did not. The reason is that the stoppage of Yadna involved the question of the loss of the Brahmin's fees. There could be no fees if the Yadna ceased to be performed and the Brahmin would starve. The Brahmin therefore found a substitute for the costly sacrificial animals. For a human sacrifice the Brahmin allowed as a substitute for a live man, a man of straw or metal or earth. But they did not altogether give up human sacrifice for fear that this Yadna might be stopped and they should lose their fees. When human sacrifice became rare, animal sacrifice came in as a substitute. Animal sacrifice was also a question of expense to the laity. Here again rather than allow the sacrifice to go out of vogue, the Brahmins came forward with smaller animals for cattle just as cattle had been allowed to take the place of the man and the horse. All this was for the purpose of maintaining the *Yadna* so that the Brahmin did not lose his fees which was his maintenance. So set were the Brahmins on the continuance of the Yadna that they were satisfied with merely rice as an offering.

It must not however be supposed that the institution of substitutes of the Yadnas of the Aryans had become less horrid. The introduction of substitutes did not work as a complete replacement of the more expensive and more ghastly sacrifice by the less expensive and the more innocent. All that it meant was that the offering may be according to the capacity of the sacrificer. If he was poor his offering may be rice. If he was well to do it might be a goat. If he was rich it might be a man, horse, cow or a bull. The effect of the subsitutes was that the Yadna was brought within the capacity of all so that the Brahmin reaped a larger harvest of feast on the total. It did not have the effect of stopping animal sacrifice. Indeed animals continued to be sacrificed by the thousands.

The Yadna often became a regular carnage of cattle at which the Brahmins did the work of butchers. One gets some idea of the extent of this carnage of innocent animals from references to the Yadnas which one comes across in Buddhist literature. In the Suttanipat a description is given of the Yadna that was arranged to be performed by Pasenadi, king of Kosala. It is stated that there were tied to the poles for slaughter at the Yadna five hundred oxen, five hundred bulls, five hundred cows, five hundred goats and five hundred lambs and that the servents of the king who were detailed to do the jobs according to the orders given to them by the

officiating Brahmin priests were doing their duties with tears in their eyes.

The Yadna besides involving a terrible carnage was really a kind of carnival. Besides roast meet there was drink. The Brahmins had Soma as well as Sura. The others had Sura in abundance. Almost every Yadna was followed by gambling and what is most extraordinary is that, side by side there went on also sexual intercourse in the open. Yadna had become debauchery and there was no religion left in it. The Aryan religion was just a series of observances. Behind these observances there was no yearning for a good and a virtuous life. There was no hunger or thirst for rightousness. Their religion was without any spiritual content. The hymns of the Rig Veda furnish very good evidence of the absence of any spiritual basis for the Aryan religion. The hymns are prayers addressed by the Aryans to their gods. What do they ask for in these prayers? Do they ask to be kept away from temptation? Do they ask for deliverance from evil? Do they ask for forgiveness of sins? Most of the hymns are in praise of Indra.

They praise him for having brought destruction to the enemies of the Aryans. They praise him because he killed all the pregnant wives of Krishna, an Asura. They praise him because he destroyed hundreds of villages of the Asuras. They praise him because he killed lakhs of Dasyus. The Aryans pray to Indra to carry on greater destruction among the Anaryas in the hope that they may secure to themselves the food supplies of the Anaryas and the wealth of the Anaryas. Far from being spiritual and elevating, the hymns of the Rig-Veda are saturated with wicked thoughts and wicked purposes. The Aryan religion never concerned itself with what is called a righteous life.

II

Such was the state of the Aryan Society when Buddha was born. There are two pertinent questions regarding Buddha as a reformer who laboured to reform the Aryan Society. What were the chief planks in his reform? To what extent did he succeed in his reform movement? To take up the first question.

Buddha felt that for the inculcation of a good and a pure life, example was better than precept. The most important thing he did was to lead a good and a pure life so that it might serve as a model to all. How unblemished a life he led can be gathered from the *Brahma-*

Jala Sutta. It is reproduced below because it not only gives an idea of the pure life that Buddha led but it also gives an idea of how impure a life the Brahmins, the best among the Aryans led.

Brahma Jala Sutta

1. Thus have I heard. The Blessed One was once going along the high road between Rajagaha and Nalanda with a great company of the brethren with about five hundred brethren. And Suppiya the mendicant too was going along the high road between Rajagaha and Nalanda with his disciple the young Brahmadatta. Now just then Suppiya the mendicant was speaking in many ways in dispraise of the Buddha, in dispraise of the Doctrine, in dispraise of the Order. But young Brahmadatta, his pupil, gave utterance, in many ways, to praise of the Buddha, to praise of the Doctrine, to praise of the Order. Thus they two, teacher and pupil, holding opinions in direct contradiction of one to the other, were following, step by step, after the Blessed one and the company of the brethren.

2. Now the Blessed one put up at the royal rest house in the Ambalatthika pleasance to pass the night, and with him the company of the brethren. And so also did Suppiya the mendicant, and with him his young disciple Brahmadatta. And there, at the rest houses, these two carried on the same discussion as belore.

3. And in the early dawn a number of the brethren assembled as they rose up. in the pavilion ; and this was the trend of the talk that sprang up among them as they were seated there. 'How wonderful a thing is it, brethren, and how strange that the Blessed One, he who knows and sees, the Arahat the Buddha Supreme, should so clearly have perceived how various are the inclination of men! For see how while Suppiya the mendicant speaks in many ways in dispraise of the Buddha, the Doctrine, and the Order, his own disciple, young Brahmadatta, speaks, in as many ways, in praise of them. So do these two, teacher and pupil, follow step by step after the Blessed One and the company of the brethren, giving utterance to views in direct contradiction of one to the other.

4. Now the Blessed One. on realising what was the drift of their talk, went to the pavilion, and took his seat on the mat spread out for him. And when he had sat down he said :"What is the talk *on* which you are engaged sitting here and what is the subject of the conversation between you?"And they told him all. And he said:

5. Brethren, if outsiders should speak against me, or against the Doctrine, or against the Order, you should not on that account

either bear malice, or suffer heart burning, or feel ill-will. If you, on that account, should be angry and hurt, that would stand in the way of your own self-conquest. If, when others speak against us, you feel angry at that, and displeased, would you then be able to judge how far that speech of theirs is well said or ill? `That would not he so, Sir.'

`But when outsiders speak in dispraise of me, or of the Doctrine, or of the Order, you should unravel what is false and point it out as wrong, saying,"For this *or* that reason this is not the fact, that is not so, such a thing is not found among us, is not in us."

6. But also, brethren, if outsiders should speak in praise of me, in praise of the Doctrine, in praise of the Order, you should not, on that account, be filled with pleasure *or* gladness, or be lifted up in heart. Were you to be so that also would stand in the way of your self-conquest. When outsiders speak in praise of me, or of the Doctrine, or of the Order, you should acknowledge what is right to be the fact saying:"For this or that reason this is the fact, that is so, such a thing is found among us, is in us."

7. lt is in respect only of trifling things, of matters of little value, of mere morality, that an unconverted man, when praising the Tathagata, would speak. And what are such trifling, minor details of mere morality that he would praise?

(4) (The Moralities. Part 1).

8."Putting away the killings of living things, Gotama the recluse holds aloof from the destruction of life. He has laid the cudgel and the sword aside, and ashamed of roughness, and full of mercy, he dwells compassionate and kind to all creatures that have life."It is thus that the unconverted man, when speaking in praise of the Tathagata, might speak.

Or he might say:"Putting, away the taking of what has not been given, Gotama the recluse lived aloof from grasping what is not his own. He takes only what is given, and expecting that gifts will come, he passes his life in honesty and purity of heart."

Or he might say:"Putting away in-chastity, Gotama the recluse is chaste. He holds himself aloof, far off, from the vulgar practice, from the sexual act."

9. Or he might say:"Putting away lying words, Gotama the recluse holds himself aloof from falsehood. He speaks truth from the truth he never swerves ; faithful and trustworthy, he breaks not his word to the world".

Or he might say:"Putting away slander. Gotama the recluse holds himself aloof from calumny. What he hears here he repeats not elsewhere to raise a quarrel against the people here; what he hears elsewhere he repeats not here to raise a quarrel against the people there. Thus does he live as a binder together of those who are divided, an encourage of those who are friends, a peacemaker, a lover of peace, impassioned for peace, a speaker of words that make for peace."

Or he might say:"Putting away rudeness of speech, Gotama the recluse holds himself aloof from harsh language. Whatsoever word is blameless, pleasant to the ear, lovely, reaching to the heart, urbane, pleasing to the people, beloved of the people such are words he speaks."

Or he might say :"Putting away frivolous talk, Gotama the recluse holds himself aloof from vain conversation. In season he speaks, in accordance with the facts, words full of meaning, on religion, on the discipline of the Order. He speaks, and at the right time, words worthy to be laid up in one's heart, fitly illustrated, clearly divided, to the point."

10. Or he might say:"Gotama the recluse holds himself aloof from causing injury to seeds or plants.

He takes but one meal a day, not eating at night, refraining from food after hours (after midday).

He refrains from being a spectator at shows at fairs with nautch dances, singing, and music.

He abstains from wearing, adorning, or ornamenting himself with garlands, scents, and unguents.

He abstains from the use of the large and lofty beds.

He abstains from accepting silver or gold.

He abstains from accepting uncooked grain.

He abstains from accepting raw meat.

He abstains from accepting women or girls.

He abstains from accepting bondmen or bond-women.

He abstains from accepting sheep or goats.

He abstains from accepting fowls or swine.

He abstains from accepting elephants, cattle, horses and mare.

He abstains from accepting cultivated fields or waste.

He abstains from the acting as a go-between or messenger.

He abstains from buying and selling.

He abstains from cheating with scales or bronzes or measures.

He abstains from the crooked ways of bribery, cheating, and fraud.

He abstains from maiming, murder, putting in bonds, highway robbery, dacoity, and violence."

Such are the things, brethren, which an unconverted man, when speaking in praise of the Tathagata might say. '

Here ends the Kula Sila (the Short Paragraphs on Conduct).

II. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to the injury of seedlings and growing plants whether propagated from roots or cuttings or joints or buddings or seeds—Gotarna the recluse holds aloof from such injury to seedlings and growing plants."

12. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to the use of the things stored up; stores, to wit, of foods, drinks, clothing, equipages, bedding, perfumes, and curry-stuffs—Gotama the recluse holds aloof from such use of things stored up."

13. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to visiting shows ; that is to say,

(1) Nautch dances (nakkarn),

(2) Singings of songs (gitam)

(3) Instrumental music (vaditam)

(4) Shows at fairs (pekham)

(5) Ballads recitations (akkhanam)

(6) Hand music (paniseram)

(7) The chanting of bards (vetala)

(8) Tam-tam playing (kumbhathunam) (9) Fair scences (sobhanagarkarn)

(10) Acrobatic feats by Kandalas (Kandala-vamsa-dhopanam)

(11) Combats of elephants, horses, buffaloes, bulls, goats, rams. Cocks and quails.

(12) Bouts at quarterstaff, boxing, wrestling.

(13)-(16) Sham-fights, roll-calls, manoeuvres, reviews. Gotama the recluse holds aloof from visiting such shows."14. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to games and recreations, that is to say.

(1) Games on hoards with eight, or with ten rows of squares.

(2) The same games played by imagining such boards in the air.

(3) Keeping going over diagrams drawn on the ground so that one-steps only where one ought to go.

(4) Either removing the pieces or men from a heap with *one's* nail or putting them into a heap in each case without shaking it. He, who shakes the heap, loses.

(5) Throwing dice.

(6) Hitting a short stick with a long one.

(7) Dipping the hand with the fingers stretched out in lac or red dye, or flour water, and striking the wet hand on the ground or on a wall calling out 'What shall it be?' and showing the form requires—elephants, horses etc.,

(8) Games with balls.

(9) Blowing through toy pipes made of leaves.

(10) Ploughing with toy ploughs.

(11) Turning summersaults.

(12) Playing with toy windmills made of palm leaves.

(13) Playing with toy measures made of palm leaves.

(14, 15) Playing with toy carts or toy bows.

(16) Guessing at letters traced in the air, or on a playfellow's back.

(17) Guessing the playfellow's thoughts.

(I8) Mimicry of deformities. Gotama the recluse holds aloof from such games and recreations."

15. Or he might say: "Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to the use of high and large couches: that is to say,

(1) Moveable settees, high, and six feet long (Asandi).

(2) Divans with animal figures carved on the supports (Pallanko).

(3) Goats' hair coverings with very long fleece (Ganako).

(4) Patchwork counterpanes of many colour (Kittaka).

(5) White blankets (Patika).

(6) Woollen coverlets embroidered with flowers (Patalika).

(7) Quilts stuffed with cottonwood (Tulika).

(8) Coverlets embroidered with figures of lions, tigers, &c., (Vikatika).

(9) Rugs with fur on both sides (Uddalomi).

(10) Rugs with fur on one side (Ekantalomi).

(11) Coverlets embroidered with gems (Katthissam).

(12) Silk coverlets (Koseyyam).

(13) Carpets large enough for sixteen dancers (Kuttakam).

(14-16) Elephant, horse, and chariot rugs.

(17) Rugs of antelope skins sewn together (Aginapaveni).
(18) Rugs of skins of the plantain antelope.
(19) Carpets with awnings above them (Sauttarakkhadam).
(20) Sofas with red pillows for the head and feet."

16. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to the use of means for adorning and beautifying themselves: that is to say:

Rubbing in scented powders on one's body, shampooing it, and bathing it patting the limbs with clubs after the manner of wrestlers. The use of mirrors, eye-ointments, garlands, rouge, cosmetics, bracelets, necklaces, walking sticks, reed cases for drugs, rapiers, sunshades, embroidered slippers, turbans, diadems, whisks of the yak's tail, and long-fringed white robes. Gotama the recluse holds aloof from such means of adorning and beautifying the person."

17. Or he might say: "Whereas some recluses and Brahmans while living on food provided by the faithful, continue addicted to such low conversation as these:

Tales of kings, of robbers, of ministers of state, tales of war, of terrors, of battles; talk about foods and drinks, clothes, beds, garlands, perfumes, talks about relationships, equipages, villages, towns, cities, and countries. Tales about women, and about heroes; gossip at street corners, or places whence water is fetched: ghost stories; desultory talk; speculations about the creation of the land or sea, or about existence and non-existence.

Gotama the recluse holds aloof from such low conversation."

18. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to the use of wrangling phrases: such as:

"You don't understand this doctrine and discipline, I do."
"How should you know about this doctrine and discipline?"
"You have fallen into wrong views. It is I who am in the right."
"I am speaking to the point, you are not."
"You are putting last what ought to come first, and first what ought to come last."
"What you've excoriated so long, that's all quite upset."
"Your challenge has been taken up."
"You are proved to be wrong.""Set to work to clear your views."
"Disentangle yourself if you can."

Gotama the recluse holds aloof from such wrangling phrases."

19. Or he might say,"Whereas some recluses and Brahmans, while living on food provided by the faithful, continue addicted to taking messages, going on errands, and acting as go-betweens; to wit, on kings, ministers of state, Kshatriyas, Brahmans, or young men, saying. Go there, come-hither, take this with you, bring that from thence.'

Gotama the recluse abstains from such servile duties."20. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, are tricksters, droners out (of holy words for pay), diviners, and exorcists, ever hungering to add gain to gain.

Gotam the recluse holds aloof from such deception and patter."Here ends the Majjhima Sila (the Longer Paragraphs on Conduct).

21. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, earn their living by wrong means of livelihood, by low arts, such as these:

(1) Palmistry—prophesying long life, prosperity, &c., (or the reverse), from marks on a child's hands, feet, &c.

(2) Divining by means of omens and signs.

(3) Auguries had drawn from thunderbolts and other celestial portents.

(4) Prognostication by interpreting dreams.

(5) Fortune telling from marks on the body.

(6) Auguries from the marks on cloth gnawed by mice.

(7) Sacrificing to Agni.

(8) Offering oblations from a spoon. (9-13) Making offerings to gods of husks, of the red powder between the grain and the husk, of husked grain ready for boiling, of ghee and of oil.

(14) Sacrificing by spewing mustard seeds, &c., into the fire out of one's mouth.

(15) Drawing blood from one's right knee as a sacrifice to the gods.

(16) Looking at the knuckles, &c., and, after muttering a charm, divining whether a man is well born of luck or not.

(17) Determining whether the site, for a proposed house or pleasance, is lucky or not.

(18) Advising on customary law.

(19) Laying demons in a cemetery.

(20) Laying ghosts.

(21) Knowledge of the charms to be used when lodging in an earth house.
(22) Snake charming.
(23) The poison craft.
(24) The scorpion craft.
(25) The mouse craft.
(26) The bird craft.
(27) The crow craft.
(28) Foretelling the number of years that a man has yet to live.
(29) Giving charms to ward off arrows.
(30) The animal wheel.
Gotama the recluse holds aloof from such low arts."

22. Or he might say:"Whereas some recluses and Brahmans while living on food provided by the faithful, earn their living by wrong means of livelihood, by low arts, such as these:

Knowledge of the signs of good and bad qualities in the following things, and of the marks in them denoting the health or luck of their owners to wit, gems, staves, garments, swords, arrows, bows, other weapons, women, men, boys, girls, slaves, slave-girls, elephants, horses, buffaloes, bulls, oxen, goats, sheep, fowls, quails, iguanas, herrings, tortoises, and other animals.

Gotama the recluse holds aloof from such low arts."

23. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, earn their living by wrong means of livelihood by low arts, such as sooth saying to the effect that:

The chiefs will march out.
The home chiefs will attack, and the enemies retreat.
The enemies' chiefs will attack, and ours will retreat.
The home chiefs will gain the victory, and ours will suffer defeat.
The foreign chiefs will gain the victory on this side, and ours will suffer defeat.
Thus will there be victory on this side, defeat on that.
Gotama the recluse holds aloof from such low arts."

24. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, earn their living by wrong means of livelihood, by such low arts as foretelling:

(1) There will be an eclipse of the Moon.
(2) There will be an eclipse of the Sun.
(3) There will be an eclipse of a Star (Nakshatra).

(4) There will be aberration or the Sun or the Moon.
(5) The Sun or the Moon will return to its usual path.
(6) There will be aberrations of the Stars.
(7) The Stars will return to their usual course.
(8) There will be a fall of meteors.
(9) There will be a jungle fire.
(10) There will be an earthquake.
(11) The God will thunder.
(12-15) There will be rising and setting, clearness and dimness of the Sun or the Moon or the stars, or foretelling of each of these fifteen phenomena that they will betoken such and such a result."
Gotama the recluse holds aloof from such low arts.
25. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, earn their living by wrong means of the livelihood, by low arts, such as these:
Foretelling an abundant rainfall.
Foretelling a deficient rainfall.
Foretelling agood harvest.
Foretelling scarcity of food.
Foretelling tranquility.
Foretelling disturbances.
Foretelling a pestilence.
Foretelling a healthy season.
Counting on the fingers.
Counting without using the fingers.
Summing up large totals.
Composing ballads, poetising, Casuistry, sophistry.
Gotama the recluse holds aloof from such low arts."26. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, earn their living by wrong means of livelihood, by low arts, such as:
(1) Arranging a lucky day for marriages in which the bride or bridegroom is brought home.
(2) Arranging a lucky day for marriages in which the bride or bridegroom is sent forth.
(3) Fixing a lucky time for the conclusion of treaties of peace (or using charms to procure harmony)
(4) Fixing a lucky time for the outbreak of hostilities (or using charms to make discord).

(5) Fixing a lucky time for the calling in of debts (or charms for success in throwing dice).
(6) Fixing a lucky time for the expenditure of money (or charms to bring ill luck to an opponent throwing dice).
(7) Using charms to make people lucky.
(8) Using charms to make people unlucky.
(9) Using charms to procure abortion.
(10) Incantations to keep a man's jaws fixed.
(11) Incantations to bring on dumbness.
(12) Incantations to make a man throw up his hands.
(13) Incantations to bring on deafness.
(14) Obtaining oracular answers by means of the magic mirror.
(15) Obtaining oracular answers through a girl possessed.
(16) Obtaining oracular answers from a god.
(17) The worship of the Sun.
(18) The worship of the Great One.
(19) Bringing forth flames from one's mouth.
(20) Invoking Siri, the goddess of Luck.
Gotama the recluse holds aloof from such low arts."
27. Or he might say:"Whereas some recluses and Brahmans, while living on food provided by the faithful, earn their living by wrong means of livelihood, by low arts, such as these:
(1) Vowing gifts to a god if a certain benefit be granted,
(2) Praying such vows.
(3) Repeating charms while lodging in an earth house.
(4) Causing virility.
(5) Making a man impotent.
(6) Fixing on lucky sites for dwellings.
(7) Consecrating sites.
(8) Ceremonial rinsing of the mouth.
(9) Ceremonial bathing.
(10) Offering sacrifices.
(11-14) Administering emetics and purgatives.
(15) Purging people to relieve the head (that is by giving drugs to make people sneeze).
(16) Oiling people's ears (either to make them grow or to heal sores on them).
(17) Satisfying people's eyes (soothing them by dropping medicinal oils into them).
(I8) Administering drugs through the nose.

(19) Applying collyrium to the eyes.
(20) Giving medical ointment for the eyes.
(21) Practising as an oculist.
(22) Practising as a surgeon.
(23) Practising as a doctor for children.
(24) Administering roots and drugs.
(25) Administering medicines in rotation.
Gotama the recluse holds aloof from such low arts.
"These brethren are the trifling matters, the minor details of morality, of which the unconverted man, when praising the Tathagata, might speak.'
Here end the Long Paragraphs on Conduct.

Ill

This was indeed the highest standard for a moral life for an individual to follow. So high a standard of moral life was quite unknown to the Aryan Society of his day.

He did not stop merely with setting an example by leading a life of purity. He also wanted to mould the character of the ordinary men and women in society. For their guidance he devised a form of baptism which was quite unknown to the Aryan Society. The baptism consisted in the convert to Buddhism undertaking to observe certain moral precepts laid down by Buddha. These precepts are known as Panch Sila or the five precepts. They are;

(1) (1) Not to kill, (2) Not to steal, (3) Not to lie, (4) Not to be unchaste and (5) Not to drink intoxicants.

These five precepts were of the laity.
For the Monks there were five additional precepts:
(6) Not to eat at forbidden times,
(7) Not to dance, sing, or attend theatrical or other spectacles,
(8) To abstain from the use of garlands, scents, and ornaments,
(9) To abstain from the use of high or broad beds, and
(10) Never to receive money.

These *Silas* or precepts formed the moral code which it was intended should regulate the thoughts and actions of men and women.

Of these the most important one was the precept not to kill. Buddha took care to make it clear that the precept did not merely mean abstention from taking life. He insisted that the precept must

be understood to mean positive sympathy, good will, and love for every thing that breathes.

He gave the same positives and extended content to other precepts. One of the Buddha's lay followers once reported to him the teaching of a non-Buddhist ascetic, to the effect that the highest ideal consisted in the absence of evil deeds, evil words, evil thoughts, and evil life. The Buddha's comment upon this is significant."If, said he,"this were true, then every suckling child would have attained the ideal of life. Life is knowledge of good and evil; and after that the exchange of evil deeds, words, thoughts, and life, for good ones. This is to be brought about only by a long and determined effort of the will".

Buddha's teachings were not merely negative. They are positive and constructive. Buddha was not satisfied with a man following his precepts. He insisted upon encouraging others to follow them. For example in the *Auguttara Nikaya* the Buddha is quoted as distinguishing between a good man and a very good man by saying that one who abstains from killing, stealing, in-chastity, lying and drunkenness may be called good ; but only he deserves to be called very good who abstains from these evil things himself and also instigates others to do the like.....

As has been well said the two cardinal virtues of Buddhism are love and wisdom.

How deeply he inculcated the practice of love as a virtue is clear from his own words."As a mother at the risk of her life watches over her own child, her only child, so also let every one cultivate: a boundless loving mind towards all beings. And let him cultivate good will towards, the entire world, a boundless (loving) mind above and below and across, unobstructed, without hatred, without enmity. This way of living is the best in the world."So taught Buddhamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_35.

"Universal pity, sympathy for all suffering beings, good will to every form of sentient life, these things characterised the Tathagath (Buddha) as they have few others of the sons of men ; and he succeeded in a most surprising degree in handing on his point of view to his followers."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19A.Revolution and Counter Rev.in Ancient India PART I.htm - _msocom_36

Buddha held to the doctrine of wisdom as firmly as he did to the doctrine of love. He held that moral life began with knowledge and ended with wisdom. he"came to save the world, and his method for the accomplishment of this end was the destruction of ignorance and the dissemination of knowledge as to the true values of life and the wise way to live."Buddha did not arrogate to himself the power to save people. People had to do that for themselves. And the way to save lay through knowledge. So much insistence did he place upon knowledge that he did not think that morality without knowledge was virtue.

There are three things against which Buddha carried on a great campaign.

He repudiated the authority of the Vedas..... Secondly he denounced the *Yudna* as a form of religion. The attitude of Buddha towards Yadna is well stated in the Jatakamala in the form of a story. The story runs thus :

THE STORY OF THE SACRIFICE

Those hearts are pure do not act up to the enticement of the wicked. Knowing this, pure-heartiness is to be striven after. This will be taught by the following:

Long ago the Bodhisattva. it is said, was a king who had obtained his kingdom in the order of hereditary succession. He had reached this state as the effect of his merit, and ruled his realm in peace, not disturbed by any rival, his sovereignty being universally acknowledged. His country was free from any kind of annoyance, vexation or disaster, both his home relations and those with foreign countries being quite in every respect; and all his vessels obeyed his commands.

1. This monarch having subdued the passions, his enemies, felt no inclination for such profits as are to be blamed when enjoyed, but was with his whole heart intent on promoting the happiness of his subjects. Holding virtuous practice (dharma) the only purpose of his actions, he behaved like a Muni.

2. For he knew the nature of mankind, that people set a high value on imitating the behaviour of the highest. For this reason, being desirous of bringing about salvation for his subjects, he was particularly attached to the due performance of his religious duties.

3. He practised almsgiving kept strictly the precepts of moral conduct (sila), cultivated forbearance, strove for the benefit of the creatures. His mild countenance being in accordance with his

thoughts devoted to the happiness of his subjects, he appeared like the embodied Dharma.

Now it once happened that though protected by his arm, his realm, both in consequence of the faulty actions of its inhabitants and inadvertence on the part of the angels charged with the care of rain, was afflicted in several districts by drought and the troublesome effects of such a disaster. Upon this the king, fully convinced that his plague had been brought about by the violation of righteousness by himself or his subjects, and taking much to heart the distress of his people, whose welfare was the constant object of his thoughts and cares, took the advice of men of acknowledged competence, who were reputed for their knowledge in matters of religion. So keeping counsel with the elders among the Brahmans, headed by his family priest (purohita) and his ministers, he asked them for some means of putting an end to that calamity. Now they believing a solemn sacrifice as is enjoined by the Veda to be a cause of abundant rain, explained to him that he must perform such a sacrifice of a frightful character, inasmuch as it requires the massacre of many hundreds of living beings. But after being informed of everything concerning such a slaughter as is prescribed for the sacrifice, his innate compassion forbade him to approve of their advice in his heart; yet out of civility, unwilling to offend them by harsh words of refusal, he slipped over this point, turning the conversation upon other topics. They, on the other hand, no sooner caught the opportunity of conversing with the king on matters of religion, than they once more admonished him to accomplish the sacrifice, for they did not understand his deeply hidden mind.

4.”You constantly take care not to neglect the proper time of performing your different royal duties, established for the sake of obtaining the possession of land and ruling it. The due order of these actions of yours is in agreement with the precepts of Righteousness (dharma).

5.”How then is this that you who (in all other respects) are so clever in the observance of the triad (of dharma, artha, and kama), bearing your bow to defend the good of your people, are so careless and almost sluggish as to that bridge to the world of the Devas, the name of which is 'sacrifice'?

6.”Like servants, the kings (your vassel) revere your commands, thinking them to be the surest gage of success. Now the time is

come, 0 destroyer of your foes, to gather by means of sacrifice superior blessings, which are to procure for you a shining glory.

7. `Certainly, that holiness which is the requisite for a dikshita is already yours, by reason of your habitual practice of charity and your strictness in observing the restraint (of good conduct). Nevertheless, it would be fit for you to discharge your debt to the Devas by such sacrifices as are the subject matter of the Veda. The deities being satisfied by duly and faultlessly performed sacrifice, honour the creatures in return by (sending) rain. Thus considering, take to mind the welfare of your subjects and your own, and consent to the performance of a regular sacrifice which will enhance your glory.'

8. Thereupon he entered upon this thought: ' Very badly guarded is my poor person indeed, being given in trust to such leaders. While faithfully believing and loving the law, I should uproot my virtue of tender heartiness by reliance upon the words of others. For, truly.'

9. Those who are reputed among men to be the best refuge are the very persons who intend to do harm, borrowing their arguments from the Law. Alas! Such a man, who follows the wrong path shown by them, will soon find himself driven to straits, for he will be surrounded by evils.

10. What connections may there be, forsooth, between righteousness and injuring animals? How my residence in the world of the Devas or propitiation of the deities have anything to do with the murder of victims?

II. The animal slaughtered according to the rites with the prescribed prayers, as if those sacred formulas were so many darts to wound it, goes to heaven, they say, and with this object it is killed. In this way that action is interpreted to be done according to the Law. Yet it is a lie.

12.For how is it possible that in the next world one should reap the fruits of what has been done by others? And by what reason will the sacrificial animal mount to heaven, though he has not abstained from wicked actions, though he has not devoted himself to the practice of good ones, simply because he has been killed in sacrifice, and not on the ground of his own actions?

13. And should the victim killed in sacrifice really go to heaven, should we not expect the Brahmans to offer themselves to be immolated in sacrifice? A similar practice, however, is nowhere seen among them. Who, then, may take to heart the advice proffered by these counsellors?

14. As to the Celestials, should we believe that they who are wont to enjoy the fair ambrosia of incomparable scent, flavour, magnificence, and effective power, served to them by the beautiful Apsaras, would abandon it to delight in the slaughter of a pitiable victim, that they might feast on the omentum and such other parts of his body as are offered to them in sacrifice?

Therefore, it is the proper time to act so and so.' Having thus made up his mind, the king feigned to be eager to undertake the sacrifice; and in approval of their words he spoke to them in this manner; 'Verily, well protected am I, well gratified, having such counsellors as Your Lordships are, thus bent on securing my happiness! Therefore I will have a human sacrifice (purushamedha) of a thousand victims performed. Let my officials, each in his sphere of business, be ordered to bring together the requisites necessary for that purpose. Let also an inquiry be made of the most fitting ground whereon to raise the tents and other buildings for the sattra. Further, the proper time for the sacrifice must be fixed (by the astrologers) examining the auspicious lunar days, karanas, muhurtas, and constellations.' The purohita answered; `In order to succeed in your enterprise, Your Majesty ought to take the Avabhritha (final bath) at the end of one sacrifice; after which you may successively undertake the others. For if the thousand human victims were to be seized at once, your subjects, to be sure, would blame you and be stirred up to great agitation on their account.' These words of the purohita having been approved by the (other) Brahmans, the king replied: ' Do not apprehend the wrath of the people, Reverands. I shall take such measures as to prevent any agitation among my subjects.'

15. After this the king convoked an assembly of the townsmen and the lands men, and said: 'I intend to perform a human sacrifice of a thousand victims. But nobody behaving honestly is fit to be designated for immolation on my part. With this in mind, I give you this advice. Whomsoever of you I shall henceforward perceive transgressing the boundaries of moral conduct, despising my royal will him I order to be caught to be a victim at my sacrifice, thinking such a one the stain of his family and a danger to my country. With the object of carrying this resolution into effect, I shall cause you to be observed by faultless and sharp-sighted emissaries, who have shaken off sleepy carelessness and will report to me concerning your conduct. '

16. Then the foremost of the assembly, folding their hands and bringing them to their foreheads, spoke:

'Your Majesty, all your actions tend to the happiness of your subjects, what reason can there be to despise you on that account? Even (God) Brahma cannot but sanction your behaviour. Your Majesty, who is the authority of the virtuous, be our highest authority. For this reason anything which pleases Your Majesty must please us too. Indeed, you are pleased with nothing else but our enjoyment and our good.'

After then, notables both of the town and the country had accepted his command in this manner; the king dispersed about his towns and all over his country, officers notified as such by their outward appearance to the people with the charge of laying hold of the evil doers, and everywhere he ordered proclamations to be made by beat of drum day after day, of this kind.

17. The King, a granter of security as he is, warrants safety to every one who constantly cultivates honesty and good conduct, in short, to the virtuous, yet, intending to perform a human sacrifice for the benefit of his subjects, he wants human victims by thousands to be taken out of those who delight in misconduct.

18. 'Therefore, whosoever henceforward, licentiously indulging in misbehaviour, shall disregard the command of our monarch, which is even observed by the kings, his vassals, shall be brought to the state as a sacrificial victim by the very force of his own actions, and people shall witness his miserable suffering, when he shall pine with pain, his body being fastened to the sacrificial post.'

When the inhabitants of that realms became aware of their king's careful search after evil-doers with the aim of destining them to be victims at his sacrifice-for they heard the most frightful royal proclamation day after day and saw the king's servants, who were appointed to look out for wicked people and to seize them. Appearing every now and then everywhere they abandoned their attachment to bad conduct, and grew intend on strictly observing the moral precepts and self-control. They avoided every occasion of hatred and enmity. and settling their quarrels and differences, cherished mutual love and mutual esteem. Obedience to the words of parents and teachers, a general spirit of liberality and sharing with others, hospitality, good manners, modesty, prevailed among them. In short, they lived as it was in the Krita Yuga.

19. The fear of death had awakened in them thoughts of the next world; the risk of tarnishing the honour of their families had stirred their care of guarding their reputation; the great purity of their hearts had strengthened their sense of shame. These factors being at work, people were soon distinguished by their spotless behaviour.

20. Even though every one became more than ever intends on keeping a righteous conduct, still the king's servants did not diminish their watchfulness in the pursuit of the evildoers. This also contributed to prevent people from falling short of righteousness.

21. The king learning from his emissaries this state of things in his realm, felt extremely rejoiced. He bestowed rich presents on those messengers as a reward for the good news they told him, and enjoined his ministers, speaking something like this :

22. The protection of my subjects is my highest desire, you know. Now they have become worthy to be recipients of sacrificial gifts, and it is for the purpose of my sacrifice that I have provided this wealth. Well, I intend to accomplish my sacrifice in the manner, which I have considered to be the proper once. Let every one who wishes for money, that it may be fuel for his happiness, come and accept it from my hand to his heart's content. In this way the distress and poverty, which is vexing our country, may be soon driven out. Indeed, whenever I consider my own strong determination to protect my subjects and the great assistance I derive from you, my excellent companions in that task, it often seems to me as though those sufferings of my people, by exciting my anger, were burning in my mind like a blazing fire.'

24. The ministers accepted the royal command and anon went to execute it. They ordered alms-halls to be established in all villages, towns, and markets, likewise at all stations on the roads. This being done, they caused all who begged in order to satisfy their wants, to be provided day after day with a gift of those objects, just as had been ordered by the king.

25. So poverty disappeared, and the people, having received wealth from the part of the king, dressed and adorned with manifold and fine garments and ornaments, exhibited the splendour of festival days.

26. The glory of the king, magnified by the eulogies of the rejoiced recipients of his gifts, spread about in all directions in the same way, as the flower dust of the lotuses carried forth by the small waves of a lake, extends itself over a larger and larger surface.

27. And after the whole people, in consequence of the wise measures taken by their ruler, had become intent on virtuous behaviour, the plagues and calamities, overpowered by the growth of all such qualities as conduce to prosperity, faded away, having lost their hold.

28. The seasons succeeded each other in due course, rejoicing everybody by their regularity, and like kings newly established, complying with the lawful order of things. Consequently the earth produced the various kinds of corn in abundance, and there was fullness of pure and blue water and lotuses in all water basins.

29. No epidemics afflicted mankind; the medicinal herbs possessed their efficacious virtues more than ever; monsoons blew in due time and regularly; the planets moved along in auspicious paths.

30. Nowhere there existed any danger to be feared, either from abroad, or from within, or such as might be caused by dangerous derangement of the elements. Continuing in righteousness and self-control, cultivating good behaviour and modesty, the people of that country enjoyed as it were the prerogatives of the Krita Yuga. By the power, then, of the king performing his sacrifice in this manner in accordance with (the precepts of) the Law, the sufferings of the indigent were put to an end together with the plagues and calamities, and the country abounded in a prosperous and thriving population offering the pleasing aspect of felicity. Accordingly people never wearied of repeating benedictions on their king and extending his renown in all directions.

One day, one of the highest royal officials, whose heart had been inclined to the (True) Belief, spoke thus to the king:"This is a true saying, in truth.

31."Monarchs, because they always deal with all kinds of business, the highest, the lowest, and the intermediate, by far surpass in their wisdom any wise men.

"For, Your Majesty, you have obtained the happiness of your subjects both in this world and in the next, as the effect of your sacrifice being performed in righteousness, free from the blameable sin of animal-slaughter. The hard times are all over and the sufferings of poverty have ceased, since men have been established in the precepts of good conduct. Why use many words? Your subjects are happy.

32."The black antelope's skin which covers your limbs has the resemblance of the spot on the bright Moon's surface, nor can the

natural loveliness of your demeanour be hindered by the restraint imposed on you by your being a dikshita. Your head, adorned with such hair-dress as is in compliance with the rites of the diksha, possesses no less lustre than when it was embellished with the splendour of the royal umbrella. And, last not least, by your largesse's you have surpassed the renown and abated the pride of the famous performer of a hundred sacrifices.

33."As a rule, Oh, you wise ruler, the sacrifice of those who long for the attainment of some good, is a vile act, accompanied as it is by injury done to living beings. Your sacrifice, on the contrary, this monument of your glory, is in complete accordance with your lovely behaviour and your aversion to vices.

34."Oh! Happy are the subjects who have their protector in you! It is certain that no father could be a better guardian to his children."Another said:

35." If the wealthy practise charity, they are commonly impelled to do so by the hopes they put in the cultivation of that virtue; good conduct too, may be accounted for by the wish to obtain high regard among men or the desire of reaching heaven after death. But such a practice of both, as is seen in your skill in securing the benefit of others, cannot be found but in those who are accomplished both in learning and in virtuous exertions."In such a way, then, those whose hearts are pure do not act up to the enticement of the wicked. Knowing this, pure-heartiness is to be striven after."(In the spiritual lessons for princes, also this is to be said: ' Who to his subjects wishing good, himself exerts, Thus brings about salvation, glory, happiness. No other should be of a king the businesses.

And it may be added as follows: '(The prince) who strives after material prosperity, ought to act in accordance with the precepts of religion, thinking, a religious conduct of his subjects to be the source of prosperity.'

Further this is here to be said: `Injuring animals never tends to bliss, but charity, self-restraint, continence and the like have this power; for this reason he who longs for bliss must devote himself to these virtues. `And also when discoursing on the Tathagata : `In this manner the Lord showed his inclination to care for the interests of the world, when he was still in his previous existences.')

IV

Another powerful attack against Yadna is contained in his discourses known as Kutadanta Sutta. It is as follows :

THE WRONG SACRIFICE AND THE RIGHT

1. Thus have I heard. The Blessed One once, when going on a tour through Magadha, with a great multitude of the brethren, with about five hundred brethren, came to a Brahman village in Magadha called Khanumata. And there at Khanumata he lodged in the Ambalatthika pleasance.

Now at that time the Brahman Kutadanta was dwelling at Khanumata, a place teeming with life, with much grassland and woodland and water and corn, on a royal domain presented him by Seniya Bimbisara the king of Magadha, as a royal gift, with power over it as if he were the king.

And just then a great sacrifice was being got ready on behalf of Kutadanta the Brahman. And a hundred bulls, and a hundred steers, and a hundred heifers, and a hundred goats, and a hundred rams had been brought to the post for the sacrifice.

2. Now the Brahmans and householders of Khanumata heard the news of the arrival of the Samana Gotama. And they began to leave Khanumata in companies and in bonds to go to the Ambalatthika pleasance.

3. And just then Kutandanta the Brahman had gone apart to the upper terrace of his house for his siesta; and seeing the people thus to go by, he asked his door-keeper the reason. And the doorkeeper told him.

4. Then Kutandanta thought: 'I have heard that the Samana Gotarna understands about the successful performance of a sacrifice with its threefold method and its sixteen accessory instruments. Now I don't know all this, and yet I want to carry out a sacrifice. It would be well for me to go to the Samana Gotama, and ask him about it. '

So he sent his doorkeeper to the Brahmans and householders of Khanumata, to ask them to wait till he could go with them to call upon the Blessed One.

5. But there were at that time a number of Brahmans staying at Khanumata to take part in the great sacrifice. And when they heard this they went to Kutadanta, and persuaded him on the same grounds as the Brahmans had laid before Sonadanda, not to go. But he answered them in the same terms as Sonadanda had used to those Brahmans. Then they were satisfied, and went with him to call upon the Blessed One.

9. And when he was seated there Kutadanta the Brahman told the Blessed One what he had heard, and requested him to tell him about success in performing a sacrifice in its three modes and with its accessory articles of furniture of sixteen kinds.

'Well then, O Brahman, give ear and listen attentively and I will speak.'

'Very well, Sir, `said Kutadanta in reply; and the Blessed One spoke as follows:

10. `Long ago, O Brahman, there was a king by name Wide-realm (Maha Vigita), mighty, with great wealth and large property; with stores of silver and gold, of aids to enjoyment, of goods and corn; with his treasure-houses and his garners full. Now when King Wide-realm was once sitting alone in meditation, he became anxious at the thought:"I have in abundance all the good things a mortal can enjoy. The whole wide circle of the earth is mine by conquest to possess. `Twere well if I were to offer a great sacrifice that should ensure me weal and welfare for many days."

And he had the Brahman, his chaplain, called; and telling him all that he had thought, he said:"Be I would faun, O Brahman, offer a great sacrifice-let the venerable one instruct me how-for my weal and my welfare for many days."

11. Thereupon the Brahman who was chaplain said to the king:"The king's country, Sirs, is harassed and harried. There are decoits abroad who pillages the villages and townships, and who makes the roads unsafe. Were the king, so long as that is so, to levy a fresh tax, verily his majesty would be acting wrongly. But perchance his majesty might think. 'I'll soon put a stop to these scoundrels' game by degradation and banishment, and fines and bonds and death! ' But their license cannot be satisfactorily put a stop to. The remnant left unpunished would still go on harassing the realm. Now there is one method to adopt to put a thorough end to this disorder. Whosoever there be in the king's realm who devote themselves to keeping cattle and the farm, to them let his majesty the king give food and seed-corn. Whosoever there be in the king's realm who devote themselves to trade, to them let his majesty the king give capital. Whosoever there be in the king's realm who devote themselves to government service, to them let his majesty the king give wages and food. Then those men following each his own business, will no longer harass the realm; the king's revenue will go up ; the country will be quiet and at peace ; and the populace,

pleased one with another and happy; dancing their children in their arms, will dwell with open doors."

"Then King Wide-realm, O Brahman, accepted the word of his chaplain, and did as he had said. And those men, following each his business, harassed the realm no more. And the King's revenue went up. And the country became quiet and at peace. And the populace pleased one with another and happy, dancing their children in their arms, dwelt with open doors.'

12. `So King Wide-realm had his chaplain called, and said:"The disorder is at an end. The country is at peace. I want to offer that great sacrifice—let the venerable one instruct me how—for my weal and my welfare for many days."

' Then let his majesty the king send invitations to whomsoever there may be in his realm who are Kshatriyas, vassals of his, either in the country or the towns ; or who are ministers and officials of his, either in the country or the towns ; or who are Brahmans of position, either in the country or the towns ; or who are householders of substance, either in the country or the towns, saying :"I intend to offer a great sacrifice. Let the venerable ones give their sanction to what will be to me for weal and welfare for many days."

"Then King Wide-realm, O Brahman, accepted the word of his chaplain, and did as he had said. And they each—Kshatriyas and ministers and Brahmans and householders—made alike reply:"Let his majesty the king celebrate the sacrifice. The time is suitable O King!"' Thus did these four, as colleagues by consent, become wherewithal to furnish forth that sacrifice,

13. `King Wide-realm was gifted in the following eight ways:

`He was well born on both sides, on the mother's side and on the father's, of pure descent back through seven generations, and no slur was cast upon him, and no reproach, in respect of birth.'

' He was handsome, pleasant in appearance, inspiring trust, gifted with great beauty of complexion, fair in colour, fine in presence, stately to behold.'

' He was mighty, with great wealth, and large property, with stores of silver and gold, of aids to enjoyment, of goods and corn, with his treasure-houses and his garners full.'

' He was powerful, in command of an army, loyal and disciplined in four divisions (of elephants, cavalry, chariots, and bow men), burning up, methinks, his enemies by his very glory.'

' He was a believer, and generous, a noble giver, keeping open house, a well in spring whence Samanas and Brahmans, the poor and the wayfarers, beggars, and petitioners might draw, a doer of good deeds. '

`He was learned in all kinds of knowledge.' ` He knew the meaning of what had been said, and could explain,"This saying has such and such a meaning, and that such and such".

' He was intelligent, expert and wise and able to think out things present or past or future.

' And these eight gifts of his, too, became where withal to furnish forth that sacrifice.'

14. `The Brahman, his chaplain was gifted in the following four ways :

' He was well born on both sides, on the mother's and on the father's, of pure descent back through seven generations, with no slur cast upon him, and no reproach in respect of birth.

' He was a student repeater who knew the mystic verses by heart, master of the three Vedas, with the indices, the ritual, the phonology, and the exegesis (as a fourth), and the legends as a fifth, learned in the idioms and the grammar, versed in Lokayata (Mature-lore) and in the thirty marks on the body of a great man.

' He was virtuous, established in virtue, gifted with virtue that had grown great.

' He was intelligent, expert, and wise; foremost, or at most the second, among those who hold out the ladle. ' ' Thus these four gifts of his, too became wherewithal to furnish forth that sacrifice.'

15. 'And further, O Brahman, the chaplain, before the sacrifice had begun, explained to King Wide-realm the three modes:

Should his majesty the King, before starting on the great sacrifice, feel any such regret as :"Great, alas, will be the portion of my wealth used up herein,"let not the king harbour such regret. Should his majesty the King, whilst he is offering the great sacrifice, feel any such regret as :"Great, alas, will be the portion of my wealth used up herein"let not the king harbour such regret. Should his majesty the King, when the great sacrifice has been offered, feel any such regret as"Great, alas, will be the portion of my wealth used up herein,"let not the king harbour such regret.'

'Thus did the chaplain, O Brahman, before the sacrifice, had begun, explained to King Wide-realm the three modes.'

16. `And further, 0 Brahman, the chaplain, before the sacrifice had begun, in order to prevent any compunction that might afterwards in ten ways, arise as regards those who had taken part therein, said :"Now there will come to your sacrifice, Sire, men who destroy the life of living things, and men who refrain therefrom, men who take what has not been given, and men who refrain therefrom, men who speak lies, and men who do not—men who slander and men who do not—men who speak rudely and men who do not—men who chatter vain things and men who refrain therefrom—men who covet and men who covet not—men who harbour illwill and men who harbour it not—men whose views are wrong and men whose views are right. Of each of these let them, who do evil, alone with their evil. For them who do well let your majesty offer, for them, Sire, arrange the rites, for them let the king gratify, in them shall our heart within find peace."

17. `And further, O Brahman, the chaplain, whilst the king was carrying out the sacrifice, instructed and aroused and incited and gladdened his heart in sixteen ways :"Should there be people who should say of the king, as he is offering the sacrifice : 'King Wide-realm is celebrating sacrifice without having invited the four classes of his subjects, without himself having the eight personal gifts, without the assistance of a Brahman who has the four personal gifts.' Then would they speak not acording to the fact. For the consent of the four classes has been obtained, the king had the eight, and his Brahman has the four, personal gifts. With regard to each and every one of these sixteen conditions the king may rest assured that it has been fulfilled. He can sacrifice, and be glad, and possess his heart in peace."

18. `And further, O Brahman, at that sacrifice neither were any oxen slain, neither goats, nor fowls, nor fatted pigs, nor were any kinds of living creatures put to death. No trees were cut down to be used as posts, no Dabha grasses mown to strew around the sacrificial spot. And the slaves and messengers and workmen there employed were driven neither by rods nor fear, nor carried on their work weeping with tears upon their faces. Who so chose to help, he worked ; who so chose not to help, worked not. What each chose to do he did; what they chose not to do, that was left undone, With ghee and oil, and butter and milk, and honey and sugar only was that sacrifice accomplished.

19. `And further, O Brahman, the Kshatriya vassels, and the ministers and officials, and the Brahmans of position, and the householders of substance, whether of the country or of the towns, went to King, Wide-realm, taking with them much wealth, and said,"This abundant wealth, Sire, have we brought hither for the king's use. Let his majesty accept it at our hands!"

"Sufficient wealth have I, my friends, laid up, the produce of taxation that is just. Do you keep yours, and take away more with you!"

When they had thus been refused by the king, they went aside, and considered thus one with the other:"It would not be seem us now, were we to take this wealth away again to our own homes. King Wide-realm is offering a great sacrifice. Let us too make an after-sacrifice!"

20. ` So the Kshatriyas established a continual largesse to the east of the king's sacrificial pit, and the officials to the south thereof, and the Brahmans to the west thereof, and the householders to the north thereof. And the things given, and the manner of their gift, was in all respects like unto the great sacrifice of King Wide-realm himself.'

`Thus, O Brahman, there was a fourfold co-operation, and King Wide-realm was gifted with eight personal gifts, and his officiating Brahman with four. And there were three modes of the giving of that sacrifice. This, 0 Brahman, is what is called the due celebration of a sacrifice in its threefold mode and with its furniture of sixteen kinds.

21. `And when he had thus spoken, those Brahmans lifted up their voices in tumult, and said:"How glorious the sacrifice, how pure its accomplishment!"But Kutadanta the Brahman sat there in silence.

Then those Brahmans said to Kutadanta : ' Why do you not approve the good words of the Samana Gotarna as well-said?'

` I do not fail to approve ; for he who approves not as well-said that which has been well spoken by the Samana Gotama, verily his head would split in twain. But I was considering that the Samana Gotama does not say :"Thus have I heard,"nor"Thus behoves it to be,"but says only,"Thus it was then,"or"It was like that then". So I thought ;"For a certainty the Samana Gotama himself must a.t that time have been King Wide-realm, or the Brahman who officiated for him at that sacrifice. Does the Venerable Gotama admit that he who celebrates such a sacrifice, or causes it to be celebrated, is reborn at

the dissolution of the body, after death, into some state of happiness in heaven?"

'Yes, O Brahman, that I admit. And at that time I was the Brahman who, as chaplain, had that sacrifice performed.'

22. `Is there, O Gotama, any other sacrifice less difficult and less troublesome, with more fruit and more advantage still than this? ' ' Yes, 0 Brahman, there is.' 'And what, 0 Gotama, may that be?'

`The perpetual gifts kept up in a family where they are given specifically to virtuous recluses.'

23. 'But what is the reason, O Gotama, and what the cause, why such perpetual giving specifically to virtuous recluses, and kept up in a family, are less difficult and troublesome of greater fruit and greater advantage than that other sacrifice with its three modes and its accessories of sixteen kinds? '

' To the latter sort of sacrifice, 0 Brahman, neither will the Arhata go, nor such as have entered on the Arhat way. And why not? Because in it beating with sticks takes place, and seizing by the throat. But they will go to the former, where such things are not. And therefore are such perpetual gifts above the other sort of sacrifice.'

24. ' And is there, O Gotama, any other sacrifice less difficult, and less troublesome, of greater fruit and of greater advantage than either of these.' ' Yes, 0 Brahman, there is.' ' And what, 0 Gotama, may that be? '

`The putting up of a dwelling place (Vihara) on behalf of the Order in all the four directions.'

25. And is there, O Gotama, any other sacrifice less difficult and less troublesome, of greater fruit and of greater advantage than each and all of these three?' 'Yes, 0 Brahman, there is.' ' And what, 0 Gotama, may that be? '

' He who with trusting heart takes a Buddha as his guide, and the Truth, and the Order—that is a sacrifice better than open largeses, better than perpetual alms, better than the gift of a dwelling place.'

26. 'And is there, O Gotama, any other sacrifice less difficult and less troublesome, of greater fruit and of greater advantage than all these four?'

`When a man with trusting heart takes upon himself the precepts- abstinence from destroying life; abstinence from taking what has not been given ; abstinence from evil conduct in respect of lusts ; abstinence from lying words; abstinence from strong, intoxicating,

maddening drinks, the root of carelessness, that is a sacrifice better than open largesses, better than perpetual alms, better than the gift of dwelling places, better than accepting guidance.'

27. `And is there, O Gotama, any other sacrifice less difficult and less troublesome, of greater fruit and of greater advantage than all these five?' 'Yes, O Brahman, there is.' 'And what, 0 Gotama, may that be?'

(The answer is the long passage from the Samana-phale Sutta 40, p. 62 (of the text,) down to 75 (p. 74) on the First Ghana, as follows :

1. The Introductory paragraphs on the appearance of a Buddha, his preaching, the conversion of ahearer, and his renunciation of the world.
2. The Silas (minor morality).
3. The paragraph on Confidence.
4. The paragraph on 'Guarded is the door of his senses.'
5. The paragraph on ' Mindful and self possessed.'
6. The paragraph on Content.
7. The paragraph on Solitude.
8. The paragraph on the Five Hindrances.
9. The description of the First Ghana.) 'This, 0 Brahman, is a sacrifice less difficult and less troublesome, of greater fruit and greater advantage than the previous sacrifices,

(The same is then said the Second, Third, and Fourth Ghanas, in succession (as in the Samannao-phalo Sutas 77-82) and of the Insight arising from knowledge *(ibid* 83, 84), and further (omitting direct mention either way of 85-96 inclusive) of the knowledge of the destruction of the Asavas. the deadly intoxications or floods *(ibid.* 97-98).

' And there is no sacrifice man can celebrate, 0 Brahman, higher and sweeter than this.'

28. And when he had thus spoken, Kutadanta the Brahman said to the Blessed One :

' Most excellent, 0 Gotama, are the words of thy mouth, most excellent ! Just as if a man were to set up what has been thrown down, or were to reveal that which has been hidden away, or were to point out the right road to him who has gone astray, or were to bring a light into the darkness so that those who had eyes could see external forms—just even so has the truth been made known to me in many a figure by the Venerable Gotama. I, even I, betake myself to the Venerable Gotama as my guide, to the Doctrine and the

Order. May the Venerable One accept me as a disciple, as one who, from this day forth, as long as life endures has taken him as his guide. And I myself, O Gotama, will have the seven hundred bulls, and the seven hundred steers, and the seven hundred heifers, and the seven hundred goats, and the seven hundred rams set free. To them I grant their life. Let them eat green grass and drink fresh water, and may cool breezes waft around them.'

29. Then the Blessed One discoursed to Kutadanta the Brahman in due order; that is to say, he spoke to him of generosity, of right conduct, of heaven, of the danger, the vanity, and the defilement of lusts, of the advantages of renunciation. And when the Blessed One became aware that Kutadanta the Brahman had become prepared, softened, unprejudiced, upraised, and believing in heart then did he proclaim the doctrine the Buddhas alone have won; that is to say, the doctrine of sorrow, of its origin, of its cessation and of the Path. And just as a clean cloth, with all stains in it washed away, will readily take the dye, just even so did Kutadanta the Brahman, even while seated there, obtain the pure and spotless Eye for the Truth. And he knew whatsoever has a beginning, in that is inherent also the necessity of dissolution.

30. And then the Brahman Kutadanta, as one who had seen the Truth, had mastered it, understood it, dived deep down into it. Who had passed beyond doubt, and put away perplexity and gained full confidence, who had become dependent on no other for his knowledge of the teaching of the Master, addressed the Blessed One and said :

` May the venerable Gotama grant me the favour of taking his tomorrow meal with me and also the members of the Order with him. '

And the Blessed One signified, by silence, his consent. Then the Brahman Kutadanta, seeing that the Blessed One had accepted, rose from his seat, and keeping his right towards him as he passed, he departed thence. And at daybreak he had sweet food, both hard and soft, made ready at the pit prepared for his sacrifice and had the time announced to the Blessed One: 'It is time, 0 Gotama and the meal is ready. ' And the Blessed One, who had dressed early in the morning, put on his outer robe, and taking his bowl with him, went with the brethren to Kutadanta's sacrificial pit, and sat down there on the seat prepared for him. And Kutadanta the Brahman satisfied the brethren with the Buddha at their head, with his own hand, with sweet food,

both hard and soft, till they refused any more. And when the Blessed One had finished his meal, and cleansed the bowl and his hands, Kutadanta the Brahman took a low seat and seated himself beside him. And when he was thus seated, the Blessed One instructed and aroused

and incited and gladdened Kutadanta the Brahman with religious discourse ; and then arose from his seat and departed thence.

V

Thirdly Buddha denounced the caste system. The Caste System in its present form was not then existing. The bar against inter-dining and inter-marriage had not then become operative. Things were flexible and not rigid as they are now. But the principle of inequality which is the basis of the caste system had become well established and it was against this principle that Buddha carried on a determined and a bitter fight. How strongly was he opposed to the pretensions of the Brahmins for superiority over the other classes and how convincing were the grounds of his opposition are to be found in many of his dialogues. The most important one of these is known as the Ambattha Sutta.

AMBATTHA SUTTA

(A young Brahman's rudeness and an old one's faith). 1. Thus have I heard. The Blessed One when once on a tour through the Kosala country with a great company of the brethren, with about five hundred brethern, arrived at a Brahman village in Kosala named Ikkhanankala ; and while there he stayed in the Ikkhanankala Wood.

Now at that time the Brahman Pokkharsadi was dwelling at Ukkattha, a spot teeming with life, with much grassland and woodla.nd and corn, on a royal domain, granted him by King Pasenadi of Kosala as royal gift, with power over it as if he were the king.

2. Now the Brahman Pokkharasadi heard the news : `They say that the Samana Gotama, of the Sakya clan, who went out from a Sakya family to adopt the religious life, has now arrived, with a great company of the brethren of his Order, at lkkhanankala, and is staying there in the lkkhanankala Wood. Now regarding that venerable Gotama, such is the high reputation that has been noised abroad. The Blessed One is an Arahat, a fully awakened one, abounding in wisdom and goodness, happy, with knowledge of the worlds, unsurpassed as a guide to mortals willing to be led, a teacher

for gods and men, a Blessed One, a Buddha. He, by himself, thoroughly knows and sees, as it were, face to face this universe, including the worlds above of the gods, the Brahmans, and the Maras, and the world below with its recluses and Brahmans, its princes and peoples, and having known it, he makes his knowledge known to others. The truth, lovely in its origin, lovely in its progress, lovely in its consummation, doth he proclaim, both in the spirit and in the letter, the higher life doth he make known, in all its fullness and in all its purity. `And good is it to pay visits to Arahats like that.'

3. Now at the time a young Brahman, an Ambattha, was a pupil under Pokkharasadi the Brahman. And he was a repeater (of the sacred words) knowing the mystic verses by heart, one who had mastered the Three Vedas, with the indices, the ritual, the phonology, and the exegesis (as a fourth), and the legends as a fifth learned in the idioms and the grammar, versed in Lokayata sophistry and in the theory of the signs on the body of a great man—so recognised an authority in the system of the threefold Vedic knowledge as expounded by his master, that he could say of him: ' What I know that you know, and what you know that I know. '.

4. And Pokkharasadi told Ambattha the news, and said : `Come now, dear Ambattha, go to the Samana Gotama, and find out whether the reputation so noised abroad regarding him is in accord with the facts or not, whether the Samana Gotama is such as they say or not '. 5. `But how. Sir, shall I know whether that is so or not?'

' There have been handed down, Ambattha, in our mystic verses thirty-two bodily signs of a great man,—signs which, if a man has, he will become one of two things, and no other. If he dwells at home he will become a sovereign of the world, a righteous king, bearing rule even to the shores of the four great oceans, a conqueror, the protector of his people, possessor of the seven royal treasures. And these are the seven treasures that he has the Wheel, the Elephant, the Horse, the Gem, the Woman, the Treasurer, and the Adviser as a seventh. And he has more than a thousand sons, heroes, mighty in frame, beating down the armies of the foe. And he dwells in complete ascendancy over the wide earth from sea to sea, ruling it in righteousness without the need of baton or of sword. But if he go forth from the household life into the house less state, then he will become a Buddha who removes the veil from the eyes of the world. Now I, Ambattha, am a giver of the mystic verses; you have received them from me. '

6. ' Very good Sir, said Ambattha in reply; and rising from his seat and paying reverence to Pokkharasadi, he mounted a chariot drawn by mares, and proceeded, with a retinue of young Brahmans, to the Ikkhanankala Wood. And when he had gone on in the chariot as far as the road was practicable for vehicles, he got down, and went on, into the park, on foot.

7. Now at that time a number of the brethren were walking up and down in the open air. And Ambattha went up to them and said: 'where may the Venerable Gotama be lodging now? We have come hither to call upon him.'

8. Then the brethren thought: This young Brahman Ambattha is of distinguished family, and a pupil of the distinguished Brahman Pokkharasadi. The Blessed One will not find it difficult to hold conversation with such.' And they said to Ambattha : 'There Gotama is lodging, where the door is shut, go quietly up and enter the porch gently, and give a cough, and knock on the crossbar. The Blessed One will open the door for you.'

9. Then Ambattha did so. And the Blessed One opened the door, and Ambattha entered in. And the other young Brahmans also went in; and they exchanged with the Blessed One the greetings and compliments of politeness and courtesy, and took their seats. But Ambattha, walking about, said something or other of a civil kind in an off-hand way, fidgetting about the while, or standing up, to the Blessed One sitting there.

10. And the Blessed One said to him ; 'Is that the way, Ambattha, that you would hold converse with aged teachers, and teachers of your teachers well stricken in years, as you now do, moving about the while or standing, with me thus seated? '

11. `Certainly not, Gotama. It is proper to speak, with a Brahman as one goes along only when the Brahman himself is walking and standing to a Brahman who stands, and seated to a Brahman who has taken his seat, or reclining to a Brahman who reclines. But with shavelings, sham friars, menial black fellows, the off scouring of our kinsman's heels—with them I would talk as I now do to you.'

' But you must have been wanting something, Ambattha, when you come here. Turn your thoughts rather to the object you had in view when you came. This young Brahman Ambattha is ill bred, though he prides himself on his culture ; what can this come from except from want of training?'

12. Then Ambattha was displeased and angry with the Blessed One at being called rude; and at the thought that the Blessed One was vexed with him, he said, scoffing, jeering, and sneering at the Blessed One: ' Rough is this Sakya breed of yours, Gotama, and rude, touchy is this Sakya breed of yours and violent. Menials, mere menials, they neither venerate, nor value, nor esteem, nor give gifts to, nor pay honour to Brahmans. That, Gotama, is neither fitting, nor is it seemly.' Thus did the young Brahman Ambattha for the first time charge the Sakyas with being menials.

13. `But in what then, Ambattha, have the Sakyas given you offence? '

Once, Gotama, I had to go to Kapilvastu on some business or other of Pokkharasadi's, and went into the Sakyas' Congress Hall. Now at that time there were a number of Sakyas, old and young, seated in the hall on grand seats, making merry and joking together, nudging one another with their fingers; and for a truth, methinks, it was I myself that was the subject of their jokes; and not one of them even offered me a seat. That, Gotama, is neither fitting, nor is it seemly, that the Sakyas, menials, as they are, mere menials, should neither venerate, nor value, nor esteem, nor give gifts to, nor pay honour to Brahmams."

Thus did the young Brahman Ambattha for the second time charge the Sakyas with being menials.

14. ' Why a quail Ambattha, little hen bird tough she be, can say what she likes in her own nest. And there the Sakyas are at their own home, in Kapilvastu. It is not fitting for you to take offence at so trifling a thing.'

15. `There are these four grades, Gotama,—the nobles, the Brahmans, the trades folk, and the work-people. And of these four, three—the nobles, the trades folk, and workpeople—are, verily, but attendants on the Brahmans. So, Gotama, that is neither fitting nor is it seemly, that the Sakyas, menials as they are, mere menials should neither venerate, nor value, nor esteem, nor give gifts to, nor pay honour to the Brahmans.'

1* Thus did the young Brahman Ambattha for the third time charged the sakyes with being menials.

16. Then the Blessed One thought thus: ' This Ambattha is very set on humbling the Sakyas with his charge of servile origin. What if I were to ask him as to his own lineage.' And he said to him:

`And what family do you then, Ambattha, belong to?' ' Yes, but if one were to follow up your ancient name and lineage, Ambattha, on the father's and the mother's side, it would appear that the Sakyas were once your masters, and that you are the offspring of one of their slave girls. But the Sakyas trace their line back to Okkaka the kings.'

' Long ago, Ambattha, King Okkaka, wanting to divert the succession in favour of the son of his favourite queen, banished his elder children-Okkamukha, Karanda, Hatthinika, and Sinipura-from the land. And being thus banished they took up their dwelling on the slopes of the Himalaya, on the borders of a lake where a mighty oak tree grew. And through fear of injuring the purity of their line they intermarried with their sisters.

Now Okkaka the king asked the ministers at his court :"Where, Sirs, are the children now?"

'There is a spot, Sire, on the slopes of the Himalaya, on the borders of a lake, where there grows a mighty oak (sako). There do they dwell. And lest they should injure the purity of their line they have married their own (sakahi) sisters.'

' Then did Okkaka the king burst forth in admiration:"Hearts of oak (sakya) are those young fellows! Right well they hold their own (parama sakya)!"

`That is the reason, Ambattha, why they are known as Sakyas. Now Okkaka had slave girl called Disa. She gave birth to a black baby. And no sooner was it born than the little black thing said,"Wash me, mother. Bathe me, mother. Set me free, mother of this dirt. So shall I be of use to you."

Now, just as now, Ambattha, people call devils,"devils", so then they called devils."black fellows"(kanhe). And they said,"This fellow spoke as soon as he was born.' Tis a black thing (Kanha) that is born, a devil has been born!"And that is the origin, Ambattha, of the Kanhayanas. He was the ancestor of the Kanhayanas. And thus is it, Ambattha, that if one were to follow up your ancient name and lineae, on the father's and on the mother's side, it would appear that the Sakyas were once your masters, and that you are the offspring of one of their slave girls.'

17. When he had thus spoken the young Brahmans said to the Blessed One : ' Let not the Venerable Gotama, humble Ambattha too sternly with this reproach of being descended from a slave girl. He is well born, Gotama, and of good family; he is versed in the

sacred hymns, an able reciter, a learned man. And he is able to give answer to the Venerable Gotama in these matters.

18. Then the Blessed One said to them: Quite so. If you thought otherwise, then it would be for you to carry on our discussion further. But as you think so, let Ambattha himself speak.'

19. ' We do not think so ; and we will hold our peace. Ambattha is able to give answer to the venerable Gotama in these matters.'

20. Then the Blessed One said to Ambattha the Brahman: `Then this further question arises, Ambattha, a very reasonable one which even though unwillingly, you should answer. If you do not give a clear reply, or go off upon another issue, or remain silent, or go away, then your head will split in pieces on the spot. What have you heard, when Brahmans old and well stricken in years, teachers of yours or their teachers, were talking together, as to whence the Kanhayanas draw their origin, and who the ancestor was to whom they trace themselves back? '

And when he had thus spoken Ambattha remained silent. And the Blessed One asked the same question again. And still Ambattha remained silent. Then the Blessed One said to him: ' You had better answer, now, Ambattha. This is no time for you to hold your peace. For whosoever, Ambattha, does not, even up to the third time of asking, answer a reasonable question put by a Tathagata (by one who has won the truth), his head splits into pieces on the spot.'

21. Now at that time the spirit who bears the thunderbolt stood over above Ambattha in the sky with a mighty mass of iron, all fiery, dazzling, and aglow, with the intention, if he did not answer, there and then to split his head in pieces. And the Blessed One perceived the spirit bearing the thunderbolt, and so did Ambattha the Brahman. And Ambattha on becoming aware of it, terrified, startled, and agitated, seeking safety and protection and help from the Blessed One, crouched down besides him in awe, and said : 'What was it the Blessed One said? Say it once again ! '

`What do you think. Ambattha? What have you heard, when Brahmans old and well stricken in years, teachers of yours or their teachers, were talking together, as to whence the Kanhayanas draw their origin, and who the ancestor was to whom they trace themselves back?'

`Just so, Gotama, did I hear, even as the Venerable Gotama hath said. That is the origin of the Kanhayana, and that the ancestor to whom they trace themselves back.'

22. And when he had thus spoken the young Brahmans fell into tumult, and uproar, and turmoil: and said : `Low born they say, is Ambattha the Brahman: his family, they say is not of good standing: they say he is descended from a slave girl: and the Sakyas were his masters. We did not suppose that the Samana Gotama whose words are righteousness itself, was not a man to be trusted! '

23. And the Blessed One thought: 'They go too far these Brahmans in their depreciation of Ambattha as the offspring of a slave girl. Let me set him free from their reproach. And he said to them : Be not too severe in disparaging Ambattha the Brahman on the ground of his descent. That Kanha became a mighty seer. He went into the Dekkan there he learnt mystic verses, and returning to Okkaka the king, he demanded his daughter Madda-rupi in marriage, To him the king in answer said:"Who forsooth is this fellow who son of my slave girl as he is asks for my daughter in marriage :"and angry and displeased, he fitted an arrow to his bow. But neither could he let the arrow fly nor could he take it off the string again.

Then the ministers and courtiers went to Kanha the seer, and said :"et the king go safe, Sir, let the king go safe."

"The king shall suffer no harm. But should he shoot the arrow downwards, then would the earth dry up as far as his realm extends."“Let the king, Sir, go safe, and the country too.”"The king shall suffer no harm, nor his land. But should he shoot the arrow upwards, the god would not rain for seven years as far as his realm extends."

“Let the king, Sir, go safe, and the country too.”"The king shall suffer no harm nor his land. But should he shoot the arrow upwards, the god would not rain for seven years as far as his realm extends."

"Let the king, Sir, go safe, and the country too: and let the god rain."

"The king shall suffer no harm, nor the land either, and the god shall rain. But let the king aim the arrow at his eldest son. The prince shall suffer no harm, not a hair of him shall be touched."

'Then, O Brahmans, the ministers told this to Okkaka, and said:"Let the king aim at his eldest son. He will suffer neither harm nor terror."And the king did so, and no harm was done. But the king, terrified at the lesson given him, gave the man his daughter Madda-rupi as wife. You should not, 0 Brahmans, be too severe to disparage Ambattha in the matter of his slave-girl ancestry. That Kanha was a mighty seer.'

24. Then the Blessed One said to Ambattha : 'What think you, Ambattha? Suppose a young Kshatriya should have connection with a Brahman maiden, and from their intercourse a son should be born. Now would the son thus come to the Brahman maiden through the Kshatriya youth receive a seat and water (as token of respect) from the Brahmans? ` Yes, he would. Gotama.'

` But would the Brahmans allow him to partake of the feast offered *to* the dead. or of the food boiled in milk. or of the offerings to the gods. or of food sent as a present? ' ` Yes. they would Gotama. '

`But would the Brahmans teach him their verses or not?' 'They would Gotama.' 'But would he be shut off or not from their women?' ' He would not be shut off.'

` But would the Kshatriyas allow him to receive the consecration ceremony of a Kshatriya?' 'Certainly not Gotama.'

Because he is not of pure descent on the mother's side.' 25. 'Then what think you Ambattha? Suppose a Brahman youth should have connection with a Kshatriya maiden, and from their intercourse a son should be born. Now would the son come to the Kshatriya maiden through the Brahman youth receive a seat and water (as token of respect) from the Brahmans? ' 'Yes, he would, Gotama.'

' But would the Brahmans allow him to partake of the feast offered to the dead, or of food boiled in milk, or of an offering to the gods, or of food sent as a present? ' ' Yes, they would, Gotama.'

' But would the Brahmans teach him their verses or not?' 'They would, Gotama.'

' But would the Kshatriyas allow him to receive the consecration ceremony of a Kshatriya. ' `Certainly not, Gotama.' 'Why not that?'

' Because he is not of pure descent on the father's side.' 26. ' Then, Ambattha, whether one compares women with women, or men with men, the Kshatriyas are higher and the Brahmans inferior.

' And what think you, Ambattha? Suppose the Brahmans, for some offence or other, were to outlaw a Brahman by shaving him and pouring ashes over his head, were to banish him from the land from the township. Would he be offered a seat or water among the Brahmans? ' ' Certainly not, Gotama.'

' Or would the Brahmans allow him to partake of the food offered to the dead, or of the food boiled in milk, or of the offerings to the gods, or of food sent as a present? ' ' Certainly not, Gotama.'

' Or would the Brahmans teach him their verses or not? ' `Certainly not, Gotama.'

`And would he be shut off, or not, from their women?' 'He would be shut off.'

27. `But what think you, Ambattha? If the Kshatriyas had in the same way outlawed a Kshatriya and banished him from the land or the township, would he, among the Brahmans, be offered water and a seat? ' `Yes, he would, Gotama.'

' And would he be allowed to partake of the food offered to the dead, or of the food boiled in milk, or of the offerings to the gods. or of food sent as a present?'

`He would, Gotama.'

`And would the Brahmans teach him their verses?' 'They would, Gotama?

`And would he beshut off, or not from their women?' ' He would not, Gotama.'

` But thereby, Ambattha, the Kshatriya would have fallen into the deepest degradation, shaven as to his head, cut dead with the ash-basket, banished from land and townships. So that, even when a Kshatriya has fallen into the deepest degradation, still it holds good that the Kshatriyas are higher, and the Brahmans inferior.

28. ' Moreover it was one of the Brahma gods, Sanam-kumara, who uttered this stanza.'

"The Kshatriya is the best of those among this folk who put their trust in lineage.

But he who is perfect in wisdom and righteousness, he is the best among gods and men."

`Now this stana, Ambattha, was well sung and not ill sung by the Brahma Sanam-kumara well said and not ill said full of meaning and not void thereof. And I too approve it, ` I also ' Ambattha says:

"The Kshatriya is the best of those among this folk who put their trust in lineage,

But he who is perfect in wisdom and righteousness, he is the best among gods and men."

HERE ENDS THE FIRST PORTION FOR RECITATION

1. `But what Gotama is the righteousness and what the wisdom spoken of in that verse?'

`In the supreme perfection in wisdom and righteousness, Ambattha. there is no reference to the question either of birth, or of lineage, or of the pride which says:"You are held as worthy as I",

or"You are not held as worthy as I". It is where the talk is of marrying, or giving in marriage, that reference is made to such things as that. For whosoever, Ambattha, are in bondage to the notions of birth or of lineage, or to the pride of social position, or of connection by marriage. They are far from the best wisdom and righteousness. It is only by having got rid of all such bondage that one can realise for himself that supreme perfection in wisdom and in conduct.

2. `But what Gotama is that conduct, and what that wisdom?' [Here follow, under 'Morality' (Sila)]

The introductory paragraphs (40 42 of the 'Samanaphala' pp. 62. 63 of the text) on the appearance of a Buddha, his preaching the conversion of a hearer, and his renunciation of the world: then come,

1. The Silas above pp. 4-12 (8-27) of the text. Only the refrain differs. It runs here, at the end of each clause, through the whole of this repeated passage: `This is reckoned in him as morality.' Then under 'Conduct' (Karuna).

2. The paragraph on `Confidence,' above, p. 69 of the text 63. The refrain from here onwards. This is reckoned to him as conduct.

3. The paragraph on `Guarded is the door of the senses' above. p. 70 of the text, 64.

4. The paragraph on `Mindful and self-possessed,' above, p. 70 of the text 65.

5. The paragraph on `Content,' above. p. 71 of the text, 66.

6. The paragraph on `Solitude,' above, p. 71 of the text, 67.

7. The paragraphs on the ' Five Hindrances,' above pp, 71-2 of the text, 68-74.

8. The paragraphs on the `Four Rapt Contemplations' above, 73-76, pp. 75-82. The refrain at the end of each of them (' higher and better than the last ') is here of course, to be read not as higher fruit of the life of a recluse, but as higher conduct.

UNDER WISDOM (VIGGA)

9. The Paragraphs on `Insight arising from Knowledge' (Nana-dassanam), above, p. 76 of the text, 83, 84. The refrain from here onwards is: `This is reckoned in him as wisdom, and it is higher and sweeter than the last.'

10. The paragraphs on the ' Mental Image,'above, p. 77 of the text 85, 86.

11. The paragraphs on `Mystic Gifts' (lddhi), above, p. 77 of the text, 87, 88.
12. The paragrphs on the ' Heavenly Ear' (Dibbasota), above *p.* 79 of the text, 89, 90.
13. The paragraphs on ' Knowledge of the hearts of others ' (Kato-pariya-nanam) above p. 79 of the text 91, 92.
14. The paragraphs on `Memory of one's own previous births' (Pubbe-nivasa-anussati-nama) above, p. 81 of the text, 93, 94.
15. The paragraph on the `Divine Eye' (Dibbakakkhu), above, p. 82 of the text, 95, 96.
16. The paragraphs on the `Destruction of the Deadly Floods' (Asavanam Khaya-nanam), above, p. 83 of the text. 97, 98.

' Such a man, Ambattha, is said to be perfect in wisdom, perfect in conduct, perfect in wisdom and conduct. And there is no other perfection in wisdom and conduct higher and sweeter than this.'

3. `Now, Ambattha, to this supreme perfection in wisdom and goodness there are Four Leakages. And what are the four?'

`In case, Ambattha any recluse or Brahman, without having thoroughly attained unto this supreme perfection in wisdom and conduct, with his yoke on his shoulder (to carry fire-sticks, a water-pot, needles, and the rest of a mendicant friar's outfit), should plunge into the depths of the forest, vowing to himself:"I will henceforth be one of those who live only on fruits that have fallen of themselves"— then, verily, he turns that out worthy only to be a servant unto him that hath attained to wisdom and rightsouness.'

`And again, Ambattha in case any recluse or Brahman, without having thoroughly attained unto this supreme perfection in wisdom and conduct, and without having attained to living only on fruits fallen of themselves, taking a *hoe* and a basket with him, should plunge into the depths of the forest, vowing to himself:"I will henceforth be one of those who live only on bulbs and roots of fruits."Then, verily he turns out worthy only to be a servant unto him who hath attained to wisdom and righteousness.'

`And again Ambattha in case any recluse or Brahman without having thoroughly attained unto this supreme perfection in wisdom and conduct, and without having attained to living only on fruits fallen of themselves, and without having attained to living only on bulbs and roots and fruits, should build himself a fire shrine near the boundaries of some village or some town and there dwell serving the

fire-god, then verily he turns out worthy only to be a servant unto him that hath attained to wisdom and righteousness.'

`And again Ambattha in case any recluse or Brahman without having thoroughly attained unto this supreme perfection in wisdom and conduct, and without having attained to living only on fruits fallen of themselves, and without having attained to living only on bulbs and roots and fruits, and without having attained to serving the fire-god, should build himself a foundered almshouse at a crossing where four high roads meet, and dwell' there, saying to himself:"Whosoever, whether recluse or Brahman shall pass here, from either of these four directions, him will I entertain according to my ability and according to my power—then, verily, he turns out worthy only to be a servant unto him who hath attained to wisdom and righteousness.'

`These are the Four Leakage, Ambattha, to supreme perfection in righteousness and conduct.'

4. `Now what think you, Ambattha? Have you, as one of a class of pupils under the same teacher, been instructed in this supreme perfection of wisdom and conduct? '

Not that, Gotama. How little is it that I can profess to have learnt! How supreme this perfection of wisdom and conduct! Far is it from me to have been trained therein?'

'Then what think you, Ambattha? Although you have not thoroughly attained unto this supreme perfection of wisdom and goodness, have you been trained to take the yoke upon your shoulders. and plunge into the depths of the forest as one who would fain observe the vow of living only on fruits fallen of themselves?' `Not even that, Gotama'.

`Then what think you Ambattha? Althougn you have not attained unto this supreme perfection of wisdom and goodness, nor have attained to living on fruits fallen of themselves, have you been trained to take hoe and basket, and plunge into the depths of the forest as one who would fain observe the vow of living only on bulbs and roots and fruits? ' 'Not even that, Gotama'

`Then what think you, Ambattha? Althougn you have not attained unto this supreme perfection of wisdom and goodness, and have not attained to living on fruits fallen of themselves, and have not attained to living on bulbs and roots and fruits, have you been taught to build yourself a fire-shrine on the borders of some village or some town.

and dwell there as one who would fain serve the fire-god?' 'Not even that, Gotama.'

' Then what think you, Ambattha? Although you have not attained unto this supreme perfection of wisdom and goodness, and have not attained to living on fruits fallen of themselves, and have not attained to living on bulbs and roots and fruits, and have not attained to serving the firegod, have you been taught to build yourself a four-doored almshouse at a spot where four high roads cross, and dwell there as one who would fain observe the vow to entertain whosoever might pass that way, from any of the four directions, according to your ability and according to your power?' ' Not even that, Gotama.'

5. ' So then you, Ambattha, as a pupil, have fallen short of due training, not only in the supreme wisdom and conduct, but even in any one of the Four Leakages by which the complete attainment thereof is debarred. And your teacher too, the Brahman Pokkharasadi, has told you this saying :"Who are these shavelings, sham friars, menial black fellows, the offscouring of our kinsman's heels, that they should claim converse with Brahmans versed in the threefold Vedic Lore!"he himself not having even fulfilled any one even of these lesser duties (which lead men to neglect the higher ones). See, Ambattha, how deeply your teacher the Brahman Pokkharasadi has herein done you wrong.'

6. 'And the Brhman Pokkharasadi Ambattha, is in the enjoyment of a grant from Pasenadi, the king of Kosala. But the king does not allow him to come into his presence. When he consults with him he speaks to him only from behind a curtain. How is it, Ambattha, that the very King, from whom he accepts this pure and lawful maintenance, King Pasendadi of Kosala, does not admit him to his presence? See, Ambattha, how deeply your teacher the Brahman Pokkharasadi, has herein done you wrong.'

7. ` Now what think you, Ambattha? Suppose a king, either seated on the neck of his elephant or on the back of his horse, or standing on the footrug of his chariot, should discuss some resolution of state with his chiefs or princes, and suppose as he left the spot and stepped on one side, a workman (Sudra) or the slave of a workman should come up and. standing there, should discuss the matter, saying:"Thus and thus said Pasendadi the King."Although he should speak as the king might have spoken, or discuss as the king might have done, would he thereby be the king, or even as one of his officers? ' 'Certainly not, Gotama.'

8. `But just so, Ambattha, those ancient poets (Rishis) of the Brahmans, the authors of the verses, the utterers of the verses whose ancient form of words so chanted, uttered, or composed the Brahmans of to-day chant over again and rehearse, intoning or reciting exactly as has been intoned or recited—to wit, Atthaka, Vamaka, Vamadeva, Yamataggi, Angirasa, Bharadvaja, Vasettha, Vessamitta, Kassapa, and Bhagu—though you can say : ' I as a pupil know by heart their verses `that you should on that account by a Rishi, or have attained to the state of a Rishi—such a condition of things has no existence! '

9. `Now what think you, Ambattha? What have you heard when Brahmans. old and well stricken in years, teachers of yours of their teachers, were talking together—did those ancient Rishis whose verses you so chant over and repeat, parade about well groomed, perfumed, trimmed as to their hair and beard adorned with garlands and gems, clad in white garments, in the full possession and enjoyment of the five pleasures of sense, as you and your teacher too, do now?' 'Not that, Gotama.'

' Or did they live, as their food, on boiled rice of the best sorts, from which all the black specks had been sought out and removed, and flavoured with sauces and curries of various kind as you, and your teacher too, do now? ' `Not that, Gotama.'

Or were they waited upon by women with fringes and furbelows round their loins, as you, and your teacher too, do now?

` Or did they go about driving chariots, drawn by mares with plaited manes and tails, using long wands and goads the while, as you and your teacher too, do now?' 'Not that Gotama."

`Or did they have themselves guarded in fortified towns, with moats dug out round them and crossbars let down before the gates, by men girt with long swords, as you, and your teacher too, do now?' ' Not that Gotama.'

10. `So then, Ambattha, neither are you a Rishi, nor your teacher, nor do you live under the conditions under which the Rishis lived. But whatsoever it may be, Ambattha, concerning which you are in doubt or perplexity about me, ask me as to that, I will make it clear by explanation.'

11.. Then the Blessed One went forth from his chamber, and began to walk up and down that Ambattha did the same. And as he thus walked up and down, following the Blessed One, he took stock of the thirty-two signs of a great man, whether they appeared on the

body of the Blessed One or not. And he perceived them all save only two. With respect to those two—the concealed member and the extent of tongue—he was in doubt and perplexity, not satisfied not sure.

12. And the Blessed One knew that he was so in doubt. And he so arranged matters by his Wondrous Gift that Ambattha the Brahman saw how that part of the Blessed One that ought to be hidden by clothes was enclosed in a sheath. And the Blessed One so bent round his tongue that he touched and stroked both his ears, touched and stroked both his nostrils, and the whole circumstance of his forehead he covered with his tongue.

And Ambattha, the young Brahman, thought: `The Samana Gotama is endowed with the thirty-two signs of a great man, with them all, not only with some of them.' And he said to the Blessed One : ' And now, Gotama, we would fain depart. We are busy and have much to do.'

`Do Ambattha, what seemed to you fit.'

And Ambattha mounted his chariot drawn by mares, and departed thence.

13. Now at that time the Brahman Pokkharasadi had gone forth from Ukkattha with a great retinue of Brahmans, and was seated in his own pleasance waiting there for Ambattha. And Ambattha came on to the pleasance. And when he had come in his chariot as far as the path was practicable for chariots, he descended from it, and came on foot to where Pokkharasadi was, and saluted him, and look his seat respectfully on one side. And when he was so seated, Pokkharasadi said to him.

14. `Well. Ambattha! Did you see the Blessed One?' ' Yes, Sir, we saw him.'

`Well! is the Venerable Gotama so as the reputation about him I told you of declares, and not otherwise. Is he such a one, or is he not?'

`He is so, Sir, as his reputation declares, and not otherwise. Such is he, not different. And he is endowed with the thirty-two signs of a great man, with all of them, not only with some.' ' And did you have any talk, Ambattha, with the Samana Gotama?' 'Yes, Sir, I had.' 'And how did the talk go?'

Then Ambattha told the Brahman Pokkharasadi all the talk that he had with the Blessed One.

15. When he had thus spoken, Pokkharasadi said to him : `Oh, you wiseacre! Oh! you dullard! Oh! you expert, forsooth, in our threefold Vedic Lore! A man, they say, who should carry out his business thus, must, on the dissolution of the body, after death, be reborn into some dismal state of misery and woe. What could the very points you pressed in your insolent words lead up to, if not to the very disclosures the venerable Gotama made? What a wiseacre, what a dullard : what an expert, forsooth, in our threefold Vedic lore!' And angry and displeased, he struck out with his foot, and rolled Ambattha over. And he wanted, there and then, himself to go and call on the Blessed One.

1. But the Brahmanas there spake thus to Pokkharasadi: `It is much too late. Sir, today to go to call on the Samana Gotama. The venerable Pokkharasadi can do so tomorrow.

So Pokkharasadi had sweet food, both hard and soft, made ready at his own house, and taken on wagons, by the light of blazing torches, out to Ukkattha. And he himself went on to the Ikkhanankala Wood, driving in his chariot as far as the road was practicable for vehicles and then going on foot, to where the Blessed One was. And when he had exchanged with the Blessed One the greetings and compliments of politeness and courtesy, he took his seat on one side, and said to the Blessed One :

17. ' Has our pupil Gotama the young Brahman Ambattha, been here? ' `Yes. Brahman, he has.'

`And did you, Gotama, have any talk with him?' ' Yes. Brahman, I had.'

`And on what wise was the talk that you had with him?' 18. Then the Blessed One told the Brahman Pokkharasadi all the talk that had taken place. And when he had thus spoken Pokkharasadi said to the Blessed One :

`He is young and foolish, Gotama, that young Brahman Ambattha. Forgive him. Gotama"

`Let him be quite happy, Brahman, that young Brahman Ambattha' 19. And the Brahman Pokkharasadi took stock, on the body of the Blessed One, of the thirty two marks of a Great Being. And he saw them all plainly, save only two. As to two of them the sheath concealed member and the extensive tongue he was still in doubt and undecided. But the Blessed One showed them to Pokkharasadi, even as he had shown them to Ambattha. And Pokkharasadi perceived that the Blessed One was endowed with the thirty two

marks of a Great Being, with all of them, not only with some. And he said to the Blessed One: `May the venerable Gotama grant me the favour of taking his tomorrow's meal with me and also the members of the Order with him ' And the Blessed One accepted, by silence, his request.

20. Then the Brahman Pokkharasadi seeing that the Blessed One had accepted, had (on the morrow) the time announced to him : `It is time. Oh Gotama, the meal is ready.' And the Blessed One who had dressed in the early morning, put on his outer robe, and taking his bowl with him, went with the brethren to Pokkharasadi's house, and sat down on the seat prepared for him. And Pokkharasadi the Brahman. satisfied the Blessed One, with his own hand with sweet food, both hard and soft, until he refused any more, and the young Brahmans the members of the Order. And when the Blessed One had finished his meal, and cleansed the bowl and his hands, Pokkharasadi took a l*ow* seat, and sat down beside him.

21. Then to him thus seated the Blessed One discoursed in due order ; that is to say he spoke to him of generosity, of right conduct, of heaven, of the danger, the vanity, and the defilement of lusts, of the advantages of renunciation. And when the Blessed One saw that Pokkharasadi the Brahman, had become prepared, softened, unprejudiced, upraised, and believing in heart, then he proclaimed the doctrine the Buddhas alone have won ; that is to say, the doctrine of sorrow, of its origin, of its cessation, and of the Path. And just as a clean cloth from which all stain has been washed away will readily take the dye, just even so did Pokkharasadi the Brahman, obtain, even while sitting there, the pure and spotless Eye for the Truth, and he knew: `Whatsoever has a beginning in that is inherent also the necessity of dissolution.'

22. And then the Brahman Pokkarasadi as one who had seen the Truth, had mastered it, understood it, dived deep down into it, who had passed beyond doubt and put away perplexity and gained full confidence, who had become dependent on no other man for his knowledge of the teaching of the Master, addressed the Blessed One and said :

`Most excellent Oh Gotama (are the words of thy mouth), most excellent! Just as if a man were to set up that which has been thrown down, or were to reveal that which has been hidden away, or were to point out the right road to him who has gone astray, or were to bring a light into the darkness so that those who had eyes could see

external forms,—just even so, Lord, has the truth been made known to me, in many a figure, by the venerable Gotama. And I, Oh Gotama, with my sons, and my wife, and my people, and my companions, betake myself to the venerable Gotama as my guide, to the truth, and to the Order. May the venerable Gotama accept me as a disciple, as one who from this day forth, as long as life endures, has taken him as his guide. And just as the venerable Gotama visits the families of others, his disciples at Ukkatha, so let him visit mine. Whosoever there may be there, of Brahmans or their wives, who shall pay reverence to the venerable Gotama or stand up in his presence, or offer him a seat or water, or take delight in him, to him that will be for long, a cause of weal and bliss.'

'It is well, Brahman, what you say.' Here ends the Ambattha Sutta.

VI

In the matter of his opposition to Caste, Buddha practised what he preached. He did what the Aryan Society refused to do. In the Aryan Society the Shudra or low caste man could never become a Brahman. But Buddha not only preached against caste but admitted the Shudra and the low caste to the rank of a Bhikku who held the same rank in Buddhism as the Brahman did in Brahmanism. As Rhys Davis points out: (Quotation not given)

In the first place, as regards his own Order, over which alone he had complete control, he ignores completely and absolutely all advantages or disadvantages arising from birth, occupation, and social status, and sweeping away all barriers and disabilities arising from the arbitrary rules of mere ceremonial or social impurity.

One of the most distinguished members of his Order, the very one of them who was referred to as the chief authority after Gotama himself, on the rules of the Order, was Upali, who had formerly been a barber. one of the despised occupations. So Sunita, one of the brethren whose verses are chosen for insertion in the Thera Gatha, was a Pukkusa. one of the low tribes. Sati, the profounder of a deadly heresy, was of the sons of the fisher folk, afterwards a low caste, and even then an occupation, on account of its cruelty, particularly abhorred. Nanda was a cowherd. The two Panthakas were born out of wedlock, to a girl of good family through intercoure with a slave (so that by the rule laid down in Manu 31. they were actually outcasts). Kapa was the daughter of a deer-stalker, Punna and Punnika had been slave girls. Sumangalamata was daughter and wife to workers in rushes, and Subha was the daughter

of a smith. More instances could doubtless be quoted and others will become known when more texts are published.

It does not show much historical insight to sneer at the numbers as small, and to suggest that the supposed enlightenment or liberality was mere pretence. The facts speak for themselves; and the percentage of low-born members of the Order was probably in fair proportion to the percentage of persons belonging to the despised jatis and sippas as compared with the rest of the population. Thus of the Theris mentioned in the Theri Gatha we know the social position of sixty, of whom five are mentioned above that is, 81/2 per cent of the whole number were base-born. It is most likely that this is just about the proportion which persons in similar social rank bore to the rest of the population.

Just as Buddha levelled up the position of the Shudras and the low caste men by admitting them to the highest rank namely that of Bhikkus, he also levelled up the position of women. In the Aryan Society women were placed on the same position as the Shudras and in all Aryan literature women and Shudras are spoken of together as persons belonging to the same status. Both of them were denied the right to take *Sanyas a*s Sanyas was the only way open to salvation. Women and Shudras were beyond salvation. Buddha broke this Aryan rule in the case of women as he did in the case of the Shudras. Just as a Shudra could become a Bhikku so a woman could become a nun. This was taking her to the highest status then conceivable in the eyes of the Aryan Society.

Another issue on which Buddha fought against the leaders of the Aryan Society was the issue of the Ethies of teachers and teaching. The leaders of the Aryan Society held the view that learning and education was the privilege of the Brahmins, Kshatriyas and Vaishyas. The Shudras were not entitled to education. They insisted that it would be danger to social order if they taught women or any males not twice-born. Buddha repudiated this Aryan doctrine. As pointed out by Rhys Davis on this question is"That everyone should be allowed to learn; that everyone, having certain abilities, should be allowed to teach ; and that, if he does teach, he should teach all to all ; keeping nothing back, shutting no one out."In this connection reference may be made to the dialogue between Buddha and the Brahman Lohikka and which is known as the Lohikka Sutta.

LOHIKKA SUTTA

(Some points in the Ethics of Teaching)

1. Thus have I heard. The Exalted One, when once passing on a tour through the Kosala districts with a great multitude of the members of the Order, with about five hundred Bhikshus, arrived at Salavatika. (Village surrounded by a row of Sala trees). Now at that time Lohikka the Brahman was established at Salavatika, a spot teeming with life, with much grassland and woodland and corn, on a royal domain granted him by King Pasenadi of Kosala, as a royal gift, with power over it as if he were the king.

2. Now at that time Lohikka the Brahman was thinking of harbouring the following wicked view; `Suppose that a Samana or a Brahmana have reached up to some good state (of mind), then he should tell no one else about it. For what can one man do for another? To tell others would be like the man who, having broken through an old bond, should entangle himself in a new one. Like that, I say, is this (desire to declare to others) ; it is a form of lust. For what can one man do for another?'

Now Lohikka the Brahman heard the news: `They say that the Samana Gotama, of the sons of the Sakyas, who went out from the Sakya clan to adopt the religious life, has now arrived, with a great company of the brethren of his Order, on his tour through the Kosala districts, at Salavatika. Now regarding that venerable Gotama, such is the high reputation that has been noised abroad : that Exalted One is an Arhat, fully awakened, abounding in wisdom and goodness, happy, with knowledge of the worlds, unsurpassed as a guide to mortals willing to be led, a teacher for gods and men, an exalted one, a Buddha. He, by himself thoroughly knows, and sees as it were face to face. This universe-including the worlds above of the gods, the Brahmans and the Maras ; and the world below with its Samanas and Brahmans. Its princes and peoples and having known it, he makes his knowledge known to others. The truth, lovely in its origin, lovely in its progress, lovely in consummation, doth he proclaim both in the spirit

and in the letter. The higher life doth he make known in all its fullness, and in all its purity. And good is it to pay visists to Arhats like that.'

4. Then Lohikka the Brahman said to Bhesika the barber, 'Come now, good Bhesika, go where the Samana Gotama is staying, and on your arrival, ask in my name as to whether his sickness and indisposition as abated, as to his health and vigour and condition of ease; and speak thus :"May the venerable Gotama, and with him the

brethren of the order, accept the tomorrow's meal from Lohikka the Brahman."

5. 'Very well, Sir, 'said Bhesika the barber, acquiescing in the word of Lohikka the Brahman and did so even as he had been enjoined. And the Exalted One consented, by silence, to his request.

6. And when Bhesika the barber perceived that the Exalted One had consented, he rose from his seat and passing the Exalted One with his right hand towards him, went to Lohikka the Brahman, and on his arrival spake to him thus :

'We addressed that Exalted One. Sir. in your name, even as you commanded. And the Exalted One hath consented to come.'

7. Then Lohikka the Brahman, when the night had passed made ready at his own dwelling place sweet food, both hard and soft, a.nd said to Bhesika the barber: 'Come now, good Bhesika, go where the Samana Gotama is staying, and on your arrival, announce the time to him, saying :"It is time, O Gotama, and the meal is ready."

' Very well, Sir ', said Bhesika the barber in assent to the words of Lohikka the Brahman: and did so even as he had been enjoined.

And the Exalted One, who had robed himself early in the morning, went robed, and carrying his bowl with him, with the brethren of the Order, towards Salavatika.

8. Now, as he went, Bhesika the barber walked step by step, behind the Exalted One. And he said to him :

'The following wicked opinion has occurred to Lohikka the Brahman ;"Suppose that a Samana or a Brahmana have reached up to some good state (of mind), then he should tell no one else about it. For what can one man do for another? To tell others would be like the man who, having broken through an old bond, should entangle himself in a new one. Like that, I say, is this (desire to declare to others) ; it is a form of lust", Twere well. Sir, if the Exalted One would disabuse his mind thereof. For what can one man do for another?'

'That may well be, Bhesika, that may well be.' 9. And the Exalted One went on to the dwelling-place of Lohikka the Brahman, and sat down on the seat prepared for him. And Lohikka the Brahman satisfied the Order, with the Buddha at its head, with his own hand, with sweet food both hard and soft, until they refused any more. And when the Exalted One had finished his meal, and had cleansed the bowl and his hands, Lohikka the Brahman brought a low seat

and sat down beside him. And to him, thus seated the Exalted One spake as follows:

` Is it true what they say, Lohikka, that the following wicked opinion has arisen in your mind ; (and he set forth the opinion as above set I forth)?' 'That is so Gotarna.'

10. 'Now what think you, Lohikka? Are you not etablished at Salavatika? ' `Yes. that is so, Gotama.'

`Then suppose, Lohikka. one were to speak thus:"Lohikka the Brahman has domain at Salavatika. Let him alone enjoy all the revenue and all the produce of Salavatika, allowing nothing to anybody else!"Would the utterer *of* that speech be danger-maker as touching the men who live in dependance upon you, or not?' 'He would be danger-maker, Gotama'

And making that danger, would he be a person who sympathised with their welfare, or not?'

' He would not be considering their welfare, Gotama.' ' And not considering their welfare, would his heart stand fast in love towards them. or in enmity?' ' In enmity. Gotama.'

' But when one's heart stands fast in enmity, is that unsound doctrine, or sound?' ' It is unsound doctrine, Gotama.'

' Now if a man hold unsound doctrine, Lohikka, I declare that one of two future births will be his lot, either purgatory or rebirth as an animal.'

11. `Now what think you Lohikka? Is not King Pasenadi of Kosala in possession of Kasi and Kosala?' ' Yes. that is so. Gotama.'

`Then suppose, Lohikka. one were to speak thus : ' King Pasenadi of Kosala is in possession of Kasi and Kosala. Let him enjoy all the revenue and all the produce of Kasi and Kosala, allowing nothing to anybody else."Would the utterer of that speech be a danger-maker as touching the men who live in dependence on King Pasenadi of Kosala both you yourself and others or not?' ' He would be danger-maker Gotama.'

`And making that danger, would he be a person who sympathised with their welfare, or not?'

' He would not be considering their welfare, Gotarna.' ' And not considering their welfare, would his heart stand fast in love toward them, or in enmity?' ' 'In enmity, Gotama."

' But when one's heart stands fast in enmity, is that unsound doctrine, or sound? ' ' ' It is unsound doctrine, Gotama.' ' ' Now if a man hold unsound doctrine, Lohikka, I declare that one of two future births will be his lot, either purgatory or rebirth as an animal.

*1*2 and 14. `So then, Lohikka, you admit that he who should say that you, being in occupation of Salavatika, should therefore, yourself enjoy all the revenue and produce thereof, bestowing nothing on any one else; and he who should say that King Pasenadi of Kosala, being in power over Kasi and Kosala, should therefore himself enjoy all the revenue and produce thereof, bestowing nothing on any one else— would be making danger for those living in dependence upon you ; or for those you and others living in dependence upon the King. And that those who thus make danger for others, must be wanting in sympathy for them. And that the man wanting in sympathy has his heart set fast in enmity. And that to have one's heart set fast in enmity is unsound doctrine.

13 and 15. `Then just so, Lohikka, he who should say :"Suppose a Samana or a Brahamana to have reached up to some good state (of mind), then should he tell no one else about it. For what can one man do for another? To tell others would be like the man who, having broken through an old bond, should entangle himself in a new one. Like that, I say, is this desire to declare to others, it is a form of lust ;"—just so he, who should say, thus, would be putting obstacles in the way of those clansmen who, having taken upon themselves the Doctrine and Discipline set forth by Him-who-has-won-the-Truth, have attained to great distinction therein—to the fruit of conversion, for instance, or to the fruit of once returning, or to the fruit of never returning, or even to Arhatship—he would be putting obstacles in the way of those who are bringing to fruition the course of conduct that will lead to rebirth in states of bliss in heaven. But putting obstacles in their way he would be out of sympathy for their welfare ; being out of sympathy for their welfare his heart would become established in enmity ; and when one's heart is established in enmity, that is unsound doctrine. Now if a man hold unsound doctrine, Lohikka, I declare that one of two future births will be his lot, either purgatory or rebirth as an animal.

16. `There are these three sorts of teachers in the world, Lohikka, who are worthy of blame ; And whosoever should blame such a one,

his rebuke would be justified, in accord with the facts and the truth, not improper. What are the three?

`In the first place, Lohikka, there is a sort of teacher who has not himself attained to that aim of Samanaship for the sake of which he left his home and adopted the homeless life. Without having himself attained to it he teaches a doctrine (Dhamma) to his hearers, saying :"This is good for you, this will make you happy."Then those hearers of his neither listen to him, nor give ear to his words, nor become steadfast in heart through their knowledge thereof; they go their own way, apart from the teaching of the master. Such a teacher may be rebuked, setting out these facts, and adding :"You are like one who should make advances to her who keeps repulsing him, or should embrace her who turns her face away from him. Like that, do I say, is this lust of yours (to go on posing as a teacher of men, no one heeding, since, they trust you not). For what, then, can one man do for another?"

'This, Lohikka, is the first sort of teacher in the world worthy of blame. And whosoever should blame such a one, his rebuke would be justified, in accord with the facts and the truth, not improper.

17. 'In the second place, Lohikka, there is a sort of teacher who has not himself attained to that aim of Samanship for the sake of which he left his home and adopted the homeless life. Without having himself attained to it he teaches a doctrine to his hearers, saying :"This is good for you ;, that will make you happy."And to him his disciples listen ; they give ears to his words ; they become steadfast in heart by their understanding what is said ; and they go not their own way, apart from the teaching of the master. Such a teacher may be rebuked, setting out these facts and adding :"You are like a man who, neglecting his own field, should take thought to weed out his neighbour's field. Like that, do I say, is this lust of yours (to go on teaching others when you have not taught yourself). For what, then, can one man do for another?"

This, Lohikka, is the second sort of teacher in the world worthy of blame. And whosoever should blame such a one, his rebuke would be justified, in accord with the facts and the truth not improper.

18. And again, Lohikka, in the third place, there is a sort of teacher who has himself attained to that aim of Samanaship for the sake of which he left his home and adopted the homeless life. Having himself attained it, he teaches the doctrine to his hearers, saying :"This is good for you, that will make you happy."But those hearers

of his neither listen to him, nor give ear to his words, nor become steadfast in heart through understanding thereof; they go their own way, apart from the teaching of the master. Such a teacher may be rebuked, setting out these facts, and adding;"You are like a man who, having broken through an old bond, should entangle himself in a new one."Like that, do I say, is this lust of yours (to go on teaching when you have not trained yourself to teach). For what, then, can one man do for another?"

'This, Lohikka, is the third sort of teacher in the world worthy of blame. And whosoever should blame such a one, his rebuke would be justified, in accord with the facts and the truth, not improper. And these, Lohikka, are the three sorts of teachers of which I spoke.'

19. 'And when he had thus spoken, Lohikka, the Brahman spake thus to the Exalted One :

' But is there, Gotama, any sort of teacher not worthy of blame in the world? '

' Yes, Lohikka, there is a teacher not worthy, in the world of blame.' ' And what sort of a teacher, Gotama, is so? ' (The answer is in the words of the exposition set out above in the Samanna-phala, as follows :

1. The appearance of a Tathagata (one who won the truth), his preaching, the conversion of a hearer, his adoption of the homeless state.
2. The minor details of mere morality that he practises.
3. The Confidence of heart he gains from this practice.
4. The paragraph on `Guarded is the door of his Senses.'
5. The paragraph on ' Mindful and Self-possessed.'
6. The paragraph on Simplicity of Life, being content with little.
7. The paragraphs on Emancipation, ill-temper, laziness, worry and perplexity.
8. The paragraph on the Joy and Peace that, as a result of this emancipation, fills his whole being.
9. The paragraphs on the Four Raptures (Ghanas).
10. The paragraphs on the Insight arising from Knowledge (the knowledge of the First Path).
11. The paragraphs on the Realisation of the Four Noble Truths the destruction of the Intoxications—lust, delusions, becomings, and ignorance—and the attainment of Arhatship.) The refrain through and the closing paragraph is : 'And whosoever the teacher be, Lohikka, under whom the disciple attains to distinction so excellent

as that, that, Lohikka is a teacher not open to blame in the world. And whosoever should blame such a one, his rebuke would be unjustifiable, not in accord either with the facts or with the truth, without good ground.'

78. And when he had thus spoken, Lohikka the Brahman said to the Exalted One :

`Just, Gotama, as if a man had caught hold of a man, falling over the precipitous edge of purgatory, by the hair of his head and lifted him up safe back on the firm land—just so have I, on the point of falling into purgatory, been lifted back on to the land by the Venerable Gotama. Most excellent, 0 Gotama, are the words of thy mouth, most excellent? Just as if a man were to set up what has been thrown down, or were to reveal what has been hidden away, or were to point out the right road to him who has gone astray, or were to bring a light into the darkness so that those who had eyes could see external forms—just even so has the truth been made known to me, in many a figure, by the Venerable Gotama. And I, even I, betake myself to the Venerable Gotama as my guide, to the Doctrine and to the Order. May the Venerable Gotama accept me as a disciple ; as one who, from this day forth as long as life endures, has taken him as his guide! '

Part II

Revolution and Counter-Revolution in Ancient India

Contents

PART II

Chapter 5: The Decline and Fall of Buddhism
Chapter 6: The Literature of Brahminism
Chapter 7: The Triumph of Brahminism

CHAPTER 5
The Decline and Fall of Buddhism.

Dr. B. R. Ambedkar had written"The Decline and Fall of Buddhism", as a part of the treatise, `Revolution and Counter-Revolution '. We have found only 5 pages in our papers which were not even corrected. Copy of this essay has been received from Shri S. S. Rege, which shows some corrections in Dr. Ambedkar's handwriting. This essay is of 18 typed pages which is included here.—' Editors.

1

The disappearance of Buddhism from India has been a matter of great surprize to everybody who cares to think about the subject and is also a matter of regret. But it lives in China, Japan, Burma, Siam, Annam, Indo-China, Ceylon and parts of Malaya-Archipalego. In India alone, it has ceased to exist. Not only it has ceased to live in India but even the name of Buddha has gone out of memory of most Hindus. How could such a thing have happened? This is an important question for which there has been no satisfactory answer. Not only there is no satisfactory answer, nobody has made an attempt to arrive at a satisfactory answer. In dealing with this subject people fail to make a very important distinction. It is a distinction between the fall of Buddhism and the decline of Buddhism. It is necessary to make this distinction because the fall of Buddhism is one, the reasons for which are very different from those which brought about its downfall. For the fall is due to quite obvious causes while the reasons for its decline are not quite so obvious.

There can be no doubt that the fall of Buddhism in India was due to the invasions of the Musalmans. Islam came out as the enemy of the '*But*'. The word '*But*' as everybody knows is an Arabic word and means an idol. Not many people however know what the derivation of the word '*But*' *is* '*But*' is the Arabic corruption of Buddha. Thus the origin of the word indicates that in the Moslem mind idol worship had come to be identified with the Religion of the Buddha. To the Muslims, they were one and the same thing. The mission to break the idols thus became the mission to destroy Buddhism. Islam destroyed Buddhism not only in India but wherever it went.

Before Islam came into being Buddhism was the religion of Bactria, Parthia, Afghanistan, Gandhar and Chinese Turkestan, as it was of the whole of Asia.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_1 In all these countries Islam

destroyed Buddhism. As Vicent Smith mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_2points out :

"The furious massacre perpetrated in many places by Musalman invaders were more efficacious than Orthodox Hindu persecutions, and had a great deal to do with the disapperance of Buddhism in several provinces (of India),"

Not all will be satisfied with this explanation. It does seem inadequate. Islam attacked both, Bramhanism and Buddhism. It will be asked why should one survive and the other perish. The argument is plausible but not destructive of the validity of the thesis. To admit that Bramhanism survived, it does not mean that the fall of Buddhism was not due to the sword of Islam. All that it means is that, there were circumstances which made it possible for Bramhanism and impossible for Buddhism to survive the onslaught of Islam. Fortunately for Bramhanism and unfortunately for Buddhism that was the fact.

Those who will pursue the matter will find that there were three special circumstances which made it possible for Bramhanism and impossible for Buddhism to survive the calamity of Muslim invasions. In the first place Bramhanism at the time of the Muslim invasions had the support of the State. Buddhism had no such support. What is however more important is the fact that this State support to Bramhanism lasted till Islam had become a quiet religion and the flames of its original fury as a mission against idolatory had died out. Secondly the Buddhist priesthood perished by the sword of Islam and could not be resusciated. On the other hand it was not possible for Islam to annihilate the Bramhanic priesthood. In the third place the Buddhist laity was persecuted by the Bramhanic rulers of India and to escape this tyranny the mass of the Buddhist population of India embraced Islam and renounced Buddhism.

Of these circumstances there is not one which is not supported by history.

Among the Provinces of India which came under Muslim domination, Sind was the first. It was ruled by a Shudra king. But the throne was usurped by a Bramhin who established his own dynasty which naturally supported the Bramhanic religion a.t the time of the invasion of Sind by Ibne Kassim in 712 A.D. The ruler of Sind was Dahir. This Dahir belonged to the dynasty of Brahmin rulers.

Heuen Tsang had noticed that the Punjab was in his time ruled by a Kshatriya Buddhist dynasty. This dynasty ruled Punjab till about 880

A.D. In that year the throne was usurped by a Brahmin army commander by name Lalliya who founded the Brahmin Shahi dynasty. This dynasty ruled the Punjab from 880 A.D. to 1021 A.D. It will thus be seen that at the time when the invasions of the Punjab were commenced by Sabuktagin and Mohammad, the native rulers belonged to the Bramhanic religion and Jayapala (960-980 A.D.) Anandpal (980-1000 A.D.) and Trilochanpal (1000-21 A.D.) of whose struggles with Sabuktagin and Mahammad we read so much were rulers belonging to the Bramhanic faith.

Central India began to be infested by Muslim invasions which commenced from the time of Mohammad and continued under the leadership of Shahabuddin Ghori. At that time Central India consisted of different kingdoms. Mewad (now known as Udepur) ruled by the Gulohits, Sambhar (now divided into Bundi, Kota and Sirohi) ruled by the Chauhans, Kanaujmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_3 ruled by the Pratihars, Dhar ruled by the Parmars, Bundelkhand ruled by Chandellas, Anhilwad ruled by the Chavdas, Chedi ruled by the Kalachuris. Now the rulers of all these kingdoms were Rajputs and the Rajputs for reasons which are mysterious and which I will discuss later on had become the staunchest supporters of the Bramhanic religion.

About the time of these invasions Bengal had fallen into two kingdoms, Eastern and Western. West Bengal was ruled by the Kings of the Pal dynasty and East Bengal was ruled by the Kings of the Sena dynasty.

The Palas were Kshatriyas. They were Buddhist but as Mr. Vadiya saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_4 "probably only in the beginning or in name". As to the Sena kings there is a difference of opinion. Dr. Bhandarkar says they were Brahmins who had taken to the military profession of the Kshatriyas. Mr. Vaidya insists that the Sena Kings were Aryan Kshatriyas or Rajputs belonging to the Lunar race. In any case there is no doubt that the Senas like the Rajputs were supporters of the orthodox faith.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_5

"South of the river Nerbudda, then existed about the time of the Muslim invasions four kingdoms (1) The Deccan Kingdom of Western Chalukyas, (2) The Southern Kingdom of the Cholas (3) The Silahara

Kingdom in Konkan on the West Coast and (4) The Ganga Kingdom of Trikalinga on the East Coast. These Kingdoms flourished during 1000-1200 A.D. which is the period of the Muslim invasions. There were under them, certain feudatory Kingdons which rose to power in the 12th Century A.D. and which became independent and powerful in the 13 the Century. They are (1) Devagiri ruled by the Yadavas, (2) Warangal ruled by Kakatiyas (3) Halebid ruled by Hoyasalas (4) Madura ruled by the Pandyas and (5) Travancore ruled by the Cheras. All these ruling dynasties were followers of orthodox Brahmanism. The Muslim invasions of India commenced in the year 1001 A.D. The last wave of these invasions reached Southern India in 1296 A.D. when Allauddin Khilji subjugated the Kingdom of Devagiri. The Muslim conquest of India was really not completed by 1296. The wars of subjugation went on between the Muslim conquerors and the local rulers who though defeated were not reduced. But the point which requires to bear in mind is that during this period of 300 years of Muslim Wars of conquests, India was governed all over by princes who professed the orthodox faith of Bramhanism. Bramhanism beaten and battered by the Muslim Invaders could look to the rulers for support and sustenance and did get it. Buddhism beaten and battered by the Muslim invaders had no such hope. It was an uneared for orphan and it withered in the cold blast of the native rulers and was consumed in the fire lit up by the conquerors.

The Musalman invaders sacked the Buddhist Universities of Nalanda, Vikramasila, Jagaddala, Odantapuri to name only a few. They raised to the ground Buddhist monasteries with which the country was studded. The Monks fled away in thousands to Napal, Tibet and other places outside India. A very large number were killed outright by the Muslim commanders. How the Buddhist priesthood perished by the sword of the Muslim invaders has been recorded by the Muslim historians themselves. Summarizing the evidence relating to the slaughter of the Budhist Monks perpetrated by the Musalman General in the course of his invasion of Bihar in 1197 A.D. Mr. Vincent Smith saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_6:

"The Musalman General, who *had* already made his name a terror by repeated plundering expeditions in Bihar, seized the capital by a daring stroke. The almost contemporary historian met one of the survivors of the attacking party in A.D. 1243, and learned from him that the Fort of Bihar was seized by a party of only two hundred horsemen, who boldly rushed the postern gate and gained possession of the place. Great

quantities of plunder were obtained, and the slaughter of the 'shaven headed Brahmans', that is to say the Buddhist monks, was so thoroughly completed, that when the victor sought for some one capable of explaining the contents of the books in the libraries of the monasteries, not a living man could be found who was able to read them. 'It was discovered', we are told, 'that the whole of that fortress and city was a college, and in the Hindi tongue they call a college Bihar."

Such was the slaughter of the Buddhist priesthood perpetrated by the Islamic invaders. The axe was struck at the very root. For by killing the Buddhist priesthood Islam killed Buddhism. This was the greatest disaster that befell the religion of Buddha in India. Religion like any other ideololgy can be attained only by propaganda. If propoganda fails, religion must disappear. The priestly class, however detestable it may be, is necessary to the sustenance of religion. For it is by its propoganda that religion is kept up. Without the priestly class religion must disappear. The sword of Islam fell heavily upon the priestly class. It perished or it fled outside India. Nobody remained to keep the flame of Buddhism burning.

It may be said that the same thing must have happened to the Brahmanic priesthood. It is possible, though not to the same extent. But there is this difference between the constitution of the two religions and the difference is so great that it contains the whole reason why Brahmanism survived the attack of Islam and why Buddhism did not. This difference relates to the constitution of the clergy.

The Bramhanic priesthood has a most elaborate organization. A clear and succinct account of it has been given by the late Sir Ramkrishna Bhandarkar in the pages of the Indian Antiquary.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_7

'Every Brahmanic family, ' he writes, ' is devoted to the study of a particular Veda, and a particular Sakha (recension) of a Veda ; and the domestic rites of the family are performed according to the ritual described in the Sutra connected with that Veda. The study consists in getting by heart the books forming the particular Veda. In Northern India, where the predominant Veda is the White Yagush and the Sakha that of the Madhyandinas, this study has almost died out, except at Banaras, where Brahmanic families from all parts of India are settled. It prevails to some extent in Gujarat, but to a much greater extent in the Maratha country; and in Tailangana there is a large number of Brahmans who still devote their life to this study. Numbers of these go about to all

parts of the country in search of dakshina (fee, alms), and all well-to-do natives patronize them according to their means, by getting them to repeat portions of their Veda, which is mostly the Black Yagush, with Apastamba for their Sutra. Hardly a week passes here in Bombay in which no Tailangana Brahman comes to me to ask for dakshina. On each occasion I get the men to repeat what they have learned, and compare it with the printed texts in my possession.

'With reference to their occupation, Brahmans of each Veda are generally divided into two classes, Grihasthas and Bhikshukas. The former devote themselves to a worldly avocation, while the latter spend their time in the study of their sacred books and the practice of their religious rites.

'Both these classes have to repeat daily the Sandhya-vandana or twilight-prayers, the forms of which are somewhat different for the different Vedas. But the repetition of the Gayatri-mantra 'Tat Savitur Vareynam' etc., five, then twenty eight, or a hundred and eight times, which forms the principal portion of the ceremony, is common to all.

'Besides this, a great many perform daily what is called Brahmayagna, which on certain occasions is incumbent on all. This for the Rig-Veda consists of the first hymn of the first mandal, and the opening sentences of the Aitareya Brahmana, the five parts of the Aitereya Aranyaka, the Yagus-samhita, the Sama-samhita, the Atharva-samhita, Asvalayana Kalpa Sutra, Nirukta, Khandas, Nighantu, Jyotisha, Siksha, Panini, Yagnavalkya Smriti, Mahabharata, and the Sutras of Kanada, Jaimini, and Badarayan.' The point to be remembered is that in the matter of officiation there is no distinction between a Bhikshukamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_8 and a Grahastha. In Brahmanism both are priest and the Grahastha is no less entitled to officiate as a priest than a Bhikshu is. If a Grahastha does not choose to officiate as a priest, it is because he has not mastered the mantras and the ceremonies or because he follows some more lucrative vocation. Under Brahmanic dispensation every Brahmin who is not an outcast has the capacity to be a priest. The Bhikshuka is an actual priest, a Grahastha is a potential priest. All Brahmins can be recruited to form the army of Bramhanic priesthood. Further no particular training or initiation ceremony is necessary for a Brahmin to act as a priest. His will to officiate is enough to make him function as a priest. In Brahmanism the priesthood can never become extinct. Every Brahmin is a potential priest of Brahmanism and be drafted in service when the need be. There

is nothing to stop the rake's life and progress. This is not possible in Buddhism. A person must be ordained in accordance with established rites by priests already ordained, before he can act as a priest. After the massacre of the Buddhist priests, ordination became impossible so that the priesthood almost ceased to exist. Some attempt was made to fill the depleted ranks of the Buddhist priests. New recruits for the priesthood had to be drawn from all available sources. They certainly were not the best. According to Haraprasad Shastri,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_9

"The paucity of Bhiksus brought about a great change in the composition of the Buddhist priesthood. It was the married clergy with families, who were called Aryas, that took the place of the Bhiksus proper, and began to cater to the religious needs of the Buddhists generally. They commenced attaining the normal status of Bhiksus through the performance of some sacraments. (lntro.pp.l9.7, quoting Tatakara Guptas' Adikarmaracana : 149, pp. 1207-1208). They officiated at the religious ceremonies but at the same time, in addition to their profession of priesthood, earned their livelihood through such avocations as those of a mason, painter, sculptor, goldsmith, and carpenter. These artisan priests who were in later times larger in numbers than the Bhiksus proper became the religious guides of the people. Their avocations left them little time and desire for the acquisition of learning, for deep thinking, or for devotion to Dhyana and other spiritual exercises. They could not be expected to raise the declining Buddhism to a higher position through their endeavours nor could they check its course towards its ruin through the introduction of salutary reforms."It is obvious that this new Buddhist priesthood had neither dignity nor learning and were a poor match for the rival, the Brahmins whose cunning was not unequal to their learning.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_10

The reason why Brahmanism rose from the ashes and Buddhism did not, is to be accounted for, not by any inherent superiority of Brahmanism over Buddhism. It is to be found in the peculiar character of their priesthood. Buddhism died because its army of priests died and it was not possible to create. Though beaten it was never completely broken. Every Brahmin alive became priest and took the place of every Brahmin priest who died.

As to the conversion to the faith of Islam by the Buddhist population as a cause of the fall of Buddhism, there can hardly be much doubt.

In his Presidential address to the early Medieval and Rajput section of the Indian History Congress held at Allahabad in 1938, Prof. Surendra Nath Sen very rightly observed that there were two problems relating to the Medieval History of India for which no satisfactory answers were forthcoming as yet. He mentiond two : one connected with the origin of the Rajputs and the other to the distribution of the Muslim population in India. Referring to the second, he said :

"But I may be permitted to deal with one question that is not wholly of antiquarian interest today. The distribution of Muslim population in India demands some explanation. It is commonly believed that Islam followed the route of conquest and the subjugated people were forced to accept the faith of their rulers. The predominance of the Muslims in the Frontier Province and the Punjab lends some colour to this contention. But this theory cannot explain an overwhelming Muslim majority in Eastern Bengal. It is quite likely that the North-Western Frontier Province was peopled by Turkish folks during the Kushan days, and their easy conversion to Islam may be explained by racial affinity with the new conquerors; but the Muslims of Eastern Bengal are certainly not racially akin to the Turks and the Afghans, and the conversion of the Hindus of that region must have been due to other reasons."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_11 What are these other reasons? Prof. Sen then proceeds to lay bare these reasons which are found in Muslim Chronicles. He takes the case of Sind for which there is direct testimony and says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_12

"According to the Chachnama, the Buddhists of Sind suffered all sorts of indignities and humiliations under their Brahman rulers, and when the Arabs invaded their country, the Buddhists lent their whole hearted suport to them. Later on, when Dahir was slain and a Muslim Government was firmly established in his country, the Buddhists found to their dismay that, so far as their rights and privileges were concerned, the Arabs were prapared to restore status quo ante bellum and even under the new order the Hindus received a preferential treatment. The only way out of this difficulty was to accept Islam because the converts were entitled to all the privileges reserved for the ruling classes. So the

Buddhists of Sind joined the Muslim fold in large numbers."Prof. Sen then adds this significant passage :

"It cannot be an accident that the Punjab, Kashmir, the district around Behar Sharif, North-East Bengal where Muslims now predominate, were all strong Buddhist Centres in the pre-Muslim days. It will not be fair to suggest that the Buddhists succumbed more easily to political temptations than the Hindus and the change of religion was due to the prospects of the improvement of their political status."

Unfortunately the causes that have forced the Buddhist population of India to abandon Buddhism in favour of Islam have not been investigated and it is therefore impossible to say how far the persecution of the Brahmanic Kings was responsible for the result. But there are not wanting indications which suggest that this was the principal cause. We have positive evidence of two Kings engaged in the campaign of persecuting the Buddhist population.

The first to be mentioned is Mihirkula. He belonged to the Huns who invaded India about 455 A.D. and established their kingdom in Northern India with Sakala, the modern Sialkot in the Punjab as the capital. Mihirkula ruled about 528 A.D. As Vincent Smith says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_13"All Indian traditions agree in representing Mihirkula as a blood thirsty tyrant. `The Attila of India', stained to a more than ordinary degree with 'implicable cruelty' noted by historians as characteristic of the Hun temperament."

Mihirkula, to use the language of Smith,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_14 :-"exhibited ferocious hostility against the peaceful Buddhist cult, and remorselessly overthrew the *stupas* and monasteries, which he plundered of their treasures".

The other is Sasanka, the King of Eastern India. He ruled about the first decade of the seventh century and was defeated in a conflict with Harsha. In the words of Vincent Smith3mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_15

"Sansanka, who has been mentioned as the treacherous murderer of Harsha's brother, and probably was a scion of the Gupta dynasty, was a worshipper of Shiva, hating Buddhism, which he did his best to extirpate. He dug up and burnt the holy Bodhi tree at Buddha Gaya, on which, according to legend, Asoka had lavished inordinate devotion; broke the stone marked with the footprints of Buddha at Pataliputra;

destroyed the convents, scattered the monks, carrying his persecutions to the foot of the Nepalese hills". The seventh century seems to be a century of religious persecution in India. As Smith points out :
mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_16

"A terrible persecution of the cognate religion Jainism occurred in Southern India in the seventh century".

Coming nearer to the time of the Muslim invasions, we have the instance of Sindh where presecution was undoutedly the cause. That these persecutions continued upto the time of the Muslim invasions may be presumed by the fact that in Northern India the Kings were either Brahmins or Rajputs both of whom were anti Buddhists. That the Jains were persecuted even in the 12th century is amply supported by history. Smith refers to Ajayadeva, a Saiva King of Gujarat who came to the throne in A.D. 1174-6 and began his reign by a merciless persecution of the Jains, torturing their leader to death. Smith adds,"Several other well-established instances of severe persecution might be cited."

There is therefore nothing to vitiate the conclusion that the fall of Buddhism was due to the Buddhist becoming coverts to Islam as a way of escaping the tyranny of Brahmanism. The evidence, if it does not support the conclusion, at least makes it probable. If it has been a disaster, it is a disaster for which Brahmanism must thank itself.

CHAPTER 6
Literature of Brahminism

We have come across scattered pages of this essay, numbering from 6 to 14 and 17 to 39. These pages seem to be a continuation of the subject dealt with under the title 'The Decline and Fall of Buddhism'. Some of the pages are the first copies while the rest are the carbon copies. There are 14 more pages dealing with the Vedanta Sutras and Bhagvat Gita. The size and quality of the paper on which 3 chapters i.e. (1) The Decline and Fall of Buddhism, (2) The Literature of Brahminism and (3) Vedanta Sutras and Bhagvat Gita are typed, appear to be similar but distinct from the size and quality of other Chapters in this part.—Editors.

1

The facts which supply the reasons must be gleaned from the literature of Brahmanism which grew up after its political trimuph under Pushyamitra.

The literature falls under six categories (1) Manu Smriti (2) Gita. (3) Shankaracharya's Vedant (4) Mahabharat (5) Ramayana and (6) the Puranas. In analysing this literature, I propose to bring out only such facts as are capable of being suggested by inference, the reason or reasons for the decline of Buddhism.

There is nothing unusual or unfair in this. For literature is the mirror in which the life of a people can be said to be reflected.

There is one point which I feel I must clear up. It relates to the period when this literature came into existence. Not all will agree that the literature referred to came into being after the revolution of Pushyamitra. On the contrary most Hindus, whether orthodox or not, learned or not, have an inerradicable belief that their sacred literature is a very old one in point of time. Indeed it seems to be an article of faith with every Hindu which necessitates a belief in a very high antiquity of their sacred literature

As to the age of Manu I have given references to show that Manu Smriti was written by Sumati Bharagava after 185 B.C. i.e. after the Revolution of Pushyamitra. I need say nothing more on the subject.

The date of the Bhagavat Gita is a subject about which there has been a difference of opinion.

Mr. Telang was of opinion that the Geeta must be older than the third century B.C. though he was not able to say how much. Mr. Tilak. .....

In the opinion of Prof. Garbe,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_17 the Geeta as we have it, is different from what it originally was. He agrees that the conviction that the Bhagwat Geeta has not reached us in its original form but has undergone essential transformations, is now, however, shared by many Indologists outside India. According to Prof. Garbe, one hundred and forty-six verses in the Bhagwat Geeta are new and do not belong to the original Geeta. As to the date of its composition Prof. Garbe says that it"cannot possibly be placed before the second Century A.D."

Prof. Kausambi insists that the Geeta was composed in the reign of King Baladitya. Baladitya belonged to the Gupta Dynasty which supplanted the Andhra Dynasty in the year. ..... Baladitya came to the throne in the year 467 A.D. His reasons for so late a date are two. Before Shankaracharya—who was born in 788 A.D. and who died in 820 A.D.—wrote his commentary on the Bhagwat Geeta, it was an unknown composition. It was certainly not mentioned in the *Tatvasangraha* by Shantarakshit who wrote his treatise only 50 years

before the advent of Shankaracharya. His second reason is this. Vasubandhu was the originator of a school of thought known as '*Vijnyan Vad*'. The *Bramha- Sutra- Bhashya* contains a criticism of the Vijnyan Vad of Vasubandu. The Geeta contains a referencemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_18to the Bramha-Sutra-Bhashya. The Geeta must therefore be after Vasubandu and after the Bramha-Sutra-Bhashya. Vasubandhu was the preceptor of the Gupta King Baladitya. That being so, the Geeta must have been composed during or after the reign of Baladitya.

Nothing more need be said about the date of Shankaracharya. The age in which he lived and wrote is now generally accepted. Something about his life needs to be said. But I will reserve that for another place.

The question of determining the date of the composition of the Mahabharata is next to impossible. Only an attempt to fix the period of its composition can be made. The Mahabharat has undergone three editions and with each editor the title and subject matter has changed. In its original form it was known as '*Jaya*', Triumph.

This original name occurs even in the third edition both in the beginning as well *as* in the end. The original edition of the book known as *'Jaya'* was composed by one Vyas. In its second edition it was known as Bharat. The Editor of this second edition was one Vaishampayana. Vaishampayan's edition was not the only second edition of the Bharata. Vyas had many pupils besides Vaishampayana ; Sumantu, Jaimini, Paila and Shuka were his other four pupils. They all had learned at the feet of Vyas. Each one of them produced his own. Thus there were four other editions of Bharata. Vaishampayana recast the whole and brought out his own version. The third editor is Sauti. He recast Vaishampayana's version of Bharata. Sauti's version ultimately came to have the name of *Mahabharata.* The book has grown both in size and in the subject matter aswell. The *'Jaya'* of Vyas was amall work having not more than 8800 Shlokas. In the hands of Vaishampayana it grew into 24000 verses. Sauti expanded it to contain 96836 Shlokas. As to subject matter the original as composed by Vyas was only a story of the war between the Kauravas and the Pandavas. In the hands of Vaishyampayana the subject became two-fold. To the original story there was added the sermon. From a purely historical work, it became a diadactic work aiming to teach a right code of social, moral and religious duties. Sauti the last Editor made it an all-embracing repository of legendary lore. All the smaller floating legends and historical stories which existed independently of the Bharata

were brought together by Sauti so that they might not be lost or that they may be found togeher. Sauti had another ambition, that was to make the Bharata a storehouse of learning and knowledge. This is the reason why he added sections on all branches of knowledge, such as politics, geography, archary etc. Taking into account Sauti's habit of repetition, it is no wonder that the Bharata in his hand became Mahabharata.

Now as to the date of its composition. There is no doubt that the war between the Kauravas and the Pandavas is a very ancient event. But that does not mean that the composition of Vyas is as old as the event or contemporaneous with the event. It is difficult to assign specific dates to the different editions. Taking it as a whole Prof. Hopkins says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_19

"The time of the whole Mahabharata generally speaking may then be from 200-400 A.D. This, however, takes into account neither subsequent additions, such as we know to have been made in later times, nor the various recasting in verbal form, which may safely be assumed to have occurred at the hands of successive copyists."

But there are other circumstances which definitely point to a later date.

The Mahabharat contains a reference to the Huns. It was Skandagupta who fought the Huns and defeated them in or about the year 455 A.D.. Notwithstanding this the invasions of the Huns continued till 528 A.D. It is obvious that the Mahabharat was being written about his time or therefter.

There are other indications which suggest a much later date. The Mahabharat refers to the Mlenchhas or the Muslims. In the 190th Adhyaya of the Vana Parva of the Mahabharat there is a verse 29 wherein the author says that"the whole world will be Islamic. All Yadnas, rites and ceremonies and religious celebrations will cease". This is a direct reference to the Muslims and although the verse speaks of what is to happen in the future, the Mahabharat being a Purana must as in the case of the Purana be taken to speak of the event that has happened. This verse so interpreted show that the Mahabharat was being written after the date of the Muslim invasions of India. There are other references which point to the same conclusion. In the same Adhyaya verse 59, it is said that"Oppressed by the Vrashalas, the Brahmins struck with fear and finding no one to protect them, will roam all over the world groaning and crying in agony".

The Vrashalas referred to in this verse cannot be the Buddhists. There is no particle of evidence that the Brahmins were ever oppressed. On the contrary the evidence is that the Brahmins, during the Buddhists regime, were treated with the same liberality as the Buddhist Bhikshus. The reference to the Vrashalas means the uncultured must be to the Islamic invaders.

There occur other verses in the same Adhyaya of the Vanaparva. They are 65, 66 and 67. In these verses it is said that,"Society will become disarranged. People will worship *Yedukas*. They will boycott Gods. The Shudras will not serve the twice-born. The whole world will be covered with Yedukas. The Yug will come to an end."

What is the meaning of the term ' *Yedukas '?* By some it has been taken to mean a Buddhist *Chaitya.* But according to Mr. Kausambimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_20 this is wrong. Nowhere either in the Buddhist literature or in the Vedic literature is the word Yeduka used in the sense of `Chaitya'. On the contrary according to the Amarkosh as commented upon by Maheshwar Bhatt the word Yeduka means a wall which contains a wooden structure to give it strength. So understood Kausambi contends that the word Yeduka must mean `Idgaha' of the Musalmans before which they say their prayers. If this is a correct interpretation then it is obvious that parts of the Mahabharata were written after the invasion of Mohammad Ghori. The first Muslim invasion took place in 712 A.D. under lbne Kassim. He captured some of the towns in Northern India but did not cause much destruction. He was followed by Mohammad of Gazni. He caused great destruction of Temples and Viharas and massacred priests of both religions. But he did not engage himself in building Mosques or Idgahas. That was done by Mohammad Ghori. From this it can be said that the writing of the Mahabharata was not complete till 1200 A.D.

It seems that like the Mahabharata, the Ramayana has also gone through three editions. There are two sort of references to the Ramayana in the Mahabharata. In one case the reference is to 'Ramayana' without any mention of the author. In other the reference is to the Ramayana of Valmilki. But the present Ramayana is not the Ramayana of Valmiki.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_21 In the opinion of Mr. C. V. Vaidyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_22

"That the present Ramayana, even as it is approved and adopted by the searching and all-respected commentator Kataka, is not the Ramayana originally written by Valmiki, not even the most orthodox thinker will be disposed to doubt. Whoever even cursorily reads the poem cannot but be struck with the inconsistencies, the severances of connections, juxta-positions of new and old ideas which abound so greatly in the present Ramayana, whether we take the Bengal or the Bombay text of it. And one cannot but come to the conclusion that the Ramayana of Valmiki was substantially reconstructed at some subsequent date."

As in the case of the Mahabharata there has been an accretion to the subject matter of the Ramayana. Originally it was just a story of the war between Rama and Ravana over the abduction of Rama's wife Sita by Ravana. In the second edition it became a story with a sermon. From a purely historical work it also became a didactic work aiming to teach a right code of Social, Moral and religious duties. When it assumed the form of a third edition it was, again, like the Mahabharat, made a repository of legends, knowledge, learning, philosophy and other arts and sciences.

With regard to the date of the composition of the Ramayana one proposition is well established namely that the episode of Rama is older than the episode of the Pandus. But that the composition of the Ramayana has gone on paripassu along with the composition of the Mahabharata. Portions of Ramayana may be earlier than the Mahabharata. But there can be no doubt that a great part of the Ramayana was composed after a great part of the Mahabharata had already been composed.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_23

(INCOMPLETE)

II

The literature from which I propose to draw upon consists of (1) The Bhagwat Geeta (2) The Vedant Sutras (3) The Mahabharat (4) The Ramayana and (5) The Puranas. In analysing this literature I propose to bring out only such facts as are capable of being suggested by inference a reason or reasons for the decline of Buddhism.

Before proceeding to examine the subject matter of this lirerature I must deal with the question of the period when this literature came into existence. Not all will agree that the literature referred to came into being after the revolution of Pushyamitra. On the contrary most Hindus whether orthodox or not, learned or not, have an in-eradicable belief

that their sacred literature is a very old one in point of time. Indeed it seems to be an article of faith with every Hindu which necessitates a belief in a very high antiquity of their sacred literature.

(1) BHAGWAT GITA

Beginning with the Bhagwat Gita, the date of its composition has been a matter of controversy. Mr. Telangmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_24 was of opinion that we should"take the second century B.C. as a terminous before which the Gita must have been composed". The late Mr. Tilakmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_25 was convinced that the date of the present Gita must be taken as not later than 500 years before the Saka era"which means that the present Gita was composed somewhere about. . . .. According to Prof. Garbe mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_26the date of the composition of the Bhagwat Gita must be placed somewhere between 200 and 400 A.D. There is another view propounded by Mr. Kausambi and is based on quite indisputable data.

Prof. Kausambi insists that the Gita was composed in the reign of Gupta King Baladitya. Baladitya belonged to the Gupta dynasty which supplanted the Andhra Dynasty in the year..... Baladitya came to the throne in the year 467 A.D. His reasons for so late a date for the composition of the Gita are two. Before Sankaracharya—who was born in 788 A.D. and who died in 820 A.D.—wrote his commentary on the Bhagwat Gita, it was an unknown composition. It was certainly not mentioned in the *Tatvasangraha* by Shantarakshit who wrote his treatise only 50 years before the advent of Sankaracharya. His second reason is this. Vasubandhu was the originator of a school of thought known as '*Vijnan Vad*". The Brahma-Sutra-Bhashya contains a criticism of the Vijnan Vad of Vasubandhu. The Gita contains a referencemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_27 to the Brahma-Sutra-Bhashya. The Gita must therefore be after Vasubandhu and after the Brahma-Sutra-Bhashya. Vasubandhu was the preceptor of the Gupta King Baladitya. That being so the Bhagwat Gita must have been composed or at any rate portions of Gita must have been added to the original edition during or after the reign of Baladitya i.e. about 467 A.D.

While there is a difference of opinion regarding the date of the composition of the Bhagwat Gita, there is no difference of opinion that the Bhagwat Gita has gone through many editions. All share the conviction that the Bhagwat Gita has not reached us in its original form but has undergone essential transformations at the hands of different editors who have added to it from time to time. It is equally clear that the editors through whose hands it has gone were not of equal calibre. As Prof. Garbe points outmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_28

"The Gita is certainly `no artistic work which the all comprehending vision of a genious has created.' The pla.y of inspiration is indeed often times perceptible; not seldom, however, there are merely high-sounding, empty words with which an idea that has been already quite often explained, is repeated: and occasionally the literary expression is exceedingly faulty. Verses are bodily taken over from the Upanishad literature, and this is certainly what a poet filled with inspiration would never have done. The workings of Sattva, Rajas and Tamas are systematized with a truly Indian pedantry, and much indeed besides this could be brought forward to prove that the Gita is not the product of a genuinely poetic creative impulse..."

Hopkins speaks of the Bhagwat Gita as characteristic in its sublimity as in its puerilities, in its logic as in its want of it. . . .Despite its occasional power and mystic exaltation, the Divine Song in its present state as a poetical production is unsatisfactory. The same thing is said over and over again, and the contradictions in phraseology and meaning are as numnerous as the repetitions, so that one is not surprised to find it described as"the wonderful song, which causes the hair to stand on end".

This is not to be rejected as the view of foreigners. It is fully supported by Prof. Rajwademk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_29 who goes to show that some of those who had a hand in the composition of the Bhagwat Gita were ignorant of the rules of grammar.

While all are agreed that there have been different editions of the Gita under different editors, they are not agreed as to what parts of the Gita are original and what parts of the Gita are additions subsequently made. In the opinion of the late Rajaram Shastri Bhagwat the original Gita consisted only of 60 Shlokas. Humboldt was inclined to the view that originally the Gita consisted of only the first eleven Adhyayas (chapters)

and that 12 to 18 Adhyayas were subsequent additions made to the original. Hopkins"view is that the first fourteen Adhyayas constitute the heart of the poem. Prof. Rajwade thinks that Adhyayas 10 and II are spurious. Prof. Garbe says that 146 verses in the Bhagwat Gita are new and do not belong to the original Gita which means that more than one-fifth of the Gita is new.

Regarding the author of the Gita there is none mentioned. The Gita is a conversation between Arjuna and Krishna which took place on the battle field, in which Krishna propounds his philosophy to Arjuna. The conversation is reported by Sanjaya to Dhritarashtra, the father of the Kauravas. The Gita should have been a part of the Mahabharata, for, the incident which formed the occasion for it, is natural to it, but it does not find a place there. It is a seperate indepenent work. Yet there is no author to whom it is attributed. All that we know, is that Vyas asks Sanjaya to report to Dhritarashtra the conversation that took place between Arjuna and Krishna. One may therefore say that Vyas is the author of the Gita.

(2) VEDANT SUTRAS

As has already been said, the Vedic lirerature consists of the Vedas, the Brahmanas, the Aranyakas, and the Upanishadas. From the point of their subject matter, this literature falls into two classes (1) literature which deals with religious observances and rites and ceremonies technically called Karma Kanda and (2) literature which deals with the knowledge about God to use the Vedic equivalent; the Bramhanas, technically called 'Gnanakanda'. The Vedas and the Bramhanas fall under the first category of literature, while the Aranyakas and the Upanishadas fall under the second.

This Vedic literature had grown to enormous proportions and what is important is that, it had grown in a wild manner. Some system, some coordination was necessary to bring order out of this chaos. As a result of the necessity for this coordination, there grew up a branch of inquiry called"Mimansa"i.e. an inquiry into the connected meaning of sacred texts i.e. the Vedic literature. Those who thought it necessary to undertake such a task of systematization and coordination divided themselves into two schools, those who systematized the '*Karmakand"*portion and these who systematized the *"Gnanakand*' portion of the Vedic literature. The result was that there grew up two branches of the Mimansa Shastra, one called *Purva Mimansa* and the other *Ultara Mimansa.* As the names suggest, the Purva Mimansa deals with the early portion of the Vedic literature namely the *Vedas* and the

Bramhanas. That is why it is called Purva (early) Mimansa. The Uttara Mimansa deals with the later portions of the Vedic literature namely the Aranyakas and Upanishads. That is why it is called Uttara (later) Mimansa.

The literature connected with the two branches of the Mimansa Shastra is immense. Of this, two collections of Sutras stand out as the principal and leading works in this field of Mimansa. The authorship of one is attributed to Jaimini and that of the other is ascribed to Badarayana. Jaimini's Sutras deal with 'Karmakanda"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_30 and Badarayan's deal with 'Gnanakand'.There is no doubt that there were prior to Jaimini and Badarayana, other authors who had written treatises on these subjects. Nonetheless the sutras of Jaimini and Badarayana are taken as the standard works on the two Branches of the Mimansa Shastra.

Although the Sutras of both relate to that branch of inquiry called Mimansa, Jaimini's sutras are called *Mimansa Sutras*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_31 while those of Badarayana are called *Vedanta Sutras*. The term 'Vedanta' is taken to mean"the end of the Veda", or the doctrines set forth in the closing chapter of the Vedas which comprise the Upanishads and as the Upanishads constitute"the final aim of the Vedas."The Sutras of Badarayana which go to systematize and coordinate them have come to be called *Vedanta Sutras,* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_32or the doctrines set forth in the closing chapter of the Vedas which asked Sanjaya to report to. This is the origin of the Vedanta Sutras.

Who is this Badarayana? Why did he compose these Sutras, and when did he compose them? Beyond the name nothing is known about Badarayana.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_33 It is not even certain that it is the real name of the author. There is a considerable uncertainty regarding the authorship of these Sutras even among his chief commentators.

Some say that the author is Badarayana. Others say that the author of the Sutra is Vyas. The rest say that Badarayana and Vyas are one and the same person. Such is the bewildering conflict of opinion regarding the author of the Sutras.

Why did he compose these Sutras? That the Brahmins should undertake to systematize the Karmakand portion of the Vedic literature one can quite understand. The Bramhins were deeply concerned with the Karmakand. Their very existence, their livelihood depended upon the systematization of the Karmakand portion of the Vedic literature.

The Brahmins on the other hand had no interest in the 'Gnankand' portion of the Vedic literature. Why should they have made an attempt to systematize it? The question has not even been raised. But it is an important question and the answer to that must also be very important. Why the question is important and what the answer is I shall discuss later on.

There are two other questions with regard to the Vedanta Sutras. First is this. Is this work theological in character or is it purely philosophical in its nature? Or is it an attempt to tie down pure philosophy to the apron strings of established theology and thereby to make it innocuous and harmless. The other question relates to the commentaries on the Vedanta Sutras.

There have been altogether five commentaries on the Vedanta Sutras by five eminent men all of whom are called Acharyas (doctors of learning) by reason of their intellectual eminence.

They are (1) Shankaracharya (788 A.D. to 820 A.D.), (2) Ramanujacharya (1017 A.D. to 1137 A.D.), (3) Nimbarkacharya (died about 1162 A.D.), (4) Madhavacharya (1197-1276 A.D.) and (5) Vallabhacharya (born 1417 A.D.).

The commentaries of these Acharyas on the Vedanta Sutras have become far more important than the Vedanta Sutras.

The point of some significance is that on the text of one and the same collection of the Vedanta Sutras, an attempt has been made by those five Acharyas to found five different systems of thought.

According to Shankara, the Vedanta Sutras teach absolute monism. According to Ramanuja, qualified monism. According to Nirnbarka, monodualism. According to Madhava, dualism and according to Vallabha, pure monism. I will not discuss here what these terms mean. All I want to say is why should five different schools should have arisen as a result of five different interpretation of the same collection of Sutras. Is it a mere matter of grammar? Or is there any other purpose behind these several interpretations. There is also another question which arises out of the plurality of commentaries. While there are five different commentaries each propounding five different ways of looking at God and the individual soul really speaking there are only two, the

view taken by Shankaracharya and the view taken by the other four. For though the four differ among themselves, they are all united in their opposition to Shankaracharya on two points (1) The complete oneness between God and individual soul and (2) the world is an illusion. Here comes the third question. Why did Shankaracharya propound so unique a view of the Vedanta Sutras of Badarayana? Is it the result of a critical study of the Sutras? Or is it a wishful interpretation designed to support a preconceived purpose?

I am only raising this question. I don't propose to deal with them here. Here I am concerned with the age of this literature, is it Pre-Buddhist or Post-Buddhist.

As to the date of the composition of the Vedanta Sutras the initial difficulty is that like the Bhagwat Gita it has also gone through several recensions. According to somemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_34 there have been three recensions of the Vedanta Sutras. That being so nothing definite can be said regarding the date of its composition.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_35 The views expressed are only approximations. There can be no doubt that the Vedanta Sutras are composed after the rise of Buddhism for the Sutras do allude to Buddhism. They must not be after Manu for Manu refers to them in his Smriti. Prof. Keith holds that they must have been written about 200 A.D. and Prof. Jacobi believes that the Sutras must have been composed between 200 A.D. and 450 A.D.

(3) MAHABHARATA

The question of determining the date of the composition of the Mahabharata is next to impossible. Only an attempt to fix the period of its composition can be made. The Mahabharata has undergone three editions and with each editor the title and subject matter has changed. In its original form it was known as '*Jaya*' Triumph. This original name occurs even in the third edition, both in the beginning as well as in the end. The original edition of the book known as '*Jaya*' was composed by one Vyas. In its second edition it was known as Bharat. The editor of this second edition was one Vaishampayana. Vaishampayana's Edition was not the only second edition of the Bharata. Vyas had many pupils besides Vaishampayana; Sumantu, Jaimini, Paila and Shuka were his other four pupils. They all had learned at the feet of Vyas. Each one of

them produced his own edition. Thus there were four other editions of Bharata. Vaishampayana recast the whole and brought out his own version. The third Editor is Sauti. He recast Vaishampayana's version of Bharata. Sauti's version ultimately came to have the name of *Mahabharata.*

The book has grown both in size and in the subject matter as well. The 'Jaya' of Vyas was a small work having not more than 8,800 Shlokas. In the hands of Vaishampayana it grew into 24,000 verses. Sauti expanded it to contain 96,836 Shlokas. As to subject matter, the original as composed by Vyas was only a story of the war between the Kauravas and the Pandavas. In the hands of Vaishampayana the subject became two-fold. To the original story there was added the sermon. From a purely historical work it became a diadactic work aiming to teach a right code of social, moral and religious duties. Sauti the last Editor made it an all embracing repository of legendary lore. All the smaller floating legends and historical stories which existed independently of the Bharata were brought together by Sauti so that they might not be lost or that they may be found together. Sauti had another ambition, that was to make the Bharata a storehouse of learning and knowledge. This is the reason why he added sections on all branches of knowledge, such as politics, geography, archary etc. Taking into account Sauti's habit of repetition it is no wonder that the Bharata in his hand became Mahabharata.

Now as to the date of its composition. There is no doubt that the war between the Kauravas and the Pandavas is a very ancient event. But that does not mean that the composition of Vyas is as old as the event or contempraneous with the event. It is difficult to assign specific dates to the different editions. Taking it as a whole Prof. Hopkins says :

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"The time of the whole Mahabharata generally speaking may then be from 200-400 A.D. This, however, takes into account neither subsequent additions, such as we know, to have been made in later times, nor the various recasting in verbal form, which may safely be assumed to have occurred at the hands of successive copyists."

But there are other circumstances which definitely point to a later date.

The Mahabharata contains a reference to the Huns. It was Skandagupta who fought the Huns and defeated them in or about the year 455. Notwithstanding this, the invasions of the Huns continued till

528 A.D. It is obvious that the Mahabharata was being written about this time or thereafter.

There are other indications pointed out by Mr. Kausarnbi mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_37 which suggest a much later date. The Mahabharata refers to the Mlenchhas or the Muslims. In the 190th Adhyaya of the Vana Parva of the Mahabharata, there is a verse 29 wherein the author says that"the whole world will be Islamic. All Aryan rites and ceremonies and religious celebrations will cease". This is a direct reference to the Muslims and although the verse speaks of what is to happen in the future, the Mahabharata being a Purana must as in the case of the Purana be taken to speak of the event has happened. This verse so interpreted show that the Mahabharata was being written after the date of the Muslim invasions of India. There are other references which point to the same conclusion. In the same Adhyaya verse 59 it is said that"Oppressed by the Vrashalas, the Brahmins struck with fear, and finding no one to protect them will roam all over the world groaning and crying in agony".

The Vrashalas referred to in this verse cannot be the Buddhists. There is no particle of evidence that the Brahmins were ever oppressed. On the contrary the evidence is that the Brahmins during the Buddhist regimes were treated with the same liberality as the Buddhist Bhikshus. The reference to the Vrashalas which means the uncultured must be to the Islamic invaders. If that is so, then part of the Mahabharata was certainly composed after the Muslim invasions of India began.

There occur other verses in the same Adhyaya of the Vanaparva which points to the same conclusion. They are 65, 66 and 67. In these verses it is said that"Society will become disarranged. People will worship *Yedukas*. They will boycott Gods. The Shudras will not serve the twice born. The whole world will be covered with Yedukas. The Yug will come to an end".

Great significance attaches to the term '*Yedukas*'. By some it has been taken to mean a Buddhist *Chaitya,* on the ground that *Yeduka* means bone and particularly the bones of Buddha and subsequently Chaitya because a Chaitya contains the bones of the Buddha. But according to Mr. Kausambi2 this is wrong. Nowhere either in the Buddhist lirerature or in the Vedic literature is the word Yeduka used in the sense of 'Chaitya'. On the contrary, according to Amarkosh as commented upon by Maheshwar Bhatt, the word Yeduka means a wall which contains a wooden structure to give it strength. So understood Kausambi contends

that the word Yeduka must mean 'Idgaha' of the Musalmans before which they say their prayers. If this is a correct interpretation then it is obvious that part of the Mahabharata was written after the Muslim invasions, particularly after those of Mahamad Ghori. The first Muslim invasion took place in 721 A.D. under Ibne Kassim. He captured some of the towns in Northern India but did not cause much destruction of Temples and Viharas and massacred priests of both the religions. But he did not engage himself in building Mosques or Idgahas. That was done by Mahamad Ghori. So that, it can well be said, that the writing of the Mahabharata was going on till 1200 A.D.

RAMAYANA

It is a fact that like Mahabharata, the Ramayana has also gone through three editions. There are two sorts of references to the Ramayana in the Mahabharata. In one case the reference is to Ramayana without any mention of the author. The other reference is to the Ramayana of Valmiki. But the present Ramayana is not the Ramayana of Valmiki.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_38 In the opinion of Mr. C. V. Vaidyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_39 :

"That the present Ramayana, even as it is approved and adopted by the searching and all-respected commentator Kataka, is not the Ramayana originally written by Valmiki, not even the most orthodox thinker will be disposed to doubt. Whoever even cursorily reads the poem, cannot but be struck with the inconsistencies, the severances of connections, juxtapositions of new and old ideas which abound so greatly in the present Ramayana, whether we take the Bengal or the Bombay text of it. And one cannot but come to the conclusion that the Ramayana of Valmiki was substantially reconstructed at some subsequent date."

As in the case of the Mahabharata, there has been an accretion to the subject matter of the Ramayana. Originally it was just a story of the war between Rama and Ravana over the abduction of Rama's wife Sita by Ravana. In the second edition it became a story with a sermon. From a purely historical work, it also became a didactic work aiming to teach a right code of Social, Moral and religious duties. When it assumed the form of a third edition, it was again, like the Mahabharata, made a repository of legends, knowledge, learning, philosophy and other arts and sciences.

With regard to the date of the composition of the Ramayana, one proposition is well established namely that the episode of Rama is older than the episode of the Pandus. But that the composition of the Ramayana has gone on peripassu along with the composition of the Mahabharata. Portions of Ramayana may be earlier than the Mahabharata. But there can be no doubt that a great part of the Ramayana was composed after a great part of the Mahabharata had already been composed.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_40

PURANAS

The Puranasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_41today number 18. This is however not the original number. According to traditions, there is no reason to doubt, there was only one Purana to start with. Tradition alleges that this Purana was older than the Vedas. The Atharva Veda refers to this *Purana* and the Bramhanda Puran says that it is more ancient than the Vedas. It was a lore which the King was expected to know for the Satapada. Brarnhana says the Adhvaryu was required to recite the Purana to the King on the 10th day of the Yajna.

The origin of the 18 Puranas is attributed to Vyas who it is said recast the original single Purana and by additions and substractions made 18 out of one. The making of the 18 Puranas is thus the second stage in the evolution of the Puranas. The edition of each of these 18 Puranas as published or uttered by Vyas is called the Adimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_42 Purana i.e. the original edition as brought out by Vyas. After Vyas composed these 18 Puranas, he taught them to his disciple Romaharsana. Romaharsana prepared his own edition of the Puranas and taught it to his six disciples. Romaharsana's edition of the Puranas thus became the third edition of the Puranas. Of the six disciples of Romaharsana, three: Kasyapa, Savarni and Vaisampayana, made three separate editions which may be called the fourth edition of the Puranas which we call by their names. According to the Bhavishya Purana, the Puranas came to be revised sometime during the reign of King Vikramaditya.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_43

As to the subject matter of the Puranas. The *Purana* from the oldest time is a recognised department of knowledge. For instance it was distinguished from Itihas or history. By Itihas what was understood was past occurances connected with a ruling king. By *Akhyana* was meant the recital of an event the occurance of which one had witnessed. By *Upakhyana* was meant the recital of something one has heard. *Gat has* meant songs about dead ancestors and about nature and universe.

*Kalpashudi*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_44 are ancient ways of acting regarding Shraddha and Kalpa.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_45 The Purana was distinguished from all these branches of knowledge. The Purana was concerned with five subjects. (1) Sarga (2) Prati Sarga (3) Vamsha (4) Manvantar and (5) Vamshacharitra. Sarga means creation of the universe, Pratisarga means the dissolution of the Universe. Vamsha means Geneology, Manvantar means the Ages of the different Manus, particularly the fourteen successive Manus who were the progenitors or sovereigns of the Earth. Vamshacharitra means the account of royal dynasties.

There has been a considerable addition made in the scope and subject matter of the Puranas. For the Puranas which we have are no longer confined to these subjects. In addition to these subjects they contain other subjects which fall entirely outside their prescribed scope. Indeed there has been such a change in the fundamental notion regarding the scope of the Puranas so that some of them do not contain any treatment of the regular subjects but deal wholly with the new or extra subjects. The extra subjects include the following main topics :

(I) Smriti Dharma which include discussion of:

(1) Varnashrama-dharma, (2) Achara, (3) Ahnika, (4) Bhashyabhasya, (5) Vivaha, (6) Asaucha, (7) Shradha (8) Dravya-Suddhi (9) Pataka, (10) Prayaschitta, (II) Naraka, (12) Karma Vipaka and (13) Yuga Dharma.

(II) Vrata Dharma—Observance of holy vows and holy days

(III) Kshetra Dharma—Pilgrimages to holy places and

(IV) Dana Dharma—Gifts to holy persons. In addition to this, there are two other topics the new subject matter with which one finds the Puranas to be deeply concerned.

The first of these two topics relates to sectarian worship. The Puranas are votaries of a particular deity and advocate the cause of a particular deity and the sect devoted to his worship. Fivemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter

Rev.in Ancient India PART II.htm - _msocom_46 Puranas advocate worship of Vishnu, Eightmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_47 worship of Shiva, Onemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_48 worship of Brahma, *One*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_49 worship of Surya, Two worship of Devi and One worship of Genesh.

The second topic which the Puranas have made a part of their subject matter is the history of the Avatars of the God. The Puranas make a distinction between identification of two Gods and the incarnation of a God. In the case of identification, the theory is that the God is one although he has two names. In the case of an incarnation, God becomes another being of the man or brute and does something miraculous. In reading this history of incarnations the fruitful source is Vishnu. For it is only Vishnu who has taken Avatars from time to time and done miraculous deeds and we find in the Puranas this new topic discussed in all its elaborate details.

It is no wonder if by the addition of these new subjects, the Puranas have been transformed out of recognition.

There is one other matter regarding the authorship of the Puranas which is noteworthy. It relates to the change in the authorship of the Puranas. Among the ancient Hindus, there were two separate sections among the literary class. One section consisted of the *Brahmins* and another section called *Sutas* who were non-Bramhins. Each was in charge of a separate department of literature. The Sutas had the monopoly of the Puranas. The Brahmins had nothing to do with the composition or the reciting of the Puranas. It was exclusively reserved for the Sutas and the Brahmins had nothing to do with it. Though the Sutas had specialized themselves in the making and the reciting of the Puranas, although they had acquired a hereditary and a prescriptive right to compose and recite the Puranas, there came a time when the Sutas were ousted from this profession by Brahmins who took it into their own hands and made a monopoly of it in their own favour. Thus there was a change in the authorship of the Puranas. Instead of the Sutas, it is the Brahmins who became their authorsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_50

It is probably when the Puranas fell into the hands of the Brahmins that the Puranas have been finally edited and recast to make room for

the new subjects. The editing and recasting has been of a very daring character. For in doing so they have added fresh chapters, substituted new chapters for old chapters and written new chapters with old names. So that by this process some Puranas retained their earlier materials, some lost their early materials, some gained new materials and some became totally new works.

The determination of the date of the composition of the Puranas is a problem which has hardly been tackled.All history written by the Brahmins is history without dates and the Puranas are no exception. The date of the Puranas has to be determined by circumstantial evidence co-related with events the dates of which are well settled. The dates of the composition of the different Puranas have not been examined as closely as those of the other parts of the Brahminic literature. Indeed scholars have paid no attention to the Puranas at all certainly nothing like what they have done in the matter of the Vedic literature. Mr. Hazara's is the only work I know of in which an attempt is made in the matter of determining the date of the composition of the Puranas. I give below the dates of the Puranas as found by him.

Puranas	Date of Composition
1. Markendeya	Between 200 and 600 A. D.
2. Vayu	Between 200 and 500 A. D.
3. Bramhanda	Between 200 and 500 A. D.
4. Vishnu	Between 100 and 350 A. D.
5. Matsya	Part about 325 A. D. Part about 1100 A. D.
6. Bhagwat	Between 500 and 600 A. D
7. Kurma	Between 550 and 1000 A. D.
8. Vamana	Between 700 and 1000 A. D.
9. Linga	Between 600 and 1000 A. D.
10. Varaha	Between 800 and 1500 A. D.
11. Padma	Between 600 and 950 A. D.
12. Brahanaradiya	Between 875 and 1000 A. D.
13. Agni	Between 800 and 900 A. D.
14. Garuda	Between 850 and 1000 A. D.
15. Bramha	Between 900 and 1000 A. D.
16. Skanda	After 700 A. D.
17. Bramha Vaivrata	After 700 A. D.
18. Bhavishya	After 500 A. D.

No more. precise date can be fixed for the Puranas at any rate for the present. New research in the field may narrow the higher and lower limits of their composition. The difference will only be a difference of degree. It will not be one of subversion of Eras.

This short survey is enough to remove any doubt as to the age of this literature that it is post-Buddhistic. The survey establishes one more point of great significance. This literature arose during the period subsequent to the triumph of Brahmins under the leadership of Pushyamitra. The survey brings out one other point. Vyas writes Mahabharata. Vyas tells Bhagwat Gita, and Vyas also writes the Puranas. Mahabharata contains 18 Parvas, the Gita has 18 Adhyayas and the Puranas number 18. Is all this an Accident? Or is it the result of a design planned and worked out in concert? We must wait and see.

Ill
THE VEDANTA SUTRAS

The vedanta Sutras of Badarayana as has been pointed out already constitute a department of study on the same line as the Karma Sutras of Jaimini. It is natural to ask how the founders of these two schools of thought comfort themselves towards each other. When one begins to inquire into the matter one comes across facts which are revealing. In the first place as Prof. Belvalkar mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_51points out, 'the Vedanta Sutras are very closely modelled upon the Karma Sutras' In the matter of methodology and terminology, Badarayana almost slavishly follows Jaimini. He accepts Jaimini rules of interpreting the text of the Shruti. He uses Jaimini's technical terms in the sense in which they have been used by Jaimini. He uses the very illustrations which are employed by Jaimini.

This is a matter for small wonder. But what is not a matter for small wonder is the attitude of the two schools towards each other in the matter of doctrine. Let me give an illustration.

Badarayana gives the following Sutrasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_52 as illustrative of the position of Jaimini towards the Vedanta.

2. Because (the Self) is supplementary (to sacrificial acts), (the fruits of the knowledge of the Self) are mere praise of the agent, even as in other cases; thus says Jaimini.

"According to Jaimini the Vedas merely prescribe acts to attain certain purposes including Liberation, and nothing more. He argues that the knowledge of the Self does not yield any independent results, as Vedanta holds, but is connected with the acts through the agent. No one undertakes a sacrificial act unless he is conscious of the fact that he is different from the body and that after death he will go to heaven, where he will enjoy the results of his sacrifices. The Text dealing with Self-knowledge serve merely to enlighten the agent and so are subordinate to sacrificial acts. The fruits, however, which the Vedanta texts declare with regard to Self-knowledge, are merely praise, even as texts declare such results by way of praise, with respect to other matters. In short, Jaimini holds that by the knowledge that his Self will outlive the body, the agent becomes qualified for sacrificial actions, even as other things become fit in sacrifices through purificatory ceremonies. 3. Because we find (from the scriptures such) conduct (of men of realization).

"Janaka, emperor of Videha performed a sacrifice in which gifts were freely distributed"(Brih. 3.1.1.);"I am going to perform a sacrifice, Sirs"(Chh. 5.11.5.). Now both Janaka and Asvapati were knowers of the Self. If by this knowledge of the Self they had attained Liberation, there was no need for them to perform sacrifices. But the two texts quoted show that they did perform sacrifices. This proves that it is through sacrificial acts alone that one attains Liberation, and not through the knowledge of the Self, as the Vedantians hold. 4. That (viz, that knowledge of the Self stands in a subordinate relation to sacrificial acts) the scriptures directly declare,"That alone which is performed with knowledge, faith and meditation becomes more powerful"(Chh. 1.1.10); This text clearly shows that knowledge is a part of the sacrificial act. 5. Because the two (knowledge and work) go together (with the departing soul to produce the results).

"It is followed by knowledge, work, and past experience"(Brih. 4.4.2.). This text shows that knowledge and work go together with the soul and produce the effect which it is destined to enjoy. Knowledge independently is not able to produce any such effect."6. Because (the scriptures) enjoin (work) for such (as know the purport of the Vedas).

"The scriptures enjoin work only for those who have a knowledge of the Vedas, which includes the knowledge of the Self. Hence knowledge does not independently produce any result."7. And on account of prescribed rules.

"Performing works here let a man wish to live a hundred years"(Is. 2.);"Agnihotra is a sacrifice lasting up to old age and death:, for through old age one is freed from it or through death"(Sat. Br. 12.4.1.1.). From such prescribed rules also we find that Knowledge stands in a subordinate relation ro work.

What is the position of Badarayana towards Jaimini and Karma Kanda Shastras?

This is best illustrated by the reply which Badarayana gives to the attack by Jaimini on Vedanta as formulated by Badarayana in the Sutras quoted above. The reply is contained in the following Sutras :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_53

8. But because (the scriptures) teach (the Supreme Self to be) other (than the agent), Badarayana's (view is) correct; for that is seen (from the scriptures).

"Sutras 2-7 give the view of the Mimamsakas, which is refuted by Sutras 8-17.

The Vedanta texts do not teach the limited self, which is the agent, but the Supreme Self, which is different from the agent. Thus the knowledge of the Self which the Vedanta texts declare is different from that knowledge of the self which an agent possesses. The knowledge of such a Self, which is free from all limiting adjuncts, not only does not help, but puts an end to all actions. That the Vedanta texts teach the Supreme Self is clear from such texts as the following;"He who perceives all and knows all"(Mu. 1.1.9.);"Under the mighty rule of this immutable, O Gargi"etc. (Brih. 3.8.9.).

9. But the declarations of the Shruti equally support both views.

"This Sutra refutes the view expressed in Sutra 3. There it was shown that Janaka and others even after attaining Knowledge were engaged in work. This Sutra says the scriptural authority equally supports the view that for one who attained Knowledge there is no work."Knowing this very Self the Brahmanas renounce the desire for sons, for wealth, and for the worlds, and lead a mendicant life"(Brih. 3.5.1.)."We also see from the scriptures that knowers of the Self like Yajnavalkya gave up work."'This much indeed is (the means of) immortality, my dear'. Saying this Yajnavlkya left home"(Brih. 4.5.15). The work of Janaka and others was characterized by non-attachment, and as such it was practically no work; so the Mimarnsa argument is weak.

10. (The declaration of the scripture referred to in Sutra 4) is not universally true.

The declaration of the Shruti that knowledge enhances the fruit of the sacrifice does not refer to all knowledge, as it is connected only with the Udgitha, which is the topic of the section. (There is) division of knowledge and work, as in the case of a hundred (divided between two persons).

"This Sutra refutes Sutra 5."It is followed by knowledge, work, and past experiences"(Brih. 4.4.2.). Here we have to take knowledge and work in a distributive sense, meaning that knowledge follows one and work another. Just as when we say a hundred be given to these two persons, we divide it into two halves and give each man fifty. There is no combination of the two. Even without this explanation Sutra 5 can be refuted. For the text quoted refers only to knowledge and work, which concern the transmigrating soul, and not an emancipated soul. For the passage,"Thus does the man who desires (transmigrate)"(Brih. 4.4.6.) shows that the previous text refers to the transmigrating self. And of the emancipated soul Shruti says,"But the man who never desires (never transmigrates)"etc. (Brih. 4.4.6.). 12. (The scriptures enjoin work) only on those who have read the Vedas.

"This Sutra refutes Sutra 6. Those who have read the Vedas and known about the sacrifices are entitled to perform work. No work is prescribed for those who have knowledge of the Self from the Upanishads. Such a knowledge is incompatible with work. 13. Because there is no special mention (of the Jaimini it does not (apply to him).

"This Sutra refutes Sutra 7. The text quoted there from the Isa Upanishad is a general statement, and there is no special mention in it that it is applicable to a Jnani also. In the absence of such a specification it is not binding on him.

14. Or rather the permission (to do work) is for praising (Knowledge).

"The injunction to do work for the knowers of the Self is for the glorification of this Knowledge. The praise involved in it is this : A knower of the Self may work all his life, but on account of this Knowledge he will not be bound by its effects. 15. And some according to their choice (have refrained from all work).

"In Sutra 3 it was said that Janaka and others were engaged in work even after Knowledge. This Sutra says that some have of their own accord given up all work. The point is that after Knowledge some may choose to work to set an example to others, while others may give up all work. There is no binding on the knowers of the Self as regards work.

16. And (the scriptures say that the) destruction (of all qualifications for work results from Knowledge).

Knowledge destroys all ignorance and its products like agent, act, and result."But when to the knower of Brahman everything has become the Self, then what should one see and through what"etc., (Brih. 4.5.15). The knowledge of the Self is antagonistic to all work and so cannot possibly be subsidiary to work. 17. And (Knowledge belongs) to those who observe continence (i.e. to Sannyasis); because (this fourth Ashrarna is mentioned) in the scriptures.

"The scriptures declare that Knowledge is gained in that stage of life in which continence is prescribed, i.e. the fourth stage or Sannyasa Asrama. To a Sannayasin there is no work prescribed except discrimination. So how can Knowledge be subservient to work? That there is a stage of life called Sannyasa we find from the scriputures themselves in texts like :"There are three branches of duty; sacrifice, study and charity are the first;. . . . All these attain to the worlds of the virtuous; but only one who is firmly established in Brahman attains immortality"(Chh. 2.33.1-2);"Desiring this world (the Self) alone monks renounce their homes"(Brih. 4..4.22). See also Mu. 1.2.11 and Chh. 5.10.1. Everyone can take to this life without being a householder etc. which shows the independence of Knowledge".

Many such Sutras can be found in Badarayana indicating the attitude of the two schools of thought towards each other. But one is enough as it is so very typical. If one stops to consider the matter the position becomes absolutely clear. Jaimini denounces Vedanta as a false Shastra a snare and a delusion, something superficial, unnecessary and insubstantial. What does Badarayana do in the face of this attack? He defends his own Vedanta Shastra. What one would expect from Badrayana is denunciation of the Karmakanda of Jaimini as a false religion. Badarayana shows no such courage. On the contrary he is very apologetic. He concedes that Jaimini's Karmakanda is based on the Scriptures and cannot be repudiated. All that he insists is that his Vedanta doctrine is also true because it has also the support of the Scriptures. Some explanation is necessary for this attitude of Badarayana.

BHAGWAT GITA

The Bhagwat Gita forms part of the Bhishmaparvan of the great epic known as the Mahabharat. The epic is mainly concerned with the struggle for sovereignty between cousins, the Kauravas the sons of Dhritarashtra and the Pandavas the sons of Pandu. Pandu was the younger brother of Dhritarashtra. But as Dhritarashtra was blind the throne went to Pandu. After Pandu's death there arises a dispute

between his sons and the sons of Dhritarashtra regarding the right of succession. The struggle for sovereignty culminated in the battle of Kurukshetra (near modern Panipat). In this battle Krishna sides with the Pandavas and acts as their guide, friend and philohopher,--nay acts as the charioteer of Arjuna, one of the Pandava brothers and who plays the part of the chief warrior in the battle on the side of the Pandavas.

The two armies of the Kauravas and the Pandavas were arrayed for battle on the field. Arjuna in his chariot with Krishna as a driver comes and takes his place in front of the Pandava army. Strong and valiant he gazes at the opposing army of the Kauravas and is struck by the horror of the dreadful fratricidal war in which he will have to kill his cousins and slay those whom he himself revers and to whom he is greatly attached and indebted, He becomes dejected, lays down his weapons and refuses to fight. Krishna begins to argue with him and provoke him to fight. This argument takes the form of a question and answer of a conversation between Arjuna and Krishna at the end of which Arjuna agrees to fight.

At the opening of the Bhagwat Gita we find old Dhritarashtra questioning Sanjaya about the battle. This is because Dhritarashtra the father of the Kauravas who though alive at the time when the battle was fought was a blind man and could not see and know things for himself. For the knowledge of the happenings he had to depend upon the reports of others. Anticipating the difficulty of getting someone to tell Dhritarashtra the authentic story, Vyas the author of the Mahabharata, it is said, bestowed on Sanjaya, the charioteer of Dhritrashtra, the power of knowing all that takes place on the battlefield— even the thoughts in men's minds- that he may make a faithful report to Dhritarashtra. That is why we find the episode of Bhagwat Gita related as a reply by Sanjaya to questions by Dhritarashtra. But the Gita is really a conversation between Arjuna and Krishna and is rightly called *Krishana Arjuna Samvad.*

In this Krishna-Arjuna-Samvad—which is the real name of the Bhagwat Gita— the main question over which there was disagreement was to fight or not to fight. There was no other question. This was the one and the only question which was the subject matter of discussion and argument between the two. Starting from this point of view it is obvious that the Gita could never have been intended by Krishna to be the occasion for moral instruction for the general public or the doctrinal exposition of any religious system or the catechism attached to any creed. Yet this is just what the Gita has come to be. Although the

occasion was to decide to fight or not to fight, the Gita is said to contain what his religious doctrine Krishna is said to have preached to Arjuna.

The first question that crops up is who is this Krishna. To this one gets quite surprizingly a variety of answers from the Gita itself. At the start Krishna appears as a mere man with a completely human personality. He is a warrior by profession. He is a great warrior though he had chosenmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_54 the humble duty of driving the chariot of Arjuna. From man he grows into superman directing and controlling the war and its frotunes. From superman he grows into a demigod and dictator. When all his arguments fail to move Arjuna to fight, he simply orders him to fight and the frightened Arjuna gets up and does his biddings. From demigod he rises to the position of God and is spoken of as Ishwara.

This shows the growth of the personality of Krishna. But what is important is that in the very same Gita, Krishna stands out a.s a representative of other forms of God. Four such representative characters in which Krishna appears are clear to any one who happens to read the Gita even casually.

Krishna is Vasudeo : *Bhagwat Gita :*

Ch.X.37. Of the Vrishnis I am Vasudeva; of the Pandavas, Dhananjaya; and also for the Munis, I am Vyasa; of the sages, Ushanas the sage. Krishna as Bhagwan :

Ch.X.12. The Supreme Brahman, the Supreme Abode, the Supreme Purifier, art Thou. Krishna is an Avtar of Vishnu :

Ch.X.21. Of the Adityas, I am Vishnu; of luminaries, the radiant Sun; of the winds, I am Marichi; of the asterisms, the Moon.

Ch.X1.24. On seeing Thee touching the sky, shining in many a colour, with mouths wide open, with large fiery eyes, I am terrified at heart, and find no courage nor peace, 0 Vishnu.

XI.30. Swallowing all the worlds on every side with Thy flaming mouths, Thou art licking Thy lips. Thy fierce rays, filling the whole world with radiance, are burning, 0 Vishnu. Krishna is also an Avtar of Shankara :

X.23. And of the Rudras I am Shankara; of the Yakshas and Rakshasas the Lord of wealth (Kuvera); of the Vasus I am Pavaka; and of mountains, Meru am 1.

Krishna is Bramhan :—

XV. 15. I am centered in the hearts of all; memory and perception as well as their loss come from Me. I am verily that which has to be known by all the Vedas, I indeed am the Author of the Vedanta, and the Knower of the Veda am 1.

XV. 16. There are two Purushas in the world,—The Perishable and the Imperishable. All beings are the Perishable, and the Kutastha is called Imperishable.

XV. 17. But (there is) another, the Supreme Purusha, called the Highest Self, the immutable Lord, who pervading the three worlds, sustains them.

XV. 18. As I transcend the Perishable and am above even the Imperishable, therefore am I in the world and in the Veda celebrated as the Purushottama, (the Highest Purusha).

XV. 19. He who free from delusion thus knows Me, the Highest Spirit, he knowing all, worships Me with all his heart, 0 descendant of Bharata.

Ask the next question, What is the doctrine that Krishna preaches to Arjuna? The doctrine preached by Krishna to Arjuna is said to be the doctrine of salvation for the human soul. While the question dealt with by Krishna is one relating to Salvation, Krishna teaches three different doctrines of Salvation.

Salvation is possible by *Dnyanmarg* as propounded by Samkhya Yog.

11.39. The wisdom of Self-realisation has been declared unto thee. Hearken thou now to the wisdom of Yoga, endued with which, 0 son of Pritha, thou shalt break through the bonds of Karma. Thus is the concluding verse of the discourse on Samkhya Yoga discussed in Chapter II, verses 11-16 and 18-30.

(2) Salvation is possible by *Karma* marg,

V.2. Both renunciation and performance of action lead to freedom : of these performance of action is superior to the renunciation of action.

(3) Salvation is possible by *Bhakti* Marg.

IX. 13. But the great souled ones, 0 son of Pritha, possessed of the Divine Prakriti, knowing Me to be the origin of beings, and immutable, worship Me with a single mind.

IX. 14. Glorifying Me always and striving with firm resolve, bowing down to Me in devotion, always steadfast, they worship Me. IX. 15. Others, too, sacrificing by the Yajna of knowledge (i.e. seeing the Self in all), worship Me the All Formed, as one, as distnct, as manifold.

IX. 17. I am the Father of this world, the Mother, the Sustainer, the Grandfather; the Purifier, the (one) thing to be known, (the syllable) 0m, and also the Rik Saman and Yajus.

IX.22. Persons who, meditating on Me as non-separate, worship Me in all beings, to them thus ever jealously engaged, I carry what they lack and preserve what they already have. There are two other features of the Bhagwat Gita which arrests one's attention.

(i) There is a sentiment of depreciation of the Vedas and Vedic rituals and sacrifices.

11.42-44. 0 Partha, no set determination is formed in the minds of those that are deeply attached to pleasure and power, and whose disctimination is stolen away by the flowery words of the unwise, who are full of desires and look upon heaven as their highest goal and who, taking pleasure in the panegyric words of the Vedas, declare that there is nothing else. Their (flowery) words are exuberant with various specific rites as the means to pleasure and power and are the causes of (new) births as the result of their works (performed with desire).

11.45 The Vedas deal with the three Gunas, Be thou free, 0 Arjun, from the triad of the Gunas, free from the apirs of opposites, ever balanced, free from (the thought of) getting and keeping, and established in the Self.

11.46. To the Brahmana who has known the Self, all the Vedas are of so much use, as a reservoir is, when there is a flood everywhere.

IX.21. Having enjoyed the vast Swarga-world, they enter the mortal world, on the exhaustion of their merit; Thus, abiding by the injunctions of the three (Vedas), desiring desires, they (constantly) come and go.

INCOMPLETE

CHAPTER 7
The Triumph of Brahmanism : Regicide or the birth of Counter-Revolution

We have found only 3 typed pages under this title. Fortunately, a copy of the essay has been spared by Shri S. S. Rege for being included in this hook. While examining the pages we have noticed that the copy given by Mr. Rege also lacks page nos 3 to 7 and 9 to 17. The total typed pages of this essay have been numbered 92 inclusive of the missing pages. The title on the copy of Mr. Rege is the 'Triumph of Brahmanism'; whereas the first page of the script in our papers is also entitled as ' Regicide or the Birth of Counter-Revolution '. The classification of the subject into IX Chapters is noted in our copy whereas it is missing from the copy of Mr. Rege. Both the titles and the classification are recorded in the handwriting of Dr. Ambedkar. Hence, they are retained in this print. Incidentaly, the page nos 91017

were found fagged in other file. All those papers have now been introduced at proper place. Thus except page Nos. 4 to 7, the script is complete.—Editors.

I The Brahmanic Revolt against Buddhism. II Manu the apostle of Brahmanism. Ill Brahmanism and the Brahmin's Right to rule and regicide. IV Brahmanism and the privileges of Brahmins. V Brahmanism and the Creation of Caste. VI Brahmanism and the degradation of the Non-Brahmins. VII Brahmnism and the Suppression of the Shudra. VIII Brahmanism and the Subjection of Women. IX Brahmanism and the legalization of the social system.

Speaking about India, Prof. Bloomfield opens his lectures on the Religion of the Veda by reminding his audience that"India is the land of religions in more than one sense. It has produced out of its own resources, a number of distinctive systems and sects....

In another sense India is a land of religions. Nowhere else is the texture of life so much impregnated with religious convictions and practices..."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_55

These observations contain profound truth. He would have given utterance to truth far more profound and arresting if he had said that India is a land of warring religions. For indeed there is no country in which Religion has played so great a part in its history as it has in the history of India. The history of India is nothing but a history of a mortal conflict between— Buddhism and Brahmanism. So neglected is this truth that no one will be found to give it his ready acceptance. Indeed there may not be wanting persons who would repudiate any such suggestion.

Let me therefore briefly recount the salient facts of Indian history. For it is important that everyone who was able to understand the history of India must know that it is nothing but the history of the struggle for supremacy between Brahmanism and Buddhism.

The history of India is said to begin with the Aryans who invaded India, made it their home and established their culture. Whatever may be the virtues of the Aryans, their culture, their religion and their social system, we know very little about their political history. Indeed notwithstanding the superiority that is claimed for the Aryans as against the Non-Aryans, the Aryans have left very little their political achievements for history to speak of. The political history of India begins with the rise of a non-Aryan people called Nagas, who were a powerful people, whom the Aryans were unable to conquer, with whom the Aryans had to make peace, and whom the Aryans were compelled to

recognize as their equals. Whatever fame and glory India achieved in ancient times in the political field, the credit for it goes entirely to the Non-Aryan Nagas. It is they who made India great and glorious in the annals of the world.

The first land mark in India's political history is the emergence of the Kingdom of Magadha in Bihar in the year 642 B.C. The founder of this kingdom of Magadha is known by the name of Sisunag2mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_56 and belonged to the non-Aryan race of Nagas.

From the small beginning made by Sisunag, this Kingdom of Magadha grew in its extent under the capable rulers of this Sisunag dynasty. Under Bimbisara the fifth ruler of this dynasty the kingdom grew into an Empire and came to be known as the Empire of Magadha. The Sisunag dynasty continued to rule the kingdom till 413 B.C. In that year the reigning Emperor of the Sisunag Dyansty Mahananda was killed by an adventurer called Nanda. Nanda usurped the throne of Magadha and founded the Nanda Dynasty.

This Nanda Dynasty ruled over the Empire of Magadha upto 322 B.C. The last Nanda king was deposed by Chandragupta who founded the Maurya Dynasty. Chandragupta was relatedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_57 to the family of the last ruling emperor of the Sisunag Dynasty so that it may be said that the revolution effected by Chandragupta was really a restoration of the Naga Empire of Magadha.

The Mauryas by their conquests enormously extended the boundaries of this Empire of Magadha which they inherited. So vast became the growth of this Empire under Ashoka, the Empire began to be known by another name. It was called the Maurya Empire or the Empire of Ashoka. *(From here onwards page Nos. 4 to 7 of the MS are missing.)*

It did not remain as one of the many diverse religions then in vogue. Ashoka made it the religion of the state. This of course was the greatest blow to Brahmanism. The Brahmins lost all state partonage and were neglected to a secondary and subsidiary position in the Empire of Ashoka.

Indeed it may be said to have been suppressed for the simple reason that Ashoka prohibited all animal sacrifices which constituted the very essence of Brahmanic Religion.

The Brahmins had not only lost state partonage but they lost their occupation which mainly consisted in performing sacrifices for a fee which often times was very substantial and which constituted their chief source of living. The Brahmins therefore lived as the suppressed and Depressed Classes2 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_58for nearly 140 years during which the Maurya Empire lasted.

A rebellion against the Buddhist state was the only way of escape left to the suffering Brahmins and there is special reason why Pushyamitra should raise the banner of revolt against the rule of the Mauryas. Pushyamitra was a Sung by Gotra.

The Sungas were Samvedi Brahmins,3mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_59 who believed in animal sacrifices and soma sacrifices. The Sungas were therefore quite naturally smarting under the prohibition on animal sacrifices throughout the Maurya Empire proclaimed in the very Rock Edict by Ashoka.

No wonder if Pushyamitra who as a Samvedi Brahmin was the first to conceive the passion to end the degradation of the Brahmin by destroying the Buddhist state which was the cause of it and to free them to practise their Brahmanic religion.

That the object of the Regicide by Pushyamitra was to destroy Buddhism as a state religion and to make the Brahmins the sovereign rulers of India so that with the political power of the state behind it Brahmanism may triumph over Buddhism is borne out by two other circumstances.

The first circumstance relates to the conduct of Pushyamitra himself. There is evidence that Pushyamitra after he ascended the throne performed the Ashvamedha Yajna or the horse sacrifice, the vedic rite which could only be performed by a paramount sovereign. As Vincent Smith observes :

"The exaggerated regard for the sanctity of animal life, which was one of the most cherished features of Buddhism, and the motive of Ashoka's most characterisitic legislation, had necessarily involved the prohibition of bloody sacrifices, which are essential to certain forms of Brahmanical worship, and were believed by the orthodox to possess the highest saving efficacy. The memorable horse sacrifices of Pushyamitra marked an early stage in the Brahmanical reaction, which was fully

developed five centuries later in the time of Samudragupta and his successors."

Then there is evidence that Pushyamitra after his accession launched a violent and virulent campaign of persecution against Buddhists and Buddhism.

How pitiless was the persecution of Buddhism by Pushyamitra can be gauged from the Proclamation which he issued against the Buddhist monks. By this proclamation Pushyamitra set a price of 100 gold pieces on the head of every Buddhist monk.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_60

Dr. Haraprasad Shastri speaking about the persecution of Buddhists under Pushyamitra saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_61 :

"The condition of the Buddhists under the imperial sway of the Sungas, orthodox and bigotted, can be more easily imagined than described. From Chinese authorities it is known that many Buddhists still do not pronounce the name of Pushyamitra without a curse."

II

If the Revolution of Pushyamitra was a purely political revolution there was no need for him to have launched a compaign of persecution against Buddhism which was not very different to the compaign of persecution launched by the Mahamad of Gazni against Hinduism. This is one piece of circumatantial evidence which proves that the aim of Pushyamitra was to overthrow Buddhism and establish Brahmanism in its place.

Another piece of evidence which shows that the origin and purpose of the revolution by Pushyamitra against the Mauryas was to destroy Buddhism and establish Brahmanism is evidenced by the promulgation of Manu Smriti as a code of laws.

The Manu Smriti is said to be divine in its origin. It is said to be revealed to man by Manu to whom it was revealed by the Swayambhu (i.e. the Creator). This claim, as will be seen from the reference already made to it, is set out in the Code itself. It is surprizing that nobody has cared to examine the grounds of such a claim. The result is that there is a complete failure to realise the significance, place and position of the Manu Smriti in the history of India. This is true even of the historians of India although the Manu Smriti is a record of the greatest social revolution that Hindu society has undergone. There can however be no

doubt that the claim made in the Manu Smriti regarding its authorship is an utter fraud and the beliefs arising out of this false claim are quite untenable.

The name Manu had a great prestige in the ancient history of India and it is with the object to invest the code with this ancient prestige that its authorship was attributed to Manu. That this was a fraud to deceive people is beyond question. The code itself is signedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_62 in the family name of Bhrigu as was the ancient custom."The Text Composed by Bhrigu (entitled)"The Dharma Code of Manu"is the real title of the work. The name Bhrigu is subscribed to the end of every chapter of the Code itself. We have therefore the family name of the author of the Code. His personal name is not disclosed in the Book. All the same it was known to many. The Author of Narada Smriti writing in about the 4th Century A.D. knew the name of the author of the Manu Smriti and gives out the secret. According to Narada it was one Sumati Bhargava who composed the Code of Manu. Sumati Bhargava is not a legendary name, and must have been historical person for even Medhatithemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_63 the great commentator on the Code of Manu held the view that this Manu was 'a certain individual'. Manu therefore is the assumed name of Sumati Bhargava who is the real author of Manu Smriti.

When did this Sumati Bhargava compose this Code? It is not possible to give any precise date for its composition. But quite a precise period during which it was composed can be given. According to scholars whose authority cannot be questioned Sumati Bhargava must have composed the Code which he deliberately called Munu Smriti between 170 B.C. and 150 B.C. Now if one bears in mind the fact that the Brahmanic Revolution by Pushyamitra took place in 185 B.C. there remains no doubt that the code known as Manu Smriti was promulgated by Pushyamitra as embodying the principles of Brahmanic Revolution against the Buddhist state of the Mauryas. That the Manu Smriti forms the Institutes of Brahmanism and are a proof that Pushyamitra Revolution was not a purely personal adventure will be clear to any one who cares to note the following peculiarities relating to the Manu Smriti.

First thing to be noted is that the Manu Smriti is a new Code of law promulgated for the first time during the reign of Pushyamitra. There was a view once prevalent that there existed a code known as the

Manava-Dharma-Sutra and that what is known as Manu Smriti is an adaptation of the old Manava Dharma Sutra. This view has been abandoned as there has been no trace of any such work. Two other works existed prior to the present Manu Smriti. One was known as Manava Artha Sastra, or Manava-Raja-Sastra or Manava-Raja-Dharma-Sastra. The other work was known as Manava-Grihya-Sutra. Scholars have compared the Manu Smriti. On important points the provisions of one are not only dissimilar but are in every way contrary to the provisions contained in the other. This is enough to show that Manu Smriti contains the new law of the new regime.

That the new regime of Pushyamitra was anti-Buddhist is betrayed by the open provisions enacted in the Manu Smriti against the Buddhists and Buddhism. Note the following provisions in Manu Smriti :—

IX. 225.”. . .. Men who abide in heresy . . . the king should banish from his realm."

IX. 226.”These robbers in disguise, living in the king's realm constantly injure the worthy subject by the performance of their misdeeds."

V. 89.”Libations of water shall not be offered to (the souls of) those who (neglect the prescribed rites and may be said to) have been born in vain, to those born in consequence of an illegal mixture of the castes, to those who are ascetics (of heretical sects) and to those who have committed suicide."

V.90. (Libations of water shall not be offered to the souls of) women who have joined a heretical sect.....

IV. 30. Let him (the householder) not honour, even by a greeting heretics.... logicians, (arguing against the Veda).

XII. 95.”All those traditions and all those despicable systems of Philosophy, which are not based on the Veda produce no reward after death, for they are declared to be founded on Darkness.

XII. 96.”All those (doctrines), differing from the (Veda), which spring up and (soon) perish, are worthless and false, because of modern date."

Who are the heretics to whom Manu refers and whom he wants the new king to banish from his realm and the Householder not to honour in life as well as after death? What is this worthless philosophy of modern date, differing from the Vedas, based on darkness and bound to perish? There can be no doubt that the heretic of Manu is the Buddhist and the worthless philosophy of modern date differing from the Vedas is Buddhism. Kalluck Bhutt another commentator on Manu Smriti expressly states that the references to heretics in these Shlokas in Manu are to the Buddhists and Buddhism.

The third circumstance is the position assigned to the Brahmins in the Manu Smriti. Note the following provisions in Manu :—

I. 93. As the Brahmana sprang from (Bramha's) mouth, as he was the first born,and as he possesses the Veda, he is by right the lord of this whole creation.

I. 96. Of created beings the most excellent are said to be those which are animated; of the animated, those which subsist by intelligence; of the intelligent, mankind; and of men, the Brahmans.

I. 100. Whatever exists in the world is the property of the Bramhans ; on account of the excellence of his origin the Brahmana is, indeed, entitled to it all.

I. 101. The Brahmana eats but his own food, wears but his. own apparel, bestows but his own in alms; other mortals subsist through the benevolence of the Brahmana.

X. 3. On account of his pre-eminance, on account of the superiority of his origin, on account of his observance of (particular) restrictive rules, and on account of his particular sanctification, the Brahmana is the lord of (all) castes.

XI. 35. The Bramhana is declared to be the creator of the world, the punisher, the teacher, and hence a benefactor of all created beings; to him let no man say anything unpropitious, nor use any harsh words.

Manu warns the King against displeasing the Bramhans in the following terms:—

IX. 313. Let him (the King) not, though fallen unto the deepest distress, provoke Bramhans to anger; for they, when angered, could instantly destroy him together with his army and his vehicles. Manu further proclaims,

XI. 31. A Bramhana who knows the law need not bring any (offence) to the notice of the king; by his own power alone he can punish those men who injure him.

XI. 32. His own power is greater than the power of the king; The Bramhana, therefore, may punish his foes by his own power alone.

This deification of the Brahmins, placing them even above the King would have been impossible unless the King himself was a Brahmin and in sympathy with the view expressed by Manu. Pushyamitra and his successors could not have tolerated these exaggerated claims of the Brahmins unless they themselves were Brahmins interested in the establishment of Bramhanism. Indeed it is quite possible that the Manu Smriti was composed at the command of Pushyamitra himself and forms the book of the philosophy of Bramhanism.

Taking all these facts into considerations there can remain no doubt; the one and only object of Pushyamitra's revolution was to destroy Buddhism and re-establish Bramhanism.

The foregoing summary of the political history of India would have been quite unnecessary for the immediate purpose of this chapter if I was satisfied with the way in which the history of India is written. But frankly I am not satisfied. For too much emphasis is laid on the Muslim conquest of India. Reels and reels have been written to show how wave after wave of Muslim invasions came down like avalanche and enveloped the people and overthrew their rulers. The whole history of India is made to appear as though the only important thing in it is a catalogue of Muslim invasions. But even from this narrow point of view it is clear that the Muslim invasions are not the only invasions worth study. There have been other invasions equally if not of greater importance. If Hindu India was invaded by the Muslim invaders so was Buddhist India invaded by Bramhanic invaders. The Muslim invasions of Hindu India and the Bramhanic invasions of Buddhist India have many similarities. The Musalman invaders of Hindu India fought among themselves for their dynastic ambitions. The Arabs, Turks, Mongols and Afghans fought for supremacy among themselves. But they had one thing in common—namely the mission to destroy idolatory. Similarly the Bramhanic invadars of Buddhist India fought among themselves for their dynastic ambitions. The Sungas, Kanvas and the Andhras fought for supremacy among themselves. But they, like the Muslim invaders of Hindu India, had one object in common that was to destroy Buddhism and the Buddhist Empire of the Mauryas. Surely if Muslim invasions of Hindu India are worthy of study at the hands of the historians, the invasions of Buddhist India by Bramhanic invaders are equally deserving of study. The ways and methods employed by the Bramhanic invaders of Buddhist India to suppress Buddhism were not less violent and less virulent than the ways and means adopted by Muslim invaders to suppress Hinduism. From the point of view of the permanent effect on the socia.l and spiritual life of the people, the Bramhanic invasions of Buddhist India have been so profound in their effect that compared to them, the effect of Muslim invasions on Hindu India have been really superficial and ephemeral. The Muslim invaders destroyed only the outward symbols of Hindu religion such as temples and Maths etc. They did not extirpate Hinduism nor did they cause any subversion of the principles or doctrines which governed the spiritual life of the people. The effects of the Bramhanic invasions were a thorough-going change

in the principles which Buddhism had preached for a century as true and eternal principles of spiritual life and which had been accepted and followed by the masses as the way of life. To alter the metaphor the Muslim invaders only stirred the waters in the bath and that too only for a while. Thereafter they got tired of stirring and left the waters with the sediments to settle. They never threw the baby—if one can speak of the principles of Hinduism as a baby—out of the bath. Bramhanism in its conflict with Buddhism made a clean sweep. It emptied the bath with the Buddhist Baby in it and filled the bath with its own waters and placed in it its own baby. Bramhanism did not care to stop how filthy and dirty was its water as compared with the clean and fragrant water which flowed from the noble source of Buddhism. Bramhanism did not care to stop how hideous and ugly was its own baby as compared with the Buddhist baby. Bramhanism acquired by its invasions political power to annihilate Buddhism and it did annihilate

Buddhism. Islam did not supplant Hinduism. Islam never made a thorough job of its mission. Bramhanism did. It drove out Buddhism as a religion and occupied its place.

These facts show that Brahmanic invasions of Buddhist India have a far greater significance to the Historian of India than the Muslim invasions of Hindu India can be said to have produced. Yet very little space is devoted by historians to the vissicitudes which befell Buddhist India built up by the Mauryas and even where that is done they have not cared to deal in a pointed manner with questions that quite naturally arise : questions such as, who were the Sungas, Kanavas and Andhras ; why did they destroy the Buddhist India which was built up by the Mauryas, nor has any attempt been made to study the changes that Brahmanism after its triumph over Buddhism brought about in the political and social structure.

Failure to appreciate this aspect of India's history is due to the prevalence of some very wrong notions. It has been commonly supposed that the culture of India has been one and the same all throughout history; that Brahmanism, Buddhism, Jainism are simply diffeent phases and that there has never been any fundamental antagonism between them. Secondly it has been assumed that whatever conflicts have taken place in Indian politics were purely political and dynastic and that they had no social and spiritual significance. It is because of these wrong notions that Indian history has become a purely mechanical thing, a record of one dynasty succeeding another and one ruler succeeding another ruler. A corrective to such an attitude and to

such a method of writing history lies in recognition of two facts which are indisputable.

In the first place it must be recognized that there has never been such as a common Indian culture, that historically there have been three Indias, Brahmanic India, Buddhist India and Hindu India, each with its own culture. Secondly it must be recognized that the history of India before the Muslim invasions is the history of a mortal conflict between Bramhanism and Buddhism. Any one who does not recognize these two facts will never be able to write a true history of India, a history which will disclose the meaning and purpose running through it. It is a corrective to Indian history written as it is and to disclose the meaning and purposes running through it that I was obliged to re-cast the history of the Brahmanic invasions of Buddhist India and the political triumph of Brahmanism over Buddhism.

We must therefore begin with the recognition of the fact : Pushyamitra's revolution was a political revolution engineered by the Brahmins to overthrow Buddhism.

The curious will naturally ask what did this triumphant Brahmanism do? It is to this question that I will now turn. The deeds or misdeeds of this triumphant Brahmanism may be catalogued under seven heads (1) It established the right of the Brahmin to rule and commit regicide. (2) It made the Bramhins a class of privileged persons. (3) It converted the Varna into caste. (4) It brought about a conflict and anti-social feeling between the different castes. (5) It degraded the Shudras and the women (6) It forged the system of graded inequality and (7) It made legal and rigid the social system which was conventional and flexible.

To begin with the first.

The revolution brought about by Pushyamitra created an initial difficulty in the way of the Brahmins. People could not be easily reconciled to this revolution. The resentment of the public was well expressed by the poet Bana[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_64 when in referring to this revolution reviles Pushyamitra as being base born and calls his act of regicide as *Anarva*. The act of Pushyamitra was properly described by Bana as *Anarya* i.e. contrary to Aryan law. For on three points the Aryan law at the date of Pushyamitra's revolution was well settled. The then Aryan law declared (1) That Kingship is the right of the Kshatriya only. A Brahmin could never be a king. (2) That no Brahmin shall take to the profession of

Arms[2]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_65 and (3) That rebellion against the King's authority was a sin. Pushyamitra in fostering the rebellion had committed a crime against each of these three laws. He was Brahmin, and although a Brahmin he rebelled against the King, took to the profession of Arms and became a King. People were not reconciled to this usurption which constituted so flagrant a breach of the law that the Brahmins had to regularize the position created by Pushyamitra. This the Brahmins did by taking the bold step of changing the law. This change of law is quite manifest from the Manu Smriti. I will quote the appropriate shlokas from the Code :

XII. 100."The post of the Commander-in-Chief of the Kingdom, the very Headship of Government, the complete empire over every one are deserved by the Brahmin."Here we have one change in the law. This new law declares that the Brahmin has a right to become Senapati (Commander of forces), to

conquer a kingdom, and to be the ruler and the Emperor of it.

XI. 31. A Brahmin, who well knows the laws, need not complain to the king of any grievous injury; since, even by his own power, he may chastise those, who injure him.

XI. 32. His (Brahmin's) own power, which depends on himself alone is mightier than the royal power, which depends on other men ; by his own might, therefore may a Brahmin coerce his foes.

XI. 261-62. A Brahmin who has killed even the peoples of the three worlds, is completely freed from all sins on reciting three times the Rig, Yajur or Sama.-Veda with the Upanishadas."Here is the second change in the law. It authorized the Brahmin to kill not only the king but to engage in a general massacre of men if they seek to do injury to his power and position.

VIII. 348."The twice born man may take arms, when the rightful occupation assigned to each by Dharma is obstructed by force ; and when, in some evil time, a disaster has befallen the twice-born classes."

IX. 320. Of a Kshatriya (Military man or king), who raise his arm violently on all occasions against the Brahmins, Brahmin himself shall be the chastiser; since the soldier originally proceeded from the Brahmin."

This is the third legal change. It recognized the right to rebellion and the right to regicide. The new law is very delicately framed. It gives the right of rebellion to three higher classes. But it is also given to the Brahmins singly by way of providing for a situation when the Kshatriyas

and the Vaishyas may not be prepared to join the Brahmin in bringing about a rebellion. The right of rebellion is well circumscribed. It can be exercised only when the king is guilty of upsetting the occupations assigned by Manu to the different Varnas.

These legal changes were as necessary as they were revolutionary. Their object was to legalize and regularize the position created by Pushyamitra by killing the last Maurya King. By virtue of these legal changes, a Brahmin could lawfully become a king, could lawfully take arms, could lawfully depose or murder a king who was opposed to Chaturvarna and could lawfully kill any subject that opposed the authority of the Brahmin. Manu gave the Brahmins a right to commit Barthalomeu if it became necessary to safeguard their interests.

In this way Brahmanism established the right of Brahmana to rule and set at rest whatever doubt and dispute there was regarding the same. But that could hardly be enough for the Brahmins as a whole. It may be a matter of pride but not of any advantage. There can be no special virtue in Brahmin rule if the Brahmin was treated as common man along with the Non-Brahmins having the same rights and same duties. Brahmin rule if it is to justify itself, it must do so by conferring special privileges and immunities on the Brahmins as a class. Indeed Pushyamitra's Revolution would have been an ill wind blowing no good if it had not recognized the superior position of the Brahmins and conferred upon them special advantages. Manu was alive to this and accordingly proceeds to create monopolies for Brahmins and grant them certain immunities and privileges as may be seen from the Code.

First as to monopolies :

1. 88. To Brahmanas he assigned teaching and studying (the Veda) sacrificing for their own benefit and for others, giving and accepting (of alms).

X. 1. Let the three twice-born castes (Varna), discharging their (prescribed) duties, study (the Veda) ; but among them the Brahmana (alone) shall teach it, not the other two; that is an established rule.

X. 2. The Brahmana must know the means of subsistence (prescribed) by law for all, instruct others, and himself live according to (the law).

X. 3. On account of his pre-eminence, on account of the superiority of his origin, on account of his observance of (particular) restrictive rules, and on account of his particular sanctification, the Brahmana is the lord of (all) castes (varna).

X. 74. Brahmanas who are intent on the means (of gaining union with) Brahman and firm in (discharging) their duties, shall live by duly

performing the following six acts, (which are enumerated) in their (proper) order.

X. 75. Teaching, studying, sacrificing for himself, sacrificing for others, making gifts and receiving them are the six acts (prescribed) for a Brahamana.

X. 76. But among the six acts (ordained) for him three are his means of subsistence, (viz.) sacrificing for others, teaching, and accepting gifts from pure men.

X. 77. (Passing) from the Brahmana to the Kshatriya, three acts (incumbent) (on the former) are forbidden, (viz.) teaching, sacrificing for others, and, thirdly, the acceptance of gifts.

X. 78. The same are likewise forbidden to a Vaisya, that is a settled rule; for Manu, the lord of creatures (Prajapati), has not prescribed them for (men of) those two (castes).

X. 79. To carry arms for striking and for throwing (is prescribed) for Kshatriyas as a means of subsistence ; to trade, (to rear) cattle, and agriculture for Vaisyas; but their duties are liberality, the study of the Veda, and the performance of sacrifices. Here are three things which Manu made the monopoly of the Brahmin : teaching Vedas, performing Sacrifices and receiving gifts.

The following are the immunities that were granted to the Brahmins. They fall into two classes ; freedom from taxation and exemption from certain forms of punishment for crimes.

VII. 133. Though dying (with want), a king must not levy a tax on Srotriyas, and no Srotriya residing in his kingdom, must perish from hunger.

VIII. 122. They declare that the wise have prescribed these fines for perjury, in order to prevent a failure of justice, and in order to restrain injustice.

VIII. 123. But a just king shall fine and banish (men of) the three (lower) castes (varna) who have given false evidence, but a Brahmana he shall (only) banish.

VIII. 124. Manu, the son of the Self-existent (Svayambhu), has named ten places on which punishment may be (made to fall) in the cases of the three (lower) castes (varna); but a Brahmana shall depart unhurt (from the country).

VIII. 379. Tonsure (of the head) is ordained for a Brahmana (instead of) capital punishment; but (men of) other castes shall suffer capital punishment.

VIII. 380. Let him never slay a Brahmana, though he have committed all (possible) crimes; let him banish such an (offender), leaving all his property (to him) and (his body) unhurt. Thus Manu places the Brahmin above the ordinary penal law for felony. He is to be allowed to leave the country withdraw a wound on him and with all property in proved offences of capital punishment. He is not to suffer forfeiture of fine nor capital punishment. He suffered only banishment which in the words of Hobbes was only a"Change of air"after having committed the most heinous crimes. Manu gave him also certain privileges. A Judge must be a Brahmin.

VIII. 9. But if the king does not personally investigate the suits, then let him appoint a learned Brahmana to try them.

VIII. 10. That (man) shall enter that most excellent court, accompanied by three assessors, and fully consider (all) causes (brought) before the (king), either sitting down or standing. The other privileges were financial

VIII. 37. When a learned Brahmana has found treasure, deposited in former (times), he may take even the whole (of it) ; for he is master of everything.

VIII. 38. When the king finds treasure of old concealed in the ground, let him give one half to Brahmanas and place the (other) half in his treasury.

IX. 323. But (a king who feels his end drawing nigh) shall bestow all his wealth, accumulated from fines, on Brahmanas, make over his kingdom to his son, and then seek death in battle.

IX. 187. Always to that (relative within three degrees) who is nearest to the (deceased) Sapinda the estate shall belong ; afterwards a Sakulya shall be (the heir, then) the spiritual teacher or the pupil.

IX. 188. But on failure of all (heirs) Brahmanas (shall) share the estate, (who are) versed in the three Vedas, pure and self-controlled ; thus the law is not violated.

IX. 189. The property of a Brahmana must never be taken by the King, that is a settled rule ; but (the property of men) of other castes the king may take on failure of all (heirs).

These are some of the advantages, immunities and privileges which Manu conferred upon the Brahmins. This was a token of a Brahmin having become a king.

Supporters of Brahmanism—so strong is the belief in the excellence of Brahmanism that there are no appologists for it as yet—never fail to point to the disabilities which Manu has imposed upon the Brahmins.

Their object in doing so is to show that the ideal placed by Manu before the Brahmin is poverty and service. That Manu has placed certain disabilities upon the Brahmins is a fact. But to conclude from it that Manu's ideal for a Brahmin is poverty and service is a gross and deliberate concoction for which there is no foundation in Manu.

To understand the real purpose which Manu had in imposing these disabilities, two things must be borne in mind. Firstly the place Manu has assigned to the Brahmins in the general scheme of society and secondly the nature of the disabilities. The place assigned by Manu to the Brahmins is enunciated by him in unequivocal terms. The matter being important I must quote again the Verses already quoted.

1. 93. As the Brahmana sprang from (Brahman's) mouth, as he was the first born, and as he possesses the Veda, he is by right the lord of this whole creation. Consider the nature of the disabilities.

IV. 2. A Brahamana must seek a means of subsistence which either causes no, or at least little pain (to others), and live (by that) except in times of distress.

IV. 3. For the purpose of gaining bare subsistence, let him accumulate property by (following those) irreproachable occupations (which are prescribed for) his (caste), without (unduly) fatiguing his body.

VIII. 337. In (a case of) theft the guilt of a Sudra sha.ll be eightfold, that of a Vaishya sixteenfold, that of a Kshatriya two-and-thirty fold.

VIII. 338. That of a Brahamana sixty-four-fold, or quite a hundred-fold or (even) twice four-and-sixty-fold; (each of them) knowing the nature of the offence.

VIII. 383. A Brahamana shall be compelled to pay a fine of one thousand (panas) if he has intercourse with guarded (females of) those two (castes) ; for (offending with) a (guarded) Sudra female a fine of one thousand (panas) (shall be inflicted) on a Kshatriya or a Vaishya.

VIII. 384. For (intercourse with) an unguarded Kshatriya a fine of five hundred (panas shall fall) on a Vaisya ; but (for the same offence) a Kshatriya shall be shaved with the urine (of a donkey) or (pay) the same fine.

VIII. 385. A Brahamana who approaches unguarded females (of the) Kshatriya or Vaisya (castes), or a Sudra female, shall be fined five hundred (panas); but (for intercourse with) a female (of the) lowest (castes), one thousand.

Examining these disabilities against the background furnished by the place assigned to him by Manu, it is obvious that the object of these disabilities was not to make the Brahmin suffer. On the other hand it

becomes clear that the object of Manu was to save the Brahmin from falling from the high pennacle on which he had placed him and incurring the disgrace of the non-Brahmins.

That the object of Manu was not to subject the Brahmins to poverty and destitute is clear from other provisions from Manu-Smriti. In this connection reference should be made to the rule contained in the Manu Smriti regarding the course of conduct a Brahmin should pursue when he is in distres.

X. 80. Among the several occupations the most commendable are, teaching the Veda for a Brahmana, protecting (the people) for a Kshatriya, and trade for a Vaisya.

X. 81. But a Brahmana, unable to subsist by his peculiar occupations just mentioned, may live according to the law applicable to Kshatriyas ; for the latter is next to him in rank.

X. 82. If it be asked, 'How shall it be, if he cannot maintain himself by either (of these occupations?' the answer is), he may adopt a Vaisya's mode of life, employing himself in agriculture and rearing cattle.

X. 83. But a Brahamana, or a Kshatriya, living by a Vaisya's mode of subsistence, shall carefully avoid (the pursuit of) agriculture, (which causes) injury to many beings and depends on others.

X. 84. (Some) declare that agriculture is something excellent, (but) that means of subsistence is blamed by the virtuous ; (for) the wooden (implement) with iron point injures the earth and (the beings) living in the earth.

X. 85. But he who, through a want of means of subsistence, gives up the strictness with respect to his duties, may sell, in order to increase his wealth, the commodities sold by Vaisyas, making (however) the (following) exceptions.

It will be seen that the disabilities imposed upon a Brahmin last as long as he is prospering by the occupations which belong to him as of right. As soon as he is in distress and his disabilities vanish and he is free to do anything that he likes to do in addition to the occupations reserved to him and without ceasing to be a Brahmin. Further whether he is in distress or not is a matter which is left to the Brahmin to be decided in his own discretion. There is therefore no bar to prevent even a prosperous Brahmin to supplement his earnings by following any of the professions open to him in distress by satisfying his conscience.

There are other provisions in Manu Smriti intended to materially benefit the Brahmanas. They are *Dakshina* and *Dana*. Dakshina is the fee which the Brahmin is entitled to charge when he is called to perform a

religious ceremony. Brahmanism is full of rites and ceremonies. It is not very difficult to imagine how great must this source of income be to every Brahmin: There was no chance of a priest being cheated of his fees. The religious sense attached to Dakshina was a sufficient sanction for regular payment. But Manu wanted to give the Brahmins the right to recover his fees.

XI. 38. A Brahamana who, though wealthy, does not give, as fee for the performance of an Agnyadheya, a horse sacred to Prajapati, becomes (equal to one) who has not kindled the sacred fires.

XI. 39. Let him who has faith and controls his senses, perform other meritorious acts, but let him on no acount offer sacrifices at which he gives smaller fees (than those prescribed).

XI. 40. The organs (of sense and action), honour, (bliss in) heaven, longevity, fame, offspring, and cattle are destroyed by a sacrifice at which (too) small sacrificial fees are given ; hence a man of small means should not offer a (Srauta) sacrifice. He even goes to the length of excusing a Brahmin by declaring that anything done by him to recover his fees shall not be an offence under the law.

VIII. 349. In their own defence, in a strife for the fees of officiating priests and in order to protect women and Brahmanas ; he who (under such circumstances kills in the cause of right, commits no sin.

But it is the provision of Dana which makes a fruitful source of income to the Brahmins. Manu exhorts the King to make *Dana* to Brahmins.

VII. 79. A King shall offer various (Srauta) sacrifices at which liberal fees (are distributed), and in order to acquire merit, he shall give to Brahmanas enjoyments and wealth.

VII. 82. Let him honour those Brahmanas who have returned from their teacher's house (after studying the Veda) ; for that (money which is given) to Brahmanas is declared to be an imperishable treasure for kings.

VII. 83. Neither thieves nor foes can take it, nor can it be lost; hence an imperishable store must be deposited by kings with Brahmanas.

XI. 4. But a king shall bestow, as is proper, jewels of all sorts, and presents for the sake of sacrifices on Brahmanas learned in the Vedas.

This admonition by Manu to the King did not remain a mere hope for the Brahmin. For as history shows that this exhortation was fully exploited by the Brahmins as the number of *dana patras* discovered by Archialogists indicate. It is astounding how the kings were befooled by the Brahmins to transfer village after village to crafty, lazy and indolent Brahmins. Indeed a large part of the wealth of the present day Brahmins

lies in this swindle practised by wily Brahmins upon pious but foolish kings. Manu was not content to let the Brahmin prey upon the King for *dana*. He also allowed the Brahmin to prey upon the public in the mattter of *dana*. This Manu does in three different ways. In the first place he exhorts people to make gifts as a part of the duty owed by the pious to himself at the same time pointing out that the highest dana to a Brahmin.:

VII. 85. A gift to one who is not a Brahmana (yields) the ordinary (reward); a gift to one who calls himself a Brahmana, a double (reward); a gift to a well-read Brahmana, a hundred thousandfold (reward); (a gift) to one who knows the Veda and the Angas (Vedaparanga), (a reward) without end.

VII. 86. For according to the particular qualities of the recipient and according to the faith (of the giver) a small or a great reward will be obtained for a gift in the next world. In the next place Manu declares that in certain circumstances *dana* to a Brahmin is compulsory.

XI. 1. Him who wishes (to marry for the sake of having) offspring, him who wishes to perform a sacrifice, a traveller, him who has given away all his property, him who begs for the sake of his teacher, his father, or his mother, a student of the Veda, and a sick man.

XI. 2 These nine Brahmanas one should consider as Snatakas, begging in order to fulfill the sacred law; to such poor men gifts must be given in proportion to their learning.

XI. 3. To these most excellent among the twice-born, food and presents (of money) must be given ; it is declared that food must be given to others outside the sacrificial enclosure.

XI. 6. One should give, according to one's ability, wealth to Brahmanas learned in the Veda and living alone ; (thus) one obtains after death heavenly bliss.

The third method adopted by Manu to make the rule of Dana become a source of secure and steady income is beyond question the most ingenuous one. Manu linked up *dana* with penance. In the Scheme of Manu, an improper act may be a sin although not an offence or it may be both a sin as well as an offence. As a sin its punishment is a matter for canonical law. As an offence its punishment is a matter of secular law. As sin, the improper act is called Pataka and the punishment for it is called Penance. In the Scheme of Manu every Pataka must be expunged by the performance of a penance.

XI. 44. A man who omits a prescribed act, or performs a blameable act, or cleaves to sensual enjoyments, must perform a penance.

XI. 45. (All) sages prescribe a penance for a sin unintentionally committed ; some declare, on the evidence of the revealed texts, (that it may be performed) even for an intentional (offences).

XI. 46. A sin unintentionally committed is expiated by the recitation of Vedic texts, but that which (men) in their folly commit intentionally, by various (special) penances.

XI. 53. Thus in consequence of a remnant of (the guilt of former) crimes, are born idiots, dumb, blind, deaf and deformed men, who are (all) despised by the virtuous.

XI. 54. Penances, therefore, must always be performed for the sake of purification, because those whose sins have not been expiated, are born (again) with disgraceful marks.

The penances prescribed by Manu are many and the curious may refer to the Manu Smriti itself for a knowledge of what they are. What is worthy of note is these penances are calculated to materially benefit the Brahmin. Some penances take the form of a simple *dana* to the Brahmin. Others prescribe the performance of some religious rites. But as religious rites cannot be performed by anybody except by a Brahmin and that the performance of religious rite requires the payment of fees the Brahmin alone can be the beneficiary of the *dana* system.

It is therefore absurd to suggest that Manu wanted to place before the Brahmins the ideal of humility, poverty and service. The Brahmins certainly did not understand Manu that way. Indeed they believed that they were made a privileged class. Not only they believed in it but they sought to extend their privileges in other directions a matter which will be discussed later on. They were perfectly justified, in their view. Manu called the Brahmins the 'lords of the earth' and he framed (the law) with such care that they shall remain so.

Having made full provision for Brahmin Rule and Brahmin dominance Manu next launches out to transform society to suit his purposes.

The transformation of Varna into Caste is the most stupendous and selfish task in which Brahmanism after its triumph became primarily engaged. We have no explicit record of the steps that Brahmanism took to bring about this change. On the contrary we have a lot of confused thinking on the relation between Varna and Caste. Some think that Varna and Caste are the same. Those who think that they are different seem to believe that Varna became caste when prohibition on intermarriage became part of the social order. All this, of course, is erroneous and the error is due to the fact that Manu in transforming the Varna into Caste has nowhere explained his ends and how his means are

related to those ends. Oscar Wilde has said that to be intelligible is to be found out. Manu did not wish to be found out. He is therefore silent about his ends and means, leaving people to imagine them. For Hindus the subject is important beyond measure. An attempt at clarification is absolutely essential so that the confusion due to different people imagining differently the design of Manu may be removed and light thrown on the way how Brahmanism proceeded to give a wrong and pernicious turn to the original idea of Varna as the basis of society.

As I said Manu's ways are silent and subterranean and we cannot give the detailed and chronological history of this conversion *of* Varna into Caste. But fortunately there are landmarks which are clear enough to indicate how the change was brought about.

Before proceeding to describe how this change was brought about let me clear the confusion between Varna and Caste. This can best be done by noting the similarities and differences between the two. Varna and Caste are identical in their *de jure* connotation. Both connote status and occupation. Status and occupation are the two concepts which are implied both in the notion Varna as well as in the notion of Caste. Varna and Caste however differ in one important particular. Varna is not hereditary either in status or occupation. On the other hand Caste implies a system in which status and occupation are hereditary and descend from father to son.

When I say that Brahmanism converted Varna into Caste what I mean is that it made status and occupation hereditary.

How was this transformation effected? As I said there are no foot prints left of the steps taken by Brahmanism to accomplish this change but there are landmarks which serve to give us a clear view of how the deed came to be done.

The change was accomplished by stages. In the transformation of Varna into Caste three stages are quite well marked. The first stage was the stage in which the duration of Varna i.e. of status and occupation of a person was for a prescrbied period of time only. The second stage was a stage in which the status and occupation involved the Varna of a person ensured during lifetime only. The third stage was a stage in which the status and occupation of the Varna became hereditary. To use legal language the Estate conferred by Varna was at the beginning an Estate for a term only. Thereafter it became a life Estate and finally it became an Estate of inheritance which is tantamount to saying that Varna became Caste. That these are the stages by which Varna was converted into Caste seems to have ample support from tradition as

recorded in the religious literature.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_66 There is no reason why this tradition should not be accepted as embodying some thing that is quite genuine. According to this tradition, the task of determining Varna of a person was effected by a body of officers called Manu and Sapta Rishis. From the mass of people Manu selected those who were fit to be Kshatriyas and Vaishas and the Sapta Rishis selected those who were fit to be Brahmanas. After this selection was made by Manu and Sapta Rishis for being Brahmins, Kshatriyas, Vaishas, the rest that were not selected were called Shudras. The Varna arrangement so determined lasts for one *Yug* i.e. a period of four years. Every fourth year a new body of officers known by the same designation Manu and Sapta Rishi were appointed for making a new selection. It happened that last time some of those who were left to be fit only for being Shudras were selected for being Brahmins, Kshatriyas and Vaishyas while some of those who were, elected last time for being Brahmins, Kshatriyas and Vaishyas were left as being fit only of being Shudras. Thus the personnel of the Varna changed. It was a sort of a periodical shuffling and selection of men to take up according to their mental and physical aptitudes and occupations which were essential to the life of the community. The time when the reshuffling of the Varnas took place was called *Manwantar* which etymologically means change of Varna made by Manu. The word Manwantar also means the period for which the Varna of an individual was fixed. The word Manwantar is very rich in its contents and expresses the essential elements of the Varna system which were two. First it shows that Varna was determined by an independent body of people called Manu and Saptarshi. Secondly it shows that the Varna was for a period after which a change was made by Manumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_67. According to ancient tradition as embodied in the Puranas the period for which the Varna of a person was fixed by Manu and Saptarshi was a period of four years and was called *Yug*. At the end of the period of four years there occured the Manwantar whereby every fourth year the list was revised. Under the revision some changed their old Varna, some retained it, some lost it and some gained it.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_68

The original system seems to have in contemplation the determination of the Varna of adults. It was not based on prior training or close scrutiny of bias and aptitude. Manu and Saptarshi was a sort of a Board of Interview which determined the Varna of a person from how he struck them at the interview. The determination of the Varna was done in a rough and tumble manner. This system seems to have gone into abeyance. A new system grew up in its place. It was known as the Gurukul system. The Gurukul was a school maintained by a Guru (teacher) also called Acharya (learned man). All children went to this Gurukul for their education. The period of education extended for twelve years. The child while at Gurukul was known as Bramhachari. After the period of education was over there was the Upanayan ceremony performed at the Gurukul by the Acharya. The Upanayan ceremony was the most important ceremony. It was a ceremony at which the Acharya determined the Varna of the student and sent him out in the world to perform the duties of that Varna. Upanayan by the Acharyas was the new method of determining Varna which came into vogue in place of method of determination by Manu and Saptarshi. The new method was undoubtedly superior to the old method. It retained the true feature of the old method namely that the Varna should be determined by a disinterested and independent body. But it added a new feature namely training as a pre-requisite for assignment of Varna. On the ground that training alone developes individual in the make up of a person and the only safe way to determine the Varna of a person is to know his individuality, the addition of this new feature was undoubtedly a great improvement.

With the introduction of the Acharya Gurukul system, the duration of the Varna came to be altered. Varna instead of being Varna for a period became Varna for life. But it was not hereditary.

Evidently Brahmanism was dissatisfied with this system. The reason for dissatisfaction was quite obvious. Under the system as prevalent there was every chance of the Acharya declaring the child of a Brahmin as fit only to be a Shudra. Brahmanism was naturally most anxious to avoid this result. It wanted the Varna to be hereditary. Only by making the Varna hereditary could it save the children of the Brahmins from being declared Shudra. To achieve this Brahmanism proceeded in the most audacious manner one can think of.

Ill

Brahmanism made three most radical changes in the system of determing the Varna of the child. In the first place the system of

Gurukul as the place where training to the child was given and its Varna was determined by the Guru at the end of the period of training was abolished. Manu is quite aware of the Gurukul and refers to Guruvasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_69 i.e. training and residence in the Gurukul under the Guru. But does not refer to it at all in connection with the Upanayan. He abolishes the Guru as an authority competent to perform Upanayan by omitting to make even the remotest reference to him in connection with Upanayan. In place of the Guru Manu allows the Upanayan of the child to be performed by its father at home. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_70 Secondly Upanayan was made into a Sanskara i.e. a sacrament. In olden times Upanayan was like a convocation ceremonymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_71 held by the Guru to confer degrees obtained by students in his Gurukul in which certificates of proficiency in the duties of a particular Varna were granted. In Manu's law that Upanayan was a complete change in the meaning and purpose of this most important institution. Thirdly the relation of training to Upanayan was totally reversed. In the olden system training came before Upanayan.

Under the Brahmanism Upanayan came before training. Manu directs that a child be sent to the Guru for training but that is after Upanayan i.e. aftermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_72 his Varna is determined by his father.

The principal change made by Brahmanism wa.s the transfer of authority from the Guru to the father in the matter of performing Upanayan. The result was that the father having the right to perform the Upanayan of his child gave his own Varna to the child and thus made it hereditory. It is by divesting the Guru of his authority to determine the Varna and vesting it in the father that Brahmanism ultimately converted Varna into Caste.

Such is the story of the transformation of Varna into Caste. The story of the transition from one to the other is of course reconstructed. For the reasons already given it may not be quite as accurate as one would wish it to be in all its details. But I have no doubt that the stages and the ways by which Varna ceased to exist and caste came into being must be

some such as have been suggested in the foregoing discussion of the subject.

What object Brahmanism could have had in converting Varna into caste it is not difficult to imagine. The object was to make the high status enjoyed by the Brahmins from ancient times the privilege of every Brahmin and his progeny without reference to merits or to qualifications. To put it differently the object was to elevate and ennoble every Brahmin, however mean and worthless he may be, to the high status occupied by some of them on account of the virtue. It was an attempt to ennoble the whole of the Brahmin Community without exception.

That this was the object of Brahmanism is clear from Manu's ordinances. Manu knew that making Varna hereditary, the most ignorant Brahminmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_73 will be elevated to the status occupied by the most learned Brahmin. He feared that the former may not be respected as much as the most learned, which was the object of this attempt at the ennoblement of the whole class of Brahmins. Manu is very much concerned about the ignorant Brahmin—a new thing and warns people against being disrespectful to an ignorant and mean Brahmin.

IX. 317. A Brahmin, whether learned or ignornt, is a powerful divinity ; even as fire is powerful divinity, whether consecrated or popular.

IX. 319. Thus although Brahmins employ themselves in all sorts of mean ocupations, they must invariably be honoured ; for they are something transcendently divine.

Such a warning was unnecessary if the object was to ennoble the whole Brahmin class. Here is a case where vice refuses to pay to virtue even the homage of hypocracy. Can there be greater moral degeneracy than what is shown by Manu in insisting upon the worship of the Brahmin even if he is mean and ignorant?

So much for the object of change from Varna to caste. What have been the consequences of this change?

From the spiritual point of view the consequences have been too harmful to be contemplated with equanimity. The harm done may perhaps be better realized by comparing the position of the Brahmin as a priest resulting from the law of Manu with that of the law of the clergy under the Church of England. There the clergy is subject to the criminal law as every citizen is. But in addition to that he is always subject to Church Descipline Act. Under the Criminal Law he would be punished

if he officiated as a clergy without being qualified for it. Under the Church Discipline Act he would be lia.ble to be disqualified as a clergy for conduct which would be deemed to be morally wrong although it did not amount to a crime. This double check on the clergy is held justifiable because learning and morality are deemed to be quite essential for the profession of the clergy who are supposed to administer to the spiritual needs of the people. Under Brahmanism the Brahmin who alone can be the clergy need not possess learning or morality. Yet he is in sole charge of the spiritual affairs of the people!! On the value of a creed which permits this, comment is unnecessary.

From the secular point of view, the consequences of this transformation of Varna into Caste has to introduce a most pernicious mentality among the Hindus. It is to disregard merit and have regard only to birth. If one is descended from the high he has respect although he may be utterly devoid of merit or worth. One who is of high birth will be superior to the one who is of low birth although the latter may be superior to the former in point of worth. Under Brahmanism it is birth that always wins, whether it is against birth or against worth. Merit by itself can win no meads. This is entirely due to the dissociation of merits from status which is the work of Brahmanism. Nothing could be better calculated to produce an unprogressive society which sacrifices the rights of intelligence on the altar of aristocratic privilege.

Now the third deed in the catalogue of deeds done by Brahmanism after its triumph over Buddhism. It was to separate the Brahmins from the result of the Non-Brahmin population and to sever the different social strata of the Non-Brahmin population.

Pushyamitra's Brahmanic Revolution was undertaken for the purposes of restoring the ancient social system of Chaturvarna which under the Buddhist regime was put into the melting pot. But when Brahmanism triumphed over Buddhism it did not content itself with merely restoring Charutvarna as it was in its original form. The system of Chaturvarna of the Pre-Buddhist days was a flexible system and was an open to system. This was because the Varna system had no connection with the marriage system. While Chaturvarna recognized the existence of four different classes, it did not prohibit inter-marriage between them. A male of one Varna could lawfully marry a female of another Varna. There are numerous illustrations in support of this view. I give below some instances which refer to well known and respectable individuals which have acquired a name and fame in the sacred lore of the Hindus.

1. Shantanu	Kshatriya	Ganga	Shudra

Anamik			
2. Shantanu Fisher woman	Kshatriya	Matsyagandha	Shudra
3. Parashara Fisher woman	Brahmin	Matsyagandha	Shudra
4. Vishwamitra	Kshatriya	Menaka	Apsara
5. Yayati	Kshatriya	Devayani	Brahmin
6. Yayati Non-Aryan	Kshatriya	Sharmishta	Asuri-
7. Jaratkaru Non-Aryan	Brahmin	Jaratkari	Nag
Husband Varna	His Varna	Wife	Her

Should anybody retain doubt on the question that the division of the society into classes did not prohibit intermarriages between the four Varnas let him consider the geneology of the family of the great Brahmin sage Vyas.

GENEOLOGY OF VYAS

Varuna Mitra = Urvashi
Vashishtha = Akshamala
Shakti =
Parashara = Matsyagandha
= Vyas

Brahminism with the ferocity of an outraged brute proceeded to put a stop to these intermarriage between the different Varnas. A new law is proclaimed by Manu. It is in the following terms :—

III. 12. For the first marriage of twice born men (wives) of equal caste are recommended.

III. 13. It is declared that a Sudra woman alone can be the wife of a Shudra.

III. 14. A Shudra woman is not mentioned even in any (ancient) story as the (first) wife of a Brahmana or of a Kshatriya, though they lived in the (greatest) distress.

III. 15. Twice-born men who, in their folly, wed wives of the low (Sudra) caste, soon degrade their families and their children to the state of Sudras.

111.16. According to Atri and to (Gautama) the son of Utathya. he who weds a Sudra woman becomes an outcast, according to Saunaka on

the birth of a son, and according to Bhrigu he who has (male) offspring from a (Sudra female, alone).

III. 17. A Brahmana who takes a Sudra wife to his bed, will (after death) sink into hell ; if he begets a child by her, he will lose the rank of a Brahmana.

III. 18. The manes and the gods will not eat the (offerings) of that man who performs the rites in honour of the gods, of the manes, and of guests chiefly with a (Sudra wife's) assistance, and such (a man) will not go to heaven.

III. 19. For him who drinks the moisture of a Sudra's lips, who is tainted by her breath, and who begets a son on her. no expiation is prescribed.

Brahmanism was not satisfied with the prohibition of intermarriage. Brahmanism went further and prohibited interdining.

Manu lays down certain interdicts on food. Some are hygenic. Some are social. Of the social the following are worthy of attention :

IV. 218. Food given by a king, impairs his manly vigour; by one of the servile class, his divine light : by goldsmiths, his life ; by leathercutters, his good name.

IV. 219. Given by cooks and the like mean artizans, it destroys his offsprings : by a washerman, his muscular strength ;

IV. 221. That of all others, mentioned in order, whose food must never be tasted, is held equal by the wise to the skin, bones, and hair of the head.

IV. 222. Having unknowingly swallowed the food of any such persons, he must fast during three days; but having eaten it knowingly, he must perform the same harsh penance, as if he had tasted any seminal impurity, ordure, or urine. I said that Brahmanism acted with the ferocity of an outranged brute in undertaking the task of prohibiting intermarriage and interdining. Those who have doubts in this matter ponder over the language of Manu.

Mark the disguest Manu shows with regard to the Shudra woman. Mark what Manu says about the food of the Shudra. He says it is as impure as semen or urine.

These two laws have produced the caste system. Prohibition of intermarriage and prohibition against interdining, are two pillars on which it rests. The caste system and the rules relating to intermarriage and interdining are related to each other as ends to means. Indeed by no other means could the end be realized.

The forging of these means shows that the creation of the caste system was end and aim of Brahmanism. Brahmanism enacted the prohibitions against intemarriage and interdining. But Brahmanism introduced other changes in the social system and if the purposes underlying these changes are those which I suggest them to be, then it must be admitted that Brahmanism was so keen in sustaining the caste system that it did not mind whether ways and means employed were fair or unfair, moral or immoral. I refer to the laws contained in the Code of Manu regarding marriage of girls and the life of widows.

See the law that Manu promulgates regarding the marriage of females.

IX. 4. Reprehensible is the father who gives not (his daughter) in marriage at the proper time.

IX. 88. To a distinguished, handsome suitor of equal caste should a father give his daughter in accordance with the prescribed rule, though she have not attained (the proper age), i.e. although she may not have reached puberty.

By this rule Manu enjoins that a girl should be married even though she may not have reached the age of puberty i.e. even when she is a child. Now with regard to widows Manu promulgates the following rule.

V. 157. At her pleasure let her (i.e. widow) emaciate her body, by living voluntarily on pure flowers, roots and fruits ; but let her not, when her lord is deceased, even pronounce the name of another man.

V. 161. But a widow, who from a wish to bear children, slights her deceased husband by marrying again, brings disgrace on herself here below, and shall be excluded from the seat of her lord (in heaven).

V. 162. Offspring begotten on a woman by any other than her husband, is here declared to be no progeny of hers ; no more than a child, begotten on the wife of another man belongs to the begetter; nor is a second husband any where prescribed for a virtuous woman.

This is the rule of enforced widowhood for a woman. A reference may also be made to Sati or a widow who burns herself on the funeral pyre of her husband and thus puts an end to her life. Manu is silent about it.

Yajnavalkyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_74 an authority nearly as great as Manu says, she must not live separately or alone.

86. When deprived of her husband, she must not remain away from her father, mother, son, brother, mother-in-law or from her maternal uncle; otherwise she might become liable to censure. Here again Yajnavalkya does not suggest that a widow become a Sati. But Vijnaneshwar, the author of Mitakshara a commentary on Yajnavalkya

Smriti makes the following observation in commenting on the above Sloka.

"This is in the case of the alternative of leading a celibate life vide the text of Vishnumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_75 :"After the death of the husband, either celibacy or ascending the (cremation) pile after him."

Vijnaneshwar3 adds as his opinion that 'There is great merit in ascending the funeral pyre after him.'

From this one can very easily and clearly see how the rule of Sati came to be forged. Manu's rule was that a widow was not to remarry. But it appears from the statement by Vijnaneshwar that from the time of the Vishnu Smriti a different interpretation began to put on the ordinance of Manu. According to this new interpretation Manu's rule was explained to be offering to the widow a choice between two alternatives: (1) Either burn yourself on your husband's funeral pyre or (2) If you don't, remain unmarried. This of course is totally false interpretation quite unwarranted by the clear words of Manu. Somehow it came to be accepted. The date of the Vishnu Smriti is somewhere about the 3rd or 4th Century. It can therefore be said that rule of Sati dates from this period.

One thing is certain, these were new rules. The rule of Manu that girl should be married before she has reached puberty is a new rule. In Pre-Buddhistic Brahmanism4 marriages were performed not only after puberty but they were performed when girls had reached an age when they could be called grown up. Of this there is ample evidence. Similarly the rule that a woman once she had lost her husband must not remarry is a new rule. In the Pre-Buddhist Brahmanism there was no prohibition on widow remarriage. The fact that the Sanskrit language contains words such as *Punarbhu* (woman who has undergone a second marriage ceremony) and *punarbhav* (second husband) show that such marriages were quite common under the Pre-Buddhist Brahmanism mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_76With regard to Sati the position as to when it arose,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_77 there is evidence to suggest that it existed in ancient times. But there is evidence that it had died out and it was revived after Brahmanism under Pushyamitra obtained its victory over Buddhism although it was some time later than Manu.

Question is this, why these changes were made by the triumphant Brahmanism? What did Brahmanism want to achieve by having girls

married before they had become pubert, by denying the widow to the right to marry again and by telling her to put herself to death by immolating herself in the funeral pyre of her deceased husband? No explainations are forthcoming for these changes. Mr. C. V. Vaidya who offers an explanation for girl marriage saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_78 that girl marriage was introduced to prevent girls from joining the Buddhist order of nuns. This explanation does not satisfy me. Mr. Vaidya omits to take into consideration another rule laid down by Manu—namely the rule relating to suitable age for marriage. According to that rule.

IX. 94. A man. aged thirty, shall marry a maiden of twelve who pleases him, or a man of twenty-four a girl eight years of age. The question is not why girl marriage was introduced. The question is why Manu allowed so much discrepancy in the ages of the bride and the bridegroom.

Mr. Kanemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_79 has attempted an explanation of Sati. His explanation is that there is nothing new in it. It existed in India in ancient times as it did in other parts of the world. This again does not satisfy the world. If it existed outside India, it has not been practised on so enormous a scale as in India. Secondly if traces of it are found in Ancient India in the Kshatriyas, why was it revived, why was it not universalized? There is no satisfactory explanation. Mr. Kane's explanation that the prevalence of Sati by reference to laws of inheritance does not appear to me very convincing. It may be that because under the Hindu Law of inheritance as it prevailed in Bengal, women got a share in property. The relations of the husband of the widow pressed her to be a Sati in order to get rid of a share may explain why Sati wa.s practised on so large a scale in Bengal. But it does not explain how it arose nor how it came to be practised in other parts of India.

Again with regard to the prohibition of widow remarriage, there is no explanation whatsoever. Why was the widow, contrary to established practice, prohibited from marrying? Why was she required to lead a life of misery? Why was she disfigured?

My explanation for girl marriage, enforced widowhood and Sati is quite different and I offer it for what it is worth.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_80

"Thus the superposition of endogamy over exogamy means the creation of Caste. But this is not an easy affair. Let us take an imaginary group that desire to make itself into a caste and analyse what means it will have to adopt to make itself endogamous. If a group desires to make itself endogamous, a formal injunction against intermarriage with outside groups will be of no avail, especially if prior to the introduction of endogamy, exogamy were to be the rule in all matrimonial relations. Again there is a tendency in all groups living in close contact with one another to assimilate and amalgamate, and thus consolidate into a homogeneous society. If this tendency be strongly counteracted in the interest of Caste formation, it is absolutely necessary to circumscribe a circle without which people should not contract marriages."

"Nevertheless this encircling to prevent marriages from without creates problems from within which are not very easy of solution. Roughly speaking in a normal group the two sexes are more or less evenly distributed, and generally speaking there is an equality between those of the same age. But this equality is never quite realised in actual societies. While to the group that is desirous of making itself into a caste the maintenance of this equality between the sexes becomes the ultimate goal, for without this endogamy can no longer subsist. In other words, if endogamy is to be preserved, conjugal rights from within have to be provided for, else members of the group will be driven out of the circle to take care of themselves in any way they please. But in order that the conjugal rights be provided for from within, it is absolutely necessary to maintain a numerical equality between the marriageable units of the two sexes within the group desirous of making itself into a Caste. It is only through the maintenance of this equality that the necessary endogamy of the group could be kept intact, and a very large disparity is sure to break it."

"The problem of Caste then ultimately resolves itself into one of repairing the disparity between the marriageable units of the two sexes within it. The much needed parity between the units could be realized only when a couple dies simultaneously. But this is a rare contingency. The husband may die before the wife and create a surplus woman who must be disposed of, else through intermarriage she will violate the endogamy of the group. In like manner the husband may survive his wife and be a surplus man whom the group, while it may sympathise with him for the sad bereavement, has to dispose of, else he will marry outside the Caste and will break the endogamy. Thus both the surplus man and the surplus woman constitute a menace to the Caste if not

taken care of, for, not finding suitable partners inside their prescribed circle (and they cannot find any, for there are just enough pairs to go round) very likely they will transgress the boundary, marry outside and import population that is foreign to the Caste. Let us see what our imaginary group is likely *to* do with this surplus man and surplus woman. We will first take up the case of the surplus woman.She can be disposed of in two different ways so as to preserve the endogamy of the Caste."

"First : burn her on the funeral pyre of her deceased husband and get rid of her. This, however, is rather an impracticable way of solving the problem of sex disparity. In some cases it may work, in others it may not. Consequently every surplus woman cannot thus be disposed of, because it is an easy solution but a hard realization. However, the surplus woman (widow) if not disposed of, remains in the group: but in her very existence lies a double danger. She may marry outside the Caste and violate to endogamy or she may marry within the Caste and through competition encroach upon the chances of marriage that must be reserved for the potential brides in the Caste. She therefore is a menace in any case and something must be done to her if she cannot be burned along with her deceased husband."

"The second remedy is to enforce widowhood on her for the rest of her life. So far as the objective results are concerned burning is a better solution than enforcing widowhood. Burning the widow eliminates all the three evils that a surplus woman is fraught with. Being dead and gone she creates no problem of remarriage either inside or outside the Caste. But compulsory widowhood is superior to burning because it is more practicable. Besides being comparatively humane it also guards against the evils of remarriage as does burning ; but it fails to guard the morals of the group. No doubt under compulsory widowhood the woman remains and, just because she is deprived of her natural right of being a legitimate wife in future, the incentive to bad moral conduct is increased. But this is by no means an insuperable difficulty. She can be degraded to a condition where she could no longer be a source of allurement."

"The problem of surplus man (—widower) is much more important and much more difficult than that of the surplus woman in a group that desires to make itself into a Caste. From time immemorial man as compared with woman has had the upper hand. He is a dominant figure in every group and of the two sexes has greater prestige. With this traditional superiority of man over woman his wishes have always been consulted. Woman on the other hand has been an easy prey to all kinds

of iniquitous injunctions, religious, social or economic. But man as a maker of injunctions is most often above them all. Such being the case you cannot accord the same kind of treatment to a surplus man as you can to a surplus woman in a Caste."

"The project of burning him with his deceased wife is hazardous in two ways : first of all it cannot be done, simply because he is a man. Secondly, if done, a sturdy soul is lost to the Caste. There remain then only two solutions which can conveniently dispose of him. I say conveniently because he is an asset to the group."

"Important as he is to the group, endogamy is still more important, and the solution must assure both these ends. Under these circumstances he may be forced, or I should say induced, after the manner of the widow to remain a widower for the rest of his life. This solution is not altogether difficult, for without there being any compulsion some are so disposed as to enjoy self-imposed celibacy or may even take a further step of their own accord to renounce the world and its joys. But, given human nature as it is, this solution can hardly be expected to be realized. On the other hand, as is very likely to be the case, if he remains in the group as an active participator in group activities, he is a danger to the morals of the group. Looked at from a different viewpoint, ceilibacy though easy in cases where it succeeds, is not so advantageous even then to the material prospects of the Caste. If he observes genuine celibacy and renounces the world, he would not be a menace to the preservation of Caste endogamy or Caste morals as undoubtedly would be, if he remained a secular person. But as an ascetic celibate he is as good as burned, so far as the material well being of his Caste is concerned. A Caste, in order that it may be large enough to afford a vigorous communal life, must be maintained at a certain numerical strength. But to hope for this and to proclaim celibacy is the same as trying to cure atrophy by bleeding.

"Imposing celibacy on the surplus man in the group therefore fails, both theoretically and practically. It is in the interest of the Caste to keep him as a Grahastha (one who raises a family) to use a Sanskrit technicality. But the problem is to provide him with a wife from within the Caste. At the outset this is not possible, for the ruling ratio in a caste has to be one man to one woman and none can have two chances of marriage, for in a Caste thoroughly self enclosed there are always just enough marriageable women to go round for the marriageable men. Under these circumstances the surplus man can only be provided with a wife by recruiting a bride from the ranks of those not yet marriageable

in order to tie him down to the group. This is certainly the best of the possible solutions in the case of the surplus man. By this, he is kept within the Caste. By this, this numerical depletion through constant outflow is guarded against, and by this endogamy and morals are preserved.

"It will now be seen that the four means by which numerical disparity between the two sexes is conveniently maintained are : (1) Burning the widow with her deceased husband ; (2) Compulsory widowhood—a milder form of burning ; (3) Imposing celibacy on the widower ; (4) Wedding him to a girl not yet marriageable. Though as I said above, burning the widow and imposing celibacy on the widower are of doubtful service to the group in its endeavour to preserve its endogamy, all of them operate as means. But means as forces, when liberated or set in motion create an end. What then is the end that these means create? They create and perpetuate endogamy, while caste and endogamy, according to our analysis of the various definitions of caste, are one and the same thing. Thus the existence of these means means caste and caste involves these means."

"This, in my opinion, is the general mechanism of a caste in a system of castes. Let us now turn to the castes in the Hindu Society and inquire into their mechanism. I need hardly promise that there are a great many pitfalls in the path of those who try to unfold the past, and caste in India to be sure is a very ancient institutiion. This is especially true where there exist no authentic or written history or records or where the people, like the Hindus are so constituted that to them Writing history is a folly, for the world is an illusion. But institutions do live, though for a long time they may remain unrecorded and as often as not customs and morals are like fossils that tell their own history. If this is true, our task will be amply rewarded if we scrutinize the solution the Hindus arrived at to meet the problems of the surplus man and surplus woman."

"Complex though it be in its general working the Hindu Society, even to a superficial observer, presents three singular uxorial customs, namely :—

(i) Sati or the burning of the widow on the funeral pyre of her deceased husband.

(ii) Enforced widowhood by which a widow is not allowed to remarry.
(iii) Girl marriage.

In addition to these, one also notes a great hankering after Sannyasa (renunciation) on the part of the widower, but it may in some cases be due purely LO psychic disposition.

"So far as I know, no scientific explanation of the origin of these customs is forth coming even today. We have plenty of philosophy to tell us why these customs were honoured. (Cf. A. K. Coomaraswamy—"Sati : a Defence of the Eastern Woman"in the British Sociological Review Vol. VI 1913) Because it is a"proof of the perfect unity of body and soul"between husband and wife and of"devotion beyond the grave", because it embodied the ideal of wifehood which is well expressed by Uma when she said"Devotion to her Lord is woman's honour, it is her eternal heaven : and O Maheshwara", she adds with a most touching human cry,"I desire not paradise itself if thou art not satisfied with me!"Why compulsory widowhood is honoured I know not nor have I yet met with anyone who sang in praise of it, though there are a great many who adhere to it. The eulogy in honour of girl marriage is reported by Dr. Ketkar to be as follows :"A really faithful man or woman ought not to feel affection for a woman or a man other than the one with whom he or she is united. Such purity is compulsory not only after marriage, but even before marriage, for that is the only correct ideal of chastity. No maiden could be considered pure if she feels love for a man other than to whom she might get married. As she does not know whom she is going to get married to, she must not feel affection for any man at all before marriage. If she does so, it is a sin. So it is better for a girl to know whom she has to love, before any sexual consciousness has been awakened in her". Hence girl marriage.

"This high-flown and ingenious sophistry indicates why these institutions were honoured, but does not tell us why they were practised. My own interpretation is that they were honoured because they were practised. Any one slightly -quainted with rise of individualism in the 18th century will appreciate my remark. At all times, it is the movement that is most important ; and the philosophies grow around it long afterwards to justify it and give it a moral support. In like manner I urge that the very fact that these customs were so highly eulogized proves that they needed eulogy for their prevalence. Regarding the question as to why they arose, I submit that they were needed to create the structure of caste and the philosophies in honour of them were intended to popularize them or to gild the pill, as we might say, for they must have been so abominable and shocking to the sense of the unsophisticated that they needed a great deal of sweetening. These customs are essentially of the nature of means, though they are represented as ideals. But this should not blind us from understanding the results that flow

from them. One might safely say that idealization of means is necessary and in this particular case was perhaps motivated to endow them with greater efficacy. Calling means an end does not harm except that it disguises its real character, but it does not deprive it of its real nature, that of a means. You may pass a law that all cats are dogs, just as you can call a means an end. But you can no more change the nature of means thereby than you can turn cats into dogs ; consequently I am justified in holding that, regard them as ends or as means. Sati, enforced widowhood and girl marriage are customs that were primarily intended to solve the problem of the surplus man and surplus woman in a caste and to maintain its endogamy. Strict endogamy could not be preserved without these customs, while caste without endogamy is fake."According to my view girl marriage, enforced widowhood and Sati had no other purpose than that of supporting the Caste System which Brahmanism was seeking to establish by prohibiting intermarriage. It is difficult to stop intermarriage. Members of different castes are likely to go out of their Caste either for love or for necessity. It is to provide against necessity that Brahmanism made these rules. This is my explanation of these new rules, made by Brahmanism. That explanation may not be acceptable to all. But there can be no doubt that Brahmanism was taking all means possible to prevent intermarriages between the different classes taking place.

Another illustration of this desire on the part of Brahmanism is to be found in the rule regarding excommunication promulgated by Manu.

Manu says that a person who is excommunicated by his Caste is an outcast.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_81 According to Manu an outcast is to be treated as though he was actually dead. Manu ordains that his obsequies should be performed and lays down the mode and manner of performing these obsequies of the outcast.

XI. 183. The Sapindas and Samanodakas of an outcast must offer (a libation of) water (to him, as if he were dead), outside (the village), on an inauspicious day, in the evening and in the presence of the relatives, officiating priests, and teachers.

XI. 184. A female slave shall upset with her foot a pot filled with water, as if it were for a dead person ; (his Sapindas) as well as the Samanodakas shall be impure for a day and a night. Manu however allows the outcast to return to Caste on performing penance as will be seen from the following rules:

XI. 187. But when he has performed his penance, they shall bathe with him in a holy pool and throw down a new pot, filled with water.

XI. 188. But he shall throw that pot into water, enter his house and perform, as before, all the duties incumbent on a relative.

XI. 189. Let him follow the same rule in the case of female outcasts; but clothes, food, and drink shall be given to them, and they shall live close to the (family-) house.

But if the outcast was recalcitrant and impenitent Manu provides for his punishment.

Manu will not allow the outcast to live in the family house. Manu enjoins that

XI. 189. .....Clothes, food, and drink shall be given to them (i.e. the outcast members of the family), and they shall live close to the (family) house.

III. 92. Let him (i.e. the householder) gently place on the ground (some food) for dogs, outcasts, chandals, those aflicted with diseases that are punishments of former sins, crows and insects. Manu declares that having social intercourse with an outcast is a sin. He warns the Snataka

IV. 79. .....not (to) stay together with outcasts. IV. 213. .....Not (to eat food given) by outcasts. To the householder Manu says :—

III. 151. Let him (i.e. the householder) not entertain at a Shradha.

III. 157. (A person) who forsakes his mother, his father, or a teacher without (sufficient) reason, he who has contracted an alliance with outcasts either through the Veda or through a marriage.

Manu ordains a social boycott of the outcast by penalizing those who associate with him.

XI. 181. He who associates himself for one year with an outcast himself becomes an outcast ; not by sacrificing, reading the Veda, or contracting affinity with him, since by those acts he loses his class immediately, but even by using the same carriage or seat, or by taking his food at the same board.

XI. 182. He who associates with any one of those outcasts, must perform, in order to atone for (such) intercourse, the penance prescribed for that (sinner).

Then there are penalties against an outcast who defies his caste and choses to remain an outcast. Manu tells him what will be his penalty in the next world.

XII. 60. He who has associated with outcasts (will) become Brahmarakshas (i.e. an evil spirit). Manu however was not prepared to

leave the outcast with this. He proceeds to enact penalty the severity of which cannot be doubted. The following are the penal sections of Manu Smriti against an outcast.

III. 150. .....Those Brahmins who are .....outcasts .... .Athesists are unworthy (to partake) of oblations to the gods and manes.

IX. 201. .....Outcast receive(s) no share (in inheritance). XI. 185. But thenceforward (i.e. after the obsequies of the outcast have been performed) it shall be forbidden to converse with him, to sit with him, to give him a share of the inheritance, and to hold with him such intercourse as is usual among men;

XI. 186. And (if the outcast be the eldest) his right of primogeniture shall be withheld and the additional share, due to the eldest son; and in his stead a younger brother, excelling in virtue (i.e. who observes the rule of caste) shall obtain the share of the eldest.

Such is the law of Manu against an outcast. The severity of the penalties prescribed against him is quite obvious. Its effect is to exclude him from all social intercourse, to suspend him from every civil function, to disqualify him for all offices and to disable him from inheriting any property. Under these pains and penalties the outcaste might as well be dead which indeed Manu considers him to be, directing libations to be offered to the manes as though he was naturally so. This system of privations and mortifications was enforced by prescribing a similar fate to anyone who endeavoured to associate with an outcast. The penalty was not confined to the: outcast. Nor was it restricted to males. Males and females were both subject to the law of the outcast. Even their progeny was subject to penalty. The law was extended to the son of the outcast. Born befo son was entitled to inherit immediately, as though his father was dead. Born after excommunication he lost his right to inherit, i.e. he became an outcast along with his father.

The laws of Manu regarding the outcast are of course devoid of justice and humanity. Some might think that there is nothing very strange about them. That is because these laws are very similar to the laws against apostacy and heresy to be found in all religious codes. It is unfortunately a fact All religions—*Except Buddhism*— have used or misued the laws of inheritance for enforcing adhesion and conformity to their codes. The conversion of a Christian to Judaism or paganism or any other religion was punished by the Emperors Constantines and Jul Emperors Theodosius and Valentiniaus added capital punishment, In case the apostle endeavoured to pervert others to the same inequity.

This was borrowed by all the European countries' who maintained a similar system of penalities to enforce the Christian faith.

Such a view of the law of the outcast would be quite superficial. First of all the outcast is a creation of Brahmanism. It is a necessary coeffieient of caste. Indeed once Brahmanism was determined to create the caste system the law against the outcast was absolutely essential. For only by punishing the outcast can the caste system be maintained. Secondly there is a difference between the Christian or Mahomedan Law of Apostacy and the Brahmanic law of caste. The disqualification under the Christian or Mahomedan law of apostacy was restricted to want of religious belief or the profession of wrong religious belief. Under the Brahmanic law the disqualification had no connection with belief or want of belief. It was connected with the sanctity of a certain form of social organization namely Caste. It is the act of going out of one's caste that was made punishable. This is a very important difference.

The Brahmanic law of the outcast as compared with the law of apostacy in other religions shows that a belief in God is not essential to Brahmanism; that a belief in life after death is not essential to Brahmanism ; that a belief in salvation either by good deeds or by a belief in a prophet is not essential to Brahmanism; that a belief in the sacredness of the Vedas is essential to Brahmanism. This is only one thing that is essential to Brahmanism. For it is only breach of caste which is penalized. All else is left to violation.

Those who are not blind to these forces of integration will admit that this act of Brahmanism in prohibiting intermarriage and interdining is nothing short of a complete dismemberment of society. It is a deathknell to unity, an effective bar to united action. As will be shown hereafter Brahmanism was keen on preventing united action by Non-Brahmins to overthrow Brahmanism and that is why Brahmanism brought about this segmentation of Indian Society. But the fatal effects of a poison can never be confined to the limits of the original intention of the perpetrator. The same thing has happened in the case of Caste. Brahmanism intended to paralyse the Non-Brahmans for action against Brahmins, it did not design that they as a nation should be paralysed for action against a foreign nation. But the result of the poison of Caste has been they have become stricken for action aga.inst Brahmanism as well as against foreigners. In other words Brahmanism in instituting Caste system has put the greatest impediment against the growth of nationalism.

In spite of what others say the Hindu will not admit that there is any thing evil in the Caste system., and from one point of view he is right. There is love, unity and mutual aid among members of a family. There is honour among thieves. A band of robbers have common interests as respects to its members. Gangs are marked by fraternal feelings and intense loyalty to their own ends however opposed they may be to the other gangs. Following this up one can say that a Caste has got all the praiseworthy characteristics which a society is supposed to have.

It has got the virtues of a family inasmuch as there is love unity and mutual aid. It has got the honour known to prevail among thieves. It has got the loyalty and fraternal feeling we meet with in gangs and it also possesses that sense of common interests which is found among robbers.

A Hindu may take satisfaction in these praiseworthy characteristics of the Caste and deny that there is anything evil in it. But he forgets that his thesis that Caste is an ideal form of social organization is supportable on the supposition that each caste is entitled to regard himself as an independent society, as an end in itself as nations do. But the theory breaks down when the consideration pertains to Hindu Society and to the Caste-System which goes with it.

Even in such a consideration of the subject the Hindu will not admit that the Caste system is an evil. Charge Hinduism with the responsibility for the evils of the Caste-system and the Hindu will at once retort."What about the Class System in Europe?"Upto a point the retort is good if it means that there exists nowhere that ideal society of the philosophers marked by organic unity, accompanied by praiseworthy community of purpose, mutuality of sympathy, loyalty to public ends and concern for general welfare. Nobody can have much quarrel if the Hindu by way of analogy were *to* say that in every Society there are families and classes marked by exclusiveness. suspicion, and jealousy as to those without: bands of robbers, gangs. narrow cliques, trade unions. Employees' Associations. Kartels. Chambers of Commerce and political parties. Some of these are held together by the interest and plunder and others while aspiring to serve the public do not hesitate to prey upon it.

It may be conceded that everywhere d*e facto* society whether in the past or in the present is not a single whole but a collection of small groups devoted to diverse purposes as their immediate and particular objectives. But the Hindu cannot take shelter under this analogy between the Hindu caste system and the Non-Hindu Class system and rest there as though there is nothing more to he said about the subject. The fact is

there is a far bigger question which the Hindu has still lo face. He must take note of the fact that although every society consists of groups there are societies in which the groups are only non-social while there are societies in which the groups are anti-social. The difference between a society with the class system and a society with the caste system lies just in this namely the class system is merely nonsocial but the caste system is positively anti-soicial.

It may be important to realize why in some societies the g,roup system produces only non-social feeling and in some societies the group system produces anti-social feeling. No better explanation of this difference can be given than the one given by professor John Dewey. According to him every thing depends upon whether the groups are isolated or associated, whether there is reciprocity of interest between them or whether there is lack of reciprocity of interest. If the groups are associated, if there is a reciprocity of interest between them the feeling between them will be only non-social. If the groups are isolated, if there is no reciprocity between them the feeling between them will be anti-social. To quote Professor Deweymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_82

"The isolation and exclusiveness of a gang or clique brings its anti-social spirit into relief. But this same spirit is found wherever one group has interests 'of its own' which shut it out from full interaction with other groups, so that its prevailing purpose is the protection of what it has got, instead of reorganization and progress through wider relationships. It marks nations in their isolation from one another; families which seclude their domestic concerns as if they had no connection with a larger life; schools when sepa.rated from the interest of home and community; the divisions of rich and poor; learned and unlearned. The essential point is that isolation makes for rigidity and formal institutionalizing of life, for static and selfish ideals within the group."

The question to be asked is not whether there are groups in a Society or whether the Society is one single whole. The question to be asked is what degree of association, cooperative intercourse and interaction exists among the different groups : how numerous and varied are the interests which are consciously shared by them : how full and free is the interplay with other forms of Association? A society is not to be condemned as body because there are groups in it. It is to be condemned if the groups are isolated, each leading an exclusive life of its

own. Because it is this isolation which produces the anti-social spirit which makes co-operative effort so impossible of achievement.

I his isolation among the classes is the work of Brahmanism. The principal steps taken by it was to abrogate the system of intermarriage and interdining that was prevalent among the four Varnas in olden times. This has already been discussed in an earlier section of this chapter. There is however one part of the story that remains to be told. I have said the Varna system had nothing to do with marriage. That males and females belonging to the different Varnas could marry and did marry. Law did not come in the way of inter-varna marriage. Social morality was not opposed to such marriages. Savarna marriage was neither required by law nor demanded by Society. All marriages between different Varnas irrespective of the question whether the bride was of a higher Varna than the bride-groom or whether the bride-groom was of the higher Varna and the bride of the lower Varna were valid. Indeed as Prof. Kane says the distinction between Anuloma and Pratiloma marriage was quite unknown and even the terms Anuloma and Pratiloma were not in existence. They are the creation of Brahmanism. Brahmanism put a stop to Pratiloma marriages i.e. marriages between women of a higher Varna and men of lower Varna. That was a step in the direction of closing the connection between the Varnas and creating in them an exclusive and anti-social spirit regarding one another. But while the inter-connecting gate of the Pratiloma marriage was closed the inter-connecting gate of Anuloma marriage had remained open. That was not closed. As pointed out in the section on graded inequality Anuloma marriage i.e. marriage between a male of the higher Varna and the female of the lower Varna was allowed by Brahmanism to continue. The gate of Anuloma marriage was not very respectable and was a one way gate only. still it was an interconnecting gate by which it was possible to prevent a complete isolation of the Varnas. But even here Brahmanism played what cannot but be called a dirty trick. To show how dirty the trick was it is necessary first to state the rules which prevailed for determining the status of the child. Under the rule existing from very ancient times the status of the child was determined by the Varna of the father. I he Varna of the mother was quite unimportant. I he following illustrations will place the point beyond doubt:

Father's Name	Varna of	Mother's Name	Varna of	Child's
	mother	name	father	child

1. Shantanu Bhishma	Kshatriya Kshatriya	Ganga	Shudra
		(Anamik)	
2. Shantanu Vichitra Virya	Kshatriya Kshatriya	Matsyagandha	Shudra
		(Fisher)	
3. Parashar Krishna- Dwaipayana	Brahmin Brahmin	Matsyagandha (Fisher)	Shudra
4. Vishwamitra Shakuntala	Kshtriya Kshatriya	Menaka	(Apsara)
5. Yayati Yadu	Kshatriya Kshatriya	Devayani	Brahmin
6. Yayati Druhya	Kshatriya Kshatriya	Sharmishta	Asuri
		(Nonaryan)	
7. Jaratkaru Asita	Brahmin Brahmin	Jaratkari	Nag.
		(Nonaryan)	

The rule was known as the rule *of* Pitra Savarnya. It would he interesting to consider the effect of this rule of Pitra Savarnya on the Anuloma and Pratiloma systems of marriage.

The effect on Pratiloma marriage would be that the children of mothers of the higher Varnas would be dragged down to the level of the lower Varnas represented by their fathers. Its effect on Anuloma marriage would be just the contrary. The children of mothers of the lower Varnas would be raised up and absorbed in the higher Varnas of their fathers.

Manu stopped Pratiloma marriages and thereby prevented the higher from being dragged to the status of the lower. However regrettable, not much damage was done by it so long as the Anuloma marriage and the rule of Pitra Savarnya continued in operation. The two together formed a very useful system. The Anuloma marriage maintained the inter-connection and the Pitra Savarnya rule made the higher classes quite composite in their make up. For they could not but help to he drawn from mothers of different Varnas. Brahmanism did not want to keep this gate of intercommunication between the Varnas open. It was bent on closing it. But it did it in a manner which is disreputable.

The straight and honourable way was to stop Anuloma marriage. But Brahmanism did not do that. It allowed the system of Anuloma marriage to continue. What it did was to alter the rule of determining the status of the child. It replaced the rule of Pitra Savarnya by the rule of Matra Savarnya by which the status of the child came to be determined by the status of the mother. By this change marriage ceased to be that means of intersocial communication which it principally is. It relieved men of the higher Varna from the responsibility to their children simply because they were born of a mother of lower Varna. It made Anuloma marriage mere matter of sex. a humiliation and insult to the lower Varnas and a privilege to the higher classes to lawfully commit prostitution with women of the lower classes. And from a larger social point of view it brought the complete isolation among the Varnas which has been the bane of Hindu Society. Notwithstanding all this the Orthodox Hindu still believes that the caste system is an ideal system.

But why talk about the orthodox Hindus. There are among enlightened politicians and historians. There are of course Indians both politicians and historians who vehemently deny that the Caste system comes in the way of nationalism. They presume that India is a nation and feel very much offended if anybody instead of speaking of the Indian Nation speaks of the people of India. This attitude is quite understandable. Most of the politicians and historians are Brahmins and cannot be expected to have the courage to expose the misdeeds of their ancestors or admit the evils perpetrated by them. Ask any one the question, is India a nation, and all in a chorus say, 'yes.' Ask for reasons, they will say that India is a nation firstly because India has a geographical unity of the country and secondly because of the fundamental unity of the culture. All this may be admitted for the sake of argument and yet it is true to say that to draw an inference from these facts that India is a nation is really to cherish a delusion. For what is a nation? A nation is not a country in the physical sense of the country whatever degree of geographical unity it may posses. A nation is not people synthesized by a common culture derived from common language, common religion or common race.

To recall what I have said in another place"Nationality is a subjective psychological feeling. It is a feeling of a corporate sentiment of oneness which makes those who are charged with it feel that they are kith and kin. This national feeling is a double edged feeling. It is at once a feeling of fellowship for one's own kith and an anti-fellowship feeling for those who are not one's own kith. It is a feeling of"consciousness of

kind"which binds together those who are within the limits of the kindred and severs them from those who are outside the limits of the kindred. It is a longing to belong to one's own group and a longing not to belong to any other group. This is the essence of what is called a nationality and national feeling. This longing to belong to one's own kindred as I said is a subjective psychological feeling and what is important to bear in mind is that the longing to belong to one's own kindred is quite independent of geography, culture or economic or social conflict.

There may be geographical unity and yet there may be no"longing to belong". There may be no geographical unity and yet the feeling of longing to belong may be very intense. There may be cultural unity and yet there may be no longing to belong. There may be economical conflicts and class divisions and yet there may be an intense feeling of longing to belong. The point is that nationality is not primarily a matter of geography culture or".....

In the declingingmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_83 days of the Vedic Regime, the Shudras as well as women had come to occupy a very low position. The rising tide of Buddhism had brought about a great change in the status of both. To put it briefly a Shudra under the Buddhist regime could acquire property, learning and could even become a king. Nay he could even rise to the highest rung of the social ladder occupied by the Brahmin in the Vedic Regime. The Buddhist order of Bhikshus was counterpart of the Vedic order of Brahmins. The two orders, each within its own religious system were on a par in the matter of status and dignity. The Shudra could never aspire to be a Brahmin in the Vedic regime but he could become a Bhikshu and occupy the same status and dignity as did the Brahmin. For. while the Vedic order of Bramhins was closed to the Shudra, the Buddhist order of Bhikshus was open to him and many Shudras who could not become Brahmins under the Vedic Regime had become their peers by becoming Bhikshus under Buddhism. Similar change is noticeable in the case of women. Under the Buddhist regime she became a free person. Marriage did not make her a slave. For marriage under the Buddhist rule was a contract. Under the Buddhist Regime she could acquire property, she could acquire learning and what was unique, she could become a member of the Buddhist order of Nuns and reach the same status and dignity as a Brahmin. The elevation of the status of the Shudras and women was so much the

result of the gospel of Buddhism that Buddhism was called by its enemies as the Shudra religion (i.e. the religion of the low classes).

All this of course must have been very galling to the Brahmins. How very galling it must have been to them is shown by the vandallic fury with which Bramhanism after its triumph over Buddhism proceeded to bring about a complete demolition of the high status to which the Shudras and women had been elevated by the revolutionary changes effected by the vivifying gospel of Buddhism.

Starting with this background one shudders at the inhumanity and cruelty of the laws made by Manu against the Shudras. I quote a few of them assembling them under certain general heads.

Manu asks the householders of the Brahmana, Kshatriya and Vaishya Class:

IV. 61. Let him not dwell in a country where the rulers are Shudra.....

This cannot mean that Brarnhana. Kashtriya and Vaishya should leave the country where Shudra is a ruler. It can only mean that if a Shudra becomes a king he should be killed. Not only a Shudra is not to be recognized as fit to be a king, he is not to be deemed as a respectable person. For Manu enacts that:-

XI. 24. A Bramhin shall never beg from a Shudra property for (performing) a sacrifice i.e. for religious purposes. All marriage ties with the Shudra were proscribed. A marriage with a woman belonging to any of the three higher classes was forbidden. A Shudra was not to have any connection with a woman of the higher classes and an act of adultery committed by a Shudra with her was declared by Manu to be an offence involving capital punishment.

VIII. 374. A Shudra who has an intercourse with a woman of the higher caste guardedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_84 or unguarded, shall be punished in the following manner if she was unguarded, he loses the offending part. If she was guarded then he should be put to death and his property confiscated.

Manu insists that a Shudra shall be servile, unfit for office, without education, without property and as a contemptible person, his person and property shall always be liable to be conscripted. As to office Manu prescribes.

VIII. 20. A Bramhana who is only a Brahmana by descent i.e. one has neither studied nor performed any other act required by the Vedas may.

at the king's pleasure, interpret the law to him i.e. act as the judge, but never a Shudra (however learned he may be).

VIII. 21. The Kingdom of that monarch who looks on while a Shudra settles the law will sink low like a cow in a morass.

VIII. 272. If a Shudra arrogantly presumes to preach religion to Bramhins the King shall have poured burning oil in his mouth and ears.

In olden times the study of the Vedas stood for education. Manu declare that the study of the Vedas was not a matter of right but that it was a matter of privilege. Manu deprived the Shudra of the right to study Veda. He made it a privilege of the three higher classes. Not only did he debar the Shudra from the study of the Vedas but he enacted penalties against those who might help the Shudra to acquire knowledge of the Veda. To a person who is previleged to study the Vedas. Manu ordains that :

IV. 99. He must never read the Vedas...in the presence of the Shudras. and prescribes that :-

III. 156. He who instructs Shudra pupils and he whose teacher is a Shudra shall become disqualified tor being invited to Shradha. Manu's successor went much beyond him in the cruelty of their punishment of the Shudra for studying the Veda. For instance Katyayana lays down that if a Shudra overheard the Veda or ventured to utter a word of the Veda. the King shall cut his tongue in twain and put hot molten lead in his cars.

As to property Manu is both ruthless and shameless. According to the Code of Manu :

X. 129. No superfluous collection of wealth must be made by a Shudra, even though he has power to make it, since a servile man. who has amassed riches, becomes proud, and, by his insolence or neglect, gives pain to Bramhans.

The reason for the rule is more revolting than the rule itself. Manu was of course not sure that the prohibitory injunction will be enough to prevent the Shudra from acquiring wealth. To leave no room for the Shudra to give offence to the Bramhins by his accumulation of wealth Manu added another section to his code whereby he declared that :

VIII. 417. A Bramhana may seize without hesitation if he be in distress for his subsistence, the goods of his Shudra. Not only is the property of a Shudra liable to conscription but the labour of the Shudra. Manu declares, is liable to conscription. Compare the following provision in Manu :

VIII. 413. A Bramhana may compel a Shudra, whether bought or unbought to do servile work; for he is created by the creator to be the slave of a Bramhana.

A Shudra was required by Manu to be servile in his speech. How very servile he must be can be seen from the following provisions in Manu :—

VIII. 270. A Shudra who insults a twiceborn man with gross invective, shall have his tongue cut out; for he is of low origin.

VIII. 271. If he mentions the names and castes of the (twiceborn) with contumely, an iron nail, ten fingers long, shall be thrust red hot into his mouth.

Manu's object *was* to make the Shudra not merely a servile person but an altogether contemptible person. Manu will not allow a Shudra the comfort of having a high sounding name. Had Manu not been there to furnish incontrovertible proof it would be difficult to believe that Bramanism could have been so relentless and pitiless in its persecution of the Shudra. Observe Manu's law as to the names that the different classes can give to their children.

II. 31. Let the first part of a Brahman's name denote something auspicious, a Kshatriya's be connected with power, and a Vaishya's with wealth, but a Shudra's express something contemptible.

II. 32. The second part of a Bramhan's name shall be a word implying happiness, of a Kshatrya's a word implying protection, of a Vaisya's a term expressive of thriving and of a Shudra's an expression denoting service.

The basis of all these inhuman laws is the theory enunciated by Manu regarding the Shudra. At the outset of his Code, Manu takes care to assert it emphatically and without blushing. He says :

I. 91. One occupation only, the Lord prescribed to the Shudra, to serve meekly these other three castes (namely Bramhin, Kshatriya and Vaishya).

Holding that the Shudra was born to be servile, Manu made his laws accordingly so as to compel him to remain servile. In the Buddhist regime a Shudra could aspire to be ajudge, a priest and even a King, the highest status that he could ever aspire to. Compare with This the ideal that Manu places before the Shudra and one can get an idea of what fate was to be under Brahmanism :

X. 121. If a Shudra, (unable to subsist by serving Brahmanas), seeks a livelihood, he may serve Kshartiyas, or he may also seek to maintain himself by attending on a wealthy Vaishya.

X. 122. But let a (Shudra) serve Brahmanas, either for the sake of heaven, or with a view to both (this life and the next); for he who is called the servant of a Brahmana thereby gains all his ends.

X. 123. The service of Brahmanas alone is declared (to be) an excellent occupation for a Shudra: for whatever else besides this he may perform will bear him no fruit.

X. 124. They must allot to him out of their own family (property) a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support.

X. 125. The remnants of their food must be given to him, as well as their old household furniture.

Manu can hardly be said to be more tender to women than he was to the Shudra. He starts with a low opinion of women. Manu proclaims :

11.213. It is the nature of women to seduce men in this (world); for that reason the wise are never unguarded in (the company of) females.

II. 214. For women are able to lead astray in (this) world not only a fool, but even a learned man, and (to make) him a slave of desire and anger.

II. 215. One should not sit in a lonely place with one's mother sister or daughter; for the senses are powerful, and master even a learned man.

IX. 14. Women do not care for beauty, nor is their attention fixed on age; (thinking), '(It is enough that) he is a man', they give themselves to the handsome and to the ugly.

IX. 15. Through their passion for men, through their mutable temper, through their natural heartlessness, they become disloyal towards their husbands, however carefully they may be guarded in this (world).

IX. 16. Knowing their disposition, which the Lord of creatures laid in them at the creation, to be such, (every) man should most strenuously exert himself to guard them.

IX. 17. (When creating them) Manu allotted to women (a love of their) bed. (of their) seat and (of) ornament, impure desires, wrath, dishonesty, malice, and bad conduct.

The laws of Manu against women are of a piece with this view. Women are not to be free under any circumstances. In the opinion of Manu :—

IX. 2. Day and night women must be kept in dependence by the males (of) their (families), and, if they attach themselves to sensual enjoyments, they must be kept under one's control.

IX. 3. Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age: a woman is never fit for independence.

IX. 5. Women must particularly be gurded against evil inclinations, however trifling (they may appear); for, if they are not guarded, they will bring sorrow on two families,

IX. 6. Considering that the highest duty of all castes, even weak husbands (must) strive to guard their wives.

V. 147. By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house.

V. 148. In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons: a woman must never be independent.

V. 149. She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both (her own and her husband's) families contemptible. Woman is not to have a right to divorce.

IX. 45. The husband is declared to be one with the wife, which means that there could be no separation once a woman is married. Many Hindus stop here as though this is the whole story regarding Manu's law of divorce and keep on idolizing it by comforting their conscience by holding out the view that Manu regarded marriage as sacrament and therefore did not allow divorce. This of course is far from the truth. His law against divorce had a very different motive. It was not to tie up a man to a woman but it was to tie up the woman to a man and to leave the man free. For Manu does not prevent a man for giving up his wife. Indeed he not only allows him to abandon his wife but he also permits him to sell her. But what he does is to prevent the wife from becoming free. See what Manu Says :

IX. 46. Neither by sale nor by repudiation is a wife released from her husband.

The meaning is that a wife, sold or repudiated by her husband, can never become the legitimate wife of another who may have bought or received her after she was repudiated. If this is not monstrous nothing can be. But Manu was not worried by considerations of justice or injustice of his laws. He wanted to deprive women of the freedom she had under the Buddhistic regime. He knew, by her misuse of her liberty, by her willingness to marry the Shudra that the system of the gradation of the Varna had been destroyed. Manu wa.s outraged by her license and in putting a stop to it he deprived her of her liberty.

A wife was reduced by Manu to the level of a slave in the matter of property.

IX. 146. A wife, a son, and a slave, these three are declared to have no property, the wealth which they earn is (acquired) for him to whom they belong.

When she becomes a widow Manu allows her maintenance if her husband was joint and a widow's estate in the property of her husband if he was separate from his family. But Manu never allows her to have any dominion over property.

A woman under the laws of Manu is subject to corporal punishment and Manu allows the husband the right to beat his wife.

VIII. 299. A wife, a son, a slave, a pupil, and a younger brother of the full blood, who have committed faults, may be beaten with a rope or a split bamboo.

In other matters woman was reduced by Manu to the same position as the Shudra.

The study of the Veda was forbidden to her by Manu as it was to the Shudra.

II. 66. Even for a woman the performance of the *Sanskaras* are necessary and they should be performed. But they should be performed without uttering the Veda Mantras.

IX. 18. Women have no right to study the Vedas. That is why their Sanskars are performed without Veda Mantras. Women have no knowledge of religion because they have no right to know the Vedas. The uttering of the Veda Mantras is useful for removing sin. As women cannot utter the Veda Mantras they are as unclean as untruth is.

Offering sacrifices according to Bramhanism formed the very soul of religion. Yet Manu will not allow women to perform them. Manu ordains that:—

XI. 36. A woman shall not perform the daily sacrifices prescribed by the Vedas. XI. 37. If she does it she will go to hell.

To disable her from performing such sacrifices Manu prevents her from getting the aid and services of a Bramhin priest.

IV. 205. A Bramhan must never eat food given at a sacrifice performed by a woman.

IV. 206. Sacrifices performed by women are inauspicious and not acceptable to God. They should therefore be avoided. Woman was not to have any intellectual persuits and nor free will nor freedom of thought. She was not to join any heretical sect such as Buddhism. If she

continues to adhere to it, till death she is not to be given the libation of water as is done in the case of all dead.

Finally a word regarding the ideal of life, Manu has sought to place before a woman. It had better be stated in his own words :

V. 151. Him to whom her father may give her, or her brother with the father's permission, she shall obey as long as he lives and when he is dead, she must not insult his memory.

V. 154. Though destitute of virtue, or seeking pleasure elsewhere, or devoid of good qualities, yet a husband must be constantly worshipped as a god by a faithful wife.

V. 155. No sacrifice, no vow, no fast must be performed by women, apart from their husbands; if a wife obeys her husband, she will for that reason alone be exalted in heaven. Then comes the choicest texts which forms the pith and the marrow of this ideal which Manu prescribes for the women :

V. 153. The husband who wedded her with sacred Mantras, is always a source of happiness to his wife, both in season and out of season, in this world and in the next.

V. 150. She must always be cheerful, clever in the management of her household affairs, careful in cleaning her utensils, and economical in expenditure.

This the Hindus regard as a very lofty ideal for a woman!!! The severity of these laws against Shudras and women show that the phenomenal rise of these classes during the Buddhist regime had not only offended the Brahmins but had become intolerable to them. It was a complete reversal of their sacred social order from top to bottom. The first had become last and the last had become first. The laws of Manu also explain, the determined way in which the Brahmins proceeded to use their political power to degrade the Shudras and the women to their old status. The triumphant Bramhanism bega.n its onslaught on both the Shudras and the women in pursuit of the old ideal namely servility and Bramhanism did succeed in making the Shudras and women the servile classes, Shudras the serfs to the three higher classes and women the serfs to their husbands. Of the black deeds committed by Brahmanism after its triumph over Buddhism this one is the blackest. There is no parallel in history for so foul deeds of degradation committed by a class of usurpers in the interest of class domination. The collosal character of this deed of degradation perpetrated by Barahmanism is unfortunately not fully realized. It is concealed by those small monosyllablic words, Stri and Shudra. Let those who wish to get an idea of the enormity of

their deed think of the numbers that lie behind these two terms. What part of the population do they apply to? The woman represents one half of the population. Of the balance the Shudra represents not less than two third. The two together make up about 7590 of the total population. It is this huge mass of people that has been doomed by Brahmanism to eternal servility and eternal degradation. It is because of the collosal scale of degradation whereby 75% of her people were deprived of their right to life. liberty and persuit of happiness that India became a decaying if not a dead nation.

The principle of graded inequality runs through the whole of the Manu Smriti. There is no department of life in which he has not introduced his principle of graded inequality. For a complete and thorough exposition of it, it would be necessary to reproduce the whole of Manu Smriti. I will take only a few departments to illustrate how in the hands of Manu the principle of graded inequality became imbedded in the social life. Take the field of marriage. Observe the rule of Manu :—

III. 13. It is declared that a Shudra woman alone (can be) the wife of a Shudra, she and one of his own caste (the wives) of a Vaishya, those two and one of his own caste the wives of a Kshatriya, those three and one of his own caste (the wives of a Bramhan). Take the rules of Manu regarding the treatment of guests:—

III. 110. But a Kshatriya (who comes) to the house of a Brahmana is not called a guest (atithi), nor a Vaisya, nor a Shudra, nor a personal friend, nor a relative, nor the teacher.

III. 111. But if Kshatriya comes to the house of a Brahmana in the manner of a guest, (the house-holder) may feed him according to his desire, after the above mentioned Brahmanas have eaten.

III. 1 12. Even a Vaisya and a Shudra who have approached his house in the manner of guests, he may allow to eat with his servants, showing (thereby) his compassionate disposition. In the house of a Brahmana. nobody except a Brahmin is to have the honour of being a guest.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_85 If the Kshatriya comes in the manner of a guest to the house of a Brahmin he is to be fed after all the Brahmins are fed and if the Vaishyas and Shudras come in the manner of guests they are to be fed after everybody is fed and only in the company of servants.

Take the rules of Manu regarding Sanskaras : X. 126. A Shudra has no right to receive the sacraments. X. 68. The law prescribes that neither of the two (that is those who belong to mixed castes) shall receive the

sacraments the first being excluded on account of lowness of his origin of his parents was against the order of the castes.

II. 66. The whole seriesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_86 of sacraments must be performed for females also in order to sanctify the body at the proper time and in the proper order, but without the recitaion of sacred Vedic Mantras. Manu further lays down that :

VI. 1. A twice born Snataka, who has thus lived according to the law in the order of householders, may, taking a firm resolution and keeping his organs in subjection, dwell in the forest, duly (observing the rules given below).

VI. 33. But having thus passed the third part of (a man's natural term of) life in the forest, he may live as an ascetic during the fourth part of his existence, after abandoning all attanchment to worldly objects.

Even in law Manu introduces the principle of graded inequality. To take only two illustrations, the law of defamation, abuse and the law of assault :

VIII. 267. A Kshatriya having defamed a Brahmana, shall be fined one hundred (panas); A Vaisya one hundred and fifty or two hundred ; a Shudra shall suffer corporal punishment.

VIII. 268. A Brahamna shall be fined fifty (panas) for defaming a Kshatriya ; in (the case of) a Vaisya the fine shall be twenty five (panas), in (the case of) a Shudra twelve.

VIII. 269. For offences of twice born men against those of equal caste (varna, the fine shall be) also twelve (panas) for speeches which ought not to be uttered, that (and every fine shall be) double.

VIII. 276. (For mutual abuse) by a Brahmana and a Kshatriya a fine must be imposed by a discerning (king), on the Brahmana the lowest amercement, but on the Kshatriya the middlemost.

VIII. 277. A Vaisya and a Shudra must be punished exactly in the same manner according to their respective castes, but the tongue (of the Shudra) shall not be cut out: that is the decision.

VIII. 279. With whatever limb a man of a low caste does hurt to (a man of the three) highest (castes), even that limb shall be cut off: that is the teaching of Manu.

VIII. 280. He who raises his hand or a stick, shall have his hand cut off; he who in anger kicks with his foot, shall have his foot cut off. Everywhere is the principle of graded inequality. So ingrained it had become in the social system that the successors of Manu were careful to

introduce it where he had failed to give effect to it. For instance Manu had had recognized the system of slavery. But had failed to prescribe whether the system of slavery was or was not subject to the principle of graded order of insubordination.

Lest it should be understood that the law of graded inequality did not apply to slavery and that a Brahmin may be a slave of the Shudra, Yajnavalkya at once proceeds to clear the doubt. He expressly laid down that :-

"Slavery is in the descending order of the Varnas and not in the ascending order"(XIV. 183).

Vijnaneshwar in his commentary on Yajnavalkya makes it concrete by his illustrations when he says :

"Of the Varnas such as the Brahmana and the rest, a state of slavery shall exist *Anulomyena,* in the descending order. Thus, of a Brahmana, a Kshatriya and the rest may become a slave; of a Kshatriya, the Vaishya and the Shudra; and of a Vaishya, Shudra, thus the state of slavery shall operate in the descending order."Stated in the language of equality and inequality, this means that the Brahmin is the highest because he can be the slave of nobody but is entitled to keep a person of any class as his slave. The Shudra is the lowest because everybody can keep him as his slave but he can keep no one as his slave except a Shudra. The place assigned to the Kshatriya and the Vaishya introduces the system of graded inequality. A Kshatriya while he is inferior to the Brahmin he can be the slave of the Brahmin. While he is yet superior to the Vaishyas and the Shudras because he can keep them as his slaves; the Vaishyas and the Shudras have no right to keep a Kshartiya as his slave. Similarly a Vaishya while he is inferior to the Bramhins and the Kshatriyas, because they can keep him as their slave and he cannot keep any one of them as his slave, he is proud that he is at least superior to the Shudra because he can keep the Shudra as his slave while Shudra cannot keep the Vaishya as his slave.

Such is the principle of graded inequality which Bramhanism injected into the bone and the marrow of the people. Nothing worse to paralyze society to overthrow inequity could have been done.

Although its effects have not been clearly noticed there can be no doubt that because of it the Hindus have been stricken with palsy. Students of social organization have been content with noting the difference between equality and inequality. None have realized that in addition to equality and inequality there is such a thing as graded inequality. Yet inequality is not half so dangerous as graded inequality.

Inequality carried within itself the seeds of its own destruction. Inequality does not last long. Under pure and simple inequality two things happen. It creates general discontent which forms the seed of revolution. Secondly it makes the sufferers combine against a common foe and on a common grievance. But the nature and circumstances of the system of graded inequality leave no room for either of these two things to happen. The system of graded inequality prevents the rise of general discontent against inequity. It cannot therefore become the storm centre of revolution. Secondly the sufferers under inequality becoming unequal both in terms of the benefit and the burden there is no possibility of a general combination of all classes to overthrow the inequity. To make the thing concrete the Brahmanic law of marriage is full of inequity. The right of Brahmana to take a woman from the classes below him but not to give a woman to them is in inequity. But the Kshatriya, Vaishya and Shudra will not combine to destroy it. The Kshatriya resents this right of the Brahmana. But he will not combine with Vaishya or the Shudra and that for two reasons. Firstly because he is satisfied that if the Brahman has the right to take the right of three communities, the Kshatriya has the right to appropriate the women of two communities. He does not suffer so much as the other two. Secondly if he joins in a general revolution against this marriage-inequity in one way he will rise to the level of the Bramhins but in another way all will be equal which to him means that the Vaishyas and the Shudras will rise to his level i.e. they will claim Kshatriya women-which means he will fall to their level. Take any other inequity and think of a revolt against it. The same social psychology will show that a general rebellion against it is impossible.

One of the reasons why there has been no revolution against Brahmanism and its inequities is due entirely to the principle of graded inequality. If is a system of permitting a share in the spoils with a view to enlist them to support the spoils system. It is a system full of low cunning which man could have invented to perpetuate inequity and to profit by it. For it is nothing else but inviting people to share in inequity in order that they may all be supporters of inequity.

There now remains to lift the curtain from the last act of this drama of Bramhanism.

Bramhanism inherited from the Vedic past that system of Chaturvarna. The system of Chaturvarna which the Hindus regard as the unique creation of their Aryan ancestors is in no sense unique. There is nothing original about it. The whole ancient world had stumbled into it. The

Egyptians had it and the ancient Persians had it. Plato was so convinced about its excellence that he presented it as ideal form of social organization. The ideal of the Chaturvarna is faulty. The lumping together of individuals into a few sharply marked off classes is a very superficial view of man and his powers. The Ancient Aryans as well as Plato had no conception of the uniqueness *of* every individual, of his incommensurability with others and of each individual forming a class of his own. They had no recognition of the infinite diversity of active tendencies and combination of tendencies of which an individual is capable. To them there were types offaculties or powers in the individual constitution and all that is necessary for social organization is to classify them. All this is demonstrably wrong. Modern science has shown that lumping together of individuals into a few sharply marked off classes each confined to one particular sphere does injustice both to the individual and to Socicty. The stratification of Society by classes and occupations is incompatible with the fullest utilization of the qualities which is so necessary for social advancement and is also incompatible with the safety and security of the individual as well as of Society in general.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_87

There is another mistake which the Ancient Hindus including Plato made. There is probably some truth in saying that there is among human beings a dimorphism or polyformism in human beings as, there is among insects, though in the former it is only psychological while in the latter it is both physical as well as psychlolgical. But assuming that there is a thing psychological dimorphism or polyformism among human beings, it is wrong to separate them into those who are born to do one thing and others to do another, some born *to* command i.e. to be masters and some born to obey i.e. to be slaves. It is wrong to suppose that in a given person some qualities are present and others are absent. On the contrary the truth is that all qualities are present in every person and this truth is not diminished in any way by that, some tendency predominates to the extent of being the only one that is apparent. So well established is this truth that a tendency which may be dominant in a man at one time may be quite different from and even the direct opposite of the tendency that may be dominant at another time. As Prof. Bergsonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_88 in speaking of the Nietsche's false antithesis of 'men' and 'slaves' observes :

"We have a clear vision of this (falsity) in times of revolution. Unassuming citizens, upto that moment humble and obedient, wake up one fine day with pretentions to be leaders of men". The cases of Mussolini and Hitler are a complete disproof of the theory of the Aryans and of Plato.

This Vedic system of Chaturvarna, far from being an ideal system was made positively worse by the changes which Bramhanism made and which have already been described. Every one of them was mischievous in character is beyond question. The Buddhist order of Bhikshus and the Vedic order of Brahmins were designed to serve the same purpose. They formed the elite of their society whose function was to lead and guide society along the right road. Although designed to discharge the same function the Budhist Bhikshu was better placed to discharged it was the Bramhin. That is because Buddha recognized which nobody either before him or after him has done. Buddna realized that tor a person to give a true lead to Society and he its trustworthy guide he must be intellectually free and further, which is more important, to be intellectually free he must not have private property. An elite charged with the care of his private property must fail to discharge his duty of leading and guiding Society along the right road. Buddha therefore took care to include in the Code of discipline for the Bhikshus a rule prohibiting a Bhikshu from holding private property. In the Vedic order of Bramhins there was no such prohibition. A Bramhin was free to hold property. This difference produced a profound difference on the character and outlook of the Buddhist Bhikshu and the Vedic Bramhin. The Bhikshus formed an intellectual class. The Bramhins formed on the other hand merely an educated class. There is a great difference between an intellectual class and an ducated class. An intellectual class has no limitations arising out of any affiliations to any class or to any interest. An educated Class on the other hand is not an intellectual class although it has cultivated its intellect. The reason is that its range of vision and its sympathy to a new ideology is circumscribed by its being identified with the interest of the class with which it is affiliated.

The Bramhins from the very beginning therefore were inclined to be a purely educated class, enlightened but selfish. This evil in the Vedic order of Bramhins was extreme by the changes made in the old Vedic System. The right of the Brahmins to rule and the grant of special privileges and immunities made them more selfish, and induced in them the desire to use their education not for the advancement of learning but for the use of their community and against the advancement of society.

All their energy and their education has been spent in maintaining their own privileges against the good of the public. It has been the boast of many Hindu authors that the civilization of India is the most ancient civilization in the world. They will insist that there was no branch of knowledge in which their ancestors were not the pioneers. Open a book like"The Positive Background of Hindu Sociology"by Prof. Benoy Kumar Sarkar, or a book like"The Positive Sciences of the Ancient Hindus"by Dr. Brajendranath Seal one is overwhelmed with data touching upon the knowledge their ancestors had about various scientific subjects. From these books it would appear that the ancient Indians knew astronomy, astrology, biology, chemistry, mathematics, Medicine, minerology. Physics and in the view of the mass of people even aviation. All this may be very true. The important question is now how the ancient Indians discovered these positive sciences. The important question is why did the ancient Indians cease to make any progress in the sciences in which they were the pioneers? This sudden arrest in the progress of science in ancient India is as astounding as it is deplorable. In the scientific world India occupies a position which even if it be first among the primitive is certainly last among the civilized nation. How did it happen that a people who began the work of scientific progress stopped, halted on the way, left in its incohate and incomplete condition? This is a question that needs to be considered and answered, not what the ancient Indians knew.

There is only one answer to the question and it is a very simple answer. In ancient India the Bramhins were the only educated class. They were also the Class which was claiming to be above all others. Buddha disputed their claim for supremacy and declared a war on the Brahmins. The Brahmins acted as an Educated Class—as distinguished from an intellectual class—would act under the circumstances. It abandoned all pursuits and engaged itself in defending the claim of supremacy and the social, economic and political interests of its class. Instead of writing books on Science, the Brahmins undertook to write Smritis. Here is an explanation why the progress of science in India became arrested. Brahmins found it more important and more imperative to write Smritis to repel the Buddhist doctrine of social equality.

How many Smritis did the Brahmins write? Mr. Kane a great authority on the Smriti literature has computed their number to be 128. And what for? The Smritis are called lawbooks which of course hide their nature. They are really treatises expounding the supremacy of the Brahmins and their rights to special privileges. The defence of Bramhanism was more

important than the progress of science. Bramhanism not only defended its previlege:s but set about extending them in a manner that would cover every descent man with shame. The Brahmins started particularly to expand the meaning of certain privileges granted to them by Manu.

Manu had given the Bramhins the right to *dana,* gift. The *dana* was always intended to be money or chattel. But in course of time the concept of *dana* was expanded so as to include the gift of a woman which a Brahmin could keep as his mistress or who could be released by the Bramhin on commutationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_89 of money payment.

Manu designated the Bramhins as Bhu-devas, lords of the Earth. The Bramhins enlarged the scope of this statement and began to claim the right to sexual intercourse with women of other classes. Even queens were not exempt from this claim. Ludovico Di Varthema who came to India as a traveller in about 1502 A.D. records the following about the Brahmins of Calicut :

"It is a proper, and the same time pleasant thing to know who these Brahmins are. You must know that they are the chief persons of the faith, as priests are among us. And when the King takes a wife, he selects the most worthy and the most honoured of these Brahamins and makes him sleep the first night with his wife, in order that he may deflower her."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_90 Similarly Hamiltonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_91another writer says:

"When the Samorin marries, he must not cohabit with his bride till the Nambourie (Nambudari Brahmin), or chief priest, has enjoyed her, and if he pleases, he may have three nights of her company, because the first fruits of her nuptials must be an holy oblation to the god she worships."

In the Bombay Presidency the priests of the Vaishnava sect claimed the right to deflower the women of their sect. This gave rise to the famous Maharaja Libel case brought by the chief priest of the Sect against one Karosondas Mulji in the High Court of Bombay in the year 1869 which shows that the right to claim the benefit of the first night was certainly effective till then.

When such a right to sexual cohabitation for the first night could be extended against the generality of the lower classes the Brahmins did not hesitate to extend it. This they did particularly in Malabar. There, Manu designated the Brahmins as Bhu-devas, lords of the earth. The Brahmins

enlarged the scope of this statement and began to claim the right of promiscuous sexual intercourse with the women folk of the other Classes. This happened particularly in Malabar. Theremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_92

"The Brahman castes follow the Makatyam System that is the system by which the child belongs to its father's family. They contract within their own caste regular marriages, with all the ordinary legal and religious sanctions and incidents. But the Brahmin men are also in the habit of entering into Sambandhan-Unions with women of the lower castes."This is not all. Observe further what the writer has to say:

"Neither party to a Sambadhan Unions becomes thereby a member of the other family; and the offspring of the Union belong to their mothers *tharwad* (family) and have no sort of claim, so far as the law goes, to a share of their father's property or to maintenance therefrom."

Speaking of the origin of this practice the author of the Gazetteer observes that the origin of this institution :

"Is found in the claim of the Bhu-devas"or"Earth Gods"(that the Brahmanas) and on a lower plain of the Kshatriyas or the ruling classes, to the first fruits of lower Caste Womanhood, a right akin to the medieval droit de Seigneurie."

It is an understatement to say that it is only a right to first fruits as the 'right to the first night' was called in the middle ages in Europe. It is more than that. It is a general right of the Brahmin against the lower caste to claim any woman of that class for mere prostitution, for the mere satisfaction of sexual appetite, without burdening the Brahmin to any of the obligations of marriage.

Such were the rights which the Brahmins the spiritual precepts claimed against the laity!! The Borgese Popes have been run down in history as the most debauched race of spiritual preceptors who ascended the throne of Peter. One wonders whether they were really worse than the Brahmins of India.

A purely intellectual Class, free to consider general good and having no interest of a class to consider, such as the one contemplated by Buddha is not to be had anywhere. For the limitations resulting from property on the freedom of intellect of the elite have not been generally recognized until very recently. But this want of an intellectual class has been made good in other countries by the fact that in those countries each Strata of Society has its educated class. There is safety, if no definite guidance, in the multiplicity of views expressed by different

educated classes drawn from different strata of society. In such a multiplicity of views there is no danger of Society being misguided or misdirected by the views of one single educated class drawn from one single class of society and which is naturally bound to place the interest of its class before the interests of the country. By the change made by Brahmanism India ceased to have safe and sure guidance of an intellectual class. But what is worse is that the Hindus lost the safety and security which other peoples have and which arises from the multiplicity of views expressed by various educated classes drawn from different strata of Society.

By the denial of education to the Shudras, by diverting the Kshatriyas to military persuits, and the Vaishyas to trade and by reserving education to themselves the Brahmins alone could become the educated class—free to misdirect and misguide the whole society. By converting Varna into Caste they declared that mere birth was a real and final measure of the worth of a man. Caste and Graded inequality made disunity and discord a matter of course.

All this disfigurement of the original Varna system would have been tolerable if it had remained a mere matter of social practice. But Brahmanism was not content to leave the matter there. It wanted to give the Chaturvarna in its changed and perverted form the force of law. This new Chaturvarna the making of Brahmanism occupies in the Manu Smriti as the Law of Persons and the Law of Family. Nobody can make a mistake about it. Manu made it an offence for a person of a lower Caste to arrogate to himself the status of a higher Caste or to pass off as a member of the higher Caste.

X. 96. A man of low caste who through covetousness lives by the occupations of a higher one, the king shall deprive of his property and banish.

XI. 56. Falsely attributing to oneself high birth, giving information to the king (regarding a crime), and falsely accusing one's teacher, (are offences) equal to slaying a Brahmana. Here there are two offences, General Impersonation (X. 96) and impersonation by the Shudra (XI. 56). Note also the punishments how severe they are. For the first the punishment is confiscation of property and banishment. For the second the punishment is the same as the punishment for causing the death of a Brahmin.

The offence of personation is not unknown in modern jurisprudence and the Indian Penal Code recognizes it in section 419. But what is the punishment the Indian Penal Code prescribes for cheating by

personation? Fine, and if imprisonment, then 3 years or both. Manu must be turning in his grave to find the British Government make so light of his law of Caste.

Manu next proceeds to direct the king that he should execute this law. In the first place he appeals to the King in the name of his pious duty :

VIII. 172. By preventing the confusion of Castes . . .. .the power of the King grows, and he prospers in this world and after death. Manu perhaps knows that the law relating to the confusion of Varna may not be quite agreeable to the conscience of the king and he avoids enforcement. Consequently Manu tells the King how in the matter of the execution of the laws the King should act :

VIII. 177. Therefore let the King not heeding his own likes and dislikes behave exactly like Yama. i.e. he should be as impartial as Yama the Judge of the Dead.

Manu however does not wish to leave the matter to the King as a mere matter of pious duty. Manu makes it a matter of obligation upon the King. Accordingly Manu lays down as a matter of obligation that :

VIII. 410. The King should order a Vaishya to trade to lend money, to cultivate the land, or to lend cattle, and the Shudra to serve the twice born Caste. Again Manu reverts to the subject and say:

VIII. 418. The King should carefully compel Vaishyas and Sudras to perform the work (prescribed) for them ; for if these two castes swerved from their duties they would throw this whole world into confusion.

What if the Kings do not act up to this obligation. This law of Chaturvarna is so supreme in the eyes of Manu that Manu will not allow himself to be thwarted by a King who will not keep his obligation to maintain this law. Boldly Manu forges a new law that such a king shall be disposed. One can imagine how dear Chaturvarna was lo Manu and to Brahmanism.

As I have said the Chaturvarna of the Vedic system was better than caste system was not very favourable to the creation of a Society which could be regarded as one single whole possessing the Unity of the ideal society. By its very theory the Chaturvarna has given birth to four classes. These four classes were far from friendly. Often they were quarreling and their quarrels were so bitter that they cannot but be designated as Class wars. All the same this old Chaturvarna had two saving features which Brahminism most selfishly removed. Firstly there was no isolation among the Varnas. Intermarriage and interdining the two strongest bonds for unity had full play. There was no room for the different Varnas to develop that anti-social feeling which destroys the

very basis of Society. While the Kshatriyas fought against the Brahmins and the Brahmins fought against the Kshatriyas there were not wanting Kshatriyas who fought against the Kshatriyasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_93 for the sake of Brahmins and there were not wanting Brahminsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_94 who joined hands with Kshatriyas to put down the Brahmins.

Secondly this old Chaturvarna was conventional. It was the ideal of the Society but it was not the law of the State. Brahmanism isolated the Varnas and sowed the seed of antagonism. Brahmanism made legal what was only conventional. By giving it a legal basis it perpetrated the mischief. The Vedic Chaturvarna if it was an evil would have died out by force of time and circumstances. By giving it the force of Law Brahmanism has made it eternal. This is probably the greatest mischief that Brahmanism has done to Hindu Society.

In considering this question one cannot fail to notice that the obligation imposed upon the King for the maintenance of the law of Chaturvarna which is another name for the system of graded inequality does not require the King to enforce it against the Brahmins and the Kshatriyas. The obligation is limited to the enforcement of the law against the Vaishyas and the Shudras. Having regard to the fact that Brahmanism was so intent on giving the system the force of law the result has been very awkward to say the least about it. Notwithstanding this attempt at legalization the system remained half legal and half conventional, legal as to the Vaishyas and the Shudras and merely conventional as to Brahmins and Kshatriyas.

This difference needs to be accounted for. Was Brahmanism honest in its attempt to give the system the force of law? Did it wish that each of the four Varnas be bound by it? The fact that Brahmanism would not bind the Brahmins and the Kshatriyas by the law it made, shows that in this business Brahmainsm was far from honest. If it believed in the system as ideal it could not have failed to make it an universal binding force.

But there is more than dishonesty in this foul game. One can quite understand why the Brahmins were left free and untramelled by the shackles of the law. Manu called them Gods on earth and Gods must be above the law. But why were the Kshatriyas left free in the same way as the Brahmins. He knows that the Kshatriyas will not humble themselves

before the Brahmins. He then proceeds to warn them, how the Brahmins can punish them if the Kshatriyas show arrogance and plan rebellion.

IX. 320 When the Kshatriyas become in any way overbearing towards the Brahmanas, the Brahmanas themselves shall duly restrain them; for the Kshatriyas sprang from the Brahmanas.

IX. 321. Fire sprang from water, Kshatriya from Brahmanas, iron from stone ; the all-penetrating force of those (three) has no effect on that whence they were produced.

One might think that the reason why Manu does not impose a.n obligation upon the King to enforce the law against the Kshatriya was because the Brahmins felt themselves quite capable of dealing with Kshatriyas by their own prowess and without the aid of the King and that they meant to put their sanctions against the Kshatriyas when the time came and without fear of consequences. All this could not have been meant by Manu. For after uttering this vows of vengeance, and threats and imprecations Manu suddenly come down and begins to plead with the Kshatriyas for cooperation and common front with the Brahmins. In a verse next after the verse in which he utters the threats and imprecations against the Kshatriyas Manu pleads :

IX. 323. But (a king who feels his end drawing nigh) shall bestow all his wealth, accumulated from fines on Brahmanas, make over his kingdom to his son and then seek death in battle. From imprecations to supplication is a very queer cry. What is the explanation of this anti-climax in the attitude of this strange behaviour of Manu towards the Kshatriyas? What is the object of this cooperation between Brahmins and Kshatriyas? Against whom is this common front to be? Manu does not explain. A whole history of a thousand years must be told before this puzzle is solved and the questions satisfactorily answered.

The history which furnishes the clue to the solution of this puzzle is the history of the class wars between the Brahmins and the Kshatriyas.

Most of the orthdox Hindus are repelled by the doctrine of Class war which was propounded by Karl Marx and would be certainly shocked if they were told that the history of their own ancestors probably furnishes the most cogent evidence that Marx was searching for support of his theory. Indeed there have been numerous class wars between Brahmins and the Kshatriyas and only the most important of them have been recordedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_95 in the ancient Hindu literature. We have record of the conflict between the Brahmins and the Kings

who were all Kshatriyas. The first of these conflicts was a conflict with King Vena, the second with Pururavas, the third with Nahusha, fourth with Nimi and fifth with Sumukha. There is a record of *a* conflict between Vashishtha a Brahmin and Vishvamitra an ordinary Kshatriya and not a king. Then we have the record of the wholesale massacre of the Brahmins of Bhrigu clan by the Kshatriya decendants of Kratavirya and then we have the record of the whole class of Kshatriyas exterminated by Parashuram acting on behalf of the Brahmanas. The issues that brought them in conflict extended over a wide range and show how bitter and strained must have been the feelings between Brahmins and Kshatriyas. There were conflicts over the question whether the Kshatriya had a right to become a Brahmana. There were conflicts over the question, whether the Brahmins were subject to the authority or not. There were conflicts on the question who should salute first and who should give way to whom. The wars were warsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_96 of authority, status and dignity.

The results of these wars could not but be obvious to the Brahmins. Notwithstanding their boastful utterances they must have realized that it was not possible for them to crush the Kshatriyas and that notwithstanding the wars of extermination the Kshatriyas survived in sufficient numbers to plague the Brahmins. One need not pay any attention to the filthy story told by the Brahmins and alluded to by Manu that the Kshatriyas of the Manu's day were not the original Kshatriyas but a race of new Kshatriyas begotten by the Brahmins upon the widows of the old Kshatriyas who were massacred by Parashuram. Blackmailing is one of the means which Brahmanism is never ashamed of using to advance its own purposes. The fight of Brahmanism against the Kshatriyas was from the very beginning a fight between a fool and a bully. Brahmanas were fighting against the Kshatriyas for the maintenance of the Chaturvarna. Now it is this very Chaturvarna which allowed bayonets to the Kshatriyas and denied them to the Brahmins. How under this theory could the Brahmin fight with the Kshatriya with any hope of success? It could not have taken long for the Brahmins to realise the truth—which Tallyrand told Napoleon—that it is easy to give bayonets but it is very difficult to sit on them and that as Kshatriyas had bayonets and Brahmins none, war with the Kshatriya was the way to ruin. These were the direct consequences of these wars between the Brahmins and the Kshatriyas. But there were others which could not have escaped the attention of the Brahmins. While the Brahmins and

Kshatriyas were fighting among themselves nobody was left to check and keep the Vaishyas and the Shudras under control. They were on the road of social equality almost nearing to the status of the Brahmins and Kshatriyas. To Brahmanism the possibility of suppressing the Kshatriya was very remote and the danger of being overtaken by Vaishyas and Shudras were real and very real. Should the Brahmana continue to fight the Kshatriya and ignore the danger of the Vaishyas and the Shudras? Or Should the Brahmana give up the hopeless struggle against the Kshatriya and befriend him and make with him a common cause and suppress the growing menace of the Vaishyas and Shudras? Brahmanism after it was exhausted in the wars with the Kshatriyas chose the second alternative. It sought to befriend their worthwhile enemies the Kshatriyas to work for a new ideal namely to enslave and exploit the two classes below them namely the Vaishyas and the Shudras. This new ideal must have taken shape some time when the Satpatha Brahmana came to be composed. It is in the Satpatha Brahmana we find the new ideal expressed it was well established. The language in which it is expressed, and the subject to which it is applied are so telling that I feel it should be quoted in its original terms. Says the author of the Satpathamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_97 :

"They then make the beast return (to the Ahavaniyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19B.Revolution and Counter Rev.in Ancient India PART II.htm - _msocom_98) the he-goat goes first of them, then the ass, then the horse. Now in going away from this (Ahavaniya) the horse goes first, then the ass, then the he-goat—for the horse corresponds to the Kshatra (nobility), the ass to the Vaishya and Shudra, the he-goat to the Brahman and in-as-much as, in going from here, the horse goes first, therefore the Kshatriya, going first, is followed by the three others castes ; and in-as-much as, in returning from here, the he-goat goes first, therefore the Brahman, going first, is followed by the three other castes. And in-as-rnuch as the ass does not go first, either in going back from here, or in coming back from there, therefore the Brahmana and Kshatriya never go behind the Vaishya and Sudra ; hence they walk thus in order to avoid a confusion between good and bad. And, moreover, he thus encloses those two castes (the Vaishyas and Sudra) on both sides by the priesthood and the nobility and makes them submissive."

Here is the explanation of the puzzling attitude of Manu towards the Kshatriyas, attitude of willing to wound but afraid to strike, of wishing to dictate but preferring to befriend.

It is these wars and the compromise that had taught Manu that it was no use trying to coerce the Kshatriyas to submit to the domination of the Brahmin. It may be an ideal to be kept up. But as practical politics it was an impossible ideal. Like Bismark.. Manu knew that politics was the game of the possible. What was possible was to make a common cause and to build up a common front between the Brhamins and the Kshatriyas against the Vaishyas and the Shudras and this is what Manu did. The pity of it is that it was done in the name of religion. This need not shock anybody who has studied the soul and spirit of Brahmanism. With Brahmanism religion is a cloak to cover and hide its acquisitive politics.

Part III

Revolution and Counter-Revolution in Ancient India

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CHAPTER 8
The Morals of the House

This is 61 page typed manuscript. This is a second copy hut it is having corrections and modifications by Dr. Ambedkar himself. It is reproduced here taking all the corrections into account. There is one separate file entitled 'Manu Smriti or the Gospel of Counter-Revolution '. In that copy notes on Manu Smriti under various categories have been drawn. However, all these notes have been found to be incorporated in this essay, 'Morals of the House.' It is felt that the printing of these notes would be a mere repetition of this essay. Hence, the said copy is not separately printed:

I

The morals of the Hindus and their religious creed are prescribed by the *Smritis* which form a part of the Sacred literature of the Hindus. It is to the Smritis that one must go to understand the Ethics and the Religion of the Hindus. The Smritis are by no means few in number. A conservative estimate gives the total number of Smritis to be 108. The large number of *Smritis* cannot however make our problem difficult. For though the Smritis are numerous they do not differ in essentials. Indeed they repeat one another so closely that reading the Smritis creates a most monotonous task. They are all derived from one common source. That source is the Smriti of Manu otherwise known as Manava Dharma Shastra. The other Smritis are faithful repetitions of the Manu Smriti. A study of the Manu Smriti is therefore quite sufficient to obtain an adequate conception of the moral standards and Religious notions of the Hindus.

It may be said that Manu Smriti—and the same is true of the other Smritis—-is a Code of Laws. It is not a book of Ethics nor is it a book of Religion and to take a book of Laws and to treat it as though it is a book of Ethics and Religion is to confound Ethics, Religion and Law.

In the first place it is only in modern times that Law has been separated from Religion. In all ancient Society, Law and Religion were one. As Prof. Max Mullermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_1 points out that though :—

"Law seems naturally to be the foundation of society, and the bond that binds a nation together. Those who look below the surface have quickly perceived that law itself, at least ancient law, derives its authority, its force, its very life from religion. . . .. The belief that the lawgiver enjoyed some closer intimacy with the Deity than ordinary mortals, pervades the ancient traditions of many nations. According to a well known passage in Diodorus Siculus, the Egyptians believed their laws to have been communicated to Menvis by Hermes; the Cretaus held that Minos received his laws from Zeus, the Lacedaemonians that Lykurgus received his laws from Apollon. According to the Arians, their lawgiver Zarathustras had received his Laws from the Good Spirit; According to the Stoe, Zamolixis received his laws from the goddess Hestia; and according to the Jews, Moses received his laws from the God las."

No one has pointed out more forcibly than Sir Henry Mainsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_2 that in ancient times religion as a

divine influence was underlying and supporting every relation of life and every social institution when he says of Religion as :

"A supernatural presidency (which) is supposed to consecrate and keep together all the cardinal institutions of those times, the state, the Race, and the Family".

From this superntural presidency of Reigion, Law had not succeded in finding an escape until at a later time when law finally breaks away from religion but not without leaving many traces to show the link it had with Religion at the very beginning of human history.

Again it is only in modern times that a difference is being made between Religion and Ethics. Religion and Ethics are inextricably and indissolubly bound together. Morality and Ethics are essentially practical. As Prof. Jacks insistsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_3 that the problem of Ethics is not merely getting the Good understood but *realised,* not merely getting the Right placed on scientific basis but *done.* Morality is a mere matter of defining what is good and what is right. Prof. Jacks: rightly says :

"Whenver we embark on the study of morality without interest in its application I cannot but think that it is not morality we are studying. Morality does not arise till the point of application is reached. The effect of a moral theory launched upon the world is next to nothing unless the application of it can be reinforced by powerful motives. The good life, as Aristotle pointed out is a very difficult affair; difficult even when it goes no further than conformity to existing conventions. But when the good life demands that existing standards must be transcended how can this be effected without an immense liberation of power? Mere information as to why men should do right has no effect against their natural tendencies to do wrong-it is no match for the difficulties that beset good life."

Unless some motive force comes to its aid morality remains inert. There can be no doubt that what gives motive force to morality is Religion. It is a propelling force which creates, to use again the language of Principal Jacks :

"Motives which are strong enough to overcome the enormous difficulties involved in living the good life, even in its simpler forms, and adequate to maintain that continuous improvement of the moral ideal."

Religion as a motive force reinforces the moral will in various ways. Sometimes it takes the form of sanctions by laying down a scheme of rewards and punishments after death; some times it makes rules of

morality as the commandments of God; some times it invests these rules with sanctity which evokes willing obedience. But these are only different ways in which motive power generated by Religion helps to sustain moral life in action. Religion is the dynamics which moves the wheels of morality.

If Ethics and Morality are duties then there can be no doubt that Manu Smriti is a book of Ethics. Any one who takes the trouble to read the Smriti of Manu will have to admit that if there is any subject which figures prominently in the book it is that of duties. Manu was the first to syatematise and codify the duties to which a Hindu was bound. He distinguishes between *Varnashramadharmas* and *Sadharandharmas.* The Varnashramdharmas are the specific duties relating to one's station in life i.e. one's station as determined by one's Varna or caste and one's Ashram or particular stage of life. The Sadharandharmas are duties irrespective of one's age, caste or creed i.e. duties obligatory on man as man and not as a member of a particular community or social class or as being at a particular stage or period of life. The whole book deals with duties and with nothing else.

Manu Smriti is thus a book of Law, Religion and Ethics rolled into one. It is Ethics because it deals with duties of men. It is religion because it deals with Caste which is the soul of Hinduism. It is Law because it prescribes penalties for breach of duties. In this view there is nothing wrong in going to Manu Smriti to ascertain the moral standards and religious notions of the Hindus.

That Manu Smriti is a book of Religion may not be quite obvious. That is because Hinduism is a very illusive term. Different writers have defined it in various ways. Sir D. lbbetsonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_4 defines Hinduism as :

"A hereditary sacerdotalism with Brahmins for its devices, the vitality of which is preserved by the social institution of caste and which include all shades and diversities of religion native to India, as distinct from foreign importations of Christianity and Islam, and from the later outgrowths of Buddhism, more doubtfully of Sikhism and still more doubtfully of Jainism". Sir J. A. Bainesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_5 defined Hinduism as :—

"The large residium that is not Sikh, or Jain, or Buddhist or professedly Animistic, or included in one of the foreign religions such as Islam, Mazdaism, Christianity, or Hebraism."To Sir Edward

Gaitmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_6 Hinduism :—

"is a complex congenies of creeds and doctrines. It shelters within its portals monotheists, polytheists, and pantheists; Worshippers of the great God Siva and Vishnu, or of their female counterparts, as well as worshippers of the divine mothers, of the spirits of trees,rocks and streams and of the tutelary village deities; persons who propitate their deity by all matter of bloody sacrifices, and persons who will not only kill no living creature, but who must not even use the word"cut"; those whose ritual consists mainly of prayers and hymns, and those who indulge in unspeakable orgies in the name of religion".

This discription of complexity is full but is still incomplete. To the list must be added those who revere the cow and those who eat it, those who worship natural forces, and those who worship a single God; those who are worshippers of idols, demons, ghosts, ancestors, saints and heroes.

Such are the answers given by the three Census Commissioners to the simple question what is Hinduism. Others have not found it less difficult to answer the question. Consider how Sir A. Lyall has fared in answering the question. In his"Rede Lecture"delivered at Cambridge in 1891 he saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_7:

"And if I were asked for a definition of Hinduism I could give no precise answer, I could not define it concisely by giving its central doctrines and its essential articles of faith; as I might do in describing of the great historical Religions. For the word Hindu is not exclusively a religious denomination; it denotes also a country, and to certain degree a race. When we speak of Christian, a Mahomedan, or a Buddhist, we mean a particular religious community, in the widest sense, without distinction of race or place. When we talk of a Russian or a Persian, we indicate country or parentage without distinction of creed. But when a person tells me that he is a Hindu, I know that he means all three things together— Religion. Parentage and Country."Speaking of Hinduism as a Religion Sir Alfred Lyall said that:

"Hindism was a tangled mugle of disorderly superstitions, the collection of rights, worships, beliefs, traditions and mythologies, that are sanctioned by the sacred books and ordinances of the Brahmins and are propogated by Brahmanic teachings."Lastly I will quote the defintion given by a Hindu Mr. G. P. Sen who not merely a Hindu but is

a student of Hinduism. In his book called 'Introduction to the study of Hinduism' Mr. Sen says :—

"Hinduism is what the Hindus, or a major portion of them in a Hindu Community do."

Is there then no principle in Hinduism which all Hindus no matter what their other differences are, feel bound to render willing obedience? It seems to me there is and that principle is the principle of Caste. There may be a difference of opinion as to which matters constitute matters of essence so far as Hinduism is concerned. But there can be no doubt that Caste is one and an essential and integral part of Hinduism. Every Hindu—if he is not merely a statutory Hindu-believes in Caste and every Hindu-even one who prides himself on being a statutory Hindu—has a Caste. A Hindu is as much born into caste as he is born in Hinduism. Indeed a person connot be born in Hinduism unless he is born in a Caste. Caste and Hinduism are inseparable. As Prof. Max Mullermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_8 observes :

"Modern Hinduism rests on the system of Caste as on a rock which no arguments can shake."

It therefore follows that in so far as Manu lays down the creed of the Caste and in so far as Hinduism at its core is the creed of Caste the Manu Smriti must be accepted as the Book of Religion.

II

What are the Ethical and Religious norms prescribed by Manu for Hindus to observe and follow?

To begin with, Manu divides Hindus into four varnas or social orders. He not only divides Hindus into four orders he also grades them. The dollowing is his scheme of gradation.

X. 3. On account of his pre-eminence, on account of the superiority of his origin, on account of his observance of(particular) restrictive rules, and on account of his particular sanctification the Brahman is the Lord of (all) Varnas.

He procceds to amplify his reasons and does so in the following characteristic manner :—

1. 93. As the Brahmana sprang from (Prajapati's i.e.Gods) mouth, as he was first-born, and as he possesses the Veda, he is by right the lord of this whole creation.

1. 94. For the self existent (Svayambhu i.e. God), having performed austerities, produced him first from his own mouth, in order that the

offerings might be conveyed to the Gods and Manes and that this universe might be preserved.

1. 95. What created being can surpass him, through whose mouth the Gods continually consume the sacrificial viands and the manes the offerings to the dead.

1. 96. Of created beings the most excellent are said to be those which are animated; of the animated, those who subsist by intelligence: of the inteligent, mankind; and of the men, the Brahmans.

Besides the reason given by Manu the Brahmin is first in rank because he was produced by God from his mouth, in order that the offerings might be conveyed to the Gods and manes. Manu gives another reason for the supremacy of the Brahmins. He says :—

1. 98. The very birth of a Brahmana is an eternal incarnation of the sacred Law (Veda); for he is born to (fulfil) the sacred law, and become one with Brahman (God).

1. 99. A Brahamana, coming into existence, is born as the highest on earth, the lord of all created beings, for the protection of the treasury of the Law. Manu concludes by saying that :

1. 101. The Brahmana eats but his own food, wears but his own apparel, bestows but his own alms; other mortals subsist through the benevolence of the Brahmana."Because according to Manu :

1. 100. Whatever exists in the world is the property of the Brahmana; on account of the excellence of his origin the Brahmana is, indeed, entitled to it all.

It is really an understatement to say that according to Manu the Brahman is a lord of all creation. For Manu gives a warning to the effect that :-

IX. 317. A Brahmana, be he ignorant or learned, is a great divinity, just as the fire, whether carried forth (for the performance of a burnt oblation) or not carried forth, is a great divinity.

IX. 319. Thus, though the Brahmans employ themselves in all (sorts) of mean occupations, they must be honoured in every way; (for each of) them is a very great deity.

Being a deity the Brahmin is above law and above the King. Manu directs :-

VII. 37. Let the King, after rising early in the morning, worship Brahmans who are well versed in the threefold sacred science and learned (in polity), and follow their advice VII. 38. Let him daily worship aged Brahmans who know the Veda and are pure..... Finally Manu says :

XI. 35. The Brahman is (hereby) declared (to be) the creator (of the world), the punisher, the teacher, (and hence) a benefactor (of all created beings); to him let no man say anything unpropitions, nor use any harsh words.

In the Code of Manu there are rules regarding the different occupations which the different orders are required to follow:

I. 88. To Brahmens he (Swayambhu Manu) assigned the duties of reading the Veda, of teaching it, of sacrificing, of assisting others to sacrifice, of giving alms, if they the rich, and if indiquent, of receiving of gifts.

I. 89. To defend the people, to give alms, to sacrifice, to read the Veda, to shun the allurements of sensual gratifiction, are, in a few words, the duties of a Kshatriya.

I. 90. To keep herds of cattle, to bestow largeness, to sacrifice, to read the scriptures, to carry on trade, to lend at interest, and to cultivate land are prescribed or permitted to a Vaisya.

1. 91. One principal duty the supreme Ruler assigns to a Sudra; namely, to serve the before mentioned classes, without depreciating their worth.

X. 74. Let such Brahmans as are intent on the means of attaining the supreme Godhead, and firm in their own duties, completely perform, in order, the six following acts:

X. 75. Reading the Vedas, the teaching others to read them, sacrificing, and assisting others, to sacrifice, giving to the poor if themselves have enough, and accepting gifts from the virtuous if themselves are poor, are the six prescribed acts of the first born class;

X. 76. But, among those six acts of a Brahmin, three are his means of susbsistence; assisting to sacrifice, teaching the Vedas, and receiving gifts from a pure handed giver.

X. 77. Three acts of duty cease with the Brahman, and belong not to the Kshatriya; teaching the Vedas, officiating at a sacrifice, and, thirdly, receiving presents.

X. 78. Those three are also (by the fixed rule of law) forbidden to the Vaisya; since Manu, the Lord of all men, prescribed not those acts to the two classes, military and commercial.

X. 79. The means of subsistence, peculiar to the Kshatriya, are bearing arms, either held for striking or missile, to the Vaisya, merchandize, attending on cattle, and agriculture but with a view to the next life, the duties of both are almsgiving, reading, sacrificing."Besides prescribing rank and occupation Manu grants privileges to certain orders and

imposes penalties on certain orders. As to privileges those relating to marriage may be referred to first. Manu says :

III. 12. For the first marriage of the twice born classes, a woman of the same class is recommended but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred :

III. 13. A Sudra woman only must be the wife of a Sudra; she and a Vaisya, of a Vaisya; they two and a Kshatriya, of a Kshatriya; those three and a Brahmani of a Brahman. Then there are privileges relating to occupations. These privileges stand out quite prominently when Manu deals with the question as to what a person is to do when he is in distress :

X. 81. Yet a Brahmen, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next in rank.

X. 82. If it be asked, how he must live, should he be unable to get a subsistence by either of those employments; the answer is, he may subsist as a mercantile man, applying himself in person to tillage and attendance on cattle.

X. 83. But a Brahman and a Kshatriya, obliged to subsist by the acts of a Vaisya, must avoid with care, if they can live by keeping herds, the business of tillage, which gives great pain to sentient creatures, and is dependent on the labour of others, as bulls and so forth.

X. 84. Some are of opinion, that agriculture is excellent, but it is a mode of subsistence which the benevolent greatly blame, for the iron mouthed pieces of wood not only wound the earth, but the creatures dwelling in it.

85. If through want of a virtuous livelihood, they cannot follow laudable occupations,they may then gain a competence of wealth by selling commodities usually sold by merchants, avoiding what ought to be avoided.

X. 86. They must avoid selling liquids of all sorts, dressed grain, seeds of tila, stones, salt, cattle, and human creatures.

X. 87. All woven cloth dyed red, cloth made of sana, of cshuma-bark, and of wool, even though not red; fruit, roots, and medicinal plants.

X. 88. Water, iron, poison, flesh-meat, the moon-plant, and perfumes of any sort; milk, honey, butter milk, clarified butter, oil of tila, wax sugar, and blades of cusa grass;

X. 89. All beasts of the forest, as deer and the like, ravenous beasts, birds, and fish; spirituous liquors, nili, or indigo, and lascha, or lac; and all beasts with uncloven hoofs.

X. 90. But the brahmen-husbandman may at pleasure sell pure tila-seeds for the purpose of holy rites, if he keep them not long with a hope of more gain, and shall have produced them by his own culture.;

X. 91. If he apply seeds of tila to any purpose but food, anoiting, and sacred oblations, he shall be plunged, in the shape of a worm, together with his parents, into the ordure of dogs.

X. 92. By selling flesh-meat, lac or salt, a Brahmen immediately sinks low; by selling milk three days, he falls to a level with a Sudra.

X. 93. And by selling the other forbidden commodities with his own free will, he assumes in this world, after seven nights, the nature of a mere Vaisya.

X. 94. Fluid things may, however, be bartered for other fluids, but not salt for anything liquid; so may dressed grain for grain undressed, and tila-seeds for grain in the husk, equal weights or measures being given and taken.

X. 102. The Brahmen having fallen into distress, may receive gifts from any person whatever; for by no sacred rule can it be shown, that absolute purity can be sullied.

X. 103. From interpreting the Veda, from officiating at sacrifices, or from taking presents, though in modes generally disapproved, no sin is committed by priests in distress; lor they are as pure as fire or water.

Compare with this what Manu has to say with regard, to what the other Varnas can do in an emergency, Manu says :

X. 96. A man of lowest class, who, through covetousness, lives by the acts of the highest, let the king strip of all his wealth and instantly banish.

X. 97. His own office, though defectively performed, is preferable to that of another, though performed completely; for he, who without necessity discharges the duties of another class, immediately forfeits his own.

X. 98. A mercantile man, unable to subsist by his own duties, may descend even to the servile acts of a Sudra, taking care never to do what ought never to be done; but, when he has gained a competence, let him depart from service.

X. 99. A man of fourth class, not finding employment by waiting on the twice born, while his wife and son are tormented with hunger, may subsist by handicrafts.

X. 121. If a Sudra want a subsistence and cannot attend priest, he may serve a Kshatriya; or, if he cannot wait on a soldier by birth, he may gain his livelihood by serving an opulent Vaisya.

X. 122. To him, who serves Brahmens, with a view to a heavenly reward, or even with view to both this life and the next, the union of the word Brahmen with his name of servant will assuredly bring success.

X. 123. Attendance on Brahmens is pronounced the best work of Sudra; whatever else he may perform will comparatively avail him nothing.

X. 124. They must allot him a fit maintenance according to their own circumstances, after considering his ability, his exertions, and the number of those, whom he must provide with nourishment.

X. 125. What remains of their dressed rice must be given to him, and apparel which they have worn, and the refuse of their grain, and their old household furniture.

X. 126. There is no guilt in a man of the servile class who eats leeks and other forbidden vegetables; he must not have the sacred investiture; he has no business with the duty of making oblations to fire and the like, but there is no prohibition against his offering dressed grain as a sacrifice, by way of discharging his own duty.

X. 127. Even Sudras, who were anxious to perform their entire duty, and, knowing what they should perform, imitate the practice of good men in the household sacraments, but without any holy text, except those containing praise and salutations, are so far from sinning, that they acquire just applause.

X. 128. As a Sudra, without injuring another man, performs the lawful acts of the twice-born, even thus, without being censured, he gains exaltation in this world and in the next.

X. 129. No superfluous collection of wealth must be made by a Sudra, even though he has power to make it, since a servile man,

who has amassed riches, becomes proud, and, by his insolence or neglect, gives pain even to Brahmens. He concludes :—

X. 130. Such, as have been fully declared, are the several duties of the four classes in distress for subsistence, and, if they perform them exactly, they shall attain the highest beatitude. The privileges to some were not merely social they were also financial, Says Manu :—

VIII. 35. From the man, who shall say with truth, 'This property, which has been kept, belongs to me', the king may take a sixth or twelfth part, for having secured it.

VIII. 36. But he, who shall say so falsely, may be fined either an eighth part of his own property, or else in some small proportion to the value of the goods falsely claimed, a just calcultion having been made.

VIII. 37. A learned Brahmen, having found a treasure formerly hidden, may take it without any deduction; since he is the lord of all.

VIII. 38. But of a treasure anciently deposited under ground, which any other subject or the king has discovered, the king may lay up half in his treasury having given half to the Brahmens.

IX. 323. Should the king be near his end through some incurable disease, he must bestow on the priests all his riches, accumulated his kingdom to his son, let him seek death in battle, or if there be no war, by abstaining from food.

VII. 127. Having ascertained the rates of purchase and sale, the length of the way, the expenses of food and of condiments the charges of securing the goods carried, and the net profits of trade, let the king oblige traders to pay taxes on their saleable commodities.

VII. 128. After full consideration, let a king so levy those taxes continually in his dominions, that both he and the merchant may receive a just compensation for their several acts.

VII. 129. As the leech, the suckling calf, and the bee, take their natural food by little and little, thus must a king draw from his dominions an annual revenue.

VII. 130. Of cattle, of gems, of gold and silver, added each year to the capital stock, a fiftieth part may be taken by the king; of grain, an eighth part, a sixth, or a twelfth, according to the difference of the soil, and the labour necessary to cultivate it. VII. 131. He may also take a sixth part of the clear annual increase of trees, fleshmeat, honey, clarified butter, perfumes, medical substances, liquids, flowers, roots, and fruit.

VII. 132. Of gathered leaves, pot-herbs, grass, utencils made with leather or cane, earthen pots, and all things made of stone.

VII. 132. A king, even though dying with want, must not receive any tax from a Brahman learned in the Vedas, nor suffer such a Brahmen, residing in his territories, to be afflicted with hunger.

VII. 134. Of that king, in whose dominion a learned Brahmen is afflicted with hunger, the whole kingdom will in a short time be afflicted with famine.

VII. 137. Let the king order a mere trifle to be paid, in the name of the annual tax, by the meaner inhabitants of his realm, who subsist by petty traffic.

VII. 138. By low handicraftsmen, artificers, and servile men, who support themselves by labour, the king may cause work to be done for a day in each month.

VIII. 394. Neither a blind man, nor an idiot, nor a cripple, nor a man full seventy years old, nor one who confers great benefits on priests of eminent learning, shall be compelled by any king to pay taxes.

X. 118. A military king, who takes even a fourth part of the crops of his realm at a time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin :

X. 119. His peculiar duty is conquest, and he must not recede from battle; so that, while he defends by his arms the merchant and husbandman, he may levy the legal tax as the price of protection.

X. 120. The tax on the mercantile class, which in times of prosperity must be only a twelfth part of their crops, and a fiftieth of their personal profits, may be an eighth of their crops in a time of distress, or a sixth, which is the medium, or even a fourth in great public adversity ; but a twentieth of their gains on money, and other moveables, is the highest tax ; serving men, artisans, and mechanics. must assist by their labour, but at no time pay taxes.

X. 187. To the nearest sapinda, male or female, after him in the third degree, the inheritance next belongs ; then, on failure of sapindas and of their issue the samanodaca, or distant kinsman, shall be the heir ; or the spiritual preceptor, or the pupil, or the fellow student, of the deceased.

IX. 188. On failure of all those, the lawful heirs are such Brahmens, as have read the three Vedas, as are pure in body and mind, as have subdued their passions ; and they must consequently offer the cake; thus the rites of obsequies cannot fail.

IX. 189. The property of a Brahmen shall never be taken as an escheat by the king; this is a fixed law; but the wealth of the other classes, on failure of all heirs, the king may take. The terms on which the different social orders should carry on their associated life has been defined by Manu in a set of rules which form a very important part of the morals of the Hindu House. Manu ordains that :

X. 3. From priority of birth, from superiority of origin, from a more exact knowledge of scripture, and from a distinction in the sacrificial thread, the Brahmen is the lord of all classes.

IX. 317. A Brahmen, whether learned or ignorant, is a powerful divinity ; even as fire is powerful divinity, whether consecrated or popular.

IX. 319. Thus, although Brahmens employ themselves in all sorts of mean occupations, they must invariably be honoured ; for they are something transcendently divine.

VII. 35. A king was created as the protector of all those classes and orders, who, from the first to the last, discharge their several duties.

VII. 36. And all, that must be done by him, for the protection of his people, with the assistance of good ministers, I will declare to you, as the law directs, in due order.

VII. 37. Let the king, having risen at early dawn, respectfully attend to Brahmen, learned in the three Vedas, and in the science of ethics, and by their decision let him abide.

VII. 38. Constantly must he show respect to Brahmens, who have grown old, both in years and in piety, who know the scriptures, who in body and mind are pure ; for he, who honours the aged, will perpetually be honoured even by cruel demons :

IX. 313. Let him not, although in the greatest distress for money, provoke Brahmens to anger by taking their prosperty ; for they, once enraged, could immediately by sacrifices and imprecations destroy him with his troops, elephants, horses and cars.

Such was to be the relationship in the field of political life. For ordinary social intercourse between the different Varnas Manu lays down the following rules :—

III. 68. A house-keeper has five places of slaughter, or where small living creatures may be slain ; his kitchen-hearth, his grindstone, his broom, his pestle and mortar, his water-pot ; by using which, he becomes in bondage to sin :

III. 69. For the sake of expiating offences committed ignorantly in those places mentioned in order, the five great sacraments were appointed by eminent sages to be performed each day by such as keep house.

III. 70. Teaching and studying the scripture is the sacrament of the Veda ; offering cakes and water, the sacrament of the Manes, an oblation to fire, the sacrament of the Deities ; giving rice or other food to living creatures, the sacrament of spirits ; receiving guests with honour, the sacrament of men.

III. 71. Whoever omits not those five great ceremonies, if he have ability to perform them, is untainted by the sons of the five slaughtering places, even though he constantly reside at home ;

111.84. In his domestic fire for dressing the food of all the Gods, after the prescribed ceremony, let a Brahmen make an oblation each day to these following divinities. After it is offered to the deities Manu directs :—

III. 92. The share of dogs, of outcasts, of dog-feeders, of sinful men, punished with elephantiasis or consumption, of crows, and of reptiles, let him drop on the ground by little and little. With regard to the rules of hospitality Manu directs the householder:

III. 102. A Brahmen, staying but one night as a guest, is called an atithi, since continuing so short a time, he is not even a sojourner for a whole tithi, or day of the moon.

III. 98. But an offering in the fire of a sacerdotal mouth, which richly blazes with true knowledge and piety, will release the giver from distress and even from deadly sin.

III. 107. To the highest guests in the best form, to the lowest in the worst, to the equal equally, let him offer seats, resting places, couches; giving them proportionable attendance when they depart; and honour, as long as they stay.

III. 110. A military man is not denominated a guest in the house of a Brahman; nor a man of the commercial or servile class ; nor his familiar friend, nor his paternal kinsmen ; nor his preceptor.

III. 111. But if a warrior come to his house in the form of a guest, let food be prepared for him, according to his desire, after the beforementioned Brahmens have eaten.

III. 112. Even to a merchant or a labourer, approaching his house in the manner of guests, let him give food, showing marks of benevolence at the same time with his domestics. On social bearing of one class towards another Manu has laid down some very interesting ordinances. He has an equation for social status :

II. 135. The student must consider a Brahmen, though but ten years old, and a Kshatriya, though aged a hundred years, as father and son ; as between those two, the young Brahmen is to be respected as the father.

II. 136. Wealth, kindred, age, moral conduct, and, fifthly divine knowledge, entitle men to respect ; but that which is last mentioned in order, is the most respectable.

II. 137. Whatever man of the three highest classes possesses the most of those five, both in number and degree that man is entitled to most respect ; even a Sudra, if he have entered the tenth decade of his age.

II. 138. Way must be made for a man in a wheeled carriage, or above ninety years old, or afflicted with disease, or carrying a burthen ; for a woman ; for a priest just returned from the mansion of his preceptor; for a prince, and for a bridegroom.

II. 139. Among all those, if they be met at one time, the priest just returned home and the prince are most to be honoured ; and of those

two, the priest just returned, should be treated with more respect than the prince.

As illustrating the rules of social bearing a reference may be made to rules regarding salutation:

II. 121. A youth who habitually greets and constantly reverses the aged, obtains an increase of four things; life, knowledge, fame, strength.

II. 122. After the word of salutation, a Brahman must address an elder; saying,"I am such an one,"pronouncing his own name.

II. 123. If any persons, through ignorance of the Sanskrit language, understand not the import of his name, to them should a learned man say,"It is I"; and in that manner he should address all classes of women.

II. 124. In the salutation he should pronounce, after his own name, the vocative particle `bhoh'; for the particle 'bhoh' is held by the wise to have the same property with names fully expressed.

II. 125. A Brahmen should thus be saluted in return;"May'st thou live long, excellent man", and at the end of his name, the vowel and preceding consonant should be lengthened, with an acute accent, to three syllabic moments or short vowels.

II. 126. That Brahmen, who knows not the form of returning a salutation, must not be saluted by a man of learning; as a Shudra, even so is he.

II. 127. Let a learned man ask a priest, when he meets him, if his devotion prospers, a warrior, if he is unhurt; a merchant, if his wealth is secure; and one of the servile classes, if he enjoys good health; using respectively the words, cusalam, anamayam, ksheman and anarogyam.

The provisions laid down by Manu in relation to Religion and Religious Sacraments and Sacrifice are worthy of note.

The ordinances of Manu relating to Sacraments and sacrifices are as follows :

III. 68. A house-keeper has five places of slaughter, or where small living creatures may be slain; his kitchen-hearth, his grindstone, his broom, his pastle and mortar, his water-pot; by using which, he become in bondage to sin.

III. 69. For the sake of expiating offences committed ignorantly in those places mentioned in order, the five great sacraments were appointed by eminent sages to be performed each day by such as keep house.

III. 70. Teaching and studying the scriptures is the sacrament of the Veda; offering cakes and water, the sacrament of the Manes, an oblation to fire, the sacrament of the Deities; giving rice or other food to living

creatures, the sacraments of spirits; receiving guests with honour, the sacrament of men.

III. 71. Whoever omits not those five great ceremonies, if he have ability to perform them, is untainted by the sons of the five slaughtering places, even though he constantly reside at home. Manu then proceeds to lay down that all are not entitled to the benefit of the sacraments and all have not the same right to perform the sacrifices.

He defines the position of women and Shudras in the matter of Sacraments and sacrifices. As to women Manu says :—

II. 66. The same ceremonies, except that of the sacrificial thread, must be duly performed for women at the same age and in the same order, that the body may be made perfect; but without any text from the Veda."As to Shudras, Manu says:—

X. 127. Even Shudras, who were anxious to perform their entire duty, and, knowing what they should perform initate the practice of good men in the household sacraments, but without any holy text, except those containing praise and salutation, are so far from sinning, that they acquire just applause.

The investiture of a person with the sacred thread is a very important sacrament.

II. 36. In the eighth year from the conception of a Brahman., in the eleventh from that of a Kshatriya, and in the twelfth from that of a Vaisya, let the father invest the child with the mark of his class.

II. 37. Should a Brahman, or his father for him, be desirous of his advancement in sacred knowledge; a Kshatriya, of extending his power; or a Vaisya of engaging in mercantile business; the investiture may be made in the fifth, sixth, or eighth years respectively.

II. 38. The ceremony of investiture hallowed by the Gayatri must not be delayed, in the case of a priest, beyond the sixteenth year; nor in that of a soldier, beyond the twenty second; nor in that of a merchant, beyond the twenty fourth.

II. 39. After that, all youths of these three classes, who have not been invested at the proper time, become vratyas, or outcasts, degraded from the Gayatri, and condemned by the virtuous. As to the *Gayatri* it is a *mantra* and this is how Manu explains its importance :—

II. 76. Brahma milked out, as it were, from the three Vedas, the letter A, the letter U, and the letter M which form by their coalition the triliteral monosyllable, together with three mysterious words bhur, bhuvah, svah or earth, sky, heaven.

II. 77. From the three Vedas, also, the Lord of creatures, incomprehensibly exalted, successively milked out the three measures of that ineffable text,beginning with the word tad, and entitled Savitri or Gayatri.

II. 78. A priest who shall know the Veda, and shall pronounce to himself, both morning and evening, that syllable, and that holy text preceded by the three words, shall attain the sanctity which the Veda confers :

II. 79. And a twice born man, who shall a thousand times repeat those three (om, the vyahritis, and the gayatri), apart from the multitude, shall be released in a month even from a great offence, as a snake from his slough.

II. 80. The priest, the soldier, and the merchant, who shall neglect this mysterious text, and fail to perform in due season his peculiar acts of piety, shall meet with contempt among the virtuous.

II. 81. The great immutable words, preceded by the triliteral syllable, and followed by the gayatri which consists of three measures, must be considered as the mouth, or principal part of the Veda;

II. 82. Whoever shall repeat, day by day, for three years, without negligence, that sacred text, shall hereafter approach the divine essence, move as freely as air, and assume an ethereal form. II. 83. The triliteral monosyllable is an emblem of the Supreme, the suppressions of breath with a mind fixed on God are the highest devotion; but nothing is more exalted than theGayatri; a declaration of truth is more excellant than silence.

II. 84. All rites ordained in the Veda, oblations to fire, and solemn sacrifices pass away ; but that which passes not away, is declared to be the syllable om, thence called acshara ; since it is a symbol of God, the Lord of created beings.

II. 85. The act of repeating his Holy Name is ten times better than the appointed sacrifice; an hundred times better when it is heard by no man ; and a thousand times better when it is purely mental.

II. 86. The four domestic sacraments which are accompanied with the appointed sacrifice, are not equal though all be united, to a sixteenth part of the sacrifice performed by a repetition of the gayatri. This investiture is equivalent to a new birth.

II. 147. Let a man consider that as a mere human birth, which his parents gave him for their mutual gratification, and which he receives after lying in the womb.

II. 148. But that birth which his principal acharya, who knows the whole Veda, procures for him by his divine mother the gayatri, is a true birth ; that birth is exempt from age and from death.

II. 169. The first birth is from a natural mother: the second, from the ligation of the zone ; the third from the due performance of the sacrifice ; such are the births of him who is usually called twice-born, according to a text of the Veda.

II. 170. Among them his divine birth is that, which is distinguished by the ligation of the zone, and sacrificial cord ; and in that birth the Gayatri is his mother, and the Acharya, his father. This sacrament is not permitted by Manu to Shudras and to women.

II. 103. But he who stands not repeating it in the morning and sits not repeating it in the evening, must be precluded, like a Sudra, from every sacred observance of the twice born class. Manu has not forgotten to mention rules relating to education and learning. Manu has nothing to say about mass education. He does not see the utility of it and he does not see the necessity of imposing any obligation upon the king or the state. He was merely concerned with the learning of the sacred and Religious literature namely the Vedas.

Veda must be learned from a preceptor and with his assent. No one can read and study the Vedas by himself. He will be guilty of theft if he did it.

II. 116. He who shall acquire knowledge of the Veda without the assent of his preceptor, incurs the guilt of stealing the scripture and shall sink to the region of torment. But others cannot study at all.

IX. 18. Women have no business with the texts of the Veda; thus is the law fully settled ; having, therefore, no evidence of law, and no knowledge of expiatory texts, sinful women must be as foul as falsehood itself; and this is a fixed rule.

IV. 99. He must never read the Veda without accents and letters well pronounced ; nor even in the presence of Sudras ; nor, having begun to read it in the last watch of the night, must he, though fatigued, sleep again.

This prohibition applies to *Vratyas* or outcasts from the three higher classes. For Manu says :

II. 40. With such impure men, let no Brahmen, even in distress for subsistence, ever form a connexion in law, either by the study of the Veda, or by affinity.

Teaching Veda or performing of sacrifices for disqualified persons was prohibited by Manu.

IV. 205. Never let a priest eat part of a sacrifice not begun with texts of the Veda, nor of one performed by a common sacrificer, by a woman, or by an eunuch :

IV. 206. When those persons offer the clarified butter, it brings misfortune to good men, and raises aversion in the deities, such oblations, therefore, he must carefully shun.

XI. 198. He, who has officiated at a sacrifice for outcasts, or burned the corpse of a stranger, or performed rites to destroy the innocent, or made the impure sacrifice, called Ahimsa, may expiate his guilt by three prajapatya penances. Take equality before Law.

When they come as witnesses—according to Manu they are to be sworn as follows :

VIII. 87. In the forenoon let the judge, being purified, severally call on the twice-born, being purified also, to declare the truth, in the presence of some image, a symbol of the divinity, and of Brahmens, while the witnesses turn their faces either to the north or to the east.

VIII. 88. To a Brahmen he must begin with saying,"Declare;"to a Kshatriya, with saying,"Declare the truth"; to a Vaisya, with comparing perjury to the crime of stealing kine, grain, or gold; to a Sudra, with comparing it in some or all of the following sentences, to every crime that men can commit.

VIII. 1 13. Let the judge cause a priest to swear by his veracity ; a soldier, by his horse, or elephant, and his weapons; a merchant, by his kine, grain, and gold; a mechanic or servile man, by imprecating on his own head, if he speak falsely, all possible crime; Manu also deals with cases of witnesses giving false evidence. According to Manu giving false evidence is a crime. Says Manu:

VIII. 122. Learned men have specified these punishments, which were ordained by sage legislators for perjured witnesses, with a view to prevent a failure of justice and to restrain iniquity.

VIII. 123. Let a just prince banish men of the three lower classes, if they give false evidence having first levied the fine ; but a Brahmen let him only banish."But Manu made one exception:

VIII. 1 12. To women, however, at a time of dalliance, or on a proposal of marriage, in the case of grass or fruit eaten by a cow, of wood taken for a sacrifice, or of a promise made for the preservation of a Brahmen, it is deadly sin to take a light oath. As parties to proceedings—Their position can be illustrated by quoting the ordinances of Manu relating to a few of the importa.nt criminal offences dealt with by Manu. Take the offence of Defamation. Manu says :

VIII. 267. A soldier, defaming a priest, shall be fined ahundred panas a merchant, thus offending, an hundred and fifty, or two hundred : but, for such an offence, a mechanic or servile man shall be whipped.

VIII. 268. A priest shall be fined fifty, if he slander a soldier; twenty five, if a merchant ; and twelve, if he slander a man of the servile class. Take the offence of Insult—Manu says:

VIII. 270. A once-born man, who insults the twice-born with gross invectives, ought to have his tongue slit ; for he sprang from the lowest part of Brahma.

VIII. 271. If he mention their names and classes with contumely as, if he say,"Oh Devadatta, thou refuse of Brahmen", an iron style, ten fingers long, shall be thrust red into his mouth.

VIII. 272. Should he, through pride, give instruction to priests concerning their duty, let the king order some hot oil to be dropped into his mouth and his ear. Take the offence of Abuse—Manu says:

VIII. 276. For mutual abuse by a priest and a soldier, this fine must be imposed by a learned king; the lowest amercement on the priest, and the middle-most on the soldier.

VIII. 277. Such exactly, as before mentioned, must be the punishment for a merchant and a mechanic, in respect of their several classes, except the slitting of the tongue; this is a fixed rule of punishment. Take the offence of Assault—Manu propounds:

VIII. 279. With whatever member of a low-born man shall assault or hurt a superior, even that member of his must be slit, or cut more or less in proportion to the injury; this an ordinance of Manu.

VIII. 280. He who raises his hand or a staff against another, shall have his hand cut ; and he, who kicks another in wrath, shall have an incision made in his foot. Take the offence of Arrogance—According to Manu :

VIII. 281. A man of the lowest class, who shall insolently place himself on the same seat with one of the highest, shall either be banished with a mark on his hinder parts, or the king shall cause a gash to be made on his buttock.

VIII. 282. Should he spit on him through pride, the king shall order both his lips to be gashed; should he urine on him, his penis; should he break wind against him, his anus.

VIII. 283. If he seize the Brahmen by the locks, or by the feet, or by the beard, or by the throat, or by the scrotum, let the king without hesitation cause incisions to be made in his hands. Take the offence of Adultery. Says Manu:

VIII. 359. A man of the servile class, who commits actual adultery with the wife of a priest, ought to suffer death ; the wives, indeed, of all the four classes must ever be most especially guarded.

VIII. 366. A low man, who makes love to a damsel of high birth, ought to be punished corporally; but he who addresses a maid of equal rank, shall give the nuptial present and marry her, if her father please.

VIII. 374. A mechanic or servile man, having an adulterious connection with a woman of a twice-born class, whether guarded at home or unguarded, shall thus be punished ; if she was unguarded, he shall lose the part offending, and his whole substance ; if guarded, and a priestless, every thing, even his life.

VIII. 375. For adultery with a guarded priestess, a merchant shall forfeit all his wealth after imprisonment for a year; a soldier shall be fined a thousand panas, and be shaved with the urine of an ass.

VIII. 376. But, if a merchant or soldier commit adultery with a woman of the sacerdotal class, whom her husband guards not at home, the king shall only fine the merchant five hundred, and the soldier a thousand ;

VIII. 377. Both of them, however, if they commit that offence with a priestess not only guarded but eminent for good qualities, shall be punished like men of the servile class, or be burned in a fire of dry grass or reeds.

VIII. 382. If a merchant converse criminally with a guarded woman of the military, or a soldier with one of the mercantile class, they both deserve the same punishment as in the case of a priestess unguarded.

VIII. 383. But a Brahmen, who shall commit dultery with a guarded woman of those two classes, must be fined a thousand panas ; and for the like offence with a guarded woman of the servile class, the fine of a soldier or a merchant shall be also one thousand.

VIII. 384. For adultery with a woman of the military class, if unguarded, the fine of a merchant is five hundred ; but a soldier, for the converse of that offence, must be shaved with urine, or pay the fine just mentioned.

VIII. 385. A priest shall pay five hundred panas if he connect himself criminally with an unguarded woman of the military, commercial, or servile class, and a thousand, for such a connexion with a woman of vile mixed breed.

Turning to the system of punishment for offences Manu's Scheme throws an interesting light on the subject. Consider the following ordinances :

VIII. 379. Ignominious tonsure is ordained, instead of capital punishment, for an adulterer of the priestly class, where the punishment of other classes may extend to loss of life.

VIII. 380. Never shall the king slay a Brahmen, though convicted of all possible crimes: let him banish the offender from his realm, but with all his property secure, and his body unhurt.

XI. 127. For killing intentionally a virtuous man of the military class, the penance must a fourth part of that ordained for killing a priest ; for killing a Vaisya, only an eighth ; for killing a Sudra, who had been constant in discharging his duties, a sixteenth part.

XI. 128. But, if a Brahmen kill a Kshatriya without malice, he must, after a full performance of his religious rites, give the priests one bull together with a thousand cows.

XI. 129. Or he may perform for three years the penance for slaying a Brahmen, mortifying his organs of sensation and action, letting his hair grow long, and living remote from the town, with the root of a tree for his mansion.

XI. 130. If he kill without malice a Vaisya, who had a good moral character, he may perform the same penance for one year, or give the priests a hundred cows and a bull.

XI. 131. For six months must he perform this whole penance, if without intention he kill a Sudra ; or he may give ten white cows and a bull to the priests.

VIII. 381. No greater crime is known on earth than slaying a Brahmen ; and the king, therefore, must not even form in his mind an idea of killing a priest.

VIII. 126. Let the king having considered and ascertained the frequency of a similar offence, the place and time, the ability of the criminal to pay or suffer and the crime itself, cause punishment to fall on those alone, who deserve it.

VIII. 124. Manu, son of the Self-existent, has named ten places of punishment, which are appropriate to the three lower classes, but a Brahmen must depart from the realm unhurt in any one f them.

VIII. 125. The part of generation, the belly, the tongue, the two hands, and, fifthly, the two feet, the eye, the nose, both ears, the property, and, in a capital case, the whole body. On the point of rights and duties relating to religious Sacraments and Sacrifices the views of Manu are noteworthy :

II. 28. By studying the Veda, by religious observances, by oblations to fire, by the ceremony of Traividya, by offering to the Gods and Manes,

by the procreation of children, by the five great sacraments, and by solemn sacrifices, this human body is rendered fit for a divine state.

III. 69. For the sake of expiating offences committed ignorantly in those places mentioned in order, the five great sacrements were appointed by eminent sages to be performed each day by such as keep house.

III. 70. Teaching and studying the scripture is the sacrament of the Veda; offering cakes and water, the sacrament of the Manes; an oblation to fire, the sacrament of the Deities ; giving rice or other food to living creatures, the sacrament of spirits ; receiving guests with honour, the sacrament of men.

III. 71. Whoever omits not those five great ceremonies, if he have ability to perform them, is untained by the sins of the five slaughtering places, even though he constantly reside at home. Such are the ordinances of Manu. Laws are never complete enough to cover every point. There are always moot questions. Manu was conscious of this and provides for such contingencies.

XII. 108. If it be asked, how the law shall be ascertained, when particular cases are not comprised under any of the general rules, the answer is this :"That which well instructed Brahmens propound, shall be held incontestible law."

XII. 109. Well instructed Brahmens are they, who can adduce occular proof from the scripture itself, having studied, as the law ordains, the Vedas and their extended branches, or Vedangas, Mimansa, Nyaya, Dharma, Shastra, Puranas.

XII. 113. Even the decision of one priest, if more cannot be assembled, who perfectly knows the principles of the Vedas, must be considered as law of the highest authority ; not the opinion of myriads, who have no sacred knowledge.

The Laws of Manu are eternal. Therefore there is no question of considering how changes could be effected in them. The only question Manu had to consider was the upholding and maintaining the system. Manu has laid down several provisions with this purpose in view.

As to the preservation of the Social Code, Manu has made it the duty of the King to uphold and maintain:

VIII. 410. The king should order each man of the mercantile class to practice trade, or money lending, or agriculture and attendance on cattle ; and each man of the servile class to act in the service of the twice-born.

VIII. 418. With vigilant care should the king exert himself in compelling merchants and mechanics to perform their respective duties

; for, when such men swerve from their duty, they throw this world into confusion.

Failure to maintain was made an offence in the King punishable at Law.

VIII. 335. Neither a father, nor a preceptor, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished by the king, if they adhere not with firmness to their duty.

VIII. 336. Where another man of lower birth would be fined one pana, the king shall be fined a thousand, and he shall give the fine to the priests, or cast it into the river, this is a sacred rule.

Failure to uphold and maintain the system on the part of the king involved a forfeiture of his right to rule. For Manu allows a right to rebel against such a King.

VIII. 348. The twice-born may take arms, when their duty is obstructed by force: and when, in some evil time. a disaster has befallen the twice-born classes.

The right of rebellion is given to the three higher classes and not to the Shudra. This is very natural. Because it is only the three upper classes who would benefit by the maintenance of this system. But supposing the Kshatriyas joined the King in destroying the system what is to be done? Manu gives the authority to the Brahmins to punish all and particularly the Kshatriyas.

XI. 31. A priest, who well knows the laws, need not complain to the king of any grievious injury; since, even by his own power, he may chastise those, who injure him.

XI. 32. His own power, which depends on himself alone, is mightier than the royal power, which depends on other men ; by his own might, therefore, may a Brahman coerce his foes.

XI. 33. He may use, without hesitation, the powerful charms revealed to Atharvan, and by him to Angiras ; for speech is the weapon of a Brahmen ; with that he may destroy his oppressors.

IX. 320. Of a military man, who raises his arm violently on all occasions against the priestly class, the priest himself shall be the chastiser; since the soldier originally proceeded from the Brahmen."How can the Brahmins punish the Kshatriyas unless they can take arms? Manu knows this and therefore allows the Brahmins to arm themselves to punish the Kshatriyas.

XII. 100. Command of armies, royal authority, power of inflicting punishment, and sovereign dominion over all nations, he only well deserves, who perfectly understands the Veda Shastra. So intent is Manu

on the maintenance of the system of Chaturvarna that he did not hesitate to make this fundamental change in it. For to ask a Brahman to take up arms is a fundamental change as compared with the rule that was prevalent before Manu. The prohibition against Brahmin handling arms was very strict. In the Apastamba Dharma Sutras which is prior to Manu the rule is laid down in the following terms :

1.10, 29,6. A Brahmin shall not take up a weapon in his hand though he be only desirous of examining it."Successor of Manu—Baudhayana—improved upon him, and laid down in his Code of Laws :

II. 24, 18. For the protection of the Cows, Brahmins, or in the case of the confusion of Varnas, Brahmins and Vaisyas (also) should take up arms, out of consideration for the Dharma. and maintain the system at any cost.

CHAPTER 9
Essays on the Bhagwat Gita : Philosophic Defence of Counter-Revolution: Krishna and His Gita

The first page of 'Essays on the Bhagvat Gita' is autographed by Dr. Ambedkar. Next 42 pages consist of analytical notes on Virat Parva and Uddyog Parva including the table of contents on this subject. The table of contents is printed in the schemes. This file contains two typed copies of an essay entitled 'Philosophic Defence of Counter-Revolution—Krishna and His Gita '. The last sentence of this essay is left incomplete. The total number of typed pages of this essay is 40 only. The notes on Viral Parva & Udyog Parva are printed in the next chapters.—Editors.

What is the place of the Bhagwat Gita in the literature of ancient India? Is it a gospel of the Hindu Religion in the same way as the Bible is of the Christian Religion? The Hindus have come to regard it as their gospel. If it is a gospel, what does it really teach? What is the doctrine it stands for? The variety of answers given to this question by students competent to speak on the subject is really bewildering. Bohtlingk mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_9says:

"The Gita contains by the side of many high and beautiful thoughts, not only a few weak points ; contradictions (which the commentators have tried to pass over as excusable), repetitions, exaggerations, absurdities and loathsome points.'"

"Hopkinsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_10 speaks of the Bhagvat Gita as

a charactaristic work of the Hindu Literature in its sublimity as in its puerilities, in its logic as in its want of it; ..... an ill-assorted cabinet of primitive philosophical opinions."In his judgment:

"Despite its occasional power and music exaltation, the Divine song in its present state as a poetical production is unsatisfactory. The same thing is said over again, and the contradictions in phraseology and in meaning are as numerous as the repetitions, so that one is not surprised to find it described as"the wonderful song, which causes the hair to stand on end."

Holtzrnanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_11says:

"We have before us (in the Bhagvat Gita) a Vishnuite revision of a pantheistic poem."

Garbemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_12 observes :

"The whole character of the poem in its design and execution is preponderatingly theistic. A personal God Krishna stands forth in the form of a human hero, expounds his doctrine, enjoins, above all things, on his listener, along with the performance of his duties, loving faith in Him and self-surrender:..... And by the side of this God—(who is) delineated as personally as possible, and who dominates the whole poem—stands out frequently the impersonal neutral Brahman, the Absolute, as the highest principle. At one time Krishna says that He is the sole Highest God who has created the world and all beings and rules over it all ; at another time, he expounds the Vedantic doctrine of Brahman and *maya-the* Cosmic Illusion, and expounds as the highest goal of human being that he be freed from the World-Illusion and become Brahman. These two doctrines—the theistic and the pantheistic—are mixed up with each other, and follow each other, sometimes quite unconnected and sometimes loosely connected. And it is not the case that the one is represented as a lower, exoteric. (Text p. 9) and, (p.) as the higher esoteric doctrine. It is nowhere taught that the Theism is a preliminary step to the knowledge of the reality or that it is its symbol, and that the pantheism of the Vedanta is the (ultimate) reality itself ; but the two beliefs are treated of almost throughout as though there was indeed no difference between them, either verbal or real."Mr. Telang says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_13

"There are several passages in the Gita which it is not very easy to reconcile with one another ; and no attempt is made to harmonise them.

Thus, for example, in stanza 16 of Chapter VI I, Krishna divides his devotees into four classes, one of which consists of `men of knowledge', whom, Krishna says, he considers 'as his own self'. It would probably be difficult to imagine any expression which could indicate higher esteem. Yet in stanza 46 of chapter VI, we have it laid down, that the devotee is superior not only to the mere performer of penances, but even to the men of knowledge. The commentators betray their gnostic bias by interpreting 'men of knowledge' in this latter passage to mean those who have acquired erudition in the Shastras and their significations. This is not an interpretation to be necessarily rejected. But there is in it a certain twisting of words, which, under the circumstances here, I am not inclined to accept. And on the other hand, it must not be forgotten, that the implications fairly derivable from Chapter IV, stanza 39 (pp. 62, 63), would seem to be rather than knowledge is superior to devotion—is the higher stage to be reached by means of devotion as the stepping stone. In another passage again at Gita, Chapter XII, stanza 12, concentration is preferred to knowledge, which also seems to me to be irreconcileable with Chapter VII, stanza 16. Take still another instance. At Gita, Chapter B stanza 15, it is said, that 'Lord receives the sin or merit of none.' Yet at Chapter V, stanza 24 Krishna calls himself the Lord and enjoyer,"of all sacrifices and penances. How, it may be well asked, can the Supreme Being 'enjoy that which he does not even receive?' Once more at Chapter X, stanza 29, Krishna declares that 'none is hateful to me, none dear.' And yet the remarkable verse at the close of Chapter XII seem to stand in pointblank contradiction to that declaration. There through a most elaborate series of stanzas, the burden of Krishna's eloquent sermon is 'such a one is dear to me.' And again in those fine verses, where Krishna winds up his Divine Law, he similarly tells Arjuna, that he, Arjuna, is 'dear' to Krishna. And Krishna also speaks of that devotee as 'dear' to him, who may publish the mystery of the Gita among those who references Supreme Being.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_14 And yet again, how are we to reconcile the same passage about none being 'hateful or dear' to Krishna, with his own words at Chapter XVI, stanza 18 and following stanzas? The language used in describing the 'demoniac' people there mentioned is not remarkable for sweetness towards them, while Krishna says positively, ' I hurl down such people into demoniac wombs, whereby they go down into misery and the vilest condition.' These persons are scarcely characterized with accuracy 'as neither hateful nor

dear' to Krishna. It seems to me, that all these are real inconsistencies in the Gita, not such, perhaps, as might not be explained away, but such, I think, as indicate a mind making guesses at truth, as Professor Max Muller puts it, rather than a mind elaborating a complete and organized system of philosophy. There is not even a trace of consciousness on the part of the author that these inconsistencies exist. And the contexts of the various pasages indicate, in my judgment, that a half-truth is struck out here and another half-truth there, with special reference to the special subject then under discussion; but no attempt is made to organize the various half-truths which are apparently incompatible, into a symmeterical whole, where the apparent inconsistencies might possibly vanish altogether in the higher synthesis."

These are the views of what might be called modern scholars. Turning to the view of the orthodox Pandits, we again find a variety of views. One view is that the Bhagvat is not a sectarian book. it pays equal respect to the three ways of salvation (1) Karma marge or the path of works (2) Bhakti marga or the path of devotion and (3) Jnana marga or the path of knowledge and preaches the efficacy of all three as means of salvation. In support of their contention that the Gita respects all the three ways of salvation and accepts the efficacy of each one of them, the Pandits point out that of the 18 Chapters of the Bhagvat Gita, Chapters I to 6 are devoted to the preaching of the Jnana marga, Chapters 7 to 12 to the preaching of Karma marga and Chapters 12 to 18 to the preaching of Bhakti marga and say that this equal distribution of its Chapters shows that the Gita upholds all the three modes of salvation.

Quite contrary to the view of the Pandits is the view of Shankaracharya and Mr. Tilak, both of whom must be classed amongst orthodox writers. Shankaracharya held the view that the Bhagvat Gita preached that the Jnana marga was the only true way of salvation. Mr. Tilakmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_15 does not agree with the views of any of the other scholars. He repudiates the view that the Gita is a bundle of inconsistencies. He does not agree with the Pandits who say that the Bhagvat Gita recognizes all the three ways of salvation. Like Shankaracharya he insists that the Bhagvat Gita has a definite doctrine to preach. But he differs from Shankaracharya and holds that the Gita teaches Karma Yoga and not Jnana Yoga.

It cannot but be a matter of great surprise to find such a variety of opinion as to the message which the Bhagvat Gita preaches. One is forced to ask why there should be such divergence of opinion among

scholars? My answer to this question is that scholars have gone on a false errand. They have gone on a search for the message of the Bhagvat Gita on the assumption that it is a gospel as the Koran, the Bible or the Dhammapada is. In my opinion this assumption is quite a false assumption. The Bhagvat Gita is not a gospel and it can therefore have no message and it is futile to search for one. The question will no doubt be asked : What is the Bhagvat Gita if it is not a gospel? My answer is that the Bhagvat Gita is neither a book of religion nor a treatise on philosophy. What the Bhagvat Gita does is to defend certain dogmas of religion on philosphic grounds. If on that account anybody wants to call it a book of religion or a book of philosophy he may please himself. But essentially it is neither. It uses philosophy to defend religion. My opponents will not be satisfied with a bare statement of view. They would insist on my proving my thesis by reference to specific instances. It is not at all difficult. Indeed it is the easiest task.

The first instance one comes across in reading the Bhagvat Gita is the justification of war. Arjuna had declared himself against the war, against killing people for the sake of property. Krishna offers a philosophic defence of war and killing in war. This philosophic defence of war will be found in Chapter II verses II to 28. The philosophic defence of war offered by the Bhagvat Gita proceeds along two lines of argument. One line of argument is that anyhow the world is perishable and man is mortal. Things are bound to come to an end. Man is bound to die. Why should it make any difference to the wise whether man dies a natural death or whether he is done to death as a result of violence? Life is unreal, why shed tears because it has ceased to be? Death is inevitable, why bother how if has resulted? The second line of argument in justification of war is that it is a mistake to think that the body and the soul are one. They are separate. Not only are the two quite distinct but they differ in-as-much as the body is perishable while the soul is eternal and imperishable. When death occurs it is the body that dies. The soul never dies. Not only does it never die but air cannot dry it, fire cannot burn it, and a weapon cannot cut it. It is therefore wrong to say that when a man is killed his soul is killed. What happens is that his body dies. His soul discards the dead body as a person discards his old clothes—wears a new ones and carries on. As the soul is never killed, killing a person can never be a matter of any movement. War and killing need therefore give no ground to remorse or to shame, so argues the Bhagvat Gita.

Another dogma to which the Bhagvat Gita comes forward to offer a philosophic defence is Chaturvarnya. The Bhagvat Gita, no doubt, mentions that the Chaturvarnya is created by God and therefore sacrosanct. But it does not make its validity dependent on it. It offers a philosophic basis to the theory of Chaturvarnya by linking it to the theory of innate, inborn qualities in men. The fixing of the Varna of man is not an arbitrary act says the Bhagvat Gita. But it is fixed according to his innate, inborn qualities.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_16

The third dogma for which the Bhagvat Gita offers a philosphic defence is the Karma marga. By Karma marga the Bhagvat Gita means the performance of the observances, such as Yajnas as a way to salvation. The Bhagvat Gita most stands out for the Karma marga throughout and is a great upholder of it. The line it takes to defend Karma yoga is by removing the excrescences which had grown upon it and which had made it appear quite ugly. The first excrescence was blind faith. The Gita tries to remove it by introducing the principle of Buddhi yogamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_17 as a necessary condition for Karma yoga. Become Stihtaprajna i.e., 'Befitted with Buddhi' there is nothing wrong in the performance of Karma kanda. The second excrescence on the Karma kanda was the selfishness which was the motive behind the performance of the Karmas. The Bhagvat Gita attempts to remove it by introducing the principle of *Anasakti* i.e., performance of karma without any attachment for the fruits of the *Karma* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_18Founded in Buddhi yoga and dissociated from selfish attachment to the fruits of Karma what is wrong with the dogma of Karma kand? this is how the Bhagvat Gita defends the Karma marga.4 It would be quite possible to continue in this strain, to pick up other dogmas and show how the Gita comes forward to offer a philosophic defence in their support where none existed before. But this could be done only if one were to write a treatise on the Bhagvat Gita. it is beyond the scope of a chapter the main purpose of which is to assign to the Bhagvat Gita its proper place in the ancient Indian literature. I have therefore selected the most important dogmas just to illustrate my thesis.

Two other questions are sure to be asked in relation to my thesis. Whose are the Dogmas for which the Bhagvat Gita offers this

philosophical defence? Why did it become necessary for the Bhagvat Gita to defend these Dogmas?

To begin with the first question, the dogmas which the Gita defends are the dogmas of counter-revolution as put forth in the Bible of counter-revolution namely Jaimini's Purvamimamsa. There ought to be no difficulty in accepting this proposition. If there is any it is largely due to wrong meaning attached to the word Karma yoga. Most writers on the Bhagvat Gita translate the word Karma yoga as 'action' and the word Janga yoga, as 'knowledge' and proceed to discuss the Bhagvat Gita as though it was engaged in comparing and contrasting knowledge versus action in a generlized form. This is quite wrong. The Bhagvat Gita is not concerned with any general, philosophical discussion of action versus knowledge. As a matter of fact, the Gita is concerned with the particular and not with the general. By Karma yoga or action Gita means the dogmas contained in Jaimini's Karma kanda and by Jnana yoga or knowledge it means the dogmas contained in Badarayana's Brahma Sutras. That the Gita in speaking of Karma is not speaking of activity or inactivity, quieticism or energism, in general terms but religious acts and observances cannot be denied by anyone who has read the Bhagvat Gita. It is to life the Gita from the position of a party pamphlet engaged in a controversy on small petty points and make it appear as though it was a general treatise on matters of high philosophy that this attempt is made to inflate the meaning of the words Karma and Jnana and make them words of general import. Mr. Tilak is largely to be blamed for this trick of patriotic Indians. The result has been that these false meanings have misled people into believing that the Bhagvat Gita is an independent self-contained book and has no relation to the literature that has preceded it. But if one were to keep to the meaning of the word Karma yoga as one finds it in the Bhagvat Gita itself one would be convinced that in speaking of Karma yoga the Bhagvat Gita is referring to nothing but the dogmas of Karma kanda as propounded by Jaimini which it tries to renovate and strengthen.

To take up the second question : Why did the Bhagvat Gita feel it necessary to defend the dogmas of counter-revolution? To my mind the answer is very clear. It was to save them from the attack of Buddhism that the Bhagvat Gita came into being. Buddha preached non-violence. He not only preached it but the people at large—-except the Brahmins—had acepted it as the way of life. They had acquired a repugnance to violence. Buddha preached against Chaturvarnya. He used some of the most offensive similes in attacking the theory of

Chaturvarnya. The frame work of Chaturvarnya had been broken. The order of Chaturvarnya had been turned upside down. Shudras and women could become sannyasis, a status which counter-revolution had denied them. Buddha had condemned the Karma kanda and the Yajnas. he condemned them on the ground of *Himsa* or violence. He condemned them also on the ground that the motive behind them was a selfish desire to obtain bonus. What was the reply of the counterrevolutionaries to this attack? Only this. These things were ordained by the Vedas, the Vedas were infallible, therefore the dogmas were not to be questioned. In the Buddhist age, which was the most enlightened and the most rationalistic age India has known, dogmas resting on such silly, arbitrary, unrationalistic and fragile foundations could hardly stand. People who had come to believe in non-violence as a principle of life and had gone so far as to make it a rule of life—How could they be expected to accept the dogma that the Kshatriya may kill without sinning because the Vedas say that it is his duty to kill? People who had accepted the gospel of social equality and who were remaking society on the basis of each one according to his merits—how could they accept the chaturvarnya theory of gradation, and separation of man based on birth simply because the Vedas say so? People who had accepted the doctrine of Buddha that all misery in society is due to Tanha or what Tawny calls acquisitive instinct—how could they accept the religion which deliberatly invited people to obtain boons by sacrifices merely because there is behind it the authority of the Vedas? There is no doubt that under the furious attack of Buddhism, Jaimini's counter-revolutionary dogmas were tottering and would have collapsed had they not received the support which the Bhagvat Gita gave them. The philosophic defence of the counter-revolutiona.ry doctrines given by the Bhagwat Gita is by no means impregnable. The philosophic defence offered by the Bhagvat Gita of the Kshtriya's duty to kill is to say the least puerile. To say that killing is no killing because what is killed is the body and not the soul is an unheard of defence of murder. This is one of the doctrines which make some people say that the doctrines make one's hair stand on their end. If Krishna were to appear as a lawyer acting for a client who is being tried for murder and pleaded the defence set out by him in the Bhagvat Gita there is not the slightest doubt that he would be sent to the lunatic asylum. Similarly childish is the defence of the Bhagvat Gita of the dogma of chaturvarnya. Krishna defends it on the basis of the Guna theory of the Sankhya. But Krishna does not seem to have realized what a fool he has made of himself. In

the chaturvarnya there are four Varnas. But the gunas according to the Sankhyas are only three. How can a system of four varnas be defended on the basis of a philosophy which does not recognise more than three varnas? The whole attempt of the Bhagvat Gita to offer a philosophic defence of the dogmas of counterrevolution is childish—and does not deserve a moment's serious thought. None-the-less there is not the slightest doubt that without the help of the Bhagvat Gita the counter-revolution would have died out, out of sheer stupidity of its dogmas. Mischievous as it may seem, to the revolutionaries the part played by the Bhagvat Gita, there is no doubt that it resuscitated counter-revolution and if the counterrevolution lives even today, it is entirely due to the plausibility of the philosophic defence which it received from the Bhagvat Gita— anti-Veda and anti-Yajna. Nothing can be a greater mistake than this. As will appear from other portions of the Bhagvat Gita that it is not against the authority of the vedas and shastras (XVI, 23, 24: XVII, I I, 13, 24). Nor is it against the sanctity of the yajnas (III. 9-15). It upholds the virtue of both.

There is therefore no difference between Jaimini's Purva Mimansa and the Bhagvat Gita. If anything, the Bhagvat Gita is a more formidable supporter of counter-revolution than Jaimini's Purva Mirnansa could have ever been. It is formidable because it seeks to give to the doctrines of counter-revolution that philosophic and therefore permanent basis which they never had before and without which they would never have survived. Particularly formidable than Jaimini's Purva Mimansa is the philosophic support which the Bhagvat Gita gives to the central doctrine of counterrevolution—namely Chaturvarnya. The soul of the Bhagvat Gita seems to be the defence of Chaturvarnya and securing its observance in practice, Krishna does not merely rest content with saying that Chaturvarnya is based on Guna-karma but he goes further and issues two positive injunctions.

The first injunction is contained in Chapter III verse 26. In this Krishna says: that a wise man should not by counter propaganda create a doubt in the mind of an ignorant person who is follower of Karma kand which of course includes the observance of the rules of Chaturvarnya. In other words, you must not agitate or excite people to rise in rebellion against the theory of Karma kand and all that it includes. The second injunction is laid down in Chapter XVIII verses 41-48. In this Krishna tells that every one do the duty prescribed for his Varna and no other and warns those who worship him and are his devotees that they will not obtain salvation by mere devotion but by devotion

accompanied by observance of duty laid down for his Varna. In short, a Shudra however great he may be as a devotee will not get salvation if he has transgressed the duty of the Shudra—namely to live and die in the service of the higher classes. The second part of my thesis is that the essential function of the Bhagvat gita to give new support to Jaimini at least those portions of it which offer philosophic defence of Jaimini's doctrines—has become to be written after Jaimini's Purva Mimansa had been promulgated. The third part of my thesis is that this philosophic defence of the Bhagvat Gita, of the doctrines of couter-revolution became necessary because of the attack to which they were subjected by the revolutionary and rationalistic thought of Buddhism.

I must now turn to the objections that are likely to be raised against the validity of my thesis. I see one looming large before me. I shall be told that I am assuming that the Bhagvat Gita is posterior in time to Buddhism and to Jaimini's Purva Mimansa and that this asumption has no warrant behind it. I am aware of the fact that my thesis runs counter to the most cherished view of Indian scholars all of whom, seem to be more concerned in fixing a very ancient date to the compositon of the Bhagvat Gita far anterior to Buddhism and to Jaimini than in finding out what is the message of the Bhagvat Gita and what value it has as a guide to man's life. This is particularly the case with Mr.Telang and Mr.Tilak. But as Garbemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_19 observes"To Telang, as to every Hindu—how much so ever enlightened—it is an article of faith *to* believe in so high an antiquity of the Bhagvat Gita and where such necessities are powerful criticism indeed comes to an end."In the words of Prof. Garbe : -

"The task of assigning a date to the Gita has been recognized by every one who has earnestly tried to solve the problem, as being very difficult ; and the difficulties grow (all the more) if the problem is presented two fold, viz., to determine as well the age of the original Gita as also of its revision. I am afraid that generally speaking, we shall succeed in arriving, not at any certainties, but only at probabilities in this matter."

What are the probabilities? I have no doubt that the probabilities are in favour of my thesis. Indeed so far as I can see there is nothing against it. In examining this question, I propose first to advance direct evidence from the Gita itself showing that it has been composed after Jaimini's Purva Mimansa and after Buddhism.

Chapter III verses 9-13 of the Bhagvat Gita have a special significance. In this connection it is true that the Bhagvat Gita does not refer to Jaimini by name: nor does it mention Mimansa by name. But is there any doubt that in Chapter III verses 9-18 the Bhagvat Gita is dealing with the doctrines formulated by Jaimini in his Purva Mimansa? Even Mr. Tilakmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_20 who believes in the antiquity of the Bhagvat Gita has to admit that here the Gita is engaged in the examination of the Purva Mimansa doctrines. There is another way of presenting this argument. Jaimini preaches pure and simple Karma yoga. The Bhagvat Gita on the other hand preaches *anasakti* karma. Thus the Guta preaches a doctrine which is fundamentally modified Not only the Bhagvat Gita modifies the Karma yoga but attacks the upholders of pure and simple Karma yoga in somewhat severe terms.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_21 If the Gita is prior to Jaimini one would expect Jaimini to take note of this attack of the Bhagvat Gita and reply to it. But we do not find any reference in Jaimini to this *anasakti* karma yoga of the Bhagvat Gita.

Why? The only answer is that this modification came after Jaimini and not before—which is simply another way of saying that the Bhagvat Gita was composed after Jaimini's Purva Mimansa.

If the Bhagvat Gita does not mention Purva Mimansa it does mention by name the Brahma Sutrasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_22 of Badarayana. This reference to Brahma Sutras is a matter of great significance for it furnishes direct evidence for the conclusion that the Gita is later than the Brahma Sutras.

Mr. Tilak mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_23admits that the reference to the Brahma Sutras is a clear and defniite reference to the treatise of that name which we now have. It may be pointed out that Mr. Telangmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_24 discusses the subject in a somewhat cavalier fashion by saying that the treatise"Brahma Sutras"referred to in the Bhagvat Gita is different from the present treatise which goes by that name. He gives no evidence for so extraordinary a proposition but relies on the conjectural statement of Mr. Webermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter

Rev. in Ancient India PARTIII.htm - _msocom_25—given in a foot-note of his Treatise in Indian Literature, again without any evidence—that the mention of Brhma Sutras in the Bhagvat Gita"may be taken as an appellative rather than as a proper name."It would not be fair to attribute any particular motives to Mr. Telang for the view he has taken on this point. But there is nothing unfair in saying that Mr. Telang mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_26shied at admitting the reference to Brahma Sutra because he saw that Weber had on the authority of Winternitz assigned 500 A.D. to the composition of the Brahma Sutras, which would have destroyed his cherished theory regarding the antiquity of the Bhagvat Gita. There is thus ample internal evidence to support the conclusion that the Gita was composed after Jaimini's Purva Mimansa and Badarayana's Brahma Sutras.

Is the Bhagvat Gita anterior to Buddhism? the question was raised by Mr. Telang:

"We come now to another point. What is the position of the Gita in regard to the great reform of Sakya Muni? The question is one of much interest, having regard particularly to the remarkable coincidences between Buddhistic doctrines and the doctrines of the Gita to which we have drawn attention in the footnotes to our translation. But the materials for deciding the question are unhappily not forth coming. Professor Wilson, indeed, thought that there was an allusion to Buddhism in the Gita.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_27 but his idea was based on a confusion between the Buddhists and the Charvakas or materialists.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_28 Failing that allusion, we have nothing very tangible but the unsatisfactory 'negative argument' based on mere non-mention of Buddhism in the Gita. That argument is not quite satisfactory to my own mind, although, as I have elsewhere pointed out,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_29 some of the ground occupied by the Gita is common to it with Buddhism, and although various previous thinkers are alluded to directly or indirectly in the Gita. There is, however, one view of the facts of this question, which appears to me to corroborate the conclusion deducible by means of the negative argument here referred to. The main points on which Budddha's protest against Brahmanism rests, seem to be the true authority of the Vedas

and the true view of the differences of caste. On most points of doctrinal speculation, Buddhism is still but one aspect of the older Brahmanismmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_30. The various coincidences to which we have drawn attention show that, if there is need to show it. Well now, on both these points, the Gita, while it does not go the whole length which Buddha goes, itself embodies a protest against the views current about the time of its composition. The Gita does not, like Buddhism, absolutely reject the Vedas, but it shelves them. The Gita does not totally root out caste. It places caste on a less untenable basis. One of two hypothesis therefore presents itself as a rational theory of these facts. Either the Gita and Buddhism were alike the outward manifestation of one and the same spiritual upheaval which shook to its centre the current religion, the Gita being the earlier and less thorough going form of it ; or Buddhism having already begun to tell on Brahmanism, the Gita was an attempt to bolster it up, so to say, at its least weak points, the weaker ones being altogether abandoned. I do not accept the latter alternative, because I cannot see any indication in the Gita of an attempt to compromise with a powerful attack on the old Hindu system while the fact that, though strictly orthodox, the author of the Gita still undermines the authority, as unwisely venerated, of the Vedic revelation; and the further fact, that in doing this, he is doing what others also had done before him or about his time ; go, in my opinion, a considerable way towards fortifying the results of the negative argument already set forth. To me Buddhism is perfectly intelligible as one outcome of that play of thought on high spiritual topics, which in its other, and as we may say, less thorough going, manifestation we see in the Upanishads and the Gitamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_31."

I have quoted this passage in full because it is typical of all Hindu scholars. Everyone of them is most reluctant to admit that the Bhagvat Gita is anyway influenced by Buddhism and is ever ready to deny that the Gita has borrowed anything from Buddhism. It is the attitude of Prof. Radhakrishnan and also of Tilak. Where there is any similarity in thought between the Bhagvat Gita and Buddhism too strong and too close to be denied, the argument is that it is borrowed from the Upanishads. It is typical of the mean mentality of the counterrevolutionaries not to allow any credit to Buddhism on any account.

The absurdity of these views must shock all those who have made a comparative study of the Bhagvat Gita and the Buddhist Suttas. For if it is true to say that Gita is saturated with Sankhya philosophy it is far more true to say that the Gita is full of Buddhist ideas.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_32 The similarity between the two is not merely in ideas but also in language. A few illustrations will show how true it is.

The Bhagvat Gita discusses Bramha-Nirvana.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_33 The steps by which one reaches Bramha. Nirvana are stated by the Bhagvat Gita to be (1) Shraddha (Faith in oneself); (2) Vyavasaya (Firm determination): (3) Smriti (Rememberance of the goal); (4) Samadhi (Earnest contemplation) and (5) Prajna (Insight or True Knowledge). From where has the Gita borrowed this Nirvana theory? Surely it is not borrowed from the Upanishads. For no Upanishad even mentions the word Nirvana. The whole idea is peculiarly Buddhist and is borrowed from Buddhism. Anyone who has any doubt on the point may compare this Bramha-Nirvana of the Bhagvat Gita with the Buddhist conception of Nirvana as set out in the Mahapari-nibbana Sutta, It will be found that they are the same which the Gita has laid down for Bramha-Nirvana. Is it not a fact that the Bhagvat Gita has borrowed the entire conception of Brmhma Nirvana instead of Nirvana for no other reason except to conceal the fact of its having stolen it from Buddhism?

Take another illustration. In Chapter VII verses 13-20 there is a discussion as to who is dear to Krishna; one who has knowledge, or one who performs karma or one who is adevotee. Krishna says that the Devotees is dear to him but adds that he must have the true marks of a Devotee. What is the charcter of a true Devotee? According to Krishna the true devotee is one who practices (1) Maitri; (loving Kindness); (2) Karuna (compassion): (3) Mudita (sympathizing joy) and (4) Upeksa (unconcernedness). From where has the Bhagvate Gita borrowed these qualifications of a perfect Devotee? Here again, the source is Buddhism. Those who want proof may compare the Mahapadana Sutta,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_34 and the Tevijja Suttamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_35 where Buddha has preached what Bhavanas (mental attitude) are necessary for one to cherish for the

training of the heart. This comparison will show that the whole ideology is borrowed from Buddhism and that too word for word.

Take a third illustration. In chapter XIII the Bhagvat Gita descusses the subject of Kshetra-Kshetrajna. In verses 7-11 Krishna points out what is knowledge and what is ignorance in the following language:

"Pridelessness (Humility), Unpretentiousness, Non-injury or Harmlessness, Forgiveness, Straight-forwardness, (uprightness), Devotion to Preceptor, Purity, Steadiness, Self-restraint, Desirelessness towards objects of sense, absence of Egoism, Reflection on the suffering and evil of Birth, Death, decrepitude and disease, Non-attachment, Non-identification of oneself with regard to son, wife and home and the rest, Constant even-mindedness on approach of both (what is) agreeable and (what is) disagreeable unswerving devotion to Me with undivided meditation of Me, Resort to sequestered spots (contemplation, concentration, in solitude), Distaste for the society of worldly men, Incessant application to the knowledge relating to self, Perception or realisation of the true purport of the knowledge of the Tattvas (Samkhya Philosophy), all this is called 'knowledge'; what is Ajnana (Ignorance) which is the reverse thereof."Can anyone who knows anything of the Gospel of Buddha deny that the Bhagvat Gita has not in these stanzas reproduced word for word the main doctrines of Buddhism?

In chapter XIII verses 5, 6, 18, 19, the Bhagvat Gita gives a new metaphorical interpretation of karmas under various heads (1) Yajnas (sacrifices); (2) Dana (Gifts); (3) Tapas (penances); (4) Food and (5) Svadhyaya (Vedic study). What is the source of this new interpretation of old ideas? Compare with this what Buddha is reported to have said in the Majjhina Nikaya 1, 286 Sutta XVI. Can anyone doubt that what Krishna says in verses 5,6, 18, 19 of chapter XVII is a verbatim reproduction of the words of Buddha?

These are only a few illustrations I have selected those of major doctrinal importance. Those who are interested in pursuing the subject may take up the reference to similarities between Gita and Buddhism given by Telang in the footnotes to his edition of the Bhagvat Gita and satisfy their curiosity. But the illustrations I have given will be enough to show how greatly the Bhagvat Gita is permeated by Buddhistic ideology and how much the Gita has borrowed from Buddhism. To sum up the Bhagvat Gita seems to be deliberately modelled on Buddhists Suttas. The Buddhists Suttas are dialogues. So is the Bhagvat Gita. Buddha's religion offered salvation to women and Shudras. Krishna also comes

forward to offer salvation to women and Shudras. Buddhists say,"I surrender to Buddha, to Dhamma and to Sangha."So Krishna says,"Give up all religions and surrender unto Me."No parallel can be closer than what exists between Buddhism and Bhagvat Gita.

IV

I have shown that Gita is later than Purva Mimansa and also later than Buddhism. I could well stop here. But I feel I cannot. For there still remains one argument against my thesis which requires to be answered. It is the argument of Mr. Tilak. It is an ingenious argument. Mr. Tilak realizes that there are many similarities in ideas and in words between the Bhagvat Gita and Buddhism. Buddhism being earlier than the Bhagvat Gita, the obvious conclusion is that the Bhagvat Gita is the debtor and Buddhism is the creditor. This obvious conclusion is not palatable to Mr. Tilak or for the matter of that to all upholders of counter-revolution. With them it is a question of honour that counter-revolution should not be shown to be indebted to Revolution. To get over this difficulty Mr. Tilak has struck a new line. He points out the distinction between Hinayana Buddhism and Mahayana Buddhism and say, that Mahayana Buddhism was later than Bhagvat Gita and if there are any similarities between the Buddhism and Bhagvat Gita it is due to the borrowing by the Mahayanist from the Bhagvat Gita. This raises two questions. What is the date of the origin of the Mahayana Buddhism? What is the date of the composition of the Bhagvat Gita? The argument of Mr. Tilak is ingenious and clever. But it has no substance. In the first place, it is not original. It is based on certain casual remarks made by Winternitzmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_36 and by Kernmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_37 in foot-notes that there are certain similarties between the Bhagvat Gita and the Mahayan Buddhism and that there similarities are the result of Mahayana Buddhism borrowing its ideas from the Bhagvat Gita. Behind these remarks there is no evidence of special research either on the part of Winternitz, Kern or Mr. Tilak. All of them seem to be led away by the assumption that the Bhagvat Gita is earlier than Mahayana Buddhism.

This leads me to examine the question of the date of the Bhagvat Gita particularly with reference to the theory as put forth by Mr. Tilak. Mr. Tilakmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_38 is of opinion that the Gita is part of the Mahabharata and that both have been written by one and the same

author named Vyasa and consequently the date of the Mahabharata must be the date of the Bhagvat Gita. The Mahabharata, Mr. Tilak argues, must have been written at least 500 years before the Shaka Era on the groung that the stories contained in the Mahabharata were known to Megasthenes who was in India about 300 B.C. as a Greek ambassador to the court of Chandragupta Maurya. The Shaka Era began in 78 A.D. On this basis it follows that the Bhagvat Gita must have been composed before 422 B.C. This is his view about the date of the composition of the present Gita. According to him, the original Gita must have been some centuries older than Mahabharata If reliance be placed on the tradition referred to in the Bhagvat Gita that the religion of the Bhagvat Gita was taught by Nara to Narayan in very ancient times. Mr. Tilak's theory as to the date of the composition of the Mahabharata is untenable. In the first place, it assumes that the whole of the Bhagvat Gita and the whole of Mahabharat have been written at one stretch, at one time and by one hand. There is no warrant for such an assumption, either in tradition, or in the internal evidence of these two treatises. Confining the discussion to the Mahabharata the assumption made by Mr. Tilak is quite opposed to well-known Indian traditions. This tradition divides the compostion of the Mahabharata into three stages; (1) Jaya (2) Bharata and (3) Mahabharata and assigns to each part a different author. According to this tradition Vyasa was the author of the 1st edition so to say of the Mahabharata called 'Jaya'. Of the Second Edition called 'Bharata' tradition assigns the authorship to Vaishampayana and that of the Third Edition called Mahabharata to `Sauti'. That this tradition is well-founded has been confirmed by the researches of Prof. Hopkins based on the examination of internal evidence furnished by the Mahabharata. According to Prof. Hopkinsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_39 there have been several stages in the composition of the Mahabharata. As has been pointed out by Prof. Hopkinsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_40 in the first stage it was just a Pandu Epic consisting of plays and legends about heroes who took part in the Mahabharata war without the masses of didactic material. Such a Mahabharata, says Prof. Hopkins, may have come into existence between 400-200 B.C. The second stage was the remaking of the epic by the inclusion of didactic matter and the addition of Puranic material. This was between 200 B.C. and 200 A.D. The third stage is marked when (1) the last books were added to the composition as it stood at the

end of the second stage with the introduction of the first book and (2) the swollen Anushasana Parva was separated from Shanti Parva and recognized as a separate book. This happened between 200 to 400 A.D. To these three stages Prof. Hopkins adds a fourth or a final stage of occasional amplification which started from 400 A.D. onwards. In coming to this conclusion Prof. Hopkins has anticipated and dealt with all the arguments advanced by Mr. Tilak such as the mention of Mahabharata in Paninimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_41 and in the Grihyasutras.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_42 The only new pieces of evidence produced by Mr. Tilak which has not been considered by Prof. Hopkins are two. One such piece of evidence consists of the statements which are reported to have been recorded by Megasthenes' mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_43the Greek Ambassador to the court of Chandra Gupta Maurya, and the other is the astronomical evidencemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_44, in the Adi Parva which refers to the Uttarayana starting with the Shravana constellation. The facts adduced by Mr. Tilak as coming from Megasthenes may not be denied and may go to prove that at the time of Megasthenes i.e., about 300 B.C. a cult of Krishna worship had come into existence among the Sauraseni community. But how can this prove that the Mahabharata had then come into existence? It cannot. Nor can it prove that the legends and stories mentioned by Megasthenes were taken by him from the Mahabharata. For there is nothing to militate against the view that these legends and stories were a floating mass of Saga and that it served as a reservoir both to the writer of the Mahabharata as well as to Greek Ambassador.

Mr. Tilak's astronomical evidence may be quite sound. He is right in sayingmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_45 that"it is stated in the Anugita that Visvamitra started the enumeration of the constellation with Shravana (Ma.Bha.Asva.44.2, and Adi.71.34). That has been interpreted by commentators as showing that the Uttarayana then started with the Shravana constellation, and no other interpretation is proper. At the date of the Vedanga-Jyotisa, the Uttarayana used to start with the Sun in the Dhanistha constellation. According to astronomical calculations, the

date when the Uttarayana should start with the Sun in the Dhanistha constellation to about 1,500 years before the Saka era; and according to astronomical calculations, it takes about a thousand years for the Uttarayana to start one constellation earlier. According to this calculation, the date when the Uttarayana ought to start with the Sun in the Shravana constellation comes to about 500 years before the Saka era. This conculsion would have been proper if it was true that the Mahabharata was one whole piece, written at one time by one author. It has, however, been shown that there is no warrant for such an assumption. In view of this Mr. Tilak's astroncomical evidence cannot be used to determine the date of the Mahabharata. It cam be used only to determine the date of that part of the Mahabharata which is affected by it—in this case the Adi Parva of the Mahabharata. For these reasons Mr. Tilak's theory as to the date of the composition of the Mahabharata must fall to the ground. Indeed any attempt to fix a single date for a work like the Mahabharata which is a serial story produced in parts at long intervals must be regarded as futile. All that one can say is that the Mahabharata was composed between 400B.C. to 400A.D. a conclusion too broad to be used for the purpose which Mr. Tilak has in view. Even this span seems to some scholars to be too narrow. It is contendedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_46 that the reference to *Edukas* in the 190th Adhyaya of the Vanaparva has been wrongly interpreted to mean Buddhist Stupas when, as a matter of fact, it refers to the I*dgahas* created by the Muslim invaders for Muslim converts. If this interpretation is correct it would show that parts of the Mahabharata were written about or after the invasions of Mohammed Ghori.

Let me now turn to examine Mr. Tilak's theory as to the date of the composition of the Bhagvat Gita. There are really two propositions underlying his theory. First is that the Gita is part of the Mahabharata, both are written at one time and are the handiwork of one man. His second proposition is that the Bhagvat Gita has been the same what it is today from the very beginning when it first came to be written. To avoid confusion I propose to take them separately.

Mr. Tilak's object in linking the Gita with the Mahabharata in the matter of its composition is quite obvious. It is to have the date of the Mahabharata which he thinks is known to derermine the date of the Bhagvat Gita which is unknown. The basis on which Mr. Tilak has tried to establish an integral connection between the Mahabharata and the Bhagvat Gita is unfortunately the weakest part of his theory. To accept

that the Gita is a part of the Mahabharata because the author of both is Vyasa- and this is the argument of Mr. Tilak—is to accept a fiction for a fact. It assumes that Vyasa is the name of some particular individual capable of being identified. This is evident from the fact that we have Vyasa as the author of the Mahabharata, Vyasa as the author of the Puranas, Vyasa as the author of Bhagvat Gita and Vyasa as the author of the Bramha Sutras. It cannot therefore be accepted as true that the same Vyasa is the author of all these works separated as they are by a long span of time extending to several centuries. It is well-known how orthodox writers wishing to hide their identity get better authority for their works by the use of a revered name were in the habit of using Vyasa as a nom-de-plume or pen name. If the author of the Gita is a Vyasa he must be a different Vyasa. There is another argument which seems to militate against Mr. Tilak's theory of synchroniety between the composition of the Bhagvat Gita and the Mahabharata. The Mahabharata consists of 18 Parvas. There are also 18 Puranas. It is curious to find that Bhagvat Gita has also 18 Adhyayas. The question is : Why should there be this parallelism? The answer is that the ancient Indian writers regarded certain names and certain numbers as invested with great sanctity. The name Vyasa and the number 18 are illustrations of this fact. But there is more in the fixation of 18 as the chapters of the Bhagvat Gita than is apparent on the face of it. Who set 18 as the sacred number, the Mahabharata or the Gita? If the Mahabharata, then Gita must have been written after the Mahabharata. If it is the Bhagvat Gita, then the Mahabharata must have been written after the Gita. In any case, the two could not have been written at one and the same time.

These considerations may not be accepted as decisive against Mr. Tilak's first proposition. But there is one which I think is decisive. I refer to the relative position of Krishna in the Mahabharata and in the Bhagvat Gita. In the Mahabharata, Krishna is nowhere represented as a God accepted by all. The Mahabharata itself shows the people were not prepared even to give him the first place. When at the time of the Rajasuya Yajna, Dharma offered to give Krishna priority in the matter of honouring the guest, Shishupala—the near relation of Krishna—protested and abused Krishna. He not only charged him with low origin, but also with loose morals, an intriguer who violated rules of war for the sake of victory. So abhorent but so true was this record of Krishna's foul deeds that when Duryodhan flung them in the face of Krishna, the Mahabharata itself in the Gada Parva records that the Gods in heaven came out to listen to the charges made by Duryodhan against Krishna

and after listening showered flowers as a token of their view that the charges contained the whole truth and nothing but the truth. On the other hand, the Bhagvat Gita presented Krishna as God omnipotent, omniscient, omnipresent, pure, loving, essence of goodness. Two such works containing two quite contradictory estimates about one and the same personality could not have been written at one and the same time by one and the same author. It is a pity that Mr. Tilak in his anxiety to give a pre-Buddhist date to the composition of the Bhagvat Gita should have completely failed to take note of these important considerations.

The second proposition of Mr. Tilak is equally unsound. The attempt to fix a date for the composition of the Bhagvat Gita is nothing but the pursuit of a mirage. It is doomed to failure. The reason is that the Bhagvat Gita is not a single book written by a single author. It consists of different parts written at different times by different authors.

Prof. Garbe is the only scholar who has seen the necessity of following this line of inquiry. Prof. Garbe hold that there are two parts of the Bhagvat Gita one original and one added. I am not satisfied with this statement. My reading of the Bhagvat Gita leads me to the conclusion that there have been four separate parts of Bhagvat Gita. They are so distinct that taking even the present treatise as it stands they can be easily marked off.

(i) The original Gita was nothing more than a heroic tale told or a ballad recited by the bards of how Arjuna was not prepared to fight and how Krishna forced him to engage in battle, how Arjuna yielded and so on. It may have been a romantic story but there was nothing religious or philosophical in it.

This original Gita will be found embedded in Chapter I, Chapter II, verses.. . .. and Chapter XI verses 32-33 in which Krishna is reported to have ended the argument:

"Be my tool, carry out my will, don't worry about sin and evil resulting from fighting, do as I tell you, don't be impudent.". This is the argument which Krishna used to compel Arjuna to fight. And this argument of coercion and compulsion made Arjuna yield. Krishna probably threatened Arjuna with brute force if he did not actually use it. The assumption of Vishva-rupa by Krishna is only different way of describing the use of brute force. On that theory it is possible that the chapter in the present Bhagvat Gita dealing with Vishva-rupa is also a part of the original Bhagvat Gita.

(ii) The first patch on the original Bhagvat Gita is the part in which Krishna is spoken of as Ishvara. the God of the Bhagvat religion. This

part of the Gita is embedded in those verses of the present Bhagvat Gita which are devoted to Bhakti Yoga.

(iii) The second patch on the original Bhagvat Gita is the part which introduces the Sankhya and the Vedanta philosophy as a defence to the doctrines of Purva Mimansa which they did not have before. The Gita was originally only a historical Saga with the cult of Krishna came to be interwoven. The Philosophy portion of the Bhagvat Gita was a later intrusion can be proved quite easily from the nature of the original dialogue and the sequence of it.

In chapter I verses 20-47 Arjuna mentions those difficulties. In chapter II Krishna attempts to meet the difficulties mentioned by Arjuna. There are arguments and counter arguments. Krishna's first argument is contained in verse 2 and 3 in which Krishna tells Arjuna that his conduct is infamous, unbecoming an Arya and that he should not play the part of an effeminate which was unworthy of him. To this, Arjuna gives a reply which is embodied in verses 4 to 8. In verses 4 to 5 he says,"how can I kill Bhishma and Drona who are entitled to highest reverence: it would be better to live by begging than kill them. I do not wish to live to enjoy a kindom won by killing old revered elders."In verses 6 to 8 Arjuna says:"I do not know which of the two is more meritorious, whether we should vanquish the Kauravas or whether we should be vanquished by them."Krishna's reply to this is contained in verses 11 to 39 in which he propounds (i) that grief is unjustified because things are imperishable, (ii) that it is a false view that a man is killed when the atman is eternal and (iii) that he must fight because it is the duty of the Kshatriya to fight. Any one who reads the dialogue will notice the following points:

(1) The questions put by Arjuna are *not* philosophical questions. They are natural questions put by a worldly man faced with worldly problems.

(2) Upto a point Krishna treats them as natural questions and returns to them quite natural replies.

(3) The dialogue takes a new turn. Arjuna after having informed Krishna positively and definitely that he will not fight, suddenly takes a new turn and expresses a doubt whether it is agood to kill the Kauravas or be killed by them.This is a deliberate departure designed to give Krishna a philosophical defence of war, uncalled for by anything said by Arjuna.

(4) Again there is a drop in the tone of Krishna from verses 31 to 38. He treats the question as natural and tells him to fight because it is the duty of the Kshatriya to fight.

Anyone can see from this that the introduction of the Vedanta philosophy is quite unnatural and therefore a later intrusion. With regard to the introduction of the Sankhya philosophy the case is quite obvious. Often it is expounded without any question by Arjuna and whenever it has been propounded in answer to a question that question has nothing to do with the war. This shows that the philosophic parts of the Bhagvat Gita are not parts of the original Gita but have been added later on and in order to find a place for them, new, appropriate and leading questions have been put in the mouth of Arjuna which have nothing to do with the mundane problems of war.

(iv) The third patch on the oriinal Bhagvat Gita consists of verses in which Krishna is elevated from the position of Ishwara to that of Parmeshwara. This patch can be easily detected as being chapters X and XV where Krishna says: (Quotation not mentioned) ..... As I said, to go in for a precise date for the composition of the Bhagvat Gita is to go on a fool's errand and that if an attempt in that direction is to be of any value, effort must be directed to determine the date of each patch separately. Proceeding in this way it is possible that what I have called the original unphilosophic Bhagvat Gita was part of the first edition of the Mahabharata called Jaya. The first patch on the original Bhagvat Gita in which Krishna is depicted as Ishvara must be placed in point of date sometimes later than Megasthenes when Krishna was only a tribal God.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_47 How much later it is not possible to say. But it must be considerably later. For it must be remembered that the Brahmins were not friendly to Krishnaism in the beginning. In fact they were opposed to it.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_48 It must have taken some time before the Brahmins could have become reconciled to Krishna worship.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_49

The second patch on the original Bhavat Gita. having reference to Sankhya and Vedanta must for reason already given be placed later than the Sutras of Jaimini and Badarayana. The question of the date of these Sutras has carefully been examined by Prof. Jacobimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_50 His conclusion is that these Sutras were composed sometime between 200 and 450 A.D.

The third patch on the original Bhagvat Gita in which Krishna is raised into Parmeshvara must be placed during the reign of the Gupta Kings. The reason is obvious. Gupta kings made Krishna-Vas.udev their family deity as their opponents the Shaka kings had made Mahadeo their family deity. The Brahmins to whom religion has been a trade, who were never devoted to one God but came forward to worship the deity of the ruling race thought of pleasing their masters by making their family deity into a high and mighty Parmeshvar. If this is correct explanation then this patch on the original Bhagvat Gita must be placed between 400 and 464 A.D.

All this goes to confirm the view that the attempt to place the Bhagvat Gita prior in point of time to Buddhism cannot succeed. It is the result of wishful thinking on the part of those who have inherited a positive dislike to Buddha and his revolutionary gospel. History does not support it. History proves quite abnormally that at any rate those portions of the Bhagvat Gita which have any doctrinal value are considerably later in point of time to the Buddhist canon and the Sutras of Jaimini and Badarayana.

The discussion of the dates not only proves that the Bhagvat Gita is later than Hinayana Buddhism but is also later than Mahayana Buddhism. The impression prevails that Mahayana Buddhism is later in origin. It is supposed to have come into being after A.D. 100 when Kanishka held the third Buddhist Council to settle the dissension in the Buddhist Church. This is absolutely a mistake.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_51 It is not true that after the Council a new creed of Buddhism came into existence. What happened is that new names of abuse came into existence for parties which were very old. As Mr. Kimura has shown the Mahayanist is simply another name for the sect of Buddhists known as Mahasanghikas. The sect of Mahasanghikas had come into being very much earlier than is supposed to be the case. If tradition be believed the sect had come into being at the time of the First Buddhist Council held at Pataliputra 236 years after the death of Buddha i.e., 307 B.Cmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_52for settling the Buddhist canon and is said to have led the opposition to the Theravad sect of Buddhism which later on came to be stigmatized as Hinayana (which means those holding to the low path). There could hardly be any trace of Bhagvat Gita when the Mahasanghikas later known as Mahayanists came into being.

Apart from this what have the Mahayanists borrowed from the Bhagvat Gita? Indeed what can they borrow from the Bhagvat Gita? As Mr. Kimura points out the doctrine of every school of Buddhism is mainly concerned at least with three doctrines: (1) Those which deal with cosmic existence; (2) Those which deal with Buddhology; and (3) Those which deal with conception of human life. Mahayana is no exception to this. Except probably on Buddhology the Mahayanists could hardly use the Bhagvat Gita to draw upon So different is the aproach of the two on the other doctrines and even this possibility is excluded by the factor of time.

The foregoing discussion completely destroys the only argument that could be urged against my thesis—namely that the Bhagvat Gita is very ancient, pre-Buddhistic in origin and therefore could not be related to Jaimini's Purva Mimansa and treated as an attempt to give a philosophic defence of his counter-revolutionary doctrines.

To sum up, my thesis is three-fold. In other words it has three parts. First is that the Bhagvat Gita is fundamentally a counter-revolutionary treatise of the same class as Jamini's Purva Mimansa—the official Bible of counter-revolution. Some writers relying on verses 40-46 of Chapter II hold the view that the Bhagvat Gita is

{*In all the copies available with us, the essay has been left here incomplete, as is seen from the above sentence*—Editors.)

CHAPTER 10
Analytical Notes of Virat Parva & Udyog Parva

VIRAT PARVA

1. The spies sent by Kauravas to search for the existence of the Pandavas return to Duryodhan and tell him that they are unable to discover them. They ask his permission as to what to do Virat Parva, Adhya. 25.

2. Duryodhan asks for advice from his advisers. Kama said send other spies. Dushasan said they might have gone beyond the sea. But search for them.—*Ibid.* —Adhya. 26.

3. Drona said the Pandavas are not likely to be defeated or destroyed. They may be living as Tapasis. therefore send Siddhas and Brahamins as spies— *Ibid.* Adhya 27.

4. Bhishma supports Drona—*Ibid* Adhya. 28.

5. Kripacharya supported Bhishma and added—Pandavas are great enemies. But wise man does not neglect even small enemies. While they

are in *Agnyatavasa* you should go on collecting armies from now.— *Ibid* Adhya. 29.

6. Then Susharma King of Trigarth raised quite a different subject. He said that *Kichaka* who was the *Senapati* of King Virat I hear dead, King Virat is to give us great trouble. Kichaka having been dead Virat must have become very weak. Why not invade the Kingdom of Virat? This is the most opportune time. Kama also supported Susharma. Why worry about the Pandavas, these Pandavas are without wealth, without army and fallen. Why bother with them? They might have even been dead by now. Give up the search and let undertake the project of Susharma—*Ibid* Adhya. 30.

7. Susharma's invasion of Vairat. Susharma carries away the cows of Virat. The cow herds go and inform Virat of this and ask him to pursue Susharma and rescue the cows.—*Ibid* Adhya. 31.

8. Virat became ready for war. In the meanwhile *Shatanik* the younger brother of Virat suggested that instead of going alone he

might take with him Kank (Sahadeo) Ballava (Yudhishtira) Santipal (Bhima) and Granthik (Nakula) to help him to fight Susharma. Virat agreed and they all went—*Ibid.* Adhya. 31.

9. War between Shusharma and Virat—*Ibid* Adhya. 32.

10. Yudhishthira rescues Virat.—*Ibid.* Adhya. 33.

11. Announcement in the Virat Nagari that their King is safe.— *Ibid* Adhya. 34.

ENTRY IN VIRAT NAGARI BY KAURVAS

12. While King Virat went after Susharman Duryodhan with *Bhishma, Drona, Kama, Krapa, Ashvashthama, Shakuni, Dushashana, Vivinshati, Vikarna, Chitrasen, Durmukha, Dushala* and other warriers entered the Virat Nagari and captured the cows of Virat and were going away. The cowherds came to the palace of King Virat and gave the news. They need not find the King but they found his son *Uttar.* so they gave him the news.—*Ibid* Adhya. 35.

13. *Uttar* began to boast saying he was superior to Arjuna and would do the job. But his complaint was that there was no one to act his *Sarathi. Draupadi went and told him that Brahannada* was at one time the Sarathi of Arjuna. Why not ask him? He said he had no courage and requested Draupadi to make the request. Why not ask your younger sister *Manorama.* So he told Manorama to bring Brahannada—*Ibid* Adhya. 36.

14. Manorama takes Brahannada to his brothers and Uttara persuades him to be his Sarathi. Brahannada agreed and took the Rath of Uttara in front of the Kauravas—*Ibid.* Adhya. 37.

15. On seeing the army of the Kauravas Uttara left the Rath and started running away. Arjuna stopped him. The Kauravas seeing this began to suspect that the man might be Arjuna. Arjuna told him not to be afraid—*Ibid* Adhya. 38.

16. Arjuna took his Ratha to the Shami tree. Seeing this Drona said he must be Arjuna. Hearing this the Kauravas were greatly upset. But Duryodhana said if Drona is right it is good for us. Because it is before the thirteenth year that the Pandavas will have been discovered and they will have to suffer Vanavas again for 12 years.—*Ibid* Adhya. 39.

17. Arjuna asks Uttara to climb the Shami tree and to take down the weapons.—*Ibid* Adhya. 40.

18. Uttara's doubts about the corpse on the Shami *Tree—Ibid* Adhya. 41.

19. Uttara's excitement after seeing the weapons—*Ibid* Adhya. 42.

20. Arjuna's description of the weapons.—*Ibid* Adhya. 43.

21. Uttara's Inquiry regarding the whereabouts about the Pandavas.—*Ibid* Adhya. 44.

22. Climbing down of Uttara from the tree—*Ibid* Adhya. 45.

23. The Rath with Vanar Symbol. Drona becomes sure that he is Arjuna. Bad omens seen by the army of the Kauravas.—*Ibid* Adhya. 46.

24. Duryodhan encourages the soldiers who were frightened by Drona's saying that it was Arjuna. Kama's slander of Drona and proposal to Duryodhan to remove Drona as a Commander-in-Chief.—*Ibid* Adhya. 47.

25. Boasting by Kama and Pratijna to defeat Arjuna— *Ibid* Adhya. 48.

26. Krapacharya's admonition to Kama not to brag and boast. War is regarded as bad by the Shastras—*Ibid* Adhya. 49.

27. Ashvasthama abuses Kama and Duryodhan because of their slander of Drona—*Ibid* Adhya. 50.

28. Ashavashthama abused Kama and Duryodhan for speaking ill of Drona. Kama replied, 'after all I am only a Suta.,' But Arjuna has behaved as bad as Rama behaved towards Vali—*Ibid* Adhya. 50.

29. Ashvashthama was quieted by Bhisma, Drona and Krapa, Duryodhan and Kama tendered apology to Drona— -*Ibid* Adhya. 51. 30. Bhishma's decision that the Pandavas have completed 13 years.—*ibid* Adhya. 52.

31. Arjuna has defeated the army of the Kauravas.— *Ibid* Adhya. 53.

32. Arjuna defeats Kama's *Bhrata.* Arjuna defeats Kama and Kama runs away— *Ibid* Adhya. 54.
33. Arjuna destroys the army of the Kauravas and breaks the Rath of Kripacharya—Ibid Adhya. 55.
34. Gods came out in heaven to witness the fight between Arjuna and the army of the Kauravas—*Ibid* Adhya. 56.
35. Battle between Krapa and Arjuna and the running away of Krapa.—*Ibid* Adhya. 57.
36. Battle between Drona and Arjuna and running away of Drona.—*Ibid* Adhya. 58.
37. Battle between Ashavashthama and Arjuna—*Ibid* Adhya. 59.
38. Battle between Kama and Arjuna, defeat of Kama—Adhya. 60.
39. Attack on Bhishma by Arjuna—*Ibid* Adhya. 61.
40. Arjuna kills the Kauravas soldiers—*Ibid* Adhya. 62.
41. Defeat of Bhishma and his running away from the Battle-field—*Ibid* Adhya. 64.
42. Fainting of the soldiers of the Kauravas. Bhishmas telling them to return home.—*Ibid* Adhya. 66.
43. Kaurava soldiers surrendering to Arjuna from *Abhay.* Uttar and Arjuna return to Virat Nagari— I*bid* Adhya. 67.
44. Virat enters his capital and his people honouring him.— *Ibid* Adhya. 68.
45. The Pandavas enter the King's Assembly.—Ibid Adhya. 69.
46. Arjuna introduces his other brothers in Virat.-- *Ibid* Adhya. 71.
47. Marriage between Arjuna's son and the daughter of Virat.— *-lbid* Adhya. 72.
48. Thereafter the Pandavas leave Virat Nagari and live in Upaplowya Nagari— Ibid Adhya. 72.
49. Arjuna thereafter brought his son Abhimanyu, Vasudev, and Yadav from Anrut Desh—*lbid* Adhya. 72.
50. Friends of Yudhisthir such as Kings Kashiraj and Shalya came with two Akshauhini army. Similarly Yagyasen Drupadraj came with one Akshauhini. Draupadi's all sons Ajinkya, Shikhandi, Drustadumna also came .—*Ibid* 72.

UDYOGAPARVA

1. After the marriage of Abhimanyu the Yadavas and the Pandavas met in the Sabha of King Virat. Krishna addresses them as to what is to be done about the future. We must do what is good both Kauravas and Pandavas. Dharma will accept anything—even one villaga—by *Dharma.*

Even if he is given the whole kingdom by Duryodhana he will not accept it. Upto now the Pandavas have observed *Niti*. But if the Kauravas observe *Aniti* the Pandavas will not hesitate to kill the Kauravas. Let nobody be afraid on account of the fact that the Pandavas are a minority. They have many friends who will come to their rescue. We must try to know the wishes of the Kauravas. I suggest that we should send a messanger to Duryodhan and ask him to give part of the Kingdom to the Pandavas.—Udyog Parva, Adhya. 1.

2. Balaram supports the proposal of Krishna but added that it was the fault of Dharma knowing that he was losing at the hands of Shakuni. Therefore instead of fighting with the Kauravas get what you can by negotiation.—*lhid,* Adhya. 2.

3. Satyaki got up and condemned Balaram for his attitude— *Ibid,* Adhya. 3.

4. Drupad supports Satyaki. Drupad agrees to send his Purohit as a messanger—*Ibid,* Adhya. 4.

5. Krishna supports Drupad and goes to Dwarka. Kings invited by Drupad and Virat arrive. Similarly Kings invited by Duryodhan arrive.—*lhid.* Adhva. 5.

6. Drupada instructs his purohit how to speak in the assembly and deal with the issue.—*Ibid* Adhya. 6.

7. Arjuna and Duryodhana both go to Dwarka to ask for his aid in the war. He said I will help you both. I can give my army to one and I can join one singly. Choose what you want. Duryodhan chose the army. Arjuna choose Krishna.—*Ibid* Adhya. 7.

8. Coming of Shalya to the Pandavas with alarge army. Duryodhan thinks him lower. Meeting of Shalya and Pandavas. Pandavas request Shalya to discourage Kama in the war. Agreement of Shalya.— *Ibid.* Adhya. 8.

9. Adhya. 9—Irrelevant. 1

10. Adhya. 10—Irrelevant.

11. Adhya. II—Irrelevant.

12. Adhya. 12—Irrelevant.

13. Adhya. 13—Irrelevant.

14. Adhya. 14—Irrelevant.

15. Adhya. 15—Irrelevant.

16. Adhya. 16—Irrelevant.

17. Adhya. 17—Irrelevant.

18. Adhya. 18—Irrelevant.

19. Adhya—Satyaki comes to Pandvas with his army and Bhagadatta went to Duryodhana.

20. Adhya. 20—The Purohit of Drupada enters the Kauravas Sabha. The Purohit said that the Pandvas are prepared to part evil deeds of the Kauravas and make a compromise with them. He told them that the Pandavas have a large army yet they wish to compromise.

21. Adhya. 21—Bhishma supports the Purohit. Kama objects. Dispute between Bhishma and Kama. Dhratrarashtra suggests that Sanjaya be sent for negotiation on their behalf.

22. Adhya. 22—Dhratrarashtra sends Sanjaya to go to the Pandvas and give his blessings and say what you think best for the occasion and which will not advance enmity between the two.

23. Adhya. 23—Sanjaya's going to the Pandvas.

24. Adhya. 24—Conversation betwen Sanjaya and Yudhistira.

25. Adhya. 25—Sanjaya condemns war.

26. Adhya. 26—Dharma says 'I am prepared to compromise if the Kauravas give us our Kingdom of Indraprastha.

27. Adhya. 27—It is *Adharma* to kill *Gurujan* and obtain a Kingdom. If the Kauravas refuse to give you any kingdom without war you had better live by begging in the Kingdom of Vrishni and Andhakas.

28. Adhya. 28—Says, Dharma Blame us Sanjaya if you think we have acted or acting against Dharma. Sanjaya says I want Swadharma or Sama.

29. Adhya. 29—Krishna's address to Sanjaya why war is legitimate and asks him to go and tell his views to Dhratarashtra.

30. Adhya. 30—Sanjaya returns to Kauravas and tells Duryodhana to war. Duryodhan either to return Indraprastha to the Pandavas or be ready for war.

31. Adhya. 30—Sanjaya tells Duryodhan to live and let live. If he cannot give Indraprastha let him give us five villages.

32. Adhya. 31—Sanjaya reaches Dratrarashtra at night and tells him I will give you the message of Dharma in the morning.

33. Adhya. 32—Dhratarashtra is uneasy and wants to know the message Sanjaya brought. So he sends for Sanjaya immediately. Sanjaya gives him the message and says settle the dispute by g:iving them their share of the Kingdom.

34. Adhya. 34—Dhratarashtra calls for Vidura and asks his advice. His advice is, give the Pandavas their portion of the Kingdom.

35. Adhya. 35—Irrelevant.

36. Adhya. 36—Irrelevant. Vidur says make the two sides friends.

37. Adhya. 37—Irrelevant.
38. Adhya 38—Irrelevant.
39. Adhya. 39—Dhratarashtra tells Vidura I cannot give up Duryodhan although he is bad.
40. Adhya. 40—Vidura describes Chaturvarna.
41. Adhya. 41—Dhratarashtra asks Vidur about Brahma. He says I can't because I am a Shudra. Then comes Sanat-Sujata.
42. Adhya. 42—Conversation between Dhratarashtra & Sanat Sujata on Brahma Vidya.
43. Adhya. 43—Dialogue between Sanat Sujat and Dhratarashtra on the same subject.
44. Adhya. 44—Sanat Sujata on Brahma Vidya.
45. Adhya. 45—Sanat Sujata preaches yoga.
46. Adhya. 46—Sanat Sujat on Atma.
47. Adhya. 47—Kauravas come to the Sabha to hear the message brought by Sanjaya.
48. Adhya. 48—Sanjaya delivers the message. (Particularly that part which was given by Arjuna?)
49. Adhya. 49—Praise of Arjuna & Krishna by Bhishma. Kama gets angry. Drona supports Bhisma and advices compromise.
50. Adhya. 50—Dhratarashtra asks Sanjaya who are the allies of the Pandvas & their strength. Sanjaya taunts, gets up answers.
51. Adhya. 51—Dhratarashtra thinks of the prowess of Bhismna and sighs.
52. Adhya. 52—Dhratarashtra thinks of the prowess of Arjuna and sighs.
53. Adhya. 53—Dhratarashtra thinks of the prowess of Dharma and his friends. He tells his sons to compromise with the Pandavas.
54. Adhya. 54—Sanjaya predicts the defeat of the Kauravas.
55. Adhya. 55—Duryodhan says Pandavas cannot defeat us because our forces are greater.
56. Adhya. 56—Sanjaya describes the disposition of the army made by the Pandavas.
57. Adhya. 57—Sanjaya describes how Pandavas have designed to kill the warriors of the Kauravas. Duryodhan says he is not affraid of the Pandvas defeating the Kauravas who have a larger army.
58. Adhya. 58—Dhratarashtra tells Duryodhan not to fight. Duryodhan takes oath not to swerve from battle. Dhratarashtra weeps.
59. Adhya. 59—Dhratarashtra tells Sanjaya to tell him what conversation took place between Krishna & Arjuna.

60. Adhya. 60—Dhratarashtra tells Duryodhan that the Devas will help the Pandavas and will ruin the Kauravas.
61. Adhya. 61—Duryodhan says he is not afraid of that.
62. Adhya. 62—Kama says he alone is capable of killing Arjuna.
63. Adhya. 63—Duryodhan says he is fighting relying on Kama & not on Bhishma, Drona etc.
64. Adhya. 64—Vidura tells Duryodhan give up enmity.
65. Adhya. 65—Dratarashtra admonishes Duryodhan.
66. Adhya. 66—Sanjaya tells Dratarashtra the message of Arjuna.
67. Adhya. 67—The kings who had assembled in the hall of the Kauravas return to their homes. Vyas and Gandhari come with Vidur. Vyas told Sanjaya to tell Dhratarashtra every thing he knows about the real Swarup of Krishna & Arjuna.
68. Adhya. 68—Sanjaya tells Dhratarashtra about Krishna.
69. Adhya. 69—Dhratarashtra tells Duryodhan to surrender to Krishna. Refusal of Duryodhan. Gandhari abuses Duryodhan.
70. Adhya 70—Different names of Krishna & their origin.
71. Adhya 71—Dhratarashtra surrenders to Krishna.
72. Adhya. 72—Conversation between Yudhistira and Krishna. Yudhistir says Sanjaya told him not to rely on Dhratarashtra. Yudhistir stresses the importance of property Speaks of (Kshatradharma) & the necessity of observing it Krishna proposes to go to the Kauravas. Yudhistir does not like the idea but says to what you think is the best.
73. Adhya. 73—Krishna tells Dharma the secret which has in mind. Don't use soft speech with the Pandvas tells Krishna to Dharma. There are plenty of reasons why you should not make any compromise with the Kauravas. Emphasizes how the Kauravas disgraced Draupadi. Therefore Oh ; Dharma do not hesitate to kill them.
74. Adhya. 74—Bhishma tells Krishna to use soft speech with the Kauravas.
75. Adhya. 75—Krishna redicules Bhima.
76. Adhya. 76—Bhima makes up his mind to fight.
77. Adhya. 77—Krishna tells Bhima the difference between *Daiva* and *Paurush.*
78. Adhya. 78—Arjuna tells Krishna to adopt Shama—failing war can be considered.
79. Adhya. 79—Krishna's talk to Arjun. I will try to bring about a settlement by peace. If that is not possible be ready for war. I will not communicate to Duryodhan Dharma's willingness to accept five villages.
80. Adhya. 80—Nakul tells Krishna to do the best.

81. Adhya. 81—Sahadev meets Krishna and tells him to bring about a war with the Kauravas. Satyaki said that all warriors assembled here agree with the view of Sahadeo.
82. Adhya. 82—Draupadi meets Krishna & tells him that she will not be satisfied unless Duryodhan is punished. Krishna gives her assurance.
83. Adhya. 83—Last meeting between Arjuna and Krishna. Arjuna makes the best effort for *Shama*. Yudhishtir tells Krishna to give assurances to Kunti. Krishna starts on his mission.
84. Adhya. 84—Good & Bad omens to Krishna on his way to Hastinapura.
85. Adhya. 85—Duryodhana creates Resting places for Krishna's journey to Hastinapur. Krishna arrives in Hastinapura.
86. Adhya. 86—Dhratarashtra tells Vidura what gifts are to be offered to krishna.
87. Adhya. 87—Vidur tells Dhratarashtra that he cannot separate Krishna from the Pandavas.
88. Adhya. 88—Duryodhan says Krishna is worship. But this is not the time to worship him. Bhishma tells Duryodhan to make a compromise with Pandavas. Duryodhan desires to look up Krishna. Bhishma's strong opposition to Duryodhana.
89. Adhya. 89—Krishna's entry into Hastinapur. Meeting with Dhratarashtra. His stay with Vidura.
90. Adhya. 90—Meeting between Kunti and Krishna—Kunti's sorrow. Krishna consoles her. Kunti tells Krishna— (1) Tell my sons to fight for their kingdom. (2) I am sorry for Draupadi.
91. Adhya. 91—Kauravas invite Krishna to dinner. Krishna's refusal. Krishna goes for meal to Vidur.
92. Adhya. 92—Vidur tells Krishna that he does not like his going among the Kauravas.
93. Adhya. 93—Krishna tells Vidura not all the Kauravas can hurt him. I have come only because *Shama* is Punnyakarak.
94. Adhya. 94—Krishna enters the assembly Hall of the Kauravas.
95. Adhya. 95—Krishna's address to the Assembly. He told them pandavas are ready for both peace as well as war. Give them half their kingdom.
96. Adhya. 96—Jamadgni tells a story against arrogance.
97. Adhya. 97-105—Matali Akhyan.
98. Adhya. 106—Narada's advice to Duryodhana.
99. Adhya. 106-123— Galava Akhyan.
100. Adhya. 124—Dratarashtra tells Krishna to advise Duryodhana.

101. Adhya. 125—Bhishma's advice to Duryodhan.Drona's support. Vidura's condemnation of Duryodhana. Dhratarashtra's advice.

102. Adhya. 126—Bhishma & Drona advice Duryodhana a second time.

103. Adhya. 127—Duryodhana announces not to give anything to the Pandavas.

104. Adhya. 128—Krishna condemns Duryodhana. Duryodhan leaves the Assembly. Dushyasana's speech. Krishna warns Bhishma.

104. Adhya. 129—Dhratarashtra asks Vidur to bring Gandhari to the Assembly. Duryodhan comes back—Gandhari asks him to give half the Kingdom to Pandavas.

104. Adhya. 130—Duryodhana leaves the assembly. His intention to kill Krishna. Satyaki informs Dhratarashtra of this secret plot. Srikrishna's speech. Dhratarashtra calls back Duryodhana to the assembly, warns him. Vidur's condemnation.

105. Adhya. 131—*Bhagwana's Vishwarup Darshan* Dhratarashtra gets *Divya Chakshu?* Krishna leaves the assembly and goes to. Kunti.

106. Adhya. 132—Krishna tells Kunti what happened in the assembly. Kunti tells Krishna war is natural to Kshatriyas. There is no better Dharma than that.

107. Adhya. 133—Kunti tells Krishna the story of Vidula to reinforce her point.

108. Adhya. 134—Vidula's story.

109. Adhya. 135—Vidula's story.

110. Adhya. 136—Vidula's story.

III. Adhya. 137—Kunti's advice to her sons. Krishna's advice to Kama and his departure to *Upapalavya Nagari.*

112. Adhya. 138—Advice to Duryodhana by Bhishma & Drona.

113. Adhya. 139—Bhishma's sorrow. Drona again advises Duryodhana.

114. Adhya. 140—Conversation between Dhratarashtra and Sanjaya. Krishna advices Kama.

115. Adhya. 141—Kama's reply to Krishna.

116. Adhya. 142—Krishna's assurance to Kama that the Pandava's will win.

117. Adhya. 143—Kama sees bad omens. His determination to finish Pandavas. His going home.

118. Adhya. 144—Conversation between Vidura and Pratha. Knows Duryodhana is determined to fight. Kunti's sorrow. Her wish to tell Kama his origin. Kunti goes to the bank of the river.

119. Adhya. 145—Kunti meets Kama and tells him his origin and request him to join the Pandavas.
120. Adhya. 146—Surya supports the proposal of Kunti. Kama rejects it. Promises to save all the Pandavas except Arjuna.
121. Adhya. 147—Krishna goes to Pandavas. Yudhistir asks what happened in the Kaurava Sabha.
122. Adhya. 147, 148, 149, 150—Krishna relates the whole story.
123. Adhya. 151—Appointment of Senapati for the Pandavas Army. Entry of Pandava's Army in Kurushetra.
124. Adhya. 152—Description of Pandavas arrangement for supply to the Army.
125. Adhya. 153—Arrangement on Kaurava's side. Our army must enter Kurushetra tomorrow early morning.
126. Adhya. 154—Dharma's fear of fall from his moral rectitude by going to war. Krishna satisfied him. Arjuna said you must fight.
127. Adhya. 155—Description of Duryodhan's army.
128. Adhya. 156—Bhishma is made Senapati of the Kaurava's army. Kama is offended. His decision not to take command till Bhishma is dead. Kaurava's *Army enters Kurushetra.*
129. Adhya. 157—Krishna becomes commander of Pandava's Army.
130. Balrarn goes on Pilgrimage saying I do not like the Kauravas destroyed.
131. Adhya. 158—Rukmi neither wanted by Arjuna nor by Duryodhana goes home.
132. Adhya. 159—Conversation between Sanjaya and Dhratarashtra. He blames Dhratarashtra.
133. Adhya. 160—Pandava's Army on the bank of the *Hiranyavati* river. Duryodhan sends offensive messages to Pandavas and Krishna saying fight if you can.
134. Adhya. 161. Uluka goes with the messages.
135. Adhya. 162—Angry Pandavas send back angry messages. They give order that the war will start tomorrow.

CHAPTER 11
Brahmins Versus Kshatriyas

This manuscript consists of 43 foolscap typed pages. All the loose pages are tagged. The original title, 'Brahmins and Kshatriyas and the Counter-Revolution ' has been modified in Dr. Ambedkar's hand-writing as 'Brahmins Versus Kshatriyas ' on the title page. The essay seems to be complete.—Editors.

The sacred literature of the Hindus contains many cases of conflicts between the Brahmins and the Kshatriyas and even of sanguinary wards between the two.

The first case reported was that of the King Vena. Vena was a Kshatriya King. His conflict with the Brahmins has been referred to in various authorities. The following account is taken from the Harivansa.

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_53There was formerly a Prajapati (lord of creatures), a protector of righteousness, called Anga, of the race of Atrai, and resembling him in power. His son was the Prajapati Vena, who was but indifferently skilled in duty, and was born of Sunitha, the daughter of Mrityu. This son of the daughter of Kala (Death), owing to the taint derived from his maternal grand-father, threw his duties behind his back, and lived in covetousness under the influence of desire. This king established an irreligious system of conduct ; transgressing the ordinances of the Veda, he was devoted to lawlessness. In his reign men lived without study of the sacred books and without the Vashatkara, and the gods had no some-libations to drink at sacrifices."

No sacrifice or oblation shall be offered,—such was the ruthless determination of that Prajapati, as the time of his destruction approached. 'I', he declared, 'am the object, and the performer of sacrifice, and the sacrifice itself; it is to me that sacrifice should be presented, and oblations offered.' This transgressor of the rules of duty, who arrogated to himself what was not his due, was then addressed by all the great Rishis, headed by Marichi :"We are about to consecrate ourselves for a ceremony which shall last for many years; practise not unrighteousness, of Vena ; this is not the eternal rule of duty. Thou art in every deed a Prajapati of Atri's race and thou hast engaged to protect thy subject. `The foolish Vena, ignorant of what was right, laughingly answered those great Rishis who had so addressed him:"Who but myself is the ordainer of duty? or whom ought I to obey? Who on earth equals me in sacred knowledge, in process, in austere fervour, in truth? Ye who are deluded and senseless know not that I am the source of all beings and duties. Hesitate not to believe that I, if I willed, could turn up the earth, or deluge it with water, or close up heaven and earth.' When owing to his delusion and arrogance Vena could not be governed, then the mighty Rishis becoming licensed, seized the vigorous and struggling king, and rubbed his left thigh. From this thigh, so rubbed, was produced a black man, very short in stature, who, being alarmed, stood with joined hands. Seeing that he was agitated, Atri said to him 'Sit

down' (Nishida). He became the founder of the race of the Nishadas, and also progenitor of the Dhivaras (Fishermen), who sprang from the corruption of Vena.'

The second case is that of Pururavas. Pururavas is another Kshatriya King, son of Ila and grandson of Manu Vaivasvata. He came in conflict with the Brahmans the following account of which appears in the Adi Parva of the Mahabharata :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_54Subsequently the wise Pururavas was born of lla who, as we have heard was both his father and his mother. Ruling over thirteen islands of the ocean, and surrounded by beings who were all superhuman, himself a man of great renown, Pururavas, intoxicated by his prowess, engaged in a conflict with the Brahmans, and robbed them of their jewels, although they loudly remonstrated. Sanatkumara came from Brahma's heaven, and addressed to him an admonition, which however, he did not regard. Being then straightway cursed by the incenses Rishis, he perished, this covetous monarch, who, through piece of power, had lost his understanding."The third and a somewhat serious conflict was that between King Nahusha and the Brahmins. Nahusha is the grandson of Pururavas. The story is told in two places in the Mahabharata once in the Vanaparvan and a second time in the Udyogaparvan. The following account is taken from the Udyogaparvan of the Mahabharata:

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_55After his slaughter of the demon Vritta, Indra became alarmed at the idea of having taken the life of a Brahman (for Vritta was regarded as such) and hid himself in the waters. In consequence of the disappearance of the king of the gods, all affairs, celestial as well as terrestrial, fell into confusion. The Rishis and gods then applied to Nahusha to be their king. After the first excusing himself on the plea of want of power, Nahusha at length, in compliance with their solicitations, accepted the high function. Upto the period of his elevation he had led a virtuous life, but he now became addicted to amusement and sensual pleasure, and even aspired to the possession of Indrani, Indra's wife, whom he had happened to see. The queen resorted to the Angiras Vrihaspati, the preceptor of the gods, who engaged to protect her. Nahusha was greatly incensed on hearing of this interference ; but the gods endeavoured to pacify him, and pointed out the immorality of appropriating another person's wife. Nahusha,

however, would listen to no remonstrance, and insisted that in his adulterous designs he was no worse than Indra himself."

"The renowned Ahalya, a rishi's wife, was formerly corrupted by Indra in her husband's lifetime. Why was he not prevented by you? And many barbarous acts, and unrighteous deeds, and frauds were perpetrated of old by Indra; Why was he not prevented by you?"The gods, urged Nahusha, then went to bring Indrani; but Vrihaspati would not give her up. At his recommendation, however, she solicited Nahusha for some delay, till she should ascertain what had become of her husband. This request was granted."Indrani now went in search of her husband ; and by the help of Upasruti (the goddess of night and revealer of secrets) discovered him existing in a very subtile form in the stem of a lotus growing in a lake situated in a continent within an ocean north of the Himalayas. She made known to him the wicked intentions of Nahusha, and entreated him to exert his power, rescue her from danger, and resume his dominion. Indra declined any immediate interposition on the plea of Nahusha's superior strength ; but suggested to his wife a device by which the usurper might be hurled from his position. She was recommended to say to Nahusha that"if he would visit her on a celestial vehicle borne by Rishis, she would with pleasure submit herself to him."

"I desire for thee, king of the gods, a vehicle hitherto unknown, such as neither Vishnu, nor Rudra, nor the Asuras, nor the Rakshases employ. Let the eminent Rishis, all united, bear thee, lord, in a car: this idea pleases me."Nahusha receives favourably this appeal to his vanity, and in the course of his reply thus gives utterance to his self-congratulation :"He is a personage of no mean prowess who makes the Munis his bearers. I am a fervid devotee of great might, lord of the past, the future, and the present. If I were angry the world would no longer stand ; on me everything depends..... Wherefore, 0 goddess, I shall, without doubt, carry out what you propose. The seven Rishis, and all the Brahman-rishis, shall carry me. Behold, beautiful goddess, my majesty and my prosperity."The narrative goes on :"Accordingly this wicked being, irreligious, violent, intoxicated by the force of conceit, and arbitrary in his conduct, attached to his car the Rishis who submitted to his command, and compelled them to bear him."Indrani then again resorts to Vrihaspati, who assures her that vengeance will soon overtake Nahusha for his presumption, and promises that he will himself perform a sacrifice with a view to the destruction of the oppressor, and the discovery of Indra's lurking place. Agni is then sent to discover and bring Indra to Vrihaspati ; and the latter, on Indra's arrival, informs him

of all that had occurred during his absence. While Indra, with Kuvera, Yama, Soma and Varuna was devising means for the destruction of Nahusha, the sage Agastya came up, congratulated Indra on the fall of his rival, and proceeded to relate how it had occurred :

"Wearied with carrying the sinner Nahusha the eminent divine-rishis, and the spotless Brahman-rishis, asked that divine personage Nahusha (to solve) a difficulty;"Dost thou, O Vasava, most excellent of conquerors, regard as authoritative or not those Brahmana texts which are recited at the immolation of kine?""No', replied Nahusha, whose understanding was enveloped in darkness. The Rishis rejoined : 'Engaged in unrighteousness, thou attainest not unto righteousness : these texts, which were formerly uttered by great Rishis, are regarded by us as authoritative.`Then (proceeds Agastya) disputing with the Munis, Nahusha, impelled by unrighteousness, touched me on the head with his foot. In consequence of this the king's glory was smitten and his prosperity departed. When he had instantly become agitated and oppressed with fear, I said to him, 'Since thou, O fool, contemnest that sacred text, always held in honour, which has been composed by former sages, and employed by Brahman-rishis, and has touched my head with thy foot, and employest the Brahma—like the irresistible Rishis as bearers to carry thee,—therefore, shorn of thy lusture, and all thy merit exhausted, sink down, sinner, degraded from heaven to earth. For ten thousand years thou shalt crawl in the form of a huge serpent. When that period is completed, thou shalt again ascend to heaven. `So fell that wicked wretch from the sovereignty of the gods. Happily, 0 Indra, we shall now prosper, for the enemy of the Brahmans has been smitten. Take possession of the three worlds, and protect their inhabitants, O husband of Sachi (Indrani) subduing thy senses, overcoming thine enemies, and celebrated by the great Rishis."

The fourth case is of King Nimi. Nimi was one of the sons of Ikshvaku. The facts of his conflict with the Brahmans are related in the Vishnu Purrana which says :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_56Nimi had requested the Brahman Rishi Vashistha to officiate at a sacrifice, which was to last a thousand years. Vashistha in reply pleaed a pre-engagement to Indra for five hundred years, but promised to return at the end of that period. The king made no remark, and Vashistha went away, supposing that he had assented to his arrangement. On his return, however, the priest discovered that Nimi had retained Gautama (who was, equally with Vashistha, a

Brahmin-rishi) and others to perform the sacrifice ; and being incensed at the neglect to give him notice of what was intended, he cursed the king, who was then asleep, to lose his corporeal form. When Nimi awoke and learnt that he had been cursed without any previous warning, he retorted by uttering a similar curse on Vashistha, and then died. Nimi's body was emblamed. At the close of the sacrifice which he had begun, the gods, were willing, on the intercession of the priests, to restore him to life, but he declined the offer; and was placed by the deities, according to his desire, in the eyes of all living creatures. It is in consequence of this that they are always opening and shutting (nimisha means"The twinkling of the eye").

The fifth case relates to the conflict between Vashishtha and Vishvamitra. Vashishtha was a Brahmin priest. Vishavamitra was a Kshatriya. His great ambition was to become a Brahmin. The following episode reported from the Ramayana explains the reasons why he became anxious to become a Brahmin.

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_57There was formerly, we are told, a king called Kusa, son of Prajapati, who had a son called Kusanabha, who was father of Gadhi, the father of Vishvamitra. The latter ruled the earth for many thousand years. On one occasion, when he was making a circuit of the earth, he came to Vashishtha's hermitage, the pleasant abode of many saints, sages, and holy devotees, where, after all first declining, he allowed himself to be hospitability entertained with his followers by the son of Brahma. Vishvamitra, however, coveting the wonderous cow, which had supplied all the dainties of the feast, first of all asked that she should be given to him in exchange for a hundred thousand common cows, adding that"she was a gem, that gems were the property of the King, and, therefore, the cow owas his by right."On this price being refused, the King advances immensely in his offers, but all without effect. He then proceeds very ungratefully, and tyrannically, it must be allowed—-to have the *cow* removed by force, but she breaks away from his attendants, and rushes back to her master, complaining that he was deserting her. He replies that he was not deserting her, but that the king was much more powerful than he. She answers, 'Men do not ascribe strength to a Kshatriya : the Brahmans are stronger. The strength of Brahmins is divine, and superior to that of Kshatriyas. Thy strength is immeasurable. Vishvamitra, though of great vigour, is not more powerful than thou. Thy energy is invincible. Commission me, who have been acquired by thy Brahmanical power, and I will destroy the

pride, and force, and attempt of this wicked prince."She accordingly by her bellowing creates hundred of Pahalvas, who destroy the entire host of Vishvamitra, but are slain by him in their turn. Sakas and Yavanas, of great power and valour, and well armed, were then produced, who consumed the king's soldiers, but were routed by him. The cow then calls into existence by her bellowing, and from different parts of her body, other warriors of various tribes, who again destroyed Vishvamitra's entire army, foot soldiers, elephants, horses, chariots, and all. A hundred of the monarch's sons, armed with various weapons, then rushed in great fury on Vashishtha, but were all reduced to ashes in a moment by the blast of that sage's mouth. Vishvamitra, being thus utterly vanquished and humbled, appointed one of his sons to be regent, and travelled to the Himalaya, where he betook to austerities, and thereby obtained a vision of Mahadeva, who at his desire revealed to him the science of arms in all its branches, and gave him celestial weapons with which, elated and full of price, he consumed the hermitage of Vashishtha, and put its inhabitants to flight.

Vashishtha then threatens Vishvamitra and uplifts his Brahmanical mace. Vishvamitra, too, raises his fiery weapon and calls out to his adversary to stand. Vashishtha bids him to show his strength and boasts that he will soon humble his pride. He asks:"What comparison is there between a Kshatriya's might and the might of a Brahman? Behold, thou contemptible Kshatriya, my divine Brhmanical power.' The dreadful fiery weapon uplifted by the son of Gadhi was then quenched by the rod of the Brahman, as fire is by water."Many and various other celestial missiles, as the nooses of Brahma, Kala (Time), and Varuna, the discuss of Vishnu, and the trident of Shiva, were hurled by Vishvamitra at his antagonist, but the son of Brahma swallowed them up in his all-devouring mace. Finally, to the intense consternation of all the gods, the warrior shot off the terrific weapon of Brahma ; but this was equally ineffectual against the Brahmanical sage. Vashishtha had now assumed a direful appearance."Jets of fire mingled with smoke darted from the pores of his body ; the Brahmanical mace blazed in his hand like a smokeless mundane conflagration, or a second sceptre of Yama."Being appeased, however, by the munis, who proclaimed his superiority to his rival, the sage stayed his vengeance ; and Vishvamitra exclaimed with a groan:"Shame on a Kshatriya's strength : the strength of a Brahman's might alone is strength ; by the single Brahmanical mace all my weapons have been destroyed."

No alternative now remains to the humilated monarch, but either to acquiesce in this help less inferiority, or to work out his own elevation to the Brahmanical order. He embraces the latter alternative :"Having pondered well this defeat, I shall betake myself, with composed senses and mind, to strenuous austere fervour, which shall exalt me to the rank of a Brahman."Intensely vexed and mortified, groaning and full of hatred against his enemy, he travelled with his queen to the south, and carried his resolution into effect. At the end of a thousand years Brahma appeared, and announced that he had conquered the heaven of royal sages (rajarshis): and, in consequence of his austere fervour, he was recognised as having attained that rank."

The conflict seems to have begun in the reign of King Sudas who belonged to the line of Ikshavaku. Vashishtha was the hereditary priest of King Sudas. For some reason which is not very clearly stated Sudas appointed Vishvamitra as his family priest. This brought about a conflict between Vishvamitra and Vashishtha. This conflict once started raged on for a long time.

The conflict between the two took a peculiar turn. If Vishvamitra was involved in a dispute Vashishtha came into the fray and sided with his opponent. If Vishvamitra was involved in dispute Vashishtha entered into fray and sided with Vishvamitra as opponent. It was a case of one persecuting the other.

The first such episode is that of Satyavrata otherwise called Trishanku. The story as told in the Harivamsha is as follows :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_58Meanwhile Vashishtha, from the relation subsisting between the King (Satyavrata's father) and himself, a disciple and spiritual preceptor, governed the city of Ayodhya, the country, and the interior apartments of the royal palace. But Satyavrata, whether through folly or the force of destiny, cherished constantly an increased indignation against Vashishtha, who for a (proper) reason had not interposed to prevent his exclusion from the royal power by his father. 'The formulas of the marriage ceremonial are only binding,' said Satyavrata, 'when the seventh step has been taken, and this had not been done when I seized the damsel : still Vashishtha, who knows the precepts of the law, does not come to my aid.' Thus Satyavrata was incensed in his mind against Vashishtha, who however, had acted from a sense of what was right. Nor did Satyavrata understand (he propriety of) that silent penance imposed upon him by his father..... When he had supported this arduous rite, (the supposed that) he had redeemed his

family position. The venerable muni Vashishtha did not, however, (as has been said) prevent his father from setting him aside, but resolved to install his son as King. When the powerful prince Satyavrata had endured the penance for twelve years, he beheld, when he was without flesh to eat, the milch cow of Vashishtha which yielded all objects of desire ; and under the influence of anger ; delusion, and exhaustion, distressed by hunger, and failing in the ten duties he slew..... and both partook of her flesh himself, and gave it to Vishvamitra's sons to eat. Vashishtha hearing of this, became incensed against him", and imposed on his the name of Trisanku as he had committed three sins. On his return home, Vishvamitra was gratified by the support which his wife had received, and offered Trisanku the choice of a boon. When this proposal was made, Trisanku chose the boon of ascending bodily to heaven. All apprehension from the twelve year's drought being now at an end, the muni (Vishvamitra) installed Trisanku in his father's kingdom, and offered sacrifice on his behalf. The mighty Kausika then, in spite of the resistance of the gods and of Vashishtha,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_59 exalted the king alive to heaven."2. As stated in the Harivamsa :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_60 In consequence of the wickedness which had been committed, Indra did not rain for a period of twelve years. At that time Vishvamitra had left his wife and children and gone to practise austerties on the sea-shore. His wife, driven to extremity by want. was on the point of selling her second son for a hundred cows, in order to support the others ; but this arrangement was stopped by the interventions of Satyavrata, who liberated the son when bound, and maintained the family by providing them with the flesh of wild animals ; and according to his father's injunction, consecrated himself for the performance of a silent penance for twelve years."The next episode in which they appear on opposite sides is that of Harishchandra the son of Trisanku. The story is told in the Vishnu Purana and in the Markendeya Purana. This is how the story runs:

"On one occasion, when hunting the king heard a sound of female lamentation which proceeded, it appears, from the sciences who were becoming mastered by the austerely fervid sage Vishvamitra, in a way they had never been before by anyone else ; and were consequently crying out in alarm at his superiority. In fulfilment of his duty as a Kshatriya to defend the weak, and inspired by the god Ganesha, who

had entered into him, Harishchandra exclaimed."What sinner is this who is binding fire in the hem of his garment, while, I, his lord. am present, resplendent with force and fiery vigour?' He shall to-day enter on his long sleep, pierced in all his limbs by arrows, which, by their discharge from my bow, illuminate all the quarters of the firmament."Vishvamitra was provoked by this address. In consequence of his wrath the Sciences instantly perished, and Harishchandra, trembling like the leaf of an Asvattha tree. submissively represented that he had merely done his duty as a king, which he defined as consisting in the bestowl of gifts on eminent Brahmins and other persons of slender means, the protection of the timid, and war against enemies. Vishvamitra hereupon demands a gift as a Brahman intent upon receiving one. The king offers him whatsoever he may ask : Gold, his own son, wife. body, like kingdom, good fortune. The saint first requires the present for the Rajasuya sacrifice. On this being promised, and still more offered, he asks for the empire of the whole earth, including everything but Harishchandra himself, his wife and son. and his virtue which follows its posses or wherever he goes."'Harishchandra joyfully agrees. Vishvamitra then requires him to strip off all his ornaments, to clothe himself in the bark of trees, and to quit the kingdom with his wife Saviya (Taramati) and his son. When he is departing the sage stops him and demands payment of his yet unpaid sacrificial fee. The king replies that he has only the persons of his wife his son, and himself left. Vishvamitra insists that he must nevertheless pay: and that"unfulfilled promises of gifts to Brahmans bring destruction."The unfortunate prince, after being threatened with a curse, engages to make the payment in a month ; and commences his journey with a wife unused to such fatigues, amid the universal lamentations of his subjects. While he lingers, listening to their affectionate remonstrances against his desertion of his kingdom, Vishvamitra, comes up and being incensed at the delay and the King's apparent hesitation, strikes the queen with his staff, as she is dragged on by her husband. Harishchandra then proceeded with his wife and little son to Benares, imagining that this divine city, as the special property of Siva, could not be possessed by any mortal. Here he found the relentless Vishvamitr waiting for him, and ready to press his demand for the payment of his sacrificial gift, even before the expiration of the full period of grace. In this extremity Saivya the queen suggests with a sobbing voice that her husband should sell her. On hearing this proposal Harishchandra swoons, then recovers, utters lamentations, and swoons again, and his

wife, seeing his said condition, swoon also. While they are in a state of unconsciousness, their famished child exclaims in distress,"O father, father, give me bread ; O mother, mother give me food : hunger overpowers me and my tongue is parched."At this moment Vishvamitra returns, and after recalling Harishchandra to consciousness by spinkling water over him, again urges payment of the present. The king again swoons, and is again restored. The sag threatens to curse him if his engagement is not fulfilled by sunset. Being now pressed by his wife, the King agrees to sell her ading, however,"If my voice can utter such a wicked word, I do not what the most inhuman wretches cannot perpetrate."He then goes into the city and in selfacusing language offers his queen for sale as a slave. A rich old Brahman offers to buy her at a price corresponding to her value, to do his household work. Seeing his mother dragged away, the child ran after her, his eyes dimmed with tears, and crying 'mother'. The Brahman purchaser kicked him when he came *up;* but he would not let his mother go, and continued crying 'mother, mother.' The queen then said to the Brahman, ' Be so kind, my master, as to but also this child, as without him I shall prove to thee but a useless purchase. Be thus merciful to me in my wretchedness, unite me with my son, like a cow to her calf."The Brahman agrees:"Take this money and give me the boy."After the Brahman had gone out of sight with his purchases, Vishvamitra again appeared and renewed his demands ; and when the afflicted Harishchanda offered him the small sum he had obtained by the sale of his wife and son, he angrily replied,"If, miserable Kshatriya, thou thinkest this a sacrificial gift befitting my deserts, thou shall soon beheld the transcendent power of my ardent austere fervour, of my spotless Brahmanhood of my terrible majesty, and of my holy study. Harishchandra promises an additional gift, and Vishvamitra allows him the remaining quarter of the day for its liquidation. On the terrified and afflicted prince offering himself for sale, in order to gain the mean of meeting this cruel demand, Dharma (Righteousness) appears in the form of a hideous and offensive Chandala, and agrees to buy him at his own price, large or small. Harishchandra declines such a degrading servitude, and declares that he would rather be consumed by the fire of his persecutor's curse than submit to such a fate. Vishvamitra however again comes on The scene, asks why he does not accept the large sum offered by the Chandala ; and, when he pleads in excuse his descent from the solar race, threatens to fulminate a curse against him if he does not accept that method of meeting his liability. Harishchandra implores that he may be spared this

extreme of degradation, and offers to become Vishvamitra's slave in payment of the residue of his debt; whereupon the sage rejoins,"If thou art my slave, then I sell thee as such to the Chandala for a hundred millions of money."

"The Chandala, delighted, pays down the money, and carries off Harishchandra, bound beaten, confused and afflicted, to his own place of abode. Harishchandra is sent by the Chandala to steal grave clothes in a cemetary and is told that he will receive two-sixths goind to his masters, and one-sixth to the King. In this horrid spot, and in this degrading occupation, he spent in great misery, twelve months, which seemed to him like a hundred years. He then falls asleep and has a series of dreams suggested by the life he had been leading. After he awoke, his wife came to the cemetary to perform the obsequies of their son, who had died from the bite of a serpent. At first the husband and wife did not recognize each other, from the change in appearance which had been brought upon them by their miseries. Harishchandra however, soon discovered from the tenor of her lamentations that it is his wife, and falls into a swoon; as the queen does also when she recognizes her husband. When consciousness returns, they both break out into lamentations, the father bewailing in a touching strain the loss of his son, and the wife the degradation of the King. She then falls on his neck, embraces him, and asks"whether all this is a dream, or a reality, as she is utterly be wildered", and adds, that"if it be a reality, then righteousness is unvailing to those who practise it."After hesitating to devote himself to death on his son's funeral pyre without receiving his master's leave, Harishchandra. resolves to do so, braving all the consequences, and consoling himself with the hopeful anticipation:"If I have given gifts, and offered sacrifices an gratified my religious teachers, then may I be reunited with my son and with thee (my wife) in another world."The queen determines to die in the same manner. When Harishchandra., after placing his son's body on the funeral pile, is meditating on the Lord Shri Narayan krishna, the supreme spirit, all the gods arrive, headed by Dharma (righteousness), and accompanied by Vishvamitra. Dharma entreats the king to desist from his rash intention; and Indra announces to him that he, his wife, and son have conquered heaven by their good works. Amrosia, the antidote of death, and flowers are rained by the god from the sky ; and the king's son is restored to life and the bloom of youth. The king, adorend with celestial clothing and garlands, and the queen, embrace their son. Harishchandra, however declares that he cannot go to heaven till he has received his master the

Chandala's permission, and has paid him a ransom. Dharma then reveals to the king that it was he himself who had miraculously assumed the form of a Chandala. The king next objects that he cannot depart unless his faithful subjects, who are shares in his merits, are allowed to acompany him to heaven, at least for one day. This request is granted by Indra; and after Vishvamitra has inaugurated Rohitasva the king's son to be his successor, Harishchandra, his friends and followers, all ascend in company to heaven. Even after this great consummation, however, Vashishtha, the family-priest of Harishchandra, hearing, at the end of a twelve years' abode in the waters of the Ganges, an account of all that has occured, becomes vehementaly incensed at the humiliation inflicted on the excellent monarch, whose virtues and devotion to the gods and Brahmans he celebrates, declares that his indignation had not been so great roused even when his own hundred sons had been slain by Vishvamitra, and in the following words dooms the latter to be transformed into crane. Wherefore that wicked man, enemy of the Brhmans, smitten by my curse, shall be expelled from the society of intelligent beings, and losing his understanding shall be transformed into a Vaka."Vishvamitra reciprocates the curse, and changes Vashishtha into a bird of the species called Ari. In their new shapes the two have a furious fight. the Ari being of the portentous heiht of two thousand yojanas = 18,000 miles, and the Vaka of 3090 yojanas. The first assail each other with their wings ; then the Vaka smites his antagonist in the same manner, while the Ari strikes with his talons. Falling mountains, overturned by the blasts of wind raised by the flapping of their wings, shake the whole earth, the waters of the ocean overflow, the earth itself, thrown off its perpendicular slopes downwards patala, the lower regions. Many creatures perish by these various convulsions. Attracted by the dire disorder, Brahma arrives, attended by all the gods, on the spot, and command the comptants to desist from their fray. They were too fiercely infuiriated to regard this injunction; but Brahma put an end to the conflict by restoring them to their natural forms, and conselling them to be reconciled.

The next episode in which they came in as opponents is connected with *Ambarish* King of Ayodhya.

[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_61The story relates that Ambarisha was engaged in performing a sacrifice, when Indra carried away the victim. The priest said that this ill-omened event had occurred owing to the king's had administration, and would call for a great expiation, unless a

human victim could be produced. After a long search the royal rishi (Ambarisha) came upon the Brahman-rishi Richika, a descendent of Bhrigu, and asked him to sell one of his sons for a victim, at the price of a hundred thousand cows. Richika answered that he would not sell his eldest son; and his wife added that she would not sell the youngest: eldest sons"she observed,"being generally the favourites of their fathers, and youngest sons of their mothers."The second son, Sunassena, then said that in that case he regarded himself as the one who was to be sold, and desired the king to remove him. The hundred thousand cows, with ten millions of gold pieces and heaps of jewels, were paid down, and Sunassepa carried away. As they were passing through Pushkara Sunassepa beheld his maternal uncle Vishvamitra who was engaged in austerities there with other rishis, threw himself into his arms, and implored his assistance, urging his orphan friendless, and helpless state, as claims on the sage's benevolence.

"Vishvamitra soothed him: and pressed his own sons to offer themselves as victim in the room of Sunassepa. This proposition met with no favour from Madhushyanda and the other sons of the royal hermit, who answered with haughtiness and derision:"How is that thou sacrificest thine own sons, and seekest to rescue those of others? We look upon this as wrong, and like the eating of one's own flesh."The sage was exceedingly wroth at this disregard of his injunction, and doomed his sons to be born in the most degraded classes, like Vashishtha's sons, and to eat dog's flesh, for a thousand years. He then said to Sunassepa : When thou art bound with hallowed cords, decked with a red garland, and annointed with unguents, and fastened to the sacrificial post of Vishnu, then address thyself to Agni, and sing these two divine verses (gathas), at the sacrifice of Ambarisha ; then shalt thou attain the fulfilment."Being furnished with the two gathas, Sunassepa proposed at once to king Ambarisha that they should set out for their destination. When bound at the stake to be immolated, dressed in a red garment,"he celebrated the two gods, Indra and his younger brother (Vishnu), with the excellent verses. The thousand-eyed (Indra) was pleased with the secret hymn, and bestowed long life on Sunassepa."The last episode recorded in which the two appear as opponents is connected with King *Kalmashapada.* The episode is recorded in the Adi Parva of the Mahabharata.

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_62Kalmashapada was a King of the race Ikshvaku. Vishvamitra wished to be employed by him as his officiating

priest; but the king preferred Vashishtha."It happened, however, that the king went out to hunt, and after having killed a large quantity of game, he became very much fatigued, as well as hungry and thirsty. Meeting Saktri, the eldest of Vashishtha's hundred sons, on the road, he ordered him to get out of his way. The priest civilly replied :"The path is mine, 0 King; this is the immemorial law; in all observances the king must cede the way to the Brahman."Neither party would yield, and the dispute waxing warmer, the king struck the muni with his whip. The muni, resorting to the usual expedient of offended sages, by a curse doomed the king to become a man eater."It hapened that at that time enmity existed between Vishvamitra and Vashishtha on account of their respective claims to be priest to Kalmashapada."Vishvamitra had followed the king; and approached while he was disputing with Saktri. Perceiving, however, the son of his rival Vashishtha, Vishvamitra made himself invisible, and passed them, watching his opportunity. The king began to implore Saktri's clemency: but Vishvamitra wishing to prevent their reconciliation, commanded a Rakshasa (a man-devouring demon) to enter into the king. Owing to the conjoint influence of the Brahma-rishi's curse, and Vishvamitra's command, the demon obeyed the injunction. Perceiving that his object was gained, Vishvamitra left things to take their course, and absented himself from the country. The king having happened to meet a hungry Brahman, and sent him, by the hand of his cook (who could procure nothing else), some human flesh to eat, was cursed by him also to the same effect as by Saktri. The curse, being now augmented in force, took effect, and Saktri himself was the first victim, being eaten up by the King. The sarne fate befell all the other sons of Vashishtha at the instigation of Vishvamitra. Perceiving Saktri to be dead, Vishvamitra again and again incited the Rakshasa against the sons of Vashishtha; and accordingly the furious demon devoursed those of his sons who were younger than Saktri as a lion eats up the small beasts of the forest. On hearing of the destruction of his sons by Vishvamitra, Vashishtha supported his affliction, as the great mountain sustains the earth. He meditated his own destruction, but never thought of exterminating the Kausikas. This divine sage hurled himself from the summit of Meru, but fell upon the rocks as if on a heap of cotton. Escaping alive from his fall, he entered a glowing fire in the forest; but the fire, though fiercely blazing, not only failed to burn him, but seemed perfectly cool. He next threw himself into the sea with a heavy stone attached to his neck; but was cast up by the waves on the dry land. He then went home to his hermitage; but seeing it empty and desolate, he.

was again overcome by grief and went out; and seeing the river Vipasa which was swolen by the recent rains and sweeping along many trees torn from its banks, he conceived the design of drowning himself into its water, he accordingly tied himself firmly with cords, and threw himself in, but the river severing his bonds, deposited him unbound (vipasa) on dry land; whence the name of the stream, as imposed by the sage. He afterwards saw and threw himself into the dreadful Satadru (Sutlej), which was full of alligators, etc., and derived its name rushing away in a hundred directions on seeing the Brahman brilliant as fire. In consequence of this he was once more stranded; and seeing he could not kill himself, he went back to his hermitage."There are only particular instances of their general enmity towards each other. This general enmity was of a mortal kind so much so that Vishvamitra wanted even to murder Vashishtha. This is related in the Shalyaparva of the Mahabharata. Says the author of the Mahabharata :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_63There existed a great enmity, arising from rivalry in their austerities, between Vishvamitra and the Brahman rishi Vashishtha. Vashishtha had an extensive hermitage in Sthanutirtha, to the east of which was Vishvamitra's..... These two great ascetics were every day exhibiting intense emulation in regard to their respective austerities. But Vishvamitra, beholding the might of Vashishtha, was the most chagrined; and fell into deep thought. The idea of this sage, constant in duty(!) was the following: 'This river Sarasvati will speedily bring to me on her current the austere Vashishtha, the most eminent of all mutterers of prayers. When that most excellent Brahman has come, I shall most assuredly kill him.`Having thus determined, the divine sage Vishvamitra, his eyes reddened by anger, called to mind the chief of rivers. She being thus the subject of his thoughts, became very anxious, as she knew him to be very powerful and very irascible. Then trembling palid, and with joined hands, the Sarasvati stood before the chief of munis. Like a woman whose husband has been slain, she was greatly distressed; and said to him, 'What shall I do?' The incensed muni replied, 'Bring Vashishtha hither speedily, that I may slay him. 'The lotus-eyed goddess, join ing her hands trembled in great fear, like a creeping plant agitated by the wind"..... Vishvamitra, however, although he saw her condition, repeated his command."The Sarasvati, who knew how sinful was his design, and that the might of Vashishtha was unequalled, went trembling, and in great dread of being cursed by both the sages, to Vashishtha, and told him what his rival had sa.id. Vashishtha seeing her

emaciated, pale, and anxious, spoke thus: 'Deliver thyself, O chief of rivers; carry me unhesitatingly to Vishvamitra, lest he curse thee'. Hearing these words of the merciful sage, the Sarasvati considered how she could act most wisely. She reflected, 'Vashishtha has always shown me great kindness; I must seek his welfare.' Then obsering the Kausika sage praying and sacrificing on her brink, she regarded that as a good opportunity, and swept away the bank by the force of her current. In this way the son of Mitra and Varuna (Vashishtha) was carried down; and while he was bieng borne along, he thus celebrated the river: 'Thou, O Sarasvati, issuest from the lake of Brahma, and pervadest the whole world with thy excellent streams. Residing in the sky, thou dischargest water into the colouds. Thou alone art all waters. By these we study.' 'Thou art nourishment, radiance, fame, perfection, intellect, light. Thou art speech; thou art Svaha; this world is subject to thee. Thou, in fourfold form, dwellest in all creatures '.....

Beholding Vashishtha brought near by the Sarasvati, Vishvamitra searched for a weapon with which to make an end of him. Perceiving his anger, and dreading lest Brahmanicide should ensue, the river promptly carried away Vashishtha in an easterly direction; thus fulfilling the commands of both sages, but eluding Vishvamitra. Seeing Vashishtha so carried away, Vishvamitra, impatient, and enraged by vexation, said to her : ' Since thou, O chief of rivers, hast elued me, and hast receded, roll in waves of blood acceptable to the chief of demons,"(which are fabled to gloat on blood)."The Sarasvati, being thus cursed, flowed for a year in a stream mingled with blood. . . .. Rakshasas came to the place of pilgrimage, where Vashishtha had been swept away, and revealed in drinking to satiety the bloody stream in security, dancing and laughing, as if they had conquered heaven."Some rishis who arrived at the spot some time after were horrified to see the blood-stained water, and the Rakshasas quaffing it, and"made the most strenuous efforts to rescue the Sarasvati."

The foregoing cases relate to individual conflicts between a particular Brahmin and a particular Kshatriya. The cases which follow are cases of class or communal conflicts between Brahmins on the one hand and the Kshatriyas on the other. They are not mere conflicts. Nor is it correct to say that they were like communal riots. They were class wars undertaken by one community with the avowed intention of exterminating the other root and branch. Two such class wars of extermination have been recorded in the Mahabharat. The first is a war of the Haihaya Kshatriyas on the Bhargava Brahmins. It occurred in the reign of the Haihaya King

Kritavirya. The following is the description of this war in the Adiparvan of the Mahabharat.

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_64There was a king named Kritavirya, by whose liberality the Bhrigu, learned in the Vedas, who officiated as his priest, had been greatly enriched with corn, and money. After he had gone to heaven, his descendants were in want of money, and came to beg for a supply from the Bhrigus, of whose wealth they were aware. Some of the latter hid their money under ground, others bestowed it on Brahmans, being afraid of the Kshatriyas, while others again gave these last what they wanted. It happened, however, that a Kshatriya, while digging the ground, discovered some money buried in the house of a Bhrigu. The Kshatriyas then assembled and saw this treasure, and, being incensed, slew in consequence all the Bhrigus, whom they regarded with contempt, down to the children in the womb. The widows, however, fled to the Himalaya mountains. One of them concealed her unborn child in her thigh. The Kshatriyas, hearing of its existence from a Brahmani informant, sought to kill it; but it issued forth from its mother's thigh with lustre, and blinded the persecutors. After wandering about bewildered among the mountains for a time, they humbly supplicated the mother of the child for the restoration of their sight; but she referred them to her wonderful infant Aurva into whom the whole Veda, with its six Vedangas, had entered, as the person who (in retaliation of the slaughter of his relatives) had robbed them or their eye-sight, and who alone could restore it. They accordingly had recourse to him, and their eye-sight was restored. Aurva, however, meditated the destruction of all living creatures, in revenge for the slaughter of the Bhrigus, and entered on a course of austerities which alarmed both gods, asuras, and men; but his progenitors (Pitris) themselves appeared, and sought to turn him from his purpose by saying that they had no desire to be revenged on the Kshatriyas : It was not from weakness that the devout Bhrigus overlooked the massacre perpetrated by the murderous Kshatriyas. When we became distressed by old age, we ourselves desired to be slaughtered by them. The money which was buried by someone in a Bhrigu's house was placed there for the purpose of exciting hatred, by those who wished to provoke the Kshatriyas. For what had we, who were desiring heaven, to do with money?"They add that they hit upon this device because they did not wish to be guilty of suicide, and concluded by calling upon Aurva to restrain his wrath; and abstain from the sin he was meditating,"Destroy not the Kshatriyas, O

son, nor the seven worlds. Suppress thy kindled anger which nullifies the power of austere-fervour."Aurva, however, replies that he cannot allow his threat to remain unexecuted. His anger, unless wreaked upon some other object, will, he says, consume himself. And he argues on grounds of justice, expediency, and duty, against the clemency which his progenitors recommend. He is, however, persuaded by the Pitris to throw the fire of his anger into the sea, where they say it will find exercise in assailing the watery element, and in this way his threat will be fulfilled."The second class war and which was also a war of extermination was declared by the Bhargava Brahmins on the Haihaya Kshatriyas. In this the leader of Bhargava Brahmins was one Parashuram. The story of the birth of Parashuram is described in the Vishnu Purana in the following terms:

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_65Gadhi's daughter Satyavati had been given in marriage to an old Brahman called Richika, of the family of Bhrigu. In order that his wife might bear a son with the qualities of a Brahman, Richika had prepared for her a dish of Charu (rice, barley, and pulse, with butter and milk) for her to eat; and a similar mess for her mother, calculated to make her conceive a son with the character of a warrior. Satyavati's mother, however, persuaded her to exchange messes. She was blamed by her husband on her return home for what she had done. I quote the words of the original:

"Sinful woman, what improper deed is this that thou has done? I beheld thy body of a very terrible appearance. Thou hast certainly eaten the Charu prepared for thy mother. This was wrong. For into that Chari I had infused all the endowments of heriosm, vigour, and roce, whilst into thine I had introduced all these qualities of quietude, knowledge, and patnence which constitute the perfection of a Brahmin. Since thou hast acted in contravention of my design a son shall be born to thee who shall live the dreadful, martial, and murderous life of a Kshatriya and thy mother's offspring shall exhibit the peaceful disposition and conduct of a Brahman."As soon as she had heard this, Satyavati fell down and seized her husband's feet, and said, 'My lord, I have acted from ignorance; show kindness to me, let me not have a son of the sort thou hast described; if thou pleasest, let me have a grandson of that description. `Subsequently she bore Jamadagni, and her mother gave birth to Vishvamitra. Satyavati became the river called Kausiki. Jamadagni wedded Renuka, the daughter of Renu, of the family of Ikshvaku; and on her he begot a son called Parasurama."The following

additional details about Parshuram's family history is given in the Venaparvan of the Mahabharata :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_66Jamadagni and Satyavati had five sons, the youngest of whom was the repubtable Parasurama. By his father's command he kills his mother (who by the indulgence of impure desire, had fallen from her brevious sanctity), after the four elder sons had refused this matricidal offen, and had in consequence been deprived of reason by their father's curse. At Parasurama's desire however, his mother is restored by his father to life, and his brothers to reason; and he himself is absolved from all the guilt of murder; and obtains the boon of invincibility and long life from his father."This second class war took place in the reign of the Haihaya king Arjuna the son of King Kartavirya. To understand it correctly it is necessary to devide it into two parts for there are two stages in it. The trouble began with the Brahmans claiming certain prerogatives and powers exclusively for themselves and King—Arjuna scouting them in most contemptuous terms. As the Anushasanparvan of the Mahbharata puts it.

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_67Then ascending his chariot glorious as the resplendent sun, he exclaimed in the intoxication of his prowess, ' Who is like me in fortitude, courage, fame, heriosm, energy, and vigour?' At the end of this speech a bodiless voice on the sky addressed him: 'Thou knowest not, O fool, that a Brahman is better than a Kshatriya. It is with the help of the Brahman that the Kshatriya rules his subjects. Arjuna answers 'If I am pleased, I can create, or, if displeased, annihilate, living beings; and no Brahman is superior to me in act, thought, or word. The first proposition is that the Brahmans are superior; the second that the Kshatriyas are superior: both of these thou hast stated with their ground, but there is a difference between them. The Brahmans are dependent on the Kshatriyas, and not the Kshatriyas on the Brahmans; and the Kshatriyas on the Brahmans; and the Kshatriyas are eaten up by the Brahmans, who wait upon them and only make the Vedas a pretence. Justice the protection of the people, has its seat in the Kshatriyas. From them the Brahmans derive their livelihood: how then can the latter be superior? I always keep in subjection to myself those Brahmans, the chief of all beings, who subsist on alms, and who have a high opinion of themselves. For truth was apoken by that female the Gayatri in the sky. I shall subdue all those unruly Brahmans clad in hides. No one in the three worlds, god or man can hurl me from my

royal authority; wherefore I am superior to any Brahman."On hearing this Vayu comes and says to Arjuna :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_68Abandon this sinful disposition, and to obeisance to the Brahmans. If thou shalt do them wrong, thy kingdom shall be convulsed. They will subdue thee; those powerful men will humble thee, and expel thee from thy country' The king asks him, 'who art thou? Vayu replies, 'I Vayu, the messenger of the gods, and tell thee what is for thy benefit'. Arjuna rejoins, '*Oh* thou displayest to-day a great warmth of devotion to the Brahmans. But say that a Brahman is like (any other) earth-born creature. Or say that this most excellent Brahman is something like the wind. But fire is like the waters, or the sun, or the sky.' Vayu then adduces various instances in which the superiority of the Brahmins has been mainfested. Arjuna then drops his hostility against the Brahmins and becomes their friend. In the Anushasanparva he is reported to have said :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_69 I live altogether and always for the sake of the Brahmans. I am devoted to the Brahmans, and do obeisance to them continually. And it is through the favour of Dattatreya (A Brahman) that I have obtained all this power and high renown, and that I have practised righteousness."

It is in the second stage that Parashuram comes on the scene and extreminates the Kshatriyas. The story is told in the Shantiparvan in the following terms :

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_70 Being of a meek, pious, kind and charitable turn of mind, the valiant Arjuna thought nothing of the curse; but his sons, who were of an arrogant and barbarous disposition, became the cause of its resulting in his death. Without their father's knowledge they took away Jamadagni's calf; and in consequence Parasurama attacked Arjuna and cut off his arms."His son retaliated by killing Jamadagni. Parashurama incensed at the slaughter of his father, having vowed in consequence to sweep away all Kshatriyas from the earth, seized his weapons; and slaying all the sons and grandsons of Arjuna, with thousands of the Haihayas, he turned the earth into a mass of ensanguined mud. Having thus cleared the earth of Kshatriyas, he became penetrated by deep compassion and retired to the forest. After some thousands of years had elapsed, the hero, naturally irascible, was taunted by Paravsu, the son of Raibhya and grandson of Visvamitra, in a

public assembly in these words: 'Are not these virtuous men, Pratardana and the others, who are assembled at the sacrifice in the city of Yayati,—are they not Kshatriyas? Thou hast failed to execute thy threat, and vainly boastest in the assembly. Thou has withdrawn to the mountain from fear of those valiant Kshatriyas, while the earth has again become overrrun by hundred of their race. `Hearing these words, Rama seized his weapons. The hundreds of Kshatriyas who had before been spared had now grown powerful kings. These, however, Parasurama now slew with their children, and all the numerous infants then unborn as they came into the world. Some, however, were preserved by their mothers."Those who are curious to know the subsequent history of the Kshatriyas might be interested in the following extract from the Adiparvan.

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_71Having one and twenty time swept away all the Kshatriyas from the earth, the son of Jamadagni engaged in austerities on Mahendra the most excellent of mountains. After he had cleared the world of Kshatriyas, their widows came to the Brahmans, praying for offspring. The religious Brahmans, free from any impulse of lust cohabited at the proper seasons with these women, who in consequence became pregnant, and brought forth valiant Kshatriya boys and girls, to continue the Kshatriya stock. Thus was the Kshatriya race virtuously begotten by Brahmans on Kshatriya women, and became multiplied and long-lived, thence arose four castes inferior to the Brahmans."These instances of enmity were accompanied by challenges from one side to the other which shows how high were the tempers running on both sides. The conduct of king Nimi in yoking the Brahmins to his chariot and making them drag it like horses show how determined the Kshatriyas were to humiliate the Brahmans. The challenges uttered by Arjuna Kartavirya against the Brahmins indicates his determination to level them down. The Brahmins on their side were not slow to take up this challenge and send counter challenges to the kshatriyas not to provoke the Brahmins. This is very clear from the way Vayu the messenger or Ambassador of the Brahmins talks to Arjuna Kartivirya after he had issued his challenge to the Brahmans. Vayu tells Arjuna how the Brhmans Atri made sea water saltish by urinating in it, how Dandakas were overthrown by the Brahmans, how the Kshatriyas of the Talajaughas were destroyed by a single Brahmin Aurva; The striking power of the Brahmins is not only superior to that of the Kshatriya it is superior to that of the Devas and Vayu proceeds to tell

Arjuna some of the victories achieved by the Brahmins over the Devas. He tells him how Varuna ran away with Bhadra the daughter of Soma and the wife of the Brahman Utathya of the race of Angiras how Utathya by his curse caused the earth to be dried up and how Varuna as a consequence submitted to Utathya and returned his wife. He tells him how once the *Devas* were conquered by the Asuras and the Danavas, how deprived of all oblations, and stripped of their dignity they came to the earth went to the Brahmin Agastya and applied to him for protection and how Agastya scorched the Danavas from heaven and earth and made him fly to the South and reinstated the Devas in their dominion. He tells Arjuna how once the Adityas were performing a sacrifice and while engaged in it were attached by Danvas called Khalims, who came in ten in thousands to slay them, how the Adityas went to Indra and how Indra himself attached by the Daityas not being able to render help to the Adityas went to the Brahmin Vashishtha for help and how Vashishtha taking mercy on the Adityas saved them by burning the Danavas alive. He next tells Arjuna how the Danavas once fought with the Devas, how by enveloping them in dreadful darkness the Danavas slaughtered the Devas, how the Devas implored the Brahmin Atri to become the moon and dispell the glown around the sun which Atri did thereby saved the Devas from the Danvas. The last episode of Brahmin prowess which Vayu tells Arjuna is how the Brahmin Chyavana compelled Indra to admit the Ashwins to equal rank and drink Soma with them as a token of equality and how when Indra refused he took away both the earth and heaven from them and how he created a Demon Mada and put the Devas including Indra into his mouth and how he compelled Indra to admit the Ashwins to equal rank and drink Soma with them and how Indra ultimately surrendered to Chyavana.

Vayu did not merely recount these exploits of the Brahmins. He did something more. Every time he gave Arjuna an instance of the power of the Brahmins he ended by asking Arjuna pointed questions such as"Can you tell me of any Kshatriya who was superior to him (i.e. the Brahmins hero of the story)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_72" Declare on your part, any Kshatriya who has been superior to him,"Tell me of any Kshatriya superior to Atri."

This class war between the Brahmins and the Kshatriyas must have gone on for ages. In the light of this the attitude of Manu towards this

Class War comes as very strange. Consider the following verses from the Manu Smriti :

IV. 135."Let him who desires prosperity, indeed, never despise a Kshatriya, a snake, and a learned Brahmana, be they ever so feeble."

IV. 136."Because these three, when treated with disrespect, may utterly destroy him; hence a wise man must never despite them."

X. 322."Kshatriyas prosper not without Brahmans, Brahmans prosper not without Kshatriyas; Brahmans and Kshatriyas, being closely united, prosper in this (world) and in the next."Here there is a clear attempt on the part of Manu to close the ranks. Against whom did Manu want the Brahmins and the Kshatriyas to close their ranks? Was this an attempt to forget and forgive or was the motive to combine them in a conspiracy to achieve some unholy purpose. What were the circumstances that forced Manu to advise the Brahmins to forget their age old enmity with Kshatriyas and seek the helping hand? The circumstances, must have been very hard and very pressing. For there was no room left for a reapproachment between the two. The Brahmins had hurled a terrible insult against the Kshatriyas and had wounded their price by saying quite openly that the Kshatriyas were the illegitimate children of Brahmins begotten by them on Kshatriya widows. The next offensive thing that the Brahmins had done to wound the feelings of the Kshatriyas was to extract from the latter a confession that the Brahmins were superior to the Kshatriyas in military prowess and had made Bhishma say :

""The prowess of the Brahmans can destroy even the gods. Those wise beings beholdall these worlds. To them it is indifferent whether they are perfumed with sandal wood or deformed with mire, whether they eat or fast, whether they are clad in silk, or in sack cloth or skins. They can turn what is not divine into what is divine, and the converse; and can in their anger create other worlds with their guardians. They are the gods of the gods; and the cause of the cause. The ignorant Brahman is a god, whilst a learned Brahman is yet more a god, like the full ocean."

All this makes this sudden climb down by the Brahmins, this stoping down to win over the Kshatriyas very mysterious. What can be the key to this mystery?

CHAPTER 12
Shudras and the Counter-Revolution

This is a 21-page foolscap typed manuscript. The cover page is having a title 'Shudras and the Counter-Revolution' and the text on next page starts with the same title. All these pages were loose and tagged together. Unfortunately, only 21 pages are available and the latter pages seem to be lost.— Editors.

The laws of Manu relating to the Status of the Shudra make a very interesting reading for the simple reason that they have moulded thed psychology of the Hindus and determined their attitude towards the Shudras who forms at the present and at all times the most numerous part of Hindu society. They are set out below under separate heads so that it may be possible for the reader to have a complete idea of the status given by Manu to the Community of Shudras.

Manu asks the householders of the Brahmana, Kshatriya and Vaishya Class :

IV. 61. Let him not dwell in a country where the rulers are Shudra. A Shudra is not to be deemed as a respectable person. For Manu enacts that:

XI. 24. A Brahmin shall never beg from a Shudra property for (performing) a sacrifice i.e. for religious purpose. All marriage ties with the Shudra were proscribed. Marriage with a woman belonging to any of the three other classes was forbidden. A Shudra was not to have any connection with a woman of the higher classes and an act of adultery committed by a Shudra with her was declared by manu to be an offence involving capital punishment.

VIII. 374. A Shudra who has an intercourse with a woman of the higher caste guardedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_73 or unguarded, shall be punished in the following manner :

If she was unguarded, he loses the offending part. If she was guarded then he should be put to death and his property confiscated.

As to office Manu prescribes.

VIII. 20. A Brahmana who is only a Brahmana by decent i.e. one who has neither studied nor performed any other act required by the Vedas may, at the king's pleasure, interpret the law to him i.e. act as the Judge, but never a Shudra (however learned he may be).

VIII. 21. The kingdom of that monarch who looks on while a Shudra settles the law will sink low like a cow in a morass.

VIII. 272. If a Shudra arrogantly presumes to preach religion to Brahmins the King shall have poured burning oil in his mouth and oars.

In the matter of acquiring learning the knowledge Manu ordains as follows :

III. 156. He who instructs Shudra pupils and he whose teacher is a Shudra shall become disqualified for being invited to a Shudra.

IV. 99. He must never read the Vedas. . . . . in the presece of the Shudras.

Manu's successors went much beyond him in the cruelty of their punishment of the Shudra for studying the Veda. For instance Katyayana lays down that if a Shudra overheard the Veda or ventured to utter a word of the Veda the King shall cut his tongue in twain and pour hot molten lead in his ears. As to right to property by the Shudra Manu enjoins as follows :

X. 129. No superfluous collection of wealth must be made by a Shudra, even though he has power to make it, since a servile man, who has amassed riches, becomes proud, and, by his insolence or neglect, gives pain to Brahmans.

VIII. 417. A Brahmanas may seize without hesitation if he be in distress for his subsistence, the goods of his Shudra. The Shudra can have only one occupation. This is one of the inexhorable Laws of Manu. Says Manu :

1. 91. One occupation only, the Lord prescribed to the Shudra, to serve meekly these other three castes (namely Brahmin, Kshatriya and Vaishyas).

X. 121. If a Shudra, (unable to subsist by serving Brahmans) seeks a livelihood, he may serve Kshatriyas, or he may also seek to maintain himself by attending on a wealthy Vaisya.

X. 122. But let (Shudra) serve Brahmans, either for the sake of heaven, or with a view to both (this life and the next); for he who is called the servant of a Brahmana thereby gains all his ends.

X. 123. The service of Brahmanas alone is declared (to be) an excellent occupation for a Shudra for whatever else besides this he may perform will bear him no fruit. Service by Shudra is not left by Manu to be regulated as a free contract. If the Shudra refuses to serve there is a provision for conscription which runs as follows :

VIII. 413. A Brahmana may compel a Shudra, whether bought or unbought to do servile work; for he is created by the creator to be the slave of a Brahmana.

X. 124. They must allot to him out of their own family (property) a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to suport.

X. 125. The remnants of their food must be given to him, as well as their old household furniture.

A Shudra is required by Manu to be servile in his speech and manner towards the other classes.

VIII. 270. A Shudra who insults a twice-born man with gross invective, shall have his tongue cut out; for he is of low origin.

VIII. 271. If he mentions the names and castes of the (twice-born) with contumely, an iron nail, ten fingers long, shall be thrust red hot into his mouth.

Manu is not satisfied with this. He wants this servile status of the Shudra to be expressed in the names and surnames of persons belonging to that community. Manu says :

II. 31. Let the first part of a Brahman's name denote something auspicious, a Kshatriya's be connected with power and a Vaishya's with wealth, but a Shudra's, express something contemptible.

II. 32. The second part of a Brahman's name shall be a word implying happiness; of a Kshatriya's word implying protection; of a Vaishya's a term expressive of thriving and of a Shudra's an expression denoting services.

What was the position of the Shudra before Manu? Manu treats the Shudra as though he was an alien Non-Aryan not entitled to the social and religious privileges of the Aryan. Unfortunately the view that the Shudra was a Non-Aryan is too readily accepted by the generality of the people. But there can be no doubt that this view has not the slightest foundation in the literature of the ancient Aryans.

Reading the Religious literature of the ancient Aryans one comes across the names of various communities and groups of people. There were first of all the Aryans with their fourfold divisions of Brahmins, Kshatriyas, Vaishyas and Shudras. Besides them and apart from them there were *(i)* Asuras *(ii)* Suras or Devas (iii)Yakshas *(iv)* Gandharvas *(v)* Kinnars *(vi)* Charanas *(vii)* Ashvins and *(viii)* Nishadas. The Nishadas were a jungle people primitive and uncivilized. The Gandharvas, Yakshas, Kinnars, Charanas and Ashvins were professional classes and not communities. The word Asura is generic name given to various tribes known by their tribal names of Daityas, Danavas, Dasyus, Kalananjas, Kaleyyas, Kalins, Nagas, Nivata-Kavachas, Paulomas, Pishachas and Raxasas. We do not know if the Suras and Devas were composed of various tribes as the Asuras were. We only know the leaders of the Deva Community. The well known amongst them were Brahma, Vishnu Rudra, Surya, Indra, Varuna, Soma etc.

Due mostly to the ignorant interpretations of Sayanacharya some very curious beliefs prevail even among the best informed people about these communities namely the Aryans, the Asuras and the Devas and their inter-relation and their consanguinity. It is believed that the Asuras were not a human species at all. They are held to have been ghosts and goblins who plagued the Aryans with their nocturnal visitations. The Suras or Devas are understood to be poetic deifications of nature's forces. With regard to the Aryans the belief is that they were a fair race with sharp nose and had a great deal of colour prejudice. As to the Dasyus it is asserted that a Dasyu is only another name for a Shudra. The Shudras it is said formed the aboriginals of India. They were dark and flat nosed. The Aryans who invaded India conquered them and made them slaves and as a badge of slavery gave them the name Dasyu which it is said comes from the word Dasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_74 which means a slave.

Every one of these beliefs is unfounded. The Asuras and Suras were communities of human beings as the Aryans were. The Asuras and Suras were descended from a common father Kashapa. The story is that Daksha Prajapati had 60 daughters, of them thirteen were given in marriage to Kashapa. Diti and Aditi were two among the 13 of Kashapa's wives. Those born to Diti were called Asuras and those born to Aditi were called Suras or Devas. The two faught a long and a bloody battle for the soverignty of the world. This no doubt is mythology and mythology though it is history in hyperbole is still history.

The Aryans were not a race. The Aryans were a collection of people. The cement that held them together was their interest in the maintenance of a type of culture called Aryan culture. Any one who accepted the Aryan culture was an Aryan. Not being a race there was no fixed type of colour and physiognomy which could be called Aryan. There was no dark and flat nose people for the Aryans to distinguish themselves frommk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_75 The whole of this edifice of colour prejudice as being factors for division and antagonism between Aryans and the Dasyus is based upon a wrong meaning given to the two words *Varna* and *Anas* which are used with reference to the Dasyus. The word Varna is taken to mean colour and the word *Anas* is taken to mean without nose. Both these meanings are erroneous. Varna means Caste or group and *Anas* if read as An-As means uncultivated speech. That statement that the Aryans had a colour prejudice which

determined their social order is arrant nonsense. If there were any people who were devoid of colour prejudice it is the Aryans and that is because there was no dominant colour to distinguish themselves.

It is wrong to say that the Dasyus were non-Aryans by race. The Dasyus were not a pre-Aryan race of aboriginals of India. The Dasyus were members of the Aryan community who were deprived of the title of Arya for opposing some belief or cult which was an essential part of the Aryan Culture. How this belief that the Dasyus were Non-Aryans by race could have arisen it is difficult to understand. In the Rig Veda (X. 49) Indra says :"I (Indra) have killed with my thuderbolt for the good of the man, known as Kavi. I have protected Kupa by adopting means of protection. I took up the thunderbolt for killing Susna. I *have deprived the Dasyus of the appellation of Arya."*

Nothing can be more positive and definite than this statement of Indra that the Dasyus were Aryans. Further and better proof of this fact can be had in the impeachment of Indra for the various atrocities he had committed. In the list of atrocities for which Indra was impeached there was one charge namely the killing of Vratra. Vratra was the leader of the Dasyus. It is unthinkable that such a charge could be framed against Indra if the Dasyus were not Aryans.

It is erroneous to believe that the Shudras were conquered by the Aryan invaders. In the first place the story that the Aryans came from outside India and invaded the natives has no evidence to support it. There is a large body of evidence that India is the home of the Aryans. In the second place there is no evidence anywhere of any wa.rfare having taken place between Aryans and Dasyus but the Dasyus have nothing to do with the Shudras. In the third place it is difficult to believe that the Aryans were a powerful people capable of much military prowess. Any one who reads the history of the Aryans in India in their relation to the Devas will be reminded of the relationship that subsisted between the Viellens and their lords during the feudal times. The Devas were the feudal lords and the Aryans were the Villens. The innumerable sacrifices which the Aryans performed have the look of fudal dues paid to the Deva. This servility of the Aryans to the Devas was due to the fact that without the help and the protection of the Devas they could not withstand the assualts of the Asuras. It is too much to presume that so effete a people could have conquered the Shudras. Lastly there was no necessity to conquer the Shudra. Thy were Aryans in the only sense in which the word Aryan is used, namely, the upholders of the Aryans Culture. Two things are clear about the Shudras. Nobody has ever

contended that they were dark and flat nosed. Nobody has contended that they were defeated or enslaved by the Aryans. It is wrong to treat the Dasyus and Shudras as one and the same. As a people they may be the same. But culturally they were quite different.The Dasyus were Non-Aryans in the sense they had fallen away and rebelled against the Aryan culture. The Shudras on the other hand were Aryans i.e. they were believers in the Aryan way of life. The Shudra was accepted as an Aryan and as late as Kautilya's Artha Shastra was addressed an Arya.

The Shudra was an intergral, natural and valued member of the Aryan Society is proved by a prayer which is found in the Yajur Vedamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_76 and which is offered by the Sacrificer. It runs as follows :"..... 0 Gods

Give lustre to our holy priests, set lustre in our ruling chiefs, Lustre to Vaisyas, Sudras : Give, through lustre; Lustre unto me."It is a remarkable prayer, remarkable because it shows that the Shudra was a member of the Aryan Community and was also a respected member of it.

That the Shudras were invited to be present at the coronation of the King along with Brahmins, Kshatriyas and Vaishyas is proved by the description given in the Mahabharata of the coronation of Yudhisthira the eldest brother of the Pandavas. Shudra took part in the consecration of the King. According to ancient writer called Nilkantha speaking of the coronation ceremony expressly says :"that the four chief Ministers, Brahmin, Kshatriya, Vaishya and Shudra consecra.ted the new king. Then the leaders of each Varna and by the Castes lower still consecrated him with the holy water. Then followed acclamation by the twice-born. In the post-vedic period preceding Manu there was group of the representatives of the people called the Ratnis. The Ratnis played a significant part in the investiture of the King. The Ratnis were so called because they held the Ratna (jewel) which was a symbol of sovereignty. The king received his sovereignty only when the Ratnis handed over to him the jewel of sovereignty and on receiving his sovereignty the King went to the house of each of the Ratnis and made an offering to him. It is a significant fact that the Shudra was one of the Ratnis.

Shudras were members of the two political Assemblies of ancient times namely the Janapada and Paura and as a member of this he was entitled to special respect even from a Brahmin. That the Shudra in the Ancient Aryan Society had reached a high political status is indisputable. They could become ministers of State. The Mahabharat bears testimony

to this. Enumerating the different classes of ministers within his memory the writer of the Mahabharata mentions a listmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_77 of 37 Ministers of whom four are Brahmins, eight Kshatriyas, twenty one Vaishyas, three Shudras and one Suta.

Shudras did not stop with being ministers of State. They even became Kings. The story of Shudras which is given in the Rig Veda stands in cruel contrast with the views expressed by Manu regarding the eligibility of the Shudra to be a King. The reign of Sudas if referred to at all is referred only in connection with the terrible contest between Vashishtha and Vishvamitra as to who should become the purohit or Royal priest of King Sudas. The issue involved in the contest was as to the right to officiate as the Purohit or the King. Vashishtha who was a Brahmin and who was already an officiating priest of Sudas claimed that a Brahmin alone could become the Purohit of a King while Vishvamitra who was a Kshatriya contended that a Kshatriya was competent for that office. Vishvamitra succeeded and in his turn became the Purohit of Sudas. The contest is indeed memorable because the issue involved in it is very crucial although the result has not been a permanent deprivation of the Brahmins. But there can be no doubt the story is probably the best piece of social history that is to be found in the ancient literature. Unfortunately nobody has taken serious notice of it. Nobody has even asked who this King was. Sudas was the son of Paijavana and Paijavana is the son of Devodas who was the King of Kasi i.e. Benares. What was the Varna of Sudas? Few would believe if they were told that King Sudas was a Shudra. But that is a fact and it can be proved by the testimony of the Mahabharatamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_78 where in the Santipurva a reference is made to this *Paijavana*. It is stated that Paijavana was a Shudra. In the light of this the story of Sudas sheds new light on the status of the Shudra in the Aryan Society. It shows that a Shudra could be a reigning monarch. It also shows that both the Brahmins and the Kshatriyas not only saw no humiliation in serving a Shudra King but they with each other to secure his patronage and were ready to perform vedic ceremonies at his house.

It cannot be said that there were no Shudra Kings in later times. On the contrary history shows that the two dynasties which preceded Manu were dynasties of Shudras Kings. The Nandas who ruled from B.C.413

to B.C. 322mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_79 were Shudras. The mauryas who succeded the Nandas and who ruled from 322 B.C, to 183 B.C.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_80 were also Shudras. What more glaring piece of evidence can there be to show the high dignity enjoyed by the Shudra than to point to the case of Asoka who was not merely the Emperor of India but a Shudra and his Empire was the Empire built by the Shudras.

On the question of the right of the Shudra to study the Vedas a reference may be made to the Chhandogya Upanished (V. 1.2). It relates the story of one Janasruti to whom Veda Vidya was taught by the preceptor Raikva. This Janasruti was a Shudra. This story if it is a genuine story leaves no doubt that there was a time when there was no bar against the Shudra in the matter of studying the Vedas.

Not only was Shudra free to study the Vedas but there were Shudras who had reached the status of Rishis and has been composers of the Hymns of the Vedas. The story of the Rishi Kavasha Aliushamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_81 is very illuminating. He was a Rishi and the author of several hymns of the Tenth Book of the Rig-Veda.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_82

On the question of the spiritual eligibility of the Shudra to perform the Vedic ceremonies and sacrifies the following data may be presented. Jaiminmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_83 the author of the Purva Mimansa mentions an ancient teacher by name Badari—whose work is lost as an exponent of the view that even Shudra could perform Vedic sacrifices. The Bharadvaja Srauta Sutra (v. 28) admits that there exists another school of thought which holds that a Sudra can consecrate the three sacred fires necessary for the performance of a Vedic Sacrifice. Similarly the Commentator of the Katyayana Srauta Sutra (I & 5) admits that there are certain Vedic texts which lead o the inference that the Shudra was eligible to perform Vedic rites. In the Satpath Brahmana (1. 1.4.12) there is enunciated a rule of etiquette which the priest officiating at the performance of a sacrifice is required to observe. It relates to the mode in which the priest should address the Haviskut (the person celebrating the sacrifice) calling upon him to begin the ceremony. The rule says:

"Now there are four different forms of this call, viz. 'Come hither' (Ehi) in the case of a Brahmana; 'approach' (Agahi) and 'hasten hither' (Adarva) in the case of a Vaishya and a member of the Military caste and 'run hither' (Adhava) in that of a Shudra."In the Satpatha Brahmanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_84 there is evidence to show that the Shudra was eligible to perform the Soma Yaga and to partake of the divine drink Soma. It says that in the Soma Yaga in place of a 'payovrata' (vow to drink milk only) Mastu (whey) is prescirbed for the Shudra. In another place the same Satapatha Brahmanamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_85says :

"There are four classes, the Brahmin, Rajanya, Vaishya and Sudra. There is no one of these who dislikes Soma. If any one of them however should do so, let there be an atonment."This means that the drinking of Soma was not only permissible but it was compulsory on all including the Shudra. But in the story of the Ashvins there is definite evidence that the Shudra had a right to the divine drink of Soma. The Ashvins as the storymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_86 goes once happened to behold Sukanya when she had just bathed and when her person was bare. She was young girl married to a Rishi by name Chyavana who at the time of marriage was so old as to be dying almost any day. The Ashvins were captivated by the beauty of Sukanya and said"accept one of us for your husband, it behoveth thee not to spend thy youth fruitlessly."

She refused saying"I am devoted to my husband."They again spoke to her and this time proposed a bargain—"We two are the celestial physicians of note. We will make thy husband young and graceful. Do thou then select one of us as thy husband."She went to her husband and communicated to him the terms of the bargain. Chyavana said to Sukanya"Do thou so"and the bargain was carried out and Chyavana was made a young man by the Ashwins. Subsequently a question arose whether the Ashwins were entitled to Soma which was the drink of the Gods. Indra objected saying that the Ashwins were Shudras and therefore not entitled to Soma. Chyavana who had received perpetual youth from the Ashwins set aside the contention and compelled Indra to give them Soma.

All these provisions can have no meaning unless the Shudra was in fact performing the Vedic ceremonies to which they relate—there is

evidence to show that a Shudra woman took part in the Vedic sacrifice known as the Ashwamedha.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_87

With regard to the Upanayana ceremony and the right to wear the sacred thread there is nowhere an express prohibition against the Shudra. On the other hand in the Sansakara Ganapati there is an express provision declaring the Shudra to be eligible for Upanayan.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_88 The Shudra though belonging to a lower class was nonetheless a free citizen in days before Manu cannot be gainsaid. Consider the following provisions in Kautilya's Artha Shastra :

"The selling or mortgaging by kinsmen of the life of a Sudra who is not a born slave, and has not attained majority, but is an Arya in birth shall be punished with a fine of 2 panas."

"Deceiving a slave of his money or depriving him of the privileges he can exercise as an Arya (Aryabhava), shall be punished with half the fine (levied for enslaving the life of an Arya)."

"Failure to set a slave at liberty on the receipt of a required amount of ransom shall be punished with a fine of 12 panas; putting a slave under confinement for no reason (samrodhaschakaranat) shall likewise be punished.

"The offspring of a man who has sold himself off as a slave shall be an Arya. A slave shall be entitled without prejudice to his master's work but also the inheritance he has received from his father."

Why did Manu suppress the Shudra?

This riddle of the Shudra is not a simple riddle. It is a complex one. The Aryans were for ever attempting to Aryanize the Non-Aryans i.e. bringing them within the pale of the Aryan Culture. So keen were the Aryans on Aryanization that they had developed a religious ceremony for the mass conversion of the Non-Aryans. The ceremony was called Vratya-stoma. Speaking of the Vratya-Stoma Mahamahopadhyaya Haraprasad Shastri says :

"The ceremony by which these Vratyas were purified, and which is described in the Pancavimsa Brahmana differed at least in one particular from other great ceremonies of the Vedic times, namely, while other ceremonies had only one sacrificer and his wife in the hall of sacrifice, this ceremony had thousands of sacrificers. One of them, the wisest, the richest or the most powerful acted as Grahapati or Patriarch and the rest

simply followed him. The Grahapati had to pay a higher Daksina or fee than the rest."

"I consider this to be a device by which thousands and thousands of Vratyas were admitted to the society of the Rsis by one ceremony, and such ceremonies were of frequent occurrence, thus admitting hordes after hordes of nomadic Aryans into settled habits. The purified Vratyas were not allowed to bring their possessions in Vratya life with them in settled life. They had to leave them to those who remained Vratyas still or do the so-called Brahmins of the Magadha-desa, which, as I have elsewhere shown, was mostly inhabited by men whom the Rsis looked down upon."

"But when the Vratyas were admitted to settled life, they were admitted as fully equals. The Rsis used to eat food cooked by them, and they used to eat food cooked by the Ris. They were taught all the three Vidyas, Sama, Rk, and Yajus, and they were allowed to study the Vedas, and teach them, and to sacrifice for themselves and for others, that is, they were considered as fully equal. Not only were they treated as fully equal but they attained the highest proficiency of a Rsi. Samans were revealed to them, and even Rks. One of the purified Vratyas, Kausitaki was allowed to collect Brahmans of the Rig-Veda, which collection still goes under his name."

The Aryans were not only converting to their way of life the willing non-Aryans they were also attempting to make converts from among the unwilling Asuras who were opposed to the Aryans, their cult of sacrifice, their theory of Chaturvarna and even to their Vedas which according to the mythology the Asuras stole away from the Aryas. The story of Vishnu rescuing Pralhad by killing his father the Asura called Hiranya Kashapu on the ground that Pralhad was willing to be converted to the Aryan Culture while Hiranya Kashapu was opposed to it is an illustration in point. Here are instances of Non-Aryans being naturalized and enfranchized. Why was an opposite attitude taken against the Shudra? Why was the Shudra fully naturalized and fully enfranchized, denaturalized and disfranchized?

The treatment given to the *Nishadas* gives a point to this riddle which should not be overlooked. The Ancient Sanskrit Literature is full of reference to the five tribes. They are described under various appellationsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_89 such as Panch-Krishtayah, Panch-Kshitayah, Panch-Kshityas Manushyah, Panch-Charshanayah, Panch-Janah, Panchi-janya viz., Pancha-Bhuma, Panchajata. There is a

difference of opinion as to what these terms denote. Sayanacharya the Commentator of Rig Veda says that these expressions refer to the four Varnas and the Nishads. The Vishnu Purana gives the following story about the Nishads :

"7. The Maiden named Sunitha, who was the first born of Mrityu (Death) was given as wife to Anga; and of her Vena was born."

8. This son of Mrityu's daughter, infected with the taint of his maternal grandfather, was born corrupt, as if by nature.

9. When Vena was inaugurated as king by the eminent rishis, he caused this proclamation to be made on the earth;"Men must not sacrifice, or give gifts, or present oblations. Who else but myself is the enjoyer of sacrifices? I am for ever the lord of offerings.'

10. Then all the rishis approaching the king with respectful salutations, said to him in a gentle and conciliatory tone :

11.' Hear, O King, what we have to say :

12. We shall worship Hari, the monarch of the Gods, and the lord of all sacrifices with a Dirghasattra (prolonged sacrifice), from which the highest benefits will accrue to your kingdom, your person and your subjects. May blessing rest upon you? You shall have a share in the ceremony.

13. Vishnu the Lord of sacrifices Male, being propitiated by us with this rite, will grant all the objects of your desire. Hari, the Lord of Sacrifices, bestows on those kings in whose country he is honoured with oblation everything that they wish."Vena replied :"What other being is superior to me? Who else but I should be adored? Who is this person called Hari, whom you regard as the Lord of sacrifice? Brahma Janardana, Rudra, lndra, Vayu, Yama, Ravi (the Sun) Agni, Varuna, Dhatri, Pushan, Earth, the Moon,— these and the other gods who curse and bless are all present in king's person: for he is composed of all the gods. Knowing this. ye must act in conformity with my commands. Brahmans ye must neither give gifts, nor present oblations nor sacrifices.

14. As obedience to their husbands is esteemed the highest duty of women, so is the observance of my orders incumbent upon you."The Rishis answered. ' Give permission great kings: let not religion perish: this whole world is but a modified form of oblations.

15. When religion perishes the whole world is destroyed with it, When Vena although thus admonished and repeatedly addressed by the eminent rishis, did not give his permission, then all the munis, filled with wrath and indignation, cried out to one another,"Slay, slay the sinner."

16. This man of degraded life, who blasphemes the sacrified Male, the god, the Lord without beginning or end, is not fit to be lord of the earth.' So saying the munis smote with blades of kusa grass consecrated by texts this king who had been already smitten by his blasphemy of the divine being and his other offences. The munis afterwards beheld dust all round, and asked the people who were standing near what that was.

17. They were informed:"In this country which has no king, the people being distressed, have become robbers, and have begun to seize the property of others.

18. It is from these robbers rushing impetuously, and plundering other men's goods, that this great dust is seen?"Then all the munis, consulting together, rubbed with force the thigh of the king, who was childless, in order to produce a son. From his thigh when rubbed there was produced a man like a charred log, with flat face, and extremely short.

19."What shall I do,"cried the man, in distress, to the Brahmans. They said to him,"Sit down (nishida); and from this he became a Nishada.

20. From his sprang the Nishadas dwelling in the Vindhya mountains, distinguished by their wicked deeds.

21. By this means the sin of the king departed out of him; and so were the Nishads produced, the offspring of the wickedness of Vena."

This is a mythological origin of the Nishads. But it conta.ins historical facts. It proves that the Nishads were a low, primitive jungle tribe living in the forests of the Vindhya mountains, that they were a wicked people i.e. opposed to the Aryan Culture. They invented a mythology for explaining their origin and connecting them with the Aryan Society. All this was done in order to support the inclusion of the Nishads into the Aryan fold though not in the Aryan Society. Now there is nowhere any sort of disabilities imposed upon Nishads a low, uncivilized and foreign tribe. Question is why were the disabilities imposed upon the Shudra, who was civilized and an Arya?

CHAPTER 13
The Woman and the Counter-Revolution

There is one copy with a title 'The Woman and the Counter-Revolution '. There is another copy of the same text with a title, ' The Riddle of the Woman '. The Editorial Board felt that this essay would be appropriate in this Volume rather than in the volume of Riddles in Hinduism '.—Editors.

Manu can hardly be said to be more tender to women than he was to the Shudra. He starts with a low opinion of women. Manu proclaims :

II. 213. It is the nature of women to seduce men in this (world): for that reason the wise are never unguarded in (the company of) females.

II. 214. For women are able to lead astray in (this) world not only a fool, but even a learned man, and (to make) him a slave of desire and anger.

II. 215. One should not sit in a lonely place with one's mother, sister or daughter; for the senses are powerful, and master even a learned man.

IX. 14. Women do not care for beauty, nor is their attention fixed on age; (thinking); '(It is enough that) he is a man', they give themselves to the handsome and to the ugly.

IX. 15. Through their passion for men, through their mutable temper, through their natural heartlessness, they become disloyal towards their husbands, however, carefully they may be guarded in this (world).

IX. 16. Knowing their disposition, which the Lord of creatures laid in them at the creation, to be such, (every) man should most strenuously exert himself to guard them.

IX. 17. (When creating them) Manu allotted to women (a love of their) bed, (of their) seat and (of) ornament, impure desires, wrath, dishonesty, malice, and bad conduct.

The laws of Manu against women are of a piece with this view. Women are not to be free under any circumstances. In the opinion of Manu:

IX. 2. Day and night women must be kept in dependence by the males (of their families), and, if they attach themselves to sexual enjoyments, they must be kept under one's control.

IX. 3. Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never fit for independence.

IX. 5. Women must particularly be guarded against evil inclinations, however trifling (they may appear); for, if they are not guarded, they will bring sorrow on two families.

IX. 6. Considering that the highest duty of all castes, even weak husbands (must) strive to guard their wives.

IV. 147. By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house.

V. 148. In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent.

V. 149. She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both (her own and

her husband's) families contemptible. Woman is not to have a right to divorce.

IX. 45. The husband is declared to be one with the wife, which means that there could be no separation once a woman is married. Many Hindus stop here as though this is the whole story regarding Manu's law of divorce and keep on idolizing it by comforting their conscience by holding out the view that Manu regarded marriag,e as sacrament and therefore, did not allow divorce. This of course is far from the truth. His law against divorce had a very different motive. It was not to tie up a man to a woman but it was to tie up the woman to a man and to leave the man free.

For Manu does not prevent a man from giving; up his wife. Indeed he not only allows him to abandon his wife but he also permits him to sell her. But what he does is to prevent the wife from becoming free. See what Manu says:

IX. 46. Neither by sale nor by repudiation is a wife released from her husband.

The meaning is that a wife, sold or repudiated by her husband, can never become the legitimate wife of another who may have bought or received her after she was repudiated. If this is not monstrous nothing can be. But Manu was not worried by consideration of justice or injustice of his law. He wanted to deprive woman of the freedom she had under the Buddhistic regime. He knew that by her misuse of her liberty, by her willingness to marry the Shudra the system of the gradation of the Varna had been destroyed. Manu was outraged by her license and in putting a stop to it he deprived her of her liberty.

A wife was reduced by manu to the level of a slave in the matter of property.

IX. 416. A wife, a son, and a slave, these three are declared to have no property; the wealth which they earn is (acquired) for him to whom they belong.

When she becomes a widow Manu allows her maintenance, if her husband was joint, and a widow's estate in the property of her husband, if he was separate from his family. But Manu never allows her to have any dominion over property.

A woman under the laws of Manu is subject to corporal punishment and Manu allows the husband the right to beat his wife.

VIII. 299. A wife, a son, a slave, a pupil and a younger brother of full blood, who have committed faults, may be beaten with a rope or a split

bamboo. In other matters woman was reduced by Manu to the same position as the Shudra.

The study of the Veda was forbidden to her by Manu as it was to the Shudra.

II. 66. Even for a woman the performance of the *Sanskaras* are necessary and they should be performed. But they should be performed without uttering the Veda Mantras.

IX. 18. Women have no right to study the Vedas. That is why their Sanskars are performed without Veda Mantras. Women have no knowledge of religion because they have no right to know the Vedas. The uttering of the Veda Mantras is useful for removing sin. As women cannot utter the Veda Mantras they are as unclean as untruth is.

Offering sacrifices according to Brahmanism formed the very soul of religion. Yet Manu will not allow women to perform them. Manu ordains that :

XI. 36. A woman shall not perform the daily sacrifices prescribed by the Vedas.

XI, 37, If she does it she will go to hell.

To disable her from performing such sacrifices Manu prevents her from getting the aid and services of a Brahmin priest.

IV. 205. A Brahman must never eat food given at a sacrifice performed by a woman.

IV. 206. Sacrifices performed by women are inauspicious and not acceptable to God. They should therefore be avoided. Woman was not to have any intellectual persuits nor free will, nor freedom of thought. She was not to join any heretical sect such as Buddhism. If she continues to adhere to it till death she is not to be given the libation of water as is done in the case of all dead.

Finally a word regarding the ideal of life, Manu has sought to place before a woman. It had better be stated in his own words :

V. 151. Him to whom her father may give her, or her brother with the father's permission, she shall obey as long as he lives and when he is dead, she must not insult his memory.

V. 154. Though destitute or virtue, or seeking pleasure elsewhere, or devoid of good qualities, yet a husband must be constantly worshipped as a god by a faithful wife.

V. 155. No sacrifice, no vow, no fast must be performed by women, apart from their husbands; if a wife obeys her husband, she will for that reason alone be exalted in heaven. Then comes the choicest texts which

forms the pith and the marrow of this ideal which Manu prescribes for women:

V. 153. The husband who wedded her with sacred Mantras, is always a source of happiness to his wife, both in season and out of season, in this world and in the next.

V. 150. She must always be cheerful, clever in the management of her household affairs, careful in cleaning her utensils, and economical in expenditure.

This the Hindus regard as a very lofty ideal for a woman! Compare with this the position of the woman before the days of Manu.

That a woman was entitled to Upanayan is clear from the Atharva Veda where a girl is spoken of as being eligible for marriage having finished her Brahmacharya. From the Shrauta Sutras it is clear that women could repeat the Mantras of the Vedas and that women were taught to read the Vedas. Panini's Ashtaadhyai bears testimony to the fact that women attended Gurukul and studied the various Shakhas of the Veda and became expert in Mimansa. Patanjali's Maha Bhashya shows that women were teachers and taught Vedas to girl students. The stories of women entering into public discussions with men on most abstruse subjects of religion, philosophy and metaphysics are by no means few. The story of public disputation between Janaka and Sulbha, between Yajnavalkya and Gargi, between Yajnavalkya and Maitrei and between Shankaracharya and Vidyadhari shows that Indian women in pre-Manu's time could rise to the highest pinnacle of learning and education.

That women in pre-Manu days were highly respected cannot be disputed. Among the Ratnis who played so prominent a part in the coronation of the King in Ancient India was the queen and the King made her an offeringmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_90 as he did to the others. Not only the king elect did homage to the Queen, he worshipped his other wives of lower castesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_91. In the same way the King offers salutation after the coronation ceremony to the, ladies of the chiefs of the shremes (guidesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_92).

In the days of Kautilya womenmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_93 were deemed to have attained their age of majority at 12 and men at 16. The age of majority was in all probability the age of marriage. That the marriages were post puberty marriages is clear from Baudhayanas' Grihya Sutrasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_94 where an expiatory ceremony is specially prescribed in the case of a bride passing her menses on the occasion of her marriage.

In Kautilya there is no law as to age of consent. That is because marriages were post puberty marriages and Kautilya is more concerned with cases in which a bride or a bridegroom is married without disclosing the fact of his or her having had sexual intercouse before marriage with another person or maiden in menses having had sexual intercouse. In the former case Kautilya saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_95 :

"Any person who has given a girl in marriage without announcing her guilt of having laid with another shall not only be punished with a fine but also be made to return the Sulka and Stridhana. Any person receiving a girl in marriage without announcing the blemishes of the bridegroom shall not only pay double the above fine, but also forfeit the Sulka and Stridhana (he paid for the bride). In regard to the latter case the rule in Kautilyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/19C.Revolution and Counter Rev. in Ancient India PARTIII.htm - _msocom_96 is :

"It is no offence for a man of equal caste and rank to have connection with a maiden who has been unmarried three years after her first menses. Nor is it an offence for a man, even of different caste, to have connection with a maiden who has spent more than three years after her first menses and has no jewellery on her person."

Unlike Manu Kautilya's idea is monogamy. Man can marry more than one wife only under certain conditions. They are given by Kautilya in the following terms1 :

"If a woman either brings forth no (live) children, or has no male issue, or is barren, her husband shall wait for eight years (before marrying another). If she bears only a dead child, he has to wait for ten years. If she brings forth only females, he has to wait for twelve years. Then if he is desirious to have sons, he may marry another. In case of violating this

rule, he shll be made to pay her not only Sulks, her property (Stridhana) and an adequate monetary compensation (adhivedanika martham), but also a fine of 24 panas to the Government. Having given the necessary amount of Sulka and property (Stridhana) even to those women who have not received such things on the occasion of their marriage with him, and also having given his wives the proportionate compensation and an adequate subsistence (vrutti), he may marry any number of women; for women are created for the sake of sons."

Unlike Manu in Kautilya's time women could claim divorce on the ground of mutual enmity and hatred.

"A woman, hating her husband, cannot dissolve her marriage with him against his will. Nor can a man dissolve his marriage with his wife against her will. But from mutual enmity, divorce may be obtained (parasparam dveshanmokshah). If a man, apprehending danger from his wife, desires divorce (mokshamichchhet), he shall return to her whatever she was given (on the occasion of her marriage). If a woman, under the apprehension of danger from her husband, desires divorce, she shall forfeit her claim to her property."A wife can abandon her husband if he is a bad character.

"A woman who has a right to claim maintenance for an unlimited period of time shall be given as much food and clothing (grasacchadana) as necessary for her, or more than is neessary in proportion to the income of the maintainer (yathapurushapari-vapam va). If the period (for which such things are to be given to her with one-tenth of the amount in addition) is limited, then a certain amount of money, fixed in proportion to the income of the maintainer, shall be given to her; so also if she has not been given her Sulka, property, and compensation (due to her for allowing her husband to re-marry). If she places herself under the protection of any one belonging to her father-in-law's family (Svasurakula), or if she begins to live independently, then her husband shall not be sued (for her maintenance). Thus the determination of maintenance is dealt with."

In the days of Kautilya there was no ban on woman or a widow remarrying :

"On the death of her husband a woman, desirous to lead a pious life, shall at once receive not only her endowment and jewellery (sthapyabharanam), but also the balance of Sulka due to her. If after obtaining these two things she re-married another, she shall be caused to pay them back together with interest (on their value). If she is desirous of a second marriage (kutumbarkama), she shall be given on the

occasion of her re-marriage (nivesakale) whatever either her father-in-law or her husband or both had given to her. The time at which women can re-marry shall be explained in connection with the subject of long sojourn of husbands.

"If a widow marries any man other than of her father-in-law's selection (svasurapratilomyenanivishta), she shall forfeit whatever had been given to her by her father-in-law and her deceased husband.

"The kinsmen (gnatis) of a woman shall return to her old father-in-law whatever property of her own she had taken with her while re-marrying a kinsman. Whoever justly takes a woman under his protection shall equally protect her property. No woman shall succeed in her attempt to establish her title to the property of her deceased husband, after she re-marries.

"if she lives a pious life, she may enjoy it (dharmakama bhunjita). No woman with a son or sons shall (after re-marriage) be at liberty to make free use of her own property (stridhana); for that property of hers, her sons shall receive."If a woman after re-marriage attempts to take possession of her own property under the plea of maintaining her sons by her former husband, she shall be made to endow it in their name. If a woman has many male children by many husbands, then she shall conserve her property in the same condition as she had received from her husbands. Even that property which has been given her with full powers of enjoyment and disposal, a remarried woman shall endow in the name of her sons.

"A barren widow who is faithful to the bed of her dead husband may, under the protection of her teacher, enjoy her property as long as she lives; for it is to ward off calamities that women are endowed with property. On her death, her property shall pass into the hands of her kinsman (Dayada). If the husband is alive and the wife is dead, then her sons and daughters shall divide her property among themselves. If there are no sons, her daughters shall have it. In their absence her husband shall take that amount of money (sulka) which he had given her, and her relatives shall re-take whatever in the shape of gift or dowry they had presented her. Thus the determination of the property of a woman is dealt with."

"Wives who belong to Sudra, Vaisya, Kshatriya or Brahman caste, and who have not given birth to children, should wait as long as a year, two, three and four years respectively for their husba.nds who have gone abroad for a short time; but if they are such as have given birth to children, they should wait for their absent husbands for more than a

year. If they are provided with maintenance, they should wait for twice the period of time just mentioned. If they are not so provided with, their well-to-do gnatis should maintain them either for four or eight years. Then the gnatis should leave them to marry, after taking what had been presented to them on the occasion of their marriages. If the husband is a Brahman, studying abroad, his wife who has no issue should wait for him for ten years; but if she has given birth to children, she should wait for twelve years. If the husband is a servant of the king, his wife should wait for him till her death; but even if she bears children to a savarna husband (i.e. a second husband belonging to the same gotra as that of the former husband), with a view to avoid the extinction of her race, she shall not be liable to contempt thereof (savarnatascha prajata na ' pavadam labheta). If the wife of an absent husband lacks maintenance and is deserted by well-to-do gnatis, she may re-marry one whom she likes and who is in a position to maintian her and relieve her misery."

Unlike Manu every precaution was taken to guarantee economic independence to a married woman. This is clear from the following provisions in Kautilya's Arthashastra relating to wife's endowment and maintenance :

"Means of subsistence (vruti) or jewellery (abadhya) constitutes what is called the property of a woman. Means of subsistence valued at above two thousand shall be endowed (in her name). There is no limit to jewellery. It is no guilt for the wife to make use of this property in maintaining her son, her daughter-in-law, or herself, whenever her absent husband has made no provision for her maintenance. In calamities, disease and famine, in warding off dangers and in charitable acts, the husband, too, may make use of this property. Neither shall there by any complaint against the enjoyment of this property by mutual consent by a couple who have brought forth a twin. Nor shall there be any complaint if this property has been enjoyed for three years by those who are wedded in accordance with the customs of the first four kinds of marriage. But the enjoyment of this property in the cases of Gandharva and Asura marriages shall be liable to be restored together with interest on it. In the case of such marriages as are called Rakshasa and Paisacha, the use of this property shall be dealt with as theft. Thus the duty of marriage is dealt with."

"A woman who has a right to claim maintenance for an unlimited period of time shall be given as much food and clothing (grasachhadan) as is necessary for her, or more than is necessary in proportion to the income of the maintainer (yatha-purushaparivapam va). If the period

(for which such things are to be given to her with one-tenth of the amount in addition) is limited, then a certain amount of money, fixed in proportion to the income of the maintainer, shall be given to her; so also if she has not been given her sulka, property, and compensation (due to her for allowing her husband to re-marry). If she places herself under the protection of any one belonging to her father-in-law's family (svasurkula), or if she begins to live independently, then her husband shall not be sued (for her maintenance). Thus the determination of maintenance is dealt with."Surprising as it may appear in Kautilya's time a wife could bring an action in a court of law against her husband for assault and defamation.

In short in pre-Manu days a woman was free and equal partner of man. Why did Manu degrade her?

RIDDLES IN HINDUISM

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APPENDIX
PART II - SOCIAL
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RIDDLE No. 1
THE DIFFICULTY OF KNOWING WHY ONE IS A HINDU

India is a conjeries of communities. There are in it Parsis, Christians, Mohammedans and Hindus. The basis of these communities is not racial. It is of course religious. This is a superficial view. What is interesting to know is why is a Parsi a Parsi and why is a Christian a Christian, why is a Muslim a Muslim and why is a Hindu a Hindu? With regard to the Parsi, the Christian and the Muslim it is smooth sailing. Ask a Parsi why he calls himself a Parsi he will have no difficulty in answering the question. He will say he is a Parsi because he is a follower of Zoraster. Ask the same question to a Christian. He too will have no difficulty in answering the question. He is a Christian because he believes in Jesus Christ. Put the same question to a Muslim. He too will have no hesitation in answering it. He will say he is a believer in Islam and that is why he is a Muslim.

Now ask the same question to a Hindu and there is no doubt that he will be completely bewildered and would not know what to say.

If he says that he is a Hindu because he worships the same God as the Hindu Community does his answer cannot be true. All Hindus do not worship one God. Some Hindus are monotheists, some are polytheists and some are pantheists. Even those Hindus who are monotheists are

not worshippers of the same Gods. Some worship the God Vishnu, some Shiva, some Rama, some Krishna. Some do not worship the male Gods. They worship a goddess. Even then they do not worship the same Goddesses. They worship different Goddesses. Some worship Kali, some worship Parvati, some worship Laxmi.

Coming to the Polytheists they worship all the Gods. They will worship Vishnu and Shiva, also Rama and Krishna. They will worship Kali, Parvati and Laxmi. A Hindu will fast on the Shivaratri day because it is sacred to Shiva. He will fast on Ekadashi day because it is sacred to Vishnu. He will plant a Bel tree because it is sacred to Shiva and he will plant a Tulsi because it is dear to Vishnu.

Polytheists among the Hindus do not confine their homage to the Hindu Gods. No Hindu hesitates to worship a Muslim Pir or a Christian Goddess. Thousands of Hindus go to a Muslim Pir and make offerings. Actually there are in some places Brahmins who own the office of a hereditary priesthood of a Muslim Pir and wear a Muslim Pir's dress. Thousands of Hindus go to make offerings to the Christian Goddess Mant Mauli near Bombay.

The worship of the Christian or Muslim Gods is only on occasions. But there are more permanent transfer of religious allegiance. There are many so-called Hindus whose religion has a strong Muhammadan content. Notable amongst these are the followers of the strange Panchpiriya cult, who worship five Muhammadan saints, of uncertain name and identity, and sacrifice cocks to them, employing for the purpose as their priest a Muhammadan Dafali fakir. Throughout India many Hindus make pilgrimages to Muhammadan shrines, such as that of Sakhi Sarwar in the Punjab.

Speaking of the Malkanas Mr. Blunt says that they are converted Hindus of various castes belonging to Agra and the adjoining districts. chiefly Muttra, Ettah and Mainpuri. They are of Rajput, Jat and Bania descent. They are reluctant to describe themselves as Musalmans, and generally give their original caste name and scarcely recognize the name Malkana. Their names are Hindu; they mostly worship in Hindu temples: they use the salutation Ram-Ram: they intermarry amongst themselves only. On the other hand, they sometimes frequent a mosque, practise circumcision and bury their dead: they will eat with Muhammadans if they are particular friends.

In Gujarat there are several similar communities such as the Matia Kunbis, who call in Brahmans for their chief ceremonies, but are followers of the Pirana saint Imam Shah and his successors, and bury

their dead as do the Muhammadans: the Sheikhadas at their weddings employ both Hindu and a Muhammadan priest, and the Momans who practise circumcision, bury their dead and read the Gujarati Koran, but in other respects follow Hindu custom and ceremonial.

If he says that"I am a Hindu because I hold to the beliefs of the Hindus"his answer cannot be right for here one is confronted with the fact that Hinduism has no definite creed. The beliefs of persons who are by all admitted to be Hindus often differ more widely from each other than do those of Christians and Muhammadans. Limiting the issue to cardinal beliefs the Hindus differ among themselves as to the beliefs which arc of cardinal importance. Some say that all the Hindu scriptures must be accepted, but some would exclude the Tantras, while others would regard only the Vedas as of primary importance; some again think that the sole essential is belief in the doctrine of karma and metempsychosis.

A complex congeries of creeds and doctrines is Hinduism. It shelters within its portals monotheists, polytheists and pantheists; worshippers of the great Gods Shiva and Vishnu or of their female counterparts,.as well as worshippers of the divine mothers or the spirits of trees, rocks and streams and the tutelary village deities; persons who propitiate their deity by all manner of bloody sacrifices, and persons who will not only kill no living creature but who must not even use the word 'cut '; those whose ritual consists mainly of prayers and hymns, and those who indulge in unspeakable orgies in the name of religion; and a host of more or less heterodox sectaries, many of whom deny the supremacy of the Brahmans, or at least have non-Brahmanical religious leaders.

If he says that he is a Hindu because he observes the same customs as other Hindus do his answer cannot be true. For all Hindus do not observe the same customs.

In the north near relatives are forbidden to marry; but in the south cousin marriage is prescribed, and even closer alliances are sometimes permitted. As a rule female chastity is highly valued, but some communities set little store by it, at any rate prior to marriage, and others make it a rule to dedicate one daughter to a life of religious prostitution. In some parts the women move about freely; in others they are kept secluded. In some parts they wear skirts; in others trousers.

Again if he said that he is a Hindu because he believes in the caste system his answer cannot be accepted as satisfactory. It is quite true that no Hindu is interested in what his neighbour believes, but he is very much interested in knowing whether he can eat with him or take water

from his hands. In other words it means that the caste system is an essential feature of Hinduism and a man who does not belong to a recognized Hindu Caste cannot be a Hindu. While all this is *true* it must not be forgotten that observance of caste is not enough. Many Musalmans and many Christians observe caste if not in the matter of inter-dining certainly in the matter of inter-marriage. But they cannot be called Hindus on that account. Both elements must be present. He must be a Hindu and he must also observe caste. This brings us back to the old question who is a Hindu? It leaves us where we are.

Is it not a question for every Hindu to consider why in the matter of his own religion his position is so embarrassing and so puzzling? Why is he not able to answer so simple a question which every Parsi, every Christian, and every Muslim can answer? Is it not time that he should ask himself what are the causes that has brought about this Religious chaos?

RIDDLE No. 2
THE ORIGIN OF THE VEDAS— THE BRAHMINIC EXPLANATION OR AN EXERCISE IN THE ART OF CIRCUMLOCUTION

There is hardly any Hindu who does not regard the Vedas as the most sacred Book of his religion. And yet ask any Hindu what is the origin of the Vedas and it would be difficult to find one who can give a clear and a definite answer to the simple question. Of course, if the question was addressed to a Vedic Brahmin he would say that the Vedas are Sanatan. But this is no answer to the question. For first of all what does the word *Sanatan* means?

The best explanation of the word *Sanatan* is to be found in the Commentary by Kalluka Bhatt on Chapter I Shiokas 22-23 of the Manu Smriti. This is what Kulluka Bhatt defines the word Sanatan*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_1.

We have found 72 pages dealing with the subject"Origin of the Vedas". These pages were neither arranged properly nor paged either by the typist or by the author. We have attempted to organize and arrange all these loose papers systematically and divide them into the Riddle No, 2 to 6, in accordance with the arrangement given in the Table of contents. It is difficult to assume that all these pages are complete in the treatment of the subject of each Chapter.

(There is, however, one independent chapter containing 61 pages under the title 'Riddle of the Vedas 'placed as Appendix I. That essay deals with all the subjects

mentioned in the Table of Contents at Sr. No. 2 to 6 in a consolidated manner. Several paras may be found repeated in that essay. The original MS of the chapters 2 to 6 included here hears corrections and modifications in the handwriting of the author, whereas the Chapter included as Appendix I is a typed second copy having no corrections at all. We have followed the chronology of the Table of contents and the pages of corrected MS are arranged accordingly.)

"The word Sanatana he says, means 'eternally pre-existing'. The doctrine of the superhuman origin of the Vedas is maintained by Manu. The same Vedas which (existed) in the previous mundane era (Kalpa) were preserved in the memory of the omniscient Brahma, who was one with the supreme spirit. It was those same Vedas that, in the beginning of the present Kalpa, he drew forth from Agni, Vayu and Surya; and this dogma, which is founded upon the Veda, is not to be questioned, for the Veda says, 'the Rig-Veda comes from Agni, the Yajur-Veda from Vayu, and the *Sama-Veda* from Surya."To understand the explanation by *Kulluka Bhatt* it is necessary to explain what Kalpa means.

A Kalpa is a reckoning of time adopted by the Vedic Brahmins. The Brahmanic reckoning of time divides time into (1) Varsha, (2) Yuga, (3) Mahayuga, (4) Manvantara and (5) Kalpa.

Varsha is easy enough to understand. It corresponds to the term year.

What exactly the period of time covered by the term Yuga covers there is no unanimity.

A Mahayuga is a period covered by a group of four Yugas: (1) Krita Yuga, (2) Treta Yuga, (3) Dwapar Yuga and (4) Kali Yuga. The four Yugas follow one another in a cycle, when the period of the first Yuga is spent it is followed by the second and so on in the order given. When the cycle is complete one Mahayuga is completed and a new Mahayuga opens. Every Mahayuga begins with the Krita Yuga and ends with Kali Yuga.

There is no uncertainty as to the time relation of a Mahayuga and a Kalpa. 71 Mahayugas make one Kalpa. There is however some uncertainty as to the time relation between Mahayuga and Manvantara. A Manvantara is equal to 71 Mahayugas"and something more'". What exact period of time that 'something more' means, the Brahmins have not been able to state categorically. Consequently the time relation between Manvantara and Kalpa is uncertain.

But this does not matter very much for our present purposes. For the present it is enough to confine our attention to Kalpa.

The idea underlying ' Kalpa ' is closely connected with the creation and dissolution of the Universe. The creation of the world is called

Srashti. The dissolution of the universe is called *Pralaya*. Time between *Srashti and Pralaya* is called *Kalpa*. The idea of the origin of the Vedas is thus more intimately connected with the idea of Kalpa.

According to this scheme of things, what is supposed to happen is that when a *Kalpa* begins creation begins. With the beginning of the creation there comes into being a new series of Vedas. What Kulluka Bhatt wants to convey is that though in a sense every new Kalpa has a new series of Vedas the same old Vedas are reproduced by Brahma from his memory. That is why he says the Vedas are Sanatan i.e., eternally pre-existing.

What Kalluka Bhatt says is that the Vedas are reproduced from memory. The real question is who made them and not who reproduced them. Even if one accepts the theory of reproduction at the beginning of each Kalpa the question still remains who made the Vedas when the First Kalpa began. The Vedas could not have come into being *ex-nihilo*. They must have a beginning though they may have no end. Why don't the Brahmins say openly? Why this circumlocution?

RIDDLE NO. 3
THE TESTIMONY OF OTHER SHASTRAS ON THE ORIGIN OF THE VEDAS
I

The search for the origin of the Vedas may well begin with the Vedas themselves.

The Rig-Veda propounds a theory of the origin of the Vedas. It is set out in the famous Purusha Sukta. According to it, there was a mystic sacrifice of the Purusha a mythical being and it is out of this sacrifice that the three Vedas namely. Rig, Sama, Yajus came into being.

The Sama-Veda and Yajur-Veda have nothing to say about the origin of the Vedas.

The only other Veda that refers to this question is the Atharva-Veda. It has many explanations regarding the origin of the Vedas. One explanation* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_2 reads as follows:

"From Time the Rig verses sprang; the Yajus sprang from Time."There are also two other views propounded in the Atharva-Veda on this subject. The first of these is not very intelligent and may be given in its own language which runs as followsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_3:

"Declare who that Skamba (supporting principle) is in whom the primeval rishis, the rick, saman, and yajush, the earth and the one rishi, are sustained....

"Declare who is that Skamba from whom they cut off the rick verses, from whom they scrapped off the yajush, of whom the saman verses are the hairs and the verses of Atharvan and Angiras the mouth."

Obviously this statement is a challenge to some one who had proclaimed that the Rig, Sama and Yajur Veda were born out of a Skamba.

The second explanation given in the Atharva-Veda is that the Vedas sprang from Indra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_4

II

This is all that the Vedas have to say about their own origin. Next in order of the Vedas come the Brahmanas. We must therefore inquire into what they have to say on this subject. The only Brahmanas which attempt to explain the origin of the Vedas are the Satapatha Brahmana, the Taitteriya Brahmana. Aitereya Brahmana and Kaushitaki Brahmana.

The Satapatha Brahmana has a variety of explanations. One attributes the origin of the Vedas to Prajapatimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_5. According to it:

"Prajapati, was formerly this universe (i.e., the sole existence) one only. He desired, 'may I become, may I be propagated '. He toiled in devotion, he performed austerity.

"From him, when he had so toiled and performed austerity, three worlds were created—earth, air and sky. He infused warmth into these three worlds. From them, thus heated, three lights were produced,—Agni (fire), this which purifies i.e., Pavana, or Vayu, (the Wind), and Surya (the Sun). He infused heat into these three lights. From them so heated the three Vedas were produced,— the Rig-Veda from Agni (fire), the Yajur-Veda from Vayu (Wind) and the Sama-Veda from Surya (the Sun). He infused warmth into these three Vedas. From them so heated three luminous essences were produced, *bhuh,* from the Rig-Veda, *bhuvah* from the Yajur-Veda, and *svar* from the Sama-Veda. Hence, with the Rig-Veda, the office of the *adhvaryu;* with the Sama-Veda, the duty of the *udgatri;* while the function of the brahman arose through the luminous essence of the triple science (i.e., the three Vedas combined)."'

The Satapatha Brahmana gives another

variantmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_6 of this explanation of the origin of the Veda from Prajapati. The explanation is that Prajapati created the Vedas from waters. Says the Satapatha Brahmana:

"This male, Prajapati, desired, 'May I multiply, may I be propagated '. He toiled in devotion; he practised austere-fervour. Having done so he first of all created sacred knowledge, the triple Vedic science. This became a basis for him. Wherefore men say, ' sacred knowledge is the basis of this universe '. Hence after studying the Veda a man has a standing ground; for sacred knowledge is his foundation. Resting on this basis he (Prajapati) practised austere-fervour. He created the waters from Vach (speech) as their world. Vach was his; she was created. As she pervaded (apnot) waters were called 'apah'. As she covered (avrinot) all, water was called 'Var'. He desired, 'May I be propagated from these waters '. Along with this triple Vedic science he entered the waters. Thence sprang an egg. He gave it an impulse; and said 'let there be, let there be, let there be again '.Thence was first created sacred knowledge, the triple Vedic science. Wherefore men say, 'Sacred knowledge is the first-born thing' in this universe. Moreover, it was sacred knowledge which was created from that Male in front, wherefore it was created as his mouth. Hence they say of a man learned in the Veda, 'he is like Agni; for the sacred knowledge is Agni's mouth '."

There is a third explanationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_7given in the Satapatha Brahmana:

"I settle thee in the ocean as they seat."

"Mind is the ocean. From the mind-ocean with speech for a shovel the Gods dug out the triple Vedic science. Hence this verse has been uttered; 'May the brilliant deity today know where they placed that offering which the Gods dug out with sharp shovels. Mind is the ocean; speech is the sharp shovel; the triple Vedic Science is the offering. In reference to this the verse has been uttered. He settles it in Mind."

The Taitteriya - Brahmana has three explanations to offer. It speaks of the Vedas as being derived from Prajapati. It also says Prajapati created king Soma and after him the three. Vedas were createdmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_8. This Brahmana has another explanationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_9quite unconnected with Prajapati. According to it:

"Vach (speech) is an imperishable thing, and the first-born of the ceremonial, the mother of the Vedas, and the centre-point of immortality. Delighting in us, she came to the sacrifice. May the protecting goddess be ready to listen to my invocation, she whom the wise rishis, the composers of hymns, the Gods sought by austere-fervour, and by laborious devotion."To crown all this the Taitteriya Brahmana offers a third explanation. It says that the Vedas came from the beard of Prajapati.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_10

Ill

The Upanishads have also attempted to explain the origin of the Vedas. The explanation offered by the Chhandogya Upanishad is the samemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_11 as that given by the Satapatha Brahmana—namely that the Rig-Veda originated from Agni, Yajus from Vayu and Sam from the Sun.

The Brahad Aranyaka Upanishad has two explanations to offer. In one place, it saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_12:

"As from a fire made of moist wood, various modifications of smoke proceed, so is the breathing of this great Being the Rig-Veda, the Yajur-Veda, the Sama-Veda, the Atharvangirases, the Itihasas, Puranas, science, the Upanishads, verses (slokas), aphorisms, comments of different kinds—all these are his breathings."In another place, it saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_13

"Prajapati (identified with Death or the Devourer) is said to have produced Vach (speech), and through her, together with soul, to have created all things, including the Vedas."

"By that speech and that soul he created all things whatsoever, rick, yajush, and saman texts, metres, sacrifices, creatures and animals."

"The three Vedas are (identifiable with) these three things (speech, mind and breath). Speech is the Rig-Veda, mind the Yajur-Veda and breath the Sama-Veda."

IV

Coming to the Smritis, there are two theories as to the origin of the Vedas to be found in the Manu Smriti. In one placemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_14, it is said that the Vedas were created by Brahma.

"He (Brahma) in the beginning fashioned from the words of the Veda the several names, functions, and separate conditions of all (creatures). That Lord also created the subtle host of active and living deities, and of Sadhyas, and eternal sacrifice. And in order to the performance of sacrifice, he drew forth from Agni, from Vayu and from Surya, the triple eternal Veda, distinguished as Rick, Yajush and Saman."

In another placemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_15 he seems to accept the story of Prajapati being the originator of the Vedas as would be evident from the following:

"Prajapati also milked out of the three Vedas the letters, *'a ', ' u ',* **and**"*m '* together with the words *'bhuh* ', ' *bhuvah* 'and *' svar '*. The same supreme Prajapati also milked from each of the three Vedas one of the three portions of the text called Savitri (or gayatri), beginning with the word *tat*... . The three great imperishable particles (bhuh,bhuvah, svar) preceded by om, and the gayatri of three lines, are to be regarded as he mouth of Brahma."

V

It is also interesting to note what the Puranas have to say about the origin of the Vedas. The Vishnu Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_16 says:

"From his eastern mouth Brahma formed the gayatra, the rick verses, the trivrit, the soma-rathantara, and of sacrifices, the agnishtoma. From his southern mouth he created the yajush verses, the trishtubh metre, the panchadasa-stoma, the vrihat-saman and the ukthya. From his western mouth he formed the saman verses, the jagatimetre, the saptadasa-stoma, the vairupa, and the atiratra. From his northern mouth he framed the ekavinsa, the atharvan, the aptoryaman, with the anushtubh and biraj metres."The Bhagvat Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_17says:

"Once the Vedas sprang from the four-faced creator, as he was meditating ' how shall I create the aggregate worlds as before?. . . He formed from his eastern and other mouths the Vedas called rick, yajush, saman, and atharvan, together with praise, sacrifice, hymns and expiation."*[There appears lo be some quotations missing as there is no link*

between these two paragraphs.]

"Entering between her eyes. From her there was then produced a quadruple being in the form of a Male, lustrous as Brahma, undefined, eternal, undecaying, devoid of bodily senses or qualities, distinguished by the attribute of brilliancy, pure as the rays of the moon, radiant, and embodied in letters. The God fashioned the Rig-Veda, with the Yajush from his eyes, the Sama-Veda from the tip of his tongue, and the Atharvan from his head. These Vedas, as soon as they are born, find a body, (kshetra). Hence they obtain their character of Vedas, because they find (vindanti) that abode. These Vedas then create the pre-existent eternal Brahma (sacred science), a Male of celestial form, with their own mind-born qualities."

It also accepts Prajapati as the origin. It says that when the Supreme being was intent on creating the Universe, Hiranyagarbha, or Prajapati, issued from his mouth the sound ' Om ', and was desired to divide himself—a process which he was in great doubt how he should effect—the Harivamsa proceedsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_18:

"While he was thus reflecting, the sound ' om ' issued from him, and resounded through the earth, air and sky. While the God of Gods was again and again repeating this, the essence of mind, the vashatkara proceeded from his heart. Next, the sacred and transcendent vyahritis, (bhuh, bhuvah, svar), formed of the great smriti, in the form of sound, were produced from earth, air, and sky. Then appeared the goddess, the most excellent of meters, with twenty-four syllables (the gayatri). Reflecting on the divine text (beginning with) 'tat', the Lord formed the Savitri. He then produced all the Vedas, the Rick, Saman, Atharvan, and Yajush, with their prayers and rites."

VI

Here we have eleven different explanations regarding the origin of the Vedas—(1) as originating from the mystical sacrifice of Purusha, (2) as resting on Skambha, (3) as cut or scraped off from him, as being his hair and his mouth, (4) as springing from Indra, (5) as produced from Time, (6) as produced from Agni, Vayu and Surya, (7) as springing from Prajapati, and the Waters, (8) as being the breath of Brahma, (9) as being dug by the Gods out of mind-ocean, (10) as being the hair of Prajapati's beard and (II) as being the offspring of Vach.

This bewildering multiplicity of answers to a simple question is a riddle. The writers who have come forward to furnish these answers are

all Brahmins. They belong to the same Vaidik school of thought. They alone were the guardians of the ancient religious lore. Why should they have given such incoherent and chaotic answers to a very simple question?

RIDDLE No. 4
WHY SUDDENLY THE BRAHMINS DECLARE THE VEDAS TO BE INFALLIBLE AND NOT TO BE QUESTIONED?

To say that the Vedas occupy a very high position in the Religious literature of the Hindus is to make an understatement. To say that the Vedas form the sacred literature of the Hindus will also be an inadequate statement. For the Vedas besides being a sacred literature of the Hindus is a book whose authority cannot be questioned. The Vedas are infallible. Any argument based on the Vedas is final and conclusive. There is no appeal against it. This is the theory of the Vedic Brahmins and is accepted by the generality of the Hindus.

I

On what does this theory rest? The theory rests on the view that the Vedas are *Apaurusheya.* When the Vedic Brahmins say that the Vedas are *Apaurusheya* what they mean is that they were not made by man. Not being made by man, they are free from the failings, faults and frailties to which every man is subject and are therefore infallible.

II

It is difficult to understand how such a theory came to be propounded by the Vedic Brahmins. For there was a time when the Vedic Brahmins themselves thought quite differently on the question of the authority of the Vedas as being final and conclusive. These *Vaidik* Brahmins are no other than the authors of the various Dharma Sutras.

The following are the views expressed by the Dharma Sutras on question of the authority of the Vedas: To begin with the Gautama Dharma Sutra. It lays down the following rule on the question of the infallibility of the Vedas."The Veda is the source of the sacred law"1-1.

"And the tradition and practice of those who know the Veda"I-2."

"If authorities of equal force are conflicting, (either may be followed at) pleasure"I-4.

The Vashishta Dharma Sutra propounds the following view:

"The sacred law has been settled by the revealed texts i.e., Vedas and by the tradition of the sages"I-4.

"On the failure of (rules given in) these (two sources) the practice of

Shishtas (has) authority"I-5.

The views of Baudhayana are given below:

Prasna I, Adhyaya I, Kandika I.

(1) (1) The sacred law is taught in each Veda.

(2) (2) We will explain (it) in accordance with that.

(3) (The sacred law), taught in the tradition (Smriti) stands second.

(4) The practice of the Sishtas (stands) third.

(5) On failure of them an Assembly consisting at least of ten members (shall decide disputed points of law).

The view taken by the Apastamba Dharma Sutra is clear from the following extract from that Sutra:

"Now, therefore, we will declare the acts productive of merit which form part of the customs of daily life"1-1.

"The authority (for these duties) is the agreement (samaya) of those who know the law". 1-2.

"And (the authorities for the latter are) the Vedas alone"1-3. With regard to the *Shishtas* both the Vashishtha Dharma Sutra and also the Baudhayana Dharma Sutra have taken particular care to define who can be regarded as *Shishtas*.

The Vashishta Dharma Sutra says:

"He whose heart is free from desire (is called) a Shishta". I-6. Baudhayana goes into much greater details about the qualification of the Shishtas. This is what he says:

"5. Shishtas, forsooth, (are those) who are free from envy, free from pride, contented with a store of grain sufficient for ten days, free from covetousness, and free from hypocrisy, arrogance, greed, perplexity and anger."

"6. Those are called Shishtas who, in accordance with the sacred law, have studied the Veda together with its appendages, know how to draw inferences from that (and) are able to adduce proofs perceptible by the senses from the revealed texts."

Baudhayana has also something very interesting to say about the assembly whom he authorises to decide. The following are his views on the matter:

"8. Now they quote also (the following verses): 'Four men, who each know one of the four Vedas, a Mimansaka, one who knows the Angas, one who recites (the works on) the sacred law, and three Brahmanas belonging to (three different) orders, constitute an assembly consisting at least of ten members."

"9. There may be five, or there may be three, or there may be one

blameless man, who decides (questions regarding) the sacred law. But a thousand fools (can) not do it).”

"As an elephant made of wood, as an antelope made of leather, such an unlearned Brahmana; those three having nothing but the name (of their kind)".

This review of Dharma Sutras' mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_19shows that the (1) Veda, (2) Tradition (Smriti), (3) Practice of Shishta and (4) Agreement in an assembly were the four different authorities which were required to be referred to in the decision of an issue which was in controversy. It also shows that there was a time when the Vedas were not the sole infallible authorities. That was the time represented by the Dharma Sutras of Vashishta and Baudhayana. Apastambha does not invest the Vedas with any authority at all. Knowledge of Vedas is made by him as an electoral qualification for membership of the Assembly whose agreed decision is the law and the only law. The Veda was not at all regarded as a book of authority and when the only recognized source of authority was an agreement arrived at in an Assembly of the learned. It is only in the time of Gautama that the Vedas came to be regarded as the only authority. There was a time when an agreed decision of the Assembly was admitted as one source of authority. That is the period represented by Baudhayana.

This conclusion is reinforced by the following quotation from the Satapatha Brahmana. It says:

[Left incomplete. Quotation and further discussion not given.]

RIDDLE No. 5
WHY DID THE BRAHMINS GO FURTHER AND DECLARE THAT THE VEDAS ARE NEITHER MADE BY MAN NOR BY GOD?

The Vedic Brahmins were not content with investing the Vedas with Infallibility. They went further and asserted that the Vedas were Apaurusheya. By this they meant the Vedas were not made by man. This doctrine no doubt leads to the doctrine of Infallibility. For not being made by man they are free from the failings, faults and frailties of man and are therefore infallible. All the same it is necessary to examine the theory separately for it is an independent theory.

Is there really no human author of the Vedas? Are they really Apaurusheya? The best evidence on the subject is the evidence of the *Anukramanis*— a special class of literature which forms part of the

ancient Sanskrit literature. What are called Anukramanis are nothing but systematic indices to various portions of the ancient Vedic literature. Every Veda has an Anukramani, sometimes have more than one Anukramani. Seven Anukramanis for the Rig-Veda are known to be in existence, five by Shaunaka, one by Katyayana and one by an unknown author. For the Yajur-Veda there exist three Anukramanis, one for each of the three Shakhas, Atreyi, Charayaniyas and Madhyandina. For the Sama-Veda there are two Anukramanis, one is called Arsheya-Brahmana and the other is known by the name Parishistas. As to the Atharva-Veda one Anukramani is known to exist. It is known as Brihat-Sarvanukramani.

The most perfect Anukramani according to Prof. Max Muller is Katyayana's Sarvanukramani to the Rig-Veda. Its importance lies in the tact that it gives (1) the first words of each hymn, (2) the number of verses. (3) the name and the family of the Rishi who composed it, (4) the names of the deities and (5) the metres of every verse. What emerges from a reference to the Sarvanukramani is that the Rishis are the authors of the hymns which make up the Rig-Veda. The Rig-Veda therefore on the evidence of the Anukramani cannot but be regarded as a man-made work. The same must be the conclusion regarding the other Vedas. That the Anukramanis are realistic is proved by many passages in the Rig-Veda in which the Rishis describe themselves as the composers of the hymns.

Below are given a few of such passages:

"The Kanvas make a prayer to you, hear well their invocation'. Thus, O, Indra, yoker of steeds, have the Gotamas made hymns for these efficaciously"

“This hymn has efficaciously been made to you, 0 opulent Asvins, by the Manas"

“These magnifying prayers, (this) hymn, 0 Asvins, the Gritsamadas have made for you”

“Aspiring to heaven, the sage Kusikas have made a hymn with praises to thee, O Indra.”

“Nodhas, descendant of Gotama, fashioned this new hymn for (thee). Indra, who are of old, and who yokest thy steeds"

“Thus 0, hero, have the Gritsamadas, desiring succour, fashioned for thee a hymn as men make works.”

“The sages generated an efficacious production and a prayer for Indra."

“These hymns, Agni, generated for thee, celebrate thy bounty in cows

and horses."

"Our father hath discovered (or invented) this great, sevenheaded hymn, born of sacred truth; Ayasya, friend of all men celebrating Indra, has generated the fourth song of praise."

"We, the Raghuanas, have uttered to Agni honied speech; we incessantly laud him with eulogies."

"Thus, all ye Adityas, Aditi, and ye ruling powers, has the wise son of Plati magnified you. The celestial race has been lauded by the immortal Gaya."

"He it is whom they call a rishi, a priest, a pious sacrificer, a chanter of prayers, a reciter of hymns, he it is who knows the three bodies of the brilliant (Agni), the man who is most prominent in bestowing gifts."

Apart from the evidence of the Anukramanis there is another sort of evidence which militates against the theory of the Vedas being Apaurusheya. The Rishis themselves have treated the Vedas as a human and as a historical product. The hymns *of* Rig-Veda distinguish between ancient and modern Rishis. Here are a few of them:

"Agni, who is worthy to be celebrated by former as well as modern rishis, will bring the gods hither."

"The former rishis who invoked thee for succour."

"Hear the hymn of me this modern sage, of this modern (sage)."

"Indra, as thou hast been like a joy to former worshippers who praised thee, like waters to the thirsty, I invoke thee again and again with this hymn."

"The ancient rishis, resplendent and sage, have placed in front of them (Brihaspati) with gladdening tongue."

"Neither the ancients nor later men, nor any modern man, has attained to (conceived) thy prowess, O, Madhavan."

"As (Indra's) former worshippers were, (may we be) blameless, irreproachable, and unharmed."

"For, now, 0 energetic god, men are thy worshippers as the ancients born of old and the men of the middle and later ages have been thy friends. And 0, much-invoked think of the most recent of all.

"To Him (Indra) our ancient fathers, the seven Navagava sages desiring food, (resorted) with their hymns."

"Glorified by our newest hymn, do thou bring to us wealth and food with progeny."

A closer study of the Rig-Veda will show that the Rig-Veda itself makes a distinction between old hymns and new hymns. Some of them are given below:

"Glorified by our newest hymn, do thou bring to us wealth and food and progeny."

"Agni thou hast announced (or do thou announcest) among the gods this our offering, our newest hymn."

"Through our new hymns, do thou, vigorous in action, destroyer of cities, sustain us with invigorating blessings."

"I bring to Agni, the son of strength, a new and energetic hymn, a production of, thought uttered by the voice (vachah)."

"I present to the mighty protector a mental production, a new utterance (now) springing up"

"May the new prayer impel thee, the heroic well-accourted, the loud-thundering to succour us."

"I seek like the ancients, to stimulate thee, the ancient, with a new hymn."

"May the new hymns made to praise you, may these prayers gratify you."

"Sing O, Sobhari, with a new hymn to these youthful, vigorous, and brilliant (gods)

"Indra, slayer of Vritra, thunderer, invoked of many, we (thy) numerous (worshippers) bring to thee, as thy hire, hymns which never before existed."

"I will address to this ancient (deity) my new praises which he desires: May he listen to us"

"Desiring horses, cattle, and wealth we invoke thee to approach us."

Given this abundance of evidence to prove the human origin of the Vedas it is a riddle to find that the Brahmins should so strenuously propagate this extravagant view that the Vedas are not man made. What made the Brahmins propagate such a view?

Notwithstanding this there were eminent philosophers who were prepared to accept the authority of the Vedas although they were not prepared to admit that the Vedas were *Sanatan* or *Apaurush*.

The Gautama the founder of what is called the Nyaya system of Philosopy said:

"The authority of the Veda, like that of the formulas, and the Ayur-Veda (treatise on medicine) follows from the authority of the competent persons from whom they proceeded. Since the competent maker of the Veda possesses authority, inculcates truth, it results from the force of the terms that the Veda was uttered by a person of this character; and by this reasoning the authority of the Veda is to be inferred. He illustrates this by the case of the formulas and the Ayur-Veda. By formulas *(mantra)*

are meant the sentences which neutralize poison etc., and the section containing the Ayur-Veda forms part of the Veda. Now as the authority of these two classes of writings is admitted by general consent, the authority of everything which possess the characteristics of the Veda must be inferred from this example. Some, however, explain the aphorism thus; a Veda is that in which authority is found or recognized. From such Vedicity (or Possession of the character of a Veda) the authority of any work is to be inferred."

The Vaishashika system admits that the Vedas are authoritative. But the grounds on which it rests its conclusion are:

(1) That the Vedas are the product of an intelligent mind and

(2) That they have been uttered by God. Therefore they are authoritative.

The Sankhya system founded by Kapila held the view that eternity cannot be predicated of the Vedas, since various texts in the Vedas themselves declare them to have been produced. It expressly denies that the Vedas originated from the conscious effort of any divine being. According to the Sankhya, the Vedas like the Sun shine by their own light, and evince an inherent power both of revealing their own perfection and of elucidating all other things, past and future, great and small, near and remote. The system of Philosophy known as the

Vedanta seems to support two distant views. It ascribes the origin of the Vedas to Brahma as its source or cause of source using the term Brahma as neuter denoting the supreme spirit and not as masculine designating the personal creator. It also speaks of the eternity of the Vedas and makes mention of a self-dependent author.

The Brahmins did not remain content with the argument that the Vedas were not made by man. They went much further and contended that the Vedas were not made even by God. This theory is propounded by Jaimini the author of the Purva Mimansa. Jaimini's arguments in favour of the thesis are so strange that one has to know them in order to realize their strangeness.

It is in the *Purva Mimansa*— a book of Brahmanic philosophy— that this doctrine of the Vedas being Apaurusheya is propounded. The following extracts from the book will reveal the nature of the argument.

Jaimini the author of the Purva Mimamsa first deals with the argument of the Naiyayikas who assert that the Vedas are made by Parameshwara and states the case made out by the Naiyayikas.

The argument of the Mimansakas is:

"The Veda could not have been uttered by the incorporeal

Paramesvara (God), who has no palate or other organs of speech, and therefore cannot be conceived to have pronounced the letters (of which it is composed.). This objection (answers the Naiyayika) is not happy, because, though Paramesvara is by nature incorporeal, he can yet, by way of sport assume a body, in order to show kindness to his devoted worshippers. Consequently, the arguments in favour of the doctrine that the Veda had no personal author are inconclusive."

He then proceeds to state his arguments in favour of the Doctrine of the Mimansakas—

"I shall now clear up all these difficulties. What is meant by this *paurusheyatva* ('derivation from a personal author') which it is sought to prove? Is it (1) mere procession *(utpannatva)* from a person (purusha) like the procession of the Veda from persons such as ourselves, when we daily utter it? or (2) is it the arrangement— with a view to its manifestation—of knowledge acquired by other modes of proof, in the sense in which persons like ourselves compose a treatise? If the first meaning be intended, there will be no dispute.

If the second sense be meant, I ask whether the Veda is proved (to be authoritative) in virtue (a) of its being founded on inference, or (b) of its being founded on supernatural information *(agama-halat)?*. .

The former alternative (a) i.e., that the Veda derives its authority from being founded on inference cannot be correct, since this theory breaks down, if it be applied to the sentence of the Malati Madhava or any other secular poem (which may contain inferences destitute of authority). If, on the other hand, you say (b) that the contents of the Veda are distinguished from those of other books of having authority, this explanation also will fail to satisfy a philosopher. For the word of the Veda is (defined to be) a word which proves things that are not provable by any other evidence.

Now if it could be established that this Vedic word did nothing more than prove things that are provable by other evidence, we should be involved in the same sort of contradiction as if a man were to say that his mother was a barren woman.

And even if we conceded that Parameswara might in sport assume a body, it would not be conceivable that in that case he should perceive things beyond the reach of the senses, from the want of any means of apprehending objects removed from him in place, in time, and in nature. Nor is it to be thought that his eyes and other sense alone would have the power of producing such knowledge, since men can only attain to conceptions corresponding with what they have perceived.

This is what has been said by the Guru (Prabhakara) when he refutes this supposition of an omniscient author; 'Wherever any object is perceived (by the organ of sight) in its most perfect exercise, such perception can only have reference to the vision of something very distant or very minute, since no organ can go beyond its own proper objects, as e.g., the ear can never become cognizant of form '.

Hence the authority of the Veda does not arise in virtue of any supernatural information acquired by the Deity in a corporeal shape."These are arguments urged by Jaimini to destroy the case of the Naiyayikas. Jaimini then proceeds to give his positive arguments to show why the Vedas are not the word of God but something superior to that. This is what he says:

"In the preceding aphorism it was declared that the connection of words and their meanings is eternal. Desiring now to prove that this (eternity of connection) is dependent on the eternity of words (or sound), he begins by setting forth the first side of the question, viz., the doctrine of those who maintain that sound is not eternal."

"Some, i.e., the followers of the Nyaya philosophy, say that sound is a product, because we see that it is the result of effort, which it would not be if it were eternal."

"That it is not eternal, on account of its transitoriness, i.e., because after a moment it ceases to be perceived."

"Because, we employ in reference to it the expression 'making' i.e., we speak of 'making' a sound."

"Because it is perceived by different persons at once, and is consequently in immediate contact with the organs of sense of those, both far and near, which it could not be if it were one and eternal."

"Because sounds have both an original and a modified form; as e.g., in the case of *dadhi atra,* which is changed into d*adhy atra,* the original letter 'i ' being altered into *' y '* by the rules of permutation. Now, no substance which undergoes a change is eternal."

"Because sound is augmented by the number of those who make it. Consequently the opinion of the Mimansaka, who say that sound is merely manifested, and not created, by human effort, is wrong; since even a thousand manifesters do not increase the object which they manifest, as a jar is not made larger by a thousand lamps."These objections against the Mimansaka theory that sound is manifested, and not created, by those who utter it, are now answered by Jaimini. Says Jaimini:

"But, according to both schools, viz., that which holds sound to be

created, and that which regards it as merely manifested, the perception of it is alike momentary. But of these two views, the theory of manifestation is shown in the next aphorism to be the correct one."

"The non-perception at any particular time, of sound, which, in reality, perpetually exists, arises from the fact that the utterer of sound has not come into contact with his object i.e., sound. Sound is eternal, because we recognize the letter ' *k* ', for instance, to be the same sound which we have always heard, and because it is the simplest method of accounting for the phenomenon to suppose that it is the same. The still atmosphere which interferes with the perception of sound is removed by the conjunctions and disjunctions of air issuing from a speaker's mouth, and thus sound (which always exists, though unperceived) becomes perceptible. This is the reply to the objection of its 'transitoriness'.

"The word, 'making' sounds, merely means employing or uttering them."

"One sound is simultaneously heard by different persons, just as one Sun is seen by them at one and the same time. Sound like the Sun, is a vast, and not a minute object, and thus may be perceptible by different persons, though remote from one another."

"The letter 'y', which is substituted for 'i' in the instance referred to under Sutra 10, is not a modification of 'i', but a distinct letter. Consequently, sound is not modified."

"It is an increase of 'noise ', not of sound, that is occasioned by a multitude of speakers. The word ' noise ' refers to the 'conjunctions ' and 'disjunctions' of the air which enter simultaneously into the hearer's ear from different quarters; and it is of these that an increase takes place."

"Sound must be eternal, because its utterance is fitted to convey a meaning to other persons. If it were not eternal (or abiding), it would not continue till the hearer had learned its sense, and thus he would not learn the sense, because the cause had ceased to exist."

"Sound is eternal, because it is in every case correctly and uniformly recognised by many persons simultaneously; and it is inconceivable that they should all at once fall into a mistake."

"When the word *'go '* (cow) has been repeated ten times, the hearers will say that the word *'go'* has been ten times pronounced, not that ten words having the sound of *'go'* have been uttered; and this fact also is adduced as a proof of the eternity of sound.

"Sound is eternal, because we have no ground for anticipating its destruction.

"But it may be urged that sound is a modification of air, since it arises from its conjunctions, and because the Siksha (or Vedanga treating of pronunciation) says that 'air arrives at the condition of sound' and as it is thus produced from air, it cannot be eternal."A reply to this difficulty is given in Sutra 22."Sound is not a modification of air, because if it were, the organ of hearing would have no appropriate object which it could perceive. No modification of air (help by the Naiyayikas to be tangible) could be perceived by the organ of hearing, which deals only with intangible sound."

"And the eternity of sound is established by the argument discoverable in the Vedic text, ' with an eternal voice, O Virupa '. Now, though this sentence had another object in view, it, nevertheless, declares the eternity of language, and hence sound is eternal."

Such is the argument by Jaimini in favour of his thesis that the Vedas are eternal and not made by man, not even by God.

The bases on which his thesis rests are simple.

Firstly God has no body and no palate and therefore he could not utter the Vedas.

Secondly, Assuming God had a body, God could not perceive things which are beyond the reach of the senses while the Vedas contain things beyond the reach of human senses.

Thirdly, The connection between a word and its meaning is eternal.

Fourthly, Sound is eternal.

Fifthly, Because sound is eternal words which are made up of sounds are also eternal.

Sixthly Because words are eternal therefore the Vedas are eternal and because the Vedas are eternal they are not made by man nor by God.

What can one say of these premises? Can there be anything more absurd? Who can accept that the Vedas contain something not comprehensible by human senses? Who can accept that there is an eternal connection between a word and its meaning? Who can accept that sound is not created nor manifested but is eternal?

Having regard to these absurd premises one is led to ask why did the Brahmins make such a desparate attempt for establishing a desparate conclusion? What did they want to gain thereby? Was it because the Vedas had been made the exponent of the Chaturvarna with the Brahmins as the Lord of all?

RIDDLE NO. 6
THE CONTENTS OF THE VEDAS: HAVE THEY ANY

MORAL OR SPIRITUAL VALUE?

I

If the Vedas are to be accepted as binding and Infallible then what they teach must have ethical and spiritual value. Nobody can regard a rag to be binding and infallible because a Philosopher like Jaimini came forward to lend his authority to such a proposal. Have the Vedas any ethical or spiritual value? Every Hindu who regards the Vedas are infallible is bound to consider this question.

Modern writers have expressed views which deny any spiritual value to the Vedas. As an illustration one may refer to the views of Prof. Muir. According to Prof. Muirmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_20:

"The whole character of these compositions and the circumstances under which, from internal evidence, they appear to have arisen, are in harmony with the supposition that they were nothing more than the natural expression of the personal hopes and feelings of those ancient bards of whom they were first recited. In these songs the Aryan sages celebrated the praises of their ancestral gods (while at the same time they sought to conciliate their goodwill by a variety of oblations supposed to be acceptable to them), and besought of them all the blessings which men in general desired— health, wealth, long life, cattle, offspring, victory over their enemies, foregiveness of sin, and in some cases also celestial felicity."

It would no doubt be objected that all foreign scholars are prejudiced and that their views cannot therefore be accepted. Fortunately we are not altogether dependent upon the views of foreigners. There are leaders of indegeneous schools of thought which have taken the same view. The most notorious example is that of the Charvakas.

The opposition of Charvaka can be seen from the following quotation which reproduces his line of argument against the Vaidikasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_21:"

If you object that, if there be no such thing as happiness in a future world, then how should men of experienced wisdom engage in the agnihotra and other sacrifices, which can only be performed with great expenditure of money and bodily fatigue. Your objection cannot be accepted as any proof to the contrary, since the agnihotra, etc., are only useful as means of livelihood: for the Veda is tainted by three faults of untruth, self-contradiction, and tautology; then again the impostors who

call themselves Vaidic pundits are mutually destructive, as the authority of the Jnan-Kanda is overthrown by those who maintain the authority of the Karma-Kanda and those who maintain the authority of the Jnan-Kanda reject that of the Karma-Kanda; and lastly, the three Vedas themselves are only the incoherent rhapsodies of knaves and to this effect runs the popular saying:

"The Agnihotra, the three Vedas, the ascetic, three staves, and smearing oneself with ashes,"Brihaspati says,"these are but means of livelihood for those who have no manliness nor sense."'"Brahaspati is another example of the same school of thought. Brahaspati was far more bold and militant in his opposition to the Vedas than the Charvakas. As reported by Madhava Acharya, Brahaspati arguedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_22—

"There is no heaven, no final liberation, nor any soul in another world: Nor do the actions of the four castes, orders etc., produce any real effect. The Agnihotra, the three Vedas, the ascetic's three stages and smearing one's self with ashes, ... were made by Nature as the livelihood of those destitute of knowledge and manliness; If a beast slain in the Jyotishtoma rite will itself go to heaven; why then does not the sacrificer forthwith offer his own father?

If the Sraddha produces gratification to beings who are dead, then here, too, in the case of travellers when they start, it is needless to give provisions for the journey.

If beings in heaven are gratified by our offering the Sraddha here, then why not give the food down below to those who are standing on the housetop?

While life remains let a man live happily, let him feed on ghee even though he runs in debt;

When once the body becomes ashes, how can it ever return again?

If he who departs from the body goes to another world, how is that he comes not back again restless for love of his kindred?

Hence it is only a means of livelihood that Brahmans have established here.

All these ceremonies are for the dead, there is no other fruit anywhere. The three authors of the Vedas were buffoons, knaves and demons.

All the well-known formulas of the pundits Jarphari, Turphari, and all the obscene rites for the queen commanded in the Aswamedha:

These were invented by buffoons, and so all the various kinds of present? to the priests.

While the eating of flesh was similarly commended by night prowling demons."

If the opinions of the Charvaka and Brahaspati are not accepted there is plenty of other evidence. That evidence is recorded in the books of the various schools of philosophy such as the Nyaya, Vaishashikha, Purva and Uttar Mimamsa. It must be said to the credit of the authors of the text-books of these philosophies that before proceeding to defend the authority of the Vedas they have been very careful to set out the case of their opponents who were opposed to the authority of the. Vedas. This fact enables us to prove two things: (1) That there was a school of thought which was opposed to recognize the Vedas as books of authority; (2) That they were a respectable group of people whose opinions the defenders of the authority of the Vedas were bound to consider. I reproduce below the case of the opponents as set out in the Nyaya and the Purva Mirnarnsa.

Gotama the author of the Nyaya system of Philosophy was an upholder of the doctrine of the authority of the Vedas. He has summarized the arguments of his opponents in Sutra 57 which reads as followsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_23:

"The Veda has no authority, since it has the defects of falsehood, self-contradiction, and tautology. That verbal evidence, which is distinct from such as relates to visible objects, i.e., the Veda, has no authority. Why? Because it has the defects of falsehood etc."

"Of these defects, that of falsehood is established by the fact that we sometimes observe that no fruit results from performing the sacrifice for a son, or the like. ' Self-contradiction ' is a discrepancy between a former and a later declaration. Thus the Veda says 'he sacrifices when the Sun is risen; he sacrifices when the Sun is not yet risen. He sacrifices, (I cannot explain the next words says Muir,) A tawny (dog?) carries away the oblation of him who sacrifices before the Sun has risen: and both of these two carry off the oblation of him who sacrifices. Now here there is a contradiction between the words which enjoin sacrifices and the words which intimate by censure that those sacrifices will occasion disastrous results. Again, the Veda has no authority, owing to its 'tautology', as where it is said, he repeats the first thrice, he repeats the last thrice. For as the lastness ultimately coincides with the firstness and as there is a triple repetition of the words, this sentence is tautological. Now since these particular sentences have no authority, the entire Veda will be proved by these specimens to stand in the same predicament,

since all its other parts have the same author, or are of the same character, as these portions."

Coming to Jaimini. He summarises the views of the opponents of the Vedas in the first part of Sutras 28 and 32 of his Purva Mimamsa. Sutra 28 saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_24:

"It is also objected that the Vedas cannot be eternal, because we observe that persons, who are not eternal, but subject to birth and death, are mentioned in them. Thus it is said in the Veda ' Babara Pravahani desired ', ' Kusurvinda Auddalaki desired '. Now, as the sentences of the Veda in which they are mentioned, could not have existed before these persons were born, it is clear that these sentences had a beginning, and being thus non-eternal, they are proved to be of human composition."

Sutra 32 saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_25:

"It is asked how the Veda can constitute proof of duty when it contains such incoherent nonsense as the following: 'An old ox, in blanket and slippers, is standing at the door and singing benedictions. A Brahman female, desirous of offspring, asks, ' Pray O King, what is the meaning of intercourse on the day of the new moon?' or the following: 'the cows celebrated this sacrifice'."

This is also the view of Yaska the author of Nirukta who says:

(Of the four kinds of verses specified in the preceding section), (a) those which address a god as absent, (b) those which address him as present, and (c) those which address the worshippers as present and the god as absent, are the most numerous, while (d) those which refer to the speaker himself are rare. It happens also that a god is praised without any blessing being invoked, as in the hymn (R.V.i. 32)."I declare the heroic deeds of Indra,"etc. Again, blessings are invoked without any praise being offered, as in the words, 'May, I see well with my eyes, be resplendent in my face, and hear well with my ears'. This frequently occurs in the Adhvaryava (Yajur), and in the sacrificial formula. Then again we find oaths and curses as in the words (R.V.vii. 104, 15), 'May I die today, if I am a Yatudhana,' etc. Further, we observe the desire to describe some particular state of things, as in the verse (R. V. x. 129, 2). ' Death was not then, nor immortality,' etc. Then there is lamentation, arising out of a certain state of thing, as in the verse (R. V. x. 95, 14), 'The beautiful god will disappear and never return,' etc. Again we have blame and praise, as in the words (R. V. x. 117, 6). 'The man who eats

alone, sins alone, etc. So, too, in the hymn to dice (R. V. x. 34, 13) there is a censure upon dice, and a commendation of agriculture. Thus the objects for which the hymns were seen by the rishis were very various."

To quote the words of Yaska again—

"Each particular hymn has for its deity the God to whom the Rishi, seeking to obtain any object of desire which he longs for, addresses his prayer."If this is not enough to prove that there is no ethical or spiritual Value in the Vedas further evidence could be added.

As to morality there is hardly any discussion about it in the Rig-Veda. Nor does the Rig-Veda contain elevating examples of moral life. Three illustrations of cases on the other side may well be given:

First is the conversation between *Yama* and *Yami* who were brother and sister.

"(Yami speaks). I invite my friend to friendship, having come over the vast and desert ocean may Vedhas, after reflecting, place in the earth the offspring (of thee) the father, endowed with excellent qualities."

"(Yama speaks). Thy friend desires not this friendship, for although of one origin, she is of a different form; the hero sons of the great Asura (are) the upholders of heaven, enjoying vast renown."

"(Yami speaks). The immortals take pleasure in (a union) like this which is forbidden to every mortal; let thy mind then concur with mine, and as the progenitor (of all) was the husband (of his daughter), do thou enjoy my person"

"(Yama speaks). We have not done what was done formerly; for how can we who speak truth, utter now that which is untrue? Gandharva (the sun) was in the watery (firmament), and the water was his bride. She is our common parent, hence our near affinity."

"(Yami speaks). The divine omniform generator Twashtri, the progenitor, made us two husband and wife, even in the womb; none frustrate his undertaking; earth and heaven are conscious of this our (union)."

"(Yama speaks). Who knows anything of this (his) first day (of existence)? Who has beheld it? Who has here revealed it? The dwelling of Mitra and of Varuna is vast. What sayest thou, who punishest men with hell?"

"(Yami speaks). The desire of Yama hath approached me Yami, to lie with him in the same bed; I will abandon my person as a wife to her husband; let us exert ourselves in union like the two wheels of a wagon."

"(Yama speaks). The spies of the Gods, which wander upon earth, never stop, never close their eyes. Associate quickly, destructress with

some other than with me, and exert yourselves in union, like the two wheels of a wagon."

"(Yami speaks). To him (Yama) let every whorshipper sacrifice both day and night, on him let the eye of the Sun repeatedly rise; (for him may) the kindred pair (day and night unite) with heaven and earth. Yami will adhere to the non-affinity of Yama."

"(Yama speaks). The subsequent ages will come, when sisters will choose one who is not a brother (as a husband); therefore, auspicious one, choose another husband than me, and make thine arm a pillow for thy mate."

"(Yami speaks). Is he a brother whose sister has no lord? Is she a sister (whose brother) misfortune approaches? Overcome by desire, I strongly urge this one request; unite thy person with mine."

"(Yama speaks). I will not unite my person with thine; they call him who approaches a sister, a sinner. Enjoy pleasure with some other than me; thy brother, auspicious one, has no such desire."

"(Yami speaks). Alas, Yama, thou art feeble; we understand not thy mind or thy heart. Some other female exbrances thee as a girth a horse, or as a creeper a tree."

"(Yama speaks). Do thou, Yami, embrace another; and let another embrace thee as a creeper a tree; seek his affection, let him seek thine; and make a happy union."

"May Agni, the destroyer of the Rakshasas consenting to our prayer, drive hence (the evil spirit) who (in the form of) sickness assails thine embryo, who, as the disease durnaman, assails thy womb."

"May Agni concurring in our prayer, destroy the cannibal who, as sickness, assails thine embryo, who, as the disease durnaman, assails thy womb."

"May we exterminate from hence (the evil spirit) who destroys the impregnating energy, the germ as it settles, the moving embryo, who seeks to destroy (the babe) when born."

"May we exterminate from hence (the evil spirit), who separates thy thighs, who lies between husband and wife, who entering thy womb, devours (the seeds). May we exterminate from hence (the evil spirit), who in the form of brother, husband, or paramour, approaches thee, and seeks to destroy thy offspring."

"May we exterminate from hence (the evil spirit) who, having beguiled thee by sleep or darkness, approaches thee, and seeks to destroy thy offspring."

Take some of the Hymns or prayers that are to be found in the Rig-

Veda. The following are a few of them—

1. 1. Oh ! God Vayu, how very beautiful you are. We have prepared the Somarasa (an intoxicating drink) with spices. Pray come and drink it and grant us our prayers—Rig. Ved. I. 1.2.1.

2. 2. Oh! God Indra. Bring ye wealth for our protection. Let the wealth that you bring make us happy be increasing and everlasting and help us to kill our enemies—1. 1.8.1.

3. 3. Oh! ye people whenever you are performing your yajna, fail not to praise the Gods Indra and Agni. Advance their position and sing their praises in the Gayatri Meter—I. 21.2.

4. 4. Oh ! ye Agni, please bring the wives of the Gods and Twashta who are eager to come and drink Soma—I. 22.9.

5. 5. We pray that the Gods' wives come to us with all available wings and with all happiness—I. 22.11.

6. 6. I am praying the wives of Indra, Varuna and Agni to come to my place to drink Soma.

7. 7. Oh! Varuna, we are supplicating before you to remove your anger. Oh! ye Asura, you are all wise, relieve us from our sins—I. 24.14.

8. 8. Our Somarasa has been prepared by women who have churned it backward and forward. Oh! ye Indra we pray you to come and drink this Soma—1. 28.3.

9. 9. Your enemies who do not make any offering to you may disappear and let your followers who do prosper. Oh ! Indra give us best cows and best horses and make us famous in the world.—1. 29.4.

10. 10. Oh! Agni save us from Rakshasas, from cunning enemies, from those who hate us and want to kill us.—1. 36.15.

11. 11. Oh! Indra, you are a hero. Come and drink the Soma we have prepared and be ready to give us wealth. Loot the wealth of those who do not make you any offering and give the same to us—1. 81-8-9.

12. 12. Oh! Indra, drink this Soma which is the best, giving immortality and most intoxicating.—I. 84-4.

13. 13. Oh ! Adityas, you come to give us your blessings. You give us victory in war. You are wealthy. You are charitable. Just as a chariot is pulled through a difficult path in the same way you pull us through our dangers.—1. 106-22.

14. 14. Oh ! ye Marutas. . . . .your followers are singing your praises. Be pleased to come and sit on the grass-cushion prepared for you for the purpose of drinking Soma.—VII. 57-1-2.

15. 15. Oh! ye Mitra-Varuna we have offered you worship in the

yajna. Be pleased to accept it and save us from all dangers—VII. 60-12.

These are only a few verses out of a large bundle which form the Rig-Veda. But there can be no doubt that this sample small as it is is true to bulk.

I may state that I have deliberately omitted a good many obscene passages to be found in the Rig-Veda and Yajur-Veda. Those who have any curiosity in the matter might look up the conversation between Surya and Pushan in Rig-Veda Mandal X. 85.37 and between Indra and Indrani in Rig-Veda. Mandal X. 86.6. A further obscenity will also be found in the Ashvamedha Section of the Yajur-Veda.

Leaving these obscenities aside and confining oneself to the prayer portion of the Rig-Veda can any one say that these are morally or spiritually elevating prayers?

As to philosophy there is nothing of it in the Rig-Veda. As Prof. Wilson observes there is in the Rig-Veda, which is the stock Veda, scarcely any indication or doctrinal or philosophical speculation, no allusion to the later notions of the several schools, nor is there any hint of metempsychosis, or of the doctrine intimately allied to it, of the repeated renovation of the world. The Vedas may be useful as a source of information regarding the social life of the Aryans. As a picture of primitive life it is full of curiosity but there is nothing elevating. There are more vices and a few virtues.

II

We may now turn to the Atharva-Veda and examine its contents. The best I can do is to present the following extracts from the table of contents of the Atharva-Veda.

Book 1. Charms to cure diseases and possession by demons of disease (bhaishagyani).

v, 22. Charm against takman (fever) and related diseases.
vi, 20. Charm against takman (fever).
i, 25. Charm against takman (fever).
vii,116. Charm against takman (fever).
v, 4. Prayer to the Kushtha-plant to destroy takman (fever).
xix,39.Prayer to the Kushtha-plant to destroy takman (fever) and other ailments.
i, 12. Prayer to lightening, conceived as the cause of fever, headache, and cough.
i, 22. Charm against jaundice and related diseases.
vi, 14. Charm against the disease halasa.

vi, 105. Charm against cough.
i, 2. Charm against excessive discharges from the body.
ii, 3. Charm against excessive discharges from the body, undertaken with spring-water.
vi, 44. Charm against excessive discharges from the body.
i, 3. Charm against constipation and retention of urine.
vi, 90. Charm against internal pain (colic) due to the missiles of Rudra.
i, 10. Charm against dropsy.
vii, 83. Charm against dropsy.
vi, 24. Dropsy, heart-disease, and kindred maladies cured by flowing water.
vi, 80. An oblation to the sun, conceived as one of the two.
ii, 8. Charm against kshetriya, hereditary disease.
ii, 10. Charm against kshetriya, hereditary disease.
iii, 7. Charm against kshetriya, hereditary disease.
i, 23. Leprosy cured by a dark plant.
i, 24. Leprosy cured by a dark plant.
vi, 83. Charm for curing scrofulous sores called *apakit*.
vii, 76. A. Charm for curing scrofulous sores called *apakit*.
B. Charm for curing tumours called gayana.
C. Stanza sung at the mid-day pressure of Soma.
vii, 74. A. Charm for curing scrofulous sores called apakit.
B. Charm to appease jealousy.
C. Prayer to Agni, the lord of vows.
vi, 25. Charm against scrofulous sores upon neck and shoulders.
vi, 57. Urine (galasha) as a cure for scrofulous.
iv, 12. Charm with the plant arundhati (laksha) for the cure of fractures.
v, 5. Charm with the plant silaki (laksha) arundhati for the cure of wounds.
vi, 109. The pepper-corn as a cure for wounds.
i, 17. Charm to stop the flow of blood.
ii, 31. Charm against worms.
ii, 32. Charm against worms in cattle.
v, 23. Charm against worms in children.
iv, 6. Charm against poison.
Iv, 7. Charm against poison.
vi, 100. Ants as an antidote against poison.
v. 13. Charm against snake-poison.
vi, 12. Charm against snake-poison.

vii, 56. Charm against the poison of serpants, scorpions and insects.
vi, 16. Charm against opthalmia.
vi, 21. Charm to promote the growth of hair.
vi, 136. Charm with the plant nitauni to promote the growth of hair.
vi, 137. Charm to promote the growth of hair.
iv, 4. Charm to promote virility.
vi. 111. Charm against Mania.
iv, 37. Charm with the plant agasringi to drive out Rakshasas, Apsaras and Gandharvas.
ii, 9. Possession by demons of disease, cured by an amulet of ten kinds of wood.
iv, 36. Charm against demons (pisaka) conceived as the cause of disease.
ii, 25. Charm with the plant prisniparni against the demon of disease called kanva.
vi, 32. Charm for driving away demons (Rakshas and Pisakas).
ii, 4. Charm with an amulet derived from the gangidatree against diseases and demons.
xix, 34. Charm with an amulet derived from the gangidatree against diseases and demons.
xix, 35. Charm with an amulet derived from the gangidatree against diseases and demons.
vi, 85. Exorcism of disease by means of an amulet from the varana-tree.
vi, 127. The kipuddru-tree as a panacea.
xix, 38. The healing properties of *hdellium.*
vi, 91. Barley and water as universal remedies.
viii, 7. Hymn to all magic and medicinal plants used as a universal remedy.
vi, 96. Plants as a panacea.
ii, 33. Charm to secure perfect health.
ix, 8. Charm to procure immunity from all diseases.
ii, 29. Charm for obtaining long life and prosperity by transmission of disease.

II. Prayers for long life and health (ayushyani).

iii, 11. Prayer for health and long life.
ii, 28. Prayer for long life pronounced over a body.
iii, 31. Prayer for health and long life.

vii, 53. Prayer for long life.
viii, 1. Prayer for exemption from the dangers of death.
viii, 2. Prayers for exemption from the dangers of death.
v, 30. Prayer for exemption from disease and death.
iv, 9. Salve (angana) as a protector of life and limb.
iv, 10. The pearl and its shell as an amulet bestowing long life and prosperity.
xix, 26. Gold as an amulet for long life.

III. Imprecations against demons, sorcerers, and enemies (abhikarikani and Krityapratiharanan).

i, 7. Against sorcerers and demons.
i, 8. Against sorcerers and demons.
i,16. Charm with lead, against demons and sorcerers.
vi, 2. The soma-oblation directed against demons (rakshas).
ii, 14. Charm against a variety of female demons, conceived as hostile to men, cattle and home.
iii, 9. Against Vishkandha and Kabava (hostile demons).
iv, 20. Charm with a certain plant (sadampushna) which exposes demons and enemies.
iv, 17. Charm with the apamarga-plant, against sorcery, demons and enemies.
iv, 18. Charm with the apamarga-plant against sorcery, demons and enemies.
iv, 19. Mystic power of the apamarga-plant, against demons and sorcerers.
vii, 65. Charm with the apamarga-plant against curses, and the consequence of sinful deeds.
x, 1. Charm to repel sorceries or spells.
v, 14. Charm to repel sorceries or spells.
v, 31. Charm to repel sorceries or spells.
viii, 5. Prayer for protection addressed to a talisman made from the wood of a sraktya-tree.
x, 3. Praise of the virtue of an amulet derived from the varana-tree.
x,6. Praise of the virtues of an amulet of khadira-wood in the shape of a ploughshare.
ix, 16. Prayer to Varuna for protection against treacherous designs.
ii, 12. Imprecation against enemies thwarting holy work.
vii, 70. Frustration of the sacrifice of an enemy.

ii, 7. Charm against curses and hostile plots undertaken with a certain plant.
iii, 6. The asvattha-tree as a destroyer of enemies.
vi. 75. Oblation for the suppression of enemies (naibadhyam havih).
vi. 37. Curse against one that practises hostile charms.
vii. 13. Charm to deprive enemies of their strength.

IV. Charms pertaining to women (strikarmani).

ii, 36. Charm to obtain a husband.
vi, 60. Charm to obtain a husband.
vi, 82. Charm for obtaining a wife.
vi. 78. Blessing for a married couple.
vii, 36. Love-charm spoken by a bridal couple.
vii. 37. Charm pronounced by the bride over the bridegroom.
vi, 81. A bracelet as an amulet to ensure conception.
iii. 23. Charm for obtaining a son (pumsavanam).
vi, 11. Charm for obtaining a son (pumsavanam).
vii, 35. An incantation to make a woman sterile.
vi. 17. Charm to prevent miscarriage.
i, 11. Charm for easy parturition.
i. 34. Charm with licorice, to secure the love of a woman.
ii, 30. Charm to secure the love of a woman.
vi. 8. Charm to secure the love of a woman.
vi, 9. Charm to secure the love of a woman.
vi,102. Charm to secure the love of a woman.
iii, 25. Charm to secure the passionate love of a woman.
vii. 38. Charm to secure the love of a man.
vi, 130. Charm to arouse the passionate love of a man.
vi, 132. Charm to arouse the passionate love of a man.
iv, 5. Charm at an assignation.
vi, 77. Charm to cause the return of a truant woman.
vi, 18. Charm to allay jealousy.
i, 14. A woman's incantation against her rival.
iii. 18. Charm of a woman against a rival *or* co-wife.
vi, 138. Charm for depriving a man of his virility.
i. 18. Charm to remove evil bodily characteristics from a woman.
vi. 110. Expiatory charm lor a child born under an unlucky star.
vi. 140. Expiation for the irregular appearance of the first pair of teeth.

V. Charms pertaining to royalty (ragakarmani).

iv. 8. Prayer at the consecration of a king.
iii, 3. Charm for the restoration of an exiled king.
iii, 4. Prayer at the election of a king.
iv, 22. Charm to secure the superiority of a king.
iii, 5. Praise of an amulet derived from the parna-tree, designed to strengthen royal power.
i, 9. Prayer for earthly and heavenly success.
vi, 38. Prayer for lustre and power.
vi, 39. Prayer tor glory (yasas).
viii 8. Battle-charm.
i, 19. Battle-charm against arrow-wounds.
iii, 1. Battle-charm for confusing the enemy.
iii, 2. Battle-charm for confusing the enemy.
vi, 97. Battle-charm of a king upon the eve of battle.
vi. 99. Battle-charm of a king upon the eve of battle.
xi, 9. Prayer to Arbudi and Nyarbudi for help in battle.
xi. 10. Prayer to Trishmdhi for help in battle.
v, 20. Hymn *to* the battle-drum.
v, 21. Hymn to the battle-drum, the terror *of* the enemy.

VI. Charms to secure harmony, influence in the Assembly, and the like (sammanasyani).

iii. 30. Charm to secure harmony.
vi, 73. Charm to allay discord.
vi. 74. Charm to allay discord.
vii. 52. Charm against strife and blood shed.
vi, 64. Charm to allay discord.
vi. 42. Charm *to* appease anger.
vi. 43. Charm to appease anger.
vii. 12. Charm to procure influence in the assembly.
ii, 27. Charm against opponents in debate undertaken with the pata-plant.
vi, 94. Charm to bring about submission to one's will.

VII. Charms to secure prosperity in house, field cattle business. gambling and kindred matters.

iii, 12. Prayer at the building of a house.
vi, 142. Blessing during the sowing of grain.
vi, 79. Charm for procuring increase of grain.
vi, 50. Exorcism of vermin infesting grain in the field.
vii. II. Charm to protect grain from lightning.
ii, 26. Charm for the prosperity of cattle.
iii, 14. Charm for the prosperity of the cattle.
vi, 59. Prayer to the plant arundhati for protection to cattle.
vi, 70. Charm to secure the attachment of a cow to her calf.
iii, 28. Formula in expiation of the birth of twin-calves.
vi, 92. Charm to endow a horse with swiftness.
iii, 13. Charm for conducting a river into a new channel.
vi, 106, Charm to ward offdanger from fire.
iv, 3. Shephered's charm against wild beasts and robbers..
iii, 15. A merchant's prayer.
iv, 38. *A*. Prayer for success in gambling.

B. Prayer to secure the return of calves that have strayed to a distance.

vii, 50. Prayer for success at dice.
vi, 56. Exorcism of serpents from the premises.
x, 4. Charm against serpents invoking the horse of Pedu that slays serpents.
xi, 2. Prayer to Bhava and Sarva for protection from dangers.
iv, 28. Prayer to Bhava and Sarva for protection from dangers.
vii, 9. Charm for finding lost property.
vi, 128. Propitiation of the weather-prophet.
xi, 6. Prayer for deliverance from calamity, addressed to the entire pantheon.

VIII. Charms in expiation of sin and defilement.

vi, 45. Prayer against mental delinquency.
vi, 26. Charm to avert evil.
vi, 114. Expiatory formula for imperfections in the sacrifice.
vi, 115. Expiatory formulas for sins.
vi, 112. Expiation for the precedence of a younger brother over an elder.
vi, 113. Expiation for certain heinous crimes.
vi, 120. Prayer for heaven after remission of sins.

vi, 27. Charm against pigeons regarded as ominous birds.
vi, 29. Charm against pigeons regarded as ominous birds.
vi, 29. Charm against ominous pigeons and owls.
vii, 64. Expiation when one is defiled by a black bird of omen.
vi, 46. Exorcism of evil dreams
vii, 115. Charm for the removal of evil characteristics, and the acquisition of auspicious.

Ill

It will thus be seen that the Atharva-Veda is nothing but a collection of sorcery, black-magic and medicine. Three-fourths of it is full of sorcery and black magic. It must not however be assumed that it is only the Atharva-Veda which contains black-magic and sorcery. The Rig-Veda is not altogether free from it. There are in it Mantras relating to black magic and sorcery. I give below three Suktas which deal with this matter:

SUKTA XVII (CXLV)

The deity or rather the aim of the hymn is the getting rid of a rival wife; the Rishi is Indrani, the metre of the last verse is Pankati, of the rest Anushtubh.

1. 1. I dig up this most potent medicinal creeper, by which (a wife) destroys a rival wife, by which she secures to herself her husband.
2. 2. 0 (plant) with up-turned leaves, auspicious, sent by the Gods, powerful, remove my rival and make my husband mine alone.
3. 3. Excellent (plant) may I too be excellent amongst the excellent, and may she who is my rival be vile amongst the vile.
4. 4. I will not even utter her name, no (woman) takes pleasure in that person: may we remove the other rival wife to a distance.
5. 5. I am triumphing, thou art triumphant: we two being powerful will triumph over my rival.
6. 6. I make thee the triumphant (herb) my pillow, I support thee with that more triumphant (pillow): let thy mind hasten to me as a cow to her calf, let it speed on its way like water.

SUKTA IV (CLV)

The deity of verses I and 4 is the averting of misfortune

(Alakshmighna), of verses 2 and 3 Brahmanaspati, and of verse 5 the Viswadevas; the Rishi is Sirimbitha, the son of Bharadwaja, the metre is Anushtubh.

1. 1. Miserable, ill-favoured, deformed ever-railing (goddess), go to thy mountain; with these exploits of Sirimbitha we scare thee away.
2. 2. May she be scared away from this (world), scared away from the next (world), the destructress of all embryos; sharp-horned Brihaspati approach, driving away Distress.
3. 3. The wood which floats by the seashore far off, remote from man, seize that, (O, goddess) hard to destroy, and therewith go to a distant shore.
4. 4. Utterers of discordant sounds, when swiftly moving you departed, all the enemies of Indra were slain, disappearing like bubbles.
5. 5. These (Viswadevas) have brought back the (stolen) cattle, they have built up the fire: they have provided food for the Gods. Who will overcome them?

SUKTA XII (CLXIII)

The deity is the cure of phthisis: the Rishi is Vivrihan, the son of Kasyapa, the metre is Anushtubh.

1. 1. I banish disease from thine eyes, from thy head, from thy nose, from thy ears, from thy chin, from thy brain, from thy tongue.
2. 2. I banish disease from thy neck, from thy sinews, from thy bones, from thy joints, from thy upper arms, from thy shoulders, and from thy fore-arms.
3. 3. I banish disease from thine entrails, from thy anus, from thine abdomen, and from thy heart, from thy kidneys, from thy liver, from thy (other) viscera.
4. 4. I banish disease from thy thighs, from thy knees, from thy heels, from thy toes, from thy loins, from thy buttocks, from thy private parts.
5. 5. I banish disease from thy urethra, from thy bladder, from thy hair, from thy nails, from thy whole person.
6. 6. I banish disease from each limb, from each hair, from each joint where it is generated, from thy whole person.

Enough has been extracted from the Vedas to show that they contain nothing that can be said to be spiritually or morally elevating. Neither

the subject matter nor contents of the Vedas justify the infallibility with which they have been invested. Why then did the Brahmins struggle so hard to clothe them with sanctity and infallibility?

RIDDLE NO. 7
THE TURN OF THE TIDE OR HOW DID THE BRAHMINS DECEARE THE VEDAS TO BE LOWER THAN THE LOWEST OF THEIR SHASTRAS?

The religious literature *of* the Hindus includes (1) The Vedas, (2) The Brahmanas, (3) The Aranyakas, (4) Upanishads, (5) Sutras, (6) Itihas, (7) Smritis and (8) Puranas.

As has been pointed out there was a time when they occupied the same status. There was no distinction of superior or inferior, sacred or profane, fallible or infallible.

Eater on as we have shown the Vedic Brahmins felt that they must make a distinction between the Vedas and other classes of their religious literature. They made the Vedas not only superior to other classes of literature but they made them sacred and infallible. In evolving their dogma of the infallibility of the Vedas they made a distinction and divided their sacred writings in two classes (1) Shruti and (2) Non-Shruti. In the first division they placed only two of the eight classes of literature spoken of above namely-(1) Samhitas and (2) the Brahmanas. The rest they declared as Non-Shruti.

II

When this distinction was first made it is not possible to say. The more important question, however, is on what basis was this division made? Why were Itihas and Puranas excluded? Why were Aranyakas and Upanishads excluded? Why were the Sutras excluded? One can well understand why Itihas and Puranas were excluded from Shruti. At the time when the division took place they were too elementary and too undeveloped and in all probability included in the Brahmanas. Similarly one can well understand why the Aranyakas are not

This is a 21-page typed MS originally entitled ' The Supersession of the Vedas ', with several corrections and modifications by the author himself. This chapter seems complete as the last para of this chapter is concluded in the handwriting of the author.—Ed.

specifically mentioned as a part of the Shruti. They are a part of the Brahmanas and for that reason it was probably unnecessary to say expressly that they are part of the Shruti. The question of the

Upanishads and the Sutras remains a puzzle. Why were they excluded from the Shruti? The question regarding the Upanishads is the subject matter of another chapter. Here it is proposed to deal with the question of the Sutras. Because the reasons for the exclusion of the Sutras it is not possible to comprehend. If there were good reasons for including the Brahmanas in the category of Shruti the same reasons could not fail to justify the inclusion of the Sutras. As Prof. Max Muller observes:

"We can understand how a nation might be led to ascribe a superhuman origin to their ancient national poetry, particularly if that poetry consisted chiefly of prayers and hymns addressed to their gods. But it is different with the prose compositions of the Brahmans. The reasons why the Brahmanas which are evidently so much more modern than the Mantras, were allowed to participate in the name of Sruti, could only have been because it was from these theological compositions, and not from the simple old poetry of the hymns, that a supposed divine authority could be derived for the greater number of the ambitious claims of the Brahmanas. But, although we need not ascribe any weight to the arguments by which the Brahmanas endeavoured to establish the contemporaneous origin of the Mantras and Brahmanas there seems to be no reason why we should reject as equally worthless the general opinion with regard to the more ancient date of both the Brahmanas and Mantras, if contrasted with the Sutras and the profane literature of India. It may easily happen, where there is a canon of sacred books, that later compositions become incorporated together with more ancient works, as was the case with the Brahmanas. But we can hardly imagine that old and genuine parts should ever have been excluded from a body of sacred writings, and a more modern date ascribed to them, unless it be in the interest of a party to deny the authority of certain doctrines contained in these rejected documents. There is nothing in the later literature of the Sutras to warrant a supposition of this kind. We can find no reason why the Sutras should not have been ranked as Sruti, except the lateness of their date, if compared with the Brahmanas, and still more with the Mantras. Whether the Brahmanas themselves were aware that ages must have elapsed between the period during which most of the poems of their Rishis were composed, and the times which gave rise to the Brahamanas, is a question which we need hardly hesitate to answer in the affirmative. But the recklessness with which Indian theologians claim for these Brahmanas the same title and the same age as for the Mantras, shows that the reason must have been peculiarly strong which deterred them from claiming the same divine authority for

the Sutras."

The exclusion of the Sutras from the category of Shruti is a riddle that calls for explanation.

There are other riddles which strike the student who cares to investigate into the subject. They relate to the changes in the content of the literature comprised in the term Shruti and their relative authority.

One such riddle relates to the class of literature called the Brahmanas. At one time the Brahmanas were included in the term Shruti. But later on they seem to have lost this position. For Manu* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_26 seems to exclude the"Brahamanas"from the category of Shruti as may be seen from the following extract from his Smriti:

"By Shruti is meant the Veda, and by Smriti the institutes of law; the contents of these are not to be questioned by reason, since from them (a knowledge of) duty has shown forth. The Brahman who, relying on rationalistic treatises, shall condemn these two primary sources of knowledge must be excommunicated by the virtuous as a sceptic and reviler of the Vedas.... To those who are seeking a knowledge of duty, the Sruti is the supreme authority."Why were the Brahmanas excluded from Shruti?

III

We may now turn to the class of literature called the Smritis, the most important of which are the Manu Smriti and the Yajnavalkya Smriti. The number of Srnritis was ever on the increase and the composing of Smritis went on up to the advent of the British. Mitramistra refers to 57 Smritis, Nilakanta to 97 and Kamalakar to 131. The Smriti literature is bigger than any other class of religious literature regarded as sacred by the Hindus.

There are several points regarding the relation of the Smritis to the Vedas.

The first is that the Smriti was not recognizedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_27 as part of the Dharma Shastra literature represented by the Dharma Sutras such as that of Baudhayana, Gautama or Apastambha. A Smruti originally dealt with social customs and conventions that were approved of and recommended by the learned leaders of society. As Prof. Altekar observes:

"In the beginning, Smritis were identical in nature and contents with *Sadacara* and were based upon it. When Smritis came into existence the scope of Sadacara became naturally reduced, as much of it was codified

by Smritis. It began to denote those old practices which happened not to be codified in Smritis, or those new ones, which had acquired social approval at a period subsequent to the codification of the early Dharmasastras or Smritis."The second point to note is that the Smritis were treated as quite different from the Vedas or the Srutis. So far as their sanction and their authority were concerned they stood on absolutely different footing. The sanction behind the Sruti was divine. The sanction behind the Smriti was social. In the matter of their authority the Purva Mimarnsa lays down two rules. The first rule is that if there is a conflict between two texts of Sruti then both are authoritative and the presumption will be that the Vedas have given an option to follow one or the other. The second rule is that the text of a Smriti should be summarily rejected if it was opposed to the text of the Sruti. These rules were rigorously applied with the result that the Smritis could not acquire either the status or the authority of the Vedas.

Surprising as it may appear a time came when Brahmins took a summersault and gave the Smritis a status superior to that of the Vedas. As Prof. Altekar points out:

"The Smritis have actually overruled some of the specific dicta of Srutis that were not in consonance with the spirit of the age, or were coming into direct conflict with it. The Vedic practice was to perform daiva *karma* in the morning and the *pitr karma* in the afternoon. In later times the modern *pitr tarpana* came into vogue and it began lo be offered in the morning, as the morning bath became the order of the day. Now this procedure is in direct conflict with the Vedic practice prescribed in the above-mentioned rule. Devamabhatta. the author ol the *Smrticandrika,* however says that there is nothing wrong in this: the Sruti rule must be presumed to be referring to pitr *karman* other than *tarpana.* The Sruti literature shows that Visvamitra adopted Sunassepa, though he had a hundred sons living: this would thus permit a person to adopt a son even when he had a number ol his own sons living. But Mitramisra says that such a deduction would he wrong: we shall have to assume that the Smriti practice is also based upon a Sruti text. which is not now available but the existence of which will have to be assumed."'"The Vedic passage, *na seso 'gne' nyajatamasti* certainly disapproves of the practice of the adoption of a son, which is clearly recommended in later times by the Smriti literature. This is a clear example of a Sruti being thrown overboard by a Srnriti. But Mitramisra says that there is nothing wrong about the procedure. The Sruti passage is a mere *arthavada;* it does not lay down any injunction. The Smritis on the other hand

prescribe adoption so that *homas* etc. should be properly performed. *Arthavada Sruti* is thus being fittingly overruled by a Srnriti text, which has a *vidhi* for its purport."

"The custom of the Sati of the later age is in direct conflict with the vedic injunction prohibiting suicide. Apararka, however, argues that the conflict with Sruti should not invalidate the custom. For the Sruti passage lays down a general principle disapproving suicide, while the Smritis lay down a special exception in the case of a widow."

Whether the customs of a Sati and adoption are good or not is a different question. Somehow or other society had come to approve of them. Smritis gave canonical, sanction to them and sought to defend them even against the authority of the Vedas.

The question is why did the Brahmins after having struggled so hard for establishing the supremacy of the Vedas degrade the Vedas and invest the Smritis with authority superior to that of the Vedas? They did so much to raise the authority of the Vedas above the divine. Why did they drag them below the Smritis which had nothing but social sanction?

The steps they adopted were so ingenious and artificial that one cannot help feeling that there must have been some definite motive which led the Brahmins to give the Smritis a status superior to that of the Vedas.

To give some idea as to how artificial, ingenious and desparate these arguments were it might be useful to give just a brief outline of them.

As an illustration of an artificial argument, one may refer to the view propounded by Brahaspati. According to him, Sruti and Srnriti are the two eyes of the Brahmana, if he is void of one of them he becomes a one-eyed person.

As an illustration of an ingenious argument one may refer to the argument of Kumarila Bhatt. His argument is founded on the theory of lost Sruti. It was argued on behalf of the Smritis that their views cannot be set aside even when they are in direct conflict with the Srutis for they may quite possibly have been based upon a lost text of Sruti, and so the conflict is not a conflict between a text of Sruti and that of a Smriti. It is really a conflict between an existing and lost text of Sruti. Smriti therefore came to be represented as lost Sruti.

There is a third means adopted by the Brahmins to make the Smritis equal if not superior to the Vedas. It is to be found in the Atri Smriti. Atri says that those who do not respect the Smritis will be subject to curse. Atri's argument is that *Brahmanyam* arises only as a result of a joint study of the Sruti and Smriti and if a person studies the Vedas only but holds the Smriti in contempt he would be immediately condemned to be

born as a beast for 21 generations.

Why did the Brahmins adopt such desparate means to place the Smritis on the same footing as the Sruti? What was their purpose? What was their motive?

Prof. Altekar's argument that the Smritis were given supremacy over the Vedas because they gave legal justification to customary law which was of later growth, cannot be accepted as adequate. If the case was that, there was law in the Vedic period and custom had grown later on; and if there was a conflict between the two, one could have understood the argument that the Smritis were given predominance because they set right the conflict by recognizing the progressive doctrines of the custom. This is not the case. There was no such thing as law in the Vedas. As Professor Kane points out:

"All law was customary and there was no necessity to give recognition to the customs because they were recognized by the people. Secondly the Smritis cannot be said to be more progressive than the Vedas. Barring the Chaturvarna doctrine which everybody knows the Vedas except in the matter of forms of worship left Society quite free to develop. What the Smritis have done is, take out the unprogressive element in the Vedas namely the Chaturvarna theory and to propagandize it and hammer it into the heads of the people."

Therefore there must be some other reason why the Brahmins gave supremacy to the Smritis over the Vedas.

The Brahmins were not content with their first acrobatics. They performed another.

The Smritis were followed in point of time by the Puranas. There are 18 Puranas and 18 Up-Puranas altogether 36. In one sense the subject matter of the Puranas is the same. They deal with the creation, preservation and destruction of the world. But in the rest of their contents they differ altogether. Some propagate the cult of Brahma, some the cult of Shiva, some the cult of Vishnu, some the cult of Vayu, some the cult of Agni, some the cult of Surya and some the cult of Goddesses and other deities. As has been noted there was a time when the Puranas were not included in the Shruti. In later times however a striking change seems to have taken place. The Puranas which were considered as too profane to be included in the Shruti were given a superiority over the Vedas. The Vayu Purana saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_28:

"First, of all the Shastras, the Purana was uttered by Brahma.

Subsequently the Vedas issued from his mouth."The Matsya Purana not only claims priority of creation for the Puranas as against the Vedas, but also the qualities of eternity and identity with sound, which was once predicated of the Vedas alone. It saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_29:

"Pitamaha (Brahma), first of all the immortals, took shape; then the Vedas with their Angas and Upangas (appendages and minor appendages), and the various modes of their textual arrangements, were manifested. The Purana, eternal, formed of sound, pure, extending to the length of a hundred crores of verses, was the first of the Sastras which Brahma uttered ; and afterwards the Vedas, issued from his mouth; and also the Mimansa and the Nyaya with its eightfold system of proofs.

The Bhagawat Purana claims equality of authority with the Vedas. It saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_30:

"(Bramharatra) declared the Purana called the Bhagavata, which stands on an equality with the Veda."

The Brahma-Vaivartta Purana has the audacity to claim superiority over the Vedas. It saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_31:

"That about which venerable sage, you have inquired, and which you desire, is all known to me, the essence of the Puranas, the preeminent Brahma-Vaivartta, which refutes the errors of the Puranas and Upa-puranas, and the Vedas."

This is the second acrobatic performed by the Brahmins in assigning priority, precedence, and authority to their sacred books.

This does not complete the story of the suppression of the Vedas. The worse is yet to come. The Puranas were followed by another class of literature called the *Tantras.* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_32 Their number is also quite formidable. Shankaracharya refers to 64 Tantras. There might be many more.

Traditionally the authorship of these works is attributed to Dattatreya, who was an incarnation of the Hindu trinity, Brahma, Vishnu and Shiva. They are therefore to be regarded as equally the revelation of the three supreme divinities. In form, however, they are dependent on Shiva alone, who in dialogue with his wife Durga, or Kali, reveals the mystical

doctrines and observances which are *to* be received and practised by his worshippers. This authoritative or 'higher tradition' is further said to have been delivered from his central or fifth mouth. As such it is pre-eminently sacred and secret and may not be revealed to the uninitiated. They are also called by the name Agamas, and as such are sometimes distinguished from Nigama, the text of the Vedas, Dharmashastras, and other sacred books.

The Tantras are regarded specially as the religious text-books of the Saktas and of their various sects. There are different Tantrik schools, with variant traditions, the distinctions between which are little understood outside of their immediate circle of adherents. The ritual of the Tantras of the Daksinacharins, however, is said to be pure and in harmony with the Vedas, while that of the Vamacharins is intended only for Shudras.

The teaching of the Tantras, as of the Puranas is essentially based on the Bhakti-Marga which is regarded by them as superior to the Karma-Marga and Jnana-Marga of the Brahmanas and Upanishads. Adoration of a personal deity is inculcated, especially of the wife of Shiva, who is worshipped as the source of all regenerative power. In all these writings the female principle is personified and made prominent, to the almost total exclusion of the male.

What is the relation of the Tantras to the Vedas? Kalluka Bhatta the well known commentator of Manu Smriti has no hesitation in asserting that Shruti is two-fold- *Vaidik* and *Tantrik*—which means that the Vedas and the Tantras stand on equal footing. While the Vaidik Brahmins like Kalluka Bhatta admitted the equality of the Tantras to the Vedas, the authors of the Tantras went much beyond. They claimed that the Vedas, the Shastras, and the Puranas are alike a common woman, but the Tantras are like a highborn woman conveying thereby that the Tantras are superior to the Vedas.

From this survey one thing is clear. The Brahmins have not been very steadfast in their belief regarding the sacred character of what they called their books of religion. They fought to maintain the thesis that the Vedas were not only sacred but that they were infallible. Not only they maintained that the Vedas were infallible but they spent their ingenuity to invent strange arguments to support the doctrine of infallibility. Yet they had not the slightest compunction to overthrow the position of the Vedas and to subordinate them first to the Smritis, then to the Puranas and lastly to the Tantras. The question of all questions is what made the Brahmins degrade the Vedas and supersede them by Smritis,

Puranas and the Tantras if they regarded their Vedas as the most sacred?

RIDDLE NO. 8
HOW THE UPANISHADS DECLARED WAR ON THE VEDAS?

What is the position of the Upanishads in relation to the Vedas? Are the two complimentary to each other or are they antagonistic? Of course, no Hindu would admit that the Vedas and Upanishads are repugnant to each other. On the contrary, it is the common belief of all Hindus that there is no antagonism between them and that both form part and parcel of the same single system of thought. Is this belief well-founded?

The principal reason for the rise of such a belief is to be found in the fact that the Upanishads are also known by another name which is called Vedanta. The word Vedanta has got two meanings. In one sense, it means the last parts of the Vedas. In the second sense, it means the essence of the Vedas. The word Vedanta being another name for the Upanishads, the Upanishads themselves have come to acquire these meanings. It is these meanings which are responsible for the common belief that there is no antagonism between the Vedas and the Upanishads.

To what extent are these meanings of the word Upanishads justified by facts? In the first place, it is well to note the meaning of the word Vedanta. What was the original meaning of the word Vedanta? Does it mean the last book of the Vedas? As observed by Prof. Max Muller* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_33:

"Vedanta is a technical term and did not mean originally the last portions of the Veda, or chapters placed, as it were, at the end of a volume of Vedic literature, but the end i.e., the object, the highest purpose of the Veda. There are, of course, passages, like the one in the Taittiriya-aranyaka (ed-Rajendra Mitra p. 820), which have been misunderstood both by native and European scholars, and where Vedanta means simply the end of the Veda: *yo vedadu svarah*

This 15-page typed MS with modifications in the handwriting of the author was originally entitled ' Vedas versus Upanishads '. Concluding two paragraphs are added by the author in his own handwriting.—-Ed.

prokto vedante ka pratishthitah, ' the Om which is pronounced at the beginning of the Veda, and has its place also at the end of the Veda.' Here Vedanta stands simply in opposition to Vedadu, it is impossible to translate it, as Sayana does, by Vedanta or Upanishad. Vedanta, in the sense of philosophy, occurs in the Taittiriya-aranyaka p. 817, in a verse of the Narayania-upanishad repeated in the Mundak-upanishad III 2, 6 and elsewhere *vedantavignamuniskitarah,* 'those who have well understood the object of the knowledge arising from the Vedanta ' not from the last books of the Veda and *Svetasvatara-up* VI-22, *vedante paramam guthyam,* 'the highest mystery in the Vedanta'. Afterwards it is used in the plural also, e.g., Kshurikopanishad, 10 (bibl. Ind. p. 210) *pundariketi Vedanteshu nigadyate, '* it is called pundarika in the Vedantas"i.e., in the Khandogya and other Upanishads, as the commentator says, but not in the last books of each Veda."' More direct evidence on the point is that which is contained in the Gautama Dharma Sutras. In Chapter XIX verse 12 Gautama speaks of purification and says:

"The purificatory (texts are), the Upanishads, the Vedantas, the Samhita-text of all the Vedas"and so on. From this it is clear that at the date of Gautama the Upanishads were distinguished from Vedantas and were not acknowledged as a part of the Vedic literature. Hardatta in his commentaries says"those parts of the Aranyakas which are not. (Upanishads) are called Vedantas". This is unimpeachable proof that the Upanishads did not come within the range of the Vedic literature and were outside the canons.

This view is also supported by the use of the Veda in the Bhagwat Gita. The word Veda is used in the Bhagwat Gita at several places. And according to Mr. Bhatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_34 the word is used in a sense which shows that the author did not include the Upanishads in the term.

The subject matter of the LJpanishads is not the same as that of the Vedas. This is also another reason why the Upanishads are not a part of the Vedas. What is the origin of the word Upanishad? The point is somewhat obscure. Most European scholars are agreed in deriving Upanishad from the root *sad,* to sit down, preceded by the two prepositions *ni* down and *upa* near, so that it would express the idea of session or assembly of public sitting down near their teacher to listen to

his instructions. This is because in the Trikandasesha, the word Upanishad is explained by *Samipasadana* as sitting down near a person.

But as Prof. Max Muller points out there are two objections to the acceptance of this derivation. Firstly such a word, it would seem, would have been applicable to any other portion of the Veda as well as to the chapters called Upanishad, and it has never been explained how its meaning came thus to be restricted. Secondly, the word Upanishad, in the sense of session or assembly has never been met with. Whenever the word occurs, it has the meaning of doctrine, secret doctrine, or is simply used as the title of the philosophic treatises which contain the secret doctrine.

There is another explanation proposed by Sankara in his commentary on the Taittiriya-Upanishad II, 9, noted by Prof. Max Muller. According to it the highest bliss is contained in the Upanishad *(param sreyo 'syam nishannam)*. That is why it is called Upanishad. Regarding this, Prof. Max Muller says:

"The Aranyakas abound in such etymologies which probably were never intended as real as plays on words, helping, to account somehow for their meaning."

Prof. Max Muller however favours a derivation of the word ' Upanishad ' from the root *sad* to destroy, and meant knowledge which destroys ignorance, the cause of Samsara, by revealing the knowledge of Brahmana as a means of salvation. Prof. Max Muller points out that this is the meaning which the native scholars have unanimously given to the word Upanishad.

If it be granted that the true derivation of the word ' Upanishad ' is what is suggested by Prof. Max Muller, then it would be one piece of evidence to show that the common belief of the Hindus is wrong and that the subject matter of the Vedas and the Upanishads are not complimentary but antagonistic. That the system of thought embodied in the Upanishads is repugnant to that of the Vedas is beyond doubt. A few citations from some of the Upanishads will suffice to show their opposition to the Vedas. The Mundaka Upanishad says:

"Bramha was produced the first among the gods, maker of the universe, the preserver of the world. He revealed to his eldest son Atharva, the science of Brahma the basis of all knowledge. (2) Atharvan of old declared to Angis this science, which Brahma had unfolded to him; and Angis, in turn, explained it to Satyavaha, descendant of Bharadvaja, who delivered this traditional lore, in succession, to Angiras. (3) Mahasala Saunaka, approaching Angiras with the proper formalities,

inquired, 'What is that, 0 venerable sage, through the knowledge of which all this (universe) becomes known? (4) (Angiras) answered, 'Two sciences are to be known— this is what the sages versed in sacred knowledge declare—the superior and the inferior. (5) The inferior (consists of) the Rig Veda, the Yajur-Veda, the Sama-Veda, the Atharva-Veda, accentuation, ritual grammar, commentary, prosody and astronomy. The superior science is that by which the imperishable is apprehended."by which of course he means the Upanishads.

The Chhandogya Upanishad says:

"(1) Narada approached Sanatkumara, saying,"Instruct me, venerable sage. He received for answer ' Approach me with (tell me) that which thou knowest; and I will declare to thee whatever more is to be learnt.' (2) Narada replied, 'I am instructed, venerable sage, in the Rig-veda, the Sama-veda, the Yajur-veda, the Atharvana (which is) the fourth, the Itihasas and Purana (which are) the fifth Veda of the Vedas, the rites of the pitris, arithmetic,, the knowledge of portents and of great periods, the art of reasoning, ethics, the science of the gods, the knowledge of Scripture, demonology, the science of war, the knowledge of the stars, the sciences of serpents and deities: this is what I have studied. (3) I, venerable man, know only the hymns (mantras); while I am ignorant of soul. But I have heard from reverend sages like thyself that 'the man who is acquainted with soul overpasses grief '. Now I, venerable man, am afflicted; but do thou transport me over my grief. Sanatkumara answered, ' That which thou hast studied is nothing but name. (4) The Rig-veda is name: and so are the Yajur-veda, the Sama-veda, the Atharvana, which is the fourth, and the Itihasas and Puranas, the fifth Veda of the Vedas, etc., (all the other branches of knowledge are here enumerated just as above),—all these are but names: worship name. (5) He who worships name (with the persuasion that it is) Brahma, ranges as it were at will over all which that name comprehends: such is the prerogative of him who worships name (with the persuasion that it is) Brahma, ' Is there anything, venerable man' asked Narada, 'which is more than name?' 'There is,' replied, 'something which is more than name'. 'Tell it to me', rejoined Narada."

The Brahadaranyaka Upanishad says:

"In that (condition of profound slumber) a father is no father, a mother is no mother, the worlds are no worlds, the gods are no gods, and the Vedas are no Vedas, sacrifices are no sacrifices. In that condition a thief is no thief, a murderer of embryos is no murderer of embryos, a Pulkasa no Paulakasa, a Chandala no Chandala, a Sramana

no Sramana, a devotee no devotee; the saint has then no relation, either of advantage or disadvantage, to merit or to sin; for he then crosses over all griefs of the heart."

This is what the Katha Upanishad has to say:

"This soul is not to be attained by instruction, nor by understanding, nor by much scripture. He is attainable by him whom he chooses. The soul chooses that man's body as his own abode".

"Although this soul is difficult to know, still it may easily be known by the use of proper means. This is what (the author) proceeds to say. This soul is not to be attained, known, by instruction, by the acknowledgement of many Vedas; nor by. understanding, by the power of recollecting the contents of books; nor by much scripture alone. By what, then, is it to be attained? This he declares".

How great was the repugnance to the Vpanishads and the philosophy contained in them will be realized if one takes note of the origin of the words Anuloma and Pratiloma which are usually applied to the marriage tie among the Hindus. Speaking of their origin Mr. Kane, points out thatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_35:

"These two words Anuloma and Pratiloma (as applied to marriage or progeny) hardly ever occur in the Vedic literature. In the Br. Up. (II. 1.5) and Kausitaki Br. Up. IV. 8. the word ' Pratiloma ' is applied to the procedure adopted by a Brahmana of going to a Kshatriya for knowledge about ' *Brahman* '. Anuloma means according to the heir that is in the natural order of things, Pratiloma means against the heir that is contrary to the natural order. Reading the observations of Mr. Kane in the light of the definition of the word Pratiloma it is obvious that the Upanishads far from being acknowledged as part of the Vedic literature were if not despised, held in low esteem by the Vedic Brahmins. This is anadditional piece of evidence which shows that there was a time when the relation between the Vedas and the Upanishads was of antagonism.

Another illustration of the attitude of the Vaidik Brahmins towards Brahmins who had studied the Upanishads may be given. It is to be found in the texts of the Dharma Sutras of Baudhayana. Baudhayana in his Dharma Sutras (ii. 8.3) says that at a Shradha ceremony a Rahasyavid is to be invited only if other Brahmins are not available. A Rahasyavid of course means a Brahmin versed in the Upanishads. The belief that the Vedas and the Upanishads are complimentary came into being is really a riddle.

RIDDLE NO. 9
HOW THE UPANISHADS CAME TO BE MADE SUBORDINATE TO THE VEDAS?

In the preceding chapter it was shown that originally the Upanishads were not a part of the Vedas and that the two in the matter of doctrine were opposed to each other. It is instructive to compare the later relations between the Vedas and the Upanishads. The later relations between them are best illustrated by the controversy between two philosophers, Jaimini and Badarayana.

Jaimini is the author of a work called the Mimamsa Sutras while Badarayana is the author of Brahma Sutras. Jaimini is an upholder of the Vedas and Badarayana is an upholder of the Upanishads.

The point of dispute was—Is it necessary to perform sacrifices? The Vedas say ' yes ' and the Upanishads say ' no '.

The position of Jaimini is stated by Badarayana in his Sutras 2-7, and explained by Shankaracharya in his commentary. Jaimini contends that* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_36:

"No one undertakes a sacrificial act unless he is conscious of the fact that he is different from the body and that after death he will go to heaven, where he will enjoy the result of his sacrifices. The Texts dealing with self-knowledge serve merely to enlighten the agent and so are subordinate to sacrificial acts."

In short Jaimini says that all that Vedanta teaches is that self is different from the body and outlive the body. Such a knowledge is not enough. The self must have the aspiration to go to heaven. But it can't go to heaven unless it performs Vedic sacrifices which is what his Karmakand teaches. Therefore his Karmakand is the only Salvation and that the Jnankand from that point of view is quite useless. For this Jaimini relies on the conduct of men who have believed in Vedantamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_37:

***'Jaimini versus Badarayana ' was the title given to this chapter which was later scored out. This is a 9-page typed MS with modifications in the first two pages by the author.*—Ed.**

"Janaka, emperor of Videha performed a sacrifice in which gifts were freely distributed (Brih. 3.1.1). I am going to perform a sacrifice sirs (Chh. 5.11.5). Now both Janaka and Asvapati were knowers of the Self.

If by this knowledge of the Self they had attained Liberation, there was no need for them to perform sacrifices. But the two texts quoted show that they did perform sacrifices. This proves that it is through sacrificial acts alone that one attains Liberation and not through the knowledge of the Self as the Vedantins hold."

Jaimini makes a positive assertion that the scriptures unmistakably declaremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_38"that knowledge of the Self stands in a subordinate relation to sacrificial acts". Jaimini justifies it because he saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_39"the two (knowledge and work) go together (with the departing soul to produce the results)."Jaimini refuses to give an independent position to Badarayana's *Jnanakanda.* He takes his stand on two grounds.

Firstmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_40:"Knowledge of the Self does not independently produce any result."

Secondmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_41: According to the authority of the Vedas"Knowledge (of Self) stands in a subordinate relation to work."This is the position of Jaimini towards Badarayana's *Jnanakanda.*

What is the position of Badarayana towards Jaimini and his *Karma Kanda*^ This is explained by Badarayana in Sutras 8 to 17.

The first positionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_42 taken up by Badarayana is that the Self spoken of by Jaimini is the limited self i.e., the soul is to be distinguished from the Supreme soul and that the Supreme soul is recognized by the Scriptures.

The secondmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_43 position taken up by Badarayana is that the Vedas support both knowledge of Self as well as sacrifices.

The thirdmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_44 position taken up by Badarayana is that only those who believe in the Vedas are required to perform sacrifices. But those who follow the Upanishads are not bound by that injunction. As Shankaracharya explains:

"Those who have read the Vedas and known about the sacrifices are entitled to perform work (sacrifices).' No work (sacrifice) is prescribed for those who have knowledge of the Self from the Upanishads. Such a knowledge is incompatible with work."

The fourthmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_45 position taken up by Badarayana is that *Karmakanda* is optional to those who have attained Bramhanand. As Shankaracharya explains:

"That some have of their own accord given up all work. The point is that after knowledge some may choose to work to set an example to others, while others may give up all work. There is no binding on the knowers of the Self as regards work."His last and finalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_46 position is that:

"Knowledge of the Self is antagonistic to all work and so cannot possibly be subsidiary to work"

And as evidence in support of it he reliesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_47 on the scriptures which recognizes Sannyas as the fourth Ashram and relieves the Sannyasi from performing sacrifices prescribed by the *Karmakanda.*

Many such Sutras can be found in Badarayana indicating the attitude of the two scholars of thought towards each other. But the one given above is enough as it is so very typical. If one stops to consider the matter the position wears a strange appearance. Jaimini denounces Vedanta as a false Shastra, a snare and a delusion, something superficial, unnecessary and unsubstantial. What does Badarayana do in the face of this attack? Does he denounce the *Karmakanda* of Jaimini as a false Shastra, a snare and a delusion, something superficial, unnecessary and unsubstantial as the Upanishads themselves did? No. He only defends his own Vedanta Shastra. But one would expect him to do more. One would expect from Badarayana a denunciation of the *Karmakanda* of Jaimini as a false religion. Badarayana shows no courage. On the contrary he is very apologetic. He concedes that Jaimini's *Karmakanda* is based on the scriptures and the scriptures have authority and sanctity which cannot be repudiated. All that he insists on is that his Vedanta doctrine is also true because it has also the support of the scriptures.

This is not all. What Badarayana does is to use the term Vedanta to cover two senses. He uses it so as to emphasize that the Upanishads do form a part *of* the Vedic literature. He uses it also to emphasize that Vedanta or the *Jnyanakanda* of the Upanishads is not opposed to the *Karmakanda* of the Vedas that the two are complimentary. Indeed this is the foundation on which Badarayana has raised the whole structure of his Vedanta Sutras.

This thesis of Badarayana—which underlies his Vedanta Sutras and according to which the Upanishads are a part of the Veda and there is no antagonism between the Vedas and Upanishads—is quite contrary to the tenor of the Upanishads and their relation to the Vedas. Badarayana's attitude is not easy to understand. But it is quite obvious that Badarayana's is a queer and a pathetic case of an opponent who begins his battle by admitting the validity of the premises of his adversary. Why did Badarayana concede to Jaimini on the question of infallibility of the Vedas which were opposed to the Upanishads? Why did he not stand for truth, the whole truth and nothing but the truth as expounded by the Upanishads? The Badarayana has in his Vedanta Sutras betrayed the Upanishads. Why did he do so?

RIDDLE NO. 10
WHY DID THE BRAHMINS MAKE THE HINDU GODS FIGHT AGAINST ONE ANOTHER?

The Hindu theology regarding the world is based upon the doctrine of Trimurti. According to this doctrine the world undergoes three stages. It is created, preserved and destroyed. It is endless series of cycles which goes on without stoppage. The three functions which comprise the cycle are discharged by three Gods, Brahma, Vishnu and Mahesh. Brahma creates the world, Vishnu -preserves and Mahesh destroys it for the purpose of creation. These gods are spoken of as forming what is called Trimurti. The doctrine of Trimurti postulates that three gods are co-equal in status and are engaged in functions which are contemporary and not competitive. They are friends and not rivals. They are allies of one another and not enemies.

When, however, one studies the literature which depicts the deeds of these three gods one finds a complete difference between the theory and the practice. The Gods far from being friends appear to be worse enemies of one another, competing for supremacy and sovereignty among themselves. A few illustrations from the Puranas will make the matter clear.

At one time Brahma appears to be the most supreme god as compared to Shiva and Vishnu. Brahma is said to be the creator of the universe—the first Prajapati. He is the progenitor of Shiva,* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_48 and the master of Vishnu because if Vishnu became the preserver of the universe it was because Brahma commanded him to

do it. So supreme was Brahma that he was the arbitrator in the conflicts that took place between Rudra and Narayan and between Krishna and Shiva.

Equally certain is the fact that at a subsequent stage Brahma came into conflict with Shiva and Vishnu and strangely enough lost his position and supremacy to his rivals. Two illustrations of his conflict with Vishnu may be given

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***The original title was ' Gods at War '. This is a 25-page typed and corrected MS which includes three concluding pages handwritten by the author.*—Ed.**

The first may well be the story of the Avatars. On the issue of the Avatars there is a rivalry between Brahma and Vishnu. The theory of Avatars or incarnation assumed by God to save humanity from a calamity began with Brahma. He was said to have assumed two Avatars (1) Boar and (2) Fish. But the followers of Vishnu refused to allow this. They asserted that these Avatars were not the Avatars of Brahma but that they were the Avatars of Vishnu. Not only did they appropriate these Avatars of Vishnu they gave to Vishnu many more Avatars.

The Puranas have run riot with the *Avatars* of Vishnu and different Puranas have given different lists of Avatars as will be seen from the following:

AVATARS OF VISHNU

Sr. No.	According to Hari Vamsa	According to Narayani Akhyan	According to Varaha Purana	According to Vayu Purana	According to Bhagwat Purana
1.	Varaha	Hansa	Kurma	Narasinha	Sanatkumar
2.	Narasinha	Kurma	Matsya	Vaman	Boar
3.	Vaman	Matsya	Varaha	Varaha	

4. Parshuram	Varaha	Narasinha	Kurma	Nara-Narayan
5. Rama	Narasinha	Vaman	Sangram	Kapila
6. Krishna	Vaman	Parshuram	Adivaka	Datlatraya
7.	Parshuram	Rama	Tripurari	Jadna
8.	Rama	Krishna	Andhakarh	Rashabha
9.	Krishna	Buddha	Dhvaja	Prithi
10.	Kalkin	Kalkin	Varta	Matsya
11.			Halahal	Kurma
12.			Kolhahal	Dhanwantari
13.				Mohini
14.				Narasinha
15.				Vaman
16.				Parshuram
17.				Ved Vyas
IS.				Narado
19.				Rama
20.				Krishna
21				Buddha
22.				Kalkin

The second story may well be the issue of the first born. It is related in the Skanda Purana. The story says that at one time Vishnu lay asleep on the bosom of Devi, a lotus arose from his navel, and its ascending flower soon reached the surface of the flood. Brahma sprang from flower, and looking round without any creature on the boundless expanse, imagined himself to be first born, and entitled to rank above all future beings; yet resolved to investigate deep and to ascertain whether

any being existed in its universe who could controvert his preeminence, he glided down the stock of the lotus and finding Vishnu asleep, asked loudly who he was 'I am the first born' answered Vishnu; and when Brahma denied his preprogeniture, they engaged in battle, till Mahadeo pressed between them in great wrath, saying ' It is I who am truly the first born '. But I will resign my place to either of you, who shall be able to reach and behind the summit of my head, or the soles of my foot. Brahma instantly ascended but having fatigued himself to no purpose in the regions of immensity yet loath to abandon his claim, returned to Mahadeo declaring that he had attained and seen the crown of his head, and called as his witness the first born cow. For this union of pride and falsehood, the angry God Shiva ordained that no sacred rites should be performed to Brahma and that the mouth of cow should be defiled. When Vishnu returned, he acknowledged that he had not been able to see the feet of Mahadeo who then told him that he was the first born among the Gods, and should be raised above all. It was after this Mahadeo cut off the fifth head of Brahma who thus suffered the loss of his pride, his power and his influence.

According to this story Brahma's claim to be the first born was false. He was punished by Shiva for making it. Vishnu gets the right to call himself the first born. But that is allowed to him by the grace of Shiva. The followers of Brahma had their revenge on Vishnu for stealing.what rightfully belonged to him with the help of Shiva. So they manufactured another legend according to which Vishnu emanated from Brahma's nostrils in the shape of a pig and grew naturally into a boar—a very mean explanation of Vishnu's Avatar as a boar.

After this Brahma tried to create enmity between Shiva and Vishnu evidently to better his own position. This story is told in the Ramayana. It says:"When King Dasaratha was returning to his capital, after taking leave of Janaka, the king of Mithila, whose daughter Sita had just been married to Rama, he was alarmed by the ill-omened sounds uttered by certain birds, which however were counteracted, as the sage Vasishtha assured the king, by the auspicious sign of his being perambulated by the wild animals of the forest. The alarming event indicated was the arrival of Parasurama, preceded by a hurricane which shook the earth and prostrated the trees, and by thick darkness which veiled the sun. He was fearful to behold, brilliant as fire, and bore the axe and a bow on his shoulder. Being received with honour, which he accepted, he proceeded to say to Rama, the son of Dasaratha that he had heard of his prowess in breaking the bow produced by Janaka and had brought another which

he asked Rama to bend, and to fit an arrow on the string; and if he succeeded in doing so, he (Parasurama) would offer to engage with him in single combat. Dasaratha is rendered anxious by this speech, and adopts a suppliant tone towards Parasurama, but the latter again addresses Rama, and says that the bow he had broken was Siva's, but the one he himself had now brought was Vishnu's. Two celestial bows, he proceeds, were made by Visvakarma of which one was given by. the gods to Mahadeva, the other to Vishnu". The narrative then proceeds:

"The gods then all made a request to Brahma desiring to find out the strength and weakness of Sitikantha (Mahadeva) and Vishnu. Brahma, most excellent of the three learning the purpose of the gods, created enmity between the two. In this state of enmity a great and terrible fight ensued between Sitikantha and Vishnu each of whom was eager to conquer the other. Siva's bow of dreadful power was then relaxed and the three-eyed Mahadeva was arrested by a muttering. These two eminent deities being entreated by the assembled gods, rishis, and Charanas then became pacified. Seeing that the bow of Siva had been relaxed by the prowess of Vishnu, the gods and rishis esteemed Vishnu to be superior."Thus Brahma managed to avenge the wrong done to him by

Mahadeo.

Even this stratagem did not avail Brahma to maintain his position against Vishnu. Brahma lost his position so completely to Vishnu that Vishnu who at one time was at the command of Brahma became the creator Of Brahma.

In his contest with Shiva for supremacy Brahma suffered equal defeat. Here again, the position became completely inverted. Instead of being created by Brahma, Shiva became the creator of Bramha. Brahma lost the power of giving salvation. The god who could give salvation was Shiva and Brahma became no more than a common devotee worshipping Shiva and his Linga in the hope of getting salvation.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_49 He was reduced to the position of a servant of Shiva doing the work of charioteermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_50 of Shiva.

Ultimately Brahma was knocked out of the field of worship on a charge of having committed adultery with his own daughter. The charge is set out in the Bhagwat Purana in the following terms:

"We have heard, O Kshatriya, that Swayambhu (Brahma) had a

passion for Vach, his slender and enchanting daughter, who had no passion for him. The Munis, his sons, headed by Marichi, seeing their father bent upon wickedness, admonished him with affection; 'This is such a thing as has not been done by those before you, nor will those after you do it,— that you, being the lord, should sexually approach your daughter, not restraining your passion. This, 0 preceptor of the world, is not a laudable deed even in glorious personages, through limitation of whose actions men attain felicity. Glory to that divine being (Vishnu) who by his own lustre revealed this (universe) which abides in himself, he must maintain ' righteousness '. Seeing his sons, the Prajapatis, thus speaking before him the lord of the Prajapatis (Bramha) was ashamed, and abandoned his body. This dreadful body the regions received and it is known as foggy darkness."

The result of this degrading and defamatory attacks on Brahma was to damn him completely. No wonder that his cult disappeared from the face of India leaving him a nominal and theoretical member of the Trimurti.

After Brahma was driven out of the field there remained in the field Shiva and Vishnu. The two however were never at peace. The rivalry and antagonism between the two is continuous.

The Puranas are full of propaganda and counter-propaganda carried on by the Brahmins, protagonists of Shiva and Vishnu. How well matched the propaganda and counter-propaganda was, can be seen from the following few illustrations:

Vishnu is connected with the Vedic God Sun. The worshippers of Shiva connect him with Agni. The motive was that if Vishnu has a Vedic origin Shiva must also have Vedic origin as well. One cannot be inferior to the other in the matter of nobility of origin.

Shiva must be greater than Vishnu and Vishnu must not be less than Shiva. Vishnu has thousandmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_51 names. So Shiva must have thousand names and he has themmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_52.

Vishnu has his emblemsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_53. They are four. So Shiva must have them and he has them. They are (1) flowing gauges, (2) Chandra (moon), (3) Shesh (snake) and (4) *Jata* (walled hair). The only point on which Shiva did not compete with Vishnu was the matter of *Avatars*. The reason is not that

there was no desire to compete but that philosophically there was an impediment in the way of Shiva taking Avatars. The Saivas and Vaisnavas differed fundamentally in their conceptions of immortal bliss. As has been pointed out by Mr. Ayyer:

"To the Saiva the goal to be reached was final liberation from all fetters, bodily and mental, by their total annihilation. Hence he conceived of Rudra as the inextinguishable, one who could never be destroyed, but who extinguished or destroyed everything else. That was why Rudra came to be called the Destroyer. In the final stage of the spiritual development of an individual, there ought to be no separateness at all from the supreme Shiva. He ought to transcend his body and mind, pleasure and pain, and all opposites or dualities. He should attain union or Sayujya with Shiva in which condition he would not be able to regard himself as separate from Shiva. Till he reached that stage, he was imperfect, however pure he might be, however eligible he might be, for the highest state of Sayujya: for, those who were eligible had attained only the subordinate stages of Salokya, Samipya and Sarupya. That was also the reason why the doctrine of Avatars did not appeal to the Saiva. God as an Avatar was only a limited being, one who had the capacity perhaps, of releasing himself from his fetters but not one without letters. The Vaisnava believed differently. He had also an equally clear conception of the highest state that could be reached, and that ought to he reached. But there was, according to him, nothing appealing in the idea of losing one's own individuality totally. One should be united with the supreme, and yet be conscious of the union. He should be united with the universe which again should be regarded as the other aspect of the supreme imperishable being. He was not, in other words, for the extinction of the universe as if it were something separate and distinct from the Supreme Purusha. He was rather in favour of the preservation of the universe which was neither more nor less than the manifestation of the Purusha so manifested. That was the reason why Vishnu was given the name of the Preserver. After all, it is but a difference in the way in which the truth is perceived or viewed. The Saiva viewed the universe as an object of pain and misery—as *Pasha* or fetters (and one bound by it to be *Pasu)* which had to be broken and destroyed. The Vaisnava regarded it as evidencing the greatness of the Purusa and so to be preserved. The Saiva, with his superior pessimism (if it could be so called) was not likely to respect the. Dharma Shastras, the Artha Shastras and other scriptures all of which were framed with the purpose of establishing orderliness in the world, inevitable for its

welfare. He was bound to be a non-conformist, disdaining rules and conventions. Ideas of caste rigidity would be repugnant to the highly-evolved Saiva who would at best tolerate such

notions in others who had not reached his own stage of development. He would pay respect to and cultivate the society of only such people, to whatever caste they might belong, as were eligible for Samipya, Salokya, Sarupya and Sayujya, with Siva. The Vaisnava, on the other hand, was more concerned with the preservation of all rules and regulations which would have the effect of promoting peace and happiness in the world. If *' Dharma* 'perished, the world would perish too, and since the world ought not to perish, for it was a manifestation of the glory of the cosmic Purusa, his duty consisted in doing everything he could for preserving the Dharma. If things went beyond his control he was sure Vishnu would take the matter up himself; for he would come into the world as an Avatar. But when Vishnu did come upon the earth, it would be to destroy the wicked, that is, all those who were instrumental in upsetting the Dharma, and so it was necessary that one should be careful not to deserve that terrible punishment from Vishnu. Hence, the Agamas or rules laid down for the guidance of Siva bhaktas did not emphasise caste, and were concerned only with the duties of *bhaktas* in general, the proper fulfilment of which would render them fit to gain God vision, and ultimately union with Siva. These were regarded as impure by the others because they were subversive of caste ideas, and as stated before, they were not alluded to in the orthodox scriptures."

In the performance of deeds of glory the propaganda in favour of Shiva is fully, matched by counter-propaganda in favour of Vishnu. One illustration of this is the story regarding the origin of the holy river Ganges.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_54 The devotees of Shiva attribute its origin to Shiva. They take its origin from Shiva's hair. But the Vaishnavas will not allow it. They have manufactured another legend. According to the Vaishnavite legend the blessed and the blessing river flowed originally out of Vaikunth (the abode of Vishnu) from the foot of Vishnu, and descending upon Kailasa fell on the head of Shiva. There is a two-fold suggestion in the legend. In the first place Shiva is not the source of the Ganges. In the second place Shiva is lower than Vishnu and receives on his head water which flows from the foot of Vishnu.

Another illustration is furnished by the story which relates to the churning of the oceans by the Devas and the Asuras. They used the Mandara mountain as the churning rod and mighty serpant Shesha as a

rope to whirl the mountain. The earth began to shake and people became afraid that the world was coming to an end. Vishnu took the Avatar of Kurma (Tortoise) and held the earth on his back and prevented the earth from shaking while the churning was going on.

This story is told in glorification of Vishnu. To this the Shaivites add a supplement. According to this supplement the churning brought out fourteen articles from the depth of the ocean which are called fourteen jewels. Among these fourteen a deadly poison was one. This deadly poison would have destroyed the earth unless somebody was prepared to drink it. Shiva was the only person who came forward to drink it. The suggestion is that Vishnu's act was foolish in allowing the rivals— the Gods and Demons—to bring out this deadly poison. Glory to Shiva for he drank it and saved the world from the evil consequences of the folly of Vishnu.

Third illustration is an attempt to show that Vishnu is a fool and that it is Shiva who with his greater wisdom and greater power saves Vishnu from his folly. It is the story of Akrurasuramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_55. Akrur was a demon with the face of a bear, who, nevertheless, was continuously reading the Vedas and performing acts of devotion. Vishnu was greatly pleased and promised him any boon that he would care to ask. Akrurasura requested that no creature, then existing in three worlds, might have power to deprive him of life, and Vishnu complied with his request; but the demon became so insolent that the Devatas, whom he oppressed, were obliged to conceal themselves, and he assumed the dominion of the world ; Vishnu was then sitting on a bank of the Kali, greatly disquieted by the malignant ingratitude of the demon; and his wrath being kindled, a shape, which never before had existed, sprang from his eyes. It was Mahadeva, in his destructive character, who dispelled in a moment the anxiety of the Vishnu.

This is countered by the story of Bhasmasura intended to show that Shiva was a fool and Vishnu saved him from his folly. Bhasmasura having propitiated Shiva asked for a boon. The boon was to be the power to burn any one on whose head Bhasmasura laid his hands. Shiva granted the boon. Bhasmasura tried to use his boon power against Shiva himself. Shiva became terrified and ran to Vishnu for help. Vishnu promised to help him. Vishnu took the form of a beautiful woman and went to Bhasmasura who became completely enamoured of her. Vishnu asked Bhasmasura to agree to obey him in everything as a condition of

surrender. Bhasmasura agreed. Vishnu then asked him to place his hands on his own head which Bhasmasura did with the result that Bhasmasura died and Vishnu got the credit of saving Shiva from the consequences of his folly.

"Is Isa (Mahadeva) the Cause of causes for any other reasons? We have not heard that the linga (male organ) of any other person is worshipped by the gods. Declare, if thou hast heard, what other being's linga except that of Mahesvara is now worshipped, or has formerly been worshipped, by the gods? He whose linga Brahma and Vishnu, and thou (Indra), with the deities, continually worship, is therefore then most eminent. Since children bear neither the mark of the lotus (Brahma's), nor of the discus (Vishnu's), nor of the thunderbolt (Indra's), but are marked with the male and the female organs,—therefore offspring is derived from Mahesvara. All women produced from the nature of Devi as their cause, are marked with the female organ, and all males are manifestly marked with the linga of Hara. He who asserts any other cause than lsvara (Mahadeva) or (affirms) that there is any (female) not marked by Devi in the three worlds, including all things movable or immovable, let that fool be thrust out. Know everything which is male to be Isara. and all that is female *to* be Uma: for this whole world, movable and immovable, is pervaded by (these) two bodies."

The Greek Philosopher Zenophanes insists that polytheism or plurality of Gods is inconceivable and contradictory. That the only true doctrine was monotheism. Considered from a philosophical point of view, Zenophanes might be right. But from the historical point of view both are natural. Monotheism is natural where society is a single community. Where society is a federation of many communities polytheism is both natural and inevitable. Because every ancient community consisted not merely of men but of men and its Gods it was impossible for the various communities to merge and coalesce except on one condition that its God is also accepted by the rest. This is how polytheism has grown.

Consequently the existence of many Gods among the Hindus is quite understandable because the Hindu Society has been formed by the conglomeration of many tribes and many communities each of whom had their own separate Gods. What strikes one as a strange phenomenon is the sight of the Hindu Gods. struggling one against the other, their combats and feuds and the ascriptions by one God *to* the other, all things that arc a shame and disgrace to common mortals. This is what requires explanation.

RIDDLE NO. 11
WHY DID THE BRAHMINS MAKE THE HINDU GODS SUFFER TO RISE AND FALL?

The Hindus are accused of idolatry. But there is nothing wrong in idolatry. Making an idol is nothing more than having a photograph of the deity and if there can be no objection to keeping a photograph what objection can there be to having an image. Real objection to Hindu idolatry is that it is not mere photography, not mere production of an image. It is more than that. The Hindu idol is a living being and is endowed with all the functions of a human being. A Hindu idol is given life by means of a ceremony called Pranapratishtha. The Buddhists also are idolatrous in as much as they too worship Buddha's idol. But the idol they worship is only a photograph, a mere image. There is no soul in it. Why the Brahmins endowed the Hindu Gods with souls and made them living beings opens out an inquiry which is bound to be revealing. But this inquiry is outside the scope of this Chapter.

The second charge generally levelled against the Hindus is that they are polytheists i.e., they worship many Gods. Here again the Hindus are not the only people who are guilty of the practice of Polytheism. Other communities have also been known to have practised polytheism. To mention only two. The Romans and the Greeks were essentially polytheists. They too worshipped many Gods. There is therefore no force in this charge.

The real charge which can be levelled against the Hindus most people seem to have missed. That charge is that the Hindus are never steadfast in their devotion to their Gods. There is no such thing as

***This is a 43-page typed MS having corrections and modifications in the handwriting of the author. The concluding para, however, is written in pen by the author himself. The original title on the Chapter was ' The Rise and Fall of the Gods '. This title was scored out in blue pencil, which was normally used by the author for scoring out the matter.*—Ed.**

loyalty or attachment or faith in one God. In the history of Hindu Gods one finds it a very common experience that some Gods have been worshipped for a time and subsequently their worship has been abandoned and the Gods themselves have been thrown on the scrap-heap. Quite new Gods are adopted and their worship goes with an

intensity of devotion which is full and overflowing. Again the new Gods are abandoned and are replaced by a fresh crop of new Gods. So the cycle goes on. In this way the Hindu Gods are always undergoing rise and fall—a phenomenon which is unknown in the history of any other community in the world.

The statement that the Hindus treat their Gods with such levity may not be accepted without demur. Some evidence on this point is therefore necessary. Fortunately there is abundance of it. At present the Hindus worship four Gods (1) Shiva, (2) Vishnu, (3) Rama and (4) Krishna. The question that one has to consider is: are these the only Gods the Hindus have worshipped from the beginning?

The Hindu Pantheon has the largest number of inmates. The Pantheon of no religion can rival it in point of population. At the time of the Rig-Veda the number of its inmates was colossal. At two places the Rig-Vedamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_56 speaks of three thousand three hundred and nine Gods. For some reasons, which it is not possible for us now to know, this number came to be reduced to thirty-threemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_57. This is a considerable reduction. Nevertheless with thirty three, the Hindu Pantheon remains the largest.

The composition of this group of thirty-three Gods is explained by the Satapatha Brahmanamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_58 as made up of 8 Vasus, 11 Rudras and 12 Adityas, together with Dyasus and Prithvi (heaven and earth).

Of greater importance than the question of numbers is the question of their relative rank. Was their any distinction between the 33 Gods in point of their rank? There is a verse in the Rig-Veda which seems to suggest that these thirty-three Gods were divided for purposes of honours and precedence into two classes, one being great and small and the other being young and old. This view seems to be against an earlier view also contained in the Rig-Veda. The old rule says:"None of you O! Gods! is small or young: You are all great". This is also the conclusion of Prof. Max Muller:

"When these individual gods are invoked, they are not conceived as limited by the power of others, as superior or inferior in rank. Each god is to the mind of the supplicants as good as all the gods. He is felt, at the time, as a real divinity, as supreme and absolute, in spite of the necessary limitations which, to our mind, a plurality of gods must entail on every

single god. All the rest disappear for a moment from the vision of the poet, and he only, who is to fulfil their desires stands in full light before the eyes of the worshippers’"Nowhere is any of the Gods represented as the slave of others".

This is of course true only for a time. A change seems to have come in the old angle of vision towards the Gods. For one finds numerous hymns of the Veda in which some gods are represented as supreme and absolute.

In the first hymn of the second Mandala, Agni is called the ruler of the Universe, the Lord of men, the wise king, the father, the brother, the son, the friend of men; nay, all the powers and names of the others are distinctly ascribed to Agni.

Then a second god came to be elevated above Agni. He is Indra. Indra is spoken of as the strongest god in the hymns as well as in the Brahmanas, and the burden of one of the songs of the Tenth Book is: *Visvasmad Indra Uttarah* 'Indra is greater than all'.

Then a third god is raised to the highest level. He is Soma. Of Soma, it is said that he was born great and that he conquers every one. He is called the king of the world, he has the power to prolong the life of men, and in one verse he is called the maker of heaven, and earth, of Agni, of Surya, of Indra and of Vishnu. Then Soma was forgotten and a fourth God was elevated. He is Varuna. Varuna was made the highest of all Gods. For what more could human language do than to express the idea of a divine and supreme power, than what the Vedic poet says of Varuna; ' Thou art Lord of all, of heaven, and earth ' or, as is said in another hymn (ii. 27, 10), 'Thou art the king of all; of those who are gods, and of those who are men."

From this evidence it is clear that out of the 33 Vedic Gods four Gods, Agni, Indra, Soma and Varuna had emerged as the principal Gods. Not that other gods had ceased to be gods. But these four had become elevated above the rest. At a later stage a change seems to have taken place at the time of the Satapatha Brahmana in the relative position of the different gods. Soma and Varuna had lost their places as the principal gods while Agni and Indra had retained their positions. A new god has emerged. He is Surya. The result is that instead of Agni, Indra, Soma and Varuna; Agni, Indra and Surya became the principal gods. This is evident from the Satapatha Brahmana which says:

"Originally the gods were all alike, all pure. Of them being all alike, all pure, three desired, 'May we become superior' viz., Agni, Indra and Surya (the sun).”2. .....

"3. Originally there was not in Agni the same flame, as this flame which is (now) in him. He desired : ' May this flame be in me '.He saw this grahs, he took it: and hence there became this flame in him.

4. Originally there was not in Indra the same vigour, etc. (as in para 3).

5. Originally there was not in Surya the same lustre etc."For how long these three Gods continued to hold their places of superiority over the rest it is difficult to say. But that at a later stage a change in the scene has taken place is beyond doubt. This is evident by a reference to the Chula-Niddessa. The Chula Niddessa is a treatise which belongs to the Buddhist literature. Its approximate date is.... {*left incomplete).*

The Chula-Niddessa gives a list of sects which were then prevalent in India. Classified on the basis of creeds and cults. They may be listed as follows: 1. CREEDS

Sr. Name of the Sect No.

1. Ajivika Shravakamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_59

Ajivikamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_60

2. Nigatta Shravakas Nigranthamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_61

3. Jatil Shravakas

Jatilamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_62

4. Parivrajaka Shravakas

Parivrajakamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_63

5. Avarudha Shravakas Avarudhaka

II. CULTS

Sr. No.	Name of the Sect	The deity which is worshipped
1.	Hasti Vratikasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm -	Hastimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_65

_msocom_64	
2. Ashva Vratikas	Ashvamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_66
3. Go Vratikas	Gomk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_67
4. Kukur Vratikas	Kukkumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_68
5. Kaka Vratikas	Kakamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_69
6. *Vosudeo* Vratikas	Vasudeo
7. Baldeo Vratikas	Baldeo
8. Puma Bhadra Vratikas	Puma Bhadra
9. Mani Bhadra Vratikas	Mani Bhadra
10. *Agni* Vratikas	Agni
11. Naga Vratikas	Naga
12. Suparna Vratikas	Suparna
13. Yaksha Vratikas	Yaksha
14. Asura Vratikas	Asura
15. Gandharva Vratikas	Gandharva
16. Maharaja Vratikas	Maharaja
17. Chandra Vratikas	Chandra
18. *Surya* Vratikas	Surya
19. *Indra* Vratikas	Indra
20. *Brahma* Vratikas	Brahma
21. Deva Vratikas	Deva
22. Deesha Vratikas	Deesha

Comparing the position as it stood at the time of the Satapatha

Brahmana with that arising from the Chula-Niddessa the following propositions may be said to be well-established: (1) Firstly, that the worship of Agni, Surya and Indra continued up to the time of the Chula Niddessa. (2) Secondly, the Cults of Agni, Surya and Indra although they had not ceased, had lost their places of supremacy. Others and quite a number of cults had come into being as rivals and had won the affection of the people. (3) Thirdly, of the new cults there are two which later on became very prominent. They are the cults of Vasudeo (i.e. Krishna) and Brahma and (4) Fourthly the cults of Vishnu, Shiva and Rama had not come into being.

What is the present position as compared with that found in the Chula-Niddessa? Here again, three propositions are well-established. *First* : the cults of Agni, Indra, Brahma and Surya have disappeared. *Second:* Krishna has retained his position. *Three:* The cults of Vishnu, Shiva and Rama are new cults which have come into existence since the time of the Chula-Niddessa. Given this situation it raises three questions for considerations: *One* is why have the old cults of Agni, Indra, Brahma and Surya disappeared? Why was the worship of these Gods abandoned? *Second* is what are the circumstances that gave rise to the new cults of Krishna, Rama, Shiva and Vishnu. Third what is the relative position of these new Gods, Krishna, Rama, Shiva and Vishnu?

For the first question we can find no answer. The Brahmanic literature gives us no clue whatsoever as to why the Brahmins abandoned the worship of Agni, Indra, Surya and Brahma. There is some explanation as to why the cult of Brahma disappeared. It rests in a charge which is found to be levelled in the Brahmanic literature against Brahma. The charge is that he committed rape on his own daughter and hereby made himself unworthy of worship and devotion. Whatever be the truth in the charge it could not be regarded as sufficient to account for the abandonment of Brahma and for two reasons. In the first place, in that age such conduct was not unusual. In the second place, Krishna was guilty of greater immoralities than were charged to Brahma and yet they continued to worship him.

While there is something to speculate about the abandonment of Brahma there is nothing to account for the abandonment of the others. The disappearance of Agni, Indra, Surya and Brahma is thus a mystery. This is no place to solve this mystery. It is enough to say that the *Gods* of the Hindus had ceased to be Gods—a terrible thing.

The second question is also enveloped in mystery. Brahmanic literature, to account for the importance of the cults of these new Gods,

Krishna, Vishnu, Shiva and Rama, is full and overflowing. But there is nothing in the Brahmanic literature to account for the rise of these new Gods. Why these new Gods were brought into action is thus a mystery. The mystery however deepens when one finds that some of the new Gods were definitely anti-Vedic. Let us take the case of Shiva.That Shiva was originally an Anti-Vedic God is abundently clear. The following two incidents recorded in the Bhagvata Purana (and also in the Mahabharata) throw a flood of light on the subject. The first incident shows how enmity arose between Shiva and his father-in-law Daksha. It appears that the Gods and Rishis were assembled at a sacrifice celebrated by the Prajapatis. On the entrance of Daksha, all the personages who were present, rose to salute him, except Brahma and Shiva. Daksha, after making his obeisance to Brahma, sat down by his command; but was offended at the treatment he received from Shiva. This is how he addressed Shivamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_70:

"Beholding Mrida (Shiva) previously seated, Daksha did not brook his want of respect; and looking at him obliquely with his eyes, as if consuming him, thus spake: ' Hear me, ye Brahman rishis, with the Gods and the Agnis, While I, neither from ignorane nor from passion, describe what is the practice of virtuous persons. But this shameless being (Siva) detracts from the reputation of the guardians of the world, he by whom, stubborn as he is, the course pursued by the good is transgressed. He assumed the position of my disciple, inasmuchas, like a virtuous person, in the face of Brahmans and of fire, he took the hand of my daughter, who resembled Savitri. This monkey-eyed (god), after having taken of (my) fawn-eyed (daughter), has not even by word shown suitable respect to me whom he ought to have risen and saluted. Though unwilling, I yet gave my daughter to this impure and proud abolisher of rites and demolisher of barriers, like the word of the Veda to a Sudra. He roams about in dreadful cemeteries, attended by hosts of ghosts and spirits, like a madman, naked, with dishevelled hair, laughing, weeping, bathed in the ashes of funeral piles, wearing a garland of dead men's (skulls), and ornaments of human bones, pretending to be Siva (auspicious) but in reality Asiva (in-auspicious), insane, beloved by the insane the lord of Pramathas and Bhutas (spirits), beings whose nature is essentially darkness. To this wicked-hearted lord of the infuriate, whose purity has perished. I have, alas ! given my virtuous daughter, at the instigation of Brahma'. Having thus reviled Girisa (Siva), who did not oppose him, Daksha having then touched water, incensed, began to

curse him (thus): 'Let this Bhava (Siva), lowest of the gods, never, at the worship of the gods, receive any portion along with the gods Indra, Upendra (Vishnu), and others.' Having delivered his malediction, Daksha departed."The enmity between the father-in-law and son-in-law continues. Daksha being elevated by Brahma to the rank of the Chief of the Prajapatis decided to perform a great Sacrifice called Vrihaspatisava. Seeing the other Gods with their wives going to this Sacrifice, Parvati pressed her husband, Shiva, to accompany her thither. He refers to the insults which he had received from her father, and advises her not to go. She, however (sect. 4), being anxious to see her relatives, disregards his warning and goes: but being sighted by her father, Daksha, she reproaches him for his hostility to her husband, and threatens to abandon the corporeal frame by which she was connected with her parent. She then voluntarily gives up the ghost. Seeing this, Shiva's attendants, who had followed her, rush on Daksha to kill him. Bhrigu, however, throws an oblation into the southern fire, pronouncing a Yajus text suited to destroy the destroyers of sacrifice *(yajna-ghnena yajusha dakshinagnau juhavaha).* A troop of Ribhus in consequence spring up, who put Shiva's followers to flight. Shiva is filled with wrath when he hears of the death of Sati (sect. 5). From a lock of his hair, which he tore out, a gigantic demon arose, whom he commended to destroy Daksha and his sacrifice. This demon proceeds with a troop of Shiva's followers, and they all execute the mandate. How they executed the mandate is described in the Bhagvat Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_71 in the following terms:

"' Some broke the sacrificial vessels, others destroyed the fires, others made water in the ponds, others cut the boundary-cords of the sacrificial ground: others assaulted the Munis, others reviled their wives: others seized the gods who were near, and those who had fled. . . . 19. The divine Bhava (Siva) plucked out the beard of Bhrigu, who was offering oblations with a ladle in his hand. and who had laughed in the assembly, showing his beard. He also tore out the eyes of Bhaga, whom in his wrath he had felled to the ground, and who, when in the assembly, had made a sign to (Daksha when) cursing (Siva) He moreover knocked out the teeth of Pushan (as Bala did the king of Kalinga's). who (Pushan) had laughed, showing his teeth, when the great god was being cursed. Tryambaka (Siva, or Virabhadra, according to the commentator) then cuts off the head of Daksha, but not without some difficulty. The gods report all that had passed to Svayambhu (Brahma), who, with Vishnu,

had not been present (sect. 6). Brahma advises the gods to propitiate Siva, whom they had wrongfully excluded from a share in the sacrifice. The deities, headed by Aja (Brahma), accordingly proceed to Kailasa. when they see Siva"bearing the linga desired by devotees, ashes a staff, a tuft of hair. an antelope's skin. and a digit of the moon, his body shining like an evening cloud". Brahma addresses Mahadeva"as the eternal Brahma, the lord of Sakti and Siva, who are respectively the womb and the seed of the universe, who. in sport, like a spider, forms all things from Sakti and Siva, who are consubstantial with himself, and preserves and reabsorbs them"(A similar supremacy is ascribed to Vishnu in section 7). Brahma adds that it was this great being who had instituted sacrifice, and all the regulations which Brahmans devoutly observe and entreat him. who is beyond all illusion, to have mercy on those who, overcome by its influence, had wrongly attached importance to ceremonial works, and to restore the sacrifice of Daksha, at which a share had been refused to him by evil priests. Mahadeva partly relents (sect. 7)"

There can be no better evidence to prove that Shiva was an anti-vedic God than his destruction of Daksha's Yajna.

Now let us take Krishna.

There are four persons who go by the name *Krishna.* One Krishna is the son of Satyavati and father of Dhratarashtra, Pandu and Vidur. Second Krishna is the brother of Subhadra and friend of Arjuna. Third Krishna is the son of Vasudeva and Devaki and was resident of Mathura. Fourth Krishna is the one brought up by Nanda and Yeshoda at Gokul and it was he who killed Shishupal. If the Krishna of the Krishna cult is the same as the Krishna son of Devaki there can be no doubt that Krishna originally also was anti-Vedic. From the Chhandogya Upanishad it appears that he was a pupil of Ghora Angiras. What did Ghora Angiras teach him? This is what the Chhandogya Upanishad says on the subject:

"Ghora, the descendant of Angiras, having declared this (the preceding mystical lore) to Krishna the son of Devaki, said to him that (which, when he heard) he became free from thirst (i.e. desire), viz., ' let a man at the time of his death have recourse to these three texts, ' Thou art the undecaying, thou art the imperishable, thou art the subtle principle of breath '. The commentator on this text of the Upanishad explains:

"A person, Ghora by name, and an Angirasa by family, having declared this doctrine of sacrifice to Krishna the son of Devaki, his pupil, then said etc. The connexion of the last word 'said', is with the words which

occur some way below, 'these three etc.. And having heard this doctrine he became free from desire for any"kinds of knowledge. In this manner he praises this knowledge of the Purusha-sacrifice by saying that it was so distinguished that it destroyed all thirst in Krishna, the son of Devaki, for any other knowledge. He now tells us that Ghora Angirasa said after declaring this knowledge to Krishna. It was this: 'Let him who knows the aforesaid sacrifice, at the time of his death have recourse to, mutter, these three texts, *pranasamsitam* means, 'thou art the very minute, and subtle principle of breath."

Obviously the doctrine taught by Ghora Angiras to Krishna was opposed to the Vedas and the Vedic sacrifices as a means of spiritual salvation. On the contrary Vishnu is a Vedic God. Yet his cult is established much later than that of Shiva. Why there has been so much neglect of Vishnu it is difficult to understand.

Similarly Rama though not anti-vedic is unknown to the Vedas. What was the necessity of starting his cult and that too at so late a stage in the history of the country?

We may now take up the third question—namely what is the relative position of these new Gods to the old Pauranic Gods.

The rise and fall of Bramha, Vishnu and Shiva has already been told in a previous chapter called *Gods at War*. Whatever happened, the struggle for place and power was confined to these three Gods. They were not dragged below any other. But a time came when they were placed below the Devi by name Shri. How this happened is told in the Devi Bhagwatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_72. The Devi Bhagwat says that a Devi by name *Shri* created the whole world and that it is this Goddess who created Bramha, Vishnu and Shiva! The Devi Bhagwat goes on to state that the Devi desired to rub her palms. The rubbing of palms produced a blister. Out of this blister was born Bramha. When Bramha was born the Devi asked him to marry her. Bramha refused saying she was his mother. The Devi got angry and burned Bramha alive by her wrath and Bramha was reduced to ashes then and there. Devi rubbed her palms a second time and had a second blister. Out of this second blister a second son was born. This was Vishnu. The Devi asked Vishnu to marry her. Vishnu declined saying that she was his mother. Devi got angry and burned down Vishnu to ashes. Devi rubbed her palms a third time and had a third blister. Out of this third blister was born a third son. He was Shiva. The Devi asked Shiva to marry her. Shiva replied: ' I will, provided you assume another body '. Devi agreed. Just then Shiva's eyes fell on the

two piles of ashes. Devi replied ' they are the ashes of his two brothers and that she burnt them because they refused to marry her. ' On this Shiva said, ' How can I alone marry? You create two other women so that we all three can marry '. The devi did as she was told and the three Gods were married to the Devi and her female creations. There are two points in the story. One is that even in doing evil Shiva did not wish to appear more sinning than Bramha and Vishnu for fear that he may appear more degraded than his other two competitors. The more important point however is that Bramha, Vishnu and Shiva had fallen in rank and had become the creatures of the Devi.

Having dealt with the rise and fall of Bramha, Vishnu and Shiva, there remains the vicissitudes in the cults of the two new Gods, Krishna and Rama.

Obviously there is a certain amount of artificiality in the cult of Krishna as compared with the cult of Brahma, Vishnu and Shiva. Bramha, Vishnu and Mahesh were born gods. Krishna was a man who was raised to godhood. It is probably to confer godhood on him that the theory was invented that he was the incarnation of Vishnu. But even then his godhood remained imperfect because he was regarded to be only a partialmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_73avatar of Vishnu largely because of his debaucheries with the *gopis* which would have been inexcusable if he had been a full and perfect *avatar* of Vishnu.

Notwithstanding this humble beginning Krishna became elevated to the position of a supreme God above all others. How great a God he became can be seen by a reference to Chapter X and XIV of the Bhagvat Geeta. In these Chapters Krishna says:

"Well then, O best of the Kauravas I will state to you my own divine emanations; but (only) the chief (ones) for there is no end to the extent of my (emanations). I am the self. O Gudakesa seated in the hearts of all beings; I am the beginning and the middle and the end also of all beings. I am Vishnu among the Adityas, the beaming Sun among the shining (bodies); I am Marichi among the Maruts, and the Moon among the lunar mansions. Among the Vedas, I am the Sama-veda. I am Indra among the Gods. And I am mind among the senses. I am consciousness in (living) beings. And I am Shankara among the Rudras, the Lord of Wealth among Yakshas and Rakshasas. And I am *fire* among the Vasus, and Meru among the high-topped (mountains). And know me, O Arjuna to be Brihaspati, the chief among domestic priests. I am Skanda among generals. I am the ocean among reservoirs of water. I am Bhrigu

among the great sages. I am the Single syllable (Om) among words. Among sacrifices I am the *Gapa* sacrifice; the Himalaya among the firmly fixed (mountains); the Asvattha among all trees, and Narada among divine sages; Chitraratha among the heavenly *choristers,* the sage Kapila among the Siddhas. Among horses know me to be Uchhaissravas, brought forth by (the labour for) the nectar; and Airavata among the great elephants, and the ruler of men among men. I am the thunderbolt among weapons, the wish-giving (cow) among cows. And I am love which generates. Among serpents I am Vasuki. Among Naga snakes I am Ananta; I am Varuna among aquatic beings. And I am Aryaman among the manes, and Yama among rulers. Among demons, too, I am Pralhada. I am the king of death (kala, time) among those that count.

"Among beasts I am the lord of beasts, and the son of Vinata among birds. I am the wind among those that blow. I am Rama among those that wield weapons. Among fishes I am Makara, and among streams the Janhavi. Of created things I am the beginning and the end and the middle also. 0 Arjuna, among sciences, I am the science of the Adhyatma, and I am the argument of controversialists. Among letters I am the letter A, and among the group of compounds the copulative compound. I myself am time inexhaustible and I the creator whose faces are in all directions. I am death who seizes all, and the source of what is to be. And among females, fame, fortune, speech, memory, intellect, courage, forgiveness. Likewise among Saman hymns, I am the Brihat-saman, and I the Gayatri among metres. I am Margasirsha among the months, the spring among the seasons, of cheats, I am the game of dice; I am the glory of the glorious; I am victory. I am industry, I am the goodness of the good. I am Vasudeva among the descendants of Vrishni and Arjuna among the Pandvas. Among sages also, I am Vyasa; and among the discerning ones, I am the discerning Usanas. I am the rod of those that restrain, and the policy of those that desire victory. I am silence respecting secrets. I am the knowledge of those that have knowledge. And 0 Arjuna! I am also that which is the seed of all things. There is nothing movable or immovable which can exist without me."

"Know that glory (to be) mine which, dwelling in the Sun, lights up the whole world, or in the moon or fire. Entering the earth, I by my power support all things; and becoming the juicy moon, I nourish all herbs. I becoming the fire, and dwelling in the bodies of (all) creatures, and united with the upward and downward life-breaths cause digestion of the four-fold food. And I am placed in the heart of all."

"From me (come) memory, knowledge, and their removal; I alone am to be learnt from all the Vedas; I am the author of the Vedantas; and I alone know the Vedas. There are these two beings in the world, the destructible and the indestructible. The destructible (includes) all things. The unconcerned one is (what is) called the indestructible. But the being supreme is yet another, called the highest self, who as the inexhaustible lord, pervading the three worlds, supports (them). And since I transcend the destructible, and since I am higher also than the indestructible therefore am I celebrated in the world and in the Vedas as the best of things."It is therefore clear that so far as the Gita is concerned there is no God greater than Krishna. He is, Alla ho Akbar. He is greater than all other Gods.

Let us now turn to the Mahabharata. What do we find? We find a change in the position of Krishna. There is a rise and fall in his position. In the first place we find Krishna elevated above Shiva. Not only that, Shiva is made to admit and acknowledge the greatness of Krishna. Along with this we also find Krishna degraded to a rank below that of Shiva and is made to acknowledge the greatness of Shiva.

As a piece of evidence in support of the elevation of Krishna above Shiva the following passage from the *Anusasana-Parvan*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_74 is very illuminating:

"Superior even to Pitamaha (Bramha) is Hari, the eternal Purusha, Krishna, brilliant as gold, like the sun risen in a cloudless sky, ten-armed, of mighty force, slayer of the foes of the gods, marked with the *srivatsa,* Hrishikesa, adored by all the gods. Bramha is sprung from his belly and I (Mahadeva) from his head, the luminaries from the hair of his head, the gods, and Asuras from the hairs of his body, and the rishis as well as everlasting worlds, have been produced from his body. He is the manifest abode of Pitamaha, and of all the deities. He is the creator of this entire earth, the lord of the three worlds, and the destroyer of creatures, of the stationary and the moveable. He is manifestly the most eminent of the gods, the lord of the deities, the vexer of his foes. He is omniscient, intimately united (with all things), omnipresent facing in every direction, the supreme spirit, Hrishikesa all-pervading, the mighty Lord. There is none superior to him in the three worlds. The slayer of Madhu is eternal, renowned as Govinda. He, the conferer of honour, born to fulfil the purposes of the gods, and assuming a human body, will slay all the kings in battle. For all the hosts of the gods, destitute of Trivikrama (the god who strode thrice), are unable to effect the

purposes of the gods, devoid of a leader. He is the leader of all creatures, and worshipped by all creatures.

"Of this lord of the gods, devoted to the purposes of the gods, who is Brahma, and is the constant refuge of gods and rishis, Brahma dwells within the body, abiding in his face, and all the gods are easily sheltered in his body. This god is lotus-eyed, the producer of Sri, dwelling together with Sri . . . For the welfare of the gods, Govinda shall arise in the family of the great Manu, possessed of eminent intelligence and (walking) in the excellent path of the Prajapati Manu, characterized by righteousness (Govinda's ancestors are then detailed). In this family, esteemed by Brahmans, of men renowned for valour, distinguished by good conduct and excellent qualities, priests, most pure, this sura, the most eminent of Kshatriya heroic, renewed, conferring honour, shall beget a son Anakadundubhi, the prolonger of his race, known as Vasudev to him shall be born a four-armed son, Vasudeva, liberal, a benefactor of Brahmans, one with' 'Brahma, a lover of Brahmans."

"You the gods, should, as is fit, worship this deity, like the eternal Brahma, approaching him with reverential and excellent garlands of praise. For the divine and glorious Vasudev should be beheld by him who desires to see me and Brahma and Parent. In regard to this, I have no hesitation, that when he is seen I am seen, or the Parent (Brahma), the lord of the gods: know this ye whose wealth is austerity."

We shall now see how Krishna after having been elevated to the position being highest among the Gods is being degraded.

The Mahabharata is so full of incidents and occasions which demonstrate Krishna's inferiority to Shiva that it is difficult to recite the whole of them. One must be content with a few.

The first incident relates to the view taken by Arjuna to slay Jayadratha on the following day. After the vow, Arjuna became very dejected thinking that Jayadratha's friends would do their utmost to save him and that unless he had sure weapons he would not be able to fulfil his vow. Arjuna goes to Krishna for advice. Krishna suggests to Arjuna that he should supplicate to Mahadeva for the Pasupata weapon with which Mahadev himself had formerly destroyed all the Daityas and which, if he obtained it, he would be

sure to kill Jayadrath. The Drone-Parvan which relates the story proceeds to say:

"The righteous Vasudeva (Krishna) then, together with the son of Pritha (Arjuna), reciting the eternal Veda, bowed his head to the ground, beholding him the source of the worlds, the maker of the universe, the

unborn, the imperishable lord, the supreme source of mind, the sky, the wind, the abode of the luminaries, the creator of the oceans, the supreme substance of the earth, the framer of gods, Danavas, Yakshas and men, the supreme Brahma of meditative systems, the satisfied, the treasure of those who know Brahma, the creator of the world and also its destroyer, the great impersonated destructive Wrath, the original of the attributes of Indra and Surya. Krishna then reverenced him with voice, mind, understanding and act. Those two (heroes) had recourse to Bhava (Mahadeva) as their refuge,—to him whom the wise, desiring the subtle spiritual abode, attain,—-to him the unborn cause. Arjuna, too, again and again reverenced that deity, knowing him to be the beginning of all beings, the source of the past, the future, and the present. Beholding those two, Nara and Narayana, arrived Sarva (Mahadeva), then greatly gratified, said, as if smiling: 'Welcome, most eminent of men, rise up freed from fatigue, and tell me quickly, heroes, what your mind desires. Shall I accomplish for you the object for which you have come? Choose what is most for your welfare. I will give you all."Krishna and Arjuna then recite a hymn in honour of Mahadeva, in the course of which he is designated as the soul of all things, the creator of all things, and the pervader of all things. Arjuna now, after reverencing both Krishna and Mahadeva, asks the latter for the celestial weapon. They are thereupon sent by Mahadeva to a lake where he says he had formerly deposited his bow and arrows. They there saw two serpents, one of which was vomiting flames, and approached them, bowing to Mahadeva and uttering Satarudriya. Through the power of Mahadeva, the serpents change their shape and become a bow and arrow, which Krishna and Arjuna bring to Mahadeva. Eventually Arjuna receives as a boon from Mahadeva the Pasupata weapon, with the power of fulfilling his engagement to slay Jayadratha after which they both return to their camp."The Anusasana-Parvan of the Mahabharata contains a dialogue between Yudhishthira and Bhishma. Yudhishthira asks Bhishma to tell him the attributes of Mahadeva. This is what Bhishma says in reply:

"I am unable to declare the attributes of the wise Mahadeva, who is an all-pervading god, yet is nowhere seen, who is the creator and the lord of Brahma, Vishnu and Indra, whom the gods, from Brahma to the Pisachas, worship, who transcends material natures as well as spirit (Purusha), who is meditated upon by rishis versed in contemplation (yoga), and possesing an insight into truth, who is the supreme, imperishable Brahma, that which is both non-existent, and at once

existent and non-existent. Having agitated matter and spirit by his power, this god of gods and lord of creatures (Prajapati) thence created Bramha. What human being like me, who has been subject to gestation in the womb, and to birth, and is liable to decay and death, can declare the attributes of Bhava, the supreme lord— (who can do this) except Narayana, the bearer of the shell, the discus, and the cub? This Vishnu, wise, eminent, in qualities, very hard to overcome, with divine insight, of mighty power, beholds (him) with the eye of contemplation. Through his devotion to Rudra, the world is pervaded by the mighty Krishna. Having then propitiated that deity (Mahadeva) at Badari, he (Krishna) obtained from the golden-eyed Mahesvara the quality of being in all worlds more dear than wealth. This Madhava (Krishna) performed austerity for a full thousand years, propitiating Siva, the god who bestows boons, and the preceptor of the world. But in every mundane period (yuga) Mahesvara has been propitiated by Krishna and has been gratified by the eminent devotion Of that great personage. This unshaken Hari (Krishna) when seeking, for offspring, has beheld distinctly of what character is the glory of that great parent of the world. Than him I behold none higher. This large-armed (Krishna) is able to recount fully the names of the god of gods, to describe the qualities of the divine (being) and the real might of Mahesvara in all its extent".

This dialogue between Yudhishthira and Bhishma took place in the presence of Krishna. For immediately after his reply Bhishma calls upon Krishna to celebrate the greatness of Mahadeva. And this supreme Clod Krishna proceeds to do so without feeling any offence and says:

"The course of the deeds of. Isa (Mahadeva) cannot he really known. He whose essence neither the gods headed by Hiranyagarhha. nor the great rishis with Indra, nor the Adityas. the perceivers ol the minutest objects, understand,—-how can he. the refuge of saints he known by any mere man? I shall declare to you exactly some of the attributes of that divine slayer of the Asuras of the lord ol religious ceremonies."

Here not only do we find that Krishna acknowledges his inferiority to Shiva but we also find Shiva conscious of the fact that Krishna has been beaten down and is no longer his superior, indeed is not even his equal. This is evident from Sauptika-parvan where Mahadeva says to Asvathaman *mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_75:

"I have been duly worshipped by Krishna, the energetic in action. with truth, purity, honesty, liberality, austerity, ceremonies. patience, wisdom, self-control, understanding and words: Wherefore no one is dearer to

me than Krishna". Krisnna from being above Shiva, above every God. indeed a Parmeshwar is reduced to the position of being a mere follower of Shiva begging for petty boons.

This does not complete the story of the degradation of Krishna. He is made to undergo further humiliation. Krishna not only accepted a position of inferiority vis-a-vis Shiva hut he is sunk so low that he became a disciple of Upamanyu who was a great devotee of Shiva and took Diksha from him in Shaivism. Krishna himself says:

"On the 8th day I was Initiated by that Brahamana (lJpamanyu) according to the Shastras. Having shaved my entire head.anointing myself with ghee, and taking the staff and kusa grass in my arms I dressed myself in bark fastened with the mekhala (the waist string)."Krishna then performs penance and has a sight, of Mahadeo. Can there be a more glaring instance of so great a rise and so much of a fall in the status of a God? Krishna who was a Parmeshwar as compared to Shiva who was only an Ishwar does not even remain an Ishwar. He actually becomes a devotee of Shiva and seeks initiation in the Shaiva Shastras from a common Brahmin like Upamanyu.

The case of Rama as a God is much more artificial than that of Krishna. Rama himself was unware of the fact that he was a God. After recovering Sita on the defeat and death of Ravana, Sita was suspected of unchastity, Rama felt very dejected on hearing the words of those who thus spoke about Sita. The Ramayana says:

"Then King Kuvera, and Yama with the Pitris and Indra. Lord of the gods, and Varuna, lord of the waters, and the glorious three-eyed Mahadeva, whose ensign is a bull, and Bramha, the creator of the whole world, the most eminent of the knowers of the Veda: (and that King Dasaratha, moving in the air on a celestial car, arrived in that region, equal in lustre to the king of the gods); these all having come on cars brilliant as the Sun, and arrived in the city of Lanka, came near to Raghava (Rama). Then these most eminent gods, holding the large arms of Rama, adorned with armlets, addressed him as he stood with joined hands: How dost thou, the maker of the whole Universe, the most eminent of the wise, the pervading, disregard Sita's throwing herself into the fire? How dost thou not perceive thyself to be the chief of the host of the gods? (Thou wast) formerly the Vasu Ritadhaman, and the Prajapati of the Vasus. Thou art the primal maker of the three worlds, the self dependent lord, the eighth Rudra of the Rudras, and the fifth of the Sadhyas. The Asvins are thine ears, the Moon and Sun thine eyes."

"Thou, vexer of thy foes, art seen in the end and at the beginning of

created beings. And yet thou disregardest Sita like a common man".

On being thus addressed by these Gods, Rama became surprized and replied:

"I regard myself as a man, Rama, son of Dasharath; do you, divine being tell me who and whence I am". On this, Brahma replying to Rama said:

"Hear my true word, 0 being of genuine power. Thou art the god, the glorious lord, Narayana, armed with the discus. Thou art the one-horned boar, the conqueror of thy foes, past and future, the true, imperishable Brahma, both in the middle and end. Thou art the supreme righteousness of the worlds, Vishvaksena, the four-armed ; the bearer of the bow, Saranga, Hrishikesa (lord of the senses). Purusha (the male), the highest of Purushas, the unconquered, sword-wielding, Vishnu, and Krishna of mighty force, the general, the leader the true. Thou art intelligence, thou art patience, and self-restraint. Thou art the source of being and cause of destruction, Upendra (the younger Indra), the Madhusudana. Thou art Mahendra (the elder Indra) fulfilling the function of Indra, he from whose navel springs a lotus, the ender of battles. The great divine rishis call thee the refuge, the resort of suppliants. Thou art the hundred-horned, composed of the Veda, the thousand-headed the mighty. Thou art the primal maker of the three worlds, the self-dependent lord, and the refuge of the Siddhas and Sahyas, 0 thou primevally born. Thou art sacrifice, thou art the vashatkara, and the omkara, higher than the highest. Men know not who thou art, the source of being, or the destroyer. Thou art seen in all creatures, in Brahmans and in cows, in all the regions, in the mountains and rivers, thousand-footed, glorious, hundred-headed, thousand-eyed. Thou sustainest creatures, and the earth with its mountains; thou art seen Rama. at the extremity of the earth, in the waters, a mighty serpent supporting the three worlds, gods, Gandharvas, and Danavas. I am thy heart, Rama, the goddess Sarasvati is thy tongue. The gods have been made by Brahma the hairs on thy limbs. The night is called the closing, and the day the opening, of thine eyes. The Vedas are thy thoughts. This (universe) exists not without thee. The whole world is thy body; the earth is thy stability. Agni is thine anger, Soma is thy pleasure, O thou whose mark is the Srivatsa. By thee the three worlds were traversed of yore with thy three paces. and Mahendra was made king after thou hadst bound the terrible Bali. That which is known as the chiefest light, that which is known as the chiefest darkness, that which is the higher than the highest-thou art called the highest Soul. It is thou who art hymned

as that which is called the highest, and is the highest. Men call thee the highest source of continuance, production and destruction."Obviously, there is the same degree of artificiality in the cult of Rama. Like Krishna he was a man who was made God. Unlike Brahma, Vishnu and Mahesh, he was not one who was born God. It is probably to make his Godhood perfect that the theory was invented that he was the incarnation of Vishnu and that Sita his wife was the incarnation of Lakshmi the wife of Vishnu.

In another respect, Rama was fortunate. He did not have to suffer degradation to other Gods as did Brahma, Vishnu and Krishna. There was however an attempt to degrade him below Parasurama the hero of the Brahmins. The story is told in the Ramayana which says:

"When King Dasaratha was returning to his capital, after taking leave of Janaka. the King of Mithila, whose daughter Sita had just been married to Rama he was alarmed by the ill-omened sounds by certain birds, which however were counteracted, as the sage Vasishta assured the king by the auspicious sign of his being perambulated by the wild animals of the forest. The alarming event indicated was the arrival of Parasurama, preceded by hurricane which shook the earth and prostrated the trees, and bythick darkness which veiled the Sun. He was fearful to behold,"brilliant as fire, and bore his axe and a bow on his shoulder. Being received with honour, which he accepted, he proceeded to say to Rama, the son of Dasaratha that he has heard of his prowess in breaking the bow produced by Janak and had brought another which he asked Rama to bend, and to fit an arrow on the string; and if he succeeded in doing so, he (Parasurama) would offer to engage with him in single combat."

"Rama replied that though his warlike qualities are condemned by his rival, he will give him a proof of his powers. He. then snatches, in anger, the bow from the hand of Parasurama, bends it, fits an arrow on the string; and tells his challenger that he will not shoot at him because he is a Brahman, and for the sake of his kinsman Visvamitra; but will either destory his superhuman capacity of movement, or deprive him of the blessed abodes he has acquired by austerity. The gods now arrive to be witnesses of the scene. Parasurama becomes disheartened and powerless and humbly entreats that he may not be deprived of his faculty of movement lest he should be incapacitated from fulfilling his promise to Kasyappa ' to leave the earth every night but consents that his blissful abodes may be destroyed."

With this exception Rama had no rivalry with any of the other Gods.

He managed to be where he was. With regards to other Gods there is a different story to tell. Poor creatures they became nothing more than mere toys in the hands of the Brahmins. Why did the Brahmins treat the Gods with so scant a respect?

RIDDLE NO. 12
WHY DID THE BRAHMINS DETHRONE THE GODS AND ENTHRONE THE GODDESSES?

The worship of Gods is a thing common to all. But the worship of Goddesses is quite uncommon. The reason is that Gods are generally unmarried and have no wives who can be elevated to the position of Goddesses. How repugnant is the idea of a God being married is well illustrated by the difficulties which early Christians had in persuading the Jews to accept Jesus as the son of God. The Jews retorted saying God is not married and how can Jesus be the son of God.

With the Hindus the position is quite otherwise. They not only worship Gods they also worship Goddesses. This is so from the very beginning.

In the Rig-Veda several Goddesses are mentioned such as *Prithvi, Adili, Diti, Nishtigri, Indrani, Prisni, Usha, Surya, Agnayi, Varunani, Rodasi, Raka, Sinivali, Sradha, Aramati, Apsaras and Sarasvati.*

Prithvi is a very ancient Aryan Goddess. She is represented either as wife of *Dyaus* heaven or of *Parjanya.* Prithvi is an important Goddess because she is said to be the mother of many Gods.

Aditi is chronologically one of the older Vedic Goddesses. She is described as the mighty mother of the Gods. The Gods, *Mitra, Aryaman* and *Varuna* are her sons. To whom Aditi was married does not appear from the Rig-Veda. We do not know much about *Diti* except that she is mentioned as a goddess along with and in contrast to *Aditi* and that the *Daityas* who were regarded in later Indian mythology as the enemies of the Devas were her sons.

The original title of the Chapter was ' Vedic and non- Vedic Goddesses '. From the subject dealt with in this chapter and from the concluding para, we have placed this at Riddle No. 12 in accordance with the subject mentioned in the Table of Contents. This is a 21-page typed copy having some modifications and also concluding para in the handwriting of the author.—Ed.

The goddess *Nishtigri* is the mother of Indra and the goddess *Indrani*

is the wife of Indra. Prisni is the mother of Maruts. *Usha* is described as the daughter of the sky, the sister of *Bhaga* and the kinswoman of *Varuna* and the wife of Surya. The goddess *Surya* is the daughter of *Surya* and the wife of the Gods *Asvins* or *Soma.*

The goddesses *Agnayi, Varunani* and *Rodasi* are the wives of *Agni, Varuna* and *Rudra* respectively. Of the rest of the goddesses are mere personifications of rivers or are mentioned without any details.

From this survey two things are clear. One is that a Hindu God can enter a married state and neither the God nor his worshipper need feel any embarrassment on account of the God acting as though he was no better than a common man. The second is that the God's wife automatically becomes a goddess worthy of worship by the followers of the God.

Leaving the Vedic times and coming to the Pauranic times we come across the names of various Goddesses such as *Devi, Uma, Sati, Ambika, Parvati, Haimavati, Gauri, Kali, Nirriti, Chandi* and *Katyayini, Durga, Dassbhuja. Singhavahini, Mahishasuramardini, Jagaddhatri, Muktakesi, Tara, Chinnamustaka, Jagadgauri, Pratyangira, Annapurna, Ganeshjanani, Krishnakrora* and *Lakshmi.* It is very difficult to construct a who is who of these Goddesses. In the first place it is difficult to say whether each name stands for a distinct and separate Goddess or they are the names of one Goddess. It is equally difficult to be sure of their parentage. Nor can any one say with certainty as to who their husbands are.

According to one account *Vma, Devi, Sati, Parvati, Gauri* and *Ambika* are different names of the same Goddess. On the other hand *Devi* is said by some to be the daughter of Daksha, *Ambika* to be the sister of Rudra. Regarding *Parvati* the Varaha Purana in describing her. origin saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_76:

"Brahma when on a visit to Siva on Mount Kailasa is thus addressed by him:"Say, quickly, 0, Brahma, what has induced you to come to me?' Brahma replies, 'There is a mighty Asura named Andhaka (Darkness), by whom all the gods, having been distressed, came for protection, and I have hastened to inform you of their complaints'. Brahma then looked intently at Siva, who bythought summoned Vishnu into their presence. As the three deities looked at each other, 'from their three refulgent glances sprang into being a virgin of celestial loveliness, of hue cerulean, like the petals of a blue lotus, and adorned with gems, who hashfully bowed before Brahma, Vishnu and Siva. On their asking her who she was, and why she was distinguished by the three colours black, white

and red, she said, ' From your glances was I produced: do you not know your own omnipotent energies?' Brahma then praising her said, 'Thou shalt be named the goddess of three times (past, present and future), the preserver of the universe, and under various appellations shalt thou be worshipped, as thou shalt be the cause of accomplishing the desires of thy votaries. But, 0 goddess, divide thyself into three forms, according to the colours by which thou art distinguished. She then, as Brahma had requested, divided herself into three parts: one white, one red, and one black. The white was ' Saraswati of a lovely, felicitious form, and the co-operator with Brahma increation: the red was Lakshmi, the beloved of Vishnu, who with him preserves the universe; the black was Parvati endowed with many qualities and energy of Siva."

Here is an attempt to suggest that *Saraswati, Lakshmi* and *Parvati* are different forms of one and the same divinity. When one remembers that *Sarasvati* is the wife of Brahma, Lakshmi is the wife of Vishnu and Parvati is the wife of Shiva, and also that Brahma. Vishnu and Shiva were at war, this explanation given by the Varah Puran seems very odd.

Who is Gauri? The Purana says that Gauri is another name for Parvati. The reason how Parvati was called Gaurimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_77 is that when Shiva and Parvati lived on mount Kailasa, occasionally there were quarrels between them, and on one occasion Shiva reproached her for the blackness of her skin. This taunt so grieved her that she left him for a time. and, repairing to a deep forest, performed a most severe course of austerities, until Brahma granted her as a boon that her complexion should be golden and for this circumstance she is known as Gauri.

Taking the other Goddesses it is not quite certain whether they are different names for one and the same Goddess or whether they are different Goddesses. In the Mahabharata there is a hymn sung by Arjuna to Durga in which he saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_78:

"Reverence be to thee, Siddha-Senani (generalaless of the Siddhas), the noble, the dweller on Mandara, Kumari (Princess), Kali, Kapali, Kapila, Krishna-pingala. Reverence to thee, Bhadrakali; reverence to thee, Maha Kali, Chandi, Chanda, Tarini (deliveress), Varavarini (beautiful-coloured). O fortunate Kalyani, O Karali, O Vijaya, O Jaya (victory) younger sister of the chief of cowherds (Krishna), delighting always in Mahisha's blood'. O Uma, Sakambhari, thou white one, thou black one,

0 destroyer of Kaithabha! Of science, thou art the science of Brahma (or of the Vedas), the great sleep of embodied beings. 0 mother of Skanda (Kartikeya), divine Durga, dweller in wildernesses'. Thou, great goddess, art praised with a pure heart. By thy favour let me ever be victorious in battle."

From this hymn it does appear that some of the Goddesses listed above are simply different names of Durga. Similarly, Dasabhuja, Singhavahini, Mahishamardini, Jagaddhatri, Chinnamustaka, Jagadgauri, Pratyangiri, Annapurna are the same as Durga or different forms of *Durga.*

There are thus two principal Goddesses. One is *Parvati* and the other is *Durga.* The rest are mere names. Parvati is the daughter of Daksha Prajapati and the wife of Shiva and Durga is the sister of Krishna and the wife of Shiva. The relationship of *Durga* and *Kali* is not quite clear. According to the hymn sung by Arjuna, Durga and Kali would appear to be one and the same. But the Linga Purana seems to suggest a different view. According to itmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_79. Kali is distinct from Durga.

A comparison between the Vedic Goddesses and the Puranic Goddesses cannot be avoided by a student whose business it is not merely to write history but to interpret history. On one point there is a striking contrast, between the two. The worship of the Vedic Goddesses was worship by *courtesy.* They were worshipped only because they were the wives of Gods. The worship of the Puranic Goddesses stand on a different footing. They claim worship in their own right and not because they are wives of Gods. This difference arises because the Vedic Goddesses never went to the battle-field and never performed any heroic deed. The Puranic Goddesses on the other hand went to the battlefield and performed great heroic deeds. Their worship was not by courtesy. It was based upon their heroic and thundering deeds.

There was agreat battle, it is said, between Durga and the two *asuras* which brought renown to Durga. The story is told in the Markandeya Purana in full details. It says*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_80

At the close of the Treta Age, two giants, named Sumbha and Nishumbha performed religious austerities for 10,000 years, the merit of which brought Shiva from heaven, who discovered that by this extraordinary devotion, they sought to obtain the blessing of

immortality. He reasoned long with them, and vainly endeavoured to persuade them to ask for any other gift. Being denied what they specially wanted, they entered upon still more severe austerities for another thousand years, when Shiva again appeared, but still refused to grant what they asked. They now suspended themselves with their heads downwards over a slow fire, till the blood streamed from their necks; they continued thus for 800 years. The Gods began to tremble, lest, by performing such rigid act of holiness, these demons should supplant them on their thrones. The king of the Gods thereupon called a council, and imparted to them his fears. They admitted that there was ground for anxiety, but asked what was the remedy.

Acting upon the advice of Indra, Kandarpa (the God of love), with Rambha and Tilotama, the most beautiful of the celestial nymphs, were sent to fill the minds of the giants with sensual desires. Kandarpa with his arrow wounded both; upon which, awaking from their absorption, and seeing two beautiful women, they were taken in the snare, and abandoned their devotions. With these women they lived for 5000 years; after which they saw the folly of renouncing their hopes of immortality for the sake of sensual gratifications. They suspected this snare must have been a contrivance of Indra; so, driving back the nymphs to heaven, they renewed their devotions, cutting the flesh off their bones, and making burnt offerings of it to Shiva. They continued in this way for 1000 years till at last they became mere skeletons; Shiva again appeared and bestowed upon them his blessing—that in riches and strength they should excel the Gods.

Being exalted above the Gods, they began to make war upon them. Aftervarious successes on both sides, the giants became everywhere victorious; when Indra and the Gods, reduced to a most deplorable state of wretchedness, solicited the interference of Brahma and Vishnu. They referred them to Shiva, who declared that he could do nothing for them. When, however, they reminded him that it was through his blessing they had been ruined, he advised them to perform religious austerities to Durga. They did so: and after some time the goddess; appeared, and gave them her blessing; then disguising herself as a common female carrying a pitcher of water, she passed through the assembly of the gods. She, then assumed her proper form, and said, 'They are celebrating my praise '.

'This new goddess now ascended Mount Himalaya where Chanda and Manda, two of Sumbha and Nisumbha's messangers resided. As these demons wandered over the mountain, they saw the goddess; and being

exceedingly struck with her charms, which they described to their masters, advised them to engage her affections, even if they gave her all the glorious things which they had obtained in plundering the heavens of the gods.

Sumbha sent Sugriva as messenger to the goddess, to inform her that the riches of the three worlds were in his palace; that all the offerings which used to be presented to the gods were now offered to him; and that all these offerings, riches, etc., would be hers, if she would come to him. The goddess replied that the offer was very liberal, but that she had resolved that the person she married must first conquer her in war, and destroy her pride. Sugriva, unwilling, to return unsuccessful, pressed for a favourable answer, promising that he would conquer her in war, and subdue her pride; and asked in an authoritative strain; ' Did she know his master, before whom none of the inhabitants of the worlds had been able to stand, whether gods, demons, or men? How then could she, a female think of resisting his offers? If his master had ordered him, he would have compelled her to go into his presence immediately. She agreed that this was very correct, but that she had taken her resolution, and exhorted him, therefore to persuade his master to come and try his strength with her.

The messenger went and related what he had heard. On hearing his account, Sumbha was filled with rage, and, without making any reply, called for Dhumlochana his commander-in-chief and gave him orders to go to Himalaya and seize the goddess and bring her to him. and, if any attempted a rescue, utterly to destroy them.

The commander went to Himalaya, and acquainted the goddess with his master's orders. She, smiling, invited him to execute them. On the approach of this hero, she set up a dreadful roar, by which he was reduced to ashes. After which she destroyed the army of the giant leaving only a few fugitives to communicate the tidings. Sumbha and Nisumbha, infuriated, sent Chanda and Manda, who on ascending the mountain, perceived afemale sitting on an ass, laughing. On seeing them she became enraged, and drew to her ten, twenty, or thirty of their army at a time, devouring them like fruit. She next seized Manda by the hair, cut off his head and holding it over her mouth, drank the blood. Chanda, on seeing the other commander slain in this manner, himself came to close quarters with the goddess. But she, mounted on a lion, sprang on him, and, despatching him as she had done Manda, devoured part of his army, and drank the blood of the slain.

The giants no sooner heard this alarming news than they resolved to

go themselves, and collecting their forces, an infinite number of giants, marched to Himalaya. The gods looked down with astonishment on this vast army, and the goddesses descended to help Maharnaya (Durga), who, however, soon destroyed her foes, Raktavija, the principal commander under Sumbha and Nishumbha, seeing all his men destroyed encountered the goddess in person. But though she covered him with wounds, from every drop of blood which fell to the ground a thousand giants, arose equal in strength to Raktavija himself. Hence innumerable enemies surrounded Durga, and the gods were filled with alarm at the amazing sight. At length Chandi, a goddess, who had assisted Kali (Durga) in the engagement, promised that if she would drink the giant's blood before it fell to the ground, she (Chandi) would engage him and destroy the whole of his strangely formed offspring. Kali consented, and the commander and his army were soon despatched.

Sumbha and Nishumbha, in a state of desperation, next engaged the goddess in single combat, Sumbha making the first onset. The battle was inconceivably dreadful on both sides, till at last both the giants were slain, and Kali sat down to feed on the carnage she had made. The gods and the goddesses chanted the praises of the celestial heroine, who in return bestowed a blessing on each."The Markandeya Purana also gives a short account of the valorous deeds of Durga done in the various forms it took. It says:

"As Durga she received the message of the giants; As Dasabhuja (the ten-armed) she slew part of their army; As Singhavahini (seated on a lion) she fought with Raktavija; As Mahishamardini (destroyer of a buffalo) she slew Sumbha in the form of a buffalo; As Jagaddhatri (the mother of the world) she overcame the army of the giants; As Kali (the black woman) she slew Raktavija; As Muktakesi (with flowing hair) she overcame another of the armies of the giants; As Tara (the saviour) she slew Sumbha in his own proper shape; As Chinnamastaka (the headless) she killed Nisumbha; As Jagadgauri (the golden-coloured lady renowned through the world) she received the praises and thanks of the gods."A comparison between the Vedic and Puranic Goddesses raises some interesting questions. One of them is quite obvious. Vedic literature is full of references to wars against the Asuras. The literature known as Brahmanas replete with them. But all these wars against the Asuras are fought by the Vedic Gods. The Vedic Goddesses never took part in them. With the Puranic Goddesses the situation has undergone a complete change. In the Puranic times there are wars with the Asuras as

there were in the Vedic times. The difference is that while in the Vedic times the wars with the Asuras are left to be fought by the Gods in the Puranic times they are left to be fought by the Goddess. Why is

that Puranic Goddesses had to do what the Gods in Vedic times did? It cannot be that there were no Gods in Puranic times. There were Brahma, Vishnu and Shiva gods who ruled in the Puranic times. When they were there to fight the Asuras why were the Goddesses enrolled for this purpose. This is a riddle which requires explanation.

The second question is what is the source of this power which the Puranic Goddesses possessed and which the Vedic Goddesses never had? The answer given by the Puranic writers is that this power was the power of the Gods which dwelt in the Goddesses. The general theory was that every God had energy or power which was technically called *Sakti* and that the *Sakti* of every God resided in his wife the Goddess. This had become such an accepted doctrine that every goddess is called a *Sakti* and those who worship the Goddess only are called *Saktas.*

With regard to this doctrine there are one or. two questions that call for a reply.

First is this. We may now take it that notwithstanding the many names of the Goddesses as we find in the Puranas we have really five Puranic Goddesses before us—namely, *Sarasvati, Lakshmi, Parvati, Durga* and *Kali.* Sarasvati and Lakshmi are the wives of Brahma and Vishnu who along with Shiva are recognized as the Puranic Gods. Parvati, Durga and Kali are the wives of Shiva. Now *Sarasvati* and *Lakshmi* have killed no Asura and have in fact done no deed of valour. Question is why? Brahma and Vishnu had *Sakti* which in conformity with the theory must have dwelt in their wives. Why then did *Sarasvati* and *Lakshmi* not take part in the battle with the Asuras? This part is only reserved for the wives of Shiva. Even here Parvati's role is quite different from that of Durga. Parvati is represented as a simple woman. She has no heroic deeds to her credit like the ones claimed for Durga. Like Durga, Parvati is also the Sakti of Shiva. Why was Shiva's Sakti dwelling in Parvati so dull, so dormant, and so inactive as to be non-existent?

The second point is that though this doctrine may be a good justification for starting the worship of Goddesses independently of Gods, it is difficult to accept either the logical or historical basis of the doctrine. Looking at it purely from the point of view of logic if every God has *Sakti* then even the Vedic Gods must have had it. Why then was this doctrine not applied to the wives of the Vedic Gods? Looking at it from the point of view of history, there is no justification for saying

that the Puranic Gods had *Sakti* in them.

Further the Brahmins do not seem to have realized that by making Durga the heroine who alone was capable of destroying the Asuras,

they were making their own Gods a set of miserable cowards. It seems that the Gods could not defend themselves against the Asuras and had to beg of their wives to come to their rescue. One illustration from the Markandeya Purana is enough to prove how imbecile the Puranic Gods were shown by the Brahmins against the Asuras. Says the Markandeya Purana.:

"Mahisha, king of the giants at one time overcame the gods in war. and reduced them to such a state of want that they wandered through the earth as beggars. Indra first conducted them to Brahma, and then to Siva; but as these gods could render no assistance, they turned to Vishnu, who was so grieved at the sight of their wretchedness, that streams of glory issued from his face. whence came a female figure named Mahamaya (another name of Durga). Streams of glory issued from the faces of the other gods also. which in like manner entered Mahamaya: in consequence of which she became a body of glory, like a mountain of fire. The gods then handed their weapons to this dreadful being, who with a frightful scream ascended into the air, slew the giant and gave redress to the gods."

How can such cowardly Gods have any prowess? If they had none, how can they give it to their wives. To say that Goddesses must be worshipped because they have *Sakti* is not merely a riddle but an absurdity. It requires explanation why this doctrine of Sakti was invented. Was it to put it a new commodity on the market that the Brahmins started the worship of the Goddesses and degraded the Gods?.

RIDDLE NO. 13

THE RIDDLE OF THE AHIMSA

Any one who compares the habits and social practices of the latter-day Hindus with those of the Ancient Aryans he will find a tremendous change almost amounting to a social revolution.

The Aryans were a race of gamblers. Gambling was developed to science in very early days of the Aryan Civilization so much so that they had even devised certain technical terms. The Hindus used the words

Krita, Treta, Dwapara and Kali as the names of the four Yugas or periods into which historical times are divided. As a matter of fact originally these are the names of the dices used by the Aryans at gambling . The luckiest dice was called Krita and the unluckiest was called Kali. Treta and Dwapara were intermediate between them. Not only was gambling well developed among the ancient Aryans but the stakes were very high. Gambling with high money stakes have been known elsewhere. But they are nothing as compared with those which are known to have been offered by the Aryans. Kingdoms and even their wives were offered by them as stakes at gambling. King Nala staked his kingdom and lost it. The Pandavas went much beyond. They not only staked their kingdom they also staked their wife Draupadi and lost both. Among the Aryans gambling was not the game of the rich. It was a vice of the many. So widespread was gambling among the Ancient Aryans that the burden of all the writers of the Dharma Sutras (Shastras?) was to impress upon the King the urgency of controlling it by State Authorities under stringent laws.

***The original Table of Contents shows Riddle No. 13 as ' How the Brahmins who were once cow-killers became the worshippers of the Cow?' This chapter* is not *found in the papers. However, few pages entitled 'Riddle of Ahimsa' have been found. The Riddle has been placed here as it seems to deal with the same topic. This chapter consisting of 10 typed pages is obviously incomplele as the remaining text is missing.* Ed.**

The relation of the sexes among the Aryans were of a loose sort. There was a time when they did not know marriage as a permanent tie between a man and a woman. This is evident from the Mahabharata where Kunti the wife of Pandu refers to this in her reply to Pandu's exhortation to go to produce children from some one else. There was a time when the Aryans did not observe the rule of prohibited degrees in their sex relations. There are cases among them of brother cohabiting with sister, son with mother, father with daughter and grand-father with grand-daughter. There was a communism in women. It was a simple communism where many men shared a woman and no one had a private property in or exclusive right over a woman. In such a communism the woman was called Ganika, belonging to many. There was also a regulated form of communism in women among the Aryans. In this the woman was shared among a group of men but the day of each was fixed and the woman was called *Warangana* one whose days are fixed. Prostitution flourished and has taken the worst form. Nowhere

else have prostitutes consented to submit to sexual intercourse in public. But the practice existed among the Ancient Aryans. Bestiality also prevailed among the Ancient Aryans and among those who were guilty of it are to be reckoned some of the most reverend Rishis.

The Ancient Aryans were also a race of drunkards. Wine formed a most essential part of their religion. The Vedic Gods drank wine. The divine wine was called Soma. Since the Gods of the Aryans drank wine the Aryans had no scruples in the matter of drinking. Indeed to drink it was a part of an Aryan's religious duty. There were so many Soma sacrifices among the Ancient Aryans that there were hardly any days when Soma was not drunk. Soma was restricted to only the three upper classes, namely the Brahmins, the Kshatriyas and the Vaishas. That does not mean the Shudras were abstainers. Who were denied Soma drank Sura which was ordinary, unconsecrated wine sold in the market. Not only the male Aryans were addicted to drinking but the females also indulged in drinking. The Kaushitaki Grihya Sutra I. 11-12 advises that four or eight women who are not widowed after having been regaled with wine and food should be called to dance for four times on the night previous to the wedding ceremony. This habit of drinking intoxicating liquor was not confined to the Non-Brahmin women. Even Brahmin women were addicted to it. That drinking was not regarded as a sin; it was not even a vice, it was quite a respectable practice. The Rig-Veda says:"Worshipping the sun before drinking madira (wine)".

The Yajur-Veda says:

"Oh, Deva Soma! being strengthened and invigorated by Sura (wine), by thy pure spirit, please the Devas; give juicy food to the sacrificer and vigour to Brahmanas and Kshatriyas."The Mantra Brahmana says:

"By which women have been made enjoyable by men, and by which water has been transformed into wine (for the enjoyment of men),"etc. That Rama and Sita both drank wine is admitted by the Ramayana. Uttar Khand says:

"Like Indra in the case (of his wife) Shachi, Ramachandra saw that Sita drank purified honey called wine. Servants brought for Ramahandra meat and sweet fruit

So did Krishna and Arjuna. The Udyoga Parva of the Mahabharata says:

"Arjuna and Shrikrishna drinking wine made from honey and being sweet-scented and garlanded, wearing splendid clothes and ornaments, sat on a golden throne studded with various jewels. I saw Shrikrishna's feet on Arjuna's lap, and Arjuna's feet on Draupadi and Satyabhama's

lap."

The greatest change that has taken place is in the diet. The present day Hindus are very particular about their diet. There are twofold limitations on commensality. A Hindu will not eat food cooked by a Non-Hindu. A Hindu will not eat food cooked even by a Hindu unless he is a Brahmin or a man of his caste. The Hindu is not only particular on the question of whose food he should eat, he is also particular to what he should eat. From the point of view of diet Hindus may be divided into two main classes.

(1) Those who are vegetarians.

(2) Those who are non-vegetarians. The non-vegetarians again fall into several sub-divisions: Those who will eat all kinds of flesh and fish. Those who will eat only fish.

Those who will eat flesh are sub-divided into following categories:

(i) Those who will eat the flesh of any animal except the cow.

(ii) Those who will eat the flesh of any animal including that of the cow.

(iii) Those who will eat flesh but not of a cow (whether dead or slaughtered) nor of chicken.

Classifying the Hindu Population from the point of view of its diet the Brahmins are divided into two classes (1) Pancha Gauda and (2) Panch Dravida.

Of these Panch Dravida are completely vegetarian. The Panch Gauda's with the exception of one section namely Gauda Saraswatas are also completely vegetarian. The Untouchables who are at the other end of the Hindu Society are non-vegetarian. They eat meat, not merely of goats and fowls but also of the cow irrespective whether it is dead or slaughtered. The Non-Brahmins who are midway between the Brahmins and the Untouchables have different ways. Some like the Brahmins are Vegetarians. The rest unlike the Brahmins are non-vegetarians. All of them are alike in one thing namely that all of them are opposed to eating the cow's flesh.

There is one other aspect of the question which needs to be mentioned. It is the question of killing an animal for purposes of food. On this the Hindu mind is more or less united. No Hindu will kill an animal not even for food. Except for a small caste known as Khatiks there are no butchers among the Hindus. Even the Untouchables will not kill. He eats the flesh of a dead cow. But he will not kill a cow. In India today the butcher is a Musalman and any Hindu who wants to kill an animal for his food has to seek the services of a Musalman. Every

Hindu believes in Ahimsa.

Since when did vegetarianism come into India? When did Ahimsa become an established belief? There are Hindus who do not understand the propriety of this question. They hold that vegetarianism and Ahimsa are not new things in India.

The evidence in support of the contention that the ancient Aryans the ancestors of present-day Hindus were not only meat-eaters but beef-eaters is really overwhelming. As evidences in support of this view it is enough to draw attention to the following facts: They are quite indisputable. Take the case of Madhuparka.

Among the ancient Aryans there was well established procedure of reception to be given to a guest which is known as Madhuparka the detailed descriptions regarding which will be found in the various Grihya Sutras. According to most of the Grihya Sutras there are six persons who deserve Madhuparka. Namely (1) Ritvij or the Brahmin called to perform a sacrifice, (2) Acharya, the teacher, (3) the Bridegroom, (4) The King, (5) The Snatak, the student who has just finished his studies at the Gurukul and (6) Any person who is dear to the host. Some add Atithi to this list. Except in the case of the Ritvij, King and Acharya, Madhuparka is to be offered to the rest once in a year. To the Ritvij, King and Acharya it is to be offered each time they come. The procedure consisted first in washing by the host the feet of his guest, then the offer of the Madhuparka and the drinking of it by the quest accompanied by certain Mantras.

What were the components of the Madhuparka? Madhuparka literally means a ceremony in which honey is shed or poured on the hand of a person. This is what Madhuparka was in its beginning. But in course its ingredients grew and included much more than honey. At one time it included three ingredients—curds, honey, and butter. There was a time when it was made of five things, curds, honey, ghee, yava and barley. Then it came to be a mixture of nine items. The Kausika Sutra speaks of nine kinds of mixtures, viz. *Brahma* (honey and curds), *Aindra* (of *payasa), Saumya* (curds and ghee), *Mausala* (saine and ghee, this being used only in *Sautramani* and *Rajasuya* sacrifices), *Varuna* (water and ghee), *Sravana* (sesame oil and ghee), *Parivrajaka* (sesame oil and oil cake). Then we come to the time of the Manava Grahya Sutra which says that the Veda declares that the Madhuparka must not be without flesh and so it recommends that if the cow is let loose, goat's meat or *payasa* (rice cooked in milk) may be offered ; The *Hir* gr. i. 13.14 says that other meat should be offered : *Baud.* gr. says (1.2.51-54) that when the cow is

let off, the flesh of a goat or ram may be offered or some forest flesh (of a deer & c.,) may be offered,as there can be. no Madhuparka without flesh or if one is unable to offer flesh one may cook ground grains. But in the final stage flesh became the most essential part of Madhuparka. In fact some of the Grihya Sutras go to the length of saying that there can be no Madhuparka without flesh. This they base upon an express injunction contained in the Rig-Veda (VIII. 101.5) which says"Let the Madhuparka not be without flesh".

Flesh eating was thus quite common. From the Brahmins to the Shudras everybody ate meat. In the Dharmasutras numerous rules are given about the flesh of beasts and birds and about fishes. Gaut. 17.27-31, Ap.Dh.S. 1.5.17.35Vas.Dh.S. 14.39-40. Yaj. 1. 177, Vishnu Dh.S. 51.6, Sankha (quoted by Apararka p. 1167), Ramayana (Kiskindha 17.39), Markendey Purana (35.2-4) prescribe that one should avoid the flesh of all live-nailed animals except ofporcupine,hare,svavidh(a boar of hedgehog), iguana, rhinoceros and tortoise (some of these works omit the rhinoceros). Gautama adds that one should also avoid the flesh of all animals with two rows of teeth in the two jaws, of hairy animals, of hairless animals (like snakes), of village cocks and hogs and of cows and bulls. Ap. Dh. S. 1.5.17. 29-31 first forbids the flesh of animals with one hoof only, of camels, of gavaya (Gayal), of the village hog, of the sarabha and of cows, but adds the exception that the flesh of milch cows and of bulls may be eaten as the Vajasaneyaka declares the flesh of these to be pure. Ap. Dh. S. (11.2.5.15) forbids the use of flesh to a teacher of the Veda in the (INCOMPLETE. FURTHER TEXT MISSING)

RIDDLE NO. 14

FROM AHIMSA BACK TO HIMSA

"From Himsa to Ahimsa"is only a part of the story of Ahimsa. There is another part of the story which can only be described, under the heading"From Ahimsa back to Hirnsa". The second part of the story will be clear if only one were to note the religious practices of the Tantras and Tantraism to which a reference has already been made.

The essentials of Tantrik worship are the five Makars. These five Makars consists of:

1. The drinking of wine and liquors of various kinds . . . (Madya):

2. The eating of meat ..... (Mansa);
3. The eating of fish ..... (Matsya);
4. The eating of parched or fried grain ..... (Mudra);
5. The sexual union ..... (Maithuna). It is unnecessary to say at this stage anything about Maithuna or Sexual intercourse having been made an element of religious worship. It is sufficient to take note of Madya and Mansa.

With regard to the first four of these acts the Tantras prescribe twelve sorts of liquors, three sorts of wine, and three sorts of meat. Pulastya, one of the ancient sages who is the supposed author of certain law-books, also enumerates twelve kinds of liquors, as follows:"

1. Liquor extracted from the bread fruit (panasa), called Jack-liquor;
2. From grapes (draksha);
3. From date-palm (kharjuri);
4. From common palm (tali), or toddy;
5. From coconut (narikela);
6. From sugarcane (ikshu);
7. From Madhavika plant;

***The chapter seems to be a continuation of the previous chapter on ' Ahimsa '. There are six typed pages with few corrections and having the title written by the author himself.*—Ed.**

8. Long-pepper liquor (saira);
9. Soap-berry liquor (arishta);
10. Honey-liquor (madhuka);
11. A kind of rum or liquor prepared from molasess, etc. (called Gaudi, or sometimes Maireya);
12. Arrack, or liquor prepared from rice and other grain (sura or Varuni, or paishti).

Besides the above twelve kinds of spirituous drink others are frequently mentioned, for example, *Tanka,* made from wood-apple, Koli, made from the jujbe; and *Kadambari;* the last being the favourite beverage of Bala-Rama.

The meat may be that of birds, beasts, or fish. The parched grain is eaten, like dry biscuit, as a relish with the wine and spirituous liquors. The drinking of each kind of drink is supposed to be attended with its own peculiar merit and advantage. Thus one liquor gives salvation, another learning, another power, another wealth, another destroys enemies, another cures diseases, another removes sin, another purifies the soul."

The Tantrik worship had gone deep into Bengal. Referring to his own

experience Rajendra Lal Mitra saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_81:

"I knew a highly respectable widow lady, connected with one of the most distinguished families in Calcutta, who belonged to the Kaula sect, and had survived the 75th birthday, who never said her prayers (and she did so regularly every morning and evening) without touching the point of her tongue with a tooth-pick dipped in a phial of arrack, and sprinkling a few drops of the liquor on the flowers which she offered to her god. I doubt very much if she had ever drunk a wine-glassful of arrack at once in all her life, and certain it is that she never had any idea of the pleasures of drinking: but, as a faithful Kaula, she felt herself in duty-bound to observe the mandates of her religion with the greatest scrupulousness. That thousands of others do so, I have every reason to believe. In some parts of Bengal, where arrack is not easily accessible, such female votaries prepare a substitute by dropping the milk of a coconut in a bell-metal pot, or milk in a copper vessel, and drink a few drops of the same. Men are, however, not so abstemious, and the Tantras ordain a daily allowance of five cupsful, the cup being so made as to contain five tolas, or two ounces, i.e. they are permitted to take ten ounces or about a pint of arrack daily". This Tantrik worship was not confined to the small corner of Bengal. As is pointed out by Mahamahopadhyaya Jadaveshwara Tarkaratnamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_82:

"Just as the Bengalis of the higher castes are divided into Shaktas, Vaishnavas, and Shaivas. so it is with the peoples of Kamarupa, Mithila, Utkala, and Kalinga, and the Kashmirian pandits. The Shakti Mantra, Shiva Mantra. and Vishnu Mantra. are each Tantrik. Amongst Dakshinatyas, Mahamahopadhyaya Subramanya Shastri, and many others, are Shaktas. The late Mahamahopadhyaya Rama Mishra Shastri. Bhagavatacharya. and many others, were and are Vaishnavas. Mahamahopadhyaya Shivakumara Shastri, and a number of others are Shaivas. In Vrindavana there are many Shaktas as well as Vaishnava Brahmanas. though amongst the higher castes in Maharashtra and other Southern Indian countries. Shaivas and Vaishnavas are more numerous than Shaktas. Followers of the Pashupata and Jangama cults are Shaivas whereas those of Madhavacharya and Ramanujacharya are Vaishnavas. Many in the North-West are initiated in the Rama-Mantra. which is to be found only in the Tantra. It is still more remarkable that. according to

this author, the pandas of Shri Purushottama are all Shaktas, and the priests of Kamakhya Devi are all Vaishnavas."

Although it is not possible to give the exact date when the Tantras and Tantra worship came into existence there is no doubt that their date is after Manu. This fact makes the rise of the Tantra worship a matter of great surprize. The Tantras not only lifted the prohibition enacted by Manu against wine and flesh but they made drinking and flesh eating articles of faith.

The surprising thing is the part that the Brahmins have played in furthering the Tantra and Tantra worship. The Tantras had no respect for the Vedas. The Tantrikas said that the Vedas were like a common woman open to all but that the Tantra was like a high-born woman kept secluded. The Tantra was never repudiated by the Brahmins. On the other hand they recognized it as a fifth Veda. So orthodox a Brahmin as Kulluka-Bhatt the celebrated Commentator on Manu Smriti says that Shruti is of two kinds, Vaidik and Tantrik. Not only did the Brahmins not repudiate the Tantras but actually promoted the Tantrik worship. The Matrika Bheda Tantra makes Shiva address his wife Parvati as follows[*] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_83

"O sweet speaking goddess, the salvation of Brahmanas depends on drinking wine. I impart to you a great truth, O mountain born, when I say that the Brahman who devotes himself to drinking and its accompaniments, forthwith becomes a Siva. Even as water mixes with water, and metal blends with metal ; even as the confined space in a pitcher merges into the great body of the confining vessel, and air mingles with air, so does a Brahman melt into Brahma, the universal soul".

"There is not the least doubt about this. Likeness to the divinity and other forms of beatitude are designed for Kshatriyas and others; but true knowledge can never be acquired without drinking spirituous liquor; therefore should Brahmans always drink. No one becomes a Brahman by repeating the Gayatri, the mother of the Vedas: he is called a Brahman only when he has knowledge of Brahma. The ambrosia of the gods is their Brahma, and on earth it is arrack (or liquor distilled from rice); and because one attains through it the condition of a god (suratva), therefore is that liquor called sura."

Why did the Brahmins repudiate father Manu and start again drinking liquor and flesh eating which Manu had stopped? This is a riddle.

RIDDLE NO. 15

HOW DID THE BRAHMINS WED AN AHIMSAK GOD TO A BLOODTHIRSTY GODDESS?

Having started drinking and flesh eating the Brahmins did not hesitate to write puranas advocating animal sacrifices. One such Purana requires a special mention. It is called the Kali Purana. This Purana is written with the express purpose of propagating the worship of the goddess Kali. In this Purana there is an adhhyaya called Rudhir Adhhyaya which means the bloody chapter.

I give below a summary of the Rudhir Adhhyaya. In this chapter*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_84 the God Shiva addresses his three sons Betal, Bhairawar, and Bhairava in the following terms:

"I will relate you, my sons, the ceremonies and rules to be observed in sacrifices which being duly attended to are productive of the divine favour.

"The forms laid down in the Vaishnaivi Tantra, are to be followed on all occasions and may be observed by sacrifices to all Deities."

"Birds, tortoise, allegators, fish, nine species of wild animals, buffaloes, bulls, he-goats, inchneumons, wild boars, rhinoceroses, antelopes, guanas, reindeer, lions, tigers, men and blood drawn from the offerer's own body, are looked upon as proper oblations to the Goddess Chandica, the Bhairavas &c."

"It is through sacrifices that princes obtain bliss, heaven, and victory over their enemies."

"The pleasure which the Goddess receives from an oblation of the fish and tortoises is of one month's duration, and three from that of a crocodile. By the blood of the nine specifies of wild animals the Goddess is satisfied nine months, and for that space of time

***This is a 16-page typed MS having modifications by the author himself. All the pages are numbered serially and the treatment of the subject seems complete.*—Ed.**

continues propitious to the offerer's welfare. The blood of the wild bull and Guana give pleasure for one year, and that of the antelope and wild boar for twelve years. The Sarabhas blood satisfies the Goddess for twenty-five years, and buffalo's and rhinoceros's blood for a hundred,

and that of the tiger an equal number.That of the lion, reindeer, and the human species produces pleasure, which lasts a thousand years. The flesh of these, severally, gives the pleasure for the same duration of time as their blood. Now attend to the different fruits attending an offering of the flesh of a rhinoceros or antelope, as also of the fish called Rohita."

"The flesh of the antelope and rhinoceros pleases the Goddess five hundred years and the Rohita fish and *Bardhrinasa* give my beloved (i.e. the Goddess Cali) delight for three hundred years."

"A spotless goat, who drinks only twice in twenty-four hours, whose limbs are slender, and who is the prime among a herd, is called *Bardhrinasa,* and is reckoned as the best of Havyas (i.e. offerings to the Deities) and Cavyas, (i.e. offerings to the deceased progenitors)."

"The bird whose throat is blue and head red and legs black with white feathers, is called also *Barshrinasa,* and is king of the birds, and the favourite of me and Vishnu."

"By a human sacrifice attended by the forms laid down, Devi is pleased one thousand years and by sacrifice of three men, one hundred thousand years. By human flesh, Camachya, Chandica, and Bhairava who assumes my shape, are pleased one thousand years. An oblation of blood which has been rendered pure by holy texts, is equal to ambrosia; the head also afford much delight to the Goddess Chandica. Let therefore the learned when paying adoration to the Goddess, offer blood and the head, and when performing the sacrifices to fire, make oblations of flesh."

"Let the performer of the sacrifice be cautious never to offer bad flesh, as the head and blood are looked upon by themselves equal to ambrosia."

"The gourd, sugar cane, spirituous liquors, and fermented liquors are looked upon as equivalent to other offerings, and please the Goddess for the same duration of time as the sacrifice of a goat."'The performance of the sacrifice, with a Chandrahasa, or Gatri, (two weapons of the king) is reckoned the best mode, and with a hetcher or knife, or a sangeul, the second best, and the beheadings with a hoe a Bhallac (an instrument of the spade kind) the inferior mode."

"Exclusive of these weapons no others of the spear of arrow kind ought ever to be used in performing a sacrifice, as the offering is not accepted by the Goddess, and the giver of it dies. He who, with his hands, tears off the head of the consecrated animal. or bird, shall be considered equally guilty with him who has slain a Brahman, and shall

undergo great sufferings.

"Let not the learned use the axe, before they have invoked it by holy texts, which have been mentioned heretofore, and framed by the learned for the occasion; let those I now tell you, be joined to them and the axe invoked, and particuarly so, where the sacrifice is to be made to the Goddesses Durga and Camachya."

"Let the sacrificer repeat the word Kali twice, then the words ' *Devi Bajreswari, the Lawha Dandayai, Namah !"*which words may be rendered ' *Hail! Cali, Cali! Hail! Devi! goddess of thunder, Hail Iron sceptered Goddess* !' Let him then take the axe in his hand, and again invoke the flame by the Calratriya text as follows:

"Let the sacrificer say: ' *Hrang Hring. Cali, Cali. '* 0 horrid toothed Goddess: eat, cut, destroy all the malignant, cut with this axe, bind; seize, seize: drink blood; *spheng* secure, secure. Salutations to Cali."Thus ends the Calratriya Mantra."

"The Charge (the axe) being invoked by this text called the Calratriya Mantra, Calratri (the Goddess of darkness) herself presides over the axe uplifted for the destruction of the sacrificer's enemies."

"The sacrificers must make use of all the texts directed previous to the sacrifice, and also of the following, addressing himself to the victim."

"Beasts were created by the self existing, himself to be immolated at sacrifices. I therefore immolate thee, without incurring any sin in depriving thee of life."

"Let the sacrificer then name the Deity to whom the sacrifice is made, and the purpose for which it is performed; and by the above text immolate the victim, whose face is to be towards the north, or else let the sacrificer turn his own face to the north, and the victim's to the east: Having immolated the victim, let him without fail mix salt &c., as before mentioned with the blood."

"The vessel in which the blood is to be presented, is to be according to the circumstances of the offerer, of gold, silver, copper, brass, or leaves sewed together, or of earth, or of *tutenague,* or of any of the species of wood used in sacrifices."

"Let it not be presented in an iron vessel, nor in one made of the hide of an animal, or the bark of tree; nor in a pewter, tin, or leaden vessel. Let not the blood be represented in the holy vessel named Srub and Sruch, nor on the ground. Let it not be presented in the Ghata (i.e. an earthern-jar always used in other religious ceremonies). Let it not be presented by pouring it on the ground, or into any of the vessels used

at other times for offering food to the Deity, Let not the good man who wishes for prosperity, offer the blood in any of these vessels. Human blood must always be presented in a metalic or earthern vessel; and never on any account in a vessel made of leaves, or similar substance.

"The offering of a horse, except at the Aswamedha sacrifice, is wrong, as also offering an elephant, except at the Gaja Medha; Let therefore the ruler of men observe never to offer them except on those occasions. And on no account whatsoever let him offer them to the Goddess Devi, using the wild bull called Chanrara as a substitute for the horse, when the occasion required one."

"Let not the Brahman ever offer a lion or a tiger, or his own blood, or spirituous liquors to the Goddess Devi. If a Brahmen sacrifices either a lion, a tiger, or a man, he goes to hell, and passes but a short time in this world attended with misery and misfortune."

"If a Brahman offers his own blood, his guilt is equal to that of the slayers of a Brahman; and if he offers spirituous liquors he is no longer a Brahman."

"Let not a Cshectree offer an entelope; if he does, he incurs the guilt of a Brahmin slayer where the sacrifice of lions, or tigers, or of the human species is required, let the three first classes act thus; having formed the image of the lion, tiger, or human shape with butter, paste, or barley meal, let them sacrifice the same as if a living victim, the axe being first invoked by the text Nomo, &c.

"Where the sacrifice of a number of animals is to take place it is sufficient to bring and present two or three to the Deity, which serves as a consecration of the whole. I have now related to you, 0 Bhairava, in general terms, the ceremonies and forms of sacrifices attend now to the different texts to be used on the several different occasions."

"When a buffalo is presented to Devi, Bhairavee, or Bhairava let the sacrificer use the following Mantra in invoking the victim."

"In the manner that thou destroyest. Horses, in the manner that thou carriest Chandica, destroy my enemies, and bear prosperity to me, O Buffalo!"

"0 steed of death, of exquisite and unperishable form, produce me long life and fame. Salutation to thee, o buffalo!"

"Now attend to the particulars relative to the offering of human blood."

"Let a human victim be sacrificed at a place of holy worship, or at a cemetery where dead bodies are burried. Let the oblation be performed in the part of the cemetery called Heruca, which has been already

described, or at a temple of Camachya, or on a mountain. Now attend to the mode."

"The cemetery represents me, and is called Bhairava, it has also a part called Tantarange; the cemetery must be divided into these two division, and a third called Heruca."

"The human victim is to be immolated in the east division which is sacred to Bhairava, the head is to be presented in the south division, which is looked upon as the place sculls sacred to Bhairavi, and the blood is to be presented in the west division, which is denominated Heruca."

"Having immolated a human victim, with all the requisite ceremonies at a cemetery or holy place, let the sacrificer be cautious not to cast eyes upon the victim."

"On other occasion also, let not the sacrificer, cast eyes upon the victim immolated, but present the head with eyes averted."

"The victim must be a person of good appearance, and be prepared by ablutions, and requisite ceremonies, such as eating consecrated food the day before, and by abstinance from flesh and venery: and must be adorned with chaplets of flowers and besmeared with sandal wood."

"Then causing the victim to face the north, let the sacrificer worship the several deities presiding over the different parts of the victims body: let the worship be then paid to the victim himself by his name."

"Thus let the sacrificer worship the victim, adding whatever other texts are applicable to the occasion, and have been before mentioned.

"Let not the female, whether quadruped or bird, or a woman be ever sacrificed; the sacrificer of either will indubitably fall into hell, where the victim of either the beasts or birds creation, are very numerous, the immolation of a female is excusable; but this rule does not hold good, as to the human species."

"Let not a Brahman or a Chandala be sacrificed; nor a prince; nor that which has already been presented to a Brahmen, or a deity; nor the offspring of a prince, nor who has conquered in battle; nor the offspring of a Brahman, or of a Cshettree; nor a childless brother, nor a father, nor a learned person, nor one who is unwilling, nor the maternal uncle of the sacrificer. Those not here named, and animals, and birds of unknown species are unfit. If these named are not forth coming, let their place be supplied by a male ass or camel. If other animals are forth coming, the sacrifice of a tiger, camel, or ass must be avoided."

"Having first worshipped the victim, whether human, beast, or bird,

as directed, let the sacrificer, immolate him uttering the Mantra directed for the occasion, and address the deity with the text laid down before."

"Let the head and blood of a human victim be presented on the right side of Devi, and the sacrificer address her standing in front. Let the head and blood of birds be presented on the left and the blood of a person's own body in front. Let the ambrosia proceeding from the heads of carnivorous animals and birds be presented on the left hand. as also the blood of all aquatic animals."

"Let the antelope's head and blood, and that of the tortoise, rhinoceros and hare and crocodile, and fish be presented in front.""Let a lion's head and blood, be presented on the right hand, and the rhinoceros's also: let not, on any account, the head or blood of a victim ever be presented behind the Deity, but on the right, left and in front."

"Let the consecrated lamp, be placed either on the right hand, or in front but on no account, on the left. Let incense be burnt on the left, and in front, but not on the right hand. Let perfumes, flowers and ornaments, be presented in front; with respect to the different parts of the circle, where to present the offerings, the mode already laid down may be observed. Let Madira (spirituous liquor) be presented behind other liquids on the left."

"Where it is absolutely necessary to offer spirits, let the three first classes of men supply their place, by coconut juice in a brass vessel, or honey in a copper one. Even in a time of calamity, let not a man of the three first classes, offer spirituous liquor, except that made from flowers, or stewed dishes. Let princes, ministers of state, counsellors, and vendors of spirituous liquors, make human sacrifices, for the purpose of attaining prosperity and wealth."

"If a human sacrifice is performed, without the consent of the prince, the performer incurs sin. In cases of imminent danger or war, sacrifices may be performed at pleasure, by princes themselves and their ministers, but by none else."

"The day previous to a human sacrifice, let the victim be prepared by the text Manastac, and three Devi Gandha Sucthas, and the texts Wadrang; and by touching his head with the axe, and besmearing the axe with sandal &c., perfumes, and then taking some of the sandal, &c., from off the axe, and besmearing the victim's neck therewith."

"Then let the text Ambe Ambica, &c., and the Towdra and Bhairava texts be used, and Devi herself will guard the victim who, when thus purified, malady does not approach him, nor does his mind suffer any

derangement from grief and similar causes, nor does the death or birth of a kinsman render him impure."

* * * * *

"Having secured the victim with cords, and also with (Mantras) let him strike off the head, and present it to Devi, with due care. Let him make these sacrifices in proportion to the increase or decrease of his enemies, chopping off the heads of victims for the purpose of bringing destruction on his foes, infusing, by holy texts, the soul of the enemy into the body of the victim, which will when immolated, deprive the foe of life also."

"The blood must be drawn for the express purpose of an oblation, and from a man pure in body and mind, and free from fear; it must be caught in the petal of lotus and presented. It may be presented in a gold, silver, brass or iron vessle, with the due from, the texts recited."

"The blood, if drawn by incision made with a knife, axe or sangeul, gives pleasure, in proportion to the size of the weapon."

"The sacrificer may present one fourth of the quantity which a lotus petal will contain, but he must not give more on any account; nor cut his body more than is necessary. He who willingly offers the blood of his body and his own flesh, the size of a grain of linseed, Masha, tila, or mudya, with zeal and fervency, obtains what he desires in the course of six months."

He who performs sacrifices according to these rules, obtains, his wishes to the utmost extent."

* * * * *

This is the Dharma which the Kali Purana preaches. After centuries of Ahimsa ordained by Manu here is Himsa in full blast sanctioned by the Tantras in its worst and all inclusive form— animal and human Himsa. These Himsa practices preached in the sanguinary chapter of Kali Purana had become quite widespread. As to the revival of animal sacrifice what happens at the Kali Temple in Calcutta furnishes unmistakable proof. That this temple should have become a perfect slaughter house where daily hundreds of goats are sacrificed to appease the Goddess Kali can only be explained by the teachings of the Kali Purana. Today human beings are not sacrificed to the Goddess Kali. But it does not mean that it never happened. On the contrary there is abundant evidence to show that human sacrifice like animal sacrifice was practised as taught by the Kali Purana. Dr. Rajendralal Mitra saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART

I.htm - _msocom_85:

"The fact is well known that for a long time the rite (of Human Sacrifice) was common all over Hindustan; and persons are not wanting who suspect that there are still nooks and corners in India, where human victims are occasionally slaughtered for the gratification of the Devi. In old families which belong to the sect of the Vamacharis, and whose ancestors formerly offered human victims at the Durga and the Kali Pujas, a practice still obtains of sacrificing an effigy, in lieu of a living man. The effigy, a foot long, is made of dried milk (khira), and sacrified according to the formula laid down in the Kalika Purana the only addition being a few mantras designed typically to vivify the image. A friend of mine, Babu Hemachandra Ker, Deputy Magistrate of twenty four Pergunnahs and author of an excellent work on the culture of Jute in Bengal informs me that in the eastern districts of Bengal this sacrifice is frequently performed; but the image instead of being slaughtered by a single individual, is cut up simultaneously by all the grown up members of the family, either with separate knives, or with a single knife held jointly by all. This is known by the name of Satruball or"sacrifice of any enemy". The sacrifice, both in the case of Nara Bali and the Satru Bali is performed secretly, generally at midnight. The Satrubali, however, is a distinct rite, apart from the Narabali of the Kalika Purana, and authority for it occurs in the *Vrihannila Tantra,* in which it is said, after performing certain other rites therein described,"a king should sacrifice his enemy (in an effigy) made with dried milk (khira). He should slaughter it himself, looking at it with a fiery glance, striking deep, and dividing it into two with a single stroke. This should be done after infusing life into it by the rite of Prana Pratishtha, and repeating the name of the person to be destroyed. O consort of Mahesa, he doubtless destroys thereby his enemies."

Now the important point to note in this connection is that Kali is the wife of Shiva. The question that arises is does Shiva accept animal sacrifice? The answer to this question is that at one time Shiva did live on animal sacrifice. This statement may come as a surprise to the present day worshippers of Shiva. But it is a fact and those who need any evidence in support of it, have only to refer to the Ashvalayan Grihya-Sutra which gives a most elaborate description of a bull-sacrifice for the appeasement of Shiva. I give below the actual text from the Ashavalayan Grihya Sutramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A1.Riddles in Hinduism PART I.htm - _msocom_86. This is what it says:

1. Now the spit-ox (sacrificed to Rudra).
2. In autumn or in spring, under the (Nakshatra) Ardra.
3. The vest of his herd.
4. (An ox) which is neither leprous nor speckled.
5. One with black spots, according to some.
6. If he likes, a black one, if its colour incline to copper-colour.
7. He sprinkles it with water, into which he has thrown rice and barley.
8. From head to tail.
9. With (the formula),"Grow up, agreeable to Rudra the great god'.
10. He should let it grow up. When it has cut its teeth, or when it has become a bull.
11. To a quarter (of the horizon) which is sacrificially pure.
12. At a place which cannot be seen from the village.
13. After midnight.
14. According to some, after sunrise.

15. Having caused a Brahman who is versed in learning and knows the practice (of this sacrifice), to sit down, having driven a fresh branch with leaves into the ground as a sacrificial post, (having taken) two creeping plants or two kusa ropes as two girdles, and having wound the one round the sacrificial post, and tied the other round the middle of the animal's head, he binds it to the sacrificial post or to the girdle (which he had tied to that post) with (the formula), ' Agreeable to him to whom adoration (is brought), I bind thee '.

16. The sprinkling with water and what follows is the same as at the animal sacrifice.
17. We shall state what is different.
18. Let him sacrifice the omentum with the Patri or with a leaf- thus it is understood (in the Sruti).

19. With (the formula), ' To Hara, Mrida, Sarva, Siva, Bhava, Mahadcva, Ugra, Bhima, Pasu-pati, Rudra, Sankara, Isanasvaha'!
20. Or with the last six (parts of that formula).
21. Or with (the formula). 'To Rudra svaha'!
22. Let him make Bali offerings towards the four quarters (of the horizon, to each on four rings of Kusa net-work, with the formulas),"The hosts, Rudra, which thou hast towards the estern direction, to them this (offering is brought). Adoration to thee! Do no harm to me ! ' In this way the assigning (of the

offerings is performed) according to the different quarters (of the horizon).

23. With the following four hymns he should worship the four quarters, viz., 'what shall we do Rudra,"'These prayers to Rudra,' 'To thee, 0 father,"These songs to Rudra with the strong bow. '(Rig-Veda 1, 43, 1 14; II,;33; VII, 46).
24. (This) worship to the quarters (of the horizon (is performed) at all sacrifices to Rudra.
25. The husks and chaff (of the rice), the tail, the skin, the head, the feet (of the sacrificial animal) he should throw into the fire.
26. He should turn the skin to some use according to Samvatya.
27. To the north of the fire, on rows of Darbha grass, or on rings of Kusa network, he should pour out the blood (of the sacrificial animal) with (the formula) 'Hissing ones! Noisy ones! Searching ones ! Seizing ones ! Serpents ! What here belongs to you, take that.'
28. Then, turning to the north (he assigns it) to the serpents (in the words) 'Hissing ones! What here belongs to you take that'.

Then the serpents take whatever has flowed down there of blood or of the contents of Stomach and entrails.

29. All names, all hosts, all exaltations belong to him—to a sacrificer who knows that, he gives joy.
30. Even to a man who only with words sets forth (some part) of that (ceremony), he will do no harm: thus it is understood (in the Sruti).
31. He should not partake of that (sacrifice).
32. They should not take anything belonging to it into the village. For this God will do harm to (human) creatures.
33. He should keep away his people from the vicinity (of the place where he has sacrificed).
34. On an express injunction, however, he should partake (of that sacrificial food) for it will bring luck.
35. This split-ox sacrifice procures wealth, (open) space, purity, sons, cattle, long life, splendour. 36. After he has sacrificed, he should let loose another (animal).
37. He should not be without such an animal.
38. Then he will not be without cattle—thus it is understood (in the Sruti).
39. Muttering the Santatiya hymn, he should go to his house.
40. If disease befalls his cattle, he should sacrifice to that same

God in the midst of his cow-stable.

41. A mess of cooked food, which he sacrificed in its entirety.
42. Having thrown the sacrificial grass and the Agya into the fire, he should lead his cows through the smoke.
43. Murmuring the Santatiya hymn, he should go in the midst of his cattle.
44. Adoration to Saunaka ; Adoration to Saunaka!"Today Shiva does not accept animal sacrifice. This change in the form of worship of Shiva is the result of the acceptance by the principle of Ahimsa. Having changed from *hirnsa* to *Ahimsathe* Brahmans changed Shiva from a *Himsak* God to an *Ahimsak* God. The cult of Kali has come into being long after Shiva had become an Ahimsak God. Never the less Kali his wife was made an himsak Goddess. The result is that we have a cruel contrast of a bloodless god having a blood-thirsty Goddess as his wife. Isn't it a riddle? Why did the Brahmins do such a thing?

APPENDIX

Riddle In Hinduism

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APPENDIX I

THE RIDDLE OF THE VEDAS

The Vedas are the sacred Books of the Hindus. There are several questions that arise in connection with them. What is their origin, who is

their author, what is their authority, these are some of them (questions).

To begin with the first. According to the Hindus they are Sanatana which means that they are"eternally pre-existing". There is no justification for this view unless it be based upon a statement which occurs in the Atharva-Veda. It says*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_1:

"From Time the Rig verses sprang; the Yajus sprang from Time". But there are other views quite opposed to this. Starting from the Atharva-Veda it must be noted that besides this view there are two other views propounded in that Veda. The first of these is not very intelligent and may be given in its own language which runs as followsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_2:

"Declare who that Skambha (supporting principle) is in whom the primeval rishis, the rich, saman, and yajush, the earth, and the one rishi, are sustained. . . . . 20. Declare who is that Skambha from whom they cut off the rich verses, from whom they scraped off the yajush, of whom the saman verses are the hairs and the verses of Atharvan and Angiras the mouth".

The second explanation given in the Atharva-Veda is that the Vedas sprang from Indramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_3.

Explanation of the Rig-Veda is to be found in the Purusha-Sukta. According to it there was a universal sacrifice in which the victim was the mystical being called Purusha and it is out of the sacrifice of this

This is a consolidated chapter on the Riddle of the Vedas dealing with most of the subjects discussed by the author in the earlier chapter Nos. 2 to 6 of this book. In all there are 61 typed pages bearing no corrections at all. This copy is a typed carbon copy.—Ed.

Purusha that the three Vedas namely Rig, Saman and Yajur came into being.

The Sam-Veda and the Yajur-Veda make no reference to the origin of the Vedas.

Proceeding to the writings called Brahmanas we find attempts to explain the origin of the Vedas in the Satapatha Brahmana, the Taitteriya Brahmana, Aitareya Brahmana and Kaushitaki Brahmana.

The Satapatha Brahmana has a variety of explanations. It attributes the

origin of the Vedas to Prajapati. According to it Prajapati by his austerity created three worlds—Earth, Air and Sky. He infused warmth into these three worlds. From them, thus heated, three lights were produced,—Agni (Fire), Vayu (wind) and Surya (the sun). From them so heated the three Vedas were produced,—the Rig-Veda from Agni, the Yajur-Veda from Vayu and Sam-Veda from the Sun.

This is also the explanation given by the Aitereya and the Kaushitaki Brahmana.

The Satapatha Brahmana gives another variantmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_4 of this explanation of the origin of the Veda from Prajapati. The explanation is that Prajapati created the Vedas from waters. Says the Satapatha Brahmana—

"This Male Prajapati, desired, 'May I multiply, may I be propagated '. He toiled in devotion he practised austere-fervour. Having done so he first of all created sacred knowledge, the triple Vedic science. This became a basis for him. Wherefore men say, 'sacred knowledge is the basis of this universe.' Hence after studying the Veda a man has a standing ground; for sacred knowledge is his foundation. Resting on this basis he (Prajapati) practised austere fervour. 9. He created the waters from Vach (speech), as their world. Vach was his; she was created. She pervaded all this whatever exists. As she pervaded (apnot), waters were called 'apah'. As she covered (avrinot) all, water was called 'var'. 10. He desired, 'May I be propagated from these waters."Along with this triple Vedic science he entered the waters. Thence sprang an egg. He gave it an impulse: and said, let there be, let there be, let there be again '. Thence was first created sacred knowledge, the triple Vedic science. Wherefore men say, 'Sacred knowledge is the first-born thing in this universe. Moreover, it was sacred knowledge which was created from that Male in front, wherefore it was created as his mouth. Hence they say of a man learned in the Veda, ' He is like Agni; for the sacred knowledge is Agni's mouth?".

"As from a fire made of moist wood various modifications of smoke proceed, so is the breathing of this great being; the Rig-Veda, the Yajur-veda, the Sama-veda, the Atharv-angirases, the Itihasas, Puranas, science, the Upanishads, verses (slokas), aphorisms, comments of different kings—all these are his breathings". There is a third explanationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_5 given in the Satapatha Brahmana:

"I settle thee in the ocean as they seat"Mind is the ocean. From the

mind-ocean with speech for a shovel the gods dug out the triple Vedic science. Hence this verse has been uttered: ' May the brilliant deity to-day know where they placed that offering which the gods dug out with sharp shovels. Mind is the ocean; speech is the sharp shovel; the triple Vedic science is the offering. In reference to this the verse has been uttered. He settles it in Mind". The Taitteriya-Brahmana has three explanations to offer. It speaks of the Vedas as being derived from Prajapati. It also says Prajapati created King Soma and after him the three Vedas were createdmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_6. This Brahmana has another explanationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_7 quite unconnected with Prajapati. According to it:

"Vach (speech) is an imperishable thing, and the first-born of the ceremonial, the mother of the Vedas, and the centre-point of immortality. Delighting in us, she came to the sacrifice. May the protecting goddess be ready to listen to my invocation, she whom the wise rishis, the composers of hymns, the gods, sought by austere-fervour, and by laborious devotion."

To crown all this the Taitteriya Brahmana offers a third explanation. It says that the Vedas came from the beard of Prajapati.

Legends regarding the origin of the Vedas are also to be found in the Upnishads.

The legend recorded in the Chhandogya Upanishad is the same as that found in the Satapatha Brahmana—namely that the Rig-Veda originated from Agni, Yajus from Vayu and Sam from the Sun.

The Brahad Aranyaka Upanishad which is a part of the Satapatha Brahmana, records quite a different legend. It says:

"Prajapati (identified with Death, or the Devourer) is said to have produced Vach (speech), and through her, together with soul, to have created all things, including the Vedas."

"By that speech and that soul he created all things whatsoever, rich, yajush, and saman texts, metres, sacrifices, creatures, and animals. The three Vedas are (identifiable with) these three things (speech, mind and breath). Speech is the Rig-veda, mind the Yajur-veda, and breath the Sama-veda."Coming to the Smritis there are two theories as to the origin of the

Vedas to be found in the Manu Smriti. In one place it is said that the Vedas were created by Brahma:

"He (Brahma) in the beginning fashioned from the worlds of the Veda the several names, functions and separate conditions of all (creatures). That Lord also created the subtle host of active and living deities, and of Sadhyas, and eternal sacrifice, he drew forth from Agni, from Vayu, and from Surya, the triple eternal Veda, distinguished as Rich, Yajush, and Saman."In another place he seems to accept the story of Prajapati being the originator of the Vedas as would be evident from the following':

"Prajapati also milked out of the three Vedas the letters a, u and m, together with -the words bhuh, bhuvah and svar. The same supreme Prajapati also milked from each of the three Vedas one of the (three) portions of the text called savitri (or gayatri), beginning with the word tat..... The three great imperishable particles (bhuh, bhuvah, svar) preceded by om, and the gayatri of three lines, are to be regarded as the mouth of Brahma". It is also interesting to note what the Puranas have to say about the origin of the Vedas. The Vishnu Purana says:

"From his eastern mouth Brahma formed the gayatri, the rich verses, the trivrit, the samarathantara, and of sacrifices, the agnishtoma. From his southern mouth he created the yajush verses the trishtubh metre, the panchadasa stome, the vrihat-saman and the ukthya. From his western mouth he formed the saman verses, the jagati metre, the saptadasa-stome, the vairupa, and the atiratra. From his northern mouth he framed the ekavinsa, the atharvan, the aptoryaman, with the annushtubh and biraj metres"

The Bhagvat Purana says:

"Once the Vedas sprang from the four-faced creator, as he was meditating ' how shall I create the aggregate world as before?'. . . . . He formed from his eastern and other mouths the Vedas called rich, yajush, saman, and atharvan, together with praise, sacrifice, hymns, and expiration".

The Markandeya Purana says:

"From the eastern mouth of Brahma, who sprang by an imperceptible birth from that divided egg, there suddently issued first of all the Rich verses, 2. resembling China roses, brilliant in appearance, internally united, though separated from each other, and characterized by the quality of passion (rajas). 3. From his southern mouth came, unrestrained, the Yajush verses of the colour of gold, and disunited. 4. From the western mouth of the supreme

Brahma appeared the Saman verses and the metres. 5 and 6. From the northern mouth of the Vedas (Brahma) was manifested the entire Atharvana of the colour of black bees and collyrium, having a character

at once terrible and not terrible, capable of neutralising the arts of enchanter pleasant, characterized by the qualities both of purity and darkness, and both beautiful and the contrary. 7. The verses of the Rich are distinguished by the quality of passion (rajas), those of the Yajush by purity (satva), those of the Saman by darkness (tamas), and those of the Atharvan by both darkness and purity."

The Harivamsa supports both theories that of Brahma and Prajapati:

"For the emancipation of the world, Brahma, sunk in contemplation, issuing in a luminous form from the region of the moon, penetrated into the heart of Gayatri, entering between her eyes. From her there was then produced a quadruple being in the form of a Male, lustrous as Brahma, undefined, eternal, undecaying devoid of bodily senses or qualities, distinguished by the attribute of brilliancy, pure as the rays of the moon, radiant, and emboidied in letters. The god fashioned the Rigveda, with the Yajush from his eyes, the Sama-veda from the tip of his tongue, and the Atharvan from his head. These Vedas, as soon as they are born, find a body (kshetra). Hence they obtain their character of Vedas, because they find (vindanti) that abode. These Vedas then create the pre-existent eternal brahma (sacred science), a Male of celestial form, with their own mind-born qualities".

It also accepts Prajapati as the origin. It says that when the Supreme being was intent on creating the Universe, Hiranyagarbha, or Prajapati, issued from his mouth, and was desired to divide himself—a process which he was in great doubt how he should effect; the Harivarnsa proceeds:

"While he was thus reflecting, the sound ' om ' issued from him, and resounded through the earth, air, and sky. While the god of gods was again and again repeating this, the essence of mind, the vashatkara proceeded from his heart. Next, the sacred and transcendent vyahritis, (bhuh, bhuvah, svar), formed of the great smiriti, in the form of sound, were produced from earth, air, and sky. Then appeared the goddess, the most excellent of metres, with twenty-four syllables (the gayatri). Reflecting on the divine text (beginning with)"tat", the Lord formed the savitri. He then produced all the Vedas, the Rich, Saman, Atharvan, and Yajush, with their prayers and rites."

Here we have eleven different explanations regarding the origin of the Vedas—(1) as originating from the mystical sacrifice of Purusha, (2) as resting on Skambha (3) as cut of scrapped off from him, as being his hair, and his mouth, (4) as springing from Indra, (5) as produced from Time, (6) as produced from Agni, Vayu and Surya, (7) as springing from

Prajapati, and the Waters, (8) as being the breath of Brahma, (9) as being dug by the Gods out of the mind-ocean, (10) as being the hair of Prajapati's beard and (II) as being the Offspring of Vach.

This bewildering multiplicity of answers to a simple question is a riddle. The writers who have come forward to furnish these answers are all Brahmins. They belong to the same Vaidic School of thought. They alone were the guardians of the ancient religious lore. Why should such a coherent body of scholars should have given such incoherent and chaotic answers to a very simple question?

II

Who is the author of the Vedas? The belief of the Hindus is that the Vedas are supernatural productions. To use the technical term the Vedas are Apaurusheya i.e. made by a non-human agency.

What is the evidence in support of this dogma? Among the Ancient Sanskrit literature there is a class of works called Anukramanis. They are systematic indices to various portions of the Ancient Vedic literature. Every Veda has an Anukramani, sometimes more than one Anukramani. Seven Anukramanis for the Rig-Veda are known to be in existence, five by Shaunaka, one by Katyayana and one by an unknown author. For the Yajur-Veda there exist three Anukramanis, one for each of the three Shakhas, Atreyi, Charayaniyas, and Madhyandina. For the Sam-Veda there are two Anukramanis, one is called Arsheya-Brahmana and the other is known by the name Parishistas. One Anukramani to the Atharva-Veda is known to exist. Its title is Brihat-Sarvanukramani.

The most perfect Anukramani according to Prof. Max-Muller is Katyayana's Sarvanukramani to the Rig-Veda. Its importance lies in the fact that it gives (1) the first words of each hymn, (2) the number of verses, (3) the name and the family of the Rishi who composed it, (4) the names of the deities and (5) the metres of every verse. What emerges from a reference to the Sarvanukramani is that the Rishis are the Authors of the hymns which make up the Rig-Veda. The Rig-Veda therefore on the evidence of the Anukramani cannot but be regarded as a man-made work. The same must be the conclusion regarding the other Vedas.

That the Anukramanis are realistic is proved by many passages in the Rig-Veda in which the Rishis describe themselves as the composers of the hymns.

Below are given a few of such passages:

"The Kanvas make a prayer to you; hear well their invocations."Thus, O Indra, yoker of steeds, have the Gotamas made hymns for thee

efficaciously."

"This hymn has efficaciously been made to you, 0 opulent Asvins, by the Manas."

"These magnifying prayers, (this) hymn, 0 Asvins, the Gritsamadas have made for you."

"Aspiring to heaven, the sage Kusikas have made a hymn with praises to thee, 0 Indra."

"Nodhas, descendant of Gotama, fashioned this new hymn for (thee), Indra, who art of old, and who yokest thy steeds."

"Thus, 0 hero, have the Gritsamadas, desiring succour, fashioned for thee a hymn, as men make works."

"The sages generated an efficacious production and a prayer of Indra."

"These hymns, Agni, generated for thee, celebrate thy bounty in cows and horses."

"Our father hath discovered (or invented) this great, seven-headed hymn, born of sacred truth; Ayasya, friend of all men, celebrating Indra, has generated the fourth song of praise."

"We, the Rahuganas, have uttered to Agni honied speech; we incessantly laud him with eulogies."

"Thus, all ye Adityas, Aditi, and ye ruling powers, has the wise son of Plati magnified you. The celestial race has been lauded by the immortal Gaya."

"He it is whom they call a rishi, a priest, a pious sacrificer, a chaunter of prayers, a reciter of hymns; he it is who knows the three bodies of the brilliant (Agni),—the man who is most prominent in bestowing gifts."

Apart from the evidence of the Anukramanis there is another sort of evidence which mistakes against the theory of the Vedas being Apaurushya. The Rishis themselves have treated the Vedas as a human and as a historical product. The hymns of Rig-Veda distinguish between ancient and modern Rishis. Here are a few of them:

"Agni, who is worthy to be celebrated by former, as well as modern rishis, will bring the gods hither."'The former rishis who invoked thee for succour."'Hear the hymn of me this modern sage, of this modern (sage)."

"Indra, as thou hast been like a joy to former worshippers who praised thee, like waters to the thirsty, I invoke thee again and again with this hymn."

"The ancient rishis, resplendent and sage, have placed in front of them (Brihaspati) with gladdening tongue".

"Neither the ancients nor later men, nor any modern man, has attained

to (conceive) thy prowess, O Madhavan."

"As (Indra's) former worshippers were (may we be) blameless, irreproachable, and unharmed."

"For now, 0 energetic god, men are thy worshippers, as the ancients born of old and the men of the middle and later ages have been thy friends. And, 0 much-invoked, think of the most recent of all".

"to Him (Indra) our ancient fathers, the seven Navagva sages, desiring food, (resorted) with their hymns."

"Glorified by our newest hymn, do thou bring to us wealth and food with progeny"

A close study of the Rig-Veda will show that the Rig-Veda itself makes a distinction between old hymns and new hymns. Some of them are given below:

"Glorified by our newest hymn, do thou bring to us wealth and food with progeny."

"Agni, thou hast announced (or do thou announce) among the gods this our offering, our newest hymn".

"Through our new hymns, do thou, vigorous in action, destroyer of cities, sustain us with invigorating blessings."

"I bring to Agni, the son.of strength, a new and energetic hymn, a production of thought uttered by the voice (vachah)".

"I present to the mighty protector a mental production, a new utterance (now) springing up".

"May the new prayer impel thee, the heroic, well-accounted, the loud-thundering to succour us."

"I seek life, the ancients, to stimulate thee the ancients, with a new hymn."

"May the new hymns made to praise you, may these prayers gratify you."

"Sing, O Sobhari, with a new hymn to these youthful, vigorous, and brilliant (gods)."

"Indra, slayer of Vrittra, thunderer, invoked of many, we (thy) numerous (worshippers) bring to thee, as thy hire, hymns which never before existed."

"I will address to this ancient (deity) my new praised, which he desires; may he listen to us."

"Desiring horses, cattle and wealth, we invoke thee to approach us."

Given this abundance of evidence to prove the human origin of the Vedas it is a riddle to find that the Brahmins should so strenuously

propagate so extravagent view that the Vedas are of supernatural origin. What made the Brahmins propagate such a view?

Ill

What is the authority of the Vedas? With regard to this there prevail two distinct dogmas amongst the Hindus. The first is that the Vedas are eternal. Stopping to examine this dogma the question is what justification is there for such a view? If the Hindus believed that the Vedas were the most ancient works in the world no one can have any quarrel with them. But there is nothing to justify the extraordinary proposition that they are eternal in the sense that they had no beginning in time. Once it is established that the Rishis are the makers of the Vedas it needs no additional proof to establish that the Vedas have a beginning in time which must coincide with the existence of the Rishis. Given that the Rishis are the authors of the Vedas the dogma as to their eternal character is an absurdity.

The dogma is sought to be sustained by a series of reasoning which is no less absurd.

In the first place let it be noted that this dogma does not rest on the ground that the Vedas are created by God. That was the view of one school of philosophers called Naiyayiks. But strange as it may appear Jaimini the author of the Purva Mimansa whose views on this subject have become the dogmas of the Hindus was not prepared to accept this ground. The following quotation from the Mimansakas is worthy of note:

"But (asks the Mimansaka) how can the Veda have been uttered by the incorporeal Paramesvara (God), who has no palate or other organs of speech, and therefore cannot be conceived to have pronounced the letters (of which it is composed)? This object (answers the Naiyayika) is not happy, because, though Parameshvara is by nature incorporeal, he can yet, by way of sport, assume a body, in order to show kindness to his devoted worshippers. Consequently the arguments in favour of the doctrine that the Veda had no personal author are inconducive.

"I shall now (says the Mimansaka) clear up all these difficulties. What is meant by this Paurusheyatva ('derivation from a personal author') which it is sought to prove? Is it (1) mere procession from a person (purusha) like the procession of the Veda from persons such as ourselves, when we daily utter it? or (2) is it the arrangement—with a view to its manifestation—of knowledge acquired by other modes of proof, in the sense in which persons like ourselves compose a treatise? If the first meaning be intended, there will be no dispute. If the second

sense be meant, I ask whether the Veda is proved (to be authoritative) in virtue (a) of its being founded on inference, or (b) of its being founded on supernatural information? The former alternative (a) (i.e. That the Veda derives its authority from being founded on inference) cannot be correct, since this theory breaks down, if it be applied to the sentences of the Malati Madhava or any other secular poem (which may contain inferences destitute of authority). If, on the other hand, you say (b) that the contents of the Veda are distinguished from those of other books having authority, this explanation also will fail to satisfy a philosopher. For the word of the Veda is (defined to be) a word which proves things that are not provable by any other evidence. Now if it could be established that this Vedic word did nothing more than prove things that are provable by other evidence, we should be involved in the same sort of contradiction as if a man were to say that his mother was a barren woman. And even if a man were conceded that (in that case) he should perceive things beyond the reach of the senses, from the want of any means of apprehending objects removed from him in place, in time, and in nature. Nor is it to be thought that his eyes and other senses alone would have the power of producing such knowledge since men can only attain to conceptions, corresponding with what they have perceived. This is what has been said by the Guru (Prabhakara) when he refutes (this supposition of) an omniscient author: 'Whenever any object is perceived (by the organ of sight) in its most perfect exercise, such perception can only have reference to the vision of something very distant or very minute, since no organ can go beyond its own proper objects, as e.g. the ear can never become cognizant of form. Hence the authority of the Veda does not arise in virtue of any supernatural information (acquired by the Deity) in a corporeal shape."

What is then the reasoning on which this dogma of the eternity of the Veda is founded? The reasoning can be best appreciated if I give it in the very words of Jaimini's Purva Mimansa.

“In the preceding aphorism it was declared that the connection of words and their meanings is eternal. Desiring now to prove that this (eternity of connection) is dependent on the eternity of words (or sound), he begins by setting forth the first side of the question, viz., the doctrine of those who maintain that sound is not eternal."

“Some, i.e. the followers of the Nyaya philosophy, say that sound is a product, because we see that it is the result of effort, which it would not be if it were eternal."

"That it is not eternal, on account of its transitoriness, i.e. because after

a moment it ceases to be perceived."

"Because, we employ in reference to it the expression 'making', i.e. we speak of ' making ' a sound".

"Because it is perceived by different persons at once, and is consequently in immediate contact with the organs of sense of those both far and near, which it could not be if it were one and eternal".

"Because sounds have both an original and a modified form; as e.g. in the case of dadhi atra, which is changed into dadhya atra, the original letter being altered into by the rules of permutation. Now, no substance which undergoes a change is eternal. Because sound is augmented by the number of those who make it. Consequently the opinion of the Mimansaka, who say that sound is merely manifested, and not created, by human effort, is wrong, since even a thousand manifesters do not increase the object which they manifest, as a jar is not made larger by a thousand lamps."These objections against the Mimansaka theory that sound is manifested, and not created, by those who utter it, are answered in the following Sutras:

"But, according to both schools, viz., that which holds sound to be created, and that which regards it as merely manifested, the perception of it is alike momentary. But of these two views, the theory of manifestation is shown in the next aphorism to be the correct one."The non-perception at any particular time, of sound, which, in reality, perpetually exists, arises from the fact that the utterer of sound has not come into contact with his object, i.e. sound. Sound is eternal, because we recognise the letter k, for instance, to be the same sound which we have always heard, and because it is the simplest method of accounting for the phenomenon to suppose that it is the same. The still atmosphere which interferes with the perception of sound, is removed by the conjunctions and disjunctions of air issuing from a speaker's mouth, and thus sound (which always exists though unperceived) becomes perceptible. This is the reply to the objection of its 'transitoriness'."

"The word ' making ' sounds, merely means implying or uttering them".

"One sound is simultaneously heard by different persons, just as one Sun is seen by them at one and the same time. Sound, like the Sun, is a vast, and not a minute object, and thus may be perceptible by different persons, though remote from one another."

"The letter y, which is substituted for i in the instance referred to under Sutra 10, is not a modification of i, but a distinct letter. Consequently sound is not modified."

“It is an increase of ' noise ', not of sound, that is occasioned by a multitude of speakers. The word ' noise ' refers to the ' conjunctions ' and 'disjunctions' of the air which enter simultaneously into the hearer's ear from different quarters; and it is of these that an increase takes place”.

“Sound must be eternal, because its utterance is fitted to convey a meaning to other persons. If it were not eternal (or abiding), it would not continue till the hearer had learned its sense, and thus he would not learn the sense, because the cause had ceased to exist."

"Sound is eternal, because it is in every case correctly and uniformly recognized by many persons simultaneously; and it is inconceivable that they should all at once fall into a mistake”.

"When the word go (cow) has been repeated ten times, the hearers will say that the word Go has been ten times pronounced, not that ten words having the sound of Go have been uttered; and this fact also is adduced as a proof of the eternity of sound in Sutra 20".

"Because each sound is not numerically different from itself repeated.”

“Sound is eternal, because we have no ground for anticipating its destruction."

“But it may be urged that sound is a modification of air, since it arises from its conjunctions, and because the Siksha (or Vedanga treating of pronunciation) says that 'air arrives at the condition of sound ' and as it is thus produced from air, it cannot be eternal”. A reply to this difficulty is given in Sutra 22—

"Sound is not a modification of air, because, if it were, the organ of hearing would have no appropriate object which it could perceive. No modification of air (held by the Naiyayikas to be tangible) could be perceived by the organ of hearing, which deals only with intangible sound".

"And the eternity of sound is established by the argument discoverable in the vedic text, 'wilh an eternal voice, O Virupa'.

Now, though this sentence had another object in view, it, nevertheless, declares the eternity of language, and hence sound is eternal".

Reduced to simple syllogism the sound is eternal, the words of the Vedas are sound, therefore words of the Vedas are eternal. Absurdity in reasoning cannot go further. The riddle is why did the Brahmins propound this doctrine of the eternity of the Vedas? Why did the Brahmins adopt such an absurd reasoning in support of their doctrine? Why did the Brahmins refuse to accept the view that the Vedas were the word of God?

The second dogma relating to the authority of the Vedas is that they are not only sacred but they are also infallible.

It is difficult to understand why the Brahmins endeavoured to invest the Vedas with infallibility?

There is no law in the Vedas in the strict sense of the term law. The Vedas do not preach Dharma in the sense of morality. The three following extracts from the Vedas can hardly be said to be consonant with morality.

"(Yami speaks). I invite my friend to friendship, having come o'er the vast and desert ocean, may Vedhas, after reflecting, place in the earth the offspring (of thee) the father, endowed with excellent qualities".

"(Yama speaks). Thy friend desires not this friendship, for although of one origin, she is of a different form; the hero sons of the great Asura (are) the upholders of heaven enjoying vast renown."

"(Yami speaks). The immortals take pleasure in (a union) like this which is forbidden to every mortal; let thy mind then concur with mine, and as the progenitor (of all) was the husband (of his daughter), do thou enjoy my person"

"(Yama-speaks). We have not done what was done formerly; for how can we who speak truth, utter now that which is untrue? Gandharva (the Sun) was in the watery (firmament), and the water was his bride. She is our common parent, hence our near affinity."

"(Yami speaks). The divine omniform generator Twashtri, the progenitor, made us two, husband and wife, even in the womb; none frustrate his undertaking; earth and heaven are conscious of this our (union)."

"(Yama speaks). Who knows anything of this (his) first day (of existence)? Who has beheld it? Who has here revealed it? The dwelling of Mitra and of Varuna is vast. What saysest thou, who punishest men with hell?"

"(Yami speaks). The desire of Yama hath approached me Yami, to lie with him in the same bed; I will abandon my person as a wife to her husband; let us exert ourselves in union like the two wheels of a waggon."

"(Yama speaks). The spies of the Gods, which wander upon earth, never stop, never close their eyes. Associate quickly, destructress, with some other than with me, and exert yourselves in union, like the two wheels of a waggon.'

"(Yami speaks). To him (Yama) let every worshipper sacrifice both day and night, on him let the eye of the Sun repeatedly rise; (for him may)

the kindred pair (day and night unite) with heaven and earth. Yami will adhere to the non-affinity of Yama".

"(Yama speaks). The subsequent ages will come, when sisters will choose one who is not a brother (as a husband); therefore, auspicious one, choose another husband that me, and make thine arm a pillow for thy mate."

"(Yami speaks). Is he a brother whose sister has no lord? Is she a sister (whose brother) misfortune approaches? Overcome by desire, I strongly urge this one request; unite thy person with mine."

"(Yama speaks). I will not unite my person with thine; they call him who approaches a sister, a sinner. Enjoy pleasure with some other than me; thy brother, auspicious one, has no such desire."

"(Yami speaks). Alas, Yama, thou art feeble; we understand not thy mind or thy heart. Some other female embraces thee as a girth a horse, or as a creeper a tree."

"(Yama speaks). Do thou, Yami, embrace another; and let another embrace thee as a creeper a tree; seek his affection, let him seek thine; and make a happy union".

"May Agni, the destroyer of the Rakshasas consenting to our prayer, drive hence (the evil spirit) who (in the form of) sickness assails thine embryo, who, as the disease durnaman, assails thy womb."

"May Agni, concurring in our prayer, destroy the cannibal who is sickness, assails thine embryo, who as the disease durnaman, assails thy womb."

"May we exterminate from hence (the evil spirit) who destroys the impregnating energy, the germ as it settles, the moving embryo, who seeks to destroy (the babe) when born."

"May we exterminate from hence (the evil spirit) who separate thy thighs, who lies between husband and wife, who, entering thy. womb, devours (the seed)."

"May we exterminate from hence (the evil spirit), who in the form of brother, husband, or paramour, approaches thee, and seeks to destroy thy offspring."

"May we exterminate from hence (the evil spirit) who, having beguiled thee by sleep or darkness, approaches thee, and seeks to destroy thy offspring."

The Vedas contain two things. In the first place they contain the hopes and wishes of the Aryans as expressed by the Rishis. As observed by Mr. Muir:

"The whole character of these compositions, and the circumstances

under which, from internal evidence, they appear to have arisen, are in harmony with the supposition that they were nothing more than the natural expression of the personal hopes and feelings of those ancient bards by whom they were first recited. In these songs the Aryan sages celebrated the praises of their ancestral gods (while at the same time they sought to conciliate their goodwill by a variety of oblations supposed to be acceptable to them), and besought of them all the blessings which men in general desire— health, wealth, long life, cattle, offspring, victory over their enemies, forgiveness of sin, and in some cases also celestial felicity."This is also the view of Yaska the author of Nirukta who says:

(0f the four kinds of verses specified in the preceding section) (a) those which address a god as absent, (b) those which address him as present, and (c) those which address the worshippers as present and the god as absent, are the most numerous, while those (d) which refer to the speaker himself are rare. It happens also that a god is praised without any blessing being invoked, as in the hymn (R. V. i. 32). ' I declare the heroic deeds of Indra ', etc. Again blessings are invoked without any praise being offered, as in the words, 'May I see well with my eyes, be resplendent in my face, and hear well with my ears '. This frequently occurs in the Adhvaryava (Yajur), and in the sacrificial formula. Then again we find oaths and curses as in the words (R. V. vii. 104, 15), 'May I die to-day, if I am a Yatudhana,' etc. Further, we observe the desire to describe some particular state of things, as in the verse (R. V. x. 129, 2), ' Death was not then, nor immortality,' etc. Then there is lamentation, arising out of a certain state of things, as in the verse (R, V. x. 95, 14), 'The beautiful god will disappear and never return, ' etc. Again, we have blame and praise, as in the words (R. V. x. 117,6), 'The man who eats alone, sins alone, etc. So, too, in the hymn to dice (R. V. x. 34, 13) there is a censure upon dice, and a commendation of agriculture. Thus the objects for which the hymns were seen by the rishis were very various."

The deity is the cure of Phthisis; the Rishi is Vivrihan, the son of Kasyapa; the metre is Anushtubh.

1. I banish disease from thine eyes, from thy head, from thy nose, from thy ears, from thy chin, from thy brain, from thy tongue.

2. I banish disease from thy neck, from thy sinews, from thy bones, from thy joints, from thy upper arms, from thy shoulders, and from thy fore-arms.

3. I banish disease from thine entrails, from thy anus, from thine abdomen, and from thy heart, from thy kidneys, from thy liver, from thy

(other viscera).

4. I banish disease from thy thighs, from thy knees, from thy heels, from thy toes, from thy loins, from thy buttocks, from thy private parts.

5. I banish disease from -thy urethra, from thy bladder, from thy hair, from thy nails, from thy whole person.

6. I banish disease from each limb, from each hair, from each joint where it is generated, from thy whole person.

As Prof. Wilson observes there is in the Rig-Veda (which is the stock Veda) scarcely any indication of doctrinal or philosophical speculation, no allusion to the later notions of the several schools, nor is there any hint of metempsychosis, or of the doctrine intimately allied to it, of the repeated renovation of the world. The Vedas may be useful as a source of information regarding the social life of the Aryans. As a picture of primitive life it is full of curiosity but there is nothing elevating. There are more vices and a few virtues.

Given the nature and substance of the contents of the Vedas it is a riddle why the Brahmins claimed infallibility for such superstitious writings as the Vedas.

There would have been some justification for this doctrine of infallibility if the Rishis who made the hymns had claimed it for themselves. But it is quite clear that the Rishis have made no such pretentious. On the contrary they have occasionally confessed their ignorance of matters in which they had interest and curiosity. Compare the following utterances of the Rishis as given in the Rig-Veda:

"Ignorant, not knowing in my mind, I enquire after these hidden abodes of the gods; the sages have stretched out seven threads for a hoof over the yearling calf (or over the sun, the abode of all things). 6. Not comprehending, I ask those sages who comprehend this matter; unknowing (I ask) that I may know; what is the one thing, in the form of the uncreated one, who has upheld these six worlds?

37. I do not recognize if I am like this; I go on perplexed and bound in mind. When the first born sons of sacrifice (or truth) come to me, then I enjoy a share of that word."

"What was the forest, what the tree, out of which they fashioned heaven and earth, which continue to exist undecaying, whilst days, and many dawns have passed away?

"Which of these two (Heaven and Earth) is the first? Which is the last? How were they produced? Who, o sages, knows?"

"How many fires are there? How many suns? how many dawns? How

many waters? I do not, fathers, say this to you in jest; I really ask you, sages, in order that I may know"5."There ray (or cord), obliquely extended, was it below, or was it above? There were generative sources, and there were great powers, svadha (a self-supporting principle) below, and effort above. 6. Who knows, who hath here declared, whence this creation was produced, whence (it came)? The gods were subsequent to the creation of this universe; who then knows whence it sprang. 7. When this creation sprang, whether any one formed it or not, he who, in the highest heavens, is the overseer of this universe,— he indeed knows or he does not know."

There are other points with regard to this dogma of infallibility which are noteworthy.

IV

The first point is, is this dogma original or is this a new contention raised at sometime later in the history of India. The general view is that it is the original doctrine. A reference to the Dharma Sutras which are the earliest law books which deal with this subject go to show that this is not a correct view. The Gautama Dharma Sutra lays down the following rule on the question of the infallibility of the vedas. "The Veda is the source of the sacred law". I.I. "And the tradition and practice of those who know the (Veda)"— 1.2.

"If (authorities) of equal force are conflicting (either may be followed at) pleasure"1.4. The Vashishta Dharma Surta propounds the following view:

"The Sacred law has been settled by the revealed texts and by the tradition of the sages"1.4."On the failure of (rules given in) these (two sources) the practice of Shistas has authority."I.s.

"He whose heart is free from desire (is called) a shista"1.6. The views of Baudhayana are given below:

Prasna 1, Adhyaya 1, Kandika 1.

1. The sacred law is taught in each Veda.
2. We will explain (it) in accordance with that.
3. (The sacred law), taught in the Tradition (Smriti, stands) second.
4. The practice of the Sishtas (stands) third.
5. Sishtas, forsooth, (are those) who are free from envy, free from pride, contented with a store of grain sufficient for ten days, free from covetousness, and free from hypocrisy, arrogance, greed, perplexity, and anger.
6. ' (Those are called) Sishtas who, in accordance with the sacred law, have studied the Veda together with its appendages, know how to draw

references from that, (and) are above to adduce proofs perceptible by the senses from the revealed texts'.

7. On failure of them, an assembly consisting at least of ten members (shall decide disputed points of law).

8. Now they quote also (the following verses): ' Four men, who each know one of the four Vedas, a Mimansaka, one who knows the Angas, one who recites (the works on) the sacred law, and three brahamanas belonging to (three different) order, (constitute) an assembly consisting, at least of ten members'.

9. ' There may be five, or there may be three, or there may be one blameless man, who decides (questions regarding) the sacred law. But a thousand fools (can) not (do it). '

10. 'As an elephant made of wood, as an antelope made of leather, such an unlearned Brahmana; those three having nothing but the name (of their kind)'.

The view taken by the Apastamba Dharma Sutra is clear from the following extract from that Sutra:

"Now, therefore, we will declare the acts productive of merit which form part of the customs of daily life"1. 1."The authority (for these duties) is the agreement (samaya) of these who know the law". 1. 2.

"And (the authorities for the latter are) the Vedas alone". 1. 3. A review of the Dharma Sutras show how this dogma of the infallibility of the Veda is a historical product. It shows that the (1) Veda, (2) Tradition (Smriti), (3) Practice of Sishta and (4) Agreement in an Assembly were the four different authorities about which the controversy as to which of these should be regarded as infallible. It also shows that there was a time when the Vedas were not the sole infallible authorities. That was the time represented by the Dharma Sutras of Vasistha and Baudhayana. It is only in the time of Gautama

that the Vedas came to be regarded as the only authority. There was a time when an agreed decision of the Assembly was admitted as one source of authority. That is the period represented by Baudhayana. Lastly the review shows that there was a time when the Veda was not at all regarded as a book of authority and when the only recognized source of authority was an agreement arrived at in an assembly of the learned. That is the period when Apastambamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_8 wrote his Dharma Sutras i.e. somewhere between 600 and 200 B.C.

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It is thus obvious that there was a deliberate attempt to invest the Vedas with an infallible authority which they did not at one time possess and the question is what were the circumstances and the motives which led the Brahmins to propagate the sole and final authority of the Vedas.

The second point connected with this subject of infallibility of the Vedas relates to the discrimination made by the Brahmins in limiting the virtue of infallibility to certain Vedic writings only and not extending it to the whole range of them. To understand this point it is necessary to know what is meant by the phrase Vedic literature.

The phrase Vedic literature can be used in two senses. In its limited sense it includes (1) The Samhita, (2) The Brahmanas, (3) Aranyakas, (4) Upanishads and (5) Sutras. When used in an extended sense it includes two other heads (6) Itihasas and (7) Puranas.

The first thing to note is that there was a time when all these writings were classed in the same category, and no distinction was made between them on the basis of revealed and profane or on the basis of supernatural and human or on the basis of authoritative and non-authoritative. This is clear from the view expressed in the Satapatha Brahmana which says:

"This Male, Prajapati, desired, 'May I multiply, may I be propagated.' He toiled in devotion; he practised austere-fervour. Having done? so he first of all created sacred knowledge the triple Vedic science. This became a basis for him. Wherefore men say, sacred knowledge is the basis of this universe.' Hence after studying the veda a man has a standing ground; for sacred knowledge is his foundation. Resting on this basis he (Prajapati) practised austere-fervour. (9) He created the waters from Vach (speech) as their world. Vach was his: She was created. She pervaded all this whatever exists. As she pervaded (apnot) waters were called"apah". As she covered (avrinot) all, water was called 'var'. (10) He desired, May I be propagated from these waters. Along with this triple Vedic science he entered the waters. Thence sprang an egg. He gave it an impulse; and said,"Let there be, let there be, let there be again.' Thence was first created sacred knowledge, the triple Vedic science. Wherefore men, say, 'Sacred knowledge is the first-born thing in this universe. Moreover, it was sacred knowledge which was created from that Male in front, wherefore it was created as his mouth. Hence they say of a man learned in the Veda, ' He is like Agni; for sacred knowledge is Agni's Mouth '."

"As from a fire made of moist wood various modifications of smoke

proceed, so is the breathing of this great being. The Rig-Veda, the Yajur-veda, the Sama-veda, the Atharvan-girases, the Itihasas, Puranas, science, the Upanishads, verses (slokas), aphorims, comments of different kinds—all these are his breathings."

But when the Brahmans sought to establish their dogma of infallibility they made a distinction and divided the Vedic writings in two classes (1) Shruti and (2) Non-Shruti. In the first division they placed only two of them (1) Sanhitas and (2) the Brahmanas and invested them with infallibility. The rest they declared as non-Shruti therefore of no authority. When this distinction, was first made it is not possible to say. One can well understand why the last two categories were excluded from the Shruti part division of the Vedic literature. They were too elementary and too undeveloped and in all probability included in the Brahmanas.

One can well understand why the Aranyakas are not specifically mentioned as a part of the Shruti. They are part of the Shruti and must be for the simple reason that they are a part of the Brahmanas. The position of the Upanishads is not clear. But if they are not included in the Shruti one can well understand why they were excluded. But the case of the Sutras stands on a different footing. They are definitely excluded from the category of Shruti and for reasons which it is not possible to comprehend. If there were good reasons for including the Brahmanas in the category of Shruti the same reasons could not fail to justify the inclusion of the Sutras. As Prof. Max Muller observes:

"We can understand how a nation might be led to ascribe a superhuman origin to their ancient national poetry, particularly if that poetry consisted chiefly of prayers and hymns addressed to their gods. But it is different with the prose compositions of the Brahamanas. The reason why the Brahmanas, which are evidently so much more modern than the Mantras, were allowed to participate in the name of Sruti, could only have been because it was from these theological compositions, and not from the simple old poetry of the hymns, that a supposed divine authority could be derived for the greater number of the ambitious claims of the Brahmans. But, although we need not ascribe any weight to the arguments by which the Brahmans endeavoured to establish the contemporaneous origin of the Mantras and Brahmanas there seems to be no reason why we should reject as equally worthless the general opinion with regard to the more ancient date of both the Brahmanas and Mantras, if contrasted with the Sutras and the profane literature of India. It may easily happen, where there is a cannon of sacred books,

that later compositions become incorporated together with more ancient works, as was the case with the Brahmanas. But we can hardly imagine that old and genuine parts should ever have been excluded from a body of sacred writings, and a more modern date ascribed to them, unless it be in the interest of a party to deny the authority of certain doctrines contained in these rejected documents. There is nothing in the later literature of the Sutras to warrant a supposition of this kind. We can find no reason why the Sutras should not have been ranked as Sruti, except the lateness of their date, if compared with the Brahmanas, and still more with the Mantras. Whether the Brahmanas themselves were aware that ages must have elapsed between the period during which most of the poems of their rishis were composed, and the times which gave rise to the Brahmanas, is a question which we need hardly hesitate to answer in the affirmative. But the recklessness with which Indian theologians claim for these Brahmanas the same title and the same age as for the Mantras, shows that the reasons must have been peculiarly strong which deterred them from claiming the same divine authority for the Sutras."

The third point relates to the changes that took place in the scope of the term Shruti and in their infallibility. Manu excludesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_10 the"Brahamanas"from the category of Shruti as may be seen from the following extract from his Smriti:

"By Sruti is meant the Veda, and by Smriti the institutes of law; the contents of these are not to be questioned by reason, since from them (a knowledge of) duty has shown forth. The Brahman who, relying on rationalistic treatises, shall contemn these two primary sources of knowledge must be excommunicated by the virtuous as a sceptic and reviler of the Vedas.. . . . 13. To those who are seeking a knowledge of duty, the Sruti is the supreme authority."The fourth point relates to the claim put forth in the Puranas for precedence over the Vedas in the order of creation. The Vayu Purana saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_11:

"First of all the Shastras, the Purana was uttered by Brahma. Subsequently the vedas issued from his mouth". The Matsya Purana not only claims priority of creation for the Puranas as against the Vedas, but also the qualities of eternity and identity with sound, which was once predicated of the Vedas alone. It saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART

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"Pitamaha (Brahma), first of all the immortals, took shape; then the Vedas with their Angas and Upangas (appendages and minor appendages), and the various modes of their textual arrangement, were manifested. (3) The Purana, eternal, formed of sound, pure, extending to the length of a hundred crores of verses, was the first of the Sastras which Brahma uttered; and afterwards the Vedas, issued from his mouth; and also the Mimansa and the Nyaya with its eightfold system of proofs. (5) From him (Brahma), who was devoted to the study of the Vedas, and desirous of offspring, sprang mind-born sons, so called because they were at first created by his mind."

The Bhagwat Purana claims equality of authority with the Vedas. It says:

"(Bramharatra) declared the Purana called the Bhagavata, which stands on an equality with the Veda."

The Brahma-Vaivartta Purana has the audacity to claim superiority over the Vedas. It says:

"That about which venerable sage, you have inquired, and which you desire, is all known to me, the essence of the Puranas, the preeminent Brahma-Vaivarta, which refutes the errors of the Puranas and Upapuranas, and the Vedas."

This survey discloses a number of riddles in regard to the Vedas. In addition to the three riddles namely why did the Brahmins insist that the Vedas were eternally pre-existing, that they were non-man, non-God made, that they were infallible. There are other riddles regarding the Vedas which are equally puzzling—The Vedas at one time did not have any precedence or infallibility. Why did the Brahmins feel it necessary to give the Vedas this infallibility, why did the Brahmins exclude the Sutras from the term Sruti and why did the Brahmins give up the infallibility of the Vedas and sought to give infallibility to the Puranas?

APPENDIX II

THE RIDDLE OF THE VEDANTA

Of the six schools of philosophy which were expounded by the ancient philosophers of India the most famous is of course the Vedanta philosophy. Not only has it the name but it has also a hold on the Hindus which none of its rivals has ever had. Every follower of the

Vedas is proud of the Vedanta. He not only owns it but regards it as the most valuable contribution which India has made to the philosophic thought of the world. He regards Vedanta philosophy as embodying the end or aim of the teachings of the Vedas, a sort of culmination or flowering of the teachings of the Veda. He never suspects that there was any time in the history of India when the Vedanta Philosophy was regarded as repugnant and hostile to the Vedas. He would never believe that there was a time when the word Vedanta had a totally different meaning than the meaning which is now current and according to which the word Vedanta far from being used in the sense of culmination of Vedic thought was used to designate a body of thought contained in a body which was outside the range of the cannonical part of the Vedic literature. Yet that was in fact the case.

It is true that this repugnance between the Vedas and the Vedanta does not become manifest from the word Upanishad which is the generic name of the literature on which the Vedanta philosophy came to be built up and about the etymology of which there is a considerable difference of opinion.

Most European scholars are agreed in deriving Upanishad from the root sad, to sit down, preceded by the two prepositions ni, down, and upa, near, so that it would express the idea of session, or assembly of public sitting down near a person. As Prof. Max Muller points out there are two objections to the acceptance of this derivation. Firstly such a word, it would seem, would have been applicable to any other

This is a 21-page typed first copy entitled ' The Riddle of the Vedanta : The chapter seems complete and does not contain any modofications by the author.—Ed.

portion of the Veda as well as to the chapters called Upanishad, and it has never been explained how its meaning came thus to be restricted. Secondly the word Upanishad, in the sense of session or assembly has never been met with. Whenever the word occurs, it has the meaning of doctrine, secret doctrine, or is simply used as the title of the philosophic treatises which contains the secret doctrine. There is a third explanation noted by Prof. Max Muller proposed by Sankara in his commentary on the Taittiriya-Upanishad II, 9, is that the highest bliss is contained in the Upanishad (param sreyo'syam nishannam). Regarding this Prof. Max-Muller says:

"The Aranyakas abound in such etymologies, which probably were never intended as real as plays on words, helping to account somehow for their meaning."

Prof. Max Muller however favours a derivation of the word Upanishad from the root sad to destroy and meant knowledge which destroys ignorance, the cause of Samsara, by revealing the knowledge of Brahma as a means of salvation. Prof. Max Muller points out that this is the meaning which the native scholars have unanimously given to the word Upanishad.

If it be granted that this is the true derivation of the word Upanishad it would be one piece of evidence in support of the thesis that there was a time in the history of India when Vedanta was regarded as a system of thought which was repugnant to the Vedas. But it is not necessary to depend upon the help of etymology to support the thesis. There are other evidences better and more direct. In the first place the word Vedanta was never used to denote"the last books of the Vedas"which they are. As observed by Prof. Max Mullermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_13:

"Vedanta as a technical term, did not mean originally the last portions of the Veda, or chapters placed, as it were, at the end of a volume of Vedic literature, but the end, i.e. the object, the highest purpose of the Veda. There are, of course, passages, like the one in the Taittirya-Aranyaka (ed. Rajendra Mitra p. 820), which have been misunderstood both by native and European scholars, and where Vedanta means simply the end of the Veda: yo vedadu svarah prokto vedante ka pratishthitah, ' the 0m which is pronounced at the beginning of the Veda, and has its place also at the end of the Veda". Here Vedanta stands simply in opposition to Vadadu, it is impossible to translate it, as Sayana does, by Vedanta or Upanishad. Vedanta, in the sense of philosophy, occurs in the Taittiriya-Aranyaka (p. 817), in a verse of the Narayania-Upanishad, repeated in the Mundak-Upanishad III, 2, 6 and elsewhere Vedantavignansuniskitarhah, 'those who have well understood the object of the knowledge arising from the Vedanta, ', not 'from the last books of the Veda', and Svetasvatara-up. VI, 22, vedante paramam guhyam, ' the highest mystery in the Vedanta '. Afterwards it is used in the plural also, e.g.Kshurikopanishad, 10 (bibl. Ind. p. 210) pundariketi vedanteshu nigadyate, 'it is called pundarika in the Vedantas ', i.e. in (he Khandogya and other Upanishads, as the commentator says, but not in the last books of each Veda."

More direct evidence on the point is that which is contained in the Gautama Dharma Sutras. In Chapter XIX verse 12 speaks of purification and

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"The purificatory (texts are), the Upanishads, the Vedantas, the Samhita text of all the Vedas"and so on.

From this it is clear that at the date of Gautama the Upanishads were distinguished from Vedantas and were not acknowledged as a part of the Vedic literature. Hardatta in his commentaries says"those parts of the Aranyakas which are not (Upanishads) are called Vedantas". This is unimpeachable proof that the Upanishads did not come within the range of the Vedic literature and were outside the cannon.

This view is also supported by the use of the Veda in the Bhagwat Gita. The word Veda is used in the Bhagwat Gita at several places. And according to Mr. Bhat2 the word is used in a sense which shows that the author did not include the Upanishads in the term.

That the Upanishads were excluded from the cannonical literature of the Vedas is provided by the opposition of the Upanishads to the views preached in the Vedas that the religious observances and sacrifices were the only means of salvation. A few citation from some of the Upanishadas will suffice to show their opposition to the Vedas. The Mundaka Upanishad says:

"Brahma was produced the first among the gods, maker of the universe, the preserver of the world. He revealed to his eldest son Atharva, the science of Brahma, the basis of all knowledge. (2) Atharvan of old declared to Angis this science, which Brahma had unfolded to him; and Angis, in turn, explained it to Satyavaha, descendent of Bharadvaja, who delivered this traditional lore, in succession, to Angiras. (3) Mahasala Saunaka, approaching Angiras with the proper formalities, inquired, 'What is that, 0 venerable sage, through the knowledge of which all this (universe) becomes known?' (4) (Angiras) answered, 'Two sciences are to be known— this is what the sages versed in sacred knowledge declared—the superior and the inferior. (5) The inferior (consists of) the Rig-veda the Yajur-veda, the Sama-veda, the Atharva-veda, accentuation, ritual, grammar, commentary, prosody, and astronomy. The superior science is that by which the imperishable is apprehended."The Chhandoyaga Upanishad says:

"(1) Narada approached Sanatkumara, saying, 'Instruct me, venerable sage'. He received for answer, 'Approach me with (tell me) that which thou knowest; and I will declare to thee whatever more is to be learnt.' (2) Narada replied, ' I am instructed, venerable sage, in the Rig-veda, the Sama-Veda, the Yajur-veda, the Atharva-veda (which is) the fourth, the

Itihasas and Puranas (which are) the fifth Veda of the Vedas, the rites of the pitris, arithmetic, the knowledge of portents, and of great periods, the art of reasoning, ethics, the science of the gods, the knowledge of scripture, demonology, the science of war, the knowledge of the stars, the science of serpents and deities; this is what I have studied. (3) I, venerable man, know only the hymns (mantras), while I am ignorant of soul. But I have heard from reverend sages like thyself that ' the man who is acquainted with soul overpasses grief. Now, I venerable man, am afflicted; but do thou transport me over my grief. Sanatkumara answered, 'That which thou hast studied is nothing but name. (4) The Rig-veda is name; and so are the Yajur-veda, the Sama-veda, the Atharvana, which is the fourth and the Itihasas and Puranas, the fifth Veda of the Vedas, etc. (all the other branches of knowledge are here enumerated just as above), all these are but names; worship name. (5) He who worships name (with the persuasion that it is) Brahma, ranges as it were at will over all which that name comprehends;—such is the prerogative of him who worships name (with the persuation that it is) Brahma, Is there anything venerable man' asked Narada, 'Which is more than name?', 'There is,' replied (Sanatkumara), 'something which is more than name'. 'Tell it to me', rejoined Narada."

The Brahadarnyaka Upanishad says:

"In that (condition of profound slumber,) a father is no father, a mother is no mother, the words are no words, the gods are no gods, and the Vedas are no Vedas, sacrifices are no sacrifices. In that condition a thief is no thief, a murderer of embryos is no murderer of embryos, a Paulakasa no Paulakasa, a Chandala no Chandala, a Sramana no Sramana, a devotee no devotee; the saint has then no relation, either of advantage or disadvantage, to merit or to sin; for he then crosses over all griefs of the heart."

This is what the Katha Upanishad has to say:

"This soul is not to be attained by instruction, nor by understanding, nor by much scripture. He is attainable by him

whom he chooses. The soul chooses that man's body as his own abode".

"Although this soul is difficult to know, still it may easily be known by the use of proper means. This is what (the author) proceeds to say. This soul is not to be attained, known by instruction, by the acknowledgement of many Vedas; nor by understanding, by the power of recollecting the contents of books; nor by much scripture alone. By what, then, is it to be attained? This he declares".

How great was the repugnance to the Upanishadas and the philosophy contained in them will be realized if one takes note of the origin of the words Anuloma and Pratiloma which are usually applied to the marriage tie among the Hindus. Speaking of their origin Mr. Kane points out thatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_15:

"These two words Anuloma and Pratiloma (as applied to marriage or progeny) hardly ever occur in the Vedic literature. In the Br. Up. (II. 1.15) and Kausitaki Br. Up. IV. 18 the word ' Pratiloma ' is applied to the procedure adopted by a Brahmana of going to a Kshatriya for knowledge about"Brahman". Anuloma means according to the heir that is in the natural order of things. Pratiloma means against the heir that is contrary to the natural order. Reading the observations of Mr. Kane in the light of the definition of the word Pratiloma it is obvious that the Upanishads far from being acknowledged as part of the Vedic literature were if not despised, held in low esteem by the Vedic Brahmins. It is a riddle to find that the Brahmins who were opponents of the Vedanta should become subsequently the supporters and upholders of the Vedanta.

II

This is one riddle of the Vedanta. There is another. The Vedantists were not the only opponents of the Vedas and its doctrine of ritualism as a means of salvations. Madhava Acharya the author of the Sarva Darshana Sangraha mentions two other opponents of the Vaidikas, Charvaka and Brahaspati. Their attack on the Vaidikas was quite formidable in its logic and its.....

The opposition of Charvaka can be seen from the following quotation which reproduces his line of argument against the Vaidikasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_16 :"If you object that, if there be no such thing as happiness in a future world, then how should men of experienced wisdom engage in the agnihotra and other sacrifices, which can only be performed with great expenditure of money and bodily fatigue. Your objection cannot be accepted as any proof to the contrary, since the agnihotra, &c,, are only useful as means of livelihood, for the Veda is tainted by three faults of un-truth, self-contradiction, and tautology; then again the impostors who call themselves Vedic pundits are mutually destructive as the authority of the Jnan-kanda is overthrown by those who maintain authority of the Jnan-kanda reject that of the Karmakanda; and lastly, the three Vedas themselves are only the

incoherent rhapsodes of knaves, and to this effect runs the popular saying: 'The Agnihotra, the three Vedas, the ascetic's three staves, and smearing oneself with ashes, Brihaspati says, these are but means of livelihood for those who have no manliness nor sense'. rahaspati was far more bold and militant in his opposition to Vaidism. As reported by Madhava Acharya Brihaspati arguedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_17 :"There is no heaven, no final liberation, nor any soul in another world, Nor do the actions of the four castes, orders &c,, produce any real effect. The Agnihotra, the three Vedas, the ascetic's three staves and smearing one self with ashes, Were made by Nature as the livelihood of those destitute of knowledge and manliness. If a beast slain in the Jyotishtoma rite will itself go to heaven,

Why then does not the sacrificer forthwith offer his own father? If the Sraddha produces gratification to beings who are dead, Then here, too, in the case of travellers when they start, it is needless to give provisions for the journey. While life remains let a man live happily, let him feed on ghee even though he runs in debt. When once the body becomes ashes, how can it ever return again? If he who departs from the body goes to another world, How is that he comes not back again, restless for love of his kindred? Hence it is only as a means of livelihood that Brahmans

Established here.All these ceremonies for the dead , There is no other fruit anywhere. The three authors of veda were buffoons, knaves and demons.

All these ceremonies for the dead,—there is no other fruit anywhere. The three Authors of the Vedas were buffoons, knaves.

All the well-known formulas of the Pandits, jarphari, turphari, And all the obscene rites for the queen commanded in the Aswamedha.

These were invented by buffoons, and so all the various kinds of presents to the priests, While the eating of flesh was similarly commended by night prowling demons."

Why did the Vedic Brahmans compromise with the Vedantists but did not compromise with Charvak and Brihaspati. It is a riddle that awaits explanation.

Ill

A third riddle remains to be mentioned. This is its most appropriate place for it has reference to the Vedas and Vedantas, not in their crude form but in the philosophical garb which was given to them by two masters of the art of systematization whose names are quite well known in the history of Sanskrit Literature namely Jaimini and Badarayana, the

former as the author of Mimansa and the latter as the author of Brahma Sutras. To them and to their work a reference has already been made in the earlier pages and some idea has been given of their place in the formulation of the Vedik beliefs and Vedantik speculations. What remains to be done is to compare and contrast the attitude which one has-towards the philosophy of the other.

Starting on this inquiry one is struck by the parallelism between Jaimini and Badarayana in the presentation of the subject matter. As Prof. Belvalkar points out the Vedant Sutras are very closely modelled upon the Karma Sutras. In the matter of methodology and terminology Badarayana very carefully follows Jaimini. He accepts Jaimini rules of interpreting the text of the Shruti. He uses Jaimini's technical terms in the sense in which they have been used by Jaimini. He uses the very illustrations which are employed by Jaimini.

The parallelism shows that Badarayana must have felt that he was the exponent of a rival philosophy which was being attacked by Jaimini and that in replying to the attack he must follow Jaimini's technique.

Question is did Badarayana take the stand of an opponent of Jaimini? .

That Jaimini was his opponent Badarayana himself admits, the attitude of Jaimini towards Vedanta. It is stated by Badarayana in his Sutras 2-7 and explained by Shankaracharya in his commentary. Jaimini contends that:

"No one undertakes a sacrificial act unless he is conscious of the fact that he is different from the body and that after death he will go to heaven, where he will enjoy the results of his sacrifices. The Texts dealing with self-knowledge serve merely to enlighten the agent and so are subordinate to sacrificial acts."

In short Jaimini says that all that Vedanta teaches is that self is different from the body and outlives the body. Such a knowledge is not enough. The Self must have the aspiration to go to Heaven. But it can't go to heaven unless it performs Vedic sacrifices which is what his Karmakand teaches. Therefore his Karmakand is the only way of Salvation and that the Jnankand from that point of view is quite useless. For this Jaimini relies on the conduct of men who have believed in Vedanta mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_18 :

"Janaka, emperor of Videha performed a sacrifice in which gifts were freely distributed"(Brih. 3.1.1);"I am going to perform a sacrifice, sirs"(Ch. 5.11.5). Now both Janaka and Asvapati were knowers of the Self. If by this knowledge of the Self they had attained Liberation, there

was no need for them to perform sacrifices. But the two texts quoted show that they did perform sacrifices. This proves that it is through sacrificial acts alone that one attains Liberation, and not through the knowledge of the Self as the Vedantins hold."

Jaimini makes a positive assertion that the scriptures unmistakably declaremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_19"that knowledge of the Self stands in a subordinate relation to sacrificial acts."Jaimini justifies it because he says*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_20"the two (knowledge and work) go together (with the departing soul to produce the results.)"

Jaimini refuses to give an independent position to Badarayana's Jnana kanda. He takes his stands on two grounds.

Firstmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_21"Knowledge of the Self does not independently produce any result."

Secondmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_22 according to the authority of the Vedas"Knowledge (of Self) stands in a subordinate relation to work."This is the position of Jaimini towards Badaryana's Jnanakanda. What is the position of Badarayana towards Jaimini and his Karma Kanda? This is explained by Badarayana in Sutras 8 to 17.

The first positionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_23 taken up by Badarayana is that the Self spoken of by Jaimini is the limited self i.e. the soul and is to be distinguished from the supreme soul and that the supreme soul is recognized by the Scriptures.

The secondmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_24 position taken by Badarayana is that the Vedas support both knowledge of Self as well as Sacrifices.

The thirdmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_25 position taken up by Badarayana is that only those who believe in the Vedas are required to perform Sacrifices. But those who follow the Upanishadas are not bound by that injunction. As Shankaracharya explains:

"Those who have read the Vedas and known about the sacrifices are entitled to perform work (sacrifice). No work (sacrifice) is prescribed for those who have knowledge of the Self from the Upanishadas. Such a knowledge is incompatible with work."The fourthmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism

PART I.htm - _msocom_26 position taken up by Badarayana is that Karmakanda is optional to those who have attained Bramhadnan. As Shankaracharya explains:

"That some have of their own accord given up all work. The point is that after knowledge some may choose to work to set an example to others, while others may give up all work. There is no binding on the knowers of the Self as regards work". His last and finalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_27 position is that:

"Knowledge of the Self is antagonistic to all work and so cannot possibly be subsidiary to work."

And as evidence in support of it he reliesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_28 on the scriptures which recognizes Sannyasa the fourth Ashram and relieves the Sannyasi from performing sacrifices prescribed by the Karma Kand.

Many such Sutras can be found in Badarayana indicating the attitude of the two schools of thought towards each other. But the one given above is enough as it is so very typical. If one stops to consider the matter the position wears a strange appearance. Jaimini denounces Vedanta as a false Shastra, a snare and a delusion, something superficial, unnecessary and unsubstantial. What does Badarayana do in the face of this attack? Does he denounce the Karmakanda of Jaimini as a false Shastra, a snare and a delusion, something superficial unnecessary and insubstantial? No. He only defends his own Vedanta Shastra. But one would expect him to do more. One would expect from Badarayana a denunciation of the Karmakanda of Jaimini as a false religion. Badarayana shows no such courage. On the contrary he is very apologetic. He concedes that Jaimini's Karmakanda based on the scriptures and the scriptures have authority and sanctity which cannot be repudiated. All that he insists on is that his Vedanta doctrine is also true because it has also the support of the scriptures.

This is not all. What Badarayana does is to use the term Vedanta to cover these senses. He uses it so as to emphasize that the Upanishads do form a part of the Vedic literature. He used it also to emphasize what Vedanta or the Dnyanakanda of the Upanishads is not opposed to the Karmakanda of the Vedas that the two are complimentary. Indeed this is the foundation on which Badarayana has raised the whole structure of his Vedanta Sutras.

This thesis of Badarayana—which underlies his Vedanta Sutras and

according to which the Upanishadas are a part of the Veda and there is no antagonism between the Vedas and Upanishads—is quite contrary to the tenor of the Upanishads and their relation to the Vedas. Badarayana's attitude is not easy to understand. But it is quite obvious that Badarayana's is a queer and a pathetic case of an opponent who begins his battle by admitting the validity of the premises of his adversary. Why did Badarayana concede to Jaimini on the question of infallibility of the Vedas which were opposed to the Upanishads? Why did he not stand for truth the whole truth and nothing but the truth. This is a riddle that requires explanation.

APPENDIX III
THE RIDDLE OF THE TRIMURTI

To say that Hindu Religion is made up of sects is no less true than to say that Hindu Society is made up of castes. But not half the attention paid to the study of castes has been paid to the study of sects. This is as unfortunate as it is strange. Sects have played as great a part in India's history as castes have done. Indeed some sects just as some castes have made the history of India what it is.

The sects which make up the Hindu Religion are of course legion. It is impossible to explore the origin of all and compare and contrast their cults within the compass of a chapter. All that can be done is to take the most important ones and to present some of problems connected with them. The most important of these sects in the history of India have been three, one believing in the cult of God Brahma, second believing in the cult of Vishnu and the third believing in the cult of Shiva or Mahesha. The following arc some of the questions, which cannot but puzzle the student who has studied the origin and history of these cults.

The Chula-Niddessa a Buddhist treatize refers to various sects which were at one time prevalent in India. Classified on the basis of creeds and cults they may be listed as follows:

I CREEDS

Serial	Name of the Sect.	Essence of the creed No.
1	Ajivika	

Shravakamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_29 .
Ajivikamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_30
2 Nigatta Shravakas . .
Nigauthamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_31

This Riddle may be read along with the Riddle No. 11 which deals with The Rise and Fall of Gods. This title ' The Riddle of the Trimurti ' however does not find place in the original Table of Contents, nor was it available in the MS received by the Govt. This copy has been spared by Shri S. S. Rege—Ed.

AND SPEECHES I CREEDS— contd.

Serial No.	Name of the Sect.	Essence of the creed
3	Jatil Shravakas	. Jatila*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_32
4	Parivrajaka Shravakas 5 Avarudha Shravakas	. Parivrajakamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_33 . Avarudhaka

11 CULTS		
Serial No.	Name of the Sect	The deity which is . worshipped
1	Hasti Vratikasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_34	. Hastimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_35
2	Ashva Vratikas	. Ashvamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_36
3	Go Vratikas	.

	Gomk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_37
4 Kukur Vratikas	. Kukkumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_38
5 Kaka Vratikas	. Kakamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_39
6 Vasudeo Vratikas	. Vasudeo
7 Baldeo Vratikas	. Baldeo
8 Puma Bhadra Vratikas	. Puma Bhadra
9 Mani Bhadra Vratikas	. Mani Bhadra
10 Agni Vratikas 11 Naga Vratikas 12 Suparna Vratikas 13 Yaksha Vratikas	• Agni . Naga . Suparna . Yaksha
14 Asura Vratikas	. Asura
15 Gandharva Vratikas	. Gandharva
16 Maharaja Vratikas 17 Chandra Vratikas	. Maharaja . Chandra
18 Surya Vratikas 19 Indra Vratikas	. Surya . Indra
20 Brahma Vratikas	. Brahma
21 Deva Vratikas	. Deva
22 Deesha Vratikas	. Deesha

Comparing the cults of the three Gods with the cults of the various Gods mentioned in the list, two conclusions are obvious. One conclusion is that the cults of Vishnu and Mahesha are new fabrications, later in origin than those mentioned in the Chula Niddessa. The second conclusion is that all the old cults have disappeared. Searching for the causes of this strange phenomenon it is quite clear that New Cults could not have come into being unless the Brahmins had taken up the cause of propagating these new cults. Similarly old cults could not have disappeared if the Brahmins had not ceased to propagate them. The

question that puzzles the student of history is why did the Brahmins fabricate these new cults? Why did they give up the old cults? The question not only puzzles but staggers the student when the God that has vanished in this revolution is no other than Indra. Indra is a Vedic God. He is the greatest of the Vedic Gods. The Brahmins worshipped Indra and praised him as the supreme God for hundreds if not thousands of years. What made the Brahmins give up Indra and become the devotees of Brahma, Vishnu and Mahesh? Were the reasons for transfer of loyalties by the Brahmins spiritual or commercial?

Who is this Shiva whom the Brahmins adopted as their God in preference to Indra? The story of Daksha Prajapati's Yajna and the part played by Shiva throws great light on Shiva. The story is that somewhere in the Himalayas king Daksha was performing an Yajna. This Yajna was attended by all Devas, Danavas, Pishachas, Nagas, Rakshasas and Rishis. But Shiva absented as Daksha did not give him invitations. Dadhichi one of the Rishis scolded Daksha for his failure to invite Shiva and to perform his puja. Daksha refused to call Shiva and said"I have seen many of your Rudras. Go away, I don't recognize your Shiva."Dadhichi replied"You have all conspired against Shiva, take care, your Yajna will never reach a successful finis."Mahadeo coming to know of this created a Rakshas from his mouth and this Rakshas destroyed the Yajna started by Daksha. This shows that there was a time when Brahmins refused to recognize Shiva as the God to be worshipped or it shows that Shiva was against the Yajna system of the Brahmanas.

The difference between the Aryans and the Non-Aryans was cultural and not racial. The cultural difference centred round two points. The Aryans believed in Chaturvarna. The Non-Aryans were opposed to it. The Aryans believed in the performance of Yajna as the essence of their religion. The Non-Aryans were opposed to Yajna. Examining the story of Daksha's Yajna in the light of these facts it is quite obvious that Shiva was a Non-Vedic and a Non-Aryan God. The question is why did the Brahmins, the pillars of Vedic culture, adopt Shiva as their God?

The third question that puzzles the student is the reformation and transformation which the Brahmins have made in the original format of Shiva and Vishnu.

The Hindus are not aware that Shiva is a non-Vedic, non-Aryan God. They identify him with God Rudra mentioned in the Vedas. So that to the Hindus Rudra is the same as Shiva. Now in the Taiteriya Samhita of the Yajur-Veda there is a hymn in praise of Rudra. In this hymn Rudra i.e. Shiva is described as the lord of thieves, robbers, dacoits, as the King

of the degraded, of potters and blacksmiths. The question is how did the Brahmins venture to accept this king of thieves and robbers as their supreme God?

There is another reformation in the character of Rudra which the Brahmins have made while accepting him as their God Shiva. In the Ashvalayan Grihya Sutra the proper way of worshipping Rudra is prescribed. According to it the worship of Rudra was to be the sacrifice of a bull. The Sutra gives details of the season, and the Nakshatra for performing this sacrifice. It tells the householder to select the best bull from the stable. It prescribes its colour. It recommends that it should be fat. It should be consecrated with rice water or barley water. Then it should be slaughtered and offered to the Rudra addressing him by all his names and his tail, hide, head and feet should be thrown into the fire. Evidently Rudra was a ' himsak ' God to whom animal sacrifice was necessary. Shiva on the other hand has been an Ahimsaka God. He is not offered animal sacrifice. Question is what compelled the Brahmins to make Shiva give up his meat diet and be a vegetarian.

Hindus all over India accept without shame or remorse the virtue of Linga Puja—Phallus worship. This phallus worship is associated with Shiva and it is commonly held that the true way of worshipping Shiva is to worship the Shiva Linga. Was Linga puja always associated with Shiva? Some very interesting facts are brought to light by Prof. Dandekar in his essay on"Vishnu in the Veda". Says Prof. Dandekar:

"The most significant word in this connection is Sipivista, which is exclusively employed in the Veda with reference to Vishnu. The passages where the word occurs in RV (VII. 99.7; VII. 100. 5-6) seems to have been kept obscure with a purpose. The Vedic poets evidently sought to make a guarded and casual reference to that aspect of Vishnu's personality which was indicated by the word, Sipivista. Many attempts have been made to explain the word, but few satisfy the requirements of philosophy and none brings out the true nature of Vishnu. It is not possible to separate philologically the word Sepa (Penis) from sipi. Other similar idg. forms are Sipha (a root pkt. chepa, lat. oippus, seipio (staff) etc. Even Nirukta (V. 7) seems to be vaguely supporting this view though its further explanation is not clear. Added to that word is a form from the root viz., thus making the whole word mean 'the changing phallus; the swelling and diminishing penis '. We may now easily understand why the Vedic poets speak in such guarded and obscure way about this form of Vishnu. In this connection it is very significant to note what Nirukta (V. 8-9) says of this name of Vishnu:

The word sipivista has thus unmistakably preserved Vishnu's ancient phallic nature. There are also many other incidental references to Vishnu in the Vedic hymns and ritual, which clearly associate him with the notion of fertility, productivity and self life."

"One of the obscure features of the Vedic Shraddha-ritual is that the Angustha, without nail, is to be dipped into the offering intended for the pitars. This action is accompanied by an invocation to Vishnu. The Angustha is undoubtedly a symbol of the phallus. Vishnu is, in this rite, clearly connected with the phallic aspect of the Vedic ritual. In later literature we find Vishnu actually identified with the thumb. In the I. S. passage (VI. 2.4.2) we find another piece of evidence in this regard. Vishnu's entering into the mother earth is a symbolical description of a fertility rite. The words, Tanvardhanah, used with reference to Vishnu's (VII. 99.1; VIII. 100.2) may further be understood to be, indicative, of his phallic nature. Vishnu is significantly identified, in later literature, with Hiranyagarbha, and Narayana. Vishnu's close connection with Sinivali (AV. VII. 46.3), the 'broad-hipped' divinity protecting the feminine sex-functions, throws considerable light on this aspect of Visnu's personality. According to the Sankhyana-grahyasutra (I 22.13), the Mantra (X. 184.1) accompanies the garbha-ceremony, thus suggesting that Vishnu is the efficacious protector of the embryos. In AV (VII. 17.4), Vishnu is clearly connected with sex-functions. The two ephithets of Vishnu Nisiktapa (VII. 36.9) 'protector of the semen', and Sumajjani (1. 156.2) 'facilitating easy birth' speak for themselves. The word, Paumsya 'manly vigour' is Significantly used with reference to Vishnu in RV (E. 155.3-4). In the Vrsakapi-hymn (X. 86), Indra is said to have been exhausted, when a bold, lascivious monkey administered to him some medicine, through which Indra regained his manly power. This Vrsakapi is identified, in later literature, with Visnu, the word being also mentioned as one of his names in the Visnusahasranarna."

On the evidence produced by Prof. Dandekar phallus worship was in its origin connected with Vishnu. In the Puranas we do not find the Phallus worship associated with Vishnu. In the Puranas it is associated with Shiva. This is a most astounding transformation. Vishnu who was from the beginning associated with the Linga worship was dissociated from it and Shiva who had no association with the Linga worship has come to be identified with it. Question is what made the Brahmins dissociate Vishnu from Linga worship and fasten it on to Shiva?

There remains the last and the important question. It relates to the inter-relations of Brahma, Vishnu and Mahesha.

Nothing probably sums up so well the inter-relations between Brahma, Vishnu and Mahesha as does the story of the birth of the God Dattatraya. Briefly the story is that one afternoon when Sarasvati, Laxmi and Parvati, the wives of the three Gods were sitting together chit-chatting, Narada, the sage on eternal tour, came to visit them. In the course of the conversation a question arose as who was the most chaste woman in the land. Narada held out that Anusuya the wife of Rishi by name Atri—as the purest and most chaste woman. This was violently disputed by the three, each one of whom claimed to have that title. Narada disproved their claim by recounting the many acts of adultery which one of them was guilty of. They were silenced but they became very angry. They wanted to retrieve their position vis-a-vis Anusuya. In their wisdom they decided that the only way by which this could be done was to have Anusuya seduced to illicit intercourse. Having decided upon their plan of action the three women told to their husbands when they returned in the evening what Narada said about them in the afternoon and scolded them by saying that they were the cause of their wives humiliation. For if they had committed adultery with Anusuya she and they would have been on the same level and Narada would not have found cause to humiliate them. They asked their husbands whether they cared for their wives and if they did were they not in duty bound to proceed forthwith to invade the chastity of Anusuya and to pull her down from the high pedestle of purity and chastity on which Narada had placed her. The Gods were convinced that what was suggested by their wives was their duty and that they could not shirk the task.

The three Gods started on an expedition to rob Anusuya of her honour and marched on to the hutment of Atri. The three Gods disguised themselves as three Brahmin Mendicants. When they arrived Atri was away. But Anusuya welcomed them and prepared food for them. When the meal was ready she asked them to sit and partake of the meal. The three Gods replied that they would take food at her house only if she agreed to serve them food in a naked condition. The rule of hospitality in ancient India was that Brahmin guest must not depart dissatisfied. Everything he asked must be given to him. In obedience to this rule Anusuya agreed to serve them naked. While she was serving food to them in this naked condition Atri arrived. On seeing Atri the three Gods who were taking food with Anusuya standing naked took the form of new born babes. The three Gods in the form of babes were placed by Atri in a craddle. In the craddle their bodies having become integrated into one and their heads having remained separate there arose

the God Dattatraya who has one body and three heads representing the three Gods, Brahma, Vishnu and Mahesha.

The story has a stink of immorality in it and the close of it may have been deliberately designed so as to cover up the actual fact of Brahma, Vishnu and Mahesha having outraged Anusuya to lower her down to the level of their wives. Be that as it may the story illustrates the view once prevalent among the Hindus that three Gods Brahma, Vishnu and Mahesha were co-equal in status and their functions are complimentary and not competitive. They were spoken of as forming Trimurti—three in one and one in three, all sustaining the world, Brahma by creating it, Vishnu by preserving it and Shiva by destroying it.

This state of harmony did not last long. The Brahmins who were the propagandists of these three Gods divided themselves into three camps each becoming devoted to one to the exclusion of the other two. The result of this was a systematic campaign of villification and degradation by the Brahmins devoted to one God of the other Gods.

It is interesting as well as instructive to note what the Brahmins have done to Brahma. There was a time when the Brahmins raised Brahma to the highest pinnacle of power and glory. They presented him as the creator of the Universe—the first Prajapati. He was their sole supreme God. The Brahmins had developed the theory of Avatar which holds that God when necessary incarnates into different forms, human or animal. This they use for twofold purpose, firstly to elevate the supremacy of a God in whom they are interested and secondly to reconcile the conflict between Gods as different personalities.

The Brahmins have run riot with this theory of Avatar and different Puranas have given different lists of Avatars as will be seen from the following:

	According to Hari Vamsha	According to Narayani Akhyan	According to Varaha Purana	According to Vayu Purana	According to Bhagwat Purana
1	Varaha	Hansa	Kurma	Narasinha	Sanatkumar
2	Narasinha	Kurma	Matsya	Vaman	Boar

3	Vaman	Matsya	Varaha	Varaha	
4	Parshuram	Varaha	Narasinha	Kurma	Nara-Narayan
5	Rama	Narasinha	Vaman	Sangram	Kapila
6	Krishna	Vaman	Parshuram	Adivaka	Dattatraya
7		Parshuram	Rama	Tripurari	Jadna
8		Rama	Krishna	Andhakarh	Rashabha
9		Krishna	Buddha	Dhvaja	Prithi
10		Kalkin	Kalkin	Varta	Matsya
11				Halahal	Kurma
12				Kolhahal	Dhanwantri
13					Mohini
14					Narasinha
15					Vaman
16					Parshuram
17					Ved Vyas
18					Naradeo
19					Rama
20					Krishna
21					Buddha
2					Kalkin

2					

These Avatars are all said by these Puranas to be the Avatars of Vishnu. But to begin, with when the Avatars had begun to be coined the story of the two Avatars—-of the Boarmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_40 and the Fishmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_41—which in later times given to Vishnu was given by the Brahmins to Brahma. Again even when the Brahmins admitted Shiva and Vishnu as co-equal with Brahma they maintained the supremacy of Brahma over Shiva and Vishnu. The Brahmins made him the progenitor of Shivamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_42 and propagated the view that if Vishnumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_43 became the preserver of the world it was because of the command of the Brahma. With the plurality of Gods, conflicts between them were always present and some God to act as Arbitrator and settler of disputes was necessary.

Puranas are full of such conflicts, even wars among Gods. There were conflicts between Rudra and Narayanamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_44, between Krishna and Shivamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_45. In these conflicts the Brahmins have made Brahma the Arbitrator.

The same Brahmins who elevated Brahma to such pre-eminence turned against him, started degrading him and mud-slinging him. They started propagating the view that Brahma was really inferior to Vishnu and Shiva. Contrary to their previous utterances the Brahmins said that Brahma was born from Shivamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_46 and some said that he was born from Vishnumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_47

The Brahmins completely inverted the relation between Shiva and Brahma. Brahma was no longer the God who could give salvation. The God who could give salvation was Shiva and they reduced Brahma to the position of a common devotee worshipping Shiva and Linga in the hope of getting salvationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism

PART I.htm - _msocom_48. They reduced him to the position of servant of Shiva by making him the charioteer of Shivamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_49.

The Brahmins did not stop with degrading Brahma. They villified him in the worst manner possible. They broadcast the story of his having committed rape on his own daughter Sarasvati which is repeated in the Bhagwat Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_50:

"We have heard, O Kshatriya, that Svayambhu (Brahma) had a passion for Vach, his slender and enchanting daughter, who had no passion for him. The Munis, his sons, headed by Marichi, seeing their father bent upon wickedness, admonished him with affection: 'This is such a thing as has never been done by those before you, nor will those after you do it,- that you, being the lord, should sexually approach your daughter, not restraining your passion. This, 0 preceptor of the world, is not a laudable deed even in glorious personages, through imitation of whose actions men attain felicity. Glory to that divine being (Vishnu) who by his own lustre revealed this (universe) which abides in himself,—he must maintain righteousness '. Seeing his sons, the Prajapatis, thus speaking before him, the lord of the Prajapatis (Brahma) was ashamed, and abandoned his body. This dreadful body the regions received, and it is known as foggy darkness.'"

The result of this degrading and defamatory attacks on Brahma was to damn him completely. No wonder that his cult disappeared from the face of India leaving him a nominal and theoretical member of the Trimurti.

After Brahma was driven out of the field there remained two parties of Brahmanas, one engaged in favour of Shiva and the other engaged in favour of Vishnu. Let us see what they did as protagonists of their rival deities. Neither party succeeded in driving out the cult of its rival God. The cult of Shiva and the cult of Vishnu have continued to exist and flourish. Notwithstanding the many cults that have subsequently come into existence they have not been eclipsed. This is largely due to the propaganda and counter-propaganda carried on by the Brahmin protagonists of Shiva and Vishnu. How well matched the propaganda and counter propaganda was, can be seen from the following few illustrations.

Vishnu is connected with the Vedic God Sun. The worshippers of Shiva connect him with Agni. If one has Vedic origin the other must

have Vedic origin as well. One cannot be inferior to the other in the matter of nobility of origin.

Shiva must be greater than Vishnu and Vishna must not be less than Shiva. Vishnu has thousand namesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_51. So Shiva must have thousand names and he has themmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_52. Vishnu has his emblemsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_53. So must have Shiva and he has themmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_54.

In the performance of deeds of glory the propaganda in favour of one is fully matched by counter-propaganda in favour of the other. One illustration of this is the story regarding the origin of the holy river Gangesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_55. The devotees of Shiva attribute its origin to Shiva. They make it take its origin from Shiva's hair. But the Vaishnavas will not allow it. They have manufactured another legend. According to the Vaishnavite legend the blessed and the blessing river flowed originally out of Vaikunth (the abode of Vishnu) from the foot of Vishnu, and descending upon Kailasa fell on the head of Shiva. There is a two-fold suggestion in the legend. In the first place Shiva is not the source of the Ganges. In the second place Shiva is lower than Vishnu and receives on his head water which flows from the foot of Vishnu.

Another illustration is furnished by the story which relates to the churning of the oceans by the Devas and the Asuras. They used the Mandara mountain as the churning rod and huge serpent Shesha as a rope to whirl the mountain. The earth began to shake and people became afraid that the world was coming to an end. Vishnu took the Avatar of Kurma (tortoise) and held the earth on his back and prevented the earth from shaking while the churning was going on.

This story is told in glorification of Vishnu. To this the Shaivites add a supplement. According to this supplement the churning brought out fourteen articles from the depth of the ocean which are called fourteen jewels. Among these fourteen a deadly poison was one. This deadly poison would have destroyed the earth unless somebody drank it. Shiva was the only person who came to drink it. The suggetion is that Vishnu's act was foolish in allowing the rivals the Gods and Demons to bring out this deadly poison. Glory to Shiva for he drank it and saved

the world from the evil consequences of the folly of Vishnu.

Third illustration is an attempt to show that Vishnu is a fool and that it is Shiva who with his greater wisdom and greater power saves Vishnu from his folly. It is the story of Akrurasuramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_56. Akrur was a demon with the face of a bear, who, nevertheless, was continuously reading the Vedas and performing acts of devotion. Vishnu was greatly pleased and promised him any boon that he would care to ask. Akrurasura requested that no creature; then existing in the three worlds, might have power to deprive him of life, and Vishnu complied with his request; but the demon became so insolent that the Devatas, whom he oppressed, were obliged to conceal themselves, and he assumed the dominion of the world ; Vishnu was then sitting on a bank of the Kali, greatly disquieted by the malignant ingratitude of the demon; and his wrath being kindled, a shape, which never before had existed, sprang from his eyes. It was Mahadeva, in his destructive character, who dispelled in a moment the anxiety of the Vishnu.

This is countered by the story of Bhasmasura intended to show that Shiva was a fool and Vishnu saved him from his folly. Bhasmasura having propitiated Shiva asked for a boon. The boon was to be the power to burn any one on whose head Bhasmasura laid his hands. Shiva granted the boon. Bhasmasura tried to use his boon power against Shiva himself. Shiva became terrified and ran to Vishnu for help. Vishnu promised to help him. Vishnu took the form of a beautiful woman and went to Bhasmasura who became completely enamoured of her. Vishnu asked Bhasmasura to agree to obey him in everything as a condition of surrender. Bhasmasura agreed. Vishnu then asked him to place his hands on his own head which Bhasmasura did with the result that Bhasmasur died and Vishnu got the credit of saving Shiva from the consequences of his folly.

The rivalry and the consequent enmity among these Gods is best illustrated by the legend as to which of them is the first born. The story as related in the Skand Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_57 says that one time Vishnu lay extended asleep on the bosom of Devi, a lotus arose from his navel, and its ascending flower soon reached the surface of the flood, Brahma sprang from that flower, and looking round without any creature on the boundless expanse, imagined himself to be the first born, and entitled to rank above all

future beings; yet, resolved to investigate deep and to ascertain whether any being existed in its universe who could controvert his pre-eminence, he glided down the stock of the lotus and finding Vishnu asleep, asked loudly who he was? ' I am the first born ' answered Vishnu; and when Brahma denied his primogeniture, they had an obstinate battle, till Mahadeo pressed between them in great wrath, saying It is I who am truly the first born. But I will resign my place to either of you, who shall be able to reach behind the summit of my head, or the soles of my foot. Brahma instantly ascended; but having fatigued himself to no purpose in the regions of immensity, yet loath to abandon his claim, returned to Mahadeo, declaring that he had attained and seen the crown of his head, and called as his witness the first born cow. For this union of pride and falsehood, the angry God ordained, that no sacred Shiva rites should be performed to Brahma and that the mouth of cow should be defiled. When Vishnu returned, he acknowledged that he had not been able to see the feet of Mahadeo, who then told him that he was the first born among the Gods, and should be raised above all. It was after this Mahadeo cut off the fifth head of Brahma who thus suffered the loss of his pride, his power and his influence.

According to this story Brahma's claim to be the first born was false. He was punished by Shiva for making it. Vishnu gets the right to call himself the first born. But that is allowed to him by the grace of Shiva. The followers of Brahma had their revenge on Vishnu for stealing what rightfully belonged to him with the help of Shiva. So they manufactured another legendmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_58 according to which Vishnu emanated from Brahma's nostrils in the shape of a pig and grew naturally into a boar—a very mean explanation of Vishnu's avatar as a boar.

The rivalry among these Gods had taken the shape of rivalry among traders and results in indecent abuse of Shiva by Vishnu and of Vishnu by Shiva.

Such are the facts about the Trinity and its subsequent history. There is nothing new in the conception of Trinity. The conception of Trinity is an old one, older than Yaska. To reduce the chaos of innumerable Gods the early Brahmins were engaged lo select some Gods and to make them pre-eminent over the rest. The number of such pre-eminent Gods was fixed at three. Of these Agni and Surya were two. For the third place there was rivalry between Vayu and Indra. Consequently one finds the Irinity of Agni, Indra and Surya or Agni, Vayu and Surya. The new trinity is identical in its conception with the old though different in its

personnel. Every member of this Trinity is new. It seems alter the first Trinity was dissolved no new Trinity existed for a considerable time. In the Chulla Nidessa there is mention only of Brahma Vratikas. There is no mention of Vishnu Vratikas or Shiva Vratikas. This means that at the time of the Chula Nidessa the cult of Vishnu and the cult of Shiva had not come into being. They were later on added to the cult of Brahma and constituted into a Trinity. Several questions rise in one's mind when one considers the part played by the Brahmins in the evolution and confounding of the Trinity.

The first that arises is the faithlessness of the Brahamins to their Gods. the easy manner in which they abandon one set of Gods for another. In this connection one is reminded of the Jewish priests and Nebuchad-Nez-Zar.

"Neb-U-Chad-Nez-

Zarmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_59 the king made an image of gold, whose height was three score cubits, and the breadth thereof six cubits he set it up in the plain of Du-ra, in the province of Bab-y-lon.

"2. Then Neb-u-chad-nez-zar the king sent to gather together the princes (satraps), the governors (deputies), and the captains (governors), the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, to come to the dedication of the image which Neb-u-chad-nez-zar the king had set up.

"3. Then the princes, the governors, and the captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, were gathered together unto the dedication of the image that Neb-u-chad-nez-zar the king had set up: and they stood before the image that Neb-u-chad-nez-zar had set up.

4."Then an herald cried aloud. To you it is commanded, 0 people, nations, and languages.

5. That at what time ye hear the sound of the cornet, flute, harp, sackbut, psaltery, dulcimer, and all kinds of musick, ye fall down and worship the golden image that Neb-u-chad-nez-zar the king hath set up;

6. And whoso falleth not down and worshippeth shall the same hour be cast into the midst of a burning fiery furnace.

7. Therefore at that time, when all the people heard, the sound of the cornet, flute, harp, sackbut, psaltery, and all kinds of musick, all the people, the nations, and the languages, fell down and worshipped the golden image that Neb-u-chad-nez-zar the king had set up."

8. Wherefore at that time certain Chal-de-ans came near, and accused

the Jews.

9. They spake and said to the king Neb-u-chad-nez-zar,"O King, live for ever."

10."Thou, 0 King, hast made a decree, that every man that shall hear the sound of the cornet, flute, harp, sackbut, psaltery, and dulcimer, and all kinds of musick, shall fall down and worship the golden image."

11."And whoso falleth not down and worshippeth, that he should be cast into the midst of a burning fiery furnace."

12."There are certain Jews whom thou hast set over the affairs of the province of Bab-y-lon, Sha-drach, Me-shach and A-bed-ne-go; these men, 0 king, have not regarded thee: they serve not thy gods, nor worship the golden image which thou hast set up."

13."Then Neb-u-chad-nez-zar in his rage and fury commanded to bring Sha-drach, Me-shach, and A-bed-ne-go. Then they brought these men before the king.

14. Neb-u-chad-nez-zar spake and said unto them,"Is it true, 0 Sha-drach, Me-shach, and A-bed-ne-go, do not ye serve my gods, nor worship the golden image which I have set up?"

15."Now if ye be ready that at what time ye hear the sound of the cornet, flute, harp, sackbut, psaltery, and dulcimer, and all kinds of musick, ye fall down and worship the image which I have made; well; but if ye worship not, ye shall be cast the same hour into the midst of a burning fiery furnace; and who is that God that shall deliver you out of my hands?"

16. Sha-drach, Me-shach, and A-bed-ne-go, answered and said to the king,"O Neb-u-chad-nez-zar, we are not careful to answer thee in this matter."

17."If it be so, our God whom we serve is able to deliver us from the burning fiery furnace, and he will deliver us out of thine hand, 0 king."

18."But if not, be it known unto thee, 0 king, that we will not serve thy gods, nor worship the golden image which thou hast set
up."

19."Then was Neb-u-chad-nez-zar full of fury, and the form of his visage was changed against Sha-drach, Me-shach and A-bed-ne-go ; therefore he spake, and commanded that they should heat the furnace one seven times more than it was wont to be heated.

20. And he commanded the most mighty men that were in his army to bind Sha-drach, Me-shach, and A-bed-ne-go and to cast them into the burning fiery furnace.

21. Then these men were bound in their coats, their hosen, and their

hats, and their other garments, and were cast into the midst of the burning fiery furnace.

22. Therefore because the king's commandment was urgent, and the furnace exceeding hot, the flame of the fire slew those men that took up Sha-drach, Me-shach, and A-bed-ne-go.

23. And these three men, Sha-drach, Me-shach, and A-bed-ne-go, fell bound into the midst of the burning fiery furnance."Why did the Brahmins give up the first Trinity? There is no indication that they were compelled to foreswear those Gods. Was it love of gain or lucre?

The second question is why did the Brahmins who became the votaries of the three Gods follow the principle of live and let live? Why was one sect bent on destroying the other. There was no doctrinal difference between these sects worth the name. Their theology, cosmology and philosophy were all one and the same. The riddle becomes all the great. Was this sectarian quarrel political? Did the Brahmins make religion a matter of politics? Otherwise what is the explanation of this quarrel?

APPENDIX IV
II SMARTH DHARMA

The Sacred literature of Smarth Dharma consists of the *Smritis* or the Law Books. These law books contain what may be called the Canon Law. This Canon Law as will be seen later on is vast in its compass and treats of such subjects as law, government, civic rights and duties of the different classes in society, penances for sins and punishments for offences. The purely secular part of this Dharma is not relevant for the purpose in hand. What is relevant is that part of it which is accepted as belonging strictly to religion.

The Smarth Dharma i.e. Dharma based on Smritis is based on five dogmas. The first dogma of Smarth Dharma is the belief in Trinity of Gods, composed of three Gods: Brahma, Vishnu and Mahesh or Shiva. In this Trinity, Brahma is the creator of the world, Vishnu is the preserver and Shiva is the destroyer. Instead of the thirty-three Gods of the Srauta Dharma, Smarth Dharma limits the pantheon to only three.

The second dogma of the Smarth Dharma is the recognition of the purificatory ceremonies which are called Sanskaras or sacraments. According to the Smarth Dharma every householder must perform certain ceremonies. If he does not he becomes a *patit* i.e. one who is fallen from grace and therefore.....

(The above text is on a typed Page No. 21. Further pages of this chapter are missing. The following text is from the loose sheets enumerated in blue pencil from page No. 55 *to 65 only, except page No. 56. All these pages have corrections and instructions in the handwriting of the author.)*—Ed.

There are few loose pages on ' Smarth Dharma and Tantrik Dharma '. Smarth Dharma is numbered as Part II while Tantrik Dharma is numbered as Part II 1. It seems that Part I consisted of Srauta Dharma. There is only one page of Smarth Dharma numbered as 21. The Tantrik Dharma starts from page 55 *and ends at page 65 except page No. 56 with three more handwritten pages added by the author.*—Ed.

Punishments and Penances occupy very prominent place in Pauranik Dharma. In the Srauta Dharma Yama has nothing to do with the future punishment of the wicked. The idea of penal retribution after death for sins committed during life is unknown. But the Puranas have considerably enlarged the Powers of Yama in this respect.

"Yama fulfils the office of judge of the dead, as well as sovereign of the damned; all that die appearing before him, and being confronted with Chitragupta, the recorder, by whom their actions have been registered. The virtuous are thence conveyed to Swarga, or Elysium, whilst the wicked are driven to the different regions of Naraka, or Tartarus".

"The dreadful Chitragupta with a voice like that issuing from the clouds at the mundane dissolution, gleaming like a mountain of collyrium, terrible with lightning like weapons, having thirty-two arms, as big as three yojans, red-eyed, long-nosed, his face furnished with grinders and projecting teeth, his eyes resembling oblong ponds, bearing death and diseases."

Sin will be punished after death. So also there is expiation for sin if the sinner wishes by performing certain penances for removing sin.

But what is sin? According to the Pauranik Dharma it does not mean the commission of a moral wrong. It means the non-performance of the observances prescribed by the Puranas. Such is Pauranik Dharma.

III TANTRIK DHARMA

What is known as the Tantrik Dharma centres round the worship of *Shakti*. Shakti literally means power or energy. But in Tantrism it means the female partner of a male God. The literature of the Tantrik Dharma is quite vast and forms quite a separate branch of the Hindu Religious literature. It is necessary to observe that the Shakta form of Hinduism is

equipped with a vast mythological personnel of its own, an immense array of female personalities, constituting a distinct division of the Hindu Pantheon.

In its origin the Tantrik Dharma is only an extension of the Pauranik Dharma. It is the Puranas which first began with the recognition of the female unmarried goddesses or as objects of worship. This was followed by the recognition of married females who were the wives of the Gods. It is in support of their recognition of the right of the wives of the Gods to be worshipped as goddesses that the Puranas set out the principle of Shaktism. According to the Puranas a deity though single has a dual character. In one it is quiescent, in the other active. The active nature of the deity is called his Shakti (i.e. his power). This *Shakti* of the deity is personified by the Puranas as the wife of the deity. This is the foundation of what is called Shaktism or the worship of the wife of certain deities.

The essence of Shaktism lies in the exclusive worship of the female deity in her most comprehensive character as the great power (Sakti) of Nature, the one mother of the Universe (Jagan-Mata, Jagad-Amba)—the mighty mysterious Force whose function is to direct and control two quite distinct operations; namely, first, the working of the natural appetites and passions, whether for the support of the body by eating and drinking, or for the propagation of living organisms through sexual cohabitation; secondly, the acquisition of supernatural faculties and magical powers (siddhi), whether for a man's own individual exaltation or for the annihilation of his opponents.

And here it is necessary to observe that the Sakta form of Hinduism is equipped with a vast mythological Personnel of its own—an immense array of female personalities, constituting a distinct division of the Hindu Pantheon.

Yet the whole array of the Tantrik female Pantheon spreading out as it does into countless ramifications, Shaktism has its root in the wife of Shiva. By common consent she is held to be the source or first point of departure of the entire female mythological system. She also stands at its head; and it is remarkable that in every one of the male God Shiva's characteristics, his consort is not only his counterpart, but a representation of all his attributes intensified. We have already pointed out how it came to pass that the male God gradually gathered under his own personality the attributes and functions of all other divinities, and thus became to his own special worshippers the great God (Mahadevah) of Hinduism. Similarly and in a much greater degree did his female

counterpart become the one great goddess (Maha-devi) of the Sakta hierarchy: representing in her own person all other female manifestations of Brahma, Vishnu and Shiva, and absorbing all their functions. For this reason even the wives of Brahma and Vishnu were said to be her daughters. As to the opposite and contradictory qualities attributed to her, these are no source of difficulty to a Hindu mind. She is simply in all respects a duplicate of her husband but a duplicate painted in deeper or more vivid colours.

And just as Shiva is at one time white (Sveta, Sukla) both in complexion and character, at another black (Kala); so his female nature also became one half white (whence one of her names Gauri) and the other half black (whence her name Kali).

Then, again, each of these opposite characters became variously modified and endlessly multiplied. The white or mild nature ramified into the Saktis called Uma, Gauri, Lakshmi, Sarasvati, etc., the black or fierce nature into those called Kali, Durga, Candi, Camunda, etc. And just as Shiva has 1008 names or epithets, so his wife possesses a feminine duplicate of nearly everyone of his designations. At least one thousand distinct appellations are assigned to her, some expressive of her benignant, some of her ferocious character. Notably it is declared in the Tantras that if any one repeats eight of her names containing the letter *m,* kings will become his servants, all men will love him, and all his difficulties come to a happy termination.

In short, all the other Saktis came to be included by the Saktas under the *Sakti* or female energy of Shiva, which eventually developed into innumerable separate manifestations and personifications.

But it began in a rather modest way by starting the worship of the Durga along with Shiva, Laxmi along with Vishnu, Radha along with Krishna and Sita along with Rama. The number of Shaktis was not defined.

Sometimes only eight Saktis are enumerated and sometimes nine, viz, Vaishnavi, Brahmani, Raudri, Mahesvari, Narasinhi, Varahi, Indrani, Karttiki, and Pradhana. Others reckon fifty forms of the Sakti of Vishnu, besides Laxmi; and fifty of Siva or Rudra, besides Durga or Gauri. Sarasvati is named as a Sakti of Vishnu and Rudra, as well as Brahma. According to the Vayu-purana, the female nature of Rudra (Siva) became two-fold, one half Asita or white, and the other half Sita or black, each of these again becoming manifold. The white or mild nature includes the Saktis Uma, Gauri, Laxmi, Sarasvati, &c., the black or fierce nature includes Durga, Kali, Candi, Camunda, &c.

Soon however all the Shaktis were universalized under the Shakti or female energy which eventually developed into innumerable separate manifestations and personifications.

These personifications, following the analogy of some of Vishnu's incarnations, are sometimes grouped according to a supposed difference of participation in the divine energy, such for example as the full energy *(puma sakti),* the partial *(ansarupini)* the still more partial *(kala-rupini),* and the partial of the partial (kalansa-rupini), this last including mortal women in various degrees, from Brahman women downwards, who are all worshipped as forms of the divine mother manifesting herself upon earth; for it must not be forgotten that in the Sakta creed every female is a present divinity.

The more usual classification, however, begins with the Mahavidyas. These are held to be ten in number, that number being probably selected to match the ten chief incarnations of Vishnu. They are called Mahavidyas as sources of the goddess' highest knowledge; that is to say, of the knowledge which confers preternatural powers. They have all different attributes, and are thus designated: (1) Kali (sometimes called Syama), black in colour, fierce and irascible in character. (2) Tara, a more benign manifestation, worshipped especially in Kashmir. (3) Shodasi, a beautiful girl of sixteen (also called Tripura worshipped in Malabar). (4) Bhuvanesvari. (5) Bhairavi. (6) Chinna-mastaka, a naked goddess holding in one hand a blood-stained scimitar and in the other her own severed head, which drinks the warm blood gushing from her headless trunk. (7) Dhumavati, in the form of smoke. (8) Vagala or Bagala, having the face of crane. (9) Matangi, a woman of the Bhangi caste. (10) Kamalatmika. Of these the first two are especially Mahavidyas, the next five vidyas, and the last three Siddhavidyas.

The next class of personifications or.manifestations of the goddess are the Matris or Matrika (or Maha-matris), the great mothers of the Universe. These are more important than the Mahavidyas in their connexion with the prevalence of Mother-worship, a form of religion which, among the peasantry of India, often takes the place of every other creed. This will be more fully explained in the chapter on tutelary deities.

The Matris or Mothers are: 1. Vaishnavi, 2. Brahmi or Brahmani, often represented with four faces or heads like the God Brahma, 3. Karttikeyi, sometimes called Mayuri, 4. Indrani, 5. Yami, 6. Varahi, connected with the boar incarnation of Vishnu, 7. Devi or Isani, represented with a trident in one hand as wife of Shiva, 8. Laxmi. Each of these divine

Mothers is represented with a child in her lap. Closely related to the Mothers is a class of female personifications called the eight Nayikas or mistresses. These, of course, are not necessarily mothers. In fact no other idea is connected with them than that of illegitimate sexual love. They are called Balini, Kamesvari, Vimala, Aruna, Medini, Jayini, Sarvesvari and Kaulesi. Another class of manifestations is that of the Yoginis. These are sometimes represented as eight fairies or sorceresses created by and attendant on Durga, sometimes as mere forms of that goddess, sixty or sixty-five in number, and capable of being multiplied to the number of ten millions.

Other classes not worth enumerating are the Dakinis and Sakinis. These are simply female friends or ogresses of most repulsive habits, and are not so much manifestations of the goddess as impish servants always attendant on her.

But it is in the form Kali—-the form under which the goddess is worshiped at Calcutta—-that she is most terrible. The following is a free translation of two passages in the Tantras descriptive of Kali's appearance:

"One should adore with liquors and oblations that Kali who has a terrible gaping mouth and uncombed hair; who has four hands and a splendid garland formed of the heads of the giants she has slain and whose blood she has drunk; who holds a sword in her lotus-like hands; who is fearless and awards blessings; who is as black as the large clouds and has the whole sky for her clothes; who has string of skulls round her neck and a throat besmeared with blood; who wears ear-rings (consisting of two dead bodies): who carries two dead bodies in her hands; who has terrible teeth and smiling face; whose form is awful and who dwells in burning-grounds (for consuming corpses); who stands on the breast of her husband Maha-deva."

(Page Nos. 63-64 are missing. The script of Page No. 65 only is given below along with the concluding para written in the handwriting ofthe author.)

The Tantrik worship is altogether different from Srauta or Pauranik worship. It is in keeping with its central philosophy namely the best form of worship is the fullest satisfaction of the carnal desires of man. The Tantrik worship is summed up in what are called five *Makaras*. The five Makaras are: (i) The drinking of *Madya* (i.e. wine and liquors of various kinds).

(ii) The eating of *Mama* (meat). (iii) The eating of *Malsya* (fish). (iv) The eating of *Mudra* (parched or fried grain). (v) The performance of *Maithun* (sexual intercourse with a woman).

The Tantrik Puja consists in the performance of these acts. It is not necessary to draw attention to the fact that whatever is declared as *nishidha* (prohibited) is allowed in the Tantrik worship even sexual intercourse with a woman being prescribed as part of the Puja. Such is the growth of the Hindu Religion. On reading this history a student of true religion is forced to ask: Where is the place of morality in the Hindu Religion?

Religion no doubt started its career by asking many questions:"What am I?""Who made the Universe?""If God made it what is the relation of Ego to God?""What is the right way to propitiate God?""What is the relation between I and the Non-I i.e. between man and universe?""What constitutes good life or that will please God?"etc.

Most of these questions have been taken over by theology, metaphysics, philosophy and ethics, into which religion has become split. But there is one question that remains with religion to preach and propagate namely what constitutes good life. A religion which does not do so is no religion at all.

Why have the Brahmins made the Hindu religion so nude; so devoid of morality? The Hindu religion is nothing but worshipping so many Gods and Goddesses, worshipping so many trees, visiting so many places of pilgrimage and making offerings to the Brahmins. Was the religion formulating for enabling the Brahmins to earn their living? Did they ever think that morality is the foundation of society and that unless morality is imbedded in religion it (has no driving)*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_60 force. These are questions which the Brahmins must answer.

APPENDIX V

THE INFALLIBILITY OF THE VEDAS

The Hindus are enjoined to study the Vedas every day. the Satapatha Brahmana explains the reasons for it. It says:

"There are only five great sacrifices, which are the great ceremonies, viz., the offering to living creatures,*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_61 the offering to men, the offering to the fathers, the offering to the gods, and the Veda-offering (Brahma-yajna). 2. Let an oblation be daily presented to living creatures. Thus the

offering to them is fulfilled. Let (hospitality) be daily bestowed even down to the bowl of water. Thus is the offering to men fulfilled. Let the oblation to the gods be daily presentedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_62 as far as the faggot of wood. Thus is the offering to the gods fulfilled. 3. Next is the Veda-offering. This means private studymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_63 (of the sacred books). In this Veda-sacrifice speech is the juhu, the soul the upabhrit, the eye the dhruva, intelligence the sruva, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_64 truth the ablution, and paradise the conclusion. He who, knowing this, daily studies the Veda, conquers an undecaying world more than thrice as great as that which he acquires who bestows this whole earth filled with riches. Wherefore the Veda should be studied. 4. Verses of the Rig-veda are milk-oblations to the Gods. He who, knowing this, daily reads these verses satisfies the gods with milk-oblations; and they being satisfied, satisfy him with property, with breath, with generative power, with complete bodily soundness, with all excellent blessings. Streams of butter, streams of honey flow as svadha-oblations to the fathers. 5. Yajush-verses are offerings of butter to the gods.

(This is a six-page typed copy on ' The Infallibility of the Vedas 'having no corrections or instructions by the author. The latter portion of this chapter is not available.—Ed.)

He who, knowing this, daily reads these verses, satisfies the gods with offerings of butter; and they, being satisfied, satisfy him, etc. (as in the preceding paragraph). 6. Saman-verses are soma-libations to the gods. He who, knowing this, daily reads these verses, satisfies the gods with soma-libations; and they being satisfied, satisfy him, etc. (as above). 7. Verses of Atharvan and Angiras (atharvangirasahmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_65) are oblations of fat to the gods. He who, knowing this, daily reads these verses, satisfies the gods with oblations of fat; and they etc. (as above). 8. Prescriptive and scientific treatises, dialogues, traditions, tales, verses and eulogistic texts are oblations of honey to the gods. He who, knowing this, daily reads these, satisfies the gods with oblations of honey; and they etc. (as above). 9. Of this Veda-sacrifice there are four Vashatkaras when the wind blows, when it lightens, when it thunders, when it crashes; wherefore when it blows, lightens, thunders, or crashes, let the man, who knows this, read, in

order that these Vashatkaras may not be interruptedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_66. He who does so is freed from dying a second time, and attains to an union with Brahma. Even if he cannot read vigorously, let him read one text relating to the gods. Thus he is not deprived of his living creatures."

xi. 5, 7, 1 :"Now comes an encomium upon Vedic study. Study and teaching are loved. He (who practises them) becomes composed in mind. Independent of others, he daily attains his objects, sleeps pleasantly, becomes his own best physician. Control of his senses, concentration of mind, increase of intelligence, renown, capacity to educate mankind [are the results of study]. Increasing intelligence secures for the Brahman the four attributes of saintliness, suitable conduct, renown, and capacity for educating mankind. When so educated, men guarantee to the Brahman the enjoyment of the four prerogatives which are his due, reverence, the receipt of gifts, freedom from oppression, and from death by violence. 2. Of all the modes of exertion, which are known between heaven and earth, study of the Veda occupies the highest rank, (in the case of him) who, knowing this studies it. Wherefore this study is to be practised. 3. On every occasion when a man studies the Vedic hymns he (in fact) performs a complete ceremonial of sacrifice, i.e. whosoever, knowing this, so studies. Wherefore this study, etc., etc. 4. And even when a man perfumed with unguents adorned with jewels, satiated with food. and reposing on a comfortable couch, studies the Veda he (has all the merit of one who) performs penance (left) to the very tips of his nailsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_67: (such is the case with him) who, knowing this, studies. Wherefore etc. 5. Rig-veda-verses are honey, Sama-verses butter, Yajus-verses nectar (amrita). When a man reads dialogues (vakovakya) and legends these two sorts of composition are respectively oblations of cooked milk and cooked flesh. 6. He who, knowing this, daily reads Rig-veda verses, satisfies the gods with honey; and they, when satisfied, satisfy him with all objects of desire, and with all enjoyments. 7. He who, knowing this, daily reads Sama-verses, satisfies the gods with butter; and they, when satisfied, etc. (as before). 8. He who, knowing this, daily reads Yajus-verses, satisfies the gods with nectar; and they, etc. (as before). 9. He who, knowing this, daily studies dialogues and the different classes of ancient stories, satisfies the gods with milk—and flesh-oblations; and they, etc. (as before). 10. The waters move. The Sun

moves. The Moon moves. The constellations move. The Brahman who on any day does not study the Veda, is on that day like what these moving bodies would be if they ceased to move or act. Wherefore such study is to be practised. Let a man therefore present as his offering a verse of the Rig-veda, or the Saman, or the Yajush, or a Gatha, or a Kumvya, in order that the course of his observances may not be interrupted."Manu also supports the Satapatha Brahmana. He says:

"The Veda is the eternal eye of the fathers, of Gods, and of men; it is beyond human power and comprehension; this is a certain conclusion. Whatever traditions are apart from the Veda, and all heretical views, are fruitless in the next world, for they are declared to be founded on darkness. All other (books) external to the Veda, which arise and pass away, are worthless and false from their recentness of date. The system of the four castes, the three worlds, the four states of life, all that has been, now is, or shall be, is made manifest by the Veda. The objects of touch and taste, sound, form, and odour, as the fifth, are made known by the Veda, together with their products, qualities, and the character of their action. The eternal Veda supports all beings; hence I regard it as the principle instrument of well-being to this creature, man. Command of armies, royal authority, the administration of criminal justice, and the sovereignty of all worlds, he alone deserves who knows the Veda. As fire, when it has acquired force, burns up even green trees, so he who knows the Veda consumes the taint of his soul which has been contracted from works. He who comprehends the essential meaning of the Veda, in whatever order of life he may be, is prepared for absorption into Brahma, even while abiding in this lower world."

Manu however is not satisfied with this. He goes much beyond and enunciates the following new doctrine—

"By Sruti is meant the Veda, and by Smriti the institutes of law: the contents of these are not to be questioned by reason, since from them (a knowledge of) duty has shone forth. The Brahman who, relying on rationalistic treatisesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21A2.Riddles in Hinduism PART I.htm - _msocom_68, shall contemn these two primary sources of knowledge, must be excommunicated by the virtuous as a sceptic and reviler of the Vedas. . . . . 13. To those who are seeking a knowledge of duty, the sruti is the supreme authority."

PART II

Riddle In Hinduism

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PART II
SOCIAL

According to the original Table of Contents by the author Part I and Part III are classified as Religious and Political respectively while Part II is not given any classification. However, this part is classified as 'Social on one of the pages from Riddle No. 21. This Part contained six riddles including ' The Riddle of Women entitled ' Why did the Brahmins degrade the Indian Women? '. This chapter has already been included in Vol. No. 3 of this series under the title ' Revolution and Counter-Revolution ' vide Ch. 17. Hence it is excluded from this volume.

RIDDLE NO. 16

THE FOUR VARNAS-ARE THE BRAHMINS SURE OF THEIR ORIGIN?

It is the cardinal faith of every Hindu that the Hindu Social Order is a Divine Order. The prescriptions of this Divine Order are three. *First* Society is permanently divided into four classes namely (1) Brahmins, (2) Kshatriyas, (3) Vaishyas and (4) Shudras. *Second the* four classes in point of

their mutual status are linked together in an order of graded inequality. The Brahmins are at the head and above all others. The Kshatriyas below the Brahmins but above the Vaishyas and the Shudras. The Vaishyas below the Brahmins and the Kshatriyas but above the Shudras and the Shudras below all. *Third* the occupations of the four classes are fixed. The occupation of the Brahmins is to acquire learning and to teach. The occupation of the Kshatriyas is to fight, that of the Vaishyas to trade and that of the Shudras to serve as menials to the other three classes above him. This is called by the Hindus the Varna Vevastha. It is the very soul of Hinduism. Without Varna Vevastha there is nothing else in Hinduism to distinguish it from other religions. That being so it is only proper that an enquiry should be made into the origin of this Varna system.

For an explanation of its origin we must have recourse to what the ancient Hindu literature has to say on the subject.

It would be better to collect together in the first place the views expressed in the Vedas.

This is a 33-page typed script having all necessary corrections and additions incorporated by the author. There are two concluding pages written by the author himself. All the pages of the chapter are loose sheets tagged together with a title page in the handwriting of the author.—Ed.

The subject is referred to in the Rig-Veda in the 90th Hymn of the 10th Book. It runs as follows:

> "1. Purusha has a thousand heads, a thousand eyes, a thousand feet. On every side enveloping the earth, he overpassed (it) by a space of ten fingers. 2. Purusha himself is this whole (universe), whatever has been and whatever shall be. He is also the lord of immortality since (or, when) by food he expands. 3. Such is his greatness, and Purusha is superior to this. All existences are a quarter of him; and three-fourths of him are that which is immortal in the sky. 4. With three quarters Purusha mounted upwards. A quarter of him was again produced here. He was then diffused everywhere over things which eat and things which do not eat. 5. From him was born Viraj, and from Viraj, Purusha. When born, he extended beyond the earth, both behind and before. 6. When the Gods performed a sacrifice with Purusha as the oblation, the spring was its butter, the summer its fuel, and the autumn its (accompanying) offering. 7. This victim Purusha, born in the beginning, they immolated on the sacrificial grass. With him the gods, the Sadhyas, and the rishis sacrificed. 8. From that universal sacrifice were provided curds and butter. It formed those aerial (creatures) and animals both wild and tame. 9: From the

universal sacrifice sprang the *rich* and *saman* verses, the *metres* and the *yajush*. 10. From it sprang horses, and all animals with two rows of teeth; kine sprang from it; from it goats and sheep. 11. When (the gods) divided Purusha, into how many parts did they cut him up? What was his mouth? What arms (had he)? What (two objects) are said (to have been) his thighs and feet? 12. The Brahman was his mouth; the Rajanya was made his arms; the being (called) the Vaisya, he was his thighs; the Sudra sprang from his feet. 13. The moon sprang from his soul (manas), the sun from his eye, Indra and Agni from his mouth, and Vayu from his breath. 14. From his navel arose the air, from his head the sky, from his feet the earth, from his ear the (four) quarters; in this manner (the gods) formed the worlds. 15. When the gods, performing sacrifice, bound Purusha as a victim, there were seven sticks (struck up) for it (around the fire), and thrice seven pieces of fuel were made. 16. With sacrifice the gods performed the sacrifice. These were the earliest rites. These great powers have sought the sky, where are the former Sadhyas, gods."

This hymn is known by its general name Purusha Sukta and is supposed to embody the official doctrine of Varna.

How far do the other Vedas support this theory?

The Sama-Veda has not incorporated the Purusha Sukta among its hymns. Nor does it give any other explanation of the Varna.

The Yajur-Veda has two branches—the *White Yajur-Veda* and the *Black Yajur- Veda.*

The Black Yajur-Veda is known to have three Sanhitas or collection of Mantras, the *Kathaka Sanhita,* the *Maitriyani Sanhita* and *Taitterriya Sanhita.*

The White Yajur-Veda has only one Sanhita which is known as Vajasaneya Sanhita. The Maitriyani Sanhita and the Kathak Sanhita of the Black Yajur- Veda do not make any reference to the Purusha Sukta of the Rig-Veda; nor do they attempt to give any other explanation of the origin of the Varna system.

It is only Taitterriya Sanhita of the Black Yajur-Veda and the Vajasaneya Sanhita of the White Yajur-Veda that have spoken something relating to the Varna system.

The Vajasaneya Sanhita contains one explanation of the origin of the Varna System. The Taitterriya Sanhita on the other hand contains two explanations. There are two things to be noted about these two explanations contained in the Taitterriya Sanhita. The first is that these two do not agree with each other in the least; they are quite different. The second is that one of them agrees completely with that contained in the Vajasaneya Sanhita of the White Yajur-Veda. The following is the text of

the Taitterriya Sanhita which may be taken as an independent explanation:

"He (the Vratya) became filled with passions thence sprang the Rajanya".

"Let the king to whose house the Vratya who knows this, comes as a guest, cause him to be respected as superior to himself. So doing he does no injury to his royal rank, or to his realm. From him arose the Brahman (Brahman) and the Kshattra (Kshatriya)., They said, 'Into whom shall we enter, etc."

The explanation contained in the Vajasaneya Sanhita which tallies with the secondmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_1 explanation given by the Taitterriya Sanhita reads as follows:

"He lauded with one. Living beings were formed. Prajapati was the ruler. He lauded with three: the Brahman was created: : Brahmanaspati was the rule?. He lauded with five; existing things were created : Brahamanaspati was the ruler. He lauded with seven; the seven rishis were created; Dhatri was the ruler. He lauded with nine; the Fathers were created: Aditi was the ruler. He lauded with eleven: the seasons were created: the Artavas were the rulers. He lauded with thirteen: the months were created: the year was the ruler. He lauded with fifteen: the Kshattra (the Kshattriya) was created: Indra was the ruler. He lauded with seventeen: animals were created: Brihaspati was the ruler. He lauded with nineteen; the Sudra and the Arya (Vaisya) were created: day and night were the rulers. He lauded with twenty-one : animals with undivided hoofs were created: Varuna was the ruler. He lauded with twenty-three: small animals were created: Pushan was the ruler. He lauded with twenty-five; wild animals were created: Vayu was the ruler (compare R.V.x. 90, 8). He lauded with twenty-seven: heaven and earth separated: Vasus, Rudras, and Adityas separated after them: they were the rulers. He lauded with twenty-nine: trees were created: Soma was the ruler. He lauded with thirty-one: living beings were created: The first and second halves of the month were the rulers. He lauded with thirty-one; existing things were tranquilized; Prajapati Parameshthin was the ruler."

Here it should be noted that not only there is no unanimity between the Rig-Veda and the Yajur-Veda but there is no agreement between the two Samhitas of the Yajur-Veda on so important a subject as the origin of the Varnas.

Let us turn to the Atharva-Veda. The Atharva-Veda has also two explanations to give. It incorporates the Purusha Sukta though the order of the verses varies from the order in which they stand in the Rig-Veda. What is however important to note is that the Atharva-Veda is not content with the Purusha Sukta. It offers other explanations also. One such explanation

reads as follows mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_2:

"The Brahman was born the first, with ten heads and ten faces. He first drank the *soma*; he made poison powerless".

"The Gods were afraid of the Rajanya when he was in the womb. They bound him with bonds when h.e was in the womb. Consequently this Rajanya is born bound. If he were unborn unbound he would go on slaying his enemies. In regard to whatever Rajanya any one desires that he should born unbound, and should go on slaying his enemies, let him offer for him this Aindra-Birhaspatya oblation. A Rajanya has the character of Indra, and a Brahman is Brihaspati. It is through the Brahman that any one releases the Rajanya from his bond. The golden bond, a gift, manifestly releases from the bond that fetters him."

The other explanation speaks of people being descended from Manu and is to be found referred to in the following passagesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_3:

"Prayers and hymns were formerly congregated in the Indra, in the ceremony which Atharvan, father Manu, and Dadhyanch celebrated"."Whatever prosperity or succour father Manu obtained by sacrifices, may we gain all that under thy guidance, 0 Rudra."

"Those pure remedies of yours, 0 Maruts, those which are most auspicious, ye vigorous gods, those which are beneficient, those which our father Manu chose, those, and the blessing and succour of Rudra, I desire."

"That ancient friend hath been equipped with the powers of the mighty (gods). Father Manu has prepared hymns to him, as portals of success to the gods."'Sacrifice is Manu, our protecting father."'Do ye (gods) deliver, protect, and intercede for us; do not lead us far away from the paternal path of Manu."

"He (Agni) who abides among the offspring of Manu as the invoker (of the gods), is even the lord of these riches." -

"Agni, together with the gods, and the children of Manush, celebrating a multiform sacrifice with hymns, etc."'Ye gods, Vajas, and Ribhukshans, come to our sacrifice by the path travelled by the gods, that ye, pleasing deities, may institute a sacrifice among these people of Manush on auspicious days".

"The people of Manush praise in the sacrifices Agni- the invoker."

"Whenever Agni, lord of the people, kindled, abides gratified among the people of Manush, he repels all Rakshasas."Stopping for a moment to take stock so to say of the position it is quite clear that there is no unanimity

among the Vedas on the origin of the four Vamas. None of the other Vedas agree with the Rig-Veda that the Brahamin was created from the mouth of the Prajapati, the Kshatriyas from his arms, the Vaishyas from his thighs and the Shudras from his feet.

II

Let us now turn to the writings called the Brahmanas and see what they have to say on this question. The explanation given by the Sathpatha Brahmana is as followsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_4:

"(Uttering) '*bhuh',* Prajapati generated this earth. (Uttering) ' *bhuvah '* he generated the air, and (uttering) ' *svah",* he generated the sky. This universe is co-extensive with these worlds. (The fire) is placed with the whole. Saying ' *bhuh* ', Prajapati generated the Brahman; (saying) *"bhuvah'* he generated the Kshattra; (and saying) ' *svah ',* he generated the Vis. The fire is placed with the whole, (saying) *'bhuh,* Prajapati generated himself; (saying) ' *bhuvah"* he generated offspring; (saying) ' *svah* ', he generated animals. This world is so much as self, offspring, and animals. (The fire) is placed with the whole."

The Sathpatha Brahmana also gives another explanation. It reads as followsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_5:

"Brahma (here, according to the Commentator, existing in the form of Agni, and representing the Brahman caste) was formerly this (universe), one only. Being one, it did not develop. It energetically created an excellent form, the Kshattra, viz., those among the gods who are powers (kshattrani), Indra, Varuna, Soma Rudra, Parjanya, Yama, Mrityu, Isana. Hence nothing is superior to the Kshattra. Therefore the Brahman sits below the Kshattriya at the Rajasuya-sacrifice; he confers that glory on the Kshattra (the royal power). This, the Brahma, is the source of the Kshattra; hence, although the king attains supremacy, he at the end resorts to the Brahma as his source. Whoever destroys him (the Brahman) destroys his own source. He becomes most miserable, as one who has injured a superior. 24. He did not develop. He created the Vis those classes of gods who are designated by troops, Vasus, Rudras, Adityas, Visvadevas, Maruts, 25. He did not develop. He created the Sudra class, Pushan. This earth is Pushan; for she nourishes all that exists. 26. He did not develop. He energetically created an excellent form. Justice (Dharma). This is the ruler (kshattra) of the ruler (kshattra), namely justice. Hence nothing is superior to justice. Therefore the weaker seeks (to overcome) the stronger by

justice, as by a king. This justice is truth. In consequence they say of a man who speaks truth, ' he speaks justice; ' or of a man who .is uttering justice, 'he speaks truth.' For this is both of these. 27. This is the Brahma, Kshattra, Vis, and Sudra. Through Agni it became Brahma among the gods, the Brahman among men, through the (divine) Kshatriya a (human) Kshattriya, through the (divine) Vaisya a (human) Vaisya, through the (divine) Sudra a (human) Sudra. Wherefore it is in Agni among the gods and in a Brahman among men, that they seek after an abode."The Taittiriya Brahmana offers three explanations. First is in the following termsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_6:

"This entire (universe) has been created by Brahma. Men say that the Vaisya class was produced from Rick-verses. They say that the Yajur-Veda is the womb from which the Kshattriya was born. The Sama-Veda is the source from which the Brahmans sprang. This word the ancients declared to the ancients."The second saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_7:"The Brahman caste is sprung from the gods; the Sudra from the Asuras". The third is as followsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_8:

"Let him at his will milk out with a wooden dish. But let not a Sudra milk it out. For this Sudra has sprung from non-existence. They say that which a Sudra milks out is no oblation. Let not a Sudra milk out the Agnihotra. For they do not purify that. When that passes beyond the filter, then it is an oblation". Ag^in looking at the testimony of the Brahmanas how far do they support the Purusha Sukta? Not one of them do.

III

The next thing would be to see what the Smritis have to offer some explanation of the origin of the Varna system. It is worthwhile taking note of them. This is What Manu has to say on the subjectmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_9.

"He (the self-existent) having felt desire, and willing to create various living beings from his own body, first created the waters, and threw into them a seed. 9. That seed became a golden egg, of lustre equal to the Sun; in it he himself was born as a Brahma, the parent of all the worlds. 10. The waters are called *narah,* for they are sprung from Nara; and as they were his first sphere of motion he is therefore called Narayana. 11. Produced from the imperceptible eternal, existent and non-existent, cause, the male

(Purusha) is celebrated in the world as Brahma. 12. After dwelling for a year in the egg, the glorious being, himself, by his own contemplation, split it in twain."'That the worlds might be peopled, he caused the Brahman, the Kshattriya, the Vaisya, and the Sudra to issue from his mouth, his arms, his thighs, and his feet. 32. Having divided his own body into two parts, the lord (Brahma became), with the half of male (purusha), and with the half, a female; and in her he created Viraj. 33. Know, 0 most excellent twice-born men, that I, whom that male, (Purusha) Viraj, himself am the creator of all this world.

34. Desiring to produce living creatures, I performed very arduous devotion and first created ten Maharshis, Great rishis, lords of living beings, 35. viz., Marichi, Atri, Angiras, Pulastya, Pulaha, Kratu, Prachetas, Vasishtha, Bhrigu, and Narada. 36. They, endowed with great energy, created other seven Manus, gods, and abodes of gods, and Maharshis of boundless might; 37. Yakshas, Rakshases, Pisachas, Gandharvas, Apsaras, Asuras, Nagas, Serpents, great birds, and the different classes of pitris; 38. Lightnings, thunderbolts, clouds, portentous atmospheric sounds, comets, and various luminaries; 39. Kinnars, apes, fishes, different sorts of birds, cattle, deer, men, beasts with two rows of teeth; 40. small and large reptiles mouths; lice, flies, fleas, all gadflies, and gnats, and motionless things of different sorts. 41. Thus by my appointment, and by the force of devotion, was all this World both motionless and moving, created by those great beings, according to the (previous) actions of each creature."There is also another view expressed by Manu in his Smriti as to the basic reasons for dividing men into four classesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_10:"I shall now declare succinctly in order the states which the soul reaches by means of each of these qualities. 40. Souls endowed with the *Sattva* quality attain to godhead; those having the rajas quality become men; whilst those characterized by tamas always become beasts—such is the threefold destination..... 43. Elephants, horses, Sudras and contemptible Mlenchhas, lions, tigers, and boars form the middle dark condition..... 46. Kings, Kshattriyas, a King's priests (purohitah), and men whose chief occupation is the war of words, compose the middle condition of passion.... 48. Devotees, ascetics, Brahmans, the deities borne on aerial cars, constellations, and Daityas, constitute the lowest condition of goodness. 49. Sacrificing priests, rishis, Gods, the Vedas, the celestial luminaries, years, the fathers, the Sadhyas, form the second condition of goodness. 50. Brahma, the creators, righteousness, the Great one *(mahat)* the Unapparent One *(avyakta)* compose the highest condition of

goodness."Manu of course agrees with the Rig-Veda. But his view is of no use for comparison. It is not original. He is merely repeating the Rig-Veda.

IV

It will be interesting to compare with these views those contained in the Ramayana and the Mahabharata.

The Ramayana says that the four Varnas are the offspring of Manu, the daughter of Daksha and the wife of Kasyapamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_11.

"Listen while I declare to you from the commencement all the Prajapatis (lord of creatures) who came into existence in the earliest time. Kardama was the first, then Vokrita, Sesha, Samsraya, the energetic Bahuputra, Sthanu, Marichi, Atri, the strong Kratu, Pulastya, Angiras, Prachetas, Pulaha, Daksha, then Vivasvat, Arishtanemi, and the glorious Kasyapa, who was the last. The Prajapati Daksha is famed to have had sixty daughters. Of these Kasyapa took in marriage eight elegant maidens, Aditi, Diti, Danu, Kalaka, Tamra, Krodhavasa, Manu and Anala. Kasyapa pleased, then said to these maids, 'ye shall bring forth sons like me, preservers of the three worlds. Aditi, Diti, Danu and Kalaka assented; but the others did not agree. Thirty-three gods were born by Aditi, the Adilyas, Vasus, Rudras, and the two Asvins. Manu (wife) of Kasyapa, produced men—Brahmans, Kshattriyas, Vaisyas, and Sudras. 'Brahmans were born from the mouth, Kshattriyas from the breast, Vaisyas from the thighs, and Sudras from the feet, ' So says the Veda. Anala gave birth to all trees with pure fruits."Strange, very strange that Valmiki should have credited the creation of the four Varnas to Kassyapa instead of to Prajapati. His knowledge was evidently based only on hearsay. It is clear he did not know what the Vedas had said.

Now the Mahabharata gives four different explanations in four different places. The first runs as follows:

> "Born all with splendour, like that of great rishis, the ten sons of Prachetas, reputed to have been virtuous and holy ; and by them the glorious beings were formerly burnt up by fire springing from their mouths. From them was born Daksha Prachetas, and from Daksha, the parent, of the world (were produced), these creatures. Cohabiting with Virini, the Muni Daksha begot a thousand sons like himself, famous for their religious observances, to whom Narada taught the doctrine of final liberation, the unequalled knowledge of the Sankhya. Desirous of creating offspring, the Prajapati Daksha next formed fifty daughters of whom he gave ten to Dharma, thirteen to Kasyapa, and twenty-seven, devoted to

the regulation of time, to Indu (Soma). . . . . on Dakshayani, the most excellent of his thirteen wives, Kasyapa, the son of Marichi, begot the Adityas, headed by Indra and distinguished by their energy, and also Vivasvat. To Vivasvat was born a son, the mighty Yama Vaivasvata. ToMartanda (i.e. Vivasvat, the Sun) was born the wise and mighty Manu, and also the renowned Yama, his (Manu's) younger brother. Righteous was this wise Manu, on whom a race was founded. Hence this (family) of men became known as the race of Manu. Brahmans, Kshattriyas, and other men sprang from this Manu. From him 0 King, came the Brahman conjoined with the Kshatriya."

The theory propounded here is very much the same as that contained in the Ramayana with this difference, namely, the Mahabharata makes Manu, the progenitor of the four Varnas and secondly it does not say that the four Varnas were born from the different parts of Manu.

The second explanationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_12 given by the Mahabharata follows what is given in the Purusha Sukta of the Rig-Veda. It reads thus:

"The King should appoint to be his royal priest a man who will protect the good, and restrain the wicked. On this subject they relate this following ancient story of a conversation between Pururavas the son of lla and Matarisvan (Vayu, the windgod). Pururavas said:"You must explain to me whence the Brahman, and whence the (other) three castes were produced, and whence the superiority (of the first) arises."Matarisvan answered:"The Brahman was created from Brahma's mouth, the Kshatriya from his arms, the Vaisya from his thighs, while for the purpose of serving these three castes was produced the fourth class, the Sudra, fashioned from his feet. The Brahman, as soon as born, becomes the lord of all beings upon the earth, for the purpose of protecting the treasure of righteousness. Then (the creator) constituted the Kshattriya the controller of the earth, a second Yama to bear the rod, for the satisfaction of the people. And it was Brahma's ordinance that the Vaisya should sustain these three classes with money and grain, and that the Sudra should serve them."The son of lla then enquired:"Tell me, Vayu to whom the earth, with its wealth rightfully belongs, to the Brahman or the Kshattriya?"Vayu replied:"All this, whatever exists in the world is the Brahman's property by right of primogeniture; this is known to those who are skilled in the laws of duty. It is his own which the Brahman eats, puts on, and bestows. He is the chief of all the castes, the first-born and the most excellent. Just as a woman when she has lost her

(first) husband, takes her brother in law for a second; so the Brahman is thy first resource in calamity; afterwards another may arise". The third view is expounded in the Shantiparva of the Mahabharatamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_13:

Bhrigu replied: ' Brahma thus formerly created the Prajapatis, penetrated by his own energy, and in splendour equalling the sun and fire. The lord then formed truth, righteousness austere fervour, and the eternal Veda (or sacred science), virtuous practice, and purity for (the attainment of) heaven. He also formed the Gods, Danavas, Gandharvas, Daityas, Asuras, Maharagas, Yakshas, Rakshasas, Nagas, Pisachas, and men, Brahmans, Kshatriyas, Vaisyas, and Sudras, as well as all other classes (varna) of beings. The colour (varna) of the Brahmans was white; that of the Kshattriyas red; that of the Vaishyas yellow, and that of the Sudras black. ' Bharadvaja here rejoins: ' If the caste (varna) of the four classes is distinguished by their colour (varna), then a confusion of all the castes is observable. Desire, anger, fear, cupidity, grief, apprehension, hunger, fatigue, prevail over us all, by what then, is caste discriminated? Sweat, urine, excrement, phlegm, bile and blood (are common to all) the bodies of all decay; by what then is caste discriminated? There are innumerable kinds of things moving and stationary how is the class (varna) of these various objects to be determined?' Bhrigu replies:"There is no difference of castes":"

The fourth explanation is also contained in the same Shantiparva. It says:

"Bharadvaja again enquires: ' What is that in virtue of which a man is a Brahman, a Kshattriya, a Vaisya, or a Sudra; tell me, 0 most eloquent Brahman rishi '. Bhrigu replies: ' He who is pure, consecrated by the natal and other ceremonies, who has completely studied the Veda, lives in the practice of the six ceremonies, performs perfectly the rites of purification, who eats the remains of oblations, is attached to his religious teacher, is constant in religious observances, and devoted to truth. — is called a Brahman. He in whom are seen truth, liberality inoffensiveness, harmlessness, modesty, compassion, and austere fervour—is declared to be a Brahman. He who practises the duty arising out of the kingly office, who is addicted to the study of the Veda, and who delights in giving and receiving, is called a Kshattriya. He who readily occupies himself with cattle, who is devoted to agriculture and acquisition, who is pure, and is perfect in the study of the Veda,—is denominated a Vaisya. He who is habitually addicted to all kinds of food, performs all kinds of work, who is unclean, who has abandoned the Veda, and does not practise pure

observances,—is traditionally called a Sudra. And this (which I have stated) is the mark of a Sudra, and it is not found in a Brahman: (such) a Sudra will remain a Sudra, while the Brahman (who so acts) will be no Brahman."

Except in one place the Mahabharata gives no support to the Rig-Vedic origin of the Varna System.

V

Let us inquire what the Puranas have to say on the origin of the Varna System.

To begin with the Vishnu Purana. There are three theories propounded in the Vishnu Purana on the origin of the Chaturvarna. According to one the origin is to be ascribed to Manu. Says the Vishnu Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_14:

"Before the mundane egg existed the divine Brahma Hiranyagarbha, the eternal originator of all worlds, who was the form of essence of Brahma, who consists of the divine Vishnu, who again is identical with Rik, Yajush, Saman and Atharva Vedas. From Brahma's right thumb was born the Prajapati Daksha; Daksha had a daughter Aditi; from her was born Vivasvat; and from him sprang Manu. Manu had sons called Ikshvaku, Nriga, Dhrishta, Saryati, Narishanta, Pramsu, Nabhagandishta, Karusha and Prishadhra. From Karusha the Karushas, Kshattriyas of great power, were descended. Nabhaga, the son of Nedishta, became a Vaisya."

This explanation is incomplete. It only explains the origin of Kshatriyas and Vaishyas. It does not explain the origin of Brahmanas and Sudras. There is also another and a different version in the Vishnu Purana. It says:

"Desirous of a son, Manu sacrificed to Mitra and Varuna; but in consequence of a wrong invocation through an irregularity of the hotri (priest) a daughter called Illa was born. Then through the favour of Mitra and Varuna she bore to Manu a son called Sudyumna. But being again changed into a female through the wrath of lsvara (Mahadeva) she wandered near the hermitage of Budha the son of Soma (the Moon); who becoming enamoured of her had by her a son called Pururavas. After his birth, the God who is formed of sacrifice of the Rik, Yajush, Saman, and Atharva Vedas, of all things, of mind, of nothing, he who is in the form of the sacrificial Male, was worshipped by the rishis of infinite splendour who desired that Sudyumna should recover his manhood. Through the fervour of this God Ila became again Sudhumna.""According to the Vishnu Purana, Atri was the son Of Brahma, and the father of Soma (the Moon), whom Brahma installed as the sovereign of plants, Brahmans and

stars. After celebrating the Rajasuya sacrifice, Soma became intoxicated with pride, and carried up Tara (Star), the wife of Brihaspati, the preceptor of the gods, whom, although admonished and entreated by Brahma, the gods, and rishis, he refused to restore. Soma's part was taken by Usanas; and Rudra, who had studied under Angiras, aided Brihaspati. A fiery conflict ensued between the two sides, supported respectively by the gods and the Daityas, etc. Brahma interposed, and compelled Soma to restore Tara to her husband. She had, however, in the meantime become pregnant and bore a son Budha (the planet Mercury), of whom, when strongly urged, she acknowledged Soma to be the father. Pururavas, as has been already mentioned, was the son of this Budha by Illa, the daughter of Manu.

"Pururavas had six sons, of whom the eldest was Ayus. Ayus had five sons: Nahusha, Kshattra-vriddha, Rambha; Raji, and Anenas."

"Kshattravriddha had a son Sunahotra, who had three sons, Kasa, Lesa, and Gritsamada. From the last sprang Saunaka, *who originated the system of four castes.* Kasa had a son Kasiraia, of whom again Dirghatamas was the son as Dhanvantari was Dirghatamas."The third version ascribesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_15 the origin to Brahma. It says:

"Maitreyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_16 says: 'You have described to me the Arvaksrotas, or human creation; declare to me, O Brahman, in detail the manner in which Brahma formed it. Tell me how and with what qualities, he created the castes, and what are traditionally reputed to be the functions of the Brahmans and others '. Parasara replies: 3. When, true to his design, Brahma became desirous to create the world, creatures in whom goodness *(sattva)* prevailed sprang from his mouth: 4. Others in whom passion *(rajas)* predominated came from his breast; other in whom both passion and darkness *(tamas)* were strong, proceeded from his thigh; 5. Others he created from his feet, whose chief characteristic was darkness. Of these was composed the system of four castes, Brahmans, Kshatriyas, Vaisyas, and Sudras, who had respectively issued from his mouth, breast, thighs, and feet."Herein the Vishnu Purana has given the Rig-Vedic theory supported by the Sankhya Philosophy. In the Harivamsa are to be found two theories. Onemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_17 upholds the theory of the origin of the Varnas as being born from one of the descendents of Manu as the stock of descent than the one mentioned by the Vishnu Purana:

"The son of Gritsamada was Sunaka, from whom sprang the Saunakas, Brahmanas, Kshattriyas, Vaisyas, and Sudras."

"Vitatha was the father of five sons, Suhotra, Suhotri, Gaya, Garga, and the great Kapila. Suhotra had two sons, the exalted Kasaka, and King Gritsamati. The sons of the latter were Brahmans, Kshattriyas and Vaisyas."

The other version speaks of their being formed by Vishnu who sprang from Brahma and had become Prajapati Daksha and is as follows'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_18:

"Janmejayamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_19 says: 'I have heard, O Brahman the (description of the) Brahma Yuga, the first of the ages. I desire also to be accurately informed both summarily, and in detail, about the age of the Kshattriyas, with its numerous observances, illustrated as it was by sacrifice, and described, as it has been by men skilled in the art of narration.' Vaisamapayana replied. 1 shall describe to you that age revered for its sacrifices and distinguished for its various works of liberality, as well as for its people. Emancipation, practising unobstructed ceremonies, both in action and in abstinence from action constantly intent upon Brahma, united to Brahman as the highest object,—Brahmans glorious and sanctified in their conduct, leading a life of continence, disciplined by the knowledge of Brahman,—Brahmans complete in their observances, perfect in knowledge, and contemplative,—when at the end of a thousand yugas, their majesty was full, these Munis became involved in the dissolution of the world. Then Vishnu, sprung from Brahma, removed beyond the sphere of sense, absorbed in contemplation, became the Prajapati Daksha, and formed numerous creatures. The Brahmans, beautiful (or, dear to Soma), were formed from an imperishable *(akshara),* the Kshattriyas from a perishable *(kshara),* element, the Vaisyas from alteration, the Sudras from a modification of smoke. While Vishnu was thinking upon the castes *(vaman)* Brahmans were formed with white, red, yellow, and blue colour (varnaih). Hence in the world men have become divided into castes, being of four descriptions, Brahmans, Kshattriyas, Vaisyas, and Sudras, one in form, distinct in their duties, two-footed, very wonderful, full of energy(?), skilled in expedients in all their occupations. Rites are declared to be prescribed by the Vedas for the three (highest) castes. By that contemplation practised by the being sprung from Brahma—by that practised in his character as Vishnu—the Lord Prachetasa (Daksha), i.e. Vishnu the great contemplator (Yogin), passed

through his wisdom and energy from that state of meditation into the sphere of works. Next the Sudras, produced from extinction, are destitute of rites. Hence they are not entitled to be admitted to the purificatory ceremonies, nor does sacred science belong to them. Just as the cloud of smoke which rises from the fire on the friction of the fuel, and is dissipated, is of no service in the sacrificial rite, so too the Sudras wandering over the earth, are altogether (useless for purposes of sacrifice) owing to their birth, their mode of life devoid of purity and their want of the observances prescribed in the Veda."

The Bhagwatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_20 Purana has also an explanation as to the origin of the Varnas, It says:

"At the end of many thousand years the living soul which resides in time, action, and natural quality gave life to that lifeless egg floating on the water. Purusha then having burst the egg, issued from it was a thousand thighs, feet, arms, eyes, faces and heads. With his members the sages fashion the worlds, the seven lower worlds with his loins etc., and the seven upper worlds with his groin, etc. The Brahman was the mouth of Purusha, the Kshattriya his arms, the Vaishya was born from the thighs, the Sudra from the feet of the divine being. The earth was formed from his feet, the air from his navel; the heaven by the heart, and the mahaloka by the breast of the mighty one."

Lastly the Vayu Purana. What does it say? It takes up the theory of Manu as the originator of the Varna System.

"The son of Gritsamada was Sunaka, from whom sprang Saunaka. In his family were born Brahmanas, Kshattriyas, Vaisya, and Sudras, twice-born men with various functions."

VI

What a chaos? Why could the Brahmins not give a uniform, and consistent explanation of the origin of the four Varnas?

On the issue of who created them, there is no uniformity. The Rig-Veda says the four Varnas were created by Prajapati. It does not mention which Prajapati. One would like to know which Prajapati it was who created the four Varnas. For there are so many Prajapatis. But even on the point of creation by Prajapati there is no agreement. One says they were created by Brahman. Another says they were created by Kassyapa. The third says they were created by Manu.

On the issue how many Varnas, the creator—whoever he was— created, again there is no uniformity. The Rig-Veda says four Varnas were created. But other authorities say only two Varnas were created, some say

Brahmans and Kshatriyas and some say Brahmana and Shudras.

On the issue the relations intended by the creator for binding together the four Varnas the Rig-Veda lays down the rule of graded inequality based on the importance of the part of the creation from which the particular Varna was born. But the white Yajur-Veda denies this theory of the Rig-Veda. So also the Upanishad, Ramayana, Mahabharata, and Puranas. Indeed the Hari Vansha goes to the length of saying that the Shudras are twice born.

This chaos seems to be the result of concoction of the theory of Chaturvarna which the Brahmins quietly singled into the Rig-Veda contrary to established traditions?

What was the purpose, what was the motive of the Brahmins who concocted this theory?

RIDDLE NO. 17
THE FOUR ASHRAMAS—THE WHY AND HOW ABOUT THEM

The division of society into four orders called Vamas is not the only peculiar feature of Hindu Society. What is called Ashram Dharma is another. There is however one point of difference between the two. The Varna Dharma is a theory of the organization of society. The Ashram Dharma on the other hand is a theory of regulating the life of an individual.

The Ashram Dharma divides the life of an individual into four stages (1) Brahmacharya, (2) Grahasthashram, (3) Vanaprastha and (4) Sannyas. The state of Brahmacharya has both de jure and de facto connotation in that it means an unmarried state of life. Its de jure connotation means the stage of study under a teacher. Grahasthashram is the stage of a householder, a stage of a married family life. The stage of Sannyas is a stage of renunciation of civic rights and responsibilities. It is a stage of civic death. The stage of Vanaprastha is in between Grahasthashram and Sannyas. It is a stage in which one belongs to society but is bound to live away from society. As the name implies it prescribes dwelling in forest.

The Hindus believe that this institution of Ashram Dharma is as vital as that of the Varna Dharma for the well-being society. They call the two by a joint name of Varnashram Dharma as though they were one and integral. The two together form the steel-frame of the Hindu Society.

To begin with it would be better to have a full understanding of the Ashram Dharma before inquiring into its origin and its purpose and its peculiarities. The best source for an exposition of the Ashram system is the Manu Smriti from which the following relevant extracts are reproduced:

This is an 18-page Manuscript. This is the typed first copy with a title written in the author's handwriting.—Ed.

"In the eighth year after conception, one should perform the initiation (upanayana) of a Brahmana, in the eleventh after conception (that) of a Kshatriya, but in the twelfth that of a Vaisyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_21."

"A twice-born man who, not having studied the Veda, applies himself to other (and worldly study), soon falls, even while living, to the condition of a Sudra and his descendants (after him)."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_22

"The vow of the three Vedas under a teacher must be kept for thirty-six years or for half that time, or for a quarter, or until the (student) has perfectly learnt them."

"Who has studied in due order the three Vedas, or two, or even one only, without breaking the (rule of) studentship, shall enter the order of householder."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_23

"The student, the householder, the hermit, and the ascetic, these (constitute) four separate orders, which all spring from (the order of) householders."

"But all (or) even (any of) these orders, assumed successively in accordance with the Institutes (of the sacred law), lead the Brahmana who acts by the preceding (rules) to the highest state."

"And in accordance with the precepts of the Veda and of the Smriti, the housekeeper is declared to be superior to all of them; for he supports the other threemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_24."

"A Twice-born Snataka, who has thus lived according to the law in the order of householders, may, taking a firm resolution and keeping his organs in subjection, dwell in the forest, duly (observing the rules given below):

"When a householder sees his (skin) wrinkled and (his hair) white, and the sons of his sons, then he may resort to the forestmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_25."

"But having thus passed the third part of (a man's natural term of) life in the forest, he may live as an ascetic during the fourth part of his existence, after abandoning all attachment to worldly objects."

"He who after passing from order to order, after offering sacrifices and subduing his senses, becomes tired with (giving alms and offerings of food), as ascetic, gains bliss after death.”“When he has paid the three debts, let him apply his mind to (the attainment of) final liberation; he who seeks it without having paid (his debts) sinks downwards."

“Having studied the Vedas in accordance with the rule, having begot sons according to the sacred law, and having offered sacrifices according to his ability, he may direct his mind to (the attainment of) final liberation.”"A twice-born man who seeks final liberation, without having studied the Vedas, without having begotten sons, and without having offered sacrifices, sinks downwards'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_26.”From these rules it is clear that according to Manu there are three features of the Ashram Dharma. First is that it is not open to Shudras and women. The second is Brahmacharya which is compulsory, so is Grahasthashram. Vanaprastha and Sannyas are not compulsory. The third is that one must pass from one stage to another in the order in which they stand namely first Brahmacharya, then Grahasthashram, then Vanaprastha and lastly Sannyas. No one can omit one and enter the next stage.

A cursory reflection on this system of stages which may well be called a system of planned economy of the life of the individual raises many questions. First is what forced Manu to have such a system of planned economy. Referring to the Vedas, the theory of stages in life is quite unknown. The Vedas speak of Brahmachari. But there is nothing to show that Brahmacharya was regarded as the first and inescapable stage in life. Why did the Brahmins make Brahmacharya as the compulsory stage in the life of an individual? This is the first riddle about the Ashram Dharma.

The second question is why Manu made it obligatory to observe the order of sequence in the following of the different stages of life by the individual. Now there is no doubt that there was a time when it was open to a Brahmachari to enter any of the three Ashrams! He may become a Grahasthashrami or he may at once become a Sannyasi without becoming a Grahasthashrami. Compare what the authors of the Dharma Sutras have to say on the point. Vasistha Dharma Sutramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_27 says:”There are four orders viz. (that of) the student, (that of) the householder, (that of) the hermit, and (that of) the ascetic”.

"A man who has studied one, two or three Vedas without violating the rules of studentship, may enter any of these (orders) whichsoever he

pleases."Gautama Dharma Sutramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_28 says:"Some (declare, that) he (who has studied the Veda) may make his choice (which) among the orders (he is going to enter.)"

The four orders are, (that of) the student (that of) the householder, (that) of the ascetic (bhikshu) (and that of) the hermit in the woods (Vaikhanasa).

It is obvious from the views expressed by the Dharma Shastras that there was a time when the married state was an optional state. After Brahmacharya one would straight enter the stage of Vanaprastha or Sannyasa. Why did Manu remove the option and make the married state an obligatory state, why did he make the married state a condition precedent to the stage of hermit and the stage of hermit a condition precedent to the stage of a Sannyas?

After Grahasthashtram there remain two stages to complete the round of life—Vanaprastha and Sannyas. The question is why Manu felt the necessity of life of the individual after Grahasthsram into two stages. Why was one stage of Sannyas not enough? The rules of regulating the life of the Vanaprastha and the Sannyasi as laid down in Manu are so alike that they give some point to the question.

In the following table a comparative study is made of the Codes for the Vanaprastha and the Sannyasa as prescribed by Manu:

The Code for Vanaprastha	The Code for Sannyasi
"Abandoning all food raised by cultivation and all his belongings, he may depart into the forest, either committing his wife to his sons, or accompanied by her."Ch. Vl-3.	"Having performed the Ishti, sacred to the Lord of creatures(Prajapati) where (he gives) all his property as the sacrificial fee, having reposited the sacred fires in himself, a Brahmana may depart from his house, (as an ascetic)."Ch. Vl-38.
"Taking with him the sacred fire and the implements required for domestic (sacrifices) he may go forth from the village into the forest and reside there, duly controlling his senses."Ch. Vl-4	"Worlds, radiant in brilliancy, become (the portion) of him who recites (the texts) regarding Brahman and departs from his house (as an ascetic), after giving a promise of safety to all created beings."Ch. Vl-39.
"Let him offer those five great sacrifices according to the rule,	"For that twice-born man, by whom not the smallest danger

with various kinds of pure food fit for ascetics, or with herbs, roots and fruit."VI-5.	there will be no danger from any(quarter) after he is freed from his body."Ch. VI-40.
"Let him wear a skin or a tattered garment; let him bathe in the evening or in the morning and let him always wear (his hair in) braids the hair on his body, his beard, and his nails (being unclipped)."VI-6.	"Departing from his house fully provided with the means of purification (Pavitra), let him wander about absolutely silent, and caring nothing for enjoyments that may be offered (to him)."Ch. VI-41.
"Let him perform the Bali-offering with such food as he eats and give alms according to his ability; let him honour those who come to his hermitage with alms consisting of water roots and fruit."VI-7.	"Let him always wander alone, without any companion, in order to attain (final liberation) fully understanding that the solitary (man, who) neither forsakes nor is forsaken, gains his end."Ch. VI-42.
'"Let him be always industrious in privately reciting the Veda; let him be patient of hardships, friendly (towards all), of collected mind, ever liberal and never a receiver of gifts, and compassionate towards all living creatures."VI-8."Let him offer, according to the law, the Agni-hotra with three sacred fires, never omitting the new-moon and full-moon sacrifices at the proper time."VI-9.	"He shall neither possess a fire, nor a dwelling, he may go to a village for his food, (he shall be) indifferent to everything, firm of purpose, meditating (and) concentrating his mind on Brahman."Ch. VI-43.
"Let him also offer the Nakshatreshti, the Agrayana, and the Katurmasya (sacrifices), as well as the Turayana and likewise the Dakshayana, in due order."VI-10.	"A potsherd (instead of an alms-bowl) the roots of trees (for a dwelling), coarse worn-out garments, life in solitude and indifference towards everything, are the marks of one who has attained liberation. Ch. VI-44."Let him not desire to die, let him not desire to live, let him wait for (his appointed) time, as a

	servant (waits) for the payment of his wages."Ch. VI-45.
"With pure grains, fit for ascetics, which grow in spring and in autumn, and which he himself has collected, let him severally prepare the sacrificial cakes (purodasa) and the boilded messes (karu), as the law directs."VI-1 11.	"Delighting in what refers to the Soul, sitting (in the postures prescribed by the Yoga), independent (of external help) entirely abstaining from sensual enjoyments, with himself for his only companion, he shall live in this world, desiring the bliss (of final liberation."Ch. VI-49.
"Having offered those most pure sacrificial viands, consisting of the produce of the forest, he may use the remainder for himself (mixed with) salt prepared by himself."VI-12.	"Neither by (explaining) prodigies and omens, nor by skill in astrology and palmistry nor by giving advice and by the exposition (of the Sastras) let him, ever seek to obtain alms."Ch. VI-50.
"Let him eat vegetables that grow on dry land or in water, flowers, roots and fruits, the productions of pure trees, and oils extracted from forest-fruits."VI-13.	"Let him not (in order to beg) go near a house filled with hermits, Brahmanas, birds, dogs or other mendicants."Ch. VI-51.
"Let him avoid honey, flesh and mushrooms growing on the ground(or elsewhere, the vegetables called) Bhustrina, and Sigruka, and the Sleshmantaka fruit."VI-14.	"His hair, nails and beards being clipped carrying an alms-bowl, a staff, and a water-pot, let him continually wander 'about controlling himself and not hurting any creature."Ch.VI-52.
"Let him throw away in the month of Asvina the food of ascetics. which he formerly collected, likewise his worn-out clothes and his vegetables, roots, and fruit."VI-15.	"His vessels shall not: be made of metal, they shall be free from fractures it is ordained that they shall be cleansed with water, like(the cups, called) Kamasa, at a sacrifice."Ch. VI-53.
"Let him not eat anything (grown on) ploughed (land), though it may have been thrown away by	"A gourd, a wooden bowl, an earthen (dish), or one made of split cane, Manu the son of

somebody, nor roots and fruit grown in a village, though (he may be) tormented (by hunger).”VI-16.	Svayambhu, has declared (to be) vessels (suitable) for an ascetic.” Ch.VI-54.
“He may eat either what has been cooked with fire, or what has been ripened by time: he either may use a stone for grinding or his teeth his mortar.”VI-17.	“Let him go to beg once (a day), let him not be eager to obtain a large quantity (of alms); for an be ascetic who eagerly seeks, alms, attaches himself also to sensual enjoyments.”Ch. VI-55.
“He may either at once (after his daily meal) cleanse (his vessel for collecting food), or lay up a store sufficient for a month, or gather what suffices for six months or for a year.”VI-18.	“When no smoke ascends from (the kitchen), when the pestle lies motionless, when the embers have been extinguished, when the people have finished their meal, when the remnants in the dishes have been removed, let the ascetic always go to beg.”Ch. VI-56.
“Having collected food according to his ability he may either eat at night (only) or in the daytime (only), or at every fourth mealtime, or at every eighth.”VI-19.	“Let him not be sorry when he obtains nothing, nor rejoice when he obtains (something), let him (accept) so much only as will sustain life, let him not care about the (quality of his) utensils.”Ch. VI-57.
“Or, he may live according to the rule of the lunar penance (Kandrayana), daily diminishing the quality of his food in the bright (half of the month) and (increasing it in the dark (half); or he may eat on the last days of each fortnight once (a day only), boiled barley-gruel.”VI-20.	"Let him disdain all (food) obtained in consequence of humble salutations, (for) even an ascetic who has attained final liberation, is bound (with the fetters of the Samsara) by accepting (food given) in consequence of humble salutations.”Ch. VI-58.
“Or, he may constantly subsist on flowers, roots, and fruit alone, which have been ripened by time and have fallen spontaneously following the rule of the	“By eating little, and by standing and sitting in solitude, let him restrain his senses, if they are attracted by sensual objects.”Ch. VI-59.

(Institutes) of Vikhanas"VI-21.	
** Let him either roll about on the ground, or stand during the day on tiptoe, (or) let him alternately stand and sit down; going at the Savanas (at sunrise, at midday, and at sunset) to water in the forest (in order to bathe)."VI-22.	"By the restraint of his senses, by the destruction of love and hatred, and by the abstention from injuring the creatures, he becomes fit for immortality."Ch. VI-60.
"In summer let him expose himself to the heat of five fires, during the rainy season live under the open sky, and in winter be dressed in wet clothes, (thus) gradually increasing (the rigour of) his austerities."VI-23.	"When by the disposition (of his heart) he becomes indifferent to all objects, he obtains eternal happiness both in this world and after death."Ch. VI-80.
"When he bathes at the three Savanas (Sunrise, midday and Sunset), let him offer libations of water to the manes and the gods, and practising harsher and harsher austerities, let him dry up his bodily frame."VI-24.	"He who has in this manner gradually given up all attachments and is freed from all the pairs (of opposites), reposes in Brahman alone."Ch. VI-81.
"Having reposited the three sacred fires in himself, according to the prescribed rule, let him live without a fire, without a house wholly silent, subsisting on roots and fruit."VI-25.	"All that has been declared (above) depends on meditation; for he who is not proficient in the knowledge of that which refers to the Soul reaps not the full reward of the performance of rites."Ch. VI-82.
"Making no effort (to procure) things that give pleasure, chaste, sleeping on the bare ground, not caring for any shelter, dwelling at the roots of trees. VI-26.	"Let him constantly recite (those texts) of the Veda which refer to the sacrifice, (those) referring to the deities, and (those) which treat of the Soul and are contained in the concluding portions of the Veda (Vedanta)."Ch. VI-83.
"From Brahmanas (who live as) ascetics let him receive alms,	"That is the refuge of the ignorant, and even that (the

(barely sufficient) to support life, or from other householders of the twice-born (castes) who reside in the forest."VI-27.	refuge) of those who know (the meaning of the Veda); that is (the protection) of those who seek (bliss in) heaven and of those who seek endless (beatitude)."Ch. VI-84.
"Or (the hermit who dwells in the forest) may bring food from a village, receiving it either in a hollow dish (of leaves), in (his naked) hand, or in a broken earthen dish, and may eat eight mouthfuls."VI - 28	"A twice-born man who becomes an ascetic, after the successive performance of the above-mentioned acts, shakes off sin here below and reaches the highest Brahman."Ch. VI-85
"These and other observances must a Brahmana who dwells in the forest diligently practise, and in order to attain complete (union with) the (supreme) Soul, (he must study) the various sacred texts contained in the Upanishads."VI-29.	

Comparing the Vanaprastha with Sannyas and Grahastashram with Vanaprastha one sees some very striking resemblances between them. Comparing Vanaprastha with Sannyas there are only a few differences in the modes of life prescribed for them. Firstly a Vanaprastha does not abandon his wife or his rights over his property. But a Sannyasi must abandon both. Secondly, a Vanaprastha can have a fixed dwelling although it must be in a forest. But a Sannyasi cannot have a fixed dwelling not even in a forest. He must keep on wandering from place to place. Thirdly, a Sannyasi is debarred from expounding the Shastras while the Vanaprastha is not expressly placed under such a disability. As for the rest their mode of life is identical.

The resemblance between Grahasthashram and Vanaprastha is also very close. The Vanaprasthi is a Grahastashrami for all essential purposes. Like the Grahastashrami be continues to be a married man. Like the Grahastashrami he continues to be the owner of his property. Like the Grahastashrami he does not renounce the world and like the Grahastashrami he follows the Vedic religion. The only points of

difference between the Vanaprasthi and the Grahastashrami are three. (1) the Grahastashrami is not bound to observe abstinence in his food and clothing to which a Vanaprasti is subject. (2) The Grahastashrami dwells in the midst of society while the Vanaprasthi is required to live in a forest. (3) The Vanaprasti is free to study the Vedanta while the Grahastashrami is confined to the study of the Vedas. As for the rest their modes of life are identical.

Having regard to these close resemblances between Grahasthashram and Vanaprastha and between Vanaprastha and Sannyas it is difficult to understand why Manu recognized this third ashram of Vanaprastha in between Grahasthashram and Sannyas as an ashram distinct and separate from both. As a matter of fact, there could be only three ashrams: (1) Bramhacharya, (2) Grahastashram and (3) Sannyas. This seems to be also the view of Shankaracharya who in his Brahma Sutra in defending the validity of Sannyas against the Purva Mimansa School speaks only of three ashramas.

Where did Manu get this idea of Vanaprastha Ashrarn? What is his source? As has been pointed out above, Grahasthashram was not the next compulsory stage of life after Brahmacharya. A Brahmachari may at once become Sannyasi without entering the stage of Grahasthashram. But there was also another line of life which a Brahmachari who did not wish to marry immediately could adopt namely to become Aranas or Aranamanasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_29. They were Brahmacharies who wish to continue the life of Study without marrying. These Aranas lived in hermitages in forests outside the villages or centres of population. The forests where these Arana ascetics lived were called Aranyas and the philosophical works of these aranas were called Aranyakas. It is obvious that Manu's Vanaprastha is the original Arana with two differences (1) he has compelled Arana to enter the marital state and (2) the arana stage instead of being the second stage is prescribed as the third stage. The whole scheme of Manu rest in the principle that marriage is compulsory. A Brahmachari if he wishes to become a Sannyasi he must become a Vanaprastha and if he wishes to become a Vanaprastha he must become a Grasthashrami i.e., he must marry. Manu made escape from marriage impossible. Why?

RIDDLE NO.18

MANU'S MADNESS OR THE BRAHMANIC EXPLANATION OF THE ORIGIN OF THE MIXED CASTES

A reader of the Manu Smriti will find that Manu for the purposes of his discussion groups the various castes under certain specific heads namely (1) Aryan Castes, (2) Non-Aryan Castes, (3) Vratya Castes, (4) Fallen Castes and (5) Sankara Castes.

By Aryan Castes he means the four varnas namely Brahmana, Kshatriya, Vaishya and Shudra. In other words, Manu regards the system of Chatur-varna to be the essence of Aryanism. By Non-Aryan Castes he means those communities who do not accept the creed of Chaturvarna and he cites the community called Dasyu as an illustration of those whom he regards as a Non-Aryan communitymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_30. By Vratyas he means those castes who were once believers in the Chaturvarna but who had rebelled against it. The list of Vratyas given by Manu includes the following castes:

Vratya Brahmanas	Vratya Kshatriyas	Vratya Vaishyas
1. Bhrigga Kantaka	1. Jhalla	1. Sudhanvana
2. Avantya	2. Malla	2. Acharya
3. Vatadhana	3. Lacchavi	3. Karusha
4. Phushpada	4. Nata	4. Vijanman
5. Saikha	5. Karana	5. Maitra
	6. Khasa	6. Satvata
	7. Dravida.	

This is about 20-page MS on the origin of the mixed castes '. Through the original typed MS several handwritten pages are inserted by the author and the text has been modified with several amendments pasted on the pages.—Ed.

In the list of Fallen Castes Manu includes those Kshatriyas who have become Shudras by reason of the disuse of Aryan rites and ceremonies and loss of services of the Brahmin priests. They are enumerated by Manu as under:

1. Paundrakas
7. Paradas

2. Cholas
3. Dravidas
4. Kambhojas
5. Yavanas
6. Sakas
8. Pahlvas
9. Chinas
10. Kiratas
11. Daradas

By Sankara Castes Manu means Castes the members of which are born of parents who do not belong to the same caste.

These mixed castes he divides into various categories (1) Progeny of different Aryan Castes which he subdivides into two classes (a) Anuloma and (b) Pratiloma, (2) Progeny of Anuloma and Pratiloma Castes and (3) Progeny of Non-Aryan and the Aryan Anuloma and Pratiloma Castes. Those included by Manu under the head of mixed castes are shown below under different categories:

1. 1. PROGENY OF MIXED ARYAN CASTES

Father	Mother	Progeny known as	Anuloma or Pratiloma
Brahman	Kshatriya	?	
Brahman	Vaishya	Ambashta	Anuloma
Brahman	Shudra	Nishad (Parasava)	Anuloma
Kshatriya	Brahman	Suta	Pratiloma
Kshatriya	Vaishya	?	
Kshatriya	Shudra	Ugra	Anuloma
Vaishya	Brahman	Vaidehaka	Pratiloma
Vaishya	Kshatriya	Magadha	Pratiloma
Vaishya	Shudra	Karana	Anuloma
Shudra	Brahman	Chandala	Pratiloma
Shudra	Kshatriya	Ksattri	Pratiloma
Shudra	Vaishya	Ayogava	Pratiloma

2. PROGENY OF ARYAN CASTES WITH ANULOMA-PRATILOMA CASTES

Father	Mother	Progeny Known As
1. Brahman	Ugra	Avrita
2. Brahman	Ambashta	Dhigvana
3. Brahman	Nishada	Kukutaka
4. Shudra	Abhira	Abhira

2. 2. PROGENY OF MIXED MARRIAGES BETWEEN ANULOMA AND PRATILOMA CASTES

Father	Mother	Progeny known as
1. Vaideha	Ayogava	Maitreyaka
2. Nishada	Ayogava	Margava (Das)
		Kaivarta
3. Nishada	Vaideha	Karavara
4. Vaidehaka	Ambashta	Vena
5. Vaidehaka	Karavara	Andhra
6. Vaidehaka	Nishada	Meda
7. Chandala	Vaideha	Pandusopaka
8. Nishada	Vaideha	Ahindaka
9. Chandala	Pukkassa	Sopaka
10. Chandala	Nishada	Antyavasin
11. Kshattari	Ugra	Swapaka

To Manu's list of Sankar (mixed) Castes additions have been made by his successors. Among these are the authors of Aushanas Smriti, Baudhayana Smriti, Vashistha Smriti, Yajnavalkya Smriti and the Suta Sanhita.

Of these additions four have been made by the Aushanas Smriti. They are noted below:

Name of the mixed caste	Father's caste	Mother's caste
1. Pulaksa	Shudra	Kshatriya
2. Yekaj	Pulaksa	Vaishya

3. Charmakarka	Ayogava	Brahmin
4. Venuka	Suta	Brahmin

The following four are added by the Baudhayana Smriti

Name of the mixed caste	Father's caste	Mother's caste
1. Kshatriya	Kshatriya	Vaishya
2. Brahmana	Brahmana	Kshatriya
3. Vaina	Vaidehaka	Ambashta
4. Shvapaka	Ugra	Kshatriya

Vashishta Smriti adds one to the list of Manu, namely:

Name of the Mixed caste	Father's caste	Mother's caste
Vaina	Kshatriya	Shudra

The Yajnavalkya Smriti adds two new castes to Manu's list of mixed castes.

Name of mixed caste	Father's caste	Mother's caste
1. Murdhavasika	Brahmin	Kshatriya
2. Mahisya	Kshatriya	Vaishya

The Additions made by the author of the Suta Sanhita are on a vast scale. They number sixty-three castes.

Name of the mixed caste	Father's caste	Mother's caste
1. Ambashteya	Kshatriya	Vaishya
2. Urdhvanapita	Brahman	Vaishya
3. Katkar	Vaishya	Shudra
4. Kumbhkar	Brahman	Vaishya
5. Kunda	Brahman	Married Brahmin
6. Golaka	Brahman	Brahmin Widow
7. Chakri	Shudra	Vaishya
8. Daushantya	Kshatriya	Shudra
9. Daushantee	Kshatriya	Shudra
10. Pattanshali	Shudra	Vaishya

11. Pulinda	Vaishya	Kshatriya
12. Bahyadas	Shudra	Brahmin
13. Bhoja	Vaishya	Kshatriya
14. Mahikar	Vaishya	Vaishya
15. Manavika	Shudra	Shudra
16. Mleccha	Vaishya	Kshatriya
17 Shalika	Vaishya	Kshatriya
18. Shundika	Brahmin	Shudra
19. Shulikha	Kshatriya	Shudra
20. Saparna	Brahman	Kshatriya
21. Agneyanartaka	Ambashta	Ambashta
22. Apitar	Brahman	Daushanti
23. Ashramaka	Dantakevala	Shudra
24. Udabandha	Sanaka	Kshatriya
25. Karana	Nata	Kshatriya
26. Karma	Karana	Kshatriya
27. Karmakar	Renuka	Kshatriya
28. Karmar	Mahishya	Karana
29. Kukkunda	Magadha	Shudra
30. Guhaka	Swapach	Brahman
31. Charmopajivan	Vaidehika	Brahman
32. Chamakar	Ayogava	Brahmani
33. Charmajivi	Nishad	Karushi
34. Taksha	Mahishya	Karana
35. Takshavriti	Ugra	Brahman
36. Dantakavelaka	Chandala	Vaishya
37. Dasyu	Nishad	Ayogava
38. Drumila	Nishad	Kshatriya
39. Nata	Picchalla	Kshatriya
40. Napita	Nishada	Brahmin
41. Niladivarnavikreta	Ayogava	Chirkari
42. Piccahalla	Malla	Kshatriya
43. Pingala	Brahmin	Ayogava
44. Bhaglabdha	Daushanta	Brahmani
45. Bharusha	Sudhanva	Vaishya
46. Bhairava	Nishada	Shudra
47. Matanga	Vijanma	Vaishya
48. Madhuka	Vaidehika	Ayogava
49. Matakar	Dasyu	Vaishya

50. Maitra	Vijanma	Vaishya
51. Rajaka	Vaideha	Brahman
52. Rathakar	Mahishya	Karana
53. Renuka	Napita	Brahman
54. Lohakar	Mahishya	Brahmani
55. Vardhaki	Mahishya	Brahmani
56. Varya	Sudhanva	Vaishya
57. Vijanma	Bharusha	Vaishya
58. Shilp	Mahishya	Karana
59. Shvapach	Chandala	Brahmani
60. Sanaka	Magadha	Kshatriya
61. Samudra	Takashavrati	Vaishya
62. Satvata	Vijanma	Vaishya
63. Sunishada	Nishad	Vaishya

Of the five categories of castes it is easy to understand the explanation given by Manu as regards the first four. But the same cannot be said in respect of his treatment of the fifth category namely the Sankar (mixed) caste. There are various questions that begin to trouble the mind. In the first place Manu's list of mixed castes is a perfunctory list. It is not an exhaustive list, stating all the possibilities of Sankar.

In discussing the mixed castes born out of the mixture of the Aryan castes with the Anuloma-Pratiloma castes, Manu should have specified the names of castes which are the progeny of each of the four Aryan castes with each of the 12 Anuloma-Pratiloma castes. If he had done so we should have had a list of forty-eight resulting castes. As a matter of fact he states only the names of four castes of mixed marriages of this category.

In discussing the progeny of mixed marriages between Anuloma-Pratiloma castes given the fact that we have 12 of them, Manu should have given the names of 144 resulting castes. As a matter of fact, Manu only gives a list of I I castes. In the formation of these I I castes, Manu gives five possible combinations of 5 castes only. Of these one (Vaideha) is outside the Anuloma-Pratiloma list. The case of the 8 are not considered at all.

His account of the Sankar castes born out of the Non-Aryan and the Aryan castes is equally discrepant. We ought to have had first a list of castes resulting from a combination between the Non-Aryans with each of the four Aryan castes. We have none of them. Assuming that there was only one Non-Aryan caste—Dasyu—we ought to have had a list of 12 castes resulting from a conjugation of Dasyus with each of the Anuloma-

Pratiloma castes. As a matter of fact we have in Manu only one conjugation.

In the discussion of this subject of mixed castes Manu does not consider the conjugation between the Vratyas and the Aryan castes, the Vratyas and the Anuloma-Pratiloma castes, the Vratyas and the Non-Aryan castes.

Among these omissions by Manu there are some that are glaring as well as significant. Take the case of Sankar between Brahmins and Kshatriyas. He does not mention the caste born out of the Sankar between these two. Nor does he mention whether the Sankar caste begotten of these two was a Pratiloma or Anuloma. Why did Manu fail to deal with this question. Is it to be supposed that such a Sankar did not occur in his time? Or was he afraid to mention it? If so, of whom was he afraid?

Some of the names of the mixed castes mentioned by Manu and the other Smritikaras appear to be quite fictitious.

For some of the communities mentioned as being of bastard origin have never been heard of before Manu. Nor does any one know what has happened to them since. They are today non-existent without leaving any trace behind. Caste is an insoluble substance and once a caste is formed it maintains its separate existence, unless for any special reason it dies out. This can happen but to a few.

Who are the Ayogava, Dhigvana, Ugra, Pukkasa, Svapaka, Svapacha, Pandusopaka, Ahindaka, Bandika, Malta, Mahikar, Shalika, Shundika, Shulika, Yekaj, Kukunda to mention only a few. Where are they? What has happened to them?

Let us now proceed to compare Manu with the rest of Smritikars. Are they unanimous on the origin of the various mixed castes referred to by them? Far from it compare the following cases.

Smriti	Father's caste	Mother's caste
	1 AYOGAVA	
1. Manu	Shudra	Vaishya
2. Aushanas	Vaishya	Kshatriya
3. Yajnavalkya	Shudra	Vaishya
4. Baudhayana	Vaishya	Kshatriya
5. Agni Purana	Shudra	Kshatriya
	11 UGRA	
1. Manu	Kshatriya	Shudra
2. Aushanas	Brahman	Shudra
3. Yajnavalkya	Kshatriya	Vaishya
4. Vashishtha	Kshatriya	Vaishya

5. Suta	Vaishya	Shudra
	III NISHADA	
1. Manu	Brahmana	Shudra
2. Aushanas	Brahmana	Shudra
3. Baudhayana	Brahmana	Shudra
4. Yajnavalkya	Brahmana	Shudra
5. Suta Sanhita	Brahmana	Vaishya
6. Suta Sanhita	Brahmana	Shudra
7. Vashishta	Vaishya	Shudra
	IV PUKKASA	
1. Manu	Nishada	Shudra
2.Brihad-Vishnu	Shudra	Kshatriya
3.Brihad-Vishnu	Vaishya	Kshatriya
	V MAGADHA	
1. Manu	Vaishya	Kshatriya
2. Suta	Vaishya	Kshatriya
3. Baudhayana	Shudra	Vaishya
4. Yajnavalkya	Vaishya	Kshatriya
5.Brihad Vishnu	Vaishya	Kshatriya
6.Brihad Vishnu	Shudra	Kshatriya
7.Brihad Vishnu	Vaishya	Brahman
	VI RATHAKAR	
1. Aushanas	Kshatriya	Brahmana
2. Baudhayana	Vaishya	Shudra
3. Suta	Kshatriya	Brahmana
	VII VAIDEHAKA	
1. Manu	Shudra	Vaishya
2. Manu	Vaishya	Brahmana
3. Yajnavalkya	Vaishya	Brahmana

If these different Smritikaras are dealing with facts about the origin and genesis of the mixed castes mentioned above how can such a wide difference of opinion exist among them? The conjugation of two castes can-logically produce a third mixed caste. But how the conjugation of the same two castes produce a number of different castes? But this is exactly what Manu and his followers seem to be asserting. Consider the following cases:

I. Conjugation of Kshatriya father and Vaishya mother.

1. Baudhyayana says that the caste of the progeny is Kshatriya.

2. Yajnavalkya says it is Mahishya.
3. Suta says it is Ambashta.
II. Conjugation of Shudra father and Kshatriya mother—
1. Manu says the Progeny is Ksattri.
2. Aushanas says it is Pullaksa.
3. Vashishta says it is Vaina.
III. Conjugation of Brahmana father and Vaishya mother.
1. Manu says that the progeny is called Ambashta.
2. Suta once says it is called Urdhava Napita but again says it is called Kumbhakar.
IV. Conjugation of Vaishya father and Kshatriya mother— 1. Manu says that the progeny is called Magadha.
2. Suta states that (1) Bhoja, (2) Mleccha, (3) Shalik and (4) Pulinda are the Progenies of this single conjugation.
V. Conjugation of Kshatriya father and Shudra mother—
1. Manu says that the progeny is called Ugra.
2. Suta says that (1) Daushantya, (2) Daushantee and (3) Shulika are the progenies of this single conjugation.
VI. Conjugation of Shudra father and Vaishya mother—
1. Manu says the progeny is called Ayogava.
2. Suta says the progeny is (1) Pattanshali and (2) Chakri. Let us take up another question. Is Manu's explanation of the genesis of the mixed castes historically true?

To begin with the Abhira. According to Manu the Abhiras are the bastards born of Brahmin males and Ambashta females. What does history say about them? History says that the Abhiras (the corrupt form of which is Ahira) were pastoral tribes which inhabited the lower districts of the North-West as far as Sindh. They were a ruling independent Tribe and according to the Vishnu Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_31 the Abhiras conquered Magadha and reigned there for several years.

The Ambashtamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_32says Manu are the bastards born of Brahmana male and Vaishya female. Patanjali speaks of Ambashtyas as those who are the natives of a country called Ambashta. That the Ambashtas were an independent tribe is beyond dispute. The Ambashtas are mentioned by Megasthenes the Greek Ambassador at the Court of Chandragupta Maurya as one of the tribes living in the Punjab who fought against Alexander

when he invaded India. The Ambashtas are mentioned in the Mahabharata. They were reputed for their political system and for their bravery.

The Andhrasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_33 says Manu are bastards of second degree in so far as they are the progeny of Vaidehaka male and Karavara female both of which belong to bastard castes. The testimony of history is quite different. The Andhras are a people who inhabited that part of the country which forms the eastern part of the Deccan Plateau. The Andhras are mentioned by Megasthenes. Pliny the Elder (77 A.D.) refers to them as a powerful tribe enjoying paramount sway over their land in the Deccan, possessed numerous villages, thirty walled towns defended by moats and lowers and supplies their king with an immense army consisting of 1,00,000 infantry, 2,000 cavalry and 1,000 elephants.

According to Manu the Magadhasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_34 are bastards born of Vaishya male and Kshatriya female, panini the Grammarian gives quite a different derivation of 'Magadha'. According to him"Magadha'"means a person who comes from the country known as Magadha. Magadha corresponds roughly to the present Patna and Gaya districts of Bihar. 'The Magadhas have been mentioned as independent sovereign people right from the earliest times. They are first mentioned in the Atharva-Veda. The famous Jarasandha was the king of Magadha who was a contemporary of the Pandavas.

According to Manu the Nishadas are the bastards born caste from Brahmin males and Shudra females. History has quite a different talc to tell. The Nishadas were a native tribe with its own independent territory and its own kings. They are a very ancient tribe. The Ramayana mentions Guha as the King of Nishadas whose capital was Sringaverapura and who showed hospitality to Rama when he was undergoing excile in the forest.

As to the Vaidehaka Manu says that they are the bastards born of Vaishya Male and Brahmin female. Etymologically Vaidehaka means a person who is a native of the country called Videhamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_35 Ancient Videha corresponds to the modern districts of Champaran and Darbhanga in Bihar. The country and its people have been known to history from a very remote antiquity. The Yajur-Veda mentions them. Ramayana refers to them. Sita the wife of Rama is the daughter of Janak who was the king ol Videha and whose capital was Mithila.

Many more cases could be examined. Those that have been are quite sufficient to show how Manu has perverted history and defamed the most

respectable and powerful tribes into bastards. This wholesale bastardization of huge communities Manu did not apply to the Vratyas. But his successors carried the scheme further and bastardized the Vratyas also. Kama in Manu is Vratya. But the Brahma Vaivarta Purana makes them Bastards and says that they are the progeny of Vaishya father and Shudra mother. Paundraka in Manu is Vratya. But in the Brahmavaivarta Purana he is a bastard born of Vaishya father and Chundi mother. Malla in Manu is Vratya. But in the Brahma Vaivarta Purana he is a bastard horn of Letta father and Tibara mother. The Vharjjakautakas are Vratya Brahmanas according to Manu. But in the Gautama Sanhita they are bastards born from a Brahman father and Vaishya mother. The Yavanas were declared by Manu as Vratya Kshatriya. But in Gautama Sanhita they are shown as bastards born of a Kshatriya father and Shudra mother.

The Kiratas are according to Manu Vratya Kshatriyas. But the Ballalacharitta makes them bastards horn from Vaishya father and Brahmin mother.

It is quite clear that some of the communities mentioned by Manu as being bastard in origin far from being bastard were independent in origin and yet Manu and the rest of the Smratikara's call them Bastards. Why this madness on their part? Is there a method in their madness?

Having regard to all these considerations it is a riddle why Manu at all raised the question of mixed castes and what he wanted to sa\ about them?

It is possible that Manu had realized that the Chaturvarna had failed and that the existence of a large number of castes which should neither be described as Brahmanas, Kshatriyas, Vaishyas and Shudras was the best proof of the break down of the Chaturvarna and that he was therefore called upon to explain how these castes who were outside the Chaturvarna came into existence notwithstanding the rule of Chaturvarnas.

But did Manu realize how terrible is the Explanation which he has given? What does his explanation amount to?

What a reflection on the character of men and particularly of women. It is obvious that the unions of men and women must have been clandestine because prohibited by the rule of Chaturvarna. Such clandestine unions could take place only here and there. They could not have taken place on a wholesale scale. But unless one assumes a wholesale state of promiscuity how can one justify the origin of the Chandals or untouchables as given by Manu.

The caste of Chandala is said by Manu to be the progeny of illegitimate intercourse between a Shudra male and a Brahman female. Can this be true? It means that Brahmin women must have been very lax in their

morality and must have had special sexual attraction for the Shudra'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_36. This is unbelievable.

So vast is the Chandala population that even if every Brahmin female was a mistress of a Shudra it could not account of the vast number of Chandalas in the country.

Did Manu realize by propounding his theory of the origin of the mixed castes he was assigning an ignoble origin to a vast number of the people of this country leading to their social and moral degradation. Why did he say that the castes were mixed in origin, when as a matter of fact they were independent in their existence?

RIDDLE NO. 19
THE CHANGE FROM PATERNITY TO MATERNITY. WHAT DID THE BRAHMINS WISH TO GAIN BY IT?

Mr. Mayne in his treatise on Hindu law has pointed out some anomalous features of the rules of Kinships. He says:

"No part of the Hindu Law is more anomalous than that which governs the family relations. Not only does there appear to be a complete break of continuity between the ancient system and that which now prevails, but the different parts of the ancient system appear in this respect to be in direct conflict with each other. We find a law of inheritance, which assumes the possibility of tracing male ancestors in an unbroken pedigre extending to fourteen generations; while coupled with it is a family law, in which several admitted forms of marriage are only euphemisms for seduction and rape, and in which twelve sorts of sons are recognized, the majority of whom have no blood relationship to their own father."The existence of this anomaly is a fact and will be quite clear to those who care to study the Hindu Law of marriage and paternity.

The Hindu Law recognizes eight different forms of marriage, namely (1) Brahma, (2) Daiva, (3) Arsha, (4) Prajapatya, (5) Asura, (6) Gandharva, (7) Rakshasa and (8) Paisacha.

The Brahma marriage is the gift of a daughter, clothed and decked to a man learned in the Veda, whom her father voluntarily invites and respectfully receives.

The Daiva marriage consists of the giving of the daughter by father to the family priest attending a sacrifice at the time of the payment of the sacrificial fee and in lieu of it.

Arsha marriage is characterized by the fact that the bridegroom has to pay

a price for the bride to the father of the bride.

Prajapatya form of marriage is marked by the application of a man for a girl to be his wife and the granting of the application by the father of the girl.

(This is an eleven-page typed chapter. Except the title of the chapter no other additions are found in the handwriting of the author.—Ed.)

The difference between Prajapatya and Brahma marriage lies in the fact that in the latter the gift of the daughter is made by the father voluntarily but has to be applied for. The fifth or the *Asura* form of marriage is that in which the bridegroom having given as much wealth as he can afford to the father and paternal kinsmen and to the girl herself takes her as his wife. There is not much difference between *Arsha* and Asura forms of marriage. Both involve sale of the bride. The difference lies in this that in the Arsha form the price is fixed while in the Asura form it is not.

Gandharva marriage is a marriage by consent contracted from nonreligious and sensual motives. Marriage by seizure of a maiden by force from her house while she weeps and calls for assistance after her kinsmen and friends have been slain in battle or wounded and their houses broken open, is the marriage styled *Rakshasa.*

Paisacha marriage is marriage by rape on a girl either when she is asleep or flushed with strong liquor or disordered in her intellect.

Hindu Law recognized thirteen kinds of sons. (1) Aurasa, (2) Kshetraja, (3) Pautrikaputra, (4) Kanina, (5) Gudhaja, (6) Punarbhava, (7) Sahodhaja, (8) Dattaka, (9) Kritrima, (10) Kritaka, (II) Apaviddha, (12) Svayamdatta and (13) Nishada.

The *Aurasa* is a son begotten by a man himself upon his lawfully wedded wife.

Putrikaputra means a son born to a daughter. Its significance lies in the system under which a man who had a daughter but no son could also have his daughter to cohabit with a man selected or appointed by him. If a daughter gave birth to a son by such sexual intercourse the son became the son of the girl's father. It was because of this that the son was called Putrikaputra. Man's right to compel his daughter to submit to sexual intercourse with a man of his choice in order to get a son for himself continued to exist even after the daughter was married. That is why a man was warned not to marry a girl who had no brothers.

Kshetraja literally means son of the field i.e., of the wife. In Hindu ideology the wife is likened to the field and the husband being likened to the master of the field. Where the husband was dead, or alive but impotent or incurably diseased the brother or any other *sapinda* of the deceased was

appointed by the family to procreate a son on the wife. The practice was called *Niyoga* and the son so begotten was called *Ksheiraja.*

If an unmarried daughter living in the house of her father has through illicit intercourse given birth to a son and if she subsequently was married the son before marriage was claimed by her husband as his son. Such a son was called *Kanina.*

The *Gudhaja* was apparently a son born to a woman while the husband had access to her but it is suspected that he is born of an adulterous connection. As there is no proof by an irrebutable presumption so to say the husband is entitled to claim the son as his own. He is called *Gudhaja* because his birth is clouded in suspicious. Gudha meaning suspicion.

Sahodhaja is a son born to a woman who was pregnant at the time of her marriage. It is not certain whether he is the son of the husband who had access to the mother before marriage or whether it is the case of a son begotten by a person other than the husband. But it is certain that the *Sahodhaja,* is a son born to a pregnant maiden and claimed as his son by the man who marries her.

Punarbhava is the son of a woman who abandoned by her husband and having lived with others, re-enters his family. It is also used to denote the son of a woman who leaves an impotent, outcaste, or a mad or diceased husband and takes another husband. *Parasava*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_37 is the son of a Brahmin by his Shudra wife. The rest of the sons are adopted sons as distinguished for those who were claimed as sons.

Dattaka is the son whom his father and mother give in adoption to another whose son he then becomes.

Kratrima is a son adopted with the adoptee's consent only. *Krita* is a son purchased from his parents.

Apaviddha is a boy abandoned by his parents and is then taken in adopted and reckoned as a son.

Svayamdatta is a boy bereft of parents or abandoned by them seeks a man shelter and presents himself saying ' Let me become thy son ' when accepted he becomes his son.

It will be noticed how true it is to say that many forms of marriage are only euphemisms for seduction and rape and how many of the sons have no blood relationship to their father. These different forms of marriage and different kinds of sons were recognized as lawful even up to the time of Manu and even the changes made by Manu are very minor. With regard to the forms of marriage Manumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART

II.htm - _msocom_38 does not declare them to be illegal. All that he says that of the eight forms, six, namely, Brahma, Daiva, Arsha, Prajapatya, Asura, Gandharva, Rakshasa and Paisachya are lawful for a Kshatriya, and that three namely Asura, Gandharva and Paisachya are lawful for a Vaishya and a Shudra.

Similarly he does not disaffilate any of the 12 sons. On the contrary he recognises their kinship. The only change he makes is to alter the rules of inheritance by putting them into two classes (1) heirs and kinsmen and (2) kinsmen but not heirs. He saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_39:

159.”The legitimate son of the body. the son begotten on a wife. the son adopted, the son made, the son secretly born, and the son east off (are) the six heirs and kinsmen."

160.”The son of an unmarried damsel, the son received with the wife, the son bought, the son begotten on a remarried woman: the son self-given and the son of a Sudra female (are) the six (who are) not heirs, (but) kinsmen."

162.”If the two heirs of one man be a legitimate son of his body and a son begotten on his wife, each (of the two sons), to the exclusion of the other, shall take the estate of his (natural) father."

163.”The legitimate son of the body alone (shall be) the owner of the paternal estate: but. in order to avoid harshness, let him allow a maintenance to the rest."

There is another part of the law of consanguinity which has undergone a profound change but which has hardly been noticed by anybody. It relates to the determination of the Varna of the child. What is to be the Varna of the child? Is it to be the father's Varna or the mother's Varna? According to the law as it prevailed in the days before Manu the Varna of the child was determined by the Varna of the father. The Varna of the mother was of no account. A few illustrations will suffice to prove the thesis.

Father		Mother		Child	
Name	Varna	Name	Varna	Name	Varna
1. Shantanu	Kshtriya	Ganga	Unknown	Bhishma	kshatriya
2 Parashara	Brahmana	Matsyagandha	Fisherman	Krish	Dwaya
3 Vashishta	Brahmana	Akshamala	Payan		
4 Shantanu	Kshatriya	Matsyagandh	Fisherma	Vichitraviry	kshatriya

		a	n	a	
5 Vishwamitra	Kshatriya	Menka	Apsara	Shakuntala	kshatriya
6. Yayati	Kshatriya	Devayani	Brahmin	Yadu	kshatriya
7. Yayati	Kshatriya	Sharmishta	Asuri	Druhya	Kshatriya
8 Jaratkari	Brahman	Jaratkari	Naga	Astika	Brahmin

What does Manu do? The changes made by Manu in the law of the child's Varna are of a most revolutionary character. Manumk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_40 lays down the following rules:

5."In all castes (varna) those (children) only which are begotten in the direct order on wedded wives, equal (in caste) and married as (virgins) are to be considered as belonging to the same caste (as their fathers)."

6."Sons, begotten by twice-born men on wives of the next lower castes, they declare to be similar (to their fathers, but) blamed on account of the fault (inherent) in their mothers."

14."Those sons of the twice-born, begotten on wives of the next lower castes, who have been enumerated in due order, they call by the name Anantaras (belonging to the next lower caste) on account of the blemish (inherent) in their mothers"

41."Six sons, begotten (by Aryans) on women of equal and the next lower castes (Anantara), have the duties of twice-born men: but ail those born in consequence of a violation of the law are, as regards their duties, equal to Sudras."Manu distinguishes the following cases:

(1) Where the father and mother belong to the same Varna.

(2) Where the mother belongs to a Varna next lower to that of the father e.g.. Brahman father and Kshatriya mother, Kshatriya father and Vaishya mother, Vaishya father and Shudra mother.

(3) Where the mother belongs to a Varna more than one degree lower to that of the father, e.g.. Brahmin father and Vaishya or Shudra mother, Kshatriya father and Shudra mother. In the first case the Varna of the child is to be the Varna of the father. In the second case also the Varna of the child is to be the Varna of the father. But in the third case the child is not to have the father's Varna. Manu does not expressly say what is to be the Varna of the child if it is not to be that of the father. But all the commentators of Manu Medhatithi. Kalluka Bhatt. Narada and Nandapandit-—agree

saying what of the course is obvious that in such cases the Varna of the child shall be the Varna of the mother. In short Manu altered the law of the child's Varna from that of Pitrasavarna—-according to father's Varna to Matrasavarna—according to mother's Varna.

This is most revolutionary change. It is a pity few have realized that given the forms of marriage, kinds of sons, the permissibility of Anuloma marriages and the theory of Pitrasavarnya, the Varna system notwithstanding the desire of the Brahmins *to* make it a closed system remained an open system. There were so many holes so to say in the Varna system. Some of the forms of marriage had no relation to the theory of the Varna. Indeed they could not have. The Rakshas and the Paisachya marriages were in all probability marriages in which the males belonged to the lower varnas and the females to the higher varnas. The law of sonship probably left many loopholes for the sons of Shudra to pass as children of the Brahmin. Take for instances sons such as Gudhajas, Sahodhajas, Kanina. Who can say that they were not begotten by Shudra or Brahmin, Kshatriya or Vaishya. Whatever doubts there may be about these the Anuloma system of marriage which was sanctioned by law combined with the law of Pitrasavarnya had the positive effect of keeping the Varna system of allowing the lower Varnas to pass into the higher Varna. A Shudra could not become a Brahmin, a Kshatriya *or* a Vaishya. But the child of a Shudra woman could become a Vaishya if she was married to a Vaishya, a Kshatriya if she was married to a Kshatriya and even a Brahmin if she was married to a Brahmin. The elevation and the incorporation of the lower orders into the higher orders was positive and certain though the way of doing it was indirect. This was one result of the old system. The other result was that a community of a Varna was always a mixed and a composite community. A Brahmin community might conceivably consist of children born of Brahmin women, Kshatriya women, Vaishya women, and Shudra women all entitled to the rights and privileges belonging to the Brahmin community. A Kshatriya community may conceivably consist of children born of Kshatriya women, Vaishya women and Shudra women all recognized as Kshatriya and entitled to the rights and privileges of the Kshatriya community. Similarly the Vaishya community may conceivably consist of children born of Vaishya women and Shudra women all recognized as Vaishyas and entitled to

the rights and privileges of the Vaishya community.

The change made by Manu is opposed to some of the most fundamental notions of Hindu Law. In the first place, it is opposed to the Kshetra-Kshetraja rule of Hindu Law. According to this rule, which deals with the

question of property in a child says that the owner of the child is the *de jure* husband of the mother and not the *de facto* father of the child. Manu is aware of this theory. He puts it in the following terms'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_41:

"Thus men who have no marital property in women, but sow in the fields owned by others, may raise up fruit to the husbands, but the procreator can have no advantage from it. Unless there be a special agreement between the owners of the land and of the seed, the fruit belongs clearly to the landowner, for the receptacle is more important than the seed."

It is on this that the right to the 12 kinds of sons is founded. This change was also opposed to the rule of Patna Potestas. Hindu family is a Patriarchal family same as the Roman family. In both the father possessed certain authority over members of the family. Manu is aware of this and recognized it in most ample terms. Defining the authority of the Hindu father, Manu says:

"Three persons, a wife, a son, and a slave, are declared by law to have in general no wealth exclusively their own; the wealth which they may earn is regularly acquired for the man to whom they belong."

They belong to the head of the family-namely the father. Under the Patna Potestas the sons earnings are the property of the father. The change in the law of paternity mean a definite loss to the father.

Why did Manu change the law from Pitra-savarnya to Matra-savarnya?

RIDDLE NO. 20
KALI VARJYA OR THE BRAHMANIC ART OF SUSPENDING THE OPERATION OF SIN WITHOUT CALLING IT SIN

Few have heard of the Brahmanic dogma called Kali Varjya. It must not be confused with another Brahmanic Dogma of Kali Yuga. The dogma of Kali Varja prescribes that customs and usages which are valid and good in other yugas are not to be observed in the Kali Age. The references to these instructions are scattered in the different Puranas. But the Adityapurana has codified them and brought them together*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21B.Riddles in Hinduism PART II.htm - _msocom_42. The practices which are Kali Varjya are given below:

(1) To appoint the husband's brother for procreating a son on a widow.

(2) The remarriage of a (married) girl (whose marriage is not consummated) and of one (whose marriage was consummated) to another husband (after the death of the first.

(3) The marriage with girls of different Varna among persons of the three twice-born classes.
(4) The killing even in a straight fight of Brahmanas that have become desperadoes.
(5) The acceptance (for all ordinary intercourse such as eating with him) of a twice-born person who is in the habit of voyaging over the sea in a ship even after he has undergone a *pray ascuta.*
(6) The initiation for a *sattra.*
(7) The taking of a *Kamandali* (a jar for water).
(8) Starting on the Great Journey.
(9) The killing of a cow in the sacrifice called *Gomedha.*
(10) The partaking of wine even in the *Srautmani* sacrifice.

***This is a nine-page typed copy with several corrections by the author himself. For Notes on all 43 Kali Varjyas, please see Notes to Appendix I of this part.*—Ed.**

(11-12) Licking the ladle (sruc) after the Agnihotra Hoama in order to take off the remains of the offerings and using the ladle in the Agnihotra afterwards when it has been so licked.
(13) Entering into the stage of forest hermit as laid down in sastras about it.
(14) Lessening the periods of impurity (due to death and birth) in accordance with the conduct and Vedic learning of a man.
(15) Prescribing death as the penance {*prayascitta)* for Brahmans.
(16) Expiation (by secretly performed *prayascittas)* of the mortal sins other than theft (of gold) and the sin of contact (with those guilty of Mahapatakas).
(17) The act of offering with Mantras animal flesh to the bridegroom, the guest and the pitras.
(18) The acceptance as sons of those other than the aurasa (natural) and adopted sons.
(19) Ordinary intercourse with those who incurred the sin of (having intercourse with) women of higher castes, even after they had undergone the *prayascitta* for such sin.
(20) The abandonment of the wife of an elderly person or of one who is entitled to respect) when she has had intercourse with one with whom it is severely condemned.
(21) Killing oneself for the sake of another.
(22) Giving up food left after one has partaken of it.

(23) Resolve to worship a particular idol for life (in return for payment).
(24) Touching the bodies of persons who are in impurity due to death after the charred bones are collected.
(25) The actual slaughter by Brahmanas of the sacrificial animal.
(26) Sale of the Soma plant by Brahmanas.
(27) Securing food even from a Sudra when a Brahmana had no food for six times of meals (i.e., for three days).
(28) Permission to (a Brahmana) householder to take cooked food from Sudras if they are his *dasas,* cowherds, hereditary friends, persons cultivating his land on an agreement to pay part of the produce.
(29) Going on a very distant pilgrimage.
(30) Behaviour of a pupil towards his teacher's wife as towards a teacher that is declared (in Smritis).
(31) The maintenance by Brahmanas in adversity (by following unworthy avocations) and the mode of livelihood in which a Brahmana does not care to accumulate for tomorrow.
(32) The acceptance of *aranis* (two wooden blocks for producing fire) by Brahmanas in the *Homa* at the time of *Jatakarma* in order that all the ceremonies for the child from *Jatakarma* to his marriage may be performed therein.
(33) Constant journeys by Brahmanas.
(34) Blowing of fire with the mouth (i.e., without employing a bamboo dhamani).
(35) Allowing women who have become polluted by rape, etc., to freely mix in the caste (when they have performed prayascitta) as declared in the sastric texts.
(36) Begging of food by a sannyasin from persons of all Varnas (including Sudra).
(37) To wait (i.e., not to use) for ten days water that has recently been dug in the grounds.
(38) Giving fee to the teacher as demanded by him (at the end of study) according to the rules laid down in the sastra.
(39) The employment of Sudras as cooks for Brahmanas and the rest.
(40) suicide of old people by falling from a precipice of into fire.
(41) Performing *acamana* by respectable people in water that would remain even after a cow has drunk it to its heart's content.
(42) Fining witnesses who depose to a dispute between father and son.
(43) Sannyasin should stay where he happens to be in the evening.

The strange thing about this code of Kali-Varjya is that its significance has not been fully appreciated. It is simply referred to as a list of things

forbidden in Kali Yug. But there is more than this behind this list of don'ts. People are no doubt forbidden to follow the practice listed in the Kali Varjya Code. The question however, is: Are these practices condemned as being immoral, sinful or otherwise harmful to society? The answer is no. One likes to know why these practices if they are forbidden are not condemned? Herein lies the riddle of the Kali Varjya Code. This technique of forbidding a practice without condemning it stands in utter contrast with the procedure followed in earlier ages. To take only one illustration. The Apastambha Dharma Sutra forbids the practice of giving all property to the eldest son. But he condemns it. Why did the Brahmins invent this new technique, forbid but not condemn? There must be some special reason for this departure. What is that reason?

APPENDIX I
THE RIDDLE OF THE VARNASHRAM DHARMA

Reference has already been made to the two dogmas of Varna Dharma and Asharm Dharma, which are called by the collective names of Varnashram Dharma and which form so fundamental a part of Hinduism. It cannot but be instructive to know the views expressed by the ancient writers on these strange dogmas.

To begin with Varna Dharma. It would be better to collect together in the first place the views expressed in the Vedas.

The subject is referred to in the Rig-Veda in the 90th Hymn of the 10th Book. It runs as follows:-

> "1. Purusha has a thousand heads, a thousand eyes. a thousand feet, on every side enveloping the earth he overpassed (if) by a space of ten fingers. 2. Purusha himself is this whole (universe), whatever has been and whatever shall be. He is also the lord of immortality since (or, when) by food he expands. 3. Such is his greatness, and Purusha is superior to this. All existences are a quarter of him: and three-fourths of him are that which is immortal in the sky. 4. With three quarters Purusha mounted upwards. A quarter of him was again produced here. He was then diffused everywhere over-things which eat and things which do not eat. 5. From him was born Viraj, and from Viraj, Purusha. When born, he extended beyond the earth, both behind and before. 6. When the Gods performed a sacrifice

This is a consolidated version of Riddle No. 16 & 17 entitled ' Vamashram Dharma '. This title does not find place in the original Table of Contents. Hence this is placed as Appendix. It is difficult to identify which

of the two versions is later. Quotations have been retained in both the texts while the interpretation seems to he modified at various places. This is a 55-page typed copy without having any corrections by the author.—Ed

The Atharva-Veda incorporates the Purusha Sukta. But the order of the verses varies from the order in which they stand in the Rig-Veda. But like the Vajaseniya Sanhita and the Taitterriya Sanhita of the Yajur-Veda the Atharva is not content with the Purusha Sukta. It offers other explanations. They are not as complete and as universal as the Purusha Sukta but they are special to it [f.43] :

"The Brahman was born the first, with ten heads and ten faces. He first drank the soma, he made poison powerless".

"The Gods were afraid of the Rajanya when he was in the womb. They bound him with bonds when he was in the womb. Consequently this Rajanya is born bound. If he were unborn unbound he would go on slaying his enemies. In regard to whatever Rajanya any one desires that he should be born unbound, and should go on slaying his enemies, let him offer for him this Aindra-Birhaspatya oblation. A Rajanya has the character of Indra, and a Brahman is Brihaspati. It is through the Brahman that any one releases the Rajanya from his bond. The golden bond, a gift, manifestly releases from the bond that fetters him."Purusha as the origin of the four Varnas is not the only explanation of the origin of the Varna system that is to be found in the Vedas. There is another explanation. It speaks of people being descended from Manu and is to be found referred to in the following passages [f.44]:

"Prayers and hymns were formerly congregated in the Indra, in the ceremony which Atharvan, father Manu, and Dadhyanch celebrated".

Whatever prosperity or succour father Manu obtained by sacrifices, may we gain all that under thy guidance, o Rudra."

"Those pure remedies of yours, O Maruts, those which are most auspicious, ye vigorous gods, those which are beneficient, those which our father Manu chose, those, and the blessing and succour of Rudra, I desire."

"That ancient friend hath been equipped with the powers of the mighty (gods). Father Manu has prepared hymns to him, as portals of success to the gods."'Sacrifice is Manu, our protecting father."'Do ye (gods) deliver, protect, and intercede for us; do not lead us far away from the paternal path of Manu."

"He (Agni) who abides among the offspring of Manu as the invoker (of the gods), is even the lord of these riches."

"Agni, together with the gods, and the children of Manush, celebrating a multiform sacrifice' with hymns etc."

"Ye gods, Vajas, and Ribhukshans, come to our sacrifice by the path travelled by the gods. that ye, pleasing deities, may institute a sacrifice among these people of Manush on auspicious days.""The people of Manush praise in the sacrifices Agni the invoker."^Whenever Agni, lord of the people, kindled, abides gratified among the people of Manush, he repels all Rakshasas."Let us now turn to the writing called the Brahmanas and take note of what they have to say on this question. The explanation given by the Sathapatha Brahmana is as follows [f.45] :

"(Uttering) 'bhuh'. Prajapati generated this earth. (Uttering) 'bhuvah' he generated the air, and (uttering) 'svah'. he generated the sky. This universe is co-extensive with these worlds. (The fire) is placed with the whole. Saying ' bhuh ', Prajapati generated the Brahman (saying) 'bhuvah' he generated the Kshattra; (and saying) 'svah', he generated the Vis. The fire is placed with the whole. (Saying) 'bhuh', Prajapati generated himself; (saying 'bhuvah' he generated offspring; (saying) 'svah' he generated animals. This world is so much as self, offspring, and animals. (The fire) is placed with the whole."Besides this there is another explanation to be found in this Brahmans [f.46]:

"Brahma (here, according to the commentator, existing in the form of Agni, and representing the Brahman caste) was formerly . this (universe), one only. Being one, it did not develope. It energetically created an excellent form, the Kshattra, viz., those among the gods who are powers (kshattrani), Indra, Varuna, Soma, Rudra, Parjanya, Yama, Mrityu, Issana. Hence nothing is superior to the Kshattra. Therefore the Brahman sits below the Kshattriya at the rajasuya-sacrifice: he confers that glory on the kshattra (the royal power). This. the Brahma, is the source of the Kshattra: Hence, although the king attains, supremacy, he at the end resorts to the Brahma as his source. Whoever destroys him (the Brahman) destroys his own source. He becomes most miserable, as one who has injured a superior. 24. He did not develope. he created the Viz-Viz., those classes of gods who are designated by troops. Vasus, Rudras, Adityas. Visvedevas, Maruts; 25. He did not develope. He created the Sudra class, Pushan. This earth is Pushan: for she nourishes all that exists. 26. He did not develope. He energetically created an excellent form, Justice (Dharma). This is the ruler (kshattra) of the ruler (kshattra). namely Justice. hence nothing is with Purush as the oblation, the spring was its butter, the summer its fuel, and the autumn its (accompanying) offering. 7. This victim, Purush, born in the beginning, they immolated on the sacrificial grass. With him the gods, the Sadhyas,and the rishis sacrificed. 8. From that universal sacrifice were provided curds and butter.

It formed those aerial (creatures) and animals both wild and tame. 9. From the universal sacrifice sprang the rich and saman verses, the metres and the yajush. 10. From it sprang horses, and all animals with two rows of teeth; kine sprang from it; from it goats and sheep. 11. When (the Gods) divided Purusha, into how many parts did they cut him up? What was his mouth"What arms (had he)? What (two objects) are said (to have been) the thighs and feet? 12. The Brahmana was his mouth; the Rajanya was made his arms; the being (called) the Vaisya, he was his thighs; the Sudra sprang from his feet. 13. The moon sprang from his soul (manas), the sun from his eye, Indra and Agni from his mouth, and Vayu from his breath. 14. From his navel arose the air, from his head the sky, from his feet the earth, from his ear the (four) quarters; in this manner (the Gods) formed the worlds. 15. When the Gods, performing sacrifice, bound Purusha as a victim, there were seven sticks (struck up) for it (around the fire), and thrice seven pieces of fuel were made. 16. With sacrifice the Gods performed the sacrifice. These were the earliest rites. These great powers have sought the sky, where are the former Sadhyas, gods".

This hymn is known by its general name Purusha Sukta and is supposed to embody the official doctrine of Varna and Caste.

The first thing to do is to inquire which of the other Vedas accept the theory of the origin of the Varna system as propounded in the Purusha Sukta of the Rig-Veda. Examining the different Vedas from this point of view the result appears to be very striking.

The Sama-Veda has not incorporated the Purusha Sukta among its hymns. Nor does it give any other explanation of the Varna Dharma.

The Yajur-Veda discloses a very great degree of diversity of opinion on this issue. Taking up the case of the White Yajur-Veda separately from that of the Black Yajur-Veda the position as it emerges from a comparison of its three available Sanhitas stands thus. Of the three Sanhitas the Kathaka Sanhita and Maitreyani Sanhita do not make any reference to the Purusha Sukta of the Rig-Veda nor do they make any attempt to give any other explanation of the Varna system. The Vajaseniya Sanhita is the only Sanhita of the Yajur-Veda which incorporates the Purusha Sukta but not without transposition of the verses. But the Vajasaneya Sanhita gives a new and original explanation of the Varna system quite different from what is given in the Purusha Sukta [f.47] :

"He lauded with one. Living beings were formed; Prajapati was the ruler. He lauded with three: the Brahman (Brahman) was created: Brahmanaspati was the ruler. He lauded with five; existing things were created: Bhutanampati was the ruler. He lauded with seven; the seven

rishis were created : Dhatri was the ruler. He lauded with nine; the Fathers were created: Aditi was the ruler. He lauded with eleven: the seasons were created: The Artavas were the rulers. He lauded with thirteen: the months were created: the year was the ruler. He lauded with fifteen: the Kshattra (the Kshattriya) was created: Indra was the ruler. He lauded with seventeen: animals were created : Brihaspati was the ruler. He lauded with nineteen : the Sudra and the Arya (Vaisya) were created : day and night were the rulers. He lauded with twenty-one: animals with undivided hoofs were created : Varuna was the ruler. He lauded with twenty-three; small animals were created : Pushan was the ruler. He lauded with twenty-five : wild animals were created : Vayu was the ruler (compare R.V. x. 90, 8). He lauded with twentyseven: heaven and earth separated : Vasus, Rudras, and Adityas separated after them : they were the rulers. He lauded with twentynine; trees were created : Soma was the ruler. He lauded with thirty-one : living beings were created : The first and second halves of the month were the rulers. He lauded with thirty one: existing things were tranquillized; Prajapati Parameshthin was the ruler."

Turning to the Black Yajur-Veda there is only one Sanhita of it which is available. It is called Taitterriya Sanhita. This Sanhita offers two explanations. The first explanation [f.48] is the same which is given in the Vajaseniya Sanhita as its own original explanation. The second explanation is its own particular explanation and is not to be found in the Vajaseniya Sanhita. It reads as follows [f.49] :

"He (the Vratya) became filled with passions thence sprang the Rajanya".

"Let the king to whose house the Vratya who knows this, comes as a guest, cause him to be respected as superior to himself. So doing he does no injury to his royal rank, or to his realm. From him arose the Brahman (Brahman) and the Kshattra (Kshatriya). They said, ' Into whom shall we enter ', etc."

The important point is that while the Vajaseniya Sanhita incorporates the Purusha Sukta from the Rig-Veda the Taiterriya Sanhita altogether omits to take any notice of it whatsoever superior to justice. Therefore the weaker seeks (to overcome) the stronger byjustice, as by a king. This justice is truth. In consequence they say of a man who speaks truth, ' he speaks justice; ' or of a man who is uttering justice, 'he speaks truth. ' For this is both of these. 27. This is the Brahma, Kshattra, Viz. and Sudra.

"Through Agni it became Brahma among the gods, the Brahman among men, through the (divine) Kshattriya a (human) Kshattriya, through the (divine) Vaisya a (human) Vaisya, through the (divine) Sudra a (human) Sudra. Wherefore it is in Agni among the gods and in a Brahman among

men, that they seek after an abode."The Taittiriya Brahmana has the following explanations to offer. First is in the following terms [f.50] :

"This entire (universe) has been created by Brahma. Men say that the Vaisya class was produced from rich-verses. They say that the Yajur-Veda is the womb from which the Kshattriya was born. The Sama-Veda is the source from which the Brahmans sprang. This word the ancients declared to the ancients.

"The second refers only two varnas—only Brahman and Sudra and says [f.51] :

"The Brahman caste-, is sprung from the gods; the Sudra from the Asuras". The third explains the origin of the Sudras in the following terms [f.52]:

"Let him at his will milk out with a wooden dish. But let not a Sudra milk it out. For this Sudra has sprung from non-existence. They say that that which a Sudra milks out is no oblation. Let not a Sudra milk out the Agnihotra. For they do not purify that. When that passes beyond the filter, then it is an oblation". The next thing would be to see what explanation the Smritis have to offer for the origin of the Varna system. This is what Manu has to say in his Smriti [f.53] :—

"He (the self-existent) having felt desire, and willing to create various living beings from his own body, first created the waters, and threw into them a seed. 9. That seed became a golden egg, of lustre equal to the sun; in it he himself was born as a Brahma, the parent of all the worlds. 10. The waters are called narah, for they are sprung from Nara; and as they were his first sphere of motion he is therefore called Narayana. II. Produced from the imperceptible eternal, existent and non-existent, cause, they male (purusha) is celebrated in the world as Brahma. 12. After dwelling for a year in the egg, the glorious being, himself, by his own contemplation, split it in twain. That the worlds might be peopled, he caused the Brahman, the Kshattriya, the Vaisya, and the Sudra to issue from his mouth, his arms, his thighs, and his feet. 32. Having divided his own body into two parts, the lord (Brahma) became.with the half a male (purusha) and with the half, a female; and in her he created Viraj. 33. Know, o most excellent twice-born men, that I, whom that male, (purusha) Viraj, himself created, am the creator of all this world. 34. Desiring to produce living creatures, I performed very arduous devotion, and first created ten Maharshis (great rishis), lords of living beings, (35) viz. Marichi, Atri, Angiras, Pulastya, Pulaha, Kratu, Prachetas, Vasistha, Bhrigu, and Narada. 36. They, endowed with great energy, created other seven Manus, gods, and abodes of gods, and Maharshis of boundless

might; (37) Yakshas, Rakshases, Pishchas, Gandharvas, Apsaras, Asuras, Nagas, Serpents, great Birds, and the different classes of Pitris; (38) lightnings, thunderbolts, clouds, portentous atmospheric sounds, comets, and various luminaries; (39) Kinnars, apes, fishes, different sorts of birds, cattle, deer, men, beasts with two rows of teeth; (40) small and large reptiles, mouths, lice, flies, fleas, all gadflies, and gnats, and motionless things of different sorts. 41. Thus by my appointment, and by the force of devotion, was all. This world Both Motionless and Moving, created by those great beings, according to the (previous) actions of each creature."

There is also another view expressed by Manu in his Smriti as to the basic reasons for dividing men into four classes [f.54] :

"I shall now declare succinctly in order the states which the soul reaches by means of each of these qualities. 40. Souls endowed with the Sattva quality attain to godhead; those having the rajas quality become men; whilst those characterized by tamas always become beasts— such is the threefold destination. 43. Elephants, horses, Sudras and contemptible Mlechhas, lions, tigers, and boars form the middle dark condition..... 46. Kings, Kshattriyas, a King's priests (purohitah), and men whose chief occupation is the war of words, compose the middle condition of passion.... 48. Devotees, ascetics, Brahmans, the deities borne on aerial cars, constellations, and Daityas, constitute the lowest condition of goodness. 49. Sacrificing priests, rishis, gods, the vedas, the celestial luminaries, years, the fathers the Sadhyas, form the second condition of goodness. 50. Brahma, the creators, righteousness, the Great one (mahat) the Unapparent One (avyakta) compose the highest condition of goodness."

It is interesting to compare with these views: those contained in the Ramayana and the Mahabharata.

The Ramayana says that the four Varnas are the offspring of Manu, the daughter of Daksha and the wife of Kasyappa [f.55].

"Listen while I declare to you from the commencement all the Prajapatis (lord of creatures) who came into existence in the earliest time. Kardama was the first, then Vokrita, Sesha, Samsraya, the energetic Bahuputra, Sthanu, Marichi, Atri, the strong Kratu, Pulastya, Angiras, Prachetas, Pulaha, Daksha, then Vivasvat, Arishtanemi, and the glorious Kasyapa, who was the last. The Prajapati Daksha is famed to have had sixty daughters. Of these Kasyapa took in marriage eight elegant maidens, Aditi, Diti, Danu, Kalaka, Tamra, Krodhavasa, Manu and Anala. Kasyapa pleased, then to these maids, ' ye shall bring forth sons like to me, preserves of the three worlds '. Aditi, Diti, Danu and Kalaka assented; but the others did not agree. Thirty-three gods were born by Aditi, the

Adityas, Vasus, Rudras, and the two Asvins. Manu (wife) of Kasyapa, produced men, Brahmans, Kshattriyas, Vaisyas, and Sudras. ' Brahmans were born from the mouth, Kshattriyas from the breast, Vaisyas from the thighs, and Sudras from the feet, ' so says the Veda. Anala gave birth to all trees with pure fruits."The Mahabharata gives the following explanation [f.56] :"Born all with splendour, like that of great rishis, the ten sons of Prachetas are reputed to have been virtuous and holy; and by them the glorious beings were formerly burnt up by fire springing from their mouths. From them was born Daksha Prachetas, and from Daksha, the Parent of the world (were produced), these creatures. Cohabiting with Virini, the Muni Daksha begot a thousand sons like himself, famous for their religious observances, to whom Narada taught the doctrine of final liberation, the unequalled knowledge of the Sankhya. Desirous of creating offspring, the Prajapati Daksha next formed fifty daughters of whom he gave ten to Dharma, thirteen to Kasyapa, and twenty-seven, devoted to the regulation of time, to Indu (Soma)..... On Dakshayani, the most excellent of his thirteen wives, Kasyapa, the son of Marichi, begot the Adityas, headed by Indra and distinguished by their energy, and also Vivasvat. To Vivasvat was born a son, the mighty Yama Vaivasvata. To Martanda (i.e. Vivasvat, the sun) was born the wise and mighty Manu, and also the renowned Yama, his (Manu's) younger brother. Righteous was this wise Manu, on whom a race was founded. Hence this (family) of men became known as the race of Manu. Brahmans, Kshattriyas, and other men sprang from this Manu. From him o king, came the Brahman conjoined with the Kshatriya."

In another place the Mahabharata gives the origin as it is given in the Purusha Sukta:

"The king should appoint to be his royal priest a man who will protect the good, and restrain the wicked. On this subject they relate this following ancient story of a conversation between Pururavas the son of I lla, and Matarisvan (Vayu, the Windgod). Pururavas said : You must explain to me whence the Brahman, and whence the ; (other) three castes were produced, and whence the superiority (of the first) arises. Matarisvan answered : the Brahman was created from Brahman's mouth, the Kshatriya from his arms, the Vaisya from his thighs, while for the purpose of serving these three castes was produced the fourth class, the Sudra, fashioned from his feet. The Brahman, as soon as born. becomes the lord of all beings upon the earth, for the purpose of protecting the treasure of righteousness. Then (the creator) constituted Kshatriya the controller of the earth, a second Yama to bear the rod, for the satisfaction

of the people. And it was Brahma's ordinance that the Vaisya should sustain these three classes with money and grain, and that the Sudra should serve them. The son of Illa then enquired : Tell me, Vayu. to whom the earth, with its wealth, rightfully belongs, to the Brahman or the Kshatriyya? Vayu replied : All this, whatever exists in the world, is the Brahman's property by right of primogeniture; this is known to those who are skilled in the laws of duty. It is his own which the Brahman eats, puts on. and bestows. He is the chief of all the castes, the first-born and the most excellent. Just as a woman when she has lost her (first) husband, takes her brother in law for a second: so the Brahman is the first resource in calamity; afterwards another may arise". There is a third view maintained in the Shantiparva of Mahabharata [f.57] :—

"Bhrigu replied: 'Brahma thus formerly created the Prajapatis, Brahmanic, penetrated by his own energy, and in splendour equalling the sun and fire. The lord then formed truth, righteousness austere fervour, and the eternal veda (or sacred science), Virtuous practice, and purity for (the attainment of) heaven. He also formed the gods, Danavas, Gandharvas. Daityas, Asuras, Mahoragas, Yakshas, Rakshasas, Nagas, Pisachas, and men, Brahmans, Kshatriyas, Vaisyas, and Sudras, as well as all other classes (varnah) of beings. The colour (varna) of the Brahmans was white; that of the Kshatriyas red; that of the Vaishyas yellow: and that of the Sudra black."Bharadvaja here rejoins: 'If the caste (varna) of the four classes is distinguished by their colour (varna). then a confusion of all the castes is observable. Desire, anger, fear, cupidity, grief, apprehension, hunger, fatigue, prevail over us all, by what then, is caste discriminated? Sweat, urine, excrement, phlegm, bile and blood (are common to all) the bodies of all decay; by what then is caste discriminated? There are innumerable kinds of things moving and stationary, how is the class (varna) of these various objects to be determined?"

Bhrigu replies: There is no difference of castes:"In the same Shantiparva there is a fourth theory [f.58] :

"Bharadvaja again enquires: ' What is that in virtue of which a man is a Brahman, a Kshattriya, a Vaisya, or a Sudra; tell me, o, most eloquent Brahman rishi '. Bhrigu replies: ' He who is pure, consecrated by the natal and other ceremonies, who has completely studied the Veda, lives in the practice of the six ceremonies, performs perfectly the rites of purification, who eats the remains of oblations, is attached to his religious teacher, is constant in religious observances, and devoted to truth is called a Brahman. He in whom are seen truth, liberality, inoffensiveness,

harmlessness, modesty compassion, and austere fervour,--is declared to be a Brahman. He who practises the duty arising out of the kingly office, who is addicted to the study of the Veda, and who delights in giving and receiving, is called a Kshattriya. He who readily occupies himself with cattle, who is devoted to agriculture, and acquisition,.who is pure, and is perfect in the study of the Veda,— is denominated a Vaisya. He who is habitually addicted to all kinds of food, performs all kinds of work, who is unclean, who has abandoned the Veda, and does not practise pure observances,-- is traditionally called a Sudra. And this (which I have stated) is the mark of a Sudra. and it is not found in a Brahman: (such) a Sudra will remain a Sudra, while the Brahman (who so acts) will be no Brahman".

Let us inquire what the Puranas have to say on the origin of the Varna System.

To ' begin with the Vishnu Purana. There are two theories propounded in the Vishnu Purana on the origin of the Chaturvarna.

According to one ascribes the origin to Manu [f.59] :

" Before the mundane egg existed the divine Brahma Hiranyagarbha, the eternal originator of all worlds, who was the form of essence of Brahma, who consists of the divine Vishnu, who again is identical with Rik, Yajush, Saman and Atharva Vedas. From Brahma's right thumb was born the Prajapati Daksha; Daksha had a daughter Aditi; from her was born Vivasvat; and from him sprang Manu. Manu had sons called lkshvaku, Nriga, Dhrishta, Saryati, Narishanta, Puramsu, Nabhagandishta, Karusha, and Prishadhra."

"From Karusha the Karushas, Kshattriyas of great power, were descended."

"Nabhaga, the son of Nedishta, became a Vaisya". Of this explanation ascribing the origin to Manu there is another and a different version in the Vishnu Purana:

"Desirous of a son, Manu sacrificed to Mitra and Varuna; but in consequence of a wrong invocation through an irregularity of the hotri-priest, a daughter called Illa was born. Then through the favour of Mitra and Varuna she became to Manu a son called Sudyumna. But being again changed into a female through the wrath of Isvara (Mahadeva) she wandered near the hermitage of Budha the son of Soma (the Moon); who becoming enamoured of her had by her a son called Pururavas. After his birth, the god who is formed of sacrifice, of the Rik, Yajush, Saman, and Atharva-Vedas, of all things, of mind, of nothing, he who is in the form of the sacrificial Male, was worshipped by the rishis of infinite splendour

who desired that Sudyumn should recover his manhood. Through the favour of this god Ila became again Sudhumna."

"According to the Vishnu Purana, Atri was the son of Brahma, and the father of Soma (the moon), whom Brahma installed as the sovereign of plants, Brahmans and stars. After celebrating the rajasuya sacrifice, Soma became intoxicated with pride, and carried off Tara (Star) the wife of Brihaspati the preceptor of the gods, whom, although admonished and entreated by Brahma, the gods, and rishis, he refused to restore, Soma's part was taken by Usanas; and Rudra, who had studied under Angiras, aided Brihaspati. A fierce conflict ensued between the two sides, supported respectively by the gods and the Daityas, etc. Brahma interposed, and compelled Soma to restore Tara to her husband. She had, however, in the meantime become pregnant, and bore a son Budha (the planet Mercury), of whom, when strongly urged, she acknowledged Soma to be the father. Pururavas, as has been already mentioned, was the son of this Budha by Illa, the daughter of Manu. The loves of Pururavas and the Apsara Urvasi are related in the Satapatha Brahmana, xi. 5, I, I in the Vishnu Purana, iv. 6, 19 ff; in the Bhagavata Purana, ix, 14; and in the Harivamsa, section 26. The Mahabharata, Adip. sect. 75, alludes to Pururavas as having been engaged in a contest with the Brahmanas. This passage will be quoted hereafter. According to the Vishnu Purana, iv, 7, I, Pururavas had six sons, of whom the eldest was Ayus. Ayus had five sons: Nahusha, Kshatra-vriddha, Rambha, Raji, and Anenas."'Kshattravriddha had a son Sunahotra, who had three sons, Kasa, Lesa, and Gritsamada. From the last sprang Saunaka, who progenited the system of four castes. Kasa had a son Kasiraja, of whom again Dirghatamas was the son as Dhanvantri was Dirghatamas."The second ascribes the origin to Brahma as the following extract from the Vishnu Purana shows [f.60] :

"Maitreya [f.61] says: You have described to me the Arvaksrotas, or human creation; declare to me, o Brahman, in detail the manner in which Brahma formed it. Tell me how and with what qualities, he created the castes, and what are traditionally reputed to be the functions of the Brahmans and others. Parasara replies: 3. When, true to his design, Brahma became desirous to create the world, creatures in whom goodness (sattva) prevailed sprang from his mouth; 4. Others in whom passion (rajas) predominated came from his breast; others in whom both passion and darkness (tamas) were strong, proceeded from his thigh; (5) others he created from his feet, whose chief characteristic was darkness. Of these was composed the system of four castes, Brahmans, Kshatriyyas, Vaisyas, and Sudras, who had respectively issued from his mouth, breast, thighs, and

feet. 6. Brahma formed this entire fourfold institution of classes for the performance of sacrifices, the gods nourish mankind by discharging rain. Sacrifices, the causes of prosperity, (8) are constantly celebrated by virtuous men, devoted to their duties, who avoid wrong observances, and walk in the right path. 9. Men, in consequence of their humanity, obtain heaven and final liberation; and they proceed to the world which they desire". In the Harivamsa are to be found two theories. It upholds the theory of the origin of the Varnas as being born from one of the descendents of Manu as the stock of descent than the one mentioned by the Vishnu Purana [f.62] :

"The son of Gritsamada was Sunaka, from whom sprang the Saunakas, Brahmanas, Kshattriyas, Vaisyas, and Sudras."

"Vitatha was the father of five sons, Suhotra, Suhotri, Gaya. Garga, and the great Kapila. Suhotra had two sons, the exalted Kasaka. and King Gritsamati. The sons of the latter were Brahmans, Kshattriyas, and Vaisyas."

The other version speaks of their being formed by Vishnu who sprang from Brahma and had become Prajapati Daksha and is as follows [f.63] :

"Janmejaya [f.64]says: I have heard, o Brahman the (description of the) Brahma Yuga, the first of the ages. I desire also to be accurately informed both summarily, and in detail, about the age of the Kshattriyas, with its numerous observances, illustrated as it was by sacrifice, and described, as it has been by men skilled in the art of narration. Vaisamapayana replied: I shall describe to you that age revered for its sacrifices and distinguished for its various works of liberality, as well as for its people. Those Munis of the size of a thumb had been absorbed by the Sun's rays. Following a rule of life leading to final emancipation, practising unobstructed cremonies. both in action and in abstinence from action constantly intent upon Brahma, united to Brahman as the highest object, Brahmans glorious and sanctified in their conduct, leading a life of continence, disciplined by the knowledge of Brahman, Brahmans complete in their observances, perfect in knowledge, and contemplative, when at the end of a thousand yugas, their majesty was full, these Munis became involved in the dissolution of the world. Then Vishnu sprung from Brahma, removed beyond the sphere of sense, absorbed in contemplation, became the Prajapati Daksha, and formed numerous creatures. The Brahmans, beautiful (or, dear to Soma), were formed from an imperishable (akshara): the Kshattriyas from a perishable (kshara), element: the Vaisyas from alteration: the Sudras from a modification of smoke. While Vishnu was thinking upon the castes (varna) Brahmans were formed with white, red,

yellow, and blue colours (varanaih). Hence in the world men have become divided into castes, being of four descriptions, Brahmans. Kshattriyas, Vaisyas, and Sudras, one in form, distinct in their duties,"two-footed, very wonderful, full of energy(?), skilled in expedients in all their occupations. Rites are declared to be prescribed by the Vedas for the three (highest) castes. By that contemplation practised by the being sprung from Brahma— by that practised in his character as Vishnu—, the Lord Prachetasa (Daksha), i.e. Vishnu the great contemplator (yogin), passed through his wisdom and energy from that state of meditation into the sphere of works. Next the Sudras, produced from extinction, are destitute of rites. Hence they are not entitled to be admitted to the purificatory ceremonies, nor does sacred science belong to them. Just as the cloud of smoke which rises from the fire on the friction of the fuel, and is dissipated, is of no service in the sacrificial rite, so too the Sudras wandering over the earth, are altogether (useless for purposes of sacrifice) owing to their birth, their mode of life devoid of purity and their want of the observances prescribed in the Veda."Lastly the Bhagwat Purana1:

"At the end of many thousand years the living soul which resides in time, action, and natural quality gave life to that lifeless egg floating on the water. Purusha then having burst the egg, issued from it was a thousand thighs, feet, arms, eyes, faces and heads. With his members the sages fashion the worlds, the seven lower worlds with his loins etc., and the seven upper worlds with his groin, etc. The Brahman (was) the mouth of Purusha, the Kshattriya his arms, the Vaishya was born from the thighs, the Sudra from the feet of the divine being. The earth was formed from his feet, the air from his navel; the heaven by the heart, and the mahaloka by the breast of the mighty one". The Vayu Purana takes up the theory of Manu but says:

"The son of Gritsamada was Sunaka, from whom sprang Saunaka. In his family were born Brahamanas, Kshattriyas, Vaisyas, and Sudras, twice-born men with various functions".

What does this survey show? If it shows anything it show's what a chaotic state has been created by the Brahmans in trying to explain the origin of the Varna system. There is no uniformity or consistency in the explanations they have offered. One and the same authority gives a variety of explanations. One and the same authority gives explanations some of which are mythical, some of which are mystical and rationalistic all intended to serve the same purpose namely to explain the origin of the Varna system.

The Vedas attempt to explain the Varnas as having arisen from Purusha,

from Manu, from Prajapati, from Vratya and from Soma.

The Brahmanas show a marked divergence from the Vedas. They do not acknowledge Purusha, Manu, Vratya or Soma as the originators of the four varnas. They vacilliate between Prajapati and Brahma [f.65] which is a new importation. The Taitteriya Brahmana sports with an altogether new theory. It speaks of Brahmins born of Gods and Sudras from Asuras.

The Manu Smriti offers two explanation mythological and rational. •The mythological explanations ascribes the origin to Brahma and the rational ascribes it to the constitutional make up of the individual. The Ramayana, the Mahabharata and the Puranas seem to be in support of the theory of Manu as the progenitor of the four Vamas. In the handling of the theme of Manu they have made a complete mess of him. In the Ramayana this Manu is a female a daughter of Daksha and wife of Kasyappa. In the Mahabharata Manu is a male and not a female. He is the son of Vivasvat who is the son of Kasyappa. In the Mahabharata the wife of Kasyappa is not Manu but is Dakshayani who is also said to be the daughter of Daksha. The Puranas while expounding the theory of Manu as the originator of the four vamas have introduced into it many divergent elements. The Vishnu Purana instead of ascribing the origin to Manu proceeds to ascribe it to his sons. But in hurry explains the origin of the two Vamas only, namely, Brahmins and Sudras from two of Manu's eight sons and forgets to give an explanation of the two other vamas. In another place the same Vishnu Purana expounds another theory by which origin of the four Vamas through Manu in the female line of his daughter Ila. According to the second theory lla married Pururavas who had six sons the eldest of whom was Ayus. From Ayus to Kshatravidha, from him Sunahotra, from him Gritsamada. The four vamas were originated from Gritsamada. The Vayu Purana does not admit this. It says that the four vamas were born from Saunaka the grandson of Gritsamada. The Harivamsa in one place agrees with the Vishnu Purana that the progenitor was Gritsamada with this difference that the Sudras did not spring but from whom gives no explanation. In another place it says that the four vamas sprang from Sunaka the son of Gritsamada thus differing from itself, from the Vishnu Purana and from the Vayu Purana.

These explanations are like effusions of the imbeciles. They show how hard the Brahmins were put to for the defence of the Varna system. The question is why were the Brahmins not able to give a consistent and uniform unimpeachable, convincing and rational explanation of the Varna system of which they have been such strong protagonists?

Of these numerous explanations there are two on which the Varna

system is defended by the Brahmins of today.

The first is the origin of the four Varnas from Purusha the theory that is propounded in the Purusha Sukta of the Rig-Veda. It is not a historical explanation. It would be something if it were mythological for mythology is history even if it is history in hyperbole. But it is not. The explanation is purely mystic. It is a fantastic dream of a troubled mind. That is why it was never regarded as the explanation and that is why there were so many other rival explanations. That it was treated with scant courtesy even by the Vedic writers is obvious from two circumstances. In the first place it occurs in the miscellaneous portion of the Rig-Veda. In the second place it does not occur in the Kathak and Maitreyani Sanhita of the White Yajur-Veda and the Taitteriya Sanhitas of the Black Yajur-Veda do not adopt it. The Sam-Veda incorporates only 5 Mantras of the Purusha Sukta from the Rig-Veda and what is important is that in adopting these five Mantras omit those which speak of the four Varnas springing from the four parts of the body of the Purusha. It is of course a very late composition and has been interpolated after all the four Vedas had taken their present shape. But apart from that it has all the marks showing its authors were not very sure of their explanation carrying conviction. It is probably an allegory, figurative narration which the Brahmins attempted to convert into a literal statement of hard fact. It does not solve the riddle. On the contrary it creates a riddle— which is, why were the Brahmins interested in supporting the theory of Chaturvarna.

The rational explanation has behind it the authority of the Bhagwat Geeta. Krishna, the God of the Hindus, explains that he created the system of Chaturvarna and propounds the theory that it is a system of difference of Guna: innate virtue. This theory of difference of Guna is derived from the Sankhya Philosophy of Kapila. Krishna offers this explanation of Chaturvarna in a commanding spirit as though it was incontrovertible. The Sankhya Philosophy no doubt asserts as a fundamental proposition that matter has got three Gunas-Raj, Tama and Satva. Matter is not inert. It is instable equillibrium when all the three Gunas are coequal in their power. Matter becomes dynamic when the equillibrium is disturbed when one Guna becomes masterful over others. Krishna was of course very clever in seeking to give scientific explanation of the Varna system by applying the Sankhya Theory of Guna dharma. But in doing so Krishna has really made a fool of himself. He did not realize that there are four Varnas and three Gunas and whatever ingenuity he might claim to have he could not account for the four Varnas with a theory which did not require more than three Gunas. Here again what appears to be a rational explanation is an

absurd explanation. It does not solve the riddle. It creates one. Why were the Brahmins fighting so hard to justify the Chaturvarna?

The Ashram Dharma divides the life of an individual into four stages (1) Brahmcharya, (2) Grahasthashram, (3) Vanaprastha and (4) Sannyas. The state of Brahmacharya has both a de jure and de facto connotation. Its de facto connotation is that it means an unmarried state of life. Its de jure connotation means the stage ol study under a teacher. Grahasthashram is the stage of a householder a stage of married family life. The stage of Sannyas is a stage ol renunciation of civic rights and responsibilities. It is a stage of civic death. The stage of Vanaprastha is in between Grahasthashram and Sannyas. It is a stage in which one belongs to society but is bound to live away from society. As the name implies it prescribes dwelling in forest.

The Hindus believe that this institution of Ashram Dharma is as old as that of the Varna Dharma. They call the two by a joint name of Varnashram Dharma as though they were one and integral, and the two together form the steelframe of the Hindu Society.

To begin with it would be better to have a full understanding of the Ashram Dharma before inquiring into its origin and its purpose and its peculiarities. The best source for an exposition of the Ashram system is the Manu Smriti from which the following relevant extracts are reproduced:

Ch. 11-36. In the eighth year after conception, one should perform the initiation (upanayana) of a Brahmana, in the eleventh after conception (that) of a Kshatriya,but in the twelfth that of a Vaisya.

Ch. 11-168. A twice-born man who, not having studied the Veda, applies himself to other (and wordly study), soon falls, even while living, to the condition of a Sudra and his descendants (after him).

Ch. Ill-1. The vow of the three Vedas under a teacher must be kept for thirty-six years or for half that time, or for a quarter, or until the (student) has perfectly learnt them.

Ch. Ill-2. Who has studied in due order the three Vedas, or two, or even one only, without breaking the (rule of) studentship, shall enter the order of householder.

Ch. Vl-8. The student, the householder, the hermit, and the ascetic, these (constitute) tour separate orders, which ail spring from (the order of) householders.

Ch. VI-88. But all (or) even (any of) these orders, assumed successively in accordance with the Institutes (of the sacred law). lead the Brahmana who acts by the preceding (rules) to the highest state.

Ch. Vl-89. And in accordance with the precepts of the Veda and of the

Smriti. the housekeeper is declared to be superior to all of them, for he supports the other three.

Ch. VI-1. A twice-born Snataka, who has thus lived according to the law in the order of householders, may, taking a firm resolution and keeping his organs in subjection, dwell in the forest, duly (observing the rules given below).

Ch. Vl-2. When a householder sees his (skin) wrinkled and (his hair) white, and the sons of his sons, then he may resort to the forest.

Ch. Vl-33. But having thus passed the third part of (a man's natural term of) life in the forest, he may live as an ascetic during the fourth part of his existence, after abandoning all attachment to worldly objects.

Ch. Vl-34. He who after passing from order to order, after offering sacrifices and subduing his senses, becomes, tired with giving alms and offerings of food, an ascetic, gains bliss after death.

Ch. Vl-35. When he has paid the three debts, let him apply his mind to (the attainment of) final liberation; he who seeks it without having paid (his debts) sinks downwards.

Ch. Vl-36. Having studied the Vedas in accordance with the rule, having begot sons according to the sacred law, and having offered sacrifices according to his ability, he may direct his mind to (the attainment of) final liberation.

Ch. Vl-37. A twice-born man who seeks final liberation, without having studied the Vedas, without having begotten sons and without having offered sacrifices, sinks downwards."For these rules it is clear that according to Manu there are three features of the Ashram Dharma. First is that it is not open to Shudras and Women. The second is Brahmacharya which is compulsory, so is Grahasthashram. Vanaprastha and Sannyas are not compulsory. The third is that one must pass from one stage to another in the order in which they stand namely first Brahmacharya, then Grahasthashram, then Vanaprastha and lastly Sannyas. No one can omit one and enter the next stage.

Judging what Manu says in the light of history there are several questions which arise. Referring to the Vedas the theory of stages in life is quite unknown. The Vedas speak of Brahmachari. But there is nothing to show that Brahmarcharya was regarded as an inescapable stage in life. There is reference to ' Yatis ' in the Rig-Veda. That again was not regarded as a stage in life. Indeed unlike the Sannyasi the Yati in the Rig-Vedic times is a hated institution. In fact there are many hymns in the Rig-Veda where Indra is spoken of as having thrown the Yatis to the wolves. Why did the Brahmins formulate this theory of the four Ashramas? This is the first

riddle about the Asbram Dharma.

The second riddle relates to the order of sequence among the four Ashramas. Now there is no doubt that there was a time when it was open to a Brahmachari to enter any of the three Ashrams. He may become a Grahasthashrami or he may at once become a Sannyasi without becoming a Grahasthashrami. Compare what the authors of the Dharma Sutras have to say on the point. Vashishta Dharma Sutra says [f.66]:

"There are four orders,viz. (that of) the student, (that of) the householder, (that of) the hermit, and (that of) the ascetic."

"A man who has studied one, two, or three Vedas without violating the rules of studentship, may enter any of these (orders), whichsoever he pleases."Gautama Dharma Sutra says [f.67] : .

"Some (declare, that) he (who has studied the Veda) may make his choice (which) among the orders (he is going to enter)."

"(The four orders are, that of) the student (that of) the householder, (that of) the ascetic (Bhikshu), (and that of) the hermit in the woods (vaikhanasa).

Why did Manu remove the option and make the married state an obligatory state, why did he make the married state a condition precedent to the stage of hermit and the stage of hermit a condition precedent to the stage of a Sannyasi?

If the four stages of life have been devised to serve some important end it is difficult to understand why the two classes Shudras and women were excluded? The Shudras and women can only be householders according to the scheme of Manu. Why can they not be Brahmachari, Vanaprasthi or Sannyasi? What harm can there be either to them or to society if the Ashram Dharma was open to them? There are other riddles about the system of Ashram Dharma.

First relates to the distinctions which Manu makes among the Brahmacharis.'

Ch. 11-41.. Let students according to the order (of their castes.)., wear (as upper dresses) the skins of black antelopes, spotted deer, and he-goats, and (lower garments) made of a hemp, flax or wool. [f.68] '

Ch. 11-42. The girdle of a Brahmana shall consist of a triple cord of Munga grass, smooth and soft; (that) of a Kshatriya, of a bowstring, made of Murva fibresg; (that) of a Vaisya, of hempen threads.

Ch. 11-43. If Munga grass (and so forth) be not procurable, (the girdles) may be made of Kusa, Asmantaka, and Balbaga (fibres), with a single threefold knot, or with three or five (knots according to the custom of the family).

Ch. 11-44. The sacrificial string of a Brahmana shall be made of cotton, (shall be) twisted to the right, (and consist) of three threads, that of a Kshatriya of hempen threads, (and) that of a Vaisya of woolen threads.

Ch. 11-45. A Brahmana shall (carry), according to the sacred law, a staff of Bilva or Palasa a Kshatriya, or Vata or Khadira; (and) a Vaisya, of Pilu or Udumbara.

Ch. 11-46. The staff of a Brahmana shall be made of such length as to reach the end of his hair: that of a Kshatriya, to reach his forehead: (and) that of a Vaisya, to reach (the tip of his) nose.

Ch. 11-47. Let all the staves be straight, without a blemish, handsome to look at, not likely to terrify men, with their bark perfect, unhurt by fire.

Ch. 11-48. Having taken a staff according to his choice, having worshipped the sun and walked round the fire, turning his right hand towards it, (the student) should beg alms according to the prescribed rule.

Ch. 11-49. An initiated Brahmana should beg, beginning (his request with the word) lady (bhavati); a Kshatriya, placing (the word) Lady in the middle, but a Vaisya placing it at the end (of the formula). The Brahmacharis all belong to the same class, namely they are twiceborn. Why should it be necessary to make a distinction in the material of their upper garment? Why should it be necessary to make a distinction in the material of their sacred thread? Why should it be necessary to make a distinction in their staffs? Why should it be necessary to make a distinction in the syntax of the formula for begging alms? Why should a Brahman Brahmachari say"Bhagvati Bhikshyam Dehi"?Why should a Kshatriya Brahmachari say"Bhikshyam Bhavati Dehi"? Why should a Vaishya Brahmachari say"Bhikshyam dehi bhavati"?

The Ashram Dharma is a peculiar institution of the Hindus and they are very proud of it. It is true that it has no parallel anywhere. But it is equally true that it is without any merit. Compulsory Brahmacharya appears very attractive since it has the look of compulsory education for children. It was certainly not universal. Shudras and women were excluded from it. Having regard to the fact that the Shudras and women form nearly 9/ 10ths of the Hindu Society it is obvious that the scheme was the result of cunningness rather than wisdom. It certainly was tainted by discrimination against the masses. It was scheme for the education of the governing classes. Compulsory marriage to say the least is a most stupid rule that can be imagined. To compel every one to marry irrespective of money or health is to open the road to ruination both for the individual and the nation unless it is accompanied by a scheme whereby the state undertakes to guarantee subsistence to everybody. The most non-sensical stages are those of

Vanaprastha and the Sannyasi. Let me quote the rules regarding these two. The following is the code prescribed by Manu for the Vanaprastha [f.69] :

Ch. Vl-3. Abandoning all food raised by cultivation, and all his belongings, he may depart into the forest, either committing his wife to his sons, or accompanied by her.

Ch. Vl-4. Taking with him the sacred fire and the implements required for domestic (sacrifices) he may go forth from the village into the forest and reside there, duly controlling his senses.

Ch. Vl-5. Let him offer those five great sacrifices according to the rule, with various kinds of pure food fit for ascetics, or with herbs, roots and fruit.

Ch. Vl-6. Let him wear a skin or a tattered garment: let him bathe in the evening or in the morning and let him always were (his hair in) braids, the hair on his body, his beard, and his nails (being unclipped).

Ch. Vl-7. Let him perform the Bali-offering with such food as he eats, and give alms according to his ability: let him honour those who come to his hermitage with alms consisting of water roots and fruit.

Ch. Vl-8. Let him be always industrious in privately reciting the Veda: let him be patient of hardships, friendly (towards all), of collected mind, ever liberal and never a receiver of gifts, and compassionate towards all living creatures.

Ch. Vl-9. Let him offer, according to the law, the Agni-hotra with three sacred fires, never omitting the new-moon and full-moon sacrifices at the proper time.

Ch. VI-10. Let him also offer the Nakshatreshti, the Agrayana, and theKaturmasya (sacrifices), as well as the Turayana and likewise the Dakshayana, in due order.

Ch. Vl-11. With pure grains, fit for ascetics, which grow in spring and in autumn, and which he himself has collected, let him severally prepare the sacrificial cakes (purodasa) and the boiled messes (karu), as the law directs.

Ch. Vl-12. Having offered those most pure sacrificial viands, consisting of the produce of the forest, he may use the remainder for himself, (mixed with) salt prepared by himself.

Ch. VI-13. Let him eat vegetables that grow on dry land or in water, flowers, roots and fruits, the productions of pure trees, and oils extracted from forest fruits.

Ch. Vl-14. Let him avoid honey, flesh and mushrooms growing on the ground (for elsewhere, the vegetables called) Bhustrina, and Sigruka, and the Sleshmantaka fruit.

Ch. VI-15. Let him throw away in the month of Asvina the food of

ascetics, which he formerly collected, likewise his worn-out clothes and his vegetables, roots, and fruits.

Ch. Vl-16. Let him not eat anything (grown on) ploughed (land), though it may have been thrown away by somebody, nor roots and fruit grown in a village, though (he may be) tormented (by hunger).

Ch. Vl-17. He may eat either what has been cooked with fire, or what has been ripened by time; he either may use a stone for grinding, or his teeth may be his mortar.

Ch. VI-18. He may either at once (after his daily meal) cleanse (his vessel for collecting food), or lay up a store sufficient for a month, or gather what suffices for six months or for a year.

Ch. VI-19. Having collected food according to his ability he may either eat at night (only) or in the day-time (only), or at every fourth meal-time, or at every eighth.

Ch. Vl-20. Or he may live according to the rule of the lunar penance (Kandrayana, daily diminishing the quantity of his food) in the bright (half of the month) and (increasing it) in the dark (half); or he may eat on the last days of each fortnight, once (a day only), boiled barley-gruel.

Ch. Vl-21. Or he may constantly subsist on flowers, roots, and fruit alone, which have been ripened by time and have fallen spontaneously, following the rule of the (Institutes) of Vikhanas. Ch. Vl-22. Let him either roll about on the ground, or stand during the day on tiptoe, (or) let him alternately stand and sit down; going at the Savanas (at sunrise, at midday, and at sunset) to water in the forest (in order to bathe).

Ch. Vl-23. In summer let him expose himself to the heat of five fires, during the rainy season live under the open sky, and in winter be dressed in wet clothes, (thus) gradually increasing (the rigour of) his austerities. ,

Ch. Vl-24. When he bathes at the three Savanas (sunrise, midday, and sunset), let him offer libations of water to the manes and the gods and practising harsher and harsher austerities, let him dry up his bodily frame.

Ch. Vl-25. Having reposited the three sacred fires in himself, according to the prescribed rule, let him live without a Fire, without a house, wholly silent, subsisting on roots and fruit.

Ch. Vl-26. Making no effort (to procure) things that give pleasure, chaste, sleeping on the bare ground, not caring for any shelter, dwelling at the roots of trees.

Ch. V 1-27. From Brahmanas (who live as) ascetics let him receive alms, (barely sufficient) to support life, or from other householders of the twiceborn (castes) who reside in the forest.

Ch: Vl-28. Or (the hermit who dwells in the forest may bring food) from

a village, receiving it either in a hollow dish (of leaves), in (his naked) hand, or in a broken earthen dish, and may eat eight mouthfuls.

Ch. Vl-29. These and other observances must a Brahmana who dwells in the forest diligently practise, and in order to attain complete (union with) the (supreme) soul, (he must study) the various sacred texts contained in the Upanishadas. The rules for a Sannyasi prescribed in the ManuSmriti are as follows [f.70] :

Ch. V 1-38. Having performed the Ishti, sacred to the Lord of creatures (prajapati) where (he gives) all his property as the sacrificial fee, having reposited the sacred fires in himself, a Brahmana may depart from his house (as an ascetic).

Ch. V 1-39. Worlds, radiant in brilliancy, become (the portion) of him who recites (the texts regarding) Brahman and departs from his house (as an ascetic), after giving a promise of safety to all created beings.

Ch. VI-40. For that twice-born man, by whom not the smallest danger even is caused to created beings, there will be no danger from any (quarter) after he is freed from his body.

Ch. V 1-41. Departing from his house fully provided with the means of purification (Pavitra), let him wander about absolutely silent, and caring nothing for enjoyments that may be offered (to him).

Ch. Vl-42. Let himalways wander alone,without any companion, in order to attain (final liberation), fully understanding that the solitary (man, who) neither forsakes nor is forsaken, gains his end [f.71] .

Ch. Vl-43. He shall neither possess a fire, nor a dwelling, he may go to a village for his food, (he shall be) indiffetent to everything, firm of purpose, meditating (and) concentrating his mind on Brahman.

Ch.VI-44. A potsherd (instead of an alms-bowl), the roots of trees (for a dwelling), coarse worn-out garments, life in solitude and indifference towards, everything, are the marks of one who has attained liberation.

Ch. Vl-45. Let him not desire to die, let him not desire to live, let him wait for (his appointed) time, as a servant (waits) for the payment of his wages.

Ch. Vl-49. Delighting in what refers to the Soul, sitting (in the postures prescribed by the Yoga), independent (of external help) entirely abstaining from sensual enjoyments, with himself for his only companion, he shall live in this world, desiring the bliss (of final liberation).

Ch. Vl-50. Neither by (explaining) prodigies and omens, nor by skill in astrology and palmistry, nor by giving advice and by the exposition (of the Sastras), let him ever seek to obtain alms.

Ch. VI-51.Let him not (in order to beg) go near a house filled with

hermits, Brahmanas, birds, dogs, or other mendicants.

Ch. Vl-52. His hair, nails, and beards being clipped, carrying an alms bowl, a staff, and a water-pot let him continually wander about controlling himself and not hurting any creature.

Ch. Vl-53. His vessels shall not be made of metal, they shall be free from fractures, it is ordained that they shall be cleansed with water, like (the cups, called) Kamasa, at a sacrifice.

Ch. Vl-54. A gourd, a wooden blowl, an earthen (dish), or one made of split cane, Manu, the son of Svayambhu, has declared (to be) vessels (suitable) for an ascetic.

Ch. VI-55. Let him go to beg once (a day), let him not be eager to obtain a large quantity (of alms); for an ascetic who eagerly seeks. alms, attaches himself also to sensual enjoyments.

Ch. Vl-56. When no smoke ascends from (the kitchen), when the pestle lies motionless, when the embers have been extinguished, when the people have finished their meal, when the remnants in the dishes have been removed, let the ascetic always go to beg.

Ch. Vl-57. Let him not be sorry when he obtains nothing, nor rejoice when he obtains (something), let him (accept) so much only as will sustain life, let him not care about the (quality of his) utensils. Ch. Vl-58. Let him disdain all (food) obtained in consequnce of humble salutations, (for) even an ascetic who has attained final liberation, is bound (with the fetters of the Samsara) by accepting (food given) in consequence of humble salutations.

Ch. VI-59.Byeatinglittle,and by standing and sitting in solitude, let him restrain his senses, if they are attracted by sensual objects.

Ch.VI-60. By the restraint of his senses, by the destruction of love and hatred, and by the abstention from injuring the creatures, he becomes fit for immortality.

Ch. VI-80. [f.72] When by the disposition (of his heart) he becomes indifferent to all objects, he obtains eternal happiness both in this world and after death.

Ch. VI-81. He who has in this manner gradually given up all attachments and is freed from all the pairs (of opposites), reposes in Brahman alone.

Ch.VI-82.All that has been declared (above) depends on meditation: for he who is not proficient in the knowledge of that which refers to the Soul reaps not the full reward of the performance of rites.

Ch. VI-83. Let him constantly recite (those texts of) the Veda which refer to the sacrifice (those) referring to the deities, and (those) which treat of the Soul and are contained in the concluding portions of the Veda (Vedanta).

Ch. Vl-84. That is the refuge of the ignorant, and even that (the refuge) of those who know (the meaning of the Veda): that is (the protection) of those who seek (bliss in) heaven and of those who seek. endless (beatitude).

Ch. Vl-85. A twice-born man who becomes an ascetic, after the successive performance of the above-mentioned acts, shakes off sin here below and reaches the highest Brahman.

Comparing the Vanaprastha with the Sannyasi the resemblance in this observances is so close that one is led to ask why these two stages are created as separate stages. There appear to be only a few differences. Firstly a Vanaprastha may take his wife with him and a Sannyasi cannot. Secondly a Vanaprastha is required only to leave his property behind, and a Sannyasi has to divest himself of it. Thirdly a Vanaprastha must make his dwelling in a forest and a Sannyasi cannot have a Fixed dwelling but keep on wandering from place to place. As for the rest their mode of life is identical. Why did the Brahmins recognize an additional stage such as that of a Vanaprastha when the stage of Sannyas would have sufficed for both. But the question remains—namely what good these two stages serve. They cannot becited as examples of self sacrifice. The Vansprastha and Sannyasi cannot but be old men. Manu is very positive as to the period when a Man can become Vanaprastha,The time ripe for it is after wrinkles which is of course quite anadvanced age. The Sannyasi must be still more advanced in age. To exhibit such people who have enjoyed all the pleasures of life as instances of self-sacrifice because they choose to give up their pleasures at a stage of life when they are incapable of enjoying them must be nothing short of folly. Admittedly this abandonment of home. and family is not for the purpose of rendering social service to suffering humanity. The purpose is to enable them to perform austerities and to wait peaceful death. It seems to be a height of folly to cut of old and aged men from him and family and die in jungles uncared and unwept for so insignificant and trivial a purpose.

The Ashram system is an ancient attempt of planned economy produced by the Brahmins. It is so stupid that it is a riddle to understand the causes and the motives which have led the Brahmins to devise it.

APPENDIX II
COMPULSORY MATRIMONY

Manu prescribes that an individual's life on earth be divided into four stages. The four stages are: (1) Brahmacharya, (2) Grahastashtram, (3)

Vanaprastha and (4) Sanyas. The stage of Brahmacharya is the stage of studentship—a period devoted to the study of the Vedds. ' The stage of Grahasthashram is the stage of married state or as Manu calls it the state of being an householder marrying and rearing a family. In the Vanaprastha stage the Vanaprastha ceases to be an householder in as much as he abandons his house. He, however, does not abandon his wife. He lives in jungle but does not give up his right to his property. He is dead in so far as the religious duties of an householder are concerned but he is not civilly dead. The stage of Sanyas is the stage in which a person breaks his marital tie, abandons his wife, gives up his wordly goods and leaves his household and does not follow the religious injunctions enjoined upon a householder and goes and lives in jungle to meditate upon Brahma. He is deemed to have committed civil death.

The division of man's life into stages is an idea older than Manu. What is important is the changes Manu has made in the scheme.

The first change Manu has made is that he has made marriage compulsory. A Brahmachari after he has Finished his study must marry. This is the rule laid down by Manu as may be seen from the following:

HI. 2 (A student) who has studied in due order the three Vedas, or two, or even one only, without breaking (the rules of) studentship shall enter the order of housefolder."

HI. 4”Having bathed, with the permission of his teacher, and performed according to the rule the Samavartana (the rite on returning home), a twice-born man shall marry a wife of equal caste who is endowed with auspicious marks."

This chapter may be read along with the Riddle on ' The Four Ashramas.'—Ed.

The second change Manu has made is to prohibit entry into the order of Sanyas for a Brahmachari who had not married. Marriage is made by Manu a condition precedent to Sanyas. He declares entry into Sanyas without having undergone the stage of marriage to be a sin.

VI. 35”When he has paid the three debts, let him apply his mind to (the attainment of) final liberation; he who seeks it without having paid (his debts) sinks downwards."

VI. 36”Having studied the Vedas in accordance with the rule, having begot sons according to the sacred law, and having offered sacrifices according to his ability, he may direct his mind to (the attainment of) Final liberation.

VI. 37”A twice-born man who seeks final liberation, without having studied the Vedas, without having begotten sons, and without having

offered sacrifices, sinks downwards.

VI. 38"Having performed the Ishti, sacred to the Lord of creatures (Prajapati), where (he gives) all his property as the sacrificial fee, having reposited the sacred fires in himself, a Brahmana may depart from his house (as an ascetic)."The third change made by Manu is to prohibit an householder from becoming a Sannyasi without first entering the stage of Vanaprastha.

VI., I"A twice-born Snataka, who has thus lived according to the law in the order of householders, may, taking a firm resolution and keeping his organs in subjection, dwell in the forest, duly (observing the rules given below)."

VI. 2."When a householder sees his (skin) wrinkled, and (his hair) white, and the sons of his sons, then he may resort to the forest.

VI. 3."Abandoning all food raised by cultivation, and all his belongings, he may depart into the forest, either committing his wife to his sons or accompanied by her."

These changes made by Manu are of course revolutionary changes as compared with the rules which governed them before the time of Manu. On this point, I will only quote the relevant rules contained in two of the Dharma Shastras, the Vasistha Dharma Sutra and the Gautama Dharma Sutra.

Vasistha Dharma Sutra [f.73]says:

"There are four orders viz., (that of) student, (that of) the householder, (that of) the hermit, and (that of) the ascetic."

"A man who has studied one, two or three Vedas without violating the rules of studentship, may enter any of these (orders) whichsoever he pleases."

Gautama Dharma Sutra[f.74] says:

"Some (declare, that) he (who has studied the Veda) may make his choice (which) among the orders (he is going to enter)."

."(The four orders are, that) the student (that of) the householder, (that) of the ascetic (bhikshu) (and that of) the hermit in the woods (Vaikhanasa)."As is clear from the two Dharma Shastras what order a person should enter after completing the stage of Brahmacharya is a matter which was left to his choice. If he wished he might marry and become an householder; or without entering into the marital state he might if so inclined straightaway enter into the order of a Sannyasi. That Manu in making matrimony a condition precedent for entry into the order of Vanaprashtha and Sannyas has made a revolutionary change is therefore quite obvious.

There is another change Manu seems to have made. One does not see why to reach Sannyasa after matrimony it was necessary to go through Vanaprastha. Why one could not straightaway become a Sannyasi. After all is there any difference between a Vanaprastha and a Sannyasi which can be called to be fundamental? In an excursus to this Chapter, I have collected together the rules made by Manu for regulating the conduct of the Vanaprastha and the Sannyasi. From a perusal of these rules it will be found that there is hardly any difference. Except the fact that the Vanaprastha is required to perform some of the religious duties and observances which are prescribed for the householders there is in substance no difference between men who have entered the two orders. It is equally true that the ends to be realized by the Vanaprastha and the Sannyasi are the same. How similar are the ends to be achieved by them can be seen by reference to the following texts from Manu.

ENDS TO BE ACHIEVED

Vanaprastha	Sannyasi
VI. 29"These and other observances must a Brahmana who dwells in the forest diligently practise, and in order to attain complete (union with) the Supreme Soul, (he must study) the various sacred texts contained in the Upanishads	VI. 85"A twice-born man who becomes an ascetic after the successive performance of the above mentioned acts, shakes off sin here below and reaches the highest Brahmin.

Why then Manu carved out Vanaprastha as a separate stage from Grahasthashram and from Sannyas? Regarding Vanaprastha it can be said that such a class existed before Manu. They were called Aranas. According to Prof. Radha Kumud Mookerji [f.75] :

"Brahmacharis, who wanted to continue as such, without marrying in pursuit of knowledge, were called Aranas or Aranamans. These Aranas lived in hermitages in the forests outside the villages or centres of population. The forests where these Arana ascetics lived were called Aranyas. The philosophical speculations of these learned ascetics regarding such ultimate problems as Brahma, Creation, Soul, or Immortality are embodied in works called Aranyakas."

To these old Aranas Manu gave the name Vanaprasthas which has the same meaning as Aranas. Manu has not only made achange in names he

has introduced another change of considerable significance. In between Brahmacharya and Vanaprastha he has introduced a married state. While the original Vanaprastha or Arana was an unmarried person, Manu's Vanaprastha was necessarily a married man. In the old system Brahmacharya was followed by Vanaprastha or by Grahastashram depending upon the choice of the individual. Manu changed the order, so that no one could become a Vanaprastha unless he was first married.

The old system, the two stages of Vanaprastha or Sannyasi, did not involve any hardship or cruelty to wives and children. The new system introduced by Manu did. For to force a person to marry and then to permit him to abandon his wife is nothing short of cruelty if it did not involve criminality. But Manu did not care for such considerations. He was bent on making matrimony compulsory for all.

Why did Manu do it? Why did he make Grahastashram compulsory for a Vanaprastha or Sannyasi? Manu recognizes the married state as a superior stage the foundation of all other states. As he says:

VI. 87"The student, the householder, the hermit and the ascetics, these (constitute) four separate orders, which all spring from (the order of) householders.

VI. 88"But all (or even any of) these orders, assumed successively in accordance with the Institutes (of the sacred law), lead the Brahmana who acts by the preceding (rules) to the highest state.

VI. 89"And in accordance with the precepts of the Veda and of the smriti the housekeeper is declared to be superior to all of them, for he supports the other three.

VI. 90"As all rivers, both great and small, find a resting-place in the ocean, even so men of all orders find protection with householders"

Granting the truth of this statement the question still remains why did Manu insist upon marriage as a condition precedent to Vanaprastha or Sannyas? The only answer is that he wanted to discourage persons, from becoming Sannyasi. Why did Manu dislike the order of Vanaprastha or Sannyasi? The answer is that the religion of Buddha was largely supported and propagated by Sannyasis called Bhikshus. It was easy for unmarried persons to become Bhikshus. Manu was anxious to stop this. Hence the condition of marriage.

EXCURSUS
COMPARATIVE CODE FOR VANAPRASTHA AND SANNYASI

1. 1. Connection with the household on entry into the order Vanaprastha Sannyasi

Vanaprastha	Sannyasi
VI. 3"Abandoning all food raised by cultivation and all his belongings he may depart into the forest, either committing his wife to his sons, or accompanied by her."	VI. 38"Having performed the Ishti, sacred to the Lord of creatures (Prajapati) where (he gives) all his property as the sacrificial fee, having reposited the sacred fires in himself, a Brahmana may depart from his house, (as an ascetic)."

II. Rules Regarding Dwelling

Vanaprastha	Sannyasi
VI. 4"Taking with him the sacred fire and the implements required for domestic (sacrifices) he may go forth from the village into the forest and reside there, duly controlling his senses."	VI. 41"Departing from his house fully provided with the means of purification (Pavitra), let him wander about absolutely silent, and caring nothing for enjoyments that may be offered (to him)."
	VI. 42"Let him always wander alone, without any companion, in order to attain (final liberation) fully understanding that the solitary man who neither forsakes nor is forsaken, gains his end."
	VI. 43"He shall neither possess a fire, nor a dwelling he may go to a village for his food, (he shall be) indifferent to everything, firm of purpose, meditating (and) concentrating his mind on Brahman."

III. Rules as to Mode of Life

Vanaprastha	Sannyasi
VI. 6"Let him wear a skin or a	VI. 44"A potsherd (instead of an alms-bowl) the roots of trees

tattered garment; let him bathe in the evening or in the morning and let him always wear (his hair in) braids, the hair on his body, and his nails (being unclipped)."	(for a dwelling), coarse worn-out garments, life in solitude and indifference towards, everything are the marks of one who has attained liberation." VI. 52"His hair, nails and beard being clipped carrying an alms-bowl, staff, and a water-pot let him continually wander about controlling himself and not hurting any creature." VI. 53"His vessels shall not be made of metal, they shall be free from fractures, it is ordained that they shall be cleansed with water, like (the cups called) Kamasa, at a sacrifice." VI. 54"A gourd, a wooden bowl, an earthen (dish) or one made of split cane, Manu the son of Swa-yambhu, has declared (to be) vessels (suitable) for an ascetic."

IV. Rules as to Means of Livelihood

Vanaprastha	Sannyasi
VI. I I"With pure grains, fit for ascetics, which grow in spring, and in autumn and which he himself has collected, let him severally prepare the sacrificial cakes (purodasa) and the boiled messes (Karu) as the law directs." VI. 12"Having offered those most pure sacrificial viands, consisting of the produce of the forest, he may use the remainder for himself (mixed with) salt prepared by himself." VI. 26"Making no effort (to procure) things that give pleasure	VI. 49"Delighting in what refers to the Soul sitting in the posture prescribed by the Yoga), independent (of external help) entirely abstaining from sensual enjoyment with himself for his only companion he shall live in this world desiring the bliss (of Final liberation)." VI. 50"Neither by (explaining prodigies and omens, nor by skill in astrology and palmistry nor by giving advice and by the exposition (of theSastras) let

chaste, sleeping on the bare ground, not caring for any shelter, dwelling at the roots of trees.” VI. 27”From Brahmans (who live as) ascetics, let him receive alms, (barely sufficient) to support life, or from other householders of the twice-born (castes) who reside in the forest." VI. 28”Or (the hermit) who dwells in the forest) may bring(food)from a village, receiving it either in a hollow dish (of leaves) in (his naked) hand, or in a broken earthern dish, and may eat eight mouthfuls."	him, ever seek to obtain alms." VI. 51”Let him not (in order to beg) go near a house filled with hermits, Brahmanas, birds, dogs, or other mendicants."

V. Rules as to Food

Vanaprastha	Sannyasi
VI. 13”Let him eat vegetables that grow on dry land or in water, flowers, roots and fruits, the productions of pure trees and oils extracted from forest-fruits." VI. 14”Let him avoid honey, flesh and mushrooms growing on the ground (or elsewhere, the vegetables called) Bhustrina and Sigruka and the Sleshmantaka fruits. VI. 15”Let him throw away in the mouth ofAsvinathefood of ascetics, which he formerly collected, likewise his worn-out clothes and his vegetables, roots and fruit." VI, 16”Let him not eat anything (grown on) ploughed (land), though it may have been thrown away by somebody, nor roots and	VI. 55”Let him go to beg once a day, let him not be eager to obtain a large quantity (of alms): for an ascetic who eagerly seeks alms, attaches himself also to sensual enjoyments." VI. 56”When no smoke ascends from (the kitchen) when the pestle lies motionless, when the embers have been extinguished, when the people have finished their meal, when the remnants in the dishes have been removed let the ascetic always go to beg." VI. 57”Let him not be sorry when he obtains nothing, nor rejoice when he obtains (something), let him

fruit grown in a village, though (he may be)tormented (by hunger)." VI. 17"He may eat either what has been cooked with fire, or what has been ripened by time; he either may use a stone for grinding or his teeth may be his mortar." VI. 18"He may either at once (after his daily meal) cleanse (his vessel for collecting food), or lay up a store sufficient fora month, or gather what suffices for six months or for a year." VI. 19"Having collected food according to his ability, he may either eat at night (only), or in the day-time (only) or at every fourth meal-time or at every eighth." VI. 20"Or, he may live accord ing to the rule *of* the lunar penance (Kan-drayana, daily diminishing the quantity of his food) in the bright (half of the month) and (increasing it) in the dark (half); or he may eat on the last days of each fortnight once (a day only), boiled barley-gruel." VI. 21"Or he may constantly subsist on flowers, roots, and fruit alone, which have been ripened by time and have fallen spontaneously, following the rule of the (Institutes) of Vikhanas." VI. 22"Let him either roll about on the ground, or stand during the day on tiptoe, (or) let him alternately stand and sit down; going at the Savanas (at sunrise, at midday, and at sunset) to water in	(accept) so much only as will sustain life, let him not care about the (quality of his) utensils. VI. 58"Let him disdain all (food) obtained in consequence of humble salutations, (for) even an ascetic who has attained final liberation, is bound (with the fetters of the Samsara) by accepting (food given) inconsequence of humble salutations."

the forest (in order to bathe).	

VI. Duties to be performed

Vanaprastha	Sannyasi
VI. 5"Let him offer those five great sacrifices according to the rule, with various kinds of pure food fit for ascetics, or with herbs, roots, and fruit. VI. 7"Let him perform the Bali-offering with such food as he eats, which and give alms according to his ability; let him honour those who come to his hermitage with alms consisting of water, roots, and fruit. VI. 8"Let him be always industrious in privately reciting the Veda; let him be patient of hardships, friendly (towards all), of collected mind, ever liberal and never a receiver of gifts, and compassionate towards all living creatures." VI. 9"Let him offer, according to the law, the Agnihotra with three sacred fires never omitting the new-moon and full-moon sacritices at the proper time."VI. 10"Let him also offer the Nakshatreshti. the Agrayana, and the Katurmasya (sacrifices), as well as Turayana and likewise the Dakshavana. in due order." VI. 23"In Summer let him expose himself to the heat of the five fires. During the rainy season live under the open sky and in	VI. 65"By deep meditation let him recognize the subtle nature of the Supreme Soul, and its presence in all organisms, both the highest and the lowest." VI. 83"Let him constantly recite (those texts) of the Veda refer to the sacrifice (those) refering to the deities and (those) which treat of the soul and are contained in the Concluding portions of the Veda (Vedanta)."

winter be dressed in wet clothes, (thus) gradually increasing (the rigour of) his austerities." VI. 24"When he bathes at the three Savanas (sunrise midday and sunset), let him offer libations of water to the manes and the Gods and practising harsher and harsher austerities, let him dry up his bodily frame." VI. 25"Having reposited the three sacred lires in himself according to the prescribed rule, let him live without a fire, without a house wholly silent, subsisting on roots and fruit."	

PART III

Riddle In Hinduism

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PART III
POLITICAL

RIDDLE NO. 21
THE THEORY OF MANVANTARA

The Brahmins had a theory of the Government of their country from Heaven. This seems to be the idea underlying what is called a Manvantara.

The idea underlying a *Manvantara* is related to the political Government of the country. It is founded on the belief that the Government of the world is entrusted to a corporation for a fixed period. This corporation consists of an officer called Manu and Saptarishis (seven Rishis) and one Indra conducting the affairs of the country from their seats in Heaven without consulting the people or ascertaining their wishes. The period of the reign by one corporation is called a Manvantara after Manu the premier authority in the ruling set. When the reign of one Manu is over he is succeeded by another Manu and so on. As in the case of the Yugas, the Manvantaras also move in cycles. Fourteen Manvantaras make one cycle.

The Vishnu Purana gives us an idea of these Manvantaras which is as follows:

"Then Brahma created himself the Manu Swayambhuva, born of, and identical with, his original self, for the protection of created beings; and the female portion of himself he constituted Satarupa, whom austerity purified from the sin (of forbidden nuptials), and whom the divine Manu Swayambhuva took to wife. Stopping here for the moment one might ask—What does this mean? Does it mean that Brahma was a hermaphrodite? Does it mean that Manu Swayambhu married his sister. Satarupa? How very strange if this is true as the Vishnu Purana seems to suggest. The Vishnu Purana proceeds to say:

"From these two are born two sons, Priyavrata and Uttanpada, and two daughters, named Prasuti and Akuti graced with loveliness and exhalted merit.

(This is an 11-page MS of which last four pages are in the handwriting of the author.—Ed.)

Prasuti he gave to Daksha and gave Akuti to the Patriarch Ruchi, who espoused her. Akuti bore to Ruchi twins, Yajna and Dakshina, who afterwards became husband and wife (again a case of a brother marrying his sister) and had twelve sons, the deities called Yamas, in the Manvantara of Swayambhuva."

"The first Manu was Swayambhuva, then came Swarochisha, then Auttami, then Tamasa, then Raivata, then Chakshusha; these six Manus have passed away. The Manu who presides over the seventh Manvantara, which is the present period, is Vaivaswata the son of the

sun."

"I will now, enumerate, says the author of the Vishnu Purana, the presiding Gods, Rishis, and sons of the Manu Swarochisha. The deities of this period (or the second Manvantara) were called Paravatas and Tushitas; and the King of the gods was the mighty Vipaschit. The seven Rishis were Urja, Stambha, Prana, Dattoli, Rishabha, Nischara, and Arvarivat. And Chaitra, Kimpurusha, and others were the Manu's sons.

"In the third period, or Manwantara of Auttamin, Susanti was the Indra, the king of the gods, the orders of whom were the Sudhamas, Satyas, Sivas, Pradersanas, and Vasavertis; each of the five orders consisting of twelve divinities. The seven sons of Vasishtha were the seven Rishis; and Aja, Parasu, Divya, and others were the sons of Manu.

"In the period of Tamasa, the fourth Manu, the Surupas, Haris, Satyas, and Sudhis were the classes of Gods, each comprising twenty-seven. Sivi was the Indra, also designated by his performance of a hundred sacrifices (or named Satakratu). The seven Rishis were Jyotirdhama, Prithu, Kavya, Chaitra, Agni, Vanaka and Pivara. The sons of Tamasa were the mighty kings Nara, Khyati, Santhaya, Janujangha and others."

"In the fifth interval (Manvantara) the Manu was Raivata; the Indra was Vibhu, the classes of gods, consisting of fourteen each, were the Amitbhas, Abhutarasas, Vaikunthas, and Sumedhas; the seven Rishis were Hiranyaroma, Vedasri, Urddhabahu, Vedabahu, Sudhaman, Parjanya and Mahamuni; the sons of Raivata were Balabandhu, Susambhavya, Satyaka, and other valiant kings."

"These four Manus, Swarochisha, Auttami, Tamasa, and Raivata, were all descended from Priyavrata, who in consequence of propitiating Vishnu by his devotions, obtained these rules of the Manvantaras for his posterity.

"Chakshusha was the Manu of the sixth period in which the Indra was Manojva;the five classes of Gods were the Adyas,

Prastutas, Bhavyas, Prithugas, and the magnanimous Lekhas eight of each Sumedhas, Virajas, Havishmat, Uttama, Madhu, Abhinaman and Sahishnu were the seven sages; the kings of the earth, the sons of Chaksusha, were the powerful Uru, Puru, Satadhumna and others."

"The Manu of the present seventh Manvantara is the wise lord of obsequies, and illustrious offspring of the sun called Manu Vaivaswata and deities are the Adityas, Vasus and Rudras; their sovereign is Purandara; Vasishtha, Kasyapa, Atri, Jamadagni, Gautama, Viswamitra and Bharadwaja are the seven Rishis; and the nine pious sons of Vaivaswata Manu are the kings of Ikshwaku, Nabhanidishta, Karusha,

Prishadhra, and the celebrated Vasumat."So far the particulars of seven Manvantaras which are given by the Vishnu Purana relate to Manvantaras which had run out at the time when the Vishnu Purana was written. Whether the rule of the Manvantaras was an external one the Brahmins have been silent. But the author of the Vishnu Purana knew that seven more Manvantaras were to come. Below are given the particulars of these seven.

"Sanjana, the daughter of Vishwakarman was the wife of the sun, and bore him, three children, the Manu (Vaivaswata), Yama and the goddess Yami (or the Yamuna river). Unable to endure the fervours of her lord, Sanjana gave him Chhaya as his handmaid, and repaired to the forests to practise devout exercises. The sun, supposing Chhaya to be his wife Sanjana, begot by her three other children Sanaischara (Saturn), another Manu (Savarni) and a daughter Tapati (the Tapti river). Chhaya upon one occasion, being offended with Yama, the son of Sanjana, denounced an imprecation upon him, and thereby revealed to Yama and to the sun that she was not in truth Sanjana, the mother of the former. Being further informed by Chhaya that his wife had gone to the wilderness the sun beheld her by the eye of meditation engaged in austerities, in the figure of a mare (in the region of Uttara Kuru). Metamorphosing himself into a horse, he rejoined his wife, and begot three other children, the two Aswins, and Revanta, and then brought Sanjana back to his own dwelling. To diminish his intensity, Vishwakaraman placed the luminary on his lathe to grind off some of his effulgence; and in this manner reduced it an eighth: for more than that was inseparable. The parts of the divine Vaishnava splendour, residing in the sun, that were filed off by Viswakaraman fell blazing down upon the earth, and the artist constructed of them the discuss of Vishnu, the trident of Shiva, the weapon of the god of wealth, the lance of Kartikeya, and the weapons of the other gods: all these Viswakarman fabricated from the superflous rays of the sun."

"The son of Chhaya, who was called also a Manu was denominated Savarni, from being of the same caste (Savarni) as his elder brother, the Manu Vaivaswata. He presides over the ensuing or eighth Manvantara; the particulars of which and the following, I will now relate. In the period in which Savarni shall be the Manu, the classes of the gods will be Sutapas, Ambitabhas and Mukhyas: twenty-one of each. The seven Rishis will be Diptimat, Galava, Rama, Kripa, Drauni; my son Vyasa will be the sixth and the seventh will be Rishyasringa. The Indra will be Bali, the sinless son of Virochana who through the favour of Vishnu is

actually sovereign of part of Patala. The royal progeny of Savarni will be Virajas, Arvarivas, Nirmoha, and others."

"The ninth Manu will be Dakshasavarni. The Paras, Marichigarbhas and Sudharrnas- will be the three classes of divinities; each consisting of twelve, their powerful chief will be the Indra Adbhuta Savana, Dyutimat, Bhavya, Vasu, Medhatithi, Jyotishaman and Satya, will be he seven Rishis. Dhritketu, Driptiketu, Panchahasta, Nirmaya, Prithusrava, and others will be the sons of the Manu.

"In the tenth Manwantara the Manu will be Brahma-savarni; the gods will be the Sudhamas, Virudhas, and Satasankhyas; the Indra will be the mighty Santi; the Rishis will be Havishaman, Sukriti, Satya, Appammurthi, Nabhaga, Apratimaujas and Satyaketu; and the ten sons of the Manu will be Sukshetra, Uttamaujas, Harishena and others."

"In the eleventh Manwantara the Manu will be Dharma-savarni; the principal classes of gods will be the Vihangamas. Karnagamas, and the Nirmanaratis, each thirty in number; of whom Vrisha will be the Indra; the Rishis will be Nischara, Agnitejas, Vapushaman, Vishnu, Aruni, Havishaman, and Anagha; the kings of the earth, and sons of the Manu, will be Savarga, Sarvadharma, Devanika, and others."

"In the twelfth Manvantara the son of Rudra-Savarni, will be the Manu; Ritudhama will be the Indra; and the Haritas, Lohitas; Sumanasas and Sukramas will be the classes of gods, each comprising fifteen Tapaswi, Sutapas, Tapomurti, Taporti, Tapodhriti, Tapodyuti and Tapodhana will be the Rishis; and Devas, Upadeva, Devasreshtha and others will be the manu's sons, and mighty monarchs on the earth."

"In the thirteenth Manvantara the Manu will be Rauchya; the classes of gods, thirty-three in each, will be Sudhamanas, Sudharmans and Sukarmanas, their Indra will be Divaspati;

the Rishis will be Nirmoha, Tatwadersin, Nishprakampa, Nirutsuka, Dhritimat, Avyaya and Sutapas; and Chitrasena, Vichitra, and others will be the kings."

"In the fourteenth Manvantara, Bhautya will be the Manu; Suchi, the Indra; the five classes of gods will be the Chakshushas, the Pavitras, Kanishthas Bhrajiras and Vavriddhas; the seven Rishis will be Agnibahu, Suchi, Sikra, Magadha, Gridhra, Yukta and Ajita; and the sons of the Manu will be Uru, Gabhir, Gabhira, Bradhna and others who will be kings, and will rule over, the earth."Such is the theory of Manvantaras. We now hear of the Dictatorship of the Proletariat. The Brahmanic theory was just the opposite of it. It was a theory of the Dictatorship over the Proletariat by the Heavenly fathers.

Be that as it may the question that primarily comes to one's mind is: How these fourteen Manus who succeeded one another rule the people? What laws did they make for the governance of the people? The only place where one can get an answer is the Manusmriti.

Referring to the first chapter of Manusmriti we get the following answer:

Ch. I. 1. The great sages approached Manu, who was seated with a collected mind, and, having duly worshipped him spoke as follows:

2. Deign, divine one, do declare to us precisely and in due order the sacred laws of each of the (four chief) castes (Varna) and of the intermediate ones.

3. For thou, O Lord, alone knowest the purport of the rites and knowledge of the Soul taught in this whole ordinance of the Swayambhu (Manu) which is unknowable and unfathomable. Manu replies to them saying:

5. This universe existed in the shape of darkness unperceived, destitute of distinctive marks, unattainable by reasoning, unknowable, wholly immersed as it were in deep sleep.

8. Swayambhu Manu desiring to produce beings of many kinds from his own body, first with a thought created the waters and placed his seed in them.

9. That (Seed) became a golden egg, in brilliancy equal to the sun; in that Egg he himself was born as Brahman, the progenitor of the whole world.

34. Then, I, desiring to produce created beings performed very difficult austerities and thereby called into existence ten great sages, lords of created beings.

35. Marichi, Atri, Angiras, Pulastya, Pulaha, Kratu, Prachetas, Vashishta, Bhrugu and Narada.

58. But he having composed these Institutes of the sacred law, himself taught them, according to rule, to me alone in the beginning: next I taught them to Marichi and the other sages.

59. Bhrigu will fully recite to you these Institutes; for that sage learned the whole in its entirety from me.

From this it appears that the only Manu who made laws was the Swayambhu Manu. According to Vishnu Purana, each Manvantara had its own Manu. Why did they not make laws for their own Manvantara. Or was it the laws made by Swayambhu Manu were to be Eternal. If so, why did the Brahmins have separate Manvantara.

RIDDLE NO. 22

BRAHMA IS NOT DHARMA. WHAT GOOD IS BRAHMA?

There are various forms of Government known to history—Monarchy, Aristocracy and Democracy to which may be added Dictatorship.

The most prevalent form of Government at the present time is Democracy. There is however no unanimity as to what constitutes Democracy. When one examines the question one finds that there are two views about it. One view is that Democracy is a form of Government. According to this view where the Government is chosen by the people that is where Government is a representative Government there is Democracy. According to this view Democracy is just synonymous with Representative Government which means adult suffrage and periodical elections.

According to another view a democracy is more than a form of Government. It is a form of the organization of Society. There are two essential conditions which characterize a democratically constituted society. First is the absence of stratification of society into classes. The Second is a social habit on the part of individuals and groups which is ready for continuous readjustment or recognition of reciprocity of interests. As to the first there can be no doubt that it is the most essential condition of Democracy. As Prof. Deweymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_1 has observed: [*Quotation referred to by the author is not recorded in the original MS from ' Democracy and Education ', by Dewey p. 98.]* The second condition is equally necessary for a democratically constituted society.

***This chapter consists about 20 pages out of which first two pages and the concluding six are in the handwriting of the author. The rest are typed pages with all necessary modifications by Dr. Ambedkar.*—Ed.**

The results of this lack of reciprocity of interests among groups and individuals produce anti-democratic results which have been well described by Prof. Deweymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_2 when he says: *[Quotation from 'Democracy and Education*

' of page 99 referred to by the author is not recorded in the original MS.]

Of the two views about democracy there is no doubt that the first one is very superficial if not erroneous. There cannot be democratic Government unless the society for which it functions is democratic in its form and structure. Those who hold that democracy need be no more than a mere matter of elections seem to make three mistakes.

One mistake they make is to believe that Government is something which is quite distinct and separate from society. As a matter of fact Government is not something which is distinct and separate from Society. Government is one of the many institutions which Society rears and to which it assigns the function of carrying out some of the duties which are necessary for collective social life.

The Second mistake they make lies in their failure to realize that a Government is to reflect the ultimate purposes, aims, objects and wishes of society and this can happen only where the society in which the Government is rooted is democratic. If society is not democratic, Government can never be. Where society is divided into two classes governing and the governed the Government is bound to be the Government of the governing class.

The third mistake they make is to forget that whether Government would be good or bad democratic or undemocratic depends to a large extent up on the instrumentalities particularly the Civil Service on which every where Government has to depend for administering the Law. It all depends upon the social milieu in which civil servants are nurtured. If the social milieu is undemocratic the Government is bound to be undemocratic.

There is one other mistake which is responsible for the view that for democracy to function it is enough to have a democratic form of Government. To realize this mistake it is necessary to have some idea of what is meant by good Government.

Good Government means good laws and good administration. This is the essence of good Government. Nothing else can be. Now there cannot be good Government in this sense if those who are invested with ruling power seek the advantage of their own class instead of the advantage of the whole people or of those who are downtrodden. Whether the Democratic form of Government will result in good will depend upon the disposition of the individuals composing society. If the mental disposition of the individuals is democratic then the democratic form of Government can be expected to result in good Government. If not, democratic form of Government may easily become a dangerous

form of Government. If the individuals in a society are separated into classes and the classes are isolated from one another and each individual feels that his loyalty to his class must come before his loyalty to every thing else and living in class compartments he becomes class conscious bound to place the interests of his class above the interests of others, uses his authority to pervert law and justice to promote the interests of his class and for this purpose practises systematically discrimination against persons who do not belong to his caste in every sphere of life what can a democratic Government do. In a Society where classes clash and are charged with anti-social feelings and spirit of aggressiveness, the Government can hardly discharge its task of governing with justice and fairplay. In such a society, Government even though it may in form be a government of the people and by the people it can never be a Government for the people. It will be a Government by a class for a class. A Government for the people can be *had* only where the attitude of each individual is democratic which means that each individual is prepared to treat every other individual as his equal and is prepared to give him the same liberty which he claims for himself. This democratic attitude of mind is the result of socialization of the individual in a democratic society. Democratic society is therefore a prerequisite of a democratic Government. Democratic Governments have toppled down in largely due to the fact that the society for which they were set up was not democratic.

Unfortunately to what extent-the task of good Government depends upon the mental and moral disposition of its subjects has seldom been realized. Democracy is more than a political machine. It is even more than a social system. It is an attitude of mind or a philosophy of life.

Some equate Democracy with equality and liberty. Equality and liberty are no doubt the deepest concern of Democracy. But the more important question is what sustains equality and liberty? Some would say that it is the law of the state which sustains equality and liberty. This is not a true answer. What sustains equality and liberty is fellow-felling. What the French Revolutionists called fraternity. The word fraternity is not an adequate expression. The proper term is what the Buddha called, Maitree. Without Fraternity Liberty would destroy equality and equality would destroy liberty. If in Democracy liberty does not destroy equality and equality does not destroy liberty, it is because at the basis of both there is fraternity. Fraternity is therefore the root of Democracy.

The foregoing discussion is merely a preliminary to the main question. That question is—wherein lie the roots of fraternity without which

Democracy is not possible? Beyond dispute, it has its origin in Religion.

In examining the possibilities of the origin of Democracy or its functioning successfully one must go to the Religion of the people and ask—does it teach fraternity or does it not? If it does, the chances for a democratic Government are great. If it does not, the chances are poor. Of course other factors may affect the possibilities. But if fraternity is not there, there is nothing to built democracy on. Why did Democracy not grow in India? That is the main question. The answer is quite simple. The Hindu Religion does not teach fraternity. Instead it teaches division of society into classes or varnas and the maintenance of separate class consciousness. In such a system where is the room for Democracy?

The Hindu social system is undemocratic not by accident. It is designed to be undemocratic. Its division of society into *varnas* and castes, and of castes and outcastes are not theories but are decrees. They are all barricades raised against democracy.

From this it would appear that the doctrine of fraternity was unknown to the Hindu Religious and Philosophic thought. But such a conclusion would not be warranted by the facts of history. The Hindu Religious and Philosophic thought gave rise to an idea which had greater potentialities for producing social democracy *than* the idea of fraternity. It is the doctrine of Brahmaism*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_3.

It would not be surprising if some one asked what is this Brahmaism? It is something new even to Hindus. The Hindus are familiar with Vedanta. They are familar with Brahmanism. But they are certainly not familiar with Brahmaism. Before proceeding further a few words of explanation are necessary.

There are three strands in the philosophic and religious thought of the Hindus. They may be designaged as (1) *Brahmaism* (2) *Vedanta* and (3) *Brahmanism.* Although they are correlated they stand for three different and distinct ideologies.

The essence of Brahmaism is summed up in a dogma which is stated in three different forms. They are (i) *Sarvam Khalvidam Brahma*— All this is Brahma. (ii) *Aham Brahmasmi*— Atmana (Self) is the same as Brahma.

Therefore I am Brahma. (iii) *Tattvamasi*— Atmana (Self) is the same as Brahma.

Therefore thou art also Brahma.

They are called Mahavakyas which means Great Sayings and they sum

up the essence of Brahmaism.

The following are the dogmas which sum up the teachings of Vedant—

I Brahma is the only reality.

II The world is maya or unreal**.** III Jiva and Brahma are— (i) according to one school identical; (ii) according to another not identical but are elements of him and not separate from him;

(iii) according to the third school they are distinct and separate.

The creed of *Bramhanism* may be summed up in the following dogmas— (i) Belief in the chaturvarna. (ii) Sanctity and infallibility of the Vedas. (iii) Sacrifices to Gods the only way to salvation. Most people know the distinction between the Vedanta and Brahmanism and the points of controversy between them. But very few people know the distinction between Brahmaism and Vedanta. Even Hindus are not aware of the doctrine of Brahmaism and the distinction between it and Vedanta. But the distinction is obvious. While Brahmaism and Vedanta agree that Atman is the same as Brahma. But the two differ in that Brahmaism does not treat the world as unreal, Vedanta does. This is the fundamental difference between the two.

The essence of Brahmaism is that the world is real and the reality behind the world is Brahma. Everything therefore is of the essence of Brahma.

There are two criticisms which have been levelled against Brahmaism. It is said that Brahmaism is piece of impudence. For a man to say"I am Brahma"is a kind of arrogance. The other criticism levelled against Brahmaism is the inability of man to know Brahma. 'I am Brahma' may appear to be impudence. But it can also be an assertion of one's own worth. In a world where humanity suffers so much from an inferiority complex such an assertion *on* the part of man is to be welcomed. Democracy demands that each individual shall have every opportunity for realizing its worth. It also requites that each individual shall know that he is as good as everybody else. Those who sneer at *Aham Brahmasmi* (I am Brahma) as an impudent Utterance forget the other part of the *Maha Vakya* namely *Tatvamasi* (Thou art also Brahma). If *Aham Brahmasmi* has stood alone without the conjunct of *Tatvamasi* it may not have been possible to sneer at it. But with the conjunct of *Tatvanmsi* the charge of selfish arrogance cannot stand against Brahmaism.

It may well be that Brahma is unknowable. But all the same this theory of Brahma has certain social implications which have a tremendous value as a foundation for Democracy. If all persons are parts of Brahma

then all are equal and all must enjoy the same liberty which is what Democracy means. Looked at from this point of view Brahma may be unknowable. But there cannot be slightest doubt that no doctrine could furnish a stronger foundation for Democracy than the doctrine of Brahma.

To support Democracy because we are all children of God is a very weak foundation for Democracy to rest on. That is why Democracy is so shaky wherever it made to rest on such a foundation. But to recognize and realize that you and I are parts of the same cosmic principle leaves room for no other theory of associated life except democracy. It does not merely preach Democracy. It makes democracy an obligation of one and all.

Western students of Democracy have spread the belief that Democracy has stemmed either from Christianity or from Plato and that there is no other source of inspiration for democracy. If they had known that India too had developed the doctrine of Brahmaism which furnishes a better foundation for Democracy they would not have been so dogmatic. India *too* must be admitted to have a contribution towards a theoretical fouodation for Democracy.

The question is what happened to this doctrine of Brahmaism? It is quite obvious that Brahmaism had no social effects. It was not made the basis of Dharma. When .asked why this happened the answer is that Brahmaism is only philosophy, as though philosophy arises not out of social life but out of nothing and for nothing. Philosophy is no purely theoretic matter. It has practical potentialities. Philosophy has its roots in the problems of life and whatever theories philosophy propounds must return to society as instruments of re-constructing society. It is not enough to know. Those who know must endeavour to fulfil.

Why then Brahmaism failed to produce a new society? This is a great riddle. It is not that the Brahmins did not recognize the doctrine of Brahmaism. They did. But they did not ask how they could support inequality between the Brahmin and the Shudra, between man and woman, between casteman and outcaste? But they did not. The result is that we have on the one hand the most democratic principle of Brahmaism and on the other hand a society infested with castes, subcastes, outcastes, primitive tribes and criminal tribes. Can there be a greater dilemma than this? What is more ridiculous is the teaching of the Great Shankaracharya. For it was this Shankarcharya who taught that there is Brahma and this Brahma is real and that it pervades all and at the same time upheld all the inequities of the Brahmanic society. Only a

lunatic could be happy with being the propounder of two such contradictions. Truely as the Brahmin is like a cow, he can eat anything and everything as the cow does and remain a Brahmin.

RIDDLE NO. 23
KALI YUGA—WHY HAVE THE BRAHMINS MADE IT UNENDING?

If there is any notion widespread among the Hindus and understood by every man and woman adult or old, mature or immature it is that of the Kali Yuga. They are all aware of the fact that the present Yuga is Kali Yuga and that they are living in the Kali Yuga. The theory of Kali Yuga has a psychological effect upon the mind of the people. It means that it is an unpropitious age. It is an immoral age. It is therefore an age in which human effort will not bear any fruit. It is therefore necessary to inquire as to how such a notion arose. There are really four points which require elucidation. They are (1) What is Kali Yuga?, (2) When did Kali Yuga begin?, (3) When is the Kali Yuga to end? and (4) Why such a notion was spread among the people.

I

To begin with the first point. For the purposes of this inquiry it is better to split the words Kali Yuga and consider them separately. What is meant by Yuga? The word Yuga occurs in the Rig-Veda in the sense of age, generation or tribe as in the expressions *Yuge Yuge* (in every age), *Uttara Yugani* (future ages), Uttare Yuge (later ages) and *Purvani Yugani* (former ages) etc. It occurs in connection with Manushy, Manusha, Manushah in which case it denotes generations of men. It just meant ages. Various attempts are made to asertain the period the Vaidikas intended to be covered by the term ' Yuga '. *Yuga* is derived from the Sanskrit root *Yuj* which means to join and may have had the same meaning as the astronomical term 'conjunction'.

***This chapter contains 45 typed pages. Only 9 pages of this chapter at the beginning are numbered. While no other pages are numbered. Howsoever the text of this chapter has been found to be complete and without any loss of material.*—Ed.**

Prof. Weber suggests that the period of time known as *Yuga* was

connected with four lunar phases.

Following this suggestion Mr. Rangacharya mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_4 has advanced the theory that"in all probability the earliest conception of a Yuga meant the period of a month from new-moon when the Sun and the Moon see each other i.e., they are in conjunction". This view is not accepted by others. For instance, according to Mr. Shamshastry mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_5 the term Yuga is in the sense of a single human year as in the Setumahatmya which is said to form part of the Skanda Purana. According to the same authority it is used in the sense of a Parva or half a lunation, known as a white or dark half of a lunar month.

All these attempts do not help us to know what was the period which the Vaidikas intended to be covered by a Yuga.

While in the literature of the Vaidikas or theologians there is no exactitude regarding the use of the term Yuga in the literature of the astronomers (writers on Vedanga Jyotish) as distinguished from the Vaidikas the word Yuga connotes a definite period. According to them, a Yuga means a cycle of five years which are called (1) Samvatsara, (2) Parivatsara, (3) Idvatsara, (4) Anuvatsara and (5) Vatsara.

Coming to *Kali* it is one of the cycles made up of four *Yugas : Krita, Treta, Dwapar* and *Kali.* What is the origin of the term *Kali?* The terms Krita, Treta, Dwapar and Kali are known to have been used .in the three different connections. The earliest use of the term Kali as well as of other terms is connected with the game of dice.

From the Rig-Veda it appears that the dice piece that was used in the game was made of the brown fruit of the Vibhitaka tree being about the size of a nutmeg, nearly round with five slightly flattened sides. Later on the dice was made of four sides instead of five. Each side was marked with the different numerals 4, 3, 2 and 1. The side marked with 4 was called Krita, with 3 Treta, with 2 Dwapara and with 1 Kali. Shamshastry gives an account of how a game of dice formed part of sacrifice and how it was played. The following is his account3:

"Taking a cow belonging to the sacrificer, a number of players used to go along the streets of a town or village, and making the cow the stake, they used to play at dice in different batches with those who deposited grain as their stake. Each player used to throw on the ground a hundred or more *Cowries* (shells), and when the number of the Cowries thus cast

and fallen with their face upwards or downwards, as agreed upon, was exactly divisible by four then the sacrificer was declared to have won: but if otherwise he was defeated. With the grain thus won, four Brahmans used to be fed on the day of sacrifice."

Professor Eggling's referencesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_6 to the Vedic literature leave no doubt about the prevalence of the game of dice almost from the earliest time. It is also clear from his references that the game was played with five dice four of which were called *Krita* while the fifth was called Kali. He also points out that there were various modes in which the game was played and says that according to the earliest mode of playing the game, if all the dice fell uniformly with the marked sides either upwards or downwards then the player won the game. The game of dice formed part of the Rajasuya and also of the sacrificial ceremony connected with the establishment of the sacred fire.

These terms—Krita, Treta, Dwapara and Kali—were also used in Mathematics. This is clear from the following passage from Abhayadevasuri's Commentary on Bhagvati Sutra a voluminous work on Jaina religion.

"In mathematical terminology an even number is called ' Yugma ', and an odd number ' Ojah '. Here there are, however, two numbers deserving of the name ' Yugma ' and two numbers deserving of the name 'Ojah'. Still, by the word 'Yugma' four Yugmas i.e., four numbers are meant. Of them i.e., Krita-yugma: Krita means accomplished, i.e., complete, for the reason that there is no other number after four, which bears a separate name (i.e., a name different from the four names Krita and others). That number which is not incomplete like Tryoja and other numbers, and which is a special even number is Kritayugma. As to Tryoja: that particular odd number which is uneven from above a Krityugma is Tryoja. As the Dwaparayugma:—That number which is another even number like Krityugma, but different from it and which is measured by two from the beginning or from above a Krityugma is Dwaparayugma— Dvapara is a special grammatical word. As to Kalyoja:—That special uneven number which is odd by Kali, i.e., to a Kritayugma is called Kalyoja. That number etc. which even divided by four, ends in complete division, Krityugma. In the series of numbers, the number four, though it need not be divided by four because it is itself four, is also called Krityugma."Shamshastrymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.

Riddles in Hinduism PART III.htm - _msocom_7 mentions another sense in which these terms are used.

According to him, they are used to mean the Parvas of those names, such as Krita Parva, Treta Parva, Dwapara Parva and Kali Parva. A Parva is a period of 15 tithis or days otherwise called Paksha. For reasons connected with religious ceremonies the exact time when a Parva closed was regarded as important. It was held that the Parvas fell into four classes according to the time of their closing. They were held to close either (1) at Sunrise, (2) at one quarter or Pada of the day, (3) after 2 quarters or Padas of the day or (4) at or after three quarters or Padas of the day. The first was called *Krita* Parva, the second *Treta* Parva, the third *Dwapara* Parva and the fourth *Kali* Parva.

Whatever the meaning in which the words *Kali* and *Yuga* were used at one time, the term *Kali Yuga* has long since been used to designate a unit in the Hindu system of reckoning time. According to the Hindus there is a cycle of time which consists of four Yugas of which the Kali Yuga forms one. The other Yugas are called *Krita, Treta* and *Dwapar.*

II

When did the present Kali Yuga begin? There are two different answers to the question.

According to the Aitereya Brahmana it began with Nabhanedishta son of Vaivasvata Manu. According to the Puranas it began on the death of Krishna after the battle of Mahabharata.

The first has been reduced to time term by Dr. Shamshastry'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_8 who says that Kali Yuga began in 3101 B.C. The second has been worked out by Mr. Gopal Aiyer with meticulous care. His view is that the Mahabharat War commenced on the 14th of October and ended on the night of 31st October 1194 B.C. He places the death of Krishna 16 years after the close of the war basing his conclusion on the ground that Parikshit was 16 when he was installed on the throne and reading it with the connected facts namely that the Pandavas went of Mahaprasthan immediately after installing Parikshit on the throne and this they did on the very day Krishna died. This gives 1177 B.C. as the date of the commencement of the Kali Yuga.

We have thus two different dates for the commencement of the Kali Yuga 3101 B.C. and 1177 B.C. This is the first riddle about the Kali Yuga. Two explanations are forthcoming for these two widely separated dates for the commencement of one and the same Yuga. One explanation is 3101 B.C. is the date of the commencement of the Kalpa

and not of Kali and it was a mistake on the part of the copyist who misread Kalpa for Kali and brought about this confusion. The other explanation is that given by Dr. Shamshastry. According to him there were two Kali Yuga Eras which must be distinguished, one beginning in 3101 B.C. and another beginning in 1260 or 1240 B.C. The first lasted about 1840 or 1860 years and was lost.

III

When is the Kali Yuga going to end? On this question the view of the great Indian Astronomer Gargacharya in his *Siddhanta* when speaking of Salisuka Maurya the fourth in succession from Asoka makes the following important observationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_9:

"Then the viciously valiant Greeks, after reducing Saketa, Panchala country to Mathura, will reach Kusumadhwaja (Patna): Pushpapura being taken all provinces will undoubtedly be in disorder. The unconquerable Yavanas will not remain in the middle country. There will be cruel and dreadful war among themselves. Then after the destruction of the Greeks at the end of the Yuga, seven powerful Kings reign in Oudha."

The important words are"after the destruction of the Greeks at the end of the Yuga". These words give rise to two questions (1) which Yuga Garga has in mind and (2) when did the defeat and destruction of the Greeks in India take place. Now the answers to these questions are not in doubt. By Yuga he means Kali Yuga and the destruction and defeat of the Greeks took place about 165 B.C. It is not mere matter of inference from facts. There are direct statements in chapters 188 and 190 of the Vanaparva of the Mahabharata that the Barbarian Sakas, Yavanas, Balhikas and many others will devastate Bharatvarsna ' *at the end of the Kali Yuga".*

The result which follows when the two statements are put together is that the Kali Yuga ended in 165 B.C. There is also another argument which supports this conclusion. According to the Mahabharata, Kali Yuga was to comprise a period of one thousand yearsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_10. If we accept the statement that the Kali Yuga began in 1171 B.C. and deduct one thousand years since then we cannot escape the conclusion that Kali Yuga should have ended by about 171 B.C. which is not very far from the historical fact referred to by Garga as

happening at the close of the Kali Yuga. There can therefore be no doubt that in the opinion of the chief Astronomermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_11, Kali Yuga came to end by about 165 B.C. What is however the position? The position is that according to the Vaidika Brahmaris Kali Yuga has not ended. It still continues. This is clear from the terms of *Sankalpa* which is a declaration which every Hindu makes even today before undertaking any religious ceremony. The Sankalpa is in the following termsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_12:

"On the auspicious day and hour, in the second Parardha of First Bramha, which is called the Kalpa of the *White* Boar, in the period of *Vaivasvata* Manu, *in the Kali Yuga,* in the country of Jambudvipa in Bharatavarsha in the country of Bharat, in the luni-solar cycle of the sixty years which begins with Pradhava and ends with Kshaya or Akshaya and which is current, as ordained by Lord Vishnu, in the year (name), of the cycle, in the Southern or the Northern Ayana, as the case may be, in the white or dark half, on the Tithi. I (name) begin to perform the rite (name) the object of pleasing the Almighty."

The question we have to consider is why and how the Vedic Brahmins manage to keep the *Kali* Yuga going on when the astronomer had said it was closed. The first thing to do is to ascertain what is the original period of the *Kali Yuga*? According to the Vishnu Purana:

"The Kritayuga comprises 4000 years, the Treta 3000',the Dwapara 2000 and the Kali 1000. Thus those that know the past have declared."

Thus Kali Yuga originally covered a period of 1000 years only. It is obvious that even on this reckoning the Kali Yuga should have ended long ago even according to the reckoning of the Vedic Brahmins. But it has not. What is the resason? Obviously, because the period originally covered by the Kali Yuga came to be lengthened. This was done in two ways.

Firstly, it was done by adding two periods called Sandhya and Sandhyamsa before and after the commencement and the end of a Yuga. Authority for this can be found in the same passage of the Vishnu Purana already referred to and which reads as follows

"The period that precedes a Yuga is called *Sandhya*..... and the period which comes after a Yuga is called *Sandhyamsa,* which lasts for a like period. The intervals between these Sandhyas and Sandhyamsas are known as the Yugas called Krita, Treta and the like."

What was the period of Sandhya and Sandhyamsa? Was it uniform for all the Yugas or did it differ with the Yuga. Sandhya and Sandhyamsa periods were not uniform. They differed with each Yuga. The following table gives some idea of the four Yugas and their Sandhya and Sandhyamsa—

Unit of a Mahayuga Period

Yug	Period	Dawn	Twilight	Total
Krita	4000	400	400	4800
Treta	3000	300	300	3600
Dwapara	2000	200	200	2400
Kali	1000	100	100	1200
Maha Yuga				12000

Maha Yuga 12000

The Kali Yuga instead of remaining as before a period of 1,000 years was lengthened to a period of 1,200 years by the addition of Sandhya and Sandhyamsa.

Secondly a new innovation was made. It was declared that the period fixed for the Yugas was really a period of divine years and not human years. According to the Vedic Brahmins one divine day was equal to one human year so that the period of Kali Yuga which was 1,000 years plus 200 years of Sandhya and Sandhamsa i.e. 1,200 years in all became (1200 x 360) equal to 4.32,000 years. In these two ways the Vedic Brahmins instead of declaring the end of Kali Yuga in 165 **B.C.** as the astronomer had said extended its life to 4.32,000 years. No wonder Kali Yuga continues even to-day and will continue for lakhs of years. There is no end to the Kali Yuga.

IV

What does the *Kali Yuga* stand for? The *kali Yuga* means an age of *adharma,* an age which is demoralized and an age in which the laws made by the King ought not to be obeyed. One question at once arises. Why was the Kali Yuga more demoralized than the preceding Yugas? What was the moral condition of the Aryans in the Yuga or Yugas preceding the present Kali Yuga? Anyone who compares the habits and social practices of the later Aryans with those of the ancient Aryans will find a tremendous improvement almost amounting to a social revolution in

their manners and morals.

The religion of the Vedic Aryans was full of barbaric and obscene observances. Human sacrifice formed a part of their religion and was called Naramedhayagna. Most elaborate descriptions of the rite are found in the Yajur-Veda Samhita. Yajur-Veda Brahmanas, the Sankhyana and Vaitana Sutras. The worship of genitals or what is called Phallus worship was quite prevalent among the ancient Aryans. The cult of the phallus came to he known as Skambha and. 23 recognized as part of Aryan religion as may be seen in the hymn in Atharva-Veda X.7. Another instance of obscenity which disfigured the religion of the Ancient Aryans is connected with the Ashvamedha Yajna or the horse sacrifice. A necessary part of the Ashvamedha was the introduction of the *Sepas* (penis) of the Medha (dead horse) into the Yoni (vagina) of the chief wife of the Yajamana (the sacrificer) accompanied by the recital of long series of Mantras by the Brahmin priests. A Mantra in the Vajasaneya Samhita (xxiii. 18) shows that there used to be a competition among the queens as to who was to receive this high honour of being served by the horse. Those who want to know more about it will find it in the commentary of Mahidhara on the Yejur-Veda where he gives full description of the details of this obscene rite which had formed a part of the Aryan religion.

The morals of the Ancient Aryans were no better than their religion. The Aryans were a race of gamblers. Gambling was developed by them into a science in very early days of the Aryan civilization so much so that they had even devised the dice and given them certain technical terms. The luckiest dice was called Krit and the unluckiest was called Kali. Treta and Dwapara were intermediate between them. Not only was gambling well developed among the ancient Aryans but they did not play without stakes. They gambled with such abandon that there is really no comparison with their spirit of gambling. Kingdoms and even wives were offered as stakes at gambling. King Nala staked his kingdom and lost it. The Pandvas went much beyond. They not only staked their kingdom but they also staked their wife, Draupadi, and lost both. Among the Aryans gambling was not the game of the rich. It was a vice of the many.

The ancient Aryans were also a race of drunkards. Wine formed a most essential part of their religion. The Vedic Gods drank wine. The divine wine was called Soma. Since the Gods of the Aryans drank wine the Aryans had no scruples in the matter of drinking. Indeed to drink it was a part of an Aryan's religious duty. There were so many Soma sacrifices

among the ancient Aryans that there were hardly any days when Soma was not drunk. Soma was restricted to only the three upper classes, namely, the Brahmins, the Kshatriyas and the Vaishyas. That does not mean the Shudras were abstainers. Those who were denied Soma drank Sura which was ordinary, unconsecrated wine sold in the market. Not only the Male Aryans were addicted to drinking but the females also indulged in drinking. The Kaushitaki Grihya Sutra 1.11.12 advises that four or eight women who are not widowed after having been regaled with wine and food should be called to dance for four times on the night previous to the wedding ceremony. This habit of drinking intoxicating liquor was not confined to the Non-Brahmin women. Even Brahmin women were addicted to it. Drinking was not regarded as a sin. It was not even a vice, it was quite a respectable practice. The Rig-Veda says:

"Worshipping the Sun before drinking Madira (wine).”The Yajur-Veda says:

“Oh, Deva Soma! being strengthened and invigorated by Sura (wine), by thy pure spirit please the Devas; give juicy food to the sacrificer and vigour to Brahmanas and Kshatriyas.”The Mantra Brahmana says:

“By which women have been made enjoyable by men, and by which water has been transformed into wine (for the enjoyment of men), etc."

That Rama and Sita both drank wine is admitted by the Ramayana. Utter Khand says:

“Like Indra in the case of (his wife) Shachi, Rama Chandra made Sita drink purified honey made wine. Servants brought for Rama Chandra meat and sweet fruits."

4

So did Krishna and Arjuna. In the Udyoga Parva of the Mahabharat Sanjaya says:

"Arjuna and Shri Krishna drinking wine made from honey and being sweet-scented and garlanded, wearing splendid clothes and ornaments, sat on a golden throne studded with various jewels. I saw Shrikrishna's feet on Arjuna's lap, and Arjuna's feet on Draupadi and Satyabhama's lap."

We may next proceed to consider the marital relations of men and women. What does history say? In the beginning there was no law of marriage among the Aryans. It was a state of complete promiscuity both in the higher and lower classes of the society. There was no such thing as a question of prohibited degrees as the following instances will show.

Brahma married his own daughter *Satarupa.* Their son was Manu the

founder of the Pruthu dynasty which preceded the rise of the *Aiksvakas* and the *Ailas*.

Hiranyakashpu married his daughter Rohini. Other cases of father marrying daughters are Vashishtha and Shatrupa, Janhu and Jannhavi, and Surya and U.sha. That such marriages between father and daughters were common is indicated by the usage of recognizing *Kanin* sons. Kanin sons mean sons born to unmarried daughter. They were *in law* the sons of the father of the girl. Obviously they must be sons begotten by the father on his own daughter

There are cases of father and son cohabiting with the same woman, Brahma is the father of Manu and Satarupa is his mother. This Satarupa is also the wife of Manu. Another case is that of *Shradha*. She is the wife of Vivasvat. Their son is Manu. But Shradha is also the wife of Manu thus indicating the practice of father and son sharing a woman. It was open for a person to marry his brother's daughter. Dharma married 10 daughters of Daksha though Daksha and Dharma were brothers. One could also marry his uncle's daughter as did Kasyapa who married 13 wives all of whom were the daughters of Daksha and Daksha was the brother of Kasyapa's father Marichi.

The case of Yama and Yami mentioned in the Rig-Veda is a notorious case, which throws a great deal of light on the question of marriages between brothers and sisters. Because Yama refused to cohabit with Yami it must not be supposed that such marriages did not exist.

The Adi Parva of the Mahabharata gives a geneology which begins from Brahmadeva. According to this geneology Brahma had three sons Marichi, Daksha and Dharma and one daughter whose name the geneology unfortunately does not give. In this very geneology it is stated that Daksha married the daughter of Brahma who was his sister and had a vast number of daughters variously estimated as being between 50 and 60. Other instances of marriages between brothers and sisters could be cited. They are Pushan and his sister Acchoda and Amavasu. Purukutsa and Narmada, Viprachiti and Simhika, Nahusa and Viraja, Sukra-Usanas and Go, Amsumat and Yasoda, Dasaratha and Kausalya, Rama and Sita; Suka and Pivari; Draupadi and Prasti are all cases of brothers marrying sisters.

The following cases show that there was no prohibition against son cohabiting with his mother. There is the case of Pushan and his mother Manu and Satrupa and Manu and Shradha. Attention may also be drawn to two other cases, Arjuna and Urvashi and Arjuna and Uttara. Uttara was married to Abhimanyu son of Arjuna when he was barely 16. Uttara

was associated with Arjuna. He taught her music and dancing. Uttara is described as being in love with Arjuna and the Mahabharata speaks of their getting married as a natural sequel to their love affair. The Mahabharata does not say that they were actually married but if they were, then Abhimanyu can be said to have married his mother. The Arjuna Urvasi episode is more positive in its indication.

Indra was the real father of Arjuna. Urvashi was the mistress of Indra and therefore in the position of a mother to Arjuna. She was a tutor to Arjuna and taught him music and dancing. Urvasi became enamoured of Arjuna and with the consent of his father, Indra, approached Arjuna for sexual intercourse. Arjuna refused to agree on the ground that she was like mother to him. Urvashi's conduct has historically more significant than Arjuna's denial and for two reasons. The very request by Urvashi to Arjuna and the consent by Indra show that Urvashi was following a well established practice. Secondly, Urvashi in her reply to Arjuna tells him in a pointed manner that this was a well recognized custom and that all Arjuna's forefathers had accepted precisely similar invitations without any guilt being attached to them.

Nothing illustrates better than the complete disregard of consanguity in cohabitation in ancient India than the following story which is related in the second Adhyaya of the Harivamsha. According to it Soma was the son of ten fathers—suggesting the existence of Polyandry—each one of whom was called Pralheta. Soma had a daughter *Marisha*—The ten fathers of *Soma* and *Soma* himself cohabited with Marisha. This is a case of ten grand-fathers and father married to a woman who was a grand-daughter and daughter to her husbands. In the same Adhyaya the story of Daksha Prajapati is told. This Daksha Prajapati who is the son of Soma is said to have given his 27 daughters to his father, Soma for procreation. In the third Adhyaya of Harivamsha the author says that Daksha gave his daughter in marriage to his own father Brahma on whom Brahma begot a son who became famous as Narada. All these are cases of cohabitation of Sapinda men, with Sapinda women.

The ancient Aryan women were sold. The sale of daughters is evidenced by the Arsha form of marriage. According to the technical terms used the father of the boy gave *Go-Mithuna* and took the girl. This is another way of saying that the girl was sold for a *Go-Mithuna.* Go-Mithuna means one cow and one bull which was regarded as a reasonable price of a girl. Not only daughters were sold by their fathers but wives also were sold by their husbands. The Harivamsha in its 79th Adhyaya describes how a religious rite called Punyaka-Vrata should be

the fee that should be offered to the officiating priest. It says that the wives of Brahmins should be purchased from their husbands and given to the officiating priest as his fee. It is quite obvious from this that Brahmins freely sold their wives for a consideration.

That the ancient Aryans let their women on rent for cohabitation to others is also a fact. In the Mahabharata there is an account of the life of Madhavi in Adhyayas 103 to 123. According to this account Madhavi was the daughter of King Yayati. Yayati made a gift of her to Galawa. Galva who was a Rishi as a fee to a priest. Galva rented her

out to three kings in succession but to each for a period necessary to beget a son on her. After the tenancy of the third king terminated Madhavi was surrendered by Galva to his Guru Vishvamitra who made her his wife. Vishvamitra kept her till he begot a son on her and gave her back to Galva. Galva returned her to her father Yayati.

Polygamy and Polyandry were raging in the ancient Aryan society. The fact is so well known that it is unnecessary to record cases which show its existence. But what is probably not well known is the fact of promiscuity. Promiscuity in matters of sex becomes quite apparent if one were only to examine the rules of Niyoga which the Aryan name for a system under which a woman who is wedded can beget on herself a progeny from another who is not her husband. This system resulted in a complete state of promiscuity for it was uncontrolled. In the first place, there was no limit to the number of Niyogas open to a woman. Madhuti had one Niyoga allowed to her. Ambika had one actual Niyoga and another proposed. Saradandayani had three. Pandu allowed his wife Kunti four Niyogas. Vyusistasva was permitted to have 7 and Vali is known to have allowed as many as 17 Niyogas, II on one and 6 on his second wife. Just as there was no limit to the number of Niyogas so also there was no definition of cases in which Niyoga was permissible. Niyoga took place in the lifetime of the husband and even in cases where the husband was not overcome by any congenital incapacity to procreate. The initiative was probably taken by the wife. The choice of a man was left to her. She was free to find out with whom she would unite a Niyoga and how many times, if she chose the same man. The Niyogas were another name for illicit intercourse between men and women which might last for one night or twelve years or more with the husband a willing and a sleeping partner in this trade of fornication.

These were the manners and morals of common men in the ancient Aryan Society. What were the morals of the Brahmins? Truth to tell they were no better men than those of the common men. The looseness of

the morals among the Brahmins is evidenced by many instances. But a few will suffice. The cases showing that the Brahmins used to sell their wives has already been referred to. I will give other cases showing looseness. The Utanka is a pupil of Veda (the Purohita of Janmejaya III). The wife of Veda most calmly requests Utanka to take the place of her husband and 'approach ' her for the sake of virtue. Another case that may be referred to in this connection is that of Uddalaka's wife. She is free to go to other Brahmins either of her own free will, or in response to invitations. Shwetketu is her son by one of her husband's pupils. These are not mere instances of laxity or adultery. These are cases of recognized latitudes allowed to Brahmin women. Jatila-Gautami' was a Brahmin woman and had 7 husbands who were Rishis. The Mahabharata says that the wives of the citizens admire Draupadi in the company of her five husbands and compare her to Jatila Gautami with her seven husbands. *Mamata* is the wife of *Utathya*. But Brahaspati the brother of Utathya had free access to Mamata during the life time of Utathya. The only objection Mamata once raises to him is to ask him to wait on account of her pregnancy but does not say that approaches to her were either improper or unlawful.

Such immoralities were so common among the Brahmins that Draupadi when she was called a cow by Duryodhana for her polyandry is said to have said she was sorry that her husbands were not born as Brahmins.

Let us examine the morality of the rishis. What do we find? The first thing we find is the prevalence of bestiality among the rishis. Take the case of the rishi called *Vibhandaka*. In Adhyaya 100 of the Vana Parva of the Mahabharata it is stated that he cohabited with a female deer and that the female deer bore a son to him who subsequently became known as Rishi Shranga. In Adhyaya I as well as in 118 of the Adi Parva of the Mahabharata there is a narration of how Pandu the father of the Pandavas received his curse from the Rishi by name Dama. Vyas says that the Rishi Dama was once engaged in the act of coitus with a female deer in a jungle. While so engaged Pandu shot him with an arrow before the rishi was spent as a result of it Dama died. But before he died Dama uttered a curse saying that if Pandu ever thought of approaching his wife he would die instantly. Vyas tries to gloss this bestiality of the rishi by saying that the Rishi and his wife had both taken the form of deer in fun and frolic. Other instances of such bestiality by the rishis it will not be difficult to find if a diligent search was made in the ancient religious literature in India.

Another heinous practice which is associated with the rishis is cohabitation with women in the open and within the sight of the public. In Adhyaya 63 of the Adi Parva of the Mahabharata a description is given of how the Rishi Parashara had sexual intercourse with Satyavati, alias Matsya Gandha a fisherman's girl. Vyas says that he cohabited with her in the open and in public. Another similar instance is *to* be found in Adhyaya 104 of the Adi Parva. It is stated therein that the Rishi Dirgha Tama cohabited with a woman in the sight of the public. There are many such instances mentioned in the Mahabharata. There is, however, no need to encumber the record with them. For the word *Ayonija* is enough to prove the general existence of the practice. Most Hindus know that Sita, Draupadi and other renowned ladies are spoken of *Ayonija*. What they mean by *Ayonija* is a child born by immaculate conception. There is however no warrant from etymological point of view to give such a meaning to the Ayoni. The root meaning of the word Yoni is house. *Yonija* means a child born or conceived in the house. *Ayonija* means a child born or conceived outside the house. If this is the correct etymology of Ayonija it testifies to the practice of indulging in sexual intercourse in the open within the sight of the public.

Another practice which evidences the revolting immorality of the rishis in the Chandyogya Upanishad. According to this Upanishad it appears that the rishis had made a rule that if while they were engaged in performing a *Yajna* if a woman expressed a desire for sexual intercourse with the rishi who was approached should immediately without waiting for the completion of the Yajna and without caring to retire in a secluded spot proceeded to commit sexual intercourse with her in the Yajna Mandap and in the sight of the public. This immoral performance of the rishi was elevated to the position of a Religious observance and given the technical name of *Vamadev- Vrata* which was later on revived as *Vama- Marga*.

This does not exhaust all that one finds in the ancient sacredotal literature of the Aryans about the morality of the rishis. One phase of their moral life remains to be mentioned.

The ancient Aryans also seem to be possessed with the desire to have better progeny which they accomplished by sending their wives to others and it was mostly to the rishis who were regarded by the Aryas as pedigree cattle. The number of rishis who figure in such cases form quite a formidable number. Indeed the rishis seemed to have made a regular trade in this kind of immorality and they were so lucky that even kings asked them to impregnate the queens. Let us now take the

Devasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_13.

The Devas were a powerful and most licentious community. They even molested the wives of the rishis. The story of how Indra raped Ahalya the wife of Rishi Gautama is well known. But the immoralities they committed on the Aryan women were unspeakable. The Devas as a community appears to have established an overlordship over the Aryan community in very early times. This overlordship had become degenerated that the Aryan women had to prostitute themselves to satisfy the lust of the Devas. The Aryans took pride if his wife was in the keeping of a Deva and was impregnated by him. The mention is in the Mahabharata and in the Harivamsha of sons born to Arya women from Indra. Yama, Nasatya, Agni, Vayu and other Devas is so frequent that one is astounded to note the scale on which such illicit intercourse between the Devas and the Arya women was going on.

In course of time the relations between the Devas and the Aryans became stablized and appears to have taken the form of feudalism. The Devas exacted two boons'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_14 from the Aryans.

The first boon was the *Yajna* which were periodic feasts given by the Aryans to the Devas in return for the protection of the Devas in their fight against the Rakshasas, Daityas and Danavas. The Yajnas were nothing but feudal exactions of the Devas. If they have not been so understood it is largely because the word Deva instead of thought to be the name of a community is regarded as a term for expressing the idea of God which is quite wrong at any rate in the early stages of Aryan Society.

The second boon claimed by the Devas against the Aryans was the prior right to enjoy Aryan woman. This was systematized at a very early date. There is a mention of it in the Rig-Veda in X. 85.40. According to it the first right over an Arya female was that of Soma second of Gandharva, third of Agni and lastly of the Aryan. Every Aryan woman was hypothecated to some Deva who had a right to enjoy her first on becoming puber. Before she could be married to an Aryan she had to be redeemed by getting the right of the Deva extinguished by making him a proper payment. The description of the marriage ceremony given in the 7th Khandika of the 1st Adhyaya of the Ashvalayan Grahya Sutra furnish the most cogent proof of the existence of the system. A careful and critical examination of the Sutra reveals that at the marriage three

Devas were present, *Aryaman, Varuna* and *Pushan,* obviously because they had a right of prelibation over the bride. The first thing that the bride-groom does, is to bring her near a stone slab and make her stand on it telling her 'Tread on this stone, like a stone be firm. Overcome the enemies; tread the foes down '. This means that the bridegroom does it to liberate the bride from the physical control of the three Devas whom he regards as his enemies. The Devas get angry and march on the bridegroom. The brother of the bride intervenes and tries to settle the dispute. He brings parched gram with a view to offer it the Angry Deva with a view to buy off their rights over the bride. The brother then asks the bride to join her palms and make a hollow. He then fills the hollow of her palm with the parched grain and pours clarified butter on it and asks her to offer it to each Deva three times. This offering is called *Avadana.* While the bride is making this Avadana to the Deva the brother of the bride utters a statement which is very significant. He says"This girl is making this Avadana to Aryaman Deva through Agni. Aryaman should therefore relinquish his right over the girl and should not disturb the possession of the bridegroom". Separate Avadanas are made by the bride to the other two Devas and in their case also the brother alters the same formula. After the Avadan follows the Pradakshana round the Agni which is called SAPTAPADI after which the marriage of the bride and bridegroom becomes complete valid and good. All this of course is very illuminating and throw a flood of light on the utter subjection of the Aryans to the Devas and moral degradation of Devas as well as of the Aryans.

Lawyers know that Saptapadi is the most essential ceremony in a Hindu marriage and that without it there is no marriage at Law. But very few know why Saptapadi has so great an importance. The reason is quite obvious. It is a test whether the Deva who had his right of prelibation over the bride was satisfied with the Avadana and was prepared to release her. If the Deva allowed the bridegroom to take the bride away with him up to a distance covered by the Saptapadi it raised an irrebutable presumption that the Deva was satisfied with the compensation and that his right was extinguished and the girl was free to be the wife of another. The Saptapadi cannot have any other meaning. The fact that Saptapadi is necessary in every marriage shows how universally prevalent this kind of immorality had been among the Devas and the Aryans.

This survey cannot be complete without separate reference to the morals of Krishna. Since the beginning of Kali Yuga which is the same

thing is associated with his death his morals became of considerable importance. How do the morals of Krishna compare with those of the others? Full details are given in another place about the sort of life Krishna led. To that I will add here a few. Krishna belonged to the Vrasni (Yadava family). The Yadavas were polygamous. The Yadava Kings are reported to have innumerable wives and innumerable sons—a stain from which Krishna himself was not free. But this Yadava family and Krishna's own house was not free from the stain of parental incest. The case of a father marrying daughter is reported by the Matsya Purana to have occurred in the Yadav family. According to Matsya Purana, King Taittiri an ancestor of Krishna married his own daughter and begot on her a son ,by name Nala. The case of a son cohabiting with his mother is found in the conduct of *Samba* the son of Krishna. The Matsya Purana tells how Samba lived an illicit life with the wives of Krishna his father and how Krishna got angry and cursed Samba and the guilty wives on that account. There is a reference to this in the Mahabharata also. Satyabhama asked Draupadi the secret of her power over her five husbands. According to the Mahabharata Draupadi warned her against talking or staying in private with her step-sons. This corroborates what the Matsya Purana has to say about *Samba.* Sarnba's is not the only case. His brother Pradyumna married his foster mother *Mayavati* the wife of Sambara.

Such is the state of morals in the Aryan Society before the death of Krishna. It is not possible to divide this history into definite Yugas and to say that what state of morals existed in the Krita, what in Treta and what in Dwapara Yuga which closed at the death of Krishna If, however, we allow the ancient Aryans a spirit of progressive reform it is possible to say that the worst cases of immorality occurred in earliest age i.e. the Krita age, the less revolting in the Treta and the least revolting in the Dwapara and the best in the Kali age.

This line of thinking does not rest upon mere general development of human society as we see all over the world. That instead of undergoing a moral decay the ancient Aryan society was engaged in removing social evils by undertaking bold reforms is borne out by its story.

Devas and the rishis occupied a very high place in the eyes of the common Aryan and as is usual the inferior always imitate their superior. What the superior class does forms a standard for the inferior. The immoralities which were prevalent in the Aryan Society were largely the result of the imitation by the common man of the immoral acts and deeds of the Devas and the rishis. To stop the spread of immoralities in

society the leaders of the Aryan Society introduced a reform of the greatest significance. They declared that acts and deeds of the Devas and the rishis are not to be citedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_15 or treated as precedents. In this way one cause and source of immorality was removed by a bold and courageous stroke.

Other reforms were equally drastic. The Mahabharata refers to two reformers Dirghatama and Shwetaketu. It was laid down by Shwetketu that the marriage is indissoluble and there was to be no divorce. Two reforms are attributed to Dirghatama. He stopped polyandry and declared that a woman can have only one husband at a time. The second reform he is said to have carried out. was to lay down conditions for regulating Niyog. The following were the most important of these conditions.

(i) The father or brother of the widow (or of the widow's husband) shall assemble the Gurus who taught or sacrificed for the deceased husband and his relatives and shall appoint her to raise issue for the deceased husbandmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_16.

(ii) (1) The husband, whether living or dead, must have no sons; (2) The Gurus in a family council should decide to appoint the widow to raise issue for her husband, (3) The person appointed must be either the husband's brother or a sapinda, or sagotra of the husband or (according to Gautama) a sapravara or a person of the same caste. (4) The person appointed and the widow must be actuated by no lust but only by a sense of duty; (5) The person appointed must be anointed with ghee or oil (Narada Stripurnsa, 82) must not speak with or kiss her or engage in the sportive dalliance with the women; (6) This relationship was to last till one son was born (or two according to some); (7) The widow must be comparatively young, she should not be old or sterile, or past child-bearing or sickly or unwilling or pregnant (Baud. Dh. S. II. 2.70, Narad, Stripumsa 83.84); (8) After the birth of a son they were to regard themselves as father-in-law and daughter-in-law (Manu IX, 62). It is further made clear by the texts that if a brother-in-law has intercourse with his sister-in-law without appointment by elders or if he does so even when appointed by elders but the other circumstances do not exist (e.g., if the husband has a son), he would be guilty of the sin of incest."

There are other reforms carried out by the ancient Aryan Society necessary to improve its morals. One was to establish the rule of prohibited degrees for purposes of marriage to prevent recurrence of

father-daughter, brother-sister, mother-son, grandfather-grand daughter marriages. The other was to declare sexual intercourse between the wife of the Guru and the pupil a heinous sin. Equally clear is the evidence in support of an attempt to control gambling. Every treatise in the series called Dharma Sutras contain references to laws made throwing on the King the duty and urgency of controlling gambling by State authorities under stringent laws.

All these reforms had taken effect long before the Kali Yuga started and it is natural to hold that from the point of view of morality the Kali Yuga was a better age. To call it an age in which morals were declining is not only without foundation but is an utter perversion.

This discussion about the Kali Yuga raised many riddles in the first place. How and when did the idea of mahayuga arise? It is true that all over the world the idea of a golden age lying in the past has been prevalent. But the idea of a Mahayuga is quite satisfied with the idea of a golden past prevelent elsewhere in India. Elsewhere the golden past is deemed to return. It is gone for ever. But in the idea of the Mahayuga the golden past is not gone for ever. It is to return after the cycle is complete.

The second riddle is why was the Kali Yuga not closed in 165 B.C. When according to the astronomer it was due to end why was it continued. Third riddle is the addition of Sandhya and Sandhyamsa periods to the *Kali Yuga*. It is quite obvious that these were later additions. For the Vishnu Purana states them separately. If they were original parts of Kali Yuga they would not have been stated separately why were these additions made. A fourth riddle is the change in the counting of the period. Originally the period of the Kali Yuga was said to be human years. Subsequently it was said to be a period of divine years with the result of the Kali Yuga being confined to 1200 years became extended to 4,32,000 years. That this was an innovation is quite obvious. For the Mahabharata knows nothing about this calculation in term of divine years. Why was this innovation made? What was the object of the Vedic Brahmins in thus indefinitely extending the period of the Kali Yuga? Was it to blackmail some Shudra Kings that the theory of Kali Yuga was invented and made unending so as to destroy his subjects from having any faith in his rule?

RIDDLE NO. 24

THE RIDDLE OF THE KALI YUGA

The Units into which time is broken up for the purposes of reckoning it which are prevalent among the Hindus have not deserved the attention which their extraordinary character call for. This is a matter which forms one of the principal subject matter of the Puranas. There are according to the Puranas five measures of time (1) Varsha, (2) Yuga, (3) Maha Yuga, (4) Manwantara and (5) Kalpa. I will draw upon the Vishnu Purana to show what these units are.

To begin with the Varsha. This is how the Vishnu Purana explains itmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_17:

"Oh best of sages, fifteen twinklings of the eye make a *Kashtha;* thirty Kalas, one

Muhurtta; thirty Muhurttas constitute a day and night of mortals: thirty such days make a month, divided into two half-months: six months form an *Ayana* (the period of the Sun's progress north or south of the ecliptic): and two Ayanas compose a year."

The same is explained in greater details at another place in the Vishnu Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_18

"Fifteen twinklings of the eye *(Nimedhas)* make a *Kashtha',* thirty Kashthas, a *Kala;* Thirty Kalas, a *Muhurtta* (forty-eighty minutes); and thirty Muhurttas, a day and night; the portions of the day are longer or shorter, as has been explained; but the Sandhya is always the same in increase or decrease, being only one Muhurtta. From the period that a line may be drawn across the Sun (or that half his orb is visible) to the expiration of three Muhurttas (two hours and twenty-four minutes), that interval is called Pratar (morning), forming a fifth portion of the day.

***(This is another version entitled ' The Riddle of the Kali Yuga '. The copy available with us is a carbon copy having no corrections or modifications by the author. This chapter contains 40 pages.—* Ed.)**

The next portion, or three Muhurttas from morning, is termed *Sangava* (forenoon): the three next Muhurttas constitute mid-day; the afternoon comprises the next three Muhurttas; the three Muhurttas following are considered as the evening; and the fifteen Muhurttas of the day are thus classed in five portions of three each."

"Fifteen days of thirty Muhurttas each are called a *Paksha* (a lunar

fortnight); two of these make a month; and two months, a solar season; three seasons a northern or southern declination *(Ayana)',* and those two compose a year."

The conception of Yuga is explained by the Vishnu Purana in the following termsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_19:"Twelve thousand divine years, each composed of (three hundred and sixty) such days, constitute the period of the four Yugas, or ages. They are thus distributed: the Krita age has four thousand divine years; the Treta three thousand; the Dwapara two thousand; and Kali age one thousand; so those acquainted with antiquity have declared.

"The period that precedes a Yuga is called a *Sandhya,* and it is of as many hundred years as there are thousand in the Yuga; and the period that follows a Yuga, termed the *Sandhyansa,* is of similar duration. The interval between the Sandhya and the Sandhyasana is the Yuga, denominated, Krita, Treta, &c."

The term Yuga is also used by the Vishnu Purana to denote a different measure of time.

It saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_20:

"Years, made up of four kinds of months, are distinguished into five kinds; and an aggregate of all the varieties of time is termed a Yuga, or cycle. The years are severally, called Samvatsara, ldvatsara, Anuvatsara, Parivatsara, and Vatsara.- This is the time called a Yuga."

The measure of Maha Yuga is an extension of the Yuga. As the Vishnu Purana points outmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_21:

"The Krita, Treta, Dwapara, and Kali constitute a great age, or aggregate of four ages: a thousand such aggregates are a day of Brahma,"

The Manwantara is explained by the Vishnu Purana in the following termsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_22:

"The interval, called a Manwantara, is equal to seventy-one times, the number of years contained in the four Yugas, with some additional years."

What is Kalpa is stated by the Vishnu Purana in the following brief text:

"Kalpa (or the day) of Brahma."

These are the periods in which time is divided. The time included in

these periods may next be noted. The *Varsha* is simple enough. It is the same as the year or a period of 365 days. The Yuga, Maha Yuga, Manwantara and Kalpa are not so simple for calculating the periods. It would be easier to treat Yuga, Maha Yuga etc., as sub-divisions of a Kalpa rather than treat the Kalpa as a multiple of Yuga.

Proceeding along that line the relation between a Kalpa and a Maha Yuga is that in one Kalpa there are 71 Maha Yugas while one Maha Yuga consists of four Yugas and a Manwantara is equal to 71 Maha Yugas with some additional years.

In computing the periods covered by these units we cannot take Yuga as our base for computation. For the Yuga is a fixed but not uniform period. The basis of computation is the Maha Yuga which consists of a fixed period.

A Maha Yuga consists of a period of four Yugas called (1) Krita, (2) Treta, (3) Dwapara and (4) Kali. Each Yuga has its period fixed. Each Yuga in addition to its period has a dawn and a twilight which have fixed duration. Actual period as well as the period of the dawn and the twilight are different for the different Yugas.

Yug	Period	Dawn	Twilight	Total
Krita	4000	400	400	4800
Treta	3000	300	300	3600
Dwapara	2000	200	200	2400
Kali	1000	100	100	1200
Maha Yuga				12000

This computation of the Maha Yuga is in terms of divine years i.e. 12000 divine years or years of Brahma make up one Maha Yuga at the rate of one year of men being equal to one divine day the Maha Yuga in terms of human or mortal years comes to (360 12000) 43,20,000 years.

Seventy-one Maha Yugas make one Kalpa. This means that a Kalpa is equal to (43,20,000 x 71) 3,06,72,000.

Coming to Manwantaras one Manvantara is equal to 71 Maha Yugas plus something more. The period of a manvantara is equal to that of a Kalpa i.e. 3,06,72,000 *plus* something more. The period of a Manvantara is bigger than the period included in a Kalpa. The conception of a *Varsha* is in accord with astronomy and is necessary for the purpose of calculating time.The conception of a Kalpa is both mythological and cosmological and is based upon the belief that the Universe undergoes the process of creation and dissolution at the hands of Brahma and the

period between creation and dissolution is called Kalpa. The first book of the Vishnu Purana is occupied with this. It begins with the details of creation.

Creation is of twofold character, (1) primary (sarga) i.e. the origin of the universe from Prakriti or eternal crude matter; (2) Secondary (Pratisarga) i.e. the manner in which forms of things are developed from elementary substances previously evol.ved, or the manner in which they reappear after their temporary destruction. Both these creations are periodical, but the termination of the first occurs only at the end of the life of Brahma, when not only all the Gods and all other forms are annihilated, but the elements are again merged into primary substance, besides which one only spiritual being exists; the later takes place at the end of every Kalpa or day of Brahma, and affects only the forms of inferior creatures, and lower worlds, leaving the substance of the universe entire, and sages and Gods unharmed.

Such is the conception underlying Kalpa.

The conception underlying Manvantara is mythological if not historical. It starts with the belief that Brahma gave rise to creation, inanimate as well as animate. But the animates did not multiply themselves. Brahma then created other 9 mind born sons but they were without desire or passion, inspired with holy wisdom, estranged from the universe, and undesirous of progeny. Brahma having perceived this was filled with wrath. Brahma then converted himself into two persons, the first male, or Manu Swayambhuva and the first woman, or Satarupa. Manu Swayambhuva married Satarupa. Thus began the first Manvantara which is called Manvantara Swayambhuva. The fourteen Manvantaras are described as follows1"Then, Brahma created himself the Manu Swayambhuva, born of, and identical with, -his original self, for the protection of created beings, and the female portion of himself he constituted Satarupa, whom austerity purified from the sin (of forbidden nuptials), and whom the divine Manu Swayambhuva took to wife. From these two were born two sons, Priyavrata and Uttanapada, and two daughters, named Prasuti and Akuti graced with loveliness and exalted merit. Prasuti he gave to Daksha, after giving Akuti to the Patriarch Ruchi, who espoused her. Akuti bore to Ruchi twins, Yajna and Dakshina, who afterwards became husband and wife, and had twelve sons, the deities called Yamas, in the Manwantara of Swayambhuva."

"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_23The first Manu was Swayambhuva, then came

Swarochisha, the Auttami, then Tamasa, then Raivata, then Chakshusha: these six Manus have passed away. The Manu who presides over the seventh Manwantara, which is the present period, is Vaivaswata, the son of the Sun."

"The period of Swayambhuva Manu, in the beginning of the Kalpa, has already been described by me, together with the gods, Rishis, and other personages, who then flourished. I will now, therefore, enumerate the presiding gods, Rishis, and sons of the Manu, *in the Manwantara of Swarochisha.* The deities of this period (or the second Manvantara) were the classes called Paravatas and Tushitas; and the king of the gods was the mighty Vipaschit. The seven Rishis were Urja, Stambha, Prana, Dattoli, Rishabha, Nischara, and Arvarivat; and Chaitra, Kimpurusha and others, were the Manu's sons.

"In the *third period,* or Manwantara of Auttami, Susanti was the Indra, the king of the gods the orders of whom were the Sudhamas, Satyas, Sivas, Pradersanas, and Vasavertis; each of the five orders consisting of twelve divinities. The seven sons of Vasishtha were the seven Rishis; and Aja, Parasu, Divya and others, were the sons of the Manu.

"The Surupas, Haris, Satyas, and Sudhis were the classes of gods, each comprising twenty-seven, in the period of Tamasa, the *fourth Manu.* Sivi was the Indra, also designated by his performance of a hundred sacrifices (or named Satakratu). The seven Rishis were Jyotirdhama, Prithu, Kavya, Chaitra, Agni, Vanaka, and Pivara. The sons of Tamasa were the mighty kings Nara, Khyati, Santahaya, Janujangha, and others."

"In the *fifth* interval the Manu was Raivata; the Indra was vibhu: the classes of gods, consisting of fourteen each, were the Amitabhas, Abhutarajasas, Vaikunthas, and Sumedhasas; the seven Rishis were Hiranyaroma, Vedasri, Urdohabahu, Vedabahu, Sudhaman, Parjanya and Mahamuni: the sons of Raivata were Balabandhu Susambhavya, Satyaka, and other valiant kings."

"These four Manus, Swarochisha, Auttami, Tamasa, and Raivata, were all descended from Priyavrata, who in consequence of propitiating Vishnu by his devotions, obtained these rulers of the Manwantaras for his posterity.

"Chakshusha was the Manu of the *sixth period* in which the Indra was Janojava; the five classes of gods were the Adya Prastutas, Bhavyas, Prithugas, and the magnanimous Lekhas, eight of each: Sumedhas, Virajas, Havishmat, Uttama, Madhu, Abhinaman, and Sahishnu were the seven sages; the kings of the earth, the sons of Chakshusha, were the powerful Uru, Puru, Satadhumna, and others."

"The Manu of the *present* is the wise lord of obsequies, the illustrious offspring of the sun; the deities are the Adityas, Vasus, and Rudras; their sovereign is Purandra: Vasistha, Kasyapa, Atri, Jamadagni, Gautama, Viswamitra, and Bharadwaja are the seven Rishis; and the nine pious sons of Vaivaswata Manu are the kings Ikshwaku, Nabhaga, Dhrishta, Sanyati, Narishyanata Nabhanidishta, Karusha, Prishadhra, and the celebrated Vasumat."So far the particulars of seven Manvantaras which are spoken of by the Vishnu Purana as the past Manwantaras. Below are given the particulars of other sevenmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_24:

"Sanjana, the daughter of Viswakarman, was the wife of the Sun, and bore him three children, the Manu (Vaivaswata), Yama, and the goddess Yami (or the Yamuna river). Unable to endure the fervours of her lord, Sanjana gave him Chhaya as his handmaid, and repaired to the forests to practise devout exercises. The Sun, supposing Chhaya to be his wife Sanjana, begot by her three other children, Sanaischara (Saturn), another Manu (Savarni), and a daughter Tapati (the Tapti river). Chhaya, upon one occasion, being offended with Yama, the son of Sanjana, denounced an imprecation upon him, and thereby revealed to Yama and to the Sun that she was not in truth Sanjana, the mother of the former. Being further informed by Chhaya that his wife had gone the wilderness, the Sun beheld her by the eye of meditation engaged in austerities, in the figure of a mare (in the region of Uttara Kuru). Metamorphosing himself into a horse, he rejoined his wife, and begot three other children, the two Aswins, and Revanta, and then brought Sanjana back to his own dwelling. To diminish his intensity, Viswakarman placed the luminary on his lathe to grind off some of his effulgence; and in this manner reduced it an eight, for more than that was inseparable. The parts of the divine Vaishnava slendour, residing in the Sun, that were filed off by Viswakarman, fell blazing down upon the earth, and the artist constructed of them the discuss of Vishnu, the trident of Siva, the weapon of the god of wealth, the lance of Kartikeya, and the weapons of the other gods: all these Viswakarman fabricated from the superfluous rays of the sun:

"The son of Chhaya, who was called also a Manu was denominated Savarni, from being of the same caste (Savarni) as his elder brother, the Manu Vaivaswata. He presides over the ensuing or *eighth Manwantara;* the particulars of which, and the following, I will now relate. In the period in which Savarni shall be the Manu, the classes of the gods will be

Sutapas, Amitabhas, and Mukhyas; twentyone of each. The seven Rishis will be Diptimat, Galava, Rama, Kripa, Drauni; my son Vyasa will be the sixth, and the seventh will be Rishyasringa. The Indra will be Bali, the sinless son of Virochan who through the favour of Vishnu is actually sovereign of part of Patala. The royal progeny of Savarni will be Virajas, Arvariva, Nirmoha, and others."

"The *ninth Manu* will be Daksha-Savarni. The Paras, Marichigarbhas, and Sudharmas will be the three classes of divinities, each consisting of twelve; their powerful chief will be the Indra, Abhuta. Savana, Dyutimat, Bhavya, Vasu, Medhatithi, Jyotishaman, and Satya will be the seven Rishis. Dhritketu, Driptiketu, Panchahasta, Niramaya, Prithusraya, and others will be the sons of the Manu."

"In the *tenth Manwantara* the Manu will be Brahma-savarni; the gods will be the Sudhamas, Viruddhas, and Satasankhyas; the Indra will be the mighty Santi; the Rishis will be Havishaman, Sukriti, Satya, Appammurti, Nabhaga, Apratimaujas and Satyaketu; and the ten sons of the Manu will be Sukshetra, Uttamaujas, Harishena and others."

"In the *eleventh Manwantara* the Manu will be Dharma-savarni; the principal classes of gods will be the Vihangama Kamagamas, and the Nirmanaratis, each thirty in number; of whom Vrisha will be the Indra: the Rishis will be Nischara, Agnitejas, Vapushaman, Vishnu, Aruni, Havishaman, and Anagha; the kings of the earth, and sons of the Manu, will be Savarga, Sarvadharma, Devanika, and others."

"In the *twelfth Manwantara* the son of Rudra, Savarni, will be the Manu: Ritudhama will be the Indra; and the Haritas, Lohitas: Sumanasas, and Sukrmas will be the classes of gods, each comprising fifteen Tapaswi, Sutapas, Tapomurti, Taporati, Tapodhriti, Tapodyuti and Tapodhana will be the Rishis; and Devavan, Upadeva, Devasreshtha and others, will be the Manu's sons, and mighty monarchs on the earth."

"In the *thirteenth Manwantara* the Manu will be Rauchya; the classes of gods thirty-three in each will be the Sudhamanas, Sudharmans, and Sukarmanas, their Indra will be Divaspati; the Rishis will be Nirmoha, Tatwadersin, Nishprakampa, Nirutsuka, Dhritimat, Avyaya, and Sutapas; and Chitrasena, Vichitra, and others, will be the kings."

"In the fourteenth Manwantara, Bhautya will be the Manu; Suchi, the Indra: the five classes of gods will be the Chakshushas, the Pavitras, Kanishthas, Bhrajiras, and Vavriddhas; the seven Rishis will be Agnibahu, Suchi, Sukra, Magadha, Gridhra, Yukta and Ajita; and the sons of the Manu will be Uru, Gabhira, Bradhna, and others, who will be kings, and will rule over the earth."The scheme of Manwantaras

seems to be designed to provide a governing body for the universe during the period of a Manwantara. Over every Manwantara there presides a Manu as the legislator, Deities to worship, seven Rishis and a King to administer the affairs. As the Vishnu Purana saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_25:

"The deities of the different classes receive the sacrifices during the Manwantaras to which they severally belong; and the sons of the Manu themselves, and their descendants, are the sovereigns of the earth for the whole of the same term. The Manu, the seven Rishis, the gods, the sons of the Manu, who are kings, and Indra, are the beings who preside over the world during each Manwantara."But the scheme of chronology called the Maha Yuga is a most perplexing business.

Why Kalpa should have been divided into Maha Yugas and why a Maha Yuga should have been sub-divided into four Yugas, Krita, Treta, Dwapara and Kali is a riddle which needs explanation. It is not based on mythology and unlike the era it has no reference to any real or supposed history of the Hindus.

In the first place why was the period covered by a Yuga so enormously extended as to make the whole chronoloy appear fabulous and fabricated.

In the Rig-Veda the word *Yuga* occurs at least 38 times. It is used in the sense of age, generation, yoke or tribe. In a few places it appears to refer to a very brief period. In many places it appears to refer to a very brief period and Sayana even goes so far as to render the term yuge yuge by pratidinam i.e. every day.

In the next place the conception of four Yugas is associated with a deterioration in the moral fibre in society. This conception is well stated in the following extract from the Mahabharata mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_26:

"The Krita is that age in which righteousness is eternal. In the time of that most excellent of Yugas (everything) had been done (Krita) and nothing (remained) to be done, did not then languish, nor did the people decline. Afterwards, through (the influence of) time, this yuga fell into a state of inferiority. In that age there were neither Gods, Danavas, Gandharvas, Yakshas, Rakshasas, nor Pannagas; no buying or selling went on; the Vedas were not classed as Saman, Rich, and Yajush; no efforts were made by men: the fruit (of the earth was obtained) by their mere wish: righteousness and abandonment of the world (prevailed). No

disease or decline of the organs of sense arose through the influence of the age; there was no malice, weeping, pride, or deceipt; no contention, and how could there be any lassitude? No hatred, cruelty, fear affliction, jealousy, or envy. Hence the supreme Brahma was the transcendent resort of those Yogins. Then Narayana the soul of all beings, was white, Brahmans, Kshatriyas, Vaishyas and Shudras possessed the characteristics of Krita. In that age were born creatures devoted to their duties. They were alike in the object of their trust, in observances and in their knowledge. At that period the castes, alike in their functions, fulfilled their duties, were unceasingly devoted to one deity, and used one formula (mantra), one rule and one rite. Though they had separate duties, they had but one Veda, and practised one duty. By works connected with the four orders, and dependent on conjunctures of time, but unaffected by desire, or (hope of) reward, they attained to supreme felicity. This complete and eternal righteousness of the four castes during the Krita was marked by the character of that age and sought after union with the supreme soul. The Krita age was free from the three qualities. Understand now the Treta, in which sacrifice commenced, righteousness decreased by a fourth, Vishnu became red; and men adhered to truth, and were devoted to a righteousness dependent on ceremonies. Then sacrifices prevailed, with holy acts and a variety of rites. In the Treta men acted with an object in view, seeking after reward for their rites and their fights, and no longer disposed to austerities and to liberality from (a simple feeling of) duty. In this age, however, they were devoted to their own duties, and to religious ceremonies. In the Dwapara age righteousness was diminished by two quarters, Vishnu became yellow, and the Veda fourfold. Some studied four Vedas, others three, others two, others one, and some none at all. The scriptures being thus divided, ceremonies were celebrated in a great variety of ways; and the people being occupied with austerity and the bestowal of gifts, became full of passion (rajasi). Owing to ignorance of the one Veda, Vedas were multiplied. And now from the decline of goodness (Sattva) few only adhered to truth. When men had fallen away from goodness, many diseases, desires and calamities, caused by destiny, assailed them, by which they were severely afflicted, and driven to practice austerities. Others desiring enjoyment and heavenly bliss, offered sacrifices. Thus, when they had reached the Dwapara, men declined through unrighteousness. In the Kali righteousness remained to the extent of one fourth only. Arrived in that age of darkness, Vishnu became black; practices enjoined by the Vedas, works of righteousness,

and rites of sacrifice, ceased. Calamities, diseases, fatigue, faults, such as anger, etc., distresses, anxiety, hunger, fear, prevailed. As the ages revolve, righteousness again declines. When this takes places the people also decline. When they decay, the impulses which actuate them also decay. The practices generated by this declension of the Yugas frustrate men's aims. Such is the Kali Yuga which has existed for a short time. Those who are long lived act in conformity with the character of the age."

This is undoubtedly very strange. There is reference to these terms in the ancient vedic literature. The words Krita, Treta, Dwapara and Askanda occur in the Taittiriya Sanhita and in the Vajasaneyi Sanhita, in the Aiteriya Brahmana and also in the Satapatha Brahmana. The Satapatha Brahmana refers"to Krita as one who takes advantage of mistakes in the game; to the Treta as one who plays on a regular plan; to the Dwapara as one who plans to over reach his fellow player to Askanda a post of the gaming room". In the Aiteriya Brahmana and the Taiteriya Brahmana the word Kali is used in place of Askanda. The Taiteriya Brahmana speaks of the Krita as the master of the gaming hall, to the Treta as one who takes advantage of mistakes, to the Dwapara as one who sits outside, to the Kali as one who is like a post of the gaming house i.e. never leaves it. The Aiteriya Brahmana says:

There is every success to be hoped; for the unluckiest die, the Kali is lying, two others are slowly moving and half fallen, but the luckiest, the Krita, is in full motion."It is clear that in all these places the words have no other meaning than that of throws or dice in gambling.

The sense in which Manu uses these terms may also be noted. He saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_27:

"The Krita, Treta, Dwapara and Kaliyugas are all modes of a King's action; for a King is called a Yuga; while asleep he is Kali; waking he is the Dwapra age; he is intent upon action he is Treta, moving about he is Krita."

Comparing Manu with his predecessors one has to admit that a definite change in the connotation of these words have taken place—words which formed part of the gamblers jargon have become terms of Politics having reference to the readiness of the King to do his duty and making a distinction between various types of kings, those who are active, those who are intent on action, those who are awake and those who are sleeping i.e. allowing society to go to dogs.

The question is what are the circumstances that forced the Brahmins

to invent the theory of Kali Yuga? Why did the Brahmins make Kali Yuga synonymous with the degraded state of Society? Why Manu calls a sleeping ruler King Kali? Who was the King ruling in Manu's time? Why does he call him a sleeping King? These are some of the riddles which the theory of Kali Yuga gives rise to.

There are other riddles besides these which a close examination of the Kali Yuga theory presents us with. When does the Kali age actually commence?

There are various theories about the precise date when the Kali Yuga began. The Puranas have given two dates. Some say that it commenced about the beginning of the XIV century B.C. Others say that it began on the 18th February 3102 B.C. a date on which the war between the Kauravas and Pandavas is alleged to have been found. As pointed out by Prof. Iyengar there is no evidence to prove that the Kali era was used earlier than the VII century A.D. anywhere in India. It occurs for the first time in an inscription belonging to the reign of Pulakeshi II who ruled at Badami between 610 and 642 A.D. It records two dates the Saka date 556 and the Kali date 3735. These dates adopt 3102 B.C. as the starting date of Kali Yuga. This is wrong. The date 3102 B.C. is neither the date of the Mahabharata war nor is the date of the commencement of the Kali Yuga. Mr. Kane has conclusively proved. According to the most positive statements regarding the king of different dynasties that have ruled from Parikshit the son of the Pandavas the precise date of the Mahabharata War was 1263 B.C. It cannot be 3102 B.C. Mr. Kane has also shown that the date 3102 B.C. stands for the beginning of the Kalpa and not for the beginning of Kali and that the linking up of Kali with the date 3102 B.C. instead of with the Kalpa was an error due to a misreading or a wrong transcription the term *Kalpadi* into *Kalyadi*. There is thus no precise date which the Brahmins can give for the commencement of the Kali Age. That there should be precise beginning which can be assigned to so remarkable an event is a riddle. But there are other riddles which may be mentioned. There are two dogmas associated with the Kali Age. It is strongly held by the Brahmans that in the Kali Age there are only two Varnas— the first and the last—the Brahmins and the Shudras. The two middle ones Kshatriyas and Vaishyas they say are non-existent. What is the basis of this dogma? What does this dogma mean? Does this mean that these Varnas were lost to Brahmanism or does this mean that they ceased to exist?

Which is the period of India's history which in fact accords with this

dogma?

Does this mean that the loss of these two Varnas to Brahmanism marks the beginning of Kali Yuga?

The second dogma associated with the theory of the Kali Yuga is called Kali Varjya—which means customs and usages which are not to be observed in the Kali Age. They are scattered in the different Puranas. But the Adityapurana has modified them and brought them in one place. The practices which come under Kali Varjya are given belowmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_28:

1. To appoint the husband's brother for procreating a son on a widowmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_29.

"2. The remarriage of a (married) girl (whose marriage is not consummated) and of one (whose marriage was consummated) to another husband (after the death of the first)."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_30

3. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_31The marriage with girls of different Varna among persons of the three twice-born classes."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_32

"4. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_33The killing even in a straight fight of Brahmanas that have become desperadoes.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_34"

"5. The acceptance (for all ordinary intercourse such as eating with him) of a twice-born person who is in the habit of voyaging over the sea in a ship, even after he has undergone a prayascittamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_35.

"6. The initiation for a sattra."7. The taking a Kamandalu (a jar for water'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_36)""8. Starting on the Great Journey."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_37

"9. The killing of a cow in the sacrifice called Gomedha;"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in

Hinduism PART III.htm - _msocom_38"10. The partaking of wine even in the Srautmani sacrifice."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_39“11-12. Licking the ladle (sruc) after the Agnihotra Homa in order to take off the remains of the offerings and using the ladle in the agnihotra afterwards when it has been so licked."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_40

"13. Entering into the stage of forest hermit as laid down in sastras about it.”mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_41

"14. Lessening the periods of impurity (due to death and birth) in accordance with the conduct and vedic learning of a *man*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_42"15. Prescribing death as the penance (Prayascitta) for Brahmanas.'"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_43

"16. Explanation (by secretly performed Prayascittas) of the mortal sins other than theft (of gold) and the sin of contact (with those guilty of Mahapatakas)."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_44

"17. The act of offering with Mantras animal flesh to the bridegroom, the guest, and the pitrs."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_45

"18. 'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_46The acceptance as sons of those other than the *aurasa* (natural) and adopted sons.”mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_47

“19. Ordinary intercourse with those who incurred the sin of (having intercourse with) women of higher castes, even after they had undergone the Prayascitta for such sin."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_48

“20. The abandonment of the wife of an elderly person (or of one who is entitled to respect) when she has had intercourse with one with whom it is severely condemned."

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_49“21. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in

Hinduism PART III.htm - _msocom_50Killing oneself for the sake of another." mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_51"22. Giving up food left after one has partaken of it."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_52"23. Resolve to worship a particular idol for life (in return for payment)"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_53

"24. Touching the bodies of persons who are in impurity due to death after the charred bones are collected"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_54."25. The actual slaughter by Brahmanas of the sacrificial animal.""26. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_55Sale of the Soma plant by Brahamanas."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_56"27. Securing food even from a Shudra when a Brahamana has had no food for six times of meals (i.e. for three days)."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_57

"28. Permission to (a Brahamana) householder to take cooked food from Shudras if they are his dasas, cowherds, hereditary friends, persons cultivating his land on an agreement to pay part of the produce."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_58

"29. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_59Going on a very distant pilgrimage."

"30. Behaviour of a pupil towards his teacher's wife as towards a teacher that is declared in smrtis"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_60.

"31. The maintenance by Brahamanas in adversity (by following unworthy avocations) and the mode of livelihood in which a Brahmana does not care to accumulate for tomorrow."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_61

"32. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_62The acceptance of *aranis* (two wooden blocks for producing fire) by Brahmanas (in the Homa at the time of *jatakarma)* in order that all the ceremonies for the child fr*om jatakarma* to his marriage

may beperformed therein."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_63

"33. Constant journeys by Brahamanas."

"34. Blowing of fire with the mouth (i.e. without employing a bamboo *dhamni."*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_64

"35. Allowing women who have become polluted by rape, &c."to freely mix in the caste (when they have performed *prayascitta)* as declared in the sastric texts."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_65

"36. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_66Begging of food by a *sannayasin* from persons of all Varnas (including sudra)."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_67

"37. To wait (i.e. not to use) for ten days water that has recently been dug in the ground."

"38. Giving fee to the teacher as demanded by him (at the end of study) according to the rules laid down in the sastra."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_68

"39. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_69The employment of sudras as cook for Brahmanas and the rest."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_70

"40. Suicide of old people by calling from a precipice or into fire."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_71

"41. Performing Acamana by respectable people in water that would remain even after a cow has drunk it to its heart's content."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_72

"42. Fining witnesses who depose to a dispute between father and son."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_73

"43. Sannyasin should stay where he happened to be in the evening."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_74

These are the Kali Varjyas set out in the adityapurana. The strange

thing about this code of Kali Varjya is that its significance has not been fully appreciated. It is simply referred to as a list of things forbidden in the Kali Yuga. But there is more than this behind this list of don'ts. People are no doubt forbidden to follow the practices listed in the Kali Varjya Code. The question however is: Are these practices condemned as being immoral, sinful or otherwise harmful to society? The answer is no. One likes to know why these practices if they are forbidden are not condemned? Herein lies the riddle of the Kali Varjya Code. This technique of forbidding a practice without condemning it stands in utter contrast with the procedure followed in earlier ages. To take only one illustration. The Apastamba Dharma Sutra forbids the practice of giving all property to the eldest son. But he condemns it. Why did the Brahmins invent this new technics forbid but not condemn? There must be some special reason for this departure. What is that reason?

APPENDIX I
THE RIDDLE OF RAMA AND KRISHNA

Rama is the hero of the Ramayana whose author is Valmiki. The story of the Ramayana is a very short one. Besides it is simple and in itself there is nothing sensational about it.

Rama is the son of Dasharatha the king of Ayodhya the modern Benares. Dasharatha had three wives, Kausalya, Kaikeyi and Sumitra besides several hundred concubines. Kaikeyi had married Dasharatha on terms which were at the time of marriage unspecified and which Dasharatha was bound to fulfil whenever he was called upon by Kaikeyi to do so. Dasharatha was childless for a long time. An heir to the throne was ardently desired by him. Seeing that there was no hope of his begetting a son on any of his three wives he decided to perform a Putreshti Yajna and called the sage Shrung at the sacrifice who prepared pindas and gave the three wives of Dasharatha to eat them. After they ate the pindas three wives became pregnant and gave birth to sons. Kausalya gave birth to Rama, Kaikeyi gave birth to Bharata and Sumitra gave birth to two sons Laxman and Satrughana. In due course Rama was married to Sita. When Rama came of age, Dasharatha thought of resigning the throne in favour of Rama and retiring from kingship. While this was being settled Kaikeyi raised the question of rendering her satisfaction of the terms on which she had married Dasharatha. On being asked to *state* her terms she demanded that her son Bharata should be installed on the throne in preference to I Rama and Rama should live in forest for 12 years. Dasharatha with great reluctance agreed. Bharata became king of Ayodhya and Rama accompanied by his wife Sita and

his step brother Laxman went to live in the forest. While the three living in the forest Ravana the king of Lanka kidnapped Sita and took her away and kept her in his palace intending to make her one of his wives. Rama and Laxman then started search of Sita. On the way they meet Sugriva and Hanuman two leading personages of the Vanara (monkey) race and form friendship with them. With their help the place of the abduction was located and with their help they marched on Lanka, defeated Ravana in the battle and rescued Sita. Rama returns with Laxman and Sita to Ayodhya. By that time twelve years had elapsed and the term prescribed by Kaikeyi was fulfilled with the result that Bharata gave up the throne and in his place Rama became the king of Ayodhya.

(This is a 49-page typed copy placed in a well-bound file along with the MS of ' Symbols of Hinduism '. This riddle does not find place in the original Table of Contents. Hence this is included as an Appendix to this part.—Ed.
Note: Government does not concur with the views expressed in this Chapter.)

Such is in brief the outline of the story of the Ramayana as told by Valmiki.

There is nothing in this story to make Rama the object of worship. He is only a dutiful son. But Valmiki saw something extraordinary in Rama and that is why he undertook to compose the Ramayana. Valmiki asked Narada the following question*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_75:

"Tell me Oh! Narada, who is the most accomplished man on earth at the present time?"

and then goes on to elaborate what he means by accomplished man. He defines his accomplished man as:

"Powerful, one who knows the secret of religion, one who knows gratitude, truthful, one who is ready to sacrifice his self interest even when in distress to fulfil a religious vow, virtuous in his conduct, eager to safeguard the interests of all, strong pleasing in appearance with power of self-control, able to subdue anger, illustrious, with no jealousy for the prosperity of others, and in war able to strike terror in the hearts of Gods."

Narada then asks for time to consider and after mature deliberation tells him that the only person who can be said to possess these virtues is Rama, the son of Dasharatha.

It is because of his virtues that Rama has come to be deified. But is

Rama a worthy personality of deification? Let those who accept him an object worthy of worship as a God consider the following facts.

Rama's birth is miraculous and it may be that the suggestion that he was born from a pinda prepared by the sage Shrung is an allegorical glass to cover the naked truth that he was begotten upon Kausalya by the sage Shrung although the two did not stand in the relationship of husband and wife. In any case his birth if not disreputable in its origin is certainly unnatural.

There are other incidents connected with the birth of Rama the unsavory character of which it will be difficult to deny.

Valmiki starts his Ramayana by emphasizing the fact that Rama is an Avatar of Vishnu and it is Vishnu who agreed to take birth as Rama and be the son of Dasharatha. The God Brahma came to know of this and felt that in order that this Rama Avatar of Vishnu be a complete success arrangement shall be made that Rama shall have powerful associates to help him and cooperate with him. There were none such existing then.

The Gods agreed to carry out the command of Brahma and engaged themselves in wholesale acts of fornication not only against Apsaras who were prostitutes not only against the unmarried daughters of Yakshas and Nagas but also against the lawfully wedded wives of Ruksha, Vidhyadhar, Gandharvas, Kinnars and Vanaras and produced the Vanaras who became the associates of Rama.

Rama's birth is thus accompanied by general debauchery if not in his case certainly in the case of his associates. His marriage to Sita is not above comment. According to Buddha Ramayana, Sita was the sister of Rama, both were the children of Dasharatha. The Ramayana of Valmiki does not agree with the relationship mentioned in Buddha Ramayana. According to Valmiki Sita was the daughter of the king Janaka of Videha and therefore not a sister of Rama. This is not convincing for even according to Valmiki she is not the natural born daughter of Janaka but a child found by a farmer in his field while ploughing it and presented by him to king Janaka and brought up by Janaka. It was therefore in a superficial sense that Sita could be said to be the daughter of Janaka. The story in the Buddha Ramayana is natural and not inconsistent with the Aryan rules *mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_76 of marriage. If the story is true, then Rama's marriage to Sita is no ideal to be copied. In another sense Rama's marriage was not an ideal marriage which could be copied. One of the virtues ascribed to Rama is that he was monogamous. It is difficult to understand how such a notion could have become common. For it has

no foundation in fact. Even Valmiki refers*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_77 to the many wives of Rama. These were of course in addition to his many concubines. In this he was the true son of his nominal father Dasharatha who had not only the three wives referred to above but many others.

Let us next consider his character as an individual and as a king. In speaking of him as an individual I will refer to only two incidents one relating to his treatment of Vali and other relating to his treatment of his own wife Sita. First let us consider the incident of Vali.

Vali and Sugriva were two brothers. They belonged to the Vanar race and came from a ruling family which had its own kingdom the capital of which was Kishkindha. At the time when Sita was kidnapped by Ravana, Vali was reigning at Kishkindha. While Vali was on the throne he was engaged in a war with a Rakshasa by name Mayavi. In the personal combat between the two Mayavi ran for his life. Both Vali and Sugriva pursued him. Mayavi entered into a deep cavity in the earth. Vali asked Sugriva to wait at the mouth of the cavity and himself went inside. After sometime a flood of blood came from inside the cavity. Sugriva concluded that Vali must have been killed by Mayavi and came to Kishkindha and got himself declared king in place of Vali and made Hanuman his Prime Minister

As a matter of fact, Vali was not killed. It was Mayavi who was killed by Vali. Vali came out of the cavity but did not find Sugriva there. He proceeded to Kishkindha and to his great surprise he found that Sugriva had proclaimed himself king. Vali naturally became enraged at this act of treachery on the part of his brother Sugriva and he had good ground to be. Sugriva should have ascertained, should not merely have assumed that Vali was dead. Secondly Vali had a son by name Angad whom Sugriva should have made the king as the legitimate heir of Vali. He did neither of the two things. His was a clear case of usurpation. Vali drove out Sugriva and took back the throne. The two brothers became mortal enemies.

This occurred just after Ravana had kidnapped Sita. Rama and Laxman were wandering in search of her. Sugriva and Hanuman were wandering in search of friends who could help them to regain the throne from Vali. The two parties met quite accidentally. After informing each other of their difficulties a compact was arrived at between the two. It was agreed that Rama should help Sugriva to kill Vali and to establish him on the throne of Kishkindha. On the part of Sugriva and Hanuman it was

agreed that they should help Rama to regain Sita. To enable Rama to fulfil his part of the compact it was planned that Sugriva should wear a garland in his neck as to be easily distinguishable to Rama from Vali and that while the dual was going on Rama should conceal himself behind a tree and then shoot an arrow at Vali and kill him. Accordingly a dual was arranged, Sugriva with a garland in his neck and while the daul was on, Rama standing behind a tree shot Vali with his arrow and opened the way to Sugriva to be the king of Kishkindha. This murder of Vali is the greatest blot on the character of Rama. It was a crime which was thoroughly unprovoked, for Vali had no quarrel with Rama. It was most cowardly act for Vali was unarmed. It was a planned and premeditated murder.

Consider his treatment of his own wife Sita. With the army collected for him by Sugriva and Hanuman, Rama invades Lanka. There too he plays the same mean part as he did as between the two brothers Vali and Sugriva. He takes the help of Bibhishana the brother of Ravana promising him to kill Ravana and his son and place him on the vacant throne. Rama kills Ravana and also his son lndrajit. The first thing Rama does after the close of the fight is to give a decent burial to the dead body of Ravana. Thereafter he interests himself in the coronation of Bibhishana and it is after the coronation is over that he sends Hanuman to Sita and that took to inform her that he, Laxman and Sugriva are hale and hearty and that they have killed Ravana.

The first thing he should have done after disposing of Ravana was to have gone to Sita. He does not do so. He finds more interest in the coronation than in Sita. Even when the coronation is over he does not go himself but sends Hanuman. And what is the message he sends? He does not ask Hanuman to bring her. He asks him to inform her that he is hale and hearty. It is Sita who expresses to Hanuman her desire to see Rama. Rama does not go to Sita his own wife who was kidnapped and confined by Ravana for more than 10 months. Sita is brought to him and what does Rama say to Sita when he sees her? It would be difficult to believe any man with ordinary human kindness could address to his wife in such dire distress as Rama did to Sita when he met her in Lanka if there was not the direct authority of Valmiki. This is how Rama addressed her*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_78:

I have got you as a prize in a war after conquering my enemy your captor. I have recovered my honour and punished my enemy. People have witnessed my military prowess and I am glad my abours have been

rewarded. I came here to kill Ravana and wash off the dishonour. I did not take this trouble for your sake."Could there be anything more cruel than this conduct of Rama towards Sita? He does not stop there. He proceeded to tell her:

"I suspect your conduct. You must have been spoiled by Ravana. Your very sight is revolting to me. On you daughter of Janaka, I allow you to go anywhere you like. I have nothing to do with you. I conquerred you back and I am content for that was my object. I cannot think that Ravana would have failed to enjoy a woman as beautiful as you are."

naturally Sita calls Rama low and mean and tells him quite that she would have committed suicide and saved him all this if when Hanuman first came he had sent her a message that he abandoned her on the ground that she was kidnapped. To give him no excuse Sita undertakes to prove her purity. She enters the fire and comes out unscathed. The Gods satisfied with this evidence proclaim that she is pure. It is then that Rama agrees to take her back to Ayodhya.

And what does he do with her when he brings her back to Ayodhya. Of course, he became king and she became queen. But while Rama remained king, Sita ceased to be a queen very soon. This incident reflects great infamy upon Rama. It is recorded by Valmiki in his Ramayana that some days after the coronation of Rama and Sita as king and queen Sita conceived. Seeing that she was carrying some residents of evil disposition began to calumniate Sita suggesting that she must have conceived from Ravana while she was in Lanka and blaming Rama for taking such a woman back as his wife. This malicious gossip in the town was reported by Bhadra, the Court joker to Rama. Rama evidently was stung by this calumny. He was overwhelmed with a sense of disgrace. This is quite natural. What is quite unnatural is the means he adopts of getting rid of this disgrace. To get rid of this disgrace he takes the shortest cut and the swiftest means—namely to abandon her, a woman in a somewhat advanced state of pregnancy in a jungle, without friends, without provision, without even notice in a most treacherous manner. There is no doubt that the idea of abandoning Sita was not sudden and had not occurred to Rama on the spur of the moment. The genesis of the idea the developing of it and the plan of executing are worth some detailed mention. When Bhadra reports to him the gossip about Sita which had spread in the town Rama calls his brothers and tells them his feelings. He tells them Sita's purity and chastity was proved in Lanka, that Gods had vouched lor it and that he absolutely believed in her innocence, purity and chastity."All the same the public

are calumniating Sita and are blaming me and putting me to shame. No one can tolerate such disgrace. Honour is a great asset, Gods as well as great men strive to maintain it in tact. I cannot bear this dishonour and disgrace. To save myself from such dishonour and disgrace I shall be ready even to abandon you. Don't think I shall hesitate to abandon Sita."

This shows that he had made up his mind to abandon Sita as the easiest way of saving himself from public calumny without waiting to consider whether the way was fair or foul. The life of Sita simply did not count. What counted was his own personal name and fame. He of course does not take the manly course of stopping this gossip, which as a king he could do and which as a husband who was convinced of his wife's innocence he was bound to it. He yielded to the public gossip and there are not wanting Hindus who use this as ground to prove that Rama was a democratic king when others could equally well say that he was a weak and cowardly monarch: Be that as it may that diabolical plan of saving his name and his fame he discloses to his brothers but not to Sita the only person who was affected by it and the only person who was entitled to have notice of it. But she is kept entirely in the dark. Rama keeps it away from Sita as a closely guarded secret and was waiting for an opportunity to put his plan into action. Eventually the cruel fate of Sita gives him the opportunity he was waiting for. Women who are carrying exhibit all sorts of cravings for all sorts of things. Rama knew of this. So one day he asked Sita if there was anything for which she felt a craving. She said yes. Rama said what was it. She replied that she would like to live in the vicinity of the Ashrama of sage on the bank of the river Ganges and live on fruits and roots at least for one night. Rama simply jumped at the suggestion of Sita and said"Be easy my dear I shall see that you are sent there tomorrow". Sita treats this as an honest promise by a loving husband. But what does Rama do? He thinks it is a good opportunity for carrying through his plan of abandoning Sita. Accordingly he called his brothers to a secret conference and disclosed to them his determination to use this desire of Sita as an opportunity to carry out his plan of abandonment of Sita. He tells his brothers not to intercede on behalf of Sita, and warns them that if they came in his way he would look upon them as his enemies. Then he tells Laxman to take Sita in a chariot next day to the Ashram in the jungle on the bank of the river Ganges and to abandon her there. Laxman did not know how he could muster courage to tell Sita what was decided about Sita by Rama. Sensing his difficulty Rama informs Laxman that Sita had already

expressed her desire to spend some time in the vicinity of an Ashrama on the bank of the river and eased the mind of Laxman. This confabulation took place at night. Next morning Laxman asked Sumanta to yoke the horses to the chariot. Sumanta informs Laxman of his having done so. Laxman then goes into the palace and meets Sita and reminds her of her having expressed her desire to pass some days in the vicinity of an Ashrama and Rama having promised to fulfil the same and tells her of his having been charged by Rama to do the needful in the matter. He points to her the chariot waiting there and says 'let us go!' Sita jumps into the chariot with her heart full of gratitude to Rama. With Laxman as her companion and Sumanta as coachman the chariot proceeds to its appointed place. At last they were on the bank of the Ganges and were ferried across by the fishermen. Laxman fell at Sita's feet, and with hot tears issuing from his eyes he said ' Pardon me, 0, blameless queen, for what I am doing. My orders are to abandon you here, for the people blame Rama for keeping you in his house."

Sita abandoned by Rama and left to die in a jungle went for shelter in the Ashrama of Valmiki which was near about. Valmiki gave her protection and kept her in his Ashram. There in course of time Sita gave birth to twin sons, called Kusa and Lava. The three lived with Valmiki. Valmiki brought up the boys and taught them to sing the Ramayana which he had composed. For 12 years the boys lived in the forest in the Ashrama of Valmiki not far from Ayodhya where Rama continued to rule. Never once in those 12 years this model husband and loving father cared to inquire what had happened to Sita whether she was living or whether she was dead. Twelve years after Rama meets Sita in a strange manner. Rama decided to perform a Yadna and issued invitation to all the Rishis to attend and take part. For reasons best known to Rama himself no invitation was issued to Valmiki although his Ashram was near to Ayodhya. But Valmiki came to the Yadna of his own accord accompanied by the two sons of Sita introducing them as his disciples. While the Yadna was going on the two boys used to perform recitations of Ramayana in the presence of the Assembly. Rama was very pleased and made inquiries when he was informed that they were the sons of Sita. It was then he remembered Sita and what does he do then? He does not send for Sita. He calls these innocent boys who knew nothing about their parents' sin, who were the only victims of a cruel destiny to tell Valmiki that if Sita was pure and chaste she could present herself in the Assembly to take a vow thereby remove the calumny cast against herself and himself. This is a thing she had once done in Lanka. This is a

thing she could have been asked to do again before she was sent away. There was no promise that after this vindication of her character Rama was prepared to take her back. Valmiki brings her to the Assembly. When she was in front of Rama, Valmiki said, **'0,** son of Dasharatha, here is Sita whom you abandoned in consequence of public disapprobation. She will now swear her purity if permitted by you. Here are your twin-born sons bred up by me in my hermitage.' ' I know,' said Rama 'that Sita is pure and that these are my sons. She performed an ordeal in Lanka in proof of her purity and therefore I took her back. But people here have doubts still, and let Sita perform an ordeal here that all these Rishis and people may witness it."

With eyes cast down on the ground and with hands folded Sita swore"As I never thought of any man except Rama even in my mind. let mother Earth open and bury me. As I always loved Rama in words, in thoughts, and in deed, let mother Earth open and bury me! As she uttered the oath, the earth verily opened and Sita was carried away inside seated on a golden *simhasana* (throne). Heavenly flowers fell on Sita's head while the audience looked on as in a trance.

That means that Sita preferred to die rather than return to Rama who had behaved no better than a brute. Such is the tragedy of Sita and the crime of Rama the God. Let me throw some search light on Rama the King. Rama is held out as an ideal King. But can that conclusion be said to be founded in fact?

As a matter of fact Rama never functions, as a King. He was a nominal King. The administration as Valmiki states were entrusted to Bharata his brother. He had freed himself from the cares and worries about his kingdom and his subjects. Valmiki has very minutely described*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_79 the daily life of Rama after he became King. According to that account the day was divided into two parts. Up to forenoon and afternoon. From morning to forenoon he was engaged in performing religious rites and ceremonies and offering devotion. The afternoon he spent alternately in the company of Court jesters and in the Zenana. When he got tired of the Zenana he joined the company of jesters and when he got tired of jesters he went back to the Zenana*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_80. Valmiki also gives a detailed description of how Rama spent his life in the Zenana. This Zenana was housed in a park called Ashoka Vana. There Rama, used to take his meal. The food according to Valmiki consisted of all kinds of delicious viands. They

included flesh and fruits and liquor. Rama was not a teetotaller. He drank liquor copiously and Valmiki records that Rama saw to it that Sita joined with him in his drinking bouts*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/21C.Riddles in Hinduism PART III.htm - _msocom_81. From the description of the Zenana of Rama as given by Valmiki it was by no means a mean thing. There were Apsaras, Uraga and Kinnari accomplished in dancing and singing. There were other beautiful women brought from different parts. Rama sat in the midst of these women drinking and dancing. They pleased Rama and Rama garlanded them. Valmiki calls Rama as a 'Prince among women's men '. This was not a day's affair. It was a regular course of his life.

As has already been said Rama never attended to public business. He never observed the ancient rule of Indian kings of hearing the wrongs of his subjects and attempting to redress them. Only one occasion has been recorded by Valmiki when he personally heard the grievance of his subjects. But unfortunately the occasion turned out to be a tragic one. He took upon himself to redress the wrong but in doing so committed the worst crime that history has ever recorded. The incident is known as the murder of Sambuka the Shudra. It is said by Valmiki that in Rama's reign there were no premature deaths in his kingdom. It happened, however, that a certain Brahman's son died in a premature death. The bereaved father carried his body to the gate of the king's palace, and placing it there, cried aloud and bitterly reproached Rama for the death of his son, saying that it must be the consequence of some sin committed within his realm, and that the king himself was guilty if he did not punish it: and Finally threatened to end his life there by sitting *dharna* (hunger-strike) against Rama unless his son was restored to life. Rama thereupon consulted his council of eight learned Rishis and Narada amongst them told Rama that some Shudra among his subjects must have been performing Tapasya (ascetic exercises), and thereby going against Dharma (sacred law); for according to it the practice of Tapasya was proper to the twice-born alone, while the duty of the Shudras consisted only in the service of the twice-born. Rama was thus convinced that it was the sin committed by a Shudra in transgressing Dharma in that manner, which was responsible for the death of the Brahmin boy. So, Rama mounted his aerial car and scoured the countryside for the culprit. At last, in a wild region far away to the south he espied a man practising rigorous austerities of a certain kind. He approached the man, and with no more ado than to enquire of him and inform himself that he was a Shudra, by name Sambuka who was

practising Tapasya with a view to going to heaven in his own earthly person and without so much as a warning, expostulation or the like addressed to him, cut off his head. And to and behold! that very moment the dead Brahman boy in distant Ayodhya began to breathe again. Here in the wilds the Gods rained flowers on the king from their joy at his having prevented a Shudra from gaining admission to their celestial abode through the power of the Tapasya which he had no right to perform. They also appeared before Rama and congratulated him on his deed. In answer to his prayer to them to revive the dead Brahman boy lying at the palace gate in Ayodhya, they informed him that he had already come to life. They then departed. Rama thence proceeded to the Ashrama which was nearby of the sage +Agastya, who commended the step he had taken with Sambuka, and presented him with a divine bracelet. Rama then returned to his capital. Such is Rama.

II

Now about Krishna.

He is the hero of the Mahabharata. Really speaking the Mahabharata is principally connected with the Kauravas and the Pandavas. It is the story of the war fought by the two for right to the kingdom which belonged to their ancestors. They should be the principal characters. But they are not. It is Krishna who is the hero of the epic. This is a little strange thing. But what is stranger still is the possibility not being a contemporary of the Kauravas and Pandavas. Krishna was the friend of the Pandavas who had their empire. Krishna was the enemy of Kansa who also had his empire. It does not seem possible that two such empires should subsist side by side at once and at the same time. Secondly, in the Mahabharata there is nothing to show that there was any intercourse between the two empires. The two stories of Krishna and the Pandavas have been mixed together at some later date in order to provide Krishna with a larger theater to play a bigger part. The mixture of the two stories is the result of a deliberate design on the part of Vyas to glorify Krishna and to raise him above all.

In the hands of Vyas Krishna is God among men. That is why he is made the hero of the Mahabharata. Does Krishna really deserve to be called God among men? A short sketch of his life alone will help to give a correct answer. Krishna was born at Mathura at midnight on the 8th day of the month of Bhadra. His father was Vasudeva of the Yadu race, and his mother Devaki, daughter of Devaka, the brother of Ugrasen, king of Mathura. Ugrasen's wife had an illicit connection with Drumila

the Danava king of Saubha. From this illicit connection was born Kansa who was in a sense the cousin of Devaki. Kansa imprisoned Ugrasen and usurped the throne of Mathura. Having heard from Narada or *Daivavani,* a voice from Heaven that Devaki's eighth child would kill him, Kansa imprisoned both Devaki and her husband and killed six of their children as they were born one after another. The seventh child, Balarama, was miraculously transferred from Devaki's womb to that of Rohini, another wife of Vasudeva. When the eighth child, Krishna, was born, he was secretly borne by his father to the other side of the river Yamuna, where Nanda and his wife Yasoda, natives of Vraja, were then living. The Yamuna rolled back her waters to make way for the divine child, the Ananta, the chief of serpents protected him with his ample hood from the heavy torrent of rain that was then falling. By a previous arrangement, Vasudeva exchanged his son for Nanda's newly born daughter. Yogindra or Mahamaya and presented the latter to Kansa as his eighth child, but she flew away, telling him that the child which is being brought up by Nanda and Yasoda would kill him. This led Kansa to make a series of unsuccessful attempts to kill the child Krishna. With this object he sent to Vraja a number of Asuras in various forms. The killing of these Asuras and number of other heroic deeds, impossible for an ordinary human child are the chief staple of the Puranic account of Krishna's early life. Some of them are mentioned in the Mahabharata also. As might be expected, the authorities differ largely in their narration of these facts. I mention only some of them, following chiefly the later authorities.

The first or one of the first of these is the killing of Putana. She was Kansa's nurse and was sent by him to kill Krishna in the form of a female vulture, according to Harivamsa, and of a beautiful woman according to the Bhagavata. As she pretending to suckle Krishna, put her poisoned breast into his mouth, he sucked it so powerfully as to draw out her very life-blood so that she fell down with an yell and died.

Krishna performed another of these feats when he was only three months old. It was the breaking of a *Sakata,* a cart which was used as a cupboard and had several jars and pans, full of milk and curd, ranged on it. According to the Harivamsa Sakata was an Asura sent by Kansa and had entered the cart intending to crush the infant Krishna by its weight. However, Yasoda had placed the boy under the cart and gone to bathe in the Yamuna. On her return she was told that he had kicked against it and broken it to pieces with all that lay on it. This event surprised and frightened Yasoda, and she offered pujas to avert the evils threatened by

it.

When Putana and Sakata's attempts to kill Krishna having failed, Kansa sent another of his emissaries an asura named Trinavarta, to attempt the same task. He came in the form of a bird and carried aloft the divine child, then only a year old. But he soon dropped down dead with the child safe and holding his throat tightly.

The next feat was the breaking of two arjuna trees growing side by side. They are described as the bodies of two Yakshas who were converted into this form by a curse, and who were released by this feat of Krishna. When he had learnt to crawl about and could hardly be kept out of mischief Yasoda tied him with a rope to a wooden mortar and went to mind her household duties. When she was out of sight, Krishna began to drag the mortar after him till it stuck fast between the trees. Still pulling the heavy weight after him, he uprooted the trees and made them fall down with a tremendous noise, himself remaining unhurt by them.

Now these events filled Nanda with fear, and he seriously thought of leaving Vraja and moving to another settlement. While he was thus thinking, the place was infested with wolves which made great havoc among the cattle and made it quite unsafe. This fixed the wavering intention of the nomads and they moved with all their belongings to the pleasant woodland named Vrindavan. Krishna was then only seven years old.

After his removal to this new settlement, Krishna killed quite a large number of Asuras. One of them was Aristha, who came in the form of a bull; another, Kesin, who was disguised as a horse. Five others, Vratrasura, Bakasura, Aghasura, Bhomasura and Sankhasura, the last a Yaksha. More important than these was Kaliya, a snake chief, who lived with his family in a whirlpool of the Yamuna and thus poisoned its water. Krishna one day threw himself on Kaliya's hood and danced so wildly as to make him vomit blood. He would thus have killed him, but on the intervention of the snake's family, he spared him and allowed him to move away to another abode.

The subjugation of Kaliya was followed by Vastra-harana, the carrying away of clothes, a hard nut to crack for worshippers and admirers of the Puranic Krishna. The whole narration is so obscene, that even the merest outlines will, I fear, be felt to be indelicate. But I must give them in as decent a form as is possible, to make my brief account of Krishna's doings as full as I can. Some Gopies had dived into the waters of the Yamuna for a bath, leaving their clothes on the banks, as is said to be

still the custom in some parts of the country. Krishna seized the clothes and with them climbed upon a tree on the riverside. When asked to return them, he refused to do so unless the women approached the tree and each begged her own dress for herself. This they could do only by coming naked out of the water and presenting themselves naked before Krishna. When they did this, Krishna was pleased and he gave them their clothes. This story is found in the Bhagavata.

The next of Krishna's feats was the uplifting of the Govardhan Hill. The Gopas were about to celebrate their annual sacrifices to Indra, the God of rain, and began to make grand preparations for it. Krishna pointed out to them that as they were a pastoral and not an agricultural tribe, their real Gods were kine, hills and woods, and them only they should worship, and not such Gods as the rain-giving Indra. The Gopas were convinced, and giving up their intention of worshipping Indra, celebrated a grand sacrifice to the hill Govardhan, the nourisher of kine, accompanied with feasting and dancing. Indra was as he could not but be greatly enraged at this affront offered to him, and as punishment, he poured rain on the Gopa settlement for seven days and nights continually. Krishna, nothing daunted, uprooted the hill and held it up as an umbrella over the settlement and thus protected the Gopas and their cattle from the ruinous effects of Indra's wrath. As to the jealousy between Indra and the Krishna of the Rig-Veda and that between the former and the Vishnu of the Satapatha Brahmana, I have already spoken in my first lecture.

Krishna's youthful career was full or illicit intimacy with the young women of Brindaben which is called his Rasalila. Rasa is a sort of circular dance in which the hands of the dancers, men and women, are joined together. It is said to be still prevalent among some of the wild tribes of this country. Krishna, it is stated, was in the habit of often enjoying this dance with the young Gopis of Brindaben, who loved him passionately. One of these dances is described in the Vishnu Purana, the Harivamsa and the Bhagavata. All these authorities interpret the Gopi's love for Krishna as piety—love to God, and see nothing wrong in their amorous dealings with him—dealings which, in the case of any other person, would be highly reprehensible according to their own admission. All agree as to the general character of the affair—the scene, the time and season, the drawing of the women with sweet music, the dance, the amorous feelings of the women for Krishna, and their expression in various ways. But while the Vishnu Purana tries— not always successfully—to keep within the limits of decency, the Harivamsa

begins to be plainly indecent, and the Bhagavata throws away all reserve and revels in indecency.

Of all his indecencies the worst is his illicit life with one Gopi by name Radha. Krishna's illicit relations with Radha are portrayed in the Brahmavaivarta Purana. Krishna is married to Rukmani the daughter of King Rukmangad. Radha was married to..... Krishna who abandons his lawfully wedded wife Rukmini and seduces Radha wife of another man and lives with her in sin without remorse.

Krishna was also a warrior and a politician even at a very early age, we are told, when he was in his twelfth year. Every one of his acts whether as a warrior or as a politician was an immoral act. His first act in this sphere was the assassination of his maternal uncle Kamsa. 'Assassination' is not too strong a term for it, for though Kamsa had given him provocation, he was not killed in the course of a battle or even in a single combat. The story is that having heard God Krishna's youthful feats at Brindaban, Karnsa got frightened and determined to secure his death by confronting him with a great athlete in an open exhibition of arms. Accordingly he announced the celebration of a *dhanuryajna* a bow sacrifice, and invited Krishna, Balarama and their Gopa friends to it. Akrura, an adherent of Krishna, but an officer of Kamsa. was deputed by the latter to bring the brothers to Mathura. They came, determined to kill Kamsa. He had provoked not only them, but other Yadavas also, whom his persecution had compelled to leave Mathura. The brothers were therefore supported by a conspiracy against him. Having arrived at Mathura, they desired to change their simple Gopa dress for a more decent one, and asked for clothes from Kamsa's washerman, whom they met in the street. As the man behaved insolently with them, they killed him and took from his stock whatever clothes they liked. They then met Kubja, a hunch-backed woman who served as Kamsa's perfumer. At their request she annointed them with sandal paste and in return was cured by Krishna of her bodily deformity. The Bhagvata makes him visit her on a subsequent occasion and describes his union with her with its characteristic indecency. However, on the present occasion, the brothers annointed by Kubja and garlanded by Sudama, a flower-seller, entered the place of sacrifice and broke the great bow to which the sacrifice was to be offered. The frightened Kamsa sent an elephant named Kuvalayapida to kill them. Krishna killed the elephant and entered the arena. There the brothers encountered Kamsa's chosen athletes, Chanura, Mustika, Toshalaka and Andhra. Krishna killed Chanura and Toshalaka and Balarama the other two.

Frustrated in his plan of securing Krishna's death by stratagem Kamsa ordered the brothers and their Gopa friends to be turned out and banished from his kingdom, - their herds to be confiscated and Vasudeva, Nanda and his own father Ugrasen to be assassinated. At this Krishna got upon the platform on which Karnsa was seated, and seizing him by the hair, threw him down on the ground and killed him. Having consoled Kamsa's weeping wives he ordered a royal cremation for him, and refusing the kingdom offered him by Ugrasen, installed the latter on the throne and invited his banished relatives to return to Mathura.

The next episode is Krishna's fight with Jarasandha, emperor of Magadha, and Kalayavana. Jarasandha was the son-in-law of Kamsa. Enraged by Krishna's assassination of Karnsa, his son-in-law, Jarasandha is said to have invaded Mathura seventeen times and to have been every time repulsed by Krishna. Fearing, however, that an eighteenth invasion would be disastrous to the city, Krishna removed the Yadavas to Dwarka at the west end of Gujarat Peninsula. After the removal of the Yadavas from Mathura, the city was besieged by Kalayavana at the instigation of Jarasandha. While pursuing the unarmed Krishna, however, out of the city, the invader was burnt to ashes, by fire issuing from the eyes of king Muchakunda, who had been sleeping in a mountain cave and whom he had awakened with a kick mistaking him for Krishna. Krishna defeated the army of Kalayavana but while flying to Dwaraka with the booty, he was overtaken by Jarasandha. He, however, evaded his enemy by climbing a hill and flying to Dwaraka after jumping down from it.

Krishna was now, for the first time, married. He married Rukmini daughter of Bhishmaka, king of Vidarbha. Her father, at Jarasandha's advice, was making preparations to get her married to Sishupala, Krishna's cousin and king of Chedi. But Krishna carried her off on the day before the proposed marriage. The Bhagavata says she had fallen in love with Krishna and had addressed a love letter to him. This does not seem to be true. For Krishna did not remain a true and faithful husband of Rukmini. Rukmini was gradually followed by an enormously vast army of co-wives till the number of Krishna's consorts rose to sixteen thousand one hundred and eight. His children numbered one lakh and eighty-thousand. The chief of his wives were the well-known eight, Rukmini, Satyabhama, Jambavati, Kalindi, Mitrabinda, Satya, Bhadra, and Lakshmana. The remaining sixteen thousand and one hundred were married to him on the same day. They belonged originally to the harem of king Naraka of Pragjyotish whom Krishna defeated and killed at the

invitation of Indra, whose mother's ear-rings had been carried away by Naraka. While paying a visit after the battle to Indra's heaven in company with Satyabhama, this lady took fancy to Indra's famous parijat tree. To oblige his wife, Krishna had to fight with the God whom he had just favoured. Indra, though the chief of the Vedic Gods, and though he was helped by the latter on this occasion was indeed no match for the ' Incarnation of the Supreme Being ' and was forced to part with his favourite flower-tree, which was thus carried to Dwarka and planted there. The story of how he obtained his chief eight wives is very interesting. The story of how he got Rukmini is already told. Satyabhama was the daughter of Satrajit, a Vadava chief who gave her away in marriage to Krishna because he was afraid of him and wished to buy his favour. Jambavati was the daughter of Jambavna, a bear chief, against whom Krishna waged a long war to recover a previous gem he had taken away from a Yadava. Jambavana was defeated and presented his daughter to Krishna, as a peace-offering. Kalindi went through a series of austerities in order to get Krishna as her husband and her devotion was rewarded by the marriage she had sought. Mitrabinda was a cousin of Krishna and was carried off by him from the Svayamvara grounds. Satya was the daughter of Nagnajit, king of Ayodhya and was won by Krishna when he had achieved a brave feat of arms, namely, killing a number of naughty bulls belonging to Nagnajit. Bhadra was another cousin of Krishna and was married by him in the usual way. Lakshmana was the daughter of Brihatsena, king of Madra, and was carried off by him from the Swayamavara grounds.

Krishna's part in Arjuna's marriage with Subhadra, sister of Balarama and Krishna's half sister is noteworthy. In the course of his travels Arjuna arrived at the holy place of Prabhasa, and was received by Krishna on the hill of Raivataka. There he was enamoured of Subhadni and asked Krishna how he could get her. Krishna advised him to carry her off as a brave Kshatriya without depending upon the chances of a Svayamvaram, the usual Kshatriya form of marriage. The Yadavas were at first enraged at this outrage, but when Krishna convinced them that Arjuna would be a very worthy husband for Subhadra. and that by carrying her off he had done nothing unworthy of a hero, they consented to the union. And how could they do otherwise? Krishna did not simply argue like us, poor talkers. He, as we have already seen, had backed his precepts by his example.

It is interesting to note how Krishna disposed of Jarasandha and Sishupala who created trouble at the Rajasuya performed by

Yudhisthira. Jarasandha had imprisoned a large number of kings and intended to sacrifice them to Rudra. Unless he was killed and the imprisoned princes released and given an opportunity to pay homage to Yudhisthira, the latter's claim as emperor could not be established. Krishna therefore proceeded with Bhirna and Arjuna to Rajagriha, Jarasandha's capital, and challenged him to a single combat with anyone of them he might choose. Such a challenge could not be refused by a Kshatriya, and Jarasandha, at the anticipation of death at his opponent's hand, declared his son Sahadev as his heir apparent and chose Bhima as his opponent. The combat lasted thirteen days, and Jarasandha at length met with a painful death at his rival's hand. Having put Sahadev on his father's throne, and invited the released princes to attend Yudhisthira's Rajasuya, Krishna and his friends returned to Indraprastha.

In due course the Rajasuya came off. Of the various functions and duties connected with the ceremony, Krishna is said to have taken charge of washing the feet of the Brahmans. This is a sure indication of the comparative modernness of the Mahabharata, at any rate, of this story. For in ancient times, even when the supremacy of the Brahmans had been established, the Kshatriyas never paid them any servile honour. However when the sacrifice was over, the time came for Yudhisthira to make presents to the assembled princes, priests and other persons deserving honour. To whom must honour be paid first?

Yudhisthira having asked Bhishma's opinion on the matter, the latter replied that Krishna was the person to be honoured first. Accordingly Sahadeva at Yudhishtira's command presented the Arghya, the mark of honour, to Krishna, and the latter accepted it. This upset Sishupala, who made a long speech, challenging Krishna's right to the honour and abusing the Pandavas for paying any honour and Krishna for accepting it. Bhishma made another speech narrating Krishna's exploits and achievements at length, and declaring his divinity. Sishupala rose again, rebutted Bhishma's arguments one after another, and grossly abused him. It is pointed out by Krishna's recent biographers, that of the charges brought against Krishna by Sishupala, there is no mention of his dealings with the Brindaban Gopis, a sure indication, according to them, that when the Mahabharatha was composed, the story of these dealings of Krishna, a story made so much of by the writers of the Puranas and the later poets, was not conceived. However, at the end of Sishupala's speech Bhishma, who saw that Yudhishtira was afraid lest Sishupala and his followers might obstruct the completion of the ceremony, said, addressing them that if they were resolved to die they might challenge

the divine Krishna himself to fight. At this Sishupala challenged Krishna, who rose in response and narrated his opponent's numerous misdeeds. Then with the words,"At the request of his mother, my aunt, I have pardoned a hundred of Sishupala's offences. But I cannot pardon the insulting words he has spoken of me before the assembled princes: I kill him before you all". He threw his chakra at him and cut off his head

Actions of Krishna during the Mahabharata War may now be reviewed. The following are some of them:

1. When Satyaki, Krishna's friend, was hard pressed by Bhurisrava, son of Somadatta, Krishna induced Arjuna to cut off his arms, and thereby made it easy for Satyaki to kill him.

2. When Abhimanyu was unfairly surrounded and killed by seven Kaurava warriors, Arjuna vowed the death of the ring leader, Jayadratha, next day before sunset, or, failing that his own death by entering into fire. When the Sun was about to set, and Jayadratha remained unslain, Krishna miraculously hid the Sun, on which Jayadratha, having come out Krishna uncovered the Sun, and Arjuna killed Jayadratha when he was unaware.

3. Despairing of Drona being ever killed by fair means Krishna advised the Pandavas to kill him unfairly. If he could he made to cast down his arms, he could, Krishna said, be killed easily. This could be done if he was told that his son, Asvathama was dead. Bhima tried the suggested device He killed an elephant named after Drona's son and told him that Asvathama was killed. The warrior was somewhat depressed by the news, but did not quite believe it. At this juncture he was hard pressed by a number of sages to cease fighting and prepare himself for heaven with meditations worthy of a Brahmana. This checked the hero still more and he applied to the truthful Yudhisthira for correct information about his son. Finding Yudhisthira unwilling to tell a lie, Krishna overcame his reluctance by a long exhortation, in the course of which he announced his ethics of untruth in the following edifying text from Vasishtha's Smriti.

"In marriage, in amorous dealings, when one's life is in danger, when the whole of one's possession is going to be lost, and when a Brahman's interest is at stake, untruth should be told. The wise have said that speaking untruth on these five occasions is not a sin."Yudhisthir's scruples were stifled, and he said to his preceptor,"Yes, Asvathama is killed"adding in a low voice,"that is, an elephant"which last words, however were not heard by Dron. His depression was complete, and on hearing some bitterly reproachful words from Bhima, he gave up his

arms, and while sitting in a meditative posture, was killed by Dhristhadyumna.

4. When Bhima was unsuccessfully fighting with Duryodhana by the side of the Dvaipayana Lake Krishna reminded him through Arjuna that he had vowed the breaking of his opponent's thighs. Now striking a rival below the navel was unfair, but as Duryodhana could not be killed except by such an unfair means, Krishna advised Bhima to adopt the same and Bhima did."The death of Krishna throws a flood of light on his morals. Krishna died as the Ruler of Dwaraka. What was this Dwaraka like and what sort of death awaited him?

In founding his city of Dwaraka he had taken care to settle thousands of ' unfortunates ' there. As the Harivamsa said: ' O, hero having conquered the abodes of the Daityas (giants) with the help of brave Yadus, the Lord settled thousands of public women in Dwaraka". Dancing, singing and drinking by men and women married and prostitutes filled the city of Dwaraka. We get a description of a seatrip in which these women formed a principal source of enjoyment. Excited by their singing and dancing, the brothers Krishna and Balarama joined in the dancing with their wives. They were followed by the other Yadava chiefs and by Arjuna and Narada. Then a fresh excitement was sought. Men and women all fell into the sea and at Krishna's suggestion, the gentlemen began a jalakrida water sport, with the ladies, Krishna leading one party, and Balarama another, while the courtesans added to the amusement by their music. This was followed by eating and drinking and this again by a special musical performance in which the leaders themselves exhibited their respective skill in handling various musical instruments. It will thus be seen what a jolly people these Yadavas were, and with what contempt they would have treated the objections urged nowadays by the Brahmans and such other purists against notch parties and the native theatres. It was in one of these revels—a drunken revel—that the Yadavas were destroyed. They, it is said, had incurred the displeasure of a number of sages by a childish trick played on the latter by some of their boys. These boys disguised Samba, one of Krishna's sons, as a woman with child, tying an iron pestle below his navel, and asked the sages to say what child the 'woman' would give birth to. The enraged sage said 'she' would produce an iron pestle which would be the ruin of the Yadavas. Fearing the worst consequences from this curse, the boys took the pestle to the sea-side and rubbed it away. But its particles came out in the form of *erakas,* a kind of reeds and its last remaining bit, which had been thrown into the sea, was afterwards

recovered and used by a hunter as the point of an arrow; Now it was with these erakas that the Yadavas killed themselves. They had gone in large parties to the holy place of Prabhasa. They indulged in drinking there and this proved their ruin. The evils of drinking there had been found out at length by Krishna and some other Yadava leaders, and it was prohibited on pain of death by a public notification. But the prohibition had no effect. The drunken Yadavas at first quarrelled and then began to fight and kill one another. When some of Krishna's own sons were killed he himself joined in the fight and killed a large number of his own people. He then went in search of Balarama. He found him in meditative posture and saw his spirit passing out of his body in the form of a large serpent i.e., Sesha Naga, the divine snake whom he had incarnated. Krishna now felt that it was time for him also to pass away. He then bade farewell to his father and his wives, telling them that he had sent for Arjuna, who would take charge of them. Then he seated himself under a tree, hidden by its leafy and outstretching branches, and composed his mind in meditation. While thus sitting, a hunter named Jara mistook him for a deer and hit him with an arrow, one pointed with the last remaining bit of the fatal pestle. Discovering his mistake, the man fell at Krishna's feet and was pardoned and flew away to heaven, illumining all sides by its dazzling light. Arjuna came and proceeded towards Hastinapur with the surviving Yadavas men and women. But his good genius having left him he had lost the power of his hitherto mighty arm and his unrivalled skill as an archer. A number of Ahiras, armed only with lathis, attacked his party and carried off many of the women, and he reached Hastinapur only with a small remnant. After Arjuna's departure the sea engulfed Dwaraka, and nothing was left to speak of the Yadavas, their glories, their domestic broils and their revels.

SMALL HOLDINGS IN INDIA AND THEIR REMEDIES

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I

IMPORTANCE OF AGRICULTURE

A study of the economic ways of getting a living will ever remain important These ways generally take the form of industries or services. Confining ourselves to industries, they may be divided into primary and secondary. The primary industries are concerned with extracting useful material from the earth, the soil or water and take the form of hunting, fishing, stock raising, lumbering and mining. These primary or extractive industries are fundamental in two ways: (1) They extract from the physical world useful materials which become the original sources of man's subsistence. (2) They provide raw materials for the secondary or manufacturing industries, for, manufactures, in the language of Dr. Franklin, are simply,"substance metamorphosed". From a national point of view as well, the importance of primary industries is beyond question. But important as are the primary industries, fanning is by far the most important of them all. It is most ancient and abiding of all industries, primary or secondary : while the fact that it is concerned with 'the production of food is enough to make its problems demand our most serious thought. But when a country, like India, depends almost wholly upon farming its importance cannot be exaggerated. The problems of agricultural economy dealing directly with agricultural production are what to produce, the proper proportion of the factors of production, the size of holdings, the tenures of land etc. In this paper it is attempted to deal only with the problem of the size of holdings as it affects the productivity of

agriculture.

II
SMALL HOLDINGS IN INDIA

It may be said that some countries are predominantly countries of small holdings while in others it is the large holdings that prevail. According to Adam Smith it is the adoption of the law of primogeniture chiefly due to the exigencies of a military life that leads to the creation and preservation of large holdings. While it is the adoption of the law of equal sub-division necessitated by the comparatively peaceful career of a nation that gives rise to small holdings. He says :—

> "When land like moveables is considered as the means only of subsistence and enjoyment, the natural law of succession divides it like them among all the children of the family; of all of whom the subsistence and enjoyment may be supposed equally dear to the father, [thus tending to have small holdings. But when land was considered as the means, not of subsistence merely, but of power and protection it was thought better that it should descend undivided to one. In those disorderly times.....to divide it was to ruin it, and to expose every part of it to be opposed and swallowed up by its neighbors. The law of primogeniture, therefore came to take place in the succession of landed estates [thus tending to preserve large holdings] [1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/11. Small Holdings in India and their Remedies.htm - _msocom_1

England is, therefore, a country of large holdings. Post-Revolutionary France is a country of small holdings. So are Holland and Denmark. Turning to India, we find holdings of the following size held separate and direct for the years 1896-97 and 1900-01:

Average area of holdings in acres

Years	Assam	Bombay	Central Provinces	Madras
1896-97	3.37	24.07	17	7
1900-01	3.02	23.9	48	7

Data, more recent, more exact, though from more restricted area, is available from the Baroda State. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/11. Small Holdings in India and their Remedies.htm - _msocom_2 Statistics of land holdings in the State are summarized

in bighas in the following table : mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/11. Small Holdings in India and their Remedies.htm - _msocom_3

Name of the District	Total Agricultural land	Survey No. into which it is divided	Number of Khatedars	Average under Khatedar	Average area per Survey No.
Baroda	17,17,319	4,30,601	107,638	15—19—2	4
Kadi	25,13,982	5,89,687	141,145	17—16—5	4 1/4
Naosari	10,46,176	2,16,748	52',652	19—17—8	4
Amveli	9,72,040	55,635	17,214	36—9—7	3 1/4
Total ..	82,49,517	12,92,671	318,649	17—10-10	3 7/8

(8 bighas == 5 acres)

Another investigation conducted by Dr. H. S. Mann and his colleagues indicates more specifically the fact of small holdings in the village of Pimpala Saudagar near Poona. The size of holdings in that village is indicated by the table below mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/11. Small Holdings in India and their Remedies.htm - _msocom_4:

	Over 20 acres	10 to 20 acres	5 to 10 acres	3 to 5 acres	2 to 3 acres	1 to 2 acres	30 to 40 gunthas	20 to 30 gunthas	15 20 gunthas	10 to 15 gunthas	5 to 10 gunthas	Below 5 gunthas
Number of plots of each size.	1	7	21	25	67	164	75	136	71	57	59	25

(40 Gunthas==l acre)

In this table the modal holding is between 1 and 2 acres. A mode is a statistical average indicating the point of largest frequency in an array of

instances.

From these tables it can be easily seen that the average size of holdings varies from 25.9 acres in the Bombay Presidency to an acre or two in Pimpala Saudagar.

This diminutive size of holdings is said to be greatly harmful to Indian Agriculture. The evils of small holdings no doubt, are many. But it would have been no slight mitigation of them if the small holdings were compact holdings. Unfortunately they are not. A holding of a farmer though compact for purposes of revenue is for purposes of tillage composed of various small strips of land scattered all over the village and interspersed by those belonging to others. How the fields are scattered can only be shown graphically by a map. Herein we shall have to remain content, since we cannot give a map, with knowing how many separate plots are contained in aholding. The number of separate plots in each holding will show how greatly fragmented it is. We have no figures at all for the whole of India bearing on this aspect of the question. But the Hon'ble Mr. G. F. Keatinge in his note5 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/11. Small Holdings in India and their Remedies.htm - _msocom_5 submitted to Government in 1916 has collected figures of typical cases from all the districts of the Bombay Presidency. The following table is constructed to present his data in an intelligible form :

Case II V. Shirgaon T. Ratnagiri D. Ratnagiri		Case V V. Badlapur T. Kalyan D. Thana		Case VI V. Kara T. Mawal D. Poona		Case VII V. Althan T. Ghorssi D. Surat		Case IX Surat District		Case X Kaira District		Case V. Ll T. Kore D. Sa
Area of holding	No. of separaten plots	Area of a holding	No. of separate plots	Area of a holding	No. of separate plots	Area of a holding	No. of sapa-rate plots	Area of a holding	No. of separate plots	Area of a holding	No.of separate plots	Area of a hold-ing
A. g		A g.		A. g.		A. g.		A. g.		A. g.		A. g
341/2	3	48 6	53	60 0	27	0	9	1 0	14	62 13	27	38
33	2	67 0	38	2 27	8	85 0	8	13 0	18	65	23	23
20.	3	1 9	6	2 31	5	26 9	8	22 0	20	36	16	

											16		36
1 14	3	6 30	8	16 6	7	..		3 6	4	7	5		
										9		22	
1 30	5	24 0	17	2 35	6			5 0	7	5	5		
										26			
1 101	4							1 26	9	13	6		
										16			
6 33	9							0 26	9	28	15		
										4			
3 29	7									12	8		
1/2										10			
2 20	1		..						..	12	3		
1/2										7			
	3	..								5	5		
353/4										26			
										3	5	..	
										34			
			..							3	3		
										39			

(A-==acre g==guntha V==village taluka D==district)

These small and scattered holdings have given a real cause for anxiety regarding our great national industry. Comparative Statistics go to swell this feeling by laying bare two very noteworthy but equally sad facts regarding economic life in India ; (1) that it is largely an agricultural country ;* and (2) that its agricultural productivity is the lowest :—

(1) (1) Occupational Statistics

Percentage of Agricultural Population.

England and Wales	15.3
Australia	44.7
Belgium	60.9
Bulgaria	20.7
Denmark	82.6
Denmark	48.2
France	42.7
Germany	35.2
Holland	30.7
Hungary	69.7

Italy	59.4
Russia	58.3
Russia	30.9
India	71.5
USA	33.3

(2) (2) Produce in Lbs. per acre

Country	Wheat	Maize
UK	1973	
Canada	1054	3487
New Zealand	1723	3191
Austria	1150	1135
Egypt	1634	2059
France	1172	1097
Germany	1796	-
Hungary	1056	1489
Japan	1176	1525
USA		
Turkey	1318	1372
Indian Provinces		
UP	850	1100
NWP	555	735
Punjab	555	766
Bombay	510	
U. Burma	322	

Both these truths are painful enough to have startled many people into inquiring the causes of this low productivity. As a result, attention has now been concentrated on the excessive sub-division and fragmentation of agricultural holdings. Enlarge and consolidate the holdings, it is confidently argued, and the increase in agricultural productivity will follow in its wake !!

III

CONSOLIDATION

Consolidation of holdings is a practical problem while the enlargement of them is a theoretical one, demanding a discussion of the principle which can be said to govern their size. Postponing the consideration of the theoretical question of enlargement, we find that the problem of consolidation raises the following two issues:—(1) how to unite such small and scattered holdings as the existing ones, and (2) once consolidated how to perpetuate them at that size. Let us consider them each in turn. Sub-division of land need not involve what is called the fragmentation of land. But unfortunately it does, for, every heir desires to secure a share from each of the survey numbers composing the entire lands of the deceased instead of so arranging the distribution that each may get as many whole numbers as possible, i.e. the heirs instead of sharing the lands by survey numbers, claim to share in each survey number, thus causing fragmentation. Though fragmentation does subserve the ends of distributive justice it renders farming in India considerably inefficient as it once did in Europe. It involves waste of labour and cattle power, waste in hedges and boundary marks, and waste of manure. It renders impracticable the watching of crops, sinking of wells and the use of labour saving implements. It makes difficult changes in cultivation, the making of roads, water channels, etc., and it increases the cost of production. These disadvantages of fragmentation arc I to be recounted only to lend their support to the process of restripping or \ consolidation. The methods of"restripping"are many, though all are not equally efficacious. Voluntary exchanges can hardly be relied upon for much. But a restricted sale of the right of occupancy may be expected to go a good deal. For, under it, when survey numbers are put to auction on account of their being relinquished by the holders or taken in attachment for arrears of assessments, only those may be allowed lo bid in the auction for the sale of the right of occupancy whose lands are contiguous to the land hammered out. Again as further helping the process of reunion, the right of pre-emption may be given to farmers whose neighbour wishes to sell his land. These methods, it must be admitted, can achieve the desired result in a very small measure. The evils of fragmentation are very great and must be met by a comprehensive scheme of consolidation. It is, therefore, advocated[f.6] that if two-thirds of the Khatedars, dealing more than half of the village lands, apply, Government, should undertake compulsorily to restrip the scattered fields of the village. This

compulsory restripping is to be executed on two principles, (1) of"Economic Unit"and (2) of"Original Ownership". Regarding the merits of these two principles the Baroda Committee observes. [f.7]

"In the first the value of each holding is ascertained, then the original boundaries are removed, roads are marked out, lands required for public purposes are set apart, and the rest of the land is parcelled out into new plots. Each of these new plots must be of such a size as, having regard to the local conditions of soil, tillage etc. to form an economic field, i.e., a parcel of land necessary to keep fully engaged and support one family. These new plots may be sold by auction among the old occupants, restriction being placed on purchase so as to prevent a large number of cultivators from being ousted. The purchase money may then be divided in a certain proportion among the original owners of pieces, a portion being reserved for expenses, in which Government would also contribute a share. Another mode would be to acquire all the land of the village then to sell it in newly constituted plots by auction as is done by City Improvement Trusts or by Government when laying out new roads in Cities or when extending a town. But we do not recommend its adoption in the improvement of agricultural land. It may result in land speculation and the small holders may be ousted in such numbers as to cause a real hardship.

"According to the second method when the restripping has been decided, a list of Khatedars and their holdings is made and the latter are valued at their market price by Panchas. Then the land is redistributed and each Khatedar is given new land in proportion to his original holding and as far as possible of the same value, difference to be adjusted by cash payment. In this method no Khatedar is deprived of his land. Each is accommodated and in the place of his original small and scattered fields gets one plot of almost their aggregate size. It is only a few people whose holding may be very small and whom it would not be expedient to keep on as farmers, that may have to lose their small pieces. But they too would benefit as they would get their full value in money."

The Baroda Committee prefers the second method because:

"It takes as its starting principle, that nobody (except perhaps a few, holding plots of insignificant sizes) is going to be driven off the land. It will give even the smallest man, chance to better his condition. Each land holder receives a new compact piece of land proportionate to the value of his old small and scattered field. In this way the

previous sub-divisions together with their attendant evils totally disappear."[f.8] Regarding consolidation Prof. H. S. Jevons says:

"The principles which should guide the choice of a method of carrying out the re-organization of villages on the lines above described are the following. In the first place compulsion should be avoided as far as possible and the principle adopted that no charge should be imposed upon any area unless the owners of more than one-half of that area desire the change. Should this condition be satisfied for an area..... it would seem expedient that legal power should be taken to compel the minority to accept the redistribution of holdings under the supervision of Government. In the second place.....the expense of the operation should be kept as low as possible.....In the third place considerable elasticity should be permitted in the methods of carrying through the re-organization in the different places during the first few years, as the whole undertaking would be in an experimental stage so that different methods might be tried, and the best be ultimately selected for a permanent set of regulations. Fourthly, the possible necessity for a considerable change of the existing tenancy law in the re-organised villages must be faced..... For the sake of completeness I may add as a fifth principle the obvious condition that redistribution of land must be made upon the most equitable basis possible, and that liberal compensation should be given to those, if any, who may be excluded from a former cultivating ownership."[f.9]

As for procedure in the compulsory consolidation of holdings both Prof. Jevons and the Baroda Committee propose the appointment of Commissioners to hear applications for consolidation and to carry it out, leaving to any objector the right to petition the Court to stay the proceedings in. case he felt that an injustice was being done to him.

The problem of perpetuating such a consolidated holding will next demand the care of the legislator. It is accepted without question by many that the law of inheritance that prevails among the Hindus and the Mohomedans is responsible for the sub-division of land. On the death of a Hindu or a Mahomedan his heirs are entitled without let or hindrance to equal shares in the property of the deceased. Now a consolidated holding subject to the operation of such a law of inheritance will certainly not endure for long. It will be the task of Sisyphus over again if, after consolidation, the law of inheritance were to remain unaltered.

But how is the existing law of inheritance to be changed? If it is not

to be the law of equal sub-division shall we have the law of primogeniture. The Baroda Committee thanks that,—

"It is not necessary that it should be introduced. All that it wanted is, that there should not be sub-divisions of land beyond a certain limit, which may be fixed for the sake of good agriculture. There is no objection to a holding being sub-divided, so long as by so doing each of the parts does not become less than the limit fixed for the sub-division of land. But when a holding reaches a stage to render further sub-division uneconomic, the other members of the family may not be allowed to force further sub-division of the holding. Instead of being sub-divided, it may be either cultivated in common or be given to one of the members of the family as a whole, and that member made to pay amounts equal to the value of their shares as compensation to the other members."[f.10]

The principle of not dividing immovable property among the heirs, when division would result in inconveniently small shares, but of giving to the highest bidder among the sharers or in case none of them is willing to have it, to outside bidders, and dividing the money realized in proportion to the recognized shares, has been accepted in the Indian Partition Act, No. 4 of 1893, section 2 of which runs thus:

"Whenever in any suit for partition, in which, if instituted prior to the commencement of this Act, a decree for partition might have been made, it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the number of the shareholders therein or of any other special circumstance, a division of the property cannot reasonably or conveniently be made and that a sale of the property and distribution of proceeds would be more beneficial for all the share-holders, the Court may, if it thinks fit, on the request of any such share-holder interested individually or collectively to the extent of one moiety or upwards direct a sale of the property and a distribution of the proceeds."

Granting the advisability of thus changing the law of inheritance it only requires to amend the Civil Procedure Code so as to make it obligatory on the Courts to refuse partition whenever it would reduce a field beyond the economic limit fixed in advance.

Another method of dealing with the problem is advocated by the Hon. Mr. G. F. Keatinge, Director of Agriculture, Bombay Presidency. In the Statement of Objects and Reasons appended to his draft bill he says:

"4..... The object of this bill is to enable such landowners as

may wish to do so to check: the further sub-division of their lands and to enable them, when it is otherwise possible, to effect a permanent consolidation of their holdings; and also to enable the executive government to secure the same results in respect of unoccupied land. The legislation proposed is purely enabling, and it will be operative in the case of any holding only upon the expressed wish of any person possessing an interest in that holding.

"5. The scheme embodied in this bill for securing these objects is briefly as follows. In order to be constituted an economic holding a plot of land must be entered as such in a register prescribed by rules. If the land is occupied, it will rest with some person having an interest in the land to make an application to the Collector to have the land registered as an economic holding..... Unless the Collector considers that there are sufficient grounds for rejecting the application, he holds a careful enquiry in which he follows a procedure similar to that prescribed in the Land Acquisition Act, 1894. If the proceedings show that all persons interested agree, the land is registered. Land vesting absolutely in Government may be registered without inquiry. The holding must in any case be registered in one name only, and the act of registration annuls all the interest of all other persons, except the registered owner, in the holding. Thereafter the owner cannot divide the plot but must so long as he owns it, keep it entire. He may sell, mortgage or otherwise dispose of it as an entire unit, but not dispose of part of it or do anything that might result in splitting up the holding. On the death of the holder, if he has not disposed of the land by will it will devolve upon a single heir. If the provisions of the bill are contravened (for instance if the holder mortgages a part of his Holding and the mortgagee obtains a decree for possession), the Collector is empowered to send a certificate to the Court, and the Court will set aside its decree or order. The Collector may also evict a person in wrongful possession. When a plot has been once constituted an economic holding, the registration cannot be cancelled except with the consent of the Collector ; the grounds on which cancellation will be allowed, will be laid down by rule and it is proposed that it shall be permitted chiefly in cases where economic considerations indicate that it is expedient."

Summing up this discussion of the two issues of consolidation, it must be said that the problem has not been viewed as a whole by all its advocates. The Baroda Committee alone endeavours to consolidate as well as to preserve the consolidated holding. Prof.

Jevons makes no provision to conserve the results of consolidation. Mr. Keatinge does not deal with consolidation at all. He is concerned only with the prevention of further fragmentation. But fragmentation, there will be in a holding even after it is entered as an economic holding. By his measure he will only succeed in preserving the holdings, as they will be found at the time of registration, i.e., he will not allow them to be reduced in size. But they will be small and scattered all the same. Mr. Keatinge, notwithstanding his legislation, leaves the situation more or less as it exists. Real consolidation is, however, aimed at by Prof. Jevons and the Baroda Committee. The principles they advocate for the purpose are almost the same ; and so are their procedures for carrying it out.

As for the preservation of consolidated holdings Mr. Keatinge as well as the Baroda Committee establish the one-man rule of succession. The Baroda Committee would adopt this rule only when division of land would result in uneconomic holdings and then too would compel the successor to buy off the claims of the other dispossessed heirs. Mr. Keatinge would let the dispossessed heirs off without compensation.

A more serious criticism against these projects of consolidation consists in the fact they have failed to recognize that a consolidated holding must be an enlarged holding as well. If it is said that Indian agiculture suffers from small and scattered holdings we must not only consolidate, but also enlarge them. It must be borne in mind that consolidation may obviate the evils of scattered holdings, but it will not obviate the evils of small holdings unless the consolidated holding is an economic, i.e. an enlarged holding. The Committee as well as Mr. Keatinge have entirely lost sight of this aspect of the question. Prof. Jevons, alone of the advocates, keeps it constantly before his mind that consolidation must bring about in its train the enlargement of holdings.

IV
ENLARGEMENT

Granted that enlargement of holdings is as important as their consolidation we will now turn to the discussion of regulating their size. It is desired by all interested in our agriculture that our holdings should be economic holdings. We would have been more thankful to the inventors of this new, precise and scientific terminology had they given us a precise and scientific definition of an economic holding.

On the other hand, it is believed that a large holding is somehow an economic holding. It may be said that even Prof. Jevons has fallen a victim to this notion. For when discussing what the size of a holding should be he dogmatically states that in the consolidated village the mode should be between 29 and 30 acres. [f.11]But why should the mode be at this point and not at 100 or say 200? We might imagine Pro. Jevons to reply that his model point is placed at that particular acreage because it would produce enough for a farmer to sustain a higher standard of living. Raising the general standard of living in India is the one string on which Prof. Jevons harps even to weariness throughout his pamphlet. [f.12]. The error underlying this doctrine we shall consider later on. It is enough to say that he does not give any sound economic reason for his model farm.

The case with the Baroda Committee is much worse, Prof. Jevons at least sticks to one definition of an ideal economic holding ; but the Report of the Baroda Committee suffers from a plurality of definitions. While cementing on the size of an average holding in the state as is summarized in the above table, it should be noted that the Committee, though it desired consolidation, was perfectly satisfied with the existing size of the holding as is clear, from the following:

"If the average holding of a Khatedar was a compact field of those figures, the situation would be an ideal one and would not leave much to be desired."[f.13]

But absent-minded as it were, the Committee, without any searching analysis of the question it was appointed to investigate and report upon, lays down that :

"An ideal economic holding would consist of 30 to 50 bighas of fair land in one block with at least one good irrigation well and a house situated in the holding." [f.14]

If the size of existing holdings is an ideal size why should they be enlarged? To this, the Committee gives no answer. But this is not all. The Committee does not even adhere to the quantitative limit it has already set down to its ideal economic holding. When it comes to discuss the project of re-arrangement of the scattered fields of the village on the principle of"Economic unit"it presents a third ideal of an economic holding. To realize this ideal it says :

"Each of these new plots must be of such a size, as having regard to the local conditions of soil, tillage, etc., to form an Economic field, i.e., a parcel of land necessary to keep fully engaged and support one family."[f.15]

Thus with perfect equanimiy (1) the Baroda Committee holds, not too fast, to three notions of an ideal economic holding. No wonder then that the Report of the Committee is a model of confused reasoning though it is a valuable repository of facts bearing on the subject.

According to the Hon. Mr. Keatinge an economic holding is:—"a holding which allows a man chance of producing sufficient to support himself and his family in reasonable comfort, after paying his necessary expenses."[f.16]

His definition of an economic holding will be accepted, we may expect, by the Baroda Committee; for, it does not differ from its own, given above as third in order. Assuming they agree, we may now proceed to see how far tenable this definition is

It is plain that these definitions including that of Professor Jevons view an economic holding from the standpoint of consumption rather than of production. In this lies their error; for consumption is not the correct standard by which to judge the economic character of a holding. It would be perverse accounting to condemn a farm as not paying because its total output does not support the family of the farmer though as a pro-rata return for each of his investments it is the highest. The family of a farmer can only be looked upon in the light of so much labour corps at his disposal. It may well be that some portion of this labour corps is superfluous, though it has to be supported merely in obedience to social custom as is the case in India. But if our social custom compels a farmer to support some of his family members even when he cannot effectively make any use of them on his farm we must be careful not to find fault with the produce of the farm because it does not suffice to provide for the workers as well as the dependants that may happen to compose the family. The adoption of such an accounting system will declare many enterprises as failures when they will be the most successful. There can be no true economic relation between the family of the entrepreneur and the total out-turn of his farm or industry. True economic relation can subsist only between the total out-turn and the investments. If the total out-turn pays for all the investments no producer in his senses will ever contemplate closing his industry because the total out-turn does not support his family. This is evident ; for though production is for the purpose of consumption it is for the consumption only of those who help to produce. It follows, then, that if the relation between out-turn and investments is a true

economic relation, we can only speak of a farm as economic, i.e., paying in the sense of production and not in the sense of consumption. Any definition, therefore, that leans on consumption mistakes the nature of an economic holding which is essentially an enterprise in production.

Before going further, we must clear the ground by a few preliminary remarks to facilitate the understanding of an economic holding from the standpoint of production.

It must be premised at the outset that in a competitive society the daily transactions of its members, as consumers or producers, are controlled by a price regime. It is production, then, in a price regime that we have to analyse here for our purpose. In the main the modern process of production is captained by the entrepreneur, is guided and supervised by him and is worked out through him. All employers of labour or hirers of instrumental goods are entrepreneurs. His computations run, as they must, in a pecuniary society, in terms of price-outlay as over against price-product, no matter whether the prospective product is offered for sale or not. The entrepreneur, in producing for gain, apportions his outlays in varieties of investments, These investments, the same as factors of production or costs to the entrepreneur, have by tradition been confined to wages (labour) profits, rent (land) and interest (capital). Industrial facts do not support this classification. There are many other factors, it is contended, which as they share in the distributive process must have functioned in the productive process, in some way immediate or remote. But it is immaterial how many factors there are and whether they differ in kind or degree. What is important for the purpose of production is the process of combining them.

This combination of necessary factors of production is governed by a law called the law of proportion. It lays down that disadvantage is bound to attend upon a wrong proportion among the various factors of production employed in a concern. Enlarged, the principle means that as a certain volume of one factor has the capacity to work only with a certain volume of another to give maximum efficiency to both, an excess or defect in the volume of one in comparison with those of the others will tell on the total output by curtailing the efficiency of all. Having regard then to this interdependence of factors, an economically efficient combination of them compels the producer if he were to vary the one to vary the rest correspondingly. Neither can it be otherwise. For, the chief object of an efficient production

consists in making every factor in the concern contribute its highest ; and it can do that only when it can co-operate with its fellow of the required capacity. Thus, there is an ideal of proportions that ought to subsist among the various factors combined, though the ideal will vary with the changes in the proportions. [f.17]

These proportions it must be acknowledged are affected by the principle of substitution chiefly brought into play owing to variations in the prices of the factors. But this principle of substitution is too limited in its application to invalidate the law of proportion which is the law governing all economic production and which no producer can hope to ignore with impunity. [f.18]

Bringing to bear the above remarks regarding production on the definition of an economic holding, we can postulate that if agriculture is to be treated as an economic enterprise, then, by itself, there could be no such thing as a large or a small holding. To a farmer a holding is too small or too large for the other factors of production at his disposal necessary for carrying on the cultivation of his holding as an economic enterprise. Mere size of land is empty of all economic connotation. Consequently, it cannot possibly be the language of economic science to say that a large holding is economic while a smallholding is uneconomic. It is the right or wrong proportion of other factors of production to a unit of land that renders the latter economic or uneconomic. Thus a small farm may be economic as well as a large farm; for, economic or uneconomic does not depend upon the size of land but upon the due proportion among all the factors including land.

An economic holding, therefore, if it. is not to be a hollow concept, consists in a combination of land, capital and labour, etc., in a proportion such that the pro rata contribution of each in conjunction with the rest is the highest. In other words to create an economic holding it will not do for a farmer solely to manipulate his piece of land. He must also have the other instruments of production required for the efficient cultivation of his holding and must maintain a due proportion of all the factors for, without it, there can be no efficient production. If his equipment shrinks, his holding must also shrink. If his equipment augments, his holding must also augment. The point is that his equipment and his holding must not be out of proportion to each other. They must be in proportion and must vary, if need be, in proportion.

The line of argument followed above is not without support from

actual practice. It is happy from an economist's point of view, to find it recognized and adopted in India itself by the fathers of the Survey and Settlement System in the Bombay Presidency. The famous Joint Report (1840) contains an illuminating discussion of the problem. The question before the officers deputed to introduce the Survey System in the Deccan was how to levy the assessment. Was it to be a field assessment or an assessment to be placed on the whole lands of the village or on the entire holdings of individuals or co-parceners, whether proprietors or occupants. That after much deliberation the system of field assessment was finally adopted is known to many. But as the reasons that led to its adoption are known only to a few the following explanatory parts from the Joint report will be found to be both interesting and instructive:

"Para 6. That one manifest advantage of breaking up the assessment of a village into portions so minute [as indicated by a survey number] is the facility it affords to the cultivators of contracting or enlarging his farm from year to year, according to the fluctuating amount of agricultural capital at their disposal which is of incalculable importance to farmers possessed of so limited resources as those of the cultivating classes throughout India.

"Para 7. The loss of a few bullocks by disease or other causes may quite incapacitate a ryot from cultivating profitably the extent of land he had previously in village and, without the privilege of contracting his farm, and consequent liabilities on occasion of such loss, his ruin would be very shortly consummated." [f.19]

Judging in the light of this conclusion the proposal to regulate the size of holdings appears ill considered and futile. For as Prof. Richard T. Ely observes [f.20]:

"Obviously no simple answer can be given to the question [as to what should be the size of a farm]. The value of land or the rent it will bring is perhaps the most important factor.....In addition to the factor of rent the amount of capital that he can command, the kind of farming in which he is most skilled, the character of the labour he can secure, the proximity of markets, and the adequacy of transportation facilities, all must be taken into account by the farmer in determining how large a farm he will attempt to manage and how intensively he will farm it.

"This question is primarily one of private profit which the individual must decide far himself, but the legislator and the scientific student can be of some assistance in helping to develop that most

difficult branch of commercial science—farm accounting—and in keeping the farmer alive to those charges in prices, wages, and transportation charges to which the farm organization must adjust itself."

To those who have the temerity to fix the size of a holding Prof. Ely's well-considered opinion will bring home that in spite of good intentions their vicarious mission will end in disaster ; for none but the cultivator can decide what should be the size of his holding. They would do well to remember that the size of his holdings will vary in time. Consequent to the changes in his equipment with which he has to adjust the size of his farm, at one point in time he will decide in favour of a small, as at another he will decide in favour of a large holding. He would therefore be a poor economist who would legally fix the size of the holding which in the interest of economic production must be left to vary when variation is demanded. By fixing the size of a holding he can only make it a large holding but not an economic holding. For an economic holding is not a matter of the size of land alone but is a matter of the adjustment of a piece of land to the necessary equipment for its efficient cultivation.

V
CRITIQUE OF THE REMEDIES

The proposal to enlarge the existing holdings which is brought forward as a cure to the ills of our agriculture can be entertained only if it is shown that farms have diminished in size while the agricultural stock has increased in amount. Facts regarding the size of farms have already been recorded. It only remains to see if the agricultural stock has increased. Mr. K. L. Datta in his exhaustive survey says[f.21] :

"178. Most of the Indian witnesses, whom we examined, appeared to be under the belief that there has been a decrease in the supply of agricultural products, owing to the inefficient tillage of land. It was said that land is not now cultivated as carefully and efficiently as before, owing to the scarcity and dearness of plough, cattle and labour. In order to effect, a saving in the cost of cultivation, cultivators do not also plough their lands as often as they did before, and manuring and weeding, as also the amount of irrigating where wells are used for the purpose, have all been reduced."

"179. As regards the scarcity of plough cattle. .. (the) figures bear testimony to the deplorable effects of famine, the inevitable result of which has always been to reduce the number of cattle, though the deficiency is generally made good in a few years if otherwise

favourable. The number of plough cattle in the latest year (1908-09) included in the statement was lower than in the commencement (1893-94), in some of the circles namely Assam, Bundelkhund, Agra Provinces—North and West, Gujarat, Deccan, Berar, Madras-North and Madras-West. Although great reliance cannot be placed on these statistics, they can be accepted as showing that in some areas at any rate there has been a dearth of plough cattle."

Regarding the existence of capital Mr. Elliot James says:

"The ryots have a keen eye to the results of a good system of farming as exhibited on model farms, but they cannot derive much good from the knowledge though they may take it in and thoroughly understand that superior tillage and proper manuring mean a greater outturn in crops. Their great want is capital" [f.22]

The farmer knows, says the same author, that his agricultural equipment is inefficient and antiquated but he cannot substitute better ones in its place for:

"A superior class of cattle and superior farm implements mean to him so much outlay of what he has not—Money."

Similar facts for the Baroda State have been collected in another connection by Mr. M. B. Nanavati, Director of Commerce and Indus. But unfortunately he did not bring his knowledge of such facts to bear upon the conclusions of the Committee for the consolidation of holdings in the State of which he was also a member, apparently thinking that the size of a holding bore no relation to the instruments of production. He bemoans that:

"The farmers are not fully equipped with draught-cattle. They have today (1913) 8,34,901 bullocks, etc., for use on farms, that is one pair for 36 bighas of land. On an average a pair of good bullocks can cultivate 25 bighas of land. But the present breed has much deteriorated and one pair is supposed to cultivate 20 bighas at the most, while the present actual averages comes to about 36 bighas. Under the circumstances it is not likely that ploughing can be deep. It must be like scratching the surface. The small cultivators do not possess any draught-cattle or at the most a single one and cultivate land in co-operation with their friends similarly situated. As for farm implements there are 1,54,364 ploughs in the State, i.e., one for two Khatedars. It must be understood here that the number of cultivators and tenants is much more than three lakhs- Every one of them needs full equipment. Therefore actually the average must be much smaller than shown above."[f.23]

In fact the equipment for agricultural production in the State has considerably deteriorated since 1898 as shown by the table below :

Year	Plough	Carts	Plough Cattle	Other Domestics
1898	1,75,989	---	4,15,089	5,70,517
1910	1,51,664	68,946	3,34,801	5,09,416

Given, this state of affairs can we not say with more propriety that not only the existing equipment is inadequate for the enlarged holdings but that the existing holdings, small as they are, are too big for the available instruments of production other than land? Facts such as these interpreted in the light of our theory force upon us the conclusion that the existing holdings are uneconomic, not, however, in the sense that they are too small but that they are too large. Shall we therefore argue that the existing holdings should be further reduced in size with a view to render them economic in the sense in which we have used the term? Unwary readers might suppose that this is the -only logical and inevitable conclusion— a conclusion that is in strange contrast with the main trend of opinion in) this country. Contrary, no doubt, the conclusion is ; but it is by no means inevitable. For, from our premises we can with perfect logic and even with more cogency argue for increase in agricultural stock and implements which in turn will necessitate enlarged holdings which will be economic holdings as well.

Consequently the remedy for the ills of agriculture in India does not lie primarily in the matter of enlarging holdings but in the matter of increasing capital and capital goods. That capital arises from saving and that saving is possible where there is surplus is a commonplace of political economy.

Does our agriculture—the main stay of our population—-give us any surplus? We agree with the answer which is unanimously in the negative. We also approve of the remedies that are advocated for turning the deficit economy into a surplus economy, namely by enlarging and consolidating the holdings. What we demur to is the method of realizing this object. For we most strongly hold that the evil of small holdings in India is not fundamental but is derived from the parent evil of the mal-adjustment in her social economy. Consequently if we wish to effect a permanent cure we must go to the parent malady.

But before doing that we will show how we suffer by a bad social economy. It has become a tried statement that India is largely an agricultural country. But what is scarcely known is that notwithstanding the vastness of land under tillage, so little land is cultivated in proportion to her population.

Mulhall's figures for the year 1895 clearly demonstrate the point.

Acres per inhabitant in 1895

Great Britain	Ireland	France	Germany	Russia	Austria	Italy	Spain And Portugal	USA	India
0.91	3.30	2.30	1.70	5.60	2.05	1.75	2.90	8.90	1.0

That since 1895 the situation, however, has gone from bad to worse figures eloquently bear out :

	1881	1891	1901	1911
Bengal	1.5	0.8	1.12	
Bombay	1.7	1.6	1.41	1.3
Madras	1.3	0.3	.68	.79
Assam		0.5	.78	.85
Punjab	1.2	1.3	1.05	1.11
Oudh	0.81	0.7}		.75
N. W. P.	-	0.8}	.73	
Burmah	-	1.5	1	1.09
Central P	1.67	2.4	1.8	1.79
B. India	1.04	1.0	0.86	0.88

Now, what does this extraordinary phenomenon mean? A large agricultural population with the lowest proportion of land in actual cultivation means that a large part of the agricultural population is superfluous and idle. How much idle labour there is on, Indian farms it is not possible to know accurately. Sir James Caird who was the first to notice the existence of this idle labour estimated in 1884 that,

"A square mile of land in England cultivated highly gives employment to 50 persons, in the proportion 25 men, young and old, and 25 women and boys. If four times that number, or 200, were allowed for each square mile of cultivated land in India, it would take up only one-third of the population."[f.24]

Out of the total population of 254 millions in 1881 nearly two-thirds were returned as agricultural. Allowing, as per estimate, one-third to be taken up, we can safely say that a population of equal magnitude was lying idle instead of performing any sort of productive labour. With the increasing ruralization of India and a continually decreasing proportion of land under cultivation, the volume of idle labour must have increased to an enormous extent.

The economic effects of this idle labour are two-fold. Firstly, it adds to the tremendous amount of pressure that our agricultural population exerts on land. A quantitative statement will serve to bring home to our mind how high the pressure is:

Mean density per square mile in 1911

	Oudh and N.W.P.	Bengal	Madras	Punjab	Bombay	Assam	Berar and C.P	Coorg	British Burma
of Total Area of Cultivated Area AreaArea	427 829	551 1162	291 785	177 453	145 444	115 766	122 360	111 792	53 575

Such high pressure of population on land is probably unknown in any other part of the world. The effect of it is, of course, obvious.

Notwithstanding what others have said, this enormous pressure is the chief cause of the subdivision of land. It is the failure to grasp the working of this pressure on land that makes the law of inheritance such a great grievance. To say that the law of inheritance causes sub-division of land is to give a false view by inverting the real situation. The mere existence of the law cannot be complained of as a grievance. The grievance consists in the fact that it is invoked. But why is it invoked even when it is injurious? Simply because it is profitable. There is nothing strange in this. When farming is the only occupation, to get a small piece of land is better than to have none. Thus the grievance lies in the circumstances which put a premium on these small pieces of land. The premium, is no doubt, due to the large population depending solely on agriculture to eke out its living. Naturally a population that has little else lo prefer to agriculture will try lo invoke every possible cause to get a piece of land however

small. It is not therefore the law of inheritance that is the evil, but it is the high pressure on land which brings it into operation. People cultivate the small piece not because their standard of living is low as Prof. Jevons seems to think [f.25] but because it is the only profitable thing for them to do at present. If they had something more profitable to do they would never prefer the small piece. It is therefore easy to understand how the universal prevalence of the small farms or petit culture is due to this enormous pressure on land.

In spite of the vehement struggle that our agricultural population maintains in trying to engage itself productively as cultivators of a farm however small, it is true that judged by the standard of Sir James Caird a large portion of it is bound to remain idle. Idle labour and idle capital differ in a very important particular. Capital exists, but labour lives. That is to say capital when idle does not earn, but does not also consume much to keep itself. But labour, earning or not consumes in order to live. Idle labour is, therefore, a calamity; for if it cannot live by production as it should, it will live by predation as it must. This idle labour has been the canker of India gnawing at its vitals. Instead of contributing to our national dividend it is eating up what little there is of it. Thus the depression of our national dividend is another important effect of this idle labour. The income of a society as of an individual proceeds (1) from the efforts made, and (2) from possessions used. It may be safely asserted that the aggregate income of any individual or society must be derived either from the proceeds of the current labour or from productive possession already acquired. All that society can have today it must acquire today or must take out of its past product. Judging by this criterion a large portion of our society makes very little current effort ; nor does it have any very extensive possessions from which to derive its sustenance. No doubt then that our economic organization is conspicuous by want of capital. Capital is but crystallized surplus; and surplus depends upon the proceeds of effort. But where there is no effort there is no earning, no surplus, and no capital.

We have thus shown how our bad social economy is responsible for the ills of our agriculture. We have also proved how our entire dependence on agriculture leads to small and scattered farms. How a large portion of our population which our agriculture cannot productively employ is obliged to remain idle has been made clear. We have also shown how the existence of this idle labour makes ours a country without capital. This being our analysis of the problem, it

will be easy to see why the remedies for consolidation and enlargement under the existing social economy arc bound to fail.

Those who look on small holdings as the fundamental evil naturally advocate their enlargement. This, however, is a faulty political economy and as Thomas Arnold once said"a faulty political economy is the fruitful parent of crime". Apart from the fact that merely to enlarge the holding is not to make it economic, this project of artificial enlargement is fraught with many social ills. The future in the shape of an army of landless and dispossessed men that it is bound to give rise to is neither cheerful from the individual, nor agreeable from the national, point of view. But even if we enlarged the existing holdings and procured enough capital and capital goods to make them economic, we will not only be not advocating the proper remedy but will end in aggravating the evils by adding to our stock of idle labour ; for capitalistic agriculture will not need as many hands as are now required by our present day methods of cultivation.

But if enlargement is not possible, can we not have consolidation? It can be shown that under the existing social economy even consolidation is not possible. The remedy for preventing sub-division and fragmentation of consolidated holdings cannot be expected to bring real relief. Instead it will only serve to be a legal eyewash. This becomes easy of comprehension if we realize at the start what the one man rule of succession means in actual practice. For this we shall have to note the changes it will introduce in the survey records. At present according to the Bombay Land Revenue Code Chapter I, Section 3, clause (6).

"Survey Number"means a portion of land of which the area and other particulars are separately entered, under an indicative number in the survey records of the village, town or city in which it is situated, and includes a recognized share of a survey number. Again by clause (7).

"Recognized share of a survey number"means a sub-division of a survey number separately assessed and registered.

After the adoption of the one man rule of succession a survey number will be made to cover a piece of land which will be of the size fixed for an ideal economic holding. Secondly, it will be necessary to refuse separate registration to any sub-division of such a survey number; i.e., in order that a piece of land should be registered with a separate and a distinct survey number it must not be below the economic limit. Then too this survey number covering a piece of land

large enough to be styled economic will be registered in the name of one person. This is precisely what will happen if we put into practice the project of the Baroda Committee. Mr. Keatinge instead of having one survey number covering a large and compact holding will have in the name of one person many survey numbers covering a unit of land composed of small and scattered fields. Abandoning Mr. Keatinge's scheme as serving no practical purpose the one man rule of succession lo a consolidated holding means in practice refusal to recognize legally a piece of land if it were below a certain size. Now this refusal to recognize smaller pieces of land, it is claimed, will prevent the sub-division of a consolidated holding: Sub-division of land may be due to many causes the operation of which is rendered economic or uneconomic by the nature of the occasion which evokes it. Not to allow sub-division on any ground, as does Mr. Keatinge, is to cause a serious depreciation of the value of land. But if sub-division is needed as when the stock has depleted, not to grant it is to create an uneconomic situation—a result just opposite of what is intended to be achieved, apart from this to prevent sub-division legally is not to prevent it actually, if necessitated by the weight of economic circumstances. Granting the pressure of population on land and the scanty agricultural equipment—evils to which the authors of consolidation and enlargement have paid no attention—we must look forward to the sub-division of holdings. If we legislate in the face of this inevitable tendency and refuse to record on our survey roll holdings below a certain limit required for a separate survey number we will not only fail to cure what we must know we cannot, at least by this means, but will help to create a register that will be false to the true situation.

This being our criticism of the means for preventing sub-division and fragmentation it will not take us long to state our view as regards the project of consolidation. Consolidation and its conservation are so intimately connected that the one cannot be thought of without the other. Now if we cannot conserve a consolidated holding, is it worth our while to consolidate, however feasible the project may be? This work of Sysiphus will not fail to fall to our lot unless we make effective changes in our social economy.

As the evils of this surplus and idle labour which will be added on to by the consolidation and enlargement of holdings are likely to outweigh their advantages, the proposals do not find much favour at the hands of Prof. Gilbert Slater. [f.26]

As against Prof. Slater we hold that the evils are avoidable and it is because we are anxious to avoid them that we wish to advocate different remedies for bringing about the enlargement of holdings. Consequently, we maintain that our efforts should be primarily directed towards this idle labour. [f.27]

If we succeed in sponging off this labour in non-agricultural channels of production we will at one stroke lessen the pressure and destroy the premium that at present weighs heavily on land in India. Besides, this labour when productively employed will cease to live by predation as it does to-day, and will not only earn its keep but will give us surplus: and more surplus is more capital. In short, strange though it may seem, industrialization of India is the soundest remedy for the agricultural problems of India. The cumulative effects of industralization, namely, a lessening pressure and an increasing amount of capital and capital goods will forcibly create the economic necessity of enlarging the holding. Not only this, but industralization by destroying the premium on land will give rise to few occasions for its sub-division and fragmentation. Industrialization is a natural and powerful remedy and is to be preferred to such ill-conceived projects as we have considered above. By legislation we will get a sham economic holding at the cost of many social ills. But by industrialization a large economic holding will force itself upon us as a pure gain.

Our remedy for the enlargement as for the consolidation of holdings as well as the preservation of consolidated holdings reduces itself to this: We prefer to cure agriculture by the reflex effects of industrialization. Lest this might be deemed visionary we proceed to give evidence in support of our view. How agriculture improves by the reflex effects of industrialization has been studied in the United States in the year 1883. We shall quote in extenso the summary given by the London Times:

"The statistician of the Agricultural Department of the United States has shown in a recent report that the value of farm lands decreases in exact proportion as the ratio of agriculture to other industries increases. That is, where all the labour is devoted to agriculture, the land is worth less than where only half of the people are farm labourers; and where only a quarter of them are so engaged the farms and their product are still more valuable. It is, in fact, proved by statistics that diversified industries are of the greatest value to a State, and that the presence of a manufactory near a farm

increases the value of the farm and its crops. It is further established that, dividing the United States into four sections or classes, with reference to the ratio of agricultural workers to the whole population, and putting those States having less than 30 per cent, of agriculture and of agricultural labourers in the first class, all having over 30 and less than 50 in the second, those between 50 and 70 in the third, and those having 70 or more in the fourth, the value of farms is in inverse ratio to the agricultural population, and that where as in the purely agricultural section, the fourth class, the value of farms per acre is only $ 5.28, in the next class it is $ 13.03, in the third $ 22.21, and in manufacturing districts $ 40.91. This shows an enormous advantage for a mixed district. Yet not only is the land more valuable the production per acre is greater, and the wages paid to farm hands larger. Manufactures and varied industries thus not only benefit the manufacturers, but are of equal benefit and advantage to the fanners as well."

This will show that ours is a proven remedy. It can be laid down without fear of challenge that industrialization will foster the enlargement of holdings and that it will be the most effective barrier against sub-division and fragmentation. Agreeing in this, it may be observed that industrialization will not be a sufficient remedy for consolidation. That it will require direct remedies may be true. But it is also true that industrialization, though it may not bring about consolidation, will facilitate consolidation. It is an incontrovertible truth that so long as there is the premium on land consolidation will not be easy, no matter on how equitable principles it is proposed to be carried out. Is it a small service if industrialization lessens the premium as it inevitably must? Certainly not. Consideration of another aspect of consolidation as well points to the same conclusion: That industrialization must precede consolidation. It should never be forgotten that unless we have constructed an effective barrier against the future sub-division and fragmentation of a consolidated holding it is idle to lay out plans for consolidation. Such a barrier can only be found in industrialization ; for it alone can reduce the extreme pressure which, as we have shown, causes sub-division of land. Thus. if small and scattered holdings are the ills from which our agriculture is suffering to cure it of them is undeniably to industrialize.

But just where does India stand as an industrial country?:

	England and Wales		Germany		USA		France		India	
	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urb n
1790					87.5					
1840					77.5		75.6	24.4		
1851	49.92	50.08								
1871	38.20	61.80		36	47.6					
1881	32.1	67.9		41	44.3	29.5				
1891	27-95	72.05		47	39.2	36.1			64.4	
1901	23-00	77.00		54	35.7	40.5			67.5	
1911	19-9	78.1			33.3	46.3	57.9	42.1	71.5	

(The figures for the various countries do not correspond with the years. The range of variation is 3 years).

Sir Robert Giffen after a survey of the economic tendencies of various countries concludes that.

"The wants of men increasing with their resources the proportion of people engaged in agriculture and mining and analogous pursuits, in every country is destined to decline, and that of people engaged in miscellaneous industry—in. other words in manufactures using the latter phrase in a wide sense to increase." [f.28]

Figures for India, however, run counter to this dictum illustrating a universal tendency observed by an expert. While other countries like the U.S.A. starting as agricultural are progressively becoming industrial, India has been gradually undergoing the woeful process of de-urbanization and swelling the volume of her rural population beyond all needs. The earlier we stem this ominous tide, the better. For notwithstanding what interested persons might say [f.29] no truer and more wholesome words of caution were ever uttered regarding our national economy than those by Sir Henry Cotton when he said"**There is danger of too much agriculture in India."**

STATEMENT OF EVIDENCE TO THE ROYAL COMMISSION ON INDIAN CURRENCY

NOTE

The Royal Commission on Indian Currency and Finance visited India in 1924-25 to examine the financial system and to suggest the Reform of the Indian currency. The commission was comprised of the following members.

E. HILTON YOUNG, Chairman
R. N. MOOKERJEE
NORCOT WARREN
R. A. MANT
M. B. DADABHOY
HENRY STRAKOSCH
ALEX R. MURRAY
PURSHOTAMDAS THAKURDAS
J. C. COYAJEE
W. E. PRESTON

G. H. BAXTER } Secretaries
A. AYANGAR }

Dr. Ambedkar explained his views in the statement submitted in reply to the questionnaire issued by the Commission. The statement and his evidence before the Commission are reproduced here along with the questionnaire.

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Copy of the Memorandum Circulated to Witness in India by the Commission

STATEMENT OF

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Submitted by Dr. B. R. Ambedkar, Bar-at-Law to the Royal Commission on Indian Currency

1. In reply to the questionnaire issued by the Commission I beg to submit the following statement of my views. In dealing with the questionnaire issued by the Commission I will begin with question No. 4 because I believe that is the principal issue on which the Commission is asked to give a definite finding.

2. I am emphatic in my opinion that the Gold Exchange Standard cannot be continued with any advantage to India and for the following reasons:—

(1) *It has not the native stability of the Gold Standard.*— A pure Gold Standard is stable because the value of gold in circulation is so large and the new additions to the supply are so small that the stability of the standard is not thereby appreciably affected. But in the case of the Exchange Standard the new additions are dependent upon the will of the issuer and can be augmented to such an extent that the stability of the standard can be appreciably affected thereby.

(2) *It is discretionary in issue without there being anything in it to regulate the discretion.*—It is sometimes said that the Gold Standard is a hard standard which keeps the changing affairs of mankind tied to the wheel of nature over which human agency can exercise no control and that the Exchange Standard affords an escape from this frigidity. In reply to this it must be said that though a discretionary currency, it is so only when the currency is provided with some means which enables this discretion to be properly exercised. There must be some regulator by which the discretion left to the issuer is regulated. From this point of view an Exchange Standard is inferior to a Convertible Standard. A Convertible Standard and an Exchange Standard are alike in this that they both allow the use of discretion in the issue of currency. But a Convertible Standard is superior to the Exchange standard because the discretion of the issuer in the former is *regulated while* the discretion of the issuer in the latter is *unregulated.* It is true that in the Exchange Standard there is what is called regulation by foreign Exchanges. But such a regulation, though it is better than no regulation at all, is only a loose and indirect way of reaching the end and cannot be depended

upon in all circumstances of reaching it.

(3) *It is economical. But for that very reason it is insecure.*— There are many writers who are enamoured of the Exchange Standard, because it effects a certain degree of economy in the use of gold. But is the plan secure? Any plan of currency to be sound must be both economical and secure. It will do if it is not economical; but it will certainly not do if it is not secure. Now I submit that the proposition that to *economise gold as a currency is to impair its utility as a standard of value* is as simple and self-evident as the proposition that to use paper or rupee as a medium is more economical than to use gold. For what does this discarding of gold from currency use mean? It simply means this : that by economising the use of gold you thereby directly increase its supply and by increasing its supply you lower its value, i.e. gold by reason of this economy in its use becomes a depreciating commodity and, therefore, unfit to that extent to function as a standard of value. *You cannot therefore both economise gold and also use it as a standard.* If you want to economise gold, then you must abandon gold as a standard of value, in other words the economy of the Exchange Standard is incompatible with its security.

3. The choice therefore can never be between a Gold Standard and an Exchange Standard. If we do not want a Gold Standard we must either go over to a Compensating Standard of Prof. Fisher or to a Tabular Standard of Prof. Jevons. The choice is really between either of them and the Gold Standard. There is no doubt that the Compensating Standard or the Tabular Standard would be better than a Gold Standard. But mankind must become more philosophical than it is before they can be made workable, and

until that happens I think the Gold Standard must be accepted as the only system of currency which is"knave proof"and"fool proof."

4. The next important question is that of the Gold Reserve. Before discussing matters such as location, composition, etc., of the reserve, it is necessary to determine whether we want it. That question in its turn depends upon another question pertaining to the mode in which the Gold Standard is to be introduced. In this connection I do want to say that there are many people who are under the impression that the introduction of a Gold Standard means merely the starting of a mint and the issuing of a gold coin. Nothing can be more erroneous than this. Gold Standard means not the starting of a gold mint but making

provision whereby gold will *become current* For *currency is the standard.* Now in order that gold may be current, it is necessary that other forms of currency must be limited in their volume. There are two ways by which currency may be limited. One way is to make it convertible and the other is to fix a positive limit on its issue. If you choose to adopt convertibility as a method of limitation then there is reason for maintaining a gold reserve. If you choose fixity of issue as a method of limitation then there is no reason for maintaining a gold reserve. As between the two systems I prefer the fixity of issue system. My reasons are two :—

(1) One of the evils of the Exchange Standard is that it is subject to management. Now a convertible system is also a managed system. Therefore by adopting the convertible system we do not get rid of the evil of management which is really the bane of the present system. Besides a managed currency is to be altogether avoided when the management is to be in the hands of the Government. When the management is by a bank there is less chance of mismanagement. For the penalty for imprudent issue, or mismanagement is visited by disaster directly upon the property of the issuer. But the chance of mismanagement is greater when it is issued by Government because the issue of government money is authorised and conducted by men who are never under any present responsibility for private loss in case of bad judgement or mismanagement.

(2) A fixed issue system besides eliminating management will make provision for a larger use of gold in currency. The use of gold is an important matter. The whole world is suffering from a continuous rise of prices owing to the depreciation of gold. Anything therefore that will tend to appreciate gold will be to the good; and if gold is to appreciate there must be a larger use of gold as currency. Besides at the present time there is no necessity to economise gold, because there is all over the world such a great plethora of money that the less we economise gold the better. From this point of view the Exchange Standard once a boon, is now a curse. It served a useful purpose for some time. From 1873 the production of gold had fallen off and the economy effected by the Exchange Standard was indeed very welcome because it helped in a period of contraction to expand the money of the countries of the world and thereby maintain the stability of the international price system by preventing the rapid fall in prices, which would have been

inevitable if all the countries which based themselves on gold had also adopted gold as a currency. But after 1910 conditions changed and the production of gold increased, with the result that the continuance of the Exchange Standard thereafter not only did not help the countries to check the rise of prices but became a direct cause of the rise of prices. For the economy in the use of gold rendered gold which was already overproduced redundant. During the war the use of paper money on an unprecedented scale led to a still greater depreciation in the value of gold all of which was practically due to the *economy* of gold in its use as currency. Consequently as observed by Prof. Cannan"in the immediate future gold is not a commodity the use of which it is desirable either to restrict or to economise. From the closing years of last century it has been produced in quantities much too large to enable it to retain its purchasing power and thus be a stable standard of value unless it can constantly be finding existing holders willing to hold larger stocks or fresh holders to hold new stocks of it. Before the war the various central banks in Europe took off a large part of the new supplies and prevented the actual rise of general prices being anything like what it should otherwise have been, though it was serious enough."In the absence of that demand the next best thing would be the introduction of gold currency in India and the East. This introduction of a gold currency can be better accomplished by adopting the fixed issue system rather than the convertible system. For the former will leave a larger margin for the use of gold in actual currency than will the latter.

5. That being my view of the solution of the problem I am necessarily in favour of the abolition of the Gold Standard Reserve as being of no practical use for maintaining the stability of the currency. There is also another reason why I think the Gold Standard Reserve ought to be abolished. The Gold Standard Reserve is peculiar in one respect, namely this; the assets, i.e., the reserve and the liabilities, i.e., the rupees are dangerously correlated by reason of the fact that the reserve cannot increase without an increase in the rupee currency. This ominous situation arises from the fact that the reserve is built out of the profits of rupee coinage. That being its origin, it is obvious that the fund can grow only as a consequence of an *increase* in the volume of rupee coinage. Now as Prof. Cannan remarks"the percentage of administrators and legislators who understand the Gold Standard is painfully small, but it is and is likely to remain ten or twenty times as great as the percentage

which understands the Gold Exchange System. The possibility of a Gold Exchange System being perverted by ignorance or corruption is very considerably greater than the possibility of the simple standard being so perverted. Unfortunately there is abundant proof of such perversion in the history of the currency system in India. Already we have had foolish administrators who had been obsessed with the idea that a reserve was a very essential thing and who had therefore gone in issuing currency without any other consideration but that of augmenting the reserve. Nor has the country been wanting in innumerable foolish business men who have condemned the Exchange Standard without ever knowing anything of currency on the sole ground that Government is not allowing them to use the reserve as though to boom up business was the proper function of a currency reserve. Similarly we have amongst us equally foolish politicians desiring to advertise themselves as friends of the people who want the reserve to be utilised for educating the masses. Any of these three may easily bring about a calamity in the guise of a blessing, and all this in sheer ignorance of the principles of currency. It is therefore much better to introduce a currency system which will do away with the Exchange Standard and also the Gold Standard Reserve the maintenance of which may any day be a source of mischief.

6. The following then are the requirements of my plan for the reform of the Indian currency :—

(1)(1) Stop the coinage of rupees by absolutely closing the mints to the Government as they are to the public.

(2) Open a gold mint for the coinage of a suitable gold coin.

(3) Fix a ratio between the gold coin and the rupee.

(4) Rupee not to be convertible in gold and *gold not to be convertible in rupees,* but both to circulate as unlimited legal tender at the ratio fixed by law.

7. What is to become of the existing amount of reserve if it is not wanted for currency purposes? I myself would like it to be utilised by Government as ordinary revenue surplus for any public purpose that may seem to be urgent. But there will remain sources of weakness in the reformed currency which it is wise to recognise. Unlike the Fowler Committee, I am firm in my belief that the rupee currency once effectively limited will maintain its value without the necessity of any reserve. But there is just this chance that the existing volume of the rupee currency is so large that when there is a trade depression it may become redundant and may by reason of its excess lose its value. As a

safeguard against such a contingency I propose that the Government should use part of the Gold Standard Reserve for reducing the rupee currency by a substantial margin so that even in times of severe depression it may remain limited to the needs of the occasion. The second source of weakness in the currency arises from the peculiar composition of the Paper Currency Reserve. That weakness lies in the existence of what are called"Created Securities."I should like this portion of the Paper Currency Reserve extinguished as early as possible. For unless this is done the paper currency cannot with safety be made as elastic as it should be. I would therefore recommend that the remainder of the Gold Standard Reserve be utilised in the cancellation of the"Created Securities"in the Paper Currency Reserve.

8. Having given my views on the nature and form of the change I will now discuss the question next in importance, namely,"the ratio between gold and rupee."As a result of war operations there is not a single country with a Gold Standard which was able to keep its pre-war gold parity. Some of them have erred from it by such a large margin that it is now beyond the capacity of many to approach it with any degree of certainty. But howsoever impossible and impolitic the task, the hankering for a return to the pre-war parity seems to be universal. There is but this difference between India and the other countries. The other countries have yet to reach the pre-war parity. India, on the other hand, has in fact overreached the pre-war parity. As a result of the difference the problems before India and the other countries are different. In European countries the problem is one of deflating the currency, i.e., appreciating it; in other words of bringing about a fall in prices. In India the problem becomes one of inflating the currency, i.e., depreciating it; in other words of bringing about a rise in prices. For a change from 1 *s* *6d.* gold to 1 *s.* *4d.* gold means this and nothing else. Should the currency be inflated to reach back the pre-war parity? There are some people who are under the impression that the restoration of pre-war parity would give justice and would also give us the old price level to which we were so long accustomed. Both these views are fallacious. First : the restoration of pre-war parity is not a restoration of the pre-war price level. For it is to be remembered that 1 *s.* *4d.* gold in 1925 is not the same thing as 1 *s.* *4d.* gold in 1914 if measured in terms of purchasing power. The same ratio of exchange does not necessarily mean the same level of purchasing power. The ratio between two currencies may remain the same though their respective volumes have undergone enormous changes, provided the variations in volumes are equal and in

the same sense. This is exactly the result of a mere nominal restoration of the pre-war parity. If by restoring pre-war parity is meant the restoration of the pre-war level of prices then the ratio instead of being lowered from 1 *s.6d.* in the direction of 1s. *4d.* must be raised in the direction of 2s. gold. In other words instead of an inflation there must be a further deflation of the currency. Second : the restoration of pre-war parity even nominally would be unjust. As a standard of deferred payment a currency should not disturb monetary contracts. If all debts now existing had been contracted in 1914 before the war, ideal justice would clearly require the restoration of the pre-war ratio. On the other hand if all existing contracts had been entered into in 1925 justice would require us to keep to the ratio of 1925. Two things must be borne in mind in this connection. Existing contracts include those made at every stage of preceding deprecations and appreciation's and to deal fairly with all would demand that each one should be treated separately—a task impossible by reason of its complexity and enormity. Existing contracts are no doubt of various ages. But the great bulk of them are of very recent date and probably not more than one year old; so that it may be said that the centre of gravity of the total contractual obligations is always near the present. Given these two facts the best solution would be to strike an average between 1s. *4d.* and 1s. *6d.,* and to see that it is nearer 1 s. *6d.* and away from 1 s. 4d. This is substantially the view of Prof. Fisher, who observes:"The problem of a just standard of money looks forward rather than backward : *it must take its starting point from the business now current, and not from imaginary parts before the war.* One might as well talk of restoring the original silver pound or returning to the monetary standards of Greece and Rome."In short, in matters of currency the real is the normal and therefore just.

9. As regards the effects of a rising and falling rupee on trade and industry the point often sought to be made is that low exchange confers a bounty on trade and industry. But this is not the important point. The more important point is, supposing that there is a gain arising from low exchange, whence does this gain arise? It is held out by most business men that it is a gain to the *export trade* and so many people have blindly believed in it that it must be said to have become an article of faith common to all that a low exchange is a source of gain to the *nation as a whole.* Now if it is realised that low exchange means high internal prices, it will at once become clear that this gain is not a gain to the nation coming from outside, but is a gain from one class at the cost of another class in the country. Now the class that suffers is the poor labouring

class, which pays the bounty to the richer or the business class. Such a transference of wealth from the poor to the rich can never be in the general interest of the country. I am therefore strongly opposed to high prices and low exchange, and no righteous Government should be party to such clandestine picking of the pockets of the poorer classes in the country.

10. I now come to the question of providing for the seasonal needs of the money markets in India. A currency system should be stable and elastic, and it is for this reason more than any other that the currency in many countries is a compound of metal and paper. The former is intended to give steadiness and stability and the latter elasticity. Unfortunately in India the plan of the paper currency is not contrived to give it elasticity. In England under a similar paper currency the inelasticity is made good by the development of what is called deposit currency which is issued against good commercial paper. Owing to a variety of causes deposit currency has failed to take root in India and there has been consequently no mitigation of the inelasticity of the paper currency of India. We should therefore make greater provision in our paper currency reserve whereby it could be made possible to convert good commercial paper into currency best suited to the needs of seasonal demands.

COPY OF THE MEMORANDUM

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CIRCULATED TO WITNESSES IN INDIA BY THE COMMISSION

The following memorandum, indicating the main questions which will come under the consideration of the Royal Commission on Indian Currency and Finance under its terms of reference, is published in order to assist intending witnesses in the preparation of their evidence. It is not to be regarded as exhaustive, nor is it desired that each witness should necessarily attempt to deal with all the questions raised :—

(1) Is the time ripe for a solution of the problems of Indian Currency and Exchange by measures for stabilisation of the rupee or otherwise?

What is the comparative importance of stability in internal prices and in foreign exchanges?

What are the effects of a rising and a falling rupee, and of a stable

high or low rupee, on trade and industry (including agriculture) on national finance?

(2) In relation to what standard and what rate should the rupee be stabilised, if at all?

When should any decision as to stabilisation take effect?

(3) If the rate selected differs materially from the present rate, how should the transition be achieved?

(4) What measures should be adopted to maintain the rupee at the rate selected?

Should the Gold Exchange Standard system in force before the war be continued, and with what modifications, if any?

What should be the composition, sise, location, and employment of a Gold Standard Reserve?

(5) Who should be charged with the control of the note issue, and on what principles? Should control or management be transferred to the Imperial Banks of India, and, if so, what should be the general terms of the transfer?

(6) What should be the policy as to the minting of gold in India and the use of gold as currency? Should the obligation be undertaken to give gold for rupees?

(7) By what method should the remittance operations of the Government of India be conducted? Should they be managed by the Imperial Bank?

(8) Are any, and, if so, what, measures desirable to secure greater elasticity in meeting seasonal demands for currency?

Should any, and, if so, what, conditions be prescribed with regard to the issue of currency against hundis?

(9) Should any change be made in existing methods for the purchase of silver?

Note.—The above questions were circulated to witnesses in India. As the result of the oral and written evidence received in India, the relative emphasis to be laid on the various matters dealt with has become clearer, and accordingly the attached memorandum and supplementary list of"Questions to be asked by the Chairman"have been prepared for the information of witnesses.

STATES AND MINORITIES

What are Their Rights and How to
Secure them in the Constitution of Free India

Memorandum on the Safeguards for the Scheduled Castes submitted to the Constituent Assembly an behalf of the All India Scheduled Castes Federation
Published: 1947

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PREFACE

Soon after it became definite that the framing of the future Constitution of India was to be entrusted to a Constituent Assembly, the Working Committee of the All-India Scheduled Castes Federation asked me to prepare a Memorandum on the Safeguards for the Scheduled Castes for being submitted to the Constituent Assembly on behalf of the Federation. I very gladly undertook the task. The results of my labour are contained in

this brochure.

The Memorandum defines Fundamental Rights; Minority Rights and Safeguards for the Scheduled Castes. Those who hold the view that the Scheduled Castes are not a minority might say that. in this matter I have gone beyond prescribed bounds. The view that the Scheduled Castes are not a minority is a new dispensation issued on behalf of the High and Mighty Hindu Majority which the Scheduled Castes are asked to submit to. The spokesmen of the Majority have not cared to define its scope and its meaning. Anyone with a fresh and free mind, reading it as a general proposition, would be justified in saying that it is capable of double interpretation. I interpret it to mean that the Scheduled Castes are more than a minority and that any protection given to the citizens and to the minorities will not be adequate for the Scheduled Castes. In other words it means that their social, economic and educational condition is so much worse than that of the citizens and other minorities that in addition to protection they would get as citizens and as minorities the Scheduled Castes would require special safeguards against the tyranny and discrimination of the majority. The other interpretation. is that the Scheduled Castes differ from a minority and therefore they are not entitled to the protection which can be claimed by a minority. This interpretation appears to be such unmitigated nonsense that no sane man need pay any attention to it. The Scheduled Castes must be excused if they ignore it. Those who accept my interpretation of the view that the Scheduled Castes are not a minority will, I am sure, agree with me that I am justified in demanding for the Scheduled Castes, all the benefit of the Fundamental Rights of citizens, all the benefit of the Provisions for the Protection of the minorities and in addition special Safeguards.

The memorandum was intended to be submitted to the Constituent Assembly. There was no intention to issue it to the public. But my caste Hindu friends who have had the opportunity to read the typescript have pressed me to give it a wider circulation. Although it is meant for members of the Constituent Assembly, I do not see any breach of decorum in making it available to the general public. I have therefore agreed to fall in line with their wishes.

Instead of setting out my ideas in general terms, I have drafted the Memorandum in the form of Articles of the Constitution. I am sure that for the sake of giving point and precision this method will be found to be more helpful. For the benefit of the Working Committee of the Scheduled Castes Federation, I had prepared certain explanatory notes and other statistical material. As the notes and the statistical material are likely to be

useful to the general reader, I have thought it better to print them along with the Memorandum rather than keep them back.

Among the many problems the Constituent Assembly has to face, there are two which are admittedly most difficult. One is the problem of the Minorities and the other is the problem of the Indian. States. I have been a student of the problem, of the Indian States and I hold some very definite and distinct views on the subject. It was my hope that the Constituent Assembly would elect me to the States Committee Evidently, it has found men of superior calibre for the work. It may also be because I am one of those who are outside the tabernacle and therefore undesirable. I am not sorry to find myself left oat. My only regret is that I have lost an opportunity to which I was looking forward for placing my views for the consideration of the Committee. I have therefore chosen to do the next best thing—namely, to incorporate them in this brochure along with the Rights of Citizens, of Minorities and of the Scheduled Castes so that a wider public may know what they are, may value them for what they are worth and may make such use of them as it may deem fit.

"Raja Graha"
Dadar, Bombay-14

B. R. AMBEDKAR
15-3-47

CONSTITUTION OF THE UNITED STATES OF INDIA

PROPOSED PREAMBLE

For explanation see Explanatory Notes

We the people of the territories of British India distributed into administrative units called Provinces and Centrally Administered Areas and of the territories of the Indian States with a view to form a more perfect union of these territories do-- *ordain* that the Provinces and the Centrally Administered Areas (to be hereafter designated as States) and the Indian States shall be joined together into a Body Politic for Legislative, Executive and Administrative purposes under the style *The United States of India* and that the union so formed shall be indissoluble

and that with a view :

(i) to secure the blessings both of self-government and good government throughout the united States of India to ourselves and to out posterity,

(ii) to maintain the right of every subject to life, liberty and pursuit Of happiness and to free speech and free exercise of religion,

(iii) to remove social, political and economic inequality by providing better opportunities to the submerged classes,

(iv) to make it possible for every subject to enjoy freedom from want and freedom from fear, and

(v) to provide against internal disorder and external aggression, establish this Constitution for the United States of India.

PROPOSED ARTICLE I
DETAILED ANALYSIS

Article I, Section I—*Admission of Indian States into the Union* :

Clause 1. Qualified Indian States and their admission into the Union.

Clause 2. Relation of Qualified Indian States which have not entered the Union and of the Disqualified Indian States to the United States of India.

Clause 3. Power of the United States of India to reorganise the territory of the Disqualified Indian States into suitable Administrative Units with a view to qualify them for admission into the Union as States of the Union.

Clause 4. Formation of new States within the Union.

Article I, Section II—*United States of India and New Territory* :

Clause 1. Incorporation of Foreign States into the Union.

Clause 2. Acquisition of new territory by the United States of India and its retention as unincorporated territory of the Union.

ARTICLE I—Section I

ADMISSION OF INDIAN STATES INTO THE UNION

Clause I

For explanation see Explanatory Notes

The United States of India may, on application and on fulfilment of the terms prescribed by an Enabling Act of the Union Legislature laying down the form of the Constitution admit an Indian State into the Union provided the Indian State seeking admission is a Qualified State.

For the purposes of this clause a list of Qualified Indian States shall be drawn up. A State shall not be deemed to be a Qualified State unless it is proved that it is of a standard size prescribed by the Union Legislature and is endowed with natural resources capable of supporting a descent

standard of living for its people and can, by reason of its revenues and population function as an autonomous State, protect itself against external aggression, maintain Law and Order against internal disturbance and guarantee to its subjects minimum standards of administration and welfare which are expected from a modern State.

Clause 2

The territory of an Indian State which is a Qualified State but which has not entered the Union and the territory of the Indian States which are disqualified shall be treated as incorporated territories of the United States of India and shall at all times form integral parts thereof and shall be subject to such parts of the Constitution of the United States of India as may be prescribed by the Union Legislature.

Clause 3

The United States of India shall have power to reform, rearrange, redistribute and amalgamate the territories of Disqualified Indian States into suitable Administrative Units for admission into the Union as States of the Union.

Clause 4

After a State has been admitted into the Union as a State no new State shall be formed or created within its jurisdiction nor any new State shall be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned as well as of the Union Legislature.

ARTICLE I—Section II

Clause 1

For explanation see Explanator

The United States of India may admit into the Union any territory which forms a natural part of India or which is on the border of India on terms and conditions mutually agreed upon. Provided that the terms shall not be inconsistent with the Constitution of the United States (For explanation, see page 406) of India and the admission is recommended by the Legislatures of one half of the States comprising the. United States of India in the form of a resolution.

Clause 2

The United States of India may acquire territory and may treat it as unincorporated territory. The provisions of the Constitution of the United States of India shall not apply to the unincorporated territory unless a provision to the contrary is made by the Legislature of the United States of India.

PROPOSED ARTICLE II
DETAILED ANALYSIS

Article II, Section I—*Fundamental Rights of Citizens.*
Article II, Section II—*Remedies against Invasion of Fundamental Rights:*
Clause 1. Judicial Protection.
Clause 2. Protection against Unequal Treatment.
Clause 3. Protection against Discrimination.
Clause 4. Protection against Economic Exploitation.

Article II, Section III—*Provisions for the Protection of Minorities:*
Clause 1. Protection against Communal Executive.
Clause 2. Protection against Social end Official Tyranny.
Clause 3. Protection against Social Boycott.
Clause 4. Authority and obligation of the Union and State Governments to spend money for public purposes including purposes beneficial to Minorities.

Article II, Section IV—*Safeguards for the Scheduled Castes.*

Part I—Guarantees :
Clause 1. Right to Representation in the Legislature and in the Local Bodies,
Clause 2. Right to Representation in the Executive. Clause 3. Right to Representation in Services.

Part II—Special Responsibilities:
Clause 1. For Higher Education. Clause 2. For Separate Settlements.

Part III—Sanction for Safeguards and Amendment of Safeguards :
Clause 1. Safeguards to be embodied in the Constitution. Clause 2. Amendment of Safeguards.
Part IV—Protection of Scheduled Castes in Indian States.
Part V—Interpretation.

ARTICLE II—Section I
FUNDAMENTAL RIGHTS OF CITIZENS

The Constitution of the United States of India shall recognize the following as Fundamental Rights of citizenship:

For explanation see Explanatory Notes

1. All persons born or naturalised within its territories are citizens of the

United States of India and of the State wherein they reside. Any privilege or disability arising out of rank, birth, person, family, religion or religious usage and custom is abolished.

2. No State shall make or enforce any law or custom which shall abridge the privileges or immunities of citizens; nor shall any State, deprive any person of life, liberty and property without due process of law; nor deny to any person within its jurisdiction equal protection of law.

3. All citizens are equal before the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage or disability is imposed upon or any discrimination is made against any citizen shall, as from the day on which this Constitution comes into operation, cease to have any effect.

4. Whoever denies to any person, except for reasons by law applicable to persons of all classes and regardless of their social status, the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience, whether they are dedicated to or maintained or licensed for the use of the public, shall be guilty of an offence.

5. All citizens shall have equal access to all institutions, conveniences and amenities maintained by or for the public.

6. No citizen shall be disqualified to hold any public office or exercise any trade or calling by reason of his or her religion, caste, creed, sex or social status.

7. (i) Every citizen has the right to reside in any part of India. No law shall be made abridging the right of a citizen to reside except for consideration of public order and morality.

(ii) Every citizen has the right to settle in any part of India, subject to the production of a certificate of citizenship from the State of his origin. The permission to settle shall not be refused or withdrawn except on grounds specified in sub-clause (iv) of this clause.

(iii) The State in which a citizen wishes to settle may not impose any special charge upon him in respect of such settlement other than the charge imposed upon its own inhabitants. The maximum fees chargeable in respect of permits for settlement shall be determined by laws made by the Union Legislature.

(iv) The permission to settle may be refused or withdrawn by a State from persons—

(a) (a) who have been habitual criminals;
(b) (b) whose intention to settle is to alter the communal balance of the
State;
(c) who cannot prove to the satisfaction of the State in which they wish to settle that they have an assured means of subsistence and who are likely to became or have become a permanent burden upon public charity;
(d) whose State of origin refuses to provide adequate assistance for them when requested to do so,

(v) Permission to settle may be made conditional upon the applicant being capable of work and not having been a permanent charge upon public charity in the place of his origin, and able to give security against unemployment. (vi) Every expulsion must be confirmed by the Union Government.

(vii) Union Legislature shall define the difference between settlement and residence and at the same time, prescribe regulations governing the political and civil rights of persons during their residence.

8. The Union Government shall guarantee protection against persecution of a community as well as against internal disorder or violence arising in any part of India.

9. Subjecting a person to forced labour or to involuntary servitude shall be an offence.

10. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

11. The right of a citizen to vote shall not be denied or abridged on any account other than immaturity, imprisonment and insanity.

12. No law shall be made abridging the freedom of Speech, of the Press, of Association and of Assembly except for consideration of public order and morality.

13. No Bill of attainder or ex post facto law shall be passed.

14. The State shall guarantee to every Indian citizen liberty of conscience and the free exercise of his religion including the right to profess, to preach and to convert within limits compatible with public order and morality.

15. No person shall be compelled to become a member of any religious

association, submit to any religious instruction or perform any act of religion. Subject to the foregoing provision, parents and guardians shall be entitled to determine the religious education of children up to the age of 16 years.

16. No person shall incur any penalties of any kind whatsoever by reason of his caste, creed or religion nor shall any person be permitted to refuse to fulfil any obligation of citizenship on the ground of caste, creed or religion.
17. The State shall not recognise any religion as State religion.
18. Persons following a religion shall be guaranteed freedom of association and shall have, if they so desire, the right to call upon the State to pass legislation in terms approved by them making them into a body corporate.
19. Every religious association shall be free to regulate and administer its affairs, within the limits of the laws applicable to all.
20. Religious associations shall be entitled to levy contributions on their members who are willing to pay them if their law of incorporation permits them to do so. No person may be compelled to pay taxes the proceeds of which are specifically appropriated for the use of any religious community of which he is not a member.
21. Ail offences under this section shall be deemed to be cognizable offences. The Union Legislature shall make laws to give effect to such provisions as require legislation for that purpose and to prescribe punishment for those acts which are declared to be offences.

ARTICLE II-Section II
REMEDIES AGAINST INVASION OF FUNDAMENTAL RIGHTS

The United States of India shall provide :

Clause I

Judicial Protection against Executive tyranny
For explanation see Explanatory Notes
(1) That the Judicial Power of India shall be vested in a Supreme Court.
(2) The Supreme Court shall have the power of superintendence over all other Courts or officers exercising the powers of a Court, whether or not such Courts or officers are subject to its appellate or revisional jurisdiction.
(3) The Supreme Court shall have the power on the application of an

aggrieved party to issue what are called prerogative writs such as *Hebeas Corpus, Quo Warranto Prohibition, Certiorari and Mandamus*, etc. For purposes of such. writs the Supreme Court shall be a Court of general jurisdiction throughout India.
(4) The right to apply for a writ shall not be abridged or suspended unless when in cases of rebellion or invasion the public safety may require it.

Clause 2

Protection against Unequal Treatment
For explanation see Explanatory Notes
That the Authority of the Legislature and the Executive of the Union as well as of every State throughout India shall be subject to the following limitations:
It shall not be competent for any Legislature or Executive in India to pass a law or issue an order, rule or regulation so as to violate the following rights of the subjects of the State :
(1) to make and enforce contrasts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property.
(2) to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of ail classes of the subjects of the State.
(3) to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed.
(4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion.
(5) to claim full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by other subjects regardless of any usage or custom or usage or custom based on religion and be subject to like punishment, pains and penalties and to none other.

Clause 3

Protection against Discrimination.

For explanation see Explanatory Notes

(1) Discrimination against citizens by Government officers in Public administration or by private employers in factories and (For explanation see page 408) commercial concerns on the ground of race or creed or social status shall be treated as an offence. The jurisdiction to try such cases shall be vested in a tribunal to be created for the purpose.

(2) The Union Legislature shall have the right as well as the obligation to give effect to this provision by appropriate legislation.

Clause 4

Protection against Economic Exploitation.

For explanation see Explanatory Notes

The United States of India shall declare as a part of the law of its constitution—

(1) That industries which are key industries or which may be declared to be key industries shall be owned and run by the State ;

(2) 'That industries which are not key industries but which are basic industries shall be owned by the State and shall be run by the State or by Corporations established by the State ;

(3) That Insurance shall be a monopoly of the State and that the State shall compel every adult citizen to take out a life insurance policy commensurate with his wages as may be prescribed by the Legislature;

(4) That agriculture shall be State Industry;

(5) That State shall acquire the subsisting rights in such industries, insurance and agricultural land held by private individuals, whether us owners, tenants or mortgagees and pay them compensation in the form of debenture equal to the value of his or her right in the land. Provided that in reckoning the value of land, plant or security no account shall be taken of any rise therein due to emergency, of any potential or unearned value or any value for compulsory acquisition;

(6) The State shall determine how and when the debenture holder shall be entitled to claim cash payment;

(7) The debenture shall be transferable and inheritable property but neither the debenture holder nor the transferee from the original holder nor his heir shall be entitled to claim the return of the land or interest in any industrial concern acquired by the State or be entitled to deal with it in any way;

(8) The debenture-holder shall be entitled to interest on his debenture at such rate as may be defined by law, to be paid by the State in cash or in kind as the State may deem fit;

(9) Agricultural industry shall be organized on the following basis:
(i) The State shall divide the land acquired into farms of standard size and let out the farms for cultivation to residents of the village as tenants (made up of group of families) to cultivate on the following conditions:
(a) (a)The farm shall be cultivated as a collective farm ;
(b) (b)The farm shall be cultivated in accordance with rules and directions issued by Government;
(c) The tenants shall share among themselves in the manner prescribed the produce of the farm left after the payment of charges properly leviable on the farm;
(ii) The land shall be let out to villagers without distinction of caste or creed and in such manner that there will be no landlord, no tenant and no landless labourer ;
(iii) It shall be the obligation of the State to finance the cultivation of the collective farms by the supply of water, draft animals, implements, manure, seeds, etc.;
(iv) The State shall be entitled to—
(a) (a) to levy the following charges on the produce of the farm: (i) a portion for land revenue; (ii) a portion to pay the debenture-holders ; and (iii) a portion to pay for the use of capital goods supplied; and
(b) (b) to prescribe penalties against tenants who break the conditions of tenancy or wilfully neglect to make the best use of the means of cultivation offered by the State or otherwise act prejudicially to the scheme of collective farming;
(10) The scheme shall be brought into operation as early as possible bat in no case shall the period extend beyond the tenth year from the date of the Constitution coming into operation.

ARTICLE II – Section III
PROVISIONS FOR THE PROTECTION OF MINORITIES

The Constitution of the United States of India shall provide:

Clause 1

Protection against Communal Executive.
For explanation see Explanatory Notes
(1) That the Executive-Union or State—shall be non-parliamentary in the sense that it shall not be removable before the term of the Legislature.
(2) Members of the Executive if they are not members of the Legislature

shall have the right to sit in the Legislature, speak, vote and answer questions.

(3) The Prime Minister shall be elected by the whole House by single transferable vote.

(4) The representatives or the different minorities m the Cabinet shall be elected by members of each minority community in the Legislature by single transferable vote.

(5) The representatives of the majority community in the Executive shall be elected by the whole House by single transferable vote.

(6) A member of the Cabinet may resign his post on a censure motion or otherwise but shall not be liable to be removed except on impeachment by the House on the ground of corruption or treason.

Clause 2

Protection against social and official tyranny.

For explanation see Explanatory Notes

(1) (1) That there shall be appointed an Officer to be called the Superintendent of Minority Affairs.

(2) (2) His status shall be similar to that of the Auditor General appointed under section 166 of the Government of India Act of 1935 and removable m like manner sad on the like grounds as a Judge of the Supreme Court,

(3) it shall be the duty of the Superintendent to prepare an annual report on the treatment of minorities by the public, as well as by the Governments, Union and State and of any transgressions of safeguards or any miscarriage of justice due to communal bias by Governments or their Officers.

(4) The Annual Report of the Superintendent shall be placed on the Table of the Legislatures—Union and State, and the Governments—Union and State, shall be bound to provide time for the discussion of the Report.

Clause 3

Protection against social boycott.

For explanation see Explanatory Notes

That Social Boycott, Promoting or Instigating a Social Boycott or Threatening a Social Boycott as defined below shall be declared to be an offence :

(i) Boycott Defined.—A person shall be deemed to boycott another who—

(a) refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or

(b) abstains from such social, professional or business relations as he would, having regard to such existing customs in the community which are not inconsistent with any fundamental right or other rights Of citizenship declared m the Constitution, ordinarily maintain with such person, or

(c) in any way injuries, annoys or interferes with such other person in the exercise of his lawful rights.

(ii) Offence of Boycotting—-Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person, is interested, shall be guilty of offence of boycotting

Provided that no offence shall be deemed to have been committed under this Section, if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

(iii) Offence of Instigating or Promoting a Boycott—

Whoever-

(a) (a) publicly makes or publishes or circulates a proposal for. or

(b) (b) makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to cause, or

(c) in any other way instigates or promotes the boycotting of any person or class of persons, shall be guilty of the offence of instigating or promoting a boycott.

Explanation— An offence under this clause shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or

abstaining from acting in some specified manner.

(iv) Offence of Threatening a Boycott—Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act. which he was legally entitled to omit to do. or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do threatens to cause such person or any person in whom such person is interested, to be boycotted shall be guilty of the offence threatening a boycott.

Exception.—It is not boycott—

(i) (i) to do any act in furtherance of a bona fide labour dispute ;

(ii) (ii) to do any act in the ordinary course of business competition.

(2) All these offences shall be deemed to be cognizable offences. The Union Legislature shall make laws prescribing punishment for these offences.

Clause 4

Power of Governments to spend money for any purposes connected with Government of India including purposes beneficial to the Minorities

For explanation see Explanatory Notes

That the Power of the Central and Provincial Governments to make grants for any purpose, notwithstanding that the purpose is not one for which the Union or State Legislature as the case may be make laws, shall not be abridged taken away.

ARTICLE II - Section IV

SAFEGUARDS FOR THE SCHEDULED CASTES

PART I—Guarantees

Right to Representation in the Legislature.

For explanation see Explanatory Notes

The Constitution of the United States of India shall guarantee to the Scheduled Castes the following Rights :

Clause I

Right to Representation in the Legislature

(1) (1) Quantum of Representation.—

(a) (i) The Scheduled Castes shall have minimum representation in the Legislature—Union and State—and if there be a group Constitution

then in the group Legislature equal to the ratio of their population to the total population. Provided that no other minority is allowed to claim more representation than what is due to it on the basis of its population.

(ii) The Scheduled Castes of Sind and N.W.F. Provinces shall be given their due share of representation.

(iii) Weightage where it becomes necessary to reduce a huge communal majority to reasonable dimensions shall come out of the share of the majority. In no case shall it be at the cost of another minority community.

(iv) Weightage carved out from the share of majority shall not be assigned to one community only. But the same shall be divided among all minority communities equally or in inverse proportion to their—

(1) economic position,
(2) social status, and
(3) educational advance.

(b) There should be no representation to special interests. But if the same is allowed it must be taken out of the share of representation given to that community to which the special interest belongs.

(2) Method of Election—

(A) For Legislative Bodies

(a) (a) The system of election introduced by the Poona Pact shall be abolished.

(b) (b) In its place, the system of Separate Electorates shall be substituted.

(c) (c) Franchise shall be adult franchise.

(d) (d) The system of voting shall be cumulative.

(B) For Local Bodies

The principles for determining the quantum of representation and the Method of election for Municipalities and Local Boards shall be the same as that adopted for the Union and State Legislatures.

Clause 2

Right to Representation in the Executive.

For explanation see Explanatory Notes

(1) The Scheduled Castes shall have minimum representation in the Executive—Union and State—and if there, be a group Constitution then in the group Executive equal to the ratio of their population that no minority community is allowed to claim more than its population ratio.

(2) Weightage where it becomes necessary to reduce a huge majority to

reasonable dimensions shall come out of the share of the majority community. In no case shall it be at the cost of another minority community.

(3) Weightage carved out from the share of the majority shall not be assigned to one community only. But the same shall be divided among all minorities equally or in inverse proportion to:

(i) (i) their economic position.
(ii) (ii) social status, and
(iii) (iii) educational advance.

Clause 3

Right to Representation in the Services

For explanation see Explanatory Notes

(a) The quantum of representation of the Scheduled Castes in the Services shall be as follows :

(i) In the Union Services.—In proportion to the ratio of their population to the total population in India or British India as the case may be.

(ii) In the State and Group Services.—in proportion to their population in the State or Union.

(iii.) In the Municipal and Local Board Services.—In proportion to their population in the Municipal and Local Boards areas :

Provided that no minority community is allowed to claim more than its population ratio of representation, in the Services.

(b) Their right to representation in the Services shall not be curtailed except by conditions relating to minimum qualifications, education, age, etc.

(c) The conditions prescribed for entry in Services shall not abrogate any of the concessions given to the Scheduled Castes by the Government of India in their Resolutions of 1942 and 1945.

(d) The method of filling up the vacancies shall conform to the rules prescribed in the Government of India Resolutions of 1942 and 1946.

(e) On every Public Services Commission or a. Committee constituted for filling vacancies, the Scheduled Castes shall have at least one representative.

PART II—SPECIAL RESPONSIBILITIES

Provisions for Higher Education

For explanation see Explanatory Notes
That the United States of India shall undertake the following special responsibilities for the betterment of the Scheduled Castes:

Clause I

(1) Governments—Union and State—shall be required to assume financial responsibility for the of the Scheduled Castes and shall be required to make adequate provisions in their budgets. Such Provisions shall form the first charge on the Education Budget of the Union and State; Government.
(2) The responsibility for finding money for secondary and college education of the Scheduled Castes in India shall be upon the State Governments and the different States shall make a provision in their annual budgets for the said purpose in proportion to the population of the Scheduled Castes to the total budget of the States.
(3) The responsibility for finding money for foreign education of the Scheduled Castes shall be the responsibility of the Union Government and the Union Government shall make a provision of rupees 10 lakhs per year in its annual budget in that behalf.
(4) These special grants shall be without prejudice to the right of the Scheduled Castes to share in the expenditure incurred by the State Government for the advancement of primary education for the people of the State,

Clause 2

provision for New Settlements.
For explanation see Explanatory Notes
1 The following provision shall be made in the Constitution of the Union Government :
(i) There shall be a Settlement Commission under the new Constitution to hold uncultivated lands belonging to the State in trust for Settlement of the Scheduled Castes in separate villages.
(ii) The Union Government shall set apart annually a fund of Rs. 5 crores for the purpose of promoting the scheme of settlement.
(iii) That the. Commission shall have the power to purchase any land offered for sale and use it for the said purpose.
2. The Union Government shall from time to time pass such legislation as may be necessary for the Commission to carry out its functions.

PART III—Sanction for Safeguards and Amendment of Safeguards

Clause 1

Sanction for Safeguards

For explanation see Explanatory Notes
The Constitution of the United States shall provide that—
The United States of India undertakes to give the safeguards contained in Article II Section IV a place in the Constitution and make them a part of the Constitutional Law of India.

Clause 2

Mode of Amendment of safeguards

For explanation see Explanatory Notes
The provisions for the Scheduled Castes shall not be altered, amended or abrogated except in the following manner :

Any amendment or abrogation of Section IV of Article II or any part thereof relating to the Scheduled Castes shall only be made by a Resolution passed in the manner prescribed below by the more Popular Chamber of the Union Legislature :

(i) (i) Any proposal for amendment or abrogation shall be initiated in the form of a Resolution in the more Popular Chamber of the Union Legislature.

(ii) (ii) No such Resolution shall be moved—

(a) unless 25 years have elapsed after the Constitution has come into operation and has been worked; and

(b) unless six months' notice has been given to the House by the mover of his intention to move such a Resolution.

(iii) On the passing of such a Resolution, the Legislature shall be dissolved and a new election held.

(iv) The original Resolution in the form in which it was passed by the previous Legislature shall be moved afresh in the same House of the newly elected Union Legislature,

(v) The Resolution shall not be deemed to have been carried unless it is passed by a majority of two-thirds of the members of the House and also two-thirds of members of the Scheduled Castes who have been returned through separate electorates.

PART IV— protection of scheduled castes in the Indian states

Safeguards for in Indian States.

For explanation see Explanatory Notes
The Constitution of the United States shall provide that the admission of

the Indian States into the Union shall be subject to the Scheduled Castes following condition :

"All provisions relating to the Scheduled Castes contained in Section IV of Article II of the Constitution of the United States of India shall be extended to the Scheduled Castes in the Indian Slates. Such a provision in the Constitution of an Indian States shall be a condition precedent for its admission into the Union."

PART V—interpretation

Scheduled Castes a Minority

For explanation see Explanatory Notes

I. For the purposes of Article II the Scheduled Castes, as defined in the Government of India Scheduled Caste Order, 1936, issued under the Government of India Act, 1935, shall be deemed to be a minority.

Scheduled Castes and change of Domicile.

For explanation see Explanatory Notes

II. For the purposes of Article II a Caste which is a Scheduled Caste in one State shall be treated as Scheduled Caste in all States of the Union.

Appendices

STATES AND MINORITIES

APPENDICES

Appendices

Appendix I : Explanatory notes

Appendix II : Text of the Poona pact

Appendix III : Disadvantages of the Poona Pact

Appendix I

EXPLANATORY NOTES

Preamble

The Preamble gives constitutional shape and form to the Resolution on objectives passed by the Constituent Assembly on Wednesday the 22nd January 1947.

ARTICLE I—Section I

Clauses I to 4

The admission of the six hundred and odd Indian States into the Union raises many difficult questions. The most difficult of them is the one which relates to their admission into the Union. Every Indian Stale is claiming to be a Sovereign State and is demanding to be admitted into the Union in its own right. The Indian States fall into different classes from the view of size, population, revenue and resources. It is obvious that every State admitted into the Union as a State must have the capacity to bear the burden of modern administration to maintain peace within its own borders and to possess the resources necessary for the economic advancement of its people. Otherwise, the United States of India is likely to be encumbered with a large number of weak States which, instead of being a help to the Central Government, will be a burden upon it. The Union Government with such small and weak States as its units will never be able to pull its full weight in an emergency. It is therefore obvious that it would be a grave ganger to the future safety of India if every Indian State were admitted into the Union without any scrutiny of its capacity to bear the burden of modern administration and maintaining internal peace. To avoid this danger, the Article proceeds to divide the Indian States into two classes: (1) Qualified Indian States and (2) Unqualified Indian States. It proposes that a list of Qualified Indian States should be drawn up as a first step in the procedure to be followed for the admission of the Indian States into the Union. A Qualified Indian State will be admitted into the Union on an application for admission and the fulfilment of the provisions of the Enabling Act which the Union Legislature is authorised to pass for the purpose of requiring an appropriate form of internal Government set up

within the State which will be in consonance to the principles underlying the Constitution of the United States of India. The territory in the occupation of the Unqualified Indian States will be treated as the territory of the United States of India and will be reorganised into States of suitable sizes by the United States of India. In the meantime those who are rulers of the territory shall continue to administer the territory under the supervision of the United States of India. The Act also declares that the Indian territory whether in the occupation of British Indian Provinces or of the Indian States is one and integral and will be so even though an Indian State has not entered into the Union.

Clause 4 provides that once a State is admitted into the Union, its integrity shall be maintained and it shall not be liable to sub-division except in accordance with the provisions contained in the clause.

ARTICLE I—Section II

Clauses I and 2

Clause 1 permits the United States of India to incorporate States which are independent but which are on the border and which desire to join the Union.

Clause 2 enables the United States of India to acquire territory and to incorporate it or to treat it as separate territory.

ARTICLE II—Section I

The inclusion of Fundamental Rights in the Constitution requires no justification. The necessity of Fundamental Rights is recognised in all Constitutions old and new. The Fundamental Rights included in the Article are borrowed from the Constitutions of various countries particularly from those wherein the conditions are more or less analogous to those existing in India.

ARTICLE II—Section II

Clause 1

Rights are real only if they are accompanied by remedies. It is no use giving rights if the aggrieved person has no legal remedy to which he can resort when his rights are invaded. Consequently when the Constitution guarantees rights it also becomes necessary to make provision to prevent the Legislature and the Executive from overriding them. This function has

been usually assigned to the judiciary and the Courts have been made the special guardians of the rights guaranteed by the Constitution. The clause does no more than this. The clause proposes to give protection to the citizen against Executive tyranny by investing the Judiciary with certain powers of inquisition against the abuse of authority by the Executive. This power takes the form of issue of writs. The High Courts in India possess these powers under the Government of India and under their letters patent. These powers are however subject to two limitations. In the first place the powers given by the Letters Patent are available only to the High Courts in the Presidency Towns and not to all. Secondly these powers are subject to laws made by the Indian Legislature. Thirdly the powers given by the Government of India Act, 1935 are restricted and may prove insufficient for the protection of the aggrieved person. The clause achieves two objectives: (1) to give the fullest power to the Judiciary to issue what under the English Law are called Prerogative Writs and (2) to prevent the Legislature from curtailing these powers in any manner whatsoever.

Clause 2

It is difficult to expect that in a country like India where most persons are communally minded those in authority will give equal treatment to those who do not belong to their community. Unequal treatment has been the inescapable fate of the Untouchables in India. The following extract from the Proceedings of the Board of Revenue of the Government of Madras No. 723 dated 5th November, 1892, illustrates the sort of unequal treatment which is meted out to the Scheduled Castes by Hindu Officers. Says the report:

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

(a) (a) bring false cases in the village Court or in the criminal Courts ;
(b) (b) obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple;
(c) (c) have mirasi names fraudulently entered in the Government account
against the paracheri;

(d) (d) pull down the huts and destroy the growth in the backyards;
(e) (e) deny occupancy right in immemorial sub-tenancies ;

(f) (f) forcibly cut the Pariahs' crops, and on being resisted charge them
with theft and rioting ;

(g) under misrepresentations, get them to execute documents by which

they are afterwards ruined;

(h) (h) cut off the flow of water from their fields;
(i) (i) without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue."

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

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

The Punjab Land Alienation. Act is another illustration of unequal treatment of the Untouchables by the Legislature.

Many other minority communities may be suffering from similar treatment at the hands of the majority community. It is therefore necessary to have such a provision to ensure that all citizens shall have equal benefit of Laws, Rules and Regulations.

The provisions of Clause 2 are borrowed from Civil Rights Protection Act. 1866, and of March 1st, 1875 passed by the Congress of the United States of America to protect the Negroes against unequal treatment.

Clause 3

Discrimination is another menace which must be guarded against if the Fundamental Rights are to be real rights. In a country like India where it is

possible for discrimination to be practised on a vast scale and in a relentless manner Fundamental Rights can have no meaning. The Remedy follows the lines adopted in the Bill which was recently introduced in the Congress of the U.S.A. the aim of which is to prevent discrimination being practised against the Negroes.

Clause 4

The main purpose behind the clause is to put an obligation on the State to plan the economic life of the people on lines which would lead to highest point of productivity without closing every avenue to private enterprise, and also provide for the equitable distribution of wealth. The plan set out in the clause proposes State ownership in agriculture with a collectivised method of cultivation and a modified form of State Socialism in the field of industry. It places squarely on the shoulders of the State the obligation to supply capital necessary for agriculture as well as for industry. Without the supply of capital by the State neither land nor industry can be made to yield better results. It also proposes to nationalise insurance with a double objective. Nationalised Insurance gives the individual greater security than a private Insurance Firm does inasmuch as it pledges the resources of the State as a security for the ultimate payment of his insurance money. It also gives the State the resources necessary for financing its economic planning in the absence of which it would have to resort to borrowing from the money market at a high rate of interest. State Socialism is essential for the rapid industrialisation of India. Private enterprise cannot do it and if it did it would produce those inequalities of wealth which private capitalism has produced in Europe and which should be a warning to Indians. Consolidation of Holdings and Tenancy legislation are worse than useless. They cannot bring about prosperity in agriculture. Neither Consolidation nor Tenancy Legislation can be of any help to the 60 millions of Untouchables who are just landless labourers. Neither Consolidation nor Tenancy Legislation can solve their problem. Only collective farms on the lines set out in the proposal can help them. There is no expropriation of the interests concerned. Consequently there ought to be no objection to the proposal on that account.

The plan has two special features. One is that it proposes State Socialism in important fields of economic life. The second special feature of the plan is that it does not leave the establishment of State Socialism to the will of the Legislature. It establishes State Socialism by the Law of the Constitution and thus makes it unalterable by any act of the Legislature

and the Executive.

Students of Constitutional Law will at once raise a protest. They are sure to ask: Does not the proposal go beyond the scope of the usual type of Fundamental Rights? My answer is that it does not. If it appears to go beyond it is only because the conception of Fundamental Rights on which such criticism is based is a narrow conception. One may go further and say that even from the narrow conception of the scope of the Constitutional Law as comprising no more than Fundamental Rights the proposal can find ample justification. For what is the purpose of prescribing by law the shape and form of the economic structure of society? The purpose is to protect the liberty of the individual from invasion by other individuals which is the object of enacting Fundamental Rights. The connection between individual liberty and the shape and form of the economic structure of society may not be apparent to everyone. None the less the connection between the two is real. It will be apparent if the following considerations are borne in mind.

Political Democracy rests on four premises which may be set out in the following terms:

(i) The individual is an end in himself.

(ii) That the individual has certain inalienable rights which must be guaranteed to him by the Constitution.

(iii) That the individual shall not be required to relinquish any of his constitutional rights as a condition precedent to the receipt of a privilege.

(iv) That the State shall not delegate powers to private persons to govern others.

Anyone who studies the working of the system of social economy based on private enterprise and pursuit of personal gain will realise how it undermines, if it does not actually violate, the last two premises on which Democracy rests. How many have to relinquish their constitutional rights in order to gain their living? How many have to subject themselves to be governed by private employers?

Ask those who are unemployed whether what are called Fundamental Rights are of any value to them. If a person who is unemployed is offered a choice between a job of some sort, with some sort of wages, with no

fixed hours of labour and with an interdict on joining a union and the exercise of his right to freedom of speech, association, religion, etc., can there be any doubt as to what his choice will be. How can it be otherwise? The fear of starvation, the fear of losing a house, the fear of losing savings if any, the fear of being compelled to take children away from school, the fear of having to be a burden on public charity, the fear of having to be burned or buried at public cost are factors too strong to permit a man to stand out for his Fundamental Rights. The unemployed are thus compelled to relinquish their Fundamental Rights for the sake of securing the privilege to work and to subsist.

What about those who are employed? Constitutional Lawyers assume that the enactment of Fundamental Rights is enough to safeguard their liberty and that nothing more is called for. They argue that where the State refrains from intervention in private affairs—economic and social—the residue is liberty. What is necessary is to make the residue as large as possible and State intervention as small as possible. It is true that where the State refrains from intervention what remains is liberty. But this does not dispels of the matter. One more question remains to be answered. To whom and for whom is this liberty? Obviously this liberty is liberty to the landlords to increase rents, for capitalists to increase hours of work and reduce rate of wages. This must be so. It cannot be otherwise. For in an economic system employing armies of workers, producing goods en masse at regular intervals some one must make rules so that workers will work and the wheels of industry run on. If the State does not do it the private employer will. Life otherwise will become impossible. In other words what is called liberty from the control of the State is another name for the dictatorship of the private employer.

How to prevent such a thing happening? How to protect the unemployed as well as the employed from being cheated out of their Fundamental Rights to life, liberty and pursuit of happiness? The useful remedy adopted by Democratic countries is to limit the power of Government to impose arbitrary restraints in political domain and to invoke the ordinary power of the. Legislature to restrain the more powerful individual from imposing arbitrary restraints on the less powerful in the economic field. The inadequacy may the futility of the plan has been well established. The successful invocation by the less powerful of the authority of the Legislature is a doubtful proposition. Having regard to the fact that even under adult suffrage all Legislatures and Governments are controlled by the more powerful an appeal to the legislature to intervene is a very

precarious safeguard against the invasion of the liberty of the less powerful. The plan follows quite a different method. It seeks to limit not only the power of Government to impose arbitrary restraints but also of the more powerful individuals or to be more precise to eliminate the possibility of the more powerful having the power to impose arbitrary restraints cm the less powerful by withdrawing from the control he has over the economic life of people. There cannot be slightest doubt that of the two remedies against the invasion by the more powerful of the rights and liberties of the less powerful the one contained in the proposal is undoubtedly the more effective. Considered in the light of these observations the proposal is essentially a proposal for safeguarding the liberty of the individual. No Constitutional Lawyer can therefore object to it on the ground that it goes beyond the usual scope of Constitutional Law.

So far as the plan has been considered purely as a means of safeguarding individual liberty. But there is also another aspect of the plan which is worthy of note. It is an attempt to establish State Socialism without abrogating Parliamentary Democracy and without leaving its establishment to the will of a Parliamentary Democracy. Critics of State Socialism even its friends are bound to ask why make it a part of the Constitutional Law of the land? Why not leave it to the Legislature to bring it into being by the ordinary process of Law. The reason why it cannot be left to the ordinary Law is not difficult to understated. One essential condition for the success of a planned economy is that it must not be liable to suspension or abandonment. It must be permanent. The question is how this permanence can be secured. Obviously it cannot be securer under the form of Government called Parliamentary Democracy under the system of Parliamentary Democracy, the policy of the Legislature and of the Executive is the policy of the majority for the time being. Under the system of Parliamentary Democracy the majority in one election may be in favour of State Socialism in Industry and in Agriculture. At the next election the majority may be against it. The anti-State Socialism, majority will use its Law-making power to undoing the work of the pro-State Socialism majority and the pro-State Socialism majority will use its Law-making power to doing over again what has been undone by their opponents. Those who want the economic structure of society to be modelled on State Socialism must realise that they cannot leave the fulfilment of so fundamental a purpose to the exigencies of ordinary Law which simple majorities—whose political fortunes are never determined by rational causes—have a right to make and unmake. For these reasons

Political Democracy seems to be unsuited for the purpose.

What is the alternative? The alternative is Dictatorship. There is no doubt that Dictatorship can give the permanence which State Socialism requires as an essential condition for its fructification. There is however one fact against Dictatorship which must be faced. Those who believe in individual freedom strongly object to Dictatorship and insists upon Parliamentary Democracy as a proper form of Government for a Free Society. For they feel that freedom of the individual is possible only under Parliamentary Democracy and not under Dictatorship. Consequently those who want freedom are not prepared to give up Parliamentary Democracy as a form of Government. However, much they may be anxious to have State Socialism they will not be ready to exchange Parliamentary Democracy for Dictatorship event though the gain by such an exchange is the achievement of State Socialism. The problem therefore is to have State Socialism without Dictatorship, to have State Socialism with Parliamentary Democracy-The way out seems to be to retain Parliamentary Democracy and to prescribe State Socialism by the Law of the Constitution so that it will be beyond the reach of a Parliamentary majority to suspend, amend or abrogate it. It is only by this that one can achieve the triple object, namely, to establish socialism, retain Parliamentary Democracy and avoid Dictatorship.

The proposal marks a departure from the existing Constitutions whose aim is merely to prescribe the form of the political structure of society leaving the economic structure untouched. The result is that the political structure is completely set at naught by the forces which emerge from the economic structure which is at variance with the political structure. Those who want socialism with Parliamentary Democracy and without Dictatorship should welcome the proposal.

The soul of Democracy is the doctrine of one man, one value. Unfortunately, Democracy has attempted to give effect to this doctrine only so far as the political structure is concerned by adopting the rule of one man, one vote which is supposed to translate into fact the doctrine of one man, one value. It has left the economic structure to take the shape given to it by those who are in a position to mould it. This has happened because Constitutional Lawyers have been dominated by the antiquated conception that all that is necessary for a perfect Constitution for Democracy was to frame a Constitutional Law which would make Government responsible to the people and to prevent tyranny of the

people by the Government. Consequently, almost all Laws of Constitution which relate to countries which are called Democratic stop with Adult Suffrage and Fundamental Right. They have never advanced to the conception that the Constitutional Law of Democracy must go beyond Adult Suffrage and Fundamental Rights. In other words, old time Constitutional Lawyers believed that the scope and function of Constitutional Law was to prescribe the shape and form of the political structure of society. They never realised that it was equally essential to prescribe the shape and form of the economic structure of society, if Democracy is to live up to its principle of one man, one value. Time has come to take a bold step and define both the economic structure as well as the political structure of society by the Law of the Constitution. All countries like India which are latecomers in the field of Constitution-making should not copy the faults of other countries. They should profit by the experience of their predecessors.

ARTICLE II—Section III

Clause I

In the Government of India Acts of 1919 and 1935 the model that was adopted for framing the structure of the Executive in the Provinces and in the Centre was of the British type or what is called by Constitutional Lawyers Parliamentary Executive as opposed to the American type of Executive which in contradistinction of the British type is called Non-Parliamentary Executive. The question is whether the pattern for the Executive adopted in the two Acts should be retained or whether it should be abandoned and if so what model should be adopted in its place. Before giving final opinion on this issue it would be desirable to set out the special features of the British type of the Executive and the consequences that are likely to follow if it was applied to India.

The following may be taken to be the special features of British or the Parliamentary Executive:

(1) It gives a party which has secured a majority in the Legislature the right to form a Government.

(2) It gives the majority party the right to exclude from Government persons who do not belong to the Party.

(3) The Government so formed continues in office only so long as it can command a majority in the Legislature. If it ceases to command a

majority it is bound to resign either in favour of another Government formed out of the existing Legislature or in favour of a new Government formed out of a newly elected Legislature.

As to the consequences that would follow if the British System was applied to India the situation can be summed up in the following proposition :

(1) The British System of Government by a Cabinet of the majority party rests on the premise that the majority is a political majority. In India the majority is a communal majority. No matter what social and political programme it may have the majority will retain its character of being a communal majority. Nothing can alter this fact. Given this fact it is clear that if the British System was copied it would result in permanently vesting Executive power in a Communal majority.

(2) The British System of Government imposes no obligation upon the Majority Party to include in its cabinet the representatives of Minority Party. If applied to India the consequence will be obvious. It would make the majority community a governing class and the minority community a subject race. It would mean that a communal majority will be free to run the administration according to its own ideas of what is good for the minorities. Such a state of affairs could not be called democracy. It will have to be called imperialism.

In the light of these consequences it is obvious that the introduction of British type of the Executive will be full of menace to the life, liberty and pursuit of happiness of the minorities in general and of the Untouchables in particular.

The problem of the Untouchables is a formidable one for the Untouchables to face. The Untouchables are surrounded by a vast mass of Hindu population which is hostile to them and which is not ashamed of committing any inequity or atrocity against them. For a redress of these wrongs which are matters of daily occurrence, the Untouchables have to call in the aid of the administration. What is the character and composition of this administration? To be brief, the administration in India, is completely in the hands of the Hindus. It is their monopoly. From top to bottom it is controlled by them. There is no Department which: is not dominated by I them. They dominate the Police, the Magistracy and the Revenue Services, indeed any and every branch of the administration. The next point to

remember is that the Hindus in the administration have the same positive anti-social and inimical attitude to the Untouchables which the Hindus outside the administration have. Their one aim is to discriminate against the Untouchables and to deny and deprive them not only of the benefits of Law, but also of the protection of the Law against tyranny and oppression. The result is that the Untouchables are placed between the Hindu population and the Hindu-ridden administration, the one committing wrong against them and the other protecting the wrongdoer, instead of helping the victims.

Against this background, what can Swaraj mean to the Untouchables? It can only mean one thing, namely, that while today it is only the administration that is in the hands of the Hindus, under Swaraj the Legislature and Executive will also be in the hands of the Hindus, it goes without saying that such a Swaraj would aggravate the sufferings of the Untouchables. For, in addition to an hostile administration, there will be an indifferent Legislature and a callous Executive. The result will be that the administration unbridled in venom and in harshness, uncontrolled by the Legislature and the Executive, may pursue its policy of inequity towards the Untouchables without any curb. To put it differently, under Swaraj the Untouchables will have no way of escape from the destiny of degradation which Hindus and Hinduism have fixed for them.

These are special considerations against the introduction of the British System of Executive which have their origin in the interests of the minorities and the Scheduled Castes. But there is one general consideration which can be urged against the introduction of the British Cabinet System in India. The British Cabinet System has undoubtedly given the British people a very stable system of Government. Question is will it produce a stable Government in India? The chances are very slender. In view of the clashes of castes and creeds there is bound to be a plethora of parties and groups in the Legislature in India. If this happens it is possible, nay certain, that underlie system of Parliamentary executive like the one that prevails in England under which the Executive is bound to resign upon an adverse vote in the legislature, India may suffer from instability of the Executive, For it is the easiest thing for groups to align and realign themselves at frequent intervals and for petty purposes and bring about the downfall of Government. The present solidarity of what are called the Major Parties cannot be expected to continue. Indeed as soon as the Problem of the British in India is solved the cement that holds these parties together will

fail away. Constant overthrow of Government is nothing short of anarchy. The present Constitution has in it Section 93 which provides a remedy against it. But Section 93 would be out of place, in the Constitution of a free India Some substitute must therefore be found for Section 93.

Taking all these considerations together there is no doubt that the British type of the Executive is entirely unsuited to India.

The form of the Executive proposed in the clause is intended to serve the following purposes:

(i) To prevent the majority from forming a Government without giving any opportunity to the minorities to have a say in the matter.

(ii) To prevent the majority from having exclusive control over-administration and thereby make the tyranny of the minority by the majority possible.

(iii) To prevent the inclusion by the Majority Party in the Executive representatives of the minorities who have no confidence of the minorities.

(iv) To provide a stable Executive necessary for good and efficient administration.

The clause takes the American form of Executive as a model and adapts it to Indian condition especially to the requirements of minorities. The form of the Executive suggested in the proposal cannot be objected to on the ground that it is against the principle of responsible government. Indians who are used to the English form of Executive forget that this is not the only form of democratic and responsible Government. The American form of Executive is an equally good type of democratic and responsible form of Government. There is also nothing objectionable m the proposal that a person should not be qualified to become, a Minister merely because he is elected to the Legislature. The principle that, a member of the Legislature before he is made a Minister should be chosen by his constituents was fully recognised by the British Constitution for over hundred years. A member of Parliament who was appointed a Minister had to submit himself for election before taking up his appointment. It was only lately given up. There ought therefore to be no objection to it on the ground that the proposals are not compatible with responsible Governments. The actual proposal is an improved edition of the American form of Government, for the reason that under it members

of the Executive can sit in the Legislature and have a right to speak and answer questions.

Clause 2

The proposal cannot be controversial. The best remedy against tyranny and oppression by a majority against the minority is inquiry, publicity and discussion. This is what the safeguard provides for. A similar proposal was also recommended by the Sapru Committee.

Clause 3

Social boycott is always held over the heads of the Untouchables by the Caste Hindus as a sword of Democles. Only the Untouchables know what a terrible weapon it is in the hands of the Hindus. Its effects and forms are well described in the Report made by a Committee appointed by the Government of Bombay in 1928 to investigate the grievances of the Depressed Classes and from which the following extracts are made. It illuminates the situation in a manner so simple that everybody can understand what tyranny the Hindus are able to practise upon the Untouchables. The Committee said:

"Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, oppose to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when

the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence, sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to use the common well, but cases have been by no mean rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with a bridegroom on the horse through the public street".

This was said in 1928. Lest it should be regarded as a phase which has now ended I reproduce below a copy of a petition by the Untouchables of the village Kheri Jessore in the Punjab addressed to the Deputy Commissioner of the Rohtak District in February 1947 and a copy of which was sent to me. It reads as follows:

"From

The Scheduled Caste People (Chamars),

Village Kheri Jessore, Tehsil. and District Rohtak.

To

The Deputy Commissioner,

Rohtak District, Rohtak.

Sir,

We, the following Scheduled Caste (Chamars) of the Village Kheri Jessore, beg to invite your kind attention to the hard plight, we are put to, due to the undue pressure and merciless treatment by the Caste Hindu Jats of this village.

It was about four months back that the Jats of the village assembled in the Chopal and told us to work in the fields on a wage in kind of one bundle of crops, containing only about one seer of grains per day per man instead of food at both times and a load of crops, and annas 8 in addition which we used to get before above announcement was made. As it was too

little and insufficient to meet both ends, we refused to go to work. At this they were enraged and declared a Social Boy-cotton us. They made a rule that our cattle would not be allowed to graze in the jungle unless we would agree to pay a tax not leviable under Government for the animals, which they call as"Poochhi"They even do not allow our cattle to drink water in the village pool and have prevented the sweepers from cleaning the streets where we live so that heaps of dust and dirt are lying there which may cause some disease if left unattended to. We are forced to lead a shameful life and they are always ready to beat us and to tear down our honour by behaving indecently towards our wives, sisters and daughters. We are experiencing a lot of trouble of the worst type. While going to the school, the children were even beaten severely and in a merciless manner.

We submitted an application detailing the above facts to yourself but we are sorry that no action has been taken as yet.

It is also for your kind consideration that the Inspector of Police and Tehsildar of Rohtak, whom we approached in this connection, made & careless investigation and in our opinion, no attention was paid to redress the difficulties of the poor and innocent persons.

We, therefore, request your good self to consider over the matter and make some arrangement to stop the merciless treatment and threats which the Jats give us in different ways. We have no other approach except to knock at your kind door and hope your honour will take immediate steps to enable us to lead an honourable and peaceful life which is humanity's birth-right.

We beg to remain, Sir,

Your most obedient servants, Scheduled Caste
People (Chamars), of Village Kheri Jessore,
Tehsil and District Rohtak.

Thumb Impressions.

Copy forwarded to the Hon'ble Dr. B. R. Ambedkar, Western Court, New Delhi.

Received on 1st February 1947."

This shows that what was true in 1928 is true even today. What is true of Bombay is true of the whole of India. For evidence of the general use of

boycott by the Hindus against the Untouchables one has only to refer to the events that occurred all over India in the last elections to the Provincial Legislatures. Only when boycott is made criminal will the Untouchables be free from being the slaves of the Hindus.

The weapon of boycott is nowadays used against other communities besides the Scheduled Castes. It is therefore in the interests of ail minor communities to have this protection.

The provisions relating to boycott are taken bodily from the Burma Anti-Boycott Act, 1922.

Clause 4

Such a provision already exists in Section 150 of the Government of India Act, 1935.

ARTICLE II-Section IV

PART I—clause I

There is nothing new in this clause. The right to representation in the Legislature is conceded by the Poona Pact. The only points that require to be reconsidered relate to (.1) Quantum of Representation, (2) Weightage and (3) The System of Electorates.

(1) Quantum

The quantum of representation allowed to the Scheduled Castes by the Poona Pact is set out in Clause I of the Pact. The proportion set out in the Pact was fixed out of the balance of seats which remained after (i) the share of the other communities had been taken out ; (ii) after weightage to other communities had been allotted, and (iii) after seats had been allocated to special interests. This allotment of seats to the Scheduled Castes has resulted in great injustice. The loss due to seats taken out as weightage and seats given to special interests ought not to have been thrown upon the Scheduled Castes The allotment of those seats had already been made by the Communal Award long before the Poona Pact. It was therefore not possible then to rectify this injustice.

(2) Weightage

There is another injustice from which the Scheduled Castes have been suffering. It relates to their right to a share in weightage.

As one can see the right to weightage has become a matter of double controversy. One controversy is between the majority and the minorities, the other is a matter of controversy between the different minorities.

The first controversy relates to the principle of weightage. The majority insists that the minority has no right to representation in excess of the ratio of its population to the total population Why this rule is insisted upon by the majority it is difficult to understand. Is it because the majority wants to establish its own claim to population ratio so that it may always remain as a majority and act as a majority? Or is it because of the fact that a minority no matter how much weightage was given to it must remain;-. a minority and cannot alter the fact that the majority will always be able to impose its will upon it. The first ground leads to a complete negation of the basic conception of majority rule which if rightly understood means nothing more than a decision of the majority to which the minority has reconciled itself. This cannot be the intention of the majority. One must put a more charitable construction and assume that the argument on which the contention of the majority rests is the second and not the first. That a minority even with weightage will remain a minority has to be accepted in view of the insistence of a Communal Majority to remain a majority and to claim the privileges of a political majority which it is cot. But surely there is a difference between a defeat which is a complete rout and a defeat which is almost victory though not a victory. Cricketers know what difference there is between the defeat of a team by a few runs, a defeat by a few wickets and a defeat by one whole innings. The defeat by one whole innings is a complete frustration which a defeat by a few runs is not. Such a frustration when it conies about in the political life of a minority depresses and demoralises and crushes the spirit of the minority. This must be avoided at any price. Looked at from this point of view there is no doubt that the rule of population—ratio—representation insisted upon by the majority is wrong. What a minority needs is not more representation but effective representation.

And what is effective representation? Obviously the effectiveness of representation depends upon its being large enough to give the minority the sense of not being entirely overwhelmed by the majority. Representation according to population to a minority or to the minorities combined maybe effective by reason of the fact that the population of a minority where there is only one or of the combined minorities where there are many is large enough to secure effective minority representation. But there may be cases where the population of a minority or of the

minorities combined is too small to secure such effective representation if the population ratio of a minority is taken as an inflexible standard to determine its quantum of representation. To insist upon such a standard is to make mockery of the protection to the minority which is the purpose behind the right to representation which is accepted as the legitimate claim of a minority. In such cases weightage which is another name for deduction from the quantum of representation which is due to the majority on the basis of its population becomes essential and the majority if it wishes to be fair and honest must concede it. There can therefore be no quarrel over the principle of weightage. On this footing the controversy becomes restricted to the question, how is the magnitude of weightage to be determined? This obviously is a question of adjustment and not of principle.

There can therefore be no manner of objection to the principle of weightage. The demand for weightage is however a general demand of all the minorities and the Scheduled Castes must join them in it where the majority is too big. What is however wrong with the existing weightage is unequal distribution among the various minorities. At present, some minorities have secured a lion's share and some like the Untouchables have none. This wrong must be rectified by a distribution of the weightage on some intelligible principles.

(3) Electorates

1. The method of election to the seats allotted to the Scheduled Castes is set out in clauses (2) to (4) of the Poona Pact. It provides for two elections : (1) Primary election and (2) Final election. The Primary election is by a separate electorate of the Scheduled Castes. It is only a qualifying election and determines who is entitled to stand in the Final election on behalf of the Scheduled Castes for the seats reserved to them. The Final election is by a joint electorate in which both caste Hindus and the Scheduled Castes can vote and the final result is determined by their joint vote.

2. Clause 5 of the Poona Pact has limited the system of Primary election to ten years which means that any election taking place after 1947 will be by a system of joint electorates and reserved seats pure and simple.

3. Even if the Hindus agreed to extend the system of double election for a further period it will not satisfy the Scheduled Castes. There are two objections to the retention of the Primary election. Firstly, it does not

help the Scheduled Castes to elect a man who is their best choice. As will be seen from Appendix III, the Scheduled Caste candidate who tops the poll in the Primary election fails to succeed in the Final election and the Scheduled Caste candidate who fails in the Primary election tops the poll in the Final election. Secondly, the Primary election is for the most part a fiction and not a fact. In the last election, out of 151 seats reserved for the Scheduled Castes there were Primary elections only in 43. This is because it is impossible for the Scheduled Castes to bear the expenses of two elections—Primary and Final. To retain such a system is worse than useless.

4. Things will be much worse under the system of joint electorates and reserved seats which will hereafter become operative under the terms of the Poona Pact. This is no mere speculation. The last election has conclusively proved that the Scheduled Castes can be completely disfranchised in a joint electorate. As will be seen from the figures given in Appendix III, the Scheduled Caste candidates have not only been elected by Hindu votes when the intention was that they should be elected by Scheduled Caste votes but what is more the Hindus have elected those Scheduled Caste candidates who had failed in the Primary election. This is a complete disfranchisement of the Scheduled Castes. The main reason is to be found in the enormous disparity between the voting strength of the Scheduled Castes and the caste Hindus in most of the constituencies as may be seen from figures given in Appendix III. As the Simon Commission has observed, the device of the reserved seats ceases to be workable where the protected community constitutes an exceedingly small fraction of any manageable constituency. This is exactly the case of the Scheduled Castes. This disparity cannot be ignored. It will remain even under adult suffrage. That being the case, a foolproof and a knave-proof method must be found to ensure real representation to the Scheduled Castes. Such a method must involve the abolition of— (i) the Primary election as a needless and heavy encumbrance; and (ii) the substitution of separate electorates.

5. One of the issues which has embittered the relations between the Hindus and the Scheduled Castes in the political field is the issue of electorate. The Scheduled Castes are insisting upon separate electorates. The Hindus are equally insistent on opposing the demand. To arrive at a settlement on this issue—without which there can be no peace and amity between the Hindus and the Scheduled Castes—it is

necessary to determine who is right and who is wrong and whether the opposition is based on rational grounds or is based on mere prejudice.

6. The grounds which are generally urged against the demand of the Scheduled Castes for separate electorates are:

(i) that the Scheduled Castes are not a minority;

(ii) that the Scheduled Castes are Hindus and therefore they cannot have separate electorates;

(iii) that separate electorates will perpetuate untouchability;

(iv) that separate electorates are anti-national; and

(v) that separate electorates enables British Imperialism to influence the communities having separate electorates to act against the interests of the country.

7. Are these arguments valid?

(i) To say that the Scheduled Castes are not a minority is to misunderstand the meaning of the word ' minority '. Separation in religion is not the only test of a minority. Nor is it a good and efficient test. Social discrimination constitutes the real test for determining whither a social group is or is not a minority. Even Mr. Gandhi thought it logical and practical to adopt this test in preference to that of religious separation. Following this test, Mr. Gandhi in an editorial under the heading. * The Fiction of Majority ' in the Harijan dated 21st October 1939 has given his opinion that the Scheduled Castes are the only real minority in India.

(ii) To argue that the Scheduled Castes are Hindus and therefore cannot demand separate electorates is to put the same argument in a different form. To make religious affiliation the determining factor for constitutional safeguards is to overlook the fact that the religious affiliation may be accompanied by an intense degree of social separation and discrimination. The belief that separate electorates go with separation in religion arises from the fact that those minorities who have been given separate electorates happen to be religious minorities. This, however, is not correct. Muslims are given separate electorates not because they are different from Hindus in point of religion. They are given separate electorates because—and this is the fundamental fact—

the social relations between the Hindus and the Musalmans are marked by social discrimination. To put the point in a somewhat different manner, the nature of the electorates is determined not by reference to religion but by reference to social considerations. That it is social considerations and not religious affiliation or disaffiliation which is accepted as the basis of determining the nature of the electorates is best illustrated by the arrangements made under the Government of India Act (1935) for the Christian community in India. The Christian community is divided into three sections—Europeans, Anglo-Indians and Indian Christians. In spite of the fact that they all belong to the same religion, each section has a separate electorate. This shows that what is decisive is not religious affiliation but social separation.

(iii) To urge that separate electorates prevent solidarity between the Untouchables and the Caste Hindus is the result of confused thinking. Elections take place once in five years. Assuming there were joint electorates, it is difficult to understand how social solidarity between the Hindus and the Untouchables can be promoted by their devoting one day for voting together when out of the rest of the five years they are leading severally separate lives? Similarly, assuming that there were separate electorates it is difficult to understand how one day devoted to separate voting in the course of five years can make for greater separation than what already exist? Or contrariwise, how can one day in five years devoted to separate voting prevent those who wish to work for their union from carrying out heir purposes. To make it concrete, how can separate electorate for the Untouchables prevent inter-marriage or inter-dining being introduced between them and the Hindus? It is therefore futile to say that separate electorates for the Untouchables will perpetuate separation between them and the Hindus.

(iv) To insist that separate electorates create anti-national spirit is contrary to experience. The Sikh have separate electorates. But no one can say that the Sikhs are anti-national. The Muslims have had separate electorates right from 1909. Mr. Jinnah had been elected by separate electorates. Yet, Mr. Jinnah was the apostle of Indian Nationalism up to 1935. The Indian Christians have separate electorates. Nonetheless a good lot of them have shown their partiality to the Congress if they have not been actually returned on the Congress ticket. Obviously, nationalism and anti-nationalism have nothing to do with the electoral system. They are the result of extra electoral forces.

(v) This argument has no force. It is nothing but escapism. Be that as it may, with free India any objection to separate electorates on such a ground must vanish.

8. The reason why the arguments advanced by the opponents of separate electorates do not stand the scrutiny of logic and experience is due entirely to the fact that their approach to the subject is fundamentally wrong. It is wrong in two respects :

(i) They fail to realise that the system of electorates has nothing to do with the religious nexus or communal nexus. It is nothing but a mechanism to enable a minority to return its true representative to the Legislature. Being a mechanism for the protection of a minority it follows that whether the electorate should be joint or separate must be left to be determined by the minority.

(ii) They fail to make any distinction between the demand for separate electorates by a majority community and a similar demand made by a minority community. A majority community has no right to demand separate electorates. The reason is simple. A right by a majority community to demand separate electorates is tantamount to a right to establish the Government of the majority community over the minority community without the consent of the minority. This is contrary to the well-established doctrine of democracy that government must be with the consent of the governed. No such evil consequence follows from the opposite principle namely that a minority community is entitled to determine the nature of the electorates suited to its interests, because there is no possibility of the minority being placed in a position to govern the majority.

9. A correct attitude towards the whole question rests on the following axioms:

(i) The system of electorates being a devise for the protection of the minority, the issue whether the electoral system should be the joint electorate or separate electorate must be left to the wishes of the minority. If it is large enough to influence the majority it will choose joint electorates. If it is too small for the purpose, it will prefer separate electorates for fear of being submerged.

(ii) The majority, being in a position to rule can have no voice in the determination of the system of electorates. If the minority wants

joint electorates, the majority must submit itself to joint electorates. If the minority decides to have separate electorates for itself the majority cannot refuse to grant them. In other words, the majority must look to the decision of the minority and abide by it.

PART I—clause 2

This demand may appear to be outside the Poona Pact in as much as the Poona Pact made no provision for it. This would not be correct. As a matter of fact, if no provision was made, it was because there was no need to make such a provision. This was due to two reasons : Firstly, it was due to the fact that at the time when the Poona Pact was made no community was guaranteed by Law a specific quantum of representation in Executive, Secondly, the representation of the communities in the Executive was left to a convention which the Governor by his instrument of instructions was required to see observed. Experience has shown that the quantum of representation of the Scheduled Castes in the Executive should now be fixed.

PART I—clause 3

This is not a new demand. Clause 8 of the Poona Pact guarantees to the Scheduled Castes fair representation in Public Services. It does not, however, define the quantum of representation. The demand has been admitted by the Government of India as legitimate and even the quantum of representation has been defined. All that remains is to give it a statutory basis.

PART II—clause I

This is not a new demand. Clause 9 of Poona Pact guarantees that an adequate sum shall be earmarked for the education of the Scheduled Castes. It does not define the quantum. All that the demand does is to define the quantum of liability the State should take. In this connection reference may be made to Section 83 of the Government of India Act, 1935, which relates to the education of the Anglo-Indians and Europeans and to the grants made to the Aligarh and Benaras Hindu Universities by the Central Government.

PART II—clause 2

This a new demand but is justified by circumstances. At present, the Hindus live in the village and the Untouchables live in the Ghettoes. The

object is to free the Untouchables from the thraldom of the Hindus. So long as the present arrangement continues it is impossible for the Untouchables either to free themselves from the yoke of the Hindus or to get rid of their Untouchability. It is the close knit association of the Untouchables with the Hindus living in the same villages which marks them out as Untouchables and which enables the Hindus to identify them as being Untouchables. India is admittedly a land of villages and so long as the village system provides an easy method of marking out and identifying the Untouchables, the Untouchable has no escape from Untouchability. It is the system of the Village plus the Ghetto which perpetuates Untouchability and the Untouchables therefore demand that the nexus should be broken and the Untouchables who are as a matter of fact socially separate should be made separate geographically and territorially also, and be settled into separate villages exclusively of Untouchables in which the distinction of the high and the low and of Touchable and Untouchable will find no place.

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

This economic dependence has also other consequences besides the condition of poverty and degradation which proceeds from it. The Hindu has a Code of life, which is part of his religion. This Code of life gives him many privileges and heaps upon the Untouchable many indignities which are incompatible with the dignity and sanctity of human life. The Untouchables all over India are fighting against the indignities and injustices which the Hindus in the name of their religion have heaped upon them. A perpetual war is going on every day in every village between the Hindus and the Untouchables. It does not see the light of the day. The Hindu Press is not prepared to give it publicity lest it should injure the cause of their freedom in the eyes of the world. The existence of a grim struggle between the Touchables and the Untouchables is however a fact. Under the village system the Untouchables has found himself greatly

handicapped in his struggle for free and honourable life. It is a contest between the Hindus who are economically and socially strong and the Untouchables who are economically poor and numerically small. That the Hindus most often succeed in suppressing the Untouchables is due to many causes. The Hindus have the Police and the Magistracy on their side. In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police and justice from the Magistrate. The Police and the Magistracy naturally love their class more than their duty. But the chief weapon in the armoury of the Hindus is economic power which they possess over the poor Untouchables living in the village. The proposal may be dubbed escapism. But the only alternative is perpetual slavery.

PART III—clause 1

No country which has the problem of Communal majority and Communal minority is without some kind of an arrangement whereby they agree to share political power. South Africa has such an understanding. So has Canada. The arrangement for sharing political power between the English and the French in Canada is carried to the minutes office. In referring to this fact Mr. Porritt in his book on the *Evolution of the Dominion* of Canada says:

> "Conditions at Ottawa, partly due to race and language, and partly to long-prevailing ideas as to the distribution of all government patronage, have militated against the Westminster precedent of continuing a member in the chair for two or three parliaments, regardless of the fortunes of political parties at general elections. There is a new speaker at Ottawa for each new House of Commons; and it has long been a custom that when one political party continues in power for two or three parliaments, if the speaker in one parliament is of British extraction the next one shall be a French-Canadian.
>
> "It is a rule also that the offices of speaker and of deputy speaker can at no time be held by men of the same race. If the speaker is a French-Canadian, the deputy speaker, who is also Chairman of committees, must be an English-speaking Canadian; for the rule of the House is that the member elected to serve as deputy speaker shall be required to possess the full and practical knowledge of the language which is not that of the speaker for the time being.

The clerkship and the assistant clerkship of the House, and the offices

of sergeant-at-arms and deputy sergeant-at-arms—all appointive as distinct from elective offices—are, by usage, also similarly divided between the two races.

Nearly all the offices, important and unimportant, connected with parliament, with the Senate as well as with the House, are distributed in accordance with these rules or usages. A roll call of the staffs of the two Houses, including even the boys in knicker-bockers who act as pages, would contain the names of almost as many French-Canadians as Canadians of British ancestry.

The rules and usages by virtue of which this distribution of offices is made are older than Confederation. They date back to the early years of the United Provinces, when Quebec and Ontario elected exactly the same number of members to the Legislature, and when these were the only provinces in the union.

Quebec today elects only 65 of the 234 members of the House of Commons. Its population is not one-fourth of the peculation of the Dominion. Its contribution to Dominion revenues does not exceed one-sixth. But an equal division of the offices of the House of Commons is regarded by Quebec as necessary to the preservation of its rights and privileges; and so long as each political party, when it is in power, is dependent on support from French-Canada, it will be nearly as difficult to ignore the claim of Quebec to these parliamentary honours and offices as it would be to repeal the clause in the British North America Act that safeguards the separate schools system.".

Unfortunately for the minorities in India, Indian Nationalism has developed a new doctrine which may be called the Divine Right of the Majority to rule the minorities according to the wishes of the majority. Any claim for the sharing of power by the minority is called communalism while the monopolizing of the whole power by the majority is called Nationalism. Guided by such a political philosophy the majority is not prepared to allow the minorities to share political power nor is it willing «to respect any convention made in that behalf as is evident from their repudiation of the obligation (to include representatives of the minorities in the cabinet) contained in the Instrument of Instructions issued to the Governors in the Government of India Act of 1935. Under these circumstances there is no way left but to have the rights of the Scheduled Castes embodied in the Constitution.

PART III—-clause 2

This is not a new demand. It replaces Clause 6 of the Poona Pact which provides that the system of representation for the Scheduled Castes by reserved seats shall continue until determined by mutual consent between the communities concerned in the settlement. Since there is no safe method of ascertaining the will of the Scheduled Castes as to how to amend and alter the safeguards provided for them it is necessary to formulate a plan which will take the place of Clause 6 of the Pact. Provisions having similar objectives to those contained in the proposal exist in the Constitution of Australia, America and South Africa.

In dealing with a matter of this sort two considerations have to be borne in mind. One is that it is not desirable to rule out the possibility of a change in the safeguards being made in the future by the parties concerned. On the other hand it is by no means desirable to incessant struggle over their revision. If the new Union and State Legislatures are to address themselves successfully to their responsibilities set out in the preamble it is desirable that they should not be distracted by the acute contentions between religions and classes which questions of change in the safeguards are bound to raise. Hence a period of twenty-five years has been laid down before any change could be considered.

PART IV

The object of this provision is to see that whatever safeguards are provided for the Scheduled Castes in British India are also provided for the Scheduled Castes in the Indian States. The provision lays down that an Indian State seeking admission to the Union shall have to satisfy that its Constitution contains these safeguards.

PART V—interpretation

Whether the Scheduled Castes are a minority or not has become a matter of controversy. The purpose of First Provision to set this controversy at rest. The Scheduled Castes are in a worst position as compared to any other minority in India. As such they required and deserve much more protection than any other minority does. The least one can do is to treat them as a minority.

The purpose of Second Provision is to remove the provincial bar. There

is no reason why a person who belongs to Scheduled Castes in one Province should lose the benefit of political privileges given by the Constitution merely because he happens to change his domicile.

Appendix II

TEXT OF THE POONA PACT

(1) There shall be seats reserved for the Depressed Classes out of the general electorates seats in the Provincial Legislatures as follows :

Madras		30
Bombay with Sind		15
Punjab		8
Bihar and Orissa		18
Central Provinces		20
Assam		7
Bengal		30
United Provinces		20
Total		148

These figures are based on total strength of the Provincial councils announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates, subject however, to the following procedure :

All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote; the four getting the highest number of votes in such Primary

election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of Primary election in the manner provided for in clause (2) above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen percent of seats allotted to the general electorate for British India in the said Legislature shall be reserved for the Depressed Classes.

(5) The system of Primary election to a panel of Candidates for election to the Central and Provincial Legislature, as herein before mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of clause (6) below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in clauses (1) and (4) shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to anyone on the ground of his being a member of the Depressed Class in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Service.

(9) In every Province out of the educational grant an adequate sum shall be earmarked for providing educational facilities to the Members of the Depressed Classes.

Appendix III

DISADVANTAGES OF THE POONA PACT

1. 1. The Poona Pact was intended to devise a method whereby the Scheduled Castes would be able to return to the Legislature representatives of their choice. This intention has been completely nullified as will he seen from the following series of statistics. The

series have been constructed from the results of the last elections which took place in February 1946.

2. 2. The statistical data is arranged in four series of tables :

First series show the votes secured by the successful Caste Hindu candidate and the successful Scheduled Caste candidate in the Final election.

Second series show in how many cases did reliance on reservation clause become necessary for the success of the Scheduled Caste candidate in the Final election and in how many he succeeded' without the benefit of reservation.

Third series show the relative voting strength of the Caste Hindus and the Scheduled Castes in constituencies in which seats are reserved for the Scheduled Castes.

Fourth series show the position in the Primary election of the Scheduled Caste Candidates who became successful in the Final elections.

3. The conclusions that follow from these figures will not escape those who care to examine them. The figures prove the following propositions :

(i) That every of the Scheduled Caste candidate who became successful in the Final election owed his success to the votes of the caste Hindus and not of the Scheduled Castes. A great many of them came to the top of the poll and secured votes equal to and in some cases larger than those obtained by Caste Hindu candidates (See Tables in the First Series). Secondly, in very few constituencies was the successful Scheduled Caste candidate required to rely on reservation (See Tables in the Second Series). This is a most unexpected phenomenon. Anyone who compares the voting strength of the Scheduled Castes with the. voting strength of the Caste Hindus in the different constituencies (See Tables in the Third Series) would realise that the voting strength of the Scheduled Castes is so small that such a phenomenon could never have occurred if only the Scheduled Castes voters had voted for the Scheduled Caste candidates. That they have occurred is proof positive that the success of the Scheduled Caste candidate in the Final election is conditioned by the Caste Hindu votes.

(ii) That comparing the results of the Primary election with those of

the Final election (See Tables in the Fourth series) the Scheduled Caste candidate who was elected in the Final election was one who had failed in the Primary election (if the Primary election be treated as a Final election and the constituency be treated as a single-member constituency).

(iii) Owing to the extreme disparity between the voting strength of the Hindus and the Scheduled Castes-disparity which will not disappear even under adult suffrage—a system of joint electorates will not succeed in giving the Scheduled Castes the chances of returning their true representatives.

(iv) The Poona Pact has completely disfranchised the Scheduled Castes inasmuch as candidates whom they rejected in the Primary elections— which is a true index of their will—have been returned in the Final election by the votes of the Caste Hindus.

The Poona Pact is thus fought with mischief. It was accepted because of the coercive fast of Mr. Gandhi and because of the assurance given at the time that the Hindus will not interfere in the ejection of the Scheduled Castes.

FIRST SERIES

Votes obtained by the successful Scheduled Caste candidates as compared
with the votes secured by the successful Caste Hindu candidates.

Part I—Madras

Part II—Bengal
Part III—Bombay
Part IV—U.P.
Part V—C.P.
Part VI—Assam
Part VII—Orissa

First Series 1.

MADRAS

Name of the Constituency	Seats	Votes polled by successful Hindu Candidates	Votes polled by successful Scheduled Caste candidates
1. Coconada	2	32,607	28,544
2. Ellore	2	37,618	38,195
3. Bandar	2	69,319	70,931
4. Ongole	2	50,906	49,992
5. Penukonda	2	17,406	18,125
6. Kurnool	2	32,756	32,294
7. Chingleput	2	13,865	15,129
8. Thiruvahir	2	17,225	17,818
9. Ranipet	2	21,249	21,059
10. Tiruvannamalai	2	31,476	32,132
11. Tindivanam	2	25,626	25,442
12. Chidambaram	2	15,272	14,874
13. Tanjore	2	26,904	16,133
i4. Mannargudi	2	29,932	30,116
15. Ariyalur	2	22,656	20,520
16. Sattur	2	30,988	29,530
17. Malapuram	2	28,229	28,085
18. Namakkal	2	15,433	15,085

II. BENGAL

Name of the Constituency	Seats	Votes polled by successful Hindu Candidates	Votes polled by successful Scheduled Caste candidates	
1. Burdwan Central	2	42,858	33,903	
2. Burdwan, North-West	2	32,270	25,723	
3. Birbhum	2	24,629	20,252	
4. Bankura, West	2	30,388	21,266	
5. Thurgram-cum-Ghatal	2	40,900	19,060	
6. Hooghly, North-East	2	26,132	18,768	
7. Howrah	2	40,608	36,099	
8. 24 Parganas, South-East	2	50,345	38,459	
9. 24 Parganas, North-West	2	45,339	48,272	
10. Nadia	2	30,489	28,054	
11. Murshidabad	2	32,386	26,958	
12. Jessore	2	38,665	41,434	
13. Khulna	3	79,218	57,724	44,043
14. Malda	2	32,728	12,796	
15. Dinajpur	3	46,146	35,127	30,839
16. Jalpaiguri-cww-Siliguri	3	30,950	26,109	13,829

17. Rangpur	3	46,869	29,657	23,237
18. Bogra-cum-Pabna	2	43,249	31,5i5	
19. Dacca, East	2	51,808	31,392	
20. Mymensingh, West	2	37,983	32,782	
21. Mymensingh, East	2	43,678	32,207	
22, Faridpur	2	70,115	51,450	29,503
23. Bakargunj	2	48,560	28,560	
24. Tippera	2	60,146	59,051	

III. BOMBAY

Name of the Constituency	Seats	Votes polled by successful Hindu Candidates			Votes polled by successful Scheduled Caste Candidates
1. Bombay City (Suburban)	3	57,182	47,835		59,646
2. Bombay City (Byculla)	3	42,143	41,795		43,251
3. Kaira District	4	68,044	63,422	57,394	69,807
4. Surat District	4	40,232	39,985	39,610	39,849
5. Thana, South	3	30,581	27,587		11,630
6. Ahmednagar,	3	25,747	20,948		20,908

South					
7. East Khandesh, East	4	38,721	34,349	33,960	36,136
8. Nasik, West	4	37,218	36,794	36,555	42,604
9. Poona, West	3	23,758	23,454		24,709
10. Satara, North	4	44,315	42,727	41,474	43,961
11. Sholapur, North-East	3	19,380	16,705		18,264
12. Belgaum, North	4	55,787	50,759	49,867	27,682
13. Bijapur, North	3	23,083	20,838		16,059
14. Kolaba District	4	41,012	38,864	35.633	17,676
15. Ratnagiri, North	4	13,640	10,985	10,372	11,734

IV. CENTRAL PROVINCES

Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
1. Lucknow City	2	24,614	14,110
2. Cawnpore City	2	34,550	34,782
3. Agra City	2	17,446	16,343
4. Allahabad City	2	19,870	10,308
5. Badaun District	2	6,716	14,037
6. Jalaun District	2	21,692	15,363
7. Basti District	2	14,450	15,447

8. Almora District	2	36,371	20,605
9. Rai Bareilli	2	15,917	1,889
10. Sitapur District	2	28,665	20,204
11.GondaDistrict	2	17,949	13,447

V. CENTRAL PROVINCES

Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
1.Nagpur City	2	21,905	23,595
2. Nagpur-Umred	2	8,330	7,847
3. Hinganghat-Wardha	2	11,677	10,781
4. Chanda-Brahmapuri	2	10,208	8,144
5. Chindwara-Sansad	2	16,365	6,190
6. Saugor-Khurai	2	7,829	5,162
7. Raipur	2	8,183	6,112
8. Baloda Bazar	2	21,861	9,659
9. Bilaspur	2	13,109	6,030

10. Mungeli	2	9,600	6,418
11. Tanjgir	2	11,914	7,419
12. Drug	2	5,975	5,593
13. Bhandara-Sakoli	2	16,824	10,491
14. Yeotmal-Daresha	2	10,915	4,719
15. Ellichpur	2	16,298	4,592
16. Chikhli-Mehkar	2	16,397	2,748
17. Akola-Balapur	2	6,455	5,567

VI. ASSAM

	Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
	1	2	3 4	5
1	Kamrup-Saor, South	3	15,890	13,693
2	Nowgong	1	14,971	14,560
3.	Jorhat, North	2	17,429	5,809
4.	Habibganj	2	10,985	9,770
5.	Karimganj	2	12,562	11,676
6.	Silchar	2	17,340	7,081

VII. ORISSA

	Name of the Constituency	Seats	Votes obtained by Successful Hindu Candidates	Votes obtained by successful Scheduled Caste candidates
1.	East Tajpur	2	8,427	8,712
2.	East Burgarh	2	4,195	937

Second Series

Number of Constituencies in which Reservation became necessary for the Scheduled Caste Candidates to succeed in Election						
Province	Number of. Constituencies in which seats are reserved for the Scheduled Castes	Number of Constituencies in which there was a conflict	Number of Constituencies in which the contest was due to excess of Hindu candidates	Number of Constituencies in which the contest was due to excess of Scheduled Caste candidates	Number of Constituencies in which the contest was due to excess of both	Number of Constituencies in which reliance on reservation became necessary for the Scheduled Caste candidates to succeed
1	2	3	6	5	6	7

1. Madras	30	18	14	17		None
2. Bengal	30	24	19	24	19	None
3. Bombay	15	15	15	15	15	2
4. C. P.	22	17	14	17	14	2
5. U.P.	15	11	5	11	6	None
6. Assam						2
7. Orissa		2		2		None
8 Punjab	8					

APPENDICES

Appendices Continued___

Appendix IV : Statistics of population

Third Series
Relative Voting Strength of Caste Hindus and Scheduled Castes

I.MADRAS

Constituency	Total Number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3

1	2	3	4
1. 1. Madras City, south-Central Central	26,922	4,082	1: 6.6
2. Chicacole	90,496	8,070	1 :11.2
3. Amalapuram	95,954	28,282	1: 3.4
4. Cocanada	86,932	17,616	1: 4.9
5. Ellore	88,249	16,835	1: 5.24
6. Ongole	1,10,152	11,233	1: 9.8
7. Gudur	52,415	10,263	1: 5.1
8. Cuddapah	92,572	10,842	1: 8.5
9. Penukonda	74,952	11,896	1: 6.3
10. Bellary	85,928	10,146	1: 8.5
11. Kurnool	72,753	11,679	1: 6.2
12. Tirutanni	77,337	15,243	1: 5.07
13. Chingleput	73,554	22.182	1: 3.3
14. Tiruvallur	81,814	21,287	1: 3.8
15. Ranipet	24,403	11,271	1: 2.1
16. Tiruvannamalai	97,259	15,536	1: 6.2
17. Tindivanam	85,514	19,221	1: 4.4
18. Chidambaram	96,086	16,762	1: 5.7
19. Tirukoyilur	1,02,482	21,733	1: 4.7
20. Tanjore	99,496	13,198	1: 7.5
21. Manaargudi	69,579	11,547	1: 5.8

22. Ariyalur	1,13,630	16,772	1: 6.7
23. Palani	92,655	13,521	1: 6.8
24. Sattur	84,169	8,033	1:10.5
25. Koilpatti	1,00,521	20,907	1: 4.8
26. Pollachi	63,821	12,808	1: 4.9
27. Namakkal	51,860	11,407	1: 4.5
28. Coondapur	46,032	8,030	1: 5.7
29. Malapuram	70,346	10,808	1: 6.5

II. BOMBAY

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
General Urban			
1. Bombay City North and Bombay Suburban District	1,67,002	34,266	1: 4.8
2. Bombay City—Byculla and Parel	1,52,991	28,520	1: 5.3
General Rural			
3. Kaira District	1,39,508	7,318	1: 19.06

4. Surat District	85,670	4,765	1: 18.8
5. Thana, South	67,749	4,668	1: 14.5
6. Ahmednagar, South	73,162	7,382	1: 9.9
7. East Khandesh, East	91,377	10,109	1: 9.35
8. Nasik, West	99,274	12,698	1:7.7
9. Poona, West	73,551	13,055	1: 5.6
10. Satara, North	95,459	11,152	1: 8.5
11. Sholapur, North-East	64,583	9,713	1: 6.6
12. Belgaum, North	79,422	18,303	1: 4.3
13. Bijapur, North	60,655	8,993	1: 6.7
14. Kolaba District	1,03,828	5,001	1: 20.7
15. Ratnagiri, North	32,606	3,529	1: 9.2

III. BENGAL

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
General Rural			
1. Burdwan, Central	74,306	24,610	1: 3.01

2. Burdwan, North-West	80,035	16,830	1: 4.8
3. Birbhum	1,03,231	37,637	1: 2.7
4. Bankura, West . .	84,128	25,487	1: 3.3
5.Midnapore, Central	99,961	20,167	1: 4.95
6. Jhargam-Cum-Ghatal	64,031	13,091	1: 4.85
7. Hooghly, North-East.	67,697	20,318	1: 3.33.
8. Howrah	1,03,346	22.990	1: 4.5
9. 24 Parganas, South-	82,366	47,378	1: 1.7

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency
10.	24 Parganas, North-East.	85,477	30,607
11.	Nadia	90,092	25,605
12.	Murshidabad	81,083	17,176
13.	Jessore	1,21,760	55,052

14.	Khulna	1,45,335	76,848
15.	Malda	73,664	29,010
16.	Dinajpur	1,48,804	1,18,454
17.	Jalpaiguri-cum-Siliguri	78,552	65,679
18.	Rangpur	29,437	65,679
19.	Bogra-cwn-Pabna	87,704	33,873
20.	Dacca, East	94,858	40,238
21.	Mymensingh, West	98,795	38,046
22.	Mymensingh, East	68,360	29,588
23.	Faridpur	1,72,683	96,319
24.	Bakarganj, South-West.	78,796	49,014
25.	Tippera	1,27,097	34,813

IV. UNITED PROVINCES

	Constituency	Total number of	Total number of	Relative proportion of

		voters in the Constituency	Scheduled Caste voters in the Constituency	columns 2 and 3
	1	2	3	4
	General Urban			
1.	Lucknow City	89,412	9,079	1: 9.8
2.	Cawnpore City	1,31,599	22,515	1: 5.8
3.	Agra City	47,505	10,105	1: 4.7
4.	Allahabad City	55,379	6,854	1: 8.07
	General Rural			
5.	Charanpur District, South-East.	47,773	7,256	1: 6.5
6.	Bulandshah District, South-East.	49,699	7,506	1: 6.6
7.	Agra District, North-East.	61,515	8,290	1: 7.4
8.	Manipuri District North-East.	51,406	5,878	1: 8.7
9. Budaun District, East		46,966	7,087	1: 6.6
10. Jalaun District . .		68,815	14,611	1: 4.7
11. Mirzapur District, North.		43,648	4,045	1: 10.7
12. Gorakhpur District, North.		43,441	5,626	1: 7.7

13. Basti District, South	37,084	4,194	1: 8.8
14. Azamgarh District, West.	51,194	8,127	1: 6.2
15. Almora District . .	1,39,217	20,671	1: 6.7
16. Rai Bareilli District, North-East.	48,697	10,488	1: 4.6
17. Sitapur District, North-East.	76,682	22,913	1: 3.3
18. Fyzabad District, East.	57,154	9,988	1: 5.7
19. Gonda District, North-East.	64,225	8,274	1: 7.7
20. Bara Banki District, North.	68,285	16,303	1:4.18

V. CENTRAL PROVINCES

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency
	1	2	3
	General Urban		
1	Nagpur City	72,329	14,388
	General Rural		
2	Nagpur-Umrer	29,267	6,037
3	Hinghanghat-Wardha	35,201	4,011

4	Chanda-Brahmapuri	30,132	5,229
5	Chindwara-Sausar	37,942	3,914
6	Jubulpure-Patan	20,587	1,186
7	Saugor-Khurai	30,660	5,224
8	Damoh-Hatta	33,284	3,608
9	Narsinghpur-Gadarwara.	35,781	2,019
10	Raipur	33,053	11,041
11.	Baloda Bazar	46,943	15,636
12.	Bilaspur	33,260	10,547
13.	Mungeli	28,028	10,067
14.	Janjgir	42,763	13,558
15.	Drug	34,883	8,942
16.	Bhandara-Sakoli	47,047	10,399
17.	Ellichpur-Dartapur-Nelghat	30,094	2,885
18.	Akola-Belapur	25,912	3,233
19.	Yeotmal-Darwha	20,327	2,020
20.	Chikhli-Mehkar	37,936	3,468

VI. BIHAR

	Constituency	Total number of voters in the	Total number of Scheduled Caste voters in the

		Constituency	Constituency
	1	2	3
1.	East Bihar	35,631	4,618
2.	South Gaya	49,363	10,360
3.	Nawada	41,432	7,684
4.	East Central Shahabad	41,707	5,984
5.	West Gopalganj	33,395	3,415
6.	North Bettiah	25,760	2,831
7.	East Muzaffarpur-Sadr.	27,271	3,133
8.	Darbhanga Sadr	26,864	2,116
9.	South-East Samastipur	37,291	2,672
10.	South Sadr-Monghyr	54,229	6,465
11.	Madhipura South-West	26,523	1,284
12.	Purnea	44,232	2,938
13.	Giridih-cum-Ghatra	55,246	4,667
14,	North-East Palamnu	23,072	4,237
15.	Central Manbhum	39,626	5,617

VII. ASSAM

	Constituency	Total number of	Total number of Scheduled	Relative

		voters in the Constituency	Caste voters in the Constituency	proportion of columns 2 and 3
	1	2	3	4
1.	Nowgong, North-East	26,618	3,569	1: 7.2
2.	Kamrup Sadr, South	33,234	2,117	1: 15.6
3.	Silchar	38,647	4,201	1: 9.2
4.	Karimganj, East	25,701	10,132	1: 2.5
5.	Jorhat, North	26,733	1,360	1 : 19.6
6.	Jonamganj	39,045	11,603	1: 3.3
7.	Habibganj, North	31,511	9,996	1: 3.1

VIII. PUNJAB

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
1.	South-East Gurgaon	37,815	6,049	1 : 6.2
2.	Karnal, North	31,967	5,120	1: 6.2
3.	Ambala and Simla	47,403	17,507	1: 3.27

4.	Hoshiarpur, West	51,084	7,281	1: 7.0
5.	Jullundur	36,570	20,521	1: 1.8
6.	Ludhiana and Ferozepur	52,009	27,354	1: 1.8
7.	Amritsar and Sialkot	38,046	10,328	1: 3.68
8.	Lyallpur and Jhang	32,703	7,602	1: 4.2

Fourth Series
Comparison of Primary Election and Final Election
1. Madras

Constituency	Scheduled Caste candidate who was successful in Final election		Number of votes secured	His rank among candidates who fought the election	His position in the Primary election treating the Constituency as a single member Constituency	Votes What his success in obtained Primary election in the due to bare or Primary absolute majority election or split vote
	His name	His party affiliation				
1	2	3	4	5	6	7 8
1. Amalapuram	Pandu Lakshmanaswami	Congress	48,524	1st among 3	3rd (failed)	2,683

2. Cocanada	B. S. Murthy	Congress	28,544	2nd among 4 (beating 2 Hindus)	4th (failed)	1,411
3. Bandar	Vernula Kurmayya	Congress	70,931	1st among 6 (beating 4 Hindus)	2nd (failed)	4,914
4. Cuddapah	Swarna Nagayya	Congress			1st	3,482 Absolute majority.
5. Penukonda	D. Kadrippa	Congress	18,125	1st among 4 (beating 1 Hindu and 2 Sch. Casts)	1st	2,564 Bare majority.
6. Tiruvannamali	R. Thangavelu	Congress	32,132	1st among 5 (beating 1 Hindu and 2 Sch. Casts)	1st	1,960 Bare majority.
7. Tindivanam	K. Kulashekhardas	Congress	25,442	2nd among 4 (beating 2	1st	2,785 Split vote.

				Hindus)		
8. Mannargudi	Thiagoo Voikarar	Congress	30,116	1st among 5 (beating 5 Hindus)	1st	2,895 Split vote.
9. Pollachi	C. Krishna Kudumban	Congress			1st	2,430 Absolute majority.
10. Namakkal	M. P. Periyaswami	Congress	15,085	2nd among 5 (beating 2 Hindus and 1 Sch. Caste).	1st	2,355 Bare majority.

Constituency 1	Scheduled Caste candidate who was successful in Final election			His rank among candidates who fought the general election 5	His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election 7	Was his success in Primary election due to bare or absolute
	His name 2	His party affiliation 3	Number of votes secured 4				

					6		majority or split vote 8
1. Bombay City, North	Savlaram Gundaji Songaoker.	Congress	59,646	1st among 3 (standing above 2 Hindus)	2nd (failed)	2,038	
2. Bombay City, Byculla and Parel	N. S. Kajrolkar	Congress	43,251	1st among 3 standing above 2 (general candidates	2nd (failed)	2,098	
3. East Khandesh, East.	Hiralal Kalyani	Congress	36,136	2nd among 4 (beating 2)	2nd (failed)	1,147	

III. CENTRAL PROVINCES

Scheduled Caste candidate who was successful in Final election	His rank among candidates who fought the general election 5	His position in the Primary election treating	Votes obtained in the Primary election 7	Was his success in Primary election due to bare

						the Constituency as a single member Constituency 6		or absolute majority or split vote 8
	Constituency 1	His name 2	His party affiliation 3	Number of votes secured 4				
1. 2. 3.	Agra City Allahabad City Almora	Ram Chand Masuria Din Khushi Ram	Congress Congress Congress	16,343 10,308 20,605	2nd 2nd 2nd	1st 1st 2nd (failed)	836 1,701 937	Bare majority and split vote. Bare majority and split vote.

V.PUNJAB

Scheduled Caste candidate who was successful in Final election	His rank among candidates who fought the general election 5	His position in the Primary election	Votes obtained in the Primary electi	Was his success in Primary election due

						treating the Constituency as a single member Constituency 6	on 7	to bare or absolute majority or split vote 8
	Constituency 1	His name 2	His party affiliation 3	Number of votes secured 4				
	South-East Gur-gaon. Kamal, North Ambala-Simla Hoshiarpur, West Jullundhur Ludhyana - Ferozpur. Lyallpur and Jhang	Prem Singh Sunder Prithiv Singh Azad Mehr Chand Gurbanta Singh Matu Ram Harbhaj Ram	Unionist Congress Congress Congress Congress Congress	7,706 3,136 10,503 16,307 21,476 24,352 8,312	2nd 2nd 2nd 2nd 1st 1st 2nd	1st 1st 3rd (failed) 3rd (failed) 1st 4th (failed) 2nd (failed)	1,353 519 1,392 641 812 1,166	Split vote Bare majority

Appendix IV

STATISTICS OF POPULATION

The population of the Scheduled Caste in 1941 is estimated at 48,793,180. Can this figure be accepted as accurate?

In coming to a definite conclusion on this issue the following points must be borne in mind :—

(i) The population of the Scheduled Castes in 1941 as compared with their population in 1932 shows a decline.

(ii) The population of all other communities during the same period shows an increase of 15 per cent.

The question is whether there is any special reason why the population of the Scheduled Castes should have declined.

Was the basis for computation of the population of the Scheduled Castes in 1931 the same as in 1941? The answer is in the affirmative. The figures given for 1931 are the result of recasting of the Census of 1931 in the light of the definition of"Untouchables"given by the Lothian Committee. The same basis was adopted in 1941. It cannot therefore be said that the decline in the population of the Scheduled Castes In 1941 was due to an overestimate made in 1931.

It is true that the Census for. 1941 does not give any figures for the Scheduled Castes for Ajmer-Merwara and Gwalior State. But even adding to the total for 1941 the figures for these two areas as they stood in 1931 the population comes to only 49,538,145 which still shows a comparative decline.

The want of any proper explanation for the decline of the Scheduled Caste population and an increase in the population of all other communities during the same decade only reinforces the impression which every honest student of Indian census has formed namely that the Census of India has over a number of decades ceased to be an operation in demography. It has become a political affair. Every community seems to be attempting to artificially augment its numbers at the cost of some other community for the sake of capturing greater and greater degree of political power in its own hands. The Scheduled Castes seem to have been made a common victim for the satisfaction of the combined greed of the other communities who through their propagandists or enumerators are able to

control the operation and the results of the Census.

In the light of these circumstances it is fair to demand that an accurate figure for the population of the Scheduler Castes would be the Census figure as corrected by the inclusion of the population for Ajmer-Merwara and Gwalior State plus an increase of 15 per cent to give them the benefit of the general rise in the population.

POPULATION OF DIFFERENT COMMUNITIES ACCORDING TO THE CENSUS OF 1941

OF 1941

	Hindus	Scheduled Castes	Muslims	Sikhs	Indian Christians	Anglo-Indians	Parsis
	1	2	3	4	5	6	7
Provinces	150,890,146	39,920.807	79,398,503	4,165.097	3,245,706	1,13,936	1,01,968
Ajmer-Merwara	376,481		89,899479	867	3.895	1,005	
Assam*	3,586,932	676,	3,442,291	3,464	37,750	634	2
Baluchistan	39,521	5,102	438,930	11,918	2,633	263	75
Bengal	17,680,054	7,378,970	33,005,434	16,281	110,923	31,619	86,270
Bihar	2.2.173,890	4,340,379,	4716,314	13,213	24,693	5,963	547
Orissa	5,594,535	1,238.171	146,301	232	26.584	789	13
Bombay	14,700,242	1,855,148	1.920,368	6,044	338,812	14.034	43,457
Sind	1,038,29	191,63	3,208,3	31,011	13,23	2,731	1,936

	2	4	25		2		
Central Provinces and Berar	9,880,583	3,051,413	783,697	3,051,413 783,697	48,260	4,538	2,014
Coorg	105,013	25,740	14,730	Nil	3,309	SO	12
Delhi	444,532	122,693	304,971	16,157	10,494	3,408	284
Madras	34,731,330	8,068,492	8,896,452	418	2,001,082	28,661	369
N.W.F.P.	180,321	?	2,788,797	57,939	5.426	837	24
Punjab	6.301,737	1,248,635	16.217.242	3,757,401	486,038	5,891	4,327
United States	34,094,511	11,717,158	8,416,308	232,445	131,32?	13383	1,375
States and Agencies	55,227,180	8.892,373	12,659,593 48,813.180 92.058,096	1,526,350	2,794.959	26,468	12,922
INDIA	206,117,326	8.892,373	12,659,593 48,813.180 92.058,096	5.691,447	6,040,665	140,422	114,490
* Tribes 6,484,996.							

Appendix IV

POPULATION FIGURES

Table 1

							Decrease (—)
	Provinces	States and agencies	Total India	Provinces	States and agencies	Total India	Total percentage
	1	2	3	4	5	6	7
Hindus	139,319,979	50,335,391	189,654,370	150,890,146	55,227,180	206,117,326	+ 26,462,956
Scheduled Castes	38,409,009	11,131,761	49,540,770	39,920,807	8,892,373 48,793,180	48,793,180	— 747,590
Muslims	67,020,443	10,657,102	77,677,545	79,398,503	12,659,598	92,058,096	+14,381,551
Sikhs	3,220,997	1,114,774	4,335,771	4,165,097	1,526.350	5,691,447	+ 1,355,676
Christians	3,866,660	2,430,103	6,296,763	3,471,430	2,834,119	6,316,119	+19,786
Parsis	96,549	13,203	109,752	101,968	12,922	114,890	- 5,138

THE CONSTITUTION OF BRITISH INDIA

1. Introductory : Limits of the Subject.

The Constitution of British India is contained in an enactment called the Government of India Act, 1919. A student of the Constitution of India therefore has not to search for the constitution as the student of the English Constitution has to do. His position is very much like the position of the student of the American Constitution, whose problem is nothing more than to understand and to interpret the statute embodying the Constitution of the United States. From this point of view it would seem unnecessary to raise the question what is Constitutional Law and what are the questions that usually fall within its scope. Secondly assuming that it is necessary to define the limits of the subject of Constitutional Law the question is whether such an inquiry should form a preliminary to the discussion of the subject or whether it should form a concluding part of it. The late Professor Maitland in his Study of the English Constitutional History adopted the latter course. And there is a great deal to be said in favour of such a course. There are reasons however why such a course would not be suitable to the study of the Indian Constitution.

The reasons why the question what is Constitutional Law must be raised at the outset, so that we could be clear as to the limits of our subject and the topics that must fall within it will be obvious from one *or* two illustrations. The Government of India Act does not say anything about the Writ of Habeas Corpus or the Writ of Mandamus or Certiorari. It does not speak of Martial Law or Administrative Law. It does not speak of the right of Paramountcy, what the Government of India undoubtedly exercises in respect of their dealings with the Indian States. Is it necessary to study these questions or is it not? Are they proper subject to the study of the Indian Constitutional Law or are they not? Judging by the tests of how these subjects have been dealt with in other countries by authorities who have studied the Constitutional Law of these countries there can be no doubt that by common consent all these matters are treated as pertaining to the domain of constitutional law. If therefore these subjects which do not find a place in the Government of India Act but which all the same must form a part of the study of Constitutional Law, the question of the definition of the

subject becomes important.

To the question, what is Constitutional Law, different people have given different answers. One may take Austin and Maitland as types representing two schools of thought. Austin subdivides Public Law or what he calls the Law of Political Conditions into two classes. Constitutional Law and Administrative Law. According to him Constitutional Law determines the persons or the classes of persons who shall bear the sovereign power in the State. He defines the mode in which these persons shall share those powers. Austin's definition of Constitutional Law as is obvious includes only those rules which determine the constitution and composition of the sovereign body. He excludes from the Constitutional Law all rules which deal with the exercise of the sovereignty by the sovereign body. While Austin makes the definition of the Constitutional Law depend upon the logic of his principles, Maitland makes the limits of Constitutional Law a matter of conscience. To Maitland, Constitutional Law includes not only the rules which determine the rules of the composition of the sovereign body, but it would also include the Privy Council, the Departments of the State, the Secretaries of the State, Judges, Justices of the Peace, Poor Law Guardians, Boards of Health and Policemen. These views represent the two extremes and if Austin's is too narrow, Maitland's undoubtedly is too wide.

There is however a middle position which can be founded upon the views of Prof. Holland—expressed in his Jurisprudence. A right is a capacity residing in one person of controlling, with the assent and assistance of the State, the actions of another. Rights which may be conferred by one citizen against another constitute the subject matter of Private Law. The rights which the State claims to itself against the subjects and the rights which it permits against itself constitute Public Law.

Constitutional Law is undoubtedly part of Public Law and as far as it is so it must discuss the rights of the State against the subjects and the rights of the subjects against the State. But Constitutional Law include more than this. It must include the study of the organisation of the state for the State is an artificial person which claims the right to punish, to possess property, to make contracts and to regulate its rights and duties as between itself and the subjects and also as between the subjects themselves. It is necessary to inquire how this artificial person is constituted. The study of the Constitutional Law therefore must include the study of three matters : (1) The organisation of the State, (2) The

rights of the State against the subjects and (3) The rights of the subjects against the State. It is this view of the limits and scope of the Constitutional Law that I propose to follow in these lectures on the Government of India Act and it is the view adopted by Prof. Anson in his Study of the English Constitution.

There is another question which is bound to crop up and which has better be disposed of at the outset. Is the treatment of the subject to be historical or to be descriptive? Some history cannot be avoided in the study of the Government of India Act. The Government of India Act says that all remedies that were available against the East India Company shall continue to be available against the Secretary of State. The Government of India Act also says that His Majesty may establish High Courts by Letters Patent. The Letters Patent say that the High Court shall exercise all the powers of the Supreme Court which they superseded. Many other Sections of similar character in the Government of India Act could be referred to. But the two mentioned are sufficient to illustrate that history cannot be avoided. For, in dealing with the Constitution of India, to understand the remedies available against the Secretary of State one must inquire what were the remedies open to a subject against the East India Company. Nor can one understand the powers of the High Court until one enquires what were the powers with which the Supreme Court was invested. Although some history would be necessary, there can be no justification in a study of the Constitutional Law as it operates today to study every part of it historically. All past is of no moment to the present. Only the part of the present need be adverted to, and that is what I propose to do when any particular question requires historical treatment for its proper understanding.

[We have not received any other essay on this subject—ed.]

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

A STUDY IN THE PROVINCIAL DECENTRALISATION OF IMPERIAL FINANCE

By

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India and their Remedies"

WITH A FOREWORD BY

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PREFACE

For a long time to come students will be saved the conventional humiliation of making an apology for presenting a study of Indian Finance or Economics. But it will, on the other hand, be necessary, I

fear, for an equally long period, for them to tender an apology for the shortcomings of their respective investigations. Even when the treatment of a subject is analytical, a good analytical study often requires an historical setting. Unfortunately no spade-work has been done in the field of Indian Finance. Consequently the difficulties which beset a pioneer in that field are immense. There is occasionally the difficulty owing to the antecedents of some point not having been quite completely elucidated. Often there is the apprehension of some error having crept in, and, when there is hardly anyone to save the student from it, there is nothing but to smart under a sense of irritating affliction. Not very seldom does it happen that a pioneer student is jubilant over his find of material bearing on his subject, but it is not without a long and wearisome search that he is able to sift the grain from the chaff. Again, sources sometimes prove false guides, so that a perusal of them only ends in a considerable waste of time and energy.

Precisely these have been the difficulties besetting the present task. There are no books to prepare the student for his work and hardly any savant to lighten his labour or set him on the proper track. Not withstanding such odds, an attempt is made to make this study thorough without being too detailed. This has rendered the undertaking quite a laborious one. But I do not wish to speak of the labour that is involved, nor do I wish to astonish the reader with what might appear to be a formidable list of books and documents consulted in the preparation of this monograph. What I am anxious to speak of are its shortcomings. There are indeed many of them which a well-versed critic may spot out. It is my hope that they are not of such a character as seriously to impair the value which this monograph may otherwise be said to possess. My regrets are with regard to only a few of them. I have specified a date as to when Local Decentralisation of Finance commenced in India; but I feel that that date may not be the earliest and that there may be a date earlier than that one given by me. I wish I had settled that point finally. But that would have been a task analogous to that of searching for a needle in a haystack, and it is doubtful whether the value of that result would have been commensurate with that labour. Besides, although I am not confident of my date, my feeling is that later researches may after all confirm my statement. Another matter which l have not dealt

with, but which I would have liked to have dealt with, was the inter-relation of Provincial and Local Finance. This I had originally planned to do, but left pursuing it because I found that the chief subject I was dealing with, namely, the Provincial Decentralisation of Imperial Finance, began to be overlaid by facts and arguments not germane to that topic. These shortcomings will, however, be removed by a supplementary monograph on Local Finance in British India, which is well under way and which I hope to publish before long. Occasional repetitions may also be pointed out as a defect of this monograph. That they should be avoided is all very well. But where economy in the words of explanation are likely to obscure, repetitions such as are I unavoidable must be justified, for the interests of clarification should always outweigh the tedium they involve.

I cannot conclude this preface without thanking Mr. Robinson, the Financial Secretary at the India Office, for many valuable suggestions and for the loan of many important documents bearing on the subject. I am also thankful to Prof. Cannan, of the University of London, who has read the rough draft of a small part of the manuscript. My debt to Prof. Seligman, my teacher at Columbia University, is of course immense : for from him I learned my first lessons in the theory of Public Finance. I am obliged to my friend Mr. C. S. Deole for assistance afforded in the dreary task of reading the proofs.

FOREWORD

The problem discussed by Mr. Ambedkar in his excellent dissertation is one that is arousing a growing interest in all parts of the world. From the very beginning we find fiscal burdens imposed by both central and local governments. As soon as there was a political organisation, the conduct of war on the one hand and the provision of local protection and convenience on the other called for expenditures on the part of both state and local authorities. It was only at a later period that there was interpolated between the local and the central political organisations the intermediate form which Mr. Ambedkar calls the provincial government. The names applied to these various classes of expenditure differ with the authorities themselves. In India, we speak of local, provincial, and imperial

expenditure; in Germany, of local, state, and imperial expenditure; in the United States and Switzerland, of local, state, and federal expenditure; in Australia, of local, state, and commonwealth expenditure; in South Africa and Canada, of local, provincial, and federal expenditure; and in France, of local, departmental, and general expenditure. In some cases, as in the British Empire, there is being developed a still more comprehensive class of expenditures, borne by the empire at large.

The character and importance of these various classes of expenditure and the relations between them are undergoing a continual change, due to an alteration in the functions of government. This is itself largely due to a change in the general economic conditions, resulting in a gradual modification either of political structure or of administrative activity. In some countries, as in Canada, Argentine and Brazil, the provinces are really a creation of the central government; in other countries, as in the United States, Germany, and Switzerland, the federal government is the creation of the originally sovereign states. In some countries the intermediate (provincial or state) government is suffering a loss of importance as compared with the local or central governments; in other countries, the reverse is true.

With the increasing pressure of taxation and the development under modern democracies of augmented governmental functions, the problem of the equitable distribution of burden among these various forms of government is becoming more or less acute. What Mr. Ambedkar calls assignments, assigned revenue, and share revenue, is symptomatic of the choice of methods in all countries. One of three fundamental plans must be pursued. Either the central or the provincial government may be maintained by the other, according to the relative degree of strength : in former times, in the United States, and in Germany the states were supposed to support the central government, either wholly or in large measure; in modern times, in Canada and Australia, the reverse is true. Or, secondly, distinct revenues may be allocated to the separate governments : until recently the federal government in the United States, Germany, and Switzerland was supported primarily by indirect taxes; the state

governments by direct taxes. Or, thirdly, the revenues may be collected by one government and a portion of the proceeds allotted to the other : there are many instances of a state or provincial tax being shared with the federal government, and still more examples of a federal or central tax being shared with the state or provincial government. In the United States at present the proper disposition of the inheritance tax as between state and federal government is fast becoming a burning question; in Germany the fiscal relations of state and federal government are in the forefront of political discussion.

The value of Mr. Ambedkar's contribution to this discussion lies in the objective recitation of the facts and the impartial analysis of the interesting development that has taken place in his native country. The lessons are applicable to other countries as well; nowhere, to my knowledge, has such a detailed study of the underlying principles been made.

It is true that only half of the picture is presented. For the situation has everywhere been complicated by the entrance of the local authorities into the field; and by their claims to fiscal consideration as compared with both state (provincial) and general (federal) demands. In the United States, for instance, the now widely debated problem of financing the schools is largely dependent for its solution on the proper answer to be given to the question of fiscal interrelations. To this question Mr. Ambedkar proposes to devote himself in a subsequent study. If he succeeds in illumining that situation as successfully as he here deals with the initial problem, he will lay us all under still deeper obligations.

EDWIN R. A. SELIGMAN

COLUMBIA UNIVERSITY, NEW YORK,
October, 1924

INTRODUCTION
DEFINITION AND OUTLINE OF THE SUBJECT

A student of Indian Finance has two chief sources of information and guidance open to him. One is the Annual Budget Statement, and the other is the annual volume of Finance and Revenue Accounts. Though separately issued, the two are really companion volumes

inasmuch as the financial Statement forms, so to speak, an exhaustive explanatory memorandum of the annual financial transactions, the details of which are recorded in the volume of Finance and Revenue Accounts.

Helpful as these sources are, they are not without their puzzles. A reference to the latest volume of Finance and Revenue Accounts will show that the accounts therein are classified under four different categories:—(1) Imperial, (2) Provincial, (3) Incorporated Local, and (4) Excluded Local. But this is by no means uniformly so. For instance, a volume of the same series before 1870 will not be found to contain the accounts called"Provincial,"nor will the accounts styled"Local"be found in any volume prior to 1863. Similarly, any volume of the Financial Statements before 1870 will be found to divide the financial transactions covered therein into—Imperial and Local only. But a volume of the same series after 1908 curiously enough groups the accounts not under Imperial and Local but under (1) Imperial, and (2) Provincial, while the financial Statements after 1921 cover only the Imperial Transactions. Nothing is more confusing to a beginner than the entrance of the new, and the exit of the old, categories of accounts[*] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27P. Evolution of Provincial Finance in British India PREFACE.htm - _msocom_1The natural question that he will ask is, how did these different categories evolve, and how are they related to one another?

In the present study an endeavour is made to explain the rise and growth of one of them, namely, the"Provincial."But in order that there may be no difficulty in following the argument it is deemed advisable to preface this study with an outline defining its subject-matter and indicating the interrelations of the parts into which it is divided. To facilitate a thorough understanding of the subject the study is divided into four parts, *each* one dealing with the Origin, Development and Organisation of Provincial Finance and the final form in which it was cast by the constitutional changes of 1919. In Part I a somewhat thorny, untrodden and yet necessary ground has been covered in order to give a complete idea of the origin of Provincial Finance. While due homage is paid to the adage which

requires students of the present to study the past, nothing more than the past of the present has been dealt with. In Chapter I, Part I, an attempt is made to present a picture of the system of Finance as it existed before the inauguration of the Provincial Finance and to state the causes that called for a change in its organisation. In Chapter II a rival system of Finance proposed during the period of reconstruction is brought to light and shown why it failed of general acceptance. Chapter III is devoted to the discussion of a plan which was a compromise between the existing system and its rival, and the circumstances which forced its reception.

Having explained the Origin in Part I, the Development of Provincial Finance is made the subject of Part II. How far the arrangement followed in Part I is helpful must in the absence of anything to compare with it be left to the opinion of the reader. In regard to Part II, however, it is to be noted that the arrangement is different from what is adopted in the only fragmentary sketch published on the subject of Provincial Finance in 1887 by the late Justice Ranade. As will be seen from a perusal of Part II, that one of the features of Provincial Finance was that the revenues and charges incorporated into the Provincial Budgets were revised every fifth year. Justice Ranade in his pamphlet, which simply covers the ground traversed in Part II of this study, and that too up to 1882 only, has taken this feature as a norm by which to mark off the different stages in the growth of Provincial Finance from one to another. Consequently, each quinquennial period to him becomes a stage, and in his hands the history of Provincial Finance falls into as many stages as the quinquenniums into which it can be divided. It may, however, be submitted that if every revision had changed the fundamentals of Provincial Finance, such an arrangement would not have been illogical. But as a matter of fact, Provincial Finance did not change its hue at every revision. What the revisions did was to temper the wind to the shorn lamb. If the history of the development of Provincial Finance is to be divided into stages according to the changes in the fundamental basis thereof, then emphasis has to be laid on features altogether different in character. Writers on the theory of Public Finance seem to conceive the subject as though it

were primarily a matter of equity in taxation and economy in expenditure. But to a Chancellor of the Exchequer finance is eminently practical with a problem to solve, namely, how to bring about an equilibrium in the Budget. If we scan the history of Provincial Finance in British India with a view to discover the method of meeting the problem of equilibrium in Provincial Budgets and the changes introduced in it from time to time, we shall find that Provincial Finance has evolved through three distinct stages, each with its own mode of supply, namely, Assignments, Assigned Revenues and Shared Revenues. Consequently, instead of following the mechanical plan of Justice Ranade, it is believed to be more logical and instructive to divide the stages in the growth of Provincial finance according to the method of supply to the Provincial Governments adopted by the Government of India. Consequently, Part II, which deals with the Development of Provincial Finance, is divided into three Chapters: (1) Budget by Assignment, (2) Budget by Assigned Revenues, and (3) Budget by Shared Revenues.

This discussion of the Origin and Development of Provincial Finance is followed in Part III by an examination of its Organisation. Chapter VII in Part lit is devoted to the analysis of the hitherto neglected rules of limitations on the financial powers of Provincial Governments primarily to bring out the fact that Provincial Finance was not independent in its organisation. The analysis of the true position of Provincial Finance is, however, reserved for Chapter VIII, in which the conclusion is fortified by a reference to the character of these limitations, that, notwithstanding the high-sounding appellation of Provincial Finance, there were neither provincial revenues nor provincial services as separate from Imperial revenues and Imperial services, so that instead of being federal in its organisation the system remained essentially Imperial. Chapter IX discusses how far it was possible to enlarge the scope of Provincial Finance without jeopardy to the constitutional responsibilities of the Government of India under the old law.

Part IV is a discussion of the changes introduced into the mechanism of Provincial Finance by the Reforms Act of 1919. Chapter X of this Part is devoted to the analysis of the causes which

led to these changes. In Chapter XI a full description of the changes effected by the new law is given, while Chapter XII forms a critique of the new regime.

In view of the fact that students of Indian Finance ordinarily content themselves with the phrase"Decentralisation of finance,"to indicate Provincial Finance, a word of explanation in justification of what may rather be called the too cumbersome title of this study. No student of Indian Finance, who is sufficiently acquainted with the branching off of the system in different directions, will fail to mark the inadequacy of the phrase Decentralisation of Finance to mean Provincial Finance. If there were in the Indian system only the Provincial Decentralisation there would have been no necessity to labour for a new title. As a matter of fact, the starting points of decentralisation are by no means the same, and the systems evolved through it are quite different in character. For instance, the centre of decentralisation and the systems evolved by the policy of decentralisation brought into operation in 1855 were different from the centre and the systems evolved therefrom by the policy of decentralisation initiated in 1870. Again, the centre which is gradually being decentralised since 1892, be it noted, is different from those affected by the decentralisation of 1855 or 1870. To put it more clearly, the decentralisation of 1855 was the decentralisation of *Indian* Finance resulting in—

(I) the separation of Local from Imperial Finance.

The decentralisation of 1870 was the decentralisation of Imperial Finance resulting in—

(II) the separation of Provincial from Imperial Finance.

And the decentralisation commencing from 1882 is the decentralisation of *Provincial* Finance resulting in—

(III) the separation of Local from Provincial Finance.

Obviously then,"Decentralisation of finance"far from being indicative of Provincial Finance, is a general name for this variegated and multifarious process of decentralisation described above, and it cannot but be confusing to use as a title to the study of one line of decentralisation a phrase which can be generically applied to all the three lines of decentralisation distinguished above. In order,

therefore, that this study may not be taken to pertain to a line of decentralisation other than the one it purports to investigate, it has been thought proper to designate it"The Evolution of Provincial Finance in British India"with a sub-title,"A Study in the Provincial Decentralisation of Imperial Finance,"where the words Provincial and Imperial must be read with the emphasis due to them. How careless the phraseology often is may be instanced by the fact that Justice Ranade's pamphlet referred to above is styled"Decentralisation of Provincial Finance."Although it deals with the development of Provincial Finance, it is likely to be passed over by the student, for its title implies that its subject-matter must be the growth of Local Finance. If Justice Ranade had been conscious of the varieties of decentralisation, he would have probably realised that the title of his pamphlet was false to its contents.

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PART I: PROVINCIAL FINANCE: ITS ORIGIN

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Part I: Provincial Finance : Its Origin

The Imperial System : Its Growth And Its Breakdown

Imperialism V. Federalism

The Compromise—Imperial Finance Without Imperial Management

PARTI

PROVINCIAL FINANCE : ITS ORIGIN

CHAPTER I

THE IMPERIAL SYSTEM

ITS GROWTH AND ITS BREAKDOWN

The Imperial system of Government in India dates from the year 1833.

Of the two chief motives which led Parliament to establish it, one was to replace the existing multiplicity in the systems of justice and police by a uniform system of the same, common as far as possible to the whole of India with its varieties classified and systematised. Under the existing system then prevailing such multiplicity was inevitable, for not only the civil and military government and the ordering and management of the revenues of each of the three Presidencies, Bengal, Madras mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_1and Bombaymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_2, were vested in their respective Governors in Council, but each Governor in Council was also empowered to make and issue such rules, ordinances and

regulations for the good order and civil government of the territories he individually commanded, provided that they were just and reasonable and not repugnant to the laws of the British realm. To the codes of law promulgated by these authorities must be added the whole body of English Statute law introduced in India so far as it was applicable, by the charter of George I in 1726 and such other English Acts subsequent to that date as were expressly extended to particular parts of the country.

The work of administering such a diverse body of laws proved so embarrassing that it was the view of the supreme Court of Calcutta that

> "no one person can pronounce an opinion or form a judgement... upon any disputed right of persons, respecting which doubt and confusion may not be raised by those who may choose to call it in question; for very few of the public or persons in office at home, not even the Law Officers, can be expected to have so comprehensive and clear a view of the Indian system of law, as to know readily and familiarly the bearings of each part of it on the rest."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_3

The other motive was to create a strong central government to deal effectively with the European settlers in the country. It is to be noted that if the native population suffered under the uncertainties of law, the British population lived under the most galling restrictions. The revelations of oppressions by Englishmen practised, in the early days of British Rule, contained in the report of the Secret Committee of the House of Commons appointed in 1771 to inquire into the affairs of the East India Company, were followed by very stringent laws governing the entry and residence of private British subjects in India. No British subject of European birth was allowed to reside in India beyond 10 miles from any one of the principal settlements without having previously obtained a special license from the Company or the Governor-General of India or the Governor of the principal settlement in questionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_4. The Court of Directors of the Company, subject to revision of the Board of

Controlmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_5 were empowered to refuse such licensesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_6 and the Governments in India were strictly enjoined not to sanction the residence of British subjects on their own authorities except under special circumstancesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_7and were authorised, in cases they deemed proper, to declare licenses otherwise valid as voidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_8. Counterfeiting licensesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_9and unlicensed residencemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_10 were made crimes punishable with fine or imprisonment; and persons who were dismissed from, and who had resigned service, were declared guilty of illicit trade if they lingered beyond the 10-mile limit after their time had expiredmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_11 Unlicensed British subjects were made liable to be deportedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_12 and such as were licensed were required to register themselves in the court of the district in which they residedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_13. Subjected as they were to the regulations of the Local Government mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_14they were made amenable to justice in India as well as in Great Britain for all illegal acts done in British India,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_15 or in Native States. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_16To render them impotent to cause complications, they were not allowed to lend money to or be concerned in raising any for native

princesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_17or foreign companies or foreign European merchants. Similarly to protect the natives from their oppression they were forbidden to lend money to the latter at a rate of interest exceeding 12 per cent. per annum on penalty of. forfeiting for every offence treble the valuemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_18 and they were placed under the jurisdiction of the Justices of the Peace in all cases involving assault or trespassmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_19 on, and small debtsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_20due to, the natives of India. Moreover, every British subject of European birth was required to register in the office of his district the name, etc., of his native stewards, agents, and partners,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_21 on penalty of being disentitled to recover or receive any sum or sums of money by reason of the joint concern or to compel an account thereof by any suit in law or equity in any court within the provinces.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_22

The ruling race had long chafed at these restrictions, under which it was placed, without much avail. They were evidently aimed at keeping out an element dangerous to the stability of the Indian Empire, but, as time went on, and as the Indian Empire was consolidated by successive victories over the native princes, there was raised against these restrictions such a storm of indignant criticism that even those who had acquiesced in their virtue were forced to admit that they had outlived their purpose. While the British Parliament could not help abiding by the sentiments of the time, it refused to disregard the consequences which it thought would inevitably attend upon the free ingress of British subjects of European birth under the then existing system of government. It realised that a harmonious treatment of the immigrants and an effective control over them was absolutely essential. Parliament

was afraid that the different governments armed as they were with co-equal and independent powers of legislation and administration by exercising these powers with regard to the immigrants entering their respective territories, with different views and according to inconsistent principles might integrate the whole mass of them into a disaffected body difficult to be dealt with. Besides the necessity of a harmonious treatment based on uniform principles, the fears of Parliament that the ingress of British immigrants would result in the revival of oppression on the natives were not completely allayed. As its recrudescence was felt to be a likely event, Parliament desired to subject them to a strong and uniform central control, so that the offender in one jurisdiction might not be able to find an asylum in another. Thus, whether considered from the standpoint of bringing about uniformity of laws or securing stringency of control over elements subversive of order, the then existing system of government with its divided jurisdiction was ill-suited for the purpose held in view. An all-powerful Central Government legislating for and controlling the affairs of India as a whole was deemed to be the only solution for the emergency.

Accordingly there came to be enacted in 1833 that

"the Governor-General in Council (at Fort William in Bengal) shall have power to make laws and regulations for repealing, amending, or altering any laws or regulations, whatever, now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise and the jurisdictions thereof, and for all places and every part of the said territory, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company. . . .
mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_23**;**

A Central government was thus created by vesting the legislative power exclusively in the Governor-General of India in council. But it could not have been all-powerful had the two Presidencies of Madras and Bombay remained as heretofore invested, by law, with the civil and

military government of their respective territories. On the other hand, if Parliament had stopped short of divesting them, there would have ensued the possibility of a conflict between these governing authorities and the sole legislative authority newly created. Being responsible for peace, order and good government, the former could have refused to govern according to laws made by the latter, and all the gain expected to arise from the institution of a central and strong government would have been lost. To eliminate this element of weakness in the Indian politics newly established, Parliament proceeded to divest the presidencies of Bombay and Madras of the high status which they hitherto occupied as *responsible* governments, so that according to the new Constitution

> ".....the Executive Government of each of the several Presidencies ..... (was to be) *administered by* (not vested in as heretofore) a Governor and three Councillors"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_24

While

> ".....the Superintendence, Direction, and Control of the whole civil and military government of all the..... territories and Revenues in India (was) vested in a Governor General and councillors styled the Governor-General of India in Council."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_25

Thus came to be established in India the Imperial system of government. It is true that long before its establishment the Government of Bengalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_26 had the supreme power, not only of superintending and controlling the government and management of the Presidencies of Madras and Bombay in the matter of commencing hostilities, or declaring or making war against any Indian prince or power, or for negotiating or concluding any treaty of peace or other treaty with them, except in case of emergency, but it also possessed by a later enactment the power of superintendence in all such points as related to the collection or application of revenues, or to the

forces employed, or to the civil or military government of the said presidenciesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_27But it must not be supposed, as is often done, that before 1833 the two Presidencies were in any real sense subordinate to Bengal in their domestic affairs. The fact that Madras and Bombay were required constantly and diligently to transmit to the Government of Bengal true and exact copies of all orders and resolutions and their acts in Council, and were enjoined to pay due obedience to the orders of the Government of Bengal, must not be construed to mean any subordination in their internal affairs. For, barring the extra territorial authority vested in the Government of Bengal, it must be borne in mind that, equally with Bengalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_28the Governments of Madras and Bombay were *vested each*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_29 with the civil and military government and also with the ordering and management of all territorial acquisitions arid their revenues. Along with the Government of Bengal they possessed as stated before co-equal and independent powers of legislation within their respective jurisdictions. A truer view therefore seems to be that they forwarded the copies of their proceedings to the Government of Bengal for information rather than for orders. At any rate, such seems to have been the view taken by the Government of Bengal itself, for, though it had the power to issue orders and compel obedience to them it had in practice confined its supervision and control"to pointing out an irregularity and requesting that it be not repeated."More than this was thought inadvisablemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_30 and it is doubtfulmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_31 whether it would have been constitutional.

The Imperial system of Government was necessarily accompanied by the Imperial system of Finance. Before the inauguration of the Imperial system of Administration the several Presidencies were like separate

clocks each with its own mainspring in itself. Each possessed the powers of sovereignty, such as the legislative, the penal, and the taxing powers. They were independent in their finance. Each was responsible for the maintenance of services essential for peace, order and good government within its jurisdiction and was free to find money by altering or levying taxation or borrowing on credit to meet its obligations. For their ways and means they often drew upon the resources of one another, not, however, because their exchequers were not distinct, but because they were parts of a common exchequer belonging to the East India Company All this was changed by the Act of 1833, which vested the revenues and the government of the different territories in the Governor-general of India in council. The revenues and the services became by law the revenues and the services of the Government of India. The provinces became the collecting and the spending agencies of the Government of India. They ceased to levy any new taxes or to collect the old ones in their own name. In like manner the services they administered became a charge of the Government of India, which distributed among the various provinces sums from the consolidated fund for the maintenance of the services. It was by law provided that without the previous sanction of the Government of India the provinces were not to spend the fund allowed to them in creating any new office or granting any salary, gratuity, or allowancemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_32. The public debt was no longer a charge upon the revenues of any particular Presidency alone, nor did there remain any question of primary or secondary liability as between the revenues of the other Presidencies. Ail the provincial debts became the debts of the Government of India and were charged to the revenues of India as a whole In short, the financial system which was roughly analogous to the system of separation of sources and contributions from the yield was changed into a system of aggregation of sources and distribution of the yield; for, as observed in a Government Resolution by virtue of the Act of 1833,

> "British India, though for the sake of convenience subdivided into Presidencies under separate locally controlled governments, (became)

in reality one sole grand Power in dependence on Great Britain, having undivided interests, a single exchequer, and controlled in all essential and general principles by one Government—the Governor- General in Council..... The entire resources of India (were) applicable to one purpose only, the discharge of its engagements and those connected with its management in England, and to whatever section of British India funds (were) wanting, funds (were) supplied, as a matter of course, without any reference to the particular source from which they were derivedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_33 So comprehensive did the system of Imperial Finance become in time that when in 1858 the Crown took over from the Company the government of India it was found that

"no province had any separate power of legislation, any separate financial resources, or practically any power of creating or modifying any appointments in the public service; and the references to the Government of India which this last restriction involved gave that Government the opportunity of interference with all the details of provincial administrationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_34"

Whatever may have been the merits of the Imperial system of Government from the military, political, legislative, or administrative points of view, it is a melancholy fact that as a system of finance it proved unequal to the strain imposed upon it. From its very start it suffered from the fatal disease of financial inadequacy, and it was only occasionally that the efforts of the Finance Ministers were successful in restoring an equilibrium and slaving off the hour of crisis. How chronic the deficits were may be seen from the following 'figures mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_35:—

YEAR	SURPLUS	DEFICIT	YEAR	SURPLUS	DEFICIT

1834-35		194477	184647		971,322
1835-36	1,441,513		47_48		1,911,986
1836-37	1,248,224		48_49		1,473,225
1837-38	780,318		49_50	354,187	
1838-39		381,787	50_51	415,443	
1839-40		2,138,713	51_52	531,265	
1840-41		1,754,852	52_53	424,257	
1841-42		1,771,603	53_54		2,044,117
1842-43		1,346,011	54_55		1,707,364
1843-44		1,440,259	55_56		972,791
1844-45		743,893	56_57		143,597
1845-46		1,496,865	57_58		7,864,222

Anyone who ponders upon this pitiable story of Indian Finance as revealed by these deficits can hardly fail to wonder with Disraeli who remarked in the House of Commons that—

"able as has ever been the administration of India, considerable and distinguished as have been the men whom that administration had produced, and numerous as have been the great Captains, the clever diplomatists, and able administrators of large districts with whom the Government has abounded, the state of the finances of India has always been involved in perplexity, and India that has produced so many great men, seems never to have produced a Chancellor of the Exchequer."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_36

The causes of this collapse, however, are not far to seek. The inadequacy of Indian Finances is mainly to be ascribed to an unsound fiscal policy. The policy was unsound for various reasons. In matters of state economy it is usual to argue that the expenditure to be incurred should determine the magnitude of revenue to be raised. But experience has shown that this stock maxim has proved ruinous wherever its limitations have failed to receive their due weight. It cannot be too often said that the growing expenditure of the State can only be sustained from the growing wealth of the society. Nor can it be too strongly emphasised that the test of sound finance does not merely consist in being capable of raising the requisite amount of revenue. It must be remembered that the *mode* of raising the revenue is an aspect of the question which is fraught with tremendous consequences for the stability and productivity of the nation. It is too obvious to be denied that a tax system by its unequal incidence may cause social upheavals, just as by its unwise incidence on trade and industry it may impoverish society by setting out of gear its economic mechanism and technique and eventually beggar the State by impairing the productive powers of society. Wisdom therefore requires that those who are entrusted with the financial management of the State should look beyond the more immediate object of raising and spending of money, for the"hows"of finance are very important, and can be seldom neglected in practice with impunity. The wealth of society is the only patrimony on which the State can draw, and the State that damages it cannot but end in damning itself History abounds with instances of States wrecked by the unwise neglect of these evident truths, but if an illustration be wanted in further

proof thereof, the system of Imperial Finance established in India is matchless for the purpose.

The land tax was the heaviest impost of the Imperial revenue system in operation. The underlying doctrine of the tax in India has been that it is of the nature of rent paid by the cultivator to the State in virtue of the theory that the land in India has from immemorial times been regarded as the property owned by the State. The cultivator is not the proprietor, but is the occupier of the land. The land is let to him and the State is therefore justified in claiming the whole of the economic rent arising from the land. On this assumption the land tax has been imposed irrespective of the question of necessity or justice.

Besides this legal fiction of State landlordism there was also another economic principle, which was, taken to be the justification for the enhancement of the land revenue. There is reason to believe that the Physiocratic doctrine of *produit* net had its influence in the management and fixing of the land tax in India. We find high officials in .India arguing in the early stages of the revenue management that"whether or not the principle of the French Economists of laying all the taxes on the land be..... erroneous or otherwise, it is certainly conformable to the prevalent system in India; nor is that theory supported by the French alone, but by respectable authorities in England, who contend that all taxes fall ultimately on the products of the soil, and that in advancing a different doctrine the eminent author of *The Wealth of Nations* is at variance with himself, inasmuch as his previous data lead to that conclusion."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_37(this footnote is given below) Whatever may have been the reasons for augmenting the land tax, few can deny that a heavy consolidated impost on the first exertions of any species of industry absorbing the whole or nearly the whole of its profits in ruinous and impolitic. It becomes an effectual bar to the creation of that produce on which the future exertions might be profitably employed and through the medium of which individual wealth and public revenue may be increased to an almost inconceivable extent. A land tax of this nature was sure to blast the very production of

that wealth which industry would have otherwise brought into being. the land tax was so heavy that the system of tax prevailing in India might well have been called a near approach to the single lax system.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_37The ratio of the land revenue to the total revenues of India was as given below :—

Year	Ratio	Year	Ratio	Year	Ratio
1792-93 to 1796-97	50.33	1817-18 to 1821-22	66.17	1842-43 to 1846-47	55.85
1797-98 to 1801-02	42.02	1822-23 to 1826-27	61.83	1847-48 to 1851-52	56.06
1802-03 to 1806-07	31.99	1827-28 to 1831-32	60.90	1852-53 to 1855-56	55.40
1807-08 to 1811 –12	31.68	1832-33 to 1836-37	57.00	Average for 64 years	54.07
1812-13 to 1816-17	53.33	1837-38 to 1841-42	59.05		

While the land tax prevented the prosperity of the agricultural industry the customs taxes hampered the manufactures of the country. There were internal customs and external customs, and both were equally injurious to trade and industry. The internal customsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_38 were made up of transit and town duties. For the purposes of transit duties the country was artificially divided into a number of small customs areas. Goods may be manufactured and consumed *ad libitum* within each customs area, but the moment they left their own division they became liable to duty. The injurious effects of this regulation, though concealed, were none the less

real. The transit duties held up trade, which in its turn reacted adversely on the manufacturers of the country. Adam Smith has told us how the growth of industry depends upon the extent of the market. Here for the purposes of the transit duties the whole country was cut up into small bits after the manner of squares on a chess board. What wonder is there if trade, and its handmaid, industry, both languished to a serious extent. The adverse effect on the transit duties was also felt in another way. In every country somewhat industrially advanced there is not only a social division of labour, but there is also a territorial division of labour, otherwise called localisation of industry. Evidence is not wanting to show that the localisation of industry formed a prominent feature of Indian economymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_39. Under it each locality in India specialised in a particular art or industry; for instance, cotton was grown in one locality, woven in another, and bleached in a third place. But it often happened that these localities were situated in different customs areas, and a raw good might have had to pay the transit duty many a time before it reached its finished stage. To avoid this each locality was obliged to waste its energies along unprofitable lines in order to escape the transit duties.

The town duties, which formed a part of the internal customs, also worked in their effects towards de-urbanisation. Commercial entrepots are admittedly vast instruments of the trade of a country. The opportunity of ready purchase and sale of almost every kind of commodity in any quantity, accumulated capital, extended credit, general information all meet here as in a centre. They support, encourage and give lift to commerce and to the trade of a country. But the direct effect of the town duty was to distract and drive away trade, for under the system every article which was subject to it had, after the payment of transit duty, to pay on entry, in the town, the town duty and, if it underwent any change of form by manufacture within the town of entry, it could not have been furnished to any neighbouring place without a second impost being paid upon it under the transit duty system, enhanced in proportion to the increase of value it might have acquired from the labour and the skill bestowed upon it, The

consequence was that towns dwindled both in trade and industry owing to the reason that merchants ceased to frequent them and that no manufactures of articles subject to the transit duty were capable of being established in them except for their own supply.

It was in this depressed condition that the Indian industries were called upon to meet foreign competitors. But the external customs cannot be said to have protected, much less fostered them. As a rule commercial tariffs are based upon what is called commodity competition. The import tariffs are designed to check by means of higher duties the importation of such foreign commodities as are likely to interfere in the successful manufacture of the same commodities at home and the export tariffs are framed principally with a view to give bounties to such of the home commodities as have a chance of securing a foothold in foreign markets. But the theory of external customs in India had no connection with the theory of commodity competition In comparison with the policy actually adopted even a protectionist would have preferred to see trade left perfectly free, for the tariff was based on political rather than economic considerations. The Indian Import Tariff varied not with the nature of the imports but with the origin of the imports and the bottom on which they were shipped. Being political in character it was preferential in design and in its framework. It is to be regretted all the more that the preference involved an unmitigated loss to the people and to the government. It was excusable to have admitted into India goods of English origin and shipped on English bottoms at a rate half of what goods of foreign origin and shipped on foreign bottoms were charged with. But nothing can extenuate the sacrifice imposed upon the Indian industries by letting in British goods at lower rates than what the Indian goods had to pay under the internal customs; and this was done when, be it remembered, England was prohibiting by high tariff the entry of India-made goods and India-built ships! But while the import tariff made it easy for the foreigners to compete successfully with Indian manufactures burdened as they heavily were by the weight of the internal customs, Indian goods found it considerably difficult to compete in foreign markets under the incubus of export duties which formed one of the most lamentable features of the Indian

tariff and which endured long into the nineteenth centurymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_40. Thus the customs laws internal and external blockaded trade and smothered industry. The comparatively paltry revenues derived from them is the best proof of their ruinous effects.

The following table gives the ratio of the Customs Revenue to the total revenue :—

Year	Ratio	Year	Ratio	Year	Ratio
1792-93 to 1796-97	2.38	1817-18 to 1821-22	8.32	1842-43 to 1846-47	6.02
1797-98 to 1801-02	3.10	1822-23 to 1826-27	7.58	1847-48 to 1851-52	5.40
1802-03 to 1806-07	4.16	1827-28 to 1831-32	8.12	1852-53 to 1855-56	5.52
1807-08 to 1811 –12	5.04	1832-33 to 1836-37	7.19	Average for 64 years	6.22
1812-13 to 1816-17	6.68	1837-38 to 1841-42	6.76		

Hendricks, op. *cit.,* p. 286.

When these resources failed the Government resorted to some very questionable means of raising revenue.

On an impartial survey of the revenue system as prevailed under the Imperial regime one is constrained to say that justice in taxation was conspicuous by its absence. It was a cruel satire, or at best an idle maxim, for the lancet was directed not where the blood was thickest but to that part of the body politic which on account of its weakness and poverty most meekly bore the pang. The landlords who passed their

lives in conspicuous consumption and vicarious leisure on the earnings of the poor tenants, or the many European civil servants who fattened themselves on pay and pickings, were supremely exempted from any contribution towards the maintenance of the Government whose main activities were directed towards the maintenance of pomp and privilege. On the other hand, the salt tax# and the Moturphamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_41, and other oppressive taxes mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_42continued to harass the industrious poor.

#The percentage ratio of the salt revenue to the total revenue at different times was as follows:—

Year	Ratio	Year	Ratio	Year	Ratio
1792-93 to 1796-97	14.13	1817-18 to 1821-22	11.25	1842-43 to 1846-47	11.65
1797-98 to 1801-02	12.10	1822-23 to 1826-27	11.87	1847-48 to 1851-52	9.14
1802-03 to 1806-07	11.09	1827-28 to 1831-32	12.03	1852-53 to 1855-56	9.17
1807-08 to 1811 –12	11.14	1832-33 to 1836-37	9.72	Average for 64 years	11.07
1812-13 to 1816-17	10.92	1837-38 to 1841-42	12.37		

Hendricks, *op. cit., p.* 283.

It is indeed true that many petty and vexatious taxes prevalent under the native rule were abolished; there is, however, enough evidence to show that the revenue thus lost was made up by enhancing those that were continued to be levied, particularly the land tax. The latter charge has always been officially

deniedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_43, but none the less it remains true that the land tax has been consolidated and increased concurrently with, if not consequently upon, the abolition of such other taxes as being raised from the poor cost the Government more than their yield.

Under the injurious revenue system described above, the taxing capacity of the people decayed so that notwithstanding its numerous resources# from which it derived its revenues the Imperial Government was unable to make both ends meet.

#The following is a conspectus of the taxes levied :—

Source of Revenue	Amount of Revenue raised in Millions	Period		Locality and Date of Commencement
		No. of Years	Dates	
Land Revenue	662.308	64	1792-93 to 1855-56	Throughout the period in Bengal, Bombay and Madras since 1834-5 in N.W.P. and 1849-50 in the Punjab.
Sekyer & Abkary	9.729	20	1836-37 to 1855-56	Throughout the period in Bengal, N.W.P., Madras and Bombay, and since 1849-50 in Punjab.
Excise	4.987	„	„	Bengal accounts exclusively.
Moturpha	6.455	„	„	Madras accounts

				exclusively.
Salt	135.532	64	1792-93 to 1855-56	Bengal since 1792, Madras 1822, Bombay 1822, N.W.P. 1839.
Opium	106.707	„	„	Bengal since 1792, Bombay since 1820.
Post Office	8.888	„	„	Bengal and Madras since 1792, Bombay since 1813, Punjab 1849, N.W.P. 1835.
Stamps	16.697	59	1797-98 to 1855-56	Bengal from 1797, Madras from 1813, Bombay from 1819, N.W.P. from 1834, Punjab from 1849.
Customs Duties				
Internal 1. Transit 2.Town External 1. Import 2. Export	76.179	64	1792-3 to 1855-56	Bengal, Madras and Bombay from 1792-3, N.W.P. from 1834-5, Punjab since 1849-50.
Mint	3.221	„	„	Bengal from 1792, Madras and Bombay from 1813.
Revenue	1.437	18	1836-37 to	Madras 1836 on.

Tobacco			1853-54	
Miscellaneous	194.777	64	1792-93 to 1855-56	Same as under land revenue.

It ought to serve as an object lesson to all financiers to show that when their revenue laws are harmful to the resources of the people they must blame none but themselves for their empty treasury.

Was the money raised by such injurious taxes without reference to their effect on the productive powers of the country spent on such public utilities as were calculated to enrich and elevate the economic life of the tax-paying population? A glance at the following table giving the distribution of the expenditure by decades on the different services will show how the money was spent:—

Distribution of the Expenditure*

Percentage Ratio of Total Expenditure on	in the Year					
	1809-10	1819-20	1829-30	1839-40	1849-50	1857
Military	58.877	64.290	53.754	57.721	51.662	45.55
Interest on debt	18.010	12.805	12.124	9.756	10.512	7.19
Civil and Political	7.221	8.900	9.575	12.296	8.902	9.62

Judicial	7.525	6.800	7.107	9.565	7.180	}
Provincial Police	1.991	2.093	1.535	2.062	2.062	} 9.38
Buildings, Fortifications, etc.	1.639	1.756	2.810	1.428	1.661	

Prominent among this array of figures are those on the military expenditure and though they have dwindled in years they have invariably consumed more than one half of the total revenues of the country. But the stupendous figures opposite military do not represent the true burden of that expenditure. To them must be added the figures for the interest charge on debt, for the debt incurred was entirely a war debt. India was all throughout this period a battle-ground between the Country Powers and the East India Company. The two Mahratta Wars, the three Mysore Wars, the two Burmese Wars, the two Afghan Wars, and the Carnatic Wars, not to speak of the numerous other minor engagements, were fought in the interests of adding India to the dominions of the Company and of the Crown. While Parliament claimed that the dominions of the East India Company were the dominions of the Crown it must be borne in mind that it refused to pay a farthing of the purchase money. On the other hand, the entire cost of these wars was borne by India as so much dead weight on her scanty resources. The charges shown separately under buildings and fortifications must also be included in the military expenditure, to which category they really belonged. On making these needful additions we find the unparalleled fact of a country wasting between 52 to 80 per cent. of its precious little money on war services. It may, perhaps be argued on the other hand that much of the military expenditure, large though it was, went back into the coffers of the Indians themselves as they formed the bulk of the forces employed in the country. The Indians of course, formed a very large portion of the military# and if the scales of salaries fixed for the European and native forces were equal the result would have been favourable to the natives of the country, though it cannot be said to have excused that huge military expenditure.

#This may be seen from the following figures :—

STRENGTH OF THE INDIAN ARMY BEFORE THE MUTINY*

	Europea	Native	Total
Artillery	6,419	9,138	15,577
Sappers	110	3,043	3,153
Cavalry	3,456	30,533	32,989
Infantry	29,760	188,66	218,42
Total ...	38,745	231,37	270,11

* Report of Major-General Hancock on the Reorganisation of the Indian Army, Parliamentary paper of the year 1859, p. 21.

2 *2* But the scales of salaries for the Europeans and natives were so grossly unequal# that one European drew on an average more than the salaries of four natives put together.

3 *3* #This is indicated by the following table :—

COST OF AN INFANTRY REGIMENT PER MONTH

EUROPEAN

	Details			Total	
Officers	Rs.	As.	Ps.	Rs. Ps.	As.
37 Officers	14,734	14	3	21,779 7	2
Staff and Establishment	4,515	12	4		
Command and other allowances	2,528	8	0		
Men				25,999 0	8
117N.C.O.S.	2,289	4	5		

950 Privates	11,203	8	4	
Rations, clothing and other charges Total	12,506	11	3	
				47,778 7 10

So this expenditure, whether from the standpoint of public utility or private employment, did not benefit the population which contributed to the revenues of the State.

The civil and political charges which absorbed nearly 10 per cent. of the revenue can hardly be said to be recuperative in their effect. This part of the expenditure again was not shared by the native population which bore its burden. As a result of conquest the natives naturally came to occupy a secondary position; but the conquest had done more than merely degrade their status. It had engendered a certain sense of distrust for the natives in the minds of Englishmen. Conquered and distrusted the natives since the commencement of British rule had come to be excluded from the higher administrative posts of the country#.

#Before 1833 the very meagre scale on which they were employed is disclosed by the following figures :*—

Native Civil Servants of the 1st Class attached to the Secretariat of the 3 Precidencies Receiving per Month Salaries of Rs.	Bengal		Madras		Bombay		Total	
	No.	Total Salary Drawn	No.	Total Salary Drawn	No.	Total Salary Drawn	No.	Total Salary Drawn

500 and upwards	5	2,700			5	2,500		
400 and upwards	2	800			1	400		
350 and upwards	4	1,400	1	350	1	350		
300 and upwards	3	900			2	600		
250 and upwards	5	1,250			1	250	89	20,690
From Rs. 250 to 200	17	3,460	5	1,155	1	200		
From Rs, 200 to 150	10	1,590	4	682 1/2				
From Rs. 100 to 150	5	550	5	525	5	330		
Below Rs. 100	6	470	1	871/2	2	140		
Total	57	13,120	16	2,800	16	4,770		

It was to remove this injustice that Parliament in the Act of 1833 provided

"that no native of the said territories, nor any natural-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour or any of them be disabled from holding any place, office, or employment under the said Company"(sec. 87).

NATIVE		
	Details	Total
Officers	Rs. As. Ps.	Rs. As. Ps.
26 Europeans	9,861 2 1	
20 Natives		13,527 8 7
Staff and	940 0	

EstablishmentCommand and other allowances	0 1,209 14	
Men	1,517 52	
140 N.C.O.s.		9,606 14 0
1,000 Sepoys	1,780 0 0	
Charges	7,000 0 0	
	826 14 0	
Total		23,134 6 7

It is evident from this table that if we deduct the salary of 26 European officers and command and other allowances shown under the heading"Native"which amounts to Rs. 11,378 7. 3. we shall find that 1,104 Europeans drew Rs. 47,778 10. 7. while 1,160 natives drew only Rs. 11,755 15. 4.

But, as a matter of fact, till after the Mutiny not one of the natives was appointed to any office except such as they were eligible for before this Statute was passed, because the Court of Directors in interpreting it advised the Government of India at the very start that by this enactment

"practically..... no very marked difference of results will be occasioned. The

The Judicial and police charges, which together absorbed something

like 10 per cent. of the total revenue raised, can only be regarded as protective in their distinction between the situations allotted to the covenanted service and all other situations of any official or public nature will remain generally as at present."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_44character. Thus the bulk of the money raised by injurious taxes was spent in unproductive ways. The agencies of war were cultivated in the name of peace, and they adsorbed so much of the total funds that nothing practically was left for the agencies of progress. Education formed no part of the expenditure incurred and useful public works were lamentably few. Railways, canals for navigation or irrigation and other aids to the development of commerce and industry for a long time found no corner in the Imperial budget. For a total area of 837,000 square miles there were constructed a few miles of railways, 2,157 miles of land ways, 580 miles of waterways and 80 miles of telegraph. Or speaking in terms of money spent, we find that for the entire period of fifteen years from 1837-8 to 1851-2 the average expenditure of a productive character amounted only to £ 299,732 a yearmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_45. There is a principle well known to farmers that constant cropping without manuring ends in the exhaustion of the soil. It is, however, capable of wider application, and had it been observed in the State economy of India the taxing capacity of the country would have grown to the benefit of the treasury and the people. Unfortunately it was lost upon the financiers of India to the detriment of both.

But if the chance of augmenting the resources by judicious taxes and productive expenditure to cover the chronic deficits was forfeited, there was at least the way open for economy in expenditure. As might be supposed, a strong Central Government of the kind established in 1833 was capable of effecting economy wherever possible. As a matter of fact, the centralisation was of the weakest kind. *De jure* there was an Imperial system of administration, but the *de facto* administration was conducted as though the primary units of executive government were the Provinces and that the Government of India was only a co-

ordinating authority. This was obvious from a variety of circumstances. Legislation was, it is true, centred in the Government of India; none the less the laws that were passed by the Government of India were passed *for* the different provinces as though the initiative in legislation still lay in the Provinces and that the Government of India was only a sanctioning authority. Each Province had its own customs, internal as well as external, a survival of their sovereign status. Each Province continued to have its own Army. Notwithstanding centralisation, the account system still remained provincial, sustaining the sense of their financial independence. The work of administration and collection of revenue being still conducted by them, the provinces behaved as though they were the lawful authorities charged with the responsibilities of Government. This spirit of independence bred insubordination, and some of the Provinces, particularly Bombay and Madras, endeavoured to resist the attempts of the Government of India to tax the people under their jurisdiction when the cost of the mutiny compelled it to levy fresh burdens. The point to be borne in mind is that the Act of 1833 made an unfortunate divorce between the legal and administrative responsibility. The Imperial Government were responsible in law but did not administer the country. The Provincial Governments administered the country but had no responsibility in law. This divorce had a fatal effect on the economy in the finances of the country. As was inevitable extravagance in expenditure had become the rule in practice and it was inherent in the Imperial system itself. Economy is begotten of responsibility, and responsibility is obtained where a government has to *find* the resources to meet the charges it desires to incur. Prior to the inauguration of the Imperial system the Provincial Government had the obligation to raise money for the charges included in their budgets. Consequently they had to be economical.

But under the Imperial system, while the budgets for the various services were prepared by the provincial authorities, the responsibility for finding the ways and means rested on the Government of India. Formerly"They knew the limits of the purse they had to draw upon, but under the Imperial system they

"had no means of knowing the measure by which their annual demands upon the Government of India ought to be regulated. They had a purse to draw upon of unlimited because of unknown depth. They saw on every side the necessity for improvements, and their constant and justifiable desire was to obtain for their own provinces as large a share as they could persuade the Government of India to give them out of the general revenues of the Empire. They found by experience that the less economy they practised and the more importunate their demands, the more likely they were to persuade the"Government of India of their requirements. In representing these requirements, they felt that they did what was right, and they left to the Government of India, which had taken upon itself, the responsibility of refusing to provide the necessary meansmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_46".

To these extravagant demands the Government of India had often to yield; for, till very late, it did not possess the machinery to appraise the demands and to control the expenditure on them. It is not usual to expect much efficiency from any Imperial system of administration, much less when it covers not a department, not a province, but a country as big as a continent. Merely from being huge it is slow to move. Much slower would it necessarily be if it were a system as unorganised and unconsolidated as the Indian system was. First of all, the Imperial system in India was without its executive machinery of control. The Act which created it must be said to have grievously erred in uniting into one the Government of Bengal and the Government of India. As a result of this fusion the machinery was over stained. Its duties as the Government of Bengal left it very little time to attend to its duties as the Government of India. There was not only a common executive, but there was also a common Secretariat charged with the work of the two Governments. Overworked as the Secretariat was, its efficiency was considerably lowered by the absence of any officer specially charged with the duty of handling the finance of the country till 1843.

It was in that year that Lord Ellenborough, the then Viceroy of India,

separated the Secretariat of Bengal from that of India'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_47 and attached to the latter a distinct office called the Financial Secretary to the Government of Indiamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_48 unencumbered with the details of any other Department of State except that of finance. But while the want of a scrutinising officer was thus made good by this appointment of a distinct Secretary of Finance, it was not possible for him to enforce economy in expenditure in the absence of a centralised system of audit and account and of an appropriation budget. Notwithstanding the establishment of the Imperial system of finance, the officers of audit and account remained attached to the Secretariats of the various Provincial Governments. They were not accountable to the supreme Government on whom the responsibility for the ordering and the management of the revenues of India had by law devolved. Being attached to the provincial Secretariat the Government of India could issue orders with regard to the accounts and the audits not directly but only through, and with the interpretation of, the Local Government concerned. Secondly, the budget system, though good enough for the purposes of mercantile accounts, that is, record, was useless for the first and elementary purpose of all good State accounts, namely, check. There were indeed three estimates (sketch, regular, and budget) prepared for the purposes of the financial administration of the country showing the amount of money required for the carrying on of each of the different services. But this distribution of public money on the different services was not held to mean appropriation. It was only treated as cash requirements. Owing to this fact the grants were never carefully prepared nor was the limit set on them observed in practice. As there was no budget of specific votes or sanctions for each of the services the audit and account was simply concerned with noting whether record was kept of all the money that was received and paid through the public treasury. It is evident that in the absence of an appropriation budget the primary object of all State accounts and audit, namely check on the spending authority to abide by the sanction, was never achieved. The Provincial Governments, extravagant in their

demands, were also careless in the matter of expenditure. So long as the Government of India remained without an appropriation budget and a centralised system of audit and account, it continued to be only a titular authority in the matter of financial control, and the provinces, though by law the weakest of authorities in financial matters, were really the masters of the situation.

To its inability to curb the extravagant habits of the provincial authorities generated by a financial irresponsibility on the part of the Provincial Governments and inefficiency on the part of the Central Government must be added the general spirit of apathy which marked the Executive Council of the Government of India in matters of finance. While it was true that nothing could be spent from the revenues of India without the specific vote of the Executive Council, it does not appear that the Council from its way of working could have taken any keen interest in promoting economy in expenditure. The Council acted collectively, and there was no distribution of executive work among the different members which composed it. With the exception of the Department of War and Legislation the whole work of the Government was brought before the Governor-General and his Councillors. As a result of its collective working

> "every case actually passed through the hands of each member of the Council, circulating at a snail's pace in little mahogany boxes from one Councillor's house to another."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_49

Under such a system nobody was a Chancellor of the Exchequer to urge economy, because everybody was supposed to be one. The result was that finance in being everybody's business suffered from being nobody's business, so that funds were distributed not according to the genuine needs of the services, but according to the relative claims and persistency of the clamour made for them.

Sufficient evidence has been given to show that the collapse of the Imperial system was due to a faulty fiscal system marked by injurious

taxes and unproductive and extravagant expenditure. It must not, however, be supposed that this faulty fiscal policy commenced with the inauguration of the Imperial system. On the other hand, it was a heritage which descended to the Imperial system from the past. None the less it is obvious that a timely revision of the fiscal policy and the strengthening of central control would have solidified the foundation of the Imperial system. But a much too long continuance thereof undermined its financial foundations, and as it could get no more money to meet its rising expenditure from a people whom it had beggared, the Imperial system succumbed to the shock of the Mutiny, never to rise again in its original garb.

CHAPTER II
IMPERIALISM *V.* FEDERALISM

As the result of the cost of the Mutiny of 1857 the already precarious condition of the Imperial Finance became so grave that no problem during the succeeding decade can be said to have engrossed the attention of responsible authorities as the one relating to the rehabilitation of that tottering system. Although the controversy as to the proper line of reconstruction to be adopted was long drawn out, the causes of the collapse were so patent that all those who had anything to do with Indian Finance unmistakably laid their finger on one supreme defect in the system whose breakdown they had witnessed, namely, the irresponsible extravagance it engendered in the Provincial Governments. To obviate this evil it was sought on the one hand by some responsible authorities

> "to make the Local Governments partners in the great joint stock of Indian Finances, and, so to enlist their interest and animated co-operation with the Government of India, instead of keeping them on the footing of agents and servants, who, having no motive for economy and using the means of their masters, think only of enhancing their own demands by comparisons more or less well founded, with the indulgence conceded to others."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_50

This view gradually led to the formation of a considerable body of well-trained opinion for changing united India into the United States of India,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_51 by making the provinces into separate and sovereign States. The aim was to substitute a Federal system for the Imperial system and to assimilate the financial position of the Central authority in India to that of the Central authority in the United States. For the consummation of the Federal plan it was urged that the revenues of India should not be dealt with as one income, collected into the Imperial Treasury and thence distributed among the different Provincial Governments. According to the plan each province was to be allowed to keep its revenues and meet its charges from them. The Central Government was to have its own separate resources and, if need be, supplemented by contributions from the provinces as their share of the expenditure of the Central Government based on some equitable standard. Thus under the Federal plan the consolidated Imperial Budget with its formal division between Imperial and Provincial was sought to be replaced by the creation of distinctly separate budgets, Central and Provincial, based on a genuine division of services and allocation of revenues.

Many advantages were claimed in favour of the Federal plan. First it was believed that the separation of the revenues and services would lead the ways and means of the Central as well as of the Provincial Governments to be clearly defined, so that each one of them would be responsible for administering its affairs within the funds allotted to it. Heretofore the Provincial Governments sent up their estimates of revenue and expenditure as returns unconnected with each other, and the task of balancing them was left to be done by the Supreme Government upon the aggregate of the different provincial estimates submitted to it. Under the Federal plan the provincial estimates would have to be balanced accounts of receipts and charges made over to them. Though primary it was not the only advantage which the Federalists claimed for their plan, for it was advanced not only as a measure to set bounds to the extravagant expenditure of the Local Governments by limiting the funds on which they were to draw, but

also as a measure for setting bounds to the growing expenditure of the Central Government as well. The Federalists did not conceal the fact that the Central Government, being in a position to draw upon the total resources of India as a whole, was inclined to be extravagant in its own expenditure. They therefore thought that the Federal plan, involving as it did the allocation of revenues and services, would result in enforcing economy on the Central as well as on the Provincial Government.

The Federal plan was not only proposed by its advocates in the interests of economy and responsibility, but also in the interests of plenty. The Federalists denied that India offered few sources of revenue for the growing expenditure of the State. Though the Indian Finance ferry was water-logged, it was their view that there were many sources of taxation with the outpourings of which it could be set afloat. But they argued that these available sources were left untapped, as the Imperial Government, which could tap them, would not do so because of their restricted *locale',* and Provincial Government, which would like to tap them, because of their restricted *locale* could not do so under the existing constitutional law. But if the Provincial Governments were vested or rather re-vested with the powers of taxation as they would be under the Federal plan, such sources of taxation as were given up for being too regional-in character by the Imperial Government would be used by the Provincial Government to the great relief of Indian Finance as a whole.

Not only was Federalism advocated in the interests of economy and plenty, but also in the interests of equity. It was contended that the existing system resulted in an iniquitous treatment of the different provinces. If we take public works of provincial utility and the expenditure incurred upon them in the different provinces as the criterion, the criticism of the Federalists cannot be said to have been unfounded. On the other hand, the following figures go to substantiate a very large part of their arguments :—

OUTLAY ON PUBLIC WORKS

Average for the years 1937-8 to 1845-6

Province	Population in thousands	Area in sq. miles	Revenues in hundreds of Rs.	Expenditure on Public works in hundreds of Rs.
Bengal	40,000,000	1,65,443	10,239,500	1,79,812
N.W. P.	23,200,000	71,985	5,699,200	1,41,450
Madras	22,000,000	1,45,000	5,069,500	30,300

Complied from *Calcutta Review,* 1851, Vol. XVI, p. 466.

Thus the outlay on public works was in Bengal 1 3/4 per cent.; in North-Western Provinces, 2 1/2 per cent.; and in Madras a little over 1/2 per cent/of their respective revenues. This favoured treatment of some provinces as against the others was justified by the Imperial Government, which distributed the funds, on the ground that the favoured provinces showed surpluses in their accounts. But the Federalists pointed out these deficits and surpluses ascribed to the different provinces were grossly fictitious. They were the result of a bad system of accounts. The system was bad for the reason that it continued to show the accounts of the financial transactions of the country not according to Heads of Account but according to the provinces in which they occurred as used to be the case before 1833 when there was no common system of finance. With the passing of the Act of 1833 this system of accounts had become quite out of keeping with the spirit and letter of that Act. This would not have mattered very much if the All-India items were separated from the purely provincial items in the General Heads of Account. In the absence of this the evils of the system were aggravated by entering exclusively into the accounts of a

province the charges for what was really an All-India Service, so that it continued to show deficits, while others which escaped continued to show surpluses and claim in consequence the favoured treatment given to them. The Presidency of Bombay offered to the Federalists a case in point. The demands of the Presidency were invariably received with scant courtesy by the Government of India, for in its history Bombay seldom showed any surplus in her accounts. But, if it had been realised that the deficits were caused by the barbarous system of accounts which kept on charging the Presidency with the cost of the Indian Navy, it undoubtedly would have fared better. Such vicious ways of appointment were not the only evil features of the system of accounts. Under it it was quite common to charge one Presidency with the cost of a service and to credit another with the receipts thereof. How the deficits found in the Madras accounts were inflicted upon it by the erroneous system of accounts may be seen from the following :—

Cost of the Army of Occupation		Revenues derived from the Occupied territory	
Debited to	Amount Rs.	Credited to	Amount Rs.
Madras	79,83,000	Bombay	20,00,000
		Bengal	1,04,22,870

Taking into consideration the iniquities involved in such a system of accounts, it is beyond dispute that the advantage claimed by the Federalists for their plan was neither fictitious nor petty. A division of functions between the Federal and Provincial Governments would have in itself been an advantage by comparison with the existing chaos. And, if it did not result in equity, it had at least the merit of opening a way for it.

When however the Federal plan was put before the authorities in the form of a practical proposal, it gave rise to a determined opposition. The challenge was at once taken up by the supporters of the Imperial system who, be it noted, were mostly military men in civil employ. They opened their attack on the Federal plan from two sides, that of practicability and expediency.

Is it possible, asked the Imperialists, to localise the revenues and charges of India as belonging distinctively to one particular province? They insisted that

> "from the commencement of (the British) power (in India)..... the interests and affairs of (the) presidencies and the provinces have been interwoven and interlaced—one often overlapping the other, and vice versa—in a manner from which extrication or disentanglement is now impossible, without making changes which would entail inconveniences greater than any entailed by the existing system..... The army of Bengal Presidency is quartered not in the rich districts of the Lower Ganges, but mainly in the poorer districts of the Punjab. Thus placed, that army defends virtually the whole Presidency. The Madras army is not kept within that Presidency, but holds, besides the Madras country, the Deccan, the Central Provinces, and British Burma. Similarly the Bombay army holds, besides its own Presidency, the State of Rajputana and of Malwa. The Lower Provinces or Bengal proper are in themselves rich; but besides their own revenues they receive large customs receipts, which belong partly to them, but largely also to the other Divisions of the Bengal Presidency. Even Bengal opium does not entirely belong to Bengal, a large portion being raised in the North-Western provinces. In Bombay the opium revenue does not, strictly speaking, belong to that Presidency at all, being raised beyond its limits, in the territories which, if included in any Presidency at all, would pertain to that of Bengal. Some of the Salt Duties, both of Madras and of Bombay, are raised on salt destined for consumption in Central India, and, in strictness, should be credited to the Government of India. Instances might be multiplied; but it becomes instantly evident that, if an adjustment of these matters with a view to complete

localisation of finance were to be attempted, many difficulties, perhaps even disputes, would arise....."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_52

Arguing in the same strain, Lord Lawrence, the then Viceroy of India, wrote:

"Experience has shown that it is convenient that the resources of British India should be considered in the aggregate and not with reference to the particular province in which it is raised. If the rule were otherwise, we must enter into the question—what are the revenues which each province may fairly claim? What are the items of expenditure which may justly be charged to each? Is the Punjab, for instance, to be charged for all the British troops located in the hills for sanitary considerations? Is the whole of the force ranged against the Northwestern border to be similarly debited? Are the troops quartered in Rajputana to be charged to the Bombay Presidency to which they belong, or in what manner is their cost to be arranged for? On the other hand, we may be asked, why should not Bengal in particular—which, having no foreign neighbours, and a docile and timid population, requires only a minimum garrison—have the benefit of her surplus revenues? Why on the opposite view of the question should not Bengal bear her share of the cost of the troops located in the North-Western Provinces, the Punjab and Central India, which guard her from such invasions as those of the Rohillas, the Mahrattas and the Pindarics of former times? These are all questions which would require solution if each were to have a financial system of its own."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_53

and in his opinion the question was impossible of solution.

But the Imperialists went further than this and argued that, even if it were possible to distinguish and localise the charges and the revenues into provincial and central, it was inexpedient to do so. Under the existing system of finance, they held that

"the Imperial Government, disposing of financial resources of the whole of India, can carry those resources at once where they are most needed. There are objects which have a truly national importance, though they may appear chiefly beneficial to a particular district. There may be evils, necessities and dangers in particular districts, which it is the duty of the supreme Government to correct and remedy at the charge of the whole. The creation or improvement of a part may have a national importance, though the expenditure on it may seem unfairly beneficial to a particular locality. A road, a canal, a railway from a cotton district or a coffee district, or a tea district, may have a vital significance to the whole people and commerce of India ; and yet the expenditure on such a work be out of all proportion to the present revenue of the district which it is destined to develop..... or the supreme Government may find it necessary to lay out, for moral and social purposes, larger sums on recently conquered, savage, or dissatisfied provinces than the revenues of those provinces seemed to warrant, in order to remove causes of disturbances or dangers, and to force those provinces into some degree of harmony with the long settled, pacified, reclaimed portions of the Empire..... The old provinces of the Empire conquer the new provinces. The old are bound in duty to civilise what they conquer. We have no right to annex a country and then throw it on its own resources. Conquest has its own duties as well as its rights."

"I venture to demur,"wrote Lord Napier of Merchiston, President of the Council of Madras,"to the policy of those who would restrict the benefits of the supreme Government to its receipts, and who would measure out in a parochial spirit to every province appropriations proportional to its specific returns. On the contrary, it ought to be a satisfaction to the rich to help the poor; to the old to protect the young; to the good to improve the bad; for thus all can co-operate in building up the glorious fabric of a—United India. Such ends can only be attained by a Central Government disposing of the financial resources of a whole Empire

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It is evident that arguments or sermons such as the above by themselves could never have supported the cause of the Imperialists. Notwithstanding the emphasis laid upon the difficulty of separating the revenues and charges into Imperial and Provincial, it must be conceded that the task was by no means so insuperable as the Imperialists made it out to be. The difficulty of apportioning the military charges could have been easily obviated by centralising the military and making it a charge of the Central Government. On the same basis all those services charged to a particular Presidency or Province, but which from their nature benefited the whole Empire, could have been easily incorporated into the budget of the Central Government. Similarly it was possible in practice to allocate the existing sources of revenue between the Central and the Local Governments. The Central Government could have been allowed to retain for its use such sources of revenue the *locale* of which extended beyond the limits of a Presidency or the maximum yield of which depended upon a uniform administration of the same throughout the country. While on the other hand the Provincial Government could have been allowed to appropriate such sources which were restricted in their *locale* or the yield of which depended upon local vigilance. For instance, the customs duties could have been easily made a central resource, not only because their incidence was wider, but because they required a common and uniform policy of legislation and administration. The opium revenue could have been treated as a central source of revenue, and the same treatment could have been granted to the salt revenue. Of course it would have been difficult to effect a separation of the sources of revenue in such a way as would have granted to each of the several Governments concerned resources adequate to meet the charges devolving upon them. A certain adjustment of funds by contributions from the provinces to the Central Government or from the Central Government to the provinces would have been inevitable; neither could it have been possible to obviate the adoption of principles more or less arbitrary in the matter of apportionment of revenues or of charges. But admitting the difficulties and arbitrariness involved in the problem of separating the Imperial Budget into a Central and several Provincial Budgets, it must still be said that it was quite capable of satisfactory solution. Colonel Chesney in

response to the challenge thrown out by the Imperialists had made a notable attempt to distinguish the existing heads of charges into Imperial and Provincial. In his Indian Polity he says :

> "The items of Imperial expenditure for which contributions would be required consist apparently of—(1) the Home Establishment and charges disbursed by the Secretary of State ; (2) interest on Indian debt; (3) Establishments of the Government of India ; (4) Diplomatic establishment ; (5) Army ; (6) Imperial Services—Post Office and Telegraph Department ; (7) interest guaranteed on railway capital ; to which must be added (8) grants in aid to some of the poorer provinces (which do not at present pay their expenses)."

This and other efforts convinced the Imperialists that their argument from practicability was bound to fail. Consequently they shifted their emphasis from the argument from practicability to that from expediency. Expediency furnished a better ground for attacking the Federal plan. Can a Federal Government be as efficient as the Imperial Government? Can its credit be as high? Can its prestige be as great as that of the existing Imperial system? It must be premised that it was fresh in the minds of the people that it was the Imperial system with a strong power of control that had saved the country to the British from the hands of the mutineers of 1857. The survival value of the Imperial system had been proved in the struggle. By a clever maneuver the Imperialists turned to the authorities and asked them to consider what had sustained the Imperial system throughout the struggle. They did not fail to emphasise the point that it was because the Imperial system of finance had given into the hands of the Imperial Government the control over the management of the revenues and disbursements of the Empire that the latter, in an emergency like the Mutiny, could stimulate every source of income, close every avenue of outlet, and concentrate all its expenditure on the capital object at stake— the energetic prosecution of hostilities. They showed that, without the Imperial system of finance, the Imperial Government would have had to deal with lukewarm, reluctant, hesitating or even hostile partners, perhaps not directly concerned in the struggle or convinced of its necessity, and solicitous

for exoneration or delay. Further they made out that the Imperial management of finance was vital not only in heightening the efficiency of government, but also in maintaining the high state of credit. Credit, it was argued, depended upon the magnitude of the revenue, and to disintegrate the revenues was tantamount to lowering the credit. The Federal plan was also accused of abrogating the European tradition which has given prestige a very high place in its code for Asian government. It was inconceivable to the Imperialists that the Central Government could maintain its prestige without centralisation in finance, for it was the system of Imperial Finance which, having collected the leading strings in political and administrative matters into the hands of the Imperial Government, enabled that Government to dictate a policy and have it executed to its own satisfaction. But who could uphold the prestige of the Central Government, if it became a pensioner of the Local Governments subordinate to it?

Looked at from the vantage ground of detachment from the time of the controversy one may wonder what strength there was in the argument from expediency which gave the Imperialists such an easy victory over the Federalists. Federal Governments such as those existing in America, Germany or elsewhere do not lend support to the view that in their working there is bound to be a loss of efficiency, credit, or prestige. Their history has belied all these gloomy foreboding. But it should be remembered that at the time the controversy raged in India, much of the history of Federalism was a blank page, for Federalism was itself in its infancy. People, however, sided with the Imperialists, not because they could not draw upon the history of Federalism for arguments in its favour, but because the events of the time had inclined them to support the Imperial system. The Imperial system had saved India from the hands of the Mutiny of 1857, and when their fears of its repetition were not yet allayed it was too soon to expect them to consent to disrupt a machine that had just then proved its worth in the great contest. Conscious though they were of its defects, people recoiled from any attempt to tamper with it. So strong was the partiality of the people for the Imperial system that, notwithstanding the many defects which to their knowledge detracted from the efficiency of the system,

they could give a sympathetic hearing to the Hon'ble Major-General Sir H. M. Durand, who wrote:

> "I assert confidently that at present there is absolutely no ground whatever for the allegation that the financial control of the Government of India goes to undue lengths in what it attempts, and miscarries miserably. On the contrary, any partial miscarriage of control is no proof whatever that the rules are faulty, but that their relaxation is highly inexpedient, and that more rigid subordination of them should be enforced both by the Government of India and the Home Government. To subvert the financial control of the Central Government because one out of nine administrations has proved rather refractory, is about as sensible a procedure, to my mind, as to annul the articles of War and the powers of the Commander-in-Chief because a regiment should somewhat happen to misbehave. I venture to doubt the statesmanship of ruling either India or armies in this way."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_55

Notwithstanding the victory of the Imperialists, it must be said the Federalists lost a cause which was bound to succeed. For the sentiment of the time, however favourable to the retention of the Imperial system, was powerless to resist the force of events. The Imperial Government had to be extricated from the state of chronic penury in which it had fallen, and if statesmanship did not favour the system of Federal Finance as a means, financiers soon learnt that the system of Imperial Finance was doubtful as an end.

CHAPTER III

THE COMPROMISE

IMPERIAL FINANCE WITHOUT IMPERIAL MANAGEMENT

If the Federalists failed to carry the day, they at least led their opponents to improve the system by removing some of the most radical defects from which it suffered. Attention was mainly directed towards revising the revenue laws and improving the machinery of control so

that more revenues be obtained and less wastefully spent. With the primary object of making the Imperial system strong and prosperous, serious attempts were made about the close of the rule of the East India Company to do away with the oppressive taxes which had so long retarded the prosperity of the people and consequently of the Government. The internal custom duties were done away with, and the country was not only freed from all restrictions which hampered the growth of trade and industry, but positive encouragement was given to them by introducing the element of protection in the import tariff and trade was facilitated by equalising the duties on English and foreign shipping. Articles of export were also relieved from the handicap of export duties and efforts were made to improve the cultivation and pressing of cotton, tea and other staples which commanded a great market in Europe and elsewhere.

The administrative machinery was next subjected to revision. Advantage was taken of the Indian Councils Act of 1861 authorising the Viceroy"to make from time to time rules and orders for the more convenient transaction of business in his Council,"to bring legally to an end the system under which the whole Council was supposed to take part collectively in the disposal of all the business of the Government by assigning to each member of the Council the charge of a separate department of administration: the Council was thus virtually converted into a Cabinet of which the Governor-General became the head. In this manner a place for a Chancellor of the Exchequer was created to which was appointed the well-Known financier, Mr. James Wilson. The attention of Mr. Wilson was directed first of all to the improvements in the machinery of fiscal administration. The credit of establishing in India a uniform system of accounts, centralisation of civil and military audit, and the introduction of an appropriation budget, rightly belongs to him. With the improvement in the revenue laws and the check on waste through improved and efficient administration was combined the policy of retrenchment in expenditure,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_56 and the budget and audit rules were

"so framed as to leave to the head of each Local Government or of each branch of administration a much larger *(sic)* discretionary power than.....heretofore..... allowed in rearranging the details of expenditure"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_57

if that led to retrenchment. So drastic was the economy practised that, soon after the inauguration of the policy of spreading education throughout the country initiated by the dispatch of the Secretary of State in 1854, a stop was put to any increase of expenditure on education.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_58

But notwithstanding all these efforts at betterment howsoever diligently sustained, they did not improve the finances of India materially; at any rate. Mr. Wilson in his Financial Statement for 1860-1, by way of summing up the financial situation, said:

"we have a deficit in the last three years of £ 30,547,488; we have a prospective deficit in the next year of £ 6,500,000; we have already added to our debt £ 38,410,755."To meet this huge deficit Mr. Wilson was obliged to augment the stamp duties, double the external customs, and impose an income tax, hitherto unknown to the people. Even the yield of these"three tremendous taxes"did not help Mr. Samuel Laing, the successor of Mr. Wilson, to a prosperous condition, for he too in his Financial Statement for 1861-2 wanted £ 500,000 fairly to weather his deficit and get into smooth waters with a small surplus. A few years of financial prosperity intervened. But Mr. Massey, who relieved Mr. Laing in 1866,

"upon a review of the financial condition of the Empire and the increasing demands made upon its resources..... deemed it expedient to make provision for a permanent addition of a million sterling at the least to the existing revenue"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_59

Why the efforts of these successive Finance Ministers were not

crowned with success is to be explained chiefly by the fact that the administrative and public needs of the country had grown beyond measure. After the Mutiny

> "thousands of Englishmen, not only soldiers, but Englishmen of almost every class, poured into India. Ten thousand things were demanded which India had not got, but which it was felt must be provided. The country (had to be) covered with railways and telegraphs, roads and bridges. Canals (had to be) made to preserve the people from starvation. Barracks (had to be) built for a great European army, and every sort of sanitary arrangement which would benefit the troops (had to be) carried out. This was not only true in regard to matters of Imperial concern. Demands for improvements similar to those which fell upon the Central Government cropped up in every town and in every district controlled by the Local Government. The demands for improved administration also made themselves effective. The police was in a shameful condition throughout India and the inadequacy of the pay given to native judges and other subordinate officers employed in the posts of importance in the courts was declared by Lord Lawrence when he was Viceroy to be a public scandal. Among more than four thousand of these officers in the Bengal Presidency, the highest paid of all, and these were very few, received £180 a year. The great majority received from £12 to £24 a year sums less than those earned in many parts of India by common bricklayers and carpenters. All these had to be put on a completely new footing.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_60

While the needs for expenditure were thus growing, economy in expenditure became difficult of achievement. Comparatively easy at first, each successive measure of economy became directly, as well as relatively, more arduous than its predecessor. The growing needs of improvements, hitherto neglected, and the contracting scope for economy, combined to demand an ever-increasing scale of taxation. The dangers of increased taxation by an alien Government of a people not interested in obtaining the amenities of life, much less at the cost of a tax, were uppermost in the minds of the three great financiers who

were sent out from England in succession to rehabilitate the finances of India on a sound and stable basis. They realised that unless bounds were set to these demands for improved administration and improved material and moral conditions, the immediate benefits of which were enjoyed more by the European than the native population, taxation howsoever high would be inadequate for financial solvency, besides being dangerous to the political stability of the Empire. Under the existing system of barren uniformity and pedantic centralisation their object was thought to be impossible of achievement; for the Local Governments, on which alone the Central Government could depend for economy, rendered at best to that Government not only a cold and languid support in financial vigilance and reform, but too often exhibited a passive resistance, and even countenanced evasions of regulations intended to be conducive to economy. The only way to make Local Governments economical in their ways was to give them the power and responsibility of managing their own affairs. As a matter of administrative experience the financiers had found that while some of the branches of revenue and expenditure were truly imperial, there was a wide field of both of them which was properly local in character, and ought to have been entrusted to Local Governments. They were convinced that there could be no standard of economy until the requirements of the Local Government were made absolutely dependent upon known means, and nothing they thought would serve to make known to the Local Governments the means available for their outlay than to carve out from the Imperial purse a separate purse of definite magnitude for the use of Local Governments and to throw on them the responsibility of meeting their demands and maintaining an equilibrium in their finance. Thus they were led to the same conclusion as the Federalists. However, to make the plan acceptable to the Imperialists, they made certain concessions without seriously compromising the working of the plan. The Federal plan required a change in the constitution of the system of government in India. It necessitated a *legal* partition of the revenues and charges of India between the Central and the several Provincial Governments. While all, including the Imperialists, recognised in the Federal plan a powerful measure for enforcing financial responsibility and economy, the chief

objection to it arose from the fact that it sought *legally and permanently to* divest the Central Government of the resources of India. The financiers as practical politicians soon found out a way to obviate this defect in the Federal plan. By virtue of their experiences of the working of the British Parliament they found that there was no necessity to resort to a constitutional change. Convention was deemed to be as good as law and, once established, can seldom be altered without disturbance. Separation of charges and revenues between the Central and Provincial Governments was therefore proposed to be made a matter of convention which could be upheld so long as it was profitable for the parties concerned to do so. This gave all the advantages of the Federal plan without legally divesting the Central Government of its control over the resources of India. In its nature it was a compromise between constitutional Imperialism and constitutional Federalism. It meant Imperial finance without Imperial management. Under the compromise the revenues and charges remained Imperial in their status, but their management was to be provincialised, so that each of the Provincial Governments was given to administer a part of the Imperial charges incurred in its territory within the limits of a part of the Imperial revenues collected within its territory. This was the essence of the new plan. It differed from the Federal plan in retaining to the Imperial Government the supreme controlling, counselling and regulating authority in all matters pertaining to Indian Finance, without its being actually engaged in the details of the administration of a *part* thereof.

In the essence of the plan as described above all the three finance ministers who were called upon to undertake the task of reconstruction had agreed. They differed, however, in the scale on which it was to be carried out. Whether Mr. Wilson had ever elaborated his own skeleton of the plan is doubtful; but that the idea of it had occurred to him seems pretty certain. The Income Tax Act XXXII of 1860, imposed by him

> "was meant to consist of two parts—first, a variable tax, originally fixed at 3 per cent on incomes, which percentage it was intended should be raised or lowered as the general exigencies of the Empire required, and which might if the state of the finance should ever

permit, be entirely remitted; and secondly, a permanent tax of 1 per cent., which was to be at the disposal of the local administration, and to be expended on roads, canals, and other reproductive public works, within the area which paid the tax (*vide* sections 190-4 of the Act). This portion of the tax was never intended to be remitted. It was always to be kept up, not only to meet the charges to which it was applicable, but in order to maintain the machinery of the tax so that at any moment of exigency, after a temporary remission the other portion of the tax, applicable in aid of the general finances, might be re-imposed without agitation, discussion, or trouble."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_61

But, as Mr. Wilson did not live long enough to elaborate his ideas into a scheme, it is difficult to say to what extent he intended to work them out in practice.

Mr. Laing, the successor of Mr. Wilson, put it in a much more definite shape. His budget for 1861-2 was for a deficit caused chiefly by the pressing demands of the Local Governments for useful public works, and his sense of financial safety compelled him

"to curtail roads, canals and other useful works of this description, to the allotment on which they (had) been carried on or rather..... starved, since the Mutiny."

But his anxiety to promote the useful public works, the urgency of which he fully recognised, led him to propose to the Provincial Governments a method of supplementing the scanty Imperial grants made to them. He said to them:

"Take what we are able to give you, and for the residue take certain powers of taxation and raise it yourself.. ....for there are certain subjects which can be dealt with far better by local than by Imperial taxation..."

His object was to enact local budgets"not merely to meet a temporary difficulty but to inaugurate a permanent improvement,"to the relief of

the Imperial treasury and the benefit of the Provincial Governments. This scheme involving the management of the public works charges by the Local Government with an allotment from the Imperial revenues supplemented by the power to tax had secured a general approval. But at the time when the scheme was put forward the Local Government was without the requisite machinery for carrying into execution the powers of legislation necessary to impose the taxes proposed to be given to them. The execution of the scheme had therefore to be postponed pending the enactment of local legislative councils then undertaken by Parliament. But, the ensuing years having been years of financial prosperity, the interest in the scheme relaxed and it was consequently dropped *sine die*.

This spell of prosperity, however, proved to be only a passing phase and the stress of returning adversity which beset Mr. Massey compelled him to revive the scheme in a much more enlarged formmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_62. He proposed that:

> "In considering the ways and means by which the additional amount (of one million sterling) should be raised ..... the most convenient mode of proceeding would be by a partial transfer of charges of a local character from Imperial to local account."

As the annual produce of local funds applicable to local purposes in India did not much exceed two million sterling, it was proposed to make the moderate addition to this amount of £1,200,000 in round numbers to be raised in rateable proportions in the several Presidencies and Local Governments, and applied in relief of a corresponding amount of charge for local services then borne by the Imperial revenues. The above-mentioned sum of £1,200,000 was arrived at by an assessment of 4 per cent on the estimated revenues of the several Local Governments (except Burma) for the current year, after excluding customs duties and the income taxmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_63. The heads of charges to which the proceeds of the new funds were applicable were (1) education, (2)

police, (3) district jails, (4) public works, (5) repairs and maintenance of roads. The list of taxes suggested to provide ways and means included (1) a license tax on trades and professions, (2) a house tax, (3) an octroi duty in towns, and (4) a succession duty on lands which did not pay revenue. The Local Governments were to be left free, subject to the approval of the Government of India in Council, to select the particular tax most suited for being levied in their respective territories so as to yield the full amount required, after deducting the cost of collection, and spend the proceeds on the services mentioned above, on all or any of them, according to their discretion.

The replies of the Local Governments and administrations addressed in connection with this scheme, indicated a general agreement as to the practicability of such a transfer of charges being made and being met by new local taxation, though there was also a general disposition to object to the transfer of charges without a simultaneous transfer of revenue with which to meet the expenditure on them. Under the circumstances the Government of India agreed to reduce the expenditure to be transferred to the Local Governments to £ 800,000 and to transfer to them the proceeds of the license tax as a means for making adequate provision for the samemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_64 The favourable reception accorded to the scheme and the sympathetic criticism to which it was subjected led Mr. Massey to extend and modify it. In his expositionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_65 of the new and enlarged scheme Mr. Massey wrote:

> "my first object has been to select, for the first series of charges to be transferred to local authorities, those items of expenditure which being least susceptible of control by the Government of India, give as a whole, an amount of such dimensions as will not be difficult to manage, and yet will be of sufficient importance to indicate that the measure is intended to be a reality, and a step towards the more complete transfer of the financial administration to the local government. Taking the civil estimates..... it seems to me, plainly, the most convenient method of proceeding to transfer a few entire grants

or section of grants, in preference to selecting special items from several grants..... By adopting the plan..... no change whatever in the system of accounts will be called for; and the only alteration will be, that certain sections of the grants for various purposes, will be provided in a special manner. The only exception to this rule... is in dealing with a head' Miscellaneous 'which..... is rather an incongruous collection of charges.

Among these will be retained, for transfer to local management, all those items which would reasonably be termed local.... and the residue.... could easily be classed under some of the other main heads of charge. The most important of the charges which I should propose to transfer is that for 'Jails' subordinate to ' Law and Justice,' which may... be taken in lump. The charges for ' Registration ' and ' Tulubana ' also under ' Law and Justice ' follow. These are met from special fees credited under the head of ' Law and Justice'. To set off against these charges, a transfer of the revenue under ' Law and Justice ' is also proposed... Under ' Education' the ' Miscellaneous ' charges are proposed to be transferred to the corresponding transfer of the revenue credited under' Education'. Next follows the whole of the charges under ' Medical Services ' except the fixed ' Medical Establishments and Chemical Examiners'. The entire charge under ' Stationery and Printing ' is also taken. Under ' Police ' the charges met by contributions from local sources are transferred, including the Railway Police. Against this is set off the receipts under ' Police'. ' Besides the above it is proposed to transfer a portion of the charges, for the collection of the Land Revenue and of the Income Tax and License Tax, which... I have assumed as likely to be levied in future. It has been necessary to assign a sum sufficient to cover the general charges which would be transferred and the propriety of transferring a corresponding portion of the cost of collection seems apparent. Under the designation of charges of collection of the Land Revenue were not included the cost of the Revenue Survey or Settlement as they were exceptional and variable, though the charges under ' Allowances to Village Officers ' were included.

* * * *

"The first and principal transfer of revenue will be a portion of the Land Revenue, which I propose to fix at 1/16th or one anna in the rupee. The same rate will govern the proportion of the charges for collection transferred.....

"The next item of revenue which I assume at one-fourth of the Income Tax and License Tax, which I shall suppose to be

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"It is next proposed to transfer the whole of the receipts under the following heads : (1) Law and Justice, (2) Police, (3) Education, (4) Miscellaneous, except items of a financial nature, and also (5) all income under Police Works excepting that derived from Irrigation. The items of expenditure under Public Works proposed to be transferred are (1) Roads, (2) Repairs of Civil Buildings, (3) Miscellaneous works both new and repairs, and (4) Tools and Plant."

*The scheme thus enlarged was discussed at length from various points of view. But though it won the approval of cautious critics*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27A. Evolution of Provincial Finance in British India PARTI.htm - _msocom_67*the scheme was too large for the Imperialists. And as the two greatest of them, Lord Lawrence, the Viceroy of India, and Lord Napier of Merchistoun, Governor of Madras, disapproved of it, it failed to materialise in consequence of their opposition.*

But unfortunately for the Imperialists, throughout this decade during which they were stubbornly objecting to any surgical operation on their patient—the Imperial system of Finance—it did not show any sign of convalescence. On the other hand, the delay in the operation aggravated its ills. Notwithstanding the constant enhancement in taxation and the reduction in expenditure, the three Chancellors of the Indian Exchequer sent from England could point to only three years of surplus during the decade between 1860 to 1870. On the other hand, to the embarrassments due to constant deficits was added the bewildering breakdown of the budget system created to bring about order and economy in the public finances of the country. Not to speak of its efficiency as an instrument of economy, the budget system under the strain due to excessive centralisation proved useless even as an instrument of order. The finances fell into a chaos. Notwithstanding the elaborate circulars and orders issued with regard to the accuracy in the framing of the budget estimates, it was an extraordinary phenomenon which confronted the Finance Ministers when the budgets, which were begun with large estimated surpluses, strangely enough closed with large actual deficits.

To what extent the actuals erred from the estimates may be seen from

the following table:

Year	Estimate DEFICIT-SURPLUS	ACTUAL DEFICIT-SURPLUS
1866-67	-66,700	-2,307,700
1867-68 ...	1,628,522	-923,720
1868-69 ...	1,893,508	2,542,861
1869-70 ...	48,263	1,650,000(est)

From the above table it is clear that the estimates for 1868-9 and for 1869-70, which were based on the revised estimates of 1868-69, were expected to end with an estimated surplus of £1,893,508 and £48,263 respectively. But when the actuals of the year 1868-69 showed that instead of a surplus there was to be a large deficit, Lord Mayo, who was in the meantime appointed to the Viceroyalty of India, became convinced that if his budget was recast on the basis of these results, it would close with an actual deficit instead of the estimated surplus. This financial surprise threw his budget into confusion, and to restore order he was obliged to adopt the unusual procedure of addition to taxation and the reduction of expenditure in the midst of the fiscal year.

The following is a synopsis of the measures he adopted :—

I. Additional Taxation—	**£**
(1) Income Tax raised from 1 to 2 1/2 per cent.	**320,000**
(2) Enhanced Salt Duty (in Madras and Bombay)	180,000
Total	500,000

II. Total Reduction of Expenditure—

(1)	(1)	Education	350,000
(2)	Public Works		800,000
	Total		1,150,000
Estimated Deficit			1,650,000

So grave was the crisis that with all these measures he could do nothing more than close his budget with an estimated deficit of £1,650,000 which would have been inevitable had it not been for certain windfalls such as the recovery of the value of supplies in the Abyssinian War and the adjustment of other large outstanding accounts which enabled him to convert his large deficit into a small surplus. Happy as he was over the immediate results of his efforts, Lord Mayo was convinced that there was something rotten in the system of Imperial Finance and, while anxious not to end it, he courageously set forth to mend it by inaugurating the scheme of Provincial Finance represented by the compromise the growth of which will be the subject-matter of Part II of this study.

PART II

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

PART II: PROVINCIAL FINANCE : ITS DEVELOPMENT

Contents

Budget By Assignments

PART II
PROVINCIAL FINANCE : ITS DEVELOPMENT
CHAPTER IV
BUDGET BY ASSIGNMENTS
1871-72 TO 1876-77

The origins which led to the formulation of the scheme of Provincial Budget having been presented in the foregoing part of this study, we may now proceed to examine the constitution of the scheme as it was introduced and the changes which it underwent from time to time.

With his sureness of instinct Lord Mayo traced the financial deficits and surprises to the inefficiency of the Imperial and the irresponsibility of the Provincial Governments, and was led to the conclusion that the inauguration of Provincial Budgets was the only remedy equal to the malady. But it must be recalled that the situation was yet dominated by Imperialistic considerations, and while every one in charge of the affairs was desirous, even anxious, to ease the situation by some means or other, few were willing to do so at the cost of Imperial control. Even Lord Mayo was not without his Imperialistic leanings. But the force of the baffling circumstances compelled him to break through the hitherto prevailing spirit of hesitation and indecision, although the steps he took in determining the constitution of the Provincial Budget were slow and cautious.

The scheme which actually came to be introduced from the financial year 1871-2 was first adumbrated in a confidential circular of the Home Department of the Government of India, dated February 21, 1870. Enlarging upon the policy of retrenchment by which the road grant for 1869-70 fixed in the beginning at £ 1,236,000 came to be reduced at the close of the year to £1,021,178 and that estimated for 1870-1 at £ 1,000,000 came to be finally settled at £ 784,839 supplemented by £29,110 for Miscellaneous Public Improvements, the circular gave the Provincial Governments

"to understand that the diminution that has been made in the Imperial grant for communications and roads is not a temporary

diminution caused by present financial pressure. It is the result of a settled policy, deliberately adopted, independently of temporary considerations, and it is far more probable that in future years the special grant for these purposes will be reduced than that it will be increased. It therefore becomes a matter of very urgent necessity that no time should be lost in providing from local sources the funds necessary for the maintenance of the existing provincial and district roads, and for the construction of the new lines of communications which become every day more necessary."

That local wants should be met by local resources had been the ideal of Indian financiers during the entire period of its reconstruction. But that the view had by that time passed beyond the stage of academic discussion is obvious, for the Circular stated that"the Governor-General in Council had fully resolved that he will insist on full effect being given to this principle"in future. Many of the Local Governments took the sentiments of the Government of India conveyed in the Circular in all the seriousness in which they were meant to be taken and had begun to develop their local resources. In the Bombay Presidency a cess of 6 1/4 per cent. on the Land Revenue was levied and two-thirds of it was set aside for roads and works of public utility. The Madras Government under an old Act of 1866 levied a cess of one-half of an anna on every rupee of annual rental equal to 3 1/8 per cent. on the Land Revenue for purposes of district roads. The Bengal Government had declared its intention to follow the Madras Presidency. Encouraged by the steps taken by these Local Governments the Circular urged upon other Local Governments and Administrations in Northern India, namely, North-Western Provinces, Punjab, Oudh and Central Provinces, to consider the expediency of increasing their road cesses on the land revenue to 5 per cent. The object of the move evidently was to relieve the Imperial treasury of the road grant, once the Provincial Governments were in possession of adequate local revenues.

In this way the Circular contemplated a very meagre scheme of Provincial Budget, incorporating only the charges on local public improvements and the revenues derived from local resources to meet

them. But before it could be set into operation the financial difficulties of the Government of India called for a larger measure of relief. Bad as the position already was, there was little confidence to be placed in the stability of the opium revenue; and while there was practised a retrenchment in expenditure, the charges for interest on public debt was found to swell enormously. In the midst of such a precarious situation the Government of India decided to reduce the hitherto prevailing rate of the income tax in order to silence the outcry raised against it by the richer classes. As a possible method of ways and means to meet the additional deficit of £1,000,000 that was expected to arise from the reduction in the income tax rate, the Government of India issued another Confidential Circular, dated August 17, 1870, in which a much wider scope was given to the contemplated scheme of provincial Budgets. It was stated in this Circular that

> "If the income tax was to be reduced, the ways and means of government must be otherwise recruited..... preferably..... through the agency of Local Governments, and by adopting such methods of taxation as are considered most suitable to each province and least burdensome to the people."

The method of throwing the burden on Local Governments consisted in making over to them charges of certain departments of the administration more or less local in character with a net grant on them for 1870-1 reduced by a million sterlingmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_1. It was proposed to distribute this sum among the various provinces in the proportion which the net provincial grant of each bore to the total net grant and leave them free to make up their respective quota of retrenchment either by redistribution, retrenchment, or taxation.

After the concurrence of the Provincial Governments had been obtained to the plan of the Circular, it was announced by the famous Financial Resolution of December 14, 1870, as being adopted for execution from the commencement of the Financial year 1871-2.

We will now proceed to analyse the constitution of the Provincial Budgets as framed by this Resolution. Taking first the expenditure

side of the Provincial Budget, it may be noted that the charges for the following Imperial services were incorporated into it :—

1mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_2. Jails
2. Registration.
3. Police.
4. Education.
5. Medical services (except Medical establishments).
6. Printing.
7. Roads.
8. Miscellaneous, Public Improvements.
9. Civil Buildings.

To provide the Provincial Governments with funds to meet the above charges incorporated into their budgets the Government of India surrendered to them the receipts which accrued from services handed over to them with an additional assignment from the Imperial fisc to bring about an equilibrium. The receipts surrendered and assignments granted to the Local Governments were as follows:—

Assignments made to Provincial Governments for services incorporated into their Budgets by the Financial Resolution No. 3334 dated December 14, 1870.

Services incorporated into Prov. Budgets.	Imperial Assignments for Services								
	Oudh	C.P.	Bt. Burma	Bengal	N.W.P.	Punjab	Madras	Bombay	Total
	£	£	£	£	£	£	£	£	£
Jails	26,922	27,881	32,777	218,210	88.394	58,204	91,983	73,440	617,811
Registration		3,509		36,609	20,129	11.623	22.970	25,372	120,212

Police	103,269	130,607	139.253	555,757	348.135	289.950	350,730	388,703	2,306,409
Education	26,056	27,864	10.998	234,385	103.528	64.909	90,052	118.271	676,063
Medical services (except Medical establishments)	5,049	11,770	6,460	89,713	27.607	24,935	61,696	74,852	302.532
Printing	7,609	3,640	3,000	41,732	25,302	14,106	25,840	27,050	148,279
Roads and misc. public improvements	32,900	63,403	63,000	157,800	82.636	84.200	123,880	121,900	729.819
Civil buildings	20,090	14,406	23,959	111,370	63,341	39,710	58,506	107,500	438,882
Public Works Establishments	13,777	20.230	22,635	69,984	37,954	32,217	47.421	59,644	303,862
Tools and Plant	1,060	1,556	1.741	5,383	2,920	2,478	3,648	4,588	23,374
Total	237,182	304,866	303,923	1,520,943	799,946	622,332	876,726	1,001,320	5,667.243

Estimated Receipt of the Services

Jails	1,575	6.000	9,420	110,385	11,154		7,300	664	146,498
Registration		5,500		40,000	35.030	20.694	34.000	30,141	165,356
Police	10,586	12,520	18.671	70,363	51.730	41.724	32,350	14,000	251,944

Education	1,482		500	42,012	11,050	5,000	6,900	10,480	77,424
Printing	1,080			2,000	2,160		1,260		6,500
Total	14,723	24,020	28.591	264,760	111,124	67,418	81.810	55.285	647,731
Grand Total of net assignments	222,459	280.846	275,332	1.256,183	688,822	554,914	794,916	946,040	5,019,512

Constructed on the basis of figures given in the resolution of December 14,1870.

These would have been the total assignments to the Provincial Governments for meeting the charges on the incorporated services, had it not been for the fact that the Government of India desired to obtain relief by way of retrenchment of the provincial resources to make up for the deficits expected to follow the reduction in the income tax. The relief originally fixed at £1,000,000 was reduced to £350,000, distributed rateably among the various provinces. Taking account of these retrenchments the permanent assignments made to the provinces were as shown below:—

PROVINCES	NEXT ASSIGNMENTS	PROPORTION OF RETRENCHMENTS	PERMANENT ASSIGNMENTS
Oudh	222,459	15,511	206,948
C.P.	280,846	19,583	261,263
Burma	275,332	19,199	275,332
Bengal	1,256,183	87,591	1,168,592
N.W.P.	688,822	48,030	640,792
Punjab	554,914	38,693	516,221
Madras	794,916	55,428	739,488
Bombay	946,040	65,965	880,075

Total ...	5,019,152	3,50,000	4,688,711

For conversion into Rupees, £1 equal to Rs. 10.

Before the commencement of the time appointed to carry the scheme into practice the Government of India incorporated the following additional servicesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_3 into the Provincial Budgets :—

The Charges for Petty Construction and Repair of Buildings in the Civil Department excepting the Opium Department in Bengal, the Salt Department outside the Lower Provinces of Bengal and Medical Services such as (1) Salaries of Medical Officers of Medical Colleges and Central Jails, and of Lunatic Asylums at the Presidency towns; (2) Extra allowance to Medical Officers for the Medical charge of Lunatic Asylums in the mofussil, and of Colleges, Central Jails, etc., also extra allowances to Medical Officers for the executive charge of jails, and (3) charges for sub-assistant Surgeons and Apothecaries employed in other than civil medical charge of the sudder stations or districts, and for all other subordinate medical establishments. Side by side with these transfers the Government of India withdrew the Calcutta

IMPERIAL ASSIGNMENTS FOR 1871—72*

	Oudh.	C.P.	Bt. Burma	Bengal	N.W.P.	Punjab	Madras	Bombay	Total
	£	£	£	£	£	£	£	£	£
Assignment as per Resolution of December 1870	169355	205271	192488	1176406	613095	463727	643271	707693	4171306
Add-									
Official Postings	1551	5093		4893	10840	8031	4163	4311	38882

Transfer from Medical Services	2139	1767	745	6649	5624	2828	7597	8500	35849
Transfer of petty construction and repairs of civil buildings	699	1778	420	6508	2555	1908	1050	4050	18968
Other items net				7866	1485			4600	13753
Deduct									
Transfer of Ajmere charges to Govt.Of India					28714				28714
Total	173744	213909	193653	120212 4	604885	476494	656081	729154	4250044
Deduct									
Receipts from Budget of 1870-1	14723	24020	28591	260578	109992	67418	81810	55285	654417
Net charge in Civil Department	159021	189889	165062	941546	494893	409076	574271	673869	3607627
Add budget grant for P. W. as per Res. of 14-12-1870, viz									
Roads and miscellaneous public improvements	32900	63403	63100	157800	82636	84200	23880	121900	729819
Civil Buildings	20090	14406	23959	111370	63341	39710	58506	107500	438882
P.W. Establishments	13777	20230	22635	69984	37954	32217	47421	49644	303862
Tools and Plants	1060	1556	1741	5383	2920	2478	3648	4588	23374
Total public works	6782	9959	1114	3445	1868	1586	2334	2936	1495

	7	5	35	37	51	05	55	32	937
Grand total	226848	289484	276497	1286083	681744	567681	807726	967501	5103564
Deduct									
Proportion of £350,000	15557	19853		88199	46753	38931	55394	66351	331038
Revised permanent assignment	211291	269631	276497	1197884	634991	528750	752332	901150	4772526
Or in round numbers	211300	269600	276500	1197900	635000	528800	752300	901200	4772600
#Add—India	---								26700
								Total	4799300

* Based on the Fin. Dept. Resolution No. 1660 of March 20, 1871.

#The item opposite to"India"in the above table is for the Calcutta University and for Prov. services (not including Public Works) in Coorg, Ajmere and other district under immediate administration of the Government of India.—Sir Richard Temple's Financial Statement for 1871-2.

University from the Provincial to the Imperial Budgetmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_4. To take account of the revision of charges for Official Postagemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_5and Bengal Policemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_6, and the additions and withdrawals of services referred to above, the Imperial assignments to Provincial Governments for the year 1871-2 were further altered so that they stood as shown in the table on the preceding page. (Page 117)

Besides these assignments for the fiscal year 1871-2, the Government of India gave the Local Governments a special

donation of £200,000 in the year 1870-1 in order that they"may be able to inaugurate the plan successfully, and to have as it were a fair start."Taking round numbers then, the several Provincial Governments had the following resourcesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_7 at their disposal in the year 1871-2 to meet the expenditure incorporated in their budgets:—

Provincial Budget for	Resources		Total
	Receipts surrendered by the Imperial Government	Assignments from the Imperial Treasury	
	£	£	£
Oudh	14,700	211,300	226,000
Central Provinces	24,000	269,600	293,000
Burma	28,600	276,500	305,100
Bengal	264,800	1,197,900	1,462,700
N.W. Provinces	110,000	635,000	745,000
Punjab	67,400	528,800	596,200
Madras	81,890	752,300	834,100
Bombay	55,300	901,200	956,500

Having analysed the constitution of the Provincial Budgets and noted the receipts and charges incorporated into them, we will proceed to inquire into the peculiarity which marks their constitution as framed in 1870-1. No method of ascertaining this peculiarity would be more direct in its approach towards the question raised above than to ask ourselves what problem the framers of the Provincial Budgets were presented with and how it was solved.

From our knowledge of the history of the controversy that raged over the creation of Provincial Budgets we can say that what items of expenditure to incorporate into Provincial Budgets was no longer a prominent question of the time. Long since it was settled that there were charges in the Imperial Budget of a purely local character. By common consent they were regarded as the most unsatisfactory part of the Imperial Budget. It was admitted on all hands that, knowing nothing about these charges, the Government of India was either obliged to sanction an unnecessary charge which may have been carelessly endorsed by the head of a department having no immediate interest in guarding against the waste of public money, or by a too cautious spirit of a random parsimony, or by parsimony regulated only by the state of public revenue, refuse its sanction and check prudent and profitable expenditure. As either procedure was likely to cause mischief, it was commonly agreed that such matters over which the Central Government by its supreme ignorance was powerless to exercise any control, should be transferred from the direct purview of the Imperial Government to the immediate control and responsibility of the Provincial Government. One side of the problem had thus been solved by sheer force of circumstances. The matter on which all attention was mainly concentrated was the problem of providing the Provincial Governments with funds sufficient to meet the charges incorporated into their budgets. It was allowed on all hands to be reasonable that the receipts arising from the incorporated services should be appropriated by the Provincial Governments. Two good reasons were advanced for adopting such a procedure. It is laid down as a canon of good finance that tax administration and tax appropriation should go as far as possible together. On this principle it was but proper to have allowed the Provincial Governments to appropriate the receipts from the services which they administered. But there was also another weighty reason which influenced this decision. The main idea in the inauguration of Provincial Budgets was to interest the Provincial Governments in a judicious and economical management of the finances, and one way of sustaining their interest in the same was to have given them the receipts of the services they managed. The receipts, however, were so

small a portion of the total funds necessary to meet the provincialised expenditure that the problem of balancing the Provincial Budgets remained unsolved notwithstanding. Two possible ways of solution were before the Government of India at the time : either to transfer for provincial uses certain sources of Imperial revenue or to give a lump assignment from the Imperial treasury. It was difficult for a time to decide which was the more suitable of the two, for they were not only of unequal merits, but they made different appeals to the different parties concerned. To the Provincial Government assignment of revenues was preferable to fixed assignments as giving greater elasticity to their finances. To the Government of India, on the other hand, assignment of revenues seemed to be fraught with grave consequences. The past and the existing financial condition of India did not warrant the Central Government to alienate the sources of revenue it then possessed with equanimity and safety for the future. On the other hand, its prospective condition looked as precarious as its past, and it therefore desired to retain its control over the sources the mobilisation of which alone could enable it to stave off any impending crisis. The second alternative, on the other hand, was just such a one as to give the provinces sufficient funds without the Government of India forfeiting its control over its resources. It must not be forgotten that the Government of India by reason of its constitutional position had the sole authority to manage and appropriate the revenues of India. Any solution for financing the provinces had therefore to be in accord with its interests as conceived by itself This being the situation the method of assignments was adopted in preference to that of assigned revenues in solving the principal problem that arose in connection with the constitution of provincial budgets.

It is because assignment of funds from the Imperial treasury was adopted as a method of supply to balance the Provincial Budgets that the system instituted in 1871-2 has been characterised in this study as a system of Budget by Assignments.

This principle on which the Provincial Budgets were constructed in 1871-2 endured till 1876-7. The assignment made to the Provincial

Governments for the year 1871-2 had been declared to be fixed and recurring. Recurring they were, but fixed they were not: for, every year, since the start, the Government of India kept on adding to and withdrawing from Provincial Budgets items of charge already incorporated in them. In accordance with these modifications in the incorporated charges the Imperial assignments had to be either reduced or augmented as necessity dictated. The progressive changes in the assignments from 1871-2 to 1876-7 with the specific purposes for which they were granted are entered in the following tables :—

Statement of Imperial Assignments to the Provinces for the year 1871-72

Purpose of the Assignment	Amount Assigned	
	Details	Total
	Rs.	Rs.
Original Assignment		11979000
Add		
For Cemetery establishments	4000	
For Compensation for Agra Brick Factory	28000	114000
For Office and House Rent	82000	
		12093000
Deduct		
For transportation charges for convicts	15000	
For fees for licensing cargo-boats	2600	124690
For receipts of public Works Departments	107000	
		11968310
Special Grants		
Add ----		
For Calcutta University	60000	

For Midnapore Civil Court Buildings	31680	341680
For Calcutta Small Causes Court Building	250000	
		12309990
Total Assignments for 1871-72		**12309990**

Statement of Imperial Assignments to the Provinces for the year 1872-73

Purpose of the Assignment	Amount Assigned	
	Details	Total
	Rs.	Rs.
Original Assignment		11979000
Add		
Permanent additions in 1871-2 (as above)	114000	
For Miscellaneous services	267070	388936
For books and publications	7600	
For ground-rent of Orphan School at Howrah	266	
		1236793 6
Deduct		
Permanent deductions in 1871-2 (as above)	124680	
For repairing charges of University	5700	130390
		1223754 6
Special Grants		
Add ----		
For Burdwan Fever Relief	100000	

Compensation for Sudder Court Building	400000	966670
Capital value of annual, rent of Rs. 21,000 for public offices	466670	
		13204216
Deduct fractions		380
Total Assignments for 1872-73		**1320383 6**

Statement of Imperial Assignments to the Provinces for the year 1873-74

Purpose of the Assignment	Amount Assigned	
	Details	Total
	Rs.	Rs.
Permanent additions in 1872-73 (as above)		12237546
Add		
For payment of Medical Officers in charge of Civil stations	385000	
For Land Revenue Sub-divisional establishments	100000	485000
		12722546
Deduct--		
Reduction of rent for public offices	21000	21000
		12701546
Sanctioned for 1873-74		**12701000**
Add for----		
Ground rent for Howrah Orphan School	266	
Charges on account of European vagrants	11500	18066
Ground rent charges	6300	
Deduct		

For pay of medical pupils withdrawn from Provincial to Imperial		5400
For pay of medical officers in charge of civil stations withdrawn from provincial to imperial.	385000	390400
Special Grants		12328666
Add ----		
For rent of Small Cause Court		14400
Total Assignments for 1872-73		**12343066**

Statement of Imperial Assignments to the Provinces for the year 1874-75

Purpose of the Assignment	Amount Assigned	
	Details	Total
	Rs.	Rs.
Permanent additions in 1873-74 (as above)		12328666
Add		
Assignment for encouragement of Mohammedan education.	50000	50000
Sanctioned assignment		12378000
Add---		
Grant on account of Model Farm	7000	8180
Additional grant for ground-rent	1180	
		12386180
Deduct		
Reduction of outlay on account of churches and burial grounds.	14314	

Reduction on account of Assam transferred	1330000	1344580
For ground rent Howrah Orphan School	266	
Total Assignments sanctioned		**11041600**

Statement of Imperial Assignments to the Provinces for the year 1875-76

Purpose of the Assignment	Amount Assigned	
	Details	Total
	Rs.	Rs.
Permanent additions in 1874-75 (as above)		11041000
Add		
Grant for Botanical gardens	52500	
Grant for Ground rents	1180	53680
		11094680
Deduct		
Public Works charges on account of the Salt Department	13683	
Assignments on account of lighthouses and ships withdrawn	1769	33163
Assignment on account of Town Improvement Fund of Assam		17711
Total Assignment		**11061517**

Statement of Imperial Assignments to the Provinces for the year 1876-77

Purpose of the Assignment	Amount Assigned	
	Details	Total
	Rs.	Rs.
Original Assignments for 1875-76		11041000
Add		
For ground rents	1180	
For Botanical gardens	52500	53680
		1109468 0
Deduct		
For Form Store Department		13683
		1108099 7
Deduct		
For Form Store department	8034	
Add---		6034
For Exhibitions and Fairs	2000	
Total		11074963
Assignment as sanctioned		11075000
Add----		
Grant on account of Bankee and Ungool Estates	3271	

Cost of the snake-poison commission, establishments and contingencies.	6000	58753
Grant on account of census registers	49482	
		11133753
Deduct		
Assignment on account of lighthouses and lightships withdrawn.	1769	
Assignment of Town Improvement Fund, Assam	17711	22180
Annual cost of lunatics transferred to Tezpore Lunatic Asylum.	2700	
Total Assignment		**1,11,11,573**

This completes the account of the services incorporated from time to time and the assignments made for them by the Imperial exchequer during the period in which the system of budget by assignments remained in force. It now remains to consider whether the system under the assignment plan was a success. What constitutes success is a question, which is always open to discussion, for what may seem successful from one point of view may be the reverse of it from another standpoint. A discussion, however, of this aspect of the question cannot be avoided, for it was on the results of one stage that an advance towards the second was made to depend all throughout the expansion of Provincial Finance. As the definition of success varies with the standpoints, we must first ascertain them for the purpose of our investigation. Let us therefore inquire into the possible parties whose standpoints counted in the moulding of Provincial Finance, and without whose satisfactory opinion about the

results achieved, a new step in advance could not have been taken. The Government of India and the Provincial Governments were obviously the two principal parties. Naturally their standpoints were different, if not antagonistic. The question prominent in the mind of the Government of India was how big was the gain to the imperial treasury on the transfer. On the other hand, the Provincial Governments were concerned to know whether the resources offered by the Government of India were adequate enough for their safely accepting the responsibility of managing the incorporated expenditure. It is obvious the Provincial Governments would not undertake the responsibility of managing the Imperial expenditure within a certain assignment unless they were sure that the assignments were adequate. Similarly, the Imperial Government would see no advantage in making the transfer unless the Provincial Governments undertook to manage the expenditure at a sum less than what it cost under the direct management of the Imperial Government. Adequacy to the provinces and gain to the Imperial treasury were therefore the two chief considerations, which prevailed in the determination of the continuance and expansion of the scheme. The people of the Provinces may also be conceived of as a third possible party whose concurrence may have been deemed a necessary factor in the situation. What their viewpoint would have been is not altogether a matter of guess. On the other hand, anyone sufficiently acquainted with the nature of popular demands for political advancement could easily imagine that the most urgent concern of the taxpayers would have been neither the well-being of the Imperial nor that of the Provincial Governments, but the distribution of the money they paid along the different channels of expenditure; and if their approval of the results of the scheme had been made a necessary condition of advance, it is probable that the development of Provincial Finance would have been along different lines.

There was a suggestion even at that time that the people of the country should have some voice in the financial arrangements of the country. In paragraph 19 of its Resolution of December 14, 1870, announcing the scheme of Provisional finance, the Government laid

down that

"Each local Government will publish its own Provincial Service Estimates and Accounts in the local Gazette, together with a financial exposition (which should, where possible, be made before the local Legislative Council) analogous to that annually made in the Legislative Council of the Governor-General."

If this suggestion had materialised, the Indian taxpayer would have obtained a voice in determining the financial arrangements between the Government of India and the Provincial Governments. There were, however, certain legal difficulties in the way of giving effect to this suggestion. If the Budget was introduced in the Council and debate had followed upon it, such a proceeding would have offended against Section 38 of the Indian Councils Act (24 and 25 Vic. c. 67) and would have, therefore, been illegal unless the Budget involved some proposal for tax legislation. For, that Act had provided that the activity of the legislative Council should not be called into play except for strictly legislative purposes. If, on the other hand, there was to be no debate, there was no advantage in this mode of giving publicity to the Budget which was not equally secured by its publication in the official Gazette. As a solution of these difficulties, the Government of Madras proposedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_8 to the Government of India.

"that the Provincial Budget should form a schedule to an Appropriation Bill, the contents of which would, after all the necessary explanation and discussion, be voted section by section."

But the Government of India, which had first broached the subject, was shocked by this suggestion as being revolutionary. In replymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_9it observed:—

"2. His Excellency in Council does not..... consider that the plan proposed..... for bringing the annual financial statement within the terms of the Indian Council's Act, would be appropriate or possible. The passing of the Appropriation Bill in the House of

Commons is a proceeding by which authority is given to carry into effect the Resolutions of the House in Committee of Supply, which till the passing of the Appropriation Bill are not law. The Bill enumerates every grant that has been made during the whole session, and authorises the several sums voted by the Committee of Supply to be issued and applied to each separate service. It also contains a provision that the various aids and supplies shall not be issued or applied to any other uses than those mentioned.

"3. Such a proceeding would, His Excellency in council considers, be out of place in India, and might have the effect of transferring from the Executive to the Legislative Council, the power of disposing of all public moneys. His Excellency, therefore does not consider that the introduction of an Appropriation Bill would be advisable."

Against this ruling the Government of Madras appealed to the Secretary of Statemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_10 and pleaded that either the proposal of an Annual Appropriation Act be approved or

"such an alteration in the Council's Act be made as will allow the financial statement to be legally made and discussed in the Local Legislative Council."

But the Secretary of State upheld the decision of the Government of Indiamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_11on the ground that

"such mode of procedure is only applicable in a representative assembly, which has full powers of control over the Executive, and any such powers Parliament has advisedly withheld from the Legislative Council of India."

The suggestion was therefore dropped and was not given effect to till 1921. As the voice of the people did not prevailmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_12 in the framing of the financial contracts between the Imperial and Provincial Government, it is of no immediate advantage to seek for results that would have interested them to know, if they had been allowed their say in the

matter. In so far then the results of the past influenced the policy of the future we have only to lay ourselves out to seek for results in which the two remaining parties to the contract were primarily interested, namely, gain to the Imperial treasury and adequacy to the Provincial Governments. Applying ourselves first to the test of adequacy to the provinces the results of the period may be gauged from the annual surpluses and deficits in the finances of each of the different provinces brought within the pale of the system of Provincial Budgets.

PROVINCIAL SURPLUSES AND DEFICITS

Province	1871-72	1872-73	1873-74	1874-75	1875-76	1876-77
	£	£	£	£	£	£
C.P.	20,988	—8,423	2,268	13,108	8,307	16,800
Bt. Burma	27,634	33,832	—9,922	—21,889	—5,471	5,100
Assam				5,159	590	9,833
Bengal	180,622	74,622	393,955	271,044	27,397	46,978
N.W.P. and Oudh	31,595	64,036	36,358	11,693	20,945	128,501
Punjab	109,828	28,008	—33,347	-117,644	—92,724	26,908
Madras	40,787	—19,264	—56,381	4,303	—14,210	504
Bombay	65,553	128,805	—64,373	9,929	—18,354	—140,718

Compiled from the annual Finance and Revenue Accounts of the Government of India for the respective years.

It is evident from these figures that the surpluses outnumber the deficits in frequency and magnitude to such an extent that the deficit could have been easily met from the accumulated balances without

seriously exhausting them. Care, however, must be taken in explaining the cause of this apparent prosperity of Provincial Governments. Did the province succeed in building up their balances from the savings from the assignments and receipts made over by the Imperial Government is what we have to find out. The answer to this question cannot be given in a categorical form, for the total resources and changes to which the above figures refer include more than the receipts and assignments set apart for provincial management. Besides Imperial assignments and receipts of incorporated services they include a part of what hitherto were known as Local Funds. It must be recalled that long before the separation of provincial from Imperial Finance there was created since the year 1855 a separation between the Imperial and Local Finance in British India. The Local Funds when separated were under the immediate management of the several Provincial Governments and comprised of two different classes: (a) those which by law or custom were required to be spent within the districts in which they were collected and on the specific objects for which they were collected; and *(b)* those collected all throughout the province and over the disposal of which the Provincial Government possessed unrestricted discretion. When the scheme of provincial Finance was inaugurated it was deemed natural to merge the second class of Local Funds into the Provincial Funds. The total addition made thereby to the provincial resources it is difficult to ascertain. But it was the opinion of Sir John Strachey, the Finance Minister of the timemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_13, that such addition was"inconsiderable"and could not therefore have affected materially the financial consequences of the new systemmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B1. Evolution of Provincial Finance in British India PARTII.htm - _msocom_14

The question of estimating the gain to the Imperial treasury need not detain us very long. The indirect gain due to the economical management of the services by the Provincial Governments will come for discussion when we come to consider the influences that played a prominent part in bringing about the second state in the

evolution of Provincial Finance. The direct gain made by the Imperial treasury was effected throughout the retrenchment in provincial assignments already referred to. It may be recalled that the Government of India had planned to obtain relief to the extent of one million sterling annually on the services transferred,3 but the Government of India soon realised that all this retrenchment would necessitate some taxation by the provincial authorities. The burden had already grown since the Mutiny, and being anxious not to add to it directly by Imperial levy or indirectly through provincial levies, it decided to reduce the relief it sought by lowering the retrenchment on provincial assignments from £1,000,000 to £350,000, or more accurately to £350,801 if we deduct, as we must, the sum of £19,199 restored to Burma, being its quota of relief owing to the special circumstances of that province.

Summing up the results of the period, the Government of India, it must be said, realised full share of the benefits it had contrived to obtain by the annual relief of £330,801, though not without causing an insufficiency, however small, in the Provincial finance. But notwithstanding the burden thrown on the Provinces their position as disclosed by the results cannot by any means be called unhappy.

One unwelcome feature marred the inauguration of Provincial Finance. That feature consisted in the large increase in the levy of rates and cesses for purposes of local improvement.

Receipts from New Resources of Income and Cesses enhanced since 1870

	1870-1	1871-2	1872-3	1973-4	1874-5	1875-6
	£	£	£	£	£	£
Oudh—						
Ord. cesses on:						
Land Revenue	38,813	29,018	34,354	34,259	33,208	33,146
Margin Fund	7,363	3,461				
Local rate		36,81	42,53	42,883	41,097	41,461

		0	5			
Total	46,176	69,289	76,889	77,142	74,305	74,607
Assam—						
Ord. cess on land :						
Rev. Old Fund	6,506	4,333	711	1,916	*17,149	
New Fund					15,267	16,300
Total	6,506	4,333	711	1,916	32,416	16,300
Bengal— Road Cess Fund:			22,917	59,039	120,128	158,516
N. W. Provinces	168,532	201,548	216,818	213,672	215,968	150,619
Punjab...	58,330	214,441	216,194	208,063	211,862	193,573
Madras-Road Cess	212,813	234,567	377,031	368,031	371,311	369,325
Madras-Tolls Cess			12,144	12,234	14,860	26,531
Grand Total	492,357	724,178	922,704	940,333	1,040,850	980,545

* Balances recovered from Bengal on account of Road and Government Estates Improvement Fund.

For the new resources of income and cesses given above, refer to *Papers, etc., on the extension of the Financial Powers of the Local Governments,* p. 494.

This shows an increase in 1875-6 over 1870-1 of £488,188, chiefly by raising the cesses in the North-West Provinces, the Punjab and the Madras Presidency to 6 1/4 per cent. on Land Revenue in the two last mentioned, to about 5 per cent. in the North-Western Provinces (after deducting the rural police charge); by a road cess in Bengal and by granting an assignment to Assam, at the Imperial

charge, of 6 1/4, per cent. instead of 3 per cent on Land Revenue pending the levy of a cess of a corresponding amount on the ryots. In the Bombay Presidency the 61/4 per cent. was imposed some years before and hence is not included in the above table. The only province which did not levy any additional cess was the Central Province, though a cess of 6V per cent. on the Land Revenue was in 1870 considered practicable but not opportune.

Of what benefit, a cynic may say, was the institution of Provincial Finance if it did not obviate the necessity for further taxation? If further taxation was unavoidable, why did the Imperial Government throw the onus of facing it on the Provincial Government under the garb of Provincial Budgets when it would have done that itself? It must be said in reply that the merits of Provincial Finance are to be looked for in other directions, and it will be shown in its proper place that they justified its institution, even though a certain amount of enhanced taxation followed in its wake. It would indeed be unwise to decry against taxation in general, for no benefit can be obtained without a charge. But it would be equally unjust not to protest against the kind of taxation resorted to, for what really mattered was not the increase of taxation but the inequity of taxation. The method of taxation resorted to make up the deficit in the Provincial Finance was an imposition of rates and cesses on the already over-burdened class of tax-payers, namely the landholders. Now the services incorporated into the Provincial Budgets, for whose support these rates and cesses were levied, though called local, were not more local in the sense of their being beneficial to the particular localities than those retained by the Imperial Government. On the other hand, the former were from the standpoint of the localities as onerous to them as the latter, and yet they were financed by rates and cesses levied from the localities as though they were directly beneficial to them, which as a matter of fact they were not. This is all the more lamentable when it is recalled that the necessity for retrenchment which caused the levy of these rates and cesses was occasioned by the abolition of the income tax. As a matter of justice we should have expected the continuance of the income tax to the relief of the State and the ratepayers. But justice was for a long time absent from the

Financial Secretariat of the Government of India. A few cared for it in the abstract, but none looked upon it as an element worthy of consideration in providing for the exigencies of provincial or local finance; and as it was unrecognised, its violation by the Provincial Governments was no bar to the development of Provincial Finance.

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

PART II
PROVINCIAL FINANCE : ITS DEVELOPMENT
CHAPTER V
BUDGET BY ASSIGNED REVENUES
1877-78 to 1881-82

Continued…

The scheme of Provincial Budgets, the second stage of which we shall presently study, was launched not without mixed feelings. Boundless hopes were entertained, though not unmingled with a sense of misgiving. Just what was expected of the scheme may be correctly gauged from the remarks of Sir Richard Temple, who, when introducing the scheme in 1870, said :—

> "We hope that this concession (of increased control over revenues and expenditure) will give the Local Governments an additional interest in the study and the enforcement of economy in expenditure; will afford them a just inducement to supplement their local receipts from time to time by methods either most acceptable to the people or least fraught with popular objection; will cause a more complete understanding to arise between the executive authorities and the tax-paying classes respecting the development of fiscal resources; will teach the people to take a practical share in the Provincial Finance, and lead them up gradually towards a degree of local self-government; and will thus conduce to administrative as

well as financial improvement."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_1

While entertaining these hopes he also took the opportunity of asking the Council to be prepared for disappointment, for he went on to remark:

> "the hopes which I am expressing, however sanguinely, or confidently entertained, are after all but hopes, and like all other hopes may or may not be fairly realised. But let all this eventuate as it may, sure I am with certainty free from shade of doubt, that the measure is advantageous to the Imperial Budget of British India. For it will have the direct effect of definitely limiting, for the present, the expenditure from the general Exchequer on certain important branches of civil expenditure, the very branches indeed, where, from the progressive state of the age, the demands for increased outlet have most arisen, and in which from the nature of the case the supreme Central Authority is least able to check the requirements of the local authorities."

The actual results, however, far surpassed these very moderate hopes and were more than necessary to dispel the misgivings that still lingered in the minds of those who looked upon the institution of Provincial Finance as a project of doubtful utility. Confining ourselves to the issues immediately affecting the Government of India or the Provincial Governments, it was abundantly proved that Provincial management was more economical than Imperial management. If we compare the expenditure incurred upon the services while they were an Imperial charge with the expenditure on them after they were provincialised, the superior economy of provincial management is overwhelmingly proved.

Year	Total excess Expenditure on all Transferred Services except Registration over Total Receipts from them inclusive of all Contributions		Total excess Expenditure on all Transferred Services except Registration over Total Receipts from them inclusive of all Contributions

	other than those for Bengal Famine under Imperial management		other than those for Bengal Famine under Provincial management
	£		£
1863-64	5,111,297	1871-72	4,835,238
1864-65	5,606,248	1872-73	4,964,407
1865-66	5,587,779	1873-74	5,329,180
1867-68	5,821,438	1874-75	5,379,509
1868-69	6,030,214	1875-76Est.	5,135,677
1869-70	5,856,310		
1870-71	5,197,250		

Complied from an official volume of Notes on Imperial, Provincial and Local Finance, 1876.

It was therefore with confirmed belief in its utility and even with a sense of relief that the Government of India proceeded to incorporate into the Provincial Budgets additional services local in character or more amenable to local control. But these additions to the incorporated services made the problem of a supply of funds to Provincial Governments assume greater proportions. In the first period the gap between the receipts of incorporated services and the total charges for them was comparatively smaller than what it was found to be the case on the present occasion. The mode of bridging the gap entirely by assignments was deemed to be ill-fitted for the success of the scheme in its enlarged form. The most radical defect in the system of budget by assignment consisted in its rigidity. The provinces did not favour it as a mode of supply for the reason that

while the outlay on the services under their management continued to expand the assignments made to them remained fixed in amount. Sir John Strachey, to whom belonged the credit of carrying the scheme a stage further, was particularly alive to this weakness of the system. In place of fixed assignments he desired to give the provinces certain sources of revenue, the yield of which largely depended upon good management. His primary object in doing this, no doubt, was to make better and more elastic provision for the growing needs of the provincialised services. But he had also another, and, as he conceived it, a far more important reason in the substitution for assignments of assigned revenues. That economy was the fruit of good management had by that time become a commonplace, but few were sure as to what good management consisted in. It was Sir John Strachey who, for the first time, defined in unmistakable language his notion of good management, which was since his time applied in an ever increasing degree in the development of Provincial Finance. To him good management of finance was to be had

> "not by any action which gentlemen of the Financial Department or by any other department of the supreme Government can take whilst sitting hundreds or thousands of miles away in their offices in Calcutta or Simla; not by examining figures or writing circulars, but by giving to the Local Governments... a direct and, so to speak, a personal interest in efficient management"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_2

And in this he had the strong support of recent experience; for, taking the results of the past stage the provinces not only managed the services at a lesser cost to the revenue than was the case under the Imperial regime, but the services yielded increased revenue under the more immediate and fostering care of the provinces than they did under the remote, uninformed, and therefore impotent vigilance of the Imperial Government.

Sir John Strachey had long held to the view that so long as the Provinces collected the revenues for the Government of India they did not care to check evasion, which they would have surely done if they had collected them for their immediate benefit, or, as he put it,

"when the Local Governments feel that good administration of branches of revenues will give *them,* and not to the Government of India alone, increased income and increased means of carrying out the improvements which they have at heart, then, and not till then, was to be had the good administration that every one desired."

RECEIPTS FROM INCORPORATED SERVICES

Allocated Services	Under Imperial Management					Under Provincial Management				
	1865-6	1867-8	1868-9	1869-70	1870-1	1871-2	1872-3	1873-4	1874-5	1875-6
	£	£	£	£	£	£	£	£	£	£
Jails	89,260	96,910	141,218	133,806	128,773	149,888	195,755	271,915	297,198	326,023
Police	140,166	231,859	277,179	287,529	270,855	203,624	97,735	90,708	80,509	89,895
Education	53,256	66,869	67,207	72,848	60,740	76,789	80,869	101,306	99,537	101,909
Registration	86,997	127,070	153,488	165,048	147,152	155,262	171,735	121,470	172,111	184,461
Printing	3,333	3,282	2,803	3,718	9,244	10,923	14,383	21,174	18,220	18,066
Medical		---			3,273	20,594	30,649	36,370	43,097	26,583
Miscellaneous	4,070	5,666	4,076	4,489	6,116	20,991	31,345	32,396	39,666	36,234

Compiled from the same source referred to above.

This evidence of the expanding receipts of provincialised services were therefore a pleasant surprise which went a great way in confirming the view he had advocated. It was therefore for a double purpose, of augmenting the revenues and of introducing elasticity in Provincial Finance, that Sir John Strachey substituted assigned revenues for assignments as a mode of supply to the provinces.

The plan adopted by Sir John Strachey was not new, neither was it brought forward for the first time. It was present in the minds of the people who took part in the discussions of Provincial Finance in 1870, and was actually advocated by Sir John Strachey as early as 1872. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_3That the Government of India did not look upon the plan with favour in 1870 was due to the fact that it was afraid to permanently alienate the sources of revenue on the growth of which its stability depended. By now, however, the financial position of the Government of India had a bit improved, and the six years' trial of provincial management had also engendered a greater confidence in the scheme in the minds of those who had never completely accepted the administrative utility of the project. To this was added the prospect of the plan being a means of increased productivity in their resources as it had been of increased economy in expenditure. The force of all these factors combined to bring a new stage in the evolution of Provincial Finance which, because of the distinct mode of supply adopted, may be well designated as a stage of Budget by Assigned Revenues.

To be sure, assignments still formed a part of the new system. But that was because of the difficulty of assigning such revenues the yield of which would have been precisely equal to the incorporated expenditure. Under any circumstances there was sure to be some difference. It happened that the normal estimated yield of the ceded revenues fell short of the requirements and the margin of difference had to be made up by some adjusting assignment in the case of each province.

The method of fixing the adjusting assignment for the different Provinces was on the whole a little too complicated, and may therefore be conveniently explained before proceeding to examine the constitution of the Provincial Budgets of the different Provinces as laid down under the second stage of their growth. It must be borne in mind that the total resources of the Provinces were made up under this system of (1) the receipts accruing from the incorporated services, (2) the yield of the revenues assigned, and (3) the adjusting assignment. How to fix upon an adjusting assignment

for a particular Province was a question involving nice calculations. Before arriving at a definite figure for the adjusting assignments it was obviously necessary to have settled the normal yield of the receipts of incorporated services and of the revenues made over. The assessment of the normal yield was a contentious matter. As a rough and ready method the Government of India took the average yield of each over a series of years as the normal yield, and made it the basis from which to calculate the assignments. Similarly on the basis of the annual growth of the revenues in the past years it assumed a certain normal rate of increase for each of the sources, so that the normal for the succeeding years exceeded the normal for the preceding year at the normal rate of annual progression assumed. And as the normal yield of the assigned revenues increased at their assumed normal rate of growth the assignments fixed for the subsequent years diminished in like proportion. This normal rate of growth assumed for the assigned revenues was sometimes an assumption unjustified by their past productivity. At all events, as a higher rate of increase meant lessened assignments, the Provinces questioned its magnitude. To pacify the Provinces and to make due allowances for errors of estimating, the Government of India made a very ingenious concession. It agreed that if the actual results showed deviations from the estimated normal yield, either below or above, they should be equally divided between the provincial and Imperial Governments. If the actual yield was greater than the normal the adjusting assignment from the Imperial Government fixed for the year would be reduced by half the excess, and if it were less than the normal the assignment would be increased by half the deficit.

All this very delicate mechanism was adopted primarily for the advantageous manner in which it enabled the Government of India to adjust the assignments without undue hardship being inflicted on either party. But there was also another advantage which, though unperceived at the time, was none the less effective. The consent secured from the Provinces to bear half the burden of a possible deficit in the normal estimate directly put a premium on economical and judicious administration of the ceded revenues. If the Government of India had agreed to bear the whole of the deficit

below the estimated normal, it is doubtful whether the Provinces would have exerted themselves sufficiently to develop their resources to such a degree as to bring their yield to the level of the normal. But the fear that their obligation to bear half the deficit might assume a larger proportion, which would undoubtedly be the case if there was a great falling off in the revenue, compelled them to bestow greater vigilance than they would otherwise have done. Whilst an effectual check on relaxation was thus provided the scheme was not wanting in a stimulus to exertion. The prospect of gaining half the excess over the normal gave a more direct stimulus to the Provinces to develop their resources beyond the normal than would have been the case if the total excess had been entirely appropriated by the Imperial Government. In short, the deterrent effect of a deficit to bear and the stimulating effect of a gain to reap made the mechanism of Provincial Finance as perfect as it could be made from the standpoint of economy in expenditure and productiveness in resources.

Having noted the factors that led to the conception and execution of this new step in Provincial Finance and the features which marked its novelty, we may now proceed to the study of the constitution of Provincial Budgets and the revenue and charges that were incorporated into them. Unfortunately it is impossible to present a conspectus of Provincial Budgets as a whole, for the charges were not uniformly incorporated in all the Provincial Budgets. Each Province was treated individually. This compels us to enter upon the analysis of the Provincial Budgets as they were reconstituted in 1877-8 separately for each of the different provinces.

North-Western Provinces and Oudh

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The budget of the Province was recast rather than enlarged by additions to the already allocated items, as was the case with regard to some other Provinces. In its new form the budget of the Province incorporated the following heads of expenditure and revenue:—

Heads of Charges	Heads of Revenue
3. Refunds of all Assigned Revenues.	I. Land Revenue—collections from the Terai
4. Land Revenue (excepting settlements, allowances to district and village officers, and Bahbar estates and and special temporary compensations to covenanted civil servants in N.W.P.)	the Dudi estate in Mirzapore and from stone quarries.
6. Excise 10. Stamps.	IV Excise. IX Stamps.
14. Administration (excepting Account and and Currency Officers).	XIII Law and justice.
16. Law and Justice (excepting special temporary allowances to covenanted civil servants in N.W.P.)	
17. Police. 19. Education	XIV Police. XVI Education
21. Medical (excepting the pay of Medical Officers in charge of civil stations).	
22. Stationery and Printing.	
28. Miscellaneous (excepting remittance of treasure and any unenumerated item exceeding Rs. 10,000).	XX Miscellaneous (excepting"Gain by Exchange,""Premium on Bills,"unclaimed Bills and unenumerated items exceeding Rs. 10,000 each). Public Works Receipt such as appertained to the Public Works charges incorporated into the Provincial Budget
Public Works Ordinary: Roads	

and miscellaneous public improvements, civil buildings (except opium, post office and telegraph buildings) and tools and plants; also whole of the Public Works establishment of the P.W.D. excepting that in the Military works and irrigation branches; the imperial government paying towards their cost 20 per cent on the outlay from the imperial funds and works and repairs executed by the establishment.	

In assigning the heads of revenue the Government of India added the proviso that"the Governments of North-Western Provinces and Oudh must surrender to the Imperial treasury half of any sum by which the net revenue from Excise, Stamps, and Law and Justice (omitting Jails and Registration), deducting Refunds under these heads and the charges under 6, Excise and 10, Stamps, exceeded Rs. 83,75,000"

and agreed to reimburse the province with a sum equal to half the deficit if the yield fell below the above sum. This adjustment was effected by operating upon the balances of the Province so that if the expenditure of the North-Western Provinces and Oudh upon the incorporated services exceeded the enumerated revenues plus any Provincial contribution in support of them by less than Rs. 83,75,000, the difference was to be added to; and if such excess expenditure was more than Rs. 83,75,000 the difference was to be deducted from the balances of the Government of the North-western Provinces and Oudh in the Imperial treasury.

Bengal

Items of Expenditure incorporated in the Bengal	Grant as	Retrenchment	Proposed Consolidate

Budget	existing in 1877-8		d Grant
3. Refunds of Revenue from Excise, Stamps, Law and Justice, and of Deposits.	4,91,000		4,91,000
4. Land Revenue (Collectors, Deputy Commissioners, etc. Establishments and charges on account of Land Revenue Collections).	22,62,000		22,62,000
6. Excise on spirits and drugs	2,92,000		2,92,000
8. Customs	6,93,000		6,93,000
9. Salt	39,000		39,000
11. Stamps	2,38,000		2,38,000
15. Administration (excepting Account Office, Allowances to Presidency Banks, Stationery Office at Presidency and stationery purchased in the country).	12,61,000		12,61,000
16. Minor Departments (excepting meteorological and archaeological departments, census and gazeteers).	1,68,000		1,68,000
17. Law and Justice (excepting Law Officers).	63,97,000	1,00,000	62,97,000
18. Marine	10,92,0		10,92,000

	00		
23. Political (Govt. House Police Guard).	7,000		7,000
26. Miscellaneous (excepting remittance of treasure).	25,000		25,000
Stationery and Stamps	4,98,000	50,000	4,48,000
27. Provincial allotment as now existing	1,10,59,000	4,40,000	1,06,19,000
Maintenance of Bishop's Palace, etc.	7,000		7,000
Total	2,45,29,000	5,90,000	2,39,39,000

The budget of the Province of Bengal mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_5 was enlarged rather than recast by additions to the already incorporated heads of revenue and expenditure. For the second stage of the scheme the Government of Bengal was made responsible for the charges shown in the above table.

To meet these charges the following revenues were handed over to Bengal for its use :—

ASSIGNED REVENUES (ooo omitted)

	Esti-	Estimated Yield at the assumed				
	mated	Rate of Growth				
Heads of Revenue	Yield					
	in 1876-7	1877-78	1878-79	1879-80	1880-81	1881-82
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

IV Exercise in spirits and drugs	6,300	6,400	6,500	6,600	6,700	6,800
VI Customs (see, Customs Misc. and Warehouses and Wharf rents).	3,600	3,600	3,600	3,600	3,600	3,600
VII Salt (Rents of Ware houses, fines and forfeitures and misc.).	220	220	220	220	220	220
IX Stamps }	10,300	10,575	10,850	11,125	11,400	11,675
XIII Law and Justice }						
XIV Marine (pilotage receipts, registration and other fees and misc.).	1,091	1,084	1,084	1,084	1,084	1,084
XVI Misc. (all except premium on bills, unclaimed bills, and any unenumerated item exceeding Rs. 10,000).	771	792	792	792	792	792
Total		22,671	23,076	23,421	23,596	24,171

Complied from statements in the *Gazette of India* referred to above.

But as the revenues assigned were not sufficient for meeting the incorporated charges transferred, after taking account of the excesses over normal to be paid to the Government of India, the Government agreed to make the following assignments from the Imperial treasury to the Government of Bengal :—

Year	Assignments
	Rs.
1877-78	48,32,000
1878-79	44,57,000
1879-80	40,82,000
1880-81	37,07,000
1881-82	33,32,000

Central Provincesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_6

In the case of the Central Provinces the following additional items were incorporated in its budget :—

Heads of Charge	Grants as already fixed for 1877-78	Retrenchment	Proposed Net Consolidated Grants
	Rs.	Rs.	Rs.
Refunds of Excise, Stamp, Law and Justice and	47,000		47,000
Miscellaneous.			
Excise	52,000		52,000
Stamps	14,000		14,000
Land Revenue exclusive of settlement charges	6,66,000		
Administration (exclusive of Account and Currency Office).	3,39,000}		
Minor Departments (exclusive of Meteorology	4,000}		
and Archaeology).		90,000	17,74,000

Law and Justice	6,91,000}		
Stationery and Stamps	69,000}.		
Miscellaneous (excepting Remittance of	*5,000*}		
Treasure and Discount on Supply Bills.			
Add—			
Existing allotment for provincial services	27,73,000		27,73,000
Total Grant for Services to be borne upon the Central Provinces Budget.	46,60,000		45,70,000

To meet these charges the Government of Central Provinces was authorised to appropriate the yield of the following sources of revenue :—

Heads of Revenue Assigned	Estimated Yield in	Estimated Yield at the Assumed Rate of Growth in		
	1876-77	1877-78	1878-79	1979-80
	Rs.	Rs.	Rs.	Rs.
Excise	13,90,000	14,50,000	15,10,000	15,70,000
Stamps	9,70,000	9,75,000	9,80,000	9,85,000
Law and Justice	1,67,000	1,75,000	1,83,000	1,91,000

Miscellaneous (excepting Premium on Bills, undrawn Bills of Exchange and any unenumerated items exceeding Rs. 10,000 each).	7,000	7,000	7,000	7,000
Total		26,07,000	26,80,000	27,53,000

Compiled from the *Gazette* referred to above.

As these revenues were insufficient the Government of India undertook to supplement them by the following assignments from the Imperial exchequer:—

Year	*Assignments* Rs.
1877-78	- 19,63,000
1878-79	- 18,90,000
1879-80	- 18,17,000

These assignments were, however, subject to change because of the proviso applying to the assigned revenues. By virtue of that proviso the Government of India was to claim half the net increase of their combined annual yield over the estimated normal and was to bear half the deficit if their actual combined yield failed short of the normal. If there was an increase above the normal the assignments were to be reduced by a sum equal to half the increase, and if there was a decrease the assignments were to be increased by a sum equal to half the decrease.

Bombay

Coming to the Provincial Budget mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_7 of the Bombay Government we find the following charges were incorporated in it :—

Heads of Charge	Grant as already fixed for 1877-8	Retrenchment	Consolidated Grant
	Rs.	Rs.	Rs.
3. Refunds	1,10,0001		
4. Land Revenue	65,07,000 }		
6. Excise	80,000		
7. Customs	8,09,000 }		
8. Salt	5,69,000 }		
14. Administration	11,43,0001		
15. Minor Departments	1,13,000 }		
16. Law and Justice	43,12,000 }	5,67,000	2,13,96,000
18. Marine	31,000 }		
20. Ecclesiastical	3,25,000 J		
21. Medical	2,68,0001		
22. Stationery and Stamp	2,29,000 }		
24. Allowances and Assignments	64,81,000 }		
26. Superannuation allowances	8,00,000 }.		
28. Miscellaneous	28,000 J		
Add—			
Existing allotment for provincial services.	1,04,54,00		1,04,54,000

	0		
Total	3,24,17,000	5,67,000	3,18,50,000

Besides the receipts accruing from the already incorporated services the Government of India assigned to the Government of Bombay the following sources of revenue :—

ASSIGNED REVENUES (ooo omitted)

Heads of revenue assigned	Estimated yield in	Estimated Yield at the Assumed Rate of Growth in				
	1876-77	1877-78	1978-79	1979-80	1880-18	1881-82
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1 Land Revenue (receipts of Inamdari adjustments and service commutations	5,199	6,624	6,624	6,624	6,624	6,624
IV. Excise	3,946	4,000	4,100	4,200	4,300	4,400
Stamps	4,186	4,300	4,350	4,500	4,550	4,600
Law and Justice	277	270	270	270	270	270
Total		8,570	8,720	8,970	9,120	9,270
Miscellaneous (excepting gain by exchange, premium on Bills, and on Money	52	70	70	70	70	70

Orders, lapsed Money Orders, Sales, Proceeds of Durbar Presents and unenumerated items—exceeding Rs. 10,000 each).						
Total		15,264	15,414	15,664	15,814	15,964

Compiled from the *Gazette of India.*

The adjusting assignments to cover the difference between the expenditure and revenue incorporated in the Bombay Budget were as follows :—

Year		*Assignments* Rs.
1877-78	-	1,53,20,000
1878-79	-	1,51,70,000
1879-80	-	1,49,20,000
1880-81	-	1,47,70,000
1881-82	-	1,46,20,000

These assignments, it must be noted, were subject to the same proviso as obtained in the case of the Central Provinces.

Punjab

The only remaining Provincial Budget that was framed on the principle of assigned revenues was that of the Punjab.

The heads of charge incorporated in this budget were as hereinafter specified—

Heads of Incorporated Expenditure	Grant as Settled for 1877-8	Retrenchment	Proposed Net Consolidated

			Grant
	Rs.	Rs.	Rs.
Refunds	65,0001		
Land Revenue, exclusing settlement charges	16,21,000 }		
Excise	58,000}		
Stamps Administration (excluding Account and)	72,000}		
Currency Offices and settlement Secretary	9,74,000 }		
Minor Departments	16,00,000}	2,24,000	51,38,000
Law and Justice	20,94,000}		
Superannuation and Retired Allowances,	3,38,000]		
Compasionate Allowances and Gratuities.	}		
Miscellaneous, excluding Remittances of	41,000J		
Treasure.	}		
Stationery and Stamps Add—	83,000 }		
Existing allotments for provincial services	54,22,000		54,22,000
Total	1,07,84,300	2,24,000	1,05,60,000

To defray these charges it was proposed to assign the following revenues to the Government of the Punjab :—

Heads of Revenues Assigned	Net Revenue in	Estimated Net Yield in

	1876-7			
		1877-78	1878-79	1879-80
	Rs.	Rs.	Rs.	Rs.
Assessed Taxes			12,00,000	12,00,000
Stamps		24,85,000	25,05,000	25,25,000
Law and Justice		4,15,000	4,15,000	4,15,000
Excise		10,30,000	10,50,000	10,70,000
		39,30,000	39,70,000	40,10,000
Miscellaneous ((excluding gain by Exchange, premium on Bills, and unclaimed Bills of Exchange).		60,000	60,000	60,000
Total		39,90,000	52,30,000	52,70,000

In making over these revenues the Government of India had reserved to itself a share of the improvement in the net yield from Stamps, Law and Justice, and Excise.

The estimated net yield having fallen short of the estimated expenditure the Government of India agreed to make the following assignments to the Government of the Punjab in order to restore balance in its budget :—

		Less Share of	
Year	Assignmen	Improvement in	Net

	t	Net Revenue from Excise, Stamp, Law and Justice	Assignment
	Rs.	Rs.	Rs.
1877-78	65,70,000	107,000	64,63,000
1878-79	53,40,000	85,000	52,55,000
1879-80	53,10,000		53,10,000

It should be noted that the Government of Madras refused to undertake the responsibility of a provincial Budget based upon the new principle of assigned revenues. It preferred to remain on the old basis. Provincial Budgets of Assam and Burma are not included in this chapter. As the principle involved in their constitution appertains to the study undertaken in the following chapter it is deemed expedient not to include them in the present.

Before closing the study of the second stage in the development of Provincial Budgets it is advisable to take stock of the results achieved during its prevalence from the standpoint of sufficiency to the Provincial Governments and gain to the Imperial exchequer. The following is illustrative of the results of this stage from the standpoint of sufficiency to the provinces:—

	Annual Surpluses or deficits				
Provinces					
	1877-78	1878-79	1879-80	1880-81	1881-82
	£	£	£	£	£
C.P.	5,992	7,049	— 28,133	2,956	95,221
Bengal	173,380	158,932	82,523	— 11,313	255,189
N.W.P.and	4,469	237,100	320,72	280,790	667,61

Oudh			9		3
Punjab	18,578	48,195	7,017	59,497	135,979
Bombay	—609,672	61,249	—11,201	37,855	418,783

Compiled from the Finance and Revenue Accounts of the Government of India.

From this it is clear that except in Bombay the funds provided by the Imperial Government proved not only sufficient for the purpose of carrying on the services incorporated in the Provincial Budgets, but were such as to afford a safe margin of revenue over expenditure. That the provinces had enough and to spare is clearly proved by the assistance which they gave without much detriment to their finances to the Imperial Government in the years 1879-80 and 1880-1. In the year 1879 the financial position of the Imperial Government had become rather critical. The fall in the value of the rupee and the commencement of hostilities with the Afghans were expected to bring about a deficit estimated in 1879-80 at £1,395.000. As the first line of defence the Government of India urged on the several Local Governments and Administrations the necessity of reducing the ordinary expenditure of the country within the narrowest possible limits and directed that measures for suspending or postponing all optional expenditure, whether Imperial, Provincial, or Local, should be adopted forthwith and that no proposals for increase of salaries or establishments should be entertained without real necessity.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_8 As a second line of defence the Government of India ordered that until further—

"arrangements could be settled with the Local Governments... no new work estimated to cost more than Rs. 2,500 shall be commenced at the cost of the Imperial or Provincial Funds, even though it may already have received the sanction of the Government"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B2. Evolution of Provincial Finance in British India PARTII.htm - _msocom_9

and decided to make large reductions in the expenditure on

productive public works. When it was discovered that these restraints on expenditure were not enough to bring about an equilibrium in the Imperial Budget the Government of India adopted a plan of levying benevolences on the provincial balances as a better alternative to increased taxation. It was, of course, an abrogation of one of the most fundamental conditions of Provincial Finance that the Provincial Balances, though in possession of the Imperial Government, were a sacred trust to be released only when required by the provinces. But the solvency of India was deemed to be more sacred than the sanctity of the terms of Provincial Finance. Accordingly the following sums were appropriated by the Imperial Government from the balances of the provincial Governments:—

Province	Contributions to the Imperial Government		
	1879-80	1880-81	Total in Lakhs.
	Rs.	Rs.	Rs.
N.W.P.	10	10	20
N.W.P. . Bombay Punjab Burma	7 ½ 4 3 3	7 ½ 4 3 3	15 8 6 6
Central Provinces Madras	2 1/2 2	2 1/2 2	5 4
Assam	1 1/2	1 1/2	3
Total	33 1/2	33 1/2	67

These contributions were repaid in 1882-3; but for the time being they were in effect a gain or at least a relief to the Imperial treasury. The real gain to the Imperial treasury consisted in the retrenchments made in assigning allotments for services transferred to provincial management. The amount of retrechment secured in the case of each

of the provinces may be summarised as follows :—

Province		Retrenchment
	Rs.	
N.W. Provinces	3,54,000	5 percent of the total allotment.
Oudh	73,000	"
Bengal	5,90,000	"
Central Provinces	90,000	"
Bombay	73,000	"
Punjab	2,41,000	"

This does not exhaust the total gain reaped by the Imperial Government. Two other ways of gain must also be mentioned along with this. It should be borne in mind that by taking the standard yield of the assigned revenues at a level higher than what was justified by their history, the Government of India was able to assign reduced sums for the provincial services than what it would have been required to do if the standard yield had been fixed at a lower level. This reduction in assignments owing to abnormal estimates of the ceded revenues was a direct gain. The excesses above the standard also opened additional possibilities of gain owing to the clause governing the cessation of revenues, although it must be recognised that under the same clause the Government of India stood to lose in the eventuality of the actual revenue falling below the standard. How much it gained from these conditional channels of gain it is difficult to say. On the whole, it cannot be denied that the gain to the Imperial treasury was substantial.

Thus the results show that the scheme of Provincial Finance on the basis of assigned revenues was a success both from the standpoint of the Provincial and Imperial Governments, so that they agreed mutually to make a further move in the development of the scheme

which constitutes its third stage.

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

PART II: PROVINCIAL FINANCE: ITS DEVELOPMENT

Contents

Budget By Shared Revenues

CHAPTER VI
BUDGET BY SHARED REVENUES
1882-83 to 1920-21

At every step in the direction of enlarging the Provincial Budgets the crucial question, as has already been pointed out, was with regard to the difficulties of balancing the revenues and charges proposed to be incorporated therein. The two steps heretofore taken, one in 1871 and another in 1877, in the direction of the evolution of Provincial Finance, were marked by two distinct methods of balancing the Provincial Budgets. On the former occasion the Imperial Government supplied the Provincial Governments with fixed lump sum assignments from the Imperial treasury. On the latter occasion this mode of supply was partly replaced by assigning certain sources of revenue for the use of provincial Governments. The plan of assigned revenues, though it went a great way to remove the most serious defect of the measures of 1871-2, which transferred to the Local Governments the responsibility of meeting charges which had an undoubted tendency to increase, with income which, although not quite fixed, had little room for development, fell short of the requirements of Provincial Finance from the standpoint of elasticity. Superior to those of 1871 though they were, the measures of 1877 were so short of the fullest requirements of elasticity in finance that the Government of Madras refused to accept the enlarged scheme and preferred to abide by the arrangements of 1871. The scheme of 1877 was not offered to Burma or Assam. But when the Government of India made such an offer in 1879 it was obliged to

turn over a new leaf, for, though the difficulty of meeting expanding charges with fixed assignments was overcome in some of the provinces by economy and good management, it was considerably felt by the province of Burma. The expenditure of the province in the seven years preceding the scheme of Provincial Finance aggregated to Rs. 1,98,45,970, while the assignments for the following seven years, aggregated apart from special additions, Rs. 2,20,22,770, showing an excess of Rs. 21,76,800, in all or about 3 lakhs a year. But the expenditure during the same period amounted to Rs. 2,40,77,885, being an excess of Rs. 42,31,915 in all or about 6 lakhs a year. The difference therefore between the excess assignment of 3 lakhs, and the excess expenditure of 6 lakhs a year, had to be made good by the Imperial Government by special grants averaging 2 3/4 lakhs every year to maintain the solvency of the Province.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B3. Evolution of Provincial Finance in British India PARTII.htm - _msocom_1 The Government of India while making the supplementary assignments was not unconscious of the demoralising effect of such doles. In fact it was admitted that it would have been much better to have augmented the provincial assignments to Burma by 22 1/2, lakhs at the start had it foreseen the necessity for it, than to have been obliged to grant an equal amount in the form of supplementary aids so detrimental to economy and good management. The experience of Burma had driven home the fatuity of assignments as a mode of supply and the Government of India had realised that elasticity in revenues was a vital condition for the success of Provincial Finance. To assign revenues to Burma was therefore inevitable. Being overborne by the needs of the Province and by the fact that the Province yielded a substantial surplus to the Imperial treasury, the Government of India conceded that the Province was"entitled to have its real wants supplied more liberally than heretofore."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B3. Evolution of Provincial Finance in British India PARTII.htm - _msocom_2 It is in the method adopted for the purpose of giving a liberal treatment to the province of Burma that the new step in the method of supply to the Provinces was taken. In the settlements made in 1877-8 with the five Provinces—Central Provinces, N.W.P. and Oudh, the Punjab,

Bombay and Bengal—the Heads of Account under Revenue and Expenditure comprising the Indian Budget were grouped under two distinct categories : (1) wholly Imperial and (2) wholly Provincial. But in the case of Burma the Heads of Account were grouped under three distinct categories : (1) wholly Imperial, (2) wholly Provincial, and (3) jointly Imperial and Provincial3 In so far as items of revenue and expenditure were in the exclusive keeping of the Imperial or the Provincial Government, the settlement did not differ in spirit from that obtaining in other provinces. The difference consisted in carving out a third category of Account to be made of *jointly Imperial and Provincial*. By it certain revenues and charges were marked off from the rest and were shared between the Imperial and the Provincial in some definitely fixed proportion. The object of the arrangement was to replace rigidity in the Provincial revenues by elasticity. In the finances of the other Provinces there was elasticity in so far as their assignments were replaced by assigned sources of revenue. But to the degree in which their revenues were made up of fixed assignments their finances inevitably suffered from rigidity. In the case of Burma, however, the substitution of shares of growing revenues for fixed assignments gave complete elasticity to the Provincial revenues without which it had become so difficult to shoulder the responsibility of meeting expanding charges. - In recasting the framework of the Provincial Budget of Burma on the principle of shared revenues, all the heads of receipts and charges were made wholly Provincial, with the exception of the following, which were treated as wholly Imperial :—

(1) The Army — Receipts and Charges.
(2) Postoffice — "
(3) Telegraph "
(4) Account Department "
(5) Meteorological Department... "
(6) Political "
(7) Remittance of Treasure and "
Premium on Bills of Exchange and
unclaimed Bills of Exchange.

The third category of revenues and charges, namely, jointly Imperial and Provincial, covered the following items :—

(1) Land Revenue, including capitation tax, but excluding Fisheries, with such Land Revenue Refunds, charges of collection and settlement as cannot be attributed to Fisheries only.

(2) Forest revenue. Expenditure and Refunds.

(3) Export Duty on rice, and Refunds.

(4) Salt Revenue, Expenditure and Refunds.

Items comprising the third category were divided between the Imperial and Provincial Governments in the proportion of five-sixths to the former and one-sixth to the latter. By adopting this method of supply Burma, unlike other provinces, secured funds of an elastic character, for, even though the shares remained fixed the amount they brought in any one year varied with the variation in the total yield of the revenues assigned or shared. Of course everything depended upon how Burma nursed the revenues delegated to its control. But if it did its duty, unlike the other provinces, its labours were not to be unrequited.

The same principle of shared revenues was applied to the province of Assam, which had hitherto continued on the old basis of 1871. Although the settlement with that Province had been made after that with Burma had been carried out, the principle of shared revenues as a mode of balancing the Provincial Budget was not adopted on any appreciable scale. The reason for this break in the progressive realisation of the principle is not to be attributed to any spirit of hesitation on the part of the Government of India, but is to be ascribed mainly to the necessity of the case. As it was contemplated to reincorporate the province into Bengal it was deemed expedient to frame the Provincial Budget of Assam on the same plan as that of Bengal so that their financial fusion might be as easy as the administrative. Thus the heads of revenue and expenditure which were provincial in Bengal since 1877 were also made provincial in Assam in 1879, including"Law Officers,"which for temporary reasons were reserved as Imperial in Bengal. The only point at which the new principle was applied consisted in making the Land Revenue head in Assam a joint head to be shared by the Imperial and the

Provincial Governments in the proportion of four-fifths of its net yield to the former and one-fifth to the latter.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B3. Evolution of Provincial Finance in British India PARTII.htm - _msocom_3

The beneficial results of the new settlement with these two Provinces are easily to be seen from the following comparative table of the estimates of their budgets as prepared on the old basis and as recast on the new :—

000 omitted

	Assam Budget Estimates				Bt. Burma Budget Estimates			
	Old Basis		New Basis		Old Basis		New Basis	
	1878-79	1879-80	1878-79	1879-80	1878-79	1879-80	1878-79	1879-80
	£	£	£	£	£	£	£	£
Revenue	2115	2110	3657	3596	4013	4078	9459	9673
Expenditure	2253	2261	3480	3566	4169	5111	8926	1011
Surplus			177	30			533	9
Deficit	138	151			156	1033		
Closing Balance	206	55	521	555	873	161	1562	526 1436

From the Resolution of the Government of India in the Department of Finance and Commerce, No. 1249, dated March 13, 1879.

Once the new principle of shared revenues was established in the case of Burma and Assam it was not possible for the Government of India to withhold its application from the other Provinces. The settlements made in 1877 with the several Provinces were not only of short duration but were also of unequal durations. It was only in the case of Bengal and Bombay that the settlements were made for five years commencing from 1877-8. In the case of the Central Provinces and the Punjab the period fixed was three years, while in the case of the North-Western Provinces it was as short as two years, from

1877-8. It is evident from this that the settlements with some other Provinces were to have expired soon after those with Burma and Assam had been completed, and would have required to be reconstituted on the basis of shared revenues. The Government of India, however, delayed the process, and in that it did wisely, for it was too soon to make the new principle of shared revenues and charges a basis for universal application. It was nothing but prudent to have regarded it as it were in its experimental stage. Secondly, the disadvantages of the *ex-parte* treatment of the Provincial Budget had come to be realised. It then dawned upon the Government of India that the several provincial Budgets were only parts of an organic whole, viz., the Imperial Budget, and it was manifestly inadvisable to frame the Provincial Budgets each by itself without regard to the claims, needs and exigencies of all others. But in order that this comparative and compromising operation of judging the claims of one in the light of the needs of others be performed with the desired effect of treating the different provinces in an equitable manner, it was essential that all the Provincial Budgets be dealt with simultaneously. The importance of this consideration and the desire to gain time in order to profit by the experiences of Burma and Assam led the Government of India with the consent of the Provincial Governments to extend or shorten, as the case may be, the duration of their financial agreements with the Provinces so as to bring about a synchronous expiry of them all on March 31, 1882.

Financial Settlements of 1882-83

The new settlements made with all the provinces with effect from 1882-31mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B3. Evolution of Provincial Finance in British India PARTII.htm - _msocom_4 were marked by an extension of the principle applied to Burma since 1878. Certain heads, as few in number as possible, of revenues and charges were wholly, or with minute local exceptions only, grouped as Imperial. Others were classed as wholly Provincial. The remaining were placed in an intermediate category designated as joint and were in most part shared equally between the Imperial and the Provincial Governments. In those cases, however, where the provincialised

expenditure exceeded the resources from the provincialised as well as the shared revenues, the balance instead of being provided as heretofore by fixed assignments from the Imperial exchequer was rectified for each Province by a fixed percentage on its land revenue—a wholly Imperial head of revenue except in the case of Burma, where the percentage was extended to the Imperial rice export duty and salt revenue as well.

Along with the enlargement of the scheme of Provincial Finance in 1882 the Government of India was also anxious to introduce simplicity and uniformity in the matter of grouping the different heads of revenue and expenditure under the three categories now established. It will be remembered that the agreements effected in 1877 were marked by diversity and intricacy. The same charges were not provincialised in all the Provinces. A charge which was Provincial in one was Imperial in another. Again, in transferring charges a grant was often broken up so that a part was made Provincial and a part reserved as Imperial. On the revenue side the arrangement was not a little intricate. The computations owing to the proviso in respect of the assigned revenues made the calculations far from simple. Both these defects were, however, removed when the settlements were framed in 1882, and it is to indicate what heads of revenue and expenditure were provincialised, what were imperialised, and what were divided and to what extent, that the following attempt is made.

Revenues—.

	Imperial	Provincial
Land Revenue	The whole except as entered in the Provincial Column	In *Burma,* Fisheries; in the *N.W.P. and Oudh* collections from the Terai, Bhabar and Dudhi Estates, Rents of Water-Mills and Stone Quarries; in *Bombay,* Rents of Resumed Service Lands and Service Commutations. In all Provinces, a fixed

		percentage on the Imperial land revenue to cover the difference between Provincial Revenue and Provincial Expenditure
11 Tributes	The whole.	Nil.
III Forest	Half.	Half.
IV Excise	Do.	Do.
V Assessed Taxes	Do.	Do.
VI Provincial Rates	Nil.	The whole.
VII Customs	All except as entered in the Provincial Column	All items other than Customs Duties: and, in *Burma* only, the same percentage on Export Duties as on the Land Revenue.
VIII Salt	All except as entered in the Provincial Column	All items other than Duty on Salt and sale of Salt; and, in Burma only, the same percentage on the salt Revenue as on the Land Revenue
IX Opium	The whole.	Nil.
X Stamps	Half.	Half.
XI Registration	Do.	Do.
XIII Post Office	Nil.	The whole.
XIV Minor Departments	Do.	Do.
XVI Law and Justice	Do.	Do.
XVII Police	Do.	Do.
XVIII Marine	As at present.	As at present.
XIX Education	Nil.	The whole.
XX Medical	Do.	Do.
XXI Stationery	Nil.	The whole.

and Printing.		
XXII Interest	All except as entered in the Provincial Column.	Interest on Government securities (Provincial).
XXIII Pensions	Book transfers from the Military and Medical Funds and subscriptions to these Funds	The remainder.
XXIV Miscellaneous	Gain by Exchange on Imperial transactions, Premia on Bills and unclaimed Bills of Exchange	The remainder.
XXV Railway	As at present.	Whatever is now provincial in each Province.
XXVI Irrigation and Navigation.	Do.	Do.
XXVII Other Public Works	Receipts from Military Works	The remainder.
XXXI Gain by Exchange on Transactions with London	The whole.	Nil.

Expenditure

1. Interest	The whole except as entered in the Provincial	Interest on local Debenture Loans. 4 1/2 percent, on the capital cost to the commencement of the year, and

	Column.	2 1/2 per cent. on the capital cost during the year, of all Public Works, whether classified as Productive Public Works or not, of which Capital and Revenue Accounts are kept: excepting, always, any portion of their cost supplied from the Provincial Revenues or by Local Debenture Loans. The rate of interest on the cost of Protective Public Works will be the subject of a special agreement.
2. Interest on Service Fund's and other Accounts.	Interest on Service Funds and deposits in Savings Banks.	The remainder.
3. Refunds and Drawbacks	Of the Imperial share of revenues.	Of the Provincial share of revenues.
4. Land Revenues	The same percentage on charges for collection of Land Revenue and on the cost of Surveys (including expenditure hitherto charged in the Accounts of the Central Government) and Settlements elsewhere than in *Bombay* and *Madras,* as is retained of Land	The remainder.

	Revenue.	
5. Forest	Half	Half. Do. Do. The whole. Do. The remainder.
6. Excise	Do.	Nil. Half. Half. The whole. Do.
7. Assessed Taxes	Do.	"
8. Provincial Rates	Nil	
9. Customs	Do.	
10. Salt	In *Madras* the whole. Elsewhere the purchase and manufacture of salt; and in *Bengal* the cost of preventive lines and operations: in *Bombay* charges connected with the administration of Salt Revenue in Portuguese India.	
11. Opium	The whole	
12. Stamps	Half	
13. Registration	Half	
15. Postoffice	Nil	
16. Telegraph	Do.	
17. Administration	Account and Currency Offices and allowances to Presidency Banks.	The remainder.
18.Minor Depts	Archaeological and Meteoro logical Depts., Census Gazetteers and Statistical Memoirs.	The remainder.

19. Law and Justice	Nil.	The whole.
20. Police	Frontier Police and Police employed on Imperial State Railways on Salt preventive duties.	The remainder.
21. Marine	Whatever is now Imperial.	Whatever is now Provincial.
22. Education	Do.	Do.
23. Ecclesiastical	The whole.	Nil.
24. Medical	Nil.	The whole.
25. Stationery and Printing	Stationery purchased for Central Stores.	The remainder, including cost of stationery obtained from Central Stores.
'26. Political	The whole.	Nil.
27. Allowances and Assignment	The whole except as in the Provincial Column.	In *Bombay,* items now Provincial
28. Civil Furlough and	The whole.	Nil.
Absentee Allowances.		
29. Superannuations	Items not provided for in the Al Provincial Column.	pensions and gratuities, except pensions payable from the Military and Medical Funds brought to account in India: each Government being responsible for pensions and gratuities which it now pays, or hereafter grants or recommends, however earned and wherever paid.
30. Miscellaneous	Remittance of treasure, and discount on Supply Bills.	The remainder.
31. Famine Relief	Secondary	Wholly Provincial.

	liability.	
32. Railways	As at present.	Whatever is now Provincial.
33. Irrigation	Do.	Do.
34. Other Public Works	Military Public Works, and except in *British Burma,* Offices of the Supreme Government; Works in the Salt, Opium, Post Office, Imperial Telegraph and Ecclesiastical Depts. And Mint and Currency Offices; and Bengal Surveyor General's Offices.	The remainder.
38. Loss by Exchange	The whole.	Nil.

On the transactions of 1881-82 the Government expected to gain £ 470,000 a year. Of this sum, however, it returned to the Central Provinces £77,900, for improving the position of the subordinate civil services and other general purposes; to Madras, £ 20,000, for provincial public works; and to the N.W.P. and Oudh, £326,000, of which £ 10,000 was for additional Kanungoes in Oudh, and the remainder, £316,000, for a remission of local taxation. Besides these benefactions the Government of India gave for a favourable start to Bengal, £ 285,000; Burma, £ 20,000; N.W.P., £ 55,000, to be added to their balances before the close of the year 1881-2. These benefactions, which amounted to £496,000 a year, were expected to turn the annual gain of £470,000 into an annual loss of £26,000 to the Imperial

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In this connection it must also be recalled that the Government of India reimbursed the Provincial Governments of the amount of the benevolences it had levied on them in the years 1879-80 and 1880-1. But not long after the revision of 1882 the financial position of the Government of India, which had permitted of such a liberal treatment, suffered a reverse, and the necessity for levying benevolences on the balances of the Provincial governments reappeared in 1886-7. In presenting the financial Statement for that year the Finance Member of the Government of India argued:—

"22. Since the estimates for 1885-6 were presented..... Indian administration and finance have entered on a new phase. The brief period of rest which the country had enjoyed since 1882 had drawn to a close..... By the events of the late years in Central Asia, India finds herself almost in contact with one of the great European Powers, and she cannot hope to escape the necessity which the position imposes on her of increasing her military strength. Events impending have occurred which have changed, as it was known they must change, the face of our estimates, and have thrust us violently out of the peaceful path of internal progress in which we had hoped to have been left undisturbed."

Among the other means employed to weather the storm the Government of India resorted a second time to nibbling at the provincial resources, and gathered a sum of £400,000 in the year 1886-7 by appropriating from their balances the above amount.

The condition of Provincial Finance during this period may be summarised in the following table :—

	Annual Surpluses and Deficits				
Provinces	1882-3	1883-4	1884-5	1885-6	1886-7
	£	£	£	£	£
C.P.	33,775	76,212	18,047	22,080	115,656

Burma	171,207	—90,030	—89,725*	#	71,743**
Assam	13,887	—5,216	—40,577	25,299	28,576
Bengal	539,611	146,027	48,910	26,777	52,911
N.W.P.& Oudh	281,222	357,630	—69,276	—180,060	—12,408
Punjab	—110,966	—15,765	—41,545	42,447	3,106
Madras	108,421	10,820	—87,284	146,692	—78,689
Bombay	—149,894	—2,585	6,006	291,976	—161,369

*No balance left at the dose of the year.
Equilibrium.
**Balance obtained by excess of current revenue over current expenditure of the year.
Compiled from the annual Finance and Revenue Accounts of the Government of India.

The settlements entered into with the Provincial Governments in the year 1882-3 not only differed from the preceding settlements in the replacement of fixed assignments by shares in the Imperial revenues, but they also differed in another important respect, namely, their duration. Though the results of the scheme of provincial Finance have been presented in one Table covering the period 1871-7, it must not be supposed that the settlements with the various Provinces were made for the period of six years. On the other hand, the settlements were only annual and lasted up to 1877 by the process of constant renewals. The results have been presented together for a continuous period not because the settlements were made for that period, but because the principle on which they were based endured for that period. After 1877 the settlements no doubt were made for a longer period. In two cases they were for five years

and for the rest the period ranged between two and three years. The short duration system, like the fixed assignment system, was of immense advantage to the Imperial treasury. The object of these settlements, it will be recalled, was firstly to put a definite limit on the demands of the Provincial Governments on the already too scanty resources of the Imperial Government. Evidently this object would have been better served had the duration of the settlements been longer than it was. But a longer duration would have deprived the Imperial treasury of its right to profit by an early revision of the revenue side of the contract. It was this consideration of not remaining too long out of pocket, that had hitherto prevailed upon the Government of India to shorten the duration of contracts as much as possible. But what was an advantage to the Imperial treasury was from the standpoint of the Provincial Government a serious drawback. Owing to the short durations of the settlements the Provincial Governments were not in a position to distribute the funds at their disposal on the incorporated services so as to open a new page in their financial history. They could not adopt a definite financial policy, for they feared that the new terms on renewal might compel them either to give up the policy or modify it so seriously as to prejudice its results. A single budget may seem nothing more than the conspectus of financial happenings of the year to which it pertains, yet to the financier who frames them year after year they embody a definite policy running towards its consummation. But a policy, however wisely adopted, may be thwarted by an unwise disturbance of the uniformity of conditions on which its fulfilment depends. This was just the flaw that deteriorated the sound working of Provincial Finance. Constant renewals had a general disturbing effect, and the duration between any two of them was indeed too short to give a stable state of conditions. Being impressed by the fact that the advantages of a short-duration-contract to the Imperial treasury were enormously counterbalanced by its disadvantages to Provincial Finance, the Government of India, on the occasion of revising the settlements in 1882-3, made it a definite rule that they shall be quinquennial in duration ; that is, they shall not be subject to revision before the end of the fifth year from their commencement.

Revision of 1887-88

By virtue of this rule the settlements made in 1882-3 expired in 1887. The revision then undertaken, as well as the subsequent ones, left as a rule undisturbed the two categories of revenue and expenditure, namely, those wholly Provincial and wholly Imperial. It became almost a convention to leave them as they were since the separation in 1882, when the constitution of Provincial Budgets was thoroughly overhauled and consolidated. The only heads of revenue and expenditure that were revised, as revision fell due, were those that were grouped under the third category, namely, jointly Imperial and Provincial, otherwise known as"Divided Heads."

In the revision of 1887-8 the decisive factor was the unsatisfactory position of the Imperial Finances already referred to. To improve its financial position the shares in the joint heads were altered so that each Local Government was allowed to appropriate three-fourths of the stamps and one-fourth of the excise revenue, and required to bear the expenditure under those heads in like proportion. The proportions of land revenue were also altered so that three-fourths of it was made Imperial, and one-fourth Provincial. But the needs of the Imperial treasury were so great that the Government of India even revised some of the heads of the other two categories, namely, Salt, Customs, Interest, Irrigation and Railways, to its own advantage. The details of the gain to the Imperial treasury are as given below :—

Revenue	*Imperial Share* Increased — Decreased	Net Gain
Land Revenue	437,500	
Stamps (share reduced from 1/2 to 1/4 Excise (share increased from 1/2 to 3/4) Salt revenue of Burma imperialised Customs revenue of Burma	—810,000 947,500 } 5,000 155,000 — 290,000 }	215,000

imperialised Assessed taxes—divided in moieties				
State Railways gross earnings— Nagpur Chhattisgarh Patna-Gaya }	—310,000			
Cawnpore-Achneyra }				
Eastern Bengal, provincialised	—540,000			
Expenditure	Increased — Decreased		Net Gain	
Land Revenue, entire provincialization of survey and settlement	145,000			
Salt in Bombay imperialised	— 90,000 {			
Customs in Bombay imperialised	— 50,000			
State Railways—				
Working expenses:—				
Provincialised	305,000 {		395,000	
Imperialised ...	— 215,000	}		
Interest—Provincialised	— 70,000			
Imperialised	— 65,000	}		
Irrigation—Provincialised. Bengal	65,000 {'			
Irrigation—Provincialised Madras	230,000	}		
Add—Small items of accounts unenumerated			20,000	

This gain to the Imperial treasury was distributed in the following proportion among the various Provinces :—

Provinces	Increase of annual resources under the principal Provincial Heads of Revenue as estimated on comparison of 1882 and 1887			Amount by which Annual Provincial Resources were reduced by the Revision of 1887
	Land Revenue	Stamps and Excise	Total	
	£	£	£	£
C.P.	2,200	45,500	47,700	15,600
Burma	4,700	9,200	13,000	
Assam	22,300	21,300	43,600	24,600
Bengal	19,200	171,550 1	190.750	103,600
N.W.P.	8,000	30,150	138,150	100,000
Punjab	32,800	23,100 1	55,900	174,400
Madras	27,750	42,550	150,300	
Bombay	99,000	198,550	297,550	221,900
Total ...	195,950	741,900	937,850	640,100

This would have been the net gain to the Imperial treasury had it not been for the fact that it conceded to Burma the sum of £ 10,000. The net gain was thus reduced to £ 530,100 per annum. The condition of Provincial Finance during the period of 1887-92 may be judged from the following table presenting the annual surplus and deficit of each of the different Provinces :—

	Annual Surpluses and Deficits				
	1887-	1888-89	1889-90	1890-91	1891-

	88				92
	Rs.	Rs.	Rs.	Rs.	Rs.
C.P.	13,148	22,583	— 12,322	—31,573	17,540
Burma	77,028	11,560	64,072	106,216	50,598
Assam	7,751	26,343	20,090	—17,871	31,185
Bengal	131,007	—65,792	102,547	— 120,377	— 11,934
N.W.P. & 0udh .	— 53,900	45,949	102,710	—12,544	— 4,399
Punjab	12,446	32,142	29,264	31,367	— 1,719
Madras	105,371	113,932	144,571	— 136,739	— 241,770
Bombay	— 24,574	18,322	41,361	— 123,887	— 53,189

Compiled from the annual Finance and Revenue Accounts of the Government of India.

Revision of 1892-3

The next revision of provincial settlements under the rule of quinquennial revisions occurred in 1892-3. The new settlements to commence from that year did not differ in principle from those of 1887-8. The shares in the Joint Revenue were so readjusted as to give to the Imperial treasury a larger gain from the growing yield of the provincialised sources. The amount resumed by the Imperial Government at this revision through readjustments of shares was estimated as follows :—

Province	Increase of Revenue in 1891-92 (Revised Est.) as compared with the Estimate for the Contract of 1887-88 to 1891-92	Amount resumed by the Government of India
	Rs.	Rs.
C.P.	119,200	22,700
Lower Burma	334,900	58,900
Bengal	517,700	51,900
N.W.P.&Oudh	53,300	56,900
Punjab	195,400	41,000
Madras	313,200	103,800
Bombay	399,200	131,100
Assam	99,800	
Total	2,042,700	466,300

But this gain to the Imperial treasury seriously disturbed the equilibrium between the expenditure of the Provinces estimated as normal for the ensuing period and the normal estimated yield of revenues left to them. To restore equilibrium between their normal expenditure and normal revenue the Government of India reverted to the discarded method of fixed adjusting assignments, so that while the actual revenues and charges deviated from what was estimated as normal for the period of the settlement, the adjusting entry allowed by the Imperial Government to each of the provinces remained fixed throughout the whole period. The following is a statement of estimated normal expenditure and revenues of the different Provinces with their respective adjusting assignments as fixed for the new period :—

Provinces	Provincial Revenues			Provincial Expenditu
	Ordinary	Adjusting	Total	

	Revenue being a share of certain Receipts	Assignments		re
	Rs.	Rs.	Rs.	Rs.
C.P.	567,600	220,500	788,100	788,100
Lower Burma	1,427,500	414,300	1,841,800	1,841,800
Assam	657,700	—112,700	545,000	545,000
Bengal	4,249,300	—143,900	4,105,500	4,105,900
N.W.P. & Oudh .	3,403,500	—250,000	3,152,900	3,152,900
Punjab	1,370,400	348,500	1,718,900	1.718,900
Madras	2,479,300	325,400	2,804,700	2,804,700
Bombay	3,123,900	771,400	3,895,300	3,895,300

The evil effect of large resumptions and fixed assignments will be clearly seen in the condition of Provincial Finance as indicated by the annual surpluses and deficits over the period of the settlement:—

	Annual Surpluses or Deficits				
Province					
	1892-93	1893-94	1894-95	1895-96	1896-97
	Rs.	Rs.	Rs.	Rs.	Rs.
C.P.	—21,798	—60,772	—105,108	19,653	—37,408*
Burma	66,642	—90,653	—272,319	226,505	780
Assam	9,336	28,532	—	30,507	—

			27,422		25,421
N.W.P.& Oudh	— 16,752	— 25,155	— 165,987	— 139,798	— 164,740
Bengal	— 9,826	36,887	169,796	149,808	— 186,558
Punjab	— 106,050	— 22,699	— 24,811	—7,156	— 64,073
Madras	— 159,081	33,636	92,328	44,118	— 200,579
Bombay	— 23,888	19,443	— 102,472	100,690	— 221,119

*No closing balance left.

Complied from the Annual Finance and Revenue Accounts of the Government of India.

It must, however, be admitted that the financial arrangements of the Provinces during this period were considerably disturbed by the outbreak of plague and famine towards the close of the settlements. The expenditure which the Provinces were obliged to incur to meet these two calamities depleted the resources of all and brought the Central Provinces and the North-West Provinces to the verge of bankruptcy, from which they were rescued by the following contributions made by the Government of India in aid of their balances in the year 1896-7 :—

To Central Provinces ... Rs. 526 lakhs.

To N.W.P. and Oudh ... Rs. 1,609 lakhs.

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

Continued…

CHAPTER VI

BUDGET BY SHARED REVENUES

Revision of 1896-97

This depression in Provincial Finance was alleviated to some extent at least in the revised settlements of 1896-7 by allowing a higher standard of expenditure and of revenue to the Provinces than was granted to them in 1892. The following table presents the old and the new standard of expenditure with the percentage difference between them :—

	Standard Net Expenditure		
Provinces			Increase
	1892	1897	per cent.
	Rs.	Rs.	
Central provinces	653,300	710,700	8.8
Lower Burma	1,064,600	1,206,100	13.3
Assam	467,600	564,900	20.8
Bengal	2,816,700	3,125,500	10.9
N.W.P.	2,215,400	2,428,700	9.6
Punjab	1,384,600	1,537,300	11.0
Madras	2,054,800	2,238,600	8.9
Bombay	2,049,500	2,544,100	5.6
Total	13,066,500	14,355,900	9.9

This new and enhanced standard of expenditure called for a revision of the shares of the Imperial and Provincial Governments in the joint revenues. But the revision had to be so devised that while it gave larger resources to the Provinces it obviated the necessity of making fixed assignments as much as possible; for the Government

of India had learnt to its cost that fixed assignments on a large scale tended to make the resource side of the Provincial Finance rigid to such an uncomfortable degree that, if the variability of expenditure surpassed the expandability of the revenue incorporated in the Provincial Budgets, it was perforce obliged to distribute benefactions to ease what would otherwise be a difficult situation. Secondly, these fixed assignments also created a certain degree of inequality as between the backward and the more advanced Provinces. In the advanced Provinces the fixed assignments formed a comparatively smaller part of their resources than they did in the case of the relatively backward Provinces, and, as larger expenditure could be undertaken by the Provinces only when their revenues expanded, the advanced Provinces, a larger part of whose resources were of an expanding nature, obtained a more favorable treatment than the relatively backward Provinces, a large part of whose resources were of a frozen character. This was rightly conceived by the Government of India as the reverse of what ought to have been, having regard to the fact that the needs of the backward Provinces were relatively more imperious than those of the advanced Provinces. To obviate this injustice the Government of India enhanced the shares of the backward provinces in the joint revenues by reducing *per contra* the fixed assignments made at the last revision. To the Punjab it gave .4 and to the Central Provinces .5 of the Land Revenue instead of .25 only. The share of Burma in the Land Revenue was raised to .66, and to make provision for the enhanced expenditure due to the addition of Upper Burma, and in lieu of the railway revenue withdrawn from it, Burma was allowed to appropriate .5 of the Excise instead of .25 only. The financial condition of the North-Western Provinces was not very happy. Its revenue had proved so very unprogressive that it advanced only 2 per cent. between 1892 and 1897. The treatment of the North-Western Provinces at the revision of 1892 was also a little unjust. The revision had left its revenues short by 5 lakhs of its standard expenditure, to be made up by reduction of its balances. To make amends for this the Government of India re-distributed the shares in the Land Revenue to the advantage of the North-Western Provinces. In addition to this the Government of India gave to that

Province a grant of 4 lakhs for the year 1897-8, to enable it to establish district funds on a financially independent footing, a result accomplished long ago in every other Province in British India. To give an equitable treatment to the backward as well as to the advanced Provinces, it realised that an unequal treatment was the only proper way. It therefore adopted a less liberal attitude in revising the terms of the settlements with the more advanced Provinces of Bengal, Madras and Bombay. It allowed them a proportionately smaller increase of expenditure than the backward Provinces, as may be seen from the figures given above, and reduced slightly their shares in the revenues.

On the occasion of this revision the gain to the Imperial exchequer was practically negligible. In 1877 its total gain by retrenchment amounted to 40 lakhs a year; in 1882 the Imperial Government was so very prosperous that instead of contriving for a gain it surrendered to the Provinces 26 lakhs of the annual imperial revenue. But in 1887 it resumed 63 lakhs and in 1892,46 lakhs. On this occasion however its gain was nil, for what it got from the advanced Provinces it gave to the backward ones.

Just and liberal as the terms of the settlement were, the abnormal circumstances which disturbed the entire period of the settlement made such heavy demands on the Provincial resources that, ample though they were, they fell far short of the requirements of the Provinces. The famine of 1896 and 1897 affected all the Provinces, although in unequal degree. In the North-Western Provinces and Oudh, the Central provinces, and Burma the effect was most severely felt. In Madras, Bengal and the Punjab it was serious, and in Burma it was slight. On the other hand, the famine of 1899 and 1900 affected Bombay and the Central Provinces most severely, the Punjab very seriously and the rest of the Provinces slightly. And Assam, though unaffected by either of the two famines, suffered very severely from the great earthquake of June, 1897. Besides famine the plague was also making its ravages and taking its toll. As a result of these unforeseen calamities ail the Provinces were forced to incur extraordinary expenditure on preventive measures, for which no provision was made in the standard of revenue fixed for the period

of settlement. The expenditure on these unforeseen calamities being of an extraordinary nature was treated as imperial and defrayed from the Imperial exchequer, but even this much succour did not prove equal to the necessity and the Government of India was obliged to make special grants-in-aid of the Provincial Revenues as shown on page 168.

Thus the Government of India was not only obliged to pay for the cost of the famine, but to grant funds to restore equilibrium and to provide for useful public services held up or curtailed by the Provincial Governments owing to the extraordinary circumstances of the time. All this aid from the Imperial Government was made available because of the very prosperous condition of the Imperial finances throughout this period. While it is better that governments in general should always be in penury, the surpluses in the Imperial Finance proved a timely resource, the utility of which was doubled by the commendable way in which they were spent. Besides giving them grants for useful public works the superfluous funds of the Imperial Government were utilised in carrying out the following additional measures to the relief of the Provinces:

(1) Remission of Imperial Land Revenue Rs. 50,94,000 and reimbursement to the Provinces for their share remitted Rs. 59,81,000; in all Rs. 1,10,75,000.

(2) (1) The abolition of the pandhari tax in the Central Provinces, costing Rs. 7,000 a year.

(3) The reduction of the patwari rate in Ajmere, from 10 per cent. on land revenue to 6 1/4per cent.; the amount of the local revenue remitted was—Rs. 13,000, but the contribution paid to the local fund was Rs. 23,000mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B4 Evolution of Provincial Finance in British India PARTII.htm - _msocom_1Taking into account these various contributions in aid of Provincial Revenues, the following table is presented as indicative of the condition of the Provincial Finances during this period of settlement :—

Provinces	Provincial Surpluses or Deficits						
	1897-98	1898-99	1899-1900	1900-01	1901-02	1902-03	1903-04
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
C.P.	(a)	12.286	—1,22,883	(a)	22,42,408	—705	-7,40,742
Burma	1.69,435	4.11,494	26.14,312	15,16,220	7,55.285		
Assam	—45,580	86,742	—8,15,488	—86.829	1,47,353	10.08,393	11,40.517
Bengal	-3.03.250	2,19,449	7,01,899	4,43,224	6.44.170	6,23.640	87,23.496
N.W.P.	(a)	3,28,562	7,53,815	8,04.789	---	---	---
Punjab	—2,278	1,15,379	-16,53,794	(a)	14,96,350	10.28.770	6.74,880
Madras	-1.57,707	1,60,706	-17.58.029	-3,21,013	40,41,297	-15,810	52,40,809
Bombay	-1.29.663	1,00,427	-15,04,271	(a)	58,23,235	-24,23,235	-1,23,000
U.P.of Agra and Oudh	---	---	---	---	-9,63,788	-64,372	37,11,281

(a)No closing balance left because of Budget equilibrium.

Compiled from the Annual Finance and Revenue Accounts of the Government of India. .

IMPERIAL SPECIAL GRANTS-IN-AID TO PROVINCES*

Year		India	C.P.	Assam	Bengal	N.W.P. and Oudh	Punjab	Madras	Bombay	Burma
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1897-98			7,72,000	8,00,000		10,27,000			12,18,000	
1898-99			5,00,000	18,00,000	17,00,000	10,00,000	5,00,000	16,96,000	48,75,000	
1899-1900			19,32,000				95,000	3,49,000	34,37,000	
1900-01			34,15,000				5,98,000		64,79,000	
1901-02	{		26,89,000	2,00,000			12,40,000	32,14,000	91,00,000	4,00,000
	{		6,50,000		10,00,000	5,00,000	4,00,000	10,00,000	19,50,000	
1902-03 ...	1 {	A 70,000	2,00,000	1,00,000	6,00,000	4,50,000	4,00,000	8,00,000	6,00,000	
	2 {	B 1,00,000	2,00,000	2,80,000		3,50,000	5,00,000	5,50,000	5,50,000	
	3 {		2,00,000	1,50,000			3,00,000	3,50,000	3,50,000	
1903-04	{		2,00,000	1,00,000	10,00,000	5,00,000	4,00,000	8,00,000	6,00,000	4,00,000
	1 {		5,00,000	5,00,000	2,00,000	3,00,000	10,00,000	5,00,000	10,00,000	
	2 {		1,90,000	1,11,000		2,26,000	2,76,000	3,50,000	3,50,000	
	3									

1.For education (recurring)
2.For use Public Works.
3.For improving district and Other establishments.

A. Allotment for Public Work s in Baluchistan, Rajputana and Central India.

B. Amount taken the"India"estimates for subsequent distribution to the provinces.

.. * Complied from the annual Financial Statements of the Government of India

Revision of 1902-03

Settlements made with the Provinces in 1897 should have ended in the ordinary course of time in 1902-3. The central operation in the periodic revision of the settlements was to arrive at the standard provincial expenditure for the ensuing quinquennium and as a rough and ready method of decision the average expenditure during the expiring quinquennium was taken as a standard expenditure for the opening quinquennium. There is nothing grossly erroneous in such a procedure, provided the preceding and succeeding quinquenniums are equally normal with respect to the course of their events. But as we have seen, the events of the past quinquennium were entirely abnormal and could not have been made the basis of any calculations worthy of trust. To be on the safe side the Government of India thought it desirable to await the return of normal times before undertaking wholesale revisions of provincial settlements. The occasion of 1902-3 for revision was therefore postponed save in the case of Burma. For, the last settlement had become unduly favourable to that Province in comparison with the other Provinces, notwithstanding the very nice and equitable calculations on which the settlements of 1896-7 were based. The extent to which the revenues had exceeded its expenditure is indicated in the following table:—

	Estimated		
	Standard for	Estimat es	
Burma	the	for	Differenc

	Settlement of 1897-98 to 1901-02	1902-03	e
	Rs.	Rs.	Rs.
Revenues	2,93,81,000	3,73,86,000	80,05,000
Expenditure	2,93,81,000	3,31,86,000	38,05,000
Surplus		42,00,000	

The continuance of such an outcome was deemed unfair to the Imperial and unjust to the other Provincial Governments. The financial settlement of the Province of Burma was accordingly revised notwithstanding the established canon of simultaneous revision, when the occasion presented itself in 1902-3. The revision resulted in the resumption by the Government of India of this surplus by readjusting the shares of the Province in the joint revenues. The share in the Land Revenue was reduced from two-thirds to one-half and that in the Excise from one-half to one-third, and a few minor heads were added to the already provincialised heads of expenditure. By these changes the standard revenue and expenditure of Burma for the new settlement of 1903 to 1906 assumed the following totals :—

Adjusting	Total Revenues	Total Expenditure	Assignment
Rs.	Rs.	Rs.	Rs.
2,78,31,000	53,02,000	3,31,33,000	3,31,33,000

Another province whose settlement was revised was the Punjab;

but the reason of it was different. The territory covered by the North-Western Provinces was divided into the North-Western Frontier Provinces and the United Provinces of Agra and Oudh, usually styled U.P. Along with this some of the districts of the Punjab were separated from it and joined to the newly created North-Western Frontier Province. This caused a readjustment of the provincial revenues and expenditure, but not any wholesale revision of the settlement. The changes were confined to the necessary alterations in the adjusting assignment.

Quasi-Permanent Revision 1904-05

With the exceptions noted above the settlements of 1897 were extended up to the end of the year 1904. The primary cause of the postponement of the revision as explained above was the abnormality of the conditions prevailing in the year 1901-2. But there was also another reason why the Government of India was so very anxious for the return of normal conditions before taking any steps towards revision. It was about this time that the Government of India contemplated to introduce permanency in Provincial Finance. The five-year budget system which in 1881 replaced the annual budget system as the basis of Provincial Finance, though a marked improvement in the direction of continuity and stability, was not deemed to be quite sufficient. Under it the Provincial Governments were left free to enjoy the fruits of their economy in expenditure and of the successful nursing of their resources for the period of five years. Beneficial as far as it went, this time-bar was found to exercise a most pernicious influence on Provincial Finance. Under the quinquennial budget system it so happened that the provincial Governments as the result of feeling their way under the new conditions were parsimonious in the first few years lest their expenditure should prove too much for their revenues, and extravagant in the last few years lest their expenditure should shrink below the standard and leave large margins to be cancelled by the Government of India on revision of their settlements. No Local Government could be expected to put into execution any carefully matured and well-thought-out scheme of improvement within the

short span of a quinquennium. All that it could do was to spend the first two or three years in working out a scheme and utilise the last two or three years in rushing it through, as was done by most of the Provinces. This tendency to undertake such schemes, the only merit of which was that they could be carried through before the revision, and mainly in order to reach the standard expenditure, was a direct consequence of the quinquennial budget system. This is by no means an a priori conclusion. A glance at the annual surplus of the provinces will indicate how they tend to rise in the beginning of the quinquennium and fall at the end of it. To obviate these evils of parsimony and extavagance the only remedy was to do away with the principle of quinquennial revision, and this the Government of India courageously undertook to effect. The right to revise was a much cherished right, and the Government of India had not failed to exercise it in the teeth of ail opposition from the Provinces. It was abandoned only because its exercise was deemed to be mischievous.

Taking the year 1903-4 as the normal one, the Government of India decided to revise the provincial settlements of all the different Provinces. The idea was to adjust the revenues between the Imperial and the Provincial Governments on the basis of the total expenditure they respectively controlled. It was found that the aggregate provincial expenditure represented less than one-fourth of the whole, while the Imperial expenditure, which included Army and Home Charges, aggregated in excess of three-fourths. These proportions of expenditure were taken as the basis of the division of revenue between the Imperial and the Provincial, and the following standard shares of revenue and expenditure under the joint heads were agreed upon :—

	Imperial	Provincial
Bengal, U.P., Bombay, Madras	3/4	1/4
Punjab, Burma	5/8	3/8
C.P., Assam	1/2	1/2

The reasons for adopting different standard rates of division in the

case of the Punjab, Burma, C.P. and Assam was to give the backward provinces opportunities of development in the same proportion as lay within the reach of the advanced provinces.

Of the settlements made in 1904-5 the Government of India declared that those made with the Provinces of Bengal, Madras, Assam and U.P. were to be permanent and not subject to revision in future, except when it was found that the financial results were unfair to a Province or to others by comparison, or to the Government of India when it was confronted by an extraordinary calamity. Owing to this proviso their settlements were termed quasi-permanent. To obviate the recrudescence of unfairness during the currency of the settlements the Government of India felt it necessary to enter certain modifications in the standard ratio of division of the joint-heads of revenue and expenditure with regard to the Provinces brought under the quasi-permanent settlement. They were as follows :—

Revenue	Provincial Share			Expenditure	Provincial Share		
	Bengal	Madras	U.P.		Bengal	Madras	U.P.
Excise Stamps Registration Irrigation	7/16 *1/2* Wholly ---	--- *1/2,* Wholly ---	--- ½ --- Wholly	Excise Stamps Registration Land Revenue	7/16 1/2 Wholly Wholly	--- ½ --- Wholly	--- ½ --- Wholly

Compiled from the Financial Statement of the Government of India for 1904-5, p. 67.

Besides these modifications the Government of India gave them the following grants :—

Bengal	Madras	Un
1. Addition of 4 lakhs to The assessment to Improve the pay of Ministerial establish ments.	1. Grant of 20 lakhs for Survey and settlements	1. I rev gua 40
2. Further addition not Exceeding 2 1/2 lakhs for For strengthening the staff of Deputy Collector.	2. Grant of Rs. 75,000 a year recurring for relief of certain local bodies.	2. (1/2 in r boc
	3. Rs. 50,000 a year for agricultural experiment.	3. I yea Dis Fin
	4. Undertaking to bear charges for reorganising district administration	

Compiled from the same Financial Statement of the Government of India, p. 67.

The standard revenues and expenditure of the quasi-perma-nently settled provinces, after taking into consideration the alterations in their respective shares in the joint revenues, were as follows:—

STANDARD REVENUES AND EXPENDITURE (in thousands of rupees).

		Revenue		
Province	Expenditure			
		Revenues	Assignments	Total
Madras	3,50,48	2,90,82	5,966	3,50,48

Bengal	4,98,87	4,49,84	4,903	4,98,87
U.P.	3,66,64	3,62,64	400	3,66,64
Assam	72,07	60,07	1,200	72,07

The gain to the Imperial treasury on the revenue side brought about by the revision of the quasi-permanently settled Provinces was Rs. 2,06,000. But the revision also over-burdened the Imperial Government with a total charge of Rs. 36,000 hitherto borne by the Provincial Budget. Thus its net gain was only Rs. 1,70,000 a year on the normal.

As in the beginning of the scheme of Provincial Budgets, the government of India thought it advisable to make to the quasi-permanently settled Provinces the following initial grants so as to give them a fair start :—

To Bengal	Rs. 50 lakhs. (Exclusive of 50 lakhs for Calcutta University.)
To Madras	Rs. 50 lakhs. (Inclusive of 20 lakhs for survey settlement
To U.P	Rs. 30 lakhs. (Exclusive of 1 1/4 lakhs to compensate for expenditure on the purchase of encumbered estates.)
To Assam,	Rs. 20 lakhs.

Of the remaining Provinces, Bombay and the Punjab were the next to obtain quasi-permanent settlements with effect from 1905-6.

In recasting their settlements the Government of India departed a little from the standard rate of division as applied to the Provinces quasi-permanently settled in 1904-5. With certain exceptions mentioned below the joint heads of revenue and expenditure were divided half and half, including Irrigation in Bombay, instead of three-fourths and one-fourth between the Imperial and the Provincial. The exceptions to this rule were the following :—

Revenue	Provincial Share		Expenditure	Provincial Share	
Heads of			Heads of		
Account	Bombay	Punjab	Accounst	Bombay	Punjab
Land Revenue	Guaranteed Up to 189 1/4,	3/8	Land Revenue	Wholly	Wholly
	Lakhs				
Registration	Wholly	Wholly			
Irrigation	½	3/5 Guaranteed up to 28 lakhs			

Compiled from the Financial Statement of the Government of India

The standard revenue and expenditure of these two provinces under the quasi-permanent settlement was as follows :—

Province	Expenditure	Revenue		
		Revenues	Fixed Assignments	Total
	Rs.	Rs.	Rs.	Rs.
Bombay	4,91,75,000	4,48,98,000	42,77,000	4,91,75,000
Punjab	2,49,50,000	2,46,50,000	3,00,000	2,49,50,000

The raising of the shares and the fixing of assignments on a liberal scale with respect to these famine and plague-stricken Provinces left the Imperial Government a loser on the transaction. On the basis of the new standard of revenues the Government of India lost Rs.

5,95,000 on the two Provinces together. The corresponding increase in the provincial shares of the joint heads of expenditure, however, lessened the Imperial expenditure by Rs. 2,21,000 a year. On the whole, therefore, the Imperial Government sacrificed a normal gain of Rs. 3,74,000 to give permanency and stability to the finances of these two Provinces. This was over and above the initial grant of Rs. 50,00,000 to each of them in order to enable them to set their sails in smooth waters.

A year after, the settlement of the Central Provinces was made quasi-permanent with effect from April 1, 1906. The shares in the joint heads of revenue and expenditure were raised, as they were in the case of Bombay and the Punjab, and particularly because of the addition of Berar, which was hitherto administered directly by the Imperial Government, from three-fourths and one-fourth to one-half between the Imperial and the Provincial, the share in the land revenue being guaranteed up to 82 1/2 lakhs. The only exception to this rule of even division was the Registration revenue, which was made wholly provincial. To balance the revenue with the expenditure an assignment of Rs. 27,07,007 a year was fixed and an initial grant of Rs. 30,00,000 was given for a fair start.

Along with the settlement of the Central Provinces it became necessary to reorganise the budgets of the quasi-permanently settled Provinces of Bengal and Assam owing to certain administrative changes. The two Provinces were reconstituted into (1) Bengal and (2) Eastern Bengal and Assam. In the revision of its financial settlement the new Province of Bengal was accorded the same proportionate share in the joint revenues as were granted to Bombay and the Punjab—namely, a share of a half in all the joint heads. Registration and that portion of the Land Revenue which was derived from Government Estates under the direct management of the Imperial Government were, however, made wholly provincial. In lieu of this favoured treatment the fixed assignment of the Province was reduced from 49.03 lakhs to 5.72 lakhs.

In the new Province of Eastern Bengal and Assam the principle of even distribution was applied to all joint heads of revenue and expenditure with the exception of Registration, which was made

wholly provincial. This enhancement of shares so greatly augmented the resource side of the Provincial Budget that the balance had to be restored by a negative operation of a fixed adjusting assignment from the Provincial to the Imperial funds. The following figures show the standard expenditure and the standard revenue for the three provinces brought under the quasi-permanent settlements:—

		Revenue		
		Revenues	Assignments	Total
	Rs.	Rs.	Rs.	Rs.
C.P.	1,76,43,000	1,49,36,000	27,07,000	1,76,43,000
Eastern Bengal and Assam	2,12,19,000	2,18,42,000	6,23,000	2,12,19,000
Bengal	4,72,73,000	4,67,01,000	5,72,000	4,72,73,000

Some modifications were later on introduced in the settlement of the Province, so that a positive adjustment had to be made by an assignment from the Imperial to the Provincial of Rs. 60,000 a year.

The only Province which was outside the pale of the quasi permanent system was Burma. The last quinquennial settlement made with it in 1902-3 having expired, the Government of India decided to bring it in uniformity with the other Provinces by giving it a quasi-permanent settlement from April 1, 1907. In a spirit of perfect impartiality it was also given an even share in the principal joint heads of revenue and expenditure, salt being imperialised as in other provinces. It was given an adjusting assignment of Rs. 90,68,000 a year to cover the deficits in its standard expenditure and an initial grant of Rs. 50,00,000.

By the year 1907 all the Provinces were brought within the pale of the quasi-permanent settlement, and we would have expected the scheme of Provincial Finance to run its course undisturbed by any further changes. But it so turned out, as must have been noticed, that the quasi-permanent settlements made with Madras and U.P. in 1904

had become a little unfair to them in comparison with the terms offered to the Provinces subsequently dealt with. To remove this ground of injustice, which was one of those recognised for subjecting the quasi-permanent settlements to revision, the shares of the two Provinces in the joint heads were raised with effect from April 1, 1907, to one-half, with the following exceptions :—

Madras	United Provinces
Revenue	Revenue
I. I. Registration. Wholly Provincial.	I. I. Land Revenue, 3/8 Provincial. Minimum of 240 lakhs guaranteed.
1. 1. Land revenue. Minimum receipt of 308 lakhs guaranteed if the provincial share fell below that amount.	II. II. Irrigation. Minimum receipt of 60 lakhs from major irrigation works guaranteed, if the provincial share fell below that amount.
II. II. Expenditure	
1. Registration. Wholly provincial.	
2. Land Revenue. Wholly provincial.	

The fixed assignments to cover the difference between the excess of standard expenditure over standard revenue were :—

To Madras - Rs. 22,57,000

To U.P. - Rs. 13,89,000

Thus the scheme of Provincial Finance in British India had advanced by gradual but distinct steps of assignment budgets, assigned revenue budgets and shared revenue budgets to a stage the terms of which were regarded by the parties concerned as sufficiently final. How far their expectations were fulfilled may be judged from the annual surpluses and deficits in Provincial Finance and from the range in their deviations as indicated in the following table:—

PROVINCIAL SURPLUSES AND DEFICITS

Province	1904-05	1905-06	1906-07	1907-08	1908-09	1909-10	1910-11	1911-12
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
C.P.*	-701000	3235000	1750607	-930617	-3097865	721755	280556	1214573
Burma	-1591796	-2613890	1890516	-129590	-2060678	2515371	1900297	-1260040
Assam**	-269316	-3720027	-200140	-2596682	-2357687	549270	5539698	5218802
Bengal	-1252818	-1952312	-1877455	-2256994	-1330371	3274065	3960612	8296233
U.P.	-869099	-2879192	795600	-3587066	1007260	2045221	3635904	144240
Punjab	4794387	-2796052	-661214	-2408818	-1576981	1300559	4199121	3398055
Madras	-1402344	220328	1217745	—44992	2025109	1266326	2316383	2938502
Bombay	4396000	-42892	1752202	-308925	-2618926	7137996	7585460	-541411

*Indudes Berar since 1906.

**Eastern Bengal d Assam since 1906.

Compiled from the Annual Finance and Revenue Accounts of the Government of India.

In judging of these results account must also be taken of the various benefactions made by the Government of India to the Provinces by way of grants-in-aid during the same period. These

grants were as follows :—

IMPERIAL GRANTS-IN-AID TO THE PROVINCES

Province	1904-05	1905-06	1906-07	1907-08	1908-09	1909-10	1910-11	1911-12
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
C.P.*	2853710	6957793	1105000	2752010	2903668	3588270	3465500	2080845
Burma	567500	1845000	7219000	682000	215253	1820952	4232742	3605164
Assam		3362916	327294	280030	235947	446435	460865	6100732
Bengal	24794	4806984	475548	1362634	4157393	5753692	6137013	11131276
U.P.	136600	4036307	7641697	9879667	8770345	1624329	4513729	3136107
Punjab	7526436	2467579	4209531	5541529	6037990	5839014	9592844	3101681
Madras	700946	4430714	9980400	9473304	7048845	6129441	3691426	5008889
Bombay	10312928	3427325	4024512	4574284	5726162	5797603	12009360	4935159
Total...	22122914	31334618	34982982	34543458	30874643	29502286	15475360	39099853

*Includes bearer since 1906.

Compiled from the Annual Finance and Revenue Accounts of the Government of India.

But in taking account of these benefactions it must not be supposed that, barring a solitary case or two, they were necessary in order to preserve the solvency of Provincial finance as it was defined by the terms of the settlement made with the different provinces. Far from being insufficient, the revenues settled upon the different Provinces proved quite ample for their needs if we take the last years, and they are the most typical years, into consideration.

Permanent Settlements of 1912

Soon after the series of quasi-permanent settlements were concluded with the different provinces, the subject of Provincial and Central Finance in British India among others of a like nature was investigated by the Royal Commission on Decentralisation. In its Report issued in 1909 the existing method of allocating revenue and charges between the Imperial and Provincial Governments was upheld in principle. Of the many adverse criticisms passed by witnesses who appeared before the Commission only two were regarded by it as worthy of consideration: (1) The adjusting assignment and (2) Grants-in-aid, or doles as they were cynically termed. It was urged, and with some truth, that the adjusting assignments impaired the elasticity in provincial revenues by reason of the fact that while charges grew, that part of the provincial resource, which was made up by assignments, and in some cases it formed quite an appreciable part, remained unaltered. Secondly, it was argued that doles were demoralising and that it would be better to replace them by shares in growing revenue. The Commission seems to have been completely impressed by the disadvantages of large adjusting assignments, but it demurred, and rightly so, to the criticisms with regard to the doles. Every one extolled the benefits of decentralisation to the Provinces, but few realised the anxieties that it involved to the Government of India. It must have been clear that by the process of decentralisation the Government of India had given the Provinces more or less complete freedom in distributing their funds in any way they liked upon the services delegated to their management, while it had remained responsible for their efficient upkeep by the provisions of the law which governed its constitution. But the freedom which the provinces had obtained in carrying on the financial management of the services made over to their particular control, involved the possibility of their fostering certain services deemed to be of immediate utility to the people of the Provinces, and neglecting others the utility of which, though remote to the Provinces, was nevertheless real to the country as a whole. Neglect of nationally important services such as Education, Sanitation, Police,

was especially to be avoided during periods of plague and famine. But the Government of India could not enforce distribution of provincial funds on such services; for one of the vital conditions of Provincial Finance was freedom of appropriation on provincialised services, which were not distinguished into obligatory and optional as is the case in the continental system of local finance.

The Government of India was indeed not as powerless as the Central Government in England which, as is well known, cannot rectify cases of neglect by local authorities without resort to a writ of *mandamus*. But the way to bring a recalcitrant province to order, if easier, was not pleasant. For, the only way to mend such a situation was to end it by suspending the operation of Provincial finance. Rather than resort to such a grave measure the Government of India happily hit upon grants-in-aid of particular services as a powerful and well-triedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B4 Evolution of Provincial Finance in British India PARTII.htm - _msocom_2 corrective to the negligence of the Province, and require it to maintain a"national minimum"in those services which it regarded as onerous rather than beneficial.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27B4 Evolution of Provincial Finance in British India PARTII.htm - _msocom_3 Convinced of the virtue of grants-in-aid as a brake on decentralisation degenerating into disintegration, the Commission only recommended that measures be taken to give Provincial Finance the greatest elasticity possible by diminishing the assignments to the smallest magnitude possible.

Following the recommendations of the Commission the Government of India decided to make certain modifications in the existing allocation of revenue and charges and to make the quasipermanent settlements permanent settlements from the year 1912. The permanent settlements did not differ from the quasipermanent settlements which they superseded in any material point so far as the principle of allocation was concerned. The only point of difference between them in that respect was a partial replacement of the fixed adjusting assignments by increased shares in the following joint heads of revenue and expenditure :—

Modifications in Shares

Revenues		Expenditure	
Heads of Account	Provincial Share	Heads of Account	Provincial Share
1. Land Revenue including the portion credited to Irrigation	5/8 to Burma 1/2 Punjab	1. Land Revenue	5/8 Burma ½ Punjab
2. Excise	Wholly in Eastern Bengal and Assam, Bombay. In C.P Bengal and U.P.3/4	2. Excise	Same as in revenue Column.
Assessed Taxes			
3. (P.W.D.)	*1/2*		
4. Forest	Wholly.	4. Forest	Wholly
5. Major Irrigation works (excluding portion of Land Revenue credited to it).	1/2 in Punjab, minimum of 4 lakhs guaranteed.	5. Major Irrigation	½
6. Major and Minor Irrigation.	*1/2* in Bengal	6. Major and Minor Irrigation.	*1/2/* in Bengal

The effect of these modifications in the shares in the joint heads of revenue and expenditure was to reduce the adjusting assignments to the following figures :—

Province	Assignments in Lakhs of Rupees from Imperial to Provincial	From Provincial to Imperial
Central Provinces...	21.40	

Burma...	13.12	
Eastern Bengal and Assam... Bengal...	13.55	18.40
U.P.		19.26
Punjab...	6.77	
Madras...		21.43
Bombay...		9.38

During the permanent as during the quinquennial and quasi-permanent settlements the grants-in-aid of specific services, unobjected to as they were by the Decentralisation Commission, were continued to be given to the different Provinces throughout the period although, as may be seen from the following figures, in a continually diminishing magnitude :—

SPECIAL GRANTS-IN-AID (in rupees)

Provinces	1912-13	1913-14	1914-15	1915-16	1916-17	1917-18	1918-19
C.P. Burma	4790480 8536948	2643264 2263939	5138256 3849763	4407802 3869472	3795784 216979	3817540 2478482	2726008 2490
Assam	5530991	3283011	7533878	6577619	2497661	1922252	2444730
Bengal	15401885	6480800	7594894	7186436	6538732	7074773	9669717
Bihar & Orissa	6379420	4761028	3526567	4278654	3262214	4235205	4179425
U.P.	11470603	8542279	3842624	3229924	2453969	2706164	3590530
Punjab	6700924	2424404	3988117	5908923	4925830	4862616	5563665
Madras	12277591	5066343	1697803	1220785	1099165	1483708	1577446

Bombay	11192723	3996729	1468837	1200254	1065964	1154725	2479510
Total	82283565	39461797	38640739	37880069	25856498	24778501	35453521

Compiled from the Annual Finance and Revenue Accounts of the Government of India.

It was natural that the results of the permanent settlement should have been more anxiously awaited for with great interest by the Provinces, for the permanent settlement had the potentiality of a permanent gain or a permanent loss. That their anxiety on that score could not but have been completely allayed is amply supported by the repeated surpluses that meet the eye as it passes over the following figures of annual additions to and deductions from their balances during the period of its currency :—

PROVINCIAL SURPLUSES OR DEFICITS (in rupees)

Provinces	1912-13	1913-14	1914-15	1915-16	1916-17	1917-18	1918-19
C.P.	5085246	1881245	-3544416	-13836	4235704	4870517	920121
Burma	8874174	914026	-3729808	1896621	9427702	12067708	4873587
Assam	3610494	-2217691	-4550789	658812	6044904	2800634	435872
Bengal	14705270	480842	-3967607	1028156	3708838	5280082	732237
Bihar & Orissa	7022199	-920062	-1870264	1133562	5919907	7176786	3643564
U.P.	9588749	50704	-46110	-97309	3427808	-226831	3686945

			80	0		1	
Punjab	7411069	—692512	-3730641	-1133541	500995	-695216	1185930
Madras	4330275	-5298411	-1207754	318508	2571241	1042303	-972354
Bombay	7083281	1558566	-2639924	-951099	122434	611321	1681066

Compiled from the Annual Finance and Revenue Accounts of the Government of India.

While the condition of Provincial Finance was thus undoubtedly prosperous, the erratic movements in the provincial balances do not quite bear out the hope of orderly progress that was entertained of the permanent settlement. It should be noted, however, that the period during which the permanent settlement was current was not wholly a normal period. Part of the permanent settlement was no doubt a peace period, but it was not even as long as a quinquennium, and it should not on that account detract from the merits of a permanent settlement if it disclosed the faults of the quinquennial settlements. Most of the period covered by the permanent settlement was, however, a period of the Great War, the abnormal events of which could not have had any but disturbing effects on Provincial Finance.

Whether the permanent settlements would have been adequate for the purpose in view if sufficient length of time had been allowed for conditions to have become settled it is not given to us to say. For, from April 1, 1921, provincial Finance in British India entered on an entirely new phase. That phase of it will be dealt with in another part. Here the study of the growth of Provincial Finance as it developed stage by stage under the old phase comes to an end. But this study will not be complete until we deal with the mechanism which inter-related the finances of the Central and Provincial Governments

under the old phase. But before we proceed to do so it might be of interest as well as of value that the study of the final stage in the development of Provincial Finance were to close with the following retrospect of provincial revenue and expenditure which shows, as nothing else can, the small beginnings, the large strides and the vast proportions that Provincial Finance had reached during the half century over which it had been allowed to run its course.

GROWTH OF PROVINCIAL FINANCE

Provinces	Provincial Revenues As a percentage of the total Revenues of India						Provincial Expenditure As a percentage of the total Expenditure of India					
	1871-2	1882-3	1892-3	1904-5	1912-3	1918-9	1871-2	1882-3	1892-3	1904-5	1912-3	1918-9
C.P. ...	.655	1.055	.863	.905	2.52	1.715	.652	1.008	.87	.984	2.19	1.685
Burma ...	.572	1.66	2.256	3.023	4.73	3.57	.592	1.914	2.16	3.31	4.14	3.15
Bengal ...	2.8	5.9	4.72	4.12	5.56	4.00	2.7	6.68	4.52	4.26	4.56	3.84
N.W.P.andOudh	1.99	4.16	3.6				2.04	4.4	3.32			
Punjab ...	1.66	1.59	1.888	2.08	3.96	3.11	1.55	2.165	2.03	1.83	3.47	2.81
Madras ...	1.595	3.32	3.3	2.88	6.27	4.75	1.61	3.24	3.4	3.09	6.1	4.53
Bombay...	1.8	4.9	4.49	4.05	6.17	5.45	1.836	5.08	4.4	3.77	5.7	5.00
Assam ...		.61	.738	.597	1.38	1.00		.505	.617	.618	1.13	.857
U.P. ...				2.99	5.5	4.15				3.01	4.87	3.94
Bihar and Orissa					2.6	1.9					2.11	1.775
Total	11.	22.8	21.7	20.4	38.6	29.2	10.8	25.0	21.3	20.8	34.3	27.

Provincial	11		5					0			6

Complied from the Annual Finance and Revenue Accounts of the Government of India.

Part III

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

PART III
PROVINCIAL FINANCE: ITS MECHANISM

Contents

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PART III
PROVINCIAL FINANCE: ITS MECHANISM
CHAPTER VII
THE LIMITATIONS OF PROVINCIAL FINANCE

To those who might be expected to have a knowledge of the anomaly—unparalleled in the annals of administration—involving the existence of provincial Government without there being the necessary complement of Provincial Finance, the study could not but have been of profound interest as disclosing the manner in which the anomaly created in 1833 was rectified or seemed to be rectified in 1870 (Footnote#).

(Footnote#)There, however, prevails the idea that Provincial Finance existed tong before 1870, But this is undoubtedly an error which may as well be corrected in this place by briefly recalling the history of financial decentralisation prior to 1870.

The year 1855 will always stand pre-eminent in the history of decentralisation of Indian Finance. It is from that year that local Finance dated its origin. It must not, however, be supposed that prior to 1855 there were no local revenues. On the contrary, there were very small funds such as Ferry Funds, Toll Funds, Cesses, etc., in existence and were spent on improvements of local utility, but the important point to note is that the balances from such funds were not carried to a separate account but as a rule merged in the general balances of the country, with the exception probably of Bengal and North-Western Provinces, where it seems that such balances were carried to separate local Fund Accounts (of. *Calcutta Review*, 1851, Vol. 16, pp. 464 and 466). It was by the Financial Resolution of May 11,1855, that local Funds were completely separated from Imperial Funds and were treated as"Deposits"—a sub-division of the Account Head"Debt"(cf. *Accountant's Manual*, by Y. Venkatramaiah, Part I, Madras, 1866, p. 79) and by the Resolution of September, 1863, local Finance was established on a separate footing by the institution for each of the different provinces of a distinct local Fund Budget as separate from the Imperial Budget. It so happened that in the absence of local authorities the Government of India entrusted the task of the preparation and execution of the local Funds Budget to the respective Provincial Governments as being more in touch with local wants. It is this accident that has betrayed many into the supposition that this was essentially Provincial Finance. But nothing can be a greater blunder. What existed before 1870 was local Finance, pure and simple, although under the supervision of the Provincial Government, in whose hands the local Funds were essentially a kind of trust. The mere bringing together by the Provincial Governments of the receipts and charges pertaining to the local Funds into a local Fund Account for the whole Province can hardly be interpreted to mean the amount to be at their disposal—and that is the only sense in which Provincial Finance can be a

reality—any more than the bringing together of the local Rates levied in the United Kingdom in the budget of the Chancellor of the Exchequer can give an indication of its financial position. The local Funds were not at the disposal of the Provincial Governments, for they could not be disposed of on purposes other than those which attached to them. In this sense they constituted local Finance and not Provincial Finance. Some people mistake it for Provincial Finance probably because the term"local Government"is used as a synonym for Provincial Government. But, while local and Provincial Governments are often used as interchangeable terms, it must be remembered local and Provincial Finance cannot be so used. As a matter of fact, there was a period in the history of Financial organisation in India during which there was local Finance without local Government to be precise, and there was no Provincial Finance, even though there were Provincial Governments. It is probable that, as tong as the habit of speaking of Provincial Government as local Government continues, this confusion of ideas will not entirely vanish. While some have insisted that Provincial Finance had its being tong before 1870, the Resolution of December 14, 1870, which instituted the scheme of Provincial Finance, is called * Resolution on local Finance"as though it gave rise to local and not Provincial Finance. Such absurdities can be avoided only by insisting upon precision of terminology.

On a purely a priori consideration of the matter, nothing could have been more natural than to suppose that the system of Provincial Finance thus established in British India was independent in its organisation. Indeed it is difficult to imagine how one could emerge from the study of its origin and development without such a faith having silently grown upon him. But if Provincial Finance was independent in its organisation, we should find the Provinces in possession of financial powers which are commonly associated with the functioning of independent States. For the immediate purpose of finding out whether or not Provincial Finance was an independent system of finance, we may take the freedom of budgeting and

everything that is involved in it as an evidence of the existence of these powers. Independent budget powers would involve the power to determine the services which, according to the needs of the country, a good government should undertake, and to decide upon the mode of raising either by taxation or loan sufficient money to meet the expenditure upon those services. Alongside these powers the budget system entails the obligation of keeping accounts and submitting them to independent audit.

Applying these tests to the Provincial Budget, the origin and growth of which have been treated in the foregoing parts of this study, we cannot predicate a tithe of the independence which characterises the budgets of sovereign States. On the contrary, the budget system introduced into India with regard to the different Provinces was accompanied by the most stringent limitations. They were given a budget *without its powers,* and they bore the obligations of accounts and audit just because they were left free within the limits of their budgets. Why these limitations were imposed will be explained when we come to scrutinise the ways of enlarging the scope of Provincial Finance, it must, however, be emphasised that these limitations formed an integral part of the scheme, and the stringency of the former had grown *pan passu* with the scope and proportions of the latter. In fact they defined the law of the Constitution of Provincial Budgets. A complete comprehension of the operation of Provincial Finance in British India is therefore not possible without a thorough knowledge of its rules of government. Such being the importance of these rules it cannot but be to our advantage to analyse them at this stage.

These rules were laid down on various occasions during the interval between 1870, when the scheme of Provincial Finance came into being, and 1912, when the scheme reached through an evolutionary process its final and permanent stage, in the form of Resolutions of the Government of India in the Department of Finance. The rules framed in 1870 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_1 were few and simple. Nor was there any necessity for a complex code to govern the operation of the very meagre budgets which were then constituted. Many supplementary rules were issued afterwards to dispose of unforeseen cases of order and

procedure; but it was not till 1877 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_2that we come across a most elaborate set of rules and regulations governing the financial transactions of the provincial Government. The Rules of 1877 were the basis of all those that were subsequently issued. With very small addenda or corrigenda they remained in force for a period of fifteen years, when they were superseded by a new series of Rules promulgated in 1892.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_3 But only within a short span of a quinquennium this series was replaced by another issued in 1897, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_4 and the latter formed the governing body of Rules till the year 1912, when a new series was brought out to regulate the working of the permanent settlement made in that year. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_5 The same was reissued in the Financial Department Resolution No. 361 -E-A. dated July 24, 1916. But as the alterations therein were not in any sense consequential, the series of 1912 may be taken as laying down the final regulations of Provincial Finance.

Recognise as we must the necessity for analysing the rules, we must determine beforehand the point or points of view from which to conduct the analysis. It must be premised at the outset that the object of entering upon the examination of the Rules is twofold : (1) to know what limitations there were and (2) why they were placed. Our immediate interest, it is true, is to state what limitations there were, but this is only a preliminary, if not a minor, object. The second is really the more important of the two. It is only as an aid to the proper understanding of the causes of the necessity for these limitations that knowledge of them is to be sought. While keeping in our mind the immediate object of stating the limitations, it will be unimaginative not to foresee that in the following chapter, in which we shall be presently engaged, we will learn that the necessity for these limitations arose from the very peculiar nature of Provincial Finance itself. On the other hand, it is important to anticipate this conclusion, and instead of producing

the Rules *seriatim* as they occur, arrange them in such a way that they shall be an external register of the internal conception of Provincial Finance which particularly pervaded the minds of its promoters. For the consummation of this end, the labours of the officials in charge of Provincial Finance who have laid down these rules are of no avail. To them these rules were only instruments of financial control, and it did not therefore matter in what order they were grouped. On the other hand, to get at the conception behind these rules it is necessary to classify and group them according to the purposes they were calculated to subserve. But the cardinal point in the matter of classification lies in defining the likely purposes which the originators of such an interrelated scheme of Provincial Finance as obtained in India must have had in view. Without being at all dogmatic, it may be said that for a successful working of such a scheme rules would have to be laid down for the purposes of defining (1) the Administrative and (2) Financial Powers of the Provincial Government. Each of the two categories may be further subdivided for a clearer understanding of the nature of Provincial Finance. Thus the Rules relating to Administrative Powers may be further subdivided into those pertaining to (i) Services and (ii) Staff. Similarly the Rules defining the Financial Powers may be conveniently grouped under the following subsidiary categories : Those (i) of a general nature and those pertaining to (ii) Provincial revenues; (iii) Provincial Expenditure, (iv) Budget Sanction and (v) Audit and Account.

Taking purpose as the *fundamental divisions,* the above categories may be supposed to exhaust the possible purposes that the framers of the scheme may be said to have had in mind. On the basis of these categories we may therefore proceed to reduce the amorphous mass of Rules into a digest which, it may be hoped, will be convenient and instructive at the same time.

I. LIMITATIONS ON ADMINISTRATIVE POWERS

(1) (1) *Rules of Inter-Provincial Services*

For regulating the inter-provincial or inter-departmental relations affected by the creation of separate budgets for the different

Provinces, it was ordained that—

(i) (i) No inter-provincial adjustments were to be allowed.

(ii) (ii) No service previously rendered to other Departments at the charge of the Department made over to the control of the Provincial Governments was to be abolished, and no service previously rendered to these departments at the charge of other departments was to be increased.

(iii) (iii) No line of through communication was to be abandoned or allowed to fall out of repair.

(2) *Rules pertaining to Staff*

As to the staff engaged in the execution of the provincialised services the Provincial Governments were enjoined *not to*—

(i) Create a permanent appointment or augment the pay and allowance of any appointment.

Prior to 1912 this applied to appointments with a pay of Rs. 250 a month and above. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_6 But after 1912 it applied only to appointments ordinarily held by a Gazetted Officer or by an officer of the Imperial Service as defined in Article 29-B of the Civil Service Regulations. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_7

(ii) Create a temporary appointments or deputation for an Officer.

Prior to 1912 this applied to appointments with a pay of Rs. 250 a month and above.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_8 But after 1912 it applied to such of the appointments the remuneration of which exceeded Rs. 2,500 a month, or Rs. 800 a month, if the temporary appointment or deputation was expected to last for more than two years'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_9

(iii) Abolish a permanent appointment or reduce the pay and allowances of such an appointment.

This rule was in the beginning applied to such appointments the remuneration of which exceeded Rs. 250 a month. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_10 After 1912 it was confined to such appointments as were held by Gazetted Civil Officers recruited in

England or as were defined by Article 29-B of the Civil Service Regulations.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_11

(iv) (iv) Grant to a Civil officer in Government employ or in receipt of a service pension.

(a) *Land,* except where the grant was made under the ordinary revenue rules of the Province concerned without involving any special concession in money or its equivalent beyond the fact that the grantee received the grant in preference to othersmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_12

or (*b)* An assignment of Land Revenue when the amount exceeded Rs. 600 a year, or the assignment, though within that amount was not limited to three lives and reduced by one-half on each succession. All grants as assignments of Land Revenue made by Provincial Governments to civil officers were to be confined to cases in which the services were of a very distinguished and exceptional character.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_13

(v) *Revise* (a) permanent establishments which involved additional expenditure exceeding Rs. 50,000 a year ; or (*b)* rates of substantive pay of any one branch of the service at a cost to that service alone of more than Rs. 25,000 a year, or (*c)* the average pay of a service of which the maximum pay exceeded Rs. 500 a month and raise it above the average rate approved at the last revision of the service by the Secretary of State or the Government of India, or (d) the local allowances as compensation for dearness of living or for increase of rents in any locality.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_14

II. LIMITATIONS ON FINANCIAL POWERS

(1) *General*

Before actually detailing with the limitations on the financial powers of the Provincial Governments it is necessary to recall that the financial settlements made with the Provinces consisted in handing over to them certain *heads* of revenue and expenditure. From this accidental feature it is not to be supposed that the settlements were a collection of separate

settlements for each head of revenue and expenditure incorporated into the Provincial Budget. To obviate such a construction by the Provincial Governments and the consequences thereof, it was ruled that—

(1) (1) The Provincial Governments were to understand that the funds assigned to them formed a consolidated grant for all the services *en masse* entrusted to their respective administration and that no claim could therefore lie against the Imperial treasury on the ground that the actual cost of any service exceeded the amount at which it was estimated in the calculations of the consolidated grant.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_15

(2) And they were not to make any extra demands on the Imperial treasury, but were bound to maintain from the funds given to them all the services entrusted to their management in a state of administrative efficiency.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_16

With regard to the powers of the Provincial Governments concerning the custody of their funds it was ruled :—

(3) That the funds allotted for their use were to be lodged in the Imperial treasury, and were not to be removed for investment or deposit elsewhere; nor were the provincial Governments competent to withdraw such money except for expenditure upon the public services.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_17

(2) (2) Revenue Rules

Turning from the general limitations to those pertaining to the revenues of the provinces, it should be noted that they were required to maintain themselves within the funds allotted to them by the Central Government at each settlement.

The provinces could not *augment* their resources beyond the yield due to their natural growth by any possible means, for it was provided that Provincial Governments were—

(i) Not to impose any additional taxation or make any change in the existing system of revenue management. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_18

(ii) Not to alter or augment within its area the rates of discount upon the retail of Stamps, Court Fee labels, and duties on spirits and drugs.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_19

(iii) Not to raise *for its own* finances any loans in the open market.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_20

Powerless in the matter of augmenting their resources, the Provincial Governments were not free to will them away to any other authority subordinate to them. To guard against such eventualities it was ruled that Provincial Government were—

(iv) Not to alienate any item credited to the general revenues, Imperial or Provincial, so as to form an asset of a local or Special Fund.

This provision as regards the non-alienation of the resources of revenue made over to the provinces was a little relaxed by the Rules of 1912 so that it was permissible for them to assign to a local body or special fund, as defined in Article 33 of Civil Service Regulations, constituted by law, petty items of Wholly Provincial Revenue of a recurring character, not derived from the proceeds of general taxation and not yielding on an average more than Rs. 25,000 a year. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_21

(v) Not to make grants, subventions or assignments from the funds at their disposal to local or Municipal bodies so as to create a permanent charge on the revenues of India.

This by no means prevented grants, subventions or assignments from being made to local or municipal bodies by the Provincial Governments from their funds although the Government of India had sounded to them a note of warning by declining to bind itself to continue the grants after the expiration of the settlements or to provide for them in the succeeding settlementsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_22By the Rules of 1912, however, the power of making such grants was more clearly circumscribed so that a Provincial Government could not make (1) recurring grants to local bodies from provincial revenues exceeding Rs.

1,00,000 a year in any one case, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_23or (2) non-recurring grants to local bodies exceeding Rs. 10,00,000 in any one *case*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_24 or (3) a grant to a charitable or religious institution other than educational, not being outside India, in excess of Rs. 10,000 a year if recurring, and Rs. 50,000 if non-recurring.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_25

(vi) Not to make any grants to non-official (1) on political considerations of (a) land, either free of revenue, or on favourable terms, or (b) of assignment of land revenue, if the value of the land or land revenue exceeded Rs. 1,000 a year. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_26(2) on the consideration of injury to himself or to his family in the event of his death during or in consequence of service rendered to Government, or (3) on the consideration of exceptional services to the Government of a pension exceeding Rs. 1,000 a year or a gratuity. exceeding Rs. 3,000 in any one case.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_27

(3) *Rules of Expenditure*

The powers of sanctioning expenditure granted to the Provincial Government were as limited as their revenue powers. While they were free to spend their funds on the services entrusted to them, certain limitations were laid down for the purposes of expressly ruling out certain objects and subjects of expenditure from the provincial domain.

With regard to the *objects* of their expenditure Provincial Governments were required—

(i) (i) Not to sanction any expenditure from public money on anything outside the category of objects of expenditure recognised by the Government of India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_28

(ii) (ii) To confine themselves to the carrying on of the services particularly entrusted to them by the terms of the settlement.

Prior to 1912 they could undertake a"new general service or duty"only if they satisfied the Government of India that they could provide the necessary funds temporarily if it was temporary, and permanently if it was permanent.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_29 This provision was altered in 1912 so that a Provincial Government could undertake a new general service or duty provided it was not *(a)* of an unusual nature, or {*b)* devoted to objects outside the ordinary work of administration, or (c) likely to involve at a later date expenditure beyond its powers of sanction.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_30 (iii) Not to spend—

(a)On State ceremonies and assemblies, and on the entertainment at the public charge of distinguished visitors to India more than Rs. 1,00,000. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_31

(b) On Railway Carriages especially reserved for the use of high officials otherwise than in connection with the maintenance of the carriage.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_32

(c) On the purchase of a Motor-car or Motor-cycle for the use of an official, or on the maintenance of it otherwise than from the"Contract Grant"with the Head of the province. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_33

(d) On the increase of the"Contract Grant"to the Head of the province.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_34

(e) On the construction or purchase of a vessel required for inland navigation and for use at ports, the cost of which exceeded Rs. 1,00,000.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_35

(f) On an Irrigation or other Public Works projects of which the estimated cost chargeable to the general revenues exceeded Rs. 20,00,000 inclusive of establishments, tools and plants. It was however

competent for a Provincial Government to spend up to an amount 10 per cent. in excess of the original sanctioned estimate provided such excess was not more than Rs. 12 1/2 lakhs inclusive of establishment, tools and plants.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_36

As to the limitations respecting the subjects of provincial expenditure, it was ruled that in virtue of the application of the general condition precedent to the delegation of all authority to disburse public money, that it shall be bona fide for a public purpose, Provincial Governments could not spend from their funds for benefiting—

(i) (i) Any individual or body of private persons unless in accordance with some declared or established rule or principle recognised by the Government of India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_37 (ii) Native States, directly beyond Rs. 10,000 a year on any one project or Rs. 50,000 if non-recurring.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_38

(4) *Budgetary Rules*

Besides being subject to the ordinary rules of the Budget System introduced into India for the first time by Mr. Wilson in 1860, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_39 by which they were required to submit their budget estimates for sanction to the Government of India, and to observe the rules of appropriation in the execution of the grants, Provincial Governments were further given to understand that without the previous consent of the Government of India they—

(i) Could not exhaust their balances in the Imperial Treasury.

Prior to 1887 a Provincial Government could propose in its budget estimates to draw upon the whole of its balance. But by the Rules then framed the Provincial Government was required to maintain at all time a certain minimum balance in the Imperial treasury, the amount of which varied with each successive settlement.

(ii) Could not budget for a deficit, that is for provincial expenditure in excess of the provincial revenues of the year.

The stringency of this rule mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_40 was a little softened, so that a Province could after 1912 budget for a deficit, if it satisfied the Government of India that the cause was exceptional and non-recurring mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_41 but it was at the same time provided that, if this drawing upon the balances to make up the deficits resulted in reducing the balance below the prescribed minimum, the budget for a deficit would be sanctioned only if the Government of India was able to allow the Provincial Government in question an overdraft to the extent necessary to restore the balance to the required minimum from the general balances to be repaid in such rates of interest and instalments as may be prescribed.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_42 (iii) Could not exceed during the currency of the year the expenditure on any head of account as finally sanctioned for it, for that year, by the Government of India.

It could increase the expenditure only if the increase was counterbalanced by re-appropriation, that is, reduction by the amount of the excess of the sanctioned grant under some other head of account under its control mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_43 The powers of reappropriation of Provincial Governments were very extensive, for it could sanction re-appropriation between the grants for provincial expenditure included in its budget, whether under a Wholly Provincial or a Divided Major or Minor Head provided that the aggregate grant of provincial expenditure was not exceeded.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_44

(5) *Rules of Audit and Account*

Though the Provinces were allowed considerable powers of reappropriation within their budgets there was imposed upon them the obligation of audit and accounts of the money they spent. The important point to note in this connection is the fact that this obligation

of the keeping of accounts and submitting them to audit was an obligation which the Provinces did not owe to their legislatures, but was an obligation which they owed to the Government of India, who had conferred upon them the financial power they exercised. Moreover, the Government of India did not leave the Provinces to discharge this obligation according to their own sweet will by employing their own audit and account staff. On the contrary the responsibility of realising this obligation was entrusted to the imperial officers of audit and account stationed in the different Provinces, who acted as the critics and guides of Provincial Governments in the matter of administration and interpretation of the Rules discussed above. To facilitate their task Provincial Governments were instructed—

(i) Not to make any alterations in the form of procedure of public accountsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_45 or direct the division of a charge between two or more heads of account. In all such matters they were to abide by the decision of the Comptroller General—an officer of the Imperial Government.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_46

(ii) To transmit the objection of the Imperial audit officer against its appropriation or sanction with regard to expenditure with the explanation of the Provincial Government concerned to the Government of India for final disposal.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_47

Such were the limitations on the Financial Powers of the Provincial Governments. Apart from these specific limitations the Provincial Governments were not altogether the free architects of their own destiny within the sphere allotted to them; for it was provided that the power of supervision and control in any Department still rested in the Governor-General in Council, and that the Provincial Governments should keep him fully informed of their executive and financial proceedings so as to enable the former to discharge its obligations for peace, order and good government.2 Their general effect on the financial freedom of the Provinces could hardly have been concealed. It

must therefore have been a most impervious mind which in face of these paralysing limitations had not lost its faith in the independence of the system of Provincial Finance and had not asked what was after all the nature and advantage of this illusive institution?

CHAPTER VIII
THE NATURE OF PROVINCIAL FINANCE

The study of Provincial Finance cannot be said to be complete unless it furnishes a true answer to the question which is bound to be asked in the end, What was the resulting financial relationship under the old scheme between the Central and Provincial Governments in British India? The question is an important one, for the validity of the criticisms and proposals with regards to Provincial Finance, or any subject for that matter, depends entirely upon a correct understanding of its nature. Unfortunately it had not received the attention that its importance demanded, and consequently we find the rather distressing fact that no subject was so confidently discussed, and yet none was so grossly misunderstood, as that of the nature of the old system of Provincial Finance in British India. It therefore becomes necessary to explain what was the exact nature of the system of Provincial Finance established in British India.

In an inter-related system of politics, such as is composed of Central and Provincial Governments in British India, it is always difficult to grasp the exact nature of their financial relationship; for, what may appear on the surface may be very different from what it may really be. None the less, the view was commonly held that the Indian system was based on a separation of sources between the Provincial and the Central Governments, and contributions from the yield by the former to the latter, much the same as was found in the federal system of finance which obtained in the German Empire. Whether such a view was wrong or right there were various incidents of the relationship between the Central and Provincial Governments in India, which, there can be no doubt, went a tong way to strengthen that view. Among such incidents must be mentioned the division of functions between the Central and Provincial Governments. An onlooker could not fail to observe that in this distribution of functions the former controlled matters pertaining to Military Affairs, Foreign Affairs, General Taxation, Currency, Debt,

Tariffs, Posts and Telegraph, Railways and Adult and Accounts; while the latter administered matters of ordinary internal administration, such as Police, Education, Sanitation, Irrigation, Roads and Buildings, Forests, and the control over local Bodies. If this incident encouraged the view that there was a separation of services, there was another incident of the relationship which encouraged the view there was also a separation of revenues between the Central and Provincial Governments in British India. That incident was the collection of most of the taxes in India by the agency of Provincial Governments. As observed by the Royal Commission on Indian Expendituremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_48

> "in the United Kingdom the Revenue Administration is centralised..... under the Chancellor of the Exchequer in London. In India the administration of some branches of revenue is centralised, though not always under the Finance Minister (of the Government of India). That of other branches is decentralised. The Land Revenue is under the control of the Central Department at Calcutta, but that department is subject not to the Finance Minister but to the Minister in charge of the Home and Revenue Departments. The Telegraph Department is under the Minister of Public Works. The Central Government controls the collection of part of the Salt duty and of part of the opium revenue, of Post Office revenue and of other revenues..... The remainder of the revenue is collected by the Provincial Governments.... As regards..... a large portion of the revenue, the Provincial Governments are units of administration and are efficiently equipped for their duties."

As a third incident supporting the same view, reference must be made to the peculiar mode of presenting Indian Accounts adopted in official Blue Books. As might have been noticed, to the General Accounts of the Government of India is attached a supplementary account professing to show the distribution of the different heads of receipts and expenditure among the various Provinces into which British India has been divided. This mode of showing the accounts is beyond doubt misleading. It appears as if the aim was to show the financial position of the Provinces. But as a matter of fact the figures given in the columns in

which the revenues and charges are shown in their provincial distribution do not represent the respective claims and responsibilities of the different Provinces. Far from showing the financial position of the Provinces, the figures in the columns merely represent the geographical distribution of the different agencies through which the financial business of the Government of India is conducted, and through which the revenues are collected and the expenditure is defrayed. The revenue and expenditure, for instance, shown under"Bombay"represent the income and outgo which pass through the books of the Accountant General of the Government of India stationed at Bombay, and the same is true of entries under the heads of other Provincial Governments. The figures really represent the transactions of the Government of India distributed geographically, and there is nothing provincial about them in the least. However, such a system of account bears the impression that the system of finance in India is primarily Federal.

With these three incidents before one's mind it was easy to fall into a federal line of thinking in reasoning about the financial relationship between the Central and Provincial Governments in British India. So deep seated was the view that the Indian system was one of separation of sources and contributions from the yield, that many witnesses giving evidence before the Royal Commissions on Indian Expenditure (1892) and on Decentralisation in British India (1909) sallied forth to assail the Commissioners with the criticisms on the inequity of the system and proposals for amending it according to what they considered to be the requirements of justice. Nowhere have they stated the reasons for their assumptions in explicit terms.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_49 Yet their proposals are an unmistakable proof that they held that view. Unless they had taken for granted that the Provinces had separate revenues and separate services, they could not be expected to have wasted their energies in directing as they did their efforts to getting redressed what appeared to them as a piece of injustice embodied in the unequal contributions made by the different Provinces form their revenues to the support of the Central Government.

If their view of the financial relationship between the Central and Provincial Governments was acceptable, then a good deal could not but have been conceded in favour of their criticisms and their proposals. Contributions, if the Imperial share could have been conceived of in such a light, as between the different Provinces whether in ratio to their revenues or population, were certainly unequal if calculated on the somewhat questionable but generally accepted hypothesis that all the revenues collected within a Province belonged to the Province.

PROVINCIAL CONTRIBUTIONS TO THE IMPERIAL GOVERNMENT

	Ratio of Amount Surrendered to the Government of India to the Total Revenues raised in the Province.					Ratio of Amount Surrendered to the Government of India per Head to the Population of the Province.				
Province	1871-2	1882-3	1892-3	1904-5	1912-13	1871-72	1882-3	1892-3	1904-5	1912-13
C.P.	.655	.464	.615	.297	.204	.9	.69	1.3	.55	.59
Burma	.728	.575	.598	.497	.38	3.4	.39	.7	4.37	3.08
Assam		.438	.390	.376			.75	.75	.87	
Bengal	.903	.746	.761	.742	.596	2.4	1.99	2.9	2.29	2.39
N.W.P.and Oudh	.785	.617	.435			1.5	1.24	1.4		
Punjab	.768	.648	.726	.512	.391	1.7	1.5	1.4	1.57	1.64
Madras	.828	.664	.667	.638	.479	2.3	2.0	2.3	2.34	1.79
Bombay	.845	.648	.66	.614	.58	5.0	4.1	5.4	4.75	5.6
U.P.				.567	.381				1.48	93
Bihar and Orissa					.220					.17

Compiled from the Finance and Revenue Accounts of the Government of India and the Decennial Census Reports.

Similarly, whatever may be said of the relative merits of the proposalsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_50 of changing the system of

divided heads of revenue into one of complete separation supplemented in favour of the Central Government by contributions from the Provinces in the form of (1) a fixed sum revisable every few years, or (2) a lump percentage on provincial revenues, or (3) a fluctuating contribution from the provinces on their population, revenues or wealth, there can be no doubt that they were all aimed at reaching some such intelligible basis of distributing the burden of the Imperial exchequer as equality of payment or ability to pay. No one who had cared to scrutinise the true nature of Provincial Finance could have been expected to take these proposals with the same seriousness with which they were offered by their authors. However, strange as it may seem, none of the two Commissions questioned their propriety. The Royal Commission on Decentralisation did make it clear, though not quite forcibly, that equal contributions were not necessarily equitable contributions, but neither it nor the Royal Commission on Indian Expenditure challenged the language which spoke of the Provinces as surrendering *their* revenues to make contributions to the Imperial treasury after paying for their services. It therefore becomes all the more necessary to examine at some length the grounds which supported that view which argued that the system was based on the principle of separation of sources and contributions from the yield. Indeed the question of equity of contributions would hardly be worth discussion until it is settled that the Provinces had revenues which they could call their own and services for the efficient discharge of which they were primarily liable.

What is the criterion by which to judge whether the provinces had revenues and services which they could call their own? There is, of course, the administrative criterion by which it would be possible to say that anything which a Province administered was provincial. But that criterion cannot be a final criterion. For, whatever may be the view regarding the origin of administrative polities or regarding what their position should be in an ideal organisation, yet all regional rights of an administrative polity are in modern times exercised in the main, not in virtue of any social compact or the mere discharge of certain functions, but in virtue of a general law. The question must therefore be decided with reference to the law which defined the status of the Provincial

Governments in British India.

Did the Provinces have a legal title to the revenues? Although it is uncertain whether or not those who spoke of Provincial revenues invested the term provincial with a legal status there is no doubt that it had acquired such a connotation in ordinary parlance. Even the Provincial Governments, who ought to have known better, thought and argued that by the provincialisation of revenue what the Government of India passed on to them was not the mere usufruct but a title to the revenue. But the Government of India had always been prompt in suppressing such pretences. The facts are patent that provincial settlements were revisable every five years, that the usufruct was not perpetual and that the Government of India could resume it at the end of five years if it wanted. This is made quite clear in answer to the pretensions advanced by the Government of Bengal in a letter No. 284 of January 14, 1882, from which the following is extracted :—

> "For the sake of diminution of friction and other well-known objects which need not be specified, the Imperial Government delegated a share in its administration to local Governments. It makes a rough calculation that a certain portion of the general income, together with the increment thereon, will suffice to meet the expenditure which it retains under its own control, and it hands the rest over to local Governments, with the obligation to meet out of it certain necessary expenditure.... But it cannot bind itself to this proportion for ever, because the calculation must necessarily be a rough one, and is liable to be vitiated by unforeseen failure of resources, or growths of charges, whether in the share of financial administration which it retains or in that which it delegates. An examination of the appropriation and a readjustment of it in any particular found necessary are indispensable. A surrender of the right to this would be analogous in its nature and effects to the Permanent Settlement of Bengal."

Although anxiety was expressed for the provinces the revisions were primarily conducted in the interests of the Imperial Government as the resumption incontrovertibly proved, and the Permanent Settlement was delayed because the Government of India did not desire to relinquish its control over its revenues. Under the quinquennial settlement the

usufruct was permitted to be undisturbed for five years only. But how tentative was this surrender, which, even for five years, was looked upon as highly impolitic by the Secretary of State,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_51 was proved by the Government of India, which did not take back to exercise its inherent right to resume the usufruct of its revenues at any time it liked as is indicated by the not too uncommon levies or benevolence, as they were called, which it forced upon the provincial balances. Not even the Permanent Settlement can be interpreted to mean that the revenues settled upon the different Provinces became their revenues in anything like a legal sense, for in the eye of the law all revenues including those provincialised still remained the constitutional possession of the Government of India. Whether the Government could have effected a legal separation by investing itself of the revenues of India in favour of the Provinces is doubtful. The Parliamentary enactment which vests the revenues of India in the Government of India had limited the legislative powers of the Government of India by a clause which prevented it from

> "making any laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of this Act (of 1833).... or the Prerogative of the Crown or the Authority of Parliament."

At least it is significant that it has required an Act of Parliament to do so. But the Government of India had not made any legal separation of the title to the revenues, and if it could have done that by its own law it could have undone it as well. Nor can it be said that the separation of Provincial revenues involved separate possession. If the Provincial Governments had been allowed to establish their own treasuries to receive the collections from Provincialised revenues, then Provincial revenues in the sense of separate possession could have had a meaning. But by the rules, Provincial Governments were not to deposit their funds elsewhere than in the treasury of the Imperial Government. Consequently the possession of the revenues remained in the hands of the Government of India and the disbursement from the provincial revenues was carried out from the Imperial Treasury by the officers of the Imperial Government. None the less, the view was hard to die. But such an erroneous view was never more confidently stated than by the

Honourable Mr. Sayani, and never more forcibly controverted than by Sir James Westland in a passage-at-arms between the two on the occasion of a Budget debate in the Council Hall of the Government of India from which the following is reproduced :—

The Honourable Mr. Sayani said :—

"The whole theory underlying the system (of Provincial Finance) is that the revenues of the country, far from belonging to the Provinces which raise them or being available for their own requirements.... constitute a common fund to be absolutely at the disposal of the Central Government, out of which it is to dole out what amount it pleases for provincial services."

Catching the condemnatory tone of these comments, the Finance Minister, Sir James Westland, rose to say :—

"The Honourable Mr. Sayani, if I correctly followed him, stated that the arrangements of the Government of India were made upon the theory that the revenues were not the revenues of the separate Provinces and were not applicable to the expenditure of the several Provinces, but were the revenues of a common fund, the local Governments being merely the agents of the Government of India for their realisation. I think he mentioned the theory in some words like these, only for the purpose of condemning it. Well, I wish to assert that theory in the most positive manner I can. The revenues are the revenues of the Government of India—its Constitutional Possession. The Government of India is a body created by Act of Parliament, and if reference be made to that Act of Parliament it will be seen that the revenues of India are the revenues of the Government of India and of that Government alone. Every action that the local Government takes in respect of them must be justified by a specific order of the Government of India; the local Governments derive their powers entirely from the Government of India, and apart from that Government they exercise no financial powers whatsoevermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_52

Again, if the financial relationship between the Central and Provincial Governments in India were based upon the principle of separation of sources and contributions from the yield, what ought to have been

shown was the existence of legal responsibility of the Provinces for the services they administered. It is true there was a certain division of functions between the Central and Provincial Governments in India analogous to what existed between the Central and State Governments in most of the federal countries. But it must, however, be remembered that this division of functions had no sanction in law and no legal responsibility attached to the provinces for any of the services, not even for those Provincialised. The entire responsibility by law rested on the shoulders of the Imperial Government and it could not absolve itself of that responsibility by transferring it on to any of the Provinces. That the Provinces accepted the financial responsibility for some of the Imperial services was their choice. That they could not be compelled to undertake them was proved in a singular manner by Madras refusing to accept such responsibility in 1877. By law it was thus the Government of India which was responsible for peace, order and good government in the country. All services were therefore necessarily Imperial in status undertaken by the Government of India in discharge of its constitutional obligations.

It is therefore obvious that the view which posited that the relationship between the Central and Provincial Governments in British India was one of separation of sources and contributions from the yield was an untenable view. The Government of almost every country in these days is carried on by an inter-related group of polities operating in specific areas and discharging specific public functions ; and it may well be that in any two given countries the number of polities engaged in carrying on the work of government is the same. But it is quite erroneous to argue from that fact that the nature of their inter-relationship must have been alike. It is therefore as well to invite attention to the point that the ordered relationship between such inter-related polities depends upon which of them is the law-giving polity. It will be granted that in such group of polities there is one that is supreme in the sense that from a variety of reasons mostly historical it is competent to give law to the other polities. In federal countries it is the State Governments which are the law-giving polities. They occupy a pivotal position. They are the depositories of sovereign powers original as well as residuary. They can claim independent existence, have their

own resources and discharge their own functions. The Federal Government, on the other hand, is the creature of the State Governments. It can have no powers and no functions other than those which the States have been pleased to transfer to it by an act of self-abnegation. It is therefore truthful as well as becoming to speak of the financial relationship between the State and Federal governments as one of separation of sources and contributions from the yield. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_53For there the States have their separate resources which they lawfully own and can therefore be spoken of as surrendering their revenues to make contributions to the Central Government after paying for their own services. But the same was inconsistent with the position of the Provincial Governments. Far from pivotal, the Provincial Governments formed the weakest entities in the group of administrative polities functioning in India. Up to 1833 the Provinces had separate rights to surrender in a *foedus* and had the government of India been then organised on a federal basis the position of the Provinces would have been very much the same as those of the States in federal countries. But with the establishment of the Imperial system by the Act of 1833 the last chance of creating a federation in India vanished. By that Act the sovereignty of the Provinces was so entirely crushed that no trace was left of it to permit of a truly federal element ever to enter into their relationship with the Central Government. Since that Act the government of the country has been entrusted to a single authority charged with the sole responsibility for the good government of the country. As no single administration could support the Atlantean load of governing such a vast country with the help of central bureaux, great powers were delegated to the Provincial Governments. But this must not obscure the fact that they were literally the"agents of the Government of India."Common usage had elevated the term"Provincial"to a proud position. Along with Provincial Revenues it had been usual to speak of Provincial Services, Provincial Civil Servants, Provincial Courts, etc., as if all these and other things constitutionally belonged to the Provincial Governments. But the usage was full of irony. For, when one recalls the provisions of the constitutional law of the land, so far from thinking of them as Sovereign

authorities one felt inclined to say that notwithstanding their high-sounding apparatus of Governors and Councils it was not appropriate to call them Governments. In any case the Provincial Governments had no legal powers or functions which polities designated as Governments have been known to possess. The fact is the Indian system of polity was diametrically opposed to the federal system of polity. It was a centralised system in which there was nothing Provincial; what appeared to be Provincial was but the regional aspect of the Imperial. It was therefore untruthful and over becoming to speak of the financial relationship between the Provincial and Central Governments in India as being one of separation of sources and contributions from the yield. For here the Provinces had no separate resources which they lawfully owned, and could not therefore be spoken of as surrendering their revenues to make contributions to the Central Government after paying for what may be supposed to have been their own services—a supposition rigorously excluded by the law of the constitution.

If the complex code of limitations discussed in the last chapter had the effect, which it was not unreasonable to expect, of revealing the true nature of Provincial Finance, such a view as the one herein criticised could never have prevailed. That notwithstanding the existence of these limitations there should have been men who instead of wondering as to what remained of Provincial Finance when it was regulated by such limitations, argued with the confidence of the ignorant that the system was independent in its organisation, is itself a proof that in their study of Provincial Finance the study of its limitations formed no part. Otherwise a reference to that code would have shown that if the Provinces had separate revenues and separate services they would have had powers of alienating whatever revenues they liked, of spending on any service they desired, of framing their Budget Estimates with a view to any particular policy they decided to adopt, and of arranging for supplementary grants in any manner they chose. But such powers they never had. Indeed no greater proof could be furnished in support of the view that everything had remained imperial in status after 1870, as it was before 1870, than is afforded by these limitations on the working of Provincial Finance.

If separation of sources and contributions from the yield as a theory of

the financial relationship between the Central and Provincial Government in India was incompatible with the facts of the case, what theory was there which could be said to have been compatible with the position as defined by law? We may at once proceed to state that the only theory of financial relationship between the two governments which accorded with facts and agreed with law was that of *aggregation of the sources and distribution of the yield.*

It may seem fallacious to speak of aggregation of sources when what the Government of India gave to the Provinces was assignment of revenues and shares of revenues. To this the reply is not difficult. It has already been made clear that Provincial Finance did not involve a *de jure* separation of sources. Nor was there a *de facto* separation either. For as has been remarked before, all revenues whether assigned or reserved were collected into the Imperial treasury and were thence paid out on all approved Government transactions. Obviously, when all the revenues are thrown into a common pool, it cannot be said without unduly straining the imagination that what the Provinces were given were revenues.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_54 The collections from all sources of revenue being inextricably mixed up, the only proper view is to say that what was given to the Provinces were funds. The expressions Budget by Assignments, Budget by Assigned or Shared Revenues are in a certain sense all fictitious phrases. In all the stages of Provincial Finance what the Provinces were supplied with were funds. Under the assignment stage the supply granted was a definitely fixed sum and the only difference made as a consequence of the replacement of Assignments by Assigned or Shared Revenues was that the supply, instead of being a fixed sum, was a sum which varied in amount with variations in the yield of the Assigned or Shared Revenues. But all the same it was a supply of funds and nothing more. It is even incorrect to say that the Government of India *gave* funds to the Provincial Governments for meeting the expenditure on the services the responsibility for which was undertaken by them. As a matter of fact, the receiving as well as the disbursing of all public money, including the provincial portion of it, remained in the hands of the Government of India. The only proper expression, if it is to be true to facts, would be to

say that Provincial Finances simply meant that the Government of India opened a Provincial Services Account in its Treasury books which varied with the yield of the Assigned or Shared Revenues and on which and to its extent only the Provincial Governments were permitted to draw.

Thus there was a complete aggregation of the sources of revenue in the hands of the Government of India. From this fact it follows that instead of the Provinces contributing from their funds it was the Government of India which distributed the yield of its taxes among the Provinces. The situation could not be otherwise. For it should be recalled that in virtue of the Act of 1833 the financial responsibility for the services undertaken to subserve the ends of peace, order and good government rested upon the Government of India. While some of the services were administered directly by the Government of India, owing to the well-nigh impossibility of managing directly from a central bureau the affairs of a country as vast as the continent of Europe minus Russia, many of the services attaching to the Imperial Government were left to be administered under its supervision by the Provincial Government. The weak point of the situation, as has been remarked, consisted in the fact that the administrative and financial responsibility did not rest on one and the same authority as should have been the case. On the other hand at the end of every financial year all Provincial Governments sent in their estimates of the charges for the services they administered to the Government of India in the Financial Department, leaving the obligation of refusing, curtailing or granting the supply asked for to the Government of India to discharge as best it could. Not having the obligation to find the money, the Provinces tended to make extravagant demands. And the Government of India, not being in possession of the details, was unable to judge of the true requirements of each service. Being afraid of failure of its responsibility as much by too little trust as by too much trust in the estimates sent to it, it was often obliged to submit to extravagance of the Provinces, which as we saw brought on the crisis of 1859. To avoid this fatality there was instituted the system of Provincial Finance under which the Government of India distributed its funds among the Provinces, and the Provinces in their turn undertook to manage *some* of the services which they administered for

the Government of India *within* the sum which came to them severally out of this distribution.

This being the nature of the financial relationship, the criticisms of the system of Provincial Finance on the ground of inequity were quite inapplicable. Contributions must be according to ability, but distribution must be according to needs in order to make it equitable. If the system of Provincial Finance was to be impeached on the ground of inequity, then it was necessary to have shown that the distribution was unfair. Even here it may perhaps be shown that the different Provinces got different amounts if measured by their population or their area. But it must be remembered that the distribution was not primarily among the Provinces, but among the various departments, whether controlled by the Government of India or by the Provincial Governments. This could make a considerable difference in the equity of the distribution; for, the needs of the areas within the jurisdiction of the different administrative polities must be very different and cannot certainly be held to be coterminous with the needs of the departments maintained under them. The distribution of funds by the Government of India was not based upon the principle of each Province according to its needs but upon the principle of each department according to its needs. It was therefore futile to criticise the equity of the system on any other principle.

Thus interpreted, the system of Provincial Finance must strike as of the nature of what may be called Departmental Finance, something quite different from Decentralised Finance or Federal Finance. This view cannot be far wrong from the true view as supported by the facts of the case. As in the case of Departmental Finance every Department of the State has a certain grant fixed for it in the Budget and it then draws upon the Treasury to the extent of the grant. In the same manner Provincial Governments were given a certain consolidated grant for the departments they managed and for the expense of which they were to draw upon the Imperial Treasury to the extent of the grant. Notwithstanding Provincial Finance, nothing was provincial in its status. The revenues, the services, the Civil Service, were as strictly Imperial in status after 1870, when Provincial Finance came into being, as they were before 1870, when there was no such thing as Provincial Finance in existence. It is therefore no exaggeration to say that

Provincial Finance, instead of being an independent system of Finance involving freedom to tax and freedom to spend, was only a matter of accounts, the operations on the debit and credit side of which were subject to stringent control on the part of the Government of India.

This means that there was no change in the nature of the financial relationship between the Central and Provincial Governments as a result of the introduction of the scheme of Provincial Finance. The relationship of aggregation of sources and distribution of the yield was not a new one but was as old as 1833. It was a financial counterpart of the Imperial system then established. It was because there was no alteration in the relationship that Provincial Governments, even with Provincial Finance, far from becoming separate clocks, each with its own mainsprings in itself, remained as before the departments of the Government of India. Such a conclusion is bound to be regarded as somewhat of a startling character. There can, however, be no doubt that it is true and that no other conclusion is possible, given the legal relationship of the Provincial and Central Governments in British India. But if Provincial Finance is only a matter of accounts then, were there no changes that followed in its wake, in the financial organisation of the Imperial system? It would be idle to deny that any change took place in the financial organisation of Imperial system owing to the introduction of the scheme of Provincial Finance, and equally idle to assert that some fundamental change had taken place in consequence thereof. To be just, only two changes worth speaking of may be said to have resulted from the introduction of Provincial Finance :—

(1) Before 1870 balances on *all* services lapsed to the Government of India at the close of the financial year. After 1870 all unspent balances on the services delegated to the management of Provincial Governments remained at their disposal and formed a part of their resources for the ensuing year.

(2) Before 1870 Budget estimates on ail services had to be sanctioned by the Government of India and the Provinces could not undertake any reappropriations between the different grants for the year, even if it was found necessary, without the previous sanction of the Government of India. After 1870 the Provinces were left to a greater extent free to distribute their expenditure in any way they thought

proper among the various services delegated to their management, provided their total expenditure did not exceed the funds lying in the Imperial treasury to their credit respectively. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_55But by the rules they were required to maintain all the services under their management in a state of administrative efficiency. Similarly after 1870 the Provincial Government had complete freedom which they never enjoyed before to carry on reappropriations between the grants under their management without the sanction of the Government of India, provided their total expenditure did not exceed the amount budgeted for the year.

For the purposes of visualisation the financial relationship between the Provinces and the Government of India may be likened to the Hindu Joint Family System with the Patria Potestas vested in the latter. Before 1870 the similarity between the two was more or less exact. Like the family property of the Hindus the revenues of India were jointly enjoyed by all the departments whether under Central or Provincial management without metes and bounds being fixed to the shares of any one of them. After 1870 the only change that took place consisted in the cesser of commensality and the fixing of metes and bounds to the shares of each in the common property according to their respective needs. The system remained a joint family system, although separate accounts were opened by the head of the family, namely the Government of India, to guard against any member overdrawing the amount placed to his credit.

Were these results worth striving for? On the results achieved in consequence of Provincial Finance a variety of opinion has been expressed. But if we judge of the results as we ought to in the light of the antecedents that gave rise to the system in 1870, it cannot be said that the hopes entertained were in any way belied. It is only when critics, solely because of their misunderstanding of the nature of Provincial Finance, sought for results which were never intended by its promoters that an adverse pronouncement came to be made. But if we keep clear of these misunderstandings and never lose sight of the fact that in 1870 what the Provinces wanted was freedom and the Government of India

stability, none can assert that this compromise between Imperialism and Federalism was tried in vain. How great was the freedom gained by the provinces can be appreciated only when it is realised that before 1870 the Governor of Bengal could make

> "no alteration in the allowances of the public servants.... establish a new school or augment the pay of a daroga (watchman) to the extent of a Rupee"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_56

nor could the Governor of Bombay have. a lock mademk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_57 without a vote of the Council of India. Nor can the importance of the large measure of stability derived from it be fully realised unless it is borne in mind how before 1870 the Government of India was left between the devil and the deep sea by having to refuse or to accept the bewildering demands ranging from dustbins for a Department to education for the people made by the Provinces on its not too large resources. The Provincial Governments had been saved the delay and the indignity in having to depend upon the Government of India for sanction of the meanest of their wants. The Imperial Government on the other hand was saved the fumbling task of scrutinising the most trivial of demands and grant or reject it, but always under the apprehension of having done wrong by acting either way. The system not only gave freedom to the Provinces and stability to the Government of India, but had replaced the irresponsibility and extravagance which had proved the bane of the Imperial System by economy and responsibility, for by setting bounds to the funds of the Provincial Governments the Government of India had ended in setting bounds to itself. These results, it is true, did not satisfy the critics of Provincial Finance. More in other directions was expected of it, but that could have been possible only if Provincial Finance was a system independent in its organisation. So tong as Provincial Finance was a part of Imperial Finance, inseparably linked to it, it could have yielded no greater results than have followed from it, and those that have followed are by no means slight.

There, however, remains the question that, although it was not possible to alter the nature of Provincial Finance, whether it would not

have been feasible to enlarge its scope by relaxing the limitations imposed upon it by the Government of India without in any way interfering with the due discharge by it of its own responsibilities. That aspect of the question will be examined in the next chapter.

CHAPTER IX
THE ENLARGEMENT OF THE SCOPE OF PROVINCIAL FINANCE

It used to be made a matter of complaint that the system of Provincial Finance was unjust in that under it the Government of India conscripted, at every revision of the financial settlement, the increases in the revenues given over to the management of the Provinces, either for its own benefit on the pretext of meeting the requirements of the Central Exchequer or for the benefit of such of the Provinces as had by inertia not cared to improve their resources on the pretext of tempering the wind to the shorn lamb. There was a good deal of truth in this complaint in the early period of Provincial Finance. Being the custodian of the funds, the Government of India did often put the consideration of Imperial Services above that for the Provincialised Services. In the early period of Provincial Finance the prevailing ideamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_58 in the distribution of funds was not how much of the revenues assigned under the expiring settlement could be continued to be usefully spent on heads of expenditure controlled by Provincial Governments, but how much of the general revenues consistently with its obligations, and having regard to the growth of demands upon its resources during the currency of the settlement, could the Government of India surrender for a further period to the Provincial Governments in order to enable them to meet whatever expenditure was essential to the conduct of their administration. This attitude of the Government of India, justifiable as it was by the financial stringency of the period, changed as the financial condition became easy, so that in the latter period

> "the distribution of revenues between the Provincial and Central Governments was made, except on occasions of grave emergency, with direct reference not to the needs of the Central Government, but to the outlay which each Province might reasonably claim to incur

upon the services which it administered. The first step taken in concluding a settlement was to ascertain the needs of the Province and assign revenue to meet them; the residue only of the income of the Province coming into the Imperial Exchequer."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_59

With the shifting of emphasis on the competing needs of the Central and Provincial Governments the complaints on the score of unfair distribution of funds ceased, and no fear of an adverse revision remained when the settlements were declared permanent. There, however, remained the other main objection to the system of Provincial Finance, namely, that the limitations imposed upon it tended to reduce the Provincial Government to a nonentity by restricting the scope of their activity within the field allotted to it.

It was said that if the system of Provincial Finance was inaugurated on the understanding by which the Government of India said to the Provinces

> "Take what we are able to give you, and for the residue take certain powers of taxation and raise it yourself.... for there are subjects which can be dealt with far better by local than by imperial taxation,"

there was no reason why the Provinces should not have been allowed the freedom to tax. Again, if certain resources had been made over to the Provinces, what justification was there in not allowing them to raise loans for promoting purposes of local utility? This restriction was particularly resented; for , it was pointed out that even the humblest local Authority in India enjoyed the power to raise loans to effect improvements in its respective jurisdiction, while such an important polity as a Provincial Government was deemed unworthy of shouldering such a responsibility. Indeed it was felt as a most galling restriction, for under it it happened that a Provincial Government which was deemed to have enough credit to be accepted as security by the Government of India against loans to other local bodies subordinate to it, was ruled to have no credit to pledge in its own behalf!

What, again, was the justification for limitations on the spending powers of the Provincial Governments in the matter of staff and establishments? If the administration of certain services had been

entrusted to the Provincial Governments, why should they have been circumscribed in the matter of creating new or abolishing old appointments or revising the establishments of their departments? If under the system of Provincial Finance the Provinces were responsible for the services they managed, why should they not have been trusted with powers to make needful changes in the agencies which carried out those services?

Further, it was asked, what justification was there for the limitations on the preparation and execution of the Provincial Budgets? If separate Budgets had been carved for each of the Provinces out of what once formed an Imperial Budget for the whole of India, why should the Provinces have been required to submit their Budgets to the Government of India? Merely as a matter of conveying information the requirement was comparatively of a trifling character. But why should the Government of India have claimed to alter their estimates and compel them to abide by the grants as fixed by it? Was such a scrutiny of Provincial Budgets a cover for dictating a policy to the Provincial Governments? If this was so, what was the scope for initiative and freedom left to the Provinces which it was the primary object of Provincial Finance to promote and of the permanent settlements to ensure? Again, why should a Provincial Government have been required to come to the Government of India for a supplementary grant as it had to do where the excess over estimates could not be met by reappropriations, even when it had balances to its credit so sufficient as not to be reduced below the required minimum by a draft to meet the excess?

For each of these limitations which fettered the Provincial Governments and contracted the scope of Provincial Finance, the Government of India was of course ready with abundant excuses.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_60 In the matter of revenue restrictions it urged that the revenues of India were its constitutional possession for the proper disposal of which it was responsible to the Secretary of State and Parliament. That being the case it was fair that the Government of India should require that the sources assigned to the Provinces should not be alienated nor spent on unauthorised grants or

unapproved services. Again, being responsible for all services it followed that the Government of India could not have afforded to weaken its position as to managing the resources of the country by partitioning the taxing or borrowing powers. The field for taxation in India being considerably limited, an indiscriminate levy of taxes by a competing authority, it was feared, would have led either to discontent by additionsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_61 to the Imperial imposts or to a retrenchment of the field for Imperial taxation. The concentration of borrowing powers in its hands, the Government of India urged, was a natural corollary of the statutory hypothecation of all India revenues to all-India needs. The Government of India could not allow its revenues to be mortgaged by a Provincial Government for its own needs. Besides it was afraid mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_62that if this freedom to borrow were granted

> "the temptation to hypothecate revenues in advance might become inconveniently strong, and the future administration of a Province might be starved because a former Government had been in a hurry to proceed with some costly ambitions and non-productive project."

Moreover, the loan market in India, it was said, was as limited as the taxable capacity of the country. Therefore

> "if many buckets are dipping into one well and drought cuts short the supply of water, obviously the chief proprietor of the well must take it upon himself to regulate the drawings."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_63 In the matter of specific restrictions on spending powers with respect to staff and establishments, the defence of the Government of India was that such restrictions were necessary in the interest of uniformity and economy. It was urged that if each province was allowed the freedom to regulate the remuneration of the Public Service which carried on the actual work of administration the result would probably have been unequal pay for equal work. Such a consequence would have engendered discontent in the servants of the State which it was desirable to prevent in the interest of good administration. Again, if the Provinces

had been given full freedom to revise establishments it might have resulted in considerable additions to the recurring expenditure of the Provinces, thereby jeopardising the stability of the Provincial as well as of the Imperial finance, for in the last resort the Government of India was responsible for maintaining the Provincial Governments.

In the matter of control over the preparation and execution of Provincial Budgets the Government of India urged that the scrutiny was not motivated by a desire to control an unwelcome policy, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_64but was inevitable because of the three important ties by which the Provincial Budgets were bound up with the Budget of the Government of India. These were (1) the incorporation of the income and expenditure of the Provincial Governments into the Budget and the Annual Accounts of the Government of India as an integral part thereof; (2) the system of divided heads of revenue and expenditure, and (3) a common treasury involving a combined"ways and means"for the transaction of the Central and Provincial Governments. The first two points of inter-relation required that the Government of India should examine the Budget Estimates of the Provincial Governments. It was urgedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_65 that the power to make such alterations was rendered specially necessary by the inveterate tendency of local Governments to over-estimate their expenditure and under-estimate their revenue. Estimates which departed widely from actuals meant bad finance and also a provision of larger ways and means for the working of the Treasury. But even if this tendency was absent it was incumbent on the Government of India to scrutinise the Provincial Estimates in order to preserve accuracy in the combined accounts. Besides the interests of accuracy, the Government of India had to ascertain by a scrutiny of their estimates that a Province did not impair the stability of its finances by (1) including in its budget expenditure on schemes which had not received due administrative sanction, or was not likely to receive such sanction in time to be incurred during the year; or (2) by entering on an enhanced scale of expenditure a Province was not unduly depleting its balances. But by far the strongest reason why the

Government of India needed to scrutinise the Provincial Estimates consisted in the fact that in so far as some of the Heads of Accounts were shared, the ultimate result of the Central Budget, whether there was to be a surplus or deficit, depended upon the accuracy of the estimates. The Government of India, it was urged, was thus directly interested in the Provincial Budgets, and could not have abandoned its right to scrutinise them without exposing its budgetary system to serious derangement. The third point of inter-relationship necessitated that the Provincial Governments should work within the grants as fixed finally by the Government of India. To have allowed the Provincial Governments the liberty to exceed the grants because they had ample balances to their credit would have been incompatible mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_66with the responsibility of the Imperial Government to provide the ways and means for the whole administration of the country. A provincial balance, it was pointed out, was not a separate balance locked up in a separate provincial chest. It was a part of the general balances on which the Government of India operated daily. If a sudden demand uncontemplated in the Budget were to be made upon these balances, as would have been the case if the Provincial Governments had exceeded their budget grants, it would have disturbed the ways and means transaction and would have involved the Government into insolvency by causing insufficiency of cash.

All these defences of the restrictions on Provincial Governments were plausible defences and could have been decisive if the centralised system of administration in favour of which they were urged could be deemed to have satisfied the ends of good government. But it was not unreasonable to argue as was done by the Provincial Governmentsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_67 that modern tendencies were all moving in the direction of forms of government which placed fullest powers as tow down in the administrative scale (i.e. as near the section of population immediately affected) as could be safely arranged. It is reasonable to centralise such powers as could not be efficiently exercised otherwise. But it is equally unreasonable to centralise powers

where central control or uniformity is not clearly essential or is impracticable. By centralisation all progress tends to be retarded, all initiative liable to be checked and the sense of responsibility of local Authorities greatly impaired. Besides, centralisation involves and must involve a serious sacrifice of elasticity, for it is naturally disagreeable to a central department to have to deal with half a dozen different ways of managing the same branch of administration, and which therefore aims at reducing all types to one. Further centralisation conflicts with what may be regarded as a cardinal principle of good government, namely, that when administrative business reached an authority fully competent to deal with it, that authority should deal with it finally. Even when there is a higher authority equally competent, to pass the business on to it would at best help to transfer power to the hands of the tower ranks of the official hierarchy, by causing congestion of business in the Central Department. Thus centralisation, unless greatly circumscribed, must lead to inefficiency. This was sure to occur even in homogeneous states, and above all in a country like India where there are to be found more diversities of race, language, religion, customs and economic conditions than in the whole continent of Europe. In such circumstances there must come a point at which the higher authority must be less competent than the tower, because it cannot by any possibility possess the requisite knowledge of all local conditions. It was therefore obvious that a Central Government for the whole of India could not be said to possess knowledge and experience of all various conditions prevailing in the different Provinces under it. It, therefore, necessarily became an authority less competentmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_68to deal with matters of provincial administration than the Provincial Governments, the members of which could not be said to be markedly inferior, and must generally be equal in ability to those of the Central Government, while necessarily superior as a body in point of knowledge.

To these arguments the only reply the Government of India could make was that it concentrated all power in its hands, not from principle but from necessity. That necessarily arose out of its constitutional obligations. The law had invested it with the superintendence, direction,

and control of the civil and military government and the ordering and management of the revenues of the country. It could not therefore relax its control over the powers it had delegated to the Provincial Governments. It was, of course, impossible to deny the force of this argument. So tong as the Government of India remained the authority solely responsible to Parliament it was reasonable to hold that it should be the controlling authority in all matters pertaining to the administration of the country. But it was equally reasonable to ask whether it would not have been possible in the interests of cordiality between the Central and Provincial Governments to have relaxed such of the restrictions on the financial powers of the Provinces as would not have been incompatible with the due discharge by the former of its own responsibilities. That it was possible so to enlarge the scope of Provincial Finance by a relaxation of the limitations without injury to the position of the Government of India must be said to be evident from the following analysis of the suggestions made by the Provincial Governments. These suggestions were

(i) Power of taxation and borrowing on the security of Provincial Revenues.

(ii) Power of sanctioning expenditure on Staff and Establishments up to a limit higher than that allowed by the Government of India.

(iii) (iii) Separation of Provincial Estimates from the Imperial Budget and Accounts.

(iv) (iv) Abolition of the system of divided heads of revenue and expenditure and the replacement of it by a system of separation of sources and contributions from the yield.

(v) (v) Power to spend part of their balances up to a defined amount, without the previous sanction of the Government of India in meeting an excess of expenditure over Budget Estimates.

What objections were there, from the standpoint of the constitutional responsibilities of the Government of India, to the grant of these demands? Clearly it was possible for the Government of India to have marked off certain sources of taxation best suited for provincial levy and unconnected with the imperial imposts. Similarly it was possible to

have permitted the Provincial Governments to borrow to a limited extent on the security of the revenues assigned to them. To suggest as did the Government of India, that the Provincial Governments would abuse these powers to the extent of causing discontent or jeopardising the stability of their financial system, was to believe that such legally recognised polities as the Provincial Governments were run by incompetent administrators unmindful of their obligations. The second demand could have been granted with greater ease. It is to be noted that the Civil Service of the country which deals with revenue and general administration has been divided into

(i) (i) The"Indian Civil service"recruited in England by competitive examination, at which natives of India, like other subjects of His Majesty, can compete; and

(ii) (ii) The"Provincial"and"Subordinate"Civil Services, recruited in India, and, as a rule, only open to persons who are natives of the country or domiciled therein.

Each Province has had its own separate"Provincial"and"Subordinate"Services, but while it has a free hand in recruiting for the latter, appointments to the former have been regulated by rules laid down by the Government of India. That being the case it would have been only logical that the Government which had the power of recruiting for an appointment should also have the power of regulating the salary. There can be no reason why the salaries of posts of similar grades should be equal in all Provinces; nor can they be equal having regard to the differences in the economic conditions of the Provinces. A local Government knows better the economic value of a local man, and should therefore have been trusted with powers up to a limit covered by the Provincial and Subordinate Services. The suggestion of the Government of India that the grant of such powers would have resulted in heavy additions to the recurring expenditure of a Province must be said to be too ungracious to be taken seriously.

The acceptance of the third recommendation could not have in any conceivable way affected the responsibility of the Government of India. The only objection which the Government of India urged was that such a separation would have been unwise. To have published accounts or estimates of the Imperial Government which excluded the accounts of

the Provincial Governments, when the items excluded covered such a large magnitude, would have misled the public and rendered a wholly incomplete idea of the financial position of the Government of India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_69 Now it must be granted that if such a separation of accounts could have avoided the scrutiny and the consequent restraint on budget-making by the Provinces, not to have done so was to have put the supposed convenience of the student of Accounts above the administrative convenience of the Provincial Governments. Besides, it is to be pointed out that the suggestion was not a novel one. It was only a revival of the old practice which obtained between 1871 and 1877. During that period of financial decentralisation Provincial figures did not appear in the Imperial Budget.

The Provincial Budget as framed by the Accountant General was passed by the Provincial Government and no more reference was required to the Government of India except to inform it that the estimate was a probable one and that it was within the limits of the revenues assigned to the Province. It is therefore obvious that there could not have been any constitutional objection to the granting of the demand for a separation of accounts.

The fourth recommendation was of the same class as the third, in that it too could not be said to have involved any infringement of the constitutional responsibilities of the Government of India. The abolition of the divided heads of revenue would have clearly eliminated the interference of the Government of India in the preparation of the Budget Estimates by the Provinces. Similarly the abolition of the divided heads of expenditure would have given the Provinces greatermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_70 freedom in the matter of spending the revenues assigned to them. Under that system a Provincial Government could not spend more on a particular service if it was a divided head unless the Government of India consented to increase its figure for expenditure under that service. If the Government of India reduced its figure the Provincial Government was perforce obliged to reduce its own. The substitution of a system of separation of sources and contributions from the yield for the system of divided heads would

have clearly resulted in a greater freedom to the Provincial Governments, without any evil consequence to the Government of India. The objections which the Government of India was able to oppose to this demand was far from convincing. It was urgedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_71 that the Provincial Governments under complete separation may cease to take such interest as it took in respect of revenues which were divided. But it is evidently a mistaken view that a Provincial Government could not have been trusted to administer a tax efficiently unless it had a financial interest in the result. This view supposed that the people engaged in the collection of revenue really knew whether it went to the Imperial or the Provincial credit. As a matter of fact the ultimate credit could in no way have affected the collection of the revenue. And even if that view were true the difficulty could easily have been met by each government having its own staff to collect its own revenues. The employing by one Government to execute its functions the agencies of another, as has been the case in India, is obviously a complicated and awkward system. If separation of agencies had resulted from the separation of sources it would have been a reform all to the good. Besides it was overlooked that the fact that the divided heads gave a personal interest to the Provincial Governments was indeed a point against the system rather than in favour of it. A system which created a vested interest in a revenue apart from the interest of the public was a bad system, for such an interest was sure to lead to harshness and rigidity in collection.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_72 As an instance of this may be cited the notorious unwillingness of Provincial Governments in the matters of remitting taxationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_73 If humanising the Provincial Governments was a desirable end, then the abolition of divided heads was a good means. The other objection which the Government of India was able to oppose was that such a change would have given the share of the Government of India from the revenues raised in the provinces the character of a tribute, and the Government of India would have

appeared to be the pensioner of the Provincial Governments, depending upon them rather than controlling them. This objection must be ruled out as being sentimental.

The fifth and the last suggestion for the enlargement of the scope of Provincial Finance was least obnoxious to the responsibility of the Government of India. There is no reason why there should have been a single-treasury system for both the Governments, Provincial and Central. It is true that a common treasury permits a high state of economy in the cash balances of the country, which it is the duty of every Government to effect, just as any business firm looks upon it as its duty to economise its till money or floating cash. But if a common treasury hindered the use of the balances the gain in freedom would have more than compensated the toss involved by the increase in the cash balances that would have followed the institution of separate treasuries and separate ways and means. But the demand of the Provincial Governments did not ask for a complete separation of Provincial balances from the balances of the Central Government involving separate treasury system and separate ways and means, probably because they anticipated that as such a proposal meant separate possession of provincial revenues the Government of India would raise a constitutional objection to such a demand. All they asked for was a power to spend part of their balances up to a defined amount without reference to the Government of India. The suggestion was acceptedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27C. Evolution of Provincial Finance in British India PARTIII.htm - _msocom_74 as"reasonable,"for its consequences, provided it was not a big amount, would have been not a deprivation of the Government of India's power of control over nor a disturbance in the ways and means, but only a slight increase in the cash balances of the country.

Thus it is clear that the scope of Provincial Finance was unduly restricted by a too narrow and too legalistic an interpretation of the constitutional obligations of the Government of India. From the above analysis of the suggestions made by the Provincial Governments it is clear that without making any breach in the constitutional position of the Government of India it would have been possible, with a more charitable view of their sense of responsibility, to effect the changes

they desired. Such concessions would have made Provincial Finance as self-sufficient and as autonomous as it was capable of being made. The system would no doubt have rested on pure convention: none the less its benefits would have been as real as though it was based on law.

But the time had arrived when the financial arrangements could no longer be looked upon as a matter which concerned the Central and Provincial Governments. There arose a third party whose counsels were rejected in 1870 but which now insisted on having a voice in the disposition of the financial resources of the country. It was the Indian taxpayer, and his clamour had grown so strong that it compelled the powers that be to alter the system so as to permit him to take the part he claimed to play.

The changes that followed upon this event will form the subject-matter of Part IV.

PART IV

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

PART IV: PROVINCIAL FINANCE UNDER THE GOVERNMENT OF INDIA ACT OF 1919

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PART IV

PROVINCIAL FINANCE UNDER THE GOVERNMENT OF

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CHAPTER X

THE NECESSITY FOR A CHANGE

As two types of governmental systems, the Presidential and Parliamentary are often contrasted mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_1 to the advantage of the latter. For the Parliamentary type of government it has been claimed mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_2 that no other arrangement seems able quite so effectively to place the centre of authority under the control of those who are supposed to represent the popular will : that it means government by consent : that it ensures the exercise of the functions of government by a body of persons who are amenable to and whose views are in accord with those of the majority of the Legislature : that it is the only form of government which provides for a powerful Executive so very necessary for a stable government without rendering it so irresponsible as to endanger the essentials of a good government: that it throws upon the holders of high office the onus of vindicating their acts or, failing, suffer dismissal : it renders the Legislature supreme both in legislation and administration so that it forms a government not only to make life possible but also to make life good. No other form of government, it is urged, can so effectively prevent order degenerating into tyranny or progress blocked in the name of peace. So eminently has Parliamentary Government demonstrated its supreme virtue in securing orderly progress that, though originally developed as an accident in the evolution of the British Constitution, it has been most eagerly adopted as the most fundamental institution by many countries whose political convulsions have required them to prepare anew or alter the existing

framework of their governmental systems.

If the fact of the Executive being a part of the Legislature be a sufficient indication of the Parliamentary type of government, then the system of government in India since 1853 may be said to be analogous to the Parliamentary system. Indeed it would hardly be possible to deny this characteristic to the Indian constitution, for the provision of the constitutional law has since then been that the additional (i.e. the Legislative) members *and* the ordinary (i.e. the Executive) members shall *together form* the Legislature for the making of the laws and regulation for the peace, order and good government of British India. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_3 But judged in the light of its *de facto* consequences the Indian system falls lamentably below the *de jure* connotation of the class of governmental systems to which it belonged. If in other countries the record of Parliamentary government is one of submission of the Executive to the Legislature, in India it had been one of the Executive thwarting, often of flouting, the legislature. In vain may one search the proceedings of the Legislature to find the Executive ever paying deference to the wishes of the people[1] Reforms have been incessantly, asked for by the legislature only to be denied with equal tenacity by the Executive.

[1]The following table from N. C. Kelkar's *The Case for Indian Home Rule, p.* 81, is illustrative of the fact :—

Legislative Council	No. of Resolutions moved	No. of Resolutions withdrawn	No. of Resolutions rejected	No. of Resolutions accepted
Supreme	3	2	1	0
Madras	32	26	6	0
Bengal	38	26	12	0
U.P.	22	10	12	0

Bihar and Orissa	5	5	0	0
C.P.	4	2	2	0

The reason why the Indian parliamentary system was but an empty form is to be found in the fact that it was a Parliamentary system without a Parliamentary Executive. In other words, the Executive under the system was not responsible to the legislature and was not removable by it. The Indian Legislature could neither make nor unmake the Indian Executive. The Indian Executive made peace or war as it liked without being afraid of dismissal by the Legislature. It taxed as it pleased and spent as it liked, without the slightest compunction as to the wishes of the Legislature, it undertook acts or refused to undertake them according to its own sweet will, but had no fear of a vote of censure from the legislature. The nearest approach to the Indian system of parliamentary Government is to be found in the position of the Irish Parliament which existed from 1782 to 1800. The peculiarity of the case lay mainly in the fact that while this Irish Parliament, commonly known as Grattan's Parliament, was during the period it lasted admittedly a sovereign Legislature, the Irish Executive of the time was as regards the Irish Parliament in no sense a Parliamentary Executive. The Irish Executive, instead of being appointed and dismissed by the Irish Legislature, was in reality appointed and dismissed by the Crown on the advice of the English Ministry. In the same manner the Indian Executive was appointed and dismissed by the Crown on the advice of the Secretary of State for India who is a member of the English Ministry and was in no way responsible to the Indian Legislature.

It is true that the Executive in India was ultimately responsible to the Secretary of State for India and through him to the British Parliament. But it must not be forgotten, said Mr. Fisher,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_4 that

"the affairs of India are in the hands of the Government of India....

Proposals may come from the Indian Government to London and be vetoed by the Imperial Government. The large lines of Indian policy may be shaped by a Secretary of State in the India Office, and a powerful Secretary of State may make his influence felt strongly on the direction of Indian affairs if he encounters no serious opposition from the Government of India. But in reality the last word lies with the Indian official opinion (i.e. the Executive in India), that a measure would not be forced upon India against the united opposition of the Indian bureaucracy."

As a matter of fact neither was the Secretary, though all-powerful in Indian affairs, inclined to restrain the Executive in India from doing what the people regarded as evil nor to constrain it to do what he thought to be for the good of the people.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_5 Hardly can it be said that the British Parliament, wherein every member has been supposed to be a member for India, has made the acts of the Indian Executive a matter of anxious scrutiny#.

#The salary of the Secretary of State for India being paid out of the revenues of India, Parliament, had no occasion, as it had in the case of the Colonial Secretary, to annually review his actions in the full activity of the parliamentary Session. At the end, generally after the Appropriation Bill had been read a second time, the Indian Budget used to be submitted to Parliament which, after a somewhat desultory discussion, used to pass a Resolution proclaiming in solemn terms that the Indian Accounts show certain totals of income and expenditure ! Many attempts were made to improve the control of Parliament on Indian affairs. But Parliament never cared to increase its control. In 1873 Mr. R. N. Fowler moved"that in the opinion of this House it is desirable that the Statement of the financial affairs of India should be made at a period of the Sessions when it can be fully discussed."Again in 1883 the same motion was brought forward by Mr. Fowler. Both of these attempts to furnish the House with a better opportunity to review Indian affairs fell to the ground. In 1899 the same Resolution was

moved by Mr. Cladwell, M.P., with the addition that the Salary of the Secretary of State for India be placed on the British Estimates. It was opposed by Mr. Fowler, who was then the Secretary of State for India, and was in consequence lost. By the provision of the Government of India Act of 1919 the House has a better opportunity to criticise Indian affairs owing to the salary of the Secretary of State having been placed on the British Estimates.

On the other hand, its interference in Indian affairs has on some occasion been positively harmful to the interests of the Indian people.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_6 Indeed, there can be no doubt that the interest of Parliament in Indian affairs since the assumption of the Government of the country by the Crown instead of increasing has considerably diminished as compared with the interest it took when the affairs of the country were in charge of the Company.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_7 Nay, the influence of the British Parliament over Indian affairs, it may be said, has undergone a decided change for the worse, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_8inasmuch as all its influence is exerted to strengthen the Executive in India against popular clamour rather than restraining it from flying in the face of public opinion.

It is therefore evident that the control of the Secretary of State and of Parliament over the Executive in India was only a nominal control, and the Indian Executive was in reality an uncontrolled body of bureaucrats in the exclusive charge of Indian affairs. How was this trust discharged by this irresponsible Executive?

The answer to this question may be summed up in the statement that the Indian Executive has sacrificed progress to order. Whether we examine its actions in the field of legislation or finance, the truth of this statement becomes painfully evident.

There are very few countries in the world where there may be said to prevail so many social evils as has been the case in India. Law is a means by which society from time to time repairs its ills in order to effect its conservation. But with very few exceptionsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_9 the rule of *personal* law of a most pernicious character has been allowed to govern the social relations of the citizens, notwithstanding the fact that enlightened public opinion has long since raised its voice of protest against its perpetuation. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_10So religious has been the regard of the Executive for the preservation of the personal law, notwithstanding the fact that it has disabled millions of its subjects from enjoying the most elementary rights of citizenship, that it has been careful not to allow in cases of conflict the rational provisions of the civil law to override or chasten the irrational rulings of that archaic *code*. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_11Judged by the modern standard of legislation the Executive must be pronounced to be extremely conservative. In the matter of securing economic rights its response was of a very halting character, and the legislation it has been persuaded to undertake for giving security or fixity of tenure to the agriculturalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_12 or ease and comfort to the industrialmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_13population sank in comparison to what it refused to undertake for liberating the rest from a species of industrial slavery notwithstanding incessant demands for its abolition.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_14

Its financial system was similarly characterised by the desire to preserve peace and order by taxing the masses and exempting the classes. It has been urged that the revenue system be so altered as to give relief to the poorer classes. Indirect taxes are justified as a method of making the poorer classes pay their share of the burden

of the State without their being sensible of the fact. But there is a limiting principle which forbids the imposition of certain kinds of indirect taxes. It may be said to be agreed by students of public finance that indirect taxes be such that the poor on whom they impinge rather heavily relatively speaking, must be able to adjust the burden of such taxes to their means. When such indirect taxes fall on luxuries it is possible for them to apportion for themselves the burden they need must bear by regulating their purchases. But in those cases where they fall on necessaries of life this elasticity is not possible. The pernicious character of the salt tax in India was urged as a sufficient ground for its elimination from the revenue system of India. But not only did the Executive refuse to accept the demand, it actually increased the salt tax whenever a deficit has occurred instead of tapping some other source of revenue, which it could have done with equal ease and greater justice. In 1886, to cite one example, it was admittedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_15**that**

> "There can, after all is said and done, be no manner of doubt, but that one great fact remains established, one great blot not only unremoved but aggravated by the course of events in recent years..... It is that..... the classes in (India) which derive the greatest security and benefit from the British Government are those who contribute the least towards it."But in the Budget of 1887-8 the Executive eschewed its own conviction and increased the salt duty to make up for the deficit caused not by any extraordinary measure of internal improvement but by an enormous act of external aggression, namely the conquest of Burma, as though the income tax of 1886 which left untouched the incomes of the Bengal zamindars, the Assam Tea planters and the Talukdars of Oudh, in making the richer classes pay, made them pay, at the very moderate rates it levied, all they could be made to pay.

But the salt tax is not the only instance of inequity under which the masses paid for the classes. The land revenue as it has been levied in India may be cited as another example of inequity in the Indian Tax

System. The sources of inequity are various. There is first of all the glaring fact that in some cases the amount of the tax is permanently fixed, while in other cases the amount of the tax payable in respect of land revenue is periodically revised. Now there is no justifying circumstance why some citizens should be exempted from contributing their quota to the growing needs of the State when the same is rigorously exacted from their fellows. This is, however, only one point of injustice to those whose taxable capacity in respect of land revenue is subject to periodical revisions. There is another which consists in the adoption of a wrong measure of capacity to pay. The cardinal feature of this revisable part of the land tax in India is to be found in the basis of the tax which, as is well known to every student of Indian Finance, is a certain unit of land. Now nobody has ever suspected the pernicious effect of the system which bases the tax on a unit of land held ; but surely there can hardly be a system more mistaken in thought or more mischievous in practice. It ignores the commonplace of economists which asserts that taxes are paid not by things but by personsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_16and if it is persons who ultimately pay the taxes then it is manifest that they must be required to contribute not according to the land they hold but in proportion to the total income derived. On the contrary the system, in undertaking to tax per unit of land, taxes the poor peasant with only one acre to cultivate and the landlord owing hundreds of acres at a *uniform* rate without realising that as the total incomes of the two must be vastly different this uniformity of taxation must produce a glaring inequity of treatment as between the rich and the poor.

If the revenue thus raised by sacrificing equity to the dictates of order had been spent on services promoting progress there would have been some compensation. But such was not the case.

All the revenue that was collected was spent on Services such as Police, Military and Administration which are calculated to maintain order. Such services as Education, State aid to industries, hardly found any place in the scheme of public expenditure as managed by this

irresponsible Executive. But it may be asked as to why the Executive, sovereign as it was, should have stood for order and against progress?

PERCENTAGE OF EXPENDITURE

(Excluding expenditure on commercial services, i.e., Post Office and Telegraph Dept., Railways and Irrigation). In thousands of rupees.

Periods	District Administration	Forest	Other Heads, including Opium	Debt Sources	Civil Depts.	Civil Changes	Civil Works	Army (Including Military Works and Special Defence Works)	Famine Relief and Insurance	Total
1877-78 to 1881-82	5.2	.8	5.6	8.9	18.7	6.8	5.8	39.2	2.6	93.6
1882-83 to 1886-87	6.0	1.2	6.6	8.2	21.4	7.5	7.6	35.6	2.3	96.4
1887-88 to 1891-92	6.0	1.3	5.4	7.6	22.1	7.5	7.3	37.7	2.8	95.7
1892-93 to 1896-97	6.1	1.3	4.9	6.4	22.5	8.4	6.9	38.5	1.6	96.6

1897-98 to 1901-02	5.8	1.4	5.5	4.3	22.6	7.8	6.8	35.2	4.8	94.2
1902-03 to 1906-07	5.9	1.6	8.2	3.1	23.2	7.3	9	37.1	1.8	97.2
1907-08 to 1911-12	6.3	1.8	7.1	3.5	25.7	7.7	8.5	35.6	2.1	98.3
1912-13 to 1916-17	6.0	1.9	6.2	2.1	28.2	7.3	9.3	35.1	1.5	97.6

From the statistics of British India, Vol. II, Financial Statistics, 1920, p. 7.

The answer is that an irresponsible government, however sovereign, is incapable of progress, for in the exercise of its sovereign powers it is hampered by two very serious limitations.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_17 There is first of all the internal limitation which arises from the character, motives and interests of those who are in power. If the Sultan does not abolish Mahomedanism, Pope ban Catholicism, the Brahmin condemn caste, or the British Parliament declare the preservation of blue-eyed babies illegal, it is not because they *cannot do* things, but it is because they will not do these things. In the same way if the Executive in India did not do certain things most conducive to progress it was because by reason of its being impersonal** and also by reason of its character, motives and interests it could not sympathise with the living forces operating in the Indian Society, was not charged with its wants, its pains, its cravings and its desires, was inimical to its aspirations, did not advance Education, disfavoured Swadeshi or snapped at anything that smacked of nationalism, it was because all these things went against its grain. But an irresponsible government is powerless to do even such things as it may like to do. For its authority is limited by the possibility of external resistance. There are things which it would do but dare not do for the fear of provoking thereby resistance to its authority. Caesar dare not subvert the worship of the Roman people, a modern parliament dare

not tax the Colonies, however much they would. For the same reason the Government of India dared not abolish the caste system, prescribe monogamy, alter the laws of succession, legalise intermarriage or venture to tax the tea planters. Progress involves interference with the existing code of social life and interference is likely to cause resistance.

**Impersonal because the higher and controlling grades of public services are devoid of Indian element. Although the eligibility of the natives of India for employment in public services was proclaimed as far back as 1833, the regulations made by the Secretary of State for admission to the Public Services in India has had the tendency to exclude them from the employment of the right granted to them by statute. Under the regulations made by the Secretary of State for War, candidates for Commission in the Army were to be of pure European descent and a similar regulation was adopted by the Admiralty for cadetship in the Navy, thereby excluding Indians. As to the Civil Service the Statute (Government of India Act, 1858, s. 32) laid down that all"natural-born subjects"of the Crown be admitted for examination, thereby including the natives of India. But the ruling of the Secretary of State that that examination should be held only in London had indirectly debarred many natives of the country from benefiting themselves under the statute. Regulations for admission to other public services varied. For the Indian Medical Service, candidates were to be natural-born subjects of European or East Indian descent ; for the Indian Police Service they were to be British subjects of European descent ; for the Forest Service they were to be natural-born British subjects ; for Public Works Department one-tenth might be natives of India who are British subjects.—Cf. in this connection Halsbury, *Laws of England,* Vol. X, pp. 588-9.

None the less a government which is of the people and is not detached from them can venture on the path of progress, because it is in a position to know where obedience will end and resistance will begin. But the Indian Executive not being of the people could not feel the pulse of the people. The gist of the matter is that the irresponsible

Executive which had been in power in India was paralysed between these two limitations on its authority and much of what went to make life good was held up. Part of the programme it would not undertake and the other part it could not undertake. As a result of this, so far as the moral and social life of the people was concerned, the change of government by the Moghuls to a government by the British was only a change of rulers rather than a change of system. Owing to the adoption of the principle of non-interference partly by preference and partly by necessity by the British

> "the natives of India found themselves under a government distinguished in no vital respect from those under which they had toiled and worshipped, lived and died through all their weary and forgotten history. From a political standpoint, the change was but the replacement of one despotism by another. It accepted the arrangements as it found themmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_18 and preserved them faithfully in the manner of the Chinese tailor who, when given an old coat as a pattern, produced with pride an exact replica, rents, patches and all."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_19

That there was some advancement in material progress is not to be denied. But no people in the world can long remain contented with the benefits of peace and order, for they are not dumb brutes. It is foolish to suppose that a people will indefinitely favour a bureaucracy because it has improved their roads, constructed canals on more scientific principles, effected their transportation by rail, carried their letters by penny post, flashed their messages by lightning, improved their currency, regulated their weights and measures, corrected their notions of geography, astronomy and medicine and stopped their internal quarrels. Any people, however patient, will sooner or later demand a government that will be more than a mere engine of efficiency. Under the influence of Western ideas of representative government the Indian people had for some time been demanding a change in the form of the government. A Parliamentary form of government with a Parliamentary

Executive was the goal they had laid before themselves.

The popular agitation for achieving this end assumed such proportions that, in the course of time, there was presented a serious issue for the consideration of the Executive in India. How was the government of the country to be carried on? By force or by consent, Power seldom commits suicide of its own accord. Rather, when it fails to secure the willing compliance of the people, it resorts to force. That was the resource adopted by the Executive in India. Not satisfied with the aid of the power with which the Executive was endowed by the provisions of the Criminal and Penal Codes to anticipate offences by preventive acts, it besmeared the Indian Statute Book with a set of repressive laws hardly paralleled in any other part of the world. The Criminal Law Amendment Act XIV of 1908 empowered a magistrate with special sanction of the Government to hold an *ex-parte* inquiry without the presence of the accused or of his legal representative and commit him for trial to be conducted without a jury. Under another provision of the same Act the Executive could declare unlawful any association which in its view interfered with the maintenance of law and order. The State Prisoners Regulationsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_20 and Actsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_21 authorising the Executive to place under restraint any person whom it suspected but against whom it had no proof, constituted by themselves a perpetual suspension of the Habeas Corpus Act :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_22 while under another Actmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_23the Executive was empowered to proclaim"a State of Siege"or martial law in any area and suspend therein the jurisdiction of the civil courts in favour of the military courts. The Indian Press Act of 1910 put a complete muzzle on the Press. So wide were its provisions that in the opinion of a learned judgemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_24 of one of the Indian High Courts it was"difficult to see to what length its operation might not be plausibly

extended by an ingenious mind"and"that they would certainly apply to writings that might even command approval"and"much that is regarded as standard literature might undoubtedly be caught."The right of public meeting was suppressed in the same manner and with the same sternness as was the right to personal freedom and the right to freedom of discussion; for, over and above the restrictive provisions contained in the ordinary law of the land,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_25 the executive armed itself with discretionary powers under a special enactment to prohibit any public meeting on the excuse of what it regarded as the interest of the public.

The rigour of this regime of *lettre de cachet* and the *Bastille* was quite untempered by any fear of responsibility on the part of the Executive for any excesses committed in putting these repressive laws into operation. For it is to be noted that the Executive had, coupled with the large grants of these discretionary powers to suppress the liberties of the people in order to preserve law and order, the gift of an equally generous measure of immunity to its agents in carrying out those powers. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_26The Police Acts and the Press Act *all* contained provisions which barred all action in a civil court against these agents for damages to be done in pursuance of these Acts. Officers and soldiers taking part in the suppression of riots were not criminally responsible for acts done in good faith and were not to be prosecuted for other acts without the sanction of the government.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_27 In like manner superior Executive officers could not be prosecuted for crimes committed in discharge of public functions except with the permission of the government and then only in the manner prescribed by government.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_28 There is no wonder then if such discretionary powers, exercised extra-judicially, substituted a reign of terror in place of a regime of peace.

But it was soon found out that force was not a sure means of carrying on the government of a country. The verdict of history was well summed up by Burkemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_29 when he said :

> "The use of force alone is but temporary. It may subdue for a moment, but it does not remove the necessity of subduing again: a nation is not governed which is perpetually to be conquered. (The) next objection to force is its uncertainty. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource ; for conciliation failing, force remains, but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness, but they can never be begged as alms by an impoverished and defeated violence. A further objection to force is, that you impair the object by your very endeavours to preserve it. The thing you fought for (to wit the loyalty of the people) is not the thing which you recover, but depreciated, sunk, wasted and consumed in the contest....."

Government by consent was indeed long ago accepted by the Indian Executive as a principle of political wisdom, and the changes introduced from time to time in the constitution of the Indian Legislature were avowedly for the purpose of making it reflect the popular will. The result for a time was an astonishing degree of accord between the Indian Executive and the Indian Legislature ; so much so that the regime of *lettre de cachet* and the *Bastille* had the sanction of the majority of the *Indian legislature.* But all this government by consent or conciliation was a camouflage. On the other hand, an analysis of the changes introduced from time to time into the constitution of the Indian Legislature clearly shows that the motive behind these changes was to make it an impotent body or a willing tool in the hands of the Executive. A Legislature as distinct from the Executive was firstmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_30 inaugurated in 1853.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_31 But in 1861 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance

in British India PARTIV.htm - _msocom_32 the constitution of the Legislature then established was altered. The ground urged was that that Legislature was not a body representative of the Indian people. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_33Its members were drawn from the official class representing the several Provincial Governments. In order to make the Legislature representative of the people, the Act of 1861 directed that it should be composed of *nominated* members chosen by the Governor-General from among the public, of course on the advice of the Executive. Again, by the Act of 1892 the Governor-General was directed to nominate such persons to the Legislature as were selected by public bodies in the country. These changes in the constitution of the Legislature appear to be aimed at liberalising it. But was this tendency towards making the Legislature representative accompanied with a tendency to make it more powerful as regards the Executive? Quite the reverse. As the legislature gained in its representative character it lost in its controlling power. The powers exercised by the Legislature under the Act of 1853 were far vaster than anything possessed by the Legislature under the Act of 1861. Under the former the Indian Legislature modelled itself on the procedure of the House of Commons in England, and not only dealt with matters of legislation, pure and simple, but also with matters of administration. In the words of Sir C. Ilbert, it showed an inconvenient degree of independence by asking questions as to and discussing the propriety of the measures of the Executive Government—deeming itself competent to inquire into abuses and grievances, calling for reports and returns from local administrations, debating long on questions of public interest and introducing motions and resolutions independent of the Executive Government. In a despatch of Lord Canning at the time, he pointed out that the Legislature had become invested with forms and modes of procedure closely imitating those of the House of Commons, that there were 136 standing orders to regulate the procedure of a dozen gentlemen assembled in council, that in short, in the words of Sir Lawrence Peel, they had assumed jurisdiction in the nature of that of a grand inquest of the nation. This was deemed to be a very grave defect (!!) in the Legislature as constituted by the Act of 1853. Its reform was therefore

looked upon as very necessary for maintaining the supremacy of the Executive, and its non-popular character was made the ostensible excuse for its reconstruction. Under the pseudo representative system introduced in 1861 the Legislature was a meek body entirely in the hands of the Executive. Being composed of *nominated* members, division in the Legislature was directly influenced by that fact. In every legislative body a man must sit, unless he has a hereditary right, by what in modern parlance is called a mandate. That mandate usually proceeds from the authority to whom he owes his seat. The nominated members, official as well as non-official, owed their elevation to the legislature to the pleasure of the Executive, and as such were bound to support the Executive on any measure on which a division was taken. The Executive had always at its command the official block of nominated members, who gave implicit obedience to its mandates either because of its convictions or by reason of its being a part of the same. The nominated non-officials, who may be said to be opposed by conviction to the Executive, were not men of independent character and were largely concerned to make themselves agreeable to the Executive rather than make themselves reckoned with. But had they been men of independent character they could not have made themselves masters of the Executive, for by the provisions of the Constitutional law and the rules of procedure made under it, the Legislature was rendered entirely powerless to compel the Executive to do anything against its wishes. From 1853 to 1861 the Legislature dealt with both legislative and administrative questions. From 1861 the legislature met only for legislative purposes. As a consequence of this limitation the Legislature was debarred from asking a question, moving a resolution or dividing on the Budget. During the first thirty years of its existence the legislature did not even discuss the annual budget on more than sixteen occasions, and that too because some new tax legislation had been called for, and which the Executive could always carry through with the help of the nominated official block as it did every other kind of legislation it deemed necessary. The right of discussing the annual financial statement and the right of asking questions in regard to matters were first conceded to the legislature by the Rules of Procedure framed under the Indian Councils Act of 1892. But it may be doubted whether

these concessions of powers to the Legislature amount to a restoration of the position which it occupied and dominance it exercised under the Act of 1853.

Even the reforms of Lord Morley fell short in the matter of according a real measure of independence and power to the Legislature over the Executive. In the reforms which he introduced in 1909 nomination, directly or after selection, was in principle replaced by election as a basis for the constitution of the legislature. At the same time the procedure of the legislature was liberalised so as to give power to the members to put supplementary questions along with interpellations, to move resolutions on the Financial Statement and on matters of general public interest. But a little analysis is enough to show that even this attempt was of a piece with the old endeavour of liberalising the Legislature without impairing the supremacy of the Executive. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_34This supremacy of the Executive was maintained (1) by means of a permanent majority of officials of the government nominated to the legislature, and (2) by controlling the rules of procedure. Although electionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_35 was admitted by the Act of 1892 as a basis of the composition of the Legislature, the elected members were in a minority, so that they could not give effect to the wishes of the people whom they represented. They were entitled to move resolutions if permitted by the Executivemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_36but the Executive was not bound to carry them out. They served only as recommendations, and were not binding upon the Executive. This direct thwarting produced irritation between the Executive and the elected members of the Legislature. In a certain sense the reforms of 1909 were a bad piece of engineering. Before 1909 whatever conflict there was manifested outside the Legislature. For by the rules of election and procedure the Legislature was entirely muzzled : it could do no mischief. By the reforms of 1909, however, an attempt was made to make the Legislature

independent and at the same time to muzzle it. This attempt, ingenious as it was, only served to bring to the surface the deep-seated conflict between the Executive and the forces agitating the minds of the people. Election procedure or business procedure governing a legislature is, in the words of Prof. Redlich, as it were a political pressure gauge, indicating the tension in the parliamentary machine and thence in the whole organism of the State. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_37It is possible that this pressure gauge in the first instance may either be badly constructed or may become worn out so as to give a false reading of the actual tension. But there can be no doubt that in the case of India the Executive, in the alterations which it introduced from time to time and particularly in 1909 in the election and business procedure of the legislature, had all along constructed it badly of purpose and had attempted to conceal thereby dangerous pressure of the steam in the political machine, so as to cause it to give a false reading of the situation. So long as the members of the legislature derived their mandates from the Executive, owing to the fact that all of them were nominated members, such an artifice worked well, with the entry of the elected members holding their mandates from the people, the weakness of the artifice became evident. The mortification of the elected members led them to obstruct and challenge the great fundamental principles recognised as the theoretical basis of procedure. Now if a party complained of inequality among members, of the rules of conducting proceedings, of freedom of speech or of the majority principle, it is a danger signal indicative of the existence of some serious defects in the life of the State. When such a conflict arises it is for a political statesman to judge whether he has to face a reform of the procedure of the representative assembly or a reform in the constitution of the State.

While inside the Legislative Assembly there were signs of hardening opposition and weariness which comes from sterile efforts, outside the Legislature the tide of feeling was rising more quickly, for, all the time the sense of national consciousness and the desire for political power were growing rapidly in the minds of educated Indians, no doubt,

because the Legislature with its limited powers was found to be an insufficient safety valve. As a result of the realisation of this fact those who had given their thoughts to the political reconstruction of the country agreed that a mere reform of the procedure will not do. Only a reform of the constitution will save the state from anarchy.

There was, however, a considerable diversity in the reforms suggested for effecting an alteration in the constitution of India. One scheme may here be noted in passing and that was the scheme propounded by the Indian National Congress and the Moslem League, shortly known as the Congress-League-Scheme.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_38 The scheme demanded a four-fifths majority of elected members in the Central Legislature. As to the Executive, it demanded that one-half of the total number of the Executive members should be Indians and that they should be elected by the elected members of the Legislature. The Legislature was to have complete financial and legislative powers. Nay, its recommendations, passed in the form of resolutions, were to be binding on the Executive. Such"was the latest, most complete and most authoritative presentation of the claims of the leading Indian political organisations"on behalf of the Indian people. But when we come to analyse the scheme it speaks poorly of the political genius of the Indian politicians. The scheme was formulated as a fulfilment of *responsible* government in British India. But in practice it was not only not a measure of responsible government, but it was deficient even to subserve the ends of good government. The scheme did not ask that the legislature should have the power to make or unmake an Executive as it pleased. If it had asked that, then the scheme would have been a scheme for responsible government. But what it asked for was to compel an Executive, which was irremovable, to conduct the administration of the country according to the orders of the Legislature. The Scheme was of a piece with that of Lord Morley in an enlarged form. He had introduced an Indian element into the Government so that Indian opinion and Indian advice might have some weight with the Executive in addition to what it exercised through the legislative organ of the Government. Those who framed the Congress-

League-Scheme merely increased the Indian element in the Executive and the Legislature, and added provisions aimed at converting advice into control without realising what was to happen if the Executive refused to be bound by the wishes of the Legislature. The essence of the project was an Executive with a divided mandate legally responsible to Parliament, and practically to an elected Legislature. Such a separation of mandates, it was obvious, would have enabled the Legislature to paralyse the Executive without having power to remove it. Being without any constitutional means to change the Legislature in cases of conflict by an appeal to the Electorate it would have been obliged to carry on the Government even where it did not respect the wishes of the Legislature. The scheme was unsound, like all previous attempts at the reform of the Indian Constitution, because in it the Executive and the legislature derived their mandates from and were responsible to different powers. It was unsound because it overlooked the possibility that two mandates may not agree, in which case there would be a conflict. That conflict is inherent in a non-parliamentary executive. Some form of a Parliamentary government with a Parliamentary executive was the only way of avoiding it.

It is from this standpoint that the announcement of August 20, 1917, forms a landmark in the annals of the development of the Indian Constitution. On that date the Secretary of State for India announced in the House of Commons that—

> "The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible....."

> "I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and

measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

This momentous announcement marks the end of one epoch and the beginning of a new one. It definitely abandoned the old conception under which the Executive might, as it saw fit, consult the wishes of the legislature, which were only given an increasing share in the administration of the country and increasing opportunities for influencing and criticising, but never for controlling, the Government. Under the new conception the aim was to endow the Legislature with the power to make or unmake the government, so that it would be not only a government of the people and for the people, but by the people. The adoption of such a change of policy in the basis of the political institutions of the country involved far-reaching changes in their relations with one another, administrative, legislative and financial. The changes in the system of Provincial Finance introduced in consequence of the Reforms Act of 1919 were not caused by any inherent defects in the system as it stood at that date. On the other hand, the system was eminently workable. They were effected because the system as a whole was inconsistent with the great revolution which that Act had sought to effect in the governmental system of that country.

The nature of the changes, their extent and their adequacy will form the subject-matter of the two following chapters.

CHAPTER XI

THE NATURE OF A CHANGE

The announcement of August 20, 1917, spoke of progressive realisation of responsible government as the goal of the future British

policy in India, and the Montague-Chelmsford Report on Constitutional Reforms surveyed the ways of giving effect to that announcement. One of the merits of that Report consisted in showing that the Congress-League-Scheme of political reforms did not embody the principle for the recognition of which they were agitating so long. Instead of inaugurating a responsible government in India, the scheme would have saddled the country with a non-parliamentary executive under a parliamentary system of government. Being convinced of their error the Congress-League politicians, be it said to their credit, abandoned their scheme in favour of the proposals contained in the Joint Report. But in their turn they demanded the introduction of a more or less complete responsible government in most of the political institutions at one stroke. But the framers of the new constitution pointed out that the emphasis on the word progressive in the announcement was as great if not greater than the emphasis laid on the word responsible.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_39

In consonance with this view it was decided to introduce, as a substantial step in the progress towards the realisation of the goal laid down in the announcement, a responsible government of a limited character in the Provincial Governments. The Provincial Governments in India, like the Central Government, were irresponsible governments. The changes made in the constitution of Provincial Legislatures were of the same nature as the changes in the Central Legislature, in that both were calculated to enable the Executive to consult the Legislature without being amenable to its control. Only on one occasion were the frame-works of the two machines of governments, the Provincial and the Central, constructed on a slightly different basis, and that was in the Morley-Minto Reforms of 1909. Under those reforms the Central Legislature was dominated by *official* members who with the members of the Executive formed a standing majority in the chamber. In the Provincial Legislatures this principle of a standing majority of official members was dispensed with. The second point of departure in the constitution of the Provincial Legislatures as compared with that of the Central Legislature consisted in the Budget procedures in the two

governments. In the Central legislature the Finance Member early in each calendar year presented to the Legislature his preliminary estimates accompanied by an explanatory memorandum. On a subsequent day he made such further explanations as he thought necessary. Members of the Legislature could thereupon move resolutions regarding (a) any proposed alteration in taxation, (*b*) any proposed loan, or (c) any additional grant to a Local Government. The first stage in the discussion of the Budget of the Government of India was over when once these resolutions were voted upon. The second stage commenced when the estimates were taken into consideration by groups. At this stage also it was open for members to move resolutions on any heads of revenue and expenditure, except those that were declared by rules of procedure to be not open for discussion to the legislature. After the resolutions had been moved and voted upon the Finance Member took the whole discussion into consideration and made such changes as were agreeable to him and then presented his final Budget. At this, the third stage, the Finance Member explained his reasons for the acceptance of some and the non-acceptance of other suggestions made during the course of the Budget debate. A general discussion of the Budget then followed, but no resolution was allowed to be moved upon the final Budget or a vote taken. The Budget procedure in the Provincial Legislatures was a little different. There the first stage commenced with the preparation of a rough draft of the provincial estimates, accompanied by a schedule including in it all projects involving an expenditure of over 5,000 rupees, divided into two parts, the first containing all allotted, i.e. obligatory, items of expenditure and the second containing unallotted, i.e. non-obligatory, items of expenditure. The Government of India to whom this draft Budget was submitted corrected the estimate of the revenue and determined in consultation with the Provincial government the aggregate expenditure for which the latter should provide, and if need be, altered or added to the items in the first part of the schedule. When the figures of the altered revenue and the aggregate expenditure as fixed by the Government of India were communicated to the Provincial Government it marked the close of the first stage of a Provincial Budget. The second stage commenced when this draft Budget was submitted by the Provincial Government to a

committee of the Provincial Legislature. The Committee was composed of officials and non-officials in equal number, the former nominated by Government and the latter elected by their fellows. It was presided over by the member of the Executive in charge of Provincial Finance; the proceedings of the committee were informal and private and decisions were by majority votes. The Committee concerned itself only with the second part of the Schedule containing non-obligatory items of expenditure and, provided it did not exceed the aggregate expenditure fixed by the Government of India, it was free to make variations and even to insert new items occasionally. On the conclusion of its labours the Committee reported the changes it made to its Government. With this ended the second stage in the Provincial Budget. The third stage began when the Provincial Estimates as a whole were presented to the Provincial Legislature by the member in charge of finance. The Budget was then considered in a committee of the whole House and resolutions moved on each group of estimates discussed. When all resolutions were debated and voted upon the result of the discussions was communicated to the Provincial Government. But the resolutions were not binding. The fourth stage commenced when the Provincial government introduced the final budget and explained its reasons for the acceptance of some and the non-acceptance of the rest of the suggestions made by the Legislature. A debate followed, but no resolutions were in order at this stage ; nor did the Legislature divide upon the Budget. It was adopted as passed by the Executive.

From these differences in the constitution and procedure of the Central and Provincial Governments, it must not be supposed that the provincial Governments were less irresponsible with regard to their Legislatures than the Central Government was with regard to its own Legislature. The fact that since 1909 there was no majority of official members in the Provincial Legislature as there was in the Central Legislature was a matter of no moment so far as its practical consequences to the Executive were concerned ; for it is to be remembered that in practice the difference between nominated members from among the non-officials and the official members was only superficial. Both had their mandate from the government who gave

them their seats in the Legislature, and as nominees of the Government they voted for the Government, so that, though not in theory, in practice the Provincial Government had as much a standing majority in Legislatures as the Central Government had in theory as well as in practice. Nor did the budget procedure of the Provincial Government mark any decided improvement over that adopted in the Central Government in the matter of giving greater control to the Legislature over the Executive. In both cases the aim was to give the members of the Legislature the privilege of discussing *beforehand* the question of such alteration with reference to the necessities of the Budget, only in the case of the Provincial Budget this privilege was allowed to be exercised at an earlier stage than in the case of the Imperial Budget. But in view of the fact that the Resolutions of the Legislature on the Provincial Budget, as those of the Central Legislature on the Imperial, were only recommendations to their respective Executives, this difference between the Budget procedure of the two Governments did not impose any greater control over the one Executive than it did on the other. Again, the provision that a committee of the Provincial Legislature had been allowed the privilege of framing the non-obligatory portion of the Provincial Budget did not give the Legislature any appreciable control over the Executive. First of all, the Provincial Government could always restrict the scope of this Budget Committee by transferring any head from the class of non-obligatory expenditure to the class of obligatory expenditure. Besides this, the operation of certain other rules of Budget procedure based upon general principles of public finance tended directly to restrict the powers of the committee to put forth schemes of alternative or additional expenditure. It was rightly provided that schemes involving recurring expenditure could only be proposed with due regard to the rate of growth of recurring revenues and recurring expenditure. Owing to this rule, the committee had to drop proposals which involved recurring expenditure, but which were desirable from its standpoint. On the other hand, similar proposals made by the Executive could be easily carried through by the device freely adopted of obtaining previous sanction of the Government of India. The consequence was that in all the Provincial Budgets presented under the new rules the amount of this"unallotted"fund left to the discretion of the committee

bore too insignificant a proportion to the total expenditure in the budget to make the Provincial Executive in any real degree amenable to the Provincial legislature.

No really responsible government could, however, be introduced in the provinces without first of all making a complete change in the mutual relations between the Central Government and the different Provincial Governments in India. The relation between the two which existed before the passing of the Act of 1919 was one of complete subordination of provincial Governments to the Central Government. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_40In this bond of subordination we can discern three strands—legislative, financial, and administrative. Of these three we have seen how tight was the financial strand. The Government of India's control over revenues and expenditure was derived from Parliamentary Statutes which treated the revenues of India as one and applied them to the purposes of the Government of India as a whole. It is true that this provision was not so strictly construed as absolutely to prevent the appropriation of particular sources of income to specific purposes all-India or provincial. Or else the development of the provincial system of finance would have been impossible. But it certainly had the effect of denying to Provincial Governments any inherent legal right to the revenues which they raised. The Government of India completely controlled taxation imposed in British India, apart from the local taxes which were raised by local bodies. Taxation could only be levied by law,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_41 but the law had forbidden a Provincial Legislature, without the previous sanction of the Government of India, to consider

> "any law affecting the public debt of India or the customs duties or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the Government of India."

This is the natural corollary of the statutory hypothecation of all-India revenues to all-India needs. The law would not inhibit a provincial

legislature from exploiting for provincial purposes any new source of taxation which it had the ingenuity to discover. But even in that case the project would, before being translated into action, have to secure the assent of the Finance Department of the Government of India, which would not give its sanction without considering closely if it trespassed on the Central Government's sources of taxation. Again, the provision of the law which required that

> "no governor or governor in council (of a province) shall have the power of creating any new office or granting any salary, gratuity or allowance without the previous sanction of the Governor General of India in Council"had given the Government of India a right of control over expenditure in the Provinces which was exercised through the instrumentality of a series of codes of instructions, such as the Civil Service Regulations, the Civil Account Code, the Public Works Code and the like. These codes partly dealt with the mechanism of finance such as the maintenance of a uniform system of audit and accounts, the custody of public money, remittances, economy, and such matters ; but they also imposed definite restraints upon the powers of Provincial Governments, to create new appointments or raise emoluments and other matter such as recruitment, promotions, leave, foreign service and pensions upon which the codes really constitute a digest of the case-law laid down from time to time by the Government of India which the Provincial Governments must strictly obey. If their powers of taxation and expenditure were strictly controlled the power of borrowing was never conceded to the provinces. It will be recalled that Port Trusts and Municipalities might raise loans within defined limits, but because the revenues of India were legally one and indivisible and were liable for all debts incurred for the purposes of the Government of India, Provincial Governments possessed no separate resources on the security of which they could borrow.

Even within the prescribed limits of Provincial Finance the Provincial Governments were not free from the control of the Central Government. Because the provincial settlements were based not on provincial revenues but on provincial needs, a central control was

inevitable. The Government of India could not allow a Province to go bankrupt. But if the Government of India were responsible for provincial solvency they must be in a position to control provincial expenditure. Again, as regards revenues, so long as the Government of India took a share in the proceeds they had a strong motive not only in interfering in the Budget estimates of the provinces, but also in interfering in details of administration. Their interest in land revenue, for example, inevitably led them to close supervision over revenue settlements, and the control tended to become tighter in cases where expansion and development of a source of revenue, such as irrigation, depended on capital outlay.

The legislative powers of the Provincial Governments had in the same manner been made subject to statutory restrictions. There was no doubt an extensive field in which, so far as the substantive provisions of the Statute were concerned, the legislative competence of the provincial Legislatures was legally unfettered. Actually, however, the power of the local legislatures was curtailed in two ways. In the first place, owing to the fact that in their existence all the Provincial Legislatures were younger, and most of them much younger, institutions than the Central Legislature of the Governor-General, a great part of the field that would have otherwise been open to them was covered by acts of that body, which had always retained a concurrent power of legislation for the country at large. But the field yet remaining open for Provincial Governments in the matter of legislation was further restricted by the fact that the power of the Secretary of State and Parliament to control all-Indian legislation was made operative by means of executive directions, which had made it incumbent on Provincial Governments to submit for the previous sanction of the Government of India and the Secretary of State all their projects for legislation before introduction. It is true that these directions did not apply to private members' Bills ; but inasmuch as a Bill could only be introduced with the leave of the Legislature, and the Provincial Government was in most cases in a position if it chose to do so to oppose such a motion successfully, the Government of India by directions to the Provincial Governments were in a position to control all private provincial legislation almost as

effectively as the Provincial Government's Bills.

In carrying on the actual work of administration every Provincial Government was by law required to obey the orders of the Government of India and keep that Government constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to that Government, or as to which that Government required information. That was because in law every Provincial Government was placed under the superintendence, direction and control in all matters relating to the Government of its Province. This administrative control of the Government of India was exercised by that Government in the interest of uniformity. It is obvious that in many respects India is one single and undivided country, in which much work had to be carried on on uniform lines. The Civil servants who executed the orders of Provincial governments having been recruited from England on terms guaranteed by the Secretary of State, many questions affecting them could not be determined by any Provincial Government. Again, the development of trade, industry and science throughout India similarly favoured the formulation and pursuit of uniform policies by the Government of India. Even with one law for the whole of India business and industry might have been left to their discretion to administer such matters as statistics, patents, copyright, insurance, income tax, explosives and mining, etc. Not only were the provincial Governments subordinated to the Central Government to follow established lines in the matters of administration, but they were not free to initiate any new policy. It was the Government of india which regarded itself as distinctly charged with the duty of framing policy and inspiring reforms for the whole of India by issuing new orders. To make them effective these orders were often accompanied by handsome grants to Provincial Governments strictly earmarked for the purpose of pushing on some particular feature of the new policy. Not seldom did the Government of India appoint new advising or inspecting officers whose task it was to see that the new energy suddenly infused into the system was well maintained and well directed to the chosen ends.

So long as the provincial Governments continued to be bound by such

strands to the Government of India there could be no responsible government in the Provinces. No government can be made to serve two masters at one and the same time. To keep the Provincial Governments subordinate tomk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_42 the Government of India and also to make them responsible to popular Legislature would have been inconsistent in theory and vicious in practice. It is quite conceivable that under such a double government the wishes of the Provincial Legislature on certain matters may not coincide with those of the Government of India. On such occasions a Provincial Government may not know whom to obey. If it deferred to the wishes of the Legislature it would be failing in its duty towards the Government of India. Indeed there is on record a case of such a conflict.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_43 There was an occasion during the currency of the Morley-Minto Reforms when the Government of Bombay were unsuccessful in their endeavours to persuade the Government of India to sanction certain charges affecting the educational staff. The proposals were locally popular and were again put forward for adoption in a resolution moved in the Bombay Legislature by an elected member. The Bombay Government thereupon accepted the resolution which was carried unanimously, and once more put forward their proposals to the Government of India on the ground that they had the Legislature's entire support. But the Government of India and the Secretary of State held that these tactics were out of order and that it was

> "the duty of the Local Government in dealing with the resolutions to uphold with all their authority the decision of the Government of India,"

i.e. to have opposed the resolution even if it agreed with the Legislature in the principle thereof.

The strong ties of subordination which bound the Provinces to the Central Government were therefore the chief obstacles in the path of Provincial autonomy. In order that the Provincial Government be made

subject to Provincial Legislatures, the first thing to do was to curtail the powers which the Government of India possessed of interference in provincial finance, provincial legislation, and provincial administration. As was well observed by the authors of the Reportmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_44 on Constitutional Reforms:

> "We have to demolish the existing structure, at least in part, before we can build the new. Our business is one of devolution, of drawing lines of demarcation, of cutting long-standing ties. The Government of India must give and the Provinces must receive ; for only so can the growing organism of self-government in the Provinces draw air into its lungs and live."

The path to provincial independence therefore lay through a satisfactory division of functions and finances between the Provincial and Central Governments. Of the two, the task of dividing the functions was comparatively an easier one. For facilitating the necessary division of functions the following principles were laid down by the Government of India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_45

> "7. There are certain subjects which are at present under the direct administration of the Government of India. The Government of India maintain separate staffs for their administration and the Provincial Governments have no share in it. The category is easily recognisable, and for the most part there will not be much room for doubt as to the subjects to be included in it. At the other end of the line are matters of predominantly local interest which, however much conditions must vary between Provinces, will, generally speaking be recognised as proper subjects for provincialisation.
>
> "8. Between these extreme categories, however, lies a large indeterminable field which requires further examination before the principles determining its classification can be settled. It comprises all the matters in which the Government of India at present retain ultimate control, legislative and administrative, but in practice share

the actual administration in varying degrees with the Provincial Governments. In many cases the extent of delegation practised is already very wide. The criterion which the Government of India apply to these is whether in any given case the Provincial Governments are to be strictly the agents of the Government of India, or are to have (subject to what is said below as to the reservation of powers of intervention) acknowledged authority of their own. In applying this criterion the main determining factor will be not the degree of delegation already practised, which may depend on mere convenience, but the consideration whether the interests of India as a whole (or at all events interests larger than those of one Province), or on the other hand the interests of the Province essentially preponderate.

"The point is that delegation to an agent may be already extensive, but that circumstance should not obscure the fact of agency or lead to the agent being regarded as having inherent powers of his own."

These principles, in which it was stated that"where extra provincial interests predominate the subject should be treated as central,"while

"all subjects in which the interests of the provinces essentially predominate should be provincial, and in respect of (which) the Provincial governments (to) have acknowledged authority of their own,"

were accepted by the Functions Committee appointed to make a division between all-India and Provincial subjects. The recommendations made by the Committee were with minor amendments embodied in what are called Devolution Rules under section 45A of the Government of India Act of 1919, which gave effect to the policy of responsible government and are made a part of the constitutional law of the land, so that the subjects thereby devolving upon the Provinces became the services over which the Provinces gained an *acknowledged authority of their own* such as they never had before 1833. According to these Devolution Rules the following were declared to be

PROVINCIAL SUBJECTS

1. Local Self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in a Province for the purpose of local self-government, exclusive of matters arising under the Cantonments Act, 1910 ; subject to legislation by the Indian Legislature as regards—

(a) The powers of such authorities to borrow otherwise than from a Provincial Government, and

(b) the levying by such authorities of taxation not included in schedule II to the scheduled Taxes Rules.

2. Medical administration, including hospitals, dispensaries and asylums, and provision for medical education.

3. Public Health and Sanitation and Vital Statistics; subject to legislation by the Indian Legislature in respect of infectious and contagious diseases to such extent as may be declared by any Act of the Indian Legislature.

4. Pilgrims within British India.

5. **Education,** provided that—

(a) (a) The following subjects shall be excluded, viz. :

(i) The Benares Hindu University, and Aligarh Muslim University, and such other universities constituted after the commencement of these rules, as may be declared by the Governor-General in Council to be Central subjects, and

(ii) Chiefs' Colleges and any institution maintained by the Governor-General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members of servants; and

(b) (b) the following subjects shall be subject to legislation by the Indian Legislature, namely:

(i) The control of the establishment, and the regulation of the constitutions and functions, of universities constituted after the commencement of these rules ; and

(ii) The definition of the jurisdiction of any university outside the Province in which it is situated, and

(iii) For a period of five years from the date of the commencement of these rules, the Calcutta University, and the control and organisation of secondary education in the presidency of Bengal.

6. Public Works included under the following heads, namely :

(a) Construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the Province; and care of historical monuments, with the exception of ancient monuments as defined in Section 2(i) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under Section 3(i) of that Act; provided that the Governor-General in Council may by notification in the *Gazette of India,* remove any such monuments from the operation of this exception ;

(b) roads, bridges, ferries, tunnels, ropeways, and causeways, and other means of communication, subject to such conditions as regards control over construction and maintenance of means of communication declared by the Governor-General in Council to be of military importance, and as regards incidence of special expenditure connected therewith, as the Governor-General in Council may prescribe;

(c) tramways within municipal areas; and

(d) light and feeder railways and extra-municipal tramways in so far as provision for their construction and management is made by provincial legislation ; subject to legislation by the Indian Legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent main line.

7. Water Supplies, irrigation and canals, drainage and embankments, water storage and water power ; subject to legislation by the Indian Legislature with regard to matters of inter provincial concern or affecting the relations of a Province with any other territory.

8. Land Revenue administration, as described under the following heads, namely:

(a) (a) Assessment and collection of land revenue;
(b) (b) Maintenance of land records, survey for revenue purposes, records of right ;
(c) (c) Laws regarding land tenures, relations of landlords and tenants, collection of rents ;
(d) (d) Courts of wards, incumbered and attached estates;
(e) (e) Land improvement and agricultural loans;
(f) (f) Colonisation and disposal of Crown lands and alienation of land revenue ; and
(g) (g) Management of Government estates.

9. Famine relief

10. **Agriculture,** including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases ; subject to legislation by the Indian Legislature in respect of destructive insects and pests and plant diseases, to such extent as may be declared by any Act of the Indian Legislature.

11. **Civil Veterinary Department,** including provision for veterinary training, improvement of stock, and prevention of animal diseases ; subject to legislation by the Indian Legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian Legislature.

12. Fisheries.

13. Co-operative Societies.

14. **Forests,** including preservation of game therein ; subject to legislation by the Indian Legislature as regards disforestation of reserved

forests.

15. **Land acquisition;** subject to legislation by the Indian Legislature.

16. **Excise,** that is to say, the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of Excise duties and licence fees on or in relation to such articles, but excluding in the case of opium, control of cultivation, manufacture and sale for export.

17. **Administration of Justice,** including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the Province; subject to legislation by the Indian Legislature as regards High Courts, Chief Courts, and Courts of Judicial Commissioners, and any courts of criminal jurisdiction.

18. Provincial Law Reports.

19. **Administrators-General and Official Trustees ;** subject to legislation by the Indian Legislature.

20. Non-Judicial Stamps, subject to legislation by the Indian Legislature, and **Judicial Stamps,** subject to legislation by the Indian Legislature as regards amount of court fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction.

21. Registration of deeds and documents; subject to legislation by the Indian Legislature.

22. Registration of births, deaths, and marriages ; subject to legislation by the Indian Legislature for such classes as the Indian Legislature may determine. 23. **Religious and Charitable endowments.**

24. Development of Mineral resources which are Government property; subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.

25. **Development of Industries,** including industrial research and technical education.

26. **Industrial matters** included under the following heads, namely:—

(a) Factories;

(b) Settlement of labour disputes;

(c) Electricity;

(d) Boilers;

(e) Gas;

(f) Smoke nuisance ; and

(g) Welfare of labour, including provident funds, industrial insurance (general health and accident) and housing : subject as to heads (a), *(b),* (c), (d), and *(g)* to legislation by the Indian Legislature.

27. **Stores and Stationery ;** subject in the case of imported stores and stationery to such rules as may be prescribed by the Secretary of State in Council.

28. Adulteration of food-stuffs and other articles ; subject to legislation by the Indian Legislature as regards import and export trade.

29. **Weights and Measures;** subject to legislation by the Indian Legislature as regards standard.

30. **Ports,** except such ports as may be declared by rule made by the Governor-General in Council or by or under Indian legislation to be major ports.

31. Inland Waterways; including shipping and navigation thereon so far as not declared by the Governor-General in Council to be Central subjects, but subject as regards inland steam-vessels to legislation by the Indian Legislature.

32. **Police;** including railway police ; subject in the case of railway police to such conditions as regards limits of jurisdiction and railway contributions to cost of maintenance as the Governor-General in Council may determine :

a) a) Regulation of betting and gambling ;
b) b) prevention of cruelty to animals;
c) c) protection of wild birds and animals;
d) d) control of poisons, subject to legislation by the Indian Legislature;
e) e) control of motor vehicles, subject to legislation by the Indian Legislature as regards licences valid throughout British India; and
f) f) control of dramatic performances and cinematographs, subject to legislation by the Indian Legislature in regard to sanction of films for exhibition.

34. **Control of Newspapers, Books, and Printing Presses** ; subject to legislation by the Indian Legislature.

35. **Coroners.**

36. Excluded Areas.

37. **Criminal tribes ;** subject to legislation by the Indian Legislature.

38. **European vagrancy** ; subject to legislation by the Indian Legislature.

39. **Prisons ;** prisoners (except State prisoners) and reformatories ; subject to legislation by the Indian Legislature.

40. **Pounds** and prevention of cattle trespass.

41. Treasure Trove.

42. Libraries (except the Imperial Library) and **Museums** (except the Indian Museum, the Imperial War Museum and the Victoria Memorial, Calcutta) and **Zoological Gardens.**

43. Provincial Government Presses.

44. **Elections** for Indian and provincial legislature, subject to rules framed under section 64 (i) and 72A (4) of the Act.

45. **Regulations of medical and other professional qualifications**

and standards; subject to legislation by the Indian Legislature.

46. Local Fund audit, that is to say, the audit by Government agency of income and expenditure controlled by local bodies.

47. **Control** as defined by rule 10, **of members of all-India and Provincial Services** serving within the Province, and control, subject to legislation by the Indian Legislature, of public services within the province, other than all-India services.

48. **Sources of Provincial revenue,** not included under previous heads, whether—

(a) Taxes included in the schedules to the scheduled

taxes Rules, or

(b) Taxes, not included in those schedules, which are imposed by or under provincial legislation which has received the previous sanction of the Governor-General.

49. **Borrowing of money** on the sole credit of the Province, subject to the provisions of the Local Government (Borrowing) Rules.

50. **Imposition** by legislation of punishment by **fine, penalty, or imprisonment,** for enforcing any law of the Province relating to any provincial subject; subject to legislation by the Indian Legislature in the case of any subject in respect of which such a limitation is imposed under these rules.

51. Any matter which, though falling within a Central subject, is **declared by the Governor-General in Council to be of a merely local or private nature within the province.**

52. Matters pertaining to a Central subject in respect of which powers have been conferred by or under any law upon a Local Government.

The second task that of allocating the revenue resources between the Central and provincial Governments was a comparatively difficult one.

As the problem was conceived in the main as one of making the Provinces independent of the Government of India in matters in which it was proposed that they should acquire an authority of their own acknowledged by law it was natural for the authors of the Report on constitutional Reforms to hold that

> "Our first aim..... has been to find some means of entirely separating the resources of the Central Government from those of the Provinces."

The first step in that direction was therefore to abolish the system of"divided heads"or budget by shared revenues, for there was a concensus of opinion that this coparcenary system, in so far as it gave a handle to the Central Government to interfere in the domestic affairs of the Provinces, was a source of friction and was incompatible with provincial independence. But such a system of complete separation was fraught with two main difficulties. The first difficulty was in connection with the disposal of dividend heads. To whom should they be handed over? At the time the scheme of complete separation was contemplated the heads of revenue which were divided in all or some of the Provinces were land revenue, stamps, excise, income tax and irrigation. The authors of the Report on Constitutional Reforms proposedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_46

> ".....that the revenue from stamp duty should be discriminated under the already well-marked sub-heads *General* and *Judicial ;* and that the former should be made an Indian and the latter a provincial receipt. This arrangement will preserve uniformity in the case of commercial stamps where it is obviously desirable to avoid discrepancies of rates ; and it will also give the provinces a free hand in dealing with court-fee stamps and thus provide them with an additional means of augmenting their resources. Excise is at present entirely a provincial head in Bombay, Bengal, and Assam, and we see no valid reason why it should not now be made provincial throughout India..... Land revenue, which is far the biggest head of all, is at present equally shared between the Indian and all the provincial

Governments, except that Burma gets rather more than one-half and the United Provinces get rather less..... Now land revenue assessment and collection is so intimately concerned with the whole administration in rural areas that the advantages of making it a provincial receipt are obvious..... Moreover, famine expenditure and expenditure on major irrigation works are for obvious reasons closely connected with land revenue, and if the receipts from that head are made provincial it logically follows that the Provinces should take over the very heavy liability for famine relief and protective works..... We were told that in the days of dawning popular government in the Provinces it would be well that the provincial government should be able to fall back on the support of the Government of India (as, if the head were still divided, it would be able to do) when its land revenue policy was attacked.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_47 But it is just because divided heads are not regarded as merely a financial expedient but are, and so long as they survive will be, viewed as a means of going behind the provincial government to the Government of India, that we feel sure that they should be abolished. We propose therefore to make land revenue together with irrigation wholly provincial receipts. It follows that the Provinces will become entirely liable for expenditure on famine relief and protective irrigation works..... The one remaining head is income tax. We see two very strong reasons for making this an Indian receipt. First, there is the necessity of maintaining a uniform rate throughout the country. The inconveniences, particularly to the commercial world, of having different rates in different Provinces are manifest. Secondly, in the case of ramifying enterprises with their business centre in some big city, the Province in which the tax is paid is not necessarily the Province in which income is earned. We have indeed been told that income tax is merely the industrial or professional complement of the land revenue ; and that to provincialise the latter, while Indianising the former, means giving those provinces whose wealth is more prominently agricultural, such as the United Provinces and Madras, an initial advantage over a Province like Bombay, which has very large commercial and industrial interests. Another very practical argument

is that the tax is collected by provincial agency and that if Provincial Governments are given no inducement, such as a share of the receipts or a commission on the collections which is only such a share in disguise, there will be a tendency to slackness in collection and a consequent falling off in receipts. We admit that these arguments have force ; but we are not prepared to let them stand in the way of a complete separation of revenues. Equality of treatment as between one Province and another must be reached so far as it is possible in the settlements as a whole, and it is not possible to extend the principle of equality to individual heads of revenue. If it should be found that receipts fall off, it may be necessary to create an all-India agency for the collection of the tax, but this we should clearly prefer to retaining it as a divided head. To sum up : we propose to retain the Indian and Provincial heads as at present, but to add to the former income tax and general stamps, and to the latter land revenue, irrigation, excise and judicial stamps. No head will then remain divided."

However, when all the existing sources of revenue were completely distributed between the Central and Provincial Governments as proposed, it was inevitable that there should be a deficit in the Budget of the Government of India. How to make up this deficit was therefore the second difficulty that was involved in replacing the system of divided heads by a system of separate heads of revenue. The authors of the Report on Constitutional Reforms were presented with many a plan for the solution of this knotty problem. In the course of their survey they observed :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_48

"One way of meeting it would be to maintain the basis of the present settlements, but to allot to the Government of India a certain proportion of growing revenue instead of its share of the divided heads. But this device would stereotype all the existing inequalities between the Provinces which by reason of the permanent settlement in some of them are considerable ; while it would also introduce an element of great uncertainty into the Indian Government's finance. A second was that we should take an all-round contribution on a *per*

capita basis. But this expedient also would not obviate very undesirable variations between Provinces in the rate of levy owing to the inequality of provincial resources and of provincial needs. A third plan was to take an all-round percentage contribution based on gross provincial revenue. This is open, *inter alia,* to the objection that it would leave several of the Provinces with large deficits. Fourthly, we considered but rejected the proposal that Provinces which had a surplus should temporarily help others as being cumbrous and impracticable."

The plan recommended by the authors of the Report wasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_49

"to assess the contribution from each Province to the Government of India as a percentage of the difference between the gross provincial revenue and the gross provincial expenditure";

in other words, a levy on the surplus of the estimated gross revenue of the Province when all divided heads are separately allotted over its estimated normal expenditure, including expenditure on famine relief and protective irrigation. On the basis of the Budget figures for 1917-18 it was found that it would require a levy of 87 per centmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_50 on the provincial surpluses to make up the deficit of Rs. 1363 lakhs in the Budget of the Government of India found likely to be caused by the abolition of the system of divided heads##.

The way in which the proposed plan would have worked out in practice can be gathered from the following figures given in the Report, Cal. Ed. (p. 134), and based on the Budget figures for 1917-18—

(In Lakhs of Rupees)

Province	Gross	Gross	Gross	Contrib	Net Prov.

	Prov. Revenue	Prov. Expenditure	Prov. Surplus	ution (87 per cent. of Col. 4)	Surplus
1	2	3	4	5	6
Madras	13,31	8,40	4,91	4,28	63
Bombay	10,01	9,00	1,01	88	13
Bengal	7,54	6,75	79	69	10
United Provinces	11,22	7,47	3,75	3,27	48
Punjab	8,64	6,14	2,50	2,18	32
Burma	7,69	6,08	1,61	1,40	21
Bihar and Orissa	4,04	3,59	45	39	6
Central Provinces	4,12	3,71	41	36	5
Assam	1,71	1,50	21	18	3
	68,28	52,64	15,64	13,63	2,01

N.B—The Punjab figures in column 5 should be reduced and those in column 6 raised by 3 1/2 lakhs in each case to allow for the continued compensation which the province is entitled to receive for the cession of a crore of its balances to the Government of India in 1914.

In making these recommendations the authors of the Report were

careful to observe mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_51

> "One caveat we are bound to make. Emergencies may arise which cannot be provided for by immediate raising Government of India taxation ; and in that case it must be open to the Central Government to make a special supplementary levy upon the provisions. We must add that inasmuch as our proposals are based on war figures they should be open to revision hereafter, but not subject to change for a period of say six years, and to avoid intermediate discussion the scheme should in the meantime be regarded as part of the constitutional agreement with the Provinces. It should also be one of the duties of the periodic commission which we propose should be appointed to examine the development of constitutional changes after ten years' experience of their working or of some similar body at that time, to re-investigate the question of the provincial contributions to the Government of India."

These proposals were put before the Provincial Governments, for their opinion. The objections to a plan which appeared to make some Provinces bear a greater burden of the cost of the Central Government than others readily suggested themselves. Madras and the United Provinces seemed to pay 47.4 per cent. and 41.1 per cent. of their surpluses to the Government of India, while Bombay and Bengal appeared to escape with a sacrifice of no more than 9.6 per cent. and 10.1 per cent. of their respective surpluses. The inequity of this treatment seemed to be so very apparent that the Provinces against which a greater burden was set down raised loud protests. So impressed was the Government of India with the justice of this clamour that in its letter mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_52 to the Secretary of State it observed :

> "We recommended that the initial contributions should be recognised as temporary and provisional, and that steps should be taken as soon as possible to fix a standard and equitable scale of contributions..... The whole question..... requires skilled investigation ;

(the difficulty of the position was foreseen in the Report and investigation by the first statutory commission was promised, but) we propose that a Committee on Financial Relations be appointed, either by you or by us, to advise fully upon the subject, so that each province may know exactly how it stands before the new regime starts."And this recommendation was endorsedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_53 by the Joint Select Committee of Parliament which sat on the Reform Bill. Accordingly the Secretary of State appointed a Committee under the chairmanship of Lord Meston to advise on:

a) **a)** The contributions to be paid by the various provinces to the Central Government for the financial year 1921-22;

b) b) The modifications to be made in the provincial contributions thereafter with a view to their equitable distribution until there ceases to be an all-India deficit ;

c) c) The future financing of the provincial loan accounts and

d) d) Whether the Government of Bombay should retain any share of the revenue derived from income tax.

After about seven weeks of investigation the Committee produced its Reportmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_54 In advising on clause (a) of its terms of reference the Committee expressed its dissatisfaction of the plan set forth in the Joint Report of taking from the Provinces a fixed uniform proportion of their respective surpluses as their contributions to the Central Exchequer. The principal objection urged against the plan was that in some Provinces it left no surplus and in others no adequate surplus after the payment of their respective quotas of contributions. The Committee held, and rightly too, that

> "in no case may a contribution be such as would force the province to embark on new taxation *ad hoc,* which to our minds would be an unthinkable sequel to a purely administrative rearrangement of abundant general resources."

The Committee felt itself bound by a limiting consideration in

providing the contribution, as a result of which it felt itself obliged

> "to leave each Province with a reasonable working surplus"— a surplus which it preferred"to calculate, so far as possible, with some relation to the general financial position of the Province and the more imminent claims upon its resources."

> "To be able to comply with the requirements of leaving each Province with a surplus, and of inaugurating the new Councils without the necessity of resort to fresh taxation,"the Committee deemed that the most equitable plan to be to take, not *equal* contributions as the Joint Report advised,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_55 but *unequal* contributions from the surpluses of the Provinces liable to make them.

For the consummation of its plan the Committee held that the augmentation of Provincial Surpluses was an essential step. Without it, it deemed its task to be futile. The only way to augment the provincial surplus was to allocate some other source of Imperial revenue in addition to those already provincialised. To the provincialisation of the income tax, a matter which was included in clause (d) of its terms of reference so far as Bombay was concerned, the Committee being impressed by the reasoning of the Joint Report, felt bound to oppose. As an alternative it recommended that *General Stamps* should be provincialised, as means of augmenting provincial surpluses, along with *Judicial Stamps*. The effect of this transfer of *General Stamps* from the all-India list to the provincial list was to increase the provincial resources and diminish those of the Central Government. That deficit the Committee accepted as amounting in the year 1921-2 to ten crore, composed of six crores previously estimated by the Government of Indiamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_56 *plus* four crores for the loss of *General Stamps,* the revenue from which the Committee gave to the Provinces. This amount subject to certain adjustments,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_57 which when made resulted in a clear deficit of 9,83.06 lakhs net. In strict adherence to the limiting

consideration which it felt bound to respect, the Committee proceeded to fix the following ratios in which each of the nine Provinces were to contribute to make up this amount of 9,83 lakhs in the year 1921-2 —

INITIAL CONTRIBUTIONS (IN LAKHS OF RUPEES)

Provinces	Increased spending power under new distribution of Revenue	Contributions as recommended by the Committee	Increased spending power left after Contributions are paid
Madras	5,76	3,48	2,28
Bombay	93	56	37
Bengal	1,04	63	41
United Provinces	3,97	2,40	1,57
Punjab	2,89	1,75	1,14
Burma	2,46	64	1,82
Bihar and Orissa	51	*nil*	51
Central Provinces	52	22	30
Assam	42	15	27
	18,50	9,83	8,67

This ratio of initial contributions was not intended in any manner by the Committee"to represent the ideal scale on which the Provinces should have in equity to be called upon to contribute."Indeed in making

its recommendations as to initial contributions the Committee paid less attention to equity of contributions and more to

> "established programmes of taxation and expenditure and legislative and administrative expectations and habits, that cannot without serious mischief be suddenly adjusted to a new and more equitable ratio of contributions widely different (as an equitable ratio must admittedly be) from that of the past. It is accordingly inevitable, if such mischief is to be avoided, that the ratio for initial contributions should bear little relation to that which would be ideally equitable."But the Committee also recognised that"an initial ratio of this nature can only be defended as a measure of transition. It is necessary, but it is necessary only in order to give time to the provinces to adjust their budgets to a new state of affairs; and we are clearly of opinion that no scheme of contribution can be satisfactory that does not provide for a more equitable distribution of the burden of the deficit within a reasonable time."

The Committee therefore proceeded next to consider the question of *standard* contributions as distinguished from *initial* contributions, which were only transitional. As to what should be the ideal basis for such an equitable distribution of the burden the Committee felt quite certain ; for it stated that

> *"to do equity between the provinces it is necessary that the total contribution of each to the purse of the Government of India should be proportionate to its capacity to contribute."*

Two questions were involved in translating this principle into practice. What is the total contribution of a province to the purse of the Government of India? Secondly, what is the measure of the capacity of a Province to contribute? With regard to the first the Committee observed that

> "the total contribution of a Province to the purse of the Government of India will consist in future of its direct contributions towards the deficit, together with its indirect contribution (as at present) through the channels of customs, income tax, duties on salt, etc.";

in other words, the pressure of the taxes from within its jurisdiction

for the benefit of the Central Government. With regard to the second the Committee held that

> "the capacity of a Province to contribute is its taxable capacity, which is the sum of the incomes of its taxpayers, or the average income of its taxpayers multiplied by their number."

The Committee was frank in its avowal of the fact that the data available was not sufficient for a direct quantitative evaluation either of the total net contribution which a Province made to the Government of India or of its capacity to contribute, and held that it was

> "useless to attempt to state a formula, to serve as a basis for a standard ratio of contributions, capable of automatic application from year to year by reference to ascertained statistics."

None the less the Committee did not abandon the ideal basis it had selected for fixing the standard contributions. For it observed :

> "We are able, after surveying such figures as are available and after close inquiry into the circumstances of each Province, to recommend a fixed ratio of contributions which in our opinion represents a standard and equitable distribution of the burden of any deficit. In arriving at this ratio we have taken into consideration the indirect contributions of the Provinces to the purse of the Government of India, and in particular the incidence of customs duties and of income tax. We have inquired into the relative taxable capacities of the Provinces, in the light of their agricultural and industrial wealth and of all other relevant incidents of their economic positions, including particularly their liability to famine. It should be observed that we have considered their taxable capacities not only as they are at the present time, or as they will be in the immediate future, but from the point of view also of the capacity of each Province for expansion and development agriculturally and industrially, and in respect of imperfectly developed assets such as minerals and forests. We have also given consideration to the elasticity of the existing heads of revenue which will be secured to each Province, and to the availability of its wealth for taxation."

After estimating, to the best of its ability, the weight which should be given to each of these circumstances, the Committee recommended the following fixed ratio as representing an equitable basis for the relative contributions of the Provinces to meet the deficit in the Budget of the Government of India:—

STANDARD CONTRIBUTIONS

Province	Per cent. Contribution to Deficit.
Madras	17
Bombay	13
Bengal	19
United Provinces	18
Punjab	9
Burma	61/2
Bihar and Orissa	10
Central Provinces	5
Assam	2 1/2
	100

The Committee agreed that there should be an interval of time sufficient to enable the Provinces to adjust their budgets to the new conditions before they should in equity be called upon to contribute according to this standard ratio.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_58 But the Committee thought that the interval allowed for adjustment should not be unduly prolonged.

"The initial ratio which,"the Committee said,"we have proposed is a practical necessity, but the Provinces which will be called upon to pay thereunder more than they should pay in equity, ought not to be required to bear that burden for a longer period or to a greater extent than is required to prevent dislocation of the provincial budgets."

The Committee therefore proposed

"that contributions should be made on the standard ratio to any deficit that there may be in the seventh year of contribution, and that the process of transition from the initial to the standard ratio should be continuous beginning in the second year of contribution, and proceeding in six equal annual steps."

The following table shows the initial, intermediate, and ultimate ratios of contributions for the seven years in accordance with the recommendations of the Committee :—

PERCENT. CONTRIBUTIONS TO DEFICIT IN SEVEN CONSECUTIVE YEARS BEGINNING WITH THE FIRST YEAR OF CONTRIBUTION

(rounded off to even halves)

	1st	2nd	3rd	4th	5th	6th	7th
Province	Year	Year	Year	Year	Year	Year	Year
Madras	35 ½	32 ½	29½	26 ½	23	20	17
Bombay	5 ½	7	8	9½	10½	12	13
Bengal	6 ½	8½,	10½,	12 ½ ,	15	17	19
United Provinces	24 ½	23 ½,	22 ½,	21	20	19	18
Punjab	18	16½,	15	13½,	12	10½	9
Burma	6 ½	6½,	6½,	6½	6 ½	6½	6½

Bihar and Orissa	*nil*	1 ½	3	5	7	8 ½	10
Central Provinces	*2*	2½	3	3½	4	4½	5
Assam	1 ½	1 ½	2	2	2	2	2 ½
Total	100 %	100 %	100 %	100 %	100 %	100 %	100 %

These recommendations were accepted by the Government of India and the Secretary of State. But when the rules in which they were embodied came before the Joint Select Committee of Parliament appointed to revise the draft rules made under the Government of India Act, for consideration, the Committee made some important alterations in the allocation of revenues and contributions from the Provinces. In its Reportmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_59the Joint Committee recognised

"the intricacy of the problem with which the Financial Relations Committee had to deal, and the difficulty, amounting almost to impossibility, of arriving at any solution which was likely to be acceptable to all Local Governments..... They believe that such dissatisfaction as the proposals have aroused is inevitable in distributing resources between a Central and Provincial Governments, and that the impossibility of removing by a stroke of the pen inequalities which are the result of long-standing and historical causes have been overlooked.""None the less,"the Committee desired,"on grounds of policy, to alleviate the disappointment caused by the restraints which the system of contribution laid on the employment by the provinces of their revenues. As a means of alleviating the burden the Committee suggested:

"(1) That there should be granted to all provinces some share in the growth of revenue from taxation on incomes so far as that growth is attributable to an increase in the amount of income

assessed."

(2) That in no case should the initial contribution payable by any province be increased, but that the gradual reduction of the aggregate contribution should be the sole means of attaining the theoretical standards recommended by the Financial Relations Committee."Accordingly it is provided in the Devolution Rules that:

(15) There shall be allocated to each Local Government a share in the income tax collected under the .Indian Income Tax Act, 1918, within its jurisdiction. The share so allocated shall be three pies on each rupee brought under assessment under the said Act, in respect of which the income tax assessed has been collected. The number of pies to be specified shall be so calculated as to yield at the outset to the Local Governments collectively a sum amounting as near as may be to 400 lakhs.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_60and that

(17) In the financial year 1921-2 contributions shall be paid to the Governor-General in Council by the Local Governments mentioned below according to the following scale:—

Name of the Province	Contributions (in lakhs of rupees)
of the Province	
Madras	3,48
Bombay	56
Bengal	63
United Provinces	2,40
Punjab	1,75

Burma	64
Central Provinces and Berar	22
Assam	15

(18) From the financial year 1922-3 onwards a total contribution of 9,83 lakhs, or such smaller sum as may be determined by the Governor-General in Council, shall be paid to the Governor-General in Council by the Local governments mentioned in the preceding rule. When for any year the Governor-General in Council determines as the total amount of the contribution a smaller sum than that payable for the preceding year, a reduction shall be made in the contributions of those Local Governments only whose last previous annual contribution exceeds the proportion specified below of the smaller sum so determined as the total contribution ; and any reduction so made shall be proportionate to such excess:

Madras	17/90 ths
Bombay	13/90 ths
Bengal	19/90 ths
United Provinces	18/90 ths
Punjab	9/90 ths
Burma	6 ½ /90 ths
Central Provinces and Berar	5/90ths
Assam	2 ½ /90 ths

(19) In cases of emergency the Local Government of any Province may be required by the Governor-General in Council, with the sanction of the Secretary of State, to pay to the Governor-General in Council a contribution for any financial year in excess of the amount required by the preceding rules in the case of that year. Two more matters had to be settled in order to make the separation between Provincial and Central Finance as complete as possible. Both were connected with capital transactions. One was the question of the Provincial Loan Account. This Account represented the fund from which a Provincial Government advanced agricultural loans, loans to indebted landholders, to municipalities and other local bodies, etc. The capital was provided by the Government of India as required and was returned to it as it was repaid. The province paid the Government of India interest on the average capital outstanding in each year, recouping itself by higher rates of interest which were supposed to compensate it for bad debts. It was commonly agreed that it was the natural result of the Reforms Scheme that the Provinces should for the future finance their own loan transactions, and that joint accounts of this nature between them and the Government of India should be wound up as quickly as possible. The matter was referred to the Financial Relations Committee and on the basis of its recommendations in that behalf it was provided by Rule 23 of the Devolution Rules that :

"Any moneys which, on the 1st day of April 1921, are owed to the Governor-General in Council on account of advances made from the provincial loan account of any Province shall be treated as an advance to the Local Government from the revenues of India, and shall carry interest at a rate calculated on the average rate carried by the total amount owed to the Governor-General in Council on this account on the 31st March 1921. The interest shall be payable upon such dates as the Governor-General in Council may fix. In addition, the Local Government shall pay to the Governor-General in Council in each year an instalment in repayment of the principal amount of the advance, and this instalment shall be so fixed that the total advance shall except where for special reasons the Governor-General in Council may otherwise direct, be repaid before the expiry of twelve years.

It shall be open to any Local Government to repay in any year an amount in excess to the fixed instalment."

The other was the question of responsibility for capital expenditure on irrigation works. In this as in the matter of Provincial Loan Account it was agreed that it would be incompatible with the scheme of complete separation of Provincial Finance to hand over to the former the control of irrigation works and to make the latter responsible for the capital transaction incurred thereon. Hence the rulemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_61 that:

(1) The capital sums spent by the Governor-General in Council upon the construction in the various Provinces of productive and protective irrigation works and of such other works financed from loan funds as may from time to time be handed over to the management of Local Governments shall be treated as advances made to the Local Governments from the revenues of India. Such advances shall carry interest at the following rates, namely: (a) In the case of outlay up to the end of the financial year 1916-17, at the rate of 3.3252 *per centum. (b)* In the case of outlay incurred after the financial year 1916-17, at the average rate of interest paid by the Governor-General in Council on loans raised in the open market since the end of that year.

(2) The interest shall be payable upon such dates as the Governor-General in Council may fix.

Thus was broken the financial and administrative strand which tied the Provincial Governments to the Central Government and prevented the introduction into them of responsible government. As the Provinces thereby acquired"an acknowledged authority of their own"over the services and sources allocated to them it followed that they should have the freedom to borrow in their own name, which was denied to them heretofore. Consequently the Local Government Borrowing Rulesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_62 made under the Reforms Act provided that subject to certain conditions:

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"A Local Government may raise loans on the security of the revenues allocated to it for any of the following purposes, namely:

a) a) To meet capital expenditure on the construction or acquisition (including the acquisition of land, maintenance during construction and equipment) of any work or permanent asset of a material character in connection with a project of lasting public utility, provided that :
   I. I. the proposed expenditure is so large that it cannot reasonably be met from current revenues, and
   II. II. if the project appears to the Governor-General in Council unlikely to yield a return of not less than such percentage as he may from time to time by order prescribe, arrangements are made for the amortisation of the debt;
b) b) to meet any classes of expenditure on irrigation which have under rules in force before the passing of the Act been met from loan funds;
c) c) for the giving of relief and the establishment and maintenance of relief works in times of famine or scarcity ;
d) d) for the financing of the Provincial Loan Account ; and
e) e) for the repayment or consolidation of loans raised in accordance with these rules or the repayment of advance made by the Governor-General in Council."

With the cutting off of the financial and administrative strand there remained only the legislative strand which had so far debarred the growth of provincial autonomy. This legislative strand, as was pointed out before, operated through the principle of requiring previous sanction and subsequent assent of the Government of India. By the rules made under the Reforms Act a field has been marked off for the free exercise of the Legislative powers of the Provinces in which that principle has been dispensed with. So far as the field of tax legislation was concerned it was providedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_64 that:

"The Legislative Council of a Province may, without the previous sanction of the Governor-General, make and take into consideration any law for imposing for the purposes of the Local Government any tax included in Schedule I."

This schedule comprises the following heads of taxation: —

1. A tax on land put to uses other than agricultural.

2. A tax on succession or acquisition by survivorship in a joint family.

3. A tax on any form of betting or gambling permitted by law.

4. A tax on advertisements.

5. A tax on amusements.

6. A tax on any specified luxury.

7. A registration fee.

8. A stamp-duty other than duties of which the amount is fixed by Indian legislation.

In the matter of non-tax legislation the procedure adopted by the rules has been slightly different. In tax legislation the rules stated in what cases previous sanction was not necessary. In non-tax legislation the rules required in what cases previous sanction was necessary. The effect of this difference in the requirements of the rules of previous sanctionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_65 was that while in matters of tax legislation a Provincial Government could only levy certain named taxes, in the matter of non-tax legislation it could do anything provided it did not infringe certain laws. The reasons for this difference are obvious. A widening of the basis of provincial taxation means a narrowing field for imperial taxation. Such a detrimental effect could not flow to the Government in the matter of non-tax legislation, be the non-tax legislative powers of the Provinces howsoever large. The taxing power to be granted to the Provinces had therefore to be more strictly

circumscribed than the grant of legislative power. None the less it cannot be denied that the rules regarding previous sanction sufficiently loosened the legislative strand as to permit of the Provinces being autonomous in theory as well as in practice.

This autonomy is well reflected in the new Budget Procedure in the Provinces. Under the old regime the Provincial Budgets had to be passed by the Finance Department of the Government of India, the Provincial Accounts to be supervised by the Accountant-General and audited by the Controller and Auditor-General of the Government of India and appropriation reports submitted to the Finance Department of the Government of India. All this is changed under the new regime. The Provincial Budget, instead of being passed by the Finance Department of the Government of India, is framed by the Finance Department constituted in each Province under the Reforms Actmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_66 and is voted item by item by the Provincial Legislature.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_67 The accounts of the Provinces still continuemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D1. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_68 to be supervised and audited by the officers of the Government of India, but the important point under the new regime which is the hall-mark of provincial independence is that the appropriation reports, instead of being sent to the Government of India for action, are now sent to the Committee of Public Accounts constituted from amongst the members of the Provincial Legislature which sanctioned the Budget for report that the money voted by the Legislature was spent within the scope of the grants made by the Legislature.

Thus is effected the demarcation of the field for the governance of. India into Central and Provincial. Such a demarcation of administrative and financial matters was the dream of many an Indian politician and statesman. It was urged before the Royal Commission on Decentralisation and was also urged by the late Mr. Gokhale in his

political testament which he left before he died. But all these projects were ill timed and could not be given effect to until the law of the Indian constitution had been altered. Now that such an alteration has been made the ideal of Provincial autonomy bids fair to become real. But before closing this study it may be useful to evaluate the changes of its successful working.

THE EVOLUTION OF PROVINCIAL FINANCE IN BRITISH INDIA

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A CRITIQUE OF THE CHANGE

It is obvious that good administration depends upon good finance; for finance is"the fuel of the whole administrative machine."No aspect of the scheme of Reforms therefore demands a closer and more anxious study than the financial arrangements with which the new system of administration starts. The necessity for such an examination is all the greater because this aspect of the Reforms Scheme has received

comparatively little intelligent criticism at the hands either of the public or the expert.

The first question to consider is, can the new financial arrangements be said to be *administratively* workable? To make administrative polities independent by requiring them to finance themselves entirely out of their own respective resources without having to depend upon one another must always be regarded as a very important end to be kept in view in devising a new financial arrangement. It is true that it is not always possible to realise this end, and it may in some cases be actually helpful to their working that the polities should be made mutually dependent; for interdependence, at least in matters of public finance, instead of being an impediment might conceivably furnish a basis for co-operation and strength. None the less independence in finance for each administrative policy is to be sought for wherever possible. There can be no doubt that from this standpoint the system of contributions is better than the system of divided heads. This is not to condemn the system of divided heads. The existence of several concurrent or overlapping tax jurisdictions must always be a source of difficulty whenever an attempt is to be made to distribute the different sources of revenue among the competing tax jurisdictions so as to allow each a sufficiency of funds. The reason is that this distribution of the sources of revenue must not only be governed by considerations of adequacy, but must also be governed by considerations of suitability."The problem of efficiency of taxation,"as Prof. Seligman observes,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_1

> "is naturally of vital importance. No matter how well intentioned a scheme may be, or how completely it may harmonise with the abstract principles of justice, if the tax does not work administratively it is doomed to failure."

Whether among the sources of revenue to be partitioned there are any which are naturally more suitable for utilisation by one tax jurisdiction rather than by another depends upon what is the basis of the tax. If the basis of the tax is narrow then the argument in favour of its utilisation

by a narrower tax jurisdiction will be correspondingly stronger. If its basis is wide then the scales would weigh in favour of its utilisation by the broader tax jurisdiction. But as a result of following the dictates of suitability it is not always possible to make a partition such as to give each administrative polity revenues adequate for its purposes. For it may happen that a particular tax is suitable for one jurisdiction while its yield, instead of being necessary for that jurisdiction, may be required for another jurisdiction which is unfit to levy it, or may be partially necessary for both. In such a case, how are the ends of adequacy to be subserved? Two remedies suggest themselves. One is the adoption of the system of divided heads, and the second is to apportion the deficiency among the several component states and require them to make a definite contribution towards meeting it.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_2

The system of divided heads was by no means peculiar to the Indian fiscal system. It has been adopted in some form or other by many other countries. In England, for instance, the inheritance tax is assessed by the Central Government, but a part of the proceeds is allotted to the Local Government. The same is true of some other taxes in England. In Germany, under the Empire, the proceeds of certain indirect taxes were divided between the federal and state governments. In Canada it is well known that a large part of the provincial revenues is derived from proceeds of taxes that are levied by the federal government.

The prejudice in India against the system of divided heads of revenue is particularly regrettable because it is founded on the view that it is opposed to the principle of separation of revenues. People who opposed it saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_3that it involved divided heads of expenditure which fettered the spending powers of the Provinces and enabled the Government of India directly to interfere in their Budget estimates and"to have its finger in every pie"of theirs. The system of divided heads was no doubt characterised by these objectionable features. But division of expenditure is not a necessary accompaniment of division of revenue. Nor is it a necessary incident of

it that a polity which shared in the yield of a tax but did not administer it should interfere in calculating the estimates of the yield. Chipped of its evil features, the system of divided heads of revenue is simply another name for what Prof. Seligman callsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_4 the system of segregation of source and the division of the yield. The essence of the system consists in the exclusive assessment of a particular source of revenue by one tax jurisdiction, coupled, however, with an apportionment of a part of the proceeds to another tax jurisdiction. The system of divided heads of revenue does not cease to be a system of separation of sources merely because there is the division of the yield. In such a system of divided heads there is a separation because the assessment of the tax is segregated—which is the essence of separation—exclusively in the hands of one tax jurisdiction, and the division of the yield can be so regulated that it need not be incompatible with real separation.

The system of contributions does what the system of divided heads aims to do. Like the system of divided heads it answers the tests of suitability as well as of adequacy by allowing the tax to be administered by the jurisdiction most competent to do it, and also of adequacy by making the taxing jurisdiction hand over a sum to the non-taxing jurisdiction. Essentially the system of divided heads and the system of contributions are alike. The only difference between the two is that so far as the apportionment of proceeds are concerned the one is an itemised arrangement while the other is a lump-sum arrangement. There is therefore really nothing much to choose between them. But this is not altogether a case of merely giving a different name to a discredited system in the hope that it might smell more sweet. For the system of contributions has one real point of superiority as compared with the system of divided heads. It does not merely permit of separation of assessment, but it also makes for a greater separation than does the system of divided heads. Under the system of divided heads the receiving party has still an anxious concern in the assessment and collection of the tax for any laxity in the administration of a divided head of revenues is bound to affect its interests adversely, and may

therefore claim a hand in the administration of the tax. But under the system of contributions there is no room for such a possibility. Its quota being assured it is out of the business of assessing and collecting the tax. There is thus a greater separation under the system of contributions than there can be under the system of divided heads.

When we come to analyse the equity of the new financial arrangements we find that great objections are raised to the system of contributions. But many of these objections are misconceived. It will be recalled that the contributions from the Provinces to the Central Government in India are regulated according to their spending powers. In other words, it is the apportionment by expenditure method of dealing with the deficit. That the method subserves the ends of adequacy is of course obvious. But what does not seem to be so obvious, but which all the same is a great virtue of the system of contributions, is that it promotes economy in the giving as well as in the receiving tax jurisdiction; for extravagance in the contributing tax jurisdiction immediately increases its burden, while extravagance in the receiving tax jurisdiction is directly reflected in enhancing the contributions. None the less, the contributions, it is protested, are iniquitous, for they are held to be based not on population, nor on area, nor on wealth, nor on the capacity of the Provinces. It is also complained that the system of contributions according to spending powers is unwise, for it tends to check desirable expenditures in the more progressive Provinces. The latter is, of course, a real objection to the apportionment by expenditure method of contributions in its general form. But it may be said, on the other hand, that in the first place if a jurisdiction is willing to undertake the burdens of a larger expenditure for desirable aims, it will scarcely be deterred by the slight additional burden which might result from the increase in the contribution. Secondly, if it were found that the contribution did produce such a result it would be possible to obviate it by adopting the simple expedient of exempting certain kinds of expenditure which might be deemed to be necessary. What these expenditures should be would be a matter of adjustment, which might differ in different provinces. The virtues of the system of apportionment by expenditure

method of levying contributions would still be conserved intact, and its automatic features would work equally well if certain expenditures only, instead of all expenditures, were selected as the basis of calculations.

This objection cannot, however, be urged against the Indian system of contributions. In the first place, the contribution is not a varying sum as is the case in the financial systems of other countries. Because the Provinces are made contributory towards the deficit of the Central Government it is to be remembered that they are not liable to the whole of the central deficit whatsoever it may be from year to year. On the other hand, in ordinary years the Provinces are only liable to make contributions towards meeting what is called the Standard Central Deficit of Rs. 9.83 lakhs. That being the case the contributions do not form an element of uncertainty in the Provincial Budgets. Secondly, the contributions are not a permanent feature of the financial arrangements between the Central and Provincial Governments. The levy of the contributions is contemplated to be only transitional, to allow the Government of India to work out its financial salvation, and the Government of India has promised that they will adopt such a policy as to bring about the extinction of the contributions in as short a time as possible. Lastly, the ratio of the contributions to the standard revenues or expenditure of any of the Provinces is not so great as to place a heavy incubus on their financial system, and not being a varying quantity cannot be said to check useful expenditures by Provinces which propose to incur them.

As a matter of fact whatever may be said against the flaws in the apportionment by expenditure method of levying contributions it would be difficult to deny that the system eminently answers the requirements of equity. It certainly brings about a more equitablemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_5 distribution of the burden than is possible under other systems. For it may fairly be assumed that expenditures very nearly correspond to the actual abilities of the communities concerned more than do populationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of

Provincial Finance in British India PARTIV.htm - _msocom_6 or area. Not only is the principle equitable in itself, but care has been taken to do equity in its application as between the different Provinces. For we know that the contributions are so regulated as to leave to the Provinces, rich as well as poor, a reserve of spending power in order to enable them to meet such of their pressing needs as may not have been covered by the figure for standard expenditure. The main purpose of rejecting equal in favour of unequal contributions was to see that the burden of the contributions did not prevent any of the Provinces from meeting such extra expenditure as may be absolutely necessary. Indeed, no system of contributions can be said to be calculated to produce greater equity than the Indian system.

So far we have examined whether the new financial arrangement is administratively workable and equitable. What we have now to see is: Has the arrangement proved itself to be financially adequate? It will be recalled that the Financial Relations Committee held that the general resources of the country were abundant, and that it required only a wise plan of distribution in order to leave each Province with a sufficiently large"spending power"or surplus.

(In Thousands of Rupees)

Province		Standard Figures	Revised 1921-2	Budget 1922-3
	Revenue	14,98,02	15,58,59	16,76.50
Madras	{ Expenditure	14,07,20	17.15.93	17,18,55
	{ Surplus and Deficit	90,82	—1,57,34	—42,05
	Revenue	12,09,70	13,67,13	14,93,06
Bombay	{ Expenditure	11,55,03	16,52,80	15,42,17

	Surplus and Deficit	54,67	—2,85,67	—50,11
	Revenue	8,55,28	8,86,53	10,55,86
Bengal	{ Expenditure	8,61,13	11,10,60	10,36,90
	Surplus and Deficit	—5,85	—2,24,07	18,96
	Revenue	12,29,88	13,34,31	13,58,67
United Provinces	{ Expenditure	12,06,56	14,59,87	13,85,65
	L Surplus and Deficit	1,23,32	—1,25,56	—26,98
	{ Revenue	9,73,51	10,73,76	11,38,26
Punjab	{ Expenditure	9,10,69	12,23,24	12,68,44
	{ Surplus and Deficit	62,82	—1,49,48	—1,30,18
	{ Revenue	8,24,28	9,99,33	10,00,57
Burma	{ Expenditure	7,84,78	10,27,51	11,90,70
	{ Surplus and Deficit	39,50	—28,18	—1,90,13
	{ Revenue	4,30,39	4,46.15	4,62,65
Bihar and Orissa	{ Expenditure	4,20,70	4,85,97	5,13,80
	{ Surplus and Deficit	90,69	—39,82	—51,15
	{Revenue	4,35,37	5,14,80	5,35,23

Central Provinces	{ Expenditure	4,38,80	5,41,76	5,72,17
	{ Surplus and Deficit	—3,43	—26,96	—36,94
	{ Revenue	1,81,46	2,01,12	2,08,06
Assam	{ Expenditure	1,78,25	2,19,45	2,22,58
	{ Surplus and Deficit	3,21	—18,33	—14,52

That the plan recommended by the Committee was calculated to bring about such a result must of course be taken for granted. But when we analyse the Budgets of the different Provinces since the introduction of the Reforms the result appears to be entirely disappointing (*see* Table, p. 287).

Thus, taking the estimated revenue and expenditure of the nine Provinces for 1922-3, equilibrium between current revenue and expenditure is only to be found in two of them, Burma and Bengal, and in the latter this result could not have been attained but for the temporary remissionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_7 of its annual contribution to the Central Government, and a programme of taxation calculated to bring in Rs. 140 lakhs. In the rest of the Provinces the deficits of the year aggregated to the large figure of Rs. 7,74 lakhs. This huge deficit was financed by newmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_8 taxation to the extent of Rs. 3,52 lakhs, and for the rest by drawing on balances and by raising loans from the public and from the Central Government. But as the Secretary of State in his despatchmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_9 pointed out, this

"process of financing provincial deficits in part from the

accumulated revenue balances of the past will now practically come to an end, as such balances will be generally exhausted by the end of the current financial year..... If the financial stability of the Provinces is not to be undermined, with ultimate jeopardy to the Government of India itself, it is impossible to contemplate the continuance of a series of Provincial deficits financed by borrowing either direct from the public or from the Central Government."

What is to be the remedy? At the Conference held in Simla in April, 1922,"to consider various matters connected with the financial arrangements between the Central Government and the Provinces,"it was disclosedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_10 that the Government of India and the Provinces were divided as to the proper solution for the rehabilitation of Provincial Finance on a stable and secure footing. The Provinces proposed an increase in their resources by revising the financial arrangements made by the Reforms Act. On the other hand, the Secretary of State as a mouthpiece of the Government of India urged that

"Equilibrium can only be achieved by reduction of expenditure and the adoption of measures which will lead to an increase of revenue"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_11

The Provinces were not, however, unanimous in the suggestions they made for the revision of the arrangements effected by the Act. Some like the Government of Bombay suggested a return to the system of"divided heads"while others were opposed to it. But the majority was for securing relief through the abolition of contributions. This attitude of the Provinces towards the new financial arrangements is on the face of it a very unreasonable attitude. They are opposed both to the system of divided heads and the system of contributions as well. This is to have things both ways, and they could certainly have had it if the existing resources of the country had been properly husbanded. Inadequacy of finance is not always the result of a paucity of revenue resources. National prosperity may be great and growing and the increase of

national wealth may be proceeding unchecked. If under such circumstances enough revenue is not obtained the fault does not lie with the social income. Rather it is a fault of the government which must be said to have failed to organise and marshal the national resources for fiscal purposes. The same is to some extent true of the Indian Government.

Surveying the national resources of the country, it becomes evident that there are two sources which the Government has not been able to marshal properly. One is the land revenue. It is notorious that land revenue has been the biggest resource to the Government of India. In the collection of the land revenue every landholder is laid under contribution, but the rate of assessment is not periodically enhanced for every one of them. On the other hand, in Bengal and in other parts of India the rate of assessment is permanently settled. Consequently in such parts of India which by the long period of settled government enjoyed by them, and by the consequent influx of capital, have attained to a greater advance in prosperity than any others, the land revenue yields practically no increase; the land-owners, with enormously increased incomes, contribute nothing to the increase in the financial burdens of the State. Permanent Settlement has ever since the days of Lord Canning been suggested as a panacea for improving the financial condition of the people. After the severe famine of 1860, Lord Canning, then Viceroy and Governor-General of India, recommended the extension of the Permanent Settlement to all parts of India. Sir John (afterwards Lord) Lawrence supported the recommendation, and the two Secretaries of State for India, Sir Charles Wood and Sir Stafford Northcote, approved of the proposal. Fortunately for the country the proposal for making the Permanent Settlement universal was finally rejected in 1883. Some no doubt regarded the decision as unfortunate, and continued the agitation in favour of the permanent Settlement long after. But the real force, if there was any in the agitation, was derived from the motive of putting a limit on the financial resources of an alien and an irresponsible bureaucracy. Those who then agitated in favour of the Permanent Settlement probably did not realise that some day this irresponsible bureaucracy would give place to a responsible government

of the people and the Permanent Settlement which it was desired to be instituted as a curb on the unchartered licence of a bureaucracy would result in placing a fetter on the freedom of a popular government to enter upon the path of orderly progress. A bad government may abuse its financial powers, but a government cannot be a good government if there is a serious limitation on its financial powers. It was therefore a good thing that this evil of a permanent settlement was not allowed to spread to the whole of India. But it would have been better if the new financial arrangements had contrived to replace the permanent settlement system of land revenue by a periodical settlement system. That was one important way of augmenting the general resources of the country and thereby giving adequacy to all the governments concerned. Instead of this the financial arrangements were so conceived as not to

> "subject the permanently settled provinces to financial pressure which would have the practical result of forcing them to reconsider the permanent settlement."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_12 If this had been done it would have augmented the general resources to the benefit of all. As it was, not only provision was made favouring the retention of the Permanent Settlement, but the Bengal Government, which has the largest number of permanently settled holders of land, was later on exempted from contributing to the Government of India which was compelled to meet its deficit in other ways.

Land Revenue therefore is one source which the Government could have marshalled in the interest of giving adequacy to the new financial arrangements. The other source which the Government refuses to tap is the customs revenue. The kind of fiscal policy that was adopted during the pre-Mutiny days, was, as we know it to be, of a suicidal character. The same is true of the post-Mutiny fiscal policy. From the Mutiny up to the present time, the Government of India has never looked upon the customs revenue as a resource to be used to meet the exigencies of the State, and when it has used it, it is only very reluctantly, and never to the fullest, not to mention the circumstances when it has actually

reduced its revenue from this source in spite of the crying needs of the exchequer. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_13While the ostensible reason given in favour of such a fiscal policy is that the customs revenue is wrong in principle, everybody knows that the customs revenue is not raised in India because it is feared that under it Indian industries would be protected against English industries. That the whole policy of India has been dictated by the interests of English manufactures is beyond dispute, and the reason for it is not far to seek. The Secretary of State for India, the supreme executive for India, is directly amenable to the English voters, whose primary concern has been to see that their markets are not closed against them. Whether a protectionist policy is good or bad is another question. For the present it is sufficient to note that the Government of India has been subjected to a pernicious kind of limitation on its fiscal powers which prevents it from using a source of revenue which has everywhere else proved to be most elastic and abundant of financial resources. If these limitations were not there the present financial inadequacy in all probability might not have ensued at all, and there would have been no necessity either for adopting the system of divided heads or for imposing contributions. As it is, owing to these limitations on the taxable resources of the country, a deficit in the Budget of the Central Government is inevitable. Given this fact, the adoption of some method of meeting that deficit was imperative, and there is no doubt that the system adopted is better than the system it replaced. In the present circumstances of the finances of the Central Government, contributions must be taken as a settled issue. Nor can it be said that the abolition of contributions would restore stability to Provincial Finance. Such no doubt is the prevalent view of the Provincial Governments and also of non-official politicians. The Resolution moved in the Indian Legislative Assembly on the 14th September, 1922, rested on the same view that if the Government of India were only to dispense with the contributions it would immediately restore equilibrium in the financial position of the Provinces. This belief was strengthened by the assumption that the aggregate estimated deficit of all the Provinces disclosed itself to be 352 lakhs of rupees for the financial year 1922-3; and as the total contribution to the Imperial

Government by the Provinces aggregated to the sum of 983 lakhs, a remission of this amount would more than wipe off the deficit in the Provincial Budgets. It must, however, be said that the deficit of 352 lakhs of rupees does not disclose the true position of the Provinces as derived from the financial arrangements made by the Act. If we are to deduce the true position of the Provinces as following from the new arrangement we must take note of the new taxation imposed and of the gain to Bengal through the remission of its contribution to the Imperial exchequer. Making adjustments for these, the position of the Provinces as it would have been without contributions may be seen from the following :—

FINANCIAL POSITION OF THE PROVINCES 1922-23

(In thousands of rupees)

Provinces		Revenue	Expenditure	Surplus or Deficit
		Rs.	Rs.	Rs.
Madras		15,99,00	17,18,55	—1,19,55
Bombay		14,32,06	15,42,17	—1,10,11
Bengal		9,15,86	10,99,90	—1,84,04
U.P.		13,58,67	13,85,65	—26,98
Punjab		11,38,26	12,68,44	—1,30,18
Burma		10,00,57	11,90,70	—1,90,13
Bihar and Orissa		4,62,65	5,13,80	—51,15

Central Provinces		5,35,23	5,72,17	—36,94
Assam		2,05,06	2,22,58	—17,52
	Total deficit			—8,66,60

According to this calculation the aggregate deficit of the Provinces would have been about 867 lakhs. But we must make some further adjustments to this account. It has not been possible to deduct from the revenues of the Central Provinces the sum derived from the enhancement of the Excise duty in the Provinces. Secondly, the revenues of the Central Provinces for the year 1922-3 include collections of suspended revenue of previous years. If these adjustments were made the aggregate deficit of the Provinces would give rise to a figure which would be barely covered by the remission of contributions. We must therefore conclude that remission of contributions would have at best been a very inadequate measure for removing the financial stringency of the Provinces, even if the problem of financing the extra deficit caused by such remission in the budget of the Central Government were to be ignored.

But if remission of contributions cannot improve the difficult situation that has arisen with regard to Provincial Finance, we must go to the root of the matter and inquire what are the causes which have brought on that situation. Is it due to the normal expenditure of the Provinces being under-rated? Or is it due to the normal revenues of the Provinces being over-estimated? For this purpose we must first ascertain whether the resources allocated to the Provinces were really inadequate to their normal needs. The following table compares the standard receipts and expenditure and shows the margin left between them for covering a probable advance in expenditure.

STANDARD REVENUE AND STANDARD EXPENDITURE

Provinces	Standard Revenue	Standard Expenditure	Excess or Defect of Standard Revenue over Standard Expenditure
	Rs.	Rs.	Rs.
Madras	14,98,02	14,07,20	90,82
Bombay	12,09,70	11,55,03	54,67
Bengal	8,55,28	8,61,13	—5,85
U.P.	12,29,88	11,06,56	1,23,32
Punjab	9,73,51	9,10,69	62,82
Burma	8,24,28	7,84,78	39,50
Bihar and Orissa	4,30,39	4,20,70	9,69
C. P.	4,35,37	4,38,80	—3,43
Assam	1,81,46	1,78,25	3,21

From this it is obvious that except in the case of two Provinces the standard revenue has left a sufficient margin over standard expenditure. Only in Bengal and Central Provinces there was no margin, owing to the fact that the standard expenditure was slightly in excess of the standard revenue. But this defect was more than remedied in the case of Bengal by the remission of the contributions to the Central Government, and the excess of standard expenditure over standard revenue in the case of Central Provinces was indeed very small. Barring this, in the rest of the Provinces the margin allowed was substantial. Let us now turn to the actual figures and compare them, with the standard figures. First of all, let us take the revenue side of the Provincial Budgets. Has the realised revenue fallen short of the standard revenue?

The following table compares the realised receipts of the Provinces with the standard figure assumed to be the normal in the financial allocation made under the new Act :—

PROVINCIAL REVENUESmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_14

Provinces	Standard Revenues	Increase over Standard : — Decrease from Standard.	
		For 1921-22	For 1922-23
	Rs.	Rs.	Rs.
Madras	14,98,02	60,57	40,41
Bombay	12,09,70	1,57,47	2,22,36
Bengal	8,55,28	31,25	60,58
U.P.	12,29,88	1,04,43	1,28,79
Punjab	9,73,51	1,00,15	1,64,75
Burma	8,24,28	1,75,05	1,76,29
Bihar and Orissa	4,30,39	15,76	32,26
C. P.	4,35,37	79,43	99,86
Assam	1,81,46	22,60	23,60

The above table brings out very clearly the fact, not readily admitted, namely that the realised revenue has in no case fallen short of the standard revenue. It may, however, be asked : Has the increase in the realised revenue been equal to the margin allowed under the allocation between the standard revenue and of the Provinces?

As throwing some light on that aspect of the question the following table is interesting:-

EXPANSION OF PROVINCIAL REVENUES

Provinces	Standard Margin	Excess or Defect of Realised Margin over Standard Margin	
		For 1921-22	For 1922-23
Madras	90,82	—30,25	—50,41
Bombay	54,67	1,02,80	1,68,19
Bengal	—5,85	25,40	54,73
U.P.	1,23,32	—18,89	5,47
Punjab	62,82	37,33	1,01,93
Burma	39,50	1,35,55	1,36,79
Bihar and Orissa	9,69	6,07	22,57
C. P.	3,43	76,00	96,43
Assam	3,21	19,39	20,39

From these figures it is obvious that except in the case of Madras the realised margin has in no case fallen below the standard margin. The excess of the realised over the standard margin is enormous. It cannot, therefore, be said that the financial deficit in the Provinces is due to provincial revenue having failed to reach the assumed normal. On the other hand, the revenues were more than necessary to cover the normal expenditure of the Provinces. The only conclusion that can fairly be drawn from the facts of the case is that the provincial deficits are due to

an extraordinary increasemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_15 in the expenditure of the Provinces. The following figures furnish enough evidence in support of this view:—

Provinces	Standard Expenditure	+ Increase over Standard : — Decrease from Standard.	
		For 1921-22	For 1922-23
Madras	14,07,20	3,08,73	3,11,35
Bombay	11,55,03	2,97,77	3,87,14
Bengal	8,61,13	2,49,47	1,75,77
U.P.	11,06,56	3,43,31	2,79,09
Punjab	9,10,69	3,12,55	3,57,75
Burma	7,81,78	2,42,73	4,05,92
Bihar and Orissa	4,20,70	65,27	93,10
C. P.	4,38,80	1,02,96	1,23,37
Assam	1,78,25	41,20	44,33

We are, therefore, led to the view held by the Secretary of State that reduction of expenditure and increase of taxation is the only remedy for placing provincial finance on a sound footing.

What chances are there that the Provinces will undertake the reduction of expenditure and increase of taxation so very necessary for their safety? In this connection it is well to recall the dictum of that great financier, Mr. James Wilson, who once said:

"Finance is not mere arithmetic; finance is a great policy. Without sound finance no sound government is possible: without sound government no sound finance is possible."If there is any truth in this, then whether or not the Provincial Governments will undertake economy or face increase of taxation depends upon whether or not the system of government established in the Provinces by the Reforms Act is a sound system. Now, what is the nature of the government that is established in the Provinces under the Reforms Act? In common parlance the system is known as dyarchy. Under it the Executive of the Province, instead of being composed of the Governor in Council as before, is now divided into the Governor in Council and the Governor in Ministry. Under it the subjects marked off as Provincial from the Central are further divided into"Reserved"and"Transferred"subjects. The former are in charge of the Governor in Council, and the latter in that of the Governor in Ministry. Of these parts of the Provincial Executive the Council in charge of the"reserved"subjects still remains as before irresponsible to the Provincial Legislature, is unremovable by it, and in that sense is a non-parliamentary executive. The other part of the Provincial Executive, namely the Ministry in charge of the"transferred"subjects, is recruited from the elected members of the Provincial Legislature, which is made responsible to the Provincial Legislature which is based on a more or less popular franchise, and is removable by it, and in that sense is a Parliamentary Executive.

The Provincial Legislature is supreme with regard to both the parts of the Provincial Executive. It has not only full powers of legislation, but has also full and unfettered powers of interpellation. Its powers of sanctioning and voting upon the Provincial Budget are complete, although provision is made in the Reforms

Act,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_16 which allows that

> "the Local Government shall have power in relation to any such demand (for a money grant) to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to (by the Provincial Legislature), if the demand relates to a reserved subject (which is assigned to the charge of the Governor in Council) and the Governor certified that the Expenditure provided for by the demand is essential to the discharge of his responsibility for the subject."

Can such a government tackle the problems of sound finance? It is obvious that of the two parts of this dyarchical Executive, one, i.e. the Governor in Council, need have very little anxiety for reduction of expenditure or for the increase of taxation. It derives its mandate from Parliament, and as such is free to adopt any policy—backed up as it is by the certification power of the Governor without any regard for the best interests of the taxpayer. The authors of the Joint Report had seen that this certifying power to override the wishes of the Legislature might lead to irresponsible extravagance on the part of the Governor in Council, and had proposed to endow the Governor in Ministry with a countervailing power which was to act as a curb on the former. That power was to have consisted in the Proviso which laid down that no taxation even in the interests of the".reserved"subjects should be imposed in any Province without the consent of the ministry.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_17 The Extremists—a class of politicians in India who were bent upon minimising the reforms as being inadequate—disliked the proviso as calculated to make scapegoats of ministers and to bring them into discredit with the people. But their rivals, the"Moderates,"now calling themselves"Liberals"—one does not know why—saw clearly what the proviso meant. If this had materialised, there can be no doubt that the ministry would not have been a mere outsider tendering advice to the Council which might be accepted or rejected, but would have obtained a powerful voice in the

settlement of the budget.

*Having regard to the fact that no minister unless he was in a position to justify the budget proposals, including even those which pertained to the reserved subjects, would have hoped to persuade the Legislature to agree to a proposal of new taxation, the influence of the ministry on the"reserved"subjects, i.e. on the Council, would have inevitably been in the direction of thrift and retrenchment. The moderates were entirely right in their interpretation of the proviso and also in their insistence upon acquiring power, even at the cost of burdening the country with new taxation*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_18*. But in the heat of the controversy and their desire to convince the public of the substantiality of the Reforms, they drew some very amusing pictures of how the ministers working under the aegis of the proviso would be able to hold the Council at bay. This alarmed the bureaucracy, which raised the cry that it was dangerous to leave the provision for the"reserved"subjects to the tender mercy of ministers who bore no responsibility for the consequences of refusing adequate Budget provision for those subjects. The authors of the Joint Report*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_19 *had realised the force of this argument, and had confessed that the success of the arrangements depended upon their being worked by reasonable men who would conduct themselves in a reasonable manner. They were probably right in refusing to assume that the ministers would not co-operate, either by reducing their own claims or by imposing taxation, in order to meet expenditure which the Council considered essential for the proper administration of the"reserved"subjects. But the bureaucracy, which had been frightened by the tactless jubilations of the Moderates, insisted that even reasonable men would at times, in all good faith, differ vitally from other reasonable men when it was a question of providing supply for work which one party was responsible for safeguarding and developing, while the other was only concerned in getting a share of the money. In its opinion circumstances could well be imagined in which reasonableness might not prevail. Let us suppose, it was argued, that the Governor in Council finds new and heavy expenditure imperative on some reserved subject, but that he cannot induce ministers to consent to accept less for their subjects or impose taxation for it. The Governor then, under his exceptional powers, insists on the expenditure being provided for in the next budget, and the result is to leave ministers with inadequate funds for their transferred subjects. What is to happen? Are ministers to be compelled*

to raise a tax which is apparently for their own need, but a need which has been created against their will by the Council refusing to curtail their demands? Such a procedure, it was pointed out, would be tortuous, provocative, and indefensible. Again, let us suppose that ministers consented to raise the necessary money, but the legislature refused to pass their revenue measures. Are the ministers to resign as having lost its confidence? The bureaucracy placed another dilemma before the authors of the Joint Report. Ministers have raised a new tax for some purpose of their own. In the next budget the Governor finds himself compelled to add substantially to the reserved provision for some new necessity, and thus to curtail the provision for"transferred"subjects. Ministers virtually see their new taxation receipts going to finance some development for which they are not responsible, and of which indeed they may disapprove. What are they to do? To avoid these difficulties the proviso was dropped and in its place the following changes were made in the Devolution Rules:—

TAXATION AND BORROWING

30. All proposals for raising taxation or for the borrowing of money on the revenues of a Province shall in the case of a Governor's Province be considered by the Governor with his Executive Council and ministers sitting together, but the decision shall thereafter be arrived at by the Governor in Council, or by the Governor and Minister or Ministers, according as the proposal originates with the Governor in Council or the Governor and Ministers.

ALLOCATION OF REVENUES FOR THE ADMINISTRATION OF TRANSFERRED SUBJECTS

31. Expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each Province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the government which is responsible for the administration of reserved subjects.

PROCEDURE IN EVENT OF FAILURE TO AGREE

32. (1) If at the time of the preparation of the budget the Governor is satisfied that there is no hope of agreement within a reasonable time between the members of his Executive Council on the one hand and Ministers on the other as to the apportionment of funds between reserved and transferred departments respectively, he may, by order in writing, allocate the revenue and balances of the Province between reserved and transferred subjects, by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subjects.

(2) An order of allocation under this rule may be made by the Governor either in accordance with his own discretion or in accordance with the report of an authority to be appointed by the Governor-General in this behalf on the application of the Governor.

PERIOD OF ORDER OF ALLOCATION

33. Every such order shall (unless it is sooner revoked) remain in force for a period to be specified in the order, which shall be not less than the duration of the then existing Legislative Council, and shall not exceed by more than one year the duration thereof : Provided that the Governor may at any time, if his Executive Council and Ministers so desire, revoke an order of allocation or make such other allocation as has been agreed upon by them : Provided, further, that if the order which it is proposed to revoke was passed in accordance with the report of an authority appointed by the Governor-General, the Governor shall obtain the consent of the Governor-General before revoking the same.

CONDITION OF ORDER OF ALLOCATION

34. Every order of allocation made under these rules shall provide that, if any increase of revenue accrues during the period of the order on

account of the imposition of fresh taxation that increase, unless the legislature otherwise directs, shall be allocated in aid of that part of the Government by which the taxation is initiated.

PREPARATION OF BUDGET IN DEFAULT OF AGREEMENT OF ORDER OF ALLOCATION

35. If at the time of the preparation of any budget no agreement or allocation such as is contemplated by these rules has been arrived at, the budget shall be prepared on the basis of the aggregate grants respectively provided for the reserved and transferred subjects in the budget of the year about to expire.

Thus rather than depend too implicitly on reasonableness when circumstances must often be provocative effective precaution is taken by these rules against the ministry disapproving the allocation of funds to the"reserved"subjects by allowing the Governor to make such an allocation which is to be binding on both parts of the executive and also by arming him with the power of veto over the Provincial Legislature by allowing the Governor, should he deem it necessary, to restore a Budget grant on a reserved subject if it were refused or reduced by the Provincial Legislature which has the right to determine the Provincial Budget, and thirdly by allowing the Governor in Council equally with the Governor in Ministry to raise new taxation or new loans for the development of the subjects in its own charge. The result is that one part of this dyarchical Executive, namely the Governor in Council, can have little reason to be interested in economy or be over-weighed by considerations of taxation. Its supply being assured its concern in the stability of provincial finance must be deemed to be somewhat remote. The whole burden of meeting the problem of restoring sound finance, therefore, falls upon the Governor in Ministry in charge of the"transferred"subjects. For, under the distribution and certification powers it is the"transferred"subjects which must go without the funds they need, and it is those in charge of them, namely the Ministers, who must bear the brunt of economy or resort to new taxation to bring

about an equilibrium in the finances of the Provinces. For it is doubtful that the Governor in Council will choose the onerous task of raising new taxes or practise economy when there are open to them other ways of amply providing themselves for the subjects they have under their control. Will the other half of the Government, namely the Governor in Ministry, consent to practise economy, or if need be undertake the burden of new taxation? That obviously depends upon the temper of the Legislature.

At the outset it is to be noted that the Legislature will not readily favour projects of increased taxation. It is true, as Burke remarks,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_20 that

> "To tell the people that they are relieved by the dilapidation of their public estate, is a cruel and insolent imposition. Statesmen, before they valued themselves on the relief given to the people by the destruction of their revenue, ought first to have carefully attended to the solution of the problem: Whether it be more advantageous to the people to pay considerably, and to gain in proportion; or to gain little or nothing, and to be disburthened of all contribution?"

Whatever may be the philosophers' answer to this question, there can be no doubt that in a poor country like India with a very low capacity for bearing the burden of taxation, it is always very unpleasant, if not cruel, to propose an augmentation of that burden. Besides, any proposals for extra taxation would be shunned as likely to prejudice the chances of the legislators at the polls. So long as nomination was the general mode of obtaining a seat in the Legislature it was unnecessary to mind the prejudices of the electors. But when a seat is in the gift of the elector a candidate to the Legislature who proposes to touch his pocket has a small chance of success, even though the new taxes are to result in more than proportionate benefit. Besides, a political party which has won power from a bureaucracy by accusing it of heavy taxation cannot easily consent to disgrace itself by continuing the same policy. This innate aversion to taxation on the part of the Legislature is strengthened by the peculiar attitude of the Legislature towards

the"reserved"and"transferred"subjects. The reserved subjects are those which mostly pertain to peace and order, while the transferred subjects are those which largely pertain to progress. But as has already been pointed out, the policy of the bureaucracy before the Reforms was calculated to sacrifice progress to order. It is therefore obvious that under the revised constitution the popular Legislatures should aim at turning the scales in favour of subjects tending towards progress. Their aversion to increase of taxation and their partiality for the transferred subjects will favour them to welcome proposals on the part of ministers making drastic reduction in the funds allotted to the reserved subjects. Their attitude towards the ministers will be largely governed by the amount of economy they will be able to effect in the reserved subjects for the benefit of the transferred subjects. Thus in the absence of any very large chances of increase of revenue the two halves of the Executive, the Governor in Council backed by the distribution and certification power and the Governor in Ministry backed by the general Budget powers of, a popular Legislature, will compete in the matter of developing their subjects by forcing economy on each other. The Legislature being unwilling to tax, the Governor in Council being in a position to resist retrenchment and the Governor in Ministry anxious to expand, the chances of an early equilibrium in Provincial finance are very small.

It is, therefore, evident that if there is no sound finance in the Provinces it is because dyarchy is not a good form of government. Now, why is dyarchy not a good form of government? The answer to this question is very simple. Dyarchy is a bad form of government because it is opposed to the principle of collective responsibility. An administrative machine must work smoothly and harmoniously. But in order that it may do so it must recognise the principle of impartibility of governmental work and a collective responsibility of the administrators in the execution thereof. That the work of government is by its nature impartible may not seem to accord with facts : for, in practice the functions of government can be and commonly are partitioned, as they are between local bodies and between departments. Nevertheless it is true that a common thread runs through them all : that no function of

government acts *in vacuo ;* that each reacts on some other function, and that the various functions cannot act at all to produce orderly progress unless there is some force to harmonise them. Otherwise a policy enunciated in one department may fail to fructify for want of helpful action on behalf of other departments. That harmonising force can only be found in the principle of collective responsibility. This is so because under it, as Hearn points out
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> "Each minister acts in his own department as the recognised agent of his colleagues in that particular department, subject, however, to inquiry and control by the whole body. But in all cases on which any difficulty is likely to arise each minister, from motives not merely of prudence but of honour, takes the opinion of the Cabinet. When the precaution is taken the measure becomes the common act of the Ministry."

Right or wrong there is a common co-ordinated policy which guides a unified government based on collective responsibility. But having made a partition of governmental work, dyarchy must be said to have introduced an element of divided responsibility in the Executive. It is true that the partition is not horizontal but vertical. It is also true that in setting the two parts to work it has not been provided that there should be two separate Legislatures for two separate executives ; or that each should make its own laws, control its own finance, frame its own budget, impose its own taxation, and raise its own loans ; or that each should have its separate staff for the administration of subjects allotted to it and have its own methods of recruitment, pay and pension for its services ; so that the two authorities might in fact have clearly defined spheres of their own exclusively within them. The Government of India had indeed suggested that some, if not all, of these concomitants of a typically dual executive should also be made a part of the dyarchical system adopted to carry on the government of the Provinces. Fortunately for the country the framers of the new constitution heldmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_22

"that wisdom lies not in equipping each of the different elements with a complete paraphernalia of its own, and trusting to their orbits lying sufficiently apart for collision to be avoided; but in taking every opportunity of bringing the two elements into contact so as to induce the habits of joint action.""It is our intention,"wrote the authors of the Joint Report;mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_23"that the Government thus composed and with this distinction of functions shall discharge them as one Government,"and that"the Provincial budget should be framed by the Executive Government as a whole."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_24

It was no doubt well to have modified the working of dyarchy by subjecting it to the interplay of two principles, one of division in order to give as clear a definition as possible of the several responsibilities of the two parts of the government and of union, in order to get association in aims and policy between those parts. For to have equipped each part of the Executive with a separate paraphernalia would have been nothing short of a calamity. But because there is an understanding that when ministers will act in matters of transferred subjects the councillors will advise them, and that when councillors will act in matters of reserved subjects the ministers will advise them, it does not alter the fact that dyarchy is a system of divided responsibility. It is not a system which ensures the work of government being conducted in harmony and in accordance with a common policy. On the other hand, it is a system fraught with organised quarrel. The dividing line between dyarchy and anarchy is very narrow. If such a system is not rent in practice it is because of two transient circumstances. One such circumstance consists in the Provincial Legislature being a weakling sapped of its vitality by political dissensions. The other consists in the tenure of the Ministers not being at the will of the Legislature, but for the duration of the Legislature's existence, and are to hold office during the pleasure of the governor. To allow a governor to choose ministers from among the elected members of the Legislature instead of requiring him to accept ministers who are elected by the Legislature is a grave

derogation from the principle of responsible government which was avowedly the object of the Reforms Act. A minister who has the confidence of the governor, and a minister who has the confidence of the Legislature, are two entirely different things. How great is the difference between the two in so far as good government is concerned is writ large in the pages of English political history of the eighteenth and the nineteenth centuries. That such a system should have been adopted against which the whole English constitutional history is a grand protest cannot of course be without some reason. The ostensible reason advancedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_25 is that the Legislature

> "had had no experience of the power of dismissing Ministers, or the results attending the exercise of such power. Nobody in India is yet familiar with the obligations imposed by tenure of office at the will of a representative assembly. It is only by actual experience that these lessons can be learned..... By the device of appointing the ministers from the elected members of the (Legislature) and making their tenure of office conditional on the retention of their seats (there is) established at once some measure of responsibility, in the form of responsibility to their constituents and thus (is) put an end to the condition of affairs in which those entrusted with the administration are wholly irresponsible to the constituents who elect the (Legislature)."

It is difficult to believe in the cogency of this piece of reasoning. To argue that nothing can be learned without experience is simply absurd. What is necessary for a proper conduct on the part of an individual or a group is to understand the meanings and values of things. For that it is unnecessary to undergo actual trial. A Legislature composed of responsible persons may be trusted to know the consequences of dismissing a Minister at the start without having to wait to learn it by experience. Again, to argue that the system is not the less responsible because ministers are responsible to their constituents is a shallow piece of pedantry. It was no doubt argued by Austinmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial

Finance in British India PARTIV.htm - _msocom_26 in connection with the English Constitution, that the House of Commons was"merely trustee for the body by which they are elected and appointed."It is true that in a political sense the electors are the most important part of, we may even say, are actually, the Sovereign power, since their will is under every representative system of government sure to obtain ultimate obedience. But as Prof. Dicey points out,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_27

> "any expressions which attribute to Parliamentary electors a legal part in the process of law-making are quite inconsistent with the view taken by the law of the position of an elector. The sole legal right of electors under the English constitution (and the same is true under the Indian constitution) is to elect members of Parliament. Electors have no legal means of initiating, of sanctioning, or of repealing the legislation of parliament. No court will consider for a moment the argument that a law is invalid as being opposed to the opinion of the electorate":

and this exactly defines the status of the Indian electors. To make the minister responsible to such a nonentity is to make him virtually irresponsible. That the framers of the constitution were not alive to these considerations in suggesting this particular mode of appointing Ministers it is hard to believe. What is more probable is that this particular mode of appointing ministers was adopted because it permitted to select a man who was more likely to co-operate with those in charge of the reserved subjects and who being irremovable by the Legislature would be less swayed by its wishes. But the Ministers cannot remain altogether immune from the axe of the Legislature. The dangers of the position of a minister who has cultivated friendship with the councillor and has failed to ingratiate himself into the favour of the Legislature, cannot fail to come home to him on budget occasions. The proposals of the minister as embodied in the budget will be liable to be reversed by a vote of the majority of the Legislature, but neither he himself nor the governor will be able to intervene. The minister's only remedy will be to resign.

Anyhow these circumstances which have, so to say, saved dyarchy from failure are only transitory. The political dissensions may be no more than a passing phase, and the ministers from the second term of the reformed Legislature will become amenable to it : so that before long the forces may be organised better than they are, when dyarchy is sure to fail.

Hybrid executives, divided responsibility, division of functions, reservation of powers, can not make for a good system of government, and where there is no good system of government there can be little hope for a sound system of finance. The primary solution is that there should be an undivided government with a collective responsibility. That, however, can be achieved only when the whole of government derives its mandate from a common source. That such a consummation should take place as early as possible is devoutly to be wished. In that behalf it is encouraging to know that dyarchy is but a transitional system. The only question is how long and protracted will the period of transition be. The justification for introducing a dyarchical form of government rests on the supposition that India is at present ill-prepared to sustain a system of responsible government in anything like completeness, for owing to the lack of education and political experience, the Indian electorate will for some time be unable either to formulate their requirements intelligently or effectively impose a mandate upon their representatives, and that owing to the inveterate social prejudices of the educated classes there is a great danger of their abusing the political power to exploit the masses. This cardinal fact, it was held, must differentiate the degree and the kind of responsibility which can be introduced at the outset from that which will be the eventual resultant of the new system, and must impose the obligation of ensuring that the forces which now hold the people together are not completely withdrawn before satisfactory substitutes are ready to take their place. On the other hand, it has been urgedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/27D2. Evolution of Provincial Finance in British India PARTIV.htm - _msocom_28that there is no necessity to wait till the cardinal fact disappears ; for

"in all countries responsibility in the beginning has been entrusted to a very small section of the people, and government has been in the hands of a small educated minority, who have naturally cared for the interests of the uneducated masses pending the spread of education and the consequent extension of the franchise."This is of course a familiar line of argument which is usually put forth in India by the political radicals and social tories. If we put aside the painful story of the harsh, cruel and inhuman treatment which the classes in India have accorded to the masses, truth is on their side, for in every country there have been downtrodden communities suffering from social oppression and social injustice, and yet no country has had to be without political power on that account. But those who use this argument forget that if other countries like America with her Negroes and Japan with her Hitas are in possession of political power without having first destroyed social inequality, it is due to the fact of their having been in possession of military power. Military force and moral force are the two chief means to political freedom, and a country which cannot generate the former must cultivate the latter. Thus in India the political problem is entirely a social problem, and a postponement of its solution virtually postpones the day when India can have a free government subject to the mandate of none but her own people.

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Of this group only two pretend to add anything new to our knowledge

of India, the rest are rather text-books for Indian students. Mr. Ambedkar has the facility of making forbidding subjects attractive and has produced a very readable book. Provincial finance in India has so far been almost entirely neglected by writers on finance and little or nothing has been published apart from Government Blue Books and memoranda. The Evolution of Provincial Finance in British India is a useful introduction written rather from the historical point of view. It does not pretend to be exhaustive and is essentially a piece of pioneer work. There are four parts. Part I traces the history from 1833 up to 1873, when a new regime was begun. Centralisation having proved a failure, the opponents of the system wished"to make the Local Governments partners in the great joint stock of Indian Finances..... instead of keeping them on the footing of agents and servants,"thus anticipating the present reforms. Opposition, however, was too strong, and as usual the solution was a compromise, details of which are given in Part II. Various methods are described, such as"Budget by Assignments","Budget by Assigned Revenues,"and"Budget by Shared Revenue."None succeeded in giving the desired results. Part III is analytical, and is an attempt to that, whatever the financial relationship between the Provincial and Central Governments, the former were never in law or fact independent but were closely regulated. It is an interesting piece of work, but does not appear to be so fundamentally important as the author seems to think. Part IV is devoted to finance since the introduction of the new reforms. The treatment here is not so good, probably because the space allotted to it is too small and the subject very complex. The conclusion drawn is that good finance cannot be expected under the present dyarchical system of government. Certainly it will be difficult.

The author is to be congratulated upon the impartial way in which he has discussed an eminently controversial subject.

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THE PRESENT PROBLEM IN INDIAN CURRENCY-I

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2 Shillings *Versus* 1s. 4d. *Ratio*

The Great European War was the most abnormal event within living memory. During its disastrous course it touched nothing which it did not upset But of all the things it touched none received a more violent shock than did the currency system that today one finds that the German mark, the Austrian crown, the Russian rouble, the French franc and the Italian lira, to mention only a few of the world's chief units of account, have lost their moorings and travelled far and wide from their original parity. Even the British pound succumbed and the rupee which was never in the thick of the war escaped the fasteners contrived by its guardian to keep it steady.

In the course of reconstruction which has followed the close of the War it is natural to find people desirous of a return to the pre-war conditions of currency. In sympathy with this universal demand there has arisen to India a party with a definite program in that behalf. In the opinion of this party Indian currency should be stabilised at the ratio of 1s. 4d. to the rupee which was the pre-war ratio of Indian currency. To this demand the Government of India seems to be opposed, not because that ratio is not good but because in its opinion it is not better. It wants or rather aims at having a 2 shilling ratio for the Indian currency. As every one is aware many Governments in Europe, apart from the wisdom of doing so, would indeed be thankful if they could only restore their currencies to their pre-war ratios—so far are they away from them. Indian currency on the other hand has already reached its pre-war ratio: In view of this the attitude of the Government of India in not being satisfied with a return to the pre-war conditions seems to be that of a naughty child always asking for more.

It is this controversy that I wish to make the subject matter of this paper. At the outset it is necessary to realise that this controversy involves two distinct questions : (i) Should we stabilise our exchange and (ii) What should be the ratio at which we should stabilise? These two questions are distinct questions. But when one reads what the two parties have to say one sees that neither the Government nor its opponents have made it clear whether their aim is to alter the worth of our unit of account, i.e. to put a new value on it or to stabilise it at its existing value. I am afraid there can be very little advance in the

direction of rehabilitation of our currency until these two questions are completely separated. For, not only is the aim of altering the worth of a currency distinct from that of stabilising true that those who want to alter the worth of the currency wish in the end to stabilise it when the worth desired is attained.

But so far as the transit period is concerned, to say that we are stabilising the currency when we are altering its worth is to create confusion. For, the latter involves a deliberate policy of changing the ratio while the former means a deliberate policy of keeping it steady.

Before I enter upon the discussion of these two distinct questions it is, I think, necessary to make sure that we understand exactly how an exchange ratio is determined. For unless we grasp this, we can never intelligently follow the bearings and implications of the two questions that arise out of this controversy. To put it simply, an exchange ratio between two currencies or units of account means the value of one in terms of the other. Now, a unit of account is value in terms of another unit of account not for its own sake, unless it is wanted as a curio, but for what it will buy so that we can say, for the purpose of introducing the subject in a concrete form, that Englishmen will value Indian rupees in as much as and in so far as those rupees will buy Indian goods. On the other hand, Indians will value English pounds in as much as and in so far as those pounds will buy English goods. It, therefore, follows that if rupees in India rise in purchasing power or remain stationary or rise less rapidly while pounds in England fall in purchasing power (i.e. if the Indian price level falls relatively to the English price level) fewer rupees would be worth as much as a pound. In other words when rupee prices in India will fall the exchange value of the rupee in terms of the pound will rise. Contrariwise if rupees in India fall in purchasing power while pounds in England rise in purchasing power or remain stationary or fall less rapidly (i.e. if the Indian price level rises relatively to the English price level) fewer pounds would be worth as much a rupee. In other words, when rupee prices in India will rise the exchange value of the rupee will fall. From this we can lay down as a general proposition that the exchange ratio of two units of account is on a par with the exchange ratio of their purchasing powers. This is in short the doctrine of Purchasing Power Parity as an explanation of a particular exchange ratio between two currencies or units of account. I insist upon a firm grasp of this doctrine because I find some of our leading lights seem to hold that a particular exchange ratio is the result of the balance of trade. This view is somewhat difficult to understand. For as a matter of fact, in

international trade, wherein exports pay for imports, there is never such a thing left as an unpaid balance. It is true that a part of the trade dues are paid for by money ; but there is no reason why the part liquidated by money should be spoken of as a balance. All that it means is that money enters into international trade just as other commodities do. There is nothing peculiar about money in that. Nor is there anything peculiar in the variation in the extent to which money enters into international transactions. The extent to which money enters into trading transactions of a country is governed by the same law of relative value as is the case with any other commodity. The commodity which is relatively the cheapest tends most to go out of the country. At one time it may be cutlery and at another it may be oranges and at a third time it may be money. If no one speaks, as one may very well do, of a balance of trade in terms of cutlery or oranges when after a stage of normal equilibrium more of them go out of the country than they did before, there is neither rhyme nor reason in speaking of a balance of trade in terms of money when after a stage of normal equilibrium more money goes out of the country than it did before. This usage is, however, pardonable as being a harmless survival of the mercantilist days. But what is grossly absurd and foolish is the view that the exchange ratio of a unit of account is determined not by its purchasing power but by the balance of trade. This view is a pure inversion of cause and effect. It is true that a fall in the exchange value is accompanied by an adverse balance of trade and a rise in the exchange value by a favourable balance of trade. But an adverse balance of trade in the sense that commodity exports are falling off while commodity imports are rising evidently means that the particular country has become a market which is good to sell in but bad to buy from. Similarly, a favourable balance of trade in the sense that commodity exports are rising while commodity imports are falling off evidently means that the particular country has become a market which is good to buy from but bad to sell in. Now a market is good to sell in but bad to buy from (typified by the case of a fall in the exchange value accompanied by an adverse balance of trade) when the level or prices ruling in that market is higher than the level of prices ruling outside it. in the same way a market is good to buy from but bad to sell in (typified by the case of a rise in the exchange value accompanied by a favourable balance of trade) when the level of prices ruling in that market is lower than the level of prices ruling outside. This simply is another way of stating that lower prices means a high exchange value and a favourable balance of trade and that higher prices mean low exchange value and

adverse balance of trade. The balance of trade is thus the result of the changes in the exchange value and not vice versa, and exchanges in the exchange value are the result of changes in the price level, i.e. changes in the purchasing power of units of account. This is the most fundamental fact and although some might resent the digression as feeding the baby I think it was necessary. For many people talk hopeless nonsense about stabilisation of exchange and fixing the exchange at choice ratios as though it had nothing to do with the question of prices. On the other hand changes in exchange are ultimately changes in the price level and as much have profound bearing upon the economic welfare of the people. Remembering then that regulating exchange is the same thing as regulating the purchasing power of the currency, we may proceed to discuss the two questions that arise out of this controversy.

Firstly, should we stabilise the exchange value of our unit of account? As I have said above, foreign exchanges compare in value of the currency of one country with that of others. It follows that exchange values of two currencies are important only to merchants who do not buy and sell in the same country. Again, it is of no consequence to them what the exchange value is, i.e. whether the rupee is worth 1s. or 2s. provided the figure is always the same and is known in advance. It is only changes or fluctuations in the given exchange value that is of any moment to the merchant. What he wants is this invariability of exchange; to ensure this invariability is the problem of stabilisation. Under the present circumstances can we guarantee this invariability of exchange ratio to our merchants? To answer this question we must recall the basic conception of the purchasing power parity as an explanation of the exchange ratio. From that doctrine it is clear that if you want to stabilise exchange you must control the purchasing powers of the two currencies concerned so that their movements will be alike in depth as well as in direction. To stabilise exchange we must have therefore some controlling instrument which would act as a common regulator bringing about proportionate changes in the two currencies in the same direction. Hitherto one such good instrument had been found and that was a common gold standard. That standard has now been destroyed all over the world except in the United States. Consequently an automatic stable exchange on the basis of a gold standard is impossible for the present, except with the United States.

Hitherto one such good instrument had been found and that was a common gold standard. That standard has now been destroyed all over the world except in the United States. Consequently an automatic stable

exchange on the basis of a gold standard is impossible for the present, except with the United States. As regards countries which are on a paper basis, stabilisation of exchange can be secured only on two terms (i) Since we cannot control the currencies of other countries we must be prepared to manipulate our currency in sympathy with theirs and be ready to appreciate it when they depreciate theirs, (ii) Without manipulating the whole of our currency we should be prepared to sell and buy foreign exchange at a fixed ratio. Both these projects for securing invariability of exchange must, I think, be rejected as injurious as well as hazardous. There is no doubt that stabilisation will promote, as nothing else can, the revival of international credit and the movement of capital to where it is most required. One of the most vital parts of pre-war organisation would thereby be restored and an element of uncertainty would vanish. Markets given up as lost would be again nursed, which would give an impetus to trade and industry. But there is no doubt that the benefit to be derived will not be worth the cost involved. Our external transactions are infinitesimal as compared to our internal transactions. To dislocate our internal arrangements by constant changes in our price level to preserve external parity is too big a price for a gain which is after all paltry. For, our merchants must remember that though fixity is a great advantage, yet its absence is not an absolute bar to the carrying on of international trade. We have an instance of this in the history of our own currency. For two full decades between 1872-1892 there were the greatest oscillations in Indian currency. Then as now our merchants did clamour against the instability of exchange being an hindrance to trade. But our history shows that even under fluctuating exchange they did thrive and prosper and it may be hoped that their sons may instinctively know how to do the same. Should this fail to carry consolidation, one would recommend the movement of our price level even if it involved the management of our currency, had the Governments of the European countries not been in such an impecunious condition. As it is, by consenting to move our price level in sympathy with theirs we would be committing our welfare to the care of bankrupt governments and their desperate ministers. A currency which is managed on a basis approved by science would no doubt do the best. To be linked up with a currency which is managed solely to meet the exigencies of trade would be tolerable. But it would be an intolerable management of our currency to join hands with a partner who is living on his currency to keep himself going.

THE PRESENT PROBLEM IN INDIAN CURRENCY- II

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2 Shillings *Versus* 1s. *4d. Ratio*

So far for the first question. Now I turn to the another question arising out of this controversy, namely, at what rate should we stabilise our currency? Interpreted in terms of purchasing power, the question reduces itself to this : Shall we bring about a fall in the existing price level, i.e. raise the purchasing power and thereby the exchange value of the rupee? Now, changes in the value of money, if they affect all transactions and all classes equally, would be of no consequence and such questions as the above would not be worth any discussion. But as we all know, when the value of money changes it does not change in a uniform proportion for all purposes so as to affect a man's incomes and out goings to the same extent. Consequently before we fix upon the direction in which to move our price level we must make sure whether the incidence on the welfare of the different classes of our society would be such as would be just and proper.

In the present organisation of society a triple classification into the Investing Class, the Business Class and the Earning Class corresponds to a real social cleavage and an actual divergence of interest. As it is, the business class is the centre of all economic activity; on the one hand it borrows money from the investing class and on the other it employs the earning class. There are money contracts, agreements to pay so much money. If after these money contracts have been entered into, the value of money changes one way or the other, it is obvious that the contracts will be falsified. If the value of money decreases, i.e. if prices rise then the investing and the earning classes are injured and the business class is benefited. The investing class and the earning class, it is true, do get from the business class the amount of money contracted for, But it will be seen that when owing to the rise of prices the business man is getting more money for his product than he would have got if the value of money had remained stable, he is not only paying to the other classes, the same amount of money but he also is payable them in money of smaller worth. In the same way if the value of money increases i.e. if prices fall then the business class is injured and the investing and the earning classes are benefited. As before the business man no doubt pays to the investing and earning classes the same amount of money contracted with them. But it will be seen that when owing to the fall of

prices the businessman is getting less money for his product than he would have got if the value of money had remained stable, he is not only paying to the other two classes the same amount of money but he is also paying them in money of greater worth.

Clearly then if we move down towards 2s. ratio, i.e. bring about a fall in our prices we shall be favouring the investing and the earning classes of our society. On the other hand if we move up towards 1s. 4d. ratio we shall be favouring the business class of our society. To be just, an exhaustive estimate ought therefore to be made of the volume of outstanding money contracts entered into by the business class including the Governments with the investing and earning classes classified according to their age. It will then be found that the contracts outstanding at any given time include those made at any and every stage of preceding deprecations and appreciations for the last 100 years. To do justice to each and every one of them it would be necessary to fix upon different standards according to the value of money prevailing at the time when they were made. But it would be a physical impossibility to make separate standards, for separate contracts. If all contracts now existing had been entered into in 1914, then ideal justice would clearly require us to restore the pre-war par of currencies by such deviations as would reduce the general level of prices to exactly that of 1914. If, on the other hand, it was found that all contracts now existing happened to have been entered into in 1924, justice would require that we should retain the level of 1924. Undoubtedly the best we can do is to move between these two extremes. Now the two extremes of the exchange value of our rupee during the period are 1s. 3 7/8d. and 1s. 6d. This may be surprising to some. For it is well-known that at one time the rupee had gone to 3 shillings and our statute recognises the rupee as equivalent to 2s. gold. But in my opinion we must disregard that together. It may at once be said that among the reports published by the various committees, that were appointed from time to time to investigate into Indian currency none was so stupid as the report of the Babington Smith Committee on whose recommendations the statute was framed. It was such an ignorant Committee that it could not understand the problem it was appointed to investigate and consequently it ended by making a mess of things. As is well-known the Committee reported that the value of the rupee should be raised to 2s. gold. That was tantamount to saying that the rupee had appreciated ; that in other words prices in India had fallen. How did the facts stand? The following table conveniently sums up the whole story.

Date	Price of Bar Gold in India (Bombay) per Tola of 180 gr.	Price of silver in India (Bombay) per 100 tolas	Index number for prices in India 1913 = 100
	Rs. As.	Rs. As.	
1914	24—10	65—11	
1915	24—14	61— 2	112
1916	27— 2	78—10	125
1917	27—11	94—10	142
1918 (July)	34— 0	117—2	178
1918(August)	30— 0		
1918 (September)	32— 4		
1919 (March)	32— 3	113—0	200

From the table it is evident that, far from having appreciated, the rupee had tremendously depreciated. The price of silver had no doubt risen beyond conception and the Committee adopted without much ado the conclusion that the rupee had therefore risen in value. As a matter of fact this very circumstance was proof positive that the rupee had gone down in value in terms of silver as well as in terms of commodities in general. If in 1920 more rupees were wanted to purchase the same amount of silver than in 1913 it meant that the rupee had fallen in value. The Committee blundered because it failed to separate the rupee as a currency and measure of value from the rupee as an ingot of silver. The 2s. gold exchange value of the rupee as a measure of value was never a fact and we are therefore perfectly justified in not taking that limit into account in the solution of our present problem. The only justification if it can be held to be a valid justification, that could be urged in favour of 2s. gold ratio consists in this. Some of those who ask for 1 s. 4d. ratio do so because in their opinion it means a return to the pre-war conditions. Now if it is a return to the pre-war conditions that is desired then Government may well say that measured in terms of prices 1s. 4d. in 1924 is not the same thing as 1s. 4d. in 1914. Many people do not seem to realise this. But it is an incontrovertible fact. Both in 1924 as

well as in 1914 exchange was 1 s. 4d. But the index number of sale prices in India was 176 in December 1924 while in July 1914 it was only 100. It therefore follows that if we want a return to the pre-war conditions then it will not do to have 1s. 4d. as the exchange value of the rupee. For a return to the pre-war conditions, meaning thereby pre-war price, we must reduce our existing prices by 76% i.e. raising the value of the rupee by 76%. This of course ultimately means a ratio of 2s. But it may well be asked why should we return to the pre-war conditions? There is no necessity to do that. It must be remembered that old contracts are no longer in force. Most of them have been executed and whatever wrong was done to them in their execution cannot now be remedied. Besides, it must not be forgotten that though the monetary contracts outstanding at any given time are of various ages,—some are a day old, some a month old, some a few years old, some a decade old and some even a century old—yet most are of a very recent date. That being so, we must choose our starting point for a new standard from the level of current business and not from the levels operative before the war. To do otherwise simply because it would give us a low level of prices is to dislocate our trade and industry and thereby jeopardise our prosperity. To raise the value of our money by 76% above its present value will mean to every merchant and every manufacturer not only that his product will fetch 76% less, but that he will have to give 76% more to the investing class from whom he borrowed and to the earning class whom he employed. The burden thus imposed upon the active and working elements of society would be intolerable. I must however guard against a possible misunderstanding. No one should imagine that because I am against lower prices I am for higher prices. All I insist upon is that we must not complain against high prices once that level is established. For things having adjusted themselves they are our normal level. A pre-war level would be abnormal and must therefore be rejected. We must therefore choose between 1s. 3 7/8d. and 1s. 6d. As

for choosing one or the other of the two we should be guided by what is fair and just. We want that enterprise be helped against accumulation and we probably wish that the rich should go richer. But I am sure none of us wants that the instinct of having, which is the foundation of capital, should be discounted or that poor should go poorer. But this would exactly be the result of a swing towards 1s. 6d. On the other hand, though we want capital to grow and the poor to fare better yet

none of us wants that industry be set at naught. And yet this would be the result of keeping to 1 s. 6d.

I for myself would choose 1s. 6d. as the ratio at which we should stabilise if we can and for the following reasons, (i) It will conserve the position of the investing and the earning classes ; (2) It does not jeopardise our trade and prosperity by putting any extra burden upon the business class ; and (3) being the most recent in point of time, it is likely to give greater justice to the greatest number of monetary contracts most of which must be recent in time.

Fortunately for us we are not dependent upon other countries for the stabilisation of our price level, as we must necessarily be for the stabilisation of our exchange. In exchange stabilisation we could not even if we would. But in the stabilisation of our prices we could if we would. It would indeed be better if we can stabilise our prices as well as our exchange. But because other countries cannot, stabilise their price levels there is no reason why we should not adopt measures that will give us stable prices at home which is really the most that is to be got out of a currency medium. In my opinion we should stabilise our prices forthwith by linking the rupee to gold at 1s. 6d. sterling. European countries will soon realise that it is insane to reach back to pre-war parities with gold and will learn that in matters of currency the real at any given time is the natural and normal. If they learn this earlier than we expect, we would find them stabilising their currencies in terms of gold at the existing levels. In that case gold will again begin to function as an international standard of value and we shall have a stable exchange. But if before that we have stable prices in terms of gold it certainly cannot do us any harm.

During the course of this controversy there has arisen a new standpoint which would want us to do nothing in the matter of rehabilitation of our currency until we first took measures which should substitute the prevalent system of managed currency by a new system of automatic currency. I have great sympathy with this standpoint, not because I am sure that an automatic currency will always be more stable than a managed currency but because it reminds us that the question ' how can we most nearly maintain stability after we have attained it 'is more worthy of our consideration than the question of attaining stability. But to suggest that we must do nothing to stabilise our price level till we have decided between a managed system and an automatic one, is to make hell of the earth because the angels do not consent to make a heaven of it. That was the reason why I thought it was a different matter

altogether. Some comments on that might be useful at another time. But not now.

THE PROBLEM OF POLITICAL SUPPRESSION

The introduction of the principle of political liberty in India has been very tardy & gradual. It began in the year 1892 when the principle of popular representation in the Constitution of the Legislatures was introduced. It was expanded in 1909. There were two defects in the popular representation as it stood in 1909. The first defect was the franchise was very high. It was so high that a large mass of people were excluded. Those to whom it reached were the aristocracy of the Hindus and the Muslims. The second defect was that the scheme of popular representation was confined to the Legislature. It did not extend to the Executive. The Executive continued to be independent. The Legislature could neither make or unmake the Executive. The next was taken in 1919. Curiously enough, in the scheme of 1919 the principle of popular representation was applied to the Executive without applying it in commensurate degree to the Legislature. This happened because the political movement in India was led largely by the higher classes. They have always been more anxious for Executive power than for extension of franchise. It is natural. For they stood to gain by executive power. While those who would gain by franchise were the masses.

The higher classes having the ear of the British authorities pressed for executive power and succeeded getting it without the extension of franchise.

The franchise was no doubt extended much beyond the bounds fixed in 1909. But it did not touch the Untouchables. Indeed they are so poor that nothing except adult franchise would bring the Untouchables on the electoral roll.

The Government of India was very much perturbed. They could do very little. But they did express their anxiety about placing the Untouchables under the political domination of the high caste Hindus without giving the Untouchables the right to vote in the election. In their despatch of 19th March 1919 the Government of India observed— [Quote]

The situation was altered in 1935 under the scheme proposed by the British Government under what is called the Communal Award.

(i) The Untouchables were to have a differential franchise so as to enfranchise about ten per cent of their population.

(ii) The Untouchables were not only to have a differential franchise, they were to have certain number of seats reserved for

them in the Provincial and Central Legislatures.

(iii) The seats reserved for them were to be filled by separate Electorates formed exclusively of voters belonging to the Untouchable Community.

(iv) In addition to having a vote in the Separate Electorates the Untouchables were to have a second or additional vote in the general election for seats open to Hindus other than the Untouchables.

Mr. Gandhi who had been objecting to separate representation of the Untouchables raised a protest against the proposal of the British Government and threatened to fast unto death if these concessions were not withdrawn. Mr. Gandhi's objection was mainly to Separate Electorates and as the British Government refused to withdraw their proposals unless there was an agreement between the Untouchables and the Hindus. There upon Mr.Gandhi started his fast. Eventually an agreement was arrived at between the Hindus and the Untouchables in September 1932. That agreement is known as the Poona Pact. Its terms are reproduced below:

POONA PACT mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/61. The problem of Political Suppression.htm - _msocom_2

(1) There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows:

Madras	30
Bombay with Sind	15
Punjab	8
Bihar and Orissa	18
Central Provinces	20
Assam	7
United Provinces	20
Total	148

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates subject, however, to the following procedure:

All the members of the Depressed Classes registered in the fengral electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote; the four

persons getting the highest number of votes in such primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principal of joint electorates and reserved seats by the method of primary election in the manner provided for in Clause two above, for their representation in the Provincial Legislatures.

(4) In the Central Legislatures, eighteen per cent of the seats allotted to the general electorate for British India in the said legislature shall be reserved for the Depressed Classes.

(5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as here in before mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause six below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislature as provided *for* in Clauses I and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to any one on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

(9) In every province out of the educational grant, an adequate sum shall be earmarked for providing educational facilities to the members of the Depressed .Classes.

This pact forms the charter of the political liberty of the Untouchables. The first election.....

(Left incomplete—ed.)

THE PROBLEM OF THE RUPEE:
ITS ORIGIN AND ITS SOLUTION
(HISTORY OF INDIAN CURRENCY & BANKING)

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LONDON P. S. KING & SON, LTD. ORCHARD HOUSE, 2 & 4 GREAT SMITH STREET WESTMINSTER 1923

DEDICATED TO THE MEMORY OF
MY
FATHER AND MOTHER
AS A TOKEN OF MY ABIDING GRATITUDE FOR THE SACRIFICES THEY MADE AND THE ENLIGHTENMENT THEY SHOWED IN THE MATTER OF MY EDUCATION.

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PREFACE TO THE SECOND IMPRESSION

THE PROBLEM OF THE RUPEE was first published in 1923. Ever since its publication it has had a great demand : so great that within a

year or two the book went out of print. The demand for the book has continued, but unfortunately I could not bring out a second edition of the book for the reason that my change-over from economics to law and politics left me no time to undertake such a task. I have, therefore, devised another plan : it is to bring out an up-to-date edition of the History of Indian Currency and Banking in two volumes, of which *The Problem of the Rupee* forms volume one. Volume two will contain the History of Indian Currency and Banking from 1923 onwards. What is therefore issued to the public now is a mere reprint of *The Problem of the Rupee* under a different name. I am glad to say that some of my friends who are engaged in the field of teaching economics have assured me that nothing has been said or written since 1923 in the field of Indian Currency which calls for any alteration in the text of *The Problem of the Rupee* as it stood in 1923. I hope this reprint will satisfy the public partially if not wholly. I can give them an assurance that they will not have to wait long for volume two. I am determined to bring it out with the least possible delay.

B. R. AMBEDKAR

Rajagraha,
Bombay,
7-5-1947.

PREFACE TO THE FIRST EDITION

In the following pages I have attempted an exposition of the events leading to the establishment of the exchange standard and an examination of its theoretical basis.

In endeavouring to treat the historical side of the matter, I have carefully avoided repeating what has already been said by others. For instance, in treating of the actual working of the exchange standard, I have contented myself with a general treatment just sufficiently detailed to enable the reader to follow the criticism I have offered. If more details are desired they are given in all their amplitude in other treatises. To have reproduced them would have been a work of supererogation; besides it would have only obscured the general trend of my argument. But in other respects, I have been obliged to take a wider historical sweep than has been done by other writers. The existing treatises on Indian currency do not give any idea, at least an adequate idea, of the circumstances which led to the reforms of 1893. I think that a treatment of the early history is quite essential to furnish the reader with a perspective in order to enable him to judge for himself the issues

involved in the currency crisis and also of the solutions offered. In view of this, I have gone into that most neglected period of Indian currency extending from 1800 to 1893. Not only have other writers begun abruptly the story of the exchange standard, but they have popularised the notion that the exchange standard is the standard originally contemplated by the Government of India. I find that this is a gross error. Indeed, the most interesting point about Indian currency is the way in which the gold standard came to be transformed into a gold exchange standard. Some old, but by now forgotten, facts had therefore, to be recounted to expose this error.

On the theoretical side, there is no book but that of Professor Keynes which makes any attempt to examine its scientific basis.

But the conclusions he has arrived at are in sharp conflict with those of mine. Our differences extended to almost every proposition he has advanced in favour of the exchange standard. This difference proceeds from the fundamental fact, which seems to be quite overlooked by Professor Keynes, that nothing will stabilise the rupee unless we stabilise its general purchasing power. That the exchange standard does not do. That standard concerns itself only with symptoms and does not go to the disease : indeed, on my showing, if anything, it aggravates the disease.

When I come to the remedy, I again find myself in conflict with the majority of those who like myself are opposed to the exchange standard. It is said that the best way to stabilise the rupee is to provide for effective convertibility into gold. I do not deny that this is one way of doing it. But, I think, a far better way would be to have an inconvertible rupee with a fixed limit of issue. Indeed, if I had any say in the matter, I would propose that the Government of India should melt the rupees, sell them as bullion and use the proceeds for revenue purposes and fill the void by an inconvertible paper. But that may be too radical a proposal, and I do not therefore press for it, although I regard it as essentially sound. in any case, the vita! point is to close the Mints, not merely to the public, as they have been, but to the Government as well. Once that is done, I venture to say that the Indian currency, based on gold as legal tender with a rupee currency fixed in issue, will conform to the principles embodied in the English currency system.

It will be noticed that I do not propose to go back to the recommendations of the Fowler Committee. All those, who have regretted the transformation of the Indian currency from a gold standard to a gold exchange standard, have held that everything would

have been all right if the Government had carried out *in toto* the recommendations of that Committee. I do not share that view. On the other hand, I find that the Indian currency underwent that transformation *because* the Government carried out those recommendations. While some people regard that Report as classical for its wisdom, I regard it as classical for its nonsense. For I find that it was this Committee which, while recommending a gold standard, also recommended and thereby perpetuated the folly of the Herschell Committee, that Government should coin rupees on its own account according to that most naive of currency principles, the requirements of the public, without realising that the latter recommendation was destructive of the former. Indeed, as I argue, the principles of the Fowler Committee must be given up, if we are to place the Indian currency on a stable basis.

I am conscious of the somewhat lengthy discussions on currency principles into which I have entered in treating the subject. My justification of this procedure is two-fold. First of all, as I have differed so widely from other writers on Indian currency, I have deemed it necessary to substantiate my view-point, even at the cost of being charged with over-elaboration. But it is my second justification, which affords me a greater excuse. It consists in the fact that I have written primarily for the benefit of the Indian public, and as their grasp of currency principles does not seem to be as good as one would wish it to be, an over-statement, it will be agreed, is better than an understatement of the argument on which I have based my conclusions.

Up to 1913, the Gold Exchange Standard was not the avowed goal of the Government of India in the matter of Indian Currency, and although the Chamberlain Commission appointed in that year had reported in favour of its continuance, the Government of India had promised not to carry its recommendations into practice till the war was over and an opportunity had been given to the public to criticize them. When, however, the Exchange Standard was shaken to its foundations during the late war, the Government of India went back on its word and restricted, notwithstanding repeated protests, the terms of reference to the Smith Committee to recommending such measures as were calculated to ensure the stability of the Exchange Standard, as though that standard had been accepted as the last word in the matter of Indian Currency. Now that the measures of the Smith Committee have not ensured the stability of the Exchange Standard, it is given to understand that the Government, as well as the public, desire to place the Indian

Currency System on a sounder footing. My object in publishing this study at this juncture is to suggest a basis for the consummation of this purpose.

I cannot conclude this preface without acknowledging my deep sense of gratitude to my teacher, Prof. Edwin Cannan, of the University of London (School of Economics). His sympathy towards me and his keen interest in my undertaking have placed me under obligations which I can never repay. I feel happy to be able to say that this work has undergone close supervision at his hands, and although he is in no way responsible for the views I have expressed. I can say that his severe examination of my theoretic discussions has saved me from many an error. To Professor Wadia, of Wilson College, I am thankful for cheerfully undertaking the dry task of correcting the proofs.

FOREWORD
BY PROFESSOR EDWIN CANNAN

I am glad that Mr. Ambedkar has given me the opportunity of saying a few words about his book.

As he is aware, I disagree with a good deal of his criticism. In 1893, I was one of the few economists, who believed that the rupee could be kept at a fixed ratio with gold by the method then proposed, and I did not fall away from the faith when some years elapsed without the desired fruit appearing (see *Economic Review,* July 1898, pp. 400—403). I do not share Mr. Ambedkar's hostility to the system, nor accept most of his arguments against it and its advocates. But he hits some nails very squarely on the head, and even when I have thought him quite wrong, I have found a stimulating freshness in his views and reasons. An old teacher like myself learns to tolerate the vagaries of originality, even when they resist"severe examination"such as that of which Mr. Ambedkar speaks.

In his practical conclusion, I am inclined to think, he is right. The single advantage, offered to a country by the adoption of the gold-exchange system instead of the simple gold standard, is that it is cheaper, in the sense of requiring a little less value in the shape of metallic currency than the gold standard. But all that can be saved in this way is a trifling amount, almost infinitesimal, beside the advantage of having a currency more difficult for administrators and legislators to tamper with. The recent experience both of belligerents and neutrals certainly shows that the simple gold standard, as we understood it

before the war, is not fool-proof, but it is far nearer being fool-proof and knave-proof than the gold-exchange standard. The percentage of administrators and legislators who understand the gold standard is painfully small, but it is and is likely to remain ten or twenty times as great as the percentage which understands the gold-exchange system. The possibility of a gold-exchange system being perverted to suit some corrupt purpose is very considerably greater than the possibility of the simple gold standard being so perverted.

The plan for the adoption of which Mr. Ambedkar pleads, namely that all further enlargement of the rupee issue should be permanently prohibited, and that the mints should be open at a fixed price to importers or other sellers of gold, so that in course of time India would have, in addition to the fixed stock of rupees, a currency of meltable and exportable gold coins, follows European precedents. In eighteenth-century England the gold standard introduced itself because the legislature allowed the ratio to remain unfavourable to the coinage of silver: in nineteenth-century France and other countries it came in because the legislatures definitely closed the mints to silver, when the ratio was favourable to the coinage of silver. The continuance of a mass of full legal tender silver coins beside the gold would be nothing novel in principle, as the same thing, though on a somewhat smaller scale, took place in France, Germany, and the United States.

It is alleged sometimes that India does not want gold coins. I feel considerable difficulty in believing that gold coins of suitable size would not be convenient in a country with the climate and other circumstances of India. The allegation is suspiciously like the old allegation that the"Englishman prefers gold coins to paper,"which had no other foundation than the fact that the law prohibited the issue of notes for less than £ 5 in England and Wales, while in Scotland, Ireland, and almost all other English-speaking countries, notes for £ 1 or Less were allowed and circulated freely. It seems much more likely that silver owes its position in India to the decision, which the Company made before the system of standard gold and token silver was accidentally evolved in 1816 in England, and long before it was understood, and that the position has been maintained, not because Indians dislike gold, but because Europeans like it so well that they cannot bear to part with any of it.

This reluctance to allow gold to go to the East is not only despicable from an ethical point of view. It is also contrary to the economic interest not only of the world at large, but even of the countries, which had a

gold standard before the war and have it still or expect soon to restore it. In the immediate future, gold is not a commodity, the use of which it is desirable for these countries either to restrict or to economize. From the closing years of last century it has been produced in quantities much too large to enable it to retain its purchasing power and thus be a stable standard of value, unless it can constantly be finding existing holders willing to hold larger stocks, or fresh holders to hold new stocks of it. Before the war, the accumulation of hoards by various central banks in Europe took off a large part of the new supplies and prevented the actual rise of general prices being anything like what it would otherwise have been, though it was serious enough. Since the war, the Federal Reserve Board, supported by all Americans who do not wish to see a rise of prices, has taken on the new"White Man's Burden"of absorbing the products of the gold mines, but just as the United States failed to keep up the value of silver by purchasing it, so she will eventually fail to keep up the value of gold. in spite of the opinion of some high authorities, it is not at all likely that a renewed demand for gold reserves by the central banks of Europe will come to her assistance. Experience must gradually be teaching even the densest of financiers that the value of paper currencies is not kept up by stories of"cover"or"backing"locked up in cellars, but by due limitation of the supply of the paper. With proper limitation, enforced by absolute convertibility into gold coin which may be freely melted or exported, it has been proved by theory and experience that small holdings of gold are perfectly sufficient to meet all internal and international demands. There is really more chance of a great demand from individuals than from the banks. It is conceivable that the people of some of the countries, which have reduced their paper currency to a laughing stock, may refuse all paper and insist on having gold coins. But it seems more probable that they will be pleased enough to get better paper than they have recently been accustomed to, and will not ask for hard coin with sufficient insistence to get it. On the whole, it seems fairly certain that the demand of Europe and European-colonised lands for gold will be less rather than greater than before the war, and that it will increase very slowly or not at all.

Thus, on the whole, there is reason to fear a fall in the value of gold and a rise of general prices rather than the contrary.

One obvious remedy would be to restrict the production of gold by international agreement, thus conserving the world's resources in mineral for future generations. Another is to set up an international

commission to issue an international paper currency so regulated in amount as to preserve an approximately stable value. Excellent suggestions for the professor's classroom, but not, at present at any rate nor probably for some considerable period of time, practical politics.

A much more practical way out of the difficulty is to be found in the introduction of gold currency into the East. If the East will take a large part of the production of gold in the coming years it will tide us over the period which must elapse before the most prolific of the existing sources are worked out. After that we may be able to carry on without change or we may have reached the possibility of some better arrangement.

This argument will not appeal to those who can think of nothing but the extra profits which can be acquired during a rise of prices, but I hope it will to those who have some feeling for the great majority of the population, who suffer from these extra and wholly unearned profits being extracted from them. Stability is best in the long run for the community.

EDWIN CANNAN.

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER I
FROM A DOUBLE STANDARD TO A SILVER STANDARD

Trade is an important apparatus in a society, based on private property and pursuit of individual gain ; without it, it would be difficult for its members to distribute the specialised products of their labour. Surely a lottery or an administrative device would be incompatible with its nature. Indeed, if it is to preserve its character, the only mode for the necessary distribution of the products of separate industry is that of private trading. But a trading society is unavoidably a pecuniary society, a society which of necessity carries on its transactions in terms of money. In fact, the distribution is not primarily an exchange of products against products, but products against money. In such a society, money therefore necessarily becomes the pivot on which everything revolves. With money as the focusing-point of all human efforts, interests, desires and ambitions, a trading society is bound to function in a regime of price, where successes and failures are results of nice calculations of price-outlay as against price-product.

Economists have no doubt insisted that"there cannot... be intrinsically a more significant thing than money,"which at best is only"a great wheel by means of which every individual in society has his subsistence, conveniences and amusements regularly distributed to him in their proper proportions."Whether or not money values are the definitive terms of economic endeavour may well be open to discussion.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_1 But this much is certain, that without the use of money this"distribution of subsistence, conveniences and amusements,"far from being a matter of course, will be distressingly hampered, if not altogether suspended. How can this trading of products take place without money? The difficulties of barter have ever formed an unfailing theme with all economists, including those who have insisted that money is only a cloak. Money is not only necessary to facilitate trade by obviating the difficulties of barter, but is also necessary to sustain production by permitting specialisation. For, who would care to specialise if he could not trade his products for those of others which he wanted? Trade is the handmaid of production, and where the former cannot flourish the latter must languish. It is therefore evident that if a trading society is not to be out of gear and is not to forego the measureless advantages of its automatic adjustments in the great give-and-take of specialised industry, it must provide itself with a sound system of money.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_2

At the close of the Moghul Empire, India, judged by the standards of the time, was economically an advanced country. Her trade was large, her banking institutions were well developed, and credit played an appreciable part in her transactions. But a medium of exchange and a common standard of value were among others the most supreme desiderata in the economy of the Indian people when they came, in the middle of the eighteenth century, under the sway of the British. Before the occurrence of this event, the money of India consisted of both gold and silver. Under the Hindu emperors the emphasis was laid on gold, while under the Mussalmans silver formed a large part of the circulating medium.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_3 Since the time of Akbar, the founder of the economic system of the Moghul Empire in India, the units of currency had been the gold *mohur* and the silver *rupee*. Both coins, the mohur and the rupee, were identical in weight, i.e., 175 grs. Troymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_4 and were"supposed to have been coined without any alloy, or at least intended to be so."§mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_5 But whether they constituted a single standard of value or not is a matter of some doubt. It is believed that the mohur and the rupee, which at the time were the common measure of value, circulated without any fixed ratio of exchange between them. The standard, therefore, was more of the nature of what Jevons called a parallel standardmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_6 than a double standardmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_7 That this want of ratio could not have worked without some detriment in practice is obvious. But it must be noted that there existed an alleviating circumstance in the curious contrivance by which the mohur and the rupee, though unrelated to each other, bore a fixed ratio to the *dam,* the copper coin of the Empire.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_8 So that it is permissible to hold that, as a consequence of being fixed to the same thing, the two, the mohur and the rupee, circulated at a fixed ratio.

In Southern India, to which part the influence of the Moghuls had not extended, silver as a part of the currency system was quite unknown. The pagoda, the gold coin of the ancient Hindu kings, was the standard

of value and also the medium of exchange, and continued to be so till the time of the East India Company.

The right of coinage, which the Moghuls always held as *Inter jura Majestatis*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_9 be it said to their credit, was exercised with due sense of responsibility. Never did the Moghul Emperors stoop to debase their coinage. Making allowance for the imperfect technology of coinage, the coins issued from the various Mints, situated even in the most distant parts of their Empiremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_10, did not materially deviate from the standard. The table below of the assays of the Moghul rupees shows how the coinage throughout the period of the Empire adhered to the standard weight of 175 grs. pure.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_11

Name of the Rupee	Weight in pure Grs.	Name of the Rupee	Weight in pure Grs.
Akbari of Lahore	175.0	Delhi Sonat	175.0
Akbari of Agra	174.0	Delhi Alamgir	175.0
Jehangiri of Agra	174.6	Old Surat	174.0
Jehangiri of Allahabad	173.6	Murshedabad	175.9
Jehangiri of Kandhar	173.9	Persian Rupee of 1745	174.5
Shehajehani of Agra	175.0	Old Dacca	173.3
Shehajehani of Ahmedabad	174.2	Muhamadshai	170.0
Shehajehani of Delhi	174.2	Ahmadshai	172.8
Shehajehani of	175.0	Shaha Alam (1772)	175.8

Delhi			
Shehajehani of Lahore	174.0		

So long as the Empire retained unabated sway, there was advantage rather than danger in the plurality of Mints, for they were so many branches of a single department governed by a single authority. But with the disruption of the Moghul Empire into separate kingdoms these branches of the Imperial Mint located at different centres became independent factories for purposes of coinage. In the general scramble for independence which followed the fall of the Empire, the right to coinage, as one of the most unmistakable insignia of sovereignty, became the right most cherished by the political adventurers of the time. It was also the last privilege to which the falling dynasties clung, and was also the first to which the adventurers rising to power aspired. The result was that the right, which was at one time so religiously exercised, came to be most wantonly abused. Everywhere the Mints were kept in full swing, and soon the country was filled with diverse coins which, while they proclaimed the incessant rise and fall of dynasties, also presented bewildering media of exchange. If these money-mongering sovereigns had kept up their issues to the original standard of the Moghul Emperors, the multiplicity of coins of the same denomination would not have been a matter of much concern. But they seemed to have held that as the money used by their subjects was made by them, they could do what they liked with their own, and proceeded to debase their coinage to the extent each chose without altering the denominations. Given the different degrees of debasement, the currency necessarily lost its primary quality of general and ready acceptability.

The evils consequent upon such a situation may well be imagined. When the contents of the coins belied the value indicated by their denomination they became mere merchandise, and there was no more a currency by tale to act as a ready means of exchange. The bullion value of each coin had to be ascertained before it could be accepted as a final discharge of obligations.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_12 The opportunity for defrauding the poor and the ignorant thus provided could not have been lessmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER

I.htm - _msocom_13 than that known to have obtained in England before the great re-coinage of 1696. This constant weighing, valuing, and assaying the bullion contents of coins was, however, only one aspect in which the evils of the situation made themselves felt. They also presented another formidable aspect. With the vanishing of the Empire there ceased to be such a thing as an Imperial legal tender current all through India. In its place there grew up local tenders current only within the different principalities into which the Empire was broken up. Under such circumstances exchange was not liquidated by obtaining in return for wares the requisite bullion value from the coins tendered in payment. Traders had to be certain that the coins were also legal tender of their domicile. The Preamble to the Bengal Currency Regulation XXXV, of 1793, is illuminating on this point. It says :—

"The principal districts in Bengal, Bihar and Orissa, have each a distinct silver currency..... which are the standard measure of value in all transactions in the districts in which they respectively circulate.

> **"In consequence of the Ryots being required to pay their rent in a particular sort of rupee they of course demanded it from manufacturers in payment of their grain, or raw materials, whilst the manufacturers, actuated by similar principles with the Ryots, required the same species of rupee from the traders who came to purchase their cloth or their commodities.**

"The various sorts of old rupees, accordingly, soon became the established currency of particular districts, and as a necessary consequence the value of each rupee was enhanced in the district in which it was current, for being in demand for all transactions. As a further consequence, every sort of rupee brought into the district was rejected from being a different measure of value from that by which the inhabitants had become accustomed to estimate their property, or, if it was received, a discount was exacted upon it, equal to what the receiver would have been obliged to pay upon exchanging it at the house of a shroff for the rupee current in the district, or to allow discount upon passing it in payment to any other individual.

"From this rejection of the coin current in one district when tendered in payment in another, the merchants and traders and the proprietors and cultivators of land in different parts of the country, are

subjected in their commercial dealings with each other to the same losses by exchange, and all other inconveniences that would necessarily result were the several districts under separate and independent governments, each having a different coin."

Here was a situation where trade was reduced to barter, whether one looks upon barter as characterised by the absence of a common medium of exchange or by the presence of a plurality of the media of exchange ; for in any case, it is obvious that the want of a"double coincidence"must have been felt by people engaged in trade. One is likely to think that such could not have been the case as the medium was composed of metallic counters. But it is to be remembered that the circulating coins on India, by reason of the circumstance attendant upon the diversity in their fineness and legal tender, formed so many different species that an exchange against a particular species did not necessarily close the transaction; the coin must, in certain circumstances, have been only an intermediate to be further bartered against another, and so on till the one of the requisite species was obtained. This is sufficient indication that society had sunk into a state of barter. If this alone was the flaw in the situation, it would have been only as bad as that of international trade under diversity of coinages. But it was further complicated by the fact that although the denomination of the coins was the same, their metallic contents differed considerably. Owing to this, one coin bore a discount or a premium in relation to another of the same name. In the absence of knowledge as to the amount of premium or discount, every one cared to receive a coin of the species known to him and current in his territory. On the whole, the obstacles to commerce arising from such a situation could not have been less than those emanating from the mandate of Lycurgus, who compelled the Lacedaemonians to use iron money in order that its weight might prevent them from overmuch trading. The situation, besides being irritating, was aggravated by the presence of an element of gall in it. Capital invested in providing a currency is a tax upon the productive resources of the community. Nevertheless, wrote James Wilson mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_14no one would question"that the time and labour which are saved by the interposition of coin, as compared with a system of barter, form an ample remuneration for the portion of capital withdrawn from productive sources, to act as a single circulator of commodities, by rendering the remainder of the capital of the country so much the more

productive."What is, then, to be said of a monetary system which did not obviate the evil consequences of barter, although enormous capital was withdrawn from productive sources, to act as a single circulator of commodities? Diseased money is worse than want of money. The latter at least saves the cost. But society must have money, and it must be good money, too. The task, therefore, of evolving good money out of bad money fell upon the shoulders, of the English East India Company, who had in the meanwhile succeeded to the Empire of the Moghuls in India.

The lines of reform were first laid down by the Directors of the Company in their famous Dispatch, dated April 25, 1806,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_15 **to the authorities administering their territories in India. In this historic document they observed :—**

"17. It is an opinion supported by the best authorities, and proved by experience, that coins of gold and silver cannot circulate as legal tenders of payment at fixed relative values..... without loss; this loss is occasioned by the fluctuating value of the metals of which the coins are formed. A proportion between the gold and silver coin is fixed by law, according to the value of the metals, and it may be on the justest principles, but owing to the change of circumstances gold may become of greater value in relation to silver than at the time the proportion was fixed, it therefore becomes profitable to exchange silver or gold, so the coin of that metal is withdrawn from circulation; and if silver should increase in its value in relation to gold, the same circumstances would tend to reduce the quantity of silver coin in circulation. As it is impossible to prevent the fluctuation in the value of the metals, so it is also equally impracticable to prevent the consequences thereof on the coins made from these metals..... To adjust the relative values of gold and silver coin according to the fluctuations in the values of the metals would create continual difficulties, and the establishment of such a principle would of itself tend to perpetuate inconvenience and loss."

They therefore declared themselves in favour of monometalism as the ideal for the Indian currency of the future, and prescribed:—

"21. ..... that silver should be the universal money of account (in India), and that all ..... accounts should be kept in the same denominations of rupees, annas and pice.....

The rupee was not, however, to be the same as that of the Moghul

Emperors in weight and fineness The proposal that

"9. .....the new rupee ..... be of the gross weight of—

Troy grains	...	180
Deduct one-twelfth alloy	...	15
And contain of fine silver troy grs.		165"

Such were the proposals put forth by the Court of Directors for the reform of Indian currency.

The choice of a rupee weighing 180 grs. troy and containing 165 grs. pure silver as the unit for the future currency system of India was a well-reasoned choice.

The primary reason for selecting this particular weight for the rupee seems to have been the desire to make it as little of a departure as possible from the existing practice. In their attempts to reduce to some kind of order the disorderly currencies bequeathed to them by the Moghuls by placing them on a bimetallic basis, the Governments of the three Presidencies had already made a great advance by selecting out of the innumerable coins then circulating in the country a species of gold and silver coin as the exclusive media of exchange for their respective territories. The weights and fineness of the coins selected as the principal units of currency, with other particulars, may be noted from the summary table 1. (Page 344)

To reduce these principal units of the different Presidencies to a single principal unit, the nearest and the least inconvenient magnitude of weight which would at the same time be an integral number was obviously 180 grs., for in no case did it differ from the weights of any of the prevailing units in any marked degree. Besides, it was believed that 180, or rather 179.5511, grs. was the standard weight of the rupee coin originally issued from the Moghul Mints, so that the adoption of it was really a restoration of the old unit and not the introduction of a new one.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_16 Another advantage claimed in favour of a unit of 180 grs. was that such a unit of currency would again become what it had ceased to be, the unit of weight also. It was agreed mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_17that the unit of weight in India had at all times previously

been linked up with that of the principal coin, so that the seer and the *manual* weights were simply multiples of the rupee, which originally weighed 179.6 grs. troy. Now, if the weight of the principal coin to be established was to be different from 180 grs. troy, it was believed there would be an unhappy deviation from the ancient practice which made the weight of the coin the basis of other weights and measures.

			Silver Coins.			Gold Coins.		
Issued by the Government of	Territory in which it circulated.	Date and Authority of Issue.	Name.	Gross Weight Troy Grs.	Pure Contents Troy Grs.	Name	Gross Weight Troy Grs.	Pure Contents Troy Grs.
Bombay	Presidency		Surat Rupee	179.0	164-740	Mohur	179	164.740
Madras	„		Arcot „	176.4	166-477	Star Pagoda	52-40	42.55
	Bengal, Bihar and Orissa Cuttock	Regulations XXXV of 1793 XII of 1805	Sicca Rupee (19th Sun)	179.66	175-927	Mohur	190-804	189-40
			Furrukabad					
Bengal	Ceded Provinces Conquered Prov-	XLV of 1803	Rupee (Lucknow	173	166.135			

	inces		Sicca of the					
			45th Sun)					
	Benares Provin-	III of 1806	Benares Rupee	175	168-875	—	—	—
	ces		(Muchl eedar)					

Besides, a unit of 180 grs. weight was not only suitable from this point of view, but had also in its favour the added convenience of assimilating the Indian with the English units of weight#. **The correspondence between the English and the Indian systems of weights were made to correspond to each other may be seen from the following:—**

#.*Ibid*. para. 28. How

Indian		English
8 ruttees	= 1 massas	= 15 troy grs.
12 massas	= 1 tola (or sicca)	= 180 troy grs.
80 tolas	= 1 seer	= 2.5 troy ponds
40 seers	= 1 mound (mun)	= 100 troy pounds.

While these were the reasons in favourmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_18 of fixing the weight of the principal unit of currency at 180 grs. troy, the project of making it 165 grs. fine was not without its justification. The ruling consideration in selecting 165 grs. as the standard of fineness was, as in the matter of selecting the standard weight, to cause the least possible disturbance in existing arrangements.

That this standard of fineness was not very different from those of the silver coins, recognised by the different Governments in India as the principal units of their currency, may be seen from the following comparative statement.

TABLE II

DEVIATIONS OF THE PROPOSED STANDARD OF FINENESS FROM THAT OF THE PRINCIPAL RECOGNISED RUPEES

Silver Coins recognised as Principal Units and their Fineness		Standard Fineness of the propose Silver Rupee Troy Grs.	More valuable than the proposed Rupee		Less valuable propose d Rupee	
Name of the Coin	Its Pure Contents Troy Grs.		In Grs.	By p.c.	In Grs.	By p.c.
Surat Rupee	164.74	165			.26	.157
Arcot Rupee	166.477	165	1.477	.887		
Sicca Rupee	175.927	165	10.927	6.211		
Farrukabad R.	166.135	165	1.135	.683		
Benares Rupee	169.251	165	4.251	2.511		

It will thus be seen that, with the exception of the Sicca and the Benares rupees, the proposed standard of fineness agreed so closely with those of the other rupees that the interest of obtaining a complete

uniformity without considerable dislocation overruled all possible objections to its adoption. Another consideration that seemed to have prevailed upon the Court of Directors in selecting 165 grs. as the standard of fineness was that, in conjunction with 180 grs. as the standard weight, the arrangement was calculated to make the rupee eleven-twelfths fine. To determine upon a particular fineness was too technical a matter for the Court of Directors. It was, however, the opinion of the British Committee on Mint and Coinage, appointed in 1803, thatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_19"one-twelfth alloy and eleven-twelfths fine is by a variety of extensive experiments proved to be the best proportion, or at least as good as any which could have been chosen."This standard, so authoritatively upheld, the Court desired to incorporate in their new scheme of Indian currency. They therefore desired to make the rupee eleven-twelfths fine. But to do so was also to make the rupee 165 grs. pure-a content which they desired, from the point of view stated above, the rupee to possess.

Reviewing the preference of the Court of Directors for monometallism from the vantage-ground of latter-day events, one might be inclined to look upon it as a little too short-sighted. At the time, however, the preference was well founded. One of the first measures, the three Presidencies, into which the country was divided for purposes of administration, had adopted on their assuming the government of the country, was to change the parallel standard of the Moghuls into a double standard by establishing a legal ratio of exchange between the mohur, the pagoda, and the rupee. But in none of the Presidencies was the experiment a complete success.

In Bengalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_20 the Government, on June 2, 1766, determined upon the issue of a gold mohur weighing 179.66 grs. troy, and containing 149.92 grs., troy of pure metal, as legal tender at 14 Sicca rupees, to relieve the currency stringency caused largely by its own act of locking up the revenue collections in its treasuries, to the disadvantage of commerce. This was a legal ratio of 16.45 to 1, and as it widely deviated from the market ratio of 14.81 to 1, this attempt to secure a concurrent circulation of the two coins was foredoomed to failure. Owing to the drain of silver on Bengal from China, Madras, and Bombay, the currency stringency grew worse, so much so that another gold mohur was issued by the Government on March 20, 1769,

weighing 190.773 grs. troy and containing 190.086 grs. pure gold with a value fixed at 16 Sicca rupees. This was a legal ratio of 14.81 to 1. But, as it was higher than the market ratio of the time both in India (14 to 1) and in Europe (14.61 to 1), this second effort to bring about a concurrent circulation fared no better than the first. So perplexing seemed to be the task of accurate rating that the Government reverted to monometallism by stopping the coinage of gold on December 3, 1788, and when the monetary stringency again compelled it to resume in 1790 the coinage of gold, it preferred to let the mohur and the rupee circulate at their market value without making any attempt to link them by a fixed ratio. It was not until 1793 that a third attempt was made to forge a double standard in Bengal. A new mohur was issued in that year, weighing 190.895 grs. troy and containing 189.4037 grs. of pure gold, and made legal tender at 16 Sicca rupees. This was a ratio of 14.86 to 1, but, as it did not conform to the ratio then prevalent in the market this third attempt to establish bimetallism in Bengal failed as did those made in 1766 and 1769.

The like endeavors of the Government of Madrasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_21proved more futile than those of Bengal. The first attempt at bimetalism under the British in that Presidency was made in the year 1749, when 350 Arcot rupees were legally rated at 100 Star pagodas. As compared with the then market ratio this rating involved an under-valuation of the pagoda, the gold coin of the Presidency. The disappearance of the pagoda caused a monetary stringency, and the Government in December, 1750, was obliged to restore it to currency. This it did by adopting the twofold plan of causing an import of gold on Government account, so as to equalise the mint ratio to the market ratio, and of compelling the receipts and payments of Government treasuries to be exclusively in pagodas. The latter device proved of small value ; but the former by its magnitude was efficacious enough to ease the situation. Unluckily, the case was only temporary. Between 1756 and 1771 the market ratio of the rupee and the pagoda again underwent a considerable change. In 1756 it was 364 to 100, and in 1768 it was 370 to 100. It was not till after 1768 that the market ratio became equal to the legal ratio fixed in 1749 and remained steady for about twelve years. But the increased imports of silver, rendered necessary for the prosecution of the second Mysore war, once more disturbed the ratio, which at the close of the war stood at 400 Arcot rupees to 100 Star

pagodas. After the end of the war, the Government of Madras made another attempt to bring about a concurrent circulation between the rupee and the pagoda. But instead of making the market ratio of 400 to 100 the legal ratio, it was led by the then increasing imports of gold into the Presidency to hope that the market ratio would in time rise to that legally established in 1749. In an expectant mood so induced it decided, in 1790, to anticipate the event by fixing the ratio first at 365 to 100. The result was bound to be different from that desired, for it was an under-valuation of the pagoda. But instead of rectifying the error, the Government proceeded to aggravate it by raising the ratio still further to 350 to 100 in 1797, with the effect that the pagoda entirely went out of circulation, and the final attempt at bimetallism thus ended in a miserable failure.

The Government of Bombay seemed better instructed in the mechanics of bimetallism, although that did not help it to overcome the practical difficulties of the system. On the first occasion when bimetallism was introduced in the Presidency, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_22 the mohur and the rupee were rated 'at the ratio of 15.70 to 1. But at this ratio the mohur was found to be over-rated, and accordingly, in August, 1774, the Mint Master was directed to coin gold mohur of the fineness of a Venetian and of the weight of the silver rupee. This change brought down the legal ratio to 14.83 to 1, very nearly, though not exactly, to the then prevailing market ratio of 15 to 1, and had nothing untoward happened, bimetallism would have had a greater success in Bombay than it actually had in the other two Presidencies. But this was not to be, for the situation was completely altered by the dishonesty of the Nawab of Surat, who allowed his rupees, which were of the same weight and fineness as the Bombay rupees, to be debased to the extent of 10, 12, and even 15 per cent. This act of debasement could not have had any disturbing effect on the bimetallic system prevalent in the Bombay Presidency, had it not been for the fact that the Nawab's (or Surat) rupees were by agreement admitted to circulation in the Company's territories at par with the Bombay rupees. As a result of their being legal tender the Surat rupees, once they were debased, not only drove out the Bombay rupees from circulation, but also the mohur, for as rated to the debased Surat rupees the ratio became unfavourable to gold, and the one chance for a successful bimetallic system vanished away. The question of fixing up a

bimetallic ratio between the mohur and the rupee again cropped up when the Government of Bombay permitted the coinage of Surat rupees at its Mint. To have continued the coinage of the gold mohur according to the Regulation of 1774 was out of the question. One Bombay mohur contained 177.38 grs. of pure gold, and 15 Surat rupees of the standard of 1800 contained 247.11 grs. of silver. By this Regulation the proportion of silver to gold would have been 247.11 / 177.38 i.e. 13.9 to 1 Here the mohur would have under-valued. It was therefore resolved to alter the standard of the mohur to that of the Surat rupee, so as to give a ratio of 14.9 to 1. But as the market ratio was inclined towards 15.5 to 1, the experiment was not altogether a success.

In the light of this experience before them, the Court of Directors of the East India Company did well in fixing upon a monometallic standard as the basis of the future currency system of India. The principal object of all currency regulations is that the different units of money should bear a fixed relation of value to one another. Without this fixity of value, the currency would be in a state of confusion, and no precaution would be too great against even a temporary disturbance of that fixity. Fixity of value between the various components of the currency is so essential a requisite in a well-regulated monetary system that we need hardly be surprised if the Court of Directors attached special importance to it, as they may well have done, particularly when they were engaged in the task of placing the currency on a sound and permanent footing. Nor can it be said that their choice of monometallism was ill-advised, for it must be admitted that a single standard better guarantees this fixity than does the double standard. Under the former it is spontaneous, under the latter it is forced.

These recommendations of the Court of Directors were left to the different Governments in India to be carried into effect at their discretion as to the time and manner of doing it. But it was some time before steps were taken in consonance with these orders, and even then, it was on the realisation of those parts of the program of the Court which pertained to the establishment of a uniform currency that the efforts of the different Governments were first concentrated.

The task of reducing the existing units of currency to that proposed by the Court was first accomplished in Madras. On January 7, 1818, the Government issued a Proclamationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of

Rupee CHAPTER I.htm - _msocom_23 by which its old units of currency—the Arcot rupee and the Star pagoda—were superseded by new units, a gold rupee and a silver rupee, each weighing 180 grs. troy and containing 165 grs. of fine metal. Madras was followed by Bombay six years later by a Proclamationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_24 of October 6, 1824, which declared a gold rupee and a silver rupee of the new Madras standard to be the only units of currency in that Presidency. The Government of Bengal had a much bigger problem to handle. It had three different principal units of silver currency to be reduced to the standard proposed by the Court. It commenced its work of reorganisation by a system of elimination and alteration. In 1819, it discontinuedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_25 the coinage of the Benares rupee and substituted in its place the Furrukabad rupee, the weight and fineness of which were altered to 180.234 and 135.215 grs. troy respectively. Apparently this was a step away from the right direction. But even here, the purpose of uniformity, so far as fineness was concerned, was discernible, for it made the Furrukabad rupee, like the new Madras and Bombay rupees, eleven-twelfth fine. Having got rid of the Benares rupee, the next step was to assimilate the standard of the Furrukabad rupee to that of Madras and Bombay, as may be seen from the following table.

Thus, without abrogating the bimetallic system, substantial steps were taken in realising the ideal unit proposed by the Court, as may be seen from the following table.

TABLE III UNIFORMITY OF COINAGE AT THE END OF AD. **1833**

Issued the Government of	Silver Coins			Gold Coins			Legal Ratio
	Denomina-	Weigh	Fine	Denomina-	Weight	Fine-	

		t	-				
	nation		ne ss	nation		ness	
Ben gal	Sicca Rupee Furruk abad Rupee	192 180	17 6 or 11 /1 2 16 5 or 11 /1 2	Mohur	204. 710	187. 651	1 to 1 5
Bom bay	Silver Rupee	180	16 5 or 11 /1 2	Gold Rupee	180	165 or 11/ 12	1 to 1 5
Mad ras	Silver Rupee	180	16 5 or 11 /1 2		180	165 or 11/ 12	1 to 1 5

Taking stock of the position as it was at the end of 1833, we find that with the exception of the Sicca rupee and the gold mohur of Bengal, that part of the scheme of the Directors which pertained to the uniformity of coinage was an accomplished fact. Nothing more remained to carry it to completion than to discontinue the Sicca rupee and to demonetise gold. At this point, however, arose a conflict between the Court of Directors and the three Governments in India. Considerable reluctance was shown to the demagnetisation of gold. The Government of Madras, which was the first to undertake the reform of its currency according to the plan of the Court, not only insisted upon

continuing the coinage of gold along with that of the rupee,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_26 but stoutly refused to deviate from the system of double legal tender at a fixed ratio prevalent in its territories,

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_27notwithstanding the repeated remonstrance's addressed by the Court.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_28 The Government of Bengal clung to the bimetallic standard with equal tenacity. Rather than demonetise the gold mohur, it took steps to alter its standardmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_29 by reducing its pure contentsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_30 from 189.4037 to 187.651 troy grs., so as to re-establish a bimetallic system on the basis of the ratio adopted by Madras in 1818. So great was its adherence to the bimetallic standard that in 1833 it undertook to altermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_31 the weight and fineness of the Sicca rupee to 196 grs. troy and 176 grs. fine, probably to rectify a likely divergence between the legal and the market ratios of the mohur to the rupeemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_32

But in another direction the Government in India wanted to go further than the Court desired. The Court thought a uniform currency (i.e. a currency composed of like but independent units) was all that India needed. Indeed, they had given the Governments to understand that they did not wish for more in the matter of simplification of currency and were perfectly willing to allow the Sicca and the mohur to remain as they were, unassimilated.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_33 A uniform currency was no doubt a great advance on the order of things such as was left by the successors of the Moghuls. But that was not enough, and the needs of the situation demanded a common currency based on a single unit in place of a uniform currency. Under the system of uniform currency each Presidency coined its own money, and the money coined at the Mints of the other Presidencies was not legal tender in its territories except at the Mint. This monetary independence would not have been very harmful if

there had existed also financial independence between the three Presidencies. As a matter of fact, although each Presidency had its own fiscal system, yet they depended upon one another for the finance of their deficits. There was a regular system of"supply"between them, and the surplus in one was being constantly drawn upon to meet the deficits in others. In the absence of a common currency this resource operation was considerably hampered. The difficulties caused by the absence of a common currency in the way of the"supply"operation made themselves felt in two different ways. Not being able to use as legal tender the money of other Presidencies, each was obliged to lock up, to the disadvantage of commerce, large working balances in order to be self-sufficient.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_34 The very system which imposed the necessity of large balances also rendered relief from other Presidencies less efficacious. For the supply was of necessity in the form of the currency of the Presidency which granted, it, and before it could be utilised it had to be re-coined into the currency of the needy Presidency. Besides the loss on recoinage, such a system obviously involved inconvenience to merchants and embarrassment to the Government.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_35

At the end of 1833, therefore, the position was that the Court desired to have a uniform currency with a single standard of silver, while the authorities in India wished for a common currency with a bimetallic standard. Notwithstanding these divergent views, the actual state of the currency might have continued as it was without any substantial alteration either way. But the year 1833 saw an important constitutional change in the administrative relations between the three Presidential Governments in India. In that year by an Act of Parliamentmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_36there was set up an Imperial system of administration with a centralisation of all legislative and executive authority over the whole of India. This change in the administrative system, perforce, called forth a change in the prevailing monetary systems. It required local coinages to be replaced by Imperial coinage. In other words, it favoured the cause of a common currency as against that of a mere uniform currency. The authorities in India were not slow. to realise the force of events. The Imperial Government set up by Parliament was not content to act the part of the Dewans or agents of

the Moghuls, as the British had theretofore done, and did not like that coins should be issued in the name of the defunct Moghul emperors who had ceased to govern. It was anxious to throw off the false garbmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_37 and issue an Imperial coinage in its own name, which being common to the whole of India would convey its common sway. Accordingly, an early opportunity was taken to give effect to this policy. By an Act of the Imperial Government (XVII of 1835) a common currency was introduced for the whole of India, as the sole legal tender. But the Imperial Government went beyond and, as if by way of concession to the Court—for the Court did most vehemently protest against this common currency in so far as it superseded the Sicca rupeemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_38—legislated"*that no gold coin shall henceforward be a legal tender of payment in any of the territories of the East India Company.* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_39

That an Imperial Administration should have been by force of necessity led to the establishment of a common currency for the whole of India is quite conceivable. But it is not clear why it should have abrogated the bimetallic system after having maintained it for so long. Indeed, when it is recalled how the authorities had previously set their faces against the destruction of the bimetallic system, and how careful they were not to allow their coinage reforms to disturb it any more violently than they could help, the provision of the Act demonetising gold was a grim surprise. However, for the sudden volte-face *displayed therein, the Currency Act (XVII of 1835) will ever remain memorable in the annals of the Indian history. It marked the culminating-point of a long and arduous process of monetary reform and placed India on a silver monometallic basis, with a rupee weighing 180 grs. troy and containing 165 grs. fine as the common currency and sole legal tender throughout the country.*

*No piece of British India legislation has led to a greater discontent in later years than this Act XVII of 1835. In so far as the Act abrogated the bimetallic system, it has been viewed with a surprising degree of equanimity. Not all its critics, however, are aware*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_40 *that what the Act primarily decreed was a substitution of bimetallism by monometallism. The commonly entertained view of the Act seems to be that it replaced a gold standard by a silver standard. But even if the truth were more generally known, it would not justify any hostile attitude towards the measure on that score. For, what would have been the consequences to India of the gold discoveries of California and Australia in the middle of the nineteenth century, if she had preserved*

*her bimetallic system? It is well known how this increase in the production of gold relatively to that of silver led to a divergence in the mint and the market ratios of the two metals after the year 1850. The under-valuation of silver, though not very great, was great enough to confront the bimetallic countries with a serious situation in which the silver currency, including the small change, was rapidly passing out of circulation. The United States*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_41*was obliged by the law of 1853 to reduce the standard of its small silver coins sufficiently to keep them, dollar for dollar, below their gold value in order to keep them in circulation. France, Belgium, Switzerland, and Italy, which had a uniform currency based on the bimetallic model of the French with reciprocal legal tender*, were faced with similar difficulties.*

**The cultural influence of France had led the other countries of Latin origin to adopt the French monetary system. The political independence acquired by Belgium in 1831 was followed by a change in her monetary system. By the law of 1832, Belgium from a monetary point of view, became a satellite of France. By that law she adopted in its entirety the monetary system of France, and even went so far as to give the French gold pieces of 20 and 40 francs and to the French silver 5-franc pieces the power of legal tender in Belgium. In Switzerland, Art. 36 of the Constitution of 1848 had vested in the Federal Government the authority to coin money. The law of May 7, 1850, adopted the French monetary system for Switzerland : Art. 8 declared"that such foreign silver coins as were minted in sufficiently close proximity with the French system might be granted a legal status as regular media for the payment of debts in Switzerland."The various Italian States, prior to unification, had, like the Swiss Cantons, each its own currency. But with the desire for uniformity of coinage consequent upon unification, there arose a problem either of selecting one of the old systems or of adopting a new one which would be common to the whole country. Some form of a grateful memorial to France was uppermost in the minds of the Italians for the help the French gave in the matter of their independence, and the adoption of the French monetary system for Italy was deemed to serve the purpose. Fortunately, Sardinia already possessed the French system, and the law of August 24, 1862, extended it to the whole of Italy, with the lire as the unit, and also conferred legal-tender power on the coins of France, Belgium, and Switzerland, Cf. H.-P. Willis,* History of the Latin monetary Union, *Chicago, 1910, pp. 15, 27, 36, 37.*

Lest a separatist policy on the part of each nation, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_42 *to protect their silver currency and particularly the small change, should disrupt the monetary harmony prevailing among them all, they were compelled to meet in a convention, dated November 20, 1865, which required the parties, since*

collectively called the Latin Union, to lower, in the order to maintain them in circulation, the silver pieces of 2 francs, 1 franc, 50 centimes and 20 centimes from a standard of 900 / 1000 fine to 835 / 1000 and to make them subsidiary coins. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_43 *It is true that the Government of India also came in for trouble as a result of this disturbance in the relative value of gold and silver, but that trouble was due to its own silly act.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_44 *The currency law of 1835 had not closed the Mints to the free coinage of gold, probably because the seignorage on the coinage of gold was a source of revenue which the Government did not like to forego. But as gold was not legal tender, no gold was brought to the Mint for coinage, and the Government revenue from seignorage fell off. To avoid this loss of revenue, the Government began to take steps to encourage the coinage of gold. In the first place, it reduced the seignorage*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_45 *in 1837 from 2 per cent. to 1 per cent. But even this measure was not sufficient to induce people to bring gold to the Mint, and consequently the revenue from seignorage failed to increase. As a further step in the same direction, the Government issued a Proclamation on January 13, 1841, authorising the officers in charge of public treasuries to receive the gold coins at the rate of 1 gold mohur equal to 15 silver rupees. For some time no gold was received, as at the rate prescribed by the Proclamation gold was undervalued* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_46*But the Australian and Californian gold discoveries altered the situation entirely. The gold mohur, which was undervalued at Rs. 15, became overvalued, and the Government which was at one time eager to receive gold, was alarmed at its influx. By adopting the course it did of declaring gold no longer legal tender, and yet undertaking to receive it in liquidation of Government demands, it laid itself under the disadvantage of being open to be embarrassed with a coin which was of no use and must ordinarily have been paid for above its value. Realising its position, it left aside all considerations of augmenting revenue by increased coinage, and promptly issued on December 25, 1852, another Proclamation withdrawing that of 1841. Whether it would not have been better to have escaped the embarrassment by making gold general legal tender than depriving it of its partial legal-tender power is another matter. But, in so far as India was saved the trials and tribulations undergone by the bimetallic countries to preserve the silver part of their currency, the abrogation of bimetallism was by no means a small advantage. For, the measure had the virtue of fore-arming the country against changes which, though not seen at the time, soon made themselves felt.*

The abrogation of bimetallism in India, accomplished by the Act of 1835, cannot therefore be made a ground for censure. But it is open to argument that a

condemnation of bimetallism is not per se *a justification of silver monometallism. If it was to be monometallism it might well have been gold monomentallism. In fact, the preference for silver monometallism is not a little odd when it is recalled that Lord Liverpool, the advocate of monometallism,*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_47 *whose doctrines the Court had sought to apply to India, had prescribed gold monometallism for similar currency evils then prevalent in England. That the Court should have deviated from their guide in this particular has naturally excited a great deal of hostile comment as to the propriety of this grave departure.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_48 *At the outset any appeal to ulterior motives must be baseless, for Lord Liverpool was not a"gold bug,"nor was the Court composed of"silver men."As a matter of fact, neither of them at all considered the question from the standpoint as to which was a better standard of value, gold or silver. Indeed, in so far as that was at all a consideration worth attending to, the choice of the Court, according to the opinion of the time, was undoubtedly a better one than that of Lord Liverpool. Not only were all the theorists, such as Locke, Harris, and Petty, in favour of silver as the standard of value, but the practice of the whole world was also in favour of silver. No doubt, England had placed herself on a gold basis in 1816. But that Act, far from closing the English Mint to the free coinage of silver, left it to be opened by a Royal Proclamation*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_49*The Proclamation, it is true, was never issued, but it is not to be supposed that therefore Englishmen of the time had regarded the question of the standard as a settled issue. The crisis of 1825 showed that the gold standard furnished too narrow a basis for the English currency system to work smoothly, and, in the expert opinion of the time.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_50 *the gold standard, far from being the cause of England's commercial superiority, was rather a hindrance to her prosperity, as it cut her off from the rest of the world, which was mostly on a silver basis. Even the British statesmen of the time had no decided preference for the gold standard. In 1826, Huskisson actually proposed that Government should issue silver certificates of full legal tender.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_51 *Even as late as 1844 the question of the standard was far from being settled, for we find Peel, in his Memorandum*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_52 *to the Cabinet, discussing the possibility of abandoning the gold standard in favour of the silver or a bimetallic standard without any compunction or predilection one way or the other. The difficulties of fiscal isolation*

were evidently not so insuperable as to compel a change of the standard, but they were great enough to force Peel to introduce his famous proviso embodying the Huskisson plan in part in the Bank Charter Act of 1844, permitting the issue of notes against silver to the extent of one-fourth of the total issues mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_53. *Indeed, so great was the universal faith in the stability of silver that Holland changed in 1847 from what was practically a gold monometallism*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_54 *to silver monometallism because her statesmen believed that*

> *"it had proved disastrous to the commercial and industrial interests of Holland to have a monetary system identical with that of England, whose financial revulsion's, after its adoption of the gold standard, had been more frequent and more severe than in any other country, and whose injurious effects were felt in Holland scarcely less than in England. They maintained that the adoption of the silver standard would prevent England from disturbing the internal trade of Holland by draining off its money during such revulsion's, and would secure immunity from evils which did not originate in and for which Holland was not responsible."*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_55

But stability was not the ground on which either the Court or Lord Liverpool made their choice of a standard metal to rest. If that had been the case, both probably would have selected silver. As it was, the difference in the choice of the two parties was only superficial. Indeed, the Court differed from Lord Liverpool, not because of any ulterior motives, but because they were both agreed on a fundamental proposition that not stability but popular preference should be the deciding factor in the choice of a standard metal. Their differences proceeded logically from the agreement. For, on analysing the composition of the currency it was found that in England it was largely composed of gold and in India it was largely composed of silver. Granting their common premise, it is easy to account why gold was selected for England by Lord Liverpool and silver for India by the Court. Whether the actual composition of the currency is an evidence of popular preference cannot, of course, be so dogmatically asserted as was done by the Court and Lord Liverpool. So far as England is concerned, the interpretation of Lord Liverpool has been questioned by the great economist David Ricardo. In his High Price of Bullion, *Ricardo wrote:—*

"For many reasons given by Lord Liverpool, it appears proved beyond dispute that gold coin has been for near a century the principal measure of value; but this is, I think, to be attributed to the inaccurate determination of the mint proportions. Gold has been valued too high; no silver can therefore remain in circulation which is of its standard

weight. If a new regulation were to take place, and silver be valued too high..... gold would then disappear, and silver become the standard money."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_56

And it is possible that mint proportions rather than popular preferencemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_57 could have equally well accounted for the preponderance of silver in India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_58

Whether any other criterion besides popular; preference could have led the Court to adopt gold monometallism is a moot question. Suffice it to say that the adoption of silver monometallism, though well supported at the time when the Act was passed, soon after proved to be a measure quite inadequate to the needs of the country. It is noteworthy that just about this time great changes were taking place in the economy of the Indian people. Such a one was a change from kind economy to cash economy. Among the chief causes contributory to this transformation the first place must be given to the British system of revenue and finance. Its effects in shifting Indian society on to a cash nexus have not been sufficiently realised'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_59 although they have been very real. Under the native rulers most payments were in kind. The standing military force kept and regularly paid by the Government was small. The bulk of the troops consisted of a kind of militia furnished by Jageerdars and other landlords, and the troops or retainers of these feudatories were in great measure maintained on the grain, forage, and other supplies furnished by the districts in which they were located. The hereditary revenue and police officers were generally paid by grants of land on tenure of service. Wages of farm servants and labourers were in their turn distributed in grain. Most of its officers being paid in kind, the State collected very little of its taxes in cash. The innnovations made by the British in this rude revenue and fiscal system were of the most sweeping character. As territory after territory passed under the sway of the British, the first step taken was to substitute in place of the rural militia of the feudatories a regularly constituted and a well-disciplined standing army located at different military stations, paid in cash ; in civil employ, as in military, the former revenue and police officers with their followers, who paid themselves by perquisites and other indirect gains

received in kind, were replaced by a host of revenue collectors and magistrates with their extensive staff, all paid in current coin. The payments to the army, police, and other officials were not the only payments which the British Government had placed on a money basis. Besides these charges, there were others which were quite unknown to the native Governments, such as the"Home Charges"and"Interest on Public Debt,"all on a cash basis. The State, having undertaken to pay in cash, was compelled to realise all its taxes in cash, and as each citisen was bound to pay in cash, he in his turn stipulated to receive nothing but cash, so that the entire structure of the society underwent a complete transformation.

Another important change that took place in the economy of the Indian people about this time was the enormous increase of trade. For a considerable period, the British tariff policy and the navigation laws had put a virtual check on the expansion of Indian trade. England compelled India to receive her cotton and other manufactures at nearly nominal .(2 1/2 per cent.) duties, while at the same time she prohibited the entry of such Indian goods as competed with hers within her territories by prohibitory duties ranging from 50 to 500 per cent. Not only was no reciprocity shown by England to India, but she made a discrimination in favour of her colonies in the case of such goods as competed with theirs. A great agitation was carried on against this unfair treatment,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_60 and finally Sir Robert Peel admitted Indian produce to the low duties levied by the reformed tariff of 1842. The repeal of the navigation laws gave further impetus to the expansion of Indian commerce. Along with this, the demand for Indian produce had also been growing. The Crimean War of 1854 cut off the Russian supplies, the place of which was taken by Indian produce, and the failure of the silk crop in 1853 throughout Europe led to the demand for Asiatic, including Indian, silks.

The effect of these two changes on the currency situation is obvious. Both called forth an increased demand for cash. But cash was the one thing most difficult to obtain. India does not produce precious metals in any considerable quantity. She has had to depend upon her trade for obtaining them. Since the advent of the European Powers, however, the country was not able to draw enough for the precious metals. Owing to the prohibitions on the export of precious metals then prevalent in Europe,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee

CHAPTER I.htm - _msocom_61 one avenue for obtaining them was closed. But there was little chance of obtaining precious metals from Europe, even in the absence of such prohibition ; indeed, precious metals did not flow to India when such prohibitions were withdrawn. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_62The reason of the check to the inflow of precious metals was well pointed out by Mr. Petrie in his Minute of November, 1799, to the Madras Committee of Reform.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_63 According to Mr. Petrie, the Europeans before they acquired their territorial possessions

> "purchased the manufactures of India with the metals of Europe: but they were henceforward to make these purchases with gold and silver of India, the revenues supplied the place of foreign bullion and paid the native the price of his industry with his own money. At first this revolution in the principles of commerce was but little felt, but when opulent and extensive dominions were acquired by the English, when the success of war and commercial rivalship had given them so decided a superiority over the other European nations as to engross the whole of the commerce of the East, when a revenue amounting to millions per annum was to be remitted to Europe in the manufactures of the East, then were the effects of this revolution severely felt in every part of India. Deprived of so copious a stream, the river rapidly retired from its banks and ceased to fertilise the adjacent fields with overflowing water."

The only way open, when the prohibitions were withdrawn to obtain precious metals, was to send more goods than this amount of tribute, so that the balance might bring them in. This became possible when Peel admitted Indian goods to low tariff, and the country was for the first time able to draw in a sufficient quantity of precious metals to sustain her growing needs. But this ease in the supply of precious metals to serve as currency was short-lived. The difficulties after 1850, however, were not due to any hindrance in the way of India's obtaining the precious metals. Far from being hindered, the export and import of precious metals was entirely free, and India's ability to procure them was equally great. Neither were the difficulties due to any want of precious metals ; for, as a matter of fact, the increase in the precious metals after 1850 was far from being small. The difficulty was of India's own making, and was due to her not having based her currency on that

precious metal, which it was easy to obtain. The Act of 1835 had placed India on an exclusive silver basis. But, unfortunately, it so happened that after 1850, though the total production of the precious metals had increased that of silver had not kept pace with the needs of the world, a greater part of which was then on a silver basis, so that as a result of her currency law India found herself in an embarrassing position of an expanding trade with a contracting currency, as is shown in the Table IV on page 364.

On the face of it, it seems that there need have been no monetary stringency. The import of silver was large, and so was the coinage of it. Why then should there have been any stringency at all? The answer to this question is not far to seek. If the amount of silver coined had been retained in circulation it is possible that the stringency could not have arisen. India has long been notoriously the sink of the precious metals. But in interpreting this phenomenon, it is necessary to bear in mind the caution given by Mr. Cassels that

> "its silver coinage has not only had to satisfy the requirements of commerce as the medium of exchange, but it has to supply a sufficiency of material to the silversmith and the jeweller. The Mint has been pitted against the smelting-pot, and the coin produced by so much patience and skill by the one has been rapidly reduced into bangles by the other."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_64

TABLE IV mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_65

TRADE AND CURRENCY

Years	Merchandise.	Treasure. Net Imports of	Total Coinage of	Excess (+) or Defect (-) of Coinage on Net Imports of	Annual Production (in £, 00,000 omitted) of

	Imports. £	Exports. £	Silver. £	Gold. £	Silver. £	Gold. £	Silver. £	Gold. £	Gold.	Silver.
1850-51	11,558,789	18,164,150	2,117,225	1,153,294	3,557,906	123,717	+1,440,681	-1,029,577	8,9	7,8
1851-52	12,240,490	19,879,406	2,865,357	1,267,613	5,170,014	62,553	+2,304,657	-1,205,060	13,5	8,0
1852-53	10,070,863	20,464,633	3,605,024	1,172,301	5,902,648	Nil	+2,297,624	-1,172,301	36,6	8,1
1853-54	11,122,659	19,295,139	2,305,744	1,061,443	5,888,217	145,679	+3,582,473	-915,764	31,1	8,1
1854-55	12,742,671	18,927,222	29,600	731,490	1,890,055	2,676	+1,860,455	-728,814	25,5	8,1
1855-56	13,943,494	23,038,259	8,194,375	2,506,245	7,322,871	167,863	+871,504	-2,338,382	27,0.	8,1
1856-57	14,194,587	25,338,451	11,073,247	2,091,214	11,220,014	128,302	+146,767	-1,962,912	29,5	8,2
1857-58	15,277,629	27,456,036	12,218,948	2,783,073	12,655,308	43,783	+436,360	-2,739,290	26,7	8,1
1858-59	21,728,579	29,862,871	7,728,342	4,426,453	6,641,548	132,273	-1,086,794	-4,294,180	24,9	8,1
1859-60	24,265,140	27,960,203	11,147,563	4,284,234	10,753,068	64,307	-394,495	-4,219,927	25,0	8,2

Now it will be seen from the figures given that all the import of silver was coined and used up for currency purposes. Very little or nothing was left over for the industrial and social consumption of the people. That being the case, it is obvious that a large part of the coined silver must have been abstracted from monetary to non-monetary purposes. The hidden source of this monetary stringency thus becomes evident. To men of the time it was as clear as daylight that it was the rate of absorption of currency from monetary to non-monetary purposes that was responsible as to why (to quote from the same authority)

> "notwithstanding such large importation's the demand for money has so far exceeded..... that serious embarrassment has ensured and business has almost come to a stand from the scarcity of circulating medium. As fast as rupees have been coined they have been taken into the interior and have there disappeared from circulation, either in the Indian substitute for stocking-foot or in the smelting-pot into bangles."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_66

The one way open was to have caused such additional imports of silver as would have sufficed both for the monetary as well as the non-monetary needs of the country. But the imports of silver were probably already at their highest. For, as was argued by Mr. Cassels,

> "the annual production of silver of the whole world does not exceed ten million sterling. During the last few years, therefore, India alone has annually taken, and to a great extent absorbed, more of the metal than has been produced by the whole world. It is clear that this cannot long continue without producing serious embarrassment. Either the European markets will be unable or unwilling to supply us, or the value of silver will rise to an extravagant extent. Under such circumstances it is not difficult to foresee that the present crisis must continually recur, and the commerce in this country must be periodically, if not permanently, crippled by the scarcity of the circulating medium."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_67

Had there been any credit media the contraction of currency might not have been felt as severely as it was. But there was no credit money worth the name. The Government issued interest-bearing Treasury

notes, which formed a part of the circulating medium of the country. But, apart from being insignificant in amount,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_68 these Treasury notes had

> "proved a failure, owing, firstly, to the condition that they would not be received in payment of revenue for twelve months; secondly, they would be paid off or received only where issued, so that as the issues were confined to Calcutta, Madras and Bombay, their use and employment for purposes of circulation were limited to those cities..... and lastly, because their amounts were too large and their period of running at interest too short."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_69

Nor was banking so widely developed as to satisfy the currency needs of commerce. The chief hindrance to its growth was the attitude of the Court. Being itself a commercial body largely dealing in exchange, the Court was averse to the development of banking institutions lest they should prove rivals. As this traditional policy of hostility continued even after the Court had ceased to be a body of merchant princes, banks did not grow with the growth of trade. Indeed, as late as 1856 banks in India numbered few and their issues were small, as shown in the table on page 367. (Table V).

The insufficiency of silver and the want of credit currency caused such an embarrassment to trade that there grew up a change in the attitude toward the Currency Act of 1835, and people for once, began to ask whether, although it was well to have changed from bimetallism to monometallism, it would not have been better to have preferred gold monometallism to silver monometallism. As more and more of gold was imported and coined, the stronger grew the demand for giving it a legal status in the existing system of Indian currency.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_70

TABLE V

BANKS IN INDIA mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B.

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Name of the Bank.	Year of Estab lishment.	Head Offices.	Branches and Agencies.	Capital.		Notes in Circulation. £	Specie in Coffers. £	Bills under Discount. £
				Subscribed. £	Paid up. £			
Bank of Bengal	1809	Calcutta		1,070,000	1,070,000	1,714,771	851,964	125,251
Bank of Madras	1843	Madras		300,000	300,000	123,719	139,960	59,871
Bank of Bombay	1840	Bombay		522,000	522,000	571,089	240,073	195,836
Oriental Bank .	1851			1,215,000	1,215,000	199,279	1,146,529	2,918,399
Agra and U.P. .	1833	Calcutta	Agra, Madras, Lahore, Canton, and London	700,000	700,000	—	74,362	—
			Bombay, Simla, Mus-					
N.W. Bank .	1844	„	sowri and Agra Ag- encies in Delhi and	220,560	220,000	—	—	—

			Cawnpore					
London & East-ern Bank	1854			250,000	—	325,000	—	—
			Agents in London,					
Commercial Bank	1854	Bombay	Calcutta, Canton, &	1,000,000	456,000	—	—	—
			Shanghai					
			Agents in London,					
Delhi Bank .	1844	Delhi	Calcutta, Bombay,	—	180,000	—	—	—
			and Madras					
Simla Bank	1844			—	63,850	—	—	—
Dacca Bank	1846			30,000	—	—	—	—
			London, Calcutta, Col-					
Mercantile Bank		Bombay	ombo, Kandy, Can-	500,000	328,826	777,156	77,239	109,547

			ton, and Shanghai					
India, China and Australian Bank				had not Commenced Business				

*All were agreed on the principle of a gold currency: whatever difference there was, was confined to the method of its adoption. The introduction of gold on a bimetallic basis was out of the question, for the Government refused to make what it deemed to be the"hopeless attempt"to fix the value of gold and silver and compel their acceptance at that value.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_72 *The projects which the Government was willing to consider*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_73*were : (1) to introduce the"sovereign"or some other gold coin and to let it circulate at its market price from day to day as measured in silver; (2) to issue a new gold coin, bearing the exact value of a given number of rupees, and make it a legal tender for a limited period, when it might be readjusted and again valued, and made a legal tender for a similar period at the new rate ; (3) to introduce the English sovereign as a legal tender for Rs. 10, but limited in legal tender to the amount of Rs. 20 or two sovereigns ; or (4) to substitute a gold standard for the silver standard.*

Of these projects, the first three were evidently unsafe as currency expedients. Fixity of value between the various components of the currency is an essential requisite in a well-regulated monetary system. Each coin must define a fixed value, in terms of the others realisable by the most untutored intellect. When it ceases to do so, it becomes a mere commodity, the value of which fluctuates with the fluctuations of the market. This criterion ruled out the first two projects. To have introduced a coin as money, the value of which could not be vouched for— as would have been the case under the first project—from one day to another, apart from the trouble of computing and ascertaining the fluctuations, would have been a source of such embarrassment that the Government, it must be said, acted wisely in not adopting it. There was no saving grace in the second project to recommend its adoption in preference to the first. If it had been adopted the result would have been that during the period when a rate remained fixed, gold would have

been forced into circulation supposing that its market value was lower, and at the end of the year, if it was known that the rate would be revised and the value of the coin be reduced in conformity with the fall of gold, a general struggle to get rid of the overrated gold coin and shift the inevitable loss to the shoulders of others would have certainly ensued. The third was a somewhat strange proposal. It is possible with a low-priced metal to strike coins of less than full value for the purposes of small payments and limit their tender. But this is not possible with a high-priced metal, the *raison d'etre* of which is to facilitate large transactions. The objections to the plan could hardly be concealed. So long as gold was undervalued, it would not circulate at all. But once it became overvalued owing to changes in the market ratio, the rupee would go out of circulation, and shopkeepers and traders would remain possessed of a coin which would be of no use in liquidating large transactions.

The only project free from these faults was the adoption of a gold standard, with silver as a subsidiary currency. The strongest argument, the Government could advance against this demand was that"in a country where all obligations have been contracted to be paid in silver, to make a law by which they could forcibly be paid in anything else would simply be to defraud the creditor for the advantage of the debtor, and to break public faith."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_74However sound the argument might have been, it was hopelessly inadequate to meet the growing demand to place the Indian currency on an expanding basis. Indeed, it cannot be said that the Government was really serious in its opposition to a gold currency. For the strength of its position, it relied not so much on the soundness of its arguments against gold, but on its discovery that a better solution than a gold currency existed at hand. If what was wanted was a supplement to the existing currency, then the remedy proposed by the Government was unassailable. Gold would have been uneconomical and inconvenient. Silver backed by paper would make the currency economical, convenient, and expansive. Indeed, the advantages were so much in favour of the official alternative that this first attempt against the silver standard resulted not in the establishment of a gold standard, but in the introduction of a Government paper currency to supplement the existing silver standard.

None the less, the desire for a gold standard on the part of the people

was too great to be altogether ignored, though the demand for it was supposed to have been met by the alternative measure. The paper currency, as originally conceived by Mr. Wilson, was a complete counterblast to the gold agitation. But his successor, Mr. Laing, differed from him in what he regarded as the"barbarous"exclusion of gold from Indian currency. He therefore introduced two important provisos in the original Bill, when the task of carrying it through fell upon him, owing to the untimely death of Mr. Wilson. One was to raise the lowest denomination of notes from Rs. 5 to Rs. 20. The other was

> "to authorise the governor-general in Council from time to time to direct by order to be published in the Gazettes of Calcutta, Madras and Bombay, that notes to an extent not exceeding one-fourth of the total amount of issues represented by coin and bullion..... be issued in exchange for gold coin..... or bullion computed at rates to be fixed by such order....."

The Act, which afterwards embodied the Bill, adopted the second proviso *in toto,* and the first after being modified so as to fix Rs. 10 as the lowest denomination of notes to be issued. Although its general tenor is clear, the immediate aim of the second proviso does not become quite clear from a perusal of the official papers. The Select Committee on the Paper Currency Bill seem to have held that the proviso was innocuous, if not good. It thought

> "that on special occasions and in particular transactions it might be a great advantage to the mercantile community to know that gold could be made available as money at a fixed rate. If, on the other hand, at the rate fixed gold did not enter into circulation it would prove that silver, with a secure and convertible paper currency, gave perfect confidence and answered all the wants of the trade and of the community, and the enactment would remain a dead letter and be perfectly harmless."

But there is no doubt that Mr. Laing looked upon it as an easy means of making a transition to the gold standard. In his Minute on Currency and Banking, dated May 7, 1862, he wrote :

> *"The object of this proviso was simply to leave the door open for cautious and tentative experiments with regard to the future use of gold. The importation of gold already exists and is increasing, and the metal is much appreciated by the native population as generally to command a premium..... Thus, after a time, if the use of gold becomes more general, and its value more fixed, some further step might be taken."And such seems to have been the impression of the Secretary of State at the*

*time, for he understood the force of the recommendation in favour of issuing notes against gold was that it would"effectively contribute to the introduction of a gold currency in India."*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_75

*But whether conceived as a relief to the mercantile community or as an avenue for introducing a gold currency the proviso was not put into effect. The Secretary of State objected*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_76 *to any action being taken with regard thereto. In the meantime the paper currency did not prove the panacea, it was avowed to be. The extent it reached and the economy it effected were comparatively insignificant.*

TABLE VI

EXTENT AND ECONOMY OF PAPER CURRENCY

Presidencies	Bullion	Coin	Government Securities	Value of Notes in Circulation
Calcutta on Oct. 31, 1863	---	1,84,55,922	1,10,44,078	2,95,00,000
Madras on Oct. 31, 1863	---	73,00,000	---	73,00,000
Bombay on Jan. 4, 1864	1,17,00,000	1,19,00,000	---	2,36,00,000
Total	1,17,00,000	3,76,55,922	1,10,44,078	6,04,00,000

As was pointed out by Mr. Cassels mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_77the currency notes, after three years, had been taken only to the extent of about 6 per cent. of the whole metallic currency, which was then estimated by Mr. Wilson to be £100,000,000 in sterling, and that they had actually fulfilled their primary object of releasing the reproductive capital of the country only to the extent of a million sterling or 1 per cent. of the whole. Owing to the demand for Indian cotton in the Liverpool market to take the place of American cotton, the export of which was stopped during the Civil War, the growing foreign trade assumed enormous proportions. And as the paper

currency gave no relief, the entire stress fell upon silver. The production of silver, however, was not increasing much faster than it did previously, and its absorption by India had not slackened. The inadequacy of a currency medium therefore continued to be felt as acutely as before, notwithstanding the introduction of a paper currency. Not only was gold imported in large quantities, but was employed for monetary purposes, although it was not legal tender. The fact was brought to the notice of the government of India by the Bombay Chamber of Commercemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_78 in a memorial praying for the introduction of a gold currency in India, in which it was pointed out

> "that there is an increasing tendency to the creation of a gold ingot currency, but the natives of this country, as a rude remedy for the defects of the existing silver one,"

and

> *"that gold bars, stamped with the mark of Bombay banks, are for this purpose circulated in several parts of the country."This led to an agitation for requiring the Government to give effect to the proviso in the Paper Currency Act,*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_79 *and the movement assumed such dimensions that it forced the hands of the Government. On this occasion, the plan for effecting the change was boldly conceived. Sir Charles Trevelyan saw through the weak point of the proviso on which the Government was called upon to act. He argued that the currency notes were payable only in the current coin of the country, which in India was the silver rupee, and to hold a portion of the reserve gold which could not be tendered in payment of the notes was seriously to endanger their convertibility in times of political distrust or commercial panic.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_80

TABLE VIImk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_81

TRADE AND CURRENCY

Years.	Merchandise.	Treasure.	Total Coinage of	Excess (+) or Defeet (—) of Coinage	Annual Production (in

							on Net Imports of		£, 00,000 omitted) of	
			Net Imports of							
	Imports. £	Exports. £	Silver. £	Gold. £	Silver. £	Gold. £	Silver. £	Gold. £	Gold.	Silver.
1860-61	23,493,716	32,970,605	5,328,009	4,232,569	5,297,150	65,038	-30,859	-4,167,531	23,9	8,2
1861-62	22,320,432	36,317,042	9,086,456	5,184,425	7,470,030	58,667	-1,616,426	-5,125,758	22,8	8,5
1862-63	22,632,384	47,859,645	12,550,155	6,848,156	9,355,405	130,666	-3,194,750	-6,717,490	21,6	9,0
1863-64	27,145,590	65,625,449	12,796,717	8,898,306	11,556,720	54,354	-1,239,997	-8,843,952	21,4	9,8
1864-65	28,150,923	68,027,016	10,078,798	9,839,964	10,911,322	95,672	+832,524	-9,744,292	22,6	10,3
1865-66	29,599,228	65,491,123	18,668,673	5,724,476	14,639,353	17,665	-4,029,320	-5,706,811	24,0	10,4
1866-67	29,038,715	41,859,994	6,963,073	3,842,328	6,183,113	27,725	-779,960	-3,814,603	24,2	10,1
1867-68	35,705,783	50,874,056	5,593,961	4,609,466	4,385,080	21,534	-1,208,8	-4,587,	22,8	10,8

							81	932		
1868-69	35,990,142	53,062,165	8,601,022	5,159,352	4,269,305	25,156	-4,331,717	-5,134,196	22,0	10,0
1869-70	32,927,520	52,471,376	7,320,337	5,592,016	7,510,480	78,510	+190,143	-5,513,506	21,2	9,5

He therefore ventured beyond the scope of the agitation, and pronounced that instead of allowing gold a backdoor entry into the currency system it ought to be made the standard of value in India. He did not agree with Mr. Wilson that the substitution of gold for the silver standard would be"to break faith with the creditor."Nor was he much deterred by the fact that before the silver currency could be reduced to a subsidiary position, the introduction of gold in India would give rise to a double standard for the time being ; for he argued that"all nations must pass through a transition stage of a double standard before they arrive at a single standard."Accordingly he proposed that (1) sovereigns and half-sovereigns of British or Australian standard should be legal tender in India, at the rate of one sovereign for Rs. 10, and that (2) Government currency notes should be exchangeable either for rupees or sovereigns at the rate of one sovereign for Rs. 10, but that they should not be exchangeable for bullion.

His proposals were accepted by the Government of India and were communicated to the Secretary of Statemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_82 for his sanction. But the Secretary of State, impatient and intolerant of any deviation from a monometallic system, whittled down the whole project with scant courtesy. His replymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_83 is a grotesque piece of reasoning and terribly shallow. He was unwilling to allow the measure, because he felt satisfied that the rate of Rs. 10 to a sovereign underrated the sovereign too much to permit its circulation. Here he was on solid ground. The cost of producing a sovereign at a Mint in India was estimated mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_84at the time to be Rs. 10-4-8; while the cost of importing it to

Calcutta from England was estimated at Rs. 10-4-10, and from Australia at Rs. 10-2-9. Whichever was the proper rate, it was certain that sovereigns could not circulate at the rate of Rs. 10 to 1. It was a pity that Sir Charles Trevelyan did not propose a higher ratiomk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_85 so as to make the circulation of the sovereign an assured event. But the Secretary of State would have been averse to the measure just the same, even if the ratio had been favourable to the sovereign. To the Secretary of State, the measure, based as it was on an unfavourable ratio, was useless. But if based on a favourable ratio it was none the less pernicious, for, it portended the possibility of what he considered as the most vicious system of double standard, however temporary it might have been. The mere contingency of giving rise to a bimetallic system was enough to frighten the Secretary of State into opposition to the whole measure, for he refused to admit that"it may be for the public advantage to pass through a period of double standard in order to change the basis of the currency from silver to gold."

The only concession that the Secretary of State was willing to make was to permit"that gold coin should be received into public treasuries at a rate to be fixed by Government and publicly announced by Proclamation"without making it a general legal tender in India. It will be recalled that this was a revival of that foolish measure which was abandoned in 1852 for having embarrassed the Government. To offer to receive coin which you cannot pay back is to court trouble, and it was to obviate the too-well-known danger inherent in the project that this more complete measure was proposed. But the currency stringency was so great that the Government of India, rather than obstinately cling to their view, consented to avail themselves of the suggestion of the Secretary of State, and issued a Government Notification in November, 1864, which proclaimed that

> "sovereign and half-sovereigns coined at any authorised Royal Mint in England or Australia of current weight, shall until further notice be received in all the Treasuries of British India and its dependencies in payment of sums due to Government, as the equivalent of 10 and 5 Rs. respectively ; and that such sovereigns and half-sovereigns shall, whenever available at any Government Treasury, be paid at the same rates to any person willing to receive them in payment of claims against the Government."

The real par, however, was somewhat above Rs. 10 to the sovereign,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_86 and the notification was therefore inoperative. The currency situation, on the other hand, continued to be as acute as ever, and the Government of India was again moved in 1866 by the Bengal Chamber of Commerce to take steps to make the circulation of gold effective. This time the Chamber insisted on the institution of a Commission of Inquiry"as to the expediency of introducing gold into the monetary system of India."But the Government of India heldmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_87 that"instead of a gold a paper currency has been introduced, in the expectation that it would prove a more convenient and acceptable circulating medium than either of the precious metals,"and consequently"it must be shown that paper has not proved and is not likely to prove a circulating medium adequate to the wants and suitable to the habits of the country, before an endeavour is made to introduce gold in suppression of, or in addition to, paper."A commission was therefore appointed to inquire into the"operation of the existing currency arrangements which were established under Act XIX of 1861,"and to report as to"what may be the advantage, as based on expediency, of the introduction of the legal tender of gold into India, in addition to that of silver."After an exhaustive investigation, the Commission came to the conclusionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_88 that owing to several causes the paper currency had failed to establish itself among the circulating media of the country, but that gold was finding a larger place in the transactions of the people. The Commission ended by urging upon the Government"to cause a legal tender of gold to be a part of the currency arrangements of India."Now it was the turn of the Government to give effect to the recommendation. But, curiously enough, it did not go to the extent of adopting the recommendation of the Commission which it had itself appointed. Instead of making gold legal tender, as advised by the Commission, the only action the Government took was to issue another Notification on October 28, 1868, which simply altered the rate of the sovereign to Rs. 10-8, without doing anything further to avoid the evil consequence attendant upon that one-sided measure. Fortunately for the Government, even this correction of the rate did not induce any flow of gold into the circulation of the country. The currency troubles had by then subsided, and as no new pressure was exerted upon the

Government, this proved the last of two abortive attempts the Government made to introduce gold into India.

For the time being, the problem was solved by the natural course of events. But, as subsequent events showed, the change to a gold standard would have been better for India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_89 and would have been welcomedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_90 in the interests of Europe, which was then suffering from high prices due to the superfluity of gold. At this particular juncture, the Government of India was really at the crossing of ways, and could have averted the misfortunes that were to befall it and its people if it had sided with the forces of change and replaced the silver standard by a gold standard, as it could most easily have done. That those in charge of Indian affairs should have thrown the weight of their authority against the change was no dishonest act deserving of reproach,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_91 but it does furnish one more illustration of those disastrous human ways, which often lead people to regard the situation in which they live as most secure, just when it is most precarious. So secure did they feel about the currency situation that in 1870, when the Mint Law came to be revised and consolidated, they were content, as though nothing had happened or was likely to happen, to allow the silver standard of 1835 to continue pure and unsullied by any admixture of gold.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_92 *

Alas ! those, who then said mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28B. Problem of Rupee CHAPTER I.htm - _msocom_93 that they were not called upon to take more than a"juridical"view of the Indian currency question, knew very little what was in store for them.

Chapter II

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER II

THE SILVER STANDARD AND THE DISLOCATION OF ITS PARITY

It is clear how the evolutionary process with respect to the Indian currency culminated in the establishment of a silver standard and how the agitation for a gold currency ended in the silver standard being supplemented by a paper currency. Before proceeding to inquire into the working of such a mixed system, it would be useful to review briefly the nature of its framework.

The metallic part of it was regulated by Act XXIII of 1870. The coins authorised and legalised thereunder were as shown on p. 379. (Table VIII)

The Act made no innovations either in regard to the number of coins issued by the Mints or their legal-tender powers. Identical though it was with the earlier enactment's in the matter of coins,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_1 its juridical provisions were designed to perfect the monetary law of the country as had never been done before. The former Acts which it repealed were very sparing in their recognition of the principle of mint"remedy"or"toleration,"as it is called. The point has been largely deemed to be one of mere mint technique. That is so ; but it is not without its monetary significance. When the precious metals were current by weight the question of a mint toleration could not possibly have arisen, for it was open to every one to ascertain the same by weighing the value of his return. But since the invention of coinage, when currency came to be by tale, every one has trusted that the coins contained the value they were certified to contain.

TABLE VIII

Denomination of Coins issued by the Mint.	Gross Wt Troy Grs.	Remedy in Weight.	Fineness. Troy Grs.	Remedy in Fineness.	Legal-tender Power.
1. *Gold Coins* (a)					
(i) Mohur	180	2/1000 ths	165	2/1000 ths	
(ii) Third of a Mohur . (iii) Two-thirds of a Mohur	60 120	„ „	65 110	„ „	Not Legal Tender at all.
(iv) Double Mohur	360	„	330	„	
11. *Silver Coins (b)*					
(i) (i) Rupee (ii) (ii) Half-rupee	180 90	5/1000 ths	165 82.5	2/1000 ths	Unlimited Legal Tender.
(iii) Quarter-rupee	45	7/1000 ths	41.25	3/1000ths .	Legal Tender for Fractions of
(iv) Eighth of a Rupee	22.5	10/1000 ths	20.625		a Rupee only.
III. *Copper Coins* (c)					
(i) Pice	100	1/40 th	—	—	Legal Tender for 1/64th

					part of a Rupee
(ii) Double Pice	200	„	—	—	Legal Tender for 1/32nd part of a Rupee
(iii) Half-pice	50	„	—	—	Legal Tender for 1/128th part of a Rupee
(iv) Pie	33.3	„	—	—	Legal Tender for 1/192nd part of a Rupee

The actual value of the coin cannot, however, always be in exact agreement with its certified value. Such differences are bound to exist, and even with all the improvements in the art of coinage it would be difficult to avoid them. What matters is the extent of the deviation from the true mint standard. The mint laws of all countries, therefore contain provisions which declare that coins shall not be legal tender at their certified value if they err from their legal standard beyond a certain margin. Indeed to make coins legal tender without prescribing a limit to their toleration is to open a way to fraud. In so far as the Act laid down a limit of toleration to the coins it authorised to be issued from the Mint, it was a salutary measure. It is to be regretted, however, that the Act instituted no machinery with which to ascertain that the coinage conformed to the law.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_2 Another important improvement made by the Act was the recognition of the principle of free coinage. The principle, though it

has not received the attention it deserves, is the very basis of a sound currency in that it has an important bearing on the cardinal question of the quantity of currency necessary for the transactions of the community. Two ways may be said to be open by which this quantity can be regulated. One way is to close the Mint and to leave it to the discretion of the Government to manipulate the currency to suit the needs. The other is to keep the Mint open and to leave it to the self-interest of individuals to determine the amount of currency they require. In the absence of unfailing tests to guide the exercise of discretion necessary in the case of closed Mints, the principle of open Mints has been agreed upon as the superior of the two plans. When every individual can obtain coin for bullion and convert coin into bullion, as would be the case under open Mints, the quantity is automatically regulated. If the increasing demands of commerce require a large amount of circulating medium, it is for the interest of the community to divert a larger quantity of its capital for this purpose; if, on the contrary, the state of trade is such as to require less, a portion of the coin is withdrawn, and applied as any other commodity for purposes other than those of currency. Because the Act of 1870 expressly recognised the principle of open Mint, it is not to be supposed that the Mints were closed before that date. As a matter of fact they were open to the free coinage of both gold and silver, although the latter alone was legal tender. But, strange as it may seem, none of the earlier Acts contained a word as to the obligation of the Mint Master to coin *all* the metal presented to him—a condition which is of the essence of the open mint system. The provisions of the Act on this point are unmistakable. It required:—

"Section 19. Subject to the Mint-rules for the time being in force, the Mint Master shall receive all gold and silver bullion and coin brought to the Mint:"Provided that such bullion and coin be fit for coinage:"Provided also that the quantity so bought at one time by one person is not less, in case of gold, than fifty tolas, and, in the case of silver, than one thousand tolas.

"Section 20. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for coinage to the mint in accordance with the said Mint-rules.

"Section 21. All silver bullion or coin brought for coinage to the Mint, in accordance with the said Mint-rules, shall be subject to a duty

at the rate of 2 per cent. on the produce of such from the return to be made to the proprietor.

"Section 22. A charge of one-fourth per mile on gold bullion and coin, and of one per mile on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint.

Section 23. All gold and silver bullion and coin brought to the Mint for coinage, and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge on account of the loss and expense of refining as the Governor-General in Council prescribes in this behalf.

"Section 24. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

"Section 25. For all gold bullion and coin, in respect of which the Assay Master has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No. XVII of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins, in British India."

In the matter of paper currency the Government, it is to be noted, did not proceed upon the principle of freedom of issue, which then obtained in the country. There prevails the erroneous view that before the introduction of the Government paper currency the right of note issue was confined to the three Presidency banks of India. As a matter of fact there existed in India what is called the free banking system, in which every bank was at liberty to issue its notes. It is true that notes of the Presidency banks enjoyed a status slightly superior to that enjoyed by the notes of other banks in that they were received by the Government to some extent in payment of revenuemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_3— a privilege for which the Presidency banks had to submit to a stringent legislative control on their business#, from which other banks whose issues were not so privileged were immune.

#The reasons for such control are to be found in the peculiar relationship that subsisted between the Government and the Presidency banks. Prior to 1862, as a safeguard against their insolvency,"the Presidency Bank Charters restricted the kind of business in which they wore to engage themselves. Put very briefly the principal restrictions imposed prohibited the banks from conducting foreign-exchange business, from borrowing or receiving deposits payable out of India, and from lending for a longer period than six months, or upon mortgage, or on the security of immovable property, or upon promissory notes bearing less than two independent names, or upon goods unless the goods or title to them wore deposited with the banks as security. The Government held shares in the banks and appointed a part of the Directorate. In 1862, when the right of note issue was withdrawn, these statutory limitations on the business of the banks were greatly relaxed, though the Government power of control remained unchanged. But, the banks having in some cases abused their liberty, nearly all the old restrictions of the earlier period were reimposed in 1876 by the Presidency Banks Act, Government, however, abandoning direct interference in the management, ceasing to appoint official directors, and disposing of its shares in the banks. Some of these limitations have been incorporated in Act XLVII of 1920, which amalgamated the three Presidency banks into the Imperial Bank of India. Banks other than Presidency banks have been entirely immune from any legislative control whatsoever, except in so far as they are made amenable to the provisions of the Indian Companies Act. Cf. in this connection Minutes by Sir Henry Maine, No. 47, and the accompanying note by W. Stokes. The control of these banks is one of the important problems of banking legislation in India.

But this disadvantage was not sufficient to discourage other banks from indulging in the right of issue which was left open to them by law. However, this freedom of issue does not seem to have been exercised by any of the banks on any very large scale, not even by the Presidency Banks**, and was taken away from ail in 1861, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_4when there was established a national issue for the whole of India entrusted to the management of a Government Department called

the Department of Paper Currency.

**It should however, be noted that in 1860 the circulation of notes of the three Presidency banks was larger than their current accounts, as is evident from the following :—

Name of the Bank	*Accounts current*	*Notes in circulation*
Bank of Bengal	£ 1,254,875	£ 1,283,946
Bank of Bombay	438,459	765,234
Bank of Madras	161,959	192,291

(Bankers' Magazine, April, 1893, p. 547)

But if private interest was not allowed to play the same part in determining the quantity of paper currency as was the case with regard to metallic currency, neither was any discretion left to the Government Department in the regulation of the paper currency. The Department of Paper Currency had no more discretion in the matter of paper currency than the Mint Master had in the matter of metallic currency.

The Department's duty was confined by lawmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_5 to the issue of notes in exchange for the amount thereof : (1) in current silver coin of the Government of India; (2) in standard silver bullion or foreign silver coin computed according to standard at the rate of 979 rupees per 1,000 tolas of standard silver fit for coinage ; (3) in other notes of the Government of India, payable to bearer on demand of other amounts issued within the same circle ; and (4) in gold coin of the Government of India, or for foreign gold coin or bullion, computed at such ratio and according to such rules and conditions as may be fixed by the Governor-General, provided that the notes issued against gold did not exceed one-fourth of the total amount of issues represented by coin and bullion. The whole of this amount was required

by law to be retained as reserve for the payment of notes issued with the exception of a fixed amount which was invested in Government securities, the interest thereon being the only source of profit to the Government. The limit to the sum to be so invested was governed"by the lowest amount to be estimated to which according to all reasonable experience, the paper currency might be expected to fall."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_6 Estimating on this basis, the limit to the investment portion was fixed at 4 crores in 1861,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_7 at 6 crores in 1871mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_8 and at 8 crores in 1890.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_9 But notwithstanding the growing increase in the investment portion, never was the fiduciary issue based thereon so great as to abrogate the essential principle of the Indian Paper Currency Law, the object of which was to so regulate the volume of paper currency that it should always preserve its value by contracting and expanding in the same manner and to the same extent as its metallic counterpart.

The following table shows the distribution of the paper currency reserve at three different periods:

	Note	Composition of the Reserve				Percentage of each Component of the Reserve to the Total		
Period	Circulation					Circulation		
		Silver	Gold	Securities	Total	Silver	Gold	Securities
1862-1871	7.63	4.80	0.03	2.80	7.63	63		37
1872-1881	11.82	5.98		5.84	11.82	51		49

1882-1891	15.74	9.64		6.10	15.74	61		39

Such was the organisation of the mixed currency that existed in India before it underwent a profound change during the closing years of the nineteenth century. Though of a mixed character, the paper portion formed a comparatively small part of the total. The principal reasons why the paper currency did not assume a large proportion are to be found in the organisation of the paper currency itself.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_10 One such reason was that the lowest denomination of the notes was too large to displace the metallic currency. By the law of 1861 the denomination of notes ranged upwards from Rs. 10 as the lowest to Rs. 20, 50, 100, 500, and 1,000. In a country where the average range of transactions did not exceed R. 1 and were as low as 1 anna or even lower, it is impossible to expect that paper currency could, to any great extent, figure in the dealings of the people. Even Rs. 5 notes, the issue of which was first sanctioned in the year 1871,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_11 were not low enough to penetrate into the economic life of the people. The other impediment to the increase of paper currency was the difficulty of encashing notes. One of the infelicitous incidents of the paper currency in India consisted in the fact that they were made legal tender everywhere within a circle, but encashable only at the office of issue. For such a peculiar organisation of the paper currency in India, what was largely responsible was the prevalence of internal exchange** in the country.

**It may be pointed out that although the Presidency banks had ceased to issue notes, yet under the agreements made with the Government in virtue of Act XXIV of 1861 the banks were employed by the Government"for superintending, managing and becoming agents for the issue, payment and exchange of promissory notes of the Government of India, and for carrying on the business of an agency of issue"on a renumeration of 3/4, per cent. per annum"on the daily average amount of Government currency notes outstanding and in circulation through the agency of the bank."In the conflict that ensued between the Government of India and the Secretary of State because it believed that it would

help the extension and popularization of the notes as to the propriety of thus employing the banks, the former was in favour of the plan, while the latter disliked the arrangement because it seemed to him to compromise the principle of complete separation between the business of issue and the business of banking. Neither of the two, however, grasped the fact that the profit on remittances on different centres owing to the prevalence of internal exchange was so great that the commission allowed to the banks was an insufficient inducement to cause them to promote the circulation of notes by providing facilities at their branches for the free encashment of them. So high was the internal exchange, and so reluctant seemed the banks to popularise the notes, that Government finally discharged them from being their agents for paper currency from January 2, 1866. *See* House of Commons Return, East Indian (Paper Money) 215 of 1862.

It raised a serious problem for the Government to cope with. If notes were to be made universally encashable it was feared that merchants, instead of using notes as currency, might use them as remittance on different centres to avoid internal exchange, and the Government be obliged to move funds between different centres to and fro, lest it should have to suspend cash payments. To undertake resource operations on such a vast scale between such distant centres when facilities for quick transport were so few, was obviously impossible,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_12 and the Government therefore decided to curtail the encashment facilities of notes it issued. For the purposes of the paper currency, the Government divided the country into a number of circles of issue, and each currency circle was further subdivided into sub-circles,§mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_13 and the notes issued bore on their face the name of the circle or sub-circle from which they originated. Notes issued from any agency of issue situated in the territory comprised within a circle of issue were not legal tender in the territory of any other currency circle, nor were they encashable outside their own circle. Nay more, the notes issued from sub-circles subject to the same chief circle were legal tender in one another's territory, but were not encashable except at their office of issue or at the issue office of their chief circle. The sub-circle notes could thus be cashed at two places, but the notes of

the issue office of the chief circle, though legal tender in the entire territory covered by it, were encashable nowhere except at its own counter, not even at any of its own sub-circles.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_14 This want of universal encashability, though it saved the Government from the possibility of embarrassment, proved so great a hindrance to the popularity of the notes that it may be doubted whether the paper currency could have made a progress greater than it did even if the lowest denomination of the notes had been lower than it actually was.

It must, however, be borne in mind that it was not the intention of the Indian Legislature to make the Indian currency as economicalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_15 as was desired by the Executive Government. The Legislature was no doubt appealed to by the original author of the paper currency to turn India into a new Peru, where as much currency could be had with as little cost,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_16 but the Legislature showed a rather prudent reserve on the matter of aiding the consummation of such a policy. As the centres of encashment were so few, and the area included within each so large as to separate the furthest point in a circle by a distance of about 700 miles from the centre of encashment of the circle, it viewed with dread the authorising of notes of smaller denomination which the poor could not refuse and yet could not cash.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_17 Besides the hardship involved in the want of encashability in the notes, the Legislature feared they would prove a"fugitive treasure"in the hands of the Indian peasant. Not being able to preserve them from rain and ants, he might have had to pay a heavy discount to be rid of the notes he could have been forced to accept.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_18 So opposed was the Legislature to the economising clauses of the Paper Currency Bill as contrived to drive out metallic currency that it gave the Government an option to choose between legal-tender notes but of higher denomination and lower-denomination notes but of no legal-tender power.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_19 And as the Government chose to have legal-

tender notes, the Legislature in its turn insisted on their being of higher denomination. At first it adhered to notes of Rs. 20 as the lowest denomination, though it later on yielded to bring it down to 10, which was the lowest limit it could tolerate in 1861. Not till ten years after that, did the legislature consent to the issue of Rs. 5 notes, and that, too, only when the Government had promised to give extra legal facilities for their encashment. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_20 On the whole, the desire of the Indian Legislature was to make the Indian currency safer, rather than economical, and such it undoubtedly was.

How did the currency system thus constituted work? Stability of value is one of the prime requisites of a good currency system. But if we judge the Indian currency from this point of view, we find that there existed such variations in its value that it is difficult to escape the conclusion that the system was a failure.

Taking the rate of discount as an evidence of the adequacy of currency for internal commerce, it was the opinion of such a high financial authority as Mr. Van Den Berg that the unexpected contortions and sudden transitions in the Indian money market were unparalleled in the annals of any other money market in any other part of the world.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_21 India is pre-eminently a country subject to seasonal swings**.

****It should be noted that the slack and the busy seasons are not uniformly distributed over the whole surface of the country. The distribution is roughly as follows :—-**

	Eastern India		Western	Northern India		
Months			India			Southern
	Rangoon	Calcutta	Bombay and	Cawnpore	Lahore	India Madras
			Karachi			

Busy	3 Months	4 Months	6 Months	6 Months	9Months	6 Months
Slack	9 Months	8 Months	6 Months	6 Months	3 Months	3 Months
January	Busy	Slack	Busy	Slack	Busy	Slack
February	„	„	„	Busy	„	Busy
March						
April	Slack	„	„	„	„	„
May	,	„	Slack	Slack	„	„
June						
July			„	„	Slack	„
August	, ,	Busy	„	„	„	Slack
September	, ,	„	„	Busy	„	„
October	, ,	„	„	„	Busy	„
November	, ,	„	Busy	„	„	„
December	• '	Slack	-	Slack	-	-
Busy	Jan. to	Aug. to	Nov. to	Feb. to	April to	Feb. to
	March	Nov.	April	April	June	July
Slack	April to	Dec. to	May to	May to	July to	April to
	Dec.	July	Oct.	Aug.	Sept.	Dec.
Busy				Sept. to	Oct. to	
				Nov.	Marc	

					h	
Slack				Dec. to		
				Jan.		

Midsummer is naturally a period of diminished activity, while autumn brings renewed vigour in all activities of social and economic life. Not production alone is affected by seasons. On the side of consumption, Indian social life is also subject to seasonal variations. There are marriage season, holiday seasons and holy seasons. Even distribution has assumed in India quite a seasonal character. The practice of paying rents, wages, dividends, and settling accounts at stated intervals has been gaining ground as a result of contact with Western economic organisation. All these generate a kind of rhythm in the social demand for money, rising at certain periods of the year and falling at others. Having regard to the seasonal character of the economic and social life, the fluctuations caused by the discount rate soaring high during busy months when it should have been low enough to liquidate the transactions, and falling low during slack months when it should have been high enough to prevent the market from being demoralised, are unavoidable. But what made the contortions of the Indian money market so obnoxious was the circumstance that the seasonal fluctuations in the discount rate were so abnormal.##The rate of discount of the Bank of Bengal for private paper running thirty days and after was altered—

In 1876 16 times, with 6 1/2 percent, as minimum and 13 1/2, percent, as maximum.
In 1877 21 times, with 7 1/2 percent, as minimum and 14 ½ percent, as maximum
In 1878 10 times, with 5 1/2 percent, as minimum and 11 ½ percent, as maximum
In 1879 15 times, with 6 1/ percent, as minimum and 11 ½ percent, as maximum
In 1880 8 times, with 5 1/ percent, as minimum and

9 ½ percent, as maximum
In 1881 9 times, with 5 1/ percent, as minimum and 10 ½ percent, as maximum
In 1882 9 times, with 6 1/2 percent, as minimum and 12 ½ percent, as maximum
In 1883 times, with 7 1/2 percent, as minimum and 10 ½ percent, as maximum

(Van Den Berg, loc. cit.)

The explanation for such a market phenomenon is to be sought in the irregularity of the money supply of the country. In order that money may be had at a uniform price, its supply should be regulated according to the variations in the demand for it. It is well to recognise that the demand for money is never fixed. But it will avail nothing until it is realised that the changes in the demand for money which take place from year to year with the growth of population, trade, etc., belong essentially to a different category from the fluctuations in the demand for money which occur within the course of a year owing to seasonal influences. In any well-regulated currency it is necessary to distinguish these two categories of changes in monetary demand, the one requiring steadiness and expandability and the other elasticity. On a comparative view it seems more than plausible that a metallic money is as especially adapted to furnish this element of steadiness and stability as paper money is to furnish that of elasticity. Indeed, so appropriate seem to be their respective functions that it has been insistedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_22 that in an ideal system, these two forms of money cannot interchange their functions without making the currency burdensome or dangerous. The proof of the soundness of this view, it may be said, is found in the fact that, excluding the small transactions which take place by direct barter, the purchasing medium of any commercially advanced country is always a compound of money and credit.

On the face of it, the Indian currency is also a compound of money and credit, and as such it may be supposed that it contained provisions for expandability as well as elasticity. But when we come to analyse it we

find that it makes no provision whatever for elasticity. Far from allowing the credit part of it to expand and contract with the seasonal demands, the Paper Currency Act placed a rigid limit upon the volume of its issue regardless of any changes in the volume of the demand. Here, then, is to be found one of the causes for the"convulsions"in the discount rates prevalent in the Indian money market. As was pointed out by Mr. Van Den Berg —

> "The paper currency established by the Indian legislator fully answers the purpose, so far as business requires an easier means of exchange than gold or silver coin ; but no connection whatever exists between the issue of the fiduciary currency and the wants of the public to have their bills or other commodities converted into a current medium of exchange..... and this is the sole cause of the unexpected convulsions and sudden transitions in the money market so utterly detrimental to business to which the British Indian trade is constantly exposed.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_23

It may, however, be objected that such a view is only superficial. The Indian Paper Currency Act is a replica of the English Bank Act of 1844 in all its essentials. Like the English Bank Act, it?et a definite limit to the fiduciary issue of notes. Like it, it separated the Issue Business from the Banking Business,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_24 and if it made the banks in India mere banks of discount, it is because it copied the Bank Charter Act, which deprived banks in England, including the Bank of England, from being banks of issue. And yet, it cannot be said that the English money market is affected by such"convulsions and sudden transitions"as has been the case with the Indian money market. On the other hand, it was the considered opinion of Jevonsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_25 that"the Bank of England and bankers generally have just the same latitude in increasing or diminishing their advances now (i.e. under the Act of 1884) as they would have under a [nun] restricted system"; for, as he elsewhere argued, if the limitation on fiduciary issue is arbitrary, and if people want more money,"it is always open to them to use metallic money instead. The limitation is imposed not upon money itself, but upon the representative part."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_26 What, then, is the reason that the Indian Paper

Currency Act should produce the evils which its English prototype did not? *A priori* there need be no such convulsions in a money market subject to such law. The Act, by limiting the issue of notes, did seem to leave no choice but to use metallic money even for seasonal demand. This would be true if notes were the only form in which credit could be used. As a matter of fact, this is not so. Credit could take the form of a promise to pay, issued by a bank, as well as it could take the form of an order on the bank to pay, without making any difference to the social economy of the people who used them. Consequently, if under the provisions of the Act banks are restricted from issuing promises to pay, it does not follow that the only way open to them is a resort"to use metallic money instead,"for they are equally free to consent to honour as many orders to pay as they like. Indeed, the success or failure of the Act depends upon which of the two alternatives the banks adopt. It is obvious that those who will submit to the ruling of the Act and resort to metallic money will have to bear the"convulsions,"and those who will circumvent the Act by utilising other forms of credit will escape them. The chief reason, then, why the Act has worked so well in England and so badly in India, is due to the fact that, whereas English banks have succeeded in implanting the order or cheque system of using credit in place of the note system, Indian banks have unfortunately failed. That they should have failed was however, inevitable. A cheque system presupposes a literate population, and a banking system which conducts its business in the vernacular of the people. Neither of these two conditions obtains in India. The population is mostly illiterate, and even were it otherwise it could not have availed itself of the cheque system, because Indian banks refuse to conduct their business in any other medium but English. Besides, the growth of the cheque system presupposes a widespread network of banks, a condition which is far from being fulfilled in India. In the absence of banking, a cheque is the worst instrument that could be handled. If not presented within a certain time, a cheque may become stale and valueless, and is therefore inferior to a note as a store of wealth. In such circumstances as these, it is no wonder that in India cheques did not come into being on a sufficiently large scale to amend the inelasticity of the notes.

But even if Indian banks had succeeded in making use of credit in a form other than that of notes, they could not have eased the money market to the same extent as the English banks have been able to do. One of the incidents of banking consists in the liability of banks to pay

cash on demand. If all their deposits were received in cash this liability would involve no risk. As a matter of fact, a larger part of their deposits consists of bills which they make it their business to undertake to pay in cash. One of the first things, therefore, that a banker has to look to is the proportion which his cash deposits bear to his credit deposits. Now, this proportion may be adversely affected either by an increase in his credit deposits or by diminution in his cash deposits. In either case his ability to pay cash is *pro tanto* weakened by lowering the ratio of his total cash to his total liabilities. Against an undue expansion of credit a banker may effectually guard himself. But, notwithstanding the development of the cheque system, there is always lurking the possibility of withdrawal of some cash at some time or other. A banker must, therefore, provide by keeping on hand a certain minimum reserve. How large should be the reserve depends upon what the possibilities for the withdrawal of cash are. The point is that to the extent of the reserve the power of the bank to grant credit is curtailed. If the reserve of the bank is already at the minimum it must stop discounting or must strengthen its position by recovering the cash withdrawn from its coffers. Now, it is obvious that if the amount of money withdrawn is kept in the current of business where the banks can get at it, they of course can strengthen their position again immediately, and not only always keep themselves well away from the danger line of minimum reserve, but be always prepared to meet the needs of the money market. What was the position of the Indian banks from this point of view? Owing to the absence of a cheque system the possibilities for the withdrawal of cash are great, and the reserve was required to be large in consequence thereof. A large part of their funds being thus held for a reserve, their resources for discounting were small. But there was a further weakening of their position as lenders by reason of the fact that the cash withdrawn did not speedily return to them. The result was that the Indian banks were obliged to curtail their discounts to a far greater extent than were the English banks, in order to preserve a due proportion between their cash and their credits. The absence of branch banking was an important desideratum in this regard. But, even if there were branch banks, the money withdrawn could not have returned, for it was not left in the current channels of business. It was locked up in Government treasuries, whose operations were independent of the banking transactions of the country. Of course, there could be nothing inherently wrong in the maintenance by a Government of an Independent Treasury, and if its operations were to have a resultant

connection with the operations of the business community no harm need arise. But the operations of the Indian Treasury ran counter to the needs of business. It locked up when it should have released its hoards, and released its hoards when it should have locked them up.

The causes that"convulsed"the Indian money market had therefore been the inelasticity of the credit media and the working of the Independent Treasury System in so far as they were the prime factors affecting the money supply of the country *(see* Chart 1). The evil effects of such convulsions of the discount rate can hardly be exaggerated.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_27 In an economy in which almost every business man must rely, at certain seasons, if not all the year round, on borrowed capital, the margin of profit may be wiped out by a sudden rise or augmented by a sudden fall in the rate of discount leading to under-trading or over-trading. Such fluctuations increase business risks, lead to higher business expenses and a greater cost to the consumer. They bring about swings in prices, promote speculation, and prepare for panics.

CHART I

DISCOUNT RATE IN INDIA

Evils such as these would have in any other country compelled the authorities to take proper steps to deal with them. But it is a curious fact that in India no serious attempts were made to alleviate the sufferings they inflicted upon the trading community. A reform of the paper currency or the abolition of the Independent Treasury System would have eased the situation, though a reform of both would have been better. The general community, however, was not desirous for a change of the paper currencymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_28 but was anxious for the abolition of the Independent Treasury. The Government, on the other hand, refused to do away with its Independent Treasury System *** and repudiated even its moral obligation to help the business community on the somewhat pedantic plea that in locking up currency it did not lock up capital ###

*** It should, however, be noted that between 1862 and 1876, at some centres comprising the head offices and branch offices of the Presidency banks, the Independent Treasury System was suspended. By way of compensation for the loss of their right of note issue, the Presidency banks were given certain concession by the Government under agreements entered into in accordance with Act XXIV of 1861. Among the concessions one was the use by the banks of Government balances. The first agreement, that of 1862, conceded to the banks the following privileges in regard to the Government balances : (1) The unrestricted use for banking purposes"of all moneys and balances which but for the agreement would have been received or held at the General Treasury"up to the limit of 70 lakhs in the case of the Bank of Bengal, 40 lakhs in the case of the Bank of Bombay, and 15 lakhs in the case of the Bank of Madras. (2) The option of setting aside the excess over these sums in a separate strong room for production when demanded, or of investing it in Government paper or other authorised securities, the power of investment being subject to the condition that the banks should be"at all times answerable and accountable to Government for the surplus cash balance for the time being."(3) The right to interest from Government on the difference between the actual balance and 50 lakhs in the case of the Bank of Bengal, 30 lakhs in the case of the Bank of Bombay, and 10 lakhs in the case of the Bank of Madras, whenever the balances at these banks fell below these minima. (4) Permission to the banks to use the Government balances at their branches on similar terms, suitable limits being fixed in each case, as in the head office agreements.

A year after the agreements were executed, difficulties arose with the Bank of Bengal, which had locked up the funds to such an extent that it was unable to meet the demands of the Government on the public balances it held. Negotiations were therefore opened in 1863 for the revision of the agreements, and the revised agreements came into force on January 2, 1866.

They contained the following provisions regarding the public balances : (1) Undertaking by Government to maintain in the hands of the banks at their head offices an"average cash balance"of 70 lakhs at the Bank of Bengal, 40 lakhs at the Bank of Bombay, and 25 lakhs at the Bank of Madras,"so far as the same may conveniently be done."(2) Permission to the banks to use the whole balances for the time being deposited with them for banking purposes. (3) The right to interest from Government when the Government balance at the head offices of the Bank of Bengal, Bank of Bombay, and Bank of Madras fell below the minima of 45 lakhs, 25 lakhs, and 20 lakhs respectively. (4) Permission to employ"the whole of the balances (at branches) however large for the time being"for banking purposes, subject to the condition that each branch should"at all times be ready to meet the drafts of the Government"to the extent of the Government balances at the branch.

These revised agreements were to remain in force till March, 1, 1874. In 1874 the question of the revision of the charters of the Presidency banks was under consideration, and it was the aim of the Government to continue to the banks the right to use the whole Government balances. Just at this time (1874) difficulties occurred with the Bank of bombay and the government could not draw upon their balances. This led to a reconsideration of the policy of merging the Government balances with the bank balances and leaving them in the custody of the banks. After a somewhat lengthy discussion the Government of India reverted to the system of Independent Treasury by instituting what were called Reserve Treasuries at the headquarters of the Presidencies which held the Government balances previously held by the Presidency banks. For a history of this episode *see* House of Commons Returns 109 and 505 of 1864 ; also J. B. Brunyate, *An Account of the Presidency Banks,* Chap. VII.

In the dispatch of May 6, 1875, sanctioning the re-establishment of the Independent Treasury System, the banks were admonished by the Secretary of State thus :"Capital supplied by Government, and not representing the savings of the community, is a resource on whose permanence no reliance can be placed, and which therefore tends to lead traders into dangerous commitments. It gives

ease for a time, and produces prosperity which is at the mercy of an accident. A political exigency suddenly withdraws the adventitious resources, and the commerce which trusted to it finds itself pledged beyond what its own resources can make good."Under the arrangements of 1876 leading to the establishment of the Reserve Treasuries, the Government agreed as before to pay interest to the banks when their balances at the banks fell below certain minima. The Government entered into no formal undertaking as regards maxima, and gave the banks to understand"that the Government will ordinarily not leave with the headquarters of the banks, otherwise than temporarily, more than the following sums : Bank of Bengal 100 lakhs, Bank of Madras 30 lakhs, and Bank of Bombay 50 lakhs. But this condition will not be inserted in the contract, which will impose no obligation upon the Government to leave any balances whatever with the banks..... The Government will not undertake to give to the banks the exclusive custody of all the public balances where the Government banks with the banks."The question of the amount of balances which the Government would have with the banks in the ordinary course being thus settled, the only way left open to give help to the banks to meet seasonal demands was to grant loans to the Presidency banks for its balances held in the Reserve Treasuries. After 1900 it agreed to make such loans of a limited amount at the bank rate. Up to 1913 only six loans were made, which shows that the terms of such loans were rather onerous. The Chamberlain Commission of 1913 recommended loans rather than the abolition of the Independent Treasury system. The war, however, hastened the course of events. It proved the necessity of co-operation between the Presidency banks and the Government, and also the need of a large and powerful Banking Institution. This was accomplished by the amalgamation of the Presidency banks into an Imperial Bank of India (Act XLVI I of 1920), with the inauguration of which the Independent Treasury system is again in the process of abolition. For a history of episodes of the Independent Treasury after 1876, see Appendices to the *Interim Report of the Chamberlain Commission,* Vol. I, Cd. 7070 of 1913, Nos. I and II.

Nor is it possible to say, since it was not called upon to enunciate a policy, how far it would have gone to modify the Paper Currency Act so as to relieve the situation. Before, however, this controversy could end

in a satisfactory solution for imparting to the currency system that element of elasticity which it needed, there developed another and a greater evil, which affected its metallic counterpart in a degree sufficient to destroy its most vital element of steadiness and stability of value, which it was its virtue to furnish. So enormous did the evil grow, and so pervasive were its effects, that it absorbed all attention to the exclusion of everything else.

What fixity of value between the different units of its currency is to the internal transactions of a country, a par of exchange is to its internal transactions. A par of exchange between any two countries expresses the relative exchange values of their respective currencies in terms of each other. It is obvious from this that the par of exchange between any two countries will be stable if they employ the same metal functioning as their standard money, freely convertible into and exportable as bullion, for in that case they would have as a measure of value a common medium, the value of which could not differ, given freedom of commerce, in the two countries by more than the cost of its transhipment, i.e., within specie points. On the other hand, there can be no fixed par of exchange between two countries, having different metals as their currency standards of value. In that case, their exchange is governed by the relative values of gold and silver, and must necessarily fluctuate with changes in their value relation. The limit to the exchange fluctuations between them will be as wide or as narrow as the limit to fluctuations in the relative values of the two metals may happen to be. When, therefore, two countries such as England and India are separated by differences in their metallic standards, theoretically there could be no possibility for a stable par of exchange between them. But, as a matter of fact, notwithstanding the difference in their metallic standards, the rate of exchange between England and India seldom deviatedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_29 from the normalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_30rate of 1 s. l0 1/2 *d.* for R. 1. So steady was the rate up to 1873 that few people were conscious of the fact that the two countries had different currency standards. After 1873, however, the rupee-sterling exchange suddenly broke loose from this normal parity, and the dislocation it caused was so great and so disorderly (Chart II) that no one knew where it would stop.

CHART II : FALL OF THE RUPEE-STERLING EXCHANGE

The rupee-sterling exchange was in reality a reflection of the gold-silver exchange. When, therefore, it is said that the rupee-sterling before 1873 was stable at 1s. 10 1/2 d., it merely meant that the gold-silver exchange before 1873 was stable at the ratio of 1 to 15 1/2; and that the rupee-sterling exchange was dislocated after 1873 meant that the gold-silver exchange lost its old moorings. The question which therefore arises is why was the ratio of exchange between gold and silver disturbed after 1873, as it never was before that year? Two factors have been appealed to as affording a sufficient explanation of what then appeared as a strange phenomenon. One was the demagnetisation of silver as the standard money medium by the principal countries of the

world. This movement in favour of demagnetisation of silver was the outcome of an innocent agitation for uniformity of weights, measures, and coinages. In so far as the agitation was aimed at such uniformity, it was in every way beneficial. But it also exemplifies how the pursuit of good sometimes leaves behind a legacy of evils. At the Great Exhibition held in London in 1851 the great difficulty of comparing the different exhibits, owing to the differences of weights, measures, and coinages as between the countries of their origin and other countries, was amply demonstrated to the representatives of the different nations assembled at that exhibitionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_31 The question of international uniformity in weights, measures, and coins was discussed by the various scientific assemblies gathered at this exhibition, and although nothing tangible came out of it, the question was not allowed to be dropped : it was taken up at the Brussels International Statistical Congress held two years after. Opinion had so far advanced that the next Statistical Congress, held at Paris, issued a declaration, which was confirmed by the Vienna Statistical Congress of 1859, strongly urging the necessity of bringing about the desired uniformity in the weights, measures, and coinages of different countriesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_32 Encouraged by the action of England, which had made in 1862 the metric system of weights and measures optional, the 1863 International Statistical Congress of Berlin resolved to invite the different Governments"to send to a special Congress delegates authorised to consider and report what should be the relative weights in the ..... gold and silver coins, and to arrange the details by which the monetary systems of the different countries might be fixed, upon a single unit decimally subdivided."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_33 The significance of this Congress can hardly be overlooked. It made a departure. At the former Congresses the question debated was largely one of uniformity in weights and measures. But at this Congress"that phase of it was subordinated to uniform coinage and was well-nigh laid aside,"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_34 Though the resolution was a

departure, it should not have been fraught with serious consequences if the reform had been confined to the question of uniformity of coinage. But there occurred a circumstance which extended its application to the question of currency. When this agitation for uniform coinage grew apace, the French quite naturally wished that their coinage system, which had already been extended over the area comprised by the Latin Union, should be taken as a model to be copied by other countries outside the Union in the interest of uniformity. With this end in view the French Government approached the British Government of the time, but was told in reply that the British Government could not consider the suggestion until France adopted the single gold standard.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_35 Far from being taken aback, the French Government, then so anxious to cultivate the goodwill of England, proved so complacent that it felt no compunction in conceding to the British the pre-requisite it demanded, and indeed went so far out of the way, when the Conference met in Paris in 1867, that it actually manoeuvredmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_36 the Assembly into passing a resolution"that for uniform international coinage it was necessary that gold alone should be the principal currency of the world."So much importance was attached to the question of uniformity of coinage that those who passed the resolution seemed not to have noticed what sacrifice they were called upon to make for its achievement. Perhaps it would be more correct to say that they did not know that they were affecting by their decision the currency system of the world. All they thought they were doing at the time was to promote uniformity of coinage and nothing more.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_37 But whatever the extenuating circumstances, the result was disastrous, for when the resolution came to be acted upon by the different countries assembled, the real end of the Conference, namely uniformity of coinage, was completely lost sight of, and the proposed means eventually became the virtual end.

The ball once set rolling, the work of demonetising silver began to grow apace. First in the field was Germany. Having vanquished

France in the war of 1870, she utilised the war indemnity in the reform of her chaotic currencymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_38 by hastening to adopt a gold currency for the United Empire of Germany. The law of December 4, 1871, authorised the change, with the mark as the unit of currency. Silver was demonetised by this enactment; but the existing silver coins continued to be legal tender though their further coinage was stopped, along with the new gold coins at the legal ratio of 15 to 1/2 to 1. This full legal-tender power of the silver coins was taken away from them by the law of June, 9, 1873, which reduced them to the position of a subsidiary currency.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_39 This policy was immediately copied by other countries of Germanic culture. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_40In 1872 Norway, Sweden, and Denmark formed a Scandinavian Monetary Union, analogous to the Latin Monetary Union, by which they agreed to demonetise silver as was done by Germany. This treaty, which established a gold standard and reduced the existing silver currency to a subsidiary status, was ratified by Sweden and Denmark in 1873 and by Norway in 1875. Holland also followed the same course. Till 1872 she had a pure silver standard. In that year she closed her Mint to the free coinage of silver, although the old silver money continued to be legal tender to any amount. In 1875 she went a step further and opened her Mints to the free coinage of gold. Her policy differed from that of the Germanic countries in that she only suspended the free coinage of silver, while the latter had demonetised it. Even the Latin Union was unable to resist this tide against silver. As a consequence of this exclusion of silver, the Latin Union, enlarged as it was by additional members, naturally desired to take precautionary measures against being flooded by the influx of this depreciated silver. Nor was this fear unfounded, for the silver tendered for coinage at the Belgian Mint in 1873 was three times greater than what was tendered in 1871. Rather than be embarrassed, Belgium, by the law of December 8, 1873, suspended the free coinage of her silver five-franc pieces. This action of Belgium forced the hands of the other members of the Union to adopt similar measures. The delegates of the Union met

in Paris in January, 1874, and

"agreed to a treaty supplementary to that originally framed in 1865, and determined on withdrawing from individuals the full power of free coinage by limiting to a moderate sum the silver five-franc pieces which should be coined by each State of the Union during the year 1874. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_41

The respective quotas fixed for 1874 were slightly increased in 1875, but were reduced in 1876@@.

@@The quotas fixed at the conferences for the several members of the Union were-

	1874	1875	1876
France	60	75	54
Belgium	12	50	36
Italy	40	15	10
Switzerland	8	10	7
Greece	...	....	.....
Total	120	150	110

In 1874 Italy was allotted an extra 20 million francs. *Ibid., p.* 155.

But the actual coinage did not even reach these small quotas. So greatly was the Union perturbed by the silver situation that during 1877 the coinage of silver five-franc pieces was, with the exception of Italy, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_42entirely suspended. This action was, however, only a preliminary to the treaty of November 5, 1878, by which the Latin Union agreed to close its Mints to the free coinage of silver till further action. Though at first *sine die,* the closure

proved in the end perpetual. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_43Simultaneously with the precautionary measures of the Latin Union, Russia suspended, in 1876, the free coinage of silver except to such an amount as was necessary for the purposes of her trade with China, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_44and the Imperial Decree of November 22, 1878, directed that all customs duties above 5 roubles and 15 copecks should be payble in gold.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_45 Austria in like manner suspended the free coinage of silver in 1879.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_46

On the other side of the Atlantic, an important event had taken place in the United States. In 1870 that Government resolved to consolidate the Mint laws, which had not been revised since 1837, in a comprehensive statute. Since the legislation of 1853, the silver dollar was the only coin which the United States Mints coined freely. But in the new consolidated Mint Statute of 1873, the silver dollar was deleted from the list of coins to be issued from the Mint, so that it virtually amounted to suspension of the free coinage of silver in the United States.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_47 The silver dollars previously coined continued to circulate as full legal tender, but that power was taken away by the law of June, 1874, which declared that"the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment."

The other factor appealed to in explanation of the dislocation of the relative values of gold and silver was the great increase in the production of silver as compared to gold.

TABLE IX

RELATIVE PRODUCTION OF GOLD AND SILVER (OUNCES)

Period	Total Production		Annual Average Production		Index Number for Average Annual Production	
	Gold	Silver	Gold	Silver	Gold	Silver
1493-1600	24,266,620	734,125,960	224,693	6,797,463	100	100
1601-1700	29.330.445	1,197,073,100	293,304	11,970,731	130.5	176.1
1701-1800	61,066,215	1,633,672,035	610,662	16,336,720	271.6	269.7
1801-1840	20,466,552	601,155,495	512,217	20,026,667	227.9	293.1
1641-1870	143,166,224	931,091,326	4,772,676	31,036,376	2,124.1	456.6
1671-1690	106,950,602	1.715,039,955	5,347,545	65,751,996	2,375.4	1,261.5

The history of the production of the precious metals in modern times begins from the year 1493, a date which marks the discovery of the American continent. Reviewing the results of the production from 1493 to 1893, a period in all of 400 years, we find that during the first hundred years the production of gold and silver rises at a uniform rate of progression. Assuming the annual average production of each during the first century (1493-1600) in the modern history of their production to be 100, it will be seen that in the next century (1601-1700) the index number for the production of gold rises to 130 and that of silver to 176. This

rate of progression is also kept up in the succeeding century (1700-1800), during which the figure for both gold and silver approximates to 270, and continues without much disturbance up to 1840, when the respective index numbers stood at 228 for gold and 293 for silver. From this point onwards, the relative production of the two metals underwent a complete revolution. During the next thirty years (1841-70) the production of gold reached unprecedented heights, while that of silver lagged behind, relatively speaking. The index number for silver production advanced only to 450, but that for gold went up to 2,124. This revolution was followed by a counter-revolution, as a result of which the position as it stood at the end of 1870 was well-nigh reversed. The production of gold received a sudden check, and though it had increased enormously between 1840-70 it remained stationary between 1870-93. On the other hand, the production of silver, which was steady between 1841-70, increased threefold between 1870-93, so that the index number for its average annual production during the latter period stood at 1,260.

In the controversy which arose over the reasons, which brought about this dislocation and decline in the value of silver in terms of gold, there were parties to whom one of these two factors was a sufficient cause. One side argued that had suspension or demonetisation of silver not taken place, its value could never have fallen. This position was vehemently challenged by the other side, which believed in the over-supply of silver as the primary cause of its depreciation. Now, was the argument from relative over-supply sufficient to account for the fall in the gold value of silver? On the face of it, the explanation has the plausibility of a simple proposition. It is one of the elementary theorems of political economy that the value of a thing varies inversely with its supply, and if the supply of silver had largely increased, what could be more natural than that its value in terms of gold should fall? The following were the relevant facts which formed the basis of the argument:—

TABLE **X**

GOLD AND SILVERmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_48

RELATIVE PRODUCTION AND RELATIVE VALUE

Period	Ratio of Production (by Weight) of Gold to Silver As 1 Grain to:	Ratio of value of Gold to Silver As 1 Grain to	Index Number for the Ratio of Production	Index Number for the Ratio of Value	Correlation between Relative Production and Relative Value	
					Relative Production of Silver Falls — Rises +	Relative Value of Silver Falls — Rises +
1681 - 1700	31.8	14.95	100	100		
1701 - 1720	27.7	15.21	87	101.7	-13	-1.7

1721 - 1740	22.6	15.10	71	101	- 29	- 1.0
1741 - 1760	21.7	14.70	67	98.3	-33	+1.7
1761 - 1780	31.5	14.40	99	96.3	*-1*	+3.7
1781 - 1800	49.4 50.3	15.08 15.67	155.6 158.0	100.8 104.8	+55.6 +58.0	- - .8
1801 - 1810						- - 4.8
1811 - 1820	47.2	15.68	148.0	104.9	+48.0	-4.9
1821 - 1830	32.4	15.82	101.9	105.8	+ 1.9	-5.8
1831 - 1840	29.4	15.77	92.4	105.4	-7.6	-5.4
1841 - 1850	14.2	15.81	44.6	105.8	-55.4	-5.8
1851 - 1855	4.4	15.45	13.8	103.3	-86.2	-3.3

1856 - 1860	4.5	15.28	14.0	102.2	-86.0	-2.2
1861 - 1865	5.9	15.42	18.55	103.1	-81.5	-3.1
1866 - 1870	6.9	15.52	21.7	103.8	-78.3	-3.8
1871 - 1875	11.3	16.10	35.5	107.6	-64.5	-7.6
1876 - 1880	13.2	17.79	41.5	119.0	-58.5	-19.0
1881 - 1886	17.3	18.81	54.4	125.8	-45.6	- 25.8
1886 - 1890	19.9	20.98	62.6	140.3	-37.4	-40.3
1891 - 1895	20.0	26.75	62.9	178.9	-37.1	-78.9

CHART **III**

RELATIVE VALUES AND RELATIVE PRODUCTION OF GOLD AND SILVER

The facts thus presented led to two conclusions. The first is that the supposed enormous increase in the relative production of

silver was an assumption which had no foundation in reality. On the contrary, a glance at the figures for relative production discloses the curious fact that since the beginning of the eighteenth century silver, instead of rising, has been falling in proportion. With the exception of the first quarter of the nineteenth century, silver had formed, throughout the two centuries covered by the table, a diminishing proportion as compared with gold. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_49Indeed, never was the proportion of silver so low as it was in the latter half of the nineteenth century, and even when after 1873 it began to grow it did not reach half the magnitude it had reached in the beginning of the eighteenth century. The second conclusion which these facts were claimed to sustain was that the value of silver in terms of gold did not move in sympathy with its supply relative to that of gold. According to theory, the value of silver should have been rising because the relative volume of its production had been diminishing. On the other hand, a closer examination of the figures of relative values and relative productions, as given in the foregoing table, instead of showing any close correlation *(see* Chart III) between them, pointed to the contrary. Instead of supply and value being inverse in proportion, it showed that as its supply was falling there was also a fall in its value. Such being the facts of history, it was contended that they gave no support to those who rested their case on over-supply rather than on demagnetisation as a sufficient explanation for the depreciation of silver.

Apart from such minor points, the issue was considerably narrowed by the peculiarity of the events of the twenty years preceding and following the year 1873mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_50 Compare, it was said, the period commencing with 1848 and ending with the year 1870 with the period following 1870, and there emerges the arresting fact that these two periods, though they have been the opposite of each other with reference to the relative values of the two metals, were alike with reference to the changes in their relative supply. The period between 1870 and 1893 on the side of relative production was marked by the preponderance of silver. The period between

1848 and 1870 is an exact parallel to the above period with respect to changes in the relative supply of the two precious metals, only in this case it was gold that had increased in volume. Now, if it is over-supply that governed the value relations of the two metals in the second period (1870-93) the same should be true of their value relations in the first period (1848-70). Was there, then, a disturbance in the relative values of the two metals in the first period anything like what took place in the second period? It was insisted that the disturbance in the ratios of production of the two metals in the first period was enormously greater than that which occurred in the second period. Indeed, comparatively speaking, the disturbance in the second period was nothing to speak of. And yet their relative value during the first period was well-nigh constant at the ratio of 1 to 15 1/2, while in the second it fluctuated between 16.10 and 26.75. Those, who argued that the value of silver fell after 1873 because of its over-supply, were thus faced with the problem as to why the value of gold did not fall when its supply had become so abundant before 1873. The whole controversy was therefore centred into the question as to what could have made this difference in the two situations? If the colossal increase in the production of gold in the first period did not raise the value of silver by more than 2 per cent., how was it that a comparatively insignificant rise in the relative production of silver in the second period led to such an enormous rise in the price of gold? What was the controlling influence present in the one case which was absent in the other? Those who held that it was demonetisation of silver that was responsible for its depreciation argued that, though alike in every way, the two periods differed in one important particular. What distinguished them was the fact that in the former it was a common practice to define the standard money of a country as a certain quantity of gold *or* a certain quantity of silver. Prior to 1803 the two metals were rated differently in different countries,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_51 but since that date the rating of 1 to 15 1/2 became more uniform, with the result that the monetary standard throughout that period was either 1 gr. of gold *or* 15 1/2 grs. of saver. On the other hand, during the second period, the"*or*"which characterised the first period was. deleted by the silver-demonetising and suspending decrees. In other words, the

first period was characterised by the prevalence of bimetallism under which the two metals could be used inter-changeably at a fixed given ratio. In the second period they could not be so used owing to the fact that the fixed ratio necessary for interchange had been abrogated. Now, could the existence or non-existence of a fixed ratio be said to be such a powerful influence as to make the whole difference that set the two periods in such marked contrast? That this was the factor which made the whole difference was the view of the bimetallists. It was said that, by virtue of the monetary system prevalent during the first period, gold and silver were rendered substitutes and were regarded as"one commodity of two different strengths."So related, the conditions of supply had no effect upon their ratio of exchange, as would have been the case in respect of a commodity without a substitute. In the case of commodities which are substitutes, the relative scarcity of one can give it no greater value in terms of the other than that defined by their ratio of exchange, because by reason of the freedom of substitution the scarcity can be made good by the abundance of the other. On the other hand, the relative abundance of one cannot depreciate its value in terms of the other below the ratio of exchange, because its superfluity can be absorbed by the void created in consequence of a paucity of the other. So long as they remain substitutes with a fixed ratio of substitution, nothing originating in demand or supply could disturb their ratio. The two being one commodity, whatever changes take place in the demand or supply of either system beyond the needs of commerce express themselves in the price level exactly as though one of them alone was the money medium; but their ratio of exchange will be preserved intact in any case

In support of this was cited the authority of Jevons, who saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_52:—

"Whenever different commodities are thus applicable to the same purposes their conditions of demand and exchange are not independent. Their mutual ratio of exchange cannot vary much for it will be closely defined by the ratio of their utilities. Beef and mutton differ so slightly that people eat them almost indifferently. But the wholesale price of mutton, on an average, exceeds that of beef in the ratio of 9 to 8, and we must therefore conclude that

people generally esteem mutton more than beef in this proportion, otherwise they would not buy the dear meat..... So long as the equation of utility holds true, the ratio of exchange between mutton and beef will not diverge from that of 8 to 9. If the supply of beef falls off people will not pay a higher price for it, but will eat more mutton; and if the supply of mutton falls off, they will eat more beef..... We must, in fact, treat beef and mutton as one commodity of two different strengths—just as gold at 18 carats and gold at 20 carats are hardly considered as two but rather as one commodity, of which twenty parts of one are equivalent to eighteen of the other.

"It is upon this principle that we must explain, in harmony with Cairnes' views, the extraordinary permanence of the ratio of exchange of gold and silver, which from the commencement of the eighteenth century up to recent years never diverged much from 15 to 1. That this fixedness of ratio did not depend entirely upon the amount or cost of production is proved by the very slight effect of the Australian and Californian gold discoveries, which never raised the gold price of silver more than about 4 2/3 per cent., and failed to have more than a permanent effect of 1 1/2 per cent. This permanence of relative values may have been partially due to the fact that gold and silver can be employed for exactly the same purposes, but that the superior brilliancy of gold occasions it to be preferred, unless it be about 15 or 15 1/2 times as costly as silver. Much more probably, however, the explanation of the fact is to be found in the fixed ratio of 15 1/2 to 1, according to which these metals are exchanged in the currency Of France and some other continental countries. The French Currency Law of the year XI established an artificial## equation—

Utility of gold = 15 1/2 X utility of silver

and it is probably not without some reason that Wolowski and other recent French economists attributed to this law of replacement an important effect in preventing disturbance in the relations of gold and silver."

##It is this artificiality of the bimetallic system which unfortunately befogs the minds of some people and prejudices

those of others. Some do not understand why the price determination of two commodities used as money should be so different from the price determination of any other two commodities as to be governed by a ratio fixed by law. Others are puzzled as to why, if gold and silver are a pair of substitutes, should they require a legal ratio while other pairs of substitutes circulate without a legal ratio, merely on the basis of the ratio of their utility. These difficulties are well explained away by Prof. Fisher thus:

"..... ..two forms of money differ from a random pair of commodities in being substitutes. Two substitutes proper are regarded by the consumer as a single commodity. Thus lumping together of the two commodities reduces the number of demand conditions, but does not introduce any indeterminateness into the problem because the missing conditions are at once supplied by a *fixed ratio of substitution.* Thus if ten pounds of cane sugar serve the same purpose as eleven pounds of beet-root sugar, their fixed ratio of substitution is ten to eleven..... In these cases the fixed ratio is based on the relative capacities of the two commodities to fill a common need, and is quite antecedent to their prices..... The substitution ratio is fixed by nature, and in turn fixes the price ratio.

"In the single case of money, however, there is no fixed ratio of substitution..... We have here to deal not with relative sweetening power, nor relative nourishing power, nor with any other capacity to satisfy wants—no capacity inherent in the metals and independent of their prices. We have instead to deal only with relative *purchasing* power. We do not reckon a utility in the metal itself, but in the commodities it will buy. We assign their respective desirabilities or utilities to the sugars..... before we know their prices, but we must inquire the relative circulating value of gold and silver before we can know at what ratio we ourselves prise them. To us the ratio of substitution is incidentally the price ratio. The case of the two forms of money is unique. They are substitutes, but have no natural ratio of substitution, dependent on consumers' preferences.

"The foregoing considerations..... are overlooked by those who imagine that a fixed legal ratio is merely superimposed upon a system of supply and demand already determinate, and who seek to prove thereby that such a ratio is foredoomed to failure..... the ..... analogy ..... is unsound..... Gold and silver ..... are not completely analogous even to two substitutes because for two forms of money there is no consumers' natural ratio of substitution. There seems, therefore, room for an artificial ratio....."—*Purchasing Power of Money,* 1911, pp. 376-77

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_52*Elementary principles of Economics,* 1912,

pp. 228-29. In the illustrations given by Prof. Fisher he appears, although he does not mean it, to make the success or failure of bimetallism hang upon the question whether or not the two metals are maintained in circulation. For in the illustration which he gives to show the failure of bimetallism—Fig. 14 (b)—his film /shows gold to be entirely thrown out of circulation ; while in the illustration he gives to show the success of bimetallism—Fig. 15 (b)—his film shows gold to be only partially thrown out of circulation. But there seems to be no reason to suppose that there cannot be a third possibility, namely, that while the position of the film is is as in Fig. 14 (b)—a possibility in which bimetallism succeeds although one of the two metals is entirely pushed out of circulation. For the success of bimetallism it is not necessary that both the metals should remain in circulation. Its success depends upon whether or not the compensatory action succeeds in restoring the relative values of the two bullions to that legally established between the two coins. If it succeeds in achieving that, the ratio would be preserved even if the compensatory action drives one metal entirely out of circulation.

But granting that before 1873 the ratio was preserved owing to the compensatory action of the bimetallic law, can it be said that it would have been maintained after 1873 if the law had not been suspended? To give an uncompromising affirmative as the bimetallists did is to suppose that bimetallism can work under all conditions. As a matter of fact, though it is workable under certain conditions it is not workable under other conditions. These conditions are well described by Prof. Fisher.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_53 The question under bimetallism is whether the market ratio between gold and silver bullion will always be the same as the legal ratio between gold and silver coins freely minted and possessing unlimited legal-tender power. Now supposing the supply of silver bullion has increased relatively to that of gold bullion, the result will obviously be a divergence in the mint and the market ratio. Will the compensatory action of the bimetallic law restore the equilibrium? It may succeed in doing it

or it may not. If the increase in the supply of silver bullion and the decrease in that of gold bullion are such that a decrease in that of silver caused by its inflow into the currency and an increase in that of gold caused by its outflow from currency can restore them to their old levels as bullion, bimetallism would succeed ; in other words, the market ratio of the two bullion's would tend to return to the mint ratio. But if the increase in the supply of silver bullion and the decrease in that of gold is such that the outflow of silver bullion into currency reduces the level of the silver bullion to the old level, but the outflow of gold bullion from currency does not suffice to raise the level of the gold bullion to the old level, or if the outflow of gold from currency raises the level of the gold bullion to the old level, but the inflow of silver into currency does not result in the reduction of the level of silver bullion to its old level, bimetallism must fail; in other words, the market ratio of the two bullion's will remain diverted from the mint ratio legally established between their coins.

Under which of these two possibilities could the circumstances arising after 1873 have fallen? That is a question about which no one can say anything definitely. Even Jevons, who admitted the success of the bimetallic law in the earlier period, was not very sanguine about its success in the latter period. It was he who observedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_54

> "that the question of bimetallism is one which does not admit of any precise and simple answer. It is essentially an indeterminate problem. It involves several variable quantities and many constant quantities, the latter being either inaccurately known or, in many cases, altogether unknown....."

Nonetheless, it is certain that the divergence between the mint ratio and the market ratio under a bimetallic system must be smaller than may be the case where there is no bimetallic system. Whenever the market ratio diverges from the mint ratio the compensatory action under the bimetallic law tends to restore the equilibrium, and even where it fails in restoring it, it does succeed in abridging the gulf between the two ratios. That being the case, it is safe to argue that had there been no demonetisation of silver after 1873 the ratio between gold and silver would have probably

been preserved as it was during the monetary disturbances of the earlier period. At any rate, this much is certain, that the market ratio between the two metals could not have diverged from the mint ratio to the extent it actually did.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28C.Problem of Rupee CHAPTER II.htm - _msocom_55

It is therefore a sad commentary on the monetary legislation of the seventies that if it did not actually help to create, for no purpose, a problem unknown before, it certainly helped to make worse a bad situation. Prior to 1870, not all countries had a common currency. There were India and countries of Western Europe which were exclusively on a silver basis, and others, like England and Portugal, which were exclusively on a gold basis, and yet none of them felt the want of a common standard of value in their mutual dealings. So long as there existed the fixed-ratio system in France and the Latin Union the problem was really provided for, for under it the two metals behaved as one and thereby furnished a common standard, although all countries did not use the same metal as their standard money. It was therefore a matter of comparative indifference to most countries which metal they used so long as there was some one country which used either at a certain defined ratio. With the destruction of this fixed ratio what was thus a matter of comparative indifference became a matter of supreme concern. Every country which had before enjoyed the benefits of a common international standard without having a common currency was faced with a crisis in which the choice lay between sacrificing its currency to securing a common standard or hugging its currency and foregoing the benefits of a common standard. That exigencies of a common standard ultimately led to its accomplishment was as it should have been, but it was not a fact before a great deal of harm and some heavy burdens had brought home to people what the want of it really meant to them.

Chapter III

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER III

THE SILVER STANDARD AND THE EVILS OF ITS INSTABILITY

The economic consequences of this rupture of the par of exchange were of the most far-reaching character. It divided the commercial world into two sharply defined groups, one using gold and the other using silver as their standard money. When so much gold was always equal to so much silver, as was the case previous to 1873, it mattered very little, for the purposes of international transactions, whether a country was on a gold or on a silver standard ; nor did it make any difference in which of the two currencies its obligations were stipulated and realised. But when, owing to the dislocation of the fixed par, it was not possible to define how much silver was equal to how much gold from year to year or even from month to month, this precision of value, the very soul of pecuniary exchange, gave place to the uncertainties of gambling. Of course, all countries were not drawn into this vortex of perplexities in the same degree and to the same extent, yet it was impossible for any country which participated in international commerce to escape from being dragged into it. This was true of India as it was of no other country. She was a silver-standard country intimately bound to a gold-standard country, so that her economic and financial life was at the mercy of blind forces operating upon the relative values of gold and silver which governed the rupee-sterling exchange.

The fall increased the burden of those who were under an obligation to make gold payments. Amongst such, the most heavily charged was the Government of India. Owing to the exigencies of its political

constitution, that Government has been under the necessity of making certain payments in England to meet : (1) interest on debt and on the stock of the guaranteed railway companies ; (2) expenses on account of the European troops maintained in India; (3) pensions and non-effective allowances payable in England; (4) cost of the home administrationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_1; and (5) stores purchased in England for use or consumption in India. England being a gold-standard country, these payments were necessarily gold payments. But the revenues of the Government of India out of which these payments were met were received in silver, which was the sole legal-tender money of the country. It is evident that even if the gold payments were a fixed quantity their burden must increase *pan passu* with the fall in the gold value of silver. But the gold payments were not a fixed quantity. They have ever been on the increase, so that the rupee cost of the gold payments grew both by reason of the growth in their magnitude, and also by reason of the contraction of the medium, i.e. the appreciation of gold, in which they were payable. How greatly this double levy diminished the revenues of India, the figures in Table XI give a convincing testimony.

TABLE XI

INCREASE IN THE RUPEE COST OF GOLD PAYMENTSmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_2

Financial Year	Average Rate of Exchange for the Year	Total Excess of Rupees needed to provide for the net Sterling Payments of the Year over those required to meet the Sterling Payments of	Amount of this Excess due to

		1874-75		
			(1) Fall in the Rate of Exchange over that of 1874-75	(2) Increase in gold payments over those of the Year 1874-75
	s. d.	R	R	R
1875-76	1 9.626	86,97,980	41,13,723	45,84,257
1876-77	1 8.508	3,15,06,824	1,44,68,234	1,70,38,590
1877-78	1 8.791	1,30,05,481	1,14,58,670	1,15,46,811
1878-79	1 7.794	1,85,23,170	1,04,16,718	81,06,452
1879-80	1 7.961	39,23,570	1,65,37,394	-1,26,13,824
1880-81	1 7.956	3,12,11,981	1,92,82,582	1,19,29,399
1881-82	1 7.895	3,18,19,685	1,98,76,786	-1,19,42,899
1882-83	1 7.525	62,50,518	1,86,35,246	2,48,85,764
1883-84	1 7.536	3,44,16,685	2,33,46,040	1,10,70,645
1884-85	1 7.308	1,96,25,981	2,48,03,423	51,77,442
1885-86	1 6.254	1,82,11,346	2,54,95,337	-4,37,06,683
1886-	1	4,69,16,788	4,46,68,299	22,48,489

87	5.441			
1887-88	1 4.898	4,63,13,161	4,96,60,537	- 33,47,376
1888-89	1 4.379	9,00,38,166	6,59,71,998	2,40,66,168
1889-90	1 4.566	7,75,96,889	6,06,98,370	1,68,98,519
1890-91	1 6.090	9,06,11,857	4,65,48,302	4,40,63,555
1891-92	1 4.733	10,44,44,529	6,54,52,999	3,89,91,530

The effect of such a growing burden on the finance of the Government may well be imagined; the condition of the Government, embarrassing at first, later became quite desperate under this continuously increasing burden. It enforced a policy of high taxation and rigid economy in the finances of the Government. Analysing the resource side of the Indian Budgets from the year 1872-73, we find that there was hardly any year which did not expire without making an addition to the existing imposts of the country. In 1872-73, there commenced the levy of what were called Provincial Rates. The fiscal year 1875-76 witnessed the addition of R. 1 per gallon in the excise duty on spirits. In 1877-78 the Pass Duty on Malwa opium was raised from Rs. 600 to Rs. 650 per chest. An addition of a License Tax and Local Rates was made in the year 1878-79, and an increase of Rs. 50 per chest took place in the Malwa Opium Duty in the following year. With the help of these imposts the Government expected to place its finances on an adequate basis. By the end of 1882, it felt quite secure and even went so far as to remit some of the taxes, which it did by lowering the customs duties and the Patwari Cess in the North-Western Provinces. But the rapid pace in the fall of the exchange soon showed that a resort to further taxation was necessary to make up for the increased cost of the sterling payments. To the existing burdens, therefore, was added in 1886 an Income Tax, a duty of 5 per cent. on imported and also on non-illuminating petroleum. The Salt Duty was raised in 1888 in India from Rs. 2 to Rs. 2 1/2 and in Burma from 3

annas to R. 1 per maund. The Patwari Cess of the North-Western Provinces, repealed in 1882, was re-imposed in 1888. The rates of duty on imported spirit and the excise duties on spirits were not only raised in 1890, but were afterwards added to in every province. An excise duty on malt liquor was levied in 1893, and another on salted fish at the rate of 6 annas per maund. The yield of the taxes and duties levied from 1882-83 wasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_3 as follows:—

Sources	1882-83	1892-93
	Rs.	Rs.
Salt	5,67,50,000	8,14,90,000
Excise	3,47,50,000	4,97,90,000
Customs	1,08,90,000	1,41,80,000
Assessed Taxes	48,40,000	1,63,60,000

All this additional burden was due to the enhanced cost of meeting the gold payments, and"would not have been necessary but for the fall in the exchange."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_4

Along with this increase of resources the Government of India also exercised the virtue of economy in the cost of administration. For the first time in its history, the Government turned to the alternative of employing the comparatively cheaper agency of the natives of the country in place of the imported Englishmen. Prior to 1870, the scope of effecting economy along this line was very limited. By the Civil Service Reforms of 1853mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_5 the way was cleared for the appointment of Indians to the posts reserved by the Statute of 1793mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_6 for the members of the covenanted Civil Service. But this reform did not conduce to any economy in the cost of the administration,

because the Indian members carried the same high scale of salaries as did the English members of the Civil Service. It was when the Statute of 1870 (33 Vic. c. 3) was passed permitting the appointment by nomination of non-covenanted Indians to places reserved for the covenanted Civil Service on a lower scale of salary, that a real scope for economy presented itself to the Government of India. Hard pressed, the Government of India availed itself of the possibilities for economy held out by this statute. *So* great was the need for economy and so powerful was the interest of the Government in reducing its expenditure that it proceeded, notwithstanding increased demands for efficient administration, to substitute the less expensive agency of non-covenanted civilians in place of the more expensive agency of the covenanted civilians. The scale on which this substitution was effected was by no means small, for we find that between 1874 and 1889 the strength of the covenanted service recruited in England was reduced by more than 22 per cent., and was further expected to be reduced by about 12 per cent., by the employment of unconvenanted Indians to the posts usually reserved for covenanted civilians mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_7. Besides substituting a cheap for a dear agency in the administration, the Government also sought to obtain relief by applying the pruning knife to the rank growth in departmental extravagances.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_8 Even with such heroic efforts to increase the revenue and reduce the expenditure the finances of the Government throughout the period of the falling exchange were never in a flourishing state, as is shown in Table XII.

Much more regrettable was the inability of the Government, owing to its financial difficulties, to find money for useful public works. The welfare of the Indian people depends upon turning to best account the resources which the country possesses. But the people have had very little of the necessary spirit of enterprise in them. The task, therefore, has fallen upon the Government of India to provide the country with the two prime requisites of a sustained economic life, namely a system of transport and a network of irrigation. With this object in view the Government had inaugurated a policy of developing what were called"Extraordinary Public Works,"financed by capital borrowings. For such borrowings India, as was to be expected, hardly offered any market, the people being too poor and their savings too scanty to furnish a modicum of the required capital outlay. Like all governments of poor

peoples, the Government of India had therefore to turn to wealthier countries that had surplus capital to lend. All these countries unfortunately happened to be on the gold standard. As long as it was possible to say that so much gold was equal to so much silver, the English investor was indifferent whether the securities of the Government of India were rupee securities or sterling securities. But the fall in the gold value of silver was also a fall in the gold value of the rupee securities, and what was once a secure investment ceased to be so any more. This placed the Government in a difficult position in the matter of financing its extraordinary public works. Figures in Table XIII are worth study.

The English investor would not invest in the rupee securities. An important customer for the Indian rupee securities was thus lost. The response of the Indian money market was inadequate.

TABLE XII

REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA

Year.	Average Rate of Exchange.	In India.			In England.		Final Result.
		Net Revenue.	Net Expenditure excluding Exchange.	Surplus Revenue.	Net Sterling Revenue.	Exchange.	Surplus (+) or Deficit (—)
	d.	R.	R.	R.	£	R.	R.
1874-75	22.156	39,564,216	25,897,098	13,667,118	12,562,101	1,045,239	59,778

1875-76	21.626	40,053,419	24,541,923	15,511,496	12,544,813	1,377,428.	1,589,255
1876-77	20.508	38,253,366	25,355,285	12,898,081	13,229,646	2,252,611	-2,584,176
1877-78	20.791	39,275,489	27,658,021	11,617,468	13,756,478	2,123,030	-4,262,040
1878-79	19.794	44,415,139	25,778,928	18,636,211	13,610,211	2,891,902	2,134,098
1879-80	19.961	45,258,197	29,384,030	15,874,167	14,223,891	2,878,169	-1,227,893
1880-81	19.956	44,691,119	34,880,434	9,810,085	11,177,231	2,264,848	-3,031,394
1881-82	19.895	45,471,887	27,717,249	17,754,638	11,737,688	2,421,499	3,595,451
1882-83	19.525	42,526,173	25,500,437	17,025,736	13,299,976	3,050,923	674,837
1883-84	19.536	43,591,273	23,566,381	20,024,892	14,770,257	3,375,158	1,879,477
1884-85	19.308	41,585,347	24,763,779	16,821,568	13,844,028	3,363,986	-386,446
1885-86	18.254	42,635,953	27,352,132	15,283,821	13,755,659	4,329,888	-2,801,726
1886-87	17.441	44,804,774	25,124,335	19,680,439	14,172,298	5,329,714	178,427
1887-88	16.898	45,424,150	25,968,025	19,456,125	15,128,018	6,356,939	-2,028,8

							32
1888-89	16.379	46,558,354	25,051,147	21,507,207	14,652,590	6,817,599	37,018
1889-90	16.566	50,005,810	26,367,855	23,637,955	14,513,155	6,512,767	2,612,033
1890-91	18.090	49,403,819	25,579,727	23,824,092	15,176,866	4,959,055	3,688,171
1891-92	16.733	50,023,142	27,013,618	23,009,524	15,716,780	6,825,909	467,535

To issue sterling securities was the only alternative to enable the Government to tap a bigger and a more constant reservoir for the drawing of capital to India; but as it was bound to increase the burden of the gold payments, which it was the strongest interest of the Government to reduce, the resort to the London money market, unavoidable as it became, was somewhat restrained# with the result that the expansion of extraordinary public works did not proceed at a pace demanded by the needs of the country.

#During the period of falling exchange the distribution of the debt of India was as follows:—

	Sterling Debt	*Rupee Debt*
End of 1873-74	41,117,617	66,41,72,900
End of 1898-99	124,268,605	1,12,65,04,340

Indian Currency Committee (1898), Appendix II p. 179

The effects of this financial derangement, consequent on the fall of the exchange, were not confined to the Government, of India. They were immediately felt by the municipalities and other local bodies who were dependent upon the Government for financial aid. So long as the cash

balances were overflowing in the treasury of the Government,"one of the most useful ways"to employ them was found in lending a portion of them to these local institutions. As they had just then been inaugurated under the local self-government policy of Lord Ripon's regime, and were looked upon only as an experiment, their taxing and borrowing powers were rigidly limited. Consequently, this financial aid from the Central Government by way of temporary advances was a resource of inestimable value to them. When, however, the cash balances of the Central Government began to diminish owing to the continued losses by exchange, these facilities were severely curtailed,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_9 so that the very vitality of these institutions was threatened just at the moment when they needed all help to foster their growth and strengthen their foundations.

Addressing the Secretary of State, the Government of India, in a dispatch of February 2, 1886, observedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_10 —

"10. We do not hesitate to repeat that the facts set forth in the preceding paragraphs are, from the point of Indian interests, intolerable ; and the evils which we have enumerated do not exhaust the catalogue. Uncertainty regarding the future of silver discourages the investment of capital in India, and we find it impossible to borrow in silver except at an excessive cost.

"On the other hand, the Frontier and Famine Railways which we propose to construct, and the Coast and Frontier defences which we have planned, are imperatively required and cannot be postponed indefinitely.

TABLE XIII

PRICE MOVEMENTS OF RUPEE AND STERLING SECURITIES OF THE GOVERNMENT OF INDIA

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Ye	Rates of	Price of 4 per cent.	Price of Sterling India Stock.

ar.	Exchange.		Rupee Paper.									
			In Calcutta.		In London.		4 per cent.		*3 1/2* per cent.		3 per cent.	
	High est.	Lowe st.	High est.	Lowe st.	High est.	Low est.	High est.	Low est.	High est.	Low est.	Hig hest.	Low est.
	d.	d.										
18 73	22 7/8	21 5/8	105	101 7/8	97	94 ½	106 ½	101 ¼				
18 74	23 1/8	213	104 1/2	99 1/2	98	941	103 ¾	101				
18 75	22 3/16	21 1/4	102 7/8	101 3/4	94	91	106 ¼	103 ¼				
18 76	22 3/8	18 1/2	101 7/8	98 3/4	89 3/4	78	105 7/8	101 7/8				
18 77	22 1/4	20 9/16	981	93 1/4	88 1/2	81	104 5/8	102 ¼				
18 78	21	18 3/4	961	93 1/2	82 1/2	751	104 5/8	99				
18 79	20 5/8	18 5/8	941	91 1/4	80	771	105 3/8	100 7/8				
18 80	20 3/8	19 3/4	100	92 15/16	81 3/8	77 3/4	105 3/8	102 1/8				
18 81	20 1/16	19 1/2	104 5/8	100	86	811	106 3/8	103 7/8	103 7/8	100 ¾		
18 82	20 3/16	19 1/16	102 1/16	95 5/8	85	81	105 1/8	102 7/8	101 7/8	99 ¾		
18 83	19 9/16	19 3/16	101 1/8	97 9/16	82	79 3/4	104 5/8	102 7/16	103 1/8	101 3/8		
18	19	18	100	95	811	78:	104	101	107	101	96	91

84	3/4	15/16	5/8	5/16			3/8	5/8	1/8	3/4	¼	3/4
1885	19 3/16	17 3/31/2	98 7/16	921	77 1/2	731/4	103 1/16	98 3/4	102 ¾	97 ½	91 ½	85 ¾
1886	18	16 1/8	97 3/4	97 3/16	73	66 ¼	103 ½	101 ¼	102 ¾	99 ¾	90 1/8	86 5/8
1887	18 3/16	15 5/8	99 3/16	95 5/16	71 11/16	67 7/8	102 ¾	100 ½	103 ¼	100 1/4	92 ¾	95 3/8
1888	17 1/8	16	100 3/16	971	691	66 ¼	102 7/8	100 ½	107 1/4	104 5/8	98	95
1889	16 15/16	16	l00 3/8	97 1/16	69 1/8	66 3/8			109 1/2	106 7/8	101 1/8	99
1890	20 2/39/2	16 7/8	1031	96 13/16	87 ¼	68 3/4			108 1/2	105 ¼	100 ¾	95 1/4
1891	18 1/4	16 5/8	107 13/16	104 1/16	80 ¾	74 ½			109 1/2	105	99	94 7/8
1892	16 11/16	14 5/8	108 15/16	103 11/16	74 1/2	62			109 ½	106 1/8	98 ½	94 7/8

"We are forced, therefore, either to increase our sterling liabilities, to which course there are so many objections, or to do without the railways required for the commercial development of the country, and its protection against invasion and the effects of famine.

***

"11. Nor can the difficulties which local bodies experience in borrowing in India be overlooked. The Municipalities of Bombay and Calcutta require large sums for sanitary improvements, but the high rate

of interest which they must pay for silver loans operates to deter them from undertaking expensive works, and we need hardly remind your Lordship that it has quite recently been found necessary for Government to undertake to lend the money required for the construction of docks at Calcutta and Bombay, and that when the Port Commissioners of Calcutta attempted to raise a loan of 75 lakhs of rupees in September, 1885, guaranteed by the Government of India, the total amount of tenders was only Rs. 40,200, and no portion of this insignificant amount was offered at par....."

The importation of capital on private account was hampered for similar reasons, to the great detriment of the country. It was urged on all hands, and was even recommended by a Royal Commission, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_12that one avenue of escape from the ravages of recurring famines, to which India so pitifully succumbed at such frequent intervals, was the diversification of her industries. To be of any permanent benefit, such diversified industrial life could be based on a capitalistic basis alone. But that depended upon the flow of capital into the country as freely as the needs of the country required. As matters then stood, the English investor, the largest purveyor of capital, looked upon the investment of capital in India as a risky proposition. It was feared that once the capital was spread out in a silver country every fall in the price of silver would not only make the return uncertain when drawn in gold, but would also reduce the capital value of his investment in terms of gold, which was naturally the unit in which he measured all his returns and his outlays. This check to the free inflow of capital was undoubtedly the most serious evil arising out of the rupture of the par of exchange.

Another group of people, who suffered from the fall of exchange because of their obligation to make gold payments, was composed of the European members of the Civil Service in India. Like the Government to which they belonged, they received their salaries in silver, but had to make gold remittances in support of their families, who were often left behind in England. Before 1873, when the price of silver in terms of gold was fixed, this circumstance was of no moment to them. But as the rupee began to fall the face of the situation was completely altered. With every fall in the value of silver they had to pay more rupees out of their fixed salaries to obtain the same amount of gold. Some relief was no doubt given to them in the matter of their remittances. The Civil Servants were permitted, at a sacrifice to the Government, to make their remittances at

what was called the Official Rate of Exchange.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_13 It is true the difference between the market rate and the official rate was not very considerable. None the less, it was appreciable enough for the Civil Servants to have gained by 2 1/2 per cent. on the average of the years 1862-90mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_14 at the cost of the Government. The Military Servants obtained a similar relief to a greater degree, but in a different way. Their salary was fixed in sterling, though payable in rupees. It is true the Royal Warrant which fixed their salary also fixed the rate of exchange between the sterling and the rupee for that purpose. But as it invariably happened that the rate of exchange fixed by the Warrant was higher than the market rate, the Military Servants were compensated to the extent of the difference at the cost of the Indian Exchequer##.

##Cf. F. S. 1887-8, pp. 39-40.

This cost was as follows —

1847 – 75	Rs. 6,40,000
1885 – 86	Rs. 4,00,000
1884 – 85	Rs. 18,43,000
1886 - 87	Rs. 5,15,000

This relief was, comparatively speaking, no relief to them. The official or the warrant rates of exchange, though better than the market rates of exchange, were much lower than the rate at which they were used to make their remittances before 1873. Their burden, like that of the Government, grew with the fall of silver, and as their burden increased their attitude became alarmist. Many were the memorialists who demanded from the Government adequate compensation for their losses on exchange.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_15 The Government was warnedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_16that

"the ignorant folk who think India would be benefited by lowering

present salaries are seemingly unable to comprehend that such a step would render existence on this reduced pay simply impossible, and that recourse would of necessity be had to other methods of raising money."

Such, no doubt, was the case in the earlier days of the East India Company, when the Civil Servants fattened on pickings because their pay was small,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_17 and it was to put a stop to their extortion's that their salaries were raised to what appears an extra-ordinary level. That such former instances of extortion's should have been held out as monitions showed too well how discontented the Civil Service was owing to its losses through exchange.

Quite a different effect the fall had on the trade and industry of the country. It was in a flourishing state as compared with the affairs of the Government or with the trade and industry of a gold-standard country like England. Throughout the period of falling silver there was said to be a progressive decline relatively to population in the employment afforded by various trades and industries in England. The textile manufactures and the iron and coal trade were depressed as well as the other important trades, including the hardware manufactures of Birmingham and Sheffield, the sugar-refining of Greenock, Liverpool, and London, the manufactures of earthenware, glass, leather, paper, and a multitude of minor industries. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_18The depression in English agriculture was so widespread that the Commissioners of 1892 were"unable to point to any part of the country in which [the effects of the depression] can be said to be entirely absent,"and this notwithstanding the fact that the seasons since 1882"were on the whole satisfactory from an agricultural point of view."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_19 Just the reverse was the case with Indian trade and industry. The foreign trade of the country, which had bounced up during the American Civil War, showed greater buoyancy after 1870, and continued to grow throughout the period of the falling exchange at a rapid pace. During the short space of twenty years the total imports and exports of the country more than doubled in their magnitude, as is shown by Table XIV.

TABLE XIV

IMPORTS AND EXPORTS (BOTH MERCHANDIZE AND TREASURE)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_20

ar	Exports R.	Imports	Year	Exports R.
)-	57,556,951	39,913,942	1881-82	83,068,198
-	64,685,376	43,665,663	1882-83	84,527,182
2-	56,548,842	36,431,210	1883-84	89,186,397
3-	56,910,081	39,612,362	1884-85	85,225,922
4-	57,984,549	44,363,160	1885-86	84,989,502
5-	60,291,731	44,192,378	1886-87	90,190,633
6-	65,043,789	48,876,751	1887-88	92,148,279
7-	67,433,324	58,819,644	1888-89	98,833,879
8-	64,919,741	44,857,343	1889-90	105,366,720
)-	69,247,511	52,821,398	1890-91	102,350,526
)-	76,021,043	62,104,984	1891-92	111,460,278

TABLE XV.

NATURE OF INDUSTRIAL PURSUITS IN ENGLAND AND INDIA

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_21

	Distribution of *Indian* Exports exclusive of Treasure.	Distribution of *English* Exports exclusive of Treasure.

	Manufactured Articles.	Raw Materials.	Food Articles	Unclassified Articles.	Total.	*Manufactured* Articles.	Raw Materials.	Food Articles	Unclassified Articles.	Total.
1857	11	34	22	23	100	90.9	4	4.9	.2	100
1858	6	35	26	33	100	91.4	3.4	5.1	.1	100
1859	6.5	40	15.5	38	100	91.5	3.8	4.6	.1	100
1860	5.7	43.6	17.7	33	100	91.9	3.6	4.4	.3	100
1861	5.8	46.5	15.3	32.4	100	90.4	4.8	4.8	—	100
1862	5	52	16	27	100	90.3	4	4.8	.9	100
1863	3.7	58.7	10.6	27	100	91.0	4	4	1.0	100
1864	4	69.2	9.3	17.5	100	92.5	3.7	3.7	.1	100
1865	3.5	68	12	16.6	100	92.1	3.6	3.6	.7	100
1866	4.2	67.2	10.3	18.3	100	92	3.7	3.7	.4	100
1867	4	58	11	27	100	92.2	3.8	3.7	.3	100
1868	4	58-5	11.5	26	100	92	4.4	3.4	.2	100
1869	4.8	60.5	14	20.7	100	92	4.2	3.1	.7	100

1870	4.4	63.6	9	23	100	91	4	4	1.0	100
1871	3.7	65.3	11	20	100	90	4-4	4.9	.'7	100
1872	3-3	61.4	13.5	21.8	100	91.2	5.4	3.5	.9	100

TABLE XVI

CHANGES IN INDUSTRIAL PURSUITS OF INDIAmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D1. Problem of Rupee CHAPTER III.htm - _msocom_22

	Imports		Exports	
Years	Manufactured	Raw	Manufactured	Raw
	Rs.	Rs.	Rs.	Rs.
1879	25,98,65,827	13,75,55,837	5,27,80,340	59,67,27,991
1892	36,22,31,872	26,38,18,431	16,42,47,566	85,52,09,499
Percentage of increase	39	91	211	43
Total Annual	2.8	6.5	15	3

Not only had the trade of India been increasing, but the nature of her industries was also at the same time undergoing a profound change. Prior to 1870, India and England were, so to say, non-competing groups. Owing to the protectionist policy of the Navigation Laws, and owing also to the substitution of man by machinery in the field of production, India

had become exclusively an agricultural and a raw-material-producing country, while England had transformed herself into a country which devoted all her energy and her resources to the manufacturing of raw materials imported from abroad into finished goods. How marked was the contrast in the industrial pursuits in the two countries is well revealed by the analysis of their respective exports in Table XV.

After 1870, the distribution of their industrial pursuits was greatly altered, and India once again began to assume the role of a manufacturing country. Analyzing the figures for Indian imports and exports for the twenty years succeeding 1870, (*see Table XVI)* we find that the progress in the direction of manufactures formed one of the most significant features of the period.

This change in the industrial evolution was marked by the growth of two principal manufactures. One of them was the manufacture of cotton. The cotton industry was one of the oldest industries of India, but during 100 years between 1750 and 1850 it had failed into a complete state of decrepitude. Attempts were made to resuscitate the industry on a capitalistic basis in the sixties of the nineteenth century and soon showed signs of rapid advance. The story of its progress is graphically illustrated in the following summary in Table XVII :—

TABLE XVII

THE DEVELOPMENT OF INDIA COTTON TRADE AND INDUSTRY

	Growth of Trade (Average Annual Quantities				
	in each Quinquennium)				
	1870-71	1875-76	1880-81	1885-86	1890-91
	to	to	to	to	to

	1874-75	1879-80	1884-85	1889-90	1894-95
Imports of raw cotton—thousands of cwts.	23	52	51	74	89
Imports of raw cotton—thousands of cwts.	5236	3988	5477	5330	4660
Imports of twist and yarn	33.55	33.55	44.34	49.09	44.79
	Growth of Industry (at end of each fifth year)				
Number of mills	48	58	81	114	143
Number of spindles—000—omitted	1,000	1,471	2,037	2,935	3,712
Number of looms—000—omitted	10	13	16	22	34
Number of persons employed		39,537	61,836	99,224	

Another industry which figured largely in this expansion of Indian manufactures was jute. Unlike the cotton industry of India, the jute industry was of a comparatively recent origin. Its growth, different from that of the cotton industry, was fostered by the application of European capital, European management, and European skill, and it soon took as deep roots as the cotton industry and flourished as well as the latter did, if not better. Its history was one of continued progress as will be seen from Table XVIII.

This increasing trend towards manufactures was not without its indirect effects on the course of Indian agriculture. Prior to 1870 the Indian farmer, it may be said, had no commercial outlook. He cultivated not so much for profit as for individual self-sufficiency. After 1870 farming

tended to become a business and crops came more and more to be determined by the course of market prices than by the household needs of the farmer. This is well illustrated by figures in Table XIX.

Such was the contrast in the economic conditions prevalent in the two countries. This peculiar phenomenon of a silver-standard country steadily progressing, and a gold-standard country tending to a standstill, exercised the minds of many of its observers.

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER III Continued---

TABLE XVIII

DEVELOPMENT OF JUTE INDUSTRY AND TRADE

Growth	Average Annual of each Quinquennium				
	1870-71 to 1874-75	1875-76 to 1879-80	1880-81 to 1884-85	1885-86 to 1889-90	1890-91 to 1894-95
Exports—					
Raw, million cwt.	5.72	5.58	7.81	9.31	10.54
Gunny bags, millions	6.44	35.96	60.32	79.98	120.74
Cloth, million yds.		4.71	6.44	19.79	54.20
Growth of Industry					

Number of—					
Mills		21	21	24	26
Looms, 000 omitted		5.5	5.5	7	8.3
Spindles, 000 omitted		88	88	138.4	172.4
Persons employed, in thousands		38.8	38.8	52.7	64.3

The chief cause was said to be the inability of the English manufacturers to hold out in international competition. This inability to compete with the European rivals was attributed to the prevalence of protective tariffs and subsidies which formed an essential part of the industrial and commercial code of the European countries.

TABLE XIX

GROWTH OF AGRICULTURAL EXPORTS OF INDIA

	1868-69	1873-74	1877-78	1882-83	1887-88	1891-92
Wheat	100	637.41	2,313.47	5,152.36	4,914.37	11,001.44
Opium	100	118.38	123.83	122.47	120.20	116.82
Seeds	100	111.26	305.87	239.97	403.60	480.99
Rice	100	131.66	119.84	203.28	185.55	220.36
Indigo	100	116.91	121.57	142.17	140.76	126.33
Tea	100	169.35	293.17	507.2	775.09	1,075.75

				5		
Coffee	100	86.04	69.98	85.31	64.59	74.11

*Nothing of the kind then existed in India, where trade was as free and industry as unprotected as any could have been, and yet the Lancashire cotton-spinner, the Dundee jute manufacturer and the English wheat-grower complained that they could not compete with their rivals in India. The cause, in this case, was supposed to be the falling exchange.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_1 *So much were some people impressed by this view that even the extension of the Indian trade to the Far East was attributed to this cause. Already, it was alleged, the dislocation of the par of exchange between gold and silver had produced a kind of segregation of gold-using countries and silver-using countries to the exclusion of each other. In a transaction between two countries using the same metal as standard it was said the element of uncertainty arising from the use of two metals varying in terms of each other was eliminated. Trade between two such countries could be carried on with less risk and less inconvenience than between two countries using different standards, as in the latter case the uncertainty entered into every transaction and added to the expense of the machinery by which trade was carried on. That the Indian trade should have been deflected to other quarters*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_2*where, owing to the existence of a common standard the situation trade had to deal with was immune from uncertainties, was readily admitted. But it was contended that there was no reason why, as a part of the segregation of commerce, it should have been possible for the Indian manufacturer to oust his English rival from the Eastern markets to the extent he was able to do (*see *Table XX, p. 432).*

The causes which effected such trade disturbances formed the subject of a heated controversy. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_3 The point in dispute was whether the changes in international trade, such as they were, were attributable to the monetary disturbances of the time. Those who held to the affirmative explained their position by arguing that the falling exchange gave a bounty to the Indian producer and imposed a penalty on the English producer.

TABLE XX

EXPORTS OF COTTON GOODS TO EASTERN MARKETS

Years	Yarn, lbs., 000 omitted		Piece-goods, yds., 000 omitted	
	From India	From U. K.	From India	From U. K.
1877	7,927	33,086	15,544	394,489
1878	15,600	36,467	17,545	382,330
1879	21,332	38,951	22,517	523,921
1880	25,862	46,426	25,800	509,099
1881	26,901	47,479	30,424	587,177
1882	30,786	34,370	29,911	454,948
1883	45,378	33,499	41,534	415,956
1884	49,877	38,856	55,565	439,937
1885	65,897	33,061	47,909	562,339
1886	78,242	26,924	51,578	490,451
1887	91,804	35,354	53,406	618,146
1888	113,451	44,643	69,486	652,404
1889	128,907	35,720	70,265	557,004
1890	141,950	37,869	59,496	633,606
1891	169,253	27,971	67,666	595,258

DISTRIBUTION OF INDIAN TRADE

Annual Average for each Quinquennium in Millions of rupees

	1875-76 to 1879-80	1880-81 to 1884-85

Countries						
	Imports	Exports	Total	Imports	Exports	Total
United Kingdom	323.68	278.15	601.83	434.45	344.22	778.67
China	14.05	132.27	146.32	19.23	134.94	154.17
Japan	.02	.33	.35	.19	2.09	2.28
Ceylon	5.74	22.97	28.71	5.35	16.37	21.72
Straits Settlement	10.83	26.11	36.94	15.88	33.65	49.53

Annual Average for each Quinquennium in Millions of rupees

	1885-86 to 1989-90			1890-91 to 1894-95		
Countries						
	Imports	Exports	Total	Imports	Exports	Total
United Kingdom	510.47	360.59	871.06	526.24	338.40	864.64
China	21.64	134.54	156.18	28.69	133.30	161.90
Japan	.25	7.27	7.52	1.51	14.44	15.95
Ceylon	5.86	20.56	26.42	6.42	31.18	37.60
Straits Settlement	20.09	42.54	62.63	23.32	52.56	75.88

The existence of this bounty, which was said to be responsible for the shifting of the position of established competitors in the field of international commerce, was based on a simple calculation. It was said that if the gold value of silver fell the Indian exporter got more rupees for his produce and was therefore better off, while by reason of the same fact the English producer got fewer sovereigns and was therefore worse off. Put in this naive form, the argument that the falling exchange gave a bounty to the Indian exporters and imposed a penalty on the English exporters had all the finality of a rule of arithmetic. Indeed, so axiomatic was the formula regarded by its authors that some important inferences as to its bearing on the trade and industrial situation of the time were drawn from it. One such inference was that it stimulated exports from and hindered imports into the silver-using countries. The second inference was that the fall of exchange exposed some English producers more than others to competition from their rivals in silver-using countries. Now, can such results be said to follow from the fall of exchange? If we go behind the bald statement of a fall of exchange and inquire as to what determined the gold price of silver the above inferences appear quite untenable. That the ratio between gold and silver was simply the inverse of the ratio between gold prices and silver prices must be taken to be an unquestionable proposition. If therefore the gold price of silver was falling it was a counterpart of the more general phenomenon of the fall of the English prices which were measured in gold, and the rise of the Indian prices which were measured in silver. Given such an interpretation of the event of the falling exchange, it is difficult to understand how it can help to increase exports and diminish imports. International trade is governed by the relative advantages which one country has over another, and the terms on which it is carried on are regulated by the comparative cost of articles that enter into it. It is, therefore, obvious that there cannot be a change in the real terms of trade between countries except as a result of changes in the comparative cost of these goods. Given a fall in gold prices *all round,* accompanied by a rise in silver prices *all round,* there was hardly anything in the monetary disturbance that could be said to have enabled India to increase her exportation of anything except by diminishing her exportation or increasing her importation of something else. From the same view of the question of the falling exchange it follows that such a monetary disturbance could not depress one trade more than another. If the falling or rising exchange was simply an expression of the level of *general* prices, then the producers of all articles were equally affected. There was no reason why the cotton trade or the

wheat trade should have been more affected by the fall of exchange than the cutlery trade.

Not only was there nothing in the exchange disturbance to disestablish existing trade relations in general or in respect of particular commodities, but there was nothing in it to cause benefit to the Indian producer and injury to the English producer. Given the fact that the exchange was a ratio of the two price-levels, it is difficult to see in what sense the English producer, who got fewer sovereigns but of high purchasing power, was worse off than the Indian producer, who got more rupees but of low purchasing power. The analogy of Prof. Marshall was very apt. To suppose that a fall of exchange resulted in a loss to the former and a gain to the latter was to suppose that, if a man was in the cabin of a ship only ten feet high, his head would be broken if the ship sank down twelve feet into a trough. The fallacy consisted in isolating the man from the ship when, as a matter of fact, the same force, acting upon the ship and the passenger at one and the same time, produced like movements in both. In like manner, the same force acted upon the Indian producer and the English producer together, for the change in the exchange was itself a part of the more sweeping change in the general price-levels of the two countries. Thus stated, the position of the English and Indian producer was equally good or equally bad, and the only difference was that the former used fewer counters and the latter a larger number in their respective dealings.

A bounty to the Indian producer and a penalty to the English producer, it is obvious, could have arisen only if the fall of silver in England in terms of gold was greater than the fall of silver in terms of commodities in India. In that case the Indian producer would have obtained a clear benefit by exchanging his wares for silver in England and thus securing a medium which had a greater command over goods and services in India. But *a priori* there could be no justification for such an assumption. There was no reason why gold price of silver should have fallen at a different rate from the gold price of commodities in general, or that there should have been a great difference between the silver prices in England and in India. Statistics show that such *a priori* assumptions were not groundless. (See Table XXI).

TABLE XXI. MOVEMENTS OF PRICES, WAGES AND SILVER BETWEEN INDIA AND ENGLAND

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_4

Net Imports of Silver into India.		Index No. for Gold Price of Silver.	Years.	Index No. for Silver Prices of Commodities in India.	Index No. for Wages In India.	Index No. for Gold Prices of Commodities in England.	Index No. for Wages In England.
Years.	Amount. Rs.						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1871-72	6,587,296	99.7	1871	100		100	100
1872-73	739,244	99.2	1872	105	—	109	105.8
1873-74	2,530,824	97.4	1873	107	100	III	112
1874-75	4,674,791	95.8	1874	116	101	102	113
1875-76	1,640,445	93.3	1875	103	97	96	111.6
1876-77	7,286,188	86.4	1876	107	98	95	110
1877-78	14,732,194	90.2	1877	138	97	94	109.8
1878-79	4,057,377	86.4	1878	148	99	87	107

1879-80	7,976,063	84.2	1879	135	100	83	105.8
1880-81	3,923,612	85.9	1880	117	99	88	106.5
1881-82	5,381,410	85.0	1881	106	99	85	106.5
1882-83	7,541,427	84.9	1882	105	100	84	106.5
1883-84	6,433,886	83.1	1883	106	102	82	108
1884-85	7,319,581	83.3	1884	114	101	76	109
1885-86	11,627,028	79.9	1885	113	106	72	108
1886-87	7,191,743	74.6	1886	110	105	69	107
1887-88	9,319,421	73.3	1887	III	114	68	108
1888-89	9,327,529	70.4	1888	119	112	70	109.8
1889-90	11,002,078	70.2	1889	125	112	72	113
1890-91	14,211,408	78.4	1890	125	113	72	118
1891-92	9,165,684	74.3	1891	128	118	72	118
1892-93	12,893,499	65.5	1892	141	110	68	117.4
1893-94	13.759,273	58.5	1893	138	119	68	117.4

It is obvious that if silver was falling faster than commodities, and if silver prices in India were lower than silver prices in England, we should have found it evidenced by an inflow of silver from England to India. What were the facts? Not only was there no extraordinary flow of silver to India, but the imports of silver during 1871-93 were much smaller than in the twenty years previous to that period.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_5 This is as complete a demonstration as could be had of the fact that the silver prices in India were the same as they were outside, and consequently the Indian producer had very little chance of a bounty on his trade.

Although such must be said to be the *a priori* view of the question, the Indian producer was convinced that his prosperity was due to the bounty he received. Holding such a position he was naturally opposed to any reform of the Indian currency, for the falling exchange which the Government regarded a curse he considered a boon. But however plausible was the view of the Indian producer, much sympathy would not have been felt for it had it not been coupled with a notion, most commonly held, that the bounty arose from the *export trade,* so that it became an article of popular faith that the fall of exchange was a source of gain to the *nation as a whole.* Now was it true that the bounty arose from the export trade? If it were so, then every fall of exchange ought to give a bounty. But supposing that the depreciation of silver had taken place in India *before* it had taken place in Europe could the fall of exchange thus brought about have given a bounty to the Indian exporter? As was explained above, the Indian exporter stood a chance of getting a bounty only if with the silver he obtained for his produce he was able to buy more goods and services in India. To put the same in simpler language, his bounty was the difference between the price of his product and the price of his outlay. Bearing this in mind, we can confidently assert that in the supposed case of depreciation of silver having taken place in India first, such a fall in the Indian exchange would have been accompanied by a penalty instead of a bounty on his trade. In that case, the exporter from India would have found that though the Indian exchange, i.e. the gold price of silver, had fallen, yet the ratio which gold prices in England bore to silver prices in India had fallen more, i.e. the price he received for his product was smaller than the outlay he had incurred. It is not quite established whether silver had fallen in Europe before it had fallen in

India.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_6 But even if that were so the possibility of a penalty through the fall of exchange proves that the bounty, it there was any, was not a bounty on the export trade as such, but was an outcome of the disharmony between the general level of prices and the prices of particular goods and services within the country, and *would have existed* even if the country had no export *trade.*

Thus the bounty was but an incident of the general depreciation of the currency. Its existence was felt because prices of *all* goods and services in India did not move in the same uniform manner. It is well known that at any one time prices of certain commodities will be rising, while the general price level is falling. On the other hand, certain goods will decline in price at the same time that the general price-level is rising. But such opposite movements are rare. What most often happens is that prices of some goods and services, though they move in the same direction, do not move at the same pace as the general price level. It is notorious that when general prices fall wages and other fixed incomes, which form the largest item in the total outlay of every employer, do not fall in the same proportion; and when general prices rise they do not rise as fast as general prices, but generally lag behind. And this was just what was happening in a silver-standard country like India and a gold-standard country like England during the period of 1873-93 *(see* Chart IV).

CHART IV

PRICES AND WAGES IN INDIA AND ENGLAND, 1873-93

Prices had fallen in England, but wages had not fallen to the same extent. Prices had risen in India, but wages had not risen to the same extent. The English manufacturer was penalised, if at all, not by any act on the part of his Indian rival, but by reason of the wages of the former's employees having remained the same, although the price of his products had fallen. The Indian producer got a bounty, if any, not because he had an English rival to feed upon, but because he did not have to pay higher wages, although the price of his product had risen.

The conclusion, therefore, is that the failing exchange could not have disturbed established trade relations or displaced the commodities that entered into international trade. The utmost that could be attributed to it is its incidence in economic incentive. But in so far as it supplied a motive force or took away the incentive, it did so by bringing about changes in the social distribution of wealth. In the case of England, where prices were falling, it was the employer who suffered ; in the case of India, where prices were rising, it was the wage-earner who suffered. In both cases there was

an injustice done to a part of the community and an easy case for the reform of currency was made out. The need for a currency reform was recognised in England ; but in India many people seemed averse to it. To some the stability of the silver standard had made a powerful appeal, for they failed to find any evidence of Indian prices having risen above the level of 1873. To others the bounty of the falling exchange was too great a boon to be easily given away by stabilising the exchange. The falsity of both the views is patent. Prices in India did rise and that, too, considerably. Bounty perhaps there was, but it was a penalty on the wage-earner. Thus viewed, the need for the reform of Indian currency was far more urgent than could have been said of the English currency. From a purely psychological point of view there is probably much to choose between rising prices and falling prices. But from the point of view of their incidence on the distribution of wealth, very little can be said in favour of a standard which changes in its value and which becomes the *via media* of transferring wealth from the relatively poor to the relatively rich. Scope said:"Without stability of value money is a fraud."Surely, having regard to the magnitude of the interests affected, depreciated money must be regarded as a greater fraud. That being so, the prosperity of Indian trade and industry, far from being evidence of a sound currency, was sustained by reason of the fact that the currency was a diseased currency. The fall of exchange, in so far as it was a gain, registered a loss to a large section of the Indian people with fixed incomes who suffered from the instability of the silver standard equally with the Government and its European officers.

So much for the fall of silver. But the financial difficulties and social injustices it caused did not sum up the evil effects produced by it. Far more disturbing than the fall were the fluctuations which accompanied the fall *(see* Chart V).

CHART V

MONTHLY FLUCTUATIONS OF THE RUPEE-STEHLING EXCHANGE

The fluctuations greatly aggravated the embarrassment of the Government of India caused by the fall in the exchange value of the rupee. In the opinion of the Hon. Mr. Baring (afterwards Lord Cromer), mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_7

> "It is not the fact that the value of the rupee is, comparatively speaking, low that causes inconvenience. It would be possible, although it might be exceedingly troublesome, to adjust the Indian fiscal system to a rupee of any value. What causes inconvenience alike to Government and to trade is that the value of the rupee is unstable. It is impossible to state accurately in Indian currency what the annual liabilities of the Government of India are. These liabilities have to be calculated afresh every year according to the variations which take place in the relative value of gold and silver, and a calculation which will hold good for even one year is exceedingly difficult to make."

Owing to such fluctuations, no rate could be assumed in the Budget which was likely to turn out to be the true market rate. As matters stood, the rate realised on an average during a particular

year differed so widely from the Budget rate that the finances of the Government became, to employ the phraseology of a finance minister, a"veritable gamble."How greatly the annual Budget must have been deranged by the sudden and unprovided for changes in the rupee cost of the sterling payments Table XXII on page 442 may help to give some idea.

If Government finance was subjected to such uncertainties as a result of exchange fluctuations, private trade also became more or less a matter of speculation. Fluctuations in exchange are, of course, a common incident of international trade. But if they are not to produce discontinuity in trade and industry there must be definite limits to such fluctuations. If the limits are ascertainable, trade would be reasonably certain in its calculation, and speculation in exchange would be limited within the known limits of deviations from an established par. Where, on the other hand, the limits are unknown, all calculations of trade are frustrated and speculation in exchange takes the place of legitimate trading. Now, it is obvious that fluctuations in the exchange between two countries will be limited in extent if the two countries have the same standard of value.

TABLE XXII

FLUCTUATIONS OF EXCHANGE AND FLUCTUATIONS IN THE RUPEE COST OF GOLD PAYMENTS

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Financial Year.	Estimated Rate of Ex-change on which the Budget of the Year was framed.	Rate of Exchange actually realised on the Average during the Year.	Changes in the Rupee Cost of Sterling Payments consequent upon Changes between the Estimated and the Realised Rates of Exchange.

			Increase.	Decrease.
	s. d.	s. d.	Rs.	Rs.
1874-75	1 10.375	1 10-156	15,91,764	—
1875-76	1 9.875	1 9-626	19,57,917	—
1876-77	1 8.5	1 8-508	—	76,736
1877-78	1 9.23	1 8-791	38,43,050	—
1878-79	1 8.4	1 7-794	56,87,129	—
1879-80	1 7	1 7-961	—	84,40,737
1880-81	1 8	1 7-956	4,24,722	—
1881-82	1 8	1 7-895	10,17,482	—
1882-83	1 8	1 7-525	37,46,890	—
1883-84	1 7.5	1 7-536	—	3,62,902
1884-85	1 7.5	1 7-308	18,97,307	—
1885-86	1 7	1 6-254	56,82,638	—
1886-87	1 6	1 5-441	65,17,721	—

1887-88	1 5.5	1 4-898	71,90,097	—
1888-89	1 4.9	1 4-379	77,98,400	—
1889-90	1 4.38	1 4-566	—	27,31,892
1890-91	1 4.552	1 6-09	—	2,35,51,744
1891-92	1 5.25	1 4-733	80,09,366	—

Where there is no such common standard of value the limits, though they exist, are too indefinite to be of much practical use. The rupture of the fixed par of exchange, having destroyed a common standard of value between gold and silver countries, removed the limits on the exchange fluctuations between such countries. As a result of such variations in the value of the standard measure, trade advanced by"rushes and pauses,"and speculation became feverishly activemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_9

That progress of trade depends on stability is a truism which seldom comes home until it is denied in fact. It is difficult to appreciate its importance to healthy enterprise when government is stable, credit is secure, and conditions are uniform. And yet so great is the handicap of instability that everywhere businessmen have been led by a variety of devices to produce stability in domains enveloped by uncertainty. Everywhere there have grown up business barometers forewarning business men of impending changes and so enabling them to forearm against them by timely changes in their operations. The whole of insurance business is aimed at giving stability to economic life. The necessity which compelled all regularly established Governments to maintain standard measures by which the true proportion between things as to their quantities might be ascertained and dealings in them regulated with certainty was motivated by the same purpose. The

meticulous precision with which every civilised country defines its standard measures, and the large machinery it maintains to preserve them from deviation, are only evidences of the great importance that an economic society must continue to attach to the matter of providing precision of expression and assurance of fulfilment with regard to the contracts entered into by its members in their individual or corporate capacities.

Important as are the standard measures of a community, its measures of a community, its measure of value is by far the most important of them all.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_10 The measures of weight, extension, or volume enter only into particular transactions. If the pound, the bushel, or the yard were altered the evils would be comparatively restricted in scope. But the measure of value is all-pervading.

"There is no contract,"Peel declared.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28D2. Problem of Rupee CHAPTER III.htm - _msocom_11"public or private, no engagement national or individual, which is unaffected by it. The enterprises of commerce, the profits of trade, the arrangements made in all domestic relations of society, the wages, of labour, pecuniary transactions of the highest amount and of the lowest, the payment of national debt, the provision for national expenditure, the command which the coin of the smallest denomination has over the necessaries of life, are all affected"

by changes in the measure of value. This is because every contract, though ultimately a contract in goods, is primarily a contract in value. It is, therefore, not enough to maintain constancy in the measures of weight, capacity, or volume. A contract as one of goods may remain exact to the measure stipulated, but may nevertheless be vitiated as a contract in values by reason of changes in the measure of values. The necessity of preserving stability in its measure of value falls on the shoulders of every Government of an orderly society. But its importance grows beyond disputes as society advances from status to contract. The conservation of the contractual basis of society then becomes tantamount to the conservation of an invariable measure of value.

The work of reconstituting a common measure of value in some

form or other, which those misguided legislators of the seventies helped to destroy, it was found, could not be long delayed with impunity. The consequences that followed in the wake of that legislation, as recounted before, were too severe to allow the situation to remain unrectified. That efforts for reconstruction should have been launched before much mischief was done only shows that a world linked by ties of trade will insist, if it can, that its currency systems must be laid on a common gauge.

Chapter IV

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER IV

TOWARDS A GOLD STANDARD

The establishment of stable monetary conditions was naturally enough dependent upon the restoration of a common standard of value. Plain as was the aim, its accomplishment was by no means an easy matter. Two ways seemed at first to be open for carrying it out in practice. One was to adopt a common metal as currency, and since all important countries of the world had gone over to the gold standard it meant the silver-standard countries should abandon their standard in favour of gold. The other was to let the gold and silver standard countries keep to their currencies and to establish between them a fixed ratio of exchange so as to make the two metals into a common standard of value.

The history of the agitation for the reform of the Indian currency is a history of these two movements. The movement for the introduction of a gold standard was, however, the first to occupy the field. The failure of the notification of 1868 may be said to have marked the failure of a policy, but the movement for a gold currency in India started in the

sixties was not altogether stamped out of the country. That the movement still had life in it is shown by the fact that it was revived four years later by Sir R. Temple, when he became the Finance Minister of India, in a memorandum mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_1dated May 15, 1872. The important particular in which he differed from his predecessors consisted in the fact that while they all aimed to make the British sovereign the principal unit of the gold currency in India, he desired to give that place to the Indian gold coin, the"mohur."Why his predecessors did not do the same when the problem of correctly rating the sovereign was said to have baffled them so much is a little surprising when it is recalled that the Indian Mints had been since long past issuing the"mohur", which, as it was possible to rate it correctly, could as well have been made the principal unit of the gold currency in India. That they did not can only be explained on the assumption that they were anxious to kill two birds with one stone. The adoption of the sovereign, besides supporting a gold currency in India, was also calculated to promote the movement of international uniformity of coinage then in vogue. The utility of the"mohur"was in this respect comparatively inferior to that of the sovereign. But when Sir Richard Temple came upon the scene the prospect of some universal coin being internationally adopted seemed to be fast vanishing. At all events the Report of the English Commission on International Coinage, presided over by Lord Halifax, had pronounced adversely as to any change in the standard of the English sovereign. Untrammelled by any considerations for such a wider issue, Sir R. Temple was free to recommend the adoption of the"mohur"as the unit of currency in place of the sovereign.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_2

"We have,"he wrote,"gold pieces representing fifteen, ten and five rupees respectively; and believed to represent these several sums very correctly, as regards the relative value of gold and silver ..... that.... we should take the first opportunity to declare the gold coins legal tender to unlimited amount; that gold pieces should continue to bear the fixed relation to the rupee; that for a time it might be necessary to permit the rupee to remain legal tender to an unlimited amount, which would involve temporarily the difficulty of a double standard; that the transition period of double standard should be as short as possible, silver being reduced to a token coinage, and being made legal tender up

to a small amount only; and that gold should be ultimately the one legal standard."

He proposed the ratio of 10 rupees for 120 grs. of standard i.e. 110 grs. of fine gold, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_3 but he did not share the temerity of Sir Charles Trevelyan.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_4 So intent was he on the project of a gold currency that he was prepared to alter the ratio so as to make it favourable to gold. The question of ratio, he observed, was one which

> "the Government of India ought to be able to determine. These are questions which have been determined by every nation that has adopted a gold currency. No doubt it is a difficult and important problem, but it cannot be insoluble, and it ought to be solved."

Such in outline was the first proposal for a gold currency. It was projected before the fall in the value of silver had commenced, and was therefore more a culmination of the past policy than a remedy against the ensuing depreciation of silver. In that consisted, probably, the chief strength of the proposal. It was in good time to avoid the cost of hauling up the currency which later on proved so very deterrent and caused the defeat of so many other projects. Besides, it cannot be said that at the time the memorandum was presented the Government was not warned of the impending crisis; for the wave of demonetising silver had already commenced two years before. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_5

But, for some reason not known to the public, no action was taken on the proposal.

The second plan for the introduction of a gold currency was that of Colonel J. T. Smith, the able Mint Master of India. His plan was avowedly a remedy for the falling exchange.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_6 The plan was set forth in the first essay in the brochure, *Silver and the Indian Exchanges*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_7 and may be described in his own words as follows:—

> "6. Although it cannot be denied that the difficulty of effecting this

object of restoring the Indian exchange to its normal condition is much greater now than it would have been some years ago, owing to the decline which has already taken place, yet there seems to be sufficient ground for belief that, even now, if decided measures were adopted, it would not be too late to restore the currency to its former value for home (India)) payments; and that, too, without any shock or disturbance; the principal step being that of putting a stop to the coinage of silver on private account, at the same time taking measures to discourage the importation, or at the least the circulation, of foreign-made, silver coins, and opening the Mints for the receipt of gold bullion for coinage.

"7. To explain how this would operate, I must observe that

"8. ... the internal trade of the Empire of India has increased and is increasing...

"9. Whatever may be the cause, the internal trade of India has, ever since the beginning of this century, required constant and steady additions to her currency, averaging during the last thirty-eight years upwards of five millions of pounds sterling per annum in value. Besides this, the returns show that the balance of imports over exports of gold bullion, during the same period, exceeded an average of two and a half millions sterling annually, having been, during the last twenty years, more than four millions per annum.

"10. Such being the case, it appears to be a necessary consequence that, if the supply of rupees were put a stop to, the remainder must increase in local value, as compared with commodities, till they resumed the position which they held on a par with gold, at the rate of 10 rupees to a sovereign, for the fifteen years previous to 1870.

"11. After that point had been attained, it would be the interest of merchants to take gold into the Indian Mints for coinage; and they would do so, indeed, before the attainment of this improvement of the exchanges, owing to the premium or ' batta ' which would at first be obtained for the gold coins.

"12. By this means gold would gradually be brought into India; and, as it has been shown that an addition to the circulating medium of at least five million sterling per annum is necessary, and no more silver coins being admitted (into the currency), it will slowly accumulate

there....

"13. The proposal therefore is that, after due notice, the coinage of silver on behalf of private individuals and advances upon silver bullion should be suspended; that part of the Act 23 of 1870, which makes it incumbent on the Government to receive and coin it, being repealed; the Government retaining in their own hands the power of replenishing the silver currency whenever they may deem it expedient. That gold bullion should be received by the Government at the mint rate of 38 rupees 14 annas per standard ounce, and coined into sovereigns and half-sovereigns (representing 38 rupees 15 annas), or ten or five rupee-pieces of the same value, which should be declared legal tender, but not demandable, the present silver rupees continuing to be legal tender, as before.
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At the time the Smith plan was presented, the fall of silver had made itself felt so that a considerable support in favour of the plan was forthcoming. The support of the trading community was embodied in the resolution, dated July 15, 1876, of the Bengal Chamber of Commerce, which urged"that it was expedient, in view of any ultimate measures that the Government may adopt, that Clause 19 of Act XXIII of 1870, making it obligatory on the Mints in India to receive all silver tendered for coinage, and also Section II, Clause (*b*) of Act III of 1871, making it obligatory on the Currency Department to issue notes against silver bullion sent in, be temporarily suspended, at the discretion of Government, and that during each such suspension or till further notice it be not lawful to import coined rupees from any foreign port."A similar feeling was voiced by the Calcutta Trades Association. By this time the fall of exchange had also commenced to tell upon the finances of the Government of India, so much so that Sir William Muir, in his Financial Statement for 1876-77, was led to observe —

"The sudden depreciation of silver and the consequent enhancement of charge to the Government of India in laying down yearly the sum required in England of about fifteen millions sterling, without doubt cast a grave shadow on the future. In truth, it may be said that the danger, from whatever point of view considered, is the gravest which has yet threatened the finances of India. War, famine, and drought have often inflicted losses on the Exchequer far greater than the

charge which threatens us in the present year. But such calamities pass away; the loss is limited: and when It has been provided for the finances are again on sure and stable ground. This is not the case with the present cause of anxiety. Its immediate effects are serious enough. ..... But that which adds significance to it is that the end cannot be seen; the future is involved in uncertainty.'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_9

In the face of such a situation nothing would have been more natural than to expect the Government precipitating into some kind of action to save itself, if not others, from an impending calamity. Far from taking immediate steps, the Government not only failed to take any initiative, but showed, when pressed by the Bengal Chamber of Commerce to act upon the foregoing resolution, a surprising degree of academic somnolence only to be expected from an uninterested spectator. No doubt the proposal of the Bengal Chamber was defective in that it did not suggest the opening of the Incyan Mints to the coinage of gold. The Government of India was sharp enough to fasten upon this defect. It made plain to the Chamber that if it had proposed the free coinage of gold.

"such a recommendation would not have been open to the objections that appear fatal, *in limine,* to the adoption of the resolution actually adopted..... viz. to close the Mints temporarily to the free coinage of the one metal into legal-tender money, without simultaneously opening them to the free coinage of the other into legal tender money.'

Did it, then, adopt the proposal of Colonel Smith, which contained such a recommendation? Not at all ! Why did it not, then, adopt a remedy to which it saw no objections? The reason was that it had arrived at a different diagnosis of the causes of the monetary disturbances. To the Government the possibilities of explaining"the disturbance in the equilibrium of the precious metals"seemed to be many and varied. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_10

(1) The value of gold being unchanged, the value of silver had fallen ; (2) the valu silver being unchanged, the value of gold had risen; (3) the value of gold had risen,

the value of silver had fallen ; (4) the value of both metals had risen, but the valu gold more than that of silver; (5) the value of both metals had fallen, but the valu silver more than that of gold. In the midst of such possibilities, marked, more pedantry than logic, the Government warned the currency reformers that

> "the character of the remedies indicated, if the disturbance is found to be due to a rise in the value of gold, will obviously differ from what would be suitable in the case of a fall in the value of silver.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_11

Out of these possibilities what seemed to it to be proven was that"gold had risen in value since March, 1872,"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_12 and therefore if any reform was to be effected it should fall upon the gold-standard countries to undertake it. Situated as the Government of India then was, it could have suffered itself without incurring much blame to be hurried into some kind of currency reform that promised to bring relief. To have refused to allow the exigencies of a crisis to rule its decisions on such a momentous issue as the reform of currency, need not imply a spirit of obstinacy. On the other hand, it bespeaks a spirit of caution which no reader of that illuminating dispatch of October 13, 1876, conveying to the Secretary of State its decision to wait and watch, can fail to admire. But it is hardly possible to speak in a similar commendatory manner of the underlying attitude of the Government of India. Whether it is possible to hold that gold had appreciated but that silver had not depreciated may be left for logician to decide upon. But for a silver-standard country to refuse to undertake the reform of her currency system on the plea that it was gold that had appreciated was no doubt a tactical error. In military matters there is probably such a thing as depending on a position; but in currency matters there cannot be such a thing. The reason is that in the former strength sometimes lies in the weakness of the other. But in the case of the latter the weakness of one becomes the weakness of all. There can be no doubt, therefore, that the Government, in discarding its responsibility to do the needful in the matter, committed the same kind of mistake as a man who, in the words of Prof. Nicholson,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_13"should suppose that the ship cannot sink because there is no leak in the particular cabin in which he happens to sleep."

That the attitude of inaction was unwise was soon brought home to the Government of India. Within a short space of two years it was obliged to reconsider the position taken in 1876. In a dispatch dated November 9, 1878,

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_14 the Government of India observed:—

"5. It was to have been expected that a subject so encompassed with difficulties should not receive any early settlement, and it was probably the wisest, as it was certainly the most natural course, to allow further time to elapse before attempting any final solution of the grave problem it involved. The improvement that took place in the value of silver in the year 1877 favoured this policy in action; and it is only now, when a fresh fall has brought down the rupee to a value hardly greater than that which it had in July, 1876, that the serious nature of the risk which our existing currency law entails on us is once more forced on our attention by its practical effects on the Home remittances.

"21. The uncertainty that has now for some years prevailed with reference to the value of silver, and the consequent disturbances in the exchange, have..... been causes of continued financial difficulty to the Government..... and it is not possible to doubt that similar results must have been produced by these disturbances in the trade transactions of the country, or that investments of foreign capital in India, either for trading or other purposes, must have been very seriously interferred with by their influence.

"23. Such we hold to be a true statement of the present difficulties and prospective risks of maintaining the existing Currency Law, and we feel assured that they have not been in any way overstated. It remains for us to inquire whether any practical remedy could be devised that should not be open to serious objections, or the risks attending the adoption of which should not be so great as to prohibit it. We feel most fully the heavy responsibility that will rest on us in dealing with the currency of India ; but it is plain that the responsibility for doing nothing is no less great. Whether the law is left as it is, or whether it is changed.. the result will be equally due to our action, and we cannot, if we would, avoid facing this grave question.

"24. To obtain fixity of exchange by the adoption of a gold standard, and the substitution of a gold for a silver currency through the direct

action of Government, has, we think, been conclusively shown to be impracticable by the dispatch of the Government of India of October last, and this plan therefore calls for no further notice. The increase in the weight of the rupee, also noticed in that dispatch, is equally undeserving of attention, as in fact, it would give no security for the future, and would entail a heavy charge without accomplishing the essential point to be aimed at. There remains the simpler, and first proposed suggestion, the limitation of the coinage of silver, which, though rejected in 1876 by the Government of India...; appears to us to call now for a closer examination.

"25. This suggestion in its main features is, that the Coinage Act shall be so far modified as to withdraw the free right of the public to take silver bullion to the Mint for coinage, and either to suspend it entirely in future, or limit it for a time.

"26. It is obviously an essential part of any such scheme, if it is to have the effect of fixing the exchange value of the rupee, that the power of obtaining that coin in future shall be regulated in some manner by a gold payment, and that the relation between sterling and rupee currency shall thus be fixed irrespective of the fluctuations in the relative value of the metals of which the coins are formed.

"27. It is not, on the other hand, an essential part of such a plan that any particular relation of value should be thus fixed at two shillings..... or at any smaller or larger proportion. All that is necessary is that the rate, being once fixed, shall remain for the future unchanged.

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"33. Probably the most important question is..... whether or not it is practicable to maintain a silver coinage as the principal element in our currency, with a very limited gold coinage, or without a legal-tender gold coinage at all. The Government of India, in its dispatch of 1876, expressed an opinion adverse to the possibility of maintaining such a system..... On a full reconsideration of this point, we are led to take the opposite view, and to think that such a system would be perfectly practicable and would lead to no material difficulty. It is true that there is no country in which such a condition of things actually exists. But those countries, and there are many of them, in which an inconvertible paper currency exists or has existed, give proof that the far greater anomaly of a currency devoid of any intrinsic value whatever is capable

of performing the work of a metallic currency satisfactorily, and of maintaining its local exchange value, so long as an excessive issue is only guarded against.

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"37. (Such) instances (as the British shilling and the French five franc piece) seem to show that neither in the way of surreptitious coinage, nor of discredit from depreciation of intrinsic value, it is probable that there would be any serious difficulty in keeping the rupee in circulation at its present weight, at a nominal value of two shillings, with a gold standard and a partial gold coinage.

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"46. We are thus led to the general conclusion that it will be practicable, without present injury to the community as a whole, or risk of future difficulties, to adopt a gold standard, while retaining the present silver currency of India, and that we may thereby in the future fully protect ourselves from the very real and serious dangers impending over us so long as the present system is maintained. We consequently desire to recommend to Her Majesty's Government the adoption of such a change at the earliest moment possible, and we shall proceed to explain, in all necessary detail, the measures by which we advise that it should be effected.

* * *

"50. It has to be borne in mind that it is not the object of our action to force on India a gold currency, or to displace the silver currency, but rather to avoid such a result, or to check the tendency in that direction, so far as it can be done consistently with the adoption of the gold standard. We are consequently led to the conclusion that, while we give certain facilities for the introduction of gold coins into India, we should not yet go so far as to declare them a general legal tender; and that we should at the same time, make provision for the coining of silver, without limit as to quantity, but on terms that will give no advantage to the introduction of silver in relation to gold.

"51. These objects we propose to attain as follows:—We first take power to receive British or British Indian gold coin jn payment for any demands of the Government, at rates to be fixed from time to time by the Government, till the exchange has settled itself sufficiently to

enable us to fix the rupee value in relation to the pound sterling, permanently at two shillings. Simultaneously with this, the seignorage on the coining of silver would be raised to such a rate as would virtually make the cost of a rupee, to persons importing bullion, equal in amount to the value given to the rupee in comparison with the gold coins above spoken of. We should thus obtain a self-acting system under which silver would be admitted for coinage, at the fixed gold rate, as the wants of the country required; while a certain limited scope would be given for the introduction and use of gold coin, so far as it was found convenient or profitable."

Such was the scheme outlined by the Government of India. The reason why it rejected the Smith plan, although it was simple, economical, and secure, was because it contemplated a demand by India on the world's dwindling stock of gold. Now, in the circumstances then existing, this was a fatal defect, and the powers-that-be had already decided that at all cost India must be kept out of what was called the"scramble for gold."Therefore, to have proposed an effective gold standard was to have courted defeat. A mild and diluted edition of a gold standard such as was proposed by the Government was all that stood any chance of success. But even this timid attempt did not fare well at the hands of the Committee mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_15 appointed jointly by the Secretary of State and the Chancellor of the Exchequer to examine and report upon the proposals. The members of the Committee were"unanimously of opinion that they cannot recommend them for the sanction of Her Majesty's Government."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_16 The reasons which led to the rejection of the proposals we are not permitted to know. Although the Report of the Committee was made public, the proceedings have never seen the light of day. Indeed, there has been a most stern and obstinate refusal on the part of the officials to allow a peep into them. Why they should be regarded as confidential after a lapse of nearly half a century it is difficult to imagine. Enough, however, was revealed by Sir Robert Giffen, who was a member of this Committee, in evidence before the Indian Currency Committee of 1898mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_17 for us to know the contents of this closely guarded document. It seems that the Committee declared against the

proposals because it thought they were calculated to make the Indian currency a"managed"currency. At the time when the Committee delivered its opinion the current prejudice was unanimously against such a system. All acknowledged writers on currency were pronounced opponents of an artificially regulated systemmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_18A naturally automatic currency was their ideal. In addition to being misled by this prejudice, the Committee felt convinced that the situation would soon ease itself by the natural working of economic forces without necessitating a reform of the Indian currency. This conviction on the part of the Committee was founded on the high authority of the late Mr. Walter Bagehotmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_19 that the disturbance could not but be temporary. His argument was that the depreciation would encourage exports from India, and discourage imports, and the unfavourable balance of trade thus brought about would induce a flow of silver to India, tending to raise its price. He was also of opinion that increased demand for silver would also arise from outside India. He argued that the reduction of demand caused by the demonetisation of silver by some countries would be more than compensated for by the adoption of silver by other countries then on a paper basis for their impending resumption's of specie payment.

Whatever might be said with regard to the Committee's preference of a natural to an artificial system of currency, there can be no doubt that in turning down the proposals of the Government, in the hope that silver would recover, it was grossly deceived. The basic assumptions on which the Committee was led to act failed to come true. To the surprise of everybody India refused to absorb this"white dirt."Indeed, it was one of the puzzles of the time to know why, if silver had fallen so much in Europe, it did not go to India in larger quantities. Many blamed the Secretary of State for the sale of his Council Bills.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_20 These bills, it was said, presented an alternative mode of remittance so much better as to prevent the sending of silver to India, and thereby caused a diminution in the demand for it. That this was not a correct view is obvious.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee

CHAPTER IV.htm - _msocom_21 Silver could not have gone to India more than it did even if Council Bills had been abolished. Council Bills must be regarded as ordinary trade bills drawn against services and commodities, and could not be said to have competed with the transmission of bullion in any special manner different to that attributable to the trade bills. The only bearing the Council Bills may be said to have had upon the issue in question lies in the fact that to the extent they figured in the transactions they prevented India from buying other commodities. But there was nothing to prevent her residual buying power left over after paying for the Council Bills from being utilised in the purchase of silver in preference to other commodities. That this buying power would be used in purchasing silver because it was depreciated in Europe was theoretically an unsound assumption on the part of Mr. Bagehot. The deciding factor which could have caused such a diversion of this residual buying power to the purchase of silver was whether it was *appreciated in India*. Only on that condition could there have been a flow of it to India. But as matters then stood, it was the opinion of Prof. Piersonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_22 that when the general depreciation of silver commenced all over the world, it had been forestalled in that part of the globe in which India lies. India was already glutted with silver. Under ordinary circumstances India would have sent back a large portion of its silver to Europe. But the general depreciation prevented her from doing so; and now there were two opposing forces, one tending to produce an export of silver from India to Europe and the other tending to produce an export of silver from Europe to India; and, although the latter was the stronger of the two, the former was sufficiently powerful to prevent any considerable quantity of silver from being exported from Europe to India. If the Committee was deceived in one part of its assumptions, it was also disappointed in others. Far from resuming specie payments in terms of silver, as Mr. Bagehot expected the countries then on paper basis to do, they one and all demonetised silver to the great disappointment of all those who adhered to the policy of'wait and see."

The falsification by India and other countries of such anticipations led to a change in the angle of vision of most of the European countries who had theretofore shown no inclination to do anything by way of reducing the chaotic currencies to some kind of order. They were advised by eminent authorities not to hurry. Jevons said

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_23 :—

> "We only need a little patience and a little common sense to surmount the practical difficulties. Within the next few years good harvests in India will, in all probability, enable that country to buy up all our surplus silver, as it has been in the habit of doing, with rare exceptions, since the time of Pliny..... In future years any amount of silver could be got rid of without loss, if it be sold gradually and cautiously."When, however, it was found that the waiting period would be more painful if not longer than what it pleased the proverbial peasant to undergo, in order to let the stream run dry so as to permit of his forbidding it without wetting his feet, there grew up an agitation in Europe to undertake the necessary reform to prevent the depreciation of silver.

Far from being sentimental, the agitation was real and derived its force from the evils which arose out of the existing currency conditions. The monetary condition of most of these countries was very unhealthy. Their schemes of an effective gold standard with silver as token currency were arrested in the midst of their progress. Germany, when she demonetised silver, had retained her silver thalers as full legal tender at the old ratio with gold, only to get time to be rid of them to the extent necessary to reduce them to a truly subsidiary position. But, before she could do so, her policy of demonetisation had commenced to tell upon the value of silver, and the continued fall thereof compelled Germany to retain the thalers as legal tender at their old value, despite the fact that their metallic value was fast sinking. Precisely the same was the result of the action of the Latin Union on their system of currency. They had stopped their further coinage of the silver five-franc pieces ; but they could do nothing with those that were already coined except to permit them to circulate at the old mint par, although the metallic par continued to change with changes in the market values of gold and silver. The United States was also involved in similar evils, although they arose from choice rather than from necessity. Yielding to an agitation of the silver men, it passed in 1878 a law called the Bland Allison Act, requiring the Secretary of the Treasury to purchase and coin each month not less than $2,000,000 and not more than $4,000,000 worth of silver bullion into standard silver dollars, which were to be full legal tender for all debts public and private,"except where otherwise expressly stipulated in the contract,"

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_24 As the metalic value of these dollars fell with every fall, while their legal value remained as before, they became, like the thalers and the francs, overvalued coins. It is clearmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_25 that when the stock of a country's currency is not equally good for all purposes it is relatively speaking in an unsatisfactory condition. Though good for internal purposes, these coins were useless for international payments. Besides making the whole currency system unstable and top-heavy, they could not be made to serve the purpose of banking reserves, which it is the *prime* function of a metallic currency to perform in modern times. The possibilities they opened for illicit coinage were immense. But what made their existence such a source of menace was the fact that a large proportion of the total metallic money of these countries was of this sort. The figures given by Ottomar Haupt in Table XXIII *(see* p. 461) prove sufficiently the difficulties that these countries had to face in regulating and controlling such a mass of token currency.

If a gold-standard country like England had escaped these difficulties it was only to meet others equally embarrassing. As has been pointed out before, the continued fall of prices, the reflex part of the appreciation of gold, had produced a depression in the trade and industry of the country never known before in its history. Apart from this, the monetary disturbances affected the yield on capital investment, the mainstay of so many of her people, by reducing the field for its employment. Said the American Commission :—

> "Within twenty years from 1877 to 1897, it could probably be correctly stated that the power of money to earn dividends was reduced to one-half, or in nearly that proportion. That reduction of the earning power of capital affected injuriously everybody who depended upon investments for a living. It affected also the profits and enterprises of the captains of industry and the kings of finance. In England and in France the price of Government securities rose to a point which made it no longer possible for the man of small means to invest in them and acquire an adequate support during his declining years."

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It is, of course, open to doubt whether the conclusion drawn is the right one. But the fact remains that owing to monetary disturbances the field for the investment of English capital had become considerably restricted. And, as a way of getting a living, capital investment was an important resource to the English people.

To mend such a situation there were convened one after another three International Monetary Conferences to establish a bimetallic par between gold and silver. The first International Monetary Conference was convened at Paris in the year 1878 at the invitation of the United States. The second met at the same place in 1881 at the joint call of France and the United States. The third and the last assembled by the wish of United States in Brussels during the year 1892.

From the gravity of the situation nothing could have been more natural than to expect these Conferences to fructify into an agreement upon the consummation of the project for which they were called into being. But, far from reaching any agreement, the deliberations of these Conferences proved to be entirely futile. Only the second Conference showed any sign of agreement. The first and the third marked a strong deviation in the opposite direction. The advance, if any, that was made, as a result of these deliberations, was summed up in the pious opinion that it was necessary to retain and enlarge the monetary use of silver. But so weak on the whole was the response that practice failed to testify as to the sincerity of this solemn declaration.

TABLE **XXIII**

DISTRIBUTION OF THE STOCK OF MONEY IN DIFFERENT COUNTRIES

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm -_msocom_27

Countries		Monetary Circulation at the *Beginning* of 1892.				
		Gold.	Silver.	Uncovered Notes	Fractional Currency.	Billon Money.
Austria	fl.	65,000,000	197,000,00	601,000,000	40,000,000	14,000,000

England	£.	118,000,000	—	10,000,000	26,000,000	1,900,000
France	fr.	3,900,000,000	3,200,000,000	572,000,000	280,000,000	280,000,000
Germany	m.	2,500,000,000	430,000,000	450,000,000	457,000,000	57,000,000
Holland	fl.	64,000,000	135,000,000	98,000,000	7,600,000	1,800,000
Italy	. li	485,000,000	81,000,000	847,000,000	150,000,000	75,000,000
Russia	. £	59,500,000	—	51,200,000	8,200,000	1,000,000
Spain	. pes.	160,000,000	646,000,000	548,000,000	190,000,000	157,000,000
U.S.A.	doll.	671,000,0010	458,000,000	419,000,000	77,000,000	18,000,000

The reasons for the failure of these Conferences to reach a bimetallic agreement have not been properly understood. One cannot read the debates on bimetallism at these Conferences without observing that the opposing parties approached the subject with different objectives. To one the principal objective was the maintenance of a stable ratio of exchange between gold and silver irrespective of the question whether one or both remained in circulation; to the other it was the maintenance of the two metals in concurrent circulation. As a consequence of this difference in the lines of their approach an agreement on a bimetallic project became well-nigh impossible.

The workability of bimetallism in the sense of maintaining a stable ratio between gold and silver is necessarily an indefinite proposition. Nonetheless, it cannot be said, if the debates at these Conferences are taken as a guide, that the possibility of a successful bimetallic system in the stable-ratio sense of the term had been denied by the majority of economic theorists, or by the Governments who met at these

Conferences. On the other hand, the Conference of 1881, the most important of the three, was remarkable for its confession regarding the workability of the system. All Governments, barring a few minor ones, were in favour of it. Even the British Government, in consenting to bring into operation the silver clause of the Bank Charter Act, must be said to have given its word of approval.

But what did bimetallism promise, as a piece of mechanism, to maintain the two metals in concurrent circulation? The bimetallists used to cite the example of France in support of the stability of the double standard. But was there a concurrent circulation of two metals in France under the bimetallic system? Far from it. For, although it was a virtue of the system that changes in the production of the two metals made no appreciable variations in the fixed ratio of exchange, yet the slightest of such as did occur were sufficient to effect the greatest revolution in the relative circulation of the two metals, as the following table clearly brings out:—

TABLE XXIV

MINTAGE OF GOLD AND SILVER IN FRANCE

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_28

Period	Gold Million Francs	Silver Million Francs	Ratio of Value
1803 to 1820	868	1,091	1: 15.58
1821 to 1847	301	2,778	1: 15.80
1848 to 1852	448	543	1: 15.67
1853 to 1856	1,795	102	1: 15.35
1857 to 1866	3,516	55	1; 15.33
1867 to 1873	876	587	1: 15.62

In mitigation of this, the bimetallists had nothing to offer. There were, no doubt, such schemes as the one proposed by Prof. Marshall, consisting of paper based on a linked bar of gold and silver in certain fixed proportions,

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_29 having the object of converting this"either-metallism"into double-metallism. But such schemes apart, the free-mintage-cum-fixed-ratio plan of bimetallism gave no guarantee against alternation in the circulation. Indeed, under that plan the alternation is the very soul of the mechanism which keeps the ratio from being disturbed. The only thing the bimetallists could say in mitigation of this was thatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_30the alternation in currency would confine itself to bank reserves and would not be extended to the pockets of the people. This was only an eyewash,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_31 for how could the banks arrange their reserves except in conformity with the prejudices of the people? Even international agreement to use gold and silver at a fixed ratio was no guarantee that this concurrent circulation would be maintained. Stability of ratio did depend to a large extent upon an international agreement, for, although it could be maintained by the action of one nation, the deviations of the ratio in that case would probably be greater. But mere international agreement has no virtue of itself to prevent one metal driving out the other. To suppose that Gresham's Law is powerless under international agreement is a gross mistake. Gresham's Law is governed by the relative production of the two metals to the total currency needs of the movement. Supposing the production of one metal relatively to the other was so enormous as to more than suffice for the currency needs, how could international agreement prevent the former from driving the latter entirely out of circulation? On the other hand, international agreement, far from discouraging, would encourage the process.

In adopting bimetallism, therefore, the nations had to make a choice between a stable ratio and a concurrent circulation, for there might arise a situation in which there was a stable ratio but no concurrent circulation of both the metals. If the Conferences broke down, it was not because they did not recognise the possibility, which was unanimously upheld by such an impartial tribunal as the Gold and Silver

Commission of 1886, of a stable ratio being maintained under a bimetallic regime. They broke down because the bimetallic system did not guarantee the concurrent circulation of the two metals. However, it is certain the impossibility of concurrent circulation could not have been such a drawback if the immediate effect of bimetallism would have been a flow of gold into circulation. But as matters then stood the immediate effect would have been to bring silver into circulation. It was this more than anything else which scared away most of the nations from the adoption of the bimetallic system. Now, it is a curious thing that nations which had assembled together to bring about a stable ratio between gold and silver should have rejected a system which gave a promise of such a stability on the comparatively less significant ground that it had the effect of altering the composition of the circulation from gold to silver. But the fact must be recognised that at the time the question of reconstituting the bimetallic system was agitating the public mind, in most of the European countries gold and silver had ceased to be regarded as equally good for currency purposes. The superiority of gold to silver as a carrier of large value in small bulk was coming more and more to be appreciated in the latter part of the nineteenth century, and no plan of stabilisation which did not provide for the unhindered circulation of gold was likely to meet with common approval. This prejudice was in no way confined to a gold-standard country like England. The closing of the Mints by the Latin Union is a proof positive of the change in the attitude of the bimetallic countries. As Jevons argued mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_32

:—

"So long ..... as its operation resulted in substituting a beautiful coinage of napoleons, half-napoleons, and five-franc pieces in gold for the old heavy silver ecus, there was no complaint, and the French people admired the action of their compensatory system. But when [after 1873] it became evident that the heavy silver currency was coming back again..... the matter assumed a different form."

So great was the prejudice in favour of gold that the interests of the chief Powers in the various Conferences, it may be truly said, waxed and waned with the changes in the volume of their gold reserves.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_33 In 1878, the United States took the lead in calling the

Conference because the working of the Bland Allison Act checked the inflow of gold necessary for its cash payments. Germany was indifferent because she had enough gold and was confident of selling off her demonetised silver without loss. In 1881 France and Germany showed more anxiety for reform because the former had lost all her gold and the latter was unable to palm off her silver. By 1892 none was so poorly supplied with gold as was the United States, largely as a result of a reckless policy which did her harm without doing good to anyone else, and she was therefore left alone to support the cause of silver.

Possessed as almost every Government was by this prejudice for gold, it was not an ineradicable prejudice. What the countries wanted was a lead from an influential nation. Throughout the debates at these Conferences one thing stood out very clearly. If England could have brought herself to adopt a bimetallic system, others, like sheep, would have followed suit. But she was too much wedded to her system to make a change, with the result that bimetallism, as a way out of the currency difficulties, became a dead project. The vanishing of the prospect of re-establishing the bimetallic system as a result of her obstinacy was a small matter to the European countries. They had virtually made gold, the international form of money, as the basis of their currency, and were therefore quite indifferent as to the issue ; but it was a terrible blow to the hopes of India. After the proposal of 1878 had been turned down, bimetallism was considered by the Government of India as the remedy, and its advent looked forward to for salvation. It is true that in the beginning of bimetallic discussions the attitude of the Indian Government was rather lukewarm. In a dispatch dated June 10, 1881, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_34

to the Secretary of State, it was revealed that the Government of the time was divided in its opinion regarding the merits of bimetallism. The Viceroy and another member of Council refused their support on the ground that bimetallism was unsound in principle,*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_35 and even the majority who thought differently on this aspect of the question were not then prepared to go to the length of joining a bimetallic union, although they did not see any objection to doing so”if a sufficiently large number of other Governments were prepared to join”in it. With the growth of their financial difficulties, however, this slender faith in bimetallism

considerably deepened, so much so that in 1886 the Government addressed to the Secretary of State a dispatchmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_36 urging him to take the initiative in calling an International Monetary Conference to establish a stable ratio between gold and silver. So intense was its interest in the consummation of bimetallism that it did not hesitate to administer a sharp rebuke to the Treasury when they negatived its suggestion referred to them for consideration by the Secretary of State. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_37With such feelings of faith and hope the Government of India entered these international Conferences and watched their fortunes. But no Government could have been treated with such suspicion and injustice as was the Government of India. Its admission to the bimetallic union was desired by none of the Powers, not even by England.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_38 It was treated as a villain whose advances were nothing but maneuvers to pounce upon the already dwindling stock of gold. Not only was it planned to keep India out of the bimetallic union, but she was to be required to pledge herself not to take a mean advantage of the union after its efforts had succeeded in establishing a stable ratio by making gold legal tender.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_39 All these guarantees the Government of India had offered in a pathetic faithfulness to the cause of bimetallism, on the success of which it had depended so much. Consequently, when the attempt failed, the disappointment caused to the Government of India almost broke its heart. It is not too severe to say that the part played by the British authorities in causing this disappointment was highly irresponsible—one might almost say wicked. They forced India against her declared wishes to keep to the silver standard, partly to trail her off from making any demand for gold, and partly to silence the criticisms of other nations that Britain was not taking her share in the matter of rehabilitating silver.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_40 This was not the only advantage exacted from a country bound to obey. On the one hand it restrained the Government of India from taking any independent line of action in the matter of currency reform, and on the other such means as were calculated to make good the losses which arose from a depreciating currency were subjected to Parliamentary censure. The House of

Commons was twice moved, once in 1877 and again in 1879, to resolve that the Government of India should lower its tariff, ostensibly in the interest of free trade, but really in the interests of relief to the depressed condition of Lancashire. The consequence was that the Government could not tap one important source of its revenue in times of its greatest adversity. The only adequate recompense, the British authorities could have made to a Government so completely paralysed by their dictations, and of whose interests they so loudly claimed to be the lawful trustees, was to have consented to join the bimetallic union, the consummation of which only waited upon their grace. But, as is well known, they did nothing of the kind, so that, after a period of enforced waiting and by no means unavoidable suffering, the Government of India, at the end of 1893, found itself just where it was at the beginning of 1878.

Like all common-sense people who pray and yet do not fail to keep their powder dry, this interval was utilised by the silver-ridden countries, with the exception of the United States, in strengthening their gold basis no less than in attending the deliberation of the Monetary Conferences on the amusing plans for extending the use of silver.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_41 Mr. Goschen, at the Conference of 1878, had quite philosophically remarked that States feared to employ silver because of its depreciation and the depreciation continued because the States feared to employ it. Now, if the first part of the diagnosis was correct, we should have found the States seriously engaged in the task of rehabilitating silver when its price was propped up by the silver legislation of the United States. On the other hand, just so far as the monthly purchases of silver, under the Bland Allison Act of 1878, or the Sherman Act of 1890, held up the price of silver, not only did they not feel anxious to take steps to restore it to its former position, but they actually took advantage of the rise to discard it.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_42 And it is not possible to blame them either, for with the prospect of a bimetallic union vanishing into thin air the accumulation of this dead weight would have only ended in a gratuitous embarrassment. India alone refused to profit by the squeeze, which the United States took vicariously for other nations, and allowed precious time to slip by, with the result that it was thrown back upon the same remedy, the adoption of which was negatived in 1878.

If it was to be a gold standard it would have been better if it had been done in 1878. The plan then outlined by the Government of India was no doubt too complicated and too flimsy to be practicable. But its rejection should not have altogether suspended the introduction of a gold standard. If it was to be one of an orthodox kind on the English pattern, it would have no doubt involved some cost to the Government in being obliged to sell at a reduced price a part of the silver stock of the country in order to give the rupee a subsidiary position and to fill the void by a gold currency. The cost of this conversion in 1878 would have been inconsiderable, for the fall of silver from its normal gold price was only 12 1/2 per cent. On the other hand, if it was to be on such an unorthodox plan as that of Colonel Smith, it would have involved no cost at all to the Government mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_43 beyond that involved in the installation of new machinery for the coinage of gold at the Mint. But in 1893 both these processes of bringing about a gold standard seemed quite hopeless. The impossibility of the plan of conversion was quite out of the question. The fail in the value of silver in 1893 was nearly 35 per cent. Even the prospect of the Smith plan did not appear very bright owing to the enormous addition of rupees to the circulation of the country. If it had been adopted in 1878, all the subsequent additions to the currency would have been in gold, with the result that by 1893 the proportion of gold to silver would have been large enough to have endowed the whole currency system with the desired stability in relation to countries on a purely gold basis. In 1893 the mass of silver currency had grown to enormous proportions, so that it looked certain that it would take decades before the stoppage of silver coinage could make the rupee a stable and secure form of currency.

The plans showing a way out of an *impasse* such as this were legion. One was the issue of heavier rupees.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_44 The second was to make silver limited legal tender and to authorise the Secretary of State to sell in London gold or silver Indian stock to the extent of his gold payments, to be liquidated by the Government of India by the issue of unlimited legal-tender notes called”bons."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_45 The third was that England and India should, as between them, adopt a bimetallic standard on a new

basis,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_46 or to admit the rupee as full legal tender in the United Kingdom. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_47 The fourth was to regulate the opening and closing of Mints to coinage on the basis of deviations of actual exchange rates from the rate of exchange fixed at the opening of each year for the Council drafts of the Secretary of State. Under this scheme, so long as the actual rate did not exceed the fixed rate by less than 5 per cent., the free coinage of silver was to be suspendedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_48. The fifth was to provide that on the one hand the Secretary of State should fix a minimum rate for his drafts, and that the Government of India on the other should levy a duty on all imports of silver equal to the difference between the daily official quotations of bar silver in London and the price of silver corresponding to the rate fixed for the Council drafts.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_49 The sixth was to introduce a bimetallic coin, to be called the imperial florin or rupee, made of the value of 2s. and containing 4 per cent. weight in gold and the balance in silvermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_50. The seventh was to establish independent gold and silver standards without any fixed ratio of exchange between them,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_51 or with some slight inducement for the use of gold in transactions of larger denominations.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_52 Although the Government of India was not in agreement with these clever if not crazy plans of currency reforms, it agreed in the aim they had in view, namely, to place India on a gold basis without involving the actual use of gold in place of the existing rupees in circulation. With this aim in view it revived for adoption the more simple and more scientific plan of Colonel Smith. As a preliminary, the Government reverted to the policy of the resolution of the Bengal Chamber of Commerce, to the adoption of which it saw such"fatal objections"in 1876. In the dispatch dated June 21, 1892, which contained the proposals, the Government of India asked for nothing more. In the words of their authormk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_53 they proposed

"……That the Indian Mints should be closed to the unlimited coinage of silver, and *no further steps taken* until the effect of closing the Mints had been ascertained.

"The ratio at which the change from silver to the gold standard should be made was subsequently to be settled and it was said that a ratio based on the average price of silver during a limited period before the Mints had been closed would probably be the safest and most equitable. When this ratio had been settled, the Mints were to be opened to the coinage of gold at that ratio, and gold coins were to be made legal tender to any amount."

These proposals were submitted for examination to a Departmental Committee, commonly known as the Herschell Committee. They were said to be defective in one important particular, and that was the absence of due recognition of the necessity of a gold reserve for the maintenance of the value of the rupee. Many people felt doubtful of the success of the proposals unless backed by an adequate gold reserve. But the Herschell Committee, after an extended investigation into the working of the currency systems of different countries, reported

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_54

"It is impossible..... to review foreign systems of currency, without feeling that, however admirable may be the precautions of our own [English] currency system, other nations have adopted different systems which appear to have worked without difficulty, and enabled them to maintain for their respective currencies a gold standard and a substantial parity of exchange with the gold-using countries of the world"with little or no gold. The Committee, therefore, was completely satisfied with the proposals of the Government of India, and not only sanctioned their adoption,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_55

but added, by way of introducing a modification in them, that

"The closing of the Mints against the free coinage of silver should be accompanied by an announcement that, though closed to the public, they will be used by the Government for the coinage of rupees in exchange for gold at a ratio to be then fixed, say 1s. *4d.* per rupee, and that at the Government Treasuries gold will be received in satisfaction

of public dues at the same ratio.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_56

These recommendations were carried into effect on June 26, 1893, which forms as great a landmark in the history of Indian currency as did the year 1835. On that date were promulgated one legislative enactment and three executive notifications, together calculated to accomplish the object in view. The Act (VIII) of 1893 was only a repealing Act. It repealed:—

(i) The Indian Coinage Act, XXIII of 1870. Sections 19 to 26 (both inclusive), requiring the Mint Masters to coin all silver brought to their Mints for coinage.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_57

(ii) The Indian Paper Currency, 1882.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_58 (a) Section 11, Clause *(b),* requiring the Paper Currency Department to issue notes against silver coin made under the Portuguese Convention Act, 1881.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_59 *(b)* Section 11, Clause (d), requiring the Paper Currency Department to issue notes against silver bullion or foreign silver coin.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_60

(c) Section 13. Only the proviso limiting the gold portion of the Paper Currency Reserve to one-fourth of the Total Reserve.

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These repeals by the Act were supplemented by an executive Notification No.. 2663, announcing in conformity with the suggestion of the Herschell Committee that the Government Treasuries would receive sovereigns and half-sovereigns of current weight in payment of public dues at the rate of 15 rupees and 7 rupees 8 annas respectively.

Since gold was not made general legal tender by any *of* the above

measures, it was feared that the Government might be embarrassed by the accumulation in its Treasuries of a stock money which it could not pay out in discharge of its obligations. To enable Government to rid the Treasuries of gold, should it accumulate in them to an inconvenient extent, there followed another Notification, No. 2564, requiring that the Currency Department should issue, on the requisition of the Controller-General, currency notes in exchange for gold coin or gold bullion, at the rate of one Government rupee for 7.53344 grs, troy of fine gold, or sovereigns or half-sovereigns at the rate or 15 rupees and 7 rupees 8 annas respectively.

To give effect to the second modification introduced by the Herschell Committee, there was issued a third Notification, No. 2662, to the effect that

"The Governor-General in Council hereby announces that, until further orders, gold coins and gold bullion will be received by the Mint Masters of the Calcutta and Bombay Mints respectively, in exchange for Government rupees, at the rate of 7.53344 grs. troy of fine gold for one rupee on the following conditions

(1) Such coins or bullion must be fit for coinage.

(2) The quantity tendered at one time must not be less than 50 tolas.

(3) A charge of one-fourth per mille will be made on all gold coin or bullion which is melted or cut so as to render the same fit for receipt into the Mint.

(4) The Mint Master, on receipt of gold coin or bullion into the Mint, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Mint and Assay Masters for the amount of the rupees to be given in exchange for such coin or bullion payable at the General (Reserve) Treasury, Calcutta or Bombay. Such certificates shall be payable at the General Treasury after such lapse of time from the issue thereof as the Comptroller-General may fix, from time to time."

Before the policy adumbrated by these measures was carried to completion there came up a move for the undoing of it. After (he failure of the International Monetary Conference of 1892 the United States and France, two countries most heavily burdened with an overvalued stock

of silver, opened negotiation with the British Government, asking the latter to agree to certain conditions on the grant of which they were to open their Mints to the free coinage of silver at the ratio of 15 1/2 to 1. These conditions included :

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(1) Opening of the Indian Mints, which had been closed to the free coinage of silver, and an undertaking not to make gold legal tender in India.

(2) Placing one-fifth of the bullion in the Issue Department of the Bank of England in silver.

(3) (a) Raising the legal-tender limit of silver in England to £10.

(b) Issuing the 20s. notes based on silver, which shall be legal tender.

(c) Retirement, gradual or otherwise, of the 10s. gold pieces, and substitution of paper based on silver.

(4) Agreement to coin annually a certain quantity of silver.

(5) Opening of English Mints to the coinage of rupees and for coinage of British dollars, which shall be full legal tender in Straits Settlements and other silver-standard Colonies, and tender in the United Kingdom to the limit of silver legal tender.

(6) Colonial action, and coinage of silver in Egypt.

(7) Something having the general scope of the Huskisson plan.

In these negotiations the Treasury again reverted to its old pose. It refused to discuss the conditions requiring a change in the British currency, but argued that the opening of the Indian Mints, if brought about, should be regarded as an adequate"contribution which could be made by the British Empire towards any international agreement with the object of securing"a stable monetary par of exchange between gold and silver mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_63

and the representatives of the United States and France seemed to have concurred in that view. The negotiations, however, failed, because of the

firm stand taken by the Government of India. The Government had suffered too long to be the scapegoat of the Treasury. Nor did it see any reason why it should be called upon to pull the chestnuts off the fire for the benefit of France and the United States, in a letter commenting upon the proposals, the Government of India observedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_64:—

"The changes which are involved in the arrangements proposed to Her Mahesty's Government are the following: France and the United States are to open their Mints to the free coinage of silver, continuing the free coinage of gold and the unlimited legal tender of coins of both metals, the ratio remaining unchanged in France and being altered in the French ratio of 15 1/2 to 1 in the United States. *India is to open her Mints to silver to keep them closed to gold, and to undertake not to make gold legal tender. France and the United States would thus be bimetallic; India would be monometallic (silver) ,whilst most of the other important countries of the world would be monometalllic (gold).*

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"The first result of the suggested measures, if they even temporarily succeed in their object, would be an immense disturbance of Indian trade and industry, by the sudden rise from about 16d. to about 23d. the rupee. Such a rise is enough to kill our export trade, for the time at least..... such an arrangement as is proposed is an infinitely more serious question for India than for either of the other two countries, for it seems clear that practically the whole risk of disaster from failure would fall on India alone. What would' happen in each of the three countries if the agreement broke down and came to an end? France possesses a large stock of gold, and the United States are at present in much the same situation as France, though the stock of that metal is not so large. It may be admitted that if no precautions were taken these gold reserves might disappear under the operation of the agreement, and in that case, if the experiment ultimately failed, the two countries concerned would suffer great loss. But it is inconceivable that precautions would not be taken, at all events, so soon as the danger of the depletion of the gold reserves manifested itself, and, therefore, it is probable that no particular change would take place in the monetary system of France or the United States, the only effect of the agreement being a coinage of silver which would terminate with the termination

of the agreement. Thus the whole cost of the failure, if the experiment should fail, would be borne by India. Here the rupee would rise with great swiftness, it would keep steady for a time, and then, when the collapse came, it would fall headlong. What course could we then adopt to prevent the fluctuation of the exchange value of our standard of value with the fluctuations in the price of silver? We do not think that any remedy would be open to us, for if the Indian Mints were reopened to silver now, it would..... be practically impossible for the Government of India to close them again, and even if they were closed it would only be after very large additions had been made to the amount of silver in circulation."

But soon after it had refused to be diverted from the goal it had placed before itself, namely the introduction of a gold standard, it was faced with a crucial problem in its existing monetary arrangements. The rupee stock, the addition to which was stopped since 1893 by the closure of the Mints, was large enough to meet the needs of the people for some considerable time. In the first few years after the closure, the rupee currency was not only abundant but was also redundant. Soon it ceased to be redundant, and indeed by the end of 1898 it became scarce, so much so that the discount rate in the Indian money market rose to 16 per cent., and continued at that pitch during the larger part of the year. Such was the outcry against what was called the policy of"starving"the currency, that the Government was obliged to pass an Act (No. II) of 1898 to permit currency notes issued in India against gold tendered in London to the Secretary of State. The Act was doubly easeful to the then starved condition of the Indian money market. By the measures adopted in 1893 gold was not genera! legal tender, so it could not be used when the rupee currency fell short of the needs of the time. The new Act, it is true, did not make gold general tender, but permitted it to be used on behalf of the general public

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_65as a backing for the issue of currency notes which were general legal tender. The Act, however, could have required that gold be laid down *in India* before notes could be issued. But as the remittance of gold to India took some three or four weeks, it was fearedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_66 that the remedy might"prove too tardy to be effective"unless the interval was done away with by providing that gold

with the Secretary of State in London was lawfully tantamount to gold with the Paper Currency Department in India for the purposes of note issue.

In doing this the Act only testified to the urgency of the situation. A sound currency system must be capable of expansion as well as contraction. The Government, by the closure of the Mints in 1893, had contracted the currency to the point of danger. In 1898 it was called upon to undertake measures to provide for its expansion. Now, there were two methods open to bring about this desired result. One was to keep the Mints closed and to permit additions to currency through the use of the gold by making the sovereign general legal tender. This was the plan proposed by the Government of India. In their dispatch dated March 8, 1898

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_67 they argued :—

> "Our present Intention is rather to trust to the automatic operations of trade. The amount of coin required for the needs of commerce increases every year: and as we print no increase in the amount of silver coin, we may reasonably expect that the effect of the increasing demand for coin will raise exchange to a point at which gold will flow into the country, and remain in circulation. The position will thus become stronger and stronger as time goes on, but at the beginning at least, gold will not be in circulation in the country to more than the extent necessary to secure stability of exchange. The mass of the circulation will be a silver circulation, maintained at an appreciated value (just as it is at present), and we can be content to see gold coin remain little more than a margin, retained in circulation by the fact that its remittance out of the country could create a scarcity of coin which would have the effect of raising the exchange value of the silver rupee in such manner as to bring it back, or, at the very best, stop the outward current of remittance. We shall have attained a gold standard under conditions not dissimilar from those prevailing in France, though not a gold circulation in the English sense; and this last may possibly not be necessary at all."

Besides expanding the currency through the use of gold, there was also another mode of effecting the same object. It was urged that this increase of currency might as well take place by Government coining rupees whenever there arose a need for additional currency. Though the

Mints were closed, the Government, by Notification No. 2662, had undertaken to give rupees to anyone desiring to have them at the rate of 7.53344 grs. troy of fine gold per rupee. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_68

The Government had only to give effect to that notification to augment the currency to any extent desired. Prominent in the advocacy of this plan of expanding the currency were Mr. Probyn and Mr. A. M. Lindsay. Both claimed that the plan of the Government of India was defective because, although it provided for the expansion of currency by making gold legal tender, it made the rupee entirely inconvertible, and thereby likely to defeat the policy of stabilising its exchange value. On the other hand, they deemed their plans to be superior to that of the Government of India because they recognised the obligation to provide for the conversion of the rupee currency on certain terms. Although the plans of both of them had contemplated some kind of convertibility, yet they materially differed in the particular mode in which conversion was to be effected. Mr. Probyn proposedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_69

1. That legislative effect should be given to the notification of 1893, under which the public can obtain rupees at the Indian Mints and Reserve Treasuries in exchange for gold, at the rate of 1s. 4d.

2. That the gold so received should be part of the paper currency reserve, ana should be held either in the form of full legal-tender gold coins of the United Kingdom, or gold bars representing not less than Rs. 1,000 each.

3. That in order to give the rupee currency automatic power of contraction. Government should be empowered (though not required) so soon as the portion of the paper currency reserve has continuously for one year been less than that held in gold, to give gold in exchange for rupees or rupee notes at the rate of 1s. 4d., if presented for the purpose in quantities of Rs. 10,000.

4. That the existing Rs. 10,000 notes should be called in. and, in future, notes of Rs. 10,000, payable at the option of the holder either, in gold or in silver rupees, should be issued in exchange for gold alone, gold in the form of bars being specially reserved to meet any such

notes outstanding.

Mr. Lindsay, on the other hand, followed on lines quite different from those adopted by Mr. Probyn. He proposed

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_70 that the Government should offer to sell, without iimit on the one hand, rupee drafts on India at the exchange of 16 1/16d. the rupee, and on the other hand, sterling drafts on London at the rate of exchange of 15 3/4d. the rupee. The funds necessary for the transactions were to be kept separate from the ordinary Government balances in"Gold Standard"Offices in London and in India. The London Office was to be kept in funds to meet drafts drawn on it—

(1) by borrowing in gold to the extent of five or ten million sterling;

(2) by the receipts realised by the sale of drafts on India:

(3) by the receipts realised by the sale of silver bullion in rupee melted down;

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_71 and

(4) when necessary, by further gold borrowing.

The Indian Gold Standard Office was to be kept in funds to meet the drafts drawn on them—

(1) by the receipts realised by the sale of drafts on London ; and

(2) by the coinage when necessary of new rupees from bullion, purchased by the London Gold Standard Office and sent to India.

The principal point of difference between the scheme of currency advocated by the Government of India on the one hand and that put forth by Messrs. Probyn and Lindsay consisted in the fact that the former proposed to establish a gold standard *with* a gold currency, while the latter proposed to establish a gold standard *without* a gold currency.

To adjudicate upon the relative merits of a gold standard with a gold currency and a gold standard without a gold currency, the Secretary of State appointed another departmental Committee, under the chairmanship of Sir Henry Fowler. After taking a mass of important evidence, the Committee observed

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm -_msocom_72:—

"50. On this scheme [of Mr. Probyn] we remark that, while bullion may be regarded as the international medium of exchange, there is no precedent for its permanent adoption for purposes of internal currency; nor does it accord with either European or Indian usage that the standard metal should not pass from hand to hand in the convenient form of current coin. No real support for such a scheme is to be drawn from the purely temporary provisions of"Peel's Act"of 1819, whereby, for a limited period, the Bank of England, as a first step to the resumption of cash payments, was authorised to cash, in stamped gold bars, its notes, when presented in parcels of over £ 200. Little or no demand for gold bullion appears to have been made on the Bank itself in 1821.

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"53. It is evident that the arguments which tell against the permanent adoption of Mr. Probyn's bullion scheme, and in favour of a gold currency for India, tell more strongly against Mr. Lindsay's ingenious scheme for what has been termed ' an exchange standard.' We have been impressed by the evidence of Lord Rothschild, Sir John Lubbock, Sir Samuel Montagu and others, that any system without a visible gold currency would be looked upon with distrust. In face of this expression of opinion, it is difficult to avoid the conclusion that the adoption of Lindsay's scheme would check that flow of capital to India upon which her economic future so greatly depends. We are not prepared to recommend Mr. Lindsay's scheme, or the analogous schemes proposed by the late Mr. Raphael and by Major Darwin, for adoption as a permanent arrangement; and existing circumstances do not suggest the necessity for adopting any of these schemes as a provisional measure for fixing the sterling exchange."

The Committee preferred the scheme of the Government of India, and outlined a course of action to be adopted for placing it on a permanent footing, which may be stated in the Committee's own language as follows:—

"54. We are in favour of making the British sovereign a legal tender and a current coin in India. We also consider that, at the same time, the Indian Mints should be thrown open to the unrestricted coinage of

gold on terms and conditions such as govern the three Australian branches of the Royal Mint. The result would be that, under identical conditions, the sovereign would be coined and would circulate both at home and in India. Looking forward, as we do, to the effective establishment in India of a gold standard and currency, based on the principles of the free inflow and outflow of gold, we recommend these measures for adoption."These recommendations were accepted by the Secretary of State,

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_73 who decided that—

"the policy of keeping the Indian Mints closed to the unrestricted coinage of silver shall be maintained,"and called upon the Government of India as soon as it deemed expedient to

"take the necessary steps for making the British sovereign a legal tender and a current coin. and make preparations for the coinage of gold under the conditions suggested by the Committee."

The first recommendation of the Committee was given effect to by the Government passing an Act commonly called the Indian Coinage and Paper Currency Act (XXII) of 1399. That Act made the sovereign and half-sovereign legal tender throughout India at the rate of Rs. 15 and Rs. 7 1/2 respectively, and authorised the issue of currency notes in exchange for them.

Along with placing the Indian currency on a gold basis, the Government was anxious to open a Mint for the free coinage of gold. But as the coin to be Issued from the Mint was the English"sovereign"the Government of India was entirely in the hands of the British Treasury,. According to the provisions of the English Coinage Act of 1870, it was necessary to issue a Royal Proclamation in order to constitute an Indian Mint a branch of the Royal Mint, a matter entirely dependent on the consent of the Treasury. It was the intention of the Government of India to announce the Proclamation simultaneously with the passing of the Act making the sovereign legal tender. Indeed it held back the legislation pending the arrival of the proclamation,

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_74 and proceeded with it reluctantly when it was advised

that there was likely to be"some further delay over the Proclamation owing to legal and technical questions."The objections raised by the Treasury, though merely technical, at first seemed to be quite insuperable,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_75 and had it not been for the conciliatory attitude of the India Office the negotiations would have broken down. But the Treasury was not willing to give the project a chance. Just when a compromise was arrived at on the technical side of the question, the Treasury turned round and raised the question whether a Mint for gold coinage was at all necessary in India. The Treasury argued :—

"While expressing their satisfaction that an agreement has now been reached, my Lords think it desirable, before practical steps are taken to carry out the scheme, to invite Lord George Hamilton to review the arguments originally advanced in favour of the coinage of the sovereign in India, and to consider whether the course of events, in the two years which have elapsed since the proposal was made, has not tended to diminish their force, and to render such advantages as are likely to accrue from the establishment of a branch Mint wholly incommensurate with the expense to be incurred... The gold standard is now firmly established, and the public requires no proof of the intention of the Indian Government not to go back on their policy, which is beyond controversy. Sovereigns are readily attracted to India when required under existing conditions... On the other hand the estimates of the Government of India of gold available for coinage in that country are less than was anticipated, nor is any considerable increase expected, at any rate for some time.....

The staff would have to be maintained in idleness for a large part of the year, at a considerable cost to the Indian Exchequer... It is, of course, for Lord George Hamilton to decide whether, in spite of these objections, the scheme is to be proceeded with."

The India Office replied :—

"The establishment of a Mint for the coinage of gold in India is the clearest outward sign that can be given of the consummation of the new currency system; and to abandon the proposal now must attract attention and provoke criticism and unrest..... His Lordship is not inclined to abandon the scheme at the stage which it has now reached."The Treasury sent a trenchant rejoinder, in which it remarked:—

' Indian currency needs are provided from other sources, and there is no real demand for the local coinage of sovereigns..... My Lords cannot believe that the position of the Gold Standard in India will be strengthened, or public confidence in the intention of the Government confirmed, by providing machines for obtaining gold coin..... The large measure of confidence already established is sufficiently indicated by the course of exchange since the Committee's Report and still more by the readiness with which gold has been shipped to India....."

That the Treasury acted"in a spirit of scarcely veiled hostility to the whole proposal"is unmistakable. But it cannot be denied that the Treasury used arguments that were perfectly sound. It was inconsequential to the working of the gold standard whence the coined sovereigns came. So long as a Mint was open to the free coinage of sovereigns the Indian gold standard would have been complete irrespective of the location of the Mint. Indeed, to have obtained coined sovereigns from London would have not only sufficed, but would have been economical.

The anxiety displayed by the government was not, however, on account of the want of a gold Mint. Indeed, so slight was its faith in the necessity of it that in view of the opposition of the Treasury it gracefully consented to drop the proposal. What troubled it most was the peculiar position of the rupee in the new system of currency. Throughout the dispatch of the Government of India there ran a strain of regret that it could not see its way to demonetise the rupee and to assimilate the Indian currency to that prevailing in England. A general perusal of the dispatch leaves the impression that though it recommended the assimilation of the Indian currency to that of France and the United States, it did so not because it thought that their systems furnished the best model, but because it believed that a better one was not within reach. Having regard to the accepted view of the French and the United States currency systems, it was natural that the Government of India did not feel very jubilant about its own. According to that view of the currency systems of these two countries, the position of the five-franc piece and the silver dollar has always been presented as being very anomalous. Even so great an authority as Prof. Pierson was unable to assign them a place intelligible in the orthodox scheme of classifying different forms of money.

In a well-ordered system of gold standard of the orthodox type, gold is the only metal freely coined and the only one metal having full legal-tender power ; silver, though coined, is coined only on Government account in limited amounts, and being of less intrinsic value than its nominal value, is a limited legal fender. The former type of coins are called standard coins and the latter subsidiary coins, and the two together make up the ideal of a monometallic gold standard such as has been established in England since 1816. In a scheme of things like this, writers have found it difficult to fit in the dollar or the five-franc piece. Their peculiarity consists in the fact that although their intrinsic value is less than their nominal value they have been inconvertible and are also unlimited legal tender. It is owing to this anomaly that the title of gold standard has been refused to the American and French currency systems. Few can have confidence in what is called the limping standard, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_77 in which it is said that somehow"the silver coin, though intrinsically of less value than the gold, hobbles along, maintained at equality by being coupled with its stronger associate."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_78

But was the French system of currency so very different from the English as to create doubt as to its stability? Whatever may have been the differences between the two systems a closer analysis shows that they are fundamentally identical. If we read together the French bimetallic law of 1803 and the Mint Suspension Decree of 1878 on the one hand, and on the other the provisions of the English Gold Standard Act of 1816, together with the Bank Charter Act of 1844, and compare, do we find any substantial difference between the French and English systems of currency? Prior to 1878 there was an unlimited issue in France of both gold and silver coins of unlimited legal tender. Prior to 1844 there was an unlimited issue in England of both gold sovereigns and Bank of England notes, both of unlimited legal tender. In 1844 England put a limit on the issue of bank notes, but did not deprive the issues of their legal-tender power.

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28E. Problem of Rupee CHAPTER IV.htm - _msocom_79 In 1878 France did precisely the same thing as England did with her notes in 1844. By the decree of mint suspension, France virtually, though indirectly, put a limit on the silver five-franc coins without depriving them of their legal-tender power. If we regard the

French five-franc coins as notes printed on silver, it is difficult to see what constitutes the difference between the two systems which leads economists to call one a gold standard and the other a limping standard. If the silver franc limps or hobbles along, so does the bank note, and the former can hobble better than the latter because of the two it has a comparatively greater intrinsic value. If, however, it is argued that the bank note is convertible into gold, while the five-franc piece is not, the reply is that the comparison must be made with the fiduciary notes of the bank of England. Those notes are practically inconvertible. For, at any given time, with the gold the Bank of England has in its Issue Department the fiduciary portion of the notes remains uncovered, and may, therefore, be regarded as inconvertible as the delimited issue of the five francs. But even if it is insisted that the fiduciary notes cannot be regarded as inconvertible as the five franc pieces, it must be pointed out that the similarity of the two is not to be determined by considerations of convertibility or inconvertibility. The attribute of convertibility with which the fiduciary notes of the Bank of England are endowed is a superfluous attribute which in no way improves their position as compared with the five-franc pieces. What makes them identical is the fact that they are both subjected to a fixed limit of issue. Thus viewed, the French limping standard and the English gold standard are nothing but two different illustrations of the"currency principle"in so far as a fixed limit of issue on a fiduciary currency is a cardinal feature of that principle.

Not only is the French monetary system identical with the English in its organisation, but the design in both cases was identical. In the controversy which raged over the Bank Charter Act of 1844, the motives of Lord Overstone were not quite clearly grasped by his opponents of the banking school of thought. Lord Overstone was not very much interested in providing a method for preventing the depreciation of the note issue, as his opponents thought him to be. His supreme concern was to prevent gold disappearing from circulation. Starting from a chain of reasoning the solidity of which can hardly be said to be open to question, he came to the conclusion that gold would be driven out of circulation by an increase in the issue of notes. To keep gold in circulation the only remedy was to put a limit on the issue of notes, and this was the purpose of the Bank Charter Act of 1844. Now, precisely the same was the object of France in suspending the coinage of silver. As has already been pointed out, owing to the fall in the value of

silver after 1873, gold was being rapidly driven out of circulation by the substitution of this depreciated metal. To prevent this result from assuming a vast proportion, the French adopted the same remedy as that of Lord Overstone, and through their suspension of silver coinage protected their gold from going out of circulation, which would have certainly been the case if no limit had been put on silver issues.

It would not, therefore, be amiss to argue that the plan contemplated by the Government of India, and approved of by the Fowler Committee in being similar to the French system, was based on the same principles as governed the English currency system, which, according to Jevons, were a"monument of sound financial legislation."

CHAPTER V

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER V

FROM A GOLD STANDARD TO A GOLD EXCHANGE STANDARD

For once it seemed that the problem of a depreciating rupee was satisfactorily solved. The anxieties and difficulties that extended over a long period of a quarter of a century could not but have been fully compensated by the adoption of a remedy like the one described in the last chapter. But by an unkind turn of events, the system originally contemplated failed to come into being. In its place there grew up a system of currency in India which was in every way the very reverse of it. Some thirteen years after legislative sanction had been given to the recommendations of the Fowler

Committee, the Chamberlain Commission on Indian Finance and Currency reported that

> "in spite of the fact the Government adopted and intended to carry out the recommendations of the Committee of 1898, the Indian currency system to-day differs considerably from that contemplated by the Committee, whilst the mechanism for maintaining the exchange has some important features in common with the suggestions made to the Committee by Mr. A. M. Lindsay."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_1

It will be recalledmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_2 that in Mr. Lindsay's scheme Indian currency was to be entirely a rupee currency; the Government was to give rupees in every case in return for gold, and gold for rupees only in case of foreign remittances. The scheme was to be worked through the instrumentality of two offices, one located in London and the other located in India, the former to sell drafts on the latter when rupees were wanted and the latter to sell drafts on the former when gold was wanted. Surprisingly similar is the system prevailing in India to-day. Corresponding to Mr. Lindsay's proposals, which, be it noted, were rejected in 1898, the Government of India has built up two reserves, one of gold and the other of rupees, out of the cash balances, the paper currency, and the gold-standard reserve. Each of these is, by the nature of the currency system, composite. The cash balances, which are fed from revenue receipts, gather in their net rupees as well as sovereigns, both being legal tender. Notes being issuable against both, the paper-currency reserve always contains sovereigns and rupees. Up to August, 1915, the gold-standard reserve was also held partly in gold and partly in rupees.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_3 By a system of sorting, technically called"transfers,"the Government secures the command over rupees and sovereigns necessary for discharging the obligations it has undertaken.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_4 The location of these funds is also very much as designed by Mr. Lindsay. The cash balances, being the till-money of the Government, are necessarily distributed between the Government of India in India and the Secretary of State in London, the portion held by the latter being entirely in gold and that held by the former being in silver. The gold-standard reserve, like the cash balances, is not a

statutory reserve. Consequently its location is perfectly within the competence of the Executive. That being so, it has been so arranged that the gold portion of the fund shall be held by the Secretary of State in London, and the rupee portion, so long as it was maintained, by the Government of India in India. The only reserve which did not easily lend itself to currency manipulation was the paper-currency reserve, for the reason that its disposition and location were governed by law. In that behalf, legal power has been taken to alter the location of the gold part of that reserve by making permanent the provision of the temporary Act II of 1896, which authorised the issue of notes in India against gold tendered to the Secretary of State in London. Thus the Secretary of State and the Government of india, under the new system of currency, hold two reserves, one of gold, mainly in the possession of the former and located in London, and the other of rupees, entirely in the possession of the latter and held in India. But the similarity of the existing system to that of Mr. Lindsay is not confined to the maintenance of these funds and their location. It extends even to the modes of operating these two funds, For, as suggested by Mr. Lindsay, when rupees are wanted in India the Secretary of State sells what are called"Council Bills,"encashable into rupees at the Government Treasuries in India, thereby providing the rupee currency in India. When gold is wanted the Government of India sells what are called"Reverse Councils"on the home Treasury in London, which are encashed by the Secretary of State, thereby providing gold for foreign remittances. The result of the sale of"Council Bills"and of the"Reverse Councils"on the two funds has been to transform the Indian currency from being a gold standard with a gold currency, as desired by the Fowler Committee, into what is called a gold standard without a gold currency, as wished for by Mr. Lindsay.

This system which has grown up in place of the system originally contemplated by the Government of india is called the gold-exchange standard. Whatever that designation may mean it was not the plan originally contemplated by the Government of India in 1398. How the departure came about we shall deal with in another place. Here it is enough to state—-one may also say necessary, for many writers seem to have fallen into an error on this point—*that the Government did not start to establish a gold-exchange standard.* Rather it was contemplating the establishing of a true gold standard, which, however inadequately understood by the men who framed it, was in essential agreement with

the principles governing the English Bank Charter Act of 1844.

What are we to say about the new system? The Chamberlain Commission, while reporting that there was a departure from the idea! of a gold standard with a gold currency, observedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_5 :—

> "But to state there has been this departure is by no means to condemn the action taken, or the system actually in force....."

Now why not? Is not the system the same as that proposed by the Government in India in 1878 and condemned by the Committee of 1879? it is true the arguments urged against that plan by the Committee of 1879 were not of much weight.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_6 Nonetheless the plan was essentially unsound. The material point in the introduction of a gold standard must be said to be one of limitation on the volume of rupees, and it is from this point of view that we must judge the plan. But there was nothing in the plan of 1878 that could be said to have been calculated to bring that about. Far from putting any limitation on the volume of rupees, the plan had deliberately left the Mints open to the free coinage of silver. A matter of some interest in the plan was the projection of a system of seignorage so arranged so to make the bullion value of the rupee equal to the gold value given to it. But as a means of limiting the coinage of rupees it was futile. The mere levy of a seignorage cannot be regarded as sufficient in all circumstances to effect a limitation of coinage. Everything would have depended upon how closely the seignorage corresponded with the difference between the mint and market price of silver in terms of gold. If the seignorage fell short of the difference it would have given a direct impetus to increased coinage of rupees until their redundancy had driven them to a discount. In this respect the plan was a reproduction in a worse form of the English Gold Standard Act of 1816. Like the Government of India's plan of 1878, that Act, while purporting to introduce a gold standard, had authorised the opening of the Mint, which was closed, to the free coinage of silver with a seignorage charge. It is not generally recognised how stupid were the provisions of that Act,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_7 the ideal of all orthodox gold monometallists, in so far as they contemplated the free coinage of silver. Fortunately for England

the Royal Proclamation, compelling the Mint Master to coin all silver brought to the mint, was never issued. Otherwise the working of the gold standard would have been considerably jeopardized.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_8 The Act of 1816 had at least taken one precaution, and that was a limit on the legal-tender power of silver. In the scheme of the Government of India, not only free coinage of silver was permitted, but silver was conceded the right of full legal tender. In so far, therefore, as the plan did not provide for controlling the volume of rupees it was subversive of the gold standard it had in view.

The only difference between this plan of 1878 and the system now in operation in India is that under the former the Mints were open to the public, while under the latter they are open to the Government alone. In other words, in the one case rupees were coined on behalf of the public, and in the other they are being coined on behalf of the Government. It is not to be supposed that the plan of closing the Mints to the public was not thought of by the Government in 1878. On the other hand, the Government of India had then considered the feasibility of taking over into its hands the coinage of rupees, and had rejected it on some very excellent grounds. In their dispatch outlining the scheme the Government of the day observed:—

"48. The first point to be guarded in attempting to carry out the proposed change, is to provide for complete freedom for any expansion of the currency which the trade requirements of the country demand. This, we think could not be properly secured if the Mints were wholly closed for the coining of silver for the public. If this measure were adopted, the responsibility for supplying the silver demand would be thrown on the Government, and in the present position of the market for gold and silver bullion in India it would not be possible to accept such a duty.

"49. What might at first sight appear the simplest, and therefore the best way of allowing for the expansion of the Indian silver currency with a gold standard, would be for the Government to undertake to give silver coin in exchange for gold coin to all comers, at the rates fixed by the new system, and to open the Mints for the coinage of gold, while they were closed for silver. But in the absence of any supply of silver in india from which to obtain the necessary material for coinage, such an obligation could not be accepted, without

involving the Government in complicated transactions in the purchase and storing of bullion which it would be very inexpedient to enter on."

With these reasons, interesting in so far as they were prophetic of the scandals connected with the recent silver purchases by the India Office, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_9we are not directly concerned. What is of importance is whether this difference in the mode of issue makes any vital difference to the question of an effective limit on the volume of rupees. Now, there is a great deal of confused thinking as to the precise virtue of the closing of the Mints to the private coinage of silver. It was generally believed, the closing of the Mints having given a monopoly to the Government in the matter of issuing rupees, that this monopoly would somehow sustain the value of the rupees in terms of gold by preventing their over-issue. The closing of the Mints, it must be admitted, has given the Government the position of a monopolist. But how a monopoly prevents an over-issue is not easy to grasp. The closing of the Mints to the free coinage of silver is the same as depriving banks of the liberty of issuing notes and giving it exclusively to a central bank. But nobody has ever argued that because a central bank has a monopoly of issue it cannot therefore over-issue. Similarly, because the Government of India is a monopolist it would be absurd to argue that it cannot therefore over-issue. Indeed, a monopolist can issue as much as private people put together, if not more. Again, from the standpoint of influence of profits on coinage the present plan is much inferior to that of 1878. It is true in both cases profits depend upon the volume of coinage. But in the former the amount of profit was no incentive to coinage, either to the Government, because it had no power to coin, or to the people who determined the volume of coinage, because the regulation of seignorage practically controlled it by making it unprofitable to bring additional bullion to the Mint. In the present case, the coinage being entirely in the hands of the Government, a hankering after profits, generated by the silly notion of the necessity of a"backing"to the currency, might create an impulse to undertake additional coinage, especially if the price of silver fell very low and produced a wide margin between the Mint and the market price of the rupee.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_10

If it is argued, as it well may be, that the will of the Government of India as a monopolist, i.e. its desire to see that its currency is not

depreciated, may bring about a limitation on the issue of rupees which could not have been possible had the Mints remained open to the public in general, the reply is that this will to limit could be effective only if the Government had the power to refuse to issue. Central banks limit their currencies so far as will is concerned, because they are not obligated to issue to anyone and everyone. But the position of the Government of India is lamentably weak in this respect. It is bound to issue currency when asked for. It is true that every issue does not involve a net addition to the existing volume of currency; for a portion of the new issue is a re-issue of what is returned from circulation. Nonetheless, it cannot be said that the Government by reason of its monopoly has put an effective limit on the volume of rupee currency. On the other hand, having no escape from the liability to issue currency, the exercise of this cherished privilege has recoiled on the Government, so much so that this monopoly of issue, instead of strengthening the position of the Government, has weakened it considerably.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_11The view of the Chamberlain Commission.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_12

"that while the Government are very large dealers in the exchange market, they are not monopolists (!) and it seems doubtful if they could successfully stand out for any such [fixed minimum rate] at all times of the year,"

is therefore interesting as a confession that the closing of the Mints has not had the virtue of so limiting the coinage of rupees as to enable the Government to dictate at ail times the price of the rupee, which none but it alone can manufacture.

Thus the present standard is different from the standard proposed in 1878 only in name. If this one is characterised by the adoption of the rate of exchange as an index for regulating the volume of currency, the same must be said of the former. But as Mr. Hawtrey remarks,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_13 whatever means are adopted for the manipulation of the currency,

"the value of the rupee will be determined by the quantity in circulation."

in other words, what must be said to be essential for the safety of a gold standard is a provision against over-issue of rupees. But, as we saw, neither the plan of 1878 nor the present one can be said to be free from that danger. Consequently we must conclude that, being essentially alike, the arguments that are valid against the former are also valid against the latter.

But the Chamberlain Commission will not allow that the exchange standard is a resuscitation of a condemned plan. On the other hand, it has sought to inspire confidence in that standard by holding outmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_14

> "that the present Indian system has close affinities with other currency systems in some of the great European countries and elsewhere....."

To get an idea as to what these affinities are, or rather were, we must look into Chapter II of Mr. Keynes's interesting treatise on *Indian Currency and Finance*. In that treatise of his, Mr. Keynes has attempted to show that there is a fundamental likeness between the operations of the Indian currency system and the operations as they used to be of the central banks of some of the important countries of Europe. He found that it used to be the practice of these banks to hold foreign bills of exchange for the purpose of making remittances to foreign countries. Between the selling of such foreign bills and selling of reverse councils by the Government of India he observed a close fundamental likeness, inasmuch as both involved

"the use of a local currency mainly not of gold, some degree of unwillingness to supply gold locally in exchange for the local currency, but a high degree of willingness to sell foreign exchange for payment in local currency at a certain maximum rate."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_15

But, as Prof. Kemmerer points out,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_16 it is difficult to see what likeness there is between the Government of India selling reverse councils and the European banks holding foreign bills. Far from being alike, the two practices must be regarded as the opposite of each other. In selling reverse councils

"the Government sells drafts against its foreign gold credit (i.e. its gold reserve), when money at home is relatively redundant, as evidenced by exchange having reached the gold export point. Thereby it relieves the redundancy through the withdrawing from circulation and locking up the local money received in payment for the drafts. Under the practice of holding foreign bills to protect the money market, the central bank sells its foreign bills, when money at home is relatively scarce, as means of securing gold for importation or preventing its exportation. In the former case, the sale of drafts takes the place of an exportation of gold, and the resulting withdrawal of local money from circulation is in essentials an exportation ; in the latter case the sale of the drafts abroad is part of a process for securing gold for importation, or for preventing its exportation."

The Indian currency system therefore bears no analogy to the European currency systems, as Mr. Keynes would have us believe. But if a parallel is needed, then the true parallel to the Indian system of currency is that system which prevailed in England during the Bank Suspension period (1797-1821). The fundamental likeness between the two systems becomes quite unmistakable if we keep aside for the moment the remittance operations of the Government of India and the Secretary of State, which becloud the true features of the Indian currency system. If we tear this veil and take a close view, the following appear to be the prominent features of the Indian system :—

(1) The gold sovereign is full legal tender.

(2) The silver rupee is also full legal tender.

(3) The Government undertakes to give rupees for sovereigns, but does not undertake to give sovereigns for rupees, i.e. the rupee is an inconvertible currency unlimited in issue.

Turning to the English system of currency during the period of the Bank Suspension, we find:—

(1) The gold sovereign was full legal tender.

(2) The paper notes of the Bank of England circulated as money of general acceptability by common custom if not by law.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_17

(3) The Bank of England undertook to give notes for gold or mercantile bills or any other kind of good equivalent, but did not give gold for notes, i.e. the notes formed an inconvertible currency unlimited in issue.

Only in one respect can the analogy be said to be imperfect. The Indian Government has undertaken—not, be it noted, as a statutory obligation, but merely as a matter subject to the will of the executive, to convert the rupee into gold at a fixed rate for foreign remittances if the exchange falls below par. This, it must be allowed, the bank of England did not do during the suspension period. Everything, therefore, turns upon the question whether this much convertibility is a sufficient distinction to mark off the Indian currency from the English currency of the suspension period into a separate category and invalidate the analogy herein said to exist between the two systems. To be able to decide one way or the other we must firmly grasp what is the true import of convertibility. Prejudice against an inconvertible currency is so strong that people are easily satisfied with a system which provides some kind of convertibility, however small. But to assume this attitude is to trifle with a very crucial question. We must keep dear in our mind what it is that essentially marks off a convertible from an inconvertible currency. The distinction commonly drawn, that the one is an automatic and the other is a managed currency, must be discarded as a gross error. For, if by a managed currency we mean a currency the issue of which depends upon the discretion of the issuer, then a convertible currency is as much a managed currency as an inconvertible currency is. The only point of contrast lies in the fact that in the management of a convertible currency the discretion as to issue is regulated, while in an inconvertible currency it is unregulated. But even if regulated the issue remains discretionary and to that extent a convertible currency is not so safe as to mark it off from an inconvertible currency. The enlargement of its issue being discretionary and the effect of such issues being to drive specie out of circulation, a convertible currency may easily become inconvertible. The difference between a convertible and an inconvertible currency is therefore ultimately a distinction between a prudent and an imprudent management of the right to issue currency. In other words, convertibility is a brake on the power of issue. Bearing this in mind, and also the fact that a convertible currency by reason of mismanagement has the tendency to become inconvertible, it is possible for us to imagine how severe must be the obligations as to convertibility in order

to prevent prudent management of currency from degenerating into an imprudent management resulting in over-issue. If, therefore, it is true that in countries having a convertible currency the affairs were so prudently managed that when specie left the country the paper money not only did not increase to take its place, but actually diminished, and that usually by a greater absolute amount than the gold currency, it was because the obligations as to convertibility were those of"effective absolute immediate convertibility."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_18 We can now appreciate why Prof. Sumner saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_19 that

> "convertibility in the currency is like conscientiousness in a man : it has many grades and is valuable in proportion as it is strict and pure."

That being so, it would be foolish to assume that we are immune from the consequences of an inconvertible currency until we know what is the grade of the convertibility that is provided. Now, what is the character of the convertibility of the rupee in India? It is a deferred, delegalised, delocalised, and therefore a devitalised kind of convertibility. Indeed, really speaking it is not a convertibility, but rather it is a moratorium which is a negation of convertibility, for what does the provision for convertibility for foreign remittances mean in practice? It simply means that *until* a fall of exchange takes place there is a moratorium or inconvertibility in respect of the rupee. Not only is there a moratorium as long as exchange does not fall, but there is no guarantee that the moratorium will be lifted when a fall does occur. it may not be lifted, for it is a matter of conscience and not of law.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_20 Is such a grade of convertibility, if one has a predilection for that term, very far removed from the inconvertibility of the bank notes during the suspension period? Let those who will say so. For a person not endowed with high and subtle imagination the distinction between such a convertibility and absolute inconvertibility is too thin to persuade him that the two systems are radically different; indeed, when we come to analyse the problem of prices in India and outside India we shall find another piece of evidence to show that they are not different, and that the analogy between the two is perfect

enough for all practical purposes.

It may, however, he said that an inconvertible currency may be so well managed as not to give rise to a premium on gold, so that there may be little to choose between it and a perfectly convertible currency. But whether an inconvertible currency will be so well managed is a question of practical working. Again, whether the absence of premium on gold suffices to place an inconvertible currency on par with a convertible currency, so far as the price problem is concerned, is also a matter depending on circumstances. Ail these questions will be considered in their proper places.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_21 What we are considering at this stage are the inherent potentialities of an inconvertible currency. Suffice it to say here that the name Gold Exchange Standard cannot conceal the true nature of the Indian Monetary Standard. Its essence consists in the fact that although gold is unlimited legal tender there is alongside an unlimited issue of another form of fiduciary currency well-nigh inconvertible, and also possessing the quality of unlimited legal tender.

It needs no acute power of penetration to see that, so interpreted, the existing currency system in India is the opposite of the system outlined by the Government in 1898 and passed by the Fowler Committee. The two are opposites of each other for the same reason for which the Bank Charter Act was the opposite of the Bank Suspension Act in England. Under both the Acts the currency in England was a mixed currency, partly gold and partly paper. The difference was that by the Bank Suspension Act the issue of gold became limited and that of paper unlimited, while under the Bank Charter Act the process was reversed, so that the issue of paper became limited and that of gold unlimited. In the same manner, under the original scheme of the Government of India, the issue of rupees was to be limited and that of gold unlimited. Under the existing system the issue of gold has become limited while that of rupee has become unlimited.

*Was this an improvement on the plan originally contemplated by the Government of India? The only objection to that plan was that it made the rupee an inconvertible rupee.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_22 *But is convertibility such a necessary condition, and, if so, when? The idea that convertibility is necessary to maintain the value of a currency is, on the face of it, a preposterous idea. No one wants the conversion of bananas into apples to maintain the value of bananas. Bananas maintain their value by reason of*

*the fact that there is a demand for them and their supply is limited. There is no reason to suppose that currency forms an exception to this rule. Only we are more concerned to maintain the value of currency at a stable level than we are of bananas because currency forms a common measure of value. What is wanted to maintain the value of currency, or of any other thing for the matter of that, is an effective limit on its supply. Convertibility is useful, not because it directly maintains the value of a currency, which is nonsense, but because it has the effect of putting a limit on the supply of currency. But convertibility is not the only way of achieving that object. A plan which lays down an absolute limit on issue has the same effect—indeed, a far more powerful effect—on the supply of currency. Now, had the Mints remained entirely closed to the coinage of rupees there would have been placed an absolute limit on the issue of currency, and all the purposes of convertibility would have been served by such an inconvertible rupee. Nay, more ; such an inconvertible rupee currency would have been infinitely superior to the kind of pseudo-convertible rupee which we have in India to-day.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_23 *With an absolute limit there could have been no danger of a fall in the value of the rupee. If anything there would have been a danger of an indefinite appreciation of the rupee, but that was effectually guarded against by gold having been made general legal tender. A second effect of an absolute limit on the currency would have been to free it from management by reason of the fact that all question regarding the volume of issues had been settled once for all.*

In these respects, therefore, the gold-exchange standard is an impairment of the original plan of an inconvertible rupee with fixed limit of issue supplemented by gold. Again, from the standpoint of controlling the price-level, the exchange standard cannot be said to have been an improvement on the original plan. Of course, it is possible to say that such a perversion of the original system is no matter for regret. Whether gold is a standard of value, or whether fiduciary money is a standard of value, is a matter of indifference, for neither can be said to have furnished a stable standard of value. A gold standard has proved to be as unstable as a paper standard, because both are susceptible of contraction as well as expansion. All this, no doubt, is true. Nevertheless it is to be noted that in any monetary system there is no danger of indefinite contraction. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_24What is to be guarded against is the possibility of indefinite expansion. The possibility of indefinite expansion, however, varies with the nature of money. When the standard of value is standard metallic money the expansion cannot be very great, for the cost of production acts as a sufficient limiting influence. When a standard of value is a convertible paper money the

provisions as to reserve act as a check on its expansion. But when a standard of value consists of a money the value of which is greater than its cost and is inconvertible, the currency must be said to be fraught with the fatal facility of indefinite expansion, which is another name for depreciation or rise of prices. It cannot, therefore, be said that the Bank Charter Act made no improvement on the Bank Restriction Act. indeed, it was a great improvement, for it substituted a currency less liable to expansion in place of a currency far more liable to expansion. Now the rupee is a debased coin,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28F. Problem of Rupee CHAPTER V.htm - _msocom_25 inconvertible, and is unlimited legal tender. As such, it belongs to that order of money which has inherent in it the potentiality of indefinite expansion, i.e. depreciation and rise of prices. As a safeguard against this the better plan was no doubt the one originally designed, namely of putting a limit on the issue of rupees, so as to make the Indian currency system analogous to the English system governed by the Bank Charter Act of 1844.

If there is any force in the line of reasoning adopted above, then it is not easy to agree with the opinion entertained by the Chamberlain Commission of the Exchange Standard. Indeed, it raises a query whether for all that the Commission said there is not somewhere some weakness in the system likely to bring about its breakdown. It therefore becomes incumbent to examine the foundations of that standard from a fresh point of view.

Chapter VI

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER VI

STABILITY OF THE EXCHANGE STANDARD

It will be recalled that at the time the Indian Mints were closed to the free coinage of silver there were two parties in the country, one in favour of and the other opposed to the closure. Being placed in an embarrassing position by the fall of the rupee, the Government of the day was anxious to close the Mints and raise its value with a view to obtaining relief from the burden of its gold payments. On the other hand it was urged, on behalf of the producing interest of the country, that a rise in the exchange value of the rupee would cause a disaster to Indian trade and industry. One of the reasons, it was argued, why Indian industry had advanced by such leaps and bounds as it did during the period of 1873-1893 was to be found in the bounty given to the Indian export trade by the falling exchange. If the fall of the rupee was arrested by the Mint closure, it was feared that such an event was bound to cut Indian trade both ways. It would give the silver-using countries a bounty as over against India, and would deprive India of the bounty which it obtained from the falling exchange as over against gold-using countries.

Theory had already scoffed at these fears. It is therefore interesting to see that later history has also confirmed the verdict of theory. Indian trade with a gold-standard country like England or a silver-standard country like China did not suffer a setback, notwithstanding an arrest in the fall of the rupee. The following figures furnish sufficient evidence to support the contrary:—

TABLE XXV

TRADE OF INDIA WITH UNITED KINGDOM (BEFORE AND AFTER THE MINT CLOSURE)

	Exports to U.K.			Imports from U.K.		
Annual Average	Merchandise.	Bullion and Specie	Total.	Merchandise.	Bullion and Specie	Total.
	£	£	£	£	£	£
I1889-93	31,569,	1,180,	32,750,	31,837,	7,694,	39,531,

	891	646	537	482	149	631
II1894-98	26,329,764	2,215,049	24,544,813	28,963,180	6,750,736	35,713,916
III 1899-1903	28,709,819	2,089,656	30,799,475	33,498,480	7,301,172	40,799,652
IV 1903-8	36,784,628	2,232,857	39,017,485	47,294,311	9,586,706	56,881,017
Percentage of Increase (+)						
or Decrease (—) in—						
Period II in comparison with Period I	-16.598	+87.613	-25,055	- 9.28	- 12.261	- 9.657
Period III in comparison with Period 11	+ 9.039	- 5.661	+25.483	+15.659	+ 8.154	+14.240
Period IV in comparison with Period III	+28.126	+ 6.853	+26.682	+41.183	+31.304	+39.415
Period IV in comparison with Period 1	+16.518	+89.122	+19.135	+48.549	+24.597	+43.887

TABLE XXVI

TRADE OF INDIA WITH CHINA

	Exports to China.	Imports from China.

Annual Average.						
	Merchandise.	Treasure	Total.	Merchandise.	Treasure.	Total.
	£	£	£	£	£	£
I1889-93	9,454,014	20,223	9,474,238	1,666,840	1,992,914	3,659,754
II1893-98	8,509,284	112,105	8,621,389	1,713,529	503,357	2,216,886
III 1898-1903	9,679,830	183,647	9,863,477	1,309,975	798',053	2,108,028
IV 1903-8.	12,461,535	160,879	12,622,414	1,248,822	919,402	2,168,224
Percentage of Increase (+)						
or Decrease (—) in—						
Period II in comparison with Period I	- 9.993	+454.333	- 9.002	+ 2.801	- 74.743	-39.425
Period III in comparison with Period 11	+13.756	+ 63.817	+14.407	-23.551	+58.546	- 4.910
Period IV in comparison with Period III	+28.737	- 12.398	+27.971	- 4.668	+15.206	+ 2.856
Period IV in comparison with Period 1	+31.812	+695.508	+33.229	-25.078	- 53.866	-40.755

That the arrest in the fall of the rupee should have lifted the burden from Indian finances was just as was expected to follow from the closure of the Mints. Notwithstanding important reductions in taxation and large expenditure of social utility, the annual budgets since the mint closure have shown few deficits *(see* p. 506).

Now there is a tendency among some writers to interpret these facts as unmistakable proofs of the soundness of the currency system. It is argued that if the trade of the country has not received a setback,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_1 and if the finances of the country have improved,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_2 then the implication is that the currency of which such results can be predicated must be good. It is not necessary to warn students of currency that such easy views on the soundness of the currency system, however plausible, are devoid of the logic necessary to carry conviction. Trade no doubt is dependent on good money, but the growth of trade is not a conclusive proof that the money is good. It should be noted that during the periods of debased coinages so common at one time the social misery and nuisance arising therefrom were intolerable, yet during the same periods it was possible for countries to make great advance in trade. Speaking of seventeenth-century England, when that country was afflicted with debased and constantly changing coinage and when there was, besides, a long period of civil war and confusion, Lord Liverpool, who was above all statement of his day most alive to the evils of a bad currency, remarks:—

"It is certain, however, that during the whole of this period, when our coins were in so great a state of confusion, the commerce of the kingdom was progressively improving and the balance of trade almost always in favour of this country."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_3 That commerce can increase even when currency is bad is easily supported from the experience of India herself. In no period did Indian trade make such strides as it did between 1873 and 1893. Was the Indian currency of that period good? On the other hand, it is possible to hold that if trade is good it may be *because* the currency is bad. The trade of India between 1873 and 1893 flourished because it received a bounty. But the bounty was a mulcting of the Indian labourer, whose wages did not rise as fast as prices, so that the Indian prosperity of that period was founded not upon production, but upon depredation made possible by the inflation of currency.

TABLE XXVII

FINANCES OF THE GOVERNMENT

Years.	Surplus + Deficit —	Years.	Surplus + Deficit —	Years.	Surplus + Deficit —	Years.	Surplus + Deficit —	Years.	Surplus + Deficit —
	Rs		£		£		£		£
1893-94	-1,546,998	1898-9	+2,640,873	1903-4	+2,996,400	1908-9	-3,737,710	1913-14	+2,312,423
1894-95	+693,110	1899-1900	+2,774,623	1904-5	+3,456,066	1909-10	+606,641	1914-15	-1,785,270
1895-96	+1,533,998	1900-1	+1,670,204	1905-6	+2,091,854	1910-11	+3,936,287	1915-16	-1,188,661
1896-97	-1,705,022	1901-2	+4,950,243	1906-7	+1,589,340	1911-12	+3,940,334	1916-17	+7,478,170
1897-98	-5,359,211	1902-3	+3,069,549	1907-8	+300,615	1912-13	+3,107,634	—	—

Similarly it cannot be granted without reserve that the new currency system must be good because it has obviated the burden of the gold payments and given relief to the Indian taxpayer. Such a view involves a misconception of the precise source of the burden of India's gold payments during the period of falling exchange. It has been widely held that the burden of gold payments was caused by the fall in the gold value of silver, a view which carried with it the necessary implication that if India had been a gold-standard country she would have escaped that

heavy burden. That it is an erroneous view hardly needs demonstration.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_4 It is not to be denied that India bore an extra burden arising from the increased value of the gold payments. But what is not sufficiently realised is that it was a burden which weighed on all gold debtors irrespective of the question whether their standard was gold or silver. In this respect the position of a gold-standard country like Australia was not different from a silver-standard country like India. In so far as they were gold debtors they suffered each in the same way from the same cause, namely the appreciation of the standard in which their debts were measured. The fact that one discharged her debts in gold and the other in Silver made no difference in their condition, except that the use of silver by India to discharge her debts served as a refractory medium through which it was possible to see the magnitude of the burden she bore. The fall of silver measured and not caused the burden of India's gold payments. The arrest in the fall of the rupee cannot be accepted as a *prima fade* proof of a relief to the taxpayer and therefore an evidence of the soundness of the currency system. It is possible that the benefit may have been too dearly paid for.

Although favourably impressed by the increase of trade and the buoyancy of Government finances under the exchange standard, the Chamberlain Commission did not care to found its case for it on the basis of such arguments. The chief ground on which it rested was that the currency system was capable of maintaining the exchange value of the rupee at a fixed par with gold. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_5We must therefore proceed to examine this claim made by the Commission on behalf of the exchange standard. The table No. XXVIII presents the requisite data for an elucidation of the question.

TABLE XXVIII

GOLD

VALUE OF THE RUPEE

As expressed in Terms of Foreign Exchange Rates on London. Par R.= ls.4d.	*As* expressed In Terms of Gold.

			Years. ;	(1) Rupee Price of Sovereigns. Par Rs. 15 = l Sovereign.		(2) Rupee Price of Bar Gold. Par Tola = Rs. 23-14-4.	
Years.	Highest.	Lowest.		Highest.	Lowest.	Highest.	Lowest.
	s. d.	8. d.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1892-93	1 3.969	1 2.625	1893	16 10 6	15 6 0	26 11 0	24 14 0
1893-94	1 4.031	1 1.500	1894	19 0 0	16 1 0	32 4 0	25 9 0
1894-95	1 1.906	1 0.000	1895	19 5 0	18 2 6	30 8 0	27 6 0
1895-96	1 2.875	1 1.000	1896	17 7 0	16 1 0	27 13 6	27 2 0
1896-97	1 3.842	1 1.781	1897	16 10 0	15 3 0	26 12 6	25 4 0
1897-98	1 4.125	1 2.250	1898	15 7 0	15 1 0	24 10 0	24 0 0
1898-99	1 4.156	1 3.094	1899	15 4 0	15 0 0	24 2 0	23 4 0
1899-1900	1 4.375	1 3.875	1900	15 1 3	15 0 0	24 2 0	23 15 6
1900-1901	1 4.156	1 3.875	1901	15 0 0	15 0 0	24 2 0	24 0 0
1901-1902	1 4.125	1 3.875	1902	15 4 6	15 2 6	24 2 6	24 0 0
1902-1903	1 4.156	1 3.875	1903	15 3 0	15 1 6	24 3 0	24 0 0

1903-1904	1 4.156	1 3.875	1904	15 5 0	15 1 3	24 2 0	24 0 3
1904-1905	1 4-156	1 3-970	1905	15 4 0	15 1 6	24 2 0	24 0 0
1905-1906	1 4-156	1 3-937	1906	15 1 0	15 2 0	24 4 6	24 0 0
1906-1907	1 4-187	1 3-937	1907	15 4 0	15 0 0	24 4 0	23 15 6
1907-1908	1 4-187	1 3-875	1908	15 1 0	15 0 0	24 10 0	24 2 0
1908-1909	1 4	1 3-875	1909	Premium between 12 and 3%		24 3 6	23 15 0
1909-1910	1 4-156	1 3-875	1910	15 5 0	15 0 0	24 4 0	23 15 0
1910-1911	1 4-156	1 3.870	1911	15 0 0	15 0 0	24 0 6	23 14 0
1911-1912	1 4-156	1 3-937	1912	15 0 0	15 0 0	24 0 0	23 14 0
1912-1913	1 4-156	1 3-970	1913	15 0 0	15 0 0	24 0 3	—
1913-1914	1 4.156	1 3-937	1914	15 14 0	15 2 0	26 10 0	23 15 6
1914-1915	1 4-094	1 3-937	1915	15 13 6.	15 5 0	25 14 0	24 8 0

Assuming, for the moment, the criterion laid down by the Commission to be correct, can it be said from the data given above that the rupee has maintained its gold value? It would be over-confident if not rash to say that the system, even from the narrow point of view of the Commission, has been an unquestioned success.

Between June, 1893, and January, 1917, the rupee was rated to gold at the rate of 1 rupee equal to 7.53344 troy grs. of fine gold. At that rate the sovereign should be equal to 15 rupees, the mint price of gold should be Rs. 23-14-4 per tola (i.e. 180 grs.) of bar gold 100 touch, and the exchange on London should be 1s. 4d., and should have varied within 1s. 4.125 d., the import point, and 1s. 3.906 d., the export point, for gold.

Taking a general survey of the stability of the rupee with regard to its value in terms of gold, it will be noticed that from the date of the Mint closure up to 1898 the rupee was far below par. The depreciation of the rupee, measured in terms of exchange or price of gold or sovereign, ranged somewhere between 25 to 30 per cent. So great was the depreciation that it redoubled the difficulties confronting the Government when the rupee was not fixed to gold. The financing the Home Treasury by the usual means of selling Council Bills became well-nigh impossible.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_6 The Secretary of State found himself in an embarrassing position. Offering to sell below par involved the obloquy of having led the way to the defeat of the policy of stabilising exchange. Refusing to sell at market rates involved the danger of a dry Treasury. The Government of India suggested that the Secretary should lay down a minimum rate for or a maximum amount of the bills that he put upon the market. The Secretary of State agreed to neither, but consented to reduce his drawings so as not to unduly depress the exchange rate. The drawings of the secretary of State during the first fiscal year since the Mint closure have been the smallest on record:—

TABLE XXIX Council Drawings

Date of drawing	Amount of Drawings 1.000 omitted	Rate at which drawn (Pence per Rupee)
1893. June	2,478	15.039
July	25	15.974
August	78	15.243

September	7	15.350
October	5	15.334
November	617	15.251
December	14	15.242
1894. January	98	14.408
February	1,023	13.787
March	1,915	13.870
April	1,368	13.626

The curtailment of drawings to save the rate of exchange from being lowered was not an unmitigated good, for it imposed the necessity of a resort to the by no means inexpensive method of sterling borrowings to finance the Home Treasury.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_7 The remittances by drawings fell short of the net disbursements of the Home Treasury in 1893-94 by £6,588,000, which deficit was met by permanent sterling borrowings to the extent of £7,430,000, the interest on which added to the already overheavy burden of the gold payments. Rather than incur such a penalty the Secretary of State gave up the attempt to dominate the market and preferred to follow it. But this let-go policy was not without its cost. The drop in the exchange below 1s. 4d. added to the burden of remittances to the Home Treasury, and also compelled the Government to grant exchange compensation allowance to its European officers, civil and military—an aid which it had so far withheld. The cost to the Government involved by the fall of the rupee below par was quite a considerable sum.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_8

TABLE XXX

Cost of the Fall of the Rupee

	Loss on	Loss by	Loss by		Total on all Counts for	
Years	Council Bills	Exchange	Increase of	Total on each	three Years	
	being sold	Compensation	Pay of	Account in		
	below par	Allowance	British	each Year	In Rupees	In Sterling
			Troops			at 1s. 4d.
					Rs.	£
1894-95	3,74,15,000	78,02,000	37,84,000	4,90,01,000		
1895-96	3,05,91,000	87,18,000	49,38,000	4,42,47,000	11,91,86,000	7,945,733
1896-97	1,66,48,000	48,95,000	44,25,000	2,59,38,000		

In the midst of such a situation it is no wonder if the faith of the Government in the ultimate stability of the rupee had given way, for we find that in October, 1896, the Financial Member of the Council had personally come to the conclusion that it would be better in the interest of stability to substitute 15d. for 16d. as the par of exchange between the rupee and gold.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_9 But the suggestion was dropped as the rupee showed signs of reaching the gold par, which it did in January, 1898, after a period of full five years of depreciation from the established par.

Between January, 1898, and January, 1917, twice did the rupee fall below its gold par. The year 1907-8 records the second occasion when the parity of the rupee under the exchange standard broke down. The actual rates of exchange prevailing in the market were as follows:—

TABLE XXXI

RATES OF EXCHANGE, LONDON ON INDIA (FROM"THE

TIMES")

Par R. = 1s. 4d.

Date	On Calcutta		On Bombay	
	Highest	Lowest	Highest	Lowest
1907. September	1 4 1/32	1 3 31/32	1 4 1/32	1 3 31/32
October	1 4 1/32	1 3 31/32	1 4 1/32	1 3 31/32
November	1 4	1 3 23/32	1 3 31/32	1 3 23/32
December	1 3 15/16	1 3 27/32	1 3 15/16	1 3 27/32
1908. January	1 3 15/16	1 3 29/32	1 3 15/16	1 3 7/8
February	1 3 31/32	1 3 7/8	1 3 31/32	1 3 7/8
March	1 3 29/32	1 3 27/32	1 3 29/32	1 3 27/32
April	1 3 7/8	1 3 27/32	1 3 27/32	1 3 27/32
May	1 3 7/8	1 3 27/32	1 3 15/16	1 3 27/32
June	1 3 29/32	1 3 27/32	1 3 7/8	1 3 27/32
July	1 3 7/8	1 3 27/32	1 3 7/8.	1 3 27/32
August	1 *3 29/32*	1 3 27/32	1 3 29/32	1 3 27/32

September	1 3 31/32	1 3 29/32	1 3 31/32	1 3 7/8
October	1 3 15/16	1 3 7/8	1 3 29/32	1 3 13/16
November	1 3 29/32	1 3 7/8	1 3 7/8	1 3 7/8
December	1 3 15/16	1 3 29/32	1 3 31/32	1 3 1/8

After a crisis lasting over a year the rupee recovered to its old gold par and remained fixed at it, though by no means firmly, for another seven years, only to suffer another fall from its parity during the year 1914-15 (*see* table, p. XXXII).

After 1916 the stability of the exchange standard was threatened by a danger arising from quite unsuspected quarters. The Indian exchange standard was based upon the view that the gold value of silver was bound to fall or at least not likely to rise to a level at which the intrinsic value of the rupee became higher than its nominal value. The price of silver at which the intrinsic value of the rupee equalled its nominal value was 43d. per ounce.

TABLE XXXII

RATES OF EXCHANGE, LONDN ON CALCUTTA (FROM THE NATIONAL BANK OF INDIA)

Month	1914		1915	
	Highest	Lowest	Highest	Lowest
January			1 3 15/16	1 3 15/16
February			1 4 1/32	1 3 29/32
March			1 4	1 3 15/16
April			1 3 15/16	1 3 29/32

May	1 4 1/4	1 3 15/16	1 3 15/16	1 3 7/8
June	1 *3 31/32*	1 3 15/16	1 3 7/8	1 3 27/32
July	1 3 31/32	1 3 13/16	1 3 22/32	1 3 23/32
August	1 3 7/8	1 3 13/16	1 3 15/16	1 3 27/32
September	1 3 15/16	1 3 13/16	1 4	1 3 15/16
October	1 3 15/16	1 3 15/16		
November	1 3 15/16	1 3 15/16		
December	1 3 15/16	1 3 15/16		

So long as the intrinsic value of the rupee remained below its nominal value, i.e. the price of silver did not rise above 43d., there was no danger of the rupee circulating as currency. Once the price of silver rose above that point the danger of the rupee passing from currency to the melting-pot was imminent. Now, with the exception of a brief period from September, 1904, to December, 1907, the gold price of silver had since 1872 showed a marked tendency to fall. The decline in its price was so continuous and so steady as to create the general impression that the low price had come to stay. Indeed, so firm was the impression that the framers of the exchange standard had never taken into account the contingency of a rise in the price of silver above 43d. So little was it anticipated, that the system was not criticised on this ground by any of the witnesses who deposed before the successive Committees and Commission on Indian currency. But the unexpected may happen, and unfortunately did happen after 1916, and happened suddenly. On February 10, 1914, the cash price in London of silver per ounce of standard fineness was 26 5/8d. It fell to 22 11/16d. on February 10, 1915,

and though it jumped to 27d. on the same date in 1916, yet it was below the rupee melting-point. After the last-mentioned date its rise was meteoric. On February 9, 1917, it rose to 37 5/8 d.; on February 8, 1918, to 43d.; and on the same date in 1919 to 48 7/16d., thereby quite overshooting the rupee melting-point. But the price of silver broke all record when on February 11, 1920, it reached the colossal figure of 89 1/2d. per standard ounce.

The rise in the intrinsic value of the rupee above the nominal value at once raised a problem as to how the rupee could be preserved in circulation. Two ways seemed open for the solution of the problem. One was to scale down the fineness of the rupee, and the other to raise its gold parity. All other countries which had been confronted by a similar problem adopted the former method of dealing with their silver coinage—a method which was successfully tried in the Philippines and the Straits Settlements and Mexico in 1904-7, when a rise in those years in the price of silver had created a similar problem in those countries.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_10 The Secretary of State for India adopted the second course of action and kept on altering the rupee par with every rise in the price of silver. The alterations of the rupee par following upon the variations in the price of silver are given below:—

TABLE XXXIII

Date of Alteration of the Rupee Par.	Pitch of the Par.
	s. d.
January 3, 1917	1 4 1/4
August 28, 1917	1 5
April 12, 1918	1 6
May 13, 1919	1 8
August 12, 1919	1 10
September 15, 1919	2 0
November 22, 1919	2 2

December 12, 1919	2 4

After having played with the rupee par, for two years, in this manner, as though such alterations involved no social consequences, the Secretary of State, on May 30, 1919, appointed a new Currency Committee under the chairmanship of Babington Smith, to recommend measures"to ensure a stable gold exchange standard."The majority of the Committee, after half a year of cogitation, reported to the effect mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_11that

"(i) The object should be to restore stability to the rupee, and to re-establish the automatic working of the currency system at as early a date as practicable.

"(ii) The stable relation to be established should be with gold and not with sterling.

"(iii) The gold equivalent of the rupee should be sufficiently high to give assurance, so far as is practicable, that the rupee, while retaining its present weight and fineness, will remain a token coin, or in other words, that the bullion value of the silver it contains will not exceed its exchange value.

"After most careful consideration"(the Committee said)"we are unanimous (with the exception of one of our members who signs a separate report) in recommending that the stable relation to be established between the rupee and gold should be at the rate of one rupee to 11.30016 grs. of fine gold both for foreign exchange and internal circulation."i.e. the rupee to be equal to 2s. (gold).

The minority report, which harped on the old cry of a stimulus of low exchange and penalty of high exchange, stood out for the maintenance of the old rate of 15 rupees to the gold sovereign or 1 13.0016 grs. troy of pure gold, and recommended the issue of a two-rupee silver coin of reduced fineness compared with the old rupee, so long as the price of silver in New York was over 92 cents.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_12

By the announcements of February 2, 1920, the recommendations of the majority of the Committee were accepted by the Secretary of State and also by the Government of India, which abandoned the old parity of

7.53344 grs. per rupee for the new parity of 11.30016 grs. troy. Now, has the rupee maintained its new parity with gold?

In the matter of ascertaining this fact the exchange quotation on London is no guide, for the value of the rupee was 2s. *gold* and not 2s. sterling. Had gold and sterling been identical the case would have been otherwise. But during the war, owing to the issue of virtually inconvertible money, the pound sterling had depreciated in terms of gold. We must therefore take as our standard a currency which had kept its par with gold. Such a currency was the American dollar, and the exchange quotation on New York is therefore more directly helpful in measuring the gold value of the rupee than is the sterling quotation on London. We can also employ the actual rupee-sterling quotation as a measure by comparing it with the amount of sterling the rupee should have purchased, as an equivalent of 11.30016 grs. of fine gold, when corrected by the prevailing cross-rate between New York and Londonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_13

Compared with the par of exchange, the actual exchange, either on New York or on London, indicates a fall of the rupee which is simply staggering *(See* table XXXIV).

Consider, along with the external gold value of the rupee, its internal value in terms of sovereigns and bar gold *(see* table XXXV).

The tables need no comment. The rupee is not only far away from 2s. (gold), but is not even 1s. 4d. (sterling).

Do not the facts furnish an incontrovertible proof of the futility of the exchange standard? How can a system which fails to maintain its value in terms of gold, which it is supposed to do, be regarded as a sound system of currency? There must be somewhere some weakness in the mechanism of a system which is liable to such occasional breakdowns. The rupee fell or rather was below par in 1893, and did not reach its parity to any real degree of firmness until 1900. After an interval of seven years the rupee again falls below par in 1907. The year 1914 witnesses another fall of the rupee. A meteoric rise since 1917, and again a fall after 1920. This curious phenomenon naturally raises the question : Why did the rupee fail to maintain its gold parity on these occasions? A proper reply to this question will reveal wherein lies the weakness of the exchange standard.

TABLE XXXIV

ACTUAL GOLD VALUE OF THE RUPEE AND THE NEW PARITY IN TERMS OF FOREIGN EXCHANGES

	New York on Bombay in cents.						Bombay on London in s. d.					
As in the Middle of	1920.		1921.		1922.		1920.		1921.		1922.	
	Par	Actual	Par	Actual	Par	Actual	Par	Actual	Par	Actual	Par	Actual
	Rate.	Rate.	Rate.	Rate.	Rate.	Rate.	Rate.	Rate.	Rate.	Rate.	Rate.	Rate.
January	0.4866	0-4400	0-4866	0-2925	0-4866	0-2800	2 7 1/2	2 3 5/8	2 7 5/16	1 5 5/8	2 3 5/8	1 3 13/16
February	0.866	0-4850	0-4866	0-2800	0-4866	0-2845	2 10 1/3 1/2	*2 9 1/8*	2 5 13/16	1 4 1/8	2 2 7/32	1 3 9/16
March	0-4866	0-4850	0-4866	0-2625	0-4866	0-2787	2 7 2/3 9/2	*2 5 3/4*	2 5 31/32	1 3 1/4	*2 2 29/32*	1 3 5/16
April	0-4866	0-4775	0-4866	0-2625	0-4866	0-2785	2 5 7/16	2 31	2 5 13/16	1 3 5/8	2 2 1/2	1 3 1/8
May.	0-4866	0-4325	0-4866	0-2675	0-4866	0-2930	2 6 1/3 9/2	2 2 1/8	2 5 7/32	*1 3 1/2*	*2 2 1/4*	1 3 9/16
June	0-486	0-412	0-486	0-252	0-486	0-290	2 5 3/3	1 10	2 6 29/3	1 3	2 2	1 3 19/3

	6	5	6	5	6	0	1/2	13/16	2	3/8	1/8	2
July.	0-4866	0.39000	0-4866	0-2400	0-4866	0-2900	2 5 3/3 1/2	1 8 1/16	2 8 9/32	1 3 1/4	2 2 5/8	1 3 5/8
August	0-4866	0-3650	0-4866	0-2475	0-4866	0-2916	2 83 9/32	1 10 1/16	2 7 29/32	1 43/4	2 2 3/16	1 3 19/32
September	0-4868	0-3325	0-4866	0-2675	0-4866	0-2875	2 9 9/16	1 10 1/16	2 7 15/32	1 5 1/16	2 2 6/16	1 3 9/16
October	0-4866	0-3025	0-4866	0-2825	0.4866	—	2 9 21/32	1 7 3/4	2 6 1/32	1 5 7/16	—	—
November	0-4866	0-3025	0-4866	0-2695	0-4866	—	2 10 9/16	1 7 1/8	2 5 16/32	1 4 1/8	—	—
December	0-4866	0-2650	0-4866	0-2775	0-4866	—	2 9 9/16	1 5 1/4	2 4	1 3 7/8		—

TABLE XXXV

GOLD VALUE OF THE RUPEE AND THE NEW PARITY IN TERMS OF THE PRICE OF SOVEREIGNS AND GOLD

	1920		1921		1922	
		Price o{ Bar		Price of		Price of
Months	Price of British Sovereigns	Gold per Tola 100 touch Par Rs.	Price of British Sovereigns Par 10	Gold per Tola 100 touch Par Rs.	Price of British Sovereigns	Gold per Tola 100 touch Par Rs. 15-14-10 =1 Tola

	Par 10 Rs. = 1 Sov.	15-14-10 =1 Tola	Rs. = 1 Sov.	15-14-10 =1 Tola	Par 10 Rs. = 1 Sov.	
	Rs. A. P.	RS. A. *P.*	RS. A. p.	Rs. A. P.	Rs. A. P.	
January	Nominal	28 0 0	Nominal	Official Figures Not Yet Published	17 14 0	Official figures not yet published
February	"	22 0 0			17 14 0	
March	"	24 0 0			17 14 0	
April	"	24 8 0	18 12 0			
May	"	22 12 0	19 0 0			
June	"	22 4 0	19 12 0			
July	"	23 0 0	20 9 0			
August	"	21 8 0	20 9 0			
September	"	25 4 0	19 2 0			
October	"	27 6 0	18 14 0			
November	"	28 10 0	18 8 0			
December	"	27 12 0	18 6 0			

The only scientific explanation sufficient to account for the fall of the rupee would be to say that the rupee had lost its genera! purchasing power. It is an established proposition that a currency or unit of account

will be valued in terms of another currency or unit of account for what it is worth, i.e. for the goods which it will buy. To take a concrete example, Englishmen and others value Indian rupees inasmuch and in so far as those rupees will buy Indian goods. On the other hand, Indians value English pounds (and other units of account, for that matter) inasmuch and in so far as those pounds will buy English goods. If rupees in India rise in purchasing power (i.e. if the Indian price-level fails) while pounds fall in purchasing power or remain stationery or rise less rapidly (i.e. if the English price level rises relative to the Indian price-level), fewer rupees would be worth as much as pound, i.e. the exchange value of the rupee in terms of the pound will rise. On the other hand, if rupees in India fall in purchasing power (i.e. if the Indian price-level rises) while pounds rise in purchasing power or remain stationary or fall less rapidly (i.e. if the English price-level falls relative to the Indian price-level), it will take more rupees to be worth as much as a pound, i.e. the exchange value of the rupee in terms of the pound will fall.

On the basis of this theory the real explanation for a fall in the Indian exchange should be sought for in the movement of the Indian price-level. Lest there be any doubt regarding the validity of the proposition let us take each of the occasions of the fall and find out whether or not the fall was coincident with the fall in the purchasing power of the rupee.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_14

TABLE XXXVI

PERIOD 1, 1890-99

Years	Currency in Circulation Rupees + Notes		Index Number of prices in India 1890-94 = 100	Index Number of prices in England 1890-94 = 100
	Amount in Crores	Index Number 1890-		

	of Rs.	94 = 100		
(1)	(2)	(3)	(4)	(5)
1890	120	92	113	104
1891	131	100	106	105
1892	141	108	100	99
1893	132	101	96	99
1894	129	99	85	93
1895	132	101	89	90
1896	127	97	99	89
1897	125	96	120	90
1898	122	93	109	91
1899	131	100	108	94

TABLE XXXVII

PERIOD II, 1900-1908

Years	Currency in Circulation Rupees + Notes		Index Number of prices in India 1890-94 = 100	Index Number of prices in England 1890-94 = 100
	Amount in Crores of Rs.	Index Number 1890-94 =		

		100		
(1)	(2)	(3)	*(4)*	(5)
1900	134	103	126	103
1901	150	115	120	98
1902	143	109	115	96
1903	147	113	111	97
1904	152	116	110	100
1905	164	126	120	100
1906	185	142	134	107
1907	190	145	138	113
1908	181	139	147	104

TABLE XXXVIII

PERIOD III, 1909-14mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_15

Years	Currency in Circulation Rupees + Notes		Index Number of prices in India 1890-94 = 100	Index Number of prices in England 1890-94 = 100
	Amount in Crores of Rs.	index Number 1890-94 = 100		

(1)	(2)	(3)	(4)	(5)
1909	198	152	138	105
1910	199	152	137	110
1911	209	160	139	114
1912	214	164	147	117
1913	238	182	152	124
1914	237	182	156	124

TABLE XXXIX

PERIOD IV, 1915-1921mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_16

Years	Currency in Circulation Rupees + Notes		Index Number of prices in India 1913=100	index Number of prices in England 1913=100
	Amount in Crores of Rs.	Index Number 1913 =100		
(1)	(2)	(3)	(4)	(5)
1915	266	104	112	127.1
1916	297	116	125	159.5

1917	338	132	142	206.1
1918	407	155	178	226.5
1919	463	180	200	241.9
1920	411	160	209	295.3
1921	393	114	183	182.4

Now do these tables confirm, or do they not, the argument that the fail in the gold value of the rupee is coincident with a fall in the general purchasing power of the rupee? What was the general purchasing power of the rupee when a fall in its gold value occurred? if we scrutinise the facts given in the above tables in the light of this query there can be no doubt as to the validity of this argument. From the tables it will be seen that the gold value of the rupee improved between 1893-1898 because there was a steady, if not unbroken, improvement in its general purchasing power. Again, on the subsequent occasions when the exchange fell, as it did in 1908, 1914, and 1920, it will be observed that these were the years which marked the peaks in the rising price-level in India ; in other words, those were the years in which there was the greatest depreciation in the general purchasing power of the rupee. A further proof, if it be needed, of the argument that the exchange value of the rupee must ultimately be governed by its general purchasing power is afforded by the movements of the rupee-sterling exchange since 1920 *(see* Table XL).

But, although such is the theoretical view confirmed by statistical evidence of the causes which bring about these periodic falls in the gold value of the rupee (otherwise spoken of as the fall of exchange), it is not shared by the Government of India. The official explanation is that a fail in the gold value of the rupee is due to an adverse balance of trade. Such is also the view of eminent supporters of the exchange standard like Mr. Keynesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_17 and Mr. Shirras.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_18

No doubt, some such line of reasoning is responsible for the currency fiasco of 1920. How is it possible otherwise to explain the policy of

raising the exchange value of the rupee? Both the Smith Committee on Indian Currency*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_19 and the Government of Indiamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_20 were aware of the fact that the rupee was heavily depreciated, as evidenced by the rise of prices in India.

TABLE XL

Date	Rupee Prices in India. 1913=100	Sterling Price in England *(Statist)*. 1913=100	Average Rate of Exchange London on Calcutta	Rupee-Sterling Purchasing Power Parity 16d x col.3/col.2
(1)	(2)	(3)	(4)	(5)
			d.	d.
1920. January	202	289	27.81	22.89
February	203	306	32.05	24.12
March	194	301	29.66	25.40
April	193	300	27.88	25.95
May	190	298	25.91	25.77
June	192	293	23.63	25.08
July	196	282	22.63	24.49
August	193	263	22.75	24.70
September	188	244	22.31	24.94
October	188	232	19.88	24.00
November	186	215	19.69	22.62
December	179	209	17.44	21.81

1921. January	169	200	17.66	21.96
February	164	191	16.31	20.98
March	162	183	15.53	20.40
April	163	186	15.75	19.63
May	170	182	15.44	17.98
June	172	178	15.53	17.14
July	171	163	15.38	17.40
August	178	161	16.25	16.36
September	178	157	17.22	15.82
October	178	156	17.02	14.65
November	173	161	16.25	14.89
December	169	157	15.94	14.86
1922. January	162	156	15.88	15.41
February	159	156	15.59	16.70
March	160	157	15.34	15.70
April	160	159	15.19	15.90
May	162	159	15.59	15.70
June	169	160	15.63	15.14
July	170	158	15.69	14.87
August	166	153	15.66	14.74

Given this fact, any question of raising the gold value of the rupee to 2s. gold when the rupee had scarcely the power to purchase 1s. 4d. sterling was out of the question. The Committee indulged in loose talk about stabilising the Indian exchange. But even from this standpoint the Committee's insistence on linking the rupee to gold

must be regarded as little grotesque. Stable exchange, to use Prof. Marshall's language, is something like bringing the railway gauges of the world in unison with the main line. If that is what is expected from a stable exchange, then what was the use of linking the rupee to gold which had ceased to be the"main line"? What people wanted was a stable exchange in terms of the standard in which prices were measured. Linking to gold involved unlinking to sterling, and it is sterling which mattered and not gold. Given this importance of sterling over gold, was any policy of exchange stabilisation called for? First of all it should have been grasped that such a policy could succeed only if it was possible to make sterling and rupee prices move in unison, for then alone could the ratio of interchange between them be the same. What control had the Government of India over the sterling? They might have so controlled the rupee as to produce the effect desired, but all that might have been frustrated by an adverse move in the sterling. The success of the policy of linking to sterling would have been highly problematical although highly desirable. But was it called for?

Now the problem of stabilisation is primarily a problem of controlling abnormal deviations from the purchasing-power parity between two currencies. In the case of India there were no abnormal deviations from the rupee-sterling purchasing-power parity. On the other hand, the Indian exchange was moving in a more or less close correspondence with it. There was therefore no ground for originating any policy of exchange stabilisation. But, supposing there were abnormal deviations and that, owing to some reasons known to it, the Committee believed that the exchange value of the rupee was not likely to return to the point justified by its general purchasing power, in that case the Committee should have fixed the exchange value well within the range of the purchasing power of the rupee. As it was, the value of the rupee fixed by the Committee the rupee never had. In giving a value to the rupee so much above its purchasing-power parity, it is obvious the Committee originated a solution for the simple problem of stabilising the rupee which involved the much bigger and quite a different problem of deflation or raising the absolute value of the rupee. How was the object to be attained? The Committee never considered that problem. And why? Was it because the price of silver had gone up? May be. But it is doubtful whether the Committee could have believed firmly that the value of silver was going to be permanently so high as to require a modification of the gold par. Anyone who cared to scrutinise the rise in the price of silver could have

found that the rise was largely speculative and could not have been permanent.

TABLE XLI

PRICE OF SILVER IN STERLING (PENCE)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_21

Year	Highest	Lowest	Average	Range of Variation
1913	29 3/8	25 15/16	27 9/16	3 7/16
1914	273/4	22 1/8	25 5/16	5 5/8
1915	27 1/4	22 5/16	23 11/16	4 15/16
1916	37 1/8	26 11/16	31 5/16	10 7/16
1917	55	35 11/16	40 7/8	19 11/16
1918	49 1/2	42 1/2	47 9/16	7
1919	79 1/8	47 3/4	57 1/16	31 3/8
1920	89 1/2	38 7/8	61 7/16	50 5/8
1921	43 3/8	30 5/8	37	12 ¾

But supposing that the rise in the price of silver was not speculative, did it follow that the rupee was appreciated? The diagnosis of the Committee was an egregious blunder. With the facts laid before the Committee it is difficult to understand how anyone with a mere smattering of the knowledge of price movements could have concluded that because silver had appreciated the rupee had therefore appreciated. On the other hand, what had happened was that the rupee had depreciated in terms of

general commodities, including gold and silver. indeed, the appreciation of silver was a depreciation of the rupee. The following (Table XLII) is conclusive evidence of that fact —

TABLE XLII

DEPRECIATION OF THE RUPEE

Date	Price of Bar Gold in India (Bombay) per Tola of 180 grs.	Price of Silver in India (Bombay) per 100 Tolas	Index Number for Prices in India 1913=100
	Rs. A.	Rs. A.	
1914	24 10	65 11	
1915	24 14	61 2	112
1916	27 2	78 10	125
1917	27 11	94 10	142
1918	(July) 34 0	(May 16) 117 2	178
1918		(Nov. 28) 82 10	
1918 August	30 0		
1918 Sept.	32 4		
1919 March	32 0	113 0	200

Thus, the rise in the price of silver was a part of the general rise of prices of the depreciation of the rupee. The Committee desired to raise the gold value of the rupee to 10 rupees per sovereign when it cost twice that number of rupees to purchase a sovereign in the market. So marked was the depreciation of the rupee in terms of gold that a few months before the Committee submitted its report the *Statesman* (a Calcutta

paper) wrote —

"If you land in the country with a sovereign the Government will take it away from you and give you eleven rupees three annas in return. If you are in the country and happen to have a sovereign and take it to the currency office you will get fifteen rupees for it. On the other hand, if you take it to the bazar you will find purchasers at twenty-one rupees."These facts were admitted by the Finance Department of the Government of India to be substantially correct,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_22 and yet in the face of them the Committee recommended the 2s. gold parity for the rupee. The Committee confused the rupee with the silver, and thus failed to distinguish the problem of retaining the rupee in circulation and raising its exchange value in terms of gold. The latter solution was applicable only if the *rupee* had appreciated. But as it was silver that had appreciated in terms of the rupee, the only feasible solution was to have proposed the reduction of the fineness of the rupee. Had the Committee regarded silver as a commodity distinct from the rupee like any other commodity to be measured in terms of the rupee as a unit of account, probably it might have avoided committing the blunder which it did. But what is more than probable is that the Committee did not think that the general purchasing power of the rupee was a factor of any moment in the consideration of the matter it was asked to report upon. What was of prime importance in its eyes for the maintenance of the exchange value of the rupee was a favourable balance of trade, and that India had at the time the Committee drafted its Report. For the Committee, in the course of its general observations on the exchange standard, remarked:

"that the system had proved effectual in preventing the fall in the value of the rupee below 1s. 4d., and unless there should have been profound modifications in India's position as an exporting country with a favourable trade balance, there was no reason to apprehend any breakdown in this respect."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_23

Proceeding on this view of the question it was quite natural for the Committee to have argued that if a favourable balance of trade sustained 1s. gold exchange, why should a similar balance of trade not sustain 2s. gold exchange?

Again, it is only on some such hypothesis that one can explain why the recommendations of the Committee were adopted at all when the necessity for their adoption had passed away. Even if the intrinsic value of the rupee exceeded its nominal value, there was no danger of a wholesale disappearance of the rupee from circulation in view of the enormous volume of rupees in Indiamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_24. What would have taken place was not a wholesale melting of rupees, but a constant dribble of an irregular and illegal character leading to the contravention of the orders then issued by the Government of India against the melting or exportation of the rupee coin. At the time when the Committee reported (December, 1919) the price of silver was no doubt high, but it was certainly falling during 1920 when the Government .took action on the Report. Indeed, on August 31, 1920, when the Bill to alter the gold value of the rupee was introduced into the Council, gold was selling at 23 1/4 rupees to the tola, while if the sovereign was to be equal to 10 rupees, the market price of gold should have been Rs. 15-14-0 per tola, so that there was a difference of Rs. 7 1/2 or 33 per cent. between the market ratio of gold to the rupee and the new mint ratio. Moreover, the price of silver had also gone down in the neighbourhood of 44d., so that there was no danger of the rupee being melted out of circulation.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_25 But, notwithstanding such a disparity, the Government rushed to fix a higher gold parity for the rupee. The financial reason for this rash act was of course obvious. The impending constitutional changes were to bring about a complete separation between provincial and imperial finance in British India. Under the old system of finance it was open for the central Government to levy"benevolences"in the form of contributions on the Provincial Governments to meet such of its imperious wants as remained unsatisfied with the help of its own resources, apart from the lion's share it used to take at every settlement of the provincial finance. Under the new constitution it was to be deprived of this power. The Central Government was therefore in search of some resource to obtain relief without appearing to tax anybody in particular. A high exchange seemed to be just the happy means of doing it, for it was calculated to effect a great saving on the"home charges."But how was this high exchange to be maintained, supposing it was desirable to have a high exchange from the financial point of view? mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_26 Not only had the price and silver

gone down and the rupee shown evident marks of depreciation in terms of gold, but the balance of trade had also become adverse to India at the time when the government proceeded to take action on the Report of the Committee. But this enactment, so singular in its rashness, was none the less founded upon the hope that the balance of trade would become favourable in time and thus help to maintain the 2s. gold value of the rupee. That this is a correct interpretation of the Government's calculations is borne out by the following extract from the letter which it addressed to the Bengal Chamber of Commerce in explanation of the currency fiasco.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_27 After speaking of the necessity for granting international credits to revive commerce, the letter goes on to say:—

> "But for the rest they [i.e. the Government of India] can now only rely on the natural course of events and the return of favourable export conditions, combined with the reduction of imports... to strengthen the exchange. Experience has demonstrated that in the present condition of the world trade stability is at present unattainable, but the Government of India see no reason why the operation of natural conditions should not allow of the eventual fixation of exchange at the level advocated in the report of the Currency Committee."

Which of the two views is correct? Is it the low purchasing power of the rupee which is responsible for its fail, or is it due to an adverse balance of trade? Now, it must at once be pointed out that an adverse balance of trade, as an explanation of the fall of exchange, is something new in Indian official literature. A fall of exchange was a common occurrence between 1873 and 1893, but no official ever offered the adverse balance of trade as an explanation. Again, can the doctrine of the adverse balance of trade furnish an ultimate explanation for the fall that occurred in 1907, 1914, and 1920? First of all, taking into consideration all the items visible and invisible, the balance-sheet of the trade of a country must balance, indeed, the disquisitions attached to the Indian Paper Currency Reports, wherein this doctrine of adverse balance as a cause of fall in exchange is usually to be found, never fail to insist that there is no such thing as a"drain"from India by showing item by item how the exports of India are paid for by the imports, even in those years in which the exchange has fallen. The queer thing is, the same Reports persist in speaking of an adverse balance of trade. Given the admission that all Indian exports are paid for, it is difficult to see what remains to speak of as a balance. Why should that part of trade liquidated by money be spoken of as a"balance"?

One might as well speak of a balance of trade in terms of cutlery or any other commodity that enters into the trading operations of the country. The extent to which money enters into the trading transactions of two countries is governed by the same law of relative values as is the case with any other commodity. If more money goes out of a country than did previously, it simply means that relatively to other commodities it has become cheaper. But if there is such a thing as an adverse balance in the sense that commodity imports exceed commodity exports, then there arises the further question : Why do exports fall off and imports mount up? In other words, given a normal equilibrium of trade, what causes an adverse balance of trade? For this there is no official explanation. Indeed, the possibility of such a query is not even anticipated in the official literature. But the question is a fundamental one. An adverse balance of trade in the above sense is only another way of staling that the country has become a market which is good to sell in and bad to buy from. Now a market is good to sell in and bad to buy from when the level of prices ruling in that market is higher than the level of prices ruling outside. Therefore, if an adverse balance of trade is the cause of the fall of exchange, and if the adverse balance of trade is caused by internal prices being higher than external prices, then it follows that the fall of exchange is nothing but the currency's fall in purchasing power, which is the same thing as the rise of prices. The adverse balance of trade is an explanation a step short of the final explanation. Try to circumvent the issue as one may, it is impossible to escape the conclusion that the fall in the exchange value of the rupee is a resultant of the fall in the purchasing power of the rupee.

Now what is the cause of the fall in the purchasing power of the rupee? in that confused, if not absurd, document, the Report of Price Inquiry Committee,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_28 one cause of the rise of prices in India was assigned, among others,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_29 to the decline in supplies relatively to population. In view of the more or less generally accepted theory of quantity of a currency as the chief determinant of its value, the line of reasoning adopted by the Committee is somewhat surprising. But there is enough reason to imagine why the Committee preferred this particular explanation of the rise of prices. The position of the Government with regard to the management of the Indian currency is somewhat delicate. Already the issue of paper currency was in the hands of the Government.

By the Mint closure it took over the management of the rupee currency as well. Having the entire control over the issue of currency, rupee and paper, the Government becomes directly responsible for whatever consequences the currency might be said to produce. It must not, also, be forgotten that the Government is constantly under fire from an Opposition by no means over-scrupulous in the selection of its counts. As a result of this situation the Government walks very warily, and is careful as to what it admits. Lord Castlereagh, in the debate on Homer's resolution of 1811 stating that bank notes were depreciated by over-issue, asked the House of Commons to consider what Napoleon would do if he found the House admitting the depreciation even if it was a fact. The Government of India is in the same position, and had to think what the Opposition would do if it admitted this or that principle. The reason why the Government of India adheres to the adverse balance of trade as an explanation of the fall of exchange is the same which led the Committee to ascribe the rise of prices to the shortage of goods. Both the doctrines have the virtue of placing the events beyond the control of the Government and thus materially absolving the Government from any blame that might be otherwise cast upon it. What can the Government do if the balance of trade goes wrong? Again, is it a fault of the Government if the supply of commodities declines? The Government can move safely under the cover of such a heavy armour!mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_30 But does the explanation offered by the Committee invalidate the explanation that the cause of the rise of prices in India was excess of currency? The value of money is a resultant of an equation (of exchange)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_31 between money and goods. To that equation there are obviously two sides, the money side and the commodity side. It is an age-worn dispute among economists as to which of the two is the decisive factor when the result of the equation of exchange undergoes a change, i.e. when the general price-level changes. There are economists who when discussing the value or the general purchasing power of money emphasise the commodity side in preference to the money side of the equation as the chief determinant of it. To them if prices in general fall it may not be due to scarcity of money ; on the other hand, it may be due to an increase in the volume of commodities. Again, if prices in general rise they prefer to ascribe it to a decrease in the volume of commodities rather than to an increase in the quantity of money. It is possible to take this position, as some economists choose to

do, but to imagine that the quantity theory of money is thereby overthrown is a mistake. As a matter of fact, in taking that position they are not damaging the quantity theory in the least. They are merely sta.ting it differently. The weakness of the position consists in failing to take note of what the effect on the general price-level would be if in speaking of increase or decrease of commodities they *included* a corresponding increase or decrease of currency. If the volume of commodities increases, including the volume of currency, then there is no reason why general prices should fall. Similarly, if the volume of commodities decreases, including the volume of currency, then there is no reason why general prices should fall. Similarly, if the volume of commodities decreases, including the volume of currency, then there is no reason why general prices should rise. The commodity explanation is but the reverse side of the quantity explanation of the value of money. Recasting the argument of the Committee in the light of what is said above, we can say without departing from its language that the rise of prices in India was due to the supply of currency not having diminished along with the diminution in the supply of goods. In short, the rupee fell in purchasing power because of currency being issued in excess, and there is scarcely any doubt that there has been a profuse issue of money in India since the closing of the Mints in 1893.

The first period, from 1893-98 was comparatively speaking the only period marked by a rather halting and cautious policy in respect of currency expansion. The reason no doubt was the well-known fact that at the time the Mints were closed the currency was already redundant. Yet the period was not immune from currency expansion.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_32 At the time the Mints were closed the silver bullion then in the hands of the people was depreciated as a result of the fall in its value due to the closure. An agitation was set up by interested parties to compel the Government to make good the loss. Ultimately, the Government was prevailed upon by Sir James Mackay (now Lord Inchcape), the very man who forced Government to close the Mints, to take the silver from the banks. The Government proposed to the Secretary of State that they be allowed to sell the silver even at a loss rather than coin and add to the already redundant volume of currency. The Secretary of State having refused, the sliver was coined and added to the currency. The stoppage of Council Bills in 1893-94 had temporarily accumulated a large number of rupees in their Treasuries, a transaction

which practically amounted to a contraction of currency. But the Government later decided to spend them on railway construction—a policy tantamount to an addition to currency. The resumption of Council Bills after 1894 had also the same effect, for a sale of bills involves an addition to currency. In view of the heavy cost of financing the Home Treasury by gold borrowings, the resumption of sale was a pardonable act. But what was absolutely unpardonable was the increase in the fiduciary portion of the paper-currency reserve from 8 to 10 crores.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_33 thereby putting 2 crores of coined rupees into circulation, particularly so because the Finance Minister refused to pay any heed to its incidence on the currency policy, arguing:—

"I am a little doubtful whether, in discussing the question of the investment of the currency reserve, we are at liberty to look at outside considerations of that kind."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_34 All told, the additions to the currency during the first period were negligible as compared to what took place in the second period, 1900-1908. This period was characterised by a phenomenal increase in the volume of currency poured by the Government into circulation. Speaking of the coinage of rupees during this period, Mr. Keynes, anything but an unfriendly critic of the Government's policy observedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_35 —

> "The coinage of rupees recommenced on a significant scale in 1900 a steady annual demand for fresh coinage (low in 1901-2, high in 1903-4, but at no time abnormal), and the Mints were able to meet it with time to spare, though there was some slight difficulty in 1903-4. In 1905-6 the demand quickened, and from July 1905 it quite outstripped the new supplies arising from the mintage of the uncoined silver... This slight scare, however, was more than sufficient to make the Government lose their heads. Having once started on a career of furious coinage, they continued to do so with little regard to considerations of ordinary prudence... without waiting to see how the busy seasons of 1906-7 would turn out, they coined heavily throughout the summer months... During the summer of 1907, as in the summer of 1908, they continued to coin without waiting until the prosperity of the season 1907-8 was assured."

Evidently, in this period the Government framed their policy"as though a community consumed currency with the same steady appetite with which some communities consume beer."The period also witnessed a material expansion of the paper currency. Up to 1903 the use of the currency notes was limited by reason of the fact that they were not only legal tender outside their circle of issue, but also because their encashability was restricted to the offices of the circles of their issue. This was a serious limitation on the extension of paper currency in India. by Act VI of 1903 the Rs. 5 was made universal in British India excepting Burma, i.e. was made legal tender in all circles, and also encashable at all offices of issue. Along with this the fiduciary portion of the paper-currency reserve was increased to Rs. 12 crores by Act III of 1905. The first event was only calculated to enlarge the circulation of the notes, but the second event had the direct effect of lowering the value of the rupee currency.

The third period (1909-14) was comparatively a, moderate but by no means a slack period from the standpoint of currency expansion in India. The first three years of the period were. so to say, years of subdued emotion with regard to the rupee coinace. With the exception of the year 1910, when there was no net addition to rupee coinage, and 1911, when the addition was a small one, the coinage in the years 1909 and 1912 ranged from 24 to 30 lakhs. But during the last two years of this period there was a sudden burst of rupee coinage, when the total reached 26 1/2 crores. The expansion of paper currency took place also on a great scale during this period. In 1909 the Rs. 5 were universalised in Burma as they had previously been in other parts of India. This process of universalisation was carried further during this period, when, under the authority granted by the Paper Currency Act (II of 1910), the Government universalised notes of Rs. 5 and Rs. 50 in 1910, of Rs. 100 in 1911. Along with the stimulus thus given to the increase of paper currency, the Government actually expanded the fiduciary portion of the issue from 12 to 14 crores by Act VII of 1911, thereby throwing into circulation 2 crores of additional rupees.

During the fourth period (1915-1920) all prudential restraints were thrown overboard.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G1. Problem of Rupee CHAPTER VI.htm - _msocom_36 The period coincided with the Great War, which created a great demand for Indian produce and also imposed upon the Government the necessity for meeting large expenditure on behalf of H. M. Government. Both these events necessitated a great increase in the

current means of purchase. There were three sources open to the Government to provide for the need: (1) importation of gold; (2) increase of rupee coinage; and (3) increase of paper currency. It must not be supposed that the Government of India had no adequate means to provide the necessary currency. Whatever expenditure the Government of India incurred in India, the Secretary of State was reimbursed in London. So the means were ample. The difficulty was that of converting them to proper account. Ordinarily, the Secretary of State purchases silver out of the gold at his command to be coined in India into rupees. This usual mode was followed for the first two years of the period, and the currency was augmented by that means. But the rise in the price of silver made that resource less available. The Secretary of State had therefore to choose between sending out gold or issuing paper. Of the two, the former was deemed to be too unpatriotic. Indeed, the Secretary of State believed that from an Imperial point of view it was entirely ungracious even to"earmark"the gold he received in London as belonging to India. But how was demand for additional currency in India to be met? As a result of deliberation it was agreed that to provide currency in India without employing gold the best plan was for the Secretary of State to invest atone end the gold he received on India's behalf in the purchase of British Treasury bills, and the Indian Government to issue currency notes at the other end on the security of these bills. Such a procedure, it will be observed, involved a profound modification in the basic theory of Indian paper currency. That theory was to increase the fiduciary issue by investing a portion of the metallic reserves only when the proportion of the latter to the total of the notes in active circulation had shown, over a considerable period, a position sufficiently strong to warrant an extension of the invested reserves and a corresponding diminution of the metallic reserves. The main effect of the principle was that the extent of the paper currency was strictly governed by the habits of the people, for whatever the amount of fiduciary issue at any given moment it represented metallic reserves which were once in existence. Under the new scheme the old principle was abandoned and paper currency was issued without any metallic backing, and what is more important is that its magnitude instead of being determined by the habits of the people, was determined by the necessity of the Government and the amount of security it possessed. This fatal and facile procedure was adopted by the Government of India with such avidity that within four years it passed one after another eight Acts, increasing the volume of notes issuable against securities. The following table gives the changes in the limits fixed by the Acts and the

total issues actually made under them :—

CHAPTER VI Continued---

TABLE XLIII

ISSUE OF CURRENCY NOTES Acts prescribing the Fiduciary Issue of Currency Notes

1. Limits to judiciary issues	Act	Act	Act	Act	Act	Act	Act
	V of	IX of	XI of	XIX of	VI of	11 of	XX VI
	1915	1916	1917	1917	1918	1919	1919
	In Lakhs of Rupees :						
(a) Permanent	14,00	14,00	14,00	14,00	14,00	14,00	14,00
(b) Temporary	6,00	12,00	36,00	48,00	72,00	86,00	106,00
Total limit	20,00	26,00	50,00	62,00	86,00	100,00	120,00
11. Total issues of currency notes	61.63	67.73	86,38		99,79	153,46	179,67* mk:@

							MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_1
III. Reserve	Silver	32,34	23,57	19,22	10,79	37,39	47,44
	Gold	15,29	24,16	18,67	27,52	17,49	32,70
	Securities	14,00	20,00	48,49	61,48	98,58	99,53

But this facile procedure could not be carried on *ad infinitum* except by jeopardising the convertibility of the notes. Consequently the very increase of paper money, added to the increased demand for currency, compelled the Government to go in for the provision of metallic money for providing current means of purchase and also give a backing to the watered paper issues. The rising price of silver naturally made the Government go in for gold. An Ordinance was issued on June 29, 1917,

requiring all gold imported into India to be sold to Government at a price based on the sterling exchange, and opened a gold Mint at Bombay for the coinage of it into mohursmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_2. Frantic efforts were made to acquire gold from various quarters. The removal of the embargo on the export of gold by the U.S.A. on June 9, 1917, and the freeing of the market for South African and Australian gold, enabled the Government to obtain some supply of that metal. From July 18, 1919, immediate telegraphic transfers on India were offered against deposit at the Ottawa Mint in Canada of gold coin or bullion at a rate corresponding to the prevailing exchange rate, and at New York at competitive tenders from August 22, 1919. Arrangements were also made for the direct purchase of gold in London and U.S.A. Finally, to encourage the private import of gold, the acquisition rate was altered from September 15, 1919, so as to make allowance for the depreciation of the sterling. But the gold thus obtained was a negligible quantity. Besides, the issue of gold did not serve the purpose the Government had in mind—namely its retention in circulation. In the nature of things it was impossible. The rupee was depreciated in terms of gold to an enormous extent, and consequently at the rate of exchange gold passed out of circulation as quickly as it was issued by the Government. What the Government could do was to make the use of gold and silver coins illegal for other than currency purposes and to prevent their exportation, which it did by the Notifications of June 29 and September 3, 1917. Realising that it could not rely upon gold the Government renewed its efforts to enlarge the rupee coinage. To facilitate the purchase of that metal the import of silver on private account into India was prohibited on September 3, 1917. This measure, however, removed only a few of the smaller competitors for the world's diminished supply of silver, and the world-demand remained so heavy that the Secretary of State was unable to obtain sufficient supply notwithstanding the great conservation effected in the use of silver by substituting nickel coinage for silver coins of subsidiary order,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_3 and by the issue of notes of denominations as low as that of R. 1 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_4 and of R. 2-8.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_5 The Government of the United States was therefore approached on the subject of releasing a portion of the silver dollars held

in their reserve. The American Government consented and passed the Pittman Act, under which the Government of India acquired a substantial volume at 101 1/2 cents per fine ounce. The total silver purchased during this period was as follows :—

TABLE XLIV

RUPEE COINAGE, 1915—20

Year	Silver purchased in Open Market, Standard Ounces.	Silver purchased from U. S. A Standard Ounces.	Total Standard Ounces.
1915-16	8,636,000		
1916-17	124,535,000		
1917-18	70,923,000		
1918-19	106,410,000	152,518,000	
1919-20	14,108,000	60,875,000	
Total	324,612,000	213,393,000	538,005,000

Now, recalling the fact that from 1900 to 1914 the Government had coined about 532 million standard ounces of silver,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_6 it means that the coinage of silver by Government during these five years exceeded the amount coined in the fourteen preceding years by five million ounces.

Thus the fall in the gold value of the rupee is an inevitable consequence of the exercise of the power to issue inconvertible currency in unlimited quantities. This is the fate of all inconvertible currencies known to history. But it is said that an exception must be made in the case of the rupee currency, for if the Government has the liberty of issuing it in

unlimited quantities it has also resources to counteract the effects of a fall when it does occur. We must therefore turn to an examination of these resources.

The basis of the reasoning is that the rupee is a token currency, and that if the value of a token currency is maintained at par with gold by applying to it the principle of redemption into goldmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_7 it should be possible to maintain the value of the rupee at par with gold by adopting a similar mechanism. What is wanted is an adequate gold fund, and so long as the Government has it, we are assured that we need have no anxiety on the score of a possible fall in the value of the rupee. Such a fund the Government of India has, and on all the three occasions when the gold value of the rupee fell below par that fund was operated upon. The process of redemption is carried on chiefly in three ways : (1) The sale of what are called reverse councils, by which the Government receives rupees in India in return for gold in London; (2) the release of gold internally in receipt for rupees in India ; and (3) the stoppage of the Secretary of State's council bills to prevent further rupees from going into circulation. The cumulative effect of these, it is said, is to contract the currency and raise its value to par. Although all the three may be employed, the first is by far the most important means adopted by the Government in carrying through this process of redemption. The extent of the redemption effected on the three occasions when it was employed may be seen from the three following tables :—

1.REDEMPTION Of CURRENCY, 1907-8

TABLE XLV

Date	By the sale of Reverse Councils	By Release of Gold-Diminution of Govt. Stock of Gold	Private Export of Gold Coin during the month	Drawings of the Secretary of State.

			during the month.		
	Amount	Amount			
	offered	sold			
	£	£	£	£	£
1907—					
September			152,000	14	858,896
October			254,000	9,109	921,678
November			532,000	3	427.344
December			338,000	2,501	571,905
1908—					
March 26	500,000	70,000	226,000		172,669
					(for the whole
					month)
April 2	500,000	449,000			
April 9	500,000	340,000			
April 16	500,000	441,000	461,000		66,834
April 23	500,000	329,000			
April 30	500,000	205,000			
May 7 May 14 May 21 May 28	500,000 500,000 820,000 500,000	81,000 145,000 793,000 500,000	645,000		62,764

June 4	1,000,000	755,000			
June 11	1,000,000	70,000	334,000		169,810
June 18	500,000	Nil			
June 25	500,000	50,000			
July 2 July 9 July 16 July 23 July 30	500,000 500,000 500,000 1,000,000 1,000,000	470,000 304,000 500,000 968,000 860,000	16,000		186,847
August 6	1,000,000	418,000			
August 13	500,000	310,000	354,000		262,217
August 20	500,000	Nil			
August 27	500,000	Nil			
Sept. 3 Sept.10	500,000 500,000	Nil Nil	502,000		1,431,012
Total	15,320,000	8,058,000	4,394,000	249,942	

II. REDEMPTION IN 1914-16

TABLE XLVI

Date	Reverse Councils (in £ 000)	Drawings of the S. of S. (in Lakhs of

			Rs.)
1914. April		Nil	270
May		Nil	61
June		Nil	68
July		Nil	66
August		2,778	72
September		1,515	25
October		1,895	41
November		1,044	32
December		1,250	30
1915. January		225	29
February		Nil	181
March 1915.		Nil	287
	Total	8,707	1,162
April		Nil	1,53
May		Nil	1,03
June		651	17
July		3,377	8
August		815	23
September		50	2,17
October		Nil	2,25
November		Nil	2,02
December		Nil	3,28

1916 January		Nil	5,26
February		Nil	6,02
March		Nil	6,33
	Total	4,893	30,37

III. REDEMPTION In 1920

TABLE XLVII

SALE Of REVERSE COUNCILS (FIGURES IN THOUSANDS OF POUNDS)

Date of sale.	Amount offered at each Sale.	Amount applied for at each Sale.	Amount sold at each Sale.	Progressive Total of Amount sold.
1920. January 2	1,000	770	770	770
"8	1,000	8,499	990	1,760
„ 15	2,000	300	300	2,060
„ 22	2,000	4,890	2,000	4,060
„ 29	2,000	1,334	5,000	5,394
February 5	2,000	32,390	2,000	7,394
„ 12	2,000	41,312	2,000	12,394
„ 19	2,000	122,335	2,000	14,394
26	2,000	78,417	2,000	16,394
March 3	2,000	64,931	2,000	18,394

“11	2,000	117,185	2,000	20,394
„ 18	2,000	153,559	2,000	22,394
“25	2,000	56,295	2,000	24,394
“31	2,000	35,050	1,988	26,382
April 1				
„ 8	2,000	16,721	2,000	28,382
“15	2,000	48,270	2,000	30,382
“22	2,000	59,020	2,000	32,382
“29	1,000	53,210	1,000	33,382
May 6	1,000	89,514	1,000	34,382
“13	1,000	101,625	1,000	35,382
„ 20	1,000	122,279	1,000	36,382
“26	1,000	85,620	1,000	37,382
June 3	1,000	101,821	1,000	38,382
„ 10	1,000	109,245	1,000	39,382
“15	1,000	122,991	1,000	40,382
„ 24	1,000	73,391	1,000	41,382
July 1	1,000	106,751	1,000	42,382
„ 8	1,000	63,690	1,000	43,382

"15	1,000	101,830	1,000	44,382
„ 22	1,000	103,960	1,000	45,382
"29	1,000	75,486	1,000	46,382
August 5	1,000	101,260	1,000	47,382
„ 12	1,000	112,230	1,000	48,382
"19	1,000	114,767	1,000	49,382
„ 26	1,000	117,390	1,000	50,382
Sept. 2	1,000	126,425	1,000	51,382
„ 7	1,000	117,200	1,000	52,382
„ 13	1,000	115,095	1,000	53,382
"21	1,000	122,590	1,000	54,382
„ 28	1,000	120,050	1,000	55,382

Not only did the Government sell reverse councils on a large scale, but it also sold gold for rupees for internal circulation, a thing which it seldom did before.

Ill. REDEMPTION IN 1920

TABLE XLVIII

SALE Of GOLD

No. of Sate	Date of Sale	Minimum Rate of accepted Tenders	Average Rate of accepted Tenders	Quantity sold (in Tolas)	Price of Country Bar Gold in the Bombay Bazaar
		Rs. A. P.	Rs. A. p.		Rs. A. P.
1	1919. September 3	25 8 0	26 12 1	3,29,130	28 10 0
2	17	24 8 0	24 10 0	3,96,640	26 1 0
3	October 6	25 8 0	25 9 8	3,26,000	27 0 0
4	20	26 15 3	27 0 2	3,34,000	28 0 0
5	November 3	27 14 6	27 15 6	3,25,000	28 5 0
6	17	26 15 0	27 0 11	5,18,500	28 2 0
7	December 8	26 0 6	26 4 6	10,00,650	27 10 0
8	1920. January 5	26 4 3	26 7 9	7,63,300	27 3 0
9	19	26 13 3	26 14 7	8,00,000	27 5 0
10	February 5	25 2 3	25 9 7	7,56,450	25 6 0
11	19	16 2 3	21 9 1	9,60,590	23 4 0
12	March 3	18 8 0	18 12 4	12,96,125	21 7 0
13	,, 17	21 6 0	21 7 7	12,53,325	22 13 0

14	April 7	22 7 3	22 9 4	12,46,200	24 0 0
15	„ 21	23 7 4	23 8 6	10,68,175	24 4 0
16	May 5	20 13 3	21 3 2	11,96,750	21 8 0
17	.. 19	21 0 3	21 1 7	12,46,050	21 12 0
18	June 9	21 8 9	21 9 8	11,32,350	22 2 6
19	„ 23	20 14 10	21 0 5	12,25,250	21 8 0
20	July 7	21 1 4	22 2 2	12,81,500	21 6 0
21	„ 21	22 0 1	22 0 11	12,42,000	22 5 0
22	August 4	22 5 6	22 6 3	12,78,950	22 7 0
23	„ 19	23 9 4	23 10 2	5,54,500	23 7 0
24	September 1	22 8 3	22 10 8	8,27,700	23 1 6
25	14	23 9 4	23 12 11	2,30,500	23 8 0
	Total			2,15,89,635	

During 1920 no council bills were drawn by the Secretary of State on the Government of India.

The success of this mechanism on the two previous occasions had strengthened the belief that it had the virtue of restoring the value of the rupee. But the failure of this mechanism in the crisis of 1920 compels one to adopt an attitude of reserve towards its general efficacy. It cannot be said that exchange gave way because this mechanism was not brought

into operation. On the other hand, the view of the Government regarding the sale of reverse councils in 1920 had undergone a profound modification as compared with the view it held during the crisis of 1907-8. In that crisis the Government behaved like a miser, sitting tight on its gold reserve and refusing to use it for the very purpose which it was designed to serve. An Accountant-General had"to go on his knees"to persuade the Government of India to release its gold.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_8 It was probably because it was rebuked by the Chamberlain Commission for failing to make use of its gold reserve in 1907 that in the crisis of 1920 the policy of selling reverse councils was so boldly conceived. There was a great deal of ignorant criticism of that policy from the general public that it was an"organised loot."But the Finance Minister was undaunted, and arguedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_9:—

> "It is an essential feature of our exchange policy... that we should not only provide for remittances from London to India through council bills at approximately gold point, but from India to London in time of exchange weakness also at gold point, through the sale of sterling remittance known as reverse councils. It is simply an alternative to the export of gold. This is no new matter—we have been selling reverse councils for years..... and unless we do so the exchange policy does not become effective..... This is the reason, and the only reason, why we have sold reverse councils... It is an effort in fact to maintain exchange as near as possible to the gold point.... What would be the consequence if we yielded to the pressure placed on us and ceased to sell reverse councils at all? I can understand a demand that reverse councils should be sold by some different method, or at rates different from those at present in force, but I must confess that I cannot understand the demand that the facilities for the exchange of rupees into external currency should be entirely withdrawn. I see that in Bombay it is urged that we should let exchange find its ' natural level.' That is a catchword which does not impress me. Used in the sense in which that phrase has been recently used, there is no such thing as a ' natural level ' in exchange, for, when one translates the internal currency into another currency, there must be some sort of common denominator to which both currencies can be brought; it may be gold, it may be silver, it may be sterling or it may be Spanish pesetas, which we take as our basis. The

rupee must be linked on to *something*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_10 and if it is so linked, then it must be at some definite rate, and this necessarily involves that we must sometimes be prepared to sell reverse councils in order to maintain that rate. If reverse councils be withdrawn entirely, then we should have neither a gold standard, nor a gold-exchange standard, nor any kind of standard at all."

But that only raises the question: If the sale of reverse councils is efficacious in righting the exchange, why was its effect such a disastrous failure? The Finance Minister answered the point tersely and cogently when he said:—

"If we have failed in narrowing the gap between the market price and the theoretical gold part of the rupee..... it is not because we have sold too many reverse councils; it is because we have sold too few. I put it to any member of the commercial community here, and I put it without fear of contradiction, that if our resources had enabled us..... to sell straight away 20, 30, or 40 millions of reverse councils, we should probably have had no gap between the market price of the rupee and the theoretical gold price of the rupee at all. One of our difficulties has been, not that we have sold too many reverse councils, but that we have been obliged to sell too few."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_11

There would have been some force in this argument if the smount of reverse bills sold were"too few."Not 20, 30, or 40 millions, but 55 1/2 millions of reverse councils were sold, besides the large issue of gold internally, and the complete stoppage of council bills, and yet the rupee did not rise above 1s. 4d. sterling, let alone reaching 2s. gold. Why did not the sale of reverse councils suffice to rectify the exchange? This leads us to examine the whole question of the efficacy of this redemption.

It is necessary to premise at the outset that redemption may result in mere substitution of one form of currency by another, or it may result in the retirement of currency. In so far as it results in substitution it is of no consequence at all, for substitution of currency is not a shrinkage of currency. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_12To the restoration of the value of a currency what is essential is its shrinkage, i.e. its retirement, cancellation. The important question with regard to this mechanism is not to what extent the currency

can be redeemed, but to what extent it can be retired. In the prevalent view of this question it seems to be accepted without question that this extent is determined by the magnitude of the gold resources of the Government of India and the Secretary of State. Let us first make it clear how these gold resources are located and distributed. It will be recalled that these gold resources are distributed between (1) the paper-currency reserve, (2) the gold-standard reserve, and (3) the cash balances of the Secretary of State. It has been the habit to speak of these resources as being three"lines of defence"on which the Government can safely rely when an exchange crisis takes place. But are they? They can be, for the purposes of retirement, only if they were all"free"resources; in other words, if they were not appropriated resources. To what extent are they unappropriated? Can the Secretary of State take gold from the paper-currency reserve? He can, but then he must replace it by something else, or must cancel notes to that extent. Can the Secretary of State take gold out of his cash balances? He can, but then he must either borrow to fill his Treasury or draw upon the Government of India if there is anyone to buy his bills, which is tantamount to issuing rupee currency. The gold in the paper-currency reserve and that in the cash balances is of no use at all, for it does not permit of the cancellation of the rupee currency, which is what is wanted in restoring its value when it suffers a fall. It is therefore sheer nonsense to speak of the effectiveness of redemption as being commensurate with the gold resources of the Secretary of State. The matter is important, and an illustration may not be out of place. Suppose A, a holder of rupees, wants to get gold for them. He can go to three counters; (1) that of the controller in charge of cash balances ; (2) that of the controller of currency in charge of the paper-currency reserve ; or (3) that of the custodian of the gold-standard reserve. If A goes to the first, what is the result? The cash balance is *pro tanto* reduced. On the assumption that the cash balance is at its minimum, as it should be, the controller must reimburse himself immediately to maintain his solvency by drawing a bill on India and thereby releasing rupees received for gold again in circulation, so that in this case there is no shrinkage of currency. If A goes to the controller of currency, what happens? The controller gives him gold, but on the assumption that the paper-currency account is a separate statutory account he must put the rupees received from A in place of the gold issued from his reserve, so that here again what happens is that the composition of the reserve undergoes a change, but the total paper currency remains the same. It must therefore be borne in mind that to the extent the gold in the paper-currency reserve and the cash balances

are operated upon the result is not a retirement of currency. To speak of them as"lines of defences,"as is so often done, is to overlook the fact that these two are not free resources but are appropriated resources.

What is, then, the resource left to the Government to *retire* the rupee currency? Only the gold-standard reserve. That is the only reserve the amount of which is unappropriated for any particular use. It is free cash, and only to that extent is it possible for the Government to restore the rupee currency when a fall in its gold value eventuates. Of course it is important to bear in mind that this is the extent to which it can retire the currency. Not that it will, for it may not, and there is no want of cases in which it has not. Two instances will suffice. During the first period of the Mint closure, 1893-98, it will be recalled how a large number of rupees had accumulated in the hands of the Government, and in the interest of raising the value of the rupee they should have been locked away. Instead the Government of India released that money in circulation in extending railways and other public works, as though the spending of rupees by itself produced an effect different to what would have been produced had they been spent by the public. Similarly irresponsible conduct marked the sale of reverse councils in 1920. To meet these reverse councils the Secretary of State took the gold from the paper-currency reserve. But instead of cancelling notes to the extent of the gold that was taken out of the reserve, the Government took powers under an Act XXI of 1920 to fill the gap by manufacturing securities *ad hoc,* so that although there was redemption there was no retirement, and so much gold was merely wasted, for it produced no effect on prices or the exchange. This Act, passed in March, 1920, was of temporary duration, and would have obliged the Government to retire the currency by October, 1920, when it was to expire. Rather than do this the Government altered the paper-currency law, not temporarily but permanently (Act XLV of 1920), changing the provisions in such a manner as to require the Government to cancel the currency to the smallest degree possible by retiring their"created securities."Even this was not done, owing to deficits in the Government Budget.

But even if such indiscretions were not repeated the fact remains that Government cannot effect a greater retirement than is permitted by the gold-standard reserve. If that reserve fails Government has only two resources left: (1) to melt down the rupees and sell them as bullion for gold and to go on further contracting the currency, in this way till its value is restored: or (2) to borrow gold. Both these are evidently costly

methods. To sell rupees as bullion is bound to result in loss unless the bullion in the rupee fetched more at the time of sale than what it cost when it was purchased for manufacturing it into bullion. The second process, that of borrowing, cannot be lightly resorted to for the purpose of creating a reserve fund to retire the currency. Indeed, so costly are such methods, and so complete would be the proof they would afford of the instability of the exchange standard if they were resorted to, that Government has never contemplated them as possible lines of defence in an exchange crisis. It seems certain, however, that Government does recognise that the gold-standard reserve by itself cannot suffice for the maintenance of exchange. For we find that from the year 1907-8 dates a complete change in the distribution of Government balances between London and India. Up to that period it was the policy of the Secretary of State to draw only as much as necessary to finance his Home Treasury. After that date the practice was originated of drawing as much as the Government of India could provide, and as the Government of India has been supreme in financial matters it provided large sums for council drawings by increased taxation and budgeting for surpluses. The effect of this was to swell the cash balances of the Secretary of State.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_13 No official explanation of a satisfactory character has ever been given for this novel way of financing the Home Treasurymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_14but we shall not be very far wrong if we say that the object in accumulating these balances is to provide a second gold reserve to supplement the true gold-standard reserve. Whatever strength the Government may derive for the time being from this adventitious resource, it is obvious that it cannot be permanent. Under a more popular control of Government finances the cash balances will have to be kept down to a minimum necessary to work the Treasury, and the gold-standard reserve will be the only reserve on which the Government will have to depend.

The gold-standard reserve is to the rupee what the paper-currency reserve is to the notes. The purport of both is to prevent the respective currencies they support from falling or going to discount. But the treatment accorded by the Government to the rupee and the paper in respect of reserve shows a remarkable degree of contrast. In the case of the paper, as has been previously noted, the reserve is a statutory reserve, and even when the whole basis of Indian paper currency has been

changed the provisions as to reserve are none the less strict and cannot be disregarded by the Government without infringing the law. Now, the rupee is nothing but a note printed on silver.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_15 As such, the provisions as to reserve should be analogous to those governing the paper currency. Strange as it may seem, any regulation is conspicuous by its absence in regard to the gold-standard reserve.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_16 Not only is it not obligatory on the Government to redeem the rupee, but it does not seem that the Government is even bound to maintain the reserve. And that it has maintained such a reserve is no guarantee that it will replace it supposing that the reserve was dissipated.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_17 Such differences apart, is the gold-standard reserve an adequate reserve? Figures of the magnitude of the gold-standard reserve, as usually given in official publications, are a meaningless array. What is the use of displaying assets without at the same time exhibiting the liabilities? To be able to judge of the adequacy of that reserve we must know what is the total circulation of rupees. When, however, we compare the circulation of the rupees with the reserve, the proportion between the two is not sufficiently large so as to inspire confidence in the stability of the system *(see* Table XLIX).

How can a reserve so small as this carry through the process of retirement to any sufficient extent? That it will not always do it the crisis of 1920 gives abundant proof. But the supporters of the exchange standard maintain that the smallness of the reserve is a matter of no consequence, for the reserve is kept only for the purpose of foreign remittances. That being the case, it is said the reserve need not be large. Granting that it is so, what must govern the magnitude of the reserve in order that it may prove adequate in any and every case? The only attempt made to enunciate a rule of guidance is that by Prof. Keynes. That rule he findsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_18in the possible variations in the balance of trade of India.. Now, does this make the problem of regulating the reserve more definite? As has been explained previously, the adverse balance of trade would be due to the depreciation of the currency, so that Mr. Keynes's statement amounts to this, that the reserve should vary with the depth of the depreciation. But how is a Government to do this? Only by adverting to

the movement of the price level.

TABLE XLIX

DISTRIBUTION OF THE GOLD STANDARD OF THE GOLD STANDARD RESERVE AND ITS PROPORTION TO RUPEE CIRCULATION (IN THOUSANDS OF POUNDS STERLING)

	In England.					In India.					TOTAL		% of
March 31 in each Year.	Purchase Value of Sterling Securities	Cash at Short Notice.	Temporary Loan to the Home	Gold deposited at the Bank of	Total.	Coined Rupees in India.	Out. standing Debt from	Temporary Loan to Treasury	Gold.	Total.	Volume Reserve Reserve, of England Circulation in India.	Rs.in crores	(15) *mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2.Problem of Rupee CHAPTER VI.htm - _msocom_19
			Treasury.	England.			Treasury balances.						

							nces.						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1901							1,831		1,200	3,031	3,031	143	3.1
02	3,454	—	—	—	3,454	—	—	—	—	—	3,454	138	3.7
03	3,810	—	—	—	3,810	—	1	—	—	1	3,811	136	3.4
04	6,377	—	—	—	6,377	—	167	—	—	167	6,544	144	6.8
06	8,377	•—	—	—	8,377	—	152	—	—	152	8,529	152	8.4
06	12,165	—	—	—	12,165	—	287	—	—	287	12,452	164	10-7
07	12,519	—	—	—	12,519	4,000	301	—	22	4,323	16,842	178	10.8
08	13,187	—	1,131	—	14,318	4,000	—	—	—	4,000	18,318	191	11-2
09	7,414	—	470	—	7,884	10,587	—	—	—	10,587	18,471	187	7-1
10	13,219	3,011	—	—	16,230	2,534	—	—	—	2,534	18,764	186	13-8
11	15,849	1,477	—	—	17,326	1,934	—	—	—	1,934	19,260	184	14-8
12	16,748	1,074	—	—	17,822	1,934	—	—	—	1,934	19,956	182	14-9
13	15,946	1,006	—	1,620	18,572	4,000	35	—	—	4,035	22,607	191	14-8

14	17,165	25	—	4,320	21,510	4,000	22	—	—	4,022	25,532	187	17-2
15	12,149	8	—	1,250	13,407	—	70	7,000	5,238	13.308	25,715	204	18-9
16	16,219	5,792	—	—	22,011	—	1	4,000	239	4,240	26,251	212	15-7
17	25,406	6,001	—	—	31,407	—	—	—	103	103	31,510	227	20-8
18	28,453	6,000	—	—	34,453	—	—	—	—	—	34,453	219	23.6
19	29,729	6,016	—		35,745	—	—	—	—	—	35,745	228	23-5

But in all its currency management the Government of India never pays any attention to the price problem. Indeed, as was pointed out above, its conception of the underlying causes of the fall of exchange is totally at variance with the only true conception, nothing but a firm grasp of which can enable it to avert a crisis. Being ignorant of the true conception it blindly goes on issuing currency until there occurs what is called an adverse balance of trade. All it aims at is to maintain a gold reserve, and so long as it has that reserve it does not stop to think how much currency it issues. The proportion of the issues and the reserve not being correlated the stability of the exchange standard, in so far as it depends upon the reserve, must always remain in the region of vagueness, far too problematical to inspire confidence of the system. Nay, the liability of redemption for foreign remittances, small as it appears, may become so indefinite as entirely to jeopardize the restoration of stability to the exchange standard.

But is a gold reserve such an important thing for the maintenance of the value of a currency? All supporters of the exchange standard must be said to be believers in that theory. But the view cannot stand a moment's criticism. To look upon a gold reserve as an efficient cause why all kinds of money remain at par with gold is a gross fallacy.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_20 To take such a view is to invert the casual order.

It is not the gold reserve which maintains the value of the circulating medium, but it is the limitation on its volume which not only suffices to maintain its own value, but also makes possible the accumulation and retention of whatever gold reserve there is in the country. Remove the limit on the volume of currency, and not only will it fail to maintain its value, but will prevent the accumulation of any gold reserve whatever. So little indeed is the importance of a gold reserve to the cause of the preservation of the value of currency that provided there is a rigid limit on its issue the gold reserve may be entirely done away with without impairing in the least the value of the currency. The Chamberlain Commission recommended that the Government of India should accumulate a reserve to maintain the value of the rupee because it was by means of their reserves that European banks maintained the value of their currencies. Nothing can be a greater perversion of the truth. What the European banks did was just the opposite of what the Commission recommended. Whenever their gold tended to disappear they reduced their currencies not only relatively but absolutely. It was by limitation of their currencies that they protected the value of the currencies and also their gold reserves.

The existence of a reserve, therefore cannot lend any strength to the gold-exchange standard. On the other hand, if we inquire into the genesis of the reserve, its existence is an enormous source of weakness to that standard. For how does the Government obtain its gold-standard reserve? Does it increase its reserve in the same way as the banks do, by reducing their issues? Quite the contrary. So peculiar is the constitution of the Indian gold-standard reserve that in it the assets, i.e., the reserve, and the liabilities, i.e., the rupee, are dangerously concomitant. In other words, the reserve cannot increase without an increase in the rupee currency. This ominous situation arises from the fact that the reserve is built out of the profits of rupee coinage. That being its origin, it is obvious that the fund can grow only as a consequence of increased rupee coinage. What profit the rupee coinage yields depends upon how great is the difference between the cost price of the rupee and its exchange value. Barring the minting charges, which are more or less fixed, the most important factor in the situation is the price of silver. Whether there shall be any profit to be credited to the reserve depends upon the price paid for the silver to be manufactured into rupees.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_21

Not only is the reserve an evil by the nature of its origin, but having regard to its documentary character the reserve cannot be said to be absolutely dependable in a time of crisis. There is no doubt that the intention of the Government in investing the reserve is to promote its increase by adding to it the interest accruing from the securities in which it is invested. The critics of the Government want a *large* and at the same time a *metallic* reserve. But they do not realise that having regard to the origin of the reserve the two demands are incompatible. If the reserve needs to be large then it must be invested. Indeed, if the reserve had not been invested it would have remained distressingly meagre. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_22But is there no danger in a reserve of this kind?

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_23 **Statement showing the average cost of silver purchased by the—**

Year.	Royal Mint Average Cost for Standard Ounce.	India Office Average Cost for Standard Ounce.	Financial Year.
	d.	d.	
1893	36 5/16	No purchase	1893-94
94	29 1/4	„.	1894-95
95	30 3/3	„. .	1895-96
96	30 5/16	„	1898-97
97	27 7/8	..	1897-98
98	27 1/4	„	1898-99
99	27 1/2	28	1899-1900
1900	28 1/4	29	1900-01
01	?7 15/16	No purchase	1901-02

02	24 5/16	22.80	1902-03
03	23 11/16	27.19	1903-04
04	26 1/2	27.14	1904-05
05	27 7/16	29.74	1905-06
06	31 1/16	31.59	1906-07
07	30 9/16	31.27	1907-08
08	24 7/16	No purchase	1908-09
09	23 11/16	„	1909-10
.10	24 7/8	.,	1910-11
11	24 13/16	„	1911-12
12	27 15/16	28.71	1912-13
13	28 1/16	28.71	1913-14
14	24 5/16	No purchase	1914-15
15	24 1/4	33.98	1915-16
16	30 5/8	33.96	1916-17
17	39 15/16	42.78	1917-18
18	47 15/16	43.20	1918-19
19	49 5/8	52.04	1919-20
20	50 7/8	Silver purchased at special rates from the Baldwin mines and the Perth mint.	1920-21

The source of a danger in a reserve such as this was well pointed out by Jevons when he saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_24:

"..... good government funds and good bills can always be sold at some price so that a banking firm with a strong reserve of this kind might always maintain their solvency. But the remedy might be worse for the community than the disease, and the forced sale of the reserve might create such a disturbance in the money market as would do more harm than the suspension of payment,....."in the same manner, who can say that all the increase of reserve from interest will not be wiped out by a slump in the value of the securities if put upon the market for conversion into gold at a time when there takes place an exchange crisis? Supposing, however, the full value of the securities, is realised, the number of rupees the reserve will"sink"when occasion for redemption arrives depends upon what is the price at which the rupees are bought back. If the fall of the rupee is small, it may help to retire a large volume of currency and thus restore its value. On the other hand, if the fall is great, it will suffice to retire only a small part of the currency and may fail to restore its value as it did in 1920, so that what may appear to be a big reserve may turn out to be very inadequate. But, apart from considerations of the relative magnitude of the reserve that can be buiit up, the point that seems to have been entirely overlooked is *that the process of building up the reserves directly involves the process of augmenting the currency*. The Chamberlain Commission was cognisant of the fact that the gold-standard reserve could not be built up except by coining rupees. Indeed, it cautioned those desirous of a gold currency to remember that if gold took the place of"new rupees which it would be necessary otherwise to mint, the effect is to diminish the strength of the gold-standard reserve by the amount of the profit which would have been made from new coinage."

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_25Rather than recommend a policy which"would bring to an end the natural growth of the gold-standard reserve,"the Committee permitted the Government to coin rupees. But is there no danger involved in such a reserve? What is the use of a reserve which creates the very evil which it is supposed afterwards to mitigate? Indeed, those who have been agitating for an increase in the Indian gold-standard reserve cannot be said to have been alive to the dangers involved in the existence of such a reserve.

The smaller the gold-standard reserve the better it would be, for there would be no inflation, no fall in the purchasing power of the rupee, and no necessity for its retirement.

Having regard to its origin, the gold-standard reserve, instead of acting as a brake upon reckless issue of rupee currency, is the direct cause of it and tends to aggravate the effects of an inconvertible currency rather than counteract them. Perversity cannot go further. If the fact that a mechanism like that of the gold-standard reserve, set up for the purpose of limiting the currency, cannot be made to function without adding to the currency, does not render the system an unsound currency, one begins to wonder what would. Great names have been invoked in support of the exchange standard. After trying hard to find authoritative precedents for his plan,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_26 Mr. Lindsay claimed before the Fowler Committee that it was founded upon the Report of the Parliamentary Committee on Irish Exchange.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_27 There he was on firm ground. Among other things, the Committee did recommend that for stabilising the exchange between England and Ireland the Bank of Ireland should open credit at the Bank of England and sell drafts on London at a fixed price. In so far as the exchange standard rests on gold reserve in London, Lindsay must be said to have faithfully copied the plan of the Irish Committee on exchange. But he totally neglected to give prominence to another and the most vital recommendation of the Committee, in which it is observed :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_28"*But all the benefits proposed by this Mode of Remedies would be of little Avail and very limited Duration if it* (i.e. Bank of Ireland) *did not promise at the same time to cure the Depreciation of Paper in Ireland by diminishing its over issue.*"Indeed, so great was the stress laid on the limitation of issue that when Parnell, in his resolution in the House of Commons on the reform of the Irish currency, regretted the non-adoption of the recommendations of the Committee,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_29 Thornton in his reply pointed out that nothing would help to stabilise Irish exchange so long as the vital condition laid down by the Committee was disregarded. The recent experience in pegging the exchanges well illustrates the importance of that vital condition. Pegging the exchange is primarily a device to prevent the external value of the currency falling along with its internal value. The way in which pegging effects this divorce is important to note.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_30 The primary effect of the peg is to permit the purchases of foreign goods by procuring foreign currency for home

currency at a fixed price, which is higher than would be the case if it were determined by the general purchasing power parity of the two currencies. By enabling people to buy foreign goods with foreign currency obtained at a cheaper price the peg virtually raises foreign prices more to the level of the home prices, so that if the exchange is stable it is not because there is a peg, but because the price-levels in the two countries have reached a new equilibrium. Essentially the exchange is stable because it is an artificial purchasing-power parity. Whether it will continue to be so depends upon the movements in the home prices. If the home prices rise more than the rise brought about by the peg in the foreign prices the mechanism must break. It is from this point of view that the condition laid down by the Irish Committee on exchange regarding the limitation on issue must be held as one of vital character. In omitting to advert to that condition the Indian currency contradicts what is best in that Report of the Irish Committee.

The reason why Mr. Lindsay paid no attention to the question of limitation in setting up his exchange standard is largely that, notwithstanding the great reputation he has achieved as an author of a new system, he was profoundly ignorant of the true doctrine regarding the value of a currency. Neither he nor the hosts of currency-mongers who during the nineties exercised their ingenuity to devise plans for remedying Indian exchange troubles,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_31 understood that to stabilise the exchange was essentially a problem of stabilising the purchasing power of currency by controlling its volume.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_32 The gold-exchange standard ignores the fact that in the long run it is the general purchasing power of a currency that will ultimately govern its exchange value. Its aim is to stabilise exchange and allow the problem of purchasing power to go hang. The true policy should be to stabilise the purchasing power of the currency and let exchange take care of itself. Had the Chamberlain Commission considered the exchange standard from this point of view it could not have called it a sound standard when in its fundamentals it was the very reverse of it.

Now any one who remains unconvinced of this weakness of the exchange standard may say that in examining its stability we have taken only those occasions on which the standard has broken down. Thinking such a treatment to be unfair, he might say: How about the years during

which stability was maintained? Is there nothing to be said in favour of a system that maintained the gold value of the rupee from 1901 to 1907, or from 1909 to 1914? The question is a pertinent one, and the position that underlies it is supposed to be so strong that those who hold it have asked the opponents of the exchange standard either to admit that it is a stable standard or to show that under that standard the rupee has *invariably* failed to maintain its gold value.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_33

The validity of this position depends upon assumptions so plausible and so widespread that the argument urged so far against the exchange standard will not be of full effect until their futility is fully demonstrated. The first assumption is that there cannot be a depreciation of a currency unless it has depreciated in terms of gold. In other words, if the excess has not produced a fall in the value of a currency in terms of a particular commodity such as gold, then there has been no excess at all in terms of commodities in general. Now there was a time, particularly during the discussion on the Bullion Report, when the conception of a change in the value of the currency in relation to things in general was not quite clear even to the most informed minds,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_34 and was even pronounced invalid by high authorities.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_35 In view of the absence of the system of index numbers, this simple faith in the summary method of ascertaining depreciation by some one typical article, gold for instance, as a measure of value, was excusable. But the same view is without any foundation today. No one now requires to be shown that the price of each commodity has varied to the same extent and in the same direction as prices of commodities in general before admitting that there has been a change in the value of a currency. Why assume a single commodity like gold as a measure of depreciation? It would be allowable, although it is short-sighted to do so, if the depreciation of gold was an accurate measure of the depreciation of a currency in terms of all other commodities. But such is not the case. Commenting upon the experience of the United States with the greenbacks during the Civil War, Prof. W. C, Mitchell observesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_36

"The fluctuations in the price of gold which attracted so much

attention were much more moderate than the extreme fluctuations in the prices of commodities. The gold quotations lay all the time well within the outer limits of the field covered by the variations of commodity prices..... During the war gold moved up or down in price more quickly than the mass of commodities..... When gold was rising in price the majority of the commodities followed, but more slowly..... When gold was failing in price the majority of commodities stood still or followed more slowly..... This more sluggish movement of commodity prices appears still more clearly after the war. Rapid as was the fall of prices it was not so rapid as the fall in gold. A more curious fact is that the price-level for commodities continued for ten years to be higher than the price-level for gold."

This shows that the test sought to be applied by the adherents of the exchange standard is a false one and gives an inaccurate reading of the value of a currency. There can be no doubt that people who have urged its application to that standard would not have pressed for it so much as they have done if they had taken proper care to distinguish between *specific* depreciation of a currency in terms of gold and its *general* depreciation in terms of commodities.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_37 The experience of the Bank of England during the suspension period is a capital instance of the phenomenon where a currency is generally depreciated, although it showed no sign of specific depreciation:—

TABLE L

DEPRECIATION OF THE NOTES OF THE BANK OF ENGLANDmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_38

	Percentage Values of Bank Notes in Terms of	
	(1) Gold	(2) Commoditi

		es
1797	100.0	110
1798	100.0	118
1799		130
1800	107.0	141
1801	109.0	153
1802		119
1803		128
1804	103.0	122
1805	103.0	136
1806		133
1807		132
1808		149
1809		161
1810		164
1811	123.9	147
1812	130.2	148
1813	136.4	149
1814	124.4	153
1815	118.7	132
1816	102.9	109
1817	102.2	120
1818	104.6	135

Which kind of depreciation is the greater evil we will discuss in the next chapter. Dealing for the present with this experience of the Bank of England, we have the fact that there can be a general depreciation without a specific depreciation. In view of this, the upholders of the exchange standard have no reason to be proud of the fact that the rupee has not shown signs of specific depreciation over periods of long duration. That a bank note absolutely inconvertible and unregulated as to issue should have maintained its par for very nearly thirteen years may speak far more in favour of the suspension system than the experience of the rupee can in favour of the exchange standard. There is a greater wonder in the former than there is in the latter, for the value of the rupee is sustained, apart from the fact that gold in terms of which it was measured was itself undergoing a depreciation, as is evident from the foregoing figures of general prices in England, and by a hope in some kind of convertibility, however slight or however remote but which had no place in the case of the Bank of England notes. Yet no one is known to have admired or justified the currency system of the suspension period, although it had not given rise to a specific depreciation for a long time.

This mode of measuring depreciation in terms of gold would be, relatively speaking, a harmless idea if it was not made the basis of another assumption on which the exchange standard is made to rest, that the general and specific depreciations of a currency are unrelated phenomena. As against this it is necessary to urge that the chief lesson to be drawn from this experience of the Bank of England for the benefit of the upholders of the exchange standard consists in demonstrating that although their movements are not perfectly harmonious, yet they are essentially inter-related. That lesson may be summed up in the statement that when the general depreciation of currency has taken place the occurrence of a specific depreciation, other things being equal, is only a matter of time, if the general depreciation proceeds beyond a certain limit. What will be the interval before specific depreciation will supervene upon general depreciation depends upon a variety of circumstances. Like the surface of a rising lake, general depreciation touches different commodities at different times according as they are located in the general scheme of things as determined by the relative strength of demand for them. If there is no demand for gold for currency purposes or for industrial purposes, the depreciation of the currency in terms of gold may be delayed. It is only to make foreign remittances that the demand for gold first makes itself felt, and it is there that specific

depreciation primarily arises. But there again it need not, for everything depends upon whether other commodities equally good, which the foreigner would take as readily as gold, are forthcoming or not. Now, in the case of India all these three factors tending to postpone specific depreciation are more or less operative. The rupee is a full legal-tender currency and can effectively discharge debts without compelling resort to gold. The industrial demand for gold in a poor country like India cannot be very great.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_39 Consequently, the generally depreciated rupee does not show immediate signs of depreciation in the internal trade of the country. As for foreign payments, the position of India is equally strong, not because, as is absurdly supposed, she has a favourable balance of trade, but because she has certain *essential* commodities which a foreigner is obliged to

mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_40**CONSUMPTION OF GOLD (MILLIONS OF POUNDS STERLING AT 85s.**

PER FINE OUNCE)

	1915	1916	1917	1918	1919	1920
Industrial Arts (Europe and America)	17.0	18.0	16.0	17.0	22.0	22.0
India (year to March 31 following	1.4	5.1	19.6	—3.3	27.7	5.1
China	—1.7	2.6	2.6	0.04	11.5	—3.7
Egypt	—0.8	—0.2	—0.1	—0.0	—0.0	
Balance available as money (difference).	80.5	68.0	48.2	64.9	13.8	46.6

World	96.4	93.5	86.3	79.0	75.0	70.0

Accept mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_41in place of gold. Specific depreciation of the rupee will occur chiefly when the general depreciation has overtaken the commodities that enter into India's foreign trade. That the depreciation should extend to them is inevitable, for, as is well said.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28G2. Problem of Rupee CHAPTER VI.htm - _msocom_42

"in a modern community the prices of different goods constitute a completely organised system, in which the various parts are continually being adjusted to each other by intricate business process. Any marked change in the price of important goods disturbs the equilibrium of this system, and business processes at once set going a series of readjustments in the prices of other goods to restore it."It is true that in the case of India the interconnection between production for internal trade and production for external trade is not so closely knit as in the case of other countries. The only difference that this can make in the situation is to moderate the pace of general depreciation so that it does not affect foreign trade commodities too soon. But it cannot prevent its effect from ultimately raising their price, and once their price is risen the foreigner will not accept them, however essential. A demand for gold must arise, resulting in the specific depreciation of the currency. This statement of the case agrees closely with the experience of the Bank of England and that of India as well. In the case of the Bank of England the"great evil,"i.e. the specific depreciation of the bank notes, of which Homer complained so much, made its appearance in 1809, some thirteen years after the suspension was declared. Similarly, we find in the case of India specific depreciation tends to appeear at different intervals, thereby completely demonstrating that, even for the purpose of avoiding specific depreciation, it is necessary to pay attention to the genera! depreciation of a currency.

Having regard to these facts, supported as they are by theory as well as history, the incident that the rupee has maintained its gold value over periods of some duration need not frighten anyone into an admission that the exchange standard is therefore a stable standard. Indeed, a recognition of that fact cannot in the least discredit what has been said above. For our

position is that in the *long run* general depreciation of a currency will bring about its specific depreciation in terms of gold. That being our position, even if we are confronted with the absence of specific depreciation of the rupee, we are not driven to retract from the opinion that the best currency system is one which provides a brake on the general depreciation of the unit of account. The exchange standard provides no such controlling influence; indeed, its gold rescue, the instrument which controls the depreciation, is the direct cause of such depreciation. The absence of specific depreciation for the time being is not more than a noteworthy and an interesting incident. To read into it an evidence of the security of the exchange standard is to expose oneself, sooner a later, to the consequences that befall all those who choose to live in a fool's paradise.

Chapter VII

THE PROBLEM OF THE RUPEE:

ITS ORIGIN AND ITS SOLUTION

(HISTORY OF INDIAN CURRENCY & BANKING)

CHAPTER VI1

A RETURN TO THE GOLD STANDARD

We have examined the exchange standard in the light of the claim made on behalf of it, that it is capable of maintaining the gold parity of the rupee. This was the criterion laid down by the Chamberlain Commission as a fitting one by which to judge the merits or demerits of that standard. But is the adequacy of that criterion beyond dispute? In other words, supposing the rupee has maintained its gold parity, which it has only as often as not, does it follow that all the purposes of a good monetary system are therefore subserved?

In the exchange standard,"as the system is now operated, the coinage is manipulated to keep it at par with

gold"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_1 as though money is only important for the amount of gold it will procure. But what really concerns those who use money is not how much gold that money is worth, but how much of things in general (of which gold is an infinitesimal part) that money is worth. Everywhere, therefore, the attempt is to keep money stable in terms of commodities in general, and that is but proper, for what ministers to the welfare of people is not so much the precious metals as commodities and services of more direct utility. Stability of a currency in terms of gold is of importance only to the dealers in gold, but its stability in terms of commodities in general affects all, including the bullion-dealers. Even Prof. Keynes, in his testimony before the Indian Currency Committee of 1919, observedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_2—

> "I should aim always... at keeping Indian prices stable in relation to commodities rather than in relation to any particular metallic or particular foreign currency. That seems to me of far greater importance to India."It is, of course, a little difficult to understand how the remedy of high exchange which he supported was calculated to achieve that object. Raising the exchange was a futile project, in so far as it was not in keeping with the purchasing power of the rupee. As an influence governing prices it could hardly be said to possess the virtue he attributed to it. The existing price-level it could affect in no way; nor could a high exchange prevent a future rise of prices. It could only change the base from which to measure prices. Future prices could vary as easily from the new high base-line as prices did in the past from the old baseline. In other words, Mr. Keynes seems to have overlooked the fact that exchange was only an index of the price-level, and to control it, it was necessary to control the price-level and not merely give it another name which it cannot bear and will not endure, as was proved in 1920 when the rupee was given in law the value of 2s. (gold) when in practice it could not fetch even 1s. 4d. sterling, with the result that the rupee exchange sank to the level determined by its purchasing power. But, apart from this question, we have the admission of the ablest supporter of the exchange standard that the real merit of a currency system lies in maintaining the standard of value stable in terms of commodities in general.

Given that this is the proper criterion by which to judge a currency

system, we must ask what has been the course of prices in India since the Mint closure in 1893? This is a fundamental question, and yet not one among the many who have praised the virtues of the exchange standard has paid any attention to it. In vain may one search the pages of Prof. Keynes, Prof. Kemmerer, or Mr. Shirras for what they have to say of the exchange standard from this point of view. The Chamberlain Commission or the Smith Committee on Indian currency never troubled about the problem of prices in India, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_3and yet without being satisfied on that score it is really difficult to understand how anyone can give an opinion of any value as to the soundness or otherwise of that standard.

In proceeding to consider the exchange standard from the standpoint of prices, it is as well to premise that one of the important reasons why the Indian Mints were closed to the free coinage of silver was that the rupee was a depreciating currency resulting in high prices.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_4 The closing of the Mints, therefore, should have been followed by a fall of prices in India; for, to adopt the phraseology of Prof. Fisher,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_5 the pipe-connection between the money reservoir and the silver-bullion reservoir was owing to the Mint closure cut off or stopped, thereby preventing the passage of silver from the bullion reservoir to the money reservoir. In other words, the newly mined silver could not become money after the Mint closure and lower the purchasing power of the rupees in circulation. If this is so, then how very disappointing has been the effect of the Mint closure ! From the standpoint of prices the rupee has become a problem as it had never been before. The rise of prices in India since the Mint closure (*See* Chart VI) has been quite unprecedented in the history of the country.

Indeed, the rise of prices in India before the Mint closure, when the pipe-connection between the silver-bullion reservoir and the rupee-currency reservoir was intact, must be regarded as very trifling compared with the rise of prices after the Mint closure when the pipe-connection was cut off. From the standpoint of prices the Mint closure has therefore turned out to be a curse rather than a blessing, and literally so, for, under an ever-rising price-level, life in India is rendered quite unbearable. No people have undergone so much misery owing to high prices as the Indian people have done. During the war period the price-level reached such a giddy height that the reports of suicide by men and women who were unable to buy food and clothing were in no way few and far between. It may, however, be argued that the rise of prices in India would have been greater if the Mints had not been closed and India had remained a purely silver-standard country. A good deal, no doubt, can be said in favour of this view. It is absolutely true that silver, being universally discarded, has become unfit for functioning as a standard of value. To that extent an

exchange standard is better than a pure-silver standard. But is it as good as a gold standard?

On the basis of the doctrine of purchasing power parities as an explanation of actual exchange rates, one may be led to answer the question in the affirmative. For it may be argued that if the gold value of the rupee was maintained it is because gold prices and rupee prices were equal.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_6 This, it may be said, is all that the exchange standard aims at doing and can be claimed to have done, for the fact that the gold-standard reserve was seldom depleted is a proof that the general prices inside India were on the same level as those ruling outside India. On *a priori* considerations such as these, the exchange standard may be deemed to be as good as a gold standard.

One may ask as to why Indian prices should have been kept as high, if they were no higher than gold prices, and whether it would not have been better to have kept Indian prices on a lower level. But we shall not raise that question. We shall be satisfied if Indian prices were only as high as gold prices. Now did Indian prices rise only as much as gold prices? A glance at the chart reveals the surprising phenomenon that prices in India not only rose as much as gold prices, but rose more than gold prices. Of course in comparing Indian prices with gold prices to test the efficacy of the exchange standard we must necessarily eliminate the war period, for the reason that gold had been abandoned as a standard of value by most of the countries. And, even if we do take that period into account, it does not materially affect the conclusion, for although India was not a belligerent country, yet prices in India were not very much lower than prices in countries with most inflated currencies during the war, and barring a short period were certainly higher than gold prices in U.S.A.

It is obvious that the facts do not agree with the *a priori* assumption made in favour of the exchange standard. So noticeable must be said to be the local rise in Indian prices above the general price level in England that even Prof. Keynes, not given to exaggerate the faults of the exchange standard, was, as a result of his own independent investigation, convinced

thatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_7

> "a comparison with Sauerbeck's index number for the United Kingdom shows that the change in India is *much greater* than can be accounted for by changes occurring elsewhere."

What is then the explanation of this discrepancy between the *a priori* assumption and the facts of the case. The explanation is that the actual exchange rates correspond to the purchasing power parities of two currencies not with regard to *all* commodities but with regard to *some* only. In this connection it is better to re-state the doctrine of the relation of the purchasing power parities to exchange rates with the necessary qualification. A rigorously strict formulation of the doctrine should require us to state that Englishmen and others value Indian rupees inasmuch as and in so far as those rupees will buy *such Indian goods as Englishmen want*; while Indians value English pounds inasmuch as and in so far as those pounds will buy *such English goods as the Indians want.* So stated it follows that the actual exchange rates are related to purchasing power parities of the two currencies with regard to such commodities only as are internationally traded. To assume that the actual exchange rate is an exact index of the purchasing power parity of the two currencies with regard to *all* the commodities is to suppose that the variations in the purchasing power of a currency over commodities which are traded and which are not traded are the same. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_8There is certainly a tendency for movements in the prices of these two classes of goods to influence one another *in the long run;* so that it becomes possible to say that the exchange value of a currency will be determined by its internal purchasing power. The doctrine of purchasing power parity as an explanation of exchange rates is valuable as an instrument of practical utility for controlling the foreign exchanges *and* it is as such that the doctrine was employed in an earlier portion of this study to account for the fall in the gold value of the rupee. But to proceed, on the basis of this relationship between the purchasing power of a currency and its exchange value, to argue that at any given time the exchange is more or less an exact measure of general purchasing power of the two currencies, is to assume what

cannot always be true, namely, that the prices of traded and non-traded goods move in sympathy. This assumption is too large and can only be said to be more or less true according to circumstances. Now as Prof. Kemmerermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_9 points out :—

"While India's exports and imports in the absolute are large, still, in the main, the people of India live on their own products, and a large part of those products run their life history from production to consumption in a very small territory. They have only the remotest connection with foreign trade, gold, and the gold exchanges. In time, of course, any substantial disturbance in the equilibrium of values in the country's import and export trade will make itself felt in these local prices, but allowing for exceptions, it may be said that in a country like India the influences of such disturbances travel very slowly and lose much of their momentum in travelling."

In consequence of the thinness of connection between the two it is obvious that the prices of such Indian goods as do enter into international trade cannot always be said to move in more or less the same proportion as those which do not. Besides this thinness of connection which permits of deviations of the general purchasing power of a currency from the level indicated by the actual exchange rate, it is to be noted that the prices of Indian commodities which largely enter into international trade are not governed by local influences. Such exports of India as wheat, hides, rice and oil seeds are international commodities, not solely amenable to influences originating from changes that may be taking place in the prices of home commodities and services. The combined effect of these two circumstances, except in abnormal events such as the war, is to militate against the prices of traded and non-traded goods moving in quick sympathymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_10

If this is true, then, although the maintenance of the exchange standard does imply a purchasing power parity of the rupee with gold, it is not a purchasing power parity of the two currencies with respect to *all* the commodities. All that it implies is that the

purchasing power of the rupee over such commodities as entered into international trade was on a par with gold, so that there did not often arise the necessity of exhausting the gold reserve. The preservation of the gold reserve only meant that there was equality of prices so far as internationally traded goods were concerned. Thus interpreted, the fact that the rupee maintained its gold value does not preclude the possibility of Indian prices being, on the whole, higher than gold prices, thereby vitiating the *a priori* view that the exchange standard is as good as the gold standard.

It should be pointed outmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_11 that all changes of prices affect more or less the welfare of the individual. However, the general flexibility of the modern economic organisation, with its mobility of capital and labour, free competition, power of choice, inventive genius and intellectual resources of enterpreneurs and merchants, takes care of the normal and temporary fluctuations of prices. But when a change in the price-level is general and persistent in one direction the case is otherwise. Arrangements based on the expectation that the price movement is only temporary, and that there will be a return to the former normal position, constantly come to naught. Suffering endured in holding on for the turn in the movement cannot be offset by gains in another. In short, such a persistent price movement in one direction is bound to confound ordinary business sagacity and so vitiate all calculations for the future as to result in unlimited dislocation or loss and subject the individual to such powerful and at the same time incalculable influences that his economic welfare cannot but escape entirely from his control, and prudence, forethought, and energy become of no avail in the struggle for existence. Perfect stability of value in a monetary standard is as yet only an ideal. 'But the evil consequences of instability are so great that Prof. Marshall, believing as he did that the general prejudice against tampering with the monetary foundations of economic life was a healthy prejudice, yet observed that much may be done towards safeguarding the economic welfare of communities by lessening its variability.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_12 A depreciating standard of value, as gold has been since 1896, is an evil. But can a standard of value,

undergoing a continuous depreciation as has been the case with the exchange standard, and that too of a greater depth than the gold standard—in other words, causing a greater rise of prices—be regraded as a good standard of value?

In the light of this it is strange that Prof. Keynes, in his treatise on *Indian Currency and Finance,* should have maintained that the exchange standard contained an essential element in the ideal standard of the futuremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_13—a view subsequently endorsed by the Chamberlain Commission. If stability of purchasing power in terms of commodities in general is the criterion for judging a system of currency, then few students of economics will be found to agree with Prof. Keynes. Perhaps it is not too sanguine to say that even the Prof. Keynes of 1920 will prefer a gold standard to a gold-exchange standard, for under the former prices have varied much less than has been the case under the latter.

In this connection attention may be drawn to the prevalent misconception that India is a gold-standard country. It will be admitted that the best practical test whether any two countries have the same standard of value is to be found in the character of the movements in their price-levels. So sure is the test that Prof. Mitchell, after a very careful and wise survey of the price-level of different countries and the American price-level during the greenback period, was led to observemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_14 that

> "when two countries have a similar monetary system and important business relations with each other, the movements of their price-levels as represented by index-numbers are found to agree rather closely. This agreement is so strong that similarity of movement is usually found even when comparisons are made with material so crude as index-numbers compiled from unlike lists of commodities and computed on the basis of actual prices in different years."

Now, we know that before the war England was a gold-standard country, and we also know that there was no close correspondence between the contemporary movements of the

price-levels of India and England. In view of this, it is only a delusion to maintain that India has been a gold-standard country. On the other hand, it is better to recognise that India has yet to become a gold-standard country unless we are to fall into the same error that Prof. Fisher*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_15 must be said to have committed in attributing the extraordinary rise of prices in India to the existence of a gold standard, when, as a matter of fact, it should have been attributed to the want of a gold standard.

How can she become a gold-standard country? The obvious answer is, by introducing a gold currency. Prof. Kenyes scoffs at the view that there cannot be a gold standard without a gold currency as pure nonsensemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_16 He seems to hold that a currency and a standard of value are two different things. Surely there he is wrong. Because a society needs a medium of exchange, a standard of value, and a store of value to sustain its economic life, it is positively erroneous to argue that these three functions can be performed by different instrumentalities. On the other hand, as Professor Davenport insistsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_17

> "all the different uses of money are merely different aspects or emphasis of the intermediate function. Deferred payments..... are merely deferred payments of the intermediate. So again of the standard aspect; whatever is the general intermediate is by that fact the standard. The functions are not two, but one..... Clearly, also, the intermediate may be a storehouse of purchasing power. The second half of the barter may be deferred. The intermediate is generalised purchasing power. Delay is one of the privileges which especially the intermediate function carries with it."

Thus the rupee by reason of being the currency is also the standard of value. If we wish to make gold the standard of value in India we must introduce it into the currency of India. But it may be asked what difference could it make to the price level in India if gold were made a part of the Indian currency? To answer this

question it is necessary to lay bare the nature of the rupee currency. Now it will be granted that a standard of value which is capable of expansion as well as contraction is likely to be more stable than one which is incapable of (such a manipulation. The rupee currency is capable of)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_18 easy expansion, but is not capable of easy contraction by reason of the fact that it is neither exportable nor meltable, nor is it convertible at will. The effects, of such a currency as compared with those of an exportable currency were well brought out by the late Hon. Mr. Gokhale in a speech in which he observed.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_19

> "Now, what is the difference if you have an automatic self-adjusting currency, such as we may have with gold or we had with silver before the year 1893, and the kind of artificial currency that we have at present? Situated as India is you will always require, to meet the demands of trade, the coinage of a certain number of gold or silver pieces, as the case may be, during the export season, that is for six months in the year. When the export season is brisk money has to be sent into the interior to purchase commodities. That is a factor common to both situations, whether you have an artificial currency, as now, or a silver currency, as before 1893. But the difference is this. During the remaining six months of the slack season there is undoubtedly experienced a redundancy of currency, and under a self-adjusting automatic system there are three outlets for this redundancy to work itself off. The coins that are superfluous may either come back to the banks and to the coffers of Government, or they may be exported, or they may be melted by people for purposes of consumption for other wants. But where you have no self-adjusting and automatic currency, where the coin is an artificial token currency, such as our rupee is at the present moment, two out of three of these outlets are stopped. You cannot export the rupee without heavy loss, you cannot melt the rupee without heavy loss, and consequently the extra coins must return to the banks and coffers of the government or they must be absorbed by the people. In the latter case the

> situation is like that of a soil which is water-logged, which has no efficient drainage, and the moisture from which cannot be removed. In this country the facilities for banking are very inadequate, and therefore our money does not swiftly return back to the banks or Government Treasuries. Consequently, the extra money that is sent into the interior often gathers here and there like pools of water turning the whole soil into a marsh. I believe the fact cannot be gainsaid that the stopping of two outlets out of the three tends to raise prices by making the volume of currency redundant."

Had gold formed a part of the Indian currency it would have not only met the needs for expansion but would have permitted contraction of currency in a degree unknown to the rupee. Gold would be superior to the rupee as a standard of value for the reason that the former is expansible as well as contractible, while the latter is only expansible but not contractible. This is merely to state in different language what has already been said previously, that the Indian monetary standard, instead of being a gold or a gold-exchange standard, is in all essentials an inconvertible rupee standard like the paper pound of the Bank Suspension period, and the extra local rise of prices which in itself an inconvertible proof of the identity of the two systems, is characteristic of both, is, to use the language of the Bullion Reportmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_20

> "the effect of an excessive quantity of a circulating medium in a country which has adopted a currency not exportable to other countries, or not convertible at will into a coin which is exportable."

Therefore, if some mitigation of the rise in the Indian price-level is desirable, then the most essential thing to do is to permit some form of"exportable"currency such as gold to be a counterpart of the Indian monetary system.

The Chamberlain Commission expended much ingenuity in making out a case against a gold currency in India.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_21 The arguments it urged were : (1) Indian people will hoard gold and will not make it available in a crisis: (2)

that India is too poor a country to maintain such an expensive money material as gold ; (3) that the transactions of the Indian people are too small to permit of a gold circulation; and (4) paper convertible into rupees is the best form of currency for the people of India as being the most economical, and that the introduction of a gold currency will militate against the popularity of notes as well as of rupees. The bogy of hoarding is an old one, and would really be an argument of some force if hoarding was something which knew no law. But the case is quite otherwise. Money, being the most saleable commodity and the least likely, in a well-ordered monetary system, to deteriorate in value during short periods, is hoarded continually by all people, i,e, treated as a store of value. But in treating it as a store of value the possessor of money is comparing the utilities he can get for the money, by disposing of it now, with those he believes he can get for it in the future, and if the highest present utility is not so great as the highest future utility, discounted for risk and time, he will hoard the money. On the other hand, he will not hoard the money if the present use was greater than the future use. That being so, it is difficult to understand why hoarding should be an objection to a gold currency for the Indian people. If they hoard gold that means they do not care to spend it on current purchases or that they have another form of currency which is inferior to gold and which they naturally like to part with first. On the other hand, if they do wish to make current purchases and have no other form of currency they cannot hoard gold. There are instances when precious metals have been exported from India, when occasion had called for it,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_22 showing that the hoarding habit of the Indian peoples is not such an unknown quantity as is often supposed, and if on some occasionsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_23 they hoarded an exportable currency when they should have released it, it is not the fault of the people but of the currency system in which the component parts of the total stock of money are not equally good as a store of value. The argument from hoarding, if it is an argument, can be used against any people, and not particularly against the Indian people.

The second argument against a gold currency in India has no

greater force than the first. If gold were to disappear from circulation then the cause can be nothing else but the over-issue of another kind of money. In the nineties, when the question of establishing a gold standard in India was being considered, some people used to point to the vain efforts made by Italy and the Austrian Empire to promote the circulation of gold. That their gold used to disappear is a fact, but it was not due to their poverty. It was due to their paper issues. Any country can maintain a gold currency provided it does not issue a cheaper substitute.

Again, if gold will not circulate because transactions are too small the proper conclusion is not that there should be no gold circulation but that the unit of currency should be small enough to meet the situation. The difficulties of circulation raises a problem of coinage. But the considerations in respect of coinage cannot be allowed to rule the question as to what should be the standard of value. If the sovereign does not circulate it cannot follow that India should not have a gold currency. It merely means that the sovereign is too large for circulation. The case, if at all there is one, is against the sovereign as a unit and not against the principle of a gold currency. If the sovereign is not small enough the conclusion is we must find some other coin to make the circulation of gold effective.

The fourth argument against a gold currency is one of fact, and can be neither proved nor disproved except by an appeal to evidence whether or not gold currency has the tendency ascribed to it. But we may ask, is there no danger in a system of currency composed of paper convertible into rupees? Will the paper have no effect on the value of the rupee? The Commission, if it at all considered that question, which is very doubtful, was perhaps persuaded by the view commonly held, that as the paper currency was convertible it could not affect the value or the purchasing power of the rupee. In holding this view it was wrong ; for, the convertibility of paper currency to the extent it is uncovered does not prevent it from lowering the value of the unit of account into which it is convertible, because by competition it reduces the demand for the unit of account and thus brings about a fall in its value. Thus the paper, although economical as a currency, is a danger to the value of the rupee. This danger would have been of a limited character if the rupee had been freely convertible into

gold. But the danger of a convertible paper currency to the value of a unit of account becomes as great as that of an inconvertible paper currency if that unit is not protected against being driven below the metal of ultimate redemption by free convertibility into that metal.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_24 The rupee is not protected by such convertibility, and as the Commission did not want that it should be so protected it should have realised that it was as seriously jeopardizing the prospects of the rupee being maintained at par with commodities in general, and therefore with gold, by urging the extension of a paper currency, be it ever so perfectly convertible, as it could have done by making the paper altogether inconvertible. But so observed was the Commission with considerations of economy and so reckless was it with considerations of stability of value, that it actually proposed a change in the basis of the Indian paper currency from a fixed issue system to that of a fixed proportion system.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_25 That, at the dictates of considerations of economy, the Commission should have neglected to take account of this aspect of the question, is only one more evidence of the very perfunctory manner in which it has treated the whole question of stability of purchasing power so far as the Indian currency was concerned.

If there is any force in what has been urged above, then surely a gold currency is not a mere matter of"sentiment"and a"costly luxury,"but a necessity dictated by the supreme interest of steadying the Indian standard of value, and thereby to some extent, however slight, safeguarding the welfare of the Indian people from the untoward consequences of a rising price-level.

We now see how very wrong the Chamberlain Commission was from every point of view in upholding the departure from the plan originally outlined by the Government of India and sanctioned by the Fowler Committee. But that raises the question : How did that ideal come to be so ruthlessly defeated? If the Fowler Committee had proposed that gold should be the currency of India, how is it that gold ceased to be the currency? It cannot be said that the door is closed against the entry of gold, for it has been declared legal tender. Speaking in the language of Prof. Fisher, the

movement of gold in the money reservoir of India is allowed a much greater freedom so far as law is concerned than can be said of silver. Silver, in the form of rupees, is admitted by a very narrow valve which gives it an inlet into that reservoir, but there is no outlet provided for it. On the other hand, gold is admitted into the same reservoir by a pipe-connection which gives it an inlet as well as an outlet. Why, then, does not gold flow into the currency reservoir of India? A proper understanding on this question is the first step towards a return to the sound system proposed in 1898.

On an examination of the literature which attempts to deal with this aspect of the question, it will be found that two explanations are usually advanced to account for the non-entry of gold into the currency system of India. One of them is the sale of council bills by the Secretary of State. The effect of the sale of council bills, it is said, is to prevent gold from going to India. Mr. Subhedar, said to be an authority on Indian currency, in his evidence before the Smith Committee (Q.3,502), observed:—

> "Since 1905 it has been the deliberate attempt of those who control our currency policy to prevent gold going to India and into circulation."

The council bill has a history which goes back to the days of the East India Company. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_26The peculiar position of the Government of India, arising from the fact that it receives its revenues in India and is obliged to make payments in England, imposes upon it the necessity of making remittances from India to England. Ever since the days of the East India Company the policy has been to arrange for the remittance in such a way as to avoid the transmission of bullion. Three modes of making the remittance were open to the Directors of the East India Company: (1) sending bullion from India to England; (2) receiving money in England in return for bills on the Government of India; and (3) making advances to merchants in India for the purchase of goods consigned to the United Kingdom and repayable in England to the Court of Directors of the Company to whom the goods were hypothecated. Out of these it was on the last two that greater reliance was placed by them. In time the mode of

remittance through hypothecation of goods was dropped"as introducing a vicious system of credit, and interfering with the ordinary course of trade."The selling of bills on India survived as the fittest of all the three alternatives,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_27 and was continued by the Secretary of State in Council—hence the name, council bill—when the Government of India was taken over by the Crown from the Company. In the hands of the Secretary of State the council bill has undergone some modifications. The sales as now effected are weekly sales,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_28 and are managed through the Bank of England, which issues an advertisement on every Wednesday on behalf of the Secretary of State for India, inviting tenders to be submitted on the following Wednesday for bills payable on demand by the Government of India either at Bombay, Madras, or Calcutta. The minimum fraction of a penny in the price at which tenders of bills are received has nowmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_29 been fixed at 1/32nd of a penny. The council bill is no longer of one species as it used to be. On the other hand there are four classes of bills: (1) ordinary bills of exchange, sold every Wednesday, known as"*Councils*", (2) telegraphic transfers, sold on Wednesdays, called shortly"*Transfers*"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_30 (3) ordinary bills of exchange, sold on any day in the week excepting Wednesday, called"*Intermediates*", and (4) telegraphic transfers, sold on any day excepting Wednesday, named"*Specials.*"Now, in what way does the Secretary of State use his machinery of council bills to prevent gold from going to India? It is said that the price and the magnitude of the sale are so arranged that gold does not go to India. Before we examine to what extent this has defeated the policy of the Fowler Committee, the following figures (Tables LI and LI I, pp. 579 and 582) are presented for purposes of elucidation.

From an examination of these tables two facts at once become clear. One is the enormous amount of council bills the Secretary

of State sells. Before the closing of the Mints the sales of council bills moved closely with the magnitude of the home charges, and the actual drawings did not materially deviate from the amount estimated in the Budget. Since the closure of the Mints the drawings of the Secretary of State have not been governed purely by the needs of the Home Treasury. Since the closure, the Secretary of State has endeavouredmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_31—

"(1) To draw from the Treasuries of the Government of India during the financial year the amount that is laid down in the Budget as necessary to carry out the Ways and Means programme of the year.

TABLE LI

BALANCE OF TRADE, COUNCIL DRAWINGS AND IMPORTS OF GOLD BEFORE 1893

Years.	Balance of Trade (Mer. chandise: Private Account).	Net Imports of Treasure.		Amount of Council •Bills drawn.	Excess (+) or Deficiency (—) of Bills drawn as compared with Budget Estimate.	Home Charges.	Cash Balances in the Home Treasury.	Minimum Rate for Council Bills.
		Gold.	Silver.					
(1)	(2)	(3)	*(4)*	(5)	(6)	(7)	(8)	(9)
	£	£ 000,	£ 000,	£	£	£	£	s. d.

		000	000					
1870-71	20,863,000	2.13	.9	—	—	10,031,261	3,305,972	1 l0 1/4
1871-72	31,094,000	3.43	6.3	—	—	9,703,235	2,821,091	l 10 3/8
1872-73	23,376,000	2.41	.7	13,939,095	+ 939,095	10,248,605	2,998,444	1 10 3/8
1873-74	21,160,000	1.29	2.3	13,285,678	- 214,322	9,310,926	2,013,638	1 9 1/2
1874-75	20,137,000	1.73	4.3	10,841,615	+ 841,615	9,490,391	2,796,370	1 9 3/4
1875-76	19,204,000	1.40	1.4	12,389,613	- 1,910,387	9,155,050	919,899	1 9
1876-77	23,5.73,000	-18	6.1	12,695,800	- 964,200	13,851,296	2,713,967	1 6 1/2
1877-78	23,758,000	.41	12.7	10,134,455	- 2,115,545	14,048,350	1,076,657	1 8 3/16
1878-79	23,167,000	.74	3.3	13,948,565	- 3,051,435	13,851,296	1,117,925	1 6 5/8
1879-80	26,046,000	1.45	6.5	15,261,810	+ 261,810	14,547,664	2,270,107	1 7
1880-81	21,464,000	3.03	3.2	15,239,677	- 1,660,323	14,418,986	4,127,749	1 7 1/2
1881-82	32,855,000	4.02	4.5	18,412,429	+1,212,429	14,399,083	2,620,909	1 7 3/8
1882-83	31,389,000	4.01	6.1	15,120,521	- 221,479	14,101,262	3,429,874	1 7

1883-84	23,611,600	4.44	5.2	17,599,805	+1,299,805	15,030,195	4,113,221	1 7 1/4
1884-85	20,034,100	3.76	5.8	13,758,909	-2,741,091	14,100,982	2,249,378	1 6 3/4
1885-86	21,344,200	2.10	8.8	10,292,692	-3,481,008	14,014,733	4,726,585	1 *5 7/8*
1886-87	19,844,800	1.58	5.2	12,136,279	-1,195,121	14,409,949	5,280,829	1 4 1/8
1887-88	18,724,400	2.10	6.5	15,358,577	-891,423	15,389,065	5,900,697	1 4 3/8
1888-89	20,271,900	1.92	6.3	14,262,859	+262,859	14,983,221	3,259,933	1 4
1889-90	24,557,800	3.18	7.6	15,474,496	+784,596	14,848,923	5,402,873	1 4
1890-91	20,733,800	4.25	10.7	15,969,034	+980,034	15,568,875	3,885,050	1 4 15/16
1891-92	27,632,400	1.68	6.3	16,093,854	+93,854	15,874,699	4,122,626	1 3 1/16
1892-93	29,287,300	1.75	8.0	16,532,215	-467,785	16,334,541	12,268,388	1 2 5/8

"(2) To draw such further amounts as may be required to pay for purchases of silver bought for coinage purposes.

"(3) To draw such further amounts as an unexpectedly prosperous season may enable the Government to spare, to be used towards the reduction or avoidance of debt in England.

"(4) To sell additional bills and transfers to meet the convenience

of trade.

"(5) To issue telegraphic transfers on India in payment for sovereigns which the Secretary of State has purchased in transit from Australia or from Egypt to India."The result of such drawings is that the councils are made to play an enormous part in the adjustment of the trade balance of India and the swelling of balances in the Home Treasury and the locking up of Indian funds in London.

The second point to note in comparing the preceding tables is with regard to the price at which the Secretary of State makes his sales. Before the closure of the Mints the price of the council bills was beyond the control of the Secretary of State, who had therefore to accept the price offered by the highest bidder at the weekly sale of his bills. But it is objected that there is no reason why the Secretary of State should have continued the old practice of auctioning the rupee to the highest bidder when the closing of the Mints had given him the sole right of manufacturing it. Availing himself of his monopoly position, it is insisted, the Secretary of State should not have sold his bills below 1s. 4 1/8d. or 1s. 4 3/32d., which, under the ratio of 15 rupees to the sovereign, was for India the gold-import point. In practice the Secretary of State has willed away the benefit of his position, and has accepted tenders at rates below gold-import point, as may be seen from the minimum rates he has accepted for his bills.

It is said that if the council bills were sold in amounts required strictly for the purposes of the Home Treasury, and sold at a price not below gold-import point, gold would tend to be imported into India and would thus become part of the Indian currency media. As it is, the combined effect of the operations of the Secretary of State is said to be to lock up Indian gold in London. With the use or misuse of the Indian gold in London we are not here concerned. But those who are inclined to justify the India Office scandals in the management of Indian funds in London, and have offered their services to place them on a scientific footing, may be reminded that a practice on one side of Downing Street which Bagehot said could not be carried on on the other side of it without raising a storm of criticism, would require more ingenuity than has been displayed in their briefs. This much seems to have

been admitted on both sides that the operations of the Secretary of State do prevent the importation of gold into India, not altogether, but to the extent covered by their magnitude. Now, those who have held that the ideal of the Fowler Committee has been defeated are no doubt right in their view that the narrowing of the Secretary of State's operation would lead to the importation of gold into India. But what justification is there for assuming that the imported gold would become a part of the currency of India? The assumption that the abolition of the Secretary of State's financial dealings would automatically make gold the currency of India is simply a gratuitous assumption. Whether the imported gold would become current depends on quite a different circumstance.

The other explanation offered to explain the failure of the ideal of the Fowler Committee is the want of a Mint in India open to the free coinage of gold. The opening of the Mints to the free coinage of gold has been regarded as the most vital recommendation of the Fowler Committee ; indeed, so much so that the frustration of its ideal has been attributed to the omission by the Government to carry it out. The consent given by the Government in 1900 to drop the proposal under the rather truculent attitude of the Treasury has ever since been resented by the advocates of a gold currency. A resolution was moved in 1911 by Sir V. Thackersay, in the Supreme Legislative Council, urging upon the Government the desirability of opening a gold Mint for the coinage of the sovereign if the Treasury consented, and if not for the coinage of some other gold coin.

TABLE LII

BALANCE OF TRADE, COUNCIL DRAWINGS AND IMPORTS OF GOLD AFTER **1893**

Years.	Balance of Trade (Merchandise: Private Account	Net Imports of Treasure.	Amount of Council Bills drawn.	Excess (+) or Deficiency (—) of Bills drawn as compared	Home Charges.	Cash Balances In the Home Treasury.	Minimum Rate for Council Bills.

	).				with Budget Estimate.			
		Gold.	Silver.					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	£	£ 000,000	£ 000,000	£	£	£		s. d.
1893-94	21,660,500	- .39	8.3	9,530,235	- 9,169,765	15,826,815	1,300,564	1 1.500
1894-95	25,765,000	- 2.7	3.4	16,905,102	- 94,898	15,707,367	1,503,124	1 0.000
1895-96	29,963,800	1.5	3.7	17,664,492	+ 664,492	15,603,370	3,393,798	1 1-000
1896-97	21,333,100	1.4	3.5	15,526,547	- 973,453	15,795,836	2,832,354	1 1-781
1897-98	18,847,000	3.2	5.4	9,506,077	- 3,493,923	16,198,263	2,534,244	1 2-250
1898-99	29,560,700	4.3	2.6	18,692,377	+ 2,692,377	16,303,197	3,145,768	1 3-094
1899-1900	25,509,600	6.3	2.4	19,067,022	+ 2,067,022	16,392,846	3,330,943	1 3-875
1900-01	20,727,400	.5	6.3	13,300,277	- 3,139.723	17,200,957	4,091,926	1 3-875
1901-02	28,630,600	1.3	4.8	18,539,071	+ 2,039,071	17,368,655	6,693,137	1 3-875
1902-03	33,352,600	5.8	4.6	18,499,946	+ 1,999,946	18,361,821	5,767,787	1 3-875
1903-	45,424,1	6.6	9.1	23,859,	+	18,146,	7,294,7	1 3-

04	00			303	6,859,303	474	82	875
1904-05	40,548,200	6.5	8.9	24,425,558	+7,925,558	19,463,757	10,262,581	1 3-969
1905-06	39,086,700	.3	10.5	32,166,973	-1-14,333,973	18,617,465	8,436,519	1 3-938
1906-07	45,506,600	9.9	16.0	33,157,196	+15,357,196	19,208,408	5,606,812	1 3-969
1907-08	31,640,000	11.6	13.0	16,232,062	-1,867,938	18,487,267	5,738,489	1 3-906
1908-09	21,173,300	2.9	8.0	13,915,426	-4,584,574	18,925,159	8,453,715	1 3-906
1909-10	47,213,000	14.5	6.3	27,096,586	+10,896,586	19,122,916	15,809,618	1 3-906
1910-11	53,685,300	16.0	5.8	26,783,303	+11,283,303	19,581,563	18,174,349	1 3-906
1911-12	59,512,900	25.1	3.6	27,058,550	+9,900,250	19,957,657	19,463,723	1 3-937
1912-13	57,020,900	22.6	11.5	25,759,706	+10,259,706	20,279,572	9,789,634	1 3.969
1913-14	43,753,900	15.6	8.7	31,200,827	+10,000,827	20,311,673	3,157,732	1 3.937
1914-15	29,108,500	5.1	5.9	7,748,111	-12,251,889	20,208,598	7,913,236	1 3-937
1915-16	44,026,600	- -7	3.-2	20,354,517	+13,354,517	20,109,094	12,803,348	1 3-937
1916-17	60,843,200	8.82	12.5	32,998,095	+29,093,095	21,145,627	11,391,993	1 4-031
1917-	61,420,0	16.8	12.7	34,880,	+34,880,	26,065,	16,625,	1 4-

18	00			682	682	057	416	156
1918-19	56,540,000	- 3.7	45.3	20,946,314	+20,946,314	23,629,495	14,715,827	1 4-906

In deference to the united voice of the Council, the Government of India again asked the Secretary of State to approach the Treasury for its sanction.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_32 The Treasury on this occasion presented the Secretary of State mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_33with two alternatives : (1) That a branch of the Royal Mint be established at Bombay solely for the purpose of coining gold into sovereigns, and exclusively under its control ; or (2) that the control of the Mint at Bombay should be entirely transferred to it. Neither of the two alternatives was acceptable to the Government of India ; and the Secretary of State, as a concession to Indian sentiment, sanctioned the issue of a ten-rupee gold coin from the Indian Mint. The Government of India preferred this solution to that suggested by the Treasury, but desired that the matter be dealt with afresh by the Chamberlain Commission then sitting. That Commission did not recommend a gold Mint,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_34 but saw no objection to its establishment provided the coin issued was a sovereign, and if the coinage of it was desired by Indian sentiment and if the Government did not mind the expense of coinage.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_35 This view of the Commission carried the proposition no further than where it was in 1900, until the war compelled the Government to open the Bombay Mint for the coinage of gold as a branch of the Royal Mint. But it was again closed in 1919. Its reopening was recommended by the Currency Committee of 1919 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_36, and so enthusiastically was the project received that an Honourable Member of the Supreme Council took the unique step of tempting the Government into adopting

that recommendation by an offer to increase the Budget Estimates under"Mint"to enable the Government to bear the cost of it. The Government, however, declined the offer with thanks so we have in India the singular spectacle of a country in which there was a Gold Mint even when Gold was not legal tender, as was the case between 1835-93, while there is no gold Mint, when gold is legal tender, as has been the case since 1893. Just what an open Mint can do in the matter of promoting the ideal of the Fowler Committee it is difficult to imagine; but the following extracts from the evidence of a witness (Mr. Webb), than whom there was no greater advocate of an open gold Mint before the Chamberlain Commission, help to indicate just what is expected from a gold Mint.

"The principal advantage which you would expect to derive from a gold Mint is that you would increase the amount of gold coin in circulation?—That would be one of the tendencies.

"Is there any other advantage?—The advantage is that the country would be fitted with what I regard as an essential part of its monetary mechanism. I regard it as an essential part of its currency mechanism that it should have a Mint at which money could be coined at the requisition of the public.

"I want to get exactly at your reason why that is essential. Am I right in thinking that you consider it essential to a proper currency system that there should be a gold currency?— Yes.

"And essential to a gold currency that there should be a gold Mint?—Yes, on the spot in India itself..... It would do away, in a measure, with the management by the Secretary of State of the Foreign Exchanges, in that there would be always the Mint at which the public could convert their gold into legal-tender coins in the event of the Secretary of State taking any action of which the public did not approve. It is a safeguard, so to speak, an additional safeguard, that the people of India can on the spot obtain their own money on presentation of the metal."

Here, again, the assumption that a gold Mint is a guarantee that there will be a gold currency seems to be one as gratuitous as the former assumption that if gold were allowed to be freely imported it would on that account become part of the currency. On the

other hand, there are cases where Mints were open, yet there was neither gold coinage nor gold currency. Instances may be cited from the history of the coinage at the Royal Mint in London. The magnitude of gold coinage during the bank suspension period, 1797-1821, or the late war, 1914-18, is instructive from this point of view. The Mint was open in both cases, but what was the total coinage of gold?Throughout the suspension period the gold coined was negligible, and during the years 1807, 1812, and 1814-16 no gold was coined at all at the Royal Mint.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_37 Again, during the late war the coinage of gold fell off from 1915, and from 1917 it ceased altogether. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_38

These instances conclusively show that although a Mint is useful institution, yet there is no magic in a Mint to attract gold to it. The historical instances adduced above leave no doubt that the circulation of gold is governed by factors quite independent of the existence or non-existence of a Mint open to the free coinage thereof.

Now, it is an established proposition of political economy that when two kinds of media are employed for currency purposes the bad one drives out the good one from circulation. Applying this principle to the situation in India, it should be evident that so long as there is an unlimited issue of rupees gold cannot circulate in India. This important principle has been so completely overlooked by those who have insisted on the introduction of a gold currency that they have not raised a finger against the unlimited issue of rupees. Mr. Webb, the fiercest opponent of the India Office malpractices, and the staunchest supporter of the view that if only the Secretary of State could be made to contract his drawings gold would flow and be a part of the currency in India, recommended to the Chamberlain Commission that—

"The sales of Council Drafts should be strictly limited to the sum required to meet the Home Charges, and no allotments should in any circumstances be made below, say, 1s. 4 1/8d. to 1s. 4 3/32 d.—i.e. about the present equivalent of specie point for gold imports into India. The sum required in London for Home

Charges having been realised, *no further sales of Council Drafts should be made except for the express purpose—duly notified to the public—of purchasing metal for the manufacture of further token coinage.* Such special sales of Council Drafts should not be made at anything below specie point for gold importsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_39."

Again, Sir V. Thackersay, in the course of his speech on March 22, 1912, moving a resolution in the Legislative Council, asking the Government to open the Mint for the coinage of gold in India, observed :—

> "Let me make myself clear on one point. *I do not suggest that Government should give up the right to coin rupees or refuse to give rupees when people demand the same.* I do not propose to touch the gold-standard reserve, which must remain as it is as the ultimate guarantee of our currency policy. My proposal does not interfere with the existing arrangements in any way, but is merely supplementary to them..... Let the Government of India accumulate gold to the maximum limit of its capacity, but let the surplus gold which it cannot absorb be coined and circulated if the public chooses to do so. With our expanding trade and the balance in our favour, gold will continue to be imported in ordinary time, and *if the facilities of minting are provided in India, it will go into circulation.*"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_40

These are surely not the ways of promoting a gold currency. Indeed, they run counter to it. So long as the coinage of rupees goes on gold will not enter into currency. Indeed, to cry out on the one hand against the huge drawings of the Secretary of State and the consequent transfer of Indian funds to London and their mismanagement by the Secretary of State, and on the other hand to permit him to manufacture additional token coinage of rupees, is to display not only a lamentable ignorance of a fundamental principle of currency, but also to show a complete failure to understand the precise source from which the whole trouble arises. It is true that the Government of India cannot bind the Secetary of State to any particular course of action mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee

CHAPTER VII.htm - _msocom_41, and he often does override the provisions of the Annual Budget. But the question remains. How is it that he is able to draw so much more after 1893 than he ever did before? It must be remembered that whatever the Secretary of State does with the funds in London he must pay for his drawings in India. Before 1893 he drew less because his means of payment were less ; after 1893 he drew more because his means of payment were greater. And why were his means of payment greater? Simply because he had been able to coin rupees. Indeed, the amount of drawings are limited by the demand for them and by his capacity to coin rupees. It is therefore foolish to blame the Secretary of State for betraying the interests of India and at the same time to permit him to coin rupees, the very means by which he is able to betray. If a gold currency is wanted, and it is wanted because the rupee is a bad standard of value, then what is necessary is not to put a limit on the drawings of the Secretary of State or the opening of a gold Mint, but a short enactment stopping the coinage of rupees. Then only gold—made legal tender, at a suitable ratio with the rupee—will become a part of Indian currency.

That the stoppage of rupee coinage is a sufficient remedy is amply corroborated by the now forgotten episode in the history of Indian currency during the years 1898-1902. Within the short space of a year and a half after gold had been made legal tender the Hon. C. E. Dawkins, notwithstanding the fact that there was no gold Mint, was able, in his Budget speech in March, 1901, to observe:—

"India has at length emerged from a period of transition in her currency, has reached the goal to which she has been struggling for years, has established a gold standard and a gold currency, and has attained that practical fixity in exchange which has brought a relief alike to the private individual and to the Government finances."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_42 So great was the plethora of gold that Mr. Dawkins further remarked mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_43—

"..... We have been nearly swamped..... by gold....."The transformation in the currency position which then took place

was graphically described by Lord Curzon, the then Viceroy, in the following words[mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_44]:—

"Mr. Dawkins..... has successfully inaugurated the new era under which the sovereign has become legal tender in India, and stability in exchange has assumed what we hope may be a stereotyped form. This great change has been introduced in defiance of the vaticinations of all the prophets of evil, and more especially of the particular prophecy that we could not get gold to come to India, that we could not keep it in our hands if we got it here, but that it would slip so quickly through our fingers that we should have even to borrow to maintain the necessary supply. As a matter of fact, we are almost in the position of the mythological king, who prayed that all he touched might be turned into gold, and was then rather painfully surprised when he found that his food had been converted into the same somewhat indigestible material. So much gold, indeed, have we got, that we are now giving gold for rupees as well as rupees for gold, i.e. we are really in the enjoyment of complete convertibility—a state of affairs which would have been derided as impossible by the experts a year ago."

Compare this state of affairs in 1900-1 with that found to exist in 1910-11, for instance. Speaking of the currency situation as it was in that year, the Hon. Sir James (now Lord) Meston, observed[mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_45]:—

"We have passed through many changes in currency policy and made not a few mistakables. but the broad lines of our action and our objects are clear and unmistakable, and there has been no great or fundamental sacrifice of consistency in progress towards our ideal. Since the Fowler Committee that progress has been real and unbroken. There is still one great step forward before the ideal can be reached. We have linked India with the gold countries of the world, we have reached a gold-exchange standard, which we are steadily developing and improving. The next and final step is a true gold currency. That, I have every hope, will come in time....."

Leaving aside for the moment the extenuatory remarks of the speaker, the fact remains that in 1900 India had a gold currency. But, taking stock of the position at the end of 1910, it had ceased to have it. What is it that made this difference? Nothing but the fact that between 1893-1900 no rupees were coined, but between 1900-1910 the number of rupees coined was enormous. During the first period the inducement to coin rupees was very great indeed. The exchange was not quite stable, and the Government had still to find an increasing number of rupees to pay for the"Home Charges."And an Honourable Membermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_46 of the Supreme Legislative Council actually asked:—

> "Is there any objection to the Government working the Mints on their own account? Considering the low value of
>
> silver and the great margin between the respective prices of bullion and the rupee, would not Government by manufacturing rupees for itself make sufficient profit to meet at least a substantial portion of the present deficit? It seems to me to be a legitimate source of revenue and one capable of materially easing our finances."

But Sir James Westland, who was then in charge of the finances of India, repliedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_47 :—

> "I must confess to a little surprise in finding the proposal put forward by one of the commercial members of your Excellency's Council that we should buy silver at its present low price, and coin it for issue at the appreciated value of the rupee..... I shall certainly refuse myself to fall into this temptation."

Again, 1898, when some of the followers of Mr. Lindsay desired that Government should coin rupees to relieve the monetary stringency, Sir James Westland remarked mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_48 :—

> "..... in our opinion the silver standard is now a question of the past. It is a case of *vestigia nulla retrorsum*. The only question

before us is how best to attain the gold standard. We cannot go back to the position of the open Mints. There are only two ways in which we can go back to that position. We can either open the Mints to the public generally, or we can open them to coinage by ourselves. In either case what it means is that the value of the rupee will go down to something approaching the value of silver. If the case is that of opening the Mints to the public, the descent of the rupee will be rapid. If it is that of opening only to coinage by the Government, the descent of the rupee may be slow but it will be no less inevitable."

The Hon. C. E. Dawkins was equally emphatic in his denunciation of the project of Government coining rupees. When he was tempted to acquiesce in the proposal by holding out the prospects of a profit from coinage, he repliedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_49:—"I think I ought..... to beg my hon. friend not to dangle the profits on silver too conspicuously before the eyes even of a most virtuous government. Once let these profits become a determining factor in your action, then good-bye stability."Another instance of the Government's determination not to coin rupees is furnished by inquiring into the reasons as to why it is that the Government has never assumed the responsibility of selling council bills in indefinite amount and at a fixed rate. The Chamberlain Commission argued that the Government cannot undertake such a responsibility because it cannot hold out for a fixed rate, and may have to sell at any rate even lower than par. This is true so far as it is a confession of a position weakened by the Government's folly of indulging in excessive rupee coinage. But this was certainly not the explanation which the Government gave in 1900 when it was first asked to assume that responsibility. The Government knew perfectly well that to keep on selling bills indefinitely was to keep on coining rupees indefinitely. They refused to assume that responsibility because they did not want to coin rupees. That this was the original reason was made quite plain by the Hon. Mr. Dawkins, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_50who reminded those who asked Government to undertake such a responsibility that"the silver coin reserve of Government in consequence rapidly neared a point at

which it was impossible to continue to meet unlimited transfers [i.e. council bills]. Therefore the Secretary of State decided to limit the demands by gradually raising the rate, thus meeting the most urgent demands, and weeding out the less urgent, while warning those whose demands were not so urgent to ship gold to India. No other course was practicable. The liability of the Secretary of State to keep the tap turned on indefinitely at 1s. 4 5/32d. has been asserted. But I cannot see that any positive liability exists, and I wonder if those who assert its existence would have preferred that the stability of our currency (whose situation they are well able to appreciate and follow) should have been affected by the reserve of rupees being dangerously reduced?"[and which could not be augmented except by coining more rupees].

Just at the nick of time, when the ideal of a gold standard with a gold currency was about to be realised, there came on the scene Sir Edward Law as the Finance Minister of India and tore the whole structure of the new currency to pieces with a piratical nonchalance that was as stupid as it was wanton. His was the Minute of June 28, 1900, which changed the whole course of events.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_51 In that Minute occurs the following important passage;—

> "15. As a result of these considerations it must, I think, be admitted that the amount of gold which can safely be held in the currency reserve must for the present be regulated by the same rules as would guide the consideration of the amount by which the proportion invested in government securities could be safely increased. Pending an increase in the note circulation..... or some other change in existing conditions, I am of opinion that a maximum sum of approximately £ 7,000,000 in gold may now be safely held in the currency reserve. I should not, however, wish to be bound absolutely to this figure, which is necessarily an arbitrary one, and particularly I should not wish any public announcement to be made which might seem to tie the hands of the Government in the event of circumstances, at present unforeseen, rendering its reduction hereafter desirable."

In outlining this Minute, which with modifications in the maximum gold to be held in the currency reserve, remains the

foundation of the currency system in India, the author of it never seems to have asked for one moment what was to happen to the ideal of a gold standard and a gold currency? Was he assisting the consummation of the gold standard or was he projecting the abandonment of the gold standard in thus putting a limit on the holding of gold? Before the policy of this Minute was put into execution the Indian currency system was approximating to that of the Bank Charter Act of 1844, in which the issue of rupees was limited and that of gold unlimited. This Minute proposed that the issue of gold should be limited and that of rupees unlimited—an exact reversal to the system of the Bank Suspension period. In this lies the great significance of the Minute, which deliberately outlined a policy of substituting rupees for gold in Indian currency and thereby defeating the ideal held out since 1893 and well-nigh accomplished in 1900.

If Sir Edward Law had realised that this meant an abandonment of the gold standard, perhaps he would not have recorded the Minute. but what were the considerations alluded to in the Minute which led him thus to subvert the policy of a gold standard and a gold currency and put a limit on the gold part of the currency rather than on the rupee part of the currency? They are to be found in a despatch, No. 302, dated September 6, 1900, from the Government of India, which says:—

> "2. ..... the receipts of gold continued and increased after December last. For more than eight months the gold in the currency reserve has exceeded, and the silver has been less, than the limits suggested in the despatch of June 18. By the middle of January the stock of gold in the currency reserve in India reached £5,000,000. The proposal made in that despatch was at once brought into operation; later on we sent supplies of sovereigns to the larger District Treasuries, with instructions that they should be issued to anyone who desired to receive them in payments due or in exchange for rupees; and in March we directed the Post Office to make in sovereigns all payments of money orders in the Presidency towns and Rangoon, and we requested the Presidency Banks to make in the Presidency towns and Rangoon payments on Government account as far as possible in sovereigns. These measures were taken, not so much in the expectation that they would in the early future relieve us of any large part of our

surplus gold, but in the hope that they would accustom the people to gold, would hasten the time when it will pass into general circulation in considerable quantities, and by so doing, would mitigate in future years the difficulties that we were experiencing from the magnitude of our stock of gold and the depletion of our stock of rupees.

"3. In order to meet these difficulties and to secure, if possible, that we should have enough rupees for payment to presenters of currency notes and tenderers of gold, we began to coin additional rupees.....

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"14. We may mention that we have closely watched the result of the measures described in paragraph 2. The issues of gold have been considerable; but much has come back to us through the Currency Department and the Presidency banks. The Comptroller-General estimated the amount remaining in circulation at the end of June at over a million and a quarter out of nearly two millions issued up to that time ; but there are many uncertain data in the calculation. We are not yet able to say that gold has passed into use as money to any appreciable extent.

"15. It is very desirable that we should feel assured of being able to meet the public demand for rupees, as indicated by the presentation of currency notes and gold. We therefore strongly press on your Lordship the expediency of sanctioning

the above proposal for further coinage [of rupees];...

*****

"17. But we do not wish our proposal to be considered as dependent on such arguments as those just stated. We make it primarily on the practical ground that we consider it necessary in order to enable us to fulfil an obligation which, though we are not, and do not propose to be, legally committed thereto, we think it desirable to undertake so long as we can do it without excessive inconvenience; namely, to pay rupees to all tenderers of gold and to give rupees in encashment of currency notes to all

who prefer rupees to sovereigns."

The arguments advanced in this statement of the case for coining rupees are a motley lot. At the outset it is something unheard of that a Government which was proceeding to establish a gold standard and a gold currency should have been so very alarmed at the sight of increased gold when it should have thanked its stars for such an early consummation of its idea. Leaving aside the psychological aspect of the question, the government, according to its own statement, undertook to coin rupees for two reasons: (1) because it felt itself obliged to give rupees whenever asked for, and (2) because people did not want gold. What force is there in these arguments? Respecting the first argument it is difficult to understand why Government should feel itself obliged to give rupees. The obligation of a debtor is to pay the legal-tender money of the country. Gold had been made legal tender, and the Government could have discharged its obligations by paying out without shame or apology. Secondly, what is the proof that people did not want gold? It is said that the fact that the gold paid out by Government returned to it is evidence enough that people did not want it. But this is a fallacy. In a country like India Government dues form a large part of the people's expenditure, and if people used that gold to meet those dues—this is what is meant by the return of gold to Government—then it is an evidence in support of the contention that people were prepared to use gold as currency. But if it is true that people do not want gold, how does it accord with the fact that Government refuses to give gold when people make a demand for it? Does not the standing refusal imply that there is a standing demand? There is no consistency in this mode of reasoning. The fact is, all this confused advocacy is employed to divert attention from the truth that the Government was anxious to coin rupees not because people did not want gold, but because Government was anxious to build a gold reserve out of the profits of additional coinage of rupees. That this was the underlying motive is manifest from the minute of Sir Edward Law. That the argument about people disliking gold, and so forth, and so forth, was only a cover for the true motive comes out prominently from that part of the Minute in which its author had argued that —

"16. If it be accepted that £ 7,000,000 is the maximum sum

which, under existing conditions, can be held in gold in the currency reserve, in addition to the 10 crores already invested, it is evident that such assistance as can be obtained from manipulating the reserve will fail to provide the sum in gold which it is considered advisable to hold in connection with the maintenance of a steady exchange. So far no authority has ventured to name a definite sum which should suffice for this purpose, but there is a general consensus of opinion, in which I fully concur, that a very considerable sum is required. The most ready way of obtaining such a large sum is by gold borrowings, but the opinion of the Currency Commission was strongly hostile to such a course, and the question therefore remains unanswered : How is the necessary stock of gold to be obtained?

"17. I do not presume to offer any cut-and-dried solution of this difficult problem, but I venture to offer certain suggestions which, if adopted, would, I believe, go a considerable way towards meeting the difficulty. I propose to create a special ' Gold Exchange Fund,' independent of, but in case of extraordinary requirements for exchange purposes to be used in conjunction with the gold resources of the currency reserve. The foundation of this fund would be the profit to be realised by converting into rupees the excess above £7,000,000 now held in gold in the currency reserve."

Can there be any doubt now as to the true cause for coining rupees? Writers who have broadcasted that rupees were coined because people did not want gold cannot be said to have read correctly the history of the genesis of the exchange standard in India.

But was Sir Edward Law the evil genius who turned a sound system of currency into an unsound one by his disastrous policy of coining rupees? Opponents of the Government as well as its supporters are all agreedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_52that this was a departure from the ideal of the Fowler Committee. In what precise respect the Government has departed from the recommendations of the Fowler Committee has, however, never been made clear anywhere in the official or non-official literature on the subject of Indian

currency. What were the recommendations of the Fowler Committee? It is usually pointed out, to the shame of the Government of India, that the Fowler Committee had said (it is as well to repeat it) :—

> "We are in favour of making the British sovereign a legal tender and a current coin in India. We also consider that, at the same time, the Indian Mints should be thrown open to the unrestricted coinage of gold..... Looking forward as we do to the effective establishment of a gold standard and currency based on the principles of the free inflow and outflow of gold, we recommend these measures for adoption."

That is true. But those who have blamed the Government have forgotten that same Committee also recommended that—

> "The exclusive right to coin fresh rupees must remain vested in the Government of India; and though the existing stock of rupees may suffice for some time, regulations will ultimately be needed for providing such additions to the silver currency as may prove necessary. The Government should continue to give rupees for gold, but fresh rupees should not be coined until the proportion of gold in the currency is found to exceed the requirements of the public. We also recommend that any profit on the coinage of rupees should not be credited to the revenue or held as a portion of the ordinary balance of the Government of India, but should be kept in gold as a special reserve, entirely apart from the paper-currency reserve and the ordinary Treasury balances"[and be made freely available for foreign remittances whenever the exchange falls below specie point.]

Taking the two recommendations of the Committee together, where is the departure? What the Government has done is precisely what the Committee had recommended. That the Government of India or the Chamberlain Commission should have admitted for a moment that there was a departure is not a little odd, for the very despatch which conveyed the Minute of Sir Edward Law to the Secretary of State opens with remarks which show that Government was earnestly following the recommendations of the Fowler Committee. It runs:—

> "In our despatch No. 301 of August 24, 1899, we wrote with

reference to paragraph 60 of the Report of the Indian Currency Committee [i.e. the Fowler Committee], that any profit made on rupee coinage should be held in gold as a special reserve, has not escaped our attention ; but the need for the coinage of additional rupees is not likely to occur for some time, and a decision on this point may be conveniently deferred."

What Sir Edward Law did was to carry that recommendation into effect when the occasion arrived. In view of this it is useless to belabour the Government of India if the ideal of a gold standard with a gold currency was defeated by the coinage of rupees. But, even though the Government has in ignorance taken the blame on itself, it cannot be rightly thrown at its door. If the project has been defeated by the coinage of rupees, the question must be referred to the Fowler Committee. Why did the Committee permit the coinage of rupees? There is no direct answer, but it may be guessed. It seems the Committee first decided that there should be a gold standard and a gold currency as desired by the government of India. But then they seemed to have been worried by the question whether in the ideal they had sketched they had made enough provision for the maintenance of the gold value of the rupee. In the view of the opponents of the Government of India the rupee ought to have been made either convertible as a bank note or a limited legal tender as a shilling. The Committee rejected both these demands as being unnecessary. Stating their ground for refusing to reduce the rupee to the status of a shilling, the Committee arguedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_53:—

"It is true that in the United Kingdom the silver currency has a fixed limit of 40s., beyond which it cannot be used to pay a debt..... While it cannot be denied that 40s. limitation tends to emphasise and maintain the subsidiary character of our silver coinage, yet the essential factor in maintaining those tokens at their representative nominal value is not the statutory limit on the amount for which they are a legal tender in any one payment, but the limitation of their total issue. Provided the latter restriction is adequate, there is no essential reason why there need be any limit on the amount for which tokens are a tender by law."Regarding the necessity for convertibility the Committee observed

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"Outside the United Kingdom there are two principal instances of countries with a gold standard and currency, which admit silver coins to unlimited tender. These countries are France and the United States of America. In France the five-franc piece is an unlimited tender and for all internal purposes is equivalent to gold. The same remark applies in the United States to the silver dollar..... Both in France and the United States the Mints are now closed to the coinage of silver coins of ultimate tender. In neither country are such coins convertible by law into gold ; in both countries alike they are equivalent to gold for all internal purposes. For international payments, so far as specie is concerned, France and the United States depend ultimately on the international medium of exchange, which is gold. In the last resort, it is their gold which, acting through the foreign exchanges, maintains the whole mass of their currency at its nominal value for internal purposes.

"The position of the currency question in India being such as we have explained in the preceding paragraph, we do not consider it necessary to recommend a different policy in the case of that country from that which is found sufficient in France and the United States, by imposing a legal obligation on the Government of India to give gold for rupees, or, in other words, to substitute the former for the latter on the demand of the holders. This obligation would impose on the Government of India a liability to find gold at a moment's notice to an amount which cannot be defined beforehand, and the liability is one which, in our opinion, ought not to be accepted."

Although confident of its opinions, the Committee was considerably impressed by those who, owing to the large quantity of rupees in circulation, entertained doubts

"whether the mere closing of the Indian Mints to silver would in practice be attended with such a restriction of the rupee currency as would make the rupee permanently exchangeable for gold at a fixed rate."So much was the Committee shaken by these doubts that it admitted thatmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee

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> "the forces which affect the gold value of the rupee are complicated and obscure in their mode of operation, and we are unable, therefore, to say positively that the mere closing of the Mints to silver will, in practice, lead to such a limitation of the rupee currency, relatively to the demands for it, as will make the rupee permanently exchangeable for gold at a fixed rate."

As a remedy against such a contingency the Committee thought that the Government of India should accept the obligation of convertibility of the rupee into gold for foreign remittances whenever the rupee fell below specie point. Having hit upon such a simple solution the next question was how was the Government to get its gold reserve? Borrowing for the purposes of such a gold reserve was one way of doing it. But that project was somehow unpalatable to the Committee. Perhaps because it had admonished the Government, in another part of its Report,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_56 to

> "husband the resources at their command, exercise a resolute economy, and restrict the growth of their gold obligations,"

or because it was a vicious principle to borrow

> "for the establishment or the maintenance of a gold standard,'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_57

the Committee was averse to the proposal for gold borrowing. But if a gold reserve was not to be built up by borrowing, how could it be built up otherwise? The Committee seems to have been considerably troubled over the problem of finding an alternative mode of raising a reserve until some member of it, probably at a moment when his intellect was rather weak, proposed 'Well, why not allow the Governments to coin rupees? If that were allowed it could easily build up a gold reserve without having to borrow, and can then discharge the obligation of convertibility for foreign remittances.' So innocuous seemed the proposal that the Committee wholeheartedly adopted and incorporated it into its Report with a certain sigh of relief that is unmistakable from the

firm language in which it was expressed.

This may or may not be a correct interpretation of the reasoning employed by the Committee in permitting the Government to coin rupees. But the fact remains that the Committee did not realise what was involved in that recommendation. First of all, what was to happen to the gold standard and currency if the coinage of rupees was to go on? In this regard is it possible to have more respect for a Committee which lays down on the one hand the ideal of a gold standard and currency, and permits on the other hand the coinage of rupees, than Bagehot felt for the Directors of the Bank of England, who on March 25, 1819, passed that notorious resolution —

> "That the Court cannot refrain from adverting to an opinion, strongly insisted upon by some, that the Bank has only to reduce its issues to obtain a favourable turn in the Exchanges, and a consequent influx of the precious metals; the Court conceives it to be its duty to declare that it is unable to discover any solid foundation for such a sentiment."

If the opinions of the Directors were classical for their nonsense, are those of the Fowler Committee less so? Is there any difference between them? Bagehot, in commenting upon the sentiments embodied in the resolution, not dissimilar to the recommendations of the Fowler Committee, urged some extenuating circumstances which compel us to forgive the Bank Directors their nonsense. The Directors lived in an age when economic reasoning was in a confused state; nor were they anxious for the"influx of gold,"being perfectly satisfied with paper. None of these circumstances can excuse the nonsense of the Fowler Committee. They framed their recommendations at a time when the contrary of what the Bank Directors had held was an established axiom. Besides, it cannot be said that they were not anxious for the influx of gold into the Indian currency. On the other hand, that was just the thing they were looking forward to. Consequently, they should have carefully weighed their words and allowed nothing that was inconsistent with their main object. In not paying sufficient heed to that elementary principle known as Gresham's Law, the Committee not only made a fool of itself but defeated the principal object it had set forth in the earlier part of its Report.

Secondly, was it necessary to endow the Government with a power to coin rupees? What was the nature of the problem the Committee was called upon to decide? Let us re-state it. The Herschell Committee, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_58by way of modifying the proposals of the Government of India, submitted to it in 1892, had introduced a proviso by which the Mints, although closed to the public, were to remain open to the Government for the coinage of rupees—a proviso which, by the way, reveals that after all that imposing survey the Committee remained supremely ignorant of the secret why, in the monetary systems it investigated, the currency maintained its parity with gold with little or no gold. If it had understood that it was limitation of issue which maintained this parity it would not have introduced the proviso which it did. However pernicious the proviso, the Committee must be excused for that indiscretion, for it was afraid that owing to the Mint closure there might be a sudden contraction of currency, and as it had not made gold general legal tender it had to provide for the necessary addition to the currency, and this it thought could best be done by Government having the power to coin rupees. Fortunately for the Government the occasion for an addition did not arise for some time, till 1898, and there was therefore no necessity to exercise, that power. But when such an occasion did arise the Government, as was pointed out before, refused to exercise that power—and held to the view that the additions to Indian currency, instead of being made by further coinage of rupees, should be made by an influx of gold. The government was the strongest opponent of Mr. Lindsay, who was then agitating that it was safe and economical to compel it to make the necessary additions by undertaking to coin rupees. It was to adjudicate in the dispute between the Government of India on the one hand and Mr. Lindsay on the other, the former desiring additions by gold coinage and the latter by rupee coinage, that the Fowler Committee was called into being. If the Government was anxious to add to the currency by coining more rupees rather than by the influx of gold, there was no necessity to appoint the Fowler Committee, Such a power had already been given to it by the Hershell Committee. It was because the Government did not want to exercise that ill-charged power that an appeal to a new

Committee became necessary. Faced with this immediate problem of how best to expand the currency in relief of monetary stringency, the Committee had solved it in one part of its Report by prescribing that gold should be made legal tender, so that any debtor who was unable to find rupees could have the option of paying his creditors in gold. If gold was allowed to be the general medium of exchange, was not the proposal to coin rupees a superfluous one, quite uncalled for?

Thirdly, could the proposal to coin rupees as a means of building up a gold reserve be justified as calculated to maintain the value of the rupee? The one thing essential to the maintenance of the value of the rupee was a limitation on its issue. The Committee talked in a very learned manner about the shilling as being maintained in value in consequence of a limitation in its issue. But did it understand how the shilling was maintained limited in quantity? If it is true that it is not the limit on legal tender, but the limit on the total volume, that maintains the value of the shilling, why is not the shilling issued in unlimited quantities? The manufacture of the shilling is profitable in the same way as is the manufacture of the rupee. Why does not the British Government coin it in unlimited quantities? Only because shillings cannot be paid out in unlimited quantities? If the Government could pay its Chancellors of Exchequer, Cabinet Ministers, and the hosts of officials and clerks, and if they in turn could pay their grocers, milkmen, brewers, and butchers in shillings, there could be nothing to prevent the overissue of shillings. But it is because nobody can pay out shillings in unlimited quantities that nobody will have them in unlimited quantities. It is the absence of a wholesale market, so to say, due to a limit on legal tender, that stops the Government from indulging in the over-issue of shillings. The Committee was therefore wrong in arguing that the limit on legal tender had nothing to do with the maintenance of the value of the shilling. On the other hand, if limitation of issue is the prime condition which maintains the value of a token coin, one means of making such a limit effective is to put a limit on its legal tender.

With regard to its views on convertibility, its reasoning was equally confused. To say what was sufficient for France and America should be sufficient for India, was like the blind leading the blind. It was entirely erroneous to argue that it was not

convertibility but their gold

> "which acting through the foreign exchanges, maintains the whole mass of their currency at its nominal value for internal purposes."

Quite the contrary. France and America did not need convertibility to protect their currency because the silver franc and the silver dollar were absolutely limited in quantity. Indeed, far from being protected by the influx of gold, the limitation of issue not only maintained their value, but permitted the retention of whatever gold there was in those countries. Now, the Committee, instead of venturing into long-winded and pointless disquisitions, should have insisted that there was no necessity either to prescribe a limit of tender or convertibility with regard to the rupee, so long as there were other ways of restricting its over-issue. Limitation of legal tender or convertibility can be said to be essential only because they are the means of bringing about a limitation of issue, and if the requisite limitation of issue was provided for in other ways, the purpose for which convertibility or limitation of legal tender were asked for was accomplished. Now, was not the closing of the Mints a sufficient limitation on the volume of rupees? Indeed, if the closing of the Mints was not an effective limitation on the issue of rupees, what else could have been? Was not the closing of the Mints the same thing as regulating the currency on the principle of a fixed-issue system so well known in the matter of regulating paper currencies? That it was, could hardly be denied. That being so, the only question was whether the volume of rupees already in circulation was distinctly less than the minimum amount of legal-tender money ever necessary for the internal circulation of the country. The Government of India had foreseen the volume of rupees in circulation becoming in excess of such a minimum and had accordingly provided against it. In their despatch of March 3, 1898, outlining their plans, the Government observed:—

> "9. ..... We know now that one of the main reasons of this failure [to maintain the exchange value of the rupee] is that our rupee circulation had before the closing of the Mints been increased to such an extent that it fully, and more than fully, supplied all the demands of trade, and allowed no room for any

further addition in the form of gold..... The necessary condition of a fixed rate of exchange between two countries is that, when the currency of one of them becomes redundant as compared with that of the other, the redundancy may be relieved by the withdrawal, for a time, of the excess coin, and we wish, therefore, to reach the condition in which our circulating medium... is not composed wholly of silver coin which has no equal value outside the country, but contains also a margin of gold which is capable of being used elsewhere as coin, and will therefore in natural course flow to where it is most wanted. Our total rupee currency is estimated to be at present somewhere about 120 crores, to which we have to add 10 crores of fiduciary circulation of currency notes.

"10. It is impossible with any exactness to say, and it can only be ascertained by actual experience, by how much this rupee circulation has to be decreased in order to remove its redundancy. .....But some considerations point to the amount being within quite manageable limits. For example, there are twenty-four crores, more or less, of currency notes in circulation, including the amounts held in our Treasuries. If we could imagine that amount of circulation at present existing in the form of currency notes suddenly converted into £16,000,000 in gold, it seems impossible that Indian trade should be able to get on without having part at least of that amount held in actual circulation, in other words, it would not be possible for that amount of gold coin to be remitted out of the country without the value of the rupee being forced up to a point which would arrest the stream of export. If this is the case, twenty-four crores of rupees is the outside limit of the amount it might be necessary to convert into gold coin in order to introduce a stable exchange of 16d., accompanied by an actual (active or inactive) circulation of gold at that comparative value: and it is more than probable that the amount required may really fall far short of this.

"11. The mere reduction of circulation might be carried out in the same way in which it was effected in 1893, namely, by abstaining from withdrawing council bills, until we have an accumulation of, say, twenty crores in excess of our, ordinary balances. But this procedure would be both costly and, as we believe, ineffective; in the first place the permanent locking up of

twenty crores would cost us the interest on that amount, or on the amount of gold borrowed in England during the suspension of drawings, and in the second place the existence of this accumulation of silver coin would be a perpetual menace to the exchange market, and would entirely prevent any confidence in the future of the rupee. We must not only withdraw the amount from circulation, but we must show by the method we adopt that our intention is that it should cease to exist in the form of coin, and that its place, as coin, is to be taken by gold. Our proposal is therefore to melt down existing rupees, having first provided a reserve of gold [by borrowing] both for the practical purpose of taking the place of the silver and in order to establish confidence in the issue of our measures."

At the time the Committee reported the volume of rupees in circulation was not redundant, as was proved by the fact that exchange was rising and gold was flowing in. That the closing of the Mints had therefore brought about an effective limit is beyond dispute, and was even admitted by the Committee.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_59 But supposing that the closing of the Mints did not constitute an effective limitation on the volume of rupees in circulation, what was the remedy? Was the plan of a gold reserve to assure convertibility for foreign remittances calculated to promote that object if the gold reserve was to be got by coining more rupees? If the limitation of rupees was going to maintain their value, as it did the value of the shilling, was the permission to add to the volume of rupees which the Committee feared was overabundant if not redundant, for the sake of a gold reserve, designed to limit their volume?

It is difficult to read the report of the Fowler Committee without exasperation. The permission to coin rupees was mischievous in every way. It was destructive of a true gold standard ; it was not wanted as a relief against monetary stringency, and was calculated to lower the value of the rupee. If it was anxious for a gold standard and currency, as it undoubtedly was, it should have absolutely stopped the coinage of rupees and suppressed the notification holding the government ready to give rupees for gold. In failing to do that it not only deprived the country of a sound system, but actually, albeit unwittingly, helped to place the entire

Indian currency, including paper currency, on the basis of an inconvertible rupee. Few people seem to be alive to the precise significance of that pernicious proviso introduced by the Herschell Committee, and remorselessly upheld by the Fowler Committee, that the government shall always be ready to give rupees for gold, but there can be no doubt that in the absence of a counter-proviso, requiring Government to give gold for rupees, the proviso is simply a cover for an authority to the Indian Government to issue inconvertible rupee currency of unlimited legal tender in the same way as the bank restriction was for an authority to the bank of England to issue inconvertible notes in unlimited quantities. The first step in the right direction would be to scrap that Report and make a speedy return to the safe and sound proposals of the Government of India as outlined in the despatch referred to above. The primary condition is to stop the coinage of rupees and not merely close the Mints to the public. Whether it would be necessary to melt a portion of the rupees depends upon what gold value it is desired the rupee should have. Once the total contraction of the rupee is settled upon and all further coinage is stopped, India will be in a position to have an effective gold standard based on a free inflow and outflow of gold. There will be no necessity to reduce the rupee in legal tender and provide for its convertibility. Its value would be maintained intact by sheer force of its quantity being limited, provided the quantity in circulation has been reduced so far as to be always below the minimum demand.

Supporters of the existing system of rupee currency have ever since its inauguration held out that the currency is economical and secure. Its claim for security, both in terms of gold and commodities, has been tested, and the grounds of it have been analysed in the course of this and previous chapters, wherein is demonstrated how very much wanting it is in the essentials that go to make up a secure currency. We must now endeavour to assess whether it is economical, for if it were really so, then that might be a point of some value against its opponents. We must therefore scrutinise the economy effected by the rupee currency. Kemmerer says,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_60

"A convertible money finds its *raison d'etre* largely in the fact that it

economises the precious metals, and makes possible a saving to the community. If paper money or token money are substituted for primary money, their substitution reduces the demand for the precious metals by the difference between the amount of metal used in the token money introduced plus that contained in the primary money required for the redemption fund. This economy of the precious metals results in an increased supply being thrown upon the market"[which supply goes abroad and into the arts and increases the non-monetary wealth of the country by an equivalent amount: the gold obtained for the metal economised represents a net gain to the community]. The same kind of gain, says Kemmerer, attaches to the use of inconvertible money, and even on a larger scale, because there is no necessity to use primary money even for a redemption fund, as there is when the money is convertible. Such views as these have led Prof. Keynes to opine that the Indian currency system is a marvel of economy, and that other more advanced countries might usefully follow the lead. We will not draw from this the uncharitable conclusion that either Prof. Kemmerer of Prof. Keynes would recommend that because an inconvertible paper currency is the most economical currency a country should adopt it without remorse. What we are concerned with is to find out whether the rupee currency is really economical. When the process by which the rupee comes into being is carefully analysed it becomes impossible to take seriously the plea that the Indian currency is economical. First of all, gold is tendered to the Secretary of State in London for his council bills, or gold is tendered to the Government of India in India in payment of taxes or otherwise. Out of this gold the Secretary of State buys silver and coins rupees. As the price of silver is below the ratio, there arises a difference between the cost price of the rupee and its selling price in gold. To the extent of this difference there is, of course, a gain. But this gain or profit on coinage, as it is called, is no benefit to society. It is a hoard, and to that extent represents a useless abstraction of wealth. If the profit is not to be used for any current purposes of society it is as well not to coin rupees. It is therefore obvious that so long as the profits are merely held apart from the revenue resources of India there is no economy in the rupee currency worth naming. From another standpoint the currency of India is a wasteful asset to society. Metallic currency is primarily a capital good representing a form of social investment.

Consequently it is necessary to see that the capital value of the currency is maintained. It is a happy circumstance to note that the Government of India is not dead to this aspect of the question with regard to its paper-currency reserve, and has very recently instituted a depreciation fund for the preservation of its capital value.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_61 Now, the considerations that apply to the paper currency should apply also to the rupee currency. Has the rupee currency maintained its capital value? The gold part of it, called the gold-standard reserve, is invested in interest-bearing securities. Interest is no doubt an additional source of gain, but have the securities maintained their capital value? Far from it. Turn to the rupee half of the currency. Has the bullion in the rupee maintained its capital value? There have been endless charts and diagrams drawn by playful economists in which the black line, showing the nominal value of the rupee, has remained up while the red line, showing the bullion value of the rupee, has gone down with the falling gold value of silver. But what does that mean? Simply that the rupee is a wasting asset and is not worth at a later date what it cost to society when it was manufactured. Surely there was more economy in the project of the mad Chinaman who burnt his house to roast his pig than there is in the Indian rupee currency. The Chinaman's house must have been very old and uninhabitable. The same cannot, however, be said of this converting of gold money into silver money, because we know that silver is an inferior kind of investment to gold. Thus viewed, the currency is not in the least economical. It appears to be so because people look only to the rupee. But, adding the cost of the rupee currency to that of the gold-standard reserve, can it be said that India would have required more gold if she had a gold currency in place of a rupee currency? Bearing in mind that with a fixed limit on the issue of rupees there can be no reason for a gold reserve, the only result of a stoppage of rupee coinage would be that gold, instead of being, as now, part reserved as a sinking fund and part transmuted into a rupee currency, would enter into circulation without being subjected to this baneful and wasteful process.

No more gold would be required in the one case than in the other. We can therefore conclude without fear of challenge that

with a complete stoppage of rupee coinage Indian currency would be truly economical, prices would be more stable, and exchange secure, in the only way in which it can really be said to be secure, and the rupee, although inconvertible, will cease to be a problem, which it has been ever since 1873.

But will that be all the advantage to the country? By no means. In drawing a moral from his comparison of the paper pound of 1797 with the paper pound of 1914, Prof. Cannanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_62 points out that—

> "there can in these days be no doubt that the experiment of entrusting what no community should entrust to any institution, the power of creating money without limit, to the Bank of England, compares very favourably with the modern plan of entrusting it to the Government itself or to a State bank completely under the control of the Government. In the comparatively short war of 1914-18 currencies ' not convertible at will into a coin which is exportable ' were issued by Governments and Government banks in amounts compared with which the 100 per cent. increase in thirteen years, which made the Bullion Committee complain so vigorously in 1810, look absolutely trifling."

There was a time when it could have been said that this indictment did not apply to the Government of India. Few Governments could be said to have been so very anxious to wash their hands of the responsibilities involved in the management of a currency as the Government of India once was. In 1861, when the Government first undertook the issue of paper money in India, the anxiety it displayed was laudable. An impecunious Government, made prostrate by the heavy burdens of the Mutiny, should have welcomed the project of a paper currency as a source of profit. But so great was its sense of responsibility that the Government refused to be content with convertibility as a check on over-issue. One of the principal reasons why the desperate paper-currency scheme, which that straitened financier Mr. Wilson had devised in 1860 to find ways and means for improving the finances of India, was rejected was so well stated by his successor, Mr. Laing, that in these days of frenzied finance his remarks may

as well be reproduced in full. He saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_63 —

"There was another important reason why he (Mr. Laing) thought that Sir Charles Wood's principle was the soundest. All parties were agreed that a paper currency ought to be identical with the metallic currency which it displaced. But the system of issuing against two-thirds of securities and one-third of specie, as was proposed by Mr. Wilson, would not always ensure this identity, and there was considerable risk that in times of buoyancy and speculation the circulation would be unduly extended. He thought that that was a point of considerable importance, because if we looked at what had taken place in India during the last three years, we should find a great increase in the wages of labour and the prices of commodities, which should warn us as to what the consequences might be if we were to accelerate the process already going on so rapidly by any artificial inflation of the currency. If you unnaturally stimulated the rise of prices by an over-issue of paper circulation you ran considerable risk of changing the healthy action of commerce into a feverish excitement which was sure to bring about a reaction. If we continued to go on as we had done for the last two or three years, the result would be that many articles of Indian produce might be driven out of the market by the competition of other countries, and he therefore thought that the Government ought to be exceedingly cautious how it took any step that might unduly accelerate the tendency to a general advance, as might be the case under the system of paper currency which to any considerable extent represented securities and not bullion. Such an advance might even reach a point seriously embarrassing to the Government if the general rise in the rate of wages and cost of living made the present scale of salaries and the pay of troops no longer adequate.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_64 For these reasons he thought it by far the wisest course to adhere to the principle of paper currency adopted in England as laid down in Sir Charles Wood's despatch."Not only was the Government anxious to put a limit on the issue over and above making it convertible, but it did not

want to be vested with the legal authority to issue notes. In a despatch dated April 27, 1859,*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_65 to the Secretary of State, the Government of the day observed :—

"We believe that the convertibility of the notes on demand would not be a sufficient guarantee against over-issue. When once the paper currency is established in public confidence, the temptation to take dangerous advantage of this confidence will be very great in a time of difficulty, if the power of doing so is left in the hands of the Government of India alone. Restriction by law, either to a certain amount of issue absolutely, or to any amount relative to the balances in India, will, in our opinion, be necessary. We think that such a law ought to be passed by Parliament, and not by the Legislative Council of India."

Equally sane was the view of the Government in 1876 with regard to the rupee currency. The Bengal Chamber of Commerce, it will be recalled, had urged upon the Government of India to close the Mints to the free coinage of silver, without opening them to the free coinage of gold—a project which practically meant that the Government should undertake the management of the rupee currency. The reply of the Government of India was a sharp rebuke. It declaredmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_66 :—

"8. . ...the Chamber invite the Government to take a measure calculated to enhance indefinitely the value of the rupee by suspending the long-established legal right of all comers to have silver bullion manufactured upon uniform conditions under State supervision into legal-tender coin, and temporarily substituting a system of coinage at the discretion of the State..... .

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"11. It is essential to a sound system of currency that it be automatic. No man or body of men can ascertain whether at any particular moment the interests of the community as a whole require an increase or diminution of the currency; still less, how much increase or how much decrease is, at any moment, exactly needed. No Government which aspires to keep its currency in a

sound condition would be justified in attempting that impossible task, or in leaving the community, even for a short interval, without a fixed metallic standard of value. Under an ' open coinage system ' these things regulate themselves without official interference."Now, compare with this the later pronouncements of the government with regard to the principles governing the paper and rupee currency respectively. During the war, when the Government of India resorted to the enlargement of paper issues, Honourable Members of the Supreme Legislative Council pointed out the effects it would produce on prices in India. But the late Hon. Sir Wm. Meyer, who as a Finance Minister piloted the Indian finances during the last war, in the course of a speech on the Indian Paper Currency (Amendment) Bill, dated September 5, 1917, repliedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_67:—

"The note circulation was sixty crores before the war and is now about a hundred crores. But the Hon. Mr. Sarma shivered at the idea of inflation. I may remind him that one of the accepted (!) doctrines of economists is that artificial inflation of paper currency only exists when the note circulation is not fully covered. Now we have covered every rupee of our note circulation. ..... in securities....."[How could there be an inflation?]

The change in the Government's view with regard to the rupee currency is equally noteworthy. In 1908, when the exchange value of the rupee fell below par, the Government was reminded that it was the result of the excessive coinage of rupees. But although in 1876 the Government did not think it was possible for it to so increase and decrease the currency to suit the needs of commerce, yet in 1908 the Government advanced the opposite view. The Finance Minister, the Hon. Mr. Baker, in his reply, went on to arguemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_68:—

"In the first place the whole of the new coinage that we have undertaken during this period has been undertaken solely to meet the demands of trade. Not one single rupee has been added to the circulation except to enable us to meet these demands....."

Now, if it is dangerous to entrust a Government with the power to manage currency, how very dangerous is it to entrust it to the Government of India, which professes to carry out its trust on the basis of doctrines such as these! No one is so ill-instructed in these days as to suppose that these are sound maxims. If security is enough, what need is there for convertibility? If currency is issued only in response to trade demand, what fear is there of over-issue? A Government acting on such a principle may well go on indefinitely increasing the currency without remorse. History abounds with instances of ruin caused by the management of currencies on such naive principles as these.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_69 Happily for the country, the paper currency profoundly altered in its basis—one might almost say, tampered with—in 1920 by the Government is yet far away from currencies regulated on the theory enunciated by the Finance Minister. It is the rupee currency which has been, ever since the Mint closure, the chief source of danger to the welfare of the Indian people, particularly because of the principle governing its issue. Because that principle has the support, in itself a surprising thing, of such eminent authorities as Prof. Keynes,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_70 Mr. Shirras.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_71 and the Chamberlain Commission,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_72 it cannot alter the case for depriving the Government of this power of managing the rupee currency, for the principle is essentially unsound. The reason why the fallacy in the reasoning, that there could be no excess of rupees because of their being issued in response to trade demand, does not appear on the surface is due to the peculiar nature of money. Money is said to be wanted only because money has a purchasing power. That is no doubt true, but that does not quite explain why people so incessantly want money, even when they know that the value of money is so unstable. Indeed, if purchasing power was the only consideration we should not find such a desire for the current means of purchase. That desire can only be accounted for by the fact that money has a differential advantage over other goods, in that it has in the highest degree what Monger

called the quality of saleability. That one can more often buy at a bargain than sell at a bargain is simply another way of staling that every one desires to hold his resources in the most saleable form of money. In this sense it is absolutely true that no more money can be issued than there is demand for. But from that it does not follow that there can be no over-issue of money purely for the currency needs at any given time. All money is acquired in response to trade or services, but all money is not retained in currency. Indeed, all commodities are exchanged for money, because money is supposed to bear the option of being used for non-monetary purposes. In the case of the rupee the option-of-use quality is non-existent. Consequently, although issued in response to trade demand, it remains in currency whether it is wanted or not, and thus tends to bring about its depreciation. That such a depreciation is possible cannot be denied even by those who maintain that rupees are issued only in response to trade demand, otherwise why should they be so very anxious for an increase of the gold reserves of the country. But the danger to the rupee currency does not merely arise from the possibility of indiscretion on the part of the Government. Besides the Government there have been statesmen in India so interested in the welfare of their fellow-subjects that they have rebuked the Government on several occasions for not making the profits on rupee coinage available for the advancement of the moral and material progress of the country.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/28H. Problem of Rupee CHAPTER VII.htm - _msocom_73 and in 1907 the profits on rupees were actually employed in the extension of railways. It must fill every one with horror and despair to contemplate the consequences sure to emanate from the manipulation of currency for such ends. Is it not time this source of danger and temptation be removed by depriving the Government of this power to manage the rupee currency? But what is the means of bringing this about? If it is desirable to do away with the management then convertibility is an insufficient measure; for with convertibility the rupee will still remain a managed rupee. Only the complete stoppage of rupee coinage will remove the governmental interference in the management of Indian currency; and it is this that we must therefore ask for.

Queer as it may seem, SAFETY LIES IN AN INCONVERTIBLE *Rupee with a fixed limit of Issue*

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THE PROBLEM OF THE RUPEE:
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(HISTORY OF INDIAN CURRENCY & BANKING)

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THE UNTOUCHABLES AND THE PAX BRITANNICA

[The Manuscript consisting of 123 typed pages is a presentation of the case of Ambedkar during his stay for the Round Table Conferences in London according to his Marathi biographer Mr. C. B. Khairmode. The MS. is printed herein as it was found—ed.]

*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_1of the American Continent the objective of his voyage was reach India. Even this voyage of Columbus neglect of the Depressed Classes by the British Government which did not admit them as members of the Armed Forces. The manuscript, of which the first page is missing, was prepared by Dr. was not a sudden venture. It was a part of a plan of exploration of a sea route to India which he had received its first impetus from Prince Henry of Portugal, who was greatly interested in it and who in his reign of 42 years (1418—1460) helped it in every possible way.

What was the necessity for this quest for a direct sea route from Europe to India which impelled the Portuguese, the Dutch, the French and the English to come out of their seclusion. The coming of the English to India was not an adventure of a singular race. It was a concerted effort and there was so much eagerness on the part of each European nation that within this concert there was a competition for reaching India first. Because the Portuguese came first it does not follow that the rest were idle or indifferent. The English and the Dutch were under the belief that there was a shorter route to India than that of the Cape of Good Hope and their delay in their coming to India was due to the fact that they were busy in finding out its possibilities. The French, though last to arrive, were second only to the Portuguese, their first voyage being to Sumatra in 1529.

What was the origin of this eagerness to reach the Indies? Why did the Portuguese, Spaniards, English, French and Dutch vie with one another in centuries of strenuous effort to find a sea route to India? The object was to obtain luxuries and particularly spices— chillies, cloves, nutings etc., which could be had only from India and the East.

This seems rather strange—that all this run should be for spices. But the fact is that spices did play a very important part in this expansion of Europe.

How much spices were used and appreciated by the European peoples

in the fifteenth and sixteenth centuries can be, seen, from the following data collected by Prof. Cheyney mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_2 :

> "One of the chief luxuries of the Middle Ages was the edible spices. Wines and ale were constantly used spiced with various condiments. In Sir Thopa's forest grew"*notemuge to putte in ale"*.
>
> "Froissart has the king's guests led to the"palace, where wine and spices were set before them". The dowry of a Marseilles girl, in 1224, makes mention of"mace, ginger, cardamom and galingale."
>
> "When John Ball wished to draw a contrast between the lot of the lords and the peasants, he said,"They have wines, spices and fine bread, when we have only rye and the refuse of the straw,". When old Latiner was being bound to the stake he handed nutmegs to his friends as keepsakes.

"Pepper, the most common and at the same time the most valued of these spices, was frequently treated as a gift of payment instead of money."Matilda de Chaucer is in the gift of the king, and her land is worth'8s. 2*d.,* and I pound of pepper and I pound of cinnamon and I ounce of silk", reads a chance record in an old English survey. The amount of these spices demanded and consumed was astonishing. Venetian galleys Genoese varracks, and other vessels of the Mediterranean brought many a cargo of them westward, and they were sold in fairs and markets every where."Pepper-sack"was a derisive and yet not unappreciative epithet applied by German robber-barons to the merchants, who they plundered as they passed down the Rhine. For years the Venetians had a contract to buy from the Sultan of Egypt annually 420,000 pounds of pepper. One of the first vessels to make its way to India brought home 210,000 pounds. A fine of 200,000 pounds of pepper was imposed upon one petty prince of India by the Portuguese in 1520. In romances and chronicles, in cook-books, trades-lists, and customs-tariffs spices are mentioned with a frequency and consideration known in modem times."

Why were spices so necessary to the European peoples of those days? One answer is taste."The monotonous diet, the coarse food, the unskillful cookery of mediaeval Europe had all their deficiencies covered by a charitable mantle of Oriental seasoning."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_3While it was a matter of taste for all it was a matter of necessity for the poor. The poor needed spices. In ancient I

times when food was scarce and the productivity of man in the absence of machinery was very low; man could not afford to waste or throw away food as being stale. Whatever was left over or was not necessary for immediate consumption had to be preserved. Spices are the best preservatives. It was because of this as also for reasons of taste that spices were in mediaeval Europe in such universal demand.

Another question is why was a direct sea route necessary for these European nations to reach India and to obtain spices. Before the European nations discovered the sea route to India via the Cape of Good Hope there were in existence three well established land routes by which these luxuries and spices used to reach Europe and known as the Northern, the Middle and the Southern routes.

The Northern route lay between the Far East and the West, extending from the inland provinces of China westward across the great desert of Gobi, south of the Celestial mountains to Lake Lop then passing through a series of ancient cities, Khotan, Yarkand, Kashgar, Samaro and Bokhara, till it finally reached the region of the Caspian Sea. This main northern route was joined by others which crossed the passes of the Himalayas and the Hindookush, and brought into a United Stream, the products of India and China. A journey of eighty to a hundred days over desert, mountain, and steppes lay by this route between the Chinese wall and the Caspian. From still farther north in China a parallel road to this passed to the north of the desert and the mountains and by way of Lake Balkash, to the same ancient and populous land lying to the east of the Caspian Sea. Here the caravan routes again divided. Some led to the south-westward, where they united with the more central routes described above and eventually reached the Black Sea and the Mediterranean through Asia Minor and Syria. Others passed by land around the northern coast of the Caspian, or crossed it, reaching a further stage at Astrakhan. From Astrakhan the way led on by the Volga and on rivers, till its terminus was at last reached on the Black Sea at Tana near the mouth of the Don, or at Kaffa in the Crimea.

The Middle route lay through Mesopotamia and Syria to the Levant. Ships from India crept along the Asiatic shore to the Persian Gulf, and sold their costly freights in the marts of Chaldea or the lower Euphrates. A line of trading cities extending along its shores from Ormuz near the mouth of the gulf to Bassorah at its head served as ports of call for the vessels which carried this merchandise. Several of these coast cities were also termini of caravan routes entering them from eastward, forming a

net-work which united the various provinces of Persia and reached through the passes of Afghanistan into northern India. From the head of the Persian Gulf one branch of this route went up the line of the Tigris to Bagdad. From this point goods were taken by caravan through Kurdistan to Tabriz, the great northern capital of Persia, and thence westward either to the Black Sea or to Layas on the Mediterranean. Another branch was followed by the trains of camels which made their way from Bassorah along the tracks through the desert which spread like fan to the westward, till they reached the Syrian cities of Aleppo, Antioch, and Damascus. They finally reached the Mediterranean coast at Laodicea, Tripoli, Beirut, or Jaffa, while some goods were carried even as far south as Alexandria.

The southern route was a sea route in all except its very latest stages. It lay through the Red Sea and brought the products of India and the Far East by sea to Egypt, whence they passed to Europe from the mouths of the Nile.

The land routes were devious and dangerous. They were insecure and transportation over them was difficult and expensive. Robbers plundered the merchants and Governments taxed them beyond measure. Of the two land routes the Northern was not a highway to the same extent as the middle one was. With its deadly camel journey of alternate shows and torrid wastes, rendered it available only for articles of small bulk. It never attained the importance of the Middle route. Even this Middle or Indo-Syrian route was not always open. It was blocked twice. Once between 632—651 A. D. when the Saracen Arabs under the conquering impulse of Islam seized the countries of this Indo-Syrian route. For a second time it was blocked during the crusades in the 11th Century. The southern route which was for most part a sea route was equally unsafe."The storms of the Indian Ocean and its adjacent waters were destructive to vast numbers of the frail vessels of the East ; piracy vied with storms in its destructiveness; and port dues were still higher than those of inland marts."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_4 But as Prof. Cheyney observed,"With all these impediments. Eastern products, nevertheless, arrived at the Mediterranean in considerable quantities"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_5 and were available to the European merchants.

When these land routes existed why did there arise the necessity for a sea route? The answer is the Turkish and Mongol upheaval in further Asia which overtherw the Saracenic culture and ruined the trade with Europe. This upheaval was a new force. It first came into operation when about 1038 the selfwill Turks burst upon Persia. Two centuries later the Mongols poured over Asia under Chengizkhan. In 1258, the Mongols captured Bagdad. In 1403 Timur captured Syria. In 1453 Constantinople fell to the Turks. This upheaval of the Turks and the Mongols completely blocked the two land routes. The Southern route was the only route that was open for some time. But even that was blocked when Egypt was conquered by the Turks in 1516.

Two factors are responsible for bringing the European Nations to India. First spices. Second the blockade of the old overland Trade routes by the Turks and the Mongols. It is these factors which drove the European nations to search for a sea route to India and which they ultimately found. Having come to trade with the East Indies, these Europeans remained there to conquer it. That evidently resulted in a struggle for supremacy. The struggle between the English and the Portuguese and the Dutch on the other band was for commercial supremacy. The theatre of the struggle between the English I and the Portuguese was India and the Persian Gulf and ended in favour of the British in 1612, so far as India was concerned and in 1622 so far as the Persian Gulf was concerned. From 1622 India and the Persian Gulf lay open to England and the Portuguese ceased to be any menace to development of English trade and commerce. The theatre of the struggle between the English and the Dutch lay in Malaya Archipelego. It was decided against the English in 1823 by what is called the Mascaere of Amboyana whereby the English receded to India and left the Dutch to enjoy exclusively the trade with the Malaya Archipelego. The struggle between the English and the French was a mighty I struggle. The theatre of this struggle was India proper. The object of this struggle was political sovereignty and not commerce. The French had established themselves in the South and the East. So far as Southern India is concerned the conflict began in 1744 and ended in 1760 at the battle of Wandiwash where the French were completely vanquished. So far as Eastern India is concerned the struggle was a single battle in 1757 — the battle of Plassey in which French lost along with the Nawab whom they supported as against the English. With the elimination of the French, the English alone were left to be the rulers of India.

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But how was the conquest of India received by the people of India?

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From a certain point of view the conquest of India by the British was an accident. As an accident it has come to be regarded as a part of destiny. In this sense Lord Curzon was justified when he said—

(Quotation not given in the MS.—ed.)

What have they done for the people of India? This is too large a question. Many volumes having been written on it, is unnecessary for me to add to what has already been said. I am reducing the question to a narrow compass and ask what have the British done for the Untouchables? What did the British do when they became rulers to emancipate and elevate the Untouchables? There are many heads in relation to which this question may be raised. But I propose to it Public Service, Education and Social Reform.

What did the British Government do to secure to the Untouchables adequate representation in the Public Services of the Country?

I will take the Army first To understand and appreciate the fate that has befallen the Untouchables it is necessary to ask what is it that enabled the British to conquer India?

The conquest of India is an extraordinary event. And this is for two reasons.

The countries which were suddenly thrown open to the European nations at the end of the fifteenth century fall into three classes. Vasco Da Gama threw open countries in which for the most part thickly populated and which were governed by ancient, extensive and well organised states existed. In the second category fell countries discovered by Columbus in which the population was small and the state was of a very rudimentary character. The third category consisted of countries discovered by..... ..... They were just empty areas with no population at all. India fell in the first of these three categories. This is one reason why the conquest of India must be said to be an extraordinary event.

The second reason why the conquest of India is an extraordinary event is the period during which this conquest has taken place. When was India conquered? India was conquered between 1757 and 1818.

In the year 1757 there was fought a battle between the forces of the East India Company and the Army of Siraj-ud-Daulah, the Nawab of Bengal. The British forces were victorious. It is known in history as the battle of Plassey and it is as a result of this battle that the British for the first time made territorial conquest in India. The last battle which

completed the territorial conquest was fought in 1818. It is known as the battle of Koregaon. This was the battle which destroyed the Maratha Empire and established in its place the British Empire in India. Thus the Conquest of India by the British took place during 1757 and 1818. What was the state of affairs in Europe during this very period and what was the position of the English people? This period was one of great turmoil in Europe. It was a period of Napoleonicwars the last of which was fought in 1815 at Waterloo. In these wars England was no idle spectator. It was deeply involved in these wars. It was at the head of all the European States which had formed an alliance to crush Napoleon and the French Revolution. In this grim struggle the English nation wanted every penny, every man, every ship and every gun for its own safety. If could spare nothing for the East India Company which was operating in a theatre far removed from the home base. Not only could they spare nothing to help the East India Company but they actually borrowed men, money and ships from the East India Company to fight Napolean in the European War thereat. The following date from Macpherson gives an idea as to how much the East India Company had to contribute to the English nation for the support of the wars in Europe.

It is during this period when the English people were wholly occupied in Europe in a deadly struggle with Napoleon and when they could not assist the East India Company in any way that India was conquered. It is this which makes the conquest such an extraordinary event. How did this extraordinary event become possible? What is the explanation?

Macaulay has given his explanation. He says :

(Quotation not given in the MS.)

Macaulay's explanation is the explanation which all Englishmen believe, like to believe. Being current for a long time it has got a hold upon the minds of the English people and all European and American people. Indeed an endeavour is made to inculcate this view upon the minds of the younger generation of English people. It is quite understandable. An important element in the make up of an imperial race is the superiority complex and Macaulay '*s* view goes to foster it as nothing else can.

But is Macaulay's view right? Do the facts of history support that view? Professor Seely who has studied this subject in a more realistic way than Macaulay did say :

> "In the early battles of the Company by which its power was decisively established, at the seige of Arcot, at Plassey, at Buxer, there

seem almost always to have been more sepoys than Europeans on the side of the Company. And let us observe further that we do not hear of the sepoys as fighting ill, or of the English as bearing the whole brunt of the conflict. No one who has remarked the childish eagerness with which historians indulge their national vanity, will be surprised to find that our English writers in describing these battles seem unable to discern the sepoys. Read Macaulay's Essay on Clive; everywhere it is ' the imperial people,' ' the mighty children of the sea,' ' none could resist Clive and his Englishmen.' But if once it is admitted that the sepoys always outnumbered the English, and that they kept pace with the English in efficiency as soldiers, the whole theory which attributes our successes to an immeasurable natural superiority in valour falls to the ground. In those battles in which our troops were to the enemy as one to ten, it will appear that if we may say that one Englishman showed himself equal to ten natives, we may also say that one sepoy did the same. It follows that, though no doubt there was a difference it was not so much a difference of race as a difference of discipline, of military science, and also no doubt in many cases on difference of leadership.

Observe that Mill's summary explanation of the conquest of India says nothing of any natural superiority on the part of the English.' The two important discoveries for conquering India were; 1st the weakness of the native armies against European discipline, 2ndly the facility of imparting that discipline to natives in the European service '. He adds ; ' Both discoveries were made by the French.'

And even if we should admit that the English fought better than the sepoys, and took more than their share in those achievements which both performed in common, it remains entirely incorrect to speak of the English nation as having conquered the nations of India. The nations of India have been conquered by an army of which on the average about a fifth part was English. But we do not only exaggerate our own share in the achievement; we at the same time entirely misconceive and misdescribe the achievement itself. From what race were the other four-fifths of the I Army drawn? From the Natives of India themselves ! India can I hardly be said to have been conquered at all by foreigners; She has rather I conquered herself."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_7

This explanation of Prof. Seely is correct as far as it goes. But it is not going far enough. India was conquered by the British with the help of

an Army composed of Indians. It is well for Indians as well as for the British not to overlook this fact. But who were these Indians who joined the army of their foreigners? That question Prof. Seely did not raise. But it is a very pertinent question. Who were these people who joined the army of the East India Company and helped the British to conquer India? The answer that I can give—and it is based on a good deal of study— is that the people who joined the Army of the East India Company were the Untouchables of India. The men who fought with Clive in the battle of Plassey were the Dusads, and the Dusads are Untouchables. The men who fought in the battle of Koregaon were the Mahars, and the Mahars are Untouchables. Thus in the first battle and the last battle it was the Untouchables who fought on the side of the British and helped them to conquer India. The truth of this was admitted by the Marquess of Tweedledale in his note to the Peel Commission which was appointed in 1859 to report on the reOrganisation of the Indian Army. This is what he said — (Quotation not given in the MS.—ed.)

There are many who look upon this conduct of the Untouchables in joining the British as an act of gross treason. Treason or no treason, this act of the Untouchables was quite natural. History abounds with illustrations showing how one section of people in a Country have shown sympathy with an invader, in the hope that the new comer will release them from the oppressions of their countrymen. Let those who blame the Untouchables read the following manifesto issued by the English Labouring Classes in 17 (Left incomplete).

***(Extracts not given in MS.—ed.)

Was the attitude of the Untouchables in any way singular? After all, the tyranny under which the English Labourer lived was nothing as compared with the tyranny under which the Untouchables lived and if the English workmen had one ground to welcome a foreign invader the Untouchable had one hundred.

(Space left blank in the MS.—ed.)

Not only did the Untouchables enabled the British to conquer India, they enabled the British to retain. The Mutiny of 1857 was an attempt to destroy British Rule in India. It was an attempt to drive out the English and reconquer India. So far as the Army was concerned the Mutiny was headed by the Bengal Army. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_8 The Bombay Army and the Madras Army remained loyal and it was with their help that the Mutiny was

suppressed. What was the composition of the Bombay Army and the Madras Army? They were mostly drawn from the Untouchables, the Mahars in Bombay and the Pariahs in Madras. It is therefore true to say that the Untouchables not only helped the British to conquer India they helped them to retain India.

How have the British treated the Untouchables so far as service in the Army is concerned? Strange as it may appear, the answer is that the British Government has since about 1890 placed a ban on the recruitment of the Untouchables in the Indian Army. The result was that, those who had already been recruited remained. It is a great mercy that they were not disbanded. But in course of time they died or went on pension and ultimately by about 1910 completely disappeared from the Army. Nothing can be more ungrateful than this exclusion of the Untouchables from the Army.

Why did the British commit an act which appears to be an act of treachery and bad faith? No reason has ever been given by the British Government for this ban on the recruitment of the Untouchables into the Army. It is often heard that this exclusion is not intentional but is the consequence of a policy initiated in the interest of the efficiency of the Army in about the year 1890. But is this so?

This policy is based on two principles, one relating to Organisation and the other relating to recruiting.

The principle of Organisation that was introduced in 1890 is known as the principle of class composition as against the old principle of a mixed regiment. Under the new principle, the Indian Army was organized on the principle of class regiment or the class squadron or company system. This means, in the first case, that the whole regiment is composed of one class (or caste) and in the second case, that every squadron or company is formed entirely of one class. The old principle of recruiting was to take the best men available, no matter what his race or religion was. Under the new principle, race of the man became a more important factor than his physique or his intellect. For the purposes of recruitment, the different castes and communities of India are divided into categories, those belonging to the martial races and those belonging to the non-material races. The non-martial races are excluded from military service. Only the castes and communities which are included in the category of martial races are drawn upon for feeding the Army.

It is difficult to approve of these two principles. The reasons which underlie the principle of class composition it is said,"are to a certain extent political, as tending to prevent any such formidable

coalition"against the British, as occurred in the Mutiny. I should have thought that the old system of a mixed regiment was safer. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_9 But assuming that the principle is sound, why should it come in the way of the recruitment of the untouchables? If, under the system of class composition, there can be regiments of Sikhs, Dogras, Gurkhas, Rajputs etc., why can there not be regiment of Untouchables? Again, assuming that recruitment from martial races only is in sound principle, why should it affect adversely (to) the untouchables unless they are to be treated as belonging to the non-martial races? And what justification is there for classing the untouchables who formed the backbone of the Indian Army and who were the mainstay of the Indian fighting forces for over 150 years as non-martial? That the British Government does not deem the Untouchables as belonging to non-martial classes is proved by the fact, that in the Great War, when more men were necessary for the Army, this ban on the recruitment of the Untouchables in the Army was lifted and one full battalion was raised and was known as the 111 Mahars. Its efficiency has been testified by no less a person than that (. . . .) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_10When the need was over and the Battalion was disbanded much to the chagrin and resentment of the Untouchables. Sir said:

(Quotation not given in the MS.—ed.)

With this testimony who can say that the Untouchables are anon-martial race?

It is thus obvious that none of the two reasons supposed to be responsible for the exclusion of the Untouchables from the Army. What is then the real reason? In my opinion, the real reason for the exclusion of Untouchables from the Army is their Untouchability. Untouchables were welcome in the Army so long as their entry did not create a problem. It was no problem in the early part of the British history, because the touchable were out of British Army. They continued to be outside the British Army so long as there were Indian Rulers. When, after the Indian Mutiny, the Race of Indian rulers shriveled, the Hindus began to enter the British Army which was already filled with the Untouchables; then arose a problem— a problem of adjusting the relative position of the two groups—touchables and untouchables—and the"British, who always, in cases of conflict between justice and convenience, prefer convenience, solved the

problem by just turning out the Untouchables and without allowing any sense of gratitude to come in their way.

Whatever the reasons of this' exclusion, whatever the justice of this exclusion, the fact remains that the effect of this exclusion has proved most disastrous in its social consequences to the life of the Untouchables. The Military Service was the only service in which it was possible for the Untouchables to earn a living and also to have a career. It is a part of history that many untouchables had done meritorious service in the field and hundreds had risen to the status of Jamadar, Subhedar and Subhedar Majors. The Military occupation had given them respectability in the eyes of the Hindus and had given them a sense of importance, by opening to them places of power, prestige and authority. Having been used to service in the Army for over 150 years, the Untouchables had come to regard it as a hereditary occupation and had not cared to qualify themselves for any other. Here in 1890 — they were told that they were not wanted in the Army, without giving them any time to adjust themselves to the new circumstances — as was done in the case of the Anglo-Indians in 1935. When this service was closed, the Untouchables received a stunning blow and setback from which they have not recovered. They were thrown from a precipice and without exaggeration, fell far below the level at which they had stood under the native Governments.

So much for the entry of the Untouchables in the Military service. What is the position with regard to their entry in the civil service?

The Civil Service requires a high degree of education from the entrant. Only those with University degrees can hope to secure admission. The Untouchables have been the most uneducated part of India's population. The Civil Service has been virtually closed to them. It is only recently, that there have been among them men, who have taken University degrees. What has been their fate? It is no exaggeration to say that they are begging from door to door. Two things have come in the way of their securing an entry in the Civil Services. Firstly, the British Government refused to give them any preference. Not that the British Government did not recognize the principle of giving preference to communities, which were not sufficiently represented in the Civil Services. For instance, the British Government has definitely recognized that the Mahomedans should get preference provided he has minimum qualification. That, this principle has been acted upon in their case, is evident from the nominations, which the Government of India has made to the I. C. S. since the year when the Government took over

power to fill certain places in the 1. C. S. by nomination.

Not a single candidate from the untouchables has been nominated by the British Government, although there were many, who called, have satisfied the test of minimum qualification.

The second reason, why the untouchables, though qualified by education, have not been able to find a place in the Civil Service is, because of the system of recruitment for these services, Under the British Government, the authority to fill vacancies is left with the head of the department. Heads of Department have been and will long continue to be high Caste Hindus. A caste Hindu by his very make up is incapable of showing any consideration to an untouchable candidate. He is a man (with) mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_11 strong sympathies and strong antipathies. His sympathies make him look first to his family, then to his relations, then to his friends and then to members of his caste. Within this wide circle, he is sure to find a candidate for the vacancy. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_12It is very seldom that he is required to travel beyond the limits of his caste. If he has to, then the Untouchable will have, only if there is no other touchable Hindu to compete with them. If there is a competitor from any of the touchable caste, the Untouchable will have no chance. Thus the Untouchable is always the last to be considered in the matter of appointments to the Civil Service. Being the last to be considered, his chances of securing a post are the least.

There are two services for which the Untouchable is particularly suited. One is the Police Service and the other is menial service in Government Offices. What is the position of the Untouchables so far as police service is concerned?

The answer is that the Police Service is closed to them.

On the 17th December 1925, a resolution was moved in the Legislative Council of the United Provinces, asking Government to remove all restrictions on the entry of the Untouchables in Government service and especially the Police Service, the Member of Government in charge of the Department, speaking on behalf of Government said:

> "No, if the Honourable members wish to leave it open to all, I have no objection. But I will certainly object to any member of a criminal tribe or a low caste man like a chamar in this force at present."

On 22nd July 1927, Lala Mohan Lal asked the following question in

the Punjab Legislative Council :

Lala Mohan Lal : Will the Hon'ble Member for Finance be pleased to state if members of the depressed classes are taken in the police? If not, does the Government intend to direct that, in the matter of recruitment of police constables, the members of the depressed classes should also be taken?

The Hon'ble Sir Geoffrey de Montmorency: Members of the depressed classes are not enrolled in the police. When there is evidence that the depressed classes are treated on an equal footing by all sections of the community, (which may not happen till dooms day) or when Government is satisfied that enrolment of members of these classes will satisfy the requirements of efficiency and be in the best interests of the composition of the service. Government will be quite prepared to throw open recruitment to them, provided they come up to the physical and other standards required of all recruits.

The Committee appointed by the Government of Bombay in 1928 reported as follows on this questions:

(Quotation not given in the MS.)

As to menial service, that also has been closed to them. Few will believe it, nonetheless it is a fact and few will be able to guess the reason, though it is quite plain. The reason why the untouchable is excluded from menial service is the same for which he is excluded from the Police Service. It is Untouchability. As part of his duty, a constable has to arrest a person. As a part of his duty, a constable has to enter the house of a person, for instance, to execute a search warrant. What would happen if the person arrested is a Hindu and the constable is an Untouchable? Police constables have to live in lines as neighbours, use the water taps. What would be the reactions of a Hindu constable if his neighbour is an Untouchable constable? These are the considerations which have barred the entry of the Untouchable in the Police Service. Exactly the same consideration have been operative in the case of menial service. A menial in Government office is, in law, required to serve in the office. But his service brings him in contact with others who are Hindus. His contact causes pollution. How could he be welcome. Besides, according to convention, a peon in office is supposed to serve the head of the Department and also his household. He has to bring tea for the boss, he has to do shopping for the wife of the boss, and he has to look after the children. The Head of the Department has to forego

these services if the menial appointments went to the Untouchables. Rather than forego these services, the Untouchable was deprived of his right to serve. So complete was this exclusion that the Bombay Committee had to make a special recommendation in this behalf.

Ill

What did the British Government do about the education of the Untouchables? I will take the Presidency of Bombay by way of an illustration. The period of British administration, so far as Education is concerned, can be divided into three convenient periods.

I - From 1813 to 1854

1. Education under the British Rule in the Bombay Presidency must be said to have begun with the foundation of the Bombay Education Society in 1815. That Society did not confine its efforts to the education of European children. Native boys were encouraged to attend its schools at Surat and Thana and at the beginning of 1820, four separate schools for natives had been opened in Bombay and were attended by nearly 250 pupils. In August of the same year, further measures were taken to extend native education. A special committee was appointed by the Society to prepare school books in the Vernacular languages, and to aid or establish Vernacular schools. But the wide scope of the undertaking was soon seen to be beyond the aims of a society established mainly for the education of the poor; and in 1822, the committee became a separate corporation, thenceforth known as the Bombay Native School Book and School Society, which name was in 1827 changed into the Bombay Native Education Society. The Honourable Mountstuart Elphinstone was the new Society's first President. The Vice-Presidents were the Chief Justice and the three members of the Executive Council of the Bombay Government; and the managing committee consisted of twelve European and twelve native gentlemen, with Captain George Jervis R. E., and Mr. Sadashiv Kashinath Chhatre as Secretaries. The Society started its work with a grant of Rs. 600 per mensern from the Government. As early as 1825, the Government of Bombay had along side, began to establish primary schools at its own expense in district towns and had placed them under the control of the Collectors. To co-ordinate the activities of these two independent bodies, there was established in 1840 a Board of Education composed of six members, 3 appointed by Government and 3 appointed by the Native Education Society. This Board was in charge of the Education Department till the appointment of the Director of

Public Instruction in 185 5.

2. On the 1st March 1855, when the Board was dissolved, there was in the Presidency of Bombay under the charge of the Board, 15 English Colleges and Schools having 2850 students on the Register and 256 vernacular schools having 18,883 students on the Register. In the same report it is stated by the Board:

> "24. In August (1855) we received a petition from certain inhabitants of Ahmednagar, praying for the establishment of *a school for the education of low castes* and engaging to defray one-half of the teacher's salary, in accordance with the terms of the late rules. A school room had been built by the petitioners and the attendance of boys was calculated at thirty. The establishment of such a school was opposed to the prejudice of the richer and higher castes, and there was some difficulty in procuring a teacher on a moderate salary, but as the application was made in strict accordance with the conditions stated in the late notification on the subject, we readily complied with the request, and the school was opened in November. We merely mention the subject, as it is the first occasion on which we have established a school for these castes".

3. The statement by the Board, that this was the first occasion when a school for the low castes was established in this Presidency, naturally raises the question what was the policy of the British Government in the matter of the education of the Depressed Classes before 1855? To answer this question, it is necessary to have a peep into the history of the educational policy of the British Government in this Presidency from 1813 to 1854. It must be admitted that under the Peshwa's Government the Depressed classes were entirely out of the pale of education. They did not find a place in any idea of state education, for the simple reason that the Peshwa's Government was a theocracy based upon the cannons of Manu, according to which the Shudras and Atishudras (classes corresponding to the Backward classes of the Education department), if they had any right of life, liberty and property, had certainly no right to education. The Depressed classes who were labouring under such disabilities, naturally breathed a sigh of relief at the downfall of this hated theocracy. Great hopes were raised among the Depressed classes by the advent of the British Rule. Firstly, because, it was a democracy which, they thought, believed in the principle of one man (one)* value, be that man high or low. If it remained true to its tenets, such a democracy was a complete contrast to the theocracy of the Peshwa. Secondly, the Depressed classes had

helped the British to conquer the country and naturally believed that the British would in their turn help them, if not in a special degree, at least equally with the rest.

4. The British were for a long time silent on the question of promoting education among the native population. Although individuals of high official rank in the administration of India were not altogether oblivious of the moral duty and administrative necessity of spreading knowledge among the people of India, no public declaration of the responsibility of the State in that behalf was made till the year 1813, when by section 43 of the Statute 53 George IV chap. 155Parliament laid down that"out of the surplus revenues of India, a sum of not less than one lakh of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of sciences among the inhabitants of British territories in India etc."This statutory provision, however, did not result in any systematic effort, to place the education of the natives upon a firm and organised footing till 1823. For, the Court of Directors in their despatch dated 3rd June 1814 to the Governor General in Council, in prescribing the mode of giving effect to section 43 of the statute of 1813, directed that the promotion of Sanskrit learning among the Hindus would fulfill the purposes which Parliament had in mind. But what a disappointment to the Depressed classes, there was, when systematic efforts to place the education of the natives upon a firm and organized footing came to be made! ! For, the British Government deliberately ruled that education was to be a preserve for the higher classes. Lest this fact should be regarded as a fiction, attention is invited to the following extracts from the Report of the Board of Education of the Bombay Presidency for the year 1850-51 —

"**Paragraph 5th.— System adopted by the Board based on the views of Court of Directors.—** Thus the Board of Education at this Presidency having laid down a scheme of education, in accordance with the leading injunctions of Despatches from the Honourable Court, and founded not more on the opinions of men who had been attentively considering the progress of education in India such as the Earl of Auckland, Major Candy and others, than on the openly declared wants of the most intelligent of the natives themselves, the Board, we repeat, were informed by your Lordships predecessor in Council that the process must be reversed."

"**Paragraph 8.— Views of Court on the expediency of**

educating the upper classes.— Equally wise, if we may be permitted, to use the expression, do the indications of the Hon. Court appear to us to be as to the quarters to which Government education should be directed, and specially with the very limited funds which are available for this branch of expenditure. The Hon. Court write to Madras in 1830 as follows:"The improvements in education, however, which most effectively contribute to elevate the moral and intellectual condition of a people, are those which concern the education of the higher classes—of the persons possessing leisure and natural influence over the minds of their countrymen. By raising the standard of instruction amongst these classes, you would eventually produce a much greater and more beneficial change in the ideas and the feelings of the community than you can hope to produce by acting directly on the more numerous class. *You* are, moreover, acquainted with our anxious desire to have at our disposal a body of natives qualified by their habits and acquirements to take a larger share and occupy higher situations, in the civil administration of their country than has been hitherto the practice under our Indian Government; ' Never-the-less, we hear on so many sides, even from those who ought to know better of the necessity and facility for educating the masses for diffusing the arts and sciences of Europe amongst the hundred or the hundred and forty millions (for numbers count for next to nothing) in India, and other like generalities indicating cloudy notions on the subject, that a bystander might almost be tempted to suppose the whole resources of the State were at the command of Educational Boards, instead of a modest pittance inferior in amount to sums devoted to a single establishment in England.

"**Paragraph 9.— Retrospect of principal Educational facts during the last ten years necessary**.— The arguments adduced in the few last paragraphs appear to show that a careful examination of the real facts, and an analysis of the principal phenomena which have displayed themselves in the course of educational proceedings in the Presidency, would not be without their uses, if made with sufficient industry and impartiality to ensure confidence, and with a firm determination to steer clear of bootless controversy and all speculative inquiries. The present epoch, also, appears especially to commend itself for such a retrospect, as in 1850 the second decennial period commenced, during which the Schools of the Presidency have come under exclusive control of a Government

Board; and it is obvious that as a considerable body of information ought now to have been accumulated, and as the majority of the present members have had seats at the Board during the greater portion of that time, they would fain hope that by recording their experience, they may shed some light on certain obscure but highly interesting questions, which are certain to arise from time to time before their successors at this Board.

"**Paragraph 10.— A uniform system developing itself spontaneously both in Bengal and Bombay.**— We now proceed to give as minute a detail as comports with our limits, of the principal educational facts which have forced themselves upon our notice, and we think it will clearly appear, when those facts are duly appreciated, that many of the disputed questions, which arise in the Indian field of education, will be seen to solve themselves and that a system is generally evolving itself in other Presidencies as well as in Bombay, which is well suited to the circumstances of the country, and which, as the growth of spontaneous development, denotes that general causes are at work to call it forth.

"Paragraph II— Statistics of education in Bombay— In the return on the following page, a comparative view is given of the number of schools and of pupils receiving education under Government at the period when the Establishments first came under the control of the Board, in 1840 and in April 1850. It shows, in the latter period, an addition of four English and 83 vernacular schools and a general increase in pupils of above a hundred per cent. The total number receiving Government education at present is 12,712 in the following proportion :—

English Education 1,699
Vernacular Education 10,730
Sanskrit Education 283

(comparison from tables: in 1840 there were 97 schools, number of pupils 5,491 ; number of schools 185 and number of pupils 12,712).

"**Paragraph 12.— Same Subject.**— But the population of the Bombay Presidency is now calculated by the most competent authorizes to amount to ten millions. Now on applying the rule of statistics deduced from the Prussian census as noticed in a former Report (1842-43 page 26) a population of this amount will be found to contain no fewer than 900,000 male children between the ages of seven and fourteen years and of course, fit subjects for school. It

follows, therefore, that Government at this Presidency has not been able to afford an opportunity for obtaining education to more than one out of every sixty-nine boys of the proper school going age.

"Paragraph 13.— Same Subject.— Further, it is admitted that education afforded in the Vernacular School is far from efficient. A great portion of the strictures of Mr. Willoughby's Minute is directed against the defective character and insignificant results of these schools. The Board, not only acknowledge this fact, but they have been studious to point it out prominently for many years past, and indeed, in the opinion of some competent observers, have drawn too unfavourable a picture of the vernacular schools. But what are the obvious remedies for the defects indicated? Mr. Willoughby describes them very correctly: —"a superior class of school masters, normal schools, more efficient supervision, additions to the vernacular literature."These are all subjects however, which have occupied the attention of the Board for many years past, and as to which not a step can be made in advance without additional expenditure. But we are given to understand from the letter of your Lordship in council that"it is not probable that the Government will have the power, for a considerable time to come, to afford the Board additional pecuniary assistance."

"Paragraph 14.—Conclusion that no means exist-for educating the masses : It results most clearly from these facts that if sufficient funds are not available to put 175 Vernacular schools into a due state of organisation, and to give a sound elementary education to 10,730 boys, all question as to educating"the masses"the"hundred and forty millions"the 900,000 boys in the Bombay Presidency disappears. The object is not one that can be attained or approximated to by Government; and Educational Boards ought not to allow themselves to be distracted from a more limited practical field of benevolence.

"Paragraph 15.— Views of Court of Directors as to the best method of operation with limited means.— The Hon 'ble Court appear to have always kept the conclusion which has been arrived at in the last paragraph very distinctly in view. Perceiving that their educational efforts to improve the people could only be attempted on a very small scale, they have deemed it necessary to point out to their different Governments the true method of producing the greatest results with limited means. We have already cited their injunctions to the Madras Government on this head, (Para 7) and

their despatch to the Government on the same date enforce sentiment of exactly the same import:—"It is our anxious desire to afford to the higher classes of the Natives of India the means of instruction in European sciences and of access to the literature of civilised Europe. The character which may be given to the classes possessed of leisure and natural influence ultimately determines that of the whole people."

"Paragraph 16.— Inquiry as to upper classes of India.— It being then demonstrated that only a small section of the population can be brought under the influence of Government education in India, and the Hon'ble Court having in effect decided that this section should consist of the"upper classes"it is essential to ascertain who these latter consist *of*.—Here it is absolutely necessary for the European inquirer to divest his mind of European analogies which so often insinuate themselves almost involuntarily into Anglo-Indian speculations. Circumstances in Europe, especially in England have drawn a marked line, perceptible in manners, wealth, political and social influence, between the upper and lower classes. No such line is to be found in India, where, as under all despotisms the will of the Price was all that was requisite to raise men from the humblest condition in life to the highest station, and where consequently great uniformity in manners has always prevailed.

A beggar, according to English notions, is fit only for the stocks or compulsory labour in the workhouse; in India he is a respectable character and worthy indeed of veneration according to the Brahminical theory, which considers him as one who has renounced all the pleasures and temptations of life for the cultivation of learning and undisturbed meditation of the Deity.

"Paragraph 17.— Upper classes in India.— The classes who may be deemed to be influential and in so far the upper classes in India may be ranked as follows:—

1 st.— The landowners and Jaghirdars, representatives of the former feudatories and persons in authorities under Native powers and who may be termed the Soldier class.

2nd.— Those who have acquired wealth in trade or commerce or the commercial class.

3rd.— The higher employees of Government.

4th—*Brah*mins, with whom may be associated, though at long interval, those of higher castes of writers who live by the pen such

as Parbhus and Shenvis in Bombay, Kayasthas in Bengal provided they acquire a position either in learning or station.

"Paragraph 18.— Brahmins, the most influential.— Of these four classes, incomparably the most influential, the most numerous, and on the whole easiest to be worked on by the Government, are the latter. It is a well-recognized fact throughout India that the ancient Jaghirdars or Soldier class are daily deteriorating under our rule. Their old occupation is gone, and they have shown no disposition or capacity to adopt new one, or to cultivate the art of peace. In the Presidency, the attempts of Mr. Elphinstone and his successors to bolster up a landed aristocracy have lamentably failed ; and complete discomfiture has hitherto attended all endeavours to open up a path to distinction through civil honours and education, to a race to whom nothing appears to excite but vain pomp and extravagance, of the reminiscences of their ancestors' successful raids in the plains of Hindusthan'. Nor among commercial classes, with a few exceptions, is there much greater opening for the influences of superior education. As in all countries, but more in India than in the higher civilized ones of Europe, the young merchant or trader must quit his school at an early period in order to obtain the special education needful for his vocation in the market or the counting house. Lastly, the employees of the State, though they possess a great influence over the large numbers, who come in contact with Government, have no influence, whatever, with the still larger numbers who are independent of Government; and, indeed, they appear to inspire the same sort of distrust with the public as Government functionaries in England, who are often considered by the vulgar as mere hacks of the State.

"Pharagraph 19.— Poverty of Brahmins.— The above analysis, though it may appear lengthy, is nevertheless, indispensable, for certain important conclusions deducible from it. First, it demonstrates that the influential class, whom the Government are able to avail themselves of in diffusing the seeds of education, are the Brahmins and other high castes Brahmins proxmi. But the Brahimins and these high castes arc, for the most part, wretchedly poor; and in many parts of India, the term Brahmin is synonymous with"beggar."

"Paragraph 20.— Wealthy classes will not at present support superior education.— We may see, then, how hopeless it is to enforce what your Lordship in council so strongly enjoined upon us

in your letter of the 24th April 1850— what appears, *prima fade,* so plausible and proper in itself — what in fact, the Board themselves have very often attempted, *viz,* the strict limitation of superior education"to the wealthy, who can afford to pay for it, and to youths of unusual intelligence."The invariable answer the Board has received, when attempting to enforce a view like this, has been, that the wealthy are wholly indifferent to superior education and that no means for ascertaining unusual intelligence amongst the poor exist, until their faculties have been tested and developed by school training. A small section, from among the wealthier classes, is no doubt displaying itself, by whom the advantages of superior education are recognized, it appears larger in Bengal, where education has been longer fostered by Government, than in Bombay, and we think it inevitable that such class must increase, with the experience that superior attainments lead to distinction, and to close intercourse with Europeans on the footing of social equality; but as a general proposition at the present moment, we are satisfied that the academic instruction in the arts and sciences of Europe cannot be based on the contributions, either of students or of funds, from the opulent classes of India.

"Paragraph 21.— Question as to educating low castes.— The practical conclusion to be drawn from these facts which years of experience have forced upon our notice, is that a very wide door should be opened to the children of the poor higher castes, who are willing to receive education at our hands. But here, again, another embarrassing question arises, which it is right to notice: If the children of the poor are admitted I freely to Government Institutions, what is there to prevent all the despised castes—the Dheds, Mahars etc., from flocking in numbers to their walls?

"Paragraph 22.— Social Prejudice of the Hindus.— There is a little doubt, that if a class of these latter were to be formed in Bombay, they might be trained, under the guiding influence of such Professors and masters as are in the service of the Board, into men of superior intelligence to any in the community ; and with such qualifications, as they would then possess, there would be nothing to prevent their aspiring to the highest offices open to Native talent—to Judgeship the Grand Jury, Her Majesty's Commission of the Peace. Many benevolent men think, it is the height of illiberality and weakness in the British Government, to succumb to the prejudices, which such appointments would excite into disgust

amongst the Hindu community, and that an open attack should be made upon the barriers of caste.

"Paragraph 23.—Wise observations of the Hon. Mount Stuart Elphinstone cited.— But here the wise reflections of Mr. Elphinstone, the most liberal and large minded administrator, who has appeared on this side of India, point out the true rule of action."It is observed"he says,"that the missionaries find the lowest castes the best pupils; but we must be careful how we offer any special encouragement to men of that description; they are not only the most despised, but among the least numerous of the great divisions of society, and it is to be feared that if our system of education first took root among them it would never spread further, and we might find ourselves at the head of a new class, superior to the rest in useful knowledge, but hated and despised by the castes to whom these new attainment would be desirable, if we were contented to rest our power on our army or on the attachment of a part of the population but is inconsistent with every attempt to found it on a more extended basis."

5. It is, therefore obvious, that if no schools were opened for Depressed classes before 1855 in the Bombay Presidency, it was because the deliberate policy of the British Government was to restrict the benefits of education to the poor higher castes, chiefly the Brahmins. Whether this policy was right or wrong is another matter. The fact, however, is that during this period the Depressed classes were not allowed by Government to share in the blessings of education.

II.—From 1854 to 1882

6. In their Despatch No. 49 of 19th July 1854, the Court of Directors observed: —

"Our attention should now be directed to a consideration, if possible, still more important, and one which has hitherto, we are bound to admit, too much neglected, namely, how useful and practical, knowledge suited to every station in life, may be best conveyed to the great mass of the people who are utterly incapable of obtaining any education worthy of the name by their own efforts; and we desire to see the active measures of Government more especially directed, for the future, to this object, for the attainment of which, we are ready to sanction a considerable increase of expenditure."

This despatch is very rightly regarded as having laid the foundation of mass education in this country. The results of this policy were first

examined by the Hunter Commission on Indian Education in 1882. The following figures show what was achieved during the period of 28 years.

PRIMARY EDUCATION 1881-82

	No. of scholars at School	Per cent on total
Christians	1,521	.49
Brahmins	63,071	20.17
Other Hindus	202,345	64.69
Mohammedans	39,231	12.54
Parsis	3,517	1.12
Aboriginal and Hill Tribes	2,713	.87
Low Caste Hindus	2,862	.87
Jews and Others	373	.12

SECONDARY EDUCATION 1881-82

		Middle Schools		High Schools	
		No. of scholars at School	Per cent on total	No. of scholars at School	Per cent on total
Christians		1,429	12.06	111	2.26
Brahmins		3,639	30.70	1,978	40.29
Other Hindus	Cultivators	624	5.26	140	2.85
	Low Castes	17	.14	---	---
	Other Castes	3,823	32.25	1,573	32.04
Mohammedans		687	5.80	100	2.04
Parsis		1,526	12.87	965	19.66

Aboriginal and Hill Tribes	6	.05	---	---
Others (including Jews etc.	103	.87	92	.86

COLLEGIATE EDUCATION 1881-82

		No. of scholars at School	Per cent on total No. of Scholars
Christians		14	3
Brahmins		241	50
Other Hindus	Cultivators	5	1
	Low Castes	0	0
	Other Castes	103	21.3
Mohammedans		7	1.5
Parsis		108	21.5
Aboriginal and Hill Tribes		0	0
Others (including Jews etc.		2	0.4

7.What do these figures show? They show that although mass education was the policy of the Government, the masses were as outside the pale of education as they were before the year 1854 and that the lowest and aboriginal classes of the Hindus still remained lowest in order of education; so much so, that inl881-82, there was no student from that community either in the High Schools or in the Colleges of this Presidency. What can this failure to bring the Depressed Classes to the level of the rest in the matter of education be due to? To answer this question, it is necessary again to go into the history of the educational policy of the Government of this Presidency.

8. The Despatch of the Court of Directors of the year 1954, for the first time recognised after a lapse of full 40 years that the duty of the State was to undertake the education of the great mass of the people. But there were still die-hards, who had great misgivings as to the

wisdom of the principle laid down in that Despatch and who were agitating for a reversal of that policy. The fears of dire consequences to the British Rule arising from elevating the Backward Classes above their station in life, still haunted men like Lord Ellenborough, President of the Board of Control, who in a letter to the Chairman of the Court of Directors dated 28th of April 1858, did not hesitate to strike the following note of caution :—

"Gentlemen:— Many letters have been lately before me, reviewing the state of education in different parts of India, under the instructions sent by the Court of Directors in 1854, and I confess, that they have not given me the impression that the expected good has been derived from the system which was then established, while all the increase of charge which might have been expected, appears to be in progress of realization.

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"Paragraph 11: — I believe, we rarely, if even induce parents above the lower class to send their children to our schools, and we should practically, if we succeeded in intending education as we desire, give a high degree of mental cultivation to the labouring class, while we left the more wealthy in ignorance.

"Paragraph 12:— This result would not tend to create a healthy state of society. Our Government could not offer to the most educated of the lower class the means of gratifying the ambition we should excite.

"Paragraph 13 :— We should create a very discontented body of poor persons, having, through the superior education we had given to them, a great power over the mass of the people.

"Paragraph 14 :— Education and civilization may descend from the higher to the inferior classes, and so communicated may impart new vigour to the community, but they will never ascend from the lower classes to those above them ; they can only, if imparted solely to the lower classes, lead to general convulsion, of which foreigners would be the first victims.

"Paragraph 15:—If we desire to diffuse education, let us endeavour to give it to the higher classes first.

"Paragraph 16:— These are but two ways of doing this— by founding .colleges to which the higher classes alone should be admitted, and by giving in the reOrganisation of the army, commissions at once, to such sons of native gentlemen as may be competent to receive them."

9. This antipathy of the European officers towards the untouchable classes was finally corrected by the Secretary of State for India in his despatch of 1859, which again reiterated the responsibility of Government for mass education.

10. Singular as it may appear, the recognition by the Government of its responsibility for mass education conferred upon the Depressed classes a benefit only in name. For, although, schools were opened for the masses in the various districts, the question of the admission of the Depressed classes to these schools had yet to be solved. Such a question did practically arise in the year 1856. But the decision of the Government was not favourable to the Depressed classes as will be seen from the following extracts from the Report of the Director of Public Instruction for the Bombay Presidency for the year 1856-57 :—

> "Paragraph 177.—Schools of Low castes and wild tribes.—There are no low class schools established directly by Government and the Supreme Government has expressed disapproval of such schools. The ordinary schools entirely supported by the state are in theory open indifferently to all castes. In the course of observation of my Report 1855-56 the Government issued the following order:—"The only case as yet brought before Government in which the question as to the admissions of the pupils of the lowest class to Government schools has been raised was that of a Mahar boy on whose behalf a petition was submitted in June 1856, complaining that though willing to pay the usual schooling fee, he had been denied admission to the Dharwar Government School.
>
> "On this occasion. Government felt a great practical difficulty which attended the adjudication of a question in which their convictions of abstract right would be in antagonism to the general feelings of the mass of the natives, for whose enlightenment, to the greatest possible extent, the Government Educational Department has been established ; and it was decided, as will appear from the Resolutionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_13 passed at the time with some hesitation, that it would not be right, for the sake of single individual, the only Mahar who had ever come forward to beg for admission into a school attended only by the pupils of castes and to force him into association with them, at the probable risk of making the institution practically useless for the great mass of natives".

The proceedings of the Government of Bombay in this matter were noticed in the following terms by the Government of India, in a letter

No.111 dated 23rd January 1857:—

> "Governor General in Council thinks it very probable that the Bombay Government has acted wisely in the matter; but it desires me (i. e. Secretary to the Government of India) to say that the boy would not have been refused admission to any Government school in the Presidency of Bengal".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_14

On receipt of this letter, it was resolved that Government of India should be assured that this Government would be most unwilling to neglect any means of rendering the schools throughout the country less exclusive than they practically are in the matter of caste; provided this could be effected without bringing the Government school into general disrepute, and thus destroying their efficiency and defeating the object for which they were intended. It was also determined that an enquiry should be made as to the practical working of the principle which was said to prevail in Bengal as affecting the general usefulness of the Government schools.

11. Inquiries as to the practice prevalent in Bengal revealed that the Bengal authorities, contrary to the supposition of the"Government of India"had left it to the District Committees of Instructions to grant or refuse admittance to candidates of inferior castes, with reference to the state of local native feeling in each case. The result of this was that the Depressed classes were left in the cold, because the touchable classes would not let them sit at the fire of knowledge which the Government had lit up in the interest of all its subjects.

12. Under these circumstances, mass education as contemplated by the Despatch of 1854 was in practice available to all except the Depressed classes. The lifting of the ban on the education of the Depressed classes in 1854 was a nominal affair only. For, although the principle of non-exclusion was affirmed by the Government, its practical operation was very carefully avoided ; so that, we can say, that the ban was continued in practice as before.

> The only agency which could take charge of the education of the Depressed classes was that of Christian Missionaries. In the words of Mount Stuart Elphinstone they"found the lowest classes the best pupils". But the Government was pledged to religious neutrality and could not see its way to support missionary schools, so much so that no pecuniary grant was made in this Presidency to any missionary

school in the early part of this period although the Educational Despatch of 1854 had not prohibited the giving of grants to missionary schools.

13. To find a way out of this *impasse* the Government adopted two measures: (1) the institution of separate Government schools for low caste boys, and (2) the extension of special encouragement to missionary bodies to undertake their education by relaxing the rules of grants-in-aid. Had these two measures not been adopted, the education of the Depressed classes would not have yielded the results, most meager as they were, at the stocktaking by the Hunter Commission in 1882.

III—From 1882 to 1923

14. After the year 1882, the year 1923 forms the next landmark in the educational history of the Bombay Presidency. That year marks the transfer of primary education from the control of Provincial Governments to the control of local bodies. It will therefore be appropriate to take stock of the position as it stood in 1923. The position of the different communities in the Bombay Presidency in 1923 in the matter of educational advancement may be summed up in a tabular form as follows :—

Classesmk:@MSITStore:C:\Important\Writing_Of_Baba saheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_15 **of population in the Presidency**	**Order in respect of education**	Order in respect of education		
		Primary	Secondary	Collegiate
Advanced Hindus	4th	1st	1st	1st
Intermediate Hindus	1st	3rd	3rd	3rd
Backward Hindus	2nd	4th	4th	4th
Mahomedans	3rd	2nd	2nd	2nd

15. From this table, one notices a great disparity in the comparative advancement of these different communities in the matter of education. Comparing these classes of people according to the order in which they stand in respect of their population and according to the order in which they stand in respect of their educational progress, we find that the Intermediate class, which is first in order of population is third in order

of college education, third in order of secondary education and third in order of primary education. The Depressed classes who are second in order of population, stand fourth i. e. last in order of college education, last in order of secondary education and last in order of primary education. The Mahomedans who are third in order of population are second in order of college education, second in order of secondary education and second in order of primary education ; while the"Advanced Hindoos"who occupy the fourth place in order of population stand first in order of college education, first in order of secondary education and first in order of primary education. From this we can safely say that in this respect there has been no improvement over the situation as it stood in 1882 relatively speaking.

16. The above statement which is based upon the Report of the Director of Public Instruction, Bombay Presidency for the year 1923-24 merely reveals the disparity that exists in the educational advancement of the different communities. But the disparity in the level of education among the different communities would be a very small matter if it be not very great. We can form no important conclusion unless we know the degree of disparity. To make this position clear from this point of view, the following table is presented:—

TABLE

Classes of Population	Primary Education, Students per 1000 of the population of the class	Secondary Education, Students per 1000 of the population of the class	College Education, Students per 1000 of the population of the class
Advance Hindus	119	3,000	1,000
Mahomedans	92	500	52
Intermediate class..	38	140	24
Backward class ..	18	14	Nil (or nearly one if at all).

17. The above figures give the lengths, as it were, by which each community is ahead of the rest in the matter of primary, secondary and collegiate education. They reveal a range of disparity between the different communities in this Presidency which shows that the position

of some of the communities in the matter of education is most shocking. From the statistics as given above, two facts stand out to be indisputable. (1) That the state of education of the Backward classes in this Presidency is deplorable. In the matter of population they occupy a place as high as second. But in the matter of Education, they occupy a place which is not only last but which also is the least ; (2) That the Muhammedans of the Presidency have made enormous strides in education ; so much so that within the short span of 30 years, they have not only stolen a march over other communities such as the Intermediate and the Backward class, but have also come close to the Brahmins and allied castes.

18. What can this be due to? To the policy of unequal treatment adopted by the Government must again be our reply to this ever present question. How unequal was the treatment of the two classes will be evident from the following extracts from the Quinquennial Reports on Education. With regard to the treatment of the Mahomedans in the matter of education, the following observations in the third Quinquennial Report (1892-96) are noteworthy:—

> "Concerning the figures for Mahomedan Education in Bombay ..... the Director remarks that the increase would have been larger"but for adverse circumstances". It has long been recognized in Bombay that Mahomedans make a larger use of Public Institutions than the rest of the population..... On the general question of what has been done to encourage Mahomedan education, the Director writes:—
>
> "In the first place, a Mahomedan officer is appointed to every District, either as Deputy or Assistant Deputy Inspector; and we have three Mahomedan graduates as Deputies, at Kaira, Sholapur, and Hyderabad, while a fourth has been drafted into the higher grades of the Revenue Department. There is thus, not a District where the staff is out of touch with the Mahomedan population. Again at Bombay, Karachi and Junagadh (a Muhammadan State in Kathiawar), special efforts have been made to provide High Schools for Muhammadans with low fee rates, and smaller schools have been opened by other Anjumans (Muhammadan associations) elsewhere. The Department also provides for their benefit, special standards and maintains special schools in certain localities, and reserves for them one-third of the Provincial and Local Boards scholarships. Then, there are the special scholarships founded by Khan Bahadur Kazi Shahbuddin (at one time Diwan

of Baroda) ; and in Sindh, a certain number of food scholarships have been given by the heir of the Native State of Khairpur for students attending in Arts College. (I had great difficulty in filling these up last year, though they are of the value of Rs. 25 a month). In Primary schools, Muhammadans are very liniently treated in the matter of fees. They are encouraged to come to the Training Colleges by special rules which (regime)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_16 from them an easier test than from Hindus; The Joint Schools Committee at Bombay has lately made special efforts to encourage Muhammadan education by the appointment of a Mahommadan Deputy Inspector……."

19. Compare with this the observations regarding the education of the Depressed classes in the fifth Quinquennial Report (1902-1907):

"959. Bombay— In the Central Division of Bombay, the low caste children are admitted free into schools and receive presents in the form of books, slates etc..... In Kathiawar only three children of the Depressed castes are receiving education. In the Southern division there are 72 special schools or classes of them, most of which are under unqualified teachers."

20. This unequal treatment has its origin in the recommendations of the Hunter Commission. How partial was the Hunter Commission to the Mahomedans will be evident, if we compare the recommendations it made in their behalf to those it made in the interests of the Depressed classes. With respect to the Mahomedans the Commission made seventeen recommendations of which the following are worthy of note :—

(1) that the special encouragement of Mahomedan education be regarded as a legitimate charge on local, on Municipal, and on Provincial funds.

(7) that higher English education for Mahomedans, being the king of education in which that community needs special help, be liberally encouraged.

(8) that, where necessary, graduated system of special scholarships for Mahomedans be established to be awarded (a) in primary schools, and tenable in middle schools ; (b) in middle schools, and tenable in high schools; (c) on the results of Matriculation and First Arts examinations, and tenable in colleges also.

(9) that in all classes of schools maintained from public funds, a

certain proportion of free studentship be expressly reserved for Mahomedan students.

(10) that in places where educational endowments for the benefit of Mahomedans exist and are under the management of Government, the funds arising from each endowments be devoted to the advancement of education among the Mahomedans exclusively.

(11) that where Mahomedans exist, and are under the management of private individuals or bodies, inducements by liberal grants-in-aid be offered to them to establish English teaching schools or colleges on the grants-in-aid system.

(12) that, where necessary, the Normal Schools or classes for the training of Mahomedan teachers be established.

(16) that Mahomedan Inspecting Officers be employed more largely than hitherto for the inspection of primary schools for Mahomedans.

(17) that the attention of Local Governments be invited to the question of the proportion in which patronage is distributed among educated Mahomedans and others.

21. Every one of these recommendations made by the Hunter Commission was necessary in the interests of the Depressed classes also. But when we come to analyse the recommendations made by the Commission in the interest of the Backward classes, we do not find them directing that education of the Backward Classes be regarded a legitimate change on Government funds, that scholarships and proceedings be reserved for them, that special inspecting staff be kept to look after their educational needs or that public patronage be given to them by way of encouraging the growth of education amongst them. All we find the Commission saying is that (1) the principle that"no boy be refused admission to a Government College or school merely on the ground of caste", be now reaffirmed as a principle and be applied with due caution to every institution, not reserved for special races, which is wholly maintained at the cost of public funds, whether provincial, municipal or local. (2) that the establishment of special schools or classes for children of low castes be liberally encouraged in places where there are a sufficient number of such children to form separate schools or classes and where the schools already maintained from public funds do not sufficiently provide for their education."As a matter of fact the recommendations made by the Commission for the Mahomedans were far more necessary in the interests of the Backward classes than in the interests of the Mahomedans."For even the Hunter Commission,

presided as it was by a chairman of pronounced sympathies for the Mahomedans, had to admit that"the inquiries made in 1871-73 went to prove that except in the matter of the higher education, there had been a tendency to exaggerate the backwardness of the Muhamadans."Notwithstanding this the only recommendations made by the Hunter Commission were the two mentioned above. Even these two recommendations, made by the Commission regarding the Depressed classes were not calculated to do much good. They were bound to be futile. The reaffirmation of the principle even if it be for the fifth time was useless. For under the proviso inserted by the Commission, the enforcement was to be avoided in practice. Similarly, the opening of the separate schools for the Depressed classes was hardly possible, which again was bound to be sterile. Separate schools involving additional expense could hardly be acceptable to a Government to which primary education was a task. Besides, the proviso, that such schools should be opened where Backward classes were in large numbers, was sufficient to negative the recommendations simply because in rural parts the Backward classes can seldom be found to be living in one locality in large numbers.

22. It is difficult to understand why the Hunter Commission paid such a scant attention to the educational needs of the Backward classes. If it felt necessary to be generous towards the Mahomedans, it should have at least seen that it was just to the Backward classes who were far behind the Mahomedans in education, wealth and social status. Once the Hunter Commission had thrown the Depressed classes into the background, they remained there and the Government never paid any attention to them. As an example of this neglect, attention may be drawn to the Resolution of the Government of India in the Department of Education dated Delhi the 21st February 1923. It was one of the most important resolutions ever issued by the Government of India in which they decided to assist local Government by means of large grants from imperial revenues as funds became available, to extend comprehensive systems of education in the several provinces. In that resolution, they were particular to point out to the provincial Governments, the educational needs of"Domiciled community"and the Mahomedan community. But they had not a word to say in the whole Resolution about the Backward classes. The Bombay Government readily accepted the suggestion and appointed in 1913 a Mahomedan on Education Committee to make recommendations for the promotion of education among the Mahomedans. One feels righteous indignation

against such criminal neglect on the part of the Government, particularly when, it is realized that the large grants given by the Government of India after 1913, were given by way of fulfillment of the declaration made by His Most Gracious Imperial Majesty, the King Emperor, in replying to the address of the Calcutta University on the 6th January, in which he said :—

> "It is my wish that there may be spread *over* the land a network of Schools and Colleges, from which will go forth loyal and manly and useful citizens, able to hold their own industries and agriculture and all the vocations in life. And it is my wish too, that the homes of my Indian subjects may be brightened and their labour sweetened by the spread of knowledge with all that follows in its train, a higher level of thought, of comfort and health. It is through education that my wish will be fulfilled, and the cause of education in India will ever be very close to my heart."

IV

What about social Reform under the British Government?

It was Raja Sir T. Madhavrao, a very prominent and progressive Hindu of the last generation, who said:—

> "The longer one lives, observes, and thinks, the more deeply does he feel that there is no community on the face of the earth which suffers less from political evils and more from self-inflicted or self-accepted or self-created, and therefore avoidable evils, than the Hindu Community."

Leaving aside the question of the comparative cost of the observation, there can be no doubt that Hindu Society suffers from social evils as no other community does.

Mahadeo Govind Ranade, another venerable name among earnest social reformers has made another and equally important observation, emphasizing another aspect of the Hindu Community :—

> "Mere considerations of expediency or economical calculations of gains or tosses can never move a community to undertake and carry through social reforms, especially with a community like ours, so spellbound by custom and authority. Our people feel, and feel earnestly, that some of our social customs are fraught with evil; but as this evil is of a temporal character, they think that it does not justify a breach of commands divine, for"such breach involves a higher penalty.—The truth is, the 'orthodox society has lost its power of life, it can initiate no reform nor sympathise with it."

In other words all the social evils are based on religion. A Hindu man or woman, whatever he does, he does as a religious observance. A Hindu eats religiously, drinks religiously, bathes religiously, dresses religiously, is born religiously, is married religiously and is burned religiously. His acts are all pious acts. However evil they may be from a secular point of view, to him, they are not sinful because they are sanctioned and enjoined by his religion. If any one accuses a Hindu of Sin, his reply is, ' If I sin, I am sinning religiously.

Society is always conservative. It docs not change unless it is compelled to and that too very slowly. When change begins, there is always a struggle between the old and the new, and the new is always in danger of being eliminated in the struggle for survival unless it is supported. The one sure way of carrying through a reform is to back it up by law. Without the help of legislation, there can never be any reform in any evil. The necessity of legislation is very great when the evil to be reformed based on religion.

What is the sum total of legislation in favour of social reform under the British Government? The record of the British Government, in the matter of social reform, is to say the least, very halting and very disappointing. In the course of 150 years, there are just six social evils which have been subjected to Legislation.

The first piece of Social Legislation which the British undertook, is contained in **Bengal Regulation XXI of 1795.** It is a regulation for Preventing the Brahmins in the Province of Benares establishing Koorhas, wounding or killing their female relations or children or sitting Dhurna and for preventing the Tribe of Raj Koomars in that Province killing their female children. It enacted as follows :—

Preamble

1. The reverence paid by the Hindoos to Brahmins, and the reputed inviolability of their persons, and the loss of, or prejudice to cast(e), that ensues from proving the casue of their death, have in some places in the province of Benares, and more especially in the pergunnahs of Kuntit and Budhoe been converted by some of the more unlearned part of them, into the means of setting the laws at defiance, from the dread and apprehensions of the persons of the Hindoo religion, to whose lot it must frequently fall to be employed, in enforcing against such Brahmins any process or demands on the part of Government The devices occasionally put in practice under

such circumstances by these Brahmins, are lacerating their own bodies, either more or less slightly, with knives or razors; threatening to swallow, or, sometimes actually swallowing poison, or some powder which they declare to be such; or, constructing a circular enclosure called a *koorh,* in which they raise a pile of wood or of other combustible and betaking themselves to fasting, real or pretended, place within the area of the koorh, an old woman, with a view to sacrifice her by setting fire to the koorh, on the approach of any person to serve them with any process, or to exercies coercion 'over them on the part of Government, or its delegates. These Brahmins likewise, in the event of their not obtaining relief within a given time, for any loss or disappointment that they may have justly *or* unjustly experienced, also occasionally bring out their women or children, and causing them to sit down in the view of the peon who is coming towards them on the part of Government, or its delegates, they brandish their swords, and threaten to behead, or otherwise slay, these females, or children, on the nearer approach of the peon; and there are instances, in which, from resentment at being subjected to arrest or coercion, or other molestation, they have actually not only inflicted wounds *on* their own bodies, but put to death with their swords, the females of their families, or their own female infants, or some aged female, procured for the occasion. Nor are the women always unwilling victims ; on the contrary, from the prejudices in which they are brought up, it is supposed that in general they consider it incumbent on them to acquiesce cheerfully in the species of self-devotement, either from motives of mistaken honor, or of resentment and revenge, believing that after death they shall become the tormentors of those who are the occasion of their being sacrificed. On similar principles, these Brahmins, to realize any claim or expectation, such as the recovery of a debt, or for the purpose of extorting some charitable donation, frequently proceed either with some offensive weapon, or with poison, to the door of another inhabitant of the same town or village, and take post there in the manner called Dhurna; and it is understood, according to the received opinions on this subject, that they are to remain fasting in that place until their object be attained; and that it is equally incumbent on the party who is the occasion of such Brahmins thus sitting, to abstain from nourishment until the latter be satisfied. Until this is effected, ingress and egress to and from his house are also more or less prevented, as according to the received opinion, neither

the one nor the other can be attempted, but at the risk of the Brahmin's wounding himself with the weapon, or swallowing the powder or poison, with which he may have come provided. These Brahmins, however are frequently obliged to desist and are removed from sitting Dhurna by the officers of the courts of justice, without any ill consequence resulting it, having been found by experience, that they seldom or ever attempt to commit suicide, or to wound themselves or others, after they are taken into the custody of Government. The rules and measures adopted for putting a stop to these abuses, and for preventing the revival of the still more savage custom, which until within these few years, had been generally prevalent amongst the tribe of Rajkoomars inhabiting the borders of the province near Juanpore, of destroying their infant female children, by suffering them to perish for want of sustenance, are hereby enacted, with modifications, into a regulation.

Brahmins establishing a koorh, or preparing to maim, wound, or slaughter his women or children

II. Upon information in writing being preferred to the magistrate of the city or a zillah court, against any Brahmin or Brahmins, for establishing a *koorh,* or for being prepared to maim, wound, or slaughter his women or children, or any, or either of them, in the manner described in the preamble to this regulation, or in any other account or manner substantially similar thereto, on account of any subject of discontent, or any other account whatsoever; in such case, upon oath being made to the truth of the information, the Magistrate is immediately to address to the said Brahmin or Brahmins, a written notice in the Persian language and character, and in the Hindoostanee language and Nagree character, and under his official seal, which notice is to be served on him or them, by such relations, friends, or connections of the said Brahmin or Brahmins, as the magistrate may think fit, and have an opportunity of employing for the purposes and in default of such relations, friends, or connections of the said Brahmin or Brahmins, the magistrate is to cause the notice to be served by a single peon of the same religion ; and the notice shall require the said Brahmin or Brahmins to remove the *koorh,* and the women and people that may be placed in it; or to desist from any preparation towards wounding or slaughtering the women or children according as either or both of these facts shall be charged in the information. The notice shall also contain a positive and encouraging assurance to the Brahmin or Brahmins in question, that on his or

their complying with the principal exigence thereof, by removing the *koorh,* and the person or persons, or by desisting from any preparation to wound or slaughter the women and children, and thereon repairing (as such Brahmin or Brahmins may think fit) in person, or by Vakeel to the city or zillah court, proper enquiry shall be made concerning the dispute that may have given occasion to the act or acts thus prohibited. But if the issuing of the notice shall not have the effect of inducing the said Brahmin or Brahmins to comply with the exigency thereof, a written return to that purpose is to be made and attested by the party or parties entrusted with the serving of it; and the magistrate is thereon to issue a warrant under his official seal and signature for the apprehension of the said Brahmin or Brahmins specifying the misdemeanor and contumacy with which he or they stand charged ; and the execution of the warrant is to be committed to peons of the Mahomedan religion, nor is any Hindoo to be sent on such duty. On the Brahmin or Brahmins against whom the warrant shall have been issued being brought before the magistrate, he or they are to be dealt with, in the mode prescribed in Section 5, Regulation IX, 1793, respecting persons charged with crimes or misdemeanors ; and if it shall appear to the magistrate on the previous enquiry, which by the said section he is himself directed to make, that the misdemeanor or misdemeanors charged, (that is, the constructing of the *koorh,* or being prepared to wound or slay the women or children, according as either or both of these acts shall have been charged) were actually committed, and that there are grounds for suspecting the prisoner or the prisoners respectively to have been concerned, either as a principal or an accomplice, in the perpetration of either or both of these acts ; the magistrate shall cause him or them to be committed to prison or held to bail, (according as the parties shall appear to have been principals or accomplices) to take his or their trial at the next session of the court or circuit, and shall bind over the informant or complainant, and the witnesses, to appear at the trial, in the manner prescribed in the aforesaid section.

Process of trial and the punishment to be inflicted, for the commission of the aforesaid offences.

III. The court of circuit shall conduct the trial of Brahmin or Brahmins charged with the above offences, in the manner prescribed in Regulation IX, 1793 and XVI, 1795,in respect to the other offences,but as the Mahomedan law cannot adequately apply to offences of this local nature, it is therefore hereby provided and

ordered, that where in the opinion of the court of circuit, the charge of being a principal in respect to the constructing of a *koorh,* or to having been prepared to wound or slay the women or children, shall be proved, the said court shall sentence the prisoner to the payment of a fine equal to the amount of his annual income, which is to be estimated according to the best information that they may be able to procure respecting it; and on proof to the court's satisfaction of the prisoner's being guilty only as an accomplice, he shall be sentenced to the payment of a fine equal to one-fourth of his estimated annual income. In all cases of parties being sentenced to the payment of such fines, they are to be committed to, and are to remain in jail until the amount thereof be paid, or until they shall have delivered to the court of circuit, or, after the said court's departure, to the magistrate, full and ample malzam-ines or security, to pay the same within six months from the date of their release ; and such parties, before their enlargement, either in consequence of their having liquidated, or having entered into security for the payment for the fine imposed on them, shall deliver into the court of circuit, or, in their absence, to the *magistrate, faelzaminee,* or satisfactory security from one or more creditable persons, not to offend in like manner in future.

Authority reserved to the Nizamut Adawlut to mitigate such fines

IV. All sentences passed by the court of circuit under Section 3, without however any intermediate suspension of their execution, are to be transmitted within ten days after their being passed, to the Nizamut Adawlut, which court may order such mitigation and restitution of the fine or fines thereby imposed, as may be thought proper ; but until the order be issued by the Nizamut Adawlut, the sentence of the court of circuit is to be considered in full force, and to be carried into effect accordingly.

Penalty for Brahmins absconding for whose apprehension the magistrate shall have issued a warrant under Section 2

V. In case any Brahmin or Brahmins, against whom the city or a Zillah magistrate may issue the warrant prescribed in Section 2, shall refuse to obey, or resist or cause to be resisted, the peons deputed to serve it, or escape after being taken by them into custody, or abscond, or shut himself or themselves up in any house or building, or retire to any place, so that the warrant cannot be served upon him or them, the magistrate shall issue a precept to the Collector, requiring him to cause to the nearest Tehsildar to attach the lands

that such Brahmin or Brahmins may possess in property, or in mortgage, or in farm, or *Lakharaje*. The lands shall remain attached until he or they surrender, and the collections made during the attachment, after deducting such revenue as may fall due to Government, shall be accounted for, and paid to, the party against, or on account of, or in resentment to, whom, the *Koorh* was originally established, or the woman or women, or child or children, were to be wounded *or* slain, and after the surrender or apprehension of the Brahmin or Brahmins who set on the Koorh, or was or were prepared to wound or slay his or their women or children, or either of them, his or their lands shall be released; but he or they shall be proceeded against, in respect to his or their lands shall be released; but he or they shall be proceeded against, in respect to his or their trial for the original offence or offences, as prescribed in Sections 3 and 4.

Collector to apply to the magistrate in case of Brahmins establishing a Koorh, or being prepared to kill or wound women or children, on account of any process from the revenue department

VI. In the event of any Brahmin or Brahmins establishing a *Koorh,* or preparing to wound or slay his or their women or children, or any or either of them, with a view to prevent the serving of any *Dustuck* or writ on him or them, for arrears of revenue by the local Tehsildar, or by the Collector of Benares, in the manner in which by Regulation VI, 1795, they are respectively authorised to issue such *Dustucks,* if it be the Dustuck of the Tehsildar that is thus opposed, he is not, after being informed thereof, to persist in enforcing it, but is to report the case immediately to the Collector, accompanied by the written testimonies of the peon deputed to serve the *Dustuck ;* upon receipt of which information, or in case of his own original process being in like manner resisted, the Collector is to represent; through the Vakeel of Government, the amount of the balance due by such Brahmin or Brahmins, and the circumstances attending the issuing of his own or of his Tehsildar's process for realizing it, to the judge and magistrate of the city or Zillah in whose jurisdiction the lands on account of which the arrears shall be due, may be situated ; and upon the peon deputed with the Tehsildar's or the Collector's *Dustuck,* or any other creditable person or persons, attending in court, and making oath to the truth of the circumstance stated in the representation of the collector, either as to the constructing of a koorh by such Brahmin or

Brahmins, or as to his or their being prepared to wound or slay the women and children, or any of them, (according as one or both of these expedients, shall be stated to have been resorted to by the Brahmin or Brahmins in question) the magistrate is thereon to issue to such Brahmins a written notice under his official seal in the Persian language and character, and in the Hindoostanee language and Nagree character, which is to be served on him or them by such of the relations, friends or connections, of the said Brahmin or Brahmins as the magistrate may think fit, and have an opportunity of employing for the purpose ; and in default of such relations, friends, or connections, of the said Brahmin or Brahmins, the Magistrate is to cause the notice to be served by a single peon of the same religion, and the tenor of it shall require the said Brahmin or Brahmins to remove the koorh, and the women and people that may be placed in it, or to desist from any preparation for wounding or killing the women or children, (according as either or both of these offences may be charged in the information) as likewise, either to discharge the balance of rent or revenue that shall have been demanded from him or them or to appear, and entering security for such part of it as he or they may have pleas against the payment of, to file his or their objections to the payment of such part in the city or Zillah Court, that the merits of the case may be enquired into and decided, according to the principles by which other disputed demands and accounts of revenue are under Regulation VI, 1795, directed to be determined ; and the said notice is also to contain a positive and encouraging assurance to the Brahmin or Brahmins in question, that on his or their employing with the exigency of it, by removing the koorh and the persons therein, or by desisting from any preparation to wound or slay the women and children, and either discharging the balance of revenue in demand, or repairing in person, or deputing a Vakeel, to the city or Zillah Court, and entering security for the amount of it, proper enquiry shall be made into the pleas that he or they may have to state against the justice of the demand. If the issuing of the notice shall fail to induce the said Brahmin and Brahmins to comply with the requisitions of it, a written return to that effect is to be made and attested by the party or parties entrusted with the serving of it, and the magistrate is immediately to issue a warrant under his official seal and signature for the apprehension of such Brahmin or Brahmins in which shall be specified the misdemeanor, contumacy, and arrear, with which he or they stand

charged ; and the warrant shall be executed by peons of the Mahomedan religion, as directed in Section 2; and if the Brahmin or Brahmins shall refuse to obey or resist, or cause to be resisted, the peons deputed to serve it, or escape, after being taken by them into custody or abscond, or shut himself or themselves up in any house or building, or retire to any place, so that the warrant cannot be served on him or them ; the magistrate, on information to this effect, shall issue a precept to the collector, to cause the nearest Tehsildar to attach the lands that such Brahmin or Brahmins may possess in property, or in mortgage, or in the farm, *or Lakheraje ;* and the lands shall accordingly remain attached, and the profits of them be appropriated by Government, until the liquidation of the balance shall be effected, either from the produce, or in consequence of the said Brahmin or Brahmins making good the same from his or their other means ; and also, until the said Brahmin or Brahmins shall have been brought, or made his or their appearance before the court, when he or they shall be tried for being concerned either as principles or accomplices in setting up the koorh, or for having been prepared to wound *or* slay his or their women or children, or any or either of them, in the same manner, and with the same reservation as to the mitigation of the sentence, as is specified in Sections 2,3 and 4.

Brahmins causing the construction *of* a koorh, and persons firing it, to be tried on a charge of murder for the loss of the life or lives of any person or persons that may be thereby occasioned

VII. If any Brahmin or Brahmins, on account of any discontent or alarm, well or ill founded, either against Government, or its officers, or servants, shall establish a koorh, in which any person or persons shall, at any period from its construction until its removal, be burnt to death, or otherwise lose their lives, in consequence of such koorh's being set fire to, by any person whomsoever ; the Brahmin or Brahmins who shall have caused the construction thereof, shall be held chargeable with, and made amenable for, the crime of murder; as well as the party or parties who may have been immediately employed, or aided in setting fire to the pile or combustibles in question ; and upon proof of the fact to the satisfaction of the court of circuit, such Brahmin or Brahmins, and such person or persons, setting fire to the koorh, shall be sentenced on trial before the said court, to suffer the punishment of death, in the same manner as if they had committed and been convicted *of Kutl* and, or premeditated

murder, according to the doctrines of the Mahomedan law ; and with a view to render the example as public as possible such sentence (whether consistent with the future of the Mahomedan law officers, or otherwise) is in this case, to be accordingly formally passed by the court of circuit on the Brahmin or Brahmins thus convicted ; but it is to be at the same time explained to the party or parties thus condemned, as it is also hereby expressly provided, that all such trials, and the sentences passed, are by the court of circuit to be submitted (in like manner as is prescribed in Section 47, Regulation IX, 1793,) to the Nizamut Adawlut, and the party or parties condemned under this section, are to remain in Jail to await the final judgment of that court; and if the Nizam ut Adawlut shall approve of the condemnation, it shall order the Brahmin or Brahmins in question to be conveyed to Calcutta, to be thence transported for life, in conformity to Section 23, Regulation XVI, 1795, which establishes this commutation for the legal punishment of murder perpetrated by Brahmins within the province of Benares, or, if the court of Nizamut Adawlut shall see cause for not proceeding pursuant to the sentence passed by the court of circuit either in respect of the Brahmin or Brahmins, who may have caused the construction of the *koorh,* or to the party or parties who may have been employed or aided in firing it, they shall submit the case or cases to the Governor General in Council, and either recommend a pardon, or such other commutation by way of mitigation of the punishment, as to the said court may seem proper.

Punishment for Brahmins wounding women and children

VIII. If any Brahmin or Brahmins, under the circumstances, and in the manner, described in the preamble to, and the following sections of this regulation, or under such circumstances, and in such manner, as shall be substantially similar thereto, with a sword, or other offensive weapon, or otherwise, shall actually wound his or their women or children or other women or children, or any or either of them, on account of, in resentment of any real or supposed injury committed towards him or them, by aumils, tehsildars, or other officers, or servants, employed in the revenue or judicial departments ; or shall so wound any of his or their own women or children, or any other woman or child, on account or in resentment of, his or their differences with any individual ; he or they shall for such act or acts, be sentenced by the *court* of circuit to transportation, subject to the same reference to the Nizamut Adawlut and to the like commutation

of the punishment, or pardon, as in the cases referred to in section 7.

Punishment for Brahmins killing women or children

IX. If any Brahmin or Brahmins, under the circumstance and in the manner, described in the preamble to, and subsequent sections of this regulation, or under such circumstances, and in such manner, as shall be substantially similar thereto, with a sword or other offensive weapon, or otherwise, shall actually put to death his or their women or children, or other women or children, or any or either of them, on account or in resentment of any real or supposed injury, committed towards him or them by aumils, tehsildars, or any other officers, or servants, employed in the revenue or judicial departments ; or shall so put to death any of his or their own women or children, or any other woman *or* child, on account or in resentment of his or their differences with any individual ; he or they shall be tried for such homicide and on proof of the fact or facts, be accordingly sentenced by the court of circuit to capital punishment, subject to the same reference to the Nizamut Adawlut and to the like commutation of the punishment, or pardon, as in the cases referred to in section 7 ; and the families of any Brahmin or Brahmins found guilty of murder under this section, shall, according to the order of the Governor General in Council under date the 17th of June 1789, and the publication made in conformity to it by the Resident at Benares under date the 7th day of July of the same year, be banished from the province of Benares, and the Company's territories; and his and their estates in land shall be forfeited and disposed of as to Government shall seem proper ; and accordingly, the court of circuit is required to subjoin this order to all sentences that they may pass, on Brahmins for murder under this section, at the same time reporting such sentence and order to the Nizamut Adawlut, together with as accurate an account as they may be able to procure, of the number, sex, and age, of the persons composing the family of such Brahmin or Brahmins and annexing their opinion how far it may be advisable or otherwise, rigorously to enforce the banishment of the family of such Brahmin or Brahmins, or to confirm, or mitigate or annul, the order for the forfeiture of their real property ; and the Nizamut Adawlut, on consideration of this sentence and order, and of the opinion of the court of circuit, shall either wholly confirm, or recommend to the Governor General in Council such mitigation of the said sentence and order, as shall appear to them proper; and in all cases there the forfeiture of the landed property of such Brahmin or

Brahmins, and that of his or their family, shall be confirmed by the Nizamut Adawlut, the said Court is to advise the Governor General in Council thereof, nor shall such sentence be carried into execution as far as regards the forfeiture of the landed property, without an order from the Governor General in Council approving such part of the sentence, and directing in what manner the lands thus forfeited shall be disposed of.

Limitation as to the forfeiture of the family lands of the offenders

X. In the exercise of the discretion vested in the Nizamut Adawlut by section 9, of recommending to the Governor General in Council, the mitigation of sentences and orders passed by the Court of Circuit, under the said Section, it shall be a rule that whenever the Governor General in Council shall in consequence deem it proper to limit the banishment either to the party or parties committing the murder, or to a certain number only of his or their family or families; no confiscation or forfeiture of the landed-property shall in such instances take place, but the same shall be entirely left in the possession, and as the property, of those members of the family who shall be exempted from banishment.

Regulations respecting Brahmins sitting *dhurna*

XI. *First.*— In conformity to the order of the Governor General in Council, of the 2nd of November 1792, and the publication issued in consequence at Benares on the 22nd of December of the same year, and the further order of the Governor General in Council under date the 7th November 1794, the following rules are enacted for the preventing of *dhurna ;* and for the trial and punishment of Brahmins committing this offence.

Magistrate to cause Brahmins sitting dhurna to be apprehended

Second.— On a complaint in writing being presented to the Magistrate against any Brahmin or Brahmins for sitting *dhurna,* the Magistrate, upon oath being made to the truth of the information, shall issue a warrant under his seal and signature for the apprehension of the person or persons thus complained against, on the prisoner or prisoners being brought before the migistrate, he shall enquire into the circumstances of the charge, and examine the prisoner or prisoners and complainant, and also such other persons (whose

depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged against him or them, and commit their respective depositions to writing ; and after this enquiry, if it shall appear to the magistrate that the misdemeanor charged against the prisoner or prisoners was never committed, or, that there is no ground to suspect him or them to have been concerned in the committing of it, the magistrate shall cause such Brahmin or Brahmins to be forthwith discharged, recording his reasons for the information of the Court of Circuit, in the manner specified in Section 17, Regulation IX, 1793. On the contrary, if it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner or prisoners to have been concerned therein as principals or accomplices, the magistrate shall cause him or them to be committed to prison or held to bail, (according as *in* his discretion he shall judge proper) to take his or their trial at the next session of the Court of Circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence, in the manner required by Section 5, Regulation IX, 1793. The Trial shall take place before the court of circuit, in the manner prescribed in the said regulation, and in Regulation XVI, 1795 ; and after the evidence is closed, it shall be referred to the pundit of the court, to deliver in writing the *vyuvustha,* or exposition of the shaster, as to whether the facts contained in the evidence of amount to proof of the prisoner or prisoners having committed *dhurna,* and in the event of such *vyuvustha* being in the affirmative, the Court of Circuit is to sentence the prisoner or prisoners to be expelled from the province of Benares, and to forfeit all title to the right or claim for the realizing of which the misdemeanor shall have been committed; but this sentence is not to be carried into execution until it shall have been reported by the Court of Circuit to the Nizamut Adawlut, and it shall have been either wholly confirmed, or directed to be enforced under such mitigation as to the expulsion from the province, or to the forfeiture of the right or claim of the prisoner or prisoners to the property for which he or they sat *dhurna,* as to the said court shall seem proper.

Court of Circuit bow to proceed in case all the legal requisites to constitute *dhurna* shall not be found, although the offence was substantially committed

XII. In the event of the *vyuvustha* which the *pundit* is required to deliver in Section II, not stating the circumstances sworn to in the evidence to amount to the offence of *dhurna,* and the Court of Circuit shall nevertheless be of opinion, from the evidence before them that the prisoner did in fact commit *dhurna,* according to the common construction and received meaning of the term, although the act may not have been attended with all the circumstances that may be legally required to constitute *dhurna,* according to the description of it in the books of the Hindoos ; the said court is, under such circumstances, (as directed by the order of the Governor General in Council, under date the 7th of November 1794) to take from the prisoner or prisoners, a *moochulka* or engagement, conditioning that if such prisoner or prisoners shall again sit *dhurna* on any one, or perform any act of a nature similar to *dhurna* as shall, on their being prosecuted before the Court of Circuit, be deemed by the judges of the said court present at the trial, or the majority of them, equivalent or tantamount to *dhurna,* the said prisoner or prisoners shall respectively for such second offence, suffer the full penalty of *dhurna,* as provided for by the order of the Governor General in Council, by being expelled from the province, and by being made to forfeit all right and title to the claim in question.

How Rajkoomars are to be tried for leaving or causing their female infants to perish for want of nourishment

XIII. In the month of December 1789, the tribe of Rajkoomars having bound themselves to discontinue the practice of causing their female infants to be starved to death ; it is now accordingly ordained, that from the establishment and opening of the city and Zillah courts and of the Court of Circuit in Benares, if any Rajkoomar shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment, as set forth in the preamble to this regulation, *or* in any other manner, the magistrate, on receiving information thereof upon oath, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such Rajkoomar to be apprehended in the manner prescribed, and make the enquiry ordered, in Section 5, Regulation IX, 1793 ; when if it shall appear to the magistrate that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison to be tried before the Court of Circuit, and shall at the same time take all the

other precautions required in the section and regulation last quoted, relative to securing the attendance of the original complainant or informant, and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulation IX, 1793, and Regulation XVI, 1795, with respect to other cases of murder.

The second piece of social Legislation which the British undertook is contained in Bengal Regulation VI of 1802. It is a regulation for preventing the Sacrifice of Children at Saugor and other places. It enacted as follows :—

REGULATION VI

A. D. 1802

A Regulation for preventing the Sacrifice of Children at Saugor and other Places. Passed by the Governor General in Council, on the 20th August 1802.

1. It has been represented to the Governor General in Council, that a criminal and inhuman practice of sacrificing children, by exposing them to be drowned, or to be devoured by sharks, prevails at the island of Saugor, and at Bansbaryah, Chaughadh, and other places on the Ganges. At Saugor especially, such sacrifices have been made at fixed periods, namely, the day of full moon in November and in January, at which time also grown persons have devoted themselves to a similar death. Children thrown into the sea at Saugor have not been generally rescued, as is stated to be the custom at other places ; but the sacrifice has, on the contrary, been completely effected, with circumstances of peculiar atrocity in some instances. This practice, which is represented to arise from superstitious vows is not sanctioned by the Hindoo law, nor countenanced by the religious orders or by the people at large ; nor was it at any time authorized by the Hindoo or Mahomedan Governments of India. The persons concerned in the perpetration of such crimes are therefore clearly liable to punishment, and the plea of custom would be inadmissible in excuse of the offence. But, for the more effectual prevention of so inhuman a practice, the Governor General in Council has enacted the following Regulation to be in force from the promulgation of it in the provinces of Bengal, Orissa, and Benares.

II. If any person or persons shall willfully, and with the intention of taking away life, throw or cause to be thrown, into the sea or into the river Ganges, or into any other river or water, any infant or person not arrived at the age of maturity, with or without his or her consent,

in consequence whereof such person, so thrown into water, shall be drowned, or shall be destroyed by sharks or by alligators, or shall otherwise perish, the person or persons so offending shall be held guilty of willful murder, and on conviction shall be liable to the punishment of death; and all persons aiding or abetting the commission of such act shall be deemed accomplices in the murder, and shall be subject to punishment accordingly. The trials of prisoners convicted as principals or accomplices of the crimes specified in this section shall be referred to the Court of Nizamut Adawlut, which is to pass sentence thereupon according to Section LXX, Regulation IX, 1793 whatever may be the futwah of the law officers of that Court. (or report to the Governor General in Council the case of any prisoner who may appear to that court to be a proper object of mercy, in conformity with Section LXXIX, Regulation IX, 1793).

III. If a child or any person not arrived at maturity, be thrown into water, as stated in the preceding section, and be rescued from destruction, or by any means escape from it, the persons who shall have been active in exposing him or her to danger of life, and all aiders and abettors of such act, shall be held guilty of a high misdemeanor, and on convicting shall be liable to such punishment as the Courts of Circuit, under *the futwah* of their law officers, may judge adequate to the nature and circumstances of the case.

IV. The magistrates of districts wherein the sacrificing of children may have been hitherto practiced are required to be vigilant to prevent the continuance of the practice, and shall cause the provisions of this Regulation to be from time to time proclaimed at the places, and in the season, where and when such sacrifices have hitherto been effected.

The Second piece of Social Legislation is one dealing with Suttee. It is Bengal Regulation XVII of 1829 ; It enacted as follows:—

REGULATION XVII
A. D. 1829

A Regulation for declaring the practice of Suttee, or of Burning or Burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts. Passed by the. Governor General in Council, on the 4th December 1829.

Preamble

I. The practice of suttee, or of burning or burying alive the widows

of Hindoos, is revolting to the feelings of human nature; it is nowhere enjoined by the religion of the Hindoos as an imperative duty ; on the contrary, a life of purity and retirement on the part of the widow is more especially and preferable inculcated, and by a vast majority of that people throughout India the practice is not kept up nor observed; in some extensive districts it does not exist; in those in which it has been most frequent, it is notorious that, in many instances, acts of atrocity have been perpetrated, which have been shocking to the Hindoos themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor General in Council is deeply impressed with the conviction that the abuses in question cannot be effectually put an end to without abolishing the practice altogether. Actuated by these considerations, the Governor General in Council, without intending to depart from one of the first and most important principles of the system of British Government in India, that all classes of the people be secure in the observance of their religious usages, so long as that system can be adhered to without violation of the paramount dictates of justice and humanity, has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the territories immediately subject to the presidency of Fort William.

II. The practice of suttee, or burning or burying alive the widows of Hindoos, is hereby declared illegal, and punishable by the Criminal Courts.

III. *First.*—All zamindars, talookdars, or other proprietors of land, whether malguzarry or lakhiraj ; all sudder farmers and under-renters of land of every description ; all dependent talookdars, all naibs and other local agents ; all native officers employed in the collection of the revenue and rents of lands on the part of Government, or the Court of Wards; and all munduls or other head men of villages, are hereby declared especially accountable for the immediate communication to the officers of the nearest police station of any intended sacrifice of the nature described in the foregoing section ; and any zemindar, or other description of persons above noticed, to whom such responsibility is declared to attach, who may be convicted, of willfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the magistrate or joint magistrate in any sum not exceeding two hundred

rupees, and in default of payment, to be confined for any period of imprisonment not exceeding six months.

Police Darogas, how to act on receiving the intelligence of the intended sacrifice

Second.— Immediately on receiving intelligence that the sacrifice declared illegal by this Regulation is likely to occur, the police darogah shall either repair in person to the spot, or depute his mohurrir or jamadar, accompanied by one or more burkundauzes of the Hindoo religion, and it shall be the duty of the police officers to announce to the persons assembled for the performance of the ceremony, that it is illegal, and to endeavour to prevail on them to disperse, explaining to them that, in the event of their persisting in it, they will involve themselves in a crime, and become subject to punishment by the Criminal Courts. Should the parties assembled proceed in defiance of these remonstrances to carry the ceremony, into effect, it shall be the duty of the police officers to use all lawful means in their power to prevent the sacrifice from taking place, and to apprehend the principal person aiding and abetting in the performance of it ; and in the event of the police officers being unable to apprehend them, they shall endeavour to ascertain their names and places of abode, and shall immediately communicate the whole of the particulars to the magistrate or joint magistrate for his orders.

How to act when the intelligence of sacrifice may not reach them until after it shall have actually taken place

Third.— Should intelligence of a sacrifice declared illegal by this Regulation, not reach the police officers until after it shall have actually taken place, or should the sacrifice have been carried into effect before their arrival at the spot, they will nevertheless institute a full inquiry into the circumstances of the case, in like manner as on all other occasions of unnatural death, and report them for the information and orders of the magistrate or joint magistrate to whom they may be subordinate.

IV. *First.*— On the receipt of the reports required to be made by the police darogahs, under the provisions of the foregoing section, the magistrate or joint magistrate of the jurisdiction in which the sacrifice may have taken place shall inquire into the circumstances of the case, and shall adopt the necessary measures for bringing the parties concerned in promoting it to trial before the Court of Circuit.

Persons convicted of aiding and abetting in the sacrifice of a Hindoo widow, shall be deemed guilty of culpable homicide, and liable to punishment

Second.— It is hereby declared, that after the promulgation of this Regulation, all persons convicted of aiding and abetting in the sacrifice of a Hindoo widow, by burning or burying her alive, whether the sacrifice be voluntary on her part or not shall be deemed guilty of culpable homicide, and shall be liable to punishment by fine or by imprisonment, or by both fine and imprisonment, at the discretion of the Court of Circuit, according to the nature and circumstances of the case and the degree of guilt established against the offender, nor shall it be held to be any plea of justification, that he or she was desired by the party sacrificed to assist in putting her to death.

Third.— Persons committed to take their trial before the Court of Circuit for the offence above mentioned, shall be admitted to bail or not, at the discretion of the magistrate or joint magistrate, subject to the general rules in force in regard to the admission of bail.

The Court of Nizamut Adawlut not precluded from passing sentence of death in certain cases

V. It is further deemed necessary to declare, that nothing contained in this Regulation shall be construed to preclude the Court of Nizamut Adawlut from passing sentence of death on persons convicted of using violence or compulsion, or of having assisted in burning or burying alive a Hindoo widow, while labouring under state of intoxication, or stupefaction, or other cause impeding the exercise of her free will, when, from the aggravated nature of the offence proved against the prisoner the court may see circumstances to render him or her a proper object of mercy.

The third piece of Social Legislation is the Caste Disabilities Removal Act XXI of 1850. It enacts as follows ;—

THE CASTE DISABILITIES REMOVAL ACT (XXI OF 1850)

An act for extending the principle of section 9, *Regulation VII, 1832, of the Bengal Code throughout the Territories subject to the Government of the East India Company.*

Preamble

WHEREAS, it is enacted by section 9, Regulation VII, 1832, of the Bengal Code that"whenever in any civil suit the partie's to such suit may be of different persuasions, when one party shall be of the Hindu and

the other of the Muhammadan persuasion, or where one or more of the parties to the suit shall not be either of the Muhammadan or Hindu persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled, and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East India Company it is enacted as follows:—

Law or Usage which inflicts forfeiture of, or affects, rights of change of religion or loss of caste to cease to be enforced

1. So much of any law or usage now in force within the territories subject to the Government of the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of, any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories."

The fourth piece of Social Legislation is the Hindu Widows' Remarriage Act XV of 1856. It enacts as follows :—

An Act to remove all legal obstacles to the marriage of Hindu Widows.

Preamble

WHEREAS, it is known that, by the law as administered in the Civil Courts reestablished in the territories in the possession and under the Government of the East Indian Company, Hindu widows with certain exceptions are held to be by reason of their having been once married, incapable of contracting a second valid marriage, and the offspring of such widows by any second marriage are held to be illegitimate and incapable of inheriting property ; and

WHEREAS, many Hindus believe that this imputed legal incapacity, although it is in accordance with a true interpretation of the precepts of their religion, and desire that the civil law administered by the Courts of Justice shall no longer prevent those Hindus who may be so minded from adopting a different custom, in accordance with the dictates of their own conscience ; and

WHEREAS, it is just to relieve all such Hindus from this legal incapacity of which they complain, and the removal of all legal obstacles to the marriage of Hindu widows will tend to the promotion of good

morals and to the public welfare; it is enacted as follows:—

Marriage of Hindu widows legalized

1. No marriage contracted between Hindus shall be invalid, and the issue of no such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation of Hindu law to the contrary notwithstanding.

Rights of widow in deceased husband's property to cease on her re-marriage

2. All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to re-many, only a limited interest in such property, with no power of alienating the same, shall upon her re-marriage cease and determine as if she had then died; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same.

The fifth piece of Social Legislation prescribed an age limit for, sexual intercourse with a woman., It is ActXLV of 1860 (Penal Code) Sec. 375. It enacted as follows :—

"A man is said to commit ' rape ' who except, in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following :—

First: Against her will. *Secondly :* Without her consent. *Thirdly :* With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. *Fourthly:* (Left blank—-ed.) *Fifthly :* With or without her consent, when she is under ten years of age.

Explanation: (Left blank—ed.)

Exception: Sexual intercourse by a man with his own wife not being under ten years of age, is not rape."

WHAT ABOUT THE UNTOUCHABLES?

Caste and Untouchability are the two great social evils in India. Caste has disabled the whole Hindu Society. Untouchability has suppressed a large class of people. And yet the British Government has completely ignored the two evils. One may search in vain the Indian Code to find any law dealing with Caste or with Untouchability. It is true that caste

and untouchability are social matters. They will vanish when people will begin to interdine and intermarry. Law cannot compel a person to dine with another. It is true, law cannot compel a person to marry with another. But it is also true that Law can prohibit a Caste from preventing a person from marrying a person outside his caste. Caste continues because a Caste can conspire to punish its members if they break the rules of caste by declaring a social boycott against him. It would have been perfectly possible to have enacted a law declaring such social boycott to be a crime. Again in the matter of Untouchability the disabilities are not merely social. They are fundamentally civic. Inability to I get admission to school, to be able to take water from a public well, to be able to get into a public conveyance, to be able to get into public service, are all civic disabilities. It was the duty of the British Government to legislate at least to the extent necessary to protect their civic rights. It was possible to do so. A short Enactment on the lines of Caste Disabilities Removal Act would have been sufficient. Yet the British Government has gone on as though these two evils did not exist at all. Indeed it is most extraordinary thing to note that although Legislative Bodies were established in India in 1861 and have been passing laws on every social questions and discussing public questions, yet except on two occasions the Untouchables were not even mentioned. The first"occasion on which they were mentioned was in 1916, when one Parsi gentleman Sir Maneckji Dadabhoy moved the following Resolution in the Central Legislature :—

> "That this Council recommends to the Governor General in Council that measures be devised with the help, if necessary, of a small representative committee of officials and non-officials for an amelioration in the moral, material and educational condition of what are known as the Depressed Classes, and that, as a preliminary step the Local Government and Administrations be invited to formulate schemes with due regard to local conditions."

There was no sympathy to this resolution. The Hindu members of the Legislature were angry with the mover for his having brought such a subject before the Legislature.

Pandit Madan Mohan Malviya said :—

> "Sir, it seems rather ungracious to say so, but a sense of the dignity of the proceedings of this Council compels me to utter a protest against the manner in which sometimes subjects are brought before it for consideration .....
>
> "In moving the Resolution the object of which I may at once say,

has my whole-hearted support, my friend, the Hon'ble Mr. Dadabhoy, went out of his way to make remarks against the Hindu community which, I think, he ought to have avoided .....I am not here to defend everything Hindu that exists. I am not here to appologize for the many prejudices or superstitions, which I am sadly conscious are to be found among one portion or another of our community. But it is not the Hindu community alone which finds it difficult to get rid of prejudices ..... Without meaning the smallest disrespect, I would instance the case of the marriage with a Deceased Wife's Sister Bill..... We Hindus have got some much worse prejudices to fight against..... But I do not think it is within the. province of a member of this Council either to lecture to the Hindus present here or to those outside as to the socio-religious disabilities among themselves which they might fight against and remove. I think the province of Members of this Council is limited to dealing with matters of legislation or other administrative matters which may properly be taken up by the Government. As has been already pointed out, the Government have, in pursuance of a wise and liberal policy, laid it down that they shall not interfere in matters of a religious or socio-religious character, and accusations of the character in question ought, therefore, to be avoided there ..... I do not wish to descend into a disputation as to the merits of the imputations or the justification for the general observations that have been made ..... And yet, if I do not, I am left in the position that I have heard without protest remarks showing that the Hindu Community from one end of the country to the other was guilty of all that my friend, the Hon'ble Mover of the Resolution, has suggested..... lam conscious that we Hindus have many prejudices to fight against and conquer; but I submit that this is not the place to tell us of them."

Even a social Reformer like Sir Surendranath Bannerjee was not happy. He said :—

* ".....I regret very much that my Hon'ble friend the Mover of this Resolution went somewhat out of his way to level (I do not think he did it intentionally) an attack against the Hindu Community. He must bear in mind that we are the inheritors of past traditions, of a civilization as ancient as the world. That civilization undoubtedly had its defects,

' but that civilization in the morning of the world was the guarantee for law and order and social stability. In the past it

afforded consolation to millions. We are trying to evolve a national system in conformity with our present environments, but we cannot push aside all those things which have come down to us from the past. We reverence the venerable fabric which has been built up by our ancestors. We notice their defects, and we are anxious to get rid of them gradually and steadily, not by any revolutionary movement, but the slow, steady process of evolution. My friend must have a little sympathy with us ; he must extend to us the hand of generosity in our efforts to deal with the problems. My Hon 'ble friend suggests that Government should take measures..... We welcome the action of Government in a matter of this kind, but after all, if you analyse the situation, it is a social problem, and the British Government, very properly, as I think, in conformity with its ancient traditions, holds aloof from all interference with social questions.

"Government can do a great by way of education, a great deal by helping forward the industrial movement among the Depresseed Classes. But the vital problem, the problem of problems, is one of social uplifting, and there the Government can only afford to be a benevolent spectator. It may sympathize with our efforts, but it cannot actively participate in them....."

The Hon ' ble Mr. Dadabhoy had to defend himself. In his reply he said:—

"Sir, I find myself in a very peculiar and unfortunate position. There are two parties in this Council, and they are both on the defensive on this occasion. My justification for bringing in this Resolution, if any justification were needed, is to be found in the unenthusiastic and half hearted support which I have received from my non-official colleagues. It was no pleasure, I assure you. Sir, to me to bring in this Resolution. If I could possibly have avoided it, I would have very cheerfully and very willingly done so. This is the sixth year of the life of this Reformed Council, as Hon'ble Members are aware, and the second term is now approaching expiration. During the major portion of that time—the five years that I have been on this Council—1 anticipated that the champions of public liberty, public spirit and public enterprise and culture—men like my friends the Hon'ble Surendra Nath Bannerjee or the Honourable Pandit Madan Mohan Malaviya—would take the trouble of moving a Resolution to this effect. I waited all this time to see if one of these enthusiastic members would bring in a Resolution for the

amelioration of the Depressed Classes, but when I found that none of them had taken up the matter—though at times this matter is discussed even in the Congress Pandal in a certain manner; when I found that it was not taken up in this Council—..... I, as a Parsee, representing a Hindu constituency thought it my duty to bring this matter for public discussion in this Council."

The Government naturally felt relieved by this quarrel. Resting behind the moral support of the Hindu members of the Legislature for covering up their delinquency Sir Reginald Crad-dock speaking on behalf of the Government disposed off the Resolution in the following terms :—

"Sir, we sympathize with the objects of the Hon'ble Mr. Dadabhoy's Resolution. We are willing to go so far as to ask Local Governments to put on record what they have done, are doing, and what further they can do, to improve the condition of these people. But we can place no faith in special committees. Have I not indicated to the Council how wide are the problems, and how impossible it would be to deal with them by means of Committees? The problems extend over the whole range of Government from top to bottom. What I say is that, while extending our sympathy to the objects aimed at by the Hon'ble Mr. Dadabhoy, we can go no further than promise to refer the question to Local Governments, and ask them whether they can do more than they are doing. That is as far as we can go, and with that assurance, I will ask the Hon'ble Member to withdraw his Resolution."

The second time the Untouchables are mentioned in the proceedings of the Legislature was in 1928 when Mr. M. R. Jayakar moved the following Resolution :—

"This Assembly recommends to the Governor-General in Council to issue directions to all Local Governments to provide special facilities for the education of the Untouchables and other depressed classes, and also for opening all public services to them, specially the Police."

On this occasion the Government of India was no more enthusiastic than it was in 1916. Mr. G. S. Bajpai, speaking on behalf of the Government of India said :—

"The Local Governments are alive to their responsibility, they are doing what they can. It is not my privilege to claim for them that they have achieved the ideal, but I do claim that there is an awakening and an awakened and roused sense of responsibility and a roused sense of endeavour for improving the position of these

depressed classes. That being so, it is no function to interfere by direction or by demand. They (i. e. the Government) can, if the House wishes, communicate to them the views of the House on this very national problem."

For this speech, Mr. Bajpai, according to the official report of the proceedings, was cheered ! !

Such is the record of the British Government in the matter of social Reform. What a miserable record it is? How meager a record it is; Six social Laws in sixty years of legislative activity ! ! From the very beginning, its attitude to social reform has been of a very halting character. It kept on some mask of a responsible Government up to 1860. After 1860 it threw off the mask. The Government would not move and reform came to a dead stop. In 1881 a great agitation was started in favour of legislation prohibiting child marriage. Rather than be pestered with social reform, it took courage to announce publicly and once for all its policy of opposition to reform. In a Government Resolution of that year, the British Government proclaimed :

"In dealing with such subjects as those raised in Mr. Malabari's Notes, the British Government in India has usually been guided by certain general principles. For instance, when caste or custom enjoins a practice which involves a breach of the ordinary criminal law, the State will enforce the law. When caste or, custom lays down a rule which is of its nature enforceable in the Civil Courts, but is clearly opposed to morality or public policy, the State will decline to enforce it. When caste or custom lays down a rule which deals with such matters as are usually left to the option of citizens, and which does not need the aid of Civil or Criminal Courts for its enforcement. State interference is not considered either desirable or expedient.

"In the application of such general principles to particular cases, there is doubtless room for differences of opinion ; but there is one common-sense test which may often be applied with advantage in considering whether the State should or should not interfere in its legislative or executive capacity with social or religious questions of the land now under notice. The test is, ' Can the State give effect to its commands by the ordinary machinery at its disposal? ' If not, it is desirable that the State should abstain from making a rule which it cannot enforce without a departure from its usual practice or procedure.

"If this test be applied in the present case, the reasons will be apparent why His Excellency in Council considers that interference

by the State is undesirable, and that the reforms advocated by Mr. Malabari, which affect the social customs of many races with probably as many points of difference as of agreement, must be left to the improving influence of time and to the gradual operation of the mental and moral development of the people by the spread of education.

"It is true that the British Government in India has by its legislation set up a standard of morality independent of, and in some material respects differing from, the standard set up by caste; and it may be that the former standard has had some beneficial effect in influencing native customs, practices, and modes of thought. But legislation, though it may be didactic purposes ; and in the competition of influence between legislation on the one hand, and caste or custom on the other, the condition of success on the part of the former is that the Legislature should keep within its natural boundaries, and should not, by overstepping those boundaries, place itself in direct antagonism to social opinion."

The policy laid down in this Resolution has ever since remained the policy of the British Government in the matter of Social Reform.

Why did the British Government leave the Untouchables in the cold without any care or attention?

The explanation for so criminal a neglect was furnished by Sir Reginald Craddock. In replying on behalf of the Government of India on the Resolution moved by Sir Maneckji Dadabhoy in the Imperial Legislative Council in 1916, he stated what the position of the British Government took with regard to the Untouchables in the following terms:—

"With regard to them (i. e. the Untouchables) the difficulty is not that Government does not recognize them, but that, until the habits and prejudices of centuries are removed, the hands of their neighbours must necessarily press upon them..... you must remember that these people live mostly in villages and very often in the back lane of towns, and that their neighbours have not yet come under these broad and liberal minded influences. Therefore, as many speakers have indicated, the problem in dealing with this question is more social and religious than purely administrative.

"I know myself of many difficulties in the matter of schools. There are many places where the Maharboys will not be allowed into the school ; they may be allowed in the Verandah and get only a small part of the master's attention there, or they may be entirely excluded. But it is only gradually that the difficulty can be met. I have

constantly dealt with this very problem on the spot. I have reasoned with people ; I have said to them. There are tax payers like yourselves, either let them come into the school, or if you wish to indulge in your own prejudices—they may be reasonable prejudices, as you consider them—but if you wish to indulge them, should you not contribute something in order that these boys may have a school of their own? In that what some of the better people have come forward to help in the matter of wells, and schools for the low castes ; they have assisted, and the difficulties have been got over. But of course if is a matter which must take time, and Government itself cannot use compulsion. They go rather near to it sometimes, for example, in traveling by railway : and when petitions are presented in Court. But they cannot ensure that these people shall always be well treated in their offices. Very often, I think, some of these classes refrain from seeking service they might otherwise wish to secure, because their neighbours are not likely to treat them warmly. Although the Hon'ble mover described the statement made by the Government of Bombay as a ' magnificent *non- possumus* ', I think that it very accurately describes that the real difficulties of the situation are. Even though Government is willing to help in every way these unfortunate people, yet it remains true that ' the position of these castes and tribes in the future depends partly on their own selves, and partly those more favoured Indian Communities, which by extending the hand of human comradeship or hardening their hearts and averting their faces, have it in their power to elevate or to degrade them. '

"That Sir, I think, represents very trule and accurately the position of affairs as regards these Depressed Classes."

* * *

The same attitude was reiterated in 1928 when the resolution of Mr. Jayakar was discussed in the Central Legislative Assembly. Mr. Bajpai speaking on behalf of the Government said :—

"..... it is not by increasing the number of special schools or by providing special facilities that you are going to solve this problem (of the Untouchables) ..... You will solve this problem only by a quickening and broadening the spirit of all sections of the community towards the so called depressed classes."

Leaving the probelm to be solved by the quickening of the consciences of the Hindus, the British Government just neglected the Untouchables and believed that as a Government they were I not called

upon to do anything to help to improve the lot of the Untouchables. How did the British justify this neglect of so helpless and so downtrodden a class of their subjects as the Untouchables? The answer is very clear. They did it by taking the view that the evil of Untouchability was not of their making. They argued that if they did not deal with the evil of untouchability, they are not to be blamed for it because the system did not originate with them. This was clearly enunciated by the Government of Bombay in 1856. In June 1856 a petition was submitted on behalf of a Mahar boy to the Government of Bombay complaining that though willing to pay the usual Schooling fee, he had been denied admission to the Dharwar Government School. In disposing of the application, the Government of Bombay thought the matter so important that it issued a Resolution dated 21st July 1856 of which the following is the full text :—

"1. The question discussed in the correspondence is one of very great practical difficulty.

2. There can be no doubt that the Mahar petitioner has abstract justice on his side; and Government trust that the prejudices which at present prevent him from availing himself of existing means of education in Dharwar may be ere long removed.

3. But Government are obliged to keep in mind that to interfere with the prejudices of ages in a summary manner, for the sake of one or few individuals, would probably do a great damage to the cause of education. *The disadvantage under which the petitioner is not one which* I *has originated with the Government,* and it is one which Government cannot summarily remove by interfering in his favour, as he begs them to do."

This is of course an easy view of the duties of a Government. It is not a responsible view. It is certainly not a view which a civilized Government would take. A Government which is afraid to govern is not a Government. It is only a corporation formed to collect taxes. The British Government undoubtedly meant to be more than a mere tax gathering machinery. It claimed to be a civilized Government. Then why did it not act to prevent wrong and injustice? Was it because it had no power or was it because it was afraid to use them or was it because it felt that there was nothing wrong in the social and religious system of India?

The answer is that it had the power, the amplest power. It did not use it because for a part of the period it did not think that there was anything wrong in the social system of the Hindus and during the

period when it became convinced that things were wrong it was overpowered by sense of fear.

It is notorious that the beginning of its career the British had a dread and a horror of the consequences of permitting the diffusion of"Christian truth". But it is not quite as notorious that the British at the same time were showing a corresponding respect for native prejudices. Mr. Ward, a Missionary in Calcutta records in his journal for 1802 the following fact :—

"Last week a deputation from the Government went in procession to Kali Ghat, and made a thank offering to this Goddess of the Hindoos, in the name of the Company, for the success which the English have lately *o*btained in this country. Five thousand rupees were offered. Several thousand natives witnessed the English presenting their offerings to this idol. We have been much grieved at this act, in which the natives exult over us."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_17

Another illustration of the same is furnished by Mr. Robert Lindsay who was a civilian in the employment of the East India Company in the time of Warren Hastings. Describing his initiation into his new office of Resident at Sylhet he says —

"I was now told that it was customary for the new Resident to pay his respects to the shrine of the tutelary saint, Shaw Jullol. Pilgrims of the Islam faith flock to this shrine from every part of India, and afterwards found that the fanatics attending the tomb were not a little dangerous. It was not my business to combat religious prejudices, and I therefore went in state, as others had done before me, left my shoes on the threshold, and deposited on the tomb five gold mohurs as an offering. Being thus purified I returned to my dwelling and received the homage of my subjects."

How much the British Government had become associated with and interested in supporting native prejudices can be seen from the following memorial which was submitted to the Government of Madras by Bishop Corrie in 1833. The instances cited in the Memorial were these :—

"First, that it is now required of Christian servants of the Government, both civil and military, to attend to Heathen and Mahomedan religious festivals, with the view of showing them respect Second, that in some instances they are called upon to present offerings, and to do homage to idols. Third, that the impure and degrading services of the pagodas are now carried on under the

supervision and control of the principal European, and therefore, Christian officers of the Government, and the management and regulation of the revenues and endowments, both of these pagodas and mosques, so vested in them, under the provision of regulation vii of 1817, that no important idolatrous ceremony can be performed, no attendant of the various idols, not even the prostitutes of the temple, be entertained or discharged, nor the least expense incurred, without the official concurrence and orders of the Christian functionary. Fourth, that British officers, with the troops of the Government, are also now employed in firing salutes and in otherwise rendering homage to Mahomedan and idolatrous ceremonies, even on the Sabbath day ; and Christians are thus not unfrequently compelled by the authority of Government to desecrate their own most sacred institutions and to take part in unholy and degrading superstitions."

This is enough to show that the British Government in India"not content with their exertions to suppress the diffusion of the saving truths of the Gospel was openly and authoritatively aiding and abetting the worst forms of devil-worship; that they were taking all the hideous indecencies and revolting cruelties of Hindooism under their especial patronage; sending their own masters-of-the-ceremonies to preside over the hellish orgies; and with paternal tenderness managing the property of the idol temples pampering the priests, cherishing the dancing girls, and doing such honour to heathen is generally as was best calculated to maintain it in a high state of exultant obesity."

It was not till 1841 that Government dissociated itself from actual participation in the Hindu and Mahomedan religions I ceremonies and that too after a great deal of agitation by the Missionaries.

"In a circular letter signed by the Military Secretary to the Government of Fort St. George, and addressed to the Commander-in-Chief, under date of July 6, 1841, it is intimated,"under instructions from the Court of Directors, conveyed through the Government of India", that"the attendance of troops or of military bands at native festivals or ceremonies, and the firing of salutes *on* occasions of that nature,"were"in future to be discontinued, with the object of separating the Government and its officers, as far as possible, from all connection with the ceremonies of the Hindoo and Mahomedan religions."The ordinary marks of respect paid to native princes on the occasions of their going forth or returning

from such festivals or religious observances were, however, to be paid; and the change was to be effected"in a manner calculated not to alarm the minds of the natives or to offend their feelings."These orders were circulated by the Commander in Chief to the Generals commanding divisions, and by them to the regiments under their several commands."

What reform could be expected from a Government which had become so steeped in native prejudices and which wasted such official resources to tend them and keep them up?

It was stricken and paralyzed by sympathy. When it ceased to sympathise with the prejudices it was overtaken by fear. This fear arose out of two considerations.

The first consideration related to the promises it had made to the people of India. On assuming the Government of any new territory, previously under native rule, it was the practice of the British Government to announce to the people that they would be protected in the free exercise of their religions and that neither their institutions nor their usages would be assailed. Thus in 1801 a solemn declaration was made, in the following terms to the people of the Carnatic :—

"Although the Right Honourable the Governor in Council trusts that the experience which the inhabitants of the Carnatic have already had, will have rendered it unnecessary for His Lordship to explain the general principles of moderation, justice, protection, and security, which form the characteristic features of the British Government, yet His Lordship in accepting the sacred trust transferred to the Company by the present engagements, invites the people of the Camatic to already and cheerful obedience to the authority of the Company, in a confident assurance of enjoying, under the protection of public and defined laws, every just and ascertained civil right, with a free exercise of the religious institutions and domestic usages of their ancestors".

In may 1834 the following proclamation was issued to the people of Coorg when it was conquered :—

"Whereas it is the unanimous wish of the inhabitants of Coorg to be taken under the protection of the British Government, His Excellency the Right Honourable the Governor-General has been pleased to resolve that the territory heretofore governed by Veer Rajunder Woodyer shall be transferred to the Honourable Company. The inhabitants are hereby assured that they shall not again be subjected to native rule; that their civil rights and religious usages,

will be respected, and the greatest desire will invariably be shown by the British Government to augment their security, comfort, and happiness."

In 1849, on the annexation of the Punjab, the following assurance was given to the people :—

"The British Government will leave to all the people whether Mussulman, Hindoo,or Sikh, the free exercise of their own religions; but it will not permit any man to interfere with the other in the observance of such forms and customs as their respective religions may either enjoin or permit."

Other similar proclamations may be cited. They were treated as pledges. Whether it was just and politic that such pledges should have been given, it was felt that it was impolitic to ignore them once they were given. This was the general view. But there were always some who construed them literally and whose point of view was not to draw any distinction and make any reservations and who wished to interpret the pledges as amounting to saying to the Indians,"You have enjoyed it undisturbedly under the new"and who argued that"any departure from this would be a breach of faith."Fear of breach of faith was one consideration. Fear of open rebellion was another. Fear of rebellion so far as the British Government in India was concerned was not a fear of the unknown. It was a fact of experience. There was one rebellion in 1801 which was known as the Vellore Mutiny. There was another rebellion in 1857. It was known as I the Sepoy Mutiny. The Vellore Mutiny was a small flame. But I the Sepoy Mutiny was a conflagration. In both cases the cause alleged was an interference with the religious practices of the Hindus. Two rebellions are enough to teach a lesson and the lesson of these two rebellions was not lost upon the British Government. The Vellore Mutiny of 1801 had made the British Government cautious in the matter of social innovations. The Sepoy Mutiny of 1857 made hostile to any kind of social reform. The British did not want to take any risk and from their point of view the risk was very great. The Mutiny made them so panicky that they felt that loss of India was the surest consequence of social reform and as they were anxious to keep India they refused to look at any project of Social Reform.

This attitude of the British Government to Social reform is quite understandable. However sovereign a Government may be its authority as pointed out by Prof. Dicey

Britannica.htm - _msocom_18 is circumscribed by two limitations: —

"There is first of all the internal limitation which arises from the character, motives and interests of those who are in power. If the Sultan does not abolish Mahomedanism, Pope ban Catholicism, the Brahmin condemn caste, or the British Parliament declare the preservation of blue-eyed babies illegal, it is not because they"cannot"do things, but it is because they"will"not do those things. In the same way if the Executive in India did not do certain things most conducive to progress, it I was because by reason of its being imperial and also by reason of its character, motives and interests, it could not sympathize with the living forces operating in the Indian Society, was not charged with its wants, its pains, its cravings and its desires, was inimical to its aspirations, did not. advance Education, disfavoured Swadeshi or snapped at anything that Smacked of nationalism, it was because all these things went against its grain. But an irresponsible government is powerless to do even such things as it may like to do. For its authority is limited by the possibility of external resistance. There are things which it would do but dare not do for the fear of provoking thereby resistance to its authority. Ceaser dare not subvert the worship of the Roman people, a modern parliament dare not tax the Colonies, however much they would. For the same reason the Government of India dared not abolish the caste system, prescribe monogamy, alter the laws of succession, legalize intermarriage or venture to tax the tea planters. Progress involves interference with the existing code of social life and interference is likely to cause resistance. None the less a Government which is of the people and is not detached from them can venture on the path of progress, because it is in a position to know where the obedience will end and resistance will begin. But the Indian Executive, not being of the people, could not feel the pulse of the people. The gist of the matter is that the irresponsible Executive which had been in power in India was paralysed between these two limitations on its authority and much of what to make life good was held up. Part of the programme it would not undertake and the other part it could not undertake. That there was some advancement in material progress is not to be denied. But no people in the world can long remain contented with the benefits of peace and order, for they are not dumb brutes. It is foolish to suppose that a people will indefinitely favour a bureaucracy because it has improved their roads, constructed canals on more scientific principles, effected their transportation by rail, carried their letters by penny post, flashed their messages by lightening, improved their currency, regulated

their weights and measures, corrected their notion of geography, astronomy and medicine and stopped their internal quarrels. 'Any people, however patient, will sooner or later demand a Government that will be more than a mere engine of efficiency."

People wanted freedom political, economic and social. This the British Government declined to create :—

"As a result of this, so far as the moral and social life of the people was concerned, the change of Government by the Moghuls to a Government by the British was only a change of rulers rather than a change of system. Owing to the adoption of the principle of non-interference partly by preference and partly by necessity by the British ' the natives of India found themselves under a Government distinguished in no vital respect from those under which they had toiled and worshipped, lived and died through all their weary and forgotten history. From a political standpoint, the change was but the replacement of one despotism by_"another. It accepted the arrangements as it found themmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_19 and preserved them faithfully in the manner of the Chinese tailor who, when given an old coat as a pattern, produced with pride an exact replica, rents, patches and all."'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/49. The Untouchables and the Pax Britannica.htm - _msocom_20

This policy of non-intervention though understandable, was so far as the Untouchables were concerned, mistaken in its conception and disastrous in its consequences. It may be granted that Untouchables can only be lifted up by the Hindus recognizing his human rights and him as a human being as correct. But that does not dispose of the matter. Question remains how is this recognition of his rights as a human being to be secured. There are only two ways of helping to realize this object. One way is to make him worthy of respect and the other is to punish those who disrespect him and to deny him his rights. The first way involves the duty to educate him and to place him in positions of authority. The other way involves social reform by making recognition of Untouchability a penal office. Neither of this the British Government was prepared to do. It would not give the Untouchables any preferential treatment in public service. It I would not undertake to reform Hindu Society. The result was that _ Untouchable has remained what he was before the British, namely an Untouchable. He was a citizen but he was not given the rights of a citizen. He paid taxes out of which schools were maintained but his children could not be admitted into those

schools. He paid taxes out of which wells were built but he had no right to take water from them. He paid taxes out of which roads were built. But he has no right to use them. He paid taxes for the upkeep of the State. But he himself was not entitled to hold offices in the state. He was a subject but not a citizen. The Untouchable stood most in need of education and supply of water. He stood mostly in need of office to protect himself. Owing to his poverty he should have been exempted from all taxes. All this was reversed. The Untouchable was taxed to pay for the education of the touchable. The Untouchable was taxed to pay for the water supply of the touchable. The Untouchable was taxed to pay for the salary of the touchables in office.

What good has British conquest done to the Untouchables? In education, nothing ; in service, nothing ; in status, nothing. There is one thing in which they have gained and that is equality in the eye of the law. There is of course nothing special in it because equality before law is common to all. There is of course nothing tangible in it because those who hold office often prostitute their position and deny to the Untouchables the benefit of this rule. With all this, the principle of equality before law has been of special benefit to the Untouchables for the simple reason that they never had it before the days of the British. The Law of Manu did not recognize the principle of equality. Inequality was the soul of the Law of Manu. It pervaded all walks of life, all social relationships and all departments of state. It had fouled the air and the Untouchables were simply smothered. The principle of equality before law has served as a great disinfectant. It has cleansed the air and the Untouchable is permitted to breath the air of freedom. This is a real gain to the Untouchables and having regard to the ancient past it is no small gain.

THE UNTOUCHABLES WHO WERE THEY AND WHY THEY BECAME

UNTOUCHABLES?

Inscribed to the memory of
NANDNAR

RAVIDAS
CHOKHAMELA

THREE RENOWNED SAINTS WHO WERE BORN AMONG THE UNTOUCHABLES AND WHO BY THEIR PIETY AND VIRTUE WON THE ESTEEM OF ALL.

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PREFACE

This book is a sequel to my treatise called *The Shudras—Who they were and How they came to be the Fourth Varna of the Indo-Aryan Society* which was published in 1946. Besides the Shudras, the Hindu Civilisation has produced three social classes whose existence has not received the attention it deserves. The three classes are :-

(i) (i) The Criminal Tribes who number about 20 millions or so;

(ii) (ii) The Aboriginal Tribes who number about 15 millions; and

(iii) (iii) The Untouchables who number about 50 millions.

The existence of these classes is an abomination. The Hindu Civilisation, gauged in the light of these social products, could hardly be called civilisation. It is a diabolical contrivance to suppress and enslave humanity. Its proper name would be infamy. What else can be said of a civilisation which has produced a mass of people who are taught to accept crime as an approved means of earning their livelihood, another mass of people who are left to live in full bloom of their primitive barbarism in the midst of civilisation and a third mass of people who are treated as an entity beyond human intercourse and whose mere touch is enough to cause pollution?

In any other country the existence of these classes would have led to searching of the heart and to investigation of their origin. But neither of these has occurred to the mind of the Hindu. The reason is simple. The Hindu does not regard the existence of these classes as a matter of apology or shame and feels no responsibility either to atone for it or to inquire into its origin and growth. On the other hand, every Hindu is taught to believe that his civilisation is not only the most ancient but that it is also in many respects altogether unique. No Hindu ever feels tired of repeating these claims. That the Hindu Civilisation is the most ancient, one can understand and even allow. But it is not quite so easy to understand on what grounds they rely for claiming that the Hindu Civilisation is a unique one. The Hindus may not like it, but so far as it strikes non-Hindus, such a claim can rest only on one ground. It is the existence of these classes for which the Hindu Civilisation is responsible. That the existence of such classes is a unique phenomenon, no Hindu need repeat, for nobody can deny the fact. One only wishes that the Hindu realised that it was a matter for which

there was more cause for shame than pride.

The inculcation of these false beliefs in the sanity, superiority and sanctity of Hindu Civilisation is due entirely to the peculiar social psychology of Hindu scholars.

Today all scholarship is confined to the Brahmins. But unfortunately no Brahamin scholar has so far come forward to play the part of a Voltaire who had the intellectual honesty to rise against the doctrines of the Catholic Church in which he was brought up; nor is one likely to appear on the scene in the future. It is a grave reflection on the scholarship of the Brahmins that they should not have produced a Voltaire. This will not cause surprise if it is remembered that the Brahmin scholar is only a learned man. He is not an intellectual. There is a world of difference between one who is learned and one who is an intellectual. The former is class-conscious and is alive to the interests of his class. The latter is an emancipated being who is free to act without being swayed by class considerations. It is because the Brahmins have been only learned men that they have not produced a Voltaire.

Why have the Brahmins not produced a Voltaire? The question can be answered only by another question. Why did the Sultan of Turkey not abolish the religion of the Mohammedan World? Why has no Pope denounced Catholicism? Why has the British Parliament not made a law ordering the killing of all blue-eyed babies? The reason why the Sultan or the Pope or the British Parliament has not done these things is the same as why the Brahmins have not been able to produce a Voltaire. It must be recognised that the selfish interest of a person or of the class to which he belongs always acts as an internal limitation which regulates the direction of his intellect. The power and position which the Brahmins possess is entirely due to the Hindu Civilisation which treats them as supermen and subjects the lower classes to all sorts of disabilities so that they may never rise and challenge or threaten the superiority of the Brahmins over them. As is natural, every Brahmin is interested in the maintenance of Brahmanic supremacy be he orthodox or unorthodox, be he a priest or a *grahastha,* be he a scholar or not. How can the Brahmins afford to be Voltaires? A Voltaire among the Brahmins would be a positive danger to the maintenance of a civilisation which is contrived to maintain Brahmanic supremacy. The point is that the intellect of a Brahmin scholar is severely limited by anxiety to preserve his interest. He suffers from this internal limitation as a result of which he does not allow his intellect full play which honesty and integrity demands. For, he fears that it may affect the interests of his class and therefore his own.

But what annoys one is the intolerance of the Brahmin scholar towards any attempt to expose the Brahmanic literature. He himself would not play the part of an iconoclast even where it is necessary. And he would not allow such non-Brahmins as have the capacity to do so to play it. If any non-Brahmin were to make such an attempt the Brahmin scholars would engage in a conspiracy of silence, take no notice of him, condemn him outright on some flimsy grounds or dub his work useless. As a writer engaged in the exposition of the Brahmanic literature I have been a victim of such mean tricks.

Notwithstanding the attitude of the Brahmin scholars, I must pursue the task I have undertaken. For the origin of these classes is a subject which still awaits investigation. This book deals with one of these unfortunate classes namely, the Untouchables. The Untouchables are the most numerous of the three. Their existence is also the most unnatural. And yet there has so far been no investigation into their origin. That the Hindus should not have undertaken such an investigation is perfectly understandable. The old orthodox Hindu does not think that there is anything wrong in the observance of untouchability. To him it is a normal and natural thing. As such it neither calls for expiation nor explanation. The new modern Hindu realises the wrong. But he is ashamed to discuss it in public for fear of letting the foreigner know that Hindu Civilisation can be guilty of such a vicious and infamous system or social code as evidenced by Untouchability. But what is strange is that Untouchability should have failed to attract the attention of the European student of social institutions. It is difficult to understand why. The fact, however, is there.

This book may therefore, be taken as a pioneer attempt in the exploration of a field so completely neglected by everybody. The book, if I may say so, deals not only with every aspect of the main question set out for inquiry, namely, the origin of Untouchability, but it also deals with almost all questions connected with it. Some of the questions are such that very few people are even aware of them; and those who are aware of them are puzzled by them and do not know how to answer them. To mention only a few, the book deals with such questions as : Why do the Untouchables live outside the village?

Why did beef-eating give rise to Untouchability? Did the Hindus never eat beef? Why did non-Brahmins give up beef-eating? What made the Brahmins become vegetarians, etc.? To each one of these, the book suggests an answer. It may be that the answers given in the book to these questions are not all-embracing. Nonetheless it will be found that the book points to a new way of looking at old things.

The thesis on the origin of Untouchability advanced in the book is an altogether novel thesis. It comprises the following propositions :-

(1) (1) There is no racial difference between the Hindus and the Untouchables;

(2) (2) The distinction between the Hindus and Untouchables in its original form, before the advent of Untouchability, was the distinction between Tribesmen and Broken Men from alien Tribes. It is the Broken Men who subsequently came to be treated as Untouchables;

(3) (3) Just as Untouchability has no racial basis so also has it no occupational basis;

(4) (4) There are two roots from which Untouchability has sprung:

(a) (a) Contempt and hatred of the Broken Men as of Buddhists by the Brahmins:

(b) (b) Continuation of beef-eating by the Broken Men after it had been given up by others.

(5) (5) In searching for the origin of Untouchability care must be taken to distinguish the Untouchables from the Impure. All orthodox Hindu writers have identified the Impure with the Untouchables. This is an error. Untouchables are distinct from the Impure.

(6) (6) While the Impure as a class came into existence at the time of the Dharma Sutras the Untouchables came into being much later than 400 A.D.

These conclusions are the result of such historical research as I have been able to make. The ideal which a historian should place before himself has been well defined by Goethe who saidmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_1 :

"The historian's duty is to separate the true from the false, the certain from the uncertain, and the doubtful from that which cannot be accepted ... ... Every investigator must before all things look upon himself as one who is summoned to serve on a jury. He has only to consider how far the statement of the case is complete and clearly set forth by the evidence. Then he draws his conclusion and gives his vote, whether it be that his opinion coincides with that of the foreman or not."

There can be no difficulty in giving effect to Goethe's direction when the relevant and necessary facts are forthcoming. All this advice is of course very valuable and very necessary. But Goethe does not tell what the historian is to do when he comes across a missing link, when no direct evidence of connected relations between important events is available. I mention this because in the course of my investigations into the origin of

Untouchability and other interconnected problems I have been confronted with many missing links. It is true that I am not the only one who has been confronted with them. All students of ancient Indian history have had to face them. For as Mount Stuart Elphinstone has observed in Indian history"no *date* of a public event can be fixed before the invasion of Alexander: and no connected relation of the natural transactions can be attempted until after the Mohammedan conquest."This is a sad confession but that again does not help. The question is:"What is a student of history to do? Is he to cry halt and stop his work until the link is discovered?"I think not. I believe that in such cases it is permissible for him to use his imagination and intuition to bridge the gaps left in the chain of facts by links not yet discovered and to propound a working hypothesis suggesting how facts which cannot be connected by known facts might have been inter-connected. I must admit that rather than hold up the work, I have preferred to resort to this means to get over the difficulty created by the missing links which have come in my way.

Critics may use this weakness to condemn the thesis as violating the canons of historical research. If such be the attitude of the critics I must remind them that if there is a law which governs the evaluation of the results of historical results then refusal to accept a thesis on the ground that it is based on direct evidence is bad law. Instead of concentrating themselves on the issue of direct evidence *versus* inferential evidence and inferential evidence *versus* speculation, what the critics should concern themselves with is to examine *(i)* whether the thesis is based on pure conjecture, and (ii) whether the thesis is possible and if so does it fit in with facts better than mine does?

On the first issue I could say that the thesis would not be unsound merely because in some parts it is based on guess. My critics should remember that we are dealing with an institution the origin of which is lost in antiquity. The present attempt to explain the origin of Untouchability is not the same as writing history from texts which speak with certainty. It is a case of reconstructing history where there are no texts, and if there are, they have no direct bearing on the question. In such circumstances what one has to do is to strive to divine what the texts conceal or suggest without being even quite certain of having found the truth. The task is one of gathering survivals of the past, placing them together and making them tell the story of their birth. The task is analogous to that of the archaeologist who constructs a city from broken stones or of the palaeontologist who conceives an extinct animal from scattered bones and teeth or of a painter who reads the lines of the horizon and the smallest

vestiges on the slopes of the hill to make up a scene. In this sense the book is a work of art even more than of history. The origin of Untouchability lies buried in a dead past which nobody knows. To make it alive is like an attempt to reclaim to history a city which has been dead since ages past and present it as it was in its original condition. It cannot but be that imagination and hypothesis should pay a large part in such a work. But that in itself cannot be a ground for the condemnation of the thesis. For without trained imagination no scientific inquiry can be fruitful and hypothesis is the very soul of science. As Maxim Gorky has said*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_2 :

"Science and literature have much in common; in both, observation, comparison and study are of fundamental importance; the artist like the scientist, needs both imagination and intuition. Imagination and intuition bridge the gaps in the chain of facts by its as yet undiscovered links and permit the scientist to create hypothesis and theories which more or less correctly and successfully direct the searching of the mind in its study of the forms and phenomenon of nature. They are of literary creation; the art of creating characters and types demands imagination, intuition, the ability to make things up in one's own mind".

It is therefore unnecessary for me to apologise for having resorted to constructing links where they *were* missing. Nor can my thesis be said to be vitiated on that account for nowhere is the construction of links based on pure conjecture. The thesis in great part is based on facts and inferences from facts. And where it is not based on facts or inferences from facts, it is based on circumstantial evidence of presumptive character resting on considerable degree of probability. There is nothing that I have urged in support of my thesis which I have asked my readers to accept on trust. I have at least shown that there exists a preponderance of probability in favour of what I have asserted. It would be nothing but pedantry to say that a preponderance of probability is not a sufficient basis for a valid decision.

On the second point with the examination of which, I said, my critics should concern themselves what I would like to say is that I am not so vain as to claim any finality for my thesis. I do not ask them to accept it as the last word. I do not wish to influence their judgement. They are of course free to come to their own conclusion. All I say to them is to consider whether this thesis is not a workable and therefore, for the time being, a valid hypothesis if the test of a valid hypothesis is that it should fit in with

all surrounding facts, explain them and give them a meaning which in its absence they do not appear to have. I do not want anything more from my critics than a fair and unbiased appraisal.

January 1,1948
1, Hardinge Avenue,
New Delhi. B. R. AMBEDKAR

PART I
A COMPARATIVE SURVEY
CHAPTER I
UNTOUCHABILITY AMONG NON-HINDUS

WHO are the Untouchables and what is the origin of Untouchability? These are the main topics which it is sought to investigate and the results of which are contained in the following pages. Before launching upon the investigation it is necessary to deal with certain preliminary questions. The first such question is : Are the Hindus the only people in the world who observe Untouchability? The second is: If Untouchability is observed by Non-Hindus also how does Untouchability among Hindus compare with Untouchability among non-Hindus? Unfortunately no such comparative study has so far been attempted. The result is that though most people are aware of the existence of Untouchability among the Hindus they do not know what are its unique features. A definite idea of its unique and distinguishing features is however essential not merely for a real understanding of the position of the Untouchables but also as the best means of emphasising the need of investigating into their origin.

It is well to begin by examining how the matter stood in Primitive and Ancient Societies. Did they recognise Untouchability? At the outset it is necessary to have a clear idea as to what is meant by Untouchability. On this point, there can be no difference of opinion. It will be agreed on all hands that what underlies Untouchability is the notion of defilement, pollution, contamination and the ways and means of getting rid of that defilement.

Examining the social life of Primitive Society* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_3 in order to find out whether or not it recognised Untouchability in the sense mentioned above there can be no doubt that Primitive Society not only did believe in the notion of defilement but the belief had given rise to a live system of well-defined body of rites and rituals.

Primitive Man believed that defilement was caused by

(1) (1) the occurrences of certain events;
(2) (2) contact with certain things; and
(3) (3) contact with certain persons.

Primitive Man also believed in the transmission of evil from one person to another. To him the danger of such transmission was peculiarly acute at particular times such as the performance of natural functions, eating, drinking, etc. Among the events the occurrence of which was held by Primitive Man as certain to cause defilement included the following :—

(1) (1) Birth
(2) (2) Initiation
(3) (3) Puberty
(4) (4) Marriage
(5) (5) Cohabitation
(6) (6) Death

Expectant mothers were regarded as impure and a source of defilement to others. The impurity of the mother extended to the child also.

Initiation and puberty are stages which mark the introduction of the male and the female to full sexual and social life. They were required to observe seclusion, a special diet, frequent ablutions, use of pigment for the body and bodily mutilation such as circumcision. Among the American Tribes not only did the initiates observe a special dietary but also took an emetic at regular intervals.

The ceremonies which accompanied marriage show that marriage was regarded by the Primitive Man as impure. In some cases the bride was required to undergo intercourse by men of the tribe as in Australia or by the chief or the medicine man of the tribe as in America or by the friends of the grooms as among the East African Tribes. In some cases there takes place the tapping of the bride by a sword by the bridegroom. In some cases, as among the Mundas, there takes place marriage to a tree before marriage with the bridegroom. All these marriage observances are intended to neutralise and prepare the individual against the impurity of marriage.

To the Primitive Man the worst form of pollution was death. Not only the corpse, but the possession of the belongings of the deceased were regarded as infected with pollution. The widespread custom of placing implements, weapons, etc., in the grave along with the corpse indicates that their use by others was regarded as dangerous and unlucky.

Turning to pollution arising out of contact with objects. Primitive Man had learned to regard certain objects as sacred and certain others as profane. For a person to touch the sacred was to contaminate the sacred

and to cause pollution to it. A most striking example of the separation of the sacred and the profane in Primitive Society is to be found among the Todas, the whole of whose elaborate ritual and (it would not be too much to say) the whole basis of whose social organisation is directed towards securing the ceremonial purity of the sacred herds, the sacred dairy, the vessels, and the milk, and of those whose duty it is to perform connected rites and rituals. In the dairy, the sacred vessels are always kept in a separate room and the milk reaches them only by transfer to and fro of an intermediate vessel kept in another room. The dairyman, who is also the priest, is admitted to office only after an elaborate ordination, which in effect is a purification. He is thereby removed from the rank of ordinary men to a state of fitness for sacred office. His conduct is governed by regulations such as those which permit him to sleep in the village and only at certain times, or that which entails that a dairyman who attends a funeral should cease from that time to perform his sacred function. It has, therefore, been conjectured that the aim of much of the ritual is to avert the dangers of profanation and prepare or neutralise the sacred substance for consumption by those who are themselves unclean.

The notion of the sacred was not necessarily confined to objects. There were certain classes of men who were sacred. For a person to touch them was to cause pollution. Among the Polynesians, the tabu character of a Chief is violated by the touch of an inferior, although in this case the danger falls upon the inferior. On the other hand, in Efate, the 'sacred man' who comes into contact with Namin (ceremonial uncleanliness) destroys his sacredness. In Uganda, before building a temple, the men were given four days in which to purify themselves. On the other hand, the Chief and his belongings are very often regarded as sacred and, therefore, as dangerous to others of an inferior rank. In the Tonga island, anyone who touches a Chief contacted tabu; it was removed by touching the sole of the foot of a superior chief. The sacred quality of the chief in Malaya Peninsula also resided in the Royal Regalia and anyone touching it was invited with serious illness or death.

Contact with strange people was also regarded as a source of Untouchability by the Primitive Man. Among the Bathonga, a tribe in South Africa, it is believed that those who travel outside their own country are peculiarly open to danger from the influence of foreign spirits and in particular from demoniac possession. Strangers are tabu because, worshipping strange gods, they bring strange influence with them. They are, therefore, fumigated or purified in some other way. In the Dieri and neighbouring tribes even a member of the tribe returning home after a

journey was treated as a stranger and no notice was taken of him until he sat down.

The danger of entering a new country is as great as that which attaches to those who come from thence. In Australia, when one tribe approaches another, the members carry lighted sticks to purify the air, just as the Spartan kings in making war had sacred fires from the alter"arried before them to the frontier.

In the same manner, those entering a house from the outside world were required to perform some ceremony, even if it were only to remove their shoes, which would purify the incomer from the evil with which otherwise he might contaminate those within, while the threshold, door-posts and lintel—important as points of contact with outer world— are smeared with blood or sprinkled with water when any member of household or of the community has become a source of pollution, or a horse-shoe is suspended over the door to keep out evil and bring goodluck.

Of course, the rites and ceremonies connected with birth, death, marriage, etc., do not positively and unequivocally suggest that they were regarded as sources of pollution. ' But that pollution is one element among many others is indicated by the fact that in every case there is segregation. There is segregation and isolation in birth, initiation, marriage, death and in dealing with the sacred and the strange.

In birth the mother is segregated. At puberty and initiation there is segfegadon and seclusion for a period. In marriage, from the time of betrothal until the actual ceremony bride and bride-groom do not meet. In menstruation a woman is subjected to segregation. Segregation is most noticeable in the case of death. There is not only isolation of the dead-body but there is isolation of all the relatives of the dead from the rest of the community. This segregation is evidenced by the growth of hair and nail and wearing of old clothes by the relatives of the dead which show that they are not served by the rest of the society such as the barber, washerman, etc. The period of segregation and the range of segregation differ in the case of death but the fact of segregation is beyond dispute. In the case of defilement of the sacred by the profane or of defilement of the kindred or by intercourse with the non-kindred there is also the element of segregation. The profane must keep away from the sacred. So the kindred must keep away from the non-kindred. It is thus clear that in Primitive Society pollution involved segregation of the polluting agent.

Along with the development of the notion of defilement. Primitive Society had developed certain purificatory media and purificatory ceremonies for dispelling impurity.

Among the agents used for dispelling impurity are water and blood. The sprinkling of water and the sprinkling of blood by the person defiled were enough to make him pure. Among purificatory rites were included changing of clothes, cutting hair, nail, etc., sweat-bath, fire, fumigation, burning of incense and fanning with the bough of a tree.

These were the means of removing impurity. But Primitive Society had another method of getting rid of impurity. This was to transfer it to another person. It was transferred to some one who was already tabu.

In New Zealand, if anyone touched the head of another, the head being a peculiarly 'sacred' part of the body, he became tabu. He purified himself by rubbing his hands on femroot, which was then eaten by the head of the family in female line. In Tonga, if a man ate tabued food he saved himself from the evil consequences by having the foot of a chief placed on his stomach.

The idea of transmission also appears in the custom of the scapegoat. In Fiji, a tabued person wiped his hands on a pig, which became sacred to the chief, while in Uganda, at the end of the period of mourning for a king a 'scapegoat' along with a cow, a goat, a dog, a fowl and the dust and fire from the king's house was conveyed to the Bunyoro frontier, and there the animals were maimed and left to die. This practice was held to remove all uncleanliness from the king and queen.

Such are the facts relating to the notion of pollution as it prevailed in Primitive Society.

II

Turning to Ancient Society the notion of pollution prevalent therein was not materially different from what was prevalent in Primitive Society. There is difference as to the sources of pollution. There is difference regarding purificatory ceremonies. But barring these differences the pattern of pollution and purification in Primitive and Ancient Society is the same.

Comparing the Egyptian system of pollution with the Primitive system there is no difference except that in Egypt it was practised on an elaborate scale.

Among the Greeks the causes of impurity were bloodshed, the presence of ghost and contact with death, sexual intercourse, childbirth, the evacuation of the body, the eating of certain food such as pea-soup, cheese and garlic, the intrusion of unauthorised persons into holy places, and, in certain circumstances, foul speech and quarrelling. The purificatory means, usually called *kaopoia* by Greeks, were lustral water, sulphur, onions,

fumigation and fire, incense, certain boughs and other vegetative growths, pitch, wool, certain stones and amulets, bright things like sunlight and gold, sacrificed animals, especially the pig and of these specially the blood and the skin; finally, certain festivals and festival rites particularly the ritual of cursing and the scapegoat. One unusual method was the cutting of the hair of the polluted person or sacrificial communion with the deity.

A striking feature of the Roman notion of pollution and purification is to be found in the belief of territorial and communal pollution and purification. Parallel to the *lustratio* of the house is the periodical purificatory ritual applied to a country district (Pagi). The *lustractio pagi* consisted in a religious procession right round its boundaries, with sacrifice. There seems to have been in ancient days a similar procession round the walls of the city, called *amburbium.* In historical times special purification of the City was carried out when a calamity called for it, *e.g.* after the early disasters in the Second Punic War. The object of all such expiations was to seek reconciliation with the gods. Lustral ceremony accompanied the foundation of a colony. The *Therminalia* protective of boundaries, and the *Compitalia* of streets in the City were also probably lustral in their origin. Down to the late period, priests called *Luperci* perambulated in the boundaries of the earliest Rome, the settlement on the Palatinate. Earlier there was an annual solemn progress round the limits of the most ancient territory of the Primitive City. It was led by the Archaic priesthood called the *Arval* brotherhood. The ceremony was called *ambravalia* and it was distinctly piacular. When Roman territory was expanded no corresponding extension of the lustral rite seems ever to have been made. These round-about piacular surveys were common elsewhere, inside as well as outside Italy and particularly in Greece. The solemn words and prayers of the traditional chant, duly gone through without slip of tongue, seem to have had a sort of magical effect. Any error in the pronouncement of these forms would involve a need of reparation, just as in the earliest Roman legal system, the mispronunciation of the established verbal forms would bring loss of the lawsuit.

Other forms of quaint ancient ritual were connected with the piacular conception. The *Salii,* ancient priests of Mars, made a journey at certain times round a number of stations in the City. They also had a 'cleaning of the weapons' and a 'cleaning of the trumpets' which testify to a primitive notion that the efficiency of the army's weapons required purification. The 'washing' (lustrum) with which the census ended was in essence military; for it was connected with the *Comitia Centuriata,* which is merely the army in civil garb. *Lustratio exercitus* was often performed when the army was in

the field, to remove superstitious dread which sometimes attacked it at other times, it was merely prophylactic. There was also a illustration of the fleet.

Like all Primitive people the Hebrews also entertained the notion of defilement. The special feature of their notion of defilement was the belief that defilement was also caused by contact with the carcass of unclean animals, by eating a carcass or by contact with creeping things, or by eating creeping things and by contact with animals which are always unclean such as"every beast which divided the hoof, and is not cloven footed, nor chewed the cud. ..whatsoever goes upon his paws, among all manner of beasts that go on all four". Contact with any unclean person was also defilement to the Hebrews. Two other special features of the Hebrew notion of defilement may be mentioned. The Hebrews believed that defilement might be caused to persons by idolatrous practices or to a land by the sexual impurities of the people.

On the basis of this survey, we can safely conclude that there are no people Primitive or Ancient who did not entertain the notion of pollution.

CHAPTER II
UNTOUCHABILITY AMONG HINDUS

IN the matter of pollution there is nothing to distinguish the Hindus from the Primitive or Ancient peoples. That they recognised pollution is abundantly clear from the Manu Smriti. Manu recognises physical defilement and also notional defilement.

Manu treated birth,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_4 death and menstruationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_5 as sources of impurity. With regard to death, defilement was very extensive in its range. It followed the rule of consanguity. Death caused difilement to members of the family of the dead person technically called *Sapindas* and *Samanodakas*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_6 It not only included maternal relatives such as maternal unclemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_7 but also remote relativesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_8 It extended even to nonrelatives such as (1) teachermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who

were they_why they became PART I.htm - _msocom_9 (2) teacher'smk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_10 son, (3) teacher'smk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_11 wife, (4) pupimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_12(5) fellowmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_13 student, (6) Shrotriya,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_14 (7) king,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_15 (8) friend, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_16(9) members of the household, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_17 (10) those who carried the corpsemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_18 and (II) those who touched the corpse.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_19

Anyone within the range of defilement could not escape it. There were only certain persons who were exempt. In the following verses Manu names them and specifies the reasons why he exempts them:—

"V.93. The taint of impurity does not fall on kings and those engaged in the performance of a vow, or of a Sattra; for the first are seated on the throne of India, and the (last two are) ever pure like Brahman.

94. 94. For a king, on the throne of magnanimity, immediate purification is prescribed, and the reason for that is that he is seated (there) for the protection of (his) subjects.

95. 95. (The same rule applies to the kinsmen) of those who have fallen in a riot or a battle, (of those who have been killed) by lightning or by the king, and for cows and Brahmins, and to those whom the king wishes to be pure (in spite of impurity).

96. 96. A king is an incarnation of the eight guardian deities of the world, the Moon, the Fire, the Sun, the Wind, Indra, the Lords of wealth and water (Kubera and Varuna) and Yama.

97. 97. Because the king is pervaded by those lords of the world, no impurity is ordained for him for purity and impurity of mortals is caused and removed by those lords of the world."

From this it is clear that the king, the kinsmen of those who have fallen in a noble cause as defined by Manu and those whom the king chose to exempt were not affected by the normal rules of defilement. Manu's statement that the Brahmin was 'ever pure' must be understood in its usual sense of exhalting the Brahmin above everything. It must not be understood to mean that the Brahmin was free from defilement. For he was not. Indeed besides being defiled by births and deaths the Brahmin also suffered defilement on grounds which did not affect the Non-Brahmins. The Manu Smriti is full of tabus and don'ts which affect only the Brahmins and which he must observe and failure to observe which makes him impure.

The idea of defilement in Manu is real and not merely notional. For he makes the food offered by the polluted person unacceptable.

Manu also prescribes the period of defilement. It varies. For the death of a Sapinda it is ten days. For children three days. For fellow students one day. Defilement does not vanish by the mere lapse of the prescribed period. At the end of the period there must be performed a purificatory ceremony appropriate to the occasion.

For the purposes of purification Manu treats the subject of defilement from three aspects :(l) Physical defilement, (2) notional or psychological defilement, and (3) ethical defilement The rulemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_20 for the purification of ethical defilement which occurs when a person entertains evil thoughts are more admonitions and exhortations. But the rites for the removal of notional and physical defilement are the same. They include the use of water.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_21 earthmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_22 cows urine,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_23 the kusa grassmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_24 and ashesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_25 Earth, cow's urine, Kusa grass and ashes are prescribed as purificatory agents for removing physical impurities caused by the touch of inanimate objects. Water is the chief agent for the removal of notional defilement. It is used in three ways (1) sipping, (2)

bath, and (3) abludonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_26 Later on *panchagavya* became the most important agency for removing notional defilement. It consists of a mixture of the five products of the cow, namely, milk, urine, dung, curds and butter.

In Manu there is also provision for getting rid of defilement by transmission through a scapegoat mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_27 namely by touching the cow or looking at the sun after sipping water.

Besides the individual pollution the Hindus believe also in territorial and communal pollution and purification very much like the system that prevailed among the early Romans. Every village has an annual *jatra*. An animal, generally a he buffalo, is purchased on behalf of the village. The animal is taken round the village and is sacrificed, the blood is sprinkled round the village and towards the end toe meat is distributed among the villagers. Every Hindu, every Brahmin even though he may not be a beef eater is bound to accept his share of the meat. This is not mentioned in any of the Smritis but it has the sanction of custom which among the Hindus is so strong that it always overrides law.

II

If one could stop here, one could well say that the notion of defilement prevalent among the Hindus is not different from that which obtained in Primitive and in Ancient Societies. But one cannot stop here. For there is another form of Untouchability observed by the Hindus which has not yet been set out. It is the hereditary Untouchability of certain communities. So vast is the list of such communities that it would be difficult for an individual with his unaided effort to compile an exhaustive list. Fortunately such a list was prepared by the Government of India in 1935 and is attached to the Orders-in-Council issued under the Government of India Act of 1935. To this Order-in-Council there is attached a Schedule. The Schedule is divided into nine parts. One part refers to one province and enumerates the castes, races or tribes or parts of or groups within steps which are deemed to be Untouchables in that province either in the whole of that province or part thereof. The list may be taken to be both exhaustive and authentic. To give an idea of the vast number of communities which are regarded as hereditary Untouchables by the

Hindus. I reproduce below the list given in the Order-in-Council.

SCHEDULE

PART 1 – MADRAS

(1)(1) Scheduled Castes throughout the Province :—

Adi-Andhra.	Gosangi.	Paidi.
Adi-Dravida.	Haddi.	Painda.
Adi-Karnataka.	Hasla.	Paky.
Ajila.	Holeya.	Pallan.
Arunthuthiyar.	Jaggali.	Pambada.
Baira.	Jambuvulu.	Pamidi.
Bakuda.	Kalladi.	Panchama.
Bandi.	Kanakkan.	Paniyan.
Bariki.	Kodalo.	Panniandi.
Battada.	Koosa.	Paraiyan.
Bavuri	Koraga.	Parvan.
Bellara.	Kudumban.	Pulayan.
Bygari	Kuravan.	Puthirai Vanaa.
Chachati.	Madari.	Raneyar.
Chakkiliyan.	Madiga.	Relli
Chalvadi.	Maila.	Samagara.
Chamar.	Mala.	Samban.
Chandala.	Mala Dasu.	Separi
Cheruman.	Matangi.	Semman.
Dandasi.	Moger.	Thoti.
Devendrakulathan.	Muchi.	Tiruvalhivr.
Ghasi.	Mundala.	Valluvan.
Godagali.	Natekeyava.	Valmiki.
Godari.	Nayadi	Vettuvan.
Godda.	Paga dai	

(2) Scheduled Castes throughout the Provinces except in any special constituency constituted under the Government of India Act, 1935, for the election of a representative of backward areas and backward tribes to the

Legislative Assembly of the Province :—

Arnadan.	Kattunayakan.	Kuruman.
Dombo.	Kudiya.	Malasar.
Kadan.	Kudubi.	Mavilan.
Karimpalan.	Kurichchan.	Pano.

PART II.—BOMBAY

Scheduled Castes:—

(1) (1) Throughout the Province :—

Asodi.	Dhor.	Mang Garudi.
Bakad.	Garode.	Maghval, or Menghwar.
Bhambi.	Halleer.	Mini Madig.
Bhangi.	Halsar, or Haslar.	Mukri.
Chakrawadya-Dasar.	Hulsavar.	Nadia.
Chalvadi.	Holaya.	Shenva, or Shindhava.
Chambhar or Mochi*gar* or'	Khalpa.	Shinghdav, or Shingadya.
Samagar.	Kolcha, or Kolgha.	Sochi.
Chena-Dasaru.	Koli-Dhor.	Timali.
Chuhar, *or* Chuhra.	Lingader.	Turi.
Dakaleru.	Madig, *or* Mang.	Vankar.
Dhed.	Mahar.	Vitholia.
Dhegu-Megu.		

(2) (2) Throughout the Province except in the Ahmedabad, Kaira, Broach and Panch Mahals and Surat Districts—Mochi.

(3) In the Kanara distirct—Kotegar.

PART III — BENGAL

Scheduled Castes throughout the Province :—

Agarua	Bhumij.	Gonrili.
Bagdi	Bind.	Hadi.
Bahelia.	Bmjhia.	Hajang.
Baiti.	Chamar.	Halalkor.
Bauri.	Dhenuar.	Hari.
Bediya.	Dhoba.	Ho.
Beddar.	Doai.	Jalia Kaibartta.
Berua.	Dom.	Jhalo Malo, or

Bhatiya.	Dosadh	Malo.
Bhiumali.	Garo.	Kadar.
Bhuiya.	Ghasi.	Kalpahariya.
Kandh.	Lodha.	Kan.
Kandra.	Lahor.	0raon.
Kaora.	Mahli.	Paliya.
Kapuria.	Mal.	Pan.
Karenga.	Mahar.	Pasi.
Kastha.	Mallah.	Patni
Kaur.	Mech.	Pod.
Khaira.	Mehtor.	Rabha.
Khatik.	Muchi.	Rajbanshi.
Koch.	Munda.	Rajwar.
	Musahar.	Santal.
Konai.	Nagesia.	Sunn.
	Namasudm.	Tiyar.
Konwar.	Nat	Tun.
Kora.	Nuniya.	
Kotal.		
Lalbegi.		

PART IV — UNITED PROVINCES

Scheduled Castes:—
(1) Throughout the Province :—

Agaria.	Chamar.	Kharwar
Aheriya.	Chero.	(except
Badi.	Dabagar.	Benbansi)
Badhik.	Dhangar.	Khatik.
Baheliya.	Dhanuk(Bhangi).	Kol.
Bajaniya.	Dharikar.	Korwa.
Bajgi.	Dhobi.	Lalbegi.
Balahar.	Dom.	Majhawar.
Balmiki.	Domar.	Nat
Banmaus.	Ghaiami.	Pankha.
Bansphor.	Ghasiya.	Parahiya.
Barwar.	Gual.	Pasi.

Basor.	Habura.	Patari.
Bawariya.	Hari.	Rawat.
Beldar.	Hela.	Saharya.
Bengali.	Khairaha.	Sanaurhiya.
Berya.	Kalabaz.	Sansiya.
Bhantu.	Kanjar.	Shilpkar.
Bhuiya.	Kapariya.	Tharu.
Bhuiyar.	Karwal.	Turaiha.
Boriya.	Kharot.	

(2) Throughout the Province except in the Agra, Meerut and Rohilkhand divisions—Kori.

PART V—PUNJAB

Scheduled Castes throughout the Province :—

Ad Dharmis.	Marija, or Marecha.	Khatik.
Bawaria.	Bengali.	Kori.
Chamar.	Baiar.	Nat.
Chuhra, or Balmiki.	Bazigar.	Pasi.
Dagi and Koli.	Bhanjra.	Pema.
Dhumna.	Chanal.	Sepela.
Od.	Dhanak.	Siridband.
Sansi.	Gagra.	Meghi.
Sarera.	Gandhila.	Ramdasis.

PART VI.—BIHAR

Scheduled Castes:—

(1) (1) Throughtout the Province :—

Chamar.	Halalkhor.	Mochi.
Chaupal.	Hari.	Musahar.
Dhobi.	Kanjar.	Nat.
Dusadh.	Kurariar.	Pasi.
Dom.	Lalbegi.	

(2) (2) In the Patna and Tirhut divisions and the Bhagalpur, Monghyr, Palamau and Pumea districts :—

Bauri.	Bhumij.	Rajwar.	
Bhogta.	Ghasi.		Tun.

Bhaiiya. Pan.

(3) (3) In the Dhanbad sub-division of the Manbhum district and the Central Manbhum general rural constituency, and the Purulia and Raghunathpur municipalities:—

Bauri.	Ghasi.	Rajwar.
Bhogta.	Pan.	Turi.
Bhuiya.		

PART VII—CENTRAL PROVINCES AND BERAR

Scheduled Castes	*Localities*
Basor, or Burud, Chamar, Dom, Ganda, Mang, Mehtar or Bhangi, Mochi, Satnami	Throughout the Province.
Audhelia	In the Bilaspur distict.
Bahna	In the Arnraoti district
Balahi, or Balai	In the Berar division and the Balaghat, Bhandara Betul, Chanda, Chhindwara, Hoshangabad, Jabbulpore, Mandia, Nagpur, Nimar, Saugor and Wardha districts.
Bedar	In the Akola, Arnraoti and Buldana districts.
Chadar	In the Bhandara and Saugor districts.
Chauhan	In the Durg district.
Dahayat	In the Damoh sub-division of the Saugor district.
Dewar	In the Bilaspur, Durg and Raipur districts.
Dhanuk	In the Saugor district, except in the Damoh sub-division thereof.
Dhimar	In the Bhandara district.
Dhobi	In the Bhandara, Bilaspur, Raipur and Saugor districts and the Hoshangabad and Seoni-Malwa tahsils of the Hoshangabad district.
Dohar	In the Berar division and the Balghat, Bhandara, Chanda, Nagpur and Wardha districts.
Ghasia	In the Berar division and in the Balaghat, Bhandara, Bilsaspur, Chanda, Durg, Nagpur, Raipur and Wardha districts.

Holiya	In the Balaghat and Bhandara districts.
Jangam	In the Bhandara district.
Kaikari	In the Berar division, and in Bhandara, Chanda, Nagpur and Wardha districts.
Katia	In the Berar division, in the Balghat, Betui, Bhandara, Bilaspur, Chanda, Durg, Nagpur, Nimar, Raipur and Wardha districts, in the Hoshangabad and Seoni-Malwa tahsils of the Hoshangabad district, in the Chhindwara district, except in the Seoni sub-division thereof, and in the Saugor district, except in the Damoh sub-division thereof.
Khangar	In the Bhadara, Buldhana and Saugor districts and the Hoshangabad and Sconi Malwa tahsils of the Hoshangabad district.

Khatik	In the Berar division, in' the Balaghat, Bhandara, Chanda, Nagpur and Wardha districts, in the Hoshangabad tahsil of the Hoshangabad district, in the Chhindwara district, except in the Seoni sub-division thereof, and in the Saugor district, except in the Damoh sub-division thereof.
Koli	In the Bhandara and Chanda districts.
Kori	In the Arnraoti, Balaghat, Betui, Bhandara, Buldana, Chhindwara, Jubbulpore, Mandia, Nimar, Raipur'and Saugor districts, and in the Hoshangabad district, except in the Harda and Sohagpur tahsils thereof.
Kumhar	In the Bhandara and Saugor districts and the Hoshangabad and Seoni-Malwa tahsils of the Hoshangabad district.
Madgi	In the Berar division and in the Balaghat, Bhandara, Chanda, Nagpur and Wardha districts.
Mala	In the Balaghat, Betui, Chhindwara, Hoshangabad, Jubbuipwe Mandla, Nimar and Saugor districts.
Mehra or Mahar.	Throughout the Province, except in the Harda and Sohagpur tahsils of the Hoshangabad district
Nagarchi	In the Balaghat, Bhandaia, Chhindwara,Mandla, Nagpur and Raipur districts.
Ojha	In the Balaghat, Bhandara and Mandia districts and the Hoshangabad tahsil of the Hoshangabad district
Panka	In the Berar division, in the Balaghat, Bhandara, Bilaspur, Chanda, Durg, Nagpur, Raipur, Saugor and Wardha districts and in the Chhindwara district, except in the Seoni subdivison thereof.
Pardhi	In the Narsinghpura sub-division of the Hoshangabad district.

Pradhan	In the Berar division, in the Bhandara, Chanda, Nagpur, Nimar, Raipur and Wardha districts and in the Chhaindwara district, except in the Seoni sub-division thereof.
Rajjhar	In the Sohagpur tahsil of the Hoshangabad district.

PART VIII – ASSAM

Scheduled Castes :-
(1) In the Assam Valley :-

Namasudra. Hira. Mehtar, or Bhangi.
Kaibartta. Lalbegi. Bansphor.
Bania, or Brittial-Bania.

(2) In the Surma Valley –

Mali, or Bhuimali. Sutradhar. Kaibartta, or Jaliya.
Dhupi, or Dhobi. Muchi. Lalbegi.
Dugla, or Dholi. Patni. Mehtar, or Bhangi.
Jhalo and Malo. Namasudra. Bansphor.
Mahara.

PART IX - ORISSA

Scheduled Castes :-
(1)(1) Throughout the Province :-

Adi-Andhra.	Chamar.	Ghusuria.
Audhelia.	Chandala.	Godagali.
Bariki.	Dandasi.	Godari.
Bansor, or Burud.	Dewar.	Godra.
Bavuri.	Dhoba or Dhobi.	Gokha.
Chachati.	Ganda.	Haddi, or Hari.

Irika,	Mala.	Panchama.
Jaggali,	Mang.	Panka.
Kandra,	Mangan.	Relli.
Katia,	Mehra, or Mahar.	Sapari.
Kela.	Mehtar, *or* Bhangi.	Satnami.
Kodalo.	Mochi or Muchi.	Siyal.
Madari.	Paidi.	Valmiki.
Madiga.	Painda.	
Mahuria.	Pamidi.	

(2) (2) Throughout the Province except in the Khondmals district, the district of Sambalpur and the areas transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936, from the Vizagapatam and Ganjam Agencies in the Presidency of Madras :-

Pan, or Pano.

(3) (3) Throughout the Province except in the Khondmals district and the areas so transferred to Orissa from the said Agencies :-

Dom, or Dambo.

(4) (4) Throughout the Province except in the district of Sambalpur :

Bauro. Bhumij. Turi.
Bhuiya. Ghasi, or Ghasia.

(5) (5) In the Nawapara sub-division of the district of Sambalpur :-

Kori. Nagarchi. Pradhan.

This is a very terrifying list. It includes 429 communities. Reduced to numbers it means that today there exist in India 50-60 millions of people whose mere touch causes pollution to the Hindus. Surely, the phenomenon of Untouchability among primitive and ancient society pales into insignificance before this phenomenon of hereditary Untouchability for so many millions of people, which we find in India. This type of

Untouchability among Hindus stands in a class by itself. It has no parallel in the history of the world. It is unparalleled not merely by reason of the colossal numbers involved which exceed the number of great many nations in Asia and in Europe but also on other grounds.

There are some striking features of the Hindu system of Untouchability affecting the 429 Untouchable communities which are not to be found in the custom of Untouchability as observed by Non-Hindu communities, primitive or ancient.

The isolation prescribed by Non-Hindu societies as a safeguard against defilement, if it is not rational, is at least understandable. It is for specified reasons such as birth, marriage, death, etc.. But the isolation prescribed by Hindu society is apparently for no cause.

Defilement as observed by the Primitive Society was of a temporary duration which arose during particular times such as the performance of natural functions, eating, drinking, etc. or a natural crisis in the life of the individual such as birth, death, menstruation, etc. After the period of defilement was over and after the purificatory ceremonies were performed the defilement vanished and the individual became pure and associable. But the impurity of the 50-60 millions of the Untouchables of India, quite unlike the impurity arising from birth, death, etc., is permanent. The Hindus who touch them and become polluted thereby can become pure by undergoing purificatory ceremonies. But there is nothing which can make the Untouchables pure. They are born impure, they are impure while they live, they die the death of the impure, and they give birth to children who are born with the stigma of Untouchability affixed to them. It is a case of permanent, hereditary stain which nothing can cleanse.

In the third place, Non-Hindu societies which believed in defilement isolated the individuals affected or at the most those closely connected with them. But the Untouchability among the Hindus involves the isolation of a class-a class which today numbers about 50 to 60 million people.

In the fourth place, Non-Hindu societies only *isolated* the affected individuals. They did not *segregate* them in separate quarters. The Hindu society insists on segregation of the Untouchables. The Hindu will not live in the quarters of the Untouchables and will not allow the Untouchables to live inside Hindu quarters. This is a fundamental feature of Untouchability as it is practised by the Hindus. It is not a case of social separation, a mere stoppage of social intercourse for a temporary period. It is a case of territorial segregation and of a *cordon sanitaire* putting the impure people inside a barbed wire into a sort of a cage. Every Hindu village has a

ghettto. The Hindus live in the village and the Untouchables in the ghetto.

Such is the Hindu system of Untouchability. Who can deny that it is not altogether different from what is found to exist among Non-Hindu societies? That Untouchability among Hindus is a unique phenomenon is beyond question. Persons were treated by non-Hindu communities as impure but as individuals. Never a whole class was treated as impure. But their impurity was of a temporary duration and was curable by the performance of some purifactory rites. There has never been a case of permanent impurity based on the rule 'once impure always impure'. Persons were treated as impure by Non-Hindu Communities and they were even cut off from social intercourse. But there has never been a case of persons having been put into permanent segregation camps. A whole body of people have been treated as impure by Non-Hindu communities. But they were strangers outside the fold of the kindred. There has never been a case of a people treating a section of their own people as permanently and hereditarily impure.

Untouchability among Hindus is thus a unique phenomenon, unknown to humanity in other parts of the world. Nothing like it is to be found in any other society- primitive, ancient or modern. The many problems that arise out of a study of Untouchability and which call for investigation may be reduced to two :

(1) (1) Why do the Untouchables live outside the village?
(2) (2) What made their impurity permanent, and ineradicable?

The following pages are devoted to finding answers to these two questions.

PART II

PROBLEM OF HABITAT

CHAPTER III

WHY DO THE UNTOUCHABLES LIVE OUTSIDE THE VILLAGE?

THAT the Untouchables live outside the village is so notorious a fact that it must be taken to be within the cognisance even of those whose

knowledge about them is not very profound. Yet, nobody has thought that this was a serious question calling for satisfactory answer. How did the Untouchables come to live outside the village? Were they declared to be Untouchables first and then deported out of the village and made to live outside? Or were they from the very beginning living outside the village and were subsequently declared to be Untouchables? If the answer is that they were living outside the village from the very beginning, there arises a further question, namely, what can be the reason for it?

As the question of the separate settlement of the Untouchables has never been raised before, naturally there exists no theory as to how the Untouchables came to live outside the village. There is, of course, the view of the Hindu Shastras and if one wants to dignify it by calling it a theory one may do so. The Shastras of course say that the *Antyajas* should live and have their abode outside the village. For instance,' Manu says:

"*X. 51.* But the dwellings of the *Chandalas* and the *Shvapakas* shall be outside the village, they must be made *Apapatras* and their wealth (shall be) dogs and donkeys.

X. 52. Their dress (shall be) the garments of the dead, (they shall eat) their food from broken dishes, black iron (shall be) their ornaments and they must always wander from place to place.

X. 53. A man who fulfils a religious duty, shall not seek intercourse with them; their transactions (shall be) among themselves and their marriages with their equals.

X. 54. Their food shall be given to them by others (than an Aryan giver) in a broken dish; at night they shall not walk about in village and in towns.

X. 55. By day they may go about for the purpose of their work, distinguished by marks at king's command, and they shall carry out the corpses (of persons) who have no relatives; that is a settled rule.

X. 56. By the King's order they shall always execute the criminals, in accordance with the law, and they shall take for themselves the clothes, the beds, and the ornaments of (such) criminals."

But what conclusion can one draw from these statements of the Shastras? They are capable of double interpretation. When the Shastras say that the Untouchables should stay outside the village, they may be purporting to say no more than that the Untouchables should stay where they have been staying, i.e. outside the village. This is one interpretation. The second

interpretation is that those who are declared Untouchables should not be allowed to stay inside the village but should be required to go out of the village and live outside. Following up the alternate interpretations of the Shastras there are two different possibilities which call for consideration. One is that the Untouchability has nothing to do with the Untouchables living outside the village. From the very beginning they lived outside the village. Thereafter when the stigma of Untouchability fell on them they were prohibited from coming to live inside the village. The other possibility is that Untouchability has everything to do with the Untouchables, living outside the village. In other words, the Untouchables originally lived inside the village and that thereafter when the stigma of untouchability fell on them they were forced to vacate and live outside the village.

Which of the two possibilities is more acceptable?

The second possibility is on the face of it absurd and fantastic. One argument is quite enough to expose its absurdity. The phenomenon we are discussing is not confined to a single village or single area. It exists all over India. The transplantation of the Untouchables from within the village to outside the village is a vast operation. How and who could have carried on an operation of such colossal dimensions? It could not have been carried out except by the command of an Emperor having his sway ever the whole of India. Even to him such a transplantation would have been impossible. But possible and impossible it can only be the work of an Emperor. Who is the Emperor to whom the credit or discredit of this task can be assigned? Obviously, India had no Emperor to perform this task If there was no Emperor to do the transplantation, then the second possibility must be abandoned.

That those who are called Untouchables lived outside the village from the very beginning even before they became Untouchables and that they continued to live outside the village because ,of the supervention of untouchability at a later stage is the only possibility worth consideration. But this raises a very difficult question: Why did they live outside the village? What made them or forced them to do so? The answer is that having regard to the factors which are known to students of Sociology to have influenced the transformation of Primitive Society into Modern Society all over the world it is only natural to suppose that the Untouchables should have from the beginning lived outside the village.

Not many will realise why this is natural without some explanation of the factors which have affected the condition of Primitive Society into Modern Society. For a clear understanding of the matter it is necessary to bear in

mind that Modern Society differs from Primitive Society in two respects. Primitive Society consisted of nomadic communities while Modern Society consists of settled communities. Secondly, Primitive Society consisted of tribal communities based on blood relationship. Modem Society consists of local communities based on territorial affiliation. In other words there are two lines of evolution along which Primitive Society has proceeded before it became transformed into Modem Society. One line of evolution has led the Primitive Society to become a territorial community from being a tribal community. There can be no doubt that such a change has taken place. Clear traces of the change are to be seen in the official style of kings. Take the style of the English kings. King John was the first to call himself the king of England. His predecessors commonly called themselves kings of the English. The former represent a territorial community. The latter represent a tribal community. England was once the country which Englishmen inhabited. Englishmen are now the people .who inhabit England. The same transformation can be seen to have taken place in the style of the French kings who were once called kings of the Franks and later as kings of France. The second line of evolution had led-Primitive Society to become a settled community instead of the Nomadic community which it was. Here again, the change is so definite and so impressive that no illustration is required to convince anybody of its reality.

For the purpose in hand all we need is to confine ourselves to a consideration of the second line of evolution. How did Primitive Society become a settled community? The story of how Primitive Society became a settled community is too long to be detailed in a chapter-much too long to be compressed in a section thereof. It is enough to note two things. The first thing to understand is what made Primitive Society give up its nomadic life and secondly what happened in the transition from nomadic to settled life.

Primitive Society was no doubt nomadic. But it was nomadic not because of any migratory instinct. Nor was it due to any mental trait peculiar to it. It was the result of the fact that the earliest form of the wealth held by Primitive Society was cattle. Primitive Society was migratory because its wealth, namely the cattle, was migratory. Cattle went after new pastures. Primitive Society by reason of it's love for cattle, therefore, went wherever its cattle carried it. Primitive Society became fixed in its abode, in other words became a settled-community, when a new species of wealth was discovered. This new species of wealth was land. This happened when Primitive Society learned the art of farming and of cultivating land. Wealth became fixed at one place when it changed its form from cattle to land.

With this change Primitive Society also became settled at the same place.

This explains why Primitive Society was at one time nomadic and what led it take to settled life.

The next thing is to note the events that have happened when Primitive Society was on the road to becoming a Settled Society. The problems which faced Primitive Society in its transition from Nomadic life to Settled life were mainly two. One confronted the Settled Community. The other confronted the Broken men. The problem that confronted the Settled community was that of its defence against the Nomadic tribes. The problem which confronted the Broken men was that of the protection and shelter. It may be desirable to elucidate how and why these problems arose.

For an understanding of the problem which confronted the Settled tribes, it is necessary to bear in mind the following facts. All tribes did not take to settled life at one and the same time. Some became settled and some remained nomadic. The second thing to remember is that the tribes were never at peace with one another. They were always at war. When all tribes were in a Nomadic state the chief causes for intra-tribal warfare were (1) stealing cattle, (2) stealing women, and (3) stealthily grazing of cattle in the pastures belonging to other tribes. When some tribes became settled, the tribes that remained nomadic found it more advantageous to concentrate their fight against the settled tribes. It was more paying than a war against other Nomadic tribes. The Nomadic tribes had come to realise that the Settled tribes were doubly wealthy. Like the Nomadic tribes, they had cattle. But in addition to cattle, they had corn which the Nomadic tribes had not and which they greatly coveted. The Nomadic tribes systematically organized raids on the Settled tribes with the object of stealing the wealth belonging to the Settled tribes. The third fact is that the Settled tribes were greatly handicapped in defending themselves against these raiders. Being engaged in more gainful occupation, the Settled tribes could not always convert their ploughs into swords. Nor could they leave their homes and go in pursuit of the raiding tribes. There is nothing strange in this. History shows that peoples with civilization but no means of defence are not able to withstand the attacks of the barbarians. This explains how and why during the transition period the Settled tribes were faced with the problem of their defence.

How the problem of the Broken men arose is not difficult to understand. It is the result of the continuous tribal warfare which was the normal life of the tribes in their primitive condition. In a tribal war it often happened that a tribe instead of being completely annihilated was defeated and routed. In many cases a defeated tribe became broken into bits. As a consequence of

this there always existed in Primitive times a floating population consisting of groups of Broken tribesmen roaming in all directions. To understand what gave rise to the problem of the Broken men it is necessary to realise that Primitive Society was fundamentally tribal in its origanisation. That Primitive Society was fundamentally tribal meant two things. Firstly, every individual in Primitive Society belonged to a tribe. Nay, he must belong to the tribe. Outside the tribe no individual had any existence. He could have none. Secondly tribal organisation being based on common blood and common kinship an individual born in one tribe could not join another tribe and become a member of it. The Broken Men had, therefore, to live as stray individuals. In Primitive Society where tribe was fighting against tribe a stray collection of Broken Men was always in danger of being attacked. They did not know where to go for shelter. They did not know who would attack them and to whom they could go for protection. That is why shelter and protection became the problem of the Broken Men.

The foregoing summary of the evolution of Primitive Society shows that there was a time in the life of Primitive Society when there existed two groups- one group consisting of Settled tribes faced with the problem of finding a body of men who would do the work of watch and ward against the raiders belonging to Nomadic tribes and the other group consisting of Broken Men from defeated tribes with the problem of finding patrons who would give them food and shelter.

The next question is: How did these two groups solve their problems? Although we have no written text of a contract coming down to us from antiquity we can say that the two struck a bargain whereby the Broken Men agreed to do the work of watch and ward for the Settled tribes and the Settled tribes agreed to give them food and shelter. Indeed, it would have been unnatural if such an arrangement had not been made between the two especially when the interest of the one required the co-operation of the other.

One difficulty, however, must have arisen in the completion of the bargain, that of shelter. Where were the Broken Men to live? In the midst of the settled community or outside the Settled community? In deciding this question two considerations must have played a decisive part. One consideration is that of blood relationship. The second consideration is that of strategy. According to Primitive notions only persons of the same tribe, i.e.. of the same blood, could live together. An alien could not be admitted inside the area occupied by the homesteads belonging to the tribe. The Broken men were aliens. They belonged to a tribe which was

different from the Settled tribe. That being so, they could not be permitted to live in the midst of the Settled tribe. From the strategic point of view also it was desirable that these Broken men should live on the border of the village so as to meet the raids of the hostile tribes. Both these considerations were decisive in favour of placing their quarters outside the village.

We can now return to the main question, namely, why do the Untouchables live outside the village? The answer to the question can be sought along the lines indicated above. The same processes must have taken place in India when the Hindu Society was passing from Nomadic life to the life of a settled village community. There must have been in Primitive Hindu society, Settled tribes and Broken Men. The Settled tribes founded the village and formed the village community and the Broken Men lived in separate quarters outside the village for the reason that they belonged to a different tribe and, therefore, to different blood. To put it definitely, the Untouchables were originally only Broken Men. It is because they were Broken Men that they lived outside the village.

This explains why it is natural to suppose that the Untouchables from the very beginning lived outside and that Untouchability has nothing to do with their living outside the village.

The theory is so novel that critics may not feel satisfied without further questioning. They will ask:

(1) (1) Is there any factual evidence to suggest that the Untouchables are Broken Men?

(2) (2) Is there evidence that the process of settlement suggested above has actually taken place in any country?

(3) (3) If Broken Men living outside the village is a universal feature of all societies, how is it that the separate quarters of the Broken Men have disappeared outside India but not in India?

CHAPTER IV

ARE THE UNTOUCHABLES BROKEN MEN?

To the question : Are the Untouchables in their origin only Broken Men, my answer is in the affirmative. An affirmative answer is bound to be followed by a call for evidence. Direct evidence on this issue could be had if the totems of the Touchables and the Untouchables in the Hindu villages had been studied. Unfortunately the study of the totemic organisation of the Hindus and the Untouchables has not yet been undertaken by students of anthropology. When such data is collected it

would enable us to give a decisive opinion on the question raised in this Chapter. For the present, I am satisfied from such inquiries as I have made that the totems of the Untouchables of a particular village differ from the totems of the Hindus of the village.

Difference in totems between Hindus and Untouchables would be the best evidence in support of the thesis that the Untouchables are Broken Men belonging to a tribe different from the tribe comprising the village community. It may, however, be admitted that such direct evidence as has a bearing on the question remains to be collected. But facts have survived which serve as pointers and from which it can be said -that the Untouchables were Broken men. There are two sets of such evidentiary facts.

One set of facts comprise the names *Antya, Antyaja* and *Antyavasin* given, to certain communities by the Hindu Shastras. They have come down from very ancient past. Why were these names used to indicate a certain class of people? There seem to be some meaning behind these terms. The words are undoubtedly derivative. They arc derived from the root *Anta.* What does the word *Anta* mean? Hindus learned in the Shastras argue that it means one who is born last and as the Untouchable according to the Hindu order of Divine creation is held to be born last, the word *Antya* means an Untouchable. The argument is absurd and does not accord with the Hindu theory of the order of creation. According to it, it is the Shudra who is born last. The Untouchable is outside the scheme of creation. The Shudra is *Savarna.* As against him the Untouchable is *Avarna, i.e* outside the *Varna* system. The Hindu theory of priority in creation does not and cannot apply to the Untouchable. In my view, the word *Antya* means not end of creation but end of the village. It is a name given to those people who lived on the outskirts of the village. The word *Antya* has, therefore, a survival value. It tells us that there was a time when some people lived inside the village and some lived outside the village and that those who lived outside the village, *i.e.* on the *Antya* of the village, were called *Antyaja.*

Why did some people live on the border of the village? Can there be any other reason than that they were Broken Men who were aliens and who belonged to tribes different from those who lived inside the village? I cannot see any. That this is the real reason is to be found in the use of these particular words to designate them. The use of the words *Antya, Antyaja* and *Antyavasin* has thus double significance. In the first place, it shows that living in separate quarters was such a peculiar phenomenon that a new terminology had to be invented to give expression to it. Secondly, the words chosen express in exact terms the conditions of the people to

whom it applied namely that they were aliens.

The second set of facts which shows that the Untouchables were Broken men relates to the position of a community called the Mahars. The Mahar community is a principle Untouchable community in Maharashtra. It is the single largest Untouchable community found in Maharashtra. The following facts showing the relations between the Mahars and the Touchable Hindus are worthy of note: (1) The Mahars are to be found in every village; (2) Every village in Maharashtra has a wall and the Mahars have their quarters outside the wall; (3) The Mahars by turn do the duty of watch and ward on behalf of the village; and (4) The Mahars claim 52 rights against the Hindu villagers. Among these 52 rights the most important are:-

(i) (i) The right to collect food from the villagers;
(ii) (ii) The right to collect corn from each villager at the harvest season; and
(iii) (iii) The right to appropriate the dead animal belonging to the villagers.

The evidence arising from the position of the Mahars is of course confined to Maharashtra. Whether similar cases are to be found in other parts of India has yet to be investigated. But, if the Mahars case can be taken as typical of the Untouchables throughout India it will be accepted that there was a stage in the history of India when Broken Men belonging to other tribes came to the Settled tribes and made a bargain whereby the Broken men were allowed to settle on the border of the village, were required to do certain duties and in return were given certain rights. The Mahars have a tradition that the 52 rights claimed by them against the villagers were given to them by the Muslim kings of Bedar. This can only mean that these rights were very ancient and that the kings of Bedar only confirmed them.

These facts although meagre do furnish some evidence in support of the theory that the Untouchables lived outside the village from the very beginning. They were not deported and made to live outside the village *because* they were declared Untouchables. They lived outside the village from the beginning *because* they were Broken Men who belonged to a tribe different from the one to which the Settled tribe belonged.

The difficulty in accepting this explanation arises largely from the notion that the Untouchables were always Untouchables. This difficulty will vanish if it is borne in mind that there was a time when the ancestors of

the present day Untouchables were not Untouchables *vis-a-vis* the villagers but were merely Broken Men, no more and no less, and the only difference between them and the villagers was that they belonged to different tribes.

CHAPTER V

ARE THERE PARALLEL CASES?

ARE there any cases known to history of Broken Men living outside the village? To this question it is possible to give an affirmative answer. Fortunately for us we have two reported cases which show that what is said to have occurred in India particularly has also actually occurred elsewhere. The countries wherein such a development has actually been reported to have taken place are Ireland and Wales.

The organisation of the Irish village in primitive times can be seen from the Brehon Laws of Ireland. Some idea of it as revealed in these Laws may be obtained from the following summary given by Sir Henry Maine. Says Sir Henry Maine*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_28 :-

> "The Brehon Law discloses a stage when the tribe has long been settled, in all probability upon the tribal territory. It is of sufficient size and importance to constitute a political unit, and possibly at its apex is one of the numerous chieftain whom the Irish records call kings. The primary assumption is that the whole of .the tribal territory belongs to the whole of the tribe, but in fact large portions of it have been permanently appropriated to minor bodies of tribesmen. A part is allotted in special way to the chief as appurtenant to his office, and descends from chief to chief according to a special rule of succession. Other portions are occupied by fragments of the tribe, some of which are under minor chiefs while others, though not strictly ruled by a chief, have somebody of noble class to act as their representative . All the unappropriated tribelands are in a more special way the property of the tribe as a whole, and no portion can theoretically be subjected to more than a temporary occupation. Such occupations are, however, frequent and among the holders of tribeland, on these terms, are groups of men calling themselves tribesmen, but being in reality associations formed by contract, chiefly for the purpose of pasturing cattle. Much of the common tribeland is not occupied at all, but constitutes, to use the English expression, the 'waste' of the tribe. Still this waste is constantly brought under tillage or permanent pasture by settlements of tribesmen, and upon it *cultivators and servile states are permitted*

to squat, particularly towards the border. It is part of the territory over which the authority of the chief tends steadily to increase, and here it is that he settles his 'fuidhir' or stranger- tenants *a very important class-the outlaws and 'broken men' from other tribes who come to him for protection, and who are only connected with their new tribe by their dependence on its chief, and through the responsibility which he incurs for them".*

Who were the Fuidhirs? According to Sir Henry Maine the Fuidhirs were:

"Strangers or fugitives from other territories, men in fact, who had broken the original tribal bond which gave them a place in the community, and who had to obtain and then as best they might in a new tribe and new place. Society was violently disordered. The result was probably to fill the country with 'Broken Men' and such men could only find a home and protection by becoming Fuidhir tenants.

"The Fuidhir was not a tribesman but an alien. In all societies cemented together by kinship the position of the person who has lost or broken the bond of union is always extraordinarily miserable. He has not only lost his natural place in them but they have no room for him anywhere else".

II

Now as to Wales. The organisation of the Welsh village in primitive times is describedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_29 by Mr. Seebhom. According to Mr. Seebhom a village in Wales was a collection of homesteads. The homesteads were separated into two groups, the homesteads of the Free-tenants and the homesteads of the Unfree-tenants. Mr. Seebhom says that this separation in habitation was a common feature of the primitive village in Wales. Why were these Unfree-tenants made to live in a separate and detached place? The reason for this separation is explainedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_30 by Mr. Seebhom in the following terms :-

"At first sight there is a great confusion in the class of men mentioned in the ancient Welsh Laws— of tribesmen, *Uchelore bryre* and *innate boneddings :* of non-tribesmen, *talogo Aillte, Alltude,* etc. The confusion vanishes only when the principle underlying the constitution of tribal society is grasped. And this principle would apparently be a very simple

one if could be freed from the complications of conquest and permanent settlement of land from the inroads of foreign law, custom, and nomenclature. To begin with there can be little doubt that the ruling principle underlying the structure of tribal society was that of blood relationship among the free tribesmen. No one who did not belong to a kindred could be a member of the tribe, which was in fact, a bundle of Welsh kindred. Broadly then under the Welsh tribal system there were two classes, those of Cymric blood— and those who were stranger in blood. There was a deep, if not unpassable, gulf between these two classes quite apart from any question of land or of conquest. It was a division in blood and it soon becomes apparent that the tenacity with which the distinction was maintained was at once one of the strong distinctive marks of the tribal system and one of the main secrets of its strength."

III

This description of the organisation of the Irish and the Welsh villages in the primitive times leave no doubt that the case of the Untouchables of India is not the only case of a people living outside the village. It proves that in it was exhibited a universal phenomenon, and was marked by the following features :

1. 1. That in primitive times the Village Settlement consisted of two parts. One part occupied by the community belonging to one tribe and another part occupied by the Broken Men of different tribes.
2. 2. The part of the settlement occupied by the tribal community was regarded as the village proper. The Broken Men lived in the outskirts of the village.
3. 3. The reason why the Broken Men lived outside the village was because they were aliens and did not belong to the tribal community.

The analogy between the Untouchables of India and the Fuidhirs of Ireland and the Alltudes of Wales is complete. The Untouchables lived outside the village for the same reason for which the Fuidhirs and Alltudes had to live outside the village in Ireland and Wales. It is, therefore, clear that what is said about the Untouchables on the issue of their living outside the village is not without a parallel elsewhere.

CHAPTER VI

HOW DID SEPARATE SETTLEMENTS FOR BROKEN MEN DISAPPEAR ELSEWHERE?

THAT the Fuidhirs of Ireland and the Alltudes of Wales were Broken Men is true. That they lived in separate quarters is also a fact. But it is also true that the separate quarters of those Broken Men disappeared and they became part of the Settled tribe and were absorbed in it. This is somewhat strange. The Broken Men according to the theory set out before were given quarters outside the village because they belonged to a different tribe and, therefore, to different blood. How is it then that they were absorbed by the tribe later on? Why such a thing did not happen in India? These are questions which are natural and which call for an answer.

The question is integrally connected with the process of evolution through which Primitive Society came to be transferred into Modern Society. As has already been said this evolution has proceeded along two different lines. One marked the transformation of Primitive Society from Nomadic into a settled community. The other marked the transformation of Primitive Society from tribal into a territorial community. The question with which we are immediately concerned relates to the second line of evolution. For it is the substitution of common territory for common blood as the bond of union that is responsible for the disappearance of the separate quarters of the Broken Men. Why did Primitive Society substitute common territory for common blood as the bond of union? This is a question for which there is no adequate explanation. The origin of the change is very-obscure. How the change was brought about is however quite clear.

At some stage there came into being in Primitive Society a rule whereby a non-tribesman could become a member of the tribe and become absorbed in it as a kindred. It was known as a rule of ennoblement. This rule was that if a non-tribesman lived next to the tribe or married within a tribe for a given number of generations he became their kindredmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_31 Mr. Seebhom gives the following rules for a non-tribesman becoming a tribesman as it was found in the Welsh village system.

(1) (1) Residence in Cymru (Wales) according to the tradition of South Wales made the descendant of a stranger at last, a Cymru, but not until continued to the ninth generation.
(2) (2) Intermarriage with innate Cymraeses generation after generation made the descendent of a stranger an innate Cymru in the *fourth* generation. In other -words, the original stranger's great grandson, whose blood was at least seven-eighths Cymric was allowed to attain the right to claim the privileges of a tribesman.

Should not such a thing have happened in India? It could have-indeed it should have. For a rule similar to that which existed in Ireland and Wales also existed in India . It is referred to by Manu. In Chapter X, verses 64-67, he says that a Shudra can be a Brahmin for seven generations (if he marries) within the Brahmin Community. The ordinary rule of *Chaturvarna* was that a Shudra could never become a Brahmin. A Shudra was born a Shudra and could not be made a Brahmin. But this rule of antiquity was so strong that Manti had to apply rule of Untouchability to the Shudra. It is obvious that if this rule had continued to operate in India, the Broken Men of India would have been absorbed in the village community and their separate quarters would have ceased to exist.

Why did this not happen? The answer is that the notion of Untouchability supervened and perpetuated difference between kindred and non-kindred, tribesmen and non-tribesmen in another form; namely; between Touchables and Untouchables. It is this new factor which prevented the amalgamation taking place in the way in which it took place in Ireland and Wales, with the result that the system of separate quarters has become a perpetual and a permanent feature of the Indian village.

PART III

OLD THEORIES OF THE ORIGIN OF UNTOUCHABILITY

CHAPTER VII

RACIAL DIFFERENCE AS THE ORIGIN OF UNTOUCHABILITY

WHAT is the origin of Untouchability? As has been said the field is quite unexplored. No student of Sociology has paid any attention to it. Writers, other than Sociologists, who have written about India and her people have

been content with merely recording the custom of Untouchability with varying degrees of disapprobation and leaving it at that. So far as my researches go, I have come across only one author who has attempted to explain how Untouchability has come about. It is Mr.Stanley Rice*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_32. According to Mr. Rice-

> *There is a strong probability that the outcasts were the survivors of the conquered peoples,* who, as caste tended to coincide with occupation, became the drum-beating, leather-working, and farm labouring classes to which as serfs they had been relegated from early times. *They were not the races* conquered by the Aryans; the *Paraiyans belonged to the aborigines who were conquered by the Dravidians* and being of a different race they were not admitted to the totem of similar clans with which marriage is always intimately connected, since that would have led to free intercourse and the gradual degradation of race. But this prohibition cannot have been absolute; there are always exceptions. In the course of the centuries, some forty or more, the inevitable miscegenation may very well have obliterated the racial distinctions between aboriginal and early Dravidian. These people have been admitted to a sort of lowly participation in the Hindu system in the atmosphere of which they have lived for so long, for Hinduism is at once the most tolerant and intolerant of creeds. It does not proselytize; you cannot become a Hindu as you can become a Mussalman, and those within the fold are liable to the most rigid restrictions. But it has always been ready to embrace aboriginal tribes who are willing to submit to its laws, though it may assign to them a very lowly place and they have always been kept at a distance and have been excluded from the temples. It would seem, therefore, that anthropological arguments are in any case not conclusive when we consider these factors which must have profoundly modified the original racial characteristics and must have changed their outlook. *Thus the Dravidians applied to the Paraiyans the same test which the Aryans are assumed to have applied to the conquered inhabitants. They reduced them to the position of serfs and assigned to them those duties which it was thought beneath their own dignity to perform.* Nor was marriage the only consideration. The disabilities of the Paraiyans were due also- and to an even greater degree- to the mystical qualities inherent in Tabu. To admit such a man to the totem family was not only contrary to the social order; it would bring upon the clan the anger of their particular god. But to admit him to the worship of the god within the sacred precincts of a temple was to call down authentic fire from Heaven, whereby they would be consumed. It would be sacrilege of

the same kind as the offering of unconsecrated or unorthodox fire by Korah, Dathan and Abhiram. But though debarred from taking an active part in worship, the Paraiyans might yet do the menial services connected with it, provided that they did not entail the pollution of the sacred building. In Christian terminology the Paraiyan, although he could neither officiate at the altar, nor preach a sermon nor even be one of the congregation, might still ring the bell- on one condition. He could not regard himself as of the communion; he was, in fact, ex-communicate. And as such, he was ceremonially unclean. No washing with water, no cleansing ceremony, could remove that stain which was indelibly fixed by the operation of Tabu. To touch him, to have any dealings with him save as it were, at arm's length, was by a sort of contagious magic a defilement. You could employ him to till your field because that entailed no contact of any kind, beyond giving an order, you need have no further communication with him. The seal of pollution was set on his forehead; it was inherent in him as surely as the blood in his veins. And so from being the vile, degraded fellow which Indian opinion had made him, he became viler and more degraded from the kinds of occupation left open to him."

The theory of Mr. Rice really divides itself into two parts. For, according to him, the origin of untouchability is to be found in two circumstances—Race and Occupation. Obviously, they require separate consideration. This Chapter will be devoted to an examination of his theory of racial difference as the origin of untouchability.

The racial theory of Mr. Rice contains two elements :-

(1) (1) That the Untouchables are non-Aryan, non-Dravidian aboriginals; and
(2) (2) That they were conquered and subjugated by the Dravidians.

This theory raises the whole question of the invasions of India by foreign invaders, the conquests made by them and the social and cultural institutions that have resulted therefrom. According to Mr. Rice, there have been two invasions of India. First is the invasion of India by the Dravidians. They conquered the non-Dravidian aborigines, the ancestors of the Untouchables, and made them Untouchables. The second invasion is the invasion of India by the Aryans. The Aryans conquered the Dravidians. He does not say how the conquering Aryans treated the conquered Dravidians. If pressed for an answer he might say they made them Shudras. So that we get a chain. The Dravidians invaded India and

conquered the aborigines and made them Untouchables. After Dravidians came the Aryans. The Aryans conquered the Dravidians and made them Shudras. The theory is too mechanical, a mere speculation and too simple to explain a complicated set of facts relating to the origin of the Shudras and the Untouchables.

When students of ancient Indian history delve into the ancient past they do often come across four names, the Aryans, Dravidians, Dasas and Nagas. What do these names indicate? This question has never been considered. Are these names Aryans, Dravidians, Dasas and Nagas the names of different races or are they merely different names for a people of the same race? The general assumption is that they are different races. It is an assumption on which theories like that of Mr. Rice, which seek to explain the social structure of the Hindu Society, particularly its class basis, are built. Before such a theory is accepted it is necessary to examine its foundations.

Starting with the Aryans it is beyond dispute that they were not a single homogeneous people. That they were divided into twomk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_33sections is beyond dispute. It is also beyond dispute that the two had different cultures. One of them may becalled Rig Vedic Aryans and the other the Atharva Vedic Aryans. Their cultural cleavage appears to be complete. The Rig Vedic Aryans believed in Yajna. The Atharva Vedic Aryans believed the Magis. Their mythologies were different. The Rig Vedic Aryans believed in the Deluge and the creation of their race from Manu. The Atharva Vedic Aryans did not believe in Deluge but believed in the creation of their race from Brahma or Prajapati. Their literary developments also lay along different paths. The Rig Vedic Aryans produced Brahmanas, Sutras and Aranyakas. The Atharva Vedic Aryans produced the Upanishads. Their cultural conflict was so great that the Rig Vedic Aryans would not for a long time admit the sanctity of the Atharva Veda nor of the Upanishads and when they did recognize it they called it Vedanta which contrary to the current meaning of the word—namely, essence of the Vedas—originally meant something outside the boundary of the Vedas and, therefore, not so sacred as the Vedas and regarded its study as Anuloma. Whether these two sections of Aryans were two different races we do not know. We do not know whether the word Aryan is a term indicative of race. Historians have therefore made a mistake in proceeding on the assumption that the Aryans were a separate race.

A greater mistake lies in differentiating the Dasas from the Nagas. The

Dasas are the same as Nagas. Dasas is merely another name for Nagas. It is not difficult to understand how the Nagas came to be called Dasas in the Vedic literature. Dasa is a Sanskritized form of the Indo-lranian word Dahaka. Dahaka was the name of the king of the Nagas.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_34 Consequently, the Aryans called the Nagas after the name of their king Dahaka, which in its Sanskrit form became Dasa a generic name applied to all the Nagas.

Who were the Nagas? Undoubtedly they were non-Aryans. A careful study of the Vedic literaturemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_35 reveals a spirit of conflict, of a dualism, and a race for superiority between two distinct types of culture and thought. In the Rig Veda, we are first introduced to the Snake-god in the form of Ahi Vitra, the enemy of the Aryan god Indra. Naga, the name under which the Snake-god was to become so famous in later days, does not appear in early Vedic literature. Even when it does for the first time in the Satapatha Brahmana (X1.2,7,12), it is not clear whether a great snake or a great elephant is meant. But this does not conceal the nature of Ahi Vitra, since he is described always in Rig Veda as the serpant who lay around or hidden in waters, and as holding a full control over the waters of heaven and earth alike.

It is also evident from the hymns that refer to Ahi Vitra, that he received no worship from the Aryan tribes and was only regarded as an evil spirit of considerable power who must be fought down.

The mention of the Nagas in the Rig Veda shows that the Nagas were a very ancient people. It must also be remembered that the Nagas were in no way an aboriginal or uncivilised people. History shows a very close association by intermarriage between the Naga people with the Royal families of India. The Devagiri record of the Kadamba king Krisnavarmamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_36 connects the beginning of the Kadamba-kula with the Nagas. The Royakota mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_37grant of 9th Century A.D. mentions the marriage of Asvathama with a Nagi and the foundation of the Pallava line by Skandasishya, the issue of this marriage. Virakurcha, who according to another Pallava inscription dated in the 9th century A.D. was the ruler of the dynasty, is also mentioned in the same inscription as having married a Nagi and obtained from her the insignia of

royaltymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_38 The marriage of Gautamiputra, the son of the Vakataka king Pravarasena, with the daughter of the Bharasiva king Bhava Naga, is a historical fact. So is the marriage of Chandragupta II with princess Kuvera Naga 'of Naga Kulamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_39 A Tamil poet asserts that Kokkilli, an early Chola king, had married a Naga princess.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_40Rajendra Chola is also credited to have won 'by his radiant beauty the hand of the noble daughter of Naga race.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_41The Navasahasanka Charita describes the marriage of the Paramara king Sindhuraja (who seems to have reigned towards the early part of the 10th Century A. D.) with the Naga princess Sasiprabha, with such exhaustive details in so matter-of-fact-a-manner as to make us almost feel certain that there must have been some historical basis for this assertionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_42From the Harsha inscription of V. S. 1030-973 A.D. we know that Guvaka I, who was the sixth king in the genealogy upwards from Vigraharaja Chahamana and thus might be supposed to have been ruling towards the middle of the 9th Century was"famous as a hero in the assemblies of the Nagas and other princes."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_43Sanatikara of the Bhaumn dynasty of Orissa, one of whose dates was most probably 921 A.D., is mentioned in an inscription of his son as having married Tribhuana Mahadevi of the Naga familymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_44

Not only did the Naga people occupy a high cultural level but history shows that they ruled a good part of India. That Maharashtra is the home of the Nagas goes without saying. Its people and its kings were Nagasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_45

That Andhradesa and its neighourhood were under the Nagas during the early centuries of the Christian era is suggested by evidence from more sources than one. The Satavahanas, and their successors, the Chutu Kula Satakarnis drew their blood more or less from the Naga stock. As Dr. H.C. Roy Chaudhri has pointed out, the Dvatrima satpukalitta represents

Salivahana, the mythological representative of the Satavahana dynasty, as of mixed Brahmana and the Naga originmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_46 This is amply attested to by the typical Naga names which occur in their dynastic lists. That the Naga grew to be very powerful towards the end of the Satavahana rule is also proved by a number of facts. A chief called Skandanaga is found ruling the Bellary district, in the reign of Pulumavi, the last king of the main Satavahana line. Secondly, Naga Mulanika the daughter of a Chutu king, is mentioned as making a gift of a Naga, together with her son, who is called Sivakanda-Naga-Sri. All the known kings of this line bear the same name and thus prove a close association with the Nagas. Thirdly, the name of Uragapura, the capital of Soringoi, suggests not an isolated reign of one Naga king but a Naga Settlement in that locality of tolerably long duration.

From Buddhist tradition of Ceylon and Siam we also know that there was a Naga country called Majerika near the Diamond Sands, i.e. Karachimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_47

Then during the third and early part of the 4th Century A.D. Northern India also was ruled by a number of Naga kings is clearly proved by Puranic as well as numismaric and epigraphic evidence. Three independent groups of Vidisa, Campavati or Padmavati and Mathura are distinctly mentioned in such a way as to leave little doubt of their importance. The name Bhava Naga, the only known king of the Bharasiva dynasty, also seems to connect him with the Nagas. It is not possible to enter here into a discussion of the coins of the second group, or the question of indentification of Achyuta Ganapati Naga or Nagasena of Allahabad Pillar inscription with these Puranic Naga kingsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_48 Of all the Nagas referred to in ancient Indian History, the North Indian Naga housesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_49 of the 4th century A.D. stand out as the most prominent and historically the most tangible. We do not know whether Nagabhatta and his son Maharaja Mohesvara Naga of the Lahore Copper Sealmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_50 belonged to any of these three groups or formed a separate Naga family by themselves. But all this sufficiently justifies the conclusion of Dr. C. C. Roy Chaudhari that the Kushana kingdom of Northern India disappeared in the 4th Century A.D.

having been conquered by the Nagas. These Nagas must have been ruling over different portions of Uttarapatha till they were themselves swept away before the conquering arms of Samudragupta.

As late as the time of Skandagupta, however we find one Sarvanaga as the governer of Antarvedimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_51 In the neighbourhood of Saurashtra and Bharukaccha especially, the Nagas seem to have held a prominent position down to the 6th Century A.D. From the Junagadh inscription Skandagupta appears to have dealt severely with a Naga rebellionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_52 In 570 A, D. Dadda I Gurjara uprooted the Nagasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_53 who have been indentified with the jungle tribes ruled over by Brihul laka of Broachmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_54 Dhruvasena 11's grant of G.S. 334 (645 A.D.) also mentions as Dutaka the Pramatri Srinagamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_55

The next important revival of the Nagas particularly in Central India seems to date about the 9th Century A.D. In 800 A.D. Maharaja Tivaradeva of Sripura in Kosala most probably defeated a Naga tribe.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_56 Sometime after this period, we also note two references to Nagas in the inscription of Bengal. The Ramganj record of Mahamandalika lsvara Ghosha introduces us to a Ghosha Naga family of Dhekkari, which was to be assigned to 11th centurymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_57 A.D. The Bhuvanesvara Prasasti of Bhatta Bhavadeva, the minister of Harivarmadeva in 12th century mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_58A.D. also refers to destruction of Naga kings by him. The Ramacharita mentions the conquest of Utkala, the kingdom of Bhava-Bhushana-Santati, by Ramapala, but it is not clear whether in this case the Nagas or the Chandras were meant. The greater probability would however lie in favour of the former, since they were the more well known.

It was in the period 10th-12th Century A.D. that the different branches of theSendraka, Sinda, or Chindaka family, which called themselves lords

of Bhogavati and Nagavarnsi gradually spread themselves over different portions of Central India, particularly Baster. The Nagattaras of Begur, too, appear in an inscription of the 10th Century mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_59A.D. as having fought against king Viramahendra, on behalf of the W. Ganga king Ereyappa and being distinguished for bravery in the fight. If the evidence of Navashasanka Charita is accepted, then the Naga king, whose daughter Sasiprabha was married to Sindhuraja Paramara, must also have been ruling in Ratnavad on the Narmada at about this period.

Who are the Dravidians? Are they different from the Nagas? Chare they two different names for a people of the same race? The popular view is that the Dravidians and Nagas are names of two different races. This statement is bound to shock many people. Nonetheless, it is a fact that the term Dravidians and Nagas are merely two different names for the same people.

It is not to be denied that very few will be prepared to admit the proposition that the Dravidians and Nagas are merely two different names for the same people and fewer that the Dravidians as Nagas occupied not merely South India but that they occupied the whole of India- South as well as North. Nonetheless, these are historical truths.

Let us see what the authorities have to say on the subject. This is what Mr. Dikshitiar, a well-known South Indian scholar, has to say on the subject in his mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_60Paper on *South India in the Ramayana :*

> "The Nagas, another tribe-semi-divine in character, with their totems as serpent, spread throughout India, from Taksasila in the North-West to Assam in the North-East and to Ceylon and South India in the South. At one time they must have been powerful. Contemporaneous with the Yakwas or perhaps subsequent to their fall as a political entity, the Nagas rose to prominence in South India. Not only parts of Ceylon but ancient Malabar were the territories occupied by the ancient Nagas ..... In the Tamil classics of the early centuries after Christ, we hear frequent references to Naganadu..... Remnants of Naga worship are still lingering in Malabar, and the temple in Nagercoil in South Travancore is dedicated to Naga worship even today. All that can be said about them is that they were a sea-faring tribe. Their womenfolk were renowned for their beauty. Apparently the Nagas had become *merged* with the Cheras who rose to power and prominence at the commencement of the

Christian Era."

Further light is thrown on the subject by C. F. Oldham who has made a deep study of it. According to Mr. Oldhammk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_61

"The Dravidian people have been divided, from ancient times, into Cheras, Cholas and Pandyas. Chera, or Sera (in old Tamil Sarai) is the Dravidian equivalent for Naga; Cheramandala, Nagadwipa, or the Naga country. This seems to point distinctly to the Asura origin of the Dravidians of the South. But in addition to this there still exists, widely spread over the Ganges valley, a people who call themselves Cherus or Seoris, and who claim descent from the serpent godsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_62 The Cherus are of very ancient race; they are believed to have once held a great portion of the valley of the Ganges, which, as we have already seen, was occupied in very early times by Naga tribes. The Cherus appear to have been gradually ousted from their lands, during the troublous times of the Mohammedan invasions, and they are now poor and almost landless. There can be little doubt that these people are kinsmen of the Dravidian Cheras.

The Cherus have several peculiar customs and amongst them one which seems to connect them with the Lichhavis, as well as with the Newars of Nepal. This is the election of a raja for every five or six houses, and his investiture, in due form, with the tilak or royal frontal mark.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_63 Both Lichavis and Newars had many customs in common with the Dravidians of the South. Each venerated the serpent, Karkotaka Naga being to Nepal what Nila Naga was to Kashmir. A Naga, too, was the tutelary deity of Vaisali, the Lichavi capital. The marital relations of Newars and Lichavis closely resembled those of the Tamil people, and go far to show a common origin .

Property amongst the Newars descended in the female line, as it (Mice did amongst the Arattas, Bahikas or Takhas of the Punjab, whose sisters' sons, and not their own, were their heirsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_64This is still a Dravidian custom. In short, a recent Dravidian writer, Mr. Balakrishna Nair, says that his people 'appear to be, in nearly every particular, the kinsfolk of the Newars.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were

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Besides all this, however, there are other links connecting the Naga people of the South with those of the north of India. In an inscription discovered by Colonel Tod at Kanswah near the river Chambal, a Raja, called Salindra, 'of the race of Sarya, a tribe renowned amongst the tribes of the mighty' is said to be ruler of Takhya.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_66

This was evidently the Takhya or Takha kingdom of the Punjab, which was visited by Hiou-en-Tsiang, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_67and which has been already referred to. It seems, therefore, that the Naga people of Takhya were known also. by the name of Sarya.

Again, in the outer Himalaya, between the Sudej and Beas Valleys, is a tract of country called Sara, or Seoraj. In this district the Naga demigods are the chief deities worshipped.

There is another Seoraj in the Upper Chinab Valley, and this too is occupied by a Naga worshiping people.

The name Saraj, or Seoraj, appears to be the same as the Sarya of Colonel Tod's inscription and as Scori, which is the alternative name of the Cherus of the Ganges Valley. It also seems to be identical with Sarai, which we have already seen, is the old Tamil name for the Chera or Naga. Apparently, therefore, the Saryas or Takhya, the Saraj people of the Sutlej Valley, the Scons or Cherus of the valley of the Ganges, and the Cheras, Seras, or Kerakis at Southern India, are but different branches of the same Naga-worshipping people.

It may be noted, too, that in some of the Himalayan dialects, Kira or Kiri means a serpent This name, from which was perhaps derived the term Kirate so often applied to the people of the Himalayas, is found in the Rajatarangini, where it is applied to a people in or near Kashmir. The Kiras are mentioned by Varaha Mihira, and in a copper plate published by Prof. Kielhom.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_68

An inscription at the Baijnath temple in the Kangra valley gives Kiragrams as the then name of the placemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_69 This, in the local dialect, would mean the village of serpents. The Naga is still a popular deity at Baijnath,

and throughout the neighbouring country. The term Kira is thus an equivalent for Naga, and it can scarcely be doubted that the serpent-worshipping Kiras of the Himalayas were closely related to the Dravidian Keras, Cheras or Keralas of the South.

Similarity of name is not always to be trusted, but here we have something more. These people, whose designation is thus apparently the same, are all of Solar race; they all venerate the hooded serpent; and they all worship, as ancestors, the Naga demi-gods.

From the foregoing it would seem tolerably certain that the Dravidians of Southern India were of the same stock as the Nagas or Asuras of the North."

It is thus clear that the Nagas and Dravidians are one and the same people. Even with this much of proof, people may not be found ready to accept the thesis. The chief difficulty in the way of accepting it lies in the designation of the people of South India by the name Dravidian. It is natural for them to ask why the term Dravidian has come to be restricted to the people of South India if they are really Nagas. Critics are bound to ask : If the Dravidians and the Nagas are the same people, why is the name Nagas not used to designate people of South India also. This is no doubt a puzzle. But it is a puzzle which is not beyond solution. It can be solved if certain facts are borne in mind.

The first thing to be borne in mind is the situation regarding language. Today the language of the Southern India differs from that of the people of Northern India. Was this always so? On this question the observations of Mr. Oldhammk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_70 are worth attention.

"It is evident that the old Sanskrit grammarians considered the language of the Dravidian countries to be connected with the vernaculars of northern India; and that, in their opinion, it was especially related to the speech of those people who, as we have seen, were apparently descendants of the Asura tribes. Thus, in the 'Shahasha Chandrika', Lakshmidhara says that the Paisachi language is spoken in the Paisachi countries of Pandya, Kckaya, Vahlika, Sahya, Nepala, Kuntala, Sudesha, Bhota, Gandhara, Haiva and Kanoj; and that these are the Paisachi countries.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_71 Of all the vernacular dialects, the paisachi is said to have contained the smallest infusion of Sanskrit.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_72

That the Asuras originally spoke a language which differed from that of the Aryas seems evident. Several passages are quoted by Prof. Muir, from the Rig Veda, in which the word 'mridavach' is applied to the speech of the Asuras (R.vi.74, 2; v. vi.3; v.vii.6). Of these passages. Professor Muir observes:"The word mridavach, which I have translated"injuriously speaking", is explained by Sayana as meaning"one whose organs of speech are destroyed".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_73 The original meaning of the expression was, doubtless that the language of the Asuras was more or less unintelligible to the Aryas. The same explanation will apply to another passage in the Rig Veda, where it is said : 'May we (by propitiating Indra) conquer the ill speaking man.' mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_74

From the Satapatha Brahmana we find that 'the Asuras, being deprived of speech, were undone, crying. 'He lava', 'He lava'. Such was the unintelligible speech which they uttered. And he who speaks thus is a Miecha. Hence, let no Brahman speak barbarous language, since such is the speech of Asurasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_75

We learn from Manu, that 'those tribes who are outside of the classes produced from the mouth, arms, thighs and feet of Brahman, whether they speak the language of the Miechas or of the Aryas, are called Dasyus.,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_76 In the time of Manu; therefore, the Aryan language and that of the Miechas or Asuras were both in use. At the period described in the Mahabharata, however, the Asura language must have almost died out amongst the Aryanized tribes; as Vidura addressed Yudhishthira in the Miecha tongue, so as to be unintelligible to all except Yudhishlhira.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_77

At a later period than this, however, the grammarian Rama Tarkavagisa refers to 'those who speak like Nagas.' mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_78 It would seem, therefore, that the unregenerate Asuras retained the language, as well as the religion and customs, of their forefathers long after their converted brethren had discarded them. It was evidently amongst these unregenerate tribes that

the Paisachi dialects were in use; and amongst these tribes, as we have just seen, were the Dravidian Pandyasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_79

This view, that the Tamil and cognate tongues were founded upon the ancient Asura speech, is very strongly confirmed by the fact that the language of the Brahuis, a tribe on the borders of Sind, has been found to be very closely allied to them. Indeed, Dr. Caldwell says: 'The Brahui (language) enables us to trace the Dravidian race, beyond the Indus, to the southern confines of Central Asia. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_80This country, as I have already pointed out, was the home of the Asuras or Nagas, to which race apparently belonged the founders of the Dravidian kingdoms.'

Taking into consideration all the evidence which has been brought forward, the only possible conclusion seems to be, that the Dravidians, of the south of India, were of the same stock as the Asuras or Nagas of the North."

The second thing to be borne in mind is that the word 'Dravida' is not an original word. It is the Sanskritized form of the word Tamil'.

The original word Tamil' when imported into Sanskrit became *Damita*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_81 and later on *Damilla* became Dravida. The word Dravida is the name of the language of the people and does not denote the race of the people. The third thing to remember is that Tamil or Dravida was not merely the language of South India but before the Aryans came it was the language of the whole of Indiamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_82 and was spoken from Kashmere to Cape Camorin. In fact, it was the language of the Nagas throughout India. The next thing to note is the contact between the Aryan and the Nagas and the effect it produced on the Nagas and their language. Strange as it may appear the effect of this contact on the Nagas of North India was quite different from the effect it produced on the Nagas of South India. The Nagas in North India gave up Tamil which was their mother tongue and adopted Sanskrit in its place. The Nagas in South India retained Tamil as their mother tongue and did not adopt Sanskrit the language of the Aryans. If this difference is borne in mind it will help to explain why the name Dravida came to be applied only for the people of South India. The necessity for the application of the name Dravida to the Nagas of

Northern India had ceased because they had ceased to speak the Dravida language. But so far as the Nagas of South India are concerned not only the propriety of calling them Dravida had remained in view of their adherence to the Dravida language but the necessity of calling them Dravida had become very urgent in view of their being the only people speaking the Dravida language after the Nagas of the North had ceased to use it. This is the real reason why the people of South India have come to be called Dravidians.

The special application of the use of the word Dravida for the people of South India must not, therefore, obscure the fact that the Nagas and Dravidas are the one and the same people. They are only two different names for the same people. Nagas was a racial or cultural name and Dravida was their linguistic name.

Thus the Dasas are the same as the Nagas and the Nagas are the same as the Dravidians. In other words what we can say about the races of India is that there have been at the most only two races in the field, the Aryans and the Nagas. Obviously the theory of Mr. Rice must fall to the ground. For it postulates three races in action when as a matter of fact we see that there are only two.

II

Granting however that there was a third aboriginal race living in India before the advent of the Dravidians, can it be said that these pre-Dravidian aboriginals were the ancestors of the present day Untouchables of India? There are two tests we can apply to find the truth. One is the anthropometric test and the other is the ethnological. Considered in the light of the anthropometric characteristics of the Indian people Prof. Ghurye has something very striking to say in his volume on 'Caste and Race in India' from which the following is an extract:

> "Taking the Brahmin of the United Provinces as the typical representative of the ancient Aryans we shall start comparisons with him. If we turn to the table of differential indices we find that he shows a smaller differential index as compared with the Chuhra and the Khatri of the Punjab than with any caste from the United Provinces except the Chhatri. The differential index between the *K*hatri and the Chuhramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_83 is the only slightly less than that between the Brahmin of the United Provinces and the Chuhra of the

punjab. This means that the Brahmin of the United Provinces has closer physical affinities with the Chuhra and the Khatri of the Punjab than with any caste from his own province except the very high caste of the Chhatri..... The reality of this close affinity between the United Provinces Brahmin and the Punjab Chuhra is more clearly brought out if we look at the table of differential indices between the United Provinces Brahmin and the Brahmins of other regions. Even the differential index between the United Provinces Brahmin and the Bihar Brahmins, who from what we know about the history of spread of the Aryan culture, is expected to be very nearly allied to the former, is just as high as that between the United Provinces Brahmin and the Chuhra..... On historical ground we expect Bihar to approximate to the United Provinces. On referring to the table we find that the Kurmi comes near to the Brahmin, and the Chamar and the Dommk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_84 stand much differentiated from him. But the Chamar in this case is not as much distinct from the Brahmin as the United Provinces Chamar is from the United Provinces Brahmin.. The table for Bengal shows that the Chandalmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_85 who stands sixth in the scheme of a social precedence and whose touch pollutes, is not much differentiated from the Brahmin, from whom the Kayasthas, second in rank, can hardly be said to be distinguished. In Bombay the Deshastha Brahmin bears as closer affinity to the Son-Koli, a fisherman caste, as to his own compeer, the Chitpavan Brahmin. The Mahar, the Untouchable of the Maratha region, come next together with the Kunbi, the peasant. Then follow in order the Shenvi Brahmin, the Nagar Brahmin and the high caste Maratha. These results are rather old. Stated in a generalised form they mean that there is no correspondence between social gradation and physical differentiation in Bombay.

Finally we come to Madras. Here we must treat the different linguistic areas separately for the schemes of social precedence in the various areas are different. According to the average given by Risely and by E. Thurston the order of castes is as follows: Kapu, Sale, Malla, Golla, Madiga, Fogata and Komati.

According to their social status they are ranked as below:

Brahmin, Komati, Golla, Kapu and others and Sale, Fagota and others. Mala Madiga occupy the lowest rank being the Pariahs of the Telugu country.

In the Canarese the nasal index gives the following order : Kamatak

Smarts, Brahmin, Bant, Billiva, Mandya Brahmin, Vakkaliga, Ganiga, Linga Banajiga, Panchala, Kurha, Holeya, Deshastha Brahmift, Toreya and Bedar.

In the scheme of social precedence the castes are as under : Brahmin, Bant and Vakkaliga, Toreya, etc., Kuruba and Ganiga, Badaga and Krumba and Solaga, Billiva, Beda Holeya.

The significance of the comparison is enhanced when we remember that the nasal index of the Holeya, the Untouchables of the Canarese region is 75.1 that of the highest of the Brahmin being 71.5 while those of the jungle Krumba and the Solaga, who when Hinduised occupy the rank allotted to them in the list, are86.1 and 85.1 respectively.

The Tamil castes may be arranged according to their nasal index as follows:

Ambattan, Vellai, Ediayan, Agamudaiyan, Tamil Brahmin, Palli, Malaiyali, Shanan and Parayan. The Nasal indices of four typical Malayalam castes are: Tiyan, 75; Nambudri 75.5; Nayar 76.7; Charuman 77.2. The order of social precedence among these is : Nambudri, Nayar, Tiyan and Charuman. The nasal index of the Kanikar, a jungle tribe of Tranvancore is 8.46. Thus, the Charuman (an Unapproachable) belonging to the same race as the Brahmin rather than to Kanikar."

To omit from the above extract what is said about other communities and to draw attention to what relates to the Untouchables only, it is clear that the nasal index of the Chuhra (the Untouchables) of the Punjab is the same as the nasal index of the Brahmin of the United Provinces; the nasal index of the Chamar (the Untouchables) of Bihar is not very much distinct from the Brahmin of Bihar; the nasal index of the Holeya (an Untouchable) of the Carese is far higher than that of the Brahmin of Kamatak and that the nasal index of the Cheruman (an Unapproachable lower than the Pariah) of the Tamil belongs to the same race as the Brahmin of the Tamil Nad. If anthropometry is a science which can be depended upon to determine the race of a people, then the result obtained by the application of anthropometry to the various strata of Hindu society disprove that the Untouchables belong to a race different from the Aryans and the Dravidians. The measurements establish that the Brahmin and the Untouchables belong to the same race.

From this it follows that if the Brahmins are Aryans the Untouchables are also Aryans. If the Brahmins are Dravidians the Untouchables are also Dravidians. If the Brahmins are Nagas, the Untouchables are also Nagas. Such being the facts, the theory propounded by Mr. Rice must be said to be based on a false foundation.

Ill

The racial theory of Untouchability not only runs counter to the results of anthropometry, but it also finds very little support from such facts as we know about the ethnology of India. That the people of India were once organized on tribal basis is quite well known, and although the tribes have become castes the tribal organisation still remains intact. Each tribe was divided into clans and the clans were composed of groups of families. Each group of families had a totem which was some object, animate or inanimate. Those who had a common totem formed an exogamous group popularly known as Gotra or Kula. Families having a common gotra were not allowed to intermarry for they were supposed to be descended from the same ancestor having the same blood running in their veins. Having regard to this fact an examination of the distribution of the totems among the different castes and communities should serve as good a test for determining race as anthropometry has been.

Unfortunately, the study of the totems and their distribution among different communities has been completely neglected by students of sociology. This neglect is largely due to the current view propagated by the Census Commissioners that real unit of the Hindu social system and the basis of the fabric of Hindu society is the sub-caste founded on the rule of endogamy. Nothing can be a greater mistake than this. The unit of Hindu society is not the sub-caste but the family founded on the rule of exogamy. In this sense the Hindu family is fundamentally a tribal organisation and not a social organisation as the sub-caste is. The Hindu family is primarily guided in the matter of marriage by consideration of *Kul* and *Gotra* and only secondarily by considerations of caste and sub-caste. *Kul* and *Gotra* are Hindu equivalents of the totem of the Primitive Society. This shows that the Hindu society is still tribal in its organisation with the family at its base observing the rules of exogamy based on *Kul* and *Gotra.* Castes and sub-castes are social organisations which are superimposed over the tribal organisation and the rule of endogamy enjoined by them does not do away with the rule of exogamy enjoined by the tribal organisations of *Kul* and *Gotra.*

The importance of recognizing the fact that it is the family which is fundamental and not the sub-caste is obvious. It would lead to the study of the names of *Kul* and *Gotra* prevalent among Hindu families. Such a study would be a great help in determining the racial composition of the people of India. If the same *Kul* and *Gotra* were found to exist in different castes and communities it would be possible to say that the castes though socially

different were racially one. Two such studies have been made, one in Maharashtra by Risleymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_86 and another in the Punjabmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_87by Mr. Rose and the result flatly contradict the theory that the Untouchables are racially different from the Aryans or the Dravidians. The main bulk of the population in Maharashtra consists of Marathas. The Mahars are the Untouchables of Maharashtra. The anthropological investigation shows that both have the same *Kul*.. Indeed the identity is so great that there is hardly a *Kul* among the Marathas which is not to be found among the Mahars and there is no *Kul* among the Mahars which is not to be found among the Marathas. Similarly, in the Punjab one main stock of people consists of Jats. The Mazabi Sikhs are Untouchables most of them being Chamars by caste. Anthropological investigation shows that the two have the same *Gotras*. Given these facts how can it be argued that the Untouchables belong to a different race? As I have said if totem, kul, and gotra, have any significance it means that those who have the same totem must have been kindred. If they were kindred they could not be persons of different race.

The racial theory of the origin of Untouchability must, therefore, be abondoned.

CHAPTER VIII
OCCUPATIONAL ORIGIN OF UNTOUCHABILITY

WE may now turn to the occupational theory of the origin of Untouchability. According to Mr.Rice, the origin of Untouchability is to be found in the unclean and filthy occupations of the Untouchables. The theory is a very plausible one. But there are certain difficulties in the way of its being accepted as a true explanation of the origin of Untouchability. The filthy and unclean occupations which the Untouchables perform are common to all human societies. In every human Society there are people who perform these occupations. Why were such people not treated as Untouchables in other parts of the world? The second question is : Did the Dravidians have a nausea against such callings or against persons engaged in them? On this point, there is no evidence. But we have evidence about the Aryans. That evidence shows that the Aryans were like other people and their notions of purity and impurity did not fundamentally differ from

those of other ancient people. One has only to consider the following texts from Narada Smriti to show that the Aryans did not at all mind engaging themselves in filthy occupations. In Chapter V Narada is dealing with the subject matter of breach of contract of service. In this Chapter, there occur the following verses:

1. 1. The sages have distinguished five sorts of attendants according to law. Among these are four sorts of labourers; the slaves (are the fifth category of which there are) fifteen species.
2. 2. A student, an apprentice, a hired servant, and fourthly an official.
3. 3. The sages have declared that the state of dependence is common to all these but their respective position and income depends on their particular caste and occupations.
4. 4. Know that there are two sorts of occupations; pure work and impure work; impure work is that done by the slaves. Pure work is that done by labourers.
5. 5. Sweeping the gateway, the privy, the road and the place for rubbish; shampooing the secret parts of the body; gathering and putting away the leaving of food, ordure and urine.
6. *6.* And *lastly, rubbing the master's limbs when desired; this should be regarded as impure work. All other work besides this is pure.*
25. 25. Thus have the four classses of servants doing pure work been enumerated. All the others who do dirty work are slaves, of whom there are fifteen kindsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39A.Untouchables who were they_why they became PART I.htm - _msocom_88

It is clear that impure work was done by the slaves and that the impure work included scavenging. The question that arises is: Who were these slaves? Were they Aryans or non-Aryans? That slavery existed among the Aryans admits of no doubt. An Aryan could be a slave of an Aryan. No matter to what Varna an Aryan belonged he could be a slave. A Kshatriya could be a slave. So could a Vaishya. Even a Brahmin was not immune from the law of slavery. It is when *Chaturvarna* came to be Vecognized as a law of the land that a change was made in the system of slavery. What this change was can be seen from the following extract from the Narada Smriti :

"39. In the inverse order of the (four) castes slavery is not ordained, except where a man violated the duties peculiar to his caste. Slavery (in that respect) is analogous to the condition of a wife".

Yajnavalkya also says that :

"183(2) Slavery is in the descending order of the Vamas and not in the ascending order"

This is explained by Vijnaneswara in his Mitakshara, a Commentary on Yajnavalkya Smriti in the following terms:-

"Of the Varna such as the Brahmin and the rest, a state of slavery shall exist in the descending order (Anulomeyna). Thus, of a Brahmin, a Kshatriya, and the rest may become a slave; of a Kshatriya, the Vaishya and the Shudra; and of a Vaishya, a Shudra; this state of slavery shall operate in the descending order."

The change was a mere reorganisation of slavery and the basis of the principles of graded inequality which is the soul of Chaturvarna. To put it in a concrete form, the new law declared that a Brahmin could have a Brahmin, Kshatriya, Vaishya and a Shudra as his slave. A Kshatriya could have Kshatriya, a Vaishya and a Shudra as his slave. A Vaishya could have a Vaishya and and a Shudra as his slave. A Shudra could have a Shudra only. With all this, the law of slavery remained and all Aryans whether they were Brahmins, Kshatriyas, Vaishyas or Shudras if they become slaves were subject to it.

Having regard to the duties prescribed for the slaves, this change in the law of slavery does not matter at all. It still means that a Brahmin if he was a slave, a Kshatriya if he was a slave, a Vaishya if he was a slave, did the work of a scavenger. Only a Brahmin would not do scavenging in the house of a Kshatriya, Vaishya or a Shudra. But he would do scavenging in the house of a Brahmin. Similarly, a Kshatriya would do scavenging in the house of a Brahmin and the Kshatriya. Only he would not do in the house of a Vaishya or Shudra and a Vaishya would do scavenging in the house of a Brahmin, Kshatriya and Vaishya. Only he would not do it in the house of a Shudra. It is, therefore, obvious that the Brahmins, Kshatriyas and Vaishyas who are admittedly the Aryans did the work of scavengers which is the filthiest of filthy occupations. If scavenging was not loathsome to an Aryan how can it be said that engaging in filthy occupations was the cause of Untouchability. The theory of filthy occupation as an explanation of Untouchability is, therefore, not tenable.

THE UNTOUCHABLES WHO WERE THEY AND WHY THEY BECAME UNTOUCHABLES?

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PART IV.

NEW THEORIES OF THE ORIGIN OFUNTOUCHABILITY

CHAPTER IX

CONTEMPT FOR BUDDHISTS AS THE ROOT OF UNTOUCHABILITY

THE Census Reports for India published by the Census Commissioner at the interval of every ten years from 1870 onwards contain a wealth of information nowhere else to be found regarding the social and religious life of the people of India. Before the Census of 1910 the Census Commissioner had a column called"Population by Religion". Under this heading the population was shown (1) Muslims, (2) Hindus, (3) Christians, etc. The Census Report for the year 1910 marked a new departure from the prevailing practice. For the first time it divided the Hindus under three

separate categories, (i) Hindus, (ii) Animists and Tribal, and (iii) the Depressed Classes or Untouchables. This new classification has been continued ever since.

II

This departure from the practice of the previous Census Commissioners raises three questions. First is what led the Commissioner for the Census of 1910 to introduce this new classification. The second is what was the criteria adopted as a basis for this classification. The third is what are the reasons for the growth of certain practices which justify the division of Hindus into three separate categories mentioned above.

The answer to the first question will be found in the address presented in 1909 by the Muslim Community under leadership of H.H. The Aga Khan to the then Viceroy, Lord Minto, in which they asked for a separate and adequate representation for the Muslim community in the legislature, executive and the public services.

In the address*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_1 there occurs the following passage –

> "The Mohamedans of India number, according to the census taken in the year 1901 over sixty-two millions or between one-fifth and one-fourth of the total population of His Majesty's Indian dominions, *and if a reduction be made for the uncivilised portions of the community enumerated under the heads ofanimist and other minor religions, as well as for those classes who are ordinarily classified as Hindus but properly speaking are not Hindus at all, the proportion of Mohamedans to the Hindu Majority becomes much larger*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_2 We therefore desire to submit that under any system of representation extended or limited a community in itself more numerous than the entire population of any first class European power except Russia may justly lay claim to adequate recognition as an important factor in the State.
>
> "We venture, indeed, with Your Excellency's permission to go a step further, and urge that the position accorded to the Mohamedan community in any kind of representation direct or indirect, and in all other ways effecting their status and influence should be commensurate, not merely with their numerical strength but also with their political importance and the value of the contribution which they make to the defence of the empire, and we also hope that Your Excellency will in this

connection be pleased to give due consideration to the position which they occupied in India a little more than hundred years ago and of which the traditions have naturally not faded from their minds."

The portion in italics has a special significance. It was introduced in the address to suggest that in comprising the numerical strength of the Muslims with that of the Hindus the population of the animists, tribals and the Untouchables should be excluded. The reason for this new classification of 'Hindus' adopted by the Census Commissioner in 1910 lies in this demand of the Muslim community for separate representation on augmented scale. At any rate this is how the Hindus understood this demandmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_3

Interesting as it is, the first question as to why the Census Commissioner made this departure in the system of classification is of less importance than the second question. What is important is to know the basis adopted by the Census Commissioner for separating the different classes of Hindus into (1) those who were hundred per cent Hindus and (2) those who were not.

The basis adopted by the Census Commissioner for separation is to be found in the circular issued by the Census Commissioner in which he laid down certain tests for the purposemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_4 of distinguishing these two classes. Among those who were not hundred percent Hindus were included castes and tribes which :-

(1) (1) Deny the supremacy of the Brahmins.
(2) (2) Do not receive the Mantra from a Brahmin or other recognized Hindu Guru.
(3) (3) Deny the authority of the Vedas.
(4) (4) Do not worship the Hindu gods.
(5) (5) Are not served by good Brahmins as family priests.
(6) (6) Have no Brahmin priests at all.
(7) (7) Are denied access to the interior of the Hindu temples.
(8) (8) Cause pollution (a) by touch, or (b) within a certain distance.
(9) (9) Bury their dead.
(10) (10) Eat beef and do no reverence to the cow.

Out of these ten tests some divide the Hindus from the Animists and the Tribal. The rest divide the Hindus from the Untouchables. Those that divide the Untouchables from the Hindus are (2), (5), (6), (7), and (10). It is

with them that we are chiefly concerned.

For the sake of clarity it is better to divide these tests into parts and consider them separately. This Chapter will be devoted only to the consideration of (2), (5), and (6).

The replies received by the Census Commissioner to questions embodied in tests (2), (5) and (6) reveal (1) that the Untouchables do not receive the Mantra from a Brahmin; (2) that the Untouchables are not served by good Brahmin priests at all; and (3) that Untouchables have their own priests reared from themselves. On these facts the Census Commissioners of all Provinces are unanimous.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_5

Of the three questions the third is the most important. Unfortunately the Census Commissioner did not realise this. For in making his inquiries he failed to go to the root of the matter to find out: Why were the Untouchables not receiving the Mantra from the Brahmin? Why Brahmins did not serve the Untouchables as their family priests? Why do the Untouchables prefer to have their own priests? It is the 'why of these facts which is more important than the existence of these facts. It is the 'why' of these facts which must be investigated. For the clue to the origin of Untouchability lies hidden behind it.

Before entering upon this investigation, it must be pointed out that the inquiries by the Census Commissioner were in a sense one-sided. They showed that the Brahmins shunned the Untouchables. They did not bring to light the fact that the Untouchables also shunned the Brahmins. Nonetheless, it is a fact. People are so much accustomed to thinking that the Brahmin is the superior of the Untouchables and the Untouchable accepts himself as his inferior; that this statement that the Untouchables look upon the Brahmin as an impure penvon is sure to come to them as a matter of great surprise. The fact has however been noted by many writers who have observed and examined the social customs of the Untouchables. To remove any doubt on the point, attention is drawn to the following extracts from their writings.

The fact was noticed by Abbe Dubois who says mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_6:

> "Even to this day a Pariah is not allowed to pass a Brahmin Street in a village, though nobody can prevent, or prevents, his approaching or passing by a Brahmin's house in towns. The Pariahs, on their part will under no circumstances, allow a Brahmin to pass through their *paracherries*

(collection of Pariah huts) as they firmly believe it will lead to their ruin".

Mr. Hemingsway, the Editor of the Gazetteer of the Tanjore District says:

"These casts (Parayan and Pallan or Chakkiliyan castes of Tanjore District) strongly object to the entrance of a Brahmin into their quarters believing that harm will result to them therefrom".mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_7

Speaking of the Holeyas of theHasan District of Mysore, Captain J.S.F. Mackenzie says:-

"Every village has its Holigiri as the quarters inhabited by the Holiars, formerly agrestic serfs, is called outside the village boundary hedge. This, I thought was because they were considered as impure race, whose touch carries defilement with it."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_8

Such is the reason generally given by the Brahmins who refuse to receive anything directly from the hands of a Holiar, and yet the Brahmins consider great luck will wait upon them if they can manage to pass through the Holigiri without being molested. To this Holiars have a strong objection, and, should a Brahmin attempt to enter their quarters, they turn out in a body and slipper him, in former times, it is said, to death. Members of the other castes may come as far as the door, but they must not enter the house, for that would bring the Holiar bad luck. If, by chance, a person happens to get in, the owner takes care to tear the intruder's cloth, tie up some salt in one corner of it, and turn him out. This is supposed to neutralise all the good luck which might have accrued to the tresspasser, and avert any evil which ought to have befallen the owner of the house.

What is the explanation of this strange phenomenon? The explanation must of course fit in with the situation as it stood at the start, *i.e,* when the Untouchables were not Untouchables but were only Broken Men. We must ask why the Brahmins refused to officiate at the religious ceremonies of the Broken Men? Is it the case that the Brahmins refused to officiate? Or is it that the Broken Men refused to invite them? Why did the Brahmin regard Broken Men as impure? Why did the Broken Men regard the Brahmins as impure? What is the basis of this antipathy?

This antipathy can be explained on one hypothesis. It is that the Broken Men were Buddhists. As such they did not revere the Brahmins, did not employ them as their priests and regarded them as impure. The Brahmin

on the other hand disliked the Broken Men because they were Buddhists and preached against them contempt and hatred with the result that the Broken Men came to be regarded as Untouchables.

We have no direct evidence that the Broken Men were Buddhists. No evidence is as a matter of fact necessary when the majority of Hindus were Buddhists. We may take it that they were.

That there existed hatred and abhorrence against the Buddhists in the mind of the Hindus and that this feeling was created by the Brahmins is not without support.

Nilkant in his *Prayaschit Mayukha*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_9 quotes a verse from Manu which says :-

"If a person touches a Buddhist or a flower of Pachupat, Lokayata, Nastika and Mahapataki, he shall purify himself by a bath."

The same doctrine is preached by Apararka in his Smriti.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_10 Vradha Harit goes further and declares entry into the Buddhist Temple as sin requiring a purificactory bath for removing the impurity.

How widespread had become this spirit of hatred and contempt against the followers of Buddha can be observed from the scenes depicted in Sanskrit dramas. The most striking illustration of this attitude towards the Buddhists is to be found in the Mricchakatika. In Act VII of that Drama the hero Charudatta and his friend Maitreya are shown waiting for Vasantasena in the park outside the city. She fails to turn up and Charudatta decides to leave the park. As they are leaving, they seethe Buddhist monk by name Samvahaka. On seeing him, Charudatta says :-

"Friend Maitreya, I am anxious to meet Vasantsena ... Come, let us go. (After walking a little) Ah ! here's aninauspicious sight, a Buddhist monk coming towards us. (After a little reflection) well, let him come this way, we shall follow this other path. (Exit.)

In Act VIII the monk is in the Park of Sakara, the King's brother-in-law, washing his clothes in a pool. Sakara accompanied by Vita turns up and threatens to kill the monk. The following conversation between them is revealing :

"Sakara - Stay, you wicked monk.

Monk - Ah! Here's the king's brother-in-law! Because some monk has offended him, he now beats up any monk he happens to met.

Sakara- Stay, I will now break your head as one breaks a radish in a tavern. *(Beats him).*
Vita- Friend, it is not proper to beat a monk who has put on the saffron-robes, being disgusted with the world.
Monk- *(Welcomes)* Be pleased, lay brother.
Sakara- Friend, see. He is abusing me.
Vita- What does he say?
Sakara- He calls me lay brother *(upasaka).* Am I a barber?
Vita- Oh! He is really praising you as a devotee of the Buddha.
Sakara- Why has he come here?
Monk- To wash these clothes.
Sakara- Ah! you wicked monk. Even I myself do not bathe in this pool; I shall kill you with one stroke."

After a lot of beating, the monk is allowed to go. Here is a Buddhist Monk in the midst of the Hindu crowd. He is shunned and avoided. The feeling of disgust against him is so great that the people even shun the road the monk is travelling. The feeling of repulsion is so intense that the entry of the Buddhist was enough to cause the exit of the Hindus. The Buddhist monk is on a par with the Brahmin. A Brahmin is immune from death-penalty. He is even free from corporal punishment. But the Buddhist monk is beaten and assaulted without remorse, without compunction as though there was nothing wrong in it.

If we accept that the Broken Men were the followers of Buddhism and did not care to return to Brahmanism when it became triumphant over Buddhism as easily as other did, we have an explanation for both the questions. It explains why the Untouchables regard the Brahmins as inauspicious, do not employ them as their priest and do not even allow them to enter into their quarters. It also explains why the Broken Men came to be regarded as Untouchables. The Broken Men hated the Brahmins because the Brahmins were the enemies of Buddhism and the Brahmins imposed untouchability upon the Broken Men because they would not leave Buddhism. On this reasoning it is possible to conclude that one of the roots of untouchability lies in the hatred and contempt which the Brahmins created against those who were Buddhist.

Can the hatred between Buddhism and Brahmanism be taken to be the sole cause why Broken Men became Untouchables? Obviously, it cannot be. The hatred and contempt preached by the Brahmins was directed against Buddhists in general and not against the Broken Men in particular. Since untouchability stuck to Broken Men only, it is obvious that there was

some additional circumstance which has played its part in fastening untouchability upon the Broken Men. What that circumstance could have been? We must next direct our effort in the direction of ascertaining it.

CHAPTER X

BEEF EATING AS THE ROOT OF UNTOUCHABILITY

WE now take up test No. 10 referred to in the circular issued by the Census Commissioner and to which reference has already been made in the previous chapter. The test refers to beef-eating.

The Census Returns show that the meat of the dead cow forms the chief item of food consumed by communities which are generally classified as untouchable communities. No Hindu community, however low, will touch cow's flesh. On the other hand, there is no community which is really an Untouchable community which has not something to do with the dead cow. Some eat her flesh, some remove the skin, some manufacture articles out of her skin and bones.

From the survey of the Census Commissioner, it is well established that Untouchables eat beef. The question however is: Has beef-eating any relation to the origin of Untouchability? Or is it merely an incident in the economic life of the Untouchables? Can we say that the Broken Men came to be treated as Untouchables because they ate beef? There need be no hesitation in returning an affirmative answer to this question. No other answer is consistent with facts as we know them.

In the first place, we have the fact that the Untouchables or the main communities which compose them eat the dead cow and those who eat the dead cow are tainted with untouchability and no others. The co-relation between untouchability and the use of the dead cow is so great and so close that the thesis that it is the root of untouchability seems to be incontrovertible. In the second place if there is anything that separates the Untouchables from the Hindus, it is beef-eating. Even a superficial view of the food taboos of the Hindus will show that there are two taboos regarding food which serve as dividing lines. There is one taboo against meat-eating. It divides Hindus into vegetarians and flesh eaters. There is another taboo which is against beef eating. It divides Hindus into those who eat cow's flesh and those who do not. From the point of view of untouchability the first dividing line is of no importance. But the second is. For it completely marks off the Touchables from the Untouchables. The Touchables whether they are vegetarians or flesh-eaters are united in their

objection to eat cow's flesh. As against them stand the Untouchables who eat cow's flesh without compunction and as a matter of course and habit.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_11

In this context it is not far-fetched to suggest that those who have a nausea against beef-eating should treat those who eat beef as Untouchables.

There is really no necessity to enter upon any speculation as to whether beef-eating was or was not the principal reason for the rise of Untouchability. This new theory receives support from the Hindu Shastras. The Veda Vyas Smriti contains the following verse which specifies the communities which are included in the category of Antyajas and the reasons why they were so includedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_12

L.12-13"The *Charmakars* (Cobbler), the *Bhatta* (Soldier), the *Bhilla,* the *Rajaka* (washerman), the *Puskara,* the *Nata* (actor), the *Vrata,* the *Meda,* the *Chandala,* the *Dasa,* the *Svapaka,* and the *Kolika*- these are known as Antyajas as well as others who eat cow's flesh."

Generally speaking the Smritikars never care to explain the why and the how of their dogmas. But this case is exception. For in this case, Veda Vyas does explain the cause of untouchability. The clause"as well as others who eat cow's flesh"is very important. It shows that the Smritikars knew that the origin of untouchability is to be found in the eating of beef. The dictum of Veda Vyas must close the argument. It comes, so to say, straight from the horse's mouth and what is important is that it is also rational for it accords with facts as we know them.

The new approach in the search for the origin of Untouchability has brought to the surface two sources of the origin of Untouchability. One is the general atmosphere of scorn and contempt spread by the Brahmins against those who were Buddhists and the second is the habit of beef-eating kept on by the Broken Men. As has been said the first circumstance could not be sufficient to account for stigma of Untouchability attaching itself to the Broken Men. For the scorn and contempt for Buddhists spread by the Brahmins was too general and affected all Buddhists and not merely the Broken Men. The reason why Broken Men only became Untouchables was because in addition to being Buddhists they retained their habit of beef-eating which gave additional ground for offence to the Brahmins to carry their new-found love and reverence to the cow to its logical conclusion. We may therefore conclude that the Broken Men were

exposed to scorn and contempt on the ground that they were Buddhists the main cause of their Untouchability was beef-eating.

The theory of beef-eating as the cause of untouchability also gives rise to many questions. Critics are sure to ask: What is the cause of the nausea which the Hindus have against beef-eating? Were the Hindus always opposed to beef-eating? If not, why did they develop such a nausea against it? Were the Untouchables given to beef-eating from the very start? Why did they not give up beef-eating when it was abandoned by the Hindus? Were the Untouchables always Untouchables? If there was a time when the Untouchables were not Untouchables even though they ate beef why should beef-eating give rise to Untouchability at a later-stage? If the Hindus were eating beef, when did they give it up? If Untouchability is a reflex of the nausea of the Hindus against beef-eating, how long after the Hindus had given up beef-eating did Untouchability come into being? These questions must be answered. Without an answer to these questions, the theory will remain under cloud. It will be considered as plausible but may not be accepted as conclusive. Having put forth the theory, I am bound to answer these questions. I propose to take up the following heads :-

(1) (1) Did the Hindus never eat beef?
(2) (2) What led the Hindus to give up be heating?
(3) (3) What led the Brahmins to become vegetarians?
(4) (4) Why did beef-eating give rise to Untouchability? and
(5) (5) When was Untouchability born?

PART V

THE NEW THEORIES AND SOME QUESTIONS

CHAPTER XI

DID THE HINDUS NEVER EAT BEEF?

TO the question whether the Hindus ever ate beef, every Touchable Hindu, whether he is a Brahmin or a non-Brahmin, will say 'no, never'. In a certain sense, he is right. From times no Hindu has eaten beef. If this is all that the Touchable Hindu wants to convey by his answer there need be no quarrel over it. But when the learned Brahmins argue that the Hindus not only never ate beef but they always held the cow to be sacred and were

always opposed to the killing of the cow, it is impossible to accept their view.

What is the evidence in support of the construction that the Hindus never ate beef and were opposed to the killing of the cow?

There are two series of references in the Rig Veda on which reliance is placed. In one of these, the cow is spoken of as *Aghnya*. They are Rig Veda 1.164, 27; IV.1.6; V 82-8; V11.69. 71; X.87. *Aghnya* means 'one who does not deserve to be killed'. From this, it is' argued that this was a prohibition against the killing of the cow and that since the Vedas are the final authority in the matter of religion, it is concluded that the Aryans could not have killed the cows, much less could they have eaten beef. In another series of references the cow is spoken of as sacred. They are Rig Veda V1.28.1.8. and VIII, 101. 15. In these verses the cow is addressed as Mother of Rudras, the Daughter of Vasus, the Sister of the Adityas and the Centre of Nectar. Another reference on the subject is in Rig Veda VIII. 101. 16 where the cow is called Devi (Goddess).

Raliance is also placed on certain passages in the Brahmanas and Sutras.

There are two passages in the Satapatha Brahmana which relate to animal sacrifice and beef-eating. One is at 111.1.2.21 and reads as follows :-

"He (the Adhvaryu) then makes him enter the hall. Let him not eat (the flesh) of either the cow or the ox, for the cowand the ox doubtless support everything here on earth. The gods spake, 'verily, the cow and the ox support everything here; come, let us bestow on the cow and the ox whatever vigour belonged to other species (of animals); and therefore the cow and the ox eat most Hence were one to eat (the flesh) of an ox or a cow, there would be, as it were, an eating of everything, or, as it were, a going to the end (or, to destruction)... Let him therefore not eat (the flesh) of the cow and the ox."

The other passage is at 1, 2, 3, 6. It speaks against animal sacrifice and on ethical grounds.

A similar statement is contained in the Apastambha Dharma Sutra at 1, 5, 17, 29. Apastambha lays a general embargo on the eating of cow's flesh.

Such is the evidence in support of the contention that the Hindus never ate beef. What conclusion can be drawn from this evidence?

So far as the evidence from the Rig Veda is concerned the conclusion is based on a misreading and misunderstanding of the texts. The adjective *Aghnya* applied to the cow in the Rig Veda means a cow that was yielding milk and therefore not fit for being killed. That the cow is venerated in the Rig Veda is of course true. But this regard and venerations of the cow are

only to be expected from an agricultural community like the Indo-Aryans. This application of the utility of the cow did not prevent the Aryan from killing the cow for purposes of food. Indeed the cow was killed because the cow was regarded as sacred. As observed by Mr.Kane:

"It was not that the cow was not sacred in Vedic times, it was because of her sacredness that it is ordained in the Vajasaneyi Samhita that beef should be eaten."*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_13

That the Aryans of the Rig Veda did kill cows for purposes of food and ate beef is abundantly clear from the Rig Veda itself. In Rig Veda (X. 86.14) Indra says:- 'They cook for one 15 plus twenty oxen". The Rig Veda (X.91.14) says that for Agni were sacrificed horses, bulls, oxen, barren cows and rams. From the Rig Veda (X.72.6) it appears that the cow was killed with a sword or axe.

As to the testimony of the Satapatha Bramhana, can it be said to be conclusive? Obviously, it cannot be. For there are passages in the other Bramhanas which give a different opinion.

To give only one instance. Among the Kamyashtis set forth in the Taittiriya Bramhana, not only the sacrifice of oxen and cows are laid down, but we are even told what kind and description of oxen and cows are to be offered to what deities. Thus, a dwarf ox is to be chosen for sacrifice to Vishnu; a drooping horned bull with a blaze on the forehead to Indra as the destroyer of Vritra; a black cow to Pushan; a red cow to Rudra; and so on. The Taittiriya Bramhana notes another sacrifice called *Panchasaradiya-seva,* the most important element of which was the immolation of seventeen five-year old humpless, dwraf-bulls, and as many dwarf heifers under three year-old.

As against the statement of the Apastamba Dharma Sutra, the following points may be noted.

First is the contrary statement contained in that Very Sutra. At 15, 14, 29, the Sutra says :-

"The cow and the bull are sacred and therefore should be eaten". The second is the prescription of Madhuparka contained in the Grahya Sutras. Among the Aryans the etiquette for receiving important guests had become settled into custom and had become a ceremony. The most important offering was Madhuparka. A detailed descriptions regarding Madhuparka are to be found in the various Grahya Sutras. According to most of the Grahya Sutras there are six persons who have a right to be served with Madhuparka namely; (1) Ritwija or the Brahmin called to

perform a sacrifice, (2) Acharya, the teacher, (3) The bridegroom (4) The King (5) The Snatak, the student who has just finished his studies at the Gurukul and (6) Any person who is dear to the host. Some add Atithi to this list. Except in the case of Ritvija, King and Acharya, Madhuparka is to be offered to the rest once in a year. To the Ritvija, King and Acharya it is to be offered each time they come.

What was this Madhuparka made of? There is divergence about the substances mixed in offering Madhuparka. Asv.gr and Ap.gr. (13.10) prescribe a mixture of honey and curds or clarified butter and curds. Others like Par.gr.l3 prescribe a mixture of three (curds, honey and butter). Ap.gr. (13.11-12) states the view of some that those three may be mixed or five (those three with fried *yava* grain and barley). Hir.gr.L, 12, 10-12 give the option of mixing three of five (curds, honey, ghee, water and ground grain). The Kausika Sutra (92) speaks of nine kinds of mixtures, viz., *Brahma* (honey and curds). *Aindra* (of payasa), *Saurnya* (curds and ghee), *Pausna* (ghee and mantha), *Sarasvata* (milk and ghee), *Mausala* (wine and ghee, this being used only in Sautramanai and Rajasuya sacrifices), *Parivrajaka* (sesame oil and oil cake). The Madhava gr.l.9.22 says that the Veda declares that the Madhuparka must not be without flesh and so it recommends that if the cow is let loose, goat's meat or payasa (rice cooked in milk) may be offered; the Hir.gr. 1.13, 14 says that other meat should be offered; Baud.gr. (1.2,51-54) says that when the cow is let off, the flesh of a goat or ram may be offered or some forest flesh (of a deer, etc.) may be offered, as there can be no Madhuparka without flesh or if one is unable to offer flesh one may cook ground grains.

Thus the essential element in Madhuparka is flesh and particularly cow's flesh.

The killing of cow for the guest had grown to such an extent that the guest came to be called 'Go-ghna' which means the killer of the cow. To avoid this slaughter of the cows the Ashvateyana Grahya Sutra (1.24.25) suggests that the cow should be let loose when the guest comes so as to escape the rule of etiquette.

Thirdly, reference may be made to the ritual relating to disposal of the dead to counter the testimony of the Apastamba Dharma Sutra. The Sutra saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_14 :-

1. 1. He should then put the following (sacrificial) implements (on the dead body)
2. 2. Into the right hand the (spoon called) Guhu.
3. 3. Into the left the (other spoon called) Upabhrit.

4. 4. On his right side the wooden sacrificial sword called *Sphya,* on his left side the Agnihotrahavani (i.e., the laddle with which the Agnihotra oblations are sacrified).
5. 5. On his chest the (big sacrificial laddle called) Dhruva. On his head the dishes. On his teeth the pressing stones.
6. *6.* On the two sides of his nose, the two smaller sacrificial laddles called *Sruvas.*
7. 7. Or, if there is only one (Sruva), breaking it (in two pieces).
8. 8. On his two ears the two Prasitraharanas (i.e, the vessels into which the portion of the sacrificial food belonging to the Brahmin) is put
9. 9. Or, if there is only one (Prasitraharana), breaking it (in two pieces).
10. 10. On his belly the (vessel called) Patri.
11. 11. And the cup into which the cut-off portion (of the sacrificial food) are put.
12. 12. On his secret parts the (staff called) Samy.
13. 13. On his thighs two kindling woods.
14. 14. On his legs the mortar and the pestle.
15. 15. On his feet the two baskets.
16. 16. Or, if there is only one (basket), breaking it in two pieces.
17. 17. Those of the implements which have a hollow (into which liquids can be poured) are filled with sprinkled butter.
18. 18. The son (of the deceased person) should take the under and the upper mill-stone for himself.
19. 19. And the implements made of copper, iron and earthenware.
20. 20. Taking out the omentum of the she-animal he should cover therewith the head and the mouth (of the dead person) with the verse, 'But on the armour (which will protect thee) against Agni, by that which comes from the cows.' (Rig Veda. X. 16.7).
21. 21. Taking out the kidneys of the animal he should lay them into the hands (of the dead body) with the verse, escape the two hounds, the sons of Sarma (Rig Veda X 14.10) the right kidney into the right hand and the left into the left hand.
22. 22. The heart of the animals he puts on the heart of the deceased.
23. 23. And two lumps of flour or rice according to some teachers.
24. 24. Only if there are no kidneys according to some teachers.
25. 25. Having distributed the whole (animal), limb by limb (placing its different limbs on the corresponding limbs of the deceased) and having covered it with its hide, he recites when the Pranita water is

carried forward (the verse), 'Agni do not overturn this cup,' (Rig Veda, X. 16.8).

26. 26. Bending his left knee he should sacrifice Yugya oblation into the Dakshina fire with the formulas 'To Agni Svaha, to Kama Svaha, to the world Svaha, to Anumati Svaha'.
27. 27. A fifth (oblation) on the chest of the deceased with the formula 'from this one verily thou hast been born. May he now be born out of thee. To the heaven worlds Svaha.'"

From the above passage quoted from the Ashvalayan Grahya Sutra it is clear that among the ancient Indo-Aryans when a person died, an animal had to be killed and the parts of the animal were placed on the appropriate parts of the dead body before the dead body was burned.

Such is the state of the evidence on the subject of cow-killing and beef-eating. Which part of it is to be accepted as true? The correct view is that the testimony of the Satapatha Brahmana and the Apastamba Dharma Sutra in so far as it supports the view that Hindus were against cow-killing and beef-eating, are merely exhortations against the excesses of cow-killing and not prohibitions against cow-killing. Indeed the exhortations prove that cow-killing and eating of beef had become a common practice. That notwithstanding these exhortations cow-killing and beef-eating continued. That most often they fell on deaf ears is proved by the conduct of Yajnavalkya, the great Rishi of the Aryans. The first passage quoted above from the Satapatha Brahmana was really addressed to Yajnavalkya as an exhortation. How did Yajnavalkya respond? After listening to the exhortation this is what Yajnavalkya said :-'"I, for one, eat it, provided that it is tender"

That the Hindus at one time did kill cows and did eat beef is proved abundantly by the description of the Yajnas given in the Buddhist Sutras which relate to periods much later than the Vedas and the Brahmanas. The scale on which the slaughter of cows and animals took place was collosal. It is not possible to give a total of such slaughter on all accounts committed by the Brahmins in the name of religion. Some idea of the extent of this slaughter can however be had from references to it in the Buddhist literature. As an illustration reference may be made to the Kutadanta Sutta in which Buddha preached against the performance of animal sacrifices to Brahmin Kutadanta. Buddha, though speaking in a tone of sarcastic travesty, gives a good idea of the practices and rituals of the Vedic sacrifices when he said:

"And further, O Brahmin, at that sacrifice neither were any oxen slain, neither goats, nor fowls, nor fatted pigs, nor were any kind of living creatures put to death. No trees were cut down to be used as posts, no Darbha grasses mown to stress around the sacrificial spot. And the slaves and messengers and workmen there employed were driven neither by rods nor fear, nor carried on their work weeping with tears upon their faces."

Kutadanta on the other hand in thanking Buddha for his conversion gives an idea of the magnitude of the slaughter of animals which took place at such sacrifices when he says :-

"I, even I betake myself to the venerable Gotama as my guide, to the Doctrine and the Order. May the venerable One accept me as a disciple, as one who, from this day forth, as long as life endures, has taken him as his guide. And I myself, 0, Gotama, will have the seven hundred bulls, and the seven hundred steers, and the seven hundred heifers, and the seven hundred goats, and the seven hundred rams set free. To them I grant their life. Let them eat grass and drink fresh water and may cool breezes waft around them."

In the Samyuta Nikaya (111,1-9) we have another description of a Yajna performed by Pasenadi, king of Kosala. It is said that five hundred bulls, five hundred calves and many heifers, goats and rams were led to the pillar to be sacrificed.

With this evidence no one can doubt that there was a time when Hindus-both Brahmins and non-Brahmins ate not only flesh but also beef.

CHAPTER XII

WHY DID NON-BRAHMINS GIVE UP BEEF-EATING?

THE food habits of the different classes of Hindus have been as fixed and stratified as their cults. Just as Hindus can be classified on their basis of their cults so also they can be classified on the basis of their habits of food. On the basis of their cults, Hindus are either *Saivites* (followers of Siva) or *Vaishnavites* (followers of Vishnu). Similarly, Hindus are either *Mansahari* (those who eat flesh) or *Shakahari* (those who are vegetarians).

For ordinary purposes the division of Hindus into two classes *Mansahari* and *Shakahari* may be enough. But it must be admitted that it is not exhaustive and does not take account of all the classes which exist in Hindu society. For an exhaustive classification, the class of Hindus called *Mansahari* shall have to be further divided into two sub-classes : (i) Those who eat flesh but do not eat cow's flesh; and (ii) Those who eat flesh including cow's flesh; In other words, on the basis of food taboos, Hindu society falls into three classes : (i) Those who are vegetarians; (ii) Those who eat flesh but do not eat cow's flesh; and (iii) Those who eat flesh including cow's flesh. Corresponding to this classification, we have in Hindu society three classes : (1) Brahmins; (2) Non-Brahmins; and (3) The Untouchables. This division though not in accord with the fourfold division of society called Chaturvarnya, yet it is in accord with facts as they exist. For, in the Brahminsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_15 we have a class which is vegetarian, in the non-Brahmins the class which eats flesh but does not eat cow's flesh and in the Untouchables a class which eats flesh including cow's flesh.

This threefold division is therefore substantial and is in accord with facts. Anyone who stops to turn over this classification in his mind is bound to be struck by the position of the Non-Brahmins. One can quite understand vegetarianism. One can quite understand meat-eating. But it is difficult to understand why a person who is a flesh-

eater should object to one kind of flesh namely cow's flesh. This is an anomaly which call for explanation. Why did the Non-Brahmin give up beef-eating? For this purpose it is necessary to examine laws on the subject. The relevant legislation must be found either in the Law of Asoka or the Law of Manu.

II

To begin with Asoka. The edicts of Asoka which have reference to this matter are Rock Edict No.I and Pillar Edict Nos.II and V. Rock Edict No.l reads as follows :-

"This pious Edict has been written by command of His Sacred and Gracious Majesty) the King. Here (in the capital) no animal may be slaughtered for sacrifice, nor may the holiday feast be held, because His Sacred and Gracious Majesty, the king sees much offence in the holiday feasts, although in certain places holiday feasts arc excellent in the sight of His Sacred and Gracious Majesty the king.

"Formerly, in the kitchen of His Sacred and Gracious Majesty the King, each day many hundred thousands of living creatures were slaughtered to make curries. But now, when this pious edict is being written, only three living creatures are slaughtered (daily) for curry, to wit, two peacocks and one antelope: the antelope, however, not invariably. Even those three living creatures henceforth shall not be slaughtered."

Pillar Edict No.II was in the following terms :

"Thus saith His Sacred and Gracious Majesty, the King :-"The Law of Piety is excellent. But wherein consists the Law of Piety? In these things, to wit, little piety, many good deeds, compassion, liberality, truthfulness and purity.

The gift of spiritual insight I have given in manifold ways: whilst on two-footed and four-footed beings, on birds and the denizens of

the waters, I have conferred various favours-even unto the boon of life; and many other good deeds have I done.

For this purpose, have I caused this pious edict to be written, that men may walk after its teaching, and that it may long endure; and he who will follow its teaching will do well."

Pillar Edict V says :

"Thus said His Sacred and Gracious Majesty, the king :

When I had been consecrated twenty-six years the following species were declared *exempt from slaughter,* namely :

Parrots, starlings adjutants, Brahmany ducks, geese, *pandirnukhas, gelatas,* bats, queen-ants, female tortoises, boneless fish, *vedaveyakas, gangapuputakas,* skate, (river) tortoise, porcupines, tree-squinrels, *barasingha* stag, Brahmany bulls, monkeys, rhinoceros, grey doves village pigeons, and *all fourfooted animals which are not utilised or eaten.*

She-goats, ewes, cows, that is to say, those either with young or in milk, are exempt from slaughter as well as their off-spring up to six months of age. The caponing of cocks must not be done. Chaff must not be burned along with the living things in it Forests must not be burned either for mischief or so as to destroy living creatures.

The living must not be fed with the living. At each of the three seasonal full moons, and at the full moon of the month Tishya (December-January) for three days in each case, namely, the fourteenth and fifteenth days of the first fortnight, and the first day of the second fortnight, as well as on the first days throughout the year, fish is exempt from killing and may not be sold.

"On the same days, in elephant-preserves or fish-ponds no other classes of animals may be destroyed.

On the eighth, fourteenth and fifteenth days of each fortnight, as well as on the Tishya and Punarvasa days and festival days, the castration of bulls must not be performed, nor may he-goats, rams, boars and other animals liable to castration be castrated.

On the Tishya and Punarvasa days, on the seasonal full moon days, and during the fortnights of the seasonal full moons the branding of horses and oxen must not be done.

During the time upto the twenty-sixth anniversary of my consecration twenty-five jail deliveries have been effected."

So much for the legislation of Asoka.

Ill

Let us turn to Manu. His Laws contain the following provisions regarding meat-eating :-

V.11. Let him avoid all carnivorous birds and those living in villages, and one hoofed animals which are not specially permitted (to be eaten), and the Tithbha (Parra) Jacana.
V.12. The sparrow, the Plava, the Hamsa, the Brahmani duck, the village-cock, the Sarasa crane, the Raggudal, the woodpecker, the parrot, and the starling.
V.13. Those which feed striking with their beaks, web-footed birds, the Koyashti, those which scratch with their toes, those which dive and live on fish, meat from a slaughter-house and dried meat.
V.14. The Baka and the Balaka crane, the raven, the Khangartaka (animals) that eat fish, village-pigs, and all kinds of fishes.
V.15. He who eats the flesh of any (animals) is called the eater of the flesh of that (particular) creature, he who eats fish is an eater of every (kind of) flesh; let him therefore avoid fish.
V.16. (But the fish called) Pathine and (that called) Rohita may be eaten, if used for offering to the gods or to the manes; (one may eat) likewise Ragivas, Simhatundas, and Sasalkas on all occasions.
V.17. Let him not eat solitary or unknown beasts and birds though they may fall under (the categories of) eatable creatures, not any five-toed (animals).
V.18. The porcupine, the hedgehog, the iguana, the rhinoceros, the tortoise, and the hare they declare to be eatable; likewise those (domestic animals) that have teeth in one jaw excepting camels."

IV

Here is survey of the legislation both by Asoka and by Manu on the slaughter of animals. We are of course principally concerned with the cow. Examining the legislation of Asoka the question is: Did he prohibit the killing of the cow? On this issue there seem to be a

difference of opinion. Prof. Vincent Smith is of opinion that Asoka did not prohibit the killing of the cow. Commenting on the legislation of Asoka on the subject, Prof. Smith says: mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_16

"It is noteworthy that Asoka's rules do not forbid the slaughter of cow, which, apparently, continued to be lawful."

Prof. Radhakumud Mookerji joins issue with Prof. Smith and saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_17 that Asoka did prohibit the slaughter of the cow. Prof. Mookerji relies upon the reference in Pillar Edict V to the rule of exemption which was made applicable to all four-footed animals and argues that under this rule cow was exempted from killing. This is not a correct reading of the statement in the Edict. The Statement in the Edict is a qualified statement. It does not refer to all four-footed animals but only to four-footed animals, *which are not utilised or eaten.* 'A cow cannot be said to be a four-footed animal which was not utilised or eaten. Prof. Vincent Smith seems to be correct in saying that Asoka did not prohibit the slaughter of the cow. Prof. Mookerji tries to get out of the difficulty by saying that at the time of Asoka the cow was not eaten and therefore came within the prohibition. His statement is simply absurd for the cow was an animal which was very much eaten by all classes.

It is quite unnecessary to resort as does Prof. Mookerji to a forced construction of the Edict and to make Asoka prohibit the slaughter of the cow as though it was his duty to do so. Asoka had no particular interest in the cow and owed no special duty to protect her against killing. Asoka was interested in the sanctity of all life human as well as animal. He felt his duty to prohibit the taking of life where taking of life was not necessary. That is why he prohibited slaughtering animal for sacrificemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_18 which he regarded as unnecessary and of animals which are not utilised nor eaten which again would be want on and unnecessary. That he did not prohibit the slaughter of the cow in specie may well be taken as a fact which for having regard to the Buddhist attitude in the matter cannot be used against Asoka as a ground for casting blame.

Coming to Manu there is no doubt that he too did. not prohibit the slaughter of the cow. On the other hand he made the eating of cow's

flesh on certain occasions obligatory.

Why then did the non-Brahmins give up eating beef? There appears to be no apparent reason for this departure on their part. But there must be some reason behind it. The reason I like to suggest is that it was due to their desire to imitate the Brahmins that the non-Brahmins gave up beef-eating. This may be a novel theory but it is not an impossible theory. As the French author, Gabriel Tarde has explained that culture within a society spreads by imitation of the ways and manners of the superior classes by the inferior classes. This imitation is so regular in its flow that its working is as mechanical as the working of a natural law. Gabriel Tarde speaks of the laws of imitation. One of these laws is that the lower classes always imitate the higher classes. This is a matter of such common knowledge that hardly any individual can be found to question its validity.

That the spread of the cow-worship among and cessation of beef-eating by the non-Brahmins has taken place by reason of the habit of the non-Brahmins to imitate the Brahmins who were undoubtedly their superiors is beyond dispute. Of course there was an extensive propaganda in favour of cow-worship by the Brahmins. The Gayatri Purana is a piece of this propaganda. But initially it is the result of the natural law of imitation. This, of course, raises another question: Why did the Brahmins give up beef-eating?

CHAPTER XIII

WHAT MADE THE BRAHMINS BECOME VEGETARIANS?

THE non-Brahmins have evidently undergone a revolution. From being beef-eaters to have become non-beef-eaters was indeed a revolution. But if the non-Brahmins underwent one revolution, the Brahmins had undergone two. They gave up beef-eating which was one revolution. To have given up meat-eating altogether and become vegetarians was another revolution.

That this was a revolution is beyond question. For as has been shown in the previous chapters there was a time when the Brahmins were the greatest beef-eaters. Although the non-Brahmins did eat beef they could not have had it every day. The cow was a costly

animal and the non-Brahmins could ill afford to slaughter it just for food. He only did it on special occasion when his religious duty or personal interest to propitiate a deity compelled him to do. But the case with the Brahmin was different. He was a priest. In a period overridden by ritualism there was hardly a day on which there was no cow sacrifice to which the Brahmin was not invited by some non-Brahmin. For the Brahmin every day was a beef-steak day. The Brahmins were therefore the greatest beef-eaters. The Yajna of the Brahmins was nothing but the killing of innocent animals carried on in the name of religion with pomp and ceremony with an attempt to enshroud it in mystery with a view to conceal their appetite for beef. Some idea of this mystery pomp and ceremony can be had from the directions contained in the Atreya Brahamana touching the killing of animals in a Yajna.

The actual killing of the animal is preceded by certain initiatory Rites accompanied by incantations too long and too many to be detailed here. It is enough to give an idea of the main features of the Sacrifice. The sacrifice commences with the erection of the Sacrificial post called the Yupa to which the animal is tied before it is slaughtered. After setting out why the Yupa is necessary the Atreya Brahamana proceeds to state what it stands for. It says:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_19

"This Yupa is a weapon. Its point must have eight edges. For a weapon (or iron club) has eight edges. Whenever he strikes with it an enemy or adversary, he kills him. (This weapon serves) to put down him (every one) who is to be put down by him (the sacrificer). The Yupa is a weapon which stands erected (being ready) to slay an enemy. Thence an enemy (of the sacrificer) who might bepresent (at the sacrifice) comes of all ill after having seen the Yupa of such or such one."

The selection of the wood to be used for the Yupa is made to vary with the purposes which the sacrificer wishes to achieve by the sacrifice. The Atreya Brahamana says :

"He who desires heaven, ought to make his Yupa of Khadira wood. For the gods conquered the celestial world by means of a Yupa, made of Khadira wood. In the same way the sacrificer conquers the celestial world by means of a Yupa, made of Khadira wood."

"He who desires food and wishes to grow fat ought to make his

Yupa of Bilva wood. For the Bilva tree bears fruits every year; it is the symbol of fertility; for it increases (every year) in size from the roots up to the branches, therefore it is a symbol of fatness. He who having such a knowledge makes his Yupa of Bilva wood, makes fat his children and cattle.

"As regards the Yupa made of Bilva wood (it is further to be remarked), that they call light'Bilva. He who has such a knowledge becomes a light' among his own people, the most distinguished among his own people.

"He who desires beauty and sacred knowledge ought to make his Yupa of Palasa wood. For the Palasa is among the trees of beauty and sacred knowledge. He who having such a knowledge makes his Yupa of Palasa wood, becomes beautiful and acquires sacred knowledge.

"As regards the Yupa made of Palasa wood (there is further to be remarked), that the Palasa is the womb of all trees. Thence they speak on account of the palasam (foliage) of this or that tree (i.e. they call the foliage of every tree palasam). He who has such a knowledge obtains (the gratification of) any desire, he might have regarding all trees (i.e.he obtains from all trees any thing he might wish for)."

This is followed by the ceremony of anointing the sacrificial post.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_20

"The Adhvaryu says (to the Hotar):"We anoint the sacrificial post (Yupa);
repeat the mantra (required)". The Hotar then repeats the verse:"Amjanti tvam adhvare"(3, 8, 1) i.e."The priests anoint thee, 0 tree! with celestial honey (butter); provide (us) with wealth if thou standest here erected, or if thou art lying on thy mother (earth)."The"celestial honey"is the melted butter (with which the priests anoint the Yupa). (The second half verse from)"provide us"&c. means:"thou mayest stand or lie, provide us with wealth."
"(The Hotar then repeats :)"jato jayate sudinatve"&c. (3, 8, 5) i.e.,"After having been born, he (the Yupa) is growing (to serve) in the prime of his life the sacrifice of mortal men. The wise are busy in decorating (him, the Yupa) with skill. He, as an eloquent messenger of the gods, lifts his voice (that it might be heard by the gods)."He (the Yupa) is called jata, i.e., born, because he is born by this (by the recital of the first quarter of this verse). (By the word) vardhamana,

i.e., growing, they make him (the Yupa) grow in this manner. (By the words:) punanti (i.e. to clean, decorate), they clean him in this manner. (By the words:)"he as an eloquent messenger, &c."he announces the Yupa (the fact of his existence) to the gods.

The Hotar then concludes (the ceremony of anointing the sacrificial post) with the verse"yuva suvasah parivitah"(3, 8, 4), i.e."the youth decorated with ribands, has arrived; he is finer (than all trees) which ever grew; the wise priests raise him up under recital of well-framed thoughts of their mind."The youth decorated with ribands, is the vital air (the soul), which is covered by the limbs of the body. (By the words;)"he is finer,"&c. he means that he (the Yupa) is becoming finer (more excellent, beautiful) by this (mantra)."

The next ceremony is the carrying of fire round the sacrificial animal. The Attreya Brahmana gives the following directions on this point. It

says mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_21 :-

"When the fire is carried round (the animal) the Adhvaryu says to the Hotar: repeat (thy mantras)'. The Hotar then repeats this triplet of verses, addressed to Agni, and composed in the Gayatri metre: Agnir Hota no adhvare (4.15.1-3) i.e. (1) Agni, our priest, is carried round about like a horse, he who is among gods, the god of sacrifices, (2) Like a charioteer Agni passes thrice by the sacrifice; to the gods he carries the offering, (3) The master of food, the seer of Agni, went round the offering; he bestows riches on the sacrificer.

"When the fire is carried round (the animal) then he makes him (Agni) prosper by means of his own deity and his own metre. 'As a horse he is carried' means: they carry him as if he were a horse, round about. Like a charioteer Agni passes thrice by the sacrifice means; he goes round the sacrifice like a charioteer (swiftly). He is called *vajapati* (master of food) because he is the master of (different kinds of) food.

"The Advaryu says : give Hotar! the additional order for despatching offerings to the gods.

"The Hotar then says : (to the slaughterers) : Ye divine slaughtereres, commence (your work), as well as ye who are human! that is to say, he orders all the slaughterers among gods as well as among men (to commence).

Bring hither the instruments for killing, ye who are ordering the sacrifice, in behalf of the two masters of the sacrifice.

"The animal is the offering, the sacrificer the master of the offering. Thus he (the Hotar) makes prosper the sacrificer by means of his (the sacrifcer's) own offering. Thence they truly say : for whatever deity the animal is killed, that one is the master of the offering. If the animal is to be offered to one deity only, the priest should say : *Medhapataye* 'to the master of the sacrifice (singular)', if to two deities, then he should use the dual 'to both masters of the offering', and if to several deities, then he should use the plural, 'to the masters' of the offering'. This is the established custom.

Bring ye for him fire! For the animal when carried (to the slaughter) saw death before it. Not wishing to go to the gods, the gods said to it: Come we will bring thee to heaven ! The animal consented and said: One of you should walk before me. They consented. Agni then walked before it, and it followed after Agni. Thence they say, every animal belongs to Agni, for it followed after him. Thence they carry before the animal fire (Agni).

Spread the (sacred) grass! the animal lives on herbs. He (the Hotar) thus provides the animal with its entire soul (the herbs being supposed to form part of it).

After the ceremony of carrying fire round the animal comes the delivery of the animal to the priests for sacrifice. Who should offer the animal for sacrifice? On this point the direction of the Atreya Brahmana ismk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_22 -

"The mother, the father, the brother, sister, friend, and companions should give this (animal) up (for being slaughtered)! When these words are pronouced, they seize the animal which is (regarded as) entirely given up by its relations (parents, &c.)"

On reading this direction one wonders why almost everybody is required to join in offering the animal for sacrifice. The reason is simple. There were altogether seventeen Brahmin priests who were entitled to take part in performing the sacrifice. Naturally enough they wanted the whole carcass to themselves.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_23 Indeed they could not give enough to each of the seventeen priests unless they had the whole carcass to distribute. Legally the Brahmins could not claim the whole carcass unless everybody who could not claim any right over the animal had been divested of it. Hence the direction requiring

even the companion of the sacrificer to take part in offering the animal.

Then comes the ceremony of actually killing the animal. The Atreya Brahmana gives the deatails of the mode and manner of killing the animal. Its directions aremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_24 :

"Turn its feet northwards! Make its eye to go to the sun, dismiss its breath to the wind, its life to the air, its hearing to the directions, its body to the earth. In this way he (the Hotar) places it (connects it) with these worlds.

Take off the skin entire (without cutting it). Before operating the naval, tear out omentum. Stop its breathing within (by stopping its mouth). Thus he (the Hotar) puts its breath in the animals.

Make of its breast a piece like an eagle, of its arms (two pieces like) *two hatchets, of its forearms* (two pieces like) *two spikes, of its shoulders* (two pieces like) *two Kashyapas, its loins should be un-broken* (entire); (make of) *its thighs* (two pieces like) *two shields, of the two kneepans* (two pieces like) *two oleander leaves; take out its twentysix ribs according to their order; preserve every limb of it in its integrity.* Thus he benefits all its limbs."

There remain two ceremonies to complete the sacrificial killing of the animal. One is to absolve the Brahmin priests who played the butcher's part. Theoretically they are guilty of murder for the animal is only a substitute for the sacrificer. To absolve them from the consequences of murder, the Hotar is directed by the Atreya Brahmana to observe the following injunctionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_25:

"Do not cut the entrails which resemble on owl (when taking out the omentum), nor should among your children, 0 slaughterers! or among their offspring any one be found who might cut them. By speaking these words he presents these entrails to the slaughterers among the gods as well as to those among men.

The Hotar shall then say thrice : O *Adhrigu* (and ye others), *kill* (the animal), *do it well;* kill it, 0 *Adhrigu.*

After the animal has been killed, (he should say thrice:) *Far may it* (the consequences of murder) be (from us). For Adhrigu among the gods is he who silences (the animal) and the *Apapa* (away, away!) is he who puts it down. By speaking those words he surrenders the animal to those who silence it (by stopping its mouth) and to those

who butcher it

The Hotar then mutters (he makes, *Japa)',*"O slaughterers! may all good you might do abide by us! and all mischief you might do go elsewhere!"The Hotar Gives by (this) speech the order (for killing the animal), for Agni had given the order for killing (the animal) with the same words when he was the Hotar of the gods.

By those words (the *Japa* mentioned) the Hotar removes (all evil consequences) from those who suffocate the animal and those who butter it, in all that they might transgress the rule by cutting one piece too soon, the other too late, or by cutting a too large, or a too small piece. The Hotar enjoying this happiness clears himself (from all guilt) and attains the full length of his life (and it serves the sacrificer) for obtaining his full life. He who has such a knowledge, attains the full length of his life."

The Attreya Bramhana next deals with the question of disposing of the parts of the dead animal. In this connection its direction ismk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_26-

"Dig a ditch in the earth to hide its excrements. The excrements consist of vegetable food; for the earth is the place for the herbs. Thus the Hotar puts them (the excrements) finally in their proper places. *Present the evil spirits with the blood!* For the gods having deprived (once) the evil spirits of their share in the Haviryajnas (such as the Pull and New Moon offerings) apportioned to them the husk and smallest grains, and after having them turned out of the great sacrifice (such as the *Soma* and animal sacrifices), presented to them the blood. Thence the Hotar pronounces the words : *present the evil spirits with the blood!* By giving them this share he deprives the evil spirits of any other share in the sacrifice. They say : one should not address the evil spirits in the sacrifice, and evil spirits whichever they might be (Rakshasa, Asuras etc.) : for the sacrifice is to be without (the) evil spirits (not to be disturbed by them). But others say: one should address them; for (he who deprives any one,"entitled to a share of this share, will be punished (by him whom he deprives); and if he himself does not suffer the penalty, then his son, and if his son be spared, then his grandson tviU suffer it, and thus he resents on him (the son or grandson) what he wanted to resent on you."

"However, if the Hotar addresses them, he should do so with a low voice. For both, the low voice and the evil spirits, are, as it

were, hidden. If he addresses them with a loud voice, then such one speaks in the voice of the evil spirits, and is capable of producing Rakshasa sounds (a horrible, terrific voice). The voice in which the haughty man *and* the drunkard speak is that *of* the evil spirits (Rakshasas).He who has such a knowledge will neither himself become haughty nor will such a man be among his offspring."

Then follows the last and the concluding ceremony that of offering parts of the body of the animal to the gods. It is called the Manota. According to the Atreya Brahmanamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_27-

"The Adhvaryu says (to the Hotar) : recite the verses appropriate to the offering of the parts of the sacrificial animal which are cut off for the Manota. He then repeats the hymn : Thou, O Agni, art the first Manotamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_28 (6.1)"

There remains the question of sharing the flesh of the animal. On this issue the division was settled by the Atreya Brahmana in the following termsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_29

"Now follows the division of the different parts of the sacrificial animal (among the priests). We shall describe it. The two jawbones with the tongue are to be given to the Prastotar, the breast in the form of an eagle to the Udgatar, the throat with the palate to the Ptatihartar, the lower part of the right loins to the Hotar: the left to the Brahma; the right thigh to *the* Maitravaruna; the left to the Brahmanachhamsi; the right side with the shoulder to the Adhvaryn; the left side to those who accompany the chants; the left shoulder to the Pratipashatar; the lower part of the right arm to the Neshtar; the lower part of the left arm to the Potar; the upper of the right thigh to the Achhavaka; the left to the Agnidhara; the upper part of the fight arm to the Atreya; the left to the Sadasya; the back bone and the urinal bladder to the Grihapati (sacrificer); the right feet to the Grihapati who gives a feasting: the left feet to the wife of that Grihapati who gives a feasting; the upper lip is common to both (the Grihapati and his wife), which is to be divided by the Grihapati. They offer the tail of the animal to wives, but they should give it to a Brahmana; the fleshy processes *(manikah)* on the neck and three gristles *(fakasah)* to the Gravastut;

three other gristles and one-half of the fleshy part (on the back *(vaikartta)* to the Unnetar; the other half of the fleshy part on the neck and the left lobe *(kloma)* to the slaughterer, who should present it to a Brahmana, if he himself would *not* happen to be a Brahmana. The head is to be given to the Subrahmanya, the skin belongs to him (the Subrahmanya), who spoke, *svah sutyam* (tomorrow at the Soma sacrifice); that part *of* the sacrificial animal at a Soma sacrifice which belongs to Ha (sacrificial food) is common to all the priests; only for the Hotar it is optional.

All these portions of the sacrificial animal amount to thirtysix single pieces, each of which represents the pada (foot) of a verse by which the sacrifice is carried up. The Brihati metre consists of thirtysix syllables; and the heavenly worlds are of the Brihati nature. In this way (by dividing the animal into thirtysix parts) they gain life (in this world) and the heavens, and having become established in both (this and that world) they walk there.

To those who divide the sacrificial animal in the way mentioned, it becomes the guide to heaven. But those who make the division otherwise are like scoundrels and miscreants who kill an animal merely (for gratifying their lust after flesh). This division of the sacrificial animal was invented by the Rishi *(Devabhaga,* a son *of Sruta*). When he was departing from this life, he did not entrust (the secret to anyone). But a supernatural being communicated it to *Girija,* the son of *Babhru.* Since his time men study it."

What is said by the Atreya Brahmana places two things beyond dispute. One is that the Brahmins monopolised the whole of the flesh of the sacrificial animal. Except for a paltry bit they did not even 'allow the sacrificer to share in it. The second is that the Brahmins themselves played the pan of butchers in the slaughter of the animal. As a matter of principle the Brahmins should not eat the flesh of the animal killed at a sacrifice. The principle underlying Yajna is that man should offer himself as sacrifice to the gods. He offers an animal only to retease himself from this obligation. From this it followed that the animal, being only a substitute for the man, eating the flesh of animal meant eating human flesh. This theory was very detrimental to the interest *of* the Brahmins who had a complete monopoly of the flesh of the animal offered for sacrifice. The Atreya Brahamana which had *seen* in this theory the danger of the Brahmins being deprived of the flesh of sacrificial animal takes pains to explain away the theory by a simple negation. It

saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_30 :

"The man who is intitiated (into the sacrificial mysteries) *offers* himself to all deities. Agni represents all deities and Soma represents all deities. When he (the sacrificer) offers the animal to Agni-Soma he releases himself (by being represented by the animal) from being offered to all deities.

They say:"do not eat from the animal offered to Agni-Soma. Who eats from this animal, eats from human flesh; because the sacrificer releases himself (from •being sacrificed) by means of the animal". But this (precept) is not to be attended to."

Given these facts, no further evidence seems to be necessary to support the statement that the Brahmins were not merely beef-eaters but they were also butchers.

Why then did the Brahmins change front? Let us deal with their change of front in two stages. First, why did they give up beef-eating?

II

As has already been shown cow-killing was not legally prohibited by Asoka. Even if it had been prohibited, a law made by the Buddhist Emperor could never have been accepted by the Brahmins as binding upon them.

Did Manu prohibit beef-eating? If he did, then that would be binding on the Brahmins and would afford an adequate explanation of their change of front. Looking into the Manu Smriti one does find the following verses:

"V. 46. He who does not seek to cause the sufferings of bonds and death to living creatures, (but) desires the good of all (beings), obtains endless bliss.

"V. 47. He who does not injure any (creature), attains without an effort what he thinks of, what he undertakes, and what he fixes his mind on.

"V. 48. Meat can never be obtained without injury to living creatures, and injury to sentient beings is detrimental to (the attainment of) heavenly bliss; let him therefore shun (the use of) meat.

"V. 49. Having well considered the (disgusting) origin of flesh and

the (cruelty of) fettering and slaying corporeal beings, let him entirely abstain from eating flesh."

If these verses can be treated as containing positive injunctions they would be suffucient to explain why the Brahmins gave up meat-eating and became vegetarians. But it is impossible to treat these verses as positive injunctions, carrying the force of law. They are either exhortations or interpolations introduced after the Brahmins had become vegetarians in praise of the change. That the latter is the correct view is proved by the following verses which occur in the same chapter of the Manu Smriti. :

"V. 28 : The Lord of creatures (Prajapati) created this whole (world to be) the sustenance of the vital spirit; both the immovable and the movable creation is the food of the vital spirit.

"V. 29. What is destitute of motion is the food of those endowed with locomotion; (animals) without fangs (are the food) of those with fangs, those without hands of those who possess hands, and the timid of the bold.

"V. 30. The eater who daily even devours those destined to be his food, commits no sin; for the creator himself created both the eaters and those who are to be eaten (for those special purposes).

"V. 56. There is no sin in eating meat, in (drinking) spirituous liquor, and in carnal intercourse, for that is the natural way of created beings, but abstention brings great rewards.

"V. 27. . One may eat meat when it has been sprinkled with water, while Mantras were recited, when Brahmanas desire (one's doing it) when one is engaged (in the performance of a rite) according to the law, and when one's life is in danger.

"V. 31. The consumption of meat (is befitting) for scrifices,' that is declared to be a rule made by the gods, but to persist (in using it) on other (occasions) is said to be a proceeding worthy of Rakshasas.

"V. 32. He who eats meat, when he honours the gods and manes commits no sin, whether *he* has bought it, or himself has killed (the animal) or has received it as a present from others.

"V. 42. A twice-born man who, knowing the true meaning of the Veda, slays an animal for these purposes, causes both himself and the animal to *enter* a most blessed state.

"V. 39. Swayambhu (the self-existent) himself created animals for the sake of sacrifices; sacrifices (have been instituted) for the good of this whole (world); hence the slaughtering (of beasts) for sacrifice is not slaughtering (in the ordinary sense of the word).

"V. 40. Herbs, trees, cattle, birds, and other animals that have been destroyed for sacrifices, receive (being reborn) higher existences."

Manu goes further and makes eating of flesh compulsory. Note the following verse :-

"V. 35. But a man who, being duly engaged (to officiate or to dine at a sacred rite), refuses to eat meat, becomes after death an animal during twentyone existences."

That Manu did not prohibit meat-eating is evident enough. That Manu Smriti did not prohibit cow-killing can also be proved from the Smriti itself. In the first place, the only references to cow in the Manu Smriti are to be found in the catalogue of rules which are made applicable by Manu to the Snataka. They are set out below:-

1. 1. A Snataka should not eat food which a cow has smelt. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_31
2. 2. A Snataka should not step over a rope to which a calf is tied.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_32
3. 3. A Snataka should not urinate in a cowpan.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_33
4. 4. A Snataka should not answer call of nature facing a cow.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_34
5. 5. A Snataka should not keep his right arm uncovered when he enters a cowpan.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_35
6. 6. A Snataka should not interrupt a cow which is sucking her calf, nor tell anybody of it.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who

were they_why they became PART II.htm - _msocom_36

7. 7. A Snataka should not ride on the back of the cow.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_37
8. 8. A Snataka should not offend the cow.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_38
9. 9. A Snataka who is impure must not touch a cow with his hand.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_39

From these references it will be seen that Manu did not regard the cow as a sacred animal. On the other hand, he regarded it as an impure animal whose touch caused ceremonial pollution.

There are verses in Manu which show that he did not prohibit the eating of beef. In this connection, reference may be made to Chapter III. 3. It says :-

"He (Snataka) who is famous (for the strict performance of) his duties and has received his heritage, the Veda from his father, shall be honoured, sitting on couch and adomed with a garland with the present of a cow (the honey-mixture)."

The question is why should Manu recommend the gift of a cow to a Snataka? Obviously, to enable him to perform Madhuparka. If that is so, it follows that Manu knew that Brahmins did eat beef and he had no objection to it.

Another reference would be to Manu's discussion of the animals whose meat is eatable and those, whose meat is not. In Chapter V.18. he says :-

"The porcupine, the hedgehog, the iguana, the rhinoceros, the tortoise, and the hare they declare to be eatable, likewise those (domestic animals) that have teeth in one jaw only, excepting camels."

In this verse Manu gives general permission to eat the flesh of all domestic animals that have teeth in one jaw only. To this rule Manu makes one exception, namely, the camel. In this class of domestic animals those that have teeth in one jaw only- falls not only the camel but also the cow. It is noteworthy that Manu does not make an exception in the case of the cow. This means that Manu had no objection to the eating of the cow's flesh.

Manu did not make the killing of the cow an offence. Manu divides

sins into two classes (i) mortal sins and (ii) minor sins. Among the mortal sins Manu includes :

"XI. 55. Killing a Brahmana, drinking (the spirituous liquor called Sura) stealing the (gold of Brahmana) a adultery with a Gum's wife, and associating with such offenders."Among minor sins Manu includes:

"XI. 60. Killing the cow, sacrificing for those unworthy to sacrifice, adultery, setting oneself, casting off one's teacher, mother, father or son, giving up the (daily) study of the Veda and neglecting the (sacred domestic) fire."

From this it will be clear that according to Manu cow-killing was only a minor sin. It was reprehensible only if the cow was killed without good and sufficient reason. Even if it was otherwise, it was not heinous or inexplicable. The same was the attitude of Yajnavalkyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_40

All this proves that for generations the Brahmins had been eating beef. Why did they give up beef-eating? Why did they, as an extreme step, give up meat eating altogether and become vegetarians? It is two revolutions rolled into one. As has been shown it has not been done as a result of the preachings of Manu, their Divine Law-maker. The revolution has taken place in spite of Manu and contrary to his directions. What made the Brahmins take this step? Was philosophy responsible for it? Or was it dictated bystrategy?

Two explanations are offered. One explanation is that this deification of the cow was a manifestation of the Advaita philosophy that one supreme entity pervaded the whole universe, that on that account all life human as well as animal was sacred. This explanation is obviously unsatisfactory. In the first place, it does not fit in with facts. The Vedanta Sutra which proclaims the doctrine of oneness of life does not prohibit the killing of animals for sacrificial purposes as is evident from 11.1.28. In the second place, if the transformation was due to the desire to realise the ideal of Advaita then there is no reason why it should have stopped with the cow. It should have extended to all other animals.

Another explanationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_41 more ingenious than the first, is that this transformation in the life of the Brahmin was due to

the rise of the doctrine of the Transmigration of the Soul. Even this explanation does not fit in with facts. The Brahadamyaka Upanishad upholds the doctrine of transmigration (vi.2) and yet recommends that if a man desires to have a learned son born to him he should prepare a mass of the flesh of the bull or ox or of other flesh with rice and ghee. Again, how is it that this doctrine which is propounded in the Upanishads did not have any effect on the Brahmins upto the time of the Manu Smriti, a period of at least 400 years. Obviously, this explanation is no explanation. Thirdly, if Brahmins became vegetarians by reason of the doctrine of transmigration of the soul how is it, it did not make the non-Brahmins take to vegetarianism?

To my mind, it was strategy which made the Brahmins give up beef-eating and start worshipping the cow. The clue to the worship of the cow is to be found in the struggle between Buddhism and Brahmanism and the means adopted by Brahmanism to establish its supremacy over Buddhism. The strife between Buddhism and Brahmanism is a crucial fact in Indian history. Without the realisation of this fact, it is impossible to explain some of the features of Hinduism. Unfortunately students of Indian history have entirely missed the importance of this strife. They knew there was Brahmanism. But they seem to be entirely unaware of the struggle for supremacy in which these creeds were engaged and that their struggle, which extended for 400 years has left some indelible marks on religion, society and politics of India.

This is not the place for describing the full story of the struggle. All one can do is to mention a few salient points. Buddhism was at one time the religion of the majority of the people of India. It continued to be the religion of the masses for hundreds of years. It attacked Brahmanism on all sides as no religion had done before.

Brahmanism was on the wane and if not on the wane, it was certainly on the defensive. As a result of the spread of Buddhism, the Brahmins had lost all power and prestige at the Royal Court and among the people. They were smarting under the defeat they had suffered at the hands of Buddhism and were making all possible efforts to regain their power and prestige. Buddhism had made so deep an impression on the minds of the masses and had taken such a hold of them that it was absolutely impossible for the Brahmins to fight the Buddhists except by accepting their ways and means and practising the Buddhist creed in its extreme form. After the death of

Buddha his followers started setting up the images of the Buddha and building stupas. The Brahmins followed it. They, in their turn, built temples and installed in them images of Shiva, Vishnu and Ram and Krishna etc.,-all with the object of drawing away the crowd that was attracted by the image worship of Buddha. That is how temples and images which had no place in Brahmanism came into Hinduism. The Buddhists rejected the Brahmanic religion which consisted of Yajna and animal sacrifice, particularly of the cow. The objection to the sacrifice of the cow had taken a strong hold of the minds of the masses especially as they were an agricultural population and the cow was a very useful animal. The Brahmins in all probability had come to be hated as the killer of cows in the same way as the guest had come to be hated as *Gognha,* the killer of the cow by the householder, because whenever he came a cow had to be killed in his honour. That being the case, the Brahmins could do nothing to improve their position against the Buddhists except by giving up the Yajna as a form of worship and the sacrifice of the cow.

That the object of the Brahmins in giving up beef-eating was to snatch away from the Buddhist Bhikshus the supremacy they had acquired is evidenced by the adoption of vegetarianism by Brahmins. Why did the Brahmins become vegetarian? The answer is that without becoming vegetarian the Brahmins could not have recovered the ground they had lost to their rival namely Buddhism. In this connection it must be remembered that there was one aspect in which Brahmanism suffered in public esteem as compared to Buddhism. That was the practice of animal sacrifice which was the essence of Brahmanism and to which Buddhism was deadly opposed. That in an agricultural population there should be respect for Buddhism and revulsion against Brahmanism which involved slaughter of animals including cows and bullocks is only natural. What could the Brahmins do to recover the lost ground? To go one better than the Buddhist Bhikshus not only to give up meat-eating but to become vegetarians- which they did. That this was the object of the Brahmins in becoming vegetarians can be proved in various ways.

If the Brahmins had acted from conviction that animal sacrifice was bad, all that was necessary for them to do was to give up killing animals for sacrifice. It was unnecessary for them to be vegetarians. That they did go in for vegetarianism makes it obvious that their motive was far-reaching. Secondly, it was unnecessary for them to

become vegetarians. For the Buddhist Bhikshus were not vegetarians. This statement might surprise many people owing to the popular belief that the connection between Ahimsa and Buddhism was immediate and essential. It is generally believed that the Buddhist Bhikshus eschewed animal food. This is an error. The fact is that the Buddhist Bhikshus were permitted to eat three kinds of flesh that were deemed pure. Later on they were extended to five classes. Yuan Chwang, the Chinese traveller was aware of this and spoke of the pure kinds of flesh as *San-Ching,* The origin of this practice among the Bhikshus is explained by Mr. Thomas Walters. According to the story told by himmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_42-

"In the time of Buddha there was in Vaisali a wealthy *general* named Siha who was a convert to Buddhism. He became a liberal supporter of the Brethren and kept them constantly supplied with good flesh-food. When it was noticed abroad that the Bhikshus were in the habit of eating such food specially provided for them, the Tirthikas made the practice a matter of angry reproach. Then the abstemious ascetic Brethren, learning this, reported the circumstances to the Master, who thereupon called the Brethren together. When they assembled, he announced to them the law that they were not to eat the flesh of any animal which they had seen put to death for them, or about which they had been told that it had been slain for them. But he permitted to the Brethern as 'pure' (that is, lawful) food the flesh of animals the slaughter of which had not been seen by the Bhikshus, not heard of by them, and not suspected by them to have been on their account. In the Pali and *Ssu-fen* Vinaya it was after a breakfast given by Siha to the Buddha and some of the Brethren, for which the carcass of a large ox was procured that the Nirgianthas reviled the Bhikshus and Buddha instituted this new rule declaring fish and flesh 'pure' in the three conditions. The animal food now permitted to the Bhikshus came to be known as the 'three pures' or 'three pure kinds of flesh', and it was tersely described as 'unseen, unheard, unsuspected', or as the Chinese translations sometimes have it 'not seen, not heard nor suspected to be on my account'. Then two more kinds of animal food were declared"lawful for the Brethren viz., the flesh of animals which had died a natural death, and that of animals which had been killed by a bird of prey or other savage creature. So there

came to be five classes or descriptions of flesh which the professed Buddhist was at liberty to use as food. Then the 'unseen, unheard, unsuspected' came to be treated as one class, and this together with the 'natural death' and 'bird killed' made a *san-ching"*

As the Buddhist Bhikshus did eat meat the Brahmins had no reason to give it up. Why then did the Brahmins give up meat-eating and become vegetarians? It was because they did not want to put themselves merely on the same footing in the eyes of the public as the Buddhist Bhikshus.

The giving up of the Yajna system and abandonment of the sacrifice of the cow could have had only a limited effect. At the most it would have put the Brahmins on the same footing as the Buddhists. The same would have been the case if they had followed the rules observed by the Buddhist Bhikshus in the matter of meat-eating. It could not have given the Brahmins the means of achieving supremacy over the Buddhists which was their ambition. They wanted to oust the Buddhists from the place of honour and respect which they had acquired in the minds of the masses by their opposition to the killing of the cow for sacrificial purposes. To achieve their purpose the Brahmins had to adopt the usual tactics of a wreckless adventurer. It is to beat extremism by extremism. It is the strategy which all rightists use to overcome the leftists. The only way to beat the Buddhists was to go a step further and be vegetarians.

There is another reason which can be relied upon to support the thesis that the Brahmins started cow-worship gave up beef-eating and became vegetarians in order to vanquish Buddhism. It is the date when cow-killing became a mortal sin. It is well-known that cow-killing was not made an offence by Asoka. Many people expect him to have come forward to prohibit the killing of the cow. Prof. Vincent Smith regards it as surprising. But there is nothing surprising in it.

Buddhism was against animal sacrifice in general. It had no particular affection for the Cow. Asoka had therefore no particular reason to make a law to save the cow. What is more astonishing is the fact that cow-killing was made a *Mahapataka,* a mortal sin or a capital offence by the Gupta Kings who were champions of Hinduism which recognised and sanctioned the killing of the cow for sacrificial purposes. As pointed out by Mr. D. R. Bhandarkarmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_43-

"We have got the incontrovertible evidence of inscriptions to show that early in the 5th century A. D. killing a cow was looked upon as an offence of the deepest turpitude, turpitude as deep as that involved in murdering a Brahman. We have thus a copper-plate inscription dated 465 A.D. and referring itself to the reign of Skandagupta of the Imperial Gupta dynasty. It registers a grant and ends with a verse saying : 'Whosoever will transgress this grant that has been assigned (shall become as guilty as) the slayer of a cow, the slayer of a spiritual preceptor (or) the slayer of a Brahman. A still earlier record placing *go-hatya* on the same footing as *brahma hatya* is that of Chandragupta II, grandfather of Skandagupta just mentioned. It bears the Gupta date 93, which is equivalent to 412 A.D. It is engraved on the railing which surrounds the celebrated Buddhist stupa at Sanchi, in Central India. This also speaks of a benefaction made by an officer of Chandragupta and ends as follows : ... ..."Whosoever shall interfere with this arrangement .. he shall become invested with (the guilt of) the slaughter of a cow or of a Brahman, and with (the guilt of) the five *anantarya"*Here the object of this statement is to threaten the resumer of the grant, be he a Brahminist or a Biddhist, with the sins regarded as mortal by each community. The *anantaryas* are the five *mahapatakas* according to Buddhist theology. They are: matricide, patricide, killing an Arhat, shedding the blood of a Buddha, and causing a split among the priesthood. The *mahapatakas* with which a Brahminist is here threatened are only two : viz., the killing of a cow and the murdering of a Brahman. The latter is obviously a *mahapataka* as it is mentioned as such in all the Smritis, but the former has been specified only an upapataka by Apastamba, Manu, Yajnavalkya and so forth. But the very fact that it is here associated with *brahma-hatya* and both have been put on a par with the *anantaryas* of the Buddhists shows that in the beginning of the fifth century A.D., it was raised to the category of *mahapatakas*. Thus *go-hatya* must have come to be considered a *mahapataka* at least one century earlier, i.e., about the commencement of the fourth century A.D."

The question is why should a Hindu king have come forward to make a law against cow-killing, that is to say, against the Laws of Manu? The answer is that the Brahmins had to suspend or abrogate a requirement of their Vedic religion in order to overcome the supremacy of the Buddhist Bhikshus. If the analysis is correct then it is obvious that the worship of the cow is the result of the struggle

between Buddhism and Brahminism. It was a means adopted by the Brahmins to regain their lost position.

CHAPTER XIV

WHY SHOULD BEEF-EATING MAKE BROKEN MEN UNTOUCHABLES?

THE stoppage of beef-eating by the Brahmins and the non-Brahmins and the continued use thereof by the Broken Men had produced a situation which was different from the old. This difference lay in the face that while in the old situation everybody ate beef, in the new -situation one section did not and another did. The difference was a glaring difference. Everybody could see it. It divided society as nothing else did before. All the same, this difference need not have given rise to such extreme division of society as is marked by Untouchability. It could have remained a social difference. There are many cases where different sections of the community differ in their foods. What one likes the other dislikes and yet this difference does not create a bar between the two.

There must therefore be some special reason why in India the difference between the Settled Community and the Broken Men in the matter of beef eating created a bar between the two. What can that be? The answer is that if beef-eating had remained a secular affair-a mere matter of individual taste-such a bar between those who ate beef and those who did not would not have arisen. Unfortunately beef-eating, instead of being treated as a purely secular matter, was made a matter of religion. This happened because the Brahmins made the cow a sacred animal. This made beef-eating a sacrilege. The Broken Men being guilty of sacrilege necessarily became beyond the pale of society.

The answer may not be quite clear to those who have no idea of the scope and function of religion in the life of the society. They may ask: Why should religion make such a difference? It will be clear if the following points regarding the scope and function of religion are borne in mind.

To begin with the definitionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_44 of religion. There is one universal feature which characterises all religions. This feature lies in

religion being a unified system of beliefs and practices which (1) relate to sacred things and (2) which unite into one single community all those who adhere to them. To put it slightly differently, there are two elements in every religion. One is that religion is inseparable from sacred things. The other is that religion is a collective thing inseparable from society.

The first element in religion presupposes a classification of all things, real and ideal, which are the subject-matter of man's thought, into two distinct classes which are generally designated by two distinct terms the *sacred* and the *profane,* popularly spoken of as secular.

This defines the scope of religion. For understanding the function of religion the following points regarding things sacred should be noted:

The first thing to note is that things sacred are not merely higher than or superior in dignity and status to those that are profane. They are just different. The sacred and the profane do not belong to the same class. There is a complete dichotomy between the two. As Prof. Durkhiem observesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_45 :-

> "The traditional opposition of good and bad is nothing beside this; for the good and the bad are only two opposed species of the same class, namely, morals, just as sickness and health are two different aspects of the same order of facts, life, while the sacred and the profane have always and everywhere been conceived by the human mind as two distinct classes, as two worlds between which there is nothing in common."

The curious may want to know what has led men to see in this world this dichotomy between the sacred and the profane. We must however refuse to enter into this discussion as it is unnecessary for the immediate purpose we have in mind.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_46

Confining ourselves to the issue the next thing to note is that the circle of sacred objects is not fixed. Its extent varies infinitely from religion to religion. Gods and spirits are not the only sacred things. A rock, a tree, an animal, a spring, a pebble, a piece of wood, a house, in a word anything can be sacred.

Things sacred are always associated with interdictions otherwise

called *taboos*. To quote Prof. Durkhiemmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_47 again :

> "Sacred things are those which the interdictions protect and isolate; profane things, those to which these interdictions are applied and which must remain at a distance from the first"

Religious interdicts take multiple forms. Most important of these is the interdiction on contact. The interdiction on contact rests upon the principle that the profane should never touch the sacred. Contact may be established in a variety of ways other than touch. A look is a means of contact. That is why the sight of sacred things is forbidden to the profane in certain cases. For instance, women are not allowed to see certain things which are regarded as sacred. The word (i.e., the breath which forms part of man and which spreads outside him) is another means of contact. That is why the profane is forbidden to address the sacred things or to utter them. For instance, the Veda must be uttered only by the Brahmin and not by the Shudra. An exceptionally intimate contact is the one resulting from the absorption of food. Hence comes the interdiction against eating the sacred animals or vegetables.

The interdictions relating to the sacred are not open to discussion. They are beyond discussion and must be accepted without question. The sacred is 'untouchable' in the sense that it. is beyond the pale of debate. All that one can do is to respect and obey.

Lastly the interdictions relating to the sacred are binding on all. They are not maxims. They are injunctions. They are obligatory but not in the ordinary sense of the word. They partake of the nature of a categorical imperative. Their breach is more than a crime. It is a sacrilege.

The above summary should be enough for an understanding of the scope and function of religion. It is unnecessary to enlarge upon the subject further. The analysis of the working of the laws of the sacred which is the core of religion should enable any one to see that my answer to the question why beef-eating should make the Broken Men untouchables is the correct one. All that is necessary to reach the answer I have proposed is to read the analysis of the working of the laws of the sacred with the cow as the sacred object. It will be found that Untouchability is the result of the breach of the interdiction against the eating of the sacred animal, namely, the cow.

As has been said, the Brahmins made the cow a sacred animal. They

did not stop to make a difference between a living cow and a dead cow. The cow was sacred, living or dead. Beef-eating was not merely a crime. If it was only a crime it would have involved nothing more than punishment. Beef-eating was made a sacrilege. Anyone who treated the cow as profane was guilty of sin and unfit for association. The Broken Men who continued to eat beef became guilty of sacrilege.

Once the cow became sacred and the Broken Men continued to eat beef, there was no other fate left for the Broken Men except to be treated unfit for association, i.e., as Untouchables.

Before closing the subject it may be desirable to dispose of possible objections to the thesis. Two such objections to the thesis appear obvious. One is what evidence is there that the Broken Men did eat the flesh of the dead cow. The second is why did they not give up beef-eating when the Brahmins and the non-Brahmins abandoned it. These questions have an important bearing upon the theory of the origin of untouchability advanced in this book and must therefore be dealt with.

The first question is relevant as well as crucial. If the Broken Men were eating beef from the very beginning, then obviously the theory cannot stand. For, if they were eating beef from the very beginning and nonetheless were not treated as Untouchables, to say that the Broken Men became Untouchables because of beef-eating would be illogical if not senseless. The second question is relevant, if not crucial. If the Brahmins gave up beef-eating and the non-Brahmins imitated them why did the Broken Men not do the same? If the law made the killing of the cow a capital sin because the cow became a sacred animal to the Brahmins and non-Brahmins, why were the Broken Men not stopped from eating beef? If they had been stopped from eating beef there would have been no Untouchability.

The answer to the first question is that even during the period when beef-eating was common to both, the Settled Tribesmen and the Broken Men, a system had grown up whereby the Settled Community ate fresh beef, while the Broken Men ate the flesh of the dead cow. We have no positive evidence to show that members of the Settled Community never ate the flesh of the dead cow. But we have negative evidence which shows that the dead cow had become an exclusive possession and perquisite of the Broken Men. The evidence consists of facts which relate to the Mahars of the Maharashtra to whom reference has already been made. As has

already been pointed out, the Mahars of the Maharashtra claim the right to take the dead animal. This right they claim against every Hindu in the village. This means that no Hindu can eat the flesh of his own animal when it dies. He has to surrender it to the Mahar. This is merely another way of stating that when eating beef was a common practice the Mahars ate dead beef and the Hindus ate fresh beef. The only questions that arise are : Whether what is true of the present is true of the ancient past? Can this fact which is true of the Maharashtra be taken as typical of the arrangement between the Settled Tribes and the Broken Men throughout India.

In this connection reference may be made to the tradition current among the Mahars according to which they claim that they were given 52 rights against the Hindu villagers by the Muslim King of Bedar. Assuming that they were given by the King of Bedar, the King obviously did not create them for the first time. They must have been in existence from the ancient past. What the King did was merely to confirm them. This means that the practice of the Broken Men eating dead meat and the Settled Tribes eating fresh meat must have grown in the ancient past. That such an arrangement should grow up is certainly most natural. The Settled Community was a wealthy community with agriculture and cattle as means of livelihood. The Broken Men were a community of paupers with no means of livelihood and entirely dependent upon the Settled Community. The principal item of food for both was beef. It was possible for the Settled Community to kill an animal for food because it was possessed of cattle. The Broken Men could not for they had none. Would it be unnatural in these circumstances for the Settled Community to have agreed to give to the Broken Men its dead animals as part of their wages of watch and ward? Surely not. It can therefore be taken for granted that in the ancient past when both the Settled Community and Broken Men did eat beef the former ate fresh beef and the latter of the dead cow and that this system represented a universal state of affairs throughout India and was not confined to the Maharashtra alone.

This disposes of the first objection. To turn to the second objection. The law made by the Gupta Emperors was intended to prevent those who killed cows. It did not apply to the Broken Men. For they did not kill the cow. They only ate the dead cow. Their conduct did not contravene the law against cow-killing. The practice of eating the flesh of the dead cow therefore was allowed to

continue. Nor did their conduct contravene the doctrine of Ahimsa assuming that it has anything to do with the abandonment of beef-eating by the Brahmins and the non-Brahmins. Killing the cow was *Himsa*. But eating the dead cow was not. The Broken Men had therefore no cause for feeling qualms of conscience in continuing to eat the dead cow. Neither the law nor the doctrine of *Himsa* could interdict what they were doing, for what they were doing was neither contrary to law nor to the doctrine.

As to why they did not imitate the Brahmins and the non-Brahmins the answer is two fold. In the first place, imitation was too costly. They could not afford it. The flesh of the dead cow was their principal sustenance. Without it they would starve. In the second place, carrying the dead cow had become an obligatonmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_48 though originally it was a privilege. As they could not escape carrying the. dead cow they did not mind using the flesh as food in the manner in which they were doing previously.

The objections therefore do not invalidate the thesis in any way.

PART VI

UNTOUCHABALITY AND THE DATE OF ITS BIRTH

CHAPTER XV

THE IMPURE AND THE UNTOUCHABLES

I

WHEN did Untouchability come into existence? The orthodox Hindus insist that it is very ancient in its origin. In support of their contention reliance is placed on the fact that the observance of Untouchability is enjoined not merely by the Smritis which are of a later date but it is also enjoined by the Dharma Sutras which are much earlier and which, according to certain authors, date some centuries before B.C.

In a study devoted to exploring the origin of Untouchability the question one must begin with is : Is Untouchability as old as is suggested to be?

For an answer to this question one has to examine the Dharma Sutras in order to ascertain what they mean when they refer to Untouchability and to the Untouchables. Do they mean by Untouchability what we understand by it to-day? Do the class, to which they refer. Untouchables in the sense in which we use the term Untouchables to-day?

To begin with the first question. An examination of the Dharma Sutras no doubt shows that they speak of a class whom they call Asprashya. There is also no doubt that the term Asprashya does mean Untouchables. The question however remains whether the Asprashya of the Dharma Sutras are the same as the Asprashya of modern India. This question becomes important when it is realised that the Dharma Sutras also use a variety of other terms such as Antya, Antyaja, Antyevasin and Bahya. These terms are also used by the later Smritis. It might be well to have some idea of the use of these terms by the different Sutras and Smritis. The following table is intdended to serve that purpose:-

I. Asprashya

Dharma Sutra	Smriti
1. Vishnu V. 104.	1. Katyayana verses 433, 783.
II Antya	
Dharma Sutras	Smriti
1. 1. Vasishta. (16-30) 2. 2. Apastambha (111.1)	1. 1. Manu IV. 79; VIII.. 68. 2. 2. Yajnavalkyal.l48.197. 3. 3. Atri 25. 4. 4. Likhita 92.

III. Bahya

Dharma Sutras	Smriti
1. 1. Apastambha 1,2,39.18 2. 2. Vishnu 16.14	1. 1. Manu 28. 2. 2. Narada 1.155.

IV. Antyavasin

Dharma Sutras	Smriti
1. 1. Gautama XXXI; XXIII 32 2. 2. Vasishta XVIII. 3	1. 1. Manu IV. 79; X. 39 2. 2. Shanti Parvan of the Mahabharatha 141; 29-32 3. 3. Madhyamangiras (quoted in Mitakshara on Yaj. 3.280.

V. Antyaja

Dharma Sutras	Smriti
1. Vishnu 36.7	1. 1. Manu IV. 61; VIII. 279 2. 2. Yajnavalkya 12.73 3. 3. Brihadyama Smriti (quoted by Mitakshara on Yajna-valkya III. 260) 4. 4. Atri. 199 5. 5. Veda Vyas 1. 12.. 13.

II

The next question is whether the classes indicated by the terms Antya, Antyaja, Antyavasin and Bahya are the same as those indicated by the term Asprashya which etymologically means an Untouchable. In other words are they only different names for the same class of people?

It is an unfortunate fact that the Dharma Sutras do not enable us to answer this question. The term *Asprashya* occurs in two places (once in one Sutra and twice in one Smriti). But not one gives an enumeration of the classes included in it. The same is the case with

the term *Antya*. Although the word *Antya* occurs in six places (in two Sutras and four Smritis) not one enumerates who they are. Similarly, the word *Bahya* occurs in four places (in two Sutras and two Smritis), but none of them mentions what communities are included under this term. The only exception is with regard to the terms Antyavasin and Antyajas. Here again no Dharma Sutra enumerates them. But there is an enumeration of them in the Smritis. The enumeration of the Antyavasin occurs in the Smriti known as Madhyamangiras and that of the Antyajas in the Atri Smriti and Veda Vyas Smriti. Who they are, will be apparent from the following table:-

ANTYAVASIN	ANTYAJA	
Madhyamangiras	Atri	Veda Vyas
1. Chandala. 2. Shvapaka. 3. Kshatta. 4. Suta. 5. Vaidehika. 6. Magadha. 7. Ayogava.	1. Nata 2. Meda. 3. Bhilla. 4. Rajaka. 5, Charmakar. 6. Buruda. 7. Kayavarta.	1. Chandala* 2. Shvapaka. 3. Nata. 4. Meda. 5. Bhilla. 6. Rajaka. 7. Charmakar. 8. Virat. 9. Dasa. 10. Bhatt. 11.Kolika. 12. Pushkar.

From this table it is quite clear that there is neither precision nor agreement with regard to the use of the terms Antyavasin and Antyaja. For instance Chandala and Shvapaka fall in both the categories Antyavasin and Antyaja according to Madhyamangiras and Veda Vyas. But when one compares Madhyamanagiras with Atri they fall in different categories. The same is true with regard to the term Antyaja. For example while (1) Chandala and (2) Shvapaka are Antyajas according to Veda Vyas, according to Atri they are not. Again according to Atri (1) Buruda and (2) Kayavarta are Antyajas while according to Veda Vyas they are not. Again (1) Virat (2) Dasa (3) Bhatt (4) Kolika and (5) Pushkar are Antyaja according to Veda

Vyas but according to Atri they are not.

To sum up the position reached so far : neither the Dharma Sutras nor the Smritis help us to ascertain who were included in the category of Asprashya. Equally useless are the Dharma Sutras and the Smritis to enable us to ascertain whether the classes spoken of as Antyavasin, Antyaja and Bahya were the same as Asprashya. Is there any other way of ascertaining whether any of these formed into the category of Asprashya or Untouchables? It would be better to collect together whatever information is available about each of these classes.

What about the Bahyas? Who are they? What are they? Are they Untouchables? They are mentioned by Manu. To understand their position, it is necessary to refer to Manu's scheme of social classification. Manu divides the people into various categories. He first*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_49 makes a broad division between (1) Vaidikas and (2) Dasyus. He then proceeds to divide the Vaidikas into four sub-divisions: (1) Those inside Chaturvarnya (2) Those outside Chaturvarnya (3) Vratya and (4) Patitas or outcastes.

Whether a person was inside Chaturvarnya or outside, was a question to be determined by the Varna of the parents. If he was born of the parents of the same Varnas, he was inside the Chaturvarnya. If, on the other hand, he was born of parents of different Varnas i.e., he was the progeny of mixed marriages or what Manu calls *Varna Sarnkara,* then he was outside the Chaturvarnya. Those outside Chaturvarnya are further sub-divided by Manu into two classes. (1) Anulomas and (2) Pratilomas. Anulamasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_50 were those whose fathers were of a higher Varna and mothers of a lower Varna. Pratilomas, on the other hand, were those whose fathers were of a lower Varna and the mothers of a higher Varna. Though both the Anulomas and Pratilomas were alike for the reason that they were outside the Chaturvarnya. Manu proceeds to make a distinction between them. The Anulomas, he calls *Varna Bahya* or shortly *Bahyas,* while Pratilomas he calls *Hinas.* The Hinas are lower than the Bahyas. But neither the Bahyas nor the Hinas does Manu regard as Untouchables.

Antya as a class is mentioned in Manu IV.79. Manu however does not enumerate them. Medhatithi in his comentary suggests that

Antya means Miecha, such as Meda etc. Buhler translates Antya as a low-caste man.

There is thus nothing to indicate that the Antyas were Untouchables. In all probability, it is the name given to those people who were living in the outskirts or *end* (Anta) of the village. The reason why they came to be regarded as low is to be found in the story narrated in the Brahadaranyaka Upanishad (1.3) to which reference is made by Mr. Kanemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_51The story is that-

> "Gods and Asuras had a strike and the gods thought that they might rise superior to the Asuras by the Udgithana. In this occurs the passage 'this devata (Prana) throwing aside the sin that was death to these devatas (vak etc.) sent it to ends of these devatas there; therefore one should not go to the people outside the Aryan pale nor to *disam anta* (the ends of the quarters) thinking, otherwise I may fall in with *papmani* i.e., death".

The meaning of Antya turns on the connotation of the phrase 'disam Anta' which occurs in the passage quoted above. If the phrase 'ends of the quarters' can be translated as meaning the end of the periphery of the village, without its being called a far-fetched translation, we have here an explanation of what Antya originally meant. It does not suggest that the Antyas were Untouchables. It only meant that they were living on the outskirts of the village.

As to the Antyajas, what we know about them is enough to refute the view that they were Untouchables. Attention may be drawn to the following factsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_52':

In the Shanti Parvan (109.9) of the Mahabharat there is a reference to Antyajas who are spoken of as Soldiers in the Army. According to Sarasvativilasa, Pitamaha speaks of the seven cases of Rajakas included in the term Antyaja as Prakritis. That Prakrids mean trade guilds such as of washermen and others is quite clear from the Sangamner Plate of Bhillama II dated Saka 922 which records the grant of a village to eighteen Prakritis. Viramitrodaya says that Srenis mean the eighteen castes such as the Rajaka etc., which are pollectively called Antyajas. In view of these facts how could the Antyajas be said to have been regarded as the Untouchables?

Coming to the Antyavasin, who were they? Were they

Untouchables? The term Antyavasin has been used in two different senses. In one sense it was applied to a Brahmachari living in the house of the Gum during his term of studentship. A Brahmachari was referred to as Antyavasinmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_53 It probably meant one who was served last. Whatever the reason for calling a Brahmachari Antyavasin it is beyond dispute that the word in that connection could not connote Untouchability. How could it when only Brahmins, Kshatriyas and Vaishyas could become Brahmacharis. In another sense they refer to a body of people. But even in this sense it is doubtful if it means Untouchables.

According to Vas.Dh.Sutra (18.3) they are the offspring of a Sudra father and Vaishya mother. But according to Manu (V.39) they are the offspring of a Chandala father and a Nishad mother. As to the class to which they belong, the Mitakshara says they are a sub-group of the Antyajas which means that the Antyavasin were not different from the Antyajas. What is therefore true of the Antyajas may also be taken as true of the Antyavasin.

III

Stopping here to take stock of the situation as it emerges from such information as we have regarding the social condition of the people called Antyavasin, Antya, Antyaja, as is available from ancient literature, obviously it is not open to say that these classes were Untouchables in the modem sense of the term. However, for the satisfaction of those who may still have some doubt, the matter may be further examined from another point of view. Granting that they were described as Asprashya we may proceed to inquire as to what was the connotation of the term in the days of the Dharma Sutras.

For this purpose we must ascertain the rules of atonement prescribed by the -Shastras. From the study of these rules we will be able to see whether the term Asprashya had the same connotation in the times of the Dharma Sutras as it has now.

Let us take the case of the Chandalas as an illustration of the class called Asprashya. In the first place, it should be remembered that the word Chandala does not denote one single homogenous class of people. It is one word for many classes of people, all different from one another. There are altogether five different classes of Chandalas

who are referred to in the Shastras. They are (i) the offspring of a Shudra father and a Brahmin mothermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_54 (ii) the offspring of an unmarried womanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_55(iii) the offspring of union with a sagotra womanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_56 (iv) the offspring of a person who after becoming an ascetic turns back to the householder's lifemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_57 and (v) the offspring of a barber father and a Brahmin mothermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_58

It is difficult to say which Chandala calls for purification. We shall assume that purification is necessary in the case of all the Chandalas. What is the rule of purification prescribed by the Shastas?

Gautama in his Dharma Sutra (Chapter XIV, Verse 30) also refers to it in the following terms :-

> "On touching an outcaste, a Chandala, a woman impure on account of her confinement a woman in her courses, or a corpse and on touching persons who have touched them, he shall purify himself by bathing dressed in his clothes."

Below is the text of the rule given by the Vasishta Dharma Sutra (Chapter IV. Verse 37) -

> "When he has touched a sacrificial post, a pyre, a burial ground, a menstruating or a lately confined woman, impure men or Chandalas and so forth, he shall bathe, submerging both his body and his head."

Baudhayana agrees with Vasishta for he too in his Dharma Sutra (Prasna 1, Adhyaya 5, Khanda 6, Verse 5) says :-

> "On touching a tree standing on a sacred spot, a funeral pyre, a sacrificial post, a Chandala or a person who sells the Veda, a Brahmin shall bathe dressed in his clothes."

The following are the rules contained in Manu :-

V. 85 : When he (the Brahmin) has touched a Chandala, a

menstruating woman, an outcaste, a woman in childbed, a corpse, or one who has touched a (corpse), he becomes pure by bathing.

V. 131 : Manu has declared that the flesh of an animal killed by dogs is pure, likewise (that) of a (beast) slain by carnivorous (animals) or by men of low caste (Dasya) such as Chandalas.

V. 143: He who, while carrying anything in any manner, is touched by an impure (person or thing), shall become pure, if he performs an ablution, without pulling down that object.

From these texts drawn from the Dharma Sutras as well as Manu, the following points are clear :-

(1) (1) That the pollution by the touch of the Chandala was observed by the Brahmin only.

(2) (2) That the pollution was probably observed on ceremonial occassions only.

IV

If these conclusions are right then this is a case of Impurity as distinguished from Untouchability. The distinction between the Impure and the Untouchable is very clear. The Untouchable pollutes all while the Impure pollutes only the Brahmin. The touch of the Impure causes pollution only on a ceremonial occasion. The touch of the Untouchable causes pollution at all times.

There is another argument to which so far no reference has been made which completely disproves the theory that the communities mentioned in the Dharma Sutras were Untouchables. That argument emerges out of a comparison of the list of communities given in the Order-in-Council (which is reproduced in Chapter II) with the list given in this chapter prepared from the Smritis. What does the comparison show? As anyone can see, it shows :-

Firstly : The maximum number of communities mentioned in the Smritis is only 12, while the number of communities mentioned in the Order-in-Council comes to 429.

Secondly : There are communities which find a place in the Order-in-Council but which do not find a place in the Smritismk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_59 Out of the total of 429 there are nearly 427 which are unknown to the Smritis.

Thirdly : There are communities mentioned in the Smritis which do not find a place in the Order-in-Council at all.

Fourthly : There is only one community which finds a place in both. It is the Charmakar communitymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39 B.Untouchables who were they_why they became PART II.htm - _msocom_60

Those who do not admit that the Impure are different from the Untouchables do not seem to be aware of these facts. But they will have to reckon with them. These facts are so significant and so telling that they cannot but force the conclusion that the two are different.

Take the first fact. It raises a very important question.

If the two lists refer to one and the same class of people, why do they differ and differ so widely? How is it that the communities mentioned in the Shastras do not appear in the list given in the Order-in-Council? Contrarywise, how is it that the communities mentioned in the Order-in-Council are not to be found in the list given by the Shastras? This is the first difficulty we have to face.

On the assumption that they refer to the same class of people, the question assumes a serious character. If they refer to the same class of people then obviously Untouchability which was originally confined to 12 communities came to be extended to 429 communities! What has led to this vast extension of the Empire of Untouchability? If these 429 communities belong to the same class as the 12 mentioned by the Shastras why none of the Shastras mention them? It cannot be that none of the 429 communities were not in existence at the time when the Shastras were written. If all of them were not in existence at least some of them must have been. Why even such as did exist find no mention?

On the footing that both the lists belong to the same class of people, it is difficult to give any satisfactory answer to these questions. If, on the other hand, it is assumed that these lists refer to two different classes of people, all these questions disappear. The two lists are different because the list contained in the Shastras is a list of the Impure and the list contained in the Order-in-Council is a list of the Untouchables. This is the reason why the two lists differ. The divergence in the two lists merely emphasizes what has been urged on other grounds, namely, that the classes mentioned in Shastras are only Impure and it is a mistake to confound them with the Untouchables of the present day.

Now turn to the second. If the Impure are the same as the Untouchables, why is it as many as 427 out of 429 should be unknown to the Smritis? As communities, they must have been in existence at the time of the Smritis. If they are Untouchables now, they must have been Untouchables then. Why then did the Smritis fail to mention them?

What about the third? If the Impure and the Untouchables are one and the same, why those communities which find a place in the Smritis do not find a place in the list given in the Order-in-Council? There are only two answers to this question. One is that though Untouchables at one time, they ceased to be Untouchables subsequently. The other is that the two lists contain names of communities who fall in altogether different categories. The first answer is untenable. For, Untouchabilityis permanent Time cannot erase it or cleanse it. The only possible conclusion is the second.

Take the fourth. Why should Chamar alone find a place in the lists? The answer is not that the two lists include the same class of people. If it was the true answer, then not only the Chamar but all others included in the list given by the Smritis should appear in both the lists. But they do not. The true answer is that the two lists contain two different classes of people. The reason why some of those in the list of the Impure appear in the list of the Untouchables is that the Impure at one time became Untouchables. That the Chamar appears in both is far from being evidence to support the view that there is no difference between the Impure and the Untouchables. It proves that the Chamar who was at one time an Impure, subsequently became an Untouchable and had therefore to be included in both the lists. Of the twelve communities mentioned in the Smritis as Impure communities, only the Chamar should have been degraded to the status of an Untouchable is not difficult to explain. What has made the difference between the Chamar and the other impure communities is the fact of beef-eating. It is only those among the Impure who were eating beef that became Untouchables, when the cow became sacred and beef-eating became a sin. The Chamar is the only beef-eating community. That is why it alone appears in both the lists. The answer to the question relating to the Chamars is decisive on two points. It is conclusive on the point that the Impure are different from the Untouchables. It is also decisive on the point that it is beef-eating which is the root of Untouchability and which divides the Impure and the Untouchables.

The conclusion that Untouchability is not the same as Impurity has an important bearing on the determination of the date of birth of Untouchability. Without it any attempt at fixing the date would be missing the mark.

CHAPTER XVI

WHEN DID BROKEN MEN BECOME UNTOUCHABLES?

THE foregoing researches and discussions have proved that there was a time when the village in India consisted of a Settled Community and Broken Men and that though both lived apart, the former inside the village and the latter outside it, there was no bar to social intercourse between the members of the Settled Community and the Broken Men. When the cow became sacred and beef-eating became taboo, society became divided into two - the Settled Community became a touchable community and Broken Men became an untouchable community. When did the Broken Men come to be regarded as Untouchables? That is the last question that remains to be considered. There are obvious difficulties in the way of fixing a precise date for the birth of Untouchability. Untouchability is an aspect of social psychology. It is a sort of social nausea of one group against another group. Being an outgrowth of social psychology which must have taken some time to acquire form and shape, nobody can venture to fix a precise date to a phenomenon which probably began as a cloud no bigger than man's hand and grew till it took its final all-pervading shape as we know it today. When could the seed of Untouchability be said to have been sown? If it is not possible to fix an exact date, is it possible to fix an approximate date?

An exact date is not possible. But it is possible to give an approximate date. For this the first thing to do is to begin by fixing the upper time-limit at which Untouchability did not exist and the lower time-limit at which it had come into operation.

To begin with the question of fixing the upper limit the first thing to note is that those who are called Antyajas are mentioned in the Vedas. But they were not only not regarded as Untouchables but they were not even regarded as Impure. The following extract frornKane may be quoted in support of this conclusion. Says

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"In the early Vedic literature several of the names of castes that are spoken of in the Smritis as Antyajas occur. We have Carmanna (a tanner of hides) in the Rig Veda (VIII.8,38) the Chandala and Paulkasa occur in Vaj. S., theVepa or Vapta (barber) even in the Rig., the Vidalakara or Bidalakar (corresponding to the Buruda of the Smritis) occurs in the Vaj.S.and the Tai,Br-Vasahpalpuli (washer woman) corresponding to the Rajakas of the Smritis in Vaj.S.But there is no indication in these-passages whether they, even if they formed castes, were at all Untouchables."

Thus in Vedic times there was no Untouchability. As to the period of the Dharma Sutras, we have seen that there was Impurity but there was no Untouchability.

Was there Untouchability in the time of Manu? This question cannot be answered offhand. There is a passagemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_62 in which he says that there are only four vamas and that there is no fifth vama. The passage's enigmatical. It is difficult to make out what it means. Quite obviously the statement by Manu is an attempt by him to settle a controversy that must have been going on at the time he wrote. Quite obviously the controversy was about the status of a certain class in relation to the system of Chaturvarnya. Equally obvious is the point which was the centre of the controversy. To put briefly, the point was whether this class was to be deemed to be ineluded within the Chaturvarnya or whether it was to be a fifth vama quite distinct from the original four vamas. All this is quite clear. What is, however, not clear is the class to which it refers. This is because Manu makes no specific mention of the class involved in the controversy.

The verse is also enigmatical because of the ambiguity in the decision given by Manu. Manu's decision is that there is no fifth Vama. As a general proposition it has a meaning which everybody can understand. But what does this decision mean in the concrete application to the class whose status was the stibjett-matter of controversy. Obviously it is capable of two interpretations. Itihay mean that as according to the scheme of Chaturvama there is no fifth vama the class in question must be deemed to belong to one of the four recognized vamas. But it may also mean that as in the original Vama System there is no provision for a fifth vama the class in

question must be deemed to be outside the Varna System altogether.

The traditional interpretation adopted by the orthodox Hindu is that the statement in Manu refers to the Untouchables, that it was the Untouchables whose Status was in controversy and that it was their status which is the subject-matter of Manu's decision. This interpretation is so firmly established that it has given rise to a division of Hindus into two classes called by different names, *Savarnas* or Hindus (those included in the Chaturvama) *aadAvarnas* or Untouchables (those excluded from the Chaturvama). The question is, is this view correct? To whom does the text refer? Does it refer to the Untouchables? A discussion of this question may appear to be out of place and remote from the question under consideration. But it is not so. For if the text does refer to the Untouchables then it follows that Untouchability did exist in the time of Manu- a conclusion which touches the very heart of the quesdon under consideration. The matter must, therefore, be thrashed out.

I am sure this interpretation is wrong. I hold that the passage does not refer to the Untouchables at all. Manu does not say which was the fifth class whose status was in controversy and about whose status he has given a decision in this passage. Was it the class of Untouchables or was it some other class? In support of my conclusion that the passage does not refer to Untouchables at all I rely on two circumstances. In the first place, there was no Untouchability in the time of Manu. There was only Impurity. Even the Chandala for whom Manu has nothing but contempt is only an impure person. That being so, this passage cannot possibly have any reference to Untouchables. In the second place, there is evidence to support the view that this passage has reference to slaves and not to Untouchables. This view is based on the language of the passage quoted from the Narada Smrid in the chapter on the Occupational Theory of Untouchability. It will be noticed that the Narada Smriti speaks of the slaves as the fifth class. If the expression fifth class in the Narada Smriti refers to slaves, I see no reason why the expression fifth class in Manu Smriti should not be taken to have reference to slaves. If this reasoning, is correct, it cuts at the very root of the contention that Untouchability existed in the time of Manu and that Manu was not prepared to include them as part of the Varna System. For the reasons stated, the passage does not refer to Untouchability and there is, therefore, no reason to conclude that there was Untouchability in the time of Manu.

Thus we can be sure of fixing the upper limit for the date of the birth of Untouchability. We can definitely say that Manu Smrid did not enjoin Untouchability. There, however, remains one important question. What is the date of Manu Smriti? Without an answer to this question it would not be possible for the average to relate the existence or non-existence of Untouchability to any particular point in time. There is no unanimity among savants regarding the date of Manu Smriti. Some regard it as very ancient and some regard it as very recent. After taking all facts into consideration Prof. Buhler has fixed a date which appears to strike the truth. According to Buhler, Maou Smriti in the shape in which it exists now, came into existence in the Second Century A.D. In assigning so recent a date to the Manu Smriti Prof. Buhler is not quite alone. Mr. Daphtary has also come to the same conclusion. According to him Manu Smriti came into being after the year 185 B.C. and not before. The reason given by Mr. Daphtary is that Manu Smriti has a close connection with the murder of the Buddhist Emperor Brihadratha of the Maurya dynasty by his Brahmin Commander-in-Chief Pushyamitra Sunga and as even that took place in 185 B.C., he concludes that Manu Smriti must have been written after 185 B.C. To give support to so important a conclusion it is necessary to establish a nexus between the mmder of Brihadratha Maurya by Pushyamitra and the writing of Manu Smriti by strong and convincing evidence. Mr. Daphatry has unfortunately omitted to do so. Consequently his conclusion appears to hang in the air. The establishment of such a nexus is absolutely essential. Fortunately there is no want of evidence for the purpose.

The rnuider of Brihadratha Maurya by Pushyamitra has unfortunately passed unnoticed. At any rate it has not received the attention it deserves. It is treated by historians as an ordinary incident between two individuals as though its origin lay in some personal quarrel between the two. Having regard to its consequences it was an epoch - making event. Its significance cannot be measured by treating it as a change of dynasty-the Sungas succeeding the Mauryas. It was a political revolution as great as the French Revolution, if not greater. It was a revolution- a bloody revolution-engineered by the Brahmins to overthrow the rule of the Buddhist Kings. That is what the murder of Brihadratha by Pushyamitra means.

This triumphant Brahmanism was in need of many things. It of course needed to make Chaturvama the law of the land the validity of which was denied by the Buddhists. It needed to make animal

sacrifice, which was abolished by the Buddhists, legal. But it needed more than this. Brahmanism in bringing about this revolution against the rule of the Buddhist Kings had transgressed two rules of the customary law of the land which were accepted by all as sacrosanct and inviolable. The first rule-made it a sin for a Brahmin even to touch a weapon. The second made the King's person sacred and regicide a sin. Triumphant Brahmanism wanted a sacred text, infallible in its authority, to justify their transgressions. A striking feature of the Manu Smrid is that it not only makes Chaturvama the law of the land, it not only makes animal sacrifice legal but it goes to state when a Brahmin could justifiably resort to arms and when he could justifiably kill the King. In this the Manu Smriti has done what no prior Smriti has done. It is a complete departure. It is a new thesis. Why should the Manu Smriti do this? The only answer is, it had to strengthen the revolutionary deeds committed by Pushyamitra by propounding philosophic justification. This interconnection between Pushyamitra and the new thesis propounded by Manu shows that the Manu Smriti came into being some time after 185 B.C., a date not far removed from the date assigned by Prof. Buhler. Having got the date of the Manu Smriti we can say that in the Second Century A.D., there was no Untouchability.

Now to turn to the possibility of determining the low,er limit to the birth of Untouchability. For this we must go to the Chinese travellers who are known to have visited India and placed on record what they saw of the modes and manners of the Indian people. Of these Chinese travellers Fah-Hian has something very interesting to say. He came to India in 400 A.D. In the course of his observations occurs the following passage1 :-

> "Southward from this (Mathura) is the so-called middle-country (Madhyadesa). The climate of this cototry is warm and equable, without frost or snow. The people are very well off, without poll-tax or official restrictions. Only those who till the royal lands return a portion of profit of the land. If they desire to go, they go; if they like to stop they stop. The kings govern without corporal punishment; criminals are fined, according to circumstances, lightly or heavily. Even in cases of repeated rebellion they only cut off the right hand. The King's personal attendants, who guard him on the right and left, have fixed salaries. Throughout the country the people kill no living thing nor drink wine, nor do they eat garlic or onion, with the exception of Chandalas only. The Chandalas are

named 'evil men' and dwell apart from others; if they enter a town or market, they sound a piece of wood in order to separate themselves; then, men knowing they are, avoid coming in contact with them. In this country they do not keep swine nor fowls, and do not deal in cattle; they have no shambles or wine shops in their market-places. In selling they use cowrie shells. The Chandalas only hunt and sell flesh."

Can this passage be taken as evidence of the prevalence of Umouchability at the time of Fah-Hian? Certain parts of his description of the treatment given to the Chandalas do seem to lend support to the conclusion, that is, a case of Untouchability.

There is, however, one difficulty in the way of accepting this conclusion. The difficulty arises because the facts relate to the Chandalas. The Chandala is not a good case to determine the existence or non-existence of Untouchability. The Brahmins have regarded the Chandalas as their hereditary enemies and are prone to attribute to them abominable conduct; hurl at them low epithets and manufacture towards them a mode of behaviour which is utterly artificial to suit their venom against them. Whatever, therefore, is said against the Chandalas must be taken with considerable reservations.

This argument is not based on mere speculation. Those who doubt its cogency may consider the evidence of Bana's Kadambari for a different description of the treatment accorded to the Chandalas.

The story of Kadambari is a very complex one and we are really not concerned with it. It is enough for our purpose to note that the story is told to King Shudraka by a parrot named Vaishampayana who was the pet of a Chandala girl. The following passages from the Kadambari are important for our purpose. It is better to begin with Bana's description of a Chandala settlement. It is in the following termsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_63:-

"I beheld the barbarian settlement, a very market-place of evil deeds. It was surrounded on all sides by boys engaged in the chase, unleashing their hounds, teaching their falcons, mending snares, carrying weapons, and fishing, horrible in their attire, like demoniacs. Here and there the entrance to their dwellings, hidden by thick bamboo forests, was to be inferred, from the rising of smoke of orpiment. On all sides the enclosures were made with skulls; (627) the dust-heaps on the roads were filled with bones; the yards of the huts were miry with blood, fat, and meat chopped up.

The life there consisted of hunting; the food, of flesh; the ointment, of fat; the garments, of coarse silk; the couches, of dried skins; the household attendants, of dogs; the animals for riding, of cows; the men's employment, of wine and women; the oblation to the gods, of blood; the sacrifice, of cattle. The place was the image of all hells."

It is from such a settlement that the Chandala girl starts with her parrot to the palace of King Shudraka. King Shudraka is sitting in the Hall of Audience with his Chieftains. A portress enters the Hall and makes the following announcement mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_64 :-

"Sire, *there* stands at the gate a Chandala maiden from the South, a royal *glory* of the race of that Tricamku who climbed the sky, but fell from it at the order of wrathful Indra, She bears a parrot in a cage, and bids me thus hail your majesty:"Sire, thou, like the ocean, art alone worthy to receive the treasures of whole earth. In the thought that this bird is a marvel and the treasure of the whole earth, I bring it to lay at thy feet, and desire to behold thee. Thou, 0 king, hast heard her message, and must decide!"so saying, she ended her speech. The king, whose curiosity was aroused, looked at the chiefs around him, and with the words Why not? Bid her enter′ gave his permission.

Then the portress, immediately on the king's order ushered in the Candala maiden. And she entered."

The King and the Chieftains did not at first take notice of her. To attract attention she struck a bamboo on the mosaic floor to arouse the King. Bana then proceeds to describe her personal appearancemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_65

"Then the king, with the' words, look yonder* to his suite, gazed steadily upon the Candala maiden, as she was pointed out by the portress. Before her went a man, whose hair was hoary with age, whose eyes were the colour of the red lotus, whose joints, despite the loss of youth, were firm from incessant labour, whose form, though that of Matanga, was not to be despised, and who wore the white raiment meet fora court. Behind *her* went a Candala boy, with locks falling on either shoulder, bearing a cage, the bars of which, though of gold, shone like emerald from the reflection of the parrot's plumage. She herself seemed by the darkness of her hue to

imitate Krishna when he guilefully assumed a woman's attire to take away the arnritit seized by the demons. She was, as it were, a doll of sapphire walking alone; and over the bine garment, which reached to her ankle, there fell a veil of red silk, like evening sunshine falling on blue lotuses. The circle of her cheek was whitened by the ear-ring that hung from one ear, like the *(ace* of night inlaid with the rays of the rising moon: she had a tawny tilaka of gorocana, as if it woe a third eye, like Parvati in mountaineer's attire, after the fashion of the garb of Civa.

She was like Cri. darkened by the sapphire glory of Narayana reflected on the robe on her breast; or like Rati, stained by smoke which rose as Madana was burnt by the fire of wrathful Civa: *or* like Yamuna, fleeing in fear of being drawn along by the ploughshare of wild Balarama; or, from the rich lac that turned her lotus feet into budding shoots, like Durga, with *her* feet crimsoned by the blood of the Asura Mahisha she had just trampled upon.

Her nails were rosy from the pink glow of *her* fingers; the mosaic pavement seemed too hard for her touch, and she came for placing her feet like tender twigs upon the ground.

The rays of *her* anklets, rising in flame-colour, seemed to encircle her as with the arms of Agni, as though, by his love for her beauty, he would purify the strain of her birth, and so set the Creator at naught.

Her girdle was like the stars wreathed on the brow of the elephant of Love; and her necklace was a rope of large bright pearls, like the stream of Ganga just tinged by Yamuna.

Like autumn, she opened her lotus eyes; like the rainy season,she had cloudy tresses; like the circle of the Malaya Hills, she was wreathed with sandal; like the zodiac, she was decked with starry gems; like Cri, she had the fairness of a lotus in her hand; like a swoon, she entranced the heart; like a forest, she was endowed with living beauty; like the child of a goddess, she was claimed by no tribe; like sleep, she charmed the eyes; as a lotus-pool in a wood is troubled by elephants, so was she dimmed by her Matanga birth; like spirit, she might *not.* be touched; like a letter, she gladdened the eyes alone; like the blossoms of spring she lacked the jati flower, her slender waist, like the line of Love's bow, could be spanned by the hands; with *her* curly hair, she was like the Lakshmi of the Yaksha king in Alaka. She had but reached the flower of *her* youth, and was beautiful exceedingly. And the king was amazed; and the

thought arose in his mind. Ill-placed was the labour of the Creator inproducing this beauty! For if she has been created as though in mockery of her Candala form, such that all the world's wealth of loveliness is laughed to scorn by her own, why was she born in a race with which none can mate? Surely by thought alone did Prajapati create her, fearing the penalties of contact with the Matanga race, else whence this unsullied radiance, a grace that belongs not to limbs sullied by touch? Moreover, though fair in form, by the basenness of her birth, whereby she, like a Lakshmi of the lower world, is a perpetual reproach to the gods, she, lovely as she is, causes fear in Brahma, the maker of so strange a union.' While the king was thus thinking the maiden, garlanded with flowers, that fell over her ears, bowed herself before him with a confidence beyond her years. And, when she had made her reverence and stepped on to the mosaic floor, her attendant, taking the parrot, which had just entered the cage, advanced a few steps, and, showing it to the King, said: 'Sire, this parrot, by name Vaicampayana, knows the meaning of all the castras, is expert in the practice of royal policy, skilled in tales, history, and Puranas, and acquinted with songs and with musical intervals. He recites, and himself composes graceful and incomparable modern romances, love-stories, plays, and poems, and the like; he is versed in witticisms and is an unrivalled disciple of the vina, flute, and drum. He is skilled in displaying the different movements of dancing, dextrous in painting, very bold in play, ready in resources to calm a maiden angered in a lover's quarrel, and familiar with the characteristics of elephants, horses, men, and women. He is the gem of the whole earth; and in the thought that treasures belong to thee, as pearis to the ocean, the daughter of my lord has brought him hither to thy feet, 0 king! Let him be accepted as thine.'

On reading this description of a Chandala girl many questions arise. Firstly, how different it is from the description given by Fa-Hian? Secondly Bana is a Vatsyayana Brahmin. This Vatsyayana Brahmin, after giving a description of the Chandala Settlement, finds no compunction in using such eloquent and gorgeous language to describe the Chandala girl. Is this description compatible with the sentiments of utter scorn and contempt associated with Untouchability? If the Chandalas were Untouchables how could an Untouchable girl enter the King's palace? How could an Untouchable bedescribed in the superb terms used by Bana? Far from being

degraded, the Chandalas of Bana's period had Ruling Families among them. For Bana speaks of the Chandala girl as a Chandala princessmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_66 Bana wrote some time about 600 A.D., and by 600 A.D. the Chandalas had not come to be regarded as Untouchables. It is, therefore, quite possible that the conditions described by Fa-Hian, though bordering on Untouchability, may not be taken as amounting to Untouchability. It may only be extreme form of impurity practised by the Brahmins who are always in the habit of indulging in overdoing their part in sacerdotalism. This becomes more than plausible if we remember that when Fa-Hian came to India it was the reign of the Gupta Kings. The Gupta Kings were patrons of Brahmanism. It was a period of the triumph and revival of Brahmanism. It is quite possible that what Fa-Hian describes is not Untouchability but an extremity to which the Brahmins were prepared to carry the ceremonial impurity which had become attached to some community, particularly to the Chandalas.

The next Chinese traveller who came into India was Yuan Chwang. He came to India in 629 A.D. He stayed in India for 16 years and has left most accurate records of joumeys up and down the country and of the manners and customs of the people. In the course of his description of general characters of the cities and buildings of India, he saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/39B.Untouchables who were they_why they became PART II.htm - _msocom_67 :-

> "As to their inhabited towns and cities the quadrangular walls of the cities (or according to *one* text, of the various regions) are broad and high, while the thoroughfares are narrow tortuous passages. The shops are on the highways and booths, or (inns) line the roads. Butchers, fishermen, public performers, executioners, and scavengers have their habitations marked by a distinguishing sign. They are forced to live outside the city and they sneak along on the left when going about in the hamlets."

The above passage is too short and too brief for founding a definite conclusion thereon. There is, however, one point about it which is worthy of note. Fa-Hian's description refers to the Chandalas only while the description given by Yuan Chwang applies to communities other than the Chandalas. This is a point of great importance. No such argument can be levelled against the acceptance of a description since it applies to communities other than the Chandalas. It is,

therefore, just possible that when Yuan Chwang came to India, Untouchability had emerged.

On the basis of what has been said above we can conclude that while Untouchability did not exist in 200 A.D"it had emerged by 600 A.D.

These are the two limits, upper and lower, for determining the birth of Untouchability. Can we fix an approximate date for the birth of Untouchability? I think we can, if we take beef-eating, which is the root of Untouchability, as the point to start from. Taking the ban on beef-eating as a point to reconnoitre from, it follows that the date of the birth of Untouchability must be intimately connected with the ban on cow-killing and on eating beef. If we can answer when cow-killing became an offence and beef-eating became a sin, we can fix an approximate date for the birth of Untouchability. When did cow-killing become an offence? We know that Manu did not prohibit the eating of beef nor did he make cow-killing an offence. When did it become an offence? As has been shown by Dr. D. R. Bhandarkar, cow killing was made a capital offence by the Gupta kings some time in the 4th Century A.D.

We can, therefore, say with some confidence that Untouchability was born some time about 400 A.D. It is born out of the struggle for supremacy between Buddhism and Brahmanism which has so completely moulded the history of India and the study of which is so woefully neglected by students of Indian history.

THOUGHTS ON LINGUISTIC STATES

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THOUGHTS ON LINGUISTIC STATES

PREFACE

The creation of Linguistic States is a burning question of the day. I regret that owing to my illness I was not able to take part in the debate that took place in Parliament much less in the campaign that is carried on in the country by partisans in favour of their views. The question is too important for me to sleep over in silence. Many have accused me for remaining quiet not knowing what the cause was.

I have therefore taken the other alternative i.e. to set out my views in writing.

Readers may find certain inconsistencies in my views as expressed in this brochure and as expressed formerly in certain public statements. Such changes in my view are, I am sure, very few. The former statements were made on the basis of fragmentary data. The whole picture was then not present to the mind. For the first time it met my eye when the report of the S.R.C. came out. This is sufficient justification for any change in my views which a critic may find.

To a critic who is a hostile and malicious person and who wants to make capital out of my inconsistencies my reply is straight. Emerson has said that consistency is the virtue of an ass and I don't wish to make an ass of myself. No thinking human being can be tied down to a view once expressed in the name of consistency. More important than consistency is responsibility. A responsible person must learn to unlearn what he has learned. A responsible person must have the courage to rethink and change his thoughts. Of course there must be good and sufficient reasons for unlearning what he has learned and for recasting his thoughts. There can be no finality in thinking.

The formation of Linguistic States, although essential, cannot be decided by any *sort* of hooliganism. Nor must it be solved in a manner that will serve party interest. It must be solved by cold blooded reasoning. This is what I have done and this is what I appeal to my readers to do.

23rd December 1955
Milind Mahavidyalaya
Nagsen Vana, College Road
Aurangabad (Dn.)

B. R. AMBEDKAR

THE WORK OF THE COMMISSION
CHAPTER I

LINGUISM AND NOTHING ELSE

The present Constitution of India recognises the following States which are enumerated in the Schedule :

Part"A"States	Part"B"States	Part"C"States
1. Andhra	1. Hyderabad	1. Ajmer
2. Assam	2. Jammu & Kashmir	2. Bhopal
3. Bihar	3. Madhya Bharat	3. Coorg
4. Bombay	4. Mysore	4. Delhi
5. Madhya Pradesh	5. Patiala	5. Himachal Pradesh
6. Madras	6. Rajasthan	6. Kutch
7. Orissa	7. Saurashtra	7. Manipur
8. Punjab	8. Travancore - Cochin	8. Tripura
9. Uttar Pradesh		9. Vindhya Pradesh

Article 3 of the Constitution gives power to Parliament to create new States. This was done because there was no time to reorganize the States on linguistic basis for which there was a great demand.

In pursuance of this incessant demand the Prime Minister appointed the States Reorganisation Commission to examine the question. In its report the States Reorganisation Commission has recommended the creation of the following States:

Proposed New States

Name of the State	Area (Sq. Miles)	Population (Crores)	Language
Madras	50,170	3.00	Tamil
Kerala	14,980	1.36	Malyalam
Karnatak	72,730	1.90	Kanarese
Hyderabad	45,300	1.13	Telugu
Andhra	64,950	2.09	Telugu
Bombay	151,360	4.02	Mixed
Vidarbha	36,880	0.76	Marathi
Madhya Pradesh	171,200	2.61	Hindi
Rajasthan	132,300	1.60	Rajasthani
Punjab	58,140	1.72	Punjabi
Uttar Pradesh	113,410	6.32	Hindi
Bihar	66,520	3.82	Hindi
West Bengal	34,590	2.65	Bengali
Assam	89,040	0.97	Assamese
Orissa	60,140	1.46	Oria
Jammu and Kashmir	92,780	0.14	Kashmiri

The important thing is to compare the size of the states -

Taking population as the measuring red the result may be presented as follows:

There are 8 states with a population between 1 and 2 crores each.

There are 4 states with a population between 2 and 4 crores each.

There is one state above 4 crores.

There is one state above 6 crores.

The result, to say the least, is fantastic. The Commission evidently thinks that the size of a state is a matter of no consequence and that the equality in the size of the status constituting a federation is a matter of no moment.

This is the first and the most terrible error cost which the commission has committed. If not rectified in time, it will Indeed be a great deal.

Chapter 2
LINGUISM IN EXCELSIS

In the first chapter it has been pointed out that one result of the recommendations of the states Reorganisation Commission is the

disparity in the size of the different States the Commission has suggested for creation.

But there is another fault in the recommendation of the commission which perhaps is hidden but which is nonetheless real.

It lies in not considering the North in relation to the South. This will be clear from following table :

Southern States		Central States		Northern States mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/05A. Thoughts on Linguistic States Part I.htm - _msocom_1	
Name	Population (in crores)	Name	Population (in crores)	Name	Population (in crores)
Madras	3.00	Maharashtra	3.31	Uttar Pradesh	6.32
Kerala	1.36	Gujarat	1.13	Bihar	3.85.
Karnataka	1.90	Saurashtra	0.4	Madhya Pradesh	
Andhra	1.09	Kutch	0.5	Rajasthan	2.61
Hyderabad	1.13			Punjab	1.72

This scheme of dividing India in the name of Linguistic States cannot be overlooked. It is not so innocuous as the Commission thinks. It is full of poison. The poison must be emptied right now.

The nature of Union of India expresses only an idea. It does not indicate an achievement. Bryce in his"*American Commonwealth"*relates the following incident which is very instructive. This is what he says :

"A few years ago the American Protestant Episcopal Church was occupied at its annual conference in revising liturgy. It was thought desirable to introduce among the short sentence prayers a prayer for the whole people; and an eminent New England Divine proposed the words ' 0 Lord, bless our Nation '. Accepted one afternoon on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word, ' Nation ', as importing too definite recognition of national unity, that it was dropped, and instead there were adopted the words, ' 0 Lord, bless these United States.'"

India is not even mentally and morally fit to call itself the United States of India. We have to go a long way to become the United States of India. The Union of India is far, far away, from the United States of India. But this consolidation of the North and balkanisation of the South is not the way to reach it.

Part II

THOUGHTS ON LINGUISTIC STATES

PART II

THE LIMITATIONS OF LINGUISM

CHAPTER III

THE PROS AND CONS OF A LINGUISTIC STATE

"One State, one language"is a universal feature of almost every State. Examine the constitution of Germany, examine the constitution of France, examine the constitution of Italy, examine the constitution of England, and examine the constitution of the U.S.A."One State, one language"is the rule.

Wherever there has been a departure from this rule there has been a danger to the State. The illustration of the mixed States are to be found in the old Austrian Empire and the old Turkish Empire. They were blown up because they were multi-lingual States with all that a multi-lingual State means. India cannot escape this fate if it continues to be a congery of mixed States.

The reasons why a unilingual State is stable and a multi-lingual State unstable are quite obvious. A State is built on fellow feeling. What is this

fellow-feeling? To state briefly it is a feeling of a corporate sentiment of oneness which makes those who are charged with it feel that they are kith and kin. This feeling is a double-edged feeling. It is at once a feeling of fellowship for ones own kith and kin and anti-fellowship for those who are not one's own kith and kin. It is a feeling of"consciousness of kind"which on the one hand, binds together those who have it so strongly that it over-rides all differences arising out of economic conflicts or social gradations and, on the other, severs them from those who are not of their kind. It is a longing not to belong to any other group.

The existence of this fellow-feeling is the foundation of a stable and democratic State.

This is one reason why a linguistic State is so essential. But there are other reasons why a State should be unilingual. There are two other reasons why the rule"one State, one language"is necessary.

One reason is that democracy cannot work without friction unless there is fellow-feeling among those who constitute the State. Faction fights for leadership and discrimination in administration are factors ever present in a mixed State and are incompatible with democracy.

The present State of Bombay is the best illustration of the failure of democracy in a mixed State. I am amazed at the suggestion made by the States Reorganisation Commission that the present Bombay State should be continued as it is to enable us to gain experience of how a mixed State flourishes. With Bombay as a mixed State for the last 20 years, with the intense enmity between the Maharashtrians and Gujaratis, only a thought less or an absent-minded person could put forth such a senseless proposal. The former State of Madras is another illustration of the failure of democracy in a mixed State. The formation of a mixed State of United India and the compulsory division of India into India and Pakistan are other illustrations of the impossibility of having democracy in a mixed State.

Another reason why it is necessary to adopt the rule of"one State, one language"is that it is the only solvent to racial and cultural conflicts.

Why do Tamils hate Andhras and Andhras hate Tamils? Why do Andhras in Hyderabad hate Maharashtrians and Maharashtrians hate Andhras? Why do Gujaratis hate Maharashtrians and Maharashtrians hate Gujaratis? The answer is very simple. It is not because there is any

natural antipathy between the two. The haired is due to the fact that they are put in juxtaposition and forced to take part in a common cycle of participation, such as Government. There is no other answer.

So long as this enforced juxtaposition remains, there will be no peace between the two.

There will be people who would cite the cases of Canada, Switzerland and South Africa. It is true that these cases of bilingual States exist. But it must not be forgotten that the genius of India is quite different from the genius of Canada, Switzerland and South Africa. The genius of India is to divide—the genius of Switzerland, South Africa and Canada is to unite.

The fact that they have been held together up till now is not in the natural course of things. It is due to the fact that both of them are bound by the Congress discipline. But how long is the Congress going to last? The Congress is Pandit Nehru and Pandit Nehru is Congress. But is Pandit Nehru immortal? Any one who applies his mind to these questions will realise that the Congress will not last till the sun and the moon. It must one day come to an end. It might come to an end even before the next election. When this happens the State of Bombay will find itself engaged in civil war and not in carrying on administration.

We therefore want linguistic States for two reasons. To make easy the way to democracy and to remove racial and cultural tension.

In seeking to create linguistic States India is treading the right road. It is the road which all States have followed. In the case of other linguistic States they have been so, from the very beginning. In the case of India she has to put herself in the reverse gear to reach the goal. But the road she proposes to travel is well-tried road. It is a road which is followed by other States.

Having stated the advantages of a linguistic State I must also set out the dangers of a linguistic State.

A linguistic State with its regional language as its official language may easily develop into an independent nationality. The road between an independent nationality and an independent State is very narrow. If this happens, India will cease to be Modern India we have and will become the medieval India consisting of a variety of States indulging in rivalry and warfare.

This danger is of course inherent in the creation of linguistic States. There is equal danger in not having linguistic States. The former danger a wise and firm statesman can avert. But the dangers of a mixed State are greater and beyond the control of a statesman however eminent.

How can this danger be met? The only way I can think of meeting the danger is to provide in the Constitution that the regional language shall not be the official language of the State. The official language of the State shall be Hindi and until India becomes fit for this purpose English. Will Indians accept this? If they do not, linguistic States may easily become a peril.

One language can unite people. Two languages are sure to divide people. This is an inexorable law. Culture is conserved by language. Since Indians wish to unite and develop a common culture it is the bounden duty of all Indians to own up Hindi as their language.

Any Indian who does not accept this proposal as part and parcel of a linguistic State has no right to be an Indian. He may be a hundred per cent Maharashtrian, a hundred per cent Tamil or a hundred per cent Gujarathi, but he cannot be an Indian in the real sense of the word except in a geographical sense. If my suggestion is not accepted India will then cease to be India. It will be a collection of different nationalities engaged in rivalries and wars against one another.

God seems to have laid a heavy curse on India and Indians, saying ' Ye Indians ye shall always remain divided and ye shall always be slaves ! '

I was glad that India was separated from Pakistan. I was the philosopher, so to say, of Pakistan. I advocated partition because I felt that it was only by partition that Hindus would not only be independent but free. If India and Pakistan had remained united in one State Hindus though independent would have been at the mercy of the Muslims. A merely independent India would not have been a free India from the point of view of the Hindus. It would have been a Government of one country by two nations and of these two the Muslims without question would have been the ruling race notwithstanding Hindu Mahasabha and Jana Sangh. When the partition took place I felt that God was willing to lift his curse and let India be one, great and prosperous. But I fear that the curse may fall again. For I find that those who are advocating linguistic States have at heart the ideal of making the regional language their official language.

This will be a death kneil to the idea of a United India. With regional languages as official languages the ideal to make India one United country and to make Indians, Indians first and Indians last, will vanish. I can do no more than to suggest a way out. It is for Indians to consider it.

CHAPTER IV

MUST THERE BE ONE STATE FOR ONE LANGUAGE?

What does a linguistic State mean?

It can mean one of two things. It can mean that all people speaking one language must be brought under the jurisdiction of one State. It can also mean that people speaking one language may be grouped under many States provided each State has under its jurisdiction people who are speaking one language. Which is the correct interpretation?

The Commission took the view that the creation of one single State for all people speaking one and the same language was the only rule to be observed.

Let the reader have a look at map No. 1. He will at once note the disparity between the Northern and Southern States. This disparity is tremendous. It will be impossible for the small States to bear the weight of the big States.

How dangerous this disparity is, the Commission has not realised. Such disparity no doubt exists in the United States. But the mischief it might cause has been prevented by the provisions in the Constitution of the United States.

One such safeguard in the Constitution of the United States has been referred to by Mr. Pannikar in his dissenting minute to the Report *(See* Table No. 2).

I give below the following extract from his minute

"I consider it essential for the successful working of a federation that the units should be fairly evenly balanced. Too great a disparity is likely to create not only suspicion and resentment but generate forces likely to undermine the federal structure itself and thereby be a danger to the

unity of the country. This is clearly recognised everywhere. In most federal constitutions, though wide variation exists in respect of the population and resources of the unit, care is taken to limit the influence and authority of the larger States. Thus in the United States of America, for example, though the States are of varying population and resources and the Slate of New York has many times the population, say of Nevada, the constitution provides for equal representation of every State in the Senate."

On this point Mr. Pannikar also refers to the Soviet Union and old Germany. This is what he says :

"In the Soviet Union also, in which great Russia has a larger population than most other units of the Federation taken together, representation in the House of Nationalities is weighed against her so that the other units of the Federation may not be dominated by the larger unit. In the Bismarckian Reich again, though Prussia had a dominant position from the point of view of population, she was given less representation in the *Reichsrat* or the house representing the states than she was entitled to (less than one-third) and the permanent presidency of that body was vested in Bavaria, clearly demonstrating that even here—where there was concentration of political, military and economic power in one State—it was considered necessary, in the interest of the union, to give weightage to the smaller units and also to reduce Prussia to the position of minority in the *Reichsrat,* States Council, which enjoyed greater powers than the *Reichstag* or the House of the People."

Mr. Pannikar has however not mentioned one other safeguard in the Constitution of the United States against the evils of disparity. In our Constitution the two Houses are not co-equal in authority. But the position in the Constitution of the United States is quite different. In the U.S.A. the two Houses are co-equal in authority. Even for money bills the consent of the Senate is necessary. This is not so in India. This makes a great difference to the disparity in the population.

This disparity in the population and power between the States is sure to plague the country. To provide a remedy against it is most essential.

CHAPTER V

THE NORTH VERSUS THE SOUTH

What the Commission has created is not a mere disparity between the States by leaving U.P. and Bihar as they are, by adding to them a new and a bigger Madhya Pradesh with Rajasthan it creates a new problem of North *versus* South.

The North is Hindi speaking. The South is non-Hindi speaking. Most people do not know what is the size of the Hindi-speaking population. It is as much as 48 per cent of the total population of India. Fixing one's eye on this fact one cannot fail to say that the Commission's effort will result in the consolidation of the North and the balkanisation of the South.

Can the South tolerate the dominance of the North?

It may now not be a breach of a secret if I revealed to the public what happened in the Congress Party meeting when the Draft Constitution of India was being considered, on the issue of adopting Hindi as the national language. There was no article which proved more controversial than Article 115 which deals with the question. No article produced more opposition. No article, more heat. After a prolonged discussion when the question was put, the vote was 78 against 78. The tie could not be resolved. After a long time when the question was put to the Party meeting the result was 77 against 78 for Hindi. Hindi won its place as a national language by one vote. I am stating these facts from my personal knowledge. As Chairman of the Drafting Committee I had naturally entry to the Congress Party enclosure.

These facts reveal how much the South dislikes the North. This dislike may grow into hatred if the North remains consolidated and the South becomes disintegrated and if the North continues to exercise a disproportionate influence on the politics of India *(See* Map 1).

To allow one State to have such preponderating influence in the Centre is a dangerous thing.

Mr. Pannikar has referred to this aspect of the case. In his dissenting minute he says:

"The consequence of the present imbalance, caused by the denial of the federal principal of equality of units, has been to create feelings of distrust and resentment in all the States outside Uttar Pradesh. Not only in the Southern States but also in the Punjab, Bengal and elsewhere the view was generally expressed before the Commission that the present

structure of government led to the dominance of Uttar Pradesh in all-India matters. The existence of this feeling will hardly be denied by anyone. That it will be a danger to our unity, if such feelings are allowed to exist and remedies are not sought and found now, will also not be denied."

There is a vast difference between the North and the South. The North is conservative. The South is progressive. The North is superstitious, the South is rational. The South is educationally forward, the North is educationally backward. The culture of the South is modern. The culture of the North is ancient.

Did not Prime Minister Nehru on the 15th of August 1947 sit at the Yajna performed by the Brahmins of Benares to celebrate the event of a Brahmin becoming the first Prime Minister of free and independent India and wear the Raja Danda given to him by these Brahmins and drink the water of the Ganges brought by them?

How many women have been forced to go Sati in recent days and immolate themselves on the funeral pyre of their dead husbands. Did not the President recently go to Benares and worship the Brahmins, washed their toes and drank the water?

The North still has its Satis, its Nanga Sadhus. What havoc the Nanga Sadhus made at the last Hardwar Fair! Did anyone in U.P. protest against it?

How can the rule of the North be tolerated by the South? Already there signs of the South wanting to break away from the North.

Mr. Rajagopalachari has made a statement on the recommendations of the States Reorganisation Commission which has appeared in the *Times of India* of the 27th November. 1955. This is what he says :

"If it is impossible to put the States Reorganisation Schemes in cold storage for the next 15 years, the only alternative is for the Centre to govern India as a unitary state and deal with district officers and district boards directly, with regional commissioners' supervision.

"It would be utterly wrong to fritter away national energy in dispute over boundaries and divisions conceived in the drawing room and not on the background of conditions that have resulted historically.

"Apart from the general convictions of mine, I feel that a large southern State is absolutely essential for preserving the political significance of that part of the country. To cut the South up into Tamil, Malayalam and other small States will result only in complete insignificance of everybody and, in the net result, India as a whole will be the poorer."

Mr. Rajagopalachari has not expressed himself fully. He did do so fully and openly to me when he was the Head of the State and I was the Law Minister in charge of drafting the constitution. I went to Mr. Rajagopalachari for my usual interview which was the practice of the day. At one such interview Mr. Rajagopalachari, referring to the sort of constitution which the Constituent Assembly was making, said to me,"You are committing a great mistake. One federation for the whole of India with equal representation for all areas will not work. In such a federation the Prime Minister and President of India will always be from the Hindi speaking area. You should have two Federations, one Federation of the North and one Federation of the South and a Confederation of the North and the South with three subjects for the Confederation to legislate upon and equal representation for both the federations."

These are the real thoughts of Mr. Rajagopalachari. They came to me as a revelation coming as they did from the innermost heart of a Congressman. I now regard Mr. Rajagopalachari as a prophet predicting the break-up of India into the North and the South. We must do everything to falsify Mr. Rajagopalachari's prophecy.

It must not be forgotten that there was a civil war in the U.S.A. between the North and the South. There may also be a civil war between the North and the South in India. Time will supply many grounds for such a conflict. It must not be forgotten that there is a vast cultural difference between the North and the South and cultural differences are very combustible.

In creating this consolidation of the North and balkanisation of the South the Commission did not realise that they were dealing with a political and not a merely linguistic problem.

It would be most unstatesman like not to take steps right now to prevent such a thing happening. What is the remedy?

Part III

THOUGHTS ON LINGUISTIC STATES

PART III

SOLUTION

CHAPTER VI

THE DIVISION OF THE NORTH

The problem having been realised we must now search for a solution.

The solution lies obviously in adopting some standard for determining the size of a State. It is not easy to fix such a standard. If two crores of population be adopted as a standard measure most of the Southern States will become mixed States. The enlargement of the Southern States to meet the menace of the Northern States is therefore impossible. The only remedy is to break up the Northern States of U.P., Bihar and Madhya Pradesh.

How did this solution not strike the Congress Working Committee I am unable to understand. It is so obvious.

Division of the Northern States

As I have said the Commission in designing linguistic States has created a consolidation of the North and balkanisation of the South. The Commission has not I am sure done this intentionally. But intentionally or unintentionally the fact is there. Its evil consequences are also clear.

It is therefore necessary that this situation must be rectified. The only way to do this is to divide the three States of (1) Uttar Pradesh, (2) Bihar and (3) Madhya Pradesh into smaller units. In this behalf I make bold to offer certain tentative proposals.

This division does not conflict with the underlying principles of a linguistic State. For, if these States are divided in the way suggested, each resulting State will be a linguistic State.

I am happy to find Mr. Pant saying in the recent debate in Parliament on the subject that he has no objection to the cutting up of the U.P. What he said for U.P. may well be taken as applicable to Bihar and Madhya Pradesh.

Division of Ultar Pradesh.—My proposal with regard to the Uttar Pradesh is to divide it into three States *(See* Map 2). Each of these three States should have a population of approximately two crores which should be regarded as the standard size of population for a State to administer effectively. Where the boundary lines of these three States should be drawn I have shown in the accompanying Map No. 2.

The three States of the Uttar Pradesh could have as their capitals

(2) (2) Meerut (2) Cawnpore and (3) Allahabad. They are situated quite in the centre of each of these three States.

Division of Bihar—My proposal with regard to Bihar is to divide it into two States *(See* Map 3). Each of these two States will have a population of a little over one and half crores. It is not a small population for one Government to administer.

Where the boundary lines should be drawn I have shown in the accompanying Map No. 3.

The two States of Bihar could have as their capitals (1) Patna and (2) Ranchi. They are situated quite in the centre of the two States.

Division of Madhya Pradesh.—Madhya Pradesh stands before us in two forms. The old Madhya Pradesh and the new Madhya Pradesh.

The old Madhya Pradesh consisted of :

(2) (2) the Province at one time known as C. P. and Berar, and
(2) some Indian States out of the States known as the Eastern States.

This old State of Madhya Pradesh had a population of 2 1/2 crores. It consisted of 22 districts. Its legislature had 223 members.

The new Madhya Pradesh as planned by the Commission will consist of:

(2) (2) the 14 districts of the old Madhya Pradesh,
(2) the whole of Bhopal,

(3) the whole of Vindhya Pradesh,

(4) Madhya Bharat except : Sunel enclave of Mandasaur district, and

(5) the Sironj sub-division of Kola district of Rajasthan.

The total population of this new Madhya Pradesh will be 26.1 million and its area will be about 171.200 square miles.

I suggest that it should be divided into two Stales : (1) Northern Madhya Pradesh, (2) Southern Madhya Pradesh *(See* Map 4).

The State of New Madhya Pradesh should consist of the following areas :

(2) (2) The whole of Vindhya Pradesh.
(2) The whole State of Bhopal.

The State of Southern Madhya Pradesh should consist of—

(2) (2) the whole State of Indore, and
(2) the 14 districts of Mahakosal.

The population of this Indore State will be about 2 crores and the population of this Vindhya Pradesh will be about 1.30 crores. *(See* Map No. 4).

Why the Commission created this monster State it is no way to know. Even Prime Minister Nehru was surprised at its creation.

All that one can think of is that the Commission has been under the impression that one language, one State is a categorical imperative from which there is no escape. As I have shown one language, one State can never be categorical imperative. In fact one State, one language should be the rule. And therefore people forming one language can divide themselves into many States.

CHAPTER VII

THE PROBLEMS OF MAHARASHTRA

I
THE PROPOSALS TO DEAL WITH MAHARASHTRA

Maharashtra is another area which is a subject of controversy. There are

four proposals in the field :

(1) To retain the Bombay State as it is i.e. to retain it as a mixed State consisting of Maharashtra, Gujarat and Bombay.

(2) To disrupt the existing State and to separate Maharashtra and Gujarat and make them into two separate States.

(3) To make united Maharashtra with Bombay as one State.

(4) To separate Bombay from Maharashtra and make it a separate City State.

I would like to state what my proposals are. They are as follows : Bombay as a mixed State should be done away with. I would divide Maharashtra into four States *(See* Map 5) : (1) Maharashtra City State (Bombay), (2) Western Maharashtra, (3) Central Maharashtra and (4) Eastern Maharashtra.

Maharashtra City State— The City of Bombay *plus* such area of Maharashtra as would enable it to be a good and strong City State.

Western Maharashtra— (1) Thana, (2) Kolaba, (3) Ratnagiri, (4) Poona, (5) North Satara, (6) South Satara, (7) Kolhapur and (8) the Marathi-speaking territories given over to Karnataka.

Central Maharashtra—(1) Dang, (2) East Khandesh, (3) West Khandesh, (4) Nasik, (5) Ahmednagar, (6) Aurangabad, (7) Nanded, (8) Parbhani, *(9)* Beed, (10) Usmanabad, (II) Sholapur City and the Marathi-speaking area of Sholapur District and (12) the Marathi-speaking territories given over to Telangana.

Eastern Maharashtra.—(1) Buldhana, (2) Yeotmal, (3) Akola, (4) Arnraoti, (5) Wardha, (6) Chanda, (7) Nagpur, (8) Bhandara and (9) the Marathi-speaking territories given to Hindi States.

I will next proceed to examine the merits of these proposals.

II

MAHARASHTRIANS UNDER THE MIXED STATE

Should Bombay remain a mixed State? It is a most unusual procedure. The City of Calcutta is not a separate City State. Madras is not a separate City State. Why Bombay alone be made the exception?

Secondly, it is already a mixed State. What is the experience of the Maharashtrians under this mixed State? The Maharashtrians have suffered terribly under this mixed State. What is the position of the Maharashtrians in the Bombay Cabinet?

Let us consider the distribution of Ministership :

Gujarathi Ministers 4

Marathi Ministers 4

Kannada Ministers 1

Total ... 9

Gujarathi members in the Assembly are only 106, Marathi members are 149 and yet the number of Gujarathi Ministers is equal to that of Maharashtrian Ministers.

Let us come to Deputy Ministers :

Marathi speaking 5

Gujarathi speaking 2

Kannada speaking 2

Total ... 9

Only among Deputy Ministers do the Maharashtrians have a majority of one.

But how the power and subjects are distributed among the Ministers and Deputy Ministers is the most important matter. It shows what power and authority the Maharashtrian Ministers possess in this mixed Cabinet of the Bombay State.

Allocation of Subjects among Ministers

	Gujarathi Ministers			Maharashtrian Ministers		
1	Morarji Desai	105	subs	Hirey	49	subs
2	Dinkerrao Desai	26	subs	Nimbalkar	20	subs

3	Jivaraj Mehta	43	subs	Tapase	15	subs
4	Shantilal Shah	28	subs	Chavan	4	subs

The allocation of subjects among Deputy Ministers is also done on the same pattern.

Allocation of Subjects among Deputy Ministers

Allocation of Subjects among Ministers

	Gujarathi Deputy Ministers				Maharashtrian Deputy Ministers	
1	Indumati Sheth	12	subs	Wandrekar	12	subs
2	Babubhai J Patel	3	subs	Deshmukh	4	subs
				Naravane	5	subs
				Sathe	5	subs
				Faki	3	subs

Let us now consider how much money is spent on development in Maharashtra and in Gujarath. The following figures will give an idea of the Per Capita Expenditure for the three years on Maharashtra and Gujarath :

Per Capita Expenditure on Development in Rupees				
		Years		
	Population	1950-51	1951-52	1952-53
Maharashtra	21720091	1.7	2.3	1.8
Gujarath	11896789	2.9	3.1	3.2

What a differential treatment? What a discrimination? What an injustice? Can anybody blame the Maharashtrians if they felt disputed with the mixed State of Bombay?

Such a position of subordination no Maharashtrian can tolerate. The idea of a mixed State must be blown off once for all.

III

THE POSITION OF THE CITY OF BOMBAY

The Bombay City is an area which is a subject matter of controversy. The controversy has become very acute.

Maharashtrians want the City to be part of Maharashtra. Gujarathis want the City to be a separate State. Heads have been broken over the controversy. But there has been no agreement. It is therefore necessary to go to the root of the matter.

The Gujarathis do not claim Bombay City as their own. But will not let go their hold on it. They claim a sort of easement over it by reason of the fact that they control the trade and industry of the City. The issue is: should it become part of Maharashtra or should it be constituted into a separate State? The Gujarathis and Maharashtrians are sharply divided on the issue. The Maharashtrians want that Bombay should become exclusively a part of the new Maharashtra State. The Gujarathis are stoutly opposed to it. They have presented two alternatives. One alternative is not to break up the existing bi-lingual State of Bombay into two linguistic units of Gujarath and Maharashtra. The Congress Working Committee's decision is to make the city of Bombay into a separate State.

The Gujarathis are happy. The Maharashtrians are naturally angry. The resentment of the Maharashtrians is well justified. The arguments urged against the claim of the Maharashtrians have no force at all.

The first argument that is urged is that the Marathi-speaking population of Bombay City does not form a majority of the total population of the City. The total population of Bombay City is very large *(See* Statistical Appendix). Marathi-speaking population is 48 per cent.

Those who use this kind of argument do not seem to realise the weakness of it.

The total Marathi population of Bombay City is no doubt less than 50 per cent. but it has to be valued against two factors. One is that geographically no one can deny that Bombay is part of Maharashtra even if the Maharashtrians are in a minority in the City. Even Mr. Morarji Desai admitted in the course of his speech in the meeting of the Gujarath Pradesh Congress Committee that Bombay is part of Maharashtra.

The second point to be taken into consideration in valuing the population factor is the continued influx of population from the rest of India who come to Bombay either for making profits or for earning their bread. None of them regard Bombay as their home; they should not therefore be counted as permanent residents of Bombay City. Many come for a few months and go back.

Bombay is a home only to the Maharashtrians and none else. It is not therefore logical or fair to count the non-Maharashtrians for the purpose of coming to the conclusion as to who form the majority of population in the Bombay City.

Again it is not realised that the increase in the non-Marathi-speaking people in the Bombay City is due to the absence of a local law restricting citizenship. If Bombay State had such a law all this influx into Bombay from all parts of India could have been shut out and the Maharashtrian majority retained.

It is also not realised that the influx of the non-Maharashtrians in Bombay is due to the fact that Bombay is a port, and it is a port on the Western Coast. The route from Europe to Bombay is much shorter than the route from Europe to Calcutta or Europe to Madras. That is why large number of poor people from other parts of India leave their homes and come to Bombay as temporary residents. It is easier to find a job in Bombay than elsewhere.

Really speaking the matter has to be looked at from a different point of view. People have been coming to Bombay for the last two hundred years or so. Yet this influx has not reduced the Maharashtrian population in the city below 48 per cent. After two hundred years, the bedrock of its population remains Maharashtrian in its composition. This is due to the migratory character of City *(See* Appendix 3). The Gujarathis are migratory population.

There are also other arguments which could be urged in favour of

allowing Bombay to remain as part of Maharashtra.

Bombay is not the only composite city in India. Calcutta and Madras are also composite cities. If Calcutta can be part of Western Bengal and Madras can be part of Madras State what objection can there be to Bombay being made part of Maharashtra? This is the question that every Maharashtrian will ask. I see no answer to this question. The only answer that comes to one's mind is that the Congress High Command thinks that Maharashtrians are unfit to rule others. This is a slur on the Maharashtrian character and they will not tolerate it.

It is said that Bombay has been built up by the capital belonging to non-Maharashtrians. That may be so. But has Madras been built by the capital of Madrasees? Has Calcutta been built by the capital of Bengalees? Without the capital of Europeans Madras and Calcutta would have been villages. Then why urge this point against the Maharashtrians when they claim Bombay to themselves? Maharashtrians have at least contributed labour without which Bombay could not have been what it is. It must always be remembered that the life lines of Bombay lie in Maharashtra. The sources of its electricity lie in Maharashtra. Sources of its water supply lie in Maharashtra. The sources of its labour lie in Maharashtra. Maharashtra can at any time make the city of Bombay ' *Mohenjodaro* ' a City of the Dead.

The Gujarathi population is filled with fear that Maharashtrians will practise discrimination against them. But under our Constitution discrimination is not possible for the reason that the Constitution contains a list of fundamental rights and remedies by way of writs from the High Court and the Supreme Court which can immediately provide redress for a wrong. For every wrong of a discriminative character there is a remedy provided by the Constitution. Why should the Gujarathis have any fear?

Let us now consider what benefit the Gujarathis are going to get from Bombay being made a separate City State. Their population in the Bombay State is only ten per cent. How many seats can they get in the Bombay City State Legislature? Not even ten per cent. How can ten per cent protect their clients against 90 per cent?

It must be remembered that the feelings between the Maharashtrians and the Gujarathis would hereafter be running high as never before. A Maharashtrian will not vote for a Gujarathi candidate and a Gujarathi

voter will not vote for a Maharashtrian candidate. Hitherto the Gujarathis have been able to plough the sands of Maharashtra with their money. But money may not succeed once self-respect is aroused. The Gujarathis must consider whether goodwill is not a better protection than a paltry share in the Government of the City.

While the case of Maharashtra is as strong as steel there are some points on the other side which they must not fail to consider in their anger.

They want Bombay to be within Maharashtra. But the question which they must consider is: What do they want? Do they want prosperous Bombay or do they want decadent Bombay? Can Bombay be prosperous under Maharashtra? This in other words means : can Maharashtra provide the capital necessary for the growing trade and industry of the City? No Maharashtrian can answer this question in the affirmative. The Maharashtrians may be able to supply the need for capital after a course of years. But certainly not now.

The second point is : what would be the effect on the standard of living of Maharashtrians living in Bombay if the City's prosperity declines either by flight of capital or removal of business houses. The Maharashtrians must not forget, however it may hurt their pride, that they are a nation of clerks and coolies. What employment can they get in a declining city?

The Maharashtrian should consider the question of Bombay from this point of view. There is a saying which says :

There is also another reason why Bombay City should be made a separate state. The minorities and the Scheduled Castes who are living in the village are constantly subjected to tyranny, oppression, and even murders by the members of the majority communities. The minorities need an asylum, a place of refuge where they can be free from the tyranny of the majority. If there was a United Maharashtra with Bombay included in it where they can go to for safety? The same tyranny was practised over the Brahmins, Marwaris and Gujarathis living in the villages when Godse killed Mr. Gandhi. All the Brahmins, Marwaris and Gujarathis who were once living in villages ran away and are now living in towns and forgetting their experiences are shouting for United Maharashtra, after having reached a safe harbour.

It seems to me that Maharashtrians will do well to accept the decision of the Congress High Command for the time being.

The Maharashtrians need have no fear of losing Bombay. Nobody can dispossess Maharashtrians of Bombay. Much less can there be any ouster of them by anybody.

The real objection to the creation of Bombay as a separate State arises from the fact that the name Bombay does not carry within it the sense that it is part of Maharashtra. It is to remove this objection that I propose that the new State of Bombay should be renamed by another name which will carry on its face the word Maharashtra.

Supposing in terms of this suggestion instead of saying that Bombay be made a separate State it is said that Maharashtra be divided into four States, (1) Maharashtra City State (which is Bombay City), (2) Western Maharashtra, (3) Central Maharashtra, (4) Eastern Maharashtra; what objection can there be to the creation of a separate State of Bombay?

This also involves the separation of Bombay. With this change in the name of the City I like to know which Maharashtrian can raise objection to the creation of Bombay as a separate City State on the ground that this scheme separates Bombay from Maharashtra? To say that Bombay be made a separate State is merely stating that Maharashtra be divided into four States. If there is no objection to Maharashtra being divided into *two* or *three* States what objection can there be to Maharashtra being divided into four? I can see none. For the sake of similarity in language I propose that Calcutta be called Bengal City State and Madras be called Tamil City State.

This is one proposal which I make to ease the tension between Maharashtrians and Gujarathis.

The Maharashtra City State will be a surplus State. Those who are wanting United Maharashtra with Bombay are hoping to get the benefit of this surplus for Maharashtra.

The surplus revenue of the City State arises because of (1) The Property Tax and (2) The Electricity Tax. Can the revenue from these two sources be appropriated by Maharashtra if Bombay becomes a separate City State?

Nothing can be done to take away the yield of the Property Tax from the Bombay City State Property Tax. It is a local tax, on local situated property. The State within which the property is situated is entitled to the yield of the Tax.

With regard to the Electricity Tax the situation is different.

When Gujarath and Maharashtra are separated—and they must be—Gujarath will claim the revenue derived from electricity produced and consumed within Gujarath. Maharashtra will claim the revenue derived from electricity produced and consumed within Maharashtra. Bombay City as a State will do the same. Can Bombay be allowed to do so and appropriate the revenue to itself? Is it just? Bombay City does not produce electricity. It is produced outside Bombay City in Maharashtra. Therefore the new Bombay City State has no right to appropriate to itself the whole revenue derived from electricity. The proper thing to do is to apply the principle of the segregation of the sources and division of the yield well known to all students of State Finance.

To put it in concrete shape let the Centre take over the taxation of Electricity and divide the yield among the four States of Maharashtra—(1) Bombay, (2) Western Maharashtra, (3) Central Maharashtra, (4) Eastern Maharashtra according to their needs. It will also ease the financial strain that the three Maharashtras are likely to suffer on account of the separation of Bombay.

IV
UNITED OR DIVIDED?

I have said that Bombay be given a new area and made into a separate City State.

There now remains the question of how to deal with the rest of the Maharashtra. I have suggested that the rest of the Maharashtra should be divided into three States.

From very ancient times Maharashtra has been divided into three States.

Maharashtra first comes to be known in history during the time of Ashok. It is mentioned in *Mahavansa* in connection with reference to the missionaries sent by Ashok to different parts of India for the purpose of propagating Buddhism. But thereafter the Pali literature speaks of *Trai Maharashtrika* or three Maharashtras. It means that from very ancient times there have been three Maharashtras. My proposal is not therefore new.

The distribution of population, area and revenue would be as shown in Table (on page 160).

The accompanying map No. 5 will show the area and boundaries of

each of the three divisions.

For the present, from the point of view of area and population there is nothing to complain against the three divisions.
From the earliest times they have always been spoken of as *Trai Maharashtras.*

The division does no wrong to the language principle. In fact if all the three Maharashtras have the same language it can help to develop the Marathi language if it is worth their while to do so.

The question of viability I will consider later on. I propose to deal with it separately in a special chapter.

Bombay was then unknown. Otherwise it would have been the fourth part of Maharashtra.

Of the remaining three parts what I call Eastern Maharashtra is already a separate State. All that required is that it should be allowed to remain separate. It has got a well-established administration system, a well-established revenue system and a well-established judicial system. It has been separated from the trammels of the Hindi-speaking people.

The only problem that remains is how to divide the area covered by the Maharashtra which is part of the present Bombay State and the Marathwada of the Hyderabad State.

Instead of forming a merger of the two into one and joining it to the third which I call Eastern Maharashtra, why not divide the Maharashtra part of Bombay and Marathwada into two equal States? This is my scheme. I transfer six districts of Maharashtra part of the Bombay State and make them part of Marathwada. *(See* Map No. 5). The distribution of the area and population of the three Maharashtras are shown below :

The Population Area and Revenue of the Three Maharashtra States will be approximately as follows:

Name of State	Total Population of the territory	Area in square miles	Total Revenue	Total expenditure

Western Maharashtra	12677316	30028	262420441	not known
Central Maharashtra	12409044	55482	216380095	not known
Eastern Maharashtra	8027130	39004	94111012	not known
Total	33113490	124514	572911548	not known

I will now proceed to state my reasons in support of my plan.

I have said that Maharashtra has always been divided into three. This is a historical argument. It at least shows that the tradition, the way of life and the social and economic condition of what is called United Maharashtra is not one. Those who are in a hurry to have United Maharashtra may not take it seriously. But there are other arguments which arise out of the present condition and which cannot be ignored. I mention a few.

My first argument is that a single Government cannot administer such a huge State as United Maharashtra.

The total population of the Marathi-speaking area is 3,30,83,490. The total area occupied by the Marathi-speaking people is 1,74,514 sq. miles. It is a vast area and it is impossible to have efficient administration by a single State. Maharashtrians who talk about Samyukta Maharashtra have no conception of the vastness as to the area and population of their Maharashtra. But why there should be one single Maharashtrian State. I am quite unable to understand. To have a separate Maharashtra State is one thing. To have a single Maharashtra State is quite a different thing. I am in favour of a separate Maharashtra, separate from Gujarathis and separate from Hindi-speaking people. But I am unable to understand why a free Maharashtra should be made into one single State. The Maharashtrians are not planning to declare war on U.P. and therefore they need not have a common front.

Even from the point of view of Marathas why should there be this consolidation? What affiliation has a Maratha of Satara got with the Maratha of Aurangabad? What affiliation has a Maratha of Nasik got with the Maratha of Ratnagiri? What care and interest a Maratha of Satara is going to bestow upon the problems of the Maratha of Aurangabad? What

care and interest a Maratha of Nasik is going to bestow upon the problems of the Maratha of Ratnagiri? The consolidation has no meaning and can serve no purpose.

All Maratha Ministers in the present Bombay Cabinet come from Satara District or Nasik District. There is none from Konkan.

The second consideration is the economic inequality between the three parts of Maharashtra. Marathwada has been solely neglected by the Nizam. What guarantee is there that the other two Maharashtras will look after the interests of what I call the Central Maharashtra?

The third consideration is industrial inequality between the three parts of Maharashtra. Western Maharashtra and Eastern Maharashtra are industrially well developed. What about the Central Maharashtra? What guarantee is there of its industrial development? Will Western Maharashtra and Eastern Maharashtra take interest in the industrial development of Central Maharashtra?

The fourth consideration is the inequality of education between Eastern and Western Maharashtra on the one hand and Central Maharashtra on the other. The inequality between them is marked. If the Central Maharashtra goes under the Poona University its destiny is doomed.

I am greatly worried about Marathwada. It was hitherto part of the Nizam's Territory for the last 200 years. The Nizam had criminally neglected this area. He took no interest in it. There is not a mile of canle irrigation in Marathwada. There is hardly a high school in taluka places in Marathwada. There is hardly a youth in Nizam's public service from Marathwada. I speak from knowledge and experience. People are not only down and out they are ignorant. They are being grabbed by highly advanced people on both sides. When their avenues of employment are closed there will be further degradation in their position.

I shudder to think what would happen when Marathwada goes under the Poona University. The standard of education in the schools and colleges under the Poona University is so high that hardly any boy from Marathwada can hope to pass the examination. It is quite possible that. with the madness for united Maharashtra there will develop a madness for a single and common University.

The creation of United Maharashtra will be followed by the onrush of Poona and Nagpur Brahmins in Marathwada to pick up the jobs.

There is a further reason why Maharashtra should be divided into three.

The total strength of the Bombay Legislative Assembly is 315, Out of them 149 members are Marathi-speaking. The total strength of the Bombay Legislative Council *is* 72; out of them 34 are Marathi-speaking. Obviously some Marathi-speaking person should have been the Chief Minister of the Bombay State. Mr. Hirey stood up as a candidate for the Chief Ministership, But he was made to sit down by the Congress High Command. Not only was Mr. Hirey made to sit down but he was forced to move that Mr. Morarji Desai be made the Chief Minister. What a humiliation for a Maharashtrian leader ! And what value does the Congress High command attach to the political intelligence of Maharashtrians?

The same incapacity of the Maratha Ministers is clear from the division of subjects referred earlier.

It is obvious from the facts given above that the Marathas are lacking in political talent. There *is* no man of eminence among them such as Tilak, or Gokhale or Ranade. The Maharashtrian today counts for nothing. The Congress Maharashtrian coin is for much less in the Congress. The non-Congress Maharashtrian also counts for nothing. It is therefore absolutely essential to train up Maharashtrians in political life. This political training has become fundamental because of the transfer of power to the masses. The word Marathas is used in two senses. In one sense it means all those who speak the Marathi language. In another sense it means all those who are Marathas by caste. They are all spoken of as Marathas. But they all fail to make the distinction between Marathas i.e. those who speak the Marathi language and Marathas i.e. those who are Marathas by caste.

Those who are going to rule Maharashtra are not Marathas by speech but Marathas by caste, notwithstanding the hopes of the Brahmins. Now it cannot be denied that Marathas are politically the most backward community. It is fundamental that they should receive political training. If there is only one Maharashtra only *one* Maratha can be trained as Chief Minister and five or six as Ministers. On the other hand if there are three Maharashtra. States, three Marathas can find training as Chief Ministers and thirty Marathas can get training as Ministers. We can do real service to ourselves by helping to educate our Masters.

The only way of educating the Marathas is to give them more field for developing their abilities and exercising their abilities. Only the creation of

three Maharashtras can do this.

There is a story which is very appropriate to the occasion. The father of a young girl had taken her for an outing in a jungle. She found that under big trees there stood small shrubs. Finding this to be uniformly so, she asked her father why these small shrubs under the big trees do not grow. The father not being a botanist could not give an answer. So he said : Oh ! I do not know. He, however, felt that the question was very significant. He was a Professor in a college. Next day he went to the college and put the question to his Botanist colleague. The Botanist replied: Why! The answer is simple. The big trees use up all the sun's rays to themselves. The shrubs do not get any rays. That is why they do not grow. The Marathwada people must not forget the moral of this story.

The only argument in favour of United Maharashtra is that it is like a meeting of the two brothers Rama and Bharat in Ramayana after a long separation. It is a silly argument, not worth consideration.

There are some Maharashtrians who are satisfied with some kind of Political Treaty with Western Maharashtra guaranteeing some concessions. Treaties are like scraps of paper. They cannot be enforced. Instead of political treaties which nobody can enforce is it not better to have power in one's own hands?

What a poor and wretched show by Maharashtrians in the Government of Bombay ! If this is the show that the most advanced and educated part of Maharashtrians can make, what can be expected from the people of Marathwada?

I advise the people of Marathwada or Central Maharashtra to have a State of their own so that they have power in their own hands to improve their own lot.

RECLAMATION OF LOST TERRITORY

Should all the Marathi-speaking people be huddled up under one State? Or should they be divided into two or more States.

How to dispose of the remainder when Bombay is separated is the next question. The remainder consists of two parts: (1) Gujarath, (2) Maharashtra.

I am concerned with Maharashtra.

While creating Linguistic Provinces the Commission has given over Marathi-speaking areas to non-Marathi-speaking areas. The number of such excluded areas are as follows :

1. Belgaum Taluka with the City of Belgaum.

2. Khanapur Taluka.

3. Chikori Taluka including Nipani.

4. Supa Taluka.

5. Karwar Taluka.

6. Nilanga Taluka in Bidar.

7. Ahamadpur Taluka in Bidar.

8. Udgir Taluka in Bidar.

9. Rajgir Taluka in Adilabad.

10. Some portion from Vidarbha given to the neighbouring Hindi-speaking State.

The Maharashtrians excluded from Maharashtra come to 13,89,648 in terms of population.

The Commission in retaining the mixed State of Bombay had to secure two most important objects. One is not to allow Bombay to go into the hands of Maharashtrians. This the Commission did by creating a mixed State. The second thing they had to do was to secure equality between Maharashtrians and the Gujarathis. The necessity of equality between the two In the future Legislature of the Bombay State as planned by the Commission had become urgent as the members of Karnatak in the old Assembly on whom the Gujarathis depended for their majority *were* to disappear in the new Karnatak State. This the Commission did by clipping the wings of Maharashtra by handing over Marathi-speaking people to non-Marathi-speaking States. There seems to be no other reason for this political vandalism.

This wrong done by the Commission to Maharashtra must now be remedied and fortunately it can be undone. The proposal of a mixed State

is gone and there is no necessity for equality between Maharashtrians and Gujarathis.

CHAPTER VIII

SUMMARY OF PRICIPLES COVERING THE ISSUE

For the sake of the reader I summarise below the principles which should underly the creation of Linguistic States which are already enunciated In

the foregoing pages but which lie about scattered. These principles may be staled as below :

(1) The idea of having a mixed State must be completely abandoned.

(2) Every State must be an unilingual State. One State, one language.

(3) The formula one State, one language must not be confused with the formula of one language, one State.

(4) The formula one language, one State means that all people speaking one language should be brought under one Government irrespective of area, population and dissimilarity of conditions among the people speaking the language. This is the idea that underlies the agitation for a united Maharashtra with Bombay. This is an absurd formula and has no precedent for it. It must be abandoned. A people speaking one language may be cut up into many States as is done in other parts of the world.

(5) Into how many States a people speaking one language should be cut up, should depend upon (1) the requirements of efficient administration, (2) the needs of the different areas, (3) the sentiments of the different areas, and (4) the proportion between the majority and minority.

(6) As the area of the State increases the proportion of the minority to the majority decreases and the position of the minority becomes precarious and the opportunities for the majority to practise tyranny over the minority become greater. The States must therefore be small.

(7) The minorities must be given protection to prevent

the tyranny of the majority. To do this the Constitution must be amended and provisions must be made for a system on plural member constituencies (two or three) with cumulative voting.

Part IV

THOUGHTS ON LINGUISTIC STATES

PART IV

THE PROBLEMS OF LINGUISTIC STATES

CHAPERT IX

VIABILITY

Will the three Maharashtrian States be viable? Will their Revenue be sufficient to meet their expenditure? Such a question is bound to be asked.

It is not that such a question can be asked about Maharashtra alone. It can be asked about many other States in India.

I give four statements relating to Part A States, Part B Stales and the Central Government from Part III of the Report of the Taxation Inquiry Committee presided over by Dr. John Mathai *(See* Tables 4, 5, 6 and 7).

From these statements the following propositions stand out:

(1) That up to a certain year in the life of the States there was no deficit. They were all viable. It is only after Congress came into office that States ceased to be viable.

(2) That since the Congress came into office the Excise Revenue has begun to dwindle. It has gone down to a vanishing point.

(3) That Income Tax and Sales Tax have increased enormously.

These are the causes which explain why States have ceased to be viable.

The Excise Revenue is being sacrificed for a false ideology which has no meaning, no sense and no reality.

To regard to the Policy of Prohibition followed by the Congress, the following conclusions can be drawn without fear of challenge :

(1) An enormous amount of revenue is sacrificed for nothing.

(2) People have not ceased to drink. There is enormous amount of illicit manufacture of liquor which is being sold to the public clandestinely.

(3) The money lost by Government is picked up by the illicit manufacturer.

(4) Prohibition has demoralised Society. Formerly only male members of the family drank because they alone could go to the liquor shop. Now illicit liquor manufacture has become a Home Industry. Liquor being now made at home both men and women drink.

(5) In addition to the loss of revenue on account of Prohibition Government has to undertake increased expenditure on Police to enforce Prohibition which, however, they never do.

What good is this Prohibition which does not prohibit? The Congress threatens to extend this Prohibition to the whole of India. God bless the Congress! It *is* said that God first makes them mad whom He wishes to destroy. God is doing the same with Congressmen.

It is enough for me to say that Congress cannot have both viability and Prohibition.

Coming to the Land Revenue it could certainly be increased. But the Congress is afraid to touch the agriculturist for fear of losing votes. It is therefore raising money from the Sales Tax and the Income Tax both of which fall so heavily on the urban classes as is apparent from Table No. 6.

It is therefore clear that viability is no problem. Only the Congress has to revise its Taxation Policy.

Viability is a question of capacity to bear taxation and will to tax. There is enough capacity. What is wanted is will.

The whole of the Indian Taxation system requires to be changed. It is a question of altering the Constitution. I cannot deal with it now. I must reserve it for another occasion.

CHAPTER X

MAJORITIES AND MINORITIES

Politics is nothing if not realistic. There is very little in it that is academic. It is therefore follows that before passing any judgement on any scheme of politics it is essential that one must consider the ground plan.

Someone may ask what do I mean by"Ground Plan". To me the ground plan means the social structure of a community to which the political plan is sought to be applied.

It needs no argument to show that the political structure rests on the social structure. Indeed the social structure has a profound effect on the political structure. It may modify it in its working. It may nullify it or it may even make a mockery of it.

In the case of India the social structure is built up on the caste system, the special product of Hindu civilisation and culture.

The caste system is so well known that one need not wait to explain its nature. One can straight proceed to show what effect it is likely to have on Linguistic States.

There are some peculiar features of the caste system which must however be noted—

(1) Castes are so distributed that in any given area there is one caste which is major and there are others which are small and are subservient to the major caste owing to their comparative smallness and their economic dependence upon the major caste which owns most of the land in the village.

(2) The caste system is marked not merely by inequality but is affected by the system of graded inequality. All castes are not on a par. They are one above the other. There is a kind of ascending scale of hatred and a descending scale of contempt.

(3) A caste has all the exclusiveness and pride which a nation has. It is therefore not improper to speak of collection of castes as a collection of major and minor nations.

I am sorry, I cannot illustrate these points by reference to facts and figures. The census which is the only source of information on these points fails to help me. The last census omits altogether the caste tables which had been the feature of the Indian census ever since its birth. The Home Minister of the Government of India who is responsible for this omission was of the opinion that if a word does not exist in a dictionary it can be proved that the fact for which the word stands does not exist. One can only pity the petty intelligence of the author.

The consequences of the caste system on politics are quite obvious. The interesting part is to see what effect it has upon elections which is the foundation of Representative Government which is reared up on a system of single member constituencies.

The effects may be summarised as follows :

(1) Voting is always communal. The voter votes for the candidate of his community and not for the best candidate.

(2) The majority community carries the seat by sheer communal majority.

(3) The minority community is forced to vote for the candidate of the majority community.

(4) The votes of the minority community are not enough to enable the candidate to win the seat against the candidate put up by the majority community.

(5) As consequence of social system of graded inequality the voter of the higher (major) communities can never condescend to give his vote to a candidate of a minority community. On the other hand the voter of the minority community who is socially on a lower level takes pride in giving his vote to the candidate of the majority community. That is another reason why a candidate of a minority community loses in election.

The Congress always wins, so it is found. But no one asks why does the Congress win? The answer is that Congress is very popular. But why is the Congress popular? The true answer is that Congress always puts up candidates which belong to castes which are in the majority in the constituencies. Caste and Congress are closely linked. It is by exploiting the caste system that the Congress wins.

These evil consequences of the caste system are sure to be sharpened by creation of Linguistic States. Minority communities may be crushed. If not crushed they may be tyrannised and oppressed. They are sure to be discriminated against and denied equality before law and equal opportunity in public life.

The history of nations and the changes in their ideologies have been well traced by Lord Action :

"In the old European system, the rights of nationalities were neither recognised by governments nor asserted by the people. The interest of the reigning families, not those of the nations, regulated the frontiers, and the administration was conducted generally without any reference to popular desires. Where all liberties were suppressed, the claims of national independence were necessarily ignored, and a princess, in the words of Fenelon, carried a monarchy in her wedding portion."

Nationalities were at first listless. When they became conscious:

"They first rose against their conquerors in defence of their legitimate rulers. They refused to be governed by usurpers. Next came a time when they revolted because of the wrongs inflicted upon them by their rulers. The insurrections were provoked by particular grievances justified by definite complaints. Then came the French Revolution which effected a complete change. It taught the people to regard their wishes and wants as the supreme criterion of their right to do what they like to do with themselves. It proclaimed the idea of the sovereignty of the people uncontrolled by the past and uncontrolled by the existing state."The caste is a nation but the rule of one caste over another may not be admitted to be the same as the rule of one nation over another. But supposing the case is not carried so far but is limited to majority and minority even then the question remains : What right has the majority to rule the minority?

The answer is that whatever the majority does it is right. What complain the minorities can have?

People who rely upon majority rule forget the fact that majorities are of two sorts : (1) Communal majority and (2) Political majority.

A political majority is changeable in its class composition. A political majority grows. A communal majority is born. The admission to a political majority is open. The door to a communal majority is closed. The politics of a political majority are free to all to make and unmake. The

politics of a communal majority are made by its own members born in it.

How can a communal majority run away with the title deeds given to a political majority to rule? To give such title deeds to a communal majority is to establish a hereditary Government and make the way open to the tyranny of that majority. This tyranny of the communal majority is not an idle dream. It is an experience of many minorities. This experience to Maharashtrian Brahmins being every recent it is unnecessary to dilate upon it.

What is the remedy? No doubt some safeguards against this communal tyranny are essential. The question is: What can they be? The first safeguard is not to have too large a State. The consequences of too large a State on the minority living within it are not understood by many. The larger the State the smaller the proportion of the minority to the majority. To give one illustration—If Mahavidarbha remained separate, the proportion of Hindus to Muslims would be four to one. In the United Maharashtra the proportion will be fourteen to one. The same would be the case of the Untouchables. A small stone of a consolidated majority placed on the chest of the minority may be borne. But the weight of a huge mountain it cannot bear. It will crush the minorities. Therefore creation of smaller States is a safeguard to the minorities.

The second safeguard is some provision for representation in the Legislature. The old type of remedy provided in the Constitution were (1) certain number of reserved seats and (2) separate electorates. Both these safeguards have been given up in the new Constitution. The lambs are shorn of the wool. They are feeling the intensity of the cold. Some tempering of the wool is necessary.

Separate electorates or reservation of scats must not be restored to. It would be enough to have plural member constituencies (of two or three) with cumulative voting in place of the system of single-member constituency embodied in the present Constitution. This will allay the fears which the minorities have about Linguistic States.

Part V

THOUGHTS ON LINGUISTIC STATES

PART V

THE NEED FOR A SECOND CAPITAL

CHAPTER XI

INDIA AND THE NECESSITY OF A SECOND CAPITAL

A WAY TO REMOVE TENSION BETWEEN THE NORTH AND THE SOUTH

Can India afford to have one Capital? That India has now one capital does not close the question. If the Capital of India is not satisfactorily located, now is the time for considering the question.

Since the departure of the British, India has only one capital and that is Delhi. Before the British, India has always had two capitals. During the Moghal period, India had Delhi as one Capital and Shrinagar in Kashmir as another Capital. When the British came they too had two capitals, one was Calcutta and another was Simla. Even when they left Calcutta for Delhi, they retained Simla as their summer Capital. The two capitals maintained by the Moghuls and by the British were the results of climatic conditions. Neither the British nor the Moghuls were able to live in Delhi or in Calcutta continuously for 12 months. The summer months in Delhi were unbearable to the Moghuls. They made Shrinagar their second capital for summer months. The summer months in Calcutta were equally unbearable to the British. They, therefore, established a second capital. To these climatic conditions must now be added three other conditions. There was no popular Government when the Moghuls ruled or when the British ruled. Now we have popular Government and the convenience of the people is an important factor. Delhi is most inconvenient to the people of the South. They suffer the most from cold as well as distance. Even the Northern people suffer in the summer months. They do not complain because they are nearer home and they are nearer the seat of power. Second is the feeling of the Southern people and the third is the consideration of Defence. The feeling of the Southern people is that the Capital of their Country is far away from them and that they are being ruled by the people of Northern India. The third consideration is of course more important. It is that Delhi is a vulnerable place. It is within bombing distance of the neighbouring countries. Although India is trying

to live in peace with its neighbours it cannot be assumed that India will not have to face war sometime or other and if war comes, the Government of India will have to leave Delhi and find another place for its location. Which is the place to which the Government of India can migrate? A place that one can think of is Calcutta. But Calcutta is also within bombing distance from Tibet. Although India and China today are friends, how long the friendship would last no one can definitely say. The possibility of conflict between India and China remains. In that event Calcutta would be useless. The next town that could be considered as a refuge for the Central Government is Bombay. But Bombay is a port and our Indian Navy is too poor to protect the Central Government if it came down to Bombay. Is there a fourth place one could think of? I find Hyderabad to be such a place. Hyderabad Secunderabad and Bolarum should be constituted into a Chief Commissioner's Province and made a second capital of India. Hyderabad fulfils all the requirements of a capital for India. Hyderabad is equidistant to all States. Anyone who looks at the table of distances given below will realise it:

	From Delhi – miles	From Hyderabad – miles
To Bombay	798	440
To Calcutta	868	715
To Madras	1198	330
To Karnul	957	275
To Trivandrum	1521	660
To Patiala	124	990
To Chandigarh	180	1045
To Lucknow	275	770

From the defence point of view it would give safety to the Central Government. It is equidistant from all parts of India. It would give satisfaction to the South Indian people that their Government is

sometimes with them. The Government may remain in Delhi during winter months and during other months it can stay in Hyderabad. Hyderabad has all the amenities which Delhi has and it is a far better City than Delhi. It has all the grandeur which Delhi has. Buildings are going cheap and they are really beautiful buildings, far superior to those in Delhi. They are all on sale. The only thing that is wanting is a Parliament House which the Government of India can easily build. It is a place in which Parliament can sit all the year round and work, which it cannot do in Delhi. I do not see what objection there can be in making Hyderabad a second capital of India. It should be done right now while we are reorganising the States.

Hyderabad, Secunderabad and Bolarum should be constituted into a second capital of India. Fortunately, it can be very easily done with satisfaction to the whole of South India, to Maharashtra and to the Andhras.

This is another remedy for easing the tension between the North and the South.

Part VI

MAPS – Missing

THOUGHTS ON LINGUISTIC STATES

PART VII - SATISTICAL APPENDICES

Appendix I : Population by Linguistic Families
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Appendix I

Population by Linguistic Families

Language Groups	No. of languages spoken	No. of speakers as mother-tongue and subsidiary 1931 (bilinguals shown twice)	No. of speakers 1931	No. of speakers mother-tongue 1931	Difference between columns 4 & 5 (increase in 1931 + decrease in 1931-)	Difference between columns 4 & 3 (increase + decrease -)
1	2	3	4	5	6	7
Language of India and Burma	225	366430537	315525177	34988752 7	+94362350	+50905360
(I) Austric Languages						
1. Indonesian Languages	2	6542	5561	6542	+981	+981
2. Mon-Khmer Languages	10	734204	549917	726578	+176661	+184287
3. Munda Languages mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/05G1. Thoughts on Linguistic States Part VII.htm -_msocom_1	7	4710685	3973873	4609588	+635715	+736812
(II) Tibeto-Chinese Languages						
1. Tibeto-	128	1416761	11959	129828	+10238	+220860

Burman Languages		1	011	40	29	0
2. Tai-Chinese Languages	11	1150220	926335	1027656	+101321	+223885
3. Man and Karen Languages mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/05G1. Thoughts on Linguistic States Part VII.htm -_msocom_2	17	1351291	1114617	1342278	+22766 1	+236674
(III) Dravidian Languages						
1. Dravida Languages	7	47032874	37285594	41454593	+4168999	+9747280
2. Intermediate Languages	5	3661277	3056598	3609418	+552820	+604679
3. Andhra Languages	1	28195824	23601492	26373727	+2772235	+4594332
4. N.W. Languages	1	231581	184368	207049	+22681	+47213
(IV) Indo-European Languages						
1. Eranian Languages	3	2457134	1981675	2270466	+288791	+475459
2. Dardic Languages	5	1354031	1304319	1522936	+218617	+238712
3. Indo-AryanLangu	19	261105909	229560555	253699403	+24138848	+31545354

ages						
(V) Unclassed Languages						
1.Andamanese	2	466	580	466	+114	-114
2.Burushashi	1	26076	---	26076	+26076	+26076
3.Gipsy dialects mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/05G1. Thoughts on Linguistic States Part VII.htm - _msocom_3	6	25999	15018	25999	+10981	+10981
4.Languages not returned and unspecified	---	mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/05G1. Thoughts on Linguistic States Part VII.htm - _msocom_4 29813	5664	2912	+3752	+24149
B. Languages of other Asiatic counties and Africa	17	305386	211894	302324	+90430	+93492
C.	10	452099	31911	339706	+20594	+132987

Languages of Europe			2			

APPENDIX II

Area and Population of States of United States of America

Name of State	Area sq. miles	Population Est. 1944
1	2	3
1. Alabama	51,609	2,818,083
2. Arirona	113,909	638,412
3. Aricansas	53,102	1,776,446
4. California	158,693	8,746,989
5. Colorado	104,247	1,147,269
6. Connecticut	5,009	1,176,807
7. Delaware	2,057	283,802
8. Florida	58,560	3,367,217
9. Georgia	58,876	3,223,727
10 Idaho	83,557	531,573
11. Illinois	56,400	7,729,720
12. Indiana	36,291	3,419,707
13. Jowa	56,280	2,269,759
14. Kansas	82,276	1,774,447
15. Kentucky	40,395	2,630,194
16. Louisiana	48,523	2,535,385
17. Maine	33,215	793,600
18. Maryland	10,577	2,127,874
19. Massachusetts	8,257	4,162,815
20. Michigan	58,216	5,429,641
21. Minnesota	84,008	2,508,663

22. Mississippi	47,716	2,175,877
23. Missouri	69,674	3,589,538
24. Montana	147,138	464,999
25. Nebraska	77,237	1,213,792
26. Nevada	110,540	156,445
27. New Hampshire	9,304	457,231
28. New Jersey	7,836	4,167,840
29. New Mexico	121,666	532,212
30. New York	49,576	12,632,890
31. North Carolina	52,712	3,534,545
32. North Dakota	70,665	528,071
33. Ohio	41,222	638,667
34. Oklahoma	69,919	2,064,679
35. Oregon	96,981	1,214,226
36. Pennsylvania	45,332	9,247,088
37. Rhode-Island	1,214	778,972
38. South Carolina	31,055	1,923,354
39. South Dakota	77,047	558,629
40. Tennessee	42,246	2,870,158
41. Texas	267,339	6,876,248
42. Utah	84,916	606,994
43. Vermont	9,609	310,941
44. Virginia	40,815	3,119,115
45. Washington	68,192	2,055,378
46. West Virginia	24,181	1,715,984
47. Wisconsin	56,154	2,975,910
48. Wyoming	97,914	257,108

APPENDIX III

The population of the Bombay City according to the Communities given in the Census of 1941 is as follows:

Hindu	8,99,398
Scheduled Castes	1,21,352
Muslims	2,51,518
Indian Christians	1,22,683
Anglo-Indians	8,787
Parsees	58,813
Sikhs	2,418
Jains	33,281
Buddhists	912
Tribes	4,606
Others	29,847
Total	1,489,883

The area of the Bombay City according to the Census of 1941 was 30 sq. miles.

APPENDIX IIIA
Inter-Provincial Immigration And Emigration In India
Variation As Compared With 1921 In The Volume Of Migration Within India

Province or State	Net gain + or loss —	1931		Net gain + or loss -	1921		Variation 1931	
		Immigrants	Emigrants		Immigrants	Emigrants	Immigrants	Emi nt
1	2	3	4	5	6	7	8	9
Provinces or States which gain								
Assam	+	1,314,	73,036	+1,140,	1,216,66	75,909	+	- 2,8

Bengal Burma Bombay	,241,011 + 771,936 + 593,3244 - 596,707	047 1,726,370 617,521 1,188,901	954,434 24,197 592,194	752 1,132,192 + 553,471 - 472,023 *	1 1,817,775 572,530 1,039,622	685,581 19,059 567,599 *	97,386 - 91,405 - 44,991 + 256,074	68,8 + 5,1 +318 0*mk: ITStor mporta riting_C basah m::/C Though Ling State VII. _msocc
Central Provinces and Berar. Mysore Delhi Baroda	+ 27,003 215,462 +189,736 +127,907	649,064 340,700 259,163 333,077	422,061 125,238 69,427 105,176	+197,323 +210,064 +113,158 +10,674	603.924 309,850 182,485 231,880	406,601 99,786 69,327 221,206	+ 45,140 + 30,850 -76,678 +101,197	+15, 25, + -16,
Central India Agency	+ 115,566	598,102	482,536	“58,0^6	544,688	486,632	+ 53,414	- 4,
Travancore	+ 83,919	133,852	49,933	+ 49,732	71,973	22,241	+ 61,879	27,
Ajmer-Merwara	+ 44,029	104,938	60,909	-}- 66,033	108,452	42,419	- 3,514	+18,
Cochin	+ 41,424	87,214	45,790	+15,792	39,689	23,897	- 47,525	21,
Coorg	+ 35,388	38619	3,231	+ 30,988	33,838	2,850	+ 4,781	+
Baluchistan	+ 23,779	66,542	42,763	+ 5,924	66,166	60,242	+376	-17,
North West	+21,18	111,86	90,681	+ 50,835	118,395	67,560	—	

Frontier Province.	7	8					6,527	23,
Andamans and Nicobars.	+13,703	14,255	582	+14,080	14,396	316	—141	+
Provioces or States which Lose								
Sikkim	- 4,782	2,403	7,212	- 2,297	1,836	4,133	+594	+ 3,
Gwalior	-14,471	281,350	296,821	+632	289,657	289,025	- 8,307	+ 7,
Jammu and Kashmir	- 33,266	61,189	94,445	- 22,685	61,561	84,246	-372	+10,
Punjab	- 67,792	635,025	702,817	+ 60,940	591,885	530,942	+ 43,140	+171,
Hyderabad	-19,788	312,814	332,602	-166,326	197,127	363,453	+115,687	- 30,
Western India States Agency	-186,890	106,795	293,685	Included against Bombay				
Rajputana	-516,898	329,913	864,811	- 625,650	242,234	8,67,893	+ 87,670	- 21,
Madras	- 888,339	246,892	1,135,231	- 718,183	196609	914,792	+ 50,283	220,
United Provinces	1,063,143	494,308	1,557,451	- 974,642	425,152	1,399,794	+ 69,156	+157,
Bihar and Orissa	1,291,567	466,563	1,758,130	- 1,567,968	387,068	1,955,036	+ 79,495	-196,

Includes Punjab States Agency

Note—The figures for provinces include those for the States attached to them except in the case of Madras, where they exclude Cochin and Travancore

Migration figures to and from countries outside British India are excluded.

APPENDIX IV
PROVINCIAL/ STATE REVENUE

	Yield (Crores of Rupees)	Share in total revenue (per

						cent)				
	1921-22	1936-37	1938-39	1944-45	1953-54	1921-22	1936-37	1938-39	1944-45	1953-54
					(R. E.)					(R. E.)
	1	2	3	4	5	6	7	8	9	10
Total Revenue	58.48	74.86	76.78	193.87	462.04	100.0	100.0	100.0	100.0	100.0
Land Revenue	29.08	25.96	25.40	30.21	69.20	49.7	34.7	33.1	15.6	15.0
State excise	15.67	13.63	13.08	43.42	44.81	26.8	18.2	17.0	22.4	9.7
Stamps	10.14	10.80	9.53	15.20	23.50	17.3	14.4	12.4	7.8	5.1
Registration	1.07	1.11	1.09	2.39	3.91	1.8	1.5	1.4	1.2	0.9
General Sales Tax			.	7.91	57.25				4.1	12.4
Forests (net)	0.66	0.71	0.63	4.58	10.82	1.1	0.9	0.8	2.4	2.3
Irrigation works for which capital accounts are kept (net).	5.55	7.53	7.57	10.14	8.09	9.5	10.0	9.9	5.2	1.8
Devolution of revenue and grants from the Centre. (—)	9.02	2.67	6.45	36.89	117.92		3.6	8.4	19.1	25.6
Share of income tax assigned to States	3.09	0.04	1.47	25.75	56.90	5.3	0.1	1.9	13.3	12.3
Share of jute duty assigned to States	.	2.13	2.51	1.48			2.8	3.3	0.8	

Share of Central excise duty assigned to States					15.94					3.5
Grant of aid etc. from the Centre.	12.11	.5	2.47	9.66	45.08		.7	3.2	5.0	9.8

Figures for 1921-22 exclude those for Burma but include Sind as part of Bombay. Figures for 1936-37 exclude those for Burma, Sind and N.W.F.P

Transfers from funds are excluded, receipts under forests are taken net after deducting entire expenditure from gross receipts, for other public utilities and State undertaking net receipts (after deducting working expenses) are included.

APPENDIX V

Budgetary Position of the States on Revenue Account

Figures for 1938-39 and 1944-45 are for nine Provinces excluding Sind and N.W.F.P

Figures for 1953-54 relate to all Part A, Part B and Six Part C States

PART"A"STATES

	1950-51	1951-52	1952-53	1953-54* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/05G1. Thoughts on Linguistic States Part VII.htm -	1954-55 (B.E.)

				_msocom_6(R.E.)	
Revenue	93.33	106.70	108.12	112.21	121.76
Expenditure	81.93	100.33	105.88	115.85	127.65
Surplus (+) or deficit (-)	(+) 1.45	(+) 6.17	(+)3.24	(-)3.64	(-) 5.89
Surplus (+) or deficit (-) (excluding transfers from and to Revenue Reserve Funds)	(+) 1.45	(+)5.97	(+)3.24	(-)3.64	(-) 5.89

APPENDIX VI

Budgetary Position of the States on Revenue Account

PART"B"STATES

	1950-51	1951-52	1952-53	1953-54* (R.E.)	1954-55 (B.E.)
Revenue	214.37	315.60	229.32	357.49	367.17
Expenditure	293.08	309.10	329-37	371.64	400.89
Surplus (+) or deficit (-)	(+) 1.29	(+) 6.50	(-)0.15	(-)14.15	(-) 33.72
Surplus (+) or deficit (-) (excluding transfers from and to Revenue Reserve Funds)	(-) 3.15	(-)2.25	(-) 12.01	(-)20.82	(-) 39.86

APPENDIX VII

Central Revenues (Selected Years)

	1921-22		1936-37		1938-39		1944-45		1953-54 (R.E.)	
Total Revenue*mk:@MSIT Store:C:\Important\Writing_Of_Babasaheb.chm::/05G1. Thoughts on Linguistic States Part VII.htm - _msocom_7	80.00	100	81.45	100	82.90	100	334.40	100	394-34	100
Customs (net)	31.61	39.5	38.11	46.8	40.51	48.9	39.77	11.9	160.00	40.6
Taxes on income (net)	18.74	23.4	14.33	18.8	13.74	16.6	80.52	24.1	69.31	17.6
Corporation tax					2.04	2.5	84.22	25.2	38.4	9.7
Central excise duties (net) . .	2.80	3.5	13.35	16.4	8.66	10.5	38.14	11.4	78.00	19.8
Salt duty	6.34	7.9	8.81	10.8	8.12	9.8	9.29	2.8		
Commercial Departments—										
Railways (net contribution)	(-)9.09				1.37	1.7	32.00	9.6	7.50	1.9
Posts & Telegraphs (net) . .			.14	0.2	0.19	0.2	10.25	3.1	2.02	0.5

THOUGHTS ON LINGUISTIC STATES

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APPENDIX VIII
Population of the Indian Union by Communities

	HINDUS											
	Population			Scheduled Castes			Others			Muslims		
	Persons	Males	Females	Persons	Males	Females	Persons	Males	Females	Persons	Males	Females
	1	2	3	4	5	6	7	8	9	10	11	12
Madras	49,841	24,800	25,040	8,152	4,064	4,088	35,095	17,466	17,630	3,927	1,939	1,987
Bombay	29384	15184	14200	2526	1217	1256	20691	1068	10011	2463	1321	1142
West Bengal	21837	11834	10003	3520	1847	1673	11206	6160	5046	5544	3011	2533
United Provinces	56346	29542	26804	11931	6128	5803	34923	18411	16512	8692	4574	4117
East Punjab	12697	6853	5844	1028	540	487	4489	2435	2053	4427	2380	2047
Bihar	36546	18325	18220	4344	2135	2209	22263	11252	11010	4719	2340	2379
C.P. & Berar	19948	9845	9802	3310	1639	1671	10920	5491	5428	811	425	387
Assam	7685	4068	3617	377	203	174	2885	1564	1321	1754	939	815
Orissa	1376	6706	706	186	906	956	8187	3963	4224	166	81	85

	8		2	5								
Ajmer	589	310	279	1	0.5	0.5	30	198	182	90	49	41
Andaman & Nicobar Islands	34	21	12	---	---	---	8	6	3	8	6	2
Bilaspur	110	57	53	16	8	7	93	48	45	1	0.8	0.6
Bhopal	785	410	375	187	96	91	410	215	195	110	59	51
Coorg	169	92	76	26	15	11	105	56	49	14	9	6
Cutch	501	239	262	39	19	20	279	135	144	117	57	60
Delhi	918	535	383	23	69	53	445	262	182	305	176	128
Himachal Pradesh	935	495	441	229	120	109	672	356	316	29	16	13
Manipur	512	249	263	---	---	---	304	148	156	30	15	15
Tripura	513	272	241	12	6	6	336	178	158	124	66	57
Vindhya Pradesh	3569	1819	1750	399	202	197	2851	1455	1397	95	49	46
Madhya Pradesh	7141	3734	3407	437	221	216	5025	2648	2377	475	251	224
P.E.P.S.U.	3424	1868	1557	214	112	102	978	530	448	899	483	416
Rajasthan	13085	6868	6217	---	---	---	9878	5196	4682	1256	663	593
Saurashtra	3556	1809	1747	242	122	120	2737	1402	1336	436	220	226
Travancore Cochin	7493	3742	3751	537	269	268	3902	1931	1971	543	276	268
Hyderabad	16339	8347	7992	2928	1487	1442	10382	5303	5073	2097	1080	1017
Kashmir	4022	2130	1892	113	61	53	694	369	325	3074	1627	1446
Mysore	7329	3763	3566	1405	723	682	5282	2702	2580	485	258	227

APPENDIX IX

Statistics of Chief Castes

Caste	Strength	Where chiefly found
Agri	265,285	Bombay.
Ahar, Ahir,Gopi, *Goshi,Goala* Golla, Gowari, Gaura, Kavundan Idaiyan.	14,170,032	Most Provinces.
Ahom	249,434	Assam.
Arain, Kunjra, Koeri, Kachli, Murao.	5,048,849	Most Provinces.
Arora, Bhansali, Lohana	1,499,407	Baluchistan, Bombay, N.W.F.P. Panjab, Jammu and Kashinir, W.I. States
Babhan, Bhuinihar	1,113,541	Bihar and Orissa, U.P.C.P.
Baidya	110,739	Bengal.
Baiga, Bhania, Binjwar, Bharia, Kadar, Bhumia, Bhunjia, Bhuiya,Ghatwar,Naiya,Pao.	1,050,760	Bengal, Bihar and Orissa, C.P., C.I, Rajputana, Sikkim.
Bairagi	838,285	Most Provinces.
Baloch	1,333,215	Baluchistan, Bombay, Punjab,N.W.F.P.
Baniya, Bhatia, Chetti, Khatri, Kamati (Vaishya).	5,176.383	Most Provinces,
Banjara, Lumbadi, Labana, Lamani.	951,022	Bombay, C.P., C.L. Gvvalior-Hyderabad, Mysore, Rajputana
Bania, Bhalia, Chodhra, Gedia, Khant, KOli,	3,418,643	Most Provinces.

Kotwal, Naikda, Patclia,Patanwadia,Thakarda, Talabda, Valvi.		
Bauri, Bagdi	1,671,481	Bengal, Bihar and Orissa, Rajputana.
Bawaria, Bavari, Baori, Bagari, Vagri, Badhik.	309,720	Most Provinces.
Bayar, Barmanu, Dhangar, Musahar.	811,746	Bengal, Bihar and Orissa, U.P"Central India.
BeDar, Boya	991,536	Bombay, Madras, Hyderabad, C.P.
Bhandari,ldiga,lruvan,Siyal	1,253.403	Bihar and Orissa, Cochin, My sore, Madras. Travancore, Rajputana;. Baroda.
Bhangi	797,599	Ajmer-Merwara, Bombay, U.P., Baroda, Gwalior, Rajputana, W. I. States
Bharwad, Dhangar, Gadariya, Kumba.	1,816,283	Most Provinces.
Bhat, Barhmabhatt, Chamn, Jasondhi.	397,274	Most Provinces
Bhatra, Pardhana, Parja	353,183	Madras, C.P. and Berar.
Bhil, Barda Bhilala. Dhanka, Mankar, Mavchi, Pathia, Rathia, Tadvi.	1,454,144	Most Provinces.
Bhisti, Bhoi, Dhimar, Jhinwar, Kabar, Machhi, Tiyar.	3,575,941	Most Provinces.
Bohra	212,752	Bombay, Baroda, C.I., Gwalior, C.P., Rajputana, W.I. .States Travancore.
Brahman	15,207,277	Most Provinces.

Brahui	224,415	Baluchistan, Bombay.
Chamar, Khalpa, Samagara	12,195,516	Most Provinces.
Chasa, Raju	835,236	Bengal, Bihar and Orissa.
Chasi, Kajbartta (Mahisya)	2,381,266	Bengal.
Chuhra	721,981	N.W.F. Piov. Punjab, Delhi.
Dhanuk, Kandra	758,671	Bihar and Orissa, Bengal, C.P., C.I., Ajmer-Merwara, Rajputana, Delhi, Gwalior.
Dhobi, Parit, Vanran, Velutte-dan.	3,161,428	Most Provinces.
Dom, Dombar, Bansphor, Dharkar, Dholi.	907,776	Most Provinces.
Dhor, Chak.kliyal'l	671,926	Bombay, C.P., Madras, Cochin, Travancore, W.I. States.
Dusadh	1,400,878	Bengal, Bihar and Orissa, U.P.
Fakir	820,577	Punjab, U.P., C.P., Rajputana C.I., Agency Gwalior.
Garo, Hajong, Kachari, Mech, Rabha.	695,648	Assam, Bengal.
Gond, Dhanwar, Kalota, Kamar, Karwar, Kolam, Kondh, Konda, Dora, Koya, Maria, Muria Nagarchi.	4,719,222	Andamans and Nicobars, Bengal, Bihar and Orissa, Bombay, C.P., and Berar, Madras, U.P. C.I. Hyderabad, Gwalior, Rajputana.
Gujar	2,430,669	Ajmer-Merwara, Bombay, C.P. and Berar, Delhi, N.W. Frontier, Punjab, U.P., C.I.,

		Rajputana.
Guria, Halwai	246,583	Bihar and Orissa, U.P., C.I., Rajaputana, Gwalior.
Hajjam, Ambattan, Bhandari, Kelashi, Mhali, Nadig, Nai"Naibrahman", Napit, Nhavi, Pandithar, Vellakat-talavan.	3,725,860	Most Provinces.
Hari	418,830	Assam, Bengal, Bihar and Orissa Madras.
Jat	8,377,819	N.W. Frontier, Punjab, U.P. Kashmir, Rajputana.
Jogi	111,586	Gwalior, C.I., Agency, Raj-putana,Jammu and Kashmir.
Kaikolan	419,078	Madras, Cochin, Travancore.
Kalar	1,017,179	Ajmer-Merwara, Bengal, C.P. and Berar, U.P., Baroda, C.I., Gwalior, Hyderabad, Rajputana, Sikkim.
Kallavan, Maravan	948,630	Madras, Cochin, Travancore.
Kamalan,"Viswabrahman", Panchal.	7,735,393	Most Provinces.
Karen	1,367,673	Burma.
Kayastha, Karan, Prabhu . .	2,946,228	Most Provinces.
Kewat, Kaibartta	1,813,278	Assam, Bengal, Bihar and Orissa, C.P. and Berar, U.P.
Kolita	109,250	Bihar and Orissa, C.P.

		and Berar.
Koshti, Devang	921,201	Bengal, Bombay, C. P. and and Berar, Madras, C.I., Hyderabad, Mysore, Gwalior, Cochin.
Khandayat, Paik	1,060,587	Bihar and Orissa, Bengal, Madras.
Kisan	431,044	Bengal, Bihar and Orissa, U.P.
Khasi, Synteng .	232,595	Assam, Andamans and Nico-bars.
Khatik, Chick	412,520	U.P., C.P., Bengal, Delhi, Ajmcr-Merwara, Baluchistan Hyderabad, Rajputana Gwalior.
Kori, Katia, Balai, Chaupal, Jugi.	2,165,953	Most Provinces.
Korku, Korwa	246,765	Bihar and Orissa, C.P., C.I., U.P.
Kumhar, Kusavan	3,580,143	Most Provinces.
Kunbi, Karbi, Kurmi, Kshatriya, Kapu, Kapewar, Raddi, Vakkaliga, Vellala	11,082,108	Most Provinces.
Labbai	374,829	Coorg, Madras, Mysore, Travancore.
Lodhi	1.742,470	C.P. and Berar, U.P., C.I., Bengal, Delhi, Rajputana, Hyderabad, Gwalior.
Lushei, Sokte, Thado	192,520	Assam, Bengal, Burma.
Mahar, Mehra, Dhed, Vankar, Holiya, Pulayan, Cheruman.	4,729,405	Most Provinces.
Mala	852,050	C.P. and Berar, Madras.

Mali, Phulmali, Saini, Malakar	2,332,143	Most Provinces.
Mailah, Goriya, Gonrhi	894,951	Bengal, Bihar and Orissa, U.P., N.W. Frontier, C.I., Gwalior, Rajputana.
Mang, Megh, Meghwal, Madgi, Madiga.	2,556,765	Most Provinces.
Mapilla	139,621	Travancore, Cochin, Coorg, Burma.
Maratha	6,113,061	Bombay, C.P. and Berar, Gwalior, Hyderabad, Baroda Mysore, C.L
Meithei	330,545	Assam, Burma.
Mina, Meo	1,110,479	Most Provinces.
Mirasi	283,637	Punjab, N.W. Frontier, Rajputana, Ajmer-Merwara, Jammu and Kashmir, C.I., Gwalior.
Mochi, Jiagar, Dabgar	1,026,405	Most Provinces.
Momin	3,122,100	Most Provinces.
Munda, Mawasi, Ho, Kol, Kharwar, Kharia, Bhogia, Bhumji, Kora.	2,315,276	Bihar and Orissa, Bengal, C.P. and Berar, C.Y . U.P., Raj-plitena.
Naga	272,529	Assam, Burma., Gwalior.
Namasudra	2,265,476	Assam, Bengal.
Nayar	1,550,641	Madras, Travancore, Cochin.
Nepali	371,906	Most Provinces.
Nunlya, Od, Beldar, Bind, Rehgar.	561,926	Most Provinces.
Oraon	1,021,334	Bengal, Bihar arid Orissa. C.P. and Berar.
Pallan	825,224	Madras.

Pan, Panka, Ganda, Paidi, Baraik.	1,241,322	Bengal. Bihar and Orissa, C.P. and Berar, Madras, C.I.
Paraiyan, Turi	1,277,365	Madras, Bombay, Baroda, Cochin, W.I. States, Coorg.
Pasi, Arakh	1,743,166	Bihar and Orissa, U.P., Bengal, C. I.
Oinjara, Sarahira, Dhunia . .	565.254	U. P., Bombay, Rajputanft Gwalior, N.W. Frontier, Punjab, C.I., Mysore, W.I States, Jammu and Kashmir.
Rajbhar, Rajjhar, Rajwar Bhar.	630,708	U. P., Bihar and Orissa, Bengal, C.P. and Berar.
Rajput	10,743,001	Most Provinces.
Santal, Saunta, Karmali	2,524,472	Bengal, Bihar and Orissa, C.I.
Saun	480,131	U.P., C.I.
Sawara, Saonr, Savar, Saharia	675,628	Bihar and Orissa, C.P., Madras, U. P., .C.I., Rajputana, Gwaiior.
Shaha, Sunri	533,825	Bengal, Madras, Sikkirn.
Shan	900.204	Burma.
Silpkar	333,036	U.P.
Singpho,Kachin	156,253	Burma, Assam.
Talavla, Dubla	229,190	Bombay, Buroda, W.L States.
Tamboli, Barai	452,423	Bengal U.P., C.I., Rajputana, Gwalior, Baroda.
Tankkshatriya	926.274	Most Provinces.
Tanti, Tatwa, Bhulia,	1,132,563	Bengal, Bihar, and

Chadar, Sali.		Orisia, Bombay, C.P. and Berar.
Telaga	1,669,559	C.
Teli, Tili, Chakkan. Ganig, Chanchi, Varniyan.	5,024,496	Madras, Hyderabad, Coorg.
Thakkar, Rathi, Rawat, Kanet, Ghirath.	71 4,503	Bombay, Punjab, C.I., Gwalior, Jammu and Kashmir, Rajputana.

APPENDIX X
Relative Population of Different Communities

Distribution by Religion of 10,000 persons in India, in the Provinces and in the States, 1921 and ***1931***

Province etc.	Year	Hindu	Muslim	Buddhist	Tribal	Christian	Sikh	Jain	Others
1	2	3	4	5	6	7	8	9	10
India	1921	6,856	2,174	366	309	150	103	37	5
	1931	6,824	2,216	365	236	179	124	36	20
Provinces	1921	6,606	2,407	465	280	123	96	18	5
	1931	6,548	2,469	468	213	142	118	17	25
Ajmer-Merwara	1921	7,356	2,055		96	112	4	372	5
	1931	7,755	1,734		27	124	6	348	6
Andamans and Nicobars	1921	3,278	1,515	979	3,387	586	144		111
	1931	2,586	2,280	988	3,379	496	220		51
Assam	1921	5,434	2,896	17	1,479	168	1	5	
	1931	5,720	3,196	17	825	235	3	3	1
Baluchistan	1921	920	8,731	4		159	182		4
	1931	894	8,744	1	1	174	181	1	4

Bengal	1921	4,327	5,399	57	181	31		3	2
	1931	4,304	5,487	63	105	36	2	2	1
Bihar and Orissa	1921	8,284	1,085		553	76	1	1	
	1931	8,231	1,132		544	91	1	1	
Bombay	1921	7,658	1,974	1	64	137	4	111	51
	1931	7,605	2,039	1	59	145	10	92	49
Burma	1921	368	380	8,506	534	195	4	1	12
	1931	390	399	8,430	444	226	7	1	103
C.P. and Berar	1921	8,354	405		1,160	30	1	49	1
	1931	8,601	440		872	33	3	50	1
Coorg	1921	7,733	795	1	1,265	194		12	
	1931	8,939	844			210		5	2
Delhi	1921	6,569	2,904			273	57	96	1
	1931	6,285	3,253	1		267	101	84	9
Madras	1921	8,864	671		137	322		6	
	1931	8,831	707		75	380		7	
N.W.F.P.	1921	666	9,162			47	125		
	1931	590	9,184			51	175		
Punjab	1921	3,181	5,533	1		159	1,109	17	
	1931	2,684	5,655	2		176	1,299	15	169
United Provinces	1921	8,509	1,428			44	3	15	1
	1931	8,440	1,48			42	10	14	

			4						
States	1921	7,748	1,343	12	415	250	126	104	2
	1931	7.771	1.347	12	316	307	141	101	5

N.B. - A blank indicates that the number per 10,000 fractional; 0 indicates that none at all were returned. In the case of Assam the Khasi States are indicated in the 1921 figures; Otherwise all States are excluded from Provinces.

UNTOUCHABLES OR THE CHILDREN OF INDIA'S GHETTO

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UNTOUCHABLES OR THE CHILDREN OF INDIA'S GHETTO

(This is a 208-page MS (Second copy) under the title"Untouchables or The Children of India's Ghetto". The whole MS forms an independent book by itself. It has a ' Table of Contents ' divided into 4 parts, which are further sub-divided into 14 chapters. Slight modifications had to be made in the arrangement of the chapters to bring them in conformity with that of ' Table of Contents '. Except few corrections in the titles of the chapters, the text is untouched by the author.)

PART I

What it is to be an Untouchable .

CHAPTER I
UNTOUCHABILITY—ITS SOURCE

It is usual to hear all those who feel moved by the deplorable condition of the Untouchables unburden themselves by uttering the cry"We must do something for the Untouchables". One seldom hears any of the persons interested in the problem saying ' Let us do something to change the Touchable Hindu '. It is invariably assumed that the object to be reclaimed is the Untouchables. If there is to be a Mission, it must be to the Untouchables and if the Untouchables can be cured, untouchability will vanish. Nothing requires to be done to the Touchable. He is sound in mind, manners and morals. He is whole, there is nothing wrong with him. Is this assumption correct? Whether correct or not, the Hindus like to cling to it. The assumption has the supreme merit of satisfying themselves that they are not responsible for the problem of the Untouchables.

How natural is such an attitude is illustrated by the attitude of the Gentile towards the Jews. Like the Hindus the Gentiles also do not admit that the Jewish problem is in essence a Gentile problem. The observations of Louis Goulding on the subject are therefore very illuminating. In order to show how the Jewish problem is in its essence a Gentile problem, he says:

> "I beg leave to give a very homely instance of the sense in which I consider the Jewish Problem in essence a Gentile Problem. A close acquaintance of mine is a certain Irish terrier of mixed pedigree, the dog Paddy, who is to my friend John Smith as the apple of both his eyes. Paddy dislikes Scotch terriers; it is enough for one to pass within twenty yards of Paddy to deafen the neighbourhood with challenges and insults. It is a practice which John Smith deplores, which, therefore, he does his best to check—all the more as the objects of Paddy's detestation are often inoffensive creatures, who seldom speak first. Despite all his affection for Paddy, he considers, as I do, that Paddy's unmannerly behaviour is due to some measure of original sin in Paddy. It has not yet been suggested to us that what is here involved is a Scotch Terrier Problem and that when Paddy attacks a neighbour who is peacefully engaged in inspecting the evening smells it is the neighbour who should be arraigned for inciting to attack by the fact of his existence."

There is here a complete analogy between the Jewish Problem and the problem of the Untouchables. What Paddy is to the Scotch Terrier, the

Gentile is to the Jews, and the Hindu is to the Untouchables. But there is one aspect in which the Jewish Problem stands in contrast to the Gentile Problem. The Jews and the Gentiles are separated by an antagonism of the creeds. The Jewish creed is opposed to that of the Gentile creed. The Hindus and the Untouchables are not separated by any such antagonism. They have a common creed and observe the same cults.

The second explanation is that the Jews wish to remain separate from the Gentiles. While the first explanation is chauvinistic the second seems to be founded on historical truth. Many attempts have been made in the past by the Gentiles to assimilate the Jews. But the Jews have always resisted them. Two instances of this may be referred.

The first instance relates to the Napoleonic regime. After the National Assembly of France had agreed to the declaration of the ' Rights of man ' to the Jews, the Jewish question was again reopened by the guild merchants and religious reactionaries of Alsace. Napoleon resolved to submit the question to the consideration of the Jews themselves. He convened an Assembly of Jewish Notables of France, Germany and Italy in order to ascertain whether the principles of Judaism were compatible with the requirements of citizenship as he wished to fuse the Jewish element with the dominant population. The Assembly consisting of I I I deputies, met in the Town Hall of Paris on the 25th of July 1806, and was required to frame replies to twelve questions relating mainly to the possibility of Jewish patriotism, the permissibility of inter-marriage between Jew and Non-Jew, and the legality of usury. So pleased was Napoleon with the pronouncements of the Assembly that he summoned a Sanhedrin after the model of the ancient council of Jerusalem to convert them into the decree of a Legislative body. The Sanhedrin, comprising of 71 deputies from France, Germany, Holland and Italy met under the presidency of Rabbi Sinzheim, of Strassburg on 9th February 1807, and adopted a sort of Charter which exhorted the Jews to look upon France as their fatherland, to regard its citizens as their brethren, and to speak its language, and which also pressed toleration of marriages between Jews and Christians while declaring that they could not be sanctioned by the synagogue. It will be noted that the Jews refused to sanction intermarriages between Jews and non-Jews. They only agreed to tolerate them.

The second instance relates to what happened when the Batavian Republic was established in 1795. The more energetic members of the Jewish community pressed for a removal of the many disabilities under

which they laboured. But the demand for the fuller rights of citizenship made by the progressive Jews was at first, strangely enough, opposed by the leaders of the Amsterdam community, who feared that civil equality would militate against the conservation of Judaism and declared that their co-religionists renounced their rights of citizenship in obedience to the dictates of their faith. This shows that the Jews preferred to live- as strangers rather than as members of the community.

Whatever the value of their explanations the Gentiles have at least realized that there rests upon them a responsibility to show cause for their unnatural attitude towards the Jews. The Hindu has never realised this responsibility of justifying his treatment of the Untouchables. The responsibility of the Hindus is much greater because there is no plausible explanation he can offer in justification of untouchability. He cannot say that the Untouchable is a leper or a mortal wretch who must be shunned. He cannot say that between him and the Untouchables, there is a gulf due to religious antagonism which is not possible to bridge. Nor can he plead that it is the Untouchable who does not wish to assimilate with the Hindus.

But that is not the case with the Untouchables. They too are in a different sense an eternal people who are separate from the rest. But this separateness, their segregation is not the result of their wish. They are punished not because they do not want to mix. They are punished because they want to be one with the Hindus. In other words, though the problem of the Jews and of the Untouchables is similar in nature—inasmuch as the problem is created by others—it is essentially different. The Jew's case is one of the voluntary isolation. The case of the Untouchables is that of compulsory segregation. Untouchability is an infliction and not a choice.

CHAPTER 2

UNTOUCHABLES—THEIR NUMBERS

Before one tries to know what it is to be an Untouchable one would like to know what is the total population of the Untouchables of India. For this one must go to the Census Report.

The first general census of India was taken in the year 1881. Beyond listing the different castes and creeds and adding up their numbers so as to arrive at the total figure of the population of India the Census of 1881 did nothing. It made no attempt to classify the different Hindu castes either into higher and lower or touchable and untouchable. The

second general census of India was taken in the year 1891. It was at this census that an attempt to classify the population on the basis of caste and race and grade was made by the Census Commissioner for the first time. But it was only an attempt.

The third general census of India was taken in 1901. At this census a new principle of classification was adopted namely"Classification by Social precedence as recognised by native public opinion". To this serious opposition was raised by high caste Hindus to the enumeration by caste in the Census Report. They insisted on the omission of the question regarding caste.

This objection did not have any effect on the Census Commissioner. In the opinion of the Census Commissioner enumeration by caste was important and necessary. It was argued by the Census Commissioner that"whatever view may be taken of the advantages or disadvantages of caste as a social institution, it is impossible to conceive of any useful discussion of the population questions in India in which caste would not be an important element. Caste is still 'the foundation of the Indian social fabric' and the record of caste is still 'the best guide to the changes in the various social strata in the Indian Society' Every Hindu (using the term in its most elastic sense) is born into a caste and his caste determines his religious, social, economic and domestic life from the cradle to the grave. In western countries the major factors which determine the different strata of society viz. wealth, education and vocation are fluid and catholic and tend to modify the rigidity of birth and hereditary position. In India spiritual and social community and traditional occupation override all other factors. Thus where in censuses of western countries an economic or occupational grouping of the population affords a basis for the combination of demographic statistics, the corresponding basis in the case of the Indian population is the distinction of religion and caste. Whatever view may be taken of caste as a national and social institution it is useless to ignore it, and so long as caste continues to be used as one of the distinguishing features of an individual's official and social identity it cannot be claimed that a decinnial enumeration helps to perpetuate an undesirable institution.

This Census of 1901 did not result in fixing the total population of the Untouchables at any exact figure. This was due to two reasons. In the first place no exact tests were applied to determine who is an Untouchable. Secondly a class of the population which was economically and educationally backward but not Untouchable was mixed up with those who were actually Untouchables.

The Census of 1911 went a step further and actually laid down ten tests to mark off the Untouchables from those who were Touchable. Under these tests the Census Superintendents made a separate enumeration of castes and tribes who (1) denied the supremacy of the Brahmins; (2) did not receive the Mantra from Brahmana or other recognised Hindu Guru; (3) denied the authority of the Vedas; (4) did not worship the great Hindu Gods; (5) were not served by good Brahmanas; (6) have no Brahmin priests at all; (7) have no access to the interior of the ordinary Hindu temple; (8) cause pollution; (9) bury their dead and (10) eat beef and do not reverence the cow. The separation of the Untouchables from the Hindus was insisted upon by the Muslims in a memorial to the Government dated 27th January 1910 in which they claimed that their representation in the political bodies of the country should be in proportion to the population of Touchable Hindus and not Hindus as a whole because they contended that the Untouchables were not Hindus.

Be that as it may the Census of 1911 marks the beginning of the ascertainment of the population of the Untouchables. Efforts in the same direction were continued at the Census of 1921 and 1931.

As a result of these efforts the Simon Commission which came to India in 1930 was able to state with some degree of surety that total population of Untouchables in British India was 44.5 millions.

Suddenly, however, in 1932 when the Lothian Committee came to India to investigate the question of franchise for the reformed Legislatures and began its investigation, the Hindus adopted a challenging mood and refused to accept the figure given by the Simon Committee as a true figure of the Untouchables of India. In some provinces the Hindus went to the length of denying that there were any Untouchables at all. This is due to the fact that the Hindus had by now realised the danger of admitting the existence of the Untouchables. For it meant that a part of the representation enjoyed by the Hindus will have to be given up by them to the Untouchables.

The Census of 1941 must be left out of consideration. It was taken during the war and it was a sort of a rough measure.

The latest Census is that of 1951. The following figures are taken from the statement issued by the Census Commissioner. The Census Commissioner gives the population of the Scheduled Castes in India as 513 lakhs.

The total population of India, as shown by the 1951 census is 3,567 lakhs, excluding 1.35 lakhs, the enumeration records in whose case were

destroyed by fire in the Census Tabulation Office at Jullundur.

Out of the total population of 3,567 lakhs, 2,949 lakhs live in rural areas and 618 lakhs in the urban areas. The Scheduled Castes in rural areas total 462 lakhs and in urban areas their figures are 51 lakhs.

Non-agricultural classes for the whole population total 1,076 lakhs, the Scheduled Castes 132 lakhs.

Cultivators of land, wholly or mainly owned, and their dependants total 1,674 lakhs for the whole population, 174 lakhs for the Scheduled Castes.

Cultivators of land, wholly or mainly un-owned and their dependants are 316 lakhs for the whole of India, 56 lakhs for the Scheduled Castes.

Cultivating labourers and their dependants are 448 lakhs for the whole of India, 148 lakhs for the Scheduled Castes. Figures for non-agricultural classes are as follows:

Production other than Cultivation: Total 377 lakhs. Scheduled Castes 53 lakhs.

Commerce: Total 213 lakhs. Scheduled Castes 9 lakhs. Transport: Total 56 lakhs. Scheduled Castes 6 lakhs. Other services and miscellaneous sources: Total 430 lakhs, Scheduled Castes 64 lakhs.

Out of a total Scheduled Caste population of over 513 lakhs, 114 lakhs live in North India (Uttar Pradesh); 128 lakhs in East India (Bihar, Orissa, West Bengal, Assam, Manipur and Tripura); 110 lakhs in South India (Madras, Mysore, Travancore-Cochin and Coorg); 31 lakhs in West India (Bombay, Saurashtra and Kutch); 76 lakhs in Central India (Madhya Pradesh, Madhya Bharat, Hyderabad, Bhopal and Vindhya Pradesh); and 52 lakhs in North-West India (Rajasthan, Punjab, Patiala and East Punjab States Union, Ajmer, Delhi, Bilaspur and Himachal Pradesh).

CHAPTER 3
SLAVES AND UNTOUCHABLES

Far from being ashamed of untouchability, the Hindus try to defend it. The line of their defence is that the Hindus have never upheld slavery as other nations have done and that in any case, untouchability is not worse than slavery. This argument was used by no less a person than the late Lala Lajpat Rai in his book called ' Unhappy India '. It would have been unnecessary to waste one's time in refuting this countercharge had it not been that on account of its plausibility the world at large not

having witnessed anything worse than slavery is likely to believe that untouchability cannot be worse than slavery.

The first reply to the counter-charge is that it is quite untrue that slavery was not recognised by the Hindus. Slavery is a very ancient institution of the Hindus. It is recognised by Manu, the Hindu lawgiver and has been elaborated and systematised by the other Smriti writers who followed Manu. Slavery among the Hindus was never merely ancient institution, which functioned, only in some hoary past. It was an institution which continued throughout Indian history down to the year 1843 and if it had not been abolished by the British Government by law in that year, it might have continued even today.

As to the relative merits of slavery and untouchability, the best way to meet the counter-charge is to compare and contrast untouchability with slavery as it existed in ancient Rome and in modern America.

What was the *de facto* condition of the slaves in the Roman Empire? The best description I know of is to be found in Mr. Barrow's *Slavery in the Roman Empire*. Says Mr. Barrow:

"Hitherto, it is the repulsive side of household slavery that has been sketched. There is also another aspect. The literature reveals the vast household as normal. It is, of course, the exception. Large slave staffs undoubtedly existed, and they are generally to be found in Rome. In Italy and the Provinces there was less need of display; many of the staff of the Villa were engaged in productive work connected with land and its produce. The old-fashioned relationship between foreman and slave remained there; the slave was often a fellow worker. The kindliness of Pliny towards his staff is well known. It is in no spirit of self-righteousness, and in no wish to appear in a favourable light in the eyes of the future generations which he hoped would read his letters that he tells of his distress at the illness and death of his slaves. The household (or Pliny) is the slaves' republic. Pliny's account of his treatment of his slaves is sometimes regarded as so much in advance of general or even occasional practice as to be valueless as evidence. There is no reason for this attitude.

From reasons both of display and genuine literary interest, the rich families attached to their households, slaves trained in literature and art. Clavisices Sabinus is said by Seneda to have had eleven slaves taught to recite Homer, Hesioid, and nine lyric poets by heart. ' Book cases would be cheaper ', said a rude friend. ' No, what the household knows the master knows ' was the answer. But, apart from such abuses, educated slaves must have been a necessity in the absence of printing;.. .. The

busy lawyer, the dilettante poet, the philosopher and educated gentlemen of literary tastes and need of copyists and readers and secretaries. Such men were naturally linguistic also; a *librarius* who dies at the age of twenty boasts that he was ' literatus Graecis Latinis '. *Amanuenses* were common enough; librarians are to be found in public and private libraries.... Shorthand writing was in common use under the Empire, and slave *Notarii* were regularly employed. Many freemen, rhetoricians and grammarians are collected by Snetonius in a special treatise. Verrius Flaccus was tutor to Austus's grandsons, and at death was publicly honoured by a statue. Scribonius Aphrodisius was the slave and disciple of Orbilius and was afterwards freed by Scribenia. Hyginus was librarian of the Palatine Library, in which office he was followed by Julius Modestus, his own freeman. We hear of freemen historians of a slave philosopher who was encouraged to argue with his master, friends of slaves and freed architects. Freemen as doctors occur frequently in the inscriptions, some of them specialists, they had been trained in big households as slaves, as is shown by one or two examples; after Manumission they rose to eminence and became notorious for their high fees.'" The tastes of some section of society demanded that dancer, singers, musicians, mountebanks, variety artists, athletic trainers and messieurs should be forthcoming. All these are to be found in slavery often trained by teachers who had acquired some reputation[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_1. '

The age of Augustus was the beginning of a period of commercial and industrial expansion.... Slaves had indeed been employed (in arts and crafts) before, but the sudden growth of trade.... their employment in numbers that would otherwise have been unnecessary. Romans engaged more freely and more openly in various forms of commercial and industrial venture. Yet, even so, the agent became more important, for commercial activities became more widespread; and such agents were almost necessarily slaves.... (this is so) because the bonds of slavery (are elastic). (They could be) so relaxed as to offer an incentive to the slave to work by the prospect of wealth and freedom, and so tightened as to provide a guarantee to the master against loss from the misconduct of his slave. In business contracts between slave and master or third person seem to have been common, and the work thus done, and no doubt, the profits were considerable.... Renting of land to the slave has already been noticed.... and in industry much the same system was used in various forms; the master might lease a bank, or a business of the use of a ship,

the terms being a fixed return or the slave being paid on a commission basis'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_2.

The earnings of the slave became in law his peculium was saved it might be used to a variety of purpose. No doubt in many cases this fund was expended in providing food or pleasure. But peculium must not be regarded merely as petty savings, casually earned and idly spent. The slave who made his master's business yield profits, to his own profit too, very often, had a keen sense of the best use to make up his own money. Often he reinvested it in his master's business or in enterprises entirely unrelated to it. He could enter into business relations with his master, from whom he came to be regarded as entirely distinct, or he could make contracts with a third person. He could even have procurators to manage his own property and interests. And so with the peculium may be found not only land, houses, shops, but rights and claims.

The activities of slaves in commerce are innumerable; numbers of them are shopkeepers selling every variety of food, bread, meat, salt, fish, wine, vegetables, beans, lupine-seed, honey, curd, ham, ducks and fresh fish; others deal in clothing— sandals, shoes, gowns and mantles. In Rome, they plied their trade in the neighbourhood of the Circus Mamimus, or the Porticus Trigemimus; or the Esquiline Market, or the Great Mart (on the Caolian Hill) or the Suburramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_3....

The extent to which slave secretaries and agents acted for their masters is shown very clearly in the receipts found in the house of Caecillius Jucundus at Pompei mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_4

That the State should possess slaves is not surprising; war, after all, was the affair of the State and the captive might well be State-property. What is surprising is the remarkable use made of public slaves under the Empire and the extraordinary social position occupied by them....

"' Public slave ' came to mean before the Empire a slave of the State employed in its many offices, and the term implied a given occupation and often social position. The work of slaves of the State, slaves of the townships, and slaves of Caesar comprises much of what would now fall to parts of the higher and the whole of the lower branches of the civil services and of the servants of Municipal Corporations, working both with head and hands.... In the subordinate levels (of the Treasury) there

worked numbers of clerks and financial officers, all freedmen and slaves. The business dealt with must have been of vast range.... The Mint.. .. the immediate head was a knight, in charge of the minting processes.... a freedman was placed; under him served freedmen and slaves.... From one branch of State service, at any rate, slaves were rigorously excluded, except on one or two occasions of exceptional stress. They were not allowed to fight in the Army because not thought worthy of honour. Doubtless other motives were present also; it would be dangerous experiment to train too many slaves systematically in the use of Arms. If, however, slaves served rarely in the fighting line, they are regularly to be found in great numbers behind it employed as servants, and in the commissariat and transport. In the fleet slaves were common enoughmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_5."

II

Let us turn to the *de facto* position of the Negro in the United States during the period in which he was slave in the eye of the law. Here are some factsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_6 which shed a good deal of light on his position:

"Lafayette himself had observed that white and black seamen and soldiers had fought and messed together in the Revolution without bitter difference. Down in Granville County, North Carolina, a full blooded Negro, John Chavis, educated in Princeton University, was conducting a private school for white students and was a licentiate under the local Presbytery, preaching to white congregations in the State. One of his pupils became Governor of North Carolina, another the State's most prominent Whig senator. Two of his pupils were sons of the Chief Justice of North Carolina. The father of the founder of the greatest military Academy of the State attended his school and boarded in his home . .. .. Slave labour was used for all kinds of work and the more intelligent of the Negro slaves were trained as artisans to be used and leased. Slave artisans would bring twice as much as an ordinary field hand in the market. Master craftsmen owned their staff. Some masters, as the system became more involved, hired slaves to their slave artisans. Many slave artisans purchased their freedom by the savings allowed them above the normal labour expected."

"The advertisements for runaways and sales are an index to this skill. They received the same or better wages than the poor white labourer

and with the influence of the master got the best jobs. The Contractors for masons' and carpenters' work in Athens, Georgia in 1838 were petitioned to stop showing preference to Negro labourers."The white man is the only real, legal, moral, and civil proprietor of this country and state. The right of his proprietorship reached from the date of the studies of those whitemen, Copernicus and Galileo, who indicated the sphericity of the earth; which sphericity hinted to another white man, Columbus, the possibility by a westerly course of sailing, of finding land. Hence by whitemen alone was this continent discovered, the whitemen alone, aye, those to whom you decline to give money for bread or clothes for their famishing families, in the logical manner of withholding work from them defending Negroes too in the bargain."In Atlanta in 1858 a petition signed by 2 white mechanics and labourers sought protection against the black slave artisans of masters who resided in other sections. The very next year sundry white citizens were aggrieved that the City Council tolerated a Negro dentist to remain and operate in their midst. ' In justice to ourselves and the community it ought to be abated. We, the residents of Atlanta, appeal to you for justice '. A Census of free Negroes in Richmond County, Georgia, in 1819 showed carpenters, barbers, boatcorkers, saddlers, spinners, millwrights, holsters, weavers, harness makers, sawmill attendants and steamboat pilots. A Negro shoe-maker made by hand the boots in which President Munrow was inaugurated. Harriet Martineau marvelled at the slave workmanship in the delicately tiled floors of Thomas Jefferson's home at Monticello. There still stands in the big house of the old plantation, heavy marks of the hands of these Negro craftsmen, strong mansions built of timber hewn from the original oak and pinned together by wooden pins. Negro women skilled in spinning and weaving worked in the mills. Buckingham in 1839 found them in Athens, Georgia, working alongside with white girls without apparent repugnance or objection. Negro craftsmen in the South, slave and free fared better than their brothers in the North. In 1856 in Philadelphia, of 1637 Negro craftsmen recorded, less than two-thirds could use their trades; 'because of hostile prejudice '. The Irish who were pouring into America from the very beginning of the nineteenth century were being used in the North on approximately the same motives of preference, which governed Negro slavery. ' An Irish Catholic, it was argued in their favour, seldom attempts to rise to a higher condition than that in which he is placed, while the Negro often makes the attempt with success. Had not the old Puritan Oliver Cromwell, while the traffic in black slaves was on, sold all

the Irish not killed in the Drogheda Massacre, into Barbados? Free and fugitive Negroes in New York and Pennsylvania were in constant conflict with this group and the bitter hostility showed itself most violently in the draft riots of the New York. These Hibernians controlled the hod carrying and the common labour jobs, opposing every approach of the Negro as a menace to their slight hold upon America and upon a means of livelihood."

Ill

Such was the *de facto* condition of the Roman slave and the American Negro slave. Is there anything in the condition of the Untouchables of India which is comparable with the condition of the Roman slave and the American Negro slave? It would not be unfair to take the same period of time for comparing the condition of the Untouchables with that of the slaves under the Roman Empire. But I am prepared to allow the comparison of the condition of the slaves in the Roman Empire to be made with the condition of the Untouchables of the present day. It is a comparison between the worst of one side and the best of the other, for the present times are supposed to be the golden age for the Untouchables. How does the *de facto* condition of the Untouchables compare with the *de facto* condition of the slaves? How many Untouchables are engaged as the slaves in Rome were, in professions such as those of Librarians, Amanuenses, Shorthand writers? How many Untouchables are engaged, as the slaves in Rome were, in such intellectual occupations as those of rhetoricians, grammarians, philosophers, tutors, doctors and artists? How many Untouchables are engaged, as the slaves in Rome? Can any Hindu dare to give an affirmative answer to anyone of these queries? The Untouchables are completely shut out from any of these avenues in which the slaves found so large a place. This proves how futile is the line of defence adopted by the Hindus to justify untouchability. The pity of the matter is that most people condemn slavery simply because they hold that for one man or class to have by law the power of life and death over another is wrong. They forget that there can be cruel oppression, tyranny, and persecution, with the train of misery, disappointment and desperation even when there is no slavery. Those who will take note of the facts stated above relating to the *de facto* condition of the slaves will admit that it is idle to condemn slavery lightly or hurriedly on the mere *de jure* conception of it. What the law permits is not always evidence of

the practices prevalent in society. Many a slave would readily have admitted that they owed everything to slavery, and many did so whether they would have admitted it or not.

Slavery, it must be admitted, is not a free social order. But can untouchability be described as a free social order? The Hindus who came forward to defend untouchability no doubt claim that it is. They, however, forget that there are differences between untouchability and slavery, which makes untouchability a worse type of an un-free social order. Slavery was never obligatory. But untouchability is obligatory. A person is *permitted* to hold another as his slave. There is no compulsion on him if he does not want to. But an Untouchable has no option. Once he is born an Untouchable, he is subject to all the disabilities of an Untouchable. The law of slavery permitted emancipation. Once a slave always a slave was not the fate of the slave. In untouchability there is no escape. Once an Untouchable always an Untouchable. The other difference is that untouchability is an indirect and therefore the worst form of slavery. A deprivation of a man's freedom by an open and direct way is a preferable form of enslavement. It makes the slave conscious of his enslavement and to become conscious of slavery is the first and most important step in the battle for freedom. But if a man is deprived of his liberty indirectly he has no consciousness of his enslavement. Untouchability is an indirect form of slavery. To tell an Untouchable 'you are free, you are a citizen, you have all the rights of a citizen ', and to tighten the rope in such a way as to leave him no opportunity to realise the ideal is a cruel deception. It is enslavement without making the Untouchables conscious of their enslavement. It is slavery though it is untouchability. It is real though it is indirect. It is enduring because it is unconscious. Of the two orders, untouchability is beyond doubt the worse.

Neither slavery nor untouchability is a free social order. But if a distinction is to be made—and there is no doubt that there is distinction between the two—the test is whether education, virtue, happiness, culture, and wealth is possible within slavery or within untouchability. Judged by this test it is beyond controversy that slavery is hundred times better than untouchability. In slavery there is room for education, virtue, happiness, culture, or wealth. In untouchability there is none. Untouchability has none of the advantages of an un-free social order such as slavery. It has all the disadvantages of a free social order. In an un-free social order such as slavery there is the advantage of apprenticeship in a business, craft or art or what Prof. Mures calls 'an

initiation into a higher culture '. Neither the crushing of untouchability nor the refusal of personal growth was necessary inherent in slavery, especially slavery as it existed in Roman Empire. It is therefore over hasty to say that slavery is better than untouchability.

This training, this initiation of culture was undoubtedly a great benefit to the slave. Equally it involved considerable cost to the master to train his slave, to initiate him into culture. 'There can have been little supply of slaves educated or trained before enslavement. The alternative was to train them when young slaves in domestic work or in skilled craft, as was indeed done to some extent before the Empire, by Cato, the Elder, for example. The training was done by his owner and his existing staff.... indeed the household of the rich contained special pedagogue for this purpose. Such training took many forms, industry, trade, arts and letters '.

The reason why the master took so much trouble to train the slave and to initiate him in the higher forms of labour and culture was undoubtedly the motive of gain. A skilled slave as an item was more valuable than an unskilled slave. If sold, he would fetch better price, if hired out he would bring in more wages. It was therefore an investment to the owner to train his slave.

In an un-free social order, such as slavery, the duty to maintain the slave in life and the body falls upon the master. The slave was relieved of all responsibility in respect of his food, his clothes and his shelter. All this, the master was bound to provide. This was, of course, no burden because the slave earned more than his keep. But a security for boarding and lodging is not always possible for every freeman, as all wage earners now know to their cost. Work is not always available even to those who are ready to toil and a workman cannot escape the rule according to which he gets no bread if he finds no work. This rule—no work no bread—has no applicability to the slave. It is the duty of the master to find bread and also to find work. If the master fails to find work, the slave does not forfeit his right to bread. The ebbs and tides of business, the booms and depressions are vicissitudes through which all free wage earners have to go. But they do not affect the slave. They may affect his master. But the slave is free from them. He gets his bread, perhaps the same bread, but bread whether it is boom or whether it is depression.

In an un-free social order, such as slavery, the master is bound to take great care of the health and well being of the slave: The slave was property of the master. But this very disadvantage gave the slave an advantage over a freeman. Being property and therefore valuable, the

master for sheer self-interest took great care of the health and well-being of the slave In Rome, the slaves were never employed on marshy and malarial land. On such a land only freemen were employed. Cato advises Roman farmers never to employ slaves on marshy and malarial land. This seems strange. But a little examination will show that this was quite natural. Slave was valuable property and as such a prudent man who knows his interest will not expose his valuable possession to the ravages of malaria. The same care need not be taken in the case of freeman because he is not valuable property. This consideration resulted into the great advantage of the slave. He was cared for as no one was.

Untouchability has none of the three advantages of the un-free social order mentioned above. The Untouchable has no entry in the higher arts of civilisation and no way open to a life of culture. He must only sweep. He must do nothing else. Untouchability carries no security as to livelihood. None from the Hindus is responsible for the feeding, housing and clothing of the Untouchable. The health of the Untouchable is the care of nobody. Indeed, the death of an Untouchable is regarded as a good riddance. There is a Hindu proverb, which says 'The Untouchable is dead and the fear of pollution has vanished '.

On the other hand, untouchability has all the disadvantages of a free social order. In a free social order the responsibility for survival in the struggle for existence lies on the individual. This responsibility is one of the greatest disadvantages of a free social order. Whether an individual is able to carry out this responsibility depends upon fair start, equal opportunity and square deal. The Untouchable, while he is a free individual, had neither fair start, nor equal opportunity nor square deal. From this point of view, untouchability is not only worse than slavery but is positively cruel as compared to slavery. In slavery, the master has the obligation to find work for the slave. In a system of free labour workers have to compete with workers for obtaining work. In this scramble for work what chances has the Untouchable for a fair deal? To put it shortly, in this competition with the scales always weighing against him by reason of his social stigma he is the last to be employed and the first to be fired. Untouchability is cruelty as compared to slavery because it throws upon the Untouchables the responsibility for maintaining himself without opening to him fully all the ways of earning a living.

To sum up, the Untouchables unlike the slaves are owned by the Hindus for purposes which further their interests and are disowned by them, when owning them places them under burden. The Untouchables

can claim none of the advantages of an un-free social order and are left to bear all the disadvantages of a free social order.

CHAPTER 4

THE INDIAN GHETTO—THE CENTRE OF UNTOUCHABILITY—
Outside the Fold

What is the position of the Untouchables under the Hindu social order? To give a true idea of their position is the main purpose of this chapter. But it is not easy to strike upon the best means of conveying a realistic and concrete picture of the way the Untouchables live or rather are made to live under the Hindu social order to one who has no conception of it. One way is to draw a model plant so to say of the Hindu social order and show the place given to the Untouchables therein. For this it is necessary to go to a Hindu village. Nothing can serve our purpose better. The Hindu village is a working plant of the Hindu social order. One can see there the Hindu social order in operation in full swing. The average Hindu is always in ecstasy whenever he speaks of the Indian village. He regards it as an ideal form of social organisation to which he believes there is no parallel anywhere in the world. It is claimed to be a special contribution to the theory of social organisation for which India may well be proud of.

How fanatic are the Hindus in their belief in the Indian village as an ideal piece of social organisation may be seen from the angry speeches made by the Hindu members of the Indian Constituent Assembly in support of the contention that the Indian Constitution should recognise the Indian village as its base of the constitutional pyramid of autonomous administrative units with its own legislature, executive and judiciary. From the point of view of the Untouchables, there could not have been a greater calamity. Thank God the Constituent Assembly did not adopt it. Nevertheless the Hindus persist in their belief that the Indian village is an ideal form of social organisation. This belief of the Hindus is not ancestral belief, nor does it come from the ancient past. It is borrowed from Sir Charles Metcalfe—a civil servant of the East India Company. Metcalfe, who was a revenue officer, in one of his Revenue Papers described the Indian village in the following terms[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_7:

"The village communities are little republics, having nearly everything they want within themselves and almost independent of any foreign relations. They seem to last when nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds to revolution; Hindu, Pathan, Moghul, Maratha, Sikh, English, all are masters in turn, but the village communities remain the same. In times of trouble they arm and fortify themselves. An hostile army passes through the country, the village communities collect their cattle within their walls and let the enemy pass unprovoked. If plunder and devastation be directed against them selves, and the forces employed be irresistible, they flee to friendly villages at a distance; but when the storm has passed over, they return and resume their occupations. If a country remains for a series of years the scene of continued pillage and massacre so that the villages cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the place of their fathers; the same site for the village, the same position for their houses, the same lands will be reoccupied by the descendants of those who were driven out when the village was repopulated; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbances and convulsion, and acquire strength sufficient to resist pillage and oppression with success. This union of the village communities, each one forming a little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have referred, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence."Having read this description of an Indian village given by a high-placed member of the governing class, the Hindus felt flattered and adopted his view as a welcome compliment. In adopting this view of the Indian village, the Hindus have not done any justice to their intelligence or their understanding. They have merely exhibited the weakness common to all subject people. Since many foreigners are led to accept this idealistic view of the Indian village, it would be better to present a realistic picture of the Society as one finds it in an Indian village.

The Indian village is not a single social unit. It consists of castes. But for our purposes, it is enough to say—

1. The population in the village is divided into two sections—(I) Touchables and (ii) Untouchables.

II. The Touchables form the major community and the Untouchables a minor community.

III. The Touchables live inside the village and the Untouchables live outside the village in separate quarters.

IV. Economically, the Touchables form a strong and powerful community, while the Untouchables are a poor and a dependent community.

V. Socially, the Touchables occupy the position of a ruling race, while the Untouchables occupy the position of a subject race of hereditary bondsmen.

What are the terms of associated life on which the Touchables and Untouchables live in an Indian village? In every village the Touchables have a code which the Untouchables are required to follow. This code lays down the acts of omissions and commissions which the Touchables treat as offences. The following is the list of such offences:

1. The Untouchables must live in separate quarters away from the habitation of the Hindus. It is an offence for the Untouchables to break or evade the rule of segregation.

2. The quarters of the Untouchables must be located towards the South, since the South is the most inauspicious of the four directions. A breach of this rule shall be deemed to be an offence.

3. The Untouchable must observe the rule of distance pollution or shadow of pollution as the case may be. It is an offence to break the rule.

4. It is an offence for a member of the Untouchable community to acquire wealth, such as land or cattle.

5. It is an offence for a member of the Untouchable community to build a house with tiled roof.

6. It is an offence for a member of an Untouchable community to put on a clean dress, wear shoes, put on a watch or gold ornaments.

7. It is an offence for a member of the Untouchable community to give high sounding names to their children. Their names be such as to indicate contempt.

8. It is an offence for a member of the Untouchable community to sit on a chair in the presence of a Hindu.

9. It is an offence for a member of the Untouchable community to ride on a horse or a palanquin through the village.

10. It is an offence for a member of the Untouchable community to take a procession of Untouchables through the village.

11. It is an offence for a member of the Untouchable community not to salute a Hindu.

12. It is an offence for a member of the Untouchable community to speak a cultured language.

13. It is an offence for a member of the Untouchable community, if he happens to come into the village on a sacred day which the Hindus treat as the day of fast and at or about the time of the breaking of fast, to go about speaking, on the ground that their breath is held to foul the air and the food of the Hindus.

14. It is an offence for an Untouchable to wear the outward marks of a Touchable and pass himself as a Touchable.

15. An Untouchable must conform to the status of an inferior and he must wear the marks of his inferiority for the public to know and identify him such as— *(a)* having a contemptible name. *(b)* not wearing clean clothes. *(c)* not having tiled roof. *(d)* not wearing silver and gold ornaments. A contravention of any of these rules is an offence. Next come the duties which the Code requires members of the Untouchable community to perform for the Touchables. Under this head the following may be mentioned:

1. A member of an Untouchable community must carry a message of any event in the house of a Hindu such as death or marriage to his relatives living in other villages no matter how distant these villages may be.

2. An Untouchable must work at the house of a Hindu when a marriage is taking place, such as breaking fuel, and going on errands.

3. An Untouchable must accompany a Hindu girl when she is going from her parent's house to her husband's village no matter how distant it is.

4. When the whole village community is engaged in celebrating a general festivity such as Holi or Dasara, the Untouchables must perform all menial acts which are preliminary to the main observance.

5. On certain festivities, the Untouchables must submit their women to members of the village community to be made the subject of indecent fun. These duties have to be performed without remuneration.

To realise the significance of these duties, it is important to note why they have come into being. Every Hindu in the village regards himself as a superior person above the Untouchables. As an overlord, he feels it absolutely essential to maintain his prestige. This prestige he cannot maintain unless he has at his command a retinue to dance attendance on him. It is in the Untouchable that he finds a ready retinue, which is at

his command and for which he does not have to pay. The Untouchables by reason of their helplessness cannot refuse to perform these duties and the Hindu villager does not hesitate to exact them since they are so essential to the maintenance of his prestige.

These offences are not to be found in the Penal Code, enacted by the British Government. Nonetheless so far as the Untouchables are concerned, they are real. A breach of any of them involves sure punishment for the Untouchables. How they are enforced will be clear from Chapter 5 & 6.

Another important thing to note is that the punishment for these offences is always collective. The whole community of Untouchables is liable for punishment though the offence may have been committed by an individual.

How do the Untouchables live? How do they earn their living? Without a knowledge of the ways of earning a livelihood which are open to the Untouchables it would not be possible to have a clear idea of their place in the Hindu Society.

In an agricultural country, agriculture can be the main source of living. But this source of earning a living is generally not open to the Untouchables. This is so for a variety of reasons. In the first place purchase of land is beyond their means. Secondly even if an Untouchable has the money to purchase land he has no opportunity to do so. In most parts the Hindus would resent an Untouchable coming forward to purchase land and thereby trying to become the equal of the Touchable class of Hindus. Such an act of daring on the part of an Untouchable would not only be frowned upon but might easily invite punishment. In some parts they are disabled by law from purchasing land. For instance in the Province of Punjab there is a law called the Land Alienation Act. This law specifies the communities which can purchase land and the Untouchables are excluded from the list. The result is that in most part the Untouchables are forced to be landless labourers. As labourers they cannot demand reasonable wages. They have to work for the Hindu farmer for such wages as their masters choose to give. On this issue the Hindu farmers can combine to keep the wages to the lowest level possible for it is to their interests to do so. On the other hand the Untouchables have no holding power. They must earn or starve. Nor have they any bargaining power. They must submit to the rate fixed or suffer violence.

The wages paid to the Untouchables are either paid in cash or in corn. In parts of the Uttar Pradesh the corn given to the Untouchables as

their wages is called"Gobaraha"."Gobaraha"means privy corn or corn contained in the dung of an animal. In the month of March or April when the crop is fully grown, reaped and dried, it is spread on the threshing floor. Bullocks are made to tread over the corn in order to take the corn out of husk by the pressure of their hooves. While treading over the corn, the bullocks swallow up the corn as well as the straw. As their intake is excessive they find it difficult to digest the corn. Next day, the same corn comes out of their stomach along with their dung: The dung is strained and the corn is separated and given to the Untouchable workmen as their wages which they convert into flour and make into bread.

When the agricultural season is over the Untouchables have no employment and no means of earning a living. In such seasons they subsist by cutting grass and firewood from the jungle and sell it in a nearby town. Even when it is open it depends upon the forest guard. Only if he is bribed he will let them take some grass and firewood from the Government forest. When it is brought to the town they have always to face a buyer's market. The Hindus who are the main body of buyers will always conspire to beat down the wages. Having no power to hold out, the Untouchables have to sell their stuff for whatever is offered to them. Often times they have to walk 10 miles each way from the village to the town and back to sell their stuff.

There is no trade in which they are engaged themselves as a means of earning a livelihood. They have not the capital for it and even if they had, no one would buy from them.

All these sources of earning are obviously precarious and fleeting. There is no security. There is only one secure source of livelihood open to the Untouchables *in* some parts of the country known to me. It is the right—to beg food from the Hindu farmers of the village. Every village has its machinery of administration. The Untouchables of the village are hereditary menials employed in the village administration. As part of their remuneration the whole body of Untouchables get a small parcel of land assigned in the ancient past which is fixed and is never increased and which the Untouchables prefer to leave uncultivated because of its excessive fragmentation. Coupled with this is given to them the right to beg for food.

Shocking as it may seem, this has become a customary right of the Untouchables and even Government takes into account the value of the food obtained by the Untouchables by begging in fixing the

remuneration of an Untouchable if he were to be employed in Government job.

This right to beg for food from the Touchables is now the principal means of livelihood for 60 millions of Untouchables in India. If anyone were to move in a village after the usual dinner time, he will meet with a swarm of Untouchables moving about the village begging for food and uttering the formula.

This statutory beggary as a means of livelihood for the Untouchables has been reduced to a system. The Untouchable families are attached to different Touchable families in the village as did the serfs and villains to the Lords of the Manors in Medieval Europe. The Untouchable families attached to the Touchable families are at the command of the latter. This relationship has become so personal that one always hears a Touchable speaking of an Untouchable as 'my man ' as though he was his slave. This relationship has helped to systematise this matter of begging food by the Untouchables from the Touchable households.

This is the Village Republic of which the Hindus are so proud. What is the position of the Untouchables in this Republic? They are not merely the last but are also the least. He is stamped as an inferior and is held down to that status by all ways and means, which a majority can command. This inferiority is the destiny not merely of an individual but of the whole class. All Untouchables are inferior to all Touchables irrespective of age or qualification. A Touchable youth is above an aged Untouchable and an educated Untouchable must rank below an illiterate Touchable.

The established order is the law made by the Touchables. The Untouchables have nothing to do with it except to obey it and respect it.

The Untouchables have no rights against the Touchables. For them there is no equal right, no justice by which that which is due to the Untouchables is allowed to them. Nothing is due to them except what the Touchables are prepared to grant. The Untouchables must not insist on rights. They should pray for mercy and favour and rest content with what is offered.

This established order is a hereditary order both in status as well as in function. Once a Touchable, always a Touchable. Once an Untouchable, always an Untouchable. Once a Brahmin, always a Brahmin. Once a sweeper, always a sweeper. Under it, those who are born high, remain high; those who are born low, remain low. In other words, the established order is based on an inexorable law of karma or destiny, which is fixed once for all and can never be changed. This destiny has

no relation to the merits of the individuals living under it. An Untouchable however superior he may be mentally and morally, is below a Touchable in rank, no matter how inferior he may be mentally or morally. A Touchable however poor he may be must always take rank above an Untouchable, however rich he may be.

Such is the picture of the inside life in an Indian village. In this Republic, there is no place for democracy. There is no room for equality. There is no room for liberty and there is no room for fraternity. The Indian village is the very negation of a Republic. If it is a republic, it is a republic of the Touchables, by the Touchables and for the Touchables. The republic is an Empire of the Hindus over the Untouchables. It is a kind of colonialism of the Hindus designed to exploit the Untouchables. The Untouchables have no rights. They are there only to wait, serve and submit. They are there to do or to die. They have no rights because they are outside the village republic and because they are outside the so-called republic, they are outside the Hindu fold. This is a vicious circle. But this is a fact which cannot be gainsaid.

CHAPTER 5
UNFIT FOR HUMAN ASSOCIATION

The Untouchables as explained in the last Chapter are outside the Hindu fold. The question however remains How far removed are they from the Hindus? What respect, what consideration do the Hindus show to them as human beings if not as Hindus? Without an answer to these questions, one cannot get a complete picture of the life of the Untouchables. The answer is there for anyone who cares to note it. The only difficulty is how to present it. There are two ways of presenting it. Either in the form of a statement or by citation of cases. I will adopt the latter. I do not wish to weary the reader with many cases. I will cite only a few, which are quite telling. The first case is from the State of Madras. In the year 1909 an appeal was filed in the Madras High Court by Mr. Venkata Subba Reddy and others all of whom were Hindus against their conviction by the Magistrate under section 339, Indian Penal Code, for causing obstruction to the complainant and his party who were also caste Hindus. The judgmentmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_8 of the Madras High Court which gives the facts of the case and illustrates the position of the

Untouchables vis-à-vis the Hindus in a very striking manner. The judgement is therefore worth quoting. It is as follows:

"The Appellants (Venkata Subba Reddy and others) have been convicted of wrongful restraint for having caused certain Pariahs[2]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_9 to stand in the public street in the vicinity of a temple with the object of preventing the complainant from conducting a procession from the temple through the street. It is found that the complainant, deterred by fear of the pollution which he would have suffered had he passed near the *Pariahs,* did not conduct the procession, and that the accused maliciously caused the *Pariahs* to take up their positions in the street with the sole object of deterring the complainant from going where he had a right to go.

We do not think that the accused has committed the offence of wrongful restraint; in our opinion this act did not amount to an obstruction within the meaning of section 339. The Pariahs were no obstruction; in fact there was nothing to prevent the complainant from taking his procession past them and they had a right to be where they were; and it is not suggested that their presence was intended to cause fear of physical injury or any fear that anything would happen to the complainant except the pollution of the procession by their presence.

It was not the presence of the *Pariahs* but the complainant's own disinclination to go near them which prevented him from going where he would; it was his own choice which kept him from leaving the temple as Mr. Kuppuswami Aiyer put it, it was with his own consent that he remained there and there was no fear of injury within the meaning of the Penal Code which would prevent that consent from being a free consent. If it were otherwise, it would follow that a person in the position of the complainant would be justified in complaining of wrongful restraint against any *Pariah,* who having been lawfully in the public street on his own business, refused to move when directed to remove himself to a distance, knowing that if he remained, the complainant would be deterred by fear of pollution from passing near him.

It is clear that there would be no wrongful restraint in such a case and we think, it makes no difference that the *Pariahs* were posted by the accusedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_10.

We therefore set aside the conviction and sentence and direct refund of the fines if paid."

The case is very illuminating. There were in this case two parties. Venkata Subba Reddy was the leader of one party. Both parties were caste Hindus. The quarrel between the parties was over the right to take out a procession. Venkata Subba Reddy wanted to stop his opponents from taking out a procession and did not know how best to do it. It struck him that the effective way would be to get a few Untouchables and ask them to stand on the road and hold fast to it. The trick succeeded and his opponents could not dare to go in the procession for fear of being polluted. The fact that the Madras High Court gave a judgment to the effect that making the *Pariahs* stand on the road does not constitute obstruction in the legal sense of the term is another matter. The fact remains that the mere presence of the *Pariahs* was enough to drive the Hindus away. What does this mean? It means that the Hindus have an absolute feeling of revulsion towards the Untouchables.

The next case is equally illuminating. It is a case of an Untouchable school teacher in a village in Kathiavar and is reported in the following letter which appeared in the ' *Young India*' a journal published by Mr. Gandhi in its issue of 12th December 1929. It expresses the difficulties he had expressed in persuading a Hindu doctor to attend to his wife who had just delivered and how the wife and child died for want of medical attention. The letter says:

"On the 5th of this month a child was born to me. On the 7th, she fell ill and suffered from loose stools. Her vitality seemed to ebb away and her chest became inflamed. Her breathing became difficult and there was acute pain in the ribs. I went to call doctor—but he said he would not go to the house of a Harijan nor was he prepared to examine the child. Then I went to Nagarseth and Garasia Darbar and pleaded them to help me. The Nagarseth stood surety to the doctor for my paying his fee of two rupees. Then the doctor came but on condition that he would examine them only outside the Harijan colony. I took my wife out of the colony along with her newly born child. Then the doctor gave his thermometer to a Muslim, he gave it to me and I gave it to my wife and then returned it by the same process after it had been applied. It was about eight o'clock in the evening and the doctor on looking at the thermometer in the light of a lamp said that the patient was suffering from pneumonia. Then the doctor went away and sent the medicine. I brought some linseed from the bazaar and used it on the patient. The doctor refused to see her later, although I gave the two rupees fee. The disease is dangerous and God alone will help us.

The lamp of my life has died out. She passed away at about two o'clock this afternoon."

The name of the Untouchable schoolteacher is not given. So also the name of the doctor is not mentioned. This was at the request of the Untouchable teacher who feared reprisals. The facts are indisputable.

No explanation is necessary. The doctor, who in spite of being educated refused to apply the thermometer and treat an ailing woman in a critical condition. As a result of his refusal to treat her, the woman died. He felt no qualms of conscience in setting aside the code of conduct, which is binding on his profession. The Hindu would prefer to be inhuman rather than touch an Untouchable. The third case is taken from"*Prakash'* of 23rd August 1932:

"In the village of Jagwal, tahsil Jafarwal on the 6th August, a calf fell into a well. Rammahashaya, a Dommk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22A.Untouchables or the children of India's Ghetto PART I.htm - _msocom_11 by caste was standing nearby. He at once jumped into the well and caught the calf in his arms. On three or four men coming to help, the calf was safely rescued from the well..

The Hindus of the village, however, raised a hue and cry that their well had been defiled and victimised the poor man. Fortunately, a barrister had come to the scene. He soundly rebuked the men who were tormenting Sadhuram and thus brought them to their senses. Thus, the man's life was saved otherwise no one knows what might have happened."

What is important: saving of the calf by the Untouchable and his polluting the well or the death of the calf and saving the well from being polluted by the Untouchable? From the point of view of the Hindus, it would be better if the calf had died than an Untouchable even for the purpose of saving the calf should have polluted the well.

Another case of similar sort is reported in the ' *Bombay Samachar* ' of 19th December 1936:

"In Kaladi, a village of Calicut, the child of a young woman fell into a well. The woman raised an alarm but none present dared to go down the well. A stranger who was passing by jumped into the well and rescued the child. Later, when the people asked the benefactor who he was, he said, he was an Untouchable. Thereupon instead of being thankful, the man was fully abused and assaulted as he had polluted the well."

How unclean and unfit for association an Untouchable is to a Hindu be evident from the following incident reported in the ' *Adi Hindu*' of Lucknow for July 1937: It says:

"An employee of the Madras Holmes Company, who claimed to be one of the high caste persons, passed away recently. When at the cremation ground his pyre was set fire to, his friends and kinsmen threw rice on it. Among these friends unfortunately there was an Untouchable, an Adi-Dravida of Madras. He also joined in the throwing of the rice. At this, the high caste Hindus rebuked him for defiling the pyre. This led on to a heated argument and the upshot was that two men were stabbed in the stomach, one of them died at once upon reaching the hospital and the condition of the other one is said to be critical."

There is one other incident more telling than this. On the 6th of March 1938, a meeting of the Bhangis was held at Kasarwadi (behind Woollen Mills) Dadar, Bombay, under the Chairmanship of ' Mr. Indulal Yadnik. In this meeting, one Bhangi boy narrated his experience in the following terms:

"I passed the Vernacular Final Examination in 1933. I have studied English up to the 4th Standard. I applied to the Schools Committee of the Bombay Municipality for employment as a teacher but I failed, as there was no vacancy. Then, I applied to the Backward Classes Officer, Ahmedabad, for the job of a Talati (village Patwari) and I succeeded. On 19th February 1936, I was appointed a Talati in the office of the Mamlatdar of the Borsad Taluka in the Kheda District.

Although my family originally came from Gujarat, I had never been in Gujarat before. This was my first occasion to go there. Similarly, I did not know that untouchability would be observed in Government offices. Besides in my application the fact of my being a Harijan was mentioned and so I expected that my colleagues in the office would know before-hand who I was. That being so, I was surprised to find the attitude of the clerk of the Mamlatdar's office when I presented myself to take charge of the post of the Talati.

The Karkun contemptuously asked,"Who are you?"I replied,"Sir, I am a Harijan"; He said, ' Go away, stand at a distance. How dare you stand so near me. You are in office, if you were outside I would have given you six kicks, what audacity to come here for service!"Thereafter, he asked me to drop on the ground my certificate and the order of appointment as a Talati. He then picked them up. While I was working in the Mamlatdar's office at Borsad I experienced great difficulty in the matter of getting water for drinking. In the verandah of the office there

were kept cans containing drinking water. There was a waterman in-charge of these water cans. His duty was to pour out water to clerks in office whenever they needed it. In the absence of the waterman they could themselves take water out of the cans and drink it. That was impossible in my case. I could not touch the cans for my touch would pollute the water, I had therefore to depend upon the mercy of the water-man. For my use there was kept a small rusty pot. No one would touch it or wash it except myself. It was in this pot that the waterman would dole out water to me. But I could get water only if the waterman was present. This waterman did not like the idea of supplying me with water. Seeing that I was coming for water he would manage to slip away with the result that I had to go without water and the days on which I had no water to drink were by no means few.

I had the same difficulties regarding my residence. I was a stranger in Borsad. No caste Hindu would rent a house to me. The Untouchables of Borsad were not ready to give me lodgings for the fear of displeasing the Hindus who did not like my attempt to live as a clerk, a station above me. Far greater difficulties were with regard to food. There was no place or person from where I could get my meals. I used to buy 'Bhajhas' morning and evening, eat them in some solitary place outside the village and come and sleep at night, on the pavement of the verandahs of the Mamlatdar's office. In this way, I passed four days. All this became unbearable to me. Then I went to live at Jentral, my ancestral village. It was six miles from Borsad. Every day I had to walk eleven miles. This I did for a month and a half.

Thereafter the Mamlatdar sent me to a Talati to learn the work. This Talati was -in charge of three villages, Jentral, Khapur and Saijpur. Jentral was his headquarters. I was in Jentral with this Talati for two months. He taught me nothing and I never once entered the village office. The headman of the village was particularly hostile. Once he had said 'you fellow, your father, your brother are sweepers who sweep the village office and you want to sit in the office as our equal? Take cares, better give up this job.'

One day the Talati called me to Saijpur to prepare the population table of the village. From Jentral I went to Saijpur. I found the Headman and the Talati in the village office doing some work. I went, stood near the door of the office and wished them 'good morning ' but they took no notice of me. I stood outside for about 15 minutes. I was already tired of life and felt enraged at being thus ignored and insulted. I sat down on a chair that was lying there. Seeing me seated on the chair the Headman

and the Talati quietly went away without saying anything to me. A short while after, people began to come and soon a large crowd gathered round me. This crowd was led by the Librarian of the village library. I could not understand why an educated person should have led this mob. I subsequently learnt that the chair was his. He started abusing me in the worst terms. Addressing the Ravania (village servant) he said 'who allowed this dirty 'dog of a Bhangi to sit on the chair?' The Ravania unseated me and took away the chair from me. I sat on the ground. Thereupon the crowd entered the village office and surrounded me. It was a furious crowd raging with anger, some abusing me, some threatening to cut me to pieces with Dharya (a sharp weapon like the sword). I implored them to excuse me and to have mercy upon me. That did not have any effect upon the crowd. I did not know how to save myself. But an idea came to me of writing to the Mamlatdar about the fate that had befallen me and telling him how to dispose of my body in case I was killed by the crowd. Incidentally, it was my hope that if the crowd came to know that I was practically reporting against them to the Mamlatdar they might hold their hands. I asked the Ravania to give me a piece of paper which he did. Then with my fountain pen I wrote the following on it in big bold letters so that everybody could read it:

"To
The Mamlatdar, Taluk Borsad.

Sir,

Be pleased to accept the humble salutations of Parmar Kalidas Shivram. This is to humbly inform you that the hand of death is falling upon me today. It would not have been so if I had listened to the words of my parents. Be so good as to inform my parents of my death."

The Librarian read what I wrote and at once asked me to tear it off, which I did. They showered upon me innumerable insults. 'You want us to address you as our Talati? You are a Bhangi and you want to enter the office and sit on the chair? 'I implored for mercy and promised not to repeat this and also promised to give up the job. I was kept there till seven in the evening when the crowd left. Till then the Talati and the Mukhiya had not come. Thereafter I took fifteen days' leave and returned to my parents in Bombay."There is another facet of the social outlook of the Hindus towards the Untouchables, which cannot be

neglected. This outlook is best illustrated by a study of the following cases. In the ' *Alfzal"*of 8th September 1943:

"It was reported from Nasik on 1st September that the Hindus of a village attacked an Achchut family; tied the hands and feet of an elderly woman, placed her on a pile of wood which was subsequently set on fire. All this because they thought she was the cause of the Cholera in the village."The *'Times of India'* of August 29, 1946.

"The Harijan quarters of a village in Kaira District are reported to have been raided by Caste Hindus on suspicion that the Harijans were causing the death of cattle by witchcraft.

It is alleged that about 200 villagers armed with sticks raided the Harijan quarters and tying an old woman to a tree, burnt her feet. Another woman is reported to have been belaboured.

The Harijans evacuated the village in panic, but Mr. Chhotabhai Patel, Secretary of the District Harijan Sevak Sangh who was apprized of the incidents has brought back the Harijans to the village and applied to the authorities for their protection.

A similar incident is reported from another village, where Harijans are alleged to have been severely belaboured."The matter did not end there. There was a recurrence of violence in which the whole body of Hindus are reported to have taken part in general assault on the Untouchables. The news appeared in the ' *Bharat Jyoti"*of 22nd September 1946. which is reproduced below:

"Five Harijans, including one woman, were injured seriously when a crowd of villagers attacked them with dharias and lathis in a village in Borsad Taluka in Kaira District according to a report received by the Secretary of the Borsad Taluka Harijan Sevak Sangh. The attack was a sequel to the death of about seven buffaloes which the villagers attributed to black magic practised by the Harijans.

The injured have been sent to hospital. Police rushed to the spot, and some persons have been arrested.

The villagers, it is learnt, are threatening the Harijans that if they make any complaints to the authorities they would be burnt alive.

Such incidents often occur in Kaira villages, and the District Magistrate of Kaira has instructed all police and other executive officers to take strong measures against such harassment of Harijans."

The tale told by these cases is clear and simple. No comment is necessary. To the average Hindu, the Untouchable is not fit even for human association. He is the carrier of evil. He is not a human being. He must be shunned.

PART II

Untouchables or The Children of India's Ghetto

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CHAPTER 6

UNTOUCHABILITY AND LAWLESSNES

There are many people who must be wondering as to how such an established order so full of inequalities could have survived. What are the forces, which go to support it? The forces which sustain the system the most important is the determination of the Hindus to maintain it at all cost. The Hindus are prepared to use every means to suppress the Untouchables whenever the Untouchables try to upset it even in the slightest degree. The ordinary non-violent Hindu will not hesitate to use the utmost violence against the Untouchables. There is no cruelty, which he will not practice against them to sustain the established order. Not many will readily believe this. But this is a fact. For those who have any doubt on the point, I reproduce below some cases of tyrannies and oppressions practised by the Hindus against the Untouchables as have been reported from time to time in the newspapers:

I

The following news item appeared in the"*Tej*"of Delhi in its issue of 4th September 1927:

"The Shiv Temple of Vykom has been desecrated by the Harijans by their coming too near to the temple. Now the Hindus of that area have decided that the ceremony of purifying the temple should be elaborately performed at great expense before the place is fit for worship again."The correspondent of ' *Pratap* ' reports the following incident which appears in its issue of 2nd September 1932:

"Meerut August 1932. On the day of Janmashtami some Harijans tried to gain admittance into Caste Hindu Temple but nothing came except widespread troubles and unrest. This year the local Dalit Association has decided that if the doors of the temples are not opened to them, they will undertake Satyagraha. When the Hindus came to know of this, they started making plans to defeat the moves of the Harijans. At last on the night of Janmashtami, the members of the Harijan community came in the form of a procession and tried to gain access to the temple Gods. The priests, however, refused them permission to enter and said,"You can have audience of the Gods standing outside on the street."Upon this a great crowd gathered at the place. The priests tried to enter the temple and thus a clash took place between the two parties and blows were freely exchanged."

The Hindus do not allow the Untouchables to enter the Hindu temples. It would be thought that they would allow the Untouchables to have their own temples and install therein the image of God. That is a mistake. The Hindus will not allow even that. It is enough to quote two instances. One is from the"*Pratap*"of 12th February 1923:

"In the District of Agra, a Chamar who had seen a Brahmin worshipping the image of Vishnu in his house, began to do the same himself. When the Brahmin came to know of this he was most indignant and with the help of a number of villagers caught hold of the ill-fated Harijan, gave him a sound beating saying, ' How dare you try to win over the God Vishnu '. Finally, they stuffed his mouth with filth and left him. In sheer desperation the

Chamar abandoned the Hindu faith and embraced Islam."The other is from the *'Hindu'* of 4th July 1939:

"A meeting of the Bellary District Harijan Advisory Board was held on 29th June 1939 at the Collector's Bunglow. Mr. A. D. Crombie, CIE., ICS., President of the Committee and Collector presided.

With regard to the grievances of the Harijans of Narayanadevarakeri including allegations of extraction of forced labour from them and harassment by moneylenders, the Committee decided to call for official report, with a view to taking action, if necessary.

The religious disabilities of the Harijans residing in Kudathini village were brought to the notice of the Committee. It was alleged that though the Harijans constructed a temple in their colony as long as twelve years ago, they could not install the image of God which was also ready in the temple, owing to the objections raised by a section of the Caste Hindus in the place to the Harijans taking ' out the image in procession in the village before the installation."

How any attempt to take water from the Hindu well is dealt with by the Hindus can be seen from the following instances. The first one appeared in the *' Pratap'* of 12th February 1923:

"Mahashaya Chhedi Lalji has reported that a Chamar was going for idol worship, when on the way he felt thirsty. He cast his own iron pail into a well and drew out some water. Upon this he was rebuked by a high caste Hindu and then soundly beaten and locked up in a room. As it happened, I was passing by and when I enquired why this man was being kept under lock and key, the Diwan Saheb replied that this man cast his own pail into our well and wants to profane religion."

That even the Hindu women will not hesitate to take part in the assaults committed by the Hindus against the Untouchables who dare to take water from the Hindu well is a fact. Compare the following report which appeared in the ' *Pratap* ' of 26th February 1932:

"On 19th February 1932, a very tragic incident took place in the village of Pul Bajwan. This happened when Mahashaya Ramlal went to fetch some water from a well, the same well at which on 13th January 1932 some Rajputs had belaboured Mahashaya Ramlal and his companion. Pandit Bansilal. At that time, a crowd of Rajput women came up armed with all sorts of bats and sticks and gave such a sound beating to the Mahashaya

that it is difficult to describe. All his body was covered with blood by the time the Rajput women had done with him. At this time, he is admitted in the hospital of Phuklian."

That even the support of an officer of Government in the exercise of their right to take water from the well will not save the Untouchables from assault is clear from the following incident which appeared in the ' *Milap'* of 7th June 1924:

"Some days ago, an officer of the Canal Department came to the village of Rahian in Tehsil Sabha and he ordered some Megha Untouchables to help in drawing out water from a well. At first they refused but the officer rebuked them sternly and forced them to draw water. The next day the Hindus gathered at the well and sent for the Megha through a Chowkidar and asked them why they dared to climb up to the well. One Megha replied that they were obliged to do so and it was no fault of theirs. For this cheek he was attacked by the Hindus with sticks and hands and until the time of writing this, he is lying unconscious. Although the doctor has declared that the injuries are minor ones, a report of attempted murder and unlawful assembly has been filed with the Police. This however has been ignored and the indifference of the police has created a feeling of great insecurity among the Megha people. The villagers are persecuting the Meghas very much, even their cattle are not allowed to drink water and all wells and ponds have been closed to them."

The Untouchables cannot take water from the Hindu well is not all. They must not build a pucca brick well for themselves even though they may have the money to do so. For having a pucca well for them selves means an attempt to raise themselves to the status of the Hindus which is contrary to the Established Order. The *'Milap'* of 6th June 1934 reports the following incidents:

"Lala Ram Prashadji, Secretary of the Achhut Udharak Committee, Punjab, has written to the following effects:

"During this hot season, complaints are being received from everywhere that the supply of water is becoming a great problem. The Depressed Class people, who have no wells of their own sit near the well with their vessels in their hands. If someone is kind enough to pour out some water, well and good, otherwise they sit helpless. In some places, however, no one is allowed to pour out water to these people even for money and if anyone does so, mortal fights ensue. Not only is the use of the village wells

forbidden to them, but they are not even allowed to make wells of their own with their own money."

To the same effect is the incident reported in the"*Tej"*of 21st April 1924:

"The Chamars of the village, Opad, numbered about 250. About a month and half ago, they gave up drinking water out of the leather bags of the Muslim water carriers (on the suggestions of the Arya Samaj Pandits?) and now they are in great difficulties about their water supply. The Jats of the village not only refuse to let them draw water out of the village wells but do not even let them make wells of their own. The poor Chamars are living on water from ponds and ditches. Yesterday, Dr. Sukhdevji, Secretary of Dalit Sudhar (Harijan Uplift) Committee came to make investigations in Upad and saw everything with his own eyes. He found the condition of the Chamars abject beyond words and their persecution by the Jats a real fact."The following is from the ' *Times of India'* dated 9th May 1931:

"In the Baroda State the Untouchables are supposed to be better treated than in the adjoining British territory, because the State has made laws recognising the equality of the Antyaja with caste people. And yet in Padras Taluka the other day the standing crop of a poor Antyaja woman was fired and she herself brutally assaulted, because she dared to send her little son to the local primary school. Now comes a tale of woe from Chanasma in Kadi Prant where an artisian well has been sunk and built with the labour of the Antayajas who were promised the use of the well. But when the well was ready for use they were first flatly told it was not for them, and when they complained to the Punch the latter generously allowed them to lay a pipe 500 feet long at the end of which they could have a tap all for themselves. Now an unexpected owner of the land at the tap had cropped up, so the pipeline was taken somewhere near to the local tank, but this meant pollution of the tank and therefore of the dirty linen washed there. So the tap was accommodated elsewhere. But did this mean the end of the trouble? No, the enraged caste people have cut the pipeline several times and the Antyajas are without water to drink. How very 'adequate' to use Mr.Gandhi's term, must the Untouchables feel the treatment given to them by their coreligionists."

Mr. Sanjana in a letter to the ' *Times of India* ' of the 7th November 1928 reports what Mr. Thakkar saw in the year 1927 regarding the awful plight of the Untouchables in the matter of water.

"In Balsad Taluk, Mr. Thakkar saw a Bhangi woman waiting near a well for some merciful ' people ' to give her some water. She had waited from morning till noon, and none had given her any. But the most exquisite touch of spirituality is revealed in the manner of giving water to the Bhangis; it cannot be poured direct into their pots—any ' people ' doing so would get polluted. Says, Mr. Thakkar, ' once our teacher Chunibhai had shown the temerity of pouring water direct from his bucket into a Bhangi's pot and he had received a stern warning in consequence ' Master this sort of thing won't be (tolerated) here '. A small cistern is built below the slope of the well. Anyone who is moved by pity may pour some water in the cistern. A bamboo pipe just out of the cistern, and the Bhangi women must put her pot under the pipe, and it may get filled in an hour or so. For, adds Mr. Thakkar, it is only the unwanted water remaining over in the bucket of the woman drawing it that is as a rule thrown into the cistern, and that too if she takes pity on the waiting Bhangi woman."

Ill

Under the established order, the Untouchables have no right to education and certainly have no right to be admitted to the village school. Those Untouchables who have dared to make a breach in these rules of the Established Order have been severely punished by the Hindus. The following are only a few of the numerous cases that have happened:

From the *"Arya Gazette"*of Lahore dated 30th June 1921:

"A Mahashaya wrote an article in the paper ' *Young India",* in which he reported that in district surat there is a village called Sisodri. In a very short span of time it has made such progress on the path of nationalism that it could be held up as a model of non-co-operation. With all this, however, the old contempt for the Harijan remains. The writer says that in the nationalist school of that place, I saw a Dhed caste child sitting all apart in one corner of I the classroom and proclaiming by his very looks that he was an untouchable. I asked the students why they did not let this boy sit with them and they replied that this could not be until the Harijan left drinking wine and eating meat. The Harijan boy at once said that he had already given these up. The high caste students could say nothing now."

From the *'Pratap'* of 12th February 1923:"Mahashaya Santramji has reported :

It happened recently that a Brahmin teacher was appointed by the Government to go and teach in a village school for Chamar boys. When he came there, the Brahmins, Kshatrias and others boycotted the teacher saying, ' You have come here to teach the Chamars and raise them to our level. Have You?"From the *'Tej'* of 11th April 1924:"Swami Shradhanandji has written: There was a nationalist school in Khatsayas which I visited towards the end of November 1921. When I enquired how many Harijan children read there, I was told only three and they too, sit outside the classroom in the verandah. In my lecture I objected to this procedure and said that in a nationalist institution, it was only proper that these boys should be allowed to sit inside the classroom. The manager of the school acted on my advice. The next day the benches of the school were all deserted and till this day the Grand building of that nationalist school stands locked out and dreary."From"*Milap"*dated 18th April 1924:

"Here is an incident from Hoshungabad. The district Council sent a circular letter to the schools that the Harijan children should be educated in the schools. The headmasters began to act on the orders. When one of the schools admitted some Harijan children the Honorary Magistrate took great offence at it and withdrew his children from that school; other guardians also followed suit and all together got a meeting of the school committee convened and resolutions passed in it, that the education of Harijans in the school is against the Public wishes. They said that after coming into contact with Harijans, the Brahmin children change their Janayu (a religious thread) therefore this school committee could not undertake the education of Harijan children."From"*Pratap"*dated 3rd April 1932:

"Ahmeda-bad, 1st April 1932: A report has been received from the village of Nawagaon, Baroda State, that ever since the Harijan schools were closed down and permission given to the Harijans to enter the ordinary village schools, the villagers have been subjecting the Harijans to endless persecution. It is reported that the thousand stacks of hay belonging to Harijan farmers, were burnt down, Kerosine oil has been sprinkled into the Harijan wells and attempts made to set fire to their houses. A Harijan boy was assaulted on his way to school and a general boycott of the Harijans has been declared."

The"*Hindustan Times"*in its issue of 26th May 1939 says: "Several persons are reported to have raided a night school in village Catipore in the district where Kisans and others used to be taught. The teacher was caught hold of by them, and asked to close the school on the ground that the boys of the Untouchables, after acquiring education will begin to assert themselves to treat them on a footing of equality. When the teacher refused to do so he was belaboured and the students were asked to disperse."The last instance I would like to refer occurred in the year 1935 in *the* village of Kavitha in Dholka Taluka of the Ahmedabad District of the Bombay Presidency. The incident occurred on 8th August 1935.

As the Bombay Government had issued orders requiring the admission of the children of the Untouchables in public schools, the Untouchables of village Kavitha thought of taking advantage of the order. What happened to them is reported below:

"On 8-8-1935, the Untouchables of the village Kavitha took four of their children to be admitted in the village school. Much caste Hindus from the village had gathered near the school to witness this. This occasion for admission passed off quietly and nothing untoward happened. From the next day however the caste Hindus of the village withdrew their children from the school as they did not like their children sitting with those of the Untouchables and getting themselves polluted."

"Some time thereafter an Untouchable from the village was assaulted by a Brahmin on 13th August 1935. The male members of the Untouchables of the village had come to Dholka to file a criminal complaint against the Brahmin in the court of the Magistrate. Coming to know that the adult members of the Untouchables were absent the Hindus of the village invaded the quarters of the Untouchables. They were armed with sticks, spears and swords. Among the invaders was caste Hindu women. They started attacking the old men and women of the Untouchables. Some of the victims fled into the jungle some shut themselves up. These invaders directed their vehemence against those Untouchables who were suspected to have taken a lead in the matter of the admission of their children in the village school. They broke open their doors and not finding them in, they broke the tiles and the rafters of the roofs over their houses.

"Terror-stricken these Untouchables men and women who were assaulted and beaten were anxious about the safety of those of their elders who had gone to Dholka and who were expected back that night. The caste Hindus knowing that the leaders of Untouchables who had gone to Dholka would

be returning had concealed themselves behind the bushes and shrubs on the way to the village. Having come to know of this, an old Untouchable woman sneaked out of the village in the dark, met the leaders who were returning and informed them that armed gangs of caste Hindus were hiding themselves to waylay them and that therefore they should not come into the village. They refused to listen fearing that the caste Hindus might do greater mischief in their absence. At the same time, they were afraid that if they did enter they might be assaulted. They therefore decided to wait outside the village in the field till after midnight. In the meantime, the gang of caste Hindus who were in ambush waited and waited and finally gave up the game and retired. The leaders of the Untouchables entered the village after about 3 a.m. in the night. If they had come earlier and met the murderous gang they would probably have been done to death. On seeing the harm done to person and property they left the village for Ahmedabad before day break, and informed the Secretary of the Harijan Sevak Sangh, a body organised by Mr. Gandhi to look after the welfare of the Untouchables. But the Secretary was helpless. Not only did the caste Hindus use physical violence, but they conspired to make the life of the Untouchables intolerable. They refused to engage them as labourers; they refused to sell them foodstuffs. They refused to give them facilities for grazing their cattle and they used to commit stray assaults on Untouchable men and women. Not only this, but the caste Hindus in their frenzy poured kerosine oil in the well from which the Untouchables used to get their supply of drinking water. This, they did for days together. The result was that the Untouchables of the village had no water. When things reached this stage the Untouchables thought of filing criminal complaint before a Magistrate which they did on 17th October, making some of the caste Hindus as the accused."

"The strange part of the case is the part played by Mr. Gandhi and his henchman, Sardar Vallabhbhai Patel. With all the knowledge of tyranny and oppression practised by the caste Hindus of Kavitha against the Untouchables all that Mr. Gandhi felt like doing was to advise the Untouchables to leave the village. He did not even suggest that the miscreants should be hauled up before a court of law. His henchman Mr. Vallabhbhai Patel, played a part which was still more strange. He had gone to Kavitha to persuade the caste Hindus not to molest the Untouchables. But they did not even give him a hearing. *Yet* this very man was opposed to the Untouchables hauling them up in a court of Law and getting them punished. The Untouchables filed the complaint notwithstanding his

opposition. But he ultimately forced them to withdraw the complaint on the caste Hindus making some kind of a show of an understanding not to molest, an undertaking, which the Untouchables can never enforce. The result was that the Untouchables suffered and their tyrants escaped with the aid of Mr. Gandhi's friend, Mr. Vallabhbhai Patel. IV

The Untouchables are claimed by the Hindus as Hindus. But the dead body of an Untouchable cannot be cremated in the Hindu cremation ground.

The"*Free Press"*of 7th June 1946 reports the following:

"Citing a recent criminal case in which two Madura Harijans were sentenced to four months rigorous imprisonment for doing an act which was likely to wound the feelings of others, Mr. A. S. Vaidyanatha lyer in a communication to the press draws the attention of the public to the 'cruel suffering which the Harijans have to bear by reason of Untouchability.'

Mr. Vaidyanatha lyer says: ' A Madura Harijan who had lost his eldest child cremated the body in the Madura municipal burning ghat in a shed which is said to be set apart for caste Hindus instead of in the one reserved for Harijans. The Harijan's plea was, he did not know of any such reservation, that it was drizzling and that the former place was better. No caste Hindu raised any objection nor was there any proof that anyone's feelings were wounded. The incident came to the notice of the Madura police who prosecuted the father of the child and another near relation on the ground that such act was likely to wound the feelings of others because the Harijans were Untouchables. Mr. lyer adds,"he brought this case to the notice of the Madras Ministry."

The *'Savadhan'* of 22nd April 1945 says:

"On 18th March 1945, a sweeper died in the village Floda, District Muzaffarnagar. The Sweepers of the village took the dead body to the cremation grounds. This enraged the Tyagi Brahmins of the village who abused the sweepers for their audacity in bringing their dead to the caste Hindu grounds. The sweepers protested that they were Hindus and would cremate the dead. But the Brahmins were not at all amenable to reason and told the sweepers that irrespective of their being Hindus and Muslims they must bury their dead and if they failed to do it they (Brahmins) would themselves bury the dead body. When the poor sweepers were thus threatened and were also afraid of being beaten they buried the dead

body.”This is not all. There is a further point to benoted. The Touchable Hindus dispose of the dead body by cremating it. Just because it is a presumption on the part of the Untouchables to initiate the ways of the Hindus, which are marks of their superior status, the Untouchables must necessarily bury their dead even if they do not wish to do so. An instance of this compulsory burial was reported in the ' *Milap'* of 6th June 1924:

"The chief cause of the awakening among the Untouchables is the tyranny of the Hindus. I was not aware of this but the reports that I have received from various workers has caused me much pain. From one place I am informed that the Untouchables of that place are not allowed to even burn their dead. This, however it seems has created a new spirit among the sweepers of the place. They have started burying their dead with the head downwards probably to distinguish themselves from others who bury the corpse in a lying position. The Sweepers think that if they also act in imitation of others, it is derogatory."

V

The wearing of the sacred thread is evidence of noble birth. The Untouchables with the idea of ennobling themselves thought of wearing the sacred thread. The atrocities committed by the caste Hindus on the Untouchables of the village Ringwari in Garhwal District in U. P. are reported in the *'National Herald'* of 6th June”After leading a fugitive life for well nigh two months as a result of persecution at the hands of the caste Hindus, ten families consisting of 33 Harijans have now been able to return to their-homes in village Ringwari of Chandkot with the help of the district authorities of Garhwal. These Harijans, it may be recalled, had taken full advantage of the social movement started for their uplift by Mahatma Gandhi and the late Swami Shradhanand. They had taken the sacred thread and made it a part of their duty to perform 'Sandhya'. But this was resented very much by the caste Hindus of Garhwal as according to them it amounted to a virtual invasion of their 'right and privileges'. The resentment found expression in a number of assaults on Harijans and persistent social persecution. They were asked to desist from using ' polies ' and ' palkies ' in their marriage procession and four of them were compelled at one place to kill a buffalo and eat its flesh. At Ringwari these

atrocities reached a climax, when all the water springs, grazing grounds and other public places were closed to the Harijans who refused to submit to the caste Hindus. In consequence the above mentioned ten families had to leave their villages at dead of night, in order to avoid further persecution."Other instances of similar sort are given below:

1."Some Arya Samajists managed to raise the caste of some Untouchables and gave them the sign of the caste, namely, the religious thread worn round the neck. But the mass of the Sanatanists could not bear even this because their religion does not allow the Untouchables to wear the thread. This is why thread-wearing Untouchables are daily persecuted by the high caste Hindus."

2."Bhagat Harichand of Moila, District Mirpur, Jammu State was purified by the Arya Samajists and given the thread to wear. The Hindu Jats of the place began to victimize him and ask him to put off the thread. Harichand however remained steadfast on his religion. At last one day when the Bhagat Harichand had finished the Gaitri Path, he was caught hold of by the Hindu Jats and severely beaten and his thread broken. The cause of their incensement was this that wheareas before the Shudh, Shudha Meghs had addressed the Jats as ' Gharib Nawaz ' (the benefactors of the poor), now they only use 'Namastey'."From the *Arya Gazette* dated 14th September 1929:

"The Hindu Rajputs of the village Ramani, near the town Berhampur, Distt. Gurdaspur, called the Untouchables of their villages from their homes and ordered them to put off the holy thread at once and swear never to put it on again otherwise their lives were in danger. Upon this Untouchables calmly replied ' Maharaj why are you angry with us. Your own brothers, the Arya Samajists have very kindly put these threads round our necks and have ordered us to always protect them for they are the true symbols of the Hindu faith. If you take objection to them, you can tear them off our bodies with your own hands'. Upon this the Rajputs fell upon the poor men with their lathis and kept on thrashing them for a long time. The Untouchables put up with this persecution with great fortitude and refused to resist or protest. But their torments took no pity on their helpless condition and three or four Rajputs actually tore the holy thread off the body of a Harijan named Gori Ram and bruised his body with a hoe in mock imitation of the sign of the thread."From the *'Milap'* dated 12th October 1929:

"The Rajputs of the village Bahmani have from time past launched a programme against the Untouchables. There is a case going on in the court about the breaking of a holy thread and there is another case too, about an Untouchable woman who was going on to the field to cut the harvest on 7th October 1929 when a Rajput severely thrashed her and caused serious bruises. The woman was brought home on a bed."

VI

What happens to an Untouchable if he remains seated on a cot in the presence of a Hindu can be seen from the following incident reported in '*Jivan*' of July 1938:

"Nanda Ram and Mangali Prasad of village Pachhahera, Police Post Margaon, Tehsil and District Sitapur, invited their friends and relatives for a communal feast. When the guests were sitting on cots and smoking, Thakkur Sooraj Baksh Singh and Harpal Singh, Zamindars of the village, came there, sent for Nanda Ram and Mangali Prasad and asked who the people sitting and smoking were and why they were sitting on cots. Mangali Prasad said that they were his friends and relatives and asked if only Thakkurs could sit on cots. Enraged by this, the Thakkurs beat both the brothers and their men beat the guests severely as a result of which one man and one woman became senseless and others sustained serious injuries."

VII

The Untouchables are Hindus. They are also citizens with the same civic rights. But the Untouchables cannot claim the right of the citizenship if it conflicts with any rules of the Established Order. For instance, no Untouchable can claim lodging in an inn even though it is public. In '*Jivan*' of August 1938, is reported the experience of an Untouchable named Kannhaiya Lal Jatav of Fetegarh:

"When I went to stay in Dharmashala near Allahabad Junction on 15th August 1938 at 10 p.m. there was no difficulty and I laid down on a cot after paying an advance of Re. 1. But at II p.m. when the lodgers went to

the Manager of the Dharmashala to note down their addresses, and while noting down my address I put down my caste as Jatav; the Manager got wild and said that the Dharmashala was not meant for the stay of low caste people and asked me to get out at once. I pointed out to him that according to the rules of the Dharmashala, it was meant for Hindus only and there was no ban on Untouchables and asked if I was not a Hindu that he was asking me to leave. I also pleaded that being resident of Farrukabad and not acquainted with anyone in Allahabad there was no place where I could go at 11 p.m. On this, the Manager got furious and repeating the couplet from Ramayan (Shudras illiterate, cattle and women all these deserve to be beaten) said that in spite of being a low-caste he dared to talk about rules and law and will not get out unless he is beaten. Then suddenly he got my bedding etc., threw out of the Dharmashala and all of them were ready to beat me. In the face of such odds, I at once left the Dharmashala and lay down on a plank of wood in front of a shop facing the Dharmashala and had to pay annas 2 as rent to the shopkeeper for a night. I therefore appeal to my Scheduled Caste brethren to hold meetings everywhere and request Government to construct separate Dharmashalas for our people in every town or to get all the existing Dharmashalas opened for us."

VIII

Under the Established Order, the work of lifting and removing dead cattle as well as doing the scavenger's work is beneath the dignity of the Hindus. It must be done by the Untouchables. The Untouchables have also begun to think that it is derogatory to their status and are refusing to do it. The Untouchables, however, are forced by the Hindus to do it against their will. The '*Jivan*' of June 1938 reports:"One day, in May 1938, Bhajju Ram Jatav of village Bipoli, Police post Baria, District Aligarh was sitting in his house at about 11 a.m. when some Brahmins namely Prithik, Hodal,.Sita Ram, Devi and Chuni, all of whom had lathis came and tried to force him to lift dead cattle; and when he refused saying that he was not used to that work and asked them to go to some one who does that sort of work, he was mercilessly belaboured with lathis."

The same journal in its issue of October 1938 gives the following news item:

"On 24th October 1938, some cattle of a Brahmin of village Lodhari, Tehsil Sadabad, District Muttra, died. The Scheduled Caste people of the village who were asked to lift it refused to do so. This enraged the caste Hindus so much that they have asked the Scheduled Caste people not to go to their fields for ablutions nor to allow their cattle to graze in their (caste Hindus) fields."

IX

The Untouchables must not wear decent and clean clothes and they must not wear gold or silver ornaments. If the Untouchables defy these rules, the Hindus will not hesitate to bring them to book. The Untouchables have been trying to defy these rules, with what consequences will be seen from the following incidents, which have been reported in the newspapers:

"Until 1922, the Untouchable caste of Dalai in Berar District of Bundi, were forbidden to eat wheat. In February 1922, a Chamar woman was put on the Rock in Sakatgarh, Jaipur, simply because she was wearing silver ornaments on her feet. The reason given was this that only men of the high castes were allowed to wear silver or to eat wheat. The low caste people should not dare to aspire to these things. So far we had been thinking that such antiquated ideas were supposed to have had probably died out by this time."The ' *Times of India*' in its issue of 4th January 1928 reports the tyranny and oppression practised upon the Balais who form an Untouchable community in Central India for their daringness to wear clean clothes and golden ornaments. Says the 'Times':

"In May (1927) high caste Hindus viz., Kalotas Rajputs and Brahmins including the Patils and Patwaris of villages Kanana, Bicholee Hafsi, Bicholi Mardana and of about 15 other villages in the Indore district informed the Balais of their respective villages that if they wished to live among them, they must conform to the following rules:

1. Balais must not wear gold lace bordered pugrees;

2. They must not wear dhoties with coloured or fancy borders;

3. They must convey intimation of the death of any Hindu to relatives of the deceased—no matter how far away these relatives may be living;

4. In all Hindu marriages, the Balais must play music before the processions, and during the marriages;

5. The Balai women must not wear fancy gowns for jackets;

6. Balai women must attend all cases of confinement of Hindu women;

7. The Balais must render services without demanding remuneration, and must accept whatever a Hindu is pleased to give;

8. If the Balais do not agree to abide by these terms, they must clear out of the villages.

The Balais refused to comply; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let their cattle to graze. Balais were prohibited from passing through land owned by a Hindu; so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also let their cattle graze down the fields of Balais.

The Balais submitted petitions to the Darbar of Indore against these persecutions, but as they could get no timely relief, and the oppression continued, hundreds of Balais with their wives and children, were obliged to abandon their homes in which their ancestors lived for generations, and to migrate to adjoining states, viz. to villages in Dhar, Dewas, Bagli, Bhopal, Gwalior and other states.

Only a few days ago the Hindus of Reoti village barely 8 miles to the North of Indore city ordered the Balais to sign a stamped agreement in accordance with the rules framed against the Balais by the Hindus of other villages. The Balais refused to comply, lt,is alleged that some of them were beaten by the Hindus; and one Balai was fastened to a post, and was told that he would be let go, on agreeing to sign the agreement. He signed the agreement, and was released". The next is from the *'Arya Gazette' dated* 21st January 1928:

"Up till now the tales of woe that were usually related of the persecution of the Harijans were mostly from the Madras province, but now thanks to the treatment of the Maharana of the Simla Hills, one has not to go so far to search for these stories. In the Simla district, their dwells a caste called ' *Collie* ' whose members are very handsome and hard working. The Hindus of that area consider them to be Untouchables although they do not

engage in any such work which should render them objectionable in the eyes of the Hindu religion. The members of this caste are not only powerful and well built but intelligent also. Almost all the songs that the dwellers of the Simla Hills sing are composed by the ' *Collies* '. These people labour all day long and venerate the Brahmins excessively but still they cannot so much as pass near the house of a Brahmin. Their children cannot read in schools and ' Pathashalas ' (religious monastic schools). Their women folk cannot wear gold ornaments. It has even been reported that some Collies have gone to the Punjab and earned some money with which they have bought gold rings and earrings. When however they have brought these back to their homes, they have been cast into the jail and not freed until the ornaments had passed into the pockets of the State Officers."

The following letter appeared in the ' *Pratap'* of 23rd June 1926:"Swami Ramanandji Sanyasi writes :

On the 23rd of March 1926, in the evening a Chamar came to me who had recently managed to escape from the clutches of the Jats. He related to me a moving tale of the sufferings that his caste had to put up with in the village of Kheri near Faridabad in the District of Gurgaon. On the morning of 24th March I reached Faridabad in the District of Gurgaon, so as to investigate the state of affairs myself. The result of my enquiries is briefly as follows:

"On the 5th of March the marriage took place of the daughter of a Chamar called Gorkhi. The financial condition of the Chamar was comparatively good and he entertained his guests in the same way as people of the high castes do. Moreover, before handing away his daughter, he gave her three gold ornaments. This news spread amongst the Jats and was widely discussed. It was decided finally that the high castes had been insulted by the fact that the lower castes have started viewing with them. Till the 20th of March nothing untoward happened but on the morning of the 21st the Jats called a meeting of the Panchayat (village council) to consider the matter. Just at that moment a party of the Chamars of which the greater portion was composed of boys, girls and women was setting out for Faridabad on its daily duty. The party had just gone out of the village as far as the Dharmashala when the Jats attacked it. All the men of the party were belaboured and the women were thrashed with shoes. The backs of some were broken and of some the arms. Not only this, even their implements were robbed. A Muslim happened to pass along that way and

the Jats took hold of him also and robbed him of his big gold ear-rings as well as of twenty-eight rupees. On the 22nd of March some groups of the Jats went into the fields of the Chamar and played havoc with them. The crop thus destroyed was estimated at about a thousand rupees. At that time, Nanwa, the son of Kori, was working in the fields. The Jats gave him also a thorough beating. On the 22nd of March again a party of the Jats sallied forth armed with flaming torches dipped in Kerosene oil, with the intention of setting fire to the houses of the Chamars but later came away. On the 23rd of March at midnight a house was set on fire belonging to the grandfather of that married girl who has been mentioned above. The house is now a heap of ashes. It contained sixteen skins ready to be made into shoes and worth 90 rupees. They also got burnt up together with the other household goods. The general situation now is that the Jats have surrounded the town and no Chamar is allowed to go out. The Baniyas also, out of fear of the Jats, have refused to sell anything to the Chamars. For three days the Chamars as well as their cattle have been starving."The following is a more recent occurrence. It has happened in Malabar. The facts of the case are revealed by the following resolution passed at the first Chirakal Taluka Harijan Conference held at Cherukunn in Malabar on 5th June 1945 with Shri K. Kannan, M.L.A., presiding:

"This Conference invites the urgent attention of the Government and the public to the increasing cases of inhuman oppressions of the Scheduled Castes of Malabar by Hindus, Muslims and Christians, particularly to the severest type of oppression now going on, almost with impunity, in the Nattika Firka, Ponnani Taluk, where something like a regular Harijan hunting is taking place every day as a result of the Harijans trying to wear gold ornaments and use clean clothes and umbrellas. In addition to numerous cases of assaults a Harijan marriage party was way-laid and assaulted and the shirts of men and the sarees of women removed by force and a Harijan student mercilessly beaten in Vadanpilly on 27th May 1945. This Conference while congratulating the progressive Thiya youths of the place under the enlightened leadership of Messrs. C. S. Gopalan, M. S. Sankaranarayan and P. C. Ramakrishna Vydier for their magnificient efforts to help the Harijans, most emphatically protests against the callous indifference of the local authorities, particularly \ of the Police Department in that the ill-treated Harijans did not get any timely protection from them.

This conference desires to state that almost in all cases of the above-said oppressions, the aggrieved Harijans have received neither protection nor justice from the police. There are instances where poor Harijans were even

beaten by the Police for their coming forward to give evidence in such cases. In so far as these events have reduced the Harijans of Malabar to a very miserable plight and the situation, if left alone, is likely to develop into a crisis endangering the lives of all progressive Harijans who are trying to break the shackles of caste and economic exploitation of the vested interests in Malbar. This Conference most earnestly appeals to the Government of India, the Hon'ble Dr. B. R. Ambedkar and all the enlightened people in the country to see that the Harijans are allowed to live in this land as free citizens of a democratic country unmolested by any people and promptly protected by the administration whenever they are oppressed by others."

X

The Untouchables must not eat rich food even if they can afford it.

It is an offence for the Untouchables to live above their station in life. The *'Pratap'* of 26th February 1928 relates the following occurrence:

"In the State of Jodhpur at a place Chandayal, you will still see men who do not think that the Harijans have even the right to eat Halva. One of the Untouchable castes is that of Sargaroes. Sometime back on the occasion of the Marriage ceremony of two or three girls, Halva was prepared for the members of the marriage party. For this purpose, maida (white flour) was brought from the Thakur Sahib. At mealtime, the marriage party came for meals but just at that time the Kanwar Sahib of Chandawala sent orders to the Saragaroes that they could not eat Halva. Some cringing sycophants negotiated a compromise in this way that the Kanwar Sahib be presented with Rs. 200 and then permission will be given to eat Halva. At this the Sargaroes got infuriated and refused to pay the money."

XI

To lead a marriage procession through the main streets of the village is the right of every caste Hindu. It is also in evidence that the community, which enjoys this right, is accepted as a respectable community. The Untouchables have no such right. But they have been seeking to establish such a right by taking their marriage procession through the main streets of

the village with the object of establishing their social status. The following incidents show how the Hindus have dealt with this claim. From the *'Adi-Hindu'* dated July 1927:

"Bangalore, 27th May 1927: Seven Brahmins were sentenced to pay a fine of hundred rupees each, by the First Class Magistrate. These men had wantonly attacked a procession of the well-known Pariah Untouchable caste when it was passing along the Mallkot Road where only Brahmins live."

From the *'Pratap'* dated 25th October 1931:"In the village of Hargaon, district Garhwal when the high caste Hindus heard that a marriage party of the Untouchables was coming and the bridegroom was sitting in a palanquin they sallied forth in great numbers and surrounded the party and gave it a severe beating. In intense cold they held up the marriage party and kept it without food for 24 hours. The members of the party were inhumanly treated and were only rescued from this difficult situation by the coming of the Police."

From the '*Satya Samwad*' Lahore dated 3rd November 1931:"A marriage party was passing near Delhi, carrying the bridegroom in a palanquin. The high caste Hindus took offence at this for they thought it to be an insult to them. They held up the party for two days and gave it nothing either to eat or drink. At last the police came and chased away these tyrants and rescued the marriage party."

The '*Jivan'* a Hindu journal for June 1938 reports,

1."In village Sevra, the Golas (Purva Thakurs) who boast of being Congressites, have so mercilessly beaten with spears and lathis the unarmed Jatavs of that village that five of them were lying wounded in the hospital with arms and ribs broken. Bansi has sustained fracture of the skull bone and is still unconscious in the hospital. All this happened because when a marriage party came to the village the bridegroom was wearing a glittering crown (Pukka Mohar) which offended the Thakurs, who wanted to attack the marriage party; but desisted because of the party's superior strength and were therefore content with only insulting the marriage party within the Zamindari at that time."

2."In village Dorra, Tehsil Fatechand, District Agra, a marriage party came to the house of Moti Ram Jatav from village Rampur. The bridegroom was wearing a glittering crown and the party also brought band

music and fireworks. The Caste Hindus objected to the party proceeding with the music band playing and displaying fireworks. Moti Ram protested against this and said that they were also as good human beings as any others. On this, the caste Hindus caught hold of Moti Ram and gave him a severe beating and also attacked the marriage party. A sum of Rs. 15-1-0 tied in Moti Ram's turban was also removed."

3.”While a marriage party was on its way to the house of Prem Singh and Girvar Singh, Jatavs of village Khurva, Police post Sakini, District Aligarh, it was prevented by the caste Hindus from proceeding further unless the music band stopped playing, and the procession was threatened to be killed and looted if the music was not stopped. Caste Hindus were also enraged for refusal by the Jatavs to do 'Begar”and for the audacity to have music band playing with a marriage party. On the marriage party's refusal to stop music, the caste Hindus were so much enraged that they threw brick-bats and stones at the party."

The *'Hindustan Times'* of the 24th of March 1945 reports the following incident relating to the same subject:

“A Shilpakar marriage party of the village of Dhanuri in Lands down sub-division carrying the bridegroom in a 'palki' was proceeding to the bride's house in the village of Mall Dhangu. A man introducing himself as an agent of the Patwari of Mall Dhangu advised the party to go through an out of the way route to avoid disturbance by caste Hindus.

The party, accordingly, took a forest path and when they were at a lonely spot a whistle brought out about 200 caste Hindus who, it is alleged, attacked the party and carried away the 'palki".

The Shilpakar party reached the bride's house two days later and the marriage was, it is reported, performed in the presence of the Sub-divisional Magistrate and a police party brought by him.

The Patwari has been suspended in this connection.”

The *Civil and Military Gazette of Lahore* in its issue of 24th June 1945 reports:

"A party of Rajputs, armed with axes, lathis and daggers, attacked yesterday Harijans of a village in Gwalior State, killing one and inflicting serious injuries on four.

The Rajputs and the Harijans of the village were on hostile terms for some time past ever since the Harijans took out a procession to celebrate the birth of an heir apparent to the Gwalior Darbar. The Rajputs strongly protested against it, as according to them, Harijans were not entitled to the privileges of such celebrations.

Last month, a proclamation was issued by the Maharaja giving equal rights to the Harijans."

Here are a few cases to show how the Hindus treat with violence any attempt on the part of the Untouchables to imitate the ways and manners of the Hindus and to have a little pride in themselves. The following is from the"*Bombay Samachar"*of 4th November 1936:

"At Uttapalam (in Malabar) an Ezhava by caste named Sivaraman, aged 17, went to the shop of a caste Hindu to buy salt and asked in the Malayalam language for 'uppu'. In Malabar, according to custom, caste Hindus alone can use the word 'uppu' for salt; being only a Harijan he ought to have used the word 'pulichatan'. Consequently, the high caste grocer was very angry and is alleged to have thrashed Sivaraman so severely that the latter died."The following instances are collected from the ' *Samata* ':

(1)"At Kathi (District Poona) the people have begun to persecute the Untouchables because the latter have begun saying ' Ram, Ram and Namaskar '. Be it known to the un-intimated that these are salutations which only the higher castes have the right to employ; the Mahars, etc. must say 'Johar' or 'Paya Lagu'(I touch your feet) to the people.

(2) The Untouchables of Tanoo (District Poona) tried to behave 'like Touchable Hindu people'; the result of this impudent encroachment is that many of them have had to leave the village and some have migrated to Bavda.

(3) At Valapur (District of Sholapur) the Mahars are persecuted because they have dared to refuse to address Touchables as ' Saheb ' and to say ' Paya Lagu ' (' I touch your feet ') in salutation.

(4) At Jambad (District Sholapur) the Untouchables refused to make ' Nautch ' and ' Tamasha ' for the diversion of their Touchable lords. Therefore these Untouchables were thrashed, their huts were burnt down or pulled down, and they were driven out of the village limits.

(5) At Bavda (District Poona) some Untouchables exhorted their fellow-outcastes to give up eating the leavings of higher caste people, dead animals, etc., and to refuse to do the dirty work of the people. The elders of the village have told these Mahars with new fanglad notions that it is their ' Dharma ' to eat what they have always been eating and do what they have been doing. Those Mahars who do not follow their ancient and eternal ' Dharma ' have been thrashed by the people and threatened with expulsion from the village."

XII

The Hindu treats the Untouchables as being born to serve the Hindu community. It being his duty to serve, the Untouchables cannot refuse to serve the Hindu whenever the latter call upon to do so. The Hindus of the village hold the belief that they can commandeer the labour of the Untouchables. The system is known as ' *Begar ',* or forced labour. A few instances will show that dire consequences follow from the refusal of the Untouchables to submit to the system.

The '*Jivan'* of December 1938 report the following incidents:"On 29th November 1938, the Jatavs of village Kohana, district Muttra were seriously tortured by the Jats and Brahmins for refusing Begar.

The Thakkurs and the Brahmins of this village used to extract Begar from the Jatavs and to harass them. The latter decided not to do Begar and do only that work for which wages were paid. Recently, a bullock died in the village and the Thakkurs and other caste Hindus tried to force the Jatavs to lift it, but they said that they could do that only if they were paid. This enraged the caste Hindus so much that they asked a sweeper to fill the Jatavs' well with excreta and make them not to go to their fields for ablutions and decided to tease them in every way. When the Jatavs prevented the Sweeper from putting excreta in their well, he called the Jats, Thakkurs and Brahmins who were all ready for an attack. They attacked the Jatavs with lathis and seriously belaboured them and also set fire to their houses as a result of which six houses were burnt to ashes and 18 Jatavs were wounded seriously and a lot of their household property was taken away by the rowdies."The same *Journal* in its issue of February 1939 reports:

"The Jats of village Abhaipura, tehsil Kirvali, district Agra, are used to extract Begar (Forced labour) from the poor Scheduled Caste people and beat them on demanding wages. Some three months back Sukhi Jat forced Sukh Ram, Ghanshyam and Humka, Jatavs to do work for them and did not pay any wages. These persons are so much fed up with such high-handedness that they have left the villages and lived with their relatives in other villages, while their utensils and other household goods have been taken away by the Jats and concealed in some barn."The ' *Savadhan"*in its issue of 3rd June 1945 reports the following incident:

"Mehraji Kori, a Scheduled Caste woman has filed a complaint in the court of Mr. Mahboob Alam, City Magistrate under Sections 376, 341 and 354-A against Brahma Singh, Suleman and Aftab, constables of Jubi Police post. It is alleged that at about 10-30 p.m. on 2nd May 1945 these three constables, Sumar, Kahar, Kallu Bibis son and some others came and searched her house and then took her to the police station and kept her there for the whole night. In the early hours of the morning these constables took her to a small room bolted it and then all three of them violated her modesty one by one. Then she was removed to another small room where charcoal and pieces of paper were filled in her private part and they put their private organs in her mouth. Her clothes were torn and saturated with blood. The following day her mother was forced to do begar work for the whole day and then both of them were left off at 10 p.m.

Murala, wife of Maharaji's husband's younger brother has also filed a similar complaint. She has alleged that the same constables took her to the police post the same night and returned her to her house. On the way she was caught by Madari Teli, near Kumar Tola, to the ruins of a house and her modesty violated. Messrs. Munna Lal, Bhushan and Ram Bharose, advocates are appearing for the complainant."

In the ' *Hindustan Times*' of 15th April 1945 occurs the following news item:

"For refusal to do forced labour, it is alleged, a large number of Harijans in the village of Dukheri in Ambala District were recently assaulted by a party of Rajputs. A man and a woman, both Harijans, were killed. It is also alleged that a large number of houses belonging to Harijans were set on fire. Telegrams have been sent to the Commissioner and the Deputy Inspector General of Police to inquire into the matter."

From these instances, it will be clear to anyone that the Hindus do not hesitate to use violence to hold down the Untouchables and maintain the established order and even to commit, murder. Mr. Lajpat Rai in his book '.Unhappy India' in which he tried to reply to and refute the charges levelled by Miss Mayo in her ' Mother India ' gives a lengthy and lucid description of the lynching of the Negroes in the United States and the atrocities committed upon them by the members of the Ku Klux Klan and asks:

"What however is very relevant to her to ask is: is the unjustifiable and cruel attitude of the Brahmins towards the *Pariah* more unjustifiable and more cruel than that of the Klansmen of America towards the Negroes?"

"What are the caste cruelties of India put by the side of what the whiteman has done to the non-white people?"Lala Lajpatrai, if he had cared to investigate could have found that the cruelties and atrocities practised by the Hindus against the Untouchables were no less than those practised by the Americans upon the Negroes. If these atrocities are not so well known to the world as are those practised upon the Negro, it is not because they do not exist. They are not known because there is no Hindu, who will not do his best to conceal truth in order to hide his shame, Some might think that this description of the Established Order and the rules made thereunder are matters of ancient past. This is a complete mistake. The Established Order subsists even today and the rules are as operative today as they were when they were made. This will be evident from the two following statements on the condition of the Untouchables which have appeared in the *'Hindustan Times '*. The first appeared in the issue of 8th March 1945. The first one is written by one Kesarilaiji Bordia, Headmaster of a school called Vidya Bhuwan in Udaipur. It reads as follows:

"Many are the disabilities under which the Harijans in Mewar live. They cannot enter temples, nor can they draw water from public wells. They cannot join the caste Hindus in festivals and processions. They have to take out their Rath Yatra or Doll procession through a different route and on a different day. And they cannot ride through the village.

Even silver ornaments, let alone gold ones on their person are resented by the caste Hindus. The result is, they have to content themselves with tin and brass articles. Age-old usage prevents them from using butter or gur in wedding feasts.

In Schools and other public places, Harijan boys cannot sit with the children of caste Hindus. They are asked to absent themselves on the inspection day in order to save the Inspector from embarrassment.

A memorandum has been submitted to the State Government. If the Government chooses to declare in unequivocal terms the disapproval of these disabilities, the hands of non-official bodies which are fighting untouchability will be strengthened."The second is in the form of a statement issued by the President of the *Harijan Sevak Sangh* and refers to the condition of the Untouchables in the State of Mewar. It reads as under:

"The Mewar Harijan Sevak Sangh has sent a Memorandum to the Mewar Government drawing their attention to the various disabilities of Harijans in the State and their consequent hardships. The Memorandum brings out how civil liberties of Harijans are curtailed in several ways by the orthodoxy and prejudices of caste Hindus.

I enumerate below some of the unjust practices, which still persist in the State and for the rectification of which the State has taken no effective measures. They are as follows:

1. Harijans have no liberty in the selection of clothes to wear. The form of dress must follow the age-long pattern; personal tastes and desires have no place in the choice of the dress.

2. At wedding feasts they have no choice in the selection of food materials. Even on payment they cannot use costly articles.

3. They cannot ride the village on a horse.

4. They are not allowed accommodation in public vehicles.

5. On religious festivals they cannot take out procession of their idols except through specified routes.

6. They have no access to wells and temples."*The writer adds:*

"Three years ago in company with Thakkur Bapa, I travelled all over the State and placed before the Government and public my impressions of the conditions obtaining there and pleaded for reform. On perusal of the above mentioned memorandum and other reports sent to me, I find that the past few years have hardly brought any change and conditions are more or less static.

It is heart breaking to find that passage of time cuts no ice with us. The result is that there is hardly any change in our age-long practices and prejudices. This perversity which blinds us to the tyranny and injustices of our ways also makes us impervious to the incalculable harm we have already suffered as a result of it. Even if the ignorant prejudice of the common man is unshaken the enlightened Governments of the twentieth century ought to be more alive to their responsibilities."

The dates of these communications are important. They are of the year 1945. None can say that this Hindu Established Order is a thing of the ancient past. The fact that these latest accounts refer to the Indian States should not be understood to mean that the established Order has vanished from British India. The chapters to follow will present enough evidence to show that the same Established Order is very much alive in British India.

In the"*Times of India"*of 31st August 1950 occurs the following news item:

"The following facts of a case revealed in the hearing of an appeal in the Allahabad High Court, are illustrative of the socio-economic conditions of lower castes in the rural areas:

Chiranji, a dhobi of the village of Sarras in the District of Etah, went out as a military employee in the last war and remained out of his village for four or five years. When he was discharged, he returned to his home. He stopped washing clothes and used to go about in the village in his military uniform. This coupled with the fact that he refused to wash clothes even for the men of the Raja of Sarras the sole zamindar in the village, was resented by the villagers.

On December 31, 1947, when the dhobi was washing his clothes, four villagers, including the Raja's servants, approached him and asked him to wash their clothes which he refused. The villagers took Chiranji to the Raja's house and gave him a beating. His mother and mother's sister went there to intercede on his behalf but they too were assaulted.

The attackers then went away leaving Chiranji in the custody of one Ram Singh; finding him alone, Chiranji was alleged to have slapped him and run away. Ram Singh and other servants of the Raja chased him to his house where he had taken shelter. The villagers insisted upon his opening the door but when there was no response, his house was set on fire. A number of other huts were also reduced to ashes.

The dhobi lodged a complaint with the Police who disbelieved his story and wanted to prosecute him for a false report. He then filed a complaint in a Magistrate's Court. The accused were convicted and sentenced to three years' imprisonment, each. The High Court upheld the sentences imposed by the Magistrate. The following news item has appeared in the ' *Indian News Chronicle'* dated 31st August 1950.

Inhuman Treatment towards Harijans in Pepsu: Depressed Classes League's Memorandum to Government.

Patiala, August 1950:"The unprovoked thrashing of the Backward Class people, inhuman insults heaped upon their women folk, indiscriminate detachment of the Harijans from the lands, the virtual confinement of the Harijans and their cattle in their mud houses for days together without any fault is a long tale of suffering whose echoes are rising in proportion to the diminishing echoes of crime in general,"says a memorandum presented by the PEPSU Provincial Depressed Classes League to the State Government.

"While crime in PEPSU is on the decrease due to the vigorous efforts of the police,"the memorandum adds,"it is a pity that the sector of the Backward Class should be deprived of the protection from the unsociable elements". The Backward Classes economically handicapped as they are, find it very difficult to ventilate their day-to-day grievances to the authorities concerned who could immediately come to their rescue, and are perforce, compelled to submit to their lot, to the encouragement of the aggressor, and thus the wail of disgust against the present state of affairs grows still louder which in its turn is made stock of by the interested parties."

The Provincial Depressed Classes League further quoted an instance to show how much inhuman treatment was being meted out to Harijans in PEPSU. Chand Singh a Harijan of village Katu, district Bernala, was made to go round the village on the back of donkey with face blackened for the fault of having drunk water at the well of a high caste zamindar."In the changed atmosphere of free India, the members of the Scheduled Castes in the PEPSU are daily finding themselves put in a tight corner as a result of the unprecedented repression let loose upon them by the members of high castes."'

The Provincial Depressed Classes League has further suggested formation of district and central special commissions in the State with wide powers to

deal with the complaints on Harijans on the spot and afford them other facilities.

Concluding, the League has urged upon the State Government that pending an all-India enactment in this connection, it may, temporarily be provided that the Harijans have equal rights in the village common, to ease the situation from further deterioration.

CHAPTER 7

WHY LAWLESSNESS IS LAWFUL?

The foregoing discussion mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22B.Untouchables or the children of India's Ghetto PART II.htm - _msocom_1must have made clear two things, which must be borne in mind. One is the sharp division between the touchables and untouchables, the other is the deep antagonism between the two.

Every village has two parts, the quarters of the touchables and the quarters of the untouchables. Geographically the two are separate. There is always appreciable distance between the two. At any rate there is no contiguity or proximity between them. The untouchables quarters have a distinct name such as Maharwada, Mangwada, Chamrotti, Khatkana, etc. *De jure* for the purposes of Revenue Administration or Postal Communication, the quarters of the untouchables are included in the village. But *de-facto* it is separate from the village. When the Hindu resident of a village speaks of the village he means to include in it only the caste Hindu residents and the locality occupied by them. Similarly when the untouchable speaks of the village he means to exclude from it the untouchables and the quarters they occupy. Thus in every village the touchables and untouchables form two separate groups. There is nothing common between them. They do not constitute a folk. This is the first thing which must be noted.

The second thing to note with regard to this division of the village into two groups is that these groups are real corporations which no one included within them can escape. As has been well said the American or

European belongs to groups of various kinds, but he"joins"most of them. He of course is born into a family, but he does not stay in it all his life unless he pleases. He may choose his own occupation, residence, wife, political party, and is responsible generally speaking for no one's acts but his own. He is an"individual"in a much fuller sense because all his relationships are settled by himself for himself. The touchables or untouchables are in no sense individuals because all or nearly all of his relationship are fixed when he is born in a certain group. His occupation, his dwelling, his gods and his politics are all determined for him by the group to which he belongs. When the touchables and untouchables meet they meet not as man to man, individual to individual but as members of groups or as nationals of two different States.

This fact has an important effect upon the mutual relationship between the touchables and untouchables in a village. The relationship resembles the relationship between different clans in primitive society. In primitive society the member of the clan has a claim, but the stranger has no standing. He may be treated kindly, as a guest, but he cannot demand"justice"at the hands of any clan but his own. The dealing of clan with clan is a matter of war or negotiation, not of law; and the clan less man is an 'outlaw', in fact as well as in name and lawlessness against the strangers is therefore lawful. The untouchable not being a member of the group of touchables is a stranger. He is not a kindred. He is an outlaw. He cannot claim justice. He cannot claim rights which the touchable is bound to respect.

The third thing to note is that the relationship between the two, the touchables and the untouchables, has been fixed. It has become a matter of status. This status has unmistakably given the untouchables a position of inferiority vis-a-vis the touchables. This inferiority is embodied in a Code of Social conduct to which the untouchables must conform. What kind of a code it is, has already been stated. The untouchable is not willing to conform to that Code. He is not prepared to render unto Ceasar what belongs to Ceasar. The untouchable wants to have his relationship with the touchables by contract. The touchable wants the untouchables to live in accordance with the rules of status and not rise above it. Thus the two halves of the village, the touchables and the untouchables are now struggling for resettling what the touchable thinks is settled forever. The conflict is centred round one question—What is to be the basis of this relationship? Shall it be contract or shall it be status?

This raises some very interesting questions. How did the untouchables come to have the status of the lowliest and the low? Why has the Hindu cultivated this hostility and contempt for the untouchables? Why does the Hindu indulge in lawlessness in suppressing the untouchables as though such lawlessness is lawful? To give an adequate answer to these questions one has to go to the law of the Hindus. Without a working knowledge of the rules of the Hindu Law, it would be impossible to give any satisfactory answer to this question. For our purpose, it is not necessary to cover the whole field of Hindu Law in all its branches. It is enough to know that branch of the Hindu law which may be called the law of persons—or to put it in non-technical language—that part of the Hindu law which deals with differences of right, duty or capacity which result from differences of status.

It is therefore proposed to give a catalogue of the rules of the Hindu Law which relate to the law of persons. These rules are collected from the Law Books of Manu, Yajnavalkya, Narada, Vishnu. Katyayana etc. who are some of the principal lawgivers recognised by the Hindus as persons having authority to lay down the law. A mere reproduction of the rules however interesting cannot be helpful in enabling a person who goes through them to have an idea of the basic conceptions which underlie the Hindu Law of Persons. For that purpose mere reproduction of the rules will not do. Some order is evidently necessary. What is therefore done is to group these rules under certain heads. The whole thing is cast in the form of a digest divided into sections, each section being an assembly of rules dealing with one definite matter.

DIFFERENT CLASSES: THEIR ORIGIN AND THEIR DUTIES

1. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22B.Untouchables or the children of India's Ghetto PART II.htm - _msocom_2This (Universe) existed in the shape of Darkness, unperceived destitute of distinctive marks, untenable by reasoning, unknowable, wholly immersed, as it were in a deep sleep."

2. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22B.Untouchables or the children of India's Ghetto PART II.htm - _msocom_3Then the divine self-existent (Svayambhu, himself) indiscernible (but) making (all) this, the great elements and the

rest, discernible, appeared with irresistible (creative) power, dispelling the darkness.

3.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22B.Untouchables or the children of India's Ghetto PART II.htm - _msocom_4 But for the sake of the prosperity of the worlds, he caused the Brahmana, the Kshatriya, the Vaishya, and the Shudra to proceed from his mouth, his arms, his thighs and his feet.

4. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22B.Untouchables or the children of India's Ghetto PART II.htm - _msocom_5But in order to protect this Universe He, the most resplendent one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs and feet.

5. [f.6]To the Brahmans he assigned teaching and studying (the veda), sacrificing (performing sacrificial ceremonies) for their own benefit and for others, giving and accepting (of alms).

6. [f.7]The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the Veda), and to abstain from attaching himself to sensual pleasures.

7. [f.8]The Vaishya to tend cattle, to bestow gifts, to offer sacrifices, to study (the Veda), to trade, to lend money and to cultivate the land.

8. [f.9]One occupation only the lord prescribed to the Shudra, to serve meekly even these (other) three castes.

9. [f.10]A student, an apprentice, a hired servant, and fourthly, an official: these must be regarded as labourers. Slaves are those who are born in the house and the rest.

10. [f.11]The Sages have distinguished five sorts of attendants according to law. Among these are four sorts of labourers (mentioned above). The slaves (are the fifth category, of which there are) fifteen species.

11. [f.12]One born at (his master's) house; one purchased; one received (by gift); one obtained by inheritance; one maintained during a general famine; one pledged by his rightful owner.

12. [f.13]One released from a heavy debt; one made captive in a fight; one won through a wager; one who has come forward declaring ' I am thin ' an apostate from asceticism; one enslaved for a stipulated period.

13. [f.14]One who has become a slave in order to get a maintenance; one enslaved on account of his connection with a female slave; and oneself sold. These are fifteen classes of slaves as declared in law.

14. [f.15]Among these the four named first cannot be released from bondage, except by the favour of their owners. Their bondage is hereditary.

15. [f.16]The Sages have declared that the state of dependence is common to all these; but that their respective position and an income depends on their particular caste & occupation.

EQUALITY BEFORE LAW

1. [f.17]When two persons abuse each other, their punishment shall be equal if they are equals in caste; if one is inferior to the other, his punishment shall be double; for a superior, half (of the ordinary punishment) is ordained.

2. [f.18]When persons equal in caste and qualities abuse one another, the punishment ordained for them in the system of law is thirteen Panas and a half.

3. [f.19]For a Brahman abusing a Kshatriya, the fine shall be half a hundred (Fifty Panas); for abusing a Vaishya, half of fifty (twenty-five Panas); for abusing a Shudra, twelve & a half.

4. [f.20]This punishment has been declared for (abusing) a virtuous Shudra who has committed no wrong; no offence is imputable to a Brahman for abusing (a Shudra) devoid of virtue.

5. [f.21]A Vaishya shall be fined a hundred (Panas) for reviling a Kshatriya, a Kshatriya reviling a Vaishya shall have to pay half of that amount as a fine.

6. [f.22]In the case of a Kshatriya reviling a Shudra, the fine shall be twenty Panas; in the case of a Vaishya, the double amount is declared to be the proper fine by persons learned in law.

7. [f.23]A Shudra shall be compelled to pay the first fine for abusing a Vaishya; the middling fine (for abusing) a Kshatriya; the highest fine (for abusing) a Brahman.

8. [f.24]A Kshatriya having defamed a Brahmana shall be fined one hundred (panas); a Vaishya one hundred and fifty or two hundred; a Shudra shall suffer corporal punishment.

9.[f.25] A Brahmana shall be fined fifty (panas) for defaming a Kshatriya; in (the case of) a Vaishya the fine shall be twenty-five panas; in (the case of) a Shudra twelve.

10. [f.26]A once born man (a Shudra), who insults a twice born man with gross invective, shall have his tongue cut out; for he is of low origin.

11. [f.27]If he mentions the names and castes (Jati) of the (twice born) with contumely an iron nail, ten fingers long, shall be thrust red hot into his mouth.

12. [f.28]If he arrogantly teaches Brahmans their duty, the King shall cause hot oil to be poured into his mouth and into his ears.

13. [f.29]For mutual abuse by a Brahmana and a Kshatriya a fine must be imposed by a discerning (King), on the Brahmana the lowest amercement, but on the Kshatriya the middle most.

14.[f.30] With whatever limb a man of a low caste does hurt to (a man of three) highest (castes) even that limb shall be cut off; that is the teaching of Manu.

15. [f.31]He (low caste man) who raises his hand or a stick, shall have his hand cut off; he who in anger kicks with his foot, shall have his foot cut off.

16.[f.32] A low caste man who tries to place himself on the same seat with a man of a high caste, shall be branded on his hip and be banished, or (the King) shall cause his buttock to be gashed.

17. [f.33]If out of arrogance he spits (on a superior) the King shall cause both his lips to be cut off, if he urinates (on him), the penis; if he breaks wind (against him) the anus.

18. [f.34]If he lays hold of the hair (of a superior), let the (King) unhesitatingly cut off his hands, likewise (if he takes him by the feet) the beard, the neck or the scrotum.

STATUS, DIGNITY AND POSITION OF EACH CLASS

1. [f.35]Man is stated to be purer above the navel (than below); hence the self-existent (Swayambhu) has declared the purest (part) of him to be his mouth.

2. [f.36]As the Brahmana sprang from the mouth, as he was the firstborn and as he possesses the Veda, he is by right the lord of his whole creation.

3. [f.37]For the self-existent (Swayambhu) having performed austerities, produced him first from his own mouth, in order that the offerings might be conveyed to the gods and manes and that this universe might be preserved.

4. [f.38]What created being can surpass him, through whose mouth the gods continually consume the sacrificial viands and the manes, the offerings of the dead.

5. [f.39]Of created beings the most excellent are said to be those who are animated; of the animated, those who subsist by intelligence; of the intelligent mankind, and of men the Brahmanas.

6. [f.40]A Brahmana coming into existence is born as the highest on earth, the lord of all created things.

7. [f.41]Whatever exists in the world is the property of the Brahmana; on account of the excellence of his origin the Brahmana is indeed, entitled to all.

8. [f.42]A Brahmana be he ignorant or learned is a great divinity, just as the fire, whether carried forth (for the performance of a burnt oblation) or not carried forth, is a great divinity.

9. [f.43]Thus though Brahmans employ themselves in all (sorts of) mean occupations, they must be honoured in every way; for (each of) them is a great divinity.

10. [f.44]But let (the father perform or) cause to be performed the Namadheya (the right of naming the child) on the tenth or twelfth (day after birth), or on a lucky lunar day, in a lucky Muhurta, under an auspicious constellation.

11. [f.45]Let (the first part of) a Brahman's name (denote something) auspicious, a Kshatriya's be connected with power, and a Vaishya's with wealth, but a Shudra's (express something) contemptible.

12. [f.46](The second part of) a Brahmana's (name) shall be (a word) implying happiness, of a Kshatriya's (a word) implying protection, of a Vaishya's (a term) expressive of thriving and of a Shudra's (an expression) denoting service.

13. [f.47]Let him (a Brahmana) not dwell in a country where the rulers are Shudras, nor in one which is surrounded by unrighteous men, nor in one which has become subject to heretics, nor in one swarming with men of the lowest castes.

14. [f.48]When the King cannot himself decide the causes (of litigants) then he should appoint thereto a Brahmana learned in the various Shastras.

15. [f.49]Where a Brahmana (endowed with the qualities enumerated) cannot be had (the King) should appoint a Kshatriya or a Vaishya, proficient in the Sacred law, but the (the King) should carefully avoid a Shudra as a Judge,

16. [f.50]Whatever is done by others (as Judges) than these must be regarded as done wrongly, even if they be officers (of the King) and even if by chance the decision is according to the Sacred texts.

17. [f.51]A Brahmana who subsists only by the name of his caste (Jati), or one who merely calls himself a Brahmana (though his origin be uncertain), may, at the King's pleasure interpret the law to him, but never a Shudra.

18. [f.52]The Kingdom of that Monarch, who looks on while a Shudra settles the law, will sink (low), like a cow in a morass.

19. [f.53]A Brahmana who knows the law need not bring any (offence) to the notice of the King, by his own power alone he can punish those men who injure him.

20. [f.54]His own power is greater than the power of the King; the Brahmana therefore, may punish his foes by his own power alone.

21. [f.55]The Brahmana is declared (to be) the creator (of the world), the punisher, the teacher, (and hence) a benefactor (of all created beings); to him let no man say anything unpropitious, nor use any harsh words.

INTER-RELATIONSHIP BETWEEN THE CLASSES I

1.[f.56] In the inverse order of the four castes slavery is not ordained.

2. [f.57]Members of three Varnas can become slaves but a Brahman can never become a slave. Slavery in the case of the (three) Varnas viz., Kshatriyas, Vaishyas and Shudras is in their direct order and not in their inverse order. A Shudra could be the slave of any master of the four castes, a Vaishya of any master of the first three castes but not of a Shudra Master, a Kshatriya could be the slave of a Brahman or Kshatriya Master but not of a Vaishya or Shudra Master.

3. [f.58]Even one of the same caste (i.e. a Brahman) should not make a Brahmana work as a Slave . . . . . A man who is Kshatriya, Vaishya or Shudra may occasionally do the work of slave for a man of the same caste (as his own) but a Brahman should never be made to do the work of a slave.

II

4. [f.59]For the first marriage of twice born men (wives) of equal caste are recommended; but for those who through desire proceed (to marry again) the following females (chosen) according to the (direct) order (of the castes), are most approved.

5. [f.60]It is declared that a Shudra woman alone (can be) the wife of a Shudra, she and one of his own caste (the wives) of a Vaishya, those two and one of his own caste (the wives) of a Kshatriya, those three and one of his own caste (the wives) of a Brahmana.

6. [f.61]If twice born men wed women of their own and of other (lower castes), the seniority, honour and habitation of those (wives) must be (settled) according to the order of the castes (Varna).

7. [f.62]Among all (twice born men) the wife of equal caste alone, not a wife of a different caste by any means, shall personally attend her husband and assist him in his daily sacred rights.

8. [f.63]A Shudra who has inter-course with a woman of a twice born caste, guarded or unguarded (shall be punished in the following manner); if she was unguarded, he loses the part (offending) and all his property; if she was guarded, everything (even his life).

9. [f.64](For inter-course with a guarded Brahmani) a Vaishya shall forfeit all his property after imprisonment for a year; a Kshatriya shall be fined one thousand (panas) and be shaved with the urine (of an ass).

10. [f.65]If a Vaishya or a Kshatriya has connection with an unguarded Brahmani, let him fine the Vaishya five hundred (panas) and the Kshatriya one thousand.

11. [f.66]If a Vaishya approaches a guarded female of the Kshatriya caste, or a Kshatriya a (guarded) Vaishya woman, they both deserve the same punishment as in the case of an unguarded Brahmana female.

12. [f.67]A Brahmand shall be compelled to pay a fine of one thousand (panas) if he has inter-course with guarded (females of) those two (castes); for (offending with) a (guarded) Shudra female a fine of one thousand (panas shall be inflicted) on a Kshatriya or a Vaishya.

13.[f.68] For (intercourse with) an unguarded Kshatriya (female) a fine of five hundred (panas shall fall) on a Vaishya; but (for the same offence) a Kshatriya shall be shaved with the urine (of a donkey) or (pay) the same fine.

14. [f.69]A Brahmana who approaches unguarded females (of the) Kshatriya or Vaishya (castes), or a Shudra female, shall be fined five hundred (panas); but (for intercourse with) a female (of the) lowest (castes), one thousand.

Ill

15. [f.70]But let (a householder) offer, in accordance with the rule, to a guest who has come (of his own accord) a seat and water, as well as food, garnished (with seasoning) according to his ability.

16. [f.71]But a Kshatriya (who comes) to the house of a Brahman is not called a guest (atithi), nor a Vaishya, nor a Shudra, nor a personal friend, nor a relative, nor the teacher.

17. [f.72]But if a Kshatriya comes to the house of a Brahman in the manner of a guest, (the householder) may feed him according to his desire, after the Brahmans have eaten.

18. [f.73]Even a Vaishya and a Shudra who have approached his house in the manner of quests, he may allow to eat with his servants, showing (thereby) his compassionate disposition.

DUTIES—PRIVILEGES—IMMUNITIES—DISABILITIES

(1)

1. [f.74]Brahmans who are intent on the means (of gaining union with) Brahman and firm in (discharging) their duties, shall live by duly performing the following six acts, (which are enumerated) in their (proper) order.

2. [f.75]Teaching, studying, sacrificing for him self, sacrificing for others, making gifts and receiving them are the six acts (prescribed) for -a Brahmana.

3. [f.76]But among the six acts (ordained) for him three are his means of subsistence, (viz.) sacrificing for others, teaching and accepting gifts from pure men.

4. [f.77](Passing) from the Brahman to the Kshatriya, three acts (incumbent on the former) are forbidden (viz.,) teaching, sacrificing for others, and thereby, the acceptance of gifts.

5. [f.78]The same are likewise forbidden to a Vaishya that is a settled rule; for Manu, the lord of creatures (Prajapati), has not prescribed them for (men of) those two (castes).

6. [f.79]To carry arms for striking and for throwing (is prescribed) for Kshatriyas as a means of subsistence; to trade, (to rear) cattle, and agriculture for Vaishyas; but their duties are liberality, the study of the Veda and the performance of sacrifices.

7. [f.80]Among the several occupations the most commendable are, teaching the Veda for a Brahamana, protecting the people for a Kshatriya and trade for a Vaishya.

8. [f.81]The service of Brahmanas alone is declared (to be) an excellent occupation for a Shudra; for whatever else besides this he may perform will bear him no fruit.

(II)

9. [f.82]But a Brahmana unable to subsist by his peculiar occupations just mentioned, may live according to the law applicable to the Kshatriyas; for the latter is"next to him in rank.

10. [f.83]If it be asked"How shall it be, if he cannot maintain himself by either (of these occupations? the answer is) he may adopt a Vaishya's mode of life, employing himself in agriculture and rearing cattle.

11. [f.84]A Kshatriya who has fallen into distress may subsist by these means (open to the Vaishya).

12. [f.85]A Vaishya who is unable to subsist by his own duties, may even maintain himself by a Shudra's mode of life, avoiding (however) acts forbidden (to him), and he should give it up, when he is able to do so.

13. [f.86]But a Shudra being unable to find service with the twice-born and threatened with the loss of his sons and wife (through hunger), may maintain himself by handicrafts.

14. [f.87]A Kshatriya must never arrogantly adopt the mode of life (prescribed for his) betters (that is for the Brahmanas).

15. [f.88](The King) should order a Vaishya to trade, to lend money, to cultivate the land, to lend cattle and the Shudra to serve the twice born castes.

16. [f.89](The King) should carefully compel Vaishyas and Shudras to perform the work (prescribed) for them; for if these two (castes) swerved from their duties, they would throw this (whole) world into confusion.

(IV)

1. [f.90]A blind man, an idiot, (a cripple) who moves with the help of a board, a man full seventy years old, and he who confers benefits on Srotriyas, shall not be compelled by any (king) to pay a tax.

2. [f.91]Though dying (with want) a King must not levy a tax on Srotriyas, and no Srotriya residing in his kingdom must perish from hunger.

3. [f.92]Let the King make the common inhabitants of his realm who live by traffic, pay annually some trifle, which is called a tax.

4. [f.93]Mechanics and artisans, as well as Shudras who subsist by manual labour, he (the king) may cause to work (for himself) one (day) in each month.

5. [f.94]Tonsure (of the head) is ordained for a Brahmana (instead of capital punishment); but men of other castes shall suffer capital punishment.

6. [f.95]Let him (the King) never slay a Brahmana though he have committed all (possible) crimes; let him banish such an (offender) leaving all his property (to him) and (his body) unhurt.

7. [f.96]No greater crime is known on the earth than slaying a Brahmana: a King, therefore, must not even conceive in his mind the thought of killing a Brahmana.

8. [f.97]When a learned Brahmana has found treasure deposited in former (times), he may take even the whole (of it); for he is master for everything.

9. [f.98]When the King finds treasutre of old concealed in the ground, let him give one half to the Brahmanas and place the (other) half in his treasury.

MODE OF LIFE

1. [f.99](A Shudra who is) pure, the servant of his betters, gentle in his speech, and free from pride, and always seeks a refuge with Brahmanas, attains (in the next life) a higher caste.

2. [f.100]But let a Shudra serve Brahmanas, either for the sake of heaven, or with a view to both (this life and the next); for he who is called the servant of a Brahmana thereby gains all his ends.

3. [f.101]If a Shudra (unable to subsist by serving Brahmanas) seeks a livelihood, he may serve Kshatriyas, or he may also seek to maintain himself by attending on a wealthy Vaishya.

4. [f.102]They must allot to him out of their own family (property) a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support.

5. [f.103]The remnants of their food must be given to him, as well as, their old clothes, the refuse of their grain and their old household furniture.

6. [f.104]No collection of wealth must be made by a Shudra, even though he be able (to do it); for a Shudra who has acquired wealth, gives pain to the Brahamana.

7. [f.105]Shudras who live according to the law, shall each month shave (their heads); their mode of purification (shall be) the same as that of Vaishyas and their food the fragments of an Aryan's meal. As has been said the society for which the ancient lawgivers laid down their ordinances consisted of two parts—one part consisted of those who were comprised *within* the system of Chaturvarna. The other part consisted of those who were without the pale of Chaturvarna. They are spoken of in Manu as Bahyas i.e. outside the pale of Chaturvarna. They are spoken of as low castes. The origin of these low castes is a subject with which I am not concerned for the moment. It is enough to say that according to these ancient law givers of Hindus these low castes are the result of the progeny of intermarriages between those four classes—the Brahmanas-Kshatriyas-Vaishyas-Shudras—who are included within the system of Chaturvarna. How far this is true will be examined at another time. We are primarily concerned with social relationship and not with origin. So far the ordinances relating to those who were within the Chaturvarna have been given. It now remains to give the ordinances which relate to those who

were outside the Chaturvarna or who were called the low castes. The ordinances which regulate the life of the low castes are strange to say very few. Few though they be they give them such a short shrift that one does not find any necessity for more detailed code of ordinances. They are as follows:

1. [f.106]All those tribes in this world, which are excluded from (the community of) those born from. the mouth, the arms, the thighs, and the feet (of Brahman), are called Dasyus, whether they speak the language of the Mlenchhas (barbarians) or that of the Aryans.

2. [f.107]Near well-known trees and burial ground, on mountains and in groves, let these (tribes) dwell, known (by certain marks), and subsisting by their peculiar occupations.

3. [f.108]But the dwelling of the Chandalas and Shwapakas shall be outside the village, they must be made Apapatras and their wealth (shall be) dogs and donkeys.

4. [f.109]Their dress (shall be) the garments of the dead, (they shall eat) their food from broken dishes, black iron (shall be) their ornaments, they must always wander from place to place.

5. [f.110]A man who fulfils a religious duty, shall not seek intercourse with them; their transactions (shall be) among themselves, and their marriages with their equals.

6. [f.111]Their food shall be given to them by others (than an Aryan giver) in a broken dish; at night they shall not walk about in villages and in towns.

7. [f.112]By day they must go about for the purpose of their work, distinguished by marks at the King's command, and they shall carry out the corpses (of persons) who have no relatives, that is a settled rule.

8. [f.113]By the King's order they shall always execute the Criminals in accordance with the law, and they shall take for themselves the clothes, the beds and the ornaments of (such) criminals.

9. [f.114]He who has had connection with a woman of one of the lowest castes shall be put to death.

10. [f.115]If one who (being a member of the Chandala or some other low caste) must not be touched, intentionally defiles by his touch one who

(as a member of a twice born caste) may be touched (by other twice born persons only) he shall be put to death.

Part III

Untouchables or The Children of India's Ghetto

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PART III

Roots of the Problem

CHAPTER 8

PARALLEL CASES

1. Slavery in Rome. II. Villeinage in England. III. Jews and Servility. IV. Negroes and slavery.

Social inequality is not confined to Hindus only. It prevailed in other countries also and was responsible for dividing society into higher and lower, free and un-free, respectable and despised. It would be interesting to compare the condition and status of the untouchables in India with the condition and status of the un-free and the despised classes in other

countries ancient and modern. For an intelligent understanding of the differences and similarities it is essential to have some idea of the history of such parallel cases before any comparison can be instituted. It is not possible to give a survey of all such classes in all parts of the world. Nor is it necessary. A few typical cases can only be taken as illustrations.

In studying the relationship between the Hindus and the Untouchables three questions at once come to one's mind. Why has untouchability not vanished? Why does the Hindu regard lawlessness against the Untouchables as legitimate and lawful? Why does the Hindu feel no qualms of conscience in his dealings with the Untouchables?

I

Classes, which like the Untouchables were lowly and despised have at one time existed in other societies also. For instance, they existed in once ancient Rome. The population of ancient Rome fell into five classes: (1) Patricians, (2) Plebians, (3) Clients, (4) Slaves and (5) Freemen.

The Patricians were the ruling class. They were the civics in every sense. The rest were all servile in status. The Plebs and the Clients were destroyed by war. Those of the new comers who invoked the protection of the heads of Patrician families of repute and were ready to become their vassals were known as clients. Those who were too independent to brook submission to a private patron put themselves under the direct protection of the sovereign and became royal tenants and were known as Plebians. The Plebians had the right to hold property both movable and immovable to transfer it by quirtian modes of conveyance, and to have the protection for it of the tribunals. But the Plebian had no share in the Government of the City. He was a half-fledged citizen— *civies sine suffragio.* The Plebs were denied any participation in the religion of the city and as men to whom the suspicion were incompetent, any intermarriage between the Patrician and the Plebian was out of question. The client had to look to his Patrician patron for support and maintenance. The Patrician patron had to provide all that was necessary for his sustenance and that of his wife and children. This relation was a hereditary one, a client passed on from father to son. The client had not only to depend upon his Patrician patron for his maintenance but he had also to depend upon him for his legal protection. Not being a civic, a client had no right of suit and his Patrician patron had to assist his client in his redress for him for his injuries and represent him before the tribunals when he became involved in litigation.

As to the slaves there were millions of them. A single rich landholder might own hundreds and even thousands, and it was a poor man that did not have several at least. They were just things to be owned. They were not persons in the eye of the law and had therefore no rights. They received kind treatment from a few humane masters. But generally they were treated with the greatest cruelty."If a slave coughs or sneezes during a meal, if he lets a key fall noisy to the floor, we fall into a great rage . . . . .. Often we strike too hard and shatter a limb or break a tooth,"said Senecca. One rich Roman used to punish his slaves for carelessness by casting them into a fishpond as food for lampreys. The slaves who displeased their masters were ordinarily sent to an underground prison. During the day, they had to work loaded with heavy iron chains. Many were branded with red-hot iron. The mill where the slaves had to work is thus described by a Roman author; 'Gods! What poor shrunken up men? With white skins striped with blows of the whip..... They were only the shreds of tunis; bent forward, head shaved, the feet held in a chain, the body deformed by the heat of the fire, the eyelids eaten away by the fumes, everything covered with grain dust'.[1] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_1

English society also had at one time its servile classes. One has only to turn to the Domesday Book to see what the state of English Society was at the time of the Norman conquest.

The Domesday Book which is a social survey of the land in England and its various kinds of tenants made by William the Conqueror immediately after his conquest in 1086 shows the following classes in which the population was divided:

1.Gentry & Clergy	Made up of	Tenants in Chief Under tenants	1,400 7,900		9,300
2.Freeholders Yeomen	made up of	Freemen Socmen	12,000 32,000		44,000
3. Half-free or Unfree	made up of	Villeins Cottars and Borders	169,000 90,000		259,000
4. Slaves					25,000

Out of a total of 3,37,000 souls as many as 2,84,000 were either unfree or slaves.

These are examples of servility in which race or religion played no part. But examples of servility by reason of race or religion are not wanting in history. The principal one is that of the Jews. On account of the belief that the Jews were responsible for the death of Christ, the Jews have been subjected to persecution. During the Middle ages in almost all the European towns, the Jews were compelled to reside within a restricted quarter in a separate part of the town, and this Jewish quarter came to be known as the ' Ghetto '. A Council held in Coyanza in Australia in 1050 enacted 'that no Christian shall reside in the same house with Jews, nor partake of the food; whoever transgresses this decree shall perform penances for seven days, or, refusing to do it, if a person of rank, he shall be excommunicated for a year; if of an inferior degree, he shall receive 100 lashes."The Council of Falencia in 1388 enacted that"Christians must not dwell within the quarters assigned to the Jews and Moors, and those that resided within them were to remove therefrom within two months after the publication of this decree in the Cathedral and if they did not, were to be compelled by Ecclesiastical censure."In the Middle ages the Jews were obliged to have communal baths. No Jewish community could be destitute of such baths because the State often forbade the Jews to bathe in the rivers which the Christians used. In the fourteenth Century the Jews of Augers were readmitted to the town on several onerous conditions, one being that they would not bathe in the river Maine. The State also levied certain taxes upon the Jews. They were of three kinds—poll taxes, and particular fines and dues for individual transactions and privileges. The age at which Jews or Jewesses became liable to the poll tax varied considerably but the age was very young, and in Spain, as in England in 1273, every Jew above the age of ten was rateable. The billeting of soldiers on Jews in times of peace was a frequent species of exaction. So many were the vexatious dues exacted from the Jews everywhere throughout the Middle ages that it would be impossible to enumerate them all. To crown all this Pope Innocent III decided in 1215 that thenceforward the Jews must be marked off from the Christians by a badge prominently fastened to their outermost garment. Clear and emphatic in its demand that the Jews must wear badges, the Laternan council nevertheless avoided details. It left the definition of the size, colour, and character of the degrading mark to the taste of local Governors and States. Each Governor and State devised a badge of its own pattern. On account of the extraordinary number of modification, size and

shape the badge sometimes became obsolete and the Jews managed to evade it. As the badge was often hidden, in 1525 Pope Clement VII changed it for a yellow hat or bonnet.

A consideration of the position of the Untouchables reminds one of the positions of the Catholics in England. The Catholics were subjected to many disabilities. The catalogue of their disabilities is given below:

"1. That of Catholic marriages or of marriages Catholics celebrated by Catholic priests being deemed invalid by the existing laws, so that if one of the parties quit the other *quicumque de causa* (from any reason whatsoever), the deserted party receives no relief from the parish, nor redress from the law of his or her country. The priest, also it is said, may be transported, or put in prison and condemned to transportation for having married the parties.

2. That of foundations or of moneys appropriated for the maintenance of priests, or to support the Catholic worship, being deemed by the existing laws to be appropriated to *superstitious purposes* and as such are liable to confiscation; and when alienated or seized upon by malevolent person cannot be recovered by law; Instances of such alienation and seizures might be adduced.

3. That of Catholics serving in His Majesty's Army and Navy being withheld from attending Divine Service according to the rite of their own religion on Sundays and festivals, and of their being compelled to go to Protestant Churches on those days against their will, an evil which leads brave and loyal subjects to complain and be discontented at a time when every heart and hand should be united to oppose the enemy; and the United Kingdom should be as one man.

4. By the 13th Charles II, commonly called the Corporation Act, their whole body is excluded from offices in cities and corporations.

5. By the 25th Charles II, commonly called the Test Act, their whole body is excluded from civil and military offices.

6. By the 7th and 8th William III, c. 27 Roman Catholics are liable to be prevented from voting at elections.

7. By the 30th Charles II, s. 2. c. 1, Roman Catholic peers are prevented from filling their hereditary seats in Parliament.

8. By the same statute Roman Catholics are prevented from sitting in the House of Commons.

9. By several statutes Roman Catholics are disabled from presenting to advowsons, a legal incident of property which the law allows even to the Jew.

10. Though a considerable proportion of His Majesty's fleets and armies was Catholic, not only is no provision made for their religious comforts etc., but by the articles of war they are liable to the very heaviest pains and penalties for refusing to join in those acts of conformity to the religious rites of the Established Church. By the articles of war, section I, a soldier absenting himself from Divine service and sermon is liable, for the first offence, to forfeit one Shilling, and for the second and every other offence, to forfeit one Shilling and to be put in irons. By the same articles section 2, article 5, ' if he shall disobey any lawful command of his superior (and of course if he shall disobey any lawful command of his superior to attend Divine Service and Sermon) he shall suffer death or such punishment as by general court martial shall be awarded.

11. In common with the rest of his Majesty's subjects the Roman Catholics contribute to the support of the Established Religion; they have also to support their own religious functionaries; and thus have a double religious establishment to defray. Of course, however, they do not complain; but they think it a serious grievance that their own religious endowments are not legalised like those of the Protestant Dissenters.

12. In hospitals, workhouses, and other public institutions the attendance of the ministers of their own communion is sometime denied to the poor of the Roman Catholic religion, and the children of the Roman Catholic poor are sometimes forced into Protestant schools under the eyes of their parents."

Like Catholics, the Untouchables also suffer from certain disabilities.

II

[The following essay has been received from Shri S. S. Rege. As it deals with 'Negroes & Slavery' (One of the subjects of the scheme of this Chapter) which has not been dealt with in the above discussion, it has been included here—Ed.]

Providence it seems has inexorably doomed the continent of Africa to be only a nursery of slaves for the free and civilised peoples of Asia and

Europe. The Negro was imported as a slave by the Arabs into Asia long before he was introduced as a slave by the Europeans into America. Although this is so, Negro slavery in America and in the English Colonies has had a sorrowful history which has made people forget the importation of the Negro as a slave in Asia and quite naturally because Negro slavery in America as carried on by the Europeans was a most revolting thing. It began in the first decade of the 16th Century and lasted till the middle of the 19th Century.

In the half century after Columbus first landed in the Bahama Island in 1492, the Spaniards conquered and partly occupied a huge area stretching from Mexico through Peru to Uruguay and including all the larger west Indian Islands, while in 1531 the Portuguese began the colonisation of Brazil. At once the new comers, the Portuguese and the Spaniards, set themselves to exploit the great natural wealth of their acquisitions, to work the gold and silver mines on the main land and to lay out plantations of tobacco indigo and sugar in the rich soil of the island. But they were soon confronted by the difficulty of procuring the requisite supply of labour. A great deal of it was needed, and the cost of white men's wages and the heat of the tropical sun made it virtually impossible for the Europeans to provide it for themselves. The only labour supply of a non-European character available on the spot consisted of the native Indians. The Portuguese and the Spaniards had massacred many Indians during the conquest. Many had fled to the mountains and forest from the scourge of the invaders. Those that were available were made slaves and made to work in the mines. Under the lash of the Portuguese and the Spaniards and the relentless labour that was exacted from them in the mines and in the fields the Indians sickened and died.

The conquistadors—as the Spanish pioneers in South America were called—under the leadership of Nicholas de Ovando who followed promptly the trail of Columbus, brought with them a young priest Batrolome' de Las Casas who was well known for his piety. Las Casas was charged by the Court of Spain to deal lovingly with the Indians in the hope of bringing them to a knowledge of the sacred Christian faith. Las Casas was the first Bishop of Mexico. In performing the duty with which he was charged Las Casas while in Haiti witnessed the cruelties that were practised by the conquistadors upon the Indians and engaged himself passionately to the end of his life in preserving the pitiable remnants of the Caribbeans as the Indians of Haiti were called, from the inevitable destruction at the hands of their masters. The Caribbeans were a gentle, un-offending and

hospitable race. They numbered no less than 1,000,000 persons when Columbus found them, formed into kingdoms and ruled peacefully by their caciques. Under the systematic cruelty of these Spanish adventurers who came after Columbus their numbers were reduced to a bare 60,000. It is recorded that entire villages committed suicide inviting others to join them as the only way of escaping this scourge and this tyranny. Las Casas was a spectator to many of these scenes of self immolations. He protested in righteous anger. But his protests went in vain and were bound to go in vain. The clearing of the forest, the tilling of the soil and the working of the mines had to go on. Without this the kingdom given by God could not become the Paradise of man. Las Casas realised this. But he was also overwhelmed with grief at the thought of what the Indians would have to go through if this plan was to be realised. His benevolent instincts led him to petition the King of Spain to allow the free importation of Negroes. The Spanish Government in 1511 decreed that a large number of Negroes should be transported to the New World. In pursuance of this there came ships laden with African Negroes as cargo to make the New World a Paradise for man. For a few years both worked under the Conquistadors, Indians as well as Negroes. The sturdiness of the Negroes as compared with the Indians was soon proved. One of the Conquistadors has testified that when he prepared his timbers for the four brigantines that pass through the Isthmus from the Atlantic to the waters which flowed into the Pacific, he had used several hundred Indians and thirty Negroes, and, in the execution of this task, he found that 500 Indians perished and the thirty Negroes survived. The Negroes not only survived but prospered so much that it came to be a common opinion"that unless a Negro should happen to be hanged he would never die; for as yet, none had been known to perish from infirmity". The Negro by his own conduct and character gave evidence that he was a more efficient tool than the Indian. The result was that the Indian was let go and the Negro was preferred for the labour, the former because God made him less sturdy and the latter because God made him more sturdy. The result was that the Indian escaped slavery and the Negro took over the destiny which was intended by the Conquistadors to apply to him a destiny to which he was invited by the pious and benevolent priest Las Casas and for which the Negro showed his own credentials of fitness.

Having found that"one Negro does more work than four Indians"there was opened at once a regular market for trading in Negroes. The market which was opened by the Portuguese on the West Coast of Africa began

immediately to show its profits and quite naturally because the exploitation of the untold wealth of the New World was impossible without Negro labour. People became so engrossed in this new business in human beings that the search for a new route to the East, which began it all, was abandoned.

There was a keen competition between the various nations of Europe for a share in this new line in commerce. A papal Bull of demarcation had created for Spain and Portugal a monopoly on the wealth flowing in from the New World. The English and the Dutch feared there was danger to all Europe in this monopoly of American resources and were determined not to allow it.

The English took a good hand in securing this trade for the benefit of their nation. The first deal took place in 1553 when 24 Negroes were brought from the Coast of Africa and quietly sold in the English market. The most intrepid, and who later became the most heartless of man stealers known to history was John Hawkins. Under Elizabeth he sailed forth in the good ship *Jesus* to get Negroes from Africa whom he sold into the Spanish Colonies. Bent on breaking the monopoly of Spain Sir Francis Drake followed Hawkins. International disputes over the pirating of these adventures arose which culminated in the clash and destruction of the Spanish Armada. It is interesting to bear in mind that in these disputes each nation shamelessly asserted that these acts of piracy committed by their subjects in stealing Negro slaves were"no private but public actions"supported by the respective states.

As though the irony involved in using the Ship *Jesus* for carrying the Negroes for enslavement was not enough there occurred another event which also was full of irony. It was the simultaneous landing of the Pilgrim Fathers on Plymouth Rock in the *Mayf1ower,* and the landing of twenty Negroes at Jamestown in Virginia from a barnacled and sea worn brig which sailed up the James river and brought them for the use of the gentlemen adventurers of the first successful English Colony of Virginia in America.

Thus were introduced into America the Negroes and the Pilgrim Fathers who stepped into it almost at the same time, the Pilgrim Fathers for preserving their liberty and the Negro for losing his freedom. For a long time the Negro formed a dominant element in the population of the American Colonies so far as numbers were considered. In a real sense America including its islands was settled chiefly from Africa and by

Negroes. Before 1800 the number *of* Negroes brought in America was more than twenty times that of all Europeans combined. This was inevitable. The population of Europe was small, reduced further by its long wars and just emerging itself from a backward culture. For a long time the st.atus of the imported Negro was undefined. The twenty Negroes brought by the Dutch and who landed in Jamestown were not immediately stamped in the Colony as slaves. They were accepted on much the same basis as the indentured servants. It has been found that in the muster rolls of the Colony of Virginia in 1624 and 1625 there were recorded 23 Negroes all of whom were listed as ' servants ' as were the whites of the same class. It is also recorded that thirty-four years after the arrival of the twenty Negroes one of them Anthony Johnson got a judgment from the Court sustaining his claim to perpetual service of John Caster, another Negro. The status of slavery was not crystallised for fifty years and steps by which it became crystallised were very gradual.

To begin with there was the law of servitude which applied to all servants whether they were Negroes or whites. In course of time a distinction came to be made in the treatment of the Negroes and white servants due to the fear of an alien and pagan people which as they became traditional and gained the sanction of custom, gradually modified the status of the African and transformed Negro servitude into Negro slavery. The slavery of the Negro in the American Colonies grew by the gradual addition of incidents modifying the law and custom of servitude. In this transition from servitude to slavery there are two principal steps. The first step in the transition was taken when the custom of holding Negroes"servants for life"was recognised. As has been observed, the distinguishing mark of the state of slavery is not the loss of liberty, political and civil but the perpetuity and absolute character of that loss, whether voluntary or involuntary in origin. It differs then from other forms of servitude limited in place or time, such as medieval vassalage, villeinage, modern serfdom, and technical servitude, in degree rather than in kind. The efforts of the planters to lengthen the terms of the service of their servants which failed with the white servants succeeded with the black. Public opinion supported the change because the blacks were regarded as dangerous if left uncontrolled. The second step by which Negro servitude was converted into Negro slavery was taken when the condition and status of the mother was extended to and continued in her offspring. The transmission from mother to child of the conditions of slavery for life grew naturally out of the fact that the master necessarily controlled the child, controlling the

mother. It was evident that parents, under an obligation of life service, could make no valid provision for the support of their offspring and that a just title to the service of the child might rest on the master's maintenance. This change which had undoubtedly been effected in custom long before it was formally sanctioned by law was recognised by statute in the different states of America between 1662 and 1741.

This is how the Negro who was originally only a servant became a slave. It is to be noted that slavery in Africa the home of the Negro is a native institution and is very ancient. The most common ways of becoming a slave were: (1) By being born a slave, (2) by being sold into slavery for debt, (3) by becoming a slave through capture in war and (4) by kidnapping individuals and selling them into slavery due to revenge or greed and gain. The Negro was really familiar with the slave system and tasted the pleasures of a slave owner. One therefore may not feel the same sympathy with the Negro when he was made to give up the status of a master and made to occupy the position of a slave. But looked at even as a case of retribution well deserved, his condition as a slave in the New World to which he was transplanted, cannot fail to excite a righteous indignation for the miseries to which he was subjected by his new and alien masters.

How great were the miseries of the Negro in the New World when he became subject to the system of slavery, it is not possible for the inhabitants of Europe or Asia to imagine. They may be described under three heads. The miseries of his capture, the miseries of travel and the miseries of his toil. First as to the ways of capturing Negroes for enslavement. In the early days Negroes could be rounded up by sudden landings on the coast: but in time the Negroes learned to watch for the coming of the ships and take refuge in the bush; and, though adventurous traders sometimes penetrated inland themselves, their usual custom was to do business with professional native or half caste dealers who took the cheap goods they had bought from Europe cloth, beads, hardware, muskets and powder, spirit—and bartered them for slaves with chiefs up-country. There is nothing to show that the chiefs, of the stronger tribes at any rate, resisted or wanted to resist the fascination of these wares, especially the guns and drink. Enslavement within a tribe, it was observed, became the penalty for less and less serious offences; and inter-tribal warfare with slaves for its motive as well as the kidnapping of women and children in peacetime became a more or less constant feature of African life, spreading steadily into the interior of the continent with the steady infiltration of the trade.

Secondly as to the mode of transporting the Negro to America. Having bought his slaves, the dealer marshalled them, men, women and children, in a caravan for the march, sometimes a very long march to the coast. Usually fetters were put on them to prevent escape and often they were locked in the"slave stick"—a long pole with a crutch at the end for fastening round the neck. They carried on their heads the loads of foodstuffs and other baggage required for the journey or the ivory or other native produce which the dealer might have bought. The rigours of the march were often too much for the weaker members of the party. Slaves who fell sick were killed or left to die. The more frequented slavetracks were strewn with human bones. Arrived at the coast, they were stowed on board the slave ships, which were specially fitted for their transport. The hold was divided horizontally by decks about three feet apart with a gangway down the middle. On these shelves the slaves were laid, handcuffed in pairs, men and women in separate holds. Since the bigger the cargo, the bigger the profit, they were some times packed so tightly that they could scarcely turn round. In a ship of 150 tons as many as 600 slaves were carried. The direct voyage to Brazil was fairly short, but the so-called"Middle Passage"to the West Indies—the main centre of distribution—might be protracted for several weeks by adverse or dropping winds. If it was calm enough, the slaves were brought up on deck and urged or forced to dance for exercise. In rough weather conditions of the slaves in the hold may be imagined. Disease of course, was rife on board. Though instruments were provided for forcibly feeding those who refused to eat, it was reckoned in the latter eighteenth century that on the average at least one-sixth of a cargo died on the voyage. As the end of the voyage approached, the slaves were examined and prepared for sale. Wounds, caused by storm or ill usage, were doctored up and as far as possible concealed. But the agents at the ports often complained that the"parcels of Negroes"landed were"bad"or"mean"or"much abused". Finally, on shipboard or in the public slave market, the slaves were put up for sale by"scramble"or auction. The price of a healthy man rose as high as £ 60 during the eighteenth century. The sick and injured were lumped with feeble women and children and sold off cheap as"refuse". Even when at last they reached the plantations, the slaves had to face one more ideal before they settled down to endure what was left to them of life. The first months of employment were known as the period of"seasoning"and during it no less on an average of one third of the novices failed to adjust themselves in body or spirit to the new conditions of climate or food or labour and died. Taking all the deaths together in the slave-catching wars or

raids, on the march to the sea, during the"Middle Passage"and in"seasoning"—it has been moderately reckoned that for every African Negro who became"seasoned"at least one other Negro was killed.

Thirdly as to the actual conditions of life which a"seasoned"Negro slave had to undergo. The Negro slavery gave the Master two rights, which were indisputably established, the right to own and the right to punish. The right to own was given a wide meaning. By virtue of it the Master had not merely a right to the services of the Negro as a servant, but he had also the right to sell those services, to transmit by inheritance and to alienate them in any way he liked. The effect of this conception of the right was"to completely confound and identify the person of the slave with the thing owned."The conception of the slave as property made the Negro liable to be seized in payment of his master's debts. Even after such slaves had been emancipated they were still liable to seizure for the payment of debts contracted prior to their emancipation. The conception of a slave as property rather than as person added further disability to the legal or civil status. He could neither own nor enjoy property in his own right. This was unlike the Roman Law, which did allow the slaves to own property, which was called peculiar. It was a limited right but it was still an important right because it shows that the Roman Law did recognise that a slave *I* though property was also a person. Not being a person a Negro as a slave could neither engage in trade nor marry. The right of the Master to punish a slave was also given a very cruel interpretation in its application to the Negro. In a case which arose in the state of North Carolina Court in 1829 the Chief Justice in acquitting the Master who was indicted for beating his slave observed:

"It was a mistake to say that the relations of Master and slave were like those of parent and child. The object of the parent in training his son was to render him fit to live the life of a free man, and, as a means to that end, he gave him moral and intellectual instruction. With the case of the slave it was very different. There could be no sense in addressing moral considerations to a slave. The end of slavery is the profit of the Master, his security and public safety; the subject, one doomed in his own person and his posterity to live without knowledge and without capacity to make anything his own, and to toil that neither may reap the fruits. What moral consideration shall be addressed to such a being to convince him, that it is impossible, but that the most stupid must feel and know can never be true—that he is thus to labour on a principle of natural duty, or for the sake of his own personal happiness? Such services can only be expected

from one who has no will of his own, who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the body. There is nothing else, which can operate to produce the effect. The power of the Master must be absolute to render the submission of the slave perfect."

The result of such an interpretation of the Master's right to punish was that for a long time in the U.S.A. if a Negro slave chanced to die as a consequence of"a lawful correction"it was regarded by law as a lamentable and accidental homicide. How mercilessly this right to punish was exercised by the masters will be realized by a perusal of the extracts from letters written by a resident in Antigna in 1787. Says the writer—

"The Negroes are turned out at sunrise, and employed in gangs from twenty to sixty or upwards, under the inspection of white overseers, generally poor scotch lads, who by their assiduity and industry frequently become masters of the plantations, to which they make out as indentured servants. Subordinate to these overseers are drivers, who are mostly black or mulatto fellows of the worst dispositions; these men are furnished with whips, while on duty, which they are obliged on pain of severe punishment to have with them, and are authorised to flog wherever they see the least relaxation from labour; nor is it a consideration with them, whether it proceeds from idleness, or inability, paying at the same time, little or no regard to age or sex. At twelve they are turned in (that is leave off work) to get what they can to refresh nature with; at half past one the bell rings, when they turn out and resume their labour until sunset.....

"The punishments inflicted on slaves in this island, are various and tormenting..... Among which is the thumbscrew, a barbarous invention to fasten the thumbs together, which appears to cause excruciating pain. The"iron necklace '"is a ring, locked and riveted about the neck; to these, collars are frequently added. .... Which prevent the wearers from laying down their heads with any degree of comfort. The"boots"are strong iron rings, full four inches in circumference:. Closed just above the ankles; to these some owners prefix chain, which the miserable sufferers, if able to work, must manage as well as they can, and it is not un frequent to see in the streets of this town, at midday, Negroes chained together by these necklaces, as well as the boots.... The 'spurs' are rings of iron, similar to the boots, to which are added spikes from three to four inches long, placed horizontally. A chain fastened about the body with a padlock is another mode of tormenting this oppressed race of being."

It would be a great mistake of judging a whole class of slave owners by the vice of individuals. Often enough, the attitude of slaves to their Masters was quite friendly and equally often the attitude of the Masters to their slaves was kindly. None the less the system was a system founded on a purely economic basis making it inevitable that human being be created as mere tools to be used without being influenced by any considerations of humanity.

It is unnecessary to adduce any more cases to illustrate the fact that the lowly, unfree and unprivileged classes have existed in the past in countries other than India. What is of importance is that these unfree, unprivileged classes have disappeared as a separate class and have become part and parcel of the great Society. The question is: Why has untouchability not disappeared?

There are various reasons. They are discussed in the following Chapters.

Chapter 9

HINDUS AND WANT OF PUBLIC CONSCIENCE

The cases in which the Hindus have indulged in violence against the Untouchables are cases of fight for equal freedom to all. If the Untouchables want to go in procession, they have no objection to the Hindus doing the same. If the Untouchables want to wear gold and silver ornaments, they do not object to the Hindus having the same right. If the Untouchables want to send their children to schools, they are not against the children of the Hindus having full freedom for education. If the Untouchables wish to draw water from the well, they have no objection to the Hindus exercising their right to take water. One can go on *ad infinitum.* But it is unnecessary. The point is easy and simple to grasp. It is that whatever freedom the Untouchables claim is not exclusive to them and is not inconsistent with the right of the Hindus to equal freedom. Why then does the Hindus use violence to put down such innocent and perfectly lawful acts? Why does he regard his lawlessness as lawful? Who cannot see that the acts and omissions of the Hindus in his dealings with the Untouchables cannot be called by any other name except that of social wrongs. The acts and omissions are not mere inequities; they are not mere indignities. They are gross instances of man's inhumanity to man. For a

doctor not to treat a patient because the patient is an Untouchable, for a body of Hindu villages to burn the houses of the Untouchables, to throw human excreta in their well if these are not acts of inhumanity, I wonder what can be? The question is why has the Hindu no conscience?

There is only one answer to these questions. The class composition in other countries were based on economic and social considerations. Slavery and serfdom had no foundation in religion. Untouchability though it can give and does economic advantages to the Hindus, is primarily based on religion. There is nothing sacrosanct in economic and social interests. They yield to time and circumstances. This is the broad explanation why slavery and serfdom have vanished and why untouchability has not. The same is the answer to the two other questions. If the Hindu observes untouchability it is because his religion enjoins him to do so. If he is ruthless and lawless in putting down the Untouchables rising against his Established Order, it is because his religion not only tells him that the Established Order is divine and therefore sacrosanct but also imposes upon him a duty to see that this Established Order is maintained by all means possible. If he does not listen to the call of humanity, it is because his religion does not enjoin him to regard the Untouchables as human beings. If he does not feel any qualms of conscience in assaulting, looting, burning and other acts of atrocities against the Untouchables, it is because his religion tells him that nothing is sin, which is done in defence of the social order.

Many Hindus would regard this as a travesty of their religion. The best way to meet the charge is to quote Chapter and verse from Manu who is the architect of Hindu Society. Let anyone, who denies what I have said, read the following Commands of Manu regarding untouchability. Untouchables and the duties of the Hindus in regard to them:

"1.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_2 All those tribes in this world, which are excluded from (the community of) those born from the mouth, the arms, the thighs, and the feet (of Brahman), are called Dasyus, whether they speak the language of the Mlenchhas (barbarians) or that of the Aryans.

2. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_3Near well known trees and burial ground, on mountains and in groves, let these (tribes) dwell, known (by certain marks), and subsisting by their peculiar occupations.

3. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_4But the dwellings of the Chandalas and Shwapakas shall be outside the village, they must be made Apatras and their wealth (shall be) dogs and donkeys.

4. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_5Their dress (shall be) the garments of the dead, (they shall eat) their food from broken dishes, black iron (shall be) their ornaments, they must always wander from place to place.

5. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_6A man who fulfils a religious duty shall not seek intercourse with them; their transactions (shall be) among themselves, and their marriages with their equals.

6. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_7Their food shall be given to them by others (than an Aryan giver) in a broken dish; at night they shall not walk about in villages and in towns.

7. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_8By day they must go about for the purpose of their work, distinguished by marks at the king's command, and they shall carry out the corpses (of persons) who have no relatives, that is a settled rule.

8. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_9By the king's order, they shall always execute the criminals in accordance with the law, and they shall take for themselves the clothes, the beds and the ornaments of (such) criminals.

9. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_10He who has had connection with a woman of one of the lowest castes shall be put to death.

10.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_11 If one who (being a member of the Chandalas, or some other low caste) must not be touched, intentionally defiles by his touch one who (as a member of a twice born caste) may be touched (by the other twice born persons only) he shall be put to death."Can anybody, who reads these Commandments of Manu deny that it is Hindu religion, which is responsible for the perpetuation of untouchability and for the lawlessness and want of conscience on the part

of the Hindus towards the Untouchables? Indeed, if the acts of omission and commission which have been detailed in the earlier Chapters of this book were correlated to these ten Commandments, it will be found that the Hindus in committing these acts are merely following the Commandments of Manu. If the Hindu will not touch an Untouchable and regards it as an offence if an Untouchable touches him, it is because of the Commandments Nos. 5 and 10. If the Hindus insist upon the segregation of the Untouchables, it is because of Commandment No. 3. If the Hindu will not allow the Untouchable to wear clean clothes, gold ornaments, he is only following Commandment No. 8. If the Hindu will not tolerate an Untouchable acquiring property and wealth, he is only following Commandment No. 3.

It is really unnecessary to labour the matter further. It is incontrovertible that the main cause which is responsible for the fate of the Untouchables is the Hindu religion and its teachings. A comparison between Paganism and Christianity in relation to slavery and Hinduism in relation to untouchability reveals how different has been the influence of the two religions on human institutions, how elevating has been the influence of the former and how degrading that of the latter. Those who are fond of comparing slavery with Untouchability do not realize that they are facing a paradox. Legally the slave was not a freeman. Yet, socially he had all the freedom necessary for the growth of his personality. Legally the Untouchable is a freeman. Yet, socially he has no freedom for the growth of his personality.

This is indeed a very glaring paradox. What is the explanation of this paradox? There is only one explanation of this paradox. It is that while religion was on the side of the slave, religion has been against the Untouchables. The Roman law declared that the slave was not a person. But the religion of Rome refused to accept that principle, at any rate, refused to extend that principle to social field. It treated him I as a human being fit for comradeship. The Hindu Law declared that the Untouchable was not a person. Contrary to Paganism, the Hindu religion not only accepted the principle but also extended it to the social field. As the Hindu Law did not regard the Untouchable a person, Hinduism refused to regard him as a human being fit for comradeship.

That the Roman religion saved the slave from the social degradation consequent upon his legal degradation is beyond question. It saved him from such degradation in three different ways. One way by which the

Roman religion saved the slave was to keep the most sacred place open for the slave to occupy. As has been observed:

"..... Roman religion was never hostile to the slave. It did not close the temple doors against him; it did not banish him from its festivals. If slaves were excluded from certain ceremonies the same may be said of freemen and women—men being excluded from the rites of Bona Dea, Vesta and Ceras, women from those of Hercules at the Ara Maxima. In the days when the old Roman divinities counted for something, the slave came to be informally included in the family, and could consider himself under the protection of the Gods of the household. .. .. Augustus ordered that freed women should be eligible as priestesses of Vesta. The law insisted that a slave's grave should be regarded as sacred and* for his soul Roman Mythology provided no special heaven and no particular hell. Even Juvenal agrees that the slave's soul and body, is made of the same stuff as his master."

The second way in which the Roman religion helped the slave was equivalent to lodging a complaint before the City Prefect whose duty it became to hear cases of wrong done to slaves by their masters. This was a secular remedy. But the Roman religion had provided another and a better remedy. According to it, the slave was entitled to throw himself before the altar and demand that he should be sold to a kinder master.

The third way in which the Roman religion saved the slave by preventing the Roman Law from destroying the sanctity of his personality as a human being. It did not make him unfit for human association and comradeship. For the Roman slave this was the greatest saving grace. Suppose Roman society had an objection to buy vegetables, milk, butter or take water or wine from the hands of the slave; suppose Roman society had an objection to allow slaves to touch them, to enter their houses, travel with them in cars, etc., would it have been possible for the master to train his slave to raise him from semi-barbarism to a cultured state? Obviously not; it is because the slave was not held to be an Untouchable that the master could train him and raise him. We again come back therefore to the same conclusion, namely, that What has saved the slave is that his personality was recognised by society and what has ruined the Untouchable is that Hindu society did not recognise his personality, treated him as one whose personality was unclean which rendered him as unfit for human association and common dealing.

There was no gulf, social or religious, which separated the slave from the

rest of the society. In outward appearance he did not differ from the freeman; neither colour nor clothing revealed his condition; he witnessed the same games as the freeman; he shared in the life of the Municipal towns and got employed in the State service, engaged himself in trade and commerce as all freemen did. Often apparent equality in outward things counts far more to the individual than actual identity of rights before the law. Between the slave and the freed there seems often to have been little social barrier, Marriage between the slave and freed and even freed and slave was very common. The slave status carried no stigma on the man in the slave. He was Touchable and even respectable. All this was due to the attitude of the Roman religion towards the slave.

There is no space to describe at length the attitude of Christianity to slavery. But it was different from Paganism. It is not known to many that during the period of slavery in America, Christian priests were not prepared to convert Negro slaves to Christianity because of their view that it would degrade Christianity if the convert remained a slave. In their opinion, one Christian could not hold another Christian as a slave. He was bound to offer him fellowship.

To sum up. Law and Religion are two forces which govern the i conduct of men. At times, they act as handmaids to each other. At other times, they act as check and counter-check. Of the two forces, Law is personal while religion is impersonal. Law being personal it is Capable of being unjust and iniquitous. But religion being impersonal, it can be impartial. If religion remains impartial, it is capable of defeating the inequity committed by law. This is exactly what happened in Rome in regard to the slave. That is why religion is believed to ennoble man and not to degrade him. Hinduism is an exception. It has made the Untouchable sub-human. It has made the Hindu inhuman. There is no escape to either from the established order of the sub-human and the inhuman.

CHAPTER 10

HINDUS AND THEIR WANT OF SOCIAL CONSCIENCE

Everyone who feels moved by the deplorable condition of the Untouchables begins by saying:"We must do something for the Untouchables". One seldom hears any of the persons interested in the

problem saying:"Let us do something to change the Hindu."It is invariably assumed that the object to the reclaimed is the Untouchables as though untouchability was due to his depravity and that he alone is responsible for his condition. If there is to be a Mission, it must be to the Untouchables. Nothing requires to be done to the Hindu. He is sound in mind, manners and morals. He is whole, there is nothing wrong with him. He is not the Sinner.

What is the real state of affairs? This argument that there is nothing wrong with the Hindus and that the Untouchable is responsible for whatever wrong he suffers is very much the argument that is used by the Christians for defending themselves against the inhuman treatment accorded by them to the Jews. A very crushing reply has been given by Mr. Louis Goulding to the Christians on behalf of the suffering Jews. In discussing the source of the Jewish Problem Mr. Louis Goulding says:

> "I beg leave to give a very homely instance of the sense in which I consider the Jewish Problem in essence a Gentile Problem. A close acquaintance of mine is a certain Irish Terrier of mixed pedigree, the dog Paddy, who is to my friend John Smith as the apple of both his eyes. Paddy dislikes Scotch terriers; it is enough for one to pass within twenty yards of Paddy to deafen the neighbourhood with challenges and insults. It is a practice which John Smith deplores, which, therefore, he does his best to check—all the more as the object of Paddy's detestation are often inoffensive creatures, who seldom speak first. Despite all his affection for Paddy, he considers, as I do, that Paddy's unmannerly behaviour is due to some measure of original sin in Paddy. It has not yet been suggested to us that what is here involved is a Scotch Terrier Problem and that when Paddy attacks a neighbour who is peacefully engaged in inspecting the evening smells it is the neighbour who should be arraigned for inciting to attack by the fact of his existence."

If we equate Paddy to the Hindu and Scotch Terrior to the Untouchable the argument of Goulding will apply to the Hindus no less than it does to the Christians. If for the reasons given by Mr. Goulding the Jewish Problem is in reality a Christian Problem then the Problem of the Untouchables is primarily a Hindu Problem.

Are the Hindus conscious, do they recognise that the Untouchables are a problem to them? Are they worried about it? Is it weighing on their minds? Certain obvious tests may be applied in order to ascertain the truth. One test is the volume of literature on the subject. One can take the volume of

literature issued on the Negroes of America as a standard measure. One is amazed at the huge amount of printed material that exists in the United States on the subject of the Negroes. It is said that a really complete bibliography on the Negro Problem would run up to several hundred thousand titles. The literature is really immeasurable. This proves as nothing else can, how much it is a problem to the Whites. It has disturbed through several generations all classes of people in America, the religious moralists, the political philosophers, the Statesmen, the philanthropists, the social scientists, the politicians, the businessmen and the plain ordinary citizen as well.

What is the amount of literature on the Untouchables that exists in India? Not more than half a dozen pamphlets!

Another test would be the test of social behaviour. I give below two cases reported in the papers. One is from the ' *Pratap* ' of 5th March 1926. It gives the following news:

"On the 23rd of February at about I I o'clock in the day, a group of about 12 or 13 were digging earth in Begumganj, Lucknow when the quarry collapsed and they were all buried under heaps of earth. One boy and six women were rescued after the earth had been removed out of whom only one woman turned out to be alive, who belonged to Mirpur. She had received grievous injuries and her condition was very critical. The Hindu inhabitants of Begumganj however refused to give a bed to lay that woman on. At last a Muslim offered a bed; now there was no Hindu prepared to help to carry the poor woman as far as her house. At last, a sweeper was called and he undertook to carry the woman to her home as she lay on the bed."

The best illustration of the absence of conscience in the Hindu towards the Untouchables is to be found in the following incident which is reported by the Correspondent of the '*Sangram*' and published in its issue of 10th July 1946. The correspondent says:

> "A woman died on the 8th of July 1946 in the Anath Ashram (Beggars Home) called Azil situated in a village called Mhapse (in Goa) and maintained by Christians. The woman was believed to be a Hindu. She was alone and had no relations. Seeing that there was no one to dispose of the dead body and to perform funeral rites, the Hindus of the village came together and raised a subscription for the purpose. They brought the dead body out of the Beggars' Home. Just about that time some

Untouchables, who knew the woman came there and recognized the dead body. The moment the Hindus came to know that the woman belonged to the Untouchables the Hindus who had gathered there deserted the dead body and started walking away. The Untouchables who had come requested the Hindus to give them the amount they had collected for buying the coffin and the shroud. The Hindus refused to part with the money saying that the money was collected from the subscribers on the representation that the deceased woman was a Hindu woman. As she is not a Hindu but an Untouchable, they can't spend the money on her funeral. The Untouchables had to do their best to dispose of their dead body. The Untouchables had good evidence of the love and affection the Hindus bear towards them.

The following is from the '*Milap*' of 2nd October 1925. Its correspondent reports:

"News has been received from Ruddurprayag that one evening in the first week of September a Harijan came to the Dharmashala (or monastery) of Ruddurprayag. When he learnt that a tiger came there every night, he requested the pastor of the Dharmashala to let him lie hidden in some corner of the Dharmashala for the night, so that he may remain safe from the tiger. The callous pastor, however, paid no heed to the request and closed the gates of the Dharmashala. The ill-starred Harijan laid himself down outside in one corner, full of apprehensions of the tiger. Towards the end of the night the tiger came and attacked the Harijan. As the man was quite strong and healthy and despair made him fearless, he caught hold of the tiger's neck and shouted ' I have grabbed the tiger. Come and kill him'. But the high caste pastor did not open the door, nor did he offer any sort of help, so that very soon the grip of the Harijan loosened and the tiger also ran away. At present the man is lying wounded in Shrinagar (Garhwal) where he is getting himself treated. His condition is said to be critical."

The heartlessness disclosed by these instances shows that the Hindu does not bother about what he does to the Untouchables or about what happens to the Untouchables.

A third test would be the test of service and sacrifice for the uplift of the Untouchables. Here again, one may adopt the service and sacrifice of the Americans for raising the Negroes as our standard measure. Here are some

figures.

Consider the requests mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_12made by the Whites for the benefit of the Negro education.

Testator	Amount (in Dollars)	Testator	Amount (in Dollars)
Kane	50.000	Mason	1.00.000
Harton	5.000	Naunbert	40.000
Troughton	1.60.600	Harrison	2.30.000
Ottinger	500	Munger	75.000
Gambrille	35.000	Corliss	45.000
Jarepki	1.000	Rosenbanin	1.000
Strock	500	Burton	1.000
Kidder	5.000	Conroy	1.00.000
Clodin	10.000	Kent	10.000
Wood	500	Duke	1.40.000
Harkness	12.50.000	Marciliat	5.000
Beatie	2.90,000	Masey	25.000
Marquant	5.000	Nicholas	20.000
Newton	5.000	Garretson	15.00.000
Hummington	25,000	Hatcher	20.000
Phelps-Stokes	2.80.000	Wright	10.000
Butler	30.000		

These figures relate to the period before 1930. They do not take account of residuary bequests.

Compare the Educational funds mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_13that exist for the advancement of education among the Negroes. They are:

(i) (i) The Avery Fund.
(ii) (ii) The Vilas Bequest.
(iii) (iii) The African Fund.
(iv) (iv) The Buckingham Fund.
(v) (v) The George Washington Educational Fund.
(vi) (vi) The Miner Fund.
(vii) (vii) The Steward Missionary Foundation.
(viii) (viii) The Daniel Hand Fund.
(ix) (ix) The John Slater Fund.
(x) (x) The Phelps-Stokes Fund.

In addition to this, there are general Funds such as the Carnegie Corporation Julius Rosenwald Fund and the Rockfeller Foundation which also help the Negroes. The amounts distributed by these funds is not known. But they must be amounting to millions.

Compare the amount spent by Religious organizations on the education of the Negroes. Here are some interesting mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_14figures.

	Annual Expenditure (In Dollars)	Permanent fund for Negro Education (In Dollars)	Value of school plants, etc. (In Dollars)
American Baptist Home Mission Board	116,247	1.597,700	3.594,251
American Church Institute	185.100	450,000	3,000,000

for Negroes			
(Episcopal)			
American Missionary Association	368.057	3.228.421	3.200.000
Church of Christ (Disciples) United	91,072		500,000
Christian Missionary Society			
Lutheran Evangelical Synodical Conference of North America Board Colored Mission	74,900		175,000
Methodist Episcopal Church Board of	259.264	1,962.729	5,000.000
Education. Institutions for Negroes			
Methodist Episcopal Church Woman's	104,975		360,000
Home Missionary Society of			
Presbyterian Church in the U.S.A. Division	405,327	1,994.032	3.560.000
of Missions for Colored People			
United Presbyterian Church Board of Mission for Freemen	98,000	645,000	1.000.000

It is estimated that the total amount spent for the religious and philanthropic organizations between 1865 and 1930 comes to 135,000,000 dollars on the advancement of the Negroes. Of this amount, 85,000,000 dollars have been contributed by the Whites.

What is the measure of service and sacrifice of the Hindus for the elevation of the Untouchables. The only organization the Hindus can

boast of is the Harijan Sevak Sangh mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_15 . Its capital fund does not probably go beyond 10 lakhs. Its annual expenditure does not go beyond a few thousand rupees on petty and insignificant and insubstantial purposes. The Fund is not a welfare fund. It is essentially a Political Fund intended to make the Untouchables vote with the Hindus.

Why is this difference? Why do the Americans exert so much in service and sacrifice for the elevation of the Negroes and why have the Hindus cared to do nothing for the elevation of the Untouchables? The answer is that the Americans have a social conscience while the Hindus have none. It is not that the Hindus have no sense of right and wrong, good and bad, moral and immoral. What is wrong with the Hindu is that his sense of moral obligation towards others is restricted to a limited class of people, namely, the members of his caste. As Mr. H. J. Paton says mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_16:

"Clearly a man may be a good member of a limited society without being a morally good man. There seem indeed to be already shadows or anticipations of moral excellence even in the man who carries out coherently an individual policy of life; and we begin to find something which we may almost mistake for virtue itself, when we consider the man who is a loyal member of any society, even of a gang of thieves. Yet although there must be honour among thieves, a thief is not therefore an honourable man. The morally good man seems to be the man who is good as a member not of a limited society but of an unlimited society—of a society of societies whose purpose includes all purposes, and beyond which there is no other society to be a source of conflicting claims of duties."The Untouchable does not belong to the society of the Hindus and the Hindu does not feel that he and the Untouchables belong to one society. This is the reason why the conduct of the Hindu is marked by a moralistic unconcernedness.

Not having conscience, the Hindu has no such thing in him as righteous indignation against the inequities and injustices from which the Untouchable has been suffering. He sees no wrong in these inequities and injustices and refuses to budge. By his absence of conscience the Hindu is a great obstacle in the path of the removal of untouchability.

CHAPTER 11

THE HINDU AND HIS BELIEF IN CASTE

Among the Hindu social reformers there is a moderate section. This section holds that untouchability is separate from the caste system. Following this ideology they hold that it is possible to remove untouchability without attacking the caste system. The religious minded Hindu is as opposed to the removal of untouchability as he is to the removal of the caste system. He is as opposed to dealing with social reform in two stages as he is in dealing with it in one stage. But the politically minded Hindu is tremendously fond of the idea. That is obviously for two reasons. In the first place, it gives the Hindu the chance of showing himself in international world as a better specimen of democracy than he really is. Secondly, by leaving caste alone there is no risk of the caste Hindus forsaking the Congress.

Those who propose to deal with untouchability without damaging the caste system, rest their case on verse 4 of Chapter X of the Manu Smriti. In the verse, Manu says that there are only four varnas and that there is no fifth varna. This verse is interpreted to mean that the untouchables are included in the fourth varna, that they are part of the Shudras and as there is no objection to touching the Shudras there could be no objection to touching the Untouchables. However pleasing this construction may be to the politically minded Hindu, it does accord with the intention of what Manu wanted to convey. The verse is open to another construction. It may mean that Manu was not prepared to enlarge the Chaturvarnya and make it a Panchavarnya by recognising these communities which were outside the four varnas as constituting the fifth varna. In saying that there is no fifth varna what he means to suggest is that he did not want to incorporate those outside the four varnas into the Hindu society by making the Hindu society consist of five varnas instead of four. That he wanted to convey the latter intention is abundantly clear by speaking of a category of people as Bahyas[*] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_17or Varna Bahyas which means those outside the varna system. If Manu wanted to include all persons within the four varnas there was no reason for speaking of some people as varna Bahyas. Indeed, he recognises two sub-divisions within the class of Varna Bahyas. He calls them

Hinasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_18 and Antayevasinsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22C.Untouchables or the children of India's Ghetto PART III.htm - _msocom_19 Given these facts, it is obvious that the construction sought to be placed in the verse in the Manu Smriti will not deceive the orthodox Hindu into accepting that the maintenance of untouchability is contrary to the Manu Smriti and that its abolition is not therefore contrary to the tenets of the Hindu religion.

The argument based on the interpretation of Manu's text is too intellectual for the ordinary uneducated Hindu. He knows only two things. One thing he knows is that there are three barriers in the matter of social intercourse which he must observe. They are (1) prohibition against inter-dining, (2) prohibition against inter-marriage, while in untouchability there is third barrier added and (3) prohibition against physically touching certain class of people. The first two barriers make up the caste. The third forms untouchability. The caste Hindu does not bother about the number of barriers. He is particular about the observance of the barrier. When he is asked not to observe, he turns round and asks why not? His argument is that, if I am free to observe the first two barriers, what is wrong if I observe the third? Psychologically, caste and untouchability are one integral system based on one and the same principle. If the caste Hindus observe untouchability it is because they believe in caste.

Looked at from this point of view, the idea of hoping to remove untouchability without destroying the caste system is an utter futility. The underlying idea that caste and untouchability are two different things is founded on a fallacy. The two are one and are inseparable. Untouchability is only an extension of the caste system. There can be no severance between the two. The two stand together and will fall together.

There is another reason why untouchability cannot disappear by a stratagem, legal or rational. As has already been pointed out, the Hindu social order is based on the principle of graded inequality. It may not bean exaggeration to say that not many people understand the significance of this principle. The social system based on inequality stands on a different footing from a social system based on graded, inequality. The former is a weak system which is not capable of self- I preservation. The latter on the other hand, is capable of self-preservation. In a social system based on inequality, the low orders can combine to overthrow the system. None of them have any interest to preserve it. In a social system based on graded

inequality the possibility of a general common attack by the aggrieved parties is non-existent. In a system of graded inequality, the aggrieved parties are not on a common level. This can happen only when they are only high and low. In the system of graded inequality there are the highest (the Brahmins). Below the highest are the higher (the Kshatriyas). Below the higher are those who are high (Vaishya). Below the high are the low (Shudra) and below the low are those who are lower (theUntouchables). All have a grievance against the highest and would like to bring about their down fall. But they will not combine. The higher is anxious to get rid of the highest but does not wish to combine with the high, the low and the lower lest they should reach his level and be his equal. The high wants to over-throw the higher who is above him but does not want to join hands with the low and the lower, lest they should rise to his status and become equal to him in rank. The low is anxious to pull down the highest, the higher and the high but he would not make a common cause with the lower for fear of the lower gaining a higher status and becoming his equal in the system of graded inequality there is no such class as completely unprivileged class except the one which is at the base of the social pyramid. The privileges of the rest are graded. Even the low is a privileged class as compared with the lower. Each class being privileged, every class is interested in maintaining the social system.

Untouchability may be a misfortune to the Untouchables. But there is no doubt that it is a good fortune to the Hindus. It gives them a class which they can look down upon. The Hindus do not want a system in which nobody will be anybody. They also do not want a system in which everybody may be somebody. They want a system in which they will be some bodies and others will be nobodies. The Untouchables are nobodies. This makes the Hindus some bodies. The system of untouchability sustains the natural pride of the Hindus and make them feel as well as look big. This is an additional reason why the Hindus are not likely to give up untouchability particularly those large majority who are small men.

Untouchability will vanish only when the whole of the Hindu Social Order, particularly the caste system will be dissolved. Is this possible? Every institution is sustained by some sort of a sanction. There are three kinds of sanction, which supply life force to an institution. They are legal, social and religious. The vitality of the institution depends upon the nature of the sanction. What is the nature of the sanction behind the caste system? Unfortunately, the sanction behind the caste system is the religious sanction, for, the caste as a new form of the Varna system derives its

sanction from the Vedas which form the sacred book of the Hindu religion and which are infallible. I say unfortunately because anything which has a religious sanction becomes by virtue of it sacred and eternal. To the Hindu, caste is sacred and caste is eternal. If caste cannot vanish what hope is there for untouchability to disappear?

PART IV

Untouchables or The Children of India's Ghetto

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PART IV

What the Untouchables have to face

CHAPTER 12

ANTAGONISM OF THE ADMINISTRATION

Section 2 of the Indian Penal Code reads as follows:"Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within British India."The Law Commissioners who prepared the draft Penal Code in their address to the Secretary of State thought it necessary to draw pointed attention to the words ' Every Person '. In the course of their observation, they said:

"Your Lordship in Council will see that we have not proposed to except from the operation of this Code any of the ancient sovereign houses of India residing within the Company's territories. Whether any such

exception ought to be made is a question which, without a more accurate knowledge that we possess of existing treaties, of the sense in which those treaties have been understood, of the history of negotiations, of the temper and of the power of particular families, and of the feeling of the body of the people towards those families, we could not venture to decide. We will only beg permission most respectfully to observe that every such exception is an evil; that is an evil that any man should be above the law; that it is still greater evil that the public should be taught to regard as a high and enviable distinction the privilege of being above the law; that the longer such privileges are suffered to last, the more difficult it is to take them away; that there can scarcely even be a fairer opportunity for taking them away than at the time when the Government promulgates a new Code binding alike on persons of different races and religions; and that we greatly doubt whether any consideration, except that of public faith solemnly pledged, deserves to be weighed against the advantages of equal justice."

It might have been thought that this principle of equal justice would strike a death blow to the Established Order. As a matter of fact, far from suffering any damage the Established Order has continued to operate in spite of it. It might be asked why the principle of equal justice has failed to have its effect. The answer to this is simple. To enunciate the principle of justice is one thing. To make it effective is another thing. Whether the principle of equal justice is effective or not must necessarily depend upon the nature and character of the civil services who must be left to administer the principle. If the civil service is by reason of its class bias the friend of the Established Order and the enemy of the new Order, the new Order can never come into being. That a civil service in tune with the new order was essential for the success of the new order was recognised by Karl Marx in 1871 in the formation of the Paris Commune and adopted by Lenin in the constitution of Soviet Communism. Unfortunately, the British Government never cared about the personnel of the Civil Service. Indeed it opened the gates of the administration to those classes who believed in the old Established Order of the Hindus in which the principle of equality had no place. As a result of this fact, India has been ruled by the British but administered by the Hindus. A few statistics of the composition of the Civil Service will fully demonstrate this fact.

From the capital of India down to the village the whole administration is rigged by the Hindus. The Hindus are like the omnipotent almighty pervading all over the administration in all its branches having its authority in all its nooks and corners. There is no loophole for anyone opposed to

the old order to escape. No matter what the Department, whether it is Revenue, Police or Justice it is manned by the Hindu. If the Established Order has continued to exist, it is because of the unfailing support it received from the Hindu officials of the State. The Hindu officials are not merely administering the affairs on their merit. They are administering them with an eye to the parties. Their principle is not equal justice to all. Their motto is justice consistent with the Established Order. This is inevitable. For they carry over into administration the attitude towards different classes in society under the Established Order. This is well illustrated by the attitude of the State officials towards the Untouchables in the field of administration.

As every Untouchable will be able to testify, if an Untouchable goes to a police officer with a complaint against the caste Hindu, instead of receiving any protection he will receive plenty of abuses. Either he will be driven away without his complaint being recorded or if it is recorded, it would be recorded quite falsely to provide a way of escape to the Touchable aggressors. If he prosecutes his offenders before a Magistrate the fate of his proceedings could be foretold. The Untouchables will never be able to get Hindus as witnesses because of the conspiracy of the villagers not to support the case of the Untouchables, however just it may be. If he brings witnesses from the Untouchables, the Magistrate will not accept their testimony because he can easily say that they are interested and not independent witnesses or, if they are independent witnesses the Magistrate has an easy way of acquitting the accused by simply saying that the Untouchables compliment did not strike him as a truthful witness. He can do this fearlessly knowing full well that the higher tribunal will not reverse his finding because of the well-established rule which says that an appellate court should not disturb the finding of the trial Magistrate based upon the testimony of witness whose demeanour he had no opportunity to observe:

That such a discrimination is practised has now been admitted even by Congressmen. The annual Report of the Tamil Nad Harijan Sevak Sangh for the year ending September 30, 1937 says[*] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22D.Untouchables or the children of India's Ghetto PART IV.htm - _msocom_1[:]

"The political consciousness of the Harijans having been roused by the rights in the remotest villages where it is only the policeman that reign, it is not always possible for the Harijan to do this, for the assertion of his rights means a clash between him and the castemen, in which it is always the latter that have the upper hand. The natural consequences of this scuffle is a complaint either to the police or the Magistrate. The latter course is

beyond the means of a Harijan while the former resort is worse than useless. The complaints are in many cases not inquired into at all, while in others a verdict favourable to the castemen is entered. Our complaints to the Police also meet with similar fate. The trouble seems to us to be that there is no change in the mentality of the lower policeman. Either he is unaware of the rights of the Harijans of which he is supposed to be the guardian or he is influenced by caste men. Or, it may also be that he is absolutely indifferent. In other cases, corruption is responsible for his taking the side of the richer caste men."This shows how the Hindu official is anti-Untouchable and pro-Hindu. Whenever he has any authority or discretion, it is always exercised to the prejudice of the Untouchables.

The police and the Magistrate are sometimes corrupt. If they were only corrupt, things would not perhaps be so bad because an officer who is corrupt is open to purchase by either party. But the misfortune is that the Police and Magistrates are often more partial than corrupt. It is this partiality to the Hindus and his antipathy to the Untouchables which results in the denial of protection and justice to the Untouchables. There is no cure for this partiality to the one and antipathy to the other, because it is founded in the social and religious repugnance, which is inborn in every Hindu. The Police and the Magistrates by reason of their motives, interest and their breeding, do not sympathise with the living force operating among the Untouchables. They are not charged with the wants, the pains, the cravings and the desires, which actuate the Untouchables. Consequently, they are openly hostile and inimical to their aspirations, do not help them to advance, disfavour their cause and snap at everything that smacks of pride and self-respect. On the other hand, they share the feelings of the Hindus, sympathise with them in the attempt to maintain their power, authority, prestige and their dignity over the Untouchables. In any conflict between the two, they act as the agents of the Hindus in suppressing this revolt of the Untouchables and participate quite openly and shamefacedly in the nefarious attempt of all Hindus to do every thing possible by all means, fair or foul, to teach the Untouchables a lesson and hold them down in their own places.

The worst of it is that all this injustice and persecution can be perpetrated within the limits of the law. A Hindu may well say that he will not employ an Untouchable, that he will not sell him anything, that he will evict him from his land, that he will not allow him to take his cattle across his field without offending the law in the slightest degree. In doing so, he is only expressing his right. The law does not care with what motive he does it. The law does not see what injury it causes to the Untouchable. The police

may misuse his power and his authority. He may deliberately falsify the record by taking down something, which has not been stated or by taking down some thing which is quite different from what has been stated. He may disclose evidence to the side in which he is interested. He may refuse to arrest. He may do a hundred and one things to spoil the case. All this he can do without the slightest fear of being caught. The loopholes of law are many, and he knows them well. The Magistrate has vested in him an enormous amount of discretion. He is free to use it. The decision of a case depends upon the witnesses who can give evidence. But the decision of the case depends upon whether the witnesses are reliable or not. It is open to the Magistrate to believe one side and disbelieve the other side. He may be quite arbitrary in believing one side, but it is his discretion, and no one can interfere with it. There are innumerable cases in which this discretion has been exercised by the Magistrates to the prejudice of the Untouchables. However truthful the witnesses of the Untouchables the Magistrates take a common line by saying I disbelieve the witnesses ', and nobody has questioned that discretion. What sentence to inflict is also a matter of discretion with the Magistrate. There are sentences, which are non appealable. An appeal is a way of getting redress. But this way may be blocked by a Magistrate by refusing to give an appealable sentence.

If the Hindu society plays its part in maintaining the Established Order, so does the Hindu officials of the State. The two have made the Established Order impregnable.

CHAPTER 13

PROBLEM OF DISCRIMINATION

To the Untouchables the problem of discrimination in order of seriousness is only next to the problem of recovering their manhood. The discrimination against the Untouchables is practised by the Hindus on a scale, the extent of which it is impossible for an outsider to imagine There is no field of life in which the Untouchables and the Hindus come into competition and in which the former is not subjected to discrimination. It is also of the most virulent type.

In the matter of social relationship, it takes the form of barriers against dancing, bathing, eating, drinking, wrestling, worshipping. It puts a ban on all common cycles of participation.

In the use of public facilities, the spirit of discrimination manifests itself in the exclusion of Untouchables from schools, wells, temples and means of conveyance. Public administration is most deeply drenched by the spirit

of discrimination against the Untouchables. It has affected Law Courts, Government Departments, Co-operative Banks, and particularly the Police. Discrimination against Untouchables in the matter of securing land, credit, jobs exist in the most rampant form. It is in service that discrimination shows itself most strongly. Though there are no regulations, there are well-recognised rules, which govern the entry and promotion of the Untouchables in the matter of service. Most often an Untouchable will not get an entry. Whole departments are closed to them. The weaving side of the Textile Mills the whole of Army is closed to the Untouchables If did, there is a well-set limit beyond which the Untouchable may not rise, no matter what his efficiency or length of service. The principle in general is maintained that the Untouchables shall not be placed in administrative authority over the Hindus. The consequence is that unless some entire branch of service is turned over the Untouchables, there are very few posts of consequence, which the Untouchables are allowed to fill. To put it concretely, the only field of service in which there is no discrimination against the Untouchables is scavenging. There is no need for discrimination in this field because the whole of it is made over to the Untouchables and there is no competition from the Hindus. Even here discrimination steps in the matter of higher posts. All unclean work is done by the Untouchables. But all supervisory posts which carry higher salary and which do not involve contact with filth are all filled by Hindus. In this situation rights of citizenship cannot mean the rights of the Untouchables. Government of the people and for the people cannot mean Government for the Untouchables; equal opportunity for all cannot mean equal opportunity for the Untouchables; equal rights for all cannot mean equal rights for the Untouchables. All over the country in every nook and corner the Untouchable faces handicaps, suffers discriminations, is meted injustices to the Untouchables, the most unprivileged people in India. The extent to which this is true is known only to the Untouchables who labour under the disadvantages. This discrimination is the strongest barrier against the Untouchables. It prevents them from rising out of it. It has made the life of the Untouchables one of the constant fears of one thing or another, of unemployment, assault, persecution, etc. It is a life of insecurity.

There is another form of discrimination, which though subtle is nonetheless real. Under it a systematic attempt will be made to lower the dignity and status of a meritorious Untouchable. A Hindu leader would be described merely as a great Indian leader. No one would describe him as the leader of Kashmiri Brahmin even though he be one. If a leader who happens to be an Untouchable is to be referred to he will be described as

so and so, the leader of the Untouchables. A Hindu doctor would be described as a great Indian doctor. No one would describe him as a lyengar even though he be one. If a doctor happens to be an Untouchable doctor, he would be referred to as so and so, the Untouchable doctor. A Hindu singer would be described as a great Indian singer. If the same person happens to be an Untouchable he would be described as an Untouchable singer. A Hindu wrestler would be described as a great Indian Gymnast. If he happens to be an Untouchable he would be described as an Untouchable gymnast.

This type of discrimination has its origin in the Hindu view that the Untouchables are an inferior people and however qualified, their great men are only great among the Untouchables. They can never be greater nor even equal to the great men among the Hindus. This type of discrimination, though social in character, is no less galling than economic discrimination.

Discrimination is merely another name for absence of freedom. For as Mr. Tawney says* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22D.Untouchables or the children of India's Ghetto PART IV.htm - _msocom_2:"There is no such thing as freedom in the market, divorced from the realities of a specific time and place. Whatever else it may or may not imply, it involves the power of choice between alternatives a choice which is real, not merely nominal, between alternatives which exist in fact, not only on paper. It means, in short, the ability to do or refrain from doing definite things, at a definite moment, in definite circumstances, or it means nothing at all. Because a man is most a man when he thinks, wills and acts, freedom deserves the outline things, which poets have said about it; but, as a part of the prose of every day life, it is quite practical and realistic. Every individual possesses certain requirements ranging from the material necessities of existence to the need to express himself in speech and writing, to share in the conduct of affairs of common interests, and to worship God in his own way or to refrain from worshipping him the satisfaction of which it is necessary to his welfare. Reduced to its barest essential, his freedom consists in the opportunity secured by him, within the limits set by nature and the enjoyment of similar opportunities by his fellows, to take the action needed to order to ensure that these requirements are satisfied."

It is not my intention to add yet another catalogue of essential rights to the liberties of such lists, which already exist; but these are two observations, which apply to all of them. In the first place, if the rights are to be an effective guarantee of freedom, they must not be merely formed, like the right of all who can afford it to dine at the Ritz. They must be such

that, whenever the occasion arises to exercise them, they can in fact be exercised. The rights to vote and to combine, if not wholly valueless, are obviously attenuated, when the use of the former I means eviction and of the latter the sack; the right to the free choice of an occupation, if the expenses of entering a profession are prohibitive; the right to justice, if no poor man can pay for it; the right to life, liberty, and the pursuit of happiness, if the environment is such as to I ensure that a considerable proportion of those born will die within I twelve months, and that the happiness investments of the remainder are a gambling stock. In the second place, the rights which are essential to freedom must be such as to secure the liberties of all, not merely of a minority. Some sage has remarked that marriage would not be regarded as a national institution if, while 5 per cent of the population were polygamous, the majority passed their lives unsolved and unencumbered by husbands or wives. The same is true of freedom. Society in which some groups can do much what they please, while others can do little of what they ought, may have virtues of its own; but freedom is not one of them. It is free in so far, and only in so far, as all the elements composing it are able in fact, and not merely in theory, to make the most of their powers, to grow to their full stature, I to do what they conceive to be their duty, and since liberty should not be too austere to have their fling when they feel like it. In so far as the opportunity to lead a life worthy of human beings is restricted to a minority, what is commonly described, as freedom would more properly be called privilege.

The discriminations against the Untouchables are merely the reflections of that deep and strong Hindu sentiment which is carried over in law and administration which justifies the making of distinctions between Hindus and Untouchables to the disadvantage of the Untouchables. Those discriminations have their roots in fear of the Hindus that in a free field, the Untouchables may rise above the prescribed station in life and become a menace to the Hindu Social Order the cardinal principle of which is the maintenance of Hindu superiority and Hindu domination over the Untouchables. So long as the Hindu Social Order lasts, discriminations against the Untouchables continue to exist.

CHAPTER 14

PROBLEM OF ISOLATION

Why has the movement of the Untouchables not succeeded? Have they no allies? If there are allies why do they not help and co-operate with the

Untouchables? This is a very pertinent question and it is necessary that it should be properly understood. For answering this question, it is essential to have a very clear idea of the Hindu social organisation and the classes of which it is composed.

The structure of Hindu society is a very complicated one and it would be difficult for one, whose life has not been woven into it, to know the pattern. Perhaps, a diagrammatic presentation may be helpful. I give below one which, in my judgement, facilitate the understanding of the social structure of the Hindus:

Hindus

Caste Hindus
(SavarnaHindus_ Non-Caste Hindus
(Avarna Hindus)
_____I_____

Class I ClassII ClassIII ClassIV

1. Primitive Tribes
2.Criminal Tribes.
Untouchables

High Caste—Dvijas Low Castes—
Traivarnikas— Castes evolved out of the
Shudra or fourth varna
Castes evolved out of the three varnas.
Brahmins, Kshatriyas and Vaishyas

The diagram shows that although there are innumerable castes among the Hindus, they can all be grouped under four classes. Of these four, Class I forms the *Herenfolk* or the Ruling Class, Classes III and IV form the subject people.

Let us now consider which of these classes can be the natural ally of the Untouchables.

Those in Class I form the privileged classes of the Hindu society. The Hindu social order was created by them. They alone benefit by it while the aim of these in Class I is to save it. Neither by community of interest nor by reason of ideological affinity can the two friends and allies disagree.

What about the Criminal and Primitive Tribes? They have the strongest ground for over-throwing the Hindu Social Order. What about the Shudras?

The laws of the Hindu Social Order are as repulsive to Class II, the Shudras as they are to Class IV, the Untouchables. It is interesting to know

the status of the Shudras in the Hindu society as prescribed by Manu the Law-giver and the Architect of Hindu society. For an easy understanding of the subject, the rules regarding the status of the Shudras are set out below under separate heads:

Manu asks the householders of the Brahmans, Kshatriyas and Vaishyas:

IV. 61"Let him not dwell in a country where the rulers are Shudras."

A Shudra is not to be deemed to be a respectable person. For Manu enacts that:

XI. 24."A Brahmin shall never beg from a Shudra, property for (performing) a sacrifice i.e., for religious purposes."All marriages with the Shudra were proscribed. Marriage with a woman belonging to any of three other classes was forbidden. A Shudra was not to have a connection with a woman of the higher classes and an act of adultery committed by a Shudra with her was considered by Manu to be an offence involving capital punishment.

VIII. 374."A Shudra who has an intercourse with a woman of the higher caste guarded or unguarded shall be punished in the following manner; if she was unguarded, he loses the offending part; if she was guarded then he should be put to death and his property confiscated."

VIII. 20. A Brahmana who is only a Brahman by decent i.e., one who has neither studied nor performed any other act required by the Vedas may, at the king's pleasure, interpret the law to him i.e., act as the judge, but never a Shudra (however learned he may be). VIII. 21. The Kingdom of that monarch, who looks on while a Shudra settles the law, will sink low like a cow in the morass. VIII. 272. If a Shudra arrogantly presumes to preach religion to Brahmins, the king shall have poured burning oil in his mouth and ears.

In the matter of acquiring learning and knowledge Manu ordains as follows:

III. 156. He who instructs Shudra pupils and he whose teacher is a Shudra shall become disqualified for being invited to a Shradha.

IV. 99. He must never read the Vedas in the presence of the Shudras.

Manu's successors went much beyond him in the cruelty of their punishment of the Shudra for studying the Veda. For instance, Katyayana lays down that if a Shudra overheard the Veda or ventured to utter a word of the Veda, the King shall cut his tongue in twain and pour hot molten lead in his ears. As to property by the Shudra, Manu enjoins as follows:

X. 129. No superfluous collection of wealth must be made by a Shudra, even though he has power to make it, since a servile man, who has amassed

riches, becomes proud, and, by his insolence or neglect, gives pain to Brahmins.

VIII. 417. A Brahman may seize without hesitation, if he be in distress for his subsistence, the goods of his Shudra. The Shudra can have only one occupation. This is one of the inexorable laws of Manu. Says Manu:

1. 91. One occupation only, the Lord prescribed to the Shudra, to serve meekly these other three castes (namely Brahmin, Kshatriya and Vaishya).

X. 121. If a Shudra, (unable to subsist by serving Brahmana), seeks a livelihood, he may also seek to maintain himself by attending on a wealthy Vaishya.

X. 122. But let a (Shudra) serve Brahmans, either for the sake of heaven, or with a view to both (this life and the next) for he who is called the servant of a Brahman thereby gains all his ends.

X. 123. The service of Brahmans alone is declared (to be) an excellent occupation for a Shudra for whatever else besides this he may perform will bear him no fruit.

Service by Shudra is not left by Manu to be regulated as a free contract. If the Shudra refused to serve, there is a provision for conscription which runs as follows:

VIII. 413. A Brahmana may compel a Shudra, whether bought or unbought, to do servile work for he is created by the creator to be the slave of a Brahmana.

X. 124. They must allot to him out of their own family (property) a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support.

X. 125. The remnants of their food must be given to him as well as their old household furniture.

A Shudra is required by Manu to be servile in his speech and manner towards the other classes.

VIII. 270. A Shudra who insults a twice born man with gross invectives shall have his tongue cut out; for he is of low origin.

VIII. 271. If he mentions the names and castes of the (twice born) with contumely, an iron nail, ten fingers long, shall be thrust red hot into his mouth.

Manu is not satisfied with this. He wants this servile status of the Shudra to be expressed in the names and surnames of persons belonging to that community. Manu says:

II. 31. Let the first part of a Brahman's name denote something auspicious, a Kshatriya's be connected with power, and a Vaishya's with wealth but a Shudra's express something contemptible.

II. 32. The second part of a Brahmin's name shall be a word implying happiness, of a Kshatriya's (a word) implying protection, of a Vaishya's a term expressive of thriving and of a Shudra's an expression denoting service."

It is obvious that these three classes are naturally allies. There is every ground for them to combine for the destruction of the Hindu Social Order. But they have not. It is not that no attempt has been made to unite them. The non-Brahmin Party which held the field between 1919-1935 was an attempt to unite them into one political organisation to destroy the dominance of the Brahmins who are the architects of the Hindu Social Order and being the chief beneficiaries of it are its strongest supporters.

This was not the only attempt to bring about solidarity among the three classes. Another attempt is being made by the labour leaders particularly the Communists. They preached that there is an identity of interest of the working class, no matter to what community they belong. There must be developed in them class consciousness and class unity. Once united they could employ the terrifying power of their numbers to break down the economic order and once the economic order falls to the ground the social order of the Hindus is bound to go to pieces. What has been the result? The result is that the solidarity has failed to come. The Shudras and the Criminal and Primitive Tribes are more hostile to the Untouchables than they are to the Brahmins. Indeed it is the Shudras who act as the police force of the Brahmins for repelling the attack of the Untouchables on the Hindu social order. This is a strange phenomenon. But it is a fact. The atrocities that are committed upon the Untouchables, if they commit any breach of the rules and regulations of the established order and of which description has been given in earlier chapters are all the doings of the Shudras.

The reasons for this want of solidarity is not far to seek. It is to be found in the system of graded inequality whereby the Brahmin is above everybody, the Shudra is below the Brahmin and above the Untouchable. If the Hindu social order was based on inequality, it would have been over-thrown long ago. But it is based on graded inequality so that the Shudra while he is anxious to pull down the Brahmin, he is not prepared to see the Untouchable raised to his level. He prefers to suffer the indignities heaped upon him by the Brahmins to join the Untouchables for a general levelling down of the social order. The result is that, there is nobody to join the Untouchable in his struggle. He is completely isolated. Not only is he isolated he is opposed by the very classes who ought to be his natural allies. This isolation is one more obstacle in the removal of untouchability.

1 APPENDICES TO BOOK I

APPENDIX [*] mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/22D.Untouchables or the children of India's Ghetto PART IV.htm - _msocom_3

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MATTERS MADE WORSE BY UNTOUCHABILITY

A correspondent from Jaipur reports the following incident which occured in June 1953:

"Jaipur, June 25: The guinea worm, called *nahru* or *bala* by people here, is a disease prevalent in the State which keeps the patient suffering for months, sometimes for a year or two. Many lose the use of a limb as a result of this disease. The disease spreads through the medium of drinking water. The only preventive steps doctors advice is that water should be drunk after boiling and filtering.

The disease frequently occurs as the rains set in, which is also the time for sowing with the result that at a time when he should be preparing to earn his living a villager is confined to bed.

On investigation in the village of Kopra near Banswara it was found that in 57 families there were 125 sufferers from guinea worm. There were six members in a Harijan family, five of whom had guinea worm. They had only a few bits of dry meat to eat.

Often the trouble is thrust on these people by society. A pond from which Harijans drink water was so dirty that it must have been a nursery for the guinea worm. When showed to the Collector of Banswara he was shocked and ordered the pond closed immediately.

Nearby, was a pucca well from which water could be taken by entering into it. Hindu were entreated to permit Harijans, to take water from this well but they would not agree. The Collector asked them if they would drink the water from the pond, if told to. They admitted that the water was unfit for human use, yet they would not allow Harijans use of the pucca well.

Conditions are bad and Harijans are the worst sufferers. The law has made untouchability a crime. The Harijan Sevak Sangh has long been working for its oblation, but it cannot be said that the hearts and minds of caste Hindus in the countryside have undergone a change. The State Governments have not been able to do much in this connection.

APPENDIX II

From 'Sunday Times', March 9, 1952

WHERE WEARING A SHIRT IS AN OFFENCE

Woes of Harijans in S. India A Social Worker's Experience

(By Swami Anand Thirth, Regional Officer, All India Harijan Sevak Sangh)

t is sad to notice that the various civil disabilities of Harijans still continue to exist in our villages in spite of the Civil Disabilities Removal Act which came into force about five years ago. It is now 9 months since the All India Harijan Sevak Sangh started its intensive work for the removal of social disabilities of Harijans in Melur Taluk in Mathurai district. Several disabilities of Harijans regarding tea shops, barber saloons, wells, tanks, chavadies, etc., have been brought to light during this period. In some places it is the Village Munsifs who were expected to give wide publicity to the Act and enforce it, that are very reactionary forces standing in the way of the poor Harijans exercising their elementary rights. A few instances are cited below to show how deep-rooted is the prejudice against the Harijans in our society.

In Parli near Natham, a Harijan youth who refused to take tea in a cocoanut shell and desired to be served in the glass tumbler was kicked and shoed on the head by a caste Hindu who was subsequently convicted and fined only Rs. 10 by the Sub-Magistrate, Melur. At Melavalvoo, when I went to a tea shop with two Harijan boys, a group of people threatened to assault me and drove away the boys. A glass tumbler was wantonly broken by the tea shopkeeper and they all demanded that I must pay for it on penalty of being thrashed. I, however, took shelter in an Elementary School nearby and the crowd disappeared only on the intervention of the President of the Panchayat Board.

At Kelavalvoo, the Harijans take water from a dirty pond in which men bathe and cattle are washed. The Harijans were encouraged to go to the public Oorani (protected water tank), but they were abused and threatened by the caste Hindus so that they dare not take water from the Oorani. There is a Police Station at Kelavalvoo, but the police here are indifferent towards the disabilities of the Harijans. In Attukulam the caste Hindus put

night-soil in the public well because they could not physically obstruct the Harijans who took water from it under our directions. In Ettimangalam, the caste Hindus destroyed the paddy seedlings raised by some Harijans in Government poromboke and because the Harijans had got into the chavadi during a public meeting held in the village. No action was taken by the police on the complaint given by the poor Harijans.

In Tiruvadur when we directed Harijans to take water from the Oorani, a caste Hindu youth assaulted a pregnant Harijan woman and broke her pot as well. The caste Hindu was charged by the police and convicted by the Sub-Magistrate to pay a fine of only Rs. 15 and thereafter the Harijans are freely taking water from this Oorani. In Kottagudi, a village barber, who refused hair-cut to a Harijan boy was charged by the police and convicted by the Sub-Magistrate. But thereafter, the Harijans were summoned by the caste Hindus to the chavadi and warned that in case they sought the service of this barber, a collective fine would be imposed on them.

In Kidaripatti, the Harijans are not allowed to take the corpse through the public foot path and they are also not permitted to ride on cycle through the village streets. A case regarding the alleged obstruction of a Harijan from riding on cycle is pending trial in the Sub-Magistrate's Court, Melur. In Nundikovilpatti, only three furlongs from the Taluk Office, Melur, the Harijans were taking drinking water from a dirty channel because they had no access to the Oorani. Two complaints were given to the police regarding this and now the caste Hindus dare not obstruct the Harijans. In Thekkitheru, when the Harijans sat on the Manthai chavadi during a public meeting held at the chavadi, pebbles were thrown at them till they quitted the place out of fear.

In Navinipatti about two miles from Melur, the village Munsif himself is alleged to have taken objection to the Harijans wearing decent dress on Pongal festival day and made two Harijan youths to remove their shirts and upper cloth. The youths were made to do Kumbidal (full prostration on the ground) and go away in loin-cloth only.

The most painful oppression has been in Mankulam, about ten miles from Mathurai city, where the village Munsif took a hostile attitude. Two Harijan youths went to tea shop and as they were denied admission, they complained to the police. For this, one of them was tied to a pillar and mercilessly beaten by a caste Hindu boy under instructions from the elders. Another Harijan was assaulted with a knife by a servant of the village Munsif. The Harijans were socially boycotted and denied labour because they took water from the public Oorani. The shopkeepers refused to sell provisions to them and they were put to starvation for two days. The

situation improved only after the intervention of the Revenue Divisional Officer. Recently, two Harijans and myself were brutally attacked by a band of caste Hindus and beaten with firewood cudgels for having bathed in the tank and gone into a coffee club in front of the chavadi. We were admitted and treated in the Government Hospital in Mathurai. I sustained a fracture in the right foot due to which I cannot use the right leg and walk. Sixteen persons including the village Munsif have been charged by the police for rioting. Some Congress-men are, however, trying for a compromise because some of their relations are involved in this. These friends are also known to have approached the authorities in this connection. Mahatmaji had desired us to consider the Harijans as blood brothers, but alas ! blood is thicker than water.

One feels so dejected and disheartened at the attitude of the caste Hindus towards the Harijans in spite of the great sacrifices of Mahatmaji, who won Swaraj for us and desired us to concede freedom to these down-trodden people as well. The Revenue and police authorities can do a lot to remove the disabilities of the Harijans. Mahatmaji's son Manilal is offering satyagraha in South Africa for the civil disabilities of Indians. But we are denying similar liberties to the Harijans whom Mahatmaji owned as his kith and kin. Let the caste Hindus and Congressmen who adore Mahatmaji remember that his spirit will not rest in peace till the curse of untouchability is wiped out, root and branch, from the nook and corner of our land. The Government must realise the deed for greater efforts to remove this bane from our society.

APPENDIX III

LYNCH LAW AGAINST HARIJANS

(Painful and shameful atrocities in Thumbapatti)
Stop the Chavadi Courts in our Villages

The Chavadi Courts:

It is a well known fact that though the Harijans are denied entry in the public chavadies in the villages in Tamilnad, they are tried by the caste Hindus at these chavadies and victimised to such an extent that they always live in fear of the caste Hindus. One of the reasons why the Harijans in the villages do not respond to our movement of the removal of their civil disabilities is their constant fear of this victimisation by the caste Hindus

under the leadership of the village Periambalagar, the chief of the caste Hindus. In several places, the villagers run these chavadi courts under the colour of holding Panchayats. The poor Harijans are summoned to the chavadi and tried like slaves. If any of them go against the order of the Periambalagar then the Lynch Law is put into operations and they are subjected to merciless beating and torture with a view to strike terror in them and to demonstrate the absolute power of the Periambalagar. The victimisation of the Harijans at the chavadi takes place in various forms according to the circumstances and the whims of the Periambalagar and his council—public whipping, imposition of heavy fines and confiscation of their properties on failure to pay the same, foisting of false cases, economic boycott by denying labour and with holding wages, social ostracism by prohibiting their taking part in social functions and religious ceremonies, denial of water by preventing access to tanks and wells, denial of foodstuffs by banning sale of articles to them in the village-shops etc. etc. The liberation of the Harijans is possible only if the Government takes strong measure against the villagers for holding these illegal and unlawful courts in the name of the village panchayat. No civilised Government can tolerate the persecution of a backward and minority community by the villages in the various manners mentioned above.

Atrocities in Thumbapatti:

The following account of the trial of Harijans at Thumbapatti on 1st August 1953 would make any heart bleed. This village is 22 miles from Madurai and it is the native place of Shri P. Kakkan, M. P., one of the prominent Harijan Leaders of Tamilnad. It is learnt that all the adults in the Harijan cherri were summoned to the mandai (common place) in front of the chavadi. The caste Hindus did obeisance to the Periambalagar and his council, in the usual manner, by doing full prostration, their belly touching the ground to pick up the dust. About a dozen Harijan youths were then picked out for trial on the charge they were suspected of the various petty thefts occurring in the village. It is however learnt that youths who were a bit assertive and not usually submissive to the caste Hindus had been singled out for punishment. They were given blows with sticks and were asked to admit having committed the thefts. The other Harijans were questioned and under fear of victimisation they are said to have thrown all the thefts on the accused. Judgement was passed that the youths were guilty and some of them were handcuffed for being duly punished. It is learnt that one of them however remonstrated and tried to escape on some plea. This disrespect to the chavadi court was immediately resented by the

villagers and it is learnt that the Periambalagar promulgated the chavadi ordinance that the Harijan youths be severely dealt with. The Lynch law was put into operation and a most merciless attack was made on the Harijan youths. All those who had some grudge or prejudice against the Harijans got the opportunity to wreak vengeance on them with impunity. The Harijan youth who had tried to escape was dragged by his legs over the rough and stony ground. The others were beaten with sticks and tied to the trees and again beaten so mercilessly till their bones were almost broken. There they were made to stand, tied to the trees for about eight hours, as the pitable objects of public scorn. The Harijans in general appear to have been warned that they should not co-operate with the Harijan workers.

False Case Foisted:

What the villagers did thereafter is still more shameful. It is the usual practice to foist cases on the Harijans and to get the police to take immediate action. When it was discovered that the Harijans had sustained serious injuries, the villagers realised that they would get into trouble. It is learnt that Shri Poosari Kakkan, the Eighty-years old father of Shri P. Kakkan, M.P., who is working as the village Thotti, was therefore asked to give a false complaint that some articles in the Harijan temple were found missing since the previous evening and a report was sent to the Police by the village Munsif, that these articles were recovered from the Harijan youths. Shri Poosari Kakkan, and his relation, another village Thotti named Etti Kakkan, are said to have brought these articles and given to the village Munsif. Immediately on receipt of the report the Police came, arrested the Harijan youths on a charge of theft and sent them to the Hospital as they were found wounded. We do not propose to publicly criticise the action of the Police. Enough to say, the atrocities on the Harijans by the villagers, did not catch the official eye of the Police!

The Truth Known:

The villagers were good enough to send a mass petition supporting their action to Shri A. Vaidyanatha lyer. President, Tamilnad Harijan Sevak Sangh. It was forwarded to me for enquiry and report. A small committee consisting of the President of Melur Taluk Congress Committee, the Secretary of Melur Taluk Harijan Sevak Sangh, the Secretary of the Seva Samaj, Melur and myself accordingly enquired into the matter and found that the villagers had made a merciless attack on the Harijan youths and kept them tied to the trees for about eight hours till the arrival of the

Police. The complaint given by Shri Poosari Kakkan and the Periambalagar were examined by Shri Vaidyanath lyer and they admitted to him that the complaint given to the Police was a false and concocted one. The Periambalagar also expressed regret for the wrongs done to the Harijans. Meanwhile the police also investigated into the complaint given by Shri Poosari Kakkan and referred the case as ' undetectable '. No case was however taken against the villagers. It appears the bones of the Harijans youths had not actually broken. The marks of beatings with sticks and of the rope-tie were visible on their bodies for several days. Two of them were kept at the hospital for two days and their legs were X-rayed to make sure if their bones were broken. They were sent out with plaster bandages on their legs. They were not able to walk properly for a fortnight.

Two enquiries conducted:

An enquiry was conducted by the Dy. Welfare Officer, Madurai under orders from the Dy. Collector and another enquiry was recently conducted by the Revenue Divisional Officer, Madurai under orders from the Government. The result is yet to be known.

Civil Disabilities in Thumbapatti:

There was terrible opposition from the villagers of Thumbapatti when the Harijans took water from the public Oorani in 1948. Till then the Harijans were taking water from a dirty pond where cattle are washed and men bathe. Some Harijan youths were severely beaten and an attempt was made to set fire to Harijan houses. The village Munsif and others are said to have been warned by the authorities in this connection. One case, where a Harijan was denied coffee in the glass tumbler in a teashop in Thumbapatti, was reported to the Police on 19th August 1953 and the tea shopkeeper was convicted and sentenced to pay a fine of Rs. 10 by the Sub-Magistrate. The village barber declares that he is willing to serve Harijans. Yet the Harijans do not go to him probably because of the secret warning given to them by the caste Hindus. Some Harijans had gone to the barber on 1st July 1953 and there is reason to believe that the trial of the Harijan youths on 1st August 1953 was an arrangement made to strike terror in the Harijans.

Our general experience:

It is our general experience that when the Harijans make bold to asset their elementary rights, the villagers summon them to the chavadi and persecute them in one form or other. Such happenings took place in Mangulam. Kuruvankulam, Adanoor, Pathiettamgudi and Karugakottai.

The higher officials of the Police were good enough to visit these places. In some places, the Harijans were summoned to the chavadi and warned as at Kottagudi, Kidaripatti and Pullipatti. The subordinate Police officials usually support the caste Hindus and thus the latter get the freedom to apply their Lynch law and bring the Harijans to a sense of their social servility.

Can we tolerate this:

The question before us is whether we can tolerate this kind of public lynching and humilitation of the Harijans in these days when we had revolted against the atrocities of the Dyers at Jallianwalla bagh. In Jallianwala, the atrocities were committed by foreign bureaucrats on men and women who had assembled in a gathering. Here similar atrocities were committed by our villagers on a few Harijan youths who were tried at the chavadi with a view to strike terror in the Harijans in general.

What the Government must do:

Village Panchayats consisting of elected members including Harijans, have been formed by the Government in the villages. One wonders why the caste Hindus should be allowed to run their chavadi courts in parallel to these Government recognised Panchayats. These chavadi courts are a menace to the social, economic and political progress of the poor backward class communities in the villages. There can be no salvation or freedom to the Harijans in the villages unless these chavadi courts are banned by the Government. All our efforts for the removal of the civil disabilities of Harijans will go in vain till the chavadi courts are prohibited from dealing with the Harijans. Before spending 3 lakhs of rupees for the eradication of untouchability, the Government must take necessary measures to stop the victimisation of the Harijans at the chavadi and enable them to raise their heads as human beings. Untouchability in public places has become a thing of the past in Kerala because of the non-existence of these chavadi courts in that part of the country.

An Appeal:

It was Mahatma Gandhi who made us realise the great injustice we do to poor Harijans in the villages by treating them as low castes and slaves. But for him the Harijans in the various parts of the country would have gone out of the Hindu fold because of the unbearable sufferings under the caste Hindus. It is now 21 years since Mahatma Gandhi observed the Epic Fast at Poona to create public opinion in favour of the Harijans. No doubt

there has been a great awakening during the last decades and there is now general sympathy towards the Harijan movement. The Government is pledged to the removal of all the social and civil disabilities of Harijans and it is giving full co-operation to all peaceful and legitimate efforts to improve the status of the Harijans. But we have to admit that there is still, lot of prejudice towards the Harijans in the villages. We appeal to all public workers to bring about a change of heart of the caste Hindus in the villages so that the Harijans are no longer treated as a separate Untouchable class. We appeal to all leaders to work for the eradication of untouchability and to see that the Harijans are treated as part and parcel of the Hindu society.

Southern Range,
Head Office: Melur.

Swami Anand Tirth, M.A., Regional Officer,
All India Harijan Sevak Sangh.

WAITING FOR A VISA

Here are some of the reminiscences drawn by Dr. Ambedkar in his own handwriting. The MSS traced in the collection of the People's Education Society were published by the society as a booklet on 19th March 1990— ed.

WAITING FOR A VISA

Foreigners of course know of the existence of untouchability. But not being next door to it, so to say, they are unable to realise how oppressive it is in its actuality. It is difficult for them to understand how it is possible for a few untouchables to live on the edge of a village consisting of a large number of Hindus, go through the village daily to free it from the most disagreeable of its filth and to carry the errands of all the sundry, collect food at the doors of the Hindus, buy spices and oil at the shops of the Hindu Bania from a distance, regard the village in every way as their home, and yet never touch nor be touched by any one belonging to the village. The problem is how best to give an idea of the way the untouchables are treated by the caste Hindus. A general description or a record of cases of the treatment accorded to them are the two methods by which this purpose could be achieved. I have felt that the latter would be more effective than the former. In choosing these illustrations I have drawn partly upon my experience and partly upon the experience of others. I begin with events that have happened to me in my own life.

ONE

Our family came originally from Dapoli Taluka of the Ratnagiri District of the Bombay Presidency. From the very commencement of the rule of the East India Company my fore-fathers had left their hereditary occupation for service in the Army of the Company. My father also followed the family tradition and sought service in the Army. He rose to the rank of an officer and was a Subhedar when he retired. On his retirement my father took the family to Dapoli with a view to settling down there. But for some reasons my father changed his mind. The family left Dapoli for Satara where we lived till 1904. The first incident which I am recording as well as I can remember, occurred in

about 1901 when we were at Satara. My mother was then dead. My father was away on service as a cashier at a place called Goregaon in Khatav Taluka in the Satara District, where the Government of Bombay had started the work of excavating a Tank for giving employment to famine stricken people who were dying by thousands. When my father went to Goregaon he left me, my brother who was older than my self and two sons of my eldest sister who was dead, in charge of my aunt and some kind neighbours. My aunt was the kindest soul I know, but she was of no help to us. She was somewhat of a dwarf and had some trouble with her legs, which made it very difficult for her to move about without the aid of somebody. Often times she had to be lifted. I had sisters. They were married and were away living with their families. Cooking our food became a problem with us especially as our aunty could not on account of her helplessness, manage the job. We four children went to school and we also cooked our food. We could not prepare bread. So we lived on Pulav which we found to be the easiest dish to prepare, requiring nothing more than mixing rice and mutton.

Being a cashier my father could not leave his station to come to Satara to see us, therefore he wrote to us to come to Goregaon and spend our summer vacation with him. We children were thoroughly excited over the prospect especially as none of us had up to that time seen a railway train.

Great preparations were made. New shirts of English make, bright beje welled caps, new shoes, new silk-bordered dhoties were ordered for the journey. My father had given us all particulars regarding our journey and had told us to inform him on which day we were starting so that he would send his peon to the Railway Station to meet us and to take us to Goregaon. According to this arrangement myself, my brother and one of my sister's sons left Satara, our aunt remaining in charge of our neighbours who promised to look after her. The Railway Station was 10 miles distant from our place and a *tonga* (a one-horse carriage) was engaged to take us to the Station. We were dressed in the new clothing specially made for the occasion and we left our home full of joy but amidst the cries of my aunt who was almost prostrate with grief at our parting.

When we reached the station my brother bought tickets and gave me and my sister's son two annas each as pocket money to be spent at our pleasure. We at once began our career of riotous living and .each ordered a bottle of lemonade at the start. After a short while the train whistled in and we boarded it as quickly as we could for fear of being

left behind. We were told to detrain at Masur, the nearest railway station for Goregaon.

The train arrived at Masur at about 5 in the evening and we got down with our luggage. In a few minutes all the passengers who had got down from the train had gone away to their destination. We four children remained on the platform looking out for my father or his servant whom he had promised to send. Long did we wait but no one turned up. An hour elapsed and the station-master came to enquire. He asked us for our tickets. We showed them to him. He asked us why we tarried., We told him that we were bound for Goregaon and that we were waiting for father or his servant to come but that neither had turned up and that we did not know how to reach Goregaon. We were well dressed children. From our dress or talk no one could make out that we were children of the untouchables. Indeed the station-master was quite sure we were Brahmin children and was extremely touched at the plight in which he found us. As is usual among the Hindus the staion-master asked us who we were. Without a moment's thought I blurted out that we were Mahars. (Mahar is one of the communities which are treated as untouchables in the Bombay Presidency). He was stunned. His face underwent a sudden change. We could see that he was overpowered by a strange feeling of repulsion. As soon as he heard my reply he went away to his room and we stood where we were. Fifteen to twenty minutes elapsed; the sun was almost setting. The father had not turned up nor had he sent his servant, and now the station-master had also left us. We were quite bewildered and-the joy and happiness which we felt at the beginning of the journey gave way to the feeling of extreme sadness.

After half an hour the station-master returned and asked us what we proposed to do. We said that if we could get a bullock-cart on hire we would go to Goregaon and if it was not very far we would like to start straightway. There were many bullock-carts plying for hire. But my reply to the station-master that we were Mahars had gone round among the cartmen and not one of them was prepared to suffer being polluted and to demean himself carrying passengers of the untouchable classes. We were prepared to pay double the fare but we found that money did not work. The station-master who was negotiating on our behalf stood silent not knowing what to do. Suddenly a thought seemed to have entered his head and he asked us,"Can you drive the cart?"Feeling that he was finding out a solution of our difficulty we shouted,"Yes, we can". With that answer he went and proposed on our behalf that we were to pay the

cartman double the fare and drive the cart and that he should walk on foot along with the cart on our journey. One cartman agreed as it gave him an opportunity to earn his fare and also saved him from being polluted.

It was about 6.30 p.m. when we were ready to start. But we were anxious not to leave the station until we were assured that we would reach Goregaon before it was dark. We therefore questioned the cartman as to the distance and the time he would take to reach Goregaon. He assured us that it would be not more than 3 hours. Believing in his word, we put our luggage in the cart, thanked the station-master and got into the cart. One of us took the reins and the cart started with the man walking by our side.

Not very far from the station there flowed a river. It was quite dry except at places where there were small pools of water. The owner of the cart proposed that we should halt there and have our meal as we might not get water on our way. We agreed. He asked us to give a part of his fare to enable him to go to the village and have his meal. My brother gave him some money and he left promising to return soon. We were very hungry and were glad to have had an opportunity to have a bite. My aunty had pressed our neighbours' women folk into service and had got some nice preparation for us to take on our way. We opened tiffin basket and started eating. We needed water to wash things down. One of us went to the pool of water in the river basin nearby. But the water really was no water. It was thick with mud and urine and excreta of the cows and buffaloes and other cattle who went to the pool for drinking. In fact that water was not intended for human use. At any rate the stink of the water was so strong we could not drink it. We had therefore to close our meal before we were satisfied and wait for the arrival of the cartman. He did not come for a long time and all that we could do was to look for him in all directions. Ultimately he came and we started on our journey. For some four or five miles we drove the cart and he walked on foot. Then he suddenly jumped into the cart and took the reins from our hand. We thought this to be rather a strange conduct on the part of a man who had refused to let the cart on hire for fear of pollution to have set aside all his religious scruples and to have consented to sit with us in the same cart but we dared not ask him any questions on the point. We were anxious to reach Goregaon our destination as quickly as possible. And for sometime we were interested in the movement of the cart only. But soon there was darkness all around us. There were no street lights to relieve the darkness. There

were no men or women or even cattle passing by to make us feel that we were in their midst. We became fearful of the loneliness which surrounded us. Our anxiety was growing. We mustered all the courage we possessed. We had travelled far from Masur. It was more than three hours. But there was no sign of Goregaon. There arose a strange thought within us. We suspected that the cartman intended treachery and that he was taking us to some lonely spot to kill us. We had lot of gold ornaments on us and that helped to strengthen our suspicion. We started asking him how far Goregaon was, why we were so late in reaching it. He kept on saying,"It is not very far, we shall soon reach it". It was about 10.00 at night when finding that there was no trace of Goregaon we children started crying and abusing the cartman. Our lamentations and wailings continued for long. The cartman made no reply. Suddenly we saw a light burning at some distance. The cartman said,"Do you see that light? That is a light of the toll-collector. We will rest there for the night."We felt some relief and stopped crying. The light was distant, but we could never seem to reach it. It took us two hours to reach the toll-collector's hut. The interval increased our anxiety and we kept on asking the cartman all sorts of questions, as to why there was delay in reaching the place, whether we were going on the same road, etc.

Ultimately by mid-night the cart reached the toll-collector's hut. It was situated at the foot of a hill but on the other side of the hill. When we arrived we saw a large number of bullock-carts there all resting for the night. We were extremely hungry and wanted very much to eat. But again there was the question of water. So we asked our driver whether it was possible to get water. He warned us that the toll-collector was a Hindu and that there was no possibility of our getting water if we spoke the truth and said that we were Mahars. He said,"Say you are Mohammedans and try your luck". On his advice I went to the toll-collector's hut and asked him if he would give us some water."Who are you?", he inquired. I replied that we were Musalmans. I conversed with him in Urdu which I knew very well so as to leave no doubt that I was a real Musalman. But the trick did not work and his reply was very curt."Who has kept water for you? There is water on the hill, if you want to go and get it, I have none."With this he dismissed me. I returned to the cart and conveyed to my brother his reply I don't know what my brother felt. All that he did was to tell us to lie down.

The bullocks had been unyoked and the cart was placed sloping down on the ground. We spread our beds on the bottom planks inside

the cart, and laid down our bodies to rest. Now that we had come to a place of safety we did not mind what happened. But our minds could not help turning to the latest event. There was plenty of food with us. There was hunger burning within us ; with all this we were to sleep without food; that was because we could get no water and we could get no water because we were untouchables. Such was the last thought that entered our mind. I said, we had come to a place of safety. Evidently my elder brother had his misgivings. He said it was not wise for all four of us to go to sleep. Anything might happen. He suggested that at one time two should sleep and two should keep watch. So we spent the night at the foot of that hill.

Early at 5 in the morning our cartman came and suggested that we should start for Goregaon. We flatly refused. We told him that we would not move until 8 O'clock. We did not want to take any chance. He said nothing. So we left at 8 and reached Goregaon at II. My father was surprised to see us and said that he had received no intimation of our coming. We protested that we had given intimation. He denied the fact. Subsequently it was discovered that the fault was of my father's servant. He had received our letter but failed to give it to my father.

This incident has a very important place in my life. I was a boy of nine when it happened. But it has left an indelible impression on my mind. Before this incident occurred, I knew that I was an untouchable and that untouchables were subjected to certain indignities and discriminations. For instance, I knew that in the school I could not sit in the midst of my class students according to my rank but that I was to sit in a corner by myself. I knew that in the school I was to have a separate piece of gunny cloth for me to squat on in the class room and the servant employed to clean the school would not touch the gunny cloth used by me. I was required to carry the gunny cloth home in the evening and bring it back the next day. While in the school I knew that children of the touchable classes, when they felt thirsty, could go out to the water tap, open it and quench their thirst. All that was necessary was the permission of the teacher. But my position was separate. I could not touch the tap and unless it was opened for it by a touchable person, it was not possible for me to quench my thirst. In my case the permission of the teacher was not enough. The presence of the school peon was necessary, for, he was the only person whom the class teacher could use for such a purpose. If the peon was not available I had to go without water. The situation can be summed up in the statement—no peon, no water. At home I knew that the work of washing clothes was done by

my sisters. Not that there were no washermen in Satara. Not that we could not afford to pay the washermen. Washing was done by my sisters because we were untouchables and no washerman would wash the clothes of an untouchable. The work of cutting the hair or shaving the boys including my self was done by our elder sister who had become quite an expert barber by practising the art on us, not that there were no barbers in Satara, not that we could not afford to pay the barber. The work of shaving and hair cutting was done by my sister because we were untouchables and no barber would consent to shave an untouchable. All this I knew. But this incident gave me a shock such as I never received before, and it made me think about untouchability which, before this incident happened, was with me a matter of course as it is with many touchables as well as the untouchables.

TWO

In 1916 I returned to India. I had been sent to America by His Highness the Maharaja of Baroda for higher education. I studied at Columbia University in New York from 1913 to 1917. In 1917 I came to London and joined the post-graduate department of the School of Economics of the University of London, lnl918 I was obliged to return to India without completing my studies. As I was educated by the Baroda State I was bound to serve the State. Accordingly on my arrival I straightway went to Baroda. The reasons why I left Baroda service are quite irrelevant to my present purpose. I do not therefore wish to enter into them. I am only concerned with my social experiences in Baroda and I will confine myself to describing them.

My five years of stay in Europe and America had completely wiped out of my mind any consciousness that I was an untouchable and that an untouchable whenever he went in India was a problem to himself and to others. But when I came out of the station my mind was considerably disturbed by a question,"Where to go? Who will take me?"I felt deeply agitated. Hindu hotels, called Vishis, I knew, there were. They would not take me. The only way of seeking accommodation therein was by impersonation. But I was not prepared for it because I could well anticipate the dire consequences which were sure to follow if my identity was discovered as it was sure to be. I had friends in Baroda who had come to America for study."Would they welcome me if I went?"I could not assure myself. They may feel embarrassed by admitting an untouchable in their household. I stood under the roof of the station for sometime thinking, where to go, what to do. It then

struck me to enquire if there was any place in the camp. All passengers had by this time gone. I alone was left. Some hackney drivers who had failed to pick up any traffic were watching and waiting for me. I called one of them and asked him if he knew if there was a hotel in the camp. He said that there was a Parsi inn and that they took paying guests. Hearing that it was an inn maintained by the Parsis my heart was gladdened. The Parsis are followers of the Zoroastrian religion. There was no fear of my being treated by them as an untouchable because their religion does not recognise untouchability. With a heart glad with hope and a mind free from fear I put my luggage in a hackney carriage and asked the driver to drive me to Parsi inn in the camp.

The inn was a two storied building on the ground floor of which lived an old Parsi with his family. He was a caretaker and supplied food to tourists who came there to stay. The carriage arrived and the Parsi caretaker showed me upstairs. I went up while the carriage driver brought up my luggage. I paid him and he went away. I felt happy that after all I had solved my problem of finding a sojourn. I was undressing as I wanted to be at ease. In the meantime the caretaker came with a book in his hand. Seeing as he could well see from my half undressed state that I had no Sadra and Kasti, the two things which prove that one is a Parsi, in a sharp tone he asked me, who I was. Not knowing that this inn was maintained by the Parsi community for the use of Parsis only, I told him that I was a Hindu. He was shocked, and told me that I could not stay in the inn. I was thoroughly shocked by his answer and was cold all over. The question returned again where to go? Composing myself I told him that though a Hindu I had no objection to staying there if he had no objection. He replied,"How can you? I have to maintain a register of all those who stay here in the inn."I saw his difficulty. I said I could assume a Parsi name for the purpose of entering it in the register."Why do you object if I do not object, you will not lose, you will earn something if I stay here."I could see that he was inclined favourably. Evidently he had had no tourist for a long time and he did not like to forego the opportunity of making a little money. He agreed on condition that I pay him a rupee and a half per day for board and lodging and entered myself as a Parsi in his register. He went downstairs and I heaved a sigh of relief. The problem was solved and I felt very happy. But alas ! I did not then know how short was to be this happiness. But before I describe the tragic end of my stay in this inn I must describe how I passed my time during the short period I lived therein.

The inn on the first floor had a small bedroom and adjoining it was one small bathroom with a water tap in it. The rest was one big hall. At the time of my stay the big hall was filled up with all sorts of rubbish, planks, benches, broken chairs, etc. In the midst of the surroundings I lived a single solitary individual. The caretaker came up in the morning with a cup of tea. He came again at about 9.30 with my breakfast or morning meal. A third time he came up at about 8.30 in the evening with my dinner. The caretaker came up only when he could not avoid it and on these occasions he never stayed to talk to me. The day was spent somehow.

I was appointed a probationer in the Accountant General's Office by the Maharaja of Baroda. I used to leave the inn at about 10 a.m. for the office and return late at about 8 in the evening contriving to while away outside the inn as much time in company of friends as I could. The idea of returning to the inn to spend the night therein was most terrifying to me and I used to return to the inn only because I had no other place under the sky to go for rest. In this big hall on the first floor of the inn there were no fellow human beings to talk to. I was quite alone. The whole hall was enveloped in complete darkness. There were no electric lights nor even oil lamps to relieve the darkness. The caretaker used to bring up for my use a small hurricane lamp. Its light could not extend beyond a few inches. I felt that I was in a dungeon and I longed for the company of some human being to talk to. But there was none. In the absence of the company of human beings I sought the company of books and read and read. Absorbed in reading I forgot my lonely condition. But the chirping and flying about of the bats, which had made the hall their home, often distracted my mind and sent cold shivers through me reminding me of what I was endeavouring to forget, that I was in a strange place under strange conditions. Many a time I must have been angry. But I subdued my grief and my anger by the feeling that though it was a dungeon, it was a shelter and that some shelter was better than no shelter. So heart-rending was my condition that when my sister's son came from Bombay bringing my remaining luggage which I had left behind and when he saw my state, began to cry so loudly that I had to send him back immediately. In this state I lived in the Parsi inn impersonating a Parsi. I knew that I could not long continue this impersonation as I would be discovered some day. I was therefore trying to get a State bungalow to stay in. But the Prime Minister did not look upon my request with the same urgency. My petition went from officer to officer and before I got the final reply the

day of my doom arrived.

It was 11th day of my stay in the inn. I had taken my morning meal and had dressed up and was about to step out of my room to go to office. As I was picking up some books, which I had borrowed overnight for returning them to the library I heard footsteps of a considerable number of people coming up the staircase. I thought they were tourists who had come to stay and was therefore looking out to see who these friends were. Instantly I saw a dozen angry looking, tall, sturdy Parsis, each armed with a stick, coming towards my room. I realised that they were not fellow tourists and they gave proof of it immediately. They lined up in front of my room and fired a volley of questions."Who are you? Why did you come here? How dare you take a parsi name? You scoundrel ! You have polluted the Parsi inn !"I stood silent. I could give no answer. I could not persist in impersonation. It was in fact a fraud and the fraud was discovered, and I am sure if I had persisted in the game I was playing I would have been assaulted by the mob of angry and fanatic Parsis and probably doomed to death. My meekness and my silence averted this doom. One of them asked when I thought of vacating. At that time my shelter I prized more than my life. The threat implied in this question was a grave one. I therefore broke my silence and implored them to let me stay for a week at least, thinking that my application to the Minister for a bungalow would be decided upon favourably in the meantime. But the Parsis were in no mood to listen. They issued an ultimatum. They must not find me in the inn in the evening. I must pack off. They held out dire consequences and left. I was bewildered. My heart sank within me. I cursed all and wept bitterly. After all I was deprived of my precious possession—namely my shelter. It was no better than a prisoners' cell. But it was to me very precious.

After the Parsis were gone I sat for some time engaged in thinking to find a way out. I had hopes that I would soon get a State bungalow and my troubles would be over. My problem was therefore a temporary problem and I thought that going to friends would be a good solution. I had no friends among the untouchables of Baroda State. But I had friends among other classes. One was a Hindu, the other was an Indian Christian. I first went to my Hindu friend and told- him what had befallen me. He was a noble soul and a great personal friend of mine. He was sad and also indignant. He, however, let fall one observation. He said,"If you come to my home my servants will go". I took the hint and did not press him to accommodate me. I did not like to go to the Indian Christian friend. Once he had invited me to go and stay with him. But I

had declined preferring to stay in the Parsi inn. My reason was that his habits were not congenial to me. To go now would be to invite a rebuff. So I went to my office but I could not really give up this chance of finding a shelter. On consulting a friend I decided to go to him and ask him if he would accommodate me. When I put the question his reply was that his wife was coming to Baroda the next day and that he would have to consult her. I learnt subsequently that it was a very diplomatic answer. He and his wife came originally from a family which was Brahmin by caste and although on conversion to Christianity the husband had become liberal in thought, the wife had remained orthodox in her ways and would not have consented to harbour an untouchable in her house. The last ray of hope thus flickered away. It was 4 p.m. when-1 left the house of my Indian Christian friend. Where to go was the one supreme question before me. I must quit the inn and had no friend to go to ! ! The only alternative left was to return to Bombay.

The train to Bombay left Baroda at 9 p.m. There were five hours to be spent. Where to spend them? Should I go to the inn? Should I go to my friend? I could not buck up sufficient courage to go back to the inn. I feared the Parsis might come and attack me. I did not like to go to my friend. Though my condition was pitiable I did not like to be pitied. I decided to spend the five hours in the public garden which is called Kamathi Baug, on the border of the city and the camp. I sat there partly with a vacant mind, partly with sorrow at the thought of what had happened to me, and thought of my father and mother as children do when they are in a forlorn condition. At 8 p.m. I came out of the garden, took a carriage to the inn, brought down my luggage. The caretaker came out but neither he nor I could utter a word to each other. He felt that he was in some way responsible for bringing him into trouble. I paid him his bill. He received it in silence and I took his leave in silence. I had gone to Baroda with high hope. I had given up many offers. It was war time. Many places in the Indian Educational service were vacant. I knew very influential people in London. But I did not seek any of them. I felt that my duty was to offer my services first to the Maharaja of Baroda who had financed my education. And here I was driven to leave Baroda and return to Bombay after a stay of only eleven days.

This scene of a dozen Parsis armed with sticks lined before me in a menacing mood and myself standing before them with a terrified look imploring for mercy is a scene which so long a period as 18 years has not succeeded in fading away. I can even now vividly recall it and never

recall it without tears in my eyes. It was then for the first time that I learnt that a person who is an untouchable to a Hindu is also an untouchable to a Parsi.

THREE

The year was 1929. The Bombay Government had appointed a Committee to investigate the grievances of the untouchables. I was appointed a member of the Committee. The Committee had to tour all over the province to investigate into the allegations of injustice, oppression and tyranny. The Committee split up. I and another member were assigned the two districts of Khandesh. My colleague and myself after finishing our work parted company. He went to see some Hindu saint. I left by train to go to Bombay. At Chalisgaon I got down to go to a village on the Dhulia line to investigate a case of social boycott which had been declared by the caste Hindus against the untouchables of that village. The untouchables of Chalisgaon came to the station and requested me to stay for the night with them. My original plan was to go straight to Bombay after investigating the case of social boycott. But as they were keen I agreed to stay overnight. I boarded the train for Dhulia to go to the village, went there and informed myself of the situation prevailing in the village and returned by the next train to Chalisgaon.

I found the untouchables of Chalisgaon waiting for me at the station. I was garlanded. The Maharwada, the quarters of the untouchables, is about 2 miles from the Railway station and one has to cross a river on which there is a culvert to reach it. There were many horse carriages at the station plying for hire. The Maharwada was also within walking distance from the station. I expected immediately to be taken to the Maharwada. But there was no movement in that direction and I could not understand why I was kept waiting. After an hour or so a *tonga* (one horse carriage) was brought close to the platform and I got in. The driver and I were the only two occupants of the *tonga*. Others went on foot by a short cut. The *tonga* had not gone 200 paces when there would have been a collision with a motor car. I was surprised that the driver who was paid for hire every day should have been so inexperienced. The accident was averted only because on the laud shout of the policeman the driver of the car pulled it back.

We some how came to the culvert on the river. On it there are no walls as there are on a bridge. There is only a row stones fixed at a distance of five or ten ft. It is paved with stones. The culvert on the river is at right angles to the road we were coming by. A sharp turn has

to be taken to come to the culvert from the road. Near the very first side stone of the culvert the horse instead of going straight took a turn and bolted. The wheel *of the tonga* struck against the side stone so forcibly that I was bodily lifted up and thrown down on the stone pavement of the culvert and the horse and the carriage fell down from the culvert into the river. So heavy was the fall that I lay down senseless. The Maharwada is just on the other bank of the river. The men who had come to greet me at the station had reached there ahead of me. I was lifted and taken to the Maharwada amidst theories and lamentations of the men, women and children. As a result of this I received several injuries. My leg was fractured and I was disabled for several days. I could not understand how all this happened. The *tongas* pass and repass the culvert every day and never has a driver failed to take the tonga safely over the culvert.

-On enquiry I was told the real facts. The delay at the railway station was due to the fact that the tongawalas were not prepared to drive the tonga with a passenger who was an untouchable. It was beneath their dignity. The Mahars could not tolerate that I should walk to their quarters. It was not in keeping with their sense of my dignity. A compromise was therefore arrived at. That compromise was to this effect: the owner of the tonga would give the tonga on hire but not drive. The Mahars may take the *tonga* but find someone to drive it. The Mahars Sought this to be a happy solution. But they evidently forgot that the safety of the passenger was more important than the maintenance of his dignity. If they had thought of this they would have considered whether they could get a driver what could safely conduct me to my destination. As a matter of fact none of then could live because it was not their trade. They therefore asked someone from amongst themselves to drive. The man took the reins in his hand and started thinking there was nothing in it. But as he got on he felt his responsibility and became so nervous that he gave up all attempt to control. To save my dignity the Mahars of Chalisgaon had put my very life in jeopardy. It is then I learnt that a Hindu *tongawalla,* no better than a menial, has a dignity by which he can look upon himself as a person who is superior to all untouchables even though he may be a Barristar-at-law.

FOUR

In the year 1934, some of my co-workers in the movement of the depressed classes expressed a desire to go on a sight-seeing tour if I

agreed to join them. I agreed. It was decided that our plan should at all events include a visit to the Buddhist caves at Verul. It was arranged that I should go to Nasik and the party should join me at Nasik. To go to Verul we had to go to Aurangabad. Aurangabad is a town in the Mohammedan State of Hyderabad and is included in the dominion of His Exalted Highness, the Nisam. On the way to Aurangabad we had first to pass another town called Daulatabad which is also in the Hyderabad State. Daulatabad is a historical place and was, at one time, the capital of a famous Hindu King by name Ramdeo Rai. The fort of Daulatabad is an ancient historical monument and no tourist while in that vicinity should omit a visit to it. Accordingly our party had also included in its programme a visit to the fort of Daulatabad.

We hired some buses and touring cars. We were about 30 in number. We started from Nasik to Yeola as Yeola is on the way to Aurangabad. Our tour programme had not been announced and quite deliberately. We wanted to travel incognito in order to avoid difficulties which an untouchable tourist has to face in outlying parts of the country. We had informed our people at those centres only at which we had decided to halt. Accordingly, on the way although we passed many villages in the Nisam State none of our people had come to meet us. It was naturally different at Daulatabad. There our people had been informed that we were coming. They were waiting for us and had gathered at the entrance to the town. They asked us to get down and have tea and refreshment first and then to go to see the fort. We did not agree to their proposal. We wanted tea very badly but we wanted sufficient time to see the fort before it was dusk. We therefore left for the fort and told our people that we would take tea on our return. Accordingly we told our drivers to move on and within a few minutes we were at the gate of the fort.

The month was Ramjan, the month of fast for the Mohammedans. Just outside the gate of the fort there is a small tank of water full to brim. There is all around a wide stone pavement. Our faces, bodies and clothes were full of dust gathered in the course of our journey and we all wished to have a wash. Without much thought some members of the party washed their faces and their legs on the pavement with the water from the tank. After these ablutions we went to the gate of the fort. There were armed soldiers inside. They opened the big gates and admitted us into the archway. We had just commenced asking the guard the procedure for obtaining permission to go into the fort. In the meantime an old Mohammedan with white flowing beard was coming from behind shouting"the Dheds (meaning untouchables) have polluted

the tank". Soon all the young and old Mohammedans who were near about joined him and all started abusing us."The Dheds have become arrogant. The Dheds have forgotten their religion (i.e. to remain low and degraded). The Dheds must be taught a lesson". They assumed a most menacing mood. We told them that we were outsiders and did not know the local custom. They turned the fire of their wrath against the local untouchables who by that time had arrived at the gate."Why did you not tell these outsiders that this tank could not be used by untouchables !"was the question they kept on asking them. Poor people ! They were not there when we entered tank. It was really our mistake because we acted without inquiry. They protested that it was not their fault. But the Mohammedans were not prepared to listen to my explanation. They kept on abusing them and us. The abuse was so vulgar that it had exasperated us. There could easily have been a riot and possibly murders. We had however to restrain ourselves. We did not want to be involved in a criminal case which would bring our tour to an abrupt end.

One young muslim in the crowd kept on saying that every one must conform to his religion, meaning thereby that the untouchables must not take water from a public tank. I had grown quite impatient and asked him in a some what angry tone,"Is that what your religion teaches? Would you prevent an untouchable from taking water from this tank if he became a Mohammedan?"These straight questions seemed to have some effect on the Mohammedans. They gave no answer and stood silent. Turning to the guard I said, again in an angry tone,"Can we get into the fort or not? Tell us, if we can't we don't want to stop". The guard asked for my name. I wrote it out on a piece of paper. He took it to the Superintendent inside and came out. We were told that we could go into the fort but we could not touch water anywhere in the fort and an armed soldier was ordered to go with us to see that we did not transgress the order.

I gave one instance to show that a person who is an untouchable to a Hindu is also an untouchable to a Parsi. This will show that person who is an untouchable to a Hindu is also an untouchable to a Mohammedan.

FIVE

The next case is equally illuminating. It is a case of an Untouchable school teacher in a village in Kathiawar and is reported in the following letter which appeared in the ' **Young** India' a journal published by Mr. Gandhi in its issue of 12th December 1929. It expresses the difficulties he had expressed in persuading a Hindu doctor to attend to his wife who had just delivered and how the wife and child died for want of

medical attention. The letter says :

"On the 5th of this month a child was born to me. On the 7th, she fell ill and suffered from loose stools. Her vitality seemed to ebb away and her chest became inflamed. Her breathing became difficult and there was acute pain in the ribs. I went to call a doctor—but he said he would not go to the house of a Harijan nor was he prepared lo examine the child. Then I went to Nagarseth and Garasia Darbar and pleaded them to help me. *The* Nagarseth stood surety to the doctor for my paying his fee of two rupees. Then the doctor came but on condition that he would examine them only outside the Harijan colony. I took my wife out of the colony along with her newly born child. Then the doctor gave his thermometer to a Muslim, he gave it to me and I gave it to my wife and then returned it by the same process after it had been applied. It was about eight o'clock in the evening and the doctor on looking at the thermometer in the light of a lamp said that the patient was suffering from pneumonia. Then the doctor went away and sent the medicine. I brought some linseed from the bazar and used it on the patient. The doctor refused to see her later, although I gave the two rupees fee. The disease is dangerous and God alone will help us.

The lamp of my life has died out. She passed away at about two o'clock this afternoon."

The name of the Untouchable school teacher is not given. So also the name of the doctor is not mentioned. This was at the request of the Untouchable teacher who feared reprisals. The facts are indisputable.

No explanation is necessary. The doctor, who inspite of being educated refused to apply the thermometer and treat an ailing woman in a critical condition. As a result of his refusal to treat her, the woman died. He felt no qualms of conscience in setting aside the code of conduct which is binding on his profession. The Hindu would prefer to be inhuman rather than touch an Untouchable.

SIX

There is one other incident more telling than this. On the 6th of March 1938, a meeting of the Bhangis was held at Kasarwadi (behind Woollen Mills) Dadar, Bombay, under the Chairmanship of Mr. Indulal Yadnik. In this meeting, one Bhangi boy narrated his experience in the following terms :

"I passed the Vernacular Final Examination in 1933. I have studied English up to the 4th Standard. I applied to the Schools

Committee of the Bombay Municipality for employment as a teacher but I failed as there was no vacancy. Then, I applied to the Backward Classes Officer, Ahmedabad, for the job of a Talati (village Patwari) and I succeeded. On 19th February 1936, I was appointed a Talati in the office of the Mamlatdar of the Borsad Taluka in the Kheda District.

Although my family originally came from Gujarat, I had never been in Gujarat before. This was my first occasion to go there. Similarly, I did not know that untouchability would be observed in Government Offices. Besides in my application the facts of my being a Harijan was mentioned and so I expected that my colleagues in the office would know before-hand who I was. That being so, I was surprised to find the attitude of the clerk of the Mamlatdar's office when I presented myself to take charge of the post of the Talati.

The Karkun contemptuously asked,"Who are you?"I replied,"Sir, lama Harijan". Hesaid,"Goaway, standata distance. How dare you stand so near me. You are in office, if you were outside I would have given you six kicks, what audacity to come here for service?"Thereafter, he asked me to drop on the ground my certificate and the order of appointment as a Talati. He then picked them up. While I was working in the Mamlaldar's office at Borsad I experienced great difficulty in the matter of getting water for drinking. In the verandah of the office there were kept cans containing drinking water. There was a waterman in-charge of these water cans. His duty was to pour out water to clerks in office whenever they needed it In the absence of the waterman they could themselves take water out of the cans and drink it That was impossible in my case. I could not touch the cans for my touch would pollute the water, I had therefore to depend upon the mercy of the waterman. For my use there was kept a small rusty pot No one would touch it or wash it except myself. It was in this pot that the waterman would dole out water to me. But I could get water only if the waterman was present. This waterman did not like the idea of supplying me with water. Seeing that I was coming for water he would manage to slip away with the result that I had to go without water and the days on which I had no water to drink were by no means few.

I had the same difficulties regarding my residence. I was a stranger in Borsad. No caste Hindu would rent a house to me. The Untouchables of Borsad were not ready to give me lodgings for the

fear of displeasing the Hindus who did not like my attempt to live as a clerk, a station above me. Far greater difficulties were with regard to food. There was no place or person from where I could get my meals. I used to buy ' Bhajhas ' morning and evening, eat them in some solitary place outside the village and come and sleep at night, on the pavement of the verandahs of the Mamlatdar's office. In this way, I passed four days. All this became unbearable to me. Then I went to live at Jentral, my ancestral village. It was six miles from Borsad. Every day I had to walk eleven miles. This I did for a month and a half.

There after the Mamlatdar sent me to a Talati to learn the work. This Talati was in charge of three villages, Jentral, Khapur and Saijpur. Jentral was his headquarters. I was in Jentral with this Talati for two months. He taught me nothing and I never once entered the village office. The headman of the village was particularly hostile. Once he had said, ' you fellow, your father, your brother are sweepers who sweep the village office and you want to sit in the office *as* our equal? Take care, better give up this job.'

One day the Talati called me to Saijpur to prepare the population table of the village. From Jentral I went to Saijpur. I found the Headman and the Talati in the viUege office doing some work. I went, stood near the door of the office and wished them ' good morning ' but they took no notice of me. I stood outside for about 15 minutes. I was already tired of life and felt enraged at being thus ignored and insulted. I sat down on a chair that was lying there. Seeing me seated on the chair the Headman and the Talati quietly went away without saying anything to me. A short while after, people began to come and soon a large crowd gathered round me. This crowd was led by the Librarian of the village library. I could not understand why an educated person should have led this mob. I subsequently learnt that the chair was his. He started abusing me in the worst terms. Addressing the Ravania (village servant) he said, ' Who allowed this dirty dog of a Bhangi to sit on the chair? ' The Ravania unseated me and took away the chair from me. I sat on the ground. Thereupon the crowd entered the village office and surrounded me. It was a furious crowd raging with anger, some abusing me, some threatening to cut me to pieces with Dharya (a sharp weapon like the sword). I implored them to excuse me and to have mercy upon me. That did not have any effect upon the crowd. I did not know how to save myself. But an idea came to me of writing

to the Mamlatdar about the fate that had befallen me and telling him how to dispose of my body in case I was killed by the crowd. Incidentally, it was my hope that if the crowd came to know that I was practically reporting against them to the Mamlatdar they might hold their hands. I asked the Ravania to give me a piece of paper which he did. Then with my fountain pen I wrote the following on it in big bold letters so that everybody could read it:

"To,
The Mamlatdar, Taluka Borsad.
Sir,
Be pleased to accept the humble salutations of Parmar Kalidas Shivram. This is to humbly inform you that the hand of death is falling upon me today. It would not have been so if I had listened to the words of my parents. Be so good as to inform my parents of my death."

The Librarian read what I wrote and at once asked me to tear it off, which I did. They showered upon me innumerable insults. 'You want us to address you as our Talati? You are a Bhangi and you want to enter the office and sit on the chair? ' I implored for mercy and promised not to repeat this and also promised to give up the job. I was kept there till seven in the evening when the crowd left. Till then the Talati and the Mukhiya had not come. Thereafter I took fifteen days' leave and returned to my parents in Bombay."

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

"It may be your interest to be our masters, but how can it be ours to be your slaves?"
—THUCYDIDES.

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1
WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Dedication

(11) And Naomi said, Turn again, my Daughters; why will ye go with me? (12) go your way. . . (14) And they lifted up their voice, and weft again, and Orpah kissed her mother-in-law; but Ruth clave unto her, (15) And she said. Behold thy sister-in-law is gone back unto her people, and unto her gods ; return thou after thy sister-in-law. (16) And Ruth said. Intreat me not to leave them; or to return from following after thee ; for whither thou goest, I will go; and where thou lodgest, I will lodge ; thy people shall be my people, and thy God my God. (17) Where thou diest, will I die, and there will be buried; the LORD do so to me, and more also, if ought but death part thee and me"

I know how, when we used to read the Bible together, you would be affected by the sweetness and pathos of this passage. While you will be glad to read it again you will, I am sure, ask me what made me recall it in this connection. I wonder if you remember the occasion when we fell into discussion about the value of Ruth's statement"Thy people shall be my people, and thy God my God."I have a clear memory of it and can well recall our difference of opinion, You maintained that its value lay in giving expression to the true sentiments appropriate to a perfect wife. I put forth the view that the passage had a sociological value and its true interpretation was the one given by Prof. Smith, namely, that it helped to distinguish modern society from ancient society. Ruth's

statement"Thy people shall be my people and thy God my God"defined ancient society by its most dominant characteristic namely that it was a society of man plus God while modern society is a society of men only (pray remember that in men I include women also). My view was not then acceptable to you. But you were interested enough to urge me to write a book on this theme. I promised to do so. For as an oriental I belong to a society which is still ancient and in which God is a much more important member than man is. The part of the conversation which is important to me at this stage is the promise I then made to dedicate the book to you if I succeeded in writing one. Prof. Smith's interpretation had opened a new vista before me and I had every hope of carrying out my intention. The chances of developing the theme in a book form are now very remote. As you know, I am drawn in the vortex of politics which leaves no time for literary pursuits. I do not know when I shall be out of it. The feeling of failure to fulfil my promise has haunted me ever since the war started. Equally distressing was the fear that you might pass away as a war casualty and not be there to receive if I were to have time to complete it. But the unexpected has happened. There you are, out of the throes of Death. Here is a book ready awaiting dedication. This happy conjunction of two such events has suggested to me the idea that rather than postpone it indefinitely I might redeem my word, by dedicating this book which I have succeeded in bringing to completion. Though different in theme it is not an unworthy substitute. Will you accept it?

B. R. A.

To,

F.

In Thy Presence is the Fullness of Joy.

PREFACE

"In 1892, there took place in England a new election to Parliament, in which the Conservatives headed by Lord Salisbury lost and the Liberals headed by Mr. Gladstone won. The remarkable thing about this election was that notwithstanding the defeat of his party at the polls. Lord Salisbury—contrary to Parliamentary convention—refused to surrender his office to the leader of the Liberal Party. When Parliament assembled, the Queen delivered the usual gracious speech from the throne containing the legislative programme of Lord Salisbury's Government and the usual address to Her Majesty was moved from the Government

side. Lord Salisbury's Government was an illegitimate Government. It was a challenge to the fundamental principle of the British Constitution, which recognised parliamentary Majority as the only title deed for a Party's right to form a Government. The Liberals took up the challenge and tabled an amendment to the address. The amendment sought to condemn Lord Salisbury's Government for its insistence on continuing in office, notwithstanding the fact that it had no majority behind it. The task of moving the amendment was entrusted to the late Lord (then Mr.) Asquith. In his speech in support of the amendment, Mr. Asquith used the now famous phrase—"Causa finita est: Roma locuta est."(Rome has spoken and the dispute must end). The phrase was originally used by St. Augustine but in a different context. It Was used in the course of a religious controversy and had come to be used as a foundation for Papal Sovereignty. Mr. Asquith used it as a political maxim embodying the basic principle of Parliamentary Democracy. Today it is accepted as the fundamental principle on which Popular Government rests, namely, the Right of a Political Majority to Rule. It told instantaneously against Salisbury's Government and must tell against all parties who fail at the polls wherever Parliamentary Democracy is in operation.

I was reminded of this maxim when the results of the Elections to the Provincial Legislatures in India, which took place in February 1987 under the Government of India Act, 1985, were announced. Congressmen did not actually say"Causa finita eat : India locuta est."But so far as the parties, which had opposed the Congress in the Electiohs, were concerned, that is what the results of the Elections seemed, to proclaim. Having led the Untouchables against the Congress for. full five years in the Round Table Conference and in the Joint Parliamentary Committee, I could not pretend to be unaffected by the results of the Elections. To me the question was: Had the Untouchables gone over to the Congress? Such a thing was to me unimaginable. For, I could not believe that the Untouchables—apart from a few agents of the Congress who are always tempted by the Congress gold to play the part of the traitor—could think of going over to the Congress en masse forgetting how Mr. Gandhi and the Congress opposed, inch by inch up to the very last moment, every one of their demands for political safeguards. I had therefore decided to study the Returns of the election that took place in 1937. .

While I was convinced that such a study was of great necessity from the point of view of the Untouchables, the work proceeded at a snail's

pace. This was due to three causes. The work had to be kept aside for some time to give precedence to other literary projects, the urgency of which demanded a degree of priority which it was not possible to refuse. Secondly, the Blue Book on the Election Results of 1987, which was submitted to Parliament soon after the elections had taken place and which is the primary source for figures regarding the elections, proved inadequate and insufficient for my purpose. It does not give separately figures showing how the Scheduled Castes electors voted and how many votes the Scheduled Caste candidates got. It gives figures showing how electors in different constituencies voted, without making any distinction between Hindu voters and the Scheduled Castes voters. Circular letters had therefore to be issued to the various Provincial Governments requesting them to send me the figures showing distribution of voting by Scheduled Caste electors and the number of votes secured by each Scheduled Caste candidate. This inevitably delayed the work.. Thirdly, the examination of these election returns proved a very laborious task as the statistical tables given In the Appendices to this book will show.

The work thus lingered on. I regret very much this delay. For I know how much mischief has been done by the Congress during the interval. The Congress has advertised the election results to bolster up its claim to represent the Untouchables. The main point in the advertisement is that out of 151 seats assigned to the Scheduled Castes the Independent Labour Party which was organised by me got only 12 seats and the rest of the seats were captured by the Congress. This mess is served out from the Congress kitchen as conclusive proof to show that the Congress represents the Untouchables. This false propaganda seems to have gone home in some quarters. Even a man like Mr. H. N. Brailsford has reproduced in his 'Subject India' this absurd Congress version, without any attempt at verification and with apparent acceptance of its truth. I am sure that the results of the elections as set out in this book will hit the nail squarely on the head of this false propaganda. For, the Congress version of the results of the election is an utter perversion. As a matter of fact the results of 1937 Election conclusively disprove the Congress claim to represent the Untouchables. Far from supporting the Congress version the results of the Election show : (1) that out of 151 the Congress got only 78 seats; (2) that the Untouchables in almost every constituency fought against the Congress by putting up their own candidates; (8) that the majority of 78 seats won by the Congress were won with the help of Hindu votes and they do not therefore in any way

represent the Scheduled Castes ; and (4.) that of 151 seats those won by the Congress in the real sense i.e., with the majority of votes of the Scheduled Castes, were only 88. As to the Independent Labour Party it was started in 1987 just a few months before the elections. It functioned only in the Province of Bombay. There was no time to organise branches in other Provinces. Elections on the ticket of the Independent Labour Party were fought only in the Province of Bombay and there the Independent Labour Party for from being a failure obtained an astonishing degree of success. Out of the 15 seats assigned to the Scheduled Castes in Bombay Presidency it captured 18 and in addition it won 2 general seats. I am therefore glad that at long last I have succeeded in completing the work which proves beyond the shadow of doubt that the story that the Congress captured all the seats reserved for the Scheduled Castes and that the Independent Labour Party was a failure, is a wicked lie. I trust that the book will prove interesting and instructive for all those who are interested in the subject and who desire to know the truth.

Before closing this preface, I wish to express my gratitude to those from whom I have received assistance in one form or another. I am grateful to the Provincial Governments for the troubles they have taken in responding to my circular and sending me additional facts and figures which I had called for. My thanks are also due to Mr. Karan Singh Kane, B.A., M.L.A., at one time, Parliamentary Secretary in the U. P. Congress Government, for the help he has rendered in the most laborious task of preparing the tables."

The reader who reads the above preface and compares it with the table of contents will at once find that the book deals with topics which lie far outside its boundary. The curious may like to know how the foregoing part of the preface is related to the table of contents. The explanation lies in the fact that the book in its present final form is quite different from what it was in its original form. In its original form it covered in very brief compass matter now dealt with on a vastly bigger scale in Chapters IV, V, VI, VII and IX and the statistical appendices. The foregoing part of the preface belonged to the book in its original form. That is why I have put it in inverted commas. The curious may also like to know why the final form of the book came to be so different from the original. The explanation is quite simple. The proofs of the book in its original form were seen by a friend and co-worker. He was dissatisfied with the scope of the book and insisted that it is not enough to deal with election results to expose the Congress claim to represent

the Untouchables, I must do more. I must expose the efforts of the Congress and Mr. Gandhi to improve the lot of the Untouchables for the information of the Untouchables and also of the foreigners whom the Congress had deluded into accepting its side by misrepresentation of facts. Besides the difficulties arising out of the fact that the book was already in proof form, this wan a tall order and appeared to be beyond me having regard to other claims on my time. He would not, however, give way and I had therefore to accept his plan. The original work which would have been about 75 pages in print had to be completely recast and enlarged. The book in the present form is a complete transformation. It records the deeds. of the Congress and Mr. Gandhi from 1917 to date in so far as they touch the problem of the Untouchables. Much is written about the Congress, far more about Mr. Gandhi. But no one has so far told the story of what they have done about the Untouchables. Everyone knows that Mr. Gandhi values more his reputation as the saviour of the Untouchables than his reputation as the champion of Swaraj or as the protagonist of Akimsa At the Round Table Conference he claimed to be the sole champion of the Untouchables and was not even prepared to share the honour with anyone else, I remember what a scene he created when his claim was contested. Mr. Gandhi does not merely claim for himself the championship of the Untouchables. He claims similar championship for the Congress. The Congress, he says, is fully pledged to redress the wrongs done to the Untouchables and argues that any attempt to give political safeguards to the Untouchables is unnecessary and harmful. It is therefore a great pity that no detailed study of these claims by Mr. Gandhi and the Congress has been undertaken so far.

With the Hindus who have been blind devotees of Mr. Gandhi this study, although it is the first of its kind, will not find favour: indeed it is sure to provoke their wrath. How can it be otherwise when the conclusion arrived at is"Beware of Mr. Gandhi"? Looking at it from a wider point of view, there is no reason for the Hindus to be enraged about it. The Untouchables are not the only community in India which thinks of Mr. Gandhi in these terms. The same view of Mr. Gandhi is entertained by the Muslims, the Sikhs and the Indian Christians. As a matter of fact, the Hindus should cogitate over the question and ask: why no community trusts Mr. Gandhi although he has been saying that he is the friend of the Muslims, Sikhs and the Scheduled Castes and what is the reason for this distrust? In my judgment, there cannot be a greater tragedy for a leader to be distrusted by everybody as Mr. Gandhi

is today. I am however certain that this is not how the Hindus will react. As usual, they will denounce the book and call me names. But as the proverb says:"The caravan must pass on, though the dogs bark."In the same way, I must do my duty, no matter what my adversaries may have to say. For as Voltaire observed: Who writes the history of his own time must expect to be attacked for everything he has said, and for everything he has not said : but these little drawbacks should not discourage a man who loves truth and liberty, expects nothing, fears nothing, asks nothing and limits his ambition to the cultivation of letters."

The book has become bulky. It may be said that it suffers by reason of over-elaboration and even by repetition. I am aware of this. But I have written the book especially for the Untouchables and for the foreigners. On behalf of neither could I presume knowledge of the relevant facts. For the particular audience I have in view, it is necessary for me to state both facts as well as arguments and pay no regard to the artistic sense or the fastidious taste of a cultivated and informed class of readers.

As it is my intention to make the book a complete compendium of information regarding the movement of the Untouchables for political safeguards, I have added several appendices other than those of statistical character. They contain relevant documents both official and non-official which have a bearing upon the movement. Those who are interested in the problem of the Untouchables will, I believe, be glad to have this information ready at hand. The general reader may complain that the material in the Appendices is much too much. Here again, I must state that the Untouchables are not likely to get the information which to the general reader may be easily accessible. The test adopted is the need of the Untouchables and not of the general reader.

One last word. The reader will find that I have used quite promiscuously in the course of this book a variety of nomenclature such as Depressed Classes, Scheduled Castes, Harijans and Servile Classes to designate the Untouchables. I am aware that this is likely to cause confusion especially for those who are not familiar with conditions in India. Nothing could have pleased me better than to have used one uniform nomenclature. The fault is not altogether mine. All these names have been used officially and unofficially at one time or other for the Untouchables. The term under the Government of India Act is 'Scheduled Castes.' But that came into use after 1985. Before that they were called 'Harijans"by Mr. Gandhi and 'Depressed Classes' by Government. In a flowing situation like that it is not possible to fix upon one name, which may be correct designation at one stage and

incorrect at another. The reader will overcome all difficulties if he will remember that these terms are synonyms and represent the same class.

I am grateful to Professor Manohar Chitnis for the preparation of the Index and to Mr. S. C. Joshi for help in correcting the proofs.

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24th June 1945.
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Chapter I

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER I

A STRANGE EVENT

I

IN the annual session of the Indian National Congress held at Calcutta in the year 1917 a strange event took place. In that session the Congress passed the following resolution:—

> "This Congress unglues upon the people of India the necessity, justice and righteousness of removing all disabilities imposed by custom upon the Depressed Classes, the disabilities being of a most vexatious and oppressive character, subjecting those classes to considerable hardship and inconvenience."

The President of the session was Mrs. Annie Besant. The resolution was moved by Mr. G. A. Natesan of Madras and was supported by Mr. Bhulabhai Desai from Bombay, by Mr. Rama Iyer from Malalbar and by

Mr. Asaf Ali from Delhi. In moving the resolution, Mr. Natesan said :—

"Ladies and Gentlemen, —This question has been receiving great attention for years in other platforms; but in view of the unique character of this Congress, the Subjects Committee thought it necessary, after having framed a scheme of self-government for India, that we should complete that by asking us to prepare ourselves for the task of self-government. The first great duty is to see that all inequalities and injustices are removed. You will see that this resolution specially asks you to remove disabilities of a most vexatious and oppressive character. Without injuring your religious feelings, without giving up all that is best in your religious tradition, I think the Congress has a right to ask of you and of me and of others elsewhere that such absurd restrictions as the non-admission of these people to schools should be removed. The Congress has also a claim upon all human beings to see that in some portions of the country where these people are refused even the use of common well, these restrictions should disappear. In attempting to elevate ourselves and in trying to remove these galling restrictions we are but elevating Indian manhood; and when Responsible self-government is to be given to us we shall be in a position to say that Indians of all classes, of all creeds, have the fullest rights, the commonest social rights, have free access to all schools, to all institutions so that Indian manhood may develop in all its truest, best and noblest traditions."

Mr. Bhulabhai Desai in supporting the resolution pointed out that:—

"The disabilities under which some of our brethren suffer are a great blow to the equality and brotherhood of man that we preach. From the great height of the resolution that you have passed this morning, with what face will we approach the British Democracy or any other power if we are unable to uplift our own brethren? They will say 'What lies in your own power, the obliteration of the social degradation of a section of your own people, you have been unable to do ! ' We can do it by self-help and by self-help alone and in this matter we need not approach any other power but ourselves. That proves the necessity of the great forward step that this Congress has taken in allowing this resolution to be moved before you. The existence of this great bane is an insult to the name of Hinduism. Therefore, both on the ground of necessity and on the ground of justice, as well as on the ground of righteousness, for the truth that you cherish, how can you deny them

what this resolution demands, when the justice lies in your own hands? And if you fail to do that, with what justice, with what face, will you demand self-government?"

Mr. Rama Iyer said:—

"This resolution calls for social freedom by which we shall shatter the shackles that bind the lower classes. They are the foot of tile nation and if you and I would climb the hill of Home Rule, we must first shatter the shackles on our feet and then and then only will Home Rule come to us.. .You cannot be political democrats and at the same time social autocrats. Remember that a man, a social slave, cannot be politically a free man. We all have come here to see the vision of United India, not only politically united but united all along the line.. .Therefore, let those of us, who are Brahmins, who belong to the higher castes, go to our villages and shatter the shackles of the low castes, people who are struggling against our own men—the social Bureaucrats of our own land."

Mr. Asaf Ali observed that :—

"The problem of the Depressed Classes was one of the most difficult of all. They had been crying shame upon the arbitrary and autocratic action of the bureaucratic bunglers, but now it was the turn of the Depressed Classes—the Untouchables—to cover them, Indians, with shame. There were many millions of these victims of misfortune who had been plying their degraded trades in utter muteness for thousands of years, never emerging from the abyss of degradation into which the cruel and utterly unjustified customs of the country had buried them. Whether it was the spring-time of hope, or the summer of realisation to others, to these unfortunate creatures it was always the winter of black despair. It seemed a cruel irony of fate that those who were vociferously clamouring for the attainment or preservation of human rights themselves were so little mindful of the legitimate rights of others under them. Was it just or fair that a mute section of humanity should be left to suffer the very wrongs for whose redress others were shedding their blood in the battlefield? Why, even the 'untouchables,' in spite of all that cruel custom had subjected them to, were human beings and children of the soil, in whose veins coursed the self-same 'red-blood' as in the veins of those who arrogated superiority to themselves. The Depressed Classes were entitled to the same privileges as their betters in worldly circumstances and could not be debarred

from the birthright of man. It was a standing reproach to the Indians that they had any Depressed Classes at all, and it was for the extinction of this reproach that they prayed."

Many people would wonder why I describe the passing of the Resolution by the Congress moved and supported in such eloquent terms, as a strange event. But those who know the antecedents will admit that it is not an improper description. It was strange for many reasons.

In the first place, the President of the Session was the late Mrs. Annie Besant. She was a well-known public figure and had many things for which she will be remembered by the future historian of India. She was the founder of the Theosophical Society which has its Home at Adyar. Mrs. Annie Besant was well-known for rearing up Mr. Krishnamurti, the son of a Brahmin retired Registrar for a future Massiah. Mrs. Annie Besant was known as the founder of the Home Rule League. There may be other things for which friends of Mrs. Annie Besant may claim for her a place of honour. But I don't know, that she was ever a friend of the Untouchables. So far as I know she felt great antipathy towards the Untouchables. Expressing her opinion on the question whether the children of the Untouchables should or should not be admitted to the common school, Mrs. Annie Besant in an article headed 'The Uplift of the Depressed Classes ' which appeared in the Indian Review for February 1909 said :—

"In every nation we find, as the basis of the social Pyramid, a large class of people, ignorant, degraded, unclean in language and habits, people, who perform many tasks which are necessary for Society, but who are despised and neglected by the very Society to whose needs they minister. In England, this class is called the 'submerged tenth,' forming, as it does, one-tenth of the total population. It is ever on the verge of starvation, and the least extra pressure sends it over the edge. It suffers chronically from under-nutrition, and is a prey to the diseases which spring there from. It is prolific, like all creatures in whom the nervous system is of a low type, but its children die off rapidly, ill-nourished, rickety, often malformed. Its better type consists of unskilled labourers, who perform the roughest work, scavengers, sweepers, navvies, casual dock-labourers, costermongers; and into it, forming its worse type, drift all the wastrels of Society, the drunkards, the loafers, the coarsely dissolute, the tramps, the vagabonds, the clumsily criminal, the ruffians.

The first type is, as a rule, honest and industrious; the second ought to be under continued control, and forced to labour sufficiently to earn its bread. In India, this class forms one-sixth of the total population, and goes by the generic name of the 'Depressed Classes.' It springs from the aboriginal inhabitants of the country, conquered and enslaved by the Aryan invaders,.. .It is drunken and utterly. indifferent to cleanliness, whether of food, person or dwelling; but marriage is accompanied with some slight formality, children are kindly treated, and there is very little brutality, violence or criminality. Criminal communities, such as hereditary thieves, live apart, and do not mingle with the scavengers, sweepers, husbandmen and the followers of other simple crafts who make up the huge bulk of the depressed. They are gentle, docile, as a rule industrious, pathetically submissive, merry enough when not in actual want, with a bright though generally very limited intelligence; of truth and the civic virtues they are for the most part utterly devoid—how should they be anything else?—but they are affectionate, grateful for the slightest kindness, and with much 'natural religion.' In fact, they offer good material for simple and useful though humble civic life.

"What can be done for them by those who feel the barbarity of the treatment meted out to them, by those who feel that the Indians who demand freedoms should show respect to others, and give to others a share of the consideration they claim for themselves?

"Here, as everywhere, education is the lever by which we may hope to raise them. but a difficulty arises at the outset, for one class of the community, moved by & noble feeling of compassion and benevolence, but not adding thereto a careful and detailed consideration of the conditions, demands, for the children of the pariah community admission to the schools frequented by the sons of the higher classes, and charges with lack of brotherhood those who are not in favour of this policy. It becomes, therefore, necessary to ask whether brotherhood is to mean levelling down, and whether it is usual in family to treat the elder children and the babies in exactly the same way. It is a zeal not according to knowledge —and not according to nature—which would substitute equality for brotherhood, and demand from the cultured and refined that they should forfeit the hardly won fruits of the education of generations, in order to create an artificial equality, as disastrous to the progress of the future as it would be useless for the improvement of the present. The children of the depressed classes need, first of all, to be taught cleanliness, outside decency of behaviour, and the earliest

rudiments of education, religion and morality. Their bodies, at present, are ill-odorous and foul with the liquor and strong-smelling food, out of which for generations they have been built up; it will need some generations of purer food and living to make their bodies fit to sit in the dose neighbourhood of a school-room with children who have received bodies from an ancestry trained in habits of exquisite personal cleanliness, and fed on pure food-stuffs. We have to reuse the Depressed Classes to a similar level of physical purity, not to drag down the dean to the level of the dirty, and until this is done, dose association is undesirable. We are not blaming these children, nor their parents, for being what they are; we are stating a mere palpable fact. The first daily lesson in a school for these children should be a bath, and the putting on of a dean doth; and the second should be a meal of dean wholesome food; those primary needs cannot be supplied in a school intended for children who take their daily bath in the early morning and who come to school well-fed.

Another difficulty that faces teachers of these children are the contagious diseases that are bred from first; to take one example, eye-disease, wholly due to neglect, is one of the most common and"catching"complaints among them. In our Panxhama schools in Madras, the teachers are ever on the alert to detect Amy check this, and the children's eyes are daily washed and disease is thus prevented. But is it to be expected that fathers and mothers, whose daily care protects their children from such dirty diseases should deliberately expose them at school to this infection?

"Nor are the manner and habits of these forlorn little ones desirable things to be imitated by gently-nurtured children. Good manners, for instance, are the result of continual and rigid self-control, and of consideration for the comfort and convenience of others; children learn manners chiefly by imitation from well-bred parents and teachers and, secondarily, by suitable precept and reproof. If, at the school, they are to be made to associate with children not thus trained, they will quickly fall into the ways, which they see around them. For, until good habits are rendered fixed by long, practice, it is far easier to be slipshod than accurate, to be careless than careful. Ought the children of families in which good manners and courtesy are hereditary, to be robbed of their heritage, a robbery that enriches no one, but drags the whole nation down? Gentle speech, well-modulated voice, pleasant ways, these are the valuable results of long culture, and to .let them be swamped out is no

true brotherhood

"In England, it has never been regarded as desirable to educate boys or girls of all classes side by side, and such grotesque equalising of the unequal would be scouted. Eton and Harrow are admittedly the schools for the higher classes, Hubgy and Winchester are also schools for gentlemen's sons, though somewhat less aristocratic. Then come a number of schools, frequented chiefly by sons of the provincial middle class. Then the Board Schools, where the sons of artisans and the general manual labour classes are taught; and below all these, for the waifs and strays, are the 'ragged schools, the name of which indicates the type of their scholars, and the numerous charitable institutions."An insane in England who proposed that ragged school children should be admitted to Eton and Harrow would not be argued with, but laughed at. Here, when a similar proposition is made in the name of brotherhood, people? Seem ashamed to point out frankly its absurdity, and they do not realise that the proposal is merely a violent reaction against the cruel wrongs, which have been inflicted on the Depressed Classes, the outcry .of an awakened conscience, which has not yet had time to call right reason to guide its emotions. It is sometimes said that Government schools pay no attention to social differences {therein they show that they are essentially 'foreign' in their spirit. They would not deal so with the sons of their own people, though they may be careless of the sons of Indians, and lump them all together, clean and dirty alike. It is very easy to see the differences of 'tone' in the youths when only the sons of the cultured classes are admitted to a school, and it is to the interest of the Indians that they should send their sons where they are guarded from coarse influences as Englishmen guard their own sons in England."

* * *

The second reason why one is justified in describing the passing of this resolution as a strange event lies in the fact that it-was entirely opposed to the declared policy of the Congress. In these days when the"Constructive Programme"of the Congress is hawked from every street and at all times when the Congress is resting after an active campaign of non co-operation and civil disobedience, this statement

may well cause surprise to present day Congressmen and their friends. The following extracts from the addresses of the Presidents who presided at the Annual Sessions of the Congress will suffice to bring home the fact that the Congress policy was to give no place to questions of Social Reform in the aims and objects of the Congress.

To begin with, Mr. Dadabhai Naoroji who presided at the Second Session of the Indian National Congress held in Calcutta in the year 1886. In this presidential address he referred to the Congress attitude towards Social Reform and said: —

"It has been asserted that this Congress ought to take up questions of social reform (Cheers and cries of 'Yes, Yes') and our failure to do this has been urged as a reproach against us. Certainly no member of this National Congress is more alive to the necessity of social reform than I am; but. Gentlemen, for everything there are proper times, proper circumstances, proper parties and proper places (Cheers); we are met together as a political body to represent to our rulers our political aspirations, not to discuss social reforms,' and if you blame us for ignoring these, you should equally blame the House of Commons for not discussing the abstruse problems of mathematics or meta-physics. But, besides this, there are here Hindus of every caste, amongst whom, even in the same province, customs and social arrangements differ widely there are Mohammedans and Christians of various denominations, Parsis, Sikhs, Brahmins and what not men indeed of each and of all those numerous classes which constitute in the aggregate the people of India. (Loud Cheers). How can this gathering of all classes discuss the social reforms needed in each individual class? Only the members of that class can effectively deal with the reforms therein needed. A National Congress must confine itself to questions in which the entire nation has a direct participation, and it must leave the adjustment of social reforms and other class questions to Class Congresses.

The subject was again referred to by the Hon. Mr. Budruddin Tyabji who presided over the Third Annual Session of the Congress held in 1887. Mr. Tyabji observed:

"It has been urged solemnly urged as an objection against our proceedings that this Congress does not discuss the question of Social Reforms I must confess that the objection seems to me strange, seeing that this Congress is com-posed of the representatives, not of any one

class or community, not of one part of India, but of all the different parts, and. of all the different classes, and of all the different communities of India. Whereas any question of Social Reform must of necessity affect some particular part or some particular community of India only and, therefore. Gentlemen, it seems to me, that although we, Mussalmans, have our own social problems to solve, just as our Hindu and Parsi friends have theirs, yet these questions can be best dealt with by the leaders of the particular communities to which they relate (Applause). I, therefore, think. Gentlemen, that the only wise and, indeed, the only possible course we can adopt is to confine our discussions to such questions as affect the whole of India at large, and to abstain from the discussion of questions that affect a particular part or a particular community only."

The third occasion when the subject was referred to was in 1892, when Mr. W.C. Bannerjee in his Presidential address to the Eighth Session of the Congress gave expression to the following sentiments:—

"Some of our critics have been busy in telling us, thinking they knew our affairs better than we know them ourselves, that we ought not to meddle with political matters, but leaving politics aside devote ourselves to social subjects fund so improve the social system of our country; I am one of those who have very little faith in the public discussion of social matters; those are things which I think, ought to be left to the individuals of a community who belong to the same social organisation to do what they can for its improvement. We know how excited people become when social subjects are discussed in public. Not long ago we had an instance of this when what was called the Age of Consent Bill was introduced into the Viceroy Legislative Council. I do not propose to say one word as to the merits of the controversy that arose over that measure, but I allude to it to illustrate how apt the public mind is to get agitated over these social matters if they are discussed in a hostile and unfriendly spirit in public. .1 may point out that we do not all understand in the same sense what is meant by social reform. Some of us are anxious that our daughters should have the same education as OUT SOns, that they should go to 'Universities, that they should adopt learned professions; others who are more timid would be content with seeing that their children are not given in marriage when very 'young, and that child widows should not remain widows all the days of their lives. Others more timid still would allow social problems to solve themselves. The Congress commenced and

has since remained, and will, I sincerely trust, always remain as a purely political organisation devoting its energies to political matters and political matters only. L am afraid that those whether belonging to our own country or to any other country, who find fault with us for not making social subjects a part of our work, cherish a secret wish that we might all be set by the ears, as we are all set by the-cars by the Age of Consent Bill, and that thus we might come to an ignominious end. They mean us no good, and when we find critics of that description talking of the Congress as only fit to discuss social problems, I think the wider the berth we give them, the better. “

"I, for one, have no patience with those who say we shall not be fit for political reform until we reform our social system. I fail to see any connection between the two. Let me take, for instance, one of the political reforms which we have been suggesting year after year viz., the separation of judicial from executive functions in the same officer. What possible connection can there be between this, which is a purely political reform and social reform? in the same way, take the Permanent Settlement which we have been advocating, the amendment of the law relating to forests and other such measures;—and I ask again, what have these to do with social reform? Are we not fit for them because our widows remain unmarried and our girls are given in marriage earlier than in other countries? Because our wives and daughters do not drive about with us visiting our friends? Because we do not send our daughters to Oxford or Cambridge? (Cheers.)"

The last occasion when a Congress President is found to refer to this subject was in 1895 when the Congress Session was held in Poona and was presided over by Mr. Surrendranath Bannerjee. Touching upon the subject, in his presidential address, Mr. Bannerjee said :—

"We cannot afford to have a schism in our camp. Already they tell us that it is & Hindu Congress, although the presence of our Mohammedans friends completely contradicts the statement. Let it not be said that this is the Congress of one social party rather than that of another. It is the Congress of United India, of Hindus and Mahomedans, of Christians, of Parsis and of Sikhs, of those who would reform their social customs and those who would not. Here we stand upon a common platform—here we have all agreed to bury our social and religious differences and recognise the one common fact that being subjects of the same Sovereign and living under tile same .

Government and the same political institutions, we have common rights and common grievances. And we have called forth this Congress into existence with a view to safeguard and extend our rights and redress our grievances. What should we say of a Faculty of Doctors who fell out, because though in perfect accord as to the principles of their science, they could not agree as to the age at which they should marry their daughters, or whether they should remarry their widowed daughters or not. . Ours is a political and not a social movement; and it cannot be made a matter of complaint against us that we are not a social organisation any more than it can be urged against any of my lawyer friends that they are not doctors. Even in regard to political matters, such is our respect for the opinions of minorities, that so far back as 1887, I think it was at the instance of Mr. Budruddin Tyabji, who once was our President and whose elevation to the Bench of the Bombay High Court is a matter of national congratulation, a resolution was passed to the effect that where there is practical unanimity among a class, though in a minority in the Congress, that a question should not be discussed, it should forthwith be abandoned."

"There is special danger to which an organisation such as ours, is exposed and which must be guarded against, the danger of there being developed from within the seeds of dissension and dispute."

II

There are two questions about these statements, which need explanation. First is to know what the Social Reform party was to which the Presidents refer. The second is why Mr. Surrendranath Bannerjee's address to the Congress in 1895 was the last occasion when a Congress President found it necessary-to refer to the relation of the Congress to the problem of Social Reform and why no president after 1895 thought it necessary to dwell on it.

To understand the first question it is necessary to note that when the Indian National Congress was founded at Bombay in 1885, it was felt by the leaders of the movement that the National movement should not be exclusively political but that side by side with the consideration of political questions, questions affecting Indian social economy should

also be discussed and that the best endeavours of all should be put forth for vitalizing Hindu Society by removing all social evils and social wrongs. With this view, Dewan Bahadur R. Raghunath Rao and Mr. Justice (then Rao Bahadur) M. G. Ranade delivered addresses on Social Reform on the occasion of the meeting of the First Congress at Bombay. In 1886, at Calcutta, nothing further was done. Discussion, however, was going on among the leaders of the Congress movement and other leaders of educated Indian thought whether the Congress as such should concern itself with social questions or whether a separate body should Be set up for the discussion of social questions. It was at last resolved after mature deliberation by, among others, Dewan Bahadur R. Raghunath Rao, Mr. Mahadev Govind Ranade, Mr. Narendra Nath Sen and Mr. Janakinath Ghosal, that a separate organisation called the Indian National Social Conference, should be started for the consideration of subjects relating to Indian social economy. Madras had the honour of being the birth-place of the Conference, for, the First Indian National Social Conference was held at Madras in December 1887, with no less a man than the late Rajah Sir T. Madhavrao, K.C.S.I., the premier Indian statesman of his time, as the President. The work done at this First Conference, however, was not much. Among other important resolutions members then present recognised the necessity of holding annual National Conferences in different parts of India for considering and adopting measures necessary for the improvement of the status of our society, and of our social usage; and taking steps to organise and establish Provincial Sub-Committees of the Conferences. It was agreed that among social subjects which the Conference might take up, those relating to' the disabilities attendant on distant sea-voyages, the ruinous expenses of marriage, the limitations of age below which marriages should not take place, the remarriages of youthful widows, the evils of the re-marriages of old men with young girls, the forms and evidences of marriages and inter-marriages between sub-divisions of the same caste should form the subjects for discussion and determination.

As to sanctions it was thought there should be different Sub-Committees appointed for dealing with different social questions. The Sub-Committees were to be left to evolve certain fundamental principles and penalties for breach of these principles, to be carried out and enforced as regards the members of Social Reform Party who might agree to be bound by such penalties, (1) ' by the Sub-Committees

themselves, or (2) through their spiritual heads, never it was possible to do so, or (0) through Civil Courts, or failing all (4) by application to Government for enabling the Committees to enforce the rules in respect of their awn pledged members.

While the Social Reform Party had formed a separate organisation of its own to discuss the many social evils which festered. Hindu Society, they were not satisfied with the Congress attitude of completely dissociating itself from questions of social reform. Some of them were anxious to make it an issue whether Social Reform should not precede Political Reform and press for a decision. In this they had many friends to support them. Among them was to be found the Government of India. Sir Auckland Colvin, a member of the Viceroy's Executive Council, very clearly and very emphatically stated that Indians ought to turn their attention to Social Reform in preference to endeavours they were making"o teach the British what their duties were in regard to the Government of India."

The reference to Social Reform in the addresses of the Congress Presidents referred to above can now be easily understood. They area reply to the criticism by the Social Reform Party against the Congress dissociating itself from the problem of removing social evils.

Turning to the second question as to why no Congress President has retired to the question of Social Reform in his presidential address after 1895, the answer is that before 1895 there were two schools among Congressmen on the issue of social reform versus political reform. The viewpoint of one school was that expressed by Mr. Dadabhai Naoroji, Mr. Budruddin Tyabji and Mr. Surrendranath Bannerjee. The viewpoint of the other school was that expressed by Mr. W. C. Banerjee. The former did recognise the need of social reform but thought that the Congress Session was not the proper platform for it. The latter denied that there was need for social reform and challenged the view that there cannot be political reform without social reform. Though the two schools within the Congress were fundamentally opposed to each other, they had not upto 1895 developed a spirit of antagonism and intolerance towards each other. The former school was in a dominant position and the result was that the Indian National Congress and the Social Conference functioned as two parallel organisations each devoting itself to its own particular aims and objects. So great was the spirit of co-operation and good will between the two that the annual sessions of the

National Congress and Social Conference were held in immediate succession in the same panda and a large majority of those who came to attend the Congress Session also attended the Social Conference. The Social Conference was, however, an eyesore to the Congressmen who belonged to the Anti-social Reform Section. This section was evidently getting restive at the kindly disposition and the accommodating spirit which the dominant section in the Congress was showing to the Social Conference particularly in the matter of allowing it to use the Congress panda for holding its session. In 1895 when the Congress met in Poona, this Anti-Social Reform section rebelled and threatened to burn the Congress panda if the Congress allowed it to be used by the Social Conference. This opposition to the Social Conference was headed by no other person than the late Mr. Tilak one of those social tones and political radicals with which India abounds and who was the father of the slogan"Swaraj is my birthright"which is now seen blazoned on Congress banners. The rebellion succeeded largely because the Pro-Social Reform Party in, the Congress was not prepared to fight its opponents [1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41B.What Congress and Gandhi CHAPTER I.htm - _msocom_1. This rebellion had one effect. It settled that the Congress was not to entertain any question of social reform no matter how urgent [2]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41B.What Congress and Gandhi CHAPTER I.htm - _msocom_2. This is the explanation why no Congress President after l895 has referred to the question of social reform in his presidential address. The Congress by its action in 1895 had become a purely political body with no interest and no concern in the removal or mitigation of social wrongs.

Ill

Against this background the resolution passed by the Congress about the Depressed Classes in 1917 is obviously a strange event. The Congress had never done such a thing before although it had functioned for thirty-two years. It was even contrary to its declared policy.

Why did the Congress think it necessary to pass such a resolution in the year 1917? What made it take cognisance of the Untouchables? What did it want to gain? Whom did it want to deceive? Was it because of a change in its angle of vision or was it because of some ulterior motive? For an answer to these questions one must turn to the following resolutions passed by the Depressed Classes in the year 1917

at two separate meetings held in the City of Bombay under two different Presidents. The first of these meetings was held on the 11th November 1917 under the Chairmanship of the late Sir Narayan Chandavarkar. In that meeting the following resolutions [3]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41B.What Congress and Gandhi CHAPTER I.htm - _msocom_3 were passed :—

"First Resolution- Loyalty-Loyalty to British Government and prayer for victory to the Allies."

"Second Resolution carried at the meeting by an overwhelming majority, the dissentients being about a dozen, expressed approval of the scheme of reform in the administration of India recommended by the Indian National Congress and the All-India Muslim League"

"Third Resolution carried unanimously was;"As the population of the Depressed Classes in India considered Untouchable and treated as such, is very large, as their condition is very degraded owing to that treatment and as they are behind the rest of the people in point of education, being unable to secure fair opportunities for their improvement, this public meeting of the Depressed Classes strongly feeds that in the scheme of reform and reconstitution of the Legislative Councils which Government may be pleased to adopt, due regard be paid to the interests of the said classes. This meeting therefore prays the British Government to be so gracious as to protect those interests by granting to those classes the right to elect their own representatives to the said Councils in proportion to their numbers."

Fourth Resolution unanimously carried at the meeting was:"That the Government be prayed for the adoption, with all convenient speed, of a compulsory and free system of education rendered necessary by the fact that the social elevation of any community depends upon the universal spread of education among its members and that degradation of the Depressed Classes is due to their illiteracy and ignorance."

"Fifth Resolution carried unanimously was as follows: — 'That the Chairman of this public meeting be authorised to request the Indian National Congress to fuss at its forthcoming session a distinct and independent resolution declaring to the foetal of India at large the necessity, justice, and righteousness of removing all the disabilities imposed by religion and custom upon the De-pressed Classes, those disabilities being of a, most vexatious and oppressive character,

subjecting those classes to considerable hardship and inconvenience by prohibiting them from admission into public schools, hospitals, courts of justice and public offices, and the use of public wells, etc. These disabilities social in origin, amount in law and practice to political disabilities and as such fall legitimately within the political mission and propaganda of the Indian National Congress."

"Sixth Resolution prays all Hindus of the castes other than the Untouchables and Depressed, especially those of the higher castes, who claim political rights, to take steps for the purpose of removing the blot of degradation from the Depressed Classes, which 'has subjected those classes to the worst of treatment in their own country."

The second meeting was also held in November 1917 a week or so after the first meeting. The Chairman was one Bapuji Namdeb Bagade a leader of the Non-Brahmin Party. At this meeting the following resolutions [4]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41B.What Congress and Gandhi CHAPTER I.htm - _msocom_4 were unanimously adopted :—

"(1) Resolution of loyalty to the British throne."

"(2) That this meeting cannot give its support to the Congress-League Scheme in spite of its having been declared to have been passed at the meeting of 11th November. 1917 by an overwhelming majority."

"(3) That it is the sense of this meeting that the administration of India should be largely under the control of the British till all classes and specially the Depressed Classes, rise up to a condition to effectual participate in the administration of the country."

"(4) That if the British Government have decided to give political concession to the Indian Public, this meeting prays that Government should grant the Untouchables their. own representatives in the various legislative bodies to ensure to them their civil and political rights."

"(5) That this meeting approves of the objects of the Bahiskrit Bharat Samaj (Depressed India Association) and supports the deputation to be sent on its behalf to Mr. Montagu."

"(6) That this meeting prays that Government, looking to the special

needs of the Depressed Classes, should make primary education both free and compulsory. That the mating also requests the Government to give special facilities by way of scholarships to the students of the Depressed Classes."

"(7) That the meeting authorises the President to forward the above resolutions to the Viceroy and the Government of Bombay."

It is obvious that there is a close inter-connection between the resolution passed by the Depressed Classes at their meeting in Bombay under the chairmanship of Sir Narayan Chandavarkar and the Congress resolution of 1917 on the elevation of the Depressed Classes. This inter-connection will be easily understood by adverting to the political events of the year 1917. It will be recalled that it was in 1917 or to be precise, on the 20th August 1917 the late Mr. Montague the then Secretary of State for India announced in the House of Commons the new policy of His Majesty's Government towards India, namely, the policy of"gradual development of self-governing institutions with a view to progressive realisation of responsible government in India as an integral part of the British Empire."Leading Indian politicians were expecting some such declaration of policy on the part of His Majesty's Government and were preparing schemes for changes in the constitutional structure of India in anticipation of such a policy. Of the many schemes that were formulated, there were two around which public attention was centred. One was called"the Scheme of the Nineteen."The second was called"the Congress-League Scheme"The first was put forth by the 19 elected additional Members of the then Imperial Legislative Council. The second was an agreed scheme of political reforms supported by the Congress and the League otherwise known as the Lucknow Pact, Both these schemes had come into existence in 1910, a year before the announcement made by Mr. Montagu.

Of the two schemes, the Congress was interested in seeing that its own scheme was accepted by His Majesty's Government. The Congress with that purpose in view was keen on giving the Congress-League scheme the status and character of a National Demand. This could happen only if the scheme had the backing of all communities in India. In as much as the Muslim League had accepted the scheme, the problem of securing the backing of the Muslim Community did not arise. Next in numbers came the Depressed Classes, Though not as well organised as the Muslims, they were politically very conscious as their Resolutions show.

Not only were they politically conscious but they were all along anti-Congress. Indeed in 1895 when Mr. Tilak's followers threatened to bum the Congress pandal if its use was allowed to the Social Conference for ventilating social wrongs, the Untouchables organised a. demonstration against the Congress and actually burned its effigy. This antipathy to the Congress has continued ever since. The resolutions Passed by both the meetings of the Depressed Classes held in Bombay in 1917 give ample testimony to the existence of this antipathy in the minds of the Depressed Classes towards the Congress. The Congress while anxious to get the support of the Depressed Classes to the Congress-League scheme of Reforms knew very well that it had no chance of getting it"As the Congress did not then practise—it had not learned it then—the art of corrupting people as it does now, it enlisted the services of the late Sir Narayan Chandavarkar, an Ex-President of the Congress. As the President of the Depressed Classes Mission Society he exercised considerable influence over the Depressed Classes. It was as a result of his influence and out of respect for him that a section of the Depressed Classes agreed to give support to the Congress"League Scheme,

The revolution as its text show did not give unconditional support to the Congress-League scheme. It agreed to give support on the condition that the Congress passed a resolution for the removal of the social disabilities of the Untouchables. The Congress resolution was a fulfilment of its part of the contract with the Depressed Classes which was negotiated through Sir Narayan Chandavarkar.

This explains the genesis of the Congress Resolution of 1917 on the Depressed Classes and its inter-connection with the Resolutions of the Depressed Classes passed under the Chairmanship of Sir Narayan Chandavarkar. This explanation proves that there was an ulterior motive behind the Congress Resolution. That motive was not a spiritual motive. It was a political motive.

What happened to the Congress Resolution? The Depressed Classes in their Resolution had called upon the"higher castes, who claim political rights, to take steps tot the purpose of removing the blot of degradation from the Depressed Classes, which has subjected these classes to the worst of treatment in their Own country."What did the Congress do to give effect to this demand of the Depressed Classes? In return for the support it got, the Congress was bound to organise a drive against untouchability to give effect to the sentiments expressed in its

Resolution. The Congress did nothing. The passing of the Resolution was a heartless transaction. It was a formal fulfilment of a condition, which the Depressed Classes had made for giving their support to the Congress-League scheme. Congressmen did not appear to be charged with any qualms of conscience or with any sense of righteous indignation against mean's inhumanity to man, which is what untouchability is. They forgot the Resolution the very day on which it was passed. The Resolution was a dead letter. Nothing came out of it.

Thus ended the first chapter in the history of what the Congress has done to the Untouchables.

Chapter II

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER II
A SHABBY SHOW

Congress Abandons Its Plan

I

MR. GANDHI Entered Indian, politics in 1919. Very soon thereafter, he captured the Congress. He not only captured it but overhauled it completely and changed it out of recognition. He introduced three main changes. The Old Congress had no sanctions. It only passed a resolution and left it there, hoping that the British Government will take some

action on it. If the British Government did not, it merely repeated the resolution next year and year after it. The old Congress was purely a gathering of intellectuals. It did not go down to the masses to secure their active participation in the political movement, as it did not believe in mass action. The old Congress had no machinery and no funds to carry on mass agitation. It did not believe in spectacular political demonstration to impress the British Government of the magnitude of its strength or to attract and interest the masses. The new Congress changed all this. It made the Congress a mass organisation by opening its membership to all and sundry. Any one paying four annas a year could be a member of the Congress. It forged sanctions behind its resolutions. by adopting the policy of non-co-operation and civil disobedience. It made it a policy to stage demonstration of non-co-operation and civil disobedience and to court gaol. It launched a countrywide organisation and propaganda in favour of the Congress. It put out what is called a Constructive Programme of social amelioration. To finance these activities it started a fund of one crore of rupees. It was called the Tilak Swaraj Fund. Thus by 1922, the Congress was completely transformed by Mr. Gandhi. The new Congress was entirely different from the old, except in, name.

The Constructive Programme of social amelioration was an important feature of the Congress. It was outlined by the Working Committee of the Congress at its meeting in Bardoli, held in February 1922. It was also known as the Bardoli Programme. The resolution setting out the details of the programme ran as follows :—

"The Working Committee advises all Congress Organisations to be engaged in the following activities: —

(1) (1) To enlist at least one crore members of the Congress.

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(2) (2) To popularise the spinning wheel and to organise the manufacture of hand-spun and hand-woven khaddar.

***

(3) (3) To organise national schools.

***

(4) (4) To organise the Depressed Classes for a better life, to improve their social, mental and moral condition, to induce them to send their children to national schools and to provide for them the ordinary facilities which the other citizens enjoy.

***

(5) (5) To organise the temperance campaign amongst the people addicted to the drink habit by house to house visits and to rely more upon appeal to the drinker in his home than upon picketing.

(6) (6) To organise village and town Panchayats for the private settlement of all disputes, reliance being placed solely upon force of public opinion and the truthfulness of Panchayat decisions to ensure obedience to them,

(7) (7) In order to promote and emphasise unity among all classes and races and mutual goodwill, the establishment of which is the aim of the movement of non-co-operation, to organise a social service department that will render help to all, irrespective of differences, in times of illness or accident.

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(8) (8) To continue the Tilak Memorial Swaraj Fund collections and call upon every Congressman or Congress sympathiser to pay at least one-hundredth part of his annual income for 1921. Every province to send every month twenty-five per cent of its income from the Tilak Memorial Swaraj Fund to the All-India Congress Committee."

The resolution was placed before the All-India Congress Committee at its meeting held in Delhi on 20th February 1922 for confirmation, which it did. I am not concerned to set out what happened to the different items in this Programme of constructive work. I am concerned with only one item namely that which relates to the Depressed Classes and it is that part of it which I propose to deal with.

I will relate the story of the fate, which overtook this part of the Bardoli resolution relating to the Untouchables, stage by stage. To begin

with the story, after the Bardoli resolution was confirmed by the All-India Congress Committee, the matter was remitted to the Working Committee for action. The Working Committee took up the matter at its meeting held in Lucknow in June 1022. On that part of the Bardoli problem, which related to the uplift of the Untouchables, the Working Committee passed the following resolutions: -

"This Committee hereby appoints a Committee consisting of Swami Shradhanandji, Mrs. Sarojini Naidu and Messrs. 1. K. Yajnik and G. B. Deshpande to formulate a scheme embodying practical measures to be adopted for bettering the condition of the so-called Untouchables throughout the country and to place it for consideration before the next meeting of this Committee, the amount to be raised for the scheme to beRs.2 lakhs for the present."

This resolution of the Working Committee was placed before the All-India Congress Committee at its meeting held in Lucknow in June 1922. It accepted the resolution of the Working Committee after making an amendment to it saying that"the amount to be raised for the scheme should be 5 lakhs for the present"instead of 2 lakhs as put forth in the resolution of the Working Committee.

It seems that before the resolution appointing the Committee was adopted by the Working Committee, one of its Members Swami Shradhanand tendered his resignation of the membership of the Committee. At the very sitting at which the Working Committee passed the resolution appointing a Committee, another resolution on the same subject and to the following effect was passed by it: —

"Read letter from Swami Shradhanandji, dated 8th June 1922 for an advance for drawing up a scheme for Depressed Classes work. Resolved that Mr. Gangadhar Rao B. Deshpande be appointed convenor of the Sub-Committee appointed for the purpose and he be requested to convene a meeting at an early date, and that Swami Shradhananda's letter be referred to the Sub-Committee."

The formation of a Committee marks the second stage in the history of this interesting resolution.

The next reference to the resolution appointing the Committee is found in the proceedings of the Congress Working Committee held in Bombay in July 1922. At that meeting the Committee passed the following resolution: —

"That the General Secretary be asked to request Swami Shradhanand to reconsider his resignation and withdraw it and a sum of Rs. 500 be remitted to the Convener, Syt. G. B. Deshpande, for the contingent expenses of the Depressed Classes Sub-Committee."

Here the matter ended, so far as the year 1922 was concerned. Nothing further seems to have been done. The year 1928 came on. Seeing that nothing was done to set going the Scheme for ameliorating the condition of the Untouchables, the Working Committee which met also at Gaya in January, 1928 took up the matter and passed the following resolution; —

"With reference to Swami Shradhanand's resignation, resolved that the remaining members of the Depressed Classes Sub-Committee do form the Committee and Mr. Yajnik be the convener."

Thereafter* the All-India Congress Committee which met Bombay in May 1923 passed the following resolution: —

"Resolved that the question, of the condition of the Untouchables be referred to the Working Committee for necessary action."

Here ends the second stage in the history of the resolution remitting the question of the Untouchables to a special Committee. The third stage in its history is marked by the resolution of the Working Committee passed in.”May 1923 at its meeting held in Bombay. This resolution ran as follows: —

"Resolved that while some improvement has been effected in the treatment of the so-called Untouchables in response of the policy of the Congress, this Committee is conscious that much work remained yet to be done in this respect and in as much as this question of untouchability concerns the Hindu community particularly, it requests the All-India

Hindu Mahasabha also to take up this matter and to make strenuous efforts to remove this evil from amidst the Hindu Community."

Thus is told the sad tale of the resolution and how it began and how it ended. What shameful close to a flaring start!

It will be seen how the Congress washed its hands of the problem of the Untouchables. It need not have added insult to injury by relegating it to the Hindu Mahasabha. There could not be a body most unsuited to take up the work of the uplift of the Untouchables than the Hindu Mahasabha. If there is any body which is quite unfit for addressing itself to the problem of the Untouchables, it is the Hindu Mahasabha. It is a militant Hindu organisation. Its aim and object is to conserve in every way everything that is Hindu, religious and cultural. It is not a social reform association. It is a purely political organisation, whose main object and aim are to combat the influence of the Muslims in Indian politics. Just to preserve its political strength, it wants to maintain its social solidarity, and its way to maintain social solidarity is not to talk about caste or untouchability. How could such a body have been selected by the Congress for carrying on the work of the Untouchables passes my comprehension. This shows that the Congress wanted somehow to get rid of an inconvenient problem and wash its hands of it. The Hindu Mahasabha of course did not come forth to undertake the work for it had no urge for it and also because the Congress had merely passed a pious resolution recommending the work to them without making any promise for financial provision. So the project came to an inglorious and an ignominious end.

Before closing this chapter, it would not be unprofitable to ascertain why did the Congress abandon the work of social amelioration of the Untouchables of which it had made so much show? Was it because the Congress intended that the scheme should be a modest one not costing more than two to five lakhs of rupees but felt that from that point of view they had made a mistake in including Swami Shradhanand in the Committee and rather than allow the Swami to confront them with a huge scheme which the Congress could neither accept nor reject? The Congress thought it better in the first instance to refuse to make him the

convener[5]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41C.What Congress and Gandhi CHAPTER II.htm - _msocom_1 and subsequently to dissolve the Committee and hand over the work to the Hindu Mahasabha. Circumstances are not quite against such a conclusion. The Swami was the greatest and the most sincere champion of the Untouchables. There is not the slightest doubt that if he had worked on the Committee he would have produced a very big scheme. That the Congress did not want him in the Committee and was afraid that he would make big demand on Congress funds for the cause of the Untouchables is clear from the correspondence [6]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41C.What Congress and Gandhi CHAPTER II.htm - _msocom_2 that passed between him and Pandit Motilal Nehru, the then General Secretary of the Congress, and which is printed in the Appendix. If this conclusion is right, then it shows how empty of sincerity were the words of the Congress, which passed that resolution.

Did the Congress abandon the programme because it was revolutionary? The resolution was in no sense a revolutionary resolution. This will be clear from the note which the Working Committee had appended to the resolution and which the All-India Congress Committee had approved. The note said: —

> "Whilst therefore in places, where the prejudice against the Untouchables is still strong separate schools and separate wells must be maintained out of Congress funds, every effort should be made to draw such children to national schools and to persuade the people to allow the Untouchables to use the common wells."

Obviously, the Congress was not out for the abolition of Untouchability. It had accepted the policy of separate schools and separate wells. The resolution did no more than to undertake amelioration of the condition of the Untouchables. And even such a timid and mild programme the Congress was unable to carry through and which it gave up without remorse or shame.

II

Did the Congress abandon the programme because it had no funds? Quite the contrary. The Congress had started the Tilak Swaraj Fund in 1921. How much money did the Congress collect? The following table will give some idea. Rupees one crore and thirty lakhs were contributed by the public to the fund. The fund was collected to carry out Congress propaganda and to finance the constructive programme of the Congress as drafted by the Working Committee at Bardoli. How was this huge amount spent by the Congress? Some idea as to the purposes on which the money out of this fund was spent can be gathered from the list of grants voted by the Working Committee during the years 1921, 1922 and 1928.

TABLE 1

TILAKSWARAJ FUND

7mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41C.What Congress and Gandhi CHAPTER II.htm - _msocom_3

RECEIPTS

	1921	1922	1923	Total
	Rs. a. Ps.	Rs. a. Ps.	Rs. a. Ps.	Rs. a. Ps.
General Collections Annexure No. 1	64,31,779 15 10	3,92,430 2 6	2,64.2889 1	70,88,498 11 5
Specific (ear-marked) Donations or Grants Annexure				

No. II	37,32,230 2 10	9,45,552 1 4	7,10,80110 3	53,88,58314 6
Add--Miscellaneous Receipts, Interest, Other Funds, Femine, Flood, Provincial Membership, Delegation, Affiliation, etc., for 1921-23				5,42,3325 7
				1,30,19,4155 15 7

I. Grants Voted in 1921

[8]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41C.What Congress and Gandhi CHAPTER II.htm - _msocom_4

1. Grants voted by the Working Committee at its meeting held in Calcutta on January 31st and February 1st, 2nd and 3rd 1921 :—

1. Rs. 1,00,000 to remain at the disposal of Mahatma Gandhi for the support of lawyers who give up their practice and stand in need of support (iv).

2. Read the following telegram dated the 31st January 1921 from Syt. C. Rajagopalachariar :—

"Regret unable to attend meeting. Selected full time public workers for Tamil, Kerala part Karnatak about hundred, of whom about forty lawyers suspending practice. Pending collection Tilak Fund sanction drawing Rs. 5,600 per month. Students' movement progressing

rapidly though newspapers do not show up news. Must carry on against parental opposition, least two months. Must draw three thousand per month for this. Committee must immediately wire authority issuing Swarajya Fund receipts in name of Congress for convenient denominations like Khilafat receipts. Confident to make up all advances in three months. Do not hope large sums Madras."

Resolved that a sum of Rs. 8,600 be advanced to Tamil, Kerala and the Karnatak parts of the Madras Presidency for one month for the present, and for future advances the matter be placed before the next meeting of the Working Committee (xx).

II. Grants voted by the Working Committee at its meeting held at Bezwada on the 81st March and 1st April 1921 :—

3. A lump sum of Rs. 6,000 be advanced to Pandit Mohanlal Nehru, Secretary, U.P. Provincial Congress Committee, for carrying on propaganda and collecting funds (v),

4. Rs. 17,000 be sanctioned for the remainder of the current year for the expenses of the office of the President, the Secretaries, the Cashier, and that out of the above a sum of Rs. 300 per mensem be assigned to Mr. C. Rajagopalachariar for the expenses of his secretary and the President's steno-typist (vii), 5. A sum of 1,000 dollars remitted by cable to Mr. D. V. S. Rao of the India Home Rule League of America, 1,400 Broad-way, New York (viii)."

III. The Working Committee at its resolution No. 18 dated 81st July 1921 appointed a Grants Sub-Committee to dispose of ail applications for grants. The Sub-Committee consisted of Mr. Gandhi, Pandit Motilal Nehru and Seth Jamnalal Bajaj The following grants were voted by the Grants Sub-Committee in the course of several meetings :—

"6. A sum of Rs. I lakh be voted as a grant for Swadeshi work in Bihar and a loan of Rs. 4 lakhs recommended for the same purpose (i).

7. A loan of Rs. 35,000 to the C. P. (Hindustani) Provincial Congress Committee for Swadeshi (ii).

8. Rs. 25,000 for famine relief in the U.P. (iii).

9. Rs. 25,000 to the Punjab Provincial Congress Committee for famine relief, and the Jagraon School (iv).

10. Rs. 50,000 on the telegraphic application for the relief of the distressed in Malabar (v).

11. Rs. 15,000 to the Gandhi Ashram, Benares City (vi).

12. Rs. 10,000 to the Pallipadu Ashram (vii).

13. Rs. 15,000 to the Andhra Jatheeya Kalashala, Masuli-patam (viii).

14. Rs. 10,000 to the Secretary, Taluka Congress Committee, Karjat (Maharashtra) (xx).

15. Rs. 10,000 to the Anatha Vidyarthi Griha, Chinchwad (Maharashtra) (x).

16. The applications of (1) Mr, K, G. Patade, Assistant General Secretary of the Depressed Classes Mission Society of India, (2) of the Kulladaikurichi National School, Vidyasangam and (3) of the Rajahmundry Depressed Classes Mission were rejected as unbacked and not in accordance with the instructions issued by the Sub-Committee (xii),

17. Rs. 10000 to the Kerala Provincial Congress Committee to be principally spent on Swadeshi and the popularising of the hand-spinning and hand-weaving (xx).

18. Rs. 60,000 to the Madras Provincial Congress Committee (xxii).

19. Rs. 1,50,000 set apart for the U. P. Provincial Congress Committee (xxiii).

20. Rs. 63,000 to the Sind Provincial Congress Committee (xxiv).

21. Rs. 25,000 for famine relief in the Ceded Districts in Andhra (xxv).

22. Rs. 20,000 to the Maharashtra Provincial Congress Committee (xxvi).

23. Rs. 20,000 be granted to the Ganjam District Congress Committee for Swadeshi and for popularising hand-spinning and hand-weaving (xvii)."

The Working Committee dissolved the Sub-Committee by resolution No. 8 dated the 6th November 1921 and took the question, of voting grants in its own hands.

IV. Grants voted by the Working Committee at its meeting held at Delhi on the 3rd, 5th and 6th November 1921;—

"24. Rs. 25,000 to Mr. Phukan of Assam for the purchase of cotton to be used in the manufacture of hand-spun yarn and khaddar (ix).

25. Rs. 5,000 to the Krishnapuram, Guntur District Andhra (x),

26. Rs. 10,000 as an additional grant to the Andhra Jateeya Kalashala (xi).

27. Rs. 1,000 to the Rajahmundry Depressed Classes Mission (xii).

28. Rs. 5,000 to the Angalur Jateeya Parishramalayam (xM).

29, Rs. 3,000 to Kautaram, Andhra (xiv). 30. Rs. 15,000 to the Andhra Provincial Congress Committee for general Swadeshi work (xv).

31. Rs. 3,000 to the Masulipatam District Congress Committee (xvi).

32. Rs. 30,000 to the Utkal Provincial Congress Committee earmarked for the manufacture of handspun yarn and khaddar (xvii).

33. Rs. 3,000 to help the toddy tappers of the Thana District who wanted to give up their profession (xviii).

34. Rs. 5,000 to the Nagpur Tilak Vidyalaya (xix).

35. Rs. 5,000 to the Nagpur Asahyogashram (xx).

36. Rs. 25,000 to the Ajmere Provincial Congress Committee for the purpose of increasing the production of khaddar and charkah yarn (xxi).

37. Rs. 18,00,000 if possible, and in any case, at least Rs, 10,00,000 for Gujarat (xxii).

38. Rs. 40,000 to be immediately remitted to Sjt. C. Raja-gopalachariar for the relief of the distressed in Malabar (xxiii)."

V. Grants voted by the Working Committee at its meeting held in Bombay on the 22nd and 28rd November 1921 :—

"39. Rs. 10,000 to the Jat Angio Sanskrit High School, Rohtak, Punjab (iii).

40, Rs. 25,000 to the Bijapur District Congress Committee for famine relief and Swadeshi work (iii).

41. Rs, 30,000 to help the dismissed mill-labourers of Madras by giving them Swadeshi work (iii)."

II. Grants Voted in 1922.

1. Grants voted by the Working Committee at its meeting held in Bombay on 17th January 1922 :—

"42. Application by the U. P. Provincial Congress Committee for Rs. 50,000 already sanctioned and for a further grant of one lakh of rupees for Swadeshi work, be referred to Mahatma Gandhi for final disposal (ii).

43, The application of the Assam Provincial Congress Committee for a remittance of Rs. 25,000, the balance out of the sanctioned grant of Rs. 50,000 be referred to Mahatma Gandhi for final disposal (vi)."

II. Grants voted by the Working Committee at its meeting held in Delhi on 26th February 1922 ;—

"44. Rs. 10,000 for initial expenditure on foreign scheme prepared by Mahatma Gandhi (i).

45. Rs. 14,000 for the office expenditure for the current year (iv).' '

III. Grants voted by the Working Committee at its meeting held in Ahmedabad on 17th and 18th March 1922 ;—

"46. Rs. 3,00,000 for organizing a larger production and marketing of khaddar (i).

47. Rs. 10,000 out of Rs. 50,000 already sanctioned for the U.P. Provincial Congress Committee (ix).

48. Rs. 5,000 to the Kerala Provincial Congress Committee for general Congress work; amount to be deducted from the sum of Rs. 84,000 sanctioned for relief in Malabar and further Rs. 20,000 out of the above amount of Rs. 84,000 be remitted for relief work (x).

49. Rs. 10,000 to the Rohtak Anglo-Vernacular School {xi).

50. Rs. 15,000 out of the amount of Rs. 25,000 sanctioned for famine relief in the Ceded Districts be paid to Sjt. T. Prakasam representing the Andhra Provincial Congress Committee (xii)."

IV. Grants voted by the Working Committee at its meeting held at Calcutta on the 20th, 21st and 22nd April 1922:—

"51. Rs. 5,000 to the Antyala Karyalaya, Ahmedabad, for organizing education amongst Depressed Classes in Gujarat (v).

52. Rs. 40,000 as loan to Moulvi Badrul Hasan of Hyderabad Deccan to be exclusively devoted to the Khaddar work (vi). 53. Rs. 25,000 to the Nationalist Journals Ltd., to enable them to re-start the Independent and run it on Congress lines, providing for a lien on. properties of the Company for the amount advanced {xix),'"

V. Grants voted by the Working Committee at its meeting held in Bombay on the 12th, 18th, 14th and 15th May 1922 :—

"54. Rs. 17,381 to the Antyaja Karyalaya, Ahmedabad, in addition to Rs. 5,000 already granted (x).

55. Resolved that the Punjab Provincial Congress Committee's application for Rs. 1,25,000 for Shahadara Depressed Classes settlement

cannot be considered unless the Working Committee is satisfied that sufficient funds are raised locally to start the scheme and the scheme so started is in working order (xi).

56. Resolved that Rs. 5,000 be earmarked for Ahmednagar Depressed Classes home and that the amount be recommended to be paid when the Working Committee is satisfied that the home is started by local efforts and is in working order (xii).

57. Rs. 10,000 be earmarked for Depressed Classes work in Madras, as applied for by Mr. S. Srinivas lyengar, to be paid when the application is sent to this Committee through the Provincial Congress Committee and on this Committee being satisfied that at least an equal amount is raised by local effort (xlii).

58. Rs. 7,000 to Mr. T. Prakasam for Depressed Classes work in Andhra (xxiv)."

VI. Grants voted by the Working Committee at its meeting held in. Lucknow on June 6th, 7th and 10th, 1922 :—

"59. Rs. 50,000 for khaddar work in Sind Province (vii). 60. Rs. 1,000 be advanced to Sjt. C. Rajagopalachariar for contingent expenses (viii)."

VII. Grants voted by the Working Committee at its meeting held in Delhi on 30th June 1922 :—

"61. Rs. 180 per mensem for the next three months be sanctioned for the expenses of six workers from Bengal to serve in Assam (vi)."

VIII. Grants voted by the Working Committee at its meeting held in Bombay on 18th and 19th July 1922 :—'"62. Rs. 5,000 to Assam (i).

63. Rs. 1,50,000 each as loan for Khaddar work in Andhra and Utkal (x)."

IX. Grants voted by the Working Committee at its meeting held in Calcutta on 18th, 19th and 25th November 1922 ;—

"64. Rs. 3,00,000 to Gujarat as grant (xii). 65. Rs. 16,000 for the expenses of the Civil Disobedience Enquiry Committee (xxi).""

III. Grants Voted in 1923.

1. Grants voted by the Working Committee at its meeting held in Gaya on the 1st and 2nd of January 1928 :—

"66. Rs. 3,000 to the General Secretary, Indian National Social Conference, for the removal of untouchability and the promotion of temperance and inter-communal unity (xxii),

67. Rs. 1,200 as aid to the Navayuga, a Hindi daily paper of Allahabad, on condition that it would carry on propaganda in pursuance of the resolutions of the Congress held at Gaya (xxxi), 68. Rs. 10,000 for the Congress Publicity Bureau {xxxii)."'

II. Grants voted by the Working Committee at its meeting held in Allahabad on 26th and 28th February 1928 :—

"69. Rs. 10,000 for the Depressed Classes work by the Tamil Desh Provincial Congress Committee (vi).

70. Loan of Rs. 15,000 be advanced to the U.P. Provincial Congress Committee on the application of Pandit Jawaharlal Nehru {x).

71. A loan of Rs. 15,000 be advanced to Tamil Desh-Provincial Congress Committee on the application of Mr. C. Rajagopalachariar (x).

72. Rs. 5,000 granted to the U. P. Provincial Congress Committee for Gandhi Ashram, Benares {xi).""

III. Grants voted by the Working Committee at its meeting held in Bombay on 23rd, 24th, 25th, 26th 27th and 28th May 1923 :—

"73. Loan of Rs. 5 lakhs to the Gujarat Provincial Congress Committee to relieve the surplus stock of khadi in various provinces in the country (v),

74. Loan of Rs. 50,000 be advanced to Bengal Provincial Congress Committee for Khadi work (viii).

75. Rs. 15.000 to the Bihar Rashtriya Vidyalaya (xii),

76. Rs. 10,000 for the Satyavadi Vidyalaya.

77. Rs. 5,000 Swavalamban Rashtriya Pathshala (xiv).

78. Rs. 5,000 to Dr. Sathaye for carrying on such work as the Congress Labour Committee decides (xxxiv)."

IV. Grants voted by the Working Committee at its meeting held in Nagpur on 7th, 8th, 11th and 12th July 1928 :—

"79. Rs. 20,000 to Sjt. Brajaraj, Secretary, Hindi Sahitya Sammelan for the work of teaching Hindustani in the Madras Presidency (ix).

80. Rs. 2,000 to the C. P. Hindustani Provincial Congress Committee to be utilized for general Congress purposes with special regard to rendering help to Satyagraha in Nagpur (xi)"

The reader may not get a precise idea of the management or mismanagement of public funds by the Congress from this itemized account of expenditure. Was this expenditure regulated by any principle? Was it distributed according to the needs of the Provinces? Consider the following table:—-

Table 2

Provinces	A mount Granted	Populatio n [9]mk:@MSITSt	Percenta ge Grant	Percentag e of Grant actually

		ore:C:\Important\Writing_Of_Babasaheb.chm::/41C.What Congress and Gandhi CHAPTER II.htm - _msocom_5	due on the basis of Population ratio to total Population	paid
	Rs.			
General-All-India [10][f.6]	4,94,000	227,238,000		10
Bombay	26,90,381	16,012,623	8	54.3
Madras	5,05,000	42,319,000	18	10.1
Bihar and Orissa	5,65,000	33,820,000	15	11.3
U.P.	3,11,200	45,376,000	20	6.26
Sind	1,13,000	3,279,377	—-	2.2
Assam	51,080	6,735,000	3	1.1
Bengal	50,000	46,241,000	20	1.0
O.P.	47,000	12,780,000	5	.95
Punjab	45,000	20,675,000	9	.9
Hyderab	40,000	—	—	.81
AJmer	25,000	—	—	.5
Foreign	14,000	—	—	.28
Total	49,50,66			

	1			

Was it distributed on the basis of cultural units and their relative size? Compare the following figures;—

Table 3

Linguistic Areas	Total Grant	Amount of Grant	Percentage of the Total Grant to the Province	Percentage of Population of the Area to the Population of the Province
	Rs.	Rs.		
Bombay Presidency	26,90,381	—	—	100
Gujarat	—	26,22,381	97.4	18
Maharashtra	—	43,000	1.6	69
Karnatak,,,	—	25,000	0.93	13
Central	47,000	—	—-	100
Marathi Districts		10,000	21.2	45
Hindustani	—	37,000	78.7	55

Madras Presidency	5,05,000	—	—	100
Tamil Nad	—	1,03,000	20.4	38
Andhra	—	3,02,000	60.0	52
Kerala		1,00,000	19.6	10
Bihar and Orissa	5,65,000	—		100
Bihar	—	5,15,000	91,0	73
Orissa	—	50,000	0.9	27

From these figures it is clear that the distribution of these sums was not made on the basis of any intelligible principle. There is no relation between the grants and the population, nor between the grants and the claims of the cultural units. A province like Bombay with a population of one and a half crores gets as much as 27 lakhs while U. P. and Madras with a population of about 4 crores each get no more than about five lakhs severally. Consider the grants in relation to cultural units. Take Bombay Presidency. It includes three cultural units, Maharashtra, Gujrath and Karnatak. Out of the 26 lakhs and 90 thousand given to the Bombay Presidency Gujrath with only 18 percent of the population of the Province got as much as 26 lakhs and 22 thousand i.e., 97.4 percent and Maharashtra with a population of 69 per cent got only Rs. 48,000 or 1.6 per cent and Karnatak, with a population of 13 per cent got Rs. 25,000 or .9 per cent of the grant. In C. P. out of a total grant of Rs. 47,000 the Hindustani districts having 55 per cent of the population got Rs. 37,000 or 78.7 per cent while the Marathi speaking districts having

45 per cent of the population got only Rs. 10,000 i.e., 21.2 per cent. In Bihar and Orissa out of the total grant of 5 lakhs and 65 thousand Bihar got 5 lakhs and 15 thousand or 91 per cent with a population of 78 per cent, and Orissa got only 50 thousand or 9 per cent while its population was as much as 27 percent. The same inequity is noticeable in the distribution of grants in the three areas of the Madras Presidency.

There was not only no principle, there was shameful favouritism in the distribution of the fund. Out of the total of 49 1/2 lakhs which was distributed in the three years Gujrath— Mr. Gandhi's province—got 26 1/4 lakhs while the rest of India got 28 lakhs. This means that a population numbering 29 1/2 lakhs got 26 1/4 lakhs while the rest of India numbering about 23 crores got 23 lakhs !

There was no check, no control, no knowing for what purpose money was voted, and to whom it was granted. Note the following cases :—

Table 4

Moneys allotted but kept at the Disposal of Individuals without Appropriating them to any specified purpose		Moneys allotted without Appropriation to any purpose without naming the guarantee
	Rs.	Rs.
Moulvi Badrul Haaan	40,000	To Gujrath 3,00,000
T. Prakasam	7,000	To Gujrath 18,00,000
C. Rajagopalachariar	1,000	To Gujrath 3,00,000
Barajaj	20,000	

Mr. Gandhi 1,00,000	

It is not known whether these huge sums kept at the disposal of the named payees were accounted for or who received the formidable amounts made payable to the nameless payees. Even if there were satisfactory answers to these questions there can be no doubt that a worse case of frenzied finance of extravagance and waste, it would be very difficult to find. It is a sad episode marked by a reckless plunder committed by the predatory leaders of the Congress of public money for nursing their own constituencies without any qualms of conscience.

It is unnecessary to pursue the story of the organised and systematic loot by Congressmen of the balance of 1 crore and 80 lakhs which was spent in subsequent years. It is enough to say that never was there such an organised loot of public money. The point of immediate interest however is that the scrutiny of this list of grants does not show the amelioration of the Untouchables, which has been one of the purposes for which money has been advanced from the Swaraj Fund. One would have expected the Congress to make the amelioration of the Untouchables as the first charge on the Swaraj Fund. It should have at least made it a charge if not the first charge especially when thousands of rupees were spent on feeding briefless lawyers who were alleged to have given up practice in the cause of the nation without even an inquiry whether they had any, when thousands of rupees were spent to feed toddy drawers who had given up their profession for living on alms from public fund and many other wild cat schemes carrying the marks of dishonesty on their faces. But it did nothing of the kind. Instead, the Congress proposed that a separate fund should be started for the amelioration of the Untouchables. And what was to be the dimension of this separate Untouchable Fund? The All-India Congress Committee fixed it at five lakhs. The Working Committee felt it was too big an amount for so unimportant and so unprofitable a work as the amelioration of the Untouchables and reduced its total to Rs. two lakhs. Two lakhs for sixty millions Untouchables!!

This was the grand sum that was fixed by the Congress for the salvage of the Untouchables. How much of this was actually appropriated? Here are the figures:—

Table 5

Purpose	Amount Sanctioned
	Rs.
Rajamuhendry Depressed Class Mission	1,000
Antyaj Karyalaya, Ahmedabad	5,000
Antyaj Karyalaya, Ahmedabad	17,381
Depressed Classes Work in Andhra	7,000
National Social Conference for Depressed Classes Work	3,000
Tamil District P.C.C. for Depressed Classes Work	10,000
Total	43,381

To sum up, the Congress could find only Rs. 48,881 out of Rs. 49 1/2 lakhs which it spent for carrying out the Constructive otherwise known as the Bardoli Programme in which the uplift of the Untouchables was given so much prominence. Can there be a grosser instance of insincerity than this? Where is the love for the Untouchables which the Congress professed for the Untouchables? Where is the desire of the Congress to undertake the uplift of the Untouchables? Would it be wrong to say that the Bardoli resolution was a fraud in so far as it related to the Untouchables?

One is however bound to ask one question. Where was Mr. Gandhi when all this was happening to the cause of the Untouchables in the Congress Camp? The question is very relevant because it was Mr. Gandhi who had laid stress, ever since he entered the Congress, upon the intimate relation between the winning of Swaraj and the abolition of Untouchability. In the Young India, which was Mr. Gandh's organi of 8rd November 1921, Mr. Gandhi wrote :—

"Untouchability cannot be given a secondary place on the programme. Without the removal of the taint Swaraj is & meaningless term. Workers should welcome social boycott and even public execration in the prosecution of their work. I consider the removal of untouchability as a most powerful factor in the process of attainment of Swaraj."

Accordingly, he had been exhorting the Untouchables not to join hands with the British against Swaraj but to make common cause with the Hindus and help to win Swaraj. In an article in Young India dated 20th October 1920, Mr. Gandhi addressed the Untouchables in. the following terms ;—

"There are three courses open to these down-trodden members of the nation. For their impatience they may call in the assistance of the slave-owning Government. They will get it, but they will fall from the frying pan into the fire. Today they are slaves of slaves. By seeking Government aid, they will be used for suppressing their kith and kin. Instead of being sinned against, they will themselves be the sinners. The Musalmans tried it and failed. They found that they were worse than before. The Sikhs did it unwittingly and failed. Today there is no more discontented community in India than the Sikhs. Government aid is, therefore, no solution.

The second is rejection of Hinduism and wholesale conversion to Islam or Christianity. And if a change of religion could be justified for worldly betterment I would advise it without hesitation. But religion is a matter of the heart. No physical inconvenience can warrant abandonment of one's own religion. If the inhuman treatment of the

Panchamas were a part of Hinduism, its rejection would be a paramount duty both for them and for those like me who would not make a fetish even of religion and condone every evil in its sacred name. But I believe that untouchability is no part of Hinduism. It is rather its excrescence to be removed by every effort. And there is quite an army of Hindu reformers who have set their heart upon ridding Hinduism of this blot. Conversion therefore, I hold, is not remedy whatsoever.

Then, there remains, finally, self-help and self-dependence, with such aid as the non-Panchama Hindus will render of their own motion, not as a matter of duty. And herein comes the use of Non-co-operation. . .Therefore, by way of protest against Hinduism, the Panchamas can certainly stop all contact and connection with the other Hindus so long as the special grievances are maintained. But this means organised intelligent effort. And so far as I can see, there is no leader among the Panchamas who can lead them to victory through Non-cooperation,

The better way therefore, perhaps, is for the Panchamas heartily to join the great national movement that is now going on for throwing off the slavery of the present Government. It is easy enough for the Panchama friends to see that Non co-operation against this evil Government pre-supposes cooperation. between the different sections forming the Indian nation."

In the same article Mr. Gandhi told the Hindus ;—

"The Hindus must realise that, if they wish to offer successful Non-co-operation against the Government they mast make common cause with the Panchamas; even as they have made common cause with the Musalmans."

He repeated the warning in the Young India of 29th December 1920 in which he said : —

"Non-co-operation against the Government means cooperation among the governed, and if Hindus do not remove the sin of untouchability, there will be no Swaraj whether in one year or in one

hundred years. Swaraj is as unattainable without the removal of the sins of untouchability as it is without Hindu-Muslim unity."

From all this, one would expect Mr. Gandhi to see that the Congress policy of ameliorating the condition of the Untouchables as set out in the Bardoli resolution was given effect to. The fact is that Mr. Gandhi, besides giving utterance to pious platitude, did not take the slightest interest in the programme of the amelioration. If he was so minded, he could have appointed another Committee. If he was so minded, he could have saved a large part of the Tilak Swaraj Fund from the organised loot that was being carried on by Congressmen and reserved it for the benefit of the Untouchables. Strange as it may appear, he sat silent and unconcerned. Instead of feeling any remorse, Mr. Gandhi justified his indifference to the cause of the Untouchables by arguments so strange that no one would believe them. They are to he found in the Young India of 20th October 1920:--

"Should not we the Hindus wash our bloodstained hands before we ask the English to wash theirs? This is a proper question reasonably put. And if a member of a slave, nation could deliver the suppressed classes from their slavery, without freeing myself from my own I would do so today. But it is an impossible task. A slave has not the freedom even to do the right thing."

Mr. Gandhi concluded by saying ;--

"That process has commenced and whether the Panchamas deliberately take part in it or not, the rest of the Hindus dare not neglect them without hampering their own progress. Hence though the Panchama problem is as dear to me as life, itself, I rest satisfied with the exclusive attention to national non-co-operation. I feel sure that the greater includes the less."

Thus ended the second chapter of what the Congress has done to the Untouchables. The regrettable part of this tragedy is the realisation of the fact how Mr. Gandhi has learned to find unction in illusions. Whether Mr. Gandhi likes to live in a world of illusions may be a matter of doubt. But there is no doubt he likes to create illusions in order to

use them as arguments to support his cherished proposition. The reason he has given for not taking personal responsibility for the uplift of the Untouchables furnishes the best evidence of this habit of Mr. Gandhi. To tell the Untouchables that they must not act against the Hindus, because they will be acting against their kith and kin, may be understood. But to assume that the Hindus regard the Untouchables as their kith and kin is to set up an illusion. To ask the Hindus to undertake the removal of untouchability is good advice. But to go to the length of assuring oneself that the Hindus are so overwhelmed with a sense of shame for the inhuman treatment they have accorded to the Untouchables that they dare not fail to abolish untouchability and that there is a band of Hindu Reformers pledged to do nothing but remove untouchability is to conjure an illusion to fool the Untouchables and to. fool the world at large. It may be sound logic to argue that what benefits the whole also benefits the part and that one need not confine himself to looking after the part. But to assume that a piece, as separate as the Untouchables, is a part of the Hindu whole is to deceive oneself. Few know what tragedies the Untouchables as well as the country have had go through on account of the illusions of Mr. Gandhi.

Chapter III

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER III

A MEAN DEAL

Congress Refuses To Part With Power

I

IN the Government of India Act of 1919, there was a provision which had imposed an obligation on, His Majesty's Government to appoint at the end of ten years a Royal Commission to investigate into the working of the Constitution and report upon, such changes as may be found necessary. Accordingly, in 1928 a Royal Commission was appointed under the Chairmanship of Sir John Simon. Indians expected that the Commission would be mixed in its personnel. But Lord Birkenhead who was then the Secretary of State for India was opposed to the inclusion of Indians and insisted on making it a purely Parliamentary Commission. At this, the Congress and the Liberals took great offence and treated it as an insult. They boycotted the Commission and carried on a great agitation against it. To assuage this feeling of opposition it was announced, by His Majesty's Government that after the work of the Commission was completed representative Indians would be assembled for a discussion before the new constitution for India is settled. In accordance with this announcement representative Indians were called to London at a Round Table Conference with the Representatives of Parliament and of His Majesty's Government.

On the 12th November 1980, His late Majesty King George V formally inaugurated the Indian Round Table Conference. From the point of view of Indians the Round Table Conference was an event of great significance. Its significance lay in the recognition by His Majesty's Government of the right of Indians to be consulted in the matter of framing a constitution for India. For the Untouchables it was a landmark in their history. For, the Untouchables were for the first time allowed to be represented separately by two delegates who happened to be myself and Dewan Bahadur R. Srinivasan. This meant that the Untouchables were regarded not merely a separate element from the Hindus but: also of such importance as to have the right to be consulted in, the framing of a constitution for India.

The work of the Conference was distributed among nine committees. One of these committees was called the Minorities Committee to which

was assigned the most difficult work of finding a solution, of the Communal question. Anticipating that this Committee was the most important committee the Prime Minister, the late Mr. Ramsay MacDonald, himself assumed its chairmanship. The proceedings of the Minorities Committee are of the greatest importance to the Untouchables. For, much of what happened, between the Congress and the Untouchables and which has led to bitterness between them will be found in the proceedings of that Committee.

When the Round Table Conference met, the political demands of communities other than the Untouchables were quite well known. Indeed the Constitution of 1919 had recognised them as statutory minorities and provisions relating to their safety and security were embodied in it. In their case the question was of expanding those provisions or altering their shape. With regard to the Depressed Classes the position was different. The Montagu-Chelmstord Report which preceded the Constitution of 1919 had said in quite unmistakable terms that provision must be made in the Constitution for their protection.

But unfortunately when the details of the Constitution were framed, the Government of India found it difficult to devise any provisions for their protection except to give them token representation. in the legislatures by nomination. The first thing that was required to be done was to formulate the safeguards deemed necessary by the Untouchables for their protection against the tyranny and oppression of the Hindus. This I did by submitting a Memorandum to the Minorities Committee of the Round Table Conference. To give an idea of the safeguards that were formulated by me, I reproduce below the text of the Memorandum :—

A Scheme of Political Safeguards for the Protection of the Depressed Classes in the Future Constitution of a self-governing India, submitted to the Indian Round Table Conference.

The following are the terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India.

Condition No. I: EQUAL CITIZENSHIP

The Depressed Classes cannot consent to subject themselves to majority rule in their present state of hereditary bondsmen. Before majority rule is established their emancipation from the system of untouchability must be an accomplished fact. It must not be left to the will of the majority. The Depressed Classes must be made free citizens entitled to all the rights of citizenship in common with other citizens of the State.

(A) To secure the abolition of untouchability and to create the equality of citizenship, it is proposed that the following fundamental right shall be made part of the constitution of India,

FUNDAMENTAL RIGHT

U.S.A constitution amendment XIV and Government of-Ireland Act 1920, 10 & 11, Geo. V. Ch. 67, Sec. 5(2).	"All subjects of the State in India are equal before the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage, disability is imposed upon or any discrimination is made against any subject of the State on account of untouchability shall, as from the day on which this Constitution comes into operation, cease to have any effect in India."

(B) To abolish the immunities and exemptions now enjoyed by executive

This is so in all Constitutions. See Prof.	officers by virtue of Sections 110 and 111 of the Government of India Act 1919 and their liability for executive action be made co-

Keith's remarks in Cmd. 207, p.56.	extensive with what it is in the case of a European British Subject.

Condition No. 11:

FREE ENJOYMENT OF EQUAL RIGHTS

It is no use for the Depressed Classes to have a declaration of equal rights. There can be no doubt that the Depressed Classes will have to face the whole force of orthodox society if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these declarations of rights are not to be mere pious pronouncements, but are to he realities of everyday life, then they should be protected by adequate pains and penalties from interference in the enjoyment of these declared rights.

(A)(A) The Depressed Classes therefore propose that the following section should be added, to Part XI of the Government of India Act 1919, dealing with Offers, Procedure and Penalties :—

(i) Offence of infringement of Citizenship.

U.S. Status At Large civil Rights Protection Acts of April	"Whoever denies to any person except for reasons by law applicable to persons of all classes and regardless of any previous condition of untouchability the full enjoyment of any of the accommodations, advantages, facilities, privilege of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, of public

9, 1866, and of March 1, 1875 - passed in the interest of the Nagroes after their emancipation.	conveyances on land, air or water, theatres or other places of public amusement, resort or convenience whether they are dedicated to or maintained or licensed for the use of the public shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine."'

(B) Obstruction by orthodox individuals is not the only menace to the Depressed Classes in the way of peaceful enjoyment of their rights. The commonest form of obstruction is the social boycott. It is the most formidable weapon in the hands of the orthodox classes with which they beat down any attempt on the part of the Depressed Classes to undertake any activity if it happens to be unpalatable to them. The way it works and the occasions on which it is brought into operation are well described in the Report of the Committee appointed by the Government of Bombay in 1928"to enquire into the educational, economic and social condition of the Depressed Classes (untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift."The following is an extract from the same :—

Depressed Classes and Social Boycott

"102. Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

"The second difficulty arises from the economic position in which the

Depressed Classes are found to-day. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

"We do not know of any weapon more effective, than this social boycott which could have been invented fur the suppression of the Depressed. Classes. The method of open violence pales away before it, for it has the most far reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand, if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift."

In the opinion of the Depressed Classes the only way to overcome this kind of menace to their fights and liberties is to make social boycott an offence punishable by law. They aye therefore bound to insist that the following sections should be added to those included in Part XI, of the

Government of India Act 1919, dealing with Offences, Procedure and Penalties.

1. 1. OFFENCE OF BOYCOTT DEFINED

(i) A person shall be deemed to boycott another who—

This and the following legal provisions are bodily taken from Burma Anti Boycott Act 1822 with a few changes to suit the necessities of the case.	(a) (a) refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or (b) abstains from such social, professional or business relations as he would, having regard to such existing customs in the community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution ordinarily maintain with such person, or (c) in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.

II. PUNISHMENT FOR BOYCOTTING

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which

he is legally entitled to do, or with intent to cause, harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be punished with imprisonment of either description which may extend to seven years or with fine or with both,

Provided that no offence shall be deemed to have been committed under this Section, if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

III. PUNISHMENT FOR INSTIGATING OR PROMOTING A BOYCOTT

Whoever—

(a) publicly makes or publishes or circulates a proposal for, or (b) makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to, cause or

(c) in any other way instigates or promotes the boycotting of any person or class of persons, shall be punished with imprisonment which may extend to five years, or with fine or with both.

Explanation.—An offence under this section shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

IV. PUNISHMENT FOR THREATENING A BOYCOTT

Whoever, in consequence of any person having done any act. which he

was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, threatens to cause such person or any person in whom such person is interested, to be boycotted shall be punished with imprisonment, of either description for a term which may extend to five years or with fine or with both.

Exception :—It is not boycott

(i) (i) to do any act in furtherance of a bona fide labour dispute,

(ii) (ii) to do any act in the ordinary course of business competition. N.B.—All these offences shall be deemed to be cognisable offences.

Condition No. III.

PROTECTION AGAINST DISCRIMINATION

The Depressed Classes entertain grave fears of discrimination either by legislation or by executive order being made in the future. They cannot therefore consent to subject themselves to majority rule unless it is rendered impossible in law for the legislature or the executive to make any invidious discrimination against the Depressed Classes.

It is therefore proposed that the following Statutory provision be made in the constitutional law of India :—

"It shall not be competent for any Legislature or executive in India to pass a law or issue an order, rule or regulation so as to violate the rights of the Subjects of the 'State, regardless of any previous condition of untouchability, in all territories subject to the jurisdiction of the dominion of India,

(1) (1) to make and enforce contracts, to sue, he parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property,

(2) (2) to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State,

(3) (3) to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres, and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed,

(4) (4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion,

(5) (5) to claim full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by other subjects regardless of any previous condition of untouchability and be subject to like punishment pains and penalties and to none other.

Condition No. IV

ADEQUATE REPRESENTATION IN THE LEGISLATURES

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

(1) (1) Right to adequate representation in the Legislatures of the

Country, Provincial and Central.

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

(a) (a) by adult suffrage, and

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

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

Condition No. V

ADEQUATE REPRESENTATION IN THE SERVICES

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

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

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

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

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

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

Condition No. VI

REDRESS AGAINST PREJUDICIAL ACTION OR NEGLECT OF INTERESTS

In view of the fact that the Majority Rule of the future will be the rule of the orthodox, the Depressed Classes fear that such a Majority Rule will not be sympathetic to them and that the probability of prejudice to their interests and neglect of their vital needs cannot be overlooked. It must be provided against particularly because, however adequately represented the Depressed Classes will be in a minority in all legislatures. The Depressed Classes think it very necessary that they should have the means of redress given to them in the constitution. It is therefore proposed that the following provision should be made in the constitution of India :—

British North America Act, 1867,Sec.93

"In and for each Province and in and for India it shall be the duty and obligation of the Legislature and the Executive or any other Authority established by Law to make adequate provision for the education,

sanitation, recruitment in Public Services and other matters of social and political advancement of the Depressed Classes and to do nothing that will prejudicially affect them.

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

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

Condition No. VII

SPECIAL DEPARTMENTAL CARE

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

which differentiates the position of the Depressed Classes from that of the ordinary caste labourer and is often a source of trouble between the two. It has also to be borne in mind that the forms of tyranny and oppression practised against the Depressed Classes are very various and the capacity of the Depressed Classes to protect themselves is extremely limited. The facts, which obtain in this connection and which are of common occurrence throughout India, are well described in the Abstracts of Proceedings of the Board of Revenue of the Government of Madras dated 5th Nov., 1892, No. 723, from which the following is an extract :—

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

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

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

the wealthy and landed classes to which they belong.

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

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

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

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

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

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

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

in each province to work under the authority of and in co-operation with the Minister,

Condition No. VIII

DEPRESSED CLASSES AND THE CABINET

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

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

II

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

"5. Claims were therefore advanced by various committees that arrangements should be made for communal representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly

three: (1) nomination, (2) electorates and (3) separate electorates.

"6. Nomination was unanimously deprecated.

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

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

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

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

“10. The scheme proposed by Maulana Muhammad Ali, a member of the Sub-Committee, whose death we deplore, that, as far as possible no

communal candidate should be elected unless he secured at least 40 per cent. according to arrangement, of the votes of the other community, was also considered. It was, however, pointed out that such a scheme necessarily involved the maintenance of communal registers and so was open to objections similar to those urged against separate electorates.

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

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

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

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

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

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

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

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

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

Ill

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

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

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

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

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

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

Anyone, who has perused how the Congress failed to carry out the 1922 programme for the uplift of the Untouchables which was included in the Bardoli programme and how it left it to the Hindu Maha Sabha, could have no hesitation in saying that what Mr. Gandhi said was untrue. The speech however gave no indication as to what line Mr. Gandhi was going to take

on the demands presented by the Untouchables, although I could see the drift of it.[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41D.What Congress and Gandhi CHAPTER III.htm - _msocom_1[1] But he did not leave people long in imagining what his position, was going to be. The meeting of the Federal Structure Committee held on the 17th of September 1931 provided him the necessary occasion. The agenda for the meeting included the question of election of members of the Federal Legislatures. Expressing his views on the subject, Mr. Gandhi made the following statement :—

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

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

Mr. Gandhi was making his plans to bypass the Untouchables and to close the communal problem by bringing about a settlement between the three parties, the Hindus, the Muslims and the Sikhs. He had been carrying on negotiations privately with the Muslims before the Minorities Committee met, but evidently they had not been concluded. Consequently, when the Minorities Committee met on 28th September 1981, Sir Ali Imam representing the Nationalist Muslim point of view started the debate. He began by saying :—

"I am personally not aware if there are any negotiations going on so far as the Muslim Delegation is concerned. I have had no opportunity of knowing that there are, any proposals at present that are under consideration. It may be, as I have heard generally, that some kind of understanding may be arrived at. I do not vouch for it ; I know nothing about it. If you desire, Sir, that I should put before you the Muslim Nationalists' point of view, I shall be ready to do so ; but. of course, I must have your permission, because it may take a little time and economy of time in a meeting like this is one's principal aim.

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

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

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

Then followed His Highness the Aga Khan who said :—

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

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

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

"The only thing which remains for me to do is to put before this Committee a short statement [1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41D.What Congress and Gandhi CHAPTER III.htm - _msocom_2[2] suggesting the quantum of representation which

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

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

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

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

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

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

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

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

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

"Prime Minister, after consultation with His Highness the Aga Khan and other Muslim friends last night, we came to the conclusion that the purpose for which we meet here would be better served if a week's

adjournment was asked for. I have not had the opportunity of consulting my other colleagues, but I have no doubt that they will also agree in the proposal I am making."

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

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

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

"Mr. Gandhi: Without doubt.

"Dr. Ambedkar: Thank you. But I do not know whether in the position in which I am today it would be of any use for me to work on the proposed Committee. And for this reason. Mahatma Gandhi told us on the first day that he spoke in the Federal Structure Committee that as a representative of the Indian National Congress he was not prepared to give political recognition to any community other than the Mohammedans and the Sikhs. He was not prepared to recognise the Anglo-Indians, the Depressed Classes, and the Indian Christians. I do not think that I am doing any violence to etiquette by stating in this Committee that when I had the pleasure of meeting Mahatma Gandhi a week ago and discussing the question of the Depressed Classes with him, and when we, as members of the other minorities, had the chance of talking with him yesterday in his office, he told us in quite plain terms that the attitude that he had taken in the Federal Structure Committee was a firm and well considered attitude. What I would like to say is that unless at the outset I know that the Depressed Classes are going to be

recognised as a community entitled to political recognition in the future Constitution of India, I do not know whether it will serve any purpose for me to join the committee that is proposed by Mahatma Gandhi to be constituted to go into this matter. Unless, therefore, I have an assurance that this Committee will start with the assumption that all those communities which the Minorities Sub-Committee last year recommended as fit for recognition in the future constitution of India will be included, I do not know that I can whole-heartedly support the proposition for adjournment, or that I can whole-heartedly co-operate with the Committee that is going to be nominated. That is what I wish to be clear about.

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"Dr. Ambedkar : I should like to make my position further clear. It seems that there has been a certain misunderstanding regarding what I said. It is not that I object to adjournment ; it is not that I object to serving on any Committee that might be appointed to consider the question. What I would like to know before I enter upon, this committee, if they give me the privilege of serving on it, is : What is the thing that this Committee is going to consider? Is it only going to consider the question of the Mohammedans vis-a-vis the Hindus? Is it going to consider the question of the Mohammedans vis-a-vis the Sikhs in the Punjab? Or is it going to consider the question of the Christians, the Anglo-Indians and the Depressed Classes?

"If we understand perfectly well before we start that this committee will not merely concern itself with the question of the Hindus and the Mohammedans, of the Hindus and the Sikhs, but will also take upon itself the responsibility of considering the case of the Depressed Classes, the Anglo-Indians and the Christians, I am perfectly willing to allow this adjournment resolution to be passed without any objection. But I do want to say this, that if I am to be left out in the cold and if this interval is going to be utilised for the purposes of solving the Hindu-Muslim question, I would press that the Minorities Committee should itself grapple with the question and consider it, rather than allow the question to be dealt with by some other informal Committee for arriving at a

solution of the communal question in respect of some minorities only.

"Mr. Gandhi : Prime Minister and friends, I see that there is some kind of misunderstanding with reference to the scope of the work that some of us have set before ourselves. I fear that Dr. Ambedkar, Colonel Gidney and other friends are unnecessarily nervous about what is going to happen. Who am I to deny political status to any single interest or class or even individual in India? As a representative of the Congress I should be unworthy of the trust that has been reposed in me by the Congress if I were guilty of sacrificing a single national interest. I have undoubtedly given expression to my own views on these points. I must confess that I hold to those views also. But there are ways and ways of guaranteeing protection to every single interest. It will be for those of us who will be putting our heads together to try to evolve a scheme. Nobody would be hampered in pressing his own views on the members of this very informal conference or meeting.

"I do not think, therefore, that anybody need be afraid as to being able to express his opinion or carrying his opinion also. Mine will be there equal to that of every one of us ; it will carry no greater weight; I have no authority behind me to carry my opinion against the opinion of anybody. I have simply given expression to my views in the national interest, and I shall give expression to these views whenever they are opportune. It will be for you, it is for you to reject or accept these opinions. Therefore please disburse your minds, to everyone of us, of the idea that there is going to be any steam-rolling in the Conference and the informal meetings that I have adumbrated. But if you think that this is one way of coming closer together than by sitting stiffly at this table, you will not carry this adjournment motion but give your whole-hearted co-operation to the proposal that I have made in connection with these informal meetings.

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"Chairman .' Then I shall proceed to put it. I put it on the clear understanding, my friends, that the time is not going to be wasted and that these conferences—as Mr. Gandhi has said, informal conferences,

but nevertheless I hope very valuable and fruitful conferences—will take place between now and our next meeting. I hope you will all pledge yourselves to use the time in that way."

It is unnecessary for me to recite what happened at the informal meeting held after the adjournment. It was a complete failure if not a fiasco. The meeting was presided over by Mr. Gandhi. Mr. Gandhi began with the most difficult part of the Communal question namely the dispute between the Sikhs and the Muslims in the Punjab. This problem at one stage appeared to be nearer solution when the parties agreed to abide by the decision of an Arbitrator. The Sikhs, however, refused to proceed further in the matter until they knew who the Arbitrator was. As the Musalmans were not prepared to have the name of the Arbitrator disclosed the matter fell through. Mr. Gandhi was not interested in the problem of the other minorities, such as the Untouchables although he enacted the farce of calling upon the representatives of the other minorities to present a catalogue of their demands. He heard them but took no notice of them much. Did he-place them before the meeting for its consideration? As soon as the Sikh-Muslim settlement broke up, Mr. Gandhi dissolved the meeting. The Minorities Committee met on 8th October 1931. The Prime Minister having called upon Mr. Gandhi to speak first, the latter said :—

"Prime Minister and friends, it is with deep sorrow and deeper humiliation that I have to announce utter failure on my part to secure an agreed solution of the communal question through informal conversations among and with the representatives of different groups. I apologise to you, Mr. Prime Minister, and the other colleagues for the waste of a precious week. My only consolation lies in the fact that when I accepted the burden of carrying on these talks I knew that there was much hope of success and still more in the fact that I am not aware of having spared any effort to reach a solution.

"But to say that the conversations have to our utter shame failed is not to say the whole truth. Causes of failure were inherent in the composition of the Indian Delegation. We are almost all not elected representatives of the parties or groups whom we are presumed to represent; we are here by nomination of the Government. Nor are those whose presence was

absolutely necessary for an agreed solution to be found here. Further, you will allow me to say that this was hardly the time to summon the Minorities Committee. It lacks the sense of reality in that we do not know what it is that we are going to get. If we knew in a definite manner that we were going to get the thing we want, we should hesitate fifty times before we threw it away in a sinful wrangle as it would be if we are told that the getting of it would depend upon the ability of the present Delegation to produce an agreed solution of the communal tangle. The solution can be the crown of the Swaraj constitution, not its foundation—if only because our differences have hardened, if they have not arisen, by reason of the foreign domination. I have not a shadow of a doubt that the ice bag of communal differences will melt under the warmth of the sun of freedom.

"I, therefore, venture to suggest that the Minorities Committee be adjourned sine die and that the fundamentals of the constitution be hammered into shape as quickly as may be. Meanwhile, the informal work of discovering a true solution of the communal problem will and must continue ; only it must not baulk or be allowed to block the progress of constitution-building. Attention must be diverted from it and concentrated on the main part of the structure.

"I hardly need point out to the Committee that my failure does not mean the end of all hope of arriving at an agreed solution. My failure does not even mean my utter defeat; there is no such word in the dictionary. My confession merely means failure of special effort for which I presumed to ask for a week's indulgence, which you so generously gave.

"I propose to use the failure as a stepping-stone to success, and I invite you all to do likewise; but, should all effort at agreement fail, even when the Round Table Conference reaches the end of its labours, I would suggest the addition of a clause to the expected constitution appointing a judicial tribunal that would examine all claims and give its final decision on all the points that may be left unsettled."

In the discussion that followed everybody refuted Mr. Gandhi's allegation that the delegates were nominated by Government and did not represent

the people. Getting up to make my position clear, I said :—

"Mr. Prime Minister, last night when we parted at the conclusion of the meeting of the informal Committee, we parted, although with a sense of failure, at least with one common understanding, and that was that when we met here today none of us should make any speech or any comment that would cause exasperation. I am sorry to see that Mr. Gandhi should have been guilty of a breach of this understanding. Excuse me, I must have the opportunity to speak. He started by giving what were, according to him, the causes of the failure of the informal Committee. Now, I have my own view of the causes which I think were responsible for the failure of the informal Committee to reach an agreement, but I do not propose to discuss them now. What disturbs me after hearing Mr. Gandhi is that instead of confining himself to his proposition, namely, that the Minorities Committee should adjourn sine die, he started casting certain reflections upon the representatives of the different communities who are sitting round this table. He said that the Delegates were nominees of the Government, and that they did not represent the views of their respective communities for whom they stood. We cannot deny the allegation that we are nominees of the Government, but, speaking for myself, I have not the slightest doubt that even if the Depressed Classes of India were given the chance of electing their representatives to this Conference, I would, all the same, find a place here. I say therefore that whether I am a nominee or not, I fully represent the claims of my community. Let no man be under the mistaken impression as regards that.

"The Mahatma has been always claiming that the Congress stands for the Depressed Classes, and that the Congress represents the Depressed Classes more than I or my colleague can do. To that claim I can only say that it is one of the many false claims which irresponsible people keep on making, although the persons concerned with regard to those claims have been invariably denying them.

"I have here a telegram which I have just received from a place which I have never visited and from a, man whom I have never seen—from the President of the Depressed Classes Union, Kumaun, Almora, which I believe is in the United Provinces, and which contains the following

resolution :

> "This Meeting declares its non-confidence in the Congress movement which has been carried on in and outside the country, and condemns the methods adopted by the Congress workers."

I do not care to read further, but I can say this (and I think if Mr. Gandhi will examine his position he will find out the truth), that although there may be people in the Congress who may be showing sympathy towards the Depressed Classes, the Depressed Classes are not in the Congress. That is a, proposition which I propose to substantiate. I do not wish to enter into these points of controversy. They seem to be somewhat outside the main proposition. The main proposition which Mr. Gandhi has made is that this Committee should be adjourned sine die. With regard to that proposition, I entirely agree with the attitude taken up by Sir Muhammad Shafi. I, for one, cannot consent to this proposition. It seems to me that there are only two alternatives—either that this Minorities Committee should go on tackling the problem and trying to arrive at some satisfactory solution, if that is possible, and then, if that is not possible, the British Government should undertake the solution of that problem. We cannot consent to leave this to the arbitration of third parties whose sense of responsibility may not be the same as must be the sense of responsibility of the British Government.

"Prime Minister, permit me to make one thing clear. The Depressed Classes are not anxious, they are not clamorous, they have not started any movement for claiming that there shall be an immediate transfer of power from the British to the Indian people. They have their particular grievances against the British people and I think I have voiced them sufficiently to make it clear that we feel those grievances most acutely. But, to be true to facts, the position is that the Depressed Classes are not clamouring for transfer of political power. Their position, to put it plainly, is that we are not anxious for the transfer of power; but if the British Government is unable to resist the forces that have been set up in the country which do clamour for transference of political power—and we know the Depressed Classes in their present circumstances are not in a position to resist that—then our submission is that if you make that

transfer, that transfer will be accompanied by such conditions and by such provisions that the power shall not fall into the hands of a clique, into the hands of an oligarchy, or into the hands of a group of people, whether Mohammedans or Hindus ; but that that solution shall be such that the power shall be shared by all communities in their respective proportions. Taking that view, I do not see how I, for one, can take any serious part in the deliberation of the Federal Structure Committee unless I know where I and my community stand."

The Prime Minister in his concluding observations said:—"Let us adjourn, and I will call you together again. In the meantime what I would like would be if those of you are sitting opposite me, the representatives of the small minorities, would also try your hands.

"If there are any common agreements among yourselves, I would suggest that you circulate them. . .It is not the British Government that is going to stand in the way of any agreement . . .Therefore what I would like you to have in your minds after the rather depressing statements to which we have listened, is this: That the British Government wants to go on; the British Government wants you to go on. The British Government will take its action if you cannot go on to an end, because we are determined to make such improvements in the Government of India as will make the Government of India consistent with our own ideas, as will make the Government of India something that is capable of greater and greater expansion towards liberty. That is what we want. I appeal to the Delegates here today—Delegates representing all communities —Do not stand in our way ; because that is what is happening."

IV

Acting on the suggestion of the Prime Minister the minorities met to consider if they could produce a settlement. They tried and produced a settlement which was submitted to the Prime Minister in the evening before the next meeting of the Minorities Committee which took place on 13th November 1931. In his opening remarks the Prime Minister said :—

"The work of this Committee, therefore, was from the very beginning of supreme importance, and I am sorry that you have been unable to present to us an agreed plan.

"Last night, however, I received a deputation representing the Mohammedans, the Depressed Classes, at any rate a section of the Indian Christians, the Anglo-Indians and the British Community. I think that is the complete range. They came and saw me in my room in the House of Commons last night with a document which embodied an agreement that they had come to amongst themselves. They informed me, in presenting the document to me, that it covered something in the region of 46 per cent. of the population of British India.

"I think the best thing would be, as we have had no time to consider this, to treat this document as a document which is official to the records of this Committee and in order that that may be done I shall ask His Highness The Aga Khan formally to present it here, so that it may be entered in our official record."

His Highness The Aga Khan then got up and said :—

"Mr. Prime Minister, on behalf of the Mohammedans, the Depressed Classes, the Anglo-Indians, the Europeans and a considerable section of the Indian Christian groups, I present the document embodying the agreement which has been arrived at between them with regard to the inter communal problem with which the Round Table Conference in general and the Minorities Committee in particular are concerned. We desire to make it clear that this agreement has been arrived at after careful and anxious consideration of this difficult and complicated problem and must be taken as a whole. All parts of the agreement are interdependent and agreements stand or fall as a whole."

This document was known as the Minorities Pact.[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41D.What Congress and Gandhi CHAPTER III.htm - _msocom_3[3] In the general discussion that followed Mr. Gandhi's speech no doubt attracted the greatest attention. Mr. Gandhi was furious. He attacked everybody who had taken part in producing the Minorities Pact. He was particularly furious for the recognition given to the

Untouchables as a separate political entity. This is what Mr. Gandhi said :—

"I would like to repeat what I have said before, that, while the Congress will always accept any solution that may be acceptable to the Hindus, the Mohammedans and the Sikhs, Congress will be no party to the special electorates for any other minorities. One word more as to the so-called Untouchables. I can understand the claims advanced by other minorities, but the claims advanced on behalf of the Untouchables, that time is the 'unkindest cut of all.' It means the perpetual bar-sinister. I would not sell the vital interests of the Untouchables even for the sake of winning the freedom of India. I claim myself in my own person to represent the vast mass of the Untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the Untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the Untouchables that separate electorates, and separate reservation is not the way to remove this bar-sinister, which is the shame, not of them, but of orthodox Hinduism.

"Let this Committee and let the whole world know that today there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census Untouchables classified as a separate class. Sikhs may remain as such in perpetuity, so may Mohammedans so may Europeans. Will Untouchables remain Untouchables in perpetuity? I would far rather that Hinduism died than that Untouchability lived. Therefore, with all my regard for Dr. Ambedkar, and for his desire to see the Untouchables uplifted, with all my regard for his ability, I must say in all humility that here the great wrong under which he has laboured and perhaps the bitter experiences that he has undergone have for the moment warped his judgement. It hurts me to have to say this, but I would be untrue to the cause of the Untouchables, which is as dear to me as life itself, if I did not say it. I will not bargain away their rights for the kingdom of the whole world. I am speaking with a due sense of responsibility, and I say that it is not a proper claim which is registered by Dr. Ambedkar when he seeks to

speak for the whole of the Untouchables of India. It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever. I do not mind Untouchables, if they so desire, being converted to Islam or Christianity. I should tolerate that, but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages. Those who speak of the political right of Untouchables do not know their India, do not know how Indian Society is today constructed, and therefore I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life."

The Chairman knowing that there was no hope of getting an agreed solution before adjourning the Minorities Committee sine die made a suggestion to the delegates. He said :—

"Will you, each of you, every member of this Committee, sign a request to me to settle the community question and pledge yourselves to accept my decision? That, I think, is a very fair offer. I do want any section, or any one man. Will the members of this Committee sign a declaration asking me to give a decision, even a temporary one, on the community question, and say that you will agree? I do not want it now. I say, will you put your names to it and give that to me, with the assurance that the decision come to will be accepted by you and will be worked by you to the best of your ability in the course of the working of the new constitution? I have asked several sections—at least, individuals—from time to time for that, and I have never got it. That would certainly straighten out the position, but apart from that, do, please, not forget what I said in opening this meeting—that the Government will not allow community differences to prevent it from carrying out its pledges and producing a constitution. Therefore do not make the community difference more important than it is."

V

Thus ended the efforts by the Minorities Committee to bring about a solution of the communal problem. The discussion in the Committee

threw Mr. Gandhi's attitude to the Untouchables in relief. Everybody felt that Mr. Gandhi was the most determined enemy of the Untouchables. So much of his energy and attention did Mr. Gandhi concentrate on the question of the Untouchables that it would not be unfair if it was said that the main purpose for which Mr. Gandhi came to the Round Table Conference was to oppose the demands of the Untouchables.

Those, who were friends of Mr. Gandhi, could not understand Mr. Gandhi's attitude to the demands of the Untouchables. To give recognition to the Muslims and the Sikhs and to refuse it to the Untouchables came to them as a surprise and a puzzle. Whenever they asked for an explanation, Mr. Gandhi did nothing except to get angry. Mr. Gandhi himself could not give a logical and consistent defence of his opposition to the Untouchables. Inside the Round Table Conference his defence was that the Hindus had seriously taken up the cause of the Untouchables and that therefore there was no reason to give them political safeguards. Outside the Round Table Conference he gave totally different reasons. In a speech in, defence of his position Mr. Gandhi said :—

"Muslims and Sikhs are all well organised. The 'Untouchables' are not. There is very little political consciousness among them and they are so horribly treated that I want to save them against themselves. If they had separate electorates their lives would be miserable in villages which are the strongholds of Hindu orthodoxy. It is the superior class of Hindus who have to do penance for having neglected the 'Untouchables' for ages. That penance can be done by active social reform and by making the lot of the ' Untouchables ' more bearable by acts of service, but not by asking for separate electorates for them. By giving them separate electorates you will throw the apple of discord between the 'Untouchables' and the orthodox. You must understand I can tolerate the proposal for special representation of the Musalmans and the Sikhs only as a. necessary evil. It would be a positive danger for the 'Untouchables.' I am certain that the question of separate electorates for the 'Untouchables' is a modern manufacture of Government. The only thing needed is to put them on the voters' list, and provide for fundamental rights for them in the constitution. In cases they are unjustly treated and their representative is

deliberately excluded they would have the right to special election tribunal which would give them complete protection. It should be open to these tribunals to order the unseating of an elected candidate and the election of the excluded men.

"Separate electorates to the 'Untouchables' will ensure them bondage in perpetuity. The Musalmans will never cease to be Musalmans by having separate electorates. Do you want the 'Untouchables' to remain 'Untouchables' for ever? Well, the separate electorates would perpetuate the stigma. What is needed is destruction of untouchability, and when you have done it, the bar-sinister which has been imposed by an insolent 'superior' class upon an 'inferior' class will be destroyed. When you have destroyed the bar-sinister, to whom will you give the separate electorates? Look at the history of Europe. Have you got separate electorates for the working classes or women? With adult franchise, you give the 'Untouchables' complete security. Even the orthodox would have to approach them for votes.

"Now then you ask, does Dr. Ambedkar, their representative, insist on separate electorates for them? I have the highest regard for Dr. Ambedkar. He has every right to be bitter. That he does not break our heads is an act of self-restraint on his part. He is today so much saturated with suspicion that he cannot see anything else. He sees in every Hindu a determined opponent of the 'Untouchables' and it is quite natural. The same thing happened to me in my early days in South Africa, where I was bounded out by Europeans wherever I went. It is quite natural for him to vent his wrath. But the separate electorates that he seeks will not give him social reform. He may himself mount to power and position but nothing good will accrue to the 'Untouchables.' I can say all this with authority, having lived with the 'Untouchables' and having shared their joys and sorrows all these years."

Mr. Gandhi at the Round Table Conference was not satisfied with mere propaganda. When he found that the propaganda was not succeeding as well as he expected he resorted to intrigue. When Mr. Gandhi heard that at the suggestion of the Prime Minister the minorities were about to produce a settlement and that this settlement would have the effect of the

Untouchables getting the support of the other minorities and particularly of the Muslims, Mr. Gandhi felt considerably disturbed. He devised a scheme to isolate the Untouchables. For this Mr. Gandhi planned to buy out the Musalmaus by giving to the Musalmans their fourteen demands, which Mr. Gandhi was not in the beginning prepared to agree. When he found the Musalmans were lending their support to the Untouchables Mr. Gandhi agreed to them their fourteen points on condition that they withdrew their support from the Untouchables. The agreement was actually drafted. The text of it is given below:—

"DRAFT OF GANDHI-MUSLIM PACT[1]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41D.What Congress and Gandhi CHAPTER III.htm - _msocom_4[4]

MUSLIM DELEGATION TO THE ROUND TABLE CONFERENCE [15]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41D.What Congress and Gandhi CHAPTER III.htm - _msocom_5

TEL. : VICTORIA 2360

TELEGRAMS:"COURTLIKE"LONDON.

QUEEN'S HOUSE

57, ST. JAMES' COURT,

BUCKINGHAM GATE,

LONDON, S.W. 1

6th October 1931.

The following proposals were discussed by Mr. Gandhi and the Muslim Delegation at 10 p.m. last night. They are divided into two parts—The

proposals made by the Muslims for safeguarding their rights and the proposals made by Mr. Gandhi regarding the Congress policy. They are given herewith as approved by Mr. Gandhi, and placed for submission to the Muslim Delegation for their opinion.

MUSLIM PROPOSALS	MR. GANDHI'S PROPOSALS
1. 1. In the Punjab and Bengal bare majority of one per cent. of Musalmans but the question of whether it should be by means of joint electorates and reservation of 51 per cent. of the whole house should be referred to the Musalman voters before the new constitution comes into force and their verdict should be accepted.	1. 1. That the Franchise should on the basis of adult suffrage. 2. 2. No special reservations to any other community save Sikhs and Hindu Minorities. (Italics are not in the original). 3. 3. The Congress demands : A. Complete Independence.
2. In other provinces where the Musalmans are in a minority the present weightage enjoyed by them to continue, but whether the seats should be reserved to a joint electorate, or whether they should have separate electorates should be determined by the Musalman voters by a referendum under the new constitution, and their verdict should be accepted.	B. B. Complete control over the defence immediately. C. C. Complete control over external affairs. D. D. Complete control over Finance. E. E. Investigation of public debts and other obligations by an independent tribunal. F. F. As in the case of a partnership, right of either party to terminate

	it.
3. That the Musalman representatives to the Central Legislature in both the houses should be 26 per cent. of the total number of the British India representatives, and 7 per cent. at least by convention should be Musalmans, out of the quota that may be assigned to Indian States, that is to say, one-third of the whole house when taken together.	
4. That the residuary power should vest in the federating Provinces of British India.	
5. That the other points as follows being agreed to : 1. Sindh.[1][f.6][6] 2. N.W.F.P.[17][f.7]3. Services.[18][f.8] 4. Cabinet. [19][f.9] 5. Fundamental rights and safeguards for religion and culture. 6. Safeguards against legislation affecting any	

community.	

It is true that the Untouchables are not mentioned in this draft agreement. But that the Musalmans are bound not to support any other minority except the Sikhs makes it quite clear that they were not to support the Untouchables. In this intrigue, Mr. Gandhi failed as he was bound to. The Musalmans who were out to demand safeguards for themselves could not stand up and oppose the demands of the Untouchables. Mr. Gandhi in his passion for suppressing the Untouchables had lost his sense of discrimination to such extent as not to be able to distinguish between means which are fair and means which are foul. Mr. Gandhi did not care to honour his word. In the Minorities Committee, Mr. Gandhi had said that if the Committee agreed to accept the claim of the Untouchables for separate recognition it was free to do so, which meant that he would abide by the decision of the majority. But when he came to know that the other minorities had agreed to support the Untouchables, he did not hesitate to approach the Musalmans and turn them against the Untouchables by accepting their fourteen points which the Congress, the Hindu Maha Sabha and even the Simon Commission had rejected. Even if Mr. Gandhi was prepared to flout public ,opinion, and public morality this diabolical plot of Mr. Gandhi fell through because the Musalmans refused to disgrace themselves by joining in it. When the second session of the Round Table Conference was dissolved the delegates to the Minorities Committee accepted the proposal of the Prime Minister to put in a signed requisition authorizing him to arbitrate and give his decision on, the communal issue. Many delegates did it including Mr. Gandhi.[20][f.10] There was nothing left for the delegates but to return to India and await the decision of the Prime Minister and having made him the sole arbitrator to accept it with good cheer.

VI

Before I resume the narrative and state what decision the Prime Minister

gave, I must describe the strange phenomenon which I, as a member of the Franchise Committee, witnessed. After the close of the second session of the Round Table Conference, the Prime Minister thought it advisable to have the question of franchise for the new constitution examined by a Committee. Accordingly, in December 1931 he appointed a Committee with the late Lord Lothian as its Chairman. Its main term of reference was to devise a system of franchise whereby, to use the language of the Prime Minister's letter of instructions to the Chairman,

> "The legislatures to which responsibility is to be entrusted should be representative of the general mass of the population, and that no important section of the community may lack the means of expressing its needs and its opinions."

The Committee started its work early in January 1932. For doing its work the Committee took the help of the Provincial Governments and of the Provincial Franchise Committees consisting of non-officials specially constituted for that purpose province by province. The Committee issued questionnaires. They were replied to by the Provincial Governments, by the Provincial Franchise Committees and by individuals. Witnesses were examined by the Committee sitting with each Provincial Franchise Committee. The Provincial Governments and the Provincial Committees submitted their reports separately to the Committee. They were discussed by the Committee with the Provincial Government and the Provincial Committee before it came to its own conclusion. Besides the general tasks assigned to the Lothian Committee, it had a special task with which it was charged by the Prime Minister. It had relation, to the political demands of the Untouchables which the Prime Minister had referred to in the following terms in his letter of instruction to the Chairman :—

> "It is evident from the discussions which have occurred in various connections in the Conference that the new constitution must make adequate provision for the representation of the Depressed Classes, and that the method of representation by nomination is no longer regarded as appropriate. As you are aware, there is a difference of opinion whether the system of separate electorates should be instituted for the Depressed Classes and your committee's investigations should contribute towards

the decision of this question by indicating the extent to which the Depressed Classes would be likely, through such general extension of the franchise as you may recommend, to secure the right to vote in ordinary electorates. On the other hand, should it be decided eventually to constitute separate electorates for the Depressed Classes, either generally or in those provinces in which they form a distinct and separable element in the population, your Committee's inquiry into the general problem of extending the franchise should place you in possession of facts which would facilitate the devising of a method of separate representation for the Depressed Classes."

Following upon, these instructions, it became the task of the Committee to come to some conclusion as to the total population, of the Untouchables in British India.

To the question what is the population of the Untouchables the replies received were enough to stagger anybody. Witness after witness came forward to say that the Untouchables in his Province were infinitesimally small. There were not wanting witnesses who said that there were no Untouchables at all!! It was a most extraordinary sight to see Hindu witnesses perjuring themselves regardless of truth by denying the existence of the Untouchables or by reducing their number to a negligible figure. The members of the Provincial Franchise Committee were also a party to this plan. Strange to say that some of the Hindu members of the Lothian Committee were in the game. This move of denying the very existence of the Untouchables or reducing their number almost to nil was particularly rampant in certain Provinces. How the Hindus were prepared to economise truth, even to a vanishing point, will be evident from the following figures. In the United Provinces, the Census Commissioner in 1931 had estimated the total population of the Untouchables at 12.6 millions, the Provincial Government at 6.8 millions but the Provincial Franchise Committee at .6 millions only!! In Bengal, the Census gave the figures of 10.3 millions, Provincial Government fixed it as 11.2 millions but the Provincial Franchise Committee at .07 millions only !

Before the Round Table Conference no Hindu bothered about the exact population of the Untouchables and were quite satisfied with the accuracy

of the Census figures which gave the total of the Untouchables at about 70 to 80 millions. Why did then the Hindus start suddenly to challenge this figure when the question was taken up by the Lothian Committee? The answer is very clear. Before the time of the Lothian Committee the population of the Untouchables had no value. But after the Round Table Conference the Hindus had come to know that the Untouchables were demanding separate allotment of their share of representation, that such share must come out of the lump which the Hindus had been enjoying in the past and that the measure of the share must depend upon the population of the Untouchables. The Hindus had realized that to admit the existence of the Untouchables was detrimental to their interest. They did not mind sacrificing truth and decency and decided to adopt the safest course, namely, to deny that there are any Untouchables in India at all, and thereby knock out the bottom of the political demands of the Untouchables and leave no room for argument. This shows how the Hindus can, conspire in a cold, calculated manner against the Untouchables out of pure selfishness and do indirectly what they cannot do directly.

VII

To resume the thread. Having been, disgusted with the Round Table Conference where there were critics but no devotees, Mr. Gandhi was the first to return to India. On account of a statement which he is alleged to have made in an interview he gave to a newspaper correspondent in Rome wherein he threatened to revive his campaign of civil disobedience, Mr. Gandhi on his arrival was arrested and put in jail. Though in jail, not Swaraj but the Untouchables were on, his brain. He feared that, notwithstanding his threat to resist it with his life, the Prime Minister as a sole arbitrator might accept the claims made on behalf of the Untouchables at the Round Table Conference. Long before any decision was given, by the Prime Minister, Mr. Gandhi on 11th March 1932 addressed from jail a letter to Sir Samuel Hoare, the then Secretary of State for India, reminding him of his opposition to the claim of the Untouchables. The following is the text of

that letter :—

"DEAR SIR SAMUEL,

You will perhaps recollect that at the end of my speech at the Round Table Conference when the Minorities' claim was presented, I had said that I should resist with my life the grant of separate electorates to the Depressed Classes. This was not said in the heat of the moment nor by way of rhetoric. It was meant to be a serious statement. In pursuance of that statement, I had hoped on my return to India to mobilize public opinion against separate electorates, at any rate, for the Depressed Classes. But it was not to be.

"From the newspapers, I am permitted to read, I observe that any moment His Majesty's Government may declare their decision. At first I had thought, if the decision was found to create separate electorates for the Depressed Classes, I should take such steps as I might then consider necessary to give effect to my vow. But I feel it would be unfair to the British Government for me to act without giving previous notice. Naturally, they could not attach the significance I give to my statement.

"I need hardly reiterate all the objections I have to the creation of separate electorates for the Depressed Classes. I feel as if I was one of them. Their case stands on a wholly different footing from that of others. I am not against their representation in the legislatures. I should favour everyone of their adults, male and female, being registered as voters irrespective of education or property qualification, even though the franchise test may be stricter for others. But I hold that separate electorate is harmful for them and for Hinduism, whatever it may be from the purely political standpoint. To appreciate the harm that separate electorate would do them, one has to know how they are distributed amongst the so-called Caste Hindus and how dependent they are on the latter. So far as Hinduism is concerned, separate electorates would simply vivisect and disrupt it.

"For me the question of these classes is predominantly moral and religious. The political aspect, important though it is, dwindles into insignificance compared to the moral and religious issue.

"You will have to appreciate my feelings in this matter by remembering that I have been interested in the condition of these classes from my boyhood and have more than once staked my all for their sake. I say this not to pride myself in any way. For, I feel that no penance that the Hindus may do can in any way compensate for the calculated degradation to which they have consigned the Depressed Classes for centuries.

"But I know that separate electorate is neither a penance nor any remedy for the crushing degradation they have groaned under. I therefore, respectfully inform His Majesty's Government that in the event of their decision creating separate electorate for the Depressed Classes, I must fast unto death.

"I am painfully conscious of the fact that such a step, whilst I am a prisoner, must cause grave embarrassment to His Majesty's Government, and that it will be regarded by many as highly improper on the part of one holding my position to introduce into the political field methods which they would describe as hysterical if not much worse. All I can urge in defence is that for me the contemplated step is not a method, it is part of my being. It is the call of conscience which I dare not disobey, even though it may cost whatever reputation for sanity I may possess. So far as I can see now my discharge from imprisonment would not make the duty of fasting any the less imperative. I am hoping, however, all my fears are wholly unjustified and the British Government have no intention whatever of creating separate electorate for the Depressed Classes."

The following reply was sent to Mr. Gandhi by the Secretary of State:—

INDIA OFFICE, WHITEHALL,

April 13, 1932.

DEAR MR. GANDHI,

"I write this in answer to your letter of 11th March, and I say at once I realize fully the strength of your feeling upon the question of separate electorates for the Depressed Classes. I can only say that we intend to give

any decision that may be necessary solely and only upon the merits of the case. As you are aware, Lord Lothian's Committee has not yet completed its tour and it must be some weeks before we can receive any conclusions at which it may have arrived. When we receive that report we shall have to give most careful consideration to its recommendations, and we shall not give a decision until we have taken into account, in addition to the view expressed by the Committee, the views that you and those who think with you have so forcibly expressed. I feel sure if you were in our position you would be taking exactly the same action we intend to take. You would admit the Committees report, you would then give it your fullest consideration, and before arriving at a final decision you would take into account the views that have been expressed on both sides of the controversy. More than this I cannot say. Indeed I do not imagine you would expect me to say more."

After giving this warning, Mr. Gandhi slept over the matter thinking that a repetition of his threat to fast unto death was sufficient to paralyse the British Government and prevent them from accepting the claim of the Untouchables for special representation. On the 17th August 1932 the decision of the Prime Minister on the communal question, was announced.

That part of the decision which relates to the Untouchables is produced below:—

Communal Decision by His Majesty's Government 1932.

1. 1. In the statement made by the Prime Minister on 1st December last on behalf of His Majesty's Government at the close of the second session of the Round Table Conference, which was immediately afterwards endorsed by both Houses of Parliament, it was made plain that if the communities in India were unable to reach a settlement acceptable to all parties on the communal questions which the Conference had failed to solve, His Majesty's Government were determined that India's constitutional advance should not on that account be frustrated, and that they would remove this obstacle by devising and applying themselves a provisional scheme.
2. 2. On the 19th March last His Majesty's Government, having been

informed that the continued failure of the communities to reach agreement was blocking the progress of the plans for the framing of a new Constitution, stated that they were engaged upon a careful re-examination of the difficult and controversial questions which arise. They are now satisfied that without a decision of at least some aspects of the problems connected with the position of minorities under the new Constitution, no further progress can be made with the framing of the Constitution.

3. 3. His Majesty's Government have accordingly decided that they will include provisions to give effect to the scheme set out below in the proposals relating to the Indian Constitution to be laid in due course before Parliament. The scope of this scheme is purposely confined to the arrangements to be made for the representation of the British Indian communities in the Provincial Legislatures, consideration of representation in the Legislature at the Centre being deferred for the reason given in paragraph 20 below. The decision to limit the scope of the scheme implies no failure to realize that the framing of the Constitution will necessitate the decision of a number of other problems of great importance to minorities, but has been taken in the hope that once a pronouncement has been made upon the basic questions of method and proportions of representation the communities themselves may find it possible to arrive at modus vivendi on other communal problems, which have not received the examination they require.

4. 4. His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing the modification of it which is not supported by all the parties affected. But they are most desirous to close no door to an agreed settlement should such happily be forthcoming. If, therefore, before a new Government of India Act has passed into law, they are satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme, either in respect of any one or more of the Governors' Provinces or in respect of the whole of the British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions now outlined.

5. 5. ***
6. 6. ***
7. 7. ***
8. 8. ***
9. 9. Members of the"depressed classes"qualified to vote will vote in a general constituency. In view of the fact that for a considerable period these classes would be unlikely, by this means alone, to secure any adequate representation in the Legislature, a number of special seats will be assigned to them as shown in the table. These seats will be filled by election from special constituencies in which only members of the"depressed classes"electorally qualified will be entitled to vote. Any person voting in such a special constituency will, as stated above, be also entitled to vote in a general constituency. It is intended that these constituencies should be formed in selected areas where the depressed classes are most numerous, and that, except in Madras, they should not cover the whole area of the Province.

In Bengal it seems possible that in some general constituencies a majority of the voters will belong to the Depressed Classes. Accordingly, pending further investigation, no number has been fixed for the members to be returned from the special Depressed Class constituencies in that Province. It is intended to secure that the Depressed Classes should obtain not less than 10 seats in the Bengal Legislature.

The precise definition in each Province of those who (if electoral qualified) will be entitled to vote in the special Depressed Class constituencies has not yet been finally determined. It will be based as a rule on the general principles advocated in the Franchise Committee's Report. Modification may, however, be found necessary in some Provinces in Northern India where the application of the general criteria of untouchability might result in a definition unsuitable in some respects to the special conditions of the Province.

His Majesty's Government do not consider that these special Depressed Classes constituencies will be required for more than limited time. They intend that the Constitution shall provide that they shall come to an end after 20 years if they have not previously been abolished under the general

powers of electoral revision referred to in paragraph 6.

VIII

Mr. Gandhi found that his threat had failed to have any effect. He did not care that he was a signatory to the requisition asking the Prime Minister to arbitrate. He forgot that as a signatory he was bound to accept the award. He started to undo what the Prime Minister had done. He first tried to get the terms of the Communal Award revised. Accordingly, he addressed the following letter to the Prime Minister:—

YERAVDA CENTRAL PRISON,

August 18, 1932.

DEAR FRIEND,

"There can be no doubt that Sir Samuel Hour has showed you and the Cabinet my letter to him of 11th March on the question of the representation of the Depressed Classes. That letter should be treated as part of this letter and be read together with this.

"I have read the British Government's decision on the representation of minorities and have slept over it. In pursuance of my letter to Sir Samuel Hoare and my declaration at the meeting of the Minorities Committee of the Round Table Conference on 13th November, 1931, at St: James' Palace, I have to resist your decision with my life. The only way I can do so is by declaring a perpetual fast unto death from food of any kind save water with or without salt and soda. This fast will cease if during its progress the British Government, of its own motion or under pressure of public opinion, revise their decision and withdraw their scheme of communal electorates for the Depressed Classes, whose representatives should be elected by the general electorate under the common franchise, no matter how wide it is.

"The proposed fast will come into operation in the ordinary course from the noon of 20th September next, unless the said decision is meanwhile revised in the manner suggested above.

"I am asking the authorities here to cable the text of this letter to you so as to give you ample notice. But in any case, I am leaving sufficient time for this letter to reach you in time by the slowest route.

"I also ask that this letter and my letter to Sir Samuel Hoare already referred to be published at the earliest possible moment. On my part, I have scrupulously observed the rule of the jail and have communicated my desire or the contents of the two letters to no one, save my two companions, SardarVallabhbhai Patel and Mr. Mahadev Desai. But I want, if you make it possible, public opinion to be affected by my letters. Hence my request for their early publication.

"I regret the decision I have taken. But as a. man of religion that I hold myself to be, I have no other course left open to me. As I have said in my letter to Sir Samuel Hoare, even if His Majesty's Government decided to release me in order to save themselves from embarrassment, my fast will have to continue. For, I cannot now hope to resist the decision by any other means; and I have no desire whatsoever to compass my release by any means other than honourable.

"It may be that my judgement is warped and that I am wholly in error in regarding separate electorates for the Depressed Classes as harmful to them or to Hinduism. If so, I am not likely to be in the right with reference to other parts of my philosophy of life. In that case. my death by fasting will be at once a penance for my error and a lifting of a weight from off these numberless men and women who have childlike faith in my wisdom. Whereas if my judgement is right, as I have little doubt it is, the contemplated step is but due to the fulfilment of the scheme of life which I have tried for more than a quarter of a century, apparently not without considerable success.

I Remain,

Your Faithful Friend,

M. K. GANDHI."

The Prime Minister replied as under :—

"10, DOWNING STREET,

September 8th, 1932.

"DEAR MR. GANDHI,

"I have received your letter with much surprise and, let me add, with very sincere regret. Moreover, I cannot help thinking that you have written it under a misunderstanding as to what the decision of His Majesty's Government as regards the Depressed Classes really implies. We have always understood you were irrevocably opposed to the permanent segregation of the Depressed Classes from the Hindu community. You made your position very clear on the Minorities Committee of the Round Table Conference and you expressed it again in the letter you wrote to Sir Samuel Hoare on 11th March. We also knew your view was shared by the great body of Hindu opinion, and we, therefore, took it into most careful account when we were considering the question of representation of the Depressed Classes.

"Whilst, in view of the numerous appeals we have received from Depressed Class Organisations and the generally admitted social disabilities under which they labour and which you have often recognised, we felt it. our duty to safeguard what we believed to be the right of the Depressed Classes to a fair proportion of representation in the legislatures we were equally careful to do nothing that would split off their community from the Hindu world. You yourself stated in your letter of March 11, that you were not against their representation in the legislatures.

"Under the Government scheme the Depressed Classes will remain part of the Hindu community and will vote with the Hindu electorate on an equal footing but for the first twenty years, while still remaining electorally part of the Hindu community, they will receive through a limited number of special constituencies, means of safeguarding their rights and interests that, we are convinced, is necessary under present conditions.

"Where these constituencies are created, members of the Depressed Classes will not be deprived of their votes in the general Hindu constituencies, but will have two votes in order that their membership of

the Hindu community should remain unimpaired.

"We have deliberately decided against the creation of what you describe as a communal electorate for the Depressed Classes and included all Depressed Class voters in the general or Hindu constituencies so that the higher caste candidates should have to solicit their votes or Depressed Class candidates should have to solicit the votes of the higher castes at elections. Thus, in every way was the unity of Hindu society preserved.

"We felt, however, that during the early period of responsible Government, when power in the Provinces would pass to whoever possessed a majority in the legislatures, it was essential that the Depressed Classes whom you have yourself described in your letter to Sir Samuel Hoare as having been consigned by Caste Hindus to calculated degradation for centuries, should return a certain number of members of their own choosing to legislatures of seven of the nine provinces to voice their grievances and their ideals and prevent decisions going against them without the legislature and the Government listening to their case—in a word, to place them in a position to speak for themselves, which every fair-minded person must agree to be necessary. We did not consider the method of electing special representatives by reservation of seats in the existing conditions, under any system of franchise which is practicable, members who could genuinely represent them and be responsible for them, because in practically all cases, such members would be elected by a majority consisting of higher caste Hindus.

"The special advantage initially given under our scheme to the Depressed Classes by means of a limited number of special constituencies, in addition to their normal electoral rights in the general Hindu constituencies, is wholly different in conception and effect from the method of representation adopted for a minority such as the Moslems by means of separate communal electorates. For example, a Moslem cannot vote or be a candidate in a general constituency, whereas any electoral qualified member of the Depressed Classes can vote in and stand for the general constituency.

"The number of territorial seats allotted to Moslems is naturally

conditioned by the fact that it is impossible for them to gain any further territorial seats and in most provinces they enjoy weightage in excess of their population ratio ; the number of special seats to be tilled from special Depressed Classes constituencies will be seen to be small and has been fixed not to provide a quota numerically appropriate for the total representation of the whole of the Depressed Class population, but solely to secure a minimum number of spokesmen for the Depressed Classes in the legislatures who are chosen exclusively by the Depressed Classes. The proportion of their special seats is everywhere much below the population percentage of the Depressed Classes.

"As I understand your attitude, you propose to adopt the extreme course of starving yourself to death not in order to secure that the Depressed Classes should have joint electorate with other Hindus, because that is already provided, nor to maintain the unity of Hindus, which is also provided, but solely to prevent the Depressed Classes, who admittedly suffer from terrible disabilities today, from being able to secure a limited number of representatives of their own choosing to speak on their behalf in the legislatures which will have a dominating influence over their future.

"In the light of these very lair and cautious proposals, I am quite unable to understand the reason of the decision you have taken and can only think you have made it under a misapprehension of the actual facts.

"In response to a very general request from Indians after they had failed to produce a settlement themselves the Government much against its will, undertook to give a decision on the minorities question. They have now given it, and they cannot be expected to alter it except on the condition they have stated. I am afraid, therefore, that my answer to you must be that the Government's decision stands and that only agreement of the communities themselves can substitute other electoral arrangements for those that Government have devised in a sincere endeavour to weigh the conflicting claims on their just merits.

"You ask that this correspondence, including your letter to Sir Samuel Hoare of March 11 th, should be published. As it would seem to me unfair if your present internment were to deprive you of the opportunity of

explaining to the public the reason why you intend to fast, I readily accede to the request, if on reconsideration you repeat it. Let me, however, once again urge you to consider the actual details of Government's decision and ask yourself seriously the question whether it really justifies you in taking the action you contemplate.

I am,

Yours Very Sincerely,

J. RAMSAY MACDONALD."

Finding that the Prime Minister would not yield he sent him the following letter informing him that he was determined to carry out his threat of fast unto death: —

"YERAVDA CENTRAL PRISON,

September 9th, 1932.

DEAR FRIEND,

"I have to thank you for your frank and full letter telegraphed and received this

day. I am sorry, however, that you put upon the contemplated step an interpretation that never crossed my mind. I have claimed to speak on behalf of the very class, to sacrifice whose interests you impute to me a desire to fast myself to death. I had hoped that the extreme step itself would effectively prevent any such selfish interpretation. Without arguing, I affirm that for me this matter is one of pure religion. The mere fact of the Depressed Classes having double votes does not protect them or Hindu society in general from being disrupted. In the establishment of separate electorate at all for the Depressed Classes I sense the injection of poison that is calculated to destroy Hinduism and do no good whatever to the Depressed Classes. You will please permit me to say that no matter how sympathetic you may be, you cannot come to a correct decision on a matter of such vital and religious importance to the parties concerned.

"I should not be against even over-representation of the Depressed

Classes. What I am against is their statutory separation even in a limited form, from the Hindu fold, so long as they choose to belong to it. Do you realise that if your decision stands and the constitution comes into being, you arrest the marvellous growth of the work of Hindu reformers, who have dedicated themselves to the uplift of their suppressed brethren in every walk of life?

"I have, therefore, been compelled reluctantly to adhere to the decision conveyed to you.

"As your letter may give rise to a misunderstanding, I wish to state that the fact of my having isolated for special treatment the Depressed Classes question from other parts of your decision does not in any way mean that I approve of or am reconciled to other parts of the decision. In my opinion, many other parts are open to very grave objection. Only, I do not consider them to be any warrant for calling from me such self immolation as my conscience has promoted me to in the matter of the Depressed Classes.

I Remain,

Your Faithful Friend.

M. K. GANDHI."

Accordingly, on. the 20th September 1932, Mr. Gandhi commenced his"fast unto death"as a protest against the grant of separate electorates to the Untouchables.

The story of this fact has been told by Mr. Pyarelal in a volume which bears the picturesque and flamboyant title of"The Epic Fast."The curious may refer it. I must, however, warn him that it is written by a Boswell and has all the faults of a Boswelliana. There is another side to it, but there is neither time nor space to present it here. All I can do is to invite attention to the statement [21][f.11] I issued to the Press on the eve of Mr. Gandhi's fast exposing his tactics. Suffice it is to say that although Mr. Gandhi declared a fast unto death, he did not want to die. He wanted very much to live.

The fast nonetheless created a problem, and that problem was how to

save Mr. Gandhi's life. The only way to save his life was to alter the Communal Award which Mr. Gandhi said hurt his conscience so much. The Prime Minister had made it quite clear that the British Cabinet would not withdraw it or alter it of its own, but that they were ready to substitute for it a formula that may be agreed upon by the Caste Hindus and the Untouchables. As I had the privilege of representing the Untouchables at the Round Table Conference, it was assumed that the assent of the Untouchables would not be valid unless I was a party to it. The surprising fact is that my position as the leader of the Untouchables of India was not only not questioned by Congressmen but it was accepted as a fact. All eyes naturally turned to me as the man of the moment or rather as the villain of the piece.

As to myself it is no exaggeration to say that no man was placed in a greater and graver dilemma than I was then. It was a baffling situation. I had to make a choice between two different alternatives. There was before me the duty, which I owed as a part of common humanity, to save Gandhi from sure death. There was before me the problem of saving for the Untouchables the political rights which the Prime Minister had given them. I responded to the call of humanity and saved the life of Mr. Gandhi by agreeing to alter the Communal Award in a manner satisfactory to Mr. Gandhi. This agreement is known as the Poona Pact.

TEXT OF POONA PACT

The following is the text of the agreement:—

(1) There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows:

Madras 30 ; Bombay with Sind 15 ; Punjab 8; Bihar and Orissa 18 ; Central Provinces 20 ; Assam 7 ; Bengal 30 ; United Provinces 20 ; Total 148.

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates subject, however, to the following procedure :

All the members of the Depressed Classes, registered in the general electoral roll in a constituency, will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote ; the four persons getting the highest number of votes in such primary election shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of primary election in the manner provided for in Clause 2 above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen per cent of the seats allotted to the general electorate for British India in the said legislature shall be reserved for the Depressed Classes.

(5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as hereinbefore mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause 6 below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in Clauses I and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to any one on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

(9) In every province out of the educational grant, an adequate sum shall be earmarked for providing educational facilities to the Members of the Depressed Classes.

The terms of the Pact were accepted by Mr. Gandhi and given effect to by Government by embodying them in the Government of India Act. The Poona Pact had produced different reactions. The Untouchables were sad. They had every reason to be. There are, however, people who do not accept this. They never fail to point out that the Poona Pact gave the Untouchables larger number of seats than what was given to them by the Prime Minister in his Communal Award. It is true that the Poona Pact gave the Untouchables 148 seats, while the Award had only given them 78. But to conclude from this that the Poona Pact gave them more than what was given by the Award is to ignore what the Award had in fact given to the Untouchables.

The Communal Award gave the Untouchables two benefits:— (i) a fixed quota of seats to be elected by separate electorate of Untouchables and to be tilled by persons belonging to the Untouchables ; (ii) double vote, one to be used through separate electorates and the other to be used in the general electorates.

Now, if the Poona Pact increased the fixed quota of seats it also took away the right to the double vote. This increase in Seats can never be deemed to be a compensation, for the loss of the double vote. The second vote given by the Communal Award was a priceless privilege. Its value as a political weapon was beyond reckoning. The voting strength of the Untouchables in each constituency is one to ten. With this voting strength free to be used in the election of caste Hindu candidates, the Untouchables would have been in a position to determine, if not to dictate, the issue of the General Election. No caste Hindu candidate could have dared to neglect the Untouchable in his constituency or be hostile to their interest if he was made dependent upon, the votes of the Untouchables. Today the Untouchables have a few more seats than were given to them by the Communal Award. But this is all that they have. Every other member is indifferent, if not hostile. If the Communal Award with its system of double voting had remained the Untouchables would have had a few seats

less but every other member would have been a member for the Untouchables. The increase in the number of seats for the Untouchables is no increase at all and was no recompense for the loss of separate electorate and the double vote. The Hindus, although they did not celebrate the Poona Pact, did not like it. Throughout their commotion to save Mr. Gandhi's life there was a definite current of conscious feeling that the cost of saving his life may be great. Therefore, when they saw the terms of the Pact they very definitely disliked it, although they had not the courage to reject it. Disliked by the Hindus and disfavoured by the Untouchables, the Poona Pact was given recognition by both parties and was embodied in the Government of India Act.

IX

The signing of the Poona. Pact was followed by the appointment of the Hammond Committee to demarcate constituencies, to fix the number of seats for each constituency and settle the system of voting for the legislatures to be set up under the new constitution.

In carrying out its functions, the Hammond Committee had to take into account the terms of the Poona, Pact and the special sort of electoral plan, agreed upon to meet the needs of the Untouchables. Unfortunately, the Poona Pact having been concluded in a hurry had left many things undefined. Of the things that were left undefined the most important were two namely: (1) Does the 'panel of four' to be elected at the primary election imply four as a. maximum or a minimum? (2) What was intended to be the method of voting in the final election? It was contended on behalf of the Hindus that the panel of four was intended to be a minimum. If four candidates are not forthcoming there could be no primary election and therefore, there can be no election for the reserved seat, which they said must remain vacant and the Untouchables should go without representation. On behalf of the Untouchables, I was called to state my interpretation of the disputed points. I contended that four in the Poona Pact meant"not more than four."It did not mean"not less than four."On the question of voting the Hindus contended that the compulsory distributive vote was the most appropriate. On behalf of the Untouchables I contended that the cumulative system of voting was the proper system to

be introduced. Fortunately for the Untouchables the Hammond Committee accepted the views propounded by me and rejected those of the Hindus. It. is interesting to know why the caste Hindus put forth their contentions. One may well stop here for a moment and ask why did the Hindus raise their particular contentions before the Hammond Committee? Was there any particular motive behind the stand they took? So far as I am able to see the object which the Hindus had in demanding four candidates as the minimum for a valid primary election was to place the Hindus in a position to capture the seat for an election of such a representative of the Untouchable candidate, who would be their nominee and who would be most willing to be the tool of the Hindus. To get such an Untouchable elected in the final election he must first come in the panel, and he can come in the Panel only if the panel is a large panel. As the election to the panel is by separate electorates consisting exclusively of Untouchable voters it is obvious that if there is only one candidate in the Panel then he would be the staunchest representative of the Untouchable and worst from the standpoint of the Hindus. If there are two, the second will be less staunch than the first and therefore good from the standpoint of the Hindus. If there are three, the third will be less staunch than the second and therefore better from the standpoint of the Hindus. If there be four the fourth will be less staunch than the third and therefore best from the point of view of the Hindus. The Panel of four could therefore give to the Hindus the best chance of getting into the Panel such representatives of the Untouchables as is most suitable to the Hindus. That is why they insisted before the Hammond Committee that for a valid panel the minimum number must be four.

The object of insisting upon the system of compulsory distributive vote was the same namely to enable the Hindus to capture the seats reserved for the Untouchables. Under the cumulative vote the elector has as many votes as there are seats. He may give them all to one candidate or he may distribute them over two or more candidates as he may desire. Under the distributive system of voting the elector has also as many votes as there are seats, but he can give only one vote to any one candidate. Although the two look different yet in effect there may be no difference, because even under the cumulative vote a voter is not prevented from distributing his

votes. He is free to give one vote to one candidate. But the Hindus did not want to take any chance. Their main object was to flood the election to the seat reserved for the Untouchables in the joint electorate by,using the surplus votes of the Hindus in favour of the Untouchable candidate, who happens to be their nominee. The object was to outnumber the Untouchable voters and prevent them from electing their own, nominee. This cannot be done unless the surplus votes of the Hindu voters were diverted from the Hindu candidate towards the Untouchable candidates. There is a greater chance of the diversion of these surplus votes under the distributive system than there is under the cumulative system. Under the former the Hindu voter can give only one vote to the Hindu candidate. The other vote not being of use to the Hindu candidate is usable only for an Untouchable candidate. The distributive system thus had the possibility of flooding the election to the seat reserved for the Untouchables and this is why the Hindus preferred it to the system of cumulative voting. But they did not want to leave it to chance. For, even the distributive system from their point of view was not fool-proof. Under the distributive system there was no compulsion upon the voter to use all his votes. He may use one vote for the caste Hindu candidate and may not at all use the balance of his votes. If this happened the purpose of getting in their untouchable nominee would be defeated. Not to leave things to chance, the Hindus wanted that the distributive system of voting should be made compulsory so that a caste Hindu voter whether he wants it or not can have no option but to vote for the Untouchable candidate who may be the nominee of the Hindus, and thus make bis election sure and certain.

In the light of these considerations, it cannot but appear that the Poona Pact was only the first blow inflicted upon the Untouchables and that the Hindus who disliked it were bent on inflicting on it other blows as and when circumstances gave them an occasion to do so. The two contentions, which the Hindus raised before the Hammond Committee, furnish the best evidence of the existence of a conspiracy by the Hindus the object of which was to make the Poona Pact, as it could not be repudiated, of no benefit to the Untouchables. The story of how the Congress dealt with the political demands of the Untouchables cannot be left here for the simple reason that it does not end here. The subsequent parts of it are more

instructive than those that have gone before.

Continuing the story, the next part of it relates to the election that took place in February 1937 to the Provincial Legislatures, as reconstituted under the Government of India Act, 1935.

This was the first occasion in its life-time that the Congress came down to fight an election. It was also the first time that the Untouchables got the privilege to elect their own representatives. Some leaders of the Untouchables, who were siding with the Congress when the Poona Pact was being forged— such as the late Dewan Bahadur M. C. Raja—cherished the fond hope that the Congress will not inter-meddle in the elections of the Untouchables to the seats reserved for them. But this hope was dashed to pieces. The Congress had a double purpose to play its part in the election to the reserved seats of the Untouchables. In, the first place, it was out to capture in order to build up its majority which was essential for enabling it to form a Government. In the second place, it had to prove the statement of Mr. Gandhi that the Congress represented the Untouchables and that the Untouchables believed in the Congress. The Congress, therefore, did not hesitate to play a full, mighty and, I may say so, a malevolent part in the election of the Untouchables by putting up Untouchable candidates on Congress ticket pledged to Congress programme for seats reserved for the Untouchables. With the financial resources of the Congress it made a distinct gain.

The total number of seats allotted to the Untouchables under the Government of India Act, 1935 are 151 [22][f.12]. The following table shows how many were captured by Untouchable candidates who stood on the Congress Ticket.

Table. 5

Province	Total Seats Reserved for the Untouchables	Total Seats Captured by the Congress

United Provinces	20	16
Madras	30	26
Bengal	30	6
Central Provinces	20	7
Bombay	15	4
Bihar	15	11
Punjab	8	Nil
Assam	7	4
Orissa Total	G	4
	151	78

This shows that the Congress got just about fifty-one per cent of the seats reserved for the Untouchables.

The Congress in capturing 78 seats left only 73 seats to be filled by true and independent representatives of the Untouchables. The Untouchables were worse off under the Poona Pact than they would have been under. the Prime Minister's Award. In, point of effective representation, the Untouchables got less than what the Prime Minister had given them. The Congress on, the other hand gained by the Poona Pact. Although under the Poona Pact it gave 151 to the Untouchables it took back 78 and thereby made a handsome profit on its political transaction.

This is by no means the sum total of the losses which the Congress inflicted on the Untouchables in the elections of 1937. There was another and a greater blow which the Congress inflicted on the Untouchables. It deprived them of any share in the Executive.

From the very beginning, I had been pressing in the discussions in the

Round Table Conference that the Untouchables must not only have the right to be represented in the legislature, they must also have the right to be represented in the Cabinet. The woes of the Untouchables are not due so much to bad laws as to the hostility of the administration, which is controlled by the Hindus who import into administration their age old prejudices against the Untouchables. The Untouchables can, never hope to get protection from the police, justice from the judiciary or the benefit of a statutory law from the administration, so long as the Public Services continued to be manned by the Illinois. The only hope of making the Public Services less malevolent and more responsible to the needs of the Untouchables is to have members of the Untouchables in the higher Executive. For these reasons, I had at the Round Table Conference pressed the claim of the Untouchables for the recognition of their right to representation in, the Cabinet with the same emphasis as I had done for the recognition of their right to representation in the Legislature. The Round Table Conference accepted the validity of the claim and considered ways and means of giving effect to it. There were two ways of giving effect to this proposal. One was to have a statutory provision in the Government of India Act so as to make it a binding obligation which it would be impossible to evade or to escape ; the other way was not to have a statutory provision but to leave it to a gentleman's agreement—to a convention—as is the case in the English Constitution. I and the representatives of the other minorities although we did not insist upon the first in deference to the wishes of some leading Indians not to show such distrust in our own countrymen were not prepared to accept the second alternative as there was no enforceable sanction behind it. A via media was agreed upon. It was to introduce a clause in, the Instrument of instructions to the Governors imposing an obligation upon them to see that in, the formation of the Cabinet representatives of the Minorities were included. The clause ran as follows :—

> "In making appointments to his Council of Ministers our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgement is most likely to command a stable majority in the Legislature those persons (including so far as practicable members of

important minority communities) who will best be in a position collectively to command the confidence of the Legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers."

What happened to this provision is an interesting story. The Congress declared that they were not prepared to accept the Government of India Act 1935 for various reasons which it is not necessary to reproduce. It was obvious to all and even to many Congressmen that there was no sincerity behind this declaration. It had no other motive but to enhance the prestige of the Congress in the eyes of the public by making it appear that the Congress was a radical and revolutionary body which was out to destroy and bury British Imperialism which is a legend, the Congress has all along tried to create. It was a mere matter of tactics. The Congress wanted to take the powers which the Governors had been given under the Constitution to intervene whenever matters which were his special responsibilities were involved. The Congress did not mind, making the declaration rejecting the Constitution because it thought that as it was the only body which could run the new Parliamentary system the British Government would be obliged to come to terms with it. The British Government threatened to bypass the Congress. It not only appointed 1st April 1937 as the date of the inauguration of the Provincial part of the Constitution but actually went to the length of appointing an interim Ministry of non-Congressmen. Congressmen, who were hungering for power and who constitute a most jealous crowd of politicians, were shaken and felt that they were going to be deprived of the fruits of their labours. Negotiations were started between His Majesty's Government and the Congress High Command. The Congress High Command demanded that if an undertaking was given by His Majesty's Government that the Governors will not use their powers given to them under the Special Responsibility Clauses in the Constitution by interfering in the day to day administration of the Provinces, the Congress, which was most anxious that the new Constitution should begin to operate with the goodwill of the majority, agreed to give the undertaking demanded. The surprising part of it is that the Congress High Command enlarged the scope of this undertaking so as to include in the undertaking the non-exercise by the

Governors of the Provinces of the powers given to them under the Instruments of Instructions to see that the representatives of the minorities were included in the Provincial Ministries. The Governors who gave full accommodation to the Congress surrendered their authority and allowed the Congress to ride rough shod through a very important part of the Constitution with the result that the Untouchables and the other minorities were deprived of their right to representation in the Cabinet by the Congress with impunity and with alacrity.

The deprivation of the Untouchables by the Congress of their right to representation in the Cabinet has the appearance of malice aforethought. One of the grounds, urged by the Congress for the non-inclusion of representatives of the minorities in their Cabinets, was that a cabinet must be a party Cabinet if it is to take collective responsibility and that the Congress was quite ready to include members of the Minority communities in its Cabinet provided they were prepared to join the Congress and sign the Congress pledge. Whatever may be the value of such argument against other minorities, it had absolutely no value against the Untouchables. The Congress could not use it to defend its conduct in excluding the Untouchables from the Cabinet for two reasons. In the first place, the Congress was bound by the terms of the Poona Pact to give representation to the Untouchables in the Cabinet. In the second place, the Congress could not say that there were no Untouchables in the Legislatures who were not members of the Congress Party. On the contrary, there were as many as 78 Untouchables returned on the Congress ticket and pledged to the Congress policy. Why then did the Congress not include them in the Cabinet? The-only answer is that it was a part of the Congress policy not to admit the right of the Untouchables to be represented in the Cabinet and that this policy had the support of Mr. Gandhi. Those who may have any doubt as to the correctness of this statement may well consider the evidence set out below.

The first piece of evidence lies imbedded in the story of the expulsion of the Hon'ble Dr. Khare from the Congress. As is well-known, Dr. Khare was the Prime Minister in the Congress Ministry in the Central Provinces. Owing to internal quarrels among the members of his Cabinet, Dr. Khare

to get rid of those that were inconvenient adopted the perfectly normal course of tendering his own resignation and that of the other ministers to the Governor with a view to form a new Cabinet. Thereafter, the Governor in full conformity with constitutional practice recalled Dr. Khare and asked him to form another Cabinet with himself as the Premier. Dr. Khare accepted the invitation and formed a new Cabinet dropping old and inconvenient hands and taking in some new ones. Dr. Khare's new Cabinet was different from the old in one important respect namely, that it included Mr. Agnibhoj, an Untouchable, who was a member of the Central Provinces, who belonged to the Congress Party and who by his education well qualified to be a minister. On the 26th July 1938, the Congress Working Committee met in, Wardha and passed a resolution condemning Dr. Khare on the ground that in tendering the resignation of his colleagues in the old ministry he was guilty of a grave error of judgement and that in forming a new ministry he was guilty of indiscipline. In explaining what was behind this charge of indiscipline in forming a new ministry. Dr. Khare openly said that according to Mr. Gandhi the act of indiscipline consisted in the inclusion of an Untouchable in the Ministry. Dr. Khare also said that Mr. Gandhi told him that it was wrong on his part to have. raised such aspirations and ambitions in the Untouchables and it was such an act of bad judgement that he would never forgive him. This statement was repeatedly made by Dr. Khare from platforms. Mr. Gandhi has never contradicted it.

There is, however, more direct evidence on this point. In 1942 there was held All-India Conference of the Untouchables. In that Conference resolutions setting out the political demands of the Untouchables were passed. An Untouchable of the Congress Party who attended the Conference went to Mr. Gandhi to ascertain what Mr. Gandhi had to say about these demands and put him the following five questions :---

"1. What will be the position of the Harijans in the future constitution to be framed?

"2. Will you advise the Government and the Congress to agree to fix the five seats from a Panchayat Board upwards to the State Council on population basis?

"3. Will you advise the Congress and the leaders of the various majority parties in the legislatures in the provinces to nominate the Cabinet members from among the Scheduled Caste legislators who enjoy the confidence of the majority of Scheduled Caste members?

"4. In view of the backwardness of the Harijans, will you advise the Government to make a provision in the Act that Executive posts in the Local Boards and Municipal Councils be held on communal rotation, so as to enable the Harijans to become Presidents and Chairmen?

"5. Why do you not fix some percentage of scats for Harijans from District Congress Committee upwards to the Working Committee of the Congress?

Mr. Gandhi gave his answers in the issue of the Harijan dated 2nd August 1942. This is what Mr. Gandhi said :—

"1. The constitution, which I could influence, would contain a provision making the observance of untouchability in any shape or form an offence. The so-called 'untouchables' would have seats reserved for them in all elected bodies according to their population within the elected area concerned.

"2. You will see that the answer is covered by the foregoing.

"3. I cannot. The principle is dangerous. Protection of its neglected classes should not be carried to an extent which will harm them and harm the country. A cabinet minister should be a topmost man commanding universal confidence. A person after he has secured a seat in an elected body should depend upon his intrinsic merit and popularity to secure coveted positions.

"4. In the first place, I am not interested in the present Act which is as good as dead. But I am opposed to your proposal on the ground already mentioned.

"5. I am opposed for the reasons mentioned. But I should like to compel large elective Congress organisations to ensure the election of Harijan members in proportion to their numbers on the Congress

register. If Harijans are not interested enough in the Congress to become 4 anna members, they may not expect to find their names in elective bodies. But I would strongly advise Congress workers to see that they approach Harijans and induce them to become members of the Congress."

Is there any doubt that Mr. Gandhi and the Congress were determined on principle not to recognise the right of the Untouchables to be represented in the Cabinet? As to the question of qualifications, there would have been some sense if Mr. Gandhi had that limiting condition applicable to all minorities. Dare Mr. Gandhi say that about the Muslim demand? What is the use in shutting it out in the case of the Untouchables only? Nobody has claimed that an unqualified Untouchable should be made a Minister. It only confirms the inner feeling of opposition that lies locked in the heart of Mr. Gandhi.

In the series of acts which the Congress perpetrated in order to nullify the Poona Pact there remain two more to mention. First relates to the policy adopted by the Congress Parliamentary Board in selecting candidates for election. Unfortunately, this question has not been studied as deeply as its importance demands. I have examined this question, and I hope to publish the results along with the evidence in a separate treatise. Here, all I can do is to set out the general principles which seem to have been. adopted by these Boards in. selecting candidates for election. Communal principle played a very great part in, it. In a constituency where there were two candidates to choose from, the Congress did not feel it necessary to choose the one more worthy. It chose the one who belonged to a caste which was more numerous. Considerations of wealth also played their part. A wealthier candidate was often, preferred to a poor and a better qualified candidate. These considerations were unjustifiable. But they could be understood as the object was to adopt a safe candidate who will pull through. But there were other principles followed which reveal a deep-seated plot. Different classes of qualifications were set down, for different classes of candidates. From candidates who came from high caste Hindus as Brahmins and the allied communities those with the highest qualifications were selected. In the case of the Non-Brahmins those with

low qualifications were preferred to those with higher qualifications. And in the case of the

Untouchables those with little or no qualifications were selected in preference to those who had. I don't say that is true in every case. But the general result was that of the candidates selected by the Congress, the candidates from the Brahmin and allied communities were the most highly educated, candidates from the non-Brahmins were moderately educated and those from the Untouchables just about literates. This system of selection is very intriguing. There seems to be a deep laid game behind it. Any one who studies it carefully will find that it is designed to allow none but the Brahmins and the allied castes to form the main part of the ministry and to secure for them the support of a docile unintelligent crowd of non-Brahmins and Untouchables who by their intellectual attainments could never dream of becoming rivals of the minister-folk but would be content to follow the lead for no other consideration except that of having been raised to the status of members of the Legislatures. Mr. Gandhi did not see this aspect of the case when he said that to be a minister the Untouchable aspiring for it must be a qualified person. Otherwise, he would have seen that if there were no qualified persons among the Untouchable Congressmen, it was because the Congress Parliamentary Board did not choose well-qualified candidates from the Untouchables.

If the present system of election continues the Congress can always prevent educated Indians from becoming members of the Legislature which is the stepping-stone for becoming a member of the Cabinet. It is a very grave prospect and some steps will have to be taken to retrieve the position. In the meantime, it is enough to say that the scheme of selecting candidates adopted by the Congress dealt the Untouchables a severe blow by depriving them of Executive power under the cover of there being no qualified men to hold it which it created for itself by such clandestine and subterranean means.

The second misdeed of the Congress was to subject the Untouchable Congressmen to the rigours of party discipline. They were completely under the control of the Congress Party Executive. They could not ask a question which it did not like. They could not move a resolution which it

did not permit. They could not bring in legislation to which it objected. They could not vote as they chose and could not speak what they felt. They were there as dumb driven cattle. One of the objects of obtaining representation in the Legislature for the Untouchables is to enable them to ventilate their grievances and to obtain redress for their wrongs. The Congress successfully and effectively prevented this from happening.

To end this long and sad story, the Congress sucked the juice out of the Poona Pact and threw the rind in the face of the Untouchables.

Chapter IV

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER IV
AN ABJECT SURRENDER

Congress Beats An Inglorious Retreat

I

THE Poona Paet was signed on, the 24th September 1932. On 25th September 1932, a public meeting of the Hindus was held in Bombay to accord to it their support. At that meeting the following resolution was passed :—

"This Conference confirms the Poona agreement arrived at between the leaders of the Caste Hindus and Depressed Classes on September 24, 1932, and trusts that the British Government will withdraw its decision creating separate electorates within the Hindu community and

accept the agreement in full. The Conference urges that immediate action be taken by Government so as to enable Mahatma Gandhi to break his fast within the terms of his vow and before it is too late. The Conference appeals to the leaders of the communities concerned to realise the implications of the agreement and of this resolution and to make earnest endeavour to fulfil them.

"This Conference resolves that henceforth, amongst Hindus, no one shall be regarded as an Untouchable by reason of his birth, and that those who have been so regarded hitherto will have the same right as other Hindus in regard to the use of public wells, public schools, public roads, and all other public institutions. This right shall have statutory recognition at the first opportunity and shall be one of the earliest Acts of the Swaraj Parliament, if it shall not have received such recognition before that time.

"It is further agreed that it shall be the duty of all Hindu leaders to secure, by every legitimate and peaceful means, an early removal of all social disabilities now imposed by custom upon the so-called Untouchable Classes, including the bar in respect of admission to temples."

This resolution was followed by a feverish activity on the part of the Hindus to throw open Temples to the Untouchables. No week passed in which the Harijan a weekly paper started by Mr. Gandhi which did not publish a long list of temples thrown open, wells thrown open and schools thrown open to the Untouchables set out under special column headed"Week to Week"on the first page. As samples I produce below these"Week to Week"columns from two issues from the Harijan.

'HariJan' of 18th February 1933

WEEK: TO WEEK

(During the Week ending 7th February 1933)

TEMPLES THROWN OPEN	Gorakhpur Town, U.P.
One temple recently built at a cost of a lakh and half rupees in North Calcutta. One temple in village Bhapur, district Ganjam, Madras. One Thakurdwar temple at Naurania, in Jullundar, Punjab. WELLS OPENED 0ne Municipal well at Guriapur in Jaipur town, district Cuttack, Orissa. Two wells in Wazirpura and Nikigali, Agra, U.P. In Trichinopoly (Madras) an orthodox Brahmin has offered expenses necessary for digging three wells for the common use of Harijans and caste Hindus. SCHOOLS STARTED A free school in Bachrota,	One night school in Hata Tehsil, District Gorakhpur, U.P. One night school at Sakhonia. INDIAN STATES 1. The Palitana State (Kathiawar) Assembly has passed by a large majority three resolutions relating to the facilities to be given to the Harijans. 2. A standing committee- has been appointed by the Government of Sandhur State, Madras, to concert measures calculated to ameliorate the condition of the Harijans in the State. GENERAL 1. The Harijans in various villages near Kashia in Gorakhpur district have given up carrion eating. 2. On the occasion of the ' Basantpanchami ' festival '

district Meerut, U.P. One school at Metah district in Rajputana. Three schools at Fatehpur, Chernun and Abhaypur in Jaipur State, Rajputana. One school at Fatehghar, district Farukhabad, U.P. Three night schools in Muttra, U.P. Three night schools in	Basantotsava ' was celebrated at Muzaffarpur (Bihar) under the auspices of the Harijan Seva Sangh in the temple of Sri Chaturbhujnathji in which all castes of Hindus took part. A. A. V. THAKKAR, General Secretary.

Sjt. V. R. Shinde, President, All-India Anti-Untouchability League and Founder-Trustee of the Depressed Mission Society of India, Poona, has addressed an open letter to the members of the Legislative Assembly on Sjt. Ranga Iyer's Untouchability Bills, strongly urging them to support the two measures. In Taikalwadi in ' G ' Ward of Bombay, there was an outbreak of fire recently which caused very serious damage to the huts and belongings of 48	of Untouchables Society sanctioned Rs. 500 for giving relief to these families, and the relief was organised by a sub-Committee of the 'G' Ward Committee of the Society. A sum of Rs. 402-8 was distributed as an urgent measure of help to the 48 families, containing in all 163 persons. The Bombay Government has issued orders that requests from local bodies for assignment of

Mahar families. The President of the Bombay Provincial Board of the Servants	Government lands for wells, tanks, dharamshalas, etc., should not be granted except on condition that all castes alike will have equal use of such wells, tanks, etc.

'Harijan' of July 15, 1933

WEEK TO WEEK

EDUCATIONAL FACILITIES Three reading rooms for Harijans have been opened in the North Arcot District by the S.U.S. In the Madura District S.U. S. workers got Harijan children admitted into the Viraganur taluq board school. Banians, towels, slates, etc. were distributed free to the children of the Melacheri school established by the Madura S.U.S. Two Harijan students of Ramjas College, Delhi, have been allowed free scholarship and free lodging and one a free	the auspices of the Lahore Harijan Seva Sangh in the Harijan quarters outside Mochi Gate. The opening ceremony was performed by Mrs. Brij Lal Nehru. It has been decided to start one more hostel for Harijan students in Brahmana Kodur (Guntur). The East Godavery District Harijan Seva Sangham has resolved to start a hostel for Harijan Girl Students studying in Coconada. A sum of Rs. 630, 20 bags of rice, fuel necessary for one year, have been already received as donations for the hostel,

scholarship by Principal Thadani of the College.

One night school for adult Harijans was opened under decided to start a hostel for Harijan students in Urava-konda. Some provisions and money have already been collected and it is intended to start the hostel with 20 students.

Owing to the unremitting efforts of the District Harijan Seva Sangham, Guntur, Harijan boys have been allowed into the savarna schools in a manner of villages and towns.

WELLS

Three wells in Coimbatore District which were in a bad condition, were cleaned and made available for use.

The District Board President, South Arcot, has promised to dig four wells in cheries selected by the S.U.S.

During the fortnight ending 31-5-33, no less than 125 wells in all were opened to Harijans and 5 new ones constructed in Andhradesh.

which will be started with 15 students.

The Anantapur District Harijan Seva Sangam has Three new district centres of S.U.S. have been opened during the month in Bankura, Murshidabad, and 24 Par-gana.s.

Trichinopoly, Tanjore, Tin-nevelley, Salem. Dindigul, North Arcot and Madura have all taken up the idea of a Gandhi Harijan Service corps for direct and personal service in the cheris.

Alandural, a Harijan village 12 miles from Coimbatore was ^iven Rs. 25 worth of grain, Rs. 100 worth of cloth and Rs. 5 worth of oil, as relief after a lire in the village.

A Harijan Youth League has been formed in Chidam-baram.

A shop to supply provisions at cost price to the Harijans has been set up in Tenali and is being made use of by them.

GENERAL A shop has been opened in a bustee near Hogg Market (Calcutta) where Doms live, for supplying them with articles of food at cheap rates. Rs. 60 has been paid by the S.U.S. Bengal for paying up the debts of a Harijan family at Bibi Bagan bustee (Calcutta). The Arnrita Samaj (Calcutta) has given service to some Harijans. 450 Harijans of Bolpur (Birbhum)have given up drinking habits and 1,275 Muchis have taken a vow not to take beef.	A sum of Rs. 110 was spent in giving help for rebuilding houses of Harijans in Valanna Paleni (East Kistna) recently destroyed by Fire. A sum of Rs. 100 was contributed by the Provincial Committee towards the relief of Harijans in Yellamanchili (Vizag) who lost their houses by a fire. The local Harijan Seva Sangham is endeavouring to erect new houses for the Harijans in a better locality and is collecting donations— in cash and building materials. One Harijan has been employed as a servant by a savarna gentleman in Golla-palem.

When the owners or trustees of temples were not prepared to throw open their temples to the Untouchables, the Hindus actually started satyagraha against them to compel them to fall in line. The satyagraha by Mr. Kelappan for securing entry to the Untouchables in the temple at Guruvayur was a part of this agitation. To force the hands of the trustees of the temples who had the courage to stand against the current, many Hindu legislators came forward, tumbling over one another, with Bills requiring the trustees to throw open temples to the Untouchables if a referendum showed that the majority of the Hindu worshippers voted

in favour. There was a spate of such Bills and a race among legislators to take the first place. There was a Temple Entry Bill by Dr. Subbaroyan of the Madras Legislative Council. There were four Bills introduced in the Central Assembly. One was by Mr. C. S. Ranga Iyer, another by Mr. Harabilas Sarda, a third by Mr. Lalchand Navalrai, and a fourth one by Mr. M. R. Jayakar.

In this agitation Mr. Gandhi also joined. Before 1932, Mr. Gandhi was opposed to allow Untouchables to enter Hindu Temples. To quote his own, words Mr. Gandhi said [23]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41E.What Congress and Gandhi CHAPTER IV.htm - _msocom_1 :—

> "How is it possible that the Antyajas (Untouchables) should have the right to enter all the existing temples? As long as the law of caste and ashram has the chief place in Hindu Religion, to say that every Hindu can enter every temple is a thing that is not possible today."

His joining the movement for Temple entry must therefore remain a matter of great surprise. Why Mr. Gandhi took this somersault it is difficult to imagine. Was it an honest act of change of heart, due to a conviction that he was in error in opposing the entry of the Untouchables in Hindu temples? Was it due to a realisation that the political separation between the Hindus and the Untouchables brought about by the Poona Pact might lead to a complete severance of the cultural and religious ties and that it was necessary to counteract the tendency by some such measure as Temple Entry as will bind the two together? Or was his object in joining the Temple Entry movement to destroy the basis of the claim of the Untouchables for political rights by destroying the barrier between them and the Hindus which makes them separate from the Hindus? Or was it because Mr. Gandhi saw before him looming large a possibility of adding to his name and fame and rushed to make the most of it, as is his habit to do? The second or the third explanation may be nearer the truth.

What was the attitude of the Untouchables to this movement for Temple entry? I was asked by Mr. Gandhi to lend my support to the

movement for Temple entry. I declined to do so and issued a statement on the subject to the Press. As it will help the reader to know the grounds for my attitude to this question I have thought it well to set it in full. Here it is !

Statement on Temple Entry Bill

14th February, 1933

Although the controversy regarding the question of Temple Entry is confined to the Sanatanists and Mahatma Gandhi, the Depressed Classes have undoubtedly a very important part to play in it, in so far as their position is bound to weigh the scales one way or the other when the issue comes up for a final settlement. It is, therefore, necessary that their viewpoint should be defined and stated so as to leave no ambiguity about it.

To the Temple-Entry Bill of Mr. Ranga Iyer as now drafted, the Depressed Classes cannot possibly give their support. The principle of the Bill is that if a majority of Municipal and Local Board voters in the vicinity of any particular temple on a referendum decide by a majority that the Depressed Classes shall be allowed to enter the temple, the Trustees or the Manager of that temple shall give effect to that decision. The principle is an ordinary principle of Majority rule, and there is nothing radical or revolutionary about the Bill, and if the Sanatanists were a wise lot, they would accept it without demur.

The reasons why the Depressed Classes cannot support a Bill based upon this principle are two: One reason is that the Bill cannot hasten the day of temple-entry for the Depressed Classes any nearer than would otherwise be the case. It is true that under the Bill, the minority will not have the right to obtain an injunction against the Trustee, or the Manager who throws open the temple to the Depressed Classes in accordance with the decision of the majority. But before one can draw any satisfaction from this clause and congratulate the author of the Bill,

one must first of all feel assured that when the question is put to the vote there will be a majority in favour of Temple Entry. If one is not suffering from illusions of any kind one must accept that the hope of a majority voting in favour of Temple-Entry will be very rarely realised, if at all. Without doubt, the majority is definitely opposed to-day—a fact which is conceded by the author of the Bill himself in his correspondence with the Shankracharya.

What is there in the situation as created after the passing of the Bill, which can lead one to hope that the majority will act differently? I find nothing. I shall, no doubt, be reminded of the results of the referendum with regard to the Guruvayur Temple. But I refuse to accept a referendum so overweighted as it was by the life of Mahatma Gandhi as the normal result. In any such calculations, the life of the Mahatma must necessarily be deducted.

Secondly, the Bill does not regard Untouchability in temples as a sinful custom. It regards Untouchability merely as a social evil not necessarily worse than social evils of other sorts. For, it does not declare Untouchability as such to be illegal. Its binding force is taken away, only, if a majority decides to do so. Sin and immorality cannot become tolerable because a majority is addicted to them or because the majority chooses to practise them. If Untouchability is a sinful and an immoral custom, then in the view of the Depressed Classes it must be destroyed without any hesitation even if it was acceptable to the majority. This is the way in which all customs are dealt with by Courts of Law, if they find them to be immoral and against public policy.

This is exactly what the Bill does not do. The author of the Bill takes no more serious view of the custom of Untouchability than does the temperance reformer of the habit of drinking. Indeed, so much is he impressed by the assumed similarity between the two that the method he has adopted is a method which is advocated by temperance reformers to eradicate the evil habit of drinking, namely, by local option. One cannot feel much grateful to a friend of the Depressed Classes, who holds Untouchability to be no worse than drinking. If Mr. Ranga Iyer had not forgotten that only a few months ago Mahatma Gandhi

had prepared himself to fast unto death if Untouchability was not removed, he would have taken a more serious view of this curse and proposed a most thoroughgoing reform to ensue its removal lock, stock and barrel. Whatever its shortcomings may be from the standpoint of efficacy, the least that the Depressed Classes could expect is for the Bill to recognise the principle that Untouchability is a sin.

I really cannot understand how the Bill satisfies Mahatma Gandhi, who has been insisting that Untouchability is a sin ! It certainly does not satisfy the Depressed Classes. The question whether this particular Bill is good or bad, sufficient or insufficient, is a subsidiary question.

The main question is: Do the Depressed Classes desire Temple Entry or do they not? This main question is being viewed by the Depressed Classes by two points of view. One is the materialistic point of view. Starting from it, the Depressed Classes think that the surest way for their elevation lies in higher education, higher employment and better ways of earning a living. Once they become well placed in the scale of social life, they would become respectable and once they become respectable the religious outlook of the orthodox towards them is sure to undergo change, and even if this did not happen, it can do no injury to their material interest. Proceeding on these lines the Depressed Classes say that they will not spend their resources on such an empty thing as Temple Entry. There is also another reason why they do not care to fight for it. That argument is the argument of self-respect.

Not very long ago there used to be boards on club doors and other social resorts maintained by Europeans in India, which said"Dogs and Indians"not allowed. The temples of Hindus carry similar boards to-day, the only difference is that the boards on the Hindu temples practically say :"All Hindus and all animals including dogs are admitted, only Untouchables not admitted."The situation in both cases is on a parity. But Hindus never begged for admission in those places from which the Europeans in their arrogance had excluded them. Why should an Untouchable beg for admission in a place from which he has been excluded by the arrogance of the Hindus? This is the reason of the Depressed Class man who is interested in his material welfare. He is

prepared to say to the Hindus,"to open or not to open your temples is a question for you to consider and not for me to agitate. If you think, it is bad manners not to respect the sacredness of human personality. open your temples and be a gentleman. If you rather be a Hindu than be gentleman, then shut the doors and damn yourself for I don't care to come."

I found it necessary to put the argument in this form, because I want to disabuse the minds of men like Pandit Madan Mohan Malaviya of their belief that the Depressed Classes are looking forward expectantly for their patronage.

The second point of view is the spiritual one. As religiously minded people, do the Depressed Classes desire temple entry or do they not? That is the question. From the spiritual point of view, they are not indifferent to temple entry as they would be, if the material point of view alone were to prevail. But their final answer must depend upon the reply which Mahatma Gandhi and the Hindus give to the question namely : What is the drive behind this offer of temple entry? Is temple entry to be the final goal of the advancement in the social status of the Depressed Classes in the Hindu fold? Or is it only the first step and if it is the first step, what is the ultimate goal? Temple Entry as a final goal, the Depressed Classes can never support. Indeed they will not only reject it, but they would then regard themselves as rejected by Hindu Society and free to find their own destiny elsewhere. On the other hand. if it is only to be a first step in the direction they be may be inclined to support it. The position would then be analogous to what is happening in the politics of India to-day. All Indians have claimed Dominion Status for India. The actual constitution will fall short of Dominion Status and many Indians will accept it. Why? The answer is that as the goal is defined, it does not matter much if it is to be reached by steps and not in one jump. But if the British had not accepted the goal of Dominion Status, no one would have accepted the partial reforms which many are now prepared to accept. In the same way, if Mahatma Gandhi and the reformers were to proclaim what the goal which they have sot before themselves is for the advancement of the Social Status of the Depressed

Classes in the Hindu fold, it would be easier for the Depressed Classes to define their attitude towards Temple Entry. The goal of the Depressed Classes might as well be stated here for the information and consideration of all concerned. What the Depressed Classes want is a religion, which will give them equality of social status. To prevent any misunderstanding, I would like to elaborate the point by drawing a distinction between social evils which are the results of secular causes and social evils which are founded upon the doctrine of religion. Social evils can have no justification whatsoever in a civilised society. But nothing can be more odious and vile than that admitted social evils should be sought to be justified on the ground of religion. The Depressed Classes may not be able to overthrow inequities to which they are being subjected. But they have made up their mind not to tolerate a religion that will lend its support to the continuance of these inequities.

If the Hindu religion is to be their religion, then it must become a religion of Social Equality. The mere amendment of Hindu religious code by the mere inclusion in it of a provision to permit temple entry for all, cannot make it a religion of equality of social status. All that it can do is to recognise them as nationals and not aliens, if I may use in this connection terms which have become so familiar in politics. But that cannot mean that they would thereby reach a position where they would be free and equal, without being above or below any one else, for the simple reason that the Hindu religion does not recognise the principle of equality of social status; on the other hand it fosters inequality by insisting upon grading people as Brahmins, Kshatrias, Vaishyas and Shudras, which now stand towards one another in an ascending scale of hatred and descending scale of contempt. If the Hindu religion is to be a religion of social equality then an amendment of its code to provide temple-entry is not enough. What is required is to purge it of the doctrine of Chaturvarna. That is the root cause of all in equality and also the parent of the caste system and Untouchability, which are merely forms of inequality. Unless it is done not only will the Depressed Classes reject Temple Entry, they will also reject the Hindu faith. Chaturvarna and the Caste system are incompatible with the self-

respect of the Depressed Classes. So long as they stand to be its cardinal doctrine the Depressed Classes must continue to be looked upon as low. The Depressed Classes can say that they are Hindus only when the theory of Chaturvarna and caste system is abandoned and expunged from the Hindu Shastras. Do the Mahatma and the Hindu reformers accept this as their goal and will they show the courage to work for it? I shall look forward to their pronouncements on this issue, before I decide upon my final attitude. But whether Mahatma Gandhi and the Hindus are prepared for this or not, let it be known once for all that nothing short of this will satisfy the Depressed Classes and make them accept Temple Entry. To accept temple entry and be content with it; is to temporise with evil and barter away the sacredness of human personality that dwells in them.

There is. however, one argument which Mahatma Gandhi and the reforming Hindus may advance against the position I have taken. They may say:"acceptance by the Depressed Classes of Temple Entry now, will not prevent them from agitating hereafter for the abolition of Chaturvarna and Caste. If that is their view, I like to meet the argument right at this stage so as to clinch the issue and clear the road for future developments. My reply is that it is true that my right to agitate for the abolition of Chaturvarna and Caste System will not be lost, if I accept Temple Entry now. But the question is on what side will Mahatma Gandhi be at the time when the question is put. If he will be in the camp of my opponents, I must tell him that I cannot be in his camp now. If he will be in my camp he ought to be in it now.

B. R. AMBEDKAR.

Dewan Bahadur R. Srinivasan who along with me represented the Untouchables at the Round Table Conference also did not support the movement for Temple entry. In a statement to the Press, he said :—

"When a Depressed Classes member is permitted to enter into the caste Hindu temples he would not be taken into any one of the four castes, but treated as man of fifth or the last or the lower caste, a

stigma worse than the one to be called an Untouchable. At the same time he would be subjected to so many caste restrictions and humiliations. The Depressed Classes shun the one who enters like that and exclude him as casteman. The crores of Depressed Classes would not submit to caste restrictions. They will be divided into sections if they do. 'Temple entry cannot be forced by law. The village caste-men openly or indirectly defy the law. To the village Depressed Class man it would be like a scrap of paper on which the"sugar"was written and placed in hands for him to taste. The above facts are placed before the public in time to save confusion and disturbance in the country."

To the question I put to Mr. Gandhi in, my statement he gave a straight reply. He said that though he was against untouchability he was not against caste. If at all, he was in favour of it and that he would not therefore carry his social reform beyond removing untouchability. This was enough for me to settle my attitude. I decided to take no further part in it.

The only leading member from the Untouchable community was the late Dewan Bahadur Rajah. One cannot help saying that he played a very regrettable part in this business. The Dewan Bahadur was a nominated member of the Central Assembly from 1927. He had nothing to do with the Congress either inside or outside the Assembly. Neither by accident nor by mistake did he appear on the same side of the Congress. Indeed, he was not merely a critic of the Congress but its adversary. He was the staunchest friend of the Government and never hesitated to stand by the Government. He stood for separate electorates for the Untouchables to which the Congress was bitterly opposed. In the crisis of 1932, the Dewan Bahadur suddenly decided to desert the Government and take sides with the Congress. He became the spearhead of the Congress movement for joint electorates and Temple entry. It is impossible to discover a parallel in the conduct of any other public cause. The worst part of the business was that it had none but personal motive behind. The Dewan Bahadur was deeply cut because the Government did not nominate him as a delegate to the Round Table Conference to represent the Untouchables and in his stead nominated

Dewan Bahadur R. Srinivasan. The Government of India had good ground for not nominating him. It was decided that neither the members of the Simon Commission nor the members of the Central Legislative Committee should have a place in the Round Table Conference. The Dewan Bahadur was a member of the Central Legislative Committee and had therefore to be dropped. This was quite a natural explanation. But the wounded pride of Dewan Bahadur Rajah could not let him see it. When the Congress Ministry took office in Madras, when he saw how the Poona Pact was being trampled upon, how his rival was made a Minister and how notwithstanding his services to the Congress he was left out, he bitterly regretted what he did! The fact, however, remains that in the critical year of 1932, Dewan Bahadur Rajah lent his full support to the Congress. He was not only running with the Congress crowd but he took care not to fall out in the race for legislation against untouchability. He too had sponsored two Bills. One of them was called the Removal of Untouchability Bill and the other was called the Criminal Procedure Amendment Bill.

Mr. Gandhi did not mind any opposition and was indifferent as to whether it came from the orthodox Hindus or from the Untouchables. He went on in mad pursuit of his object. It is interesting to ask, what happened to this movement? Within the short compass of this book it is not possible to spread out this inquiry and cover everything that was done and claimed as evidence of the success of the movement.

To put it briefly, after a short spurt of activity in, the direction of removing untouchability by throwing open temples and wells the Hindu mind returned to its original state. The reports appearing in. the"Week to Week"columns of the Harijan subsided, became few and far between and ultimately vanished. For myself I was not surprised to find that the Hindu heart was so soon stricken with palsy. For I never believed that there was so much milk of human kindness locked up in the Hindu breast as the"Week to Week"column in the Harijan would have the world believe. As a matter of fact a large part of the news that appeared in the"Week to Week"was faked and was nothing but a lying propaganda engineered by Congressmen to deceive the world that the

Hindus were determined to fight untouchability. Few temples if any were really opened and those that were reported to have been, opened most of them were dilapidated and deserted temples which were used by none but dogs and donkeys. One of the evil effects of the Congress agitation is that it has made the political minded Hindus a lying squad which will not hesitate to tell any lie if it can help the Congress. Thus ended the part which the Hindu public played or was made to appear to play in this Temple-Entry movement. The same fate overtook the Guruvayur Temple satyagraha and the legislation for securing Temple-Entry for the Untouchables. As these are matters which were pursued by Mr. Gandhi and Congressmen their history might be told in some detail inasmuch as it reveals the true mentality of Mr. Gandhi and the Congress towards the Untouchables.

IV

To begin with the Guruvayur Temple Satyagraha. A temple of Krishna is situated at Guruvayur in, the Ponnani taluk in Malabar. The Zamorin of Calicut is the trustee of the temple. One Mr. Kelappan, a Hindu who was working for the cause of the Untouchables of Malabar, began an agitation for securing the Untouchables entry into the temple. The Zamorin of Calicut as the trustee of the temple refused to throw open the temple to the Untouchables and in support of his action, cited Section 40 of the Hindu Religious Endowments Act which said that no trustee could do anything against the custom and usage of the temples entrusted to him. On the 20th September 1932, Mr. Kelappan commenced a fast in, protest lying in front of the temple in. the sun till the Zamorin revised his views in favour of the Untouchables. To get rid of this annoyance and embarrassment the Zamorin, appealed to Mr. Gandhi to request Mr. Kelappan to suspend his fast for a time. After a fast for ten, days Mr. Kelappan. at the request of Mr. Gandhi suspended the fast on 1st October 1932 for three months. The Zamorin did nothing. Mr. Gandhi sent him a wire telling him that he must move in the matter and get over all difficulties legal or otherwise. Mr. Gandhi also told the Zamorin that as Mr. Kelappan had suspended his fast on his advice he had become responsible for securing to the Untouchable entry into the temple to the extent of sharing the fast with Mr.

Kelappan. On 5th November 1932, Mr. Gandhi issued the following statement to the press :—

> "There is another fast which is a near possibility and that in connection with the opening of the Guruvayur temple in Kerala. It was at my urgent request that Mr. Kelappan suspended his fast for three months, a fast that had well nigh brought him to death's door. I would be in honour bound to fast with him if on or before 1st January 1933 that temple is not opened to the Untouchables precisely on the same terms as to the Touchables, and if it becomes necessary for Mr. Kelappan to resume his fast."

The Zamorin refused to yield and issued a counter-statement to the press in which he said :—

> "The various appeals that are being made for throwing open the temples to Avarnas proceed upon an inadequate appreciation of such difficulties. In these circumstances, there is hardly any justification for thinking that it is in my power to throw open the Guruvayur temple to the Avarnas as desired by the supporters of the temple-entry campaign."

In these circumstances a fast by Mr. Gandhi became inevitable, and obligatory. But Mr. Gandhi did not go on fast. He modified his position and said that he would, refrain from fasting if a referendum was taken in Ponnani taluk in which the temple was situated and if the referendum showed that the majority was against the throwing open of the temple to the Untouchables. Accordingly, a referendum was taken. Voting was confined to those who were actual temple goers. Those who were not entitled to enter the temple and those who would not enter it were excluded from the voters' list. It was reported that 73 per cent. of eligible voters voted. The result of the poll was 56 per cent. were in favour of temple entry, 9 per cent. against, 8 per cent. were neutral and 27 per cent. abstained from recording their votes,

On this result of the referendum, Mr. Gandhi was bound to start the fast. But he did not. Instead, on, the 29th of December 1932 Mr. Gandhi issued a statement to the press which he concluded by saying

:—

"In view of the official announcement that the Viceregal decision as to sanction for the introduction, in the Madras Legislative Council, of Dr. Subbaroyan's permissive Bill with reference to the temple-entry could not possibly be announced before the 15th January, the fast contemplated to take place on the second day of the New Year will be indefinitely postponed and in any case up to the date of the announcement of the Viceregal decision. Mr. Kelappan concurs in this postponement."

The Viceregal pronouncement mentioned by Mr. Gandhi had reference to the Viceroy's granting permission or refusing permission to the moving of the Temple Entry Bills in the Legislature. That permission was given by the Viceroy. Yet Mr. Gandhi did not fast. Not only did he not fast, he completely forgot the matter as though it was of no moment! Since then nothing has been heard about Guruvayur Temple Satyagraha though the Temple remains closed to the Untouchables even to-day.

V

Thus ended Guruvayur. Let me now turn to the other project namely legislation for Temple-Entry. Of the many bills the one in the name of Mr. Ranga Iyer in the Central Legislature was pursued. The rest were dropped. There was a storm at the very birth of the Bill. Under the Government of India Act as it then stood no legislative measure which affected religion and customs and usages based on religion could be introduced in the Assembly unless it had the previous sanction of the Governor-General. When the Bill was sent for such sanction another commotion was created by the reports that were circulated that the Governor-General was going to refuse his sanction. Mr. Gandhi was considerably excited over these reports. In a statement to the press issued on the 21st January 1933, Mr. Gandhi said :—

"If the report is an intelligent anticipation of the forth-coming Viceregal decision, I can only say that it will be a tragedy. . . I emphatically repudiate the suggestion that there is any political

objective behind these measures. If court decisions had not hardened a doubtful custom into law. no legislation would be required. I would myself regard State interference in religious matters as an intolerable nuisance. But here legislation becomes an imperative necessity in order to remove the legal obstruction and based as it will be on popular will, as far as I can see, there can be no question of clash between parties representing rival opinions."

The decision, of the Government was announced on, the 23rd of January 1933. Lord Willingdon, refused sanction to Dr. Subbaroyan's Temple-Entry Bill in the Madras Council, but His Excellency permitted the introduction, in the Legislative Assembly, of Mr. Ranga Iyer's Untouchability Abolition, Bill. The Government emphasised the need of ascertainment of Hindu opinion before they (Government) could decide what attitude to adopt. The announcement further stated that the Governor-General and the Government of India desired to make it plain that it was essential that consideration of any such measure should not proceed unless the proposals were subjected to the fullest examination in all their aspects, not merely in the Legislature but also outside it, by all who would be affected by them. This condition can only be satisfied if the Bill is circulated in the widest manner for the purpose of eliciting public opinion. It must also be understood that the grant of sanction to the introduction in the Central Legislature, Bills relating to temple entry do not commit the Government in any way to the acceptance or support of the principles contained therein. On the next day, Mr. Gandhi issued a statement in which he said:—

"I must try to trace the hand of God in it. He wants to try me through and through. The sanction given to the All-India Bill was an unintentional challenge to Hinduism and the reformer. Hinduism will take care of itself if the reformer will be true to himself. Thus considered the Government of India's decision must be regarded as God-send. It clears the issue. It makes it for India and the world to understand the tremendous importance of the moral struggle now going on in India. But whatever the Sanatanists may decide the movement for Temple-Entry now broadens from Guruvayur in the

extreme south to Hardwar in the north and my fast, though it remains further postponed, depends not now upon Guruvayur only but extends automatically to temples in general."

One can well realize under what fanfare the Bill began, its legislative career. On the 24th of March 1933, Mr. Ranga Iyer formally introduced the Bill in the Assembly. As it was a Bill for Mr. Gandhi the Congress members of the Assembly were of course ready to give it their support. Mr. Gandhi had appointed Mr. Rajagopalachari and Mr. G. D. Birla to canvass support for the Bill among the Non-Congress members with a view to ensure safe passage for the Bill. He said they were better lobbyists than he was. The motion for introduction was opposed by the Rajah of Kollengode and Mr. Thampan raised a preliminary objection that the Bill was ultra vires of the legislature. The latter objection was overruled by the President and the House allowed the Bill to be introduced. Mr. Ranga Iyer next moved that the Temple-Entry Bill be circulated to elicit public opinion by the 30th July. Raja Bahadur Krishnamachari opposed the circulation motion and condemned the proposed legislation, in, strong terms. At last he urged that the date for circulation should be 31st December instead of 31st July. Mr. Gunjal opposed the circulation motion and asked the House not to support the Bill. As it was already 5 p.m. and as that was the last day of the session for non-official business, the President wanted to take the sense of the House for a late sitting. As there was no overwhelming majority for it, the President adjourned the House. So the Bill stood postponed to the Autumn session of the Assembly.

The discussion of the Bill was resumed on 24th August 1933 during the Autumn session of the Central Legislature. Sir Harry Haig on behalf of the Government explained that their support to the motion for circulation of the Bill should in no way be construed as implying support to its provisions. It was true that the Government sympathized for the Depressed Classes and were anxious to do what they could for their social and economic improvement. He quoted from the communiqué issued in January last, wherein the Government's view was fully explained. In his opinion, circulation by the end of June was a fair

and reasonable time to secure the widest possible circulation. As regards the limit of circulation to temple going Hindus, Sir Harry Haig said from the practical viewpoint that it would really hardly be possible to impose the restriction as proposed. The Government wanted the matter to be fully discussed by all classes of Hindus and were therefore prepared to give their support to the amendment of Mr. Sharma. Closure was moved and the House accepted Mr. Sharma's motion, for circulation of the Bill by the end of June 1934. Opinions were duly received. They fill a whole volume of over a thousand foolscap pages. The Bill was ready for the next stage namely to move for the appointment of a Select Committee. Mr. Ranga Iyer had even given notice for such a motion. A strange thing happened. The Government of India decided to dissolve the Assembly and order new election. The result of this announcement was a sudden change in the attitude of the Congress members in the Central Legislature towards Mr. Ranga's Bill. One and all stood out against it and refused to give any further support to the Bill. They were terrified of the electorates. Mr. Ranga Iyer's position was very pitiable. He described it in very biting Language, the venom of which could hardly be improved upon. So well did he describe the situation that I make no apology for reproducing the following extract from his speech Rising to move his motion Mr. Ranga lyer said:

"Sir, I rise to move what is known as the Temple-Entry Bill, to remove the disabilities of the so-called Depressed Classes. Sir, I move :—

' That the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Bhai Parma Nand, Rao Bahadur M. C. Rajah, Mr. T. N. Ramakrishna Reddi, Rao Bahadur B. L. Patil and the Mover.'

"I will delete with your permission, the words 'with instructions to report within & fortnight' and then I will continue the remaining portion of the motion: 'and that the number of members whose presence shall be necessary to constitute a meeting of the Committee

shall be five.'

"Sir, at the time I gave notice of this motion, I did not think that before a fortnight we would be going into the wilderness. Therefore, I recognise the limitations of this motion, for there will be no time even to go to a Select Committee. I recognise that it gives us an opportunity to express our opinion on the subject.

"I have already stated that I owed an apology to Mr. Satya-murthi for while interrupting Mr. Mudaliar, I was not in a position naturally as he was rushing along with his speech to explain myself fully and he would have been at a disadvantage if I had done so. I recognise that Mr. Satyamurthi, who was at no time in favour of the Temple Entry Bill, has succeeded in making the Congress drop it. I read the following written statement of Mr. C. Rajagopalachariar in the Hindu of Madras, dated the 16th August. The Hindu is a very responsible newspaper, and as it is not a mere telegraphic interview but a written statement, I believe Mr. Rajagopalachariar's statement can be taken as accurate. Mr. Rajagopalachariar is apologising to the public for his betrayal of the cause of the Untouchables. As the principal lieutenant of Mahatma Gandhi, his betrayal must be placed on record. He says :

> 'The question has been asked by some Sanatanists whether Congress candidates will give an undertaking that Congress will not support any legislative interference with religious observances. Similar questions may be asked on a variety of topics by persons and groups interested in each one of them. That such questions are asked only of the Congress candidates and similar elucidation is not attempted in respect of other parties and independent candidates is a very great compliment paid to the Congress.'

"So says, Sriman Rajagopalachariar. And, instead of following up the compliment and arousing public opinion on. an unpopular measure, here is a great Congress leader who sat dharna at our house with his son-in-law, Devidas Gandhi, who repeatedly called on me at Delhi and said 'We seek joint support for this legislative measure,'— here is a man who goes back 'like a crab,' to borrow the language of

Shakespeare. Political parties, explains this subtle brain from the South, have distinctive policies on various questions covering a wide field :

'Not all of them, however, are made into election issues at any one time.'

"Sir. this Congress leader is afraid of facing the public opinion which he has roused."Sir, are the Congress people slaves?

'They are slaves who fear to speak,

For the fallen and the weak.'

"'According to Milton, 'To say and straight unsay argues no liar but a coward traced.' Mr. Rajagopalachariar unsays now what he had been saying long before the General Election from every platform in the following words :

'The Congress candidates go to the electorate in this election on well-defined political issues.'

"That is to say, they go to the electorate with a view to pandering to the prejudice of the masses whom they have misled, so much so, that they have got themselves into a bog. Lord Willingdon came to their rescue, to take them out of the bog by announcing the dissolution of this Assembly and giving them an opportunity, as a Constitutional Viceroy, to return to the sheltered paths of constitutionals. Therefore, they have run away from their own convictions and are playing every trick to come back to the Legislature with as large a number as possible. Had they gone on with the Temple Entry Bill or the Untouchability question, they would have lost many votes, for it is not a popular issue. I said so, though Mahatma Gandhi contradicted me publicly at the time, I said so when Shankaracharya was staying in Malabar in my brother's house at Palghat. My brother came on a deputation to the Viceroy to oppose the Bill. I said: 'I know, the reformer is not in a majority in Malabar.' Nowhere else are the reformers in a majority but the reformers believe in persuading the majority to their way of thinking. Then, I said—whatever the result of a referendum, the Congress people might have taken in Guruvayur in

Malabar, might be, I could not for a moment believe that the majority of the temple-going people in Malabar were in favour of admitting the Untouchables into the temples: but I was prepared to fight them, also to argue with them and to persuade them and to make them take an interest in the cause and the case of the Untouchables, for, I feel, the Untouchables are a part of my community. Sir, if one-third of my community is to remain submerged in exclusion in the name of religion, I feel, as I have always felt and said, that that community has no right to existence. It is with a view to the unification of the Hindu community, it is with a view to building up the greatness of the future of that community on the past of that community, when Untouchability was quite unknown as in the Vedic ages, that I have taken up their cause. And now, I find Congressmen, so keen about Untouchability yesterday, explaining why they are not taking it up today. Mr. Raja-gopalachariar has driven the last nail into the coffin of the Temple Entry Bill as Raja Bahadur Krishnamachariar, the Raja Saheb of Kollengode or Sir Satya Charan Mukherji would perhaps like to say, representing as they do the various Sana-tanist groups of the country.

"Sir, Mr. Rajagopalachariar goes on to say that they asked to be returned 'on no other issue,' that is to say, not on Temple Entry issue, but merely on a political Anglo-phobia issue, an anti-British issue, because, having traded on public feeling, having tried to give it as much racial antipathy as possible in the name of non-violence, in the name of religion itself, because non-violence was sometimes given a religious bias, having created that atmosphere of distrust in the country, finding that that atmosphere might not help them in the election if they fought it on a bigger, a cleaner and higher issue, namely, the removal of Untouchability itself, they side-track the issue, they run away from their conviction :

' They are slaves who dare not be

In the right with two or three.'

"Then he a principal lieutenant of Gandhiji goes on to say ; ' If

successful at the polls, they cannot believe they will receive the mandate of the electorate on any other questions.'

"That is to say, they are not receiving the mandate of the electorate on the Temple Entry Bill. This man, who came screaming at our doors, begging us for support—these beggars in the cause of the Congress—who just begged of us to proceed with this Temple Entry Bill, are not only betraying the cause of the Untouchables, but they are betraying the principles of the Mahatma himself, for, we know, that Mahatma's fast was directed toward the uplift of the Untouchables by giving them concession in regard to the Communal Award, which the Congress naturally has hesitated to repudiate, and we, therefore, know that that has a direct bearing on the Untouchability question to approach which, to solve which, the Mahatma, the great Mahatma, wanted to tour the country, but today the Congress, who betrayed him first in the betrayal of the Congress boycott of the Councils, have, by seeking to come to the Councils, further betrayed him with the assistance of his own samandhi, Rajagopalachariar, and they say that they are not going to proceed with the Untouchability question and the Temple Entry Bill without a mandate from the people !

"Sir, where is the difference, I ask, between Raja Bahadur Krishnamachariar and Srima.n Rajagopalachariar? Raja Bahadur Krishnamachariar has always conceded—'take a mandate from the people and then come and legislate.' Sir, he is not a coward; a great Sanatanist himself, he is willing to face the musio. On the contrary, these people who pillory the Sanatanists up and down the country, forgetting that Sanatan Dharma is eternal truth itself, are behaving in a manner which even the Sanatanists will not appreciate, for Sanatan Dharma is eternal truth and the betrayal of truth is worthy only of untruthful people I Having betrayed many a principle which would lead us to our national goal, having taken up the case of the Untouchables only to save their faces, with no conviction behind them, as we now see, the great Congress leaders with the exception of Mahatma Gandhi, have said through Rajagopalachariar, the Organiser-in-chief of the coming elections on behalf of the Congress :

It will be open to all Congressmen to have the matter duly considered before it is ever made into an official Congress Bill.'

"For this betrayal of the cause of the Untouchables, I hope constitutionalists will organise themselves, whether Hindus or Mussalmans. They can agree to differ later on on communal issues, but they will unite and offer a great battle to the Congress and bring that organ of masqueraders down on its knees. Sir, I think here is a betrayal of the cause of the Untouchables and the Depressed Classes; and, if I did not believe in this movement before Mahatma Gandhi could take it up or Mr. Rajagopalachariar went from door to door in Delhi, I should not have been here to move this Bill."

VI

Here was a case of retreat from glory! And what an inglorious retreat? How did Mr. Gandhi react to it? In a statement issued on, 4th November 1932, Mr. Gandhi said :—

"Untouchables in the villages should be made to feel that their shackles have been broken, that they are in no way inferior to their fellow villagers, that they are worshippers of the same God as the other villagers and entitled to the same rights and privileges that the latter enjoy.

"But if these vital conditions of the Pact are not carried out by caste-Hindus, could I possibly live to face God and man? I ventured even to tell Dr. Ambedkar, Rao Bahadur M. C. Raja and other friends belonging to the suppressed group that they should regard me as a hostage for the due fulfilment by caste-Hindus of the conditions of the Pact. The fast, if it is to come, will not be for coercion of those who are opponents of reform, but it will be intended to sting into action those who have been my comrades or who have taken pledges for the removal of Untouchability. If they belie their pledges or if they never meant to abide by them and their Hinduism was a mere camouflage, I should have no interest left in life."

He was never tired of repeating this. Exclusion of the Untouchables from the Hindu Temples, he described, as the agony of his soul. What did Mr. Gandhi do in this connection? Did he resent this betrayal by Mr. Rajagopalachari of this project without which he said he had no interest left in life? One would naturally expect Mr. Gandhi to denounce this betrayal by the Congress Party to achieve success at the polls? Quite the contrary. Instead of blaming Mr. Rajagopalachari, he blamed Mr. Ranga Iyer for his violent denunciation of the Congress Party for withdrawing its support to the Bill. This is what Mr. Gandhi said in the issue of the Harijan dated August SI, 1934 :—

> "The ill-fated Temple Entry Bill deserved a more decent burial, if it deserved it at all, than it received at the hands of the mover of the Bill. It was not a bill promoted by, and on behalf of, the reformers. The mover should, therefore, have consulted reformers and acted under instructions from them. So far as I am aware, there was hardly any occasion for the anger into which he allowed himself to be betrayed or the displeasure which he expressed towards Congressmen. On the face of it, it was, and was designed to be, a measure pertaining to religion, framed in pursuance of the solemn declaration publicly made in Bombay at a meeting of representative Hindus, who met under the chairmanship of Pandit Malaviyaji on 25th September, 1932. The curious may read the declaration printed almost every week on the front page of Harijan. Therefore, every Hindu, caste or Harijan, was interested in the measure. It was not a measure in which Congress Hindus were more interested than the other Hindus. To have, therefore, dragged the Congress name into the discussion was unfortunate. The Bill deserved a gentler handling."

The Temple Entry, what one is to say of, except to describe it a strange game of political acrobatics! Mr. Gandhi begins as an opponent of Temple Entry. When the Untouchables put forth a demand for political rights, he changes his position and becomes a supporter of Temple Entry. When the Hindus threaten to defeat the Congress in the election, if it pursues the matter to a conclusion, Mr. Gandhi, in order to preserve political power in the hands of the Congress, gives up Temple

Entry ! Is this sincerity? Does this show conviction? Was the"agony of soul"which Mr. Gandhi spoke of more than a phrase?

Chapter V

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER V
A POLITICAL CHARITY

Congress Plan to Kill Untouchables by Kindness

I

On the 30th September 1932, a largely attended meeting of the Hindus of Bombay was held in, the Cowasjee Jehangir Hall under the Presidentship of Pandit Malaviya. The object of the meeting was to form an, All-India Anti-Untouchability League with branches in different provincial centres. The headquarters of the League were to be in Delhi. Mr. G. D. Birla was to be the President and Mr. Amritlal V. Thakkar, General Secretary. The All-India Anti-Untouchability League was Mr. Gandhi's project. It was inspired by him and was the direct outcome of the Poona Pact. At any rate, Mr. Gandhi adopted it as his baby, the moment it was born. The first thing Mr. Gandhi did was to change its name. In a press message issued on 9th December 1932, Mr. Gandhi told the public that the organisation, would thenceforth be known as Servants of the Untouchables Society. This name also did not appear to Mr. Gandhi as the best. He was searching for another.

Ultimately he decided to give it a new name. He called it the Harijun Sevak Singh. Which means a society of those engaged in Service to the Untouchables. This was a natural sequence of the name Harijan by which Mr. Gandhi used to call the Untouchables. This change did not pass off without a controversy between the Shaivas and Vaishnavas. Hari is one of the hundred names of Vishnu, while Har is one of the hundred names of Shiva. In choosing the name Harijan, Mr. Gandhi was accused of sectarian partiality. The Shaivas contended that the Untouchables should be called Harijan. Mr. Gandhi did not yield and as the first fruits of this new organisation the Untouchables got a new name.

On the 3rd November 1932, Mr. Birla and Mr. Thakkar issued a statement to the Press in. which they set out the programme of this organisation and the set-up of the machinery to carry out the programme.

As to the programme the statement said:—

"The League believes that reasonable persons among the Sanatanists are not much against the removal of Untouchability as such, as they are against inter-caste dinners and marriages. Since it is not the ambition of the League to undertake reforms beyond its own scope, it is desirable to make it clear that while the League will work by persuasion among the caste Hindus to remove every vestige of untouchability, the main line of work will be constructive, such as the uplift of Depressed Classes educationally, economically and socially, which itself will go a great way to remove Untouchability. With such a work, even a staunch Sanatanist can have nothing but sytapathy. And it is for such work mainly that the League has been established. Social reforms like the abolition of the caste system and inter-dining are kept outside the scope of the League."

For the convenient prosecution, of the programme it was proposed that each Province should be divided into a number of units and each unit to be in charge of paid workers. A unit may or may not be coterminus with a district. It may be formed by grouping together two districts or two States.

The statement also set out a normal Budget for the year. It was to be of the following dimensions :—

"Not less than two-thirds of the expenditure should be devoted to actual welfare work, the remaining one-third to staff and their allowances. Two paid workers are considered the minimum staff and they should be moving about 15 to 29 days in a month in villages.

Maintenance allowance for two itinerant workers	30+20 = 50 x l2 = 600
Travelling charges for two Itinerant workers	2x10x12 = 240
Miscellaneous expenditure by and through the workers	2+10x12 = 240
Welfare work, i.e. cost of school books, scholarships, prizes, contributions for wells, if any, and formation of Harijan Panchayats	2,000
Total	3080

BUDGET FOR THE WHOLE COUNTRY

We give below a rough idea of the minimum total amount which may have to be spent for the whole of India. The scheme is modest enough in view of the gigantic nature of the work and it should not be difficult for the public to raise the required fund. Every pie contributed to the fund will make a valuable contribution and therefore we appeal to the public to make some sacrifices for the cause. The number of units proposed for each province is only a tentative proposal. The final decision, of course, will have to be taken by the Provincial Boards themselves.

"It is calculated that at least the following number of units will be required to be worked in different provinces, the number of districts and states being shown against each province :—

Name of Province	No. of Dists.	No. of Units
Assam	11	6
Andhra		6
Bengal	26	15
Calcutta City	1	3
Bihar	16	16
Bombay, Bombay City & Suburban District	1	3
Maharashtra	10	8
Gujarat, Baroda, Kathiawar, Cutch and other States 5 and States 10		
Central Provinces and Berar(Marathi)	9	7
Central India States	11	8
Delhi Province	1	2
Kashmir	1	1
Malabar, Cochin and Travancore	4	10
Mysore & Karnatak Dists. of Bombay &	8	10

Madras		
Nizam's Dominion	14	10
Orissa Feudatory States 5 + 26 = States		8
Punjab & N.W.F. Province and the Punjab States 32+7	39	10
Rajputana States Ajmer-Merwar State	18	
Br.Dist.	19	9
Sind	8	5
Tamil Nadu	13	8
United Provinces	48	24
Total		184

The expenditure for 184 Units would be 3,000x184 =	552000

CENTRAL & PROVINCIAL OFFICES

Central Office, 1,000 x l 2 =	12000
Provincial Offices, 4,000 x 12 =	48000
Total	60000
Grand Total	612000
Or say	600000

This amount will have to be made up both from the Central Fund as well as from funds raised by provinces and districts.

It can be seen that a sum of six lakhs of rupees is intended to be collected and spent per year in the whole country for the removal of Untouchability and ameliorative work of Harijans. This programme, particularly if the ameliorative work is to be effective, should continue at least for 5 years. When spread out over 22 provinces, including States and 4 crores or 400 lakhs of Harijans in the country, this is a small budget indeed."

To provide funds for the work of the Singh Mr. Gandhi started an, All-India tour which began on, November 7,1983 and ended on, July 29, 1934. Total collection was rupees eight lakhs. [24]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41F.What Congress and Gandhi CHAPTER V.htm - _msocom_1 As the object of the tour was to arouse enthusiasm among the Hindus for the cause of the Untouchables as also to collect funds, Mr. Gandhi did most of the tour on foot. Mr. Gandhi collected Rs. 8 lakhs. With this amount and the annual donation of Mr. Gandhi's monied friends the Singh started its work.

The Harijan Sevak Singh has been going on, since September 1932. It has been, held out as a glorious testimony to the agony of Mr. Gandhi's soul for the condition of the Untouchables and to the passion he feels for their elevation. The General Secretary of the Singh has invited many Americans to the Home of the Singh in Delhi and shown them round as an unrivalled piece of social work that is being done by Mr. Gandhi for the welfare of the Untouchables.

Any welfare work for a down-trodden people must be welcomed by all. But this does not mean that it must never be criticised. That can hardly be accepted. It would be legitimate to inquire what work the Singh is doing since so much is made of it. Any one who has read the Annual Reports of the Singh will see that it follows certain well defined and stereotyped lines. In, the field of education, the Singh has sought to encourage higher education among the Untouchables by instituting scholarships for the Arts, technical and professional courses. The Singh

also gives scholarships to High School students. The Singh also maintains Hostels for Untouchable students attending colleges and high schools. The great part of the educational activities of the Singh is taken up in maintaining separate schools for primary stage children, where there were no common schools in the vicinity or where common, schools were closed to them.

Next comes the welfare activities of the Singh. The medical aid which the Singh undertakes to render to the Untouchables falls under this head. This is done by itinerant workers of the Singh who go in Harijan quarters to give medical aid to the sick and ailing among the Untouchables. The Singh also maintains a few dispensaries for the use of the Untouchables. This is a very small activity of the Singh.

The more important part of the welfare activity of the Singh relates to water supply. The Singh does this by (1) sinking new wells or installing tube wells and pumps for the use of the Untouchables ; (2) repairing old ones; and (3) persuading Local Governments and Bodies to sink and repair wells for the Untouchables.

The third line of activity undertaken by the Singh is economic. The Singh seems to run a few industrial schools and it is claimed that the industrial schools run by the Singh produced a number of trained artisans who have taken to independent living. But according to the reports, more successful and substantial work was done by way of organising and supervising co-operative societies among the Untouchables.

II

From this summary of its activities an impression may be created that the Singh must be spending quite a lot of money on the welfare of the Untouchables. What are the facts? It will be recalled that the normal amount of money which the Singh expected to be able to spend on the uplift work among the Untouchables was to be about Rs. 6,00,000 per year. How much has the Singh been actually spending? The Secretary of the Singh in his Report issued in, May 1941 says

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CHAPTER V.htm - _msocom_2:—

"During the course of the last 8 years the various branches and the central office of the Singh have spent approximately Rs. 24,25,700 and Rs. 3,41,607 respectively, on the Harijan work. Looking to the needs of the problem, this sum of Rs. 27,67,307 is too insignificant an amount."

On this basis the Singh's expenditure comes to about Rs. 3,43,888 per year, which is 50 per cent. less than what the Singh hoped to collect. It will be seen that the Singh is not as big as it is made out to be by its friends. The Singh has been carrying on a very poor existence. A Budget of three lakhs per year for a population of 50 millions of Untouchables is not a matter on which the Untouchables need be very jubilant. Even this much show, the Singh would not have been able to put up if during the two years that they were in office the Congress Governments in different Provinces had not given large grants to the Singh.

The Singh cannot be blamed for its poor finances. The blame lies with the Hindus. The stagnant, if not the deteriorating, condition of the Singh shows how little the Hindus care for the welfare of the Untouchables. For political purposes they contributed one crore of Rupees which went to make up the Tilak Swaraj Fund. For General Welfare work they have very recently contributed one crore and 15 lakhs which will make up the Kasturba Memorial Fund. Compared with these the contributions made by the Hindus to the Harijan Sevak Singh are paltry.

One may differ with the Singh on the nature of the welfare work it does. Much of the work the Singh does is obviously the work which any civilized Government is bound to undertake out of public revenues. It may well be asked: why should the Singh ask Government to undertake this work and use its funds on projects which Government does not do and yet is urgently required to be done?

This however cannot give rise to feelings of animosity on the part of the Untouchables towards the Singh. It may be admitted that such animosity does exist. This circumstance and its causes were referred

CHAPTER V.htm - _msocom_3 to by a writer in the Indian Social Reformer of 14th October 1944. He said :—

"A deputation of Harijans waited on Gandhiji at Sevagram with the request that members of the castes grouped under the head of 'Scheduled Castes' should be allowed representation on the governing body of the Harijan Sevak Singh. Gandhiji is reported to have replied that the Singh is meant to help Harijans and was not a Harijan organisation and, therefore, their request was inadmissible. At the Round Table Conference Gandhiji opposed reservation of seats for Harijans on the ground that they were Hindus and should not be separated from the general body. Subsequently in the Yeravda Pact he was obliged to consent to an allocation of seats for them specially, from the Hindu quota. When the draft formula conceding this came up for ratification before a general meeting in Bombay, over which Pandit Madan Mohan Malaviya presided, one of those present pointed out to an impatient audience that it was not necessary to collect a large fund (as Panditjee suggested) to remove from Hindu society the blot of Untouchability and that if each one of those present resolved that he or she (a large number of women were present) would receive Harijans in their homes just like other Hindus, the problem would at once cease to exist. A Bombay business magnate turned to the intruder and remarked quietly: 'You have told them a home truth. None of them is prepared to follow it.' From the first it has struck me that this has been the fundamental weakness of the Harijan Sevak Singh. What is the result? Nearly every beneficiary of the Singh is an ardent follower of Dr. Ambedkar, which is nothing, but for the fact that they share to the full the fanatical and bitter hatred of Dr. Ambedkar to the Hindus. I can give several instances to illustrate this statement. But that would only make matters worse. I think that this may be avoided by associating Harijan gentlemen and women with other Hindus in all important bodies, local and central, thus giving them the decisive voice in moulding policy. The idea of helping Harijans without associating with them, is contrary to the spirit of social reform. I was associated with the earlier movements for the uplift of Harijans and I never found this spirit of antagonism aroused among the men and women with whom one

came in contact. This was because the promoters of the movement—1 have the Depressed Classes Mission prominently in view—were by religious faith and social conviction pledged to avoid all discrimination in their behaviour to members of the Depressed Classes. I think that Gandhiji was not quite right when he said that the Harijan Singh could not admit members of the Scheduled Castes. Dr. Ambedkar, a friend reminds me, was a member of the Singh when it was formed."

I quote this because it gives me the occasion, to explain the causes of the hostility and expose the true character of the Singh.

III

The writer in the Indian Social Reformer pleads that Untouchables should be associated with the management of the Singh. His statement might lead people to believe that Untouchables were never represented on the Central Board of the Singh. That would be a mistake. The correct position is that when the Singh was started prominent Untouchables in substantial numbers were on the Central Board of the Singh. The statement issued by Mr. Birla and Mr. Thakkar on 3rd November 1932 gives the names of those who were constituting the Central Board. It was announced that :—

> "The Central Board has been constituted with the following organising members:—
>
> Sjt. G. D. Birla, Delhi and Calcutta; Sir Purshotamdas Thakurdas, Bombay; Sir Lallubhai Samaldas, Bombay; Dr. B. R. Ambedkar, Bombay; Sheth Ambalal Sarabhai, Ahmedabad; Dr. B. C. Roy, Calcutta, Lala Shri Ram, Delhi; Rao Bahadur M. C. Raja, Madras; Dr. T. S. S. Rajan, Trichinopoly; Rao Bahadur Srinivasan, Madras; Mr. A. V. Thakkar, General Secretary, Delhi."

It will be seen that out of 8 members 3 were drawn from the Untouchables. After my retirement from the Board, the other two namely Rao Bahadur M. C. Rajah and Rao Bahadur Srinivasan also retired. I do not know the reasons why they dissociated themselves from

the Singh.

It is right and proper that I should state the reasons why I severed my connection with the Singh. After the Poona Pact I proceeded in a spirit of forget and forgive. I accepted the bona fides of Mr. Gandhi as I was asked to do by many of his friends. It was in that spirit that I accepted a place on the Central Board of the Singh and was looking forward to play my part in its activities. In fact, I wanted to discuss with Mr. Gandhi the programme of work which I felt the Singh should undertake. Before I could do that, I was called to go to London to attend the third Round Table Conference. The next best thing I could do was to communicate my views to

Mr. A. V. Thakkar, the Secretary of the Singh. Accordingly I wrote the following letter from the steamer :—

M/N"VICTORIA,"

PORT SAID,

Nov. 14, 1932.

DEAR MR. THAKKAR,

I received your wire previous to my departure to London, informing me of the acceptance of my suggestion regarding the nomination of Rao Bahadur Shrinivasan to the Central Board and Mr. D. V. Naik to the Bombay Provincial Board, I am glad that this question has been amicably settled and that we can now con jointly work out the programme of the Anti-Untouchability League.[27]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41F.What Congress and Gandhi CHAPTER V.htm - _msocom_4 I wish I had an opportunity to meet the members of the Central Board to discuss with them the principles which the League should follow in framing its programme of work, but unfortunately owing to my having to. leave for London at a very short notice, I have had to forego that opportunity. I am however doing the second best namely to convey to you my views in writing for placing them before the Board for their consideration.

In my opinion there can be two distinct methods of approaching the task of uplifting the Depressed Classes. There is a school, which proceeds on the assumption that the fact of the individual belonging to the Depressed Classes is bound up with his personal conduct. If he is suffering from want and misery it is because he must be vicious and sinful. Starting from this hypothesis this School of social workers concentrates all its efforts and its resources on fostering personal virtue by adopting a programme which includes items such as temperance, gymnasium, co-operation, libraries, schools, etc., which are calculated to make the individual a better and virtuous individual. In my opinion, there is also another method of approach to this problem. It starts with the hypothesis that the fate of the individual is governed by his environment and the circumstances he is obliged to live under, and if an individual is suffering from want and misery it is because his environment is not propitious. I have no doubt that of the two views the latter is the more correct, the former may raise a few stray individuals above the level of the class to which they belong. It cannot lift the class as a whole. My view of the aim of the Anti-Untouchability League is that it has come into existence not for helping a few individuals at random or a few selected boys belonging to the Depressed Classes but for raising the whole class to a higher level. Consequently, I would not like the League to dissipate its energies on a programme calculated to foster private virtue. I would like the Board to concentrate all its energies on a programme that will effect a change in the social environment of the Depressed Classes. Having stated in general terms my views, I venture to place some concrete proposals for work to be undertaken by the League.

1. 1. A CAMPAIGN TO SECURE CIVIL RIGHTS

I think the first thing that the League should undertake is a campaign all over India to secure to the Depressed Classes the enjoyment of their civic rights such as taking water from the village wells, entry in village schools, admission to village chawdi, use of public conveyance, etc. Such a programme if carried into villages will bring about the necessary

social revolution in the Hindu Society, without which it will never be possible for the Depressed Classes to get equal social status. The Board must, however, know what difficulties it will have to face if this campaign of civic rights is to be carried through. Here I can speak from experience, because I, as President, know what happened when the Depressed Classes Institute and the Social Equality League launched such a plan in the Kolaba and the Nasik Districts of the Bombay Presidency. First of all, there will be riots between the Depressed Classes and the caste Hindus which will result in breaking heads and in criminal prosecutions of one side or the other. In this struggle, the Depressed Classes will suffer badly because the Police and the Magistracy will always be against them. There has not been a single case in the course of the social struggle carried on in these two districts, in which the Police and the Magistracy have come to the rescue of the Depressed Classes even when justice was on their side. The Police and the Magistracy are as corrupt as they could be, but what is worse is that they are definitely political in the sense that they are out not to see that justice is done but to see that the dignity and interests of the caste Hindus as against the Depressed Classes are upheld. Secondly, the villages will proclaim a complete boycott of the Depressed Classes, the moment they see the latter are trying to reach a status of equality along with them. You know what harrowing tales of harassment, unemployment and starvation, which the Depressed Classes repeated before the Starte Committee of which you were a member. I therefore do not think it necessary to say anything more about the severity of this weapon and of its dreadful power to bring all efforts of the Depressed Classes to rise above their degraded station to a standstill.

I have mentioned only two of the many obstacles which the League will have to overcome, if this campaign of civic rights is to be successful and the League will have to have an army of workers in the rural parts, who will encourage the Depressed Classes to fight for their rights and who will help them in any legal proceedings arising therefrom to a successful issue. I am so much convinced by the efficiency of this programme that I have not the slightest hesitation in saying that the League ought to look upon this as primary in comparison to everything

else. It is true that this programme involves social disturbance and even bloodshed. But I do not think that it can be avoided. I know the alternative policy of adopting the line of least resistance. I am convinced that it will be ineffective in the matter of uprooting untouchability. The silent infiltration of rational ideas among the ignorant mass of caste Hindus cannot, I am sure, work for the elevation of the Depressed Classes. First of all, the caste Hindu like all human beings follows his customary conduct in observing untouchability towards the Depressed Classes. Ordinarily people do not give up their customary mode of behaviour because some-"body is preaching against it. But when that customary mode of behaviour has or is believed to have behind it the sanction of religion mere preaching, if it is not resented and resisted, will be allowed to waft along the wind without creating any effect on the mind. The salvation of the Depressed Classes will come only when the Caste Hindu is made to think and is forced to feel that he must alter his ways. For that you must create a crisis by direct action against his customary code of conduct. The crisis will compel him to think and once he begins to think he will be more ready to change than he is otherwise likely to be. The great defect in the policy of least resistance and silent infiltration of rational ideas lies in this that they do not compel thought, for they do not produce crisis. The direct action in respect of Chawdar Tank in Mahad, the Kalaram Temple in Nasik and the Gurwayur Temple in Malabar have done in a few days what million days of preaching by reformers would never have done. I therefore strongly recommend this campaign of direct action for securing civic rights of the Depressed Classes for adoption by the Anti-Untouchability League. I know the difficulties of this campaign, and from such experience as I have of it I am convinced that the forces in charge of Law and Order must be on our side, if it is to end in success. It is because of this that I have deliberately excluded temples from its scope and confined it only to public rights of a civic nature, the exercise of which I feel Government is bound to protect.

2. 2. EQUALITY OF OPPORTUNITY

The second thing I would like the Anti-Untouchability League to work for, is to bring about equality of opportunity for the Depressed Classes. Much of the misery and poverty of the Depressed Classes is due to the absence of equality of opportunity which in its turn is due to untouchability. I am sure you are aware that the Depressed Classes in villages and even in towns cannot sell vegetables, milk or butter—ways of earning a living which are open to all and sundry. A caste Hindu will buy these things from a non-Hindu, but he will not buy them from the Depressed Classes. In the matter of enjoyment, his condition is the worst. In Government Departments the bar-sinister operates and he is denied the place of a constable or even a messenger. In industries he fares no better. Like the Negro in America he is the last to be employed in days of prosperity and the first to be fired in days of adversity. And even when he gets a foothold, what are his prospects? In the Cotton Mills in Bombay and Ahmedabad he is confined to the lowest paid department where he can earn only Rs. 25 per month. More paying departments like the weaving department are permanently closed to him. Even in the low paid departments he cannot rise to the highest rung of the ladder. The place of the boss is reserved for the caste Hindu while the Depressed Class worker must slave as his underdog, no matter how senior or how efficient. In departments where the earning depends on piece work, he has failed to earn as well as Caste Hindu employees because of social discrimination. Depressed Classes women working in the Winding and Reeling Departments have come to me in hundreds complaining that the Naikins instead of distributing the raw material to all employees equally or in fair proportion, give all of it to the caste Hindu women and leave them in the cold. I have given only a few of the instances of the gross inequality of opportunity from which the Depressed Classes are suffering mainly at the hands of the Hindus. I think it would be fit and proper, if the Anti-Untouchability League were to take up this question by creating public opinion in condemnation of it and establishing bureaus to deal with urgent cases of inequality. I would particularly desire the League to tackle the problem of opening the Weaving department of the Cotton mills to the Depressed Classes as it is likely to make a very large opening for prosperous employment to members of the Depressed Classes. Much can be done by private firms

and companies managed by Hindus by extending their patronage to the Depressed Classes and by employing them in their offices in various grades and occupations suited to the capacities of the applicants.

3. 3. SOCIAL INTERCOURSE

Lastly, I think the League should attempt to dissolve that nausea, which the touchables feel towards the Untouchables and which is the reason why the two sections have remained so much apart as to constitute separate and distinct entities. In my opinion the best way of achieving it is to establish closer contact between the two. Only a common cycle of participation can help people to overcome the strangeness of feeling which one has, when brought into contact with the other. Nothing can do this more effectively in my opinion than the admission of the Depressed Classes to the houses of the* caste Hindus as guests or servants. The live contact thus established will familiarise both to a common and associated life and will pave the way for that unity which we are all striving after. I am sorry that many caste Hindus who have shown themselves responsive are not prepared for this. During those ten days of the Mahatma's fast that shook the Indian world, there were cases in Vile Parle and in Mahad where the caste Hindu servants had struck work because their masters had abrogated the rules of untouchability by fraternising with the Untouchables. I expected that they would end the strike and teach a lesson to the erring masses by filling the vacancies by employing Depressed Classes in their place. Instead of doing that they capitulated with the forces of orthodoxy and strengthened them. I do not know how far such fair-weather friends of the Depressed Classes would be of help to them. People in distress can have very little consolation from the fact that they have sympathisers, if those sympathisers will do nothing more than sympathise, and I may as well tell the League that the Depressed Classes will never be satisfied of the bona fides of these caste Hindu sympathisers until it is proved that they are prepared to go to the same length of fighting against their own kith and kin actual warfare if it came to that for the sake of the Depressed Classes as the Whites of the North did against their own kith

and kin, namely, the Whites of the South for the sake of the emancipation of the Negro. But this thing apart, I think it is necessary that the League should endeavour to inculcate upon the mind of the Hindu public the necessity of establishing contact and social intercourse between the touchables and the untouchables in the way I have mentioned.

4. AGENCY TO BE EMPLOYED

The League will have to employ a very large army of workers to carry out its programme. The appointment of social workers might perhaps be looked upon as a minor question. Speaking for myself, I attach very great importance to the selection of a proper agency to be employed in this behalf. There can always be found workers to do a particular piece of work or any other for the matter of that if they are paid for it. I am sure such mercenary workers will not serve the purpose of the League. As Tolstoy said ;"Only those who love can serve."In my opinion that test is more likely to be fulfilled by workers drawn from the Depressed Classes. I should therefore like the League to bear this aspect of the question in mind in deciding upon whom to appoint and when not to appoint. I do not suggest that there are not scoundrels among the Depressed Classes who have not made social service their last refuge. But largely speaking you can be more sure that a worker drawn from the Depressed Classes will regard the work as love's labour—-a thing which is so essential to the success of the League. Secondly, there are agencies which are already engaged in same sort of social service without any confines as to class or purpose —and may be prepared to supplement their activity by taking up the work of Anti-Untouchability League in consideration of a grant-in-aid. I am sure this hire-purchase system of work— if I may use that expression—can produce no lasting good. What is wanted in an agency is a single minded devotion to one task and one task only. We want bodies and organisations which have deliberately chosen to be narrow-minded in order to be enthusiastic about their cause. The work it is to be assigned must be assigned to those who would undertake to devote themselves exclusively to the work of the

Depressed Classes.

I am afraid I have already trespassed the limits of a letter and I do not think I can err further in that direction without being tediously long. I had many other things to say but I now propose to reserve them for another occasion. Before closing this I wish to say just this. It was Balfour I think who said' that what could hold the British Empire together was love and not law. I think that observation applies equally to the Hindu Society. The touchables and the untouchables cannot be held together by law certainly not by any electoral law substituting joint electorates for separate electorates. The only thing that can hold them together is love. Outside the family justice alone in my opinion can open the possibility of love, and it should be the duty of the Anti-Untouchability League to see that the touchable does, or failing that is made to do, justice to the Untouchable. Nothing else in my opinion can justify the project or the existence of the League. With best wishes and kind regards.

I am, Yours sincerely,

(Sd.) B. R. AMBEDKAR.

F.S.

I am releasing this to the Press so that the general public may know my views and have an opportunity to consider them.

To

A. A. V. THAKKAR, ESQ.,
General Secretary,

Anti-Untouchability League,

Birla House,

New Delhi.

IV

To my great surprise, I found that no attention, was paid to my

proposals. Indeed, my letter was not even acknowledged! I felt that there was no use in my remaining in the Singh. I dissociated myself from it. I found that in my absence the aims and objects had undergone a complete change. At the meeting held in Cowasjee Jehangir Hall in Bombay on the 80th September 1932 the aims of the organisation were stated to be:—

> "Carrying propaganda against Untouchability and taking immediate steps 'to secure as early as practicable that all public Wells, dharamshalas, roads, schools, crematoriums, burning ghats and all public temples be declared open to the Depressed Classes, provided that no compulsion or force shall be used and that only peaceful persuasion shall be adopted towards this end.'"

But in the statement issued by Mr. G. D. Birla and Mr. A. V. Thakkar on the 8rd November two months after its inauguration it was stated :—

> "The League believes that reasonable persons among the Sanatanists are not much against the removal of Untouchability as such, as they are against inter-caste dinners and marriages. Since it is not the ambition of the League to undertake reforms beyond its own scope, it is desirable to make it clear that while the League will work by persuasion among the caste Hindus to remove every vestige of Untouchability, the main line of work will be constructive, such as the uplift of Depressed Classes educationally, economically and socially, which itself will go a great way to remove untouchability. With such a work even a staunch Sanatanist can have nothing but sympathy. And it is for such work mainly that the League has been established. Social reforms like the abolition of the caste system and inter-dining are kept outside the scope of the League."

Here there was a complete departure from the original aims of the organisation. Removal of Untouchability had only a nominal place in the programme. Constructive work became the main part of the work of the Singh. It is pertinent to ask why this change in the aims and objects was made. This change in the aims and objects could not have been brought about without, the knowledge and consent of Mr. Gandhi. The only

reason one can see is that the original programme was most inconvenient to Mr. Gandhi. Removal of Untouchability as a platform was very good, but as a programme of action it was bound to have made Mr. Gandhi very unpopular with the Hindus. He was not prepared to court such unpopularity. He therefore preferred the programme of constructive work which had all advantages and no disadvantages. The Hindus did not mind it. Mr. Gandhi could pursue it without incurring the displeasure of the Hindus. The programme of constructive work had no such disadvantage. On the other hand, it had a positive advantage to recommend it. It had the possibility of destroying the independent movement which the Untouchables had built up and which had forced Mr. Gandhi in 1932 to yield to its demands by agreeing to the Poona Pact by dangling well before them the benefits of the constructive work, a consummation which all Congressmen so devoutly wish. It could make Untouchables Congressmen and most gracefully too. The programme of constructive work had the possibility of being converted into a plan to kill Untouchables by kindness. This as a matter of fact has happened. The Harijan Sevak Singh is intolerant of any movement on the part of the Untouchables which is independent and opposed to the Hindus and the Congress and is out to destroy it. Anticipating that such would be the consequences of the change in the aims and objects, I retired from the Singh.

Since the first batch of the Untouchables left the Singh no attempt was made by Mr. Gandhi to appoint other Untouchables in their places. Instead, the management of the Singh has been allowed to pass entirely into the hands of the Hindus of the Congress persuasion. Indeed, it is now the policy of the Singh to exclude Untouchables from the management and higher direction of the Singh. As will be seen from the refusal of Mr. Gandhi to agree to the suggestion made by deputation of Untouchables [28]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41F.What Congress and Gandhi CHAPTER V.htm - _msocom_5 requesting him to appoint Untouchables to the managing body. Mr. Gandhi has propounded a new doctrine to console the deputations. He says;"the Welfare work for the Untouchables is a penance which the Hindus have to do. for the sin of Untouchability. The money that has been collected has been

contributed by the Hindus. From both points of view the Hindus alone must run the Singh. Neither ethics nor right would justify Untouchables in, claiming a seat on the Board of the Singh."Mr. Gandhi does not realise how greatly he has insulted the Untouchables by his doctrine, the ingenuity of which has not succeeded in concealing its gross and coarse character. If Mr. Gandhi's point is that the money is collected by the Hindus and the Untouchables have therefore no right to say how it shall be spent, no self respecting Untouchable will bother him and fortunately those Untouchables who have gone to him for such favour are just unemployed loafers who are seeking to make politics a source of their livelihood. But Mr. Gandhi must realise that what he says is only a justification for the change. It does not explain what has been the cause of this profound change in the original conception of the Singh. It is pertinent to ask: why at one time he was anxious to have Untouchables on the Governing Body of the Singh and why he is determined now to exclude them?

V

The writer of the letter in the Indian Social Reformer is right when he says the Untouchables felt no hostility towards the Depressed Classes Mission, Society which like the Harijan, Sevak Singh was also engaged in. doing welfare work among the Untouchables. Hindus and Untouchables both worked together in, perfect harmony towards furthering the work of the Mission. The writer is not quite correct when he says that this was due to the Depressed Classes Mission, having always taken care to have on its Managing Committee a certain number of Untouchables. This is quite true. But the reason why there was no hostility between the Mission, and the Untouchables and why there is between the Untouchables and the Singh is quite different. It lies in the fact that the Mission had no political objective behind its work but the Singh has.

It is true that the original intention, was to keep the Singh scrupulously aloof from politics. It was stated in the statement issued on 3rd November 1932 that:—

"The League may be able to carry on its work on a non-party basis, it has decided not to associate itself with politics or religious propaganda of any kind. The heads of Provincial as well as Central Executive will, therefore, have to be very careful in the selection of their active workers. With this object in view it is necessary that all whole-time paid workers of the League should not take part in politics or in any sectional or religious propaganda."

But this pronouncement was respected more in its breach than in the observance thereof. It may be that it was impossible to resist the temptation of using the Harijan Sevak Singh for bringing the Untouchables into the Congress fold, make them accept Congress politics and impress upon them Congress ideologies, especially when the sense of gratitude for service rendered, no matter how petty, would make them receptive for such processes. It may be that it was necessary to make the Harijan Sevak Singh a political manufactory in addition to its being a service station for the Untouchables. To have equipped the Untouchables for their struggle in life and to have left them free to choose their politics would be charity pure and simple. But how long would the Hindus have supported such a charity? Not very long. There being no sense of sin behind the treatment of Untouchables by the Hindus and no cause for repentance or expiation, the charity on which the Singh lives would have dried out. To prevent this the Singh may have felt that to get continued charity it must show results i.e. to prove to the Hindus that the Untouchables are no longer independent of and opposed to the Hindus in the matter of religion and politics. My analysis of the causes may not be accurate. But there is no denying the fact that the Harijan Sevak Singh is a political organisation the aim and object of which are to draw the Untouchables into the Congress fold.

I can give only a few instances which strike me as important. The Harijan Sevak Singh holds Conferences of its workers. These Conferences were ostensibly"organised for the purpose of examining the progress of work in different linguistic provinces and for exchanging ideas and experiences."One such conference was held in Poona in the first week of June 1939. It was found that this Conference had planned

to pass a resolution asking Government to change the system of voting under the Poona Pact by substituting distributive system for cumulative voting. I have already pointed out how after its surrender marked by the Poona Pact, the Congress insisted upon the adoption of the distributive system of voting and how dangerous it was to the Untouchables and how it would have nullified the Poona Pact. The Congress failed. What the Congress failed to do the Singh took upon itself to advocate knowing full well that it was opposed by the Untouchables. A strange resolution for a non-political body! It is like a drunkard with a red nose trying to convince his neighbours that he is a teetotaller. The Singh was prevented from pursuing the course by a demonstration of the Untouchables.

I am in a position to state that the Bombay Branch of the Harijan Sevak Singh had followed the policy of black listing some of the Untouchable communities residing in Bombay on account of its Anti-Congress attitude. Students from communities which were black listed were refused scholarships and other educational aids. The Mahar Community, which forms the spearhead of the political movement of the Untouchables and has all along fought with the Congress, was black listed and Mahar students were generally subjected to discrimination unless the student proved that he did not share the Anti-Congress sentiments of the Community.

The last instance I would refer to has reference to Mr. A. V. Thakkar the General Secretary of the Harijan Sevak Singh. Mr. Thakkar is also a member of the Backward Classes Board of the Bombay Government. It was established in 1929. It. meets periodically and advises Government on matters affecting the Untouchables and other backward Classes.

Mr. Thakkar brought a resolution in the meeting of the Board recommending to Government that scholarships set apart by Government for Untouchable boys should not be given to the Mahar boys alleging that the Mahar Community had become very much advanced in education and was appropriating—or according to him misappropriating—the share of Government funds which ought to be reserved for other Untouchable Communities. The resolution was sent

down for investigation of the facts on which it was found. The inquiry showed that the facts were wrong and that the Mahars instead of being forward were really backward in education as compared with other Untouchable Communities. The resolution was nothing but a political manoeuvre by no less a person than the General Secretary of the Harijan Sevak Singh to punish the Mahars for their Anti-Congress politics.

What does all this show? Does it not show that the Harijan Sevak Singh is a charitable organisation only in name, and that its real aim is to ensnare the Untouchables, to make them the camp-followers of the Hindus and the Congress and to scotch any movement by them the aim and object of which are to free themselves from the social, religious, economic and political domination of the Hindus? Is there any wonder if the Untouchables look upon the Harijan Sevak Singh as an abomination, the object of which is to kill them by kindness?

Chapter VI

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER VI

A FALSE CLAIM

I

The Congress has been, loudly and insistently claiming that it is the only political organisation in India which is representative of the people of India. At one time it used to claim that it represents the Musalmans also. This it does not now do, at any rate not so loudly and insistently. But so far

as the Untouchables are concerned the Congress maintains most vehemently that it does represent them. On the other hand, the non-Congress political parties have always denied this claim. This is particularly true of the Untouchables who have never hesitated to repudiate the Congress claim to represent them.

In this rivalry the Congress has been able to beat down the Untouchables and the other non-Congress Parties by the sheer strength of the resources in publicity and propaganda. The result has been that most foreigners interested in Indian affairs have become infected by this propaganda, and have come to believe in the validity of the Congress claim. So long as the world had to depend upon nothing but propaganda, the Congress could very easily fool the foreigner and there was no help for those who denied the Congress claim to represent all. They had no means of coping with the situation. But since the Election of 1937 to the Provincial Legislatures the situation has been altered. Instead of depending upon general statements backed by propaganda, one can now determine the issue in terms of scats and votes which is a more concrete measure of appraisement than mere propaganda.

What do the election returns show? What is the total number of seats captured by the Congress? What is the total number of votes secured by the Congress?

First, let us ascertain the number of seats captured by the Congress. Soon after the elections had taken place, the Congress held a Convention of all those who were elected to the Provincial Legislatures on the Congress ticket, which met in New Delhi on March 19, and 20, 1937. In that connection, the Congress issued a bulletin in which their names are given. Taking that information as accurate, the following appears to be the strength of the Congress in each Provincial Legislature ;—

Table 6

Congress Strength in Provincial Assemblies

Province		Total Strength of the Assembly	Congress Strength in the Assembly
Assam		108	35
Bengal		250	60
Bihar		152	95
Bombay		175	85
C. P. and Berar		112	70
Madras		215	159
Oriasa		60	36
Punjab		175	18
Sind		60	8
U.P.		228	134
N.W.F.P. l	..	50	19
Total		1,585	719

Table 7

Congress Strength in Provincial Councils

Province	Total Strength of the Council	Congress Strength in the Council
Assam	18	Nil
Bengal	57	10
Bihar	26	8

Bombay Madras	26 46	14 26
Total	173	58

These tables show that taking the two Houses together the Congress secured 777 seats out of a total of 1,758. The Congress obviously is not a majority party. It did not secure even half the number of seats.

This is the position of the Congress in terms of the number of seats. What is the position of the Congress in terms of voting strength? The following figures will show that even in point of voting strength the Congress came out as a minority.

Table 8

Abstract of Votes Cast in the Election distributed as between Congress and Non-Congress Parties

r o v i n c e			Total Votes cast	Votes cast in favour of Congress	Votes cast in favour of Non-Congress
Madras		Assembly Council	4,327,734 33,511	2,658,966 16,907	1,668,768 16,604
Bombay		Assembly Council	3,408,308 23,730	1,568,093 9,420	1,840,215 14,310
Bengal		Assembly	3,475,730	1,055,900	2,419,830

		Council	5,593	1,489	4,104
U.P.		Assembly	3,362,736	1,899.325	1,463,411
		Council	9,795	1,580	8,215
Bihar		Assembly	1,477,668	992.642	485,026
	..	Council	4,318	96	4,222
Punjab	Assembly		1,710,934	181 -265	1,529,669
C. P.	Assembly		1,317,461	678,265	639,196
Assam	Assembly Council		522,332 2,623	129,218 Nil	393,114 2,623
N.W.F.P.	Assembly		179,529	43,845	135,684
Oriasa	Assembly		304,749	198,680	106,069
Sind	Assembly		333.589	18,944	314,645
	Total . 20,500,340			9,454,635	11,045,705

It is not enough to know these figures. They must be read in the light of other circumstances. The first such circumstance is the level of the franchise. The other is the relative position of the two parties in the election. Without taking these into account it would not be possible to understand the full significance of the election results. As to franchise, it is very high, and the electorate, compared with the total population, is indeed very small. How small a part of the total population it formed will be seen from the comparative figures given in the following table:--

Table **9**

Province	Population	Electorate

	(1931)	
Madras .	47,193,602	6,145,450
Bombay and Sind	26,398,997	3,249,500
Bengal ..	51,087,338	6,695,483
U.P	49,614,833	5,335,309
Punjab	24,018,639	2,686,094
Bihar and Orissa	42,329,583	2,932,454
C.P.	17,990,937	1,741,364
Assam	9,247,857	815,341
N.W.F.P	4,684,364	246,609
Total	272,566,150	29,847,604

Only about ten per cent of the population was given the right to vote. The high franchise made the electorate a hive of the middle and the intellectual classes, both of which were intensely pro-Congress. Coming to the relative position of the Congress and the Non-Congress Parties, the following points call for special notice. On the Congress side there were massed all the sinews of war, money and organisation. The Non-Congress candidates were without a party chest and had no organisation. The Congress candidates were the blue boys of the public. They were enemies of British Imperialism, out to achieve freedom and independence of the country. Gaol life had invested the Congress candidates with the halo of martyrdom. As a rule no one was selected as a Congress candidate who had not gone to gaol. The Non-Congress candidates were represented by the congress Press—and as I have said there is no other press in India—as the showboys of the British, with no record of service to or sacrifice for the country, agents of British Imperialism, enemies of the country, job-hunters, fellows out to sell the interests of the country for a mess of pottage and so on. There was another factor which told in favour of the Congress

candidates and against the Non-Congress candidates. The Congress had boycotted the Montagu-Chelmsford Reforms of 1920 and the Congress candidates had not to answer for any act of commission or omission in regard to the administration of the country. The Non-Congress candidates on the other hand were drawn from those who had worked the Reforms and had to answer for many acts of omission and commission, which is the lot of all those who have the courage to take upon their shoulders the responsibilities of administration. The Non-Congress candidates were accused of having made the places dirty and the Congress candidates were proclaimed as angels going to clean the Aegean stables. In a situation like this, any one, knowing how the dice was loaded in favour of the Congress, cannot but feel surprised at the sorry figure the Congress cut in the election. With all its resources, prestige and public sympathy the Congress should have swept the polls. But it did not even get fifty per cent of the seats or the votes.

Is there any doubt that the Congress claim to represent all classes and communities is a hollow claim with no foundation in fact?

Let me next proceed to examine the Congress claim to represent the Untouchables. This claim also can now be determined by reference to the results of the elections that took place in 1937. A correct understanding of the results of the electoral contests between Congress and the Untouchables, I fear, will not be possible to those who have no knowledge of the electoral plan devised to give representation to the Untouchables. I therefore feel it necessary to explain in the first instance the Indian Electoral system, particularly for the benefit of the foreigner. It may be described by reference to the four elements of an Electoral System, namely, (1) Electorates which is the Indian term for constituencies, (2) Right to vote, (3) Right to stand as a candidate for election and (4) Rules for determining who is a successful candidate.

1. There are two sorts of Electorates recognised by the Government of India Act, 1935, (1) Non-Territorial. (2) Territorial.

2. Non-Territorial Electorates are Electorates which are designed to give representation to special interests such as Landlords, Chambers of

Commerce, Trade Unions, etc.

3. Territorial Electorates fall into three categories :—

(i) *(i)* Separate Territorial Electorates known in their abbreviated form as Separate Electorates.
(ii) *(ii)* General Territorial Electorates.
(iii) *(iii)* Joint Territorial Electorates with Reserved Seats, commonly spoken of as Joint Electorates.

4. Separate Electorates are Communal Electorates. They are designed to give representation to specified Communities, namely, Muslims, Indian Christians, Europeans and Anglo-Indians. The voters of each of these Communities in a given area are grouped into one Electorate, separate from the rest. They elect a voter of their Community as their representative exclusively by their own votes. The governing feature of a separate electorate is that in an election through a separate electorate only voters of a Community can vote and stand for election. If it is a Muslim Electorate the voter and the candidate must be a Muscleman; if it is a Christian, Electorate the voter and the candidate must be a Christian and so on. The election is decided by a majority of votes cast by voters of the particular community.

5. A General Electorate is the normal usual form of the electorate, an electorate which comprises of voters of all communities living in an area but which are outside the system of Separate Electorates. It is called a General Electorate because it is an electorate in which neither community nor religion finds any recognition. It is an electorate of the Rest i.e. other than Muslims, Indian Christians, Europeans and Anglo-Indians. In a General Electorate :—

(i) *(i)* No voter who is in a Separate Electorate has a right to vote in or stand for election.
(ii) *(ii)* Every voter who is on its electoral roll has a right to vote and to stand for election without reference to his caste, creed or community.
(iii) *(iii)* The result of the election is determined by a simple majority of votes cast.

6. A Joint Electorate is a cross between Separate Electorate and the General Electorate. It has some things in common with Separate Electorate and the General Electorate, But it also differs from both in other particulars. The points of agreement and of difference are set out below :—

(i) Joint Electorate compared with Separate Electorate :

(1) (1) Joint Electorate is akin to Separate Electorate in as much as both aim to earmark a seat for a particular community.

(2) (2) Joint Electorate differs from a Separate Electorate in two respects :—

(a) (a) In a Separate Electorate the right to vote in the election is confined to voters of the community for which the seat is earmarked, while in a Joint Electorate, though the seat is earmarked for a particular community, in other words though the right to stand is confined to a member of a particular community, the right to vote in the election for that seat is open to other communities which make up the General Electorate.

(b) (b) In both cases the poll is declared on the basis of majority votes. But in the case of a separate electorate the majority is and must be of the voters belonging to the same community as that of the candidate, while in. the case of a joint electorate majority need not be of the same community as that of the candidate.

(ii) Joint Electorate compared with General Electorate :—

(1) (1) A Joint electorate is akin to a General Electorate in as much as in both a voter is free to vote for any candidate standing for a general Constituency.

(2) (2) A Joint Electorate differs from a Separate Electorate in two respects :—-

(a) (a) A General Electorate may be a single member electorate. But a Joint Electorate must at least be a two-member electorate one general and one reserved.

(b) (b) In a General Electorate no seat is earmarked for any community. But in a Joint Electorate one at least must be reserved.

7. Special Features of Joint Electorate.

A Joint Electorate with Reserved Seats is essentially a General Electorate with the following distinguishing features:—

(1) (1) A General Electorate may be a single member electorate. But a Joint Electorate must necessarily be a plural member Electorate.

(2) (2) In a General Electorate the seat or seats to be filled by Election are open to all, and all communities not enclosed in separate electorates are entitled to contest and the result of the election is determined by majority of the votes polled by the candidates without reference to community of the voter or the candidate. But in a Joint Electorate at least one seat is reserved for some particular community which means that the right to stand as a candidate for such reserved seat is restricted to members of that community.

(3) (3) While the right to stand in a Joint Electorate is restricted, the right to vote is unrestricted and all voters in the General Electorates, i.e., even voters of communities other than the one for which the seat is reserved are free to vote for the election of the candidate for the Reserved Seat.

(4) (4) In declaring the result of the election to the reserved seat, there is no requirement that the successful candidate must have obtained a specified quantum of votes of the voters of this community. The rule is that the candidate of the community for which the seat is reserved if there is only one or if there be more than one candidate then the one who polls the highest number of votes must be declared to be elected even if another candidate belonging to the general community has secured a greater number of votes than the community's candidate.

Such is the Electoral system which obtains in India. The system made applicable to the Untouchables is the one referred to as the system of Joint Electorates with Reserved Seats and described under 7 above. To give effect to the principle of reservation for the Untouchables what is done is to pick out a requisite number of General Electorates, convert them into plural Member electorates and reserve in each such electorate one or two seats for the Scheduled Castes. Different Provinces have different number of such Joint Electorates. Their actual number is determined by the

number of seats allotted to the Scheduled Castes in the Provincial Legislature and by the number of scats reserved for them in each Joint Electorate. Attention may also be drawn to some features of the plan, which from the point of view of results are of crucial character.

The Joint Electorate is a general electorate. But it must not on that account be supposed that it is a constituency consisting of the generality of voters. As has already been pointed out, the Muslims, Indian Christians, Anglo-Indians and Europeans, have been given, separate electorates and consequently, the Muslim, Indian. Christian, Anglo-Indian and European voters are excluded from a Joint Electorate. The result is that the Joint Electorate is a constituency in which the only voters who are included are those belonging to the Scheduled Castes, Hindus, Parsis and Jews. As the Parsis and Jews are negligible except in Bombay, the Joint Electorate consists of Hindus and Scheduled Castes only.

Although the General Electorate selected for reserving a seat for the Untouchables may be bigger than a two-member constituency and although it is open to reserve more than one seat for the Untouchables in one General Electorate, in all provinces the general plan is to select a two-member General Electorate, and to reserve one seat for the Hindus and one seat for the Scheduled Castes. It is only in Bengal there are three constituencies in which two seats are reserved for the Scheduled Castes. The Joint Electorate is thus a linked constituency. Two features of this Joint Electorate should be noted : (1) The Hindu voters in a Joint Electorate are almost always in a majority, if not in an overwhelming majority and the Scheduled Castes voters are almost always in a minority, if not in a hopeless minority. (2) A Hindu voter can vote for the election of a Scheduled Caste candidate standing for the seat reserved for the Scheduled Castes and a Scheduled Caste voter can vote for the election of a Hindu candidate standing for the Hindu seat.

Under the system what are the probabilities? Will the Scheduled Castes be able to elect a Scheduled Caste candidate who has their confidence to the seat reserved for them or will the Hindus be able to elect a Scheduled Caste candidate who is their tool and who has no confidence of the Scheduled Castes? The probabilities will be determined by two considerations: (1) by

the number of seats reserved for the Hindus and (2) by the nature of the political organisations prevailing among the Hindus. If there is only one seat reserved for the Hindus and if the Hindus are so organised that they can prevent a contest for their seat and avoid frittering away their votes then it is absolutely certain that the Hindu nominee from the Scheduled Castes will win. The reason is that the Hindus who have a larger voting strength will find a surplus of votes which they do not need for election to their seat and which they can bestow upon their nominee from the Scheduled Castes and help him to win the seat reserved for the Scheduled Castes. The system of joint electorate and reserved seats which is in operation is a system of two member constituency. The Hindus under the Congress are so completely organised that there is no possibility of an electoral contest and consequent waste of votes. The result is that the system helps the Hindus to win the reserved seats and works against the Scheduled Castes. The Hindus are greatly aided in this matter by reason of the fact that for winning the seat reserved for the Scheduled Castes in a Joint Electorate it is not necessary that the majority of voters should belong to the Scheduled Castes for whom the scat is reserved.

How these weaknesses in the system of joint electorate were exploited by the Congress in the Elections which took place in 1937, will be explained later on. For the moment, I am only drawing attention to the Electoral plan devised for the purpose of giving representation to the Scheduled Castes and how vulnerable some of its features are.

III

We may now proceed to examine the Election Returns. It may be well to begin by asking a simple question,: What do Congressmen mean when they say that the Election of 1937 shows that the Congress represents the Untouchables? A clarification is necessary, because quite obviously the question can have two meanings. It may mean that those Untouchable candidates who stood on the Congress ticket for seats reserved for the Untouchables were elected as against those Untouchable candidates who did not stand on the Congress ticket. It may also mean that more votes were cast by the Untouchable voters in favour of those Untouchable

candidates who stood on the Congress ticket than other Untouchable candidates. I propose to examine the returns from both points of view.

The results of the Election, in terms of seats won, have already been presented. It is not necessary to repeat those figures here. It was shown that out of 151 seats the Congress won 78. One cannot say that this result of the contest between the Congress and the Untouchables is a strong piece of evidence to support the Congress claim that it represents the Untouchables. If the Congress got 78 the Untouchables got 73. It was a neck to neck race.

Let us examine the claim of the Congress to represent the Untouchables in term of votes cast in favour of the Congress Untouchable candidates. The total number of votes cast by the Untouchable Voters in the election of 1937 numbered 1,586,456.

The following table shows how they were distributed, how many were cast in favour of the Congress Untouchable candidates and how many in favour of Non-Congress Untouchable candidates:

Table 10

Province.	Voting by Untouchable Voters		
	In favour of Congress	Against Congress	Total of Untouchable Votes cast in the Election
United Provinces	52,609	79,571	132,180
Madras	126,152	195,464	321,616
Bengal	59,646	624,797	684,443
Central	19,507	115,354 158,076	134,861 171,047 30,841

Provinces			12,971	22,187	69,126
Bombay			8,654	69,126	27,757 14,585
Bihar			Nil	22,437	
Punjab			5,320	8,707	
Assam			5,878		
Orissa					
Total			290,737	1,295,719	1,586,456

It is well-known that the number of seats captured by a party is not always in proportion to the number of votes cast in favour of the party and often a party carries a majority of seats with a minority of votes. This is particularly true where the single member constituency system prevails as it does in India. The real strength is measured by the number of votes secured by the party. Applying this test, it is clear that out of 1,586,456 votes only 290,737 i.e., eighteen per cent have been cast in favour of the Congress. Eighty-two per cent have been against the Congress. Can there be any evidence more conclusive against the Congress claim to represent the Untouchables? Congressmen may not accept voting strength as a measuring rod. They may continue to base the claim of the Congress to represent the Untouchables on the ground of seats captured. No sane man will look upon 78 out of 151 or majority of five as a victory worth talking about. As a matter of fact the Congress claim even on the basis of seats is futile. For, a further analysis of the Election Returns shows that the Congress far from capturing a majority of seats got only a minority of seats reserved for the Scheduled Castes.

If the credit side of the Congress is to be real and not bogus, then the following deductions must be made from the total of 78 which the Congress has won:

(1)(1) Seats won by the Congress with the help of Hindu voters and which if left to be decided by the votes of the Untouchables only

would have been lost by the Congress.

(2) (2) Seats won by the Congress not by reason of an absolute majority but by reason of the splitting of the Untouchable votes due to too many Non-Congress Untouchable Candidates having stood to contest the seat against the Congress Untouchable candidate.

(3) (3) Seats which, it was in the power of Untouchables to win, if they had used their votes in the election to the seats reserved for them and not cast them away in the election of candidates contesting the general or nonreserved seats.

I cannot see how a fair minded person can object to these deductions being made. A candidate whose majority is due to votes of persons other than Untouchables has no right to say that he is a. representative of the Untouchables and the Congress cannot claim to represent the Untouchables through him merely because he belongs to the Untouchables and stood on a Congress ticket. An Untouchable candidate whose majority is the result of split in the camp of his opponents and who if there had been no split would have lost, cannot be taken as a real representative of the Untouchables and the Congress cannot claim to represent the Untouchables merely because he belongs to the Untouchables and stood on the Congress ticket. A candidate for a seat reserved for the Untouchables who succeeds in an election in which a large majority of the electors have not played their part cannot be a representative of the electors merely because the seat is an Untouchable seat. Untouchable seats captured by such Untouchable candidates must also be deducted from the total number of seats won by the Congress. The only Untouchable seats which the Congress can claim to have won are those which it has won, exclusively by the votes of the Untouchable voters. All the rest must be deducted. The following table gives the distribution of the seats reserved for the Scheduled Castes and won by the Congress and the circumstances responsible for its success.

Table 11

Analysis of Circumstances which helped Congress to Win the Seats it has Captured

Province	Number of Seats won by the Congress				Total
	With Hindu	Without Hindu	Due to Splitting of Scheduled	By want of interest shown by Scheduled Castes in the	
	Votes	Votes	Castes	Election to	
			Votes	Scheduled	
				Castes Seats	
	(1)	(2)	(3)	(4)	(5)
United Provinces	3	6	3	4	16
Madras	5	15	4	2	26
Bengal Central Provinces	1	4 5	—	2 1	0 7
Bombay Bihar	1 1	1 3	1	1 7	4 11
Punjab Assam	1	2	—	1	4
Orissa	1	2	—	1	4
Total	13	38	8	19	78

These are the facts revealed by a study of the Election Returns. They are

incontrovertible and must be accepted. Judged by the test of voting the Congress far from representing the Untouchables, the Untouchables are proved to have repudiated the Congress. Judged by the test of seats, the Congress has only won 38 seats out of the total of 151. The account shows that 73 seats it failed to win, 13 it won by Hindu Votes, 8 as a result of split due to too many Untouchables standing against the Congress Untouchable candidate and 19 on account of the foolishness of the Untouchables in not taking sufficient interest in the election to the seats reserved for them.

The following table specifies the Constituencies where such phenomena have occurred. They are classified under three heads and shown Province-wise and referred to by their serial number as shown in the Appendices.

Table 12 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41G.What Congress and Gandhi CHAPTER VI.htm - _msocom_1

Provinces	Analysis of Scheduled Castes Constituencies.		
	Serial Numbers of Constituencies in which Congress won with Hindu Votes	Serial Numbers of Constituencies in which Congress won because of splitting of Scheduled Castes Votes	Serial Numbers of Constituencies in which Congress won because the Scheduled Castes were indifferent
United Provinces	1,3 &4	8,9 & 10	11, 13, 14 & 18
Madras	1, 22, 23,24 & 25	8, 12, 15 & 17	4 &21
Bengal	Nil	Nil	6 &7

Central Provinces	6	Nil	15
Bombay	1	14	3
Bihar	11	Nil	2,6,7,8,9,10 & 13
Punjab	Nil	Nil	Nil
Assam	1	Nil	4
Orissa	6	Nil	2

The claim that the Congress represents the Untouchables is thus a false claim from beginning to end. It is a myth which in the light of the results of the election stands completely exploded.

The results of the election reveal other interesting facts which are summarised in the following two tables :

Table 13

Election to Scheduled Castes Seats

Provinces	Contested	Uncontested	Total
United Provinces	15	5	20
Madras	26	4	30
Bengal	28	2	30
Central Provinces	19	1	20
Bombay	14	1	15
Bihar	6	9	15

Punjab	6	2	8
Assam	6	1	7
Orissa	4	2	6
Total	124	27	151

Table 14

Scheduled Castes Seats won by the Congress

Provinces	On Contest	Without Contest	Total
United Provinces	14	2	16
Madras	24	2	26
Bengal	6	Nil	6
Central Provinces	6	1	7
Bombay	3	1	4
Bihar	4	7	11
Punjab	Nil	Nil	Nil
Assam	3	1	4
Orissa	4	Nil	4
Total	64	14	78

Table 13 shows what keen interest the Untouchables have taken in the election to the seats reserved for them. Out of 151 as many as 121 were contested. This disproves the allegation that used to be made that it was no use giving political rights to the Untouchables as they had neither political education nor political consciousness. Table 14 shows that the Untouchables far from looking upon the Congress as their friend and ally have regarded it as their political enemy No. 1. They have very seldom allowed the entry of the Congress in the election to the seat reserved for the Untouchables to go unchallenged. In most of the cases where the Congress had put up an Untouchable candidate on the Congress ticket for a seat reserved for the Untouchables, the Untouchables did not meekly surrender the seat to the Congress but came forward to contest the election by putting up their own candidate on a Non-Congress ticket. Out of the 78 candidates put up by the Congress for the Scheduled Castes seats as many as 64 were contested.

Table 15

Province	Number of Constituencies classified according to the ratio of Scheduled Castes Voters to every 100 of General i.e. Hindu Voters											Remarks
	10 and Below	11—15	16—20	21—2.5	26-30	31-35	36-40	41-45	46-50	Above 50	Total	
United Provinces	Nil	7	3	6	2	1	Nil	1	Nil	Nil	20	
Madras	Nil	5	6	10	3	3	1	1	1	Nil	30	
Bengal	Nil	Nil	Nil	3	1	3	1	3	Nil	14	25 mk: @MSITSto	

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Central Provinces	5	5	1	2	1	Nil	1	1	1	3	20	
Bihar	4	5	2	2	2	Nil	Nil	Nil	Nil	Nil	15	
Punjab	1	1	Nil	1	2	Nil	Nil	1	Nil	2	8	
Orissa	2	Nil	Nil	2	Nil	2	Nil	Nil	Nil	Nil	6	

IV

To say that the elections of 1937 do not prove that the Congress was

victorious over the Untouchables in the electoral fight is an understatement. In a real sense the Untouchables triumphed over the Congress. If not many are found to admit this, their inability or unwillingness to do so must be attributed to their ignorance of the difficulties which the Untouchables have had to face in their contest with the Congress. These difficulties were very real and very great. It is worthwhile to detail them so that people may know the courage and tenacity with which the Untouchables have fought to prove that they are independent of the Congress and that the Congress does not represent them.

These difficulties can be classified under two heads (1) Organisational and (2) Electoral.

Under the first head special mention may be made of two :— The first was the difference in the relative degree of resources at the command of the Congress and of the Untouchables. That the Congress is the richest political party goes without saying. No estimate has so far been made of the money the Congress spent in the elections of 1937. If an investigation was made it would be found that the money it spent in advertisement, in conveyance and in canvassing for the candidates who stood on its ticket was simply colossal. All these resources were placed by the Congress at the service of those Untouchables who stood on the Congress ticket. Not one millionth part of these resources were available to those Untouchable candidates who stood against the Congress. Some of them had even to borrow money to pay their deposits. They fought their elections without the help of advertisement, canvassing or conveyance.

The second is the existence of a party machine on the side of the Congress and the complete absence of it on the side of the Untouchables. The party machine as every one knows constitutes the real strength of the Congress. The credit for the creation of a party machine must be given to Mr. Gandhi. It has been in existence for the last 20 years and with the resources it possesses the Congress has kept the machine well oiled and in perfect order always ready to be put in motion by merely pressing the button. It is a vast machine which covers every town and every village in the country. There is no area in which there is no agent of the Congress to

operate this machine. The Untouchables who stood on the Congress ticket had their electioneering done for them by this party machine of the Congress. Those Untouchables who stood against the Congress had no such party machine to help them. The scheme of separate representation was first introduced in Indian politics in the year 1909. The benefit of it was however given only to one community, namely, the Muslims. In 1920 the constitution was revised. In this revised constitution it was extended to the Non-Brahmins. The Untouchables were again left out. They were consoled with representation with one or two seats in the various Provincial Legislatures filled by nomination. It is for the first time in 1935 that they got the franchise and the right to representation through election. It is obvious that not having had any franchise the Untouchables had felt no need to set up a party machine of their own as there were no elections to be fought. They hardly had any time to organise themselves and to set up a party machine when suddenly in 1937 they were called upon to fight the elections. The fight between the Congress and the Untouchables was a fight between an army and a crowd.

The electoral difficulties in the way of the Untouchables were equally great. The first electoral difficulty arose from the unequal voting strength between the Hindus and the Untouchables in those General Electorates in which seats are reserved for the Untouchables. The following table contains figures showing the relative voting strength of the two.

This table shows how in the General Electorates the Scheduled Castes voters are outnumbered by the Hindu voters. Special attention should be paid to the proportion in which they are outnumbered by the Hindus. As the figures in the table show, in 20 constituencies the proportion of Scheduled Castes voters to Hindu voters is 10 to 100, in 27 constituencies between II and 15 to 100, in 18 constituencies between 15 and 20 to 100, in 27 constituencies between 21 and 25 to 100 and in 11 constituencies between 20 and 30 to 100. These instances will show how overwhelming is the majority of Hindu voters and by what a substantial margin the Hindus can overpower the Scheduled Castes voters. In, this connection it must also be remembered that every Scheduled Caste Constituency is a Joint Electorate in which both classes of voters—those belonging to the

Scheduled Castes and those belonging to the Hindus—can vote for the Scheduled Castes seat and compete to capture it. In this game the relative disproportion in voting strength of the two becomes of immense importance. For success in election in such a linked constituency primarily depends upon relative voting strength of the competing groups.

The second electoral difficulty arose out of the number of the seats fixed for the general constituencies in which seats were reserved for the Untouchables. The following table shows the system adopted in the different provinces.

Table 16

Classification of General Constituencies in which Seats for Untouchables are Reserved

Province	No. of Seats Reserved for Untouchables	No. of Constituencies with 2 Seats	No. of Constituencies with 3 Seats	No. of Constituencies with 4 Seats
Madras	30	30	Nil	Nil
Bombay	15	Nil	6	9
Bengal	30	20	5	Nil
United Provinces	20	20	Nil	Nil
Punjab	8 1	8	Nil	Nil
Bihar	5	15	Nil	Nil
Central Provinces	20	20	Nil	Nil
	7	6	1	Nil

Assam Orissa	6	6	Nil	Nil
	151	125	12	9

This table shows that out of 151 General Constituencies required to be declared as reserved for the Scheduled Castes as many as 130 were two-member constituencies in which one seat was reserved for the Scheduled Castes and the other was kept as a general seat. It is quite possible that many will not realize the electoral danger that is involved to the Untouchables in this two-member constituency system. But the danger is very real. How real it is, will become clear if it was considered along with the relative voting strength of the Hindus and the Untouchables in the General constituency to which attention has already been drawn. Where the constituency is a plural constituency of—say three or four members—one reserved for the Scheduled Castes and two or three left for the general community, the relatively higher voting strength of the Hindus is not so much a matter of danger as it is when under the two-member constituency the Hindus have only one candidate to elect. With more candidates to elect the voting strength of the Hindus is split as they become engaged in fighting out the election of their candidates to the general seat and there is no surplus votes left with them, with the result that their excessive voting strength in the constituency does not become a menace to the Scheduled Castes. But, when they have only one seat to win, the chances of their votes being frittered away are remote. Under an organised party system such as that established by the Congress, they are nil. The excess of unused voting strength which they are thus able to retain becomes surplus and unnecessary for them, and which they are quite free to use in supporting a Scheduled Caste candidate of their choice, standing on their ticket as against another Scheduled Caste candidate who is independent and who is not prepared to be their tool. What havoc the Hindus played with their

surplus votes is clear from the result of the elections.

When one considers the method of voting and the number of seats fixed and the distribution of the voting strength in the general constituencies one feels whether any better electoral system for deceiving the Untouchables could have been devised. The Joint Electorates to which the Scheduled Castes are tied are like the Rotten Boroughs which existed in England before the Reform Act of 1832. Under the Rotten Borough, the candidate elected was in fact nominated by the boss who controlled the Borough. Similarly, under the system of Joint Electorates the Scheduled Caste candidate who is elected to the Legislature is virtually nominated by the Hindus. That is the reason why Mr. Gandhi is so keenly devoted to the system of Joint Electorates.

One hears a great deal about the Muslim League having grown from strength to strength. But few realize how sheltered the Muslim League is by reason of the system of separate electorates. The Muslims are secure from the menace and mischief of the Congress. Not so are the Untouchables. They are open to the full blast of the Congress money, Congress votes and Congress propaganda. That the Untouchables overcame all these difficulties without resources, without a party machine and in spite of all electoral difficulties shows their triumph over the Congress and their desire to maintain their independent existence.

Chapter VII

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER VII
A FALSE CHARGE

Are Untouchables the Tools of the British?

As I have said before, the Congress since the time it came under the auspices of Mr. Gandhi underwent a complete transformation. One of these transformations is noteworthy, for it is this which has made the Congress so famous and which has enabled it to capture the imagination of the people. Before Mr. Gandhi's time it did nothing more than meet annually at different places in India and pass certain and sometimes the same resolutions touching some flaw in the British Administration of India. After Mr. Gandhi took charge of the Congress in 1919, it became a party of action, or, as Congressmen like to put it, the congress forged sanctions—a thing never thought of before. The sanctions, which make up the Congress armoury and which it has put into action one time or another are: (1) Non-co-operation; (2) Boycott; (3) Civil Disobedience and (4) Fast. The aim of non-co-operation was to make government useless by refusal to recognise or resort to Government schools, colleges, courts and to make it impossible by refusing to engage in Government service. Boycott was a weapon, the aim of which was to coerce individuals not prepared to follow the dictates of the Congress. It had two edges, social or economic. The social edge cut off all social intercourse even withdrawing the services of barbers, washermen, butchers, grocers, merchants, etc., in short, making life of the culprit impossible in every way. The economic edge cut off all business relations, such as buying and selling of goods. Its objective was the merchant class selling foreign goods. Civil Disobedience was intended to give a direct blow aimed at the British Government. It was a deliberate breach of law with a view to court imprisonment, fill gaols and thereby discredit Government. It is practised either as mass civil disobedience or individual civil disobedience. Unfortunately fasting on a mass scale has not been resorted to by Congressmen. Fasting has only been an individual activity. Unfortunately fasting unto death has also not been practised by Congressmen. It has always been for a term. It is a weapon particularly reserved by Mr. Gandhi for himself. Even he uses it

for a term. These are the four weapons which the Congress forged to give sanction to its demand for India's freedom.

Having forged the sanctions, the Congress has gone on to give demonstrations of the use of these sanctions. Between 1920 and 1942, the country has witnessed demonstrations staged by Congressmen of one form or the other of these sanctions. The din and dust they raised filled the air and drew crowds to witness them. They have come to be described as"Fight for Freedom."What has been the use of such sanctions is a subject which demands serious consideration. But this is not the place for it. One must remain content with the observation that the old Congress could not have done worse. The use of sanctions has really been a tragedy, Swaraj is as far as it has been, but the reckless use of sanctions has made partition of India starker, surer and nearer. While it is not possible to discuss the gains resulting from the use of sanctions, the fact must be mentioned that this"Fight for Freedom"has been carried on mostly by the Hindus. It is only once that the Musalmans took part in it and that was during the shortlived Khilafat agitation. They soon got out of it. The other communities, particularly the Untouchables, never took part in it. A few stray individuals may have joined it for personal gain. But the community as such has stood out. This was particularly noticeable in the last campaign of the"Fight for Freedom,"which followed the ' Quit India ' resolution passed by the Congress in August 1942.

This is a glaring fact especially to a foreigner who comes to India and witnesses how more than half the population non-co-operates with the Congress in this"Fight for Freedom."Quite naturally he feels stupefied by this strange phenomenon. He asks: Why are the Muslims, Christians and Untouchables not participating in the"Fight for Freedom?"and turns to the Congress for an explanation. The Congress has a ready-made answer. It is that the Untouchables are the tools of British Imperialism and that is why they do not join the"Fight for Freedom."The echo of this charge was heard from the mouth of many foreigners whom one came across during the war. What is most disconcerting is the experience that most of these foreigners seemed to

have accepted the allegation as being true. The simplicity and plausibility of the argument could be the only reason which can account for such an easy conversion. It serves a double purpose. It enables the Congress to account lor a strange phenomenon and it gives an explanation to which circumstances lend an apparent plausibility.

Had it not been for the fact that even influential foreigners have been infected by this idea, one would hardly bestir himself to take notice of such malicious propaganda. For the explanation given by the Congress for the non-participation by the Untouchables in what is called"the Fight for Freedom"is an absurd explanation. It is an explanation which only a knave can venture to offer and which none but a fool can be expected to accept as satisfactory. But as it is almost certain that in the events that are coming, what foreigners think about India's problems will be a matter of some moment, I think it necessary to explain the correct situation and allow no room for such erroneous notions about the Untouchables to take roots in their mind especially when there can be no difficulty in proving that it is a false charge against the Untouchables and to prove that if the Untouchables have not joined the"Fight for Freedom"it is not because they are the tools of the British Imperialism but because they fear that freedom of India, will establish Hindu domination which is sure to close to them and for ever all prospect of life, liberty and pursuit of happiness and that they will be made the hewers of wood and drawers of water.

That the Untouchables should have refused to join the Congress in the"Fight for Freedom"is in, itself a proof positive that their reason for non-co-operation with the Congress cannot be the puerile one suggested by the Congress. It must be something real and substantial. What is it? The reason which has led the Untouchables to non-co-operate with the Congress has been popularly expressed by them when they say that they do not wish to be placed under Hindu Raj in which the governing class would be the Bania and the Braha-1 mm with low class Hindus as their policemen, all of whom have been the hereditary enemies of the Untouchables. This language is held to offend against good taste. That may be so. But it must not be supposed that because

such slogans are offensive in their tone they are devoid of sense or that the outlook which they typify and the ideals which they embody have no compelling force or that they cannot be made to wear the garb of a true and respectable political philosophy.

Translated in the language of political science, what do these slogans mean? They mean that the Untouchables are not opposed to freedom from British Imperialism. But they refuse to be content with mere freedom from British Imperialism. What they insist upon is that free India is not enough. Free India should be made safe for democracy. Starting with this aim, they say that on account of the peculiar social formation in India there are minority communities pitted against a Hindu Communal Majority, that if no provisions a,re made in the constitution to cut the fangs of the Hindu. Communal Majority, India will not be safe for democracy. The Untouchables therefore insist on devising a constitution which will take note of the special circumstances of India and contain safeguards which will prevent this Hindu Communal Majority in Indian society from getting possession of political power to suppress and oppress the Untouchables and which will directly invest the Untouchables with at least a modicum of political power to prevent their suppression and exploitation, and to enable them at least to hold their own, in their struggle for existence against the Communal Majority. In short, what the Untouchables want are safeguards in the constitution itself which will prevent the tyranny of a Hindu Communal Majority from coming into being.

The Congress on the other hand regards the freedom of India from British Imperialism to be the be-all and end-all of Indian nationalism. Nothing more, it thinks, is necessary for the welfare of the Indian people in a free India. As to the question of a constitution for a free India, the Congress simply docs not look upon it as a, problem. Asked, what about the constitution of a free India? The Congress reply is that it will be a democracy. What sort of democracy would it be? The Congress answer is that it will be based on adult franchise. Will there be any other safeguard, besides adult suffrage for preventing the tyranny of a Hindu Communal Majority? The Congress reply is emphatically in the negative.

Asked, why this opposition to safeguards? the Congress says that it is a vivisection of the nation,—an argument the pictures queerness of which is intended to cover its stupidity and which has its origin in the genius of Mr. Gandhi, and for which the high class Hindus, who stand to lose by these safeguards, feel so grateful to him.

The Untouchables refuse to accept this silly sophism. They say that Indian social life has to be reckoned in terms of communities. There is no escape. Communities are such hard facts of Indian social life that it would be wrong to accept that communal impulse and communal prejudice do not dominate the relations of the communities. The social psychology of the Hindu Communal Majority is dominated by the dogma which recognises not merely inequality but graded inequality as the rule governing the inter-relationship among the various communities. This dogma of graded inequality is absolutely inimical to liberty and fraternity. It cannot be believed that this graded inequality will vanish or that the Hindus will strive to abolish it. That is impossible. This graded inequality is not accidental or incidental. It is the religion of the Hindus. It is the official doctrine of Hinduism. It is sacred and no Hindu can think of doing away with 'it. The Hindu Communal Majority with its religion of graded inequality is not therefore a passing phase. It is a permanent fact and a menace for ever. In making a constitution for India the existence of a standing Communal Majority cannot be ignored and the problem of devising safeguards so as to reconcile it with political democracy must be faced. That is the reasoning of the Untouchables.

The constitutional safeguards which the Untouchables have been demanding are detailed in the Resolutions recently passed by the Working Committee of the All-India Scheduled Castes Federation and which are printed in Appendix XI. For purposes of argument I take three of them. (i) Guaranteed minimum representation in the Legislature; (ii) Guaranteed minimum representation in the Executive and (iii) Guaranteed minimum representation in the Public Services. These demands are ridiculed by the Congress as communalism and the leaders of the Untouchables are represented as job hunters. The

Congress places its opposition to these guarantees on the high pedestal of nationalism, of which it holds itself as the guardian angel. The foreigner may find it difficult to see the absurdity of the Congress argument against safeguards. But if he were to take into account the purposes for which these guarantees are sought, he will find that the attempt of the Congress to represent them as a piece of communalism is arrant nonsense.

The purpose of these guarantees demanded by the Untouchables is not to fill the Legislature, the Executive and the Administration by the representatives of the Untouchables. These guarantees are really floorings below which the Untouchables will not fall under the crushing pressure of the Hindu Communal Majority. They are intended to keep the Hindu Communal Majority within bounds. For, if there were no such guarantees to the Untouchables, the result will be that the Hindu Communal Majority will not only capture the Legislature, the Executive and the Administration, but the Legislature, the Executive and the Administration will be over-run by the Hindu Communal Majority and these powerful organs of the State, instead of protecting the minorities, will become the tools of the Hindu Communal Majority doing its biddings.

In the light of this explanation there ought to be no difficulty for any outsider of average intelligence in understanding the issues between the Congress and the Untouchables. In the first place, he ought to be able to realize that the issue between them is created by the former refusing to recognise that in the existence of a Communal Majority there lies a great menace to political democracy and the latter maintaining the contrary and insisting that the constitution should contain positive provisions to curb this menace. In other words, the Untouchables are anxious to make India safe for democracy, while the Congress, if it is not opposed to democracy, is certainly opposed to creating conditions which will make democracy real.

In the second place, the foreigner should be able to see that this demand by the Untouchables for safeguards is not a novel demand. His understanding will be facilitated if he were to regard these safeguards as

another name for checks and balances and to bear in mind that there is no constitution which does not contain such checks and balances to protect political democracy from being subverted and to note how the constitution of the U.S.A. is full of such checks and balances which are embodied in clauses relating to Fundamental Rights and Separation of Powers. If he does this, he need not feel puzzled if the safeguards demanded by the Untouchables take a different form than they do in other countries. For, the nature of safeguards must differ with the nature of the forces which constitute a menace to political democracy and as these forces in India are of a different character, the safeguards must necessarily take a different form.

In the third place, the foreigner should have no difficulty in realizing that if anybody is communal it is the Congress and not the Untouchables, and that whatever the philosophic grounds advanced by the Congress the real motive of the Congress in opposing the demand for constitutional guarantees is to keep the political field a free pasture for the Hindu Majority. He should be able to sec, though the Congress does not openly say so, how natural it is for the Congress to be communal. The Hindu Communal Majority is the back-bone of the Congress. It is made up of the Hindus and is fed by the Hindus. It is this Majority which constitutes the clientele of the Congress and the Congress, therefore, is bound to protect the rights of its clients. If he realizes this, he will not be deceived by the arguments of the Congress that it is opposing these demands in the name of nationalism. On the other hand, he will realize that the Congress is deceiving the world by using nationalism as a cloak for a free field for rank communalism.

Lastly, he will know why the representative character of the Congress has become an issue of such importance in Indian politics. He will realize that nobody would have cared to bother about the representative character of the Congress and to inquire, whom it represents and whom it does not, if the Congress were not to arrogate to itself the right to say what should be the constitution of a free India. But as it does, its right to speak in the name of the country forms a vital issue and those who do not accept this have no alternative but to challenge it.

II

With all this, foreigners have said—"Why not join the Congress in the ' Fight for Freedom '? ; why make agreement on constitutional safeguards a condition precedent to cooperation with the Congress? After all, safeguards can come only after freedom is won." A foreigner who has followed the foregoing discussion as to matters which divide the Congress can be left to understand why the Untouchables have not thought it safe to co-operate with the Congress in this"Fight for Freedom."But there may be some who may not be able to imagine them and who would like to know what they are. Rather than leave them to find wrong reasons it is better to take the trouble to let them have the right ones. The reasons are various. Only the most important are set out below.

The first reason is founded in common-sense. The Untouchables say:"What harm is there in demanding from the Congress an agreement in advance? What is lost, if a guarantee is given by the Congress in advance?"They argue that if- the Congress agreed to this demand for safeguards in advance it will have a double effect. In the first place, it will give an assurance to the Untouchables who entertain so much dread as to what their lot would be under a Hindu Communal Majority. Secondly, such an assurance would go a long way in inducing the Untouchables to co-operate with the Congress. After all, why are the Untouchables non-co-operating? Because, they are afraid that if this freedom is achieved it will enable the Hindu Majority once again to enslave them. Why not remove this fear if it can be done at so small a cost, namely, by an agreement in advance?

The second reason is founded in experience. The Untouchables say that the experience of the world does not justify the hope that when the"Fight for Freedom"ends, the stronger elements have shown the generosity to give security to the weaker elements.

Many examples of this betrayal could be cited. The most notorious one relates to the betrayal of the Negroes in the United States after the Civil

War. Speaking of the part played by the Negroes in the Civil War Mr. Herbert Apthekar saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41H.What Congress and Gandhi CHAPTER VII.htm - _msocom_1 :

"One hundred and twenty-five thousand Negroes from the slave states served in the Federal armies. They, together with the eighty thousand from the North, fought in four hundred and fifty battles, with an inspiring and inspired courage that was of the utmost importance in bringing about the collapse of the Confederacy and the abolition of slavery.

"Here were over two hundred thousand armed Negro men fighting within a state built upon and dedicated to the pro-position that the Negro was, if at all a human being an innately and in eradicably inferior one, fit only to be a slave.

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"And the Negro soldiers of the Republic fought notwithstanding shameful discriminations and disadvantages. White soldiers received thirteen dollars a month. Negroes received but seven dollars (until July 14,1864, when the pay was equalized, retroactively to January 1, 1864) ; there were enlistment bounties for white recruits, none for Negroes (until June 15, 1864) ; and there was no possibility for advancement into the ranks of commissioned officers for Negroes.. . . The Confederacy never recognised captured Negro soldiers who had been slaves as prisoners of war, and did not accord this status to captured free Negroes until October 1864. The Negroes were either killed, returned to slavery, or confined at hard labour.

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"Here were these scores of thousands of hitherto enslaved and oppressed masses, armed, and sent forth into their own country, whose every creek and knoll was known to them, to maintain their newly obtained freedom, to prove their manhood and to liberate their own people, their own parents and children and wives, from a slavery that they know only too well. And let it always be remembered that in the

war to save the republic thirty-seven thousand Negro soldiers were killed in action."

What happened to the Negroes after the Civil War was over? In, the first flush of victory, the Republicans, who waged the war for saving the Union and obtained the help of the Negroes to win it, carried the Thirteenth Amendment to the Constitution. Under it the Negroes ceased to be slaves in the legal sense of the term. But did the Negroes get any right to participate in the Government as voters or officials? The Republicans did take some action in order to make the Southern States accept that the Negroes were to be treated as the political equals of the Whites. This was done by the Fourteenth Amendment which conferred citizenship, State as well as Federal, on all persons including the Negroes born or naturalized in the United States and subject to the jurisdiction thereof, forbade legislation by a State abridging the privileges or immunities of a citizen of the United States, and provided for reducing the representation, in the Congress of any State in. proportion to the number of its citizens excluded from the suffrage. The Southern States had no intention to respect the Fourteenth Amendment. All except Tennessee had rejected the amendment and had set up governments of the White inhabitants. The Republicans then proceeded (March 2, 1867) to pass the so-called Reconstruction Act (a bill to provide efficient governments for the insurrectionary States) designed to create legitimate governments in the States not yet readmitted to the Union (ignoring the governments set up by the White inhabitants), and to determine the conditions proper for their readmission. By this Act these States, that is the whole seceding South except Tennessee, were divided into five military districts, each to be governed by a Brigadier-General of the Federal Army, until such time as (l)a State convention had framed a new constitution, (2) the Fourteenth Amendment had been ratified and (3) the States had been duly readmitted. The Republicans carried another amendment called the Fifteenth Amendment, forbidding the voting right of citizen to be denied or abridged on account of race, colour or previous condition of servitude which also became by similar acceptance part of the Constitution and binding on, all the States.

The Whites in the South had no intention to admit the Negroes to equal citizenship. Disfranchisement of the Negro proceeded apace. It was undertaken as a solemn duty both by the State Governments of the .South as well as by the Whites of the Southern States. To evade the Fifteenth Amendment the State Governments spent their ingenuity in framing franchise laws which denied the Negroes the right to vote on grounds other than race or colour. Most of them decided upon the grandfather clausemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41H.What Congress and Gandhi CHAPTER VII.htm - _msocom_2 which effectively excluded the Negroes but fully included the Whites. On the people's side the process was carried out by the Ku Klux Klan. The Klan was in its origin a secret combination formed in Tennessee by youths for purposes of amusement. It was transferred into an organisation to suppress the Negroes and prevent them from exercising their political rights. It started committing outrages upon Negroes, and (less frequently) upon, Whites supposed to be in sympathy with the Negroes, in the rural South. These gang-men were never discovered. This shows that the whole of the White population of the South supported the Klan men. No open resistance to the Federal troops was attempted; but neither their activity nor the penal laws passed by the Congress were effective in checking the flogging, house-burnings, and murders which during these years disgraced some districts.

The purposes of the Southern States and the Southern Whites were facilitated by the decisions of the Supreme Court of the United States. The Supreme Court held that the State laws disfranchising the Negroes were valid notwithstanding the Fifteenth Amendment because the disfranchisement was not based on race and colour. Similarly the Supreme Court held that if the activities of the Ku Klux Klan, prevented the Negro from exercising his electoral rights there was no redress: for, the Fifteenth Amendment, while it prevented the States from interfering with the electoral rights, did not prevent interference by private bodies.

What did the Republicans do? Instead of amending the Constitution to give better and more effective guarantees to the Negroes, they agreed to recognise the Southern States and admit them to the Union, to grant

general amnesty to the rebels and to withdraw the troops stationed therein leaving the Negroes to the tender mercy of their masters. As Mr. Apthekar saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41H.What Congress and Gandhi CHAPTER VII.htm - _msocom_3 :

"But the heoric fight of the Negro people and their allies for democracy, land and civil rights in the South was defeated chiefly as a result of shameful betrayal, by the industrial and financial bourgeoisie of the North. In 1877, the latter came to an understanding with the reactionary plantocracy of the South. Working through the reactionary wing of the Republican Party, the Northern Lig bourgeoisie sold out the Revolution by giving the old slave oligarchy a free hand (home rule) in the Southern States. This 'gentleman's agreement' meant disenfranchisement for the Negro, sharecropping peonage, lynch terrorism, and the loss of civil liberties and educational opportunities."

The story of the betrayal is not complete. It is necessary to add that if the Republicans were to carry their party opposition with the Democrats into the South, the Negro could still be saved from damnation. For it is the opinion, of those who know that if the Whites of the South were divided into Republicans and Democrats as they are in, the North there is hardly a State in the South which would not be largely controlled by the Negro voters. Even the Republicans will not do. The Republicans seem to have entered into a compact with the Democrats not to canvass for the votes of the Negroes. Indeed, the Republican Party in the South does not exist. It does not exist because it is afraid of having to take sides with the Negroes. The Untouchables cannot forget the fate of the Negroes. It is to prevent such treachery that the Untouchables have taken the attitude they have with regard to this ' 'Fight"for""Freedom."What is wrong in this? Are they doing anything more than, follow the advice of Burke, who has said that it is better to be accused of timidity than to be ruined by over-confident security.

The third argument is that there is no justification for the Congress to say that the"Fight for Freedom"must come first and the agreement about constitutional safeguards afterwards. The Untouchables feel that having regard to the attitude of the British Government to India's right to freedom, this fight, which the Congress loves so much, is uncalled for, at any rate, it is putting the cart before the horse. The attitude of the

British towards India's claim for freedom has since the Mutiny of 1857 undergone a complete change. There was a time when the British Government held the view which was a complete negation of India's claim for freedom. It was proclaimed by Lawrence whose statue in Calcutta has the motto :"The British conquered India by the sword and they will hold it by sword."This attitude is dead and buried and it is no exaggeration to say that every Englishman today is ashamed of it. This stage was followed by another in which the argument of the British Government against India's freedom was the alleged incapacity of Indians for Parliamentary institutions. It began with Lord Ripon's regime which was followed by an attempt to give political training to Indians, first in the field of Local Self-Government, and then under the Montagu-Chelmsford reforms in the field of Provincial Government. We have now entered the third or the present stage. British Government is now ashamed to say that they will hold India by the sword. It no longer says that Indians have no capacity to run Parliamentary institutions. The British Government admits India's right to freedom, even to independence, if Indians so desire. The British Government admits the right of Indians to frame their own constitution. There can be no greater proof of this new angle of vision than the Cripps Proposals. The condition precedent laid down by the British Government for India's freedom is that Indians must produce a constitution which has the concurrence of the important elements in the national life of the country. Such is the stage we have reached. The Untouchables cannot therefore understand why the Congress, instead of trying to achieve agreement among Indians, should keep on talking interms of a"Fight for Freedom"and maligning the Untouchables in not joining in it,

III

Why does the Congress oppose the proposal of the British Government? It seeks to justify its opposition on two grounds. It says that the condition prescribed by the British Government puts a veto on freedom of India in the hands of the Untouchables. This is a stupid argument and for two reasons. In the first place, the Untouchables in India have never made impossible demands. They have not even made

unreasonable demands. They do not say as Carson did to Redmond:"Damn your safeguards. We don't wish to be ruled by you."The Untouchables are quite prepared to submit themselves to the rule of the Hindu Majority, not with standing the unsocial and the undemocratic character of its ethics, provided the constitution gives them reasonable safeguards. To say, that the Untouchables will exercise a veto on India's freedom by raising impossible demands is thus a gross libel, for which there is not the slightest justification. Assuming the fear is well-founded, the Congress is not altogether without a remedy. For it is still open to the Congress to say that if there is no agreement between the Hindus and the Untouchables the dispute should be referred to an International Board of Arbitration. If the Congress took this stand, I am sure, neither the British Government nor the Untouchables will have the slightest objection to it. But when, instead of making an honest and sincere attempt to bring about an agreed constitution, the Congress goes on launching its campaigns for achieving freedom—not without occasional rests and retreats—the only conclusion, which the Untouchables can draw, is that the Congress wants to coerce the British Government to transfer its power or to use Mr. Gandhi's phrase,"hand over the keys to the Congress,"without being obliged to agree to the safeguards demanded by the Untouchables. In short, what the Congress wants is a free India with full, unrestricted freedom to the Hindus in a free India to dispose of the Untouchables in any way they liked. No wonder the Untouchables have refused to take part in such a dishonest agitation, elevated though it may be by such high sounding name as"Fight for Freedom"!

The other ground urged by the Congress for not taking up the question of bringing about an agreement is that the British Government is not honest, and that notwithstanding its declarations it will not transfer power even if Indians agreed upon a constitution, and that ultimately Indians will have to struggle with the British in order to wrest power from their hands. The reply of the Untouchables is that they see no reason why Indians should start, with such complete distrust of the British intentions. After all, the British Government has moved in the direction of fulfilling Indian aspirations and is moving. If it is slow in

moving it is due to Indians being content with small things. Right from the conquest of India by the British upto 1886, Indians never cared who ruled them nor how they were ruled. They were content to live without troubling themselves about these questions. In 1886 the Congress was organised and for the first time Indians began to take interest in the government of India.. But even the Congress upto 1910 was content in agitating for good Government only. It was in 1910 that the Congress first demanded Self-Government. When in 1919 the Montagu-Chelmsford Reforms were on the anvil, Indians had an occasion to state the scope of their demand for Self-Government. What is known as the Memorandum of the Nineteen defined the aspirations of the Indians as they stood in 1917. Any one who knows it will remember that the best and the most radical Indians were content only with Dyarchy in the Provinces. Even this was regarded as a big jump by some Indian leaders such as Sir Dinshaw Watcha and Mr. Samarathmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41H.What Congress and Gandhi CHAPTER VII.htm - _msocom_4 In 1930 notwithstanding the Congress Resolution insisting on Independence, Mr. Gandhi at the R. T. C. was prepared mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41H.What Congress and Gandhi CHAPTER VII.htm - _msocom_5to be content with Provincial autonomy. The British granted more than that. If from 1939 there has been a halt, it is mainly because Indians are not agreed on the sort of constitution they want for their country.

The Untouchables think that the stage, when the British were sitting upon the freedom of India, as the snake in the fable is said to sit on a treasure, not allowing anyone to come near it, is gone long past. India's Freedom is like property held by a Receiver. The British Government has placed itself in the position of a Receiver. As soon as the dispute is over and the right kind of constitution is settled, it has bound itself to hand over the property to its rightful owners, namely, Indians. The Untouchables ask: why not take advantage of this? why not adopt the straight and honest course of arriving at an agreement among the important elements in the country and then make a joint application for the release of the property? That the Congress does not want to follow this line of action shows, say the Untouchables, that the Congress"Fight

for Freedom"is nothing more than mere tactics, the object of which is to by-pass the necessity of an agreed constitution demanded by the Untouchables and made a condition precedent by the British Government for the grant of freedom.

The Untouchables do not say that they are out to underwrite the declarations made by the British Government, they do not say that if Indians are agreed it must necessarily be a case of"knock and it will open : ask and it shall be given unto you."They admit that the British may not act up to the declarations they have made. It may be that even when an agreed constitution is produced, they may not act up to their promises, and a fight for freedom may become necessary. The Untouchables do not overlook these possibilities. But what they do say is that the Indians have not put the British to the test. They can't be put to test unless they are presented with an agreed constitution. So long as the Congress does not adopt this course as the first—though it may not be last —line of action, the Untouchables feel that the Congress is not honest in its dealings with them, not even to the country. Who can say that the Untouchables have not sufficient justification for refusing to participate in the Congress"Fight for Freedom"?

Chapter VIII

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER VIII
THE REAL ISSUE

Aren't The Untouchables A Separate Element?

I

What is the fundamental issue in the controversy between the Congress and the Untouchables? As I understand the matter, the fundamental issue is: Are the Untouchables a separate element in the national life of India or are they not?

This is the real issue in the controversy and it is on this issue that the Congress and the Untouchables have taken opposite sides. The answer of the Untouchables is yes. They say, they are distinct and separate from the Hindus. The Congress on the other hand says 'No' and asserts that the Untouchables are a chip of the Hindu block. This is the attitude of the parties to the issue. The attitude of the British Government was made clear by Lord Linlithgow mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41I.What Congress and Gandhi CHAPTER VIII.htm - _msocom_1in his statements as Viceroy and Governor-General of India in which he declared in quite explicit terms that the Untouchables were a separate element in the national life of India. Many people who regard the issue of constitutional safeguards as the fundamental issue will feel surprised that I should regard as fundamental an issue so apparently different from what they regard as fundamental. Really speaking there is no difference. It all depends upon what one regards as the proximate and what as ultimate. Others regard the question of constitutional safeguards as ultimate. I regard as proximate. What I have stated as fundamental I regard as ultimate from which the proximate follows, as the conclusion does from the premise in a logical syllogism. It may be as well for me to state why I have thought it necessary to make this difference. The evolution of the Indian Constitution appears to me to have established a sort of a logical syllogism. The major premise in the syllogism is that where there exists an element in the national life of India, which is definable as a separate and distinct element it is entitled to constitutional safeguards. An element, making a claim for constitutional safeguards, must show that it is definable as separate and distinct from the rest. If it shows that it is separate and distinct, its right to constitutional safeguards is held admissible.

That is how the provisions for constitutional safeguards for Muslims, Indian Christians, Anglo-Indians, Europeans and Sikhs have come into being. It is true that the constitution of India has not been framed in the light of principles. It has grown in an haphazard manner, more in answer to exigencies than in accordance with principles. Nevertheless, this silent postulate, if not a principle to which I have referred, seems to be working throughout. The right of a group to constitutional safeguards has come to be treated as consequential. It is deemed to follow automatically when the fundamental condition is satisfied, namely that they do constitute a separate and a distinct element in the national life of India. In dealing with this controversy, one must deal with it as one is required to do with a syllogism. In a syllogism both are fundamental, the conclusion as well as the premise and to close the argument it is not enough to deal with the conclusion and omit to examine the premise. Looking at the question from this angle I think I ought not to close the case of the Untouchables with no more than a discussion of the constitutional safeguards. I feel that I ought to deal also with the premise, the ultimate, or the fundamental proposition, from which the constitutional safeguards seem to follow, if not as a matter of course at least as a matter of precedent.

It will thus be seen that the decision I have taken to give a separate treatment to the ultimate as distinguished from the proximate proposition is not without justification. It also seems to be necessary to deal with it separately and substantially, because the Congress seems to be fully -aware of the fact that this is the fundamental issue and knows that once it concedes that the Untouchables are a separate element it cannot prevent them from succeeding in their claim for constitutional safeguards. If the Congress has come forward to contest this proposition it is because it thinks that it is the first trench and if it fails to maintain it, it cannot save the situation.

II

It must be a matter of considerable surprise to those who know the conditions in India that the Congress should come forward to

controvert what is incontrovertible, namely, that the Untouchables are separate from the Hindus. But since the Congress has chosen to do so, I must deal with the issue as best as I can.

The grounds advanced by the Untouchables that they are separate from the Hindus are not difficult to comprehend. Nor do they require a long and an elaborate statement. The statement of their case can be fully covered by a simple question. In what sense are they Hindus? In the first place, the word ' Hindu ' is used in various senses and one must know in what sense it is used before one can give a proper answer to the question. It is used in a territorial sense. Everyone who is an inhabitant of Hindustan is a Hindu. In that sense it can certainly be claimed that the Untouchables are Hindus. But so are the Muslims, Christians, Sikhs, Jews, Parsis, etc. The second sense in which the word ' Hindu ' is used is in a religious sense. Before one can draw any conclusion, it is necessary to separate the dogmas of Hinduism from the cults of Hinduism. Whether the Untouchables are Hindus in the religious sense of the word depends upon whether one adopts as his tests the dogmas or the cults. If the tests of Hinduism are the dogmas of Caste and Untouchability then every Untouchable would repudiate Hinduism and the assertion that he is a Hindu. If the test applied is the acceptance of a cult such as the worship of Rama, Krishna, Vishnu and Shiva and other Gods and Goddesses recognised by Hinduism the Untouchables may be claimed to be Hindus. The Congress as usual maintains a body of agents from among the Untouchables to shout when need be that the Untouchables are Hindus and that they will die as Hindus. But even these paid agents will not agree to be counted as Hindus if they are asked to proclaim themselves as Hindus, if Hinduism means belief in caste and Untouchability.

One more point must be stressed. On the foregoing analysis the Untouchable may be classed as a Hindu if the word Hindu is used in the religious but in the limited sense of a follower of a recognised cult. Even here, there is a necessity for giving a warning against concluding that the Hindu and the Untouchable have a common religion. The fact is that even as followers of recognised cults they cannot be said to have a

common religion. The exact and appropriate expression would be to say that they have a similar religion. A common religion means a common cycle of participation. Now, in the observances of the cults there is no such common cycle of participation. The Hindus and the Untouchables practise their cults in segregation so that notwithstanding the similarity of their cults they remain as separate as two aliens do. Neither of these two senses of the word ' Hindu ' can yield any result which can be of help in determining the political question, which alone can justify the discussion.

The only test which can be of use is its social sense as indicating a member of the Hindu Society. Can an Untouchable be held to be part of the Hindu Society? Is there any human tie that binds them to the rest of the Hindus? There is none. There is no connubium. There is no commensalism. There is not even the right to touch, much less to associate. Instead, the mere touch is enough to cause pollution to a Hindu. The whole tradition of the Hindus is to recognise the Untouchable as a separate clement and insist upon it as a fact. The traditional terminology of the Hindus to distinguish Hindus and Untouchables furnishes the best evidence in favour of the contention of the Untouchables. According to this traditional terminology, Hindus are called Savarnas and the Untouchables are called Avarnas. It speaks of the Hindus as Chaturvarnikas and of the Untouchables as Panchamas. Such a terminology could not have come into existence if separation had not become so prominent and its observance so necessary as to require coining of special terms to give expression to the fact.

There is thus hardly any substance in the Congress argument that the Untouchables are Hindus and that they cannot therefore demand the same political rights as the Muslims and others can. While the argument from tradition is a good and valid argument to prove that the Untouchables are not Hindus, it may appear to some to be a weak one. I do not wish to leave the field without directly meeting the Congress argument. For this purpose, I will grant that the Untouchables are Hindus by religion. But the question is: Does it matter if they are Hindus? Can it come in the way of their being recognised as a separate

element in the national life of India? It is difficult to understand how the mere fact that they might be called Hindus by religion in such a limited sense can be the basis of an argument that they are an integral part of the Hindu society.

Admitting for the sake of argument that they are Hindus by religion, can it mean anything more than what I have said—namely that they worship the same Gods and Goddesses as the rest of the Hindus, they go to the same places of pilgrimage, hold the same supernatural beliefs and regard the same stones, trees, mountains as sacred as the rest of the Hindus do? Is this enough to conclude that the Untouchables and the Hindus are parts of one single community? If that be the logic behind the contention of the Congress then, what about the Belgians, Dutch, Norwegians, Swedes, Germans, French, Italians, Slavs, etc.? are they not all Christians? Do they not all worship the same God? Do they not all accept Jesus as their Saviour? Have they not the same religious beliefs? Obviously, there is a complete religious unity between all of them in thought, worship and beliefs. Yet, who can dispute that the French, Germans and Italians and the rest are not a single community? Take another case, that of the Whites and the Negroes in the U.S.A. They too have a common religion. Both are Christians. Can any one say that the two on that account form a single community? Take a third case, that of the Indian Christians, Europeans and Anglo-Indians. They profess and follow the same religion. Yet it is admitted that they do not form. one single Christian community. Take the case of the Sikhs. There are Sikhs, Mazbi Sikhs and Ramdasia Sikhs. All profess Sikhism. But it is accepted that they do not form one community. In the light of these illustrations it is obvious that the argument of the Congress is full of fallacies.

The first fallacy of the Congress lies in its failure to realize that the fundamental issue for settling the question whether to grant or not to grant constitutional safeguards is union versus separation of a. socia.l group in the population. Religion is only a circumstance from which unity or separation may be inferred. The Congress does not seem to have understood that the Musalmans and the Indian Christians have been given separate political recognition not because they are

Musalmans or Christians but fundamentally because they form in fact separate elements from the Hindus.

The second fallacy of the Congress lies in, its attempt to prove that where there is a common religion social union must be presumed. It is on the basis of this reasoning that the Congress hopes to win. Unfortunately for the Congress, it cannot. For the facts are strongly against making a conclusive inference. If religion was a circumstance from which social union was made the only permissible inference then, the fact that the Italians, French, Germans and Slavs in Europe, the Negroes and the Whites in the U.S.A. and the Indian Christians, Europeans, Anglo-Indians in India do not form a single community although they all profess the same religion is enough to negative such a contention. The pity of the matter is that the Congress is so completely enamoured of its argument based on religion as an unifying factor, that it has failed to realize that there is no concomitance between the two and that there are cases where there is no separation although religions are separate, that there are cases where separation exists in spite of a common religion and what is worst, separation exists because religion prescribes it.

To give a quietus to the Congress argument, it may be desirable to give one illustration of each of these cases. Of the first case the best and the easiest illustration I can think of is that of the Sikhs and the Hindus. They differ in religion. But they are not socially separate. They dine together ; they marry together; they live together. In a Hindu family one son may be a Sikh, another a Hindu. Religious difference does not break the social nexus. Of the second, the case of the Italians, French, Germans in Europe and Whites and Negroes in America are as good illustrations as one would want. This happens where religion is a binding force but is not powerful enough to withstand other forces tending to divide such as the sentiment of race. Hindus and Hinduism are the best and perhaps the only illustrations of the third case, where separation is the effect of religion itself. That there can be such a case, Hindus at any rate need not require ' to be told. For, it is well known that Hinduism preaches separation instead of union. to be a Hindu means not to mix,

to be separate in everything. The language commonly used that Hinduism upholds Caste and Untouchability perhaps I disguises and conceals its genius. The real genius of Hinduism is I to divide. This is beyond dispute. For, what do Caste and Un- touchability stand for? Obviously for separation. For Caste is another name for separation and untouchability typifies the extremist form of separation of community from community. It is also beyond dispute that Caste and Untouchability are not innocuous dogmas to be compared with other dogmas relating to the condition of the soul after death. They are parts of the code of conduct which every Hindu is bound to observe during his life on earth. Caste and Untouchability Far from being mere dogmas are among the foremost observances prescribed by Hinduism. It is not enough for a Hindu to believe in the dogmas of Caste and Untouchability. He must also observe Caste, and Untouchability, in the conduct of his daily life.

The separation, which Hinduism has brought about, between the Hindus and the Untouchables by its dogma of Untouchability is not a mere imaginary line of separation, such as the one which the Pope once drew in a quarrel between the Portuguese and their rivals for Colonial possessions; it is not like the colour line which has length but no breadth and which one may observe or one may not observe ; it is not like the race line, which involves distinction but no discrimination. It has both depth and width. Factually the Hindus and the Untouchables are divided by a fence made of barbed wire. Notionally it is cordon sanitaire which the Untouchables have never been allowed to cross and can never hope to cross.

To put the matter in general terms, Hinduism and social union are incompatible. By its very genius Hinduism believes in social separation which is another name for social disunity and even creates social separation. If Hindus wish to be one they will have to discard Hinduism. They cannot be one without violating Hinduism. Hinduism is the greatest obstacle to Hindu Unity. Hinduism cannot create that longing to belong which is the basis of all social unity. On the contrary Hinduism creates an eagerness to separate.

The Congress does not seem to realize that the argument it is using goes against itself. Far from supporting the Congress contention, it is the best and the most effective argument that can be advanced to prove the contention of the Untouchables. For, if any conclusion is to be drawn from the hypothesis that the Untouchables are Hindus it is that Hinduism has always insisted both in principle and in practice that the Untouchables are not to be recognised a chip of the Hindu block but are to be treated as a separate element and segregated from the Hindus.

If therefore the Untouchables say that they are a separate element, nobody can accuse them of having invented a new theory for the sake of political advantages. They are merely pointing out what the facts are and how these facts are the heritage of Hinduism itself. The Congress cannot honestly and convincingly use Hinduism as an argument for refusing to recognise the Untouchables as a separate element. If it does, it is only because it is actuated by selfish motives. It knows that the recognition of the Untouchables as an element in the national life of India, as distinct and separate from the Hindus, must result in the apportionment of places in the Executive, the Legislature, and in the Public Services between the Untouchables and the Hindus and thus limit the share of the Hindus. The Congress does not like that the Hindus should be deprived of the share of the Untouchables which the Hindus are in the habit of appropriating to themselves. That is the real reason why the Congress refuses to recognise 'that the Untouchables are a separate element in the national life of India.

The second argument of the Congress is that the political recognition of the Untouchables as a separate element in the national life of India should not be permitted on the ground that it will perpetuate the separation between the Untouchables and the Hindus.

This is hardly an argument worth consideration. It is the weakest of its kind and shows that the Congress has nothing better to advance. Besides contradicting its previous argument, it is entirely misconceived.

If there is a real separation between the Hindus and the Untouchables and if there is the danger of discrimination being practised by the

'Hindus against the Untouchables then the Untouchables must receive political recognition, and must be given political safeguards to protect themselves against the tyranny of the Hindus. The possibility of a better future cannot be used as an argument to prevent the Untouchables from securing the means of protecting themselves against the tyranny of the present.

In the second place, this argument can be used only by those who believe in the social fusion of the Hindus and the Untouchables and are actively engaged in pursuing means and methods which will bring about such a fusion. Congressmen have often been heard to say that the problem of the Untouchables is social and political. But the point is, are Congressmen sincere when they say that it is a social question? Or do they use it as an excuse with a view to avoid the consequences of having to share -political power with the Untouchables? And, if they are sincere in holding that it is a social question, what proof is there of their sincerity in this matter? Have Congressmen sponsored social Reform among Hindus? Have they carried on a crusade in favour of inter-dining and intermarriages? What is the record of Congressmen in the field of Social Reform?

III

It might be well to state what view the Untouchables took of the problem of Untouchables. Until the advent of the British, the Untouchables were content to remain Untouchables. It was a destiny preordained by the Hindu God and enforced by the Hindu State. As such there was no escape from it. Fortunate-ly or unfortunately, the East India Company needed soldiers for their army in India and it could find none but the Untouchables. The East India Company's army consisted, at any rate in the early part of its history, of the Untouchables and although the Untouchables are now included among the non-martial classes and are therefore excluded from the Army, it is with the help of an army composed of Untouchables that the British conquered India. In the army of the East India Company there prevailed the system of compulsory education for Indian soldiers and their children both

male and female. The education received by the Untouchables in the army while it was open to them gave them one advantage which they never had before. It gave them a new vision and a new value. They became conscious that the low esteem in which they had been held was not an inescapable destiny but was a stigma imposed on their personality by the cunning contrivances of the priest. They felt the shame of it as they had never done before and were determined to get rid of it. They too in the beginning thought their problem was social and struggled along the social lines for its solution. This was quite natural. For they saw that the outward marks of their social inferiority were prohibition of interdining and intermarriage between the Untouchables and the Hindus. They naturally concluded that for the removal of their stigma what was necessary was to establish social intercourse with the Hindus on terms of equality which in its turn meant the abolition of rules against interdining and intermarriage. In other words, first programme of action which the Untouchables launched out for their salvation after they became aware of their servile position was to bring about Social Equality among all those, who come within the fold of Hinduism by insisting upon the abolition of the Caste System.

In this, the Untouchables found an, ally in a section of the Hindus. Like the Untouchables, the Hindus also by the contact with the British had come to realize that their social system was very defective and was the parent of many social evils. They too desired to launch forth a movement of social Reform. It began with Raja Ram Mohan Roy in Bengal and from there had spread all over India and ultimately culminated in the formation of the Indian, Social Reform Conference with its slogan of Social Reform before Political Reform. The Untouchables followed the Social Reform Conference and stood behind it as a body and gave it their full support. As every one knows the Social Reform Conference is dead and buried and forgotten. Who killed it? The Congress. The Congress with its slogans"Politics First, Politics Last,""Politics by Each, Politics by All"regarded the Social Reform Conference as its rival. It denied the validity of the creed of the Conference that social reform was a necessary percursor of political reform. Under a constant and steady fire from the Congress platform

and from individual Congress leaders, the Social Reform Conference was burnt down and reduced to ashes. When the Untouchables lost all hope of their salvation through social reform, they were forced to seek political means for protecting themselves. Now for Congressmen to turn round and say that the problem is social is nothing but hypocrisy.

It is wrong to say that the problem of the Untouchables is a social problem. For, it is quite unlike the problems of dowry, widow remarriage, age of consent, etc., which are illustrations of what are properly called social problems. Essentially, it is a problem of quite a different nature in as much as it is a problem of securing to a minority liberty and equality of opportunity at the hands of a hostile majority which believes in the denial of liberty and equal opportunity to the minority and conspires to enforce its policy on the minority. Viewed in this light, the problem of the Untouchables is fundamentally a political problem. Granting however for the sake of argument that it is a social problem, it is difficult to understand why political recognition of and political safeguards for the security of the Untouchables should retard their social unification with the Hindus if there is a genuine desire to set in motion processes which will bring about such a result. Congressmen appear to be arguing with no definite conception in their mind. They don't seem to have a clear idea of the inter-relation between political and social factors. This is well illustrated by its opposition to separate electorates and its preference to joint electorates. The process of reasoning is worth attention. In a joint electorate the Hindu votes for an Untouchable and the Untouchable votes for the Hindu. This builds up social solidarity. In, a separate electorate the Hindu votes for a Hindu and an Untouchable votes for an Untouchable. This prevents social solidarity. This is not the point of view from which the Untouchables look at the question of electorates. Their point of view is which of the two will enable the Untouchables to get an Untouchable of their choice elected. But I am interested in scrutinising the Congress argument. I do not wish to enlarge upon and complicate the argument. The reasoning of the Congress appears to be correct. But it is only a superficial view of the matter. These elections take place once in five years. It may well be asked how can social solidarity between the Hindus and the

Untouchables be advanced by one day devoted to joint voting if for the rest of the five years they are leading severely separate lives. Similarly, it may well be asked how can one day devoted to separate voting in the course of five years make greater separation than what already exists or contrarywise how can one day in five years devoted to separate voting prevent those who wish to work for union from carrying out their purposes. To make it concrete how can separate electorate for the Untouchables prevent intermarriage or interdining being introduced between them and the Hindus? Only a congenital idiot will say that they can. It is therefore puerile to say that the political recognition of the Untouchables as a separate element and granting them constitutional safeguards will perpetuate separation between them and the Hindus if the Hindus desire to put an end to it.

IV

There are other floating arguments against the claim of the Untouchables for political safeguards which must also be examined. One such argument is that there are social divisions everywhere Europe; but they are not taken into accouirt by the people of Europe in framing their constitutions. Why should they be taken into account in India? The thesis is general. But it may be extended to such a length that even the claim of the Untouchables may be enveloped by it. As such I prefer to state why I think it is unsound.

In making my comments I propose to make a distinction between the statement and the argument founded on it and deal with them separately. The statement is good up to a point. In so far as it alleges that every society consists of groups it cannot be challenged. For even in European or American society there are groups associated together in various ways and for various purposes. Some are like the kindred closely bound together by blood or language. Some are of the nature of social classes differentiated on the basis of rank and status. Others are religious associations upholding particular dogmas; not to mention, political parties and industrial corporations, criminal gangs and so on in an endless variety with differing aims and bound together some loosely some closely by differing degrees of affinity. But when the statement

goes beyond and says that the castes in India are not different from Groups and classes in Europe and America it is nothing but an arrant nonsense. The groups and classes of Europe may be the same as the caste in India to look at. But fundamentally two are quite different. The chief distinguishing feature is the isolation and exclusiveness which are the hall-marks of the castes in India and which are maintained as matter not of routine but of faith none of which characteristics is to be found in the group or the class system of"Europe or America.

Turning to the thesis the social organisation of India being different from what it is in Europe and America it follows that while Europe and America need not take into account the facts and circumstances of their social organisation in framing their constitution, India cannot omit to take account of her Caste and Untouchability. For a fuller understanding of the matter I may explain why Europe need not and why India must. The danger to a society organised, in groups is that each group develops what are called"is own interests"and the question of forging constitutional safeguards arises from the necessity of counteracting the mischief that such interest might cause to others outside it., Where there is a possibility of counteracting the mischief by non-political means there is no necessity for forging constitutional safeguards. If, on the other hand, non,-political means of counteracting it do not exist then constitutional means must be forged. In Europe the possibility of counteracting mischief arising from -a' group seeking to maintain"its own interest"does exist. It exists because of the absence of isolation and exclusiveness among the various groups which allows free scope for interaction with the result that the dominant purpose of a group to stand out for its own interests and always seek to protect them as something violate and sacred gives way to a broadening and socialisation of its aims and purposes. This endosmosis between groups in Europe affects dispositions and produces a society which can be depended upon for community of thought, harmony of purposes and unity of action. But the case of India is totally different. The caste in India is exclusive and isolated. There is no interaction and no modification of aims and objects. What a caste or a combination of castes regard"as their own interest"as against other castes remains as sacred and inviolate as ever.

The fact that they mingle and co-operate does not alter their character. These acts of co-operation are mechanical and not social. Individuals use one another so as to get desired results, without reference to the emotional and intellectual disposition. The fact that they give and take orders modify actions and results. But it does not affect their dispositions. That being the case the"Indian constitution must provide safeguards to prevent castes with"their own interests"from doing mischief to other helpless castes.

There is another distinguishing feature of the Indian caste system which justifies why the Indian Constitution must take account of it and provide against mischief arising from it. Every society consists of groups. But it must be recognised that the mutual relations of the groups are not the same everywhere. In one society groups may be only non-social in their attitude towards one another. But in another they may be anti-social. Where the spirit which actuates the various social groups is only non-social their existence may not be taken into account in framing a constitution. There is no cause for danger in a group which is only non-social. But where a group is actuated by an anti-social spirit towards another and to which alien is synonymous with enemy the fact must be taken into account in framing the constitution and the class which has been the victim of anti-social spirit must be given protection by proper safeguards. In India the castes are not merely non-social. Often they are anti-social. This is particularly true of the"Hindus towards the Untouchables. A few facts will suffice to show how anti-social the Hindus are towards the Untouchables. For instance, the Hindus will not allow the Untouchables to take water from a well. The Hindus will not allow the Untouchables entry in schools. The Hindus will not allow the Untouchables to travel in buses. The Hindus will not allow the Untouchables to travel in the same railway compartment. The Hindus will not allow Untouchables to wear clean clothes. The Hindus will not allow Untouchables to wear jewellery. The Hindus will not allow Untouchables to put tiles on the roofs of their houses. The Hindus will not tolerate Untouchables to own land. The Hindus will not allow Untouchables to keep cattle. The Hindus will not allow an Untouchable to sit when Hindu is standing. They are not isolated acts of a few bad

men among the Hindus. They are the emanations of the permanent anti-social attitude of the Hindu community against the Untouchables. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41I.What Congress and Gandhi CHAPTER VIII.htm - _msocom_2

It is unnecessary to carry the matter further. It is enough to say that the thesis is full of fallacies and it would be a most shameful piece of chicanery if it was used as a ground for opposing the demand of the Untouchables for constitutional safeguards.

V

There is another floating argument one sometimes comes across. The basis of the argument is that Untouchability is a vanishing thing and therefore there is no use recognising the Untouchables as a separate element in the national life of India. Everything is vanishing and there is nothing that is permanent in human history. The point may be considered when Untouchability has gone root and branch. Until that state arrives, it is unnecessary to pay any regard to it. We must all hope for the disappearance of Untouchability. But we must be careful not to be misled by people who boast of being incorrigible optimists. An optimist is a good companion to cheer up when one is in a state of depression. But he is not always a truthful witness of facts.

This argument is no argument at all. But since some people may be allured by it I wish to expose it and to show how futile it is. Those who raise this point do not seem. to make a distinction between Untouchability as a touch-me-not-ism and Untouchability as a mental attitude manifesting itself in social discrimination. The two are quite different. It may be that Untouchability as a touch-me-not-ism may be gradually vanishing in towns, although I am doubtful if this is happening in any appreciable degree. But I am quite certain Untouchability as a propensity on the part of the Hindus to discriminate against the Untouchables will not vanish either in towns or in villages within an imaginable distance of time. Not only Untouchability as a discriminating propensity will not disappear but Untouchability as touch-me-notism will not disappear within a measurable distance of time in the vast number of villages in which the vast number of Hindus live and will

continue to live. You cannot untwist a two-thousand-year-twist of the human mind and turn it in the opposite direction.

I am quite aware that there are some protagonists of Hinduism who say that Hinduism is a very adaptable religion, that it can adjust itself to everything and absorb anything. I do not think many people would regard such a capacity in a religion as a virtue to be proud of just as no one would think highly of a child because it has developed the capacity to eat dung, and digest it. But that is another matter. It is quite true that Hinduism can adjust itself. The best example of its adjust ability is the literary production called Allahupanishad which the Brahmins of the time of Akbar produced to give a place to his Dine-llahi within Hinduism and to recognise it as the Seventh system of Hindu philosophy. It is true that Hinduism can absorb many things. The beef-eating Hinduism (or strictly speaking Brahmanism which is the proper name of Hinduism in its earlier stage) absorbed the non-violence theory of Buddhism and became a religion of vegetarianism. But there is one thing which Hinduism has never been able to do—namely to adjust itself to absorb the Untouchables or to remove the bar of Untouchability. There have been many reformers who, long before Mr. Gandhi came on the scene, tried to remove the stain of Untouchability. But they have all failed. The reason for their failure appears to me to be very simple. Hindus have nothing to fear from the Untouchables, nor have they anything to gain by the abolition of Untouchability. Hindus gave up beef-eating because they were afraid that otherwise Buddhism would overpower Hinduism. Hindus wrote Allah-upanishad because they had everything to gain by helping Akbar to establish a new religion. The author gained money by pleasing the Emperor and by lending aid to establish a religion which promised less tyranny and oppression to the Hindus than Islam held out. Neither of these considerations exist for the most sanguine among the Untouchables to expect that the Hindus will readily put an end to this curse of Untouchability.

Not only have the Hindus nothing to fear and nothing to gain, they have in fact much to lose by the abolition of Untouchability. The system of Untouchability is a gold mine to the Hindus. In it the 240 millions of

Hindus have 60 millions of Untouchables to serve as their retinue to enable the Hindus to maintain pomp and ceremony and to cultivate a feeling of pride and dignity befitting a master class which cannot be fostered and sustained unless there is beneath it a servile class to look down upon. In it the 240 millions of Hindus have 60 millions of Untouchables to be used as forced labour and because of their state of complete destitution and helplessness can be compelled to work on a mere pittance and sometimes on nothing at all. In it the 240 millions of Hindus have 60 millions of Untouchables to do the dirty work of scavengers and sweepers which the Hindu is debarred by his religion to do and which must be done for the Hindus by non-Hindus who could be no others than Untouchables. In it the 240 millions of Hindus have 60 millions of Untouchables who can be kept to lower jobs and prevented from entering into competition for higher jobs which are preserved for the Hindus. In it the 240 millions of Hindus have 60 millions of Untouchables who can, be used as shock-absorbers in slumps and dead weights in booms, for in slumps it is the Untouchable who is fired first and the Hindu is fired last and in booms the Hindu is employed first and the Untouchable is employed last.

Most people believe that Untouchability is a religious system. That is true. But it is a mistake to suppose that it is only a religious system. Untouchability is more than a religious system. It is also an economic system which is worse than slavery. In slavery the master at any rate had the responsibility to feed, clothe and house the slave and keep him in good, condition lest the market value of the slave should decrease. But in the system of Untouchability the Hindu takes no responsibility for the maintenance of the Untouchable. As an economic system it permits exploitation without obligation. Untouchability is not only a system of unmitigated economic exploitation, but it is also a system of uncontrolled economic exploitation."That is because there is no independent public opinion to condemn it and there is no impartial machinery of administration to restrain it. There is no appeal to public opinion, for whatever public opinion there is it is the opinion of the Hindus who belong to the exploiting class and as such favour exploitation. There is no check from the police or the judiciary for the

simple reason that they are all drawn from the Hindus, and take the side of the Exploiters.

Those who believe that Untouchability will soon vanish do not seem to have paid attention to the economic advantages which it gives to the Hindus. Untouchable cannot do anything to get rid of his untouchability. It does not arise out of any personal fault on his part. Untouchability is an attitude of the Hindu. For Untouchability to vanish, it is the Hindu who must change. Will he change?

Has a Hindu any conscience? Is he ever known to have been fired with a righteous indignation against a moral wrong? Assuming he does change so much as to regard Untouchability a moral wrong, assuming he is awakened to the sense of putting himself right with God and Man, will he agree to give up the economic and social advantages which Untouchability gives? History, I am afraid, will not justify the conclusion that a Hindu has a quick conscience or if he has it is so active as to charge him with moral indignation and drive him to undertake a crusade to eradicate the wrong. History shows that where ethics and economics come in conflict"victory is always with economics. Vested interests have never been known to have willingly divested themselves unless there was sufficient force to compel them. The Untouchables cannot hope to generate any compelling force. They are poor and they are scattered. They can be easily suppressed should they raise their head.

On this analysis, Swaraj would make Hindus more powerful and Untouchables more helpless and it is quite possible that having regard to the economic advantages which it gives to the Hindus, Swaraj, instead of putting an end to Untouchability, may extend its life. That Untouchability is vanishing is therefore only wishful thinking and a calculated untruth. It would be most stupid—-if not criminal—to take it into account in -considering the demands of the Untouchables for constitutional safeguards and ignore the hard facts of the present and their certainty to continue in the indefinite future.

Chapter IX

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER IX
A PLEA TO THE FOREIGNER

Let not Tyranny Have Freedom to Enslave

I

'IT is a matter of common experience that barring a few exceptions, almost all foreigners, who show interest in Indian political affairs, take the side of the Congress. This quite naturally puzzles and annoys the other political parties in the country, such as the Muslim League, claiming to represent the Musalmans, the Justice Party—now in a state of suspended animation but still—claiming to speak in the name of the non-Brahmins and the All-India Scheduled Castes Federation, claiming to represent the Untouchables, all of whom have been appealing to the foreigner for support but to whom the foreigner's not even prepared to give a sympathetic hearing. Why does the foreigner support the Congress and not the other political parties in India? Two reasons are usually assigned by the foreigner for his behaviour. One reason assigned by him for supporting the Congress is that it is the only representative political organisation of the Indians and can speak in the name of India and even for the Untouchables. Is such a belief founded on facts?

It must be admitted that there have been circumstances which are responsible for creating such a belief. The first and foremost circumstance for the spread of this view is the propaganda by the Indian Press in favour of the Congress. The Press in India is an accomplice of the Congress, believes in the dogma that the Congress is never wrong and acts on the principle of not giving any publicity to any news, which is inconsistent with the Congress prestige or the Congress ideology. To the foreigner the Press

is the principal medium of information about the Indian political affairs. The cry of the Indian Press being what it is, there is therefore no wonder if the people in England and America know one thing and only one thing, namely, that the Congress is the only representative body in India including even the Untouchables.

The effect of this propaganda is considerably heightened because of the absence of counter-propaganda on behalf of the Untouchables to advertise their case against the Congress clam. There are various explanations for this failure on the part of the Untouchables.

The Untouchables have no Press. The Congress Press is closed to them and is determined not to give them the slightest publicity. They cannot have their own Press and for obvious reasons. No paper can survive without advertisement revenue. Advertisement revenue can come only from business and in India all business, both high and small, is attached to the Congress and will not favour any Non-Congress organisation. The staff of the Associated Press in India, which is the main news distributing agency in India, is entirely drawn from the Madras Brahmins—indeed the whole of the Press in India is in their hands and they, for well-known reasons, are entirely pro-Congress and will not allow any news hostile to the Congress to get publicity. These are reasons beyond the control of the Untouchables.

To a large extent the failure of the Untouchables to do propaganda, it must be admitted, is also due to the absence of will to do propaganda. This absence of will arises from a patriotic motive not to do anything, which will damage the cause of the country in the eyes of the world outside. There are two different aspects to the politics of India, which may be distinguished as foreign politics and constitutional politics. India's foreign politics relate to India's freedom from British Imperialism, while the constitutional politics of India centre round the nature of a constitution for a free India. For a discriminating student the two issues are really separate. But the Untouchables fear that though the two aspects of India's politics are separable, the foreigner, who counts in this matter and whose misunderstanding has to be guarded against, is not only incapable of separating them but is very likely to mistake a quarrel over constitutional

politics for a, disagreement over the ultimate purposes of India's foreign politics. This is why the Untouchables have preferred to remain silent and allowed the Congress propaganda to go unchallenged.

The Congressmen will not admit the patriotic motives of the Untouchables in keeping silent over Congress propaganda which is directed against them. The fact, however, remains that the silence and the desire to avoid open challenge on the part of the Untouchables have been materially responsible for the general belief that the Congress represents all, even the Untouchables.

While, as explained above, there are circumstances which are responsible for creating the belief that Congress represents all including the Untouchables, such a belief is not warranted by the facts as disclosed by the elections that took place in 1937. How the claim of the Congress to represent all has been disproved by those elections, has already been described in an earlier part of this book, both generally and also with particular regard to the claim of the Congress to represent the Untouchables. If the foreigner will make a note of it he will see how wide the propaganda is from the facts.

At a time when the representative character of the Congress was not put to test in an election it was excusable for a foreigner to be carried away by propaganda. But the matter has now been put to test in the elections that took place in 1937. With the results of the elections available to check the position, it may be hoped that the foreigners will revise their view that the Congress represents all, including the Untouchables, and that they will realise that the other parties are equally representative of elements in the social life of India which are outside the Congress and have therefore the right to be heard.

II

There is another reason why the foreigner lends his support to the Congress. It lies in the difference between the demonstrative activities of the Congress and the other political parties in the country. While he compares the activities of the different political parties, he sees

Congressmen engaged in a conflict with the British Government, launching campaigns of civil disobedience, breaking laws made by a foreign Government, organising movements for non-payment of taxes, courting prison, preaching non-co-operation with Government, refusing offices and exhibiting themselves in other ways as men out to sacrifice themselves for the freedom of the country. On the other hand. he sees the other political parties uninterested, passive and taking no part in such a struggle. From this, he concludes that the Congress is a body struggling for the freedom of India, while the other parties are indifferent, if not obstructive and as a lover of freedom feels bound to support the Congress as a body carrying on a ' Fight for Freedom ' in preference to other parties.

This is quite natural. But a question arises which calls for attention. Is this partiality to the Congress the result of an infatuation for the ' Fight for Freedom ' movement? Or, is it the result of a conviction that this ' Fight for Freedom ' is going to make the people of India free? If it is the former, all I can do is to regret that what I have said in Chapter VII in explanation as to why the Untouchables have not joined with the Congress in this ' Fight for Freedom ' has not produced the desired effect on the foreigner. But I cannot quarrel, with him on that account. For it is quite understandable that many a foreigner on reading that chapter may say that while the reasons adduced by me as to why the Untouchables refuse to join the ' Fight for Freedom ' are valid and good, I have shown no ground why he should not support a body which is carrying on a fight for freedom.

If the basis of his partiality to the Congress is of the latter sort then the matter stands on a different footing. It then becomes necessary to examine the rationale of his attitude and to save him from his error.

Ordinarily, no one trusts the word of a person who is not prepared to place all his cards on the table and commit himself to something clear and definite, so as to prove his bona fides, to inspire confidence and secure the co-operation of those who have doubts about his motives. The same rule must apply to the Congress. But as I have shown in Chapter VII the Congress has not produced its blue print of the sort of democracy it aims to establish in India, showing what place the servile classes and particularly the Untouchables will have in it. Indeed, it has refused to produce such a

blue print, not withstanding the insistent demand of the Untouchables and the other minority communities. In the absence of such a pronouncement it appears to be a strange sort of credulity on the part of the foreigner to give support to the Congress on the ground that it stood for democracy.

There is certainly no ground for thinking that the Congress is planning to establish democracy in India. The mere fact that the Congress is engaged in a ' Fight for Freedom ' does not warrant such a conclusion. Before any such conclusion is drawn it is the duty of the foreigner to pursue the matter further and ask another question, namely, ' For whose freedom is the Congress fighting? ' The question whether the Congress is fighting for freedom has very little importance as compared to the question, ' for whose freedom is the Congress fighting? ' This is a pertinent and necessary inquiry and it would be wrong for any lover of freedom to support the Congress without further pursuing the matter and finding out what the truth is. But the foreigner who takes the side of the Congress does not care even to raise such a question. One should have thought that he would very naturally raise such a question and if he did raise it and pursue it, I am confident, he will find abundant proof that the Congress far from planning for democracy is planning to resuscitate the ancient form of Hindu polity of a hereditary governing class ruling a hereditary servile class.

The attitude of the foreigner to the cause of the servile classes and particularly to the cause of the Untouchables is a vital matter and no party can leave it out of consideration, as a case of idiosyncrasy. For any one representing the Untouchables it is necessary to take note of it and do his best to convince the foreigner that in supporting the Congress he is supporting a wrong party.

III

Apart from the question of likes and dislikes, the real explanation for this strange attitude of the foreigner towards the Congress seems to be in certain notions about freedom, self-government and democracy propounded by western writers on Political Science and which have become the stock-in-trade of the average foreigner.

As to freedom, the foreigner does not stop to make a distinction between the freedom of a country and the freedom of the people in the country. He takes it for granted that the freedom of a country is the same as the freedom of the people in the country and once the freedom of the country is secured the freedom of the people is also thereby assured.

As regards self-government he believes that all that is wanted in a people is a sense of constitutional morality, which Grote mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_1 defined as habits of"paramount reverence for the form of the constitution, enforcing obedience to the authorities acting under and within those forms, yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts—combined, too, with a perfect confidence in the bosom of every citizen, admits the bitterness of party contest, that the forms of constitution will be not less sacred in the eyes of his opponents than in his own."If in a populace these habits are present, then according to the western writers on Politics, self-government can be a reality and nothing further need be considered. As to democracy he believes that what is necessary for achieving it is the establishment of universal adult suffrage. Other aids have been suggested such as recall, plebiscite and frequent elections and in some countries they have been brought into operation. But in a majority of countries nothing more than adult suffrage and frequent elections is deemed to be necessary for ensuring Government by the people, of the people and for the people.

I have no hesitation in saying that all these notions are fallacious and grossly misleading.

Not to make a distinction between the freedom of the country and the freedom of the people in the country is to allow oneself to be misled, if not deceived. For, words such as society, nation and country are just amorphous if not ambiguous terms. There is no gainsaying that ' nation ' though one word means many classes. Philosophically, it may be possible to consider a nation as a unit but sociologically it cannot but be regarded as consisting of many classes and the freedom of the nation, if it is to be a reality, must vouchsafe the freedom of the different classes comprised in it,

particularly of those who are treated as the servile classes.

Habits of constitutional morality may be essential for the maintenance of a constitutional form of Government. But the maintenance of a constitutional form of Government is not the same thing as a self-government by the people. Similarly, it may be granted that adult suffrage can produce government of the people in the logical sense of the phrase, i.e., in contrast to the government of a king. But it cannot by itself be said to bring about a democratic government, in the sense of the government by the people and for the people.

Anyone who knows the tragic fate of Parliamentary Democracy in Western Europe will not require more and better evidence to prove the fallacy underlying such notions of democracy mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_2 . If I may quote myself from what I have said in another place, the causes which have led to the failure of democracy in Western Europe may be summarised in the following words:

"The Government of human society has undergone some very significant changes. There was a time when the government of human society had taken the form of autocracy by Despotic Sovereigns. This was replaced after a long and bloody struggle by a system of government known as Parliamentary Democracy. It was felt that this was the last word in the framework of government. It was believed to bring about the millennium in which every human being will have the right to liberty, property and pursuit of happiness. And there were good grounds for such high hopes. In parliamentary democracy there is the Legislature to express the voice of the people; there is the executive which is subordinate to the Legislature and bound to obey the Legislature. Over and above the Legislature and the Executive there is the Judiciary to control both and keep them both within prescribed bounds. Parliamentary democracy has all the marks of a popular Government, a government of the people, by the people and for the people. It is therefore a matter of some surprise that there has been a revolt against parliamentary democracy although not even a century has elapsed since its universal acceptance and inauguration. There is revolt against it in Italy, in Germany, in Russia and in Spain, and there are very few countries

in which there has not been discontent against parliamentary democracy. Why should there be this discontent and dissatisfaction against parliamentary democracy? It is a question worth considering. There is no country in which the urgency of considering this question is greater than it is in India. India is negotiating to have parliamentary democracy. There is a great need of some one with sufficient courage to tell Indians:"Beware of parliamentary democracy, it is not the best product as it appears to be.

Why has parliamentary democracy failed? In the country of the dictators it has failed because it is a machine whose movements are very slow. It delays swift action. In a parliamentary democracy the Executive may be held up by the Legislature which may refuse to pass the laws which the Executive wants and if it is not held up by the Legislature it may be held up by the judiciary which may declare the laws as illegal. Parliamentary democracy gives no free hand to dictatorship and that is why it became a discredited institution in countries like Italy, Spain and Germany which readily welcomed dictatorships. If dictators alone were against parliamentary democracy it would not have mattered at all. Their testimony against parliamentary democracy would be welcomed for the reason that it can be an effective check upon dictatorship. But unfortunately there is a great deal of discontent against parliamentary democracy even in countries where people are opposed to dictatorship. That is the most regrettable fact about Parliamentary democracy. This is all the more regrettable because parliamentary democracy has not been at a standstill. It has progressed in three directions. It began with equality of political rights in the form of equal suffrage. There are very few countries having parliamentary democracy which have not adult suffrage. It has progressed by expanding the notion of equality of political rights to equality of social and economic opportunity. It has recognised that the State cannot be held at bay by corporations which are anti-social in their purpose. With all this, there is immense discontent against parliamentary democracy even in countries pledged to democracy. The reasons for discontent in such countries must obviously be different from those assigned by the dictator countries. There is no time to go into details. But it can be said in general terms that the discontent against parliamentary democracy is due to the realisation that it has failed to assure to the masses the right to liberty, property or the

pursuit of happiness. If this is true, it is important to know the causes which have brought about this failure. The causes for this failure may be found either in wrong ideology or wrong organisation or in both. I think the causes are to be found in both.

Of the erroneous ideologies which have been responsible for the failure of parliamentary democracy I have no doubt that the idea of freedom of contract is one of them. The idea became sanctified and was upheld in the name of liberty. Parliamentary democracy took no notice of economic inequalities and did not care to examine the result of freedom of contract on the parties to the contract, in spite of the fact that they were unequal in their bargaining power. It did not mind if the freedom of contract gave the strong the opportunity to defraud the weak. The result is that parliamentary democracy in standing out as protagonist of liberty has continuously added to the economic wrongs of the poor. the downtrodden and the disinherited class.

The second wrong ideology which has vitiated parliamentary democracy is the failure to realise that political democracy cannot succeed where there is no social and economic democracy. Some may question this proposition. To those who are disposed to question it, I will ask a counter-question. Why did parliamentary democracy collapse so easily in Italy, Germany and Russia? Why did it not collapse so easily in England and the U.S.A.? To my mind there is only one answer. It is that there was a greater degree of economic and social democracy in the latter countries than existed in the former. Social and economic democracy are the tissues and the fibre of a political democracy. The tougher the tissue and the fibre, the greater the strength of the body. Democracy is another name for equality. Parliamentary democracy developed a passion for liberty. It never made even a nodding acquaintance with equality. It failed to realise the significance of equality and did not even endeavour to strike a balance between liberty and equality with the result that liberty swallowed equality and has made democracy a name and a farce.

I have referred to the wrong ideologies which in my judgement have been responsible for the failure of parliamentary democracy. But I am equally certain that more than bad ideology it is bad organisation which has been

responsible for the failure of democracy. All political societies get divided into two classes—the Rulers and the Ruled. This is an evil. If the evil stopped here it would not matter much. But the unfortunate part of it is that the division becomes so stereotyped and stratified that Rulers are always drawn from the ruling class and the class that is ruled never becomes the ruling class. This happens because generally people do not care to see that they govern themselves. They are content to establish a government and leave it to govern them. This explains why parliamentary democracy has never been a government of the people or by the people and why it has been in reality a government of a hereditary subject class by a hereditary ruling class. It is this vicious organisation of political life which has made parliamentary democracy such a dismal failure. It is because of this that parliamentary democracy has not fulfilled the hope it held out to the common man of ensuring to him liberty, property and pursuit of happiness."

If this analysis of the causes which have led to the failure of democracy is correct, it must serve as a warning to the protagonists of democracy that there are certain fundamental considerations which go to the root of democracy and which they cannot ignore without peril to democracy. For the sake of clarity these considerations may be set down in serial order.

First is the recognition of the hard fact of history that in every country there exist two classes,—the governing class and the servile class between whom there is a continuous struggle for power. Second is that by reason of its power and prestige the governing class finds it easy to maintain its supremacy over the servile class. Third is that adult suffrage and frequent elections are no bar against governing class reaching places of power and authority. Fourth is that on account of their inferiority complex the members of the servile classes regard the members of the governing class as their natural leaders and the servile classes themselves volunteer to elect members of the governing classes as their rulers. Fifth is that the existence of a governing class is inconsistent with democracy and self-government and that given the fact that where the governing class retains its power to govern, it is wrong to believe that democracy and self-government have become realities of life. Sixth is that self-government and democracy

become real not when a constitution based on adult suffrage comes into existence but when the governing class loses its power to capture the power to govern. Seventh is that while in some countries the servile classes may succeed in ousting the governing class from the seat of authority with nothing more than adult suffrage, in other countries the governing class may be so deeply entrenched that the servile classes will need other safeguards besides adult suffrage to achieve the same end.

That there is great value in having these considerations drawn up and hung up, so to say on the wall, before every lover of democracy, so that he may see them and note them, goes without saying. For they will help, as nothing else can, to make him realise that in devising a constitution for democracy he must bear in mind: that the principal aim of such a constitution must be to dislodge the governing class from its position and to prevent it from remaining as a governing class for ever; that the machinery for setting up a democratic government cannot be a matter of dogma; that ousting the governing class from power being the main object the machinery for setting up a democratic government cannot be uniform and that variations in the machinery of Democracy must not merely be tolerated but accepted for the reason that the processes by which the governing classes obtain their mastery over the servile classes vary from country to country.

This is what democracy means and involves. But unfortunately Western writers on Politics from whom the foreigner draws his notions have failed to take such a realistic view of democracy. Instead, they have taken a very formal and a very superficial view of it by making constitutional morality, adult suffrage and frequent elections as the be-all and end-all of democracy.

Those who propound the view that democracy need involve no more than these three devices are probably unaware of the fact that they are doing nothing more than and nothing different from expressing the point of view of the governing classes. The governing classes know by experience that such mechanisms have not proved fatal to their power and their position. Indeed, they have helped to give to their power and prestige the virtue of legality and made themselves less vulnerable to attack by the servile classes.

Those who wish that democracy and self-government should come into their own, and should not remain as mere forms, cannot do better than start with the recognition of the crucial fact that the existence of a permanently settled governing class is the greatest danger to democracy. It is the only safe and realistic approach for a democrat to adopt. It is a fatal blunder to omit to take account of its existence in coming to a conclusion as to whether in a free country freedom will be the privilege of the governing class only or it will be the possession of all. In my view, therefore, what the foreigner who chooses to side with the Congress should ask is not whether the Congress is fighting for freedom. He should ask: For whose freedom is the Congress fighting? Is it fighting for the freedom of the governing class in India or is it fighting for the freedom of the people of India? If he finds that the Congress is fighting for the freedom of the governing class, he should ask Congressmen: Is the governing class in India tit to govern? This is the least he can do before siding with the Congress.

What are the answers which Congressmen have to give to these questions? I do not know. But I will give what I think are the only true answers to these questions.

IV

I cannot say if the foreigner will be impressed by what has been said in the foregoing section of this chapter. If he is he will no doubt ask for proof in support of the statement that the Congress in fighting for the freedom of the country is really fighting not to establish democracy but is planning to resuscitate the ancient Hindu polity of a hereditary governing class ruling a hereditary servile class. I am not certain that the foreigner will be satisfied with the evidence. But I and prepared to place it before him for what it is worth.

Who constitute the governing class in India? For Indians such a question is unnecessary. But for the foreigner it is a necessary preliminary and it must therefore be dealt with. The governing class in India consists principally of the Brahmins. Strangely enough some present-day Brahmins

repudiate the allegation that they belong to the governing class though at one time they described themselves as Bhudevas (Gods on earth). What can-this volte face be due to? The intellectual class in every community is charged by its moral code with one sacred duty, namely, to safeguard the interest of the community and not to sacrifice it to the interest of their own class. No intellectual class has so grossly related this trust as have the Brahmins in India. When one finds the Brahmins repudiating their position as the governing class in India one begins to think whether it is due to a guilty conscience, born out of the realisation that they have committed a criminal breach of this trust and therefore dare not stand before the bar of the world. Or is it due to their sense of modesty? It is not necessary to speculate as to what the truth is. For, it is hardly open to question that in India the Brahmins are a governing class. If necessary there are two tests which one could apply for the purpose of ascertaining the truth. First is the sentiment of the people and the second is the Brahmin's share in administration. Taking the attitude of the people towards the Brahmin, nobody can deny that the person of the Brahmin is regarded as sacred by every Hindu, high or low. He is the most"Worshipful Master"to whom everyone high and low must bow. In pre-British days he had immunities and privileges which were denied to the servile class. For instance he could not be hanged even if he committed murder. That was because he was a sacred person. There was a time when no person of the servile class could take his food without drinking the water in which the toes of the Brahmins were washed. Sir P. C. Ray once described how in his childhood, rows of children belonging to the servile classes used to stand for hours together in the morning on the roadside in Calcutta with cups of water in their hands waiting for a Brahmin to pass, ready to wash his feet and take the sacred liquid to their parents who would not take their food without having a sip of it first. He was entitled to first fruits. In Malabar, where the Sambandham form of marriage prevails, the servile classes, such as the Nairs, regard it an honour to have their females kept as mistresses by the Brahmins. Even kings invited Brahmins to deflower their queens on prima nortis. [5]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_3 Under the British Government and by reason of its equalitarian jurisprudence these rights, immunities and privileges of the Brahmins have ceased to exist. Nonetheless the advantages they gave still

remain and the Brahmin is still pre-eminent and sacred in the eyes of the servile classes and is still addressed by them as"Swami"which means ' Lord.'

The second test gives an equally positive result. To take only the Madras Presidency by way of illustration. Consider Table 18 (see page 218). It shows the distribution of gazetted posts between the Brahmins and the other communities in the year 1948. Similar data from the other provinces could also be adduced to support this conclusion. But it is unnecessary to labour the point. Whether the Brahmins accept or deny the status the facts that they control the State and that their supremacy is accepted by the servile classes, are enough to prove that they form the governing class.

It is of course impossible for the Brahmins to maintain their supremacy as a governing class without an ally to help them on account of their being numerically very small. Consequently, as history shows, the Brahmins have always had other classes as their allies to whom they were ready to accord the status of a governing class provided they were prepared to work with them in subordinate co-operation. In ancient and mediaeval times they made such an alliance with the Kshatriyas or the warrior class and the two not merely ruled the masses, but ground them down to atoms, pulverised them so to say—the Brahmin with his pen and the Kshatriya with his sword. At present, Brahmins have made an alliance with the Vaishya class called Banias. The shifting of this alliance from the Kshatriya to the Bania is in the changed circumstances quite inevitable. In these days of commerce money is more important than sword. That is one reason for this change in party alignment. The second reason is the need for money to run the political machine. Money can come only from and is in fact coming from the Bania. If the Bania is financing the Congress it is because he has realised—and Mr. Gandhi has taught him—that money invested in politics gives large dividends. Those who have any doubt in the matter might do well to read what Mr. Gandhi told Mr. Louis Fischer on June 6, 1942. In his book A Week with Mr. Gandhi, Mr. Fischer records very revealing answers to some of his most interesting and pertinent questions.

Table 18 (1)1

Communities	Approx-imate Population in Lakhs	Percentage of Population	No. of Posts held out of Total No. Gazetted Posts (2,200)	Percentage of Appoint-ments held	Non-Gazetted Posts			
					Over Rs. 100 Total No. 7,500		Over Rs. 35 Total No. 20,782	
					No. held by	% of Appointments held	No. held by	% of Appointments held
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Brahmins	15	3	820	37	3,280	43.73	8,812	42.4
Christians	20	4	190	9	750	10	1.655	8.0
Mohammedans	37	7	150	7	497	6.63	1,624	7.8
Depressed classes	70	14	25	1.5	39	.52	144	.69

Non-Forward	113	22	620	27	2,543	33.9	8,440	40.6
Non-Brahmins Brahmins Backward Classes	245	50	50	2				
Non-Asiatic and Anglo-Indians	—	—	—	—	372	5.0	83	.4
Other Communities	—	—	—	—	19	.5	24	.11

Mr. Fischer writes mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_4 :

"I said I had several questions to ask him (Mr. Gandhi) about the Congress Party. Very highly placed Britishers, I recalled, bad told me that Congress was in the hands of big business and that Mr. Gandhi was supported by the Bombay Mill owners who gave him as much money as he wanted. 'What truth is there in these assertions,' I asked, ' Unfortunately, they are true,' he declared simply. ' Congress hasn't enough money to conduct its work. We thought in the beginning to collect four annas (about eight cents) from each member per year and operate on that. But it hasn't worked.' ' What proportion of the Congress budget,' I asked, ' is covered by rich Indians? '"Practically all of it,' he stated ' In this ashram, for instance, we could live much more poorly than we do and spend less money. But we do not and the money comes from our rich friends.'"

Being dependent on his money, it is impossible for the Brahmin to

exclude the Bania from the position of a governing class. In fact, the Brahmin has established not merely a working but a cordial alliance with the Bania. The result is that the governing class in India to-day is a Brahmin-Bania instead of a Brahmin-Kshatriya combine as it used to be.

Enough has been said to show who constitute the governing class in India. The next inquiry must be directed to find out how the governing class fared in the elections to the Provincial Legislatures that took place in 1937.

The elections that took place in 1937 were based on a franchise which though it was neither universal nor adult was wide enough to include classes other than the governing class, certainly wider than any existing prior to 1937. The elections based on such a franchise may well be taken as a test to find out how the governing class fared as against the servile classes in this electoral contest.

Unfortunately, no Indian publicist has as yet undertaken to compile an Indian counterpart of Dodd's Parliamentary Manual. Consequently, it is difficult to have precise particulars regarding the caste, occupation, education and social status of members of the legislature elected on the Congress ticket. The matter is so important that I thought of collecting the necessary information on these points relating to members of the Provincial Legislatures elected in 1937. I did not succeed in getting precise information about every member. There are many whom I have had to leave as unclassified. But the information I have been able to gather is I believe sufficient to warrant our drawing certain definite conclusions.

As an answer to the question as to how the governing class fared in the electoral contest of 1937, attention maybe drawn to Table 19 (see page 216) which shows the proportion of Brahmins and Banias (landlords and moneylenders) representing the governing class and non-Brahmins and the Scheduled Castes representing the servile classes, that were elected to the Provincial Legislative Assemblies on the Congress ticket.

Those, who do not know how small is the proportion of the Brahmins to the total population of Hindus, may not be able to realise the degree of over-representation which the Brahmins have secured in the election. But

there is no doubt that on comparison with their numbers the Brahmins have secured overwhelming representation.

Those, who"wish to know what degree of representation the propertied classes, such as Banias, businessmen and landlords obtained, may see the figures given in Table 20 (see page 217). It shows how many Banias, businessmen and landlords were elected on the Congress ticket. Here again the representation secured by the Banias, landlords and businessmen is quite out of proportion to their numbers.

Such is the position of the governing class in the legislatures constituted under the elections that took place in 1937. Some may say that on the whole the governing classes were in a minority in the legislature. As against this, it must be pointed out that the supremacy of the governing class can be measured not by its position in the legislature but by its ability to get possession of executive authority. An inquiry into the class composition of the Ministers is therefore very pertinent. Information on this point will be found in Tables 21 and 22 (see pages 218 and 219). A glance at the tables mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_5 is enough to show that the Brahmins—the premier governing class— succeeded in capturing an overwhelming majority of scats in the Cabinet.

Table 19

Classification of Congress Members of Provincial Assemblies by Castes

Province	Brahmins	Non-Brahmins	Scheduled Castes	Not Stated	Total
Assam	6	21	1	5	33
Bengal	15	27	6	6	54
Bihar	31	39	16	12	98
C. P.	28	85	7	-	70

Madras	38	90	26	5	159
Orissa	11	20	5	_	36
United Provinces	39	54	16	24	133

Table 20

Classification of the Congress Members of the Provincial Legislatures in terms of Occupation

	Lawyers	Medical Practitioners	Land-lords	Business-men	Private Officials	Money Lenders	Nil	Not Stated	Total
Assam	16	2	2	1	—	—	3	9	33
Bengal	9	2	16	5	2	—	16	4	54
Bihar	14	4	56	6	3	—	1	14	98
Central Provinces	20	2	25	10	—	—	8	5	70
Madras	52	2	45	18	2	1	3	36	159
Orissa	8	1	17	4	4	1	1	—	36

Table 21

Composition of the Cabinets in the Congress Provinces [f.6]

	Total No. of Cabinet Ministers	Total No. of Non-Hindu Ministers	Hindu Ministers in the Cabinet				Prime Minister
			Total	Brahmins	Non. Brahmins	Scheduled Castes	
Assam	8	3	5	1		Nil	Brahmin
Bihar	4	1	3	1	7	1	Brahmin
Bombay	7	2	5	3	2	Nil	Brahmin
Central Province	5	1	4	3	1	Nil	Brahmin
Madras	9	2	7	3	3	1	Brahmin
Orissa	3	Nil	3	7			Brahmin
United Provinces	6	2	4	4	Nit	Nil	Brahmin

Table 22

Classification of Parliamentary Secretaries in Congress Provinces*

Province	Total No. of Parliamentary Secretaries	Total No. of Non-Hindu Parliamentary Secretaries		Hindu Parliamentary Secretaries		
			Total	Brahmins	Non-Brahmins	Scheduled Castes
Assam	Nil	Nil	Nil	Nil	Nil	Nil
Bihar	8	Nil	8	2	5	1
Bombay	6	Nil	6	1	5	Nil
Central Provinces	***Nil***	Nit	Nil	Nil	Nil	Nil
Madras	8	1	9	3	4	1
Orissa	3	Nil	3	1	?	Nil
United Province	12	1	11	1	8	1

Compiled from Indian Information Issue of July 15, 1939. Question mark indicate inability to classify whether Brahmin or non-Brahmin.

In all the Hindu Provinces, the Prime Ministers were Brahmins. In all Hindu provinces, if the non-Hindu ministers were excluded, the majority of ministers were Brahmins and even parliamentary secretaries were Brahmins.

What has been said so far makes two things as clear as daylight. First is that there is in India a well defined governing class, distinct and separate

from the servile class. Second is that the governing class is so powerful that though small in number in the elections of 1987 it quite easily captured political power and established its supremacy over the servile classes. There remains only one more point for me to establish to be able to put my thesis across. It is to show how far Congress was responsible for the victory of the governing class in the elections of 1987. I know I must prove beyond reasonable doubt that the Congress is responsible for placing the governing class in the position of supremacy over the servile class. For it might be said that the Congress had nothing to do with this, that even if the Congress was responsible for it the result was an accident and that there was no intention on the part of the Congress to help the governing classes to win this position of supremacy.

V

The first line of these suggested defences can be easily disposed of. It is probable that those who raise this defence do not know the political colour of the province to which the figures given in Tables 19,20,21 and 22 relate. If they knew it they would give up this line of defence. For they relate to what are called the Congress Provinces. In these provinces the majority party was the Congress Party and the Cabinets were Congress Cabinets. Obviously, if in these Congress provinces the governing classes succeeded in establishing their rule over the servile classes it is difficult to see how the Congress could be absolved from responsibility for such a result. The Congress is a well disciplined party. It had a plan for fighting the elections. In every province there was established a Parliamentary Board, the functions of which were (1) to choose candidates for elections, (2) to decide upon the formation of Cabinets, and (8) to control the actions of ministers. Over and above these Provincial Parliamentary Boards there was a Central Parliamentary Board to superintend and control the work of the Provincial Parliamentary Boards. It was an election which was planned and controlled by the Congress. It is therefore futile to argue that if the governing classes captured power in the elections of 1987 in the Congress Provinces the Congress is not responsible for the result.

The second line of defence is as fragile as the first. Those who wish to

argue that the dominance of the governing class in the Congress provinces is accidental and not intentional should know that they are advancing an argument which will not stand. I would invite the attention of those who are inclined to treat it as an accident to consider the following circumstances.

First let them consider the mentality of the leading members of the Congress High Command who have guided the destiny of the Congress in the past and who are at present running the affairs of the Congress. It would be well to begin with Mr. Tilak. He is dead. But while he was alive he was the most leading man in the Congress and exercised the greatest sway over it. Mr. Tilak was a Brahmin and belonged to the governing class. Though he had acquired the reputation of being the father of the Swaraj movement his antipathy to the servile classes was quite well known. For want of space I will cite only one instance of his mentality towards the servile classes. In 1918, when the non-Brahmins and the Backward classes had started an agitation for separate representation in the legislature, Mr. Tilak in a public meeting held in Sholapur said that he did not understand why the oil pressers, tobacco shopkeepers, washermen, etc.—that was his description of the Non-Brahmins and the Backward classes—should want to go into the legislature. In his opinion, their business was to obey the laws and not to aspire for power to make laws.

Next after Tilak I may take Mr. Vallabhbhai Patel. Here again, I will cite only one instance to indicate Ins mentality. In 1942, Lord Linlithgow invited 52 important Indians representing different sections of the people to discuss the steps that might be taken to make the Central Government more popular and thereby enlist the sympathy and co-operation of all Indians in war effort. Among those that were invited were members belonging to the Scheduled Castes. Mr. Vallabhbhai Patel could not bear the idea that the Viceroy should have invited such a crowd of mean men. Soon after the event, Mr. Vallabhbhai Patel made a speech in Ahmedabad and said [f.7] :—

> "The Viceroy sent for the leaders of the Hindu Mahasabha, he sent for the leaders of the Muslim League and he sent for Ghanchis (oil pressers), Mochis (cobblers) and the rest."

Although Mr. Vallabhbhai Patel in his malicious and stinging words referred only to Ghanchis and Mochis his speech indicates the general contempt in which he holds the servile classes of his country.

It may be well to know the reactions of Pandit Jawaharlal Nehru. Pandit Jawaharlal Nehru is a Brahmin but he has the reputation of being non-communal in his outlook and secular in his beliefs. Facts do not seem to justify the reputation he carries. A person cannot be called secular if he, when his father dies, performs the religious ceremonies prescribed by orthodox Hinduism at the hands of Brahmin priests on the banks of the river Ganges as Pandit Jawaharlal did when his father died in 1931. As to his being non-communal it is stated by no less a person than Dr. Pattabhi Sitaramayya that Pandit Nehru is very conscious of the fact that he is a Brahmin.[f.8] This must come as a most astonishing fact to those who believe the Pandit to have the reputation of being the most nationally minded Hindu leader in India. But Dr. Sitaramayya must be knowing what he is talking about. More disturbing is the fact that in the United Provinces from which he hails and over which he exercises complete authority the ministers in the cabinet of the province were all Brahmins. Mrs. Vijaya Laxmi Pandit, the well-known sister of Pandit Jawaharlal Nehru, also seems to be conscious of herself being Brahmin by caste. It is said that at the All-India Women's Conference held in Delhi in December 1940, the question of not declaring one's caste in the Census Return was discussed. Mrs. Pandit disapproved [f.9] of the idea and said that she did not see any reason why she should not be proud of her Brahmin blood and declare herself as a Brahmin at the Census. Who are these men? What is their status? Mr. Tilak has the reputation of being the father of the Swaraj movement. Mr. Patel and Pandit Nehru come next in command in the Congress hierarchy after Mr. Gandhi.

Some might think that these are the individual and private opinions of the members of the Congress High Command. But that would be an error. Several cases could be pointed out in which such opinions have been acted upon in election campaigns run by the Congress.

'Ever since 1919 when Mr. Gandhi captured the Congress, Congressmen have looked upon the boycott of legislatures as one of the sanctions for

making the British Government concede the demand for Swaraj. Under this policy, every time there was an election in which the Congress decided not to take part, the Congress would not only refuse to put candidates on the Congress ticket but would carry on propaganda against any Hindu proposing to stand for election as an independent candidate. One need not quarrel over the merits of such a policy. But what were the means adopted by the Congress to prevent Hindus-standing on an independent ticket? The means adopted were to make the legislatures objects of contempt. Accordingly, the Congress in various Provinces started professions carrying placards with these significant and telling words:"Who will go in the legislatures? Only barbers, cobblers, potters and sweepers."In the processions one man would utter the question as part of the slogan and the whole Congress crowd would shout as answer the second part of the slogan. When the Congressmen found that this was not enough to deter persons from standing for the elections, they decided to adopt sterner measures. Believing that respectable people would not be prepared to stand for election if they felt certain that they would have to sit with barbers, potters and sweepers, etc., in the legislatures, the Congress actually went to the extent of putting up candidates from these despised communities on the Congress ticket and got them elected. A few illustrations of this outrageous conduct of the Congress may be mentioned. In the 1920 election, the Congress elected a cobblermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_10 to the legislature of the Central Provinces. In the 1930 election they elected in the Central Provinces two cobblers, [f.11] one milkman [f.12] and one barber, [f.13] and in the Punjab one sweepermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_14. In 1984, the Congress elected to the Central Legislature a pottermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41J.What Congress and Gandhi CHAPTER IX.htm - _msocom_15. It might be said that this is old history. Let me correct such an impression by referring to what happened in 1948, in the Municipal elections in Andheri—a suburb of Bombay. The Congress put up a barber to bring the Municipality in contempt.

What a mentality for a Governing class I What a brazen facedness for a governing class to use the servile class for such an ignominious purpose

and yet claim to be fighting for their freedom! What a tragedy for the servile class to take pride in its own disgrace and join in it voluntarily! The Sinn Fein Party in Ireland also boycotted the British Parliament. But did they make such hideous use of their own countrymen for effecting their purposes? The campaign of boycott of legislature which took place in 1980 is of particular interest. The elections to the Provincial legislatures in 1980 in which these instances occurred coincided with Mr. Gandhi's Salt Satyagraha champaign of 1930; I hope that the future (the official historian, Dr. Pattabhi Sitaramayya, has failed to do so) historian of Congress while recording how Mr. Gandhi decided to serve notice on the Viceroy, Lord Irwin, presenting him with a list of demands to be conceded before a certain date and on failure by the Viceroy in this behalf, how Mr. Gandhi selected Salt Act as a target for attack, how he selected Dandy as a scene of battle, how he decided to put himself at the head of the campaign, how he marched out from his Ashram in Ahmedabad with all pomp and ceremony, how the women of Ahmedabad came out with Arthi and applied tilak (saffron mark) to his forehead wishing him victory, how Mr. Gandhi assured them that Gujarat alone would win Swaraj for India, how Mr. Gandhi proclaimed his determination by saying that he would not return to Ahmedabad until he had won Swaraj, will not fail to record that while on the one hand Congressmen were engaged in fighting for Swaraj, which they said they wanted to win in the name of and for the masses, on the other hand and in the very year they were committing the worst outrages upon the very masses by exhibiting them publicly as objects of contempt to be shunned and avoided.

VI

This mentality of the Congress High Command towards the servile classes is enough to negative the theory that the supremacy of the governing classes in the Congress Provinces was an accident. There are other facts which also go to negative the theory of accident and which are set out in Table 23 (see page 226). They relate to the educational qualifications of the several classes of candidates selected by the Congress for fighting the elections. What does the table show? It is crystal clear that

in the case of the Brahmins the relative proportion of graduates to non-graduates is far higher than what it is in the case of non-Brahmins and the Scheduled Castes. Was this an accident or was this a matter of policy? This sort of selection is marked by such a state of uniformity that it could hardly be doubted that the Congress High Command in selecting a candidate had a definite policy, namely, in the case of Brahmins, to give preference to & candidate who had the highest educational qualifications and in the case of the non-Brahmins and the Scheduled Castes, to give preference to a candidate who had the lowest educational qualifications. The difference in terms of graduates and non-graduates does not really reveal the real difference between the status and position of the Brahmin candidates and non-Brahmin candidates. The Brahmin candidates were not merely graduates but they were seasoned politicians of high repute, while the non-Brahmin graduates were raw graduates with nothing but the career of second class politicians behind them.

Why did the Congress select the best educated Brahmins as its candidates for election? Why did the Congress select the least educated non-Brahmins and Scheduled Castes as its candidates for election? To this question I can sec only one answer. It was to prevent the non-Brahmins—the representatives of the servile classes—from forming a ministry. It cannot be that better educated non-Brahmins were not available. What the Congress seems to have done is deliberately to prefer an uneducated non-Brahmin to an educated non-Brahmin.

Table 23

Classification of Brahmin and Non-Brahmin Congress Partymen by Literaey

Provincial Assemblies	*Castes*	Total	Graduates	Non-Graduates	Matriculates	Illiterates	Not stated
Assam	Brahmin	6	5	1			

	Non-Brahmin	21	15	2	—	1	9
	Brahmin	15	14	1			
Bengal	Non-Brahmin	27	21	4	—	1	7
	Scheduled Castes	6	3	—	1	2	—
	Brahmin	31	11	5	8	4	3
Bihar	Non-Brahmin	39	23	4	3	8	13
	Scheduled Castes	—	1	1	4	10	—
	Brahmin	39	15		2	9	2
Central Provinces	Non-Brahmin Scheduled Castes	54	15	—	2	17 6	1
	Brahmin	38	16	2	3	4	13
Madras	Non-Brahmin	90	31	3	1	7	61
	Scheduled Castes	26	1	1	1	14	—
	Backward Class	—	1	—	—		—
	Brahmin	11	6	1		3	1
Orissa	Non-Brahmin	20	7	3	2	7	1

	Scheduled Castes	5	—	-	—	5	

And why? Because from the point of view of the governing class, the uneducated non-Brahmin has two definite advantages over an educated non-Brahmin. In the first place, he is likely to be more grateful to the Congress High Command for having got him elected than an educated non-Brahmin is likely to be. In the second place, the uneducated non-Brahmin is less likely to join hands with the educated non-Brahmins in the Congress Party and overturn the ministry of the governing classes and form a non-Brahmin ministry. In the third place, the greater the number of raw non-Brahmins in the Congress the lesser is the possibility of the non-Brahmins in the Congress forming a competent and alternative Ministry to the detriment of the governing class.

Given these circumstances, can there be any doubt that the Congress"Fight for Freedom"is for the freedom of nobody except that of the governing class? Is there any doubt that the Congress is the governing class and the governing class is the Congress? Is there any doubt that when Swaraj came in 1937 in the form of Provincial autonomy, the Congress deliberately and shamelessly put the governing class in places of power and authority?

VII

The facts set out above prove beyond cavil that the"Fight for Freedom"launched by the Congress has ended in perverting the aim and object of Indian freedom and that the Congress itself is a party to such a perversion. The result is an enormity, the character of which it would not be possible for the foreigner to realise unless he has an adequate idea of the social outlook and social philosophy of the Governing Classes in India.

Starting with the Brahmins who form a strong and powerful element in the governing class in India it is no exaggeration to say that they have been the most inveterate enemies of the servile classes, the Shudras (the old

name for the non-Brahmins) and the Untouchables who together constitute about 80 or 90 percent of the total Hindu population of India. If the common man belonging to the servile clauses in India is today so fallen, so degraded, so devoid of self-respect, hope or ambition, and so lifeless, it is entirely due to the Brahmins and their philosophy. The cardinal principles of this philosophy of the Brahmins were six—to use a correct expression, techniques of suppression—(1) graded inequality between the different classes; (2) complete disarmament of the Shudras And the Untouchables; (8) complete ban on the education of the Shudras and the Untouchables; (4) total exclusion of the Shudras and the Untouchables from places of power and authority; (5) complete prohibition against the Shudras and the Untouchables acquiring property, and (6) complete subjugation and suppression of women. Inequality is the official doctrine of Brahmanism and the suppression of the lower classes aspiring to equality has been looked upon by them and carried out by them, without remorse as their bounded duty. There are countries where education did not spread beyond a few. But India is the only country where the intellectual class, namely, the Brahmins not only made education their monopoly but declared acquisition of education by the lower classes, a crime punishable by cutting off of the tongue or by the pouring of molten lead in the ear of the offender. The result is that for centuries the Brahmins have denied the servile classes the right to education. Even to-day the Brahmins exhibit the same hostility to their education. Mr. Baines, the Census Commissioner for 1891 in discussing the causes why education was not spreading among the masses said :—

> "The second influence antagonistic to a more general spread of literacy is the long continued existence of a hereditary class whose object it has been to maintain their own monopoly of all book-learning as the chief buttress of their social supremacy, Sacerdotalism knows that it can reign over none but an ignorant populace. The opposition of the Brahmin to the rise of the writer castes has been already mentioned, and the repugnance of both, in the present day, to the diffusion of learning amongst the masses can only be appreciated after long experience. It is true that the recognition by the British Government of the virtue and necessity of primary education has met with some response on the part of

the literate castes, but it is chiefly in the direction of academic utterances, which cannot, in the circumstances, be well avoided. It is welcome too, in its capacity of affording the means of livelihood to many of these castes, as they have to be engaged as teachers, and are bound accordingly to work up to the State standard of efficient tuition. The real interest of the castes in question is centred on secondary education, of which they almost exclusively are in a position to reap the advantage."

The Congress politicians complain that the British are ruling India by a wholesale disarmament of the people of India. But they forget that disarmament of the Shudras and the Untouchables was the rule of law promulgated by the Brahmins. Indeed, so strongly did the Brahmins believe in the disarmament of the Shudras and the Untouchables that when they revised the law to enable the Brahmins to arm themselves for the protection of their own privileges, they maintained the ban on the Shudras and the Untouchables as it was without lessening its rigour. If the large majority of people of India appear today to be thoroughly emasculated, spiritless, with no manliness, it is the result of the Brahmanic policy of wholesale disarmament to which they have been subjected for the untold ages. There is no social evil and no social wrong to which the Brahmin has not given his support. Man's inhumanity to man, such as the feeling of caste, untouchability, unapproachability and unseeability is a religion to him. It would, however, be a mistake to suppose that only the wrongs of man are a religion to him. The Brahmin has given his support to some of the worst wrongs that women have suffered from in any part of the world. In India widows were burnt alive as suttees and the Brahmin gave his fullest support to the practice. Widows were not allowed to remarry. The Brahmins upheld the doctrine. Girls were required to be married before 8 and the husbands were permitted to claim the right to consummate the marriage at any time thereafter whether she had reached puberty or not. The Brahmin defended the system. The record of the Brahmins as law givers for the Shudras, for the Untouchables and for women is the blackest as compared with the record of the intellectual classes in other parts of the world, For no intellectual class has prostituted its intelligence for the sole purpose of inventing a philosophy to keep his uneducated countrymen in a perpetual state of servility, ignorance and poverty as the Brahmins have

done in India. Every Brahmin to-day believes in this philosophy of Brahmanism propounded by his forefathers. He is an alien element in the Hindu Society. The Brahmin vis-a-vis the Shudras and the Untouchables is as foreign as the German is to the French, as the Jew is to the Gentile or as the White is to the Negro. There is a real gulf between him and the lower classes of Shudras and Untouchables. He is not only alien to them but he is also hostile to them. In relationship with them, there is in him no room for conscience and no call for justice.

The Bania is the worst parasitic class known to history. In him the vice of money-making is unredeemed by culture or conscience. He is like an undertaker who prospers when there is an epidemic. The only difference between the undertaker and the Bania is that the undertaker does not create an epidemic while the Bania does. He does not use his money for productive purposes. He uses it to create poverty and more poverty by lending money for unproductive purposes. He lives on interest and as he is told by his religion that money-lending is the occupation prescribed to him by the divine Manu, he looks upon money-lending as both right and righteous. With the help and assistance of the Brahmin judge who is ready to decree his suits, the Bania is able to carry on his trade with the greatest ease. Interest, interest on interest, he adds on and on, and thereby draws millions of families perpetually into his net. Pay him as much as he may, the debtor is always in debt. With no conscience to check him there is no fraud, and there is no chicanery which he will not commit. His grip over the nation is complete. The whole of poor, starving, illiterate India is irredeemably mortgaged to the Bania.

In every country there is a governing class. No country is free from it. But is there anywhere in the world a governing class with such selfish, diseased and dangerous and perverse mentality, with such a hideous and infamous philosophy of life which advocates the trampling down of the servile classes to sustain the power and glory of the governing class? I know of none. It is true that the governing classes in other countries do not readily admit into their society those who do not belong to their class. But they do not refuse admission to those who have risen to their level. Nor do they prevent any person from rising to their level. In India the governing class is

a close corporation unwilling to admit anyone who does not belong to it by birth and ready to use every means to prevent the servile classes from rising to their level.

VIII

There was a governing class in France before the French Revolution. There was a governing class in Japan before the seventies of the nineteenth century when Japan decided to modernise its constitution. In both countries the governing classes realising that it was an hour of national crisis decided to shed their ancient rights and privileges in order to make the transition from oligarchy to democracy smooth and easy.

In France, when the Revolution broke out and demanded equality the governing class in France voluntarily came forward to give up its powers and its privileges and to merge itself in the mass of the nation, This is clear from what happened when the States-General was called. The Commons got 600 representatives, while the clergy and the Nobles got 300 each. The question arose how were the 1,200 members to sit, debate and vote. The Commons insisted upon the union of all the estates in one Chamber and ' vote by head.' It was impossible to expect the clergy and the Nobles to accept this position. For it meant the surrender of their most ancient and valuable privileges. Yet a good part of them agreed to the demand of the Commons and gave France a constitution based upon liberty, equality and fraternity.

The attitude of the governing classes in Japan during the period between 1855 to 1870, a period in which the Japanese people were transformed from a feudal society into a modern nation—was even more self-sacrificing than the attitude of the governing classes in France. As students of Japanese history know, there were four classes in Japanese Society: (1) The Damiyos, (2) The Samurai, (3) The Hemin or the Common folk and (4) The Eta or the outcasts, standing one above the other in an order of graded inequality. At the bottom were the Eta numbering a good many thousands. Above the Eta were the Hem in numbering about 25/30 millions. Over them were the Samurai who numbered about 2 millions and

who had the power of life and death over the Hemin. At the apex were the Damiyos or the Feudal Barons who exercised sway over the rest of the three classes and who numbered only 300. The Damiyos and the Samurai realised that it was impossible to transform this feudal society with its class composition and class rights into a modern nation with equality of citizenship. Accordingly the Damiyos charged with the spirit of nationalism and anxious not to stand in the way of national unity, came forward to surrender their privileges and to merge themselves in the common mass of people. In a memorial submitted to the Emperor on the 5th March 1869 they said [f.16] :—

> "The Place where we live is the Emperor's land. The food that we eat is grown by the Emperor's men. How then can we claim any property as our own? We now reverently offer up our possessions and also our followers (Samurai as well as ' common folk ') with the prayer that the Emperor will take good measures for rewarding those to whom reward is due, and for fining such as do not deserve reward. Let imperial orders be issued for altering and remodelling the territories of the various clans. Let the civil and penal codes, the military laws down to the rules for uniform and for the construction of engines of war, all proceed from the Emperor. Let all affairs of the Empire, both great and small, be referred to him."

How does the governing class in India compare in this behalf with the governing class in Japan? Just the opposite. Unfortunately, the history of the struggle of the servile classes in India against the governing class has not yet been written. But those who know anything about it will know that the governing class in India has no intention of making any sacrifice not even on the altar of Indian Freedom for which it is thirsting. Instead, the governing class is using every means to retain them. For this it is using two weapons. First is the weapon of nationalism. Whenever the servile classes ask for reservations in the legislatures, in the Executive and in Public Services, the governing class raises the cry of ' nationalism in danger.' What are these reservations for? To put it briefly they are intended to provide floorings below which the governing class will not be able to push down the servile classes in their struggle for existence. There, is nothing sinister

and nothing wrong in this demand for reservations. How does the governing class react to them? It loses no occasion to deprecate them and to ridicule them. People are led to believe that if they are to achieve national freedom, they must maintain unity, that all questions regarding reservations in the Legislatures, Executives and the Public Services are inimical to national unity and that, therefore, for anyone interested in national freedom it is a sin to support-those who ask for such reservation?."That is the attitude of the governing class in India. It stands in glaring contrast with that of the governing class in Japan. It is a misuse of nationalism. But the governing class does not feel any compunction for such misuse.

The second means employed by the governing class is the writing of the lampoons and parodies calculated to pour ridicule on the demand for reservations. Such lampoons are by no means few and far between. Even the most respectable members of the governing class do not mind indulging in such compositions, Even Dr. R. P. Paranjape, now India's High Commissioner for Australia, who stands for an advanced type of liberalism, could not withstand the temptation of trying his hand in writing such a parody#. Among the parodies composed by members of the governing class his was the most colourful and had, when it appeared, excited the greatest resentment among the servile classes.

#The parody written by Dr. R. P. Paranjape appeared in a magazine called Gujarathi Punch 1m May 1926 under the heading"A Peep into the Future."As a specimen of this class of writing by members of the governing clam it is worth perusal. It is a satire based on certain incidents which are imagined to have occurred under the principle of communal reservation a. As The magazine if not easily available, I reproduce it below with a view to rescue it from oblivion:—

' A PEEP INTO THE FUTURE '

The following extracts are taken from reports of Commissions, records of police courts cases, judicial trials. Council Proceedings, Administration Reports, etc., issued between the year 1930-50 and are

published for the exclusive benefit of the reader of the Gujarati Punch.

I

Report of the Royal Commission on the Government of India, 1930 :

We have given our closest consideration to the representations made on behalf of several communities in India. Taking the figures of the last census as our basis we can only give an approximate satisfaction to all the claims made before us, for it is not possible to give an absolutely accurate solution to the problem of constructing a machinery of Government unless every single person in the country is made a member thereof, the numbers of the several communities do not possess a common measure. We lay down the number 2375 as the fundamental number in the constitution and this number is divided into parts attached to the several communities as shown in the schedule attached to our report. The claims of each community will henceforward be represented by its proper number, and all appointments, memberships of various bodies, and in fact everything in the country will be awarded according to the proportion given in the schedule wherever possible. The Viceroy's Executive Council will consist of 475 members selected as far as may be according to one-fifth the numbers belonging to each community and there members will hold office for one year so that each community will have attained its exact share of membership in five years. There will be 125 Judges in each High Court, each judge holding office for one year, though according to this arrangement, each section will have obtained its exact share only after the lapse of 19 years. The number of other kinds of appointments will be determined on the same basis for the accurate adjustment of all claims.

To allow for the proper functioning of all bodies with these numbers as many existing Government buildings as may be necessary may be pulled down and rebuilt so as to be of the proper size.

II

(Notification of the Government of India, 1932)

In accordance with the provisions of the Government of India Act, 1931. His Majesty the King Emperor has been pleased to appoint the following 475 gentlemen as members of the Executive Council of the Governor-General :

267. Matadin Raman (caste Barber) member in charge of the Surgical Branch of the Medical Department.

372. Allabux Peerbux (Mahomedan Camel driver) in charge of the camel transport division of the Army Department.

433. Ramaswamy (caste, Andhra Sweeper) in charge of the road cleaning branch of the P.W.D.

437. Jagannath Bhattacharya (Kulin Brahmin Priest) in charge of the domestic section of the Registration Department.

IV

(Letter to all Local Governments, 1934)

In response to a resolution passed by the Legislative Assembly, with which the Government of India are in full agreement, I am directed to say that henceforward every appointment under Government should go by rotation to each community irrespective of the merits of the applicants.

V

(Notification in the Bombay Government Gazette, 1934)

The Government of Bombay will proceed to make the following appointments in December. The applicants for the several appointments should belong to the castes mentioned against each according to the rotation fixed by Government Order No. , dated November 30th, 1934.

8. 1. Chief Engineer for Irrigation (Sind) : Kunbi from North Kanara.
9. 2. Professor of Sanskrit, Elphinstone College, Bombay: Balachi Pathan from Sind.
10. 3. Commandant of His Excellency's Bodyguard: Marwari from North Gujarat.
11. 4. Consulting Architect to Government: Wadari (wandering gypsy) from the Deccan.
12. 5. Director of Islamic Culture : Karhada Brabmin
13. 6. Professor of Anatomy : (Grant Modical College) Mahomedan Butcher.
14. 7. Superintendent of Yeravda. Jail : Ghantichor.
15. 8. Two organisers of prohibition: Dharala (Kaira District Bhil) (Panch Mahals).

VI

(Report of a Case from the High Court, 1935)

A.B. (caate Teli) was charged with the cold-blooded murder of his father while he was asleep. The judge summing up against the accused, the jury brought in a verdict of guilty. Before passing sentence the judge asked the pleader for the accused if he had to say anything. The pleader, Mr. Bomanji, said he agreed with the verdict but that according to Law the accused could not be sentenced at all, much lew sentenced to death, as during the current year seven Telis had already been convicted and sentenced two of them with death, that several other communities bad not yet reached their quota of convictions as given in the Government of India Act, who the Telis bad already reached theirs. His Lordship accepted the contention of the defence pleader and acquitted the accused.

VII

(Extract from the ' Indian Daily Mail,' 1936)

Annaji Ramchandra (Chitpavan Brahmin) was found wandering in the streets of Poona with a long knife attacking whomsoever he met. When brought up before the Magistrate he was shown by the police to have been recently let off from the Mental Hospital. The Superintendent of the Hospital in his evidence said that Annaji bad been in the hospital as a dangerous insane for three years, but as there was the quota for the Chitpavanas and as the inmates belonging to other communities bad not finished their year-quotas be could not keep him any longer and show any special favouritism to the Chitpavans and he had therefore let him off according to Government Order No… in the Medical Department. The Magistrate ordered Annaji to be discharged.

VIII

(Extract from the Report of the Administration of Jails in the Bombay Presidency, 1937)

In spite of every precaution the numbers in the jails did not correspond to the quotas fixed for each community. The Superintendent had already asked for instructions from Government with a view to remedying the discrepancy.

Resolution of Government: Government view with serious displeasure this grave dereliction of duty on the part of the I. G. of prisons. Immediate steps should be taken to arrest and put in jail as many members of the various communities as are required to bring their quotas up to the proper level. If enough persons required cannot be caught, a sufficient number of in mates should be let off to bring down all to the same level.

IX

(Proceeding of the Legislative Council, 1940)

Mr. Chennappa asked: Has the attention of Government been called to

the fact that class list of the recent M.A. Examination in Pali do not show the proper quota for mang-garudis?

The Hon. Mr. Damn Shroff (Minister of Education) : The University Registrar reports that no candidate from among Mang-garudis offered himself for examination.

Mr. Chennappa: Will Government be pleased to atop this examination until such a candidate offers himself and if the University disobeys the order of Government to take away the University grant and amend the University Act?

The Hon. Member: Government will be pleased to consider the suggestion favourably. (Cheers).

X

(Extract from ' The Times of India,.' 1942)

The Coroner Mr. was suddenly called last evening to inquire into the death of Ramji Sonu at the J. J. Hospital as the result of a surgical operation. Dr. Tanu Pandav (Caste Barber) deposed that he had conducted the operation. He wished to open an abscess in the abdomen but his knife pierced the heart and the patient expired. Asked whether he had ever carried out any operation of this nature before, he said that he was appointed as the principal surgeon to the hospital only one day before as it was then the turn of his community and that he had never held a surgical instrument in his hand before except a razor for shaving. The jury returned a verdict of death by misadventure ' best ' by the Jews? There can, hardly be any doubt as to the correct answer to these questions. Class qualifications can never be ignored. Man is not a mere machine. He is a human being with feelings of sympathy for some and antipathy for others. This is even true of the ' best ' man. He too is charged with the feelings of class sympathies and class antipathies. Having regard to these considerations the 'best' man from the governing class may well turn out to be the worst from the point of view of the servile classes. The difference between the governing classes and the servile classes in the matter of their

attitudes towards each other is the same as tile attitude a person of one nation has for that of another nation. Persons of the governing class in parodying the demands of the servile classes seem to forget that the difference between the governing class and the servile class in India is of the same nature as the difference between French and Germans, Turks and Greeks or Poles and Jews and the reasons why one will not tolerate the government of the other although it may be of the ' best ' men are the same in both cases.

The governing class in their attempt to ridicule the demand also forget by what means it has built up their power. Let them refer to their own Manu Smriti and they will find that the ways they got their power were very much the same as the imaginary resolutions suggested by Dr. Paranjpe. A reference to Manu Smriti will show that the view that Brahmins, the chief and the leading element in the governing class, acquired their political power not by force of intellect—intellect is nobody's monopoly—but by sheer communalism. According to the Laws Manu Smriti the post of the Purohit, King's Chaplain and Lord Chancellor, the posts of the Chief Justice and Judges of the High Court and the posts of Ministers to the Crown were all reserved for the Brahmins. Even for the post of the Commander-in-Chief the Brahmin was recommended as a fit and a proper person though it was not in terms reserved for him. All the strategic posts having been reserved for the Brahmins it goes without saying that all ministerial posts came to be reserved for the Brahmins. This is not all. The Brahmin was not content with reserving places of profit and power for his class. He knew that mere reservation will not do. He must prevent rivals shooting up from other non-Brahmin communities equally qualified to hold the posts and agitate and blow up the system of reservations. In addition to reserving all executive posts in the State for Brahmins a, law was made whereby education was made the monopoly and privilege of Brahmins. As has already been pointed out the law made it a crime for the Shudra, i.e. the lower orders of Hindu Society to acquire learning, the infringement of which was followed by not only heavy but cruel and inhuman punishment such as cutting the tongue of the criminal and filling his ear with hot molten lead. Congressmen cannot escape by saying that these privileges no longer exist. They must admit that while the privileges

have gone the advantages derived from their continuance over several centuries have remained. Nor can Congressmen honestly turn down the demands of the servile classes as Communalism knowing full well that a worst form of communalism had been the recognised means adopted by the Brahmins for acquiring power and that if the servile classes are to-day driven to ask for safeguards it is because the Brahmins in order to maintain their privileges passed laws which made it a crime for them to acquire learning or property. Surely what the servile classes are demanding is not half so bad as was done by the Brahmins for their own aggrandisement and for the perpetuation of their own domination.

In the light of what has been said, it will be found that the Fight for Freedom led by the governing class is, from the point of view of the servile classes, a selfish, if not a sham, struggle. The freedom which the governing class in. India is struggling for is freedom to rule the servile classes. What it wants is the freedom for the master race to rule the subject race which is nothing but the Nazi or Nietchian doctrine of freedom for superman to rule the common man.

VIII

The foreigner who wishes to know the what and where for of Indian politics and desires to make a contribution to the solution of the problems arising out of it must know the basic considerations which lie behind Indian politics. If he fails to have a full grasp of them he is bound to be at sea and cannot but be the sport of a party which may happen to capture him or captivate him. These basic considerations of Indian politics are : (1) The philosophy and outlook of the governing class in, relation to the servile classes (2) The relation of the governing class to the Congress and (3) The raison d'etre of the political demands of the servile classes for constitutional safeguards.

Regarding the first enough has been said to enable the foreigner to form his own opinion. The thesis I have endeavoured to present and to support with facts and arguments may be simply stated. It maintains that the only way to ensure that a sovereign and independent India will be a different

India in which there will be no servile class doing duty to the governing class, is to frame a constitution which will by proper safeguards, circumscribe the power of the governing class to capture government and to put a limit upon its predatory powers. This is what the Untouchables are urging and this is what the Congress is opposing. The whole controversy between the Congress and the Untouchables centres round the question of constitutional safeguards. The issue is: Is the constitution of India to be with safeguards or without safeguards for the Scheduled Castes? The foreigner does not realize this to be the issue nor does he realize that the alleged representative character of the Congress is absolutely irrelevant to the issue. The Congress may be a representative body but that has nothing to do with the decision of the issue, whether the constitution of India should or should not contain any safeguards for the Scheduled Castes. For the decision of this issue, the representative character of the Congress is beside the point. The decision can rest only on the basis of needs and the question that will be relevant is: Do the Scheduled Castes need the safeguards they have been asking for? The foreigner is not justified in supporting the Congress as against the Scheduled Castes on the ground that the Congress is a representative body. The foreigner is, of course, justified in asking the Scheduled Castes to prove their case for safeguards. He is even justified in saying that the existence of a governing class is not enough and that they must further prove something that the governing class in India is so vile, so wicked, so entrenched that it will not yield to the forces of adult suffrage. Such a stand it is proper to take and the Scheduled Classes are prepared to face it. For, beyond doubt, the governing class in India does occupy a different position in India than it does in other countries of the world. In other countries, there is, at the most, a hyphen between the governing class and the rest. In India, there is a bar between the two. A hyphen is only separation. ; but a bar is a severance with interests and sympathies completely divided. In other countries, there is a continuous replenishment of the governing class by the incorporation of others who do not belong to it but who have reached the same elevation as the governing class. In India, the governing class is a close corporation in which nobody, not born in it, is admitted. This distinction is very important. In the case where the governing class is a elose corporation, tradition, social philosophy and social outlook remain unbroken and the

distinction between masters and slaves, between privileged and unprivileged continues hard in substance and fast in colour. On the other hand, where the governing class is not a close preserve, where there is social endosmosis between it and the rest, there is a mental assimilation which makes the governing class more flexible, its philosophy less anti-social. On realizing the truth behind these distinctions, a foreigner should be able to see that mere adult suffrage while it may suffice to hold the governing class in check in other countries, cannot have, in India, that effect and that consequently those parties in India like the Untouchables who are advocating additional safeguards in the constitution, are more worthy of support for their anxiety to make free India safe for democracy, than the Congress which opposes such safeguards and which aims to place free India in the hands of a governing class.

The facts bearing on the second consideration have also been fully set out. From these facts he should be able to see how intimate is the connection between the Congress and the governing class. They will explain why the governing class in India has placed itself in the vanguard of the Congress movement and why it strives to bring everybody within the Congress fold. To put it briefly the governing class is aware that a political campaign based on class ideology, class interests, class issues and class conflicts will toll its death knell. It knows that the most effective way of side tracking the servile classes and fooling them is to play upon the sentiment of nationalism and national unity and realizes that the Congress platform is the only platform that can most effectively safeguard the interest of the governing class. For if there is any platform from which all talk of conflict between rich and poor, Brahmin and Non-Brahmin, landlord and tenant, creditor and debtor which does not suit the governing class, can be effectual banned it is the Congress platform which is not only bound to preach nationalism and national unity which is what the governing classes want and on which their safety entirely depends, but which prohibits any other ideology in-consistent with nationalism being preached from its platform.

If these two considerations are grasped, the foreigner will not find it difficult to understand the third namely the raison d'être of the political

demands of the servile classes.

The reservations demanded by the servile classes are really controls over the power of the governing classes. Even in European countries there is a demand for controls over the powers of certain classes of society. There is control on producers, distributors, money-lenders and landlords. If the necessity for controls over the power of certain classes is admitted in countries where there is much greater degree of homogeneity and identity of interests than there exists in India, a foreigner should not find it difficult to appreciate. The reservations do no more than correlate the constitution to the social institutions of the country in order to prevent political power to fall into the hands of the Governing class.

After so much of explanation of facts and arguments I do not think it will be difficult for the foreigner at least to believe that there is another side to the Congress propaganda, if he is not prepared to agree with the point of view herein presented. It would indeed be a sad commentary on the character and intelligence of a foreigner who even after his having gone through the facts and figures given above was not able to cultivate a cool and a dispassionate attitude towards those who do not share the Congress point of view.

IX

There is a tragic side to the foreigner's view of Indian politics to which it is impossible not to make a reference. The foreigners who take interest in Indian politics fall into three groups. The first group is aware of the social cleavages which rend Indian politics, cleavages of majorities and minorities, Hindus and Untouchables and so on. Their main object is not to solve these cleavages by appropriate constitutional safeguards and to open the way to constitutional advancement of India but to use these cleavages to block constitutional progress. The second group of foreigners are those who pay no attention to the cleavages, who care a button what happens to the minorities and to the Untouchables. They are out to support the Congress demand and would fulfil it without bothering about safeguards. The third group consists of tourists who come 'to do' India and learn about

its politics if possible overnight. All three are dangerous people. But the third group is the most dangerous from the point of view of the ultimate interest of the Indian people.

That there should be foreigners of the tourist sort who cannot understand the intricacies of Indian politics and who therefore support the Congress on no other ground except that which Mr. Pickwick gave to Sam Weller—to shout with the biggest crowd—is quite understandable. But what annoys most is the attitude of the leaders of the British Labour Party, heads of radical and leftist groups in Europe and America, represented by men like Laski, Kingsley Martin, Brailsford and editors of journals like the Nation in America, and the New Statesman in England championing the cause of the oppressed and the suppressed people. How can these men support the Congress passes one's comprehension. Do they not know that the Congress means the governing class and that the governing class means the Congress ; Do they not know that the governing class in India is a Brahmin-Bania combine? That masses are drawn in the Congress only to be camp followers with no say in the making of Congress policy? Do they not realize that for the reasons for which the Sultan could not abolish Islam or the Pope could not repudiate Catholicism, the governing class in India will not decree the destruction of Brahmanism and that so long as the governing class remains what it is, Brahmanism which preaches the supremacy of Brahmans and the allied castes and which recognises the suppression and degradation of the Shudras and the Untouchables as the sacred duty of the State will continue to be the philosophy of the State even if India became free? Do they not know that this governing class in India is not a part of the Indian people, is not only completely isolated from them, but believes in isolating itself, lest it should be contaminated by them, has implanted in its mind by reason of the Brahmanic philosophy, motives and interests which are hostile to those who are outside its fold and therefore does not sympathise with the living forces operating in the servile masses whom it has trodden down, is not charged with their wants, their pains, their cravings, their desires, is inimical to their aspirations, does not favour any advance in their education, promotion to high office and disfavours every movement calculated to raise their dignity and their self-respect? Do they not know that in the Swaraj of India is involved the fate

of 60 millions of Untouchables? It would be impossible to say that the leaders of the British Labour Party, that Kingsley Martin, Brailsford and Laski whose writings on liberty and democracy are a source of inspiration to all suppressed people, do not know these facts. Yet if they refer to India, it is always to support the Congress. It is very, very seldom that they are found to discuss the problem of the Untouchables which ought to make the strongest appeal to all radicals and democrats. Their exclusive attention to Congress activities and their utter neglect of other elements in the national life of India shows how misguided they have been. One could well understand their support to the Congress if the Congress was fighting for political democracy. But is it? As every one knows, the Congress is only fighting for national liberty and is not interested in political democracy. The party in India who is fighting for political democracy is the party of the Untouchables who fear that this Congress fight for liberty, if it succeeds, will mean liberty to the strong and the powerful to suppress the weak and the down-trodden unless they are protected by constitutional safeguards. It is they who ought to receive the help of these radical leaders. But the Untouchables have been waiting in vain for all these years even for a gesture of good-will and support from them. These radicals and leftists in Europe and America have not even cared to know the forces behind the Congress. Ignorant or unmindful one does not know, but the fact remains that these leftists and radical leaders have been giving blind and unquestioning support to the Congress which admittedly is run by capitalists, landlords, money-lenders and reactionaries, only because the Congress calls its activities by the grandiloquent name of "Fight for Freedom."All battles for freedom are not on equal moral plane for the simple reason that the motives and purposes behind these battles of freedom are not always the same. To take only a few illustrations from English History. The Barons' Rebellion against John which resulted in the Magna Charta could be called a battle for freedom. But could any democrat in modern times give it the same support which he would give say to the Levellers' Rebellion or to the Peasant's Revolt in English History, merely because it could logically be described as a battle for freedom? To do so will be to respond to a false cry of freedom. Such crude conduct would have been forgivable, had it proceeded from groups not intelligent enough to make a distinction between freedom to live and freedom to

oppress. But it is quite inexcusable in radical and leftist groups led by Messrs. Laski, Kingsley Martin, Brailsford, Louis Fisher and other well-known champions of democracy. When pressed to explain why they don't support Indian Parties which stand for true democracy, they are reported to meet the charge by a counter question. Are there any such parties in India? Insist that there are such parties and they turn round and say : if such parties exist, how is it the Press does not report their activities? When told that the Press is a Congress Press, they retort : how is it that the foreign correspondents of the English Papers do not report them? I have shown why nothing better can be expected from these foreign correspondents. The Foreign Press Agency in India is no better than the Indian Press. Indeed it cannot be better. There are in India what are called foreign correspondents. In a large majority of cases they are Indians. Only a very few are foreigners. The selection of Indians as foreign correspondents is so made that they are almost always from the Congress camp. The foreign correspondents who are foreigners fall into two groups. If they are Americans they are just Anti-British and for that reason pro-Congress. Any political party in India which is not madly Anti-British does not interest them. Those who are not in the Congress will testify how hard it was for them to persuade the American War Correspondents who trooped into this country in 1941-42, even to entertain the possibility of the Congress not being the only party, much less to induce them to interest themselves in other political parties. It took a long time before they recovered their sanity and when they did, they either abused the Congress as an organisation led by impossible men or just lost interest in Indian politics. They never got interested in other political parties in India and never cared to understand their point of view. The situation is no better in the case of foreign correspondents who are Britishers. They too are interested only in that kind of politics which is first and foremost Anti-British. They are uninterested in those political parties in India whose foremost concern is to make a free India safe for democracy. The result is that the foreign press provides the same kind of news about Indian politics as does the Indian Press. These reasons cannot be beyond the ken of these radicals. Correspondents or no correspondents, is it not the duty of radicals to keep in touch with their kindred in other parts of the world to encourage them, to help them and to see that true democracy lives

everywhere? It is a most unfortunate thing that the Radicals of England and America should have forgotten the class to whom they owe a duty to help and have become the publicity agents of Indian Tories who are just misusing the slogan of liberty to be fool and befog the world.

The sooner they get out of this fog created by the Congress and realize that democracy and self-government in India cannot be real unless freedom has become the assured possession of all, the better for them and the better for the people of India. But if they persist in giving their blind support to the Congress on the basis of an empty slogan without examining its relation to facts and intentions, I for one will have no hesitation in saying that far from being the friends of India they are a positive menace to the freedom of the Indian masses. It is a pity that they do not seem to distinguish the case of a tyrant who is held down and who pleads for liberty because he wants to regain his right to oppress and the case of an oppressed class seeking to be free from the oppression of the tyrant. In their hurry to bring freedom to India they have no time to realize that by siding with the Congress what they are doing is not to make India safe for democracy but to free the tyrant to practise his tyrannies. Is it necessary to tell them that support Congress is to let tyranny have freedom to enslave?

Chapter X

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER X
WHAT DO THE UNTOUCHABLES SAY?

Beware Of Mr. Gandhi

Congressmen never hesitate to impress upon the Untouchables that Mr. Gandhi is their saviour. Not only do Congressmen all over India hold out Mr. Gandhi as a real saviour but they go forth to persuade the Untouchables to accept the fact that he is their only saviour. When pressed for evidence, they tell the Untouchables that if any one ever took a vow to go on a fast unto death for the sake of the Untouchables it was Mr. Gandhi and none else. Indeed, without any compunction they tell the Untouchables that whatever political rights the Untouchables have got under the Poona Pact, they are the result of Mr. Gandhi's efforts. As an illustration of such propaganda I refer to what one Rai Bahadur Mehrchand Khanna is reportedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41K.What Congress and Gandhi CHAPTER X.htm - _msocom_1 to have said at a meeting of the Untouchables held at Peshawar on April 12, 1945 under the auspices of the Depressed Classes League :

> "Your best friend is Mahatma Gandhi who even resorted to a fast for your sake and brought about the Poona Pact under which you have been enfranchised and given representation on local bodies and legislatures. Some of you, I know, have been running after Dr. Ambedkar, who is just a creation of the British Imperialists and who uses you to strengthen the hands of the British Government in order that India may be divided and the Britishers continue to retain power. I appeal to you in your interests, to distinguish between self-styled leaders and your real friends."

If I refer to the statement of Rai Bahadur Mehrchand Khanna it is not because he is worth taking notice of. For there cannot be any one guilty of bigger blackguardism in Indian politics than this man. In the course of one year—not in very remote time but in 1944—he successfully played three different roles. He started as Secretary of the Hindu Mahasabha, turned agent of British Imperialism, went abroad to explain India's war effort to the British and American people and is now agent of the Congress in N.W.F. Province. The opinion of a man like Rai Bahadur Khanna, who, to use Dryden's language, is so various as to be

everything by starts, and nothing long, and who in the course of one revolving moon, can be a chemist, fiddler, statesman and buffoon, must be beneath contempt. If I refer to him it is only because I wish to illustrate what sort of propaganda mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41K.What Congress and Gandhi CHAPTER X.htm - _msocom_2 friends of Mr. Gandhi are carrying on in order to beguile the Untouchables.

I do not know how many Untouchables will be found prepared to swallow such a lie. But this much I think has been proved by the Nazis that if a lie is a big lie too big for the common man's intelligence to scrutinise and if it is repeated continuously, the lie has all the chances of being accepted as truth and if not accepted as truth has all the chances of growing upon, the victims of propaganda and win their acquiescence. It is, therefore, necessary for me to expose the part played by Mr. Gandhi in the movement of the Untouchables and to warn the Untouchables against succumbing to this propaganda.

I

In making a survey of the part played by Mr. Gandhi it is well to begin by ascertaining when Mr. Gandhi for the first time realized that Untouchability was an evil. On this point, we have the direct testimony of Mr. Gandhi himself. In an, address delivered as President of the Suppressed Classes Conference, held at Ahmedabad on the 14th and 15th April 1921, Mr. Gandhi said :—

> "I was hardly yet twelve when this idea had dawned on me. A scavenger named Ukha, an Untouchable, used to attend our house for cleaning latrines. Often I would ask my mother why it was wrong to touch him, why I was forbidden to touch him. If I accidentally touched Ukha, I was asked to perform ablutions, and though I naturally obeyed, it was not without smilingly protesting that untouchability was not sanctioned by religion, that it was impossible that it should be so. I was a very dutiful and obedient child and so far as it was consistent with respect for parents. I often had tussles with

them on this matter. I told my mother that she was entirely wrong in considering physical contact with Ukha as sinful.

"While at school I would often happen to touch the 'Untouchables' and as I never would conceal the fact from my parents, my mother would tell me that the shortest cut to purification after the unholy touch was to cancel the touch by touching any Musalman passing by. And simply out of reverence and regard for my mother I often did so, but never did so believing it to be a religious obligation. After some time we shifted to Porebandar, where I made my first acquaintance with Sanskrit. I was not yet put to an English School, and my brother and I were placed in charge of a Brahmin, who taught us Ram Raksha and Vishnu Punjar. The texts 'Jale Vishnuh' 'Sthale Vishnuh' (there is he Lord (present) in water, there is the Lord (present) in earth, have never gone out of my memory. A motherly old dame used to live close by. Now it happened that I was very timid then,' and would conjure up ghosts and goblins whenever the lights went out, and it was dark. The old mother, to disabuse me of fears, suggested that I should mutter the Ramraksha texts whenever I was afraid, and all evil spirits would fly away. This I did and, as I thought with good effect. I could never believe then that there was any text in the Ramraksha pointing to the contact of the 'untouchables' as a sin. I did not understand its meaning then, or understood it very imperfectly. But I was confident that Ramraksha which could destroy all fear of ghosts, could not be countenancing any such thing as fear of contact with the 'untouchables.'

"The Ramayana used to be regularly read in our family. A Brahmin called Ladha Maharaj used to read it. He was stricken with leprosy, and he was confident that a regular reading of the Ramayana would cure him of leprosy, and indeed, he was cured of it. 'How can the Ramayana,' I thought to myself 'in which one is regarded nowadays as an 'untouchable,' took Rama across the Ganges in his boat, countenance the idea of any human beings being ' untouchables ' on the ground that they were polluted souls? The fact that we addressed God as the ' purifier of the polluted ' and by similar appellations,

shows that it is a sin to regard any one born in Hinduism as polluted or untouchable—that it is satanic to do so. I have hence been never tired of repeating that it is a great sin. I do not pretend that this thing had crystallised as a conviction in me at the age of twelve, but I do say that I did then regard untouchability as a sin. I narrate this story for the information of the Vaishnavas and orthodox Hindus."

It is no doubt very interesting to know that in that age of blind orthodoxy Mr. Gandhi should have become aware that Untouchability was a sin and that too at so early an age as 12. What the Untouchables, however, want to know is what did Mr. Gandhi do to remove the evil. I give below an extract from a biographical note about Mr. Gandhi by the publishers, Tagore & Co., of Madras to their volume called Young India, issued in, 1922, to show the principal activities, which Mr. Gandhi launched since the time he started his public career. This is what the note says :—

"Mohandas Karamchand Gandhi was born on October 5, 1869. Caste Bania; son of Karamchand Gandhi, Dewan of Porebunder, Rajkote and some other Kathiawar States; He was educated at the Kathiawad High School, later at London University and the Inner Temple. On return from London was enrolled as advocate of the Bombay High Court. Went to Natal and thence to the Transvaal on a legal mission. Was enrolled as advocate of the Natal Supreme Court. Decided to remain there. Founded the Natal Indian Congress, 1894. Returned to India, 1895. Agitation in India on behalf of the Natal and Transvaal Indians. Return to Durban. On landing attacked by the mob and narrowly escaped death; led an Indian Ambulance Corps in the Anglo-Boer War 1899 ; Returned to India in 1901 to recoup his health. Again returned to South Africa to lead the Indian deputation to place the Indian view of the South African Indian trouble before Mr. Chamberlain. Enrolled as attorney of the Supreme Court of Transvaal and founded the Transvaal British Indian Association and was its Honorary Secretary and Principal legal adviser. Founded the Indian Opinion in 1903 and the"Phoenix"Settlement. Led a Stretcher Bearer Corps in the native rebellion in 1906; Agitation against the Anti-Asiat

Act 1906 ; Deputation to England for the repeal of the Act ; Passive Resistance movement begun against the Act; Negotiations between General Smuts and Mr. Gandhi and compromise. Smuts later denying the promise of repeal of the law, and again commenced passive resistance. Imprisoned twice for breaking the law. Again went to England in 1909 to lay the Indian case before the British public; Provisional Settlement in 1911 Mr. Gokhale's visit to South Africa. On the Government declining to fulfil the settlement of 1911 organised a revival of the passive resistance movement. Final settlement in 1914. Visit to England ; Raised an Indian Ambulance Corps in 1914."

From this biographical note, it is clear that Mr. Gandhi began his public life in 1894 when he founded the Natal Indian Congress. From 1894 to 1915, he was in South Africa. During this period, he never thought of the Untouchables and never even inquired after Ukha.

Mr. Gandhi returned to India in 1915. Did he then take up the cause of the Untouchables? Let me again quote from the same biographical note which says:—

"Returned to India 1915; Founded the Satyagrah Ashram at Ahmedabad. Took part in the Settlement of the Champaran Labour troubles in 1917 and Kaira famine and Ahmedabad mill strike, 1918 ; Recruiting Campaign 1918 ; Agitation against the Rowlatt Act and the inauguration of the Satyagraha movement, 1919; Arrested at Kosi on his way to Delhi and sent back to Bombay ; Punjab disorders and the official atrocities 1919; Was member of the Congress Committee of Enquiry into the Punjab atrocities ; Took part in the Khilafat Agitation. Inauguration of the Non-Co-operation campaign, 1920; Interview with Lord Reading May 1921 ; appointed sole executive authority of the Congress in 1921 Session of the Congress; Civil Disobedience Programme, February 1922; Suspension of Civil Disobedience campaign on account of Chauri Chaura riots, February 1922; Arrested on March 10, 1922 tried and sentenced to six years simple imprisonment."

This note is obviously incorrect. It omits some very significant and

quite well-known events in the life of Mr. Gandhi. To make it complete, the following items must be added :—

> "1919 declared readiness to welcome Afghan invasion of India to Free India from British Imperialism ; 1920 put before the country the Bardoli Programme of Constructive work; 1921 started Tilak Swaraj Fund and collected one crore and 25 lakhs to be used for preparing the country for winning swaraj."

In these five years, Mr. Gandhi was completely absorbed in transforming the Congress into a militant organisation—a war machine fit to fight and shake British Imperialism. He took up the cause of the Khilafat with a view to bring the Muslims to join the Congress and did his level best to rally the Hindus for the support of the Khilafat.

What did Mr. Gandhi do for the Untouchables during this period? Congressmen will of course refer to the Bardoli Programme. It is true that in the Bardoli Programme the uplift of the Untouchables was an item. But what is important is to know what happened to it? To tell the story in a summarymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41K.What Congress and Gandhi CHAPTER X.htm - _msocom_3 form the Bardoli Programme was not a programme for the removal of Untouchability. It was a programme of amelioration which was defined by Disraeli as a combination of ancient institutions and modern improvements. The pro-gramme,openly recognised Untouchability and planned to do no more than provide separate wells and separate schools for the Untouchables. The Sub-Committee appointed to draw up a programme for the uplift of the Untouchables consisted of persons, who had never shown any interest in the Untouchables and some of them were even hostile to them. Swami Shraddhanand, the one and only person in the Sub-' Committee who can be said to be charged with the desire to do something substantial for the Untouchables, was forced to resign. A paltry sum of money was allotted for carrying on the work of the Committee. The Committee was dissolved without meeting even once. The work of the uplift of the Untouchables was declared to be a work best suited to the Hindu Mahasabha. Mr. Gandhi took no interest in that part of the Bardoli Programme, which related to the Untouchables.

On the contrary instead of siding with Swami Shraddhanand he sided with the reactionaries and opponents of Swami Shraddhanand, knowing full well that they did not want anything on a big scale done for the Untouchables.

So much for what Mr. Gandhi did in 1921 in connection, with the Bardoli Programme.

What did Mr. Gandhi do after 1922? The publication from which the previous extract from the biographical note was taken is dated 1922. It is necessary to make the following additions to bring the biographical note up to date :—

"1924 was released from prison; Forged a compromise between the two wings of the Congress who in his absence were fighting over the issue of Council Entry versus Constructive programme; 1929 proclaimed complete independence as the political goal of India ; 1930 launched Civil Disobedience movement ; 1931 went to London to represent Congress at the Round Table Conference. 1932 was imprisoned. Declared fast unto death against the Communal Award of His Majesty's Government and saved his life agreeing to the Poona Pact 1933 planned a campaign in favour of temple-entry for Untouchables and established the Harijan Sevak Sangh; 1934 ceased to be a member of the Congress; 1942 planned 'Quit India' movement and was imprisoned; 1934 went on fast and was released; 1944 engaged in correspondence with Lord Wavell and in issuing statements explaining away the 8th August 1942 Resolution; 1945 occupied with Kasturba Fund."

The year 1924 gave Mr. Gandhi another opportunity to push forth his campaign for the removal of Untouchability and make it effective. What did Mr. Gandhi do?

The years between 1922 and 1944 have a special significance in the history of Congress politics. The Programme of non-cooperation was accepted by the Congress at a special session held in Calcutta in September 1920. The programme included the well known five boycotts : the boycott of the Legislature, boycott of foreign cloth etc. The

resolution on non-cooperation was opposed by the leaders of the intellectual classes, namely Bepin Chandra Pal, C. R. Das, Lala Lajpat Rai to mention only a few names, but was passed notwithstanding their opposition. The regular Annual Session of the Congress was held in Nagpur in December 1920. The resolution on non-co-operation again came up for discussion. Strange as it may seem the same resolution was moved by Mr. C. R. Das mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41K.What Congress and Gandhi CHAPTER X.htm - _msocom_4and seconded by Lala Lajpat Rai and confirmed. The result was that 1921 saw non-co-operation galore. On 19th March 1922, Mr. Gandhi was tried for sedition and sentenced to six years' imprisonment. Immediately Mr. Gandhi was put behind the prison bars, Mr. C. R. Das seems to have recovered his balance and started a campaign to lift the boycott of the Legislature. In this he was joined by Vithalbhai Patel, Pandit Motilal Nehru and Pandit Malaviya. This move was opposed by the followers of Mr. Gandhi, who were not prepared to abate a jot or a tittle from the terms of the resolution on non-co-operation passed in Calcutta and confirmed in Nagpur. This led to a schism in the Congress. In 1924, Mr. Gandhi on account of his illness was released from gaol, before his time. When he came out, Mr. Gandhi found that the Congress was divided into two warring camps on the issue of the boycott of the Legislature. The quarrel was a bitter one and both sides were engaged in slinging mud at each other. Mr. Gandhi knew that if the quarrel continued the Congress would be weakened and wanted to patch it up. Neither side was prepared to give in. There were statements and counter statements. Ultimately, Mr. Gandhi made certain proposals for restoring peace between the two wings which were accepted by both sides. The proposals were intended to please both sides. To please the protagonists of Council Entry he proposed that the Congress should recognise entry in the Legislatures as legitimate part of Congress activity and the opponents of Council Entry should stop their propaganda against it. To please the opponents of Council Entry he proposed that the Congress should accept a new basis for franchise namely: {i) the Congress franchise instead of being 4 annas per annum should be a tender of 2,000 yards of hand-spun and self-spun yarn with the penalty clause attached to it by which any default in this behalf

would automatically disqualify a person from being a member of the Congress and that (ii) the observance of five boycotts, of foreign cloth, Government Law Courts, schools and colleges, and of titles should be deemed as a qualification for a post within the Congress organisation and any person who did not believe in the principle of boycott and who did not carry them out in his own person must be deemed to be disqualified as a candidate.

Here was an opportunity for Mr. Gandhi to advance his anti-Untouchability campaign. He could have proposed that if a Hindu wishes to enroll himself as a member of the Congress he should prove that he does not observe untouchability and that the employment of an Untouchable in his household should be adduced in support of his claim in this behalf and that no other evidence would be allowed to be tendered. Such a proposal could not have been impracticable for almost every Hindu, certainly those who call themselves high Caste Hindus, keeps more than one servant in, his household. If Mr. Gandhi could make the Hindu accept spinning and boycott as franchises for membership of the Congress he could also make acceptable the employment of an Untouchable in a Hindu household a franchise for membership of the Congress. But Mr. Gandhi did not do it.

After 1924 till 1930 there is a complete blank. Mr. Gandhi does not appear to have taken any active steps for the removal of Untouchability or got himself interested in any activity beneficial to the Untouchables during this period. While Mr. Gandhi was inactive the Untouchables had started a movement called the satyagraha movement. The object of the movement was to establish their right to take water from public wells and public temples. The satyagraha at the Chowdar Tank situated in Mahad, a town in, the Kolaba District of the Bombay Presidency, was organised to establish the right of the Untouchables to take water from public watering places. The satyagraha at the Kala Ram Temple situated in Nasik, a town in the Nasik District of the Bombay Presidency, was organised to establish the right of the Untouchables to enter Hindu temples. There were many minor satyagrahas. These were, however, the two principal ones over which the efforts of the Untouchables and their

opponents, the Caste Ilindus, were concentrated. The din and noise caused by them were heard all over India. Thousands of men and women from the Untouchables took part in these satyagrahas. Both men. and women belonging to the Untouchables were insulted and beaten by the Hindus. Many were injured and some were imprisoned by Government on the ground of causing breach of the peace. This satyagraha movement went on for full six years when it was brought to a close in 1935 at a Conference held in Yeola in Nasik District in which the Untouchables as a result of the adamantine attitude of the Hindus in refusing to give them equal social rights resolved to go out of the Hindu fold. This satyagraha movement was no doubt independent of the Congress. It was organised by the Untouchables, led by the Untouchables and financed by the Untouchables. Yet the Untouchables were not without hope of getting the moral support of Mr. Gandhi. Indeed they had very good ground for getting it. For the weapon of satyagraha —the essence of which is to melt the heart of the opponent by suffering—was the weapon which was forged by Mr. Gandhi, and who had led the Congress to practise it against the British Government for winning Swaraj. Naturally the Untouchables expected full support from Mr. Gandhi to their satyagraha against the Hindus the object of which was to establish their right to take water from public wells and to enter public Hindu temples. Mr. Gandhi however did not give his support to the satyagraha. Not only did he not give his support, he condemned it in strong terms.

In this connection reference may be made to two novel weapons for redressing human wrongs. Mr. Gandhi claims exclusive credit for forging and perfecting them. First is satyagraha. Mr. Gandhi has put into action this weapon of satyagraha many a times against the British Government for the removal of political wrongs. But Mr. Gandhi has never used the weapon of satyagraha against Hindus to get them to throw open wells and temples to the Untouchables. Fasting is another weapon of Mr. Gandhi. It is said that there have been altogether 21 fasts to the credit of Mr. Gandhi. Some were for the sake of Hindu-Muslim unity and quite a number as atonements for the immoralities committed by the inmates of his Ashram. One was against the order of the

Government of Bombay refusing to give the work of a scavenger in the gaol to a prisoner by name Mr. Patwardhan although he demanded it. In these 21 fasts there is not one undertaken for the removal of Untouchability. These are very significant facts.

In 1980 came the Round Table Conference. Mr. Gandhi joined the deliberations of the Conferencemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41K.What Congress and Gandhi CHAPTER X.htm - _msocom_5 in 1981. The Conference was concerned with a vital question of framing a constitution for a self-governing India. It was unanimously held that if India was to be a self-governing country then the government must be a government of the people, by the people and for the people. Everybody agreed that only when a government is in a real sense a government by the people that it could be a government of the people and for the people. The problem was how to make it a government by the people in a country rent into communities, majorities and minorities, who are charged not merely with social cleavages but also with social antagonisms. Having regard to these circumstances it was agreed that in India there was no possibility of government by the people unless Legislature and the Executive were framed on the basis of communal representation. The problem of the Untouchables loomed large at the Conference. It assumed a new aspect. The question was; Should the Untouchables be left as they were to the tender mercies of the Hindus or should they be given the means to protect themselves by extending to them the principle of communal representation? The Untouchables strongly objected to be left to the pleasure of the Hindus and demanded the same protection as was given to the other minorities. The contention of the Untouchables was accepted by all. It was just and logical. They contended that the chasm between the Hindus and Muslims, between Hindus and Sikhs, between Hindus and Christians is nothing as compared with the chasm between the Hindus and the Untouchables. It is the widest and the deepest. The chasm between the Hindus and the Muslims is religious and not social. That between the Hindus and the Untouchables is both religious and social. The antagonism arising out of the chasm existing between Hindus and Muslims cannot spell political disaster to the Muslims

because the relationship between the Hindus and the Muslims is not that of master and slave. It is one of mere estrangement. On the other hand, the chasm between Hindus and the Untouchables must spell political disaster for the Untouchables because the relationship between the two is that of master and slave. The Untouchables contended that the attempts to close the gap between them and the Hindus by means of social process had been tried for ages. They had all failed. There was no hope of their success. Since power is being transferred into the hands of the Hindu majority they must have political safeguards of the same sort as, if not better, than those conceded to the Muslims and other minorities.

Here was an opportunity to Mr. Gandhi to show his sympathy to the Untouchables by lending his support to their demand and thereby strengthen their power of resistance against the tyranny and oppression of the Hindus. Instead of showing his sympathy, Mr. Gandhi used every means in his power to defeat them. He made a pact with the Muslims with a view to isolate the Untouchables. Failing to win the Musalmans to his side, he went on a fast unto death to compel the British Government to withdraw their decision for give to the Untouchables the same political rights as given to the Muslims and other minority communities. When the fast failed and Mr. Gandhi was obliged to sign a pact -called the Poona Pact—which conceded the political demands of the Untouchables he took his revenge by letting the Congress employ foul electioneering tactics to make their political rights of no avail.

In l933, Mr. Gandhi took up two movements. First was the Temple-entry Movement. [f.6] He took personal responsibility for seeing through these two measures. One was the opening of the Guruvayur temple. The other was the passing of the Temple-entry Bill sponsored by Mr. Ranga Iyer in the Central Legislature. Mr. Gandhi said that he would fast unto death if the trustee of the Guruvayur temple did not throw it open to the Untouchables by a certain date. The Guruvayur temple still remains closed to the Untouchables but Mr. Gandhi has not fulfilled his vow of going on, fast. Surprising as it may be he has done nothing to get the temple declared open to the Untouchables although it

is now thirteen years since he took the vow. Mr. Gandhi virtually coerced the Governor-General to give his sanction to the introduction of the Temple-entry Bill. The Congress party in the Central legislature which was pledged to carry through the Bill refused to support it when the stage of referring it to a Select Committee came on the ground that the Bill gave offence to the Hindus and in the election that was pending the Hindus would seek revenge on the Congress and defeat it at the poll if the Congress supported the Bill. To the great chagrin of Mr. Ranga Iyer, the Congress party let him down, by leaving the Bill to die. Mr. Gandhi did not mind this. He even went to the length of justifying the conduct of the Congress Party.

The other movement which Mr. Gandhi sponsored in 1933 was the establishment of the Harijan Sevak Sangh[f.7] with a net-work of branches all over India. There were three motives which lay behind the organisation of the Sangh. First was to prove that Hindus had enough charitable spirit towards the Untouchables and that they would show it by their generous contributions towards their uplift. The second motive was to serve the Untouchables by helping them in the many difficulties with which they were faced in their daily life. The third motive was to create in the minds of the Untouchables a sense of confidence in the Hindus from whom they were estranged in matters political. None of the three objects has been. realized. In the first flush the Hindus contributed a total of about 8 lakhs of rupees for the Sangh which is of course nothing as compared to the crores they have contributed for general political purposes. After that they have gone dry. The Sangh is now depending for its finances either on Government grants or on the income derived from the sale of Mr. Gandhi's autographs or on the munificence of some wealthy merchant who makes a contribution, to the Sangh, not because he loves the Untouchables but because he thinks it profitable to please Mr. Gandhi. The branches of the Sangh are being closed every year. The Sangh is contracting and contracting so rapidly that very soon it will have only a centre and no circumference. That the Hindus have lost interest in the Sangh is not the only regrettable aspect of this activity of Mr. Gandhi. The Sangh has not been able to secure the good will and the co-operation of the Untouchables for whose

benefit it is supposed to have been, started. This is due to various reasons. The work of the Sangh is of the most inconsequential kind. It does not catch anyone's imagination. It neglects most urgent purposes for which the Untouchables need help and assistance. The Sangh rigorously excludes the Untouchables from its management. The Untouchables are no more than beggars mere recipients of charity. The result is that the Untouchables feel no concern for the Sangh. They look upon. it as a foreign body set up by the Hindus with some ulterior motive. Here was an. opportunity for Mr. Gandhi to make the Sangh a real bridge between the Hindus and the Untouchables. He could make it a virile institution by improving its programme of work and by allowing the Untouchables to participate in its working Mr. Gandhi has done nothing of the kind. He has allowed the Sangh to languish. It is dying peacefully and may perish even during the life-time of Mr. Gandhi.

There need be no surprise if this survey of Mr. Gandhi's anti Untouchability campaign, of his sayings and his doings baffles and puzzles the reader. There need be no wonder if the reader were to pause and ask a few questions on the lines set out below to clear his own mind :

(1) In 1921, Mr. Gandhi collected 1 crore and 35 lakhs of rupees for the Tilak Swaraj Fund. Mr. Gandhi insisted that there was no possibility of winning swaraj unless Untouchability was removed. Why did he not protest when only a paltry sum of Rs. 43,000 was given to the cause of the Untouchables?

(2) In 1922 there was drawn up the Bardoli Programme of constructive work. Uplift of the Untouchables was an, important item in, it. A Committee was appointed to work out the details. The Committee never functioned a lid was dissolved and the uplift of the Untouchables as an item in the constructive programme was dropped. Only Rs. 800 were allotted to the Committee for working expenses. Why did Mr. Gandhi not protest against this niggardly and step-motherly treatment of the Committee by the Congress Working Committee? Why did not Mr. Gandhi support Swami Shradhanand who was fighting with the Congress Working Committee for large funds being assigned to the

Committee? Why did not Mr. Gandhi protest against the dissolution of the Committee? Why did not Mr. Gandhi appoint another Committee? Why did he allow the work for the Untouchables to drop out as though it was of no importance?

(8) Mr. Gandhi had at the very outset of his campaign for Swaraj insisted that there were five conditions precedent for winning swaraj: (i) Hindu-Moslem Unity; (ii) Removal of Untouchability; (iii) Universal adoption of hand-spun and hand-woven khadi; (iv) absolute non-violence and (v) complete non-co-operation. Mr. Gandhi had not only laid down these conditions but had told Indians that without the fulfilment of these conditions there could be no Swaraj. In 1922, he fasted for the sake of Hindu-Moslem unity. In 1924, he made production of hand-spun yarn the basis of franchise for Congress membership. Why did he not make non-observance of Untouchability the basis of Congress franchise in 1924 or at any time subsequent thereto?

(4) Mr. Gandhi has gone on fast many a time to achieve a variety of objects which are dear to him. Why has Mr. Gandhi nut fasted even once for the sake of the Untouchables?

(5) Mr. Gandhi has devised satyagraha as a weapon to redress wrongs and to win freedom and has practised it against the British Government. Why has not Mr. Gandhi started satyagraha even once against the Hindus on behalf of the Untouchables for securing admission to wells, temples and other public places to which access is denied by the Hindus?

(6) Following Mr. Gandhi's lead the Untouchables started satyagraha from 1929 onwards against the Hindus for admission to wells and temples. Why did Mr. Gandhi condemn their satyagraha?

(7) Mr. Gandhi declared that he would fast if the Guruvayur temple was not thrown open to the Untouchables by the Zamorin. The temple has not been thrown open. Why did not Mr. Gandhi go on fast?

(8) Mr. Gandhi in 1982 threatened the British Government with dire

consequences if the Governor-General did not give permission to Mr. Ranga Iyer to introduce his Temple-entry Bill on behalf of the Congress Party in the Central Legislature. As fresh elections to the Central Legislature were announced the Congress Party withdrew its support to the Bill and Mr. Ranga lyer had to drop it. If Mr. Gandhi was earnest and sincere about Temple-entry, why did Mr. Gandhi support the action of the Congress Party? What was more important— Temple-entry for the Untouchables or Electoral victory to the Congress?

(9) Mr. Gandhi knows that the difficulty of the Untouchables does not lie in their not having civic rights. Their difficulty lies in the conspiracy of the Hindus who threaten them with dire consequences if the Untouchables dare to exercise them. The real way of helping the Untouchables is to have some organisation for the protection of civic rights which will undertake the duty of prosecuting Hindus who assault the Untouchables or proclaim social and economic boycott against them and thereby prevent them from exercising their civic rights. Why did not Mr. Gandhi include this as one of the objects of the Harijan Sevak Sangh?

(10) Before Mr. Gandhi came on the scene the Depressed Classes Mission Society was formed by the caste Hindus for the uplift of the Untouchables. The moneys were subscribed by the Hindus. Yet the Society's affairs were conducted by Joint Boards consisting of Hindus and Untouchables. Why has Mr. Gandhi excluded the Untouchables from the management of the Harijan Sevak Sangh?

(II) If Mr. Gandhi is the real friend of the Untouchables, why did he not leave it to the Untouchables to decide whether political safeguards were the best means for their protection? Why did he go to the length of making a pact with the Muslims in order to isolate and defeat the Untouchables? Why did Mr. Gandhi declare a fast unto death the object of which was to deprive the Untouchables of the benefit of the Communal Award by this extreme form of coercion?

(12) After having accepted the Poona Pact, why did not Mr. Gandhi keep faith with the Untouchables by telling the Congress not to despoil

the politics of the Untouchables by contesting the seats reserved for the Untouchables by getting such Untouchables elected as were prepared to become the tools of the Hindus?

(13) After having accepted the Poona Pact why did not Mr. Gandhi keep up the gentleman's agreement and instruct the Congress High Command to include representatives of the Untouchables in, the Congress Cabinets?

(14) Why did Mr. Gandhi disapprove of the appointment by Dr. Khare of Mr. Agnibhoj—- a member of the Scheduled Castes—as a minister in the Congress Cabinet in the C. P. when Mr. Agnibhoj was in every way qualified to be a Minister? Did Mr. Gandhi say that he was opposed to the creation of such high ambitions among persons belonging to the Scheduled Castes?

III

What is the explanation that Mr. Gandhi has to offer? What is the explanation that Mr. Gandhi's friends have to offer? Mr. Gandhi's anti-untouchability campaign is marked by so many twists and turns, inconsistencies and contradictions, attacks and surrenders, advances and retreats that the whole campaign has become a matter of mystery. Few have a belief in its efficacy and quite a large number hold that there is not enough earnestness and sincerity behind it. Some explanation is therefore necessary. It is more for the sake of Mr. Gandhi's reputation for earnestness and sincerity that for the sake of giving a. clear understanding of Mr. Gandhi's aims and methods to the reader that one would like Mr. Gandhi and his friends to explain the points raised in the foregoing questions.

It would no doubt be interesting to know what Mr. Gandhi and his friends may have to say in reply to these questions. Everybody interested in. this question will naturally be looking forward to it. It will not however do for anyone else to anticipate the reply and then dead with it. They 'must be left to frame it in their own way and select their own time to do so. ln the meantime one may well ask what the

Untouchable have to say about Mr. Gandhi and his anti-untouchability campaign. It us not difficult to state what view the Untouchables take of Mr. Gandhi's anti-untouchability campaign.

Do the Untouchable regard Mr. Gandhi as being in earnest? The answer is in the negative. They do not regard Mr. Gandhi as being in earnest. How can they? How can they look upon, a man being in earnest who when in 1921 the whole country was aroused to put the Bardoli programme in action remained completely indifferent to the anti-untouchability part of it? How could they look upon a man as being in earnest who, when out of 1 crore and 25 lakhs of Swaraj Fund, found that only 43 thousands rupees were allotted to the cause of the Untouchables did not raise any protest at this niggardly treatment of a long neglected cause? How can they regard a man as being in earnest who when, in 1924 he got an opportunity to impose upon the Hindus the obligation to remove Untouchability did not do so even though he had the power and the occasion to enforce it? Such a step would have served three purposes. It would have put the nationalism of Congressmen to test. It would have helped to remove Untouchability, and it would have proved that Mr. Gandhi was sincere in his talks about the evil of Untouchability and its being a sin and a stigma on Hinduism. Why did not Mr. Gandhi do it? Does this not show that Mr. Gandhi was more interested in the spread of spinning than in the removal of Untouchability? Does this not show that removal of Untouchability was the least part of Mr. Gandhi's programme and that it was not even last? Does it not. show that the statements by Mr. Gandhi that Untouchability is a blot on Hinduism and that there will be no Swaraj without the removal of Untouchability were just empty phrases with no earnestness behind them? How could they believe in the earnestness of a person who takes a vow to fast if the Guruvayar temple is not opened to the Untouchables but will not go on fast even when the temple remains closed? How could they accept a. man to be in earnest when he sponsors a Bill for securing Temple-entry and subsequently becomes a party to dropping it.? How could they accept the earnestness of a man who contents himself with saying the he will not go into a temple if it is not open to the Untouchables when what is required of him is to adopt

every means to get the temples thrown open tp the Untouchables? How could they believe in the earnestness of a man who is ready to fast for everything but will not fast for the Untouchables? How can they believe in the earnestness of a man who is prepared to practise dstyagraha for everything and against everybody but who will not practise it against the Hindus for the sake of the Untouchables? How can they believe in the earnestness of a man who does nothing more than indulge in giving sermons, on the evils of Untouchability?

Do they regard Mr. Gandhi as honest and sincere? The answer is that they do not regard Mr. Gandhi as honest and sincere. At the outset of his campaign for Swaraj Mr. Gandhi told the Untouchables not to side with the British. He told them not to embrace Christianity or any other religion. He told them that they could find salvation in Hinduism. He told Hindus that they must remove Untouchability as a condition precedent to Swaraj. Yet in 1921 when only a paltry sum out of the Tilak Swaraj Fund was allotted to the Untouchables, when the Committee to plan the uplift of the Untouchables was unceremoniously wound up Mr. Gandhi did not raise a word of protest.

Mr. Gandhi had under his command a sum of Rs. 1 crore and 25 lakhs belonging to the Tilak Swaraj Fund. Why did Mr. Gandhi not insist upon a substantial portion of this amount being ear-marked for the uplift of the Untouchables? That Mr. Gandhi showed almost complete indifference to the cause of the Untouchables is beyond dispute. What is surprising is the explanation which Mr. Gandhi offered for his indifference. He said that he was busy in planning a campaign to win swaraj and that he had no time to spare for the cause of the Untouchables. He not only did not blush at his explanation but he offered a moral justification for his indifference to the cause of the Untouchables. He took the stand that there was nothing wrong in his devoting himself entirely to the political cause of India to the exclusion of the cause of the Untouchables for in his opinion the good of the whole includes the good of the part and that as the Hindus are slaves of the British, slaves cannot emancipate slaves. Phrases such as 'slaves of slaves' and 'greater includes the less' may be admirable dialectics, though

they cannot have more truth than the saying that because the country's wealth has increased, therefore everybody's wealth has increased. But we are not considering Mr. Gandhi's ability as a dialectician. We are testing his sincerity. Can we accept a man's sincerity who evades his responsibility and contents himself with an excuse? Can the Untouchables believe that Mr. Gandhi is the champion of their cause?

How can they regard Mr. Gandhi as honest and sincere if they consider Mr. Gandhi's conduct towards them and towards the Muslims and Sikhs in the matter of constitutional safeguards?

Mr. Gandhi used to justify his discrimination between the Scheduled Castes and other Minorities in the matter of constitutional safeguards by another plea. The plea was that there were historical reasons, which compel him to recognise the Muslims and the Sikhs. He has never explained what those reasons are. They cannot be other than those, which hold the Muslims and the Sikhs as the fragments of old ruling communities. One does not mind Mr. Gandhi having succumbed to such puerile and undemocratic arguments, though he could have insisted that he would treat all minorities on equal basis and would not give any weight to such illogical and irrelevant considerations. The question is : How could the admission of such a plea have prevented Mr. Gandhi from opposing the demand of the Scheduled Castes? Why did Mr. Gandhi regard himself as bound by no other reasons except the historical reasons? Why did not Mr. Gandhi think that if historical reasons were decisive in the case of Muslims and Sikhs, moral reasons were decisive in the case of the Untouchables? The fact is that the plea of historical reasons is a hollow plea. It was not a plea at all. It was an excuse for not conceding the demand of the Untouchables.

Mr. Gandhi is never so much disgusted as he is when he is confronted with the question of Majority versus Minority. He would like to forget it and ignore it. But circumstances will not let him do either and he is often forced to deal with the issue. The last time he dealt with it was on the 21st October 1989 in the form of an Editorial in the Harijan under the heading"The Fiction of Majority."The article is full of venom and Mr. Gandhi has not hesitated to pour all the ridicule he could on those

who were constantly raising the question. In the article he vehemently denied that the Muslims are a Minority. He denied that the Sikhs are a Minority and denied that the Indian Christians are a Minority. His contention was that they were not minorities in the technical sense of Oppressed Communities they were minorities they were to in the numerical sense only, which meant that they were no minorities at all. What did Mr. Gandhi have to say about the Scheduled Castes? Could he deny their contention that they are a Minority? Let me quote Mr. Gandhi's own words. Mr. Gandhi said :—"I have endeavoured to show that there is no such things as real minorities in India whose rights can be endangered by India becoming independent. With the exception of the Depressed Classes there is no minority which is not able to Take care of itself."

Here is an, admission, on, the part of Mr.Gandhi that the Scheduled Castes are a minority in, the real sense of the word and that they are the only minority in India who will not be able to take care of themselves in, a free India governed by a Hindu Communal Majority. Notwithstanding this inner conviction Mr. Gandhi maintained in a most vehement manner that he would not concede any political safeguards to the Untouchables. How can the Untouchables accept such a man as sincere and honest?

Mr. Gandhi opposed the demands of the Untouchables for political safeguards at the Round Table Conference. He did everything to defeat the object of the Untouchables. To weaken, the force behind their demand and isolate them he tried to buy over the Muslims by offering to concede the whole of their fourteen demands. Mr. Gandhi at the meeting of the Minorities Sub-Committee had said:"Who am I to oppose the demand of the Untouchables if the Committee gave it its approval."It was wrong for Mr. Gandhi to have tried to defeat the verdict of the Committee by offering to give the Muslims their full demand formulated in. Mr. Jinnah's fourteen points in return for their agreeing to oppose the demands of the Scheduled Castes!! His was a most subtle piece of strategy. He offered the Musalmans a most difficult choice between having their 14 points and withdrawing their support to

the demand of the Untouchables or siding with the Untouchables and losing their 14 points. In the end Mr. Gandhi's strategy failed and neither did the Musalmans lose their 14 points nor did the Untouchables lose their case. But the episode remains as a witness to Mr. Gandhi's perfidy. What else can be the appropriate description of the conduct of a man who offers criminal inducement to another for getting him to break his promise, who calls a person his friend and then contrives to stab him in the back? How can such a man be regarded by the Untouchables as honest and sincere?

Mr. Gandhi left the decision of the communal question to the arbitration of the British Prime Minister. Notwithstanding Mr. Gandhi's efforts to defeat the Untouchables His Majesty's Government conceded them their political demands. As a party to the arbitration Mr. Gandhi was bound to abide by the decision. But Mr. Gandhi decided to defy it and he did it by going on a fast unto death. Mr. Gandhi shook India and the the world outside by his Fast unto Death. The object of the Fast was to compel the British Government to withdraw the Constitutional Safeguards which the British Prime Minister had proposed in his Award for the protection of the Untouchables under the new Constitution. One of Mr. Gandhi's disciples has described the fast as an Epic Fast. Why it should be described as an Epic Fast it is not easy to follow. There was nothing heroic about it. It was the opposite of heroic. It was an adventure. It was launched by Mr. Gandhi because he believed that both the Untouchables and the British Government would quake before his threat of fast unto death, and surrender to his demand. Both were prepared to call off his bluff and as a matter of fact did call it off. All his heroism vanished the moment Mr. Gandhi found that he had overdone the trick. The man who started by saying that he would fast unto death unless the safeguards to the Untouchables were completely withdrawn and the Untouchables reduced to the condition of utter helplessness without rights and without recognition was plaintively pleading"My life is in your hands, will you save me?"Mr. Gandhi's over impatience to sign the Poona Pact—though it did not cancel the Prime Minister's Award as he had demanded but only substituted another and a different system of constituent safeguards—is the strongest evidence that the

hero had lost his courage and was anxious to save his face and anyhow save his life.

There was nothing noble in the fast. It was a foul and filthy act. The Fast was not for the benefit of the Untouchables. It was against them and was the worst form of coercion against a helpless people to give up the constitutional safeguards of which they had become possessed under the Prime Minister's Award and agree to live on the mercy of the Hindus. It was a vile and wicked act. How can the Untouchables regard such a man as honest and sincere?

After having gone on a fast unto death, he signed the Poona Pact. People say that Mr. Gandhi sincerely believed that political safeguards were harmful to the Untouchables. But how could a honest and sincere man who opposed the political demands of the Untouchables who was prepared to use the Muslims to defeat them, who went on a Fast unto Death, in the end accept the. very same demands—for there is no difference between the Poona Pact and the Communal Award—when he found that there was no use opposing, as opposition would not succeed? How can an honest and sincere man accept as harmless the demands of the Untouchables which once he regarded as harmful?

Do the Untouchables regard Mr. Gandhi as their friend and ally? The answer is in the negative. They do not regard him as their friend. How can they? It may be that Mr. Gandhi honestly believes that the problem of the Untouchables is a social problem. But how can they believe him to be their friend when he wishes to retain caste and abolish Untouchability it being quite clear that Untouchability is only an extended form of caste and that therefore without abolition of caste there is no hope of abolition of Untouchability? It may be that Mr. Gandhi honestly believes that the problem of Untouchables can be solved by social processes. But how can the Untouchables regard a man as their friend who develops a fanatic and frantic opposition to political processes being employed when everyone was agreed that the use of political processes cannot mar the effect of social process and may be depended upon to help and accelerate the solution of the problem. How could a man be regarded as the friend of the Untouchables when he

does not believe the Untouchables reaching to places of power and authority in the State. In this controversy over political safeguards Mr. Gandhi could have pursued any of the following courses. He could have been the champion of the Untouchables. As such, he should not only have welcomed their demand for safeguards but he should have proposed them himself without waiting for the Untouchables to do so. Not only should he have proposed them himself but he should have fought for them. For, what could give greater happiness to a genuine champion of the Untouchables than to see that provision was made to enable them to become members of the Legislature, Ministers of Executive, and occupants of high offices in the State? Surely, if Mr. Gandhi is a champion of the Untouchables these are the very provisions he should have fought for. Secondly, if he did not wish to be the champion of the Untouchables, he could have been their ally. He could have helped them by giving them his moral and material support. Thirdly, if Mr, Gandhi did not like to play the part of a champion and was averse to be even an ally of the Untouchables, the next thing he could have done consistent with his proclaimed and much advertised sympathies for the Untouchables, was to be their friend. Again as a friend he could have taken up the attitude of benevolent neutrality—declining to fight but ready to render all help for getting the demand for safeguards accepted. Failing benevolent neutrality he could have taken the attitude of strict neutrality and could have told the Untouchables to get the safeguards if the Round Table Conference was prepared to give them and that he would neither help nor hinder. Abandoning all these sober considerations Mr. Gandhi came out as an, open enemy of the Untouchables. How can the Untouchables regard such a man as their friend and ally?

IV

That Mr. Gandhi's anti-untouchability campaign has failed is beyond cavil. Even the Congress papers admit it. I give below a few quotations from some of them :

On 17th August 1939 Mr. B. K. Gaikwad, a member of the Scheduled

Castes in the Bombay Legislative Assembly, asked a question as to how many temples in the Bombay Presidency were thrown open to the Untouchables since 1932 when. Mr. Gandhi started, his Temple-entry movement. Accord.ing to the figures given by the Congress Minister the total number of temples thrown open was 142. Of these 121 were ownerless temples standing on the wayside. which were under the care of nobody in particular and which nobody used as places of worship. Another fact revealed was that not a single temple wa.s thrown open to the Untouchables in Gujarat, the district which is the home of Mr. Gandhi.

Writing on 10th March 1940 the Harijan Bandu, Mr. Gandh's Gujarathi paper, said;

"The Untouchability of the 'Harijans"in the matter of entry into schools persists nowhere so much still as in Gujarat."[f.8]

The Bombay Chronicle in its issue of 27th August 1940 reproduced an extract from a monthly letter of the Harijan Sevak Sangh. It

"States that Harijans of Godhavi in Ahmedabad District were so persecuted by caste Hindus for sending their children to Local Board School that ultimately 42 Harijan families left that place. . .and went to the Taluka town of Sanand."

On 27th August 1948, Mr. M. M. Nandgaonkar, a leader of the Untouchables residing in Thana in the Bombay Presidency and ex-Vice President of Thana Municipality was refused tea in a Hindu hotel. The Bombay Chronicle commenting upon this incident in its issue dated 28th August 1948 said :

> "When Gandhiji fasted in 1932, some feverish attempts were made to have some temples and hotels opened to Harijans, Now the actual position is nearly what it used to be before with regard to temple entry and access to, hotels. The cleanest Harijan is not admitted to temples and hotels. Yet many anti-Untouchability workers take a complacent view of these disabilities and patronisingly talk of 'uplift first' for Harijans, saying that when Harijans learn to be clean, their civic

disabilities will fall off automatically. This is rank nonsense."

Writing on the proceedings of the All-India Scheduled Castes Federation held in Cawnpore in January 1944 the Bombay Chronicle in its issue of 4th February 1944 said :

> "But such is the passivity of Hindu society that both caste and Untouchability still thrive. Nay, several Hindu leaders. . . misguided by the interested propaganda by certain Britishers, still plead that there is some mysterious virtue in caste because Hindu culture has remained today. Else, they argue, caste would not have survived the shocks of centuries... It is most tragic to find that, in spite of all that Gandhiji and other reformers have done, Untouchability still persists to no small extent. It is most rampant in villages. Even in a city like Bombay, a person known to be a sweeper, let alone a scavenger, however clean dressed he may be, is not allowed to enter a caste Hindu restaurant, nay, even an Iran's restaurant for tea."

The Untouchables have always said that Mr. Gandhi's anti-Untouchability campaign has failed. After 25 years of labour, hotels have remained closed, wells have remained closed, temples have remained closed and in very many parts of India— particularly in Gujarat—even schools have remained closed. The extracts produced from the papers form therefore a very welcome testimony especially because the papers are Congress papers. As they fully corroborate what the Untouchables have been saying on the point, nothing further need be said on the subject except to ask one question.

Why has Mr. Gandhi failed? According to me, there are three reasons which has brought about this failure.

The first reason is the Hindus to whom he makes his appeal for the removal of Untouchability do not respond. Why is this so? It is a common experience that the words a man uses and the effect they produce are not always commensurate. What he says has its momentum indefinitely multiplied, or reduced to nullity, by the impression that the hearer for good reason or bad happens to have formed of the spirit of the speaker. This gives a clue to know why Mr. Gandhi's sermons on

Untouchability have completely failed to move the Hindus, why people hear his after-prayer sermons for few minutes and then go to the comic opera and why there is nothing more to it. The fault is not entirely of the Hindu public. The fault is of Mr. Gandhi himself. Mr. Gandhi has built up his reputation of being a Mahatma on his being an harbinger of political freedom and not on his being a spiritual teacher. Whatever may be his intentions, Mr. Gandhi is looked upon as an apostle of Swaraj. His anti-Untouchability campaign is looked upon as a fad if not a side-show. That is why the Hindus respond to his political biddings but never to his social or religious preaching. The momentum of his anti-Untouchability campaign must therefore remain a nullity. Mr. Gandhi is a political shoe-maker. He must stick to his political last. He thought he could take up the task of solving the social question. That was a mistake. A politician is not the man for it. That is why the hope held out to the Untouchables that Mr. Gandhi's sermons will do the trick has failed.

The second reason is that Mr. Gandhi does not wish to antagonise the Hindus even if such antagonism was necessary to carry out his anti-Untouchability programme. A few instances will illustrate Mr. Gandhi's mentality.

Most of Mr. Gandhi's friends give credit to Mr. Gandhi for sincerity and earnestness for the cause of the Untouchables and expect the Untouchables to believe in it on the mere ground that Mr. Gandhi is the one man who keeps on constantly preaching to the Hindus the necessity of removing Untouchability. They have lost sight of the old proverb that an ounce of practice is worth a ton of preaching and have never cared to ask Mr. Gandhi to explain why does he not cease to preach to the Hindus the necessity of removing Untouchability and launch a campaign of satyagraha or start a fast. If they would ask for such an explanation they would know why Mr. Gandhi merely contents himself with sermons on Untouchability.

The true reasons why Mr. Gandhi will not go beyond sermons were revealed to the Untouchables for the first time[f.9] in, 1929 when the Untouchables in the Bombay Presidency opened a campaign of satyagraha against the Hindus for establishing their civic rights in the

matter of temple-entry and taking water from public wells. They hoped to get the blessings of Mr. Gandhi in as much as satyagraha was Mr. Gandhi's own weapon to get wrongs redressed.. When appealed to for support, Mr. Gandhi surprised the Untouchables by issuing a statement condemning their campaign of satyagraha against the Hindus. The argument urged by Mr. Gandhi was very ingenious. He stated that satyagrahs was to be used only against foreigners ; i it must not be used against one's own kindred or countrymen and as the Hindus were the kindred and countrymen of the Untouchables by rules of satyagraha the latter were debarred from using the weapon against the former ! ! What a fall from the sublime to the ridiculous ! By this Mr. Gandhi made nonsense of satyagraha. Why did Mr. Gandhi do this? Only because he did not want to annoy and exasperate the Hindus.

As a second piece of evidence, I would refer to what is known as the Kavitha incident Kavitha is a village in the Ahmedabad District in Gujarat. In 1935, the Untouchables of the village demanded from the Hindus of the village that their children should be admitted in the common school of the village along with other Hindu children. The Hindus were enraged at this outrage and took. their revenge by proclaiming a complete social boycott. The events connected with. this boycott were reported by Mr. A. V. Thakkar, who went to Kavitha to intercede with the Hindus on behalf of the Untouchables. The story told by him runs as follows :—-

"The Associated Press announced on the 10th inst. that the Caste Hindus of Kavitha agreed to admit Harijan boys to the village school in Kavitha and that matters were amicably settled. This was contradicted on the 13th instant by the Secretary of the Ahmedabad Harijan Sevak Sangh, who said in his statement that the Harijans had undertaken (privately of course) not to send their children to the school. Such an undertaking was not given, voluntarily, but was extorted from them by the Caste Hindus, in this case the Garasias of the village; who had proclaimed a social boycott against poor Harijans-weavers, chamars and others, who number over 100 families. They were deprived of agricultural labour, their animals of grazing in the

pasture land and their children of buttermilk. Not only this, but a Harijan leader was compelled to take an oath by Mahadev that he and others would not hereafter even make an effort to reinstate their children in the school. The so-called settlement was brought about in this way.

"But even after the bogus settlement reported on the 10th and the complete surrender by poor Harijans, the boycott was not lifted up to the 19th and partly up to the 22nd from the weavers, it was lifted somewhat earlier from the head of the chamars, as Garasias themselves could not remove the careasses of their dead animals, and thus had to come to terms with. the Chamars earlier. As if the enormities perpetrated so far were not enough, kerosine was poured into the Harijans' well, once on the 15th instant, and again on the 19th instant. One can imagine what terrorism was thus practised on poor Harijans because they had dared to send their children to sit alongside of the ' princely ' Garasia boys.

"I met the leaders of the Garasias on the rooming of the 22nd. They said they could not tolerate the idea of boys of Dheds and Chamars sitting by the side of their own boys. I met also the District Magistrate of Ahmedabad on the 23rd with a view to finding out if he would do something to ease the situation, but without any result.

"Harijan boys are thus practically banned from the village school with nobody to help them. This has caused despondency among the Harijans to such an extent that they are thinking of migration in a body to some other village."

This was a report made to Mr. Gandhi. What did Mr. Gandhi do? The followings [64] [f.10]is the advice Mr. Gandhi gave to the Untouchables of Kavitha:-

'"There is no help like self-help. God helps those who help themselves. If the Harijans concerned will carry out their reported resolve to wipe the dust of Kavitha off their feet, they will not only be happy themselves but they will pave the way for others who may be similarly treated. If people migrate in. search of employment how

much more should they do so in search of self-respect? I hope that well-wishers of Harijans will help these poor families to vacate inhospitable Kavitha."Mr. Gandhi advised the Untouchables of Kavitha to vacate. But why did he not advise Mr. Thakkar to prosecute the Hindus of Kavitha and help the Untouchables to vindicate their rights?""Obviously, he would like to uplift the Untouchables If he can but not by offending the Hindus. What good can such a man do to promote the cause of the Untouchables? All this shows that Mr. Gandhi is most anxious to be good to the Hindus. That is why he opposes satyagraha against the Hindus. That is why he opposed the political demands of the Untouchables as he believed that they were aimed against them. He is anxious to be so good to the Hindus that he does not care if he is thereby becoming good for nothing for the Untouchables. That is why Mr. Gandhi's whole programme for the removal of Untouchability is just words, words and words and why there is no action behind it.

The third reason is that Mr. Gandhi does not want the Untouchables to organise and be strong. For he fears that they might thereby become independent of the Hindus and weaken the ranks of Hindus. This is best illustrated by the activities of the Harijan Sevak Sangh. The whole object of the Sangh is to create a slave mentality among the Untouchables towards their Hindu masters. Examine the Sangh from any angle one may like and the creation of slave mentality will appear to be its dominant purpose.

The work of the Sangh reminds one of the mythological demo-ness Putana described in the Bhagvat—a companion to the Mahabharat. Kamsa the king of Mathurra, wanted to kill Krishna, as it was predicted that Kamsa will die at the hands of Krishna. Having come to know of the birth of Krishna, Kamsa asked Putana to undertake the mission to kill Krishna while he was yet a baby. Putana took the form of a beautiful woman and went to Yashoda, the foster mother of Krishna and having applied liquid poison to her breast pleaded to be employed as a wet nurse for suckling the baby Krishna and thus have the opportunity to kill it. The rest of the story it is unnecessary to pursue. The point of the

story is that the real purpose is not always the same as the ostensible purpose and a nurse can be a murdress. The Sangh is to the Untouchables what Putana was to Krishna. The Sangh under the pretence of service is out to kill the spirit of independence from among the Untouchables. The Untouchables, in the early stages of their agitation, had taken the support of some well-meaning Hindus and had followed their leadership. By the time of the Round Table Conference, the Untouchables had become completely self-reliant and independent. They were no longer satisfied with charity from the Hindus. They demanded what they said was their right. There is no doubt that it is to kill this spirit of independence among the Untouchables that Mr. Gandhi started the Harijan Sevak Sangh. The Harijan Sevak Sangh by its petty services has collected a swarm of grateful Untouchables who are employed to preach that Mr. Gandhi and the Hindus are the saviours of the Untouchables. Daniel O'Connel the Irish leader once said that no man can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no country can be grateful at the cost of its liberty. The Untouchables are too simple-minded to know that the cost of the service which the Harijan Sevak Sangh offers to render is loss of independence. This is exactly what Mr. Gandhi wants.

The worst part of the activities of the Harijan Sevak Sangh is the help rendered to the Untouchable students kept in the hostels maintained by the Sangh. These Untouchable students remind me of Bhishma and Kocha, two prominent characters which figure in the Mahabharata. Bhishma proclaimed with great show that the Pandavas were right and the Kauravas wrong. Yet when it came to a war between the two he fought on the side of the Kauravas and against the Pandavas. When asked to justify his conduct he was not ashamed to say that he fought for the Kauravas because they fed him. Kocha belonged to the community of the Devas who were engaged in a war against the Rakshasas. The spiritual head of the Rakshasas knew a mantra (incantation) by which he could revive a dead Rakshasa. The Devas were losing the battle since their head did not know the mantra and could not revive their dead. The Devas planned to send Kacha to the head of the Rakshasas with instructions somehow to learn the mantra

and come back. Kacha in the beginning could not succeed. Ultimately he entered into an agreement with Devayani the daughter of the spiritual head of the Rakshasas that if she helped him to acquire the mantra he would be prepared to marry her. Devayani succeeded in fulfilling her part of the contract. But Kacha refused to perform his part alleging that the interests of his community were more important than his promise to her.

Bhishma and Kacha, in my opinion, are typical of the morally depraved characters who know no other purpose but to serve their own interests for the time being. The Untouchable students in the Harijan hostels are acting the part of both Bhishma and Kacha. During their stay in the hostels they play the part of Bhishma by singing the praises of Mr. Gandhi and the Congress. When they come out of the hostels they play the part of Kacha and denounce Mr. Gandhi and the Congress. I am extremely pained to see this. Nothing worse could happen to the youth of the Untouchables than this moral degeneration. But this is the greatest disservice which his Harijan Sevak Sangh has done to the Untouchables. It has destroyed their character. It has destroyed their independence. This is what Mr. Gandhi wants to happen.

Take a fourth illustration. The Sangh is run by the Caste Hindus. There are some Untouchables who have demanded that the institution should be handed over to the Untouchables and should be run by them. Others have demanded that the Untouchables should have representation on the governing Board. Mr. Gandhi has flatly refused to do either on two very ingenious grounds which no man with the greatest cunning could improve. Mr. Gandhi's first argument is that the Harijan Sevak Sangh it an act of penance on the part of the Hindus for the sin of observing Untouchability. It is they who must do the penance. Therefore1 the Untouchable can have no place in running the Sangh. Secondly Mr. Gandhi says the money collected by him is given by the Hindus and not by the Untouchables and as the money is not of the Untouchables, the Untouchables have no right to be on the Governing Body. The refusal of Mr. Gandhi may be tolerated but his argument's are most insulting and a respectable Untouchable will be forgiven if he refuses to have

anything to do with the Sangh. One should have thought that the Harijan Sevak Sangh was a Trust and the Untouchables its beneficiaries. Any trio in law would admit that the beneficiaries have every right to know the aims and objects of the Trust, its funds and whether the objects are properly carried out or not. The beneficiaries have even the right to have the Trustees removed for breach of trust. On that basis it would be impossible to deny the claim of the Untouchables for representation on the Managing Board. Evidently Mr. Gandhi does not wish to accept this position. A self-respecting Untouchable who has no desire to cringe and who docs not believe in staking the future of the"Untouchables on the philanthropy of strangers cannot have any quarrel with Mr. Gandhi, He is quite prepared to say that if meanness is a virtue then Mr. Gandhi's logic is superb and Mr. Gandhi is welcome to the benefit of it. Only he must not blame the Untouchables if they boycott the Sangh.

These however could not be the real reasons for not allowing the Untouchables to run the Sangh. The real reasons are different. In the first place, if the Sangh was handed over to the Untouchables Mr. Gandhi and the Congress will have .no means of control over the Untouchable'?. The Untouchables will cease to be dependent on the Hindus. In the second place, the Untouchables having become independent will cease to be grateful to the Hindus. These consequences will be quite contrary to the aim find object, which have led Mr. Gandhi to found the Sangh, He wants to create among the Untouchables what is known among Indian Christians as the mission compound mentality. That is why Mr. Gandhi does not wish to hand over the Sangh to the control and management of the Untouchables. Is this consistent with a genuine desire for the emancipation of the Untouchables? Can Mr. Gandhi be called a liberator of the Untouchables? Does this not show that Mr. Gandhi is more anxious to tighten the tie which binds the Untouchables to the apron strings of the Hindus than to free them from the thraldom of the Hindus?

These are the reasons why Mr. Gandhi's anti-Untouchability campaign has failed.

V

To sum up, can it be said that Mr. Gandhi has recovered the title deeds to humanity which the Untouchables have lost? Obviously not. Those title deeds are still with the Hindus. He has done nothing to recover them. Nor has be helped the Untouchables to recover them. On the contrary, Mr. Gandhi has put every obstacle in their way. The Untouchables feel that their title deeds to humanity—"which means their emancipation from their thraldom of the Hindus can be secured by them by political power, and by nothing else. Mr. Gandhi, on the other hand, believes that his preaching and the charity and zeal of the Hindus are sufficient panacea for all the ills of the Untouchables. Can the Untouchables rely on a sustained flow of Hindu charity and Hindu zeal? Charity which has its fury is worth talking about. Zeal which has its vengeance is worth building upon. But which friend of the Untouchables can ask them to depend upon the miserable measure 'of Hindu charity and the Hindu zeal? Untouchability has been in existence for the last two thousand years during which period the Hindus have day in and day out sucked the very blood of the Untouchables and have mutilated them and trodden upon them in every way. During these two thousand years what amount of charity have the Hindus done to the Untouchables? Only 8 lakhs and that too when Mr. Gandhi personally went round the country with a begging bowl ! ! ! Having put his programme to test, Mr. Gandhi might have shown, his willingness to concede the Untouchables' demand for political power as their only means of salvation. Indeed so obvious is the justice of this demand that a man with no more than common sense could have understood that executive power in the hands of the Untouchables could do more in a year than the whole order of preaching friars could be relied upon, to do in, a century. But. the very idea of political power to the Untouchables is hateful to Mr. Gandhi. Why should not the Untouchables say"'Beware of Mr. Gandhi' when they know that he would not allow the use of political processes for the emancipation of the Untouchables though Mr.Gandhi is fully alive to the fact that the social processes on which he laid so much store for helping them have completely failed.

In this connection. one is reminded of the attitude of President Lincoln in the American Civil War towards the two questions of union and slavery. This attitude is well revealed by the correspondence[f.11] that passed in 1862 between, Mr. Horace Greeicy and President Lincoln., In, a letter addressed to the President entitled"The Prayer of Twenty Millions,"Mr. Greeley said :

"On the face of this wide earth, Mr. President, there is not one disinterested, determined, intelligent champion of the Union cause who does not feel that all attempts to put down the rebellion and at the same time uphold its inciting cause (namely slavery) are preposterous and futile."

'To this, President Lincoln's reply was :

"If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them.

"If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them.

"My paramount object is to save the Union, and not wither to save or to destroy slavery.

"If I could save the Union without freeing any slave, I would do it. If I could save it by freeing all the slaves, I would do it and if I could do it by freeing some and leaving others alone, I would also do that."

These were the views of President Lincoln about Negro slavery and its relation to the question of Union. They certainly throw a very different light on one who is reputed to be the liberator of the Negroes. As a matter of fact he did not believe in the emancipation of the Negroes as a categorical imperative. Obviously the author of the famous Gettysberg oration about Government of the people, by the people and for the people would not have minded if his statement had taken the shape of government of the black people by the white people and for the white people provided there was union. Mr. Gandhi's attitude towards Swaraj and the Untouchables resembles very much the attitude of President Lincoln towards the two questions of the Negroes and the Union,. Mr.

Gandhi wants Swaraj as did President Lincoln want Union. But he does not want Swaraj at the cost of disrupting the structure of Hinduism which is what political emancipation of the Untouchables means as President Lincoln did not want to free the slaves if it was not necessary to do so for the sake of the Union. There is of course this difference between Mr. Gandhi and President Lincoln. President Lincoln was prepared to emancipate the Negro slaves if it was necessary to preserve the Union. Mr. Gandhi's attitude is in marked contrast. He is not prepared for the political emancipation, of the Untouchables even if it was essential for winning Swaraj. Mr. Gandhi's attitude is let Swaraj perish if the cost of it is the political freedom of the Untouchables.

Some Untouchables are probably under the impression that all this is a matter of the dead past and that Mr. Gandhi having accepted the Poona Pact cannot now oppose the political demands of the Untouchables for as a party to the Poona Pact Mr. Gandhi must be assumed to have conceded that the Untouchables are a separate element m the national life of India, This is a complete misunderstanding. For there are grounds to,, believe that the Poona Pact has made no difference m Mr. Gandhi's view and he still maintains the same attitude to the Untouchables' claim for political safeguards as he did at the Round Table (conference and before the Poona Pact. These grounds have their foundation in. the fact that when His Majesty's Government declared in 1940 that the Untouchables are a separate clement in the National life of India and that their consent to the Constitution, is necessary Mr. Gandhi came out with”a protest. When the Viceroy Lord Linlithgow referred to the Untouchables as a separate element and said that their consent to the Constitution was necessary, Mr. Gandhi said [f.12] -"-

> "I felt that the putting up by the Viceroy, and then the Secretary of State of want of agreement by the Congress with the Princes, the Muslim League and even the Scheduled Classes as a barrier to the British recognition of India's right to freedom was more than unjust to the Congress and the people".

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"The introduction of the Scheduled Classes in the controversy has made the unreality of the case of the British Government doubly unreal. They know that these are the special care of the Congress, and that the Congress is infinitely more capable of guarding theirs interests than the British Government. Moreover, the Scheduled Classes are divided into as many castes as the Caste Hindu Society. No single Scheduled classes member could possibly and truthfully represent the innumerable castes."

The argument advanced by Mr. Gandhi is puerile. It may be pointed out that in the hurry he made in stating his opposition to the position assigned to the Scheduled Castes by the Viceroy, Mr. Gandhi forgot that if the Scheduled Castes are divided into many wastes and no single caste could represent them all, the case of the Muslims and the Indian Christians is in no way different. The Muslims are divided into three groups: (1) Sunnis; (2) Shias and (8) Momins each of which consists: of many castes who interdine but do not intermarry. Indian Christians are divided into (1) Catholics, and (2) Protestants. Catholics are again sub-divided into (1) Caste Christians and (2) Non-caste Christians. Both Catholics and Protestants have castes which do not intermarry and caste Christians and Non-caste Christians do not even interline or go to the same church. This shows that Mr. Gandhi not with-standing his being a party to the Poona Pact is determined not to allow the Scheduled Castes being given the status of a separate element and that he is prepared to adopt any argument however desperate to justify his attitude of opposition.

In short Mr. Gandhi is still on the war path so far as the Untouchables are concerned. He may start the trouble over again. The time to trust him has not arrived. The Untouchables must still hold that the best way to safeguard themselves is to say 'Beware of Mr. Gandhi.'

Chapter XI

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

CHAPTER XI
GANDHISM

The Doom of the Untouchables

I

Hitherto when Indians have been talking about the reconstruction of Indian social and economic life they have been talking in terms of individualism versus collectivism, capitalism versus socialism, conservatism versus radicalism and so on. But quite recently a new 'ism' has come on the Indian horizon. It is called Gandhism. It is true that very recently Mr. Gandhi had denied that there is such a thing as Gandhism. This denial is nothing more than the usual modesty which Mr. Gandhi wears so well. It does not disprove the existence of Gandhism. There have been quite a number of books with the title of Gandhism without any protest from Mr. Gandhi. It has already caught the imagination of some people both inside and outside India. Some have so much faith in it that they do not hesitate to offer it as an alternative to Marxism.

The followers of Gandhism who may happen to read what is said in the foregoing pages may well ask; Mr. Gandhi may not have done what the Untouchables expected him to do; but does not Gandhism offer any hope to the Untouchables? The followers of Gandhism may accuse me of remembering only the short, slow, intermittent steps taken by Mr. Gandhi for the sake of the Untouchables and of forgetting the potential length of the principles enunciated by him. I am prepared to admit that it does sometimes happen that a person, who enunciates a long principle takes only a short step and that he may be forgiven for the short step in the hope that some day the principle will by its native dynamics force a long step covering all who were once left out. Gandhism is in itself a very interesting subject for study. But to deal with Gandhism after having dealt with Mr. Gandhi is bound to he a tedious task and

therefore my first reaction was to leave out the consideration of Gandhism and. Untouchables. At the same time, I could hardly remain indifferent to the facts that the effect of my omission to consider the subject might be very unfortunate. For Gandhists, notwithstanding my exposure of Mr. Gandhi, might take advantage of it and continue to preach that if Mr. Gandhi has failed to solve the problem of the Untouchables still the Untouchables will find their salvation in Gandhism. It is because I wish to leave no room for such propaganda that I have overcome my original disinclination and engage upon discussion of Gandhism.

II

What is Gandhism? What does it stand for? What are its teachings about economic problem? What are its teachings about social problem?

At the outset it is necessary to state that some Gandhists have conjured up a conception of Gandhism which is purely imaginary. According to this conception Gandhism means return to the village and making the village self-sufficient. It makes Gandhism a mere matter of regionalism. Gandhism, I am sure, is neither so simple nor so innocent as regionalism is. Gandhism has a much bigger content than regionalism. Regionalism is a small insignificant part of it. It has a social philosophy and it has an economic philosophy. To omit to take into account the economic and social philosophy of Gandhism is to present deliberately a false picture of Gandhism. The first and foremost requisite is to present a true picture of Gandhism.

To start with Mr. Gandhi"s teachings on social problem. Mr. Gandhi's views on the caste system—which constitutes the main, social problem in India—were fully elaborated by him in 1921-22 in a Gujarathi Journal called NavaJivan. The article [6]mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41L.What Congress and Gandhi CHAPTER XI.htm - _msocom_1[7] is written in Gujarathi. I give below an English translation of his views as near as possible in his own words. Says Mr. Gandhi:

"1. I believe that if Hindu Society has been able to stand it is because it is founded on the caste system.

“2. The seeds of Swaraj are to be found in the caste system. Different

castes are like different sections of military division. Each division is working for the good of the whole.

"3. A community which can create the caste system must be said to possess unique power of organisation.

"4. Caste has a ready made means for spreading primary education. Every caste can take the responsibility for the education of the children of the Caste. Caste has a political basis. It can work as an electorate for a representative body. Caste can perform judicial functions by electing persons to act as judges to decide disputes among members of the same caste. With castes it is easy to raise a defence force by requiring each caste to raise a brigade.

"5. I believe that interdining or intermarriage are not necessary for promoting national unity. That dining together creates friendship is contrary to experience. If this was true there would have been no war in Europe... Taking food is as dirty an act as answering the call of nature. The only difference is that after answering call of nature we get peace while after eating food we get discomfort. Just as we perform the act of answering the call of nature in seclusion so also the act of taking food must also be done in seclusion.

"6. In India children of brothers do not intermarry. Do they cease to love because they do not intermarry? Among the Vaishnavas many women are so orthodox that they will not eat with the members of the family nor will they drink water from a common water pot. Have they no love? The Caste system cannot be said to be bad because it does not allow inter-dining or intermarriage between different Castes."

"7. Caste is another name for control. Caste puts a limit on enjoyment. Caste does not allow a person to transgress caste limits in pursuit of his enjoyment. That is the meaning of such caste restrictions as interdining and intermarriage.

"8. To destroy caste system and adopt Western European social system means that Hindus must give up the principle of hereditary occupation which is the soul of the caste system. Hereditary principle is an eternal principle. To change it is to create disorder. I have no use for a Brahmin if I cannot call him a Brahmin for my life. It will be a chaos if every day a Brahmin is to be changed into a Shudra and a Snudra is to be changed into a Brahmin.

"9. The caste system is & natural order of society. In India it has been given a religious coating. Other countries not having understood the utility of the Caste System it existed only in a loose condition and consequently those countries have not derived from Caste system the same degree of advantage which India has derived.

These being my views I am opposed to all those who are out to destroy the Caste System,"

In 1922, Mr. Gandhi was a defender of the caste system. Pursuing the inquiry, one comes across a somewhat critical view of the caste system by Mr. Gandhi in the year 1925. This is what Mr. Gandhi said on 3rd February 1925 :—

> "I gave support to caste because it stands for restraint. But at present caste does not mean restraint, it means limitations. Restraint is glorious and helps to achieve freedom. But limitation is like chain. It binds. There is nothing commendable in castes as they exist today. They are contrary to the tenets of the shastras. The number of castes is infinite and there is a bar against intermarriage. This is not & condition of elevation. It is a state of fall."

In reply to the question: What is the way out Mr. Gandhi said:

> "The best remedy is that small castes should fuse themselves into one big caste. There should be four such big castes so that we may reproduce the old system of four varnas."

In short, in 1925 Mr. Gandhi became an upholder of the Varna system.

The old Varna system prevalent in ancient India had society divided into four orders : (1) Brahmins, whose occupation was learning; (2) Kshatriyas whose occupation was warfare, (3) Vaishyas, whose occupation was trade and (4) Shudras, whose occupation was service of the other classes. Is Mr. Gandhi's Varna System the same as this old Varna system of the orthodox Hindus? Mr. Gandhi explained his Varna system. in the following termsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41L.What Congress and Gandhi CHAPTER XI.htm - _msocom_2 :

> '"1. I believe that the divisions into Varna is based on birth.

"2. There is nothing in the Varna system which stands in the way of the Shudra acquiring learning or studying military art of offence or defence. Contra it is open to a Kshatriya to serve. The Varna system is no bar to him. What the Vavna system enjoins is that a Shudra will not make learning a way of earning a living. Nor will a Kshatriya adopt service as a way of earning a living. [Similarly a Brahmin may learn the art of war or trade.. But he must not make them a way of earning his living. Contra a Vaishya may acquire learning or may cultivate the art of war. But he must not make them a way of earning his living.

"3. The varna system is connected with the way of earning a living. There is no harm if a person belonging to one varna acquires the knowledge or science and art specialised in by persons belonging to other varnas. But as far as the way of earning his living is concerned he must follow the occupation of the varna to which he belongs which means he must follow the hereditary profession of his forefathers.

"4. The object of the varna system is to prevent competition and class struggle and class war. I believe in the varna system because it fixes the duties and occupations of persons,

"5. Varna means the determination of a man's occupation before he is born.

"6. In the Varna system no man has any liberty to choose his occupation. His occupation is determined for him by heredity."

Turning to the field of economic life, Mr. Gandhi stands for two ideals:

One of these is the opposition to machinery. As early as 1921 Mr. Gandhi gave vent to his dislike for machinery. Writing in the Young India of 19th January 1921, Mr. Gandhi said :

"Do I want to put back the hand of the clock of progress? Do I want to replace the mills by hand-spinning and hand-weaving? Do I want to replace the railway by the country-cart? Do I want to destroy machinery altogether? These questions have been asked by some journalists and public men. My answer is: I would not weep over the disappearance of machinery or consider it a calamity."

His opposition to machinery is well evidenced by his idolisation of charkha (the spinning wheel) and by insistence upon hand-spinning and

hand-weaving. This opposition to machinery and his love for charkha is not a matter of accident. It is a matter of philosophy. This philosophy Mr. Gandhi took special occasion to propound in his presidential address at the Kathiawad Political Conference held on 8th January 1925. This is what Mr. Gandhi said:

> "Nations are tired of the worship of lifeless machines multiplied ad infinitum. We are destroying the matchless living machines viz., our own bodies by leaving them to rust and trying to substitute lifeless machinery for them. It is a law of God that the body must be fully worked and utilised. We dare not ignore it. The spinning wheel is the auspicious symbol of Sharir Yajna— body labour. He who eats his food without offering this sacrifice steals it. By giving up this sacrifice we became traitors to the country, and banged the door in the face of the Goddess of Fortune."

Anyone who has read Mr. Gandhi's booklet on Hind Swaraj (Indian Home Rule) will know that Mr. Gandhi is against modern civilisation. The book was first published in 1908. But there has been no change in his ideology. Writing in 1921 Mr. Gandhi said mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41L.What Congress and Gandhi CHAPTER XI.htm - _msocom_3 :

> "The booklet is a severe condemnation of 'modern civilisation.' It was written in 1908. My conviction is deeper today than ever. I feel that, if India would discard 'Modern civilisation' she can only gain by doing so."In Mr. Gandhi's view mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/41L.What Congress and Gandhi CHAPTER XI.htm - _msocom_4 :

> "Western civilisation is the creation of satan."

The second ideal of Mr. Gandhi is the elimination of class-war and even class struggle in the relationship between employers and employees and between landlords and tenants. Mr. Gandhi's views on the relationship between employers and employees were. set forth by him in an article on the subject which appeared in the NavaJivan of the 8th June 1921 from which the following is an extract :

> "Two paths are open before India, either to introduce the Western principle of 'Might is right' or to uphold the Eastern principle that truth alone conquers, that truth knows no mishap, that the strong and

the weak have alike a right to secure justice. The choice is to begin with the labouring class. Should the labourers obtain an increment in their wages by violence? Even if that be possible, they cannot resort to anything like violence, howsoever legitimate may be their claims. To use violence for securing rights may seem an easy path, but it proves to be thorny in the long run. Those who live by sword die also by sword. The swimmer often dies by drowning. Look at Europe. No one seems to be happy there, for not one is contented. The labourer does not trust the capitalist and the capitalist has no faith in the labourer. Both have a sort of vigour and strength but even the bulls have it. They fight to the very bitter end. All motion is not progress. We have got no reason to believe, that the people of Europe are progressing. Their possession of wealth does not argue the possession of any moral or spiritual qualities.

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"What shall we do then? The labourers in Bombay made a fine stand. I was not in a position to know all the facts. But this much I could see that they could fight in a better way. The millowner may be wholly in the wrong. In the struggle between capital and labour, it may be generally said that more often than not the capitalists are in the wrong box. But when labour comes fully to realise its strength, I know it can become more tyrannical than capital. The millowners will have to work on the terms dictated by labour, if the latter could command intelligence of the former. It is clear, however, that labour will never attain to that intelligence. If it does; labour will cease to be labour and become itself the master. The capitalists do not fight on the strength of money alone. They do possess intelligence and tact.

"The question before us is this: When the labourers, remaining what they are, develop a certain consciousness, what should be their course?' It would be suicidal 'if the labourers rely upon their numbers or brute-force, i.e., violence. By so doing, they will do harm to industries in the country. If, on the other hand, they take their stand on pure justice and suffer in their person to secure It, not only will they always succeed but they will reform their masters, develop industries and both master and men will be as members of one and the same family."

Referring to the same theme on another occasion Mr. Gandhi said

"Nor was it otherwise before. Indians history is not one of strained relations between capital and labour."

Particularly noteworthy are the views of Mr. Gandhi on strike as a weapon, in the hand of the workers to improve their economic condition. Mr. Gandhi says [f.6] :

"Speaking, therefore, as one having handled large successful strikes, I repeat the following maxims, already stated in these pages, for the guidance of all strike leaders :

(1) (1) There should be no strike without a real grievance.
(2) (2) There should be no strike, if the persons concerned are not able to support themselves out of their own savings or by engaging in some temporary occupation, such as carding, spinning and weaving. Strikers should never depend upon public subscriptions or other charity.
(3) (3) Strikers must fix an unalterable minimum demand, and declare it before embarking upon their strike.

"A strike may fail in spite of a just grievance and the ability of strikers to hold out indefinitely, if there are workers to replace them. A wise man, therefore, will not strike for increase of wages or other comforts, if he feels that he can be easily replaced. But a philanthropic or patriotic man will strike in spite of supply being greater than the demand, when he feels for and wishes to associate himself with his neighbour's distress. Needless to say, there is no room in a civil strike of the nature described by me for violence in the shape of intimidation, incendiarism or otherwise.. .Judged by the tests suggested by me, it is 'clear that friends of the strikers could never have advised them to apply for or receive Congress or any other public funds for their support. The value of the strikers' sympathy was diminished to the extent, that they received or accepted financial aid. The merit of a sympathetic strike lies in the inconvenience and the loss suffered by the sympathisers."

Mr. Gandhi's view on the relationship between landlords and tenants were expounded by him in the Young India of 18th May 1921 in the form of instructions [f.7] to the tenants of U.P. who had risen against their landlords. Mr. Gandhi said:

"Whilst the U. P. Government is crossing the bounds of propriety, and intimidating people, there is little doubt that the Kisans too are not

making wise use of their newly found power. In several Zamindaries, they are said to have overstepped the mark, taken the law into their own hands and to have become impatient of anybody who would not do as they wish. They are abusing social boycott and are turning it into an instrument of violence. They are reported to have Stopped the supply of water, barber and other paid services to their Zamindars in some instences and even suspended payment of the rent due to them. The Kisan movement has received an impetus from Non-co-operation but it is anterior to and independent of it. Whilst we will not hesitate to advise the Kisans when the moment comes, to suspend payment of taxes to Government, it is not contemplated that at any stage of Non-co-operation we would seek to deprive the Zamindars of their rent. The Kisan movement must be confined to the improvement of status of the Kisans and the betterment of the- relations between the Zamindars and them. The Kisans must be advised scrupulously to abide by the terms of their agreement with the Zamindars, whether such is written or inferred from custom. Where a custom or even a written contract is bad, they may not try to uproot it by violence or without previous reference to the Zamindars. In every case there should be a friendly discussion with the Zamindars and an attempt made to arrive at a settlement."

Mr. Gandhi does not wish to hurt the propertied class. He is even opposed to a campaign against them. He has no passion for economic equality. Referring to the propertied class Mr. Gandhi said quite recently that he does not wish to destroy the hen that lays the golden egg. His solution for the economic conflict between the owners and workers, between the rich and the poor, between landlords and tenants and between the employers and the employees is very simple. The owners need not deprive themselves of their property. All that they need do is to declare themselves Trustees for the poor. Of course the Trust is to be a voluntary one carrying only a spiritual obligation.

Ill

Is there anything new in the Gandhian analysis of economic ills? Are the economics of Gandhism sound? What hope does Gandhism hold out to the common man, to the down-and out? Does it promise him a better life, a life of joy, and culture, a life of freedom, not merely freedom from want but freedom to rise, to grow to the full stature

which his capacities can reach?

There is nothing new in the Gandhian analysis of economic ills in so far as it attributes them to machinery and the civilisation that is built upon it. The arguments that machinery and modern civilisation help to concentrate management and control into relatively few hands, and with the aid of banking and credit facilitate the transfer into still fewer hands of all materials and factories and mills in which millions are bled white in order to support huge industries thousands of miles away from their cottages, or that machinery and modern civilisation cause deaths, maimings and cripplings far in, excess of the corresponding injuries by war, and are responsible for disease and physical deterioration caused directly and indirectly by the development of large cities with their smoke, dirt, noise, foul air, lack of sunshine and out-door life, slums, prostitution and unnatural living which they bring about, are all old and worn out arguments. There is nothing new in them. Gandhism is merely repeating the views of Rousseau, Ruskin, Tolstoy and their school.

The ideas which go to make up Gandhism are just primitive. It is a return to nature, to animal life. The only merit is their simplicity. As there is always a large corps of simple people who are attracted by them, such simple ideas do not die, and there is always some simpleton to preach them. There is, however, no doubt that the practical instincts of men---which seldom go wrong—have found them unfruitful and which society in search of progress has thought It best to reject.

The economics of Gandhism are hopelessly fallacious. The fact that machinery and modern civilisation have produced many evils may be admitted. But these evils are no argument against them. For the evils are not due to machinery and modern civilisation. They are due to wrong social organisation which has made private property and pursuit of personal gain matters of absolute sanctity. If machinery and civilisation have not benefited everybody the remedy is not to condemn machinery and civilisation but to alter the organisation of society so that the benefits will not be usurped by the few but will accrue to all.

In Gandhism the common man has no hope. It treats man as an animal and no more. It is true that man shares the constitution and functions of animals, nutritive, reproductive, etc. But these are not distinctively human functions. The distinctively human function is reason, the purpose of which is to enable man to observe, meditate, cogitate, study and discover the beauties of the Universe and enrich his

life and control the animal elements in his life. Man thus occupies the highest place in the scheme of animate existence. If this is true what is the conclusion that follows? The conclusion that follows is that while the ultimate goal of a brute's life is reached once his physical appetites are satisfied, the ultimate goal of man's existence is not reached unless and until he has fully cultivated his mind. In short, what divides the brute from man is culture. Culture is not possible for the brute, but it is essential for man. That being so, the aim of human society must be to enable every person to lead a life of culture which means the cultivation of the mind as distinguished from the satisfaction of mere physical wants. How can this happen?

Both for society and as well as for the individual there is always a gulf between merely living and living worthily. In order that one may live worthily One must first live. The time and energy spent upon mere life, upon gaining of subsistence detracts from that available for activities, of a distinctively human nature and which go to make up a life of culture. How then can a life of culture be made possible? It is not possible unless there is sufficient leisure. For it is only when there is leisure that a person is free to devote himself to a life of culture. The problem of all problems which human society has to face is how to provide leisure to every individual. What does leisure mean? Leisure means the lessening of the toil and, effort necessary for satisfying the physical wants of life. How can leisure be made possible? Leisure is quite impossible unless some means are found whereby the toil required for producing goods necessary to satisfy human needs is lessened. What can lessen such toil? Only when machine takes the place of man. There is no other means of producing leisure. Machinery and modern civilisation are thus indispensable for emancipating man from leading the life of a brute, and for providing him with leisure and making a life of culture possible. The man who condemns machinery and modern civilisation simple does not understand their purpose and the ultimate aim which human society must strive to achieve.

Gandhism may be well suited to a society which does not accept democracy as its ideal. A society which does not believe in democracy may be indifferent to machinery and the civilisation based upon it. But a democratic society cannot. The former may well content itself with life of leisure and culture for the few and a life of toil and drudgery for the many. But a democratic society must assure a life of leisure and culture to each one of its citizens. If the above analysis is correct then the

slogan of a democratic society must be machinery, and more machinery, civilisation and more civilisation. Under Gandhism the common man must keep on toiling ceaselessly for a pittance and remain a brute. In short, Gandhism with its call of back to nature, means back to nakedness, back to squalor, back to poverty and back to ignorance for the vast mass of the people.

The division of life into separate functions and of society into separate classes may not be altogether obliterated. Inspite of many social and economic changes, in spite of the abolition of legal serfdom, legal slavery and the spread of the notion of democracy, with the extension of science, of general education through books, newspapers, travel and general intercourse in, schools and factories there remains and perhaps will remain enough cleavage in society into a learned and an ignorant class, a leisure and a labouring class.

But Gandhism is not satisfied with only notional class distinctions. Gandhism insists upon class structure. It regards the class structure of society and also the income structure as sacrosanct with the consequent distinctions of rich and poor, high and low owners and workers as permanent parts of social organisation. From the point of view of social consequences nothing can be more pernicious. Psychologically, class structure sets in motion influences which are harmful to both the classes. There is no common plane on which the privileged and the subject classes can meet. There is no endosmosis, no give and take of life's hopes and experiences. The social and moral evils of this separation to the subject class are of course real and obvious. It educates them into slaves and creates all the psychological complex which follows from a slave mentality. But those affecting the privileged class, though less material and less perceptible, are equally real. The isolation and exclusiveness following upon the class structure creates in the privileged classes the anti-social spirit of a gang. It feels it has interests ' of its own ' which it makes its prevailing purpose to protect against everybody even against the interests of the State. It makes their culture sterile, their art showy „ their wealth luminous and their manners fastidious. Practically speaking in a class structure there is, on the one hand, tyranny, vanity, pride, arrogance, greed, selfishness and on the other, insecurity, poverty, degradation, loss of liberty, self-reliance, independence, dignity and self-respect. Democratic society cannot be indifferent to such consequences. But Gandhism does not mind these consequences in the least. It is not enough to say that Gandhism is not satisfied with mere class

distinctions. It is not enough to say that Gandhism believes in a class structure. Gandhism stands for more than that. A class structure which is a faded, jejune, effete thing a mere sentimentality, a mere skeleton is not what Gandhism wants. It wants class structure to function as a living faith. In this there is nothing to be surprised at. For class structure in Gandhism is not a mere accident. It is its official doctrine.

The idea of trusteeship which Gandhism proposes as a panacea by which the moneyed classes will hold their properties in trust for the poor is the most ridiculous .part of it. All that one can say about it is that if anybody else had propounded it the author would have been laughed at as a silly fool who had not known the hard realities of life and was deceiving the servile classes by telling them that a little dose of moral rearmament to the propertied classes—those who by their insatiable cupidity and indomitable arrogance have made and will always make this world a vale of tears for the toiling millions—will recondition them to such an extent that they will be able to withstand the temptation to misuse the tremendous powers which the class structure gives them over servile classes.

The social ideal of Gandhism is either caste or varna. Though it may be difficult to say which, there can be no doubt that the social ideal of Gandhism is not democracy. For whether one takes for comparison caste or varna both are fundamentally opposed to democracy. It would have been something if the defence of caste system which. Gandhism offers was strong and honest. But his defence of the caste system is the most insensible piece of rhetoric one can think of. Examine Mr. Gandhi's arguments in support of caste and it will be found that everyone of them is specious if not puerile. To run through the arguments summarised earlier in this Chapter [f.8].

The first three arguments call for pity. That the Hindu Society has been able to stand while others have died out or disappeared is hardly a matter for congratulation. If it has survived it is not because of caste but because the foreigner who conquered the Hindus did not find it necessary to kill them wholesale. There is no honour in mere survival. What matters is the plane of survival. One can survive by unconditional surrender. One can survive by beating a cowardly retreat and one can survive by fighting. On what plane have the Hindus survived? If they can be said to have survived after fighting and beating their enemies the virtue ascribed to the caste system by Mr. Gandhi could be admitted.

The history of the Hindus has been one of surrender—abject surrender. It is true others have surrendered to their invaders. But in their case surrender is followed by a revolt against the foreign ruler. The Hindus have not only never withstood the onslaught of the foreign invader, they have never even shown the capacity to organise a rebellion to throw off the foreign yoke. On the other hand the Hindus have tried to make slavery comfortable. On this one may well argue the contrary namely that this helpless condition of the Hindus is due entirely to the caste system.

Argument in para 4 is plausible. But it cannot be said that caste is the only machinery for discharging such functions as the spread of primary education or the judicial settlement of disputes. Caste is probably the worst instrument for the discharge of such functions. It can be easily influenced and easily corrupted. Such functions have been discharged in other countries much better than they have been in India although they have had no caste system. As to using the caste as basis for raising military units the idea is simply fantastic. Under the occupational theory underlying the caste system this is unthinkable. Mr. Gandhi knows that not a single caste in his own Province of Gujarat has ever raised a military unit. It did not do it in the present World War. But it did not do so even in the last World War, when Mr. Gandhi toured through Gujarat as a Recruiting Agent of British Imperialism. In fact under the caste system a general mobilisation of the people for defence is impossible since mobilisation requires a general liquidation of the occupational theory underlying the caste system.

Arguments contained in paras 6 and 6 are as stupid as they are revolting. The argument in para 5 is hardly a good argument. It is quite true the family is an ideal unit in which every member is charged with love and affection for another member although there is no intermarriage among members of a family. It may even be conceded that in a Vaishnava family members of the family do not interdine and yet they are full of love and affection for one another. What does all this prove? It does not prove that interdining and intermarrying are not necessary for establishing fraternity. What it proves is that where there are other means of maintaining fraternity —such as consciousness of family tie—interdining and intermarriage are not necessary. But it cannot be denied that where—as in the caste system—no binding force exists intermarriage and interdining are absolutely essential. There is no analogy between family and caste, Inter-caste dinner and inter-caste

marriage are necessary because there are no other means of binding the different castes together while in the case of a family there exists other forces to bind them together. Those who have insisted upon the ban against interdining and inter-marriage have treated it as a question of relative values. They have never elevated it to the level of a question of absolute value. Mr, Gandhi is the first one to do it. Inter-dining is bad and -even if it was capable of producing good it-should not be resorted to and why? Because eating is a filthy act, as filthy as answering the call of nature ! The caste system has been defended by others. But this is the first time I have seen such an extraordinary if not a shocking argument used to support it., Even. the orthodox may say,"Save us from Mr, Gandhi," It. shows what a deep-dyed Hindu Mr. Gandhi is. He has outdone the most orthodox of orthodox Hindus. It is not enough to say that it is an argument of a cave man. It is really an argument of a mad man.

The argument in favour of the caste system outlined in para 7 is not worth much in terms of building up moral strength. The caste system no doubt prohibits a man from satisfying his lust for a woman who is not of his caste. The caste system no doubt prohibits a man from satisfying his craving for food cooked in the house of a man who is not of his caste. If morality consists of observing restraints without regard to the sense or sensibility of restraints then the caste system, may be admitted to be a moral system. But Mr. Gandhi does not see that these easy restraints are more than balanced by vast liberties permitted by Hinduism. For Hinduism places no restraint upon a man marrying hundred women and keeping hundred prostitutes within the ambit of his caste. Nor does it stop him from indulging in his appetite with his castemen to any degree.

The argument in para 8 begs the whole question. The hereditary system may be good or may not be good. It may be agreeable to some. It may be disagreeable to others. Why elevate it into an official doctrine? Why make it compulsory? In Europe it is not an official doctrine and it is not compulsory. It is left to the choice of an individual most of whom do follow the profession of their ancestors and some don't. Who can say that compulsory system has worked better than the voluntary system? If a comparison of the economic condition of the people in India and the people of Europe is any guide there would be very few rationally-minded people who would be found to support the caste system on. this ground. As to the difficulty in changing nomenclature to keep pace with

frequent changes in occupation it is only artificial, it arises out of the supposed necessity of having labels for designating persons following a particular profession. The class labels are quite unnecessary and could well be abolished altogether without causing difficulty. Besides what happens today in India? Men's callings and their class labels are not hi accord. A Brahmin sells shoes. Nobody is disturbed because he is not called a Chamar. A Chamar becomes an officer of the State. Nobody is disturbed because he is not called a Brahmin. The whole argument is based on a misunderstanding. What matters to society is not the label by which the individual's class is known but the service he offers.

The last argument set out in para 9 is one of the most astounding arguments I have heard in favour of the caste system. It is historically false. No one who knows anything about the Manu Smriti can say that the caste system is a natural system. What does Manu Smriti show? It shows that the caste system is a legal system maintained at the point of a bayonet. If it has survived it is due to (1) prevention of the masses from the possession of arms; (S) denying to the masses the right to education and (3) depriving the masses of the right to property. The caste system far from natural is really an imposition by the ruling classes upon the servile classes.

That Mr. Gandhi changed over from the caste system to the varna system does not make the slightest difference to the charge that Gandhism is opposed to democracy. In the first place, the idea of varna is the parent of the idea of caste. If the idea of caste is a pernicious idea it is entirely because of the viciousness of the ides of varna. Both are evil ideas and it matters very little whether one believes in varna or in caste. The idea of varna was most mercilessly attacked by the Buddhists who did not believe in it. Orthodox or the Sanatan Vedic Hindus had no rational defence to offer. All that they could say was that it was founded on the authority of the Vedas and that as the Vedas were infallible so was the varna system. This argument was not enough to save the varna system against the rationalism of the Buddhists. If the idea of the varna survived it was because of the Bhagvat Gita, which gave a philosophical foundation to the varna system by arguing that the varna was based on the innate qualities of man. The Bhagvat Gita made use of the Sankhya philosophy to bolster and buttress the varna idea which would have otherwise petered away by making sense of a thing that is absolute nonsense. Bhagvat Gita had done enough mischief by giving a fresh lease of life to the varna system by basing it upon a new and plausible

foundation, namely that of innate qualities.

The varna system of the Bhagvat Gita has at least two merits. It does not say that it is based on birth. Indeed it makes a special point that each man's varna is fixed according to his innate qualities. It does not say that the occupation of the son shall be that of the father. It says that the profession of a person shall be according to his innate qualities, the profession of the father according to the father's innate quality and that of the son according to the son's innate qualities. But Mr. Gandhi has given a new interpretation of the varna system. He has changed it out of recognition. Under the old orthodox interpretation caste connoted hereditary occupation but varna did not. Mr. Gandhi by his own whim has given a new connotation to the varna. With Mr. Gandhi varna is determined by birth and the profession of a varna is determined by the principle of heredity so that varna is merely another name for caste. That Mr. Gandhi changed from caste to varna does not indicate the growth of any new revolutionary ideology. The genius of Mr. Gandhi is elvish, always and throughout. He has all the precocity of an elf with no little of its outward guise. Like an elf he can never grow up and grow out of the caste ideology.

Mr. Gandhi sometimes speaks on social and economic subjects as though he was a blushing Red. Those who will study Gandhism will not be deceived by the occasional aberrations of Mr. Gandhi in favour of democracy and against capitalism. For Gandhism is in no sense a revolutionary creed. It is con-servatism in excelsis. So far as India is concerned, it is a reactionary creed blazoning on its banner the call of Return to Antiquity. Gandhism aims at the resuscitation and reanimation of India's dread, dying past.

Gandhism is a paradox. It stands for freedom from foreign domination, which means the destruction of the existing political structure of the country. At the same time it seeks to maintain intact a social structure which permits the domination of one class by another on a hereditary basis which means a perpetual domination of one class by another. What is the explanation of this paradox? Is it a part of a strategy by Mr. Gandhi to win the whole-hearted support of the Hindus, orthodox and unorthodox, to the campaign of Swaraj? If it is the latter, can Gandhism be regarded as honest and sincere? Be that as it may there are two features of Gandhism which are revealing but to which unfortunately no attention has so far been paid. Whether they will make

Gandhism more acceptable than Marxism is another matter. But as they do help to distinguish Gandhism from Marxism, it may be well to refer to them.

The first special feature of Gandhism is that its philosophy helps those who have, to keep what they have and to prevent those who have not from getting what they have a right to get. No one who examines the Gandhian attitude to strikes, the Gandhian reverence for Caste and the Gandhian doctrine of Trusteeship by the rich for the benefit of the poor can deny that this is upshot of Gandhism. Whether this is the calculated result of a deliberate design or whether it is a matter of accident may be open to argument. But the fact remains that Gandhism is the philosophy of the well-so-do and the leisure class.

The second special feature of Gandhism is to delude people into accepting their misfortunes by presenting them as best of good fortunes. One or two illustrations will suffice to bring out the truth of this statement.

The Hindu sacred law penalized the Shudras (Hindus of the fourth class) from acquiring wealth. It is a law of enforced poverty unknown in any other part of the world. What does Gandhism do? It does not lift the ban. It blesses the Shudra for his moral courage to give up property ! ! It is well worth quoting Mr, Gandhi's own words. Here they are[f.9] :

"The Shudra who only serves (the higher caste) as a matter of religious duty, and who will never own any property, who indeed has not even the ambition to own anything, is deserving of thousand obeisance. The very Gods will shower down flowers on him.

Another illustration in support is the attitude of Gandhism towards the scavenger. The sacred law of the Hindus lays down that a. scavenger's progeny shall live by scavenging. Under Hinduism scavenging was not a matter of choice, it was a matter of forced What does Gandhism do? It seeks to perpetuate this system by praising scavenging as the noblest service to society ! ! Let me quote Mr. Gandhi : As a President of a Conference of the Untouchables, Mr. Gandhi said [f.10]:

"I do not want to attain Moksha. I do not want to be reborn. But if I have to be reborn, I should be born an untouchable, so that I may share their sorrows, sufferings and the affronts levelled at them, in

order that I may endeavour to free myself and them from that miserable condition. I, therefore prayed that if I should be born again, I should do so not as a Brahmin, Kshatriya, Vaishya, or Shudra, but as an Atishudra.

"l love scavenging. In my Ashram, an eighteen years old Brahmin lad is doing the scavenger's work in order to teach the Ashram scavenger cleanliness. The lad is no reformer. He was born and bred in orthodoxy. But he felt that his accomplishments were incomplete until he had become also a perfect sweeper, and that. if he wanted the Ashram sweeper to do his work well, he must do it himself and set an example.

"You should realise that you are cleaning Hindu Society."

Can there be a worse example of false propaganda than this attempt of Gandhism to perpetuate evils which have been deliberately imposed by one class over another? If Gandhism preached the rule of poverty for all and not merely for the Shudra the worst that could be said about it is that it is a mistaken idea. But why preach it as good for one class only? Why appeal to the worst of human failings, namely, pride and vanity in order to make him voluntarily accept what on a rational basis he would resent as a cruel discrimination against him? What is the use of telling She scavenger that even a Brahmin is prepared to do scavenging when It is clear that according to Hindu Shastras and Hindu notions even if a Brahmin did scavenging he would never be subject to the disabilities of one who is a born scavenger? For in India a man is not a scavenger because of his work. He is a scavenger because of his birth irrespective of the question whether he does scavenging or not. If Gandhism preached that scavenging is a noble profession with the object of inducing those who refuse to engage in it, one could understand it. But why appeal to the scavenger's pride and vanity in order to induce him and him only to keep on to scavenging[f.11] by telling him that scavenging is a noble profession and that he need not be ashamed of it? To preach that poverty is good for the Shudra and for none else, to preach that scavenging is good for the Untouchables and for none else and to make them accept these onerous impositions as voluntary purposes of life, by appeal to their failings is an outrage and a cruel joke on the helpless classes which none but Mr. Gandhi can perpetuate with equanimity and impunity. In this connection one is reminded of the words of Voltaire who in repudiation of an 'ism' very much like

Gandhism said:"Oh ! mockery to say to people that the suffering of some brings joy to others and works good to the whole I What solace is it to a dying man to know that from his decaying body a thousand worms will come into life?"

Criticism apart) this is the technique of Gandhism, to make wrongs done appear to the very victim as though they were his privileges. If there is an 'ism' which has made full use of religion as an opium to lull the people into false beliefs and false security, it is Gandhism. Following Shakespeare one can well say: Plausibility I Ingenuity ! Thy name is Gandhism.

IV

Such is Gandhism. Having known what is Gandhism the answer to the question, 'Should Gandhism become the law of the land what would be the lot of the Untouchables under it,' cannot require much scratching of the brain. How would it compare with the lot of the lowest Hindu? Enough has been said to show what would be his lot should the Gandhian social order come into being. In so far as the lowest Hindu and the Untouchable belong to the same disinherited class, the Untouchable's lot cannot be better. If anything it might easily be worse. Because in India even the lowest man among the Caste Hindus—why even the aboriginal and Hill Tribe man—though educationally and economically not very much above the Untouchables is still superior to the Untouchables. It is not he regards himself as superior to the Untouchables. The Hindu society accepts his claim to superiority over the Untouchables. The Untouchable will therefore continue to suffer the worst fate as he does now namely, in prosperity he will be the last to be employed and in depression the first to be fired.

What does Gandhism do to relieve the Untouchables from this fate? Gandhism professes to abolish Untouchability. That is hailed as the greatest virtue of Gandhism. But what does this virtue amount to in actual life? To assess the value of this anti-Untouchability which is regarded as a very big element in Gandhism, it is necessary to understand fully the scope of Mr. Gandhi's programme for the removal of Untouchability. Does it mean anything more than that the Hindus will not mind touching the Untouchables? Does it mean the removal of the ban on the right of the Untouchables to education? It would be better to take the two questions separately.

To start with the first question, Mr. Gandhi does not say that a Hindu should not take a bath after touching the Untouchables. If Mr. Gandhi does not object to it as a purification of pollution then it is difficult to see how Untouchability can be said to vanish by touching the Untouchables. Untouchability centres round the idea of pollution by contact and purification by bath to remove the pollution. Does it mean social assimilation with the Hindus? Mr. Gandhi has most categorically stated that removal of Untouchability does not mean inter-dining or inter-marriage between the Hindus and the Untouchables. Mr. Gandhi's anti-Untouchability means that the Untouchables will be classed as Shudras instead of being classed as Ati-Shudras[f.12] There is nothing more in it. Mr. Gandhi has not considered the question whether the old Shudras will accept the new Shudras into their fold. If they don't then the removal of Untouchability is a senseless proposition for it will still keep the Untouchables as a separate social category. Mr. Gandhi probably knows that the abolition of Untouchability will not bring about the assimilation of the Untouchables by the Shudras. That seems to be the reason why Mr. Gandhi himself has given a new and a different name to the Untouchables. The new name registers by anticipation what is likely to be the fact. By calling the Untouchables Harijans Mr. Gandhi has killed two birds with one stone. He has shown that assimilation of the Untouchables by the Shudras is not possible. He has also by his new name counteracted assimilation and made it impossible.

Regarding the second question, it is true that Gandhism is prepared to remove the old ban placed by the Hindu Shastras on the right of the Untouchables to education and permit them to acquire knowledge and learning. Under Gandhism the Untouchables may study law, they may study medicine, they may study engineering or anything else they may fancy. So far so good. But will the Untouchables be free to make use of their knowledge and learning? Will they have the right to choose their profession? Can they adopt the career of lawyer, doctor or engineer? To these questions the answer which Gandhism gives is an emphatic ' no. [f.13] ' The Untouchables must follow their hereditary professions. That those occupations they are unclean is no answer; That before the occupation became hereditary it was the result of force and not volition does not matter. ..The argument of Gandhism is that what is once settled is settled for ever even if it was wrongly settled. Under Gandhism the Untouchables are to be eternal scavengers. There is no doubt that the Untouchables would much prefer the orthodox system of

Untouchability. A compulsory state of ignorance imposed upon the Untouchables by the Hindu Shastras made scavenging bearable. But Gandhism which compels an educated Untouchable to do scavenging is nothing short of cruelty. The grace in Gandhism is a curse in its worst form. The virtue of the anti-Untouchability plank in Gandhism is quite illusory. There is no substance in it.

V

What else is there in Gandhism which the Untouchables can accept as opening a way for their ultimate salvation? Barring this illusory campaign against Untouchability Gandhism is simply another form of Sanatanism which is the ancient name for militant orthodox Hinduism. What is there in Gandhism which is not to be found in orthodox Hinduism? There is caste in Hinduism, there is caste in Gandhism. Hinduism believes in the law of hereditary profession, so does Gandhism. Hinduism enjoins cow-worship. So does Gandhism. Hinduism upholds the law of karma, predestination of man's condition in this world, so does Gandhism. Hinduism accepts the authority of the Shastras. So does Gandhism. Hinduism believes in avatar or incarnations of God. So does Gandhism. Hinduism believes in idols, so does Gandhism[f.14]. All that Gandhism has done is to find a philosophic justification for Hinduism and' its dogmas. Hinduism is bald in the sense that it is just a set of rules which bear on their face the appearance of a crude and cruel system. Gandhism supplies the philosophy which smoothens its surface and gives it the appearance of decency and respectability and so alters it and embellishes it as to make it even attractive. What philosophy does Gandhism propound to cover the nudity of Hinduism? This philosophy can be put in a nutshell. It is a philosophy which says that"All that is in Hinduism is well, all that is in Hinduism is necessary for public good."Those who are familiar with Voltaire's Candide will recognise that it is the philosophy of Master Pangiloss and recall the mockery Voltaire made of it. The Hindus are of course pleased with it. No doubt it suits them and accords with their interest. Prof. Radhakrishnan—whether out of genuine feeling or out of sycophancy we need not stop to inquire—has gone to the length of describing Mr. Gandhi as * God on earth.' What do the Untouchables understand this to mean? To them it means that:"This God by name Gandhi came to console an afflicted race: He saw India and changed it not saying all is well and will be, if the Hindus will only fulfil the law of

caste. He told the afflicted race, ' I have come to fulfil the law of caste.' Not a tittle, not a jot shall I allow to abate from it."

What hope can Gandhism offer to the Untouchables? To the Untouchables Hinduism is a veritable chamber of horrors. The sanctity and infallibility of the Vedas, Smritis and Shastras, the from law of caste, the heartless law of karma and the senseless law of status by birth are to the Untouchables veritable instruments of torture which Hinduism has forged against the Untouchables. These very instruments which have mutilated, blasted and blighted the life of the Untouchables are to be found intact and untarnished in the bosom of Gandhism. How can the Untouchables say that Gandhism is a heaven and not a chamber of horrors as Hinduism has been? The only reaction and a very natural reaction of the Untouchables would be to run away from Gandhism.

Gandhists may say that what I have stated applies to the old type of Gandhism. There is a new Gandhism, Gandhism without caste. This has reference to the recent statement[f.15] of Mr. Gandhi that caste is an anachronism. Reformers were naturally gladdened by this declaration of Mr. Gandhi. And who would not be glad to see that a man like Mr. Gandhi having such terrible influence over the Hindus, after having played the most mischievous part of a social reactionary, after having stood out as the protagonist of the caste system, after having beguiled and befooled the unthinking Hindus with arguments which made no distinction between what is fair and foul should have come out with this recantation? But is this really a matter for jubilation? Does it change the nature of Gandhism? Does it make Gandhism a new and a better 'ism' than it was before. Those who are carried away by this recantation of Mr. Gandhi, forget two things. In the first place all that Mr. Gandhi has said is that caste is an anachronism. He does not say it is an evil. He does not say it is anathema. Mr. Gandhi may be taken to be not in favour of caste. But Mr. Gandhi does not say that he is against the Varna system. And what is Mr. Gandhi's varna system? It is simply a new name for the caste system and retains all the worst features of the caste system.

The declaration of Mr. Gandhi cannot be taken to mean any fundamental change in Gandhism. It cannot make Gandhism acceptable to the Untouchables. The Untouchables will still have ground to say :

"Good God I Is this man Gandhi our Saviour?"

Appendices

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES

Appendix I : Shradhanand on Bardoli Programme for Untouchables
Appendix II : Political Safeguards for Depressed Classes

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APPENDIX I
SHRADHANAND ON BARDOLI PROGRAMME FOR UNTOUCHABLES

Correspondence between Swami Shradhanand and Pandit Motital Nehru, General Secretary of the Congress, on the Congress Sub-Committee appointed in 1922 to frame a Scheme for the uplift of the Untouchables,

(1)(1) SWAMIJI'S LETTER

The General Secretary,
All India Congress Committee,
Camp, Delhi.

I acknowledge, with thanks, receipt of your letters Nos. 331 and 332 embodying resolutions of the Working Committee and of the All-India Congress Committee about Untouchability. I observe with pain, that the resolution of the All India Congress Committee, as at present worded, does not include the whole of what was passed by the Committee.

The facts are these : I sent the following letter to Mr. Vithalbhai Patel (the then) General Secretary on 23rd May 1922, which was also published by the principal dailies of the country.

'MY DEAR MB. PATEL,

There was a time (vide *Young India* of 25th May, 1921) when Mahatmaji put the question of Untouchability in the forefront of the Congress programme. I find now that the question of raising the Depressed Classes has been relegated to an obscure corner. While Khadi claims the attention of some of our best workers and a liberal sum has been earmarked for it, for the year, while a strong sub-committee has been appointed to look after national education and a special appeal for fund is to be made for the same, the question of the removal of

Untouchability has been shelved by making small grants to Ahmedabad, Ahmednagar and Madras. I am of opinion that with a majority of 6 crores of our brethren set against us by the bureaucracy, even the Khadi Scheme cannot succeed completely. The Members of the Working Committee, perhaps, do not know that on this side, our suppressed brethren are leaving off khadi and taking to buying cheap foreign cloth. ' I want to move the following resolution in the meeting of the All-India Congress Committee .which- comes off on the 7th of June next at Lucknow, that a sub-committee consisting of three members of the All-India Congress Committee be appointed to give effect to the resolution about the so-called Depressed Classes, that a sum of five lakhs of rupees be placed at-their disposal for propaganda work and that in future al1 applications for grants be referred to the said subcommittee for disposal."My proposal was amended by the Working Committee and ran as follows:—

"This Committee hereby appoints a committee consisting of Swami Shradhanand, Mrs. Sarojini Naidu and Messrs. G. B. Deshpande and 1. K. Yajnik to formulate a scheme embodying practical measures to be adopted for bettering the condition of the so-called Untouchables throughout the country and to place it for consideration before the next meeting of the Working Committee, the amount to be raised for the scheme to be Rs. 2 lakhs for the present."

Mr. Patel asked me to accept the Working Committee's proposed resolution *in toto*. I refused to accept the Working Committee's resolution and in the very first sitting of the All-India Congress Committee substituted 5 lakhs for 2 lakhs with the condition that one lakh of the same be allotted by the All-India Congress Committee out of the funds in its hands, in cash and an appeal be made for the balance.

Mr. Rajagopalachariar, on behalf of the Working Committee, proposed that instead of fixing the amount to be allotted out of the Congress funds now, it should be provided that when the Scheme was accepted by the Working Committee that Committee should allot as much cash as it could then spare for this purpose. I do not recollect the exact words but the purport of the amendment as given above is, to my knowledge, true.

On this an uproar arose and the query was pressed from all sides that the cash balance in the hands of the All-India Congress Committee ought to be announced. The President called me aside and told me in confidence that the Congress possessed very little cash balance and if pressed to disclose the true state of affairs it would harm the movement,

as outsiders and even C.I.D. people were also present. On this I accepted the amendment of Mr. Rajagopalachariar in spite of protests from my seconder and supporters. But my surprise was great when I found the resolution in the dailies, as reported by the Associated Press, shorn of Mr. Rajagopalachariar's amendment.

After the above resolution was passed, some members suggested that a convener of the sub-committee ought to be appointed and several members proposed me as the convener. On this, Mr. Vithalbhai Patel (the then General Secretary) got up and said :"As Swami Shradhanand's name occurs first, naturally he will be the convener and therefore there was no need of moving any fresh resolution at all."

Members from all parts of the country began to give information to me about Untouchability in their provinces and pressed me to visit their parts. On this, I made some promises. Then I thought that without some cash for preliminary expenses, no enquiries on the spot could be made and hence no proper scheme could be formulated. I also learnt that Rs. 25,000 had been voted by the Working Committee for"the Independent"of Allahabad and that an application for grant of Rs. 10,000 to the Urdu daily *Congress* of Delhi had been placed by Hakim Ajmal Khan and Dr. Ansari before the Working Committee. So, considering that after all, the Congress might not be so hard pressed 'for cash, I wrote a letter addressed to the President, asking him to give the Untouchability Sub-Committee an advance of Rs. 10,000 for preliminary expenses.

After all this, the following resolution of the Working Committee forwarded by your letter No. 331 presents a very interesting reading;—

"Read letter from Swami Shradhanand, dated 8th June 1922 for an advance for drawing up a scheme for Depressed Class work— Resolved that Mr. Gangadharrao B. Deshpande be appointed convener of the sub-committee appointed for the purpose and he be requested to convene a meeting at an early date, and that Swami Shradhanand's letter be referred to the Sub-Committee"

There is another matter which is inexplicable. After my first letter had been acknowledged, I addressed the following letter from Haridwar on 3rd June 1922:—

"MY DEAR MR. PATEL,

I shall leave Haridwar the day after tomorrow and reach Lucknow on the morning of June 9th. You know by now, that I feel the most for the so-called Depressed Classes. Even in the Punjab I find that no attention worth the name has been paid to this item of the constructive

programme. In the U. P. of course it will be an uphill work. But there is another very serious difficulty.

The Bardoli programme in its note under item (4) lays down that where prejudice is still strong, separate wells and separate schools must be maintained out of the Congress Funds. This leaves a loophole for those Congress workers who are either prejudiced against the Depressed Classes or are weak and no work can be done in inducing people to agree to allow the Untouchables to draw water from common wells. In the Bijnoor District, I learn there was no restriction and the Untouchables drew water freely from common wells. But in some places, fresh prejudice is being engendered under the aegis of the Bardoli resolution note. In my recent visits to Ambala Cant., Ludhiana, Batala, Lahore, Amritsar and Jandiala, I found that the question of the removal of disabilities of the Untouchables is being ignored. In and near Delhi, it is the Dalitodhar Sabha, of which I am the president, rather than the Congress which is doing appreciable work. I think that unless item (4) of the Bardoli constructive programme is amended in proper form, the work which I consider to be the most important plank in the Congress programme, will suffer.

Kindly place the following proposal before the President and if he allows it to be placed before the next meeting, of the All-India Congress Committee, I shall move it there—"Instead of the Note under item (4) of the Bardoli resolution substitute the following note;—.,

"The following demands of the Depressed Classes ought to be complied with at once, namely that *(a)* they are allowed to sit on the same carpet With citizens of other classes ; *(b)* they get the right to draw water from common wells and (c) their children get admission into National schools and Colleges and are allowed to mix freely with students drawn from the so-called higher castes."

I want to impress upon the members of the All-India Congress Committee the great importance of this .term. I know of cases where the Depressed Classes are in open revolt against tyranny of the so-called upper castes and unless the above demands are conceded to them, they will succumb to the machine of the bureaucracy.

After my first proposals were passed in the All-India Congress-Committee Meeting on J*une* 7th at Lucknow, I asked Mr. Patel to put my proposed amendment of Note to item (4) of Bardoli resolution before the meeting. He told me that the Working Committee would refer it to the .Sub-Committee and asked me not to press it there. I agreed. But I have not received copy „of my resolution of the Working

Committee, referring my proposal to the Untouchability Sub-Committee.

The Untouchability question is very acute in and near Delhi and I have to grapple with it at once. But the Sub-Committee cannot begin work off-hand because the Working Committee has to take several other political situations in the country into consideration before deciding upon any scheme of practical measures to be adopted for uprooting Untouchability on behalf of the Congress. Under these circumstances, I cannot be of any use to the Subcommittee and beg to resign from membership.

Yours sincerely,
SHRADHANAND SANYASI.

Delhi, Jan. 80.

SECRETARY'S REPLY

DEAR SWAMIJI,

Your letter, dated June 1922 received in my office on the 30th of that month, has by a resolution of the Working Committee passed in Bombay on the 18th instant been referred to me with instructions to explain facts and request you to be good enough to reconsider your resignation from the Depressed Classes Sub-Committee.

As you are aware, I have no personal knowledge of the facts which happened prior to my release from the jail. But I was present at the meeting of the Working Committee which passed the resolution dated 10th June 1922, appointing Mr. Deshpande as the Convener of the Sub-Committee. It was not then mentioned that there was any understanding about any particular member acting as the convener of the Sub-Committee and the whole resolution was passed merely to complete the necessary formalities in regard to the payment of money. It was felt that a formal resolution of the Sub-Committee was necessary before any expenditure could be sanctioned. Mr. Deshpande was accordingly appointed as the convener and a sum of Rs. 500/- was voted for the expense of these preliminary steps. By an oversight, the resolution as drafted omitted to mention the sanction of Rs. 500/-. You will thus observe that it was not due to the unwillingness of the Working Committee . to sanction Rs. 10,000/- for Untouchability, but the true reason for framing the resolution in the manner it was framed was that I have explained above. Nothing could be farther from the intention of the Working Committee than a desire to under-rate the importance of the work your Sub-Committee was called upon to do or in any way to ignore the valuable advice tendered by you. On your letter being placed

before the last meeting of the Working Committee, the omission of the grant of Rs. 500/- was supplied and I was instructed to communicate with you on the subject. It will be a great pity if the Sub-Committee is deprived of the benefit of your experience and special knowledge of the whole question of Untouchability and I will ask you, therefore, in public interest, to reconsider your decision and wire to my office at Allahabad withdrawing your resignation from the Sub-Committee. I need hardly add that any resolutions arrived at by your Sub-Committee will receive all the consideration they deserve at the hands of the Working Committee.

As to the alteration in the Working Committee's resolution in regard to separate wells and schools, the best course would be for your Sub-Committee to recommend the change and for the Working Committee to adopt it.

I am afraid you are under a misapprehension as regards the grant to *The Independent,* of Allahabad, and *The Congress* of Delhi. In reference to the former, all that has been done is to sanction the application of the U. P. Provincial Committee to advance as a loan to the"Nationalist Journals"Ltd., Rs. 25,000/- from the funds already granted to that Committee and in reference to the latter, the application for a grant of a loan was wholly rejected.

Yours sincerely,
MOTILAL NEHRU,
Bombay,
General Secretary,
July 23, 1922.

(2) (2) SWAMIJI'S REJOINDER

DEAR PANDIT MOTILALJI,

I received your letter of 23rd July 1922 addressed from Bombay about my resignation from the Untouchability Sub-Committee, I am sorry I am unable to reconsider it because some of the facts brought out by me in my first letter have simply been ignored.

(1) (1) Kindly enquire of Mr. Rajagopalachariar Whether I did not first propose that at least one lakh should be given in cash out of the funds in the hands of the All-India Congress Committee, whether he did not move an amendment substituting words for the above which purported to promise that when the plan of work formulated by the Sub-Committee was accepted by the Working Committee, that Committee would allot as much money for Untouchability

department as it could then spare and whether I did not accept his amendment when the President called me aside and explained the exact financial position at the time. If this is the fact, then why did the amendment not appear with the resolution?

(2) (2) Did you enquire of Mr. Vithalbhai J. Patel whether the members of the All-India Congress Committee did not propose me as the convener of the Sub-Committee and whether he did not then say—"As Swami Shradhanand's name occurs first naturally he will be the convener and therefore there was no need of moving any fresh resolution at all?"I enquired about this from Dr. Ansari and he wrote back to me on June 17th, 1922, saying that I was appointed convener. Dr. Ansari is with you and you can verify it from him. I hope Mr. Patel has not forgotten all about it.

(3) (3) Then the immediate work among the Untouchables here is very urgent and I cannot delay it for any reason whatsoever. Kindly have my resignation accepted in the next meeting of the Working Committee, so that I may be free to work out my own plan about the removal of Untouchability. This was my position at the end of July last. My experience in the Amritsar and Mianwali Jails and the information I gathered there have confirmed me in the belief that unless sexual purity (Brahmacharya) is revived on the ancient Aryan lines and the curse of Untouchability is blotted out of the Indian Society, no efforts of the Congress nor of other patriotic organisations out of the Congress will avail in their efforts for the attainment of Swaraj. And as national self-realization and virile existence is impossible without Swaraj, I, as a Sanyasi, should devote the rest of my life to this sacred cause—the cause of sexual purity and true national unity.

Yours, etc.
SHRADHANAND SANYASI.

Delhi, July 23, 1922.

APPENDIX II

POLITICAL SAFEQUARDS FOR DEPRESSED CLASSES

Supplementary Memorandum on the claims of the Depressed Classes for Special Representation, submitted to the R, T. C, by Dr, Bhimrao R. Ambedkar and Rao.Bahadur R. Sriniwasan,

In the memorandum that was submitted by us last year dealing with the question of political safeguards for the protection of the Depressed Classes in toe constitution for a self-governing India, and which forms

Appendix III to the printed volume of Proceedings of tile Minorities Sub-Committee, we had demanded that special representation of the Depressed Classes must form one of. such safeguards. But we did not then define the details of the special representation we claimed as being necessary for them. The reason was that the proceedings of the Minorities Sub-Committee came to an end before the question was reached. We now propose to make good the omission by this supplementary memorandum so that the Minorities Sub-Committee, if it comes to consider the question this year, should have the requisite details before it.

(1)(1) EXTENT OF SPECIAL REPRESENTATION

A. A. Special Representation in provincial Legislature

(I) (I) In Bengal, Central Provinces, Assam, Bihar and Orissa, Punjab and the United Provinces, the Depressed Classes shall have representation in proportion to their population as estimated by the Simon Commission and the Indian Central Committee.

(II) (II) In Madras, the Depressed Classes shall have twenty-two per cent representation.

(III) (III) In Bombay:

(a) (a) in the event of Sind continuing to be a part of the Bombay Presidency, the Depressed Classes shall have sixteen per cent. Representation;

(b) (b) in the event of Sind being separated from the Bombay Presidency the Depressed Classes shall enjoy the same degree of representation as the Presidency Muslims, both being equal in population. '

B. B. Special Representation in .the Federal Legislature.

In Both Houses of the Federal Legislature, the Depressed Classes shall have representation in proportion to their *population in India.*

RESERVATIONS

We have fixed this proportion of representation in the Legislatures on the following assumptions:— .

(1) (1) We have assumed that the figures for the population of the Depressed Classes given by the Simon Commission (Vol. I, p. 40) and the Indian Central Committee (Report p. 44) will be acceptable as sufficiently correct to form a basis for distributing seats.

(2) (2) We have assumed that the Federal Legislature will comprise the whole of India, in which case the population of the Depressed

Classes in Indian States, in Centrally Administered Areas, and in Excluded Territories, besides their population in Governor's Provinces, will form very properly an additional item in calculating the extent of representation of the Depressed Classes in the Federal Legislature.

(3) (3) We have assumed that the administrative areas of the Provinces of British India will continue to be what they are at present.

But if the assumptions regarding figures of population are challenged, as some interested parties threaten to do, and if under a new census the Depressed Classes show a lower proportion, or if the administrative areas of the Provinces are altered, resulting in disturbing the existing balance of population, the Depressed Classes reserve their right to revise their proportion of representation and even to claim weightage. In the same way, if the All-India Federation does not come into being, they will be willing to submit to readjustment in their proportion of representation calculated on that basis in the Federal Legislature.

(2) (2) METHOD OF REPRESENTATION

1. 1. The Depressed Classes shall have the right to elect their representatives to the Provincial and Central Legislature through separate electorates of their voters.

For their representation in the Upper House of the Federal or Central Legislature, if it is decided to have indirect election by members of the Provincial Legislatures, the Depressed Classes will agree to abandon their right to separate electorates so far as their representation to the Upper House is concerned subject to this: that in any system of proportional representation arrangement shall be made to guarantee to them their quota of seats.

2. 2. Separate electorates for the Depressed Classes shall not be liable to be replaced by a system of joint electorates and reserved seats, except when the following conditions are fulfilled :—

(a) A referendum of the voters held at the demand of a majority of their representatives in the Legislatures concerned and resulting in an absolute majority of the members of the Depressed Class having the franchise.

{*b)* No such referendum shall be resorted to until after twenty years and until universal adult suffrage lias been established.

(3) NECESSITY OF DEFINING THE DEPRESSED CLASSES

The representation of the Depressed Classes has been grossly abused in the past inasmuch as persons other than the Depressed Classes were nominated to represent them in the Provincial Legislatures, and cases are not wanting in which persons not belonging to the Depressed Classes got themselves nominated as representatives of the Depressed Classes. This abuse was due to the fact that while the Governor was given the power to nominate persons to represent the Depressed Classes, he was not required to confine his nomination to persona belonging to the Depressed Classes. Since nomination is to be substituted by election under the new constitution, there will be no room for this abuse. But in order to leave no loophole for defeating the purpose of their special representation we claim

(i) That the Depressed Classes shall not only have the right to their own separate electorates, but they shall also have the right to be represented by their own men.

(ii) That in each Province the Depressed Classes shall be strictly defined as meaning persons belonging to communities which are subjected to the system of Untouchability of the sort prevalent therein and which are enumerated by name in a schedule prepared for electoral purposes.

(4) NOMENCLATURE

In dealing with-this part, of the question we would like to point out that the existing nomenclature of Depressed Classes is objected to by members of the Depressed Classes who have given thought to it and also by outsiders who take interest in them. It is degrading and contemptuous, and advantage may be taken of this occasion for drafting the new constitution to alter for official purposes the existing nomenclature. We think that they should be called"Non-Caste Hindus,""Protestant Hindus,"or"Non-Conformist Hindus,"or some such designation, instead of"Depressed Classes."We have no authority to press for any particular nomenclature. We can only suggest them, and we believe that if properly explained the Depressed Classes will not hesitate to accept the one most suitable for them.

We have received a large number of telegrams from the Depressed Classes all over India, supporting the demands contained in this Memorandum.

Nov. 4th 1931.

WHAT CONGRESS AND GANDHI HAVE DONE TO THE

UNTOUCHABLES

APPENDICES

Appendix III : Minorities Pact

APPENDIX III

MINORITIES PACT

Provisions for a Settlement of the Communal Problem, put forward jointly by Muslims, Depressed Classes, Indian Christians, Anglo-Indians and Europeans,

CLAIMS OF MINORITY COMMUNITIES

1. 1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.
2. 2. Statutory safeguards shall be incorporated in the constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.
3. 3. Full religious liberty, that is, full liberty of belief, worship observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality.
   No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty.
4. 4. The right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to exercise their religion therein.
5. 5. The constitution shall embody adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants-in-aid given by the State

and by the self-governing bodies.

6. 6. Enjoyment of civic rights by all citizens shall be guaranteed by making any act or omission calculated to prevent full enjoyment an offence punishable by law.
7. 7. In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible, members belonging to the Mussalman community and other minorities of considerable number shall be included by convention.
8. 8. There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare.
9. 9. All communities at present enjoying representation in any Legislature through nomination or election shall have representation in all Legislatures through separate electorates and the minorities shall have not less than the proportion set forth in the Annexure but no majority shall be reduced to a minority or even an equality, Provided that after a lapse of ten years it will be open to Muslims in Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates, or joint electorates with reservation of seats, by the consent of the community concerned. Similarly after the lapse of ten years, it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned.

   With regard to the Depressed Classes, no change to joint electorates and reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established.

10. 10. In every Province and in connection with the Central Government, a Public Services Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any, reserved to be filled by nomination by the Governor-General and the Governors, shall be made through such commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the possession of the necessary qualifications. Instructions to the Governor-General and the Governors in the Instrument of Instructions with regard to recruitment shall be embodied to give effect to this principle, and for that purpose to review periodically the composition of the Services.
11. 11. If a Bill is passed which, in the opinion of two-thirds of the

members of any Legislature representing a particular community, affects their religion or social practice based on religion, or in the case of fundamental rights of the subjects if one-third of the members object, it shall be open to such members to lodge their objection thereto, within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor-General or the Governor, as the case may be, and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature. When such Bill has been further considered by the Legislature and the Legislature concerned has refused to revise or modify the Bill so as to meet the objection thereto, the Governor-General or the. Governor, as the case may be, may give or withhold his assent to it in the exercise of his discretion, provided, further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the denomination affected thereby on the ground that it contravenes *one* of their fundamental rights.

SPECIAL CLAIMS OF MUSSULMANS

A. *A.* The North -West Frontier Province shall be constituted a Governor's Province on the same footing as other Provinces with due regard to the necessary requirements for the security of the Frontier.

In the formation of the Provincial Legislature, the nominations shall not exceed more than 10 per cent. of the whole.

B. *B.* Sind shall be separated from the Bombay Presidency and made a Governor's Province similar to and on the same footing as other Provinces in British India.

C. *C.* Mussulman representation in the Central Legislature shall be one-third of the total number of-the House, and their representation in the Central Legislature shall not be less than the proportion set forth in the Annexure.

SPECIAL CLAIMS OF THE DEPRESSED CLASSES

A. *A.* The constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of the civic rights on account of Untouchability.

B. *B.* Generous treatment in the matter of recruitment to Public Services and the opening of enlistment in the Police and Military

Service.

C. *C.* The Depressed Classes in the Punjab shall have the benefit of the Punjab Land Alienation Act extended to them.

D. *D.* Right of Appeal shall lie to the Governor or Governor-General for redress of prejudicial action or neglect of interest by any Executive Authority.

E. *E.* The Depressed Classes shall have representation not less than set forth in the Annexure.

SPECIAL CLAIMS OF THE ANGLO-INDIAN COMMUNITY

A. *A.* Generous interpretation of the claims admitted by Subcommittee No. VIII (Services) to the effect that in recognition of the peculiar position of the community, special consideration should be given to the claim for public employment, having regard to the maintenance of an adequate standard of living.

B. *B.* The right to administer and control its own educational institutions, i.e. European education, subject to the control of the Minister.

Provisions for generous and adequate grants-in-aid and scholar-silip on the basis of present grants.

(c) (c) Jury rights equal to those enjoyed by other communities in India unconditionally of proof of legitimacy and descent and the right of accused persons to claim trial by either a European or an Indian jury.

ANNEXURE—*Representation in Legislatures.* Figures in brackets =Population basis 1931 figures and depressed percentages as per Simon Report

	Strength of Chamber	Hindu			Muslims	Christians	Sikhs	Anglo-Indians	Tribal, etc.	Europeans	Remarks
		Caste	Depressed	Total							
NT ia 31 pe	*200*	(47.5) 101	(19)* 20	(66.5) 121	(21.5) 67	1	6	*1*	—	4	*Represents percentage in Governor's Provinces of B.I.
ve	300	123	45	168	100	7	10	3	—	12	
a	*100	(48.9) 38	(13.4) 13	(62.3) 51	(34.8) 35	3	—	1	—	10	*Pop. figures exclude Tribal Areas.
g	200	(18.3) 38	(24.7) 35	(43) 73	(54.9) 102	2	—	3	—	20	
ar ss	100	(67.8) 51	(14.5) 14	(82.3) 65	(11.3) 25	1	—	1	3	5	
n	200	(68) 88	(8) 28	(76) 116	(20) 66	2	—	3	—	13	On Sind being separated weigh

Sind & N.W.F.P. Weightage similar to that enjoyed by the Musalmans in the Provinces in which they constitute a minority of the population, shall be given to the Hindu minority in Sind and to the Hindu and Sikh minorities in the N.W.P.P.

SPECIAL CLAIMS OF THE EUROPEAN COMMUNITY

A. A. Equal rights and privileges to those enjoyed by Indian-born subjects in all industrial and commercial activities.

B. B. The maintenance of existing rights in regard to procedure of criminal trials, and any measure or bill to amend, alter, or modify such a procedure cannot be introduced except with the previous consent of the Governor-General.

Agreed by:—

HIS HIGHNESS THE AGA KHAN (Muslims)

DR. AMBEDKAR (Depressed Classes)

RAO BAHADUR PANNIR SELVAM (Indian Christians)

SIR HENRY GIDNEY (Anglo-Indians)

SIR HUBERT CARR (Europeans).

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES

Appendix IV : Statement by B. R. Ambedkar on Gandhi's fast
Appendix V: Temple Entry in Travancore

APPENDIX IV

STATEMENT BY B. R. AMBEDKAR ON GANDHI'S FAST

Statement on Mr. Gandhi"s attitude at the Round Table Conference to the Untouchables and their demand for Constitutional Safeguards, 19th September 1932.

I need hardly say that I was astounded to read the correspondence between Mahatma Gandhi, Sir Samuel Hoare and the Prime Minister, which was published recently in the Papers, in which he has expressed his determination to starve himself unto death till the British Government of its own accord or under pressure of public opinion revise their opinion and withdraw their scheme of communal representation for the Depressed Classes. The unenviable position, in which I have been placed by the Mahatma's vow of self-immolation, can easily be imagined.

It passes my comprehension why Mr. Gandhi should stake his life on an issue arising out of the communal question which he, at the Round Table Conference, said was one of a comparatively small importance. Indeed, to adopt the language of those of Mr. Gandhi's way of thinking, the communal question was only an appendix to the book of India's constitution and not the main chapter. It would have been justifiable, if Mr. Gandhi had resorted to this extreme step for obtaining independence for the country on which he was so insistent all through the R. T. C. debates. It is also a painful surprise that Mr. Gandhi should single out special representation for the Depressed Classes in the Communal Award as an excuse for his self-immolation. Separate electorates are granted not only .to the Depressed Classes, but to the Indian Christians, Anglo-Indians, Europeans, as well as to the Mohammedans and the Sikhs. Also separate electorates are granted to landlords, labourers and traders. .Mr. Gandhi had declared his opposition to the special representation of every other class and creed except the Mohammedans and the Sikhs.. All the same, Mr, Gandhi chooses to let everybody else except the Depressed Classes retain the special electorates given to them.

The fears expressed by Mr. Gandhi about the consequences of the arrangements for the representation of the Depressed Classes are, in my opinion, purely imaginary. If the nation is not going to be split up by separate electorates to the Mohammedans and the Sikhs, the Hindu society cannot be said to be split up if the Depressed Classes are given separate electorates. His conscience is not aroused if the nation is split by the arrangements of Special Electorates for classes and communities other than the Depressed Classes.

I am sure many have felt that if there was any class which deserved to be given special political rights in order to protect itself against the

tyranny of the majority under the Swaraj constitution it was the Depressed Classes. Here is a class which is undoubtedly not in a position to sustain itself in the struggle for existence. The religion to which they are tied, instead of providing for them an honourable place, brands them as lepers, not fit for ordinary intercourse. Economically, it is a class entirely dependent upon the high-caste Hindus for earning its daily bread with no independent way of living open to it. Nor are all ways closed by reason of the social prejudices of the Hindus but there is a definite attempt all throughout the Hindu Society to bolt every possible door so as not to allow the Depressed Classes any opportunity to rise in the scale of life. Indeed it would not be an exaggeration to say that in every village the caste Hindus, however divided among themselves, are always in a standing conspiracy to put down in a 'merciless manner any attempt on the part of the Depressed Classes who form a small and scattered body of an ordinary Indian citizen.

In *these* circumstances, it would be granted by all fair-minded persons that as the only path for a community so handicapped to succeed in the struggle for life against organised tyranny, some share of political power in order that it may protect itself is a paramount necessity.

I should have thought that a well-wisher of the Depressed Classes would have fought tooth and nail for securing to them as much political power as might be possible in the new Constitution. But the Mahatma's ways of thinking are strange and are certainly beyond my comprehension. He not only does not endeavour to augment the scanty political power which the Depressed Classes have got under the Communal Award, but on the contrary he has staked his very life in order to deprive them of little they have got. This is not the first attempt on the part of the Mahatma to completely dish the Depressed Classes out of political existence. Long before, there was the Minorities Pact. The Mahatma tried to enter into an. agreement with the Muslims and the Congress. He offered to the Muslims all the fourteen claims which they had put forth on their behalf, and in return asked them to join with him in testing the claims for social representation made by me on behalf of the Depressed Classes.

It must be said to the credit of the Muslim delegates, that they refused to be a party to such a black act, and saved the Depressed Class from 'what might as well have developed into a calamity for them as a result of the combined opposition of the Mohammedans and Mr. Gandhi.

I am unable to understand the ground of hostility of Mr. Gandhi to the Communal Award. He says that the Communal Award has separated' the Depressed Classes from the Hindu Community. On the other hand,- Dr. Moonje, a much stronger protagonist of the Hindu case and a militant advocate of its interests, takes a totally different view of the matter. In the speeches which he has been delivering since his arrival from London, Dr. Moonje has been insisting that the Communal Award does not create any separation between the Depressed Class and the Hindus. Indeed, he has been boasting that he has defeated me in my attempt to politically separate the Depressed Class from the Hindus. I am sure that Dr. Moonje is right in his interpretation of the Communal Award although, I am not sure that the credit of it can legitimately go to Dr. Moonje. It is therefore surprising that Mahatma Gandhi who is a nationalist and not known to be a communalist should read the Communal Award, in so far as it relates to the Depressed Class, in a manner quite contrary to that of a communalists like Dr. Moonje. If Dr. Moonje does not sense any separation of the Depressed Classes from the Hindus in the Communal Award the Mahatma ought to feel quite satisfied on that score.

In my opinion, that Communal Award should not only satisfy the Hindus, but also satisfy those individuals among the Depressed Classes such as Rao Bahadur Rajah, Mr. Baloo or Mr. Govai, who are in favour of Joint Electorates. Mr. Rajah's fulminations in the Assembly have amused me considerably. An intense supporter of Separate Electorates and the bitterest and the most vehement critic of caste Hindu tyranny, now professes faith in the Joint Electorates and love for the Hindus ! How much of that is due to his natural desire to resuscitate himself from the oblivion in which he was cast by his being kept out of the Round Table Conference and how much of it is to his honest change of faith, I do not propose to discuss.

The points on which Mr. Rajah is harping by way of criticism on the Communal Award are two: One is that the Depressed Classes have gained lesser number of seats than they are entitled to on the population basis, and the other is that the Depressed Classes have been separated from the Hindu fold.

I agree in his first grievance, but when the Rao Bahadur begins to accuse those who represented the Depressed Classes at the R. T. C. for having sold their rights, I am bound to point out what Mr. Rajah did as

a member of the Indian Central Committee. In that Committee's report, the Depressed Classes were given in Madras 10 seats out of 150; in Bombay 8 seats out of 14; in Bengal 8 seats out of 200 ; in U. P. 8 seats out of 182; in the Punjab 6 seats out of 150 ; in Behar and Orissa 6 out of 150; in C. P. 8 out of 125 and in Assam, 9 seats for the Depressed Classes and the indigenous and primitive races out of 75. I do not wish to overburden this statement by pointing out how this distribution compares with the population ratio. But there can be no doubt that this meant a terrible under-representation of the Depressed Classes. To this distribution of seats Mr. Rajah was a party. Surely, Mr. Rajah, before he criticises the Communal Award and accuses others, should refresh his memory of what he accepted as Member of the Indian Central Committee on behalf of the Depressed Classes without any protest. If the population ratio of representation was to him a natural right of Depressed Classes and its full realisation was a necessity for their protection, why did not Mr. Rajah insist upon it in the Central Committee when he had an opportunity to do so?

As to his contention that in the Communal Award, the Depressed Classes have been separated from the caste Hindus, it is a view to which I cannot subscribe. If Mr. Rajah has any conscientious objection to separate Electorates, there is no compulsion on him to stand as a candidate in the Separate Electorates. The opportunity to stand as a candidate in the general electorate as well as the right to vote in it are there, and Mr. Rajah is free to avail himself of the same. Mr. Rajah is crying at the top of his voice to assure to the Depressed Classes that there is a complete change of heart on the part of the Caste Hindus towards the Depressed Class. He will have the opportunity to prove that fact to the satisfaction of the Depressed Class, who are not prepared to take his word by getting himself elected in the general constituency. The Hindus, who profess love and sympathy for the Depressed Classes, will have also an opportunity to prove their *bona fides* by electing Mr. Rajah to the legislature.

The Communal Award, therefore, in my opinion, satisfied both those who want separate Electorates and those who want joint Electorates. In this sense, it is already a compromise and should be accepted as it is. As to the Mahatma, I do not know what he wants. It is assumed that although Mahatma Gandhi is opposed to the system of separate electorates, he is not opposed to the system of Joint Electorates and Reserved Seats. That is a gross error. Whatever his views are today,

while in London he was totally opposed to any system of Special representation for the Depressed Classes whether by joint Electorates or by Separate Electorates. Beyond the right to vote in a general electorate based upon Adult Suffrage, he was not prepared to concede anything to the Depressed Classes by way of securing their representation in the legislatures. This was the position he had taken at first. Towards the end of the R. T. C. he suggested to me a scheme, which he said, he was prepared to consider. The scheme was purely conventional without any constitutional sanction behind it and without any single seat being reserved for the Depressed Classes in the electoral law. The scheme was as follows :

Depressed Class candidates might stand in the general electorate as against other high caste Hindu candidates. If any Depressed Class Candidate was defeated in the election, he should file an election petition and obtain the verdict that he was defeated because he was an Untouchable. If such a decision was obtained, the Mahatma said he would undertake to induce some Hindu members to resign and thus create a vacancy. There would be then another election in which the defeated Depressed Class candidate or any other Depressed Class candidate might again try his luck as against the Hindu candidates. Should he be defeated again, he should get similar verdict that he was defeated because he was an Untouchable and so on *ad infinitum*. I am disclosing these facts as some people are even now under the impression that the Joint Electorates and Reserved Seats would satisfy the conscience of the Mahatma. This will show why I insist that there is no use discussing the question until the actual proposals of the Mahatma are put forth.

I must, however, point out that I cannot accept the assurances of the Mahatma that he and his Congress will do the needful. I cannot leave so important a question as the protection of my people to conventions and understandings. The Mahatma is not an immortal person, and the Congress, assuming it is not a malevolent force, is not to have an abiding existence. There have been many Mahatma? in India whose sole object was to remove Untouchability and to elevate and absorb the Depressed Classes, but every one of them has failed in his mission. Mahatmas have come and Mahatmas have gone. But the Untouchables have remained as Untouchables.

I have enough experience of the pace of Reform and the faith of

Hindu reformers in the conflicts that have taken place at Mahad and Nasik, to say that no well-wisher of the Depressed Classes will ever consent to allow the uplift of the Depressed Classes to rest upon such treacherous shoulders. Reformers who in moments of crises prefer to sacrifice their principles rather than hurt the feelings of their kindred can be of no use to the Depressed Classes.

I am therefore bound to insist upon a Statutory guarantee for the protection of my people. If Mr. Gandhi wishes to have the Communal Award altered, it is for him to put forth his proposals and to prove that they give a better guarantee than has been given to us under the Award.

I hope that the Mahatma will desist from carrying out the extreme step contemplated by him. We mean no harm to the Hindu society when we demand separate electorates. If we choose separate electorates, we do so in order to avoid the total dependence on the sweet will of the Caste Hindus in matters affecting our destiny. Like the Mahatma we also claim our right to err, arid we expect him not to deprive us of that right. His determination to fast himself unto death is worthy of a far better cause. I could have understood the propriety of the Mahatma contemplating such extreme step for stopping riots between Hindus and Mohammedans or between the Depressed Classes and the Hindus or any other national cause. It certainly cannot improve the lot of the Depressed Classes. Whether he knows it or not, the Mahatma's act will result in nothing but terrorism by his followers against the Depressed Classes all over the country.

Coercion of this sort will not win the Depressed Classes to the Hindu fold if they are determined to go out. And if the Mahatma chooses to ask the Depressed Classes to make a choice between Hindu faith and possession of political power, I am quite sure that the Depressed Classes will choose political power and save the Mahatma from self-immolation. If Mr. Gandhi coolly reflects on the consequences of his act, I very much doubt whether lie will find this victory worth having. It is still more important to note that the Mahatma is releasing reactionary and uncontrollable forces, and is fostering the spirit of hatred between the Hindu Community and the Depressed Classes by resorting to this method and thereby widening the existing gulf between the two. When I opposed Mr. Gandhi at the R. T. C"there was a hue and cry against me in the country and there was a conspiracy in the so-called nationalist press to represent me as a traitor to the nationalist cause, to suppress

correspondence coming from my side .and to boost the propaganda against my party by publishing exaggerated reports of meetings and conferences, many of which were never held. "Silver bullets"were freely used for creating divisions *in* the ranks of the Depressed Classes. There have been also a few clashes ending in violence.

If the Mahatma does not want all this to be repeated on a larger scale, let him, for God's sake, reconsider his decision and avert the disastrous consequences, I believe the Mahatma does not want this. But if he does not desist, in spite of his wishes these consequences are sure to follow as night follows the day.

Before concluding this statement, I desire to assure the public that although I am entitled to say that I regard the matter as closed, I am prepared to consider the proposals of the Mahatma. I how' ever trust the Mahatma will not drive me to the necessity of making a choice between his life and the rights of my people. For I can never consent to deliver my people bound hand and foot to the .Caste Hindus for generations to come.

B. R. AMBEDKAR.

APPENDIX V

TEMPLE ENTRY IN TRAVANCORE

His Highness the Maharaja of Travancore issued a Proclamation «n the 12th November 1936 opening the Temples in the State to the Untouchables. The Proclamation reads as follows :—

"Profoundly convinced of the truth and validity of our religion, believing tbat_it is based on divine guidance and on all-comprehending toleration, knowing that in its practice it has throughout the centuries adapted itself to the need of the changing times, solicitous that none of our Hindu subjects should, by reason of birth, caste or community, be denied the consolation and solace of the Hindu faith, we have decided and hereby declare, ordain and command that, subject to such rules and conditions as may be laid down and imposed by us for preserving their proper atmosphere and maintaining their rituals and observances, there should henceforth be no restriction placed on any Hindu by birth or religion on entering or worshipping at temples controlled by us and our Government."

A great lot has been made by the Congressmen and by Mr. Gandhi about this Proclamation. It is regarded as heralding the birth of a new conscience in the Hindu world. I don't feel quite so sure of this. At any rate there are facts on the other side, which are worth bearing in mind.

The proclamation was issued by the Maharaja of Travancore in his name. But the real active force behind the scene was the Prime Minister, Sir C. P. Ramaswami lyer. It is his motives that we must understand. In 1932, Sir C. P. Ramaswami lyer was also the Prime Minister of Travancore. In 1932, when Mr. Gandhi had raised a controversy over the entry of the Untouchables into the Guruvayur Temple, Sir C. P. Ramaswamy Iyer had taken part in the controversy on the side of those who were against Temple Entry. In the course of this controversy, Sir C. P. Ramaswamy lyer issued a statement(***Times of India dated November 10, 1932)*** to the Press.

This is what he said :

"Personally I do not observe caste rules. I realise there are strong, though not very articulate, feelings in this matter in the minds of men who believe that the present system of temple worship and its details are based on divine ordinances. The problem can be permanently solved only by a process of mutual adjustment and by the awakening of religious and social leaders of Hindu society to the realities of the present situation and to the need for preserving the solidarity of the Hindu community.

"Shock tactics will not answer the purpose and direct action will be even more fatal in this sphere than in the political. I have the misfortune to differ from Mr. Gandhi when he says that the problem of temple-entry can be divorced from such topics as interdining and I agree with Dr. Ambedkar that the social and economic uplift of the Depressed Classes should be our immediate and urgent programme."

This statement shows that in 1933 spiritual considerations did not move Sir C. P. Ramaswamy lyer. Spiritual considerations have become operative after 1933. What made Sir C. P. Ramaswamy lyer take a different view in 1936? What had happened in Travancore in 1936 to compel this change of opinion? It may be recalled that in 1936, there was held in Travancore a Conference of the Yezawa Community. The Yezawas are an Untouchable community spread over Malabar. It is an educated community and economically quite strong. It is also a vocal community and has been carrying on agitation in the State against social and religious disabilities. The Conference was held to consider whether the Yezawas

should not abandon the Hindu Religion in favour of some other religion(**This was in pursuance of the decision taken at Yeola in 1935 under *my* chairmanship**). The Yezawas form a very large community. The cessation of so large a community would be death-knell to the Hindus and the Conference had made the danger real.

It may not be far fetched to say that the Proclamation was issued to forestall this danger. If this is correct, there is very little spiritual substance behind the proclamation. It must not be forgotten that Sir C. P. Ramaswamy lyer has his own way of giving spiritual colouring to a material act. The Brahmins have been, in accordance with the Hindu Law, exempt from capital punishment which applied to all Brahmins. This was a very glaring case of discrimination. Sir C. P. Ramaswami lyer very recently announced the abolition of capital punishment in Travancore State and took credit for having carried out a great humanitarian Reform. As a matter of fact, the object was really preventing the Brahmin from being brought under the guillotine in obedience to the principle of equality before law.

How far did this Proclamation change facts and how far it has remained a show? It is not possible to get real facts as they exist in Travancore. In the course of the discussion on the Malabar Temple Entry Bill in the Madras Legislative Assembly, certain facts relating to Travancore were mentioned by Sir T. Pannirselvam which, if true, would show that the whole thing is hollow.

Sir T. Pannirselvam said ;—

"One of the arguments advanced by the Premier in support of the measure was that temples in Travancore had been thrown open to the 'Untouchables.' A Maharaja vested with autocratic powers did so by an order. But how was it working there? From representations received, he was led to believe that after the first flush of enthusiasm, Harijans had left off going to temples, and people who used to worship previously before Harijans were allowed to enter the temples, had stopped worshipping in temples. He would ask the Government to tell them if the measure was really a success in Travancore."

On the third reading of the Bill, Sir T. Pannirselvam made a statement which must have come as a surprise to many. He said :

"He wanted to know whether it was a fact that the private temples of

the Senior Maharani were excluded from the Proclamation. What was the reason for it? Again during the celebration of the marriage of the daughter of the Senior Maharani, it was found necessary, so he was told, to perform purificatory ceremony of the temple. If such a purification of temples took place, what happened to the Proclamation?"

These facts were not challenged by anybody, either by Sir C. P. Ramaswami lyer or C. Rajagopalachariar. Evidently, they cannot be challenged. If they are incontrovertible, then the less said about the Malabar Temple Entry Proclamation as a spiritual testament, the better.

Is this Temple Entry in Travancore the be-all and end-all of the social reform in Travancore? Is there to be just Temple Entry and no further or is it going to lead to equality in the matter of religious status? Will, for instance, the Devastan Department be placed in the hands of the Untouchables and the Shudras? Nine years since the Proclamation have passed, there has been no move in democratisation of religion in Travancore.

Will the Untouchables of Travancore have to pay for Temple Entry? I am not in a position to say. But I like to reproduce below a letter addressed to me by Sri Narayan Swami of the All-Travancore Pulayar Cheramar Aykia Maha Sangham. It is dated 24th November 1938.

"Camp Mayyanad

Quilon, 24-11-1938.

To Dr, Ambedkar,

Bombay.

RESPECTED SIR,

I have unaffected pleasure to draw your attention to the following facts for obtaining the valuable advice from you. Being the leader of a Harijan Community of the Travancore State, I think, it is my paramount duty to suggest you definitely all the grievances that the Harijans of this State are enduring.

1. 1. The Temple Entry Proclamation issued by His Highness The Maharaja is indeed a boon to Harijans ; but the Harijans are enjoying all the other social disabilities except the temple Entry. The Government do not take any step for the amelioration of the

Harijans.

2. 2. Among 15 lakhs of Harijans, there are a few graduates, half a dozen undergraduates and 50 school finals and more than 200 vernacular certificates holders. Though the Government have appointed a Public Service Commission, appointments to the Harijans are very few. All the appointments are given to Savamas. If a Harijan is appointed, it will be for one weak or two weeks. According to the rules of the recruitment in Public Service, the applicant is allowed to apply only after a year again. While a Savarna will be appointed for a year or more. When the list of the appointments is brought before the Assembly, the number of appointments will be equal to the communal representation; but the duration of the post of all the Harijans will be equal to one Savarna. This kind of fraud is associating with the officials. Thus the public service is a common property of the Savamas. No Harijan is benefited by it.
3. 3. There was a proclamation from H. H. The Maharaja, a few years ago that three acres of ground should be given to each Harijan to live in; but the officials are Savamas who are always unwilling to carry out the proclamation. Even though the Government is willing to grant large extent of ground for pasturing near towns, not a piece of the ground is given to the Harijans. The Harijans are still living in the compounds of the Savamas and are undergoing manifold difficulties. Though large extents of ground lay in"Reserve,"the applications of the Harijans for granting grounds are not at all regarded with importance or listened to. The most parts of *the* lands are benefited by the Savarnas.
4. 4. The Government nominates every year, for the election of members of the Assembly, one member from each Harijan Com. munity. Though they are elected to present the grievances of the Harijans before the Assembly, they are found to be the machinery of the Government, viz., the toys of the Savarna officers, who are benefited by them. Thus the grievances of the Harijans cannot be redressed any way.
5. 5. All the Harijans of Travancore are labourers in the fields and compounds. They are the servants of the Savarnas who behave with them as beasts—nobody to look after for protection. Every Harijan gets only 2 chs (one anna) as the wage in most parts of the State. The social disabilities are the same to them even after the Temple Entry. The workers in the factories in various parts of the State of

Travancore and the Officers of the State are all Savarnas and they are at present agitating for responsible Government. Now the Harijans are demanding jobs in Government and in factories but the agitation in Travancore is a Savaroa agitation by which the Savarnas are making arrangements to get rid of Harijans in Public Service and factories. They plead for higher salaries and more privileges. They pay the least care to the Harijan labourers while the people of Travancore are maddened with the agitation of the workers in the factories. The standard of salary of Harijan worker is very low while the standard of a factory worker is thrice the former.

6. 6. Due to starvation and want of proper means of livelihood, the heads of the children of Harijans are heated as a result of which they are likely to fail in school. Before proclamation, the duration of Concession in high schools was for 6 years; now, it has been reduced to three years by which a good number of students stopped their education after their failure.
7. 7. There is a department for the Depressed Classes, the head of which is Mr. C. O. Damodaran (the protector of the Backward Communities). Though every year a big amount is granted for the expenditure, at the end of the year, two-thirds of the sum is lapsed by his sagacity. He used to submit reports to the Government that there is no way of spending the amount. Ninety-five per cent of the sum allotted for the Depressed Class is spent as the salary of the officials who are always Savarnas and 5 per 'cent. is benefited. Now the Government is going to make some colonies in three parts of Travancore. The officers are Savarnas. This scheme is, in my opinion, not a success for the Government do not pay greater attention to it. I regret that Travancore Government spends one anna for the Harijan cause, while Cochin State spends a rupee, for the same.
8. 8. The majority of the subjects of Travancore are now agitating strongly for Responsible Government under an organisation 'The State Congress.' The leaders of this popular organisation belong to the four major communities of the State, namely, the Nair, Mahomedan, Christian and Ezhava community. The President of the State Congress Mr. Thanu Pillai issued a statement in which he stressed that special concessions would be given to the Depressed Class. All the leaders of the Depressed Class have been awaiting for a time to see the attitude of the State Congress. Now we come to understand that there is no reality in the promise of these leaders.
9. 9. Now I am sure that the leaders have neglected the cause of the

Depressed Class. The State .Congress was started on the principles of nationalism and now it has become an institution of communalism. Communal spirit is now working among the leaders. In every public speech, statement or article, the leaders mention only these four major communities, while they have no thought on us. I fear, if this is the case of the leaders of the political agitation of Travancore, the situation of the Depressed Class will be more deplorable when the Responsible Government is achieved, for the entire possession of the Government will be then within the clutches of the above mentioned communities and the Depressed Classes' rights and privileges will be devoured by the former. In the meetings of the working committee of the States Congress, two-thirds of the time was devoted in discussion concerning the strike of the Alleppey Coir Factories; but nothing was mentioned in the meeting about the Harijan workers who are undergoing manifold difficulties. The workers in Factories are Savarnas and the agitation for obtaining Responsible Government is a kind of anti-Harijan movement. The motive of every leader of the State Congress is to improve the situation (circumstance) of the Savarna. The leaders of the major communities have some mercenary attitude who are going to sacrifice the Depressed for their progress.

10. 10. These are the conditions of the Depressed Class of the State. What are the ways by which we have to establish our rights in the State? I humbly request you to be good enough to render me your advice at this occasion. I am awaiting for the reply. Excuse me for the trouble,

Yours faithfully,

SHRI
NARAYANASWAMI

If the plan of Temple Entry is ultimately to deprive the Untouchables of their statutory rights, then the movement is not only not spiritual but it is positively mischievous and it would be the duty of all honest people to warn the Untouchables.

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES
Appendix VI : Recognition of Untouchables as a Separate Element

APPENDIX VI

RECOGNITION OF UNTOUCHABLES AS A SEPARATE ELEMENT

Pronouncements of the British Government on the position of the Untouchables in the Constitution of India,

INTRODUCTION

The necessity for recalling the pronouncements of the Viceroys and of the Secretaries of State has arisen because of the recent criticism in the Press against the reply of 15th August 1944 given by Lord Wavell to Mr. Gandhi stating that the Scheduled Castes are a separate element in the national life of India and that their consent to the new Constitution was essential before power is transferred to Indian hands. This criticism is based upon the supposition that the Cripps's proposals did not recognise the Scheduled Castes as a separate element and did not make their consent necessary. Reliance is placed 'upon the fact that the Cripps's proposals spoke of"racial and religious minorities"only and it is argued that the Scheduled Castes are neither a racial nor a religious minority.

It is hardly necessary to point out how ignorant this criticism is. The Scheduled Castes are really a religious minority. The Hindu religion by its dogma of untouchability has separated the Scheduled Castes from the main body of the Hindus in a manner which makes the separation far more real and far wider than the separation which exists either between Hindus and Muslims or Hindus and Sikhs or Hindus and Christians. It is difficult to concede of a more effective method of separation and segregation than the principle of untouchability and it is only those who are actuated by malicious spirit of finding excuses to deny the Scheduled Castes their claim to political rights would indulge in this kind of jugglery. Those who regard the statement of Lord Wavell as a new departure have completely forgotten what attitude His Majesty's Government has taken in the matter of the Scheduled Castes from the very beginning when the transfer of political power from British to Indian hands was thought of. Ever since 1917 when the Montagu-Chelmsford Report advocated responsible Government, the British Government have taken a definite

stand that they would, under no circumstances, transfer power to Indian hands until they were satisfied that the position of the Scheduled Castes was safeguarded by adequate Constitutional provisions. A few of the many declarations made by Secretaries of State and Viceroys of India from 1917 to 1941 *are* collected together in the following pages. It will be found that the recognition that the Scheduled Castes are a separate and important element in the national life of the country and that their consent is necessary are in no way new proposals. Both the statements have been made by responsible representatives of His Majesty's Government, viz., the Secretary of State and the Viceroy long before the Cripps's proposals came into being. Particular attention is drawn to Mr, Amery's statement on 14th August 1940 and Lord Linlithgow's statement on 10th January 1940. It is hoped that a perusal of these declarations will enable those who are trying to negative the claim of the Scheduled Castes for political rights to realise that their propaganda is both foolish and malicious.

(1)

Extract from the Montagu-Chdmsford Report on Indian Constitutional Reform—1917.

155. .. , .. We have shown that the political education of the ryot cannot be a very rapid, and may be a very difficult process. Till it is complete, be must be exposed to the risk of oppression by people who are stronger and cleverer than be is : and until it is clear that his interests can safely be left in his own hands or that the legislative councils represent and consider his interest, we must retain power to protect him. So with the depressed classes. We intend to make the best arrangements that we can for their representation, in order that they too may ultimately learn the lesson of self-protection. But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our own hands of helping them,

(2)

Extract from the Fifth Despatch of the Government of India dated 23rd April 1919 on the Report of the Southborough Committee on Franchise,

13. We have analysed in the statement (printed at the top of the next page) the interests which in the committee's opinion should be represented by non-official nomination.

We accept these proposals generally. But there is one community whose case appears to us to require more consideration than the committee gave it. The Report on Indian Constitutional Reforms dearly recognises the

problem of the depressed classes and gave a pledge respecting them."We intend to make the best arrangements that we can for their representation."The castes described as"Hindus—others"in the committee's report, though they are defined in varying terms, are broadly speaking all the same kind of people.

Names of Province	Depressed Classes	Anglo-Indians	Indian Christians	Labour	Excluded tracks	Military Interest	Industrial Interest other than planting & Mining	Aborigines	Domiciled Bengalis	Others	*Total*	% of total members hip
1	2	3	4	5	6	*7*	8	9	10	11	12	13
Madras	2	—	—	—	*2*	—		—	—	2	6	5
Bombay	—	1	1	1	—	—	—	—	—	2	6	9
Bengal	1	—	1	1	—	—	—	—	—	22	5	4
United Provinces	1	1	1	—	—	—	—	—	—	2	6	4
Punjab	-.	2	1	—	—	1	—	—	—	2	9	7
Bihar and Orissa	1	1	1	1	—	—	1	1	!	2	9	9
Central Provinces	1	1*	—	—	*2*	—	—	—	—	1	5	7
Assam	—	1*	1	1	1	—	—	—	—	1	6	9

Total	7	7	6	4	8	1	1	1	1	14	47	—

*Europeans and Anglo-Indians.

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES

Appendix VI : Recognition of Untouchables as a Separate Element

Continued…

Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras Panchamas, definitely outside that part of the Hindu community which is allowed access to their temples. They amount to about one-fifth of the total population, and have not been represented at all in the Morley-Minto Councils. The committee's report mentions the depressed classes twice, but only to explain that in the absence of satisfactory electorates they have been provided by nomination, It does not discuss the position of these people or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Para 24 of the report justifies the restriction of the nominated scats on grounds which do not suggest that the committee were referring to the depressed classes. The measures of representation which they propose for this community is as follows;—

	Total Population	*Population of Depressed Classes*	*Total Seats*	*Seats for Depressed Classes*
	(millions}	*(millions)*		
Madras	39 8	*6.3* a	120	*2*
Bombay	19.5	6	113	1
Bengal	48 0	9.9 9	127	1

United Provinces		47	0	10	1	15O	1
Punjab		19	19. 5	1	7	85	-
Bihar and Orissa		33	4	9	3	100	1
Central Provisions		12	12. 2	3	7	72	1
Assam		6	0	0	3	54	--
Total		*221.4*		41 9		791	7

These figures speak for themselves. It is suggested that one-fifth of the entire population of British India should be allotted seven seats out of practically eight hundred. It is true that in all the councils there will be roughly a one-sixth proportion of officials who may be expected to bear in mind the interests of the depressed ; but that arrangement is not, in our opinion, what the Report on reforms aims at. The authors stated that the depressed classes also should learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the community in an assembly where there are sixty or seventy caste Hindus. To make good the principles of paras 151, 152, 154 and 155 of the Report we must treat the out-castes more generously. We think there should be in each council enough representatives of the depressed classes to save them from being entirely submerged, and at the same time to stimulate some capacity for collective action. In the case of Madras, we suggest that they should be given six seats; in Bengal, the United Provinces and Bihar and Orissa, we would give them four; in the Central Provinces and Bombay two and elsewhere one. In these respects we think that the committee's report clearly requires modification.

(3)

Extract from Lord Birkenhead's speech as Secretary of State for India in the House of Lords on the 30th March 1927 on the appointment of Statutory Commission.

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Let me take the case of the depressed classes. There is in India a vast population even in relation to the numbers with which we are dealing, a population of sixty millions of the depressed classes. Their condition is not quite as terrible, quite as poignant as it has been in the past, but it is still terrible and poignant. They are repelled from all social intercourse. If they come between the gracious light of the sun and one who despised

them the sun is disfigured for that man. They cannot drink at the public water-supply. They must make diversions of miles in order to satisfy thirst and they are tragically known and they have been known for generations as the"untouchables."There are sixty millions of them in India. Am I to have a representative of them upon this Commission? Never, never would I form a Commission nor would anyone in a democratic country, nor would my friends opposite recommend it, from which you have excluded a member of this class which more than any other requires representation if you are indeed to put the matter to a mixed jury of the kind I am indicating.

(4)

Extract from the Report of the Simon Commission, Vol. II.

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78. . .. . .. In no other province has it been possible to get an estimate of the number of the depressed classes who are qualified to vote. It is clear that even with a considerable lowering of the franchise—which would no doubt increase the proportion of the depressed class voters—there would be no hope of the depressed classes getting their own representatives elected in general constituencies without special provision being made to secure it. In the long run the progress of the depressed classes, so far as it can be secured by the exercise by them of political influence, will depend on their getting a position of sufficient importance for other elements to seek their support and to consider their needs.

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80. . .. It will be seen, therefore, that we 40 not recommend allocating seats to the depressed classes on the basis of their full population ratio. The scale of reserved representation suggested will secure a substantial increase in the number of the M.L.C's. drawn from the depressed classes. The poverty and want of education which so widely prevail amongst them make it extremely doubtful whether a large number of adequately equipped members could be at once provided, and it is far better that they should be represented by qualified spokesmen rather than by a larger number of ineffective who are only too likely to be subservient to higher castes. The re-distribution of seats which is now being attempted among different kinds of representatives cannot be permanent, and provision must be made for its revision. But we think that our proposal is adequate for the present, especially as the representation of opinion by reservation of seats does not exclude the possibility of the

capture of other seats not so reserved.

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(5)

Extract from the Government of India's Despatch on Proposals for Constitutional Reform (as set out by the Simon Commission).

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35. *The Representation of the Depressed Classes.*--The suggestions made by the Commission for the representation of the depressed classes have been much criticized by the provincial Governments. The difficulty of framing for each province a definition of the"depressed classes"is probably inherent in any scheme for the special representation of this class other than by nomination; but the Commission's proposals place a peculiarly embarrassing duty on the Governor to certify candidates authorised to stand for the depressed classes ; and the proportion of representation which the Commission suggest, namely, in the ratio of three-quarters of the proportion of the depressed classes population to the total population of the electoral area of the provinces, seems likely to be unduly high. The Government of the United Provinces have calculated that in that province the Commission's proposal would result in the return to the provincial legislature of no less than forty members in place of the single nominated member who at present represents the community. The whole problem of the representation of the depressed classes will require careful investigation by the Franchise Committee ; and at this stage we only wish to make plain that in our view their adequate representation should be secured by the best means that may be found practicable. Though there are some differences of opinion within the community, recent meetings of depressed classes associations have re-affirmed their belief in separate electorates.

(6)

Extract from the Terms of Reference to the Lothian Committee (on Franchise) 1932.

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3. You are aware that the present electorate in Indian provinces amounts to less than 8 per cent. of the population of the areas returning members to provincial Councils, and it is obvious that under this limited franchise, the majority of the people and many large and important sections of the community can enjoy no effective representation in the Legislatures. The principle of a responsible Federal Government, subject to certain reservations and safeguards, has been accepted by His Majesty's

Government while it has been decided that the Governors' provinces are to become responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere. In these circumstances, it is clearly necessary so to widen the electorate that the legislatures to which responsibility is to be entrusted should be representative of the general mass of the population and that no important section of the community may lack the means of expressing its needs and its opinions.

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6. It is evident from the discussions which have occurred in various connections in the Conference that the new Constitution must make adequate provision for the representation of the De-profiled Classes and that the method of representation by nomination is no longer regarded as appropriate. As you are aware, there is difference of opinion whether the system of separate electorates should be instituted for the Depressed Classes and your Committee's investigations should contribute towards the decision of this question by indicating the extent to which the Depressed Classes would be likely, through such general extension of the franchise as you may recommend, to secure the right to vote in ordinary electorates. On the other hand, should it be decided eventually to constitute separate electorates for the Depressed Classes, either generally or in those provinces in which they form a distinct and separate element in the population, your committee's inquiry into general problem of extending the franchise should place you in possession of facts which would facilitate the devising of a method of separate representation for the Depressed Classes.

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(7)

Extract from the Statement issued by H. E. Lord Linlithgow the Vlceroy and Governor General of India, dated 17th October 1939.

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"Be that as it may, His Majesty's Government recognise that when the time comes to resume consideration of the plan for the future federal Government of India, and of the plan destined to give effect to the Assurance given in Parliament by the late Secretary of State, to which I have just referred, it will be necessary to reconsider in the light of the then circumstances to what extent the details of the plan embodied in the Act of 1935 remain appropriate.

And I am authorised now by His Majesty's Government to say that at the end of the war they will be very willing to enter into consultation with

representatives of the several communities) parties and interests in India, and with the Indian Princes, with a view to securing their aid and co-operation in the framing of such modifications as may seem desirable."

(8)

Extract from a Statement made on 7th November 1989 by Lord Zetland, Secretary of State for India in the House of Lords.

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"The Congress have further consistently taken the line, which they still maintain, that the fact that there are racial and religious minorities in India is of no relevance in that connexion, and that it has always been the intention of the Congress to secure, through the Constitution to be framed by Indians themselves, such protection for their rights as may prove acceptable to the minorities.

His Majesty's Government find it impossible to accept this position. The long-standing British connexion with India has left His Majesty's Government with obligations towards her which it is impossible for them to shed by disinteresting themselves wholly in the shaping of her future form of Government. Moreover, one outstanding result of the recent discussions in which the Governor-General has been engaged with representatives of all parties and interests in India has been to establish beyond doubt the fact that a declaration in the sense proposed, with the summary abandonment by His Majesty's Government of their position in. India, would be far from acceptable to large sections of the Indian population."

(9)

Extract from the Speech made by H. E. Lord Linlithgow, Viceroy and Governor-General at the Orient Club, Bombay, on January 10, 1940.

"Nor must we forget the essential necessity, in the interests of Indian unity, of the inclusion of the Indian States in any Constitutional scheme. There are the insistent claims of the minorities. I need refer only to two of them—the great Muslim minority and the Scheduled Castes—there are the guarantees that have been given to the minorities in the past; the fact that their position must be safeguarded, and that those guarantees must be honoured.

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(10)

Extract from a Speech made by the Right Hon"ble Mr. L. S. Amery, Secretary of State for India in the House of Commons on August 14, 1940.

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"Congress leaders have built up a remarkable organization, the most efficient political machine in India, ..if only they had succeeded, if the Congress could, in fact speak, as it professes to speak, for all the main elements in India's national life, then however advanced their demands, our problem would have been in many respects far easier than it is to-day. It is true that they are numerically the largest single party in British India, but their claim in virtue of that fact to speak for India is utterly denied by very important elements in India's complex national life. These others assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian policy. The foremost among these elements stands the great Muslim community. They will have nothing to do with a constitution framed by a constituent assembly elected by a majority vote in geographical constituencies. They claim the right in any constitutional discussions to be regarded as an entity against the operations of a mere numerical majority. The same applies to the great body what are known *as* the Scheduled Castes who feel that in spite of Mr. Gandhi's earnest endeavours on their behalf, that, as a community, they stand outside the main body of the Hindu community which is represented by the Congress.

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(11)

Extract from the Speech of the Right Hon'ble My. L. S. Amevy, Secretary of State for India in the House of Commons on 23rd April 1941.

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“India's future Constitution should be devised by Indians for themselves and not by the British Government. India's future Constitution should be essentially an Indian Constitution, framed in accordance with the Indian conception of Indian conditions and Indian needs. The only essential condition is that the Constitution itself and the body which is to frame it must be the outcome of agreement between principal elements in India's national life.

(12)

Extract from a Statement by H. E. Lord Linlithgow Viceroy and Governor-General, of India on 8th August 1940.

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

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES

Appendix VII : Minorities and weightage
Appendix VIII : Cripps Proposals
Appendix IX: Objections to Cripps Proposals
Appendix X: Correspondence between Lord Wavell and Mr. Gandhi, 1944
Appendix XI : Political Demands of Scheduled Castes

APPENDIX VII

MINORITIES AND- WEIGHTAGE

Views of the Montagu-Ohdmsford Report find of the Simon Commission on the iniquitous distribution of weightage.

(1)

MONTAOU-CHILMSIORD Report.

Extyact from the Moniagu'Chelmsford Report on Indian Constitutional Reforms.

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163. Important minorities, it is proposed, should be represented by election. This appears to point to a system of specified only for Mohammedans, who are no longer to be allowed to vote in the general electorates as well as in their own special ones. We have elsewhere touched upon the difficulty of denying to certain other communities, such as the Sikhs in the Punjab, a concession which i"granted to Mohammedans, The authors of the scheme have also agreed upon, and

set forth the proportions of the seats to be reserved for the special Muslim electorates in the various provinces. We are not aware on what basis, other than that of negotiation, the figures were arrived at. Separate electorates are proposed in. all provinces even where Mohammedans are in a majority: and wherever they are numerically weak, the proportion suggested is in excess of their numerical strength or their present representation. At the same time, nearly all the Muslim associations which addressed us urged upon us that it should be still further increased. Now a privileged position of this kind is open to the objection, that if any other community hereafter makes good a claim to separate representation, it can be satisfied only by deduction from the non-Muslim seats, or else by a rateable deduction from both Muslim and non-Muslim; and Hindu and Muslim opinions are not likely to agree which process should b6 adopted. While, therefore, for reasons that we explain subsequently, we assent to the maintenance of separate representation for Mohammedans, we are bound to reserve our approval of the particular proposals set before us until we have ascertained what the effect upon other interests will be, and have made fair provision for them. We agree with the authors of the scheme that Mohammedans should not have votes both in their own special, and in the general electorates—and we welcome the Muslim League's assent to the revision in this respect of existing arrangements."

(2)

Extract from the Report of the Indian Statutory Commission, Vol. ***II.***

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NUMBER OF MOHAMMEDAN SEATS

Para 85. We now take up the question of the proportion *of* seats in the various provincial councils to be set aside for Mohammedan members,

The Lucknow Pact, as we have already pointed out, included an 'agreement between Hindus and Moslems as to the proportion of Indian elected seats allotted in each province to the Mohammedan community, and its terms have been followed closely in the allocation of Mohammedan seats in the existing provincial legislatures. The Pact is no longer accepted by either side as offering *&* fair basis of representation and the rival contentions now put forward are indicated in paragraph 70 above. It is ,very much to be hoped that a renewed effort will be made between the two communities themselves to arrive at a fresh accommodation; but in the absence of agreement, a decision will have to be reached by others, on the assumption that separate electorates remain.

Our own opinion is that in view of the existing position and of the weakness of the Moslem minority in six out of the eight provinces(*Burma is not in question*), the present scale of weightage in favour of Mohammedans in those provinces might properly be retained. Thus, the proportion to be allotted to them, of seats filled from the"general"constituencies (other than the European general constituencies) would be determined as at present. But a claim has been put forward for a guarantee of Mohammedan representation which goes further than this—-see paragraph 70 above and Appendix VII at the end of this chapter. This claim goes to the length of seeking to preserve the full security for representation now provided for Moslems in these six provinces and at the same time to enlarge in Bengal and the Punjab the present proportion of seats secured to the community by separate electorates to figures proportionate to their ratio of population. This would give Mohammedans a fixed and unalterable majority of the"general constituency"seats in both provinces. We cannot go so far. The continuance of the present scale of weightage in the six provinces could not—in the absence of a new general agreement between the communities—equitably be combined with so great a departure from the existing allocation in Bengal and the Punjab.

It would be unfair that Mohammedans should retain the very considerable weightage they now enjoy in the six provinces, and that there should at the same time be imposed, in face of Hindu-Sikh opposition, a definite Moslem majority in the Punjab and in Bengal unalterable by any appeal to the electorate. On the other hand, if by agreement separate electorates in Bengal were abandoned, so that each community in that province was left to secure such seats as it could gain by appeal to a combined electorate, we should not, on that account, seek to deprive the Moslem community of its existing weightage in the six provinces where they are in a minority. In the same way in the Punjab, if Moslems, Sikhs and Hindus were prepared to seek election through a joint electorate covering all three communities, here again we should still be prepared to see this combined with the preservation of the present numerical proportion secured to the Mohammedans by separate electorates in the six other provinces.

We make this last suggestion, which really involves giving the Moslem community the advantage of a choice between two courses to follow, because we sincerely desire to see all practicable means attempted for reducing the extent of separate electorates and for giving the other system a practical trial.

APPENDIX VIII

CRIPPS PROPOSALS

DRAFT DECLARATION FOR DISCUSSION WITH INDIAN LEADERS

The conclusions of the British War Cabinet set out below are those which Sir Stafford Cripps has brought with him for discussion with Indian Leaders, and the question as to whether they will be implemented will depend upon the outcome of those discussions which are now taking place.

His Majesty's Government having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India have decided to lay down in precise and clear terms, the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government, therefore, make the following Declaration:—

(a) *(a)* Immediately upon cessation of hostilities, steps shall be taken to set up in India, in manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(b) *(b)* Provision shall be made, as set out below, for participation of Indian States in the Constitution-making body.

(c) *(c)* His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:—

(i) (i) The right of any Province of British India that is not prepared to accept the new Constitution, to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(ii) (ii) The signing of a Treaty which shall be negotiated between His Majesty's Government and the Constitution-

making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands ; it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new situation.

(d) *(d)* The Constitution-making body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities:—

Immediately upon the result being known of Provincial Elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the Constitution-making body by the system of proportional representation, This new body shall be in number about l/10th of the number of the electoral college,

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian Members,

{*e)* During the critical period which now faces India and until the New Constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort, but the task of organising to the full the military) moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participate on of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the united nations. Thus they will be enabled to give their active and constructive help in the in-charge of a task which is vital and essential for the future freedom of India.

APPENDIX IX
OBJECTIONS TO ORIPPS PROP0SALS

Statement by B, R. Ambedkar showing how the CRIPPS Proposals would affect the Untouchables

The War Cabinet proposals show a sudden *Volte Face* on the part of His Majesty's Government. The putting forth of these proposals, which were denounced by them as an invasion of minority rights, is an indication of their complete surrender of right to win might. This is Munich mentality, the essence of which is to save oneself by sacrificing others, and it is this mentality which is writ large on these proposals. It is reported that the American and English people are annoyed at Indians not welcoming the proposals of His Majesty's Government relating to the constitutional advancement of India and .hereby allowing the mission of Sir Stafford Cripps to fail. One can forgive the Americans for their attitude, but surely the English people and Sir Stafford Cripps ought to know better. It does not seem to have been sufficiently realised that the proposals of His Majesty's Government now put forth as the best are the very proposals which have been rejected and condemned by His Majesty's Government as the worst, only a few months previously. Those who realise this cannot but help saying that this is the ugliest part of the whole business of constitutional advance, which His Majesty's Government is now suddenly and contrary to its previous declarations, rushing to undertake. The proposals fall into three parts; (1) There is to be a constituent assembly with a right to frame the Constitution for India. This Assembly is to have the fullest power to frame such constitution as the majority in the Assembly may choose to decide; (2) The new Constitution is not to include all of the present Provinces of India but only such Provinces as may be willing to be bound by it. For this the Provinces have been given a right to decide whether they shall join the new Constitution or stay out of it. This is left to be done by a plebiscite in which a bare majority is declared enough to decide the issue ; (3) The Constituent Assembly shall be required to enter into a treaty with the British Government. The treaty is to contain provisions for the safety and security of racial and religious minorities. After such a treaty is signed, the British Government is to withdraw its sovereignty and the Constitution framed by the Constituent Assembly is to come into operation.

Such, in brief outline, is the scheme of His Majesty's Government.

The proposal regarding Constituent Assembly is not a new proposal. It

was put forth by the Congress when the war broke out and what is important is that this proposal of the Congress was rejected by His Majesty's Government. This is what Mr. Amery said in the House of Commons on August 14, 1940, regarding Constituent Assembly:—

> "Congress leaders have built up a remarkable organization, the most efficient political machine in India. .. If only they had succeeded, if the Congress could, in fact speak, as it professes to speak, for all the main elements in India's national life, then however advanced their demands.-our problem would have been in many respects far easier than it is to-day. It is true that they are numerically the largest single party in British India, but their claim in virtue of that fact to speak for India is utterly denied by very important elements in India's complex national life. These others assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian policy. The foremost among these elements stands the great Muslim community. They will have nothing to do with a Constitution framed by a Constituent Assembly elected by a majority vote in geographical constituencies. They claim the right in any constitutional discussions to be regarded as an entity and are determined only to accept a Constitution whose actual structure will secure their position as an entity against the operations of a mere numerical majority. The same applies to the great body of what are known as the *Scheduled Castes* who feel, in spite *of* Mr. Gandhi's earnest endeavours on their behalf, that, as a community, they stand outside the main body of the Hindu Community which is represented by the Congress."

This statement was made by Mr. Amery when he was elucidating the announcement made by the Viceroy on 6th August 1941 in which he had given the following pledge to the minorities on behalf of His Majesty's Government;—

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

Again on the 23rd April 1941, Mr. Amery referred to the demand of the Constituent Assembly and expressed himself in the following terms:—

"India's future Constitution should be devised by Indians for themselves and not by the British Government. India's future Constitution should be essentially an Indian Constitution, framed in accordance with the Indian conception of Indian conditions and Indian needs. The only essential condition is that the Constitution itself and the body which is to frame it, must be the outcome of agreement between principal elements in India's national life."

Such were the views and pledges given by H. M. Government regarding Constituent Assembly, which is now conceded. Regarding the demand for Pakistan, it was a demand put forward by the Muslim League. This demand was also rejected by His Majesty's Government. This is what Mr. Amery said in regard to it in the House of Commons on August 1, 1940 :—

"This reaction against the dangers of what is called the Congress Raj or Hindu Raj has gone so far as to lead to a growing demand from Muslim quarters for a complete breaking up of India into separate Hindu and Muslim dominions. I need say nothing to-day of the manifold and to my mind, insuperable objections to such a scheme, at any rate in its extreme form. I would only note that it merely shifts the problem of permanent minorities to somewhat smaller areas, without solving it."

Again on April 23, 1941, he referred to it in his speech in the House of Common and spoke about it in the following terms :—

"I am not concerned here to discuss the immense practical difficulties in the way of this so-called Pakistan project nor need I go back to the dismal record of India's history in the 18th century or to the disastrous experience of the Balkan countries before our eyes, to-day, in order to point out the terrible dangers inherent in any break up of the essential unity of India, at any rate in its relation to the outside world. After all, there is no British achievement in India of which we have reason to be proud than the unity. . .we have given her."

Such were the views of His Majesty's Government only a year ago regarding Constituent Assembly and Pakistan.

It is quite obvious that the proposal for a Constituent Assembly is intended to win over the Congress, while the proposal for Pakistan is designed to win over the Muslim League. How do the proposals deal with the Depressed Classes? To put it shortly, they are bound hand and foot and handed over to the caste Hindus. They offer them nothing; stone instead of bread. For the Constituent Assembly is nothing short of a betrayal of the Depressed Classes. There can be no doubt as to what

the position of the Depressed Classes will be in the Constituent Assembly; nor can there be any doubt regarding the political programme of the Constituent Assembly. In the Constituent Assembly, there may be no representatives of the Depressed Classes at ail because no communal quotas are fixed by these proposals. If they are there, they cannot have a free, independent and decisive vote. In the first place, the representatives of the Depressed Classes will be in a hopeless minority. In the second place, all decisions of the Constituent Assembly are not required to be by a unanimous vote. A majority vote is enough to decide any question no matter what its constitutional importance is. It is clear that under this system the voice of the Depressed Classes in the Constituent Assembly cannot count. In the third place, the present system of proportional representation by which the members to the Constituent Assembly are to be elected under the terms contained in His Majesty's proposals cannot but result in the caste Hindus having virtually the right to nominate the representatives of the Depressed Classes to the Constituent Assembly. Such representatives of the Depressed Classes will be the tools of the caste Hindu . In the fourth place, the Constituent Assembly will be filled with the Congressites who will form the dominant majority party able to carry out its own programme. There is no doubt that Mr. Gandhi, whatever may be said about his endeavours in the matter of the social uplift of the Depressed Classes, is totally opposed to giving political recognition to the Depressed Classes in the Constitution as a separate and distinct element in the national life of India. That being the case, the programme of the majority party in the Constituent Assembly will be to wipe out the political safeguards already granted to the Depressed Classes in the present Constitution. Any one, who realises what is implied in the Constituent Assembly, will admit that His Majesty's Government by their proposals have literally thrown the Depressed Classes to the wolves. It may be said that while there is the Constituent Assembly which may deny constitutional safeguards to the Depressed Classes, His Majesty's Government have been careful to include in their proposals the provisions for a treaty with the Constituent Assembly the object of which is to secure the interests of the Depressed Classes. This proposal of a treaty is evidently borrowed from the plan adopted by His Majesty's Government for the settlement of the Irish dispute. The proposal regarding the treaty does not say what are the safe-guards His Majesty's Government will decide to include in the treaty. This is an important point because there may be a difference of opinion between His Majesty's Government and the Depressed Classes on the nature, number

and method of the political safeguards that may be necessary to protect the interests of the Depressed Classes under the new Constitution. The second and equally important question about the treaty is what is going to be the sanction behind the treaty. Will the treaty be a part of the Constitution framed by the Constituent Assembly, so that any provision in the Constitution which, is repugnant with the treaty will be null and void? Or, will the treaty be just a treaty between the two governments, the Indian National Government and His Majesty's Government, as any trade treaty? If the treaty is to be of the former kind, it will be the law of the land and will have legal sanction of the Indian Government behind it. If, on the other hand, the treaty is to be of the latter kind, it is obvious it will not be the law of the land and will have no legal sanction behind it. Its sanction will be political sanction. Now a treaty cannot override the Constitution framed by the National Government for the obvious reason that such a thing, as was found in the case of Irish Free State, is incompatible with Dominion Status. The only sanction behind such a treaty will be political sanction. It is obvious that the use of such sanction must depend upon the colour of the Government and the state of public opinion. Given this fact, the questions that arise are two: (1) What are the means which His Majesty's Government will have at its disposal to enforce the treaty obligations? (2) Secondly, will His Majesty's Government be prepared to use these means to coerce the Indian National Government to abide by the terms of the treaty? With regard to the first question, it is obvious that the means for enforcing the treaty are twofold—use of force and trade war. As to the military force, the Indian army will not be available. It will be entirely transferred to the control of the new Indian National Government. His Majesty's Government will have therefore lost this means of enforcing the treaty. It is impossible to believe that His Majesty's Government will send its own army to compel the National Government to obey the treaty. A trade war is not possible. It is a suicidal policy and the experience of the Irish war with the Irish Free State for the recovery of land annuities shows that a nation of shopkeepers will not sanction it even though it may be for their interest and honour. The treaty therefore is going to be an empty formula, if not a cruel joke, upon the Depressed Classes. His Majesty's Government has sent out these proposals to be welcomed by Indians. But neither His Majesty's Government nor Sir Stafford Cripps have offered any explanation as to why they are offering to Indians the very proposals which His Majesty's Government had been condemning in scathing terms only a few months ago. A year ago, His Majesty's Government said

that they would not grant Constituent Assembly because that would be a coercion of the minorities. His Majesty's Government is now prepared to grant Constituent Assembly and to coerce the minorities. A year ago, His Majesty's Government' said that they will not allow Pakistan because that is Balkanisation of India. To-day, they are prepared to allow the partition of India. How can the Government of a Great Empire lose all sense of principle? The only explanation is that His Majesty's Government has, as a result of the course of the war, become panic-stricken. The proposals are the result of loss of nerves. How great is the panic that has overtaken His Majesty's Government can be easily seen if one compared the demands made by the Congress and the Muslim League and the concessions made to them by these proposals. The Congress demanded that the Constitution should be framed by a Constituent Assembly by a mere majority vote. On the other hand, when the Viceroy announced that the British Government will not be a party to the coercion of the minorities involved in the demand by the Congress, the Working Committee of the Congress at its meeting at Wardha held on August 22, 1940. passed the following resolution ;—

"The Committee regrets that although the Congress has never thought in terms of coercing any minority, much less of asking the British Government to do so, the demand for a settlement of a Constitution though through a Constituent Assembly of duly elected representatives has been misrepresented as coercion and the issue of minorities has been made into an insuperable barrier to Indiana progress."

The Working Committee added :—

"The Congress had proposed that minority rights should be amply protected by agreement with the elected representatives of the minorities concerned."

This shows that even the Congress did not demand that the decision of minority rights should be included in the purview of the Constituent Assembly. His Majesty's Government has, however, given them the additional right to decide this minority rights issue by a bare majority vote. With regard to the question of Pakistan, the same attitude is noticeable. The Muslim League did not demand that Pakistan must be conceded immediately. All that the Muslim League had asked for was that at the next revision of the Constitution, the Mussalmans should not be prevented from raising the question of Pakistan. The present proposals have gone a step beyond and distinctly give to the Muslim League the right to create Pakistan. These are constitutional proposals. They are intended to lead India to wage a total war in which Hindus, Mussalmans,

Depressed Classes and Sikhs are called upon wholeheartedly to participate. Yet Sir Stafford Cripps, either with the consent or without the consent of His Majesty's Government, has been making discrimination between major parties and minor parties. The major parties are those whose consent is necessary. Minor parties are those with whom consultation is believed to be enough. This is new distinction. Certainly it was never made in the prior pronouncements either of His Majesty's Government or of the Viceroy. The pronouncement spoke of the"consent of the principal elements in the national life of India."

So far as the Depressed Classes are concerned, I am not aware of any pronouncement in which the Depressed Classes were placed on a lower plane than the one given to the Mussalmans. I quote the following from the speech of the Viceroy made in Bombay on January 10, 1941, from which it will be seen that the Depressed Classes were bracketed with the Mussalmans :

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

This invidious distinction now sought to be made is a breach of faith with those minorities whose position has been lowered by this discrimination. From a constitutional point of view of total war, it is bound to cause more disaffection and disloyalty in the country. It is for the British to consider whether in this attempt to win the friendship of those who have probably already decided to choose other friends, they should lose those who are their real friends. The proposals show a sudden *volte face* on the part of His Majesty's Government. The putting forth of those proposals which were denounced by them as an invasion of minorities' rights is an indication of their complete surrender of right to win might. This is Munich Mentality the essence of which is to save oneself by sacrificing others and it is this mentality which is writ large on those proposals. My advice to the British Government is that they should withdraw these proposals. If they cannot fight for right and justice and their plighted word they should better make peace. They can thereby at least save their honour.

APPENDIX X

CORRESPONDENCE BETWEEN LORD WAVELL AND

MR. GANDHI, 1944

1. 1. Letter from Mr. Gandhi to Viceroy on July 15th, 1944,

"DEAR FRIEND,

You have no doubt seen the authentic copies, now published in the Indian Press, of the statements given by me to Mr. Gelder of the *News Chronicle*. As I have said to the Press, they were meant primarily to be shown to you. But Mr. Gelder, no doubt with the best of motives, gave the interview premature publicity. I am sorry. The publication will nevertheless be a blessing in disguise, if the interview enables you to grant at least one of my requests contained in my letter of June. 17, 1944.

I am yours, etc.,
(Sd.) M. K. GANDHI."

2. 2. Viceroy's reply to Mr. Gandhi, dated 22nd July 1944.

"DEAR MR. GANDHI,

Thank you for your letter of July 15. I have seen the statements you have made to Mr. Gelder, and your subsequent explanation of them. I do not think I can usefully comment at present, except to repeat what I have said in my last letter that if you will submit to me a definite and constructive policy, I shall be glad to consider it.

Yours sincerely,
(Sd.) WAVELL."

3. 3. Gandhi's letter to the Viceroy, dated 27th July 1944.

"DEAR FRIENDS,

I must admit my disappointment over your letter of 22nd instant. But I am used to work in the face of disappointment. Here is my concrete proposal.

I am prepared to advise the Working Committee to declare that in view of changed conditions, mass civil disobedience envisaged by the resolution of August 1942, cannot be offered and that full cooperation in the war effort should be given by the Congress, if a declaration of immediate Indian independence is made and a National Government responsible to the Central Assembly be formed subject to the proviso that, during the tendency of the war, the military operations should continue as at present but without involving any financial burden on India. If there is a desire on the part of the British Government for a settlement, friendly talks should take the place of correspondence. But I am in your hands. I shall continue to knock so long as there is the least hope of an honourable settlement.

After the foregoing was written, I saw Lord Munster's speech in the

House of Lords. The summary given by him in the House of Lords fairly represents my proposal. This summary may serve as a basis for mutual friendly discussion.

I am,

Yours sincerely,

(SD.) M. **K.** GANDHI."

4, Viceyoy's reply to Mr. Gandhi, dated 15th August 1944.

"DEAR MR. GANDHI,

Thank you for your letter of July 27. Your proposals are ;— *(i)* that you should undertake to advise the Working Committee : *(a)*"that in view of changed conditions mass civil disobedience envisaged by the resolution of August 1942, cannot be offered"and *(b)*"that full co-operation in the war effort should be given by the Congress provided *(ii)* that His Majesty's Government *(a)* declare immediate Indian independence, and *(b)* form a"National Government"responsible to the Central Assembly"subject to the proviso that during the pendency of the war the military operations should continue as at present but without involving any financial burden on India."

His Majesty's Government remain most anxious that a settlement of the Indian problem should be reached. But proposals such as those put forward by you are quite unacceptable to His Majesty's Government as a basis for discussion and you must realise this if • you have read Mr. Amery's statement in the House of Commons on July 28th last. They are indeed very similar to the proposals made by Maulana Abul Kalam Azad to Sir Stafford Cripps in April 1942 and His Majesty's Government's reasons for rejecting them are the same as they were then.

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

(a) (a) That their offer of unqualified freedom after the cessation of hostilities was made conditional upon the framing of a Constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government;

(b) (b) That it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a"National Government"such as you suggest could be made responsible to the Central Assembly.

The object of these conditions was to ensure the fulfilment of their duty to safeguard the interests of the racial and religious minorities of the Depressed Classes and their treaty obligations to the Indian States.

4. It was upon the above conditions that His Majesty's Government invited Indian leaders to take part in an interim Government which would operate under the existing Constitution. I must make it quite clear that until the war is over responsibility for defence and military operations cannot be divided from the other responsibilities of Government and that until hostilities cease and the new Constitution is in operation, His Majesty's Government and the Governor-General must retain their responsibility over the entire field. So far as the question of India's share of the cost of the war is concerned, this is essentially a matter for settlement between His Majesty's Government on the one hand and the Government of India on the other, and existing financial arrangements can only be reopened at the instance of one or the other.

5. It is clear in these circumstances that no purpose will be served by discussion on the basis which you suggest. If however the leaders of the Hindus, the Muslims and the important minorities were willing to co-operate in a transitional Government established and working within the present constitution, I believe good progress might be made. For such a transitional Government to succeed, there must before it is formed, be agreement in principle between Hindus and Muslims and all important elements as to the method by which the new Constitution should be framed. This agreement is a matter for Indians themselves.

Until Indian leaders have come closer together than they are now, I doubt if I myself can do anything to help. Let me remind you too that minority problems are not easy. They are real and can be solved only by mutual compromise and tolerance. 6. The period after the termination of hostilities for which the transitional Government would last, would depend on the speed with which the new constitution could be framed. I see no reason why preliminary work on that Constitution should not begin as soon as the Indian leaders are prepared to co-operate to that end. If they can arrive at a genuine agreement as to the method of framing the Constitution, no unnecessary time need be spent after the war in reaching final conclusions and in agreeing treaty arrangements with His Majesty's Government. There again the primary responsibility rests on the Indian leaders.

Yours sincerely,
(SD.) WAVELL."

APPENDIX XI
POLITICAL DEMANDS OF SCHEDULED CASTES

Resolutions passed by the Working Committee of the All-India Scheduled Castes Federation held in Madras on the 23rd September 1944 *under the Presidentship of*

Rao Bahadur N .Shiva Raj, B.A., B.L., M.L.A., outlining the safeguards for the Untouchables in the new Constitution.

RESOLUTION NO. I

SUBJECT :—*Recognition of the Scheduled Castes as a separate element.*

The Working Committee of the All-India Scheduled Castes Federation has found a section of the Press in India making the allegation, that the statement made by H. E. the Viceroy in his letter to Mr. Gandhi dated the 15th August 1944 to the effect that the Scheduled Castes are one of the important and separate elements in the national life of India and requiring that the consent of the Scheduled Castes to the Constitution of India was a necessary condition precedent for transfer of power to Indians, is a departure from the position of His Majesty's Government as defined in the Cripps Proposals. The Committee cannot help expressing its indignation at this propaganda and takes this occasion to state in most emphatic and categorical terms that the Scheduled Castes are a distinct and separate element in the national life of India and that they are a religious minority in. a sense far more real than the Sikhs and Muslims can be and within the meaning of the Cripps Proposals. The Working Committee desires to point out that what has been stated by Lord Wavell in his letter to Mr. Gandhi has been the position of His Majesty's Government from the very beginning and was enunciated in clear terms as early as 1917 by the authors of the Montagu-Chelmsford Report simultaneously with the enunciation by them of Responsible Government as the goal of India's political evolution and has been confirmed by subsequent action of His Majesty's Government such as the grant of separate representation to the Scheduled Castes at the Round Table Conference, Joint Parliamentary Committee and in the Government of India Act, 1935, as a recognised minority, separate from the Hindus. The Working Committee has, therefore, no hesitation in saying that it is a false and malicious propaganda to allege that this is a departure from the policy of His Majesty's Government and regards it as a manoeuvre on the part of the enemies of the Scheduled Castes to defeat their just claims for constitutional safeguards and calls upon Indian political leaders and particularly the Hindu leaders to accept this fact, in the interests of peace and good-will between the Hindus and the Scheduled Castes, and for the speedy realization of India's political goal.

RESOLUTION NO. 2

SUBJECT :—*Declaration by His Majesty's Government relating to the Scheduled Castes and the Constitution.*

The Working Committee of the All-India Scheduled Castes Federation welcomes the declaration made by His Majesty's Government and recently reiterated by His Excellency the Viceroy that His Majesty's Government regards the consent of the Scheduled Castes, among others, to the Constitution of a free India, as a matter of vital importance and as a necessary condition precedent to the transfer of power to Indian hands. At the same time, the Working Committee wishes to draw the attention of His Majesty's Government to the attitude of the Congress and other political organizations in the country which treats this declaration of His Majesty's Government as not being a *bona fide* declaration and made without any intention to honour it and as a mere matter of tactics adopted to postpone transfer of power, and which is in all probability responsible for the unwillingness of the Majority Community to seek for a settlement with the Scheduled Castes. The Working Committee regards this allegation as baseless and calls upon His Majesty's Government not to give any ground for such suspicion and make it clear that they will stand by the declaration at all times and under all circumstances.

RESOLUTION NO. 3

SUBJECT :—*Nature of Constitutional Safeguards.*

The Working Committee declares that no Constitution shall be acceptable to the Scheduled Castes unless :—

(a) (a) it has the consent of the Scheduled Castes ;

(b) (b) it recognises the Scheduled Castes as distinct and separate element;

(c) (c) it contains within itself provisions for securing the following purposes:

(1) For earmarking a definite sum in the Budgets of the Provincial and Central Governments for the Secondary, University and Advanced Education of the Scheduled Castes.

(2) For reservation of Government lands for separate settlements of the Scheduled Castes through a Settlement Commission.

(3) For Representation of the Scheduled Castes according to their needs, numbers and importance :—

(i) *(i)* in the Legislatures,

(ii) *(ii)* in the Executive,
(iii) *(iii)* in Municipalities and Local Boards,
(iv) *(iv)* in the Public Services,
(v) *(v)* on the Public Service Commissions.

(4) For the recognition of the above provisions as fundamental rights beyond the powers of the Legislature or The Executive to amend or alter or abrogate.

{5) For the appointment of an Officer similar in status to that of the Auditor-General appointed under Section 166 of the Government of India Act of 1935 and re-movable from office in like manner and on the like grounds as a judge of the Federal Court to report on the working of the provisions relating to Fundamental Rights.

RESOLUTION NO, 4

SUBJECT :—*Communal Settlement.*

The Working Committee of the All-India Scheduled Caste Federation, while it is most eager for a settlement of the Communal problem, wholly disapproves of the secret negotiations which are being carried on by Mr, Gandhi and Mr, Jinnah for a settlement between the Hindus and the Muslims, The Working Committee is of opinion"that Communal settlement of a sectional character is harmful in every way. It is harmful because it ignores the vital interests of other communities. It is harmful because it creates a feeling of suspicion in other communities that dishonest deal is being *made* between two communities to defeat their interests' It is also harmful to the general interests of the country, inasmuch as the singling out of one special community from others for conferring special privileges, not necessary for its protection but demanded on the basis of prestige, creates differences in status which from the point of view of maintaining equal citizenship for all, are unjustifiable and must be deplored. The Working Committee is surprised that Mr. Gandhi who has time and again proclaimed himself as an opponent of secrecy in public life should have entered into secret diplomacy to bring about Hindu-Moslem Settlement. The Committee expresses its emphatic opinion that the proper 'procedure to settle the communal question, which would give a sense of security and ensure fair and equal treatment to all is to discuss the demands put forth by each interest in public and in the presence of and with the representatives of other interests.

RESOLUTION NO. 5

SUBJECT :—*Revision of the Constitution,*

The Working Committee of the All-India Scheduled Castes Federation is of opinion that the provisions in the existing Constitution relating to minority representation are not based on any intelligible principle. The Committee finds that as the system now stands, some minorities have not received even their population ratio of representation, while other minorities have been given weightage over and above their population ratio as a concession to their claims based on historical and military importance. The Working Committee regards the recognition of such claims to be harmful to the interests of other minorities and inconsistent with the ideal of social and political democracy, which is the goal of all Indians and that they should never be tolerated. In this connection, the Committee wishes to draw attention to the fact that the principle of giving weightage to specially selected minorities has been condemned by the authors of the Montagu-Chelmsford Report and also by the Simon Commission. The Committee demands that in view of the fact that the next Constitution of India will be for India as a Dominion, the provisions of the Constitution relating to minorities should be revised and should be brought in accord with the principle of equal treatment of all minorities.

RESOLUTION NO. 6

SUBJECT :—*Representation in the Legislatures and in the Executive.*

The Working Committee of the All-India Scheduled Castes Federation desires to state in categorical and emphatic terms that the Scheduled Castes will not tolerate any discrimination between one community and another in the matter of representation and will insist upon their claim for seats in the Provincial and Central Legislatures and in the Provincial and Central Executive being adjudged in the same manner and by the same principles that may be made applicable to the claims of the Muslim Community.

RESOLUTION NO. 7

SUBJECT **:**—*Electorates.*

The Working Committee of the All-India Scheduled Castes Federation is of opinion that the experience of the last elections held under the Government of India Act has proved that the system of joint electorates

has deprived the Scheduled Castes of the right to send true and effective representatives to the Legislatures and has given the Hindu Majority the virtual right to nominate members of the Scheduled Castes who are prepared to be the tools of the Hindu Majority. The Working Committee of the Federation therefore demands that the system of joint electorates and reserved seats should be abolished and the system of separate electorates be introduced in place thereof.

RESOLUTION NO. 8

SUBJECT :—*Framework of Executive Government.*

The working Committee of the All-India Scheduled Castes Federation takes note of the fact that not only all wealth, property, trade and industry are in the hands of the Majority Community, but even the whole administration of the State is controlled by the Majority Community whose members have monopolized all posts in the State services both superior and inferior. The Working Committee of the All-India Scheduled Castes Federation regards this as the most dangerous situation which cannot but cause great apprehension to the minority communities since the combination of these circumstances gives the majority the fullest power to establish its stranglehold upon the minorities. This fear of a stranglehold is greatly augmented by the Constitutional provisions relating to the Executive contained in the Government of India Act of 1935 which permits the majority in the Legislature to form a Government without reference to the wishes of the minorities,

The Working Committee of the All-India Scheduled Castes Federation feels that while, in the absence of an alternative system, the Parliamentary system of Government may have to be accepted, the Committee is definitely opposed to the system of Parliamentary cabinet inasmuch as it automatically vests the Executive authority in the Majority Community and thereby strengthens the hold of the Majority Community which has entered into the steel frame of the administration and thus has become a source of great danger to the Minorities. The Working Committee has, therefore, come to the conclusion that the system of Parliamentary Cabinet is not suited to Indian conditions and that a different system under which Executive Government would be formed in consultation with the wishes of the Minorities must be designed to give them a better sense of security.

The Working Committee insists that the Executive in the Provinces as well as in the Centre should be constituted in the following manner:—

(i) *(i)* The Executive should consist of a Prime Minister

and other ministers drawn from general community and from minority communities in a proportion to be specified in the Constitution.

(ii) *(ii)* The Prime Minister and Ministers drawn from the general community shall be elected to the Executive by the whole house by single transferable vote.

(iii) *(iii)* The Ministers representing the minority communities shall be chosen by the members representing the different communities by single transferable vote.

(iv) *(iv)* The Members of the Executive shall be members of the Legislature, shall answer questions, vote and take part in debates.

(v) *(v)* Any vacancy in the Executive shall be filled in accordance with rules governing the original appointments.

(vi) *(vi)* The period for which the Executive shall hold office shall be co-terminus with the life of the Legislature.

RESOLUTION NO. 9

SUBJECT **:**—*Public Services,*

While it is desirable to plan for a Government which will be a Government of Laws and not of men, it cannot be forgotten that no matter how Government is organised, it must remain a Government of men. That being so, whether Government is good or bad as distinguished from a merely efficient Government and how far the administration of public affairs will be non-political and impartial must depend upon the spirit and outlook and sense of justice of the men who are appointed to administer the Law. The Working Committee of the All-India Scheduled Castes Federation is convinced that the Scheduled Castes can never get protection, justice or sympathy from the present administration which is controlled by men full of caste consciousness, narrow-mindedness, absence of sense of justice and having a hatred and contempt for the Scheduled Castes. The Working Committee, therefore, demands that the Constitution must recognise the right of the Scheduled Castes to reservation *in* the Public Services in the same proportion as may be applied to the claims of the Muslim Community,

RESOLUTION NO. 10

SUBJECT :—*Provision for Education.*

The Working Committee of the All-India Scheduled Castes Federation feels that unless persons belonging to the Scheduled Castes are able to

occupy posts which carry executive authority, the Scheduled Castes must continue to suffer, as they have been doing in the past all the injustices and indignities from the hands of the Government and the Public. The Working Committee, therefore, regards the spread of higher and advanced education among the Scheduled Castes as of vital importance to them. But, it cannot be denied that such advanced education is beyond the means of the Scheduled Castes. The Committee regards it as essential that a definite liability in this behalf should be imposed on the State to provide funds for that purpose and demands that the Constitution should impose an obligation upon the Provincial Governments and the Central Government to set apart adequate sums, as may be specified by the Constitution, exclusively for advanced education of the Scheduled Castes in their annual budgets and to accept such provisions a*s* a first charge on their revenues,

RESOLUTION NO. 11

SUBJECT :—*Separate Settlements.*

The Working Committee of the All-India Scheduled Castes Federation holds;—

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

(b) that for the better protection of the Scheduled Castes fr*om* the tyranny and oppression *of* the Caste Hindus, which may take a worse form under Swaraj, and to enable the Scheduled Castes to develop to their fullest manhood) to give them economic and social security as also to pave the way for the removal of untouchability, the Working Committee demands that the Constitution should provide-

(1) For the transplantation of the Scheduled Castes from their present habitations and form separate Scheduled Caste villages away from and independent of Hindu villages;

(2) For the settlement of the Scheduled Castes in new villages a provision shall be made by the Constitution for the establishment of a Settlement Commission;

(3) All Government land which is cultivable and which is not occupied and land which may be reclaimed shall be handed

over to the Commission to be held in trust for the purpose of. making *new* settlements of the Scheduled Castes.

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

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

RESOLUTION NO. 12

"The Working Committee of the A.I.S.C. Federation unanimously resolves that it places its complete confidence in Dr**.** B. R. Ambedkar and authorises him to negotiate on its behalf and on behalf of Scheduled Castes with other political parties or their leaders as and when necessity arises."

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

Appendix XII : Communal Distribution of Population by Minorities in the Provinces of British India

APPENDIX XII

COMMUNAL DISTRIBUTION OF POPULATION BY MINORITIES IN THE PROVINCES OF BRITISH INDIA

		Muslims		Scheduled Castes		Indian Christians		Sikhs	
Province	Total								
	Populatio	Populati	%	Populati	%	Populati	%	Populati	%

	n	on		on		on		on	
Ajmere-Merwara	583,693	89,899	15.4	Nil	—	3,895	.8	867	.15
Andaman Nicobar	33,768	8,005	23.7	Nil	—	779	2.3	744	2.2
Assam	10,204,733	3,442,479	33.7	676,291	6.6	37,750	.4	3,464	.03
British Baluchistan	.501,631	438,930	87.5	5,102	1.0	2,633	.5	11,918	2.3
Bengal	60,306,525	33,005,434	54.7	7,878,970	13.0	110,923	.2	16,281	.03
Bihar*	36,340,151	4,716,314	12.9	4,840,379	13.3	24,693	.07	13,213	.04
Bombay	20,849,840	1,820,368	9.2	1,855,148	8.9	338,812	1.6	8,011	.04
Central Province & Berer*.	16,813,584	783,697	4.7	3,051,413	18.1	48,260	.3	14,996	.09
Coorg	168,726	14,780	8.8	25,740	15.3	3,309	2.0	Nil	—
Delhi	917,9.39	304,971	33.2	121,693	13.3	10,494	1.1	16,157	1.8
Madras	49,341,810	3,896,452	7.9	8,068,492	16.4	2,001,082	4.06	418	.001
N.W.F.P.	3,038,067	2,788,797	91.8	Nil		5.426	.2	57,989	1.9
Orissa	8,728,544	146,301	1.7	1,238,171	14.2	26,584	.3	232	.003
Punjab	28,418,81	16,217,2	57.	1,248,63	4.4	486,038	1.7	3,757,40	13.

	9	42	0	5				1	2
Pant Piploda	5,267	251	4.8	918	17.4	216	4.1	Nil	—
Sind	4,229,221	3,054,635	72.2	191,634	4.5	13,232	.3	31,011	.7
United Provinces*	55,020,617	8,416,308	15.3	11,717,158	21.3	131,327	.2	232,445	.4
Total	295,502,935	79,344,863	26.9	40,919,744	13.9	3,245,453	1	4,155,147	1
*Bihar	28,823,802	4,168,470	14.4	3,919,619	13.6	12,651	.04	3,204	.01
Chota Nagpur	7,516,349	547,844	7.3	420,760	5.6	12,042	.2	10,009	.1
*C.P.	13,208,718	448,528	3.4	2,359,836	17.9	42,135	.3	12,766	.1
Berar	3,604,866	335,169	9.3	691,577	19.2	6,125	.2	2,230	.05
Agra	40,906,147	6,231,062	15.2	8,018,803	19.6	120,549	.3	226,096	.5
Oudh	14,114,470	2,185,246	15.5	3,698,355	26.2	10,778	.08	6,349	.05

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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Appendices

Appendix XIII : Communal Distribution of Population by Minorities in Indian States

APPENDIX XIII

COMMUNAL DISIRIBUTION OF POPULATION BY MINORITIES

IN INDIAN STATES.

Province		Muslims		Scheduled Castes		Indian Christians		Sikhs	
States and Agencies	Total Population	Population	%	Population	%	Population	%	Population	%
Assam	725,655	31,662	4.4	265	.04	25,913	3.6	381	.05
Baluchistan	356,204	346,251	97.2	65	.02	40	.01	126	.04
Baroda	2,855,010	223,610	7.8	230,794	8.1	9,182	.3	566	.02
Bengal	2,144,829	372,113	17.3	269,729	12.6	564	.03	28	.001
Central India	7,506,427	439,850	5.9	1,027,009	13.7	7,582	.1	2,731	.04
Chattiagarh	4,050,000	28.773	0.7	483,132	11.9	11,820	.3	507	.01
Cochin	1,422,875	109,188	7.7	141,154	9.9	399,394	28.1	9	—
Deccan (and Kolhapur	2,785,428	182,036	6.5	306,898	11.0	17,236	.6	22	.001

)									
Gujarat	1,458,702	58,000	3.9	55,204	3.8	4,215	.3	182	.01
Gwalior	4,006,159	240,903	6.0	—	—	1,352	.03	2,342	.06
Hyderabad	16,338,534	2,097,475	12.8	2,928,048	17.9	215,989	1.3	5,330	.03
Kashmere and Feudatories	4,021,616	3,073.540	76.4	113,464	2.8	3,079	.08	65,903	1.6
Madras	498,754	30,263	6.0	83,734	16.8	20,806	4.2	5	—
Mysore	7,329,140	485,230	6.6	1,405,067	19.2	98,580	1.3	269	.004
N.W.F.P.	46,267	22,068	47.7	Nil	—	571	1.2	4,472	9.1
Orissa	3,023,731	14.355	0.47	352,088	11.6	2,249	.07	151	.005
Punjab	5,503,554	2,251,459	40.9	349,962	6.4	6,952	.1	1,342,685	24.4
Punjab Hill	1,090,644	46,678	4.3	238,774	21.9	188	.02	17,739	1.6
Rajputana	13,670,208	1,297,841	9.5	—	—	4,349	.03	81,896	.6
Sikkim	121,520	83	0.07	76	.06	34	.03	1	—
Travancore	6,070.018	434,150	7.2	395,952	6.5	1,958,491	32.3	31	—
U. P.	928,470	273,625	29.5	152,927	16.5	1,281	.1	731	.08
Western	4,904,15	600,440	12.	358,038	7.3	3,105	0.6	239	.00

India	6		2						5
Total	90,857,901	12,659,593	13.9	8,892.380	9.7	2,792,972	3.1	1,526,346	1.7

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

APPENDIX XIV

Particulars of Scheduled Castes Constituencies in regard to seats and voting strength Province by Province :—

Appendix XIV:	(1)	Madras
Appendix XIV:	(2)	Bombay
Appendix XIV:	(3)	Bengal
Appendix XIV:	(4)	U.P
Appendix XIV:	(5)	Punjab
Appendix XIV:	(6)	Bihar

Appendix XIV:	(7)	C.P. & Berar
Appendix XIV:	(8)	Assam
Appendix XIV:	(9)	Orissa

APPENDIX XIV (1) MADRAS

	Total Number of Seats in the Constituency		Total Number of Candidates		Total Number of Voters in the Constituency		
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	Percentage of Scheduled Caste Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Madras City, south Central	1	1	4	1	13,318	2,909	22
Chieacole	1	1	4	4	54,012	7,461	14
Amalapuram	1	1	2	3	46,163	23,110	50
Cocanada	1	1	3	1	50,384	12,066	24
Ellore	1	1	3	3	45,452	11,463	25
Bandar	1	1	2	3	77,627	13,314	17
Ongole	1	1	2	2	67,851	10,885	16
Gudur	1	1	2	4	35,094	7,436	21
Cuddapah	1	1	2	3	74,497	10,630	14
Penakonda	1	1	2	2	54,864	11,396	21
Bellary	1	1	3	2	63,092	9,232	15
Kurnool	1	1	2	4	53,687	13,433	25
Tiruttani	1	1	2	2	52,875	6,350	12

Chingleput	1	1	2	2	46,237	19,366	42
Tiruvallur	1	1	2	3	57,029	21,033	37
Ranipet	1	1	3	4	53.632	10,370	19
Tiravannamalai	1	1	3	4	67,861	16,705	25
Tindivanam	1	1	3	4	63,485	19,500	31
Chidambaram	1	1	3	1	68,713	19,947	29
Tirukkoyilur	1	1	2	2	75,874	22,986	30
Tanjore	1	1	1	1	78874	14,718	19
Mannargudi	1	1	3	4	45,283	11,767	26
Ariyalur	1	1	2	3	85,125	16,076	19
Palni	1	1	1	2	60,453	11,400	19
Sattiir	1	1	2	2	58,648	6843	12
Koilpatti	1	1	2	3	59,101	12,526	21
Pollachi	1	1	2	4	39,239	12,919	32
Mamaka	1	1	2	2	43,437	14,561	34
Coondapar	1	1	2	3	35,679	8,843	25
Malappuram	1	1	2	3	47,299	10,355	22

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

Continued…

APPENDIX XIV *(2)* BOMBAY

	Total Number of Seats in the Constituency		Total Number of Candidates		Total Number of Voters in the Constituency		
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	% of Scheduled Caste Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bombay City North and Bombay Suburban District	2	1	6	4	61,831	9,880	16
Bombay City (Byculla and Parel)	2	1	4	3	71,100	10,486	15
Kaira District	3	1	4	1	92,388	6,231	7
Surat District	3	1	6	4	51,711	3,929	8
Thana, South	2	1	3	3	42,003	2,263	5
Ahmednagar South	2	1	4	3	36,065	4,814	13
East	3	1	7	4	56,733	4,842	9

Khandesh, East							
Nasik, West	3	1	7	2	44,517	8,881	20
Poona,West	2	1	4	2	43,147	7,206	17
Satara, North	3	1	5	4	57,839	6,692	12
Sholapur, North East	2	1	8	4	36,210	6,741	19
Belgaum, North	3	1	6	4	49,507	12,493	25
Bijapur, North	2	1	4	4	42,301	7,525	18
Kalaba District	3	1	7	3	59,490	4,804	8
Ratnagiri, North	3	1	8	3	21,908	3,961	18

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

Continued…

APPENDIX XIV (3) BENGAL.

	Total Number of Seats in the Constituency		Total Number of Candidates		Total Number of Voters in the Constituency		
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	Percentage of Scheduled Caste Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Burdwan, Central	1	1	2	3	35,294	14,450	41
Burdwan, North West	1	1	2	3	41,817	*8,693*	21
Birbhum	1	1	3	3	52,569	18,506	35
Bankura,West	1	1	1	4	44,115	19,272	44
Midnapur, Central	1	1	2	2	75,903	19,664	26
Jhargram-cum-Ghatal	1	1	2	4	40,596	9,917	24
Hooghly, North East	1	1	3	3	35,500	12,254	35
Howrah	1	1	2	3	68,526	22,470	33
24-Parganas,South East	1	1	1 3	3	29,342	37,556	128
24-Parganas, North West	1	1	! 2	4	42,214	24,404	58
Nadia	1	1	2	4	53,247	20,957	39
Murshidabad	1	1	2	3	46,122	11,692	25
Jessore	1	1	4	2	50,966	43,425	85

Khulna	1	2	3	6	41,639	54,530	131
Malda	1	1	2	4	30,916	22,728	74
Dinajpur	1	2	1	2	25,965	1 89,880	346
Jalpaiguri-cum-Siliguri	1	2	3	8	9,074	54,657	602
Rangpur	1	2	2	5	21,497	68,759	320
Bogra-cum-Pabna	1	1	3	4	41,539	31,459	76
Dacca, East-	1	1	2	4	38,810	36,749	95
Mymensingh, West	1	1	2	4	47,974	.30,036	63
Mymensingh, East	1	1	2	4	42,237	29,745	70
Faridpur	1	2	2	8	63,532	73,946	116
Bakarganj, South West	1	1	1	4	23,477	37,895	161
Tippera	1	1	3	4	65,898	27,475	41

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

APPENDIX XIV (4) U. P.

	Total Number of Seats in the	Total Number of Candidates	Total Number of Voters in the Constituency

	Constituency						
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	Percentage of Scheduled Caste Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Lucknow City	1	1	3	4	29.133	6,821	23
Cawnpore City	1	1	2	4	49,485	14,462	29
Agra City	1	1	2	4	27,805	6,103	22
Allahabad City	1	1	1	4	27,313	6,503	24
Sahranpur District	1	1	2	2	27.053	3,720	14
Bulandshahr District	1	1	4	3	32,434	4,648	14
Agra District	1	1	3	4	33,230	4,476	13
Mainpuri District	1	1	3	4	41,044	5,356	13
Budaun District	1	1	4	4	32,763	7,558	23
Jalaun District	1	1	2	4	40,862	10,356	25
Mirzapur District	1	1	2	1	26,803	2,969	11
Gorakhpur District	1	1	2	4	25,113	3,697	15
Basti	1	1	2	1	27,193	4,143	15

District							
Azamgarh District	1	1	3	2	36,541	7,231	20
Almora District	1	1	3	1	93,380	17,809	19
Rae Bareili District	1	1	2	1	38,320	10,829	28
Sitapur District	1	1	3	3	45,130	18,868	42
Fyzabad District	1	1	4	2	46,337	10,035	22
Gonda District	1	1	2	1	47,666	7,428	16
Barabanki District	1	1	2	4	41,957	14,649	35

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

Continued…

APPENDIX XIV (5) PUNJAB

	Total Number of Seats in the Constituency		Total Number of Candidates		Total Number of Voters in the Constituency		
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste	General	Scheduled Castes	% of Scheduled Caste

				Seat			Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
South East Gurgaon	1	1	4	1	27,177	2,842	10
Karnal, North	1	1	4	3	23,224	2,698	12
Ambala and Simla	1	1	5	3	28,918	7,611	28
Hoshiarpur, West	1	1	2	4	27,589	11,701	42
Jullundur	1	1	2	4	12,967	14,744	114
Ludhiana and Ferozepur	1	1	4	4	20,334	12,299	60
Amritsar and Sialkot	1	1	2	1	21,610	5,374	25
Lyallpur and Jhang	1	1	2	3	13,909	3,805	27

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

Continued…

APPENDIX XIV (6) BIHAR

	Total Number of Seats in the Constituency		Total Number of Candidates		Total Number of Voters in the Constituency		
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	% of Scheduled Caste Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
East Bihar	1	1	2	2	23,966	3,944	16

South Gaya	1	1	2	1	35,104	9,675	28
Nawada	1	1	3	2	28,149	7,060	25
East Central Shahabad	1	1	4	1	34,138	6,491	19
West Gopalganj	1	1	3	1	25,419	3,361	13
North Bettiah	1	1	2	1	22,596	2,985	13
East Muzaffarpur Sadr	1	1	2	1	23,007	3,382	15
Darbhanga Sadr	1	1	3	1	22,189	2,018	9
South East Samastipur	1	1	2	1	29,595	2,642	9
South Sadr Monghyr		1	3	1	38,772	5,739	15
Madhipura	1	1	2	2	21,251	1,383	6
South West Purnea	1	1	2	2	33,071	2,440	7
Giridih-cum-Chatra	1	1	2	1	39,670	4,528	11
North East Palamau	1	1	2	2	13,853	4,174	30
Central Manbhum	1	1	2	2	22,930	5,075	22

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

Continued…

APPENDIX XIV (7) C. P. & BERAR

	Total Number of Seats in the Constituency		Total Number of Candidates		Total Number of V the Constitue		
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	S
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Nagpur City	1	1	2	4	34,816	8,574	
Nagpur-Umrer	1	1	3	4	20,795	5,451	
Hinganghat-Wardha	1	1	3	4	25,275	3,088	
Chanda-Brahmapuri	1	1	3	4	21,747	4,582	
Chhindwara-Sausar	1	1	3	4	32,040	3,929	
Jubbulpore Patan	1	1	3	4	23,667	1,519	
Saugor-Khurai	1	1	3	2	23,487	4,679	
Damoh-Hatta	1	1	3	2	29,069	3,461	
Narsinghpur-Gadarwara	1	1	4	2	31,873	1,927	
.Raipur	1	1	2	2	20,209	10,885	
Baloda Bazar	1	1	2	3	27,045	14,386	
Bilaspur	1	1	2	3	22,343	10,963	

Mungeli	1	1	2	3	17,412	10,032	
Jangir	1	1	2	3	28,303	13,641	
Drug	1	1	3	1	23,493	8,663	
Bhandara-Sakoli	1	1	2	4	68,889	8,591	
Ellichpur-Daryapur-MeIghat	1	1	3	4	21,862	2,183	
Akola-Balapur	1	1	3	4	20,529	2,761	
Yeotmal-Darwha	1	1	3	3	31,052	1,954	
Chikhli-Mehkar	1	1	5	3	28,971	2,792	

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

Continued…

APPENDIX XIV (8) ASSAM

Name of Constituency	Total Number of Seats in the Constituency		Total Number of Candidates		Total Number of Voters in the Constituency		
	For General	For Scheduled General	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	% of Scheduled Caste Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kamrup Sadr	2	1	2	4	17.501	1,203	7

(South), General							
Nowgong (North East), General	1	1	3	4	13,173	1,825	14
Jorhat (North), General	1	1	6	2	12,785	657	5
Sunamganj. General	1	1	2	1	15,907	6,502	41
Habiganj (North), General	1	1	3	3	1 12,628	7,615	60
Karimganj (East), General Silchar,General	1 1	1 1	4 2	2 3	9,611 15,459	7,323 1,587	76 10

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendix XIV : Particulars of Scheduled Castes Constituencies in Regard to Seats and Voting Strength Province by Province

Continued…

APPENDIX XIV (9) ORISSA

	Total Number of Seats in the	Total Number of Candidates	Total Number of Voters in the Constituency

	Constituency						
Name of Constituency	For General	For Scheduled Castes	For General Seat	For Scheduled Caste Seat	General	Scheduled Castes	% of Scheduled Caste Voters to General
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
North Cuttack Sadr	1	1	2	1	17,288	4,158	24
East Jaipur	1	1	3	2	15,338	4,808	31
North Puri Sadr	1	1	4	2	13,803	3,182	23
East Bargarh	1	1	3	1	22,849	1,237	5
West Bhadrak	1	1	2	3	16,187	5,152	32
Aaka-Surada	1	1	2	4	24,914	1,475	6

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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Appendix XV: Particulars regarding election, to seats reserved for scheduled castes province by province

CONTINUED…

APPENDIX XV

Particulars regarding Election, to seats reserved for Scheduled Castes Province by Province ;

Appendix XV:	(1)	Madras
Appendix XV:	(2)	Bombay
Appendix XV:	(3)	Bengal
Appendix XV:	(4)	U.P
Appendix XV:	(5)	Punjab
Appendix XV:	(6)	Bihar
Appendix XV:	(7)	C.P. & Berar
Appendix XV:	(8)	Assam
Appendix XV:	(9)	Orissa

N.B.—All figures except those in column 8 are actuals. Those in column 8 are calculated as actuals are not obtainable. They are calculated on the assumption that the percentage of Scheduled Caste Voters and of Hindu Voters who went to the polls was the same. How far the assumption is justified, it is not possible to say

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

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APPENDIX XV (1) MADRAS

Name of Constituency	Contested or Uncontested	Party Ticket of Successful Candidate	Distribution of Votes Polled by Successful Candidate			Votes Polled by Unsuccessful Candidates	Total Scheduled-Caste Votes Polled
			Scheduled-Caste Votes	Hindu Votes	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Madras City (South Central)	Unopposed	Non-Congress	—	—	—	—	—
Chicacole	Contested	Congress	2,380	5,259	7,639	4,036	6,416
Amalapuram	Contested	Congress	9,742	Nil	9,742	5,523	29,111
Cocanada.	Unopposed	Congress	—	—	—	—	—
Ellore	Contested	Congress	7,532	6,796	14,328	4,848	12,380
Bandar	Contested	Congress	9,935	Nil	9,935	2,004	18,393
Ongole	Contested	Congress	6,513	Nil	6,513	3,807	11,973
Gudur	Contested	Congress	4,293	344	4,637	4,778	9,072
Cuddappah	Contested	Congress	8,284	344	8,628	4,047	12,331

Penukohda	Contested	Congress	4,731	Nil	4,731	1,749	9,801
Bellaly	Contested	Congress	4,019	Nil	4,019	910	8,124
Kurnool	Contested	Congress	5,362	Nil	5,362	5,929	13,164
Tiruttani	Contested	Congress	4,966	Nil	4,966	741	8,128
Chingleput	Contested	Non-Congress	12,360	Nil	12,360	6,110	22,852
Tiruvallur	Contested	Congress	3,107	6,216	9,323	14,140	17,247
Ranipet	Contested	Non-Congress	2,969	Nil	2,969	4,000	8,296
Tiruvannamalai	Contested	Congress	3,342	Nil	3,342	4,938	12,696
Tiadivanam	Contested	Congress	6,396	Nil	6,396	2,541	12,480
Chidambaram	Unopposed	Non-Congress	—	—	—	—	—
Tirukkoyilur	Contested	Congress	9,957	4,436	14,393	6,133	16,090
Tanjore	Unopposed	Congress	—	—	—	—	—
Mannargudi	Contested	Congress	2,294	20,494	22,788	8,296	10,590
Ariyalur	Contested	Congress	1,208	10,064	11,292	8,759	9,967
Palni	Contested	Congres	1,469	29,43	30,90	10,615	12,084

		s		6	5		
Sattur !	Contested	Congress	Nil	18,514	18,514	11,894	6,980
Koilpatti	Contested	Congress	4,199	6,284	10,483	811	5,010
Pollachi	Contested	Congress	9,703	Nil	9,703	2,217	15,244
Namakal	Contested	Congress	8,141	8,153	16,294	3,217	11,358
Coondapur	Contested	Congress	1,425	Nil	1,425	1,798	11,673
Malappuram	Contested	Congress	7,154	Nil	7,154	2,606	10,148
Total of Scheduled-Caste Votes secured by Congress Candidates			126,152			Total	321,616
Total of Scheduled-Caste Votes 321,616							
Total of Scheduled-Caste Votes secured by Congress Candidates 126,152							
Scheduled Caste Votes secured by Non-Congress Candidates 195,464							

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

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APPENDIX XV (2) BOMBAY

	Contested or Uncontested	Party Ticket of Successful Candidate	Distribution of Votes Polled by Successful Candidate			Votes Polled by Unsuccessful Candidates	Total Scheduled Caste Votes
Name of Constituency			Scheduled- Caste votes	Hindu Votes	Total		
1	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bombay City North & Bombay Suburban District	Contested	Congress	2.414	15.004	17,418	9,733	12,152
Bombay City (Byculla & Parel)	Contested	Non-Congress	8,494	4,751	13,245	11,662	8,494
Kaira District	Unopposed	Congress	—	—	—	—	—
Surat District	Contested	Congress	7913	Nil	7,913	7,245	12,101
Thana South	Contested	Non-Congress	4006	227	4,223	2,733	4,006
Ahmednagar, South	Contested	Non-Congress	6,499	296	6,795	1,976	6,499
East. Khandesh,	Contested	Non-Congres	9519	Nil	9,519	4,689	10,846

East		s					
Nasik, West ,	Contested	Non-Congress	16605	Nil	16,605	5,679	18,472
Poona-West '	Contested	Non-Congress	9512		12,111	1 532	9.512
Satara, North	Contested	Non-Congress	6736	Nil	6,736	10,984	11.243
Sholapur. North East	Contested	Non-Congress	7622	Nii	7,622	2,891	9.303
Belgaum, North :	Contested	Non-Congress	21322	Nil	21,322	6,596	36,979
Bijapur, North	Contested	Non-Congress	4566	Nil	4,566	4,423	11,965
Kolaba District	Contested	Congress	2644	4,781	7,425	8,117	10,761
Ratnagiri, North .	Contested	Non-Congress	5523	Nil	5,523	not known	8,714
Total of Scheduled Caste Votes secured by Congress candidates			12,971			Total	171,047
Total of Scheduled-Caste Votes						171,047	
Total of Scheduled Votes secured by Congress						12,971	

Candidates		
Scheduled-Caste Votes secured by Non-Congress Candidates	158.076	

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

CONTINUED…

APPENDIX XV (3) BENGAL

			Distribution of Votes Polled by Votes Polled				Total
Name of Constituency	Contested or Uncontested	Party Ticket of Successful Candidate	Successful Candidate			by Unsuccessful Candidates	Scheduled Caste Votes Polled
			Scheduled-Caste Votes	Hindu Votes	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bardwan, Central	Contested	Non-Congress	2,383	Nil	2,383	2,728	17,918
Burdwan,	Contested	Non-	2,332	Nil	2,332	2.506	9,388

North West		Congress					
Birbhum	Contested	Non-Congress	4.832	Nil	4,832	848	18,876
Bankura. West	Contested	Congress	5,100	4,501	9,601	1,838	6,938
Midnapur, Central	Contested	Non-Congress	1851	Nil	1,851	1,733	16,124
Jhargram-cum-Ghatal	Contested	Congress	1171	Nil	1,171	869	11,305
Hoogly, North East	Contested	Congress	1,638	Nil	1,638	1,613	11,764
Howrah	Contested	Non-Congress	10,373	Nil	10,373	5,986	14,380
24 - Parganas, South East	Contested	Non-Congress	7,289	Nil	7.289	745	27,791
24-Parganas, North West	Contested	Congress	14,964	Nil	14.964	2,361	20,987
Nadia	Contested	.Non-Congress	5,219	Nil	5,219	8,967	20,957
Murshidabad	Contested	Non-Congress	2,529	Nil	2,529	2,129	10,522
Jessore	Contested	Congress	20,198	15	20,213	11,936	32,134

Khulna	Contested	Congress Non-Congress	16,575 32,662	Nil Nil	16,578 32,662	20,307	76,887
Malda	Contested	Non-Congress	2,229	Nil	2,229	1,413	21,364
		Non-Congress				—	
Dinajpur	Unopposed	Non-Congress			—	—	
Jalpaiguri-cum-Saliguri	Contested	Non-Congress Non-Congress	16,244 7,261	Nil Nil	16,244 7,26l	19,513	48,191
Bangpur Bogra-cum-Pabna	Contested Contested	Non-Congress Non-Congress Non-Congress	12,212 11,914 10,502	Nil Nil Nil	12,212 11,914 10,502	17,345 9,920 12,062	53,632 27,054 30,869
Dacca, East	Contested	Non-Congress	17.413	Nil	17,413	12,062	
Mymenaingh, West	Contested	Non-Congress	11,822	Nil	11,822	8,987	21,025
Mymenain	Contested	Non-	10,720	Nil	10,72	16,509	31,530

gh, East		Congres s			0		
Faridpur	Contested	Non-Congres s Non-Congres s	27,342 25.924	Nil Nil	27,34 2 25,92 4	57,699	97,608
Bakarganj, South West	Contested	Non-Congres s	10,515	Nil	10,51 5	18,801	26,526
Tippera	Contested	Non-Congres s	19,388	Nit	19,38 8	8,017	29,673
Total of Scheduled-Caste Votes secured by Congress Candidates			59,646			Total	684,443

Total of Scheduled-Caste Votes 684,443

Total of Scheduled-Casts Votes secured by Congress Candidates. 59,646

Scheduled-Caste Votes secured by Non-Congress Candidates 624797

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

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APPENDIX XV (4) U. P.

			Distribution of Votes Polled by Votes Polled		Total
Name of	Contested	Party	Successful Candidate	by	Schedul

Constituency	or Uncontested	Ticket of Successful Candidate				Unsuccessful Candidates	ed Caste Votes Polled
			Scheduled-Caste Votes	Hindu Votes	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
.Lucknow City	Contested	Congress	1,910	2,327	4,237	4,092	6,002
Cawnpore City	Contested	Congress	4,483	4,901	9,384	1,301	5,784
Agra City	Contented	Congress	1,018	4,389	5,407	3,132	4,150
Allahabad City	Contested	Congress	385	9,285	9,670	4037	4,422
Saharanpur District 1	Contested	Congress	3,252-	Nil	3,252	648	5,282
Bulandshahr District	Contested	Congress	3,853	547	4,400	2,365	6,228
Agra District	Contested	Non-Congress	1,851	Nil	1,851	2,513	5,550
Mainpuri District	Contested	Congress	2,317	932	3,249	4,431	6,748
Bodaon District	Contested	Congress	1,557	Nil	1,557	2,676	9,070
Jalaun District	Contested	Congress	3,791	Nil	3,791	4,840	12,428
Mirzapur	Unoppose	Congres	—	—	—	—	—

District	d	s					
Gorakhpur District	Contested	Congress	2,762	Nil	2,762	819	4,954
Basti District	Unopposed	Congress	—	—	—	—	—
Azamgarh .District	Contested	Congress	949	Nil	949	196	9,256
Almora District	Unopposed	Non-Congress	—	—	—	—	—
Rae Bareili District	Unopposed	Non-Congress	—	—	—	—	—
Sitapur District	Contested	Congress	12,535	Nil	12,535	955	20,000
Fyzabad District	Contested	Congress	5,771	Nil	5,771	22	13,848
Gonda District	Unopposed	Non-Congress	—	—	—	—	—
Barabanki District	Contested	Congress	8,026	Nil	8,026	7,283	18,458
Total of Scheduled-Caste Votes secured by Congress Candidates			52,609			Total	132,180
Total of Scheduled-Caste Votes 132,180							
Scheduled-Caste Votes secured by Congress Candidates 52,609							
Scheduled-Caste Votes secured by non-Congress Candidates 79,571							

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

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APPENDIX XV (5) PUNJAB

Name of Constituency	Contested or Uncontested	Party Ticket of Successful Candidate	Distribution of Votes Polled by Successful Candidate			Votes Polled by Unsuccessful Candidates	Total Scheduled- Caste Votes ; Polled
			Scheduled-Caste Votes	Hindu Votes	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
South East Gurgaon	Unopposed	Non-Congress	—	—	—	—	—
karnal, North	Contested	Non-Congress	3,318	Nil	3,318	1,299	3,777
Ambala and Simla	Contested	Non-Congress	5,237	Nil	5,237	4,911	10,960
Hoehiarpur, West	Contested	Non-Congress	8,599	Nil	8,599	14,640	11,701
Jullundur	Contested	Non-Congress	13,135	Nil	13,135	9,176	20,347

Ludhiana Ferozepur	Contested	Non-Congress	7,258	Nil	7,258	6,024	16,481
Amritsar and Sialkot	Unopposed	Non-Congress	—	—	—	—	—
Lyallpur and Jhang	Contested	Non-Congress	2,903	Nil	2,903	2,143	5,860
						Total	69,126
Total of Scheduled-Caste Votes - 69126							
Scheduled-Caste Votes secured by Congress Candidates - Nil							
Scheduled-Caste Votes secured by non-Congress Candidates - 69126							

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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continued…

APPENDIX XV (6) BIHAR

Name of Constituency	Contested or Uncontested	Party Ticket of Successful Candidate	Distribution of Votes Polled by Successful Candidate			Votes Polled by Unsuccessful Candidates	Total Scheduled Caste Votes
			Schedul	Hind	Tot		

			ed. Caste Votes	u Votes	al		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
East Bihar South Gaya	Contested Unopposed	Non-Congress Congress	2,471	Nil	2,471	519	5,443
N Wada East Central Shahabad ,	Contested Unopposed	Congress Non-Congress	3,079	Nil	3,079	1,629	10,449
West Gopalganj North Bettiali East.Muzaffarpur Sadr	Unopposed Unopposed Unopposed	Non-Congress Congress Congress	—	—	—	—	—
Darbhanga Sadr	Unopposed	Congress	—	—	—	—	—
South East Samastipur South Sadr Monghyr	Unopposed Unopposed	Congress Congress	—	—	—	—	—
Madhipura South West Purnea Girdih-cum-Chatra	Contested Contested Unopposed	Congress Congress Congress	70 2,040	1,688 2,878	1,754 4,918	1,700 1,669	1,770 3,709

North East-Palamau Central Manbhum	Contested Contested	Congress Non-Congress	3,465 2,539	3,419 Nil	6,884 2,539	626 1,973	4,091 5,379
Total of Scheduled-Caste Votes secured by Congress Candidates			8,654			Total	30,841
Total of Scheduled-Caste Votes 30,841							
Total of Scheduled-Caste Votes secured by Congress Candidates 8,654							
Total of Scheduled-Caste Votes secured by non-Congress Candidates 22187							

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

continued…

APPENDIX XV (7) C. P. & BERAR

Name of Constituency	Contested or Uncontested	Party Ticket of Successful Candidate	Distribution of Votes Polled by Successful Candidate			Votes Polled by Unsuccessful Candidate	Total Scheduled Caste Votes
			Scheduled-Caste Votes	Hindu Vote	Total		

				s			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Nagpur City	Contested	Non-Congress	7,796	Nil	7,796	3787	9088
Nagpur-Umrer	Contested	Non-Congress	3,667	Nil	3,667	2774	6323
Hinganghat-Wardha	Contested	Non-Congress	2,964	262	3093	2964	
Chanda	Contested	Non-Congress	5,133	Nil	3,226	1764	5590
Brahmapuri		Non-Congress	1,477	Nil	4035	4400	
Chhindwara-Sausar					5,133		
					1,477		
Jubbulpur-Patan	Contested	Congress	473	2,017	2,490	1198	1671
Saugor-Khurai	Contested	Congress	2,986	Nil	1417	5147	
Damoh-Hatta	Contested	Congress	3,056	259	2,986	958	4014
					3,315		
Narsinghpur-Gadarwara	Contested	Congress	1,023	95	1,118	480	1503
Raipur	Contested	Congress	3,856	Nil	3,856	1332	9361
Baloda Bazar	Contested	Congress	8,113	Nil	8,113	4451	17551
Bilaspur	Contested	Non-Congress	1,900	Nil	1,900	1655	15348
Mungeli	Contested	Non-Congress	5,357	Nil	5,357	4730	14045

Jangir	Contested	Non-Congress	2,411	Nil	2,411	3299	17188
Drug	Unopposed	Congress	---	---	---	---	---
Bhandara-Sakoli	Contested	Non-Congress	7,916	Nil	7,916	5197	309
Ellichpur-Daryapur-Melghat	Contested	Non-Congress	1,697	Nil	1,697	3086	2532
Akola-Balapur	Contested		1,823	Nil	1,823	1726	3203
Yeotmal Darwha	Contested	Non-Congress Non-Congress	1,150	Nil	1,150	864	1329
Chikhli-Mehkar	Contested	Non-Congress	2,194	Nil	2,194	2164	3295
Total of Scheduled-Caste Votes secured by Congress Candidates			19,507			Total	134861
Total of Scheduled-Caste Votes 134861							
Total of Scheduled-Caste Votes secured by Congress Candidates 19507							
Total of Scheduled-Caste Votes secured by non-Congress Candidates 115354							

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

Appendices

continued…

APPENDIX XV (8) ASSAM

Name of Constituency	Contested or Uncontested	Party Ticket of Successful Candidate	Distribution of Votes Polled by Successful Candidate			Votes Polled by Unsuccessful Candidates	Total Scheduled Caste Votes Polled
			Scheduled-Caste Votes	Hindu Votes	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kamrup Sadr (South), General	Contested	Congress	Nil	4,832	4,832	3,665	1,841
Nowgong (North Eart),	Contested	Non-Congress	1,596	Nil	1,596	3,045	2,226

General							
Jorhat (North), General	Contested	Congress	457	495	952	371	828
Sunamganj, General	Unopposed	Congress	—	—	—	—	—
Habiganj (North), General	Contested	Congress	4,863	Nil	4,863	4,397	10,356
Karimganj (East), General	Contested	Non-Congress	3,252	Nil	3,252	1,119	10,252
Silchar, General	Contested	Non-Congress	2,108	Nil	2,108	2,197	2,254
Total of Scheduled-Caste Votes secured by Congress Candidates			5,320			Total	27,757
Total of Scheduled-Caste Votes 27757							
Total of Scheduled-Caste Votes secured by Congress Candidates 5320							
Total of Scheduled-Caste Votes secured by non-Congress Candidates 22437							

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

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APPENDIX XV"(9) ORISSA

Name of Constituency	Contested or Uncontested	Party Ticket of Successful Candidate	Distribution of Votes Polled by Successful Candidate			Votes Polled by Unsuccessful Candidates	Total Caste Votes Polled
			Scheduled-Caste Votes	Hindu Votes	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
North Cuttack Sadr	Unopposed	Non-Congress	—	—	—	—	—
East Jajpur	Contested	Congress	958	Nil	958	571	4,808
North Puri Sadr	Contested	Congress	3,416	602	4,018	339	3,755
East Bargarh	Unopposed	Non-Congress	—	—	—	—	—
West Bhadrak	Contested	Congress	1,504	Nil	1,504	734	5,049
Aaka	Contested	Congress	Nil	917	917	1,402	973

Surada							
Total of Scheduled-Caste Votes secured by Congress Candidates			5,878				14,585
Total of Scheduled-Caste Votes - 14585							
Total of Scheduled-Caste Votes secured by Congress Candidates - 5878							
Total of Scheduled-Caste Votes secured by non-Congress Candidates - 8707							

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES

APPENDIX XVI
THE WAVELL PLAN

(i) White Paper presented to Parliament on 14th June 1945 by the Secretary of State for India, containing His Majesty's Government's Proposal relating to the Government of India.

1. 1. During the recent visit of Field-Marshal Viscount Wavell to this country"His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.
2. 2. Members will be aware that since the offer by His Majesty's Government to India in March 1942 there has been no further progress towards the solution of the Indian constitutional problem.

3. 3. As was then stated, the working out of India's new constitutional system is a task which can only be carried through by the Indian peoples themselves.
4. 4. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitutional settlement, it would be a contradiction in terms to speak of the imposition by this country of self-governing institutions upon an unwilling India. Such a thing is not; possible, nor could we accept the responsibility for enforcing such institutions at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.
5. 5. The main constitutional position remains therefore as it was. The offer of March 1942 stands in its entirety without change or qualification. His Majesty's Government still hope that the political leaders in India may be able to come to an agreement as to the procedure whereby India's permanent future form of government can be determined.
6. 6. His Majesty's Government are, however, most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts not only political but social and economic progress is being hampered.
7. 7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.
8. 8. All that is so urgently required to be done for agricultural and industrial development and for the peasants and workers of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.
9. 9. His Majesty's Government have therefore considered whether there is something which they could suggest in this interim period, under the existing constitution, pending the formulation by Indians of their future constitutional arrangements, which would enable the-main communities and parties to co-operate more closely together and with the British to the benefit of the people of India as a whole.
10. 10. It is. not the intention of His Majesty's Government to introduce any change contrary to the wishes of the major Indian communities. But they are willing to make possible some step forward during the interim period if the leaders, of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the

reconstruction in India which must follow the final victory.

11. 11. To this end they would be prepared to see an important change in the composition of the Viceroy's Executive. This is possible without making any change in the existing statute law except for one amendment to the Ninth Schedule to the Act of 1935. That Schedule contains a provision that not less than three members of the Executive must have had at least 10 years' service under the Crown in India. If the proposals I am about to lay before the House meet with acceptance in India, that clause would have to be amended to dispense with that requirement.

12. 12. It is proposed that the Executive Council should be reconstituted and that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst leaders of Indian political life at the Centre and in the Provinces, in proportions which would give a balanced representation of the main communities, including equal proportions of Moslems and Caste Hindus.

13. 13. In order to pursue this object, the Viceroy will call into conference a number of leading Indian politicians who are the heads of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority. The Viceroy intends to put before this conference the proposal that the Executive Council should be reconstituted as above stated and to invite from the members of the conference a list of names. Out of these he would hope to be able to choose the future members whom lie would recommend for appointment by His Majesty to the Viceroy's Council although the responsibility for the recommendations must of course continue to rest with him, and his freedom of choice therefore remains unrestricted.

14. 14. The members of his Council who are chosen as a result of this arrangement would of course accept the position on the basis that they would whole-heartedly co-operate in supporting and carrying through the war against Japan to its victorious conclusion.

15. 15. The members of the Executive would be Indians with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

16. 16. Nothing contained in any of these proposals will affect the relations of the Crown with the Indian States through the Viceroy as

Crown Representative.

17. 17. The Viceroy has been authorised by His Majesty's Government to place this proposal before the Indian Leaders. His Majesty's Government trust that the leaders of the Indian communities will respond. For the success of such a plan must depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement. In the absence of such general acceptance existing arrangements must necessarily continue.

18. 18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the Provinces these Governments would be based on the participation of the main parties, thus smoothing out communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.

19. 19. There is one further change which, if these proposals are accepted, His Majesty's Government suggest should follow.

20. 20. That is, that External Affairs (other than those tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive so far as British India is concerned, and that fully accredited representatives shall be appointed for the representation of India abroad.

21. 21. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new constitutional arrangements,

22. 22. His Majesty's Government consider, after the most careful study of the question, that the plan now suggested gives the utmost progress practicable within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the future permanent constitution or constitutions for India.

23. 23. His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a genuine step forward in the collaboration

of the British and Indian peoples towards Indian self-government and can assert the rightful position, and strengthen the influence, of India in the counsels of the nations.

(ii) Broadcast Speech by His Excellency the Viceroy at New Delhi on 14th June 1946.

I have been authorised by His Majesty's Government to place before Indian political leaders proposals designed to ease the present political situation and to advance India towards her goal of full self-government. These proposals' are at the present moment being explained to Parliament by the Secretary of State for India. My intention in this broadcast is to explain to you the proposals, the ideas underlying them, and the method by which I hope to put them into effect.

This is not an attempt to obtain or impose a constitutional settlement. His Majesty's Government had hoped that the leaders of the Indian parties would agree amongst themselves on a settlement of the communal issue, which is the main stumbling-block; but this hope has not been fulfilled.

In the meantime, India has great opportunities to be taken and great problems to be solved, which require a common effort by the leading men of all parties. I therefore propose, with the full support of His Majesty's Government, to invite Indian leaders both of Central and Provincial politics to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion. The proposed new Council would represent the main communities and would include equal proportions of Caste Hindus and Moslems. It would work, if formed, under the existing Constitution. But it would be an entirely Indian Council, except for the Viceroy and the Commander-in-Chief, who would retain his position as War Member. It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of Council, so far as the interests of British India are concerned.

A further step proposed by His Majesty's Government is the appointment of a British High Commissioner in India, as in the Dominions to represent Great Britain's Commercial and other such interests in India.

Such a new Executive Council will, you realise, represent a definite advance on the road to self-government. It will be almost entirely Indian, and the Finance and Home Members will for the first time be Indians,

while an Indian will also be charged with the management of India's Foreign Affairs. Moreover Members will now be selected by the Governor-General after consultation with political leaders; though their appointment will of course be subject to the approval of His Majesty the King-Emperor.

The Council will work within the framework of the present constitution ; and there can be no question of the Governor-General agreeing not to exercise his constitutional power of control; but it will of course not be exercised unreasonably.

I should make it clear that the formation of this interim Government will in no way prejudice the final constitutional settlement. The main tasks for this New Executive Council would be :

First, to prosecute the war against Japan with the utmost energy till Japan is utterly defeated.

Secondly, to carry on the Government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force.

Thirdly, to consider, when the Members of the Government think it possible, the means by which such agreement can be achieved. The third task is most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of the need for a long-term solution, and that the present proposals are intended to make a long-term solution easier.

I have considered the best means of forming such a Council ; and have decided to invite the following to Viceregal Lodge to advise me:

Those now holding office as Premier in a Provincial Government ; or, for Provinces now under Section 93 Government, those who last held the office of Premier.

The Leader of the Congress Party and the Deputy Leader of the Muslim League in the Central Assembly; the leader of the Congress Party and the Muslim League in the Council of State; also the leaders of the Nationalist Party and the European Group in the Assembly.

Mr. Gandhi and Mr. Jinnah as the recognised leaders of the two main political parties.

Rao Bahadur N. Siva Raj to represent the Scheduled Classes. Master Tara Singh to represent the Sikhs.

Invitations to these gentlemen are being handed to them today and it is proposed to assemble the Conference on 25th June at Simla where we shall be cooler than at Delhi.

I trust that all those invited will attend the Conference and give me their

help. On me and on them will lie a heavy responsibility in this fresh attempt to make progress towards a final settlement of India's future.

If the meeting is successful, I hope that we shall be able to agree on the formation of the new Executive Council at the Centre. I also hope that it will be possible for Ministries to re-assume office and again undertake the tasks of government in the Provinces now administered under Section 93 of the Constitution Act and that these Ministries will be coalitions.

If the meeting should unfortunately fail, we must carry on as at present until the parties are ready to come together. The existing Executive Council, which has done such valuable work for India, will continue it if other arrangements cannot be agreed.

But I have every hope that the meeting will succeed, if the party leaders will approach the problem with the sincere intention of working with me and with each other. I can assure them that there is behind this proposal a most genuine desire on the part of all responsible leaders in the United Kingdom and of the British people as a whole to help India towards her goal. I believe that this is more than a step towards that goal, it is a considerable stride forward, and a stride on the right path.

I should make it clear that these proposals affect British India only and do not make any alteration in the relations of the Princes with the Crown Representative.

With the approval of His Majesty's Government, and after consultation with my Council, orders have been given for the immediate release of the members of the Working Committee of Congress who are still in detention. I propose to leave the final decision about the others still under detention as the result of the 1942 disturbances to the new Central Government, if formed, and to the Provincial Governments.

The appropriate time for fresh elections for the Central and Provincial Legislatures will be discussed at the Conference.

Finally, I would ask you all to help in creating the atmosphere of goodwill and mutual confidence that is essential if we are to make progress. The destiny of this great country and of the many millions who live in it. depend on the wisdom and good understanding of the leaders, both of action and of thought, British and Indian, at this critical moment of India's history.

India's military reputation never stood higher in the world than it does at present ; thanks to the exploits of her sons drawn from all parts of the country. Her representatives at International conferences have won high regard for their statesmanlike attitude. Sympathy for India's aspirations and progress towards prosperity was never greater or more widespread.

We have thus great assets if we can use them wisely. But it will not be easy, it will not be quick; there is very much to do, there are many pitfalls and dangers. There is on all sides something to forgive and forget.

I believe in the future of India, and as far as in me lies will further her greatness. I ask you all for your co-operation and goodwill.

(iii) (i) Mr. Gandhi's Statement.

As soon as I read the broadcast, I sent a wire to His Excellency the Viceroy drawing his attention to the fact that I have no f*ocus standi* as the"recognised representative of the Congress."That function belongs to the President of the Congress or whoever is appointed to represent the Congress on a particular occasion.

For several years, I have acted unofficially as an adviser to the Congress whenever required. The public will remember that I went with the same unrepresentative character for my talks with the Qaid-e-Azam Jinnah, and I can take up no other position with the British Government, in this instance represented by the Viceroy.

There is one aspect of the Viceregal broadcast which certainly offends my ear and, I hope, will offend that of every politically-minded Hindu. I refer to the expression"caste Hindus."I claim that there is no such person, speaking politically, as a"Caste Hindu,"let alone the Congress which seeks to represent the whole of India which is yearning after political independence. Does Veer Savarkar or Dr. Syama Prasad Mookerjee of the Hindu Mahasabha represent caste Hindus? Do they not represent all Hindus without distinction of caste? Do they not include the so-called untouchables? Do they themselves claim to be caste Hindus? I hope not. Of all politically-minded Hindus, I know that even the revered Pandit Malaviyaji, though he observes caste distinction, will refuse to be called a caste Hindu, as distinguished from the other Hindus, Modern tendency in Hinduism is to abolish all caste distinctions and this I maintain in spite of my knowledge of reactionary elements in Hindu society. I can only hope, therefore, that the Viceroy has allowed himself to make use of the expression in utter ignorance. I want to acquit him of knowingly wounding the susceptibilities of the Hindu society or dividing it. I would not have dwelt on this matter but for the fact that it touches the political mind of Hindus in its sensitive spot and carries with it political repercussions.

The proposed conference can do much useful work if it is put in its proper political setting and is at the very outset rendered immune from any fissiparous tendency. Undoubtedly all invitees might appear as

Indians conjointly bent on achieving India's natural goal and not as persons representing several sections of Indian society.

That is how I have viewed the Bhulabhai-Liaquat Ali understanding which I suppose laid the foundations for the forthcoming Viceregal conference, Sri Bhulabhai Desai's proposal has no such colouring as the Viceregal broadcast would seem to have. I am not ashamed of the part I have played in advising Sri Bhulabhai Desai when he consulted me about his proposal. Sri Bhulabhai Desai's proposal, as I understood it, attracted me as one interested in solving the communal tangle, and I assured him that I would use my influence with the members of the Working Committee and give reasons for acceptance of his proposal and I have no doubt that, if both parties to the proposal correctly represent their constituents and have independence of India as their common goal, things must shape well.

At this point, I must stop and the Working Committee has to take up the thread. It is for its members to declare the Congress mind on the impending questions.—*A .P.I.*

WHICH IS WORSE?
SLAVERY OR UNTOUCHABILITY?

[Dr. Ambedkar has dealt with the subject of Slavery and Untouchability in chapter 3 & 8 of Vol. 5 of this series, under the caption-' Roots of the Problem ' ' Parallel cases '.

We have however now come in possession of a booklet in which there are certain paragraphs which do not find place in Vol. No. V chapter 3 & 8.

The material reproduced here when read together, makes consistent and complete reading. We have also no reason to doubt the genuineness of the material as the publisher of the said booklet Shri Devi Dayal was associated with Dr.Ambedkar during 1943-47. The facsimile of the title at the beginning of the chapter, as printed in the booklet vouchsafe the authorship of Dr. Ambedkar. Earlier paragraphs in the booklet i. e. from page I to 11 upto * considerations of humanity ' are already printed in Vol. 5 at page nos. 80 to 88. Mr. Bhagwandas of Delhi deserves credit for publishing this article for Mr. Devi Dayal—Editor]

Slavery in India

Among the claims made by the Hindus for asserting their superiority over other nations the following two are mentioned. One is that there was no slavery in India among the Hindus and the other is that Untouchability is infinitely less harmful than slavery.

The first statement is of course untrue. Slavery is a very ancient institution of the Hindus. It is recognised by Manu, the law giver and has been elaborated and systematised by the other Smriti writers who followed Manu. Slavery among the Hindus was never merely ancient institution, which functioned, only in some hoary past. It was an institution which continued throughout all Indian history down to the year 1843 and, if it had not been abolished by the British Government bylaw in that year, it might have continued even today. While slavery lasted it applied to both the touchables as well as the untouchables.

The untouchables by reason of their poverty became subject to slavery oftener than did the touchables. So that up to 1843 the untouchables in

India had to undergo the misfortune of being held in double bondage-the bondage of slavery and the bondage of untouchability. The lighter of the bonds has been cut and the untouchable is made free from it. But because the untouchables of today are not seen wearing the chains of slavery on them, it is not to be supposed that they never did. To do so would be to tear off whole pages of history.

The first claim is not so widely made. But the second is. So great a social reformer and so great a friend of the untouchables as Lala Lajpat Rai in replyingmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_1 to the indictment of the Hindu Society by Miss Mayo insisted that untouchability as an evil was nothing as compared with slavery and he fortified his conclusion by a comparison of the Negro in America with the untouchables in India and showed that his conclusion was true. Coming as it does from Lala Lajpat Rai the matter needs to be more closely examined.

Is untouchability less harmful than slavery? Was slavery less human than untouchability? Did slavery hamper the growth more than untouchability does? Apart from the controversy raised by Lala Lajpat Rai, the questions are important and their discussions will be both interesting and instructive. To understand this difference it is necessary to begin by stating the precise meaning of the term slavery. This is imperative because the term slavery is also used in a metaphorical sense to cover social relationship which is kindered to slavery but which is not slavery. Because the wife was entirely in the power of the husband, because he sometimes ill-used her and killed her, because the husband exchanged or lent his wife and because he made her work for him, the wife was sometimes spoken of as a slave. Another illustration of the metaphorical use of the term is its application to I serfs. Because a serf worked on fixed days, performed fixed I services, paid fixed sums to the lord and was fixed to the land, he j was spoken of as a slave. These are instances of curtailment of I freedom, and inasmuch as they are akin to slavery because slavery also involves loss of freedom. But this is not the sense in which the word is used in law, and to avoid arguing at cross purpose, it would be better to base the comparison on the legal meaning of the word slavery.

In layman's language, a person is said to be slave when he is the property of another. This definition is perhaps too terse for the lay reader. He may not understand the full import of it without further explanation, property means something, a term which is used to denote a bundle of rights which a person has over something which is his property, such as the right to possess, to use, to claim the benefit of, to transfer by way of

sale, mortgage or lease and destroy. Ownership therefore means complete dominion over property. To put it concretely, when it is said that the slave is the property of the master, what it means is that the master can make the slave work against his will, take the benefit of whatever the slave produces without the consent of the slave. The master can lease out, sell or mortgage his slave without consulting the wishes of the slave and the master can even kill him in the strictest legal connotation of the term. In the eye of the law the slave is just a material object with which his master may deal in any way he likes.

In the light of this legal definition, slavery does appear to be worse than untouchability. A slave can be sold, mortgaged or leased; an untouchable cannot be sold, mortgaged or leased. A slave can be killed by the master without being held guilty for murder; an untouchable cannot be. Whoever causes his death will be liable for murder. In fact, the slave could not be killed with impunity, the law did recognise his death as being culpable homicide as it did in the case of the death of a freeman. But taking the position of the slave as prescribed by laws the difference between the condition of the slave and the untouchable is undoubtedly clear-that the slave was worse off than the untouchable.

There is however another way of defining a slave which is equally legal and precise although it is not the usual way. This other way of defining a slave is this; A slave is a human being who is not a person in the eye of the law. This way of defining a slave may perhaps puzzle some. It may therefore be necessary to state that in the eye of the law the term person is identical with the term human being. In law, there may be human beings whom the law does not regard as persons. Contrariwise there are in law persons who are not human brings. This curious result arises of the meaning which the law attaches to the word person. For the purposes of law a person is defined as an entity, human or nonhuman, in whom the law recognised a capacity for acquiring rights and bearing duties, A slave is not a person in the eye of the law although he is a human being. An idol is a person in the eye of the law although an idol is an inanimate object. The reason for this difference will be obvious. A slave is not a person although he is a human being, because the law does not regard him as an entity endowed with the capacity for rights and duties. Concisely an idol is a person though not a human being because the law does-whether wisely or not is another question-recognise the capacity for rights and duties. To be recognised as a person is of course a very important fact fraught with tremendous consequences. Whether one is entitled to rights and liberties upon this issue, the rights which flow from this recognition as person are

not only as life but are as vital as life. They include right over material things, their acquisition, their enjoyment and their disposal—called right to property. There are others far more important than these rights over material things. Firstly, there is the right in respect of one's own person—a right not to be killed, maimed or injured without due process of law called a right to life, a right not to be imprisoned save in due process of law-called right to liberty. Secondly, there is a right to reputation-a right not to be ridiculed or lowered in the estimation of fellow men, the right to his good name i. e. the right to the respect so far as it is well founded which others feel for him shall not be diminished. Thirdly, there is the right to the free exercise of powers and libertiesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_2

Every person is entitled without molestation to perform all lawful acts and to enjoy all the privileges which attach to him as a person. The most specific right of this kind is to be the unmolested pursuit of the occupation by which a man chooses to gain his livelihood. Under the same head falls the right of every person to the free use of the public highways, of navigable rivers and all public utilities. It also includes the right of every person that the machinery of the law, which is established for the protection of all persons shall not be maliciously set in motion to his detriment. Thirdly, there is the right of immunity from damage by fraud or coercion-it is a right not to be induced by fraud to assent to a transaction which causes damage, and not to be coerced into acting contrary to one's desire by force. Fourthly, the rights of a person are those which are collectively called Family Rights. These family rights may be distinguished as ‘marital’, ‘parental’, ‘tutelary’, and ' dominical '. The marital right, the right of a husband as against the world, is that no other man shall, by force or persuasion, deprive him of his wife's society, still less be criminally intimate with her. An analogous right might conceivably be recognised as being vested in the wife and is recognised in parts of America. The parental right extends to the custody and control of children, to the produce of their labour till they arrive at the age of discretion without interference. The tutelary right is the right of the parent to act as the guardian not for the benefit of the guardian but for that of the ward..... whose want of understanding he supplements and whose affairs he manages. The dominical right is the right to use labour of the ward. The right is infringed by killing, by injuring so as to make him less valuable or by enticing him away.

Not being a person, a slave had, so far as law is concerned, none of

these rights. The untouchable is a person in the eye of the law. It cannot therefore be said that he has none of the rights which the law gives to a ' person '. He has the right to property, to life, liberty, reputation, family and to the free exercise of his liberties and his powers. Define the slave as one may, either as a piece of property or as one who is not a person, *it* appears that the slave was worse off than the untouchable.

This is so if we consider only the *de jure* position of the slave. Let us consider what was the *defacto* position of the slave in the Roman Empire and in the United States. I take the following extracts from Mr. Barrowmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_3 :

> "Hitherto, it is the repulsive side of household slavery that has been sketched. There is also another aspect. The literature reveals the vast household as normal. It is, of course, the exception. Large slave staffs undoubtedly existed, and they are generally to be found in Rome. In Italy and the Provinces there was less need of display; many of the staff of the Villa were engaged in productive work connected with land and its produce. The old-fashioned relationship between foreman and slave remained there; the slave was often a fellow worker. The kindliness of Pliny towards his staff is well-known. It is in no spirit of self-righteousness and in no wish to appear in a favourable light in the eyes of the future generations which he hoped would read his letters that he tells of his distress at the illness and death of his slaves. The household (of Pliny) is the salves' republic. Pliny's account of his treatment of his slaves is sometimes regarded as so much in advance of general or even occasional practice as to be valueless as evidence. There is no reason for this attitude.
>
> From reasons both of display and genuine literary interest, the rich families attached to their households, slaves trained in literature and art. Calvisices Sabinus is said by Seneca to have had eleven slaves taught to recite Homer, Hesioid, and nine lyric poets by heart. ' Book cases would be cheaper ' , said a rude friend. ' No, what the household knows the master knows ' was the answer. But, apart from such abuses, educated slaves must have been a necessity in the absence of printing;. . . . .The busy lawyer, the dilettante poet, the philosopher and educated gentlemen of literary tastes had need of copyists and readers and secretaries. Such men were naturally linquistic also; a librarius who dies at the age of twenty boasts that he was ' *literatus Graecis at Latinis* '. *Amanuensis* were common enough; librarians are to be found in public and private libraries.... .Shorthand writing was in common use under the

Empire, and slave Notary were regularly employed....

Many freemen, rhetoricians and grammarians are collected by Snetonius in a special treatise. Verrius Flaccus was tutor to Austus's grandsons, and at death was publicly honoured by a statue. Scribonius Aphrodisius was the slave and disciple of Orbilius and was afterwards freed by Scribenia. Hyginus was librarian of the Palatine Library, in which office he was followed by Jullius Modestus, his own freedman. We hear of freedmen historians of a slave philosopher who was encouraged to argue with his master's, friends' slaves and freed architects. Freemen as doctors occur frequently in the inscriptions, some of them specialists ; they had been trained in big households as slaves, as is shown by one or two examples; after Manumission they rose to eminence and became notorious for their high fees."

"The tastes of some section of society demanded that dancers, singers, musicians, montebanks, variety artists, athletic trainers and messeiurs should be forthcoming. All these are to be found in slavery, often trained by teachers who had acquired some reputation"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_4

* * * *

"The age of Augustus was the beginning of a period of commercial and industrial expansion. . . .. slaves had indeed been employed (in arts and crafts) before, but the sudden growth of trade. . . .their employment in numbers that would otherwise have been unnecessary. Romans engaged more freely and more openly in various forms of commercial and industrial venture. Yet, even so the agent became more important, for commercial activities became more widespread; and such agents were almost necessarily slaves..... (this is so) because the bonds of slavery (are elastic). They could be so relaxed as to offer an incentive (to the slave) to work by the prospect of wealth and freedom, and so tightened as to provide a guarantee to the master against loss from the misconduct of his slave. In business contracts between slave and master third person seem to have been common, and the work thus done, and no doubt, the profits were considerable. ..... . Renting of land to the slave has already been noticed. . .. and in industry much the same system was used in various forms; the master might lease a bank, or a business of the use of a ship, the terms being a fixed return or the slave being paid on a commission basismk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_5".

"The earnings of the slave became in law his peculium. Once the

peculium was saved it might be used to a variety of purposes. No doubt in many cases this fund was expended in providing food or pleasure..... But peculium must not be regarded merely as petty savings, casually earned and idly spent. The slave who made his master's business yield profits, to his own profit too, very often, had a keen sense of the best use to make up his own money. Often he reinvested it in his master's business or in enterprises entirely unrelated to it. He could enter into business relations with hi master, from whom he came to be regarded as entirely distinct, or he could make contracts with a third person. He could even have procurators to manage his own property and interests. And so with the peculium may be found not only land, houses, shops but rights and claims.

"The activities of slaves in commerce are innumerable; numbers of them are shopkeepers selling every variety of food, bread, meat, salt, fish, wine vegetables, beans, Aupine-seed, honey, curd, ham, ducks and fresh fish, others deal inclothing—sandals, shoes, gowns and mantles. In Rome, they plied their trade in the neighbourhood of the Circus Maximus, or the Portions Trigeminus; or the Esquiline Market, or the Great Mart (on the Caolian Hill) or the Suburramk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_6 . ....

' The extent to which slave secretaries and agents acted for their masters is shown very clearly in the receipts found in the house of Caecilius Jucundus at Pompeimk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_7.

That the State should possess slaves is not surprising; war, after all, was the affair of the State and the captive might well be State-property. What is surprising is the remarkable use made of public slaves under the Empire and the extraordinary social position occupied by them. .. ..

"Public slave came to mean before the Empire a slave of the state employed in its many offices, and the term implied a given occupation and often social position. The work of slaves of the State, slaves of the townships, and slaves of Caesar comprises much of what would now fall to parts of the higher and the whole of the lower branches of the civil services and of the servants of Municipal Corporations, working both with head and hands. . . In the subordinate levels (of the Treasury) there worked numbers of clerks and financial officers, all freedmen and slaves. The business dealt with must have been of vast range. . .. The Mint . . . the immediate head was a knight, in charge of the minting processes.... a freedman was placed under him, served freedmen and slaves . . .. From one branch of State service, at any rate, slaves were rigorously excluded,

except on one or two occasions of exceptional stress. They were not allowed to fight in the Army because they were not thought worthy of honour. Doubtless other motives were present also; it would be dangerous experiment to train too many slaves systematically in the use of Arms. If, however, slaves served merely in the fighting line, they are regularly to be found in great numbers behind it employed as servants, and in the commissariat and transport. In the fleet slaves were common enoughmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_8"

Such was the defacto position of the slave in Roman Society. Let us trun to the *defacto* position of the Negro in the United States during the period in which he was slave in the eye of the law. Here are some facts*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/62.Which is Worse_Slavery or Untouchability.htm - _msocom_9 which shed a good deal of light on his position :

"Lafayette himself had observed that white and black seamen and soldiers had fought and messed together in the Revolution without bitter difference. Down in Granville Country, North Carolina, a full blooded Negro, John Chavis, educated in Prince-ton University, was conducting a private school for white students and was a licentiate under the local Presbytary, preaching to white congregations in the State. One of his pupils became Governor of North Carolina, another the State's most prominent Whig senator. Two of his pupils were sons of the Chief Justice of North Carolina. The father of the founder of the greatest military academy of the State attended his school and boarded in his home . . ..

Slave labour was used for all kinds of work and the more intelligent of the Negro slaves were trained as artisans to be used and leased. Slave artisans would bring twice as much as an ordinary field hand in the market. Master craftsmen owned their staff. Some masters, as the system became more involved, hired slaves to their slave artisans. Many slave artisans purchased their freedom by the savings allowed them above the normal labour expected."

"The advertisements for runaways and sales are an index to this skill. They received the same or better wages than the poor white labourer and with the influence of the master got the best jobs. The Contractors for masons' and carpenters' work in Athens, Georgia in 1838 were petitioned to stop showing preference to Negro labourers."The white man is the only real, legal, moral, and civil proprietor of this country and state. The right of his proprietorship reached from the date of the studies of those whitemen. Copernicus and Galileo, who indicated the sphericity of the earth; which sphericity hinted to another white man, Columbus, the possibility by a

westerly course of sailing, of finding land. Hence by whitemen alone was this continent discovered, the whitemen alone, aye, those to whom you decline to give money for bread or clothes for their famishing families, in the logical manner of withholding work from them defending Negroes too in the bargain."In Atlanta in 1858, a petition signed by 2 white mechanics and labourers sought protection against the black slave artisans of masters who resided in other sections. The very next year sundry white citizens were aggrieved that the City Council tolerated a Negro dentist to remain and operate in their midst. ' Injustice to ourselves and the community it ought to be abated. We, the residents of Atlanta, appeal to you for justice '. A Census of free Negroes in Richmond County, Georgia, in 1819 showed carpenters, barbers, boatcorkers, saddlers, spinners, millwrights, holsters, weavers, harness makers, sawmill attendants and steamboat pilots. A Negro shoe-maker made by hand the boots in which President Munrow was inaugurated. Harriet Martineau marvelled at the slave workmanship in the delicately tiled floors of Thomas Jefferson's home at Monticello. There still stands in the big house of the old plantation, heavy marks of the hands of these Negro craftsmen, strong mansions built of timber hewn from the original oak and pinned together by wooden pins. Negro women skilled in spinning and weaving worked in the mills. Buckingham in 1839 found them in Athens. Georgia, working alongside with white girls without apparent repugnance of objection.

Negro craftsmen in the South, slave and free fared better than their brothers in the North. In 1856 in Philadelphia, of 1637 Negro craftsmen recorded, less than two-thirds could use their trades ; ' because of hostile prejudice '. The Irish who were pouring into America from the very beginning of the nineteenth century were being used in the North on approximately the same motives of preference which governed Negro slavery. ' An Irish Catholic ', it was argued in their favour, ' seldom attempts to rise to a higher condition than that in which he is placed, while the Negro often makes the attempt with success. Had not the old Puritan Oliver Cromwell, while the traffic in black slaves was on, sold all the Irish not killed in the Drogheda Massacre into Barbados? ' Free and fugitive Negroes in New York and Pennsylvania were in constant conflict with this group and the bitter hostility showed itself most violently in the draft riots of the New York. These Hibernians controlled the load carrying and the common labour jobs, opposing every approach of the Negro as a menace to their slight hold upon America and upon a means of livelihood."

Such was the *de facto* condition of the Roman slave and the American Negro slave. Is there anything in the condition of the Untouchables of

India which is comparable with the condition of the Roman slave and the American Negro slave? It would not be unfair to take the same period of time for comparing the condition of the Untouchables with that of the slaves under the Roman Empire. But I am prepared to allow the comparison of the condition of the slaves in the Roman Empire to be made with the condition of the Untouchables of the present day. It is a comparison between the worst of one side and the best of the other, for the present times are supposed to be the golden age for the Untouchables. How does the *defacto* condition of the Untouchables compare with the *defacto* condition of the slaves? How many Untouchables are engaged as the slaves in Rome were, in professions such as those of Librarians, Amanuenses, Shorthand writers? How many Untouchables are engaged, as the slaves in Rome were, in such intellectual occupations as those of rhetoricians, grammarians, philosophers, tutors, doctors and artists? How many untouchables are engaged in trade, commerce or industry as were the slaves in Rome? Even comparing his position with that of the Negro while he was a slave it cannot be said that the condition of the Untouchable has been better. Is their any instance of untouchables having been artisans? Is there any instance of untouchable having maintained a school where Brahmin children have come to sit at his feet in search of learning? Why such a thing is unthinkable? But it has happened in the United States of America. In comparing the *defacto* condition of the Roman slave and the American Negro I have purposely taken the recent condition of the Untouchables as a basis of comparison for the simple reason that the present times are supposed to be the golden age for the untouchables. But comparing even the condition of the untouchables in modern times they are certainly a sunken community as compared with the condition of slaves in time which historians call barbarous. There can therefore, be no doubt that untouchables have been worse off than slaves. This of course means that untouchability is more harmful to the growth of man than slavery ever was. On this there is a paradox. Slaves who were worse off in law than the untouchables were in fact better off than untouchables and untouchables who were better off in law than slaves were worse off in fact than slaves. What is the explanation of this paradox? The question of all questions is this ; what is it which helped the slave to overcome the rigorous denial of freedom by law and enabled them to prosper and grow? What is it that destroyed the effect of the freedom which the law gave to the untouchables and sapped his life of all vitality and stunted his growth.

The explanation of this paradox is quite simple. It will be easily understood if one bears in mind the relation between law and public

opinion. Law and public opinion are two forces which govern the conduct of men. They act and react upon each other. At times law goes ahead of public opinion and checks it and redirects in channels which it thinks proper. At times public opinion is ahead of the law. It rectifies the rigour of the law and moderates it. There are also cases where law and public opinion are opposed to each other and public opinion being the stronger of the two forces, disregards or sets at naught what the law-prescribes. Whether through compulsion arising out of convenience of commerce and industry or out of the selfish desire to make the best and the most profitable use of the slaves or out of considerations of humanity, public opinion and law were not in accord with regard to the position of the slave either in Rome or in the United States. In both places the slave was not a legal person in the eye of the law. But in both places he remained a person in the sense of a human being in the eye of the society. To put it differently the personality which the law withheld from the slave was bestowed upon him by society. There lies a profound difference between slavery and untouchability. In the case of the untouchable just the opposite has happened. The personality which the law bestowed upon the untouchables is withheld by society. In the case of the slave the law by refusing to recognise him as a person could do him no harm because society recognised him more amply than it was called upon to do. In the case of the untouchables the law by recognising him as a person failed to do him any good because Hindu society is determined to set that recognition at naught. A slave had a personality which counted notwithstanding the command of the law. An untouchable has no personality in spite of the command of the law. This distinction is fundamental. It alone can explain the paradox— the social elevation of the slave loaded though he was with the burden of legal bondage and the social degradation of the untouchable aided as he has been with the advantages of legal freedom.

Those who have condemned slavery have no doubt forgotten to take into consideration the fact that in a sense slavery was an apprenticeship in a business, craft or art, albeit compulsory. Unmitigated slavery with nothing to compensate the loss of freedom is of course to be condemned. But to enslave a person and to train him is certainly better than a state of barbarity accompanied by freedom. Slavery did mean an exchange of semi-barbarism for civilisation, a vague enough gift but none the less real. The full opportunities for civilised life could only be fully used in freedom, no doubt, but slavery was an apprenticeship, or in the words of Prof. Myres"an initiation into a higher culture".

This view of slavery is eminently a correct view. This training, this

initiation of culture was undoubtedly a great benefit to the slave. Equally it involved considerable cost to the master to train his slave, to initiate him into culture."There can have been little supply of slaves, educated or trained, before enslavement. The alternative was to train them when young slaves in domestic work or in skilled craft, as was indeed done to some extent before the Empire, by Cato, the Elder, for example. The training was done by his owner and his existing staff indeed the household of the rich contained special pedagogy for this purpose. Such training took many forms : industry, trade, arts and letter".

The question is why was the slave initiated into the high culture and why did it not fall to the lot of the untouchable to be so initiated? The question is very pertinent and I have raised it because the answer to the question will further reinforce the conclusion that has been reached namely that untouchability is worse than slavery and that is because the slave had a personality and the untouchable has not.

The reason why the master took so much trouble to train the slave and to initiate him in the higher forms of labour and culture was undoubtedly the motive of gain. A skilled slave as an item was more valuable than an unskilled slave. If sold he would fetch better price, if hired out he would bring in more wages. It was therefore an Investment to the owner to train his slave. But this is not enough to account for the elevation of the slave and the degradation of the untouchable. Suppose Roman society had an objection to buy vegetables, milk, butter, water or wine from the hands of the slave? Suppose Roman society had an objection to allow slaves to touch them, to enter their houses, travel with them in cars, etc. would it have been possible for the master to train his slave, to raise him from semi-barbarism to a cultured state? Obviously not. It is because the slave was not held to be an untouchable that the master could train him and raise him. We again come back therefore, to the same conclusion-namely, that what has saved the slave is that his personality was recognised by society and what has ruined the untouchable is that Hindu society did not recognise his personality, treated him as unfit for human association and common dealing.

That the slave in Rome was no less of a man because he was a slave, that he was fit for human intercourse although he was in bondage is proved by the attitude that the Roman Religion had towards the slave. As has been observed—

"..... .Roman religion was never hostile to the slave. It did not close the temple doors against him ; it did not banish him from its festivals. If slaves were excluded from certain ceremonies, the same may be said of free men

and women-being excluded from the rites of Bono Dea, Vesta and Ceres, women Jrom those of Hercules at the Ara Maxima. In the days when the old Roman divinities counted for some-thing, the slave came to be informally included in the family, and could consider himself under the protection of the gods of the household. . .. . . .Augustus ordered that freed women should be eligible as priestesses of Vesta. The law insisted that a slave's grave should be regarded as sacred and for his soul Roman mythology provided no special heaven and no particular hell. Even Juvenal agrees that the slave, soul and body is made of the same stuff as his master. . .”

SLAVE IN LAW

There was no stigma attached to his person. There was no gulf social or religious which separated the slave at any rate in Rome from the rest of the society. In outward appearance he did not differ from the free man ; neither colour nor clothing revealed his conditions; he witnessed the same games as the freemen, he shared in the life of the Municipal towns, and employed in state service, engaged himself in trade and commerce as all free men did. Often apparent equality in outward things counts far more to the individual than actual identity of rights before the law. Between the slave and the free, there seems often to have been little social barrier. Marriage between slave and freed slave was very common. The slave status carried no stigma on the man in the society. He was touchable and even respectable.

Enough has been said to show that untouchability is worse than slavery. The only thing that is comparable to it is the case of the Jews in the middle ages. The servility of the Jews does resemble to some extent the condition of the untouchables. But there is this to be said about it. Firstly the discrimination made against the Jews was made upon a basis which is perfectly understandable though not justifiable. It was based upon the Jews obstinacy in the matter of religion. He refused to accept the religion of the gentiles and it is his obstinacy which brought about those penalties. The moment he gave up his obstinacy he was free from his disabilities. This is not the case with the untouchable. His disabilities are not due to the fact that he is a protestant or nonconformist. The second thing to be said about these disabilities of the Jews is that the Jews preferred them to being completely assimilated and lost in the Gentiles. This may appear strange but there are facts to prove it. In this connection reference may be made to

two instances recorded in history which typify the attitude of the Jews. The first instance relates to the Napoleonic regime. After the National Assembly of France had agreed to the declaration of the Rights of Man to the Jews, the Jewish question was again reopened by the guild merchants and religious reactionaries of Alsace. Napoleon resolved to submit the question to the consideration of the Jews themselves.

"He convened an Assembly of Jewish Notables of France, Germany and Italy in order to ascertain whether the principles of Judaism were compatible with the requirements of citizenship as he wished to fuse the Jewish element with the dominant population. The Assembly, consisting of I II deputies, met in the Town Hall of Paris on 25th July, 1806, and was required to frame replies to twelve questions relating mainly to the possibility of Jewish patriotism, the permissibility of intermarriage between Jew and non-Jew, and the legality of usury. So pleased was Napoleon with the pronouncements of the Assembly that he summoned a Sanhedrin after the model of the ancient council of Jerusalem to convert them into the decrees of a legislative body. The Sanhedrin, comprising 71 deputies from France, Germany, Holland and Italy, met under the presidency of Rabbi Sinzheim of Strassburg on 9th February 1807, and adopted a sort of charter which exhorted the Jews to look upon France as their father land, to regard its citizens as their brethren, and to speak its language, and which also pressed toleration of marriages between Jews and Christians while declaring that they could not be sanctioned by the synagogue". It will be noted the Jews refused to sanction intermarriages between Jews and non-Jews. They only agreed to tolerate them. The second instance related to what happened when the Batavian Republic was established in 1795. The more energetic members of the Jewish community pressed for the removal of many disabilities under which they laboured."But the demand for the full rights of citizenship made by the progressive Jews was at first, strangely enough, opposed by the leaders of the Amsterdam community, who feared that civil equality would militate against the conservation of Judaism and declared that their co-religionists renounced their rights of citizenship in obedience to the dictates of their faith. This shows that the Jews preferred to live as strangers rather than as members of the community. It is as an 'eternal people' that they were singled out and punished. But that is not the case with the untouchables. They too are in a different sense an"eternal people"who are separate from the rest. But this separateness is not the result of their wish. They are punished not because they do not want to mix. They are punished because they want to.

Untouchability is worse than slavery because slave has personality in the

Society while the untouchable has no personality has been made abundantly clear. But this is not the only ground why untouchability is worse than slavery. There are others which are not obvious but which are real none-the-less.

Of these the least obvious may be mentioned as the first. Slavery, if it took away the freedom of the slave, it imposed upon the master the duty to maintain the slave in life and body. The slave was relieved of all responsibility in respect of his food, his clothes and his shelter. All this the master was bound to provide. This was of course no burden because the slave earned more than his keep. But a security for board and lodging is not always possible for every freeman as all wage earners now know to their cost. Work is not always available even to those who are ready to toil but a workman cannot escape the rule according to which he gets no bread if he finds no work. This rule, no work no bread, the ebbs and tides of business, the booms and depression are vicissitudes through which all free wage earners have to go. But they do not affect the slave who is free from them. He gets his bread-perhaps the same bread, but bread-whether it is boom or whether it is depression. Untouchability is worse than slavery because it carries no such security as to livelihood as the latter does. No one is responsible for the feeding, housing and clothing of the untouchable. From this point of view untouchability is not only worse than slavery but is positively cruel as compared to slavery. In slavery the master has the obligation to find work for the slave. In a system of free labour workers have to compete with workers for obtaining work. In this scramble for work what chances has the untouchable for a fair deal? To put it shortly in this competition with the scales always weighing against him by reason of his social stigma he is the last to be employed and the first to be fired. Untouchability is cruelty as compared to slavery because it throws upon the untouchables the responsibility for maintaining without any way of earning his living, From another aspect also untouchability is worse than slavery. The slave was property and that gave the slave an advantage over a free man. Being valuable, the master out of sheer self"interest, took great care of the health and well being of the slave. In Rome the slaves were never employed on marshy and malarial land. On such a land only freemen were employed. Cato advises Roman farmers never to employ slaves on marshy and malarial land. This seems stranger. But a little examination will show that this was quite natural. Slave was valuable property and as such a prudent man who knows his interest must not expose him to the ravages of malaria. The same care need not be taken in the case of free man because he is not valuable property. This

consideration resulted to the great benefit of the slave. He was cared for as no one was. This consideration is completely absent in the case of the untouchable. He is neglected and left to starve and die.

The second or rather the third difference between untouchability and slavery is that slavery was never obligatory. But untouchability is obliged. A person is"permitted"to hold another as his slave. There is no compulsion on him if he does not want to. A Hindu on the other hand is"enjoined"to hold another as untouchable. There is compulsion on the Hindu which he cannot escape whatever his personal wishes in the matter may be.

WHO WERE THE SHUDRAS?

Inscribed to the Memory of
MAHATMA JOTIBA FULE (1827—1890)

The Greatest Shudra of Modern India who made the lower classes of Hindus conscious of their slavery to the higher classes and who preached the gospel that for India social democracy was more vital than independence from foreign rule.

WHO WERE THE SHUDRAS?

How they came to be the
Fourth Varna in the
Indo-Aryan Society

***By* B. R. Ambedkar**

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PREFACE

In the present stage of the literature on the subject, a book on the Shudras cannot be regarded as a superfluity. Nor can it be said to deal with a trivial problem. The general proposition that the social organization of the Indo-Aryans was based on the theory of *Chaturvarnya* and that *Chaturvarnya* means division of society into four classes—*Brahmins* (priests), *Kshatriyas (soldiers),Vaishyas* (traders) and *Shudras* (menials) does not convey any idea of the real nature of the problem of the Shudras nor of its magnitude. *Chaturvarnya* would have been a very innocent principle if it meant no more than mere division of society into four classes. Unfortunately, more than this is involved in the theory of *Chaturvarnya.* Besides dividing society into four orders, the theory goes further and makes the principle of graded inequality. the basis for determining the terms of associated life as between the four *Varnas.* Again, the system of graded inequality is not merely notional. It is legal and penal. Under the system of *Chaturvarnya,* the *Shudra* is not only placed at the bottom of the gradation but he is subjected to inunumerable ignominies and disabilities so as to prevent him from rising above the condition fixed for him by law. Indeed until the fifth *Varna* of the Untouchables came into being, the *Shudras* were in the eyes of the Hindus the lowest of the low. This shows the nature of what might be called the problem of the *Shudras.* If people have no idea of the magnitude of the problem it is because they have not cared to know what the population of the *Shudras* is. Unfortunately, the census does not show their population separately. But there is no doubt that excluding the Untouchables the *Shudras* form about 75 to 80 per cent of the population of Hindus. A treatise which deals with so vast a population cannot be considered to be dealing with a trivial problem.

The book deals with the *Shudras* in the Indo-Aryan Society. There is a view that an inquiry into these questions is of no present-day moment. It is said by no less a person than Mr. Sherring in his *Hindu Tribes and Castes**mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38A. Who were the Shudras Preface.htm - _msocom_1 that :

"Whether the Shudras were Aryans, or aboriginal inhabitants of

> India, or tribes produced by the union of the one with the other, is of little practical moment. They were at an early period placed in a class by themselves, and received the fourth or last degree of rank, yet at a considerable distance from the three superior castes. Even though it be admitted that at the outset they were not Aryans, still, from their extensive intermarriages with the three Aryan Castes, they have become so far Aryanized that, in some instances as already shown, they have gained more than they have lost, and certain tribes now designated as Shudras are in reality more Brahmins and Kshatriyas than anything else. In short, they have become as much absorbed in other races the cletic tribes of England have become absorbed in the Anglo-Saxon race; and their own separate individuality, if they ever had any, has completely vanished."

This view is based on two errors. Firstly, the present-day Shudras are a collection of castes drawn from heterogeneous stocks and are racially different from the original Shudras of the Indo-Aryan society. Secondly, in the case of Shudras the centre of interest is not the Shudras as a people but the legal system of pains and penalties to which they are subjected. The system of pains and penalties was no doubt originally devised by the Brahmins to deal with the Shudras of the Indo-Aryan society, who have ceased to exist as a distinct, separate, identifiable community. But strange as it may seem the Code intended to deal with them has remained in operation and is now applied to all low-class Hindus, who have no lock stock with the original *Shudras*. How this happened must be a matter of curiosity to all. My explanation is that the Shudras of the Indo-Aryan Society in course of time became so degraded as a consequence of the severity of the Brahmanical laws that they really came to occupy a very low state in public life. Two consequences followed from this. One consequence was a change in the connotation of the word Shudra. The word Shudra lost its original meaning of being the name of a particular community and became a general name for a low-class people without civilisation, without culture, without respect and without position. The second consequence was that the widening of the meaning of the word Shudra brought in its train the widening of the application of the Code.lt is in this way that the so-called *Shudras* of the present-day have become subject to the Code, though they are *not Shudras* in the original sense of the word. Be that as it may, the fact remains that the Code intended for the original culprits has come to be applied to the innocents. If the Hindu law-givers had enough historical sense to realise that the original *Shudras* were different

from the present-day low-class people, this tragedy—this massacre of the innocents—would have been avoided. The fact, however unfortunate it may be, is that the Code is applied to the present-day *Shudras* in the same rigorous manner in which it was applied to the original *Shudras*. How such a Code came into being cannot therefore be regarded as of mere antiquarian interest to the *Shudras* of to-day.

While it may be admitted that a study of the origin of the *Shudras* is welcome, some may question my competence to handle the theme. I have already been warned that while I may have a right to speak on Indian politics, religion and religious history of India are not my field and that I must not enter it. I do not know why my critics have thought it necessary to give me this warning. If it is an antidote to any extravagant claim made by me as a thinker or a writer, then it is unnecessary. For, I am ready to admit that I am not competent to speak even on Indian politics. If the warning is for the reason that I cannot claim mastery over the Sanskrit language, I admit this deficiency. But I do not see why it should disqualify me altogether from operating in this field. There is very little of literature in the Sanskrit language which is not available in English. The want of knowledge of Sanskrit need not therefore be a bar to my handling a theme such as the present. For I venture to say that a study of the relevant literature, albeit in English translations, for 15 years ought to be enough to invest even a person endowed with such moderate intelligence like myself, with sufficient degree of competence for the task. As to the exact measure of my competence to speak on the subject, this book will furnish the best testimony. It may well turn out that this attempt of mine is only an illustration of the proverbial fool rushing in where the angels fear to tread. But I take refuge in the belief that even the fool has a duty to perform, namely, to do his bit if the angel has gone to sleep or is unwilling to proclaim the truth. This is my justification for entering the prohibited field.

What is it that is noteworthy about this book? Undoubtedly the conclusions which I have reached as a result of my investigations. Two questions are raised in this book: (1) Who were the *Shudras?* and (2) How they came to be the fourth *Varna* of the Indo-Aryan society? My answers to them are summarised below :

(1)(1) The *Shudras* were one of the Aryan communities of the Solar race.

(2)(2) There was a time when the Aryan society recognised only three *Varnas,* namely. *Brahmins, Kshatriyas* and *Vaishyas.*

(3) (3) The *Shudras* did not form a separate *Varna*. They ranked as part of the Kshatriya *Varna* in the Indo-Aryan society.

(4) (4) There was a continuous feud between the *Shudra* kings and the *Brahmins* in which the *Brahmins* were subjected to many tyrannies and indignities.

(5) (5) As a result of the hatred towards the *Shudras* generated by their tyrannies and oppressions, the *Brahmins* refused to perform the *Upanayana* of the *Shudras*.

(6) (6) Owing to the denial of *Upanayana,* the *Shudras* who were Kshatriyas became socially degraded, fell below the rank of the *Vaishyas* and thus came to form the fourth *Varna*.

I must of course await the verdict of scholars on these conclusions. That these conclusions are not merely original but they are violently opposed to those that are current is of course evident. Whether these conclusions will be accepted or not will depend upon the mentality of a person claiming to have a right to sit in judgement over the issue. Of course, if he is attached to a particular thesis he will reject mine. I would not however bother about his judgement for he would be an adversary from whom nothing can be expected except opposition. But if a person is an honest critic, howsoever cautious, however conservative he may be, provided that he has an open mind and a readiness to accept facts, I do not despair of converting him to my view. This expectation may fail to materialize, but about one thing I am quite certain. My critics will have to admit that the book is rich in fresh insights and new visions.

Apart from scholars, how the Hindu public will react may be an interesting speculation. The Hindus of to-day fall into five definite classes. There is a class of Hindus, who are known as orthodox and who will not admit that there is anything wrong with the Hindu social system. To talk of reforming it is to them rank blasphemy. There is a class of Hindus who are known as Arya Samajists. They believe in the *Vedas* and only in the *Vedas*. They differ from the orthodox inasmuch as they discard everything which is not in the Vedas. Their gospel is that of return to the *Vedas*. There is a class of Hindus who will admit that the Hindu social system is all wrong, but who hold that there is no necessity to attack it. Their argument is that since law does not recognize it, it is a dying, if not a dead system. There is a class of Hindus, who are politically minded. They are indifferent to such questions. To them *Swaraj* is more important than social reform. The fifth class of Hindus are those who are rationalists and who regard social reforms as of primary importance, even more important than *Swaraj*.

With the Hindus, who fall into the second category, those who are likely to regard the book as unnecessary, I cannot agree. In a way, they are right when they say that the existing laws in British India does not recognize the caste system prevalent in the Hindu society. It is true that, having regard to section II of the Civil Procedure Code, it would not be possible for a Hindu to obtain a declaration from a civil court that he belongs to a particular *Varna*. If courts in British India have to consider the question whether a person belongs to a particular *Varna,* it is only in cases of marriage, inheritance and adoption, the rules of which vary according to the *Varna* to which the party belongs. While it is true that the Law in British India does not recognize the four *Varnas* of the Hindus, one must be careful not to misunderstand what this means. To put it precisely: (1) it does not mean that the observance of the *Varna* system is a crime; (2) it does not mean that the *Varna* system has disappeared; (3) it does not mean that the *Varna* system is not given effect to in cases where the observance of its rules are necessary to acquiring civil rights; (4) it only means that the general legal sanction behind the *Varna* system has been withdrawn New, law is not the only sanction which goes to sustain social institutions. Institutions are sustained byother sanctions also. Of these, religious sanction and social sanction are the most important. The *Varna* system has a religious sanction. Because it has a religious sanction, the *Varna* system has the fullest social sanction from the Hindu society. With no legal prohibition, this religious sanction has been more than enough to keep the *Varna* system in full bloom. The best evidence to show that the *Varna* system is alive notwithstanding there is no law to enforce it, is to be found in the fact that the status of the *Shudras* and the Untouchables in the Hindu society has remained just what it has been. It cannot therefore be said that a study such as this is unnecessary.

As to the politically-minded Hindu, he need not be taken seriously. His line of approach is generally governed by a short-term view more than by long-range considerations. He is willing to follow the line of least resistance and postpone a matter, however urgent, if it is likely to make him unpopular. It is therefore quite natural if the politically-minded Hindu regards this book as a nuisance.

The book treads heavily on the toes of the Arya Samajists. My conclusions have come in sharp conflict with their ideology at two most important points. The Arya Samajists believe that the four *Varnas* of the Indo-Aryan society have been in existence from the very beginning. The book shows that there was a time when there were only three *Varnas* in

the Indo-Aryan society. The Arya Samajists believe that the *Vedas* are eternal and sacrosanct. The book shows that portions of the *Vedas* at any rate, particularly the *Pursha Sukta,* which is the mainstay of the Arya Samajists, are fabrications by *Brahmins* intended to serve their own purposes. Both these conclusions are bound to act like atomic bombs on the dogmas of the Arya Samajists.

I am not sorry for this clash with Arya Samajists. The Arya Samajists have done great mischief in making the Hindu society a stationary society by preaching that the *Vedas* are eternal, without beginning, without end, and infallible, and that the social institutions of the Hindus being based on the *Vedas* are also eternal, without beginning, without end, infallible and therefore requiring no change. To be permeated with such a belief is the worst thing that can happen to a community. I am convinced that the Hindu society will not accept the necessity of reforming itself unless and until this Arya Samajists' ideology is completely destroyed. The book does render this service, if no other.

What the Orthodox Hindu will say about this book I can well imagine for I have been battling with him all these years. The only thing I did not know was how the meek and non-violent looking Hindu can be violent when anybody attacks his Sacred Books. I became aware of it as never before when last year I received a shower of letters from angry Hindus, who became quite unbalanced by my speech on the subject delivered in Madras. The letters were full of filthy abuse, unmentionable and unprintable, and full of dire threats to my life. Last time they treated me as a first offender and let me off with mere threats. I don't know what they will do this time. For on reading the book they are sure to find more cause for anger at what in their eyes is a repetition of the offence in an aggravated form for having brought forth chapter and verse to show that what goes by the name of Sacred Books contains fabrications which are political in their motive, partisan in their composition and fraudulent in their purpose. I do not propose to take any notice of their vilifications or their threats. For I know very well that they are a base crew who, professing to defend their religion, have made religion a matter of trade. They are more selfish than any other set of beings in the world, and are prostituting their intelligence to support the vested interests of their class. It is a matter of no small surprise that when the mad dogs of orthodoxy are let loose against a person who has the courage to raise his voice against the so-called Sacred Books of the Hindus, eminent Hindus occupying lofty places, claiming themselves to be highly educated and who could be expected to have no interest and

to have a free and open mind become partisans and join the outcry. Even Hindu Judges of High Courts and Hindu Prime Ministers of Indian States do not hesitate to join their kind. They go further. They not only lead the howl against him but even join in the hunt. What is outrageous is that they do so because they believe that their high stations in life would invest their words with an amount of terror which would be sufficient enough to cow down any and every opponent of orthodoxy. What I would like to tell these amiable gentlemen is that they will not be able to stop me by their imprecations. They do not seem to be aware of the profound and telling words of Dr. Johnson who when confronted with analogous situation said, 1 am not goint to be deterred from catching a cheat by the menaces of a ruffian.' I do not wish to be rude to these high-placed critics, much less do I want to say that they are playing the part of a ruffian interested in the escape of a cheat. But I do want to tell them two things: firstly that I propose, no matter what happens, to follow the determination of Dr. Johnson in the pursuit of historical truth by the exposure of the Sacred Books so that the Hindus may know that it is the doctrines contained in their Sacred Books which are responsible for the decline and fall of their country and their society; secondly, if the Hindus of this generation do not take notice of what I have to say I am sure the future generation will. I do not despair of success. For I take consolation in the words of the poet Bhavabhuti who said,"Time is infinite and earth is vast, some day there will be born a man who will appreciate what I have said."Whatever that be the book is a challenge to orthodoxy.

The only class of Hindus, who are likely to welcome the book are those who believe in the necessity and urgency of social reform. The fact that it is a problem which will certainly take a long time to solve and will call the efforts of many generations to come, is in their opinion, no justification for postponing the study of that problem. Even an ardent Hindu politician, if he is honest, will admit that the problems arising out of the malignant form of communalism, which is inherent in the Hindu social organization and which the politically minded Hindus desire to ignore or postpone, invariably return to plague, those very politicians at every turn. These problems are not the difficulties of the moment. They are our permanent difficulties, that is to say, difficulties of every moment. I am glad to know that such a class of Hindus exists. Small though they be, they are my mainstay and it is to them that I have addressed my argument.

It will be said that I have shown no respect for the sacred literature of

the Hindus which every sacred literature deserves. If the charge be true, I can plead two circumstances in justification of myself. Firstly I claim that in my research I have been guided by the best tradition of the historian who treats all literature as vulgar—1 am using the word in its original sense of belonging to the people—to be examined and tested by accepted rules of evidence without recognizing any distinction between the sacred and the profane and with the sole object of finding the truth. If in following this tradition I am found wanting in respect and reverence for the sacred literature of the Hindus my duty as a scholar must serve as my excuse. Secondly, respect and reverence for the sacred literature cannot be made to order. They are the results of social factors which make such sentiments natural in one case and quite unnatural in another. Respect and reverence for the sacred literature of the Hindus is natural to a Brahmin scholar. But it is quite unnatural in a non-Brahmin scholar. The explanation of this difference is quite simple. That a Brahmin scholar should treat this sacred literature with uncritical reverence and forbear laying on it the heavy hands which the detachment of an intellectual as distinguished from the merely educated is what is to be expected. For what is this sacred literature? It is a literature which is almost entirely the creation of the Brahmins. Secondly, its whole object is to sustain the superiority and privileges of the Brahmins as against the non-Brahmins. Why should not the Brahmins uphold the sanctity of such a literature? The very reason that leads the Brahmin to uphold it makes the non-Brahmin hate it. Knowing that what is called the sacred literature contains an abominable social philosophy which is responsible for their social degradation, the non-Brahmin reacts to it in a manner quite opposite to that of the Brahmin. That I should be wanting in respect and reverence for the sacred literature of the Hindus should not surprise any one if it is borne in mind that I am a non-Brahmin, not even a non-Brahmin but an Untouchable. My antipathy to the sacred literature could not naturally be less than that of the non-Brahmin As Prof. Thorndyke says: that a man thinks is a biological fact what he thinks is a sociological fact.

I am aware that this difference in the attitude of a Brahmin scholar and a non-Brahmin scholar towards this sacred literature—literature which is the main source of the material for the study of the problems of the social history of the Hindus— the former with his attitude of uncritical commendation and the latter with his attitude of unsparing condemnation is most harmful to historical research.

The mischief done by the Brahmin scholars to historical research is

obvious. The *Brahmin* scholar has a two-fold interest in the maintenance of the sanctity of this literature. In the first place being the production of his forefathers his filial duty leads him to defend it even at the cost of truth. In the second place as it supports the privileges of the *Brahmins,* he is careful not to do anything which would undermine its authority. The necessity of upholding the system by which he knows he stands to profit, as well as of upholding the prestige of his forefathers as the founders of the system, acts as a silent immaculate premise which is ever present in the mind of the *Brahmin* scholar and prevents him from reaching or preaching the truth. That is why one finds so little that is original in the field of historical research by *Brahmin* scholars unless it be a matter of fixing dates or tracing genealogies. The non-Brahmin scholar has none of these limitations and is therefore free to engage himself in a relentless pursuit of truth. That such a difference exists between the two classes of students is not a mere matter of speculation. This very book is an illustraton in point. It contains an exposure of the real character of the conspiracy against the *Shudras,* which no *Brahmin* scholar could have had the courage to present.

While it is true that a non-Brahmin scholar is free from the inhibitions of the Brahmin scholar he is likely to go to the other extreme and treat the whole literature as a collection of fables and fictions fit to be thrown on the dung heap not worthy of serious study. This is not the spirit of an historian. As has been well said, an historian ought to be exact, sincere, and impartial; free from passion, unbiased by interest, fear, resentment or affection; and faithful to the truth, which is the mother of history, the preserver of great actions, the enemy of oblivion, the witness of the past. the director of the future. In short he must have an open mind, though it may not be an empty mind, and readiness to examine all evidence even though it be spurious. The non-Brahmin scholar may find it difficult to remain true to this spirit of the historian. He is likely to import the spirit of non-Brahmin politics in the examination of the truth or falsity of the ancient literature which is not justifiable. I feel certain that in my research I have kept myself free from such prejudice. In writing about the *Shudras* I have had present in my mind no other consideration except that of pure history. It is well-known that there is a non-Brahmin movement in this country which is a political movement of the Shudras. It is also well-known that I have been connected with it. But I am sure that the reader will find that I have not made this book a preface to non-Brahmin politics.

I am sensible of the many faults in the presentation of the matter. The

book is loaded with quotations, too long and too many. The book is not a work of art and it is possible that readers will find it tedious to go through it. But this fault is not altogether mine. Left to myself, I would have very willingly applied the pruning knife. But the book is written for the ignorant and the uninformed *Shudras,* who do not know how they came to be what they are. They do not care how artistically the theme is handled. All they desire is a full harvest of material— the bigger the better. Those of them to whom I have shown the manuscript have insisted upon retaining the quotations. Indeed, their avidity for such material was so great that some of them went to the length of insisting that besides giving translations in English in the body of the book I should also add the original Sanskrit texts in an Appendix. While I had to deny their request for the reproduction of the original Sanskrit texts, I could not deny their request for retaining the translations on the ground that the material is not readily available to them. When one remembers that it is the *Shudras,* who have largely been instrumental in sustaining the infamous system of *Chaturvarnya,* though it has been the primary cause of their degradation and that only the *Shudras* can destroy the *Chaturvarnya,* it would be easy to realize why I allowed the necessity of educating and thereby preparing the *Shudra* fully for such a sacred task to outweigh all other considerations which favoured the deletion or if not deletion the abridgement of the quotations.

There are three persons to whom I owe my thanks. Firstly to the writer of Adhyaya LX of the Shanti Parva of the Mahabharata. Whether it is *Vyasa, Vaiashampayana, Suta, Lomaharshana* or *Bhrigu* it is difficult to say. But whoever he was, he has rendered great service by giving a full description of *Paijavana.* If he had not described *Paijavana* as a *Shudra,* the clue to the origin of the *Shudra* would have been completely lost. I express my gratitude to the writer for having preserved so important a piece of information for posterity. Without it, this book could not have been written. Secondly, I must thank Prof. Kangle of Ismail Yusuf College, Andheri, Bombay. He has come to my rescue and has checked the translation of Sanskrit shlokas which occur in the book. As I am not a Sanskrit scholar, his help has been to me a sort of an assurance that I have not bungled badly in dealing with the material which is in Sanskrit. The fact that he has helped me does not mean that he is responsible for such faults and errors as may be discovered by my critics. Thanks are also due to Prof. Manohar Chitnis of the Siddharth College, Bombay, who has been good enough to prepare the Index.

I am grateful to Messrs. Charles Scribner's Sons Publishers, New York

for their kind permission to reproduce the three maps from Mr. Madison Grant's *Passing of the Great Race* and which form Appendices II, III and IV of this book.

B. R. AMBEDKAR

10th October 1946
"RAJGRIHA,"
DADAR,
BOMBAY 14.

Part I

WHO WERE THE SHUDRAS?

CONTENTS

PART I

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CHAPTER I

THE RIDDLE OF THE SHUDRAS

EVERYBODY knows that the Shudras formed the fourth Varna of the Indo-Aryan society. But very few have cared to inquire who were these Shudras and how they came to be the fourth Varna. That such an enquiry is of first-rate importance is beyond question. For, it is worth knowing how the Shudras came to occupy the fourth place, whether it was the result of evolution or it was brought about by revolution.

Any attempt to discover who the Shudras were and how they came to be the fourth Varna must begin with the origin of the *Chaturvarnya* in the

Indo-Aryan society. A study of the *Chaturvarnya* must in its turn start with a study of the ninetieth Hymn of the Tenth Mandala of the Rig Veda— a Hymn, which is known by the famous name of *Purusha Sukta.*

What does the Hymn say? It saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_1 :

1. 1. Purusha has a thousand heads, a thousand eyes, a thousand feet. On every side enveloping the earth he overpassed (it) by a space of ten fingers.
2. 2. Purusha himself is this whole (universe), Whatever has been and whatever shall be. He is the Lord of immortality, since (or when) by food he expands.
3. 3. Such is his greatness, and Purusha is superior to this. All existences are a quarter to him; and three-fourths of him are that which is immortal in the sky.
4. 4. With three-quarters, Purusha mounted upwards. A quarter of him was again produced here. He was then diffused everywhere over things which eat and things which do not eat.
5. 5. From him was born Viraj, and *from* Viraj, Purusha. When born, he extended beyond the earth, both behind and before.
6. 6. When the gods performed a sacrifice with Purusha as the oblation, the spring was its butter, the summer its fuel, and the autumn its (accompanying) offering.
7. 7. This victim, Purusha, born in the beginning, they immolated on the sacrificial grass. With him the gods, the *Sadhyas,* and the *rishis* sacrificed.
8. 8. From that universal sacrifice were provided curds and butter. It formed those aerial (creatures) and animals both wild and tame.
9. *9.* From that universal sacrifice sprang the *rik* and *saman* verses, the metres and the *yajus.*
10. 10. From it sprang horses, and all animals with two rows of teeth; kine sprang from it; from it goats and sheep.
11. 11. When (the gods) divided Purusha, into how many parts did they cut him up? What was his mouth? What arms (had he)? What (two objects) are said (to have been) his thighs and feet?
12. 12. The Brahmana was his mouth, the Rajanya was made his arms; the being called the Vaishya, he was his thighs; the Shudra sprang from his feet.
13. 13. The moon sprang from his soul (manas), the sun from the eye,

Indra and Agni from his mouth and Vayu from his breath.

14. 14. From his navel arose the air, from his head the sky, from his feet the earth, from his ear the (four) quarters; in this manner (the gods) formed the worlds.
15. 15. When the gods, performing sacrifices, bound Purusha as a victim, there were seven sticks (stuck up) for it (around the fire), and thrice seven pieces of fuel were made.
16. 16. With sacrifices the gods performed the sacrifice. These were the earliest rites. These great powers have sought the sky, where are the former *Sadhyas,* gods."

The *Purusha Sukta* is a theory of the origin of the Universe. In other words, it is a cosmogony. No nation which has reached an advanced degree of thought has failed to develop some sort of cosmogony. The Egyptians had a cosmogony somewhat analogous with that set out in the *Purusha Sukta.* According to it,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_2 it was god *Khnumu,* ' the shaper,' who shaped living things on the potter's wheel,"created all that is, he formed all that exists, he is the father of fathers, the mother of mothers... he fashioned men, he made the gods, he was the father from the beginning... he is the creator of the heaven, the earth, the underworld, the water, the mountains... he formed a male and a female of all birds, fishes, wild beasts, cattle and of all worms."A very similar cosmogony is found in Chapter I of the Genesis in the Old Testament.

Cosmogonies have never been more than matters of academic interest and have served no other purpose than to satisfy the curiosity of the student and to help to amuse children. This may be true of some parts of the *Purusha Sukta.* But it certainly cannot be true of the whole of it. That is because all verse of the *Purusha Sukta* are not of the same importance and do not have the same significance. Verses 11 and 12 fall in one category and the rest of the verses fall in another category. Verses other than II and 12 may be regarded as of academic interest. Nobody relies upon them. No Hindu even remembers them. But it is quite different with regard to verses 11 and 12. *Primafacie* these verses do no more than explain how the four classes, namely. (1) Brahmins or priests, (2) Kshatriyas or soldiers, (3) Vaishyas or traders, and (4) Shudras or menials, arose from the body of the Creator. But the fact is that these verses are not understood as being merely explanatory of a cosmic phenomenon. It would be a grave mistake to suppose that they were regarded by the Indo-Aryans as an innocent

piece of a poet's idle imagination. They are treated as containing a mandatory injunction from the Creator to the effect that Society must be constituted on the basis of four classes mentioned in the *Sukta.Such* a construction of the verses in question may not be warranted by their language. But there is no doubt that according to tradition this is how the verses are construed, and it would indeed be difficult to say that this traditional construction is not in consonance with the intendon of the author of the *Sukta.* Verses II and 12 of the *Purusha Sukta* are, therefore, not a mere cosmogony. They contain a divine injunction prescribing a particular form of the constitution of society.

The constitution of society prescribed by the *Purusha Sukta* is known as *Chaturvarnya.* As a divine injunction, it naturally became the ideal of the Indo-Aryan society. This ideal of *Chaturvarnya* was the mould in which the life of the Indo-Aryan community in its early or liquid state was cast. It is this mould, which gave the Indo-Aryan community its peculiar shape and structure.

This reverence, which the Indo-Aryan society had for this ideal mould of *Chaturvarnya,* is not only beyond question, but it is also beyond description. Its influence on the Indo-Aryan society has been profound and indelible. The social order prescribed by the *Purusha Sukta* has never been questioned by anyone except Buddha. Even Buddha was not able to shake it, for the simple reason that both after the fall of Buddhism and even during the period of Buddhism there were enough law-givers, who made it their business not only to defend the ideal of the *Purusha Sukta* but to propagate it and to elaborate it.

To take a few illustrations of this propaganda in support of the *Purusha Sukta,* reference may be made to the *Apastamba Dharma Sutra* and the *Vasishtha Dharma Sutra.* The *Apastamba Dharma Sutra* states:

"There are four castes—Brahmins, Kshatriyas, Vaishyas and Shudras.

Among these, each preceding (caste) is superior by birth to the one following. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_3**For all these excepting Shudras and those who have committed bad actions are ordained (1) the initiation *(Upanayan* or the wearing of the sacred thread), (2) the study of the Veda and (3) the kindling of the sacred fire (i.e., the right to perform sacrifice)**mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_4

This is repeated by *Vasishtha Dharma* Sutra which says :

"There are four castes (Vamas), Brahmins, Kshatriyas, Vaishyas and Shudras. Three castes. Brahmins, Kshatriyas and Vaishyas (are called) twice-born. Their first birth is from their mother; the second from the investiture with the sacred girdle. In that (second birth) the Savitri is the mother, but the teacher is said to be, the father.

They call the teacher father, because he gives instruction in the Veda.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_5 **The four castes are distinguished by their origin and by particular sacraments.**

There is also the following passage of the Veda :"The Brahmana was his mouth, the Kshatriya formed his arms, the Vaishya his thighs; the Shudia was born from his feet."

It has been declared in the following passage that a Shudra shall not receive sacraments."

Many other law-givers have in parrot-like manner repeated the theme of the *Purusha Sukta* and have reiterated its sanctity. It is unnecessary to repeat their version of it. All those, who had raised any opposition to the sanctity of the ideal set out in the *Purusha Sukta,* were finally laid low by Manu, the architect of the Hindu society. For Manu did two things. In the first place, he enunciated afresh the ideal of the *Purusha Sukta* as a part of divine injunction. He said:

"For the prosperity of the worlds, he (lhe creator) from his mouth, arms, thighs and feet created the Brahmin, Kshatriya and Vaishya and the Shudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_6

The Brahmin, Kshatriya (and) Vaishya (constitute) the three twice-born

castes; but the fourth the shudra has only one birth.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_7

In this he was no doubt merely following his predecessors. But he went a step further and enunciated another proposition in which he said:

"Veda is the only and ultimate sanction for Dharma.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_8"

Bearing in mind that the Purusha Sukta is a part of the Veda, it cannot be difficult to realise that Manu invested the social ideal of *Chaturvarnya* contained in the *Purusha Sukta,* with a degree of divinity and infallibility which it did not have before.

II

A critical examination of the *Purusha Sukta* therefore becomes very essential.

It is claimed by the Hindus that the *Purusha Sukta* is unique.This is no doubt a tall claim for an idea which came to birth when the mind of man was primitive and was without the rich endowment of varied thought available in modem times. But there need not be much difficulty in admitting this claim provided it is understood in what respect the *Purusha Sukta* is unique.

The principal ground for regarding the *Purusha Sukta* as unique is that the ideal of social organization, namely, the ideal of *Chaturvarnya* which it upholds, is unique. Is this a sufficient ground for holding the *Purusha Sukta* as unique? The *Purusha Sukta* would really have been unique if it had preached a classless society as an ideal form of society. But what does the *Purusha Sukta* do? It preaches a class-composed society as its ideal. Can this be regarded as unique? Only a nationalist and a patriot can give an affirmative answer to this question. The existence of classes has been the *defacto* condition of every society, which is not altogether primitive. It is a normal state of society all over the world where society is in a comparatively advanced state. Looking at it from this point of view, what uniqueness can there be in the *Purusha Sukta,* when it does no more than

recognise the sort of class composition that existed in the Indo-Aryan society?

Notwithstanding this, the *Purusha Sukta* must be admitted to be unique, though for quite different reasons. The unfortunate part of the matter is that many people do not know the true reasons why the *Purusha Sukta* should be regarded as unique. But once the true reasons are known, people will not only have no hesitation in accepting that the *Purusha Sukta* is a unique production of the human intellect but will perhaps be shocked to know what an extraordinary production of human ingenuity it is.

What are the features of the social ideal of the *Purusha Sukta,* which give it the hall mark of being unique? Though the existence of classes is the *de facto* condition of every society, nevertheless no society has converted this *de facto* state of affairs into a *de jure* connotation of an ideal society. The scheme of the *Purusha Sukta* is the only instance in which the real is elevated to the dignity of an ideal. This is the first unique feature of the scheme set forth in the *Purusha Sukta.* Secondly, no community has given the *de facto* state of class composition a legal effect by accepting it as a *de jure* connotation of an ideal society. The case of the Greeks is a case in point. Class composition was put forth as an ideal social structure by no less an advocate than Plato. But the Greeks never thought of making it real by giving it the sanction of law. The *Purusha Sukta* is the only instance in which an attempt was made to give reality to the ideal by invoking the sanction of law. Thirdly, no society has accepted that the class composition is an ideal. At the most they have accepted it as being natural. The *Purusha Sukta* goes further. It not only regards class composition as natural and ideal, but also regards it as sacred and divine. Fourthly, the number of the classes has never been a matter of dogma in any society known to history. The Romans had two classes. The Egyptians thought three were enough. The Indo-Iranians also had no more than three classes:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_9 (1) The *Athravans* (priests) (2) *Rathaeshtar* (warriors) and (3) the *Vastrya-fshuyat* (peasantry). The scheme of the *Purusha Sukta* makes the division of society into four classes a matter of dogma. According to it, there can be neither more nor less. Fifthly, every society leaves a class to find its place *vis-a-vis* other classes according to its importance in society as may be determined by the forces operating from time to time. No society has an official gradation laid down, fixed and permanent, with an ascending scale of reverence and a descending scale of contempt. The scheme of the *Purusha Sukta* is unique, inasmuch as it fixes a permanent warrant of

precedence among the different classes, which neither time nor circumstances can alter. The warrant of precedence is based on the principle of graded inequality among the four classes, whereby it recognises the Brahmin to be above all, the Kshatriya below the Brahmin but above the Vaishya and the Shudra, the Vaishya below the Kshatriya but above the Shudra and the Shudra below all.

III

These are the real reasons why the *Purusha Sukta* is unique. But the *Purusha Sukta* is not merely unique, it is also extraordinary. It is extraordinary because it is so full of riddles. Few seem to be aware of these riddles. But anyone who cares to inquire will learn how real in their nature and how strange in their complexion these riddles are. The cosmogony set out in the *Purusha Sukta* is not the only cosmogony one comes across in the Rig Veda. There is another cosmogony which is expounded in the 72nd Hymn of the Tenth Mandala of the Rig Veda. It reads as follows :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm -_msocom_10

1. 1. Let us proclaim with a clear voice of the generation of the gods (the divine company), who, when their praises are recited, look (favourably on the worshipper) in this latter age.
2. 2. Brahmanaspati filled these (generations of the gods) with breath as a blacksmith (his bellows); in the first age of the gods the existent was born of the non-existent.
3. 3. In the first age of the gods the existent was born of the non-existent; after that the quarters (of the horizon) were born, and after them the upward-growing (trees).
4. 4. The earth was born from the upward growing (tree), the quarters were born from the earth; Daksha was born from Adili and afterwards Aditi from Daksha.
5. 5. Aditi, who was thy daughter, Daksha, was born; after her, the gods were born, adorable, freed from the bonds of death.
6. 6. When, gods, you abode in this pool well-arranged, then a pungent dust went forth from you as if you were dancing.
7. 7. When, gods, you Filled the worlds (with your radiance) as clouds (fill the earth with rain) then you brought fourth the sun hidden in the

ocean.

8. 8. Eight sons (there were) of Aditi who were born from her body; she approached the gods with seven, she sent forth Martanda on high.
9. 9. With seven sons Aditi went to a former generation, but she bore Martanda for the birth and death (of human beings).

The two cosmologies are fundamentally different in principle as well as in detail. The former explains creation *ex nihilo* 'being was born of non-being'. The latter ascribes creation to a being which it calls *Purusha.* Why in one and the same book two such opposite cosmologies should have come to be propounded? Why did the author of the *Purusha Sukta* think it necessary to posit a *Purusha* and make all creation emanate from' him?

Any one who reads the *Purusha Sukta* will find that it starts with the creation of donkyes, horses, goats, etc., but does not say anything about the creation of man. At a point when it would have been natural to speak of the creation of man, it breaks off the chain and proceeds to explain the origin of the classes in the Aryan society. Indeed, the *Purusha Sukta* appears to make the explaining of the four classes of the Aryan society to be its primary concern. In doing this, the *Purusha Sukta* stands in complete contrast not only with other theologies but with the other parts of the Rig Veda also.

No theology has made it its purpose to explain the origin of classes in society. Chapter I of the Genesis in the Old Testament, which can be said to be analogous in intention and purpose to the *Purusha Sukta,* does nothing more than explain how man was created. It is not that social classes did not exist in the old Jewish society. Social classes existed in all societies. The Indo-Aryans were no exception. Nevertheless, no theology has ever thought it necessary to explain how classses arise. Why then did the *Purusha Sukta* make the explanation of the origin of the social classes its primary concern?

The *Purusha Sukta* is not the only place in the Rig Veda where a discussion of the origin of creation occurs. There are other places in the Rig Veda where the same subject is referred to. In this connection, one may refer to the following passage in the Rig Veda which reads as follows :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_11

Rig Veda, i.96.2:"By the first *nivid,* by the wisdom of Ayu, he (Agni)

created these children of men; by his gleaming light the earth and the waters, the gods sustained Agni the giver of the riches."

In this, there is no reference at all to the separate creation of classes, though there is no doubt that even at the time of the *Rig Veda,* the Indo-Aryan Society had become differentiated into classes; yet the above passage in the *Rig Veda* ignores the classes and refers to the creation of men only. Why did the *Purusha Sukta* think it necessary to go further and speak of the origin of the classes?

The *Purusha Sukta* contradicts the *Rig Veda* in another respect. The *Rig Veda* propounds a secular theory regarding the origin of the Indo-Aryans as will be seen from the following texts:

(1) (1) *Rig Veda,* i.80:16:"Prayers and hymns were formerly congregated in that Indra, in the ceremony which Atharvan, father Manu, and Dadhyanch celebrated.'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_12

(2) (2) *Rig Veda,* i.l 14.2 :"Whatever prosperity or succour father Manu obtained by sacrifice, may we gain all that under thy guidance, Rudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_13

(3) (3) *Rig Veda,* ii.33.13 :"Those pure remedies of yours, O Maruts, those which are most auspicious, ye vigorous gods, those which are beneficent, those which our father Manu chose, those and the blessing and succour of Rudra, I desire. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_14

(4) (4) (4) *Rig Veda,* viii.52.1 :"The ancient friend hath been equipped with the powers of the mighty (gods). Father Manu has prepared hymns to him, as portals of access to the gods.'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_15

(5) (5) *Rig Veda,* iii.3.6 :"Agni, together with the gods, and the children *(jantubhih)* of Manush, celebrating a multiform sacrifice with hymns.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the

Shudras PART I.htm - _msocom_16

(6) (6) *Rig Veda,* iv. 37.1 :"Ye gods, Vajas, and Ribhukshana, come to our sacrifice by the path travelled by the gods, that ye, pleasing deities, may institute a sacrifice among these people of Manush *(Manusho vikshu)* on auspicious days."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_17

(7) (7) *Rig Veda,* vi.l4.2 :"The people of Manush praise in the sacrifice Agni the invoker.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_18

From these texts it is beyond question that the rishis who were the authors of the hymns of the Rig Veda regarded Manu as the progenitor of the Indo-Aryans. This theory about Manu being the progenitor of the Indo-Aryans had such deep foundation that it was carried forward by the *Brahmanas* as well as the *Puranas.* It is propounded in the *Aitareya Brahmana*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_19 in the *Vishnu Parana* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_20 and the *Matsya Parana*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_21It is true that they have made Brahma the progenitor of *Manu;* but the *Rig Veda* theory of *Manu* being the progenitor has been accepted and maintained by themmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_22 Why does the *Purusha Sukta* make no mention of *Manu*? This is strange because the author of the *Purush Sukta* seems to be aware of the fact that Manu Svayambhuva is called *Viraj* and *Viraj* is called *Adi Purusha,* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_23since he too speaks of *Virajo adhi Purushah* in verse five of the *Sukta.*

There is a third point in which the *Purush Sukta* has gone beyond the *Rig Veda.* The Vedic Aryans were sufficiently advanced in their civilization to give rise to division of labour. Different persons among the Vedic Aryans followed different occupations. That they were conscious of it is evidenced by the following verse:

Rig Veda, i.113.6 :"That some may go in pursuit of power, some in pursuit of fame, some in pursuit of wealth, some in pursuit of work, Ushas has awakened people so that each may go in pursuit of his special and different way of earning his livelihood."

This is as far as the *Rig Veda* had gone. The *Purusha Sukta* goes beyond. It follows up the notion of division of labour and converts the scheme of division of work into a scheme of division of workers into fixed and permanent occupational categories. Why does the *Purush Sukta* commit itself to such a perversity?

There is another point in which the *Purusha Sukta* departs from the *Rig Veda*. It is not that the *Rig Veda* speaks only of man. It speaks also of the Indo-Aryan nation. This nation was made up of the five tribes, which had become assimilated into one common Indo-Aryan people. The following hymns refer to these five tribes as moulded into a nation:

(1) (1) *Rig Veda,* vi.ll.4 :"Agni, whom, abounding in oblations, the five tribes, bringing offerings, honour with prostrations, as if he were a man.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_24

(2) (2) *Rig Veda,* vii.l5.2 :"The wise and youthful master of the house (Agni) who has taken up his abode among the five tribes in every house.'mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_25

There is some difference of opinion as to who these five tribes are. *Yaska* in his *Nirukta* says that it denotes *Gandharvas, Pitris, Devas, Asuras and Rakshasas. Aupamanyava* says that it denotes the four *Varnas* and the *Nishadas.* Both these explanations seem to be absurd. Firstly, because the five tribes are praised collectively as in the following hymns:

(1) (1) *Rig Veda,* ii.2.10 :"May our glory shine aloft among the five tribes, like the heaven unsurpassable.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_26

(2) (2) *Rig Veda,* vi.46.7 :"Indra, whatever force or vigour exists in the tribe of Nashusa or whatever glory belongs to the five races bring (for us). mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_27

Such laudatory statements could not have been made if the five tribes included the *Shudras.* Besides, the word used is not *Varnas.* The word used is *Janah.* That it refer to the five tribes and not to the four *Varnas* and

Nishadas is quite clear from the following verse of the *Rig Veda:*

> *Rig Veda,* i. 108.8:"If, 0 Indra and Agni, ye are abiding among the *Yodus, Turvasas, Druhyus, Anus, Purus,* come hither, vigorous heroes from all quarters, and drink the Soma which has been poured out.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_28

That these five tribes had been moulded into one Aryan people is clear from the Atharva Veda (iii.24.2) which says :"these five regions, the five tribes springings from Manu."

A sense of unity and a consciousness of kind can alone explain why the *Rishis* of the *Rig Vedic* hymns came to refer to the five tribes in such manner. The questions are: why did the *Purusha Sukta* not recognise this unity of the five tribes and give a mythic explanation of their origin? Why instead did it recognise the communal divisions within the tribes? Why did the *Purusha Sukta* regard communalism more important than nationalism?

These are some of the riddles of the *Purush Sukta ,* which come to light when one compares it with the *Rig Veda.* There are others, which emerge when one proceeds to examine the *Purusha Sukta* from a sociological point of view.

Ideals as norms are good and are necessary. Neither a society nor an individual can do without a norm. But a norm must change with changes in time and circumstances. No norm can be permanently fixed. There must always be room for revaluation of the values of our norm. The possibility of revaluing values remains open only when the institution is not invested with sacredness. Sacredness prevents revaluation of its values. Once sacred, always sacred. The *Purusha Sukta* makes the *Chaturvarnya* a sacred institution, a divine ordination. Why did the *Purusha Sukta* make a particular form of social order so sacred as to be beyond criticism and beyond change? Why did it want to make it a permanent ideal beyond change and even beyond criticism? This is the first riddle of the *Purusha Sukta* which strikes a student of sociology.

In propounding the doctrine of *Chaturvarnya,* the *Purush Sukta* plays a double game. It proceeds first to raise the real, namely, the existence of the four classes in the Indo-Aryan Society, to the status of an ideal. This is a deception because the ideal is in no way different from facts as they exist. After raising the real to the status of the ideal, it proceeds to make a show

of giving effect to what it regards as an ideal. This again is a deception because the ideal already exists in fact. This attempt of the *Purusha Sukta* to idealise the real and to realise the ideal, is a kind of political jugglery, the like of which, I am sure, is not to be found in any other book of religion. What else is it if not a fraud and a deception? To idealise the real, which more often than not is full of inequities, is a very selfish thing to do. Only when a person finds a personal advantage in things as they are that he tries to idealise the real. To proceed to make such an ideal real is nothing short of criminal. It means perpetuating inequity on the ground that whatever is once settled is settled for all times. Such a view is opposed to all morality. No society with a social conscience has ever accepted it. On the contrary, whatever progress in improving the terms of associated life between individuals and classes has been made in the course of history, is due entirely to the recognition of the ethical doctrine that what is wrongly settled is never settled and must be resettled. The principle underlying the *Purush Sukta* is, therefore, criminal in intent and anti-social in its results. For, it aims to perpetuate an illegal gain obtained by one class and an unjust wrong inflicted upon another. What can be the motive behind this jugglery of the *Purusha Sukta*? This is the second riddle.

The last and the greatest of all these riddles, which emerge out of a sociological scrutiny of the *Purusha Sukta ,* is the one relating to the position of the *Shudra.* The *Purusha Sukta* concerns itself with the origin of the classes, and says they were created by God—a doctrine which no theology has thought it wise to propound. This in itself is a strange thing. But what is astonishing is the plan of equating different classes to different parts of the body of the Creator. The equation of the different classes to different parts of the body is not a matter of accident. It is deliberate. The idea behind this plan seems to be to discover a formula which will solve two problems, one of fixing the functions of the four classes and the other of fixing the gradation of the four classes after a preconceived plan. The formula of equating different classes to the different parts of the body of the Creator has this advantage. The part fixes the gradation of the class and the gradation in its turn fixes the function of the class. The *Brahmin* is equated to the mouth of the Creator. Mouth being the noblest part of the anatomy, the *Brahmin* becomes the noblest of the four classes. As he is the noblest in the scale, he is given the noblest function, that of custodian of knowledge and learning. The *Kshatriya is* equated to the arms of the Creator. Among the limbs of a person, arms are next below the mouth. Consequently, the *Kshatriya* is given an order of precedence next below the

Brahmin and is given a function which is second only to knowledge, namely, fighting. The *Vaishya* is equated to the thighs of the Creator. In the gradation of limbs the thighs are next below the arms. Consequently, the *Vaishya* is given an order of precedence next below the *Kshatriya* and is assigned a function of industry and trade which in name and fame ranks or rather did rank in ancient times below that of a warrior. The *Shudra* is equated to the feet of the Creator. The feet form the lowest and the most ignoble part of the human frame. Accordingly, the *Shudra* is placed last in the social order and is given the filthiest function, namely, to serve as a menial.

Why did the *Purusha Sukta* choose such a method of illustrating the creation of the four classes? Why did it equate the *Shudras* to the feet? Why did it not take some other illustration to show how the four classes were created. It is not that *Purusha* is the only stock simile used to explain creation. Compare the explanation of the origin of the Vedas contained in the *Chhandogya Upanishad.* It saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_29

> "Prajapati infused warmth into the worlds, and from them so heated he drew forth their essences, *viz.,* Agni (fire) from the earth, Vayu (wind) from the air, and Surya (the sun) from the sky. He infused warmth into these three deities, and from them so heated he drew forth their essences,— from Agni the *ric* verses, from Vayu the *yajus* verses and from Surya the *saman* verses. He then infused heat into this triple science, and from it so heated he drew forth its essences—from *ric* verses the syllable *bhuh,* from *yajus* verses *bhuvah,* and from *Saman* verses *svar."*

Here is an explanation of the origin of the Vedas from different deities. So far as the Indo-Aryans are concerned, there was no dearth of them. There were thirty crores of them. An explanation of the origin of the four *Varnas* from four gods would have maintained equality of dignity by birth of all the four classes. Why did the *Purusha Sukta* not adopt this line of explanation?

Again, would it not have been possible for the author of. the *Purusha Sukta* to say that the different classes were born from the different mouths of the *Purusha.* Such a conception could not have been difficult because the *Purusha* of the *Purush Sukta* has one thousand heads, enough to assign one species of creation to one of his heads. Such a method of explaining creation could not have been unknown to the author of the *Purusha Sukta.*

For we find it used by the *Vishnu Purana* to explain the origin of the different *Vedas* as may be seen from the following extract:2mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_30

> "From his eastern mouth Brahma formed the Gayatd, the *ric* verses, the trivrit, the sama-rathantara and of sacrifices, the agnistoma. From his southern mouth he created the *yajus* verses, the trishtubh metre, the panchadasa stoma, the brihatsaman, and the ukthya. From his western mouth he formed the *saman* verses, the jagati metre, the saptadasa stoma, the Vairupa, and the atiratra. From his northern mouth he formed the ekavimsa, the *atharvan,* the aptoryaman with the anushtubh and viraj metres."

The *Harivansa* has another way of explaining the origin of the Vedas. According to it:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_31

> "The god fashioned the *Rig Veda* with the Yajus from his eyes, the *Sama Veda* from the tip of his tongue, and the *Atharvan* from his head."

Assuming that for some reason the author of the *Purusha Sukta* could not avoid using the body of the Creator and its different parts for explaining the origin and the relation of the four classes, the question still remains as to why he chose to equate the different parts of *the Purusha* to the different classes in the manner in which he does.

The importance of this question is considerably heightened when one realises that the *Purusha Sukta* is not the only instance in which the different parts of the body of the Creator are used as illustrations to explain the origin of the different classes in society. The same explanation is given by the sage *Vaishampayana* to explain the origin of the various classes of priests employed in the performance of sacrifices. But what a difference is there between the two! The explanation of *Vaishampayana* which is reported in the *Harivarnsa* reads as follows: mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_32

> "Thus the glorious Lord Hari Narayana, covering the entire waters, slept on the world which had become one sea, in the midst of the vast expanse of fluid *(rajas),* resembling a mighty ocean, himself free from passion *(virajaskah),* with mighty arms; Brahmans know him as the

undecaying. Invested through austere fervour with the light of his own form and clothed with triple time (past, present and future) the lord then slept. *Purushotiama* (Vishnu) is whatever is declared to be the highest. *Purusha* the sacrifice, and everything else which is known by the name of *Purusha.* Here how the *Brahmins* devoted to sacrifice, and called *ritvijas,* were formerly produced by him from his own body for offering sacrifices. The Lord created from his mouth the *Brahman,* who is the chief, and the *udgatri,* who chants the *Saman,* from his arms the *hotri* and the *adhvaryu* . He then... created the *prastotri,* the *maitravaruna,* and t*he pratishthatri,* from his belly the *pratiharti* and the *potri,* from his thighs the *achhavaka* and the *neshtri,* from his hands the *agnidhra* and the sacrificial *brahmanya,* from his arms the *gravan* and the sacrificial *unnetri.* Thus did the divine Lord of the world create the sixteen excellent *ritvijas,* the utterers of all sacrifices. Therefore this *Purusha* is formed of sacrifice and is called the Veda; and all the Vedas with the Vedangas, Upanishads and ceremonies are formed of his essence."

There were altogether seventeen different classes of priests required for the performance of a sacrifice. It could never be possible for anyone attempting to explain the origin of each by reference to a distinct part of the body of the Creator to avoid using the feet of the *Purusha* as the origin of a class, the limbs of the *Purusha* being so few and the number of priests being so many. Yet what does *Vaishampayana* do? He does not mind using the same part of the Creator's body to explain the origin of more than one class of priests. He most studiously avoids using the feet as the origin of anyone of them.

The situation becomes completely intriguing when one compares the levity with which the *Shudras* are treated in the *Purusha Sukta* with the respect with which the *Brahmins* are treated in the Hari-varnsa in the matter of their respective origins. Is it because of malice that the *Purusha Sukta* did not hesitate to say that the *Shudra* was born from the feet of the *Purusha* and that his duty was to serve? If so what is the cause of this malice?

IV

The riddles about the Shudras mentioned above are those which arise out of a sociological scrutiny of the *Purusha Sukta.* There are other riddles regarding the position of the *Shudra* which arise out of later developments of the ideal of *Chaturvarnya.* To appreciate these results it is necessary first to take note of these later developments. The later developments of *Chaturvarnya* are mainly two. First is the creation of the fifth class next

below the *Shudras*. The second is the separation of the *Shudras* from the first three *Varnas*. These changes have become so integrated with the original scheme of the *Purusha Sukta* that they have given rise to peculiar terms and expressions so well-known that everybody understands what they stand for. These terms are : *Savarnas, Avarnas, Dvijas, non-Dvijas,* and *Traivarnikas*. They stand to indicate the sub-divisions of the original four classes and the degree of separation between them. It is necessary to take note of the relative position of these classes because they disclose a new riddle. If this riddle has not caught the eye of the people, it is because of two reasons. Firstly, because students have not cared to note that these names are not mere names but that they stand for definite rights and privileges, and secondly, because they have not cared to find out whether the groupings made under these names are logical having regard to the rights and privileges they connote.

Let us therefore see what is the *de jure* connotation of these terms. *Savarna* is generally contrasted with *Avarna*. *Savarna* means one who belongs to one of the four *Varnas*. *Avarna* means one who does not belong to any one of the four *Varnas*. The *Brahmins, Kshatriyas, Vaishyas and Shudras* are *Savarnas*. The Untouchables or *Ati-Shudras* are called *Avarnas,* those who have no *Varna*. Logically, the. *Brahmins, Kshatriyas, Vaishyas* and *Shudras* are within the *Chaturvarnya*. Logically, the Untouchables or the *Ati-Shudras* are outside the *Chaturvarnya*. *Dvija* is generally contrasted with *non-Dvija*. *Dvija* literally means twice-born and *non-Dvija* means one who is born only once. The distinction is based on the right to have *Upanayana*. The *Upanayana* is treated as a second birth. Those who have the right to wear the sacred thread are called *Dvijas*. Those who have no right to wear it are called *non-Dvijas*. The *Brahmins, Kshatriyas* and *Vaishyas* have the right to wear the sacred thread. Logically, they are *Dvijas*. The *Shudras* and the *Ati-Shudras* have no right to wear the sacred thread. Logically, they are both *non-Dvijas*. The *Traivarnika* is contrasted with the *Shudra*. But there is nothing special in this contrast. It conveys the same distinction which is conveyed by the distinction between the *Dvijas* and the *non-Dvijas* except the fact that the contrast is limited to the *Shudra* and does not extend to the *Ati-Shudra*. This is probably because this terminology came into being before the rise of the *Ati-Shudras* as a separate class.

Bearing in mind that both the *Shudra* and the *Ati-Shudra* are *non-Dvijas,* why then is the *Shudra* regarded as *Savarna* and the *Ati-Shudra* as *Avarna*? Why is the former within and why is the latter outside the *Chaturvarnya*? The *Brahmins, Kshatriyas, Vaishyas* and *Shudras* are all within the four corners

of the *Chaturvarnya*. They are all *Savarnas*. Why then is the *Shudra* denied the right of the *Traivarnikas*?

Can there be a greater riddle than the riddle of the *Shudras*? Surely, it calls for investigation and explanation as to who they were and how they came to be the fourth *Varna* in the Aryan Society.

CHAPTER II

THE BRAHMANIC THEORY OF THE ORIGIN OF THE SHUDRAS

HAS the Brahmanic literature any explanation to offer which can account for the origin of the Shudras? There is no doubt that the Brahmanic literature is full of legends regarding creation which touch upon the creation of the universe, of man and of the different Vamas. Whether or not they furnish any clue to discover the origin of the Shudras, there can be no doubt that all such theories should find a place in a book which is concerned with the problem of the Shudras if for no other reason than that of assembling all material relating to the Shudras in one place and making their story complete. It would be better to take each piece of the Brahmanic literature separately, and note what contribution it has to make to the subject.

I

To begin with the *Vedas*. As to the *Rig Veda,* the legend about creation to be found in its *Sukta* known as the *Purusha Sukta* has already been set out in the previous chapter. It now remains to take note of the legends contained in the other *Vedas*.

There are two recensions of the *Yajur Veda :* (1) the White *Yajur Veda* and (2) the Black *Yajur Veda*. To take the White *Yajur Veda* first. The *Vajasaneyi Samhita* of the White *Yajur Veda* sponsors two theories. One is a mere reproduction of the *Purusha Sukta* of the *Rig Veda* with this difference that it has 22 verses, while the original as it occurs in the *Rig Veda* has only 16 verses. The six additional verses in the White *Yajur Veda* read as follows :

17. 17. Brought forth from the waters and from the essence of the earth, he was produced by Vishvakannan in the beginning. Tvashta gives

him form; that is the Universe of Purusha on all sides in the beginning.

18. 18. 1 know this great Purusha, of the colour of the sun, beyond darkness. Only by knowing him does one go beyond death; there is no other path for going.

19. 19. Prajapati moves in the interior of the womb; though unborn, he is born in many forms. Wise men see his source; wise men desire the place of the Marichis.

20. 20. He who shines for the gods, he who is the priest of the gods, he who was born before the gods,—salutation to that shining offspring of Brahma.

21. 21. The gods, generating the shining offspring of Brahma, said in the beginning;"That Brahmin who knows thus,— the gods will be under his *control."*

22. 22. *Sri and* Laxmi are his *wives; the day and night* his sides; the Stars his *ornament; the Ashwins his bright face. Grant me my desires;* grant me that; grant me everything.

The second explanation contained in the *Vajasaneyi Samhita* is quite different from the *Purusha Sukta.* It reads as follows :

V.S., xiv,28. *mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_33"He lauded with one. Living beings were formed. He lauded with three the brahman was created; *Brahmanaspati* was the ruler. *He* lauded with five existing things were created; bhutanampati was ruler. He lauded with seven: die seven rishis were created: *Dhatri* was the ruler. He lauded with nine: the *Fathers* were created: *Aditi* was the ruler. He lauded with eleven: the seasons were created: the *Artavas* were the rulers. He lauded with thirteen: the months were created: the year was the ruler. He lauded with fifteen: the *Kshatra* (the *Kshatriya)* was created: *Indra* was the ruler. He lauded with seventeen: animals were created: *Brihaspati* was the ruler. He lauded with nineteen: the *Shudra* and the *Arya (Vaishya)* were created: day and night were the rulers. He lauded with twenty-one: animals with undivided hoofs were created: *Varuna* was the ruler. He lauded with twenty-three: small animals were created: *Pushan* was the ruler. He lauded with twenty-five: wild animals were created: *Vayu* was the ruler (compare R.V., x.90.8). He lauded with twenty-seven: heaven and earth separated: *Vasus, Rudras* and *Adityas* separated after them: they were the rulers. He lauded with thirty-one: living beings were created: the first and second halves of the month were the rulers. He lauded with thirty one: existing things were tranquillized: *Prajapati Parameshthin* was the ruler."

Now to turn to the Black *Yajur Veda* . The *Taittriya Samhita* of the Black *Yajur Veda* gives altogether five explanations. The one at iv. 3, 10 is the same as has been put forth by the *Vajasaneyi Samhita* of the White *Yajur Vedaa-t* (xiv.28) and which has been reproduced earlier. Of the rest those which narrate the origin of the Shudra are set out below:

T.S., ii.4.13.1.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_34—"The gods were afraid of the *Rajanya* when he was in the womb. They bound him with bonds when he was in the womb. Consequently, this *Rajanya* is born bound. If he were born unbound he would go on slaying his enemies. In regard to whatever *Rajanya* any one desires that he should be born unbound, and should go on slaying his enemies, let him offer for him this *Aindra-Barhaspatya* oblation. A *Rajanya* has the character of *Indra,* and a Brahman is *Brihaspati.* It is through the *Brahman* that anyone releases the *Rajanya* from his bond. The golden bond, a gift, manifestly releases from the bond that fetters him."

(2) T.S., vii. 1.1.4.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_35—*Prajapad* desired, may I propagate.' He formed the Trivrit (stoma) from his mouth. After it were produced the deity Agni, the metre Gayain, the Saman (called) Rathantara, of men the Brahmin, of beasts the goats. Hence they are the chief *(mukhyah)* because they were created from the mouth *(mukhatah).* From (his) breast, from his arms,- he formed the. Panchadasa {*stoma)* After it were created the god, the indra, the Trishtubh metre, the Saman (called) Brihat, of men the *Rajanya,* of beasts the sheep. Hence they are vigorous, because they were created from vigour. From (his) middle he foamed the Saptadasa (stoma). After it were created the gods (called) the Vishvedevas, the Jagati metre, the Saman called the Vairupa of men the *Vaishya,* of beasts kine. Hence they are to be eaten, because they were created from the receptacle of food. Wherefore they *are* more numerous than others, for the most numerous deities were created after (the Saptadasa), From his foot he formed the Ekavimsa (Stoma.). After it were cr*eated the Anushtubh metre, the saman called vairaja,* of men t*he.Shudra,* of beasts the horse. Hence these two, both the horse and the *Shudra,* are transporters of (other) creatures. Hence (too) the *Shudra is* incapacitated for sacrifice, because no deities were created after (the Ekavimsa*).* Hence (too) these two subsist by their feet, for they were created from the foot.

Coming to the *Atharva Veda,* there are altogether four explanations. One of these is the same as the *Purusha Sukta* of the *Rig Veda.* It occurs at xix.6. The others are as stated below :

(1) (1) A.V.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_36 iv.6.1.—The *Brahman* was born the first with ten heads and ten faces. He first drank the soma; he made poison powerless.

(2) (2) A.V., mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_37xv.S.I.—He (the *Vratya)* became filled with passion thence sprang the *Rajanya.*

(3) (3) A.V., mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_38xv.9.1.—Let the king to whose house the *Vratya* who knows this, comes as a guest, cause him to be respected as superior to himself. So doing he does no injury to his royal rank, or to his realm. From him arose the *Brahman (Brahmin)* and the *Kshattra (Kshatriya).* They said Into whom shall we enter,' etc.

II

To proceed to the Brahmanas. The *Satapatha Brahmana* contains six explanations. There are two which concern themselves with the creation of the *Varnas.* Of the two, the one which speaks of the origin of the *Shudras* is given below :

S.Bmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_39 xiv.4.2.23.—"Brahma (here, according to the commentator, existing in the form of Agni and representing the Brahmana caste) was formerly this (universe), one only. Being one, it did not develop. It energetically created an excellent form, the Kshattra, viz., those among the gods who are powers (Kshattrani), Indra, Varuna, Soma, Rudra, Parjanya, Yama, Mrityu, Isana, Hence nothing is superior to the *Kshatra.* Therefore, the Brahmana sits below the Kshatriya at the Rajasuya sacrifice; he confers that glory on the Kshattra (the royal power). This, the Brahma, is the source of the Kshattra. Hence although the king attains supremacy, he at the end resorts to the Brahman as his source. Whoever destroys him (the Brahman) destroys his own source. He becomes most miserable, as one who has injured a superior. He did not develop. He created the Vis, viz., those classes of gods who are designated by troops, Vasus, Rudras, Adityas, Visvedevas, Maruts. He did not develop. He created the Shudra class Pushan. This earth is Pushan ; for she nourishes

all that exists. He did not develope. He energetically created an excellent form. Justice (Dharma). This is the ruler (Kshattra) of, the ruler (Kshattra), namely. Justice. Hence nothing is superior to Justice. Therefore the weaker seeks (to overcome) the stronger by Justice, as by a king. This justice is truth. In consequence they say of a man who speaks truth, 'he speaks justice.' For this is both of these. This is the Brahma, Kshattra, Vis and Shudra. Through Agni it became Brahma among the gods, the Brahmana among men, through the (divine) Kshatriya a (human) Kshatriya, through the (divine) Vaishya a (human) Vaishya, through the (divine) Shudra a (human) Shudra. Wherefore it is in Agni among the gods and in a Brahman among men that they seek after an abode.

The *Taittriya Brahman* is responsible for the following explanation:

T.B.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_40 i.2.6.7.—"The Brahmana caste is sprung from the gods; the Shudras from the Asuras."

(1)(1) T.B., mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_41iii. 2.3.9.—"This Shudra has sprung from non-existence."

III

Here is a complete collection of all the Brahmanic speculations on the origin of the four classes and of the Shudras. The ancient Brahmins were evidently conscious of the fact that the origin of the four classes was an unusual and uncommon social phenomenon and that the place of the Shudra in it was very unnatural and that this called for some explanation. Otherwise, it would be impossible to account for these innumerable attempts to explain the origin of the *Chaturvarnya* and of the Shudra.

But what is one to say of these explanations? The variety of them is simply bewildering. Some allege that *Purusha* was the origin of the four *Varnas,* and some attribute their origin to Brahma, some to Prajapati and some to Vratya. The same source gives differing explanations. The White *Yajur Veda* has two explanations, one in terms of *Purusha,* the other in terms of *Prajapati.* The Black *Yajur Veda* has three explanations to offer. Two are in terms of *Prajapati,* the third in terms of Brahman. The *Atharva*

Veda has four explanations, one in terms of *Purusha,* second in terms of *Brahman,* third in terms of *Vratya* and fourth quite different from the first three. Even when the theory is the same, the details are not the same. Some explanations such as those in terms of Prajapti, or Brahma are theological. Others in terms of Manu or Kasyapa are in humanistic terms. It is imagination running riot. There is in them neither history nor sense. Prof. Max Muller commenting on the *Brahmanas* has said:

> "The Brahmanas represent no doubt a most interesting phase in the history of the Indian mind, but judged by themselves, as literary productions, they are most disappointing. No one would have supposed that at so early a period, and in so primitive a state of society, there could have risen up a literature which for pedantry and downright absurdity can hardly be matched anywhere. There is no lack of striking thoughts, of bold expressions, of sound reasoning, and curious traditions in these collections. But these are only like the fragments of a torso, like precious gems set in brass and lead. The general character of these works is marked by shallow and insipid grandiloquence, by priestly conceit, and antiquarian pedantry. It is most important to the historian that he should know how soon the fresh and healthy growth of a nation can be blighted by priestcraft and superstition. It is most important that we should know that nations are liable to these epidemics in their youth as well as in their dotage. These works deserve to be studied as the physician studies the twaddle of idiots, and the raving of madmen."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_42

On reading these Brahmanic speculations on the origin of the four *Varnas* and particularly of the Shudras one is very much reminded of these words of Prof. Max Muller. All these speculations are really the twaddles of idiots and ravings of madmen and as such they are of no use to the student of history who is in search of a natural explanation of a human problem.

CHAPTER III

THE BRAHMANIC THEORY OF THE STATUS OF THE SHUDRAS

So much for the Brahmanic view of the origin of the Shudra. Turning to

the Brahmanic view of the civil status of the Shudra, what strikes one is the long list *of* (disabilities, accompanied by a most dire system of pains and-penalties to which. the Shudra is subjected by the Brahmaiac law-givers.

The disabitities and penalties of the Shudra found in the Samhitas and the Br*ahmanas* were few, as may be seen from the following extracts:

I. I. According to the *Kathaka Samhita* (xxxi.2) and the *Maitrayani Samhita(iv.1.3;i.8.3)*

"A shudra should not be allowed to milk the cow whose milk is used for Agnihotra."

II. II. The *Satapatha Brahmana* (iii.1.1.10), the *Maitrayani Samita* (vii.l.l.6) and also the *Panchavirnsa Brahmana* (vi.l.ll) say:

"The Shudra must not be spoken to when performing a sacrifice and a Shudra must not be present when a sacrifice is being performed."

III. III. The *Satapatha Brahmana* (xiv.l.31) and the *Kathaka Samhita* (xi.lO) further provide that :

"The Shudra must not be admitted to Soma drink."

The *Aitareya Brahmana* (vii.29.4) and the *Panchavirnsa Brahmana* (vi.l.ll) reached the culminating point when they say:

"Shudra is a servant of another (and cannot be anything else)."

But what in the beginning was a cloud no bigger than a man's hand, seems to have developed into a storm, which has literally overwhelmed the Shudras. For, as will be seen from the extracts given from later penal legislation by the *Sutrakaras* like *Apastamba, Baudhayana,* etc. and the *Smritikaras* like Manu and others, the growth of the disabilities of the Shudras has been at a maddening speed and to an extent which is quite unthinkable.

The disabilities are so deadening that it would be impossible to believe them unless one sees them in cold print. They are, however, so numerous that it is impossible to present them in their fullness. To enable those, who do not know them, to have some idea of these disabilities, I have assembled below in one place illustrative statements by the different Sutrakaras and *Smritikaras* relating to the disabilities of the Shudras scattered in their Law Books.

II

(*i*)

(A) *The.Apastamba DharmaSutra* says :

"There *are* four castes—-Brahmanas, Kshatriyas, Vaishyas and Shudras. amongst these, each preceding (caste) is superior by birth to the *one* following*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_43 :

For all these, excepting Shudras and those who have committed bad actions are ordained. (1) the initiation (Upanayaaa or the wearing of the sacred thread), (2) the study of the Veda and (3) the kindling of the sacred fire (i.e,, the right to perform sacrifices).mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_44"

(B) This is what the *Vasishtha Dharma Sutra* says:

"There are four castes (Varna) Brahmanas, Kshatriyas, Vaishyas and Shudras.

Three castes, Brahmanas, Kshatriyas and Vaishyas (are called) twice-born.

Their first-birth is from the mother; the second from the investiture with the sacred girdle. In that (second birth) the Savitri is the mother, but the teacher is said to be the father.

They call the teacher father, because he gives instruction in the Veda.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_45

The four castes are distinguished by their origin and by particular sacraments.

There is also the following passage of the Veda: ' The Brahmana was his mouth, the Kshatriya formed his arms: the Vaishya his thighs; the Shudra was born from his feet.'

It has been declared in the following passage of the Veda that a Shudra shall not receive the sacraments. 'He created the Brahmana with the

Gayatri (metre), the Kshatriya with the Trishtubh, the Vaishya with the Jagati, the Shudra without any metre."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_46

(C) The *Manu Smriti* propounds the following view on the subject:

"For the prosperity of the worlds, he (the creator) from his mouth, arms, thighs feet created the Brahmana, Kshatriya, Vaishya Shudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I._msocom_47

The Brahmans, Kshatriya (and) Vaishya constitute the three twice-born castes, the fourth, the Shudra has only birth."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I._msocom_48

(ii)

(A) The *Apastamba Dharma Sutra* says :

"(A Traivarnika) shall never study (the Veda) in a burial ground nor anywhere near it within the throw of a Sarnya.

If a village has been built over a burial ground or its surface has been cultivated as a field, the recitation of the Veda in such a place is not prohibited.

But if that place is known to have been a burial ground, he shall not study (there).

A Shudra and an outcaste are (included by the term) burial-ground, (and the rule given, Sutra 6 applies to them).

Some declare, that (one ought to avoid only to study) in the same house (where they dwell).

But if (a student and) a Shudra woman merely look at each other, the recitation of the Veda must be interrupted.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_49

Food touched by a (Brahmana or other high-caste person) who is impure, becomes impure but not unfit for eating.

But what has been brought (be it touched or not) by an impure Shudra must not be eaten. A Shudra touches him, (then he shall leave

off eating)."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_50

(B) The *Vishnu Smriti* says :

"He must not cause a member of a twice born caste to be carried out by a Shudra (even though he be a kinsman of the deceased). Nor a Shudra by a member of a twice-born caste.

A father and a mother shall be carried out by their sons; (who are equal in caste to their parents).

But Shudras must never carry out a member of a twice-born caste, even though he be their father."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_51

(C) The *Vasishtha Dharma Sutra* prescribes :

"Now therefore, we will declare what may be eaten and what may not be eaten.

Food given by a physician, a hunter, a woman of bad character, a mace-bearer, a thief, an Abhisasta, and eunuch, (or) an outcaste must not be eaten.

Nor that given by a miser, one who has performed the initiatory ceremony of a Srauta-sacrifice, a prisoner, a sick person, a seller of the Soma plant, a carpenter, a washerman, a dealer in spirituous liquor, a spy, an usurer, (or) a cobbler.

Nor that given by a Shudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_52

Some call that Shudra race a burial-ground.

Therefore the Veda must not be recited in the presence of a Shudra."

Now they quote also the (following) verses which Yama proclaimed :

The wicked Shudra-race is manifestly a burial-ground. Therefore (the Veda) must never be recited in the presence of a Shudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_53

Some become worthy receptacles of gifts through sacred learning, and some through the practice of austerities. But that Brahmana whose stomach does not contain the food of a Shudra, is even the worthiest receptacle of all.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_54

If a Brahmana dies with the food of a Shudra in his stomach, he will become a village pig (in his next life) or be born in the family of that Shudra.

For though a (Brahmana) whose body is nourished by the essence of a Shudra's food may daily recite the Veda, though he may offer (an Agnihotra) or mutter (prayers, nevertheless) he will not find the path that leads upwards.

But if, after eating the food of a Shudra, he has conjugal intercourse, (even) his sons (begotten on a wife of his own caste) will belong to the giver of the food (i.e., to the Shudra) and he shall not ascend to heaven.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_55

(D)TheManuSmriti says:

"He (Brahmin) may not dwell in the kingdom of a Shudra nor in one full of unrighteous people, nor in one invaded by hosts of heretics nor in one possessed by low-born men.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_56

A Brahmin who performs a sacrifice for a Shudra should not be invited to dine with other Brahmins at a Shraddha ceremony. His company will destroy all merit that which may otherwise be obtained from such a dinner.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_57

One should carry out by the southern town-gate a dead Shudra, but the twice-b by the western, northern and eastern (gates) respectively.

(iii)

(A) (A) The *Apastamba Dharma Sutra* says :

*"A Brahmana shall salute stretching forward his right arm on a level with his ear, a Kshatriya holding it on a level with the breast, a Vaishya holding it on a level with the waist, a Shudra holding it low (and) stretching forward the joined hands.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_58

And when returning the salute of (a man belonging) to the first (three) castes, the last syllable of the name of the person addressed is produced to the length of three moras.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_59

If a Shudra comes as a guest (to a Brahmana) he shall give him some work to do. He may feed him, after (that has been performed. To feed him without asking him first to do some work is to do him honour.)

Or the slaves (of the Brahmana householder) shall fetch (rice) from the royal stores, and honour the Shudra as a guest."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_60

(B) The *Vishnu Smriti* prescribes :

"The same punishment (payment of hundred Panas) is also ordained for hospitably entertaining a Shudra or religious ascetic at an oblation to the gods or to the manes.'"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_61

(C) The *Manu Smriti* enjoins that :

One should consider a Brahmana ten years old and a Kshatriya a hundred years old as father and son; but of them the Brahman (is) the father.

Wealth, kindred, age, sects (and) knowledge as the fifth; those are the causes of respect, the most important (is) the last (mentioned).

In whom among the three (higher) castes the most and the best of (those) five may be he is here worthy of respect; a Shudra (is not worthy of respect on the ground of his wealth or knowledge no matter how high they are. It is only on the ground of his age and that too only if) he has attained the tenth (decade of his life that he becomes worthy of respect and not before.)mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were

the Shudras PART I.htm - _msocom_62

For not by years, nor by grey hair, not by wealth, nor kindred (is superiority); the seers made the rule—Who knows the Veda completely, he is great among us.

Of Brahmins, superiority (is) by knowledge, but of Kshatriyas by valour, of Vaishyas by reason of property (and) wealth, and of Shudras by age.

One is not, therefore, aged because his head is grey; whoever, although a youth, has perused (the Vedas), him the gods consider an elder.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_63

Now a Kshatriya is not called a guest in a Brahmin's house, nor a Vaishya nor a Shudra; neither is a friend, the kinsman, nor a Guru (of the householder). (That is, a Brahmin has alone the right to have the honour of being treated as a guest in a Brahmin's house).

But if a Kshatriya come as a guest to the house after the said Brahmins have eaten one should give him food (if) he wishes.

If a Vaishya (or) Shudra come to the house as guests, the Brahmin should give them food but with the servants, using kindness."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_64

(iv)

(A) According to the *Apastamba Dharma* Sutra :

He who has killed a Kshatriya shall give a thousand cows (to Brahmins for the expiation of the act).

He shall give, a hundred cows for the killing of a Vaishya, (only) ten for a Shudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_65

(B) According to the *Gautama Dharma* Sutra :

"A Kshatriya (shall be fined) one hundred (Karshapanas) if he abuses a Brahmana In case of an assault (on a Brahmana) twice as much.

A Vaishya (who abuses a Brahmana, shall pay) one and a half (times as

much as a Kshatriya).

But a Brahmana (who abuses) a Kshatriya (shall pay) fifty (Karshapanas).

One half of that amount (if he abuses) a Vaishya. And if he abuses a Shudra nothing."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_66

(C) According to*Brihaspati's Dharma* Shastra :

"For a Brahmin abusing a Kshatriya, the fine shall be half of a hundred (fifty) Pa for abusing a Vaishya, half of fifty (twenty-five) Panas, for abusing a Shu twelve and a half.

This punishment has been declared for abusing a virtuous Shudra (i.e., a Shudra who accepts his low status and does willingly the duties attached to that status) who has committed no wrong; no offence is imputable to a Brahmin for abusing a Shudra devoid of virtue.

A Vaishya shall be fined a hundred (Panas) for reviling a Kshatriya; a Kshatriya reviling a Vaishya shall have to pay half of that amount as a fine.

In the case of a Kshatriya reviling a Shudra the fine shall be twenty Panas; in the case of a Vaishya, the double amount is declared to be the proper fine by persons learned in law.

A Shudra shall be compelled to pay the first fine for abusing a Vaishya; the middling fine for abusing a Kshatriya; and the highest fine for abusing a Brahmin.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_67

(D) According to the *Manu Smruti:*

"A Kshatriya who reviles a Brahmin ought to be fined one hundred (Panas); a Vaishya one hundred and fifty or two hundred, but a Shudra ought to receive corporal punishment.

A Brahmin should be fined fifty if he has thrown insult on a Kshatriya, but the fine shall be a half of fifty if on a Vaishya and twelve if on a Shudra."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_68

In the murder of a Kshatriya, one fourth (part) of the penance for slaying a Brahman is declared to be the proper penance; an eighth part in the case of a Vaishya; and in (the case of) a Shudra (who) lives virtuously, one sixteenth part must be admitted (as the proper penance).

But if one of the highest of the twice-born (a Brahmin) slay a Kshatriya involuntarily he may, in order to cleanse himself give a thousand cows and a bull.

Or let him for three years (with senses) subdued and locks braided, follow the observances of one who has slain a Brahmin, living in a place rather far from the town, his dwelling place the foot of a tree.

The highest of a twice-born (the Brahmin) should practise just this expiation for a year on having slain a Vaishya who lives virtuously and give one hundred and one (heads) of cattle.

The slayer of a Shudra should practise exactly all these observances for six months; or he may give to a priest ten white cows and a bull.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_69

(E) According to the *Vishnu Smriti:*

"With whatever limb an inferior insults or hurts his superior in caste, of that limb the king shall cause him to be deprived.

If he places himself on the same seat with his superior, he shall be banished with a mark on his buttocks. If he spits on him he shall lose both lips. If he breaks wind against him, he shall lose his hind parts. If he uses abusive language, his tongue.

If a low-born man through pride give instruction (to a member of the highest caste) concerning his duty, let the king order hot oil to be dropped into his mouth.

If a Shudra man mentions the name or caste of a superior revealingly, an iron pin ten inches long shall be thrust into his mouth (red hot)."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_70

(V)

(A) According to the *Brihaspati Smriti :*

"A Shudra teaching the precepts of religion or uttering the words of the Veda, or insulting a Brahmin shall be punished by cutting out his tongue."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_71

(B) According to the *Gautama Dharma Sutra :*

"Now if he listens intentionally to (a recitation of) the Veda, his ears shall be filled with (molten) tin or lac.

If he recites (Vedic texts), his tongue shall be cut out.

If he remembers them, his body shall be split in twain."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_72

(C) According to the *Manu Smriti:*

One who teaches for hire, also one who learns by paying hire (a Shudra) teacher and one who learns from him are unfit for being invited at the performance in honour of the Devas and Pitris.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_73

One may not give advice to a Shudra, nor (give him) the remains (of food) or of butter that has been offered.

And one may not teach him the law or enjoin upon him religious observances.

For he who tells him the law and he who enjoins upon him (religious) observances, he indeed together with that (Shudra) sinks into the darkness of the hell called Asamvrita.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_74

One should never recite (the Vedas) indistinctly or in the presence of a Shudra; nor having recited the Veda at the end of the night, (though) fatigued may one sleep again."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_75

(vi)

This is what the *Manu Smriti* says :

"A Brahmin may take possession of the goods of a Shudra with perfect peace of mind, for, since nothing at all belongs to this Shudra as his own, he is one whose property may be taken away by his master.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_76

Indeed, an accumulation of wealth should not be made by a Shudra even if he is able to do so, for the sight of mere possession of wealth by a Shudra injures the Brahmin.'"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_77

(vii)

Here is the advice of the Manu Smriti to the king :

"He who can claim to be a Brahmin merely on account of his birth, or he who only calls himself a Brahmin, may be, if desired, the declarer of law for the king, but a Shudra never.

If a king looks on while a Shudra gives a judicial decision, his realm sinks into misfortune, like a cow in a quagmire.

A realm which consists chiefly of Shudras and is overrun by unbelievers and destitute of twice-born men is soon totally destroyed, oppressed by famine and disease."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_78

(viii)

(A) (A) The *Apastamba Dharma Sutra* says:

"And those who perform austerities, being intent on fulfilling the sacred laws. And a Shudra who lives by washing the feet (of the Brahmin).

Also blind, dumb, deaf and diseased persons (as long as their infirmities last) are exempt from taxes.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_79

To serve the other three castes is ordained for the Shudra. The higher the caste which he serves the greater is the merit."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_80(B) The Manu Smriti has the following:

"Now, for the sake of preserving all this creation, the most glorious (being) ordained separate duties for those who sprang from (his) mouth, arm, thigh and feet.

For Brahmins he ordered teaching, study, sacrifices and sacrificing (as priests) for others, also giving and receiving gifts.

Defence of the people, giving (alms), sacrifice, also study, and absence of attachment to objects of sense, in short for a Kshatriya.

Tending of cattle, giving (alms), sacrifice, study, trade, usury, and also agriculture for a Vaishya.

One duty the Lord assigned to a Shudra—service to those (before-mentioned) classes without grudging."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_81

(ix)

(A) The Apastamba Dharma Sutra says :

"A man of one of the first three castes (who commits adultery) with a woman of Shudra caste shall be banished.

A Shudra (who commits adultery) with a woman of one of the first three castes shall suffer capital, punishmentmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_82

(B) The *Gautama Dharma Sutra* says:

If (the Shudra) has criminal intercourse with an Aryan woman, his organ shall be cut off and all his property be confiscated.

If (the woman had) a protector (i.e., she was under the guardian-ship of some per he (the Shudra) shall be executed after having undergone the punishments prescr above mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.h _msocom_83

(C) The *Manu Smriti* says:

If a man (of the Shudra caste) makes love to a girl of the highest caste he deserves corporal punishment.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_84

A Shudra cohabiting with a woman of twice-born castes, whether she be guarded or not guarded, is (to be) deprived of his member and of all his property if she be not guarded and of everything if she is guarded.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_85

For twice-born men, at first, a woman of the same caste is approved for marrying; but of those who act from lust, those of lower caste may in order (be wives).

A Shudra woman alone (is) a wife for a Shudra; both she and a woman of his own caste (are) legally (wives) of a Vaishya; they two and also a woman of his own caste (are wives) of a Kshatriya, both they and a woman of his own caste (are wives) of a Brahmin.

A Shudra wife is not indicated in any history for a Brahmin and Kshatriya, even though they be in distress.

Twice-born men marrying a (Shudra) woman out of infatuation will surely bring quickly (their) families and descendants to the condition of Shudras.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_86

A Brahmin having taken a Shudra woman to his bed goes the lower course; having begotten on her a son, he is surely deprived of his Brahminhood.

Now of (a man) whose offerings towards gods, manes, and guests depend on her, the manes and gods eat not that offering nor does he go to heaven.

An expiation is not prescribed for him who has drunk the moisture on a Shudra woman's lips, who has been reached by her breath, and who has also begotten a son on her.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_87

(A) The *Vasishtha Dharma Sutra* says :

"One may know that bearing grudges, envy, speaking untruths, speaking evil of Brahmins, backbiting and cruelty are the characteristics of a Shudra."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_88

(B)(B) The Vishnu Smriti prescribes that :

(The name to be chosen should be) auspicious in the case of a Brahmin. Indicating power in the case of a Kshatriya. Indicating wealth in the case of a Vaishya. And indicating contempt in the case of a Shudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_89

(C)(C) The *Gautama Dharma Sutra* says :

"The Shudra belongs to the fourth caste, which has one birth (only).

And serves the higher (castes). From them he shall seek to obtain his livelihood. He shall use their cast-off shoes. And eat the remnants of their food.

A Shudra who intentionally reviles twice-born men by Criminal abuse, or criminally assaults them with blows, shall be deprived of the limb with which he offends.

If he assumes a position equal to that of twice-born men in sitting, in lying down, in conversation or on the road, he shall undergo (corporal punishment)"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_90

(D) The Manu Smrid follows suit and says :

"But if a Brahmin through avarice, and because he possesses the power, compel twice-born men, who have received the initiation (into the caste order), to do the work of a slave when they do not wish it, he shall be fined six hundred panas by the king.

But a Shudra, whether bought or not bought (by the Brahmin) may be compelled to practise servitude, for that Shudra was created by the self-existent merely for the service of the Brahmin.

Even if freed by his master, the Shudra is not released from servitude; for this (servitude) is innate in him; who then can take it from him.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_91

Just in proportion as one pursues without complaining the mode of life (practised) by the good, so free from blame, he gains both this and the other world.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_92

NOW the supreme duty of a Shudra and that which ensures his bliss is merely obedience toward celebrated priests who understand the Veda and live as householders.

If he be pure, obedient to the higher (castes), mild in speech, without conceit, and always submissive to the Brahmin, he attains (in the next transmigration) a high birth.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_93

Now a Shudra desiring some means of subsistence may serve a Kshatriya, so (is the rule); or the Shudra (if) anxious to support life, (may do so by) serving a wealthy Vaishya.

But he should serve the Brahmins for the sake of heaven, or for the sake of both (heaven and livelihood); for by him (for whom) the word Brahmin (is always) uttered is thus attained the state of completing all he ought to do.

Merely to serve the Brahmins is declared to be the most excellent occupation of a Shudra; for if he does anything other than this it profits him nothing.

His means of life should be arranged by those Brahmins out of their own household (goods) in accordance with what is fitting after examining his ability, cleverness, and (the amount) the dependants embrace.

The leaving of food should be given (to him) and the old clothes, so too the blighted part of the grain, so too the old furniture.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_94

Let a Brahmin's name be auspicious, a Kshatriya's full of power, let a

Vaishya's mean wealth, a Shudra's however be contemptible.

Let a Brahmin's (distinctive title) imply prosperity, a Kshatriya's safeguard, a Vaishya's wealth, a Shudra's service.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_95

If (a man) of one birth assault one of the twice-born castes with virulent words, he ought to have his tongue cut, for he is of the lowest origin.

If he makes mention in an insulting manner of their name and caste, a red-hot iron rod, ten fingers long, should be thrust into his mouth.

If this man through insolence gives instruction to the priests in regard to their duty, the king should cause boiling hot oil to be poured into his mouth and ear.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_96

If a man of the lowest birth should with any member injure one of the highest station, even that member of this man shall be cut (off); this is an ordinance of Manu.

If he lift up his hand or his staff (against him), he ought to have his hand cut off; and if he smites him with his feet in anger, he ought to have his feet cut off.

If a low-born man endeavours to sit down by the side of a high-born man, he should be banished after being branded on the hip, or (the king) may cause his backside to be cut off.

If through insolence he spit upon him, the king should cause his two lips to be cut off; and if he makes water upon him, his penis, and if he breaks wind upon him, his anus.

If he seize him by the locks, let the king without hesitation cause both his hands to be cut off, (also if he seize him) by the feet, the beard, the neck or the testicles.

A man who tears (another's) skin and one who causes blood to be seen ought to be fined five hundred (Panas), if he tears the flesh (he should be fined) six niskas, but if he breaks a bone he should be banished.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_97

(D) The *Narada Smriti* says:

Men of the Shudra caste, who prefer a false accusation against a member of a twice-born Aryan caste, shall have their tongue split by the officers of the king, and he shall cause them to be put on stakes.

A once-born man (or Shudra) who insults members of a twice-born caste with gross invectives, shall have his tongue cut off; for he is of low origin.

If he refers to their name or caste in terms indicating contempt, an iron-rod, ten angulas long, shall be thrust red-hot into his mouth.

If he is insolent enough to give lessons regarding their duty to Brahmins, the king shall order hot oil to be poured into his mouth and ears.

With whatever limb a man of low caste offends against a Brahmin, that very limb of him shall be cut off, such shall be the atonement for his crime.

A low-born man, who tries to place himself on the same seat with his superior in caste, shall be branded on his hip and banished, or (the king) shall cause his backside to be gashed.

If through arrogance he spits on a superior, the king shall cause both his lips to be cut off; if he makes water on him, the penis; if he breaks wind against him, the buttocks."mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_98

Ill

Such were the laws made against the Shudras by the Brahmanic lawgivers. The gist of them may be summarised under the following heads:

(1) (1) That the Shudra was to take the last place in the social order.
(2) (2) That the Shudra was impure and therefore no sacred act should be done within his sight and within his hearing.
(3) (3) That the Shudra is not to be respected in the same way as the other classes.
(4) (4) That the life of a Shudra is of no value and anybody may kill him without having to pay compensation and if at all of small value as compared with that of the Brahmana, Kshatriya and Vaishya.

(5) (5) That the Shudra must not acquire knowledge and it is a sin and a crime to give him education.
(6) (6) That a Shudra must not acquire property. A Brahmin can take his property at his pleasure.
(7) (7) That a Shudra cannot hold office under the State.
(8) (8) That the duty and salvation of the Shudra lies in his serving the higher classes.
(9) (9) That the higher Classes must not inter-marry with the Shudra. They can however keep a Shudra woman as a concubine But if the Shudra touches a woman of the higher classes he will be liable to dire punishment.
(10) (10) That the Shudra is born in servility and must be kept in servility for ever.

Anyone who reads this summary will be struck by two considerations. He will be struck by the consideration that Shudra alone has been selected by the Brahmanic law-givers as a victim for their law-making authority. The wonder must be all the greater when it is recalled that in the ancient Brahmanic literature the oppressed class in the ancient Indo-Aryan society was the Vaishya and not the Shudra. In this connection a reference may be made to the *Aitareya Brahmana.* The *Aitareya Brahmana* in telling the story of King Vishvantara and the Shyapama Brahmanas refers to the sacrificial drink to which the different classes are entitled. In the course of the story, it speaks of the Vaishya in the following terms :

"Next, if (the priest brings) curds, that is the Vaishya's draught with it thou s satisfy the Vaishyas. One like a Vaishya shall be born in thy line, one who is tribu to another, who is to be used- (lit eaten) by another, and who may be oppresse will.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.h _msocom_99

The question is: why was the Vaishya let off and why the fury directed towards the Shudras?

He will also be struck by the close connection of the disabilities of the Shudra with the privileges of the Brahmin. The Shudra is below the Traivarnikas and is contrasted with the Traivarnikas. That being so, one would expect all the Traivarnikas to have the same rights against the Shudras. But what are the facts? The facts are that the Kshatriyas and Vaishyas have no rights worth speaking of against the

Shudras. The only Traivarnika who has special rights and privileges is the Brahmin. For instance, if the Shudra is guilty of an offence against the Brahmin, the Brahmin has the privilege of demanding a higher punishment than what a Kshatriya or a Vaishya could. A Brahmin could take the property of the Shudra without being guilty of an offence if he needed it for the purpose of performing a sacrifice. A Shudra should not accumulate property because he thereby hurts the Brahmin. A Brahmin should not live in a country where the king is a Shudra. Why is this so? Had the Brahmin any cause to regard the Shudra as his special enemy?.

There is one other consideration more important than these. It is, what does the average Brahmin think of these disabilities of the Shudras? That they are extraordinary in their conception and shameful in their nature will be admitted by all. Will the Brahmin admit it? It would not be unnatural if this catalogue of disabilities may not make any impression upon him. In the first place, by long habit and usage his moral sense has become so dulled that he has ceased to bother about the how and why of these disabilities of the Shudras. In the second place, those of them who are conscious of them feel that similar disabilities have been imposed on particular classes in other countries and there is therefore nothing extraordinary nor shameful in the disabilities of the Shudras. It is the second attitude that needs to be exposed.

This attitude is a very facile one and is cherished bacause it helps to save reputation and slave conscience. It is, however, no use leaving things as they are. It is absolutely essential to show that these disabilities have no parallel anywhere in the world. It is impossible to compare the Brahmanic. Law with every other legal system on the point of rights and disabilities. A comparison of the Brahmanic Law with the Roman Law ought to suffice.

IV

It will be well to begin this comparison by noting the classes which under the Roman Law had rights and those which suffered from disabilities. The Roman jurists divided men into five categories: (1) Patricians and Plebians; (2) Freemen and Slaves; (3) Citizens and Foreigners; (4) Persons who were *sui juris* and persons who were *alieni juris* and (5) Chirstians and Pagans.

Under the Roman Law; persons who were privileged were: (1) Patricians; (2) Freeman; (3) Citizens; (4) *Sui juris* and (5) Christians. As compared to these, persons who suffered disabilities under the Roman Law were: (1) the Plebians; (2) Slaves; (3) Foreigners; (4) Persons who were *alieni juris* and (5) Pagans.

A Freeman, who was a citizen under the Roman Law, possessed civil rights as well as political rights. The civil rights of a citizen comprised rights of *connubium* and *commercium*. In virtue of the *connubium,* the citizen could contract a valid marriage according to *the jus civile,* and acquire the rights resulting from it, and particularly the paternal power and the civil relationship called agnation, which was absolutely necessary to enable him in law to succeed to the property of persons who died intestate. In virtue of the *commercium* he could acquire and dispose of property of all kinds, according to the forms and with the peculiar privileges of the Roman Law. The political rights of the Roman citizen included *jus suffragii* and *jus honorum,* the right to vote in public elections and the right to hold office.

The slave differed from the Freeman in as much as he was owned by the master and as such had no capacity to acquire rights.

Foreigners, who were called *Peregrine,* were not citizens and had none of the political or civil rights which went with citizenship. A Foreigner could obtain no protection unless he was under the protection of a citizen.

The *alieni juris* differed from *sui juris* in as much as the former were subject to the authority of another person, while the latter were free from it. This authority was variously called (1) *Potestas,* (2) *Manus* and (3) *Mancipium,* though they had the same effect. *Potestas* under the Roman Law fell into two classes. Persons subject to *Potestas* were (1) slaves, (2) children, (3) wife in *Manus,* (4) debtor assigned to the creditor by the Court and (5) a hired gladiator. *Potestas* gave to one in whom it was vested rights to exclusive possession of those to whom it extended and to vindicate any wrong done to them by anyone else.

The correlative disabilities which persons *alieni juris* suffered as a result of being subject to *Potestas* were: (1) they were not free, (2) they could not acquire property and (3) they could not directly vindicate any wrong or injury done to them.

The disabilities of the Pagans began with the advent of Christianity. Originally, when all the Romans followed the same Pagan worship, religion

could occasion no difference in the enjoyment of civil rights. Under the Christian Emperors, heretics and apostates as well as Pagans and Jews, were subjected to vexatious restrictions, particulary as regards their capacity to succeed to property and to act as witnesses. Only orthodox Christians who recognised the decisions of the four oecumenical councils had the full enjoyment of civil rights.

This survey of rights and disabilities of the Roman Law may well give comfort to Hindus that the Brahmanic Law was not the only law which was guilty of putting certain classes under disabilities, although the disabilities imposed by the Roman Law have nothing of the cruelty which characterises the disabilities imposed by the Brahmanic Law. But when one compares the principles of the Roman Law with those of the Brahmanic Law underlying these disabilities, the baseness of the Brahmanic Law becomes apparent.
Let us first ask: What was the basis of rights and disabilities under the Roman Law. Even a superficial student of Roman Law knows that they were based upon (1) *Caput* and (2) *Existimatio.*

Caput meant the civil status of a person. Civil status among the Romans had reference chiefly to three things; liberty, citizenship and family. The status *libertatis* consisted of being a freeman and not a slave. If a freeman was also a Roman citizen, he enjoyed the *status civitatis.* Upon this quality depended not only the enjoyment of political rights, but the capacity of participating in the *jus civile.* Finally, the *status familice* consisted in a citizen belonging to a particular family, and being capable of enjoying certain rights in which the members of that family, in their quality of agnates, could alone take part.

If an existing status came to be lost or changed, the person suffered what was called a *capitis diminutio,* which extinguished either entirely or to some extent his former legal capacity. There were three changes of state or condition attended with different consequences, called *maxima, media,* and *minima.* The greatest involves the loss of liberty, citizenship, and family; and this happened when a Roman citizen was taken prisoner in war, or condemned to slavery for his crimes. But a citizen who was captured by the enemy, on returning from captivity, was restored to all his civil rights *jure postliminii.*

The next change of status consisted of the loss of citizenship and family rights, without any forfeiture of personal liberty; and this occurred when a

citizen became a member of another state. He was then forbidden the use of fire and water, so as to be forced to quit the Roman territory, or was sentenced to deportation under the empire.

Finally, when a person ceased to belong to a particular family, without losing his liberty or citizenship, he was said to suffer the least change of state, as for instance, where one *sui juris* came under the power of another by arrogation, or a son who had been under the *patria potestas* was legally emancipated by his father.

Citizenship was acquired first by birth. In a lawful marriage the child followed the condition of the father, and became a citizen, if the father was so at the time of conception. If the child was not the issue *of justoe nuptioe,* it followed the condition of the mother at the time of its birth. Secondly, by manumission, according to the formalities prescribed by law, the slave of a Roman citizen became a citizen. This rule was modified by the laws. AElia Sentia and Junia Norbana, according to which, in certain cases, the freedman acquired only the status of a foreigner, *peregrinus dedititius* or of a Latin, *Latinus Junianus,* Justinian restored the ancient principle, according to which every slave, regularly enfranchised, became in full right a Roman citizen. Thirdly, the right of citizenship was often granted as a favour, either to a whole community or to an individual, by the people or the senate during the republic, and by the reigning prince during the empire; and this was equivalent to what the moderns call naturalisation.

Citizenship was lost—Firstly, by the loss of liberty—as, for instance, when a Roman became a prisoner of war, secondly, by renouncing the character of Roman citizen, which took place when anyone was admitted a citizen of another state; thirdly, by a sentence of deportation or exile, as a punishment for crime.

The civil status of a person under the Roman Law may or may not be *civis optino jure. Civis optima jure* included not only capacity for civil rights but also capacity for political rights such as *jus suffragii et honorwn,* i.e., the right to vote and the capacity to hold a public office. Capacity for political rights depended upon *existimatio. Existimatio* means reputation in the eye of the law. A Roman citizen may have *caput* as well as *existimatio.* On the other hand, a Roman may have *caput* but may not have *existimatio.* Whoever had *caput* as well as *existimatio* had civil rights as well as political rights. Whoever had *caput* but had no *existimatio* could claim civil rights only. He could not claim political rights.

A person's *existimatio* was lost in two ways. It was lost by loss of freedom or by conviction for an offence. If a person lost his freedom his *existimatio* was completely extinguished. Loss of *existimatio* by conviction for offence varied according to the gravity of the offence.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_100 If the offence was serious the diminution of his *existimatio* was called *infamia.* If the offence was less grave it was called *turpitudo, Infamia* resulted in the existinguishment of *existimatio* . Under the Roman Law a defendant, in addition to ordinary damages, was subjected to *infamia.* Condemnation for theft, robbery, *injuria* or fraud, entailed infamy. So a partner, a *mandatarius,* a *depositarins, tutor,* a mortgagee (in *contractus fidudoe)* if condemned for wilful breach of duty, was held to be infamous.

The consequence of *infamia* was exclusion from political rights' mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_101not merely from office (honours), but even from the right to vote in elections *(suffragium).*

From this brief survey of the basis of rights and disabilities in Roman Law, it will be clear that the basis was the same for all. They did not differ from community to community. Rights and disabilities according to Roman Law were regulated by general considerations, such as *caput* and *existimatio.* Whoever had *caput* and *existimatio* had rights. Whoever lost his *caput* and his *existimatio* suffered disabilities. What is the position under the Brahmanic Law? There again, it is quite clear that rights and disabilities were not based on general uniform considerations. They were based on communal considerations. All rights for the first three *Varnas* and all disabilities for the Shudras was the principle on which the Brahmanic Law was based.

The protagonists of Brahmanic Laws may urge that this comparison is too favourable to Roman Law and that the statement that Roman Law did not distribute rights and liabilities on communal basis is not true. This may be conceded. For so far as the relation between the Patricians and Plebians was concerned the distribution of rights and liabilities was communal. But in this connection the following facts must be noted.

In the first place, it must be noted that Plebians were not slaves. They were freemen in as much as they enjoyed jus *commercii* or the right to acquire, hold and transfer property. Their disabilities consisted in the denial of political and social rights. In the second place, it must be noted that their disabilities were not permanent. There were two social disabilities from

which they suffered. One arose from the interdict on intermarriage between them and the Patricians imposed by the Twelve Tables. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_102This disability was removed in B.C. 445 by the passing of the Canulenian Law which legalized intermarriage between Particians and Plebians. The other disability was their ineligibility to hold the office of Pontiffs and Augurs in the Public Temples of Rome. This disability was removed by the Ogulnian Law passed in B.C. 300.

As to the political disabilities of the Plebians they had secured the right to vote in popular assemblies *(jus suffragii)* under the Constitution of Servius Tullius the Sixth King of Rome. The political disabilities which had remained unredressed were those which related to the holding of office. This too was removed in course of time after the Republic was established in B.C. 509. The first step taken in this direction was the appointment of Plebian Tribunes in B.C. 494; the Questorship was opened to them, formally in B.C. 421; actually in B.C. 409; the Consulship in B.C. 367; the curule-aedileship in B.C. 366; the dictatorship in B.C. 356; the Censorship in B.C 351; and the Praetorshipin B.C. 336. The Hortensian Law enacted in B.C. 287 marked a complete triumph for the Plebians. By that laws the resolutions of the Assembly of the tribes were to be directly and without modification, control or delay, binding upon the whole of the Roman people.

This marks a complete political fusion of Patricians and Plebians on terms of equality.

Not only were the Plebians placed on the same footing as to political capacity and social status with the Patricians but the road to nobility was also thrown open to them. In Roman society, birth and fortune were the two great sources of rank and personal distinction. But in addition to this, the office of Curule Magistracy was also a source of ennoblement to the holder thereof. Every citizen, whether Patrician or Plebian, who won his way to a Curule Magistracy, from that AEdile upwards, acquired personal distinction, which was transmitted to his descendants, who formed a class called *Nobiles,* or men known, to distinguish them from the *ignobiles,* or people who were not known. As the office was thrown open to the Plebians, many Plebiansmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B1. Who were the Shudras PART I.htm - _msocom_103 had become nobles and had even surpassed the Patricians in point of nobility.

It may be that the Roman Law did recognise communal distinction in distributing rights and disabilities. The point is that the disabilities of the Plebians were not regarded as permanent. Although they existed they were in course of time removed. That being so, the protagonists of Brahmanic Law cannot merely take solace in having found a parallel in the Roman Law but have to answer why the Brahmanic Law did not abolish the distinction between the Traivarnikas and the Shudras as the Roman Law did by equating the Plebians with the Patricians? One can therefore contend that the Roman Law of rights and disabilities was not communal while the Brahmanic Law was.

This is not the only difference between the Roman Law and the Brahmanic Law. There are two others. One is equality before law in criminal matters. The Roman Law may not have recognised equality in matters of civil and political rights. But in matters of criminal law it made no distinction between one citizen and another, not even between Patrician and Plebian. The same offence the same punishment, no matter who the complainant and who the accused was. Once an offence was proved, the punishment was the same. What do the *Dharma Sutras* and the *Smritis* do? They follow an entirely different principle. For the same offence the punishment varies according to the community of the accused and the community of the complainant. If the complainant is a Shudra and the accused belonged to any one of the three classes the punishment is less than what it would be if the relations were reversed. On the other hand, if the complainant was Traivarnika and the accused a Shudra, the punishment is far heavier than in the first case. This is another barbarity which distinguishes the Brahmanic Law from the Roman Law.

The next feature of the Roman Law which distinguishes it from the Brahmanic Law is most noteworthy. It relates to the extinction of disabilities. Two points need be borne in mind. First is that the disabilities under the Roman Law were only contingent. So long as certain conditions lasted, they gave rise to certain disabilities. The moment the conditions changed, the disabilities vanished and a step in the direction of equality before law was taken. The second point i is that the Roman Law never attempted to fix the conditions for ever and thereby perpetuate the disabilities. On the other hand, it was always ready to remove the conditions to which these disabilities were attached as is evident in the case of the Plebians, the Slaves, the Foreigners and the Pagans.

If these two points about the disabilities under the Roman Law are borne in mind, one can at once see what mischief the *Dharma Sutras* and the *Smritis* have done in imposing the disabilities upon the Shudras. The imposition of disabilities would not have been so atrocious if the disabilities were dependent upon conditions and if the disabled had the freedom to outgrow those conditions. But what the Brahmanic Law does is not merely to impose disabilities but it tries to fix the conditions by making an act which amounts to a breach of those conditions to be a crime involving dire punishment. Thus, the Brahmanic Law not only seeks to impose disabilities but it endeavours to make them permanent. One illustration will suffice. A Shudra is not entitled to perform Vedic sacrifices as he is not able to repeat the Vedic *Mantras*. Nobody would quarrel with such a disability. But the Dharma Sutras do not stop here. They go further and say that it will be a crime for a Shudra to study the Vedas or hear it being pronounced and if he does commit such a crime his tongue should be cut or molten lead should be poured into his ear. Can anything be more barbarous than preventing a man to grow out of his disability? What is the explanation of these disabilities? Why did the Brahmanic Law-givers take such a cruel attitude towards the Shudras? The Brahmanic Law books merely state the disabilities. They say that the Shudras have no right to *Upanayana*. They say that the Shudras shall hold no office. They say that the Shudras shall not have property. But they do not say why. The whole thing is arbitrary. The disabilities of the Shudra have no relation to his personal conduct. It is not the result of infamy. The Shudra is punished just because he was a Shudra. This is a mystery which requires to be solved. As the Brahmanic Law books do not help us to solve it, it is necessary to look for explanation elsewhere.

WHO WERE THE SHUDRAS?

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CHAPTER IV

SHUDRAS VERSUS ARYANS

FROM what has been said before, it is clear that the Brahmanic writers do not give us any clue as to who the Shudras were and how they came to be the fourth *Varna*. It is, therefore, necessary to turn to the Western writers and to see what they have to say about the subject. The Western writers have a definite theory about the origin of the Shudras. Though all of them are not agreed upon every aspect of the theory, there are points on which there seems to be a certain amount of unity among them. They comprise the following :

1. 1. The people who created the Vedic literature belonged to the Aryan race.
2. 2. This Aryan race came from outside India and invaded India.
3. 3. The natives of India were known as Dasas and Dasyus who
4. 4. were racially different from the Aryans. (4) The Aryans were a white race. The Dasas and Dasyus were a dark race.
5. 5. The Aryans conquered the Dasas and Dasyus.
6. 6. The Dasas and Dasyus after they were conquered and enslaved were called Shudras.
7. 7. The Aryans cherished colour prejudice and therefore formed the *Chaturvarnya* whereby they separated the white race from the black race such as the Dasas and the Dasyus.

These are the principal elements in the Western theory about the origin and position of the Shudras in the Indo-Aryan society. Whether it is valid or not is another matter. But this much must certainly be said about it that after reading the Brahmanic theories with their long and tedious explanations attempting to treat a social fact as a divine dispensation, one cannot but feel a certain amount of relief in having before oneself a theory, which proceeds to give a natural explanation of a social fact. One can do nothing with the Brahmanic theories except to call them senseless ebullitions of a silly mind. They leave the problem as it is. With the modem theory, one is at least on the road to recover one's way.

To test the validity of the theory, the best thing to do is to examine it piece by piece and see how far each is supported by evidence.

The foundation on which the whole fabric of the theory rests is the proposition that there lived a people who were Aryan by race. It is in the fitness of things therefore to grapple with this question first. What is this Aryan race? Before we consider the question of Aryan race we must be sure as to what we mean by the word"race". It is necessary to raise this question because it is not impossible to mistake a people for a race. The best illustration of such a mistake is the Jews. Most people believe that the Jews are a race. To the naked eye, they appear to be so. But what is the verdict of the experts? This is what Prof. Ripley* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_1 has to say about the Jews :

"Our final conclusion, then, is this: This is paradoxical yet true, we affirm. The J are not a race, but only a people after all. In their faces we read its confirmation; w in respect of their other traits, we are convinced that such individuality as possess—by no means inconsiderable—is of their own making from one generatio the next, rather than a product of an unprecedented purity of physical descent."

What is a race? A race may be defined as a body of people possessing certain typical,traits which are hereditary. There was a time when it was believed that the traits which constitute a race are: (1) the form of the head, (2) the colour of the hair and eyes, (3) the colour of the skin, and (4) the stature. To-day the general view is that pigmentation and stature are traits, which vary according to climate and habitat, and consequently they must be ruled out as tests for determining the race of the people. The only stable trait is the shape of the human head—by which is meant the general proportions of length, breadth and height and that is why anthropologists and ethnologists regard it as the best available test of race.

The use of head-forms for determining the race to which an individual belongs has been developed by anthropologists into an exact science. It is called anthropometry. This science of anthropometry has devised two ways of measuring the headform: (1) cephalic index, and (2) facial index. The index is the mark of the race.

Cephalic index is the breadth of the head above the ears expressed in percentage of its length from forehead to back. Assuming that this length is 100, the width is expressed as a fraction of it. As the head becomes proportionately broader— that is more fully rounded, viewed from the top down—this cephalic index increases. When it rises above 80, the head is

called brachycephalic. When it falls below 75, the term dolichocephalic is applied to it. Indexes between 75 and 80 are characterised as mesocephalic. These are technical terms. They constantly crop up in literature dealing with questions of race and if one does not know what they denote it obviously becomes very difficult to follow the discussion intelligently. It would not therefore be without advantage if I were to stop to give their popular equivalents. The popular equivalent of mesocephalic is medium-headed, having a medium cephalic Index, the breadth of the cranium being between three-fourths and four-fifths of the length. Dolichocephalic means long-headed, having a low cephalic index, the breadth of the cranium being below four-fifths of the length.

Facial index is the correlation between the proportions of the head and the form of the face. In the majority of cases, it has been found that a relatively broad head is accompanied by a rounded face, in which the breadth back of the cheek bones is considerable as compared with the height from forehead to chin. Lack of uniformity in the mode of taking measurements has so far prevented extended observations fit for exact comparison. All the same, it has been found safe to adopt the rule, long head, oval face: short-head and round face.

Applying these measures of anthropometry, Prof. Ripley, an authority on the question of race, has come to the conclusion that the European people belong to three different races in terms of cephalic and facial index. His conclusions are summarised in the table on the next page. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm -_msocom_2

Is there an Aryan race in the physical sense of the term? There seem to be two views on the subject. One view is in favour of the existence of the Aryan race. According to it :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm -_msocom_3

> The Aryan type.. is marked by a relatively long (dolichocephalic) head; a straight finely-cut (leptorrhine) nose; a long symmetrically narrow face; well developed regular features and a high facial angle. The stature is fairly high— and the general build of the figure well-proportioned and slender rather than massive.

EUROPEAN RACIAL TYPES

	Head	*Face*	*Hair*	*Eyes*	* *Stature*	*Nose*
1. Teutonic	Long	Long	Very	Blue	Tall	Narrow
			light			acquiline
2. Alpine (Celtic)	Roun d	Broad	Light	Hazel	Medium	Variable:
			Chestnu t	Grey	stocky	rather
						broad
						heavy
3. Mediterranean	Long	Long	Dark	Dark	Medium	Rather
			brown		slender	broad
			or black			

The other view is that of Prof. Max Muller. According to him, the word is used in three different senses. This is what he, in his lectures on the *Science of Language,* says :

> In *ar* or *ara,* I recognise one of the oldest names of the earth, as the ploughed land, lost in Sanskrit but preserved in Greek as (era) so that Arya would have conveyed originally the meaning of landholder, cultivator of the land, while Vaishya from Vis meant householder, *Ida* the daughter of Manu is another name of the cultivated earth and probably a modification of *Ara.*

The second sense in which it was used was to convey the idea of ploughing or tilling the soil. As to this. Prof. Max Muller makes the following observations;

> I can only state that the etymological signification of Arya seems to be: One who ploughs or tills. The Aryans would seem to have chosen this name for themselves as opposed to the nomadic races, the *Turanians,*

whose original name *Tura* implies the swiftness of the horsemen.

In the third sense, the word was used as a general name for the Vaishyas, i.e., the general body of the people, who formed the whole mass of the people. For this, Prof. Max Muller relies on Panini (iii.l,103) for his authority. Then, there is the fourth sense, which the word got only towards the later period, in which sense it means 'of noble origin'.

What is however of particular importance is the opinion of Prof. Max Muller on the question of the Aryan race. This is what he says on the subject:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_4

> There is no Aryan race in blood; Aryan, in scientific language is utterly inapplicable to race. It means language and nothing but language; and if we speak of Aryan race at all, we should know that it means no more than... Aryan speech.

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> I have declared again and again that if I say Aryas, I mean neither blood nor bones, nor hair nor skull; I mean simply those who speak an Aryan language. The same applies to Hindus, Greeks, Romans, Germans, Celts, and Slavs. When I speak of them I commit myself to no anatomical characteristics. The blue-eyed and fair-haired Scandinavians may have been conquerors or conquered, they may have adopted the language of their darker lords or their subjects, or *vice versa*. I assert nothing beyond their language, when I call them Hindus, Greeks, Romans, Germans, Celts and Slavs; and in that sense, and in that sense only, do I say that even the blackest Hindus represent an earlier stage of Aryan speech and thought than the fairest Scandinavians. This may seem strong language, but in matters of such importance we cannot be too decided in our language. To me, an ethnologist who speaks of Aryan race, Aryan blood, Aryan eyes and hair, is as great a sinner as linguist who speaks of a dolichocephalic dictionary or a brachycephalic grammar. It is worse than a Babylonian confusion of tongues— it is down-right theft. We have made our own terminology for the classification of language; let ethnologists make their own for the classification of skulls, and hair and blood.

The value of this view of Prof. Max Muller will be appreciated by those who know that he was at one time a believer in the theory of Aryan race

and was largely responsible for the propagation of it.

The two views are obviously not in harmony. According to one view, the Aryan race existed in a physiological sense with typical hereditary traits with a fixed cephalic and facial index. According to Prof. Max Muller, the Aryan race existed in a philological sense, as a people speaking a common language.

In this conflict of views one may well ask: what is the testimony of the Vedic literature? As examination of the Vedic literature shows that there occur two words in the Rig Veda—one is Arya with a short 'a' and the other is Arya with a long 'a'. The word Arya with a short 'a' is used in the Rig Vedamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_5 in 88 places. In what sense is it used? The wordmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_6 is used in four different senses; as (1) enemy, (2) respectable person, (3) name for India, and (4) owner, Vaishya or citizen.
The word Arya with a long 'a' is used in the Rig Veda in 31 places mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_7 But in none of these is the word used in the sense of race.

From the foregoing discussion, the one indisputable conclusion which follows is that the terms 'Arya' and 'Arya' which occur in the Vedas have not been used in the racial sense at all.

One may also ask: what is the evidence of anthropometry? the Aryan race is described as long-headed. This description is not enough. For as will be seen from the table given by Prof. Ripley, there are two races which are long-headed. The question which of the two is the Aryan race still remains open.

II

Let us take the next premise—namely, that the Aryans came from outside India, invaded India, and conquered the native tribes. It would be better to take these questions separately.

From where did the Aryan race come into India? On the question of locating the original home of the Aryan race, there is a bewildering variety of views and options. According to Benfey, the original home of the Aryan race must be determined by reference to the common vocabulary. His views on the subject have been well summarised by Prof. Isaac Taylormk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras

PART I.htm - _msocom_8 in the following words :

"The investigation of the vocabulary common to the whole of the Aryan languages might yield a clue to the region inhabited by the Aryans before the linguistic separation. He contended that certain animals, such as the bear and the wolf, and certain trees, such as the beech and the birch with which the primitive Aryans must have been acquainted, are all indigenous to the temperate zone, and above all, to Europe, whereas the characteristic animals and trees of Southern Asia, such as the lion, the tiger and the palm were known only to the Indians and the Iranians. He urged that the absence from the primitive Aryan vocabulary of common names for the two great Asiatic beasts of prey, the lion and the tiger, or for the chief Asiatic beast of transport, the camel, is difficult to explain on the theory of the migration of the Aryans from the region eastward of the Caspian. That the Greeks called the lion by its Semitic name, and the Indians by a name which cannot be referred to any Aryan root, argues that the lion was unknown in the common home of Greeks and Indians.

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Benfey's declaration speedily bore fruit, and Geiger forthwith ranged himself in the same camp, but placing the cradle of the Aryans, not as Benfey had done in the region to the North of the Black Sea, but more to the north-west, in Central and Western Germany. Geiger's contribution to the argument was not without its value. He bases his conclusions largely on the tree names which belong to the primitive Aryan vocabulary. In addition to the fir, the willow, the ash, the alder, and the hazel, he thinks the names of the birch, the beech and the oak are specially decisive. Since the Greek (phegos) which denotes the oak is the linguistic equivalent of the Teutonic *beech* and of the Latin *fague* he draws, the conclusion that the Greeks migrated from a land of beeches to a land of oaks, transferring the name which denoted the tree with 'edible' fruit from the one tree to the other."

Another school holds that the original home of the Aryan race was in Caucasia, because the Caucasians like the Aryans are blonds, have a straight, a sharp nose and a handsome face. On this point, the view of Prof. Ripley is worth quoting. This is what Prof. Ripley mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_9has to say on the subject:

The utter absurdity of the misnomer Caucasian, as applied to the blue-

eyed and fair-headed 'Aryan' (?) race of Western Europe, is revealed by two indisputable facts. In the first place, this ideal blond type does not occur within many hundred miles of Caucasia; and, secondly, nowhere along the great Caucasian chain is there a single native tribe making use of a purely inflectional or Aryan language.

***

Even the Ossetes, whose language alone is possibly inflectional, have not had t claims to the honour of Aryan made positively clear as yet. And even if Ossetia Aryan, there is every reason to regard the people as immigrants from the directio Iran, not indigenous Caucasians at all. Their head form, together with their occupa of territory along the only highway—the Pass of Darriel—across the chain from South, give tenability to the hypothesis. At all events, whether the Ossetes be Arya not, they little deserve pre-eminence among the other peoples about them. They lacking both in the physical beauty for which this region is justly famous, an courage as well, if we may judge by their reputation in yielding abjectly and wit shadow of resistance to the Russians.

***

It is not true that any of these Caucasians are even 'somewhat typical'. As a matter of fact they could never be typical of anything. The name covers nearly every physical type and family of language of the Eur-Asian continent except, as we have said, that blond, tall, 'Aryan' speaking one to which the name has been specifically applied. It is all false; not only improbable but absurd. The Caucasus is not a cradle—it is rather a grave—of peoples, of languages, of customs and of physical types. Let us be assured of that point at the outset. Nowhere else in the world probably is so heterogeneous a lot of people, languages and religions gathered together in one place as along the chain of the Caucasus mountains."

Mr. Tilak has suggested that the original home of the Aryan race was in the Arctic region. His theory may be summarised in his own words. He begins by taking note of the astronomical and climatic phenomenon in the region round about the North Pole. He findsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_10 that there are:

"Two sets of characteristics, or *differentice;* one for an observer stationed exactly at the terrestrial North Pole, and the other for an observer located in the Circum-Polar regions, or tracts of land between the North Pole and the Arctic circle."

Mr. Tilak calls these two sets of *differentice;* as Polar and Circum-Polar, and sums them up as follows :

/. *The Polar Characteristics*

(1) (1) The sun rises in the south.
(2) (2) The stars do not rise and set; but *revolve* or spin round and round, in horizontal planes, completing one round in 24 hours. The northern celestial hemisphere is alone overhead and visible during the whole year; and the southern or lower celestial world is always invisible.
(3) (3) The year consists only of one long day and one long night of six months each.
(4) (4) There is only one morning and one evening, or the sun rises and sets only once a year. But the *twilight,* whether of the morning or of the evening, lasts continuously for about *two months,* or 60 periods of 24 hours each. The ruddy light of the morn, or the evening twilight, is not again confined to a particular part of the horizon (eastern or western) as with us; but moves, like the stars at the place, round and round along the horizon, like a potter's wheel, completing one round in every 24 hours. These rounds of the morning light continue to take place, until the orb of the sun comes above the horizon; and then the sun follows the same course for six months, that is, moves, without setting, round and round the observer, completing one round every 24 hours.

II. *The Circum-Polar Characteristics*

(1) (1) The sun will always be to the south of the zenith of the observer, but as this happens even in the case of an observer stationed in the temperate zone, it cannot be regarded as a special characteristic.
(2) (2) A large number of stars are *circum-polor,* that is, they are above the horizon during the entire period of their revolution and hence always visible. The remaining stars rise and set as in the temperate zone, but revolve in more oblique circles.
(3) (3) The year is made up of three parts: (i) one long continuous night, occurring at the time of the winter solstice, and lasting for a period, greater than 24 hours and less than six months, according to the latitude of the place; (ii) one long continuous day to match, occurring at the time of the summer solstice; and (iii) a succession of ordinary days and nights during the rest of the year, a nycthemeron, or a day and a night together, never exceeding a period of 24 hours. The day, after the long continuous night, is at first shorter than the night, but

goes on increasing until it develops into the long continuous day. At the end of the long day, the night is, at first, shorter than the day, but, in its turn, it begins to gain over the day, until the commencement of the long continuous night, with which the year ends.

(4) The dawn, at the close of the long continuous night, lasts for several days, but its duration and magnificence is proportionally less than at the North Pole, according to the latitude of the place. For places, within a few degrees of the North Pole, the phenomenon of revolving morning light will still be observable during the greater part of the duration of the dawn. The other dawns viz., those between ordinary days and nights, will, like the dawns in the temperate zone, only last for a few hours. The sun, when he is above the horizon during the continuous day, will be seen revolving, without setting, round the observer, as at the Pole, but in oblique and not horizontal circles, and during the long night he will be entirely below the horizon, while during the rest of the year he will rise and set, remaining above the horizon for a part of 24 hours, varying according to the position of the sun in the ecliptic.

Summing up the position as analysed by him, Mr. Tilak concludes by saying:

"Here we have two distinct sets of *differentice* or special characteristics of the Polar and *Circum-Polar* regions—characteristics which are not found anywhere else on the surface of the globe. Again as the Poles of the earth are the same to-day as they were millions of years ago, the above astronomical characteristics will hold good for all times, though the Polar climate may have undergone violent changes in the Pleistocene period."

Having noted the phenomenon in the Arctic region, Mr. Tilak proceeds to argue th

"If a Vedic description or tradition discloses any of the characteristics mentioned above, we may safely infer that the tradition is Polar or Circum-Polar in origin, and the phenomenon, if not actually witnessed by the poet, was at least known to him by tradition faithfully handed down from generation to generation. Fortunately there are many such passages or references in the Vedic literature, and, for convenience, these may be divided into two parts; the first comprising those passages which directly describe or refer to the long night, or the long dawn; and the second consisting of myths and legends which corroborate and indirectly support the First."

Mr. Tilak is satisfied that the description of natural phenomenon and the myths and legends contained in the Vedas tally with the natural phenomenon as it exists near the North Pole and concludes that the Vedic poets i.e., the Vedic Aryans must have had the Arctic region as their home.

This is of course a very original theory. There is only one point which seems to have been overlooked. The horse is a favourite animal of the Vedic Aryans. It was most intimately connected with their life and their religion. That the queens vied with one another to copulate with the horse in the *Ashvamedha Yajna* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_11 shows what place the horse had acquired in the life of the Vedic Aryans. Question is : was the horse to be found in the Arctic region? If the answer is in the negative, the Arctic home theory becomes very precarious.

Ill

What evidence is there of the invasion of India by the Aryan race and the subjugation by it of the native tribes? So far as the *Rig Veda* is concerned, there is not a particle of evidence suggesting the invasion of India by the Aryans from outside India. As Mr. P. T. Srinivasa lyengarmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_12 points out:

> "A careful examination of the *Manatras* where the words Arya, Dasa and Dasyu occur, indicates that they refer not to race but to cult. These words occur mostly in *Rig Veda Samhita* where *Arya* occurs about 33 times in *mantras* which contain 153,972 words on the whole. The rare occurrence is itself a proof that the tribes that called themselves *Aryas* were not invaders that conquered the country and exterminated the people. For an invading tribe would naturally boast of its achievements constantly."

So far the testimony of the Vedic literature is concerned, it is against the theory that the original home of the Aryans was outside India. The language in which reference to the seven rivers is made in the *Rig. Veda* (X.75.5) is very significant. As Prof. D. S. Triveda saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_13—the rivers are addressed as 'my Ganges, my Yamuna, my Saraswati' and so on. No foreigner would ever address a river in such familiar and endearing terms unless by long association he had developed an emotion about it.

As to the question of conquest and subjugation, references can undoubtedly be found in the *Rig Veda* where Dasas and Dasyus are described as enemics of the Aryas and there are many hymns in which the Vedic *rishis* have invited their gods to kill and annihilate them. But before drawing any conclusion from it in favour of conquest and subjugation by the Aryans, the following points must be taken into consideration.

First is the paucity of references in the *Rig Veda* to wars between the Aryans on the one hand and the Dasas or Dasyus on the other. Out of the 33 places in which the word occurs in the *Rig Veda* only in 8 places is it used in opposition to Dasas and only in 7 places is it used in opposition to the word Dasyus. This may show the occurrence of sporadic riots between the two. It is certainly not evidence of a conquest or subjugation.

The second point about the Dasas is that whatever conflict there was between them and the Aryans, the two seem to have arrived at a mutual settlement, based on peace with honour. This is borne out by references in the *Rig Veda* showing how the Dasas and Aryans have stood as one united people against a common enemy. Note the following verses from the *Rig Veda :*

Rig Veda - vi. 33.3;
vii. 83.1;
viii 51.9;
x 102.3.

The third point to note is that whatever the degree of conflict, it was not a conflict of race. It was a conflict which had arisen on account of difference of religions. That this conflict was religious and not racial is evidenced by the *Rig Veda* itself. Speaking of the Dasyus, it mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_14 says :

"They are *avrata,* without (the Arya) rites (R.V., i. 51.8, 9; i.l32.4; iv.41. 2; vi. 14, 3); *apavrata* (R.V., v.42,2), *anyavrata* of different rites (R.V., viii.59, II; x.22, 8), *Anagnitra* fireless (R.V., v.l89, 3), *ayajyu, ayajvan,* non-sacrifices (R.V., i.l31, 44; i.33, 4; viii.59, II), *abrambha,* without prayers (or also not having Brahmana priest (R.V., iv.l5,9; x.l05,8). *anrichah,* without Riks

(R.V., x.l05, 8), *Brahmadvisha,* haters of prayer (or Brahmans) R.V., v.42,9), and *anindra,* without Indra, despisers of Indra, (R.V., i.l33, 1: v.2, 3; vii 18; 6; x 27, 6; x.48, 7). 'They pour no milky draughts they heat no cauldron' (R.V., iii.53, 4). They give no gifts to the Brahmana (R.V., v.7, 10)."

Attention may also be drawn to the Rig Veda X.22.8 which says :

"We live in the midst of the Dasyu tribes, who do not perform sacrifices, nor believe in anything. They have their own rites and are not entitled to be called men. 0! thou, destroyer of enemies, annihilate them and injure the Dasas."

In the face of these statements from the *Rig Veda,* there is obviously no room for a theory of a military conquest by the Aryan race of the non-Aryan races of Dasas and Dasyus.

IV

So much about the Aryans, their invasion of India and their subjugation of the Dasas and Dasyus. The consideration so far bestowed upon the question has been from the Aryan side of the issue. It might be useful to discuss it from the side of the Dasas and the Dasyus. In what sense are the names Dasa and Dasyu used? Are they used in a racial sense?

Those who hold that the terms Dasa and Dasyu are used in the racial sense rely upon the following circumstances: (1) The use in the *Rig Veda* of the terms *Mridhravak and Anasa* as epithets of Dasyus. (2) The description in the *Rig Veda* of the Dasas as being of Krishna Varna

The term *Mridhravak* occurs in the following places in the *Rig Veda :*

(1) *Rig Veda,* i. 174. 2;

(2) *Rig Veda,* v. 32.8;

(3) *Rig Veda,* vii. 6. 3;

(4) *Rig Veda,* vii. 18. 3.

What does the adjective *Mridhravak* mean? *Mridhravak* means one who speaks crude, unpolished language. Can crude unpolished language be regarded as evidence of difference of race? It would be childish to rely upon this as a basis of consciousness of race difference.

The term *Anasa* occurs in *Rig Veda* V.29.10. What does the word mean?

There are two interpretations. One is by Prof. Max Muller. The other is by Sayanacharya. According to Prof.. Max Muller, it means 'one without nose 'or' one with a flat nose' and has as such been relied upon as a piece of evidence in support of the view that the Aryans were a separate race from the Dasyus. Sayanacharya says that it means 'mouthless,' i.e., devoid of good speech. This difference of meaning is due to difference in the correct reading of the word *Anasa*.. Sayanacharya reads it as *an-asa* while Prof. Max Muller reads it as *a-nasa*. As read by Prof. Max Muller, it means without nose. Question is : which of the two readings is the correct one? There is no reason to hold that Sayana's reading is wrong. On the other hand there is everything to suggest that it is right. In the first place, it does not make non-sense of the word. Secondly, as there is no other place where the Dasyus are described as noseless, there is no reason why the word should be read in such a manner as to give it an altogether new sense. It is only fair to read it as a synonym of *Mridhravak*. There is therefore no evidence in support of the conclusion that the Dasyus belonged to a different race.

Turning to Dasas, it is true that they are described as *Krishna Yoni,* in Rig Veda vi.47.21. But there are various points to be considered before one can accept the inference which is sought to be drawn from it. First is that this is the only place in the Rig Veda where the phrase *Krishna Yoni* is applied to the Dasas. Secondly, there is no certainty as to whether the phrase is used in the literal sense or in a figurative sense. Thirdly, we do not know whether it is a statement of fact or a word of abuse. Unless these points are clarified, it is not possible to accept the view that because the Dasas are spoken of as *Krishna Yoni,* they therefore, belonged to a dark race.

In this connection, attention may be drawn to the following verses from the Rig Veda:

1. 1. Rig Veda, vi.22.10.—"Oh, Vajri, thou hast made Aryas of Dasas, good men out of bad by your power. Give us the same power so that with it we may overcome our enemies."
2. 2. Rig Veda, x.49.3, (says Indra).—"I have deprived the Dasyus of the title of Aryas."
3. 3. Rig Veda, i. 151.8—"Oh, Indra, find out who is an Arya and who is a Dasyu and separate them."

What do these verses indicate? They indicate that the distinction between the Aryans on the one hand and the Dasas and Dasyus on the other was not a racial distinction of colour or physiognomy. That is why a Dasa or Dasyu could become an Arya. That is why Indra was given the task to

separate them from the Arya.

V

That the theory of the Aryan race set up by Western writers falls to the ground at every point, goes without saying. This is somewhat surprising since Western scholarship is usually associated with thorough research and careful analysis. Why has the theory failed? it is important to know the reasons why it has failed. Anyone who cares to scrutinise the theory will find that it suffers from a double infection. In the first place, the theory is based on nothing but pleasing assumptions and inferences based on such assumptions. In the second place, the theory is a perversion of scientific investigation. It is not allowed to evolve out of facts. On the contrary the theory is preconceived and facts are selected to prove it.

The theory of the Aryan race is just an assumption and no more. It is based on a philological proposition put forth by Dr. Bopp in his epoch-making book called *Comparative Grammar* which appeared in 1835. In this book. Dr. Bopp demonstrated that a greater number of languages of Europe and some languages of Asia must be referred to a common ancestral speech. The European languages and Asiatic languages to which Bopp's proposition applied are called Indo-Germanic. Collectively, they have come to be called the Aryan languages largely because Vedic language refer to the Aryas and is also of the same family as the Indo-Germanic. This assumption is the major premise on which the theory of the Aryan race is based.

From this assumption are drawn two inferences: (1) unity of race, and (2) that race being the Aryan race. The argument is that if the languages are descended from a common ancestral speech then there must have existed a race whose mother tongue it was and since the mother tongue was known as the Aryan tongue the race who spoke it was the Aryan race. The existence of a separate and a distinct Aryan race is thus an inference only. From this inference, is drawn another inference which is that of a common original habitat. It is argued that there could be no community of language unless people had a common habitat permitting close communion. Common original habitat is thus an inference from an inference.

The theory of invasion is an invention. This invention is necessary because of a gratuitous assumption which underlies the Western theory. The assumption is that the Indo-Germanic people are the purest of the modern representatives of the original Aryan race. Its first home is assumed to have been somewhere in Europe. These assumptions raise a question: How

could the Aryan speech have come to India: This question can be answered only by the supposition that the Aryans must have come into India from outside. Hence the necessity for inventing the theory of invasion.

The third assumption is that the Aryans were a superior race. This theory has its origin in the belief that the Aryans are a European race and as a European race it is presumed to be superior to the Asiatic races. Having assumed its superiority, the next logical step one is driven to take is to establish the fact of superiority. Knowing that nothing can prove the superiority of the Aryan race better than invasion and conquest of native races, the Western writers have proceeded to invent the story of the invasion of India by the Aryans and the conquest by them of the Dasas and Dasyus.

The fourth assumption is that the European races were whitemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_15 and had a colour prejudice against the dark races. The Aryans being a European race, it is assumed that it must have had colour prejudice. The theory proceeds to find evidence for colour prejudice in the Aryans who came into India. This it finds in the *Chaturvarnya*— an institution by the established Indo-Aryans after they came to India and which according to these scholars is based upon *Varna* which is taken by them to mean colour.

Not one of these assumptions is borne out by facts. Take the premise about the Aryan race. The theory does not take account of the possibility that the Aryan race in the physiological sense is one thing and an Aryan race in the philological sense quite different, and that it is perfectly possible that the Aryan race, if there is one, in the physiological sense may have its habitat in one place and that the Aryan race, in the philological sense, in quite a different place. The theory of the Aryan race is based on the premise of a common language and it is supposed to be common because it has a structural affinity. The assertion that the Aryans came from outside and invaded India is not proved and the premise that the Dasas and Dasyus are aboriginal tribesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_16 of India is demonstrably false.

Again to say that the institution of *Chaturvarnya* is a reflection of the innate colour prejudice of the Aryans is really to assert too much. If colour is the origin of class distinction, there must be four different colours to account for the different classes which comprise *Chaturvarnya*. Nobody has

said what those four colours are and who were the four coloured races who were welded together in *Chaturvarnya.* As it is, the theory starts with only two opposing people, Aryas and Dasas—one assumed to be white and the other assumed to be dark.

The originators of the Aryan race theory are so eager to establish their case that they have no patience to see what absurdities they land themselves in. They start on a mission to prove what they want to prove and do not hesitate to pick such evidence from the Vedas as they think is good for them.

Prof. Michael Foster has somewhere said that 'hypothesis is the salt of science.' Without hypothesis there is no possibility of fruitful investigation. But it is equally true that where the desire to prove a particular hypothesis is dominant, hypothesis becomes the poison of science. The Aryan race theory of Western scholars is as good an illustration of how hypothesis can be the poison of science as one can think of.

The Aryan race theory is so absurd that it ought to have been dead long ago. But far from being dead, the theory has a considerable hold upon the people. There are two explanations which account for this phenomenon. The first explanation is to be found in the support which the theory receives from Brahmin scholars. This is a very strange phenomenon. As Hindus, they should ordinarily show a dislike for the Aryan theory with its express avowal of the superiority of the European races over the Asiatic races. But the Brahmin scholar has not only no such aversion but he most willingly hails it. The reasons are obvious. The Brahmin believes in the two-nation theory. He claims to be the representative of the Aryan race and he regards the rest of the Hindus as descendants of the non-Aryans. The theory helps him to establish his kinship with the European races and share their arrogance and their superiority. He likes particularly that part of the theory which makes the Aryan an invader and a conqueror of the non-Aryan native races. For it helps him to maintain and justify his overlordship over the non-Brahmins.

The second explanation why the Aryan race theory is not dead is because of the general insistence by European scholars that the word *Varna* means *colour* and the acceptance of that view by a majority of the Brahmin scholars. Indeed, this is the mainstay of the Aryan theory. There is no doubt that as long as this interpretation of the *Varna* continues to be accepted, the Aryan theory will continue to live. This part of the Aryan theory is therefore very important and calls for fuller examination. It needs

to be examined *from* three different points of view: (1) Were the European races fair or dark? (2) Were the Indo-Aryans fair? and (3) What is the original meaning of the world *Varna*?

On the question of the colour of the earliest Europeans Prof. Ripley is quite definite that they were of dark complexion. Prof. Ripley goes on to say:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_17

"We are strengthened in this assumption that the earliest Europeans were not only long-headed but also dark complexioned, by various points in our Enquiry thus far. We have proved the prehistoric antiquity of the living Cro-Magnon type in Southern France; and we saw that among these peasants, the prevalence of black hair and eyes is very striking. And comparing types in the British Isles we saw that everything tended to show that the Brunet populations of Wales, Ireland and Scotland constituted the most primitive stratum of population in Britain. Furthermore, in that curious spot in Garfagnana, where a survival of the ancient Ligurian population of Northern Italy is indicated, there also are the people characteristically dark. Judged, therefore, either in the light of general principles or of local details, it would seem as if this earliest race in Europe must have been very dark.... It was Mediterranean in its pigmental affinities, and not Scandinavian."

Turning to the Vedas for any indication whether the Aryans had any colour prejudice, reference may be made to the following passages in the Rig Veda :

In Rig Veda, i. 117.8, there is a reference to *Ashvins* having brought about the marriage between *Shyavya* and *Rushati*.*Shyavya* is black and *Rushati* is fair.

In Rig Veda, i. 117.5, there is a prayer addressed to *Ashvins* for having saved Vandana who is spoken as of golden colour.

In Rig Veda, ii.3.9, there is a prayer by an Aryan invoking the Devas to bless him with a son with certain virtues but of *(pishanga)* tawny (reddish brown) complexion.

These instances show that the Vedic Aryans had no colour prejudice. How could they have? The Vedic Aryans were not of one colour. Their complexion varied; some were of copper complexion, some white, and some black. Rama the son of Dasharatha has been described as *Shyama* i.e., dark in complexion, so is Krishna the descendant of the Yadus, another

Aryan clan. The Rishi Dirghatamas, who is the author of many *mantras* of the Rig Veda must have been of dark colour if his name was given to him after his complexion. Kanva is an Aryan rishi of great repute. But according to the description given in Rig Veda—X.31.11—he was of dark colour.

To take up the third and the last point, namely, the meaning of the word *Varna*.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_18 Let us first see in what sense it is used in the Rig Veda. The word *Varna* is usedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_19 in the Rig Veda in 22 places. Of these, in about 17 places the word is used in reference to decides such as Ushas, Agni, Soma, etc., and means lustre, features or colour. Being used in connection with deities, it would be unsafe to use them for ascertaining what meaning the word *Varna* had in the Rig Veda when applied to human beings. There are four and at the most five places in the Rig Veda where the word is used in reference to human beings. They are:

1) i.l04.2;

2) i. 179.6;

3) ii.l2.4;

4) iii.34.5;

5) ix.71.2.

Do these references prove that the word *Varna* is used in the Rig Veda in the sense of colour and complexion?

Rig veda, iii.34.5 seems to be of doubtful import. The expression 'caused Shukia Varna to increase' is capable of double interpretation. It may mean Indra made Ushas throw her light and thereby increase the white colour, or it may mean that the hymn-maker being of white complexion, people of his i.e., of white colour increased. The second meaning would be quite far-fetched for the simple reason that the expansion of the white colour is the effect and lightening of Ushas is the cause.

Rig Veda, ix.71.2 the expression 'abandons Asura Varna' is not clear, reading it in the light of the other stanzas in the *Sukta*. The *Sukta* belongs to Soma Pavamana. Bearing this in mind, the expression 'abandons Asura Varna' must be regarded as a description of Soma. The word Varna as used

here is indicative of *roopa.* The second half of the stanza says: 'he throws away his black or dark covering and takes on lustrous covering.' From this it is clear that the word Varna is used as indicative of darkness.

Rig Veda, i. 179.6 is very helpful. The stanza explains that Rishi Agastya cohabitated with Lopamudra in order to obtain *praja,* children and strength and says that as a result two Varnas prospered. It is not clear from the stanza, which are the two Varnas referred to in the stanzas, although the intention is to refer to Aryas and Dasas.

Be that as it may, there is no doubt that the Varna in the stanza means class and not colour.

In Rig Veda, i. 104.2 and Rig Veda, ii.l2.4 are the two stanzas in which the word Varna is applied to Dasa. The question is: What does the word Varna mean when applied to Dasa? Does it refer to the colour and complexion of the Dasa, or does it indicate that Dasas formed a separate class? There is no way of arriving at a positive conclusion as to which of the two meanings is correct.

The evidence of the Rig Veda is quite inconclusive. In this connection, it will be of great help to know if the word occurs in the literature of the Indo-lranians and if so, in what sense.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_20

Fortunately, the word Varna does occur in the Zend Avesta. It takes the form of *Varana* or *Varena.* It is used specifically in the sense of"Faith, Religious doctrine. Choice of creed or belief."It is derived from the root *Var* which means to put faith in, to believe in. One comes across the word *Varana* or *Varena* in the Gathas about six times used in the sense of faith, doctrine, creed or belief.

It occurs in Gatha Ahunavaiti—Yasna Ha 30 Stanza 2 which when translated in English reads as follows :

> "Give heed with your ears and contemplate the highest Truth I proclaim; with your illumined mind introspect. Each man for himself must determine his (Avarenao) faith. Before the Great Event, let each individually be awake to the Truth we teach."

This is one of the most famous strophes of the Gatha where Zarathushtra exhorts each one individually to use reasoning faculty and freedom of choice in the selection of his or her faith. The words occurring

here are *'Avarenao vichithahya,'Avarenao* meaning faith, belief and *vichi- thahya* meaning 'of discriminating, of selecting of determining'.

It occurs in Gatha Ahunavati—Yasna Ha 31 Stanza II. The word used is *Vareneng* accusative plural of *Varena* meaning 'belief, faith.' In this stanza, Zarathushtra propounds the theory of the creation of man. After speaking about man's creation being completed, in the last half line Zarathushtra says"voluntary beliefs are given (to man)".

It occurs in Gatha Ushtavaiti— Yasna Ha 45 Stanza I in the from of *Varena.* In the last line of this strophe, Zarathushtra says 'owing to sinful belief (or evil faith) the wicked is of evil tongue (or invested tongue)'.

lt occurs in Gatha Ushtavaid—Yasna Ha 45 Stanza 2 in the same form as above *Varena* in the clear sense of faith, religion, belief, etc. In this stanza, Zarathushtra is propounding his philosophy of good and evil and speaking of dual aspects of human mind. In this stanza, the two mentalities—the good mentality and the evil mentality—are speaking to each other saying"Neither in thought, word, intelligence, faith (or religion or creed) utterance, deed, conscience nor soul do we agree."

It occurs in Gatha Spenta Mainyu,—Yasna Ha 48 Stanza 4 in the form of *Vareneng* meaning religion, faith (root *Vere* Persian *gervidan* = to have faith in). In this stanza Zarathushtra says that"Whosoever will make his mind pure and holy and thus keep his conscience pure by deed and word, such man's desire is in accordance with his faith (religion, belief)."

It occurs in Gatha Spenta Mainyu,—Yasna Ha 49 Stanza 3 as *Varenai* in dative case meaning 'religion'. In the same stanza occurs the word *Thaeshai* which also means religion, creed, religious law. These two words *Varenai* and *Tkaesha* occuring in the same stanza strengthens our argument, as the word *Tkaesha* clearly means religion as is found in the compound *Ahuratkaesha* meaning 'The Ahurian religion'. This word *Tkaesha* is translated in Pahlavi as *Kish* which means religion.

In Vendidad (a book of Zarathushtrian sanitary law written in Avesta language) we come across a word *Anyo Varena.* Here *Anyo* mean other and *Varena* means religion, thus a man of different religion, faith, belief is spoken of *as Anyo-Varena.* Similarly, we come across in Vendidad the *word Anyo-Tkaosha* also meaning a man of different religion.

We come across many verbal forms in the Gatha derived from this root, e.g., Ahunavaiti Gatha Yasna Ha, 31, Stanza 3. Zarathushtra declares *Ya*

jvanto vispeng vauraya; here the verb *vauraya* means I may cause to induce belief, faith (in God) (in all the living ones). In Yasna Ha, 28: Stanza 5, we come across the verb *vauroimaidi,* 'We may give faith to.' We come across another interesting form of this word in Gatha Vahishtaishtish, Yasna Ha, 53, Stanza 9 *Duz-Varenaish.* It is instrumental plural. The first part *Duz* means wicked, false and *Varenai* means believer. Thus the word means"A man belonging to false or wicked religion or a false or wicket believer."

In the Zarathushtrian Confession of Faith, which forms Yasna Ha, 12, we come across the word *Fravarane* meaning 1 confess my faith, my belief in *Mazdayasno Zarathushtrish* 'Mazda worshipping Zara-thushtrian Religion'. This phrase occurs in almost all the Zara-thushtrian prayers. There is yet another form in the Zarathushtrian Confession Yasna, 12, *Ya-V arena.* Here *Ya* is relative pronoun meaning which and *Varena*—faith, religion. Thus, the word means 'the religion to which'. This form *Ya Varena* is used nine times in Yasna 12, and it is used in the clear sense of faith or religion. Here again the word *Varena* is placed along with the word *Tkaesha* which means religion.

A very interesting reference is found in Yasna 16 *Zarathushtrahe varenerncha tkaeshemcha yazamaide.* Here the *Varena* and *Tkaesha* of Zarathushtra is worshipped. It is quite clear from the use of these corresponding and co-relative words that the faith and religion of Zarthushtra is meant. The translation of the above line is"We worship the faith and religion of Zarathushtra.'

This evidence from the Zenda Avesta as to the meaning of the word Varna leaves no doubt that it originally meant a class holding to a particular faith and it had nothing to do with colour or complexion.

The conclusions that follow from the examination of the Western theory may now be summarised. They are:

(1) (1) The Vedas do not know any such race as the Aryan race.
(2) (2) There is no evidence in the Vedas of any invasion of India by the Aryan race and its having conquered the Dasas and Dasyus supposed to be natives of India.
(3) (3) There is no evidence to show that the distinction between Aryans, Dasas and Dasyus was a racial distinction.
(4) (4) The Vedas do not support the contention that the Aryas were different in colour from the Dasas and Dasyus.

CHAPTER V

ARYAS AGAINST ARYAS

ENOUGH has been said to show how leaky is the Aryan theory expounded by Western scholars and glibly accepted by their Brahmin fellows. Yet, the theory has such a hold on the generality of people that what has been said against it may mean no more than scotching it. Like the snake it must be killed. It is therefore necessary to pursue the examination of the theory further with a view to expose its hollowness completely.

Those who uphold the theory of an Aryan race invading India and conquering the Dasas and Dasyus fail to take note of certain verses in the Rig Veda. These verses are of crucial importance. To build up a theory of an Aryan race marching into India from outside and conquering the non-Aryan native tribes without reference to these verses is an utter futility. I reproduce below the verses I have in mind:

(1) (1) *Rig Veda,* vi. 33.3.—"Oh, Indra, Thou has killed both of our Opponents, the Dasas and the Aryas."

(2) (2) *Rig Veda,* vi.60.3—"Indra and Agni—these protectors of the good and righteous suppress the Dasas and Aryas who hurt us."

(3) (3) *Rig Veda,* vii.81.1.—"Indra and Varuna killed the Dasas and Aryas who were the enemies of Sudas and thus protected Sudas from them."

(4) (4) *Rig Veda,* viii.24.27.—"Oh you, Indra, who saved us from the hands of the cruel Rakshasas and from the Aryas living on the banks of the Indus, do thou deprive the Dasas of their weapons."

(5) (5) *Rig Veda,* X.38.3.—"Oh you much revered Indra, those Dasas and Aryas who *axe* irreligious and who are our enemies, make it easy for us with your blessings to subdue them. With your help we shall kill them."

(6) (6) *Rig Veda,* X.86.19.—Oh, You Mameyu, you give him all powers who plays you. With your help we will destroy our Arya and our Dasyu enemies.

Anyone who reads these verses, notes what they say calmly and cooly and considers them against the postulates of the Western theory will be taken aback by them. If the authors of these verses of the Rig Veda were Aryas then the idea which these verses convey is that there were two different communities of Aryas who were not only different but oppose and inimical to each other. The existence of two Aryas is not a mere matter of conjecture or interpretation. It is a fact in support of which there is abundant evidence.

II

The first piece of such evidence, to which attention may be invited, is the

discrimination which existed for a long time in the matter of the recognition of the sacred character of the different Vedas. All students of the Vedas know that there are really two Vedas: (1) the Rig Veda and (2) the Atharva Veda. The Sama Veda and the Yajur Veda are merely different forms of the Rig Veda. All students of the Vedas know that the Atharva Veda was not recognised by the Brahmins as sacred as the Rig Veda for a long time. Why was such a distinction made? Why was the Rig Veda regarded as sacred? Why was the Atharva Veda treated as vulgar? The answer, I like to suggest, is that the two belonged to two different races of Aryans and it is only when they had become one that the Atharva Veda came to be regarded on a par with the Rig Veda.

Besides this, there is enough evidence, scattered through the whole of the Brahmanic literature, of the existence of two different ideologies, particularly relating to creation, which again points to the existence of two different Aryan races. Reference to one of these has already been made in Chapter 2. It remains to draw attention to the second type of ideology.

To begin with the Vedas. The following ideology is to be found in the Taittiriya Samhita:

> T.S.,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_21 vi.5.6.1.—"Aditi, desirous of sons, cooked, a Brahmaudana oblation for the gods, the Sadhyas. They gave her the remnant of it This she ate. She conceived seed. Four Adityas were born to her. She cooked a second (oblation). She reflected, 'from the remains of the oblation these sons have been born to me. If I shall eat (the oblation) first, more brilliant (sons) will be born to me.' She ate it first; she conceived seed; an imperfect egg was produced from her. She cooked a third (oblation) for the Adityas, repeating the formula 'may this religious toil have been undergone for my enjoyment.' The Adityas said, Let us choose a boon; let anyone who is produced from this be ours only; let anyone of his progeny who is prosperous be for us a source of enjoyment' In consequence the Aditya Vivasvat was born. This is his progeny, namely, men. Among them he alone who sacrifices is prosperous, and becomes a cause of enjoyment to the gods."

Turning to the Brahmanas. The stories of creation contained in the Satapatha Brahmanas are set out below :

> S.B.,1 i.8.1.1—In the morning they brought to Manu water for washing, as men are in the habit of bringing it to wash with the hands. As he was thus washing, a fish came into his hands (which spoke to him) 'preserve

me: I shall save thee.' (Manu enquired) From what will thou save me?' (The fish replied) 'A flood shall sweep away all these creatures; from it will I rescue thee.' (Manu

asked) 'How (shall) thy preservation (be effected)?' The fish said : 'So long as we are small, we are in great peril, for fish devours fish; thou shall preserve me first in a jar. When I grow too large for the jar, then thou shall dig a trench, and preserve me in that. When I grow too large for the trench, then thou shall carry me away to the ocean. I shall then be beyond the reach of danger. Straight, away he became a large fish; for he waxes to the utmost. (He said) Now in such and such a year, then the flood will come; thou shall embark in the ship when the flood rises, and I shall deliver thee from it.' Having thus preserved the fish, Manu carried him away to the sea. Then in the same year which the fish had enjoined, he constructed a ship and resorted to him. When the flood rose, Manu embarked in the ship. The fish swam towards him. He fastened the cable of the ship to the fish's horn. By this means he passed over this northern mountain. The fish said, 1 have delivered thee; fasten the ship to a tree. But lest the water should cut thee off whilst thou art on the mountain, as much as the water subsides so much shall thou descend after it.' He accordingly descended after it as much (as it subsided). Wherefore also this, viz., ' Manu's descent ' is (the name) of the northern mountain. Now the flood had swept away all these creatures, so Manu alone was left here. Desirous of offspring, he lived worshipping and toiling in arduous religious rites. Among these he also sacrificed with the *paka* offering. He cast clarified butter, thickened milk, whey and curds as an oblation into the waters. Thence in a year a woman was produced. She rose up as it were unctuous. Clarified butter adheres to her steps. Mitra and Varuna met her. They said to her ' who art thou? ' ' Manu's daughter' (she replied). Say (thou art) ours ' (they rejoined). ' No', she said, I am his who begot me.' They desired a share in her. She promised that, or she did not promise that; but passed onward. She came to Manu. Manu said to her, 'who art thou?' Thy daughter' she replied. 'How, glorious one 'asked Manu,' (art thou) my daughter?'"Thou has generated me, ' she said, ' from those oblations, butter, thick milk, whey and curds, which thou didst cast into the waters. I am a benediction. Apply me in the sacrifice. If thou wilt employ me in the sacrifice, thou shall abound in offspring and cattle. Whatever benediction thou will ask through me, shall accrue to thee.' He (accordingly) introduced her (as) that (which comes in) the middle of the sacrifice; for that is the middle of the sacrifice which (comes) between the

introductory and concluding forms. With her he lived worshipping and toiling in arduous religious rites, desirous of offspring. With her he begot this offspring which is this offspring of Manu. Whatever benediction he asked with her, was all vouchsafed to him. This is essentially that which is Ida. Whosoever, knowing this, lives with Ida, begets this offspring which Maim begot Whatever benediction he asks with her, is all vouchsafed to him."

(2) S.B.,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_22 vi.l.2.11.—"Wherefore they say,"Prajapati having created those worlds was supported upon the earth. For him these herbs were cooked as food. That (food) he ate. He became pregnant. He created the gods from his upper vital airs, and mortal offspring from his lower vital airs. In whatever way he created, so he created. But Prajapati created all this, whatever exists."

(3) S.B. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I. _msocom_23vii.5.2.6.— Prajapati was formerly this (universe),one only. He desired.' me create food, and be propagated.' He formed animals from his breath, a man f his soul, a horse from his eye, a bull from his breath, a sheep from his ear, a goat f his voice. Since he formed animals from his breaths, therefore men say, ' the bre are animals.' The soul is the first of the breaths. Since he formed a man from his 's therefore they say 'man is the first of the animals, and the strongest.' The soul is all breaths; for all the breaths depend upon the soul. Since he formed man from his s therefore they say,' man is all the animals;' for all these are man's."

(4) S.B., mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_24x. 1.3.1.—"Prajapati created living beings. From his upper vital airs he created the gods: from his lower vital airs mortal creatures. Afterwards he created death a devourer of creatures."

(5) S.B., mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_25xiv.4.2.1.—"This universe was formerly soul only, in the form of Purusha. Looking closely, he saw nothing but himself (or soul). He first said,' This is 1.' Then he became one having the name of 1. Hence even now a man, when called, first says/this is I, 'and then declares the other name when he has. In as much as he, before *(purvah)* all this, burnt up *(aushat)* all sins, he (is called), *purusha.* The man who knows this burns up the person who wishes to be before him. He was afraid. Hence a man when alone is afraid. This (being) considered that ' there is no other thing but myself; of what am I afraid?' Then his fear departed. For why should he have feared? It is of a second person that people are

afraid. He did not enjoy happiness. Hence a person when alone does not enjoy happiness. He desired a second. He was so much as a man and a woman when locked in embrace. He caused this same self to fall as under into two parts. Thence arose a husband and wife. Hence Yajnavalkya has said that 'this one's self is like the half of a split pea.' Hence the void is filled up by woman. He cohabited with her. From them Men were born. She reflected how does he, after having produced me from himself, cohabit with me? Ah! let me disappear'; she became a cow, and the other a bull; and he cohabited with her. From them kine were produced. The one became a mare, the other a stallion, the one a she-ass, the other a male-ass. He cohabited with her. From them the class of animals with undivided hoofs were produced. The one became a she-goat, the other a he-goat, the one a ewe, the other a ram. He cohabited with her. From them goats and sheep were produced. In this manner pairs of all creatures whatsoever down to ants, were produced.

The Taitritriya Brahmana has the following :

T.B.1 ii.2.9.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_26.—"At first this (universe) was not anything. There was neither sky, nor earth, nor air. Being non-existent, it resolved let me be.' It became fervent. From that fervour smoke was produced. It again became fervent. From that fervour fire was produced. It again became fervent. From that fervour light was produced. It again became fervent. From that fervour flame was produced. It again became fervent From that fervour rays were produced. It again became fervent. From that fervour blazes were produced. It again became fervent It became condensed like a cloud. It clove its bladder. That became the sea. Hence men do not drink of the sea. For they regard it as like the place of generation. Hence water issues forth before an animal when it is being born. After that the Dasahotri (a particular formula) was created. Prajapati is the Dasahotri. That man succeeds, who thus knowing the power of austere abstraction (or fervour) practises it. This was then water, fluid. Prajapati wept (exclaiming). ' For what purpose have I been born, if (I have been born) from this which forms no support.' That which fell into the waters became the earth. That which he wiped away, became the air. That which he wiped away, upward, became the sky. From the circumstance that he wept *(arodit),* these two regions have the name of *rodasi,* (words). They do not weep in the house of the man who knows this. This was the birth of these worlds. He who thus knows the birth of these worlds, incurs no suffering in these worlds. He obtained this (earth

as a) basis. Having obtained (this earth as a) basis, he desired. ' May I be propagated.' He practised austere fervour. He became pregnant He created Asuras from his abdomen. To them he milked out food in an earthen dish. He cast off that body of his. It became darkness. He desired ' May I be propagated.' He practised austere fervour. He became pregnant. He created living beings *(prajah)* from his organ of generation. Hence they are the most numerous because he created them from -his generative organ. To them he milked out milk in a wooden dish. He cast off that body of his. It became moonlight He desired 'May I be propagated.' He practised austere fervour. He became pregnant. He created the seasons from his armpits. To them he milked out butter in a silver dish. He cast off that body of his. It became the period which connects day and night He desired ' May I be propagated.' He practised austere fervour. He became pregnant. He created the gods from his mouth. To them he milked out Soma in a golden dish. He cast off that body of his. It became day. These are Prajapati's milkings. He who thus knows, milks out offspring. ' Day (diva) has come to us:' this (exclamation expre-sses) the godhead of the gods. He who thus knows the godhead of the gods, obtains the gods. This is the birth of days and nights. He who thus knows the birth of days and nights, incurs no suffering in the days and nights. Mind (or soul, *manas*) was created from the non-existent. Mind created Prajapati. Prajapati created offspring. All this, whatever exists, rests absolutely on mind. This is that Brahma called Svovasyasa. For the man who thus knows, (Ushas), dawning, dawns more and more bright; he becomes prolific in offspring, and (rich) in cattle; he obtains the rank of Parameshthin."

(3) T.B.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_27 ii.3.8.1.—"Prajapati desired, ' May I propagate.' He practised austerity. He became pregnant. He became yellow brown. Hence a woman when pregnant, being yellow, becomes brown. Being pregnant with a foetus, he became exhausted. Being exhausted he became blackish-brown. Hence an exhausted person becomes blackish-brown. His breath became alive. With that breath *(asu)* he created Asuras. Therein consists the Asura-nature of Asuras. He who thus knows this Asura-nature of Asuras becomes a man possessing breath. Breath does not forsake him. Having created the Asuras he regarded himself as a father. After that he created the Fathers (Pitris). That constitutes the fatherhood of the Fathers. He who thus knows the fatherhood of the Fathers, becomes as a father of his own; the Fathers resort to his oblation. Having created the Fathers, he reflected. After that he created men. That

constitutes the manhood of men. He who knows the manhood of men, becomes intelligent. Mind does not forsake him. To him, when he was creating men, day appeared in the heaven. After that he created the gods. This constitutes the godhead of the gods. To him who thus knows the godhead of the gods, day appears in the heavens. These are the four streams, viz; gods, men, fathers and Asuras. In all of these water is like the air."

(4) T.B.,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_28 iii.2.3.9.—"This Shudra has sprung from non-existence."

The following explanation of the origin of creation is given by the Taitririya Aranyaka:

T.A., mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_29i.l2.3.1.—"This is water, fluid. Prajapati alone was produced on a lotus leaf. Within, in his mind, desire arose, ' Let me create this.' Hence whatever a man aims at in his mind, he declares by speech, and performs by act. Hence this verse has been uttered, 'Desire formerly arose in it, which was the primal germ of mind, (and which) sages, searching with their intellect, have discovered in the heart as the bond between the existent and the non-existent' (Rig Veda X.129.4). That of which he is desirous comes to the man who thus knows. He practised austere fervour. Having practised austere fervour, he shook his body. From its flesh the rishis (called) Arunas, Ketus and Vatarasanas arose. His nails became the Vaikhanasas, his hairs the Valakhilyas. The fluid (of his body became) a tortoise moving amid the waters. He said to him ' Thou hast sprung from my skin and flesh.' ' No,' replied the tortoise, ' I was here before.' In that (in his having been 'before" *purvam*) consists the manhood of a man *(purusha)* . Becoming a man *Purusha* with a thousand heads, a thousand eyes, a thousand feet (R.V.X.90.1) he arose. Prajapati said to him, 'thou wert produced before me; do thou first make this.' He took water from this in the cavity of his two hands and placed it on the east, repeating the text, 'so be it, 0 Sun.' From thence the sun arose. That was the eastern quarter. Then Aruna Ketu placed (the water) to the south, saying 'so be it, 0 Agni.' Thence Agni arose. That was the southern quarter. Then Aruna Ketu placed (the water) to the west, saying ' so be it, 0 Vayu.' Thence arose Vayu. That was the western quarter. Then Aruna Ketu placed (the water) to the north, saying 'so be it, 0 Indra.' Then arose Indra. That is the northern quarter. Then Aruna Ketu placed (the water) in the centre, saying 'so be it, 0 Pushan.' Thence arose Pushan. That is this quarter. The Aruna Ketu placed (the water) above saying ' so be it, gods.'

Thence arose gods, men, Fathers, Gandharvas and Apsarasa. That is the *upper* quarter. From the drops which fell apart arose the Asuras, Rakshasas, and Pisachas. Therefore they perished, because they were produced from drops. Hence this text has been uttered; 'when the great waters became pregnant, containing wisdom, and generating Svayambhu, from them were created these creations. All this was produced from the waters. Therefore all this is Brahma Svayambhu.' Hence all this was as it were loose, as it were unsteady. Prajapatiwas that. Having made himself through himself, he entered into that. Wherefore this verse has been uttered; ' Having formed the world, having formed existing things and all intermediate quarters, Prajapati the first born of the ceremonial entered into himself with himself.'"

VI

The Mahabharata has its own contribution to make to the subject. It propounds the theory of creation by Manu.

The Vanaparvanmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_30 **says:**

"There was a great rishi, Manu, son of Vivasvat, majestic, in lustre equal to Prajapati. In energy, fiery vigour, prosperity and austere fervour he surpassed both his father and his grand father. Standing with uplifted arm, on one foot, on the spacious Badari,he practised intense austere fervour. This direful exercise he performed with his head downwards, and with unwinking eyes, for 10,000 years. Once, when, clad in dripping rags, with matted hair, he was so engaged, a fish came to him (MI the banks of the Chirini, and spake: ' Lord, I am a small fish; I dread the stronger ones, and from them you must save me. For the stronger fish devour the weaker; this has been immemorially ordained as our means of subsistence. Deliver me from this flood of apprehension in which I am sinking, and I will requite the deed.' Hearing this, Manu filled with compassion, took the fish in his hand, and bringing him to the water threw him into a jar bright as a moonbeam. In it the fish, being excellently tended, grew; for Manu treated him like a son. After a long time he became very large and could not be contained in the jar. Then, seeing Manu he said again: ' In order that I may thrive, remove me elsewhere.' Manu then took him out of the jar, brought him to a large pond, and threw him in. There he continued to grow for very many years. Although the pond was two *yojanas* long and *oneyojana* broad, the lotus-eyed fish found in it no room to move; and again said to Manu. ' Take me to Ganga, the dear queen of the ocean-

monarch; in her I shall dwell; or do as thou thinkest best, for I must contentedly submit to thy authority, as through thee I have exceedingly increased.' Manu accordingly took the fish and threw him into the river Ganga. There he waxed for some time, when he again said to Manu, From my great bulk I cannot move in the Ganga; be gracious and remove me quickly to the ocean.' Manu took him out of the Ganga; and cast him into the sea. Although so huge, the fish was easily borne, and pleasant to touch and smell, as Manu carried him. When he had been thrown into the ocean he said to Manu: ' Great Lord, thou hast in every way preserved me; now hear from me what thou must do when the time arrives. *Soon* shall all these terrestrial objects, both fixed and moving, be dissolved. The time for the purification of the worlds has now arrived. I therefore inform thee what is for thy greatest good. The period dreadful for the universe, moving and fixed, has come. Make for thyself a strong ship, with a cable attached; embark in it with the seven rishis and stow in it, carefully preserved and assorted, all the seeds which have been described of old by Brahmins. When embarked in the ship, look out for me. I shall come recognizable by my horn. So shall thou do; I greet thee and depart These great waters cannot be crossed over without me. Distrust not my word.' Manu replied,' I shall do as thou hast said. ' After taking mutual leave they departed each on his own way. Manu then, as enjoined, taking with him the seeds ' floated on the billowy ocean in the beautiful ship. He then thought on the fish, which knowing his desire, arrived with all speed, distinguished by a horn. When Manu saw the homed leviathan, lofty as a mountain, he fastened the ship's cable to the horn. Being thus attached the fish dragged the ship with great rapidity, transporting it across the briny ocean which seemed to dance with its waves and thunder with its waters. Tossed by the tempests, the ship whirled like a reeling and intoxicated woman. Neither the earth nor the quarter of the world appeared; there was nothing but water, air, and sky. In the world thus confounded, the seven rishis, Manu and the fish were beheld. So, for *very* many years, the fish, unwearied, drew the ship over the waters; and brought it at length to the highest peak of Himavat. He then, smiling gently, said to the rishis, ' Bind the ship without delay to this peak.' They did so accordingly. And that highest peak of Himavat is still known by the name of Naubandhana ('the Binding of the Ship'.) The friendly fish (or god, *animisha)* then said to the rishis, 'I am the Prajapati Brahma, than whom nothing higher can be reached. In the form of a fish I have delivered you from this great danger. Manu shall create all living beings, gods, asuras, men, with all worlds, and all things moving and fixed. By my

favour and through severe austere fervour he shall attain perfect insight into his creative work, and shall not become bewildered.' Having thus spoken, the fish in an instant disappeared. Manu, desirous to call creatures into existence and bewildered in his work, performed a great act of austere fervour; and then began visibly to create all living beings."

The Adi Parvan of the Mahabharata gives a some what different version of the story of creation:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_31

"Vaisahmpayari said : I shall, after making obeisance to Svayambhu relate to exactly the production and destruction of the gods and other beings. Six great rishis known as. the mind-born sons of Brahma, viz., Marichi, Atri, Angiras, Pulastya, Pu and Kratu. Kasyapa was the son of Marichi: and from Kasyapa sprang these creatu There were born to Daksha thirteen daughfers of eminent rank, Aditi, Dili, D Kala, Danayu, Sirnuka, Krodha, Pradha, Visva, Vinata, Kapila and Muni. Kadni was of the number. These daughters had valorous sons and grandsons innumerable

Daksha, the glorious rishi, tranquil in spirit, and great in austere fervour, sprang from the right thumb of Brahma. From the left thumb sprang that great Muni's wife on whom he begot fifty daughters. Of these he gave ten to Dharma, twentyseven to Indu (Soma), and according to the celestial system, thirteen to Kasyapa. Pitamaha's descendant Manu, the god and the lord of creatures,was his (it does not clearly appear whose) son. The eight Vasus, whom I shall detail, were his sons. Dividing the right breast of Brahma, the glorious Dharma (Righteousness), issued in a human form, bringing happiness to all people. He had three eminent sons, Sama, Kama, and Harsha (Tranquillity, Love, and Joy), who are the delight of all creatures, and by their might support the world .... Arushi, the daughter of Manu.was the wife of that sage (Chyavana, son of Bhrigu)... There are two other sons of Brahma, whose mark remains in the world, Dhatri, and Vidhatri, who remained with Manu. Their sister was the beautiful goddess Lakshmi, whose home is the lotus. Her mind-born sons are the steeds who move in the sky... When the creatures who were desirous of food, had devoured one another, Adharma (Uprighteousness) was produced, the destroyer of all beings. His wife was Nirriti, and hence the Rakshasas are called Nairritas, or the offspring of Nirriti. She had three dreadful sons, continually addicted to evil deeds, Bhaya, Mahabhaya (Fear and Terror) and Mrityu (Death) the ender of beings. He has neither wife, nor any son, for he is the ender."

"Born all with splendour, like that of great rishis, the ten sons of Prachetas reputed to have been virtuous and holy; and by them the glorious beings were form

burnt up by the fire springing from their mouths. From them was born Dal Prachetasa; and from Daksha, the Parent of the world (were produced) these creatu Cohabiting with Virini, the Muni Daksha begot a thousand sons like himself, fam for their religious obser-vances, to whom Narada taught the doctrine of liberation, the unequalled knowledge of the Sankhya. Desirous of creating offspr the Prajapati Daksha next formed fifty daughters, of whom he gave ten Dharma,thirteen to Kasyapa, and twenty-seven devoted to the regulation of tim Indu (Soma)... On Dakshayani, the most excellent of his thirteen wives, Kasyapa, son of Marichi, begot the Adityas, headed by Indra and distinguished by their ene and also Vivasvat. To Vivasvat was born a son, the mighty Yama Vaivasvata. Martanda (i.e., Vivasvat,the Sun) was born the wise and mighty Manu, and also renowned Yama, his (Manu's) younger brother. Righteous was this wise Manu whom a race was founded. Hence this (family) of men became known as the rac Manu. Brahmins, Kshatriyas, and other men sprang from this Manu. From him, 0 k came the Brahmin conjoined with the Kshatriya. Among them the Brahmins, chil of Manu, held the Veda with the Vedangas. The children of Manu are said to l been Vena, Dhrishnu, Narishyanta, Nabhaga, Ikshvaku, Karusha, Saryati,IIa eighth, Prishadra the ninth, who was addicted to the duties of a Kshatriya, Nabhagarishta, the tenth. Manu had also fifty other sons; but they all, as we l heard, perished in consequence of mutual dissensions. Subsequently, the Pururavas was born of IIa, who, we heard, was both his mother and his father."

VII

The Ramayana also deals with the subject of creation. One account of it will be found in the second Kanda. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm -_msocom_32It says :

> "Perceiving Rama to be incensed, Vasishtha replied.' 'Jabali also knows the destruction and renovation of this world. But he spoke as he did from a desire to induce you to return. Learn from me, lord of the earth, this (account *of)* the origin of the world. The universe was nothing but water. In it the earth was fashioned. Then Brahma Svayambhu came into existence, with the deities. He next, becoming a boar, raised up the earth, and created the entire world, with the saints, his sons, Brahma, the eternal, unchanging, and undecaying, was produced from the ether (akasa). From him sprang Marichi, of whom Kasyapa was the son. From Kasyapa sprang Vivasvat: and from him was descended Manu, who was formerly the lord of creatures (Prajapati). Ikshvaku was the son of Manu, and to him this prosperous earth was formerly given by his father. Know that this lkshvaku was the former king in Ayodhya."

There is besides this another story of creation. It occurs in the third Kanda and is in the following terms:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_33

"Having heard the words of Rama, the bird (Jatayu) made known to him his race, and himself, and the origin of all beings."Listen while I declare to you from commencement all the Prajapatis (lords of creatures) who came into existence in earliest time. Kardama was the first, then Vikrita, Sesha, Samsraya, the energ Bahuputra, Sthanu, Marichi, Atri, the strong Kratu, Pulastya, Angiras, Prach Pulaha, Daksha, then Vivasvat, Arishtanemi, and the glorious Kasyapa, who was last. The Prajapati Daksha is famed to have had sixty daughters. Of these Kas took in marriage eight elegant maidens, Aditi, Diti, Danu, Kalaka, Tamra, Krodhav Manu and Anala. Kasyapa, pleased, then, said to these maids: ' ye shall bring forth s like me, preservers of the three worlds.' Aditi, Diti, Danu and Kalaka assented; but others did not agree. Thirty-three gods were borne by Aditi, the Adityas, Va Rudras, and the two Asvins. 'Manu, (wife) of Kasyapa, produced men. Brahm Kshatriyas, Vaishyas, and Shudras. 'Brahmins were born from the mouth, Kshat from the breast, Vaishyas from the thighs, and Shudras from the feet' so says the V Anala gave birth to all trees with pure fruits."

VIII

As an illustration of what the Puranas have to say, I extract the following passages from the Vishnu Purana :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_34

"Before the mundane egg existed the divine Brahma Hiranyagarbha the ete originator of all worlds, who was the form and essence of Brahma, who consists of divine Vishnu, who again is identical with the Rik, Yajus, Saman and Atharva-Ve From Brahma's right thumb was born the Prajapati Daksha; Daksha had a daug Aditi; from her was born Vivasvat; and from him sprang Manu. Manu had sons ca lkshvaku, Nriga, Dhrishta, Saryati, Narishyanta, Pramsu, Nabhaganedishta, Karu and Prishadhra. Desirous of a son, Manu sacrificed to Mitra and Varuna. bu consequence of a wrong invocation through an irregularity of the hotri-pr daughter called Ila was born. Then through the favour of Mitra and Varuna became to Manu a son called Sudyunma. But being again changed into a fe through the wrath of lsvara (Mahadeva) she wandered near the hermitage of Budha son of Soma (the Moon); who becoming enamoured of her had by her a son ca Pururavas. After his birth, the god who is formed of sacrifice, of the Rik, Y Saman, and Atharva Vedas, of all things, of mind, of nothing, he who is in the forr the sacrificial Male, was worshipped by the rishis of infinite splendour who desired

Sudyumna should recover his manhood. Through the favour of this god lla bec again Sudyumna."

The Vishnu Purana then proceeds to give the following particulars regarding the sons of Manu :

(i) *(i)* Prishadhra became a Shudra in consequence of his having killed his religious preceptor's cow.

(ii) *(ii)* From Karusha the Karushas.Kshatriyas of great power were descended.

(iii) *(iii)* Nabhaga, the son of Nedishta became a Vaishya."

The above is the story of the Solar race. The Vishnu Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_35 has also a parallel story relating to the Lunar race which according to it sprang from Atri just as the Solar race from Manu :

"Atri was the son of Brahma, and the father of Soma (the moon), whom Brahma installed as the sovereign of plants. Brahmins and stars. After celebrating the *rajasuya* sacrifice, Soma became intoxicated with pride, and carried off Tara (Slar), the wife of Brihaspati, the preceptor of the gods, whom, although admonished and entreated by Brahma, the gods, and rishis, Soma refused to restore. Soma's part was taken by Usanas; and Rudra, who had studied under Angiras, aided Brihaspati. A fierce conflict ensued between the two sides supported respectively by the gods and the Daityas, etc., Biahma interposed, and compelled Soma to restore Tara to her husband. She had, however, in the meantime become pregnant, and bore a son Budha (the planet Mercury), of whom when strongly urged, she acknowledged Soma to be the . father. Pururavas mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_36was the son of this Budha by lla, the daughter of Manu. Pururavas mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_37 had six sons, of whom the eldest was Ayus. Ayus had five sons; Nahusha, Kshattravriddha, Rambha, Raji and Anenas.

Kshattravriddha had a son Sunahotra who had three sons, Kasa, Lesa Gritsamada. From the last sprang Saunaka, who originated the system of four ca Kasa had a son, Kasiraja,of whom again Dirghatamas was the son, as Dhanvantari of Dirghatamas."

Compare these ideologies of creation with those set out in Chapter 2 and what do we find? I think the result of comparison may be set down in the following propositions: (1) one is sacerdotal in colour and character, the other is secular; (2) one refers to a human being Manu as the progenitor, the other refers to God Brahma or Prajapati as the originator; (3) one is

historical in its drift, the other is supernatural; (4) one speaks of the deluge, the other is completely silent about it; (5) one aims at explaining the four *Varnas,* the other aims at explaining the origin of society only.

These differences are many and fundamental. Particularly fundamental seems to be the difference in regard to *Chaturvarnya.* The sacerdotal ideology recognizes it, but the secular ideology does not. It is true that an attempt is made to combine the two by explaining, as is done in the Ramayana and the Puranas, how Manu's progeny developed into four *Varnas.* But obviously this is an attempt to mould the two ideologies into one. This attempt is deliberate and calculated. But the difference between the two ideologies is so fundamental that inspite of this attempt they persist as two separate ideologies. All that has happened is that instead of one we have two explanations of *Chaturvarnya,* supernatural *Chaturvarnya* produced by Purusha, and natural Chaturvarnya as developed among Manu's sons. That the result should be so clumsy shows that the two ideologies are fundamentally different and irreconcilable.. It is a pity that the existence of two such ideologies recorded in the Brahmanic literature has not been noticed by scholars who have dealt with the subject. But the fact of their existence and their significance cannot be ignored. What is the significance of the existence of two such ideologies fundamentally different and irreconcilable? To me, it seems that they are the ideologies of two different Aryan races— one believing in *Chaturvarnya* and the other not believing in *Chaturvarnya*— who at a later stage became merged into one. If this reasoning is well-founded then this difference in ideologies disclosed by the Brahmanic literature furnishes further evidence in support of the new theory.

IX

The third and the most unimpeachable evidence in support of my view comes from the anthropometrical survey of the Indian people. Such a survey was first made by Sir Herbert Risley in 1901. On the basis of cephalic index, he came to the conclusion that the people of India were a mixture of four different races: (1) Aryan, (2) Dravidian, (3) Mongolian, and (4) Scythian. He even went to the length of defining the areas where they were massed. The survey was a very rough one. His conclusions have been tested by Dr. Guha in 1936. His Report on the subject forms a very valuable document in the field of Indian anthropology. The mapmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART

I.htm - _msocom_38 prepared by Dr. Guha on which he has plotted so to say the distribution of the Indian people according to their head measurements throws a flood of light on the racial composition of the people of India. Dr. Guha's conclusion is that the Indian people are composed of two racial stocks: (1) long headed, and short-headed, and that the long-headed are in the interior of India and the short-headed are on the outskirts.

The evidence of skulls found in different parts of India also goes to confirm this. This is how Dr.Guha sums up the evidence on this point:

"The accounts of the human remains from prehistoric sites given above, thc extremely meagre, with the exception of those of the Indus Valley, enable nevertheless to visualise the broad outlines of the racial history of India in these ti From the beginning of the 4th Millennium B.C. Northwestern India seems to l been in the occupation of a long-headed race with a narrow prominent nose. Sid side with them we find the existence of another very powerfully built race also l headed, but with lower cranial vault, and equally long-faced and narrow nose, thc the latter was not so high pitched as that of the former.

A third type with broader head and apparently Armenoid affinities also existed, its advent occurred probably somewhat later judged by the age of the site as Hara from which most of these latter type of skulls came."

Speaking in terms of the Alpine and the Mediterranean race, one can say that the Indian people are composed of two stocks: (1) The Mediterranean or the long-headed race, and (2) the Alpine or the short-headed race.

About the Mediterranean race, certain facts are admitted. It is admitted that it is a race which spoke the Aryan language. It is admitted that its home was in Europe round about the Mediterranean basin and from thence it migrated to India. From its localisation, it is clear that it must have come to India before the entry of the Alpine race.

Similar facts about the Alpine race remain to be ascertained. First is about the home of the Alpine race and second is about its native speech. According to Prof. Ripley, the home of the Alpine race was in Asia somewhere in the Himalayas. His reasons may be given in his own words. Says Prof. Ripley :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_39

"What right have we for the assertion that this infiltration of population from East- it was not a conquest, everything points to it as a gradual peaceful immigrat often merely the settlement of unoccupied territory—marks the advent of overflow from the direction of Asia? The proof of this rests largely upon knowledge of the people of that continent, especially of the Pamir region, Western Himalayan highlands. Just here on the ' roof of the world,' where

Muller and the early philologists placed the primitive home of Aryan civilisatio human type prevails which tallies almost exactly with our ideal Alpine or C European race. The researches of De Ujfaivy, Topinard, and others localise peculiar traits over a vast territory hereabouts. The Galchas, mountain Tadjiks, their fellows are grey-eyed, dark-haired, stocky in build, with cephalic indexes ran above 86 for the most part. From this region a long chain of peoples of a sin physical type extends.uninterruptedly westward over Asia Minor and into Eur The only point which the discovery of a broad area in Western Asia occupied b ideal Alphine type settles, is that it emphasises the affinities of this peculiar race. no proof of direct immigration from Asia at all, as Tappeiner observes. It d however, lead us to turn our eyes eastward when we seek for the origin of the br headed type. Things vaguely point to an original ethnic base of supplies somew in this direction. It could not lie westward, for everywhere along the Atlantic the slowly disappears, so to speak. That the Alpine type approaches all the other hu millions on the Asiatic continent, in the head form especially, but in hair, colour stature as well, also prejudices us in the matter; just as the increasing long-headed and extreme brunetness of our Mediterranean race led us previously to derive it f some type parent to that of the African Negro. These points are then fixed; the r of the Alpine race run eastward; those of the Mediterranean type towards the sou

On the question of its language there is a certain amount of disputemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_40 as to who introduced the Aryan language in Europe, whether the Nordics (the purest of the Indo-Germans) or the Alpines. But there is no dispute that the language of the Alpine race was Aryan and therefore it is entitled to be called Aryan race in philological sense.

X

From the foregoing statement of facts, it will be seen that there is a solid foundation in anthropometry and history, in support of the Rig Veda that there were in India two Aryan races and not one. Having regard to this, one cannot refuse to admit that here there is a direct conflict between the Western theory and the testimony of the Rig Veda. Whereas the Western theory speaks of one Aryan race, the Rig Veda speaks of two Aryan races. The Western theory is thus in conflict with the Rig Veda on a major issue. The Rig Veda being the best evidence on the subject the theory which is in conflict with it must be rejected. There is no escape.

This conflict on the major issue also creates a conflict on the issue of invasion and conquest. We do not know which of the two Aryan races came to India first. But if they belonged to the Alpine race then its home being near the Himalayas, there is no room for the theory of invasion from outside. As to the conquest of the native tribes, assuming it to be a fact, the

matter is not quite so simple as Western writers have supposed. On the footing that the Dasas and Dasyus were racially different from the Aryans, the theory of conquest must take account not merely of a possible conquest of Dasas and Dasyus by Aryans but also of a possible conquest of Aryans by Aryans. It must also explain which of the two Aryans conquered the Dasas and Dasyus if they conquered them at all.

The Western theory, it is clear, is only a hurried conclusion drawn from insufficient examination of facts and believed to be correct because it tallied with certain pre-conceived notions about the mentality of the ancient Aryans which they were supposed to have possessed on no other grounds except that their alleged modern descendants, namely, the Indo Germanic races are known to possess. It is built on certain selected facts which are assumed to be the only facts. It is extraordinary that a theory with such a slender and insecure foundation in fact should have been propounded by Western scholars for serious scholars and should have held the field for such a long time. In the face of the discovery of new facts set out in this Chapter the theory can no longer stand and must be thrown on the scrap heap.

CHAPTER VI
SHUDRAS AND DASAS

IT has been shown how untenable the Western theory is. The only part of the theory that remains to be considered is : who are the Shudras? Mr. A. C. Das mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_41 says :

"The Dasas and the Dasyus were either savages ornon-Vedic Aryan tribes. Those of them that were captured in war were probably made slaves and formed the Shudra caste."

Mr. Kanemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_42another Vedic scholar and upholder of the Western theory, holds the view that :

> "The word 'Dasa' in later literature means a 'scrf or a slave'. It follows that the Dasa tribes that we see opposed to the Aryas in the Rig Veda were gradually vanquished and were then made to serve the Aryas. In the Manusmriti (VIII, 413) the Shudra is said to have been created by God for service *(dasya)* of the Brahmana. We find in the Tai. Samhita, the Tai. Brahmana and other Brahmana works that the Shudra occupied the same position that he does in the Smritis. Therefore it is reasonable to infer

that the *Dasas* or *Dasyus* conquered by the Aryans were gradually transformed into the Shudras."

According to this view the Shudras are the same as Dasas and Dasyus and further the Shudras were the non-Aryan original inhabitants of India and were in a primitive and a savage state of civilisation. It is these propositions which we must now proceed to examine.

To begin with the first proposition. It is not one proposition but is really two propositions rolled in one. One is that the Dasas and Dasyus are one and the same people. The other is that they and the Shudras are one and the same people.

That the *Dasas* and *Dasyus* are one and the same people is a proposition of doubtful validity. Such references to them as are to be found in the Rig Veda are not decisive. In some places the terms *Dasa* and *Dasyu* are used in a way as though there was no difference between the two. Shambara, Shushna, Vritra and Pipru are described both as Dasas and Dasyus. Both Dasas and Dasyus are described as the enemies of Indra and Devas and specially the Ashvins. The cities of both Dasas as well as of the Dasyus are described to have been levelled down by Indra and Devas. The defeat of both Dasas as well as Dasyus is described as producing the same effect, namely, release of water and the emergence of light. In describing the release of Dabhiti both are referred to, at one place he is said to have been released from the Dasas and at another place he is said to have been released from the Dasyus.

While these references suggest that the Dasas and Dasyus were the same, there are other references which suggest that they were different. This is clear from the fact that the Dasas are referred to separately in 54 places and Dasyus are referred to separately in 78 places. Why should there be so many separate references if they did not form two distinct entities? The probability is that they refer to two different communities.

About the second proposition that the Shudras are the same as the Dasas and Dasyus, one can definitely say that it is without any foundation whatsoever.

To make out a case that the Shudras are the same as the Dasas and Dasyus an attempt is made to treat the word Shudra as a derivative word. The word is said to be derived from *Shuc* (sorrow) and *dm* (overcome) and means one overcome by sorrow. In this connection reliance is placed on the story told in the Vedanta Sutra (i.3.34) of *Janasruti* who is said to have

been overcome by sorrow on hearing the contemptuous talk of the flamingoes about himself. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_43The same derivation is given by the Vishnu Purana.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_44

How far are these statements well-founded? To say that Shudra is not a proper name but is a derivative word is too silly for words. The Brahmanic writers excel everybody in the art of inventing false etymologies. There is no word for which they will not design some sort of etymology. Speaking of the different etymologies of the word Upanishad given by Brahmanic writers, Prof. Max Muller mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_45said :

"These explanations seem so wilfully perverse that it is difficult to understand the unanimity of native scholars. We ought to take into account, however, that very general tendency among half-educated people, to acquiesce in any etymology which accounts for the most prevalent meaning of a word. The Aranyakas abound in such etymologies, which probably were never intended as real etymologies, in our sense of the word, but simply as plays on words, helping to account somehow for their meaning."

This warning equally well applies to the attempt of the Vedanta Sutra and of the Vayu Purana to make the word Shudra a derivative word suggesting that it meant a 'sorrowful people' and we must therefore reject it as being absund and senseless.

We have, however, direct evidence in support of the proposition that Shudra is a proper name of a tribe or a clan and is not a derivative word as is sought to be made out.

Various pieces of evidence can be adduced in favour of this proposition. The historians of Alexander's invasion of India have described a number of republics as free, independent and autonomous whom Alexander encountered. These are, no doubt, formed of different tribes and were known by the name borne by those tribes. Among these is mentioned a people called *Sodari*. They were a fairly important tribe, being one of those which fought Alexander though it suffered a defeat at his hands. Lassen identified them with the ancient *Shudras*. Patanjali at 1.2.3 of his Mahabhasya mentions Shudras and associates them with the Abhiras. The Mahabharata in Chapter XXXII of the Sabha parvan speaks of the republic

of the Shudras. The Vishnu Purana as well as the Markandeya Purana and the Brahma Purana refer to the Shudras as a separate tribe among many other tribes and fix their location in the Western part of the country above the Vindhyas.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_46

II

Let us now turn to the second proposition and examine the various elements of which it is composed. There are two elements in the proposition. First is : Are the words Dasyus and Dasas used in the racial sense indicative of their being non-Aryan tribes? The second element is that assuming they were, is there anything to indicate that they were the native tribes of India? Unless and until these two questions are answered in the affirmative, there is no possibility of identifying the Dasyus and Dasas with the Shudras.

About the Dasyus, there is no evidence to show that the term is used in a racial sense indicative of a non-Aryan people. On the other hand, there is positive evidence in support of the conclusion that it was used to denote persons who did not observe the Aryan form of religion. In this connection, reference may be made to Verse 23 of Adhyaya 65 of the Shantiparvan of the Mahabharata. It reads as follows:

Driushyante manushe leeke sarvavarneshu dasyavah !

Linganntharey varthamana ashrameshuchathushrvapi !!

The verse says :"In all the Vamas and in all the Ashramas, one finds the existence of Dasyus."

What is the origin of the word Dasyu it is difficult to say. But a suggestionmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_47 has been put forth that it was the word of abuse used by the Indo-Aryans to the Indo-lranians. There is nothing unnatural or far-fetched in this suggestion. That the two had come into conflict is borne out by history. It is therefore quite possible for the Indo-Aryans to have coined such a contemptuous name for their enemies. If this is true, then Dasyus cannot be regarded as the natives of India.

Regarding the Dasas, the question is whether there is any connection between them and the Azhi-Dahaka of the Zend Avesta. The name Azhi-Dahaka is a compound name which consists of two parts. *Azhi* means

serpent, dragon and *Dahaka* comes from root *Dah* meaning ' to sting, to do harm'. Thus *Azhi-Dahaka* meaning a stinging dragon. It is a proper name of a person commonly known in Indo-Iranian traditions as *Zohak*. He is mentioned in Yasht literature many a times. He is credited to have lived in Babylon where he had built a palace. He is also credited to have built a great observatory in Babylon. This mighty devil Azhi-Dahaka was created by the Archdemon Angra Mainyu in order to destroy the kingdom of holiness of the corporeal world. This Azhi-Dahaka went to war against Yima the renowned king of the Indo-lranians and not only vanquished him, but killed him in battle.

Yima is always spoken of in Avesta as *Kshaeta* meaning shining or ruling. Root *Kshi* has two meanings, to shine or to rule. There is another ephithet commonly used for Yima and that is *Hvanthwa* meaning 'possessing good flock'. This Avesta Yima Khshaita became in later Persian language *Jamshid*. According to traditions, king Jamshid son of Vivanghvant was the great hero of the Iranian history, the founder of a great Persian civilization. He was a king of the Peshdiadyan dynasty. In Yasna 9 and 5 (Koema Yashi) it is stated that 'Vivanshas' was the first man who unceremoniously pounded Hasma (Sk. Sasma) in this corporeal world and the boon he received was: to him was born a son nobly who was Yima the shining and of good flock, who was most glorious amongst the living ones, who was like a glowing sun amongst mankind, during whose kingship he made noblemen and cattle (animals) immortal, made waters and trees undrying. He possessed undiminishing (ever fresh) divine glory. During the kingship of famous Yima there was neither extreme cold nor extreme heat, there was no old age, death and envy.

Is Dahaka of the Zenda Aveshta the same as Dasa of the Rig Veda? If similarity in name can be relied upon as evidence, then obviously it points to their being the names of one and the same person. Dasa in Sanskrit can easily be Daha in Aveshta since *sa* in the former is natural conversion to *ha* in the latter. If this were the only evidence the suggestion that Dasa of the Rig Veda and Dahaka of the Zenda Avesta are the same could have been no better than a conjecture. But there is other and more cogent evidence which leaves no doubt about their identity. In Yasna Ha 9 (which is the same as Horn Yashe) Azhi-Dahaka is spoken of as 'three mouthed, three-headed and six-eyed'. What is striking is that this physical description of Dahaka in Aveshta is exactly similar to the description of Dasa'in Rig Veda (x.99.6) where he is also described as having three heads and six eyes

_msocom_48 If the suggestion that the Dasa in the Rig Veda is the same as Dahaka in the Aveshta, is accepted, then obviously the Dasas were not native tribes aboriginal to India.

Ill

Were they savages? The Dasas and Dasyus were not a primitive people. They were as civilised as the Aryans and in fact more powerful than the Aryans. Such is the testimony of the Rig Veda. It is well epitomised by Mr. lyengar when he says that :

"The Dasyus lived in cities (R.V., i.53.8; i. 103.3) and under kings the names of many of whom are mentioned. They possessed 'accumulated wealth' (R.V., viii.40.6) in the form of cows, horses and chariots (R.V., ii. 15.4) which though kept in 'hundred-gated cities' (R.V., X.99.3), Indra seized and gave away to his worshippers, the Aryas (R.V., i.176.4). The Dasyus were wealthy (R.V., i.33.4) and owned property 'in the plains and on the hills' (R.V., x.69.6).They were 'adorned with their array of gold and jewels' (R.V., i.33.8). They owned many castles (R.V., i.33.13; viii.17.14). The Dasyu demons and the Arya gods alike lived in gold, silver and iron castles (SS.S., vi.23; A.V., v.28.9; R.V., ii.20.8). Indra overthrew for his worshipper, Divodasa, frequently mentioned in the hymns, a 'hundred stone castles' (R.V., iv.30.20) of the Dasyus. Agni, worshipped by the Arya, gleaming in behalf of him, tore and burnt the cities of the fireless Dasyus. (R.V., vii.5.3).Brihaspati broke the stone prisons in which they kept the cattle raided from the Aryas (R.V., iv.67.3). The Dasyus owned chariots and used them in war like the Aryas and had the same weapons as the Aryas (R.V., viii.24.27; iii.30.5; ii.15.4)"

That the Dasas and Dasyus were the same as the Shudras is a pure figment of imagination. It is only a wild guess. It is tolerated because persons who make it are respectable scholars. So far as evidence is concerned, there is no particle of it, which can be cited in support of it. As has been said before, the word Dasa occurs in the Rig Veda 54 times and Dasyu 78 times. The Dasas and the Dasyus are sometimes spoken together. The word Shudra occurs only once and that too in a context in which the Dasas and Dasyus have no place. In the light of these considerations, it is difficult to say how anyone in his senses can say that Shudras are the same as the Dasas and Dasyus. Another fact which is to be noted is that the

names Dasas and Dasyus completely disappear from the later Vedic literature. It means they were completely absorbed by the Vedic Aryans. But it is quite different with the Shudras. The early Vedic literature is very silent about them. But the later Vedic literature is full of them. This shows that the Shudras were different from the Dasas and Dasyus.

IV

Were the Shudras non-Aryans? Mr. Kane saysmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_49

> "A clear line of demarcation was kept between the Arya and the Shudra in the times of the Brahmana works and even in the Dharmasutras. The Tandya Brahmana speaks of a mock fight : 'the Shudra and Arya fight on a hide; out of the two they so arrange that the Arya colour becomes the victor.' The Ap. Dh. S. (I, i.3.40-41) says that a b*rahmachari* if he cannot himself eat all the food he has brought by begging, may keep it near an Arya (for his use) or he may give it to a Shudra who is a Dasa (of his teacher). Similarly, Gautama x.69 used the word 'anarya' for Shudra."

On the question of the line of demarcation; between the Shudras and Aryans, the matter needs to be carefully examined.

The strength of the argument that the Shudras were non-Aryans is to be found in the following statements :

A.V., iv.20.4. —"The thousand-eyed god shall put this plant into my right hand; with that do I see everyone, the Shudra as well as the Arya."

> *Kathaka Samhita,* xxxiv.5—"The Shudra and the Arya quarrel about the skin. The gods and the demons quarrelled about the sun; the gods won it (the sun). (By this act of quarrelling with Shudras) the Arya makes the Arya Varna win, makes himself successful. The Arya shall be inside the .altar, the Shudra outside the altar. The skin shall be white, circular- the form of the sun."

> *Vajasaneyi Samhita,* xxiii.30 -31—"When a deer eats the barley in the field, the (owner of the field) is not pleased with the nourished animal; when a Shudra woman has an Arya as a lover, (the husband) does not long for (the consequent) prosperity."

When a deer eats barley, the (owner of the field) does not approve

of the nourished animal. When a Shudra is the lover of an Arya woman, the (husband) does not consent to the prosperity.

These stanzas, which speak of the Shudra and the Arya as separate and opposed form the foundation of the theory that the Shudras are non-Aryans. To say the least, such a conclusion would be a very hasty one. Two considerations must be borne in mind before any conclusion is drawn from the aforementioned statements. In the first place, it must be borne in mind that according to what has been said before and according to the evidence of the Rig Veda, there are two categories of Aryans, the Vedic and the non-Vedic. Given this fact, it would be quite easy for an Arya of one class to speak of an Arya of another class, as though the two were separate and opposed. Interpreted in this way, the above statements, in which Shudras are set against the Aryans, do not mean that they were not Aryas. They were Aryas of a different sect or class.

That this is possible can be seen from the following statements in the sacred literature of the Hindus:

(1) (1) A.V., xix.32.8.—"Make me. Oh, Darbha (grass), dear to the Brahmin, and the Rajanya (i.e., Kshalriya), to the Shudra and to the Arya and to him whom we love and to everyone who is able to see."

(2) (2) A.V., xix.62.1.—"Make me beloved among the gods, make me beloved among the princes; make me dear to everyone who sees, to the Shudra and to the Arya."

(3) (3) *Vajasaneyi Samhita,* xviii.48.—"(Oh, Agni), give to us lustre among Brahmins, give us lustre among kings; lustre among Vaishyas and among Shudras; give to me lustre added to lustre."

(4) (4) *Vajasaneyi Samhita,* xx.l7.—"Whatever sin we have committed in the village, in the forest, in the assembly, with our senses, against the Shudra or against the Arya, whatever sin one of us (two, the sacrificer and his wife) has committed in the matter of his duty (towards the other),— of that sin, you are the destroyer."

(5) (5) *Vajasaneyi Samhita,* xviii.48.—"As I speak these auspicious words to the people, to the Brahmin and the Rajanya, to the Shudra and to the Arya and to my own enemy, may I be dear to the gods and to the giver of *dakshinas* here in this world. May this desire of mine be granted. May that (enemy of mine) be subjected to me."

What do these statements show? The first one makes a distinction between the Brahmins and the Aryas. Can it be said that the Brahmins were non-Aryans? The other statements pray for the love and goodwill of the Shudras. If the Shudra was a primitive aboriginal non-Aryan, is such a

prayer conceivable? The statements on which reliance is placed do not prove that the Shudras were non-Aryans.

That the Dharma Sutras call the Shudra Anarya and the statements in the Vajasaneyi Samhita pouring scorn on the Shudra woman, do not mean anything. There are two arguments against accepting the testimony of the Dharma Sutra. In the first place, as will be shown later, the Dharma Sutras and other treatises are books written by the enemies of the Shudra. As such, they have no evidentiary value. It is also doubtful whether such anti-Shudra statements are mere imprecations or statements of facts as they existed. They seem to contradict facts reported in other works.

The Dharma Sutras say that a Shudra is not entitled to the Upanayana ceremony and the wearing of the sacred thread. But in Samskara Ganapati there is an express provision declaring the Shudra to be eligible for Upanayana.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_50

The Dharma Sutras say that a Shudra has no right to study the Vedas. But the Chhandogya Upanishad (iv:l-2) relates the story of one Janasruti to whom Veda Vidya was taught by the preceptor Raikva. This Janasruti was a Shudra. What is more is that Kavasha Ailusha,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_51 was a Shudra. He was a Rishi and the author of several hymns of the Tenth Book of the Rig Veda.

The Dharma Sutras say that a Shudra has no right to perform Vedic ceremonies and sacrifices. But Jaimini, the author of the Purva Mimarnsamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_52 mentions an ancient teacher by name Badari— whose work is lost— as an exponent of the contrary view that even *Shudras* could perform Vedic sacrifices. The Bharadvaja Srauta Sutra (v.28) admits that there exists another school of thought which holds that a Shudra can consecrate the three sacred fires necessary for the performance of a Vedic sacrifice. Similarly, the commentator of the Katyayana Srauta Sutra (1.4.16) admits that there are certain Vedic texts which lead to the inference that the Shudra was eligible to perform Vedic rites.

The Dharma Sutras say that a Shudra is not entitled to the sacred drink of Soma. But in the story of the Ashvins, there is definite evidence that the Shudra had a right to the divine drink of Soma. The Ashvins, as the story goes, once happened to behold Sukanya when she had just bathed and

when h*er* person was bare. She was a young girl married to a Rishi by name Chyavana who at the time of marriage was so old as to be dying almost any day. The Ashvins were captivated by the beauty of Sukanya and said"Accept one of us for your husband. It behoveth thee not to spend thy youth fruitlessly."She refused, saying"I am devoted to my husband."They again spoke to her and this time proposed a bargain:"We two are the celestial physicians of note. We will make thy husband young and graceful. Do thou then select one of us as thy husband."She went to her husband and communicated to him the terms of the bargain. Chyavana said to Sukanya"Do thou so"; and the bargain was carried out and Chyavana was made a young man by the Ashvins. Subsequently, a question arose whether the Ashvins were entitled to Soma, which was the drink of the Gods. Indra objected saying that the Ashvins were Shudras and therefore not entitled to Soma. Chyavana, who had received perpetual youth from the Ashvins, set aside the contention and compelled Indra to give them Soma.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_53

There is another reason why the evidence of the Dharma Sutras that the Shudras are non-Aryans should not be accepted. In the first place, it is contrary to the view taken by Manu. In the decision of the issue whether the Shudra was an Aryan or a non-Aryan, the following verses from Manu require to be carefully considered :

"If a female of the caste sprung from a Brahmana and a Shudra female, bear (children) to one of the highest castes, the inferior (tribe) attains the highest caste within the seventh generation."

"(Thus) a Shudra attains the rank of a Brahmana and (in a similar manner) a Brahmana sinks to the level of a Shudra; but know that it is the same with the offspring of a Kshatriya or of a Vaishya."

"If (a doubt) should arise, with whom the pre-eminence (is, whether) with him whom an Aryan by chance begot on a non-Aryan female, or (with the son) of a Brahmana woman by a non-Aryan;"

The decision is as follows : 'He who was begotten by an Aryan on a non-Aryan female, may become (like to) an Aryan by his virtues; he whom an Aryan (mother) bore to a non Aryan father (is and remains) unlike to an Aryan.'"mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_54

Verse 64 from Manu is also to be found in Gautama Dharma Sutra (uv.22). There seems to be some controversy as to the correct interpretation of this verse. In summing up the different interpretations, Buhler says:

> "According to Medh., Gov., Kull., and Ragh., the meaning is that, if the daughter of a Brahmana and of a Shudra female and her descendants all marry Brahmanas, the offspring of the sixth female descendant of the original couple will be a Brahmana. While this explanation agrees with Haradatta's comment on the parallel passage of Gautama, Nar. and Nan. take the verse very differently. They say that if a Parasava, the son of a Brahmana and of a Shudra female, marries a most excellent Parasava female, who possesses a good moral character and other virtues, and if his descendants do the same, the child born in the sixth generation will be a Brahmana. Nandana quotes in support of his view, Baudhayana i. 16.13-14 (left out in my translation of the Sacred Books of the East, ii, p. 197)... '(offspring) begotten by a Nishada on a Nishadi, removes within five generations the Shudrahood; one may initiate him (the fifth descendant); one may sacrifice for the sixth.' This passage of Baudhayana the reading of which is supported by a new MS from Madras clearly shows that Baudhayana allowed the male offspring of Brahmanas and Shudra females to be raised to the level of Aryans. It is also not impossible that the meaning of Manu's verse may be the same, and that the translation should be, 'if the offspring of a Brahmana and of a Shudra female begets children with a most excellent (male of the Brahmana caste or female of the Parasava tribe), the inferior (tribe) attains the highest caste in the seventh generation."

Whatever be the interpretation, the fact remains that in the seventh generationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_55a Shudra under certain circumstances could become a Brahmin. Such a conception would have been impossible if the Shudra was not an Aryan.

That the Shudra is a non-Aryan is contrary to the view taken by the school of Arthashastra. As a representative of that school, the opinion of Kautilya on that question is of great value. In laying down the law of slavery, Kautilya says:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_56

The selling or mortgaging by kinsmen of the life of a Shudra who is not a born slave, and has not attained majority, but is Arya in birth

shall be punished with a fine of 12 panas.

Deceiving a slave of his money or depriving him of the privileges he can exercise as an Arya *(Aryabhava)* shall be punished with half the fine (levied for enslaving the life of an Arya).

Failure to set a slave at liberty on the receipt of a required amount of ransom shall be punished with a fine of 12 panas; putting a slave under confinement for no reason *(samrodhaschakaranat)* shall likewise be punished.

The offspring of a man who has sold himself off as a slave shall be an Arya. A slave shall be entitled not only to what he has earned himself without prejudice to his masters work but also to the inheritance he has received from his father.

Here is Kautilya, who calls the Shudra an Aryan in the most emphatic and express terms possible.

V

Coming to the question of Shudras having been made slaves, it is nonsense, if not mendacious. It is founded on two assumptions. First is that the Dasas are described as slaves in the Rig Veda. The second is that the Dasas are the same as Shudras.

It is true that the word Dasa is used in the Rig Veda in the sense of slave or servant. But the word in this sense occurs in only 5 places and no more. But even if it did occur more than five times, would it prove that the Shudras were made slaves? Unless and until it is proved that the two were the same people, the suggestion is absurd. It is contrary to known facts.

Shudras participated in the coronation of kings. In the post-vedic or the period of the Brahmanas, the coronation of a king was in reality an offer of sovereignty by the people to the king. This was done by the representatives of the people called Ratnis who played a very important part in the investiture of the king. The Ratnis were so-called because they held the Ratna (jewel), which was a symbol of sovereignty. The king received his sovereignty only when the Ratnis handed over to him the jewel of sovereignty, and on receiving his sovereignty the king went to the house of each of the Ratnis and made an offering to him. It is a significant fact that one of the Ratnis was always a

Shudra.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_57

Nilakantha, the author of *Nitimayukha,* describes the coronation ceremony of a later time. According to him, the four chief ministers, Brahmin, Kshatriya, Vaishya and Shudra, consecrated the new king. Then the leaders of each Varna and of the castes lower still, consecrated him with holy water. Then followed acclamation by the twice-born.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_58

That the Shudras were invited to be present at the coronation of the king along with Brahmins is evidenced by the description of the coronation of Yudhishthira, the eldest brother of the Pandavas, which is given in the Mahabharata.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_59

Shudras were members of the two political assemblies of ancient times, namely, the Janapada and Paura and as a member of these the Shudra was entitled to special respect even from a Brahmin.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_60

This was so even according to the Manusmriti (vi.61) as well as to the Vishnu Smriti (xxi.64). Otherwise there is no meaning in Manu saying that a Brahmin should not live in a country where the king is a Shudra. That means Shudras were kings.

In the Shanti Parvan of the Mahabharata,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_61 Bhishma in his lessons on Politics to Yudhishthira says :

> "I shall, however, tell thee what kinds of ministers should be appointed by thee. Four Brahmins learned in the Vedas, possessed of a sense of dignity, belonging to the *Snataka* order, and of pure behaviour, and eight Kshatriyas, all of whom should be possessed of physical strength and capable of weilding weapons, and one and twenty Vaishyas, all of whom should be possessed of wealth, and three Shudras, everyone of whom should be humble and of pure conduct and devoted to his daily duties, and one man of the Suta caste, possessed of a knowledge of the Puranas and the eight cardinal virtues should be thy ministers."

This proves that the Shudras were ministers and that they were almost equal to the Brahmins in numbermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_62

The Shudras were not poor and lowly. They were rich. This fact is testified by the Maitrayani Samhita (iv.2.7.10) and the Panchavirnsa Brahmana (vi.l.ll).mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38B2. Who were the Shudras PART I.htm - _msocom_63

There are two other aspects to this question. What significance can there be to the enslavement of the Shudras, assuming it was a fact? There would be some significance if the Aryans did not know slavery or were not prepared to turn the Aryans into slaves. But the fact is that the Aryans knew slavery and permitted the Aryans to be made slaves. This is clear from Rig Veda, (vii.86.7;viii. 19.36 and viii.56.3).

That being so, why should they particularly want to make slaves of the Shudras? What is more important is why should they make different laws for the Shudra slaves?

In short, the Western theory does not help us to answer our questions, who were the Shudras and how did they become the fourth Varna?

Part II

WHO WERE THE SHUDRAS?

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PART II

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CHAPTER VII

WHO WERE THE SHUDRAS?

SHUDRAS WERE KSHATRIYAS

WHO were the Shudras if they were not a non-Aryan aboriginal race? This question must now be faced. The theory I venture to advance may be stated in the following three propositions:

(1) (1) The Shudras were Aryans.
(2) (2) The Shudras belonged to the Kshatriya class.
(3) (3) The Shudras were so important a class of Kshatriyas that some of the most eminent and powerful kings of the ancient Aryan communities were Shudras.

This thesis regarding the origin of the Shudras is a startling if not a revolutionary thesis. So startling it is that not many people will be ready to accept it, even though there may be enough evidence to support it. My obligation is to produce the evidence, leaving the people to judge its worth.

The primary piece of evidence on which this thesis rests is a passage which occurs in Verses 38-40 of Chapter 60 of the Shanti Parvan of the Mahabharata. It reads as follows :

> "It *has been heard by us that in the days of old a Shudra of the name of Paijavana gave a Dakshina (in his own sacrifice) consisting of a hundred thousand Purnapatras according to the ordinance called Aindragni."*

The important statements contained in this passage are three : (1) that Paijavana was a Shudra, (2) that this Shudra Paijavana performed sacrifices, and (3) the Brahmins performed sacrifices for him and accepted Dakshina from him.

The passage quoted above is taken from Mr. Roy's edition of the Mahabharata. The first thing is to ascertain whether the text is accurate or whether there are any variant readings. As regards the authenticity of his text, this is what Mr.Roy* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_1says :

> "As far as my edition is concerned it is substantially based on that of Royal Asiatic Society of Bengal, published about forty-five years ago under the superintendence of a few learned Pandits of Bengal aided, as I believe, by an English Orientalist of repute. Manuscripts had been procured from all parts of India (the South unexcepted) and these were

carefully collated. Although edited with such care, I have not, however, slavishly followed the Society's edition. I have compared it carefully with the Maharajah of Burdwan's text in the Bengalee character which was edited with still greater care. About 18 manuscripts procured from different parts of India (the South not excepted) were carefully collated by the Burdwan Pandits before they admitted a single *sloka* as genuine."

Prof. Sukthankar, the erudite editor of the critical edition of the Mahabharata, after examining many editions of the Mahabharata, concluded by saying that :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_2

"The *editio princeps* (Calcutta—1856) remains the best edition of the Vulgate, after the lapse of nearly a century."

Although the authenticity of Mr.Roy's edition of the Mahabharata canot be doubted, it would not be unreasonable if critics were to say that they would like to know what other manuscript support there is behind this text, which is made the basis of this new theory of the origin of the Shudras. In undertaking such an inquiry it is necessary to point to two considerations. Onemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_3 **is that there is no such thing as a Mahabharata manuscript in the sense of complete sets of manuscripts covering all the eighteen Parvans. Each Parvan is treated as a separate unit with the result that the number of copies of the different Parvans to be found differ by a vast margin. Consequently, the number of manuscripts to be taken as a basis for deciding which is the correct text must vary with each Parvan.**

The secondmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_4 consideration to which attention must be drawn is the fact that the text of the Mahabharata has been handed down in two divergent forms; a Northern and a Southern recension, texts, typical of the Aryavrata and the Dakshinapatha.

It is obvious that an examination of manuscript support must be based upon collation from a fair number of manuscripts and a fair distribution of the manuscripts between the Northern and the Southern recensions. Bearing these considerations in mind, the results of the

collationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_5 of the text of *Shloka* 38 of the 60th chapter of the Shanti Parvan of the Mahabharata with which we are primarily concerned from different manuscripts is presented below :

1. Shudrah Paijavano nama (K) S
2. Shudrah Pailavano nama (M/l: M/2) S
3. Shudrah Yailanano nama (M/3 : M/4) S
4. Shudmh Yaijanano nama (F)
5. Shudropi Yajane nama (L)
6. Shudrah Paunjalka nama (TC) S
7. Shuddho Vaibhavano nama (G) N
8. Pura Vaijavano nama (A, D/2)
9. Pura Vaijanano nama (M) N

Here is the result of the collation of nine manuscripts. Are nine manuscripts enough for constituting a text which has a number of variant readings? It is true that the number of manuscripts taken for the critical edition of the different Parvans of the Mahabharata exceeds nine. For the entire Mahabharata the minimum number of manuscripts taken for constituting the text is only ten.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_6 It cannot therefore be contended that nine is an insufficient number. The nine manuscripts fall into two geographical divisions. Northern and Southern. MI, M2, M3, M4 and TC belong to the Southern recession. A, M, G, D2 belong to the Northern recession. The selections of the manuscripts therefore satisfy the two tests which experts have laid down.

I am grateful to the Bhandarkar Oriental Research Institute for allowing me to use their collation sheet. Letters in brackets indicate the index number given by the Institute to the manuscript. N or S

indicate whether .the manuscript comes from the North or South. K is Kumbhakonam.

A scrutiny of the readings shows that :

(1) (1) there is a variation in the description of Paijavana;
(2) (2) there is a variation in the name of Paijavana;
(3) (3) of the nine texts, six agree in describing him as a Shudra. One describes him as Shuddha and two instead of speaking of the class to which he belonged refer to the time when he lived and use the word 'Pura';
(4) (4) with regard to the name, there is no agreement between any two of the nine manuscripts. Each gives a different reading.

Given this result, the question is what is the real text? Taking first the texts relating to the name, it is obvious that this is not a matter in which the question of meaning is involved. It does not raise any questions such as interpretation *versus* emendation or of giving preference to a reading which suggests how other readings might have arisen. The question is which is the correct name and which readings are scriptural blunders committed by the scribes. There seems to be no doubt that the correct text is Paijavana. It is supported by both the recessions, Southern as well as Northern. For Vaijavano in No.S is the same as Paijavano. All the rest are variations which are due to the ignorance of the scribes in not being able to read the original copy correctly and then trying to constitute the text in their own way.

Turning to the description of Paijavana, the change from *Shudrah* to *Pura,* it must be granted, is not accidental. It appears to be deliberate. Why this change has occurred it is difficult to say categorically. Two things appear to be quite clear. ln the first place, the change appears to be quite natural. In the second place, the change does not militate against the conclusion that Paijavana was a Shudra. The above conclusion will be obvious if the context, in which verses 38-40 occur, is borne in mind. The context will be clear from the following verses which precede them:

"The Shudra should never abandon his master whatever the nature or degree of the distress into which the latter may fall. If the master loses his wealth, he should with excessive zeal be supported by the Shudra servant A Shudra cannot have any wealth that is his own. Whatever he possesses belongs to his master. Sacrifice has been laid down as a duty of the three other orders. It has been ordained for the Shudra also, 0.! Bharata. A Shudra however is not competent to utter *swaha* and *svadha*

or any other *mantra*. For this reason, the Shudra, without observing the vows laid down in the Vedas, should worship the gods in minor sacrifices called *Pakayajnas*. The gift called Pumapatra is declared to be the Dakshina of such sacrifices."

Taking the verses 38 to 40 in the context of these verses preceding them, it becomes clear that the whole passage deals with the Shudra. The story of Paijavana is a mere illustration. Against this background, it is unnecessary *to* repeat the word 'Shudra' before Paijavana. This explains why the word Shudra does not occur before Paijavana in the two manuscripts. As to the reason for the use of the word *pura* in place of Shudra it must be remembered that the case of Paijavana had occurred in very ancient times. It was therefore quite natural for the scribe to feel that it was desirable to put this fact in express terms. The writer being aware that there was no necessity for describing Paijavana as Shudra since that was made clear from the context, it was not necessary to emphasise it. On the other hand, knowing that Paijavana had lived in very ancient times and that that fact was not made very clear from the context, the writer thought it more appropriate to add the word *Pura* which was necessary and omit the word *Shudrah* which having regard to the context was unnecessary.

If this explanation is well-founded, we may take it as well established that the person referred to in the passage in the Shanti Parvan of the Mahabharata is Paijavana and that this Paijavana was a Shudra.

II

The next question that falls due for consideration is the identification of Paijavana. Who is this Paijavana?

Yaska's Nirukta seems to give us a clue. In Nirukta ii.24 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_7 Yaska Says:

"The seer Vishvamitra was the purohita of Sudas, the son of Pijavana, Vishvamitra, friend of all. All, moving together. Sudas a bountiful giver. *Paijavana,* son of Pijavana. Again *Pi-javana* one whose speed is enviable or whose gait is inimitable."

From Yaska's Nirukta we get two very important facts : (1) Paijavana means son of Pijavana, and (2) the person who is the son of Paijavana is Sudas. With the help of Yaska, we are able to answer the question: who is

Paijavana referred to in the passage in the Shanti Parvan of the Mahabharata? The answer is that Paijavana is simply another name for Sudas.

The next question is who is this Sudas and what do we know about him? A search in the Brahmanic literature discloses three persons with the name Sudas. One Sudas is mentioned in the Rig Veda. His family particulars are given in the following stanzas of the Rig Veda :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_8

1. 1. *Rig Veda,* vii.18.21.—"Parashara, the destroyer of hundreds (of Rakshasas), and Vasishtha, they who, devoted to thee, have glorified thee in every dwelling, neglect not the friendship of thee (their) benefactor; therefore prosperous days dawn upon the pious."
2. 2. *Rig Veda,* vii. 18.22.—"Praising the liberality of Sudas, the grandson of Devavata, the son of Paijavana, the donor of two hundred cows, and of two chariots with two wives, I, worthy (of the gift), circumambulate thee, Agni, like the ministrant priest in the chamber (of sacrifice)"
3. 3. *Rig Veda,* vii.18.23.—"Four (horses), having golden trappings, going steadily on a difficult road, celebrated on the earth, the excellent and acceptable gifts (made) to me by Sudas, the son of Pijavana; bear me as a son (to obtain) food and progeny."
4. 4. *Rig Veda,* vii. 18.24.—"The seven worlds praise (Sudas) as if he were Indra; him whose fame (spreads) through the spacious heaven and earth; who, munificent, has distributed (wealth) on every eminent person, and (for whom) the flowing (rivers) have destroyed Yudhyamadhi in war."
5. 5. *Rig Veda,* vii.18.25.—"*Maruts,* leaders (of rites), attend upon this (prince) as you did upon Divodasa, the father of Sudas: favour the prayers of the devout son of Pijavana, and may his strength be unimpaired, undecaying."

The two others are mentioned by the Vishnu Purana. One Sudas is mentioned in Chapter IV as the descendant of Sagara. The genealogical tree connecting this Sudas with Sagara is as follows:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_9

"Sumati, the daughter of Kasyapa and Kesini, the daughter of Raja Vidarbha, were the two wives of Sagara. Being without progeny, the king solicited the aid of the sage Aurva with great earnestness, and the Muni

pronounced this boon, that one wife should bear one son, the upholder of his race, and the other should give birth to sixty thousand sons; and he left it to them to make their election. Kesini chose to have the single son; Sumati the multitude; and it came to pass in a short time that the former bore Asamanjas, a prince through whom the dynesty continued; and the daughter of Vinata (Sumati) had sixty thousand sons. The son of Asamanjas was Ansumat.

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The son of Ansumat was Dilipa; his son was Bhagiratha, who brought Ganga down to earth, whence she is called Bhagirathi. The son of Bhagiratha was Sruta; his son was Nabhaga; his son was Ambarisha; his son was Sindhudvipa; his son was Ayutashva; his son was Ritupama, the friend of Nala, skilled profoundly in dice. The son of Ritupama was Sarvakama; his son was Sudasa; his son was Saudasa, named also Mitrasaha."

Another Sudas is mentioned in Chapter XIX as a descendant of Puru. The genealogical tree connecting this Sudas with Puru is as follows :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_10

"The son of Puru was Janamejaya; his son was Prechinvat; his son was Pravira, his son was Manasyu; his son was Bhayada; his son was Sudhumna; his *son* was Bahugava; his son was Samyati; his son was Bhamyati; his son was Raudrashva, who had ten sons, Riteyu, Kaksheyu, Stnandileyu, Ghriteyu, Jaleyu, Sthaleyu, Dhaneyu, Vaneyu, and Vrateyu. The son of Riteyu was Rantinara whose sons were Tansu. Aprtiratha, and Dhruva. The son of the second of these was Kanva, and his son was Medhatithi, from whom the Kanvayana Brahmans are descended. Anila was the son of Tansu, and he had four sons, of whom Dushyanta was the elder. The son cf Dushyanta was the emperor Bharata;...

Bharata had by different wives nine sons, but they were put to death by their own mothers, because Bharata remarked that they bore no resemblance to him, and the women were afraid that he would therefore desert them. The birth of his sons being thus unavailing, Bharata, sacrificed to the Maruts, and they gave him Bharadvaja, the son of Brihaspati by Mamata the wife of Utathya.

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He was also termed Vitatha, in allusion to the unprofitable *(vitatha)*

birth of the sons of Bharata. The son of Vitatha was Bhavanmanyu: his sons were many, and amongst them the chief were Brihatkshatra, Mahavirya, Nara and Garga. The *son* of Nara was Sankriti; his sons were Ruchiradhi and Rantideva. The son of Garga was Sini; and their descendants called Gargyas and Sainyas, although Kshatriyas by birth, became Brahmins. The son of Mahavirya was Urukshaya, who had three sons, Trayyaruna, Pushkarin and Kapi, the last of whom became a Brahmin. The son of Brihatkshatra was Suhotra, whose son was Hastin, who founded the city of Hastinapur. The sons of Hastin were Ajamidha, Dvimidha and Purumidha. One son of Ajamidha was Kanva, whose son was Medhatithi, his other son was Brihadshu, whose son *was* Brinadvasu; his son was Brihatkarman: his son was Jayadratha, his 'son was Vishvajit, his son was Senajit, whose sons were Ruchirashva, Kasya, Dridhadhanush, and Vasahanu. The son of Ruchiraswa was Prithusena: his son was Para; his son was Nipa; he had a hundred sons, of whom Samara, the principal, was the ruler of Kampilya. Samara had three sons, Para, Sampara, Sadashva. The son of Para was Prithu; his son was Sukriti; his son was Vibhratra; his son was Anuha, who married Kritvi, the daughter of Shuka (the son of Vyasa), and had by her Brahmadatta; his son was Vishvaksena; his son was Udaksena; and his son was Bhallata. The son of Dvimidha was Yavinara; his son was Dhritimat; his son was Satyadhriti; his son was Dridhanemi; his son was Suparshva,' his son was Sumati; his son was Sannatimat; his son was Krita, to whom Hiranyanabha taught the philosophy of the Yoga, and he compiled twenty-four Sanhitas (or compendia) for the use of the eastern Brahmins, who study the Sama-Veda. The son of Krita was Ugrayudha, by whose prowess the Nipa race of Kshatriyas was destroyed; his son was Kshemya; his son was Suvira; his son was Nripanjaya; his son was Bahuratha. These were all called Pauravas.

Ajamidha had a wife called Nilini, and by her he had a son named Nila: his son was Santi; his son was Susanti; his son was Purujanu; his son was Chakshu; his son was Haryashva, who had five sons. Mudgala, Srinjaya, Brihadishu. Pravira, and Kampilya. Their father said,"These my five (pancha) sons are able (alam) to protect the countries'; and hence they were termed the Panchalas. From Mudgala descended the Maudgalya Brahmins; he had also a son named Bahvashva, who had two children, twins, a son and daughter, Divodasa and Ahalya.

***

The son of Divodasa was Mitrayu; his son was Chyavana; his son was Sudasa; his son was Saudasa, also called Sahadeva; his son was Somaka; he had a hundred sons, of whom Jantu was the eldest, and Prishata the youngest. The son of Prishata was Drupada; his son was Dhrishtadyumna; his son was Drishtaketu.

Another son of Ajamidha was named Riksha; his son was Samvarana; his son was Kuru, who gave his name to the holy district Kurukshetra; his sons were Sudhanush, Parikshit, and many others. The son of Sudhanush was Suhotra; his son was Chyavana; his son was Kritaka; his son was Uparichara the Vasu, who had seven children Brihadratha, Pratyagra, Kushamba, Mavella, Matsya, and others. The son of Brihadratha was Kusagra; his son was Rishabha; his son was Pushpavat; his son was Satyadhrita; his son was Sudhanvan; and his son was Jantu. Brihadratha had another son, who being born in two parts, which were put together *(sandhita)* by a female fiend named Jara, he was denominated Jarasandha; his son was Sahadeva; his son was Somapi; his son was Srutasravas, These were kings of Magadha."

The immediate ancestry of the three Sudasas is put below in parallel columns to facilitate the settlement of the question whether they are one or three different persons:

	Status in Rig	Veda		Sudas in Vishnu Purana
VII, 18:22	VII, 18:23	Vll 18:25	In the Sagar Family	In the Puru Family
Devavata Pijavana	Pijavana Sudas	Divodasa= Pijavana	Rituparna	Bahvashva
			Sarvakama	Divodasa
Sudas		Sudas		Mitrayu
			Sudas	Chyavana
			Saudasa=	Sudas

			Mitrasaha	Saudasa
				Somaka

From the table two things are as clear as day-light. First is that neither Sudas mentioned in the Vishnu Purana has anything to do with the Sudas mentioned in the Rig Veda. The second point which is clear is that if the Paijavana mentioned in the Mahabharata can be identified with anybody who lived in ancient times it can only be with Sudas mentioned in Rig Veda who was called Paijavana because he was the son of Pijavana which was another name of Divodasa.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_11

Fortunately. for me my conclusion is the same as that of Prof.Weber. In commenting upon the passage in the Shanti Parvan of the Mahabharata on which my thesis is based Prof.Webermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_12 says :

"Here the remarkable tradition is recorded that Paijavana, i.e., Sudas who was so famous for his sacrifices and who is celebrated in the Rig Veda as the patron of Vishvamitra and enemy of Vasishtha, was a Shudra."

Prof.Weber unfortunately did not realize the full significance of this passage. This is another matter. It is enough for my purpose to find that he too thinks that the Paijavana of the Mahabharata is no other than Sudas of the Rig Veda.

Ill

What do we know about Sudas, the Paijavana?

The following particulars are available about him:

1. 1. Sudas was neither Dasa nor Arya. Both the Dasas as well as the Aryas were his enemiesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_13 This means that he was a Vedic Aryan.
2. 2. The father of Sudas was Divodasa. He seems to be the adopted son of Vadhryashva.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_14 Divodasa was a king. He fought

many battles against Turvasas and Yadus,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_15 Shambara,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_16 Parava, and Karanja mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_17 and Gungu.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_18 There was a war between Turyavana and Divodasa and his allies Ayu and Kutsa. The victory went to Turyavana.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_19

It seems that at one time Indra was against him particularly in the battle of Turyavana. His purohita was Bharadvaja,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_20 to whom Divodasa gave many gifts. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_21Bharadvaja seems to have played the part of a traitor by joining Turyavana against Divodasa.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_22

There is no reference to the mother of Sudas. But there is a reference to the wife of Sudas. His wife's name is given as Sudevi. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_23It is said that the Ashvins procured her for Sudas.

3. 3. *Sudas was a king and his coronation ceremony was performed by the Brahma-rishi, Vasistha. The Aitarreya Brahmana gives the following list of the kings who had the Mahabhisheka ceremony performed and the name of the Purohita who officiated at* it.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_24

"With this ceremony Sharyata, the son of Manu, was inaugurated by Chyavana, the son of Bhrigu. Thence Sharyata went conquering all over the earth, and sacrificed the sacrificial horse, and was even at the sacrificial session held by the gods, the house-father."

"With this ceremony Samasushama, the son of Vajaratna, inaugurated Shatanika, the son of Satrajit. Thence Shatanika went conquering everywhere over the whole earth up to its ends, and sacrificed the sacrificial horse."

"With this ceremony Parvata and Narada inaugurated Ambashthya. Thence Ambashthya went conquering everywhere over the whole earth up to its ends, and sacrificed the sacrificial horse."

"With this ceremony Parvata and Narada inaugurated Yudhamasraushti, the son of Ugrasena. Thence Yudhamasraushti went conquering everywhere over the whole earth up to its ends, and sacrificed the sacrificial horse."

"With this inauguration ceremony Kashyapa inaugurated Vishva-karma, the son of Bhuvana. Thence Vishvakarma went conquering everywhere over the whole earth up to its ends, and sacrificed the sacrificial horse."'"They say that the earth sang to Vishvakarma the following stanza:"No mortal is allowed to give me away (as donation). mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_250, Vishva-karma, thou hast given me, (therefore) I shall plunge into the midst of the sea. In vain was thy promise made to Kashyapa.'"

"With this ceremony Vasishtha inaugurated Sudas, the son of Pijavana. Thence Sudas went conquering everywhere over the whole earth up to its ends, and sacrificed the sacrificial horse."

"With this inauguration ceremony Samvarta, the son of Angiras, inaugurated Maruta, the son of Avikshit Thence Maruta went conquering everywhere over the whole earth up to *its* ends, and sacrificed the sacrificial horse."

In this list there is a specific mention of Sudas and of his coronation having been performed by Vasishtha.

Sudas was the heroin the famous Dasharajna Yuddha or the battle of the ten kings described in the *Rig Veda.* References to this famous battle occur in the various Suktas of the Seventh Mandala of the Rig Veda.

Sukta 83 says:

4."Indra and Varuna, you protected Sudas, overwhelming the yet unassailed Bheda with your fatal weapons; hear the prayers of these Tritsus in time of battle, so that my ministration may have borne them fruit."

6."Both (Sudas and the Tritsus) call upon you two, (Indra and Varuna), in combats for the acquirement of wealth, when you defend Sudas,

together with the Tritsus, when attacked by the ten Rajas."

7.”The ten confederated irreligious Rajas did not prevail, Indra and Varuna, against Sudas; the praise of the leaders (of rites), the offerers of sacrificial food, was fruitful; the gods were present at their sacrifices."

9.”One of you destroys enemies in battle, the other ever protects religious observances; we invoke you. showerers (of benefits), with praises; bestow upon us, Indra and Varuna, felicity."

Sukta 33 says:

2.”Disgracing (Pashadyumna), they brought from afar the fierce Indra, when drinking the ladle of Soma at his sacrifice, to (receive) the libation (of Sudas); Indra hastened from the effused Soma of Pashadyumna, the son of Vayata, to the Vasishthas."

3.”In the same manner was he, (Sudas), enabled by them easily to cross the Sindhu river; in the same manner, through them he easily slew his foes; so in like manner, Vasishthas, through your prayers, did Indra defend Sudas in the war with the ten kings."

"Suffering from thirst, soliciting (rain), supported (by the Tritsus) in the war with the ten Rajas, (the Vasishthas) made Indra radiant as the sun; Indra heard (the praises) of Vasishtha glorifying him, and bestowed a spacious region on the Tritsus.”

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Sukta 19 says:

3.”Undaunted (Indra), thou hast protected with all thy protecti-ons Sudas, the offerer of oblations; thou hast protected, in battles with enemies for the possession of the earth, TRASADASYU, the son of PURUKUTSA. and PURU."

6.”Thy favours, Indra, to Sudas, the donor (of offerings), the presenter of oblations, are infinite;showerer (of benefits)I yoke for thee (thy vigorous) steeds; may our prayers, reach thee who art mighty, to whom many rites are addressed."

Sukta 18 of the Seventh Mandala says :

5.”The adorable Indra made the well-known deep waters (of the Parushni) fordable for Sudas, and converted the vehement awakening imprecation of the sacrificer into the calumniation of the rivers."

6.”TURVASHA, who was preceding (at solen rites), diligent in sacrifice, (went to Sudas) for wealth; but like fishes restricted (to the element of water), the Bhrigus and Druhyus quickly assailed them; of these two everywhere going, the friend (of Sudas, Indra) rescued his friend."

7.”Those who dress the oblation, those who pronounce auspicious words, those who abstain from penance, those who bear horns (in their hands), those who bestow happiness (on the world by sacrifice), glorify that Indra, who recovered the cattle of the Arya from the plunderers, who slew the enemies in battle."

8.”The evil-disposed and stupid (enemies of Sudas), crossing the humble Parushni river, have broken down its banks;but he by his greatness pervades the earth, and KAVI. the son of CHAYAMANA, like a falling victim, sleeps (in death)."

9.”The waters followed their regular course to the Parushni, nor (wandered) beyond it; the quick course (of the king) came to the accessible places, and INDRA made the idly-talking enemies, with their numerous progeny, subject among them (to Sudas)."

10.”They who ride on parti-coloured cattle, (the Maruts), despatched by PRISHNI, and recalling the engagement made by them with their friend (Indra), came like cattle from the pasturage, when left without a herdsman; the exulting Niyut steeds brought them quickly (against the foe)."

11.”The hero INDRA created the Maruts (for the assistance of the Raja), who, ambitious of fame, slew one and twenty of the men on the two banks (of the Parushni), as a well looking priest lops the sacred grass in the chamber of sacrifice."

12.”Thou, the bearer of the thunderbolt, didst drown SHRUTA, KAVASHA, VRIDDHA, and afterwards DRUHYU in the waters; for they, Indra, who are devoted to thee, and glorify thee, preferring thy friendship, enjoy it."

13.”Indra, in his might, quickly demolished all their strongholds, and their seven (kinds of) cities; he has given the dwelling of the son of ANU to TRITSU; may we, (by propitiating), (Indra) conquer in battle the ill-speaking man."

14.”The warriors of the ANUS and DRUHYUS. intending (to carry off the) cattle, (hostile) to the pious (SUDAS), perished to the number of sixty-six thousand six hundred and sixty; such are all the glorious acts of INDRA."

15.”These hostile Tritsus, ignorantly contending with INDRA, fled, routed as rapidly as rivers on a downward course, and being discomfited abandoned all their possessions to SUDAS."

16.”INDRA has scattered over the earth the hostile rival of the hero (SUDAS), the senior of INDRA, the appropriator of the oblation; INDRA has baffled the wrath of the wrathful enemy, and the (foe) advancing on the way (against SUDAS) has taken the path of flight."

17.”INDRA has effected a valuable (donation) by a pauper; he has slain an old lion by a goat; he has cut the angles of the sacrificial post with a needle; he has, given all the spoils (of the enemy) to SUDAS."

18.”Thy numerous enemies, INDRA, have been reduced to subjugation,' effect at some time or other the subjugation of the turbulent BHEDA.who holds men praising thee as guilty of wickedness; hurl, INDRA, thy sharp thunderbolt against him."

19.”The dwellers on the Yamuna and Tritsus glorified INDRA when he killed BHEDA in battle; the Ajas, the Shigrus, the Yakshas, offered to him as a sacrifice the heads of the horses killed in the combat"

20.”Thy favours, INDRA, and thy bounties, whether old or new, cannot be counted like the (recurring) dawns; thou hast slain DEVAKA, the son of MANYAMANA and of thine own will hast cast down SHAMBARA from the vast (mountain)."

In this batte the kings who fought against Sudas were: mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_26(1) Shinyu, (2) Turvasha, (3) Druhyu, (4) Kavasha, (5) Puru, (6) Anu, (7) Bheda, (8) Shambara, (9) Vaikama, (10) another Vaikama, (II) Yadu, (12) Matsya, (13) Paktha, (14) Bhalanas, (15) Aleena, (16) Vishanin, (17) Aja, (18) Shiva, (19) Shigru, (20) Yakshu, (21) Yudhyamadhi, (22) Yadva, (23) Devaka Manyamana, (24) Chayamana Kavi, (25) Sutuka, (26) Uchatha, (27) Shruta, (28) Vriddha, (29) Manyu, and (30) Prithu.

Obviously, the war was a much bigger war than its name indicates. The

war must have been a very great event in the history of the Indo-Aryans. No wonder the victorious Sudas became a great hero of his time.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_27 We do not know what exactly led to this war. Some indication is given by Rig Veda, vii.83.7, where the kings arrayed against Sudas are described as irreligious which suggests that it was probably a religious war.

4. 4. Sayanacharya, as well as tradition, declare the following hymns of the Rig Veda to have had the under-mentioned kings for their rishis :

"Vitahavya (or Bharadva)a) x.9, Sindhudvipa, son of Ambarisha (or Trisiras, son of Tvashtri) x.75,Sindhukshit, son of Priyamedha; x.l33, Sudas, son of Pijavana; x.l34, Mandhatri, son of Yuvanasa;x.l79, Sibi, son of Usinara, Pratardana, son of Divodasa and king of Kasi, and Vasumanas, son of Rohidasva; and x.l48 is declared to have had Prithi Vainya."

It will be noticed that in this list there occurs the name of Sudas as a composer of Vedic hymns.

5. 5. Sudas performed Ashvamedha Yajna. There is reference to this in Rig Veda, iii.53.

9."The great *RISHI,* the generator of the gods, attracted by the deities, the overlooker of the leaders (at holy rites), VISHVA-MITRA arrested the watery stream when he sacrificed for SUDAS; INDRA with the *Kushikas,* was pleased."

11."Approach, *Kushikas,* the steed of SUDAS; animate (him), and let him loose to (win) riches (for the raja); for the king (of the gods), has slain VRITRA in the East, in the West, in the North, therefore let (SUDAS) worship him in the best (regions) of the earth."

6. 6. *Sudas was known for charity to the Brahmins who called him Atithigva (the doyen) of Philanthrophists. How the Brahmins have praised him for his philanthrophy appears from the following references in the Rig Veda:*

i.47.6."0, impetuous Ashvins, possessing wealth in your car, bring sustenance to Sudas. Send to us from the (aerial) ocean, or the sky, the riches which are much coveted."

i.63.7."Thou didst then, 0,thundering Indra, war against, and shatter, the seven cities for Purukutsa, when thou, 0 king, didst without effort

hurl away distress from Sudas like a bunch of grass, and bestow wealth on Puru."

i. 112.19."Come, 0 Ashvins, with those succours whereby ye brought glorious power to Sudas."

vii. 19.3."Though, 0 fierce Indra, hast impetuously protected Sudas, who offered oblations, with every kind of succour. Thou hast preserved Trasadasyu the son of Purukutsa, and Puru in his conquest of land and in his slaughter of enemies."

vii.20.2"Indra growing in force slays Vritra; the hero protects him who praises him; he makes room for Sudas (or the liberal sacrificer- Sayana); he gives riches repeatedly to his worshippers."

vii.25.3."Let a hundred succours come to Sudas, a thousand desirable (gifts) and prosperity. Destroy the weapon of the murderous. Confer renown and wealth on us."

vii.32.10."No one can oppose or stop the chariot of Sudas. He whom Indra, whom the Marutas, protect, walks in a pasture filled with cattle."

vii.53.3."And ye, 0, Heaven and Earth, have many gifts of wealth for Sudas."

vii.60.8."Since Aditi, Mitra, and Varuna, afford secure protection to Sudas (or the liberal man), bestowing on him offspring—may we not, 0 mighty deities, commit any offence against the gods ... May Aryaman rid us of our enemies. (Grant) ye vigorous gods, a wide space to Sudas."

These are the biographical bits regarding Paijavana referred to in the Shanti Parvan of the Mahabharata gleaned from the most authentic source, namely, the Rig Veda. From the Rig Veda, we know that his real name was Sudas, that he was a Kshatriya. He was more than a Kshatriya. He was a king and a mighty king. To this, the Mahabharata adds a fresh and a new detail, namely that he was a Shudra. A Shudra to be an Aryan, a Shudra to be a Kshatriya and a Shudra to be a king!! Can there be a greater revelation? Can there be anything more revolutionary?

This search for .biographical details may be closed with a discussion of three important questions: .Was Sudas an Aryan? If Sudas is,an Aryan what is the tribe to which he belonged? If Sudas is a Shudra, what does Shudra signify?

It might be well to begin with the second. For the determination of this question it is possible to derive some assistance from certain reference in the Rig Veda. The Rig Veda mentions many tribes, most important of which are Tritsus, Bharatas, Turvasas, Durhyus, Yadus, Purus and Anus. But according to the references in the Rig Veda there are only three with whom Sudas was connected. They are Purus, Tritsus and the Bharatas. It is enough to confine ourselves to these three and to find out if possible to which of these tribes he belonged. The most important stanzas bearing on the relation between Tritsus and Sudas are the Rig Veda, i.63.7; i. 130.7; vii.l8.15; vii.33.5;vii.33.6; vii.83:4,6.

In i.63,7,Divodasa is spoken of as the king of the Purus and in i.130.7, Divodasa is spoken of as Paurve, i.e., belonging to the Purus.

Rig Veda,vii.l8.15 and vii.83.6, suggest that Sudas was not a Tritsu. The first suggests that Sudas raided the camp of Tritsus who ran away and Sudas took possession of their wealth. The second suggests that Tritsus and Sudas were on one side in the war against the ten kings, but they are shown as separate. But in vii.35.5 and in vii.83.4, Sudas becomes fully identified with Tritsus; indeed, in the former Sudas becomes a king of the Tritsus.

On this question of the relation between the Tritsus and the Bharatas and between them and Sudas, we have as our evidence Rig Veda, vii.33.6 and v. 16.4, 6, 19. According to the first, Tritsus are the same as the Bharatas. According to the second, Divodasa the father of Sudas is spoken of as belonging to the Bharatas.

From these references one thing is certain that the Purus, Tritsus and Bharatas were either different branches of one and the same folk or that they were different tribes, who in the course of time became one people, folk. This is not impossible. The only question is: assuming they were different, to whom did Sudas originally belong? To the Purus, the Tritsus or to the Bharatas? Having regard to the connection of the Purus and the Bharatas with Divodasa, his father, it seems natural to suppose that Sudas originally belonged either to the Purus or to the, Bharatas—which, iris difficult to say.

Whether he belonged to the Purus or not, there is no doubt that Sudas belonged to the Bharatas if regard is had to the fact that his father Divodasa is spoken of as belonging to the Bharatas. The next question is: who were these Bharatas and whether they are the people after whom

India got the name Bharata Bhumi or the land of the Bharatas. This question is important because most people are not aware of the true facts. When Hindus talk of the Bharatas they have in mind the Daushyanti Bharatas, Bharatas descended from Dushyanta and Shakuntala and who fought the war which is described in the Mahabharata. Not only are they not aware of any other Bharatas but they believe that the name Bharata Bhumi which was given to India was given after the Daushyanti Bharatas.

There are two Bharatas quite distinct from each other. One tribe of the Bharatas are the Bharatas of the Rig Veda, who were descended from Manu and to whom Sudas belonged. The other tribe of Bharatas are the Daushyanti Bharatas. What is more important is that if India has been named Bharata Bhumi it is after the Bharatas of the Rig Veda and not after the Daushyanti Bharatas. This is made clear by the following stanzas from the Bhagavata Purana:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_28

Priyamvadho nama sutho manoh swayambhuvasya ha !

Thasyagnigrasthatho nabhitrishbhashcha suthasthathah !!

Avatheerana puthrashatham thasyasidrahaychaparagham !

Vikyatham varshamethaghyannaamnaa bharathamuthapram !!

"Manu, the son of Syavambhu, had a son named Priyamvada; his son was Agnidhra: his son was Nabhi: he had a son Rishabha. He had a hundred sons born to him, all learned in the Veda; of them, Bharata was the eldest, devoted to Narayana, by whose name this excellent land is known as Bharata."

This shows to what illustratious line of kings this Shudra Sudas belonged.

The next thing to find out is whether Sudas was an Aryan. The Bharatas were of course Aryans and therefore Sudas must have been an Aryan. If reference is had to Rig Veda, vii. 18.7, this connection with the Tritus to the Aryans seems to throw some doubt on his Aryan origin. This stanza says that Indra rescued the cows of the Aryas from the Tritus and killed the Trtsus, thereby suggesting that the Tritsus were the enemies of the Aryas. Griffiths is very much perturbed by the Tritsus being shown as non-Aryans which is the result of a literal translation of the stanza, and to

avoid it he understands cows to mean comrade.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_29 This of course is unnecessary if one bears in mind that the Rig Veda contains the story of two sorts of Aryas, whether differing in race or religion, it is difficult to say. Interpreted in the light of this fact, all that the stanza means is that at the time when it was written the Tritsus had not become Aryans by religion. It does not mean that they were not Aryans by race. It is therefore indisputable that Sudas, whether taken as a Bharata or as a Tritsu was an Aryan.

And now to the last question, though it is by no means the least. What does Shudra signify? In the light of this new discovery that Sudas was a Shudra, the word now stands in a totally different light. To old scholars to whom the word was just the name of a servile and aboriginal class this new discovery must come as a surprise for which their past researches cannot possibly furnish an answer. As for myself, I am in no better position. The reason is that the social organisation of the Vedic Aryans has-yet to be studied. We know from the study of primitive societies that they are organised in groups and they act as groups. The groups are of various sons. There are clans, phratries, moieties and tribes. In some cases, the tribe is the primary unit, in others it is the clan, in others the phratry. In some cases tribes are sub-divided into clans. In other cases there are no clans. It is a single clanless tribe.

The clan embraces the descendants of a single ancestor held together by a sense of common descent. Clans often become associated through common social and ceremonial interests into major units, called phratries or brotherhoods of clans. The bond within the phratry may be relatively loose, that is, the association may not imply more than an informal feeling of preferential friendship. The phratry may become a moiety in which each clan is recognised as part of one of two major units. But moieties may occur without any sub-division, that is, the entire clan may consist of two clans. All these organisations whether it is a clan, a phratry, a moiety or a tribe, are all based on the tie of kinship.

The Vedic Aryans had no doubt some such forms of social organisation. That is clear from the nomenclature. As pointed out by Prof. Senart :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_30

"The Vedic hymns are all too indefinite concerning the details of external and social life. We at least see from them that the Aryan

population was divided into a number of tribes or small peoples *(janas),* subdivided into clans united by the ties of kinship *(visas),* which in their turn were split up into families. The terminology of the Rig Veda, is in this respect somewhat indecisive, but the general fact is clear. *Sajata,* that is to say, kinsman' or 'fellow in *Jati,'* of race, seems in the Atharva-Veda to denote fellow in clan *(vis).* Jana, which assumes a wider significance, recalls the Avestic equivalent of the clan, the *zantu,* and the *jati* or caste. A series of terms, vra, *vrijana, vraja, vrata,* appear to be synonyms or subdivisions either of the clan or of the tribes. The Aryan population then lived, at the epoch to which the hymns refer, under the rule of an organisation dominated by the traditions of the tribe and the lower or similar groupings. The very variety of names indicates that -this organisation was somewhat unsettled."

We have, however, no information to determine which of these corresponds to the clan, which to the phratry and which to the tribe. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_31That being so, it is difficult to say whether Shudra was the name of a clan, a phratry or a tribe. It is, however, interesting to refer to the view of Prof. Weber when he comments on the passage from the Satapatha Brahmana (i.1.4.12) where it says that different modes of address should be adopted inviting the sacrificer to proceed with the sacrifice, addressing him as 'come' if he is a Brahmin, 'hasten hither' if he is a Kshatriya, 'hasten hither' if he is a Vaishya and 'run hither' if he is a Shudra. Prof.Weber says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_32

"The entire passage is of great importance, as it shows (in opposition to what Roth says in the first Volume of this Journal, p. 83) that the Shudras were then admitted to the holy sacrifices of the Aryans, and understood their speech, even if they did not speak it. The latter point cannot certainly be assumed as a necessary consequence, but it is highly probable and I consequently incline to the view of those who regard the Shudras as an Aryan tribe which immigrated into India before the others."

His conclusion that the Shudras were Aryans hits the nail squarely on the head. The only point of doubt is whether the Shudras were a tribe. That they were Aryans and Kshatriyas is beyond doubt.

CHAPTER VIII

THE NUMBER OF VARNAS, THREE OR FOUR?

THAT there were from the very beginning four *Varnas* in the Indo-Aryan society is a view which is universally accepted by all classes of Hindus, and also by European scholars. If the thesis advanced in the last chapter, namely, that the Shudras were Kshatriyas is accepted, then it follows that this theory is wrong and that there was a time when there were only three *Varnas* in the Indo-Aryan society, viz.. Brahmins, Kshatriyas and Vaishyas. Thus, the thesis, while it solves one problem, at the same time creates another. Whether anybody else sees the importance of this problem or not, I do. Indeed, I am aware of the fact that unless I succeed in proving that there were originally only three *Varnas,* my thesis that the Shudras were Kshatriyas may not be said to be proved beyond the shadow of a doubt.

While it is unfortunate that I should have landed on a thesis, which, while holding out a promise of solving the problem, creates another, I feel fortunate in having strong and cogent evidence to show that there were originally only three Vamas among the Indo-Aryans.

The first piece of evidence I rely upon is that of the Rig Veda itself. There are some scholars who maintain that the Varna system did not exist in the age of the Rig Veda. This statement is based on the view that the Purusha Sukta is an interpolation which has taken place long after the Rig Veda was closed. Even accepting that the Purusha Sukta is a later interpolation, it is not possible to accept the statement that the Varna system did not exist in the time of the Rig Veda. Such a system is in open conflict with the text of the Rig Veda. For, the Rig Veda, apart from the Purusha Sukta, does mention Brahmins, Kshatriyas and Vaishyas not once but many times. The Brahmins are mentioned as a separate *Varna* fifteen times, Kshatriyas nine times. What is important is that the Rig Veda does not mention Shudra as a separate Varna. If Shudras were a separate *Varna* there is no reason why the Rig Veda should not have mentioned them. The true conclusion to be drawn from the Rig Veda is not that the Varna system did not exist, but that there were only three *Varnas* and that Shudras were not regarded as a fourth and a separate *Varna.*

The second piece of evidence I rely on is the testimony of the two Brahmanas, the Satapatha and the Taittiriya. Both speak of the creation of

three *Varnas* only. They do not speak of the creation of the Shudras as a separate.

The Satapatha Brahmana says :*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_33

11.1.4.11.—"(Uttering), 'butgh', Prajapati generated this earth. (Uttering) 'bhuvah' he generated the air, and (Utering) 'svah' he generated the sky. This universe is co-extensive with these worlds. (The fire) is placed with the whole. Saying 'bhuh', Prajapali generated the Brahman; saying 'bhuvah', he generated the Kshattra; (and saying) 'svah', he generated the Vis. The fire is placed with the whole. (Saying) 'bhuh', Prajapati generated himself; (saying) bhuvah', he generated offspring : saying 'svah', he generated animals. This world is so much as self, offspring, and animals. (The fire) is placed with the whole."

The Taittirya Brahmana says

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111.12.9.2.—"This entire (universe) has been created by Brahma. Men say that the Vaishya class was produced from *ric* verses. They say that the Yajur Veda is the womb from which the Kshattriya was born. The Sama Veda is the source from which the Brahmins sprang. This word the ancients declared to the ancients."

Here is my evidence. It consists of an inference from the Rig Veda and two statements from two Brahmanas which in point of authority are co-equal with the Vedas. For both are Shruti both say in definite and precise terms that there were only three *Varnas*. Both agree that the Shudras did not form a separate and a distinct *Varna,* much less the fourth *Varna.* There cannot, therefore, be better evidence in support of my contention that there were originally only three *Varnas* that the Shudras were only a part of the second *Varna.*

II

Such is my evidence. On the other side, there is, of course, the evidence contained in the Purusha Sukta of the Rig Veda, which maintains that

there were four *Varnas* from the very beginning. The question now is : which of the two should be accepted as the correct? How is this question to be decided? It cannot be decided by applying the rules of Mimamsa. If we did apply it, we will have to admit that both the statements, one in the Purusha Sukta that there were four *Varnas* and the statement in the two Brahmanas that there were three *Varnas,* are true. This is an absurd position. We must decide this matter in the light of the canons of historical criticism, such as sequence of time and intrinsic criticism, etc. The main question is whether the Purusha Sukta is a later composition added to the original Rig Veda. The question has been dealt with on the basis of the language of the Sukta as compared with the language of the rest of the Rig Veda. That it is a late production is the opinion of all scholars. This is what Colebrooke says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_35

> "That remarkable hymn (the Purusha Sukta) is in language, metre, and style, very different from the rest of the prayers with which it is associated. It has a decidedly more modern tone; and must have been composed after the Sanskrit language had been refined, and its grammar and rhythm perfected. The internal evidence which it furnishes serves to demonstrate the important fact that the compilation of the Vedas, in their present arrangement, took place after the Sanskrit tongue had advanced from the rustic and irregular dialect in which the multitude of hymns and prayers of the Veda was composed, to the polished and sonorous language in which the mythological poems, sacred and profane (puranas and kavyas), have been written."

In the opinion of Prof.Max Muller :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_36

"There can belittle doubt, for instance, that the 90th hymn of the 10th book... is modern both in its character and in its diction. It is full of allusions to the sacrificial ceremonials, it uses technically philosophical terms, it mentions the three seasons in the order of Vasanta, spring, Grishma, summer and Sharad, autumn; it contains the only passage in the Rig Veda where the four castes are enumerated. The evidence of language for the modem date of this composition is equally strong. Grishma, for instance, the name for

the hot season, does not occur in any other hymn of the Rig Veda; and Vasanta also, the name of spring does not belong to the earliest vocabulary of the Vedic poets. It occurs but once more in the Rig Veda (x. 161.4), in a passage where the three seasons are mentioned in the order of Sharad, autumn; Hemanta, winter; and Vasanta, spring."

Prof.Weber observes

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"That the Purusha Sukta, considered as a hymn of the Rig Veda, is among the latest portions of that collection, is clearly perceptible from its contents. The fact that the Sama Samhita has not adopted any verse from it, is not without importance (compare what I have remarked in my Academical Prelections). The Naigeya school, indeed, appears (although it is not quite certain) to have extracted the first five verses in the seventh prapathaka of the first Archika, which is peculiar to it."

III

This is one line of argument. There is also another line of argument which also helps us to determine whether the Purusha Sukta is an earlier or later production. For this it is necessary to find out how many Samhitas of the Vedas have adopted the Purusha Sukta. Examining the different Vedas and the Samhitas, the position is as follows:

The Sama Veda produces only 5 verses from the Purusha Sukta. As to the White Yajur Veda, the Vajasaneyi Samhita includes it but the difference between the two is great. The Purusha Sukta, as it stands, in the Rig Veda, has only 16 verses. But the Purusha Sukta in the Vajasaneyi Samhita has 22 verses. Of the Black Yajur Veda there are three Samhitas available at present. But none of the three Samhitas, the Taittiriya, the Katha and the Maitrayani, gives any place to the'Purusha Sukta. The Atharva Veda is the only Veda which contains a more or less exact reproduction of the Purusha Sukta of the Rig Veda.

The text of the Purusha Sukta, as it occurs in the different Vedas, is not

uniform. The six additional verses of the Vajasaneyi Samhita are special to it and are not to be found in the text as it occurs in the Rig Veda, the Sama Veda or the Atharva Veda. There is another difference which relates to verse 16. The 16th verse of the Rig Veda is to be found neither in the Atharva Veda nor in the Sama Veda nor in the Yajur Veda. Similary, the 16th verse of the Atharva Veda is to be found neither in the Rig Veda nor in the Yajur Veda. Of the fifteen verses, which are common to the three Vedas, their texts are not identical. Nor is the order in which the verses stand in the three Vedas the same as may be seen from the following table :

Yajur Veda	*Rig Veda*	*Sama Veda*	*Atharva Veda*
1	1	3	1
2	2	5	4
3	3	6	3
4	4	4	2
5	5	7	9
6	8	*	10
7	9	*	11
8	10	*	14
9	7	*	13
10	11	*	12
11	12	*	5
12	13	*	6
13	14	*	7
14	6	*	8
15	15	*	15
16	16	*	16mk:@MSITStore:

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17	mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_39	*	*
18	*	*	*
19	*	*	*
20	*	*	*
21	*	*	*
22	*	*	*

* Means that these Verses are not to be found.

The point is that if the Purusha Sukta had been an old, hoary text, sanctified by ancient tradition, could the other Vedas have taken such a liberty with it? Could they have changed it and chopped it as they have done?

The place of the Purusha Sukta in the hymns of the different Vedas is also very significant. In the Rig Veda it occurs in the miscellaneous part and in the Atharva Veda it occurs in what is known as the supplementary part. If it was the earliest composition of the Rig Veda, why should it have been placed in such inconsequential collection? What do these points suggest? They suggest that :

(1) (1) If the Purusha Sukta was not incorporated in the Taittiriya, Kathaka and Maitrayani Samhitas of the Black Yajur Veda, it

follows, that the Purusha Sukta was added to the Rig Veda after the Taittiriya Samhita, the Kathaka Samhita, the Maitrayana Samhita of the Black Yajur Veda.

(2) (2) That it had to be put in the miscellaneous and supplementary portions of the Vedas shows that it was composed at a later stage.

(3) (3) That the freedom which the authors of the different Samhitas took in adding, omitting and. recording the verses shows that they did not regard it as an ancient hymn, which they were bound to reproduce in its exact original form.

These points go a long way in furnishing corroborative evidence in support of the views held by Prof. Max Muller and others that the Purusha Sukta is a later interpolation.

IV

The difference in the form of the stanzas in the Purusha Sukta is also very noteworthy. Anyone who reads the Purusha Sukta will find that except for these two verses, viz., 11 and 12, the whole of it is in the narrative form. But the two verses, which explain the origin of the four Varnas, are in the form of question and answer. The point is : Why should these verses be introduced in a question form breaking the narrative form? The only explanation is that the writer wanted to introduce a new matter and in a pointed manner. This means that not only the Purusha Sukta is a later addition to the Rig Veda, but these particular verses are much later than even the Purusha Sukta.

Some critics have gone to the length of saying that the Purusha Sukta is a forgery by the Brahmins to bolster up their claim to superiority. Priests are known to have committed many forgeries. The Donations of Constantine and Pseudo-Isidore Decretals are well known forgeries in the history of the Papacy. The Brahmins of India were not free from such machinations. How they changed the original word 'Agre' into 'Agne' to make Rig Veda give support to the burning of widows has been pointed out by no less an authority than Prof.Max, Muller. It is well-known how in the time of the East India Company a whole Smriti was fabricated to support the case of a plaintiff. There is, therefore, nothing surprising if the Brahmins did forge the Purusha Sukta, if not the whole, at least the two versus II and 12, at some later stage, long after the fourth *Varna* had come into being, with a view to give the system of *Chaturvarnya* the sanction of the Veda.

V

Is the Purusha Sukta earlier than the Brahmanas? This question is distinct and separate from the first. It may be that the Purusha Sukta belongs to the later part of the Rig Veda. Yet, if the Rig Veda as a whole is earlier than the Brahmanas, the Purusha Sukta would still be earlier than the Brahmanas. The question, therefore, needs to be separately considered.

It is Prof. Max Muller's view that in the growth of the Vedic literature the order was Vedas, then Brahmanas and thereafter the Sutras. If this proposition was adopted, it would mean that the Purusha Sukta must be earlier than the Brahmanas. Question is : Can Prof. Max Muller's proposition be accepted as absolute? If it was accepted as absolute, the proposition would lead to two conclusions:

(1) (1) That in the time of the Rig Veda there were four *Varnas* and at the time of the Satapatha Brahmana they became three; or

(2) (2) that the tradition is not completely recorded in the Satapatha Brahmana.

It is obvious that both these conclusions are absurd and must be rejected. The first is absurd on the face of it. The second is untenable because the theory of the evolution of *Varnas* by the two Brahmanas is different from that set out in the Purusha Sukta and is complete in itself. The absurdity of the result is inevitable if one were to take Max Muller's proposition as absolute. The proposition cannot be taken as absolute to mean that no Brahmana was composed until all the Samhitas had come into being. On the other hand, it is quite possible as pointed out by Professors Belvalkar and Ranade that most of these compositions are composite and synchronous and, therefore, one part of the Vedas can be earlier than another part and that a part of the Brahmanas can be earlier than parts of the Vedas. If this is a correct view then there is nothing inherently improbable in holding that the parts of the Satapatha Brahmana and of the Taittiriya Brahmana, which record the legend that there were at one time only three *Varnas,* are earlier than the Purusha Sukta of the Rig Veda.

What is the conclusion which follows from this examination of the Purusha Sukta? There is only one conclusion, that the Sukta is an addition to the Rig Veda made at a later stage and is, therefore, no argument that

there were four Varnas from the very beginning of the Aryan Society.

For the reasons given above, it will be seen that my thesis about the origin of the Shudras' creates no problem such as the one mentioned in the beginning of this Chapter. If it did appear to create a problem, it was because of the assumption that the Purusha Sukta was an authentic and genuine record of what it purports to say. That assumption has now been shown to be quite baseless. I, therefore, see no difficulty in concluding that there was a time when the Aryan Society had only three *Varnas* and the Shudras belonged to the second or the Kshatriya *Varna.*

CHAPTER IX

BRAHMINS *VERSUS* SHUDRAS

THE thesis that the Shudras were Kshatriyas and that if they became the fourth *Varna* it was because they were degraded to that position does not wholly solve the problem. It only raises another problem. This problem is why were the Shudras degraded?

The problem is new. It has never been raised before. The existing literature on the subject cannot, therefore, be expected to contain an answer. The question is raised by me for the first time. As it is a question on which my theory of the Shudras rests, the burden of giving a satisfactory answer must rest on me. I believe, I can give a satisfactory answer to this question. My answer is that the degradation of the Shudras is the result of a violent conflict between the Shudras and the Brahmins. Fortunately for me, there is abundant evidence of it.

I

There is direct evidence of a violent conflict between the Shudra king, Sudas and Vasishtha, the Brahmin rishi. The facts relating to this conflict however are stated in a very confused manner. In the narration which follows, I have made an attempt to state them in a neat and an orderly fashion.

To understand the nature of the conflict, it is necessary first to understand the relations between Vasishtha and Vishvamitra.

Vasishtha and Vishvamitra were enemies and were enemies first and enemies last. There was no incident to which one of them was a party in

which the other did not know himself as an opponent. As evidence of their enmity, I will refer to some of the episodes. The first one is that of Satyavrata otherwise called Trishanku. The story as told in the Harivamsha* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_40 is as follows:

"Meanwhile Vasishtha, from the relation subsisting between the king (Satyavrata's father) and himself, as disciple and spiritual preceptor, governed the city of Ayodhya, the country, and the interior apartments of the royal palace. But Satyavrata, whether thorough folly or the force of destiny, cherished constantly an increased indignation against Vasishtha, who for a (proper) reason had not interposed to prevent his exclusion from the royal power by his father."The formulae of the marriage ceremonial are only binding,' said Satyavrata, 'when the seventh step has been taken, and this had not been done when I seized the damsel; still Vasishtha, who knows the precepts of the law, does not come to my aid.' Thus Satyavrata was incensed in his mind against Vasishtha, who, however had acted from a sense of what was right. Nor did Satyavrata understand (the propriety of) that silent penance imposed upon him by his father... When he had supported this arduous rite, (he supposed that) he had redeemed his family position. The venerable muni Vasishtha did not, however, (as has been said), prevent his father from setting him aside, but resolved to install his son as king. When the powerful prince Satyavrata had endured the penance for twelve years, he beheld, when he was without flesh to eat, the milch cow of Vasishtha which yielded all objects of desire, and under the influence of anger, delusion, and exhaustion, distressed by hunger, and failing in the ten duties he slew... and both partook of her flesh himself, and gave it to Vishvamitra's sons to eat. Vasishtha hearing of this, became incensed against him and imposed on him the name of Trishanku as he had committed three sins. On his return home, Vishvamitra was gratified mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_41 by the support which his wife had received, and offered Trishanku the choice of a boon. When this proposal was made, Trishanku chose his boon of ascending bodily to heaven. All apprehension from the twelve years' drought being now at an end, the muni (Vishvamitra) installed Trishanku in his father's kingdom and offered sacrifice on his behalf. The mighty Kaushika then, in spite of the resitance of the gods and of Vasishtha exalted the king alive to heaven."

The next episode in which they appear on opposite sides is that of

Harishchandra, the son of Trishanku. The story is told in the Vishnu Purana and in the Markandeya Purana. The following account is given mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_42 The story runs :

"On one occasion, when hunting, the king heard a sound of female lamentation which proceeded, it appears, from the sciences who were becoming mastered by the austerely fervid sage Vishvamitra, in a way they had never been before by anyone else; and were consequently crying out in alarm at his superiority. For the fulfilment of his duty as a Kshatriya to defend the weak, and inspired by the god Ganesha, who had entered into him, Harishchandra exclaimed"What sinner is this who is binding fire in the hem of his garment, while I, his lord, am present, resplendent with force and fiery vigour? He shall to-day enter on his long sleep, pierced in all his limbs by arrows, which, by their discharge from my bow, illuminate all the quarters of the firmament.' Vishvamitra was provoked by this address. In consequence of his wrath the Sciences instantly perished, and Harishchandra, trembling like the leaf of an ashvattha tree, submissively represented that he had merely done his duty as a king, which he defined as consisting in the bestowal of gifts on eminent Brahmins and other persons of slender means, the protection of the timid, and war against enemies. Vishvamitra hereupon demands a gift as a Brahmin intent upon receiving one. The king offers him whatsoever he may ask: Gold, his own son, wife, body, life, kingdom, good fortune. The saint first requires the present for the Rajasuya sacrifice. On this being promised, and still more offered, he asks for the empire of the whole earth, including everything but Harishchandra himself, his wife, and son, and his virtue which follows its possessor wherever he goes. Harishchandra joyfully agrees. Vishvamitra then requires him to strip off all his ornaments, to clothe himself in the bark of trees, and to quit the kingdom with his wife Shaivya and his son. When he is departing, the sage stops him and demands payment of his yet unpaid sacrificial fee. The king replies that he has only the persons of his wife, his son and himself left. Vishvamitra insists that he must nevertheless pay, and that unfulfilled promises of gifts to Brahmins bring destruction. The unfortunate prince, after being threatened with a curse, engages to make the payment in a month; and commences his journey with a wife unused to such fatigues, amid the universal lamentations of his subjects. While he lingers, listening to their affectionate remonstrances against his desertion of his kingdom,

Vishvamitra comes up, and being incensed at the delay and the king's apparent hesitation, strikes the queen with his staff, as she is dragged on by her husband. Harishchandra then proceeded with his wife *and* little son to Benares, imagining that the divine city, as the special property of Siva, could not be possessed by any mortal. Here he found the relentless Vishvamitra waiting for him, and ready to press his demand for the payment of his sacrificial gift, even before the expiration of the full period of grace. In this extremity, Shaivya the queen suggests with a sobbing voice that her husband should sell her. On hearing this proposal Harishchandra swoons, then recovers, utters lamentations and swoons again, and his wife seeing his sad condition, swoons also. While they are in a state of unconsciousness their famished child exclaims in distress. 'O, father, give me bread; 0, mother, mother, give me food; hunger overpowers me and my tongue is parched.' At this moment Vishvamitra returns, and after recalling Harishchandra to consciousness by sprinkling water over him, again urges payment of the present The king again swoons, and is again restored. The sage threatens to curse him if his engagement is not fulfilled by sunset. Being now pressed by his wife, the king agrees to sell her, adding, however. If my voice can utter such a wicked word, I do what the most inhuman wretches cannot perpetrate.' He then goes into the city, and in self-accusing language offers his queen for sale as a slave. A rich old Brahmin offers to buy her at a price corresponding to her value, to do his household work. Seeing his mother dragged away the child ran after her, his eyes dimmed with tears, and crying 'mother.' The Brahmin purchaser kicked him when he came up; but he would not let his mother go, and continued crying 'mother, mother.' The queen then said to the Brahmin, 'Be so kind, my master, as to buy also this child, as without him I shall prove to thee but a useless purchase. Be thus merciful to me in my wretchedness, unite me with my son, like a cow to her calf.' The Brahmin agrees : Take this money and give me the boy.' After the Brahmin had gone out of sight with his purchases. Vishvamitra again appeared and renewed his demands : and when the afflicted Harishchandra offered him the small sum he had obtained by the sale of his wife and son, he angrily replied. If, miserable Kshatriya, thou thinkest this a sacrificial gift befitting my deserts, thou shall soon behold the transcendent power of my ardent austrere-fervour of my terrible majesty, and of my holy study,' Harishchandra promises an additional gift, and Vishvamitra allows him the remaining quarter of the day for its liquidation. On the terrified and afflicted prince offering himself for sale, in order to gain the means of

meeting this cruel demand, Dharma (Righteousness) appears in the form of a hideous and offensive chandala, and agrees to buy him at his own price, large or small. Harishchatidra declines such a degrading survitude, and declares that he would rather be consumed by the fire of his persecutor's curse than submit to such a fate. Vishvamitra, however, again comes on the scene, asks why he does not accept the large sum offered by the Chandala, and when he pleads in excuse his descent 'from the solar race, threatens to fulminate a curse against him if he does not accept that method of meeting his liability. Harishchandra implores that he may be spared this extreme of degradation, and offers to become Vishvamitra's slave in payment of the residue of his debt; whereupon the sage rejoins, if thou art my slave, then I sell thee as such to the Chandala for a hundred millions of money.' The Chandala, delighted pays down the money, and carries off Harishchandra bound, beaten, confused, and afflicted, to his own place of abode. Harishchandra is sent by the Chandala to steal grave clothes in a cemetery and is told that he will receive two-sixths of the value for his hire; three-sixths going to his master, and one-sixth to the king. In this horrid spot, and in this degrading occupation he spent in great misery twelve months, which seemed to him like a hundred years. He then falls asleep and has a series of dreams suggested by the life he had been leading. After he awoke, his wife came to the cemetery to perform the obsequies of their son, who had died from the bite of a seipent At first, the husband and wife did not recognise each other, from the change in appearance which had been wrought upon them both by their miseries. Harishchandra, however, soon discovered from the tenor of her lamentations that it is his wife, and falls into a swoon; as the queen does also when she recognises her husband. When consciousness returns they both break out into lamentations, the father bewailing in a touching strain the loss of his son, and the wife, the degradation of the king. She then falls on his neck, embraces him and asks 'whether all this is a dream, or a reality, as she is utterly bewildered'; and adds, that”if it be a reality, then righteousness is unavailing to those who practise it.”After hesitating to devote himself to death on his son's funeral pyre without receiving his master' leave. Harishchandra resolves to do so, braving all the consequences and consoling himself with the hopeful anticipation. If I have given gifts and offered sacrifices and gratified my religious teachers, then may I be reunited with my son and with thee (my wife) in another world.' The queen determines to die in the same manner. When Harishchandra, after placing his son's body on the funeral pyre, is

meditating on the Lord Hari Narayana Krishna, the supreme spirit, all the gods arrive, headed by Dharma (Righteousness), and accomapanied by Vishvamitra. Dharma entreats the king to desist from his rash intention; and Indra announces to him that, he, his wife, and son have conquered heaven by their good works. Ambrosia, the antidote of death, and flowers are rained by the gods from the sky; and the king's son is restored to life and the bloom of youth. The king adorned with celestial clothing and garlands, and the queen, embrace their son. Harishchandra, however, declares that he cannot go to heaven till he has received his master the Chandala's permission, and has paid him a ransom. Dharma then reveals to the king that it was he himself who had miraculously assumed the form of a Chandala. The king next objects that he cannot depart unless his faithful subjects, who are sharers in his merits, are allowed to accompany him to heaven, at least for one day. This request is granted by Indra; and after Vishvamitra has inaugurated Rohitashva the king's son to be his successor. Harishchandra, his friends and followers, all ascend in company to heaven. Even after this great consummation, however, Vasishtha, the family priest of Harishchandra, hearing, at the end of a twelve years' abode in the waters of the Ganges, an account of all that has occurred, becomes vehemendy incensed at the humiliation inflicted on the excellent monarch, whose virtues and devotion to the gods and Brahmins he celebrates, declares that his indignation had not been so greatly roused even when his own hundred sons had been slain by Vishvamitra, and in the following words dooms the latter to be transformed into a crane : 'Wherefore that wicked man, enemy of the Brahmins, smitten by my curse, shall be expelled from the society of intelligent beings, and losing his understanding shall be transformed into a Baka.' Vishvamitra reciprocates the curse, and changes Vasishlha into a bird of the species called Ari. In their new shapes the two have a furious fight, the Ari being of the Portentous height of two thousand yojanas= 18,000 miles, and the Baka of 3090 yojanas. They first assail each other with their wings; then the Baka smites his antagonist in the same manner, while the Ari strikes with his talons. Falling mountains, overturned by the blasts of wind raised by the flapping of their wings, shake the whole earth, the waters of the ocean overflow, the earth itself, thrown off its perpendicular slopes downwards to Patala, the lower regions. Many creatures perished by these various convulsions. Attracted by the dire disorder, Brahma arrives, attended by all the gods, on the spot, and commands the combatants to desist from their fray. They were too fiercely infuriated to

regard this injunction; but Brahma put an end to the conflict by restoring them to their natural forms and counselling them to be reconciled."

The next episode in which they came in as opponents is connected with Ambarisha, king of Ayodhya :

"The storymk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_43 relates that Ambarisha was engaged in performing a sacrifice, when Indra carried away the victim. The priest said that this ill-omened event had occurred owing to the king's bad administration; and would call for a great expiation, unless a human victim could be produced. After a long search the royal-rishi (Ambarisha) came upon the Brahmin rishi, Richika, a descendant of Bhrigu, and asked him to sell one of his sons for a victim, at the price of a hundred thousand cows. Richika answered that he would not sell his eldest son and his wife added that she would not sell the youngest; 'youngest sons' she observed, 'being generally the favourites of their mothers.' The second son, Shunasshepa, then said that in that case he regarded himself as the one who was to be sold, and desired the king to remove him. The hundred thousand cows, with ten millions of gold pieces and heaps of jewels, were paid down and Shunasshepa carried away. As they were passing through Pushkara, Shunasshepa beheld his maternal uncle Vishvamitra who was engaged in austerities there with other rishis, threw himself into his arms, and implored his assistance, urging his orphan, friendless and helpless state, as claims on the sage's benevolence. Vishvamitra soothed him; and pressed his own sons to offer themselves as victims in the room of Shunasshepa. This proposition met with no favour from Madhushyanda and the other sons of the royal hermit, who answered with haughtiness and derision: 'How is it that thou sacrificest thine own sons and seekest to rescue those of others? We look upon this as wrong, and like the eating of one's own flesh. 'The sage was exceedingly wroth at this disregard of his injunction, and doomed his sons to be born in the most degraded classes, like Vasishtha's sons, and to eat dog's flesh, for a thousand years. He then said to Shunasshepa: 'When thou art bound with hallowed cords, decked with a red arland, and anointed with unguents and fastened to the sacrificial post of Vishnu, then address thyself to Agni, and sing these two divine verses (gathas), at the sacrifice of Ambarisha: then shall thou attain the fulfilment (of thy desire)'. Being furnished with the two gathas, Shunasshepa proposed at once to king Ambarisha that they should set out for their destination.

When bound at the stake to be immolated, dressed in a red garment, he celebrated the two gods, Indra and his younger brother (Vishnu), with the excellent verses. The thousand-eyed (Indra) was pleased with the secret hymn; and bestowed long life on Shunasshepa."

The last episode recorded in which the two had ranged themselves on opposite sides is connected with king Kalmashapada. The episode is recorded in the Adi Parvan of the Mahabharata:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_44

"Kalmashapada was a king of the race of lkshvaku. Vishvamitra wished to be employed by him as his officiating priest; but the king preferred Vasishtha. It happened however that the king went out to hunt, and after having killed a large quantity of games, he became very much fatigued, as well as hungry and thirsty. Meeting Shakti, the eldest of Vasishtha's hundred sons, on the road, he ordered him to get out of his way. The priest civilly replied:' The path is mine, 0 king; this is the immemorial law; in all observations the king must cede the way to the Brahmin.' Neither party would yield, and the dispute waxing warmer, the king struck the muni with his whip. The muni, resorting to the usual expedient of offended sages, by a curse doomed the king to become a man-eater. It happened that at that time enmity existed between Vishvamitra and Vasishtha on account of their respective claims to be priest to Kalmashapada. Vishvamitra had followed the king; and approached while he was disputing with Shakti. Perceiving, however, the son of his rival Vasishtha, Vishvamitra made himself invisible, and passed them, catching this opportunity. The king began to implore Shakti's clemency; but Vishvamitra wishing to prevent their reconciliation, commanded a Rakshasa (a man-devouring demon) to enter into the king. Owing to the conjoint influence of the Brahman-rishi's curse, and Vishvamitra's command, the demon obeyed the injunction. Perceiving that his object was gained, Vishvamitra left things to take their course, and absented himself from the country.The king having happened to meet a hungry Brahmin, and sent him, by the hand of his cook (who could procure nothing else), some human flesh to eat, was cursed by him also to the same effect as by Shakti. The curse, being now augmented in force, took effect, and Shakti himself was the first victim, being eaten up by the king. The same fate befell all the other sons of Vasishtha at the instigation of Vishvamitra. Perceiving Shakti to be dead, Vishvamitra again and again incited the Rakshasa against the

sons of Vasishtha and accordingly the furious demon devoured those of his sons who were younger than Shakti as a lion eats up the small beasts of the forest. On hearing the destruction of his sons by Vishvamitra, Vasishtha supported his affliction as the great mountain sustains the earth. He meditated his own destruction, but never thought of exterminating the Kaushikas. This divine sage hurled himself from the summit of Meru, but fell upon the rocks as if on a heap of cotton. Escaping alive from his fall, he entered a glowing fire in the forest; but the fire, though fiercely blazing, not only failed to bum him, but seemed perfectly cool. He next threw himself into the sea with a heavy stone attached to his neck; but was cast up by the waves on the dry land. He then went home to his hermitage; but seeing it empty and desolate, he was again overcome by grief and sent out and seeing the river Vipasa which was swollen by the recent rains, and sweeping along many trees torn from its banks, he conceived the design of drowning himself into its waters; he accordingly tied himself firmly with cords, and threw himself in; but the river severing his bonds, deposited him unbound (Vipasa) on dry land ; whence the name of the stream, as imposed by the sage. He afterwards saw and threw himself into the dreadful Satadru (Sutlej), which was full of alligators, etc., and derived its name rushing away in a hundred directions on seeing the Brahmin brilliant as fire. In consequence of this, he was once more stranded; and seeing that he could not kill himself, he went back to his hermitage."

There are particular instances in which Vasishtha and Vishvamitra had come into conflict with each other. But there was more than these occasional conflicts between the two. There was general enmity between them. This general enmity was of a mortal kind so much so that Vishvamitra wanted even to murder Vasishtha as will be seen from the Shalyaparvan of the Mahabharata. Says the author of the Mahabharata :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_45

"There existed a great enmity, arising from rivalry in their austerities, between Vishvamitra and the Brahmin rishi Vasishtha. Vasishtha had an extensive hermitage in Sthanutirtha, to the east of which was Vishvamitra's. These two great ascetis were every day exhibiting intense emulation in regard to their respective austerities. But Vishvamitra beholding the might of Vasishtha was the most chagrined; and fell into deep thought. The idea of this sage, constant in duty, was the following : This river Sarasvati will speedily bring to me on her current the austere

Vasishtha, the most eminent of all utterers of prayers. When that most excellent Brahmin has come, I shall most assuredly kill him.' Having thus determined, the divine sage Vishvamitra, his eyes reddened by anger, called to mind the chief of rivers. She being thus the subject of his thoughts became very anxious, as she knew him to be *very* powerful and very irascible. Then trembling, pallid and with joined hands, the Saraswati stood before the chief of munis like a woman whose husband has been slain; she was greatly distressed, and said to him 'what shall I do?' The incensed muni replied, 'Bring Vasishtha hither speedily, that I may slay him.' The lotus-eyed goddess, joining her hands trembled in great fear, like a creeping plant agitated by the wind. Vishvamitra, however, although he saw her condition, repeated his command. The Sarasvati, who knew how sinful was his design, and that the might of Vasishtha was unequalled, went trembling and in great dreed of being cursed by both the sages, to Vasishtha and told him what his rival had said. Vasishtha seeing her emaciated, pale and anxious, spoke thus. Deliver thyself, o chief of rivers; carry me unhesitatingly to Vishvamitra, lest he curse thee.' Hearing these words of the merciful sage, the Sarasvati considered how she could act most wisely. She reflected, 'Vasishtha has always shown me great kindness, I must seek his welfare.' Then observing the Kaushika sage praying and sacrificing on her brink, she regarded that as a good opportunity, *and* swept away the bank by the force of her current. In this way the son of Mitra and Varuna (Vasishtha) was carried down; and white he was being borne along, he thus celebrated the river. Thou, o Sarasvati, issuest from the lake of Brahma, and pervadest the whole world with thy excellent streams. Residing in the sky, thou dischargest water into the clouds. Thou alone art all waters. By thee we study.' Thou art nourishment, radiance, fame, perfection, intellect, light. Thou art speeh, thou art svaha; this world is subject to thee. Thou, in fourfold form, dwellest in all creatures.' Beholding Vasishtha brought near by the Saratvati, Vishvamitra searched for a weapon with which to make an end of him. Perceiving his anger, and dreading lest Brahmanicide should ensue, the river promptly carrried away, Vasishtha in an easterly direction thus fulfilling the commands of both sages, but eluding Vishvamitra. Seeing Vasishtha so carried away. Vishvamitra, impatient and enraged by vexation, said to her, 'Since thou, o chief of rivers, has eluded me, and hast receded, roll in waves of blood acceptable to the chief of demons' (which are fabled to gloat on blood). The Saratvati being thus cursed, flowed for a year in a stream mingled with blood. Rakshasas came to the place of pilgramage

where Vasishtha had been swept away, and revelled in drinking to satiety the bloody stream in security, dancing and laughing, as if they had conquered heaven. Some rishis who arrived at the spot some time after were horrified to see the blood-stained water, and the Rakshasas quaffing it, and made the most strenuous efforts to rescue the Sarasvati."

The enmity between Vasishtha and Vishvamitra was not an enmity between two priests. It was an enmity between a Brahmin priest and a Kshatriya priest. Vasishtha was a Brahmin. Vishvamitra was a Kshatriya. He was a Kshatriya of royal lingeage. In the Rig Veda (iii.33.11) Vishvamitra is spoken of as the son of Klishika. The Vishnu Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_46 gives further details about Vishvamitra. It says that Vishvamitra was the son of Gadhi who was descended from king Pururavas. This is confirmed by the Harivamsha. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_47From the Rig Veda (iii :l : 21) we know that the family of Vishvamitra has been keeping 'fire' kindled in every generation. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_48We also know from the Rig Veda that Vishvamitra was the author of many hymns of that Veda and was admitted to be a Rajarishi. He was the author of the hymn which is held to be the holiest in the whole of the Vedas namely the Gayatri hymn in the Rig Veda (iii.62.10). Another important fact we know about him is that he was a Kshatriya and his family belonged to the clan of the Bharatas.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_49

It seems that about this time a dispute was going on between Brahmins and Kshatriyas on the following points :

(1) (1) The right to receive gifts. Gift means payment made without work. The contention of the Brahmins was that nobody could receive gifts. To receive gifts was the right of the Brahmins *only*.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_50

(2) (2) The right to teach the Vedas. The Brahmins' contention was that the Khastriya had only the right to study the Vedas. He had no right to teach the Vedas. It was the privilege of the Brahmins only.

(3) (3) The right to officiate at a sacrifice. On this point the Brahmins'

contention was that Kshatriya had the right to perform sacrifices, but he had no right to officiate as a purohit (priest) at a sacrifice. That was the privilege of the Brahmins.

What is important to note is that even in disputes on these points and particularly on the third point they did not fail to play their part as the opponents of each other. This is confirmed by the story of Trishanku narrated in the Ramayanamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_51 and which runs as follows:

"King Trishanku, one of Ikshvaku's descendants, had conceived the design of celebrating a sacrifice by virtue of which he should ascend bodily to heaven. As Vasishtha on being summoned, declared that the thing was impossible *(asakyam),* Trishanku travelled to the south, where the sage's hundred sons were engaged in austerities, and applied to them to do what their father had declined. Though he addressed them with the greatest reverence and humility, and added that the lkshvakus regarded their family-priests as their highest resource in difficulties, and that, after their father, he himself looked to them as his tutelary deities,' he received from the haughty priests the following rubuke for his presumption :"Fool, thou hast been refused by the truth-speaking preceptor. How is it that, disregarding his authority thou hast resorted to another school (shakha)? The family-priest is the highest oracle of all the lkshvakus; and the command of that veracious personage cannot be transgressed. Vasishtha, the divine rishi, has declared that 'the thing cannot be : ' how can we undertake the sacrifice? Thou art foolish, king; return to thy capital. The divine (Vasishtha) is competent to act as priest of the three works; how can we shew him disrespect?"

Trishanku then gave them to understand, that as his preceptor and"his preceptor's sons had declined compliance with his requests, he should think of some other expedient"In consequence of his venturing to express this presumptous intention, they condemned him by their imprecation to become a Chandala. As this curse soon took effect, and the unhappy king's form was changed into that of a degraded outcast, he resorted to Vishvamitra (who, as we have seen, was also dwelling at this period in the south), enlarging on his own virtues and piety, and bewailing his fate. Vishvamitra commiserated his condition and promised to sacrifice on his behalf, and exalt him to heaven in the same Chandala form to which he had been condemned by his preceptor's curse."Heaven is now as good as in the possession, since thou hast resorted to the son of Kushika.'"He then directed that preparations should be made for the

sacrifice, and that all the rishis, including the family of Vasishtha, should be invited to the ceremony.

The disciples of Vishvamitra who had conveyed his message, reported the result on their return in these words:"Having heard your message, all the Brahmins are assembling in all the countries, and have arrived, excepting Mahodaya (Vasishtha). Hear what dreadful words those hundred Vasishthas, their voices quivering with rage, have uttered: 'How can the gods and rishis consume the oblation at the sacrifice of that man, especially if he be a Chandala, for whom a Kshatriya is officiating priest? How can illustrious Brahmins ascened to heaven, after eating the food of a Chandala, and being entertained by Vishvamitra?"These ruthless words all the Vasishthas, together with Mahodaya, uttered, their eyes inflamed with anger."Vishvamitra who was greatly incensed on receiving this message, by a curse doomed the sons of Vasishtha to be reduced to ashes, and reborn as degraded outcasts *(mritapah),* for seven hundred births, and Mahodaya to become a Nishada.

Knowing that this curse had taken effect Vishvamitra then, after eulogizing Trishanku, proposed to the assembled rishis that the sacrifice should be celebrated. To this they assented, being actuated by fear of the terrible sage's wrath, Vishvamitra himself officiated at the sacrifice as Yajaka; and the other rishis as priests (ritvijah) (with other functions) performed all the ceremonies."

In this dispute between Vasishtha and Vishvamitra, Sudas seems to have played an important part. Vasishtha was the family priest of Sudas. It was Vasishtha who performed his coronation ceremony. It was Vasishtha who helped him to win the battle against the ten kings. Notwithstanding this, Sudas removed Vasishtha from office. In his place he appointed Vishvamitra as his purohitamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_52 who performed yajna for Sudas. This is the first deed of Sudas which created enmity between Sudas and Vasishtha. There was another deed which Sudas committed which widened and intensified the enmity. He threw into fire Shakti the son of Vasishtha and burned him alive. The story is reported in the Satyayana Brahmana. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_53The Satyayana Brahmana does not give the reason for such an atrocious act. Some light is thrown on it by Shadgurushishyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_54 in his Commentary on Katyayana's Anukramanika to the Rig Veda. According to Shadgurushishya, a sacrifice

was performed by Sudas at which there was a sort of public debate between Vishvamitra and Shakti, the son of Vasishtha and in this debate, to use the words of Shadgurushishya:

"The power and speech of Vishvamitra were completely vanquished by Shakti, son of Vasishtha; and the son of Gadhi (Vishvamitra) being so overcome, became dejected."

Here is the reason why Sudas threw Shakti into fire. Obviously, Sudas did it to avenge the dishonour and disgrace caused to Vishvamitra. Nothing could avert a deadly enmity growing up between Sudas and Vasishtha.

This enmity does not seem to have ended with Sudas and Vasishtha. It appears to have spread to their sons. This is supported by the Taittiriya Samhita which says mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_55

"Vasishtha, when his son had been slain, desired, 'May I obtain offspring; may I overcome the Saudasas.' He beheld this *ekasmannapanchasa,* he took it and sacrificed with it. In consequence he obtained offspring, and overcame the Saudasas."

This is confirmed by the Kaushitaki Brahmanamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_56 which says :

"Vasishtha, when his son had been slain, desired, 'May I be fruitful in offspring and cattle and overcome the Saudasas. He beheld this form of offering, the Vasishtha-sacrifice; and having performed it, he overcame the Saudasas.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_57"

II

The conflict between Sudas and Vasishtha is not the only conflict between kings and the Brahmins. The Puranas record other conflicts also between kings and Brahmins. It is desirable to assemble them here. The first relates to king Vena. The story of his conflict with Brahmins has been told by various authorities. The following accountmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_58 is taken from the Harivamsa :

"There was formerely a Prajapati (Lord of creatures), a protector of righteousness called Anga, of the race of Atri, and resembling him in power. His son was the Prajapati Vena who was but indifferently skilled in duty, and was born of Sunita, the daughter of Mrityu. This son of the daughter of Kala (Death), owing to the taint derived from his maternal grandfather, threw his duties behind his back, and lived in covetousness under the influence of desire. This king established an irreligious system of conduct; transgressing the ordinances of the Veda, he was devoted to lawlessness. In his reign men lived without study of the sacred books and without the Vashatkara, and the gods had no Soma libations to drink at sacrifices. 'No sacrifice or oblation shall be offered'— such was the ruthless determination of that Prajapati, as the time of his destruction approached. I,' he declared, ' am the object, and the performer of sacrifice, and the sacrifice itself; it is to me that sacrifice should be presented, and oblations offered.' This transgressor of the rules of duty, who arrogated to himself what was not his due, was then addressed by all the great rishis headed by Marichi: 'We are about to consecrate ourselves for a ceremony which shall last for many years; *practise* not unrighteousness, Vena; this is not the eternal rule of duty. Thou art in very deed a Prajapati of Atri's race, and thou hast engaged to protect thy subjects.' The foolish Vena, ignorant of what was right, laughingly answered those great rishis, who had so addressed him; 'who but myself is the ordainer of duty? or whom ought I to obey? Who on earth equals me in sacred knowledge, in prowess, in austere fervour, in truth? Ye, who are deluded and senseless, know not that I am the source of all beings and duties. Hesitate not to believe that I, if I willed, could burn up the earth, or deluge it with water, or close up heaven and earth.' When owing to his delusion and arrogance Vena could not be governed, then the mighty rishis becoming incensed, seized the vigorous and struggling king, and rubbed his left thigh. From this thigh, so rubbed, was produced a black man, very short in stature, who, being alarmed, stood with joined hands. Seeing that he was agitated, Atri said to him 'Sit down' *(nishida).* He became the founder of the race of the Nishadas, and also progenitor of the Dhivaras (fisherman), who sprang from the corruption of Vena."

The next king who came in conflict with the Brahmins was Pururavas. This Pururavas is the son of Ila and grandson of Manu Vaivastava. The details of his conflict with the Brahmins are given in the Adi Parvan of the Mahabharata :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_59

"Subsequently, the wise Pururavas was born of lla, who, as we have heard, was both his father and his mother. Ruling over the thirteen islands of the ocean, and surrounded by beings who were all superhuman, himself a man of great renown, Pururavas, intoxicated by his prowess, engaged in a conflict with the Brahmins, and robbed them of their jewels, although they loudly remonstrated. Sanatkumara came from Brahma's heaven, and addressed to him an admonition, which, however, he did not regard. Being then straightaway cursed by the incensed rishis, he perished, this covetous monarch, who, through pride of power, had lost his understanding."

The third king in this series is Nahusha. This Nahusha is the grandson of Pururavas, the account of whose conflict with the Brahmins has been recounted above. The story of Nahusha and his conflict with the Brahmins has been told in two places in the Mahabharata, once in the Vanaparvan and again in the Udyogaparvan. The account, which follows, is taken from the Udyogaparvan. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_60It says:

After his slaughter of the demon Vritra, Indra became alarmed at the idea of having taken the life of a Brahmin (for Vritra was regarded as such), and hid himself in the waters. In consequence of the disappearance of the king of the gods, all affairs, celestial as well as terrestrial, fell into confusion. The rishis and gods then applied to Nahusha to be their king. After first excusing himself on the plea of want of power, Nahusha at length, in compliance with their solicitations, accepted the high function. Up to the period of his elevation he had led a virtuous life, but he now became addicted to amusement and sensual pleasure; and even aspired to the possession of Indrani, Indra's wife, whom he had happened to see. The queen resorted to the Angiras Brihaspati, the preceptor of the gods who engaged to protect her. Nahusha was greatly incensed on hearing of this interference; but the gods endeavoured to pacify him, and pointed out the immorality of appropriating another person's wife. Nahusha, however, would listen to no remonstrance, and insisted that in his adulterous designs he was no worse than Indra himself. The renowned Ahalya, a rish's wife, was formerly corrupted by Indra in her husband's lifetime. Why was he not prevented by you? And many barbarous acts, and unrighteous deeds, and frauds were perpetrated of old by Indra; why was he not prevented by you?' The gods, urged by Nahusha, went to bring Indram; but Brihaspati would not give her up. At his

recommendation, however, she solicited Nahusha for some delay, till she should ascertain what had become of her husband. This request was granted. Indrani now went in search of her husband; and by the help of Upashruti (the goddess of night and revealer of secrets) discovered him existing in a very subtle form in the stem of a lotus growing in a lake situated in a continent within an ocean north of the Himalayas. She made known to him the wicked intentions of Nahusha, and entreated him to exert his power, rescue her from danger and resume his dominion. Indra declined any immediate interposition on the plea of Nahusha's superior strength; but suggested to his wife a device by which the usurper might be hurled from his position. She was recommended to say to Nahusha that if he would visit her on a celestial vehicle borne by rishis, she would with pleasure submit herself to him.'

The queen of the gods accordingly made this proposal:' I desire for thee, king of the gods, a vehicle hitherto unknown, such as neither Vishnu nor Rudra, nor the Asuras, nor the Rakshasas employ. Let the eminent rishis, all united, bear thee, lord, in a car; this idea pleases me'. Nahusha receives favourably this appeal to his vanity, and in the course of his reply thus gives utterance to his self-congratulation; 'He is a personage of no mean prowess who makes the munis his bearers. I am a fervid devotee of great might. Lord of the past, the future, and the present. If I were angry, the world would no longer stand; on me everything depends. Wherefore, goddess, I shall, without doubt, carry out what you propose. The seven rishis and all the Brahmin rishis, shall carry me. Behold, beautiful goddess, my majesty and my prosperity.'

The narrative goes on :

Accordingly this wicked being, irreligious, violent, intoxicated by the force of conceit, and arbitrary in his conduct, attached to his car the rishis, who submitted to his commands, and compelled them to bear him. Indrani then again resorts to Brihaspati who assures her that vengeance will soon overtake Nahusha for his presumption; and promises that he will himself perform a sacrifice with a view to the destruction of the oppressor, and the discovery of Indra's lurking place. Agni is then sent to discover and bring Indra to Brihaspati and the latter, on Indra's arrival, informs him of all that had occurred during his absence. While Indra, with Kubera, Yama, Soma and Varuna was devising means for the destruction of Nahusha, the sage Agastya came up, congratulated Indra on the fall of his rival, and proceeded to relate how it had occurred.

Wearied with carrying the sinner, Nahusha, the eminent divine-rishis,

and the spotless Brahmin-rishis, asked that divine personage, Nahusha (to solve) a difficulty; 'Dost thou, 0 Vasava, most excellent of conquerors, regard as authoritative or not those Brahmana texts which are recited at the immolation of king?' 'No', replied Nahusha, whose understanding was enveloped in darkness. The rishis rejoined; Engaged in unrighteousness, thou attainest not unto righteousness; these tests, which were formerely uttered by great rishis, are regarded by us as authoritative.' Then (proceeds Agastya) disputing with the munis, Nahusha impelled by unrighteousness touched me on the head with his foot. In consequence of this, the king's glory was smitten and his prosperity departed. When he had instantly become agitated and oppressed with fear, I said to him, 'Since thou, a fool, condemnest that sacred text, always held in honour, which has been composed by former sages, and employed by Brahmin-rishis and hast touched my head with thy foot, and employest the Brahma-like and irresistible rishis as bearers to carry thee, therefore, shorn of thy lustre and all thy merit exhuasted, sink down, sinner, degraded from heaven to earth. For ten thousand years thou shall crawl in the form of a huge serpent. When that period is completed, thou shalt again ascend to heaven.' So fell that wicked wretch from the sovereignty of the gods. Happily, 0 Indra, we shall now prosper, for the enemy of the Brahmins has been smitten. Take possession of the three worlds, and protect their inhabitants, 0 husband of Shachi (Indrani), subduing the senses, overcoming thine enemies, and celebrated by the great rishis."

The fourth king to come into conflict with the Brahmins was Nimi. The details of the story are related in the Vishnu Puranamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_61 which says:

"Nimi had requested the Brahmin-rishi, Vasishtha to officiate at a sacrifice, which was to last a thousand years. Vasishtha in reply pleaded a pre-engagement to Indra for five hundred years, but promised to return at the end of that period. The king made no remark, and Vasishtha went away, supposing that he had assented to his arrangement. On his return, however, the priest discovered that Nimi had retained Gautma (who was, euqally with Vasishtha a Brahmin-rishi) and others to perform the sacrifice; and being incensed, he cursed the King, who was then asleep, to lose his corporeal form. When Nimi awoke and learnt that he had been cursed without any previous warning, he retorted by utering a similar curse on Vasishtha, and then died. Nimi's body was embalmed. At the close of the sacrifice which he had begun, the gods were willing, on the

intercession of the priests, to restore him to life; but he declined the offer; and was placed by the deities, according to his desire, in the eyes of all living creatures. It is in consequence of this that they are always opening and shutting (Nimisha means 'the twinkling of the eye').

These foregoing cases of conflict have been referred to by Manu in his Smriti:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C1. Who were the Shudras PART II.htm - _msocom_62

"Through a want of modesty many kings have perished, together with their belongings; through modesty even hermits in the forest have gained kingdoms.

Through a want of humility Vena perished, likewise king Nahusha, Sudas, the son of Pijavana, Surnukha, and Nimi."

Unfortunately, the bearing of these cases on the position of the Shudra has not been realised as fully as it should have been. The reason is that nobody has realised that this conflict was a conflict between Brahmins and Shudras. Sudas definitely was a Shudra. The others although they have not been described as Shudras are described as having been descended from Ikshvaku. Sudas is also described as a descendant of lkshvaku. There is nothing far-fetched in saying that they were all Shudras. Even Manu had no idea of this. He represents these cases as cases of conflict between Brahmins and Kshatriyas. Dr. Muir has failed to realise that Sudas was a Shudra and has in recounting these stories represented that the parties to these conflicts were Brahmins on the one hand and the Kshatriyas on the other. In a sense, it is true that the conflict was between Brahmins and Kshatriyas because the Shudras were also a branch of the Kshatriyas. It would, however, have been far more illuminating if they had been described in more precise terms as conflicts between Brahmins and Shudras. The misunderstanding having been caused, it has remained and has continued to conceal the real nature of so important a part of the history of the Indo-Aryan society. It is to clear this misunderstanding that the hearing given to this Chapter is 'Brahmins *versus* Shudras' and not 'Brahmins *versus* Kshatriyas'. Understood as a history of conflict between Brahmins and Shudras, it helps one to understand how the Shudras came to be degraded from the second to the fourth Varna.

WHO WERE THE SHUDRAS?

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CHAPTER X

THE DEGRADATION OF THE SHUDRAS

WHAT is the technique which the Brahmins employed to bring about the degradation of the Shudras from the rank of the second to the rank of the fourth Varna?

The discussion has so far centred round two questions as to whether or not the Shudras were originally a part of the second or Kshatriya Varna and whether or not the Brahmins had not received sufficient provocation to degrade the Shudras. It is now necessary to deal with the question, which is logically next in order of sequence. What is the technique of degradation employed by the Brahmins?

My answer to the question is that the technique employed by the Brahmins for this purpose was to refuse to perform the Upanayana of the Shudras. I have no doubt that it is by this technique that the Brahmins accomplished their end and thereby wreaked their vengeance upon the Shudras.

It is perhaps necessary to explain what Upanayana means and what importance it had in the Indo-Aryan Society. The best way to give an idea of Upanayana is to give a description of the ceremony.

As a rite *Upanayana* was originally a very simple ceremony. The boy came to the teacher with a *samidh* (a grass blade) in his hand and told the teacher that he desired to become a Brahmachari (i.e a student) and begged the teacher to allow him to stay with him for purposes of study. At a later date it became a very elaborate ceremony. How elaborate it had become may be realised from the following description of *Upanayana* in

the Ashvalayana Grihya sutra :*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_1

Let him initiate the boy who is decked, whose hair (on the head) is shaved (and arranged), who wears a new garment or an antelope skin if a Brahmana, ruru skin if a Kshatriya, a goat's skin if a Vaishya; if they put on garments they should put on dyed ones, reddish-yellow, red and yellow (for a Brahmana, Kshatriya, Vaishya respectively); they should have girdles and staffs (as described above). While the boy takes hold of (the hand of) his teacher, the latter offers (a homa of clarified butter oblations) in the fire (as described above), and seats himself to the north of the fire with his face turned to the east, while the other one (the boy) stations himself in front (of the teacher) with his face turned to the west The teacher then fills the folded hands of both himself and of the boy with water and with the verse 'we choose that of Savitri' (Rg.V. 82.1) the teacher drops down the water in his own folded hands on to the water in the folded hands of the boy; having thus poured the water, he should seize with his own hand the boy's hand together with the thumb (of the boy) with the formula' by the urge (or order) of the god Savitri, with the arms of the two Ashvins, with the hands of Pushan, I seize thy hand, oh so, and so,' with the words 'Savitri has seized thy hand, oh so and so' a second time (the teacher seizes the boy's hand) with the words 'Agri is thy teacher oh so and so' a third time. The teacher should cause (the boy, to look at the sun, while the teacher repeats 'God Savitri, this is thy brahmachari protect him, may he not die' and (the teacher should further) say Whose brahmachari art thou? thou art the brahmachari of Prana. Who does initiate thee and whom (does he initiate)? I give thee to Ka (to Prajapati).' With the half verse (Rg. 111.8.4) 'the young man well attired and dressed, come hither' he (the teacher) should cause him to turn round to the right and with his two hands placed over (the boy's) shoulders he should touch the place of the boy's heart repeating the latter half (of Rg. III. 8.4). Having wiped the ground round the fire, the brahmachari should put (on the fire) a fuel stick

silently, since it is known (from sruti) 'what belongs to Prajapati is silently done,' and the brahmachari belongs to Prajapati. Some do this (offering of a fuel stick) with a mantra to Agni : I Have brought a fuel stick, to *the* great Jatavedas;by the fuel stick mayst thou increase. Oh agni and may we (increase) through *brahman'* (prayer or spiritual lore), svaha.' Having put the fuel stick (on the fire) and having touched the fire, he (the student) thrice wipes off his face with the words I anoint myself with lustre,' it is known (from sruti) for he does anoint himself with lustre. 'May Agni bestow on me, insight, offspring and lustre: on me may Indra bestow insight, offspring and vigour (Indriya) ;on me may the sun bestow insight, offspring and radiance; what thy lustre is. Oh Agni, may I thereby become lustrous; what the strength is, Agni, may I thereby become strong; what thy consuming power is, Agni, may I thereby acquire consuming power.' Having waited upon (worshipped) Agni with these formulae, (the student) should bend his knees, embrace (the teachers feet) and say to him 'recite. Sir, recite. Sir, the Savitri.' Seizing the student's hands with the upper garment (of the student) and his own hands, the teacher recites the Savitri first pada by pada, then hemistich by hemistich (and lastly) the whole verse. He (the teacher) should make him (the student) recite (the Savitiri) as much as *he* is able. On the place of the student's heart the teacher lays his hand with the fingers upturned with the formula mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_2place thy heart unto duty to me, may thy mind follow my mind; may you attend on my words single-minded; may Brihaspati appoint thee unto me.' Having tied the girdle round him (the boy) and having given him the staff, the teacher should instruct him in the observances of a brahmachari with the words 'a brahmachari art thou, sip water, do service, *do* not sleep by day, depending (completely) on the teacher learn the Veda.' He (the student) should beg (food) in the evening and the morning; he should put a fuel stick (on fire) in the evening and morning. That (which he has received by begging) he should announce to the teacher; he should not sit down (but should be standing) the rest of

the day.

The Upanayana ends with the teaching by the Acharya to the boy of the Vedic Mantra known as the Gayatri Mantra. Why the Gayatri Mantra is regarded as so essential as to require the ceremony of Upanayana before it is taught it is difficult to say.

From this description of the Upanayana ceremony two things are clear. First is that the purpose of Upanayana was to initiate a person in the study of the Vedas which commenced with the teaching of Gayatri Mantra by the Acharya to the Brahmachari. The second thing that is clear is that certain articles were regarded as very essential for the Upanayana ceremony. They are (1) two garments one for the lower part of the body technically called *Vasa* and the other for the upper part of the body called *Uttariya,* (2) Danda or wooden staff, (3) Mekhala or a girdle of grass tied across the waist.

Any one who compares this description of Upanayana as it was performed in ancient times with the details of the ceremony as performed in later days is bound to be surprised at the absence of any mention of thread called *Yajnopavita* to be worn by the Biahmachari as a part of his Upanayana. The centre of the modern ceremony of Upanayana is the wearing of this thread and the whole purpose of the Upanayana has come to be the wearing of this *Yajnopavita 1* So important a part this *Yajnopavita* has come to play that most elaborate rules have come to be framed about its manufacture and its use.

The *Yajnopavita* should have three threads, each thread to be of nine strands well twisted. One *tantu* (strand) stands for one devata (deity).

The *Yajnopavita* should reach as far as the navel, mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_3should not reach beyond the navel, nor should it be above the chest.

A person could wear more than one *Yajnopavita.*

A man must always wear *Yajnopavita.* If he took his meals without wearing the *Yajnopavita,* or answers the call of nature without having the *Yajnopavita* placed on the right ear, he had to undergo prayascitta, viz., to bathe, to mutter prayers and fast.

Wearing of another's *Yajnopavita* along with several other things (such as shoes, ornament, garland and kamandalu) is

forbidden.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_4

Three ways of wearing the *Yajnopavita* are recognised: (1) nivita, (2) pracinavita and (3) upavita. When the cord is carried over the neck, both shoulders and the chest and is held with both the thumbs (of the two hands) lower than the region of the heart and above the navel, it is called *nivita.* Suspending the cord over the left shoulder in such a way that it hangs down on his right side, it becomes *upavita.* Suspending it on his right shoulder in such a way that it hangs down on his left side, it becomes *pracinavita.*

How did this *Yajnopavita* come in? Mr. Tilak offers an explanationmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_5 which is worth quoting. Mr. Tilak says :

"Orion or Mrigashiras is called Prajapati in the Vedic works, otherwise called Yajna. A belt or girdle of cloth round the waist of Orion orYajna will therefore be naturally named after him as *Yajnopavita,* the *upavita* or the cloth of *yajna*

The term, however, now denotes the sacred thread of the Brahmins, and it may naturally be asked whether it owes its character, if not the origin, to the belt of Orion. I think it does on the following grounds :

The word yajnopavita is derived by all native scholars from *Yajna* + *Upavita;* but there is a difference of opinion as to whether we should understand the compound to mean an *upavita* for yajna i.e for sacrificial purposes, or, whether it is the 'upavita of Yajnas.' The former is not incorrect, but authority is in favour of the latter. Thus the Prayoga-writers quote a *smriti* to the effect that 'the High Soul is termed *Yajna* by the hotris, this is his *upavita;* therefore it is *yajna-upavita. '* A mantra, which is recited on the occasion of wearing the sacred thread means, 1 bind you with the *upavita* of *yajna",* while the first half of the general formula with which a Brahmin always puts on his sacred thread is as follows :

Yagnyopaveetham
paramapavithram
prajhapatheryathsahajam purasthaath

The Mantra is not to be found in any of the existing Samhitas, but is given in the Brahmopanishad and by Baudhayana. This verse is strikingly similar to the verse quoted above from the Haoma Yesht. It says, 'yajnopavita is high and sacred; it was born with Prajapati, of old.' The word *purastat* corresponds with *paurvanim* in the Avesta verse and thus decides the question raised by Dr. Haug, while *sahaja,* born with the limbs of Prajapati, conveys the same meaning as *mainyutastem.* The coincidence between these verses cannot be accidental, and it appears to me that the sacred thread must be derived from the belt of Orion. Upavita, from *ve* to weave, literally means a piece of cloth and not a thread. It appears, therefore, that a cloth worn round the waist was the primitive form *of yajnopavita,* and that the idea of sacredness was introduced by the theory that it was to be a symbolic representation of Prajapati's waistcloth or belt."

This explanation by Mr.Tilak is no doubt very interesting. But it does not help to explain some of the difficulties. It does not explain the relation of the *Yajnopavita* to the two garments the *Uttariya,* and the *vasa,* which are necessary for a person to wear while undergoing *Upanayana.* Was the *Yajnopavita* in addition to the two garments? If so, how is it that there is no mention of it in the early description of the ceremony of the *Upanayana?* It does not explain another difficulty. If that thread is a substitute for the cloth, how is it that the wearing of the cloth is retained in the *Upanayana?*

There seems to be another explanation. I offer it for what it is worth. According to it, the wearing of the thread had to do with the adoption of the *gotra.* Its object was to tie oneself to a particular *gotra.* It had nothing to do with the *Upanayana* as such, the object of which was to initiate a person in the study of the Vedas. It is not sufficiently realized that under the Ancient Aryan Law, a son did not naturally inherit the *gotra* of his father. The father had to perform a special ceremony to give his *gotra* to his son. It is only when this ceremony was performed that the son became the same *gotra* as the father. In this connection, reference may be made to two rules observed by the Indo-Aryan Society. One is the rule of impurities. The other is the rule of adoption. With regard to the rule of impurity, brought about by death, the days of impurity vary with the

kinship with the dead. If the kinship is very close, the days of impurity are greater than those in the case where the kinship is less close. The impurities attached to the death of a boy who has not been invested with the thread are very meagre,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_6 not extending for more than a few days. With regard to the rule of adoption,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_7 it lays down that a boy who was invested with the thread was not eligible for adoption. What is the idea behind these rules? The idea seems to be quite clear. The impurities are nominal because there being no thread, the boy had not formally entered into the *gotra* of his father. Adoption means entering into the *gotra* of the adoptive father. Once the thread ceremony had taken place the boy had already and irrevocably entered another *gotra,*.

There was no room for adoption left. Both these rules show that the thread ceremony was connected with *gotra* and not with *Upanayana.*

The view that the thread has connection with gotra seems to receive support from Jain literature. Shloka 87 of the fourth Parvan of the Padmapurana by Acharya Ravishena reads as follows :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_8

"Bhagwan ! you have told us, the origin of Kshatriya, Vaishya and Shudra. I am anxious to know the origin of those who wear the thread in their neck."

The words 'those who wear the thread in the neck' are very impor-tant There is no doubt that it is a description of the Brahmins. From this it is clear that there was a time when the Brahmins alone wore the thread and no other class did. Read with the fact that the *gotra* relationship was confined only to the Brahmins, it is clear that the thread ceremony was connected with bringing the boy into— actually tying him up to the *gotra*— of his father, and had nothing to do with *Upanayana* which was connected with the initiation in the teaching of the Vedas.

If this is true, then the thread ceremony and the *Upanayana* ceremony had different purposes to serve. At some later date the two merged into one. The reason for this merger appears to be very natural. The Upanayana without the thread ceremony involved the danger of the Acharya taking the boy in his *gotra.* It was to avoid the danger that the

father of the boy performed the thread ceremony before handing him over to the Acharya. This is the probable reason why the two ceremonies came to be performed simultaneously.

Be that as it may, *Upanayana* means the teaching of the Veda by the Vedic Brahmin.

III

While I am convinced that my thesis is sound, it would be over confident to think that there will not be found persons who will not raise objections to it. I anticipate the following :

(1) (1) Is absence of *Upanayana* the test of Shudradom;
(2) (2) Did the Shudra ever have the right to *Upanayana?*
(3) (3) How can the loss of *Upanayana* result in the general degradation of Shudras?
(4) (4) What power did the Brahmins have to deny *Upanayana* to the Shadras?

Having stated the possible objections to my thesis, I like to give my reply to them.

IV

To begin with the first. The best way to deal with this objection is to refer to the judicial decisions in order to find out what the Courts in India have regarded as the surest criterion for determining who is a Shudra.

The first case to which reference may be made is to be found in 7, M.I.A.18.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_9 It was decided by the Privy Council in 1837. The question at issue was whether at the relevant time there were in India any Kshatriyas. The contention of one side was that there were. The contention on the other side was that there were none. The latter contention was based upon the theory propagated by the Brahmins that the Brahmin Parashurama had killed all the Kshatriyas and that if any were left they were all exterminated by the Shudra king Mahapadma Nanda, so that thereafter there were no Kshatriyas left and that there were ony Brahmins and Shudras. The Privy Council did not accept this theory which they regarded as false and concocted by the Brahmins and held that the Kshatriyas still existed in India. The Privy Council did not

however lay down any test by which a Kshatriya could be distinguished from a Shudra. In their view, the question must be determined in each case on its own facts.

The second case on the subject is to be found in I.L.R.10 Cal. 688. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_10The question raised in the case was whether the Kayasthas of Bihar were Kshatriyas or Shudras. The High Court decided that they were Shudras. The partisans of the Kayasthas took the position that the Kayasthas of Bihar were different from the Kayasthas of Bengal, the Upper Provinces and Benares and that while those in the Upper Provinces and Benares were Shudras, the Kayasthas of Bihar were Kshatriyas. The court refused to make this distinction and held that the Kayasthas of Bihar were also Shudras.

The validity of this judgement was not accepted by the Allahabad High Court. In I.L.R.12 All. 328.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_11 Justice Mahamood at page 334 observed as follows:

> "I entertain considerable doubts as to the soundness of the view which seems to have been adopted by both the Courts below, that the literary caste of *Kayasthas* in this part of the country, to which the parties belong, falls under the category of *Shudras,* as under-stood in the division of mankind in (he Institute of Manu or elsewhere in authoritative texts of the Hindu Law. The question is one of considerable difficulty not only ethnologically, but also from a legal point of view, so far as the administration of the Hindu Law to this important section of the population is concerned. I do not take the question to be settled by any adjudication of the Lords of the Privy Council either in *Sri Narayan Mitter* vs. *Sree Mutty Kishen Soondoory Dassee,* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_12 or in *Mahashova Shosinath Ghose* vs. *Srimati Krishna Soondari Dasi*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_13 in both of which the cases referred to adoption by Kayasthas of Lower Bengal, who may be distinguishable from the twelve castes of Kayasthas in Upper India, such as the North-western Provinces and Oudh. Nor do I think that the unreported decision of the learned Chief Justice and my brother Tyrell in *Chaudhari Hazari Lal* versus *Bishnu Dial* (First Appeal No. 113 of 1886, decided on the 15th June 1887), which was also an adoption case, settles the question. But I need not pursue the subject any further...."

The third case is reported in (1916) 20 Cal. W.N.901. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_14Here the question raised was whether Kayasthas of Bengal wereKshatriyas or Shudras. The High Court of Calcutta held that they were Shudras. The case was taken to the Privy Council by way of appeal against the decision of the Calcutta High Court. The decision of the Privy Council is reported in (1926) 47 I.A. 140. The question whether the Bengali Kayasthas are Shudras or Kshatriyas was not decided upon by the Privy Council but was left open. In between 1916 and 1926 the Calcutta High Court gave two decisions which held that intermarriages between Kayasthas of Bengal and *Tantis*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_15and *Domes*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_16 two of the low castes, were legal on the ground that both of them were sub-castes of Shudras.

These decisions which caused further deterioration in the position of the Kayasthas were followed by another which is reported in I.L.R. 6 Patna 506. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_17In a most elaborate judgement extending over 47 pages Mr. Justice Jwala Prasad went into every Purana and every Smriti in which there was a reference to the Kayasthas. He differed from the Calcutta High Court and held that the Kayasthas of Bihar were Kshatriyas.

Next come cases in which the question at issue was whether the Maharattas are Kshatriyas or Shudras. The first case in which this issue was raised is reported in 48 Mad. 1.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_18 This was an interpleader suit filed by the Receiver of the estate of Raja of Tanjore in which all the descendants as well as the distant agnates and cognates of the Raja were made defendants in the suit. The kingdom of Tanjore was founded by Venkoji, otherwise called Ekoji, who was a Mahratta and the brother of Shivaji the founder of the Mahratta Empire. The judgement in the case covers 229 pages and the question whether the Mahrattas were Kshatriyas was dealt with in a most exhausitve manner. The decision of the Madras High Court was that the Mahrattas were Shudras and not Kshatriyas as was contended by the defendants.

The next case which also relates to the Mahrattas is reported in I.L.R. (1928) 52 Bom.497.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_19 The Court decided that :

"There are three classes among the Mahratthas in the Bombay Presidency: (1) the five families; (2) the ninety-six families; (3) *the* rest. Of these, the first two classes are legally Kshatriyas."

The last case to which reference may be made is reported in I.L.R. (1927) 52 Mad. 1. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_20The issue was whether the Yadavas of Madura were Kshatriyas. The Yadavas claimed themselves to be Kshatriyas. But the Madras High Court negatived the claim and held that they were Shudras.

Such is the course of judicial pronouncements on the issue as to how to determine who is a Kshatriya and who is a Shudra. It is a most confusing medley of opinion which settles little and unsettles much. The Kayasthas of Bihar, of the Upper Provinces (now U.P) and Benares are Kshatriyas, while the Kayasthas of Bengal are Shudras!! According to the Madras High Court all Mahrattas are Shudras. But according to the Bombay High Court, Mahrattas belonging to five families and 96 families are Kshatriyas and the rest are Shudras!! The Yadava community to which Krishna belonged is popularly belived to be Kshatriyas. But according to the Madras High Court, the Yadavas are Shudras!!

More important for our purpose are the criteria which the courts have adopted in coming to their decisions than the particular decisions in the cases referred to. Among the criteria which the courts have laid down, the following may be noted:

(1) (1) In I.L.R. 10 Cal. 688, the criteria adopted were *(i)* use of Das as surname, *(ii)* wearing the sacred thread, *(iii)* ability to perform the *homa, (iv)* the period of impurity, *(v)* competence or incompetence of illegitimate sons to succeed.

(2) (2) In I.L.R. 6 Patna 606, the criterion seems to be general repute. If a community is Kshatriya by general repute it is to be treated as a Kshatriya community.

(3) (3) In 48 Madras I, a variety of criteria were adopted. One was the consciousness of the community. The second was undergoing the ceremony of *Upanayana* as distingished from wearing the sacred thread. The third criterion was that all non-Brahmins are Shudras unless they prove that they are Kshatriyas or Vaishyas.

(4) (4) In I.L.R. Bom. 497, the tests adopted were *(i)* the consciousness of the caste *(ii)* its custom, and *(iii)* the acceptance of that consciousness by other castes.

No one who knows anything about the subject can say that the criteria adopted by the various courts are the right ones. A criterion such as the period of impurity is irrelevant and of no value for determining the question. A criterion such as the capacity for performing *homa* is relevant but not valid. It mistakes effect for a cause. The criterion of consciousness is hardly a fair criterion. A community may have lost its consciousness by long disuse of necessary religious observances due to causes over which it has no control. The criterion of *Upanayana* stands on a different footing. The courts have not put it properly. But there is no doubt that rightly understood and properly put the criterion of *Upanayana* is sound. The Courts have not made any distinction between the *de facto* position of the community and its position *de jure* in regard to *Upanayana,* and have proceeded on the assumption that what is true *de facto* must also be true *de jure*. It is this fault in the application of the criterion of *Upanayana* which has produced anomalies and absurdities, such as one community having one status in one area and quite a different status in a different area— or allowing any pretender community to wear the thread .and by continuing its pretence for a period to acquire a vested right or contrariwise punishing a community by declaring that it had no *de jure* right to wear the thread merely because it has not been wearing it *defacto*. The real criterion is not the wearing of the sacred thread but the right to wear the sacred thread. Understood in its proper sense, it may be said without fear of contradition that the right to *Upanayana* is the real and the only test of judging the status of a person whether he is a Shudra or a Kshatriya.

V

The second objection is quite untenable. To assume, as the objection does, that from the very beginning the Aryan Society treated its different classes differently in the matter of *Upanayana* is to my mind a very unnatural supposition. Primitive society does not begin with differentiation. It begins with uniformity and ends in diversity. The natural thing would be to suppose that in the matter of the *Upanayana* the ancient Aryan society treated all its classes on the same footing. It may however be argued, on the other side, that such an original tendency in favour of uniformity need not be accepted as being universal, that it may well be that in the ancient Aryan society the Shudras and the women were

excluded from *Upanayana.* Fortunately for me, it is not necessary for me to rely on logic alone though I contend that l*ogic* is on my side. For there is ample evidence both circumstantial as well as direct to show that both Shudras as well as women had at one time the right to wear the sacred thread.

That the ancient Aryan society regarded *Upanayana* as essential for all will be evident if the following facts are borne in mind.

Upanayana was allowed for the deaf, the dumb, the idiot and even the impotent. A special procedure was prescribed for the *Upanayana* of the deaf and dumb and idiots. The principal points in which their *Upanayana* differs from that of others are that the offering of *Samidh,* treading on a stone, putting on a garment, the tying of *mekhala,* the giving of deer skin and staff are done silently, that the boy does not mention his name, it is the *achary a* himself who makes offering of cooked food or of clarified butter, all the *mantras* are muttered softly by the *achary a* himself. The same procedure is followed as to other persons who are impotent, blind, lunatic, suffering from such diseases as epilepsy, white leprosy or black leprosy, etc.

The six *anuloma* castes were also eligible for *Upanayana;* this is clear from the rulesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_21for the Upanayana of Kshatriyas, Vaishyas and of mixed castes like Rathakara, Ambashtha, etc,

Upanayana was permitted to *Patitasavitrikas.* The proper age for the *Upanayana* of a Brahman boy was 8th year from birth, of a Kshatriya 11th year and of a Vaishya 12th year. But a certain latitude was allowed so that the time for *Upanayana* was not deemed to have passed upon the 16th, the 22nd and the 24th year in the case of Brahmins, Kshatriyas and Vaishyas respectively. After these years are passed without *Upanayana* taking place, a person was held to have become incompetent thereafter for learning the Savitri (the sacred Gayatri verse). Such persons were then called *Patitasavitrika* or *savitripatita.* According to the strict interpretation of rules, no *Upanayana* is to be thereafter performed for them, they are not to be taught the Veda, nor is anyone to officiate at their sacrifices and there is to be no social intercourse with them (i.e., no marriage takes place with them). But even in their case, there was readiness to relax the rules mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_22subject to certain penances.

Upanayana was permitted in the case of Brahmaghnas. A Brahmaghna is a person whose father or grandfather had failed to perform *Upanayana.* The original rule mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_23was that if a person's father and grandfather also had not the *Upanayana* performed for them then they (i.e., the three generations) are called slayers of *brahma* (holy prayers or lore); people should have no intercourse with them, should not take their food nor should enter into marriage alliance with them. But even in their case the rule was relaxed and they were allowed *Upanayana* if they desired, provided they performed the prescribed penance.

A further relaxation was made in the case of a person whose generation beginning with the great grandfather had not the Upanayana performed on them. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_24 Even they were allowed to have their Upanayana performed if they desired, provided they performed penance which included studenthood for twelve years and bath with the Pavamani, and other verses. On his Upanayana, instruction in the duties of the householder was imparted to him, and though he himself could not be taught the Veda, his son may have the samskara performed as in the case of one who is himself a *patitasavitrika* so that his son will be 'one like other Arya'.

Upanayana was permitted to the Vratyas. It is difficult to state exactly who the Vratyas were, whether they were Aryans who had for more than three generations failed to perform the Upanayana or whether they were non-Aryans who were never within the Aryan fold and whom the Brahmins wanted to convert to the Aryan faith. It is possible that it included both. Be that as it may, there is no doubt that Upanayana was open to the Vratyas provided they performed Vratyastomas. Vratyas were those who lead the Vratya life, were base and were reduced to a baser state since they did not observe studenthood (brahmacharya) nor did they till the soil nor engage in trade. There were four Vratyastomas, the first of which is meant for all Vratyas, the second is meant for those who are *Abhishasta* who are wicked or guilty of heavy sins and are censured and lead a Vratya life, the third for those who are the youngest and lead a Vratya life and the fourth for those who are very old and yet lead a Vratya life. In each of the four Vratyastomas, Sodasastomamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_25 is always performed. It is by the Sodasastoma that they can attain this (superior status). The Sodasastoma was supposed

to have the power to remove the guilt of these. By performing the Vratyastoma sacrifice, they should cease to be Vratyas and become eligible for social intercourse with the Orthodox Aryas, to have the sacrament *(samskara* of Upanayana) performed of them and then be eligible to study the Veda.

In the Vratyata-shuddisamgrahamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_26 provision is made for the purification of Vratyas even after twelve generations subject to appropriate penances.

Upanayana was so highly thought of that Baudhayana (ii.10) allowed Upanayana for the Asvattha tree.

Given these facts, it is difficult to believe that the women and Shudras were excluded from the Upanayana by the Aryan society from the very beginning. In this connection, attendon may be drawn to custom prevalent among the Indo-lranians who were very closely related to the Indo-Aryans in their culture and religion. Among the Indo-lranians, not only both men and women but men and women of all classes are invested with the sacred thread. It is for the opponents to prove why the system was different among the Indo-Aryans.

It is, however, not quite necessary to depend upon circumstantial evidence. There is enough direct evidence to show that there was a time when both women and Shudras had the right to Upanayana and did have it performed.

As to the Upanayana of women the statementsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_27 contained in the Hindu religious books are quite explicit. Anyone who examines them will find that Upanayana was open to women. Women not only learned the Vedas but they used to run schools for teaching the Vedas, are even known to have written commentaries on the Women Purva Mimamsa.

As to the Shudras, the evidence is equally positive. If Sudas was a king, if Sudas was a Shudra, if his coronation ceremony was performed by Vasishtha and he performed the Rajasuya Yaga, then there can be no doubt that the Shudras did at one time wear the sacred thread. In addition to circumstantial evidence and the evidence of the authors mentioned before, the Sanskara Ganapati cited by Max

Mullermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_28 contains an express provision declaring the Shudra to be eligible for Upanayana.

The only difference between the women and the Shudras is that in the case of women there is some plausible explanation given as to why the Upanayana of women was stopped, while there is no such explanation for stopping the Upanayana of the Shudras. It is argued that the Upanayana of women continued as long as the age of Upanayana and the age of marriage continued to be different. It is said that in ancient times the age of Upanayana was 8 and the age for marriage was considerably later. But at a later stage, the age of marriage was brought down to 8, with the result that the Upanayana as an independent ceremony ceased to exist and became merged in marriage. Whether this explanation is right or wrong is another matter. The point is that in the case of the Shudra, the Upanayana was at one time open to him, that it was closed to him at a later stage and that there is no explanation for this change.

Those who, in spite of the evidence to which I have referred, think that they must insist upon their objection should remember the weakness of their side. Assuming that the Shudras had never had the benefit of Upanayana, the question they have to face is why were the Shudras not allowed the benefit of the Upanayana. The orthodox theory merely states the fact that there is no Upanayana for a Shudra. But it does not say why the Shudra is not to have his Upanayana performed. The explananation that there was no Upanayaa of the Shudra because he was a non-Aryan is a modern invention which has been shown to be completely baseless. Either there was once an Upanayana and it was stopped or the Upanayana was from the very beginning withheld. Either may be true. But before one or the other is accepted to be true, it must be accompanied by reasons. There being no reason why the benefit of the Upanayana was withheld from the Shudra, the presumption must be in favour of my thesis which states that they had the right to Upanayana, that they were deprived of it and gives reasons why they were deprived of its validity.

VI

The third objection is no objection at all. Only a person who does not

know fully all the incidents of Upanayana can persist in upholding its validity.

The Aryan society regarded certain ceremonies as Samskaras. The Gautama Dharma Sutra (VIII. 14-24) gives the number of Samskaras as forty. They are :

Garbhadhana Pumsavana, Simantonnayana, Jatakarma, namakarana, annaprasana, caula, Upanayana, the four vratas of the Veda, Snana (or Samavartana), vivaha, five daily mahayajnas (for deva, pitri, manushya, bhuta, and Brahma); seven pakayajnas (viz., astaka, parvanasthalipaka, sraddha sravani, agrahayani, caitri, asvayuji); seven haviryajnas (in which there is burnt offering but no Soma, viz., Agnyadheya, Agnihotra, Darsapuramasa, Agrayana, Caturmasyas, Nirudhapasubandha and Sautramani); seven soma sacrifices (Agnistoma, Atyagnistoma, Ukthya, Sodasin, Vajapeya, Atiratra, Aptoryama).

At a late stage a distinction appears to have been drawn between Samskaras in the narrower sense and Samskaras in the wider sense. Samskaras in the wider sense were really sacrifices and were therefore not included in the Samskaras in the proper sense, which were reduced to sixteen.

At a late stage a distinction appears to have been drawn between Samskaras in the narrower sense and Samskaras in the wider sense. Samskaras in the wider sense were really sacrifices and were therefore not included in the Samskaras in the proper sense, which were reduced to sixteen.

There is nothing strange about the Samskaras. Every society recognises them. For instance, the Christians regard Baptism, Cofirmation, Matrimony, Extreme Unction, Eucharist, the Lord's Supper and the Holy Communion as sacraments. There however seems to be a difference between the notions of the Indo-Aryans and say the Christians about the Samskaras. According to Christian notions, the Samskara or Sacrament is a purely spirititual matter— drawing in of God's grace by particular rites. It had no social significance. Among the Indo-Aryans the Samskaras had originally a purely spiritual significance. This is clear from what Jaimini the author of the *Purva Mimamsa* has to say about the Samskaras. According to Jaimini the general theory is that Samskaras impart fitness.

They act in two ways. They remove taints and they generate fresh qualities. Without such Samskaras, a person may not get the reward of his sacrifice on the ground that he is not fit to perform it. Upanayana was one of the Samskaras and like other Samskaras, its significance was just spiritual. The denial of the Upanayana to the Shudras necessarily brought about a change in its significance. In addition to its spiritual significance it acquired a social significance which it did not have before.

When Upanayana was open to everyone, Aryan or non-Aryan, it was not a matter of social significance. It was a common right of all. It was not a privilege of the few. Once it was denied to the Shudras, its possession became a matter of honour and its denial a badge of servility. The denial of Upanayana to the Shudras introduced a new factor in the Indo Aryan society. It made the Shudras look up to the higher classes as their superiors and enabled the three higher classes to look down upon the Shudras as their inferiors. This is one way in which the loss of Upanayana brought about the degradation of the Shudras.

There are other incidents of Upanayana. Since idea of these can be had if one refers to the rules laid down in the *Purva Mimamsa*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_29 One of these rules is that all property is meant primarily for the purpose of providing a person with the means of performing a sacrifice. The right to property is dependent upon capacity to sacrificemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_30 In other words, anyone who suffers from an incapacity to perform a sacrifice has no right to property. Capacity to sacrifice depends upon Upanayana. This means that only those who are entitled to Upanayana have a right to own property.

The second rule of the *Purva Mimamsa* is that a sacrifice must be accompanied by Veda mantras. This means that the sacrificer must have undergone a course in the study of the Veda. Aperson who has not studied the Vedas is not competent to perform the sacrifices. The study of the Veda is open only to those persons who have undergone the Upanayana ceremony. In other words, capacity to acquire knowledge and learning— which is what the study of Veda means-is dependant upon Upanayana. If there is no Upanayana the road to knowledge is closed. Upanayana is no empty ceremony. Right to property and right to knowledge are the two most important incidents of Upanayana.

Those who cannot realise how loss of Upanayana can bring about the

degradation of the Shudras should have no difficulty in understanding the matter if they will bear in mind the rules of the Purva Mimamsa referred to above. Once the relation of Upanayana to education and property is grasped, all difficulty in accepting the thesis that the degradation of the Shudra was entirely due to loss of Upanayana must vanish.

It will be seen, from what has been said above, how the sacrament of Upanayana was in the ancient Aryan society fundamental and how the social status and personal rights of persons depended upon it. Without Upanayana, a person was doomed to social degradation, to ignorance and to poverty. The stoppage of Upanayana was a most deadly weapon-discovered by the Brahmins to avenge themselves against the Shudras. It had the effect of an atomic bomb. It did make the Shudra, to use the language of the Brahmins, a graveyard.

VII

That the Brahmins possessed the power to deny Upanayana is beyond question. The doubt probably arises from the fact that there is nowhere an express statement showing the conferment of such a power upon the Brahmins. All the same, whatever doubt there may be lurking in the minds of persons who are not aware of the operative parts of the religious system of the Indo-Aryans must vanish if account is taken of two things: (1) the exclusive right of the Brahmin to officiate at the Upanayana and (2) the penalities imposed upon the Brahmin for performing unauthorised Upanayana.

It is probable that in most ancient times it was the father who taught his son the *Gayatri,* with which the study of the Veda begins and for which the ceremony of Upanayana was devised at a later stage. But it is beyond question that from a very early time the function of performing Upanayana had been assigned to a guru or a teacher called the Acharya and the boy went and stayed in the Acharya's house.

The questions as to who should be the Acharya and what should be his qualification have been the subject of discussions from very ancient times.

The Acharya must be a man learned in the Vedas. A Brahmana text mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_31 says,"he, whom a teacher devoid of learning initiates, enters from darkness into darkness and he also (i.e. an acharya) who is

himself unlearned (enters into darkness)."

The Ap. Dh. S. (1.1.1.12—13), lays down that an Acharya selected for performing one's Upanayana should be endowed with learning and should be one whose family is hereditarily learned and who is serene in mind, and that one should study Vedic lore under him up to the end (of brahmacharya) as long as the teacher does not fall off from the path of Dharma.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_32

But the first and foremost qualification of an Acharya is that he must be a Brahmana: It was only in times of difficulty (i.e., when a Brahmana is not available) that a person was allowed to have a Kshatriya or a Vaishya teachermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_33. This exception was permitted only during the period when the distinction between the right to learn the Vedas and the right to teach the Vedas had not been made. But when that distinction came to be made—and it was made in very early times— in fact the conflict between Vasishtha and Vishvamitra was just on this very point—the Brahmin alone came to possess the right to be an Acharya fit to officiate at an Upanayana.

One thing therefore must be taken as well-established, namely that none but a Brahmin could perform the Upanayana ceremony. Upanayana performed by anybody else is not a valid Upanayana.

The other operative part of the Indo-Aryan religious system is the obligation imposed upon the Brahmin not to do any unauthorised act of a religious character. A Brahmin guilty of any such conduct was liable to punishment or penance. Many such penalties are to be found in the ancient Law Books. I refer to Manu and Parashara.

Manu (III.l50ff.), lays down what class of Brahmins are to be deemed unworthy (to partake) of oblations to the gods and manes. In this list he includes :

> III. 156.—"He who teaches for a stipulated fee and he who is taught on that condition, he who instructs Shudra pupils and he whose teacher is a Shudra, he who speaks rudely, the son of an adultress, and the son of a widow."

Parashara says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_34

"That Brahmana, who for the sake of dakshina (gift of money or fee) offers oblation into fire on behalf of a Shudra, would become a Shudra, while the Shudra (for whom he offers) would become a Brahman;"that, according to Madhava, propounds that the merit of the rite"goes to the Shudra and the Brahmana. incurs sin.""

Those who may ask what powers the Brahmins had to deprive the Shudra of his right to Upanayana may consider the combined effect of these two facts : (1) the Brahmin's exclusive right to officiate at an Upanayana, and (2) the penalties to which he is made liable for performing an unauthorized Upanayana. If they do, they will have no doubt that the combined effect of these two factors was to vest in the Brahmin the power of performing as well as of denying Upanayana. It is true that such a power has not been expressly vested in the Brahmin. That was because it was unnecessary to do by express terms what was in fact done by indirect but more effectual means. That the Brahmins are conscious of the possession of this power to deny Upanayana? is also beyond doubt. So far as the records go, there are 16 reported cases in which they have threatened various communities by putting it into operation against them. In nine cases, they challenged the Kayasthas, in four they challanged the Panchalas, in one they challenged the Palshes. What is important is that they challenged even two Maratha Kings. These instances have occurred between 556 to 1904 A.D. It is true that they do not belong to ancient times. It must however be remembered that these instances are mere evidences of the exercise by the Brahmins of their power to deny Upanayana. The power itself must have been acquired in much more ancient times. That they have acquired it earlier is not an empty assertion without support. Satyakama Jabali's instance which is very ancient is cited generally to prove that the Varna of a man was determined by his *guna* (mental and moral qualities) and not by his birth. While this is true, it is equally true that Jabali's case proves that even in ancient times the Brahmins had acquired the right to refuse to perform Upanayana.

The enumeration of these cases has very little value for the purpose in hand unless we know the deductions that could be drawn from the decisions arrived at in them. To be able to do this, we must know the details of each case. Unfortunately, in most of them beyond the decision other details are not sufficiently full for the purpose. There is only one case that of the Brahmins *versus* Shivaji in respect of which the details are

full and well-known. The case is sufficiently important and it is therefore well worth detailed examination. The deductions deducible from it are not only interesting and instructive but they throw a flood of light on the point under discussion.

VIII

As is well known, Shivaji after having established a Hindu independent kingdom in the western part of Maharashtra thought of proclaiming himself a king by having his coronation performed. It was felt by Shivaji and his friends that the coronation ceremony if it was at all to be of any value must be performed according to Vedic rites. But in carrying out his wishes Shivaji found himself faced with many difficulties. He found that whether his coronation could be performed with Vedic rites dependent entirely upon the Brahmins. Nobody was from religious point of view qualified to perform the ceremony except a Brahmin. Secondly, he found that no such ceremony could be performed unless it was proved that he was a Kshatriya. There was a third difficulty, namely, that even if he was found to be a Kshatriya, he was past the age of Upanayana and without Upanayana there could be no coronation. The third difficulty was a minor one for it could be got over by the performance of the Vratya Stoma ceremony. The first difficulty was the greatest stumbling block. It related to Shivaji's status. The question was, was he a Kshatriya? If that could be got over, the rest was easy. Shivaji's claim that he was Kshatriya was opposed by many. His principal opponents were Brahmins who were led by his own Prime Minister Moro Pant Pingle. Unfortunately for Shivaji even his Maratha Sardars had refused to give him social precedence1 mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_35 and had ranged themselves against him. In their view, he was a Shudra. Shivaji's claim was also in direct conflict with the well established thesis long insisted upon by the Brahmins that there were no Kshatriyas in the Kali age. Shivaji was living in the Kali age. Obviously he could not be a Kshatriya. This objection to his claim for the status of Kshatriya was further strengthened by the non-performance of the ceremony of Upanayana or the investiture of the sacred thread at the proper time, which was fixed by the Sastras to be the eleventh year in the case of the Kshatriyas. This was taken to be evidence of his being a Shudra. He was however fortunate in securing the services of one Gagabhat, a renowned Brahmin, resident of Benares, learned both in the

Vedas and Sastras. Gagabhat solved all difficulties and performed Shivaji's coronation# on 6th June 1674 at Raigad first after performing the Vratya Stoma and then the Upanayana.

#It seems that some Brahmins were preapared to perform Shivaji's coronation but with non-Vedic, i.e., with Pauranic rites as is done in the case of Shudras. They predicted all sorts of evils to happen if Shivaji had his coronation performed with Vedic rites. Unfortunately these evils did take place and Shivaji who undoubtedly was superstitious had another coronation performed according to non-Vedic rites. The following account of this second coronation taken from Mr. C. V. Vaidya makes interesting reading: Obstnictive and dissatisfied Brahmins there were even then as always. They did not deem the ceremony satisfactory, though it was acclaimed by the whole of Maharashtra. A poem named *Rajyabhisheka Kalpataru,* a copy of which is in the Library of the Bengal Royal Asiatic Society and which has been published from it *by* Itihas S. Mandal of Poona (Quarterly, Vol. X-I), embodies some objections raised against the coronation ceremony gone through. This poem is not quite contemporary, as it mentions the later idea that Shivaji was an incarnation of Siva (not of Vishnu as represented by the earlier Shivabharata) though it is of the time of Rajaram. It gives an imaginary conversation between Nischalpuri, a learned Brahmin ascetic of Benares who was an opponent of Gagabhat, and Govindbhat Barve as taking place in Konkan. It recounts the ill omens which preceded and followed the coronation, such as the death of Prataprao Gujar, the death of Kashibai, wife of Shivaji, etc., and *the* wound caused to Gagabhat himself on the nose by the falling of a rafter. The poem expressly says that Gagabhat engaged for the ceremony those Brahmins only who were his followers and refused to employ those recommended by Nis'chalpuri. Many defects in the ceremony itself, are next mentioned. Thus when Shivaji was getting into the chariot after the ceremony of ascending the throne Gagabhat himself first sat in the chariot and then Shivaji. After seeing the whole ceremony through Nis'chalpuri left the fort but told Shivaji that bad events would happen *on* the 13th, 22nd and 55th days. On the 13th day accordingly, Shivaji's mother died. Next a horse-shed was burnt at Pratapgad with good many horses in it and an elephant died on Sinhgad. These incidents induced Shivaji to call Nis'chalpuri back and through him and his Brahmins Shivaji performed afresh the ceremony of ascending the throne, not with

> Vedic rites, but Tantrik or magical. This ceremony is also described in detail. There are mentioned some Vedic mantras from Sama Veda as recited; but the ceremony was not Vedic. It was performed on Ashvin Suddha 5 (Lalita Panchami day S. 1596), as'is stated at the end of the peorn. This ceremony is also mentioned by J and Nis'chapuri is also spoken of in a Mahomedan record.'—.*Shivaji the Founder of Maratha Swaraj,* pp. 252-253.

Shivaji's case is important for several reasons. It is important because it proves that nobody except a Brahmin has the right to perform the Upanayana and that nobody can compel a Brahmin to perform it if he is not prepared to do so. Shivaji was the ruler of an independent kingdom and had already started styling himself Maharaja and Chhatrapati. There were many Brahmins who were his subjects. Yet, Shivaji could not compel anyone of them to perform his coronation.

It is important because it proves that the ceremony to be valid must be performed by a Brahmin. A ceremony performed by a non-Brahmin would be infructuous. It was open to Shivaji to have his coronation performed by a non-Brahmin. But he did not daremk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_36 to do it. For he knew it would be without any social or spiritual efficacy.

In the third place, it is important because it proves that the power of determining the status of a Hindu depends entirely upon the will of the Brahmins. The decision in favour of Shivaji is sought to be justified by the geneology which was brought from Mewar by Shivaji's friend, Balaji Avaji, and which connected Shivaji with the Sisodyas of Mewar who were reckoned as Kshatriyas. It has been alleged that the geneology was a fabrication got up for the occasion.

Assuming it was not a fabrication,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_37 how can it justify the recognition of Shivaji's claim to be a Kshatriya? Far from establishing that Shivaji was a Kshatriya, the geneology could do no more than raise another question, namely, whether the Sisodiyas were Kshatriyas. The Sisodiyas were Rajputs. There is considerable doubt as to whether the Rajputs are the descendants of the original Kshatriyas who formed the second Varna of the ancient Indo-Aryan community. One view is that they are foreigners,

remnants of the Huns who invaded India and established themselves in Rajputana and whom the Brahmins raised to the status of Kshatriyas with the object of using them as means to suppress Buddhism in Central India by a special ceremony before the sacred fire and who were therefore known as the Agnikul Kshatriyas. This view has the support of many erudite scholars who are entitled to speak on the subject. Vincent Smith says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_38

> In this place I want to draw attention to the fact, long suspected and now established by good evidence that the foreign immigrants into Rajputana and the upper Gangetic valley were not utterly destroyed in the course of their wars with the native princes. Many of course perished but many survived and were mixed in the general population of which no inconsiderable part is formed by their descendants. These foreigners like their fore-runners the Sakas and the Yue-chi universally yielded to the wonderful assimilative power of Hinduism and rapidly became Hinduised. Clans or families which succeeded in winning chieftainships were admitted readily into the frame of Hindu polity as Kshatriyas or Rajputs and there is no doubt that the Parihars and many other famous Rajput clans of the north were developed out of the barbarian hordes which poured into India during the fifth and sixth centuries. The rank and file of the. strangers became Gujars and the castes ranking lower than Rajputs in their precedence. Further to the south, various indigenous or aboriginal tribes and clans underwent the same process of Hinduised social promotion in vinue of which Gonds, Bhars, Kharwas and so forth emerged as Chandels, Rathors, Gaharwars and other well-known Rajput clans duly equipped with pedigree reaching back to the sun ANd the moon.

William Crookemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_39 says:

> **Recent research has thrown much light on the origin of Rajputs. A wide gulf lies between the Vedic Kshatriyas and the Rajputs of mediaeval times which it is now impossible to bridge. It is now certain that the origin of many clans dates from the Saka or Kushan invasions of more certainly from that of the White Huns who destroyed the Gupta empire about 480 A.D. The Gujar tribe connected with the latter people adopted Hinduism and their leaders formed the main stock from which the higher Rajput**

families sprang. When these new claimants to princely honour accepted the faith and the institution of Brahmanism the attempt would naturally be made to connect them with the heroes of the Mahabharata and the Ramayana. Hence arose the body of legend recorded in these annals by which a fabulous origin from the sun and the moon was ascribed to these Rajput families ... The group denoted by the name Kshatriya or Rajput depended on status rather than on descent and it was therefore possible for foreigners to be introduced into these tribes without any violation of the prejudices of caste, which was then only partially developed. But it was necessary to disguise this admission of foreigners under a convenient fiction. Hence arose the legend how by a solemn act of purification or initiation under the superintendence of the ancient Vedic Rishis, *fire—born* septs were created to help the Brahmins in repressing Buddhism and other heresies. This privilege was confined to four septs known as Agnikula or fire-born-viz., the Parmar, Parihar, Chalukya and Chauhan.

Dr. D. R. Bhandarkarmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_40 also holds the same view. According to him, the Rjaputs are the descendents of Gujars, the Gujars were foreigners and that the Rajputs are therefore the descendants of foreigners.

The Brahmins engaged for the coronation could not have been ignorant of the origin of the Rajputs, and their claim to be descended from the Kshatriyas. But assuming that they did not know this fact they knew that there was already a previous decision of the Brahmins, namely, that there were no Kshatriyas in the Kali age. This was an old, long-standing decision. And if the Brahmins had respect for precedent, they were bound to throw out the claim of Sisodiyas as well as of Shivaji. Nobody would have blamed them, if they had done so. But the Brahmins had never accepted the law of precedent as binding upon them. With them there was no such thing as *stare* decisis.

Fourthly, it is important because it shows that the decisions of the Brahmins on matters of status were open to sale like the indulgences of the Catholic clergy. That the decision of Gagabhat was not an honest decision is obvious from the amount of money which Gagabhat and other Brahmins received as officiating priests. The amount of money

spent on the coronation by Shivaji and how much of it went to Gagabhat and the Brahmins will be seen from the following details collected by Mr. Vaidya.:mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_41

"These ministers were presented each with *one* lakh of hon, one elephant, one horse, garments and ornaments. Gagabhat was given one lakh of rupees for seeing the whole ceremony through. The Dakshinas granted by Shivaji on the several occasions of the coronation ceremony were very large, as was suited to the occasion. Sabhasad reports that the whole expenditure amounted to one crore and forty-two lakhs of hons or 426 lakhs of rupees.

Sabhasad relates that 50,000 Vaidika Brahmins had collected on the occasion of Shivaji's coronation. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_42Besides these there were Jogis, Sanyasis, etc., by thousands. These were fed *or* given com below the fort It is related in contemporary papers that Shivaji, before coronation, was weighed against gold and almost every other metal as well as auspicious thing. Dutch record describing the ceremony in detail *on* 3rd October PS. 1684 states that Shivaji weighed 17,000 hons or 160 Ibs. and he was also weighed against silver, copper, iron, etc., and against camphor, salt, sugar, butter, various kinds of fruit, betel-nuts, etc., and the value of the whole was distributed amongst Brahmins. On the 7th June, the day after the coronation, Dakshina was given in general and every Brahmin got three to five rupees and everyone else, whether woman or child two rupees and one rupee. In all, the Dakshina amounted to one and a half lakhs of honmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_43 in value.

Oxenden also states in his diary from 18th *May* to 13th June that Shivaji was weighed against gold and the weight 16,000 hons, together with one lakh of hons in addition were distributed as Dakshinas among Brahmins.

The above noted Dutch record further states that for the Vratya ceremony 7,000 hons were given to Gagabhat and 17,000 to other Brahmins. On the 5th of June Shivaji bathed in holy Ganges water and every Brahmin present was given 100 hons."

Can the amount paid to Gagabhat be taken as representing nothing more than a *fee*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the

Shudras PART II.htm - _msocom_44 properly payable to a priest? There is one circumstance which may be depended upon to show that Gagabhat was not even paid enough. It is that what Gagabhat got was comparatively much less than what the Ministers of Shivaji got. Two facts must however be noted as telling on the other side before any conclusion is drawn from this fact. They completely nullify the argument. The first is that the ministers themselves had made large *presents*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_45 to Shivaji on his coronation. Moropant Pingle the Peshwa or Prime Minister of Shivaji, the Mujamdar had paid 7,000 hons and the other two ministers 5,000 hons each. Deducting these, the presents given to them by Shivaji must be said to be much smaller than they appear to be.

The second fact is that these ministers of Shivaji were the greatest opponents of Shivaji in this project of coronation. They were staunch in their view that he was a Shudra and that he was not entitled to have his coronation performed as it was a right which belonged to the Kshatriya only. It is therefore, no surprise if Shivaji gave them large presents with a view to silence them and win them over permanently to his side. The amount of money paid to the ministers by Shivaji is therefore no criterion to determine whether the amount paid to Gagabhat was no more than a fair fee for officiation. Indeed there are so many twists and turns taken by Gagabhat that one is forced to the conclusion that it was more than fair fee and that it included some part as illegal gratification to keep him straight.

In this business of coronation the man who took the most leading part in bringing it about was a Kayastha from Maharashtra by name Balaji Avaji who was the Personal Secretary to Shivaji. The first step Balaji took was to send three Brahminsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_46 as messengers from Shivaji to fetch Gagabhat from Benares with full information as to the status and purpose of Shivaji. What did Gagabhat do? He sent back the three messengers with a letter refusing to accept the invitation on the ground that in his view Shivaji was a Shudra and was therefore not fit for coronation. The next step Balaji took was to collect evidence in support of Shivaji's claim to the status of a Kshatriya. He succeded in obtaining a genealogy which showed that Shivaji was a Kshatriya descended from the Sisodyas who were Rajputs and rulers of Mewad. This evidence he sent with another

messenger,mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_47 to Gagabhat. Gagabhat seemed to have been impressed by the evidence for he agreed to come to Raigad to perform the coronation ceremony. What did Gagabhat do on his arrival? He said that he had re-examined the evidence and had come to the conclusion that Shivaji was a Shudra and was therefore unfit *for* coronation.

This is not the only somersault which Gagabhat took in this business. He took another and a very queer turn and declared that he was prepared to perform the coronation of Balaji Avaji for he was a Kayastha and therefore a Kshatriya but not of Shivaji who was Shudra. Gagabhat did not stop there. He again turned round and gave his opinion that Shivaji was a Kshatriya and that he was prepared to perform his coronation and even went so far as to write a treatise known as Gagabhatti in which he sought to prove that the Kayasthas were bastards.

What do these twists and turns show? Do they not show he was a most unwilling priest and that his willingness has had to be bought by cash? If this argument is sound then there is no doubt that his decision that Shivaji was Kshatriya was sold by him for illegal gratification.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_48

Lastly Shivaji's case is important because it shows that the Brahmins in the matter of status did not recognise as being bound by the principle of *res judicata*. They regard themselves as free to reopen a case already decided by them. For how long did the Brahmins respect their decision that Shivaji was a Kshatriya?

Shivaji started a new era from the day of his coronation, namely, 6th June 1674 which he called the Rajyabhisheka Era. How long did it remain in vogue? Only so long as Shivaji and his descendants remained as active rulers on the throne. The moment effective sovereignty passed into the hands of the Brahmin Peshwas, they issued an ordermk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_49 to discontinue it. Not only did they stop the use of the Era, they began using the style of the Muslim Emperors, namely, the Fasli year. The Brahmins did not stop there. They went further and began to question the very status of Shivaji's descendants as Kshatriyas.mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_50 They could do nothing to the two sons of Shivaji, Sambhaji and Rajaram. Shivaji had their Upanayana performed in

his life-time by Brahmins with Vedic rites. They could do nothing to his grandson, Shahu because the Brahmins had no ruling power in their hands. The moment Shahu transferred his sovereign powers to his Brahmin Peshwa their road to repudiation became clear. There is no evidence whether Ramjee Raje the successor and adopted son of Shahu, who was minor and whose guardians were the Peshwas, had his Upanayana performed and if so, whether it was performed with Vedic rites. But there is definite evidence that the Upanayana ceremony of his successors, Shahu II, who was adopted in 1777 had been performed with *Pauranic* rites and by the direction of the Peshwasmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_51 The performance of Upanayana of Shahu II with *Pauranic* rites was tantamount to his being regarded by the Peshwas as a Shudra. For it is only in the case of a Shudra that the ceremonies are performed with *Pauranic* rites. What happened to Maharaja Pratapsing who succedded Shahu II in 1808 whether or not his Upanayana was performed and if performed whether it was performed with Vedic rites or *Pauranic* rites it is not possible to be definite. One thing, however, is definitely known that in about 1827 the Shankarcharya of Karvir in his judgement about the status of the Kayasthas of Sangli statedmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_52"*that there were no Kshatriyas in the Kali age and that documents showing that neither Shivaji, nor Sambhaji nor Shahu were Kshatriyas exist in his Daftar*". It is alleged that this statement is not to be found in the original judgement but was interpolated by the Brahmin Raja of Sangli. Be that as it may, it was a direct challenge to the status of Pratapsinha as a descent of Shivaji. Pratapsinha had to put the issue to a conference of Brahmins which was held in Satara in 1830. The majority gave a decision in favour and saved Pratapsinha from being degraded to the status of a Shudra.

Foiled in their attempt to level down one line of Shivaji to the status of a Shudra, the Brahmins began their attack on the status of the second line of Shivaji which had established itself at Kolhapur. In the reign of one of the rulers of Kolhapur by name Babasaheb Maharaj, the Palace Priest by name Raghunath Sastri Parvate took into his head to perform all ceremonies in the Palace with *Pauranic* rites.lt is said that he was stopped from continuing the practice. Babasaheb died in 1886. From 1886 to 1894, all rulers were minors and the administration was in the hands of the British. There is no direct evidence as to the exact manner and mode

of ceremonial performances adopted by the Palace priest. In 1902, the late Shahu Maharaj issued order to the Palace priest to perform all ceremonies in the Vedic manner. The priest refused and insisted on performing it in the *Pauranic* manner suggesting thereby that the rulers of Kolhapur were Shudras and not Kshatriyas. The part played by Sankaracharya of Karvir Math in this affair is very noteworthy. At the time of the controversy the head of the Math called Guru, had adopted a disciple (Sishya) by name Brahmanalkar and had given him all the rights of the head of the Math. At first both the Guru and the Sishya were on the side of the Palace Priest and against the Maharaja. Later on, the disciple took the side of the Maharaja and accepted his status as a Kshatriya. The Guru who remained on the side of the Priest excommunicated the Sishya. The Maharaja later on tried to create his own Sankaracharyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_53 but he too proved false to the Maharaja.

Shivaji was recognised as a Kshatriya. Obviously, that status was not a personal honour conferred on him. It was a status in tail and belonged to his family as well as to his descendants. Nobody could question it. It could be lost by a particular descendant by doing some act which was inconsistent with it. It could not be lost generally. No act inconsistent with the Kshatriya status was attributed to any of the descendants of Shivaji. Yet the Brahmins came forward to repudiate the decision on their status.

This could happen only because the Brahmins claimed the power to do and undo the status of any Hindu at any time. They can raise a Shudra to the status of a Kshatriya. They can degrade the Kshatriya to the status of a Shudra. Shivaji's case proves that their sovereignty in this matter is without limit and without challenge.

These instancesmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_54 are no doubt drawn from the Bombay Presidency only. But the principles from them are clear and general in their application. They are:

(1) (1) That the Brahmins have the exclusive right to perform the Upanayana. Neither Shivaji, nor Pratap Sinha nor the Kayasthas, Panchals or Palashes wanted the Upanayana to be performed by a non-Brahmin. It is only once that the Kayasthas resolved to have their ceremonies performed by Kayasthas. But it was only a paper resolution.

(2) (2) The Brahmin has the right to say whose Upanayana he will perform and whose he will not perform. In other words, the Brahmin is the sole judge of deciding whether a given community is entitled to Upanayana.
(3) (3) The support of the Brahmins for the performance of Upanayana need not be based on honest grounds. It could be purchased by money. Shivaji got the support of the Brahmin Gagabhat on payment of money.
(4) (4) The denial of Upanayana by the Brahmins need not be on legal or religious ground. It is possible for the denial to be based on purely political grounds. The refusal by the Brahmins of Upanayana to Kayasthas was entirely due to political rivalry between the two.
(5) (5) The right of appeal against the denial of an Upanayana by a Brahmin is only to a Vidvat-Parishad and the Vidvat-Parishad is an assembly for which a Brahmin alone is eligible to be a member.

From the foregoing discussion. It must be clear to all that the Brahmins did possess the power to deny Upanayana. Given the powers and the motive, there is nothing strange if they used it against the Shudras.

CHAPTER XI

THE STORY OF RECONCILIATION

So far I have attempted to establish the following propositions :

(1) (1) That it is the Brahmins who brought about the fall of the Shudras from the second to the fourth Varna in the Indo-Aryan Society;
(2) (2) That the technique adopted by the Brahmins to degrade the Shudras was to deny them the benefit of the Upanayana;
(3) (3) That this act of degradation was born out of the spirit of revenge on the part of the Brahmins who were groaning under the tyrannies and oppressions and indignities to which they were subjected by the Shudra kings.

While all this is crystal clear, there may be some who may yet have some such questions to ask, namely :

(i) (i) Why should a quarrel with a few kings make the Brahmins the enemies of the whole Shudra community?

(ii) (ii) Was the provocation so great as to create a feeling of hatred and desire to seek vengeance?
(iii) (iii) Were not the parties reconciled? If they were, then their was no occasion for the Brahmins to degrade the Shudras.
(iv) (iv) How did the Shudras suffer this degradation?

These questions I admit have in them enough force and substance to call for serious consideration. It is only proper that they should be answered.

I

The question why the Brahmins, because of their quarrels with a few kings, should proceed to degrade the whole community of Shudras is not only relevant but is also very pertinent. There would, however, be no difficulty to answer this question if two things are borne in mind.

In the first place, the conflicts described in Chapter 9 between the Brahmins and the Shudra kings were not individual conflicts though they appear to be so. On the side of the Brahmins there is no doubt that the whole class was involved. Barring the episode relating to Vasishtha, all other episodes relate to Brahmins in general. On the side of the kings, it is true that the episodes mention individual kings as being involved in this conflict with the Brahmins. But it must not be forgotten that they all belonged to the same line to which Sudas belonged.

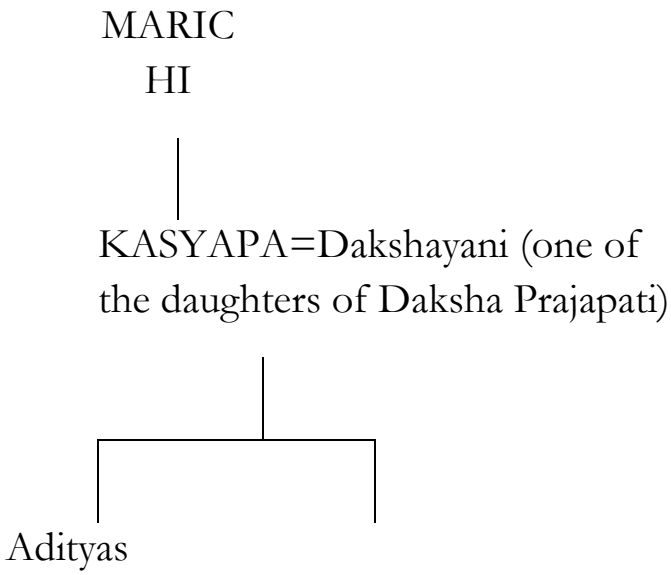
In so far as Sudas is concerned, the conflict was between the Brahmins and the Shudra clan of Kshatriyas. Of this, there can be no doubt. We have no direct evidence to say that the other offending kings also belonged to the Shudra clan of Kshatriyas. But we have other evidence which leads to the conclusion that they belonged to the same line of descent as Sudas.

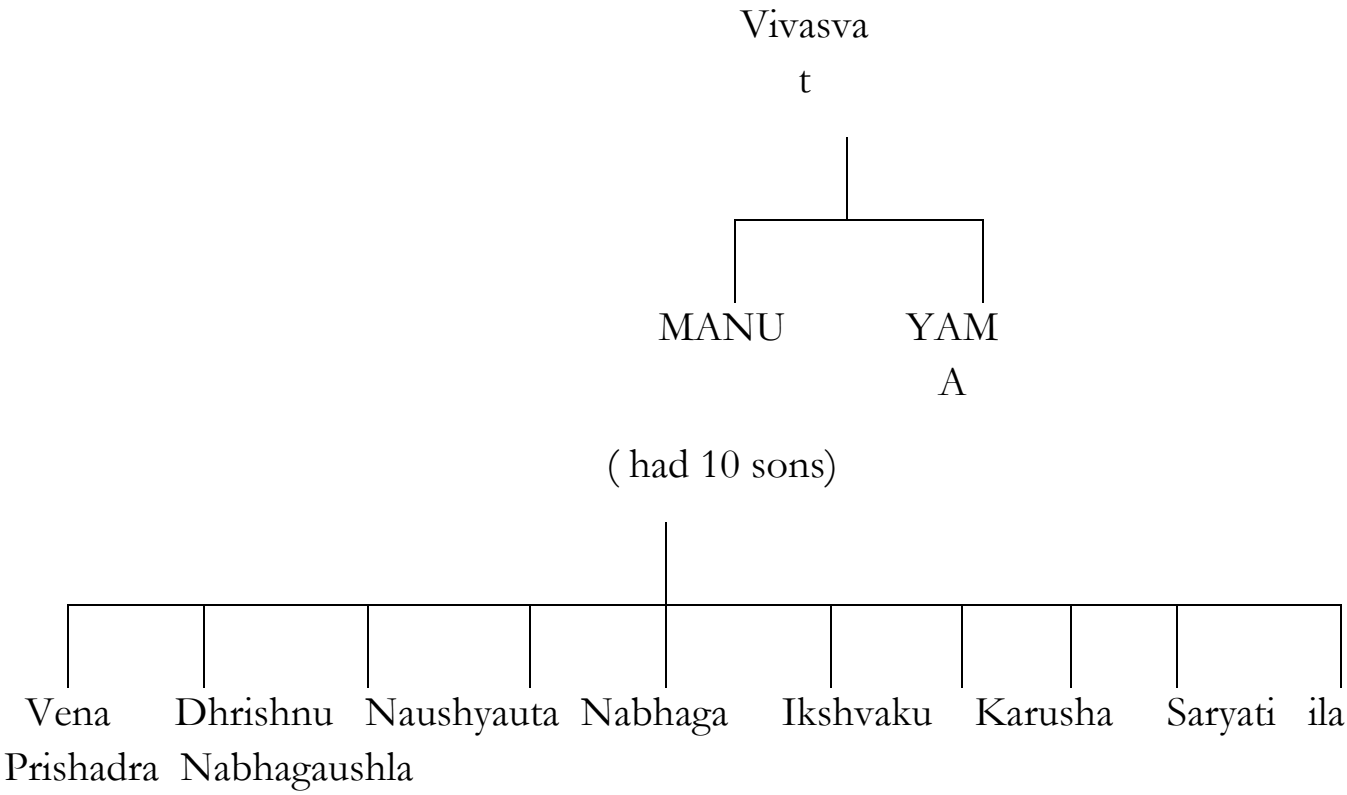
Attention is invited to the following genealogical tree appearing overleaf which is taken from the Adi Parvan of the Mahabharata.*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_55

The inter-relationship of the Kshatriya kings who came in conflict with the Brahmins throws some interesting light On the subject, *Pururavas*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_56 is the son of Ila and the grandson of Manu Vaivasvata. *Nahusha*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who

were the Shudras PART II.htm - _msocom_57 is the grandson of Pururavas. *Nimi* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_58 is one of the sons of Ikshvaku, who is the son of Manu Vivasvat. *Trishanku* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_59 is 28th in descent from Ikshvaku. *Sudas* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_60 is descended from Ikshvaku and is 50th in descent from him. *Vena* mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_61 is the son of Manu Vaivasvata. All of them claimed descent from Manu, some from him and some from Ikshvaku. Being descendants of Manu and Ikshvaku, it is possible to argue that they were all kindred of Sudas. Given the fact that Sudas is a Shudra, it follows logically that all these kings belonged to the Shudra group.

We have no direct evidence, but there would be nothing unnatural in supposing that in these conflicts with the Brahmins, the whole Shudra community, not merely a few Shudra kings, was involved. This conflict, it must be remembered, has taken place in the ancient past when life was tribal in thought and in action, and when the rule was that what was done by one individual belonging to the tribe was deemed to be done by the whole tribe. In all ancient societies the unit was the tribe or the community and not the individual, with the result that the guilt of the individual was the guilt of the community and the guilt of the community was the guilt of every individual belonging to it. If this fact is borne in mind, then it would be quite natural to say that the Brahmins did not confine their hatred to the offending kings, but extended it to the whole of the Shudra community and applied the ban against Upanayana to all the Shudras.





II

As to whether there was enough provocation, the matter is hardly open to question. Tempers must have risen high on both sides. There was enough combustible material on both sides for an explosion to take place.

On the side of the Brahmins, it is evident that their pretensions to social superiority and their claim .for special privileges had become outrageous in character and unbearable in extent.

The following is a cataloguemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_62of the pretensions put fourth by the Brahmins:

(i) *(i)* *The* Brahmin must be acknowledged to be the guru to all Vamas by the mere fact of his birth;

(ii) *(ii)* The Brahmana has the sole right of deciding upon the duties of all other classes, what conduct was proper to them and what should be their means of livelihood; and the other classes were to abide by his directions and the king was to rule in accordance with such directions;

(iii) *(iii)* The Brahmana is not subject to the authority of the king. The king was the ruler of all except the Brahmana;

(iv) *(iv)* The Brahmana is exempt from (1) whipping; (2) fetters being put on him; (3) the imposition of fines; (4) exile; (5) censure and (6) abandonment.

(v) *(v)* A Shrotriya (a Brahmana learned in Vedas) is free from taxes.

(vi) *(vi)* A Brahmana is entitled to claim the whole of the treasure trove if he found it If the king found it he must give half to the Brahmana.

(vii) *(vii)* The property of a Brahmana dying without an heir shall not go to the king, but shall be distributed among Shrotriyas or Brahmanas.

(viii) *(viii)* The king meeting a Shrotriya or a Brahmana on the road must give way to the Brahmana.

(ix) *(ix)* The Brahmana must be saluted first

(x) *(x)* The person of a Brahmana is sacred. No death sentence could be passed against a Brahmana even if he is guilty of murder.

(xi) *(xi)* Threatening a Brahmana with assault, or striking him or drawing blood from his body is an offence.

(xii) *(xii)* For certain offences the Brahmana must receive a lesser punishment than members of other classes.

(xiii) *(xiii)* The king should not summon a Brahmana as a witness where the litigant is not a Brahmana.

(xiv) *(xiv)* Even when a woman has had ten former husbands who are not Brahmanas, if a Brahmana marries such a woman, it is he alone who is her husband and not a Rajanya or a Vaishyamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_63 to whom she may have been married.

After discussing these pretensions and privileges claimed by the Brahmanas, Mr. Kane says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_64

"Further privileges assigned to Brahmanas are : free access to the houses of other people for the purpose of begging alms; the right to collect fuel, flowers, water and the like without its being regarded as a theft, and to converse with other men's wives without being restrained (in such conversation) by others; and the right to cross rivers without paying any fare for the ferry-boat and to be conveyed (to the other bank) before other people. When engaged in trading and using a ferry boat, they shall have to pay no toll. A Brahmana

who is engaged in travelling, who is tired and has nothing to eat, commits no wrong by taking two canes of sugar or two esculent roots."

These privileges have no doubt grown in course of time and it is difficult to say which of them had become vested rights when these conflicts were raging. But there is no doubt that some of the most annoying ones such as (i), (ii), (iii), (viii) and (xiv) had then come into existence. These were enough to infuriate any decent and self-respecting body of men.

On the side of the Kshatriya kings they could not be supposed to be willing to take things lying low. How could they? It must not be forgotten that most of the Kshatriya kings who came into conflict with the Brahmins, belonged to the solar line mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_65. They differed from the Kshatriyas of the lunar line in learning, in pride and in martial spirit The Kshatriyas who belonged to the solar line were a virile people, while those who belonged to the lunar line were an imbecile lot without any self-respect. The former challenged *the* Brahmins. The latter succumbed to them and became their slaves. This was as it should be. For while the Kshatriyas of the lunar line were devoid of any learning, those belonging to the solar line were not merely the equals of Brahmins in the matter of learning, they were their superiors. Several of them were the authors of the Vedic hymns and were known as Rajarishis. This was particularly true of those who came into conflict with the Brahmins.

According to the Anukramanika to the Rig Veda as well as according to tradition the following hymns are said to have been composed by the under mentioned kings :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_66

> "vi.l5: Vitahavya (or Bharadvaja); x.9: Sindhuvipa, son of Ambarisha (or Trisiras, son of Tvashtri); x.75: Sindhukshit, son of Priyamedha; x. 133, *Sudas* son of Pijavana; x. 134, Mandhatri, son of Yuvanasva; x. 179, Sibi, son of Usinara, Pratardana, son of Divodasa and king of Kasi, and Vasumanas, son of Rohidasva; and x. 148 is declared to have had *Prithi Vainya."*

The Matsya Purana also gives the listsmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART

II.htm - _msocom_67of those who composed the hymns of the Rig Veda in a passage which says :

> "Bhrigu, Kashya, Prachetas, Dadhicha, Atmavat, Aurva, Jamadagni, Kripa, Sharadvata, Arshtishena, Yudhajit, Vitahavya, Suvarchas, *Vaina, Prithu, Divodasa,* Brahmasva, Gritsa, Saunaka—these are the nineteen Bhrigus, composers of hymns. Angiras, Vedhasa, Bharadvaja, Bhalandana, Ritabadha, Garga, Siti, Sankriti, Gurudhira, Mandhatri, Ambarisha, Yuvanasva, Purukutsa, Pradyumna, Shravanasya, Ajamidha, Haryashva, Takshapa, Kavi, Prishadashva, Virupa, Kanva, Mudgala, Utathya, Sharadvat, Vajasravas, Apasya, Suvitta, Vamadeva, Ajita, Brihaduktha, Dirghatamas, Kakshivat, are recorded as thirty-three eminent Angirases. These were all composers of hymns. Now learn the Kasyapas... *Vishvamitra,* son of Gadhi, Devaraja, Bala the wise Madhuchhandas, Rishabha, Aghamarshana, Ashtaka, Lohita, Bhritakila, Vedasravas, Devarata, Puranashva, Dhananjaya, the glorious Mithila, Salankayana,—these are to be known as the thirteen devout and eminent Kusikas. Manu Vaivasvata, Ida, king *Pururavas,* these are to be known as the eminent utterers of hymns among the Kshatriyas. Bhalanda, Vandya, and Sanskirti these are always to be known as the three eminent persons among the Vaishyas who were composers of hymns. Thus ninety-one persons have been declared by whom hymns have been given birth to, Brahmanas, Kshatriyas and Vaishyas.

In the list of the authors of the Vedic hymns there are not only names of many Kshatriyas, there are names of many of the Kshatriyas who had come into conflict with the Brahmins. The Kshatriyas were the leaders among the Vedic hymn makers. The most famous Vedic hymn namely the Gayatri mantra is the production of Vishvamitra who was a Kshatriya. It was impossible for the Kshatriyas of this calibre not to take up this challenge of the Brahmins.

Their pride which was born out of their prowess and their learning must have been so greatly wounded by the pretensions of the Brahmins that when they did take up the challenge of the Brahmins they did it in a ruthless spirit. They hit the Brahmins hip and thigh. Vena forced them to worship him and no other god; Pururavas looted their wealth. Nahusha yoked them to his chariot and made them drag it through the city. Nimi flouted the exclusive and hereditary right of a family priest to perform all the ceremonies in the family and Sudas went to the length of burning alive the son of Vasishtha who was once his family priest. Surely, there cannot be greater cause to provoke the Brahmins to seek their vengeance

upon the Shudras.

Ill

On the point of possible reconciliation between the Brahmins and the Shudras, there is no doubt some evidence on which some people might rely. Before stating my views upon the worth of this evidence, it is desirable to draw attention to it. The evidence consists of stories of reconciliation which are scattered throughout the Mahabharata and the Puranas.

The first story of reconciliation concerns the two tribes, the Bharatas to whom Vishvamitra belonged and the Tritsus to whom Vasishtha belonged. That the Bharatas were enemies of Vasishtha or Tritsus is clear from the Rig Veda itself which says :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_68

III. 53.24.—"These sons of Bharnta, O Indra, desire to avoid (the Vasishthas), not to approach them."

The story of their reconciliation is told in the Adi Parvan of the Mahabharata mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_69and runs as follows :

"And the hosts of their enemies also smote the Bharatas. Shaking the earth with an army of four kinds of forces, the Panchalya chief assailed him having rapidly conquered the earth and vanquished him with ten complete hosts. Then the king Samvarana with his wives, ministers, sons and friends fled from that great cause of alarm and dwelt in the thickets of the great river Sindhu (Indus) in the country bordering on the stream, and near a mountain. There the Bharatas abode for a long time, taking refuge in a fortress. As they were dwelling there, for a thousand years, the venerable rishi Vasishtha came to them. Going out to meet him on his arrival, and making obeisance, the Bharatas all presented him with the *arghya*, offering, showing every honour to the glorious rishi. When he was seated, the king himself solicited him: 'Be thou our priest; let us strive to regain my kingdom.' Vasishtha consented to attach

himself to the Bharatas, and as we have heard, invested the descendant of Puru with the sovereignty of the entire Kshatriya race, to be a horn (to have a mastery) over the whole earth. He occupied the splendid city formerly inhabited' by Bharata, and made all kings again tributary to himself."

The second story relates to the conflict between the Bhrigus and the Kshatriya king Kritavirya and their subsequent reconciliation. It occurs in the Adi Parvan of the Mahabharata :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_70

"There was a king named Kritavirya, by whose liberality the Bhrigus, learned in the Vedas, who officiated as his priests, had been greatly enriched with cows and money. After he had gone to heaven, his descendants were in want of money, and came to beg for a supply from the Bhrigus, of whose wealth they were aware. Some of the latter hid their money underground, others bestowed it on Brahmins, being afraid of the Kshatriyas, while others again gave these last what they wanted. It happened, however, that a Kshatriya while digging the ground, discovered some money buried in the house of a Bhrigu. The Kshatriyas then assembled and saw this treasure, and, being incensed, slew in consequence all the Bhrigus, whom they regarded with contempt, down to the children in the womb. The widows, however, fled to the Himalaya mountains. One of them concealed her unborn child in her thigh. The Kshatriyas, hearing of its existence from a Brahmani informant sought to kill it, but it issued forth from his mother's thigh with lustre, and blinded the persecutors. After wandering about bewildered among the mountains for a time, they humbly supplicated the mother of the child for the restoration of their sight; but she referred them to her wonderful infant Aurva, into whom the whole Veda, with its six Vedangas, had entered, as the person who (in retaliation of the slaughter of his relatives) had robbed them of their eye-sight, and who alone could restore it They accordingly had recourse to him, and their eye-sight was restored. Aurva, however, mediated the destruction of all living creatures, in revenge for the slaughter of the Bhrigus, and entered on a course of austerities which alarmed both gods, asuras and men; but his progenitors (Pitris), themselves appeared, and sought to turn him from his purpose by saying that they had no desire to be revenged on the Kshatriyas. It was *not* from weakness that the devout Bhrigus overlooked the massacre perpetrated by the

murderous Kshatriyas. 'When we became distressed by old age, we ourselves desired to be slaughtered by them. The money which was buried by some one in a Bhrigu's house was placed there for the purpose of exciting hatred, by those who wished to provoke the Kshatriyas. For what had we who were desiring heaven, to do with money?' They added that they hit upon this device because they did not wish to be guilty of suicide, and concluded by calling upon Aurva to restrain his wrath, and abstain from the sin he was meditating: 'Destroy not the Kshatriyas, o son, nor the seven worlds. Suppress thy kindled anger which nullifies the power of austere fervour.' Aurva, however, replies that he cannot allow his threat to remain unexecuted. His anger, unless wreaked upon some other object, will, he says, consume himself, and he argues, on grounds of justice, expediency and duty, against the clemency which his progenitors recommended. He is, however, persuaded by the Pitris to throw the fire of his anger into the sea, where they say it will find exercise in assailing the watery element, and in this way his threat will be fulfilled. It accordingly became the great Hayasiras, known to those who are acquainted with the Veda, which vomits forth that fire and drinks up the waters."

The third story concerns the conflict between Aijuna, son of Kritavirya, the king of the Haihayas and Parashurama and the subsequent reconciliation between them. It occurs in the Vanaparvan of the Mahabharata and runs as follows :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_71

"Arjuna, son of Kritavirya and king of the Haihayas, had, we are told, a thousand arms. He obtained from Dattatreya an aerial car of gold, the march of which was irresistible. He thus trod down gods, Yakshas, rishis, and oppressed all creatures. The gods and rishis applied to Vishnu and he along with Indra, who had been insulted by Arjuna, devised the means of destroying the latter. At this time, the story goes on, there lived a king of Kanyakubja, called Gadhi, who had a daughter named Satyavati. The marriage of this princess to the rishi Richika and the birth of Jamadagni, are then told in nearly the same way as above narrated. Jamadagni and Satyavati had five sons, the youngest of whom was the redoubtable Parashurama. By his father's command he kills his mother (who, by

the indulgene of impure desire, had fallen from her previous sanctity), after the four elder sons had refused this matricidal office, and had in consequence been deprived of reason by their father's curse. At Parashurama's desire, however, his mother is restored by his father to life, and his brothers to reason; and he himself is absolved from all the guilt of murder; and obtains the boon of invincibility and long life from his father. His history now begins to be connected with that of king Arjuna (or Kritavirya). The latter had come to Jamadagni's hermitage, and had been respectfully received by his wife; but he had requitted this honour by carrying away by force the calf of the sage's sacrificial cow, and breaking down his lofty trees. On being informed of this violence, Parashurama was filled with indignation, attached Arjuna, cut off his thousand arms, and slew him. Arjuna's son, in return slew the peaceful sage Jamadagni, in the absence of Parashurama. Parashurama incensed at the slaughter of his father, having vowed in consequence to sweep away all Kshatriyas from the earth, seized his weapons and slaying all the sons and grandsons of Arjuna, with thousands of the Haihayas, he turned the earth into a mass of ensanguined mud. Having thus cleared the earth of Kshatriyas he became penetrated by deep compassion and retired to the forest. After some thousands of years had elapsed, the hero, naturally irascible, was taunted by Paravasu, the son of Raibhaya and grartdson of Vishvamitra, in a public assembly in these words : 'Are not these virtuous men, Pratardana and the others, who are assembled at the sacrifice in the city of Yayati—are they not Kshatriyas? Thou hast failed to execute thy threat, and vainly boastest in the assembly. Thou hast withdrawn to the mountain from the fear of those valiant Kshatriyas, while the earth has again become overturn by hundreds of their race,' Hearing these words, Rama seized the weapons. The hundreds of Kshatriyas who had before been spared had now grown powerful kings. Those, however, Parashurama, now slew with their children, and all the numerous infants then unborn as they came into the world. Some, however, were preserved by their mothers. Having twenty-one times cleared the earth of the Kshatriyas, Rama gave her as a sacrificial fee to Kasyapa at the conclusion of an

Ashvamedha."

After telling the story of the conflict the author of the Mahabharata proceeds to narrate the story of reconciliation in the following terms :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_72

"Having one and twenty times swept away all the Kshatriyas from the earth, the son of Jamadagni engaged in austerities on Mahendra, the most excellent of mountains. After he had cleared the world of Kshatriyas, their widows came to the Brahmins, praying for offspring. The religious Brahmins, free from any impulse of lust, cohabited at the proper seasons with these women, who in consequence became pregnant, and brought forth valiant Kshatriya boys and girls, to continue the Kshatriya stock. Thus was the Kshatriya race virtuously begotten by Brahmins on Kshatriya women and became multiplied and long-lived. Thence there arose four castes inferior to the Brahmins."

The above instances of conflicts and conciliations between Brahmins and Kshatriyas do not relate to those Kshatriya kings who have figured in history as having declared war on the Brahmins. To turn to instances of theirmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_73 stories of reconciliation with the Brahmins the first is that of Kalmashapada. He is said to be the son of Sudas. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_74The story is given in the Adiparvan of the Mahabharata. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_75That part of the story which narrates the enmity between Kalmashapada and Vasishtha has already been recounted. mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_76The part of the story which deals with reconciliation runs as follows :

"After roaming about over many mountains and countries, he (Vasishtha) was followed home by his daughter-in-law Adrisyanti, Shaktri'smk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_77 **widow, from whose womb he heard a sound of the recitation of the Vedas, as she was pregnant with a child, which, when born, received the name of Parasara. Learning**

from her that there was thus a hope of his line being continued, he abstained from further attempts on his own life. King Kalmashapada, however, whom they encountered in the forest, was about to devour them both when Vasishtha stopped him by a blast from his mouth, and sprinkling him with water consecrated by a holy text, he delivered him from the curse by which he had been affected for twelve years. The king then addressed Vasishtha thus : 'Most excellent sage, I am Saudasa, whose priest thou art, what can I do that would be pleasing to thee?' Vasishtha answered : 'This which has happened has been owing to the force of destiny; go, and rule thy kingdom; but, o monarch, never condemn the Brahmins.' The king replied, 'Never shall I despise the most excellent Brahmins; but submitting to thy commands I shall pay thee all honour. And I must obtain from thee the means of discharging my debt to the lkshvakus. Thou must give me the offspring which I desire.' Vasishtha promised to comply with his request. They then returned to Ayodhya. And Vasishtha having been solicited by the king to beget an heir to the throne, the queenmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_78 **became pregnant by him, and brought forth a son at the end of twelve years."**

The second instance occurs in the Anushasanaparvan of the Mahabharata :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_79

"At the time the eloquent king Saudasa sprung from the race of lkshvaku proceeded, after salutation, to make an enquiry of his family priest Vasishtha, the eternal saint, the most excellent of rishis, who was able to traverse all the world, and was a treasure of sacred knowledge : 'What, o, venerable and sinless man, is declared to be the purest thing in the three worlds, by constantly celebrating which one may acquire the highest merit?' Vasishtha in reply expatiates at great length on the merit resulting from bestowing cows, and ascribes to these animals some wonderful properties so that they are the 'support of all beings,' the present and the future, and describes the cow as 'pervading the universe, mother of the

past and the future'. The great self-subduing king, considering that these words of the rishi were most excellent, lavished on the Brahmins very great wealth in the shape of cows and obtained the worlds. So here we find the son of Saudasa extolled as a saint."

The third instance relates to the reconciliation in which there is reference to Sudasa's descendants. It occurs in the Shanti Parvan of the Mahabharata :mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_80

"Having received the dominion over the earth, Kasyapa made it an abode of Brahmins, and himself withdrew to the forest. Shudras and Vaishyas then began to act lawlessly towards the wives of the Brahmins, and in consequence of there being no government, the weak were oppressed by the strong, and no one was master of any property. The earth being distressed by the wicked, in consequence of that disorder, and unprotected according to rule by the Kshatriyas, the guardians of justice, descended to the lower regions. Perceiving her moving from place to palce in terror, Kasyapa upheld her with his thigh *(uru)*. From this circumstance she derives her name of *urvi*. The goddess Earth then propitiated Kasyapa and supplicated him for protection, and for a king. 1 have,' she said, 'preserved among females many Kshatriyas who have been born in the race of Haihayas; let them be my protectors. There is the heir of Pauravas, the son of Viduratha, who has been brought up by bears on the mountain Rikshavat; let him protect me. So, too, the heir of Saudasa, has been preserved by the tender-hearted and glorious priest. Parasara who had performed, though a Brahmin, all menial offices for him like a Shudra whence the prince's name Sarvakarman. 'After enumerating other kings who had been rescued, the Earth proceeds: 'All these Kshatriya descendants have been preserved in different places, abiding continually among the classes of dyokaras and goldsmiths. If they protect me, I shall continue unshaken. Their fathers and grandfathers were slain on my account by Rama, energetic in action. It is incumbent on me to avenge their cause. For I do not desire to be always protected by an extraordinary person (such as Kasyapa); but I will be content with

an ordinary ruler. Let this be speedily fulfilled.' Kasyapa then sent for these Kshatriyas who had been pointed out by the Earth, and installed them in the kingly office."

Such is the evidence. Can anybody accept it as reliable? In my opinion, far from accepting it, one should beware of such evidence.

In the first place, all these stories of reconciliation end, for the Kshatriyas, in peace without honour. In every case, the Kshatriyas are shown to have undergone an abject surrender. The Bharatas are the enemies of Vasishtha. Suddenly there is a famine in their country. They leave the country and lose their kingdom. They implore Vasishtha their age-old enemy and pray that he become their priest and save them from the calamity. In the story of the Bhrigus and the Kshatriyas, the credit is given to the Brahmins as being too proud to fight. In the story of the Haihaya Kshatriyas and the Saudasa such as Kalmashpada, the surrender of the Kshatriyas was so to say purchased by them by offering their women to the victorious Brahmins. The stories are all doctored with a view to glorify the Brahmins and humiliate the Kshatriyas. Who can take such dirty, filthy, abominable and vainglorious stories of reconciliation as true historical facts? Only a supporter of Brahminsm can do so.

Such is the general character of the evidence on the question of reconciliation. Coming to the particular case of reconciliation between the Brahmins and the Shudras, the descendants of Sudas, there is ample evidence to show that no such reconciliation had taken place. In the first place, it cannot be gainsaid that Parasara, the son of Shakti or Shaktri, the son of Vasishtha, when he heard of the way in which his father had met his death—namely, that he was burnt alive by Sudas, the Shudra king,—determined to execute a general slaughter of all creatures. The general slaughters is, of course, a figurative term. What is meant is that Vasishtha took a vow of general vengeance against the descendants of Sudas, namely, the Shudras. It is no doubt said in the Mahabharata that Vasishtha restrained Parasara and persuaded him not to carry out his threat of vengeance by telling him how the Bhrigus and the Kshatriyas had come into conflict and how the former won against the latter by adopting non-violence. But this story cannot be true; for, like other stories it is doctored with a view to bring glory to the Brahmins.

In the second place, the strongest proof in support of the contention that there was no reconciliation between the Brahmins and the Shudras comes from the legislation enacted by the Brahmins against the Shudras.

The laws against the Shudras have already been referred to. Their growth and their extraordinary character have been pointed out. All that remains to do is to say that against this background of black laws any suggestion regarding reconciliation must appear to be wholly untenable. The Brahmins not only did not forgive the Shudras, they pursued even the progeny of the Shudras-with the same spirit of relentless revenge. As many people do not seem to have any idea of this, it may be desirable to state a few facts regarding the Chandala and the Nishada.

The Chandala and Nishada are the issues of mixed marriages. Nishada is an anuloma while the Chandala is a Pratiloma. The anulomas# are held to be eligible for Upanayana. But curiously enough an exception is made to this rule. Nishada who is the son of Brahman from a Shudra woman, though an anuloma, is held not to be eligible for Upanayana. It is interesting to know why this exception was made. The only answer seems to be that this arbitrary act is an act of revenge against the children of one's enemy.

There are six anulomas as shown in the following table :

Father	*Mother*	*Name of the progeny*
Brahmin	Kshatriya	Murdhavasikta
Brahmin	Vaishya	Ambashtha
Brahmin	Shudra	Nishada
Kshatriya	Vaishya	Mahishya
Kshatriya	Shudra	Urga
Vaishya	Shudra	Karana

Turning to the Pratilomas##, Manu no doubt calls, all of them as the best of men.

##Gaut, Dh, S., IV. 21, quoted by Kane, II, Part I, p. 229.

Father	*Mother*	*Name of the caste*
Shudra	*Brahmin*	*Chandala*
Shudra	*Kshatriya*	*Kshattar*

Shudra	*Vaishya*	*Ayogava*
Vaishya	*Brahmin*	*Suta*
Vaishya	*Kshatriya*	*Vaidehaka*
Kshatriya	*Brahmin*	*Magadha*

At the same time, the stigma on the Pratilomas is not evenly distributed among all of them. In the matter of rights and privileges, the Ayogava and the Kshattar are treated with incredible consideration, while the Chandala is subjected to unspeakable condemnation. As an illustration of this discrimination one can cite the following provisions in the Manu Smriti :

As to the Ayogava, the *Manu Smriti* merely says :

Carpenting (shall be the occupation) of an Ayogava.—x.46. As to the Kshattar the *Manu Smriti* says :

..... catching and killing animals that live in holes (is the occupation) of Kshattar.—x.49.

They are only assigned low occupations.

Compare with this what the Manu Smriti has to say about the Chandala:

"A Chandala and a boar, a cock and also a dog, and a woman in her courses and an eunuch, may not see the Brahmins eating."— iii. 239.

One may not abide with outcasts, nor Chandalas, nor Pukkasas, nor idiots, nor proud (people), nor with the low-born (people) nor with Antyavasayins.—iv.79.

One becomes pure by bathing if one has touched a Chandala, or a woman in her courses, an outcaste, also a woman lying-in, a corpse or one who has touched it.—v.85.

Manu declared the flesh of (a beast) killed by dogs (to be pure); also the flesh of an animal killed by other carnivorous (animals) (or) by Chandala (and) other Dasyus.— v.131.

Two-fold should be the fine of a criminal sentenced within a year, and just as much if one cohabit with a -Vratya woman or a Chandala woman.— viii.373.

The man, however, who foolishly allows this to be done by any other (wife) than the one of his own caste when the latter is at hand, has been, of old, looked upon as (no whit better than) a Chandala.—ix.87.

The dwelling of Chandalas and Svapacas (should be) outside the village; they should be deprived of dishes (apapatra); their property (consists of) dogs and asses.—x.51.

Moreover, Vishvamitra, well knowing right and wrong, being oppressed by hunger proceeded to eat the ramp of a dog, having it from the hand of a Chandala.—x. 108.

At no time should a Brahmin beg property from a Shudra for the sake of sacrifice, for on offering sacrifice after begging (from a Shudra) he is born after death as a Chandala.—vi.24.

On having (carnal) intercourse with Chandala women (or low born woman), on eating their food or receiving (presents) from them, a Brahmin (if he has done so) unwittingly, falls; but (if he has done so) wittingly, he comes to an equality (with them).— xi.175.

The slayer of a Brahmin enters the womb of dogs, boars, asses, camels, cows, goats, sheep, (forest) animals, birds, Chandalas and Pukkasas—-xi.55.

How different is the treatment accorded to the Chandala as compared to the treatment accorded to the Ayogava and the Kshattar when all of them are Pratilomas? Why should the Chandala be singled out as the most infamous of the Pratilomas? Only because he is the progeny of the hated Shudra. It is just an act of revenge against the children of one's enemy.

All this leaves no doubt that there was no reconciliation between the Brahmins and the Shudras.

IV

Coming to the last objection, it appears that behind it there is a feeling that the Shudras must have been a very large part of the Indo-Aryan society. With such a feeling it does appear rather strange that the Shudras should have suffered silently the perpetration of such an act as the denial of the Upanayana. Because the Shudras in the Hindu Society form such a vast proportion of the population, so the Shudras of the Indo-Aryan Society must also have formed a very large proportion of the population, can be the only basis for such a feeling. Such an inference is without any foundation, for the Shudras of the Indo-Aryan Society are absolutely

different in race from the Shudras of the Hindu Society. The Shudras of the Hindu Society are not the racial descendants of the Shudras of the Indo-Aryan Society.

This confusion has arisen because of the failure to realise that the meaning of the word 'Shudras' in the Indo-Aryan society is quite different from the meaning it has in the Hindu society. In the Indo-Aryans the word Shudra was proper name of one single people. It was the name of a people who belonged to a particular race. The word Shudra, as used in the Hindu society, is not a proper name at all. It is an epithet for a low uncultured class of people. It is a general cognomen of a miscellaneous and heterogeneous collection of tribes and groups, who have nothing in common except that they happen to be on a lower plane of culture. It is wrong to call them by the name Shudras. They have very little to do with their namesakes of the Aryan society, who had offended the Brahmins. It is a pity that these innocent and backward people of later days have been rolled up with the original Shudras and subjected to the same penalties for which they had given no cause.

That the Shudras of the Indo-Aryan and the Shudras of the Hindu Society are different and distinct is a fact which was present at one time to the minds of the Dharma Sutrakaras is quite clear. This is evident from the distinction they made between *Sacchudra* and *Asac-ckudra* and between *Aniravasita* Shudras and *Niravasita* Shudras. *Sachudra* means a cultured Shudra and asa*c-chudra* means an uncultured Shudra. Nirvasita Shudra means a Shudra living in the village community. Anirvasita Shudra means a Shudra living outside the village community. It is quite wrong to say as somemk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_81 do that this division indicates that the condition of Shudras in the eyes of the lawgivers was improving, in that some were admitted to social intercourse when formerly none was. The correct interpretation is the Sacchudra and Nirvasita Shudra refer to the Shudras of the Aryan society and the *osac-chudra* and the *Anirvasita* Shudra refer to the Shudras by epithet who had begun to form part of the Hindu society. We are concerned with the Shudra of the Aryan society. They have no connection with the later-day Shudras of the Hindu society. That being so, the fact that the Shudras of the Hindu society form such a large number cannot be made the basis for an argument that the Shudras of the Indo-Aryans must have also been a very large body of people. We do not know exactly whether the Shudras were a tribe, a clan or a moiety or a group of families. But even if they were as big as a tribe, they could not

have been larger than a few thousand. The Bharatas are being expressly spoken of in the Rig Veda, vii.33.6, as being small in number. The Satapatha Brahmana referring to a horse sacrifice performed by the Panchala king Son Satrasahamk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_82 says:

"When Satrasaha makes the Ashvamedha offering the Taurvasas arise, six thousand and six and thirty, clad in mail."

If it is any indication that the tribe of Taurvasas numbered six thousand, the Shudras could not be very many.

Apart from the question of numbers, what could the Shudras have done to prevent the calamity? If some Brahmins whom they had offended refused to perform their Upanayana, could they have got the services of other Brahmins whom they had not offended? Such a possibility would of course depend upon various circumstances. In the first place, we do not know whether all the Brahmins had formed a common front and whether it was possible to break up that front. We do not know that at the time when the issue was a burning issue the Brahmins had become a caste. But it is clearmk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_83 that even in the times of the Rig Veda, Brahmins were a class by themselves, had developed class consciousness and were keen on maintaining class interests. In that event it would have been difficult for the Shudras to break up the conspiracy of the Brahmins. Secondly, it might also be that the performance of Upanayana had become the exclusive right of the family priest. The story of king Nimi mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_84shows that the performance of sacrifices had become the exclusive right of the family priest. If there is substance in these suggestions, then obviously the Shudras could not have done much to prevent the common front of the Brahmins operating against them.

Another possibility was the forging of a common front among all the Kshatriyas which might have had the effect of weighing down the opposition of the Brahmins. Whether such a thing was possible can only be a matter of speculation. In the first place, did the Shudras realise what the effect of the loss of Upanayana was going to be on their future status? I am sure they did not. Secondly, were the Kshatriyas a united body of people? I doubt if they were. Thirdly, had the other Kshatriya kings any symapathy for the Shudras? If the story of the Dasharajna Yuddha told in

the Rig Veda is true, it is quite obvious that there was not much love lost between the Shudras and the other non-Shudra Kshatriyas.

Taking all these circumstances into consideration, there is nothing strange if the Shudras suffered the denial of the Upanayana by the Brahmins to be a fact.

CHAPTER XII

THE THEORY IN THE CRUCIBLE

THE object of this essay was to trace the origin of the Shudras and discover the causes of their degradation. After an examination of historical material and of theories suggested by various writers—orthodox as well as modern—1 have put forth a new thesis. In the preceding chapters, it has been presented in parts for the facility of laying the foundation of each part separately. It is time these parts were assembled together for a full and complete understanding of what the thesis is. It may be summarized as follows :

(1) (1) The Shudras were one of the Aryan communities of the Solar race.
(2) (2) The Shudras ranked as the Kshatriya Varna in the Indo-Aryan Society.
(3) (3) There was a time when the Aryan Society recognized only three Vamas, namely. Brahmins, Kshatriyas and Vaishyas. The Shudras were not a separate Varna but a part of the Kshatriya Varna.
(4) (4) There was a continuous feud between the Shudra kings and the Brahmins, in which the Brahmins were subjected to many tyrannies and indignities.
(5) (5) As a result of the hatred towards the Shudras due to their tyrannies and oppressions, the Brahmins refused to invest the Shudras with the sacred thread.
(6) (6) Owing to the loss of the sacred thread the Shudras became socially degraded, fell below the rank of the Vaishyas and came to form the fourth Varna.

It now remains to assess the validity of this thesis. It is usual for the

author to leave this to others to do it. I propose to make a departure and myself enter upon the task of putting my thesis to test. I do so because it gives me an oppurtunity of vindicating my thesis.

II

I can well imagine my critics to allege that my thesis rests upon a single statement from the Mahabharata in which Paijavana is described as a Shudra; that identifiction of Paijavana with Sudas is not proved beyond the shadow of doubt; that the description of Paijavana as a Shudra does not occur in any other place except in a single place in the Mahabharata. How can a theory built on such weak foundations be acceptable? They are bound to invoke the usual agreement that a chain is not stronger than its weakest link. I am sure that my thesis cannot be discredited and demolished in such an easy manner.

In the first place, I do not admit that a thesis cannot be built up on a single piece of evidence. It is a well-known principle of the law of evidence that witness must be weighed and not numbered. The number of witnesses is a less important consideration than the weight to be attached to the individual testimony of each or to the sum of the testimonies of all taken together. There is no reason to doubt the truth of the statement that Paijavana was a Shudra. The author of the Mahabharata has no reason to give a false description. Writing after such a long time, no motive, no partiality could be attributed to him. The only conclusion one can draw is that the author was recording a true tradition.

The fact that Paijavana is not described as a Shudra in the Rig Veda does not militate against the truth of the statement which occurs in the Mahabharata. Many explanations can be given for the absence of the word Shudra from the description of Paijavana in the Rig Veda. The first explanation is that it is wrong to expect such a description in the Rig Veda. The Rig Veda is a book of religion. A description such as Shudra could not be expected in a book of religion. It would be irrelevant. But such a description may well be expected to occur in a book of history such as the Mahabharata wherein as a matter of fact it does.

The other explanation for the infrequent mention of the word Shudra in connection with Sudas which I can think of is that it was unnecessary. Descriptions in terms of kula, gotra, tribe, etc., are really speaking marks of identification. Marks of identification are necessary in the case of lesser people. They are unnecessary in the case of famous men. There is no

doubt that Sudas was the most famous man of his time. It was unnecessary to describe him as Shudra for the purpose of identifying him to the people. This is not altogether a mere matter of speculation. One can cite historical instances. Take the case of Bimbisara and Pasenadi, two kings who lived in the time of Buddha. All other kings who were their contemporaries are described in the literature of the time by their *gotra* name. But these two are just spoken of by their personal names. Prof. Oldenberg*mk:@MSITStore:C:\Important\Writing_Of_Babasaheb.chm::/38C2. Who were the Shudras PART II.htm - _msocom_85 who noticed this fact explains this on the ground that they were well-known and did not stand in need for being described by their *gotra* names.

III

But it is really wrong to suppose that my theory is based on the solitary passage in the Mahabharata or on the identification of Paijavana with Sudas. Nothing of the kind. The thesis is not supported by a single chain and therefore the argument that a chain is not stronger than its weakest link does not apply to it. The case is supported by several parallel chains. The weakness of a link in one of them cannot be said to weaken the support. The weakness of one link in one chain throws the whole weight on other chains. Consequently, before concluding that the theory has broken down, it is necessary to prove that the other chains are not able to sustain the weight.

The description of Paijavana as Shudra and the identification of Paijavana with Sudas of the Rig Veda is not the only chain which supports the thesis. There are other chains. One of these is the admission in the Satapatha and Taittiriya Brahmanas that there were only three Vamas and the Shudras did not form a separate Varna. The second consists of evidence that Shudras were kings and ministers of State. The third consists of evidence that the Shudras were at one time entitled to Upanayana. All these are strong chains quite capable of taking all extra weight arising out of a possible breakdown of the first chain.

As far as evidence is concerned, absolute certainty amounting to demonstration is seldom to be had and I do not claim absolute certainty for my thesis. But I do claim that the evidence in support of the theory is both direct as well as circumstantial, and where it is conflicting it is supported by strong probabilities in favour of it.

IV

I have shown what strength there is in the thesis I have presented. I will now proceed to show that the thesis is a valid one. There is one test which I think is generally accepted as the right one by which to appraise the validity of a thesis. It is that a thesis which demands acceptance must not only suggest a solution, but must also show that the solution it proposes answers the riddles which surround the problem which it claims to have solved. It is this test that I propose to apply to my thesis.

Let me begin by listing in one place the riddles of the Shudra. The following include the most important of them :

(1) (1) The Shudras are alleged to be non-Aryans, hostile to the Aryans, whom the Aryans are said to have conquered and made slaves. How is it then that the rishis of the Yajur Veda and the Atharva Veda should wish glory to the Shudras and express a desire to be in favour of the Shudras?

(2) (2) The Shudras are said not to have the right to study the Vedas. How is it then that Sudas, a Shudra, was the composer of the hymns of the Rig Veda?

(3) (3) The Shudras are said to have no right to perform sacrifices. How is it that Sudas performed the Ashva-Medha sacrifice? Why does the Satapatha Brahmana treat the Shudra as a sacrificer and give the formula of addressing him?

(4) (4) The Shudras are said not to have the right to Upanayana. If this was so from the very beginning, why should there be a controversy about it? Why should Badari and the Samskara Ganpati say that he has a right to Upanayana?

(5) (5) The Shudra is not permitted to accumulate property. How is it that the Maitrayani and Kathaka Samhitas speak of the Shudras being rich and wealthy?

(6) (6) The Shudra is said to be unfit to become an officer of the State. How is it then that the Mahabharata speaks of Shudras being ministers to kings?

(7) (7) It is said that the duty of the Shudra is to serve, in the capacity of a menial, the three Vamas. How is it then that there were kings among the Shudras as testified by the case of Sudas and other cases mentioned by Say ana?

(8) (8) If the Shudra had no right to study the Vedas, if he had no right

to Upanayana, if he had no right to sacrifice, why was he not given the right to have his Upanayana, to read the Vedas and to perform sacrifice?

(9) (9) The performance of Upanayana of the Shudra, his learning to read the Vedas, his performing the sacrifices, whether they were of any value to the Shudra or not, were certainly occasions of benefit to the Brahmins in as much as it is the Brahmins, who had the monopoly of officiating at ceremonies and of teaching the Vedas. It is the Brahmins who stood to earn large fees by allowing the Shudra the right to Upanayana, the performance of sacrifices and the reading of the Vedas. Why were the Brahmins so determined to deny these concessions to the Shudras, when granting them would have done no harm and would have increased their own earnings?

(10) (10) Even if the Shudra had no right to Upanayana, sacrifices and Vedas, it was open to the Brahmins to concede him these rights. Why were these questions not left to the free will of the individual Brahmins? Why were penalties imposed upon a Brahmin if he did any of these prohibited acts?

How can these riddles be explained? Neither the orthodox Hindu nor the modem scholar has attempted to explain them. Indeed they do not seem to be aware of the fact that such riddles exist. The orthodox Hindu does not bother about them. He is content with the divine explanation contained in the *Purusha Sukta* that the Shudra was born from the feet of the Purusha. The modern scholar is content with the assumption that the Shudra in his origin is a non-Aryan aboriginal, for whom the Aryan quite naturally prescribed a different code of laws. It is a pity that none of these classes of people have cared to acquaint themselves with the riddles which surround the problem of the Shudra, much less have they thought of suggesting a theory of the origin of the position of the Shudra capable of solving them.

With regard to my thesis it will be seen that it can explain everyone of these riddles. Postulates (1) to (4) explain how the Shudras could be kings and ministers and why the rishis should praise them and desire to be in their good books. Postulates (5) and (6) explain why there was a controversy over the Upanayana of the Shudra, also why the law not only denied the right to the Shudra but imposed penalties upon a Brahmin, helping to make it effective. Indeed there is no riddle which the thesis does not solve. The thesis, if I may say so, is a close and a perfect fit. Few theses can therefore have a better title deed than this.

Appendices

WHO WERE THE SHUDRAS?

APPENDICES

APPENDICES

1. 1. **APPENDIX I - References to the word 'Arya' in the Rig Veda**
2. 2. APPENDIX II - References to the word 'Arya in the Rig Veda, Yajur Veda and Atharva Veda

APPENDIX I

References to the word"Arya" in the Rig Veda.

I		II		III		IV		V		VI		VII		VIII		IX		X	
H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M
33	3	23	13	43	2	1	7	2	12	14	3	8	1	1	4	23	3	20	4
70	1	23	15			2	12	33	2	15	3	21	5	19	36	61	11	27	8
71	3	35	2			2	18	33	6	16	27	21	9	21	16	79	1	27	19
73	5					4	6	33	9	20	1	31	5	24	221			34	13
81	6					16	19	34		24	5	34	18	34	10			42	1
81	9					2	3	54	1	25	7	48	3	3	2			59	3

				0		2					9				
116	6			24	8		36	5	56	12	48	8		76	2
118	9			29	1		45	33	60	11	49	12		86	1
121	15			38	2		47	9	64	3	52	7		86	3
122	14			48	1		48	16	68	2	54	9		89	3
169	6			50	11		51	2	83	5	55	12		133	3
184	1						59	8	86	7				148	3
185	9								92	4				191	1
									100	5					

APPENDIX II

References to the word"Arya" (I) In the Rig Veda

I		II		III		IV		V		VI		VII		VIII		IX		X	
H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M
51	8	11	18	34	9	26	2	34	6	18	3	5	6	24	27	63	6	38	3
59	2	11	13			30	18			20	10	18	7	103	1	63	14	43	4
117	21									25	2	83	1					49	3

130	8					33	3					65	11
156	5					60	6					69	6
												83	1
												86	19
												102	3
												103	3
												138	3
												191	1

(II) In the Yajur Veda

IV		V		VI		XVIII		XIX		XX	
H	M	H	M	**H**	**M**	H	M	H	M	H	M
20	4	11	3	63	4	1		32	8	18	5
						21					
20	8							62	1	85	4

(III) Atharva Veda

IV		XX		XXII	
H	M	H	M	H	M
32	1	11	9	63	4
		17	4		
		18	5		
		36	10		
		85	4		
		89	1		
		95	4		

WHO WERE THE SHUDRAS?

APPENDICES

3. 1. APPENDIX III - Different meanings of the word found in the Rig Veda
4. 2. APPENDIX IV - References to 'Dasa' in the Rig Veda
5. 3. APPENDIX V- References to 'Dasyu'in the Rig Veda
6. 4. APPENDIX VI - References to the word 'Varna' in the Rig Veda

APPENDIX III

Different meanings of the word"Arya"found in the Rig Veda.

Meaning	I		II	III	IV		V		VI		VII	VIII	IX	X	
	H	M	H M	H M	H	M	H	M	H	M	H M	H M	H M	H	M

	70	1			16	19	33	2	14	3	219	488	791	42	1
	73	5							15	3	3418	4912		59	3
Enemy	118	9							20	1	483			76	2
	121	15							36	5	5622			89	3
	169	6									682				
											924				
	33	3	2315	432	1	7	33	6	24	5	81	1936		20	4
	81	6	352		2	12	33	9	25	7	215	2116		27	8
Respectable Noble	81	9	432		4	6	34	9	47	9	315	2422		27	19
	121	14			20	3					867	3410		34	13
	184	1			24	8					1005	5512		86	1
					29	1								86	3
					38	2								116	6
					48	1								148	3
														191	1

Citizen				2	18							
				20	3							21
												13

APPENDIX IV

References to"DASA"in the Rig Veda

I		II		III		IV		V		VI		VII		VIII		IX		X	
H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M
92	8	11	2	34	22	18	9	30	7	20	6	19	2	5	31			22	8
103	3	11	4			28	4	30	8	20	10	83	1	24	27			23	2
104	2	12	4			30	14	30	9	22	10	86	7	32	2			38	3
158	5	20	6			30	15	33	4	25	2	99	4	40	6			49	6
174	7	20	7			30	21	34	6	26	5			51	9			49	7
						32	10			33	3			56	3			54	1
										47	21			70	10			62	10
										60	6							73	7
																		83	1
																		86	19
																		99	6
																		102	3
																		120	2
																		138	3

APPENDIX V
References to"Dasyu"in the Rig Veda

I		II		III		IV		V		VI		VII		VIII		IX		X	
H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M
33	4	11	18	29	9	16	9	4	6	14	3	5	6	6	14	41	2	22	8
33	7	11	19	34	6	16	10	7	10	16	15	6	2	14	14	47	2	47	4
33	9	12	10	34	9	16	12	14	14	18	3	19	4	39	8	88	4	48	2
36	18	13	9	49	2	28	3	29	10	23	2			50	8	92	5	49	3
51	5	15	9			28	4	30	9	24	8			51	2			55	8
51	6	20	9			38	4	31	5	29	6			56	2			73	5
51	8							31	7	31	4			70	11			83	3
53	4							70	3	45	24			98	6			83	6
59	6																	95	7
78	4																	99	7
100	18																	105	11
101	5																		

103	3															170	2
103	4																
108	12																
117	3																
117	21																

APPENDIX VI

References to the word"Varna"in the Rig Ve

I		II		III		IV		V		VI		VII		VIII		IX		X	
H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M	H	M
73	7	1	12	34	5	5	13									65	8	3	3
92	10	3	5													71	2	124	7
96	5	4	5													71	8		
104	2	5	5													97	15		
113	2	12	4													104	4		
179	6	34	13													105	40		

WITH THE HINDUS

[Reproduced from the handwritten Ms—Ed]

It is impossible to believe that Hindus will ever be able to absorb the Untouchables in their society. Their Caste System and the Religion completely negative any hope being entertained in this behalf. Yet there are incorrigible optimists more among the Hindus than among the Untouchables, who believe in the possibility of the Hindus assimilating the Untouchables. Whether these incorrigible optimists are honest or dishonest in their opinion is a question which cannot be overlooked. Within what time this assimilation will take place, they are unable to define. Assuming that the optimists are honest, there can be no question that this process of assimilation is going to be a long drawn process extending over many centuries. In the meantime the Untouchables will have to live under the Social and political sway of the Hindus, and continue to suffer all the tyrannies and oppressions to which they have been subjected in the past. Obviously no sane man will think of leaving them to the will and the pleasure of the Hindus in the hope that some day in the unpredictable future they will be assimilated by the Hindus. Long or short, there will be a period of transition and some provision must be made against the tyranny and oppression by the Hindus. What provisions should be made in this behalf? If the question is left to the Untouchables they will ask for two provisions being made : one for Constitutional Safeguards and two for Separate Settlements.

I

The nature of Constitutional Safeguards for the protection of the Untouchables have been defined by the All-India Scheduled Caste Federation, a political organisation of the Untouchables of India in the form of resolutions. Resolution Nos. 3 and 7 in which they are defined are set out below :

Resolution No. 3

[Quote p. 359]
(Not written in the Ms—ed.)

Resolution No. 7

[Quote p. 361]

(Not written in the Ms—ed.)

The Hindus are very reluctant to allow the Untouchables these safeguards. The objection is general. There is also objection to particular safeguards. The general objection that the Untouchables are not a minority and therefore they are not entitled to safeguards which may be allowed to other minorities. The argument proceeds that the basis of a community to be called a minority is Religion if one is entitled to be recognised as a minority. The Untouchables are not separate from the Hindus in the matter of the religion. Consequently they are not a minority. That this definition of a minority is childish will be obvious to all those who have studied the question.

[Left incomplete—ed]